UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS
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*of* America

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## HOUSE OF REPRESENTATIVES—*Thursday, September 14, 2000*

The House met at 9 a.m.

Priest Venkatachalapathi Samuldrala, Shiva Hindu Temple, Parma, Ohio, offered the following prayer:

O God, You are Omnipresent, Omnipotent, and Omniscient. You are in everything and nothing is beyond You. You are our Mother and Father and we are all Your children. Whatever You do is for our good. You are the ocean of mercy and You forgive our errors. You are our teacher and You guide us into righteousness.

Today, in this great Hall, are assembled the elected Representatives of the people of this Nation. They are ready to perform their duties. God, please guide them in their thoughts and actions so they can achieve the greatest good for all.

We end this invocation with a prayer from the ancient scriptures of India:

May all be happy
May all be free from disease
May all realize what is good
May none be subject to misery
Peace, peace, peace be unto all.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BALLENGER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BALLENGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. BROWN) come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall".

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center".

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse".

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

The message also announced that, pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the Senator from Texas (Mrs. HUTCHISON) as Chair of the Senate Delegation to the Mexico-United States Interparliamentary Union during the One Hundred Sixth Congress.

### WELCOME TO PRIEST VENKATACHALAPATHI SAMULDRALA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, today is a great day for Indian-American relations. For the first time, a Hindu priest has given the opening prayer at a session of Congress, and the Prime Minister of India later this morning will address a joint session of Congress.

India and the United States share the bonds of history and culture. Our two great nations share a commitment to both the ideals and the practice of democracy. The close ties between the world's oldest democracy and the world's largest democracy are invaluable to encourage free and fair elections throughout the world.

The United States is also home to an Indian-American community of 1.4 million people. I requested the House Chaplain and Speaker to invite Mr. Samuldrala to give today's prayer as a testimony to the religious diversity that is the hallmark of our great Nation.

I want to thank Mr. Samuldrala for his thoughtful prayer that reminds us that, while we may differ in culture and traditions, we are all alike in the most basic aspiration of peace and righteousness.

I thank the House Chaplain for inviting Mr. Samuldrala and look forward to future efforts to strengthen the bonds between our two great nations.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. After consultation with the majority and minority leaders and with their consent and approval, the Chair announces that during the joint meeting to hear an address by His Excellency Atal Bihari Vajpayee, only the doors immediately opposite the Speaker and those on his right and left will be open. No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privileges of the floor must be strictly adhered to. Children of Members will not be permitted

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

on the floor. The cooperation of all Members is required.

### RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, September 7, 2000, the House stands in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at about 9:52 a.m., the following proceedings were had:

□ 0945

### JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Richard Wilson, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Atal Bihari Vajpayee, the Prime Minister of India, into the Chamber:

The gentleman from Texas (Mr. ARMEY);

The gentleman from Texas (Mr. DELAY);

The gentleman from Oklahoma (Mr. WATTS);

The gentleman from California (Mr. COX);

The gentleman from New York (Mr. GILMAN);

The gentleman from Nebraska (Mr. BEREUTER);

The gentleman from California (Mr. ROYCE);

The gentleman from Pennsylvania (Mr. GREENWOOD);

The gentleman from Missouri (Mr. GEPHARDT);

The gentleman from New Jersey (Mr. MENENDEZ);

The gentleman from Connecticut (Mr. GEJDENSON);

The gentleman from California (Mr. LANTOS);

The gentleman from New York (Mr. ACKERMAN);

The gentleman from New Jersey (Mr. PALLONE);

The gentleman from Ohio (Mr. BROWN); and

The gentleman from New Jersey (Mr. HOLT).

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as a committee on the part of the Senate to escort His Excellency Atal Bihari Vajpayee, the Prime Minister of India, into the House Chamber:

The Senator from Mississippi (Mr. LOTT);

The Senator from Indiana (Mr. LUGAR);

The Senator from Wyoming (Mr. THOMAS);

The Senator from Kansas (Mr. BROWNBACK);

The Senator from Nebraska (Mr. HAGEL);

The Senator from Rhode Island (Mr. CHAFEE);

The Senator from Illinois (Mr. DURBIN);

The Senator from Delaware (Mr. BIDEN);

The Senator from Nevada (Mr. REID);

The Senator from Massachusetts (Mr. KERRY); and

The Senator from New York (Mr. MOYNIHAN).

The Assistant to the Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Kingsley Layne, Ambassador of St. Vincent and the Grenadines.

□ 1007

At 10 o'clock and 7 minutes a.m., the Assistant to the Sergeant at Arms announced the Prime Minister of India, His Excellency Atal Bihari Vajpayee.

The Prime Minister of India, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, while seated at the Official Reporters of Debates chair at the rostrum.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you the Prime Minister of India, His Excellency, Atal Bihari Vajpayee.

[Applause, the Members rising.]

### ADDRESS BY HIS EXCELLENCY, ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA

Prime Minister VAJPAYEE. Mr. Speaker, Mr. President pro tem, honorable Members of the United States Congress, it is with a deep sense of honor that I speak to you today. I would like to thank you, Mr. Speaker, and the Members of the Congress, for giving me this opportunity.

In November 1999, a remarkable event took place in the House of Representatives. By a vote 396 to 4, the House adopted a resolution congratulating India and my government on the successful elections completed in October 1999. This display of broad-based bipartisan support for strengthening relations with India is heartening. It is a source of encouragement to both President Clinton and to me, as we work together to infuse a new quality in our ties. I thank you for the near-unique approach that you have adopted towards my country.

Those of you who saw the warm response to President Clinton's speech to our Parliament in March this year will recognize that similar cross-party support exists in India as well for deeper engagement with the United States of America.

I am also deeply touched by the resolution adopted in the House 2 days ago welcoming my visit and the prospect of close Indo-U.S. understanding. I am equally encouraged by the resolution adopted by the Senate yesterday.

Mr. Speaker, American people have shown that democracy and individual liberty provide the conditions in which knowledge progresses, science discovers, innovation occurs, enterprise thrives, and, ultimately, people advance.

To more than a million and a half from my country, America is now home. In turn, their industry, enterprise and skills are contributing to the advancement of American society.

I see in the outstanding success of the Indian community in America a metaphor of the vast potential that exists in Indo-U.S. relations, of what we can achieve together. Just as American experience has been a lesson in what people can achieve in a democratic framework, India has been the laboratory of a democratic process rising to meet the strongest challenges that can be flung at it.

In the half century of our independent existence, we have woven an equisite tapestry. Out of diversity we have brought unity. The several languages of India speak with one voice under the roof of our Parliament.

In your remarkable experiment as a Nation state, you have proven the same truth. Out of the huddled masses that you welcomed to your shores, you have created a great Nation.

For me, the most gratifying of the many achievements of Indian democracy has been the change it has brought to the lives of the weak and the vulnerable. To give just one figure, in recent years it has enabled more than a million women in small towns and distant villages to enter local elected councils and to decide on issues that touch upon their lives.

□ 1015

Two years ago, while much of Asia was convulsed by economic crises, India held its course. In the last 10 years, we have grown at 6.5 percent per year. That puts India among the 10 fastest growing economies of the world.

Economic activity gets more and more diversified by the year. President Clinton and many among the friends gathered here have had occasion to glimpse our advances in information technology.

We are determined to sustain the momentum of our economy. Our aim is to double our per capita income in 10 years, and that means we must grow at 9 percent a year.

To achieve this order of growth, we have ushered in comprehensive reforms. We are committed to releasing the creative genius of our people, the entrepreneurial skills of the men and women of the country, of its scientists and craftsmen. At the same time, we in India remain committed to the primacy of the State in fulfilling its social obligations to the deprived, the weak, and the poor.

Important sectors of the country's infrastructure, power, insurance, banking, telecom, are being opened to private initiative, domestic and foreign. Trade barriers are being lowered.

Mr. Speaker, ladies and gentlemen, there are forces outside our country that believe that they can use terror to unravel the territorial integrity of India. They wish to show that a multi-religious society cannot exist. They pursue a task in which they are doomed to fail.

No country has faced as ferocious an attack of terrorist violence as India has over the past 2 decades. Twenty-one thousand were killed by foreign sponsored terrorists in Punjab alone, and 16,000 have been killed in Jammu and Kashmir.

As many of you here in the Congress have in recent hearings recognized a stark fact: no region is a greater source of terrorism than our neighborhood. Indeed, in our neighborhood, in this, the 21st century, religious war has not just been fashioned into, it has been proclaimed to be, an instrument of State policy.

Distance offers no insulation. It should not cause complacence. You know and I know such evil cannot succeed. But even in failing, it could inflict untold suffering. That is why the United States and India have begun to deepen their cooperation for combating terrorism. We must redouble these efforts.

Mr. Speaker, ladies and gentlemen, there was a time when we were on the other side of each other's globes. Today, on every digital map, India and the United States are neighbors and partners.

India and the United States have taken the lead in shaping the information age. Over the last decade, this new technology has sustained American prosperity in a way that has challenged conventional wisdom on economic growth. We are two nations blessed with extraordinary resources and talent. Measured in terms of the industries of tomorrow, we are together defining the partnerships of the future.

But our two countries have the potential to do more to shape the character of the global economy in this century. We should turn the example of our own cooperation into a partnership that uses the possibilities of the new technologies for defining new ways of fighting poverty, illiteracy, hunger, disease, and pollution.

Mr. Speaker, ladies and gentlemen, we believe that India and America can, and should, march hand in hand towards a world in which economic conditions improve for all. A situation that provides comfortable living standards to one-third of the world's population, but condemns the remaining two-thirds to poverty and want is unsustainable.

The foremost responsibility that the 21st century has cast on all of us is to change this unacceptable legacy of the past. It should be our common endeavor to overcome this legacy. I, therefore, propose a comprehensive global dialogue on development. We would be happy to offer New Delhi as the venue for this dialogue.

In this Congress, you have often expressed concern about the future contours of Asia. Will it be an Asia that will be at peace with itself? Or will it be a continent where countries seek to redraw boundaries and settle claims, historical or imaginary, through force?

We seek an Asia where power does not threaten stability and security. We do not want the domination of some to crowd out the space for others. We must create an Asia where cooperative rather than aggressive assertion of national self-interests defines behavior among nations.

If we want an Asia fashioned on such ideals, a democratic, prosperous, tolerant, pluralistic, stable Asia, if we want an Asia where our vital interests are secure, then it is necessary for us to reexamine old assumptions.

It is imperative for India and the United States to work together more closely in pursuit of these goals. In the years ahead, a strong, democratic and economically prosperous India standing at the crossroads of all of the major cultural and economic zones of Asia will be an indispensable factor of stability in the region.

Our cooperation for peace and stability requires us to also define the principles of our own engagement. We must be prepared to accommodate our respective concerns. We must have mutual confidence to acknowledge our respective roles and complementary responsibilities in areas of vital importance to each of us.

Security issues have cast a shadow on our relationship. I believe this is unnecessary. We have much in common and no clash of interests.

We both share a commitment to ultimately eliminating nuclear weapons. We have both declared voluntary moratoriums on testing.

India understands your concerns. We do not wish to unravel your nonproliferation efforts. We wish you to understand our security concerns.

We are at a historic moment in our ties. As we embark on our common endeavor to build a new relationship, we must give practical shape to our shared belief that democracies can be friends, partners, and allies.

In recent years, through all of the good and difficult times, we have spoken to each other more often than we have ever done in the past. I thank President Clinton for his leadership and vision in steering this dialogue. I sincerely thank Members of this Congress for supporting and encouraging this process.

As we talk with candor, we open the doors to new possibilities and new areas of cooperation, in advancing democracy, in combating terrorism, in energy and environment, science and technology, and in international peacekeeping. And we are discovering that our shared values and common interests are leading us to seek a natural partnership of shared endeavors.

India and the United States have taken a decisive step away from the past. The dawn of the new century has marked a new beginning in our relations.

Let us work to fulfill this promise and the hope of today.

Let us remove the shadow of hesitation that lies between us and our joint vision.

Let us use the strength of all that we have in common to build together a future that we wish for ourselves and for the world that we live in.

Thank you.

(Applause, the Members rising.)

At 10 o'clock and 28 minutes a.m., the Prime Minister of India, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Acting Dean of the Diplomatic Corps.

□ 1030

## JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 30 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until approximately 11 a.m.

□ 1104

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 11 o'clock and 4 minutes a.m.

## PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 one-minute speeches.

## CALL TO PAY OFF OUR DEBT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a call to action has been given. The Clinton-Gore administration has been called upon to join this Republican Congress in protecting the future of the younger generations of Americans.

The Republican leadership has called upon the President to make a real commitment by joining our effort to use up to 90 percent of the surplus to pay off the national debt.

Yet, what has been the President's response to this call to action? Well, so far it has been ambivalence. He has said, well, that depends on "what the various spending commitments are."

Well, Mr. President, that simply is not good enough. It is time to stop wasteful Washington spending and pay off our national debt.

This fiscally responsible Republican Congress is protecting the Social Security and Medicare Trust Funds; and now it is time to pay off the public debt so that our children will not be burdened by it in the future.

Mr. Speaker, I call upon the administration to join with us and my colleagues on this fair, middle ground to pay off our national debt and to protect the future of our Nation and of our children.

## CHILDHOOD CANCER MONTH

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, September is Childhood Cancer Month.

Unfortunately, today cancer is the number one disease killer of children. This devastation knows no boundaries. It cuts across all social, economic and ethnic groups.

This year alone, an estimated 12,400 children will be diagnosed with cancer and 2,300 will die from the disease.

Despite the advances in early detection and treatment, only two-thirds of children diagnosed with cancer survive. And data shows that the incidence of cancer among children has increased 20 percent over the past 20 years.

So this must stop.

Even though the majority of children's leukemia are now curable, mortality is still substantial among children with solid tumors.

The progress in medical research in childhood cancer should be celebrated, but much more work needs to be done in pediatric cancer research.

Unfortunately, Mr. Speaker, childhood cancer still remains an underrecognized and underserved need.

The time to change is now. Our children are our future.

## DISPUTE OVER KASHMIR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, I rise today to speak about the refugees and others who suffer as a result of the dispute over Kashmir between India and Pakistan.

We heard earlier in joint session about the suffering on the Indian side. Well, earlier this year I visited a camp on the Pakistani side that was filled with Kashmiris who were wounded or who had relatives who were wounded or dead from fighting. Several had their limbs cut off by their Indian adversaries.

These Kashmiris pleaded with me to urge the U.N. to get involved and somehow bring an end to the bloodshed and suffering of the Kashmiri people and relief to the refugees. They are called displaced persons, not refugees, so they are ineligible for relief.

Some reports suggest that over a million people have become refugees since 1947 as a result of the conflict.

Madam Speaker, I urge Secretary General Kofi Annan to appoint a special envoy to help bring an end to this conflict to get the two sides to the negotiating table. I urge the governments of Pakistan and India to dialogue with each other, find a solution to this long, drawn out conflict.

And why not allow the Kashmiris to hold a referendum for self-determination? India is the world's largest democracy. What is wrong with letting people in Kashmir vote on their future?

In the meantime, forces should pull back from the line of conflict and relief should be provided to the suffering refugees of Kashmir.

## "IN GOD IS OUR TRUST"

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Madam Speaker, on this day, 186 years ago in 1814, Francis Scott Key penned the Star-Spangled Banner. Key was both a prominent attorney and a man of strong Christian faith and convictions. In fact, he was one of the early leaders of the American Sunday School movement. And while a U.S. Attorney under President Andrew Jackson, Key carried on significant discourses about faith with leading Members of the United States Congress.

It is no surprise, then, that the fourth version of Key's Star-Spangled Banner sets forth the religious language of our national motto years before it was officially adopted. Recalling the language of that fourth verse:

"Blest with vict'ry and peace may the Heaven rescued land

"Praise the Power that hath made and preserved us a nation!

"Then conquer we must, when our cause it is just,

"And this be our motto, 'In God is our trust.'

"And the star-spangled banner in triumph shall wave,

"O'er the land of the free and the home of the brave."

"In God is Our Trust" was penned by Francis Scott Key as our national motto on this day in 1814; and the truth of that motto is as real today as it was 186 years ago.

## NFL HOUSTON TEXANS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, it has been 3 long years and Houston once again has a professional football team, an NFL team. That name last week was decided to be the Houston Texans.

Since 1997, when the Oilers left Houston to go on to Tennessee, football fans have hoped and dreamed for this moment. In Houston it was a long and hard road. Even though it is only 3 years, it seems like many more.

I want to thank the owner who brought the NFL back to Houston, Bob McNair. Without his hard work, dedication and effort, we would not have this possible, but also to the people of Houston and Harris County who voted to build the new stadium right next to the eighth wonder of the world, the Astrodome.

As any Texan can tell us, football is more than just a sport or game, it is a religion in Texas. Texans are crazy about football, and Houstonians are now crazy about the Houston Texans.

Professional football has a long history in my hometown. In the early days of the AFL, the Houston Oilers were a powerhouse, winning the championships in 1961 and 1962; and when they merged the AFL and NFL, Houston was competitive each year.

Such great players as Dan Pastorini, Earl Campbell, and Billy "White Shoes" Johnson led our team to the brink of the Super Bowl.

Houstonians continue to stand by their team in good times and in bad, and now we are ready for the professional Houston Texans.

Madam Speaker, I look forward to the on-field debut of the Houston Texans in 2002. I am eager to resume our annual Governor's Cup with a victory over the Dallas Cowboys.

## CHILDHOOD CANCER MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, when we think of a day in the life of a child, we may immediately think of toys, playgrounds, and laughter. Rarely, if ever, do chemotherapy, hospitalization, and blood transfusions come to mind.

Yet, the harsh reality is that they will become just a routine part of the day for the well over 12,000 children who will become victims of cancer this year.

Cancer is the number one killer of children, and its incidence has been rising every year for the past 20 years.

Alexander Zimmerman, the 4-year-old son of my district director, is currently fighting a rare form of a brain tumor.

And we cannot forget Caroline, the daughter of our colleague the gentlewoman from Ohio (Ms. PRYCE), who recently passed away from her battle with neuroblastoma.

Pediatric oncology remains underrecognized and underserved, which is why Congress should fund what could be the largest children's oncology facility in the Nation, the University of Miami's Batchelor Children's Center.

We believe that if Congress does its part, things like playgrounds, toys, and laughter will once again become the daily routine.

We should also fund graduate medical education for pediatric hospitals, such as Miami Children's Hospital, which trains our Nation's leading pediatric oncologists.

This September, as we commemorate Childhood Cancer Month, I urge my colleagues to fund efforts toward pediatric cancer research because every child's life is precious.

## TRAGIC PASSING OF ENSIGN KRISTOPHER KROHNE

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. Madam Speaker, I come to the well of the House floor to talk about a very sad case, the tragic death of a former intern of mine, Kris Krohne.

Kris was an honorable and ambitious young man who died pursuing his dream of serving this country as a Naval aviator. Last Wednesday, Navy Ensign Kris Krohne was performing his second solo flight at Vance Air Force Base when his plane crashed. Kris was only 24 years old.

As a parent who has lost a son, my heart goes out to his parents, both retired Naval officers, Theodore and Kay, and his brother Karl. I extend my sympathies from those of us in the entire San Diego community to them.

I remember Kris as a bright and personable student who worked hard while interning in my office in D.C. in the spring of 1998. I was saddened to hear of his sudden death.

Kris' spirit will live on in the hearts and minds of everyone he touched. We will never forget the great contribution he made to our office and what a great and dedicated American he was to want to serve his country.

Our thoughts and our prayers go out to his family, and we will all be praying for them in their time of grief.

□ 1115

## GENERAL LEAVE

Mr. ISTOOK. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tabular and extraneous material during further consideration of H.R. 4942.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4942.

□ 1116

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, July 26, 2000, pending was amendment number 23 printed in the CONGRESSIONAL RECORD by the gentlewoman from the District of Columbia (Ms. NORTON).

The gentlewoman from the District of Columbia (Ms. NORTON) has 9 minutes remaining in debate and the gentleman from Oklahoma (Mr. ISTOOK) has 11½ minutes remaining in debate.

The gentlewoman from the District of Columbia (Ms. NORTON) is recognized.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members will recall that the matter involving contraception turned on when a veto would take place. The mayor had promised a veto. He believed that a pocket veto was the appropriate way to proceed because, as this body well knows, if a veto is straight out that is a declaration of war. There may be a compromise thereafter, but it is a little more difficult. So my amendment addressed the notion that the mayor should be allowed to pocket veto and we should respect his word that a pocket veto would take place. That pocket veto has taken place.

The chairman knows that he had written language that was otherwise acceptable to me. It is perhaps not the exact language I would have written with respect to contraception, but I had discussions with him concerning his language. I understand his concern on his side of the aisle. I have asked my own Members on this side of the aisle to consider that what we are trying to do is to get some kind of understanding that we can all live with to get this bill passed. I am not prepared to ask for anything further now that the bill has been vetoed, except that I would like to ask the chairman if that is satisfactory to him and, if so, if he would accept my amendment.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the gentlewoman from the District of Columbia (Ms. NORTON) correctly states, we were in a situation where her amendment was simply trying to strike language from the bill which would disapprove pending legislation in the District of Columbia. That legislation, since we were here last on this bill, has been pocket vetoed by the mayor of the District of Columbia. Therefore, there is no need to have the language in the bill whereby Congress disapproves that local legislation because, indeed, it has already been disapproved by the action of the mayor. Therefore, there is no need for the language in the bill and certainly I am ready to accept, and I believe our side is ready to accept, the amendment from the gentlewoman.

For clarification, for anyone, lest there be any confusion, the amendment that is under consideration right now offered by the gentlewoman from the District of Columbia (Ms. NORTON) simply says that Congress is not taking action to disapprove this legislation by the District. However, there remains intact, it is not affected by the amendment, the congressional instructions to the District that any legislation regarding mandatory coverage of contraceptives and insurance must include a conscience clause. The amendment of the gentlewoman from the District of Columbia (Ms. NORTON) does not touch that language in the bill. That language remains.

I think that is what she is referring to as far as the good faith concerns of a great many Members. Since the item in the bill is moot, there is no need for the language in subsection (a) and I certainly agree to accept the amendment of the gentlewoman from the District of Columbia (Ms. NORTON), and if the gentlewoman from the District of Columbia (Ms. NORTON) is agreeable, I would like to ask that we both yield back the remainder of our time so we may be done with this item.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Norton amendment.

I am appalled that this House is trying to stop the D.C. City Council from implementing a measure they've already approved!

This is a true sign that some of my colleagues want to trample the rights of the city council and people of this district.

I know that the people of our districts wouldn't stand for this!

The language in this bill that prohibits health care coverage for contraceptives discriminates against the women of D.C.—just because they live here.

We must stand up for the rights of all women to have access to contraceptive coverage, by voting to allow access to contraceptives here in the District of Columbia.

Contraceptive care gives our mothers and families the ability to make important choices that affect their lives. And, we know that unwanted pregnancy and abortion rates drop when women have access to preventive reproductive health care.

Let's let women make decisions about their reproductive health with their doctors.

I urge my colleagues to support the Norton amendment to make contraceptive coverage accessible to the women of D.C.

Ms. NORTON. Mr. Chairman, I yield back the balance of my time.

Mr. ISTOOK. Mr. Chairman, I ask that the amendment be accepted, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

The CHAIRMAN pro tempore. Without objection, the remainder of the bill is considered as read, printed in the RECORD, and open to amendment at any point.

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 169. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

### PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 170. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, DC Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, DC Code; or

(3) a payment for counsel authorized under section 21-2060, DC Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

This Act may be cited as the "District of Columbia Appropriations Act, 2001."

### AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BILBRAY:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

### BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC.    . (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTIONS.—

(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

(d) EFFECTIVE DATE.—This section shall apply during fiscal year 2001 and each succeeding fiscal year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 563, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am sorry that we have to be discussing this item again this year. It is an item that I had brought before this body two previous years. Last year, I agreed, after a request by the legislative body of the City of Washington, D.C., and the mayor, that they be allowed to address this issue. I withdrew it last year, as a courtesy to the local city council and the mayor, on the possibility that they could address a gap in the law that governs our Federal District.

Sadly to say, Mr. Chairman, the action after 12 months has not been forthcoming as indicated at that time. All my bill does, Mr. Chairman, is point out the fact that when we talk about tobacco possession use and abuse by minors, we need to do everything that we can to avoid the problem before it starts.

Now I think that we all agree that the most critical thing we can do in the United States to avoid the hideous deaths related to tobacco consumption is to keep our young people from getting involved at an early age. The strategies in many States across the country, including my own State of California, has been to address the purchase and use issue, among minors and adults. The use in public is very strongly restricted in California, but then California and many States have realized that there was a gaping hole in the tobacco approach. The anti-tobacco approach had a gaping hole that sent the wrong message to our young people, and that wrong message was, well, one cannot legally buy it but once they have possession they can smoke it all they want; they can possess it all they want.

Mr. Chairman, I would just like to point out how inconsistent that message is to our young people. I am a parent of five children. My children have spent a lot of time here in the Federal District and, frankly, I think all of us should be concerned about the message that we send to young people about the possession and use of tobacco.

I do not think any reasonable parent would want the United States Government to send a message that underage use and possession of tobacco is okay, but we also would not want to send the same message about alcohol consumption.

Now, I cannot fathom how we have overlooked this issue for so long. We would not do it with alcohol. If young people were walking down the street with a six pack of beer, we would expect the law to address the item. Sadly, here in Washington, D.C., the law does not address children walking down the street with a pack of cigarettes.

This mixed message needs to be corrected, and I know there are those that like us, as the Congress, to look the other way, not get involved with this issue, but I think for all of us, especially somebody like myself who not only have children but serve on the Subcommittee on Health and Environment, to say that Washington will set the example that underage purchase, possession, and use of tobacco is not acceptable and it is not something we will stand by and ignore for any longer.

Mr. Chairman, all my bill proposes to do is to apply the same regulation technique here in Washington, D.C., as is applied in Virginia and in Maryland. We have both States surrounding this Federal District that have said that minors' possession and use of tobacco is not acceptable and should be outlawed. All I am asking is, as Congress, under our responsibility under the Constitution, as the legislative body that would serve very parallel to what the State legislature in Maryland and Virginia have done and that is to say that minor possession is no longer acceptable within our jurisdiction.

All we are saying is that we will no longer stand by while Washington, D.C., remains an oasis, a sanctuary, for underage consumption of tobacco and that we will support the surrounding communities in this strategy of eradicating as much of minor consumption as possible, starting by setting the example that possession and use of tobacco by minors is not only inappropriate it is wrong and it should be illegal.

DISTRICT OF COLUMBIA CODE

**§§25–130. Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties.**

(a) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink any alcoholic beverage in the District, except that a person who is under 21 years of age may temporarily possess an alcoholic beverage if the temporary possession is necessary to perform lawful employment responsibilities.

(b) No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of procuring an alcoholic beverage in the District.

(b–1) Any person under 21 years of age who falsely represents his or her age for the purpose of procuring alcoholic any beverage shall be deemed guilty of a misdemeanor and be fined for each offense not more than $300, and in default in the payment of the fine shall be imprisoned not exceeding 30 days.

(b–2) A civil fine may be imposed as an alternative sanction for any infraction of this section, or any rules or regulations issued under the authority of this chapter, pursuant to §§6–2701 to 6–2723 ("Civil Infractions Act"). Adjudication of any infraction of this section shall be pursuant to §6–2723.

(c) In addition to the penalties provided in subsections (b–1) and (b–2) of this section, any person who violates any provision of this section shall be subject to the following additional penalties:

(1) Upon the first violation, shall have his or her driving privileges in the District suspended for a period of 90 consecutive days;

(2) Upon the second violation, shall have his or her driving privileges in the District suspended for a period of 180 days; and

(3) Upon the third violation and each subsequent violation, shall have his or her driving privileges in the District suspended for a period of 1 year.

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, May 23, 2000.*

Hon. ANTHONY WILLIAMS,
*Mayor, District of Columbia*
*Washington, DC.*

DEAR MAYOR WILLIAMS: Thank you for your correspondence regarding the recent hearing by the City Council of the District of Columbia on legislation related to the prohibition of tobacco product sales to minors.

I appreciate your response to my letter dated April 10, 2000 and I am encouraged that the City Council is addressing the issue of tobacco use by minors. As mentioned in my previous letter, the amendment that I have introduced each of the last two years, and which we personally discussed last year, focuses on minor possession and use of tobacco.

Virginia, Maryland, and over twenty other states have enacted youth possession and consumption laws. It is my belief that we can crack down on the possession of youth tobacco by passing a common sense law similar to what I have introduced in the past and at the same time continue to increase efforts at the point of sales to hold negligent merchants accountable for their illegal actions when they sell tobacco products illegally to minors.

I would like to see parity between youth possession of tobacco and youth possession of alcohol. In all cities across the country, alcohol consumption and possession by minors is prohibited. This is because alcohol is an adult product, tobacco needs to receive the same type of recognition and enforcement.

If we want to be serious about combating the use of tobacco by minors we need to approach this issue on several fronts. As a former mayor myself, I appreciate your hard work on this issue, the progress being made and the inherent challenges of leadership on such issues of controversy. However, as we get deeper into the appropriations process in this second session of the 106th Congress, I want to inform you of my intention to reintroduce my amendment.

As mentioned previously, my amendment is very straightforward. It contains a penalty section, which was modeled after the state of Virginia's penalty section for minors found in violation of tobacco possession. For the first violation, the minor would, at the discretion of the judge, be subject to a civil penalty not to exceed $50. For the second violation, the minor would be subject to a civil penalty not to exceed $100. For a third or subsequent violation, the minor would have his or her driver's license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may also be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge's discretion. it contains a provision to exempt from this prohibition a minor individual "making a delivery of cigarettes or tobacco products in his or her employment" while on the job.

As an original cosponsor of the strongest anti-tobacco bill in the 105th Congress, the Bipartisan NO Tobacco for Kids Act (H.R. 3868), the intentions of my amendment is to encourage youth to take responsibility for their actions. Mayor Williams, I look forward to working with you on this issue and on legislation that will deter youth in the District of Columbia from ever starting the deadly habit of smoking in the first place.

Sincerely,

BRIAN P. BILBRAY,
*Member of Congress.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, April 10, 2000.*

Hon. ANTHONY WILLIAMS,
*Mayor, District of Columbia,*
*Washington, DC.*

DEAR MAYOR WILLIAMS: I am writing to make you aware of my intentions to introduce an amendment to the Fiscal Year 2001 D.C. Appropriations Act that will prohibit individuals under the age of 18 years old from possessing and consuming tobacco products in the District of Columbia.

As you remember, we discussed this issue last year during the debate on the FY 2000 D.C. Appropriation Act (H.R. 2587). At that time I had introduced the same amendment, but withdrew it after receiving direct confirmation from you that this issue would be addressed on the local level. However, I have been informed that local action on this initiative has not, to date. I understand that legislation was sent to the Judiciary Committee of the D.C. Council, but was recently withdrawn. As a former mayor myself, I appreciate your hard work on this issue and the inherent challenges of leadership on such issues of controversy. However, as we get deeper into the appropriations process in the second session of the 106th Congress, I believe the time has come to act.

I think it is important that all levels of government work together to help stop children from smoking. I also believe we should send the right message to our children, and the first step in this process would be for the District of Columbia to join Virginia, Maryland, and the twenty other states who have passed youth possession and consumption laws. I would appreciate knowing of your intentions, and to work with you and Members on both sides of the aisle in 2000 to make sure this important piece of legislation becomes law.

To give you some background on this issue. I first introduced this amendment during the 105th Congress, where it received strong bipartisan support and passed through the House by a 238-138 vote on August 6, 1998; however it was not included in the final conference report. At the time I initially introduced this amendment only 21 states in the nation had minor possession laws outlawing tobacco, and my amendment would have added the District of Columbia to this growing list of states.

My amendment is very straight forward and easy to understand. It contains a provision to exempt from this prohibition a minor individual "making a delivery of cigarettes or tobacco products in his or her employment" while on the job. My amendment also contains a penalty section, which was modified after the state of Virginia's penalty section for minors found in violation of tobacco possession. For the first violation, the minor would, at the discretion of the judge, be subject to a civil penalty not to exceed $50. For the second violation, the minor would be subject to a civil penalty not to exceed $100. For a third or subsequent violation, the minor would have his or her driver's license suspended for a period of 90 consecutive days. The 90 day suspension is consistent with penalties for minor possession of alcohol in the District of Columbia. Any minor found to be in possession of tobacco may also be required to perform community service or attend a tobacco cessation program. Each of these penalties are at the judge's discretion.

I understand that the District of Columbia already has tough laws on the books to address the issue of sales of tobacco to minors. My amendment focuses specifically on the possession of tobacco products by minors in order to put minor possession of tobacco with minor possession of alcohol. All three cities in my district have passed anti-possession laws, so I am not asking the District to do anything my own communities have not already done.

As an original cosponsor of the strongest anti-tobacco bill in the 105th Congress, the Bipartisan NO Tobacco for Kids Act (H.R. 3638), the intentions of my amendment is to encourage youth to take responsibility for their actions. Mayor Williams, I look forward to your response on this issue and to working together on legislation that will deter youth in the District of Columbia from ever starting the deadly habit of smoking in the first place.

Sincerely,

BRIAN P. BILBRAY,
*Member of Congress.*

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AMERICAN LUNG ASSOCIATION,
*New York, NY, July 26, 2000.*

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely affect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufacturers and retailers, is just another smokescreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover "sting" operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason to reject the Bilbray amendment to the D.C. appropriations bill.

Sincerely,

JOHN R. GARRISON,
*Chief Executive Officer.*

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DISTRICT OF COLUMBIA, *May 21, 1999.*

Hon. BRIAN BILBRAY,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN BILBRAY: Thank you for your letter sharing your concern about teenage smoking in the District and your congratulations on my November election to the Office of Mayor.

In response to your inquiry, the District of Columbia is addressing the issue of teen smoking through a variety of methods. DC Public Schools has two programs—The Great American Smoke-out and "2 Smart 2 Smoke"—to raise children's awareness of the dangers of smoking. Additionally, the Department of Health supports the efforts of local and community-based initiatives like "Ad-Up, Word-Up and Speak-Out," which encourages school age children to perform their own research on the effects of advertising directed at children.

Finally, the school system recently elevated possession of tobacco to a "level one" infraction—which means violators could incur the most severe disciplinary measures, including possible suspension. To assess our progress, the District is tracking youth smoking related data through grants provided by the Center for Disease Control.

I want to assure you that I share your concerns about teenage smokers. Sandra Allen, Chairperson of the City Council's Committee on Human Services, and I are working diligently to strengthen enforcement which should, in combination with the other initiatives, result in a real reduction in teenage smoking. We believe that the cumulative effect of these initiatives will have marked improvement on the incidence of teen smoking.

Again thank you for bringing this issue to the forefront of my attention. I agree that discouraging our youth from engaging in this terrible habit of smoking is very important in the fight to curtail tobacco's tragic and inevitable long-term effects.

Sincerely,

ANTHONY A. WILLIAMS,
*Mayor.*

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DISTRICT OF COLUMBIA, *May 16, 2000.*

Hon. BRIAN P. BILBRAY,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN BILBRAY: Thank you for contacting me regarding legislation to prohibit minors from the possession and consumption of tobacco products.

I am committed to working with the City Council of the District of Columbia to protect our children from harmful tobacco products. As part of my commitment to limiting tobacco use, my Fiscal Year 2001 Budget directs the use of Tobacco Settlement Fund dollars for tobacco control, prevention efforts, health promotion and education.

The Council's Committee on Consumer and Regulatory Affairs will consider legislation to prohibit youth consumption of tobacco products, Bill 13-60, the "Enforcement of the Prohibition of Tobacco Product Sales to Minors Act." The bill prohibits the sale of tobacco to minors, increases fines for the sale of tobacco to minors, and prohibits self-service displays, certain advertisements and vending machine sales of tobacco products. Under the legislation, the Department of Health would also be authorized to conduct random inspections of retail establishments that sell tobacco products. On Wednesday, May 10, 2000, the Committee on Consumer and Regulatory Affairs held a public hearing on this bill. Given your concern on this issue, I have asked the Chair, Councilwoman Sharon Ambrose to allow your amendment to be debated during the hearing.

Clearly, restricting access of tobacco sales and penalizing any business that targets or sells to youth is a priority of our local leaders. Therefore, I respectfully request that you withhold introducing your proposed legislation so that we can move forward our local proposal. As a former City Mayor, I am certain that you understand the importance of local government in these public policy issues.

Thank you for your concern for the health and safety of children in the District of Columbia.

Sincerely,

ANTHONY A. WILLIAMS,
*Mayor.*

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes in opposition.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond on this amendment. Mr. Chairman, I want to put into the RECORD the fact that the American Lung Association opposes the Bilbray amendment because it penalizes kids for the possession of tobacco products.

Mr. Chairman, the American Lung Association opposes this because it is not an effective technique to reduce underage tobacco usage. The reality is that the compliance checks that are currently going on would be made illegal by this amendment.

The Synar amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco. This an attempt to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of manufacturers and retailers. It shifts the blame inappropriately.

A study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco and no merchants were penalized.

On July 16 and 21 of 1998, the American Lung Association conducted an undercover sting operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings all attempts were successful in the House office buildings. This is clear proof that existing laws regarding selling to teens are not being enforced. They need to be enforced first. Let us not criminalize our kids.

Mr. Chairman, I yield the balance of my time to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman from Virginia (Mr. MORAN) for yielding me this time.

Mr. Chairman, I would like to put the American Lung Association letter in the RECORD and the Tobacco Free Kids letter in the RECORD opposing the Bilbray amendment.

I am outraged at the amendment of the gentleman from California (Mr. BILBRAY). He brings forward this amendment when the city council is in the midst of considering the Bilbray amendment. This amendment went through the House in 1999, the first year of Mayor Williams' term, despite a personal plea from Mayor Williams that he would like to try another approach in the District.

That provision, the Bilbray provision, was one reason why the bill was vetoed in 1999. The provision was removed and sent back here and here comes the Bilbray amendment again.

Mayor Williams knows his city. The gentleman from California (Mr. BILBRAY) does not know Mayor Williams' city.

The mayor again wrote the gentleman from California (Mr. BILBRAY) in May, after another threat by the gentleman from California (Mr. BILBRAY) to intrude in local affairs was received. Mayor Williams had already partially responded to the gentleman from California (Mr. BILBRAY). His budget that we are considering now funds a smoking prevention program for minors.

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This in addition to the bill that is in the council, the mayor wrote to the gentleman from California (Mr. BILBRAY). And I am quoting, "I respectfully request that you withhold introducing your proposed legislation." I thank the gentleman for his respect of our mayor.

He continued, "so that we can move forward to consider your proposal along with our own local proposal." And he said, "as a former city mayor, I am certain that you understand the importance of local government in these public policy issues."

The gentleman apparently understands how important local knowledge and local prerogatives are as applied to his city of Imperial Beach, California, and he understands it in all the gentleman speeches about devolution, but like an authoritarian rule, the gentleman is trying to impose legislation on a city that is already going strong on a tough issue and in the midst of considering the gentleman's approach among others.

In the District, elevation of possession of tobacco to a level 1 infraction in the D.C. public schools has to be very carefully considered. Shall we do that or not when the measure imposes suspension on a city with one of the highest dropout rates in the country, is that the best thing for my city? I do not think so.

I do not even think I know, but I do think that the mayor of this city knows. He asked the gentleman not to introduce it, and I am asking this Congress not to move forward with it. The mayor and the council have done the gentleman from California (Mr. BILBRAY) a courtesy.

The gentleman has refused to do them that today. They are considering the gentleman's approach. Hearings have been held. I am sorry we do not move at the pace the gentleman would like. There are other matters that have to be considered, like our own appropriations that are here, like the fact that our city is just out of insolvency.

But we have said that we will consider the gentleman's approach. We are considering the gentleman's approach. This debate is not about inaction. Our city has moved to put before the entire city council Mr. BILBRAY'S approach. He wants his action. This is a free country I say to the gentleman.

We do not impose smoking codes on cities. We allow cities to decide what is best for themselves.

AMERICAN LUNG ASSOCIATION,
*Washington, DC, July 25, 2000.*

DEAR REPRESENTATIVE: The American Lung Association opposes the Bilbray amendment to the District of Columbia Appropriations bill that penalizes kids for the possession of tobacco products.

Penalizing children has not been proven to be an effective technique to reduce underage tobacco usage. In fact, penalties may adversely effect existing programs that are proven to work and are required, such as compliance checks utilizing young people. The Bilbray amendment would make these checks illegal. The Synar Amendment on marketing tobacco to children could not be enforced because it would be illegal for supervised teens to attempt to purchase tobacco.

Attempts to put the blame on our children, the pawns of decades of sophisticated marketing by the tobacco industry, instead of the manufactures and retailers, is just another smokescreen by big tobacco. The tobacco industry favors shifting both the blame and the attention away from their marketing efforts onto the shoulders of young persons.

For example, a 1995 study by the Maryland Department of Health and Mental Hygiene discovered that 480 minors were penalized for possessing tobacco but no merchants were fined for selling tobacco to minors. On July 16 and 21, 1998, the American Lung Association conducted an undercover "sting" operation to determine whether teens could purchase tobacco in the U.S. Capitol complex. Five out of nine attempts were successful, and in the House office buildings, all attempts were successful. Here is clear proof that existing laws regarding selling to teens are not being enforced. Existing laws and regulations need to be enforced.

The tobacco industry favors criminalizing our kids. This alone should be adequate reason to reject the Bilbray amendment to the D.C. appropriations bill.

Sincerely,

JOHN R. GARRISON,
*Chief Executive Officer.*

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JULY 25, 2000.

Hon. HENRY A. WAXMAN,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE WAXMAN: The Campaign for Tobacco-Free Kids opposes the amendment that may be offered tomorrow by Representative Bilbray to the District of Columbia appropriations bill. This amendment would penalize youth for possession of tobacco products without creating a thoughtful, comprehensive plan to reduce tobacco use among children and without first ensuring that adults who illegally sell tobacco to kids are held responsible.

There is no silver bullet to reducing tobacco use among kids, but this amendment, in the absence of other effective policies, will do little to end tobacco's grip on the children of D.C. There is little evidence to indicate that in the absence of a concerted, comprehensive program, penalizing kids will work to reduce tobacco use rates. A comprehensive, effective program should include not only vigorous enforcement of laws against selling tobacco to kids, but also public education efforts, community and school-based programs, and help for smokers who want to quit.

The narrow focus of this amendment will further divert resources away from effective enforcement of the current laws that prohibit retailers from selling to kids. Although the District of Columbia penalizes retailers for selling to kids, this law is not being enforced adequately. According to Department of Health and Human Services, compliance checks showed that 46.8 percent of retailers in D.C. sell tobacco products to minors.

Additionally, this amendment does not address the fact that the tobacco industry spends more than $6.8 billion a year marketing its products. Kids in D.C. continually see tobacco ads on storefronts and in magazines. The tobacco industry's marketing tactics work: 85 percent of kids who smoke use the three most heavily advertised brands (Marlboro, Camel and Newport). In addition, the success of the tobacco industry targeted marketing efforts is evidenced by the fact that 75 percent of young African Americans smoke Newport, a brand heavily marketed to this group.

Any discussion of holding children responsible for their addiction to tobacco should only come after or as part of a comprehensive approach, which insures that adults are being held responsible for marketing and selling to children. Therefore, we ask that you oppose this amendment. Thank you.

Sincerely,

MATTHEW L. MYERS,
*President.*

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lung Association's concern about the sting operations, have been clarified by the legislative council. My bill does not obstruct sting operations or conflict with provisions in the Synar amendment. These objections are misplaced. All I have to say to the gentlewoman from Washington, D.C. (Ms. NORTON), the City of Alexandria, the City of Baltimore had their legislature require them to treat tobacco possession and use by minors as a law. They were not violated by that.

Cities have certain responsibilities, as a mayor I know that, but so do legislatures. We serve as that legislature, like it or not. It is a constitutional obligation and for those of us who have spent a lot of time fighting the tobacco industry and fighting consumption for tobacco, for us to walk away from this opportunity for another year, it shows the hypocrisy of an institution that cannot do its fair share of fighting underage consumption.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the Bilbray amendment.

For decades the tobacco companies have acted more recklessly and caused more harm than any other industry in America. They lied to the American public. They manipulated nicotine in order to addict. And they deliberately targeted our children.

Yet this Congress has failed to act.

Earlier this year, when the Supreme Court ruled that the Congress has not given the Food and Drug Administration explicit authority to regulate tobacco, the Court recognized that tobacco use "poses perhaps the single most significant threat to public health in the United States." The Court decision placed responsibility to deal with this crisis squarely in Congress' lap.

But since that decision in March, this Congress has done nothing. The Republican leadership has not held a single hearing on the problem nor brought any tobacco reform legislation to the floor.

In fact, the only tobacco legislation we considered was a rider to block the tobacco lawsuit and deny veterans their day in court.

This Congress should pass meaningful tobacco legislation. We should grant the FDA explicit authority to regulate tobacco. We should pass performance standards to give the industry meaningful economic incentives to reduce the number of children that smoke. We should pass a national policy on environmental tobacco smoke and put in place a nationwide public education campaign. Together these measures will succeed in reducing the number of children who smoke and will save million of lives for generations to come.

The amendment before us today may not do any harm—but there is little evidence it will do any significant good. Public health organizations oppose it. The Campaign for Tobacco-Free Kids says that this amendment will "do little to end tobacco's grip on the children of D.C." The American Lung Association states that penalizing children "may adversely effect existing programs that are proven to work."

This Congress has abandoned any meaningful national effort to regulate tobacco and to reduce tobacco use among our children. Instead, it is now proposing to legislate questionable policy for just one city.

The Mayor and the City Council of D.C. should be given the opportunity to decide what comprehensive tobacco control policies work best for the children of this city. Just this past May, the City Council held a public hearing on the Bilbray amendment and other measures to prohibit youth consumption of tobacco products. They expect to take up the issue when they meet again this fall. We should allow D.C. to continue with its process and decide what tobacco control policies work best for the city—just like thousands of other city councils in the rest of the country.

In considering this amendment, don't delude yourself and believe that this approach will reduce tobacco use among our children. The reality is that we need to pass comprehensive tobacco control legislation. We bear the responsibility to protect our children and to hold the tobacco companies accountable for their actions.

Mr. BILBRAY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California (Mr. BILBRAY) will be postponed.

### AMENDMENT NO. 4 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TIAHRT:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC.   . (a) No person may distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public housing project, public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

(b) Whoever violates subsection (a) shall be fined not more than $500 for each needle or syringe distributed in violation of such subsection.

(c) Notwithstanding any other provision of law, any amount collected by the District of Columbia pursuant to subsection (b) shall be deposited in a separate account of the General Fund of the District of Columbia and used exclusively to carry out (either directly or by contract) drug prevention or treatment programs. For purposes of this subsection, no program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug may be considered a drug prevention or treatment program.

The CHAIRMAN pro tempore. Pursuant to House Resolution 563, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

The amendment that I am offering gives us a clear choice between protecting the children of the District of Columbia or protecting the drug addicts. The District of Columbia City Council has designated drug free school zones in hopes of protecting the children from drug pushers. Hopefully, it will keep kids from being pressured to take illegal drugs that would cheat them from a bright future.

What this amendment does is take the very same language the District of Columbia City Council has used to protect the children and to extend it to the needle exchange program. We would then have needle-free school zones around the areas where children attend school and play.

Mr. Chairman, now, this is not new language or a new concept. It simply clarifies that the exchange of needles to drug addicts should be kept out of the reach of our children, the same as we have tried to keep drugs out of their reach.

Currently, Prevention Works, a drug needle exchange program here in Washington runs 10 needle exchange sites. Of those sites, six needle exchange sites are located within 1,000 feet of at least one public school. These sites pose a very real threat to our children.

I have a map, Mr. Chairman, that was given to me by the police department here in the District of Columbia, showing the locations of where the drug free school zone applies. Those areas are designated in gray, green and pink. The pins that are pointed out here show the 10 needle exchange sites with the four that would currently not be affected by this amendment, and the six that would be affected by this amendment.

At the corner of 15th and A Street, Northeast location, a member of my staff found a piece of a needle, across the street from Eastern Senior High School, just a few feet away from where three little girls were jumping rope. I worry that contaminated needles, discarded needles from the needle exchange site may infect children just like these three girls. It is an unnecessary risk for children.

This amendment is designed to protect these girls and all children in the District of Columbia. This is a clear choice, Mr. Chairman. My colleagues can either choose to protect the children or protect the drug addicts. I hope the House will choose to protect the children.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes in opposition.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are adamantly opposed to this. On the face of it, it looks like it might be reasonable, but it is a thousand feet away from every place, every activity where children may be involved, parks, recreation, schools, video arcades. This is a small city. If we take a 1,000 feet around the perimeter of all of these activities, the only place left to conduct this program that has been so effective, has been the most effective way of combatting a scourge that is worse than in any other city in the country, particularly affecting women and children, and that is HIV infection. This is the program that works, but we cannot conduct this program under the Tiahrt amendment, except in the Potomac River, on the White House lawn, at Bolling Air Force Base or at the Old Soldier's Home, there may be a couple other places, but there are very few, probably the Washington Mall, but there are very, very few places under this amendment that could ever conduct a program.

Effectively what it does is to say, you cannot conduct this program. It is an allegedly clever way to kill a program that works. We are adamantly opposed to it. If this stays in, I will tell my colleagues this bill will be vetoed, because we have a program that works for people who desperately need it to work.

Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, here is more veto bait. This is an attempt by the gentleman from Kansas (Mr. TIAHRT) to do what he could not do last year and to do what he was not even able to do in the Committee on Appropriations, and that is to kill the program. It is a poison bill. It is designed to kill a program that is saving the lives of children, innocent children in the District of Columbia.

Children do find needles, but the gentleman has no evidence that those needles come from the needle exchange program. They come from addicts where there are not, in fact, programs. The gentleman is not expert on how needles infect school children in the District, but the D.C. Police Chief Charles Ramsey does, and I am now quoting him from a letter he wrote the House, "the current needle exchange program is well managed and has an exemplary return rate. I have no reports that indicate that the program has been abused in any way or created serious public policy problems in the District."

I ask Members to listen to our police chief and not the gentleman from Kansas about what should happen in this city. This is a disease that has become a black and brown disease. It is killing African Americans. It is killing minorities. It has moved from gays to people of color.

People of color see this directed against them. They know what saves lives, and those who vote for this amendment are voting to kill men, women, and children in my district. I am asking Members to oppose this amendment and go back to what we have reluctantly accepted, and that is an amendment that is before this House that would leave us with no local funds, no Federal funds, and only a very modest and hardly standing private program that must fish for money wherever it can.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent that both sides be granted an additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, there are plenty of needles within 1000 feet of schools, housing projects and playgrounds. Unfortunately, they are dirty needles and their use is spreading AIDS and promoting drug abuse, but this amendment will do nothing, nothing to change that tragic reality. We are really kidding ourselves if we believe we can stop drug abuse by banning one of the few public health measures that actually makes a difference in the real world.

When I was prosecuting and putting people in jail for drug use, for drug trafficking, I supported local needle exchange efforts because they work. They do not encourage drug abuse, and they do save lives by halting AIDS and other serious diseases transmitted by dirty needles. Serious problems demand serious solutions. Reject this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Tiahrt amendment, because it would interfere with the District's ability to save lives, put very simply, by operating needle exchange programs which have been proven to reduce new HIV infections in this country, especially among children.

Three quarters of new HIV infection in children are a result of injection drug use by a parent. Why would we pass up an opportunity to save a child's life by shutting down programs that work? HIV/AIDS remains the leading cause of death among African Americans ages 25 to 44 in the District.

In spite of these statistics, this amendment attempts to shut down the very program that the local community has established to reduce new HIV infections. This Congress should be supporting decisions that local communities make about their healthcare, not limiting their control.

Mr. Chairman, I would just like to mention a number of organizations, the American Medical Association, the American Public Health Association have concluded that needle exchange programs are effective.

The Surgeon General's Report has said that it found conclusively that needle exchange programs reduce HIV transmission and do not increase drug use. Support local control and oppose the Tiahrt amendment.

Mr. TIAHRT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is a clear choice. This is not about the needle exchange program. This is about protecting children. One of the comments that was made by the gentleman from Virginia (Mr. MORAN) was that this will keep the needle exchange program 1,000 feet away from the children from where they are playing; that is exactly the point. We want to protect the children.

The gentlewoman from the District of Columbia (Ms. NORTON) said there is no evidence that these needles come from the needle exchange program. Yet Calvin Fay, the director of the International Scientific and Medical Forum on Drug Abuse says, and I quote, "first, most needle exchange programs are not exchanges at all, but are needle giveaways, since participants rarely exchange a dirty needle for a clean one, which means that the dirty needles remain on the streets."

□ 1145

The only way we can protect the children is to keep these needle exchange programs away from the kids.

Mr. Chairman, my concern is that if this is not passed, and since there is no accounting for needles that are passed out to drug addicts, that they will be available for children to become infected by. While members may disagree on the effectiveness of the needle exchange program, I think we can all agree we do not want these infected needles in our children's midst, near public playgrounds or public pools.

Besides the immediate danger of needles themselves, I worry about the threat to children's safety that needle exchange programs do when they invite drug pushers and addicts into places where children should be safe.

I also worry the needle exchange program will send the wrong message about drug use to our children. We try to send children an unequivocal message that drugs are wrong and that they can kill you. I worry that if these drug addicts receive needles, rather than condemnation, they will not understand that drugs are wrong.

As our drug czar, Barry McCaffrey, stated: "Above all, we have a responsibility to protect our children from ever falling victim to the false allure of drugs. We do this, first and foremost, by making sure that we send one clear, straightforward message about drugs: they are wrong, and they can kill you."

This amendment is about the safety of our children. It is not about the effectiveness of a needle exchange program. It is a very simple choice. Those who oppose my amendment will argue that the Tiahrt amendment, if adopted, would shut down a needle exchange program in the District of Columbia. This is not true. There still are plenty of sites in the District of Columbia to conduct a needle exchange program.

Mr. Chairman, I ask the House to pass this amendment and protect the children of the District of Columbia, and I hope we will give them a higher priority than we do those who inject illegal drugs into their veins. It is a very simple choice. It is not about the needle exchange program; it is about children. You can choose between protecting the children, or protecting the drug addicts.

Mrs. MORELLA. Mr. Chairman, I rise to speak against the Tiahrt amendment because I think it is not sound public health policy.

Mr. Chairman, I rise in strong opposition to the Tiahrt amendment which would prevent the exchange of needles within 1000 feet of schools, day care centers, playgrounds, public housing and other areas which are gathering places for children. This amendment, is nothing more than a backdoor approach to prohibit the District of Columbia from using even its own funds for needle exchange programs. The Tiahrt amendment severely limits the physical space in which a needle exchange could operate and is written so broadly that virtually no area in the District of Columbia would be eligible to have a needle exchange program.

Mr. Chairman, a July report found that one in twenty adults in the District of Columbia is currently living with HIV or AIDS. The District of Columbia has the highest rate of new HIV infections of any jurisdiction in the country. From July 1998 to June of 1999, the rate of AIDS cases reported in women was more than nine times the national rate. HIV transmission in the District via intravenous drug use disproportionately affects women and African-Americans. For women, IV drug use is the most prevalent mode of transmission. Ninety-six percent of those infected in D.C., due to IV drug use, are African-Americans.

There are currently more than 113 needle exchange programs operating in 30 states, including my State of Maryland. In 1994, the Baltimore City Health Department established a needle exchange program. The program exchanges sterile for contaminated syringes, as well as provides public health services including referrals to drug abuse treatment, HIV testing and counseling, and tuberculosis screening, testing and treatment. Two years after the program began, 4,756 injection drug users had been enrolled, 603,968 needles had been distributed and 252,293 needles had been removed from circulation. An evaluation of this program has been conducted and no evidence has been found that the program increases crime or encourages drug use among youth. In fact, a June 2000 study published in the American Journal of Public Health indicates that the needle exchange program did not increase the number or distribution of discarded needles.

Mr. Chairman, the prohibition on the District's needle exchange program is not based on sound public health policies backed up by scientific evidence, but on politics.

Exhaustive studies funded by the NIH, the CDC as well as the U.S. Surgeon General have all concluded that needle exchange programs, as part of a comprehensive HIV prevention strategy are an effective public heath intervention that reduces the transmission of HIV and does not encourage the use of illegal drugs.

The District's Chief of Police, Charles Ramsey, who has been tough on illegal drug use, supports a needle exchange program for the District as a way to reduce the spread of HIV. Additionally, the needle exchange programs are supported by the American Medical Association, the National Academy of Sciences, the American Academy of Pediatrics, the American Bar Association, the American Nurses Association, the American Public Health Association, the Association of State and Territorial Health Officials, the National Black Caucus of State Legislators, the U.S. Conference of Mayors and the U.S. Department of Health and Human Services.

Mr. Chairman, when the District's needle exchange program began in 1997, by using its own funds, through 1999, the number of new HIV/AIDS cases due to intravenous drug uses has fallen more than 65 percent. This represents the most significant decline in new AIDS cases, across all transmission categories, over this time period.

Why reverse this trend? Why accept this amendment which will only continue to spread HIV and intravenous drug users will lose an important gateway to drug treatment programs?

Vote against the Tiahrt amendment.

Mr. MALONEY of Connecticut. Mr. Chairman, our children should be protected from exposure to drug use and be kept safe from the threat of contaminated needles. For that reason, I supported the Tiahrt amendment to the Fiscal Year 2001 District of Columbia Appropriations Act. This amendment is simply a logical extension of the "Drug Free School Zone" legislation, and I urge all of you to support it as well.

The Tiahrt amendment prevents Needle Exchange Programs from existing within 1,000 feet of schools, playgrounds, day care centers, public swimming pools, and other places where children generally play. My colleagues, by voting for this amendment we are helping to ensure that our children are not exposed to drugs, drug paraphernalia, or unnecessary health risks. Children should not have to face the risk of coming into contact with contaminated needles in the places they learn, live or play.

Simply put, this amendment is about keeping children safe. I voted "yes" on the Tiahrt amendment because "yes" is a vote for the health and safety of our children.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentleman from Kansas (Mr. TIAHRT).

The amendment was agreed to.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word. I believe that the gentleman from Oklahoma (Mr. ISTOOK) and I will each take 5 minutes to summarize the vote on the underlying bill before us.

Mr. Chairman, we are going to urge those who believe in home rule for the District and recognize the kind of economic and social progress that has been achieved in the District of Columbia to vote no on this appropriations bill.

We had an opportunity to have a bill that would have sailed through conference with the Senate and would have been signed by the President. It would have been taken care of. We have got 11 appropriations bills, most of which, if not all of which, are likely to get vetoed now. Only defense and military construction have been signed. This is one that should be signed. The District of Columbia needs its money, it needs it now, and all we would do if we had the opportunity is to ask, let us pass the Senate bill.

Now, what is the difference? In the Senate bill we restore $17 million to New York Avenue Metro station. They cannot begin that Metro station, which is a desperately needed economic development initiative, unless they have the full $25 million. All the money has to be identified. The private sector says they will put up $25 million, the city will put up $25 million, they budgeted for it, all we have to put up is our own $25 million and then we can go forward. This does not do that. This shortchanges economic development.

We need $3 million for those seniors in high school in D.C. to make the College Tuition Access Program available to everyone in a fair manner. The Mayor has asked for this money. $3 million should be included.

We need $3 million for Poplar Point remediation, a brownfield site. There is $10 million in the budget, the city needs $10 million, we only ask for $3 million. Those are the kinds of things we ask for, plus the Tiahrt amendment, which negates a program which is working and is desperately needed in the city.

We are not asking for much. We ought to get it, get the bill signed. Why we have to go through all these motions that are so destructive and such a waste of time is beyond me.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full Committee on Appropriations, to put this bill in context. Could I ask how much time is remaining?

Mr. OBEY. Mr. Chairman, I thought that at least on this bill we would reach a compromise between the two parties. The gentleman from Virginia (Mr. MORAN) has described the compromise which he offered the majority party. Once again, it is my understanding that that compromise was turned down by the majority whip, or those in his office, who evidently prefer to try to pass a bill totally in the Republican image. I find that unfortunate. Two and one-half weeks before the end of the fiscal year, we ought to be looking for ways that we can agree. Instead, apparently, people are finding new ways to rehash old arguments.

Surely this fits the pattern which has been going on all year, where the Committee on Appropriations explores a compromise, but then the majority leadership says no, and gives orders to pass the bill on the Republican side alone. That results in presidential vetoes; it gets no one anywhere near a closure.

With less than 3 weeks to go, this is not the way we ought to be going. I am sorry that the majority prefers to go this way, in light of the compromise offer of the gentleman from Virginia (Mr. MORAN). We could have taken either the package of the gentleman from Virginia (Mr. MORAN) or the Senate bill and had a perfectly reasonable compromise, but evidently we are not going to do that. So I very regrettably am going to urge a no vote on the bill.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, we have the opportunity to do the right thing. Vote no on this bill. Then we can get a bill that is acceptable to the Senate, to the White House, and, most importantly, to the citizens of the District of Columbia. We owe them that.

The citizens have elected a good mayor, they have got a good D.C. City Council, they are making progress, economic and social progress. They are not asking for much. They are asking that their kids have a chance to go to college and make it affordable. They are asking that we put up one-third of the cost of a Metro station that is desperately needed on the New York Avenue corridor. They are asking to clean up some of their brownfield sites. We have the money to do it. Let us do it. Do the right thing; vote no on the bill.

Mr. ISTOOK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in closing debate on this bill, first I want to take the opportunity to thank the staff who have worked so hard on this: John Albaugh of my personal staff and the Committee on Appropriations; Chris Stanley, a Congressional Fellow who has been assisting in our office from the U.S. Secret Service; Mary Porter, who is detailed to us from the District Government, and I will say more about her in a moment; the committee staff for the majority, Migo Miconi; the committee staff for the minority, Tom Forhan; and from the personal staff of the gentleman from Virginia (Mr. MORAN), Tim Aiken.

Each of them has put in untold hours of hard work and effort to help bring this bill to the floor, and regardless of where we may stand on different issues, I want to express my appreciation to all of them.

In regard to Mary Porter, this Fall she is retiring after 40 years of dedicated service to the District government and to our Committee. She came to the Washington area from Tennessee, worked for an insurance company until 1960 when she went to work for the District Government, and, for the last 40 years has been assisting through the Mayor's office and then on loan to Congress to follow the budget through with the city council, with the Congress, the House, the Senate, and is the undisputed expert of so many things.

So, Mary, on behalf of all the subcommittee and the Members, we appreciate your many years of hard effort. I do not know how we could tackle the technical problems we have to face, were it not for your efforts. We appreciate you and we want to thank you.

Mr. Chairman, as I stated earlier, Mary Porter has provided more than 40 years of dedicated service to the District of Columbia government and to our Committee. That is an absolutely remarkable achievement—in fact, it is almost unbelievable. For all of those years, Mary has been with the Mayor's office where the budget is prepared. She follows the budget to the Council, and then she comes to Congress and follows it through the House, the Senate and finally the House/Senate conference. She is the technical expert and without question the single most knowledgeable person at any level when it comes to all aspects of the District's budget. In every organization or office there is one person who keeps everything together and running smoothly and who knows not only what needs to be done but also what it takes to get it done. Mary Porter is that person when it comes to the District government's budget. Her technical expertise, knowledge and temperament in putting the bill and report together cannot be matched. Many times Mary has worked 18-hour days and weekends but she was always back on the job bright and early. Mary has always set high standards that others find difficult to attain.

Mary came to the District of Columbia from a little town called Deer Lodge in Tennessee in May 1954 just out of high school and found her first job with the Equitable Life Insurance Company. She worked there until the birth of her first child in 1960 when she went to work in the District government's budget office. Back then the District's total budget was $196 million; today 40 years later it is $3.3 billion, a 1,584 percent increase over what it was when she started. I don't believe we can blame Mary for that phenomenal increase. Mary also witnessed the evolution of the governmental structure of the District of Columbia from a three-member Presidentially-appointed commission to a single appointed mayor-commissioner with appointed city council members to an elected mayor and city council form of government. I'm sure she could tell us first hand which form of government was the most efficient and effective in delivering services, but we will not ask her.

Mr. Chairman, there is only one Member of this House who was here when Mary first started working for the District government back in July 1960, and he is the Dean of the House. She has assisted the Committee under seven Committee Chairmen: Chairman Clarence Cannon of Missouri, Chairman Mahon, Chairman Whitten, Chairman Natcher, Chairman OBEY, Chairman Livingston, and now Chairman YOUNG. On the District of Columbia Subcommittee, she has served under Chairman Rabaut, Chairman Natcher, Chairman WILSON, Chairman DIXON, Chairman WALSH, Chairman TAYLOR, and now during my tenure. Mr. Chairman, I can attest to the fact that she is a "professional" in every sense of the word and has served chairmen and members of our subcommittee of both parties equally, providing them with her best advice and technical support.

Mr. Chairman, Mary is not one dimensional. Although she has been employed for the last 46 years, she and her husband Al have managed to raise a wonderful family. Their four children, Harvey, Lorne, Vance, and Vera are successful in their own right.

Mary, I know that I speak for the entire subcommittee and for this entire House in wishing you well in your retirement. Your 40 years with the District of Columbia government and your professionalism are a credit to our subcommittee, to the Committee and to the Congress. You are truly a remarkable person.

We all thank you very much.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, that was very gracious of you to recognize the personnel that make this bill work. I should have done it. I appreciate the fact that you did it on both sides of the aisle.

I do not know what Migo Miconi is going to do without Mary Porter, but she is going to be able to spend more time in my congressional district, I trust. She has been wonderful, invaluable, and, more importantly than what Migo is going to do without her, I do not know what the Congress is going to do without her and what the citizens of the District of Columbia are going to do without her. She is a great public servant and we thank her for the great job she has done and wish her many years of health and happiness in her retirement. I appreciate the fact that the gentleman recognized her.

Mr. ISTOOK. Mr. Chairman, to address the bill, I ask unanimous consent that I be granted an additional 2 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Chairman, it is important that we address the bill itself. I heard the gentleman from Virginia (Mr. MORAN) say "Let's pass the Senate bill." Well, there is no Senate bill. The Senate is just beginning their work. The House receives from its Budget Committee an allocation for the District, the Senate receives from its Budget Committee an allocation. There is a difference.

I think what the gentleman is referring to is that the Senate Subcommittee on the District of Columbia has been granted $30 million more by the Senate Budget Committee than the House Subcommittee has received from its Budget Committee, and the gentleman wants that additional money. Maybe when we get to conference, some of that additional money will be added and we will have the ability to do some things the gentleman wants to do.

But the whole tenor of comments, Mr. Chairman, to say, "oh, you are not doing this for the District and you are not doing that for the District," my goodness, what is the District not doing for itself?

This bill has $414 million in direct Federal appropriations for the Government of the District of Columbia, and that is on top of the $1.5 billion they receive from all the Federal programs in which they already participate that other communities around the country are able to participate in. This $414 million is on top of that $1.5 billion and it's given to the city to run their prisons, to run their court system, to run their probation and parole system.

On top of that, we have these other things, but they say it is not enough, it is not enough, it is not enough. Why? Because they say "well, we want another $17 million for the subway project, we want another $3 million for Poplar Point, we want another $3 million for education."

Let me suggest, Mr. Chairman, that if the District were more diligent in conducting its duties, they would not have these problems. We have the D.C. General Hospital that this Congress has been telling the District for years you have got to get on top of that. They give a $45 million a year annual subsidy to it, and, on top of that, they have been running a deficit of $35 million a year for the last 3 years.

If they want to have that money, then the District ought to stop the feather bedding, the cronyism and the mismanagement at D.C. General Hospital. It is long overdue. Some people are trying to do it now, and I applaud them for it, but some others in the District are saying slow down, do not do it.

If the District wants money for these projects, why do they not get serious about internal reform? Why do they not take a look at the $20 million that was spent on a payroll system that they have said they now have to scrap because of their incompetence in trying to get things done right? There is money, if you want to have it, for some other use.

Why do they not take the $32 million in other reform efforts that are now in jeopardy? Why do they not look at these things, at this waste, rather than just saying whatever you are doing Congress, it is never enough, it is never enough.

But the money they say they want for that New York Avenue Metro station, which is attracting private development money too, that money is in the bill. The $25 million they want for it is in the bill. Their objection is saying, "oh, wait a minute, but $18 million is coming out of this interest-bearing account held by the Control Board that is under the direction of Congress, and we want you to get it from some other account instead." Why? Because the Control Board in its last year of operation wants to double its own budget and wants to give golden parachutes to its people, instead of having that money go to the Metro station at New York Avenue.

Do not put the bug on Congress for mismanagement by the District of Columbia. There are many people working hard to correct that mismanagement and abuse, and I applaud those officials, but accept responsibility for the problems that the District brings upon itself, and do not try to shift the blame and say it is because Congress has failed to do enough.

□ 1200

Yet, we do have funds in here for the unique program that started last year to enable kids from the District of Columbia to go to college since the District does not have a State system of colleges. We have the money in here for that program. We have every penny that all estimates say are needed for the program and then some. But they still say, we want more, no matter what it is, we want more, we want more.

We have the money in here for the program of drug testing and drug treatment to a greater extent than anyplace else in the Nation, and yet, they say it is not enough. That program is Federally funded. We have not done that for Detroit, we have not done it for Cincinnati, we have not done it for Minneapolis or Phoenix or many other cities that say, we would like to have some help too. It is about time that some people in the District recognize what this Congress has done to fulfill its responsibility toward the Nation's Capital, what the people in America have supported for the Nation's Capital, and start working together instead of constantly just griping that it is never enough, no matter what we do.

We have gone above and beyond, and when we get to conference we may find that we have the ability to get a little more money to do even more. But for goodness sakes, to hear people say "vote against this bill because we are not doing enough for the District of Columbia" is nonsense. It is spin, and it is about time people got called on that spin.

Mr. Chairman, this is a good, solid, responsible bill. It moves reform in the District of Columbia, it requires accountability, it puts a stop to this endless drain by D.C. General Hospital that if left unchecked will take the city back into insolvency. It requires strengthening of the charter schools which education bureaucrats are trying to strangle right now, even as parents are saying, "I want my kids in this charter school because it is a public school that gives them an opportunity instead of being trapped in a dead end, nonperforming, dangerous school," as many of them are now stuck in.

Mr. Chairman, this bill is a bill to take care of the needs of the District of Columbia, to move along reform in the District of Columbia, and to promote responsibility and futures of hope, growth and opportunity.

Mr. Chairman, I would like to include in the RECORD an article on mismanagement and other serious problems, including what some might consider medical malpractice, at DC General Hospital. The article was the cover story in the August 18, 2000 edition of the Washington City Paper.

[From the Washington City Paper, Aug. 18–24, 2000]

### FIRST, DO NO HARM

(By Stephanie Mencimer)

When some D.C. General Hospital doctors talk about putting patients first, they're not being Hippocratic. They're being hypocritical.

About a year and a half ago, an inmate from the D.C. Department of Corrections came to D.C. General Hospital for hernia surgery. He hadn't seen his surgeon, Dr. Norma Smalls, in at least a month. But when the man arrived for his procedure, Smalls didn't do a fresh pre-op physical exam—a step that most surgeons regard as routine. Instead, according to former Chief Medical Officer Ronald David and three other hospital sources, Smalls just had the man put under anesthesia and then cut him open—on the wrong side of his body.

Finding no hernia, David says, Smalls walked out of the operating room, wrote some notes in the charges, and then looked over the medical records. Realizing her mistake, Smalls had her patient anesthetized once more and cut him open again.

Fortunately, the patient recovered. Still, such a "sentinel event," as a blunder like wrong-side surgery is known in the hospital business, is a very big deal, as serious a hospital disaster as an abducted baby or a rape by a staff members. The reason, of course, is that the kind of mistakes that lead to wrong-side hernia operations can lead to amputating the wrong leg or removing a healthy kidney.

If D.C. General were a normal hospital, Smalls' blunder would have come under intense scrutiny. The Joint Commission on the Accreditation of Healthcare Organizations (JCAHO) requires hospital medical staff to conduct a "root-cause analysis" of any wrong-side surgery and to implement an action plan to prevent such incidents from recurring. A hospital's accreditation is partly based on how its medical staff handles sentinel events.

Initially, though, the medical staff wasn't even planning to investigate Smalls' wrong-side surgery, according to David. When pressed by the administration, a committee made up of the chief of surgery, the chief of anesthesiology, and the head of the nursing staff eventually did review each department's role in the case. The nursing administration promptly fired a nurse who was found to be partially culpable. The doctors, however, found no problem with Smalls' performance in the operating room. Dr. Richard Holt, the hospital's chief of surgery, would not comment on the case.

Smalls declined to discuss the surgery other than to say, "I am a physician and citizen of high ethical standards," and that the JCAHO, the hospital accrediting body, was satisfied with the hospital's review process. "I have reams of documentation to show how well that was done," she says.

Nonetheless, the story of Smalls' surgical mistake spread through the hospital like a staph infection, raising eyebrows among nurses and other technical staff members who had heard constant rumors about her competency, according to several hospital sources. But that didn't stop the physicians from later electing Smalls as president of the D.C. General medical/dental staff. And today, she is head of quality assurance for the hospital's department of surgery.

Smalls and some of her colleagues on the D.C. General medical staff have been among the loudest voices complaining about the many problems ailing the District's only public hospital. They have taken their complaints about the hospital administration to the mayor, to the D.C. Council, and directly to Congress. They have demanded the ouster of former CEO John Fairman and even summoned various investigative agencies to scrutinize the hospital, which has run up $109 million in budget overruns and is at risk of being closed down completely.

Patients themselves are deserting the hospital in droves: More than 90 percent of Medicaid patients and 97 percent of Medicare patients now go to other, private D.C. hospitals, as do two-thirds of the city's 80,000 uninsured residents, according to D.C. Department of Health figures.

Yet during all the recent debate over the future of the city's ailing public health system, few people have ever stopped to ask whether Smalls and some of her medical colleagues might themselves be part of the problem.

For years, the medical staff has eluded the demands for accountability that have slowly started to take hold in other parts of D.C. government. Instead, the doctors have successfully portrayed themselves as the lone champions of health care for the poor, which is the one thing that D.C. General inarguably dispenses.

Yet internal memos from the D.C. Health and Hospitals Public Benefit Corp. (PBC), the body that oversees the public hospital and its clinics, show that far from improving patient care, Smalls and some of the elected leadership of the medical staff have fought to overturn disciplinary actions against poorly performing physicians and defend doctors' shoddy work habits. Even as they have complained about the quality of the nursing staff and hospital administrators, many of the physicians have fought off requirements to update their own skills, see more patients, and otherwise raise the standards of D.C. public health care. Moreover, past and present hospital administrators say that a vocal minority of those same doctors have played a key role in obstructing the very reforms that might put the PBC on better financial footing.

Deairich Hunter is the PBC's former chief of staff and a former staff member for Ward 8 Councilmember Sandy Allen, chair of the Health and Human Services Committee, which oversees the PBC. When he worked for the council, Hunter spent much of his time trying to save D.C. General. When he came to work for the PBC last year, though, he says, "I started to wonder what it was that I was saving."

To be sure, many of the 170 doctors who work for the PBC are devoted professionals who have a real commitment to public health care and labor under difficult circumstances. But then there are the others: the twice-bankrupt, many-times-sued OB–GYN and the former chief of trauma who allegedly saw only eight patients in a month, despite being paid for full-time work.

The city's doctors are emboldened by the same civil-service protections that make all D.C. government employees nearly impossible to fire, and they are largely immune from outside accreditation investigators, who evaluate hospital procedures, not physician competency. Duly insulated, the PBC's doctors have successfully chased out reform-minded administrators who have attempted to rein them in. "Using a good offense as their best defense, the medical staff has avoided accountability for years," says one hospital administrator, who wishes to remain anonymous.

The bureaucrats' attack on reformers is a time-honored D.C. government tradition. Such behavior has made city agencies like the Department of Motor Vehicles merely infuriating, but in a hospital, the consequences can be deadly. It's no surprise that even as D.C. councilmembers go to bat for the jobs of city doctors, the poorest city residents are taking their business elsewhere.

Last August, D.C. General OB–GYN John S. Selden III featured prominently in a front-page story in the New York Times about racial disparities among women who die in childbirth. "Most obstetricians are afraid to talk about losing patients," the story read. "But the doctors at D.C. General are surprisingly direct. Dr. John S. Selden, who has worked at the hospital on and off for the last 13 years, told of a death that occurred just a few months ago." The woman Selden described died on the operating table, moments after a Caesarean section at D.C. General.

Selden was something of an odd choice for the hospital to offer up as a national expert. Had the Times interviewed some of his former patients, the paper might have discovered that Selden has a somewhat blemished record as a physician. But his story helps illustrate why some doctors at D.C. General are often so militant about protecting their jobs.

In the past 20 years, Selden has been sued at least six times, racking up some huge settlements. In 1984, Selden treated a pregnant woman named Vanessa Black who had come to Greater Southeast Community Hospital suffering from vaginal bleeding. Selden discharged her the next day with instructions for strict bed rest, without determining whether it was safe for her to move. Black was still spotting, and a day later, she went into labor, had a emergency C-section because of hemorrhaging, and delivered a brain-damaged baby. In 1993, Greater Southeast settled a suit filed by Black's family for $1.3 million.

Another case is currently pending, filed by Cherif Abraham Haidara, alleging that during a 1997 delivery at D.C. General, Selden caused traumatic nerve injury to her baby's arm, rendering the arm useless. In this case, the family isn't likely to get a dime if it prevails in court, because Selden has no assets to speak of, having filed for bankruptcy protection twice in the past 15 years. And at the time of Haidara's delivery, he had no malpractice insurance.

Ordinarily, as a city employee, Selden wouldn't have needed malpractice insurance, because he would have been insured by the District. But Selden was working at D.C. General on a contract with the Medical Services Group, a private practice consisting of several OB–GYNs who had retired from D.C General in 1995 and had immediately gotten a $2.9 million emergency contract from the hospital. The contract allowed the doctors to earn significantly more than they would have as hospital employees. After the Office of the D.C. Auditor criticized the contract for various improprieties, the hospital canceled it in 1997.

D.C. General provided most of the group's clients, so when it canceled the contract, the practice shut down. During that last year, when Haidara's baby was born, the Medical Services Group doctors were carrying no malpractice insurance. They blamed the city, which they claimed was supposed to pay for the insurance. (The doctors are currently suing the District over the issue.)

According to his deposition in the Haidara case, Selden remained unemployed for about a year after his practice collapsed, and he eventually filed for bankruptcy protection. Later, he went to work for Planned Parenthood for about six months before D.C. General rehired him in March of last year.

Selden could not be reached for comment.

Given Selden's history, it might seem strange that D.C. General would be eager to have him back. But thanks to city pay-scale restrictions, the hospital is fairly desperate for specialists like OB–GYNs, whom it needs to maintain its accreditation. D.C. law bars city employees from making more than the mayor's salary, which for most of the 1990s was about $90,000. The going salary for an OB–GYN in the private sector is nearly $300,000. (The mayor's salary has since gone up, to about $120,000, but doctors' salaries have remained capped at $99,000.)

Lawrence Johnson, the medical director at D.C. General for 15 years until 1997, says the salary cap has always been problematic in keeping the hospital staffed up. "We couldn't keep a full-time specialist in some cases," he says, adding that the hospital has always relied on a patchwork quilt of coverage. "It's not the kind of arrangement that lends itself to building stability."

The PBC's poor pay—among the worst in the nation—combined with difficult working conditions and old-fashioned crony politics has helped make D.C. General a virtual dumping ground for troubled doctors. Alongside doctors like Selden, the hospital employs physicians who have left other troubled city facilities, like the D.C. Jail and the old city-run nursing home, D.C. Village, which was closed after a suit by the Justice Department, following the deaths of more than 30 residents from poor medical care.

Another of the hospital's former medical directors is Dr. William Hall, former Mayor Marion S. Barry Jr.'s longtime eye doctor, who was the medical director of the D.C. Department of Corrections when the jail medical services landed in receivership for abysmal treatment of inmates in 1995. A federal judge seized control of the services shortly after an inmate with AIDS died while tied to a wheelchair, where he has sat in his own feces, neglected, for several days. Hall went on to do a brief stint as D.C. General's medical director and is still employed at the hospital as an ophthalmologist.

Conventional wisdom holds that the trauma surgeons at D.C. General are among the hospital's best doctors, because of their experience in handling life-threatening gunshot wounds and other medical crises. Despite their reputation, though, no data exist to prove whether D.C. General trauma surgeons are any better than, say, Washington Hospital center's. And there's some evidence to suggest that they might be worse.

In 1995, an ambulance transported a transgendered man, Tyrone Michael (aka Tyra) Hunter, to the emergency room at D.C. General, where he later died after doctors failed to drain blood that had pooled near his heart, according to a lawsuit filed by Hunter's mother, Margie Hunter. Her lawyer, Richard Silber, learned during the litigation that Joseph Bastien, the trauma surgeon who had treated Hunter in the emergency room, had flunked his surgical board exams three times and was not certified as a surgeon.

In fact, out of the eight attending physicians in the trauma unit at the time, five were not board-certified, including the unit's acting chief, Dr. Paul Oriaifo. (Two of those noncertified doctors still work at the hospital.) In 1998, a jury awarded Margie Hunter $2.3 million, and the city last week settled the case for $1.75 million.

Silber says he was astonished at the poor qualifications of some of the trauma surgeons at D.C. General. "There are terrific public hospitals in this country. Just because they are public doesn't mean they have to have incompetent care," he notes.

It's 8:30 a.m. on Wednesday, July 5, and already the D.C. General orthopedic clinic is full of people on crutches or in wheelchairs, or sporting casts, slings, or metal staples in their knees. A man in a wheelchair with a full head rack and pins keeping his neck straight closes his eyes and exhales slowly. Almost 50 people have arrived in the basement of the hospital. Kenneth Reid, here for his broken knee, knows he's in for a long wait.

"Last time I was here, I had a 9 a.m. appointment, and I didn't get done until 4," Reid says.

The clinic is open only on Mondays and Wednesdays, and the staff schedules patients for appointments between 8 a.m. and 10:30 a.m. Even then, it's first come, first served. So people line up early and then hunker down in front of the TV. With luck, they'll get their blood pressure taken by the time Bob Barker wraps up The Price Is Right. If you feel really bad, Reid says, you can go to the emergency room.

Or you can employ Monica Parker's strategy; the fake faint. Parker, who recently broke both her legs, says she once got so tired of waiting that she staged a collapse on the way to the ladies' room. "I got right in," she says with a laugh. "You got to fall out right where everyone can see."

An elderly man who gives his name only as Oscar, who has been waiting almost a year for surgery on his hip, knows the system pretty well. "The whole thing is not to have the doctors waiting to see the patients," he explains.

There's no chance any doctors will be waiting today. Medical residents doing training as part of the Howard University Medical School do most of the work here, but they haven't arrived yet. That's because on Wednesday mornings, the residents have to attend a meeting at Howard University Hospital. They usually don't show up at the clinic until 10 a.m., even though patients have been sitting here for two hours by then. And as for the staff doctors, well, none of the patients seem to know when they get in.

Oscar says the attending physicians alternate covering the clinic because most of them also work somewhere else. Elaborating some common hospital folklore, Oscar explains confidently, "The hospital can't afford to pay doctors for 40 hours a week." The hospital does in fact pay the clinic's attending physicians almost $100,000 annually for full-time work, but conversations with other patients make it easy to see how Oscar came to that conclusion.

While dozens of patients watch Maury Povich berating moms for dressing so sexy that they embarrass their children, a woman in a bright-red dress and heels storms out of the clinic door, cursing the people behind Booth 2. She comes back later and throws herself into a chair. "I had three appointments. They made me come in. The doctor wasn't here," fumes Mary E. Muschette. "This is the fourth appointment. One day I was here at 7:30 and left at 3 after I found out that they had discharged me without seeing me. I've made this appointment since April for a jammed finger. Every time I've been here, no doctor." Muschette says she is supposed to see a specialist, but adds, "He's never here. If I had a job and did that, I'd be in trouble."

Muschette's furious tirade is more entertaining than Povich, and it sets off a round of complaints and affirmations from the other patients. "I never see the doctor who signs the prescriptions," Parker says, "I've only seen him once, and that was at Howard. He is on all my paperwork, though."

Dr. Easton Manderson, the chief of orthopedics, is himself the subject of patient complaints about scheduling. An inmate at Lorton, David Spencer, is currently suing Manderson in federal court for allegedly bumping him off the surgical schedule for more than a year, delaying a bone graft on his arm and, he says, causing partial paralysis. Spencer filed the suit pro se, but a federal judge believed Spencer had a strong enough complaint that he took the unusual step of appointing a lawyer to represent Spencer.

But Manderson is a busy man. Along with his full-time job at D.C. General, he also has two private practices. On Tuesdays, Wednesday, Fridays, and some Saturdays, he works at his Providence Hospital office. Then, on Tuesdays after 5 p.m., he works at his Eastern Avenue office in Maryland. Yet Manderson managed to collect $23,866 in overtime at D.C. General last year, according to documents provided by the PBC.

Manderson disputes this figure, and in a letter to the Washington City Paper, he said he spends only 12 of the 72 hours he works each week at his private office.

"I perform more surgery and see more patients than any other surgeon at D.C. General," Manderson said in his letter.

Moonlighting by full-time PBC doctors is a common practice, which the doctors justify because of their low salaries, and there's no rule against it. But the doctors are still expected to fulfill their duties for the PBC. It's clear from the stories at the orthopedic clinic, however, that the hospital is not getting its money's worth from some of its physicians.

The experience of the orthopedic patients was backed up in a recent review by Cambio Health Solutions, a consulting firm brought in by the PBC to analyze the hospital's management problems. Cambio found that doctors' overtime billing was based on the honor system and that the PBC had no system to document how much time doctors actually worked on behalf of the PBC. "Productivity standards are not existent," the consultants wrote. An operational review found that clinics failed to start on time because most of the physicians had practices in other parts of the District.

Absentee doctors are problematic for a variety of reasons. Medical residents, because of their junior status, can't sign any of the paperwork needed for billing, so patients routinely leave their charts with a physician's assistant whose job it is to track down the attending doctors for their signatures. As the paperwork stacks up, patients are often left waiting for weeks to get disability claims filed, for instance. Or, as happened in Oscar's case, the signature problem can delay treatment.

Oscar says that every time he comes in to the clinic, staffers treat him like a new patient and repeat the same tests, because they can't find his medical records. The doctors' failure to keep up on the paperwork also takes a financial toll on the hospital itself, because it can't bill for services unless physicians document them—a problem highlighted by consultants from Cambio.

For years, the PBC doctors have gotten away with such poor performance because they could count on their patients to keep quiet. Parker, for example, says that even though she usually plans to wait between five and 12 hours whenever she comes to the clinic, it would never occur to her to complain to hospital officials. "I'm not going to cuss you out about not getting what I pay for when I'm not paying anything," she says. Besides, she adds, "Nobody else will take me."

When she broke her legs—she tripped in the grass while walking in high heels—Parker says she was taken to Howard. But when the hospital discovered she didn't have insurance, it sent her by ambulance to D.C. General. "If I could go somewhere else, I would," she says.

For years, D.C. General patients have told horror stories about being unwittingly operated on by what they call "ghost doctors"—unsupervised residents who have not yet completed their medical training. In a place where such legends are as common as bedpans, most malpractice lawyers and others who regularly heard the stories never quite believed them. But Debra Burton says that, in her case at least, not only is the legend true, she can prove it.

In November 1992, Burton saw Manderson, the orthopedic surgeon, at Providence Hospital on a referral from a doctor at Howard University Hospital, who believed she needed surgery to have a bone spur removed from her foot. Burton says she saw Manderson for "about five minutes." She says he agreed to do the surgery but told her she had to have it done at D.C. General. So on Jan. 21, 1993, Burton checked into D.C. General, gave her Medicaid information, and was headed for the operating room when, she says, residents told her that Manderson wasn't at the hospital but was on his way.

Burton had the surgery, but she never did see Manderson. A few months later, she was still in excruciating pain. After several more visits to other doctors, Burton learned several startling facts: A nerve had been cut in her foot, but the bone spur was still here. And, most troubling, Burton says, she learned that Manderson hadn't actually performed—or supervised—the surgery as promised. Instead, she had been operated on by a couple of residents—doctors in training.

Burton has been disabled by the pain and unable to work ever since. She had hoped to file a malpractice suit, but she says her lawyer botched the case, and she eventually reported him to legal disciplinary authorities. She didn't give up, though. Burton has been on a mission ever since to find some justice, and she has collected an assortment of documentation about her case.

Among her papers is a 1997 letter Manderson wrote to the D.C. Board of Medicine in response to a complaint Burton filed against him. In the letter, Manderson claims he never told Burton he would take her as a private patient, but that "I would arrange to have her surgery done at D.C. General." However, Manderson's name appears on all Burton's D.C. General records as the admitting and attending physician, and her admission and consent form states that she agreed to surgery that would either performed or supervised by Easton Manderson.

Ronald David, the hospital's former chief medical officer, says that at D.C. general, attending physicians of record are expected to be responsible for their patients before, during, and after surgery—guidelines also specified by the American College of Surgeons.

In his letter to the medical board, Manderson maintains that even if he had agreed to do the surgery, he was not required to be in the operating room when residents were operating. He repeated this claim in his letter to the City Paper. In fact, in 1995, two years after Burton's surgery, D.C. General almost lost its Medicaid accreditation for, among other things, allowing residents to operate unsupervised, according to reports in the Washington Post. And David says, "If he is the attending of record, he was supposed to be there." Nevertheless, the board of medicine dismissed the complaint without any further investigation.

When she discovered that Manderson had billed Medicaid for part of the procedure, Burton filed a compliant with the city. Doctors at D.C. General are salaried employees and may not bill Medicaid individually for services they provide there; Medicaid pays the hospital directly. But Manderson and another doctor whom Burton claims she never saw both billed and were paid for services related to her surgery. In 1998, according to a letter sent to Burton in response to her complaint, the Medicaid office sought to recoup the money for what it called "erroneous billing." No investigation was ever launched. PBC officials declined any comment on Manderson's practice at D.C. General.

On Jan. 15, 1998, 93-year-old Ernest Higgins ran a stop sign at 10th and Constitution NE and was hit by a truck. He was admitted to D.C. General by trauma surgeon Dr. Chinwe Agugua suffering from some swelling on the side of his neck, but otherwise, he didn't have any other obvious injuries. The hospital kept him overnight for observation, and the next morning a nurse called Higgins' son, Daniel Higgins, and told him to come to take his father home.

The lifelong Washingtonian and former auto-parts store owner had been active for his advanced age, and his medical records even noted that he lived alone in a two-story house at 18th and Franklin Streets NE and was fully able to care for himself. But before Ernest Higgins was discharged, a nurse had to carry him to the bathroom.

"I thought this was odd, since the day before, he had been driving," says Daniel Higgins. As it turned out, his father couldn't walk, but no one at the hospital seemed to think this was unusual, so Higgins took him home. "I checked on him after [The Tonight Show], and he was sleeping. The next morning when I got up, he had passed away," he says. An autopsy revealed that the elder Higgins had suffered two broken vertebrae in his neck and had died from a major spinal-cord injury.

The Higgins family decided to pursue legal action against the hospital. They went to three different lawyers before the last one told them—wrongly—that they would never be able to collect any money from the broke D.C. government, and in any event, because Ernest Higgins had been so old, there wouldn't be much in the way of damages to recover. Before they had a chance to pursue the case further, the statute of limitations for filing a suit ran out. Still, Higgins' granddaughter continued to demand that the PBC investigate the handling of the case, but she never got an answer. Dr. Richard Holt, who had been Higgins' attending physician, said last month in an interview that he did not remember Higgins.

Doctors who work for the PBC are protected by civil service rules and the hospital's peer review committees. As the Higgins case demonstrates, they are also largely insulated from scrutiny by the most effective, if de facto, medical regulators: malpractice attorneys.

Higgins' claim was one of 17 notices sent to the District government since January 1998 declaring intentions to sue the hospital for wrongful deaths. Of those, 12 cases never went to court, including the Higgins case. Some were denied because the potential plaintiff failed to adhere to the strict filing timetable required under D.C. law. Anyone intending to sue D.C. General must notify the city within six months of the alleged malpractice. A lawsuit in a wrongful-death case must then be filed within a year; other malpractice cases must be filed within three years.

Diane Littlepage, a malpractice attorney in Baltimore who has successfully sued D.C. General, says that very few people are able to make the six-month deadline, which doesn't exist for private hospitals. In addition, attorneys generally don't regard D.C. General patients as attractive clients. That's because wrongful-death awards are based on the value of a person's life, which a civil suit reduces to a cold calculus of economic activity and life expectancy. If a patient was poor or unemployed, or had any kind of lifestyle issues that might shorten life span, such as criminal activity or drug abuse—all common issues with many D.C. General patients—that patient's life doesn't add up to much in a lawsuit.

Malpractice cases are also extremely costly to litigate, so lawyers who do take them pick up only clients whose potential awards will more than cover the costs of trying the case. Bill Lightfoot, a prominent malpractice attorney and former D.C. councilmember, says be routinely spends $50,000 to $100,000 to litigate a wrongful-death case.

Because of the lawyers' informal vetting system, when malpractice suits do go forward against doctors at D.C. General, they are fairly serious. Here are a few recent examples:

Tammara Kilgore, 22, arrived at D.C. General on April 26, 1998, suffering from nausea, fever, and highly abnormal liver functions. Doctors allegedly diagnosed Kilgore with a urinary-tract infection—without performing a urinalysis—gave her some antibiotics, and sent her home, according to the suit filed by her family. Kilgore died a few days later from liver failure stemming from hepatitis.

Darryl Kelley, 19, arrived at D.C. General suffering from a gunshot wound to the face in February 1997. The bullet had broken his jaw, but he could talk, swallow, and breathe. Dr. Norma Smalls did exploratory surgery on his neck and put a tube in his windpipe so he could be hooked up to a ventilator after oral surgeons wired his teeth together. Two days later, Kelly was dead—but not from the bullet wound. An autopsy later showed that he had suffocated to death from a blockage in the tracheotomy tube. On April 11 of this year, the city settled a wrongful-death suit brought by Kelley's family for $175,000.

In November 1998, Gloria Porter, 50, was admitted to D.C. General to have a benign polyp removed from her duodenum. Instead of just removing the polyp, Dr. Paramjeet Sabharwal and two residents allegedly performed a risky surgery designed for excising advanced cancer, removing her gall bladder, part of her duodenum, and part of her pancreas. A week later, Porter, who didn't have cancer, died from a massive hemorrhage—a complication of the surgery—according to a suit filed by her daughter last August.

Bruce Klores, one of the city's leading malpractice attorneys, who has won several large verdicts against D.C. General, says that the hospital has "probably the most underreported malpractice of any hospital in the city."

When David accepted the position of chief medical officer for the PBC in 1997, he was looking forward to having a hand in patient care once again. For the previous six years, he had been teaching health policy at Harvard University's Kennedy School of Government. Before that, he had served as deputy secretary of health, and then acting secretary of health, under Pennsylvania Gov. Robert P. Casey. An African-American neonatologist and pediatrician who grew up in a mean South Bronx neighborhood, David was an idealist who believed passionately in the public service aspect of medicine.

But David quickly discovered that D.C. General was like no place he had ever experienced. To be sure, it had the usual problems of any public hospital: too little money, insufficient equipment and supplies, and an aging building that was suffering from disrepair. But that wasn't what he found most troubling about the place.

When David arrived at D.C. General, he recounts in an interview, as patients waited hours upon hours in the emergency room, doctors were not coming to work on time, they were leaving early, and they were often sleeping on the job, in part because they were working full-time jobs elsewhere. The celebrated trauma surgeons refused to see other, "ordinary" emergency room patients who weren't suffering from major injuries such as gunshot wounds, even when those surgeons weren't busy with other patients.

After interviewing patients, David also discovered that some of the OB–GYNs were skimming off patients with insurance and Medicaid, sending them to their private-practice offices and delivering their babies at other hospitals, where doctors could bill the insurers or Medicaid for their services. "In some instances, doctors would actively dissuade patients from going to D.C. General," says David. "We had patients tell us that doctors had told them not to come back."

He also found that doctors weren't showing up on time for clinics and were occasionally working in their private practices when they were expected to be at D.C. General. About six months after David took over as chief medical officer, someone in the emergency room paged Manderson, who was supposed to be on duty. The page was returned by a nurse at Providence Hospital, who said Manderson wasn't available because he was in surgery.

The event was one of a long line of problems that prompted David to draw up a memo in which he told the medical/dental staff that he would be giving them a one-month amnesty period in which to clean up their act. After that, he told the doctors, they would be disciplined severely for a number of practices that had long been tolerated at the hospital.

In the amnesty memo, David told doctors that he expected them to work the hours that they were scheduled and paid for and that they were recording on their time sheets. He barred them from doing union work or private-practice work during regular hours and then working for the PBC afterward to collect overtime.

He required the full-time community health center staff to show up five days a week. He demanded that surgeons be in the operating room to supervise surgeries and that they be available to the patients immediately before and after surgery for follow-up. He barred doctors from ordering supplies and equipment for use in their private offices. And he asked that they fill out medical records on time.

Finally, David warned that if he caught any physicians collecting insurance information from PBC clients for the purpose of sending paying patients to their private offices, they would be in serious trouble. In his memo, David wrote, "Please know that my intent is to hold us to high standards of performance and integrity despite the prevailing political and economic forces that serve to undermine the PBC. I will not allow us to assume the role of victims."

Although David's demands seem rather basic—things one would expect from competent doctors who care about patients—the D.C. General medical staff was outraged. The doctors declared war on David.

Leading the charge against David was Oriaifo, then the acting head of trauma and later president of the medical/dental staff. A charismatic Nigerian who went to medical school in the former Soviet Union, Oriaifo had been active in the doctors' union at the hospital, where he has worked for the past 16 years. David and Oriaifo first butted heads when David removed Oriaifo as acting chief of trauma and placed the trauma unit under the supervision of Dr. Howard Freed, the new director of emergency medicine.

The demotion prompted Oriaifo to call an emergency meeting of the medical/dental staff, alleging that he had been persecuted for speaking out about the administration's failure to support clinicians. In a memo to the PBC board, Oriaifo claimed that Freed was not qualified to supervise him because Freed wasn't a surgeon.

In fact, Freed was the first person ever to run D.C. General's emergency department who had been both trained and board-certified in emergency medicine. He had more than 20 years of experience working in trauma centers and fixing troubled emergency rooms.

Oriaifo, on the other hand, is not board-certified in surgery or any other specialty. Furthermore, under his leadership, the hospital's trauma unit has lost its Level 1 trauma designation from the American College of Surgeons—a designation that qualifies a trauma center to treat the most severe cases. (Oriaifo blames this loss on a lack of institutional support from the PBC, not any shortcomings of his leadership.) Nonetheless, Oriaifo soon got his job back after Mayor Barry intervened on his behalf.

Undaunted, David continued to discipline wayward doctors. He suspended and later fired a doctor for failing to complete medical records; he demoted a podiatrist who had refused to treat inmates and who the nursing staff had complained wasn't starting clinics on time. After he discovered what outside consultants would later confirm—that the hospital had too many managers—David also demoted a physician who had been getting extra pay as the administrator of the "Neurology Department," which had only two doctors in it.

David really angered the medical staff when he started showing up early at hospital clinics to see whether the doctors were at work on time. Nurses had complained that one particular doctor's tardiness was pushing a clinic to stay open later in the afternoon, requiring the hospital to pay the nurses overtime. David caught the doctor red-handed, contacting her on her cell phone. She was dropping her kids off at school an hour and a half after she was supposed to be at the clinic.

The personal investigators prompted Oriaifo to stand up at a PBC board meeting one day and protest that David was "spying" on the doctors, which he said the staff considered highly inappropriate for the chief medical officer. David says Oriaifo didn't get much sympathy from the board.

Oriaifo and the elected medical leadership defended the disciplined doctors, claiming that they had been singled out for criticizing the PBC. The medical staff believes itself to be an independent governing body under city law, and it often argues that only staff doctors can discipline other doctors, even for administrative rather than clinical matters. As a result, the group has tried to overturn many disciplinary actions imposed by the hospital administration.

In a 1998 memo to the PBC board complaining about David, Oriaifo wrote: "Dr. David has done nothing to support the practitioners as we struggle to render care to our patients. . . . For all intents and purposes, and based on all available credible evidence, Dr. Ronald David appears to be a clueless enforcer and not a leader. WHERE DO WE GO FROM HERE?" A month later, Oriaifo helped organize the first of two votes of no confidence against David. The votes were largely symbolic, but they constituted a direct demand by the doctors to the PBC to oust David.

In an interview, Oriaifo contended that David was a failure as an administrator because he was an outsider: "Ron David just blew out of Harvard. What does he know about D.C. General?"

Nevertheless, David held on to his job. When PBC board member Victor Freeman, the medical director for quality for INOVA Health Care, voiced his support for David's actions, the medical staff attacked Freeman, too. In a letter dated Feb. 3, 1999, Oriaifo wrote to Bette Catoe, the chair of the PBC board, complaining about Freeman. "How many more victims will be claimed by this scorched-earth, slash-and-burn, take-no-prisoner tactics before someone acts to stop the madness??" Oriaifo wrote. "WE ARE FRIGHTENED. . . . We are UNDER SIEGE. We are at the brink of cataclysm. . . . PLEASE HEAR MY CRY, PLEASE HEED MY CRY!"

David says his critics were mostly interested in covering up their malfeasance and laziness. "They threw up smoke screens," he says, noting that they went after anyone who tried to discipline them. For example, David says, as Freed put pressure on the emergency-room doctors to be more productive and see more patients, they responded by calling in the D.C. Office of the Inspector General, filing sexual harassment and discrimination charges against him with the Equal Employment Opportunity Commission.

Despite the doctors' resistance—and the dire warnings from the medical staff that the hospital was on the brink of disaster—David says Freed managed to reduce waiting times in the emergency room by better than 50 percent.

Finally, David attempted to put to rest the constant rumors about the surgical competency of Smalls. In March 1999, the JCAHO had approved the hospital's procedures for reviewing Smalls' wrong-side surgery. But the agency evaluated only the process, not the outcome, with which David was still dissatisfied. So he consulted Freeman, the PBC board's quality-assurance expert, and they decided to send the case to an impartial committee of physicians from the D.C. Medical Society.

Late last summer, the medical society found significant problems with the surgery, which David used as justification to review some of Smalls' past cases. He also ordered the doctors to create an action plan that would prevent such mistakes in the future. In the end, though, David says, his effort to compel the doctors to discipline themselves amounted to very little. Forcing them to put the patients' interests before their own, says David, was a monumental fight.

When he first came to D.C. General, David says, he sustained faith in the miracles performed at the hospital, where he found that most doctors managed to do good work under very difficult conditions. For a while, he had even felt comfortable bringing his wife there for treatment for sickle-sell anemia. But when the medical staff failed to institute an effective peer-review system, David decided that he couldn't maintain high standards at the hospital. He resigned last September. In a few weeks, he will be entering a seminary, where he hopes to learn some language of healing to bring to the practice of medicine. "It was just so dispiriting," David says of his time at D.C. General.

After David left as chief medical officer, Dr. Robin Newton, a popular doctor who had recently been the president of the medical/dental staff, took over. She continued to pursue David's quality objectives, and in February of this year, the hospital fired Oriaifo.

For many years, Oriaifo had also held a job at Providence Hospital, and the PBC administration believed he wasn't putting in the time he was being paid for at D.C. General. An audit concluded that Oriaifo had seen only eight patients while working 24 hours a week from Oct. 15 to Nov. 15 of last year. Oriaifo disputed the veracity of the audit, and the medical staff organized a vote of support for him. Then the doctors called in the JCAHO, which sent surprise inspectors into the hospital in early March, prompting yet another crisis for the beleaguered institution.

Oriaifo has since filed a $1 million whistleblower suit against the PBC, contending that he was fired for criticizing the hospital management, which he alleges retaliated against him, even going so far as to revoke his reserved-parking privileges. "When you give your whole life to a service and you end it with a kick in the pants, it hurts," he says.

Oriaifo says he was only looking out for patient care, calling attention to the administration's failure to respond to doctors' complaints about a CT scanner that broke down twice a week, defibrillators that malfunctioned regularly, and incompetent nurses in the trauma center. He says the hospital has seen its patient count dwindle by 20,000 since 1995 because the emergency room has been closed down repeatedly for lack of beds. "Is it your fault when people say you're not productive? The problem is not the employees. The problem is leadership and management," Oriaifo contends.

To make his points, he has charts he sent to the PBC board outlining a proposed reorganization of the emergency department and memos with long lists of complaints about poor management. In the course of an interview in which Oriaifo talks almost nonstop for three hours, it becomes clear that he believes that he personally should be running the hospital. "I, Paul Oriaifo, was one of the doctors who received [Capitol shooter] Russell Weston! I was running the service of excellence!" he says, gesticulating wildly. "We [staff doctors] are the main engine of the PBC. We revolutionized that hospital. We are victims here."

Since Oriaifo's departure, the PBC's medical staff has directed its attacks at Newton. On July 3, Dr. Michal Young, the new president of the medical/dental staff, wrote to the PBC board complaining that Newton had, among other wrongdoings, ignored Oriaifo's request to volunteer in the trauma unit. (Oriaifo has offered to volunteer 20 hours a week in the trauma unit because of his "deep commitment" to the hospital. He also admits that by doing so, he would be able to keep his leadership job with the elected medical staff.)

Perhaps Newton's biggest offense in the eyes of the doctors, however, was her support for legislation in the D.C. Council that would have designated the doctors "at-will" employees—which would have made them much easier to fire. (The legislation was withdrawn after a flurry of lobbying by the medical staff.) Late last month, the medical staff staged a vote of no confidence against Newton.

Meanwhile, all the complaining by the medical staff has had an effect in one respect, at least: Former CEO John Fairman has been removed, and now everyone from the General Accounting Office to Congress is scrutinizing the PBC. But the end result may not be exactly what the doctors had in mind.

The PBC is preparing to lay off hundreds of workers, including doctors, to avert a shutdown of the hospital entirely. Services to the poor will likely be severely curtailed. Trauma surgeons are in all likelihood going to be phased out altogether. Their special designation as an independent unit within the emergency department—which has other surgeons on which to draw—was always an anomaly, and outside consultants found them to be vastly inefficient.

And in the end, the people who are going to suffer the most are the city's poor and uninsured—the very people the medical staff has claimed to be standing up for all along.

Mr. Chairman, I urge my colleagues to vote aye on this bill.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 4942, the District of Columbia appropriations bill.

As reported by the Appropriations Committee, this bill contains an appropriation that is $22 million below last year's funding level. Additionally, this bill provides 7 percent less funding than the District requested. But Mr. Speaker, what bothers me the most about this bill is its inherently undemocratic nature. H.R. 4942 contains dozens of general provisions that preempt local decision-making power from the District and redistribute it to the Federal Government. Through these unnecessary and burdensome provisions, this legislation undermines local control and intrudes into the internal affairs of the District of Columbia.

H.R. 4942 contains numerous underfunded priorities, including the following cuts from last year's levels and the administration's requests:

A $3 million reduction in the fiscal year 2000 funding level for the program that assists District of Columbia students who must pay out-of-state college tuition costs. This funding cut is particularly insidious because the District is not a state, and therefore local high school graduates do not have the access to a state system of higher education offered to students in the rest of the country. Education must be one of our highest priorities as a nation, and this bill neglects that goal.

No funds for adoption incentives for children in the District of Columbia foster care system. The administration requested $5 million for this priority, which helps remove children from the foster care system while seeking to place them with a loving and stable family.

In addition to the concerns about funding levels, H.R. 4942 includes a number of legislative riders, several of which have been attached to the bill in prior years. I support the amendments offered by Delegate ELEANOR HOLMES NORTON from the District that would strike approximately 70 general legislative provisions in the bill. These provisions contain regulations and restrictions related to the management and finances of the District Government, as well as a rider that would ban the use of funds for activities intended to secure voting representation in Congress for the District of Columbia.

Mr. Chairman, the residents of the District deserve to be represented in the Congress of the United States, just like the residents of the Third District of Kansas deserve to be represented. District residents deserve the right to advocate the support or defeat of pending legislation before Congress, a right currently enjoyed by residents in all 50 states. The founding Fathers fought the Revolutionary War to protest taxation without representation, and all that the District's residents are requesting is full access to this inherent American right.

Mr. Chairman, I have supported and will continue to support both the theory and practice of "home rule" for the District of Columbia. The District's nearly 600,000 residents deserve the same right to self-government that the rest of America enjoys. I urge my colleagues to stand up today for the principle of local government and the belief that all Americans have the inherent right to govern themselves without unnecessary Federal intervention.

Mr. ISTOOK. Mr. Chairman, I urge adoption of the bill.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 563, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 in House Report 106–790 offered by Mr. BILBRAY of California, followed by Amendment No. 2 in House Report 106–790 offered by Mr. SOUDER of Indiana.

The Chair will reduce to 5 minutes the time for the electronic vote after the first vote in this series.

### AMENDMENT NO. 3 OFFERED BY MR. BILBRAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 155, not voting 13, as follows:

[Roll No. 472]

AYES—265

Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (FL)

### NOES—155

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Ballenger
Barrett (WI)
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Engel
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Hutchinson
Jackson (IL)
Jefferson
Jenkins
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pascrell
Paul
Pelosi
Pickett
Pomeroy
Rahall
Rangel
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Slaughter
Smith (WA)
Snyder
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Velazquez
Wamp
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn
Young (AK)

### NOT VOTING—13

Becerra
Campbell
Clayton
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Neal
Vento
Waters
Wise

□ 1226

Mrs. JONES of Ohio, Mrs. NAPOLITANO, and Messrs. WAMP, HUTCHINSON, and EVANS changed their vote from "aye" to "no."

Ms. DEGETTE, and Messrs. DEUTSCH, PRICE of North Carolina, ROTHMAN, and PAYNE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. DUNCAN. Mr. Chairman, on rollcall No. 472 I inadvertently pressed the "nay" button. I meant to vote "aye."

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 563, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 2 OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

> Amendment No. 2 offered by Mr. SOUDER:
>
> In section 150, strike "Federal".

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 181, not voting 14, as follows:

[Roll No. 473]

### AYES—239

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

### NOES—181

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Conyers
Cooksey
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson

Gephardt
Gillmor
Gonzalez
Gordon
Greenwood
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—14

Becerra
Campbell
Chenoweth-Hage
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Neal
Taylor (NC)
Vento
Waters
Wise

☐ 1235

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. BARRETT of Nebraska, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 563, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 217, nays 207, not voting 10, as follows:

[Roll No. 474]

YEAS—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—10

Becerra
Campbell
Eshoo
Gutierrez
Klink
Lazio
McCollum
McIntosh
Vento
Wise

☐ 1252

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The chair notes a disturbance in the gallery in contravention of the law and rules of the House.

The Sergeant-at-Arms will remove those persons responsible for the disturbance and restore order to the gallery.

☐ 1253

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST) pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 574 is a standard rule providing for consideration of the conference report to accompany the National Aeronautics and Space Administration Authorization Act, known as NASA.

The rule waives all points of order against the conference report and against its consideration. Additionally, the rule provides that the conference report shall be considered as read.

Mr. Speaker, this House could not have picked a more appropriate time for consideration of this conference report.

Earlier this week, the crew of mission STS-106 entered the International Space Station to prepare for the arrival of its first permanent crew.

Those crew members became the first humans to enter the service module which will serve as a living quarters and command and control center for the space station complex, an historic, multinational effort that is expected to create more than 75,000 jobs here at home.

With their scheduled return to Earth on Wednesday, I know that this House and this Nation wishes Commander Terry Wilcutt and the crew of *Atlantis* Godspeed.

Since the dawn of man, the human race has been ingrained with a fascination and a need to slip beyond its boundaries and explore the unknown. From across the continents to the depths of the oceans and to the far reaches of space, that pioneer spirit continues to this day. And its contributions and discoveries have had a significant impact on our society and our way of life.

When Neil Armstrong took that giant leap for mankind on July 20, 1969, perhaps he did not realize that the same technology that protected him from the harsh elements and atmosphere of the Moon would one day allow a 6-year-old boy from Virginia Beach to walk in the sunlight of the Earth.

Just a couple years ago, Mikie Walker became the first American child to receive a modified space suit that protects him from the sun's ultraviolet rays and other light sources.

Suffering from a genetic disorder that causes extreme and potentially dangerous sunlight sensitivity, NASA spacesuit technology allowed him to play outdoors for the first time in his young life.

More than 1,300 documented NASA technologies have benefited U.S. industry, improved our quality of life, and created jobs for Americans.

The Space Shuttle program alone has generated more than 100 technology spin-offs, including a tiny 2-inch by 1-inch, 4-ounce artificial heart pump whose technology was first used to drive fuel through the Space Shuttle.

Mr. Speaker, the underlying legislation will allow NASA to continue to ensure this Nation's leadership role in space exploration and applied science.

The underlying legislation authorizes funding for the Space Shuttle, International Space Station, scientific research, Payload/ELV support and investments in support at the level of the administration's request.

Mr. Speaker, the U.S. space program's new technologies, breakthroughs in medical research and other scientific discoveries have quite literally changed the lives of people across the globe.

Recognizing NASA's development of noninvasive diagnostic capabilities in the life sciences, the underlying legislation includes the House language setting aside $2 million for early detection systems for breast and ovarian cancer.

□ 1300

The legislation reflects Congress' continued endorsement of NASA's faster, better, cheaper concept and belief that a greater number of small missions will do more to advance certain scientific goals than large missions launched just once every decade.

Additionally, NASA has made strides to reduce institutional costs including management restructuring, facility consolidation and procurement reform. Under this legislation, they will be encouraged to continue to pursue these actions. With Congress' commitment to move our space program forward, young Americans will continue to be attracted to fields and job markets like science and engineering, areas that are key to making American industry more competitive across the globe.

I would like to commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) for their hard work on this legislation. I urge my colleagues to support both the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule, which provides for the consideration of the conference report to accompany H.R. 1654, the National Aeronautics and Space Administration Act of 2000. It is especially fitting that we should consider this conference report today since our shuttle astronauts have been this week working in space to outfit and activate the International Space Station in preparation for the first full-time crew's arrival in early November. NASA has scheduled a long list of flights to the space station to install modules which will aid in the long-term mission of research that has been designed specifically for this weightlessness scientific laboratory.

To fulfill these important missions of the space agency, this conference agreement authorizes a total of $14.2 billion for NASA in fiscal year 2001 and $14.6 billion in fiscal year 2002.

Mr. Speaker, this is the usual rule providing for the consideration of conference reports, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise in support of this conference report and in support of the rule. I want to commend the gentleman from California (Mr. ROHRABACHER), chairman and also the ranking member of the Subcommittee on Space and Aeronautics. I also commend the gentleman from Wisconsin (Mr. SENSENBRENNER) and the ranking member, the gentleman from Texas (Mr. HALL), for navigating this important authorization through all the necessary hurdles and coming to the floor today with a good bill.

I am pleased that an amendment assisting our farmers and our ranchers I offered during the original consideration of this legislation remains in this final package. The amendment directs the Administrator of NASA to discover and catalog the kind of remote sensing information, commercial and otherwise, that might help farmers and ranchers determine potential crop shortages and surpluses and ultimately make decisions about how they might best use their land.

Our ability to anticipate crop production around the world by using remote sensing technologies has advanced tremendously over the last 30 years. We are now able to estimate yields of some of the major crops, within plus or minus 10 percent 60 days before harvest. That means often within 30 days after planting, in southern climates we can predict expected over- and underproduction before planting starts in some northern areas. By keeping track of what is happening on the ground, with planting date, mosture, etc. we can predict what is happening to that crop. Other farmers can adjust their plantings. We can help stop shortages and excess and maximize profit. We can make sure that there is not hunger because of the lack of knowledge on the part of farmers to plant the kind of acreage necessary to accommodate shortages in other parts of the world.

Once again, I am pleased that this provision has been retained. I am pleased to stand in support of this rule and this legislation.

Mr. FROST. Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time.

Mr. Speaker, I rise today in support of the rule and the conference report, the NASA Reauthorization Act. I believe it is a good bill and will continue to support NASA in its science exploration endeavors while maintaining the balance and cost effectiveness within its priorities. I want to specifically thank the chairman of the committee and the ranking member for their continued support of an amendment that I have had included in the legislation.

There have been two major occurrences within the past 10 years that have proven to be a striking blow to national security interests of our Nation. First, the People's Republic of China, the PRC, used information it obtained as a result of our cooperation on satellite technology to upgrade its ballistic missile system and thereby improving its range and accuracy of its booster systems. It also used information obtained as a result of deliberate and successful espionage efforts at our nuclear laboratories at the Department of Energy in order to improve their nuclear warhead arsenal.

While I recognize the value of international cooperation on our space program, it is vital that such cooperation not result in the transfer of inappropriate technology or otherwise increase the threat to U.S. national security and international peace. I believe my amendment accomplishes this by requiring the Inspector General of NASA to assess, on an annual basis, in consultation with the intelligence community, NASA's compliance with export control laws and the exchange of technology and information that could be used to enhance the military capacities of foreign entities.

This amendment reestablishes that it is the policy of the United States to make certain our good faith efforts to share our technological advances with world partners are not turned against us in the form of advanced military threat.

Mr. Speaker, NASA is one of the most respected governmental institutions in the world and its contributions to the technological development in the United States are enormous. This amendment ensures that the reputation so painstakingly earned is never tarnished again. I want to praise the bill's sponsors, especially the chairman of the committee, for standing with us on this amendment and urge passage of this rule and this important legislation.

Mr. FROST. Mr. Speaker, I would urge adoption of the rule, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 574, I call up the conference report on the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001 and 2002, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 574, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 12, 2000, at page H7404.)

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 1654.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1654 and urge my colleagues to vote for the conference report so that we can send this bipartisan bill to the President and have it signed into law.

This bill is endorsed by all the conferees, regardless of party, in both the House and the Senate. I wish to express my appreciation for the hard work of the gentleman from Texas (Mr. HALL), the gentleman from Tennessee (Mr. GORDON), the gentleman from Florida (Mr. WELDON), and the gentleman from California (Mr. ROHRABACHER) and offer my thanks for their services on the conference committee and their suggestions for compromise without which we would not be on the House floor today.

In passing this bill, Congress will help determine the priority investments in science and technology needed to fulfill America's future in space.

H.R. 1654, the NASA Authorization Act of 2000, authorizes the activity of our civilian space program for fiscal years 2001 and 2002. The bill authorizes $14,184,400,000 for NASA in fiscal year 2001, which is about $149 million more than the President requested. It also authorizes $14,465,400,000 for NASA in fiscal year 2002, which is $160 million above the President's request.

The bill fully funds the request for human space flight, including the Space Shuttle and the International Space Station. More importantly, it contains key policy provisions to control cost growth and maintain the schedule of the International Space Station.

The bill caps station costs at $25 billion. We have slightly increased the program reserves that a blue ribbon task force argued were needed to avoid future costs growth. Additionally, we have added a contingency authorization of 20 percent to address the worst case scenarios, such as a partner's withdrawal from the program or the loss of an element during launch. We have also protected the space station design, which will remove a source of future cost growth and scheduled delays.

By moving NASA in the direction of a commercial Transhab structure, we transfer the risks and costs of development to any private sector entrepreneur willing to take them. We have also developed three new provisions to address the Russian situation. For years, the Russian Government has failed to provide the resources needed for the Russian Space Agency to meet its obligations to the International Space Station partnership. These failures have cost the United States some $5 billion and delayed the program's completion by over 4 years.

The Russian Government recently diverted two progress vehicles and a Soyuz spacecraft to Mir, despite previous promises to use them to meet Russia's obligation to the International Space Station. This bill would seek to prevent recurrences by directing the highest levels of the U.S. Government to raise this issue with their counterparts in Russia. Hopefully, by bringing higher level political attention to the problem, we can solve it.

The bill also directs the NASA administrator to seek and renegotiate the appropriate international agreements to bring the benefits each partner receives from its involvement in the International Space Station into line with the partner's actual contributions. This provision will help us return the International Space Station partnership to the equitable foundation required by the Intergovernmental Agreement. Simply put, the administrator would have to seek to reduce Russia's utilization rights while increasing our own and those of our other partners until such time as Russia meets all of its obligations to the International Space Station.

Last but not least, the bill directs the administrator to seek to reduce America's share of the operating costs as compensation for any additional capabilities we provide to our partners through NASA's Russian Program Assurance activities. NASA plans to spend about $1.2 billion directly making up for Russia's failures. Some of this funding will result in a more capable station so it makes sense to reduce our outyear costs vis-a-vis the other partners as compensation for performing above and beyond the call of duty.

In addition to the policy provisions intended to improve our human space flight program, we have increased funding for the critical area of science aeronautics and technology. These critical investments are needed to build a better future and have produced such past scientific and technological breakthroughs as the Topex-Poseidon spacecraft, which has vastly improved our knowledge of the El Niño effect and its impact on the global environment.

NASA's activities in space science have brought us the amazing discoveries of distant planets and black holes by the Hubble Space Telescope and the Chandra X-ray Observatory. Aeronautics research has improved the performance and efficiency of our military and civilian aircraft, while life and microgravity research is helping chart the growth of cancer cells.

☐ 1315

These additional funds will accelerate NASA's Near Earth Object Survey to detect asteroids and comets that may threaten Earth, to enable NASA to conduct an Earth Science Data Purchase program that leverages billions in private investments for scientific purposes, to allow NASA to fund additional life and microgravity researchers so that the International Space Station is fully utilized for scientific benefit, and to accelerate NASA's efforts to leverage its scientific efforts to improve math and science education in the United States.

Members may be pleased to hear that we have authorized funding for space grant colleges and universities, which many Members from both sides of the aisle have sought.

There have been no NASA authorization bills sent to the President since 1992. This is the first time in 8 years that the House and the Senate have managed to build a consensus about the policies and priorities that affect the future of our space program. By passing this bill, we hope to give the appropriators additional tools and guidance to use in their annual deliberations. We will provide congressional guidance on a variety of space issues facing NASA and again demonstrate our commitment to the future of science and technology in the United States. I urge my colleagues to adopt this conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say a few words, add a few words to what our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), has said in support of the conference report. The report, of course, provides a 3-year authorization for the National Aeronautics and Space Administration. Specifically, it provides a total authorization of $42.4 billion over the period starting in fiscal year 2000 through fiscal year 2002, including the authorization of $14.184 billion for fiscal year 2001 and $14.62 billion for fiscal year 2002.

While I feel like I may be as conservative maybe as some of the other guys around here in the House, I still believe and I think we are on solid ground when we invest in NASA. I think it is the right thing to do, and I think especially it is the right thing to do now that we finally balanced the Federal budget, and that we are in for some years of surplus years.

Within those overall spending levels, the conference report fully funds NASA's major programs in both fiscal year 2001 and fiscal year 2002, including the International Space Station and the Space Shuttle. As part of the Space Shuttle authorization, funding is provided for needed safety and reliability upgrades to the Shuttle. All of the other accounts are also funded at or above the levels requested by the administration, including the Space Launch Initiative, an initiative that is intended to dramatically reduce the cost of getting payloads into orbit.

An area of research that I am personally interested in is life science and microgravity research. I am very pleased that the conference report increased funding for this important research, research that has already benefited our citizens here on Earth in many ways, and I am convinced that we will see even more significant ventures and more safe returns on our investment in that research once the space station is operational.

Among the areas receiving increases are NASA's educational programs. In particular, funding for the Space Grant program have been increased to $28 million in both fiscal year 2001 and fiscal year 2002. That is an increase of almost $9 million over what the President had requested for fiscal year 2001.

In addition to other very good features of this bill, in addition to the authorization levels, the conference report for H.R. 1654 includes a number of policy provisions. One of the policy provisions, namely section 313 on "Innovative Technologies for Human Space Flight," was proposed by our former chairman and my good friend the late George Brown. Ever the visionary, George wished to push NASA to apply the lessons of faster, better, and cheaper to human space flight, so that human exploration behind Earth's orbit could become affordable for this Nation in the not-too-distant future.

I will not take up a lot more time detailing all the provisions included in H.R. 1654; the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, has done a very good job of that.

My colleagues have copies of the conference report and accompanying statement of managers available to them. Instead, I would like to close by expressing my appreciation to fellow conferees for all their hard work, including the gentleman from Wisconsin (Chairman SENSENBRENNER), who is not only a good guy, he is very knowledgeable. He is good to work with, and we appreciate him; the gentleman from California (Chairman ROHRABACHER), who worked steadily with us; the gentleman from Tennessee (Mr. GORDON); the gentleman from Florida (Mr. WELDON); Chairman MCCAIN; Chairman FRIST; Chairman STEVENS; Senator HOLLINGS; and Senator BREAUX.

In particular, I again want to commend the chairman for his leadership; as chairman of the conference, it was a difficult conference at times, but I think all the conferees made a good-faith effort to achieve a constructive piece of legislation.

Mr. Speaker, if H.R. 1654 is enacted into law, it will become the first NASA Authorization Act enacted since 1992. I think this is quite an accomplishment. I believe that it is important for both NASA and for the Congress that we do enact H.R. 1654. Furthermore, I believe that the conference report for H.R. 1654 represents a reasonable compromise that will help ensure the continued strength of the Nation's civil space program. I urge my colleagues to support the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Space and Aeronautics.

Mr. ROHRABACHER. Mr. Speaker, first as the chairman of the Subcommittee on Space Aeronautics, I would like to personally thank the gentleman from Tennessee (Mr. GORDON), my ranking minority member on the committee, for the great spirit of bipartisan spirit that we have shown in working together.

As the gentleman from Texas (Mr. HALL) just stated, this would be the first authorization bill that we will pass, the first NASA authorization bill that we passed since 1992, and let us all hope that we do this and get this through the system. But it has only been possible because of the goodwill and the spirit of compromise and honest disagreement, but also honest spirit of compromise that we have had working with the Members of the other party.

Let me thank especially the gentleman from Texas (Mr. HALL). He is sort of a treasure in this institution, a bipartisan treasure, let me add, in that he has an institutional memory that has served us well on this subcommittee and in our full committee, Committee on Science, and his good sense has helped guide us along here.

And also, of course, the gentleman from Wisconsin (Mr. SENSENBRENNER), who is the chairman of this subcommittee. He has provided me personal guidance in this job as chairman of the Subcommittee on Space and Aeronautics and helped us be successful in our mission.

The bill before us now, H.R. 1654, the NASA authorization bill, offers the taxpayer a true choice in advancing America's leadership role in space. I rise in support of this bill, not because it is my role as chairman of the Subcommittee on Space and Aeronautics and as a member of the team that helped draft the legislation, but because it offers the right approach in supporting the Nation's space exploration requirements at a time when we find ourselves on the verge of a technological and scientific epiphany.

H.R. 1654 reflects a bipartisan effort, as I said, to craft legislation enabling NASA to continue its work for the good of the Nation. Moreover, House and Senate conferees on both sides of the aisle labored for many months to ensure that this bill strikes the right balance between setting budget priorities and meeting NASA mission needs, as well as meeting the needs of our country to remain a leader in space exploration and utilization.

H.R. 1654 addresses the full array of elements that support NASA's responsibility for space exploration and near-Earth space transportation missions. In the Human Space Flight section of H.R. 1654, funding for international Space Station, the Space Shuttle, Payload/Expendable Launch Vehicle Support and Investments and support for these things, and support matches the President's request for fiscal year 2001 and fiscal year 2002.

Within the science and aeronautics section and the technology section, the bill either matches or exceeds the President's request for fiscal year 2001 and 2002. And even in the face of major failures involving both Mars missions, we saw fit to authorize increases for space science by the tune of $19 million for fiscal year 2001 and $24 million for fiscal year 2002, and that was above the President's requested level.

That is, again, working together, we realized that if we are going to be a successful player in space, we have got to expect that that success will come with some failures, and we should build upon our failures in order to have a success.

Failures do not precipitate in this committee, bipartisan or should I say partisan, bickering that would in some way set back America's space program. Instead, we see failures as a means to learn and to move forward. It is important to note that space solar power benefits from those increases that I have been talking about today, and this space solar power and ability to relay system for energy and space solar power development is a technology that I believe will help address the energy needs of our country in the future.

Similarly, increases have been authorized for life and microgravity science are 13 percent higher than the President's request for the same year. Further, Earth science, aerospace technology, and academic programs for fiscal year 2001 and 2002 have seen substantial increases over the President's request. And finally, I am pleased to note that H.R. 1654 includes provisions to ensure that cooperative agreements between NASA and the People's Republic of China do not result in China improving its space launch assets and its ballistic missile capabilities.

H.R. 1654 contains a title regarding the International Space Station, including sections dealing with Russia's difficulty in meeting its obligations in the completion of the International Space Station. This issue was addressed by the chairman, and let me say the chairman has provided leadership in making sure that we do have cooperation with Russia, but to be done so in a way that is cost effective for our country.

We also have provisions to ensure that the space station is used for the scientific purposes that it was intended for and not just an engineering project, although, as an engineering project, it is certainly a fantastic and laudable achievement.

NASA's Space Launch Initiative offers the American people the opportunity to change how government has conducted the launch vehicle technology development, and through H.R. 1654, Congress essentially codifies the long-standing view that government launch needs can be supported by a market-competitive space industry.

So we have, and it is not enough, however, to proclaim a national space policy. NASA must stay the course by funding technology and other risk-reduction activities that gives the broadest possible applications of new space technologies.

And so I urge my colleagues to join me in supporting this regulation legislation, the first NASA authorization bill that we have been able to get through this body in about 10 years.

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. GORDON), the ranking member of the Subcommittee on Space and Aeronautics of the Committee on Science.

Mr. GORDON. Mr. Speaker, I rise in support of the conference report on H.R. 1654, the NASA Authorization Act of 2000. I was a conferee on H.R. 1654, and I know the work that went into coming up with an agreement. While it is not a perfect piece of legislation, I believe that it is a constructive agreement that contains a number of useful policy provisions.

It also establishes funding targets for the next 2 years, which can provide important direction and stability for the Nation's civil space program.

The Statement of Managers that accompanies the conference report lays out the major funding authorizations. It also describes some of the policy provisions included in H.R. 1654. As a result, I will not spend a great deal of time discussing the details of H.R. 1654; instead, I would just like to make the following points:

First, this bipartisan conference report endorses, and in some cases, augments, the administration's funding priorities for NASA. I am pleased that we can get a bipartisan agreement that the administration's vision for NASA should be supported.

Second, the conference report adds funding in several important areas.

One of these areas is in education. I know firsthand in my district how important it is that we do all we can to support science and math education, especially at some of our smaller colleges and universities. Therefore, we have included increased funding for NASA's teacher faculty preparation enhancement programs in this bill.

Mr. Speaker, in addition, many Members recognize the value of the national space grant college and fellowship program, and the bill increases funding for that worthy program.

We also have provided funding above the President's request for minority university research education, and we have increased the funding for the experimental program to stimulate cooperative research.

Another area where the conference has added funding is in the area of aeronautics. We have seen the stresses that the air traffic transportation system is facing these days, and we all are concerned about the impacts on our quality of life.

□ 1330

That is why this conference report significantly increases the amount of funding for research on aircraft noise reduction, and for the development of cleaner, more energy efficient aircraft engines. The bill also makes a significant investment of $70 million in NASA's Aviation Safety Research Program for both fiscal years 2001 and 2002.

Mr. Speaker, I will not take any more time to review the conference report, as I know there are others who would like to speak. Instead, I would just like to close by expressing my appreciation to my fellow conferees in both the House and Senate for their efforts to make this a productive conference. I am pleased that we were able to reach an agreement, and hope the House will support this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON), a member of the conference.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me time, and I rise in strong support of this legislation.

I, too, would like to commend the chairman and the ranking member of the full committee and as well the chairman of the subcommittee, the gentleman from California (Mr. ROHRABACHER), and the ranking minority member, the gentleman from Tennessee (Mr. GORDON), for the bipartisan willingness to work together to try to get a bill through. I would also like to acknowledge the staff that worked very hard on this, Eric Sterner on the majority side and Dick Obermann.

I believe we have before us a good piece of legislation that the President should be pleased to sign into law.

It has been said several times that this is the first NASA bill in 8 years. It may also be the first NASA bill to come to the floor of the House while astronauts are orbiting above us as we speak. The Shuttle Atlantis was launched a week ago Friday, and they are completing the initial preparations for making the Space Station ready for a permanent crew, or a crew that will stay on orbit for 4 months that will be launched in November. They are currently working on a lot of electrical work, on getting the station ready and putting a lot of supplies up there.

I think it is a tremendous milestone that we have reached to be able to see the Space Station finally coming together, it has been very hotly debated on the floor of this body, and as well for us to be moving ahead with important legislative priorities for how we are going to manage the Space Station.

One of the features in this bill that I am quite pleased with, and I would just like to echo the comments made by the gentleman from Tennessee (Mr. GORDON) about some of the educational priorities in the bill, I think they are very good. I am particularly pleased about the feature in this bill establishing a new approach to how we handle commercial space. I believe if space is ever going to be utilized the way I think many of us would like to see it utilized, we have to really see a flourishing of commercial operations in space.

What we are trying to do in this legislation is take a new approach as to how we do commercial space. I think it has a tremendous potential to be successful. The proof of the pudding is, of course, always in the eating, so time will tell, but I was very pleased to be able to work with the minority in crafting this bill, and I think it is a good future direction for NASA.

NASA is about the future, and I think we have a lot of reasons to be very pleased with this bill. I encourage all my colleagues to support it.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. LAMPSON) whose district encircles Johnson Space Center.

Mr. LAMPSON. Mr. Speaker, I want to commend not only the ranking member and the chairman for the significant work that has been done to bring this report to us, but all of our colleagues on the conference committee for bringing the first conference report for our NASA authorization bill in 8 years. I know the amount of time and hard work that each put into this bill, as well as the tremendous work of the committee staff, especially on our side, Dick Obermann, and I appreciate every bit of it.

I look forward to lending my support to this conference report, but I want to express my continued concerns about Section 127. Section 127 in its current form retains subsection (a), Replacement Structure, which is a general prohibition against NASA's use of funds authorized for the definition, design, procurement or development of an inflatable space structure to replace any International Space Station components scheduled for launch under the June 1999 Assembly Sequence. Subsection (b) has been revised to reflect an exception to permit NASA to lease or otherwise use a commercially provided inflatable habitation module under certain specified conditions.

As currently included in the June 29 House draft, Section 128 would effectively prevent NASA from jointly developing an inflatable habitation module with a commercial partner, even if NASA's contribution to such joint development were to be constrained to NASA's planned investment and related costs.

NASA is currently evaluating a very serious commercial proposal. Negotiations to date have been based on the principle that NASA would agree to develop an inflatable space structure in conjunction with the commercial participant only if NASA does not assume costs or risk greater than those associated with the baseline non-inflatable habitation module.

I will be introducing legislation today that will modify Section 127(b) to include an exception for joint development, and a clarification that the cost restriction would apply to NASA's planned remaining cost for the baseline habitation module.

That being said, I again want to commend my colleagues on bringing this conference report to the floor. It funds all of NASA's accounts, Space Station, Space Shuttle, Space Launch Initiative, science programs and academic programs, at or above the President's request. We appreciate that. I encourage a yes vote.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG) for the purposes of a colloquy.

Mr. KNOLLENBERG. Mr. Speaker, I rise to engage the distinguished chairman of the Committee on Science (Mr. SENSENBRENNER) in a colloquy.

Mr. Speaker, as we grapple with increasing oil and natural gas prices, we must realize that the administration's flawed 1997 Kyoto Protocol, if implemented, would effectively double our energy costs and sacrifice millions of American jobs. As the gentleman is aware, many people are deeply concerned over administration efforts to implement the protocol prior to Senate ratification as mandated by the Constitution.

Section 315 of the NASA reauthorization legislation would provide $5 million for research on the carbon cycle and carbon sequestration. Sound scientific research on the mapping and monitoring of vegetation and its role in the carbon cycle is to be commended. However, modeling and research should not cross the line and delve into carbon trading.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I share the concerns of the gentleman from Michigan, and as the chairman of the Committee on Science, I want to assure the gentleman that there was no intent to and indeed this bill does not authorize modeling or research into carbon trading.

Mr. KNOLLENBERG. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin for his attention to this matter.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), a member of the committee.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of this conference report and to discuss one of the important initiatives which it contains. As has been said, this is the first NASA reauthorization to pass Congress since 1992, and I want to congratulate the chairman and ranking Democratic members on the Committee on Science and the subcommittees, on which I have the pleasure of serving, for the accomplishment of have gotten this bill here.

This is not a perfect bill, but I think, on balance, it represents significant progress. This bill increases funding for many important priorities, including space science, Earth science, aerospace technology, science grants, Historically Black Colleges and Universities and other vital initiatives.

As the former superintendent of North Carolina's schools, I am particularly pleased by the improvements in the educational provisions of this bill, and I am proud to discuss an important education initiative that I recommended and the committee accepted that is a part of this bill.

This bill directs NASA to develop an education initiative for our Nation's schools in recognition of the 100th anniversary of the first powered flight which will take place on December 17, 2003. On this date in 1903, Orville and Wilbur Wright took their dreams of powered flight from the drawing boards of their bicycle shop to the Crystal Coast of North Carolina. On that day, our world was changed forever. The anniversary of this historic accomplishment provides an excellent opportunity for our Nation's schools to promote the importance of math and science and education.

Mr. Speaker, America's future will depend on our ability to adapt to change in technology that will dominate life in the 21st century. Our Nation's record economic growth is being fueled by gains in the technology sector, but recent studies show that America's students are falling behind their counterparts around the world in areas of math and science education. It is no longer a luxury to demand excellence in science and mathematics; it is an absolute necessity.

The 100th Anniversary of Flight Education Initiative will use the history of flight and the benefits of flight on science and mathematics and scientific principles that are underlying the flight to generate interest among students in math and science education. This initiative provides an excellent opportunity to recapture our young people's interests in the wonders of flight and space exploration and rekindle their interests in math and science.

Mr. Speaker, I commend the committee's leaders for including this important provision in the bill, and encourage my colleagues to support this conference report.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I want to thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the conference report for H.R. 1654, the NASA Authorization Act of 2000. I want to certainly commend the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER); and the committee ranking member, the gentleman from Texas (Mr. HALL); as well as the chairman of the Subcommittee on Space and Aeronautics, the gentleman from California (Mr. ROHRABACHER); and the subcommittee ranking member, the gentleman from Tennessee (Mr. GORDON), for their dedication and their efforts in bringing this bill to the floor.

In my home State of Maryland, we are proud to have the Goddard Space Flight Center, the centerpiece of NASA's Earth science enterprise. The space science research that is performed at Goddard is vital, not just for NASA, but for our country. From the Hubble Space Telescope to the Earth Observing System's Mission to Planet Earth to the Tracking and Data Relay Satellite System, which is NASA's primary satellite communications system, Goddard's capabilities and functions are entirely unique to all of NASA's 10 space centers.

The work at Goddard allows us to answer the unexplained questions of our universe and help predict the future of our planet. So I am pleased that the funding levels in this conference report allow Goddard to continue fulfilling its vital scientific research mission.

H.R. 1654 provides a healthy 2-year authorization of appropriations for NASA at $14.184 billion for fiscal year 2001, and $14.625 billion for fiscal year 2002. These funding levels represent an increase over the amount requested by the President of almost $150 million in fiscal year 2001 and $160 million in fiscal year 2002. Specifically, for NASA's space science programs, the conference report increases the President's budget request by $19 million in fiscal year 2001 and $24 million the subsequent year. For Earth science programs, the conference report increases the President's budget request by $25 million in fiscal year 2001 and $25 million in the subsequent year 2002.

So, by authorizing these NASA funding levels, the research at Goddard will advance our understanding of our global environment system. It will also determine how the Earth has evolved, and observe how we interact with other planets.

Mr. Speaker, I support the funding levels and the provisions in this conference report, and I urge my colleagues to support this conference report as well.

□ 1345

Mr. HALL of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a supporter of NASA and the space station.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me congratulate the chairman of the committee and the ranking member, along with the subcommittee Chair and ranking member. I believe this is a day of great celebration and commemoration. For we hope, as this bill is supported by our colleagues, as I ask for their support, that this may be the first NASA space authorization bill that gets to the President since 1992.

Mr. Speaker, I rise in support of this legislation in particular because of the work that has been done by the conference committee, particularly noting that the conference report includes a $6.3 billion amount for the International Space Station, and $9.45 billion for the Space Shuttle.

Now, there needs to be some substance behind these numbers. Many of my colleagues from Texas, and I appreciate very much the steadfastness of the ranking member on behalf of the various space centers throughout our country, which include, of course, Marshall and Kennedy and, of course, Johnson Space Center, that deal particularly with our Space Shuttle and, as well, our International Space Station.

Mr. Speaker, I am gratified for the investment, because my concern has always been that we need to build leaders for space and science in the future; and out of this funding for the NASA space effort comes the recognition that we must support, historically supporting Asian, Hispanic and African American colleges. There is $54 million to provide for the research and education of young people at these institutions. I am very gratified that institutions like Texas Southern University, Oakwood College in Huntsville, Texas Southern University being in Houston, Texas, will be able to access these dollars to provide opportunities for young students to come in and actually confront the issues of space.

I am gratified, likewise, that we have the dollars to begin to assess the needs of training our young people in the primary and secondary schools in math and science.

Mr. Speaker, just an hour or so ago I was listening to a technology conference that spoke about the need of improving the scores of our young people in primary and secondary education in math and science. The only way we can do it is if we focus on it; and I am very delighted that NASA funding in an educational component mentioned by my colleague will include the opportunity for us to make it interesting to study math and science.

I do want to note the Johnson Space Center and many of the sort of complementary efforts that it has made with our school districts, and I look forward to that work being done even more.

I do want to note as well that the conference report does not include a prohibition on the use of funds for the Triana satellite program, and I believe that was a prudent decision by the conferees. We must keep our resource choices open in the area of space exploration, especially in light of the recent discoveries on the surfaces of Mars and the Moon. There was a vigorous debate about that, and I am delighted that we have been able to secure the funding for the Triana program. I think it is vital and necessary.

I am, however, concerned that the agreement still retains a House provision prohibiting the use of funds for the development of Trans-Hab, an inflatable space structure to replace any baseline module on the space station. I think that there is some light at the end of the tunnel, because there is the opportunity to produce this privately; but I hope to join the gentleman from Texas (Mr. LAMPSON) in hoping that we can also engage with public funds to do this important work.

Finally, I would say that many people question what we do with monies when we give it to the space station and the Space Shuttle. I am reminded of the great strides we have made in diabetes research, heart research, HIV/AIDS research, cancer research; but the most important aspect of what we do is to keep America in front of the technological curve and to work with our partners to develop opportunities in enhancing environment, better fuel resources, and training our young people for the work of the 21st century. I congratulate our committee, and I hope the President will sign this bill.

Mr. Speaker, I rise in strong support of the passage of H.R. 1654, the Conference Report on NASA Reauthorization. When the House passed the bill by a vote of 259–168 on May 19, 1999 and the Senate amended the bill and passed it by unanimous consent on Nov. 5, 1999 it became obvious that this is a bipartisan measure in the truest sense.

Because of the strategic location of the constituents of the 18th Congressional District of Houston, Texas, both physically and passionately to America's space effort, I approach this hearing with much concern. The Johnson Space Center in Houston, Texas has been designated the lead center for management of the Space Station program.

The health of America's space program is of vital concern to all of the Members of the House Science Committee. This concern is strongly felt by those of us on the Subcommittee on Space Aeronautics because we are charged with the heavy responsibility of recommendation and oversight of the United States involvement in space exploration.

The last time a NASA reauthorization bill reached the president was in 1992. Since then, funding and policy decisions for NASA have been made in the VA–HUD appropriations bill.

This agreement authorizes $42.4 billion for FY 2000 through FY 2002 for the National Aeronautics and Space Administration (NASA)—including $13.6 billion in FY 2000, $14.2 billion in FY 2001 and $14.6 billion in FY 2002. The FY 2001 authorization is approximately $149 million more than the administration's request, $430 million more than the House-passed bill and $220 million more than the Senate version. The agreement provides approximately $160 million more than the president requested in FY 2002, $780 million more than in the House-passed bill and $410 million more than the Senate-passed measure.

FY 2000 authorizations, reflecting the FY 2000 appropriations, include $5.5 billion for Human Space Flight, $5.6 billion for Science, Aeronautics and Technology, $2.5 billion for Mission Support and $20 million for the NASA Inspector General.

The authorization total of $2.1 billion is provided for the international space station in FY 2001 and $1.9 billion in FY 2002. The agreement includes a cost cap of $25.0 billion for development of the international space station. Space shuttle launch costs connected with assembly of the space station are capped by the agreement at $17.7 billion.

Unlike the House-passed bill, the agreement does not include a prohibition on the use of funds for the Triana satellite program, which I believe to be a prudent decision by the conferees. We must keep our research choices open in the area of space exploration especially in light of the recent discoveries on the surface of Mars and the Moon.

The agreement retains the House provision prohibiting the use of funds for the development of Trans-Hab, an inflatable space structure, to replace any baseline module on the space station. The agreement, however, does permit NASA to lease a privately developed Trans-Hab.

I believe that the reauthorization of NASA is long overdue, but that it is better that the 106th Congress took its time to act than to have not acted at all in this vital area of our nation's interest.

I thank the conferees for their dedication in completing the work on this legislation and would urge all of my colleagues to vote in favor of its passage.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS), the vice chairman of the Committee on Science.

Mr. EHLERS. Mr. Speaker, I thank the chairman for yielding me this time.

We have heard a great deal of discussion about the specifics of this bill. I simply wish to add some general comments about it.

First of all, I want to congratulate the chairman of the Committee on Science for successfully, for the first time in almost a decade, getting a conference report on NASA authorization with the Senate's cooperation. I believe this is a good omen for the future, and I certainly congratulate the chairman for his hard work and his success.

Over the past half century, America has led the world in science. Also during that half century, space science has captured the imagination of the American public to a greater extent than any other scientific work that we have performed. Taking a trip to the Moon was a momentous event, not only for our Nation, but for our entire planet; and we continue to bask in that accomplishment today.

However, now we are down to the hard work of not only exploring space, but learning more about our universe through experimentation in space. This is grinding hard work, perhaps not as glorious as going to the Moon, but extremely important; and I am very pleased that this bill will increase our ability to perform space science as the United States, with the cooperation of other nations, during the next half century. It will be a long time before we engage in interplanetary travel, so we will not have that spectacular show for some time; but we will get a lot accomplished in space thanks to this bill, and it will provide a great deal of knowledge that will be very useful to our Nation and to the people of our planet in the future as we continue to expand the boundaries of our knowledge and find uses for the results that we find.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Speaker, I rise in strong support of the conference report and add to the chorus of extending my personal gratitude for the outstanding leadership performed by the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science, and the gentleman from Texas (Mr. HALL), the ranking member, and the other distinguished members of the conference committee and the Committee on Science in general for their hard work.

I also would like to commend directly the men and women of NASA and their visionary leader, Administrator Dan Goldin. His vision of aerospace as a commercial industry, and as continued space exploration, the confluence in coming together of biotechnology, information technology, and the nanosciences is what places this country on the cutting edge of technology.

I have had the opportunity to bring our astronauts to our schools. These heroes of space exploration indeed are an inspiration to all of our children. Now, this is just a small portion of what NASA does for the continuing education of our children, especially in the critical areas of math and science.

I would also like to thank very much the conference committee for including the ultra-efficient engine technology. As Administrator Goldin has pointed out, when it comes to engine technology, there is no greater core science that goes into the creation of machine than that science, math and engineering capability that goes into the making of aircraft.

Again, I commend the chairman and the entire committee.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time, just to say that this is a good bill, it is an excellent compromise, it is something that has been done for the first time in 8 years. I urge the membership to support it.

Mr. COOK. Mr. Speaker, H.R. 1654, the National Aeronautics and Space Administration Authorization Act is a fiscally responsible space bill that not only authorizes appropriations for NASA, but also imposes rules and restrictions on the space agency to ensure appropriate spending of federal funds.

As a member of the House Committee on Science, and as a member of the Space and Aeronautics Subcommittee, I am very concerned that NASA receives adequate funding. Citizens of the United States benefit economically from the many technologies learned through space exploration. Much of today's technology came from the space program, and much of tomorrow's technology will come from research taking place today. These new technologies will not only make our lives better but also will increase health and medical advances, labor and time saving devices, transportation and improve communication devices. Clearly, the new technologies generated from our space program greatly impact our economic growth and our ability to remain competitive in the world marketplace.

Additionally, the bill will set a spending cap on Space Station development thereby forcing our foreign partners to live up to their commitments.

Mr. Speaker, it is vital for the U.S. to remain on the cutting edge of scientific discoveries and technological advances, and H.R. 1654 provides the funding to ensure that NASA spearheads both of these efforts. I urge my colleagues to support this Act and safeguard the future of generations to come.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 1654, the NASA Reauthorization bill. This is an exciting week to bring this legislation to the floor as the crew of the Space Shuttle Atlantis prepares the International Space Station for full-time service. In addition to the Space Station, this bill provides funding for NASA's other priorities including the Space Shuttle Program and for the Earth and Space Science program.

I opposed this legislation when the House first took it up because of efforts to kill the Triana Satellite Mission. Triana, a project directed by the Scripps Institution of Oceanography in La Jolla, California in conjunction with the Goddard Space Flight Center in my District, would provide not only a real-time view of the Earth for distribution on the Internet, but will also include instruments to study solar influences on climate, ultraviolet radiation, space weather, and the microphysical properties of clouds. I thank my colleagues in the Senate for taking the partisanship out of this important program.

This conference report also authorizes significant funding for the Science, Aeronautics, and Technology Account. The $2.3 billion for Space Science will insure that the Hubble Space Telescope Program continues to provide us with phenomenal data over the next ten years. It is crucial that Hubble's successor, the Next Generation Space Telescope, receive the necessary support to match and surpass Hubble's success. In addition, the $1.5 billion for NASA's Earth Science programs will insure that programs like the Landsat, a cornerstone of NASA's Earth Science Enterprise, can continue to study the Earth's global environment, and that the Terra Satellite, which has been vital in the past week in fighting wild fires in the west, receives the funding necessary for continuing operations.

I urge my colleagues to support this conference report and support NASA as we continue to explore our last frontier.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KOLBE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 399, nays 17, not voting 17, as follows:

[Roll No. 475]

YEAS—399

Abercrombie
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NAYS—17

Barrett (WI)
Chenoweth-Hage
Coble
Conyers
DeFazio
Frank (MA)
Lee
McInnis
Miller, George
Paul
Ramstad
Roemer
Sanders
Sanford
Schaffer
Stark
Tancredo

### NOT VOTING—17

Ackerman
Armey
Becerra
Campbell
Clay
Eshoo
Ford
Greenwood
Gutierrez
Klink
Lazio
Linder
Martinez
McCollum
McIntosh
Vento
Wise

□ 1424

Mr. HASTINGS of Florida changed his vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CONGRATULATING RON LASCH ON HIS RETIREMENT

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, I have asked to speak out of order for 1 minute because there is a situation here on the floor that may not recur again. There are many new Members here who are beginning to learn that this institution could not run without the staffs that sometimes are never acknowledged or recognized but go about their work very quietly and efficiently.

Unfortunately, someone who had been of great assistance to our side of the aisle for more than 42 years decided to leave just as quietly and efficiently as he had carried out his job over the years. I am not able to deal with the efficiency of his leaving, but I do think we can deal with the quietness.

Somewhere back there is the gentleman by the name of Ron Lasch. I would ask Ron Lasch to come to the floor. Mr. Speaker, as usual, Ron Lasch is not to be found. But for 42 years, he provided this House with good counsel and assistance in doing our jobs.

There are a number of people who make our jobs possible who do not get the desired or needed or worthy recognition. I just thought it would be nice, since he may not be able to be here again or he will not be here again after this particular occasion, to say to one of our long-time employees, thank you very much, Ron Lasch.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am sorry that Ron is not on the floor, but I want to rise on behalf of all of us on this side of the aisle. The gentleman from California indicated that Ron Lasch has been helpful to his side. That is of course very true. He is, after all, assigned that responsibility.

On the other hand, I want my colleagues to know and I want everybody to know that those of us on this side of the aisle who happened to be on the gentleman's side of the aisle and needed a question answered felt very comfortable talking to Ron Lasch. Because Ron Lasch, although he served in a partisan role, clearly felt himself an institutional person who wanted to facilitate the workings of this institution on behalf of the American people.

I want to join the gentleman from California (Mr. THOMAS), the chairman of the Committee on House Administration in saying that we share his congratulations and appreciation for all the work that Ron Lasch has done and the service that he has performed for everybody on the floor of the House and for the American public.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I happen to know Mr. Lasch is, in fact, seeing this telecast, and he ought to come to the floor if he can. But I think that what is most important about Ron Lasch is that, as he sat in the back, he was always kind of a governor on sometimes the crazy emotions that this House gets itself whipped up into.

What Ron Lasch is always able to do is to really, he has been around so long, is to be so grounded and to immediately translate a sense of responsibility and a sense of self-control and a sense of humility to every Member. If Ron looked one in the eye and called one on something, one listened to him. Because he had seen so much, and he had such a great sense of this place.

Many times, Members of Congress get, as we all do in life, get full of ourselves. Ron Lasch is one guy that always said, Wait a minute. Remember, you came in here. It is a privilege to serve, and you are going to leave this place. And trust me, when you go out the door, you are only what you are when you came in the door, just another human being trying to do a job.

□ 1430

And he is a great, great guy, I think one of the best that we have ever had in this House; and the House will very much miss him. But I have a suspicion that he will move in and out.

To the younger Members, they should avail themselves of Ron Lasch in these last couple weeks that he will be around this floor.

Speaking for many of the Members who have been here for a long time, I think it would be fair for me to say, Ron Lasch, thank you, God bless you, and Godspeed.

Mr. THOMAS. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for bringing Ron's name before us once again. He left us so suddenly, none of us really had an opportunity to wish him well or to say a proper goodbye.

Ron served both sides of the aisle in an appropriate manner. He was not only a time keeper, a controller of emotions in the back of the room, but he was a good advisor.

I had the opportunity of having Ron join us on several of our CODELs where he added a great deal and was able to exchange thinking with parliamentarians overseas.

So I thank the gentleman for raising this. We wish Ron good health and happiness in his retirement.

Mr. THOMAS. Mr. Speaker, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I say I can say without fear of contradiction that I probably have known Ron Lasch longer than any other person in this Chamber because Ron Lasch and I came to Congress together as pages just a few months apart when we were at the age of 16 years.

Earlier this summer we did some tributes to Ron Lasch but, of course, he chose, as he has today, to not be here on the floor.

Mr. THOMAS. Mr. Speaker, reclaiming my time, we almost got him.

Mr. KOLBE. Mr. Speaker, if the gentleman will continue to yield, we almost got him today. The gentleman is absolutely right.

So I would simply repeat what I said in that tribute, and that is that this body is poorer for his absence; and we have been richer as an institution for what he brought to this body, the sense of calm, the sense of history, the sense of understanding of where this place is and where it is going.

I think that he has elevated and has leavened this body I think substantially. I believe that the House of Representatives will miss him tremendously. I know all of us individually will. I wish him well.

Mr. THOMAS. Mr. Speaker, just let me say that, as we move into this period in which demands are going to be made that are actually inhumane and we expect materials to be prepared in absolute time frames, for those staff who are here and continue to carry on the work, I just think that they also need to get recognition, credit, and a "thank you" ahead of time. All too often we fail to say, it is not just us. Because, without them, it would not be us.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I commend Ron Lasch. He is a real loss to our Chamber. We all know him as an institutional citizen dedicated to the House of Representatives and dedicated to legislative government.

On a trip to Australia and New Zealand where we met with cabinet ministers and members of their parliament who had made their governments more effective and efficient, Ron was a great asset to us given his knowledge about comparisons he had seen in other parts of the world.

He knew the great history of the House of Representatives. He was dedicated. He is a very humble person, who helped many of us when as newcomers we sought his advice. And anyone that did not ask his advice should have because they would then have learned what kind of fine institution is the House of Representatives. He provided good advice to those who wanted to become effective legislators.

It is good to see Ron back. I hope that he will take these various encomiums with the respect and affection of his elected friends as he retires from the House that was his home for so long.

Mr. THOMAS. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I want to thank the Chair of the Committee on Appropriations and the ranking member for allowing us to disrupt the proceedings.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks regarding consideration of the conference report to accompany H.R. 4516 and that the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. KOLBE) may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

## CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 565, I call up the conference report on the bill (H.R. 4516) making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of legislative day of July 26, 2000 at page H7095.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very happy to bring this conference report to the House. It was ready for consideration by the House before we recessed for our respective political conventions. But because of the schedule, we are just now getting to it today. The conference report includes three bills that have already been passed by the House.

As my colleagues know, Mr. Speaker, the House has passed all 13 of our appropriations bills. We also passed the major supplemental that was requested by the President this year. We have already considered the conference report on that supplemental and on the Defense appropriations bill and the Military Construction appropriations bill. And so, we are on the move here.

I am happy to report that this conference report includes the Legislative Branch appropriations bill and also the Treasury Postal bill, which funds in part the executive offices of the Executive Branch of Government, including the White House.

It also includes a bill that was passed in the House by a vote of 420-2 on repeal of the Spanish-American War tax on telephone services.

And so, we have those three bills that passed the House with substantial votes included in this conference report. Even the Treasury Postal bill passed the House by a vote that could be considered a landslide relative to previous votes. We passed that bill by a vote of 216-202. That is a lot better vote than we usually get on that bill. Nevertheless, we have worked hard with our counterparts in the other body, and we bring this conference report today.

Mr. Speaker, I include for the RECORD the following table for the Treasury and General Government Appropriations Bill, 2001:

## H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF THE TREASURY | | | | | | |
| Departmental Offices | 134,034 | 161,006 | 149,437 | 149,610 | 156,315 | +22,281 |
| Contingent emergency supplemental | 24,900 | | | 502 | | -24,900 |
| Department-wide systems and capital investments programs | 43,448 | 99,279 | 41,787 | 37,279 | 47,287 | +3,839 |
| Office of Inspector General | 30,599 | 33,608 | 31,940 | 32,899 | 32,899 | +2,300 |
| Inspector General for Tax Administration | 111,781 | 118,427 | 115,477 | 118,427 | 118,427 | +6,646 |
| Treasury Building and Annex Repair and Restoration | 22,700 | 31,000 | 31,000 | 22,700 | 31,000 | +8,300 |
| Expanded Access to Financial Services | | 30,000 | 2,000 | 400 | 2,000 | +2,000 |
| Money Laundering Strategy | | 15,000 | | | | |
| Financial Crimes Enforcement Network | 27,818 | 34,694 | 34,694 | 37,576 | 37,576 | +9,758 |
| Counterterrorism Fund (emergency funding) | | 55,000 | | 55,000 | 55,000 | +55,000 |
| Violent Crime Reduction Programs | 130,081 | | | | | -130,081 |
| Federal Law Enforcement Training Center: | | | | | | |
| Salaries and Expenses | 84,027 | 93,483 | 93,483 | 93,188 | 94,483 | +10,456 |
| Acquisition, Construction, Improvements, & Related Expenses | 21,175 | 17,331 | 17,331 | 29,205 | 29,205 | +8,030 |
| Total | 105,202 | 110,814 | 110,814 | 122,403 | 123,688 | +18,486 |
| Interagency Law Enforcement: Interagency crime and drug enforcement | 60,502 | 103,476 | 103,476 | 90,976 | 103,476 | +42,974 |
| Financial Management Service | 200,555 | 202,851 | 198,736 | 202,851 | 206,851 | +6,296 |
| Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses | 564,773 | 760,051 | 731,325 | 724,937 | 768,695 | +203,922 |
| United States Customs Service: | | | | | | |
| Salaries and Expenses | 1,698,227 | 1,887,866 | 1,822,365 | 1,804,687 | 1,863,765 | +165,538 |
| Harbor Maintenance Fee Collection | 3,000 | 3,000 | 3,000 | 3,000 | 3,000 | |
| Operation, Maintenance and Procurement, Air and Marine Interdiction Programs | 108,688 | 156,875 | 125,778 | 128,228 | 133,228 | +24,540 |
| Automation modernization: | | | | | | |
| Automated Commercial System | | 123,000 | 123,000 | 123,000 | 123,000 | +123,000 |
| International Trade Data System | | 5,400 | 5,400 | 5,400 | 5,400 | +5,400 |
| Automated Commercial Environment | | 210,000 | 105,000 | | 130,000 | +130,000 |
| Subtotal | | 338,400 | 233,400 | 128,400 | 258,400 | +258,400 |
| Customs Services at Small Airports (to be derived from fees collected) | 2,000 | 2,000 | 2,000 | 2,000 | 2,000 | |
| Offsetting receipts | -2,000 | -2,000 | -2,000 | -2,000 | -2,000 | |
| Total | 1,809,915 | 2,386,141 | 2,184,543 | 2,064,315 | 2,258,393 | +448,478 |
| Bureau of the Public Debt | 177,143 | 182,901 | 182,901 | 182,901 | 182,901 | +5,758 |
| Payment of government losses in shipment | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | |
| Internal Revenue Service: | | | | | | |
| Processing, Assistance, and Management | 3,280,250 | 3,699,499 | 3,487,232 | 3,506,939 | 3,567,001 | +286,751 |
| Tax Law Enforcement | 3,336,838 | 3,443,859 | 3,332,676 | 3,378,040 | 3,382,402 | +45,564 |
| Earned Income Tax Credit Compliance Initiative | 144,000 | 145,000 | 145,000 | 145,000 | 145,000 | +1,000 |
| Information Systems | 1,455,401 | 1,583,565 | 1,488,090 | 1,505,090 | 1,545,090 | +89,689 |
| Information technology investments | | 71,751 | | | | |
| Advance appropriation, FY 2002 | | 422,249 | | | | |
| Total, FY 2001 | 8,216,489 | 8,943,674 | 8,452,998 | 8,535,069 | 8,639,493 | +423,004 |
| Advance appropriation, FY 2002 | | 422,249 | | | | |
| United States Secret Service: | | | | | | |
| Salaries and Expenses | 667,312 | 824,500 | 823,800 | 778,279 | 823,800 | +156,488 |
| Title II general provisions (P.L. 106-113) | 10,000 | | | | | -10,000 |
| (By transfer) | (21,000) | | | | | (-21,000) |
| Contingent emergency supplemental | 10,000 | | | | | -10,000 |
| Acquisition, Construction, Improvements, & Related Expenses | 4,185 | 5,021 | 5,021 | 4,283 | 8,941 | +4,756 |
| Total | 691,497 | 829,521 | 828,821 | 782,562 | 832,741 | +141,244 |
| Total, title I, Department of the Treasury | 12,352,437 | 14,520,692 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305 |
| Current year, FY 2001 | 12,352,437 | 14,098,443 | 13,200,949 | 13,161,407 | 13,597,742 | +1,245,305 |
| Appropriations | (12,317,537) | (14,043,443) | (13,200,949) | (13,105,905) | (13,542,742) | (+1,225,205) |
| Emergency funding | (34,900) | (55,000) | | (55,502) | (55,000) | (+20,100) |
| Advance appropriations, FY 2002 | | 422,249 | | | | |
| TITLE II - POSTAL SERVICE | | | | | | |
| Payment to the Postal Service Fund | 28,620 | 29,000 | 29,000 | | 29,000 | +380 |
| Advance appropriation, FY 2002 | 64,436 | 67,093 | 67,093 | 67,093 | 67,093 | +2,657 |
| Total | 93,056 | 96,093 | 96,093 | 67,093 | 96,093 | +3,037 |

## H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT | | | | | | |
| Compensation of the President and the White House Office: | | | | | | |
| Compensation of the President | 250 | 390 | 390 | 390 | 390 | +140 |
| Salaries and Expenses | 52,243 | 53,288 | 52,135 | 53,288 | 53,288 | +1,045 |
| Executive Residence at the White House: | | | | | | |
| Operating Expenses | 9,225 | 10,900 | 10,288 | 10,900 | 10,900 | +1,675 |
| White House Repair and Restoration | 808 | 5,510 | 658 | 5,510 | 968 | +160 |
| Special Assistance to the President and the Official Residence of the Vice President: | | | | | | |
| Salaries and Expenses | 3,609 | 3,673 | 3,664 | 3,673 | 3,673 | +64 |
| Operating expenses | 330 | 354 | 354 | 354 | 354 | +24 |
| Council of Economic Advisers | 3,825 | 4,110 | 3,997 | 4,110 | 4,110 | +285 |
| Office of Policy Development | 4,017 | 4,032 | 4,030 | 4,032 | 4,032 | +15 |
| National Security Council | 6,970 | 7,165 | 7,148 | 7,165 | 7,165 | +195 |
| Office of Administration | 39,050 | 43,737 | 41,185 | 43,737 | 43,737 | +4,687 |
| Contingent emergency supplemental | 8,400 | | | | | -8,400 |
| Office of Management and Budget | 63,256 | 68,786 | 67,143 | 67,935 | 68,786 | +5,530 |
| Office of National Drug Control Policy: | | | | | | |
| Salaries and expenses | 22,823 | 25,400 | 24,759 | 24,312 | 24,759 | +1,936 |
| Title II general provisions (P.L. 106-113) | 3,000 | | | | | -3,000 |
| Counterdrug Technology Assessment Center | 29,052 | 20,400 | 29,750 | 29,052 | 29,053 | +1 |
| Total | 54,875 | 45,800 | 54,509 | 53,364 | 53,812 | -1,063 |
| Federal Drug Control Programs: | | | | | | |
| High Intensity Drug Trafficking Areas Program | 191,271 | 192,000 | 217,000 | 196,000 | 206,500 | +15,229 |
| Special forfeiture fund | 215,297 | 259,000 | 219,000 | 144,300 | 233,600 | +18,303 |
| Unanticipated Needs | 996 | 1,000 | | | | -996 |
| Elections Commission of the Commonwealth of Puerto Rico | | 2,500 | | | | |
| Total, title III, Executive Office of the President and Funds Appropriated to the President | 654,422 | 702,245 | 681,499 | 594,758 | 691,315 | +36,893 |
| TITLE IV - INDEPENDENT AGENCIES | | | | | | |
| Committee for Purchase from People Who Are Blind or Severely Disabled | 2,664 | 4,158 | 4,158 | 4,158 | 4,158 | +1,494 |
| Federal Election Commission | 38,008 | 40,500 | 40,240 | 39,755 | 40,500 | +2,492 |
| Federal Labor Relations Authority | 23,737 | 25,058 | 25,058 | 25,058 | 25,058 | +1,321 |
| General Services Administration: | | | | | | |
| Federal Buildings Fund: | | | | | | |
| Appropriations | -20,022 | 681,871 | | | 464,154 | +484,176 |
| Advance appropriation, FY 2002-2004 | | 477,484 | | 374,345 | 276,400 | +276,400 |
| Limitations on availability of revenue: | | | | | | |
| Construction and acquisition of facilities | (74,979) | (779,788) | | (3,000) | (472,176) | (+397,197) |
| Rescission of funds in P.L. 104-208 | (-20,782) | | | | | (+20,782) |
| General provisions (sec. 410) | | | | (2,500) | (2,500) | (+2,500) |
| Repairs and alterations | (598,674) | (721,193) | (490,592) | (671,193) | (671,193) | (+72,519) |
| Installment acquisition payments | (205,668) | (185,369) | (185,369) | (185,369) | (185,369) | (-20,299) |
| Rental of space | (2,782,186) | (2,944,905) | (2,944,905) | (2,944,905) | (2,944,905) | (+162,719) |
| Building Operations | (1,580,909) | (1,624,771) | (1,580,909) | (1,624,771) | (1,624,771) | (+43,862) |
| Subtotal | (5,242,416) | (6,256,026) | (5,201,775) | (5,431,738) | (5,900,914) | (+658,498) |
| Repayment of Debt | (100,000) | (70,595) | (70,595) | (70,595) | (70,595) | (-29,405) |
| Total, Federal Buildings Fund, FY 2001 | -20,022 | 681,871 | | | 464,154 | +484,176 |
| (Limitations) | (5,342,416) | (6,326,621) | (5,272,370) | (5,502,333) | (5,971,509) | (+629,093) |
| (Rescission of limitations) | (-20,782) | | | | | (+20,782) |
| Policy and Operations | 116,223 | 136,980 | 115,434 | 123,420 | 123,920 | +7,697 |
| Contingent emergency supplemental | 3,300 | | | | | -3,300 |
| Disposal of property | | 8,000 | | | | |
| Office of Inspector General | 33,317 | 34,520 | 34,520 | 34,520 | 34,520 | +1,203 |
| Allowances and Office Staff for Former Presidents | 2,241 | 2,517 | 2,517 | 2,517 | 2,517 | +276 |
| General provision (P.L. 106-113, Title II) | 2,000 | | | | | -2,000 |
| Expenses, Presidential transition | | 7,100 | | 7,100 | 7,100 | +7,100 |
| Total, General Services Administration, FY 2001 | 137,059 | 870,988 | 152,471 | 167,557 | 632,211 | +495,152 |
| Advance appropriations, FY 2002-2004 | | 477,484 | | 374,345 | 276,400 | +276,400 |
| Merit Systems Protection Board: | | | | | | |
| Salaries and Expenses | 27,481 | 29,437 | 28,857 | 29,437 | 29,437 | +1,956 |
| Limitation on administrative expenses | 2,430 | 2,430 | 2,430 | 2,430 | 2,430 | |
| Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation | 1,992 | 3,000 | 2,000 | 1,000 | 2,000 | +8 |
| Environmental Dispute Resolution Fund | 1,245 | 1,250 | 1,250 | 500 | 1,250 | +5 |

## H.R. 4985 - TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 — continued

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| National Archives and Records Administration: | | | | | | |
| Operating expenses | 179,674 | 209,393 | 195,119 | 209,393 | 209,393 | +29,719 |
| Reduction of debt | -5,598 | -5,598 | -5,598 | -5,598 | -5,598 | |
| Repairs and Restoration | 22,296 | 99,560 | 5,650 | 4,950 | 95,150 | +72,854 |
| Advance appropriation, FY 2002 | | | | 88,000 | | |
| Records Center Revolving Fund | 22,000 | | | | | -22,000 |
| National Historical Publications & Records Commission: Grants program | 6,250 | 6,000 | 6,000 | 6,450 | 6,450 | +200 |
| Rescission | -2,000 | | | | | +2,000 |
| Total | 222,622 | 309,355 | 201,171 | 215,195 | 305,395 | +82,773 |
| Advance appropriation, FY 2002 | | | | 88,000 | | |
| Office of Government Ethics | 9,080 | 9,684 | 9,684 | 9,684 | 9,684 | +604 |
| Office of Personnel Management: | | | | | | |
| Salaries and Expenses | 90,240 | 100,558 | 93,471 | 94,095 | 94,095 | +3,855 |
| Limitation on administrative expenses | 95,124 | 101,986 | 101,986 | 99,624 | 101,986 | +6,862 |
| Office of Inspector General | 956 | 1,360 | 1,360 | 1,356 | 1,360 | +404 |
| Limitation on administrative expenses | 9,608 | 9,745 | 9,745 | 9,708 | 9,745 | +137 |
| Government Payment for Annuitants, Employees Health Benefits | 5,105,395 | 5,427,166 | 5,427,166 | 5,427,166 | 5,427,166 | +321,771 |
| Government Payment for Annuitants, Employee Life Insurance | 36,200 | 35,000 | 35,000 | 35,000 | 35,000 | -1,200 |
| Payment to Civil Service Retirement and Disability Fund | 9,120,558 | 8,940,051 | 8,940,051 | 8,940,051 | 8,940,051 | -180,507 |
| Total, Office of Personnel Management | 14,458,081 | 14,615,866 | 14,608,779 | 14,607,000 | 14,609,403 | +151,322 |
| Office of Special Counsel | 9,703 | 11,147 | 10,319 | 10,733 | 11,147 | +1,444 |
| United States Tax Court | 35,045 | 37,439 | 37,305 | 35,474 | 37,305 | +2,260 |
| Total, title IV, Independent Agencies | 14,969,147 | 16,437,796 | 15,123,722 | 15,610,326 | 15,986,378 | +1,017,231 |
| Current year, FY 2001 | 14,969,147 | 15,960,312 | 15,123,722 | 15,147,981 | 15,709,978 | +740,831 |
| Appropriations | (14,967,847) | (15,960,312) | (15,123,722) | (15,147,981) | (15,709,978) | (+742,131) |
| Rescissions | (-2,000) | | | | | (+2,000) |
| Advance appropriations, FY 2002-2004 | | 477,484 | | 462,345 | 276,400 | +276,400 |
| Grand total | 28,069,062 | 31,756,826 | 29,102,263 | 29,433,584 | 30,371,528 | +2,302,466 |
| Current year, FY 2001 | 28,004,626 | 30,790,000 | 29,035,170 | 28,904,146 | 30,028,035 | +2,023,409 |
| Appropriations | (27,968,426) | (30,735,000) | (29,035,170) | (28,848,644) | (29,973,035) | (+2,004,609) |
| Emergency funding | (38,200) | (55,000) | | (55,502) | (55,000) | (+16,800) |
| Rescissions | (-2,000) | | | | | (+2,000) |
| Advance appropriations, FY 2002-2004 | 64,436 | 966,826 | 67,093 | 529,438 | 343,493 | +279,057 |
| (Limitations) | (5,342,416) | (6,326,621) | (5,272,370) | (5,502,333) | (5,971,509) | (+629,093) |
| (Rescission of limitations) | (-20,782) | | | | | (+20,782) |
| Scorekeeping adjustments: | | | | | | |
| Bureau of The Public Debt (Permanent) | 142,000 | 145,000 | 145,000 | 145,000 | 145,000 | +3,000 |
| Federal Reserve Bank reimbursement fund | 128,000 | 131,000 | 131,000 | 131,000 | 131,000 | +3,000 |
| Limitation on admin expenses adjustment to BA | -1,561 | | | | | +1,561 |
| US Mint revolving fund | 11,000 | 14,000 | 14,000 | 14,000 | 14,000 | +3,000 |
| Sallie Mae | 1,000 | 1,000 | 1,000 | 1,000 | 1,000 | |
| Federal buildings fund | -119,366 | 63,000 | -309,000 | -79,000 | -74,000 | +45,366 |
| Advance appropriations: | | | | | | |
| Postal service, FY 2000/2001 | 71,195 | 64,436 | 64,436 | 64,436 | 64,436 | -6,759 |
| Postal service, FY 2001/2002 | -64,436 | -67,093 | -67,093 | -67,093 | -67,093 | -2,657 |
| IRS, FY 2002 | | -422,249 | | | | |
| GSA, FY 2002-2004 | | -477,484 | | -374,345 | -276,400 | -276,400 |
| National Archives, FY 2002 | | | | -88,000 | | |
| Conveyance of land to the Columbia Hospital for Women (sec. 410) | -8,000 | | | | | +8,000 |
| NOAA retirement provision (sec. 654), FY 1999 | 5,650 | | | | | -5,650 |
| Government-wide early buyout (sec. 651) | 30,000 | | | | | -30,000 |
| GSA early buyout (sec. 411) | -1,000 | | | | | +1,000 |
| FY 1999 supplemental (sec. 654) | -5,650 | | | | | +5,650 |
| Across the board cut (0.38%) | -73,000 | | | | | +73,000 |
| OMB/CBO adjustment | 72,153 | | | | | -72,153 |
| OMB/CBO adjustment (mandatory to discretionary) | (-408) | | | | | (+408) |
| Total, scorekeeping adjustments | 187,985 | -548,390 | -20,657 | -253,002 | -62,057 | -250,042 |
| Total mandatory and discretionary | 28,257,047 | 31,208,436 | 29,081,606 | 29,180,582 | 30,309,471 | +2,052,424 |
| Mandatory | 14,532,995 | 14,679,607 | 14,679,607 | 14,679,607 | 14,679,607 | +146,612 |
| Discretionary | 13,724,052 | 16,528,829 | 14,401,999 | 14,500,975 | 15,629,864 | +1,905,812 |

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as of this point, we have 2 of the 13 appropriation bills which must pass by October 1 actually through the system. Both of those bills fund the same department. Other than that, we have a lot of bills that are still caught midstream at various points between the two Houses.

This bill is, unfortunately, part of an unfortunate process under which decisions have evidently been made to send yet more bills down to the President which will be veto bait rather than bills that will be likely to become law.

That does nothing to put us any closer to getting our work done by the end of the fiscal year. And I regret that.

The legislative appropriations bill started out as a bill which every single Member of the minority side was willing to sign and send on to the other body and the President. Unfortunately, it was been packaged with a number of other unrelated items, other appropriations bills, as well as tax provisions which have no business in the bill.

In essence, at this point, this dog has three tails and no legs. It is not going anywhere. And the sooner we dispose of it, the sooner we can get back to reality.

I do not expect, unfortunately, that we are going to see many Members on this side voting for this bill because it, unfortunately, is another exercise in futility at this point.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. TAYLOR), who chairs the Subcommittee on Legislative Branch Appropriations, which is the primary vehicle for this conference report.

Mr. TAYLOR of North Carolina. Mr. Speaker, first I would like to thank again our staff and ranking members for the cooperation in the Legislative Branch bill.

The conference agreement appropriates $2.53 billion for fiscal year 2001.

Compared to FY 2000, including supplementals, the conference report is an increase of $40 million, about 1.6 percent.

In personnel, the conference report cuts 47 equivalent jobs. There are no layoffs or RIFs, and all COLAs are funded.

Since 1994, we have cut 4,222 jobs throughout the legislative branch. That is a reduction of 15.2 percent. No other branch of the Federal Government comes close to that amount of downsizing undergone by the legislative branch.

The conference report includes funds for the further development of the National Digital Library program with the Library of Congress. This project is laying the foundation for integration of the Internet and our educational system.

There is also a provision requiring penalty clauses to be placed in the Architect's construction projects. Without the ability to hold contractors to schedules and funding limitations, we are totally vulnerable to mismanagement and lax supervision. This provision is aimed at improving the Architect's control over his construction responsibilities.

The conference report does not include merger of the Capitol, Library, and GPO police, nor does the report include the human resources legislation for GAO.

The GAO matter may surface again at a later date. A few matters need to be worked out, and I am confident we can accomplish that in the future. We have asked the Comptroller General to concentrate on that.

The agreement includes an emergency FY2000 supplemental appropriation of $2.1 million for congressional and Library of Congress security and $9 million for urgent repairs at the Cannon garage.

In summary, Mr. Speaker, the bill provides $2.53 billion. It is 7.3 percent below the request of the President's budget. And FTE levels have been reduced by 47.

The bill maintains a smaller legislative branch as established by the policies set in the 104th Congress, and it provides stability to those operations that must support our legislative needs.

I include for the RECORD the following table that tabulates the funding agreement:

## H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| TITLE I - CONGRESSIONAL OPERATIONS | | | | | | |
| SENATE | | | | | | |
| Payments to Widows and Heirs of Deceased Members of Congress | | | | | | |
| Gratuities, deceased Members | | | | | 141 | +141 |
| Expense Allowances | | | | | | |
| Expense allowances: | | | | | | |
| Vice President | 10 | 10 | | 10 | 10 | |
| President Pro Tempore of the Senate | 10 | 10 | | 10 | 10 | |
| Majority Leader of the Senate | 10 | 10 | | 10 | 10 | |
| Minority Leader of the Senate | 10 | 10 | | 10 | 10 | |
| Majority Whip of the Senate | 5 | 5 | | 5 | 5 | |
| Minority Whip of the Senate | 5 | 5 | | 5 | 5 | |
| Chairman of the Majority Conference Committee | 3 | 3 | | 3 | 3 | |
| Chairman of the Minority Conference Committee | 3 | 3 | | 3 | 3 | |
| Chairman of the Majority Policy Committee | | | | 3 | 3 | +3 |
| Chairman of the Minority Policy Committee | | | | 3 | 3 | +3 |
| Subtotal, expense allowances | 56 | 56 | | 62 | 62 | +6 |
| Representation allowances for the Majority and Minority Leaders | 30 | 30 | | 30 | 30 | |
| Total, Expense allowances and representation | 86 | 86 | | 92 | 92 | +6 |
| Salaries, Officers and Employees | | | | | | |
| Office of the Vice President | 1,721 | 1,785 | | 1,785 | 1,785 | +64 |
| Office of the President Pro Tempore | 437 | 453 | | 453 | 453 | +16 |
| Offices of the Majority and Minority Leaders | 2,644 | 2,742 | | 2,742 | 2,742 | +98 |
| Offices of the Majority and Minority Whips | 1,634 | 1,770 | | 1,722 | 1,722 | +88 |
| Committee on Appropriations | 6,525 | 6,917 | | 6,917 | 6,917 | +392 |
| Conference committees | 2,264 | 2,350 | | 2,304 | 2,304 | +40 |
| Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority | 590 | 732 | | 590 | 590 | |
| Policy Committees | 2,302 | 2,506 | | 2,342 | 2,342 | +40 |
| Office of the Chaplain | 277 | 288 | | 288 | 288 | +11 |
| Office of the Secretary | 14,202 | 14,738 | | 14,738 | 14,738 | +536 |
| Office of the Sergeant at Arms and Doorkeeper | 34,794 | 35,341 | | 34,811 | 34,811 | +17 |
| Offices of the Secretaries for the Majority and Minority | 1,246 | 1,292 | | 1,292 | 1,292 | +46 |
| Agency contributions and related expenses | 21,332 | 22,337 | | 22,337 | 22,337 | +1,005 |
| Total, salaries, officers and employees | 89,968 | 93,253 | | 92,321 | 92,321 | +2,353 |
| Office of the Legislative Counsel of the Senate | | | | | | |
| Salaries and expenses | 3,901 | 4,046 | | 4,046 | 4,046 | +145 |
| Office of Senate Legal Counsel | | | | | | |
| Salaries and expenses | 1,035 | 1,069 | | 1,069 | 1,069 | +34 |
| Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate | | | | | | |
| Expenses allowances | 12 | 12 | | 12 | 12 | |
| Contingent Expenses of the Senate | | | | | | |
| Inquiries and investigations | 71,604 | 74,136 | | 73,000 | 73,000 | +1,396 |
| Expenses of United States Senate Caucus on International Narcotics Control | 370 | 370 | | 370 | 370 | |
| Secretary of the Senate | 1,511 | 2,077 | | 2,077 | 2,077 | +566 |
| Sergeant at Arms and Doorkeeper of the Senate | 66,261 | 101,228 | | 71,261 | 71,511 | +5,250 |
| Miscellaneous items | 8,655 | 8,655 | | 8,655 | 8,655 | |
| Senators' Official Personnel and Office Expense Account | 245,703 | 273,591 | | 253,203 | 253,203 | +7,500 |
| Official Mail Costs | | | | | | |
| Expenses | 300 | 300 | | 300 | 300 | |
| Total, contingent expenses of the Senate | 394,404 | 460,357 | | 408,866 | 409,116 | +14,712 |
| Total, Senate | 489,406 | 558,823 | | 506,406 | 506,797 | +17,391 |
| Across the board cut (0.38%) | -2,036 | | | | | +2,036 |
| Net total, Senate | 487,370 | 558,823 | | 506,406 | 506,797 | +19,427 |

## H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| HOUSE OF REPRESENTATIVES | | | | | | |
| Salaries and Expenses | | | | | | |
| House Leadership Offices | | | | | | |
| Office of the Speaker | 1,723 | 1,798 | 1,759 | 1,759 | 1,759 | +36 |
| Office of the Majority Floor Leader | 1,688 | 1,761 | 1,726 | 1,726 | 1,726 | +38 |
| Office of the Minority Floor Leader | 2,050 | 2,140 | 2,096 | 2,096 | 2,096 | +46 |
| Office of the Majority Whip | 1,404 | 1,500 | 1,466 | 1,466 | 1,466 | +62 |
| Office of the Minority Whip | 1,042 | 1,121 | 1,096 | 1,096 | 1,096 | +54 |
| Speaker's Office for Legislative Floor Activities | 406 | 417 | 410 | 410 | 410 | +4 |
| Republican Steering Committee | 755 | 779 | 765 | 765 | 765 | +10 |
| Republican Conference | 1,225 | 1,289 | 1,255 | 1,255 | 1,255 | +30 |
| Democratic Steering and Policy Committee | 1,324 | 1,381 | 1,352 | 1,352 | 1,352 | +28 |
| Democratic Caucus | 657 | 687 | 668 | 668 | 668 | +11 |
| Nine minority employees | 1,218 | 1,251 | 1,229 | 1,229 | 1,229 | +11 |
| Training and Development Program: | | | | | | |
| Majority | 284 | 290 | 278 | 278 | 278 | -6 |
| Minority | 284 | 290 | 278 | 278 | 278 | -6 |
| Subtotal, House Leadership Offices | 14,060 | 14,704 | 14,378 | 14,378 | 14,378 | +318 |
| Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail | | | | | | |
| Expenses | 406,279 | 422,894 | 410,182 | 410,182 | 410,182 | +3,903 |
| Committee Employees | | | | | | |
| Standing Committees, Special and Select (except Appropriations) | 93,878 | 99,242 | 92,196 | 92,196 | 92,196 | -1,682 |
| Committee on Appropriations (including studies and investigations) | 21,095 | 22,530 | 20,628 | 20,628 | 20,628 | -467 |
| Subtotal, Committee employees | 114,973 | 121,772 | 112,824 | 112,824 | 112,824 | -2,149 |
| Salaries, Officers and Employees | | | | | | |
| Office of the Clerk | 14,881 | 15,862 | 14,590 | 14,590 | 14,590 | -291 |
| Office of the Sergeant at Arms | 3,746 | 3,858 | 3,692 | 3,692 | 3,692 | -54 |
| Office of the Chief Administrative Officer | 57,289 | 64,180 | 58,550 | 58,550 | 58,550 | +1,261 |
| Office of Inspector General | 3,926 | 4,040 | 3,249 | 3,249 | 3,249 | -677 |
| Office of General Counsel | 840 | 877 | 806 | 806 | 806 | -34 |
| Office of the Chaplain | 136 | 139 | 140 | 140 | 140 | +4 |
| Office of the Parliamentarian | 1,172 | 1,256 | 1,201 | 1,201 | 1,201 | +29 |
| Office of the Parliamentarian | (1,011) | (1,086) | (1,035) | (1,035) | (1,035) | (+24) |
| Compilation of precedents of the House of Representatives | (161) | (170) | (166) | (166) | (166) | (+5) |
| Office of the Law Revision Counsel of the House | 2,045 | 2,130 | 2,045 | 2,045 | 2,045 | |
| Office of the Legislative Counsel of the House | 5,085 | 5,140 | 5,085 | 5,085 | 5,085 | |
| Corrections Calendar Office | 825 | 851 | 832 | 832 | 832 | +7 |
| Other authorized employees | 205 | 213 | 213 | 213 | 213 | +8 |
| Technical Assistants, Office of the Attending Physician | (205) | (213) | (213) | (213) | (213) | (+8) |
| Subtotal, Salaries, Officers and Employees | 90,150 | 98,546 | 90,403 | 90,403 | 90,403 | +253 |
| Allowances and Expenses | | | | | | |
| Supplies, materials, administrative costs and Federal tort claims | 2,741 | 3,381 | 2,235 | 2,235 | 2,235 | -506 |
| Official mail for committees, leadership offices, and administrative offices of the House | 410 | 410 | 410 | 410 | 410 | |
| Government contributions | 128,704 | 138,355 | 138,726 | 138,726 | 138,726 | +10,022 |
| Miscellaneous items | 676 | 676 | 393 | 393 | 393 | -283 |
| Special education needs | | | | | 215 | +215 |
| Subtotal, Allowances and expenses | 132,531 | 142,822 | 141,764 | 141,764 | 141,979 | +9,448 |
| Total, salaries and expenses | 757,993 | 800,738 | 769,551 | 769,551 | 769,766 | +11,773 |
| Total, House of Representatives | 757,993 | 800,738 | 769,551 | 769,551 | 769,766 | +11,773 |
| JOINT ITEMS | | | | | | |
| Joint Comgressional Committee on Inaugural Ceremonies of 2001 | | 1,000 | | 1,000 | 1,000 | +1,000 |
| Joint Economic Committee | 3,200 | 3,315 | 3,072 | 3,315 | 3,315 | +115 |
| Joint Committee on Taxation | 6,431 | 6,747 | 6,174 | 6,686 | 6,430 | -1 |
| Office of the Attending Physician | | | | | | |
| Medical supplies, equipment, expenses, and allowances | 1,891 | 1,835 | 1,835 | 1,835 | 1,835 | -56 |
| Capitol Police Board | | | | | | |
| Capitol Police | | | | | | |
| Salaries: | | | | | | |
| Sergeant at Arms of the House of Representatives | 37,582 | 51,952 | 45,683 | 51,350 | 47,053 | +9,471 |
| Sergeant at Arms and Doorkeeper of the Senate | 40,776 | 54,118 | 47,086 | 51,350 | 50,089 | +9,313 |
| Subtotal, salaries | 78,358 | 106,070 | 92,769 | 102,700 | 97,142 | +18,784 |

## H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| General expenses | 6,549 | 9,960 | 6,549 | 6,884 | 6,772 | +223 |
| Subtotal, Capitol Police | 84,907 | 116,030 | 99,316 | 109,584 | 103,914 | +19,007 |
| Security enhancements | 2,102 | 2,750 | | | | -2,102 |
| Capitol Guide Service and Special Services Office | 2,293 | 2,371 | 2,201 | 2,371 | 2,371 | +78 |
| Statements of Appropriations | 30 | 30 | 29 | 30 | 30 | |
| Total, Joint items | 100,854 | 134,078 | 112,629 | 124,821 | 118,895 | +18,041 |
| OFFICE OF COMPLIANCE | | | | | | |
| Salaries and expenses | 1,992 | 2,095 | 1,816 | 2,066 | 1,820 | -172 |
| CONGRESSIONAL BUDGET OFFICE | | | | | | |
| Salaries and expenses | 26,121 | 28,493 | 27,403 | 27,113 | 28,493 | +2,372 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Capitol Buildings and Grounds | | | | | | |
| Capitol buildings, salaries and expenses | 53,897 | 60,038 | 44,234 | 44,191 | 43,889 | -10,008 |
| Capitol grounds | 5,406 | 6,120 | 5,217 | 5,512 | 5,362 | -44 |
| Senate office buildings | 66,109 | 66,628 | | 63,974 | 63,974 | -2,135 |
| House office buildings | 50,350 | 53,269 | 32,750 | 32,750 | 32,750 | -17,600 |
| Capitol Power Plant | 41,897 | 45,272 | 43,551 | 43,969 | 43,815 | +1,918 |
| Offsetting collections | -3,985 | -4,400 | -4,400 | -4,400 | -4,400 | -415 |
| Net subtotal, Capitol Power Plant | 37,912 | 40,872 | 39,151 | 39,569 | 39,415 | +1,503 |
| Total, Architect of the Capitol | 213,474 | 226,927 | 121,352 | 185,996 | 185,190 | -28,284 |
| LIBRARY OF CONGRESS | | | | | | |
| Congressional Research Service | | | | | | |
| Salaries and expenses | 70,973 | 75,640 | 73,810 | 73,374 | 73,592 | +2,619 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Congressional printing and binding | 73,297 | 80,800 | 69,626 | 73,297 | 71,462 | -1,835 |
| Total, title I, Congressional Operations | 1,732,074 | 1,907,594 | 1,176,187 | 1,762,624 | 1,756,015 | +23,941 |
| TITLE II - OTHER AGENCIES | | | | | | |
| BOTANIC GARDEN | | | | | | |
| Salaries and expenses | 3,438 | 4,916 | 3,216 | 3,653 | 3,328 | -110 |
| LIBRARY OF CONGRESS | | | | | | |
| Salaries and expenses | 265,803 | 292,174 | 269,864 | 267,330 | 282,838 | +17,035 |
| Authority to spend receipts | -6,850 | -6,850 | -6,850 | -6,850 | -6,850 | |
| Net subtotal, Salaries and expenses | 258,953 | 285,324 | 263,014 | 260,480 | 275,988 | +17,035 |
| Copyright Office, salaries and expenses | 37,485 | 38,903 | 38,771 | 38,332 | 38,523 | +1,038 |
| Authority to spend receipts | -26,254 | -26,783 | -31,783 | -26,783 | -29,283 | -3,029 |
| Net subtotal, Copyright Office | 11,231 | 12,120 | 6,988 | 11,549 | 9,240 | -1,991 |
| Books for the blind and physically handicapped, salaries and expenses | 47,802 | 48,983 | 48,507 | 48,711 | 48,609 | +807 |
| Furniture and furnishings | 5,394 | 6,020 | 5,394 | 4,892 | 4,892 | -502 |
| Total, Library of Congress (except CRS) | 323,380 | 352,447 | 323,903 | 325,632 | 338,729 | +15,349 |
| ARCHITECT OF THE CAPITOL | | | | | | |
| Library Buildings and Grounds | | | | | | |
| Structural and mechanical care | 19,857 | 20,278 | 15,837 | 16,347 | 15,970 | -3,887 |
| GOVERNMENT PRINTING OFFICE | | | | | | |
| Office of Superintendent of Documents | | | | | | |
| Salaries and expenses | 29,872 | 34,451 | 25,652 | 30,255 | 27,954 | -1,918 |
| Government Printing Office Revolving Fund | | | | | | |
| GPO revolving fund | | 6,000 | | | | |
| Total, Government Printing Office | 29,872 | 40,451 | 25,652 | 30,255 | 27,954 | -1,918 |

## H.R. 4516 - LEGISLATVE BRANCH APPROPRIATIONS, 2001 — continued

(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | House | Senate | Conference | Conference vs. enacted |
|---|---|---|---|---|---|---|
| GENERAL ACCOUNTING OFFICE | | | | | | |
| Salaries and expenses | 378,961 | 402,918 | 371,896 | 387,867 | 387,867 | +8,906 |
| Offsetting collections | -1,400 | -3,000 | -3,000 | -3,000 | -3,000 | -1,600 |
| Total, General Accounting Office | 377,561 | 399,918 | 368,896 | 384,867 | 384,867 | +7,306 |
| Total, title II, Other agencies | 754,108 | 818,010 | 737,504 | 760,754 | 770,848 | +16,740 |
| Grand total | 2,486,182 | 2,725,604 | 1,913,691 | 2,523,378 | 2,526,863 | +40,681 |
| TITLE I - CONGRESSIONAL OPERATIONS | | | | | | |
| Senate | 487,370 | 558,823 | | 506,406 | 506,797 | +19,427 |
| House of Representatives | 757,993 | 800,738 | 769,551 | 769,551 | 769,766 | +11,773 |
| Joint items | 100,854 | 134,078 | 112,629 | 124,821 | 118,895 | +18,041 |
| Office of Compliance | 1,992 | 2,095 | 1,816 | 2,066 | 1,820 | -172 |
| Congressional Budget Office | 26,121 | 28,493 | 27,403 | 27,113 | 28,493 | +2,372 |
| Architect of the Capitol | 213,474 | 226,927 | 121,362 | 185,996 | 185,190 | -28,264 |
| Library of Congress: Congressional Research Service | 70,973 | 75,640 | 73,810 | 73,374 | 73,592 | +2,619 |
| Congressional printing and binding, Government Printing Office | 73,297 | 80,800 | 69,626 | 73,297 | 71,462 | -1,835 |
| Total, title I, Congressional operations | 1,732,074 | 1,907,594 | 1,176,187 | 1,762,624 | 1,756,015 | +23,941 |
| TITLE II - OTHER AGENCIES | | | | | | |
| Botanic Garden | 3,438 | 4,916 | 3,216 | 3,653 | 3,328 | -110 |
| Library of Congress (except CRS) | 323,380 | 352,447 | 323,903 | 325,632 | 338,729 | +15,349 |
| Architect of the Capitol (Library buildings & grounds) | 19,857 | 20,278 | 15,837 | 16,347 | 15,970 | -3,887 |
| Government Printing Office (except congressional printing and binding) | 29,872 | 40,451 | 25,652 | 30,255 | 27,954 | -1,918 |
| General Accounting Office | 377,561 | 399,918 | 368,896 | 384,867 | 384,867 | +7,306 |
| Total, title II, Other agencies | 754,108 | 818,010 | 737,504 | 760,754 | 770,848 | +16,740 |
| Grand total | 2,486,182 | 2,725,604 | 1,913,691 | 2,523,378 | 2,526,863 | +40,681 |

NOTE: FY 2000 enacted includes 0.38% rescissions and legislative supplemental actions pending in H.R. 4516. Excluded from totals is a $40,000,000 contingent emergency FY 2000 supplemental for FHA.

Mr. Speaker, I urge the adoption of the conference report.

Mr. HOYER. Mr. Speaker, on behalf of the gentleman from Wisconsin (Mr. OBEY), I yield 5 minutes to the distinguished gentleman from Arizona (Mr. PASTOR), the ranking member of the Subcommittee on Legislative Appropriations.

Mr. PASTOR. Mr. Speaker, I thank my colleague for being so kind in yielding to me.

Mr. Speaker, first of all, let me thank the gentleman from North Carolina (Mr. TAYLOR), the chairman, for the manner in which he conducted business with the ranking member on the minority side of the subcommittee. He was very inclusive, and we were able to work out the differences as we proceeded with this bill and at conference had a very good bill.

I also want to thank Ed Lombard, who was assisted by Kit Winter and Tom Martin, for the professionalism that was displayed in developing this bill.

On the minority side, I would like to thank Mark Murray, who worked with my assistant, Eve Young. They provided countless hours of guidance and assistance to the minority.

Mr. Speaker, when this bill started, it had a very bad allocation. There was a concern about the security, the safety of the House, of the Capitol. As we proceeded with this bill, it got better.

At conference, we had restored many of the cuts that were initially in the bill. We were able to maintain security by providing enough money to have the required two policemen at every door.

□ 1445

We were able to fund CRS to the level in which it would not have layoffs. We were able to give to the Members' accounts enough money so they could provide cost of living raises for their staff. We worked it out with the Senate, and the conference report was a very good one.

As we were leaving the conference report, we asked the chairman what was going to happen to the bill and he, in his wisdom, said we do not know how many flies are going to be on this dog. That is how we left the conference.

Well, Mr. Speaker, the conference is that today we are here and could have passed a legislative branch bill that would have served this House very well, but the leadership has decided to add the Treasury Postal bill and also the telephone excise tax bill. It will be with great reluctance that the minority side will probably not support this conference bill because of the manner in which the Treasury Postal bill was developed. So I will ask my colleagues on our side of the aisle that even though we have a very good legislative branch bill, the concerns of the Treasury Postal bill that has been tacked on to this bill gives enough concern in which we may not want to support it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. KOLBE), the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government and the bill that funds the White House, the President's activities.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, I am very pleased this afternoon to rise to talk about that part of this conference report that covers the 2001 Treasury Postal Service and General Government appropriations bill. This is a bill that is strong on law enforcement. It is tough on guns and it supports a policy of zero tolerance on drugs.

Now, the President has said that he will sign all reasonable appropriation bills this Republican Congress sends to him.

Mr. Speaker, this is exactly what he asked for. It is reasonable in every sense of the word, as I will attempt to describe here. Our part of this conference report is fiscally responsible and it is completely free of any and all controversial legislative riders.

Let me just take a moment to describe a little bit of the nuts and bolts of the measure. First of all, overall it has $15.6 billion in support of the agencies that are covered by our appropriations subcommittee. It is $1.9 billion, or 13.8 percent above the 2000 enacted level. It is 5.4 percent or $900 million below the President's request but it is also $1.228 billion above what we first initially passed in the House.

Some of the increases over the 2000 enacted levels include these: $449 million for U.S. Customs Service, including not less than $258 million for the badly needed Customs automation program, particularly the new one called ACE or Automated Customs Environment; $204.9 million for the Bureau of Alcohol Tobacco and Firearms; $423 million for IRS to support ongoing efforts for organizational modernization; $15.2 million for the HIDTA, the High Intensity Drug Trafficking Area program, a total of $206.5 million for that; a $10 million increase for the Drug Free Communities Act; $142 million for the Secret Service to support their ongoing protective operations as well as the work that they do with school violence; a total of $276 million as an advance appropriation for fiscal year 2002 for four new courthouses for a total of $472 million in fiscal year 2001 for four new courthouse projects, two new border stations, the continuation of FDA consolidation and the construction of ATF headquarters.

Lastly, let me just mention that there is $88 million to begin the work and restoration of the National Archives headquarters and protection of our charters of freedom.

In terms of legislative items as compared to the House-passed bill, this agreement does not include any provisions related to the Cuban sanctions. It does not include provisions related to the prohibition on the use of funds to implement regulations clarifying what constitutes a satisfactory record of integrity and business ethics for Federal contractors, also known as the black listing provision. It does not include the provision prohibiting the use of funds to provide preferential treatment for the acquisition of firearms or ammunition. It does not include any provisions relating to reforms of the Federal Elections Commission, including the provision on the use of government aircraft by House and Senate candidates.

Conversely, this agreement does include current law from both the prohibition and use of funds for abortion as well as a requirement that health benefit plans provide contraceptive coverage. It does include a 1-year extension of the pilot project for child care and it does include current law as enacted in 1999 for the Kyoto protocol.

Mr. Speaker, I know that some of my colleagues on the other side of the aisle are going to cry foul about this bill. They are going to claim the conference agreement was put together in the dead of night without their participation.

Well, we did work long hours and indeed some of those hours were in the middle of the night in order to put together this responsible bill, but the truth is, and my colleagues know this, that they were invited to participate at every step of the way. For every meeting that was scheduled with the Senate, they and their staffs were invited to attend.

The fact is, they declined to participate. They declined our invitation to participate.

Now, I also suspect my colleagues will claim, as they already have, this bill is headed for a veto because it fails to fund must-have items requested in the President's budget. The fact is, we do not know if the President will veto this measure. Through the grapevine we have heard several variations of the position of the White House.

First, they thought this was a reasonable bill, albeit somewhat short when it came to funding new employees in the IRS. We were led to believe the administration wanted to add back or add an additional $100 million. Then we heard the White House wanted $300 million, some for IRS, some for Archives, some for Treasury law enforcement. Finally, we heard the White House does not really have a specific list of must-have programs they believe are underfunded but rather there is a general list of must-have items that now totals between $729 million and $783 million, more than half of which would go to courthouse construction.

Regardless of courthouses, this conference agreement funds 8 projects, one more than the President requested. Now, some will say that we are playing games with the numbers because we forward funded four projects. The fact is of those four projects, one of them, the largest one, in Miami at $122 million, has a lot of controversy about it and it has a difficult time in the authorization process. It made sense to actually forward fund this one.

Let us be honest about who is playing games and using gimmicks. It is not the Committee on Appropriations. There is one fact and one fact only that has kept us from passing this bill sooner. The White House will not give us a position on the bill. They will not specify what items which might cause them to veto this measure. They will not sit down and negotiate with us. In all my years on appropriations, I have not seen a time when the White House outright refused to give a position on the bill, but this is apparently the year where they simply refuse to come to the table and negotiate in good faith on this appropriation bill. I urge my colleagues to support this conference report so we can get on with the business of Congress.

Mr. OBEY. Mr. Speaker, I yield 12 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, the gentleman from Arizona (Mr. KOLBE) and I are not managing this conference report, as was noted. In fact, it is being managed by the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG). That is a testimony to the process, the convoluted process, that has brought us to this floor today.

The gentleman from Arizona (Mr. PASTOR) rose and said that this was never considered in the legislative bill to be added. As far as I know, it was never considered in the legislative conference, not the conference that I participated in. At no time did the legislative conference meet and add this as a part of its bill.

I am on the legislative committee, at least as far as I was invited to. I do not know whether the gentleman from Wisconsin (Mr. OBEY) was invited to a conference of the legislative committee or the gentleman from Arizona (Mr. PASTOR), but I think the answer to that is no.

Notwithstanding that, I and the gentleman from Arizona (Mr. KOLBE) have tried to work together to try to bring this bill to a point where we could all support it. Very frankly, I think that that is possible. I think it is still possible.

I talked to the Speaker about it just an hour and a half ago. I am sorry that we are here today in a mode of not being in agreement on this bill.

So, first of all, the process has been very convoluted. The Senate, of course, has not considered this bill on the floor and there was no real conference on a Senate bill and a House bill and the differences.

This process, from the very beginning, has been a difficult one, if not incorrect one. In the committee's report when we came to the floor on this bill, the committee said we needed $1.3 billion more, I think they were correct, at least $1.3 billion more, to meet the responsibilities of our committee and of the agencies that we fund.

That was the majority's observation, not mine. But they brought a bill to the floor which was $464 million low on IRS. I am going to talk about that in a second. It ended up being more than that because we cut $25 million on the floor to add to HIDTAs. So it was $491 million low on IRS when it left this House.

Now, we did not have convened a conference in the sense that we had two bills. There were meetings. That is correct. There were invitations to come to meetings, some of which were attended. The final conference or whatever conference occurred, I was not at. The perception of the gentleman from Arizona (Mr. KOLBE) is that is by choice. I think that is from his standpoint. I understand that perception. But it was also a choice that was made in the context that we really did not know what was going on, and there were no discussions with us as to exactly what was to be added. The gentleman from Arizona (Mr. KOLBE) represents there were discussions with the White House. The White House is not for these numbers in this bill, still thinks they are substantially low, as I think the gentleman from Arizona (Mr. KOLBE) knows.

Now, the legislation bill comes back to us $1.2 billion over what the House passed, mostly Republicans but some Democrats as well.

That $1.2 billion was added essentially without participation of a full conference. That should not happen. There were an additional $18.8 million that included projects and priorities of various Members, none of whom were Democrats on this side of the aisle. That should not happen.

Let us deal now with the IRS within the time frame that we have, because that is really the most important issue that we deal with in this bill. It is, after all, the agency that collects all the revenue that allows all of us who support a ready and appropriate national defense to fund it. Education, health services, law enforcement, all the other items for which government is responsible, IRS has to collect the money.

Now, we adopted a vision of a new IRS and the gentleman from Ohio (Mr. PORTMAN) and others, the gentleman from Maryland (Mr. CARDIN), a lot of others, brought this to the floor. We had a bill. We passed that bill.

The budget recommendations of the Portman report were, and I quote, the commission recommends that Congress provide the IRS certainty in its operational budget. We recommend the IRS budget for tax law enforcement and processing assistance and management be maintained at current levels.

Why? Because they said in order to carry out our responsibilities in passing this reform and restructuring bill, we need to have consistent and appropriate budget levels.

Now, around that time we hired a gentleman named Rossotti, Charles Rossotti. I think the chairman respects Mr. Rossotti. I know I do. Furthermore, the gentleman from Texas (Mr. ARCHER) does, and Mr. ROTH does. They believe he is doing the kind of job that they expected to be done if we were going to meet our responsibilities under the Reform and Restructuring Act and have an IRS that was taxpayer friendly; that is to say that answered questions in a timely fashion, responded to taxpayers and were able to go personally over tax returns with taxpayers who had a particular problem.

□ 1500

After the conference was brought back to the floor and I expressed my concern that I had not seen the conference, had not talked about the conference, I asked Mr. Rossotti, I said does this allow you to do what we expect you to do? Here was his comment in a letter to me of September 8, 2000: "Please recognize that this level of funding, that is the funding level, that is provided for in this conference report, would lead to a further decline in the already low levels of compliance activity."

I have an article which indicates that some people are saying that there is $300 billion in uncollected but due revenues. Why is that? Because compliance levels are so low and audit levels are shamefully low. I think the chairman knows that.

Mr. Rossotti, who is a Republican, hired as a manager, a business manager to carry out reform and restructuring and taxes modernization, says without funding for the Staffing Tax Administration for Balance and Equity Initiative, otherwise known as STABLE, the IRS effort to provide increased service to taxpayers and reduce the decline in audit coverage are at risk.

Substantively, the administration has a problem with this bill unrelated to politics. I share that view. So that in sum on the IRS title of this bill, we are dangerously low in providing services to the American taxpayer, and I had a discussion with the gentleman from Texas (Mr. ARCHER) on this. I think he shares my view that it is insufficient to carry out their duties.

Mr. Speaker, courthouses, the chairman mentioned the courthouses. The administration asks for seven courthouses to be funded. The conference report, frankly without discussion as to what courthouses we were talking about, came back and funded four courthouses. Now, that courthouse list is an interesting list: California, Washington, Virginia and ends with Mississippi; the next, D.C., Buffalo, Springfield, Miami. There is a list of 19 courthouses that are in the mix and deemed not by any politicians for pork purposes, but by the GSA and by the court administration as being priority needs.

We are not going to do all of those, but the conference, the so-called conference, again, without any discussion with me or other members on our side of the aisle, decided that we were going to fund four and forward fund for others. Now, forward funding adopts the premise that these are necessary, but we are going to fund them next year. So, in effect, we are using next year's money this year. That is what forward funding means.

That is somewhat of a gimmick, a budget gimmick; and I know many of the conservative action team has decried budget gimmicks. But now guess what, and I hope that my conservative action team friends are listening, in addition to that, we have now moved the dates for paying veterans compensation, SSI, and other pensions from one year to another.

The problem with doing that is we changed it in the supplemental the other way just a few months ago. Now, I do not know how many people know that that is in this bill. It surely was not in the bill when it left here. It was never discussed in any conference in which I participated, and it was never informed to me that this was happening.

Mr. Speaker, I do not think there is probably a Member on the floor that knows that that has happened; maybe the chairman does, it has not been discussed.

In addition, we shift $2 billion in this bill out of defense into nondefense domestic discretionary spending so that we can solve a firewall problem in the United States Senate. I cannot believe that the Contract With America that wanted to have a pristine process open and cleared to all without gimmicks that, of course, Democrats were alleged to perpetrate on the Congress, would support these provisions in this bill.

Mr. Speaker, obviously, one could go on for a long time and talk about the necessity of these bills; but one of the items that is not in this bill that the administration feels very strongly about and may well veto this bill on alone is the absence of the response to the counterterrorism initiative included in the administration's request.

There was some response in the conference report, but we left out the largest part of the administration's counterterrorism request. We think that is a problem.

The last thing I would indicate again in a process that is supposed to be an appropriations process, we have added a tax provision to this bill that was never discussed in the legislative conference. It was never discussed in any Treasury Postal conference, and anybody who gets on this floor and says that was a conferenced item that was agreed to by any conferees on the Democratic side in an open way is simply incorrect. It was never, ever discussed.

I would hope that my chairman would not make such a representation, because he knows that would be not true. I do not know how that provision became an emaculate conception on this bill, but it is now on this bill.

So for all of those reasons, I would hope that we would either recommit this bill to conference and sit down and discuss it and come up with a bill on which we could all agree or, in the alternative, defeat this conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service and General Government.

Mr. KOLBE. Mr. Speaker, I want to respond to a few of the things said by my colleague, the gentleman from Maryland (Mr. HOYER), my friend, who I have a great deal of respect for. We just happen to disagree about this bill and the way it has come to the body. I wished we could be in more complete agreement about it.

First, with regard to the funding for IRS. Let us be clear. We have an agency that has 95,000, that is 95,000, employees. It is not a small agency. It is also one in which I think most of us have recognized over the years, that is why we passed the modernization legislation, it has been one that has been too bureaucratic, too hard to move around, to difficult in order to get a handle on it. So I do not think that the issue really is adding more employees. It is making better use of the dollars, better use of technology, better use of management techniques more than anything else.

Mr. Speaker, I would also note with regard to the employees that were suggested to be added, that the President originally asked for this in the emergency supplemental. Now, they were not in there. He signed that bill. They were not in there, so all of this plan that is being asked for, the so-called program of STABLE, was going to be for annualizing these employees.

Since they were not there to begin with, we cannot be talking about analyzing them; but we cannot get a handle on what it is we really need. They will not tell us how much it is we really have to have. So we know that the amount that is requested for this program is wrong. It is not the correct amount, because it was to annualize a program that has not even begun.

We cannot start off with everybody on board in the first day.

Let me just talk about IRS accounts overall, and I think one of the things that I have learned as Chair of this committee, it is the biggest agency that we have. It is one of the hardest agencies to get your hands around and your arms around in terms of understanding it.

Mr. Speaker, now I think we have done a pretty good job in the information technology. We have had some bad times in the past, but we have been able to get a pretty good handle on the information technology account. But I do not think we are there yet with the personnel account, those that fund things such as processing and management and the enforcement.

We do not have a real good handle. We need to do better in that regard, and that is why I think we need to work with Mr. Rossotti and managers at the IRS to get a better handle on exactly how this money they are asking for, this STABLE, for this new large number of 2,500 new employees would actually be used, and what they would actually do. We have not been able to really get a clear understanding of what this would be all about.

On construction, the gentleman from Maryland talked about forward funding and what a gimmick this is. Mr. Speaker, the President had in his request $477 million of forward funding requested for the FDA consolidation mostly, but for some other GSA projects. So please, do not tell us that forward funding is a gimmick. It is a commitment by this body that we are going to do the next set of four courthouses.

And as I suggested, the one that is the largest by far in there is one that has not been authorized, has not been approved by the authorizing committee, and so it is not really in a position to go forward during the coming year anyhow.

Lastly, with regard to counterterrorism, in the emergency supplemental bill, we had $55 million for counterterrorism. There is a request now for some additional amounts of money, but I do not think that this Congress has failed to step up to the plate, has failed to understand the need to have a strong effort in counterterrorism. Once again, we need to have a better idea of how this money is being used. We need to see where it is going before we just simply give a blank check to this administration or any other administration. That is our job as appropriators to do that.

I believe that this bill is a very responsible one. I believe it is one that Members of this body can and should support. And I urge my colleagues to support it.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman has 12½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, let me simply say again the record is clear the administration wants additional money for the IRS. This bill provides and wants additional money to deal with the Puerto Rican elections, and it wants additional money to deal with antiterrorism.

This bill makes a substantial reduction in our antiterrorism appropriations. We had a lot of talk last year around New Year's about whether or not we expected terrorists activities. Those, in fact, did not occur. It is no accident that they did not occur.

We cannot talk in public about some of the things that the administration is trying to deal with in this category, but it would seem to me that before anyone considers reducing this account, they ought to have the briefing that the administration is asking to provide, because I think it will bring into substantial question the decision made in this bill to cut that account.

Mr. Speaker, I would also simply say, the gentleman from Maryland (Mr. HOYER) has already referred to this, I want to insert in the RECORD at this time an article entitled "Taxfree Millionaires by Donald Bartlett and James B. Steel."

[From the Washington Monthly, Sept. 2000]

### Tax Free Millionaires—How the Super Rich Get Away Without Paying Any Taxes

(By Donald L. Barlett and James B. Steele)

Tax fraud is exploding in the United States. In ways large and small, Americans are cheating like never before. One of every three people, perhaps as many as one of every two, is doing it. It's one of Washington's dirty little secrets, a ticking time bomb with the potential to destroy the country's tax system and to undermine essential government programs like Social Security. Disguised by a robust economy and record tax collections, fraud is growing at an exponential pace among all groups, with more and more income concealed from the IRS each year.

How bad is it? No one can put a precise number on lost tax revenue. But it's bad, and getting worse. Even the IRS, which doesn't like to acknowledge this problem for fear it will only encourage more taxpayers to cheat, admitted in 1999 that the "tax gap," its euphemism for fraud and error, is now up to $195 billion a year. But that is based on data from the 1980s. A more reasonable count of the revenue lost every year is $300 billion.

If Tax Dodging Inc. were a business, it would be the nation's largest corporation, eclipsing General Motors, which sits atop the Fortune 500 with revenue of $189 billion.

How do people escape paying the taxes they owe? They inflate their itemized deductions for everything from medical bills to charitable contributions. They manufacture deductions to cover expenses never incurred. They understate their income. Or they do both. They ship their money to foreign tax havens. They claim illegal refunds. They speculate in the stock market and don't report their gains. They charge off their personal living costs as business expenses. And many don't even bother to file tax returns at all.

How many nonfilers are there today? The IRS doesn't have a clue. In part, that's because Congress has slashed the agency's budget, halting the kind of audit that would make even crude projections possible. Informally, government tax authorities say there are 10 million nonfilers. In truth, there are many more, and here's why:

The IRS identifies a nonfiler as a person who fails to submit a tax return even though a third party has filed an earnings statement (W-2) or information return reporting interest or dividends (Form 1099) that shows the person received income during the year. This narrow definition ignores all those who leave no paper trail. These are the people for whom there are no W-2s, or 1099s, no record of wages, annuities, gambling winnings, pensions, interest, dividends, or money flowing in from foreign trusts and bank accounts.

In addition to these people who deal only in cash, there is another larger group whose numbers have soared. They are wealthy Americans and foreign citizens who live and work in the United States and in other countries—multinational wheeler-dealers, independent businesspeople, entertainers, fashion moguls and models. They have multiple passports or global residences and therefore insist they are exempt from the U.S. income tax.

People like the Wildensteins of New York City. That would be Alec and his former wife Jocelyne, who became a staple of the New York tabloids during an unseemly divorce that raged from the fall of 1997 until the spring of 1999.

Alec, born in 1940, is an heir to his family's century-old, intensely-private, multibillion-dollar international art business. Jocelyne, four years his junior, is best known for having undergone countless plastic surgery procedures that make her look more feline, permanently, than any member of the cast of Cats. Her bizarre appearance inspired the tabloids to dub her "The Bride of Wildenstein."

For the Wildensteins, the once impenetrable curtain that had protected the family from prying eyes for generations was unexpectedly pierced on the night of September 3, 1997, when Jocelyne returned to the couple's opulent Manhattan home after a visit to the family's 66,000-acre ranch in Kenya. Walking into the six-story townhouse on East 64th Street, next door to the Wildenstein gallery, a few minutes after midnight, she found her husband in bed with a nineteen-year-old, long-legged blonde.

Alec hastily wrapped himself in a towel, grabbed a 9mm handgun and pointed it at his wife and her two bodyguards. "I wasn't expecting anyone," he screamed with a touch of understatement. "You're trespassing. You don't belong here." The bodyguards summoned the police, who arrested Alec and charged him with three counts of second-degree menacing.

So it was that the French-born, aristocratic Alex Nathan Wildenstein, having traded his towel for an Armani suit and a monogrammed shirt, spent the night in the Tombs prison with some of New York's low life. If nothing else, the incarceration gave him time to plot his revenge. When he got out the next day, he moved quickly. He canceled his wife's credit cards. He cut off her telephone lines, locked all the rooms in the townhouse except for her bedroom and sitting room, shut off her access to bank accounts, directed the chauffeur to stop driving her around, fired her accountant, and, in one final act of retribution, ordered the household chefs to stop cooking for her, which proved a major inconvenience because she had never learned how to operate the stove.

Jocelyne responded by turning up the temperature a few hundred degrees on what had been one of the quietest divorce proceedings ever among the rich and discreet. As a result, life among the Wildensteins—a family that for more than a century had guarded its privacy with a pathological obsession—went on public display.

Jocelyne demanded a $200,000 monthly living allowance, payment of her personal staff's salary and expenses, and a $50 million security deposit pending distribution of the marital property. Alec pleaded poverty. He insisted he had no money of his own and that the millions they spent came form his father.

The Wildenstein Family Circus that followed established conclusively, one or more time, that the rich are very different from the rest of us, beyond the fact that they often pay comparatively little or no taxes. But first, some background on this intriguing family.

Alec is the son of Daniel Wildenstein, the patriarch of the enormously rich French clan. Daniel, born in 1918, controls the Wildenstein billions through a web of secret trusts and intertwined corporations. The Manhattan townhouses, for example, are owned in the name of the Nineteen East Sixty-Fourth Street Corporation, which in turn is controlled by "intermediate entities held in trust." He continues to operate the private, secretive art business started by his grandfather in the nineteenth century, with galleries in New York, Beverly Hills, Tokyo, and Buenos Aires, catering to private collectors, museums, and galleries. And while he spends a lot of his time in Paris, a good chunk of his money resides in secret Swiss bank accounts.

Tucked away in family storerooms, notably in New York, is reportedly the world's largest private collection of the works of the masters—valued at $6 billion to $10 billion. The inventory includes thousands of paintings and drawings by Renoir, Van Gogh, Cezanne, Gauguin, Rembrandt, Rubens, El Greco, Caravaggio, da Vinci, Picasso, Manet, Bonnard, Fragonard, Monet, and others. Many have never been displayed publicly.

In 1990, Daniel's sons Alec and Guy took over management of the New York gallery. Their families maintained separate living quarters in the East 64th Street townhouse. They shared the swimming pool in the basement, the informal and formal dining rooms, the foyer, elevator, and the entrance to the townhouse. Alec and Jocelyne lived on the third floor, their two children had bedrooms on the fifth floor, and Jocelyne used the sixth floor as an office. In addition to the Manhattan townhouse, they maintained a castle, the chateau Marienthal, outside Paris, an apartment in Switzerland, and the Kenya ranch.

Wherever they happened to be, the Wildensteins pursued a lifestyle that was lavish even by the standards of the rich and famous. The details, as they poured from Jocelyne's lips in the divorce proceeding, told the story of a family of seemingly unlimited wealth and no hesitation about spending it. According to her, she and Alec "routinely wrote checks and made withdrawals" from their Chase Manhattan Bank checking account "for $200,000 to $250,000 a month." Jocelyne said that over the last 20 years they did "millions of dollars worth of renovations on the Paris castle and Kenya ranch," and she directed the management, hiring, and staffs of those properties. The routine operating costs of the ranch alone ran $150,000 a month.

In New York, Jocelyne's staff payroll at the 64th street townhouse included $48,000 a year for a chambermaid; $48,000 for a maid who tended the dogs; $60,000 each for a butler and chauffeur; $84,000 for a chef; $102,000 for an assistant with an MBA; and $102,000 for a secretary.

In Kenya, their vast Ol Jogi ranch, with its two hundred buildings spread over an area five times the size of Manhattan, required nearly four hundred employees to look after the grounds and the animals.

In France, the resident staff at the chateau, "the largest private home of its type within a fifteen-minute drive of Paris," included five gardeners, three concierges, and three maids.

Talk did not come cheap for the Wildensteins. The annual telephone bill in Manhattan alone sometimes ran as high as $60,000. And then there were all the other necessities, like $547,000 for food and wine; $36,000 for laundry and dry cleaning; $60,000 for flowers; $42,000 for massages; pedicures, manicures, and electrolysis; $82,000 to insure here jewelry and furs, and $60,000 to cover the veterinarian bills, medication, pet food, beds, leashes, and coats for their dogs, As for miscellaneous professional services, $24,000 went for a dermatologist, $12,000 for the dentist, and $36,000 for pharmaceuticals. Her American Express and Visa card bills for one year totaled $494,000.

Some of these bills were paid out of the couple's Chase Manhattan account. Some were paid out of "other bank accounts in New York, Paris, and Switzerland." And some bills, Alec confirmed, were paid from "the Wildenstein & Co." account, "the Wildenstein & Co. Special Account, and family businesses." Sort of like having your employer pick up the cost of your clothing, pets, and vacations.

And then there were Jocelyne's personal expenditures. Over the years, she accumulated jewelry valued at $10 million, including a thirty-carat diamond ring and custom pieces from Cartier. She attended fashion shows in Paris. Her annual spending on clothing and accessories ran to more than $800,000. She once spent $350,000 for a Chanel outfit that she helped to design. Al told, according to papers filed in the divorce case, the couple's personal and household expenditures added up to well over $25 million in 1995 and 1996 alone.

With all those tens of millions of dollars flowing out over the years to maintain a lifestyle beyond comprehension to most people—$60,000 in dog bills exceeds the annual income of three-fourths of all working Americans who pay taxes—you might think that Alec and Jocelyne also forked over millions of dollars to the Internal Revenue Service. But you would be wrong.

They didn't pay a penny in U.S. income tax.

In fact, they never filed a federal tax return.

These admissions by a family accountant are spelled out in records of the acrimonious divorce and also entered into court opinions. They lived the tax-free life even though, by Jocelyne's account, they resided in the Manhattan townhouse for nineteen years, from shortly after their Las Vegas marriage in 1978 until the rancorous divorce proceedings began in 1997. Their children were born in New York and went to school in New York. Alec conducted the family art business through Wildenstein & Co., Inc., a New York corporation, from the gallery next door. He had a U.S. pilot's license. He sued and was sued in the courts of New York and other states. He signed documents moving millions of dollars between Wildenstein companies, some located in the tax havens of the world. He transacted business in New York and other states. He was vice-president of Nineteen East Sixty-Fourth Street Corporation, which owns the townhouse, gallery, and other properties. His New York pistol license identified him as an officer of Wildenstein & Co. And following his arrest for pointing the weapon at Jocelyne and her bodyguards, he insisted that he should be released on his own recognizance because of his substantial ties to the community.

Nonetheless, he filed no federal tax returns. And no one in Washington or New York noticed. Or cared. Under ordinary circumstances, even the complex tax returns of the very wealthy that are filed go unchecked. That's due to a deliberate decision by Congress to starve the IRS, both in operating funds and in manpower and expertise to conduct such audits. So forget about ferreting out serious nonfilers among the rich and prominent. That task doesn't even register on the tax fraud radar screen. Not surprisingly, representatives of Alec Wildenstein declined to discuss his tax affairs. Jocelyne's lawyer said she doesn't know anything about taxes, since Alec controlled the money. And the IRS can't comment on the tax matters of private citizens. Or in this case, the non-tax matters.

In the divorce case, Alec argued that he was not a resident of the United States, that he had a Swiss passport and visited this country on a tourist visa, and that he did not have a green card permitting him to work. Furthermore, he contended that he had "less than $75,000 in bank accounts" and that "my only earnings are approximately $175,000 per year." On a net-worth statement, Alec listed his occupation as "unpaid personal assistant to father Daniel Wildenstein." That stirred the ire of State Supreme Court Judge Marilyn G. Diamond, who presided over the hostilities. "He fails to explain why he is unpaid," said Diamond, adding that "this contention insults the intelligence of the court and is an affront to common sense."

Judge Diamond was also angered that Alec never bothered to attend the divorce hearings. Shortly after Jocelyne began unveiling intimate details of the couple's private life, he fled the country. He ignored repeated court dates, failing to appear to answer either the gun charges or his wife's allegations. At one hearing, an irritated Diamond excoriated Wildenstein in absentia for his refusal to obey court orders and to attend depositions. His attorney, Raoul L. Felder, the New York celebrity divorce lawyer, offered an explanation for his client's behavior:

"It may not be his disinclination to appear before the court. You are aware there are substantial tax problems we believe created by the plaintiff."

Judge Diamond agreed. "There are going to be more substantial tax problems," she said. "There are more substantial potential tax problems by people continuing to take certain positions. Make no mistake about it."

If this conjures up visions of battalions of vigilant IRS agents engaged in a relentless search to identify tax scofflaws and, when they do so, dun them for the taxes they owe, assess interest and penalties, seize their bank accounts and cars, freeze their assets, and auction off their possessions, well, that's what they are, visions—at least when it comes to the very rich. For the double standard is to tax-law enforcement what rock is to roll.

Suppose you earn $40,000 a year and don't file a return. When the IRS catches up with you it prepares a substitute return, estimates your income, calculates the tax you owe, tacks on interest and penalties, and sends you the bill. If you don't like their numbers, you must prove that the IRS is incorrect. What's more, the agency may seize your bank accounts, your car, and whatever else you have of value.

Not so with the truly prosperous. First, the agency mails out a computer-generated letter asking the nonfiler to submit a return. When the reluctant recipient fails to respond, a second letter goes out. And then another. And another. If the silence persists, IRS resorts to another tactic: The telephone. It tries to find the number of the missing nonfiler and place a series of calls. When all that proves futile—it generally does nothing.

Nothing?

That was a finding of a 1991 study by the General Accounting Office (GAO), the investigative arm of Congress, that examined IRS' handling of affluent nonfilers:

"The IRS does not fully investigate high-income nonfilers, which creates an ironic imbalance. Unlike lower income nonfilers in the Substitute for Returns program, high-income nonfilers who do not respond to IRS' notices are not investigated or assessed taxes. Even if high-income nonfilers eventually file tax returns, their returns receive less scrutiny than those who file returns on time."

What's the IRS's explanation for the double standard? Incredibly, it told GAO that it does not prepare a substitute return for rich nonfilers, as it does for middle-income people, because it fears that it might "understate taxes owed." In other words, no loaf is better than half-a-loaf. So do nothing. Second, GAO said, "to pursue more high-income cases, IRS would need additional staff." Which, of course, is precisely what Congress refuses to provide.

But things have changed since the critical 1991 audit that tried to prod the IRS to act, right? Indeed they have. With each passing year, the number of affluent nonfilers has gone up while Congress has slashed the service's auditing capabilities. There is no better evidence of the agency's breakdown than the fact the Wildensteins went two decades without filing a tax return, and the IRS knew nothing about it.

Mr. OBEY. Mr. Speaker, the article points out that tax fraud is a ticking time bomb in this country, probably approaching up to $300 billion in lost revenue. It tells the story of one family worth billions of dollars, one family that holds, in art collections alone, over $6 billion in assets. They have a town house, a swimming pool. They have property in Kenya and France. They spend tens of millions of dollars each year.

They spend $65,000 just in dog bills. They have not even filed a tax return for the last 20 years, and the IRS did not even know about it. That is the kind of tax avoidance which the IRS ought to be able to track, and so as long as they do not have adequate resources, will not be able to track.

If you are some taxpayer paying $30,000 a year and they caught you, you would get womped with a bill in a hurry. But here is an example of a family that has lived like kings, international multinational kings, for years, in full view; and they have paid not one dime in taxes and never even bothered to file.

□ 1515

This is no laughing matter, when the administration is asking for more money to fund the IRS. So I would suggest that for those two reasons alone, this bill still falls far short of where it ought to be.

I also do not see why we should continue to play a flip-flop game with SSI. Last year we decided, the Congress decided, it was going to move the date for the payment of SSI checks into one fiscal year. The Congress moved it back to a different fiscal year in the supplemental this year. Now it is trying to flip it back again, moving it to a different fiscal year again, not for substance purposes, but for political purposes. All that does is create confusion and bring into question whether or not those SSI checks are going to be able to be cut. We ought not do that. That is another reason why this bill ought not to be considered in this fashion.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I just want to respond to a couple things that the distinguished ranking member of the Committee on Appropriations said. He used the word "cutting," that this bill is cutting. But I think we should be clear that we may not be adding as much as he would like in terms of new spending, but at 13.8 percent over last year's spending, it is hardly a cut. There are not cuts in this in virtually every account, there are additions, and most of them are very much needed, and we acknowledge that. But this is not cuts.

The second point, with regard to the matter of IRS law enforcement or enforcement that the gentleman from Wisconsin talked about, the President's proposal would have transferred $43 million out of law enforcement into other areas. We did not permit him to do that. So if there is inadequate law enforcement, I think the problem is to be found in the White House and in the administration and their plans to try to reduce the enforcement part of the Internal Revenue Service.

The third point, with regard to counter-terrorism, the additional monies, as I mentioned, we have $55 million in this bill that is emergency spending so it can be spent immediately, above and beyond the budget caps. We offered in our discussions with the minority as we were trying to get agreement on this, we offered to put an additional $37.2 million, which is more than two-thirds of what the President thought was additionally required in this area. That offer was rejected.

Again, we have not heard, other than that just absolutely everything is needed, there is no negotiation to be done except to give us 100 percent, that has been the bottom line of everything we have had in the discussions here, and that is not what I would call a serious negotiation.

So I think we have been very, very generous, and certainly are going to be prepared to look at additional amounts as we go forward from here. But certainly this conference report deserves support.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, the gentleman indicated that they offered to put back additional money. They may have offered, but the fact is they have not put it back. So we are not voting on some ethereal offer; we are voting on the legislation before us at this time.

Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, first of all let me say to my colleagues, I really think had we had the opportunity to work on this bill a little longer, I know we have been working on it for 10 days, but, very frankly, we could have done this 8 months earlier had we had real numbers at the start and not been told this is the 1st inning and there are 8 innings left to go. I do not know whether it is the 6th or 7th inning, but, very frankly, this is premature consideration, if you will, because we could work this out. I think we are pretty close to working this out, but we are certainly not close, as the ranking member indicated, with not having added what has been offered by your side to add. That is not added here. We are not close to funding IRS.

Let me say something about the chairman's comment about the level of employees of IRS. Let me remind you, he said there were 95,000 IRS employees. In 1992 there were 116,000 IRS employees. What has happened since 1992? Obviously, as the gentleman points out, they have been reduced 20 percent in the level of employees. That happened.

Number two, we have millions of additional taxpayers.

Number three, the complexity of the returns has increased as a result, very frankly, of some of the tax bills offered by the Republican majority which have become law.

Fourthly, we adopted a Restructuring and Reform Act which said we want you to be more customer friendly; that is to say, we want you to give more services, we want you to answer questions more quickly, we want you to be more available for taxpayers to come in to regional offices, all of which were positive things. But then we turn around and we say, guess what though? You do not have any people to do it.

That is a shell game. It is dishonest. That is why I voted against the Reform and Restructuring Act the first time around, and it is one of the best speeches I ever gave, and it was a very short speech. I got up and I said if you want to be for taxpayer IRS reform, you need to be for IRS reform at tax writing time and at budget time.

That is what this report ultimately said. In this bill, we are $305 million under what Mr. Rossotti, not the administration, asked for. Frankly, Mr. Rossotti asked for more money than this to do his job. So do not go home and tell your taxpayers, boy, we are providing the kind of service that you need, because we are on your side, we are taxpayer friendly, and then pretend that you can go from 116,000 IRS employees to serve 270 million Americans, and, sure, it sounds like a big number, until you decide that there are 270 million Americans that are covered. They do not all pay taxes, some are kids, some do not make enough money, but they are all in the mix. And you go down to 95,000, and then expect to say, oh, well, you can do it.

I agree with my chairman, and he and I are good friends and respect one another, and I respect the big chairman, the chairman of the full committee. I think we can work this out. I think we can get pretty close, and I think we can get the administration on board. We did not participate in most of this. Yes, we discussed it, yes, I know the chairman is frustrated by the fact that we have not reached agreement. But you should not have brought this bill forward today, because it would have served the process and our committee if in fact we had worked this bill out and come to the floor together and said we have done what we should have done on IRS, we have done what we should on counter-terrorism, we have done what we should on court houses, and very frankly, we may stay where we are on court houses, with some additional discussion the chairman and I have had.

But I would urge my colleagues, this is not the bill we ought to pass. In my opinion, and the President has not told me this, it is not going to be signed. And why do we continue in the 7th or 8th inning, or the 10th or 11th inning, wherever we are in this inning process, Mr. Chairman, I do not know where we are, but wherever we are, we should bring it to closure through agreement, and we are prepared to do that. We want to do it, I think we can do it, I would hope we would do it. I would hope we would send this bill back to a conference, that is a strange conference, because the Senate has never considered this bill. To that extent there was really nothing in the conference other than our bill, and in fact we did not conference our bill, it was added to the Legislative bill, which is why it is there.

So, my colleagues, I ask you to reject this. We can do better, and we will do better, and, when we do better, this bill will be whole, all of it.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I hope this may conclude my part of the debate, but I do feel I need to respond to a few of the things that have just been said in this debate.

A few moments ago we had the gentleman from Wisconsin (Mr. OBEY) pointing out that the counter-terrorism dollars were not in here, that we are not voting on something hypothetical, we have to be voting on the substance of this. In the next moment the gentleman from Maryland (Mr. HOYER) is talking about how the process was not good. So we are talking about the process, not the substance of it. We are kind of getting whipsawed on both sides of this thing here.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, we have concerns about both the process and the substance, which is why we mentioned both.

Mr. KOLBE. Mr. Speaker, reclaiming my time, the bottom line is is this a responsible bill? The question that we should ask is not does this bill have exactly everything in it that I want, because that is not the way the legislative process works; it is is this a responsible bill? And nobody can look at this bill and say that this is not a responsible bill. It does not do everything that I would like, because in the process of being chairman, I have to give on some things. It does not do everything that the gentleman from Maryland (Mr. HOYER) would like, it does not do everything that the White House would like, but it is a responsible bill. It funds in an adequate way the agencies that we are responsible for.

The gentleman from Maryland has told us that this bill will not be signed by the President. That is somewhat news to us, because we have never been able to get a definitive statement from the White House about that. I do not want to be in the business of passing legislation, these appropriations bills, and going through this process of having them vetoed. I want to get bills that can be signed. But, as I said at the outset, our problem is the White House will not tell us. They have said in no uncertain terms, they will not tell us what it is that they need in order to pass this, other than, of course, give us everything in the request.

So we have to at some point pass a bill so we can get in writing from the White House some kind of a definitive statement about what it is. Perhaps we can do that before we send it to the White House. After we pass it and send it to the White House, perhaps we can work that out, because there are going to be other appropriations bills and other parts of this could be worked out in supplemental or omnibus bills at the end, other appropriation bills and conference reports.

Mr. Speaker, I believe we have a bill that is responsible. I believe we have a conference report that should be supported. I believe that the White House, and I hope the minority, would join us in passing this, so we can move forward and get this legislation enacted into law.

Mr. Speaker, I would like to recognize the work of the staff of my subcommittee: Michelle Mrdeza, the clerk; Kurt Dodd, Jeff Ashford, and Tammy Hughes, and Patricia Schlueter of the minority staff. I would also like to thank Kevin Messner of my personal staff, and Scott Nance, on the staff of Mr. HOYER.

In addition to acknowledging the work of staff who have contributed to getting this Conference Report before the House today, let me give a special thanks to Doug Burke, a special Agent with U.S. Secret Service who is detailed to the Subcommittee as a congressional fellow. Doug came to this assignment after serving for a year as a fellow in the office of my distinguished ranking member, Mr. HOYER. He has brought considerable skill and energy to bear on our legislative work, to include preparing for hearings, conducting detailed oversight analysis, and coordinating two important Committee oversight trips to Miami and the West Coast, where his secret skills as a jazz pianist were exposed. In addition to serving as a full working staff member for the subcommittee, Mr. Burke did extra duty in doing Secret Service advance duty for the Republican National Convention in Philadelphia during the last recess.

Mr. Burke, who grew up in the Washington Virginia suburbs as the son of a former Secret Service Assistant Director, began his government service in the U.S. Navy, and went on from there to graduate from Penn State University. His subsequent career in the Secret Service has included investigative field work in Miami, protective service on the Presidential Detail, and teaching assignments at the Secret Service's Rowley Training Center in Beltsville, Maryland and the Federal Law Enforcement Training Center in Georgia.

I would like to thank Mr. Burke for his contributions to the work of the Subcommittee and wish him well in his future career as he returns this fall to the Secret Service. I would also wish him especially the best as Doug, the father of three, prepares with his wife Sarah to bring a new Burke into the world next year.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes to simply say it is simply not true that the White House has not indicated what they want to see with this bill. They have indicated they want to see more funds for the IRS, they have indicated they want to see more funds for counterterrorism, they have indicated they want additional funds in order to deal with the Puerto Rican election.

They have indicated that they also do not want to have a non-germane separate tax provision which has no business in this bill being considered in this kind of a three-headed package. They have suggested that if indeed that tax package is going to be considered, then it ought to be considered along with other tax items, including some of the tax items that the administration is interested in several other appropriation bills. So they made it very clear what they regard to be the deficiencies in this bill, and I do not think it ought to be asserted otherwise.

Secondly, I would simply say I think the gentleman from Arizona has negotiated in absolute good faith, but I think he has had the rug pulled out from under him, just as we have on this side of the aisle, by the decision of his leadership to proceed in partisan fashion to pass this bill with votes on that side of the aisle alone. I regret that, but that, nonetheless, is apparently what has happened today, and until the substance of the bill is fixed, we do not intend to participate.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, let me say, so the Members understand where we are going to be I think at the end game, if we had continued our discussions about how to resolve this, and so the public understands as well, our constituents understand, I believe we can agree, I believe the White House can agree, on a number for this bill that will still be more than one-half billion dollars under the President's request.

□ 1530

I hope my colleagues heard that. I believe the White House is prepared to sign a bill that is half a billion, almost $600 million under what they submitted to this Congress. So it is not that they are asking, gee, we ought to include all of these additional dollars.

It was, and I want to repeat, in the committee report issued by the majority in the Congress, the Republican majority. It says that their allocation was $1.3 billion too little to meet the priorities. Now, that was still, we understand, $800 million less than the President asked for, which was 2.2. They are adding 1.2 back. So there is still $100 million under what the committee report said they thought, the Republicans thought, was necessary to adequately fund this bill.

I repeat again to the chairman, for whom I have great respect, as everyone on this floor knows, we work together closely, I think we can work this thing out; and I know he is frustrated that we have been at it for 8 or 9 days and have not been able to work it out. There are a lot of interests here. The tax provision that was added to this bill, totally extraneous to our bill, has caused us a problem. That is not of the making of the gentleman from Arizona (Mr. KOLBE) or my making or the making of the gentleman from Wisconsin

(Mr. OBEY) or the making of the gentleman from Florida (Mr. YOUNG); but it is causing us a problem, and that needs to be worked out. But we ought not to go up the hill just to be shot down and have to go back up it again.

Mr. Speaker, I think we can reach an agreement that is almost $600 million under the President's request, and I would urge us to do that. Reject this conference report and approve the motion to recommit to conference. Let us sit down at the table, reason together and come up with a reasonable, positive, productive bill.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this conference report included, as I said in my opening remarks, three different sections. One is the repeal of the Spanish-American War excise tax on telephone costs which passed this House by a vote of 420 to 2. So I take it that the substance of this portion of this legislation is not an issue. The Legislative Branch appropriations part of this package passed the House 373 to 50.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, let me make clear, that is an issue, because the administration indicates that if that tax is to be considered, and it ought to be considered in conjunction with other changes in the tax law which the administration also wants, not unilaterally in a privileged position, without any of the administration's tax preferences being taken into account. I thank the gentleman for yielding.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for his comments, but I think a vote of 420 to 2 is a pretty good indication of how the Members of this House feel about repealing that Spanish-American War tax.

Most of the debate has centered around the other bill that I indicated earlier passed by a landslide, relatively speaking, because it had 14 more votes for it than it had against it. Now, on this Treasury Postal, General Government bill, that is almost a landslide, based on previous votes procedural problems were mentioned because of the adding of the Treasury Postal bill to the Legislative Branch conference report. That is probably not the best procedure, but we are a bicameral legislature. We have to work with the other body at the other end of the Capitol, as well as working with the President when we complete our conference reports.

The Senate was of the opinion that they needed to add the Treasury Postal bill into the Legislative Branch conference report, so that is what we did. I would not have done that if the House had not passed the Treasury Postal bill. I would not agree to taking any bill and putting in another conference if the House had not already passed it, except under the most unusual circumstances. I just believe I owe that to the Members of the House to give them that protection. So I would not do that. However, if that is what has to be done on the part of the other body to get a bill through the process, then that is what we will do.

It had been suggested that the IRS issue is a big issue, but I want the Members to know that we spent quite a bit of time talking about that. The gentleman from Maryland (Mr. HOYER), who is my dear friend and I have tremendous respect for him and his abilities, he is great; and the gentleman from Wisconsin (Mr. OBEY), who is also my friend and has great ability and talent; and I know a lot of people that watch these debates might wonder, well, how do these guys ever get along together? Just because we have different opinions does not mean that we do not respect each other, because I respect both of those gentlemen. We work together.

In fact, we sat down with the Speaker of the House before we brought this conference report to the floor and one of the issues we discussed was the issue of the additional money for the Internal Revenue Service. The gentleman from Illinois (Mr. HASTERT), the Speaker of the House, gave his word to the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) that if we pass this bill, that he would be willing to guarantee that the additional money for the Internal Revenue Service would be added to a subsequent appropriations bill.

Now, we talked a lot about that; and we were unable to come to a conclusion, so we made the determination to move ahead with this bill. We have talked a lot, and I know it was mentioned that maybe we should keep on talking. Well, unless the plan is just to delay the legislation and delay it and delay it, eventually we get to the point that it is time to end the talking, and it is time to take some action, and we think we are at that point.

When we went to the subcommittee on the Treasury Postal bill back in July, 2 months ago, the gentleman from Wisconsin (Mr. OBEY) and myself, the gentleman from Maryland (Mr. HOYER), and the gentleman from Arizona (Mr. KOLBE) sat down and we talked with each other about several issues that were important to Members and had those conversations before we did the subcommittee markup.

Again, prior to the time that we took the subcommittee markup to the full committee, the joint leadership, the gentleman from Illinois (Mr. HASTERT), the Speaker; the gentleman from Texas (Mr. ARMEY), the majority leader; the gentleman from Missouri (Mr. GEPHARDT), the minority leader; the gentleman from Wisconsin (Mr. OBEY) and myself, and the gentleman from Maryland (Mr. HOYER) and the gentleman from Arizona (Mr. KOLBE) and some of the other leaders sat down together in the Speaker's Office, and we talked about some of the issues in this bill. And we talked for a long time, and we decided to proceed with marking up that bill in the full committee. We have done that. We have brought it to the floor and we passed it. We have done a lot of talking. It is now time to take some action.

This is a bill that I think meets the requirements, as we see them today. Should there be some adjustments? The gentleman from Illinois (Mr. HASTERT) had made a firm commitment to the gentleman from Maryland (Mr. HOYER), and I know the Speaker of the House to be an honorable man, a man whose word can be taken as truth. If he gives his word, he keeps his word. He made a commitment to the gentleman from Maryland of what he would be willing to do on a subsequent bill to make this bill more attractive to the minority party.

So I would hope, Mr. Speaker, that we would reject the motion to recommit, and I am told it will be a clean motion to recommit; there will be no instructions. I would say to the gentleman from Maryland I appreciate that, because I believe that that does save us some time here today, and we do have some other appropriations issues to deal with, such as appointing conferees on other bills that we can get into conference and bring back to the House. But reject the motion to recommit the bill, and then let us pass the bill.

Now, if it goes to the White House and the President decides he wants to veto it, so be it. We will deal with that. But as of today, the President and no one in the White House has been willing to tell the subcommittee chairman of this bill that he would veto the bill. Neither the President nor any of his staff has told the chairman of the full committee, this Member, that he would veto this bill. Just this morning, the Speaker of the House communicated with the White House. He was not told that the President would veto this bill. So we are proceeding in good faith. We think that we have worked out a bill here that meets our responsibilities and does it in a very effective way.

So, Mr. Speaker, I hope that we can get on to passage of this bill, and then get to work on the other conference reports that have to be considered and get them to the President so that he has adequate time to consider them before the fiscal year expires at the end of September.

So I ask all of my colleagues to vote for this bill.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, the gentleman from Wisconsin and I have had suggestions and in the interest of time, I think we will not, in light of the fact that the motion to recommit is probably redundant in terms of the vote on passage, we will not offer the motion to recommit so that we do not take the additional time of Members.

Mr. YOUNG of Florida. Mr. Speaker, I thank my friend for that, and I think that helps us expedite the business which needs to be expedited.

So with that, Mr. Speaker, I just ask the Members to seriously consider this package, and let us vote it out of the House, get it through the Senate, and send it down to the White House and let the President make his decision once he sees the bill in its final form.

Mrs. MALONEY of New York. Mr. Speaker, while there are still areas of this bill that need to be revised, I would like to commend the Conference Committee Members for including in this report $5 million for the Nazi War Crimes Disclosure Act's Interagency Working Group. This funding is vital to the work of the Interagency Working Group responsible for diligently reviewing documents regarding the atrocities of World War II and making those records available to the public. I applaud Senator DEWINE for successfully securing this funding in the Senate version of the bill and then working with the Conference Committee to retain this funding.

In 1994, I introduced the Nazi War Crimes and Disclosure Act with Chairman STEVE HORN in the House and with the leadership of Senator DEWINE in the Senate. After several hearings held by the Government Reform Committee and wide community support, this bill became law in 1998.

Recently the Government Reform Committee, under the leadership of Chairman HORN, held a hearing to announce some of the findings from the Interagency Working Group's efforts. At this hearing, we heard firsthand how critical funding is to the future efforts of the Interagency Working Group as they begin reviewing classified documents regarding Japanese War Crimes.

The Interagency Working Group has successfully released more than 1.5 million documents to the public. While this is an impressive accomplishment, the IWG has succeeded without the support of Congress. This has led to inadequate staff support and the inability to preserve and protect the deteriorating and crumbling documents.

This conference report before us will be the first time Congress has stepped up to fully support the work of the Interagency Working Group. Already, significant new information about the Holocaust has been revealed in the more than 400,000 Office of Strategic Services records released by the Interagency Working Group at the National Archives this past June, but that is only the beginning. Without the support of historians and trained staff, we only have a small glimpse of the information contained in those documents.

It is essential that the Archivist use all of the earmarked $5 million dollars which is authorized in this legislation for the explicit purpose of supporting the efforts of the Interagency Working Group so that they may restore decaying documents, afford historians and trained staff, and to help the Archives make these documents available to the public. The report before us contains $14 million more for the National Archives than the previously passed House version. It is my understanding that this increase was included to provide adequate funding for this expenditure.

I therefore urge my colleagues to preserve this provision in the bill and support the vital work of the Interagency Working Group.

While there is still a lot of debate surrounding the Legislative Branch/Treasury Postal Appropriations conference report before us today, and there are many issues that must still be resolved, I rise to highlight two specific provisions in this bill that I strongly support.

First, I am proud that this conference report contains a provision I authored which requires the Office of Personnel and Management to study the positive impact of providing federal employees with paid paternal leave.

This study means progress!

In May, I, along with Mr. DAVIS of Virginia, Mr. HOYER of Maryland, and Mr. GILMAN of New York, introduced H.R. 4567, the Federal Employees Paid Parental Leave Act of 2000. This bipartisan bill would give federal employees 6 weeks of paid parental leave for the birth or adoption of a child—a benefit that the majority of private sector employers already give their employees.

Since we introduced the bill in May, I have heard from men and women across the country who have relayed their stories to me about the great impact this legislation would have on their families. They have told me that they will no longer be forced to make a choice: whether to stay home with an ill newborn or to put food on the table.

In response to this overwhelming support, we have asked OPM to conduct a study to understand the important of providing paid parental leave to federal employees. This study will help us understand and quantify why H.R. 4567 is so important. It will also likely reveal that the federal government will become more competitive with the private sector by offering paid parental leave. It may also show that the government's recruitment efforts will be boosted and that the costs related to turnover and replacement will be greatly reduced. Finally, this study will conclude that the federal workforce can win back dedicated and qualified workers to the government if we offer a benefit that is already being offered by the majority of private sector companies.

Everyone always says that the federal government should be run more like a business. This study will lay the foundation for the federal government to do just that.

Let's keep this provision in the bill and show our federal employees that we care about them and support their families.

I am also extremely pleased that we were able to find additional resources for this conference report to adequately fund the activities of the General Accounting Office. The funding included in this appropriation will guarantee that the GAO will be able to continue to produce the high quality, objective reports that we have come to expect.

In recent years, the GAO has experienced severe budget cuts even as the demand for their services has grown. Since 1992, the GAO has been forced to reduce its workforce by 40%. Nonetheless, the quality of their work has never wavered. As a Member of the Government Reform Committee, I have frequently had the opportunity to see the GAO in action and have been constantly impressed by the quality and professionalism of their reports and testimony. Recently, the GAO's oversight of the decennial census has reminded me again of the fantastic, impartial work that the GAO consistently provides. I commend them for their work.

I strongly believe that this agency is one of our best resources in the quest to make government run more efficiently. In fact, for every dollar invested in the GAO, taxpayers save more than $57.

The funding included in this legislation will guarantee that the GAO will be able to hire necessary personnel to meet ever-increasing Congressional demands and continue to provide the services we have come to expect.

I applaud the inclusion of these resources and hope that next year we can find the resources for the GAO without hurting the funding of the other agencies we rely on every day.

Mr. Speaker, I strongly support these provisions included in the Conference Report. Even though other measures in this particular report will prevent me from supporting this bill, I look forward to working with my colleagues to retain these provisions and work toward a conference report that will have full support.

Mr. GILMAN. Mr. Speaker, I rise today in support of the conference report which contains language that seeks to close a loophole regarding the safety of child care in Federal facilities throughout this country. I would like to thank Mrs. MALONEY and Mrs. MORELLA for their support of this issue and their dedication to improving the quality of child care for all children.

Congress passed the Crime Control Act in 1990 which included a provision calling for mandatory background checks of employees hired by a Federal agency. However, some agencies have interpreted the law in such a way that many child care employees are not subjected to these background checks.

Currently, Federal employees across the country undergo, at the bare minimum, a computer check of their background which includes FBI, Interpol and State police records. However, some child care workers who enter these same buildings on a daily basis do not. Federal employees who use federally provided child care should feel confident that these child care providers have backgrounds free of abusive and violent behavior that would prevent them from working with children.

Moreover, this amendment helps to ensure the overall safety of our Federal buildings. Child care workers step into Federal buildings each day and look after children of Federal employees. Without performing background checks, the children in day care, as well as the employees in Federal facilities, are exposing themselves to possible violent attacks in the workplace. A child care worker with a history of violent criminal behavior has the opportunity to create a terrorist situation the likes of which have not been seen since the tragedy in Oklahoma City.

Child care providers working in Federal facilities throughout the country have somehow fallen through the cracks and have become exempt from undergoing a criminal history check. This amendment corrects this situation. Accordingly, I urge my colleagues to support this conference report.

Mr. MOORE. Mr. Speaker, I rise today in opposition to H.R. 4516, the FY 2001 Legislative Branch/Treasury-Postal Conference Report.

This mini-omnibus appropriations bill is business as usual and I did not come to Congress to engage in business as usual. The people of Kansas' third district expect and deserve more of us. As Congress has done for too many years, today it will be voting on a bill that violates both the rules of the House and the Senate in the name of political expediency.

Under these rules, Congress is supposed to consider 13 appropriations bills for each fiscal year. Under normal procedures, those bills should come before the House and the Senate individually, with opportunities for amendment and debate. After a conference report is negotiated, the House should then have the opportunity to vote on each bill, standing alone. Unfortunately, Congress has refused to follow its own rules. The majority party has combined two appropriations bills in this so-called conference report—one of which has yet to be considered by the full Senate.

I have only been a Member of this body for 18 months, but I understand that these rules and procedures were put in place to protect the rights of all Members to represent fully the interests and concerns of our constituents. We cannot do so when we are confronted with an omnibus conference report which rolls together a number of provisions, that one of our two deliberative bodies has not had the opportunity to fully consider.

While the process under which this bill has been considered is unacceptable, it does contain many programs which I have fought for and for which I would vote under normal circumstances. I am pleased that this bill contains provisions that strongly support law enforcement efforts in this country. Fully funding the administration's gun-law-enforcement initiatives, including a proposal to add 600 employees to the agency to more fully enforce existing gun laws, suggests that this Congress is finally getting serious about stopping the scourge of gun crimes that have crippled this nation.

This bill also contains a provision that I strongly support which would roll back the 0.5 percent surcharge on Federal employee retirement contributions. This increase was mandated by the 1997 balanced budget law and has disproportionately affected Federal employees by taxing more of their gross income for retirement than their private sector counterparts contribute. Mr. Speaker, the budget is balanced: it is time to stop funding surpluses at the expense of our hard working Federal employees.

Finally, I strongly support the provision in this bill that would repeal the 3 percent telephone excise tax that was levied as a luxury tax over 100 years ago to fund the Spanish American War. Mr. Speaker, the war is over and, with over 94 percent telephone ownership, this service is no longer a luxury. It is past time to repeal this tax and I voted to do so back in May when the House first considered this issue. I am disappointed that the majority party chose to hold this important issue hostage by marrying it with this controversial measure. While I support many of the priorities in this bill, I remain concerned about one provision in this bill that suggest this Congress is not serious about holding the line on spending.

Mr. Speaker, about a decade ago, through legislative slight of hand, Congress passed a law to allow for the automatic annual increase in Members' salaries. This was a politically motivated move to shield Congress from casting embarrassing votes to increase their own pay. While we were technically afforded the opportunity to vote against an increase by casting a no vote on a procedural issue, the fact remains that by voting in support of this legislation, we will be voting for our own pay raises.

This will be a vote that comes at the expense of other mandates an earlier Congress created: Two years ago the House voted overwhelmingly for the IRS Reform and Restructuring Act which followed recommendations of a commission that studied the IRS and stated that IRS budgets "should receive stable funding for the next three years so that the leaders can . . . improve taxpayer service and compliance."

Mr. Speaker, this bill, contrary to the recommendations of a bipartisan commission and contrary to the will of this House, cuts $465 million from the administration's request. If this Congress is serious about holding the line on spending, we would not hold our other priorities hostage to our desires of a larger paycheck.

I will be voting against this bill and I will be voting against a pay increase—I urge my colleagues to put their money where their mouth is and reject final passage of this legislation.

Mrs. McCARTHY of New York. Mr. Speaker, I rise in strong support of the conference report of the Legislative Branch Appropriations Bill, the Treasury-Postal Service-General Government Appropriations Bill and repeal of the telephone excise tax, H.R. 4516. The Appropriations Committee has agreed to hire 600 ATF agents and to fund DNA ballistics technology that will assist law enforcement in arresting criminals. The conference report extends the Youth Crime Gun Interdiction Initiative to 12 additional cities. My ENFORCE bill authorizes the same programs. The funding levels of this legislation are a victory for gun enforcement.

It is the first time gun safety and pro-gun Members have decided to give law enforcement the tools necessary to enforce existing gun laws. Now we all agree gun enforcement equals more ATF agents and funding for ballistics technology. It is particularly gratifying that the conferees dropped the language that would have prohibited local law enforcement agencies from giving a buying preference to gun manufacturers which have agreed to make safer guns and to sell only to distributors that conduct background checks.

Now, communities from Long Island to Hawaii will be able to purchase guns for their police officers that are safe and marketed through responsible dealers. This legislation contains the repeal of the Federal telephone tax. As a life-long resident of Nassau County, I know first-hand that our taxes are too high. I am grateful that the House of Representatives has recognized that the time has come to put an end to this unnecessary tax, which was originally imposed as a temporary luxury tax to help finance the Spanish-American War. Since the telephone is a necessity I am delighted the House is acting to remove this regressive tax that disproportionately affects lower income Americans.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LaTourette). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 209, not voting 13, as follows:

[Roll No. 476]

YEAS—212

Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo

Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barr
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—13

Becerra
Campbell
Clay
Eshoo
Forbes
Gutierrez
Klink
Lazio
McCollum
McIntosh
Vento
Weldon (PA)
Wise

☐ 1614

Messrs. ROEMER, DELAHUNT, STENHOLM, TURNER, ROGAN and Ms. KILPATRICK and Mrs. NORTHUP changed their vote from "yea" to "nay".

Messrs. RAHALL, METCALF, MASCARA, CRANE and HILL of Montana changed their vote from "nay" to "yea".

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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☐ 1615

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 654

Mr. LaFALCE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 654.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from New York?

There was no objection.

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## RE-REFERRAL OF H.R. 4975, FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE, TO COMMITTEE ON GOVERNMENT REFORM

Mr. LaTOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of H.R. 4975, and that H.R. 4975 be re-referred to the Committee on Government Reform.

The SPEAKER pro tempore (Mr. Walden of Oregon). Is there objection to the request of the gentleman from Ohio?

There was no objection.

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## APPOINTMENT OF CONFEREES ON H.R. 4733, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none and, without objection, appoints the following conferees: Messrs. Packard, Rogers, Knollenberg, Frelinghuysen, Callahan, Latham, Wicker, Young of Florida, Visclosky, Edwards, Pastor, Forbes, and Obey.

There was no objection.

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## APPOINTMENT OF CONFEREES ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4475, be instructed to insist on no less than $43,144,000, the amount provided in the Senate amendment, for the pipeline safety program.

The SPEAKER pro tempore. Under the rule, the gentleman from Minnesota (Mr. Sabo) and the gentleman from Virginia (Mr. Wolf) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. Sabo).

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct conferees is very straightforward. It is a motion to help make our communities safer and cleaner by providing increased resources to protect them from the dangers of and damage from pipeline explosions, failures, and leaks.

As the conference on the differences between the House and Senate versions of the fiscal 2001 transportation appropriations bill begins, we now have an opportunity to provide these additional resources to the Office of Pipeline Safety that the Office of Pipeline Safety needs.

For fiscal year 2001, the Secretary of Transportation has requested $47 million for pipeline safety activities, an increase of $10 million more than last year. And while neither the House nor the Senate transportation appropriations bills provide the full increase requested, we ought to get as close to that mark as we possibly can in the final conference agreement.

This motion to instruct directs the House conferees to agree to no less than $43 million that is included in the Senate amendment for the Office of Pipeline Safety. The Senate level would provide $3 million more than the House level of $40 million and $6 million more than last year. This is the minimum amount that we should provide.

Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. Udall).

Mr. UDALL of New Mexico. Mr. Speaker, on a warm summer, predawn day on August 19 of this year, several families were sleeping at a campsite 20 miles south of Carlsbad, New Mexico. Without notice, a 30-inch diameter natural gas pipeline blasted through the earth, sprouting a 350-foot high fireball and causing a 20-foot-deep, 86-foot-long and 46-foot-wide blast crater.

This accident tragically killed a total of 12 people, including five children camped near the site of the explosion. Examination of the broken pipe determined that corrosion had eaten away one-half of the 50-year-old pipeline's wall in places.

Mr. Speaker, in order for Americans to be assured that the oil and gas pipeline industry is properly regulated and the communities have the opportunity to oversee these operations, we must fully fund the Office of Pipeline Safety. Fully funding of the Office of Pipeline Safety is a proper start to regulating an industry that has gone too far and too long without proper oversight.

The bill I have cosponsored with the gentleman from Washington (Mr. INSLEE), H.R. 4792, the Comprehensive Pipeline Safety Improvement Act of 2000, emphasizes increased pipeline inspections and public notification of where pipelines are located. It also would require stricter certification for pipeline operators and employees.

This issue is a matter of community and worker safety. We must be at the forefront of this topic by providing full funding for the Office of Pipeline Safety so that we can better protect our citizens from natural gas catastrophes.

I urge all Members to support the motion to instruct.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, I stand here to say that our national oil and gas pipeline safety standards are a national disgrace. They are more like Swiss cheese than safety standards. And as a result of those wholesale failures to inspect pipelines, we had three young people die in Bellingham, Washington, and we have entire families being incinerated in New Mexico. And while these tragedies occur, indeed Congress fiddles.

For every one safety inspector in this country, we have almost 50,000 miles of pipeline. We have a wholesale failure to do these inspections. And this will take one step forward to increase probably 30 inspectors so we can move on with these inspections.

Let me say that giving resources to the Office of Pipeline Safety is not enough. It is not simply a matter of resources. It is a matter of will and statute. We have wholesale failure of having an adequate statute, as well.

We are calling upon this House in this Congress to adopt meaningful, aggressive, comprehensive revisions of our oil and gas pipeline standards. We have several bills pending in the House. We are calling for the leaders of the House of both parties in this Chamber to adopt a comprehensive inspection standard.

Let me advise the House there is a bill that has come from the other Chamber. It is woefully inadequate. It does not require inspections by statute. It again goes down that rose-colored path of giving discretion to the Office of Pipeline Safety. That is the path of failure. We have to adopt a standard that cannot give any wiggle room to the industry or to the bureaucrats.

Let us pass a strong comprehensive bill this year out of this Chamber. America deserves no less.

Mr. SABO. Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I accept the instruction and pledge to work with the gentleman from Minnesota (Mr. SABO) and our staff with his staff to get this number to the highest possible that we can. So, publicly, I think it is a good instruction. Let us just not do an instruction and walk away and nothing ever happen. Let us get the number up.

So I will work with the gentleman from Minnesota (Mr. SABO), and I completely agree and we accept.

Mr. Speaker, I reserve the balance of my time.

Mr. SABO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman for his generous comments. My friend, the gentleman from Virginia (Mr. WOLF), has always been someone highly committed to safety in the various transportation modes, and I congratulate him for his continued effort.

Mr. Speaker, I yield back the balance of my time.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, Ms. GRANGER, and Messrs. YOUNG of Florida, SABO, OLVER, PASTOR, Ms. KILPATRICK, and Messrs. SERRANO, FORBES, and OBEY.

There was no objecton.

□ 1630

## APPOINTMENT OF CONFEREES ON H.R. 3244, TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### MOTION TO INSTRUCT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mr. WATT of North Carolina moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3244 be instructed to recede to the Senate on provisions contained in section 7 of the Senate amendment (relating to obtaining visas for victims of trafficking without numerical limitation) in order to ensure that any victim of trafficking in the United States who has been forced, coerced, or defrauded into sexual slavery, involuntary servitude, or other relevant conditions and who has escaped such bondage may obtain a visa and remain in the United States and to encourage such victims to assist United States law enforcement authorities to break up trafficking rings and end the terrible practice of trafficking in human beings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WATT) and the gentleman from Florida (Mr. CANADY) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am offering this motion to instruct conferees at the request of the gentleman from Michigan (Mr. CONYERS), who may show up here at any moment and participate in this discussion, but in the interim I am trying to carry his water for him.

Of all the human rights violations currently occurring in our world, the trafficking of human beings, predominately women and children, has to be one of the most horrific practices of our time. At its core, the international trade in women and children is about abduction, coercion, violence and exploitation in the most reprehensible ways. H.R. 3244 is a modest effort to eradicate forcible and/or fraudulent trafficking of persons into prostitution or involuntary servitude.

Among other things, the bill increases penalties and provides some protection for victims who would otherwise be deportable if identified by law enforcement, by creating a new "T" visa category for eligible victims. Unfortunately, the bill reported out of the Committee on the Judiciary and approved by the House is much more restrictive than the bill originally introduced by the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON). Instead, a much narrower bill was substituted by the Committee on the Judiciary markup to satisfy unrealistic concerns that the bill would somehow enable persons to fraudulently obtain a lawful status by claiming that they were a victim of sex trafficking or involuntary servitude.

Most significantly, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims who can become permanent residents.

Because estimates of the number of trafficking victims entering the United States are greater than 5,000 per year, I see no reason not to provide protection to the 5,001 and the 5,025 victims who have been the subject of such terrible acts. As a result, my motion to instruct instructs the conferees to recede to the Senate provision which contains no such cap.

We have no arbitrary limit on the number of refugees who can enter this country. We have no arbitrary limit on the number of asylees who can enter this country and, in my judgment, it is beneath our dignity as a nation to use an arbitrary cap to shut our doors to victims of slavery and sex trafficking.

The Members should know that this motion is supported by the Catholic Conference, the National Organization for Women, Legal Defense and Educational Fund and the National Immigration Law Center. I urge the Members to support this common sense and compassionate motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to instruct, and I would like to briefly address the motion. I need to point out to the Members that the bill that passed the House was a carefully crafted compromise that took into account all the input that we had received in the committee process on this legislation. It is my understanding that of all the estimates that have been made concerning the number of potential beneficiaries under this legislation, who would be eligible to obtain visas, none of those estimates have exceeded the 5,000 cap.

The original estimates were substantially below the 5,000 cap that is included in the bill, so I believe that it is unlikely, extremely unlikely, that this cap would have any practical impact. The cap is there, however, to make certain that this bill does not result in admissions that are beyond what was anticipated when the legislation was considered.

The chairman of the subcommittee of jurisdiction, the gentleman from Texas (Mr. SMITH), is on his way to further discuss the motion to instruct and to express his opposition so I would just make that general observation that I have made.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I strongly object to the 5,000 per year cap on trafficking of victim visas imposed by the majority. The majority has not been able to cite a single bit of evidence in the hearing or in the markup to support a cap of 5,000. We understand from the prior speaker that there is opinion that this may be sufficient, and if that is the case there is certainly no harm in not having an arbitrary cap. If it is less than 5,000, then there will be no issue but if, if, one year there is more than 5,000 we would find this cap to be morally wrong.

It is an unfortunate fact of life that we can never predict how many people will be the victim of trafficking and how serious their plight will be; how many of them will seek refuge in our wonderful country, a bastion of freedom. Congress has granted similar discretion to increase refugee caps and there are no caps for asylum candidates. So it is my view that we have room in this vast, wonderful, prosperous country for victims of sex trafficking and slavery, and I do not want to be an American who says to the 5,001 victim, they are out of luck.

In fact, the evidence is that the cap of 5,000, in fact, may be too low. There was recently an exhaustive report by the Central Intelligence Agency titled, the International Trafficking in Women to the United States, a Contemporary Manifestation of Slavery. That is the name of the report. It outlines women who are brought to the United States to work as prostitutes who are abused as laborers or servants, and even if this report overestimates the number of trafficking victims by a large factor, the limit of 5,000 would still be too low and it would deny thousands of victims of trafficking any right to remain in this country.

So I think we ought to put this into context. We have already in this country women who have been brought here and really held in virtual slavery, sometimes as victims of sexual oppression. When those women break free, we want to make sure that they have found refuge in this country of freedom. We do not want to then turn them away back to their abusers.

So, Mr. Speaker, I would urge my colleagues on both sides of the aisle to lift up their hearts, remember that America stands for freedom, to understand that we have room for the 5,001 victim of slavery who is held here and seeks freedom and to support the motion to instruct conferees.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. SMITH), the Chair of the Subcommittee on Immigration and Claims, and I ask unanimous consent that he be permitted to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank my colleague and friend, the gentleman from Florida (Mr. CANADY), for yielding me his time and for speaking in opposition to this motion. I, too, oppose this motion.

Mr. Speaker, I oppose this motion to strike the cap on the number of visas and green cards given to trafficking victims. The bipartisan authors of this bill gave us this number of 5,000 when estimating the size of the victim group. In fact, at one point, the estimated size of victims was 1,500, so 5,000 is a very, very generous level.

We ought to stand by their estimate and respect the desires of the bipartisan authors of this bill. Also, Mr. Speaker, imposing a cap obviously safeguards against fraud. Rather than having an unlimited number of visas available that might be taken advantage of by individuals wanting to get into the system, we need to have that cap to avoid people being tempted to take advantage of the system and abuse the privilege.

This bill is a merging of both Republican and Democratic trafficking bills. The authors of this bill estimated the number of trafficking victims in the United States to be no more than 5,000. Both Democrats and Republicans agreed on this cap at the Committee on the Judiciary because it was the number given to us by the authors of the bill. Now some want to eliminate the cap altogether.

Whenever a new form of immigration relief is created, many aliens apply for that relief. Too often, those applications do not contain bona fide claims of relief. We need tools to prevent this form of relief from being abused and jeopardizing relief for valid and legitimate claimants. One of those tools is a cap.

When a group of people needs protections or relief from deportation, it is important to know the size of that group to understand the size of the problem. If the group size is known or estimated, no harm is done in creating a cap that correlates to that group's size. The size of trafficking victims has been estimated. The authors of the bill have told us the group size is 5,000 people so no harm comes from imposing a cap of 5,000 and, in fact, much good comes from having a cap to stop the fraud and abuse.

This cap will prevent large numbers of aliens from falsely claiming to be trafficking victims. It safeguards against fraud, which everyone should be concerned about.

Finally, the caps in this bill are on the victims only. They are not on the victims' family members. So spouses, sons and daughters, children of the victim and even parents of the victim, if the victim is under 21, may all receive a visa and a green card free from this cap.

□ 1645

The same is true for the green cards themselves. The green card cap of 5,000 is again just for the victims only. It is not on the victims' family members, so obviously many more than 5,000 individuals will be admitted and be able to avail themselves of this new category. There is no reason to remove this cap, and I strongly urge my colleagues to oppose it.

The bipartisan authors of the bill, I want to repeat again, gave us the number of 5,000 because they thought that was more than adequate to satisfy the needs of all legitimate victims, and we should stand by that number. Having a cap in place prevents fraud, and I urge all of those who are concerned about fraud, as we seen so often in our immigration system, to oppose this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Texas (Mr. SMITH) would have us believe that this is about fraud. It is not. Regardless of how many people come in having been imported into our country as slaves or as sex objects, there still has to be an application to stay, and that application has to be evaluated, so the fraud is taken out in that context.

It may be that if the gentleman is worried about fraud, it would be 4,000 in the first 5,000 who have engaged in some fraudulent activity. That is not the issue here. The issue is would we send a woman or child who has been sexually abused and put into slavery in this country back into another country where that kind of activity was going on, so whether the victim is the 499th or the 4,099th, or the 515th or the 5,015th should not be the issue. The issue is what should our policy be, and we should open our arms to these people.

Mr. Speaker, I keep hearing these estimates and the statement that there was some bipartisan agreement. Let me be clear that there was no bipartisan agreement about this number. The bill came out of the committee, but there was substantial disagreement. There was an effort to revise the number in the committee, and I am looking at a report here from the Central Intelligence Agency briefing in April of 1999 that estimated that the number of women and children who are trafficked annually into the United States primarily by small crime rings and loosely connected criminal networks is between 45,000 and 50,000.

Now, the estimate, the guess, about how many of those people will come forward and present themselves is no more than conjecture. One-tenth of them might come forward, in which case we would have a number between 4,500 and 5,000; but if 20 percent of them came forward, you would have a number at 10,000, and would it be in our own conscience as a Nation to deprive that extra 5,000 or that extra 100 by some arbitrary cap that really is just an arbitrary figure?

Our policy is to welcome people in, who have been abused, into other countries, and that should continue to be our policy.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding me the time.

This is a human rights issue of great moment to me. One of the worst practices that has come to the Congress' attention is this trafficking of women and children and the coercion and exploitation and violence that accompanies it.

We are disappointed that the bill introduced formally by our colleagues the gentleman from Texas (Mr. SMITH) and the gentleman from Connecticut (Mr. GEJDENSON) has been narrowed in the Committee on the Judiciary, and we have put caps at 5,000 per year on the number of victims.

As the gentleman from North Carolina has pointed out, this is arbitrary and beneath our dignity as a Nation. I am happy to say that many of the immigration and human rights organizations support us, and so I urge that this motion to instruct be given very careful attention by our colleagues.

Mr. Speaker, I think the cap is arbitrary and does frankly a good disservice to our international image as a country concerned with human rights.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say to my friend from North Carolina (Mr. WATT), because I know him well enough to know that he would never intentionally mislead anyone, but I would like to clarify a figure that he used, 45,000, and emphasize that is a worldwide figure of possible victims. That is not the number expected, I understand, to come to the United States.

I would repeat the point that the authors of the bill who represented Republicans and Democrats are very comfortable with this cap of 5,000. It does guard against fraud. In fact, going back to the cap, we think it is more than generous, and I urge my colleagues to oppose this motion, one, because we need to prevent fraud; and, two, because the bipartisan authors of the bill are happy with that cap.

Mr. Speaker, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to comment on the point that my colleague from Texas (Mr. SMITH) has raised. I am reading a report from the Center for the Study of Intelligence, and I am reading verbatim from that report. It says, and I quote: "An estimated 45,000 to 50,000 women and children are trafficked annually to the United States." Now, that might be worldwide being trafficked into the United States, but that is what this bill is about.

How many of them are we going to allow? How many are going to come forward and seek to stay here once they have been trafficked in? If the figure is wrong, it is because the report is wrong; it is not because I have misstated the record. I am stating it in good conscience. I cannot verify it. I was reading from a report. Maybe the gentlewoman from California (Ms. LOFGREN) will have some clarification.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I just wanted to ask the gentleman his judgment. It is my understanding from law enforcement that the ability to actually prosecute these traffickers and to put an end and decrease the number of people who are brought in and abused is really very much dependent on the ability of these women to escape and to understand that they will be given refuge; and if you cannot escape and be given refuge, then you really cannot cooperate with the police, and we will never be successful in eliminating and prosecuting and ending this trafficking in human beings as sex slaves.

Mr. Speaker, I would ask the gentleman from North Carolina if that is his understanding as well.

Mr. WATT of North Carolina. Reclaiming my time, I think the gentlewoman from California makes an exceptionally good point that in addition to the human rights argument, there are actually public safety and criminal law administrative reasons that we should not have this cap, because we want to have in place an incentive for these women and children to be able to come forward and break out of this sex ring and slave ring and come forward. The primary incentive they have is to seek to be able to stay in the United States, and if they cannot do that, then we provide no protection to them as a Nation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from North Carolina (Mr. WATT) for yielding the 3 minutes to me.

Let me thank the gentleman from Michigan (Mr. CONYERS) for this motion to instruct and the leadership of the Members on this floor. I hope that our colleagues are listening to us. The gentlewoman from Illinois (Ms. SCHAKOWSKY) and myself offered an amendment, or legislation, dealing with battered immigrant women, which is not a directly pointed point, but it does deal with the abuse of women.

So we know that overall in these issues dealing with sexual abuse or physical abuse, it is most necessary to have some kind of relief. The capping that is going on with respect to the victims of trafficking is egregious, and it is important that we should not cap the numbers to avoid helping people. What happens is with this motion, it answers the need, because it eliminates the arbitrary 5,000 annual cap so we can provide these as to all victims who have been forced into involuntary servitude and sexual trafficking.

Mr. Speaker, needless to say, we can document today with stories that recount for us that sexual trafficking or trafficking of human beings for sexual activities continues today. When we traveled to Southeast Asia and Bangladesh and India and Pakistan, there were women there who told us they were victims of it.

It has happened to us, there were children who were able to relay the story of what happens, and sometimes these people are able to make their way to a refuge in the United States, and that is why the Catholic Conference, the National Organization for Women Legal Defense and Education Fund, and The National Immigration Law Center see the merit in this motion to instruct, that the cap is dangerous, the cap is devastating, and in some sense, Mr. Speaker, it is inhuman.

It is extremely important that we begin to look at this problem as a real-life, 21st century problem; and the act itself combats trafficking with a three-tier approach. It has prevention, prosecution, and enforcement against the traffickers, but we must find a way to protect the victims.

This motion to instruct says the victims are important. The capping is wrong. Let us remove the arbitrary cap. Let us make sure that we provide visas to all of those in need. This is reasonable, Mr. Speaker. It addresses the current problem. I hope my colleagues will see the good sense of it, and that they will vote for it.

Mr. Speaker, trafficking in human beings is a form of modern-day slavery. At its core, the international trade in women and children is about abduction, coercion, violence, and exploitation in the most reprehensible ways.

Trafficking victims suffer extreme physical and mental abuses, including rape, torture, starvation, imprisonment, death threats, and physical brutality. Women and children trafficked into the sex industry and exposed to deadly diseases, including HIV and AIDS. Victims trafficked into domestic servitude, bonded sweatshop labor and other industries are subject to violence and sometimes literally worked to death.

The Trafficking Victims Protection Act of 1999 combats trafficking with a three-tier approach. It provides for prevention, prosecution and enforcement against the traffickers, and assistance to the victims of trafficking. We can and should provide assistance to the victims of trafficking.

However, the bill unnecessarily caps at 5,000 per year the number of victims who can receive a nonimmigrant visa and caps at 5,000 per year the number of victims which can become permanent residents.

This is unfortunate because estimates of victims entering the United States are greater than 5,000, and we should not cut off protection.

This Motion To Instruct is supported by the Catholic Conference and the National Organization for Women Legal Conference and the National Organization for Women's Legal Defense And Education Fund. I urge Members to support this Motion to Instruct.

Mr. WATT of North Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope Members will remember to vote against this motion because it will prevent fraud, and the cap has been agreed to by the authors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from North Carolina (Mr. WATT).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. GILMAN, GOODLING, SMITH of New Jersey, HYDE, SMITH of Texas, Mrs. JOHNSON of Connecticut; and Messrs. GEJDENSON, LANTOS, CONYERS, and CARDIN.

There was no objection.

## APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE HERBERT H. BATEMAN

The SPEAKER pro tempore. Pursuant to House Resolution 573, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Herbert H. Bateman:

Mr. BLILEY, Virginia;
Mr. HASTERT, Illinois;
Mr. ARMEY, Texas;
Mr. BONIOR, Michigan;
Mr. WOLF, Virginia;
Mr. BOUCHER, Virginia;
Mr. SISISKY, Virginia;
Mr. PICKETT, Virginia;
Mr. MORAN, Virginia;
Mr. GOODLATTE, Virginia;
Mr. SCOTT, Virginia;
Mr. DAVIS, Virginia;
Mr. GOODE, Virginia;
Mr. SPENCE, South Carolina;
Mr. SHUSTER, Pennsylvania;
Mr. SKELTON, Missouri;
Mr. STUMP, Arizona;
Mr. BEREUTER, Nebraska;
Mr. HUNTER, California;
Mr. SKEEN, New Mexico;
Mr. BILIRAKIS, Florida;
Mr. BURTON, Indiana;
Mr. ORTIZ, Texas;
Mr. PACKARD, California;
Mr. HOUGHTON, New York;
Mrs. MORELLA, Maryland;
Mr. GOSS, Florida;
Mr. MCNULTY, New York;
Mr. TANNER, Tennessee;
Mr. BARTLETT, Maryland;
Mr. BUYER, Indiana;
Mrs. FOWLER, Florida;
Mr. MCKEON, California;
Mr. EHLERS, Michigan;
Mr. HOSTETTLER, Indiana;
Mr. LAHOOD, Illinois;
Mr. LATHAM, Iowa;
Mr. GIBBONS, Nevada;
Mr. RILEY, Alabama; and
Mr. SHERWOOD, Pennsylvania.

## LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. There will be no votes in the House tomorrow in honor of our late friend and colleague, the gentleman from Virginia, Herb Bateman.

The House will next meet on Monday, September 18 at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 o'clock p.m.

On Tuesday, September 19 and the balance of the week, the House will consider the following measures:

The Debt Relief Lockbox Reconciliation Act for FY 2001;

H.R. 2909, the Inter-country Adoption Act;

H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 Conference Report; and

H.R. 3244, the Trafficking Victims Protection Act Conference Report.

Mr. Speaker, we also expect that appropriators will be working hard to complete conference reports for consideration in the House next week.

□ 1700

## THE JOURNAL

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

## EIGHTH BIENNIAL REPORT OF INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

*To the Congress of the United States:*

As required by section 108(b) of Public Law 98–373 (15 U.S.C. 4107(b)), I transmit herewith the Eighth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1998, to January 31, 2000).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 2000.*

## ADJOURNMENT TO MONDAY, SEPTEMBER 18, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, September 18, 2000, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WELDON of Pennsylvania. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## AMERICA'S NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to discuss an issue that is not getting the attention I feel it deserves in the current national debate between the major presidential candidates and Members from both parties running for Congress, the House and the Senate, and that is the issue of America's national security.

I want to start, Mr. Speaker, by focusing on the speech that President Clinton gave at Georgetown University just 2 weeks ago on the issue of national missile defense. The President gave the speech because when he signed my national missile defense bill into law over 1 year ago, the President said that he would sign into law, agree to move forward, on national defense, but then make a decision to go forward at some point in time in the future.

Mr. Speaker, let me go back and restate for our colleagues the facts in this area, the actions by the President, and then go through the President's speech in detail and attempt to give what I would consider to be our response to the President's speech.

First of all, Mr. Speaker, 5 years ago the CIA produced an intelligence estimate that told the Congress and the American people we would not expect to see a threat emerge that could hurt the U.S. directly from a long-range missile for at least 15 years.

Many of us on both sides of the aisle felt that that estimate was incorrect. In fact when we pressed the CIA, and I was the one who got the first classified briefing on that report because I was one of the requesters of it, the CIA eventually changed its mind and came to a conclusion that we all agreed to with Donald Rumsfeld and the Rumsfeld Commission that in fact the threat was not 15 years away, but that in fact the threat was here today and growing dynamically with every passing day. That major change caused a bipartisan group in the Congress to want to prod this administration to move forward in defending America, its people, and its troops.

Some would say, why would you want to do that? There has never been an attack on America. No country is going to attack us because we have such tremendous clout, we could wipe them out, and if they really want to harm us, they would use a truck bomb or use a car bomb or an explosive device.

Mr. Speaker, the facts just do not support that contention. In fact, Mr. Speaker, in 1991, 28 young Americans came home in body bags from Saudi Arabia because our country let those young men and women down. Twenty-eight young Americans came home in body bags because we could not defend against a low complexity scud missile. The scud missile was launched into our military barracks in Saudi Arabia, just as Saddam had launched missile after missile into Israel, raining terror on the Israeli families who were injured and killed by those attacks.

Mr. Speaker, that attack by Saddam on our soldiers, and they were both young women and young men, they were young wives and young fathers, because they were largely from reserve units, half of them from my State, showed the vulnerability of America to the emerging threat that missiles provide.

In 1991, this Congress vowed that that would never happen again, that we as Republicans and Democrats would never allow America's sons and daughters to be wiped out by a terrorist like Saddam or a Nation like Iran or North Korea that would use missiles to kill our people. So, as a result, Mr. Speaker, we began to work the process in the Congress to change the minds of Bill Clinton and AL GORE in terms of missile defense.

Now, let me state for the record, Mr. Speaker, that President Clinton and Vice President GORE categorically opposed missile defense through the first 7 years of their administration. Now, the President and the Vice President can spin this any way they want, but the facts are that for 7 years they opposed missile defense. They opposed the Congress when we said the threat was emerging. They opposed the Congress when Democrats and Republicans put more money into missile defense systems. They opposed the Congress when we said that the ABM treaty was not flexible enough to allow us to defend our homeland and our people. For 7 years, President Clinton and Vice President GORE said we do not have to worry about missile defense, we rely on arms control agreements.

Let me say this, Mr. Speaker. I am not against arms control agreements. In fact, I support most of the arms control agreements that America is a party to. But there is an interesting point about arms control, Mr. Speaker, and that is that if you do not enforce those agreements, if you do not abide by the requirements to penalize those entities that violate those agreements, they mean nothing, they are worthless pieces of paper.

That has been the record of this administration. Two years ago, Mr. Speaker, I did a speech on the House floor. I documented in that speech 37 violations of arms control agreements by China and Russia. Thirty-seven times we caught Russia and China sending technology away from their country, which is illegal under the arms control agreements that we are party to with those nations.

Where did they send that technology? They sent it to a few countries: Iran, Iraq, Syria, Libya, North Korea, Pakistan and India. Thirty-seven times we caught the Russians and the Chinese sending technology abroad. That is a violation of arms control agreements, and 37 times we should have imposed sanctions on those countries and on those companies in those countries that we caught violating those arms control acts.

Out of those 37 times that we caught the Russians and the Chinese transferring arms, we opposed the required sanctions two times; once when we caught the Chinese transferring M–11 missiles to Pakistan, and the second time when we caught the Chinese transferring ring magnets to Pakistan for the nuclear program. The other 35 times we pretended the transfers never occurred. We denied that we had evidence.

In fact, Mr. Speaker, it is so bad that in one case I was in Moscow January of 1996, one month after the Washington Post reported that we had caught, actually with the help of our allies in that area, we had caught the Russians transferring guidance systems to Iraq.

What are these guidance systems used for? They are used to make those missiles that killed our young people more accurate. They are used to make the missiles that killed Jews in Israel more accurate. The Washington Post said that we had caught the Russians giving this technology to Iraq, on the front page of their newspaper.

So I was in Moscow, and I was in the office of Ambassador Tom Pickering, who is currently the third ranking leader in our State Department. I said, "Ambassador Pickering, what was the Russian response when you asked them about the fact that we caught them transferring these devices to Iraq, which is a violation of the missile technology control regime, an arms control agreement?"

He said, "Congressman WELDON, I didn't ask the Russians yet."

I said, "Mr. Ambassador, why wouldn't you ask the Russians? The Washington Post reported it on the front page. They said it happened back in June. Why would we not demand the Russians stop this process and demand action on the part of sanctioning those Russian companies?"

He said, "That effort has got to come from the White House. It has got to come from Washington. I can't take that action as the ambassador here."

So I came back to Washington and wrote to President Clinton a letter in January of that year, which he responded to in March of that year, and in that letter he said, "Dear Congressman WELDON, I agree with you. We are very concerned that Russia may have transferred technology to Iraq that could harm Israel and could harm America, and if we find that that took place, we will impose the required sanctions under the treaty, we will take aggressive action. But, Congressman WELDON, we have no evidence."

Mr. Speaker, over in my office at 2452 Rayburn, I have two devices. I have an accelerometer and a gyroscope, the heart of Soviet guidance systems that were taken off of Soviet missiles that we caught being transferred to Iraq, not once, not twice, but three times. Every time I travel around the country, and I have spoken to 10 or 15 AIPAC meetings, I have spoken to hundreds of defense organizations, I take my guidance systems.

I cannot tell you where I got them, but I can tell you it was through one of our agencies in this country. And I hold them up, and I say, "Mr. President, here is the evidence that you said we didn't have." In fact, Mr. Speaker, we have over 100 sets of those guidance systems that we captured that were being transferred from Russia to Iraq on those three occasions, and we expect that Russia probably transferred hundreds of other systems to Iraq for the same purpose.

The point is this, Mr. Speaker: If we do not enforce arms control agreements, the arms control agreements mean nothing. This administration has the worst record in the history of arms control agreements in lack of enforcement.

How about a second situation? The President of Israel at the time, Mr. Netanyahu, came out publicly and said Israel had evidence that Russia was cooperating with Iran in building a new missile system that could directly hit Israel from anyplace in Iran called the Shahab-3 and Shahab-4. Israel came out with this publicly. It was a sensational story. All the Jews in America were upset, all Americans were upset, because here was a respected ally of America saying publicly that they had evidence that there were violations of arms control agreements by Russia giving technology to Iran that could threaten our friends and threaten Americans.

Well, the Congress was livid. Democrats and Republicans joined together. In fact, the gentleman from New York (Mr. GILMAN) joined with Democrats in a bipartisan bill called the Iran missile sanctions bill. That bill was designed to force the administration to impose sanctions on Russia. That is required by the treaty.

But the Congress was so incensed that Democrats and Republicans said they do not get it, we are going to force them. Two hundred fifty Members of Congress in a bipartisan manner endorsed the Iran missile sanctions bill.

The bill was scheduled for a vote on the House floor. Three days before the bill was scheduled for a vote, my office got a call from the White House. We do not get many calls from the White House, Mr. Speaker, for obvious reasons. In this case it was Vice President GORE calling me to invite me to come to the Old Executive Office Building so that he could convince me that the bill was a bad idea.

Well, I respect the Vice President, so I said, sure, I will come down. So I traveled down to the Old Executive Office Building and went into a room where there were Members of the House and Senate from both parties sitting around a table. Let me see now, if memory is corrected, CARL LEVIN was there, JOHN MCCAIN was there, BOB KERRY was there, Lee Hamilton was there, the gentleman from New York (Mr. GILMAN) was there, Jane Harman was there, JOHN KYL was there.

□ 1715

About 14 Democrats and Republicans from the House and the Senate with Vice President GORE and Leon Fuerth, his National Security Adviser. For one hour, they lobbied us not to support the Iran missile sanctions bill. They said, if you bring this bill up on the floor of the House and if you pass it, it will undermine our relationship with Russia and Boris Yeltsin. When the Vice President finished, we said, Mr. Vice President, with all due respect, and we do respect you as a person, there is no longer a confidence in the Congress that you are enforcing arms control agreements and stopping proliferation.

Two days later, in spite of that personal lobbying by Vice President GORE and personal lobbying by President Clinton, this House passed the Iran missile sanctions bill with not just Republican votes. Mr. Speaker, 396 Members of Congress, 396 Members of Congress out of 435 voted to slap the President across the face because he was not enforcing the very arms control agreement he talks about so frequently.

We broke for the Christmas and religious holidays and came back in February of the next year. The Senate was going to take up the same bill, the Iran missile sanctions bill.

I get another call in my office, an unusual call, again from the White House inviting me back to the Old Executive Office Building. So I again went down. The same people were there, the same leaders of the House and the Senate from both parties. We sat around the table. Again, it was Vice President GORE, it was Leon Fuerth, and this time, a member of the National Security Council, Jack Caravelli. For 1 hour and 30 minutes they lobbied us against the Iran missile sanctions bill. They said, you cannot pass this in the Senate. You have passed it in the House; it is embarrassing to us. If you pass it in the Senate, it will cause further harm to our relationship with Russia.

When the Vice President finished, we said, Mr. Vice President, you do not get it. You have not stopped the proliferation. You are not enforcing the arms control agreements. The technology is still going to our enemies, and you are sitting on your hands. We do not want to cause conflict with Russia, but you have armed control agreements to stop proliferation, and if you are not going to enforce them, then these agreements are worthless pieces of paper.

With that, we left the Vice President's office. A week later the Senate voted the bill. Again, Mr. Speaker, the vote was 96 to 4. Mr. Speaker, 94 senators to 4, slapping the President and the Vice President across the face, because they did not get it. Arms control agreements are no good unless we enforce them, and an administration that basis its strategic relationships on arms control, but does not enforce those agreements, has no international security ability, and has no foreign policy. We passed that bill overwhelmingly, and the President had the audacity to veto it.

Mr. Speaker, we could not override the veto that year, there was not enough time, so we came back in this session of Congress; and we passed the bill again in the House and in the Senate. And guess what the President did this time, Mr. Speaker, because he does this so well? He must have went like this, let us see, which way is the wind blowing today. Oh, the polls are showing that I better sign this, or I am going to be embarrassed and they are going to override my veto. So the President signed our Iran missile sanctions bill into law, after opposing it, after lobbying us and saying that we did not need it.

Mr. Speaker, that is why we have a problem. That is why we have nations that are now threatening Israel and our friends in the Middle East that we cannot defend against. Because this administration has allowed the technology to flow like running water down a riverbed. This administration, while not enforcing arms control agreements, has opposed us every step of the way on missile defense.

Now, the President gave us a great speech at Georgetown. He bit his lip, he tweaked his eye and did all of those things that make him so appealing on national television. But he did not tell the truth, Mr. Speaker; and that is the most important thing. He said, we are for missile defense.

Let us look at the facts, Mr. Speaker. Four years ago the President went before the AIPAC national convention. AIPAC is the group that represents the Jews in America who are concerned about issues affecting Israel's security. President Clinton stood on the podium in front of 2,000 Jews at an AIPAC convention, and he pounded his fist on the dais and he said this: I will never let the Jews in Israel feel like they are unprotected from the missiles that Iran and Iraq are now acquiring. I will support the Arrow program that Israel is trying to build.

Well, let us look at the facts, Mr. Speaker. That same year, the administration had requested no dollars for the Arrow program, which comes under my subcommittee. In fact, Mr. Speaker, because I formed a relationship with the Israelis and with the Israeli Knesset on a cooperative bilateral protection capability, we went to the Israelis and to AIPAC and said, how much money should we put in the defense budget for AIPAC? The number for the Arrow program that year did not come from the White House, it did not come from the Pentagon, it came from an inquiry that I made to AIPAC; yet the President said he was supporting the protection of the people in Israel. He also said he was supporting a program called THEL, Theater High Energy Laser, one of the most promising technologies to take out missiles like those being developed by the Iranians and the Iraqis. What the President did not tell the folks at AIPAC that year was that he had zeroed out funding for the THEL program for 3 straight years.

Mr. Speaker, one cannot continue to say one thing and do something else. When the President talked about delaying the deployment of missile defense at Georgetown last week, he failed to mention a few things. He said he was supported. Well, let us look at the facts, Mr. Speaker. I was very careful over the past 6 years in building a case for missile defense to base our case on facts, not rhetoric. I did not agree with the approach that was taken under the Reagan years, when I was not here, of a massive umbrella that would protect all America. I did not think it could work. That is not what we proposed. We proposed a system that would provide a thin layer of protection against those rogue threats that we know are there today, and that was our basis. We had over 150 classified and public briefings and hearings for our colleagues in this Chamber to learn the facts about the growing threats, to learn the facts about the technology, to learn the facts about what our allies would say.

After all of those briefings and all of those hearings, Mr. Speaker, I worked with my colleagues on the other side to put into place a bipartisan bill. In fact, the gentleman from South Carolina (Mr. SPRATT) was my cosponsor. That bill had bipartisan support. It simply said, we will deploy a missile defense system. Simple phrasing. One sentence. It is the policy of the United States to deploy a national missile defense system. The bill was scheduled for a vote a year ago in March. On the day the bill was coming up for a vote, President Clinton sent a letter, along with AL GORE, to every Member of this body, 435 Members. And the President said this: I oppose CURT WELDON's bill on missile defense. I urge you, Democrats and Republicans, to vote no on H.R. 4.

I knew the President was against missile defense all along. I knew AL GORE was against missile defense all along, so it did not surprise me. In fact, it was exactly what I wanted.

So we convened that day. I had already gone to Moscow with Don Rumsfeld and Jim Woolsey, who was Bill Clinton's CIA director. We had already briefed the Russians on what we were doing; we had already closed the House down for 2 hours and had a classified briefing on this floor where NINE members of the Rumsfeld Commission presented factual information. Mr. Speaker, 250 Members of Congress sat in these chairs with no staff here and heard the briefing that outlined the fact that the threat is here today to America and that we better do something about it. All of that took place.

On the day of the vote, I said this to my colleagues: it is a clear choice today, folks. If you support President Clinton and AL GORE, then vote against my bill. Oppose it. I will respect you, because I will respect you for your convictions of thinking we do not need this system. So vote against it, and we will still be friends. But if you agree with me, if you agree with the CIA and the revised threat assessment; if you agree with Donald Rumsfeld and Jim Woolsey, if you agree with those people who say the threat is here today, then vote for my bill, and vote against the President.

Mr. Speaker, we had a lot of debate that day. When the vote came, the President lost. Mr. Speaker, 103 Democrats voted with me, 102 Democrats voted with Bill Clinton and AL GORE, and all but two Republicans voted with me. The vote was veto-proof; it was overwhelming. Mr. Speaker, 317 Members of Congress said once again to Bill Clinton, you just do not get it, President Clinton. We are going to force you to do something that you have been opposed to. The Senate passed a similar bill with 98 votes.

So guess what the President did, Mr. Speaker? He did what he did on the Iran missile sanctions bill. He read the polls. Well, the Congress is overwhelmingly in favor, and the American people say do it. I better find a way to support that bill, sign it into law, but to politically leave myself an out so I can get out from under this right before the election next year, and that is when he did. He signed the bill into law and unlike Bill Clinton, there was no Rose Garden signing ceremony; and if you know this White House, they do that more than we eat meals. There was no Rose Garden event where people came down and stood behind the President. Very quietly, with no one around, the

President signed the bill into law, H.R. 4, because he knew he could not oppose it. We would overwhelmingly override his veto.

So the President said when he signed the bill into law, I will make my decision next year about whether or not we should deploy a system. He said, I am going to make it based on some factors, whether or not the threat is real, what our allied response is, and whether or not it is cost justified, and whether or not the technology is there. And that was the basis of his speech at Georgetown.

So, Mr. Speaker, let me analyze some of the facts in that speech. First of all, Mr. Speaker, the President himself acknowledged in his speech, the threat is here. He said, for the first time, the threat to America is here and it is growing. In 7 years and 10 months, or 8 months of Clinton-Gore administration, never once did they admit that the threat was here and growing. In the Georgetown speech 2 weeks ago, President Clinton acknowledged what we have said for 7 years: the threat is real and it is growing.

The second issue the President raised was, but I am not sure that technology is ready. We need more testing. Now, that was a great statement by the President: we need more testing. For 6 years, Mr. Speaker, this body has been plussing up funds for more testing of missile defense systems each year; in fact, has spent $1 billion each year more than what the President asked for. Now, you know what the President and Vice President did each year? They criticized the Congress when we put more money in for testing. Yet, in the Georgetown speech, the President said, we need more testing.

Now, he cannot have it both ways, Mr. Speaker. He cannot go to Georgetown and say I am for missile defense, I want more testing, even though for the past 6 years, I have opposed the funding for more testing. The President said, the technology is not ready yet. Well, Mr. Speaker, we all know that it is going to take 5 years before we can put a system into place that will meet the challenges of the threats that we see emerging.

Mr. Speaker, the President said, and I quote: "The technology is not ready." Now, that was an absolute distortion. Either he was misinformed, or he lied. Now, why do I say that? Because, Mr. Speaker, over the summer we held hearings in my committee on the Committee on Armed Services where we had the President's experts on missile defense testify. Jack Gansler is one of the highest ranking officials in the President's Defense Department at the Pentagon. He is in charge of acquisition and technology, I think number three in the Pentagon.

□ 1730

Jack Ganzler said in questioning in our committee, and I will provide a copy of it for the RECORD, that when I asked him, "Is the technology to hit to kill a missile with a missile or a bullet with a bullet, is that technology achievable," his answer was, "In my opinion, the technology is here. We have achieved the technology."

General Kadish is a three-star general, a very capable leader. He is paid to represent our military in running the program. He is not Democrat, he is not a Republican, he is a paid military expert. He is respected by leaders in both parties.

General Kadish testified before our committee. We asked him, "General, is the technology achievable to do this? Can we hit a bullet with a bullet?" General Kadish said, "In my opinion, the technology is here. We have done it. It is no longer a technology problem, it is an engineering challenge to put the systems together."

The Welsh report. General Welsh is a retired Air Force general that the Clinton administration hired to survey our progress on missile defense. The Welsh report said unequivocally that the technology is here.

So we had Jack Ganzler, General Kadish, and General Welsh in the Welsh report all saying publicly, there is not a technology problem. What does President Clinton say at Georgetown? "We have a technology problem." Either President Clinton does not listen well, he does not pay attention, or else he lies well, because his three top experts on this issue totally refuted what he said to the American people when he said that the technology was not at hand.

Now, there are challenges. There are engineering challenges. There are challenges to sort out decoys from the real bomb that may be coming in. But those challenges are achievable. In fact, the head scientist for the National Missile Defense Program, Dr. Peller, when he testified before our committee, I asked him, I said, "Dr. Peller, how hard is it to build a system that can shoot down a missile with another missile?"

He said, "Congressman, when I worked at Boeing, before I ran this program I ran their Space Station program. The challenge to build a Space Station is much harder and greater than the challenge I face on national missile defense."

So all of the experts, Mr. Speaker, refute the comments the President made at Georgetown, yet the President got away with this grand national speech. He also said, "I am making a decision to delay deployment today because I want to do more testing. I want to make sure it will work." The irony is, Mr. Speaker, the only thing that he did by delaying the decision with the Georgetown speech was the contract to begin to build a radar system on an island in Alaska.

That is the only thing we can do right now. The system will not be ready for 5 years. But by delaying the contract to build the radar in Alaska, we cannot do the additional testing that we need. That radar would have helped us better test the system that President Clinton told the American people he wanted more testing of.

Mr. Speaker, sometimes the statements coming out really disgust me because they are not being challenged, because the President can use the bully pulpit to say whatever he wants any time he wants without the benefit of someone else standing up and saying, "Wait a minute, Mr. President. Let us look at the facts," because facts are difficult things to refute.

Now, the President also mentioned that he was delaying the decision on missile defense because our allies and other countries were being offended by what we were about to do. He cited Russia. He said that Russia was against missile defense. Russia will use this against us. China will use it. The European nations are against it.

Let us look at that also, Mr. Speaker, and let us look at the facts. Do the Russians trust us? No. Do I understand why the Russians do not trust us? Yes. Mr. Speaker, one of the other things I do in the Congress, as Members know, is I work Russia issues. My undergraduate degree is in Russian studies. I have been in that country 21 times. I co-chair the Interactive Caucus between their Duma and our Congress, so I am with Russians all the time. In fact, I was with the chairman of the International Affairs Committee just 1 hour ago, Mr. Ragosin from the Duma. I was with six other Russians earlier this morning. I meet with them every day.

Let us analyze why the Russians are upset with what we are doing with missile defense, and let us see if missile defense is the problem or if Bill Clinton is the problem and AL GORE is the problem.

Why would the Russians not trust America? Do they think we are going to try to take them over? Some do. Why would they think that? Are they confused? Yes. Why would they think that?

Let us go back to 1992, Mr. Speaker. Boris Yeltsin was elected president of Russia, a new democratic free market Nation. In one of his first speeches he said "I challenge America to work together with Russia on developing a missile defense system that could protect both people."

George Bush was president back then. What was George Bush's response? George Bush says, "I accept your challenge, President Yeltsin. Let us work together." So our State Department and the Russian Foreign Ministry began high-level discussions. They were called the Ross-Mamedov talks, named after the Russian deputy foreign minister and our deputy secretary of state.

They met repeatedly. They were building confidence. They were having success in working together. Then things happened. The elections happened. Bush lost, and Clinton came in in 1993.

Within the first 3 months, what did Bill Clinton do, this man who believes that security is obtainable through arms control agreements alone? He canceled the discussions with the Russians. Without giving the Russians any reason, he canceled the Ross-Mamedov talks.

The Russians said, "Wait a minute. You said you wanted to work with us, America. Now you are saying you do not want to work with us." That was the first bad signal sent by America to the Russians that we do not want their cooperation, that we do not want to work with them.

A second event happened in 1995, 1996, and 1997. We had one cooperative program with Russia on missile defense called the RAMOS project. The RAMOS project is being done by the Utah-Russian Institute in Utah and the Komyeta Institute in Moscow. They have been working together for months and years in developing confidence on a joint system of using two satellites with identical capability, to build confidence that both countries will know when a rocket is launched.

The Russians were very enthusiastic about this program. It had strong bipartisan congressional support. What about the Clinton-Gore team? Without any advance notice to the Russians or to Congress, they announced they were canceling the funding for the RAMOS program.

The Russians started calling me frantically. The former ambassador to America, Vladimir Lukhin, who chairs the Yablakov faction, wrote me a letter. The chairman of the ministry of atomic energy, Mikaelov, wrote me a letter. They said, "You cannot let this happen. This is terrible. It undermines our relationship."

Only because Members of Congress joined together, and in this case, the gentleman from Michigan (Mr. LEVIN), joined by myself and Members of both parties, said to the White House, "Oh, no, you don't. You are not canceling this program. It is too important for the confidence between America and Russia."

What do Members think the Russians thought? Here in 1993 they cancelled the discussions between our two countries, in 1996 they cancelled the only cooperative program with America. What do Members think they are thinking? They are thinking that for some reason Clinton has some effort to not want Russia involved in missile defense.

Then came 1996 and 1997. What happened then? President Clinton decided that since he is a big arms control fan along with AL GORE, that instead of working to amend the ABM treaty, they are going to tighten the ABM treaty.

What is the ABM treaty? The ABM treaty is a relic of the Cold War. It was important at a time where we had two superpowers, the Soviet Union and America, each able to annihilate the other with their missiles, attacking each other. The theory behind it, which is where it got its name MYAD, was mutually-assured destruction. You attack us with your missile and we will wipe you out, if we attack you with our missile, we will wipe you out, neither side being able to build more than one defensive system around one city. That has been the basis of our relationship.

That treaty worked in the 1970s and 1980s when only two nations had that capability, the Soviet Union and America. How do we justify that treaty in the 1990s and the year 2000, when China now has at least 24 long-range ICBMs, when North Korea has at least two long-range ICBMs, when Iran will have within 5 years long-range ICBMs? How do we justify a theory of mutually-assured deterrence when those nations did not even sign the treaty?

What the President did, instead of working to defend our country, was he sent our negotiators to Geneva. They started meeting in Geneva to make the ABM treaty tighter as opposed to more flexible, a stupid decision on the face of it, but that is what they did.

Many of us in the Congress said, what in the world is the President doing? He and AL GORE have a negotiator in Geneva meeting with the Russians talking about making tighter changes to the ABM treaty. So Mr. Speaker, I did what none of our colleagues did, I went to Geneva. I flew over with a Navy escort. I got permission of the State Department. I said, I want to sit across from the Russians. I want to talk about what is going on here.

They let me, so we flew to Geneva and we went to the site where the meetings were taking place. I met the chief Russian negotiator, General Klotunov. I sat down across from him at a table for 2½ hours. I said, "General Klotunov, I am a Member of Congress. I really have some questions about these negotiations between your side and our side over the ABM treaty, so can I ask a couple of questions?

"There are two issues evidently you are working on. One is you want to multilateralize the treaty; that is, to make a complicated story simple, you want to take a treaty between two countries, us and the former Soviet Union, and you want to now include three other former Soviet States, Belarus, Ukraine, and Kazakhstan. So my question to you is, why would Russia want to include Belarus and Kazakhstan on a treaty when they don't have missiles? They gave all their missiles up? Why would you want them to be a player on a treaty where only us and Russia have these missiles, unless you want to expand it to include China or North Korea or these other nations?"

General Klotunov looked me in the eye, and in front of our negotiators and with a recorder taking all this down, said this publicly: "Congressman WELDON, you are asking that question of the wrong person. We didn't propose multilateralizing the treaty, your side did."

How in the world and why in the world would America want to make it more difficult to amend a treaty to let us protect our people? That is exactly what we did, Mr. Speaker. And Belarus, with a leader like Lukashenko, who is a crazy man, Belarus could object to a change in the treaty which would benefit us, and Russia could say, "we agree, but Belarus objects," and we could not deal with that issue.

I didn't understand what the President's reasoning was, and therefore I came back and told my colleagues, "I think this issue is a stupid issue and something we should not be doing with the Russians." But we agreed to it with the Russians. Bill Clinton agreed to it, and so did AL GORE.

The second issue I raised to Klotunov was demarcation. That is a long word, and very tough for somebody like me who is just a schoolteacher to understand what it meant. I had to get some people over to brief me. Demarcation was trying to decide what is a theater missile defense system versus national missile defense. For some reason, we picked a speed and a range that made a difference when one was theater and one was national.

If I live in Israel, a small country, a theater missile defense system is a national system, because it protects the whole country. For the State of Pennsylvania, a theater missile defense system really is a broader national missile defense system.

I could not understand how this difference was created. I asked General Klotunov, "How did you arrive at the numbers that we and you agreed to on demarcation between these systems?" He said, "Congressman, that was some very serious discussion between your State Department and our ministry of foreign affairs."

I said, "Well, can you share with me the basis of it?" He said, "No, it is too complicated." I was not satisfied. I came back to our country and asked the military to explain it. They did not have any good answers, or did not want to give them to me, so I did not get a satisfactory answer on that issue until about a year later.

I am sitting in my office, Mr. Speaker, and reading press accounts from newspapers around the world, as I usually do, involving emerging threats to our security. Lo and behold, in a Tel Aviv newspaper I see a story with a headline, "Moscow offers to sell Israel newest missile defense system."

I read the story. It talks about a system I had not heard of called the ANTEI 2500, supposedly the best system in the world. I called the CIA, George Tenet. He is a very capable leader. I have a lot of respect for him.

I said, "Mr. Director, do you know what the system is?" He said, "Congressman WELDON, I don't, but we have experts in the agency. Let me get someone to come over and brief you." About a week later, an analyst from the CIA comes over to my office to talk about the ANTEI 2500.

I say to him, "Can you tell me about this system? I know most of the Russian systems. I know about the S300, S400, the system they are building, the SA10, the SA12. What is the ANTEI 2500?" He says, "It is a brand new system." I said, "Do we know about it?" He said, "Yes, we know about it." He pulled out a brochure in English with beautiful color pictures: "Here, this is for you."

I said, "What is this?" He said it was a marketing brochure in English that the Russians gave out at the Abu Dhabi air show offering to sell the system to any Nation that wanted to buy it. I said, "How good is it?" He said, "If it does what they say it will do, it is the best system in the world. On the back page of the brochure are all the criteria for this system."

As I read through it and looked at the range, the speed, something clicks in my head. I say, "Now, wait a minute." I looked at the analyst sitting across from me in my office.

□ 1745

The range and the speed of the system are right below the threshold of the demarcation.

He starts shaking his head. He said, "Yes, Congressman, you are right."

I said, "Are you kidding me?" I said, "What that means is, then, that we let ourselves get sucked into a negotiation by the Russians where they were building a system that we did not know about that they could market to our friends and our allies, yet we would limit our own ability to go beyond that."

He said, "Yes, that is exactly right."

What a way to negotiate treaties, Mr. Speaker. No wonder this Congress and the other body said we will never support those two changes to the treaty.

But to get back to my original point of the confidence of the Russians. Bill Clinton, as our representative said to the Russians, we support these two changes. He knew he had to take them back, according to our Constitution, and have the Senate give their advice and their consent. That is a requirement that even Bill Clinton cannot get around.

Well, do you know what he did. Because he knew he could not get those two changes through the Senate, he did not bring them out for the Senate to consider for 3 years, for 3 years, after he convinced the Russians that those two changes were acceptable to America, the multilateralization and the demarcation. He left the Russians believing that America would support them.

So when the Russians passed START II just a couple of months ago, the Clinton administration had urged them to include both of those changes to embarrass the Senate. So that what they would not submit to the Senate 3 years ago they included as a part of START II so the Senate would have to vote down START II because those two changes were never submitted separately as required by the Constitution. Well, the Senate is not going to do that.

So for a third time, Bill Clinton convinces the Russians that we cannot be trusted.

Now, why would the President do this? Why would not he call the Russians when there are companies transferring technology? Why would he not be honest with the Russians?

Mr. Speaker, our policy for the past 8 years, under Bill Clinton, with Russia, has been based on the Clinton to Yeltsin personal friendship. That worked for the first 4 years.

As someone who has spent a lot of time in Russia, I supported the approach of helping Yeltsin succeed. I had the same hopes and dreams that all of us had and that Bill Clinton had.

But here is where we fell down. Instead of supporting the institution of the Presidency in Russia, the institution of a parliament in Russia, we supported a person. When that person became a drunken fool surrounded by corrupt oligarchs and bankers stealing money from the Russian people, we were still supporting him, the only people supporting him in the world.

When Boris Yeltsin's cronies were stealing billions of dollars of IMF money, $18 billion that the Russian people were going to think helped them build roads and schools and bridges and community centers, Boris Yeltsin's friends and cronies stole that money and put it in Swiss bank accounts and U.S. real estate investments, and we went like this and like this.

Why would Bill Clinton do that? Because he did not want to embarrass his friend, Boris Yeltsin. When we caught the Russians doing stupid things like allowing transfers of technology to go abroad, we did not want to embarrass Yeltsin. When we caught them working with the Iranians, we did not want to embarrass Boris Yeltsin. When we caught them with the guidance systems to go to Iraq, it was the year Yeltsin was running for reelection.

In fact, we now have a secret cable that Bill Clinton sent to Boris Yeltsin which our colleagues and the American people can get if they buy the book "Betrayal" by Bill Gertz. In the back of that book is an appendix. In that appendix is a secret cable now released that President Clinton sent to Boris Yeltsin in 1996 saying, "Dear Boris, I will make sure nothing happens to upset your election campaign."

As a result, Mr. Speaker, the Russian people lost confidence in America. They thought our only purpose was to steal their money, embarrass them, and not be candid with them.

As a result, when Boris Yeltsin was about to leave office this time last fall, his popularity in every poll in Russia was less than 2 percent. Nobody in Russia trusted Boris Yeltsin. Bill Clinton did. Bill Clinton was still his best friend.

Imagine this, Mr. Speaker, and picture this visually, imagine the euphoria in America, in 1992, you have got Boris Yeltsin standing on a tank outside the Russian White House in Moscow, waiving a Russian flag with American flags all around him as thousands of Russians are chanting singing. Now they have overturned communism, and their newest ally and their friend is America. That was 1992.

Shift to 1999, last year in the fall. What is the picture out of Moscow, Mr. Speaker? I remember one picture last fall: 5,000 Russians standing outside of our embassy in Moscow, throwing paint at the American embassy, firing weapons in our embassy, and burning the American flag. It was so bad that our embassy had to tell Americans traveling in Moscow, do not speak English on the street.

That just did not happen, Mr. Speaker. It happened because the Russians no longer trusted who we are and what we were about. That was because this President had a foreign policy that was more like a roller coaster. Things were done to suit the political expediency of both President Clinton and President Yeltsin. That is why the Russians did not trust our movement on missile defense.

In fact, I have friends in Russia. One senior policy analyst who was doing an op ed with me entitled, "From Mutually Assured Destruction to Mutually Assured Protection." The Russians want to work with us. But they have no confidence in who we are as a people because of the policies of this administration.

The President worried about Russian response on the issue of missile defense. What about Kosovo, Mr. Speaker? Let us talk about Kosovo for a moment. President Clinton and Tony Blair went before the American and British people, interestingly enough, 30 days before a big NATO anniversary conference here in Washington a year ago in the spring.

Tony Blair and Bill Clinton said we are going to move NATO in a new direction. We are going to go in to Serbia. We are going to defeat Milosevic who is evil; who is corrupt. We are going to show that NATO has a new role in the world. We are going to bring Milosevic to his knees.

President Clinton said in justifying the use of our young people in Kosovo, when we are done, we are going to find massive graves. There are going to be hundreds of thousands of people who were killed by Milosevic and buried throughout Serbia because of what he has done to people. Well, that is what the President says.

Let us look at what happened, Mr. Speaker. Here we are, the Kosovo conflict is over. The CIA came in and testified before Congress just 3 months ago, and I asked the question, "How many mass graves did we find because the President said there would be 100,000?"

The CIA said, "We would never say that."

I said, "Well, I know you are not the White House, but how many did you find?"

He said, "I think we found one grave."

"Well, how many were in there?"

"Well, we do not know, maybe 1,000, maybe more. We do not know whether they were mass graves or just people buried together."

So I said, "Well, the basic justification of the Kosovo war by our President was massive atrocities. Are you telling me they did not occur?"

He said, "Well, we do not have any evidence of mass graves."

It turns out, Mr. Speaker, the allies probably killed more innocent people than Milosevic did up until the war started. When the war started, he became more of a madman and killed more people. The bottom line is, Mr. Speaker, after it put America's sons and daughters in harm's way, after spending billions of dollars, after President Clinton going on national TV with Tony Blair, why is Milosevic still in power?

What did we do, Mr. Speaker? Did we fail? Has President Clinton come before the American people and said, I am sorry I failed. Our policy was a disaster.

What about the billions of dollars we spent? What did we accomplish with Kosovo. We killed innocent people. We did not remove Milosevic. Now, it has just turned itself around. Is the ethnic cleansing still going on? Yes. But instead of the Serbs beating up the Kosovars, the Kosovars are beating up the Serbs.

President Clinton does not want to talk about that now because the NATO anniversary celebration is over. They had the parades through Washington. The President and Tony Blair gave their speeches, so we have gone on to other issues.

So what was accomplished in Kosovo? I can think of two things. We managed to alienate the Russians. It is the number one issue on the mind of every Russian how America did not bring Russia in to help solve the Kosovo problem.

The second, we alienated China, because the Chinese are still convinced we hit their embassy deliberately in downtown Belgrade. When the President repeatedly said we did not, they still believed that we did.

The irony of this President's administration relative to our foreign would-be adversaries, China and Russia, is that, in 1992, Boris Yeltsin announced a new strategic partnership, Moscow and Washington together working as one.

In 1999, Boris Yeltsin, as he is leaving office, and President Putin as he went into office in 2000, made different speeches. They announced a new relationship, Moscow and Beijing against America. That is the legacy of Clinton and GORE on international security issues.

The President talks about Russia's response to our missile defense. Cut me a break, Mr. Speaker. The President is just not being honest with the American people.

Should the Russians worry about what we were doing with missile defense? No way. They have the best missile defense in the world. If the Russians really believed that missile defense was not important or we could rely on deterrence, why would they have the only operational AB instrument in the world, and they have it today. The Russians have the world's only operational antiballistic missile system. They have one, and we do not.

Theirs surrounds Moscow, which is where 80 percent of their people live. So with one system, they protect the bulk of their population. Certainly all the people that matter to them are around Moscow. They protect all of them.

Their system has been upgraded three times. So if the Russians really believe in deterence, why do not we tell them to take down their system and be as vulnerable as we are. We in America who could build one system would never choose to protect one city over another. So we have no system.

So the irony is, Mr. Speaker, that the President said he did not go forward because Russia is concerned. Our allies are concerned, when the very reason they are concerned is because of the lack of a vision and the lack of statesmanship on the part of our White House, including our President and Vice President.

Where does this all come down to, Mr. Speaker? Well, what the President did by announcing his decision in Georgetown in his speech is going to cost us more money. The estimates are another $1 billion with a 1-year delay in missile defense, $1 billion that we are going to have to fork over. But more importantly, we are unprotected.

Now, some say, well, it is not going to happen. Let me remind my constituents and colleagues here in the Chamber. In 1991, 28 young Americans, half of them from Pennsylvania, came home in body bags because we let them down. We could not defend against a low complexity scud missile. Will that happen again? Well, I can tell my colleagues, in 1995, in January, because of Russia's problems in their military, when the Norwegians launched the weather rocket, a three-stage rocket for atmospheric sampling, the Russian system is in such bad shape, they misread the Norwegian rocket launch. They thought it was an attack from an American nuclear submarine.

What did they do? The Russians have acknowledged that, for one of the first times ever, they put their full ICBM system on alert. Well, what does that mean? That meant Russia had 15 minutes, 15 minutes to decide whether to launch a missile against the U.S. or call it off.

Boris Yeltsin has publicly acknowledged, and I will put in the RECORD, there was 7 minutes left, he overruled his Defense Minister Pavel Grachev and the general in charge of his command staff and called off the response.

Imagine that, Mr. Speaker, in January of 1995, we almost had Russia launch an ICBM at America because of a Norwegian rocket launch that they had been told about. What would we have done if that launch would have occurred? We could not defend it because we have no system. Well, we do. We probably sent up a radio signal to wherever the trajectory was of that city and tell them over the radio, you have 25 minutes to vacate your homes, because that is how long it takes for an ICBM leaving Russia to hit America. Twenty-five minutes to move, that is the only protection that we could provide to the American people.

What are we going to do if that happens? If an accident occurs, what do we do, have Putin apologize to us, say, "Oh, we are sorry. We are sorry you lost 200,000 people in L.A. We are sorry that Atlanta, Georgia got bombed. We did not mean it. It was an accident."

What do we do if North Korea says, "We are going to test you, America. We are going to invade South Korea. If you interfere, L.A. is out the door." What do we do then, go in and bomb North Korea in advance, or do we wait until they launch their missile and then wonder whether we are going to attack North Korea later. What about the people in L.A.? Who is going to protect them?

Mr. Speaker, this President should not be allowed to get away with what he did. He lied to the American people. Our security is at risk. The same way he lied to the American people in the China technology transfer scandal.

In closing, Mr. Speaker, I was a Member of the Cox committee. For 7 months, we sat through testimony and meeting after meeting with the CIA and the FBI. I saw all the evidence or most of it that the CIA and the FBI have relative to how the Chinese got technology from America.

Mr. Speaker, through all of that evidence that we saw, nine of us, four Democrats and five Republicans, nine decent people voted unanimously, nine to zero that America's security was harmed because of technology that was transferred to China.

Now, the administration would have us believe it was stolen. Wen Ho Lee, the poor man, just got released after 9 months. They said it was stolen. It was not stolen.

□ 1800

It was not stolen. It was a wholesale auctioning off of America's technology.

What did they get in return? They got campaign dollars. The same man going around the country championing campaign finance reform obtained millions of dollars, hundreds of millions of dollars for his campaign committee.

This is not the Republican gentleman from Pennsylvania (Mr. WELDON) talking, Mr. Speaker. I would offer to my colleagues a letter that Louis Freeh, one of the people in this administration with integrity, the head of the FBI, hand picked by Bill Clinton and Janet Reno, Louis Freeh wrote a 90-page memorandum based on a factual investigation by his investigator, Charles Labella.

That 90-page memorandum went to Janet Reno. It is now available. I will give it to anybody that wants it, and they can read it for themselves, in Louis Freeh's own words. What did it say? It said: "As the FBI Director of America, I have reason to believe that further investigation is warranted because four people may have committed felonies in campaign contributions being received with technology being left out of our country to go to a foreign nation."

And Louis Freeh named the four people. Who were they? In Louis Freeh's own words: Bill Clinton, Hillary Clinton, AL GORE, and Harold Ickes, who is running Hillary's campaign in New York State.

The scandal of this administration was not Monica Lewinsky. The scandal of this administration was the wholesale auctioning off of America's technology so that Clinton and GORE could get reelected.

And now we have the President giving a speech at Georgetown about how he is making the right decision for us on protecting our people.

The White House should be ashamed. America should be ashamed. And all of us had better look to the facts as opposed to the wink and the nod and the smile.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VITTER). The Chair would remind Members that remarks in debate should not include charges against the President or Vice President.

## PRINTING IN THE RECORD FOR THE WEEK OF SEPTEMBER 18, 2000

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that the schedule for the week of September 18 be inserted in the RECORD immediately after the end of legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## BALANCED BUDGET ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I would like for my 5 minutes to be joined by my colleague, the gentleman from Illinois (Mr. DAVIS), to talk about one of the real health care crises that we have.

We are going to hear a lot about health care in the next 8 weeks, issues that we hope to address, the Patients' Bill of Rights, prescription drug coverage. But there is really a more pressing issue out there, and that is the effect of the Balanced Budget Act of 1997 on health care providers.

My colleague, the gentleman from Chicago, Illinois (Mr. DAVIS), and I had a hearing in Chicago on August 28 in which we had providers come testify about the impact of the Balanced Budget Act. And they are serious and they are important.

They are so important that we have come down to the floor to just start the drumbeat of noise so that before we end this legislative session we have some assistance and aid to our health care providers who are really working in the field to address some of the funding shortfalls.

The Balanced Budget Act was passed in order to reduce the deficit and balance our Nation's budget and control health care entitlement spending. I am proud to say that that goal was accomplished but with some unintended consequences, as so happens in legislation.

According to the Congressional Budget Office, the actual reductions brought about by the Balanced Budget Act, including the adjustment in the Balanced Budget Reconciliation Act that we passed last year, 1999, are $124 billion, that is "billion" with a "b," more than Congress voted for when we passed the Balanced Budget Act.

We heard a lot of testimony. I would like to quote Allan Gaffner of Utlaut Memorial Hospital in my Congressional district: "The Balanced Budget Act will cause Utlaut Extended Care Unit to lose revenue totaling $185,000 in 2000. Last year the unit lost an average of $190,000. From 1999 through 2003, the Extended Care Unit is projected to operate with $1 million less revenue than before the Balanced Budget Act was instituted. The total Medicare operating margin of Utlaut last year was a negative 10.8 percent."

Let me rephrase that.

The total Medicare operating margin, that is our promise to our seniors, we paid our providers 10.8 percent below the cost of providing that service.

I do not see how they survive.

Mr. Speaker, I yield to my colleague, the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding. Mr. Speaker, I am pleased to be here to share in this Special Order with my colleague from Illinois.

Mr. Speaker, I was pleased on August 28 to cosponsor a statewide hearing on the impact of the Balanced Budget Act on hospitals in the State of Illinois. And they came from all over the State: from down state, central Illinois, from Chicago, the northern part of the State, the University of Illinois Hospital, Rush Presbyterian, St. Lukes Medical Center, Cook County Hospital, Northwestern University Hospital, Bethany Hospital, the Illinois Home Health Association, the Illinois Nursing Home Association, Community Health Centers, the University of Chicago, Home Health Agencies, the National Hospice Association.

All of them saying essentially the same thing and that is, while they recognize and appreciate the fact that we need to reduce waste and fraud and abuse in the Medicare program, in all of our health programs, in the Medicaid program, the one thing that they also understood is that we have gone too far with the Balanced Budget Act and we have actually cut services in institutions that we cannot afford to cut. We have thrown out in many instances the baby with the bath water.

And so I join with the gentleman from Illinois (Mr. SHIMKUS) and others in calling for another look at the impact of the Balanced Budget Act. We must find a way to save these institutions which are teetering.

I am pleased to join with the gentleman tonight.

Mr. SHIMKUS. Mr. Speaker, reclaiming my time, I would also like to highlight another issue that was raised, which was the intergovernmental transfer issue, which HCFA is going to oppose on States.

HCFA has approved the Illinois program 22 times over the years without any indication there was a problem. Now they are going to promulgate a rule, and it is going to take an additional, and this is an additional more than what has been affected in the Balanced Budget Act, $500 million from the health care delivery system in the State of Illinois.

Ann Patla, who testified before our hearing, said this would be catastrophic and it is a critical issue we need to be concerned of.

I would like to thank my colleague for coming down to the floor. Time is running shy. But we will be back to talk about real health care problems in America, and that is the Balanced Budget Act's impact on health care and also the intergovernmental transfer issue.

The Balanced Budget Act was passed in order to reduce the deficit and balance our nation's budget.

I am proud to say that our goal was accomplished and we are now working with a budget surplus.

However, the BBA resulted in unintended consequences, cutting much more funding out of the Medicare system than was originally intended.

According to the Congressional Budget Office (CBO), the actual reductions brought about by the BBA—including the adjustment in the BBRA of 1999—are $124 billion more than Congress voted for when passing the 1997 BBA.

Dean Harrison from the Northwestern Memorial Hospital:

> Approximately 30 percent of the Northwestern Memorial Hospital's patient volume are Medicare beneficiaries, and they account for 37 percent of its patient days due to their longer length of stay. As a result, the BBA cuts in Medicare reimbursement will mean a total loss to NMH of an estimated $65 million over the course of the five-year schedule of reductions. . . . The total negative Medicare margin will double from 1999 to negative 11.6 percent for the year 2000."

John Buckley, Jr. from Southern Illinois Healthcare:

> [The] outpatient reimbursement situation isn't much brighter. Since the BBA was implemented three years ago, the reimbursement has fallen steadily, from 97% of costs in FY 1997 to 89% of costs in FY 2000. . . Without additional BBA relief, out outpatient losses will exceed $1 million.

BBA spending reductions are forcing hospitals to lay off staff, cancel much-needed upgrades of facilities and equipment, and shut down critical services like home health care and other needed programs that cannot be maintained without compromising quality.

Allan Gaffner of Edward Utlaut Memorial Hospital testified:

> As a result of the Balanced Budget Act cuts, the Utlaut Rehabilitation Department, which provides therapy services to the Extended Care Unit patients, was reduced to 54 percent. The Utlaut Rehabilitation Department, which previously consisted of 13 staff members, now has only six staff members. The limit on therapy services as covered by the Medicare Skilled Nursing Facility rules is delaying a return to health and greater independence. Rather than receiving as many as two hours of physical occupational and speech therapy services per day, Medicare patients are limited to a maximum of 75 minutes a day.

John Buckley, Jr. from Southern Illinois Health Care:

> Access to home health care is suffering in the communities Southern Illinois Healthcare serves. Because of the BBA spending cuts, we are serving 1,000 fewer patients and providing 86,000 fewer home health visits than we did three years ago. On top of that, we've had to lay off 150 staff members. Even with those dramatic cutbacks, we still lost nearly $1.2 million on home health services in FY 2000.

Dean Harrison from the Northwestern Memorial Hospital:

> Continuation and expansion of cost control efforts and the elimination of some services have allowed NMH to endure the cutbacks in Medicare thus far. In recognition of the effect the BBA would have on NMH, the hospital's skilled nursing facility was closed in early 1998 due to losses the unit was already incurring and a negative prognosis for its survival under the BBA.

According to HCFA: 933,687 Medicare beneficiaries will lose health maintenance organization coverage in January. Many of these people are left with no other Medicare options.

### INTERGOVERNMENTAL TRANSFERS (IGTS)

Illinois hospitals are also very concerned about a rule HCFA is threatening to issue that would restrict intergovernmental transfers by limiting the amount that can be paid to county hospitals and nursing homes under the Medicaid "upper limit" rule.

HCFA has approved the Illinois program 22 times over the years without any indication that there was a problem.

The first time state officials were notified that HCFA had concerns was when the agency indicated they were issuing a rule against IGTs.

If the rule is enacted as proposed it would slash up to $500 million in health care funding for low income residents of Illinois. This makes no sense, especially as the number of uninsured Americans continues to skyrocket.

After talking to hospital leaders back home, I am convinced that the Administration should not proceed with a rule that threatens the already fragile health care safety net across the country.

Ann Patla, Director of the Illinois Department of Public Aid:

> If this federal regulation is adopted, the loss of funding will devastate the largest health care system in Illinois, operated by Cook County, and will severely impair the State's ability to serve Medicaid participants in all other counties. The State may be forced to: (1) seek repeal of recent health care expansions for the elderly and disabled; (2) retreat from rate reforms that encourage access to preventive and lower cost health care; (3) reduce outreach programs to encourage the use of Medicaid and SCHIP; and (4) substantially cut rates to FQHCs, hospitals, physicians, and other providers who serve Medicaid and SCHIP participants, as well as almost two million uninsured Illinoisans.

If some states are abusing IGTs—by using them to pay for highway repairs or tax cuts, for example—then regulatory changes should be targeted at curbing those abuses.

HCFA's current proposal, however, penalizes states like Illinois which use IGTs to maintain a health care safety net for low income residents.

A rule change, if one is needed, should preserve the legitimate and appropriate use of IGTs to provide health care for low-income persons.

### INPATIENT SERVICE REIMBURSEMENTS (H.R. 3580)

BBA reduces Medicare payments for hospital services. Medicare provides payment updates below the marketbasket index.

Over 1998, 1999, and 2000 hospital inflation rates rose 8.2 percent, while the payment updates totaled 1.6 percent.

Below inflation updates coupled with rising costs associated with wage increases, prices per prescription for new drugs, new blood screening techniques, and mandated changes for compliance with administrative simplification and privacy are additional costs for hospitals.

How do we expect hospitals to maintain quality services when their reimbursement rates are so low?

We should pass a reform package that includes legislation to repeal Medicare inpatient update reductions of 1.1 percent scheduled for FY 2001 and FY 2002. To this end, I have cosponsored H.R. 3580, the "Hospital Preservation and Equity Act."

Northwestern Memorial Hospital testified:

> [H.R. 3580] recognizes that Medicare reimbursement to hospitals does not keep pace with the costs of caring for patients and would repeal the BBA's payment to hospitals for Medicare inpatient services for FYs 2001 and 2002.

Illinois Hospital and HealthSystems Association testified:

> Recently the Medicare Payment Assessment recommended that Congress address the inpatient PPS update. MedPAC is the independent body that advises Congress on Medicare payment rates. It's data analysis show that nearly 35% of the nation's hospitals are operating in the red.

## HURRICANE FLOYD DISASTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from North Carolina is recognized for 60 minutes as the designee of the minority leader.

### GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of my Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, this evening for the first portion of my special order I want to take about 5 minutes to raise an issue.

On the eve of 1 year ago, on almost the same date, one of the most destructive storms ever to hit my State came upon the shores. On September 15, 1999, Hurricane Floyd made landfall at the mouth of the Cape Fear River in North Carolina.

Floyd moved into the interior of my State and over the next couple of days proceeded to dump anywhere from 10 to 20 inches of rain in towns and communities and farm areas in parts of eastern North Carolina. These rains came only 12 days after the region was hit with pounding rains by Hurricane Dennis.

To call the results devastating would be an understatement. Our citizens suffered a full-blown catastrophe of monumental proportions.

Floyd produced the worst flooding in North Carolina history, with water exceeding what has been called the 500-year flood plain.

In North Carolina alone, Floyd was responsible for 7,000 homes being destroyed and 56,000 homes damaged. We can see from this photograph taken only a couple days after the rains as the flood waters had risen a whole town underwater. More than 500,000 people suffered without power for weeks on end. Damage estimates in my State range anywhere from $4.5 billion to over $6 billion.

Many people lost everything that they own. They lost their possessions, their homes, their farms, their cars, their clothing, their sentimental items that we rarely think about until they are gone: wedding photographs, military awards, the children's first report cards, love letters, those kind of things we cannot replace.

Jobs were lost because businesses were too flooded to reopen, making it that much harder for families to rebuild. And worst of all, Mr. Speaker, 506 people lost their lives, most of them due to drowning in fresh water.

I remember driving back to North Carolina that night and running into the storm on my way home. I remember touring the regions in the days that followed and seeing schools, homes, businesses, churches, entire towns flooded, as we see here.

At the peak of the emergency, 235 public shelters housed people. Almost 50,000 people were in shelters. I remember visiting them looking into their eyes and seeing the fear, the desperation, the hopelessness that those people felt. These were the images that no amount of time will ever replace.

In the face of so much destruction, so much suffering, it was inspiring to witness the people and the communities coming together and responding to disaster with the spirit of generosity and cooperation. People from all over North Carolina provided the victims of Floyd not only tangible items, like money, food, and supplies, but also equally important intangible things, their thoughts, their prayers, and their letters of support.

Another precious commodity donated was the time and effort countless thousands of North Carolinians gave. Volunteers aided in evacuation and rescue efforts and cleanups that affected towns and the care and treatment of families that were forced to live in shelters.

In addition, those volunteers provided valuable assistance and support to State emergency management personnel who worked untold hours. They led a valiant effort to respond to the needs of these victims, saving countless lives of people from all across this country and also donated to the cause of recovery.

I am so grateful for the many acts of generosity by my fellow Americans who saw people were hurting and decided to help. Yes, they sent money; but they sent a lot of other things. We even had schoolbooks delivered from as far away as Hawaii by my friend and colleague, the gentleman from Hawaii (Mr. ABERCROMBIE), here in this body.

From the governor to our own State's delegation here in Congress, from Federal agencies to local leaders, the assistance North Carolina received provided absolutely critical help to our people.

□ 1815

One year later, my State is still rebuilding, and we will be rebuilding for months, if not years, to come.

It is the assistance provided by my fellow Americans that made this possible, and as we reconstruct our State we are taking the necessary steps to provide for future disasters. By making our towns and cities more disaster resistant, we can reduce the loss of lives and property and lessen the devastating impact of future storms. If this storm did anything it proved determination and resolve of the indomitable spirit of the people of North Carolina. Our people come by the name Terrell honestly because we stand firm in the face of adversity. If anything knocks us down, we get right back up and fight another day.

Floyd dealt my State a crippling blow; but we are working to put our lives, our homes, our communities and ourselves back together. The people of North Carolina will never forget what happened in those days in September and the months that followed. Floyd has become part of our history, our culture, and our common experience. As Americans do when looking back upon a tragedy of this proportion, we were continually praying for our lost souls, comforting the anguished and distraught, honoring our heroes, rebuilding our homes and communities and looking toward the future.

### THE IMPORTANCE OF EDUCATION

Mr. ETHERIDGE. Mr. Speaker, I am joined this evening by a number of my colleagues to talk about an issue of equal importance to this Congress and to our Nation and, yes, to our leadership in the world: Education.

Mr. Speaker, I rise today to talk about the critical needs of school construction, the shortage of teachers, the need to honor our teachers in a way that we have not done before. The critical need for construction in our communities across this country is at a crisis proportion.

I will be joined this evening by a number of my colleagues whom I will recognize in just a moment, who will discuss with me and with my colleagues the specific needs and plans that we have to help address these problems.

First, let me take just a moment to talk about some of the conditions in my congressional district.

Mr. Speaker, I have in my hand this evening a report prepared by the minority staff of the Committee on Government Reform's special investigative committee which is entitled K–3 Class Sizes in the North Carolina Research Triangle Region. The gentleman from North Carolina (Mr. PRICE) and I asked that this be done for our congressional districts, and this report has some startling numbers. It shocked the people in our congressional districts and it should shock all Americans that care about children and care about the future of America, and we want to talk about that this evening.

Although there is much debate and an awful lot of rhetoric in this town about education, I believe we need to stick to the facts, and here are some of the facts. Fact number one, last year in one of our countries, Wake County, a portion of my district, another portion of the gentleman from North Carolina (Mr. PRICE), over 95 percent, let me repeat that again, over 95 percent of the young children in K–3 were taught in classrooms that exceeded the national goal for classroom size. Across this 13-county region, 91 percent of the children in kindergarten through the third grade were taught in classes that exceeded the 18-person goal.

I went into a classroom in Lee County where a teacher had 29 children in the kindergarten classroom with no help. Five of those children spoke no English and their parents spoke no English. Three only had limited English.

Now, my wife and I, we are fortunate. We have three great children. I would not want 29 children that I had to deal with at any one time in our house. I would have a difficult time. And to deal with young children in kindergarten by yourself with those numbers, one cannot do it; one absolutely cannot teach. They are keeping school. There is a difference between keeping school and teaching school, and that is just not acceptable.

More troubling is the fact that a whopping 42.5 percent of K–3 students in Wake County are in large classrooms of 25 students or more, and I can say that is repeated in a lot of places across this country. Not surprisingly, small class sizes lead to greater academic achievement. If the class size is reduced, academic achievement follows. How do we get there? We are going to talk about that this evening, not only in K–3 but all across America.

The report demonstrates that class size reduction in the early grades is one of the most direct and effective ways to improve educational performance. I really did not need the study to tell me that. I have known that for a long time. Having served as a superintendent for my State schools for 8 years, I knew that before I came to Congress. Sometimes we need a report to verify it, to reinforce it so people will understand it and it gives credibility.

Last month, the U.S. Department of Education reported that my State's high school enrollment will skyrocket by 26 percent over the next decade. We will be the fourth fastest growing State in America. I think California is first; Texas and several others. But it is just tremendous. We are growing rapidly in this country. We have to meet those demands. We now have more children in public schools, 53 million, than at any time in the history of America. We know the problem is only going to get worse. It is not going to get better. We have to deal with it, and local schools need help and they need us in Washington to get together and help. We have an opportunity to do it.

I have a son who taught the second grade, then the fourth grade. Now he is a special teacher. Brian is a great teacher, but one cannot be a good or a great teacher when they are in overcrowded classrooms, poorly lighted, poorly ventilated and all the problems that are associated with it, because in this country we have teachers teaching in converted bathrooms. We have them teaching in closets, in basements and a lot of trailers. I will go into that later this evening, but we have to reach out and use the resources that we have to make a difference for our children.

It is hard to tell a child education is the most important thing they are about and we send them to an old rundown school as they ride by some nice prison or a nice other building. Children do not have to be told. They know what is important.

Mr. Speaker, I would be happy now to yield to my colleague, the gentleman from Tennessee (Mr. CLEMENT), who has joined us this evening, because he has some important things to say. He has been involved in this educational issue all of his career, and we are glad to have him in Congress.

Mr. Speaker, I will now yield to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE) for yielding.

Mr. Speaker, I might say to the gentleman from North Carolina (Mr. ETHERIDGE), I am glad he commented on Hurricane Floyd, the flooding in North Carolina. As the gentleman knows, once upon a time the State of Tennessee was part of the great State of North Carolina, and North Carolinians did rise to the occasion, and I would like to say for the Members of the U.S. House of Representatives, everyone wanted to help and assist, knowing that this was a time of emergency; that we needed to come to the rescue of these wonderful people that were having such a difficult time.

I know we are all here tonight, and I am pleased to be here with the gentleman, because I know the gentleman is such a leader in education and in so many other areas, but also our other colleagues, the gentleman from North Carolina (Mr. PRICE), who I have worked with in the past very closely, also the gentlewoman from California (Mrs. CAPPS), and I might say she had a wonderful husband who was a Member of Congress that served so well and ably here, and the gentleman from New Jersey (Mr. HOLT). It is a pleasure to be with all of them to talk about something that is near and dear to my heart, and that is education.

I am a former college president, and I will never forget my first day in Congress. People would come up to me and say, boy, you are a Congressman now. That is really something.

I would say that is right, but the last 4½ years they have called me Mr. President. Well, I am pleased to be a Congressman and still be involved and engaged in education, and I am currently co-chair of the House Education Caucus with the gentleman from Missouri (Mr. BLUNT), who is also a former college president.

I know firsthand the importance of public schools and the value of a good education. Our children from Tennessee and all across the country are back in school again learning. I think it is appropriate for us in Congress to pledge to these students that we will do everything possible to ensure that they receive a quality education in quality schools by quality teachers. We cannot expect our children to reach their potential if school facilities, as the gentleman mentioned, are inadequate; if they do not have access to computers and the Internet or if their teacher is trying to teach in an overcrowded classroom.

I am pleased to join with many of my colleagues on both sides of the aisle in cosponsoring H.R. 4094, America's Better Classrooms Act, which will provide much needed school construction funds. A report issued by the National Education Association found that upwards of $254 billion is needed to accommodate growing school enrollments, fix deteriorating buildings and wire schools to be on the Internet.

The average public school today is over 42 years old. School enrollment is already at a record level and expected to continue to grow, which will lead to further overcrowding and a greater need for modernization. Research shows what parents already know. Students learn best when they are in a safe, modern school with small classes, with 21st century technology. The Federal Government has a responsibility to provide States and localities with financial assistance for education. H.R. 4094 will provide tax incentives to State and local governments to build state-of-the-art classrooms that will make all neighborhood public schools a better place for our children.

In addition, I am pleased to join with my colleagues in calling for adequate funding to be provided in the appropriation bills for school construction and smaller class size initiatives. I sincerely hope that we can find a way to fund these important priorities. If we are to continue to prosper economically, America must have an education policy that provides the best school facilities and smaller classes for all of our children. Modern schools and small class sizes lay the foundation for success, but in today's world of technology and the global economy an education that ends with a high school diploma is simply not enough. A 4-year college degree is increasingly considered the minimum education for a large proportion of high school skills and jobs that people want. An annual income for a person with a college degree is nearly twice that of someone with just a high school diploma.

Unfortunately, the cost of higher education has been a deterrent to many who wish to continue their education. However, this should not be the case. Assistance must be available to make college possible for every student if they want to pursue an education, whether it is a college degree or some other form of education. We cannot afford to let higher education be out of reach of those students who wish and desire to further their education. No student, regardless of socioeconomic background, should be deprived of something as priceless as an education.

The gentleman from North Carolina (Mr. ETHERIDGE) knows and I know that the cost of education is going up and up and up. In 1997, 1998, tuition room and board, $8,000 at the 4-year public colleges and universities. For the private counterpart, it is over $24,000. I know that as a parent having children in college today. During the 1999/2000 academic year, students received more than $65 billion in financial aid. Often the financial aid process can be confusing and overwhelming to parents, students and those involved in higher education and yet financial aid is often the key, not only to higher education but a successful future.

I will tell all of my colleagues what I did last weekend and it really worked. I joined with the Sallie Mae Trust for Education, and I encourage all to do the same thing, in hosting an event in Nashville, Tennessee, on paying for college. This seminar brought together representatives from Sallie Mae, the Tennessee Student Assistance Corporation and representatives from area colleges and universities to discuss with parents and students the availability of financial aid: With over 280 participants, the forum was a wonderful opportunity to share information on financial aid with parents and students. I think parents came away with a better understanding of exactly what kinds of assistance is available through the local, State, and Federal government, private lending institutions and individual schools and how to apply for it.

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This kind of assistance is critical in helping our children attend college; however, we in Congress have an obligation as well. If we expect to continue American dominance in the 21st century, we must fund such critical financial aide programs as Pell grants, Perkins loans and Federal work study programs. These initiatives allow millions of students to attend college who otherwise never would.

These are investments whose returns far exceed the outlay. America has always been the land of opportunity for everyone. We simply cannot allow our schools to decay, our classes to spill out into hallways and our colleges to become a privilege enjoyed by a select few. I thank the gentleman from North Carolina (Mr. ETHERIDGE) for giving me the opportunity to fight for education on the floor of the U.S. House of Representatives.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman from Tennessee (Mr. CLEMENT) for his comments, but, more importantly, for his commitment to education and his hard work.

As we continue in this special order, I am pleased to be joined by the gentlewoman from California (Mrs. CAPPS), my friend and fellow colleague, who has really been a leader in education. She understands the needs of students. She came to this body with her husband. She is a nurse by training. She understands what the need is, and she fought for children to have a decent classroom in California, which is another one of those States that is busting at the seams.

I yield to her for her comments.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, for yielding to me. We are going to make this an across-the-country discussion this evening of this issue of such great importance.

Mr. Speaker, I am here this afternoon to discuss an issue of such great importance in my district and across this country: school construction and modernization. Last week, I visited Peabody Charter School in Santa Barbara, California. At Peabody School, students receive a top-notch education. Unfortunately, these students also feel the disturbing effects of overcrowding and inadequate school facilities.

This is a school built for 200 students. Today it has an enrollment of way over 600 students. In an attempt to accommodate, portable classrooms take up precious playground space which should be used so that students can take part in physical activity, an important part of their education. Peabody School is one school in my district, which I am using this afternoon as an example to represent the dozens of overcrowded schools in my district. There are dozens of schools like this school, overcrowded and antiquated, in California and across this country.

It seems rather amazing to me that as we begin this new century in this country, with unparalleled prosperity before us, relatively at peace in the world, that we are allowing our most precious resource, our children, to face their future preparing for it in circumstances that are far from ideal, that in many instances are totally unsatisfactory.

Mr. Speaker, yes, public education in this country, one of our most important hallmarks, is a matter for local control; but I believe these issues are so pressing that there is a role for all of us to play. In my opinion and in my belief, the Federal Government can help to free up needed funds so that local districts can make the decisions they know best for the children in their communities.

And I have here today a letter to our bipartisan House and Senate leadership asking that they allow and encourage the passage of H.R. 4094, the America's Better Classrooms Act before this session of Congress comes to a close.

This letter is signed by over 300 students from Peabody School. I have the letter here. I have two signatures along with mine, and then I have a collection of pages with signatures, second graders, third graders, fourth graders, fifth grade, sixth grade, 300 students in this school. They asked me if I would bring this letter with their signatures; and I told them that I would not only bring it to Congress with me, but that I would carry it with me to the floor and stand here in the well and give their testimony to this House and to the Senate so that we can meet their expectations.

These students were very excited to take part in this process, since overcrowded schools is something they know all about. It is an issue that affects their lives on a daily basis. In signing this letter, Peabody students are really making a statement about their educational environment and helping to improve the lives of future Peabody students. And they are actually speaking for students in their situations across this country.

The America's Better Classrooms Act has bipartisan support and 225 cosponsors. It would provide approximately $25 billion in interest-free funds to State and local governments, for local school construction, and modernization projects. The funding would help schools like Peabody make improvements to classrooms and playgrounds and would help to reduce class size.

Here in Congress, we must set our standards high to ensure that all children have a healthy start. All children deserve to have safe, clean and modern schools to attend each day. And, Mr. Speaker, my friends at Peabody Charter School ask us that we bring H.R. 4094 to the floor for a vote before this session of Congress comes to a close. I thank the students, my friends, for sharing and asking, along with me, for this vote. We owe them the best we can offer them.

The business world, which has helped to bring our economy to the fast pace that it enjoys today, knows the importance of investing in infrastructure, and here our most precious resource, the key to the future and for future economic development, our children, ask nothing less that we pay attention to their surroundings and their learning environment. In doing that, we will assist them in becoming the best that America can be for the rest of this century and on into the future.

I thank my friends at Peabody School. I thank my colleague, the gentleman from North Carolina (Mr. ETHERIDGE), the former superintendent.

Mr. Speaker, I include for the RECORD the following:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*September 11, 2000.*

Hon. DENNIS HASTERT,
*House Speaker,*
*U.S. Capitol, Washington, DC.*
Hon. RICHARD GEPHARDT,
*House Minority Leader,*
*U.S. Capitol, Washington, DC.*
Hon. TRENT LOTT,
*Senate Majority Leader,*
*U.S. Capitol, Washington, DC.*
Hon. TOM DASCHLE,
*Senate Minority Leader,*
*U.S. Capitol, Washington, DC.*

DEAR CONGRESSIONAL LEADERS: We are writing to ask for your help with a long standing problem in our schools here on the Central Coast—overcrowding. Before the 106th Congress comes to a close, we ask that you pass H.R. 4094—the America's Better Classrooms Act—an important piece of legislation that would help improve Central Coast students' learning environments.

At Peabody Charter School, students receive a top-notch education, but also feel the effects of overcrowding. Imagine how hard it would be for members of Congress to concentrate and work in conditions similar to those found at Peabody. Unfortunately, overcrowding problems exist in schools across the country, and we know this can have an impact on students education.

H.R. 4094, which has bi-partisan support and 225 co-sponsors, would provide approximately $25 billion in interest-free funds to State and local governments for school construction and modernization projects. This funding would help schools like Peabody make improvements to classrooms, playgrounds and would help reduce class sizes.

We must set our standards high to ensure that all children have a healthy start. All children deserve to have safe, clean, modern schools to attend each day. And so, my friends at Peabody Charter School and I ask that you bring H.R. 4094 to the floor for a vote before this session of Congress comes to a close. The congressional session is coming to an end, but Peabody students have a lifetime of learning ahead and need your help.

Sincerely,
LOIS CAPPS,
*Member of Congress.*

NICK HILL,
MILAGROS MACIAS,
*Peabody Charter School Students.*

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague from California (Mrs. CAPPS) for her remarks, and I thank the children. We tend to forget here sometimes that it really is about them. We get to dealing with a lot of weighty issues, and they are important. But in the end, most of us, if we are honest with ourselves, it is really about our children, our other children. And all the issues of security, safety, et cetera is about that, and that is why I introduced the bill early on for school construction.

I am glad to see the kind of structures taken, and I would say to my colleagues that in addition to those 200-some people that signed, the leadership in this body has still refused to bring it up. We have now drafted a letter, and we have over 150 of our colleagues having signed it to go to the President. I hope all the rest of them will sign it by next week, encouraging them not to give in on any issue until we get some school construction money for children across this country.

My friend, the gentleman from New Jersey (Mr. HOLT), has been a real leader. He came here as a teacher. He still is teaching us about the importance of education. I am glad to have him join us this evening in this Special Order, and I yield to him.

Mr. HOLT. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), for yielding to me. I am pleased to be here with the gentleman on his Special Order this evening to talk and focus on school construction and talk about the implications that that has for education overall.

I do thank the gentleman for setting up these Special Orders. The gentleman has been a leader in education, starting with his school board back home and going through his time as State superintendent of schools in North Carolina and then preceding me here in the House of Representatives. The gentleman has been a true leader.

Mr. Speaker, I visited nearly 100 schools in my district; and everywhere I go across the five counties that I represent, I hear from parents and teachers and administrators and students about the problems of overcrowding. It is no wonder the number of school children, certainly in my part of the country and in many other parts of the country, is setting record levels.

We are experiencing what is sometimes called the echo of the baby boom, and there are schools where the student population has doubled in the past 10 years. I can show my colleagues school districts where the kindergarten is twice the size of the 12th grade. We do not have to have higher mathematics to understand the implications of that for school construction.

The classrooms are overcrowded. To alleviate this, many schools are turning to trailers. Trailers may be a temporary solution. In one place in my district, in one school district, in fact, at one school, there are 18 temporary trailers out back, and another three in the school next door and others that will be moved in in coming weeks.

Mr. ETHERIDGE. Reclaiming my time, this gives me an opportunity to really talk about the heart of the issue. We have the gentleman from North Carolina (Mr. PRICE), and if he will join us here we can get into it. When we talk about that, what many people who are not in the school fail to see is we have those extra students in trailers or in closets or wherever, and most cases we do not increase the size of the cafeteria where children eat or the media center or the libraries, as many of us would think of years ago, nor the bathroom where children need to go, all of those extra facilities that teachers need to take. And if they are out in a trailer outside when it rains, what happens to the children? They get wet.

Mr. HOLT. If the gentleman would yield, the students tell me that they get teased because they get wet going back to the classes that they have in the other building, and these trailers are not a cheap solution either. They are expensive to install, expensive to maintain. And what I am struck by is that their long and narrow floor plan makes them really totally unsuitable for instruction.

I asked a teacher, well, what do you do when you need to write on the blackboard, because the students on either wing cannot see the blackboard, and he said, well, he has to talk about word by word or number by number what he is writing on the blackboard and hope they can take it down. That is no way to teach children.

Mr. ETHERIDGE. On that point, reclaiming my time, if I may, I would ask my colleague, the gentleman from North Carolina (Mr. PRICE) to join us. The gentleman and I visited a number of schools, and let me say I appreciate him joining us this evening. Not only has he been a leader in this, but a leader in trying to find us teachers we are going to need to fill those extra classrooms we are going to build, because he has a piece of legislation on it, and he was kind enough to let me join him and be a part of it; and I think the gentleman from New Jersey (Mr. HOLT) is on it also. He has seen this, and he has been a fighter. Not only is he a teacher, but he has taught a lot of us here how important it is for education.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank my colleague for calling this Special Order and for helping us focus our attention here in this critical closing period of the 106th Congress on our education needs.

My colleague, the gentleman from North Carolina (Mr. ETHERIDGE), referred earlier to this study, which the minority staff of the Committee of Government Reform and Oversight has carried out, showing that 90-plus percent of our students in our part of North Carolina are in classrooms of larger than the recommended size. This is children grades K through three, when we know class size matters most.

The gentleman and I took a tour a few days ago to unveil this report. We went to an elementary school in Cary, North Carolina, in my district, and then in Raleigh and then in Wake Forest; and as he has already said, we witnessed the situation there. I must say that the teachers and the students are making the best of the situation. They have made these trailers attractive, and they have made the best of it.

But in some of these schools, the children are eating lunch at 10:15, 10:30 in the morning, and as late as 1 o'clock and 1:30 in the afternoon simply because the central facilities had not caught up with all the additional population of the school occupying these trailers. And the same is true of the bathrooms; the same is true of the athletic facilities. It is unjust in a country as wealthy and as prosperous as ours when we know, when we know beyond a shadow of a doubt that children's ability to learn and teacher's ability to teach is linked to a decent class size. I just think it is unconscionable that we are not addressing that situation.

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I think local and state authorities often are doing the best they can. On this tour with us, we had the county superintendent of schools, we had school board members, we had county commissioners. There is no question we are in this together, and nobody is blaming the other. It is a matter of working together at all levels of government and making the Federal Government and especially the Federal Tax Code a partner in what we need to achieve. It is that kind of partnership we are looking for.

If we can get this legislation on the floor in these closing weeks, I believe we can do great things to bring 100,000 new teachers into the classrooms of America and to expand our schools and to modernize those schools.

Mr. HOLT. If the gentleman will yield. Of course the real purpose of our being here this evening is to call attention to the action that we have yet to take here in the House of Representatives, to call on the leadership to act on these bills.

The school construction bill is a wonderful partnership between the Federal Government and the local school district, and it is applicable not just in schools that are overcrowded because of a booming population, such as in my district. It is also applicable to the school districts where the schools are aging.

Across the country the average age of a school now is well beyond what a business or industry would consider satisfactory for use. It is well into the 40 years for an average school. In New Jersey it is actually closer to 50 years for the average age of schools. We have all heard stories of ceiling collapses, of teachers who put cheesecloth over the vents to stop the lead paint flecks from coming in to the classroom.

Estimates by the civil engineering societies say that school construction is the number one infrastructure need of the United States of America, and to put America's classrooms reasonably up-to-date would have a price tag of several hundreds of billions of dollars.

The school construction legislation that the gentleman from North Carolina (Mr. ETHERIDGE) has presented to us as a companion piece to that that is sponsored by Representatives JOHNSON and RANGEL that would be a great boon to school districts that have aging schools and to school districts where the population is booming and they cannot keep up the construction, have enough construction to keep up with the population, and in the school districts who need to build so that they can have enough classrooms to have the smaller class sizes that are ideal for education.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield just for a moment. I want to underscore something the gentleman said just a moment ago about the way this legislation would work and the fact that decisions about when and if to build would remain under local control.

We are not suggesting, and this is the genius, I think, of the Etheridge proposal and that of the gentleman from New York (Mr. RANGEL), the President has made similar proposals targeting low-income schools and high growth schools. The genius of that proposal I think is that it would leave the decision in local hands, it would leave the responsibility about issuing the bonds and raising the funds in local hands, but it would say that through the use of the Federal Tax Code, through giving tax credits to the holders of those bonds in lieu of interest, we are going to let those local authorities stretch those dollars a great deal further. That is a non-intrusive approach that leaves the decision where it should be, but makes the Federal Tax Code the friend of those who would invest in our children and invest in our school infrastructure.

Mr. ETHERIDGE. I think the gentleman is right. We never hear those complaints when it comes to building other things that we allow the Tax Code to be used for. I think that is the secret here. I think the leadership in this House has an obligation to the American people to say we are either for children or we are against them. If they do not bring it up, we know where they stand.

When you have over 225 Members sign a piece of legislation and you cannot get it on the floor of this House, it is obvious that they have decided in their great wisdom that there is not that need. I think that is absolutely wrong.

As the gentleman from North Carolina (Mr. PRICE) and I know, and you mentioned in your district, we were at Joyner Elementary School, and they had a little trailer park out back, literally, and the children were having to go back and forth. They were doing a good job. I remember what Kathleen Marynak, the principal, said. "We call these our cottages in the woods," I believe she said, trying to help the students, but literally they had to walk up a hill, and when it rained they got in trouble.

We went to Wake Forest Elementary and talked to the principal, he was standing there, and he said we have 829 students in a school originally built for 361 students. They added to it, but they had an awful lot of portable facilities there.

It is just not right at this time. The gentleman from North Carolina (Mr. PRICE) is well aware of this and the gentleman touched about growth communities. In Johnston County, a county south of Wake, and it is true of every county around because we are growing, they built a new school and had something like 18 trailers. They moved those off and opened a new school, and they are now back up to eight. It is growing that rapidly. The students have to walk through rain to get there. I remember what Nell Ferguson said. She said we do the best we can. We nurture all we can.

But we get back to the problem that the gentleman from North Carolina (Mr. PRICE) talked about, which is this whole issue of children starting lunch early. If you are a little fellow, I just wonder how many Members of Congress, and, now, we sometimes do not get to eat lunch and I understand that, but every day if you had to go eat lunch at 10, 10:15 or 10:30, and you are in a controlled situation and do not get a snack until you are home at 3:30 or 4, if you are on a bus, I wonder how many adults would like that around here?

Mr. HOLT. Yes, I can imagine. Some days I know what that is like.

I would like to turn our attention to your school construction legislation, because I would like to believe that if my colleagues here understood it, and if the leadership really understood the legislation that the gentleman has put forward, they would not stand in the hallways, they would not block this. It makes such good sense.

I would like to ask my colleague to explain for us why this is not taking away local initiative, the local control of schools? As my colleague, the gentleman from North Carolina (Mr. PRICE), said, part of the genius of this is it allows the local school districts to decide when and what needs to be constructed.

Mr. ETHERIDGE. The gentleman is absolutely correct, because the way it is drafted, the locals only pay the principal back. They determine it. The interest is paid by all of us as citizens in this country. It is not unique, because we do it on other kinds of projects in this country. For some to say it has not been done, it was really done in education right after World War II, some money was appropriated because of the growth.

We are at a time now where we are seeing phenomenal growth, a tremendous economy, none like we have ever seen before in this country, and we not only have an obligation, we have a great opportunity to make a difference and propel this economy at a whole new level.

As we move forward and as we talk about construction, as important as that is, and that is a critical part, we need people to go in those classrooms, the 100,000 teachers, the next installment we are talking about this year. That is going to be a fight before we adjourn, count on it. They want to block grant it.

Well, having been State superintendent, I will share with you what a block grant means, and to my other colleagues. I want Members to understand what we are talking about. It means you use it for whatever you want to use it for.

As a Member of this Congress, if I want it spend it for teachers, and I think the people out there would tell you it goes for class sizes, put it on teachers, I guarantee you parents will say the same thing. They do not want it diluted.

As we do that, one of the critical pieces we are going to be facing over the next 10 years is replacing all the teachers that have the ability to retire. I think that is a great challenge, one of the challenges. While we are on this, the gentleman from North Carolina (Mr. PRICE) introduced some legislation, and I hope he will share his thoughts on that as we look between the two of you at this whole issue, because having taught, you understand it.

Mr. PRICE of North Carolina. I thank my colleague for referring to this, because it clearly is part of this solution. As we build additional classrooms, as we get children into lower class sizes, especially in the early grades, we are going to need quality teachers to teach those children.

As a matter of fact, we are confronting a teacher shortage in this country, and it is going to get a great deal worse before it gets better. The estimates are we will need to hire 2 million new teachers in the United States over the next 10 years; and in North Carolina, we are going to need to find 80,000 new teachers. Believe me, that is a great deal more than we are producing at the present time.

That is a lot of manpower and woman power we are going to need to bring into the classroom. This 100,000 new teachers proposal of the Presidents is an important down payment on that, and, goodness knows, we should not go home before we do that. I cannot imagine we could do any less than bring on an additional installment of those 100,000 new teachers in the classroom.

But, as my colleague said, we have a piece of legislation that I think is very promising for the long haul, and I would like to commend it to colleagues. These colleagues here tonight have very generously cosponsored this bill, it is H.R. 4143, the Teaching Fellows Act.

This is legislation, just briefly, that would build on some successful State experiences in recruiting and training teachers. We have in North Carolina the North Carolina Fellows Program which takes high school seniors and gives them a scholarship to take them through the 4 years of training to be teachers. But it is so much more than just money, it is not just a scholarship. This cohort of students goes through college with an extracurricular program that solidifies their professional identity and trains them in what it means to be a professional, what it means to serve the community. The retention rate for these teachers, the people who stay with the program after they have done their obligation, is very, very high. This is a State-based program that has worked very, very well, and we would like to take this nationwide. We would like to build on it in North Carolina and see States across the country do this.

There is a second feature to this, and this is something that I think is something new, although in North Carolina we are making a start with our North Carolina model teaching consortium. The idea here is to reach into our 2-year schools, reach into our community colleges and take paraprofessionals, people who may be training as teacher's assistants, and give them the wherewithal and the incentive to go on for that full 4 years, because I think that is an excellent source of teachers. These people are rooted in the community, they are already serving children, and, with an additional incentive and with some work at the institutional level to make sure there is a seamless transition from that 2-year to 4-year program, I think we will have a whole new resource there for our teaching force out of our community colleges.

So those are the two main components, the Teaching Fellows Program for high school seniors and then the Teaching Fellows Partnership Program for students in community colleges. We have a number of cosponsors, a number of people who have indicated an interest in this.

I just think the quality and quantity of our teaching force is probably going to be the dominant public education issue over the next decade, and I believe this legislation could help us prepare for it.

Mr. HOLT. If the gentleman would yield, I would like to underscore a couple of points that he has made about these numbers. The latest numbers I have from the Department of Education say that in the next 10 years we will need somewhat more than 2 million, probably 2.2 million new teachers, just to stay even. This is not to have smaller class sizes, to reach this optimum of 18 students in the early grades, but this is just to stay even with the attrition, the retirement of the teachers and the students that are now in the pipeline.

Where are we going to get these teachers? This raises questions of where we will recruit them, how we will encourage them and mentor them, train them and see that they are treated as the professionals that they are, and how they will get ongoing professional development. I think the gentleman's proposal is a very good one, and that will help in this.

We must at the same time work for smaller class sizes. The President's proposal, he has made this a personal cause, is to get smaller class sizes in the early few years, and I hope we can do that.

Once again we are coming to the end of the appropriations cycle and the money is not there. In the past 2 years the President has been able to succeed in the negotiations with his masterful negotiation skills to get the installments on these 100,000 new teachers. I just hope we will be able, before we go out of session this year, to get the next installment on that.

Mr. PRICE of North Carolina. I think we all have to push toward that end, and I hope we can have a good bipartisan effort on that. There is no reason before we go home that we should not have the next sizable installment of those 100,000 new teachers on the way into classrooms in those early grades across this country, and there is no reason that we should not have this school construction program in place so that local school authorities, who know firsthand what the needs are, can take advantage of this and get those facilities on line.

There has been a lot of talk about whether this Congress is going to go down in history as a high achiever or a low achiever. Right now it is looking more on the low side. What could change that would be for us to catch on fire here in these remaining weeks and do a job for public education.

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Mr. HOLT. Mr. Speaker, if the gentleman will yield, I would also, before we finish this, just commend the gentleman from North Carolina (Mr. ETHERIDGE) for his very attractive tax credit school bond proposal. It would be of great benefit to districts like mine. New Jersey would be able to get on with building a couple hundred million dollars worth of school construction, just in my State, if this legislation goes through. I certainly am doing all I can to advance this legislation, and I thank the gentleman from North Carolina for bringing it forward and for pushing it. There are only a few precious weeks of legislative time left this year, and this is surely one of the most important things that is remaining on our agenda.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, let me chime in and also thank my colleague from the neighboring district in North Carolina. We have worked together cooperatively on so many things, and there is nothing more important than this. I thank the gentleman for calling this Special Order and for focusing all of our attention on the unfinished business in the days ahead.

Mr. ETHERIDGE. Mr. Speaker, let me thank my colleagues who are still on the floor and others who have left this evening, because we really are serious about this issue. It is an issue that is critical to America's future as we talk in this Special Order about creative solutions to these problems. Certainly school construction is part of it as we invest in a national commitment to educational excellence where schools are accountable to our taxpayers for raising standards and every child has an opportunity to learn. One cannot learn when one is not in the right kind of conditions. Improving education in this country is about creating a classroom environment where children can learn and teachers can teach.

Mr. Speaker, I was in Sampson County on Sunday and dedicated a new school. It was amazing how important that school, on the outskirts of a small community, identifies a community. Our schools do identify communities. We need to foster a greater connection between students, teachers, and parents. Our schools can do better; and with our help, they will do better, and we have to quit pointing fingers and start joining hands.

Mr. Speaker, it is amazing what a hand is about when we give a helping hand instead of pointing fingers. We are good at pointing fingers around here. One of the best ways we can improve education, as we have talked about this evening, is to help provide for smaller class size, help provide for more teachers, where we can have orderly and disciplined classrooms, where children get the additional attention that is so badly needed.

We have children coming to our public schools to start from a variety of backgrounds, children who are loved; unfortunately, some who are not loved like they should be. Some who are well advanced and others who are not. But teachers try not to differentiate; they love and care for all of them and try to ignite that flame of learning in each child. They can only do it if we give them the help and support they need.

We do need a national commitment to the notion that parents in America have the right to expect that their children will have the best teacher in the world in that classroom. There are places in this country where they absolutely do not have the money; they do not have the resources to do it. They cannot build the buildings, and they cannot hire the teachers. Dagburnit, we ought to be about helping them. That is what America is about. We need to provide support for teachers as they do this difficult, difficult task.

It is a critically important job. It is the most important job we are about in rearing children early. We have had enough teacher-bashing in this body the last few years; and an awful lot of it, I am sorry to say, has come from my Republican colleagues on the other side of the aisle, and that must end and it must end now. We have to come together and help. We are in this thing together. Our children deserve no less. We must make every neighborhood school in this country work, and work as they should.

That is why we are working to help pass H.R. 4094, and that is a bipartisan piece of legislation. I am thankful that we have finally gotten there. It does provide $25 billion for school construction money across the country. A lot of money? Yes. Not nearly enough to get the job done, but enough to get started and say we do have a commitment at the national level; and yes, we are going to be a partner. Unfortunately, this Congress has failed to act, and the leadership has not brought it to the floor to provide our local communities with the assistance they need.

Mr. Speaker, our schools are bursting at the seams. In communities throughout my district and across this country, the flood of student enrollments keep coming, and at the public school level, there will not be and cannot be a sign on the door that says, no vacancy. We can do that in a lot of other schools. Private schools can say, we cannot take anyone else. Colleges and universities can find a way not to accept, but when school opens in September and August and they keep coming as they transfer, they take them, and classes get overcrowded. We must continue to take them and help them. We have to help our schools meet this challenge.

This Congress must take action to help these communities cope with this urgent problem, and we must act this year. We cannot wait another year. For many of these children who will be stuck in trailers, shoved in closets, crammed in the bathrooms and in converted other rooms, gymnasiums, substandard facilities, that is not acceptable in a country that has the resources we have. This country needs to help schools where better order and discipline can foster better learning for all of our children.

Mr. Speaker, I urge this Congress to stop playing partisan games, to lay down our swords and pick up the language of working together and put our Nation's children first. Pass school construction legislation without further delay.

Mr. Speaker, I have written a letter to the President with the gentleman from New York (Mr. RANGEL) and a number of my colleagues insisting that school construction, in any final budget compromise with the congressional Republicans, be the highest priority. More than 150 of my colleagues have joined me; and I trust before early next week, we will have over 200 names, as we have on the bill.

The American people consider this their highest priority. They want to improve education by building new schools, hiring new teachers, reducing class sizes and improving order and discipline in the classrooms so that our children can get the attention they need and learn as they should learn.

Mr. Speaker, again, I want to thank my Democratic colleagues for joining me this evening in this very important Special Order. There are a lot of things we deal with in this body that are important, no question about it. This is the people's House, one of the greatest Nations in the world. But I am here to tell my colleagues that there is no issue that we face on the threshold of the 21st century that is more important to the security of this Nation, to the prosperity that we hope to have in the 21st century, than that we have the resolve and the commitment to do what needs to be done for the children of America.

Mr. HINOJOSA. Mr. Speaker, back in July this body unfortunately rejected a motion to instruct conferees on the FY 2001 Labor/HHS/Education appropriations bill—a motion that insisted on more education funding and dedicated funding for class size reduction and school renovation. Personally, I couldn't believe this motion to instruct failed. I say this because as parents all across America know, our nation's schools are overcrowded.

Children in Texas returned to school in August, and I can tell you that over the past several weeks I have heard again and again from parents talking about the need to address the challenge of overcrowded schools.

Total public and private elementary and secondary school enrollment has continued to rise, from 52.8 million in 1999 to a projected all-time record of 53.0 million this fall. These numbers are projected to rise for most of the century.

The point I simply want to make today is that as the United States embraces these new generations and new arrivals to our schools, we must be prepared to be able to provide a quality education to all students. We must help communities nationwide modernize their schools and we must support class size reduction so that America's children are in an environment where they can realize their full potential. These are smart investments—investments that merit broad bipartisan support.

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## INTEREST AMERICANS PAY FOR CURRENCY

The SPEAKER pro tempore (Mr. VITTER). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for 60 minutes as the designee of the majority leader.

Mr. METCALF. Mr. Speaker, I would like to speak on the topic, Interested in the Interest that Americans Pay for Their Own Currency, and I hope we are. I think we should be.

The interest owed on our national debt to the Federal Reserve System is a disgrace. One day it will be the single largest budget item in our national budget. It ranks number two presently, but not by much. And Americans pay interest also on their currency. I will repeat that. Americans pay interest also on their currency; indirectly, of course, but it is still true.

Currency is borrowed into circulation. Actually, we pay interest on the bonds that needlessly back our currency. The U.S. Treasury could issue our cash without debt or interest as we issue our coins today. Member banks must put up collateral, U.S. interest-bearing bonds, when they place each request for Federal Reserve notes, according to the Federal Reserve Act, section 16, paragraph 2, in the amount equal to that request. The cost to each American is about $100 each year to pay interest on these bonds, or really the cost of renting our cash from the Federal Reserve. So we actually pay a tax on, or a rental fee, to use the Federal Reserve's money. To repeat, our Treasury could issue our currency debt- and interest-free just like we issue our coins debt- and interest-free.

We understand all of this, I think, in that we use Federal Reserve notes to pay most of our bills and taxes. In the Federal Reserve Act, it originally stated in section 16 that these Federal Reserve notes shall be redeemed in lawful money on demand at the Treasury Department of the United States, or at any Federal Reserve Bank. I am quoting from the act itself. An interesting question is, What is the lawful money mentioned in the original Federal Reserve Act that we will get when we redeem the Federal Reserve notes? That question is never answered.

But here is where the "money muddle," as James Warburg once called it, begins to get really muddy. When we redeem Federal Reserve notes, we get Federal Reserve notes in exchange.

That is interesting. When we borrow from our bank, any bank, we do not get Federal Reserve notes in hand; we do not get cash. We open an account at the bank we are borrowing from and receive a bank draft to deposit in the new account that we were made to open when we borrowed the money. Well, not money, per se, but the notes. Today, this is all done through ETF, or electronic funds transfer.

Here is the point to all of this. There are no Federal Reserve notes on hand for us to borrow. According to the Federal Reserve Bank of Chicago, in their publication, Modern Money Mechanics, they state, and I quote: "Changes in the quantity of money may originate with the actions of the Federal Reserve System, the Central Bank, the commercial banks, or the public, but the major control rests with the Central Bank. The actual process of money creation takes place in the commercial banks. As noted earlier, demand liabilities of commercial banks are money. These liabilities are customers' accounts. They increase when the customers deposit currency and checks, and when the proceeds of loans made by the banks are credited to borrowers' accounts. Banks can build up deposits by increasing loans and investments, so long as they keep enough currency on hand to redeem whatever amounts the holders of deposits want to convert into currency."

The Federal Reserve Board of Governors sets our interest rates, which then determine the price of money; not the quantity or the amount of money, but the price of money. The quantity of money I will discuss presently. The money aggregates, or the money supply indicators, like M-1 and M-2 used to be utilized in that determination. Interest rates went up; the money supply shrank. Interest rates were lowered, more money or credit really was released to the banks to lend. The money supply went up.

The Federal Reserve Board and its chairman have repeatedly stated that the M-1 and M-2 indicators are out of control and are no longer used in determining Fed policy. What is Fed policy, in capital letters. Well, Fed policy has always been to fight inflation and keep the overall economy going, prosperously going. But inflation, while still a minor concern of the Fed, though I do not agree, is of less concern.

Price stability is the clarion call for Fed policy today. The corporation's price stability, presumably, although one may argue that this would be good for everyone, including consumers; but price stability as the goal only informs us of what the Fed seeks, not how it intends to achieve it.

□ 1915

If not money supply aggregates, M-1 and M-2, then what are the new indicators? It was announced several years ago in the business journals mostly, that the one new indicator, of the many used, is today what is called wage inflation. I shall return to that momentarily, but first we must look at the quantity of money again, not the price of money.

Businessmen, for example, and consumers as well, consider the price of money when they borrow. If interest rates are 7 percent rather than 6, the businessman will make the deal, rather than wait. Consumers often buy at the higher rates, rather than waiting for the price to go down some.

But even with interest rates on the rise, even if with just quarter point increases, the money supply used to shrink. Yet, that is not the case any longer. The Fed now places money in the hands of member banks in what are called repurchase agreements, or repos. It may be placed with the banks overnight, or for 7 days, or for whatever time the board wants. They can roll it over at will. They can reclaim it at will.

The member banks do not have the option to take or not take the funds and they pay interest on these new funds, but as a noted financial adviser stated, the banks only have the right to say, "Thank you very much, sir;" in other words, they have no choice in the matter.

Where does this new money go? That is the real point, here. The new money goes almost immediately into the financial markets; the stock market, primarily. It depends on the quantity the Fed pumps into the banks' hands.

Here is a fine example. During the 6-months period just prior to year end, that is, Y2K, Chairman Greenspan expanded the adjusted monetary base dramatically. It is a spike almost vertical on the chart supplied by the St. Louis Federal Reserve Bank.

At certain points, the annual growth rate for a given month was as high as 50 percent. During the entire 6 months it was running at about 25 percent annual growth. This was far outstripping growth in productivity. Billions of dollars were pumped into the banking system, some $70 billion.

Where did the money go? It had to go into the financial markets. No other area of the economy could absorb such an enormous increase so suddenly.

The banks called upon everyone, from brokerage houses to money managers. They were having to give the new money away at ridiculously low rates of return. Most of the new money was loaned into the financial markets, the stock market, and most in the high-tech industry.

Most was pure speculation on margin; that is, much of it by folks who today believe there is no risk any longer in investing in the stock market. This was the real cause for our much acclaimed boom in the market run-up prior to the year end 1999.

Many market participants understood that this was a false boom, an anomaly created out of thin air by Chairman Greenspan's governors. They immediately took their winnings, the profits on the run-up. They paid dearly in capital gains taxes levied, about $70 billion in capital gains taxes.

Curiously, that windfall for the administration matches pristinely with the acclaimed surplus President Clinton immediately took credit for in his wise oversight of the economy.

But if this surplus was real, why did the national debt continue to rise? There is no surplus, is the answer. There was just a sudden windfall in capital gains taxes some argue was orchestrated by Chairman Greenspan.

I would ask the chairman if I were given more time, what did he think would happen when he expanded the adjusted monetary base upwards in such a dramatic fashion? Does he no longer believe Milton Friedman's axiom regarding the reckless increase in the supply of money? Is it not supposed to cause dislocations any longer because of this new economy?

If that is true, then what of the actions of the Fed the week after Y2K? Within 7 days, the Fed policy reversed itself just as dramatically downwards. The Fed repurchased the funds by nearly the same amount over the next several months, beginning with the year 2000.

The dramatic decline in the adjusted monetary base corresponds directly with the violent corrections in the stock market, and especially NASDAQ. Those with less savvy, like so many speculators, gamblers, really, were wiped out. This is no coincidence, but correspondence. This is not just convoluted, but consequences. What did Chairman Greenspan think was going to happen?

Let me quote the chairman from a speech this July 12, 2000, the year 2000, at the appropriately titled "Financial Crisis Conference at the Council on Foreign Relations."

"Despite the increased sophistication and complexity of financial instruments, it is not possible to take account in today's market transactions of all possible future outcomes. Markets operate under uncertainty. It is therefore crucial to market performance that participants manage their risks properly. It is no doubt more effective to have mechanisms that allow losses to show through regularly and predictably than to have them allocated by some official entity in the wake of default."

If that statement were not sufficient to rile a risk-taker as market participant Greenspan goes on to dryly add, "Private market processes have served this country and the world economy well to date, and we should rely on them as much as possible as we go forward."

This is how the Fed managed price stability? Now, let me return to wage inflation. Is wage inflation inflation inflation? As I pointed out above, wage inflation is the newest indicator the Fed looks at in determining fed policy on interest rates.

Members will read in the business pages that the Fed determined that there was no real wage inflation concern, so interest rates remained as they are. Or should there be some indicator that wage inflation is a factor, interest rates may have to be increased.

If Members can understand the relationships, they should be as outraged as I am. Everybody knows that labor is almost always, and everywhere in industry, the number one and always at least number two cost of operations figure for every company, especially the largest monopoly multinationals, and it is the largest multinationals' bottom line that the Fed protects when it talks about price stability. That is a frightening thought.

Price stability is achieved by keeping wage inflation under control. This means nothing short of this: If wages of workers begin to rise, should workers begin to see the benefits of this booming economy, the Fed will raise interest rates, slowing the economy and driving wages down. More workers will lose their jobs, thus driving down wages.

We do this for the corporations' stability in pricing the goods these workers help to produce. And we call this free enterprise, the hidden hand working through our free system?

Let me quote Adam Smith, father of the so-called free enterprise: "Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action, and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination because it is usual, and one may say the natural state of things. . . . Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy, 'til the moment of execution."

There shall be no more silence on these efforts by our masters. It may be, but it was never intended to be, "the natural state of things" to sink wages of labor below their actual rate, not in the United States of America; not where the people, mostly wage-earners, are the sovereigns. This statement is surely a reproach to a master, the Fed master, among his equals, if not his neighbors.

But there is more, much more. Congress has found that Federal reserve notes circulate as our legitimate currency, otherwise called money, issued by the Federal Reserve in response to interest-bearing debt instruments, usually the United States bonds. I already pointed out above that member banks must put out an equal amount of collateral when they request any amount of Federal reserve notes. They pay interest on this amount, too. That is to say, we indirectly pay interest on our paper money in circulation. Whether bonds, loans, et cetera, we pay interest.

The total cost of the interest is roughly $25 billion annually, or about $100 per person in the United States. Over $500 billion in just United States bonds are held by the Federal Reserve as backing for the notes. The Federal Reserve collects interest on these bonds from the U.S. Government, returning most of it to the U.S. Treasury.

The Federal Reserve is paid sufficiently well for all of the services it provides: regulatory, check-clearing, Fedwire, automation, compliance, and so forth. There is no rational, logical reason why Americans must pay interest on their circulating medium of exchange.

Why are we paying interest to the Fed for renting the Federal Reserve notes that we use? Why do we not issue United States Treasury currency that can be issued like our coins are issued, debt-free and without interest?

Donald F. Kettle in his book, one of the better books on the Fed, actually, "Leadership at the Fed," stated, "Members of Congress were far more likely to tell Federal officials what they disliked than what policy approaches they approved."

As an understatement of all time, given wage inflation as indicator, John M. Berry in the journal Central Banking stated that FED officials are not all that forthcoming in their policy announcements because they "prefer to be seen as acting essentially as controllers of inflation, not employment maximizers."

I do not wish to be seen as one of those Members of Congress that only expresses his displeasure at the Fed policies. I shall therefore propose some solutions as a starting point. It is but one place to begin.

Congress must pass a law declaring Federal Reserve notes to be official U.S. Treasury currency, which would continue to circulate as it does today. The Federal Reserve system, then freed of the $500 billion in liabilities, which the Federal Reserve notes are now considered to be liabilities, but if we freed them from that liability, they would then simply return the U.S. Treasury bonds which backed the Federal Reserve notes to the U.S. Treasury.

That is, if they are holding the notes to back our currency and we declare they are United States Treasury currency, no longer Federal Reserve currency, then they no longer need the backing, and could return some $500 billion in liabilities or in U.S. Treasury bonds back to the Federal Reserve, back to the U.S. Treasury.

This reduces the national debt by over $500 billion, and reduces interest payments by over $25 billion annually, with no real loss to anyone.

Let me repeat that. If we did this, merely declared that the money we use is officially United States Treasury currency, then the Fed could return the $500 billion in bonds that they hold and reduce the national debt by $500 billion, reduce our annual payments by about $25 billion, with no real loss to anyone. We do this while protecting the member banks' collateral they each put up when they requested the notes originally. This is not a complicated proposal, and the rationale behind it is seen by many financial minds of note as logical and doable.

□ 1930

Then the Fed officials that have devised the monetary indicator called wage inflation should reconsider just exactly who is paying the real price for price stability and report to the Banking Committees of both Houses what indicators they might utilize rather than this horrendous approach, an approach that even Adam Smith denounced over 200 years ago.

Finally, the Fed must restrain the drastic monetary expansions and retractions using the methods described above. For whatever reasoning the Adjusted Monetary Base was inflated, causing the wild speculation in the financial markets just prior to Y2K and the subsequent disaster for so many when the base was suddenly deflated like a child's balloon, this should be subject to the most minute scrutiny.

My intent here was not just to demonstrate my dislike for some of the Fed's policies. I could write a discourse on the area that the Fed has done well. But so many of my colleagues prefer that course, I should seem redundant. In any case, the Federal Reserve Board has more than enough congratulatory praise from various corners that my praise would fall upon deaf ears.

I hope my unapologetic approach may serve to give some pause to these most important issues for all Americans, investors, owners, and workers alike. Clearly the Fed Board and the Fed Chairman especially are the single most powerful individuals ever granted, delegated the most important enumerated powers guaranteed to this Congress by the Constitution. It should be little to ask that they take heed in how they wield that power. If they are going to act like Masters, Fed Masters, then I strongly urge those individuals to rethink some of the policies they put forward and rethink in whose interests they serve.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. RADANOVICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall".

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center".

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greenville, Tennessee, as the "James H. Quillen United States Courtouse".

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

## ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Monday, September 18, 2000, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10019. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle Regulations; Addition to Regulated Area [Docket No. 00-077-1] received September 7, 2000; to the Committee on Agriculture.

10020. A letter from the Secretary, Department of Defense, transmitting the approved retirement and advancement to the grade of lieutenant general of Lieutenant General David W. McIlvoy, United States Air Force; to the Committee on Armed Services.

10021. A letter from the Director, Office of Management and Budget, transmitting Congressional Budget Office and Office of Management and Budget estimates under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for P.L. 106-246, pursuant to Public Law 105–33 section 10205(2) (111 Stat. 703); to the Committee on the Budget.

10022. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's Final rule—Revisions to the California State Implementation Plan, Sacramento Metropolitant Air Quality Management District—received August 31, 2000; to the Committee on Commerce.

10023. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Establishment of Alternative Compliance Periods under the Anti-Dumping Program—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10024. A letter from the Duputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's Final Rule—Hazardous Air Pollutants: Amendments to the Approval of State Programs ans Delegation of Federal Authorities—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10025. A letter from the Chief, Policy and Program Planning, Federal Communications Commission, transmitting the Commission's final rule—Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking, and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96–98—received August 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10026. A letter from the Chairman, Federal Communications Commission, transmitting reports on designs and tests of combinatorial bidding, pursuant to FCC Contracts; to the Committee on Commerce.

10027. A letter from the Associate Chief, Wirelesss Telecommunications, Federal Communications Commission, transmitting the Commission's final rule—Amendment of part I of the Commission's Rules—Competive Bidding Procedures [Docket No. 97–82] received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10028. A letter from the Director, International Cooperation, Acquistion and Technology, Department of Defense, transmitting a copy of Transmittal No. 17–00 which constitutes a Request for Final Approval for a Project Agreement with Sweden Concerning Cooperative Research and Development in Trajectory Correctable Munitions., pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10029. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Singapore [Transmittal No. DTC 89–00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10030. A letter from the Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—2000–2001 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018–AG01) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10031. A letter from the Program Analyst, FAA, Department of the Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30150; Amdt. No. 2005] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10032. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company AE 3007A and 3007C Series Turbofan Engines [Docket No. 2000–NE–33–AD; Amendment 39-11891; AD 2000–18–06] (RIN: 2120–AA64) received Spetember 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10033. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30177; Amdt. No. 424] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10034. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendment [Docket No. 30148; Amdt. No. 2003] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10035. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30174; Amdt. No. 2006] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10036. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30176; Amdt. No. 2008] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10037. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directive; Aerospatiale Model ATR42–300, –300, and –320 Series Airplanes [Docket No. 97–NM–270–AD; Amendment 39-11883; AD 2000–17–0–09] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10038. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300-600, and A310 Series Airplanes [Docket No. 2000–NM–54–AD; Amendment 39–11892; AD 2000–18–07] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10039. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Kaman Model K–1200 Helicopters [Docket No. 2000–SW–32–AD; Amendment 39–11895; AD 2000–18–10] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10040. A letter from the Program Assistant, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524D4 Series Turbofan Engines [Docket No. 2000–NE–23–AD; Amendment 39–11888; AD 2000–18–03] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10041. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes [Docket No. 99–NM–183–AD; Amendment 39–11890; AD 2000–18–05] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10042. A letter from the Program Assistant, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Cocoa Patrick AFB, FL, and Class E5 Airspace; Melbourne, FL [Docket No. 00–ASO–32] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10043. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99–NM–75–AD; Amendment 39–11816; AD 2000–14–07] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10044. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models A65, A65–8200, 65–B80, 70, 95–A55, 95–B55, 95–C55, D55, E55, 56TC, A56TC, 58, 58P, 58TC, and 95–B55B (T42A) Airplanes [Docket No. 2000–CE–53–AD; Amendment 39–11887; AD 2000–18–02] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10045. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AJ89) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10046. A letter from the Chief, Regulations Unit, Department of Treasury, transmitting the Department's final rule—Special Rules Reguarding Optional Forms of Benefit Under Qualified Retirement Plans [Doc. TD8900] (RIN: 1545–AW27) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10047. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Lessee Construction Allowances for Short-term Leases [Doc. TD 8901] (RIN: 1545–AW16) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10048. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest [Notice 2000–46] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10049. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2000 National Pool [Rev. Proc. 2000–36] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10050. A letter from the Secretary of Health and Human Services, transmitting the third annual report on the Temporary Assistance to Needy Families (TANF) program; to the Committee on Ways and Means.

10051. A letter from the Secretary, Department of Energy, transmitting a report that the Department of Energy will require an additional 45 days to transmit the implementation plan for addressing the issues raised in the Defense Nuclear Facilities Safety Board's Recommendation; jointly to the Committees on Armed Services and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2267. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; with an amendment (Rept. 106–846). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2752. A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes; with amendments (Rept. 106–847). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4521. A bill to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; with an amendment (Rept. 106–848). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4096. A bill to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes (Rept. 106–849). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 238. A bill to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; with an amendment (Rept. 106–850). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1349. A bill to amend title 18, United States Code, to combat the over-utilization of prison health care services and control rising prisoner health care costs; with an amendment (Rept. 106–851). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2883. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States; with amendments (Rept. 106–852). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 4870. A bill to make technical corrections in patent, copyright, and trademark laws; with an amendment (Rept. 106–853). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4404. A bill to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes: with an amendment (Rept. 106–854 Pt. 1).

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 4404 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4404. Referral to the Committee on Government Reform extended for a period ending not later than September 14, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLETCHER (for himself, Mr. Herger, Mr. Archer, Mr. Shaw, Mr. Nussle, Mr. Crane, Mr. Gary Miller of California, Mr. Lewis of Kentucky, Mr. Kuykendall, Mr. Tancredo, Mr. Camp, Ms. Dunn, Mr. Hayworth, Mr. English, Mr. Sam Johnson of Texas, Mr. Portman, Mr. Ramstad, and Mr. Green of Wisconsin):

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Boehner, Mr. Ehlers, Mr. Ney, Mr. Mica, Mr. Ewing, Mr. Linder, Mr. Stump, Mr. Buyer, and Mr. Hoyer):

H.R. 5174. A bill to amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. Boehlert, Mr. Holden, Mr. Cramer, Mr. Bliley, Mr. Stenholm, Mr. Shimkus, Mr. Lipinski, Mr. Greenwood, Mr. Condit, Mr. Sherwood, Mr. Barcia, and Mr. Upton):

H.R. 5175. A bill to provide relief to small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY:

H.R. 5176. A bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings; to the Committee on Ways and Means.

By Mr. GEKAS:

H.R. 5177. A bill to establish the Administrative Law Judge Conference of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself and Mr. Owens):

H.R. 5178. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. McGovern, Mr. Brady of Pennsylvania, Mr. Frank of Massachusetts, Mr. Moakley, Mrs. Napolitano, Mr. Filner, Mr. Gutierrez, and Ms. Millender-McDonald):

H.R. 5179. A bill to amend the Fair Labor Standards Act of 1938 to limit the number of overtime hours of licensed health care employees; to the Committee on Education and the Workforce.

By Mr. BASS (for himself, Mr. Franks of New Jersey, Mr. Horn, Mrs. Morella, and Mr. Bereuter):

H.R. 5180. A bill to amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities; to the Committee on Education and the Workforce.

By Mr. BOSWELL:

H.R. 5181. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of computer software that filters child pornography and material that is violent, obscene, or harmful to minors; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Ms. McKinney, Mr. Jackson of Illinois, Mr. Payne, Mr. Costello, Mr. Phelps, Mr. Gonzalez, Mr. Owens, Mr. Rush, Mr. Davis of Illinois, Mr. Martinez, Mr. Lipinski, Mr. Filner, Mrs. Christensen, Ms. Millender-McDonald, Mr. Hilliard, Ms. Jackson-Lee of Texas, Mr. Nadler, Mr. Meeks of New York, Ms. Carson, Mr. Brown of Ohio, Ms. Lee, Mr. Kucinich, Mr. Abercrombie, and Mr. Blagojevich):

H.R. 5182. A bill to protect day laborers from unfair labor practices; to the Committee on Education and the Workforce.

By Mr. LAMPSON (for himself, Ms. Jackson-Lee of Texas, and Mr. Cramer):

H.R. 5183. A bill to authorize the National Aeronautics and Space Administration to lease, jointly-develop, or otherwise use a commercially provided inflatable habitation module for the International Space Station; to the Committee on Science.

By Mr. MOORE (for himself, Mr. Stenholm, Mr. Berry, Mr. Tanner, Mr. Minge, Mr. Sandlin, Mr. Phelps, Mrs. Tauscher, Mr. Sisisky, Mr. Holden, Mr. Taylor of Mississippi, Ms. Danner, Ms. Sanchez, Mr. Thompson of California, Mr. Boyd, and Mr. Lucas of Kentucky):

H.R. 5184. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Minnesota (for himself, Mr. Quinn, Mr. Phelps, Mr. Houghton, Mr. Crowley, Mr. Upton, Mr. Boehlert, Mr. Abercrombie, Mr. Wu, Mr. Larson, Mr. Sherman, Mr. LaFalce, Mr. Capuano, and Mr. Lampson):

H.R. 5185. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give such employers and performers the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. PICKERING (for himself and Mr. John):

H.R. 5186. A bill to amend the Public Health Service Act to establish scholarship and loan repayment programs regarding the provision of veterinary services in veterinarian shortage areas; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMEROY:

H.R. 5187. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture.

By Mrs. THURMAN:

H.R. 5188. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity less than 18 years of age; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself, Mr. Whitfield, Mr. Strickland, Mr. Gibbons, Mr. Kanjorski, Mr. Duncan, Ms. Kaptur, Mr. Wamp, Mr. Klink, Mr. Jenkins, Ms. Berkley, Mr. Gordon, Mr. Clement, Mr. Hall of Ohio, Mr. Lucas of Kentucky, Mr. Phelps, and Mr. Brown of Ohio):

H.R. 5189. A bill to provide for the payment of compensation for certain individuals employed in connection with Federal nuclear weapons programs who sustained occupational illness in the line of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER:

H.R. 5190. A bill to amend title 18, United States Code, to impose criminal and civil penalties for false statements and failure to file reports concerning defects in foreign motor vehicle products, and to require the timely provision of notice of such defects, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEYGAND:

H.R. 5191. A bill to provide for the convening of a White House Conference on United States Energy Policy to develop a national energy policy; to the Committee on Commerce.

By Mr. WEYGAND:

H.R. 5192. A bill to amend titles XIX and XXI of the Social Security Act to improve the coverage of needy children under the State Children's Health Insurance Program (SCHIP) and the Medicaid Program; to the Committee on Commerce.

By Mr. ISTOOK (for himself and Mr. Pallone):

H. Con. Res. 400. Concurrent resolution congratulating the Republic of Hungary on the millennium of its foundation as a state; to the Committee on International Relations.

By Mr. GEJDENSON (for himself, Mr. Gilman, Mr. Rohrabacher, Mr. Lantos, Mr. Brown of Ohio, Mr. Berman, Mr. Holden, Mr. Deutsch, Mr. Sessions, Mr. McNulty, Mr. Sherman, Mr. Diaz-Balart, Mr. Andrews, Mr. Bliley, Mr. Souder, Mrs. Lowey, Mr. Wexler, Mr. Schaffer, Mr. Wu, Mr. Campbell, Mr. Doolittle, Ms. Pelosi, and Mr. Bilirakis):

H. Con. Res. 401. Concurrent resolution expressing the sense of the Congress regarding high-level visits by Taiwanese officials to the United States; to the Committee on International Relations.

By Mr. KUYKENDALL (for himself, Mr. Cunningham, Mr. Hansen, Mr. Abercrombie, Mr. Murtha, Mr. Doyle, Mr. Larson, Mr. Baldacci, Mr. Crowley, Mr. Green of Texas, Mr. Fossella, Mr. Norwood, Mr. Watkins, Mr. Thomas, Mr. Ose, Mr.

CONDIT, Mr. TAYLOR of Mississippi, Mr. SISISKY, and Mr. SKELTON):

H. Con. Res. 402. Concurrent resolution recognizing the importance of the Selective Service System on the occasion of the 60th anniversary of the United States' first peacetime military registration effort and the continued need for American men to register for possible service in the Armed Forces; to the Committee on Armed Services.

By Mr. HALL of Ohio (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. SMITH of New Jersey, and Mr. LANTOS):

H. Res. 577. A resolution to honor the United Nations High Commissioner for Refugees (UNHCR) for its role as a protector of the world's refugees, to celebrate UNHCR's 50th anniversary, and to praise the High Commissioner Sadako Ogata for her work with UNHCR for the past ten years; to the Committee on International Relations.

By Mr. SCHAFFER (for himself, Mr. BARR of Georgia, Mr. DEMINT, Mr. GREEN of Wisconsin, Mr. GARY MILLER of California, Mr. PAUL, Mr. TANCREDO, Mr. RYUN of Kansas, Mr. MCINTYRE, Mr. BUYER, Mr. LARGENT, Mr. SOUDER, and Mrs. WILSON):

H. Res. 578. A resolution congratulating home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for this Nation, and for other purposes; to the Committee on Education and the Workforce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. CONDIT, Mr. GUTKNECHT, Mr. MCCOLLUM, Mr. HOUGHTON, Mr. STUPAK, and Mr. ABERCROMBIE.

H.R. 303: Mr. BOEHLERT.

H.R. 453: Mr. NEY and Mr. DELAHUNT.

H.R. 531: Ms. BALDWIN.

H.R. 568: Ms. VELÁZQUEZ.

H.R. 583: Mr. RYUN of Kansas.

H.R. 776: Mr. FRANK of Massachusetts.

H.R. 804: Mr. HOBSON.

H.R. 827: Mr. BORSKI.

H.R. 842: Mr. BUYER.

H.R. 1032: Mr. BOEHLERT.

H.R. 1044: Mr. SANDLIN.

H.R. 1168: Mr. CHAMBLISS.

H.R. 1300: Mr. BARR of Georgia.

H.R. 1577: Mr. GOODLATTE.

H.R. 1592: Mr. LAMPSON.

H.R. 1671: Mr. BOEHLERT, Mr. LOBIONDO, Mr. BARRETT of Nebraska, and Ms. LOFGREN.

H.R. 1841: Mr. DAVIS of Florida.

H.R. 2003: Mr. SHAYS.

H.R. 2066: Mr. BENTSEN.

H.R. 2166: Mr. SABO, Mr. FLETCHER, Mr. LARSON, Mr. LATOURETTE, Mr. KUCINICH, Mr. GONZALEZ, Mr. KOLBE, Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, Mr. PASTOR, Ms. CARSON, Mr. KILDEE, Mr. MASCARA, and Ms. MCCARTHY of Missouri.

H.R. 2308: Mr. LEVIN and Mr. CAMP.

H.R. 2341: Mr. HILLEARY, Mr. BORSKI, Mr. MOORE, Mr. SIMPSON, Mr. MCCOLLUM, Mr. BEREUTER, Mr. WAMP, Mr. WICKER, Ms. ROS-LEHTINEN, Mr. SKEEN, Mr. BOSWELL, and Mr. BACHUS.

H.R. 2420: Mr. ACKERMAN, Mr. LEWIS of California, Mr. CROWLEY, Mr. BERRY, and Mr. TANCREDO.

H.R. 2492: Mr. QUINN.

H.R. 2631: Ms. BERKLEY.

H.R. 2706: Mrs. MALONEY of New York.

H.R. 2710: Ms. PRYCE of Ohio, Mr. OXLEY, Mr. MCGOVERN, Mr. NETHERCUTT, and Mr. SHAYS.

H.R. 2720: Mr. FRELINGHUYSEN.

H.R. 2780: Mr. BILBRAY and Mr. HAYWORTH.

H.R. 2867: Mr. HALL of Texas.

H.R. 2870: Mr. BISHOP, Mr. SERRANO, and Ms. RIVERS.

H.R. 2907: Ms. PELOSI.

H.R. 3161: Mr. OLVER and Mr. MORAN of Virginia.

H.R. 3219: Mr. BARR of Georgia.

H.R. 3327: Mr. WU.

H.R. 3408: Mr. MCCRERY, Mr. LAHOOD, and Mr. HOSTETTLER.

H.R. 3633: Mr. PETERSON of Pennsylvania and Ms. MCKINNEY.

H.R. 3700: Mrs. THURMAN.

H.R. 3710: Mrs. JOHNSON of Connecticut, Mr. BORSKI, Mr. LIPINSKI, and Mr. DAVIS of Florida.

H.R. 3766: Mr. REYES, Mr. RANGEL, and Mr. MCINTYRE.

H.R. 3842: Mr. GEORGE MILLER of California, Mr. CLYBURN, Mr. SMITH of New Jersey, Ms. RIVERS, Ms. PELOSI, Mr. METCALF, Mr. BASS, Mr. NETHERCUTT, Ms. DELAURO, Mr. BONIOR, Mr. SANDLIN, Mr. MCINTYRE, Mr. EDWARDS, Ms. ROYBAL-ALLARD, Mr. SKELTON, Mr. GUTIERREZ, Ms. BROWN of Florida, and Mr. INSLEE.

H.R. 4025: Mr. GILCHREST, Mr. STUMP, and Mr. SOUDER.

H.R. 4041: Mr. HOLT.

H.R. 4042: Mr. HOLT.

H.R. 4046: Mr. GILMAN, Ms. LOFGREN, and Mr. WEINER.

H.R. 4144: Ms. CARSON.

H.R. 4215: Mr. BACHUS.

H.R. 4219: Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. MCINNIS.

H.R. 4257: Mr. ENGLISH, Mr. SANDLIN, and Mr. MCINNIS.

H.R. 4277: Mr. ALLEN, Mr. UPTON, Mr. JENKINS, Mr. DIAZ-BALART, Mr. DEAL of Georgia, Mr. KIND, Mr. INSLEE, and Mr. SHERWOOD.

H.R. 4278: Mr. BOYD.

H.R. 4302: Mrs. LOWEY.

H.R. 4324: Mr. SIMPSON and Mr. HILL of Montana.

H.R. 4328: Mr. BACA, Ms. BALDWIN, and Mr. HORN.

H.R. 4330: Mr. BEREUTER, Mr. SMITH of New Jersey, and Mr. MCNULTY.

H.R. 4375: Mrs. LOWEY.

H.R. 4393: Ms. GRANGER, Mr. GREEN of Wisconsin, and Mr. BARTON of Texas.

H.R. 4395: Mr. MALONEY of Connecticut.

H.R. 4428: Mr. MCGOVERN and Mr. GREEN of Texas.

H.R. 4495: Mr. STUMP, Mr. PASCRELL, Ms. DANNER, Mr. PRICE of North Carolina, and Ms. HOOLEY of Oregon.

H.R. 4543: Mr. WAMP and Mr. SPRATT.

H.R. 4547: Mr. EHLERS, Mr. MILLER of Florida, and Mr. SANDLIN.

H.R. 4548: Mr. JENKINS, Mr. OSE, and Mr. GARY MILLER of California.

H.R. 4552: Mr. GREEN of Wisconsin.

H.R. 4624: Mr. BISHOP, Mrs. MALONEY of New York, Mr. NADLER, Mr. TOWNS, and Mr. SERRANO.

H.R. 4649: Mr. NADLER, Mr. MALONEY of Connecticut, and Ms. DANNER.

H.R. 4723: Mrs. JOHNSON of Connecticut and Mr. FOSSELLA.

H.R. 4728: Mr. BARTLETT of Maryland, Mrs. CLAYTON, Mr. CUNNINGHAM, Mr. PETERSON of Pennsylvania, Ms. DUNN, Mr. THOMPSON of Mississippi, Mr. RODRIGUEZ, and Mr. GONZALEZ.

H.R. 4773: Mr. PICKETT.

H.R. 4780: Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. CANADY of Florida, and Mr. HUTCHINSON.

H.R. 4792: Mr. TIERNEY.

H.R. 4794: Mr. HOEFFEL.

H.R. 4825: Mr. CAMP, Mrs. LOWEY, Mr. BOSWELL, Mr. RYUN of Kansas, Mr. MCHUGH, Mr. BEREUTER, Mr. COSTELLO, and Mr. SHIMKUS.

H.R. 4841: Mr. BEREUTER.

H.R. 4898: Mr. MATSUI, Mr. FROST, and Mr. SANDLIN.

H.R. 4902: Mr. HALL of Texas.

H.R. 4926: Mr. BARCIA, Mr. BECERRA, Mr. BISHOP, Mr. BONIOR, Mr. CLEMENT, Mr. CROWLEY, Mr. FORBES, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HILL of Indiana, Mr. HINOJOSA, Mr. HOYER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JOHN, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KIND, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. OXLEY, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SHERMAN, Mr. SHOWS, and Ms. VELÁZQUEZ.

H.R. 4927: Ms. BERKLEY.

H.R. 4935: Mr. SANDERS and Mr. STUPAK.

H.R. 4949: Ms. DELAURO and Mr. BONIOR.

H.R. 4966: Mr. HOEFFEL, Mr. MORAN of Virginia, and Mr. ANDREWS.

H.R. 4972: Mr. BOEHNER.

H.R. 4976: Mr. KNOLLENBERG, Mr. SWEENEY, Mr. TIAHRT, Mr. KOLBE, Ms. DELAURO, Ms. BALDWIN, Mr. BILIRAKIS, Mr. GONZALEZ, Mr. KASICH, Mr. MCCRERY, and Mr. LARSON.

H.R. 5035: Mr. LIPINSKI.

H.R. 5051: Mr. MINGE.

H.R. 5074: Mr. FORBES and Mr. WELDON of Pennsylvania.

H.R. 5109: Mr. HILLEARY, Mr. ISAKSON, Mr. GALLEGLY, and Mr. RODRIGUEZ.

H.R. 5118: Mr. LOBIONDO.

H.R. 5153: Mr. RAMSTAD.

H.R. 5163: Mr. BARTON of Texas, Mrs. MYRICK, Mr. SANDLIN, Mr. MCNULTY, Mr. BEREUTER, Mr. LEWIS of Kentucky, and Mr. PHELPS.

H.R. 5164: Mr. DINGELL.

H.J. Res. 47: Mr. EDWARDS.

H.J. Res. 60: Mr. BILBRAY.

H.J. Res. 64: Mr. SHAYS.

H.J. Res. 100: Mr. STUPAK and Mr. KIND.

H. Con. Res. 58: Mr. MEEHAN.

H. Con. Res. 271: Mr. TIERNEY.

H. Con. Res. 273: Mr. MCHUGH.

H. Con. Res. 306: Mr. SABO, Mr. DAVIS of Florida, Mr. SERRANO, Ms. BALDWIN, Mr. LEVIN, Ms. LOFGREN, and Mr. SCARBOROUGH.

H. Con. Res. 311: Mr. HOSTETTLER.

H. Con. Res. 337: Mr. INSLEE.

H. Con. Res. 346: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 364: Mr. WOLF, Mr. GORDON, Ms. PRYCE of Ohio, Mr. NORWOOD, Mr. DEFAZIO, Mr. FORBES, Mr. BLUMENAUER, Mr. TERRY, Mr. STENHOLM, Mr. LEWIS of Kentucky, Mr. CAMP, Mrs. MINK of Hawaii, Mr. SANFORD, and Mr. HOSTETTLER.

H. Con. Res. 382: Mr. WOLF.

H. Con. Res. 390: Mr. CAMPBELL, Mr. BRADY of Texas, Mr. HUTCHINSON, Mr. BARTON of Texas, Mr. SANDLIN, Mr. FROST, Mr. FRANK of Massachusetts, and Mr. SISISKY.

H. Res. 213: Mr. LUCAS of Oklahoma.

H. Res. 347: Mr. FRANKS of New Jersey, Mr. MCGOVERN, and Mr. HOLT.

H. Res. 537: Mr. KLECZKA, Mr. BOYD, Mr. EVANS, and Mr. MENENDEZ.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 654: Mr. LAFALCE.

# SENATE—*Thursday, September 14, 2000*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Damian Zuerlein, Our Lady of Guadalupe, Omaha, NE.

## PRAYER

The guest Chaplain, Father Damian Zuerlein, offered the following prayer:

In the presence of the God who called the universe into being we pray:

God of infinite wisdom and constant compassion, we call on Your Spirit to open our hearts to hear You. We know that You always accompany us no matter where our journeys lead. For You are the God not only of this moment; You are the God of forever. Today may Your love grace the Members of the United States Senate, their staffs, and all who work with them.

O God, may they help complete the work You have begun in our country. May a spirit of mercy, wisdom, and gentleness flow through them that will bring healing where there is hurt, peace where there is violence, justice where there is alienation, hope where there is despair, and beginnings where there are dead ends.

Waken in them, O God, gratitude for Your gifts, mystery in the mundane, welcome for strangers, love for every living thing, praise for You. May they always walk with God, live in God, and remain with God this day and forever. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Nebraska.

Mr. HAGEL. I thank the Chair.

## FATHER DAMIAN ZUERLEIN

Mr. HAGEL. Mr. President, first, before we get on to today's schedule, I wish to commend my friend, the guest Chaplain, this morning. Father Damian is extended best wishes and thanks from this body. Father Damian and I share a few things in common. One is we graduated from the same high school just a few years apart—actually, Mr. President, many years apart. Father Damian had the unenviable task of trying to redefine the standards that my brothers and I debased at St. Bonaventure High School and Scotus High School in Columbus, NE—not an easy task but one that he achieved with great dignity and success.

We are very proud of Father Damian for many reasons. He is pastor of two Catholic parishes in Omaha—St. Agnes and Our Lady of Guadalupe in south Omaha.

Mr. President, you know a little bit about ethnic areas, coming from Colorado. Father Damian has done as much to bring the Hispanic community of Nebraska—indeed, middle America—together as any one individual I have known in the last few years, and he has done it with remarkable ability, with common sense and truth. People respect him not just because he wears the Lord's uniform but because he has done it the right way; he brings respect and dignity to all whom he touches; he conveys that as he deals with people. We are very proud of what he has been able to accomplish in our community and across the Midwest, aside from being nationally recognized for his achievements with many recognitions and honors. We are very proud to have him among us this morning.

And again, on a personal note, it is wonderful to see Father Damian after making the trek to Washington. Under the able tutelage of our resident Chaplain, Dr. Lloyd Ogilvie, I know he has learned much this morning.

Mr. REID. Mr. President, will my friend from Nebraska yield for a moment?

Mr. HAGEL. Yes.

Mr. REID. I think it is appropriate to say in front of the good priest that people in Nebraska are well served by the two Senators who come from Nebraska. I am sure he is very proud of the work Senator HAGEL and Senator KERREY perform for Nebraska in the Senate.

Mr. HAGEL. I thank the Senator. As a matter of fact, as the Senator knows, there was a little reception and party for my distinguished senior colleague, Senator KERREY of Nebraska, last night. Father Damian was able to participate and extend his long arm of justice and spiritual guidance over that gathering, even in the midst of some bandits who attended. The real coup de grace of last night's event was the distinguished senior Senator from New York toasting our colleague, Senator KERREY—an old Navy toast. I observed that I never believed that serving in the Navy was a particular virtue, but nonetheless he was toasted with the Senator's eloquent remarks.

I thank the Senator.

## SCHEDULE

Mr. HAGEL. Mr. President, today the Senate will resume consideration of H.R. 4444, the China PNTR legislation. Under a previous agreement, there are 10 amendments remaining for debate. Those Senators who have amendments on the list are encouraged to work with the bill managers on a time to complete debate on their amendments. Senators can expect votes on amendments to occur throughout today's session. Also, under the agreement, there are up to 6 hours of general debate remaining on the bill. It is hoped that action can be completed on this important trade bill by late this week or early next week.

I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ALLARD). Under the previous order, the leadership time is reserved.

## TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 4444) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of N.H.) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting (divisions 1 thru 5).

Hollings amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10-K reports.

Hollings amendment No. 4135, to authorize and request the President to report to the

Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit.

Hollings amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit.

Hollings amendment No. 4137, to condition eligibility for risk insurance provided by te Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

### AMENDMENTS NOS. 4118 AND 4121, WITHDRAWN

Mr. REID. In an effort to expedite this legislation, I ask unanimous consent that amendments Nos. 4118 and 4121 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Russ Holland, a fellow in my office, be granted floor privileges during the consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that 30 minutes of the time controlled by the Democratic leader, Senator DASCHLE, with respect to this legislation be under the control of the Senator from Iowa, Mr. HARKIN; further, that the additional 10 minutes of morning business time be designated to be controlled by the Senator from Florida, Mr. GRAHAM, that that be done this morning; and following Senator GRAHAM, Senator KENNEDY be recognized for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. May I ask unanimous consent that after Senator KENNEDY, Senator CRAIG would be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Wait a minute, Mr. President. I was told to be here at 11 o'clock. We have these amendments. We are trying to give everybody 10 minutes here or there, so I am starting, instead of 11 o'clock, I guess we are going to 11:30, quarter to 12, and we are trying to get through these amendments. I am trying to move to the State-Justice-Commerce appropriations bill.

So what is the disposition here? What do the managers of the bill wish?

The PRESIDING OFFICER. There was an order that each leader have 10 minutes for morning business. That was ordered from last night.

Mr. HOLLINGS. Very well.

Mr. REID. Mr. President, if I could say to my friend from South Carolina, the .schedule has been delayed this morning, of course, because of the speech by the Prime Minister of India, and we got started much later than we anticipated. Senator GRAHAM has been seeking an opportunity for quite some time to be able to speak on an issue that is very important to him, as has Senator KENNEDY. So the time agreements will just have to start when we finish the morning business.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I thank the Chair.

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## PRESCRIPTION MEDICATION

Mr. GRAHAM. Mr. President, prescription medication is one of the most significant issues before the family of America. Unfortunately, the family is hearing most of this through 30-second television ads. These ads tend to be long on rhetoric and short on substance.

I hope the Senate can serve its national purpose as a great deliberative body by bringing some deeper focus on an issue which affects, in the most intimate way, tens of millions of our citizens. I hope I can contribute to this by a series of floor statements on different aspects of this important national issue of prescription medication, especially for older Americans.

Older Americans often must take their medicine on a daily basis. It is important that the Senate also get a daily dose of reality of life for those older Americans. I invite my colleagues with similar or differing perspectives to join me so we can have a daily discussion on this important issue. I am pleased today to be joined by my colleague, Senator KENNEDY, and invite others to join.

We have before the Senate the opportunity to achieve a broadly shared objective—reforming Medicare. Many of my colleagues have discussed Medicare reform in the context of administrative changes and organizational restructuring. While there is certainly merit to that discussion, I believe the most fundamental reform that must be made to the Medicare program is changing Medicare from a program that is based on acute care, illness, treatment after the fact, and to move it to a program that emphasizes prevention, wellness, and the maintenance of the quality of life. That is the fundamental reform we must make in Medicare.

To accomplish this shift we must first recognize that the face of health care has changed dramatically since the inception of Medicare in 1965. Thirty-five years ago, America's health care system was almost wholly reacting. Patients sought help from chronic conditions that flared up, or waited to see a doctor when acute conditions hit or if they had a serious accident. Their care was typically delivered in hospitals. Medicare responded to this acute care, hospital-based health care system.

The fundamental reason the program was structured as such was based on the fact that most Americans lived only a few years after they reached retirement. As we know from our colleague, Senator MOYNIHAN, the original rationale for 65 as the basis of retirement was the fact that date was set in Europe at the end of the 19th century when the average life expectancy of a European male was only 62. There was a high degree of cynicism in the selection of that date. That date has continued to be an important part of our culture. Only a few decades ago the average American could only expect 7 years of life expectancy after they reached 65. Today the average American has almost 20 years of life expectancy after they reach the age of 65, and by the end of this century an American can expect almost 30 years of life expectancy after attaining the age of 65.

We must reform Medicare to assure that today's seniors can spend that gift of years living healthy, productive lives. This can be done if we make an investment in prevention care, which includes screening, early intervention, and the management of the conditions which are detected through those early interventions.

The Medicare program should treat illness before it happens. New preventive screening and counseling benefits of the Medicare program give us that opportunity. The U.S. Preventive Services Task Force and the Institute of Medicine have recommended to the Congress that we add new preventive screening and benefits to the Medicare program. These benefits will address some of the most prominent underlying risk factors for illness that face all Medicare benificiaries. These include coverage for medical nutrition therapy for seniors with diabetes, cardiovascular disease or renal disease, screening for hypertension, counseling for tobacco cessation, screening for glaucoma, counseling for hormone replacement therapy, screening for vision and hearing, expanded screening and counseling for osteoporosis, and screening for cholesterol.

In addition to adding to our current relatively short list of preventive efforts within Medicare, we need to change the basic structure of how Medicare goes about determining when a new preventive methodology is both medically appropriate and cost effective. Today we rely upon the conventional congressional process to add new prevention methodologies. What I believe we should do is to establish a scientific nonpartisan basis to arrive at these determinations. I suggest we assign this responsibility to the Institute of Medicine and direct that institute conduct ongoing studies of prevention methodologies to assess their scientific validity and economic cost effectiveness. When they make such a determination, they should submit it to Congress, and Congress, using a fast-track process, as we typically do in trade matters, would make a determination either to accept or reject but not to modify those recommendations made by a scientific panel. I believe that approach would assure us that we would be providing to our older citizens the most modern scientifically tested means of maintaining a high standard of living.

It is critical that we assure Medicare beneficiaries, both present and future, those most appropriate health care possibilities. By making preventive care the cornerstone of Medicare reform, we can do just that.

This discussion of a new Medicare, a Medicare focused on wellness, reminds me of an anecdote. A man walks into the doctor's office and the doctor says: I have both good news and bad news. The good news is that because we have done a screening process we have detected your disease early and we have the opportunity to prescribe the medicines and other medical treatments to stop its spread and reverse its adverse effect on your health. The bad news is you cannot afford the medicine to do this.

Sadly, this is not a joke. The list of diseases that were once fatal and are now preventable is long and growing. Years ago, people with high cholesterol could almost count on developing heart disease. Today, cholesterol levels can be kept in check with a number of drugs. One of those is Lipitor, a widely prescribed drug for high cholesterol. This drug has an average yearly cost of nearly $700. As with many other near-miracle drugs, Lipitor is too expensive for many seniors. Yet Medicare, the Nation's commitment to take care of its elderly and disabled, does not cover Lipitor or most other outpatient drugs. Medicare will, however, pay for the surgery after the heart attack which that man is likely to have because he was unable to treat his condition while it was still subject to management.

That policy may have made sense in 1965 when the man would only live a few years after retirement. Are we prepared in the year 2000 to tell an American who reaches 65 and has an average of almost 20 years of life expectancy that we are going to treat them only after they have a heart attack; that is the point when we are going to provide access to the means of managing a health condition?

I will soon address the critical link between prescription medications and preventive medicine. Prevention and prescription drugs are a key to a modern health care system for our Nation's seniors. This Senate should contribute to delivering that key, and do it now.

## SENATE AGENDA

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

First of all, I commend my friend and colleague from Florida on an excellent presentation and one that commends itself to the common sense of all of us in the Senate.

The fact is the Medicare program was built upon the existing programs in 1965. Since that time, we have discovered the importance of preventive health care—how important it is in keeping people healthy and how important it is for actually saving Medicare funds over a long period of time. The Senator from Florida has indicated a pathway we might follow to deal seriously with these issues. We should not have to explain to this body that for every $1 we spend for immunizations, we save $8 to $9 by preventing disease.

I admire and am a strong supporter of the administration's series of recommendations for preventive care. The Senator from Florida has outlined a process and system where we can finally take action on these recommendations.

The bottom line is the Budget Committee doesn't take into consideration the savings from preventive care so this body has been extremely slow in enacting these programs. But these preventive measures make a great deal of sense. They make sense for ensuring good quality health care for the families of this country, and they make sound economic sense. I certainly agree with the Senator that along with preventive care, we ought to understand the importance of prescription drugs. I think what he has outlined today is enormously important for us to consider.

I will take a few moments to move beyond this very excellent presentation into what the challenge is for all of us in the Congress over these next 5 weeks. There is time, I believe, to take action on a good prescription drug program. We have, now, two different systems which have been offered to the American people. The first is the proposal that was advanced initially by President Clinton and is now enhanced by Vice President GORE. The proposal has been changed—not really dramatically—but I think it has been more carefully attuned to the needs of Medicare enrollees than the alternative which has been presented by Governor Bush.

I hope even in the short time that remains—when we conclude the action on trade issues we still have more than 3 weeks of Senate time—I hope we can still take action on a minimum wage. Every Member of this body knows that issue well. We know what is before us. We ought to take action on the Patients' Bill of Rights. We have a bipartisan effort to try to do that. There have been some suggestions and recommendations in order to accommodate some of those who voted against this previously. We now, hopefully, will gain support for those proposals.

Finally, and very importantly, the other remaining issue which is of vital importance to seniors is a prescription drug program. Let me mention quickly some of the concerns I have about this program and some of the advantages that I believe are in the Vice President's program.

The Vice President's program is built upon Medicare. We have heard on the floor of the Senate the Medicare system is a one-size-fits-all program. The fact is that seniors understand Medicare. They support Medicare. They understand there have to be some changes in the Medicare program but, nonetheless, it is a tried, tested process and it is one which offers the necessary flexibility.

What has been proposed by the Vice President is a prescription drug program that goes into effect a year from now, and is gradually phased in over a period of time. The seniors of this country would have a benefit for prescription drugs a year from now. I think that is very important and one of the most compelling parts of the Vice President's program.

The alternative is the proposal offered by Governor Bush. I read here from the Governor's own proposal. It says in his proposal that effectively it will be a block grant program that will in effect ensure low-income seniors do not have to wait for overall reform.

Our seniors ought to have some pause, because he is talking about overall reform of the Medicare system. That ought to bring some pause. We do not really know what overall reform is. I think most seniors would say: We have confidence in the Medicare system. We want a program that will get the benefits to us quickly.

He says that low-income people will not have to wait for the overall reform. We are not sure what that really means. To have your prescription drugs covered, Governor Bush will establish the immediate helping hand which will provide $48 billion to States for 4 years to deal with low income seniors. So it will be 4 years before 27 million seniors will be able to participate because there are 27 million seniors who do not fall within Governor Bush's definition of those who need an immediate helping hand. Those 27 million seniors will wait 4 years—and then wait for the overall Medicare reform. The Vice President's plan goes into effect 1 year from now.

Second—and I think enormously important—is what we call the guaranteed benefit. This is very simple. A guaranteed benefit means the doctor will make the decision on your prescription drug needs. When seniors go in—whatever their condition, whatever their disease, whatever their problem—the doctor makes the recommendation as to what prescription drug is needed. That is fundamental. That is the guaranteed benefit.

That is not true with regard to the Governor's proposal. It will be the HMO that the individual is enrolled in that will decide. We will find that the HMO will make the decision about what prescription drugs are covered—whether it will be the only drug on the HMO's formulary, or whether other kinds of prescription drugs will be permitted to be used.

That is interesting, is it not, Mr. President? Most seniors want the doctor to make the recommendation. This underlies the basic difference between our two parties on the prescription drug issue.

We are for the Patients' Bill of Rights so doctors are allowed to make health care decisions. We want to make sure that doctors are going to make decisions about prescription drugs rather than turning this right over to the HMO.

Finally, what is being established under the Gore proposal is very clear. The government and the Medicare beneficiary will have a shared responsibility in paying for prescription drugs. There will not be any deductibles. There will be a premium, and half of the premium will be paid for by the Federal Government.

Under the Bush proposal, we do not know what the HMO is going to charge. There is no prohibition against a deductible and we do not know what the copayments will be. We have no idea what the premium will be. The Governor says the government will pay 25 percent of whatever the premium is, but there is no assurance to seniors that there is not going to be a sizable deductible in that program. The size of the deductible is a mystery.

Under the Vice President's program, we can give assurance today that when the program goes into effect, as part of the Medicare program, whatever that senior citizen needs, if the doctor prescribes it, that senior citizen will get it.

Those who are opposed to Vice President GORE's program, who support the Governor's proposal, cannot make that claim. They cannot tell us what the premiums are going to be over a period of time because they are not spelled out, at least in the papers that have been made available.

The only thing that we know—which causes many of us a great deal of concern—is that after 4 years, after overall reform of the Medicare system, then there will be a program for prescription drugs. That is a long time to wait. That is a very long time to wait. What I have found in my State is that people want a prescription drug program and they need it now.

The PRESIDING OFFICER. The Senator's 8 minutes have expired.

Mr. KENNEDY. Mr. President, the final points I want to make are that 70 percent of Medicare beneficiaries, more than 27 million seniors, will not even be eligible for Governor Bush's immediate helping hand program.

Finally, the nation's Governors have already rejected the block grant approach. Republican and Democratic Governors have said: This will be a massive administrative nightmare for our States; we do not want the responsibility even if it is going to be funded. We can understand that.

We have an important opportunity to make a difference for our seniors with a good prescription drug program. Let's reach across the aisle. Let's join forces. Let's try to get the job done before we recess. The opportunity is there. We are willing to do that, but we need to have a response from the other side and a willingness of the Republican leadership to try to get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Idaho has 10 minutes.

Mr. CRAIG. Mr. President, while I came to the floor to speak on another issue, before I do that, I want to respond to the remarks of the Senator from Massachusetts.

There is a very real difference between what Vice President GORE is talking about and Gov. George Bush is talking about. Senator KENNEDY has effectively outlined it today. Senator KENNEDY said let the Government run your health care; let the Government make your choices; let the Government control the process.

The seniors of America do want choice. They want the same kind of health program Senator KENNEDY has and this Senator has. They want choice, and they want flexibility in the marketplace. That is the kind of program we are talking about offering them.

I cannot imagine we would want another federalized health care program where the Government tells the senior community of our country what kind of prescription drug they will get and where they will get it.

Those are very real differences that I am afraid were avoided in the comments this morning.

## FALN CLEMENCY

Mr. CRAIG. Mr. President, I came to the floor to talk about a significant date in this Nation's fight against terrorism. This week marks the Clinton-Gore administration's decision to jeopardize American lives by surrendering to one of the most violent terrorist groups ever to operate on this country's soil.

One year ago this week, President Clinton opened the jailhouse doors for 11 members of a terrorist group known as the FALN, which is dedicated to the violent pursuit of Puerto Rican independence. The FALN has claimed responsibility for some 130 bombings at civilian, political, and military sites in the United States. In all, the group murdered six Americans and maimed, often permanently, 84 others, including law enforcement officers.

On one occasion, members attacked a Navy bus in Puerto Rico killing two sailors and wounding nine others. As a result, 16 members of this violent terrorist group were convicted of dozens of felonies against the United States, and as soon as these 16 were in prison, the bombings stopped.

I note that these violent terrorists were convicted of at least 36 counts of violating Federal firearms control laws. So at the same time the Clinton-Gore administration was demanding more gun control—and we have heard it for hours and hours on end on the floor of the Senate and certainly the White House has spoken openly for gun control over the last number of years—not only were they failing to enforce current gun laws already on the books, but when those laws are enforced, they brush aside felony convictions as a political favor to their friends.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. CRAIG. Mr. President, I yield to the Senator from Oklahoma for a moment to speak specifically about how this administration has mishandled the gun control laws of our Nation.

Mr. INHOFE. Mr. President, I will add to my friend's thoughtful analysis. This is yet another example of the President's apparent lack of concern for the rule of law. All year long, the administration has berated the Republican majority for not doing enough on controlling gun violence. Yet at the same time, by releasing these terrorists, he has set aside 36 specific Federal firearms convictions pertaining to:

Possessing an unregistered firearm;

Possession of firearms during the commission of seditious conspiracy;

Transport of firearms with intent to commit seditious conspiracy;

Possession of firearm without a serial number;

Conspiracy to make destructive devices.

Let there be no mistake, these were not people merely exercising their first amendment right of freedom of speech. They are responsible for the deaths of six Americans and the injury of at least 84 others.

One has to wonder why the administration will not simply enforce existing law. The record shows the Clinton-Gore administration has not enforced Federal gun laws, and more disturbing, they have conveniently forgotten the law if it suits their political ends. I believe the President's efforts for these terrorists were just that.

Mr. CRAIG. Mr. President, I thank my colleague from Oklahoma. He so clearly spells out the frustration Americans have when we are going to be tough against terrorism and then see a President offering clemency.

In 1982, the FALN detonated four powerful bombs in New York's financial district and demanded better treatment for 11 of their jailed comrades and members. One year ago this week, President Clinton freed 8 of those 11, shredding the longstanding policy of the United States of not granting concessions to terrorists.

Any reasonable American has to ask, Why would the President do it? What is he doing setting violent terrorists free to once again roam the streets of America? None of these terrorists contested the evidence brought against them at trial. None of these terrorists apologized to their victims. In fact, at least one of the freed terrorists stated that he felt no remorse whatsoever for his crimes. None of these terrorists were ever asked to be let out of prison. The FBI asked the President not to do it. The Federal Bureau of Prisons asked the President not to do it.

Had he bothered to ask the victims of the FALN and their families, they would have begged him not to do it. He did it anyway, and we are not quite sure why.

Internal White House documents tell us, "The Vice President's Puerto Rican position would be helped," clearly demonstrating an impulse to jeopardize public safety for political gain. Political gain by setting terrorists loose.

A former political adviser to President Clinton put it this way:

> Anyone who doesn't believe the timing, and the likely substance of [President Clinton's] decision was linked to the [First Lady's] courtship of New York's large Puerto Rican [community] is too naive for politics.

If there is one thing this administration has accomplished in its 8 years, it is to shatter my naivete or my trust that when the President stands up and speaks, that there is not some political or clandestine motive behind his very actions.

One year later, what do we have? Eleven violent terrorists at large on our streets; two more to be released this coming year. True, there have not been any killings that we can link to the terrorists since that time, but they are loose on the streets of America demonstrating at least that this President has violated a cardinal rule in our country: the United States does not make concessions to terrorists.

For that action, one year ago today, Democrats and Republicans stood on this floor and condemned this deplorable act. Interestingly, when I began to look into this, I saw that AL GORE's running mate Senator JOE LIEBERMAN stood up to the President and condemned his actions. Even the First Lady stood up to the President and condemned his actions. Just about the only politician in Washington who has yet to stand up to Bill Clinton is Vice President AL GORE.

As Vice President of the United States, AL GORE could have intervened. He could have talked to the President, said that this is madness to let terrorists loose after they have been convicted, to shred gun control laws. But AL GORE did not lift a finger to protect the FALN's next victims. All he said was, quote:

> I'm not going to stand in judgment of his decision.

Not going to stand in judgment? When a madman killed 168 people in a single bombing in Oklahoma City, AL GORE said, and I quote:

> [T]o those of you who doubt our resolve in America, listen closely. If you plot terror or act on those designs, within our borders or without, against American citizens, we will hunt you down and stop you cold.

I guess what he is saying is: Bomb innocent Americans, and AL GORE will stop you cold. But if you use small bombs, and you only kill a few Americans, and you fit our political needs, then we will release you.

Mr. Vice President, maybe it is time you stand up and clarify for America what you really believe.

Mr. Vice President, how hard is it to say: "Violent terrorists belong in jail"? How hard is it to say: "I will not reward terrorism"? How hard is it to tell the American people: "I will not release violent terrorists from prison for political gain"?

AL GORE is going to be in Manhattan today. I hope he will visit the corner of Pearl and Broad Streets where Bill Newhall was maimed, and where Frank Connor, Alex Berger, Harold Sherburne, and Jim Gezork lost their lives to an FALN bomb. Perhaps that will help AL GORE make up his mind.

Or perhaps AL GORE should ask his running mate, Senator JOE LIEBERMAN, how to stand up to Bill Clinton. Maybe Senator LIEBERMAN could convince his running mate to stand up for the rights of innocent Americans against those who perpetrate violence. Maybe then AL GORE can prevent the President from putting more American lives in jeopardy.

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRAIG. Mr. President, I yield the floor.

## TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. The Senate is on H.R. 4444. The time is under control.

Who yields time?

Mr. HOLLINGS. Controlled time?

The PRESIDING OFFICER. Six hours evenly divided.

### AMENDMENT NO. 4134

Mr. HOLLINGS. Mr. President, I call up amendment No. 4134.

The PRESIDING OFFICER. There is 1 hour on this amendment equally divided.

Mr. HOLLINGS. Mr. President, I have tried, in my feeble ability here over the years, to get the Senate to pay attention to the lack of a competitive trade policy. I had hoped on this PNTR, permanent normal trade relations, with China that we might have a good debate with respect to our trade policy—whether or not the American people approve of it and whether there are some adjustments that should be made. Meanwhile our trade deficit goes up, up, and away.

I was a Senator here in the early 1980s when we had a positive balance of trade. I remember when it reached a $100 billion deficit in the balance of trade; and there were all kinds of headline articles back in the 1980s, that—Chicken Little—the sky was going to fall, and everything else like that.

Now we have been numbed. It has gone to $100, $200, $300 billion, and it approximates to a $400 billion deficit in the balance of trade. They don't even discuss it in the Presidential campaign. And they absolutely refuse to discuss it in the world's most deliberative body. They refuse to deliberate.

They bring a fixed bill to the floor. And it is terribly tough to talk to a fixed jury. But that is the way it is. The jury is fixed. The legislation is fixed. There are no amendments. We send this to the President.

The National Chamber of Commerce, the Business Roundtable, the Conference Board and the National Association of Manufacturers are continuing their export of the industrial backbone of this Nation. Obviously, they make a bigger profit. They could care less about the country.

In fact, years back, the chairman of the board of Caterpillar said: We are not an American company, we are international.

Not long ago, earlier this year, the head of Boeing said: Oh no, we are not a United States company, we are an international company.

And the best of the best, Jack Welch of GE says: We are not going to buy from our suppliers unless they send those jobs down to Mexico.

There is a good, wonderful Business Week article about that—we are limited in time or I would read it—but that is exactly what he said. Unless his subcontractors went to Mexico, he was going to do business with those who had gone. So we are in one heck of a fix.

They do not understand trade. Free trade is, of course, an oxymoron. Trade is an exchange for something. It is not to give something for nothing. It is not aid. But we have been treating foreign trade—free trade—as foreign aid.

They just ipso facto in those polls: Are you for free trade?

Oh, I am for free trade, obviously.

Obviously, they are trying to say: I am for trade without restrictions and barriers.

But mind you me, we are all for world peace, but we do not disband the Pentagon. As the father of the country said: The best way to preserve the peace is to prepare for war.

The best way to obtain free trade is not to roll over, as we have for the past 50 years, and plead and cry and moan and groan: fair, fair, fair, fair.

Whoever heard of anybody in business being fair? In America, business, unfortunately, is solely for profit. Do not give us any of these "fairness doctrines" of the board of directors of corporate America. You have to be able to raise a barrier in order to remove a barrier. You have to compete. All we need is a competitive trade policy.

In that light, let me say at the outset, I am not against China. All of these amendments have been very good ones with respect to the human rights in China, with respect to weapons of mass destruction, with China not keeping its commitments, and so forth. Why should they keep their commitments? Japan never has. Come on. Korea knows that. China learns. Monkey see, monkey do. They said: All you have to do is puff and blow. We'll get together. And America—the United States—will roll over.

So don't come around here berating China. Buy yourself a mirror and look in it. It is the Senate. Article 1, section 8, of the Constitution says: The Congress shall regulate foreign commerce—not the President, not the Supreme Court, not the Special Trade Representative, but the Congress of the United States. And although the Trade Representative is running around trying to forge new agreements that contradict our laws, even those, if they are to take the force and effect of law, have to be in the form of a treaty ratified by this Senate.

So we are way out of kilter and acting with total disregard. We have gone, from the end of World War II, from 41 percent of our workforce in manufacturing down to 12 percent. The Department of Commerce just reported this last month of August, we lost 69,000 manufacturing jobs.

I will never forget the exchange with the former head of Sony up in Chicago. He was lecturing the Third World, the emerging nations, and said for them to become a nation-state, they had to develop a manufacturing capacity. Somewhat afterward, pointing at me, he said: By the way, Senator, that world power that loses its manufacturing capacity will cease to be a world power.

The security of the United States is like a three-legged stool. The one leg, of course, is our values. We are respected the world around for our commitment to freedom and human rights. The second leg, obviously, is the military, the superpower. But the third economic leg has been fractured over the past 50 years, as we have made a very successful attempt to conquer communism with capitalism. We sent over the Marshall Plan. We sent over the technology. We sent over the expertise. But we rolled over with respect to actually enforcing any kind of trade policy.

I testified, some 40 years ago, before the old International Tariff Commission. Tom Dewey ran me around the room. The argument was: Governor, what do you expect these emerging countries, coming out of the ruins of the war, what do you expect them to make? Let them and the Third World countries, let them make the shoes and the clothing, and we will make the airplanes and the computers.

Now I stand on the floor, and our global competition, they make the shoes. They make the clothing. They make the airplanes. They make the computers. They make it all. And we are going out of business.

And as we go out of business, they say this particular initiative, PNTR, is good for business. It is good for their profit, but not, in the long run, good for business, no. They have to have employees. And don't worry about the productivity of the U.S. industrial worker. We have been for 30-some years now rated not only by the Bureau of Labor Statistics but by the international economic section of the United Nations as having the most productive industrial worker in the entire world.

They are working harder and harder and longer hours and are getting paid less than they are in Germany, paid less than they are in Japan and several other countries. The U.S. industrial worker is not overpaid, and he is not underworked. He works more hours than any other industrial worker.

Here we are, in the Senate, blabbing, be fair, whining, be fair, be fair. We continue to heap on the cost of doing business—Social Security, Medicare, Medicaid, minimum wage, safe working place, safe machinery, plant closing notice, parental leave. You can go right on down the list of all of these things we think up, and we, on a bipartisan basis, support them all. That goes into the cost of doing business. So since NAFTA, 38,700 jobs have left the little State of South Carolina and gone down to Mexico where none of those conditions I just mentioned are required, and they have the audacity to stand in the well and say NAFTA worked.

They told us at the time of the NAFTA vote it was going to create jobs; 200,000 is the figure they used. The Chamber of Commerce, the NAM, Business Roundtable, the Secretary of Commerce, the President of the United States: We are going to create 200,000 jobs.

We have lost 440,000 textile jobs alone since NAFTA. I don't know how many jobs they have lost up in New Hampshire, but I am confident I can go over to the Department of Labor and find out. Jobs are our greatest export. Export, export, from those who have never really been in trade—I practiced customs law—they keep hollering, export, export. The biggest export we have is our jobs.

I am not against China. I am against us. That is who I am trying to awaken with these amendments, trying to engage in a debate so we can learn from a country with a $350- to $400 billion trade deficit, costing 1 percent of our GNP. They keep saying: Watch out, that dollar is going to have to be devalued. You watch it, when that happens, interest rates go up. Then they will all be whining around here.

I remember the little $5 billion we put in some 25 years ago—we were trying to create jobs—$5 billion for the highways, just to advance highway construction, just to create jobs. Five billion? We have lost billions of dollars just this last month, way more than $5 billion in jobs; I can tell you that.

The idea is, as President Lincoln said, and there is no quote more appropriate:

> The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must disenthrall ourselves, and then we shall save our country.

That was in his annual message to the Congress back in December of 1862. We must disenthrall ourselves. We must act anew, think anew, disenthrall ourselves, and try to save us, the great Yankee trader from New Hampshire, and all of those other Northeastern States. We had all this agriculture down South, and we believed in all that international trade. That was the Civil War. That famous Yankee trader has rolled over now, and he has gone overseas.

We are definitely not against China. I could talk at length about their human rights policy. Their first human right is to feed 1.3 billion. The second is to house 1.3 billion. The third is to educate 1.3 billion. The fourth is one man, one vote. But, of course, the politicians are running around on the floor of the Congress: We want one man, one vote. You travel there. I was there in 1976 and 1986 and 1996. You go there and you see the progress towards capitalism.

I am for continued trade. I have offered to cut out the "permanent" so I could continue this dialog with my colleagues on the floor to try to get something going of a competitive nature.

We certainly don't go along with Tiananmen Square and everything else such as that, but it works for the Chinese. Suppose you were the head of China. If you let one demonstration get out of hand, another one gets out of hand. You have total chaos, with a population of 1.3 billion. Then nothing gets done. So there has to be some kind of traumatic control; let's be realistic. Don't berate them about their environment right now. It took us 200 years, and we still don't have these waste dumps cleaned up. We still don't have clean air in certain States. Workers' rights, we haven't gotten all of our workers' rights. They don't have a right to a job because they are fast disappearing. That is what it is all about. And it is not against business.

Jerry Jasinowski, the distinguished head of the National Association of Manufacturers, put an article in yesterday's New York Times, entitled "Gore's War on Business." I ask unanimous consent to print the article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, September 13, 2000]

### GORE'S WAR ON BUSINESS

(By Jerry J. Jasinowski)

I've known Al Gore and Joseph Lieberman for years. They are smart, capable men who have a pretty good handle on what makes our economy tick. But judging from their comments in recent days, I'm a bit bewildered. In his speeches, Mr. Gore attacked "big oil," "the pharmaceutical companies," "big polluters"—in short, corporate America in general.

He seems quite willing to play the populist card even if it distorts the record of corporations, fosters antagonism between company leadership and workers and encourages the very stereotyping that, on other fronts, the Democratic Party claims to be against.

Suddenly business is the enemy. Why, I'm not sure, since the Clinton-Gore team takes such great pains to boast about the economic achievements of the past eight years, including the 22 million new jobs generated by the free enterprise system. Consider the words of Mr. Lieberman in his recent book, "In Praise of Public Life": "We New Democrats believe that the booming economy of the 1990's resulted more from private sector innovation, investment and hard work than from government action."

Mr. Lieberman got it right. The men and women who make things in America, from skilled workers on the factory floor to innovators in the company lab, have fueled these achievements.

And these workers have been duly rewarded. Today's manufacturing jobs provide an average yearly compensation of $49,000 per worker, nearly 17 percent higher than in the private sector overall.

But great success of business in creating good jobs seems to be lost in this campaign. Mr. Gore and Mr. Lieberman are creating an atmosphere of division between employers and employees at a time when workers and their employers are partners as never before. The newfound angry populism of the Gore-Lieberman ticket distorts the true picture of the American economy and fosters resentment rather than cooperation.

As another centrist Democrat, the late Senator Paul Tsongas, said in his speech at the 1992 Democratic Convention, "You cannot redistribute wealth you never created. You can't be pro-jobs and anti-business at the same time. You cannot love employment and hate employers."

This year's Democratic ticket would do well to heed these wise words.

Mr. HOLLINGS. These workers, he says, have been duly rewarded. Not at all. He talks about the manufacturing pay is less than their competition, that they are working long hours. They haven't been duly rewarded. What is the unease, the anxiety that they are talking about? The anxiety they are talking about is having the job. The great success of business in creating good jobs seems to be lost. He should have read the release put out the day before.

I ask unanimous consent to have this NAM report on manufacturing trade printed in the RECORD.

There being no objection, the material was ordered. to be printed in the RECORD, as follows:

### NEW NAM REPORT ON MANUFACTURING TRADE FINDS NAFTA RESPONSIBLE FOR HALF OF U.S. EXPORT GROWTH IN 2000

Washington, D.C., August 29, 2000—The National Association of Manufacturers today released the first in a new series of quarterly reports on manufactured goods exports and imports based on Commerce Department data. Manufactured goods dominate U.S. trade, comprising 90 percent of U.S. merchandise exports and 85 percent of merchandise imports.

The new data, which analyze detailed U.S. manufacturing trade by both industry and geographic region, show that NAFTA member countries accounted for an astonishing 54 percent of total manufactured goods export growth for the first half of the year.

"The fact that exports to Canada and Mexico are contributing more to export growth than exports to Asia, Europe and the rest of the world combined clearly shows NAFTA is a big plus to U.S. manufacturers, and underscores the importance of further trade liberalization to the future vitality of American industry" said NAM President Jerry Jasinowski.

Manufacturers' exports to and imports from NAFTA both were up 18 percent over the first half of 1999, Jasinowski said, noting that Mexico accounted for most of the U.S. export growth, and Canada for the bulk of the import growth from NAFTA.

For the first half of 2000, US manufactured exports overall are up 12 percent compared to the first six months of 1999, Jasinowski said. "This is a significant turnaround. This time last year, U.S. exports were down by 2 percent. At the same time, strong domestic demand is pulling in imports at a rate of around 20 percent. This is more than double the pace of last year."

Of the total $228 billion U.S. merchandise trade deficit so far this year, 77 percent has been in manufacturing. While the expanding trade deficits in recent years have been due, in part, to a slowdown in economic growth abroad, the trade imbalance in 2000 is fueled primarily by a very robust domestic economy and a strong dollar.

Manufactured goods trade highlights for the first half of 2000 include:

#### GEOGRAPHIC TRADE

Manufactured goods exports to NAFTA rose 18 percent in first half of 2000, accounting for more than half of manufactured goods export growth to the world. Exports to Mexico alone increased by 30 percent during the first six months of 2000, and have accounted for nearly one-third of total U.S. manufactured goods export growth so far this year.

Imports from NAFTA have contributed 28 percent of manufactures import growth thus far this year. The majority was from Canada; Mexico accounted for only 13 percent.

Asia contributed 26 percent of U.S. manufactured goods export growth in the first half of the year. Two-thirds came from exports to the Asian Newly Industrialized Economies (NIEs—Hong Kong, South Korea, Singapore and Taiwan). Asia, however, supplied 43 percent of U.S. manufactured goods import growth for the first half of the year.

Although the European Union (EU) normally accounts for about 22 percent of U.S. manufactured goods exports, exports of manufactures to the EU are up only 4 percent so far this year, and the EU accounted for an anemic 8 percent of U.S. manufactures export growth during the first half of 2000. Manufactures imports from the EU, on the other hand, were up 16 percent in the first half of the year, with Germany and the United Kingdom accounting for about half.

#### INDUSTRIAL COMPOSITION

Durable goods contributed 69 percent of manufactures export growth so far this year. The bulk was composed of computers and electronic products, which have grown by 17 percent through June and alone have been responsible for a third of U.S. manufactures export growth. Forty percent of these exports went to four markets (Canada, Mexico, Japan, and South Korea.)

Durable goods imports constituted 68 percent of manufactures import growth in the first half of 2000. Reflecting strong domestic demand for information processing equipment (which now makes up 47 percent of nonresidential fixed investment), computer and electronic product imports rose by 25 percent through June and have contributed to 28 percent to the growth in overall manufactured goods imports this year.

Non-durable manufactures contributed 31 percent of export growth through June. Half of non-durable export growth has been in chemicals. About 44 percent of these products were shipped to the top four export markets (Canada, Mexico, Japan and Belgium).

Non-durables accounted for a third of import growth through June. The largest product groups were chemicals, apparel, and petroleum and coal products.

Mr. HOLLINGS. You have to read this one line, quoting Jasinowski:

> Of the total $228 billion U.S. merchandise trade deficit, so far this year 77 percent has been in manufacturing.

That is a deficit in manufacturing. Can you imagine that, Mr. President? So the leaders of business and the head of manufacturing say get rid of the manufacturing. He seems to be proud of it. If I had found that statistic in my research, I would have secured it and stuck it, or deep-sixed it, or whatever you call it because you didn't really want to publicize the fact that you are losing the manufacturing jobs.

With respect to understanding the need to have a competitive trade policy, the President of the United States was up in New York just last week, and he had his counterpart from London there, Tony Blair. They were talking. The news reports said Tony Blair was worried about 1,000 cashmere jobs. Why? Because we were going to put some heavy duty tariff on cashmere. For what? For bananas. We don't even produce bananas. Good Lord, have mercy. That is how far out the leadership of this country has gone. We don't even produce bananas. But Europe is not taking some other country's bananas, so we go and say we are going to start a trade war.

The Prime Minister is worried about 1,000 jobs, and here I am worried about at least 800,000 jobs. Tell Tom Donohue of the Chamber of Commerce—he says he is going to create 800,000 jobs. I bet you we will lose that number of jobs with this PNTR. He knows it and I know it. They are all begging for jobs, and the President is worried and everything else of that kind, and even the media don't know what protectionism is. That is what you will soon listen to—protectionism. I hold up my hand to preserve, protect, and defend the Constitution of the United States.

I ask unanimous consent that an article entitled, "Beware Plausible Protectionists" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RERCORD, as follows:

[From The Washington Post, Sept. 12, 2000]

BEWARE PLAUSIBLE PROTECTIONISTS

Sen. Ernest Hollings of South Carolina is known for his crude defense of textile protectionism, which impoverishes bone-poor workers in developing countries. But his current efforts at telecom protectionism are more subtle. He has backed a measure that would block government-owned telephone companies from buying American ones, and inserted it into the Commerce, Justice and State Department spending bill. The provision would torpedo the proposed takeover of VoiceStream, a fast-growing wireless company, by Deutsche Telekom, which is 58 percent owned by the German government.

Mr. Hollings points out that U.S. local phone companies have been restricted from entering the long distance market until they opened their own networks to competitors. He then suggests that government-owned foreign phone companies, which he says enjoy monopolistic profits in their domestic markets, should likewise be forced to open up their home territory before being allowed into the United States. On top of that, the senator suggests that foreign government ownership of American telephone firms raises concerns of privacy and national security. Phone companies can eavesdrop on subscribers, and (in the case of mobile callers) monitor their whereabouts. Should a foreign government be allowed to do that?

Mr. Hollings has assembled a powerful coalition in Congress that shudders at this prospect. But the outrage is unwarranted. The automatic link that Mr. Hollings imples between government ownership and monopolistic profits is too simple: In Germany, Deutsche Telekom's rivals have captured two-fifths of the market for long distance voice calls and nearly half of the market for international calls. Under pressure from World Trade Organizations rules and U.S. negotiators, Germany's government has been encouraging telephone competition as well as gradually reducing its stake in Deutsche Telekom.

Moreover, if Deutsche Telekom or any other firm can be shown to have "dominant-carrier benefits" in its home market, the Federal Communications Commission is already empowered to impose conditions on the way it does business here. Equally, the FBI and other law enforcement agencies are empowered to examine mergers and ensure that their phone-tapping powers are not compromised. The privacy issue is addressed by existing law, which protects phone users no matte who owns the phone network. The Hollings legislation is therefore unnecessary.

In an ideal world, all phone companies would be privatized: This would eliminate the danger of anti-competitive subsidies completely. But existing policy grapples sensibly with the real world in which state-owned firms remain part of the landscape: It builds in safeguards against abuses while not depriving U.S. consumers of the benefits of foreign investment. VoiceStream, the wireless firm that Deutsche Telekom hopes to purchase, is itself an illustration of those benefits. With the help of $2.2 billion from partners in Hong Kong and Finland, it has expanded rapidly, creating more than 8,000 jobs for American workers and bringing wireless phone and messaging services to 2.5 million consumers. To preserve that kind of gain, the administration promises to veto any spending bill containing the Hollings language. It would be right to do so.

Mr. HOLLINGS. They said, "Hollings' crude defense of protectionism." They don't know what protectionism is. When you get the Government out of the competition, you do get free capitalistic activity, as Adam Smith said. Followed on by David Ricardo and his so-called comparative advantage, which said when you put the Government in, the Government has the right to print money. The Government certainly is not going to let the industry fail.

Deutsche Telekom had a bond issued earlier this year and got $14 billion. Their stock has gone from 100 down to 40. The fellow brags in the newspaper: I have $100 billion in my back pocket. I am going to buy AT&T, MCI, Sprint, or any of them—they are all subject—and I want total control.

So what he has told you in plain, bold language is that the German Government, which owns Deutsche Telekom, says: Heads up, I'm coming in to buy your companies and get total control.

That is a distortion of the free market. That would be protectionism. I am trying to avoid that and keep the Government out of the market. I was one of the leaders in the 1996 act deregulating telecommunications. So we got the U.S. Government out, but certainly not to put the German Government in. But here they go writing these editorials about I'm a protectionist. They have no idea what's going on. That is how far off we have gotten with respect to trade.

So let's get to the point. What we do is that we trade more. We export more to Belgium. We export more to the city-state of Singapore than we do to the People's Republic of China. We've got a good, viable trade partner there. We don't have any exports. I will get to the technology on another amendment. They said that high-tech is going to do it. The truth is, high tech doesn't create the jobs. I will put it in one line: We have a deficit and a balance of trade in high technology with the People's Republic of China. So mark you me, this is not going to do it whatsoever. So my amendment, which ought to be read simply so we can find out who is telling the truth and find out what the imports and exports are and what the jobs are and where they are going. Here it is:

The Securities and Exchange Commission shall amend its regulations to require the inclusion of the following information in 10-K reports required to be filed with the commission.

This is just information.

The number of employees employed by the reporting entity outside the United States directly, indirectly, or through a joint venture or other business arrangement listed by country; the annual dollar volume of exports of goods manufactured or produced in the United States by the reporting entity to each country to which it exports; the annual dollar volume of imports of goods manufactured or produced outside the United States by the reporting entity with each country.

So we will find out with these reports just exactly where we are and what the competition is, whether they are increasing jobs in the U.S. rather than decreasing. The opposition to this amendment is telling everybody to forget about it, it is another one of those Hollings amendments and we have to send it to the President and we have other more important business—there is no more important business than what is going on on the floor of the Senate—10-K reports.

I don't want to belabor or compound the record itself, but I have in my hand the Boeing 10-K report. For example, Boeing, on its 10-K report, says "the location and floor areas of the company's principal operating properties as of January 1, 2000." I wish you or somebody who is really interested could look at that 10-K report. They have every little item about the square footage.

They know how many employees. They know generally how many employees they have, but they do not say where and what country.

That is all we are asking for—the number of employees; then, the dollar volume of imports and exports, and from whence. That is all.

That is all we are asking for in this particular amendment so we can get that to the Department of Commerce and finally find out.

Back in the 1970s when we were debating trade, the Department of Commerce gave me this figure: 41 percent of American consumption of manufactured goods was from imports. That was 20-some years ago. I know that over half of what you and I consume is imported. We are going out of business. We don't have a strong nation. High-tech is not strengthening whatsoever—

temporary employees and software people and Internet billionaires, as Newsweek wrote about the other day. But they are not really the automobile workers and parts workers or industry workers. We have the so-called "rust belt" in the United States. Talk how exports—that is the parts they are still making up there and sending down to Mexico to come back into finished automobiles. The most productive automobile plant in the world is not Detroit. It is down in Mexico at the Ford plant, according to J.D. Powers.

I have the Bell South 10–K report. As of December 31, 1999, they employed approximately 96,200 individuals; 64,000 were employees of the telephone operation, and 55,000 represented the communications workers. They have a lot of detailed information. But all we want is the number and which country. That is all we are asking for with respect to those employees—their imports and exports.

Why did the Boeing machinists lead the parade last December up in Seattle at the World Trade Organization? The premium showcase export industry of the United States was leading the parade against WTO because their jobs have gone to China.

All you have to do is continue to read the different articles.

We have one with respect to our friend Bill Greider, who put out a very interesting article. He wrote when President Clinton promoted Boeing aircraft sales abroad—boy, that was wonderful. He had gotten Boeing. For instance, he did not mention that in effect he was championing Mitsubishi, Kawasaki, and Fuji, the Japanese heavies that manufacture a substantial portion of Boeing' planes; or that Boeing was offloading jobs from Seattle and Wichita to China as part of the deal.

There it is. We are exporting our jobs.

This book is nearly 6 years of age.

But let me retain the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield 10 minutes to my distinguished colleague from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished chairman.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business.")

Mr. ROTH. Mr. President, I yield 10 minutes to the Senator from Tennessee.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Tennessee.

(The remarks of Mr. FRIST are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my distinguished colleague. The 10–K reports filed annually with the SEC are designed to inform investors about the operating conditions of publicly-held corporations offering their securities for sale on American exchanges. The 10–K reports are expressly designed to inform investors about the prospects of companies turning to U.S. securities markets and form a bulwark against misrepresentations that might mislead or defraud U.S. investors. They are, in fact, one of the bulwarks that make American capital markets function precisely because of their focus on information that is relevant to a publicly-held company's predictions of its economic conditions.

The information that the amendment of my friend would require U.S. publicly-held companies to provide at some additional cost is largely irrelevant. For example, what difference does it make to the potential purchaser of IBM's stock precisely how many foreign employees it has and where they are employed? Would a single error in IBM's 10–K report regarding the number of employees in Botswana affect the investor's decision to hold IBM stock? How would it benefit the U.S. investor to know the precise dollar volume of U.S. Steel's exports and imports of manufactured products listed by product and importing country? Would the misstatement of U.S. Steel's imports of semi-finished steel products on its 10–K report actually mislead investors as to the economic condition of U.S. steel or allow the investor to better evaluate U.S. steel's economic prospects relative to other issuers of securities on American exchanges?

Furthermore, SEC rules already require IBM or U.S. Steel to provide that information when relevant to the investor—in other words, where such information would affect the bottom line. My point is that my friend's amendment would not materially advance the interests of U.S. investors, but would add a potentially costly new reporting requirement on U.S. issuers. More fundamentally, to the extent that my friend's amendment succeeds and we are unable to pass PNTR as a result, the damage done to the economic prospects of American publicly-held companies and to the interests of U.S. investors vastly outweighs any hypothetical benefit to investors that would accrue from collecting this information on an annual basis. In my view, the number that U.S. investors are most likely to be interested in is the $13 billion in new U.S. exports that are likely to flow from the ground-breaking agreement negotiated by Ambassador Barshefsky. That is the number that is likely to affect the bottom line in which American investors are interested. Furthermore, to the extent my friend wants to collect the date to illustrate that American companies are investing abroad simply to export back to the United States, that information is likely already to be reflected in the investment and import data that the U.S. Commerce Department already collects.

But, it is also worth questioning what those numbers are likely to reveal if we do pass PNTR and China does join the WTO. I have no doubt that what they will show is an increase in U.S. exports to China and, to the extent that we see an increase in imports from China, that those imports come at the expense of other foreign companies exporting to the United States. The International Trade Commission's report on China's accession reflects that fact. Now, it is important to remember that the ITC's report on the quantitative impact of China's accession was restricted to the effects of tariff changes under the bilateral market access agreement with China. It did not even purport to address the quantitative effects of China's removal of non-tariff barriers on trade in manufactured goods or agricultural products, much less the dramatic opening of China's services markets.

Nonetheless, what the ITC found was that the accession package would lead to an overall improvement in the U.S. balance of trade and, where China did export more to the United States, those gains would come at the expense of other foreign exporters. Given that we already know the affect of China's accession, is there any real reason to collect the date required by my friend's amendment? And, if we are debating the economic impact of China's accession to the WTO, would there be any reason to collect this date with respect to every country in which an American company either buys components or sells its wares? The answer is no. The amendment serves no practical purpose, particularly in the context of this debate. Therefore, I oppose the amendment and urge my colleagues to do so as well.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I have a simple proposition to make, after discussions with the Treasury Department, which is simply to say the amendment is burdensome in the extreme and would discourage U.S. listings. The amendment would place an enormous, costly, and pointless regulatory burden on publicly traded companies in the United States. Firms would be required to list every single one of their overseas employees as well as every single employee of any foreign company with which they do business. They would also be required to calculate the total value of all their exports and imports.

Such a regulatory burden would be a nightmare for both such firms planning to go public—for most firms planning to go public. On the other hand, it would not discourage foreign firms from listing in the United States. This is not a regulation we want to impose on American business—startup businesses, small cap businesses. I hope we will not approve this.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I had the privilege and experience of running a corporation myself. In fact, it was before Manny Cohen was the Commissioner of the Securities and Exchange Commission. At that time, I set a record getting approval in 13 days. I know how it works. I know how detailed it is. That is why I brought up Boeing. They even have the square footage in different countries. They do have the total amount and the number of employees. They just break it down by country.

Exporters and importers have to keep books. They have to have the value. They want to know themselves. I want it reported in their 10-K. It is not at the Department of Commerce.

By the way, they say the information does not affect the bottom line. It most positively does. You can get your labor production costs and manufacture for 10 percent of the United States cost.

I am not here for stockholders or against them. I am for stockholders, nonstockholders, for the people of the United States, for the Senate, and for the Constitution in conducting trade.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. ROTH. Mr. President, I yield back the remainder of our time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 4134. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), the Senator from Nebraska (Mr. KERREY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 6, nays 90, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—6

Byrd
Feingold
Helms
Hollings
Mikulski
Wellstone

NAYS—90

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—4

Akaka
Feinstein
Kerrey
Lieberman

The amendment (No. 4134) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I was wondering if I could make about 5 to 10 minutes' worth of statements on other issues relating to my home State.

Mr. MOYNIHAN. Mr. President, we would be honored if the distinguished Senator from Utah would proceed, as he will do, and at what length he chooses.

Mr. BENNETT. I thank the Senator for his courtesy and friendship and the scholarship with which he addresses all of these issues.

I understand the President pro tempore wishes to make a statement on the Boy Scouts first. I ask unanimous consent that following his statement I be recognized as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

(The remarks of Mr. THURMOND are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President.

(The remarks of Mr. BENNETT are located in today's RECORD under "Morning Business.")

Mr. MOYNIHAN. Mr. President, seeing no other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now consider, in the following order, division I of my amendment, to be followed by division IV, and following the use or yielding back of the time, the amendments be laid aside with votes to occur at a time to be determined by the leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4129, DIVISION I

Mr. SMITH of New Hampshire. Mr. President, at this time I now call up division I of my amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur by a rollcall vote.

Mr. SMITH of New Hampshire. Yes. A rollcall vote on division I and division IV.

Mr. President, as you know, last Thursday, I offered an amendment that would require the Congressional-Executive Commission, which is created under the permanent normal trade relations bill on China, to monitor the level of Chinese cooperation on the POW/MIA issue and to pass this information to the American people as part of an annual report that the commission will issue.

I have long been an advocate of the POW/MIA issue. I believe the U.S. Government should make every effort to account for any missing American servicemen from any of our Nation's conflicts. I am sure you all agree that we have a solemn obligation to these brave Americans and their families. There are over 10,000 unaccounted-for American soldiers, sailors, airmen, and marines from Korea, Vietnam, and the cold war, not to mention many from World War II.

The fate of many of these unaccounted-for Americans, especially from the Korean war, could be easily clarified by the People's Republic of China. This is an undisputed fact, that the Chinese continue to deny that they have any information that could help us account for our missing.

I have been to North Korea and have talked to the North Koreans on this issue. I have talked to the Russians. Both the Russians and the North Koreans indicated to me, in private discussions, that the Chinese had volumes of information on American servicemen, especially during the Korean war because, as we know, the Chinese were heavily involved. They maintained the camps in Korea during the war.

So all I am asking for in this amendment is that we can include this language so the commission can monitor and put some pressure on the Chinese to provide information. It is humanitarian. It is basic humanitarian information about our missing service men and women.

I do not think this is unreasonable. I do not think it is going to delay anything. It would simply go back to the House. The House would add the amendment, and off it goes: We have now made a statement to the Chinese Communists that we care about our American POWs and MIAs.

I would be astounded if anyone would even consider voting against this amendment, drawing the conclusion that somehow it is going to mess up the permanent normal trade relations deal.

It would take about 5 minutes to get it approved in the House, another 5 minutes for the President to take a look at it and sign the bill, and we are moving on and now have some attention on it. We have now said to the Chinese Government: Not only do we care about our missing, we want you to help us find some of our MIAs and POWs from those conflicts.

I would like to share with my colleagues just a small fraction of the information that I have—and, believe me, it is a small fraction. I pored through many intelligence files, and I am only giving you a smattering of these files. But I can tell you, the Chinese deny any information, when, in fact, our own intelligence community has volumes of information to the contrary, that they could answer about what happened to our POWs and MIAs, especially from the camps in North Korea, at the end of the war. But it is precisely the type of information I am going to share with you that makes it all the more important that we say to the Chinese: You have to cooperate with us on this humanitarian issue.

For example, there are numerous declassified CIA intelligence reports from the 1950s that indicate the Chinese have knowledge about American POWs from that war—numerous, numerous declassified intelligence reports, and many classified that we cannot talk about here.

I did this the other day when I offered the amendment. I believe I put these in the RECORD yesterday. I will check that. If I did not, I will enter them. But I believe they are in the RECORD.

Here is a good example of one. This is a Central Intelligence Agency Information report dated in May of 1951. So we were at the height of the Korean war in May of 1951. The subject matter is: "American Prisoners of War in Canton," China. Some of the information is blacked out because of sources and methods. Even today, 40 years later, it is still blacked out. But, again, it is a reference to prisoners of war held by the Chinese in the Korean war.

If the Chinese held prisoners, clearly they would know what happened to the prisoners or at least could share some information on the records they maintained in the camps.

Here is another one: 27 June 1951, another intelligence report right here, entitled, "Subject: American Prisoners of War in South China." I will just cite a couple of paragraphs from it:

> A staff member of the State Security Bureau in Seoul [Korea] on 12 February stated that all American prisoners of war were sent to camps . . .

And then they list several cities in Manchuria where they were put to hard labor in mines and factories.

So that is another CIA intelligence report.

Why would we not want to say to the Chinese: Look, here is our own intelligence. We know you held our prisoners in the war. All we want you to do is help us provide answers for their loved ones.

Yet I regret, sincerely regret, to say that people are going to come down to this Senate floor shortly, before the end of the afternoon, and they are going to vote no on this amendment. I believe so many will vote no that it will fail. The reason they are going to give for that vote—and that is what they are going to tell their constituents—is: Of course we would like to get information on our POWs and MIAs. Of course we would like to have the Chinese cooperate. But we are not willing to put it in the permanent normal trade relations because—you know what?—we might make them angry, and we will not be able to sell them corn and wheat.

That is what we are saying. Maybe we can look our veterans in the eye and the families of these people in the eye and say: That's all right. But it is not all right with me. My conscience will be clear. I know how I am voting on this amendment. I would appreciate the consideration of my colleagues. It is not asking very much to send this back to the House with this one amendment that says we care.

It is interesting; there are many groups who oppose permanent normal trade relations with China. But I will tell you, the veterans groups oppose it. What does that tell you? The American Legion opposes it. Many veterans groups oppose it. They are the ones who made the sacrifice. I guarantee you, the families of these individuals who are missing would sure love to see this language put in this bill.

I could go on and on. I will not cite many, but here is another one: "U.S. Prisoners of War in Communist China, 11 Aug. 1951." It is a CIA report. This is one of just thousands that we have had—classified and unclassified—just like this.

> On 2 August fifty-two US prisoners of war from Korea, who had been held in the Baptist church . . .

And they name the location—

> left Canton by train for [another location] under guard. . . .

This is very detailed stuff. This is not just somebody who makes a general statement. These are specific eyewitness sightings of prisoners being moved around in China during the war and who never returned.

I am not maintaining that these people are alive. It would be nice if they were, but I am not maintaining that. But clearly, the Chinese, if they would sit down with us with these documents, we could talk to them, and we could trace this information. We could talk to the people in these provinces, and maybe we could get some information. Perhaps where were these prisoners buried? How were they killed? What kinds of information do we have on them? Are there personal effects, anything like that?

Another report, September 1951, title: American Prisoners of War, Communist China, CIA. On and on and on.

All I am asking my colleagues is to say that that is not acceptable, that we will give permanent normal trade relations to China and not ask them to at least help us account for our missing. I say to those of you who might be skeptical, if you want me to provide you these documents in detail, I will provide the documents in detail. I can send you to the proper locations in the U.S. Government where the classified documents, which are far more specific than this, will give you even more specific information.

I went to North Korea. I sat down in Pyongyang with the North Korean officials several years ago, the first American Senator to visit North Korea. I talked to the North Koreans about those camps that were run during the war. They showed me photographs of the Communist Chinese guards who guarded those troops, our troops, our prisoners, American prisoners, during the war. They know what happened to those people. They can provide us information. Why is that asking so much—to say we want to monitor this to say to the Chinese, every time PNTR comes up for discussion, we want you to help us find answers?

I wrote a letter to the Chinese Government on this and got a blunt response: We don't have any information. We are not going to share any information with you.

We know that is not true. Yet why should they give us information if we say to them, you don't have to give us information because we are going to give you what you want, which is trade and credibility and recognition on the international plain?

This is just basic human rights—basic. Senator HELMS and others, Senator WELLSTONE and others, have offered amendments, over and over again, about human rights violations—all defeated, including mine. We talked about abuse in orphanages. We talked about forced abortions, women forced to have abortions at 9 months—all ignored, all voted down—all in the name of profit, all in the name of saying we don't want to risk antagonizing the Chinese. We don't want to take a few minutes to have this on the other side, to go back over to the House where they might have to add an amendment to send it to the President. That is the reason for this.

As you can imagine, it is difficult to investigate reports that are 50 years old. That is exactly why we need the Chinese to cooperate. You look at a report such as this; it goes back 50 years. We need the people on the ground. We need the Communist Chinese archives—not classified top secret Chinese secrets, that is not what we want. We want basic humanitarian information. They could give it to us, a lot of it. And probably we could clarify the fate of hundreds, perhaps even thousands, of American POWs and MIAs.

I will give one example. On my last trip to Russia, we were able to access some archives. The Russians were very cooperative. They provided 10,000 documents that helped us to identify flyers, American pilots, who were lost in the Korean conflict because the Russians—Soviets then—flew aircraft; they actually saw the shootdowns. They made notations about the tail number of the aircraft, how many pilots, did the pilot parachute out, did the plane go down in flames—very personal, firsthand accounts, very helpful; 10,000 documents.

These documents will help us to be able to go to the families of these men and be able to say to them, this is what happened to your husband or your father, your brother, whomever, as best we know based on the testimony of the Russians.

The Russians, to their credit, are being cooperative. Why can't we ask the Chinese to do this? Why is that asking too much? This is the thing that disturbs me so much, that just basic humanitarian issues are thrown aside in the name of somehow taking a little more time. What is another day, if we are going to give the Chinese permanent trade status? What is another day to include this kind of language?

Secretary Cohen, to his credit, at my request raised this issue with the Chinese during his recent visit to China this last summer. Once again, the Chinese simply brushed it aside. They said: we don't have any information—when in fact our intelligence files and our own information flat out knows and says the opposite.

But let's not forget what the real issue is here. The Chinese stand to make billions from trade with the United States. Shame on us if we fail to demand that in return for those billions, we ask for basic humanitarian information on our servicemen. Shame on us.

All we can do is call this to the attention of our colleagues. I can't make colleagues vote the way I want them to vote, nor should I. It is up to them to make that decision. But I urge them to make the decision to ask for this basic information.

I have worked on this issue for 16 years, as a Senator and a Congressman. I know what I am talking about. I have been to China. I have been to Cambodia. I have been to Laos. I have flown a helicopter over the Plain of Jars. I landed in the Plain of Jars. I went into caves looking for American POWs. I scoured the hillsides and countrysides of Cambodia and Laos and Vietnam and Russia. They have all been relatively cooperative, some more than others, not cooperative enough. But the Chinese have done nothing—no access, zero, zippo. Yet here we are, giving them permanent status. It is wrong.

My concern extends beyond Chinese knowledge of Americans missing from the Korean war. We know approximately 320,000 Chinese military personnel served in Vietnam from 1965 to 1970. So moving now from the Korean war to the Vietnam war, it seems to me highly likely that many of these Chinese troops would be knowledgeable about the fate of some 2,000 Americans still unaccounted for from the Vietnam war. It also impacts the Vietnam war. It also impacts the cold war.

I am personally opposed to PNTR. I will vote against it. But it certainly would be nice if those who are going to vote for it, since I know it is going to pass, would be willing to at least have this basic noncontroversial amendment which would help to account for missing Americans.

Let me tell you what else it would do. It would provide a lot of solace to American families who for 50 years have waited for some word about their loved ones. Yet Senators don't want to vote for this amendment because to vote for it means it might have to go to conference. They don't want to short-circuit the legislative process. Did anybody ask these folks before they went off to war whether they cared about short-circuiting the legislative process? They went. They served. They were lost. They deserve this amendment. They earned this amendment.

My amendment would merely expand the scope of the commission in the permanent normal trade relations bill to include the monitoring of Chinese cooperation on the POW/MIA issue. It is about as noncontroversial as anything we could do. Not only should we vote for this amendment, we have an obligation to vote for this amendment. Anything less than that is wrong. You can rest assured that the 10,000 missing Americans from the Vietnam and Korean wars didn't fight so that the Senate could short-circuit the legislative process. That is not what they fought for. Ask the families what they fought for. I have a father who died in the Second World War. I know what my family suffered.

I know what it is like to grow up without a father. I knew what happened to my father. He was killed serving his country. Many sons and daughters out there have no idea what happened to their loved ones. Wouldn't it be nice if the Senate said we would like to try to find out and that we are willing to attach this to PNTR? This is the least we should do.

AMENDMENT NO. 4129, DIVISION IV

Mr. SMITH of New Hampshire. Mr. President, I know Senator HOLLINGS is waiting. I just have one more amendment, the so-called division IV. I call up division IV at this time and ask for the yeas and nays on my amendment, division IV.

This amendment deals with the environment. Again, this is commission language that simply calls for the commission to report on the progress, or lack thereof, that companies and the Chinese Government are making in China regarding environmental laws.

Our companies in America are under strict environmental regulations, yet there are no regulations in China. All this amendment asks is that we monitor these regulations so we can find out what kind of progress is being made on these issues.

Over the past 30 years, we have heard a steady stream of arguments that strong environmental protections are necessary, and that punitive sanctions are indispensable, because corporations will sacrifice the long-term public interest in preserving the environment for the sake of short-term profits.

For the past 8 years, the Clinton administration has added its voice to that stream. The administration has consistently told us that the American business community cannot be trusted to deal with the environment in a responsible manner unless two conditions are met: First, we must have strong environmental laws on the books. Second, we must ensure that those laws are vigorously enforced—that individual firms can and will be aggressively sanctioned whenever they stray from what those laws allow.

To be sure, the Clinton administration has told us that economic progress can neatly coexist with environmental protection—that swords can be turned into plowshares without ruining the land to be tilled. But the administration has not suggested that we should exempt any business or State from compliance with Federal law.

Today, we have chance to implement those principles. I offer today an amendment to H.R. 4444 that would require the Commission established by the bill to report on the progress of China in the implementation of laws designed to protect human health, and to protect, restore, and preserve the environment.

Let me tell you why we need that amendment:

China's environmental record to date is grim:

It has been said that China is home to half of the world's 10 most polluted cities.—See www.SpeakOut.com, 5/17/00, Pages 1-2; Friends of the Earth—World Trade, www.Foe.org/international/wto/china.html, Page 1.

One source, however, says that the situation has worsened since 1995 and that China now has 8 of the 10 most polluted cities in the world.—See Foreign Broadcast Information Service (FBIS), July 30, 2000, "China Expert Chen Qingtai Warns of Deteriorating Eco-System," Document ID CPP20000730000042, Page 2.

Yet another source now puts the number at 9 out of 10.—See China Focus, May 2000: China's Environment, www.virtualchina.com/focus/environment/index.html.

"By the Chinese government's own standards, two-thirds of the 338 Chinese cities for which air quality data are available are polluted. Two-thirds of those are rated 'moderately'—though still seriously—or heavily polluted."—See Michael Dorgan, "China gets serious about cleaning up its air," Knight Ridder/Tribune News Service, August 1, 2000.

The Chinese capital of Beijing is one of the those top 10 cities with the world's worst air quality. In Beijing, the annual sulfur dioxide levels are twice the maximum set by the World Health Organization, and the particulates are four times the maximum WHO level.—See House Republican Policy Committee 2 (July 6, 1998).

In 1999, "on one day out of four—Beijing's air quality—reached Level 4—out of 5—when even nonsmokers feel they have the lungs of the Marlboro Man, or Level 5, when it's so toxic that a few breaths can leave a person dizzy and nearby buildings seem lost in a filthy fog."—See Michael Dorgan, "China gets serious about cleaning up its air," Knight Ridder/Tribune News Service, August 1, 2000.

An estimated 2 million people die each year in China from air and water pollution.—See Friends of the Earth—World Trade,

www.Foe.org.international/wto/china.html, Page 1.

Water pollution in China is widespread and toxic. IN fact, 80 percent of China's rivers are so polluted that fish cannot live in them.—See www.SpeakOut.com, 5/17/00, Page 2.

"[T]he 25 billion tons of unfiltered industrial pollutants that the Chinese sent into their waterways in 1991 gave Communist China 'more toxic water pollution in that one country than in the whole of the Western world.' "—See House Republican Policy Committee 2 (July 6, 1998), quoting Gregg Easterbrook.

A recent report from the Ministry of Water Resources of the Chinese Government states that the water supply to as many as 300 million people in China fails the Chinese Government's health standard.

In addition, according to the China Economic Times, Chinese Ministry of Water Resources report said that 46 percent of China's more than 700 rivers were polluted, meaning that they fell within Grade 4 or 5 of the Chinese Government's 5-Grade water quality rating system. Under that rating system, Grade 1 is deemed clean and suitable for consumption, while Grade 5 is considered undrinkable. Ministry experts explained that industrial pollution was the main source of contamination. Those experts estimated that factories produced about 60 billion tons of waste and sewage each year and that 80 percent of that waste and sewage was discharged into rivers without treatment.

Ninety percent of the water sources in China's urban areas are severely polluted.

Acid rain degrades forest and farm land, and imposes an annual cost of an estimated $1.8 billion in economic losses.—See

www.greenpeace-china.org.hk/press/19991101_pr_00.html.

China is the world's largest producer of chlorofluorocarbons, the chemicals that are said to be responsible for destroying the ozone layer.—See www.SpeakOut.com, 5/17/00, Page 2.

China already consumes more coal in energy production than any other nation. Energy planners expect that China's coal consumption will double, if not triple, by the year 2020. If China's coal use increases as expected over the next two decades, that growth alone will increase global greenhouse gas emissions by 17 percent—all but dooming efforts by the rest of the world to reduce a 50-70-percent reduction in greenhouse gas emissions. See Mark Hertsgaard (July 19, 2000).

By 2020, China will become the world's largest emitter of greenhouse gases.—See www.SpeakOut.com, 5/17/00, Page 3.

Why is the environment such a disaster in China today? The answer is simple—the people of China do not enjoy political and economic freedom. Per capita emissions in China are 75 percent higher than in Brazil, which has an economy of similar size. The difference is that the autocratic, Communist government in China robs the people of that nation of the ability to seek both a prosperous economy and a healthy environment.

A free people will not consent to the type of environmental degradation seen today in China. Since 1970, in this nation we have been unwilling to put up with a far less dangerous state of affairs than China has today. We have enacted and enforced strong environmental protection laws, and we have supported environmental preservation in our decisions as consumers and as contributors to charitable causes.

Moreover, prosperity not only is compatible with a clean environment, prosperity also is a precondition for it. A rich people will have the ability to recognize the long-term benefits of preservation. Mature free market economies make increasingly efficient uses of resources, while leaving a smaller footprint on the air, the water, and the land.

Under our current law, we can urge China gradually to improve its environmental performance as a condition to being granted normal trading privileges. We lose that option if we pass H.R. 4444. For that reason, this bill is our only, and last best, chance to exercise leverage in order to influence China's decision in the environmental field.

We believe that laws such as the Clean Air Act are necessary for the health of this nation. Why should we expect less for anyone else—particularly China? We believe that enforcement is necessary for law to be meaningful in this nation? Why should we expect anything different across the Pacific? We believe that a sound economy and a healthy environment can and should be attained from the Atlantic to the Pacific? Why should we expect less from Pacific to the South China Sea?

There also is no good reason why, in the name of environmentalism, we should impose a greater burden on American citizens than we expect other countries to impose on themselves.

China now has 20 percent of the world's population, so what China does environmentally greatly affects everyone else. All that this amendment does it to require the Commission created by this legislation to monitor and report on China's efforts to protect the environment.

Former U.N. Ambassador Jeanne Kirkpatrick once criticized my colleagues across the aisle for their tendency to "Blame America First"—that is, for their belief that there must be something wrong with this great Nation that causes the world's ills. Keep that in mind when you consider this amendment. If laws such as the Clean Air Act and the Clean Water Act are necessary for the environmental health of this Nation, then those laws—or something analogous—are necessary for China, too. That is, they are necessary unless you believe in a policy of

"Restrict America First, Always, and Only." There is no good reason for us to give up our opportunity to ensure that annually we can encourage, cajole, or prod China into improving its environment, for its sake and for everyone's, until we are sure that China no longer will be the world's superpolluter.

You might ask why China is such an environmental disaster. The same reason the Soviet Union was. The answer is, the people of China, as in the Soviet Union, don't enjoy political and economic freedom. Per capita emissions in China are 75 percent higher than in Brazil, which has an economy of similar size. They don't have a choice. They don't care. The Government doesn't care. They don't have a choice to clean it up. We could make a difference if we monitored this, talked about this to the world, brought this out each year in the commission report on PNTR. A free people would not consent to this kind of stuff, as we haven't—to this type of environmental degradation. Moreover, prosperity is not only compatible with a clean air environment, but a precondition for it.

So I hope we can move forward on this amendment and allow for the commission to monitor these environmental disasters, where we apply one standard to our Government and no standard to a government making huge profits as a result of our trade.

Again, this is a very noncontroversial amendment but one I think all of my colleagues who say they are pro-environment ought to support. I guess I am going to draw the conclusion that if you can't vote for this, you are pro-environment for America but not the rest of the world—especially China. That is kind of sad. I hope I will have support on this amendment, as well as the other amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. That completes any discussion I have on the amendments.

At this time I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

### AMENDMENT NO. 4136

Mr. HOLLINGS. Mr. President, I call up my amendment No. 4136, and I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. Mr. President, right to the point here, there are two surprising features with respect to the globalization, global competition, international trade. I continue to try to get the Senate and the Congress itself, charged under the Constitution, article I, section 8, to fulfill its responsibility.

The eye-opener has to do with agriculture, and the eye-opener has to do with technology. This particular amendment deals with the technological argument that we hear about the wonderful opportunity we have that "you just don't understand, Senator." That is what we hear—that we have gone from the smokestack to post-industrial to high-tech. Everybody is running around talking about high-tech and the wonderful economy. Well, I wish high-tech did contribute that much to the economy. But the fact of the matter is there are not that many jobs, and the few jobs that are there just don t pay.

Let me summarize this amendment. I ask, as a result, that the balance of trade with China in advanced technology projects be reported by the President to the Congress each year. That is in advanced technology products in an amount in excess of $5 billion. We now have a deficit in the balance of trade with the People's Republic of China of $3.2 billion, as of the end of 1999.

Now I have heard from the best of sources that that deficit could become an approximate $5 billion. So I am asking the President that if it exceeds $5 billion, we not only report it, but request a negotiation with the People's Republic of China to see if we can eliminate that imbalance. That is all the amendment calls for. It is all permissive requests, asking the President to do it. There is no burden whatsoever, but it is certainly in the context of global competition that we talk about it.

Let's start acting as if we know something about the competition. I say that the jobs don't pay and there are not that many of them. Right to the point, by comparison, for example, in Redmond, WA, Microsoft has 21,000 jobs when Boeing down the road has 100,000. There are many more jobs at General Motors, Ford, the auto parts industry, and otherwise, than there are in high-tech.

There is a lot of money in software, and therein you find these Internet billionaires trying to get market share—not profit. They haven't come out with a profit yet. But there has been a footrace on the New York Stock Exchange to get market share and invest in those who are winners. That is understandable. That is fine. That is the American way. We applaud it. However, when you look at the number of jobs, you can go to Oracle, you can go to America Online. They now have their employees in the Philippines. Microsoft has several thousand of its employees offshore.

In 1992, a suit was brought by the so-called "part-time temporary" employees claiming they ought to share in these stock options, other health benefits, and otherwise. They are really working full time. They won the suit. Now they have changed them to temporary employees so they are not allowed to work over 364 days a year to comply with the law.

This is an article from around the beginning of the year. In Santa Clara, the heart of Silicon Valley, the number of temporary workers has jumped to 42 percent of the workforce this year, from 19 percent in the 1980s. With respect to Microsoft, temporary workers have accounted for as much as one-third of its roughly 20,000-person workforce in the Puget Sound area. In May, it stood at 5,300.

I know the industrial workers at BMW, for example, have benefits and earn $21 to $22 an hour in Spartanburg, SC. We enjoy that. We appreciate it. It doesn't call for necessarily a computer expert or college graduate. There are many college graduates, of course, in the workforce. But these are jobs for high school graduates—the majority of our working population.

These are the jobs for the seniors in the middle class of our democracy. Everybody is running around as if there is joy in the world on money. But they are not thinking of the strength of the democracy economically and the strength the middle class brings to our democracy, with jobs for high school graduates and not just high-tech college degrees. Of course, it is said that the technology industry now has a shortage. There is no shortage. If they only gave them full-time work, they would be there. What they are really applying for are the college graduates out of India and other countries to come in under the immigration laws. They don't want to have to pay the temporary workers even around $35,000 a year when they can get Indian workers for $25,000 a year—any way they can cut costs. Even Chinese-trained workers and others come in. They would like to change the immigration laws to cut back the permanent high-paid workforce and put in this low-paid temporary work practice. That is an eye opener to me because I just couldn't understand why they couldn't find skilled workers.

The truth is, I have proof. The proof of the pudding is in the eating. It is not just bragging. It is true, as they say. We have the best in technical training in South Carolina, and we are for high tech. There isn't any question about that. We are attracting Hoffman-LaRoche, Hitachi, Honda—go right on down the list—Michelin, and all the rest of the fine industries from afar. We are proud of it. We are proud of these foreign investors. At the same time, we have to compete and maintain the strength of our economy.

Look at the People's Republic of China and the comparison of exports to imports in advanced technology. The parts of advanced machinery deficit is $18.23 billion; parts and accessories of machinery not incorporating, $7.74 billion; parts of turbojet or turbo-propeller engines $4.01 billion; turbojet aircraft engines, $3.74 billion.

These are all deficits with the People's Republic of China.

Parts for printers, $3.52 billion; cellular radio telephones, $3.2 billion; videocassette cartridge recorders, $2.32 billion; display units, $1.64 billion; optical disk players, $1.64 billion; medical and surgical instruments and appliances, $1.22 billion; transistors, $740 million; facsimile machines, $670 million; television receivers, $57 million; laser printers, $480 million.

I could keep going down the list. The point is that we have had a great relationship with the People's Republic of China. But in the required transfers of technology, that plus balance of trade has now resulted in a deficit in the balance of trade.

Advanced technology products represent a rare consistent source of earnings for the United States. During the last decade alone, the surplus in global sales was $278 billion. But during the same period, U.S. trade deficits with China totaled $342 billion. It is worsening every year.

That has occurred in spite of the numerous agreements with China to end the obligatory transfer of technology from U.S. companies to their Chinese counterparts to protect intellectual property and to ensure regulatory transparency and the rule of law. Failure to implement these agreements goes a long way in explaining why the total U.S. deficit with China has doubled from $338 billion in 1995, to $68.7 billion by the end of 1999.

The United States also lost its technological trade surplus with China in 1995 and has suffered deficits in this area every year since then.

Last year, U.S. technology exports to China failed by 17 percent while the imports soared by 34 percent. The record $3.2 billion technology trade deficit in 1999 may reach $5 billion. This year, technology imports now cost twice as much as the falling U.S. exports.

Quite simply, China is developing its own export-driven, high-tech industry, and with U.S. assistance.

A recent Department of Commerce study found that transferring important technology and next generation scientific research to Chinese companies is required for any access to the Chinese cheap labor force or its market.

Three of the most critical technology areas are computers, telecommunications, and aerospace. The United States lost its surplus in computers and components to China in 1990, and now pays seven times as much for imports as it earns from exports.

Compaq: Another foreign computer company that once dominated the Chinese market a decade ago has now been displaced by a local company.

After 20 years of normal trade relations with China, no mobile telephones are exported from the United States to China. Indeed, the United States trade with China in mobile phones involves only the payment for rapidly rising imports that now cost $100 million a year. China has total control of its telephone networks. It recently abrogated a big contract with Qualcom, Motorola, Ericsson, and Nokia and sold 85 percent of China's mobile phone handsets until recently. Last November, China's Ministry of Information imposed import and production quotas on mobile phones, producers, and substantial support for nine Chinese companies.

Now, this agreement doesn't disturb those quotas. It does not open up that market. The People's Republic of China expects the nine companies to raise their market share from the current 5 percent to 50 percent within 5 years.

The United States now has a large and rapidly growing deficit with China in advanced radar and navigational devices. Nearly half of all U.S. technology exports to China during the 1980s were Boeing aircraft and 59 percent were in aerospace. But according to the SEC filings, Boeing's gross sales to and in China have generally fallen since 1993.

Incidentally, that is easy to report. It is being reported by Boeing and we just asked all of the companies to do what Boeing is doing.

Boeing MD 90–30 was certified by the U.S. Federal Aviation Administration last November with Chinese companies providing 70 percent of local contents.

That is a Chinese airline, and they wonder why the Boeing workers led the strike in Seattle last December.

More troubling, with the help of Boeing, Airbus, and others, China has developed its own increasingly competitive civilian and military aerospace production within 10 massive state-owned conglomerates.

China is a valuable U.S. partner in many matters, but it is also a significant competitor. Experiences in the United States with deficits worsening after tariff cuts and other agreements show this is not the time to abandon strong U.S. trade laws, but rather to begin to apply them fairly and firmly, since 42 percent of China's worldwide exports go to the United States.

The Chinese know how to compete. In 1990, we passed in the United Nations General Assembly a resolution to have hearings with respect to human rights in the People's Republic of China. I will never forget, they fanned out over the Pacific down into Australia, Africa, India and everywhere else, and of course they are very competitive. What do they do? The Chinese focus their diplomatic efforts on separating West European governments from the United States by offering them token political concessions and hinting they would retaliate economically against any country that supported the resolution in Geneva.

A vote after 7 years, each year, and the 7th year it was turned down again by a vote of 27–17. They know how to use their valuable, mammoth 1.3 billion population market. But we, with the richest market in the world, don't want to use it. Be fair, we whine; we continue to be fair and whine.

Now, with that $68 to $70 billion deficit in the balance of trade, that is their 8-percent growth. We could say we are just not going to continue this one-sided deal and we are not going to continue to import their articles. We will just stop them as they have stopped us, and with the growth they have to have, they will come to the table and talk turkey. There is no chance in the world with these children here who are in charge of our trade policy. They keep going up there to talk and talk.

Again, Ambassador Barshefsky testified at the hearings: "The rules put an absolute end to forced technology transfers." That was after the WTO agreement with the People's Republic of China. "The rules put an absolute end to forced technology transfers"—but fast forward a few months. This is what they had in the Wall Street Journal, from Wednesday, June 7 of this year: "Qualcom Learns from its Mistakes in China, U.S. Mobile Phone Maker Listens to Beijing's Call for Local Production."

They report that after losing a lucrative deal to supply off-the-shelf cellular phones to China, Qualcom is mapping a new strategy to sell next-generation products in the world's fastest growing mobile phone market.

In other words, to send over their technology.

They talk about these agreements, but as John Mitchell, the former Attorney General said: Watch what we do, not what we say.

Look at what they actually do and it is a disaster.

Mr. President, I have a few pages of the deficits and balance of advanced technology trade with the People's Republic of China. I ask unanimous consent this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

US ADVANCED TECHNOLOGY TRADE LOSSES WITH CHINA

[Even In Advance Technology Products: The US Now Imports 65% More Than It Exports]

| HS Code | (1999: Dollars) | US Export | US Import | 1999 Balance |
|---|---|---|---|---|
| | ADVANCED TECHNOLOGY PRODUCTS* TOTALS | $5,007,198,994 | $8,216,991,682 | ($3,209,792,688) |
| 8473305000 | PTS & ACCESSORIES OF MACH OF HEADING OF 8471, NESOI | 0 | 1,540,659,071 | (1,540,659,071) |
| 8473301000 | PRTS OF ADP MCH, NOT INCRPRTNG CRT, PRT CRCT ASSEM. | 0 | 1,235,882,818 | (1,235,882,818) |
| 8519990045 | OPTICAL DISC (INCLUDING COMPACT DISC) PLAYERS | 0 | 567,322,116 | (567,322,116) |
| 8471704065 | HARD DISK DRIVE UNT, NESOI, W/OUT EXTNL POWR SUPLY | 29,987,116 | 391,325,747 | (361,338,631) |
| 8525408020 | CAMCORDERS, 8MM | 58,716 | 176,379,994 | (176,321,278) |
| 8471704035 | FLOPPY DISK DRIVE UNT, NESOI, W/OUT EXTRNL POW SPY | | | |
| 8525209070 | CELLULAR RADIOTELEPHONES FOR PCRS, 1 KG AND UNDER | | | |
| 8521900000 | VIDEO RECORDING OR REPRODUCING APPARATUS EXC TAPE | | | |
| 2844200020 | URANIUM FLUORIDE ENRICHED IN U235 | | | |
| 8541100080 | SEMICONDUCTOR DIODES NOT PHOTOSENSITIVE >0.5 A | | | |
| 8517210000 | FACSIMILE MACHINES | | | |
| 8525404000 | DIGITAL STILL IMAGE VIDEO CAMERAS | | | |
| 8525408085 | STILL IMAGE VIDEO CAMERA, VDEO CAMERA RECORDR, NESOI | | | |
| 8542400095 | HYBRID INTEGRATED CIRCUITS, NESOI | | | |
| 8525309060 | TELEVISION CAMERAS, EXCEPT COLOR | | | |
| 8411124000 | TURBOJET AIRCRAFT ENGINES, THRUST EXCEEDING 25 KN | | | |
| | REC TV, COLOR, FLAT PANEL SCREEN, NESOI, DIS N/O 34.29 | | | |
| | REC TV, COLOR, FLAT PANEL SCREEN, NESOI, DIS N/O 33.02 | | | |
| | PHOTOSENSITIVE DIODES | | | |
| | SEMICONDUCTOR DIODES NOT PHOTOSENSIVE=<0.5 A | | | |
| 8411224000 | TURBOPROPELLER AIRCRAFT ENGINES, POWER EXC 1100 KW | | | |
| 8525408050 | CAMCORDERS (OTHER THAN 8 MM), NESOI | | | |
| 8542198001 | CHIPS & WAFERS ON SILICON, DGTL MNLTHC IC, BIMOS | | | |

Mr. HOLLINGS. I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Whose time is used under the quorum?

Mr. HOLLINGS. The other side.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. HOLLINGS. Mr. President, the fact of the matter is, I know the managers of the bill have very important business to engage them, but what we are seeing here is really not just an insult to the issue at hand and this particular Senator, but what we are seeing is an insult to the Senate as the most deliberative body in the world. What they do, with respect, rather than engaging in debate, is go into the morning hour and talk about prescription medicine and Wen Ho Lee or anybody else they want to talk about—anything except trade. They know they have the vote fixed.

We have had the requirement, under the Pastore rule, that you address your comments to the subject at hand. I never have wanted to call that rule on the colleagues, but I will be forced to if we are going to come back and just have morning hours.

I was in a caucus earlier here at lunch. People are trying to get out of town tomorrow. I am trying to cooperate with respect to having early votes. I am willing to yield back the remainder of my time on this one. If I can hear any disputed evidence or testimony from the other side, I will be glad, then, to debate it. But if that is what they want to do, I will move on to the next amendment. I hope they get the message so we get somebody to the floor and move the amendments just as expeditiously as we can.

I suggest the absence of a quorum and charge the other side because they don't care. I mean they are not even using the time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to Senator HOLLINGS' amendment. This amendment would authorize the President to initiate negotiations with the Chinese to eliminate the trade deficit in advanced technological products if the balance of trade does not shift to surplus in these products. To be frank, I am not sure why this amendment is being offered to the China PNTR legislation.

After all, by passing PNTR, we will increase our access dramatically to the Chinese market once that country enters the WTO. The commitments that China has made as a part of its WTO accession negotiations with regard to high technology products are truly significant. For example, China has committed to eliminate quotas on information technology products at the date of its accession to the WTO and to eliminate tariffs for these products by January 1, 2005. Moreover, China has agreed to open its telecommunications and internet to United States investments and services.

In addition, U.S. high technology firms will gain the right to import into China, and to engage in distribution services, including wholesaling, retailing, transporting, and repairing. This will allow our businesses to export to China from here at home, and to have their own distribution networks in China. Without these commitments, U.S. companies would be forced to set up factories there to sell products through Chinese partners.

There is nothing about the grant of PNTR that will alter China's access to our market. To the contrary, China has specifically agreed to allow us to put in special safeguard mechanisms aimed at addressing disruptive market surges from China. We will also be maintaining special methodologies under our unfair trade laws that will help domestic industries in antidumping cases.

Ironically, this amendment is not aimed at eliminating any trade barriers or unfair trade practices. It simply dictates that if the balance of trade in certain products is not in surplus, then the President has to use his authority to work with the Chinese to intervene in the market to achieve a certain outcome. I'm not sure how my colleague from South Carolina would envision this happening. Would the Chinese government begin to void contracts that were freely entered into by U.S. importers, until the balance of trade moves into surplus? Would our government have to do this? I don't know what the answer is to that question and, frankly, I would hope that we never have to find out.

As my colleagues well know, I have opposed all amendments that have been offered to PNTR. I have done so because of my concern about how amendments would affect the chances of passage of this legislation. I want to repeat my concerns now. A vote for this amendment will do nothing to increase opportunities for our workers and farmers. Indeed, it will have the opposite effect. As such, I urge my colleagues to vote against this amendment.

Mr. HOLLINGS. Mr. President, I understand from the other side, now I can yield back our time; they would yield their time, and move to the next amendment.

That being the case, I yield back my time and I understand the other side yields back its time.

The PRESIDING OFFICER. All time is yielded.

AMENDMENT NO. 4135

Mr. HOLLINGS. Mr. President, I call up amendment No. 4135. Mr. President, the other eye opener in international trade is the matter of agriculture. I have always had a strong agricultural interest, support, in my years in public office. I willingly support price supports and quotas on agricultural products. America's agriculture is allegedly the finest in the world. We produce enough to feed ourselves and 15 other countries. But we only have 3.5 million farmers and there are 800 million farmers in the People's Republic of China. They are not only now producing to the extent where they have a glut—mind you me, I said that advisedly—a glut in agriculture, they will continue to expand upon their agricultural production once they solve the transportation and distribution problem, and start feeding the entire world.

It is very difficult to understand how any of my farm friends here—who are always calling us protectionists when we have never asked for any kind of subsidies or protection whatsoever—but if people lose their jobs, 38,700 who have lost their textile jobs, they are supposed to be retrained, you know, and get ready for high tech and the global economy. They are supposed to understand it.

Agriculturally, if a few thousand farms lose out here with the bad weather, be it a storm or be it a drought, we immediately appropriate the money to take care of it. I will never forget this so-called Freedom to Farm measure that was put in here 3 years ago. Each year, now, we have gone up and increased—rather than the freedom, the subsidies: Some $7 to $8 billion.

In contrast now, with the People's Republic of China, we have a deficit in a lot of items. The total agricultural trade balance is $218 million for the year 1999.

> Fish and crustaceans, $266 million; dairy products, $14 million—$266 million.
>
> Dairy produce; Birds' Eggs, Honey; Edible—$14.8 million.

This is how they list it and that is why I read it this way.

> Products Of Animal Origin, Nesoi—$93.7 million.
>
> Live Trees And Other Plants; Bulbs, Roots—$3.7 million;
>
> Edible Vegetables And Certain Roots, Tubers—$55.8 million;
>
> Edible Fruit And Nuts: Peel Of Citrus Fruit—$30.6 million;
>
> Coffee, Tea, Mate And Spices—a deficit of $43.1 million;
>
> Lac; Gums; Resins And Other Vegetable Saps—$44.9 million;
>
> Edible Preparations Of Meat, Fish, Crustaceans—$69.9 million;
>
> Sugars And Sugar Confectionary—$7.8 million;
>
> Cocoa And Cocoa Preparations—$15.2 million;
>
> Preparations of Cereals, Flour, Starch Or Milk—$23.1 million;
>
> Miscellaneous Edible Preparations—$17.1 million.

Listen to this one: Cotton.

Here I am struggling in South Carolina, the South, cotton—I am importing cotton from the People's Republic of China. I have a $12.3 million surplus in cotton, not carded but combed.

It would be unfair to talk, with this particular amendment, about the deficit and all of these things because we already have a deficit. We do have a plus balance of trade in wheat, corn, and rice. It is listed under cereals, is the way they list it at the Department of Agriculture. We have a plus balance of trade in wheat, corn, and rice, and a plus balance of trade in soybeans.

That is why I made this amendment to read "wheat, corn, rice, and soybeans." I wanted to start off, as in soybeans, I have a plus balance of trade of $288.1 million. So we are happy.

We have a plus balance of trade of wheat, corn, and rice of $39.6 million.

I am looking at that particular category and whereby 4 years ago we had a plus balance of $440.7 million, it is down to $39.6 million. It promises maybe next year to go to a deficit.

I have all the farm boys saying: Wait a minute, wait a minute, we have to export. We have to export agriculture, export agriculture. We are not exporting agriculture, on balance, to the Peoples' Republic of China. We have a deficit. We are importing it now. If this continues, we will definitely have a deficit, in the sense—let me tell you what this agreement calls for. We are trying to really improve the competitor. These are the kind of agreements we make when we send Barshefsky and that crowd abroad.

I read:

> China and the United States agree to actively promote comprehensive cooperation in agriculture, in the field of high technology, and encourage research institutes and agricultural enterprises to collaborate in high-tech research and development.

Do not for a minute think the Chinese are not coming. They are going to come for those high-tech items, go to our agricultural colleges, go to our experimental development stations, and they are going to collaborate on all the high-tech research and development. Mostly, they will be taking; they are not giving any.

Reading further:

> China and the United States agree enterprises should be urged to make investment in each country to produce and do business in high-tech agricultural products.

They will have to make investments in that country to produce and do business in high-tech agricultural products. They agree with the content provision in agriculture, and yet my colleagues say: Whoopee, this is a wonderful agreement.

I think I will be around here long enough for these farmers to go out of business. Watch them. That wheat, as I said, is going from 440 million in a 4-year period down to just 40 million bushels.

Reading further:

> Review and technical assistance—the United States will review its technical assistance programs in China to consider ways to increase the efficacy of these programs. The United States will create special educational symposiums specific to China's needs in cooperation with the U.S. land grant universities for Chinese officials and producers.

Ambassador Barshefsky is a wonderful negotiator for the Chinese. She is agreeing to have special symposiums when we already have a deficit in agricultural trade. We have to set up a symposium to increase the deficit.

Continuing:

> The United States will provide opportunities for young Chinese leaders to visit the U.S. farms, ranches, and universities to study management systems and production technologies.
>
> The United States will arrange opportunities for the Chinese officials and business leaders to study U.S. marketing and distribution of agricultural products in China and the United States.
>
> As a means to implement the principle of technological cooperation and exchange, China and the United States will implement specific projects listed below.
>
> The U.S. livestock industry will provide free registration and enrollment for select Chinese officials, and Cattlemen College classes during the NCBA convention and summer conferences.
>
> The U.S. livestock industry will provide free registration and enrollment for select Chinese officials and producers at the world pork symposium; strengthening cooperation and conservation of genetic resources for livestock, poultry, and forage grass; strengthening cooperation in selection and utilization of new breeds and varieties; technical assistance on quick testing, monitoring, and management of major animal diseases; technical assistance on environmentally sound production practices; waste disposal techniques.
>
> The United States will provide technical assistance in water conservation and management for China to further its work in identifying and conserving key water resources.

It goes on and on. This is an agreement to put ourselves out of business. They come to the floor and say: Oh, we have so much more fertile, arable land than they have, so many millions of acres. They have more land under irrigation than the United States. It is an offset now, but they will be getting more irrigation, in addition to the advanced productivity we already have. But we politicians in Congress say: You don't understand; global competition, globalization; you are just resisting globalization; that is yesteryear's politician; you have to modernize; we are for change; we are global.

We are globally going out of business. That is why I have this amendment. That is, if this exceeds $5 billion in those four categories, it is only $3.5 billion now, but if we start losing on wheat, corn, and soybeans, we are goners in agriculture.

This amendment provides that if this occurs and this was misrepresented to us—the Senate is charged under the Constitution, article I, section 8, to regulate foreign commerce—if we were misled, we can say: Please renegotiate and see how we can right this situation.

We do not have this in advanced technology. We do not have this in electronics and manufactured products. We do not have a plus balance of trade in agricultural products. But the little bit we have left, my farmers realize if you are voting against this amendment, you vote against America's most productive farmer.

We are agreeing to make the Chinese more productive. If you think an American farmer can outwork a Chinese farmer, you are whistling "Dixie." They are the hardest working people in the world. They are like us in the South. We are still hungry. That is why the BMW plants not only produce more but they produce better quality. That is why we are doubling the size of the BMW plant from Munich, Germany, and we will continue to compete.

Generally speaking, the rest of the country, up in your neck of the woods, I say to the Presiding Officer, they have gotten spoiled.

We started the globalization in Rhode Island. We started 50 years ago trying to move every industry that was in Rhode Island because you had them and we did not have them. We moved them down to South Carolina. Now they have been moved from South Carolina to Malaysia, Mexico, and now to China under this particular agreement. That is what is really happening. We know how to get the industry, and we know how to lose the industry. We have experienced it. We are talking from a brute measure of experience. This ought to be understood in the Senate.

I reserve the remainder of my time.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I rise in opposition to Senator HOLLINGS' amendment.

As my colleagues well know, I have opposed all amendments because of the impact that they could have on passage of PNTR. I want to restate that concern now. Any amendment that is adopted could doom PNTR and end our ability to gain access to the Chinese market once that country joins the WTO.

Let's not forget, we are not voting on whether China will enter the WTO. China will get in, regardless of what occurs in the Senate with regard to this legislation. What we are voting on is whether we will give our workers and farmers the same access to the Chinese market as every other WTO member will get once China accedes. The decision before us is that stark and that simple.

That is why I support PNTR so strongly, and that is why I have opposed all amendments, including some that I thought had great merit.

That is also why virtually every major agricultural organization has supported PNTR and supported my opposition to all amendments.

Mr. President, I have with me today a letter that I would like to enter into the RECORD from over 65 agricultural organizations. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 12, 2000.

The Honorable
*U.S. Senate, Washington, DC.*

DEAR SENATOR: It is critical to American agriculture that H.R. 4444, the China Permanent Normal Trade Relations (PNTR) legislation, moves forward without amendment. Any amendments would require another vote in the House of Representatives and send China and our competitors the message that the United States is not serious about opening the Chinese market to U.S. products.

The Thompson amendment would require the President to implement sanctions under various circumstances. Unilateral sanctions have the effect of giving U.S. markets to our competitors. While there are efforts to exempt food, medicine and agriculture from the existing language, American agricultural producers, regardless of exemptions, would be put at risk. If the United States sanctions or even threatens sanctions for any products, agriculture is often first on the other country's retaliation list.

Additionally, further consideration of the China Nonproliferation bill should not delay action on a vote for PNTR. The U.S. agriculture industry continues to face depressed prices. Agricultural producers and food manufacturers should not face burdens erected by their own government such as unilateral sanctions or failure to pass PNTR.

We urgently request your help in achieving a positive vote on PNTR without amendment.

Thank you for your help and we look forward to working with you on these important issues.

Sincerely,

AgriBank, Agricultural Retailers Association, Alabama Farmers Association, American Crop Protection Association, American Farm Bureau Federation, American Feed Industry Association, American Meat Institute, American Seed Trade Association, American Soybean Association, American Health Institute, Archer Daniels Midland Company, Biotechnology Industry Organization, Bunge Corporation, Cargill, Inc. Cenex Harvest States, Central Soya Company, Inc., Cerestar USA, CF Industries, Inc., Chocolate Manufacturers Association, and CoBank.

Distilled Spirits Council of the United States, DuPont, Farmland Industries, Inc., Grocery Manufacturers of America, IMC Global Inc., Independent Community Bankers of America, International Dairy Foods Association, Land O'Lakes, Louis Dreyfus Corporation, National Association of State Departments of Agriculture, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Chicken Council, National Confectioners Association, National Corn Growers Association, National Council of Farmer Cooperatives, National Food Processors Association, National Grain and Feed Association, and National Grange.

National Milk Producers Federation, National Oilseed Processors Association, National Pork Producers Council, National Potato Council, National Renderers Association, National Sunflower Association, North American Export Grain Association, North American Millers' Association, Pet Food Institute, Pioneer Hi-Bred International, Rice Millers' Association, Snack Food Association, Sunkist Growers, The Fertilizer Institute, United Egg Association, United Egg Producers, USA Poultry and Egg Export Council, U.S. Canola Association, U.S. Dairy Export Federation, U.S. Rice Producers Association, U.S. Rice Producers' Group, U.S. Wheat Associates, Wheat Export Trade Education Committee, and Zeeland Farm Soya.

Mr. ROTH. Just let me point out, these organizations know, as I do, that passage of PNTR is vital. It is vital to our farmers and our agriculture sector. These include the National Chicken Council and the USA Poultry and Egg Export Council, both of which represent farmers from my home State of Delaware.

But it also includes national organizations and companies such as the American Farm Bureau Federation, National Grange, Cargill, Farmland Industries, the National Cattlemen's Beef Association, and many others.

Importantly, this list also includes groups that this amendment is ostensibly intended to help, including the National Corn Growers Association, the National Oilseed Processors Association, the American Soybean Association, the U.S. Rice Producers Group, the U.S. Wheat Associate, and the Wheat Export Trade Education Commission.

This is a long list, but it is worth emphasizing for all my colleagues to realize how much is at stake and how much will be lost if this or any other amendment were to be adopted.

After all, China is already our eighth largest market for agricultural exports. In fiscal year 1999, U.S. farm exports to China were about $1 billion, with an addition $1.3 billion of exports going to Hong Kong.

While China is already a huge agricultural export market, the potential for the future is even greater with WTO accession. China has agreed to slash tariffs for virtually every agricultural product, and to establish very high tariff rate quotas for key products, including those covered by my colleague's amendment.

As importantly, China has agreed to abide by the terms of the WTO SPS Agreement, which requires that animal, plant, and human health import requirements be based on science and risk assessment.

It would be particularly ironic if PNTR were to fail because of the amendment before us now. This amendment, at best, is unnecessary. After all, the President is authorized to negotiate with any country about any issue at any time.

Such negotiations would be entirely appropriate and necessary if there were concerns about market access or unfair trade practices that needed to be addressed. But this amendment would urge the President to work with the Chinese to intervene in the agriculture market to achieve a certain balance of trade.

It is because we have rejected these types of statist economic policies that our economy is as strong as it is today. Going back down the road of having the Government meddle unnecessarily in the market is simply not the answer.

In the end this amendment would do nothing to enhance our access to the Chinese market for our farmers. It would, in fact, threaten the potential gains that will become available to us with the passage of PNTR.

That is why I oppose this amendment and urge my colleagues to vote against it. There is too much at stake to do otherwise.

Mr. President, I am ready to yield back the remainder of my time.

Mr. HOLLINGS. Mr. President, I am ready, if I may, to just respond, if you don't mind, for a couple minutes.

How much time do I have?

The PRESIDING OFFICER. Fifteen and a half minutes.

Mr. HOLLINGS. I will not take that long.

My distinguished colleague, the chairman of our Finance Committee is really is one of our outstanding Members. I have every respect for his leadership—but on this particular score, he talks about the great market we have and that this amendment would require the President to intervene to obtain a certain balance of trade. Not at all. What I am trying to do is avoid a deficit in the balance.

As they say, they are a great market. As long as the soybean association is right, as long as the wheat association is right, and the other 63-some-odd associations are right, you will never hear any more about this amendment. It will be dead on the books because nothing will have to be triggered. I am taking their word for it.

I know otherwise. I have been in the agricultural business. When you mention the American Farm Bureau, I almost have to laugh. They have to do with everything but with farming. It is an insurance company. They have many times come out against the interests of the farmer.

I have taken an agriculture case, on the dairy score, all the way to the Supreme Court. I learned that my dairy farmers put their milk out on the stoop, that on the first of the month it is picked up, and they don't learn for 30 days—or sometimes 2 months—whether that is going to be classed grade A, class I grade A, or whether it is going to be class III grade C. There is a tremendous difference in price. It is up to the processor to determine whether it is going to go into processing ice cream, cottage cheese, or whether it is going to be pasteurized and put on the stoop as class I grade A.

So the poor farmer keeps his mouth shut because he has to get along. In short, the farmer is in the hands of the processor and the distributor in most instances. That is why you have these organizations and Archer-Daniels-Midland, Cargill, everybody else. They can run around and easily get these resolutions.

But the hard, cold fact is, I am here for the wheat farmer, for the soybean farmer, for the corn farmer. All I am saying is, you are telling me I am going to be able to expand this wonderful market. Well, I am looking, and seeing it has contracted, and overall we have a deficit right now.

I know 3½ million cannot outproduce 800 million. I know I am obligated under the agreement to bring the 800 million up to snuff with the 3½ million. So I am saying: Wait a minute here. Let's not go pell-mell down the road and ruin the one great thing we have, and that is America's agriculture. You ruined the manufacturing. Now you want to ruin its agriculture. So that is why my amendment is here.

Oh, yes, there is one other point. China will gain access to the WTO. The distinguished Senator and I agree on that. But he thinks that, ipso facto, it opens the market. Japan, for 5 years has been a member of the WTO. Try to get some of these things into Japan.

For those who are solely unknowing, for those who have not studied the case, if you think being a member of the WTO opens markets, you are wrong. Japan is the best example, and China is going the same way. Since they have signed this agreement, and since Ambassador Barshefsky said we did not have to have any more technology transfers in order to do business, Qualcom and many others have learned otherwise since that testimony before the Finance Committee.

AMENDMENT NO. 4137

Mr. HOLLINGS. Mr. President, I yield back the remainder of my time on amendment No. 4135, and I call up amendment No. 4137 on the Export-Import Bank and the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, this is the dilemma we are in. We not only don't know what we are doing, we are causing great damage to the workers in America. We are all running around America saying: I am fighting for working families. Well, we are eliminating working families here on the floor of the Congress.

Over the past 6 years, Congress appropriated $5 billion to run the Export-Import Bank of the United States. It subsidizes companies that sell goods abroad. James A. Harmon, President and Chairman put it this way:

> American workers have higher quality, better paying jobs, thanks to the Eximbank's financing.

But the numbers at the bank's five biggest beneficiaries—AT&T, Bechtel, Boeing, General Electric, and McDonnell Douglas, which is now a part of Boeing—tell another story. At these companies, which have accounted for about 40 percent of all loans, grants, and long-term guarantees in this decade, overall employment has fallen 38 percent. Almost 800,000 jobs have disappeared. We are taxing the American public to pay for the elimination of these fine jobs.

What does my amendment say: It says, notwithstanding any other provision of law, in addition to the requirements—and there are all kinds of requirements at Exim and OPIC—neither the Export-Import Bank or the Overseas Private Investment Corporation can provide risk insurance after December 31 of this year unless the applicant certifies that it has one, not transferred advanced technology to the People's Republic of China or, two, has not moved any production facilities until after January 1, 2001, from the United States to the People's Republic.

I want to cut out the "P" from PNTR. I can see the lack of knowledge and certainly maybe sometimes the disregard, but to actually come in here and raise taxes to finance the Eximbank and OPIC to, in turn, finance the export of these jobs or the elimination of over 800,000 jobs, we have lost over a million manufacturing jobs in the last decade. There is no question about it. We are just going out of manufacturing entirely. We are going into making hamburgers and handling the laundry, and there are a few software folks buying the stock, making themselves some money, but even the software employee is part time. The construction worker today now has been put off as an independent contractor. He is not under health care. The department store workers are also either independent contractors or part time workers. We have taken and decimated the workforce. And they are wondering why there is malaise or anxiety.

Here is the President back in May:

> Clinton asked rhetorically: "So why are we having this debate, because people are anxiety ridden about the forces of globalization."

They tell us we just don't understand the forces of globalization.

After that one, I have a cover article, I ask unanimous consent to print this article. It is very interesting, "The Backlash Behind the Anxiety of Over Globalization," in Business Week, dated April 24.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Business Week, Apr. 24, 2000]

### Backlash: Behind the Anxiety of Over Globalization

(By Aaron Bernstein)

Ask David K. Hayes about the impact of globalization on his life and you'll hear the story of a painful roller-coaster ride. The Goodyear Tire & Rubber Co. factory in Gadsden, Ala., where he has worked for 24 years, decided to shift most of its tiremaking to low-wage Mexico and Brazil early last year. The plant slashed its workforce from 1,850 to 628. The 44-year-old father of two was lucky and landed a job paying the same $36,000 salary at another Goodyear plant 300 miles away. Hayes's wife didn't want to quit her $30,000-a-year nursing job, so Hayes rented a small apartment in Union City, Tenn., seeing his family on weekends. Then in October, Goodyear reversed course and rehired nearly 700 people in Gadsden, including Hayes. It's good to be home, he says, but he is constantly fearful that the company will switch again. "It has been nerve-wracking," he says. "We try to be cautious on spending, because I don't know if I'll have a job in six months."

Such stories of anxiety are part of what's fueling a second wave of protests against globalization that kicked off in Washington, D.C., on Apr. 9. Echoing the demonstrations that erupted late last year at the World Trade Organization (WTO) meeting in Seattle, the AFL–CIO brought some 15,000 members to Capitol Hill on Apr. 12 to lobby against granting Normal Trade Relations Status to China. Environmental and human-rights protesters planned to disrupt meetings of the World Bank and the International Monetary Fund (IMF) four days later.

The outpouring once again raises the question: Why are so many people so angry about globalization—a term that has come to encompass everything from expanded trade and factories shifting work around the world to the international bodies that set the rules for the global economy? Political and business leaders across the spectrum were caught off guard by the strong feelings expressed in Seattle last fall. Although they're better prepared this time, they remain perplexed.

After all, the U.S. economy is in the midst of a heady boom that's being fueled in no small part by globalization. Open borders have allowed new ideas and technology to flow freely around the globe, fueling productivity growth and helping U.S. companies to become more competitive than they have been in decades. Expanded trade has helped to keep a tight lid on U.S. consumer prices, too. As a result, many U.S. families are doing better than ever. What's more, polls have shown for years that a solid majority of Americans believe that open borders and free trade are good for the economy.

So it the hostility aired in Seattle and now in Washington just the raving of fringe groups? Or does it express a more widespread anxiety that decision-makers have ignored until now? Fringe groups do play a role, but there is mounting evidence for the second conclusion, as well. The protesters have tapped into growing fears that U.S. policies benefit big companies instead of average citizens—of America or any other country. Environmentalists argue that elitist trade and economic bodies make undemocratic decisions that undermine national sovereignty on environmental regulation. Unions charge that unfettered trade allows unfair competition from countries that lack labor standards. Human rights and student groups say the IMF and the World Bank prop up regimes that condone sweatshops and pursue policies that bail out foreign leaders at the expense of local economies. "Are you allowed to make your own rules, or is someone else going to do it? Those are fighting words to a lot of people," says Robert C. Feenstra, a trade economist at the University of California at Davis. DIVIDED. A BUSINESS WEEK/Harris poll released on Apr. 12 finds that while Americans agree in principle that globalization is good, they disagree with policies for carrying it out. Just 10% describe themselves as free traders, while 51% say they are fair traders. Some 75% to 80% say their priorities are to prevent unfair competition, environmental damage, and job loss. The goals of the Clinton and prior Administrations, including boosting exports and keeping consumer prices low, rank lower (page 44).

At the same time, 68% of Americans believe globalization drags down U.S. wages. Respondents split fairly evenly on whether global integration is good for creating jobs and the environment. The result: a gnawing sense of unfairness and frustration that could boil over in the future. "A strong majority [of the U.S. public] feels that trade policies haven't adequately addressed the concerns of American workers, international labor standards, or the environment," says Steven Kull, director of the University of Maryland's Center on Policy Attitudes, which on Mar. 28 released an extensive poll entitled "Americans on Globalization."

Americans' divided views have broad implications for U.S. policies and companies. Ever since the North American Free Trade Agreement (NAFTA) squeaked through Congress in 1993, its opponents have blocked most major trade initiatives, including President Clinton's request for fast-track authority to negotiate new trade pacts. Now protesters hope to thwart the Administration's pledge to extend Normal Trade Relations to China as part of its entry into the WTO. Some 79% of Americans don't want to give China normal trading privileges, according to the BUSINESS WEEK/Harris poll. After the Apr. 12 rally, the AFL–CIO plans to mount a grass-roots effort to defeat the measure when Congress takes it up in late May.

And there's more to come. College students around the country are holding weekly sit-ins to pressure companies to agree to sweatshop monitoring, and they're scoring surprising victories with Reebok, Nike, and other apparel makers. Unions plan to keep pressing for labor standards that can be incorporated into the world trading system—a battle that could drag on for years. Meanwhile, the Washington demonstrations are likely to spur reform at the World Bank and the IMF (page 46). Of course, global integration is a juggernaut that's not easily stopped, but all the political turbulence could make the free-trade agenda more difficult to achieve.

Finding common ground among competing constituents will be a nightmare for policymakers and politicians. While it may be possible to redesign procedures at the lending agencies, for example, it's far more complex and controversial to set labor and other standards worldwide. Already, China's WTO entry has become a flash point for Vice-President Al Gore, who's depending heavily on union support in his Presidential quest. Somehow, the Administration must balance all this while maintaining friendly relations with trading partners around the globe. The task is all the more difficult because to some degree, helping U.S. workers could hurt those in low-wage countries, since shifting U.S. factories and technology abroad helps to lift living standards there.

It's a paradox that while globalization brings big gains at the macroeconomic level, those pluses are often eclipsed in the public eye by all the personal stories of pain felt by the losers. But that pain remains mostly hidden, as economists and politicians emphasize the upside while downplaying or omitting altogether the drawbacks (table). The Economic Report of the President, for example, released in February, barely mentions trade-related job losses, yet Commerce Dept. statistics imply that something like 1 million workers lose their jobs every year as a result of imports or job shifts abroad. THREATS. Indeed, there are millions like David Hayes who live in fear of a layoff and whose families share the emotional and financial disruption. Even in today's red-hot job market, workers who lose a job earn 6% less on average in the new one they land. Others face pressure to take skimpy raises or pay cuts from employers that threaten to move offshore.

Even service and white-collar workers are no longer exempt. True, many professionals are hitting it big on the Internet and thriving in export-oriented companies. But as global integration advances, engineers, software writers, and other white-collar employees are seeing jobs migrate overseas. "Workers used to feel safe when the economy was doing well, but today they always feel they can be laid off, and globalization is part and parcel of that," says Allan I. Mendelowitz, executive director of the U.S. Trade Deficit Review Commission, set up by Congress in 1998.

The point isn't that globalization creates more losers than winners. After all, free trade is a net gain for the country. What worries many is that the U.S. does little to help those who lose out. "You want to make sure that the benefits of trade are fairly shared," says William R. Cline, a trade expert at the Institute of International Finance Inc.

Of course, with jobs plentiful today, losing one is less disastrous than it was back in 1992. But it's still a traumatic experience. About 25% of all job-losers still aren't working three years afterward, according to Princeton University economist Henry S. Farber, who analyzed government survey data through 1997, the latest year available. Some simply retire early. The 75% who do get another job still face that 6% gap, plus the income lost if they're unemployed until they find new work.

What was once seen as a blue-collar phenomenon is now spreading to the service sector. U.S. data-processing companies are using high-speed data lines to ship document images to low-wage countries such as India and Mexico. Some 45,000 people work in these and other service jobs in maquiladoras, twice the number in 1994, when NAFTA took effect. They do everything from processing used tickets for America West Airlines Inc. to screening U.S. credit-card applications for fraud. And the work is getting more advanced. As U.S. companies tap bilingual Mexicans, "we have people getting on the phone and calling customers" in the U.S., says Ray Chiarello, CFO of 2,800-employee Electronic Data Management International in Cuidad Juarez. SWEATSHOPS? Global competition is also battering the theory of comparative advantage, which holds that free trade will prompt the U.S. to import goods made by low-wage, low-skilled labor and export those made by the highly skilled. But companies are undermining that construct by shifting even the most skilled jobs and technologies to low-wage countries.

At General Electric Co., for example, CEO John F. Welch has for years been pushing his operating units to drive down costs by globalizing production. At first that meant moving appliance factories to low-wage countries such as Mexico, where GE now employees 30,000. Then last year, GE's Aircraft Engines (AE) unit set up a global engineering project that already has increased the number of engineers abroad tenfold, to 300, with sites in Brazil, India, Mexico, and Turkey. "We just can't compete globally with a primarily domestic cost base," says AE commercial engines General Manager Chuck Chadwell in a recent AE internal newsletter. An AE spokesman agrees that GE is shifting low-end engineering jobs offshore but says high-end design work is staying in the U.S.

Brian and Mary Best are on the losing end of GE's globalization drive. Both have worked for 25 years as planners at GE's jet-engine plant in Lynn, Mass. But the unit has been shedding planners, who design and help build tools used to make engines, leaving 140 in Lynn, down from 350 a decade ago and 200 in 1999. In February, Brian was laid off from his $50,000-a-year job, and Mary hopes she's not next. "Our jobs are going to places like Mexico and Poland, where labor is cheaper," says Mary, who has a BA in business administration. Says Brian: "GE's only allegiance is to its shareholders."

Globalization also helps push down U.S. wages. Trade accounts for roughly one-quarter of the rise in U.S. income inequality since the 1970s, studies show. Imports shift demand from low-skilled workers to educated ones. Yet economists have never found a way to measure direct wage pressures from globalization.

Mike Spaulding knows about that pressure. Spaulding, 55, works at Buffalo's Trico Products Corp., a maker of windshield wipers, purchased by Tomkins PLC in 1998. Trico began shifting 2,200 jobs to Mexico in the mid-1980s. Then in 1995, management said the 300 remaining jobs could stay if employees slashed costs. So Spaulding and his colleagues swallowed a $2-an-hour cut, to $12.50, where his pay remains today. "We've had to cut back on our lifestyle—forgo some vacations and going out to dinner," he says.

Demands like Trico's have lowered pay across the auto-parts industry. One-third of U.S. auto-part employment migrated south to Mexico between 1978 and 1999, according to Stephen A. Herzenberg, an economist at the Keystone Research Center in Harriburg, Pa. The result: Wages in the U.S. auto-parts industry plunged by 9% after inflation, he found.

Some companies use the mere threat of overseas job shifts against workers who try to unionize to raise their pay. In February, Yvonne Edinger and some colleagues tried to form a union at a Parma (Mich.) factory owned by Michigan Automotive Compressor Inc., a joint venture of Japan's Denso Corp. and Toyoda Automatic Loom Works Ltd. The 425 workers at the plant, which makes car air conditioners, earn $12 to $14 an hour—vs. $16 to $18 for parts makers in the United Auto Workers. But when the organizing drive began, "Japanese coordinators sent over to troubleshoot the line told people that the plant would be moved if they voted in the UAW," says Edinger. That scared so many workers that the organizing drive has been put on hold. A company spokeswoman says it has heard no allegations of threats by its coordinators. Yet such threats are routine. According to a 1996 study by Cornell University labor researcher Kate Bronfenbrenner: 62% of manufacturers threaten to close plants during union recruitment drives.

For nearly a decade, political and business leaders have struggled to persuade the American public of the virtues of globalization. But if trade truly brings a net gain to the U.S. economy, why not use some of the extra GDP to compensate the losers and diminish the opposition? True, this wouldn't address wage cuts and threats of moving offshore, much less qualms about the environment and the supranational role of global trade, and finance bodies. Still, if the decision makers don't start taking Americans' objections seriously, the cause of free trade could be jeopardized.

### The Pros and Cons of Globalization

#### PLUSES

—Productivity grows more quickly when countries produce goods and services in which they have a comparative advantage. Living standards can go up faster.

—Global competition and cheap imports keep a lid on prices, so inflation is less likely to derail economic growth.

—An open economy spurs innovation with fresh ideas from abroad.

—Export jobs often pay more than other jobs.

—Unfettered capital flows give the U.S. access to foreign investment and keep interest rates low.

#### MINUSES

—Millions of Americans have lost jobs due to imports or production shifts abroad. Most find new jobs—that pay less.

—Millions of others fear losing their jobs, especially at those companies operating under competitive pressure.

—Workers face pay-cut demands from employers, which often threaten to export jobs.

—Service and white-collar jobs are increasingly vulnerable to operations moving offshore.

—U.S. employees can lose their comparative advantage when companies build advanced factories in low-wage countries, making them as productive as those at home.

Mr. HOLLINGS. That anxiety over globalization is real. The average American working in manufacturing is not part of this wonderful economy. On the contrary, they are on the edge of losing completely. Just look at the fact that 28,700 manufacturing jobs in the State of South Carolina have been lost since NAFTA.

Let me tell you what happens. They say: Reeducate. I go right to Onieta, simple plant, making T-shirts. We brought it to Andrews, South Carolina some 30-some years ago. At the time it closed, last year and re-located to Mexico, they had 487 employees, and the average age was 47 years of age—all loyal, wonderful, productive, everything. So let's do it Washington's way, reeducate. They sound like Mao Zedong—reeducate, get ready for global competition. So tomorrow morning we have the 487 workers out of a job. They are now reeducated and they are expert computer operators.

Are you going to hire a 47-year-old computer operator or a 21-year-old computer operator? You are not taking on the pension, the retirement cost. You are not taking on the health care cost of the 47-year-old. You are going to hire the 21-year-old. So even Washington's way, they are high and dry. Deadline, go to the town of Andrews and some other places such as that where they have closed down these plants. We have high employment in Greenville, Spartanburg, but go to Williamsburg, go to Marlboro, go to Barnwell and you will see what has been occurring.

So we traveled the State. We have worked for jobs. And don't let the Tom Donahue and the Chamber of Commerce, come up here and start telling me about jobs. I have to sort of make a record. He has gone from representing Main Street and jobs in America to the multinationals, money makers, who can make far more by transferring their production outside of the United States.

I have gotten every Chamber of Commerce award. Bobby Kennedy and I were the tin men back in 1954. I have gotten it from every county Chamber of Commerce, the National Chamber of Commerce, any Chamber of Commerce. But on account of this trade debate, Donahue had them endorse and finance my opponent the year before last. Then do you know what he did, January of last year, after I came back from reelection? He gave me the award. He sent me some good government award or American leadership in commerce. I told him to stick it. Come on. What is going on around here? The unmitigated gall. That crowd has left.

I know the Business Roundtable. I refereed the fight between Secretary of Commerce Luther Hodges and Roger Blough, President of U.S. Steel and head of the Business Roundtable. Because when Secretary Hodges was appointed by President Jack Kennedy, there were 12 on both sides. It was all about the Business Roundtable. They did their manufacturers census and everything else and gave it to the Business Roundtable. The poor Secretary didn't even have control of his own office so he ran them out. And we had to referee that fight and get some of them back in, but at least put the secretary in charge of his own office. But CEO's are arrogant. I know them. They are arrogantly greedy, and they could care less about the country. Jack Welch, the best of the best, says I am not going to add a supplier unless that supplier moves to Mexico. Read the Business Week. The head of Boeing said, "I'm not an American company, I'm an international company." Caterpillar is saying it too. They take pride that they don't have a country.

Well, I happen to represent a country, and I am not going to take it sitting down. They ought to be embarrassed. I appreciate the distinguished chairman of the Finance Committee being here now, but the way they have treated this debate in violation of the Pastore rule, and they bring on morning business and talk about every other subject, they could care less about this debate. The vote is fixed. So we don't learn anything. I can learn from my fellow Senators if I am mistaken or in error. Fine, let's learn and understand what the situation really is. My figures are the Government's figures—the Department of Commerce, the Department of Labor figures, Department of Agriculture statistics.

We are not doing well at all in our deficit balance of trade. I can tell you here and now, STROM and I are going to get by. We are not paying our bills. The distinguished Chair is going to have to pick up my bills because I am spending money the government does not have. Mr. President, it is wonderful and since we have a little time you might indulge me. They ought to understand that the Department of Treasury, under the law—I know they would like to avoid this discussion. The Fed hasn't paid the large August payment on the interest cost. It is going to run around $70 billion. As of 9/12/2000, the national debt is $5,684,118,446,519.63. At the beginning of the fiscal year, it was $5,656,270,901,615.43. So in round figures, the debt has increased around $28 billion. The debt has gone up already. We spent $28 billion more than we took in. We had wonderful receipts on personal income on April 15, and again in June for corporate. But even with those, we now have spent $28 billion more than we took in. We have a deficit and we have had a deficit since Lyndon Johnson balanced the budget in 1968–1969. Yet they all talk surplus.

We don't have a federal surplus. We don't have a surplus in trade. We don't have a surplus in agricultural trade. We don't have a surplus in technology trade. Where are the surpluses? We have a surplus in campaign contributions. Maybe that is the name of the game. Forget about the country. Use the Government to reelect ourselves and promise those things that we don't have. That is the biggest campaign finance abuse—using the Government and the budget. We call something a surplus when we have a deficit, and we promise so much in tax cuts and spending and everything else. Then when it comes to this important subject, either we say nothing or we don't even debate it.

I reserve the remainder of my time on the amendment.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the amendment of my friend. The amendment is not only irrelevant to the underlying bill normalizing trade with China, it would unnecessarily limit the support Congress has directed Ex-Im and OPIC to provide to U.S. exporters worldwide.

First, and most importantly, I want to remind my colleagues that the point of this bill is to ensure that American workers, American farmers, and American businesses reap the benefits of an agreement that it took 3 Presidents of both parties 13 years to squeeze out of the Chinese. Those benefits would be forfeit if this amendment were to pass and thereby hinder our ability to see H.R. 4444 enacted into law.

Thus, the amendment would not only limit the actual assistance that Congress directed Ex-Im and OPIC to provide our exporters, the amendment could have the effect of denying them real export opportunities that are likely to equal $13 billion annually.

Second, the bill ignores the realities of how our exporters do business—pursue markets abroad. Generally, exporting does require you to invest abroad in some form even if only in the form of a representative office, and the available economic analysis suggests that American investment abroad enhances our exports.

The so-called "benchmark studies" of the Emergency Committee for American Trade or ECAT have amply detailed that effect. This past year, as part of the Finance Committee's review of U.S. trade policy, we heard from the Cornell professor who completed the study for ECAT. His testimony was compelling, he found that U.S. investment abroad increased U.S. exports and, pointedly, did not find any substance to the argument that trade represented a highway for run-away American plants, as some claim.

The obvious reason for that phenomena is that our market is already open with very few exceptions. If American firms were interested in moving production to China simply to export back to the United States, they could already have done so for many years. One thing this lengthy debate has made clear is that our market has remained open to the Chinese, while the Chinese market, until the agreement of this past November goes into effect, remains largely closed to U.S. exporters. Firms that simply wanted an export platform to the United States could have been exporting to the U.S. for the past 20 years.

In fact, what passage of PNTR promises is that U.S. companies will no longer have to move to China simply to produce for the Chinese market. Under the November agreement, our exporters can produce in the United States, export to China, and for the first time sell directly to the Chinese consumer without the interference of some state-owned trading company. In other words, passage of PNTR is the best way to halt any alleged erosion of our manufacturing base because you can make the goods here and sell them in China.

Third, this amendment would have a chilling effect on normal business practices that yield export sales. The amendment does not, for example, define what it means by a production facility or what constitutes "moving" such a facility to the People's Republic of China.

Thus, for example, would the Ex-Im Bank be required to deny any support to a U.S. exporter if it closed any facility in the United States or even reduced production in such a facility while it opened a sales office in China? Would OPIC be required to oppose any form of risk insurance for a U.S. company establishing a facility in China manufacturing goods for the Chinese market if the company had closed or merely reduced production in a U.S. facility manufacturing a completely different product?

Those are just a few of the complications that would arise for the Ex-Im Bank, OPIC, and most importantly for American exporters for whom Congress created those programs if this amendment were to pass.

Congress certainly did not intend that the Ex-Im Bank and OPIC be hamstrung in providing support to our exporters. To the contrary, the explicit intent of Congress in creating those programs was to enhance our exporters competitiveness, not to hobble it.

I oppose this amendment for all of the foregoing reasons and ask my colleagues to do so as well.

Mr. GRAMM. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. GRAMM and Mr. MOYNIHAN are located in today's RECORD under Morning Business.)

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I have a unanimous consent request. I ask unanimous consent that at 4:45 today the Senate proceed to a series of rollcall votes in relation to the following amendments in the order mentioned:

Division I of Senator SMITH's amendment No. 4129;

Division IV of Senator SMITH's amendment No. 4129;

Hollings amendment No. 4136;

Hollings amendment No. 4135;

Hollings amendment No. 4137.

I further ask unanimous consent that any remaining divisions of amendment No. 4129 be withdrawn and the Feingold amendment regarding the Commission be withdrawn from the list of eligible amendments.

Finally, I ask unanimous consent there be 2 minutes of debate, equally divided in the usual form, prior to each of the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, of course, our chairman, in opposition to the amendment, has said three Presidents have worked 13 years and found the best way to stop the erosion of our manufacturing base was this particular PNTR agreement. If that is the case, I am a happy man. I have my grave doubts because I have been around here and, as John Mitchell said years ago: Watch what we do, not what we say.

So I put in amendments with respect to the matter of jobs. They say it is going to create jobs. I say there is going to be a loss of jobs. On this particular score, since we lost 69,000 manufacturing jobs just last month, and the NAM, the group in charge of manufacturing, the private entity, says we have a $228 billion deficit in the balance of manufacturing trade, then I think what we ought to do is look at this thing very closely; certainly not finance it.

Companies say it is too much of a burden to report. Not at all. They have to just make a statement that they have not used the monies of exports to adulterate the cause; namely, instead of creating jobs in America, to lose the jobs. The same with the Overseas Private Investment Corporation.

Obviously, people looking at the record wonder why we have gotten ourselves in such a situation. I have watched it over the years and participated, obviously, in it, again and again. What really has happened is much like in the early days before World War II, the Spanish war, where they had the fifth column. We have, in international trade, the fifth column in the United States. Let me tell you how it is comprised.

Yes, after World War II the United States had the only industry. We had the Marshall Plan. We sent over our technology, our expertise and, bless everybody, it has worked. Capitalism has defeated communism. And the tax is still to favor the investment overseas. The Senator from North Dakota, Mr. DORGAN, was voted down earlier this year on an amendment to stop financing it. That is exactly what this amendment says: Just don't—Export-Import Bank, OPIC—finance your demise.

But at that particular time the manufacturers in America had all kinds of trouble traveling to the Far East and elsewhere. They didn't like it. Air travel was a burden. Now it is a pleasure.

What happened is that the banks who were financing, like Chase Manhattan and Citicorp, started making most of their money, as of 1973, outside the United States. They saw their opportunity for expansion in financial trade and obviously sponsored all these foreign policy associations—the Trilateral Commission and everything else. So the best and the brightest crowded in from the Ivy League into these particular entities. They started talking about free trade, free trade, the doctrine of comparative advantage—and it is 50 years later, all power to them—free trade when there is no such thing. The competition is not for profit. It is not free. It is controlled trade and the competition is for market share and, in essence, jobs.

The next thing you know, they started actually investing. I will never forget it. These countries, starting with Japan, began to invest in the United States. Back in the 1980s, we had the independent study about the Japanese contributions to Harvard University. The Japanese-financed academics had tremendous influence over the business model being taught in leading business schools. So they began to take over, and with their investments and contributions to the outstanding campuses of America—the next thing you know, we had everyone in America making profits from their investments, buying into the principle of lean manufacturing and lower costs. We had influence in the banks, we had the Trilateral Commission, we had the campuses, and before long we had the retailers who made a profit, a bigger profit out of the imported articles than what they did on the American-produced article.

Then you had the retailers, the Trilateral Commission, the banks, the campuses, the consultants, and finally the lawyers. Ten years ago Pat Choate wrote in "Agents of Influence," that Japan had 110 lawyers, paid way more than we were paying them here—the consummate salary of the House and Senate by way of pay. Japan was better represented in the United States than the people of America by their Congress.

You get all these lawyers who come in and move into the Business Roundtable and the Chamber of Commerce—the Main Street merchant is forgotten. As the distinguished farmers have to realize, the U.S. Farm Bureau is now an insurance company. They have lost the American farmer. We have a deficit in the balance of agriculture with the People's Republic of China.

With respect to wheat, corn, and soybeans, if we lose the positive balance of trade that we have now, and start to get a deficit, let the President simply report it to the Congress and renegotiate and see if we can get better terms. That is what is called for. Otherwise we are going to sell out agriculture.

Overall, the Department of Agriculture shows a deficit in the balance of trade, particularly in cotton. We actually import more cotton from the People's Republic of China than we export. We have a deficit in the balance of trade with the People's Republic of China in cotton.

I can see it happening, going from 440 million dollars down to 39 million dollars in the last 4 years. It is diminishing rapidly. Obviously, 800 million farmers can do better than 3.5 million in America. We are committed under this agreement to make the 800 million just as productive as the 3.5 million. We have to bring them over here, put on the seminars, carry them through our experimental stations, show them our technology under this agreement.

Once they have a glut in agriculture, once they solve their transportation and distribution problems, we are going to be in the soup in this country. We do have the greatest agriculture in the entire world, but trying to maintain it with the Export-Import Bank, the financing of our sales overseas, the research—we have the fifth column working against us. We are financing our own demise.

The fix is in on all of these votes. They will not even debate them. The legacy of President William Jefferson Clinton is one of fear. I just finished reading a book by David Kennedy, "Freedom from Fear," about Roosevelt, about his leadership. It was true leadership. It was not taking the popular side of a public poll. On the contrary, he was always climbing uphill, all during the thirties and early part of the forties at the beginning of the war. He was fighting to get his policies and programs through. They were not popular ones at all. He led. He said: The only thing we have to fear is fear itself. That was his legacy, freedom from fear.

Now we have global anxiety that President Clinton talked about—the fear of the worker and the farmer in America. They do not know how long they will be able to continue to produce, how long they will have a job, how long they will have a family, how long they will have financial security.

My amendments are not against China. They are against the United States and its failure to compete in international trade. Congress has the fundamental responsibility—article I, section 8 of the Constitution—the Congress, not the President, not the Special Trade Representative, but the Congress shall regulate foreign commerce. But we have been abandoning this responsibility. We do not debate it in the elections. We are now up to a $350 billion, almost a $400 billion deficit, costing us 1 percent of our GNP.

We are in bad shape, but nobody wants to talk about it. They just want to vote and get out of here. If my colleagues debate my amendments, I will be glad to show them the statistics I have corralled.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. HOLLINGS. I will be glad to relinquish that time if the other side is ready to vote. We are going to vote at

4:45 p.m., within the half hour. I want to be able to answer my colleagues, so I retain the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the remaining Hollings amendments. I think they may have been ordered on one. I ask unanimous consent that it be in order to ask for the yeas and nays on the other two.

The PRESIDING OFFICER. Is there objection to it being in order to seek the yeas and nays on both amendments?

Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### VOTE ON AMENDMENT NO. 4129, DIVISION I

Mr. HOLLINGS. The question is on agreeing to amendment No. 4129 of the Senator from New Hampshire. The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 68, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—30

Ashcroft
Bunning
Campbell
Collins
Conrad
DeWine
Dorgan
Feingold
Hatch
Helms
Hollings
Hutchinson
Inhofe
Jeffords
Kennedy
Kohl
Leahy
Mikulski
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thompson
Thurmond
Voinovich
Warner
Wellstone

NAYS—68

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Byrd
Chafee, L.
Cleland
Cochran
Craig
Crapo
Daschle
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Schumer
Smith (OR)
Stevens
Thomas
Torricelli
Wyden

NOT VOTING—2

Akaka
Lieberman

The amendment (No. 4129, division I) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, can I have order, please?

The PRESIDING OFFICER. The distinguished Senator will suspend. Will Senators please cease audible conversation.

Mr. ROTH. Mr. President, I ask unanimous consent that the next votes in the series be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 4129, DIVISION IV

Mr. ROTH. Mr. President, I yield my minute. My understanding is that the author of the amendment yields back his time as well.

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the question is on agreeing to amendment No. 4129, division IV. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 24, nays 74, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—24

Ashcroft
Byrd
Campbell
Collins
DeWine
Edwards
Feingold
Harkin
Helms
Hollings
Inhofe
Jeffords
Kennedy
Kohl
Lautenberg
Mikulski
Reed
Sarbanes
Smith (NH)
Snowe
Specter
Thompson
Torricelli
Wellstone

NAYS—74

Abraham
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Chafee, L.
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inouye
Johnson
Kerrey
Kerry
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Stevens
Thomas
Thurmond
Voinovich
Warner
Wyden

NOT VOTING—2

Akaka
Lieberman

The amendment (No. 4129, division IV) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized

Mr. REID. I have a suggestion. Maybe we should lower the amount of time on a vote to 5 minutes because then we could do it in 15 or 20. If we are going to have 10-minute votes, I respectfully suggest we do that. People are coming up to everybody saying: We have places to go, things to do, and these votes are taking too long.

I will not take any more time because we have an order in effect that the votes are supposed to be 10 minutes, but I hope we could get people here to do that.

### AMENDMENT NO. 4136

The PRESIDING OFFICER. In accordance with the unanimous consent agreement, the question now occurs on the Hollings amendment No. 4136.

Who yields time?

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 1 minute.

Mr. HOLLINGS. Mr. President, at the present moment we have a $350 billion deficit in the balance of trade with the People's Republic of China, and it promises to increase. But proponents of the bill say: No, this is going to open the market in China for advanced technology.

At the moment, we do have a deficit in the balance of trade in advanced technology, according to the Department of Commerce, of $3.5 billion. So this amendment says, after January 1, from thereafter, if it exceeds $5 billion, that the President try to renegotiate and get better terms. This is only a request on behalf of the President.

This amendment ought to be adopted, really, by a voice vote. We can do away with the rollcall, if you want to.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to the Hollings amendment. What this amendment would do is to urge the President to negotiate with the Chinese whenever there is a deficit in advanced technology products, even when there are no allegations of unfair trade practices. It is unclear what the result of these negotiations would be. Will the President urge the Chinese to prevent U.S. companies from transacting business in China until the balance of trade in these products moves into surplus? Or will the President raise barriers to imports into our own market, until the desired balance is achieved?

Whatever the intended result, the price to our farmers and workers would be too high if this amendment were adopted. Let's not forget what is at stake here. With China joining the WTO, the passage of PNTR will enhance dramatically the access of American products—including high technology products—to the Chinese market. That is why I urge my colleagues to vote against this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired on the amendment.

The yeas and nays have been ordered.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent the yeas and nays be vitiated and this be a voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to amendment No. 4136.

The amendment (No. 4136) was rejected.

Mr. ROTH. I move to reconsider the vote.

Mr. L. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4135

The PRESIDING OFFICER. The question now occurs on Hollings amendment No. 4135. There are 2 minutes equally divided.

Who seeks time?

Mr. HOLLINGS. Mr. President, I want a rollcall on this one because it deals with agriculture. At the present time, surprisingly, we have a deficit in the balance of trade overall in agriculture with the People's Republic of China. We do have a plus balance of trade in wheat, corn, rice, and soybeans. We want to maintain that trade. We want to help that wheat farmer in Montana.

So this amendment simply says, if we get to a deficit in the balance of trade for America's farmers in wheat, corn, rice, or soybeans, that the President is requested to see if he can negotiate a better term. That is all the amendment calls for.

I am sure the farmers want a recorded vote on this one. They want us to show we are supporting America's agriculture.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. This amendment is both unnecessary and, with all due respect to my good friend, misguided.

The amendment is unnecessary because the President already has——

Mr. BYRD. Mr. President, may we have order.

The PRESIDING OFFICER. The Senator from West Virginia is absolutely correct. The Senate will be in order. We will suspend until the Senate is in order.

Will the Senators to the Chair's right please take their conversations off the floor.

The Senator is recognized.

Mr. ROTH. I thank the distinguished Senator from West Virginia for his courtesy.

The amendment is unnecessary because the President already has the authority to negotiate with any country about any issue at any time. The proposal is misguided because it seems to urge the President to take actions to eliminate a deficit in certain products, even if the balance of trade is not the result of any market barriers or unfair trade practices. What does this mean as a practical matter? Will the President urge the Chinese to void existing contracts until the balance of trade is in surplus? We just don't know. In the end, this type of intervention in the market is unwise and, ultimately, counter to our own interests.

I would also note that many of the agriculture groups that this amendment is intended to help support my decision to oppose all amendments. This includes groups representing rice, corn, wheat, and soybean farmers. For these reasons, I urge my colleagues to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

All time has expired.

The question now occurs on agreeing to Hollings amendment No. 4135. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) is necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "no."

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 81, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—16

Byrd
Campbell
Dorgan
Feingold
Harkin
Helms
Hollings
Hutchison
Inhofe
Mikulski
Sarbanes
Sessions
Shelby
Smith (NH)
Specter
Wellstone

NAYS—81

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hutchinson
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Schumer
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—3

Akaka
Hatch
Lieberman

The amendment (No. 4135) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4137

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. This amendment deals with the Export-Import Bank. James Harmon, president, stated that the principal beneficiaries under the Export-Import Bank had a 700,000 job loss or more during the past 10 years. What we are doing, in essence, is financing our own demise. So the amendment simply states that when you apply for this particular subsidy, you must certify that you haven't moved your manufacture overseas or that you haven't sent your advanced technology abroad.

Many of my colleagues have been trying to catch a plane. I wish they would take me with them. As a result, I ask unanimous consent to vitiate the order for a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Hollings amendment No. 4137.

The amendment (No. 4137) was rejected.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. MIKULSKI. Mr. President, today's vote will set the course for America's relationship with China into the future.

The debate is about whether the United States should grant China Permanent Normal Trading Relations, PNTR status or continue the annual review of China's trade status.

It is not a debate on whether we should trade with China.

Granting PNTR to China will establish China as a full partner—not just in trade, but in every aspect of international relations.

It will end our ability to review and challenge China's trade status on an annual basis.

Denying PNTR to China will maintain our national sovereignty in our dealings with China.

It will retain our right to annually review America's trade relationship with China.

It will retain our right to exert pressure on China to improve on various fronts—from human rights to nuclear proliferation.

This is an exceptionally difficult decision for me.

I have studied the issue for many months.

I have weighed the pros and cons of granting China PNTR, and I acknowledge that there are strong arguments on both sides.

I will oppose PNTR for China.

I believe we should engage China—but not embrace China.

We all want to increase trade with China.

I want to see the United States not only win Nobel Prizes but also win new markets.

I want the United States to reap the rewards of great new American ideas by developing new American products and exporting those products around the world.

I want U.S. industries which can benefit from lower trade barriers in China—such as high tech companies and agricultural producers—to reap the rewards from this agreement.

Ambassador Barshefsky and the administration did a great job in negotiating a trade agreement to bring down China's trade barriers to the United States.

Although China's trade barriers to the United States still remain much higher than U.S. trade barriers to China, this agreement is a big step forward.

Yet I cannot ignore so many other factors in making this crucial and far-reaching decision.

I believe that the downside of this agreement has been significantly dismissed and the benefits have been greatly exaggerated.

So even though I believe and support trade, I do not believe we should grant permanent trade privileges to countries—such as China—at any price.

Instead, we should trade with China but not grant it PNTR status.

We should continue to review our trade relationship with China on an annual basis.

Since 1980, Congress has had the legal right to review the President's annual decision to grant China Most Favored Nation, MFN Status.

Unfortunately, we have rarely taken advantage of this right.

For the most part, Congress has rubber stamped the President's decision to give China full trading rights and access to the U.S. market without asking for concessions.

I voted against granting China MFN after the Chinese Government massacred thousands of Chinese citizens at Tiananmen Square in 1989.

The majority of my colleagues also voted to deny China MFN and together we took a firm stand against China's brutal massacre.

I wish President Bush had not vetoed our decision.

If he had upheld our vote, China would have learned that its behavior could jeopardize its access to the U.S. market.

Instead, President Bush taught the Chinese Government that it could literally get away with murder.

We should use the annual review as it was intended—to actively debate and question whether China deserves continued access to the U.S. market.

If we had ever used the annual review to deny China access to our market, it could have exerted pressure on China to improve its behavior.

It could even have worked to exert pressure if China had ever believed that its access to our market was in jeopardy.

I believe we should retain and strengthen our annual review because it is a practical and prudent tool.

Otherwise, it will be much more difficult to raise the numerous concerns we have about China.

There are at least 6 key factors that lead me to oppose PNTR for China.

### U.S. NATIONAL SECURITY WILL BE JEOPARDIZED

I am worried that by transferring our wealth and technology to China it will enable Beijing to build its war machine with more smart weapons and technological developments.

Media reports indicate that China uses U.S. computers to develop its nuclear arms—such as illegally using U.S. supercomputers to simulate warhead detonations without actual underground tests.

This and other practices lead me to believe that China's use of U.S. technology to build its war machine will only increase if we grant it PNTR status.

Taiwan already lives in fear that efforts to declare independence from China will result in military action from Beijing.

This fear will only increase if China's military might is strengthened and it continues to break every nuclear nonproliferation agreement it claims it will respect.

I cannot ignore China's continued blatant disregard for international nuclear non-proliferation agreements.

Despite its repeated commitments to such agreements, China remains one of the key suppliers of nuclear technology and expertise to several rogue countries.

Who are they?

Pakistan, Iran, North Korea and Libya.

As recently as July of this year, the United States learned that China continues to assist Pakistan in building long-range missiles that could carry nuclear weapons.

This dangerous irresponsible behavior cannot be ignored especially because Kashmir remains such a volatile area.

China continuously avoids its international obligations.

It flagrantly jeopardizes international security at a time when its trade relationship with the United States is still undecided.

So the American people can be sure it will take even more egregious steps if its trade relationship with the United States becomes permanent.

### CHINA'S POOR RECORD OF COMPLIANCE WITH EXISTING INTERNATIONAL AGREEMENTS

How do we have fair trade with a country that has not fairly lived up to its previous international agreements?

China has made efforts at the national level to improve its compliance record.

Yet these efforts mean little in practice, because they are so often ignored at the local and provincial levels.

For example, Beijing repeatedly promises to comply with intellectual property agreements.

But factories throughout China continue to turn out pirate videos and CDs—with a wink and a nod from the local government.

The effect is a failure to protect against infringement of U.S. copyrights, trademarks and patents.

Will China improve its record of compliance once it joins the WTO?

Unfortunately, there's no reason to think it will.

The WTO simply doesn't have strong enforcement mechanisms.

The WTO is a multilateral, bureaucratic institution.

We cannot expect it to adequately resolve our battles with China.

If we grant China PNTR status and it joins the WTO, we will still have to fight our own trade battles with China.

### THE POTENTIAL BENEFITS OF THIS AGREEMENT HAVE BEEN SIGNIFICANTLY OVERSTATED

We're told that when China opens its markets, we will increase our exports and decrease our staggering trade deficit with China.

But open markets does not mean that China will actually buy our goods.

Evidence indicates that China will resist abiding by its agreement with the United States by maintaining barriers to U.S. products and investment.

Chinese leaders have stated that the concessions they made are just expressions and theoretical opportunities rather than binding commitments.

They have also indicated that they will look to trade remedies to limit U.S. goods from entering into China.

### CHINA NOW DUMPS ITS CHEAP PRODUCTS INTO OUR MARKETS AND WILL INCREASINGLY DUMP MORE

China's persistent practice of predatory dumping jeopardizes U.S. jobs and threatens to reduce wages of hard-working Americans.

I have spent my entire life trying to save jobs, save communities and help people who are trying to help themselves.

I am a blue collar Senator.

My heart and soul lies with blue-collar America.

My career in public service is one of deep commitment to working-class people.

I have fought and continue to fight for economic growth, jobs and opportunities in America, in particular in my own State of Maryland.

I have heard from the working people of Maryland. Most fear for their jobs and security if we grant China PNTR status.

Their fear stems, in part, from the fact that U.S. industries trying to compete with dumped products from other countries often reduce workers wages or cut the workforce to reduce costs.

Some estimates indicate that China's continued dumping of cheap imports into the United States will eliminate over one million jobs by 2010.

I share their concern and the facts back it up.

There is also the legitimate fear that American jobs will be lost because U.S. companies will move their production to China.

Why would not the U.S. companies move to China when they can pay their workers $10 a day—rather than $10 an hour?

Why wouldn't they move to China when they can take advantage of China's exploited workers who are used to poor working conditions, long hours and poor pay?

Why wouldn't U.S. companies move to China where they don't need to comply with America's stringent labor and environmental regulations.

Corporate profits would soar, but American production would plummet.

How can we claim that American workers won't suffer if these fears are realized?

It is likely that many will either lose their jobs or see lower pay checks.

The minimum wage here is already too spartan.

I can only envision what it will become if we grant China PNTR. It could be reduced to an even lower global minimum wage that is tied to the Chinese yen rather than the U.S. dollar.

How can we turn our backs on American workers simply for short-term corporate gain?

In addition, continued dumping by China will lead to irreparable damage to important U.S. industries.

For example, China will dump even more cheap steel into the U.S. market and further harm the U.S. steel industry.

China is the largest producer of crude steel. Its already huge industry continues to grow at nine to ten percent a year.

To be profitable, it will have to sell this steel to markets outside of its borders.

So if we grant China PNTR status, we can expect that much more Chinese steel will be dumped into the U.S. market.

Despite the fact that the U.S. steel industry has won many anti-dumping disputes, steel imports are up 23 percent this year from last year.

Why?

Because the Administration fails to apply antidumping duties to the extent it should to protect this vital U.S. industry.

This will lead to continued suffering for the U.S. steel industry, which has already been forced to reduce salaries and cut its workforce in order to remain competitive.

We cannot lose the American steel industry.

It's not just a jobs issue—it's a national security issue.

During times of war, we cannot rely on foreign steel.

Steel won't be the only industry that suffers if China continues to enjoy its current access to our markets.

If we grant China PNTR, other vital U.S. industries will be harmed by China's dumping of cheap products.

China's continued dumping of cheap goods has contributed to our inflated trade deficit with China.

The United States is already too dependent on Chinese imports—which is the main reason for our extraordinarily high trade deficit with China.

Continued dumping of cheap products by China will further increase this deficit which today is over $68 billion and by 2010 is estimated to increase to $131 billion if we grant China PNTR status.

### CHINA'S ABYSMAL TREATMENT OF ITS OWN PEOPLE

Even ardent supporters of granting China PNTR agree that China has a horrendous human rights record.

In fact, the State Department has recognized China as one of the worst offenders of human rights in the world.

Over the last 50 years, China has persecuted 80 million people.

The government continues to arrest political activists, suppress ethnic minorities and prohibit freedom of speech and religion.

The same leaders who negotiated this trade agreement, will not allow Chinese Catholics, Christians or Tibetan Monks the freedom of worship.

Even as we debate this agreement, China has plans to "settle" over 58,000 people in Tibet in an effort to further weaken the religion and culture of Tibet.

I agree with a statement that was recently brought to my attention by Cardinal William H. Keeler, the Archbishop of Baltimore.

He informed me that the United States Commission on International Religious Freedom in their assessment of China PNTR stated the following:

> While many Commissioners support free trade, the Commission believes that the U.S. Congress should grant China permanent normal trade relations only after China makes substantial improvement in respect to religious freedom.

I believe that China must also make substantial improvements to respect other fundamental human rights, whether it is gender equality or labor rights.

The evidence indicates that it has a long way to go on these fronts as well.

It is well known that China treats women as property rather than as individuals with fundamental human rights.

Family planning officials impose forced abortions or sterilizations on women to limit China's population growth.

China also fails to apply its domestic laws to protect women and children from being sold within China or to prevent them from being trafficked to other countries, such as Thailand, Taiwan, Japan, Canada and even the United States.

It is also common knowledge that China exploits its workers.

Chinese workers are prohibited from forming or joining labor unions.

They cannot bargain collectively to improve their wages or their working conditions.

They are prohibited from advocating for workers' rights for themselves or on behalf of others.

Those Chinese workers who attempt to exercise any of these rights are often beaten and/or thrown in political prisons.

My colleagues in the House worked hard to create a Human Rights Commission in this legislation to maintain pressure on China to improve its human rights record.

Although this Commission could be useful in monitoring China's human rights record, it lacks enforcement power to ensure that China's record actually improves.

So long as China has permanent trade privileges with the United States it will lack any incentive to improve its human rights record.

We would have much more leverage over China if it sincerely believed that its trading privileges with the United States could be jeopardized each year because of its appalling human rights violations against its own citizens.

### GRANTING CHINA PNTR STATUS WILL RESULT IN UNITED STATES ADOPTING AN INDEFENSIBLE DOUBLE STANDARD BOTH IN OUR RELATIONSHIP WITH OTHER COUNTRIES AS WELL AS IN OUR OTHER DEALINGS WITH CHINA

I've heard many of my colleagues say that trade will lead to democracy.

If this is true in China, why isn't it true in Cuba?

Many of the same people who support granting China PNTR status oppose every effort to increase trade with Cuba, even the sale of food and medicine.

Another serious inconsistency is in our treatment of family planning in China.

On the one hand, supporters of PNTR argue that granting China PNTR status will help improve China's human rights record.

But on the other hand, we deny funding for vital programs to improve the human rights situation in China for women.

For example, since 1979 we have either denied or limited our contribution to the United Nations Population Fund, UNFPA because it works with China.

We rightly criticize China's one child policy which results in forced abortion or sterilization to limit women to having only one child.

But we refuse to contribute to valuable efforts aimed to combat these barbaric practices.

We actively choose not to fund UNFPA programs that provide reproductive health and family planning education as well as improve the economic status and gender equality of women in China.

How can we consider granting China PNTR status and argue that it will help improve the human rights situation in China when we refuse to support efforts to protect and promote the fundamental human rights of women in China?

Mr. President, I believe in free trade as long as it's fair trade.

I've supported trade agreements that represents our national interest and our national values.

But this agreement does not meet these criteria.

Trade in itself does not yield democracy, human rights or stability.

These goals would best be achieved by a robust annual review.

In fact, access to the freedom of ideas on the Internet will do more to achieve these goals than a trade agreement ever could.

I will oppose granting China PNTR status.

I cannot support trade at any price—especially when the price is American security, American jobs and American values.

Mr. McCONNELL. Mr. President, it is an honor to rise today in support of H.R. 4444, a bill granting permanent normal trade relations to China. While there is considerable and legitimate debate on this measure, for this Senator it is a simple choice.

At its base, this is a common sense issue—does the United States want its businesses, its farmers, its manufacturers to have the same advantages that every other member of the Word Trade Organization will enjoy? Or, because of our desire to score political points, do we wish to shut out American interests and bar them from beneficial interaction with this enormous market?

As has been pointed out several times during the course of this debate, China already has full access to American markets. However, U.S. businesses do not have reciprocal access to Chinese markets. It's a one way street. A vote against H.R. 4444 would serve not to punish China for behavior we find distasteful but, rather, would forbid American industry and farmers from taking advantage of the agreements our Government worked for 13 years to secure. Let me repeat that.

Defeating PNTR would in no way force China to alter its behavior, it would however single out U.S. interests as ineligible from benefitting from hard-won concessions. That is an unacceptable alternative.

We all agree that our relationship with China is complex and evolving. The United States must remain strong and active in its pursuit of increased security and improved human rights in China. But, we will not be able to accomplish any of our goals if we decide to erect our own Great Wall, and refuse to interact with the Chinese people. Rather, by taking advantage of hard-won access we will be able to export not only American products, but, perhaps more importantly, American ideas and ideals.

The approach of merely wielding the stick has not proven effective and, therefore, it is time to engage with China on a different level. A level that will allow us new opportunities to improve not merely the bottom-line of American farmers and entrepreneurs, but the rights and freedoms of the Chinese citizens as well. In the end, I believe strongly that this will be the enduring legacy of this new relationship.

In all honesty, I do not enter this debate armed solely with high-minded objectives for improved relations and greater freedoms for the Chinese. No, I am blessed to be a U.S. Senator solely because the citizens of Kentucky have allowed me to hold this office, and, thus, I confess that it is also for parochial reasons that I am enthusiastic about our improving trade relationship with China.

Kentucky is home to more than 125,000 jobs that are supported by exports. That number has increased by 15,000 since the implementation of the North American Free Trade Agreement. I might add as an aside, Mr. President, that during debate of that historic agreement we heard many of the same sky-is-falling arguments which are being used during this debate. Well, they were wrong then, and they are wrong today.

Those 125,000 Kentucky workers were responsible for more than $9.6 billion in exported goods in 1999, a figure that has grown by $6 billion since 1993.

Yet, despite those impressive statistics, there is incredible room for growth in Kentucky's export economy. The latest available statistics show that Kentucky exported a mere $69 million worth of goods and services to China in 1999. By way of contrast, Kentucky export totals were more than $336 million to the Netherlands, $295 million to Belgium and $137 million to Honduras. It is astonishing that three countries whose total population is just over 30 million purchase more than 11 times the amount of goods from Kentucky than do China's 1.3 billion citizens. In short, a country with 124 times the population of Belgium should not be purchasing $200 million less in Kentucky products. Clearly, the United States must aggressively alter our relationship with China in order to reverse this perverse trend, and that is exactly what we propose to accomplish.

Kentuckians are calling for these changes and they have been outspoken in their support and clear in their understanding of what is at stake. I want to share with the Senate some of the persuasive arguments they have offered in support of action I hope we will shortly take.

I have heard from countless Kentuckians describing how normalizing our trade relations with China will improve their businesses. I heard from folks like Alan Dumbris. Alan is the plant manager of PPG Industries which manufactures coatings, glass chemicals and fiber glass products. Here is how he framed the debate:

> Here at the Berea, Kentucky facility, 140 associates work together to satisfy our customers while contributing over $6 million to the local economy. We believe that PNTR is good for PPG and good for our facility. . . . Without PNTR, PPG Industry's competitors will have preferential access to Chinese markets.

It is clear to me that Alan Dumbris understands this issue, and he's right on the mark. He sums it up clearly and concisely; if we refuse to grant PNTR to China, Americans will be forced to operate at a severe disadvantage from their international competitors. That is common sense, and that is why Alan agrees that we should send this bill to the President.

I also heard from Ronald D. Smith, President of Gamco Products Company in Henderson, KY. Gamco employs nearly 400 people in Henderson which is a small town on the banks of the Ohio River in western Kentucky. The employees at Gamco produce zinc die casting, which is used on faucets and other products. Here is how Ronald Smith of Henderson stated his support:

> U.S. manufacturers, like us, deserve a fair chance at securing a portion of this business. The current business structures impede our success. China's accession to the WTO would have very positive benefits to our organization in the years ahead.

Again, I say that Kentuckians understand the issue clearly. What is at stake here is fundamental fairness and opportunity for Kentucky and American businesses.

But it is not merely manufacturers that contacted me with their unequivocal support for PNTR. The agriculture sector has been consistently enthusiastic in calling for improved access to Chinese markets for their products. And, as anyone who has followed the difficulties our farmers have faced over the last several years knows, the clearest opportunity for improving agriculture's bottom-line lies in expanding our exports.

Here, I would like to quote another Kentuckian. Steve Bolinger is the President of the Christian County Farm Bureau Federation, and he hits the nail on the head when he states:

> This could be an excellent opportunity for Christian County considering we raise over 17,000 head of beef cattle. These farmers will surely benefit from the trade agreement as China has agreed to cut tariff rates from 45 to 25 percent on chilled beef. . . . Granting PNTR for China will not just benefit farmers in Christian County, it will benefit all of America and China.

I cannot improve on Steve's assessment.

There is a final, but vitally important issue relating to U.S.-China trade that I would like to take a few minutes to discuss. Kentucky's tobacco farmers are in desperate need of new markets for their product. I think its clear that China provides such a market—in fact, one might say there are 1.3 billion reasons for this Kentucky Senator to support PNTR. This potential market is music to the ears of my farming families who have been caught in the crosshairs of an unprecedented legal and political assault for the past seven years.

The importance of tobacco to Kentucky's economy cannot be overstated. I have been on this floor defending my tobacco farmers every year since I first came to the Senate 16 years ago. And, let me tell you, I long for those times when tobacco was not the pariah it has been shaped into over the past few years by an Administration bound and determined to put these farmers out of business.

And, as we all know, there is a lot of debate about the legacy of President Clinton and Vice President Gore. But, I think it is clear that their national war on tobacco has achieved devastating results. Just ask my tobacco farmers in Kentucky. In fact, for the very first time tobacco will not be Kentucky's largest agricultural money maker.

The past 7 years have been devastating to Kentucky's tobacco economy and farm families. The cold political calculations which went into demonizing tobacco during the previous Presidential campaign made clear that this Administration was not interested in what might happen to the impacted farmers. As a result of their efforts, quota has been cut so much that Kentucky's farm families are only growing one-third of what they produced just three years ago. This translates into real loss of income—not just low prices that will bounce back—quota cuts mean many Kentucky farmers won't be able to pay their bills.

That's why you saw me down here in 1999 and again this year, fighting to make sure tobacco farmers were, for the first time in history, included in our most recent agriculture economic assistance packages. Tobacco farmers are just farmers—it's not their fault that this Administration decided that they were politically dispensable and that their crop was now politically incorrect. Thanks to the Clinton-Gore Administration and their trial lawyer friends, 15,000 Kentucky tobacco farmers are now out of business. Again, that has had a real impact on Kentucky's rural communities. No money to buy tractors. No money to buy fertilizer. No money to buy seed. And even more devastating, in many cases, no money to pay the rent or buy the food or put shoes on a child's feet for school. Yet, despite this harsh reality, during the past seven years there has not been one request in any of the Clinton/Gore budgets for one dime to aid tobacco farmers. Regardless of one's opinion on tobacco, that fact is disgraceful.

But Kentuckians are optimistic by nature, and we haven't lost hope. We are looking for ways to move forward. We're looking east—we're looking Far East. China is one market that has the potential to buy our crop—and lots of it. And I'm doing all I can to get that market open and keep it open.

On June 6th of this year I met with Chinese Ambassador Li, and we discussed PNTR and the possibility of selling American tobacco, particularly Kentucky burley tobacco, to China. We are working through tough issues and the Chinese have now agreed to buy American tobacco. Through my relationship with Ambassador Li, I was able to arrange a meeting on June 16 between the Chinese Trade Minister/Counselor here in Washington, D.C. and representatives of the Burley Tobacco Grower's Cooperative Association, the Council for Burley Tobacco, the Kentucky Farm Bureau Federation and my staff.

I have encouraged the Burley Tobacco Growers Cooperative and the other Kentucky representative tobacco organizations to strongly pursue the Chinese market by meeting with representatives of China's tobacco interests. In fact, earlier this month, I joined the Burley Tobacco Grower's Cooperative and Kentucky's Farm Bureau in a meeting with members of China's Inspection and Quarantine Office who were in Kentucky to look over our tobacco crop.

Finally, I intend to help our Burley Tobacco Growers Cooperative arrange a trip to China for later this year. I plan to arrange meetings with government officials and tobacco buyers in China to establish the business relationships necessary for us to sell our product to China down the road.

Mr. President, if I might, I would like to quote one more Kentuckian. Donald Mitchell is a 38-year old, lifelong tobacco farmer from Midway, Kentucky whose family has been in the tobacco business for generations. He accurately sums up the potential of the Chinese market when he says:

> I think voting for PNTR for China is an excellent chance to market our burley tobacco to the world's largest tobacco consumer. And, today we need every opportunity—and this is a major one.

Is Donald Mitchell suggesting that exporting tobacco to China is a guaranteed solution for Kentucky's farmers? No. But, he is correct in recognizing that this is an incredibly important first step. And I predict that once the Chinese get a shot at American tobacco, they are going to want more. This is the best new market in the world, and we're going to be in this for the long haul. We must work each year, first to begin, and then to increase, our sales there.

So, Mr. President, I close where I began. I recognize that there is room for legitimate debate on the subject of granting China Permanent Normal Trading Relations—but to this Senator—the issue is clear. I am going to support passage of this measure, because I am convinced it will provide Americans a level playing field that they have not yet enjoyed. Further, I am going to do everything in my power to take advantage of this improved relationship to assist Kentucky's tobacco farmers as they work to gain access to China's market.

Mrs. LINCOLN. Mr. President, I came to the floor earlier this week to express my strong support for passage of the permanent normal trade relations legislation currently before the Senate. During the course of debate on this issue we have heard several points of view and have considered several amendments to the underlying legislation.

I would like to be abundantly clear for the RECORD that I am joining several of my colleagues that support passage of PNTR by voting against all amendments to this vital legislation. This does not mean that I do not support some of the amendments and initiatives that have been presented before this body. It is unfortunate that our time in the Senate has not been managed in a way that provides us with the adequate time to appropriately debate and amend a vital piece of legislation without running the risk of its complete demise.

I, along with many others, have been calling for Congress to take up and pass PNTR legislation since February of this year. We are nearing the end of this legislative session and, unfortunately, time is a precious commodity. We have a backlog of appropriations bills that must be completed prior to October 1st and any successful amendments to this bill could force a conference committee that would further stall and likely doom passage of this essential legislation.

Several of my colleagues have submitted a letter from over 60 agricultural related associations and corporations. I, too, received this letter and the same sentiment has been expressed to me by countless companies and associations, including Federal Express, Wal-Mart, United Parcel Service, Microsoft, the U.S. Chamber of Commerce, and many, many more industries concerned with expanding our market opportunities. In addition, I have heard from many of my constituents in Arkansas including rice farmers, wheat farmers, pork producers, soybean growers, and various other industries from across my State. All of them have urged the Senate to pass PNTR as soon as possible.

Many of us have worked to keep this bill clean in order to guarantee its passage and expedite its signature by the President. I am proud that we have achieved this goal, and I am proud that we are now positioned to take advantage of China's continually growing markets. I have no illusions about the rigid, Communist regime of China and I, along with others, want nothing less than to improve the quality of life for citizens of China. I know, however, that the surest way to encourage internal reforms is to open this country to western influence, private enterprise, and the opportunities that come with good old American capitalism.

Ms. COLLINS. Mr. President, international treaties and trade agreements are among the most complex issues to come before this body. Their complexity is increased by an order of magnitude when the country in question has a value system and history that are so unlike our own.

Despite the fact that China is a country old enough that its history is counted by centuries rather than by decades, I believe that there is still much that we do not understand about that nation—and that lack of understanding appears to run both ways. For instance, I simply cannot understand the attitude of the Chinese leaders on issues that we consider to be basic human rights—like religious freedom. Nor can I understand their previous reluctance to comply with the terms of international trade agreements.

As a result, I have found the decision on whether to vote to establish permanent normal trade relations with China to be one of the more difficult decisions I have made as a Senator. Ultimately, after much deliberation, I have decided that the opportunities afforded our nation by expanding the global marketplace and by supporting China's membership in the World Trade Organization make PNTR in the best interests of our nation. For the first time, this agreement will help ensure that China reduces trade barriers, opens its markets to American goods and services, and follows the rules of international trade.

Nevertheless, this is a close call. I remain deeply concerned about China's record on human rights and its involvement in creating instability in the world through the proliferation of weapons technology. Consequently, I supported numerous amendments such as Senator WELLSTONE's amendment on religious freedom and Senator HELMS' amendment relating to human rights. I was also proud to be a cosponsor and debate on behalf of Senator THOMPSON's nonproliferation amendment. Regrettably, the Senate did not adopt these amendments, but I hope that the lengthy and impassioned debate sent a message to China that we have not forgotten its record on human rights and nuclear proliferation.

I have also been concerned about the impact that granting PNTR would have on American jobs, particularly those in my home state of Maine. I have considered very carefully the concerns of those who have suggested that granting PNTR for China would have an adverse effect on some of our domestic manufacturers. In fact, I wrote to U.S. Trade Representative Charlene Barshefsky to express these concerns and to inquire about the import surge protections included in the U.S.-China bilateral agreement. Ambassador Barshefsky's reply, which I will enter into the RECORD, discusses the measures in the bilateral agreement that will provide vulnerable U.S. industries with protection from surges in Chinese imports. Were it not for these protections, which are stronger than those in place with other WTO members, I would likely have opposed passage of this legislation.

The agreement contains a textile-specific safeguard that provides protection from disruptive imports for our domestic producers three years beyond the expiration of all textile quotas in 2005 under the WTO Agreement on Textile and Clothing. I would also point out that, were we not to pass PNTR for China, our existing import quotas on Chinese textiles will expire at the end of the year with no hope of renewal through future negotiations with China.

Those on both sides of this issue have published reports that attempt to project the impact on jobs of granting China PNTR. Given the vast and completely conflicting findings, it was particularly difficult to judge the validity of these reports. An Economic Policy Institute analysis suggests that Maine would lose 20,687 jobs by 2010 were Congress to approve PNTR for China. Closer inspection of the EPI projections for Maine, however, reveal fatal flaws in the analysis, as the University of Southern Maine's respected economist Charles Colgan has pointed out. For example, the EPI numbers for Maine, when broken down by industry, project that Maine will lose 18,091 jobs in the shoe industry over the next ten years. Yet, according to Maine Department of Labor figures, Maine has only 5,800 jobs in the entire industry. This one discrepancy alone reduces by more than 12,000 the projected number of Maine jobs affected, an inaccuracy that calls into question the validity of the entire EPI analysis.

Conversely, the administration and industry groups have suggested that substantial export and job growth opportunities will accompany passage of PNTR. While these projections may be overly generous, I believe that PNTR represents, on balance, a net gain for my State. According to the International Trade Administration, Maine's exports to China increased by 58 percent from 1993 to 1998. Moreover, small and medium-sized businesses account for 63 percent of all firms exporting from Maine to China.

Maine Governor Angus King put it well when he said, "The potential for increasing Maine's already dynamic export growth—and creating more and better jobs here at home—will only increase if we can gain greater access to the Chinese market."

Maine's best known export may be our world-renowned lobster, but the lobster industry is but one of many natural resource-based industries that will benefit from China's agreement to lower tariffs and reduce non-tariff barriers to its market. The paper industry, which employs thousands of people in my State, supports PNTR because the agreement would result in a reduction in the current average Chinese tariffs on paper and paper products from 14.2 percent to 5.5 percent. The concessions made by China regarding trading rights and distribution also will provide new market access to products manufactured in the paper mills of Maine.

The potato industry, a mainstay of the northern Maine economy, is another example of a natural resource-based industry that stands to gain from improved access to China's market. More and more, the potato farmers of Maine are delivering their products not only to grocery stores, but also to processing plants that produce items such as french fries and potato chips. Tariffs on these products are now a prohibitive 25 percent, but will be reduced under the agreement by about 10 percent. The Maine Potato Board has endorsed PNTR and expects to see a significant expansion in the global french fry market as a result of these tariff reductions.

The opening of China's markets also will benefit many of Maine's manufacturers. Companies such as National Semiconductor and Fairchild Semiconductor will benefit from the elimination of tariffs on information technology products and agreements to remove non-tariff barriers to the Chinese market. Pratt and Whitney, which manufactures jet engines in North Berwick, ME, is already a major exporter to China and considers PNTR a critical component for the future growth of its business. Moreover, enactment of PNTR will ensure that Pratt and Whitney can compete on equal footing with its European competitors to supply engines and parts for the 1000 commercial aircraft China will purchase by 2017.

My support for PNTR reflects my belief that Maine workers will excel in an increasingly global economy. In Bangor, for instance, the community is developing the Maine Business Enterprise Park. The park is projected to create 2,500 new jobs in technology-intensive industries by providing new and expanding companies with the space and trained workforce needed for success and growth. Undoubtedly, the Chinese market will be a destination for some of the technology products and will help support Maine's transition into the new economy.

Extending PNTR to China advances the cause of free trade, opens China and its market to international scrutiny, and binds it economically to the rules governing international trade. Ultimately, I believe we need to take advantage of the economic opportunities that PNTR represents for our Nation. Therefore, I will vote to grant PNTR to China.

At this point, Mr. President, I ask unanimous consent that a letter from Ambassador Barshefsky expounding upon the protections contained in the bilateral agreement be printed in the RECORD. I yield the floor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
*Washington, DC, September 7, 2000.*

Hon. SUSAN M. COLLINS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR COLLINS: Thank you for your letter requesting information about our agreement with China on World Trade organization (WTO) accession relevant to the concerns of the U.S. shoe and textile industry and Maine's workers.

We believe that a number of provisions of our bilateral agreement and WTO accession generally will increase market access for Maine's exports to China and likely benefit Maine's farmers, workers, and industries. In the agricultural sector, U.S. farmers no longer will have to compete with China's subsidized exports to other markets. China has also agreed to eliminate sanitary and phytosanitary barriers that are not based on sound scientific evidence. In addition, exporters will benefit from obtaining the right to import and distribute imported products such as fish, fishery products, and lobsters in China and from tariff cuts on potatoes, potato products, and dairy products. Maine's key export sectors will benefit from reduced tariffs in China, strong intellectual property protection and improved trade rules protecting U.S. industries against unfair trade practices including:

Tariff elimination for information technology products;

Major tariff reductions for paper, wood products, construction equipment, heating equipment, leather products, footwear machinery, footwear and parts;

Low tariffs for most chemicals at WTO harmonization rates;

Elimination of import restrictions for construction equipment and footwear machinery.

The agreement will also open the Chinese market to a wide range of services, including telecommunications, banking, insurance, financial, professional, hotel, restaurant, tourism, motion pictures, video distribution, software entertainment distribution, periodicals distribution, business, computer, environmental, and distribution and related services. More detailed information on improved market access for specific sectors can be found at the USTR website www.ustr.gov.

The bilateral WTO accession agreement also provides for substantial improvements in access for our shoe and textile products to the Chinese market. In addition to phasing in import rights for our companies, China will permit them to distribute imports directly to customers in China. The Agreement also will reduce China's tariffs on textiles and apparel products from its current average tariff of 25.4% to 11.7%—which will be lower than the U.S. average tariff at the time reductions are completed by January 1, 2005. For shoes and shoe components, China's current average tariff of 25% will be reduced to 21% by January 1, 2004. U.S. producers believe that there are significant opportunities for US exports of textile products such as high volume, high quality cotton and manmade fiber yarns and fabrics, knit fabrics, printed fabrics; branded apparel, sportswear and advanced speciality textiles used in construction of buildings, highways and filtration products to China.

In addition to increased market opportunities for Maine's workers and industries, China's accession to the WTO will include measures to address imports that injure U.S. industries, including the textile and footwear industries. Among these measures are two "special safeguards," one of which is specifically for textiles. The textile and apparel industries have recourse to both the special textile safeguard and the product specific safeguard. The special textile safeguard is available until the end of 2008—four years after quotas otherwise expire under the WTO Agreement on Textiles and Clothing. This can be used by the textile industry to protect the market from disruptive imports in the same manner as under our longstanding bilateral agreements; there has been no change in the criteria for using this safeguard and it is a known quantity for the industry.

The more general product-specific safeguard is also available and will allow us to impose restraints focused directly on China in case of an import surge based on a standard that is easier to meet than that applied to other WTO Members. This protection remains available for a full 12 years after China's WTO accession. A more detailed description of these two safeguard measures is attached to this letter.

In addition to these two safeguard mechanisms, we believe that existing U.S. trade laws, as augmented by the provisions of the November 1999 bilateral agreement (including the provisions of H.R. 4444), provide adequate means to address the shoe and textile industries' concerns about imports from China. In particular, we would note that the agreement allows the United States to continue to use existing NME provisions with respect to China for 15 years after China's entry into the WTO. Lastly, when China becomes a member of the WTO, the United States will be able to ensure that China abides by its commitments under the Agreement on Subsidies and Countervailing Measures which are clarified in our bilateral agreement. When we determine that an industry is market oriented or that China is no longer a non-market economy, U.S. countervailing duty law will apply.

When China accedes to the WTO, the bilateral quotas currently in force with China will be incorporated into the WTO Agreement on Textiles and Clothing (ATC). As of January 1, 2005, in accordance with the agreements reached as part of the Uruguay Round, all textile quotas will be eliminated, however, additional protections have been incorporated into the agreement for the benefit of the U.S. industry. For example, in addition to the two safeguard mechanisms, the U.S. established low annual quota growth rates, which will be the base for quota growth during the ATC phase-out period. China's weighted average annual growth rate is presently 0.9722 percent, compared to a figure for WTO Members of 9.1231 percent. Additionally, it is anticipated that any increase in imports from China would come primarily at the expense of other restricted suppliers. Finally, China's undertakings to prevent illegal textile transshipment, and our strong remedies should transshipment occur, including the "triple charge" penalty, will continue to apply under the ATC regime.

With regard to the Economic Policy Institute's (EPI) study, a policy brief written by the Institute for International Economics, "American Access to China's Market: The Congressional Vote on PNTR," clearly refutes the methodology and conclusions of the study, especially its questionable correlation of a bilateral deficit with unemployment. In addition, the EPI study purports to be based on the U.S. International Trade Commission's (ITC) China report that actually suggests substantial benefits for American workers, farmers and companies, despite underestimating the benefits of granting PNTR. For example, the ITC's calculations did not factor in the effects of vital reductions in restrictions on the right to import and distribute, reductions in restrictions on trade in services, or reductions in Chinese non-tariff barriers. Nor did the ITC's calculations factor in China's anticipated economic growth and ongoing economic reforms. Despite underestimating the benefits of China's accession to the WTO, the ITC's limited model nonetheless finds that China's entry into the WTO will lead to higher incomes in the United States and a decrease in our overall global trade deficit. In simulations of the effects of China's April 1999 tariff offer, the ITC reports that U.S. GDP rises by $1.7 trillion and our overall trade deficit decreases by $800 million. Finally, in a letter to EPI, the Director of Operations of the ITC stated that the EPI study in several ways misrepresents the work and the findings of the ITC's analysis.

I hope that this reply addresses your concerns. If you have any further questions, we would be happy to address them.

Sincerely,

CHARLENE BARSHEFSKY.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, there are no further amendments in order to H.R. 4444. Therefore, the 6 hours of debate time remain. It is my understanding that the debate time will be consumed tomorrow and Monday. Therefore, there are no further votes this evening. The next vote will be on Tuesday at 2:15 p.m. on passage of H.R. 4444.

I ask unanimous consent that all debate time allotted in the previous consent agreement be consumed or considered used when the Senate convenes on Tuesday, with the exception of 90 minutes for each leader to be used prior to 12:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Mr. GRAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. THOMPSON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BOY SCOUTS OF AMERICA

Mr. THURMOND. Mr. President, yesterday, the House of Representatives voted on a bill which would have repealed the Federal charter of the Boy Scouts of America. Fortunately, the bill received a mere twelve votes. However, even the consideration of such an absurd proposal concerns me tremendously.

I recognize that traditional values and institutions which uphold those values are under attack and considered out of date by some elements of our society. Unfortunately, the Boy Scouts of America is one of many fine organizations being challenged.

The Boy Scouts embody the beliefs on which the very foundation of this country was built. Since its inception in the early 1900s, this fine American institution has taught the young men of our Country about the importance of doing one's duty to God, of serving others, and of being a responsible citizen, and has in turn provided this Nation with countless distinguished leaders.

I find it disappointing that at a time when the United States is in critical need of organizations that teach our youth character and integrity, some would choose to attack the Boy Scouts of America. Few fail to recognize the hurdles today's adolescents face. Confronted by obstacles that were unimaginable in my day, Boy Scouts provides young people with the knowledge, self confidence and willpower to do what is right in difficult situations.

I commend the Boys Scouts of America for its dedication to our youth, and reaffirm my commitment to its preservation.

## MICROSOFT LITIGATION

Mr. BENNETT. Mr. President, I wish to call to the attention of my colleagues an article that appeared on September 1 in the Washington Post, written by Charles Munger, who is the vice chairman of Berkshire Hathaway, on the issue of the Microsoft litigation and the impact that will have in the marketplace.

As I have considered this particular issue, as I pointed out to my colleagues, I come to the Senate unburdened with a legal education but with a background in business. Here is a businessman commenting on the implications of this litigation in a way that I think others might find interesting.

I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 1, 2000]

### A Perverse Use of Antitrust Law

(By Charles T. Munger)

As best I can judge from the Microsoft antitrust case, the Justice Department believes the following: that any seller of an ever-evolving, many-featured product—a product that is constantly being improved by adding new features to every new model—will automatically violate antitrust law if: (1) it regularly sells its product at one all-features-included price; (2) it has a dominant market share and (3) the seller plays "catch-up" by adding an obviously essential feature that has the same function as a product first marketed by someone else.

If appellate courts are foolish enough to go along with the trial court ruling in the Microsoft case, virtually every dominant high-tech business in the United States will be forced to retreat from what is standard competitive practice for firms all over the world when they are threatened by better technology first marketed elsewhere.

No other country so ties the hands of its strongest businesses. We can see why by taking a look at America's own history. Consider the Ford Motor Co. When it was the dominant U.S. automaker in 1912, a small firm—a predecessor of General Motors—invented a self-starter that the driver could use from inside the car instead of getting out to crank the engine. What Ford did in response was to add a self-starter of its own to its cars (its "one-price" package)—thus bolstering its dominant business and limiting the inroads of its small competitor. Do we really want that kind of conduct to be illegal?

Or consider Boeing. Assume Boeing is selling 90 percent of U.S. airliners, always on a one-price basis despite the continuous addition of better features to the planes. Do we really want Boeing to stop trying to make its competitive position stronger—as it also helps travelers and improves safety by adding these desirable features—just because some of these features were first marketed by other manufacturers?

The questions posed by the Microsoft case are (1) What constitutes the impermissible and illegal practice of "tying" a separate new product to a dominant old product and (2) what constitutes the permissible and legal practice of improving an existing one-price product that is dominant in the market.

The solution, to avoid ridiculous results and arguments, is easy. We need a simple, improvement-friendly rule that a new feature is always a permissible improvement if there is any plausible argument whatever that product users are in some way better off.

It is the nature of the modern era that the highest standards of living usually come where we find many super-successful corporations that keep their high market shares mostly through a fanatical devotion to improving one-price products.

In recent years, one microeconomic trend has been crucial in helping the United States play catch-up against foreign manufacturers that had developed better and cheaper products: Our manufacturers learned to buy ever-larger, one-price packages of features from fewer and more-trusted suppliers. This essential modern trend is now threatened by the Justice Department.

Microsoft may have some peculiarities of culture that many people don't like, but it could well be that good software is now best developed within such a culture. Microsoft may have been unwise to deny that it paid attention to the competitive effects of its actions. But this is the course legal advisers often recommend in a case such as this one, where motives within individuals at Microsoft were mixed and differed from person to person. A proper antitrust policy should not materially penalize defendants who make the government prove its case. The incumbent rulers of the Justice Department are not fit to hold in trust the guidance of antitrust policy if they allow such considerations of litigation style to govern the development of antitrust law, a serious business with serious consequences outside the case in question.

While I have never owned a share of Microsoft, I have long watched the improvement of its software from two vantage points. First, I am an officer and part owner of Berkshire Hathaway Inc., publisher of the World Book Encyclopedia, a product I must admire because I know how hard it was to create and because I grew up with it and found that it helped me throughout a long life.

But despite our careful stewardship of World Book, the value of its encyclopedia business was grossly and permanently impaired when Microsoft started including a whole encyclopedia, at virtually no addition in price, in its software package. Moreover, I believe Microsoft did this hoping to improve its strong business and knowing it would hurt ours.

Even so, and despite the huge damage to World Book, I believe Microsoft was entitled to improve its software as it did, and that our society gains greatly—despite some damage to some companies—when its strong businesses are able to improve their products enough to stay strong.

Second, I am chairman and part owner of Daily Journal Corp., publisher of many small newspapers much read by lawyers and judges. Long ago, this corporation was in thrall to IBM for its highly computerized operation. Then it was in thrall to DEC for an even more computerized operation. Now it uses, on a virtually 100 percent basis, amazingly cheap Microsoft software in personal computers, in a still more highly computerized operation including Internet access that makes use of Microsoft's browser.

Given this history of vanished once-dominant suppliers to Daily Journal Corp., Microsoft's business position looks precarious to me. Yet, for a while at least, the pervasiveness of Microsoft products in our business and elsewhere helps us—as well as the courts that make use of our publications—in a huge way.

But Microsoft software would be a lousy product for us and the courts if the company were not always improving it by adding features such as Explorer, the Internet browser Microsoft was forced to add to Windows on a catch-up basis if it didn't want to start moving backward instead of forward.

The Justice Department could hardly have come up with a more harmful set of demands than those it now makes. It it wins, our country will end up hobbling its best-performing high-tech businesses. And this will be done in an attempt to get public benefits that no one can rationally predict.

Andy Grove of Intel, a company that not long ago was forced out of a silicon chip business in which it was once dominant, has been widely quoted as describing his business as one in which "only the paranoid survive." If this is so, as seems likely, then Microsoft should get a medal, not an antitrust prosecution, for being so fearful of being left behind and so passionate about improving its products.

## NUCLEAR WASTE STORAGE

Mr. BENNETT. Mr. President, I rise to address an issue that is of great concern to the people of my State, and, I think beyond the parochial issue, the people of the country as a whole.

Private Fuels Storage is in the process of seeking a license to store nuclear waste on the Goshute Indian Reservation in the State of Utah. Their application seeks a 20-year license with the option of extending it for an additional 20 years. This is being described as an "interim storage" place for nuclear waste. I have been silent on this issue up until now. But I have decided to take the floor and announce my opposition to this storage for two reasons, which I will outline. One is something that requires further study and might be dealt with, but the second and more powerful reason for my opposition is a permanent policy issue.

Let me address the perhaps less important issue first. But it is an important issue that requires consideration; that is, the location of this particular site with respect to the Utah Test and Training Range.

One of the things most Americans don't realize is that we require the Air Force to train over land. There are very few training ranges that will allow aircraft to train over land. Much of the training that takes place in the Armed Forces takes place over the water, but it is not the right kind of training experience for pilots to always have to fly over water.

The Utah Test and Training Range has a long history of service to our Nation's military. It was there that the pilots trained for the flights over Tokyo in the Second World War. Indeed, it was there that the crew of the plane that dropped the atomic bomb on Hiroshima was trained.

The proposal for the storage site at the Goshute Indian Reservation is in a location that will affect the flight pattern of Air Force pilots flying over the Utah Test and Training Range. I have flown that pattern myself in a helicopter provided by the military, and I have seen firsthand how close it is to the proposed nuclear waste repository.

There are people at the Pentagon who have said the flight path will not be affected; everything is fine. I have learned during the debate over the base realignment and closure activity that sometimes what is said out of the Pentagon is more politically correct than it is substantively correct. I have talked to the pilots at Hill Air Force Base who fly that pattern, and they have told me, free of any handlers from the Pentagon, that they are very nervous about having a nuclear waste repository below military airspace that will require them to maneuver in a way that might cause danger, and could certainly erode the level of the training that they can obtain at the Utah Test and Training Range.

I do not think we should move ahead with certifying this particular location until there has been a complete and thorough study of the impact of this proposal on the Utah Test and Training Range and upon the Air Force's ability to test its pilots.

That, as I say, is the first reason I rise to oppose this. But it is a reason that is subject to study, analysis, and examination, and may not be a permanent reason.

The second reason I rise to oppose this is more important, in my view, than the first one. I want to deal with that at greater length.

Let us look at the history of nuclear waste storage in the United States. The United States decided 18 years before a deadline in 1998 that the Department of Energy would, in 1998, take responsibility for the storage of nuclear waste. That means that through a number of administrations—Republican and Democrat—the Department of Energy has had 18 years to get ready to deal with this problem. Current estimates are that the Department of Energy is between 12 and 15 years away from having a permanent solution to this problem. I do not think that is an admirable record—to have had 18 years' notice, miss the deadline, and still be as much as 15 years away from it.

The deadline is now 2 years past, and we are no closer to getting an intelligent long-term solution to this problem than we were. Perhaps that is not true. Perhaps we are closer in this sense: That a location has been identified. Up to $8 billion, or maybe even as much as $9 billion, has been spent on preparing that location as a permanent storage site for America's nuclear waste. We are no closer politically to being ready for that. We perhaps are a good bit closer in terms of the site.

I am referring, of course, to the proposed waste repository at Yucca Mountain in Nevada, on the ground that was originally set aside and used as the Nevada Test Site. Many times people forget that. The Nevada Test Site is where we tested the bombs that were dropped elsewhere, and the bombs went into our nuclear stockpile. So the ground at the Nevada Test Site has already been subjected to nuclear exposure. The seismic studies have been done, and Yucca Mountain has been found to be the most logical place to put this material on a long-term basis. Twice while I have been in the Congress we have voted to move ahead on that, and twice the President has vetoed the bills.

Against that background comes this proposal to build an interim storage site in the State of Utah on the reservation of the Goshute Indians adjacent to the Utah Test and Training Range.

This is my reason for opposing that so-called interim site: I do not believe that it will be interim. I do not believe that. If we start shipping nuclear material to the Goshute Reservation in Utah, that gives the administration and other politicians the opportunity to continue to delay moving ahead on Yucca Mountain.

Now, how much Federal money has been spent preparing the Goshute Indian Reservation to receive this? Virtually none, compared to the between $8 and $9 billion that has been spent on Yucca Mountain.

There will be one delay after another if this thing starts in Utah. People will say: We don't need to move ahead on Yucca Mountain; we have a place we can put it in the interim. The interim will become a century, or two centuries, while the Government continues to dither on the issue of Yucca Mountain.

I am in favor of nuclear power. I believe it is safe. I believe it is essential to our overall energy policy. I am in favor of the Energy Department's fulfilling the commitment that was made in 1980 that said by 1998 the Department of Energy will have a permanent storage facility. I believe we have identified that facility through sound science, through expenditure of Federal funds, through every kind of research that can be done, and we are ignoring, for whatever political reason, the opportunity to solve this problem at Yucca Mountain while we are talking about an interim solution at the Goshute Reservation.

It is simply not a wise public policy to say that since we cannot solve the permanent problem, we will find a backdoor way for a stopgap interim solution. The stopgap interim solution will become a permanent solution without the plan, without the analysis, and without the expenditures that have already gone into the permanent solution that is available.

Therefore, for these two reasons, I announce my opposition to the depository on the Goshute Reservation in Utah. I am sending a letter to the Nuclear Regulatory Commission asking that they extend the time for another 120 days for public comment on their proposal to proceed with this license. I think the first reason that I have cited alone justifies that extension of time because there has not been sufficient analysis of the impact of this proposed facility on the Utah Test and Training Range. I hope in that 120-day period we can get that kind of analysis.

The second more serious reason will still remain. I hope in that 120-day period we can begin to approach that, as well.

I thank the Senators for their courtesy in allowing me to proceed on this issue. It relates directly to the State of Utah, but I think in terms of the impact on nuclear power as a whole, it is an issue about which the entire Nation should be concerned.

I yield the floor.

## DR. WEN HO LEE

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly on the extraordinary case of Dr. Wen Ho Lee who was released from custody yesterday by the Federal judge saying that Dr. Lee was owed an apology because of major mistakes made by ranking officials at the Department of Justice and the Department of Energy. This matter has been the subject of oversight inquiry by the Judiciary subcommittee, which I chair. Our inquiry began last October and ended in early December at the request of the Director of the FBI so that it would not interfere with the pending prosecution of Dr. Lee.

There are many questions which arise from what has happened since—especially the dramatic comments of Judge Parker yesterday that Wen Ho Lee was owed an apology, and that blame lay at the doorsteps of the top officials in Justice and Energy.

The questions which need to be explored are:

What evidence or what factors were there which led to Dr. Lee's detention and solitary confinement for some 9 months?

What did the Department of Justice and the Department of Energy do by way of their investigation?

What were the specifics where the key FBI witness changed his testimony from an earlier hearing where he said Dr. Lee was deceptive, to a later hearing where he omitted that very important fact which led to Wen Ho Lee's detention?

Was there any racial profiling in this case?

How did the Department of Justice focus on Dr. Lee?

Those are among the many questions to be answered in an oversight hearing which our subcommittee is attempting to schedule now for the week of September 25.

The inquiries which we have already made have suggested that there was significant reason for the FBI to conduct the investigation. Dr. Wen Ho Lee is entitled to the presumption of innocence like every American. And on this date of the report, he is presumed innocent, and he is, in fact, innocent. But on this date of the record, the Department of Justice has convicted itself of absolute incompetence. Let me be very specific about why.

Director Louis Freeh sent his top deputy, John Lewis, to talk to Attorney General Janet Reno in August of 1997 to request a warrant for Dr. Lee under the Foreign Intelligence Surveillance Act. There was a statement of probable cause which was very substantial which justified the issuance of that warrant to gather further evidence. Attorney General Reno referred that matter to a man named Daniel Seikaly in her department, a person who had never handled a warrant under the Foreign Intelligence Surveillance Act.

The wrong standard was applied, and the FBI was turned down notwithstanding the top deputy, John Lewis, having been sent there by Director Freeh. Then, inexplicably, for the next 16 months, the FBI did not conduct any investigations. Some memoranda were transmitted between Washington, DC, and Albuquerque, NM, but the case lay dormant.

It is really hard to understand why the case would lie dormant when the FBI had been so arduous in asking for the warrant under the Foreign Intelligence Surveillance Act. But then, in late December of 1998, it was known that the Cox committee was about to publish its report and was said to be highly critical of the way the Department of Justice and the Department of Energy handled the Wen Ho Lee case.

Then the Department of Energy initiated a polygraph of Dr. Lee on December 23, 1998, conducted by an outside agency—not by the FBI but by Wackenhut. The Wackenhut contractors told the FBI that Dr. Lee passed the polygraph but did not give the FBI agents the polygraph charts or the videotape of the interview.

On January 17 of 1999, the FBI conducted an interview with Dr. Lee to close out the case. But then, on January 22, 5 days later, the FBI finally received the complete record of the December 23 polygraph and began to question the Wackenhut interpretation of the results.

Without going into more of the details in the limited time I have at the moment—there will be more time to amplify this statement later in the subcommittee hearings—Dr. Lee was not terminated until March 8. The search warrant was not issued until April 9 in the context of substantial evidence of deletions and downloading. There are very significant questions for the Department of Justice to answer as to why the warrant was not issued under the Foreign Intelligence Surveillance Act, why the investigation was not made by the FBI from August of 1997 to December of 1998, why Dr. Lee was kept on the job in the face of downloading very substantial classified matters.

The issues about his retention require very serious oversight. There are all the appearances that the FBI's failure to handle the matter properly, the Department of Justice's failure to handle the matter properly, through the disclosure by the Cox committee in January of 1999, and the ultimate firing, the ultimate search warrant, suggest that the Department of Justice really threw the book at Dr. Lee to make up for their own failings. But there needs to be a determination on oversight as to the justification for keeping Dr. Lee in solitary confinement. When the judge finally suggested that he was going to release Dr. Lee to house arrest, the Federal Government put out an objection to his having any contact with his wife, which was really extraordinary.

Then suddenly, on a plea agreement, on one of 59 counts under the indictment, according to the Department of Justice, it is OK to release Dr. Lee on the plea bargain. There was no fine, no jail time on the conviction, only a debriefing. There is a real question as to how meaningful that is since those materials are customarily offered on a tender by Dr. Lee's counsel before the plea bargain is entered into.

These are some of the issues which our Judiciary subcommittee will be looking into on oversight, both as to the Department of Justice and the Department of Energy. When a Federal judge says that America owes Dr. Lee an apology, the details have to be determined. When the FBI makes representations that Dr. Lee poses a threat to the security of the United States, and that the information he has downloaded could lead to the defeat of our military forces worldwide, those assertions need to be investigated as a matter of oversight. How did the Department of Justice move from those very serious allegations to a statement, in effect, that let the matter go, without a fine, without a jail sentence, with only probation on a single one of 59 counts.

The handling of these espionage matters is of great import. The subcommittee is nearing completion of a report on Dr. Peter Lee, who confessed to providing information to the People's Republic of China on nuclear secrets and submarine detection. These are matters which require congressional oversight. Our Judiciary subcommittee will undertake just that.

I yield the floor.

Mr. GRAMM. Mr. President, like most people this morning, I read the headline "Physicist Lee Freed With Apology." I want to comment on this. I want to be careful about what I say because I am angered and embarrassed about what has happened to one of our fellow Americans.

For the last few months I have been troubled by the case of Wen Ho Lee. I have been troubled because I have had the deep suspicion that Dr. Lee was a victim of scapegoatism by the Justice Department and by the Energy Department. But I tried to follow the old adage we all learn from our mamas—that when you do not have the facts, wait until you get the facts before you have something to say. Today we have the facts. The facts are that the Federal judge in this case said—talking about Janet Reno, the Attorney General of the United States of America, and Bill Richardson, the Secretary of Energy—and I quote the Federal judge:

> They did not embarrass me alone. They have embarrassed our entire nation and each of us who is a citizen of it.

Let me say they certainly embarrassed me. It seems to me that what happened was we had a terrible breach of security. Our Energy Department was asleep at the switch when the nuclear secrets of this country were stolen. That was raised to a level of public awareness. Rather than going out and finding the person who was guilty of stealing these secrets, it now appears that what the Justice Department did, to its great shame and our embarrassment, is engage in racial profiling to identify an Asian American of Chinese ancestry, Dr. Lee, and to use him as a scapegoat for the failure of this administration to protect American national security.

This individual citizen ended up month after month in solitary confinement, having been charged in a 59 count indictment, and then when it was clear that there was no case, they plea bargained to release him on a minor offense. I say "minor" only as compared to the selling of nuclear secrets of the United States to the Chinese, or giving such information to them. Dr. Lee transferred secure data to a nonsecure source, a charge for which John Deutch, in a much higher position of government in this administration, was never prosecuted.

In return for admitting guilt to this charge, this man, who was denied his freedom and who was on the verge of having his life ruined, is now exonerated by a Federal judge. I would like to say this:

First of all, I don't understand an administration that stands up and damns racial profiling and yet engages in it when it suits their political agenda.

I don't understand scapegoating when you are talking about a man's freedom and when you are talking about a man's life.

I think if our Attorney General, Janet Reno, had any honor and any shame, and I think if Bill Richardson had any honor and any shame, they would resign as a result of this outrage to the American people.

The idea that this man was in solitary confinement month after month, deemed a public enemy, and vilified, it seems to me, at least, based on everything we know—and it seems if the Justice Department had any facts, they would have presented them to this court and to this judge—because of his race. I think it is an outrage. And I think an apology is due from the President of the United States.

I think this is a terrible wrong and an outrage. I have for months been suspicious that this was happening, but I didn't want to say anything until we had the facts.

I hope my language hasn't offended anybody. But I just do not understand people who, to get political cover for their own failings, don't seem to care that we are talking about the life of a real person. Our system is not based on my rights, or Bill Clinton's rights, it is based on the rights of each individual citizen.

The idea that this man has had his good name and his family so attacked and has been in solitary confinement when the only thing the Justice Department ended up getting him to plea bargain on was that he took material out of a secure setting to a nonsecure setting when another official of this Government, by his own admission, did exactly the same thing and was never prosecuted—this is a terrible outrage.

I just didn't feel comfortable not saying something about it. I just wanted to go on RECORD as saying that there is something very wrong in America. This is not the America I grew up in when this kind of thing happens. Somebody in the Senate needed to say something about it. I decided that was me.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, could I respond in the most emphatically sympathetic and supportive way to the statement of the Senator from Texas.

In 1993, this Congress passed legislation to create the Commission on Protecting and Reducing Government Secrecy in the United States. We had a fine commission. Senator HELMS and I represented the Senate, and in the House, LARRY COMBEST and Lee Hamilton, and John Deutch of the CIA. The commission came up with a unanimous finding.

We began with the proposition—and I can say to a fellow academic; he will recognize it—Max Weber set forth that secrecy is the natural weapon of a bureaucracy against the parliament and against the other agencies of the political system. We found the most extraordinary things. I later wrote about this.

In December 1946, a brilliant crypto analyst at Arlington Hall Girl's School, not far from the Pentagon, and broke the first of the Soviet KGB codes. These are one-time pads. You "can't break them" but they got a little careless, used once or twice. There were the names of all the physicists at Los Alamos, the principal ones. A measure of the extent of the KGB operation in this country? As our crypto analyst worked along, an Army corporal cipher clerk handing him pencils, coffee, whatever, an Army corporal cipher clerk, a KGB spy. In very short order, the KGB knew we were breaking their code.

Then, of course, Kim Philby was at the British Embassy and we shared some of these findings with the British—we probably still do. Then he defected. In no time at all, they knew that we knew, and we knew that they knew that we knew.

People might be interested to learn, who was the one person in the U.S. Government who did not know? The President of the United States. On whose orders was this the case? Omar Bradley, Chairman of the Joint Chiefs of Staff. This is Army property. I guess he had a sense that if he said, "Give everything to the White House," it gets out.

President Truman never knew any of these things.

With the exceptions of the Rosenbergs, none of these persons were ever prosecuted. One of them, the most important, Hall, teaches physics at Cambridge University in England, and comes back and forth to this country. He had been part of that tremendous effort. He was from an immigrant family living in Manhattan, went to Queens College. They spotted him at Queens College, and they sent him up to Harvard. Then he was sent to Los Alamos. He was never prosecuted because to prosecute, it must be stated where we got the information and so forth.

Secrecy can be so destructive to the flow of information that is needed. It will continue long after there is any conceivable need for secrecy. We estimated recently that the classified documents we have in place now would be 441 times stacked up the height of the Washington Monument.

A trivial example, but a characteristic example, President Ford at one point had in mind that I might be Librarian of Congress. I was in India, leaving the post as Ambassador and had a cable exchange with the head of personnel in the White House. I was going back through Peking, staying with the Bushes, stopped at Pearl Harbor, and then would be here. An historian writing about the Library of Congress—an interesting post; there have only been seven or eight in our history—picked this up and went to the Ford Library. Yes, there is information; but no, she couldn't see it, it was classified. It took months to get the cable to Washington declassified.

One could argue that there was good reason to keep that classified for seven days, but 30 years later? That is a pattern. It is a pattern that the people who deal with these things as classified don't know the material, the subject matter; they don't know the physics taught to first-year graduate students at MIT, but information is still classified "top secret, no form," in some bureaucracy in Washington. The absolute standard operating procedure is to classify something "Top secret" and then send it to the President in the hopes that it will get on his desk if it looks really enormous.

There are endless examples of clippings from Newsweek magazine stamped "Confidential." Just a bureaucratic mode.

The idea that Dr. Lee was imprisoned is hard to understand. Solitary confinement, worse. But leg irons? There were leg irons so one could not run off to Mexico. Obviously, much needs to be explained.

I say also for Dr. Deutch, this is a man of utmost patriotism. What was his offense? I don't think it is a crime at all. He took work home with him. After dinner he would sit down and work. There is a penalty for that, and he accepted it. He has had all his clearances removed, which is a heavy price for a scientist, but he has accepted that. The idea that he has done anything wrong beyond that is to say to people: Don't go near the clandestine services of the United States, don't go near the atomic laboratories.

I have no standing as a scientist, but I was a member of the President's Science Advisory Committee, and I am a fellow of the American Association for the Advancement of Science, and having been a member of the board and vice president at one point, I can say I know a fair number of scientists. Their postdoctorate students don't want anything to do with the Federal laboratories.

If you want to do something to the national security of the United States, keep the best minds out of the weapons labs. That will do it faster than any transfer of information, which has a half-life of nine months before others catch up or they think it up on their own.

I can speak to this. For example, with atomic secrets, we have a wonderful person, a great man, Hans Bethe, who was standing alongside Oppenheimer at Los Alamos. A man of luminous intelligence. There is nothing that he is more skeptical about than the idea of keeping physical science secret. He tells the story that after the atomic bomb was detonated, he and the other physicists involved said: All right, but no hydrogen bomb. No, that is too much.

And there was the further advantage:

> And thank God, nobody knew how. It was not possible to make one. It can't be done. The physics just won't work.

And then he said: Stanislaw Ulam and Edward Teller figured out how it could be done.

And we said: Oh, Lord, if Ulam can think of it, Sakharov will think of it. So we had better go through with it.

He and Oppenheimer said:

> You have to go through to a hydrogen bomb because science is not in a box that you can put in a closet.

I also want to say on this floor that I have not known a more patriotic man than John Deutch; absolutely committed to this country's security. Provost at MIT, a physical chemist, a man of great science, who made the error of working after supper at home. Nothing was ever transferred to anybody. He was working. What do I do in the morning? That kind of thing. And the very idea we would try to punish him for that is to put, I say, in jeopardy the whole reputation of American classified science and clandestine service. We do that at a great cost, which you will not recognize for half a century, perhaps. But it will come.

I thank the Senator from Texas for what he has said. I appreciate his indulgence in what I have joined him saying.

I see my colleague seeks recognition. I yield the floor.

## PRESCRIPTION DRUGS

Mr. FRIST. Mr. President, I rise to speak briefly on an issue which has been talked about on the floor of the Senate this morning, and that is prescription drugs.

We all hear the critical cry—I say "cry" because it is almost that—as we talk to seniors across this country who say: We need some help; these drugs cost too much; they are out of our reach; we need help.

What is interesting is this is not heard from everybody. It is principally from a group of people who don't have access to affordable prescription drugs, and now we are charged as a body to develop a policy to ensure, to guarantee that coverage and getting it as quickly as we can to those people who need it, who are crying out now.

This past year I received over 3,000 letters or e-mails from seniors in Tennessee on this very topic. What did I hear? One elderly couple from Kingsport, TN, wrote:

> We are requesting that you do not support any big government drug scheme. Government does not do things better than individuals. Please protect seniors' choice of private coverage. One size does not fit all. We do not want the bureaucrats interfering with our doctor-patient prescription drug choices.

A widow from Tennessee who had a liver transplant writes:

> I'm against the big government plan. I have certain medications I must take and want to be able to get whatever medicines I need.

These letters speak volumes. They, first of all, point out the importance of health care security for our seniors that prescription drugs do provide but also the importance of having a right to choose what is best for one's individual needs.

I mention these letters because I do believe this body should respond as government should, in the broader sense, with a health care proposal, prescription drug plan, that gives affordable access to all seniors, making it a part of health care security. The plans we have heard talked about in the press today are the Bush Medicare plan and the Gore prescription drug plan that have been contrasted on the floor earlier today by a colleague from the other side of the aisle.

I want to comment on those. It is useful for this body because, in essence, Governor Bush's proposal looks at two bills on this floor. One is Chairman ROTH's bill, which gives an immediate helping hand to those seniors who need it today, working predominantly through the States; the second component of the Bush proposal is modeled on the same concept as Breaux-Frist, the bipartisan plan that is based on the way we get our health care as Senators today.

On the Gore side—and that is why this contrast is useful —is the Clinton-Gore proposal, which is also on this floor in terms of prescription drugs. Although we use Governor Bush and Vice President GORE, they both represent bills that are currently on the floor of the Senate.

Looking at Governor Bush's Medicare plan, it has two parts. One is overall modernization, long-term strengthening of the overall Medicare plan, the health care plan for our seniors and individuals with disabilities. The second part offers immediately, right now, the help that seniors are crying out for today. You simply cannot ignore those low-income and middle-income individuals who can't afford the drugs, who really are choosing between putting food on the table and buying those prescription drugs.

The two-part plan has its overall goal to strengthen Medicare and to get that prescription drug coverage to all seniors. It is based on this bipartisan plan, this Breaux-Frist type principle.

The primary focus of Governor Bush's proposal is a universal prescription drug proposal that includes this comprehensive modernization. It does several things. No. 1, it lets seniors choose. Beneficiaries can stay in traditional Medicare, what they have today, or they can choose a plan such as Senator BILL FRIST or Senator ROTH or President Clinton has, a model called the Federal Employees Health Benefits Plan. Under Governor Bush's proposal and under the Breaux-Frist proposal, all current Medicare benefits are preserved.

The real advantage is that seniors for the first time are given a real option to choose among plans that might better be able to meet their individual needs. One plan might have more preventive care. Another plan might have vision care—not in Medicare today. Another plan might have dental care—not in Medicare today.

No. 2, Governor Bush's proposal, and the Breaux-Frist proposal in the Senate, provides all seniors some prescription drug coverage access. Yes, there is a 25-percent subsidy of the cost of those premiums for everybody with a 100-percent subsidy for those people under 150 percent of poverty.

All seniors under Governor Bush's proposal have a limit, a cap on how much is spent out of pocket, not only for prescription drugs but for all health care—visits to the physician, visits to the hospital, prescription drug coverage. Once your out-of-pocket expenditures get above $6,000, it is covered by the Government

Fourth, this proposal is based on the Federal Employees Health Benefits Plan. I think that is very important because seniors understand if that care is really good enough for President Clinton or Senator FRIST, health care will be good enough for me.

No. 5, Governor Bush has said yes, this is going to take more money. It is going to take about $110 billion in more money. Why? Because that modernization in bringing things up to date, that better coordination of services, is going to require an investment. That is in real contrast to the Clinton-Gore proposal which, when we first heard about it, was going to cost $167 billion; that is when it was introduced last year. Right now, the figure touted by the Gore campaign is $250 billion. The Congressional Budget Office says no, it is not $167, it is not $250 billion, but in truth it is about a $337 billion plan.

So, taxpayers, watch out. Seniors, watch out. This plan has already doubled in size, in how much it costs, in the last 12 months, the plan of the Clinton-Gore team. No. 6, and most important, I think, in the short term, is seniors deserve this coverage now, not 2 years from now, not under the Clinton-Gore plan which phases in over another 8 years—actually they don't fully implement it until the year 2010. Our seniors need health care now.

I would like to briefly turn at this point to S. 3016 and S. 3017, introduced by Senator ROTH. What this bill says—which complements, supplements, and parallels very much what Governor Bush has said, and Governor Bush did it through his helping hand—since we have a problem now, let's reach out right now and get the money to the neediest people, the low- and moderate-income people who need it right now; not to be phased in later.

What this Roth bill does is it makes grants immediately available to those people who need it the most. It will extend prescription drug coverage immediately, recognizing it is a transition program, until we modernize Medicare through the Breaux-Frist or Governor Bush approach. It immediately extends prescription drug coverage to about 85 percent of Medicare beneficiaries.

It serves as a bridge to overall Medicare modernization, overall reform.

This is not the answer. This is the short-term answer to plug that hole that everybody agrees is there, whether Democrat or Republican. That hole is created because true modernization is going to take 12 months or 24 months or 36 months. So let's start that modernization program now, but, in the meantime, let's get help to the people who need it, who are out there making that choice between putting food on the table, buying those groceries, or buying prescription drugs. Let's help them in 6 months, not 10 years from now, not 5 years from now. That is where the Roth bill moves right in.

Let me point out that 22 States already have taken action. Remember, all 50 States right now are administering prescription drug programs. That mechanism is there right now. It is not in HCFA, it is not in the Federal Government now, and that is why, under Chairman ROTH's leadership, we can get that aid to the people who need it most.

I will talk more about the Clinton-Gore plan later, but let me just close by saying all I said sharply contrasts it.

No. 1, the Gore plan forces seniors to wait 10 years before it is fully implemented. It doesn't even start offering any drugs or drug coverage for at least 2 years.

No. 2, it doesn't give seniors any choice. They can choose one time, at 64½ years. They choose one time, and that is it. Contrast that with the Breaux-Frist plan or Governor Bush's plan, which allows choice at any point in time.

No. 3, the Clinton-Gore plan does nothing to strengthen Medicare. It is a 50-percent copayments for drugs. It does nothing to modernize or strengthen Medicare long term.

No. 4, it does nothing to benefit, to improve that underlying benefit package in terms of preventive drugs, preventive care, in terms of vision care, in terms of dental care. The flexibility is simply not there in the Gore plan.

I close by saying our debate about the various plans is an exciting one for me. Our goal must be health care security for seniors. Governor Bush and our plans, through Breaux-Frist and the Roth proposal, do just that.

I reserve the remainder of my time.

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## VICTIMS OF GUN VIOLENCE

Ms. MIKULSKI. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

SEPTEMBER 14, 1999

Charles Caldwell, 18, Minneapolis, MN; Penny Calhoun, 32, Salt Lake City, UT; Henry J. Calhoun, 32, Salt Lake City, UT; Jovan Coleman, 19, Chicago, IL; Orlando Cortezq, 24, Dallas, TX; Israel Cuervas, 26, Dallas, TX; Charlie D. Duff, 18, Chicago, IL; Alfredo Fernandez, 50, Houston, TX; Toi Goodnight, 41, Pittsburgh, PA; Stevie Gray, 33, Washington, DC; Jessie Harper, 39, Houston, TX; Michael L. Harris, 41, Chicago, IL; Lee Sun Heung, 43, Baltimore, MD; John Homilton, 82, Oakland, CA; Stephen Hornbaker, 35, Pittsburgh, PA; Kerne Lerouge, 43, Boston, MA; Nigel D. Reese, 17, Chicago, IL; Herman Ridley, 24, Baltimore, MD; Frank Rizzo, Houston, TX; Charles Waldon, 62, Houston, TX.

One of the victims of gun violence I mentioned, 41-year-old Toi Goodnight of Pittsburgh, was shot and killed one year ago today in a carjacking incident. The man who killed Toi shot her in the mouth and left her on the highway as he drove away in her car.

We cannot sit back and allow such senseless gun violence to continue. The deaths of Toi Goodnight and the others I named are a reminder to all of us that we need to enact sensible gun legislation now.

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## OLYMPIC AMBUSH MARKETING

Mr. STEVENS. Mr. President, at the end of this week the men and women of the United States Olympic Team will march into the Olympic Stadium in Sydney, Australia for the XXVII Olympic games. These athletes who inspire all of us to set high goals and reach those goals deserve our congratulations and support. The American people also deserve praise and thanks for their individual contributions to our athletes and to the United States

Olympic Committee. Without those contributions, most of our athletes would never have the chance to compete.

American companies have also financially supported the United States Olympic Committee and the Olympic games through official sponsorships. Unfortunately, Mr. President, that Olympic sponsorship is being eroded by an insidious practice known as "ambush marketing"—advertising that falsely implies an official association with a particular event or organization. In no context is ambush marketing more prevalent or more damaging than with the Olympic games which, because of the reliance on private and corporate funding, are increasingly threatened by a decline in sponsorship interest.

Internationally, it is fair to say that corporate sponsorship saved the Olympic movement. In 1976, Montreal was left with a debt of nearly one billion dollars following the summer Olympic games in that city. Los Angeles, however, managed to capitalize on corporate sponsorship, turning a profit and revitalizing international interest in the games.

American companies have long been proud to be official sponsors of the Olympic games because of the humanitarian and inspirational values the games present. These companies also recognize the valuable marketing potential of the Olympics, enhancing their presence and business reputation in an increasingly global marketplace. By encouraging corporate involvement, Olympic organizers have ensured that such companies continue to devote tremendous financial and human resources to be identified as official Olympic sponsors. This sponsorship is particularly important in the United States, because there is no direct government support of our athletes.

Congress has recognized the value of corporate sponsorship by adopting the Olympic and Amateur Sports Act, which I authored, to authorize the International Olympic Committee to grant worldwide sponsors of the Olympic games exclusive rights to use certain emblems, trademarks, and designations in the advertising, promotion and sale of products in designated product categories. The act also provides enhanced trademark protections to prevent deceptive practices specifically involving the use of Olympic trademarks or trade names. As a consequence, numerous major corporations have become Olympic sponsors and have contributed millions of dollars to the games and to U.S. athletes.

As the popularity of the Olympics has grown, so have the incentives to be associated with the games. Unfortunately, it is too easy for companies to imply an affiliation with the olympics, without becoming official sponsors. Such ambush or parasite marketing is often subtle—frequently depicting olmypic sports, athletes, medals, the host city, a burning torch, or other olympic games indicia—but its effect is proven. Studies have concluded that ambush marketers have been quite successful in their efforts to mislead the American public.

As companies begin to perceive only negligible goodwill or favorable publicity resulting from their Olympic sponsor status, their willingness to support the Olympic games and our athletes may wane. That is why I am considering legislation to further clarify the types of unauthorized use of Olympic games imagery and indicia that are actionable under the Amateur Sports Act. Australia, which will host the Olympic games in the next few weeks, has in place an "Olympic Insignia Protection Act" to protect against ambush marketing, and we may need additional protection in the U.S. Unfortunately, that legislation cannot be addressed this year.

There is a vast difference between freedom of speech and deceptive advertising. I will ask the congress to authorize private suits, similar to private antitrust legislation, to allow those injured by "ambush marketing" to recover their losses and financially punish those who try to mislead our people.

The USOC has been aggressive in protecting its trademark interests. These additional tools may be needed, however, to ensure the value of Olympic sponsorships and encourage corporate participation in the Olympic movement.

## VIOLENCE AGAINST WOMEN PROTECTION ACT

Mr. SARBANES. Mr. President, I rise today to express my strong support for S. 2787, the Violence Against Women Protection Act of 2000. It is critically important that the Congress soon pass this legislation to reauthorize the Violence Against Women Act, and to continue the progress made since the Act was first passed in 1994.

I am proud to have been a cosponsor of both the original Violence Against Women Act, VAWA as well as S. 2787 and other legislation introduced in the 106th Congress to reauthorize VAWA. Through a $1.6 billion grants program, VAWA has provided hundreds of thousands of women with shelter to protect their families, established a national toll-free hotline which has responded to innumerable calls for help, and funded domestic violence prevention programs across the Nation. Most importantly, VAWA has provided a new emphasis on domestic violence as a critical problem that cannot be tolerated or ignored.

In my own State of Maryland, the funding provided by VAWA is essential to the continued operation of facilities like Heartly House in Frederick, Maryland, which provides shelter to battered women, accompanies rape victims on hospital visits, and assists women in crisis in numerous other ways. In Baltimore City, VAWA funds have helped create a dedicated docket in the District Court which has effectively increased the number of domestic violence cases prosecuted. In Montgomery County, Maryland, VAWA funds provide victims with legal representation in civil protective order hearings. Importantly, the staff for this program is located inside the Courthouse, making it easy and safe for victims to get the help that they need. VAWA funds are being used creatively in Garrett County, where the Sheriff's Department purchased a four wheel drive vehicle so that their domestic violence team can travel to remote areas of the county—overcoming the feelings of isolation many victims feel, particularly in the winter months.

Programs like these are working in Maryland and all across the country to reduce the incidence of domestic violence. And, according to the Bureau of Justice Statistics, VAWA is working. Intimate partners committed fewer murders in 1996, 1997, and 1998 than in any other year since 1976. Likewise, the number of female victims of intimate partner violence declined from 1993 to 1998; in 1998, women experienced an estimated 876,340 violent offenses at the hands of a partner, down from 1.1 million in 1993.

But despite these successes, clearly the incidence of violence against women and families remains too high. According to the National Coalition Against Domestic Violence (NCADV), over 50 percent of all women will experience physical violence in an intimate relationship, and for 24–30 percent of those women the battering will be regular and on-going. Additionally, the NCADV reports that between 50 and 70 percent of men who abuse their female partners also abuse their children.

Even though strides have been made, we still have a long way to go before domestic violence is evicted from our homes and communities. It is critically important that we not allow VAWA to expire, and that we take this opportunity to reauthorize VAWA and build upon its success. The Violence Against Women Protection Act of 2000 will authorize more than $3 billion over five years for VAWA grant program and make important improvements to the original statute. For example, S. 2787 will authorize a new temporary housing program to help move women out of shelters and into more stable living accommodations. S. 2787 will also make it easier for battered immigrant women to leave their abusers without fear of deportation, and target additional funds to combatting domestic violence on college campuses. Finally, the legislation will improve procedures to allow states to enforce protection orders across jurisdictional boundaries.

VAWA has made real strides against domestic violence, and the Violence Against Women Protection Act will continue the important work begun in 1994. I am proud to report of the valuable programs all across Maryland combatting domestic violence thanks to VAWA, and I urge Senate leaders to bring S. 2787 to the floor for consideration as soon as possible. We have an invaluable opportunity to make a statement that domestic violence will not be tolerated, and that all women and children should be able to live without fear in their own homes.

## FEDERAL LAW ENFORCEMENT PROBLEMS DUE TO THE McDADE LAW

Mr. LEAHY. Mr. President, I came to the floor on May 25 to speak about the pressing criminal justice problems arising out of the so-called McDade law, which was enacted at the end of the last Congress as part of the omnibus appropriations law. At that time, I described some examples of how this law has impeded important criminal prosecutions, chilled the use of federally-authorized investigative techniques and posed multiple hurdles for federal prosecutors. In particular, I drew attention to the problems that this law has posed in cases related to public safety—among them, the investigation of the maintenance and safety practices of Alaska Airlines. The Legal Times and the Los Angeles Times recently reported on the situation regarding the Alaska Airlines investigation, and I ask unanimous consent to include these reports in the RECORD following my remarks.

Since I spoke in May, the McDade law has continued to stymie Federal law enforcement efforts in a number of States. I am especially troubled by what is happening in Oregon, where the interplay of the McDade law and a recent attorney ethics decision by the Oregon Supreme Court is severely hampering Federal efforts to combat child pornography and drug trafficking.

I refer to the case of In re Gatti, 330 Or. 517 (2000). In Gatti, the court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Comprehensive Medical Review ("CMR"). The attorney, who represented a client who had filed a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar's view that the attorney's conduct violated two Oregon State Bar disciplinary rules and an Oregon statute—specifically, a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting willful deceit or misconduct in the legal profession. In so doing, the court rejected the attorney's defense that his misrepresentations were justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no "prosecutorial exception" to either the State Bar disciplinary rules or the Oregon statute. As a result, it would appear that prosecutors in Oregon may not concur or participate in undercover and other deceptive law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

Gatti has had a swift and devastating effect on FBI operations in Oregon. Soon after the decision was announced, the U.S. Attorney's Office informed the FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be deemed deceptive by the State Bar. Several important investigations were immediately terminated or severely impeded.

Because of the Gatti decision, Oregon's U.S. Attorney refused to certify the six-month renewal of Portland's Innocent Images undercover operation, which targets child pornography and exploitation. Portland sought and obtained permission to establish an Innocent Images operation after the work of another task force over the past two years revealed that child pornography and exploitation is a significant problem in Oregon. With that finally accomplished, and with the investigative infrastructure in place, the U.S. Attorney refused to send the necessary concurring letter to the FBI for Portland's six-month franchise renewal. Since the U.S. Attorney's concurrence is necessary for renewal of the undercover operation, it now appears that Portland's Innocent Images operation will be shut down.

Gatti has also had an immediate and harmful impact on Oregon's war on drugs. Last winter, there was a multi-agency wiretap investigation into the activities of an Oregon-based drug organization. To date, the investigation has produced numerous federal and state indictments. Recently, the post-wiretap phase brought to the surface a cooperating witness. During the initial briefing, the cooperating witness indicated he had information about other drug organizations in Oregon and another State. In an effort to widen the investigation, the FBI sought the AUSA's concurrence in the cooperator's use of an electronic device to record conversations with other traffickers. Citing the Gatti decision, the assigned AUSA refused to provide concurrence. Since AUSA concurrence is required for such consensual monitoring, the FBI cannot make use of this basic investigative technique. Thus, a critical phase of the investigation languishes because of the interplay of Gatti and the McDade law.

These examples show how the McDade law is severely hampering federal law enforcement in Oregon. But as I made clear in my prior remarks, this ill-conceived law is having dangerous effects on federal law enforcement nationwide. Let me update my colleagues on the Talao case, which I discussed at some length in May.

In Talao, a company and its principals were under investigation for failing to pay the prevailing wage on federally funded contracts, falsifying payroll records, and demanding illegal kickbacks. The company's bookkeeper, who had been subpoenaed to testify before the grand jury, initiated a meeting with the AUSA in which she asserted that her employers were pressing her to lie before the grand jury, and that she did not want the company's lawyer to be present before or during her grand jury testimony. The grand jury later indicted the employers for conspiracy, false statements, and illegal kickbacks.

The district court held that the AUSA had acted unethically because the company had a right to have its attorney present during any interview of any employee, regardless of the employee's wishes, the status of the corporate managers, or the possibility that the attorney may have a conflict of interest in representing the bookkeeper. The court declared that if the case went to trial, it would inform the jury of the AUSA's misconduct and instruct them to take it into account in assessing the bookkeeper's credibility.

When I last spoke about the Talao case, the Ninth Circuit was reviewing the district court's decision. The Ninth Circuit has now spoken, and although it found no ethical violation, it did so on the narrow ground that the bookkeeper had initiated the meeting, and that the AUSA had advised the bookkeeper of her right to contact substitute counsel. Thus, the court sent a message that AUSAs and investigating agents may not approach employees in situations where there is a possible conflict of interest between the employee and the corporation for whom the employee works, and corporate counsel is purporting to represent all employees and demanding to be present during interviews. Let me put that another way. If a corporate whistleblower in California told an FBI agent that the agent should speak to a particular employee who had important information, and the AUSA assigned to the case knew that the corporation was represented by counsel in that matter, the AUSA arguably would have to nix the interview.

The need to modify the McDade law is real, and our time is running out. I introduced legislation last year that addressed the most serious problems caused by the McDade law, and I worked with the Chairman of the Judiciary Committee to refine and improve it. I described our approach when I spoke on this issue in May. Congress should take up and pass corrective legislation before the end of the session.

I ask unanimous consent to have several articles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Tues., July 18, 2000]

### Justice Dept. Faces Unexpected Roadblocks Due to Ethics Rules

(By Robert L. Jackson)

WASHINGTON.—Consider it further proof of the law of unintended consequences.

Aiming to prevent unethical conduct, Congress last year passed a law requiring federal prosecutors to abide by the ethics rules of the state bar where they are conducting investigations.

Instead, the Justice Department says, the move has hampered law enforcement in cases related to public safety—among them the investigation of the maintenance and safety practices of Alaska Airlines.

In documents submitted to the Senate Judiciary Committee by James Robinson, chief of Justice's criminal division, and Assistant Atty. Gen. Robert Raben, the department has argued that probes like this were "stalled for many months" by the McDade law.

The law blocked FBI agents and Justice Department lawyers from interviewing airline mechanics in a timely fashion for a grand jury investigation of whether Alaska's maintenance records were falsified in Northern California, the department says. And it reportedly is causing problems for prosecutors looking into complaints from corporate whistle-blowers elsewhere.

While the law seems harmless on its face, California—like many other states—has an ethics provision prohibiting lawyers or government investigators from directly contacting a person who is represented by counsel.

Federal officials say FBI agents who tried to interview workers at the airline's Oakland maintenance facility were blocked by company lawyers who claimed to represent all airline personnel.

When mechanics then were served with grand jury subpoenas, attorneys lined up by the airline were able to delay their appearances by insisting on grants of immunity from prosecution, which slowed the inquiry by months.

The federal investigation widened after the Jan. 31 crash of an Alaska Airlines jet in the Pacific Ocean that killed all 88 people on board. But FBI agents were similarly impeded from questioning ground mechanics, according to the Justice Department.

"Those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted simply because of fear that an ethical rule . . . might result in proceedings against the prosecutor," said Sen. Patrick J. Leahy (D-Vt.), a Judiciary Committee member who is trying to amend the law.

Alaska Airlines insists it has cooperated with the FBI and denies wrongdoing in its maintenance practices. No criminal charges have been brought. The Federal Aviation Administration recently said it had uncovered "serious breakdowns in record-keeping, documentation and quality assurance" but that the airline has devised an acceptable plan to correct them.

Leahy said the airline case is only one example of the hurdles erected by the McDade law, which was sponsored by Rep. John M. McDade (R-Pa.), who retired from the House last year. McDade had been the target of an eight-year federal investigation into allegations that he accepted $100,000 in gifts and other items from defense contractors and lobbyists.

Cleared by a jury after a 1996 trial, McDade maintained he was the victim of an investigation run amok.

His sponsorship of the Citizens Protection Act was supported by both the American Bar Assn. and the National Assn. of Criminal Defense Lawyers.

It was approved by Congress without any hearings.

Leahy, in a bipartisan effort with Sen. Orrin G. Hatch (R-Utah), the committee chairman, is trying to amend the McDade law.

Justice officials say the statute has made them "reluctant to authorize consensual monitoring"—a body mike worn by an informant, for example—in California and other states for fear that state ethics rules could be interpreted to prohibit this conduct and lead to disciplinary action against department prosecutors.

The law also is making officials reluctant to speak with corporate whistle-blowers without a company lawyer present.

Hatch would add a provisio to McDade saying federal prosecutors should follow state standards unless they are inconsistent with traditional federal policy, a qualification that would effectively gut the law. It is doubtful whether Congress will amend McDade this year.

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[From the Legal Times, June 26, 2000]

### Ethics Law Hurts Probe, DOJ Says

(By Jim Oliphant)

The Justice Department says its criminal probe of safety problems at Alaska Airlines has been severely hampered by a controversial federal ethics law enacted last year.

In documents provided to a Senate committee, the department says that a measure that forces federal prosecutors to adhere to state ethics rules has stymied the long-running investigation into the airline's safety and maintenance practices.

Seattle-based Alaska Airlines has been the target of a federal grand jury in San Francisco since early 1999, when a mechanic claimed that workers at the airline had falsified repair records for Alaska passenger jets.

Earlier this year, after Alaska Airlines Flight 261 plunged into the Pacific Ocean, killing all aboard, the Justice Department, along with the Federal Aviation Administration, widened its inquiry into the company's safety operations.

Department officials, as well as lawyers in the U.S. attorney's office in San Francisco, declined to discuss the grand jury's investigation, which has yet to produce a single indictment.

But in a report prepared for the Senate Judiciary Committee, the DOJ says the grand jury's work was "stalled for many months" because of the so-called McDade Amendment, a law implemented last year that forces federal prosecutors to follow state ethics codes.

California, like most states, has an ethics provision that prohibits lawyers from directly contacting a party who is represented by counsel. The Justice Department claims that lawyers for Alaska Airlines used the rule to prevent the Federal Bureau of Investigation and other investigators from speaking with mechanics and other airline employees.

In the early stages of the Alaska investigation, the department's report says, attempts by the FBI to seize documents and interview workers at Alaska Airlines' hangar facility in Oakland, Calif., were blocked by lawyers for the company who "interceded, claimed to represent all airline personnel, and halted the interviews."

Because of the California ethics law, the report says, the federal prosecutor was forced to end the interviews and recall the agents.

The report explains that prosecutors then attempted to subpoena the workers to the grand jury. Again, the request was met with a response by company lawyers, who lined up attorneys separate from the company to represent each worker before they testified before the grand jury.

"Because the attorney for each witness insisted on a grant of immunity, and because of scheduling conflicts with the various attorneys, the investigation was stalled for many months," the report says. "When the witnesses finally appeared before the grand jury, they had trouble remembering anything significant to the investigation."

The Justice Department report also mentions the Jan. 31 crash of Alaska Airlines Flight 261, which crashed into the Pacific Ocean, killing 88 people aboard. The National Transportation Safety Board's investigation has focused on defects in the plane's jackscrew assembly and horizontal stabilizer, which controls the up-and-down movement of the aircraft.

In the wake of the crash, the report says, the FBI received information that the plane had experienced mechanical problems on the first leg of its flight from Puerto Vallarta, Mexico, to Seattle.

But agents could not interview the airline's employees after the crash because of the ethics law, the report says.

"Those interviews that are most often successful—simultaneous interviews of numerous employees—could not be conducted because of fear that they might result in ethics proceedings against the prosecutor," the report says.

Alaska Airlines maintains that it has fully cooperated with FBI and FAA investigators during the government's investigation. It has denied any wrongdoing at its Oakland facility. The company has retained Los Angeles' O'Melveny & Myers to represent it in the criminal investigation.

#### CHANGE OF POLICY

For years, as a matter of Justice Department policy, federal prosecutors were told that they didn't have to follow state ethics rules—particularly ones related to bypassing lawyers and contacting potential witnesses directly.

The policy was intended to aid prosecutions of organized crime in the 1980s and was first detailed in a memo by then-Attorney General Richard Thornburgh in 1989. The department's rule was clarified under Janet Reno in 1994.

In October 1998, Congress passed a law that made federal prosecutors subject to state ethics codes. The law was named for former Rep. Joseph McDade (R-Pa.), who was the subject of an eight-year federal bribery investigation. McDade was eventually acquitted.

The law went into effect last year, over strenuous Justice Department objections. Since then, the department hasn't given up the fight to overturn it. And its efforts have support in the Senate Judiciary Committee, where bills offered by the committee's chairman, Sen. Orrin Hatch (R-Utah), and Sen. Patrick Leahy (D-Vt.) would establish separate ethical proscriptions for prosecutors.

The Hatch bill would repeal McDade. The Leahy bill would specifically allow prosecutors to contact witnesses regardless of whether they were represented by counsel. Neither bill has made it out of the judiciary committee.

"This law has resulted in significant delays in important criminal prosecutions, chilled the use of federally authorized investigative techniques and posed multiple hurdles for federal prosecutors," Leahy said on the floor of the Senate last month.

Both the American Bar Association and the National Association for Criminal Defense Lawyers lobbied Congress hard for the McDade law. Kevin Driscoll, a senior legislative counsel for the ABA, said that his organization is reviewing the Justice Department's complaints about the law's implementation. But, he added, the ABA's support of McDade has not changed.

William Moffitt, a D.C. criminal defense lawyer who is president of the NACDL, says that the Justice Department is "looking for reasons to complain" about McDade.

"They don't have the unfettered ability to intimidate and they don't like that," Moffitt said. "People ought to be able to go to the general counsel (of a corporation) if they are subpoenaed and they ought to be able to be told to get a lawyer."

Few details of the grand jury's investigation of Alaska Airlines have come to light. The airline says that it has received three subpoenas for information related to 12 specific aircraft. In a filing with the Securities and Exchange Commission last month, the airline's parent company, Alaska Air Group Inc., said one subpoena asked for the repair records for the MD-83 craft that crashed in January.

Matt Jacobs, a spokesman for the U.S. attorney's office in San Francisco, declined comment on the status of the investigation, as did the press office for Justice Department in Washington.

The FAA conducted a separate probe of the Alaska Airline's maintenance procedures and proposed a $44,000 fine, which the airline is contesting. The agency recently threatened to shut down the airline's repair facilities in Oakland and Seattle if it did not provide a sound plan for improving its safety protocols.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 13, 2000, the Federal debt stood at $5,685,088,778,465.03 (five trillion, six hundred eighty-five billion, eighty-eight million, seven hundred seventy-eight thousand, four hundred sixty-five dollars and three cents).

One year ago, September 13, 1999, the Federal debt stood at $5,654,838,000,000 (five trillion, six hundred fifty-four billion, eight hundred thirty-eight million).

Five years ago, September 13, 1995, the Federal debt stood at $4,967,411,000,000 (four trillion, nine hundred sixty-seven billion, four hundred eleven million).

Ten years ago, September 13, 1990, the Federal debt stood at $3,234,805,000,000 (three trillion, two hundred thirty-four billion, eight hundred five million).

Fifteen years ago, September 13, 1985, the Federal debt stood at $1,823,101,000,000 (one trillion, eight hundred twenty-three billion, one hundred one million) which reflects a debt increase of almost $4 trillion—$3,861,987,778,465.03 (three trillion, eight hundred sixty-one billion, nine hundred eighty-seven million, seven hundred seventy-eight thousand, four hundred sixty-five dollars and three cents) during the past 15 years.

## ADDITIONAL STATEMENTS

### POW-MIA DAY

• Mr. BURNS. Mr. President, I rise today to pay my respects and to acknowledge our prisoners of war (POW) and those still missing in action (MIA).

In the year 2000, fewer and fewer Americans understand the meaning of POW/MIA Day, Memorial Day, or Veterans Day. I feel it is important that I and my fellow veterans help our Nation understand that freedom is not free. It is paid for by the service and sacrifices of those who served our country.

The United States of America has been honored and blessed with the service and sacrifice of our men and women in uniform. Our Nation has been kept strong and safe by these great Americans and for this we owe a debt we can never fully repay. Nobody knows this more than the friends and families of those souls who became prisoners of war or are still listed as missing in action. Their anguish and pain is unimaginable. I believe it is important to acknowledge those friends and family members on this day as well.

On September 15, 2000, we acknowledge with upmost respect and gratitude those who have given their freedom to preserve ours. Those who have been prisoners of war have demonstrated steadfastly the beliefs of duty, honor, and country. They never gave up on these beliefs and the United States must never give up on them. We must take care of those who have taken care of us and this includes making every effort to account for those patriots who are missing in action. Our Nation must bring them home to their loved ones.

To those who paid the ultimate sacrifice by giving their lives for our country, we must always be thankful. We must never take for granted the freedoms we have due to the men and women who have faithfully served our country in times of war and peace.

May God bless all these American heroes and their families on this and everyday.•

### TEENS FAVOR SENSIBLE GUN LAWS

• Mr. LEVIN. Mr. President, a new study conducted by researchers at Hamilton College reveals that students across the country are strongly in favor of sensible gun laws. According to the report, approximately ninety percent of high school students surveyed support proposals such as the registration of handguns and licensing of handgun owners, criminal background checks for prospective gun purchasers, and five-day "cooling off periods." In addition, eighty to ninety percent of the teens surveyed in the poll support laws that would require all guns to be sold with trigger locks, require all gun buyers to pass a safety course, and hold adults criminally responsible for keeping a loaded firearm where it could be reasonably accessed by a child and that child harms himself or others.

Here are some of the other findings from the report: "High school students back handgun regulation at higher levels than respondents in recent adult surveys; High school students believe that the Constitution protects the right of citizens to own guns. But they reject the idea that government regulation of the sale and use of handguns violates this right; Almost half of high school students say it would be easy for a teenager to obtain a handgun in their neighborhood. A third report that they know of someone at their school who has been threatened with a gun or shot at."

The Hamilton College researchers were the first to nationally survey high school students about their feelings toward gun issues. I am not surprised that the results show overwhelming support for the gun safety proposals that many of us in Congress have been trying to enact into law. Students are well-versed on the dangers of guns in their homes and schools. In this survey, more than twenty-five percent of students reported that they or someone close to them has been "shot by a gun."

Mr. President, with just a few weeks remaining until the Senate's target adjournment date, it's long past time to act. Let's listen to our young people and enact the sensible gun laws they want and need to keep American schools safer from gun violence.•

## TRIBUTE TO DR. MILO FRITZ

• Mr. STEVENS. Mr. President, Alaska lost one of its true pioneers when Dr. Milo Fritz died at his home in Anchor Point at the age of 91.

One of America's pre-eminent eye, ear, nose, and throat surgeons, Milo treated patients throughout Alaska. Dr. Fritz came to Alaska 60 years ago. With his wife Betsy, a nurse by his side, he began a practice that took him into almost every remote community of our State—to areas where there were no doctors, no clinics, no health care facilities of any kind.

The area he served covered almost a quarter of our State's 586,000 square miles, from Anchorage northeast to the Canadian border near Fort Yukon, west to Bettles and Huslia, south to Anvik and Shageluk, and east again over the Chugach Mountains to Anchorage.

Dozens of villages in that vast expanse would never have seen a doctor if Milo Fritz had not traveled by dog sled or small boat, or piloted his own single-engine airplane, because in that region there were no health-care facilities.

A command surgeon for the 11th Air force in World War II, Milo spent much of his service time in Alaska. After the war, and a brief sojourn in New York, he and Betsy returned to Alaska at the request of our then-territory's commissioner of health to investigate problems of blindness and deafness among children in Alaska Native communities.

Sterilizing his surgical instruments in boiling water heated on a portable stove he carried with him, Dr. Fritz performed tonsillectomies and sometimes, in the absence of a dentist, even had to extract infected teeth.

He specialized in treating otitis-media, a terrible and common disease among Alaskan rural children.

He wrote this brief account of one of his typical visits, this one in the village of Allakaket, which rests on the Arctic Circle in the foothills of the Brooks Range:

> In Allakaket, we operated in a log community hall and slept in the schoolteacher's quarters. In this village we did 22 T and A's (combined removal of tonsils and adenoids), five tonsillectomies, extracted a few teeth, and prescribed two pairs of glasses.
>
> We took one night off and in my airplane went into the wilderness into a heavenly spot called Selby Lake, where we fished for grayling and lake trout amid majestic surroundings that were as simple and beautiful and unspoiled as they must have been on the seventh day (a reference to the biblical account of creation).

After our territory of Alaska became the 49th State, Dr. Fritz took advantage of an opportunity to bring the health problems he encountered to the attention of State government, and ran successfully for the Alaska State legislature. in the 1960s and early in the 1970s he represented Anchorage in our State house. In 1982 he represented the Kenai Peninsula. I had the privilege to serve with him from 1966 to 1968.

Just as he was a perfectionist in the practice of medicine, Dr. Fritz was a stickler for fair and thorough legislative practices. I remember Milo came to the Alaska House of Representatives at 5:30 a.m.—so he could read and analyze each bill before the regular session started. Milo had a commitment to the processes of democracy that few people share or understand.

At the time of his death, a family member said:

> He was a skilled practitioner of the healing arts; a patron of the arts; humanitarian; solon; diligent inquirer into the mysteries of jurisprudence and its philosophy; a student of the legislative process; stern foe or hypocrisy and deceit; physician in the true tradition of Hippocrates and Saint Luke; and friend. Milo would want people to know that he tried.

Mr. President, Milo Fritz's contributions to Alaska and Alaskans over almost three generations are far more than those of a man who just "tried." He left a legacy of caring and hard work and love of people and of his profession that will be hard to match.

He gave his all, over and over again, whether in a distant village or in his office in Anchorage, and Juneau and Anchor Point. I was not only fortunate to serve with him in our legislature, I was also one of his patients. so I know first had of the excellence with which he accomplished whatever task was before him.

Flags in Alaska flew at half staff last week to honor the memory of Dr. Milo Fritz, a great Alaska physician, legislator, and pioneer. A great man.

To Betsy, his wife of 63 years, and his son Jonathan, we extend our deepest sympathy. I, too, Mr. President, have lost a friend.

Mr. President, I ask that the articles about Dr. Fritz's life and death which appeared in the Kenai Peninsula Clarion, and the Anchorage Daily News on September 8th and 9th respectively, and editor Bill Tobin's tribute in the "voice of the times" column on September 10th, be printed in the Record.

The material follows:

[From the Anchorage Daily News, Sept. 8, 2000]

### DOCTOR, 91, A PIONEER

### FRITZ WORKED WITH DEAF, BLIND IN ALASKA'S BUSH

(By Jon Little)

SOLDOTNA.—Milo Fritz, a former state legislator and pioneering physician who dedicated much of his life to healing deaf and blind children in the Alaska Bush, died Aug. 31 at his home in Anchor Point. He was 91.

Gracious, direct and with a razor wit, Fritz was an institution on the Southern Kenai Peninsula.

He was an eye, ear and throat specialist who treated thousands of Alaskans over the years, among them Sen. Ted Stevens, friends and family say. He briefly set up practices on Park Avenue in New York, said Elizabeth Fritz, has wife of 63 years.

But Fritz's career path took a more meaning route, following his heart to villages across Alaska.

"So many of the Native children were going blind and deaf for lack of medical care," she said.

Gov. Tony Knowles ordered state flags lowered through the end of the workday today in Fritz's memory. The governor's office recounted Fritz's career in detail:

He was born in Pittsfield, Mass., on Aug. 5, 1909, and came to Alaska in 1940 to set up a practice in Ketchikan. He was soon drawn away by World War II, serving in the Army Air Corps beginning in 1941.

When asked where he wanted to serve, Fritz replied Alaska and was sent back to the state where he'd already set up a practice. He went across the state, helping soldiers. He rose to the rank of command surgeon for the 11th Air force.

According to the governor's office, Fritz won commendations for rescuing a pilot from a plane crash on Mount Redoubt and another pilot from a burning plane at Elmendorf Air Base.

After the war; Fritz went to New York, but in 1947 he was called back by the then Alaska commissioner of health to investigate blindness among Alaska Native children.

Fritz was elected to the Legislature in 1966 and again in 1972 to represent Anchorage in the state House. After moving to Anchor Point, he was elected to a third term in 1982.

Janet Helen Gamble, has long-time receptionist, described Fritz as a missionary. "Sometimes he got paid, sometimes he didn't, because he really was not interested in money. He was interested in people's health, how he could make people see better."

Fritz and his wife retired to the house they bought in 1949, where the scenery hasn't changed much over the decades. "We see nothing man-made from our windows in the summer unless a ship goes by," Elizabeth Fritz said. "It was the perfect place to end our lives and do things we'd put aside all these years."

He is remembered by his family as, "a skilled practitioner of the healing arts" as well as a humanitarian and a "diligent inquirer into the mysteries of jurisprudence and its philosophy" and a "stern foe of hypocrisy and deceit."

In addition to his wife of 63 years, Fritz is survived by his son Jonathan, also of Anchor Point. No memorial service is planned, in accordance with his wishes.

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[From the Voice of the Times, Anchorage, AK, Sept. 10, 2000]

### PASSING PARADE

(By Bill Tobin)

The death of Dr. Milo Fritz at his Anchor Point home a week ago Thursday took from the Alaska scene a pioneer eye doctor and bush pilot who was part of another era—a time in Alaska when the Legislature was populated by people who had lives outside of politics. Service in Juneau, back in those days, was a part-time affair. Fishermen served and went back to their boats. Physicians served, and went back to practices. Druggists served, and went back to their stores. Real estate agents served and went back to the job of selling houses. Dr. Fritz, a long-time Anchorage eye surgeon who was 91 at the time of his death, was a Republican member of both the House and the Senate during his years in politics. He won international fame for the many years of service he provided as a medical circuit rider on countless trips to remote villages throughout rural Alaska. He learned to fly on the

G.I. Bill, after service as a major in World War II, and piloted his own plane on his medical missionary work.

[From the Kenai Peninsula Clarion, Sept. 8, 2000]

### MILO H. FRITZ, M.D.

Dr. Milo H. Fritz died at his home in Anchor Point on Thursday, Aug. 31, 2000, after a brief illness. He was 91.

No memorial service is planned in accordance with his wishes.

Born in Pittsfield, Mass., on Aug. 25, 1909, Fritz studied medicine and became a specialist in eyes, ears, nose and throat medicine. He came to Alaska in 1940 to set up a practice in Ketchikan, but was soon drawn away by the war. He served in the Army Air Corps beginning in 1941 and rose to the rank of command surgeon for the 11th Air Force. He spent many of his war years in Alaska, including service in Anchorage and Adak, and received commendations for rescuing a pilot from a plane crash on Mount Redoubt and another pilot from a burning plane at Elmendorf Air Base.

After the war, Fritz set up a practice in New York, but in 1947 he was called back by the then-Alaska Commissioner of Health to investigate blindness among Alaska Native children. Fritz again made Alaska his home, and his desire to address health problems in Alaska eventually drew him to the Alaska Legislature. Fritz was elected in 1966 and again in 1972 to represent Anchorage in the state House, and, after moving to Anchor Point, he was elected to a third term in 1982, representing the Kenai Peninsula.

"(He was) a skilled practitioner of the healing arts; patron of the arts; humanitarian; solon; diligent inquirer into the mysteries of jurisprudence and its philosophy; a student of the legislative process; stern foe of hypocrisy and deceit; physician in the true tradition of Hippocrates and St. Luke; and friend," his family said. "Milo would want people to know that he tried."

He was preceded in death by his son, Pieter, in 1977.

Fritz is survived by his wife of 63 years, Elizabeth, and son, Jonathan, both of Anchor Point.

In recognition of his services to the people of Alaska, Gov. Tony Knowles has ordered state flags lowered through the end of the workday today in memory of the former legislator and pioneer.●

## HONORING DR. JOHN DIBIAGGIO, PRESIDENT OF TUFTS UNIVERSITY

● Mr. KERRY. Mr. President, I would like to take a few minutes to pay tribute to someone who has been a good friend to those of us in Massachusetts who are committed to quality higher education, Dr. John DiBiaggio, for his service, his vision, and the academic leadership the he has shown—not just in Massachusetts, but nationwide. Dr. DiBiaggio has been the president of Tufts University, in Medford, Massachusetts, since 1993. Yesterday he announced that he will be retiring in June 2002 and I know that he will be sorely missed.

I think anyone who has spent time at Tufts in the last several years has seen Dr. DiBiaggio, or his wife, Nancy, walking their dogs on campus. When the DiBiaggio's moved to Medford in 1993, they moved into Gifford House, an on-campus residence. I think that that decision to live on campus, just like an incoming freshman, to have an sincere open-door policy, and to create a real sense of community, is an enormous testimony to his dedication to service.

Dr. DiBiaggio's tenure at Tufts has been an extremely successful one. Since Dr. DiBiaggio arrived at Tufts, the university has shored up its fiscal condition by tripling the size of its endowment. The University has built six new buildings at its Grafton campus and a new fieldhouse. The school's student-faculty ratio has dropped to 8:1, one of the best of any major college or university. Since Dr. DiBiaggio became president, the University has established study abroad programs in Chile, Moscow, Japan and Ghana.

Most recently, he announced the creation of a new school of public service. In my judgment, The University College of Citizenship and Public Service will be one of Dr. DiBiaggio's most enduring legacies at Tufts. Despite the large increase in volunteer rates among Tufts students, Massachusetts residents and citizens nationwide, voter apathy and cynicism are at all-time highs. This new school will be a "virtual college," which aims to incorporate the goals of public service into the school's curriculum. In April, the College of Citizenship and Public Service received a $10 million donation from Pierre and Pam Omidyar, the founders of the person-to-person online trading website, eBay. This gift allowed the College of Citizenship and Public Service to grant twenty-one scholarships to undergraduates to participate in programs geared to develop values and skills of active citizenship and covers the financial aid needs of students who are eligible for scholarship assistance.

Tufts is no longer one of Massachusetts' best kept secrets. Under Dr. DiBiaggio's guidance, Tufts' undergraduate, medical, dental, nutrition, international relations, and veterinary schools have grown in stature and are consistently ranked among the nation's elite. The number of applicants increased by more than 70 percent in just the past five years. The test scores, grades and class rank of the incoming freshmen continues to break school records. The University is now standard on U.S. News and World Report's annual list of top colleges and universities, rubbing elbows with Harvard, MIT and Boston College.

I again commend Dr. DiBiaggio on a successful term as President of Tufts University. All of us in Massachusetts know the tremendous vision and scholarship that will be the legacy of Dr. DiBiaggo's service at Tufts. I know that he will be missed by students, parents and alumni alike, but I thank him for his service, and I am genuinely happy for him and for Nancy. I wish them the best of luck in their future endeavors.●

## TRIBUTE TO JOSHUA S. WESTON

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Joshua S. Weston, a longtime friend, and one of New Jersey's most actively involved citizens, on the occasion of his receiving the "Distinguished Achievement Award" by B'nai B'rith International.

Mr. President, over the years Josh and I have worked together on many endeavors. In 1949, Josh joined me and a childhood friend to form Automatic Data Processing (ADP), a small payroll services company. Thanks to the tireless efforts of many and Josh's leadership as Chairman, ADP is now the leading provider of payroll services worldwide.

When I first heard that Josh was being honored, I was not surprised. Josh has always been an active participant of worthy causes. Josh and his wife, Judy, formed the Weston Science Scholars Program, an innovative science program that affords selected ninth- and tenth-grade students from Montclair High School the opportunity to work with Ph.D. scientists at Montclair State University.

While Josh knows the educational value of a good math and science program, he also recognizes the need for American Jewish students to form a bond with Israel. For more than five years, Josh has underwritten the costs of a United Jewish Federation program in which a college student attends a semester abroad in Israel.

In addition to Josh's philanthropic contributions, he sits on many committees. Josh is the president of the Josh and Judy Weston Family Foundation of Montclair. He serves on the governing boards of the International Rescue Committee, the New Jersey Symphony, the New Jersey Business Partnership, the Liberty Science Center, Mountainside Hospital, Boys Town of Jerusalem and Yeshiva University Business School, among others. He is the recipient of many awards, including an honorary degree from Montclair State University.

Mr. President, I am pleased to honor my good friend Joshua Weston on this acclaimed occasion. We are indebted to him for his service. He has demonstrated to his family, his friends, and his community that this honor is well-deserved. I salute him on yet another great achievement.●

## 125TH ANNIVERSARY OF THE WYANDOTTE BOAT CLUB

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 125th Anniversary of the Wyandotte, Michigan, Boat Club, which will be celebrated on September 23, 2000. Established in 1875, the club is revered in the annals of rowing, and for 125 years it has been a staple of the Wyandotte community, encouraging the citizens of Southeastern Wayne County to flourish physically, mentally and morally.

The Wyandotte Boat Club is located on the Detroit River, approximately 15 miles "downriver" of Detroit. It was formed in 1875 when a group of Wyandotte men, led by Mr. John McKnight, officially organized and together purchased a ten-oar barge. The first home of the club was at the foot of Pine Street in a shed behind the summer home of a resident of Wyandotte. And though the club has come a very long way since this time, in a literal manner it has not moved an inch, for on January 14, 1997, the club moved back to the foot of Pine Street, into a state of the art, multi-million dollar facility.

The boat club has come to play a very large role in the lives of Wyandotte citizens. Its more than 700 members assist in the coaching, maintenance and administration of the club's activities and regattas. They teach rowing programs to individuals of all ages. Furthermore, in the mid 1940's, the club began to sponsor a program offering rowing to area high school students. In its 50 plus years, the program has now expanded to include elementary and middle school students as well as high school students. The school programs are open to all students and there is no charge to the student or the school for participation. Many of the high school oarsmen who have participated in the program have become known both nationally and internationally as top competitors in the rowing arena.

Mr. President, I applaud the members of the Wyandotte Boat Club for the many beneficial things they do for the citizens of Wyandotte on a daily basis. In particular, to sponsor rowing for children of all ages, which not only provides these children with a lifelong hobby, but also helps to teach them some of life's most basic and important lessons. On behalf of the entire United States Senate, I congratulate the Wyandotte Boat Club on 125 successful years, and wish the group continued success in the future.•

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## THE 25TH ANNIVERSARY OF THE ANTIQUE AND CLASSIC BOATING SOCIETY

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 25th Anniversary of The Antique and Classic Boat Society (ACBS), which will be celebrated from September 21-24, 2000, at the Grand Hotel on Mackinac Island, Michigan. For 25 years, the ACBS has united individuals with an interest in historic, antique and classic boats, allowing them to share fellowship, information, and experiences.

The ACBS is an international organization headquartered on the St. Lawrence River in the Thousand Islands region of Clayton, New York. It currently has 44 chapters worldwide, and a membership of over 6,500 individuals. The organization was founded not only to unite individuals with an interest in antique and classic boats, but also to protect and promote the heritage of boating. It does this through the preservation and restoration of historic boats, as well as by encouraging members to share their love and enjoyment of all aspects of historic, antique and classic boating with both other members and the general public.

I think it is important to note here the large role that the State of Michigan has played in the growth and development of the recreational boating industry. Beginning as early as the 1920's, and continuing through the 1970's, the four most recognized American boat builders were headquartered in Michigan: Chris Craft in Algonac; Gar Wood in Marysville; Hacker Craft in Mount Clemens; and Century in Manistee. Thus, I think that it is only right that the 25th Anniversary of the Antique and Classic Boat Society be celebrated in the Water Wonderland State of Michigan.

Mr. President, I applaud the ACBS for having grown into the world's largest organization dedicated to the preservation and enjoyment of historic, antique and classic boats, a fact which pays tribute to the many people who have devoted themselves not only to promoting the heritage of boating, but also to promoting the ACBS and the many wonderful things it does to preserve this heritage. On behalf of the entire United States Senate, I congratulate the Antique and Classic Boat Society on its 25th Anniversary, and wish the organization continued success in the future.•

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## A TRIBUTE TO MRS. PATRICIA JANKOWSKI

• Mr. ABRAHAM. Mr. President, on August 25, 2000, Mrs. Patricia Jankowski of Garden City, Michigan, took office as National President of the Ladies Auxiliary to the Veterans of Foreign Wars at the organization's 87th National Convention. On September 23, 2000, there will be a Homecoming celebration in her honor at the Marriott Hotel in the Detroit Renaissance Center, and I rise today to offer my congratulations to Mrs. Jankowski as she returns to Michigan.

Mrs. Jankowski is a Life Member of Northville Auxiliary #4012. Since becoming a member of the Ladies Auxiliary to the VFW, she has been actively involved on all levels of the organization. She has served served as Auxiliary President, District #4 President, and in 1990-91 was selected the Outstanding President of the Year in her membership group when she served as State President.

On the national level, Mrs. Jankowski has served as National Flag Bearer, National Cancer Aid and Research Director, and National Director for the VFW National Home program. As a member of Blazzette Color Guard for five years, she holds two Bronze and one Silver Medal for competition at National VFW Convention. In 1989, she earned National Aide-de-Camp status for recruiting members. And just last year, as National Senior Vice-President, she represented the Auxiliary on a tour of Europe.

Mrs. Jankowski's election to this national office is the highlight of a career dedicated to public service. During her term in office, she will encourage fellow members to raise $3 million for the Auxiliary Cancer Aid and Research Fund for the 13th consecutive year, with her ultimate goal being to top all previous program records.

Mr. President, I applaud Mrs. Jankowski for the wonderful work that she has done for the Ladies Auxiliary to the VFW. Her supreme dedication to that cause and her unending desire to help our Nation's veterans is both admirable and inspirational. On behalf of the entire United States Senate, I congratulate Mrs. Jankowski on taking office as National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States, and wish her great success as she leads this outstanding organization.•

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## DEPUTY CHIEF CHARLES L. BIDWELL CELEBRATES 50 YEARS OF SERVICE

• Mr. ABRAHAM. Mr. President, I rise today to recognize Deputy Chief Charles L. Bidwell of the Brighton, Michigan, Area Fire Department, who will be honored for 50 years of fire service to the City of Brighton at a dinner on September 19, 2000.

Deputy Chief Bidwell has been an active or on-call firefighter since September 14, 1950. He spent his entire career with the City of Brighton Fire Department until July 1, 1998, when the City of Brighton Fire Department and the Brighton Township Fire Department merged to form the Brighton Area Fire Department.

Deputy Chief Bidwell is retired from the General Motors Proving Grounds in Milford, Michigan. He has held the position of Deputy Chief since 1988, and remains one of the most active members of the Brighton Area Fire Department. For the past decade, he has led the department in alarm response.

From June 27, 1994 until January 15, 1995, Mr. Bidwell acted as interim Chief of the City of Brighton Fire Department. He was named the City of Brighton's Firefighter of the Year in 1987, and, at the annual conference of the Michigan State Firemen's Association in Ludington earlier this year, he was selected as Michigan's Firefighter of the Year in honor of this remarkable achievement.

Mr. President, I applaud Deputy Chief Bidwell on his extensive firefighting career and his dedication to the City of Brighton. He is one of the State of Michigan's true role models, and I am glad that the City of Brighton and the Brighton Area Fire Department have taken this opportunity to recognize his many contributions. On behalf of the entire United States Senate, I congratulate Deputy Chief Charles L. Bidwell on 50 years of service, and wish him continued success in the future.●

## 30TH BIRTHDAY OF HARBOR TOWER APARTMENTS

● Mr. ABRAHAM. Mr. President, I rise today to recognize the 30th birthday of Harbor Tower Apartments in Escanaba, Michigan, which was officially celebrated on July 13, 2000. For thirty years, the presence of Harbor Tower Apartments has enabled the Escanaba Housing Commission, in coalition with the Department of Housing and Urban Development, to provide low-income housing to members of the Escanaba community.

Harbor Tower, an 18 floor, 175 apartment building, was built in 1970. The official dedication of the building took place on July 13th of that same year, and was attended by Miss America Pamela Anne Eldred. The Harbor Tower Apartments are managed by the Escanaba Housing Commission, a group comprised of five full-time employees and a five member Board of Commissioners appointed by the City Council of Escanaba.

To qualify to live in Harbor Tower Apartments, individuals must meet the income guidelines set out by HUD. If they qualify under these guidelines, their rent is determined by their income, with HUD providing subsidy funds. Harbor Tower Apartments is considered a high performer by HUD's PHMAP scoring system. The PHMAP is a grade given to the management and staff on their performance and upkeep of the building.

Perhaps the most important element of Harbor Tower Apartments, at least to the Escanaba Housing Commission, is to make residents feel as if they are a part of a community. They can participate in a variety of activities, including a weekly Rosary, monthly church services, a monthly club meeting, a summer picnic, and other special dinners. In addition, membership in the Harbor Tower Club is available to any resident for only $6 per year. The club's activities include a monthly catered dinner and dance, an annual Christmas Bazaar, and special holiday parties.

Mr. President, I congratulate all of the people whose hard work over the years has made this 30th birthday possible. It is because of their dedication that quality housing remains an option to Escanaba citizens of all income levels. On behalf of the entire United States Senate, I wish the Harbor Tower Apartments continued success in the future.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 127

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

*To the Congress of the United States:*

As required by section 108(b) of Public Law 98-373 (15 U.S.C. 4107(b)), I transmit herewith the Eighth Biennial Report of the Interagency Arctic Research Policy Committee (February 1, 1998, to January 31, 2000).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 2000.*

### EIGHTH BIENNIAL REPORT OF THE INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE TO THE CONGRESS—FEBRUARY 1, 1998 TO JANUARY 31, 2000

(Prepared by the National Science Foundation for the Interagency Arctic Research Policy Committee)

### BACKGROUND

Section 108(b) of Public Law 98-373, as amended by Public Law 101-609, the Arctic Research and Policy Act, directs the Interagency Arctic Research Policy Committee (IARPC) to submit to Congress, through the President, a biennial report containing a statement of the activities and accomplishments of the IARPC. The IARPC was authorized by the Act and was established by Executive Order 12501, dated January 28, 1985.

Section 108(b)(2) of Public Law 98-373, as amended by Public Law 101-609, directs the IARPC to submit to Congress, through the President, as part of its biennial report, a statement "detailing with particularity the recommendations of the Arctic Research Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations." In response to this requirement, the IARPC has examined all recommendations of the Arctic Research Commission since February 1998. The required statement appears in Appendix A.

### ACTIVITIES AND ACCOMPLISHMENTS

During the period February 1, 1998, to January 31, 2000, the IARPC has:

Prepared and published the fifth biennial revision to the United States Arctic Research Plan, as required by Section 108(a)(4) of the Act. The Plan was sent to the President on July 7, 1999.

Published and distributed four issues of the journal Arctic Research of the United States. These issues reviewed all Federal agency Arctic research accomplishments for FY 96 and 97 and included summaries of the IARPC and Arctic Research Commission meetings and activities. The Fall/Winger 1999 issue contained the full text of the sixth biennial revision of the U.S. Arctic Research Plan.

Consulted with the Arctic Research Commission on policy and program matters described in Section 108(a)(3), was represented at meetings of the Commission, and responded to Commission reports and Recommendations (Appendix A).

Continued the processes of interagency cooperation required under Section 108(a)(6)(7), (8) and (9).

Provided input to an integrated budget analysis for Arctic research, which estimated $185.7 million in Federal support for FY 98 and $221.5 million in FY 99.

Arranged for public participation in the development of the fifth biennial revision to the U.S. Arctic Research Plan as required in Section 108(a)(10).

Continued to maintain the Arctic Environmental Data Directory (AEDD), which now contains information on over 400 Arctic data sets. AEDD is available on the World Wide Web.

Continued the activities of an Interagency Social Sciences Task Force. Of special concern is research on the health of indigenous peoples and research on the Arctic as a unique environment for studying human environmental adaptation and sociocultural change.

Continued to support an Alaska regional office of the Smithsonian's Arctic Studies Center in cooperation with the Anchorage Historical Museum to facilitate education and cultural access programs for Alaska residents.

Supported continued U.S. participation in the non-governmental International Arctic Science Committee, via the National Research Council.

Participated in the continuing National Security Council/U.S. Department of State implementation of U.S. policy for the Arctic. U.S. policy for the Arctic now includes an expanded focus on science and environmental protection and on the valued input of Arctic residents in research and environmental management issues.

Participated in policy formulation for the ongoing development of the Arctic Council. This Council incorporates a set of principles and objectives for the protection of the Arctic environment and for promoting sustainable development. IARPC supports the contributions being made to projects under the Council's Arctic Monitoring and Assessment Program (AMAP) by a number of Federal and State of Alaska agencies. IARPC's Arctic Monitoring Working Group serves as a U.S. focal point for AMAP.

Approved four coordinated Federal agency research initiatives on Arctic Environmental Change, Arctic Monitoring and Assessment, Assessment of Risks to Environments and People in the Arctic, and Marine Science in the Arctic. These initiatives are designed to augment individual agency mission-related programs and expertise and to promote the resolution of key unanswered questions in Arctic research and environmental protection. The initiatives are intended to help guide internal agency research planning and priority setting. It is expected that funding for the initiatives will be included in agency budget submissions, as the objectives and potential value are of high relevance to the mission and responsibilities of IARPC agencies.

Convened formal meetings of the Committee and its working groups, staff committees, and task forces to accomplish the above.

### *Appendix A: Interagency Arctic Research Policy Committee Responses to Recommendations of the Arctic Research Commission*

Section 108(b)(2) of Public Law 98-373, as amended by Public Law 101-609, directs the IARPC to submit to Congress, through the President, as part of its biennial report, a statement "dealing with particularity the recommendations of the Arctic Research Commission with respect to Federal interagency activities in Arctic research and the disposition and responses to those recommendations." In response to this requirement, the IARPC has examined all recommendations of the Arctic Research Commission since January 1998. The previous IARPC report, submitted in January 1998, responded to Commission recommendations through 1997. Many of these recommendations deal with priorities in basic and applied Arctic research that ongoing agency programs continue to address.

The following recommendations are from the Arctic Research Commission report "Goals and Opportunities for United States Arctic Research" (1999).

### RECOMMENDATIONS FOR AGENCIES

At the request of the IARPC agencies we are including specific recommendations for these agencies and interagency groups in order to make clear to them our view of the opportunities.

#### *National Science Foundation*

The National Science Foundation Arctic Science Section in the Office of Polar Programs has made great strides in recent years in their interest in and efforts on behalf of research in the Arctic. We are pleased with several developments in recent years, including the partnership with the Commission in support of the ARCUS Logistics Study, the participation of the Section's staff on the Commission's field trips to Greenland and Arctic Canada, and the Foundation's support for the swath bathymetric mapping system deployed in 1998 as part of the SCICEX Program. Nevertheless, there still remains a substantial disparity between support for research in the Antarctic and in the Arctic. A new era is about to dawn in Arctic research because of the arrival in 2000 of the new Coast Guard icebreaker *Healy*. *Healy* has the potential to become the most important ship for Arctic research ever launched. On the other hand, it may languish at the dock making only occasional forays into the Arctic. The National Science Foundation has committed to *Healy* by ending its support for the ARV design activity conducted by the University National Oceanographic Laboratory System. *Healy* will be the principal U.S. resource for surface studies of the Arctic Ocean. Having committed philosophically to *Healy* it is essential that NSF find the resources to operate *Healy* as a research vessel with a minimum operating schedule of approximately 200 days per year. Without sufficient operating support, the NSF commitment to *Healy* will be a hollow one. The FY 99 budget for the Foundation contains a substantial increase in funding for Arctic Logistics needs.

NSF appreciates the Commission's comments on the great strides in recent years by the Arctic Science Section, Office of Polar Programs, on behalf of research in the Arctic. NSF's commitment to supporting Arctic research in all areas remains strong, but NSF is to the sole Federal sponsor for Arctic studies. As the Commission is aware, both NSF and the Office of Polar Programs must continually find the appropriate balance of support for a wide variety of disciplines and activities. In the specific case of supporting research that requires the use of the *Healy*, NSF's FY 00 budget request included funding for initial testing for scientific applications of the *Healy*. In FY 00 the Foundation also hopes to support limited research on the *Healy* during the science system testing cruises.

Long-term planning (FY 01 and beyond) includes continued support for research on the *Healy*. Support for up to 100 operating days is planned, although it is unclear whether the amount required to fully fund 200 operating days, including science costs, would be available for this purpose from NSF. NSF will work with other user agencies to develop mechanisms for science support for the *Healy*.

#### *Department of Defense*

A number of activities fall under the Department of Defense. Chief among these is the SCICEX Program of the Department of the Navy. The 109th Airlift Wing of the New York Air National Guard provides LC-130 support for both Arctic and Antarctic research operations. In addition, DOD is conducting a program entitled Arctic Military Environmental Cooperation (AMEC) jointly with the Norwegian and Russian ministries of defense. The Commission encourages the Department of Defense to continue to provide support for Arctic research and environmental studies and to communicate with the Commission on any new programs.

The level of interest in Arctic research continues to wane at the Office of Naval Research. The fact that the Arctic Ocean is no longer considered an area of strategic threat is due to the decrease in tensions with Russia. The result has been a precipitous decline in funding for Arctic studies at the Office of Naval Research. The Commission believes that the decrease in Arctic operations is a reason for maintaining research levels in the Arctic in order to maintain the national capability in the region. Research is generally much less expensive than operations and the knowledge base created and maintained by research in the region may be of vital national interest in the future, particularly as access to the Arctic Ocean improves, a fact made likely through the observed thinning of Arctic sea ice. Reduced military activities in the region do not justify reduced research efforts and may be an excellent justification for maintaining and even increasing research.

With this mind, the Commission commends the efforts of the Navy in carrying out the SCICEX cruises. The Commission notes the substantial effort made by the Navy to support this program in the face of shrinking resources and facilities. These expeditions into the Arctic Ocean aboard operational fast attack nuclear submarines show an extraordinary interest in the support of science by the Navy. The question of the continuation of these cruises after 1999 and the retirement of the last of the Sturgeon Class submarines is of great concern to the Commission, and the Commission recommends that the Navy explore with the scientific community the means to continue this invaluable access to the Arctic Ocean.

The SCICEX Program began in 1998 to collect swath bathymetric data in the Arctic for the first time from a submarine. This instrument, known as the Seafloor Characterization And Mapping Pods (SCANP), has been made possible by the enthusiastic support of the National Science Foundation's Office of Polar Programs. These data collected by SCAMP will be of great value for students of the region from many disciplines. The region surveyed in 1998 and 1999 will comprise only a moderate fraction of the area of the deep water portion of the Arctic Ocean. The means to continue gathering swath bathymetry with the SCAMP system should be developed for the future, preferably using Navy nuclear submarines. This recent development in submarines capability is a reinforcing reason to continue the SCICEX Program. A corollary issue is the declassification of achieved bathymetry data collected on previous operations. These data are a valuable resource for the research community. A continuing program should be established to bring these data out from the classified realm respecting the security concerns, which may surround the collection of these data. The construction of the new U.S.-Russian Arctic Ocean Atlas CD shows that these difficulties may be overcome.

As a further indication of the utility of Navy nuclear submarines for research in the Arctic Ocean, the Commission also notes the cooperation of the Navy in attempting to carry out a test of the submarine as a receiving ship for seismic refraction measurements. This test, when completed, will indicate the suitability of the submarine for such experiments, and the Commission encourages further investigation of this concept. The Commission also notes the cooperation of the Navy in the declassification of bathymetric and ice profile data collected by Navy nuclear submarines in the Arctic. The value of these data is indicated by the importance attached to the bathymetric data by the international community in connection with the update of the GEBCO chart of Arctic Ocean bathymetry. Navy data will at least double the data base available for this update.

Finally, the Commission recommends that the Navy cooperate fully in a study of the costs and benefits of retaining a Sturgeon Class submarine as an auxiliary research platform for worldwide use by the civilian science community as discussed above.

The Army Cold Regions Research and Engineering Laboratory (CRREL) in Hanover is a national treasure. In the current climate of budget stringency the pressure on Army labs is growing. The Commission wishes to be on record in support of the vital national resource that exists at CRREL. Serious reductions at CRREL might be helpful in the short term but a detriment to the national welfare over the long term. The Commission encourages continued support for CRREL.

The Commission has recently discussed with CRREL the importance of understanding the effects of global climate change on the permafrost regime. The Commission looks forward to CRREL's plans for further study of climate change and permafrost, supports the concept and encourages support for these studies by all of the IARPC agencies.

The Department of Defense invests in R&D priorities consistent with mission requirements and resources. First and foremost, the Science and Technology investments within DoD are undertaken to ensure that warfighters today and tomorrow have superior and affordable technology to support their missions and to give them revolutionary war-winning capabilities. Thus, the

DoD S&T investment is directly linked to the assessment of current and future security threats. While the interest of the Department of Defense and the Office of Naval Research in Arctic research and environmental studies remains strong, the prioritization of S&T funding is subject to the fiscal realities and must consider present strategic and operational requirements. The Department remains committed to funding Arctic research at a level commensurate with the mission requirements. Contrary to the Commission's assertion, the decrease in military operations in the Arctic is not a rationale for maintaining or expanding departmental S&T efforts in the region.

From an S&T perspective, the Department of Defense supports the Navy's ongoing examination of the feasibility of continued Arctic research using Navy submarines. Such analysis is taking into account DoD's national security mission, the national security requirements for submarine operations, downsizing of the operational fleet, and the life-cycle costs of implementation of an extension of the SCICEX research program. Further, the Navy is cooperating with NSF and its contractors in an ongoing study of the costs and benefits of retaining a Sturgeon Class submarine as an auxiliary research platform for civilian science applications operated on a reimbursable basis.

*National Oceanic and Atmospheric Administration*

NOAA has been the leading U.S. agency for AMAP. In this role, NOAA has supplied both staff efforts and funding to the AMAP. These efforts have been largely conducted on a goodwill basis without organized programs or a satisfactory funding base. NOAA deserves great credit for these efforts and the Commission commends and supports their efforts. NOAA has conducted an Arctic Initiative beginning in 1996 at a funding level of approximately one million dollars. The Commission supports this initiative and recommends that it continue in the coming fiscal year and eventually becomes an ongoing part of the NOAA program.

NOAA appreciates the recognition by the Commission of its role as U.S. lead agency for the Arctic Monitoring and Assessment Program (AMAP). It is NOAA's intention to continue its participation in AMAP, to coordinate interagency AMAP projects in a partnership effort, to increase outreach to impacted Alaskan communities, and to promote greater involvement in AMAP activities by Alaskan people and organizations at both local and statewide levels.

NOAA also appreciates the Commission's support of the Arctic Research Initiative (ARI), a peer-reviewed research effort that we have administered jointly with the Cooperative Institute for Arctic Research at the University of Alaska Fairbanks. After a start at the $1.0 million level in FY 97, the ARI received $1.5 million in FY 98 and $1.65 million in FY 99. NOAA intends to continue this program, and the President included support for the ARI as part of NOAA's base budget request for FY 00. NOAA completed a report on the first three years of the ARI and provided copies of the report to the Commission.

As the Commission is doubtless aware, in FY 00 NOAA is combining ARI funds with International Arctic Science Center funds in a joint announcement of opportunity. This announcement was released to the Arctic science community on August 18, 1999. It invites proposals on global change and its effects on the Arctic, including detection; interactions and feedback; paleoclimates, Arctic haze, ozone and UV; contaminants; and impacts and consequences of change. The announcement is available on the IARC web page at http://www.iarc.uaf.edu and on the CIFAR web page at http://www.cifar.uaf.edu.

In order to focus our Arctic research efforts more sharply, we have established an Arctic Research Office within NOAA's Office of Oceanic and Atmospheric Research.

The National Undersea Research Program (NURP) has had a long and perilous history. Only occasionally has it appeared in the President's budget. The Commission believes that NOAA-NURP can be a valuable asset to the research community. In particular, the Commission takes note of the report of the "Blue Ribbon Panel," which spelled out a new paradigm for NURP. The Commission's interests in NURP's activities in the Arctic include the use of unmanned and autonomous underwater vehicles in the Arctic as well as the employment of the Navy's nuclear submarine assets under the SCICEX Program noted above. The Commission believes that the time has come for an organic act for NURP that will establish it as an ongoing activity with a structure based largely on the recommendations of the "Blue Ribbon Panel." As part of their mission NURP should undertake to fulfill the commitment made in the SCICEX MOA to support the research infrastructure costs of the SCICEX Program.

Following the reinvention of the National Undersea Research Program (NURP), which began in 1997, the program has been included in the President's budget each year at increasing levels. The Blue Ribbon Panel report was taken into account in the restructuring of the program, and an organic act supporting the reinvention is under review by the Administration.

Regarding the SCICEX program, the Director of NURP serves on the National Science Foundation's Study Steering Committee to examine and analyze the costs and benefits of employing a U.S. Navy nuclear submarine dedicated to global oceanographic science. This would be a follow-on to the SCICEX program. Based on the results of this study and future budget levels, NURP will determine its contributions to support infrastructure and research costs in any follow-on to the SCICEX program.

NOAA operates a suite of National Data Centers including the National Snow and Ice Data Center, the National Oceanographic Data Center, the National Geophysical Data Center and the National Climate Data Center. These data centers are charged with the responsibility for data rescue in the former Soviet Union. The Commission recommends that the national data centers communicate the nature of their data rescue activities to the Commission and expand them as necessary to collect data vital to our understanding of the Arctic, especially the dispersal of contaminants in the region.

The NOAA National Data Centers (NNDC) continue their long history of cooperative data exchange with counterpart institutions in the former Soviet Union (FSU). The following summary highlights some of the oceanographic, meteorological, and geophysical data sets recovered and made public in the past few years as a result of this cooperation. While these data are significant contributions to our knowledge of Arctic regions, our FSU colleagues indicate there are enormous holdings still in manuscript form or on outdated magnetic tapes. Reasonable estimates to acquire these additional data and make them available far exceed the resources available to NNDC.

The National Oceanographic Data Center (NODC) has an active, proposal-driven program of "data archaeology and rescue" for oceanographic and ancillary meteorological data for the world ocean. These activities are funded by NOAA's Office of Global Programs and by the NOAA/NESDIS Environmental Services Data and Information Management program. As a result of this project, substantial amounts of data for the sub-Arctic and Arctic have been made available internationally without restriction on CD-ROM as part of "World Ocean Database 1998" (WOD98) and the "Climatic Atlas of the Barents Sea 1998: Temperature, Salinity, Oxygen" products. The majority of these rescued data are from Russian institutions. There are an estimated 500,000 Russian Nansen casts from the Barents Sea and surrounding areas still not available, many of these data being in manuscript form.

The Ocean Climate Laboratory of NODC also is working with the Murmansk Marine Biological Laboratory to construct and publish a "Plankton Atlas of the Barents Sea." A second atlas on the physical properties of the Barents Sea will be expanded to include the Kara and White Seas. Russian institutions have expressed interest in developing atlases, databases, and joint research projects, mainly for the sub-Arctic. For example the Arctic and Antarctic Research Institute (AARI) of St. Petersburg is proposing to prepare such products for the Greenland-Norwegian Sea region. If funding becomes available, AARI and the Ocean Climate Laboratory will co-develop this database and analyses.

Recently, Arctic and sub-Arctic oceanographic data from Sweden, Poland, the U.S., and Canada were added to WOD98, and more data are being processed for future updates.

The National Geophysical Data Center (NGDC) has several ongoing data rescue and exchange programs with Russian counterparts to rescue, digitize, and render available geophysical data from Russia. Most of these are part of larger data exchange programs. Likewise, the National Snow and Ice Data Center (NSIDC), in collaboration with NGDC, has been involved in extensive Russian and former Soviet Union data rescue activities. The NOAA/NESDIS Environmental Services Data and Information Management program has funded most of these activities. A list of rescued data sets at NSIDC is available to the Commission. Many more data sets are in need of rescue and publication. These include ice station seismic refraction stations, borehole temperature measurements, and additional years of sea ice data.

Since 1989 the National Climatic Data Center has been exchanging meteorological and climate data on an annual basis with the All-Russian Research Institute for Hydrometeorological Information (RIHMI) under the "U.S.-Russia Agreement on the Cooperation in the Field of Protection of the Environment and Natural Resources." Data exchanged include three- and six-hourly synoptic weather reports (since 1966), daily temperature and precipitation (since 1884), daily snow (since 1874), daily snow in heavily wooded areas (since 1996), monthly total precipitation (since 1890), and upper air data (since 1960).

In 1996 a project was initiated with RIHMI to rescue synoptic weather observations contained on 10,000 magnetic tapes at risk of being lost due to age and deterioration. The data from approximately 80 observing sites from 1891 to 1935, 700 stations from 1936 to 1965, 1300 sites from 1966 to 1984, and 2000 sites from 1985 to the present were copied to new media. In addition, daily precipitation data were extracted from the observations and provided to the National Climatic Data Center for the preparation of a U.S.-Russian precipitation data set for research.

During 1999 a cooperative project was initiated to make available to NCDC the upper air data from the Russian Arctic drifting stations (data beginning during the 1950s).

*Environmental Protection Agency*

The Environmental Protection Agency's Office of Research and Development (ORD) has shown little interest in the study of the special environmental concerns in the Arctic. Although the EPA–ORD was closely engaged in the Arctic and a principal support for the activities of the Arctic Environmental Protection Strategy up until 1994, subsequent involvement has been minimal. This has left the United States committed to programs under the Arctic Environmental Protection Strategy, particularly in AMAP, for which the appropriate agency (Environmental Protection) refrained from providing support. The Commission considers this to have been a short-sighted decision and recommends strongly that the EPA–ORD make a substantial effort in the study of contaminants in the Arctic. The U.S. has been judged an underachiever by the international community involved in the AEPS and the current discussion on the future of AMAP under the Arctic Council has become very difficult given that there are no plans for EPA–ORD to directly support AMAP efforts.

The Commission notes the workshop held in Fairbanks in the summer of 1996. The Commission also notes that the intention, announced at the 1996 Meeting by the Head of the Office of Research and Development, to establish an Arctic baseline study station at Denali National Park fails to understand that the Park is not in the Arctic, that experimental opportunities in a National Park are extremely limited, and that there are a number of superior sites in Alaska, notably Toolik Lake and the Barrow Environmental Observatory, which would provide a superior site where EPA could take advantage of ongoing studies by many scientists.

The ability of EPA to interact with the Native residents of the Arctic is compromised by the application of their risk assessment paradigm. This paradigm has led to the conclusion that the U.S. Arctic population is not of high priority because of its small size. This ignores the closeness of the relationship of these people to their environment (roughly 50 percent of their annual caloric intake comes from native plant and animal species), the environmental stresses on village life (almost 50 percent of Alaskan villages use the "honey bucket" system for human waste disposal), and their vast and ancient store of traditional knowledge of the Arctic environment.

There are important efforts in the Arctic sponsored by the EPA's Office of International Programs. EPA's Office of International Activities (OIA) has supported the study of contaminants in umbilical cord blood samples from Arctic residents. This AMAP-sponsored program was ignored during the AMAP initial assessment activities but has been resurrected with the assistance and support of EPA-OIA. EPA-OIA has proposed other activities in the Arctic including projects to assess and reduce sources of mercury and PCBs. The Commission commends EPA-OIA for their efforts and urges support for their activation and expansion.

The Arctic Research Commission expressed appreciation for ongoing research sponsored by the Office of International Activities (OIA) on contaminants in cord blood of Native infants, and strong concerns about the lack of investment by the Office of Research and Development (ORD). Below are responses to these concerns, and a brief outline of EPA's relevant activities.

*Support of AMAP*

EPA's decision to withdraw from the AMAP process in 1994 was based on issues other than recognition of the importance of this activity. EPA has re-engaged with AMAP by directly supporting the Heavy Metals workgroup and conducting other work relevant to contaminant issues in the Arctic.

In March 1999 the Office of Research and Development (ORD) agreed to chair the Heavy Metals Team during AMAP Phase II. To that end, EPA organized and sponsored a workshop "Heavy Metals in the Arctic" in September 1999 to produce a final AMAP Phase II heavy metals research plan and to establish an international heavy metals team. ORD has committed to producing a Phase II report in 2003 that includes unreported U.S. data from Phase I and new data from Phase II. The eco-system-level risk assessment process will serve as the conceptual framework for organizing research results. EPA's ability to launch major new research programs to fulfill AMAP research plans is problematic. Available funds will have to be used strategically to focus on the most essential portions of the AMAP Phase II plan. For success, efforts will be made to find matching funds through partnerships and coordination.

AMAP is targeting "effects" and plans a special workgroup on combined effects during Phase II. The ORD has also targeted this as an issue and is planning a combined symposium and workshop for multiple stressors and combine effects on the Arctic Bering Sea during FY 00. Workshop results will be framed by the risk assessment process and offered to AMAP as an alternative approach for addressing this scientific challenge.

*Arctic Research*

The Denali National Park Demonstration Intensive Site Project under the Environmental Monitoring and Assessment Program was designed to establish an air quality station with UV-B monitoring capability. Data collected there can and do provide very useful information about changes in UV-B radiation in northern regions as well as long-range transport of airborne contaminants from parts of the world very remote from Alaska. However, EPA agrees that the Denali National Park research station is outside of the Arctic and recognizes the need for additional Arctic research. To further development of an Arctic research program, ORD established an Arctic Program office in Anchorage, Alaska. Program staffs are directly involved in AMAP and the Bering Sea Regional Geographic Initiative (see "Risk Assessment" below).

The Office of International Activities (OIA) has been a lead in supporting basic research with international implications characteristics of Arctic environmental concerns. OIA, in partnership with the ORD National Effects Research Laboratory and in coordination wit NOAA and DOE, installed a new state-of-the-art mercury Tekran speciation monitoring unit at the NOAA research station in Barrow, Alaska. The equipment became operational in January 1999 and confirmed the "Arctic Sunrise" phenomenon this spring. In addition, OIA has continued its support of the Alaska Native Cord Blood Monitoring Program. The program is designed to monitor the levels of selected heavy metals (including mercury) and persistent organic pollutants (including PCB congeners) in umbilical cord and maternal blood of indigenous groups of the Arctic. The study will generate 180 infant-mother specimen pairs and will include two groups of infants from the Faroe Islands, Greenland, and Canada) and infants recruited from the Alaska native American populations. Other OIA activities include the Multilateral Cooperative Pilot Project for Phase-Out of PCB Use, and Management of PCB-Contaminated Wastes in the Russian Federation.

REPA Region 10 continues to support contaminants research through a new partnership with the Sea Otter Commission to expand efforts in monitoring persistent, bioaccumulative, and toxic pollutants (PBTs) in subsistence foods in Alaska. The Traditional Knowledge and Radionuclides Project, conducted in partnership with the Alaska Native Science Commission, is ongoing

*Risk Assessment*

Risk assessment has a varied history of development and use in EPA. Within the last 10 years, the process and its application have broadened dramatically from single-stressor-driven assessments to complex integrated ecosystem assessments for multiple stressors and combined effects. While it is true that EPA tends to target most resources toward environmental issues impacting areas of greater population density, this is a priority setting exercise rather than an application of the risk assessment process.

EPA has found the broadened risk assessment approach to be very effective in bringing together scientific research and management strategies. Specifically it allows communities to use available scientific information (and, particularly in the Arctic, traditional knowledge) to better understand what complement of stressors may be causing undesirable change in important values, key scientific questions that need to be investigated, and alternative problem solving strategies designed to achieve environmental results.

It is within this broader frame of reference that EPA is focusing resources and time in the Arctic. The risk assessment process involves multiple steps, including planning (establishing shared goals), problem formulation (using available knowledge to develop conceptual models), analysis (exposure and effects data), and risk characterization (establishing relationships). The Bering Sea Regional Geographic Initiative, sponsored by Region 10 and ORD, is focused on planning and problem formulation to help make sense of the enormous amount of available data and to give direction to future research in the Bering Sea. The Traditional Knowledge and Radionuclides Project sponsored by Region 10 is helping redefine the risk management process with tribes and may offer new ways to re-frame how risk assessment is used in the Arctic. In a similar vein, ORD has begun planning and problem formulation for the Pribilof Islands in partnership with the people of St. Paul to develop a demonstration case study of the process within a Native community. Risk assessment will also provide the conceptual framework for reporting on heavy metals for AMAP Phase II.

These activities will provide significant lessons within the Arctic about how to establish management direction, identify data gaps and research opportunities, link research to management concerns, and provide a legitimized use of traditional knowledge.

*Department of State*

The Department of State is responsible for the negotiation and operation of our international agreements in the Arctic. The Department seeks input from the IARPC agencies and others through the Arctic Policy Working Group, which meets monthly with the Polar Affairs Section at State. Over the years a disconnect has occurred between the Department and the officials in other agencies making the vital decisions affecting our participation and performance in international programs. This stems principally from the lack of coordination between what the agencies will actually do and the policies expressed in these programs. The most obvious case was the failure of the United States to participate in the AMAP health study of contaminants in umbilical cord blood. While endorsing this program and its goals on the one hand, no samples were actually sent for analysis even though samples existed. The result is that the United States has been viewed with a certain amount of scorn in AMAP meetings (the Commission notes that this program has finally begun under the auspices of the EPA Office of International Activities). The cure for this is certainly not simple. The most important step, however, is that the Department of State must, in the future, meet with Agency policy officials to review their recommendations, spell out the equivalent commitments to action by agencies, and modify their positions accordingly. These meetings must be carefully prepared so that the issues to be discussed are clearly spelled out and that the nature of the commitment required from the agencies is understood well beforehand so that the agencies can come to the table prepared to make commitments.

The complexity of this problem can be seen in the state of affairs in October 1998. In October the United States took over the chair of the Arctic Council. At the same time, agency budget appropriations were passed for FY 99 but virtually no specific budget commitments were identified as supporting investigations relevant to Arctic Council needs. Many relevant activities occur in agency programs which could demonstrate U.S. commitment to the Arctic Council but there is no system to collect results and report on relevant U.S. activities to the Council and no financial support for these activities. This problem needs to be addressed immediately for FY 00 and beyond.

The Department of State is puzzled by the Arctic Research Commission's recommendations for the Department with regard to facilitation of U.S. Arctic Research. The entire first paragraph is, verbatim, what was reported in their "Seventh Biennial Report to Congress," which was submitted last year and which covered the period of February 1, 1996 to January 1, 1998. The incident that they highlight as an example of an "interagency disconnect" that resulted in "complete failure" of the United States to participate in an Arctic Council program occurred in 1996 and involved a Federal agency outside of the control of the State Department. From the perspective of the Department, it appears that the Arctic Research Commission has not seen our response to this same evaluation last year. In that initial response, we explained in detail what the State Department's role is with regard to facilitating U.S. research in the Arctic and the formulation of U.S. Arctic policy. It appears that the Arctic Research Commission has failed to take this into consideration. With regard to the additional language that the Commission has submitted this year, the Department would like to emphasize that all queried Federal agencies, with the exception of one, offered general support for the U.S. chairmanship of the Arctic Council. While we are not in a position to comment on the contents of the budgets of other agencies with regard to support for the U.S. chairmanship, we note that the Department received financial support in the amount of $250,000 for its Arctic Council chairmanship in FY 99 and has requested financial support for the Arctic Council in its FY 00 budget request. We also note that a number of other agencies, among them the Departments of Commerce/National Oceanic and Atmospheric Administration, Energy, Interior/Fish and Wildlife Service, and Environmental Protection Agency, have committed both financial resources and staff time to assist with chairing the Arctic Council. We also note that the Department of State has been generally pleased with the level of participation and leadership from the aforementioned U.S. agencies and others within the Arctic Council's working groups.

*U.S. Coast Guard*

The U.S. Coast Guard is the principal provider of research time on icebreakers for U.S. scientists not collaborating with other nations. In the past, the lack of an open system for soliciting participants and planning cruises has produced friction and disagreement as well as some important successes. With the advent of *Healy*, the new Coast Guard icebreaker, a new system must emerge. The dialog between the scientific community which will be using *Healy*, Coast Guard designers, and ship builders has been substantially improved. The formation of the Arctic Icebreaker Coordinating Committee has been successful and has led to substantial improvements in the design of research facilities aboard *Healy*. In the near future the need for liaison and coordination will change from the construction team to operations. The Commission anticipates that the Coast Guard will work closely with the AICC drawing upon the U.S. academic community's substantial level of experience in oceanographic operations generally and in Arctic studies in particular.

The AICC and the closer cooperation in which it is participating will not help to produce the potential for a new era of U.S. Arctic research unless a commitment to operating funds for icebreaker utilization is forthcoming. The Commission has recommended to the National Science Foundation that it provide funds for full utilization of Coast Guard icebreakers at up to 200 operating days per year as appropriate depending on funding. The Coast Guard should support NSF in its efforts to provide these funds.

The Coast Guard will depend heavily on the Arctic research community to participate in determining scheduling priorities for *Healy*. The UNOLS Ship Time Request System will be the primary mechanism for fielding and sorting requests for ship access. There is a clear need for subsequent scheduling meetings to occur. A specific plan for arbitrating competing scheduling demands has yet to be defined. A discussion of how this process should work is an agenda item for the January 2000 Arctic Icebreaker Coordinating Committee meeting. The Coast Guard envisions a process where it provides information on ship availability and operational access to specific areas and where the science community takes responsibility for prioritizing research goals that will result in actual ship access for investigators. Input from the Arctic Research Commission, the National Research Council, and the National Science Foundation will be key to developing an equitable system that meets the national research requirements.

*Interagency Task Force on Oil Spills*

There is a substantial dearth of knowledge about oil spills in Arctic conditions. The Commission has long recommended a substantial research program on the behavior of oil in ice-infested oceans based in part on the research agenda spelled out in Appendix I. In addition, the Commission has had substantial discussions with the Oil Spill Recovery Institute. The Commission in collaboration with the Alaska Clean Seas Association and others has recommended test burns in the Arctic Ocean to study the variety of questions associated with this highly effective method of disposing of oil on the sea. The Commission recommends that the Interagency Task Force commence such a program soon, before the question is made imperative by an accident in the Arctic.

The Coast Guard supports the ARC in its recommendation to commence a research program on the behavior of oil in ice-covered waters, although no funds are currently available to support such a program. The Coast Guard continues to endorse the preparedness and response efforts of the Emergency Preparedness Prevention and Response Working Group of the Arctic Council, as well as individual national research.

The task force was established as the Coordinating Committee on Oil Pollution Research (CCOPR) under Title VII of Public law 101-380, otherwise known as the Oil Pollution Act of 1990. The Committee has not been funded since FY 95. As a result the Coordinating Committee has focused on ensuring that the research and development projects of its member agencies are discussed and the results of that research and development are shared with Federal, state, local, and private sector researchers. The Coordinating Committee has been unable to initiate any research not already approved by an agency as part of the agency's mission-specific activities. Thus, a proposal for the Committee to initiate and manage a research and development program to study methods of disposing of oil in Arctic waters is not viable at this time. The Arctic Research Commission may wish to propose meeting with the Coordinating Committee to discuss proper research foci with attendant partnership funds to the individual agencies that comprise the Coordinating Committee.

*National Aeronautics and Space Administration*

The Commission has been briefed on the programs undertaken by NASA in the Arctic or having a substantial component in the Arctic. These programs are clearly of a high caliber. The Commission notes, however, that these programs are poorly publicized outside of the community of NASA Principal Investigators. The Commission recommends that NASA carry out a program of outreach to the Arctic Research Community to publicize these programs and to encourage broader participation. NASA is always at risk for the engineering side of their programs to overwhelm scientific uses and needs. The Commission believes that by broadening the participation of the research community in their programs, NASA can benefit from the resulting community support.

The Commission also notes that NASA is a participating agency in the International Arctic Research Center and supports the Alaska Synthetic Aperture Radar Facility at the University of Alaska. The Commission supports these efforts and looks forward to their continuation and expansion.

NASA welcomes the support of the Arctic Research Commission for its Arctic research program. NASA is sympathetic to the need for outreach of its programs within the broader scientific community. NASA has established procedures by which it seeks to inform the broader community of its goals and vision.

NASA publishes a Science Implementation Plan for the Earth Science Enterprise, which includes Arctic research. This document is reviewed outside NASA and provides an opportunity for scientists to understand the scope of planned activities and their relationship to overarching science goals. NASA has invested in the development of effective user interfaces at its Data Active Archive Centers, realizing how important these are to the productive use of mission data. In continued recognition of this, NASA initiated a National Research Council Polar Research Board review of its polar geophysical products during 1999, with a view to obtaining independent and science-driven advice on how best to provide data sets for Arctic researchers. Furthermore, through this review, NASA seeks to develop a strategy for broader use of its polar data sets by the research community.

In recognition of the important role that the Arctic plays in global climate, NASA will continue to support Arctic research. The Alaska SAR Facility and the International Arctic Research Center each have important roles to play in encouraging innovative and collaborative Arctic research.

*National Institutes of Health*

Under the Arctic Environmental Protection Strategy the United States has become involved in programs concerning the health of Arctic residents, particularly the indigenous people of the region. In particular, the AMAP health study has been focused on environmental effects on health in the region. When the United States undertook to sign the AEPS Declaration (and subsequently the Arctic Council Declaration) the message to agencies was that there would be no new money requested or appropriated for these activities. As a result, the U.S. effort in the AMAP health program has been paltry. It is clear that the responsibility for the national effort in this regard falls to the National Institutes of Health, particularly the National Institute for Environmental Health Studies. Unfortunately, the NIH-NIEHS effort has been virtually nonexistent. The Commission recommends that NIH immediately organize an Arctic Environmental Health Study focused primarily on the measurement program outlined by the Arctic Monitoring and Assessment Program. In addition, the study of incidences and trends in the major causes of morbidity and mortality in the Arctic should be included in Arctic Council activities, perhaps as an initiative is sustainable development. The effects of both communicable diseases such as tuberculosis, systemic diseases such as diabetes and cancer, and external causes of illness and death such as alcoholism and accident have profound effects in the Arctic.

The NIH should undertake to become the focal point for Arctic Council health studies in both AMAP and the sustainable development activities of the Council. To this end NIH should provide secretariat support for U.S. Arctic Council health-related activities and take on the responsibility to see that the myriad relevant efforts at NIH and elsewhere are collected and reported to the Arctic Council as the U.S. contribution. This activity should also include a program, in collaboration with relevant State of Alaska agencies and institutions, to synthesize these results and return them to the Arctic community in understandable language along with their implications for life in the Arctic.

The Arctic Research Commission observed that, despite the agreement that the United States participate in the Arctic Environmental Protection Strategy (AEPS) and subsequently the Arctic Council, no new monies were requested or appropriated. U.S. efforts in AMAP (Arctic Monitoring and Assessment Program) were considered paltry. The ARC recommended that the National Institutes of Health (NIH), particularly its component, the National Institute of Environmental Health Sciences (NIEHS), organize an Arctic Environmental Health Study, focused on AMAP measurements. A study of the major causes of morbidity and morality was suggested to be included in Arctic Council activities (but perhaps as part of Sustainable Development), and the NIH should become a focal point for reporting health studies to the Arctic Council, including informing the Arctic community of implications for life in the Arctic.

The NIH, and its sister agencies within the Public Health Service (PHS), namely the Centers for Disease Control and Prevention (CDC) and the Indian Health Service (IHS), are pleased to note considerable progress in supporting several programs under the Arctic Council, including both AMAP/Human Health and Sustainable Development.

*AMAP Monitoring Program*

Although the initial focus of AMAP was on the exposures to, and effects of, anthropogenic pollution, there has been a broadening of its sphere of interest, especially among the Human Health expertroup, to include ancillary aspects that are related to the central focus.

The Alaska Native Tribal Health Consortium, which derived from, and closely affiliates with, the Indian Health Service, is sponsoring the Alaska Native Cord Blood Monitoring Program, with the additional financial and moral support of many other Federal, state, and local organizations. Such a monitoring program comprised a "core activity" of AMAP in its first phase, during which the U.S. was not able to participate. Now, however, during the second phase of AMAP, the U.S. is a full partner in the Arctic region monitoring efforts.

*AMAP Biomarkers Conference*

It is evident that there would be tremendous value in utilizing more sensitive indicators of exposure to, and of the possible adverse effects of, the various anthropogenic pollutants found in the Arctic environment. Applicability of very sensitive "biomarkers" based on genetic or biochemical tests could be expected to advance the research agenda considerably if properly understood and applied. With this in mind the National Institute of Environmental Health Sciences, NIH, is sponsoring the International AMAP-2 Biomarkers Conference, in Anchorage, Alaska, in early May 2000. The conference will bring together Arctic health researchers and experts on the use of biomarkers, with the purpose of achieving cross fertilization of ideas and identifying opportunities.

*Emerging and Re-emerging Infectious Diseases*

The Arctic Investigations Program of the Centers for Disease Control and Prevention is contributing to the Human Health research agenda through its program to study emerging and reemerging infectious diseases in the Arctic. This is especially apropos because of the suspected relationship of the adverse health effects of pollution on an individual's resistance to infections (e.g. due to an impaired immune response), especially in newborns, infants, and youth.

*Arctic Environmental/Health Database*

Under consideration is a proposed computerized database that would incorporate traditional environmental/health knowledge from indigenous Arctic populations as well as available data entries in the National Library of Medicine (NLM, NIH) Medline database. The challenge is how to acquire and codify such traditional knowledge in a machine-readable format. If the project can be implemented, it would include education and training of Arctic populations on the access to, and use of, the database, which would also provide a means of disseminating the activities of the Arctic Council AMAP, Sustainable Development, and other working groups.

*Arctic Telemedicine*

In support of the Sustainable Development initiative proposed by the State of Alaska, the PHS, which chairs the White House Joint Working Group on Telemedicine, is providing input to the Telemedicine Initiative. NIH components that will be involved include the National Library of Medicine (extramural grants support program) and the NIH Clinical Center (intramural telemedicine project).

*Department of the Interior*

The U.S. Geological Survey has led the effort by IARPC agencies in the assembly of a data structure for Arctic research. Unfortunately, there has never been a satisfactory funding base for this program. In the past, many IARPC agencies have contributed to this effort but these contributions have faded. Only NSF continues to provide support. The Commission recommends that the USGS and the Department of the Interior accept that this program belongs to them and should be fully supported. The USGS should have the full support of the other IARPC agencies. It is particularly important that an effort be staged to save important earth science data from the former Soviet Union. Much useful data is collected in old paper records which are even more vulnerable now that fuel has become scarce in many places. The Commission has recommended that the NOAA National Data Centers undertake a data rescue project coordinated with the USGS.

The Commission is correct in stating that the data collection effort by the U.S. Geological Survey is not a funded effort. Consequently the U.S. Geological Survey is able to continue this work only as a collateral effort. The latest budget information indicates that this picture will not improve in the foreseeable future. However, the USGS intends to continue this work as best it can and will continue to seek partners to help support the program.

The USGS Water Resources Branch has recently reduced the number of hydrologic monitoring stations in the Arctic. Data from these stations are urgently needed for testing and improving the predictions of large-scale of freshwater runoff in the Arctic. In addition, fresh-water runoff affects the stratification of the Arctic Ocean and the distribution of nutrients, traces, and contaminants brought to the Arctic Ocean from the land. The World Climate Research program—Arctic Climate System Study maintains an Arctic Runoff Data Base for these purposes. The Commission recommends that the USGS rebuild a strong program of Arctic hydrologic measurements.

The measurement of Arctic rivers and streams has never enjoyed sufficient funding, so there are just two rivers that flow directly into the Arctic that have stream gages in operation. The cost of maintaining a stream gage on an Arctic river that requires helicopter access is prohibitive. Consequently, unless the budget picture improves significantly, it is unlikely that the U.S. Geological Survey can increase the density of gages in the Arctic. However, the USGS will continue to gather as much information as possible and also promote cooperation with other interested parties whenever possible.

Members and staff of the Commission have visited the National Park Service research logistics housing facility at Nome, Alaska. The Park Service is to be commended for this effort and other agencies should consider the Park Service's example as a model to follow.

The Department thanks the Commission for its continuing endorsement of the National Park Service program.

The Fish and Wildlife Service of the Department has been a stalwart in the work of the Arctic Council's working group on the Conservation of Arctic Flora and Fauna. The Commission recommends that other divisions of the Department follow the example of the Fish and Wildlife Service in their support of Arctic Council Activities.

The Department thanks the Commission for its continuing support for the Fish and Wildlife Service's Arctic Council activities.

*Department of Energy*

The energy needs of Arctic villages in Alaska are extreme. Poor transportation to remote villages, small communities unable to take advantage of the economies of scale usually associated with municipal energy systems, a mixed economy with only modest cash flow, and the lack of a sophisticated technical infrastructure all make the provision of adequate energy resources in the Arctic difficult. The Commission has no specific programs to recommend but will undertake a review of DOE's village energy programs in FY 99. This study will lead to a Commission Special Report with specific recommendations for research and development of appropriate technology for the Arctic.

The State of Alaska faces many unique challenges in helping to ensure that its citizens have access to affordable and reliable electric power. These challenges are particularly evident in rural areas of the state, where electricity is primarily produced by small, expensive, and difficult to operate and maintain diesel power plants. At present the cost of electricity for rural customers is eased somewhat by the availability of the Power cost Equalization (PCE), an electric rate subsidy program administered by the Alaska Department of Community and Regional Affairs (DCRA). However, funds for the PCE are derived from the sale of oil from Prudhoe Bay and are projected to be exhausted in 2000 or 2001, and when that occurs, electricity rates in rural areas could rise substantially. Faced with higher electricity costs, and the potential danger of environmental damages related to the use of petroleum energy in a fragile Arctic ecosystem, various Alaskan entities are now exploring ways in which renewable sources of energy can aid in the production of electric power. To better understand the role that renewable energy can play, the DOE's Wind energy Program is engaged in collaborative efforts with a number of Alaskan organizations at the state and local levels to explore ways in which wind can make a greater contribution in the production of electric power.

The Department of Energy has been an important source of technology transfer to the Russian nuclear power reactor program. Unfortunately, budget reductions threaten this vital activity. The Commission is concerned that the future of U.S. participation is in jeopardy and that in the future nuclear energy production particularly in the Russian Arctic may proceed without the support of the Department of Energy. The budget for interaction with Russia on nuclear power systems should be supported and reinforced.

The concerns of the Commission are noted. The Department agrees that nuclear safety in the Russian Federation remains an important focus of international concern.

The Commission fully supports the activities in the Arctic under the Agency's Atmospheric Radiation Measurement (ARM) Program. The ARM Program is an important research effort and is also an outstanding example of close cooperation between researchers and Native communities and stands as an example for other research programs.

The Department thanks the Commission for its continuing endorsement of the ARM Program.

*Interagency Arctic Research Policy Committee (IARPC)*

Unfortunately, the current budget stringency has caused the IARPC agencies to become hesitant about Arctic research in the face of the many other demands on their scarce resources. At the same time, however, the national commitment to activities in the Arctic has grown. This is particularly true in the case of the Arctic Council. The Commission recommends that the NSE, in its role as lead agency for Arctic research, call together the IARPC Seniors to agree on a plan of research to support U.S. participation in the Arctic Council which goes beyond the current rhetoric and demonstrates the national commitment to carry on the goals of the U.S Arctic Policy expressed by the President on 29 September 1994. Since the appropriation of new money to meet these commitments depends on timely consideration of, the nation's participation in the Arctic Council, which we currently chair, and the submission of budget requests to allow agencies to meet their responsibilities as member and chair to the Council, it is imperative that the IARPC agencies come to the table with the intention to request and redirect resources to carry out this task.

The biennial revision to the U.S. Arctic Research Plan for 2000–2004, as approved by the IARPC, includes a multiagency focused initiative that is intended to support U.S. participation in the Arctic Council. The Department of State is the lead agency for the Arctic Council. The Department of State has assigned personnel and resources to support the Arctic Council secretariat, although no separate resources were requested to support the research program. Several agencies are conducting research that supports Arctic Council priorities.

On another front, the United States agencies need to update the IARPC plan for a comprehensive study of the Arctic Ocean. While current experiments are important and of high quality, there is no current plan for the study of the Arctic Ocean which provides context for these studies. The National Science Foundation has commissioned the formulation of a strategy for the study of the Arctic Ocean. The other IARPC agencies with responsibilities for research in the Arctic Ocean include Navy, NOAA, USGS, USCG, EPA, NASA and parts of several others. IARPC should organize an interagency meeting of the principal agencies responsible for Arctic Ocean research. The Commission has recommended such a plan in the past and feels even more strongly that an organized effort is needed given the increasing evidence for rapid and substantial change in the Arctic Ocean. The Commission recommends that IARPC update the 1990 IARPC report "Arctic Oceans Research: Strategy for an FY 1991 U.S. Program" on a multi-agency basis and that this program be submitted to the Office of Management and Budget and the Office of Science and Technology Policy for consideration on a budget-wide basis.

The biennial revision to the U.S. Arctic Research Plan for 2000–2004, as approved by the IARPC, includes a multiagency focused initiative on Arctic Marine Sciences. This is IARPC's update of the 1990 IARPC report "Arctic Oceans Research: Strategy for an FY 1991 U.S. Program."

The Commission also notes their recommendation above the IARPC publish an annual report on Bering Sea research.

The IARPC biennial report of agency accomplishments, to be published in the IARPC journal Arctic Research of the United States (Spring/Summer 2000), will highlight Bering Sea research.

## MESSAGES FROM THE HOUSE

At 12:29 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine.

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At 3:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

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At 4:31 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

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At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4733) making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. PACKARD, Mr. ROGERS, Mr. KNOLLENBERG, Mr. FRELINGHUYSEN, Mr. CALLAHAN, Mr. LATHAM, Mr. WICKER, Mr. YOUNG of Florida, Mr. VISCLOSKY, Mr. EDWARDS, Mr. PASTOR, Mr. FORBES, and Mr. OBEY, be the managers of the conference on part of the House.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon. That Mr. WOLF, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. PACKARD, Mr. CALLAHAN, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mr. YOUNG of Florida, Mr. SABO, Mr. OLVER, Ms. KILPATRICK, Mr. SERRANO, Mr. FORBES, and Mr. OBEY, be the managers of the conference on the part of the House.

### ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed today, September 14, 2000, by the President pro tempore (Mr. THURMOND):

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

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At 6:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in town of Jackson, Wyoming.

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall."

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center."

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the "James H. Quillen United States Courthouse."

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine; to the Committee on the Judiciary.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

The following bill was read the second time, and placed on the calendar:

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinate oceanography program.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 14, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1534: A bill to reauthorize the Coastal Zone Management Act, and for other purposes (Rept. No. 106–412).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 701: A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes (Rept. No. 106–413).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BENNETT, Mr. GRAMS, and Mr. BUNNING):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

By Mr. LOTT:

S. 3046. A bill to amend title II of the United States Code, and for other purposes; read the first time.

By Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the Lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. WELLSTONE, and Mrs. BOXER):

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself and Mr. DOMENICI):

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH of Oregon (for himself and Mr. WYDEN):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

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## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself, Mr. CLELAND, Mr. THURMOND, Mr. MILLER, Mr. DODD, Mr. FRIST, Mr. HATCH, Mr. LOTT, Mr. L. CHAFEE, Mr. MACK, Mr. HELMS, Mr. SPECTER, Mr. SANTORUM, Mr. NICKLES, Mr. STEVENS, Mr. DURBIN, Mr. COCHRAN, Mr. HUTCHINSON, Mr. WELLSTONE, Mr. JEFFORDS, Mr. ABRAHAM, Mr. THOMAS, Mr. SHELBY, Mr. KYL, Mr. ASHCROFT, Mr. HARKIN, Mr. MCCONNELL, Mr. BENNETT, Mr. BUNNING, and Mr. GRAMS):

S. 3045. A bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes; to the Committee on the Judiciary.

### PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, on June 9, 1999, the late Senator Paul Coverdell introduced legislation aimed at addressing one of the most pressing problems facing law enforcement today: the critical backlogs in our state crime labs. Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196) attracted broad bipartisan support in Congress, as well as the enforcement of national law enforcement groups. Unfortunately, before Senator Coverdell's bill could move through Congress, he passed away.

As a fitting, substantive tribute to Senator Coverdell, I am today introducing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 to eliminate the crisis in forensics labs across the country. This was an issue he cared a great deal about, and I am honored to have the opportunity to carry on his efforts to address this problem.

The crisis in our forensics labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of state crime labs reported DNA backlogs in 6,800 cases and 287,000 convicted offender samples. The backlogs are having a crippling effect on the fair and speedy administration of justice.

For example, the Seattle Times reported on April 23 of this year that police are being forced to pay private labs to do critical forensics work so that their active investigations do not have to wait for tests to be completed. "As Spokane authorities closed in on a suspected serial killer, they were eager to nail enough evidence to make their case stick. So they skipped over the backlogged Washington State Patrol crime lab and shipped some evidence to a private laboratory, paying a premium for quicker results. [A] chronic backlog at the State Patrol's seven crime labs, which analyze criminal evidence from police throughout Washington state, has grown so acute that Spokane investigators feared their manhunt would be stalled."

As a former prosecutor, I know how dependent the criminal justice system is on fast, accurate, dependable forensics testing. With backlogs in the labs, district attorneys are forced to wait months and years to pursue cases. This is not simply a matter of expediting convictions of the guilty. Suspects are held in jail for months before trial, waiting for the forensic evidence to be completed. Thus, potentially innocent persons stay in jail, potentially guilty persons stay out of jail, and victims of crime do not receive closure.

As an Alabama newspaper, the Decatur Daily, reported on November 28, 1999, "[The] backlog of cases is so bad that final autopsy results and other forensic testing sometimes take up to a year to complete. It's a frustrating wait for police, prosecutors, defense attorneys, judges and even suspects. It means delayed justice for the families of crime victims." Justice delayed is justice denied for prosecutors, defendants, judges, police, and, most importantly, for victims. This is unacceptable.

Given the tremendous amount of work to be done by crime labs, scientists and technicians must sacrifice accuracy, reliability, or time in order to complete their work. Sacrificing accuracy or reliability would destroy the justice system, so it is time that is sacrificed. But with the tremendous pressures to complete lab work, it is perhaps inevitable that there will be problems other than delays. Everyone from police to detectives to evidence technicians to lab technicians to forensic scientists to prosecutors must be well-trained in the preservation, collection, and preparation of forensic evidence.

The JonBenet Ramsey case is perhaps the most well-known example of a case where forensics work is critical to convicting the perpetrator of a crime. As the Rocky Mountain News reported on February 2, 1997, "To solve the slaying of JonBenet Ramsey, Boulder police must rely to a great extent on the results of forensic tests being conducted in crime laboratories. [T]he looming problem for police and prosecutors, according to forensics experts, is whether the evidence is in good condition. Or whether lax procedures . . . resulted in key evidence being hopelessly contaminated."

We need to help our labs train investigators and police. We need to help our labs reduce the backlog so that the innocent may be exonerated and the guilty convicted. We need to help our labs give closure to victims of crime.

The bill I am introducing today is essentially a reintroduction of Senator Coverdell's National Forensic Sciences Improvement Act of 1999 (S. 1196). The bill expands permitted uses of Byrne grants to include improving the quality, timeliness, and credibility of forensic science services, including DNA, blood and ballistics tests. It requires States to develop a plan outlining the manner in which the grants will be used to improve forensic science services and requires States to use these funds only to improve forensic sciences, and limits administrative expenditures to 10 percent of the grant amount.

This new bill adds a reporting requirement so that the backlog reduction can be documented and tracked. Additionally, the funding is adjusted to begin authorizations in Fiscal Year 2001, rather than FY 2000, as S. 1196 did. Otherwise, this is the exact same bill Senator Coverdell introduced and that I and many of my colleagues supported.

This bill has the support of many of my colleagues from both sides of the aisle, including Senators CLELAND and MILLER from Georgia, Senators LOTT, NICKLES, HATCH, STEVENS, THURMOND, SHELBY, COCHRAN, KYL, WELLSTONE, DODD, GRAMS, DURBIN, FRIST, HELMS, SPECTER, SANTORUM, JEFFORDS, ABRAHAM, L. CHAFEE, MACK, BUNNING, ASHCROFT, HARKIN, and others. I also appreciate the strong support of Representative SANFORD BISHOP of Georgia, the primary sponsor of Senator Coverdell's bill in the House.

I spoke with Attorney General Reno last night, and she told me that she "supports our efforts to improve forensic science capabilities." She also told me that this bill "is consistent with the Department of Justice's approach to helping State and local law enforcement."

Moreover, numerous law enforcement organizations, including the American Society of Crime Laboratory Directors, American Academy of Forensic Sciences, Southern Association of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, Georgia Bureau of Investigation, the National Association of Attorneys General, and the National Association of Counties.

These Members of Congress and these organizations understand, as I do, that crime is not political. Our labs need help, and after 15 years as a prosecutor, I am convinced that there is nothing that the Congress can do to help the criminal justice system more than to pass this bill and fund our crime labs. To properly complete tests for DNA, blood, and ballistic samples, our crime labs need better equipment, training, staffing, and accreditation. This bill will help clear the crippling backlogs in the forensics labs. This, in turn, will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. I hope my colleagues will join me in passing the Paul Coverdell National Forensic Sciences Improvement Act of 2000 in the short time we have remaining in this Session.

Mr. HUTCHINSON. Mr. President, I rise today in support of the Paul Coverdell National Forensic Sciences Improvement Act of 2000. I am proud to be an original cosponsor of this important and necessary legislation and commend my friends, Senator SESSIONS and the late Senator Coverdell, for all of their hard work and leadership they have shown in this matter.

To justify the need for this legislation, I point to the situation that the Arkansas State Crime Lab is experiencing as a direct result of the exponential increase in the production, use, and distribution of methamphetamine. Simply put, with 16,000 test requests this year—resulting in a backlog of over 6,000 cases—the Arkansas State Crime Lab is at the breaking point. Accordingly, it now takes five to six months from the receipt of a sample to complete the analysis necessary for prosecution. I commend and thank Senator GREGG for his assistance in the procurement of funding to hire three additional chemists. However, I recognize that Arkansas is not alone in its great need and that Congress must authorize more federal funding to fight the ever-increasing proliferation in the production, use, and distribution of illicit substances in our nation.

The Act would provide an additional $768 million over the next six years in the form of block grants by the Attorney General to states to improve the quality, timeliness, and credibility of forensic science services to the law enforcement community. It would do this by allowing states the flexibility to use these monies for facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training. The Act's merit is further made manifest by the fact that it is supported by such groups as the American Academy of Forensic Sciences, the National Association of Medical Examiners, the American Society of Crime Laboratory Directors, the Southern Association of Forensic Sciences, the International Association of Chiefs of Police, the National Association of Counties, and the National Organization of Black Law Enforcement Executives. Thus, I ask my colleagues to join me in helping Senator SESSIONS in his efforts to enact that this important legislation.

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Mr. BIDEN:

S. 3047. A bill to amend the Internal Revenue Code of 1986 to expand the lifetime Learning credit and provide an optional deduction for qualified tuition and related expenses; to the Committee on Finance.

### COLLEGE TUITION TAX DEDUCTIONS

Mr. BIDEN. Mr. President, it has become increasingly apparent in today's society that a college education is no longer a luxury. In order for one to succeed in an ever-changing, high-tech world, a college education has become a near necessity.

However, just as a college degree becomes increasingly vital in today's global economy, the costs associated with obtaining this degree continue to soar out of control. At the same time, the annual income of the average American family is not keeping pace with these soaring costs. Since 1980, college costs have been rising at an average of 2 to 3 times the Consumer Price Index. Now, in the most prosperous time in our history, it is simply unacceptable that the key to our children's future success has become a crippling burden for middle-class families.

According to the United States Department of Education, National Center for Education Statistics, the average annual costs associated with attending a public 4-year college during the 1998–1999 school year, including tuition, fees, room, and board, were $8,018. For a private 4-year school these costs rose to an astonishing $19,970. and these are only the average costs, Mr. President. The price tag for just one year at some of the nations most prestigious universities is fast approaching the $35,000 range.

In 1996, and again in 1997, I introduced the "GET AHEAD" Act (Growing the Economy for Tomorrow: Assuring Higher Education is Affordable and Dependable). My main goal in introducing this legislation was to help the average American family afford to send their children to college. Although this legislation never came before the full Senate for a vote, I was extremely pleased that a number of the provisions of the GET AHEAD Act—including the student loan interest deduction and the establishment of education savings accounts—were included as part of the 1997 tax bill. Additionally, two other provisions of that bill—the Hope Scholarship and the Lifetime Learning Credit—were based upon the core proposal of my GET AHEAD ACT—a $10,000 tuition deduction.

The $10,000 tuition deduction is a proposal I have been advocating since I first announced my candidacy for the Senate 28 years ago. Today, I am building upon a proposal the President made in his State of the Union address earlier this year and am introducing legislation which would finally fully enact this proposal.

The legislation I am introducing today will provide America's middle class families with up to $2,800 in annual tax relief for the costs associated with a higher education. This plan will give families the option of taking either an expanded Lifetime Learning Credit or a tax education of up to $10,000.

Thanks to the 1997 tax bill, current law allows many American families to claim the Lifetime Learning Credit, currently a tax credit of up to 20 percent on the first $5,000 of higher education expenses—meaning a tax credit of up to $1,000 per family per year. For 2003 and after, this will increase to a credit of up to 20 percent of the first $10,000 of higher education expenses—meaning a credit of up to $2,000 per family per year.

The bill I am introducing today will expand this important tax credit to 28 percent on the first $5,000 of higher education expenses through 2002—amounting to a credit of up to $1,400. For the year 2003 and after, this will increase to a credit of up to 28 percent on the first $10,000 of higher education expenses—amounting to a credit of up to $2,000 per family per year. To give families the flexibility to choose the best approach for their own circumstances, my plan will give families the option of deducting these higher education expenses instead of taking the tax credit.

My legislation will continue to ensure that these important educational tax breaks help support middle class families while increasing the income thresholds to $60,000 per year for individuals and $120,000 for couples.

Mr. President, the dream of every American is to provide for their child a better life than they themselves had. A key component in attaining that dream is ensuring that their children have the education necessary to successfully complete in the expanding global economy. It is my hope that this legislation will help many American families move a step closer in achieving this dream and being able to better afford to send their children to college.

Mr. FEINGOLD (for himself, Mr. WELLSTONE, and Mrs. BOXER):

S. 3048. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

### FEDERAL DEATH PENALTY MORATORIUM ACT OF 2000

Mr. FEINGOLD. Mr. President, in recent days, Congress has held hearings and considered legislation on the terrible tragedy involving potentially defective tires manufactured by Bridgestone/Firestone and placed on certain vehicles sold by the Ford Motor Company. It has captured the nation's and the media's attention. And rightly so. I hope we are able to get to the bottom of who knew what, when, why and how.

But while Congress demands accountability from these companies, as well as the Transportation Department, Congress should also demand accountability from the Justice Department. As the Senate Commerce Committee held hearings on the Firestone tire problem the other day, a few blocks down the road the Justice Department released a report that seriously calls into question the fairness of the federal death penalty system. The report documents apparent racial and geographic disparities in the administration of the federal death penalty. In other words, who lives and who dies, and who is charged, tried, convicted and sentenced to death in the federal system appears to relate arbitrarily to the color of one's skin or where one lives. The report can be read as a chilling indictment of our federal criminal justice system.

I introduced legislation earlier this year calling for a national moratorium on executions and the creation of a commission to review the fairness of the administration of the death penalty at the state and federal levels. It is much-needed legislation that will begin to address the growing concerns of the American people with the fairness and accuracy of our nation's death penalty system. I am pleased that that bill, the National Death Penalty Moratorium Act, has the support of some of my colleagues, including Senators LEVIN, WELLSTONE, DURBIN, and BOXER.

But now, with the first federal execution in almost 40 years scheduled to take place in December, I urge my colleagues to take action in the remaining weeks of this session to restore justice and fairness to our federal criminal justice system. I rise today to introduce the Federal Death Penalty Moratorium Act. Like my earlier bill, this bill would suspend executions of federal death row inmates while an independent, blue ribbon commission thoroughly reviews the flaws in the federal death penalty system. The first federal execution in almost 40 years is scheduled to take place after this Congress has adjourned. But before we adjourn, we have an obligation—indeed, a solemn responsibility—to the American people to ensure that the federal criminal justice system is a fair one, particularly when it involves the ultimate punishment, death.

Mr. President, some have argued that the flaws in the administration of the death penalty at the state level do not exist at the federal level. But now, with the release of the Justice Department report earlier this week, our suspicions have been heightened. We now know that the federal death penalty system has attributes of inequity and unfairness.

The Justice Department report makes a number of troubling findings:

> Roughly 80 percent of defendants who were charged with death-eligible offenses under Federal law and whose cases were submitted by U.S. Attorneys under the Department's death penalty decision-making procedures were African American, Hispanic American or members of other minority groups;
>
> United States attorneys in 5 of the 94 federal districts—1 each in Virginia, Maryland, Puerto Rico and 2 in New York—submit 40 percent of all cases in which the death penalty is considered;
>
> United States attorneys who have frequently recommended seeking the death penalty are often from states with a high number of executions, including Texas, Virginia and Missouri; and
>
> White defendants are more likely than black defendants to negotiate plea bargains, saving them from the death penalty in federal cases.

What do these findings tell us? I think we can all agree that the report is deeply disturbing. There is a glaring lack of uniformity in the application of the federal death penalty. Whether you live or die appears to relate arbitrarily to the color of your skin or where you live. Why do these disparities exist? How can they be addressed? The Justice Department report doesn't have answers to these and other questions. I am pleased that the Attorney General has requested additional internal reviews. But with all respect to the Attorney General, that's simply not enough. The American people deserve more. Indeed, American ideals of justice demand much more.

With the first federal execution since the Kennedy Administration only three months away, Congress should call for an independent review. Mr. President, if the Attorney General and the President won't act, then it is our solemn responsibility, as members of Congress, to protect the American people and ensure fairness and justice for all Americans. Congress should demand an answer to the troubling questions raised by the Justice Department report. And I believe we have a duty do so. After all, it was Congress that, beginning in 1988, enacted the laws providing for the death penalty for certain federal crimes.

And I might add, the Justice Department has had more than enough time to right the wrong. As some of my colleagues may recall, concerns about racial disparities in the administration of the federal death penalty were hotly debated in 1994 during debate on the Racial Justice Act as the Congress decided whether to expand the federal death penalty. At that time, a House Judiciary Subcommittee report found that 89 percent of defendants against whom the federal government sought the death penalty under the 1988 Drug Kingpin Statute were African American or Hispanic Americans. In response to these concerns, the Attorney General centralized the process for U.S. attorneys requesting the Attorney General's authorization to seek the death penalty.

The Attorney General's centralized review process has now been in operation for nearly 6 years. But we have not seen anything approaching rough consistency, let alone uniformity in the federal death penalty system. We are continuing to see egregious disparities. One of the greatest needs for additional data and analysis involves the question of how line prosecutors and U.S. attorneys are making decisions to take cases at the federal level and charge defendants with death-eligible offenses. But Congress and the American people should not wait for another report that fails to ask and answer this and other tough questions. Indeed, an agency that tries to review itself can't always be expected to be fully forthcoming or fully equipped to identify its own failings. That's why an independent, blue ribbon commission is the only appropriate response to the Justice Department report.

And time is of the essence. It's not too late for Congress to act. We should demand full accountability. In fact, the American people are demanding accountability and fairness. In a poll released today by The Justice Project, 64 percent of registered voters support a suspension of executions while fairness questions are addressed, based on information that in several instances, criminals sentenced to be executed have been released based on new evidence or DNA testing. And this is not just a partisan issue, or shouldn't be. The poll, conducted by Democratic and Republican polling firms, found that 73 percent of Independents and 50 percent of Republicans, including 65 percent of non-conservative Republicans, support a suspension of executions. The American people get it. Something is terribly amiss in our administration of the ultimate punishment, death. And this is just as true at the federal level.

So, as we approach the close of this 106th Congress, I urge my colleagues to support a moratorium on federal executions while we study the glaring flaws in the federal death penalty system through an independent, blue ribbon commission. It is disturbing enough that the ultimate punishment may be meted out unfairly at the state level. But it should be even more troubling for my colleagues when the federal government, which should be leading the states on matters of equality, justice and fairness, has a system that is unjust. We are at a defining moment in the history of our nation's administration of the death penalty. The time to do something is now.

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Mr. FITZGERALD (for himself, Mr. EDWARDS, Mr. ASHCROFT, and Mr. DURBIN):

S. 3049. A bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year; to the Committee on Agriculture, Nutrition, and Forestry.

### INCREASING THE AUTHORIZED AMOUNT OF MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to double the limit on loan deficiency payments (LDP) and marketing loan gains.

The hard work and ingenuity of America's farmers have made U.S. agriculture the pride of the nation. But farmers today face serious challenges. Record low commodity prices continue to besiege family throughout our great nation. For the past 3 years, American farmers have faced the lowest prices in recent memory. Prices have plummeted for almost every agricultural commodity—corn, soybeans, wheat and the list goes on. The bottom line is that many farmers throughout this Nation are having trouble making ends meet.

Appropriately, Congress has responded with economic assistance to offset these hard times. However, while last year's assistance package included a much needed provision to expand limits on marketing loan gains and loan deficiency payments, this year's assistance package did not include such a provision.

As we move into harvest time, prices have trended downward, and many now realize that loan deficiency payments per bushel may be quite large for many agricultural commodities. With the combination of high yields and high per bushel marketing gains, many farmers now realize that they could easily bump up against these payment limitations. Recognizing this impending problem, farm groups, including the American Farm Bureau Federation, have asked that these payment limitations be eased, but not removed.

According to industry experts, a 700-acre corn farmer will exceed the $75,000 cap. For farmers who exceed this cap, their only recourse is to forego the much-needed income or use the bureaucracy-ridden commodity certificates program. Estimates project that the additional drying, shrinkage and storage costs that a accompany the commodity certificate program will cost farmers an additional $33.46 per acre of grain. Farmers can ill-afford this lost income during these hard economic times.

Today, I am introducing legislation to solve this dilemma. The bill simply doubles the LDP limit from $75,000 to $150,000 for this crop year. This legislation is consistent with a provision that was included in last year's farm economic assistance package.

Surprisingly, this provision may actually provide cost-savings to the federal government through staff time reduction. Anecdotally, Illinois Farm Service Agency employees report that it takes about two hours of staff time to complete a loan forfeiture using the commodity certificate process, while the loan deficiency payment process requires only 15 minutes.

When the 1996 farm bill was written, no one could have foreseen our current situation of extremely low prices, and the $75,000 limit seemed appropriate. However, with the Asian market crash, unusually good weather, and exceptional crop yields, commodity prices have been driven to unforeseen lows, making a re-evaluation of the LDP cap appropriate and timely. This bill is good public policy and enjoys bipartisan support. I appreciate my colleagues—Senators EDWARDS, ASHCROFT, and DURBIN—who join me as sponsors of this legislation, and I encourage other Senators to co-sponsor this sorely-needed change in farm policy.

Agriculture is critical to the economy of America, and is the Nation's largest employer. For farmers to prosper, our Nation must have economic policies that promote investment and growth in agricultural communities and agricultural States like my home State of Illinois. A healthy agricultural economy has ripple effects through many industries and is critical for the economic prosperity of both Illinois and America.

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By Mr. HATCH (for himself and Mr. DOMENICI):

S. 3050. A bill to amend title XVIII of the Social Security Act to make improvements to the prospective payment system for skilled nursing facility services; to the Committee on Finance.

### THE SKILLED NURSING FACILITY CARE ACT OF 2000

Mr. HATCH. Mr. President, I am pleased to join my colleague, Senator DOMENICI, in introducing today legislation to increase Medicare reimbursements for skilled nursing facilities, SNFs, which care for Medicare beneficiaries.

As my colleagues recall, last year the Congress passed a measure to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that was facing extraordinary financial difficulties as a result of the spending reductions provided under the Balanced Budget Act of 1997 (BBA) as well as its implementation by the Health Care Financing Administration (HCFA).

Unfortunately, the problem is not fixed, and more needs to be done. That is why Senator DOMENICI and I are introducing the "Skilled Nursing Facility Care Act of 2000" to ensure that patient care will not be compromised and so that seniors can rest assured that they will have access to this important Medicare benefit.

As I have talked to my constituents in Utah about nursing home care, it is clear to me as I am sure it is to everyone that no one ever expects—or certainly wants—to be in a nursing home. Yet, it is an important Medicare benefit for many seniors who have been hospitalized and are, in fact, the sickest residents in a nursing home.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the consequences that such action would have on all residents—no matter who pays the bill.

The "Skilled Nursing Facility Care Act of 2000" has been developed to address this problem. Medicare beneficiaries who need care in nursing homes are those who have been hospitalized and then need comparable medical attention in the nursing home setting. In other words, they have had a stroke, cancer, complex surgery, serious infection or other serious health problem. These seniors are often the sickest and most frail.

Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million of these seniors annually. Unless Congress and the Health Care Financing Administration take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Moreover, in an economy of near full employment, nursing homes face the added difficulty of recruiting and retaining high quality nursing staff. The ability to retain high quality skilled nursing staff ensures access to lifesaving medical services for our nation's most vulnerable seniors.

Flaws in the new Medicare payment system have clearly underestimated the actual cost of caring for medically complex patients. Subsequent adjustments have led to critical under- funding. Patient care is being adversely affected. Unfortunately, HCFA maintains that it needs statutory authority to fix the problem. The provisions in the Hatch/Domenici bill are designed to address this issue.

Our legislation provides that authority. In addition, the bill requires HCFA to examine actual data and actual Medicare skilled nursing facility cost increases. Studies have indicated that the initial HCFA adjustment has been understated by approximately 13.5 percent. Pursuant to the Hatch/Domenici bill, HCFA would be required to make the necessary adjustments in the SNF market basket index to better account for annual cost increases in providing skilled nursing care to medically complex patients.

Since HCFA's review and adjustments as provided under our bill will not be immediate, our legislation would also increase the inflation adjustment by four percent for fiscal year 2001 and fiscal year 2002, respectively. This immediate funding increase is necessary to ensure continuity of quality patient care in the interim. It will provide some assurance that quality skilled nursing facility services for our nation's seniors will continue, while HCFA examines actual cost data and develops a more accurate market basket index.

Skilled nursing facilities are being underpaid and most of the payment is for nurses' aides and therapists. According to a study conducted by Buck Consultants that surveyed managerial, supervisory, and staff positions in nursing homes, actual wages for these valued employees increased, on average, 21.9 percent between 1995 and 1998. Buck Consultants examined data gathered from a voluntary nursing home survey by looking at salary increases for 37 types of clinical, administrative, and support positions. The difference between HCFA's 8.2 percent inflation adjustment and these salary increases over the same period of time equal 13.7 percent. Again, it is clear that skilled nursing facilities are not receiving adequate payment from the Medicare program. With such funding shortfalls, skilled employees cannot be hired and patient care will be impacted.

Mr. President, it is my hope that the "Skilled Nursing Facility Care Act of 2000" will provide immediate relief to skilled nursing facilities and the seniors they serve, while attempting to address a fundamental payment shortcoming for the long-term. We cannot forget our commitment to our nation's elderly.

Senator DOMENICI and I are working with the Chairman of the Finance Committee, Senator ROTH, who is also concerned about the impact that the BBA Medicare reimbursement levels are having on skilled nursing facilities and who is currently developing a package of Medicare restorations for health care providers. Over the next several weeks, we will work with him and with members of the Finance Committee in an effort to restore funding for SNFs and for other health care providers who are facing similar reimbursement reductions.

Once again, I want to thank the distinguished Chairman of the Budget Committee, Senator DOMENICI, and his staff for working with me in developing this important bill and preserving Medicare's commitment to our nation's elderly.

Mr. DOMENICI. Mr. President, I rise today to join Senator HATCH in introducing the "Skilled Nursing Facility Care Act of 2000."

We can all take a certain amount of pride in the bipartisan Balanced Budget Act of 1997. However, it should come as no surprise that legislation as complex as the Balanced Budget Act (BBA), as well as its implementation by the Health Care Financing Administration, has produced some unintended consequences that must be corrected.

Heeding this advice, Congress made a down payment last year on the continued health of the skilled nursing facility benefit by passing the Balanced Budget Refinement Act of 1999. While I believe this was a very good first step, I am convinced the bill we are introducing today is urgently needed to assure our senior citizens continue to have access to quality nursing home care through the Medicare program.

The transition to the Prospective Payment System (PPS) for Skilled Nursing Facilities (SNFs) contained in the BBA is seriously threatening access to needed care for seniors all across the country. For instance, almost 11 percent of nursing facilities in the United States are in bankruptcy. In my home State of New Mexico the number is nothing short of alarming, nearly 50 percent of the nursing facilities are in bankruptcy.

I simply do not know how we can stand by in the face of this crisis and watch our seniors continue to lose access to nursing home care. My belief is only buttressed in light of the fact that as the baby boomers grow older we will be needing more nursing homes, not less.

We must have a strong system of nursing home care not only now but, in the future. With time having already run out on many nursing home operators and quickly running out on others, I believe Congress must act immediately.

In New Mexico, there are currently 81 nursing homes serving almost 7,000 patients, and as the bankruptcies have proven, the current Medicare payment system, as implemented by HCFA, simply does not provide enough funds to cover the costs being incurred by these facilities to care for our senior citizens.

For rural States like New Mexico, corrective action is critically important. Many communities in my State are served by a single facility that is the only provider for many miles. If such a facility were to close, patients in that home would be forced to move to facilities much farther away from their families. Moreover, nursing homes in smaller, rural communities often operate on a razor thin bottom line and for them, the reductions in Medicare reimbursements have been especially devastating.

The legislation we are introducing today would go a long way to build upon the steps we took last year with the Balanced Budget Refinement Act in restoring stability in the nursing home industry. The Hatch-Domenici Care Act of 2000 would increase reimbursement rates through two provisions.

First, for a 2-year period, the bill eliminates the one percentage point reduction in the annual inflation update for all skilled nursing facility reimbursement rates and raises that same update by four percent. I believe this provision is a matter of simple fairness because we are merely attempting to accurately keep reimbursements in line with the actual cost of providing care.

Second, the bill directs the Secretary of Health and Human Services to reexamine the annual inflation update, the so-called market basket index, using actual data to determine the necessary level of update. As a result of the reexamination, the Secretary may adjust the inflation update accordingly.

I look forward to again working with Senator HATCH to pass this critical legislation.

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By Mr. SCHUMER (for himself, Mr. MCCAIN, and Mr. JOHNSON):

S. 3051. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

### GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3051

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Greater Access to Affordable Pharmaceuticals Act" or the "GAAP Act of 2000".

**SEC. 2. NEW DRUG APPLICATIONS.**

(a) LIMITATIONS ON THE USE OF PATENTS TO PREVENT APPROVAL OF ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "the drug for which such investigations were conducted or which claims a use for such drug for which the applicant is seeking approval under this subsection" and inserting "an active ingredient of the drug for which such investigations were conducted, alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection"; and

(B) in clause (iv), by striking "; and" and inserting a period;

(2) in the matter preceding subparagraph (A), by striking "shall also include—" and all that follows through "a certification" and inserting "shall also include a certification";

(3) by striking subparagraph (B); and

(4) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D), respectively, and aligning the margins of the subparagraphs with the margins of subparagraph (A) of section 505(c)(1) of that Act (21 U.S.C. 355(c)(1)).

(b) Abbreviated New Drug Applications.—Section 505(j)(2)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(2)(A)) is amended—

(1) in clause (vi), by striking the semicolon and inserting "; and"; and

(2) in clause (vii)—

(A) in the matter preceding subclause (I), by striking "the listed drug referred to in clause (i) or which claims a use for such listed drug for which the applicant is seeking approval under this subsection" and inserting "an active ingredient of the listed drug referred to in clause (i), alone or in combination with another active ingredient or which claims the first approved use for such drug for which the applicant is seeking approval under this subsection";

(B) in subclause (IV), by striking "; and" and inserting a period; and

(C) by striking clause (viii).

(c) Effective Date.—The amendments made by this section shall only be effective with respect to a listed drug for which no certification pursuant to section 505(j)(2)(A)(vii)(IV) of the Federal Food, Drug, Cosmetic Act was made prior to the date of enactment of this Act.

**SEC. 3. CITIZEN PETITION REVIEW.**

Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) Notwithstanding any other provision of law, the submission of a citizen's petition filed pursuant to section 10.30 of title 21, Code of Federal Regulations, with respect to an application submitted under paragraph (2)(A), shall not cause the Secretary to delay review and approval of such application, unless such petition demonstrates through substantial scientific proof that approval of such application would pose a threat to public health and safety.".

**SEC. 4. BIOEQUIVALENCE TESTING METHODS.**

Section 505(j)(8)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(8)(B)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(iii) the effects of the drug and the listed drug do not show a significant difference based on tests (other than tests that assess rate and extent of absorption), including comparative pharmacodynamic studies, limited confirmation studies, or in vitro methods, that demonstrate that no significant differences in therapeutic effects of active or inactive ingredients are expected.".

**SEC. 5. ACCELERATED GENERIC DRUG COMPETITION.**

(a) In General.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)(iv), by striking subclause (II) and inserting the following:

"(II) the date of a final decision of a court in an action described in clause (ii) from which no appeal can or has been taken, or the date of a settlement order or consent decree signed by a Federal judge, that enters a final judgement, and includes a finding that the relevant patents that are the subject of the certification involved are invalid or not infringed, whichever is earlier,";

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B), the following:

"(C) The one-hundred and eighty day period described in subparagraph (B)(iv) shall become available to the next applicant submitting an application containing a certification described in paragraph (2)(A)(vii)(IV) if the previous applicant fails to commence commercial marketing of its drug product once its application is made effective, withdraws its application, or amends the certification from a certification under subclause (IV) to a certification under subclause (III) of such paragraph, either voluntarily or as a result of a settlement or defeat in patent litigation.".

(b) Effective Date.—The amendments made by this section shall only be effective with respect to an application filed under section 505(j) of the Federal Food, Drug, Cosmetic Act for a listed drug for which no certification pursuant to 505(j)(2)(A)(vii)(IV) of such Act was made prior to the date of enactment of this Act.

**SEC. 6. SENSE OF CONGRESS.**

It is the sense of Congress that measures should be taken to effectuate the purpose of the Drug Price Competition and Patent Term Restoration Act of 1984 (referred to in this section as the "Hatch-Waxman Act") to make generic drugs more available and accessible, and thereby reduce health care costs, including measures that require manufacturers of a drug for which an application is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 255(c)) desiring to extend a patent of such drug to utilize the patent extension procedure provided under the Hatch-Waxman Act.

**SEC. 7. CONFORMING AMENDMENTS.**

(a) Applications.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3), in subparagraphs (A) and (C), by striking "paragraph (2)(A)(iv)" and inserting "paragraph (2)";

(2) in subsection (c)(3)—

(A) in subparagraph (A), by striking "clause (i) or (ii) of subsection (b)(2)(A)" and inserting "subparagraph (A) or (B) of subsection (b)(2)";

(B) in subparagraph (B), by striking "clause (iii) of subsection (b)(2)(A)" and all that follows through the period and inserting "subparagraph (C) of subsection (b)(2), the approval may be made effective on the date certified under subparagraph (C).";

(C) in subparagraph (C), by striking "clause (iv) of subsection (b)(2)(A)" and inserting "subparagraph (D) of subsection (b)(2)"; and

(D) in subparagraph (D)(ii), by striking "clause (iv) of subsection (b)(2)(A)" and inserting "subparagraph (D) of subsection (b)(2)"; and

(3) in subsection (j), in paragraph (2)(A), in the matter following clause (vii)(IV), by striking "clauses (i) through (viii)" and inserting "clauses (i) through (vii)".

(b) Pediatric Studies of Drugs.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (a)(2)—

(A) in clause (i) of subparagraph (A), by striking "(b)(2)(A)(ii)" and inserting "(b)(2)";

(B) in clause (ii) of subparagraph (A), by striking "(b)(2)(A)(iii)" and inserting "(b)(2)"; and

(C) in subparagraph (B), by striking "subsection (b)(2)(A)(iv)" and inserting "subsection (b)(2)"; and

(2) in subsection (c)(2)—

(A) in clause (i) of subparagraph (A), by striking "(b)(2)(A)(ii)" and inserting "(b)(2)";

(B) in clause (ii) of subparagraph (A), by striking "(b)(2)(A)(iii)" and inserting "(b)(2)"; and

(C) in subparagraph (B), by striking "subsection (b)(2)(A)(iv)" and inserting "subsection (b)(2)".

(c) Definition.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(kk) For purposes of the references to court decisions in clauses (i) and (iii) of section 505(c)(3)(C) and clauses (iii)(I), (iii)(III) of section 505(j)(5)(B), the term 'the court' means the court that enters final judgment from which no appeal (not including a writ of certiorari) can or has been taken.".

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By Mr. SMITH of Oregon (for himself and Mr. Wyden):

S. 3052. A bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

### STEENS MOUNTAIN WILDERNESS ACT OF 2000

Mr. WYDEN. Mr. President, today I join my friend from Oregon, Senator Smith, in the introduction of the Steens Mountain Wilderness Act of 2000. Located in southeastern Oregon, Steens Mountain is, in the words of Oregon environmentalist, Andy Kerr, "an ecological island in the sky." Rising a mile above the desert floor, Steens Mountain actually creates its own weather patterns. Though we from Oregon are blessed to have it located within our state boundary, it is truly a National natural treasure.

Some have wondered why any legislative action at all is needed to protect the Steens. They say the Steens has been there a long time and is doing just fine. Why not just leave it alone?

There are three reasons why inaction at this time is an unacceptable choice.

First, there are many landowners today in the Steens with a commitment to protect this ecological treasure. There is no assurance that this will always be the case.

Second, our federal land agencies are now committed to protecting the natural ecology of the Steens. There is no assurance that this will always be the case.

Third, the Steens includes many wilderness study areas. We now have the opportunity to begin resolving the status of these lands that have been in limbo for twenty years. There is no assurance that Oregon's future elected officials, working with all concerned parties, will ever again have such a unique opportunity to address this contentious issue.

The fact of the matter is that protecting the ecological health of the Steens isn't going to happen by osmosis. It has taken the hard work of the Oregon Congressional delegation, Governor Kitzhaber, Secretary Babbitt and numerous staff and private citizens of Oregon to get this legislation where it is today. It will take a bit more hard work to get a Senate-passed bill.

It is my task, as a United States Senator, to move this legislation forward through the committee hearing and Senate floor processes. In that context, this bill will most likely have to be fine-tuned to accommodate additional concerns. I look forward to working with all my colleagues to see that this bill is passed before the lights go down on the 106th Congress. But one major aspect of this bill can never change: the protections for the ecological treasure that is the Steens will be put in place while we also preserve the important historical ranching culture that thrives there.

There have been issues raised about the valuation of the land exchanges that make the adoption of over 170,000 acres of wilderness possible in this bill. Let me make it perfectly clear that this bill should stand or fall on whether there is significant public value at the end of the day. I believe the Senate will find that the expenditures authorized by this legislation purchase the sum of a greater public value than can be accounted for by its individual parts. I will continue to work to assure that this legislation achieves the greatest environmental good possible.

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By Mr. THOMAS:

S. 3053. A bill to prohibit commercial air tour operations over national parks within the geographical area of the greater Yellowstone ecosystem; to the Committee on Energy and Natural Resources.

### THE YELLOWSTONE AND TETON SCENIC OVERFLIGHT EXCLUSION ACT OF 2000

Mr. THOMAS. Mr. President, I rise today to introduce legislation to protect two crown jewels of the National Park Service, Yellowstone and Grand Teton National Parks.

Specifically, the "Yellowstone and Teton Scenic Overflight Exclusion Act of 2000" would prohibit all scenic flights—both fixed wing and helicopter—over these two parks. A recent proposal for scenic helicopter tours near Grand Teton Park has many in this area of Wyoming concerned about the tranquility of Yellowstone and Teton parks. In fact, the proposal has evoked strong opposition by citizens in the area and over 4,500 people have signed a petition in support of banning these tours.

We need to protect the resources and values of these parks in the interest of all who visit and enjoy these national treasures—today and for future generations. Every visitor should have the opportunity to enjoy the tranquil sounds of nature unimpaired in these parks.

I don't take the idea of legislation lightly. I am aware that the recently passed National Parks Air Tour management Act provides a process that attempts to address scenic overflight operations. But this area of the country is unique and therefore requires quick and decisive action. For example, the proposed commercial air tour operations originate from the Jackson Hole Airport, the only airport in the continental United States that is entirely within a national park. Consequently, every time a commercial air tour operation takes off or lands, it is flying through Grand Teton National Park. Further, commercial air tour operations by their nature fly passengers purposefully over the parks, at low altitudes, at frequent intervals and often to the very locations and attractions favored by ground-based visitors. These threats to the enjoyment of these two parks require banning commercial air tour operations in the area.

It is my hope that this legislation can be enacted quickly to ensure the preservation of natural quiet and provide the assurance that visitors can enjoy the sounds of nature at Grand Teton and Yellowstone national parks.

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By Mr. LUGAR (for himself, Mr. HARKIN, Mr. CRAIG, Mr. LEAHY, Mr. MCCONNELL, Mr. KERREY, and Mr. GRASSLEY):

S. 3054. A bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children; to the Committee on Agriculture, Nutrition, and Forestry.

### SUMMER MEALS FOR POOR CHILDREN

Mr. LUGAR. Mr. President, I rise today to introduce legislation to improve the summer food service program, which provides summer meals to poor children.

On an average school day in 1999, nearly 27 million children received lunches supported by the national school lunch program. Of that total, over 15 million of these children were poor. Over 7 million children participated in the school breakfast program and more than 6 million of these children were poor. These statistics clearly show that the American people are generous and compassionate regarding the nutritional status of our children, especially poor children who may not have access to enough food at home.

However, most of these poor children lose access to school lunches and breakfasts once the school year is over. The Federal Government does have programs to provide summer meals, but only about 22 percent of the poor children who get a school lunch also get a summer meal. Common sense tells us that children's hunger does not go on vacation at the end of the school year.

Basically, children can receive federally subsidized summer meals in 2 ways: through the summer food service program; or, if they are in summer school or year-round school, through the regular national school lunch and school breakfast programs.

Summer school and year-round school students can get the regular school lunch and breakfast programs. Just as in the regular school year, students can receive free, reduced price or full price meals, depending upon their families' income. In July 1999, 1.1 million children received free or reduced price meals this way.

The summer food service program was created to provide summer meals for children who are not in summer school or year-round school. The establishment of a summer food service program site depends upon a local entity agreeing to operate a site. At the local level, the summer food service program (SFSP) is run by approved sponsors, including school districts, local government agencies, camps, private nonprofit organizations or post-secondary schools sponsoring NCAA National Youth Sports Programs. Sponsors provide free meals to a group of children at a central site, such as a school or a community center or at satellite sites, such as playgrounds. Sponsors receive payments from USDA, through their State agencies, for the documented food costs of the meals they serve and for their documented operating costs.

The program is targeted toward serving poor children. States approve SFSP meal sites as open, enrolled, or camp sites. Open sites operate in low-income area where at least half of the children come from families with incomes at or below 185 percent of the Federal poverty level, making them eligible for free and reduced-price meals. Meals and snacks are served free to any child at the open site.

Enrolled sites provide free meals to all children enrolled in an activity program at the site if at least half of them are eligible for free and reduced-price meals. Camps may also participate in SFSP. They receive payments only for the meals served to children who are eligible for free and reduced-price school meals.

At most sites, children receive either one or two reimbursable meals or a meal and a snack each day. Camps and sites that primarily serve migrant children may be approved to serve up to three meals to each child, each day.

Participation in the SFSP and the summer portion of the school lunch program varies widely by State. Comparing the number of low-income children in summer programs to the number who get free and reduced price meals during the regular school year gives a reasonable measure of how well the summer meal needs of low-income children are being met. According to the most recent data supplied by USDA, only about 22 percent of those children who received a regular school lunch also received a summer meal. Again according to USDA, participation ranges from over 53 percent in the District of Columbia to under 3 percent in Alaska. My home state of Indiana serves under 10 percent of these children.

In August, I visited the successful summer feeding program implemented this year by the New Albany-Floyd County Consolidated School Corporation in Indiana. I discussed with community leaders ideas to encourage more participation in the program throughout my home state.

Mr. President, hunger does not take a summer vacation. We need to examine new means of encouraging local entities to agree to offer the summer food service program in poor areas. In talking with program experts, a recurring problem they mentioned regarding the decision to enter the program was the amount of paperwork necessary to gain USDA approval.

That is why we propose today legislation to provide a targeted method of increasing participation in those states with very low participation. This method will be tested for a few years to see if it is effective and, thus, should be extended to all states.

Under current SFSP law, sponsors get a food cost reimbursement and an administrative reimbursement of the amounts that they document, up to a maximum amount. Based on the most recent data available, SFSP sponsors document costs sufficient to receive the maximum reimbursement over 90 percent of the time. Some institutions (e.g., schools, parks departments) may not offer the SFSP because they do not want to put up with the administrative burden of documenting all their costs in a manner acceptable to USDA. Under the regular school lunch program, schools do not have to document their costs, but instead automatically receive their meal reimbursements. The extra paperwork burden of documenting all their costs may discourage sponsors from offering summer meals. Public sponsors, such as schools and parks departments, have to meet public accounting standards that make it unlikely that money meant for child nutrition could be siphoned off and used for unlawful purposes.

My bill would establish a pilot project to reduce the paperwork required of schools and other public institutions (like parks departments) to run a summer food service program, and thus, hopefully, encourage more sponsors to join the program and offer summer meals. The bill would allow, in low participation states, public sponsors to automatically receive the maximum reimbursement for both food costs and administrative costs. In this way, the SFSP would be identical to the school lunch program.

Low participation states would be defined as those states where the number of children receiving summer meals (compared to the number receiving free or reduced price lunches during the school year) was less than half the national average participation in the summer meals programs (compared to the number receiving free or reduced price lunches during the school year). This pilot program would run for 3 years, FY 01 to FY 03.

USDA would be required to study whether reducing the paperwork burden increased participation in the program. USDA would also be required to study whether meal quality or program integrity was affected by removing the requirement for sponsors to document their spending. Results of the study will be available for the 2003 child nutrition reauthorization.

I urge my colleagues to support this legislation.

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By Mr. JOHNSON (for himself and Mr. HUTCHINSON):

S. 3055. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program; to the Committee on Finance.

### PHYSICIAN PATHOLOGY SERVICES FAIR PAYMENT ACT OF 2000

Mr. JOHNSON. Mr. President, I rise on behalf of myself and my colleague, Senator HUTCHINSON, to introduce the "Physician Pathology Services Fair Payment Act of 2000." This important legislation allows independent laboratories to continue to receive direct payments from Medicare for the technical component of pathology services provided to hospital inpatients and outpatients. This bill encompasses both the inpatient and outpatient technical components in a comprehensive manner than will allow Congress to address both of these pressing issues in a single legislative vehicle.

As you know, many hospitals, particularly small and rural hospitals, make arrangements with independent laboratories to provide physician pathology services for their patients. They do so because these hospitals typically lack the patient volume or funds to sustain an in-house pathology department. Yet, if the hospitals are to continue to provide surgery services in the local community, Medicare requires them to provide, directly or under arrangements, certain physician pathology services. Without these arrangements, patients may have to travel far from home to have surgery performed.

Recently, HCFA delayed implementation of new inpatient and outpatient technical component (TC) reimbursement rules until January 1, 2001. However, many providers esepectially those in rural or medically underserved areas, remain concerned that the new rules will impose burdensome costs and administrative requirements on hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories that have operated in good faith under the prior policy. For hospitals and independent laboratories with existing arrangements, changing the way Medicarepays for the TC physician pathology services provided to hospitals is likely to strain already scarce resources by creating new costs that cannot be easily absorbed. For the first time, independent laboratories will have to generate two bills—one for the technical components to the hospital and onother to Medicare for the professional components. Since each laboratory may serve five, ten or more hospitals, these separate billings will be costly and complicated.

The "Physician Pathology Services Fair Payment Act of 2000" is essential to the many communities in my home state of South Dakota, and across the country, who rely on the continued presence of pathology services to retain a high-quality health care delivery system that is both responsive and accessible to each and every individual requiring these services. Pathologists provide an extremely powerful and valuable resource to these communities and the "Physician Pathology Services Fair Payment Act of 2000" will ensure that these health care professionals continue to positively impact the lives of not only South Dakotans but the lieves of millions of Americans who utilize these services without perhaps even knowing the critical role that they play in our health care delivery system.

Mr. President, I ank unanimous consent that the complete text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3055

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Physician Pathology Services Fair Payment Act of 2000".

**SEC. 2. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.**

(a) IN GENERAL.—Notwithstanding any other provision of law, when an independent laboratory, under a grandfathered arrangement with a hospital, furnishes the technical component of a physician pathology service with respect to—

(1) an inpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)); and

(2) an outpatient fee-for-service medicare beneficiary, such component shall be treated as a service for which payment shall be made to the laboratory under section 1848 of such Act (42 U.S.C. 1395w–4) and not as a hospital outpatient service for which payment is made to the hospital under the prospective payment system under section 1834(t) of such Act (42 U.S.C. 1395l(d)).

(b) DEFINITIONS.—For purposes of this section:

(1) GRANDFATHERED ARRANGEMENT.—The term "grandfathered arrangement" means an arrangement between an independent laboratory and a hospital—

(A) that was in effect as of July 22, 1999, even if such arrangement is subsequently renewed; and

(B) under which the laboratory furnishes the technical component of physician pathology services with respect to patients of the hospital and submits a claim for payment for such component to a medicare carrier (and not to the hospital).

(2) INPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term "inpatient fee-for-service medicare beneficiary" means an individual who—

(A) is an inpatient of the hospital involved;

(B) is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(C) is not enrolled in—

(i) a Medicare+Choice plan under part C of such Act (42 U.S.C. 1395w–21 et seq.);

(ii) a plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm); or

(iii) a medicare managed care demonstration project.

(3) OUTPATIENT FEE-FOR-SERVICE MEDICARE BENEFICIARY.—The term "outpatient fee-for-service medicare beneficiary" means an individual who—

(A) is an outpatient of the hospital involved;

(B) is enrolled under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and

(C) is not enrolled in—

(i) a plan or project described in paragraph (2)(C); or

(ii) a health care prepayment plan under section 1833(a)(1)(A) of such Act (42 U.S.C. 1395l(a)(1)(A)).

(4) MEDICARE CARRIER.—The term "medicare carrier" means an organization with a contract under section 1842 of the Social Security Act (42 U.S.C. 1395u).

(c) EFFECTIVE DATE.—This section shall apply to services furnished on or after July 22, 1999.

## ADDITIONAL COSPONSORS

S. 922

At the request of Mr. ABRAHAM, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1369

At the request of Mr. L. CHAFEE, his name was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Montana (Mr. BURNS), and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1874

At the request of Mr. GRAHAM, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1938

At the request of Mr. CRAIG, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Texas (Mr. GRAMM) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2640

At the request of Mrs. BOXER, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2640, a bill to amend title 38, United States Code, to permit Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes.

S. 2688

At the request of Mr. INOUYE, the names of the Senator from Nevada (Mr. BRYAN) and the Senator from South Dakota (Mr. DASCHLE) were added as cosponsors of S. 2688, a bill to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes.

S. 2733

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2747

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2747, a bill to expand the Federal tax refund intercept program to cover children who are not minors.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2841

At the request of Mr. ROBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2858

At the request of Mr. GRAMS, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2879

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2879, a bill to amend the Public Health Service Act to establish programs and activities to address diabetes in children and youth, and for other purposes.

S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

S. 2976

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2976, a bill to amend title XXI of the Social Security Act to allow States to provide health benefits coverage for parents of children eligible for child health assistance under the State children's health insurance program.

S. 2987

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2987, a bill to amend title XVIII of the Social Security Act to promote access to health care services in rural areas, and for other purposes.

S. 2997

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2997, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families.

S. 3003

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3003, a bill to preserve access to outpatient cancer therapy services under the medicare program by requiring the Health Care Financing Administration to follow appropriate procedures and utilize a formal nationwide analysis by the Comptroller General of the United States in making any changes to the rates of reimbursement for such services.

S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senator from Nevada (Mr. REID), the Senator from Illinois (Mr. DURBIN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. RES. 330

At the request of Mr. INHOFE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), the Senator from Washington (Mrs. MURRAY), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. Res. 330, a resolution designating the week beginning September 24, 2000, as "National Amputee Awareness Week."

S. RES. 342

At the request of Mr. THURMOND, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Ohio (Mr. DEWINE), the Senator from Tennessee (Mr. FRIST), the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Oklahoma (Mr. NICKLES), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Kentucky (Mr. BUNNING), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Idaho (Mr. CRAPO), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. CAMPBELL), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. Res. 342, a resolution designating the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week."

### S. RES. 353

At the request of Mr. HATCH, his name was added as a cosponsor of S. Res. 353, a resolution designating October 20, 2000, as "National Mammography Day."

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## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 20, 2000 at 10:00 a.m. (immediately following the scheduled markup) in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the current outlook for supply of heating and transportation fuels this winter.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse (202) 224–4756.

### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Saturday, September 23, 2000 at 10:00 a.m. at City Hall, 200 Main St., Salmon, Idaho.

The purpose of this hearing is to conduct oversight on the Summer 2000 wildfires.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

### SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Friday, September 22, 2000 at 2:00 p.m. at Montana State University, Billings, in the Petro Theater, 1500 N. 30th St., Billings, Montana.

The purpose of this hearing is to conduct oversight on the Summer 2000 wildfires.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 14, 2000, at 9:30 a.m. on air traffic control.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 14 at 9:30 a.m. to conduct an oversight hearing. The committee will receive testimony on the transportation of Alaska North Slope natural gas to market and to investigate the cost, environmental aspects and energy security implications to Alaska and the rest of the nation for alternative routes and projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, September 14, at 9:30 a.m. to conduct an informational hearing on the nomination of Major General Robert B. Flowers, nominated by the President to be Chief of Engineers, the Department of the Army.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to mark up the following bills in a business meeting to be held directly following the hearing on S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, on September 14, 2000, at 3:30 p.m. in room 485 Senate Russell Office Building: S. 1840, the California Indian Land Transfer Act, and S. 2665, a bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources. These two bills for mark-up are in addition to the others previously announced which were: S. 2920, a bill to amend the Indian Gaming Regulatory Act, S. 2688, a bill to amend the Native American Languages Act, and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, September 14, 2000, beginning at 1:00 p.m. in room 628 of the Dirksen Senate Office Building to hold a hearing entitled "Slotting Fees: Are Family Farmers Fighting to Stay on the Farm and in the Grocery Store?"

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 1:00 p.m. to conduct a hearing to receive testimony on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 9:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. THOMPSON. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Thursday, September 14, 2000, at 11:00 a.m. for a hearing on "The State of Foreign Language Capabilities in the Federal Government—Part I".

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, September 14, at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2749, a bill to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States; S. 2885, a bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; S. 2950, a bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado; S. 2959, a bill to amend the Dayton Aviation Heritage Preservation Act of 1992, and for other purposes; and S. 3000, a bill to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that my communications director, Kimberly James, be accorded floor privileges for the remainder of my remarks.

Mr. REID. Mr. President, I ask unanimous consent that Russ Holland, a fellow in my office, be granted floor privileges during the consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

On September 13, 2000, the Senate amended and passed S. 1608, as follows:

S. 1608

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Secure Rural Schools and Community Self-Determination Act of 2000".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Allocation of proceeds.
Sec, 209. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of county funds.
Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

Sec. 501. Short title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

### SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predicable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) Purposes.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species; and

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

### SEC. 3. DEFINITIONS.

In this Act:

(1) Federal lands.—The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the

Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in section 1181c of title 43, United States Code, for permanent forest production.

(2) Eligibility period.—The term "eligibility period" means fiscal year 1986 through fiscal year 1999.

(3) Eligible county.—The term "eligible county" means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) Eligible state.—The term "eligible State" means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) Full payment amount.—The term "full payment amount" means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-percent payments.—The term "25-percent payments" means the payments to States required by the sixth paragraph under the heading of "FOREST SERVICE" in the Act of May 23, 1908 as amended (16 U.S.C. 500).

(7) 50-percent payments.—The term "50-percent payments" means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

(8) Safety net payments.—The term "safety net payments" means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

### SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after "(16 U.S.C. 500)" the following: "or the Secure Rural Schools and Community Self-Determination Act of 2000".

## TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

### SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) Calculation Required.—

(1) Eligible states.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) Bureau of land management (BLM) counties.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) Annual Adjustment.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

### SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) Payment Amounts.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection, (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) the full payment amount in place of the 25-percent payment.

(b) Election to Receive Payment Amount.—(1) The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25-percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) Distribution and Expenditure of Payments.—

(1) Distribution method.—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908, as amended.

(2) Expenditure purposes.—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by section 500 of title 16, United States Code.

(d) Expenditure Rules for Eligible Counties.—

(1) In general.—If an eligible county elects to receive its share of the full payment amount—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) Distribution of funds.—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—

(A) In general.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) Counties with minor distributions.—Notwithstanding any adjustment made pursuant to section 101 (b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

### SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) Payment.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f-1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) Election to Receive Payment Amount.—(1) The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) Expenditure Rules for Eligible Counties.—

(1) In general.—Of the funds to be paid to an eligible county pursuant to subsection (b)—

(A) not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) Distribution of funds.—(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) Election.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (b). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

## TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

### SEC. 201. DEFINITIONS.

In this title:

(1) Participating county.—The term "participating county" means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) Project funds.—The term "project funds" means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) Resource advisory committee.—The term "resource advisory committee" means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) Resource management plan.—The term "resource management plan" means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) Secretary concerned.—The term "Secretary concerned" means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

### SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

### SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) Submission of Project Proposals to Secretary Concerned.—

(1) Projects funded using project funds.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) Projects funded using other funds.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) Joint projects.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) Required Description of Projects.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) Authorized Projects.—Projects proposed under subsection (a) shall be consistent with section 2(b).

### SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) Conditions for Approval of Proposed Project.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) Environmental Reviews.—

(1) Payment of review costs.—

(A) Request for payment by county.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) Effect of refusal to pay.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) Decisions of Secretary Concerned.—

(1) Rejection of projects.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) Notice of project approval.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) Source and Conduct of Project.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) Implementation of Approved Projects.—

(1) Cooperation.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) Best value contracting.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) Merchantable materials sales contracting pilot projects.

(A) Establishment.—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) Duration and extent.—(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the General Accounting Office (GAO) shall submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) Requirements for Project Funds.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes—

(1) road maintenance, decommissioning or obliteration; and

(2) restoration of streams and watersheds.

### SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) Establishment and Purpose of Resource Advisory Committees.—

(1) Establishment.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) Purpose.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) Access to resource advisory committees.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) Existing advisory committees.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) Duties.—A resource advisory committee shall—

(1) review projects proposed under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title and title III; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title and title III.

(c) Appointment by the Secretary.—

(1) Appointment and term.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) Initial appointment.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) Vacancies.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) Compensation.—Members of the resource advisory committees shall not receive any compensation.

(d) Composition of Advisory Committee.—

(1) Number.—Each resource advisory committee shall be comprised of 15 members.

(2) Community interests represented.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) Balanced representation.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) Geographic distribution.—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) Chairperson.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) Approval Procedures.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title and the participating county under title III. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) Other Committee Authorities and Requirements.—

(1) Staff assistance.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) Meetings.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) Records.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

### SEC. 206. USE OF PROJECT FUNDS.

(a) Agreement Regarding Schedule and Cost of Project.—

(1) Agreement between parties.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) Limited use of federal funds.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) Transfer of Project Funds.—

(1) Initial transfer required.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

### SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 209, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 209, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

### SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both Federal and non-Federal funds shall be equitably divided between the Treasury of the United States and the non-Federal funding source in direct proportion to the contribution of funds to the overall cost of the project.

### SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

## TITLE III—COUNTY PROJECTS

### SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term "participating county" means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

(2) COUNTY FUNDS.—The term "county funds" means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

### SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION OF COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act; except that: The projects shall be approved by the participating county rather than the Secretary concerned.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share provisions of section 9 of the Cooperative Forestry Assistance Act (Public Law 95-313).

### SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

## TITLE IV—MISCELLANEOUS PROVISIONS

### SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

### SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

### SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

### SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

## TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

### SEC. 501. SHORT TITLE.

This title may be cited as the "Mineral Revenue Payments Clarification Act of 2000".

### SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues "50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .".

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that "the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions".

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

### SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: "(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.".

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESCRIPTION DRUG BENEFIT

Mr. DORGAN. Mr. President, my colleague from Nevada, Senator REID, and I were discussing some dialog that had taken place on the floor of the Senate earlier today, and we wanted to visit a bit about the issue of a prescription drug benefit for the Medicare program.

We are in session in this 106th Congress perhaps only another 4 or 5 weeks at the outset, and much is left to be done prior to the adjournment of this Congress.

One of the issues that most people think is very important to the American people is for this Congress to add a prescription drug benefit to the Medicare program. Almost everyone in this country now understands that the price of prescription drugs is moving up very quickly. Last year, the price of prescription drugs increased very rapidly. In fact, the cost of prescription drugs last year alone, because of increased utilization, price inflation and other things, increased 16 percent.

The senior citizens in this country are 12 percent of our country's population but consume one-third of all the prescription drugs in America. Senior citizens are at a point in their lives where they have reached declining and diminished income years and they are least able, in many cases, to be able to afford to pay increasing prescription drug prices.

There are a range of issues with prescription drugs. I talked about some of these in this Chamber before. There are wild price variations. The same drug in the same bottle made by the same company is being sold in Canada for a tenth of the price that it is sold to a consumer in the United States.

The other day I held up two pill bottles of medicine on the floor of the Senate—exact same medicine, made by the same company, put in the same bottle, shipped to two different pharmacies, one in the U.S. and one in Canada. One was priced three times higher than the other. Guess which. The U.S. consumer was asked to pay three times more than the Canadian consumer for the same prescription drug. That is one issue.

There is a second issue changing or altering the Medicare program to add a prescription drug benefit to the Medicare program. There is no question that if the Medicare program were being written today instead of the early 1960s it would include a benefit for prescription drugs. Many of the lifesaving prescription drugs that are now available were not available then.

We clearly should add a prescription drug benefit to the Medicare program. We have proposed, the President has proposed, and the Vice President has proposed a plan that would provide an optional and an affordable prescription drug benefit available to senior citizens to try to help them cover the cost of their needed prescription drugs.

Earlier today we had Members of the Senate talk about this being a big Government scheme. It is no more a scheme than the Medicare program. The Medicare program is not a scheme at all. It is something this Congress did over the objections of those who always object to anything that is new. We have a few in this Chamber. It has been done for two centuries. No matter what it is, they say: We object.

The Medicare program was developed in the early 1960s at a time when one-half of the senior citizens in America had no health care coverage at all. We proposed a Medicare program. Now 99 percent of the senior citizens have health care coverage.

Do you know of any insurance companies that are going around America saying: You know what we would like to do is provide unlimited health care insurance to people who have reached the retirement years? We think it is going to be a good business proposition to find those who are in their 60s, 70s, and 80s and provide health insurance because we think that is really going to be profitable. It is not the case.

That is why 40 years ago half the senior citizens couldn't afford to buy health insurance. That is why there was a need for the Medicare program. We not only have a Medicare program, and one that works, but we now need to improve it by offering a prescription drug benefit. When we do, the same tired, hollow voices of the past emerge in this Chamber to say: You know what they are proposing is some sort of Government scheme.

It is not a scheme. It is not a scheme at all. It is an attempt to strengthen a program that every senior citizen in this country knows is valuable to them and their neighbors. That is what this is.

Most Members of the Senate understand that we ought to do this. Some who understand it ought to be done, don't want to do it through the Medicare program and are proposing we provide some stimulus for the private insurance companies to offer some sort of prescription drug benefit. But the private insurance companies come to our office and say: We won't be able to offer this benefit; we would be required to charge senior citizens $1,100 for $1,000 worth of benefit for prescription drugs. They say: We are not going to offer it; it doesn't add up; we won't do it. That is what the U.S. executives say.

I am happy to bring out a chart, as I did the other day, to quote the head of the Health Insurance Association and others who say it won't work—I am talking about the plan proposed by the majority party—it doesn't work at all. But to have them come to the floor of the Senate calling our desire to add an optional prescription drug benefit to the Medicare program some sort of Government scheme doesn't wash. We are trying to do something that we think is thoughtful, we think is necessary, and we think most senior citizens will take advantage of on an optional basis because they understand the price of prescription drugs continues its relentless increase year after year after year.

We have people who have never supported the Medicare program. They don't talk about it, but they have never supported it, never liked it. It is the same people who don't like to add a prescription drug benefit to the program. They say: Gee, we have financial problems with Medicare.

Do you know what our problems are with Medicare and Social Security? Our problems are success. People are living longer. In the year 1900, people in this country were expected to live to be 48 years of age; a century later, people are expected to live to almost 78 years of age. In one century, we have increased the life expectancy nearly 30 years. That is success.

Does that put some strains on the Medicare program and Social Security program because people are living longer? Yes. But of course that strain is born of success. This isn't something to be concerned about; it is something to be proud of. People are living longer and better lives, and part of that is because of the Medicare program. We ought to improve that program by adding the prescription drug benefit to that program now, in this Congress, in the remaining 4 weeks.

I am happy to yield to my colleague from the State of Nevada.

Mr. REID. I say to my friend from North Dakota that I, along with my constituents from the State of Nevada, appreciate the Senator being able to articulate the problems with the cost of prescription drugs. The Senator has been on this floor with visual aids showing how much a drug costs, the cost of a prescription being filled in Canada and the cost in America. There is a 300- to 400-percent difference in some of those medications. These are lifesaving drugs, drugs that make lives more comfortable. It makes people's live bearable.

No one in the Congress has done a better job of suggesting and showing the American people how unfair it is that the United States—the inventor, the manufacturer, the developer of these prescription drugs—why in the world do we, the country that developed the drugs, why do the people from Nevada and North Dakota and every place in between, why do we pay more than the people in Canada, Mexico, and other places in the world?

We don't have an answer to that, do we?

Mr. DORGAN. I say to my colleague from Nevada, we do not have an answer, except I presume it is probably fairly simple: It is about profits. The companies that manufacture prescription drugs have a manufacturing plant, and they produce those drugs in the plant, and they put them in a bottle and put a piece of cotton on top, and they seal it up, and they ship it off. They will ship a bottle to Grand Forks, ND; they will ship a bottle to Reno, NV; and they will ship a bottle to Pittsburgh, PA. Then they will ship a bottle to Winnipeg, Canada, and into Brussels or Paris, and they price it.

They say the U.S. consumers will pay the highest prices of anybody in the world for the same pill in the same bottle; we will charge the American consumer triple, in some cases 10 times, what we charge others. Why? Because they can. Why? Because they want to.

The pharmaceutical industry has profits the Wall Street Journal says are the "envy of the world." I want them to succeed. I appreciate the work in developing new drugs. But a lot of work in the development of new drugs is publicly funded by us, through the National Institutes of Health and other scientific research.

I want them to be successful. I don't, however, want a pricing policy that says to the U.S. consumer, you pay the highest prices for drugs of anybody in the world. It is not fair. And too many of our consumers—especially senior citizens—have reached that stage in life where, with a diminished income, they cannot afford it.

One of the results of the unfairness of all of this and one of the results of not having a prescription drug benefit in the Medicare program is this: Three women who suffer from breast cancer are all seeing the same doctor and the doctor prescribes tamoxifen. Two of the women say: I can't possibly afford it; I have no money. The third, who can, says: I will purchase my dose of tamoxifen, and we will divide it into three, and we will each take a third of a dose.

Or the woman, a senior citizen in Dickinson, the doctor testified before a hearing, suffered breast cancer, had a mastectomy. The doctor said: Here's the prescription drug you must take in order to reduce your chances of a recurrence of breast cancer. The woman said: Doctor, I can't possibly do that; I can't possibly afford that prescription drug. I will just take my chances with the recurrence of breast cancer.

The point is that senior citizens across this country understand, because their doctor has told them the drugs they need to try to deal with their disease and try to improve their lives, all too often they cannot afford it.

In hearing after hearing I have held, I have heard from senior citizens who say: My druggist is in my grocery store. The pharmacy is in the back of the store. When I go to the grocery store, I must go to the back of the store first because that is where I buy my prescription drug. Only then do I know how much I have left for food.

In State after State, I heard that message. It is not unusual.

That is why this is such an important issue, both with respect to international pricing and the unfairness of asking the American consumer to pay the highest prices in the world for these prescription drugs, but also in terms of whether we add a prescription drug benefit to the Medicare program.

We have proposed that. What has happened is we have people dragging their feet here in the Congress. While they don't want to be against it, they understand we should do it; neither do they really want to do it in the Medicare program, because they have never believed that was a very good program and it was a program pretty much resisted by those would resist everything, as I said.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I yield.

Mr. REID. I carry in my wallet, and I have pulled it out on occasion—it is pretty worn and tattered—some quotes just confirming what my friend from North Dakota said about how people on the majority feel about Medicare.

Let me read some direct quotes: "I was there fighting the fight, 1 of 12, voting against Medicare because we knew it wouldn't work in 1965." Senator Robert Dole. He, as one of the leaders of the Republican Party, opposed it in 1965. I am sure he still opposes it.

We don't have to look at Senator Dole, even though I think he is one of the patriarchs of the Republican Party. Let's look at one of the present leaders, DICK ARMEY: "Medicare has no place in a free world. Social Security is a rotten trick, and I think we are going to have to bite the bullet on Social Security and phase it out over time." This is the House majority leader, DICK ARMEY.

What my friend from North Dakota has said is right: The majority has never felt good about Medicare.

As my friend has said, in 1965 when Medicare came into being, there really wasn't a need for prescription drugs because prescription drugs were in their infancy and it didn't matter the vast majority of the time whether someone was going to live or die, be comfortable or not.

Now, how can we, the only superpower in the world, a nation that is leading the world in research and medical products, how can we have a Medicare program, a program for health care for senior citizens, that does not include the prescription drug benefit? We can't do that.

I also say to my friend, the reason we are here is this morning a Senator came over and gave this presentation and said what my friend from North Dakota said: Sure, we want to do something about Medicare, but I have gotten letters from my constituents saying "I'm against the big government plan."

This is exactly what we hear on the radio advertisements and the television advertisements that are paid for by the health care industry. They want the American people to think that the program the Democrats are propounding is a big government plan. There could be nothing further from the truth.

What does this have to do with big government? A woman by the name of Gail Rattigan, from Henderson, NV writes:

> I am a registered nurse who recently cared for an 82-year-old woman who tried to commit suicide because she couldn't afford the medications her doctor told her were necessary to prevent a stroke. It would be much more cost effective for the Government to pay for medications that prevent more serious illnesses and expensive hospitalizations. These include but are not limited to blood pressure medications, anti-stroke anticoagulants, and cholesterol medications. The government's current policy of paying for medications only in the hospital is backward. Get into health promotion and disease promotion and save money.

This is a registered nurse from Henderson, NV.

I want everyone on the majority side to know they are not going to be able to come over and make these statements as if there is no opposition to it. What my friend from Tennessee says is wrong. He states he has gotten all of these letters saying: I am against the big government plan.

That is because of the radio and TV advertisements from the powerful health insurance industry. But the real people are like the 82-year-old woman who wanted to commit suicide because she couldn't get medication.

Also, I want to spread across this record that my friend from Tennessee, who came and said, "We need the Republican plan," makes the statement that he wants to involve Senator BREAUX in this.

The majority can't have it both ways. They either support the Bush plan, the plan of the person running for the President of the United States on the Republican ticket, or they don't support the nominee. It appears what my friend from Tennessee is doing is trying to have it both ways because the Senator from Louisiana does not support Governor Bush's plan.

The majority realizes that their medicare plan simply can not work because of their nominee's $1.6 trillion tax cut proposal. Senator BREAUX pointed this out quite clearly today.

My point is, I say to my friend from North Dakota, people who come here and make statements on the floor need to have substantiation. I say the Senator from Louisiana does not support the Bush Medicare plan.

I also say the majority has introduced a proposal—so we understand it, but it is a Medicare prescription drug benefit in name only. A New York Times writer states:

> . . . all indications are that this plan is a non-starter. Insurance companies themselves are very skeptical; there haven't been many cases in which an industry's own lobbyists tell Congress that they don't want a subsidy, but this is one of them.

I take just another minute or two of my friend's time.

> The GOP plan subsidizes insurance companies, not Medicare beneficiaries. Health insurance companies continue to say the Republican plan is unworkable.

The majority tries to give this to the insurance industry, but the insurance industry doesn't want it because it won't work.

Charles Kahn, President of the Health Insurance Association of America, has stated:

> . . . we continue to believe the concept of the so-called drug-only private insurance simply would not work in practice.
>
> I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

Mr. President, I say to my friend from North Dakota, we know there needs to be something done about the high cost of prescription drugs.

No. 2, we know there has to be something done with Medicare to help senior citizens of this country be able to afford prescription drugs. That is all we are saying. And we want everyone to know the program put forth by the minority is a program that helps senior citizens. It is not something that is means tested, but a program that helps all senior citizens, not people who make less than $12,000 a year. It is a program that is essential. It is essential because people, as we speak, such as Gail Rattigan, who is a registered nurse, who wrote to me, write that people are considering suicide. If they are to take one pill a day, they are splitting them in two; they are asking if they can get half a prescription filled because they simply can't afford it. We need to change that.

Mr. DORGAN. Mr. President, some weeks ago I was attending a meeting in North Dakota dealing with farm issues. An elderly woman came to the meeting. She sat quietly, said nothing. At the end of the meeting, after everyone else had pretty much left, we had shaken hands with a number of them, she came over to me. She was very quiet. She grabbed my arm and she said:

> I just want to talk to you for a moment about prescription drug prices.

I am guessing she was in her mid to late seventies. She said she had serious health problems and she just couldn't afford to buy the prescription drugs her doctor said she needed.

As she began talking about this, her eyes began brimming with tears and then tears began running down her cheeks and her chin began to quiver and this woman began to cry about this issue, saying:

> I just can't afford to buy the prescription drugs my doctor says I need.

This repeats itself all over this country. If it is no longer a question of whether we ought to do this—and perhaps that is the case because we hear almost everyone saying we ought to do this—then the question remaining is: How do we do it?

We say we have a program that works. The Medicare program works. It has worked for nearly four decades. We know nearly 99 percent of America's senior citizens are covered by that Medicare program. And we say let's provide an optional prescription drug benefit that senior citizens, with a small copayment, can access.

Others say let's not do that. That is big government. Medicare is big government, they say. They say what we want to do is have the private insurance companies somehow write policies that would provide prescription drug coverage.

Is that big insurance? If one is big government, are they saying we don't want big government, we want big insurance to do this?

But if it is big insurance—and it is—let's hear what the insurance folks have to say about it. My colleague just mentioned it. Here is a chart.

Mr. Charles Kahn, President of the Health Insurance Association of America, says:

> We continue to believe the concept of the so-called drug-only private insurance simply would not work in practice.

It simply would not work in practice.

I have had two CEOs of health insurance companies come to my office and say to me: Senator, those who are proposing a prescription drug benefit by private insurance company policy, I want to tell you as a President of a company, it will not work. We will not offer such a policy. And if we did, we would have to charge $1,100 for a policy that pays $1,000 worth of benefits.

That is Charles Kahn, again, from the Health Insurance Association of America.

Private drug-insurance policies are doomed from the start. The idea sounds good, but it cannot succeed in the real world.

> I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

That is from the insurance industry itself. Let me just for a moment ask this question.

If the insurance industry would have been able to offer a policy for prescription drugs that was affordable and practical and usable, would they not already have done so? Ask yourself: If in 1960 it would have been profitable for health insurance companies to say, Our marketing strategy is to try to find the oldest Americans, those who are nearest the time when they will have a maximum call for needs in the health care industry, to find those people and see if we can insure them—if that were the case, would there have been a need for the Medicare program? No, there would not have.

Of course, that is not the case. In the private sector, these companies are after profits. How do you find profits in health insurance? Find some young, strapping man or woman who is 20 years old, healthy as a horse, is not going to get sick for 40 years, and sell them a health insurance policy and not have them see a doctor in 40 years, and all the premium is profit. Good for them, good for the company, and good for the healthy person.

But they do not make money by seeking out someone who is 70 years old and probably 5 or 10 years away from the serious illness that is going to have a claim on that health insurance policy, and that is why, in 1960, senior citizens could not afford to buy health insurance. Half of American senior citizens did not have it. The Federal Government said, we have to do something about it. Even when there were those who were pulling the rope uphill, trying to do the positive things, we had people here with their foot stuck in the ground saying: No, we will not go; no, it will not work; it is big government; no, it is a scheme.

We have such people on every single issue in this Chamber. There is a story about the old codger, 85 years old, who was interviewed by a radio announcer. The radio announcer said to him: You must have seen a lot of changes in your life, old timer. The guy said: Yep, and I've been against every one.

We know people like that. There are a lot of them in politics. I can tell you about people who are against everything new. Then, of course, we do it because it is important to do it; it makes life in this country better.

About 10 years later, guess what. They said: Yes, I started that; I was for that. Of course, they were not.

This is not about Republicans or Democrats at this moment. There is no Republican way or Democratic way to get sick; you just get sick. There is no Democratic or Republican way to put together a program like that.

My point is there are some, Governor Bush and others, who have a proposition with respect to prescription drugs that will not work because those on whom they rely to offer a policy say they cannot offer it; it will not work; it cannot be done.

If that is the case, and if they believe, as we do, that we ought to put a prescription drug plan in the Medicare program, then I say join us and help us and work with us over the next 4 weeks and get this done.

The question is not whether, it is how, and the answer to the how is here. You cannot do it the way you say you want to do it. You cannot pretend to the American people you have a plan that will work when the industry you say will do it says it is unworkable.

I did not come here to cast aspersions on anybody or any group. This is one of those issues of perhaps three or four at the end of this 106th Congress that we owe to the American people to do, and the only way we are going to get this done is if those who say they favor a prescription drug benefit in the Medicare program will stop coming to the floor and calling the Medicare program some giant Government scheme. Those who do that understand they are calling a program that has worked for 40 years, that has made life better for a lot of folks in this country, a scheme.

Let's work together. Let's decide we will embrace those things we know will work and help people. That is why I am pleased the Senator from Nevada has joined me today.

I will not go on at length, but the other issue—and at some point I want to visit with the Senator from Nevada about the other issue—is a Patients' Bill of Rights. We held a hearing in his State on that issue. Sometime I want to talk on the floor of the Senate about that hearing. That is another health issue we ought to do in this 4-week period. We owe it to the American people to do it. It is so important.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I will be happy to yield.

Mr. REID. We do need to talk about that hearing in Las Vegas. There is not anyone who could watch that and listen to that and not shed a tear.

I want to take off on something my friend from North Dakota said. During that hearing—those sick people and the mother who lost her son—there was not a question about whether or not they were Democrat or Republican. There was not a single word about that. Democrats get sick, and Republicans get sick. That is why I underscore what the Senator from North Dakota has stated today: That we need to come up with a plan that will work. We know the private insurance plan will not work. We do not have to have politicians tell us. The people the majority is trying to help tell us it will not work.

Mr. DORGAN. Mr. President, the Senator is right. I end by saying this is not about politics; it is about solutions to real problems. We understand this is a problem. Prescription drug prices are too high. They are going up too rapidly. Senior citizens cannot afford them.

We have a serious problem in this country in this area. We understand we have a responsibility to do something about it. What? There are two choices. One does not work, and one we know will. This is not rocket science. We know what works. All we need to do is get enough votes in this Congress to decide we will do what works to put a prescription drug benefit in the Medicare program which is available to senior citizens across this country. Six or eight weeks from now, it can be done. We will have it in the Medicare program, and there will be a lot of senior citizens advantaged because of it.

We will have more to say about this, but because others wanted to come to the floor today and talk about schemes and other things, I thought it was important—and the Senator from Nevada did as well—to provide the perspective about what this issue is.

A lot of people speak with a lot of authority. Some are not always right but never in doubt. Some old codger said to me one day: There are a lot of smart people in Washington and some ain't so smart; it's hard to tell the difference.

He is right about that. The currency in Congress is a good idea to address a real problem that needs addressing. We have a real problem that needs addressing now, and a good idea to address this problem of prescription drugs is to put in the Medicare program an optional program which is affordable, with a small copay that will give senior citizens who need it an opportunity to get the prescription drugs they need to improve their lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. VOINOVICH. Mr. President, I rise today to express my support for H.R. 4444, legislation that will extend permanent normal trade relations status to China.

In the past few days, the Senate has held a number of votes on amendments that address issues about which I care deeply. We have debated amendments that deal with such issues as ensuring religious freedom in China; organ harvesting; Tibet; and Senator THOMPSON's amendment dealing with Chinese nuclear proliferation—an issue that needs definite action.

However, I have reluctantly voted against including these, and other amendments, to H.R. 4444. I am committed to passing PNTR, and I believe we must pass a clean bill and present it to the President for his signature as soon as possible. It is long overdue.

Fortunately, as we approach a final vote on PNTR, the Senate is poised to pass a clean bill, which, in my view, will help continue the growth of our economy, and help bring us closer to realizing many of the reforms in China that my colleagues wish to see implemented.

For the past several years, the United States has enjoyed one of its longest periods of economic expansion in our history. International trade has been a vital component of this remarkable economic boom. In fact, the growth in U.S. exports over the last ten years has been responsible for about one-third of our total economic growth. That means jobs for Americans and of particular concern to this Senator, jobs for Ohioans.

As my colleagues know, America's trade barriers are among the lowest in the world, and as a result, American workers face stiff competition from overseas. Nevertheless, it is this competition that has made American workers the best and the most productive anywhere, and the U.S. economy the strongest and most vibrant in the world.

In my state of Ohio, tearing down trade barriers has helped us become the 8th largest exporter in the United States, and part of Ohio's export-related success can be linked to passage of NAFTA.

Thanks to NAFTA, historic trade barriers that once kept American goods and services out of Canadian and Mexican markets either have been eliminated or are being phased out. The positive economic effects have been astounding, including a growth in U.S. exports to Canada of 54 percent and a growth of U.S. exports to Mexico of 90 percent since 1993—the year before NAFTA took effect.

My State of Ohio has outperformed the nation during that time period in the growth of exports to America's two NAFTA trading partners. Ohio exports to Canada have grown 64 percent and Ohio exports to Mexico have grown 101 percent. In the last several years, Mexico has moved from our seventh largest trading partner to fourth.

Since 1994—the same year NAFTA went into effect—nearly 600,000 net new jobs were created in Ohio. Although NAFTA did not create all of these jobs, the boom in export growth triggered by NAFTA, as well as the overwhelming success of the "New Economy" have contributed significantly to this job growth.

As in many States in America, unemployment in Ohio today is at a 25 year low; and some areas of the State are even facing worker shortages—in fact, too many. The claims that "countless numbers of workers" would lose their jobs due to NAFTA and become "unemployable" have rung hollow.

According to the most recent data from the United States Department of Labor, the number of workers who have been certified by the DOL as eligible for NAFTA trade adjustment assistance benefits between January 1, 1994, and September 28, 1999, is 6,074.

However, not all workers who have been certified for NAFTA trade adjustment assistance have actually collected benefits. Additional data from the Department of Labor suggests that only 20 to 30 percent of all certified workers have collected benefits. This means that most workers have moved on to other employment. It also means that NAFTA works.

Building on the success of NAFTA, we have an opportunity to watch lightning strike twice.

In November of last year, the U.S. signed an historic bilateral trade agreement with China, a crucial first step in China's effort to gain entry into the World Trade Organization. This agreement—a product of 13 years of negotiation—contains unprecedented, unilateral trade concessions on the part of China, including significant reductions in tariffs and other barriers to trade.

In return, China would receive no increased access to U.S. markets, no cuts in U.S. tariffs and no special removal of U.S. import protections. This is because our market is already open to Chinese exports, and by signing the bilateral agreement, China has agreed to open its market unilaterally to the United States in exchange for U.S. support for Chinese membership in the World Trade Organization.

If implemented, this agreement would present unprecedented opportunities for American farmers, workers and businesses. In fact, according to the Institute for International Economics, China's entry into the WTO would result in an immediate increase in U.S. exports of $3.1 billion.

An analysis produced by Goldman Sachs, which took into account investment flows, estimates that China's entry into the WTO could translate into $13 billion in additional U.S. exports by the year 2005.

As good as this may sound, the United States risks losing the substantial economic benefits of this agreement unless permanent normal trade relations status is extended to China. Currently, China's PNTR status is annually reviewed by the President and is conditioned on the fulfillment of specific freedom-of-emigration requirements established in 1974 by the Jackson-Vanik law.

However, WTO rules require all members to grant PNTR status to all fellow members without condition. If the U.S. fails to extend PNTR status to China, then both this trade agreement and WTO rules may not apply to our trade with China.

I understand that many Americans oppose PNTR for China because of China's record on a number of important issues, including trade fairness, human rights, labor standards, the environment, and China's emergence as a regional and global military power. I share those concerns, but I believe that rather than unilaterally locking the United States out of the Chinese market, the best way to address these issues is by opening China up.

For years, American businesses have been repeatedly frustrated in their attempts to penetrate the Chinese market and get through numerous trade barriers used by China to protect its uncompetitive state-owned enterprises. In signing the November agreement, China has agreed to remove and significantly reduce these trade barriers. This would open up one of the world's fastest growing and potentially largest markets to American goods and services in a wide range of sectors, from agriculture to automobiles and banking to telecommunications. It would eventually allow U.S. exporters to freely distribute their products to any part of China without interference from government middlemen.

This agreement also maintains and strengthens safeguards against unfair Chinese imports. It preserves a tougher standard in identifying illegal dumping. What's more, with this agreement, we will have better protections from import surges than under current U.S. law. Most importantly, this agreement sets the stage for China to join the WTO and, hence, become subject to both its trade rules and its binding punishments for breaking these rules.

The United States has worked for more than a decade to secure freer access to the Chinese market. If the U.S. does not capitalize on this agreement by giving China PNTR status, America's competitors in Europe and Asia most certainly will.

Like most Americans, I am deeply concerned about human rights, labor and environmental conditions in China. Some opponents argue that granting PNTR status would somehow remove pressure on China to improve its poor record on these issues. I don't agree.

It is important to remember that China already has the privilege of full access to the U.S. market. Let's get that clear. They already have the privilege of full access to the U.S. market. While Congress has repeatedly criticized China's record on these issues, it has never once revoked China's trade status in an annual review.

Furthermore, granting China PNTR status would not prevent Congress or the administration from continuing to speak out on any and all issues of concern that have been raised, nor would it preclude sanctioning China in the future.

In addition, I regard the expansion of our economic relationship as a far more effective method of influencing change in Chinese behavior than the status quo. If China joins the WTO, the United States will have an unprecedented opportunity to not only export more of our goods and services to China, but also our culture and values. This increased interaction will allow the United States to expose the Chinese people to Western standards of political freedom, human rights, business practices and environmental protection.

No one can predict with any degree of certainty the path China will ultimately choose for itself. But I firmly believe that opening China economically to the rest of the world can only help efforts to open up its political system and improve the lives of its people.

Some argue that China has become a major military rival to America and that increased trade would finance China's military buildup, thereby enhancing China's threat to our national security. I think this logic as inherently wrong.

History has shown that economic integration diminishes military tension and the threat of war, even among historical enemies. The European Union, which brought together two longtime adversaries, France and Germany, is a prime example of this phenomenon.

Nations that trade together share a common interest in remaining at peace and preserving the mutual benefits of free trade. Conversely, rejecting opportunities for economic cooperation would only play into the hands of the old hard-line elements in China who are already hostile to both free trade and the United States.

As the final vote on PNTR approaches, the question that this body must consider is not whether China deserves to enjoy the benefits of WTO membership.

At this point, that is not a decision the U.S. can make wholly on our own, because China will be able to join the WTO if it has the support of its other major trading partners. Nor does the Senate need to determine whether China needs to improve its record on human rights, labor standards and the environment. It is already clear that these issues need to be addressed.

What the Senate needs to do is to decide whether our Nation will be able to benefit from a hard-fought agreement that unilaterally opens China's markets to American products, and whether the United States should use this trade relationship to advance democratic reform, build a trusting relationship, and address grievances without hostility. In my view, granting China permanent normal trade relations status is the first step in that process.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my admiration for the Senator from Ohio. He effectively states his case on matters of great importance to his State and the Nation. He always does that effectively. I greatly admire his views and thought processes.

## PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. SESSIONS. Mr. President, not too long ago our former colleague, Paul Coverdell, introduced the National Forensic Sciences Improvement Act. It was a bill to further Federal support to State forensic laboratories, those places where DNA evidence is evaluated, where drug evidence is evaluated, where fingerprints, ballistics, and all the other scientific data from carpet fibers, and so forth, are evaluated, and then reported out to the prosecutors around the country so cases can be prosecuted on sound science.

Today we have a crisis in our criminal justice system. We clearly have a bottleneck, of major proportions, in the laboratory arena. There is simply an exploding amount of work. More and more tests are available. People are demanding more and more tests on each case that comes down the pike. We are way behind.

In my view, as a person who spent 15 years of my life prosecuting criminal cases, swift, fair justice is critical for any effective criminal justice system. We need not to see our cases delayed. We need to create a circumstance in which they can be tried as promptly as possible, considering all justice relevant to the cases.

I ran for attorney general of Alabama in 1994. I talked in every speech I made, virtually, on the need to improve case processing. The very idea of a robber or a rapist being arrested and released on bail and tried 2 years later is beyond the pale. It cannot be acceptable. It cannot be the rule in America.

Yet I am told by Dr. Downs of the forensic laboratory in the State of Alabama that they now have delays of as much as 20 months on scientific evidence. We know Virginia last year, before making remarkable improvements, had almost a year—and other States. Another police officer today told us his State was at least a year in getting routine reports done. This is a kind of bottleneck, a stopgap procedure that undermines the ability of the police and prosecutors to do their jobs.

I was pleased and honored to be able to pick up the Paul Coverdell forensic bill and to reintroduce it as the Paul Coverdell National Forensic Improvement Act of 2000. We have had marvelous bipartisan support on this legislation. Senator MAX CLELAND from Georgia, Paul's colleague, was an original cosponsor of it. He was at our press conference this morning. Senator ZELL MILLER, former Governor of Georgia, who has replaced Paul in the Senate, was also at the press conference today, along with ARLEN SPECTER, a former prosecutor, PAUL WELLSTONE, DICK DURBIN, and others who participated in this announcement.

We need to move this bill. It will be one of the most important acts we can do as a Senate to improve justice in America. It is the kind of thing this Nation ought to do. It ought to be helping States, providing them the latest equipment for their laboratories, the latest techniques on how to evaluate hair fiber or carpet fiber or ballistics or DNA. It ought to be helping them do that and ought not to be taking over their law enforcement processes by taking over their police departments, telling them what kind of cases to prosecute, what kind of sentences to impose and that sort of thing.

A good Federal Government is trying to assist the local States. One of the best ways we could ever do that is to support improvements in the forensic laboratories. I believe strongly that this is a good bill in that regard.

The numbers of cases are stunning. I will share a few of the numbers and statistics that I have. According to the Bureau of Justice Statistics of the Department of Justice, as of December of 1997—it has gotten worse since—69 percent of State crime labs reported DNA backlogs of 6,800 cases and 287,000 offender samples were pending. That is human DNA we are talking about. That is not available in every case, but that is not all they have backlogs on. Every time cocaine is seized and a prosecutor wants to try a cocaine case, the defense lawyer is not going to agree to go to trial. He will not agree to plead guilty until he has a report back from the laboratory saying the powder is, in fact, cocaine. It is almost considered malpractice by many defense lawyers to plead guilty until the chemist's report is back.

This is slowing up cases all over America. The labs have lots of problems in how they are falling behind. I think we need to look at it.

One article reports:

> As Spokane, Washington authorities closed in on a suspected serial killer they were eager to nail enough evidence to make their case stick. So they skipped over the backlogged Washington State Patrol crime lab and shipped some of the evidence to a private laboratory, paying a premium for quicker results. * * * [A] chronic backlog at the State Patrol's seven crime labs, which analyze criminal evidence from police throughout Washington state, has grown so acute that Spokane investigators have feared their manhunt would be stalled.

Suspects have been held in jail for months before trial, waiting for forensic evidence to be completed. Thus potentially innocent persons stay in jail, potentially guilty persons stay out of jail, and victims get no closure while waiting on laboratory reports to be completed.

A newspaper in Alabama, the Decatur Daily, said:

> [The] backlog of cases is so bad that final autopsy results and other forensic testing sometimes take up to a year to complete.

Now they are saying it takes even longer than that in Alabama.

> It's a frustrating wait for police, prosecutors, defense attorneys, judges and even suspects. It means delayed justice for families of crime victims.

Another article:

> To solve the slaying of Jon Benet Ramsey, Boulder police must rely to a great extent on the results of forensic tests being conducted in crime laboratories. [T]he looming problem for police and prosecutors, according to forensic experts, is whether the evidence is in good condition. Or whether lax procedures * * * resulted in key evidence being hopelessly contaminated.

We need to improve our ability to deal with these issues. This legislation would provide $768 million over 6 years directly to our 50 State crime labs to allow them to improve what they are doing.

At the press conference today, we were joined by a nonpolitician and a nonlaw enforcement officer, but perhaps without doubt the person in this country and in the world who has done more than any other to explain what goes on in forensic labs. We had Patricia Cornwell, a best-selling author of so many forensic laboratory cases—a best selling author, perhaps the best selling author in America. She worked for a number of years in a laboratory, actually measuring and describing, as they wrote down the description of the knife cuts and bullet wounds in bodies. She worked in data processing.

She has traveled around this country, and she has visited laboratories all over the country. She said at our press conference they are in a deplorable state. She said the backlog around the country is unprecedented. She lives in Richmond, VA. She personally has put $1.5 million of her own money, matched by the State of Virginia, Governor Gilmore, to create a laboratory in Virginia that meets the standard she believes is required. It is a remarkable thing that she would do that, be that deeply involved.

She is involved and chairman of the board of the foundation that helped create that. She told us how police, defense attorneys, prosecutors, are asking for DNA evidence on cigarettes, on hat bands. They want hair DNA done, hundreds and hundreds of new uses, a Kleenex, perhaps, take the DNA off of that, in addition to the normal objects from which you might expect DNA to be taken. Her view was—and she is quite passionate about this; she has put her own money in it; she understands it deeply—that nothing more could be done to help improve justice in America than to help our laboratories around the country.

We have people on death row who are being charged with capital crimes. We have people who have been charged with rape who are out awaiting trial because they haven't gotten the DNA tests back on semen specimens or blood specimens, and they may well be committing other rapes and other robberies while they are out, if they are guilty. Also, there is evidence to prove they are not guilty if that is the case.

I believe we had a good day today. I believe this Senate and this Congress will listen to the facts about the need for improvement of our forensic laboratories which will respond to the crush of cases that are piling up all over the country and will recognize the leadership that our magnificent and wonderful colleague, Paul Coverdell, gave to this effort and will be proud to vote for the bill named for him, the Paul Coverdell National Forensic Sciences Improvement Act of 2000, and that we can, on a bipartisan basis, move this bill and strike a major blow for justice in America.

I talked with the Attorney General of the United States, Janet Reno, yesterday. She told me this was very consistent with her views. She supports our efforts to improve forensic science capabilities, and she said it is consistent with the Department of Justice's approach to helping State and local law enforcement. I believe the Department of Justice will be supporting this legislation, and we intend to work with everybody who is interested to improve it. At this point, the legislation speaks for itself. It is receiving broad bipartisan support, and I believe we can move it on to passage this year. Nothing we could do would help fight crime more and produce a better quality of justice in our courts over America than passage of this bill.

Mr. President, I ask unanimous consent that Senators HARKIN, MCCONNELL, BUNNING, and GRAMS be added as original cosponsors of S. 3045, which I introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I also want to express my appreciation for legal counsel on the Judiciary Committee, Sean Costello, who is with me today, and my chief counsel, Ed Haden, for their support and the extraordinary work they have done in helping to prepare this bill for filing.

## SELLING VIOLENT VIDEO GAMES TO CHILDREN

Mr. SESSIONS. Mr. President, I see my colleague from Kansas, Senator BROWNBACK, is here. I had the pleasure recently to be at a press conference with him, which he arranged. He had written a letter to a number of businesses, which I joined. Senator TIM HUTCHINSON and JOE LIEBERMAN also signed that letter. We asked them to consider whether or not they ought to continue to sell video games rated "M," for mature audiences, to young people without some control. In fact, Sears and Montgomery Ward said they would not sell them anymore. They didn't want them in their stores. Wasn't that a good response? Kmart and Wal-Mart said they are not going to sell to minors without an adult or parent present. We believe that was a good corporate response.

I appreciate the leadership of the Senator from Kansas and his hearing, subsequent to that press conference, with a lot of the manufacturers of this product. I understand, from what I have seen, he was particularly skillful in raising the issues and holding these producers of this product to account and challenging businesses and corporate leadership to be more responsible because we now have a conclusive statement from the American Medical Association and half a dozen other groups that this kind of violent entertainment and video games have the capability of harming young people and leading them on to violence. That is bad for them and our country.

I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

## MARKETING VIOLENT ENTERTAINMENT PRODUCTS TO CHILDREN

Mr. BROWNBACK. Mr. President, I thank my colleague from Alabama, Senator SESSIONS, for his role in this matter. As a former attorney general, he brought up some excellent points about what these do when you put a child and a video game in a first person shooter role and you reward them for mass killings. You give them points. Particularly at the end, some of these games give a reward which is a particularly grisly killing scene. He pointed out that when you train children in this type of situation, this is harmful to them psychologically, and it is something to which we should be limiting their access.

He also brought a lot of personal insight from his background as an attorney general, and that was really helpful. I hope we are going to be able to draw more attention to parents in the country about these products because it has a harmful effect.

Some of our military actually buy the same products and train our military personnel on the video games. They use it as a simulator. They do it as a way of trying to get people to react and also to get them up on what is called their "kill ratio." In World Wars I and II, we had problems with soldiers who would not shoot to kill because it was not a natural reaction. They would tend to shoot around. So they had to figure out how to get that ratio up in the military. The problem is when you do that with a child in an unsupervised game—the same game being used by military personnel as a simulator of combat conditions—that can be very harmful.

We found out yesterday at the hearing that it is not only rated for a mature audience, it is not supposed to be used by a child. The industry itself rates it "mature," but they market it to the child. They are target marketing it to children, according to a Federal Trade Commission study.

I will speak about the Federal Trade Commission report that was aired in the Commerce Committee yesterday on marketing of violent entertainment products to our children. I want to talk about what that report brought forward, what we saw at the hearing yesterday, and some conclusion and things I think we can move forward on in dealing with this problem.

At the outset, I recognize the work of one of my staff members, Cherie Harder, who has done outstanding work in the time she has been with me in the Senate in raising the visibility of this issue.

It has been said that every good idea goes through three stages: First, it is ridiculed; second, it is bitterly opposed; last, it is accepted as obvious.

Over the past 2 years, I have chaired three hearings in the Commerce Committee on the effectiveness of labels and ratings, the impact of violent entertainment products on children. The first hearing on whether violent products are being marketed to our children happened about a month after the Columbine killings took place in Colorado. When we started out in these hearings, these ideas I put forward were ridiculed, bitterly opposed shortly afterwards; but now, in reviewing the FTC report, the fact that harmful, violent entertainment is being marketed to kids is now being accepted as clear and obvious.

We have come a long way. This is an important Federal Trade Commission report. When I introduced the legislation last year to authorize the FTC report, which was cosponsored by several of my colleagues, I did so because of overwhelming anecdotal evidence that violent adult-rated entertainment was being marketed to children by the entertainment industry. It has been said that much of modern research is corroboration of the obvious by obscure methods. This study corroborates what many of us have long suspected, and it does so unambiguously and conclusively. It shows, as Chairman Pitofsky of the FTC noted, that the marketing is "pervasive and aggressive."

It shows that entertainment companies are literally making a killing off of marketing violence to kids. The problem is not one industry. It can be found in virtually every form of entertainment—music, movies, video games. Together they take up the majority of a child's leisure hours. The message they get and the images they see often glamorize brutality and trivialize cruelty.

Take, for example, popular music. The FTC report notes that 100 percent of sticker music—that is music that has been rated by the industry rating board itself as not appropriate for the audience under the age of 18. The survey by the FTC was of the entertainment industry target-marketing to kids. This is both troubling and fairly predictable—troubling in that the lyrics you see that we previously discussed are target-marketed to young kids—mostly young boys—whose characters, attitudes, assumptions, and values are still being formed and vulnerable to being warped, and predictable in that there are few fans for such music who are over the age of 20.

Movies are equally blatantly marketed to kids, and they are appalling in their content. Movies have great power because stories have great power; they can move us; they can change our minds, our hearts, and even our hopes.

The movie industry wields enormous influence. When used responsibly, their work can edify, uplift, and inspire us. But all too often that power is used to exploit.

I have seen some movies that are basically 2-hour long commercials for the misuse of guns.

The movie industry has the gall to target-market teen slasher movies to child audiences and then insist that the R ratings somehow protect the movie industry. From reading the FTC report, it seems clear that the ratings protect the industry from the consumers rather than the consumers from the industry.

Take video games. When kids play violent video games, they do not merely witness slaughter; they engage in virtual murder. Indeed, the point of what are called the first-person shooter games—that is virtually all of the M-rated games, sticker games that the industry itself says are inappropriate for an under-age-18 audience—the object is to kill as many characters as possible. The higher the body count, the higher your score. Often bonus points are given for finishing off your enemy in a particularly grisly way. Common sense should tell us positively that reinforcing sadistic behavior is a bad idea, and that in itself cannot be good for children.

We cannot expect that the hours spent in school will mold and instruct the child's mind but that hours spent immersed in violent entertainment will not. We cannot expect that if we raise our children on violence, they are going to somehow love peace. This is not only common sense, it is a public health concern.

In late July, I convened a Public Health Summit on Entertainment Violence. At the summit, we released a joint statement signed by some of the most prominent associations in the public health community. These are some of them: The American Medical Association; the American Academy of Pediatricians; the American Psychological Association; the Academy of Family Physicians; the American Psychiatric Association, and the Academy of Child and Adolescent Psychologists. All of them signed the same document. I will only read a portion of that document to you. This portion of it reads this way:

"Well over 1,000 studies point overwhelmingly to a causal connection"—not correlation, causal connection—"between media violence and aggressive behavior in some children. The conclusion of the public health community based on over 30 years of research is that viewing entertainment violence can lead to increases in aggressive attitudes, values, and behavior, particularly in children."

There is no longer a question as to whether disclosing children to violent entertainment is a public health risk. It is just as surely as tobacco or alcohol.

The question is, What are we going to do about it? What does it take for the entertainment industry and its licensees and retailers to stop exposing children to poison?

There is an additional element that this generally excellent FTC study fails to cover. That is the cross-marketing of violence to kids.

There is ample proof that the entertainment industry not only directly targets children with advertising and other forms of promotion but also markets to them via toys and products that the entertainment industry itself rates as inappropriate for children.

Walk into any toy store in America and you will find dolls, action figures, hand-held games, Halloween costumes based on characters in R-rated movies, musicians noted for their violent lyrics, and M-rated video games. Maybe I am particularly sensitive to this because I have five children. But I know this is accurate.

There is an equally egregious aspect of marketing violence to children and cross-marketing of violent products to kids—one that has not yet adequately been investigated. We need to do so. I look forward to working with the FTC to ensure that this is done as well.

Another media step we need to take is to ensure that these industries enter into a code of conduct.

Consumers and parents need to know what their standards are for these industries; how high they aim; or how low they will go.

I have introduced legislation—S. 2127—that would provide a very limited antitrust exemption that would enable but not require entertainment companies to enter into a voluntary code of conduct—have them set a floor, a base below which they won't go to get products out to children.

We had a very telling exchange yesterday in committee. We had two executives from the movie industry and two from the video game industry. I asked them several times. Is there any word, is there any image so grisly, so bad, is there any example so horrible that you wouldn't put it in music or into a video game? Is there anything, any word, any image? We have some music that is very hateful toward women and harmful. Is there anything that you wouldn't include, that you could say here today you wouldn't put in music or in a video game? They wouldn't state anything that they wouldn't put in—nothing at all.

We need them to set an industry code of conduct where they would set the standard below which they wouldn't go because many of them are saying if you don't do it, somebody else will. They will chase it. These billion-dollar industries think they don't have to go this low. But why not engage them in setting a voluntary code of conduct? They need to do so, and we need to pass this legislation to allow them to do it.

There are other steps we should consider, but a rush to legislate is not one of them. Frankly, imposing 6-month deadlines on an industry that is actively fleecing money is unlikely to bring about lasting reform such as that suggested by the Vice President. We need to encourage responsibility and self-regulation. We need a greater cooperation from the corporations regarding their view of what they can do to help our children morally, physically, and emotionally—for the well-being of our children rather than harming them. This FTC report is an important step in that direction because although it concentrates on the tip of the iceberg, it does shed light on the magnitude of the problem that we have with the entertainment industry. It shows kids are being exploited for profit and exposes a cultural externality in this market.

Ultimately, we asked the entertainment executives to come in front of the Commerce Committee yesterday—and in 2 weeks the movie industry—to work with us and to appeal to their sense of corporate responsibility and citizenship. Our appeal is this: Please just do the right thing. Stop marketing violence to our kids. If you believe a product is inappropriate for somebody under the age of 18, then don't target-market to that child that same product that you yourselves rate inappropriate for a child under the age of 18. Just stop it. Just do not do it.

If the industry persists, the FTC has stated that they are going to do an investigation into whether or not some members of the industry who are doing this are liable to charges of false and deceptive advertising of these products.

As I mentioned, a code of conduct would be an appropriate step forward for the industry to take.

Yesterday, we discussed the music industry making widely acceptable and available to parents the lyrics that are in the music because, right now, those are not readily accessible or available to parents. But ultimately, we all protect the first amendment, and nobody is for censorship. I state that again. Nobody is for censorship. But we need to appeal to this industry to just do the right thing and stop target-marketing their products to our children. It is just wrong, and they need to stop it.

## MEASURE PLACED ON THE CALENDAR—H.R. 2090

Mr. BROWNBACK. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

Mr. BROWNBACK. I object to further proceeding on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

## MEASURE READ FOR THE FIRST TIME—S. 3046

Mr. BROWNBACK. Mr. President, I understand S. 3046 has been introduced by the majority leader and it is at the desk, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3046) to amend title 11 of the United States Code, and for other purposes.

Mr. BROWNBACK. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## ORDERS FOR FRIDAY, SEPTEMBER 15, 2000, MONDAY, SEPTEMBER 18, 2000, AND TUESDAY, SEPTEMBER 19, 2000

Mr. BROWNBACK. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:00 a.m. on Friday, September 15. I further ask consent that on Friday, Monday, and Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and on Friday the Senate then resume consideration of H.R. 4444, the China PNTR bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I further ask consent that the Senate convene on Monday at 12 noon, with the time until 2 p.m. designated for morning business, with Senators speaking for up to 10 minutes each, with the following exceptions: Senator THOMAS or his designee, 1 to 2 o'clock; Senator GRAHAM of Florida, or his designee, 12 to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. On Tuesday, September 19, I ask that the Senate convene at 9:30 a.m., as under the previous order, and the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet and, upon reconvening, there be a vote on final passage of H.R. 4444, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BROWNBACK. For the information of all Senators, at 10 a.m. tomorrow the Senate will resume consideration of H.R. 4444, the China trade bill. Those Senators who would like to make statements as in morning business may also come to the floor at any time during tomorrow's session.

On Monday, the Senate will be in a period of morning business from 12 noon until 2 p.m. and then resume consideration of the China PNTR legislation. Also on Monday, the Senate may begin consideration of the water resources bill if an agreement can be reached.

On Tuesday, under previous order, the two leaders will have from 9:30 a.m. until 12:30 p.m. for closing remarks on the PNTR bill. Following the weekly party conferences at 2:15 p.m., a vote will occur on final passage of the PNTR bill. Senators can expect the first vote of next week on Tuesday.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Friday, September 15, 2000, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 14, 2000:

### DEPARTMENT OF COMMERCE

ELWOOD HOLSTEIN, JR., OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE TERRY D. GARCIA, RESIGNED.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

MELVIN E. CLARK, JR., OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002. (REAPPOINTMENT)

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SHERYL R. MARSHALL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2002 (REAPPOINTMENT)

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NINA M. ARCHABAL, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE NICHOLAS KANELLOS, TERM EXPIRED.

BETTY G. BENGTSON, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE RAMON A. GUTIERREZ, TERM EXPIRED.

RON CHEW, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ROBERT I. ROTBERG, TERM EXPIRED.

HENRY GLASSIE, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE MARTHA CONGLETON HOWELL, TERM EXPIRED.

MARY D. HUBBARD, OF ALABAMA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE THEODORE S. HAMEROW, TERM EXPIRED.

NAOMI SHIHAB NYE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE BEV LINDSEY, TERM EXPIRED.

VICKI L. RUIZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HAROLD K. SKRAMSTAD, TERM EXPIRED.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

TONI G. FAY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001, VICE JOHN ROTHER, TERM EXPIRED.

### BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE EDUCATION FOUNDATION

MICHAEL PRESCOTT GOLDWATER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005, VICE WILLIAM W. QUINN, RESIGNED.

HANS MARK, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 17, 2002. (REAPPOINTMENT)

LYNDA HARE SCRIBANTE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005. (REAPPOINTMENT)

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

THOMAS A. FINK, OF ALASKA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2003. (REAPPOINTMENT)

### THE JUDICIARY

STEPHEN B. LIEBERMAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA VICE EDWARD N. CAHN, RETIRED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral*

READ ADM. (LH) ROBERT C. OLSEN JR., 4781
READ ADM. (LH) ROBERT D. SIROIS, 8309
READ ADM. (LH) PATRICK M. STILLMAN, 0193

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. TONEY M. BUCCHI, 9527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. TIMOTHY J. KEATING, 8508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MARTIN J. MAYER, 0493

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. DENNIS V. MCGINN, 1807

# EXTENSIONS OF REMARKS

## IN HONOR OF THE 50TH ANNIVERSARY OF STS. PHILIP & JAMES CHURCH

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the fiftieth anniversary of Sts. Philip & James Church. A true leader in Cleveland's church community, Sts. Philip & James has progressed with the times and continues still to redefine itself in keeping with its mission of community outreach.

The decree for a new parish, to be located in Cleveland's West Boulevard neighborhood, was made effective on May 1, 1950; the cornerstone was laid on September 24 of the same year. Sts. Philip & James school opened in February of 1951, with 270 students transferring from eight area public and parochial schools. As both the school and parish continued to grow, disaster struck in 1953 when a tornado ravaged the neighborhood. For three days, Sts. Philip & James became a Red Cross Shelter for victims, and the 107th Armory Calvary Regiment established its field headquarters there. After helping the area to recover, the parish became even more active, with such groups as the women's guild, the Alter and Rosary Society, a Parent Teacher Union, a Holy Name Society, as well as numerous choirs.

Upon entrance to its second decade, Sts. Philip & James continued to grow in both numbers and facilities for the surrounding Catholic community. Though a fire in the rectory in 1963 tested the congregation's strength, it bounced back with fundraising drives establishing permanent housing for both the priests as well as the Franciscan Sisters who have been an integral part of the parish community since the school opened. Serving as both staff and teachers, the Franciscan Sisters have tirelessly dedicated their time to the betterment of the community. Like many Cleveland diocese churches, though, numbers inevitably decreased in the 70s and 80s, culminating in the eventual closing of the school in 1998. This left a smaller church community, though one which has never lost the spirit which kept Sts. Philip & James thriving through both the best and most trying of times.

Today, Sts. Philip & James is undergoing a self proclaimed "adjustment period," though one that they are handling with deft and grace. The convent, abandoned when the school closed, has been converted into a maternity home for young girls who need a safe haven, and in 1999, renovations were underway on the school to create the new Horizon Science Academy for seventh, eighth and ninth grade students. Truly, Sts. Philip & James church deserves our acknowledgment and congratulations for fifty impressive years of service to the Cleveland community, and what appears to be many more years to come.

I ask my colleagues to join me in rising to honor this truly remarkable institution as it celebrates fifty years of outstanding service to the Cleveland area.

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## EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

SPEECH OF

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. SENSENBRENNER. Mr. Speaker, I rise today in tribute to a steadfast colleague and a truly dedicated public servant. This week, this House lost a treasured friend with the passing of Representative Herb Bateman of Virginia.

One characteristic distinguished Herb throughout his 50-year career: commitment to public service. Whether as a teacher, Air Force Officer, attorney, or legislator, Herb aspired to and reached a high standard of service to his students, his country, his clients, and his constituents. I know this first-hand, since we served together for over 18 years.

In his time in the Virginia Senate, Herb distinguished himself as a leader in diverse issue areas including agriculture, energy, education, and the budget. In this body, Herb, a member of the Armed Services Committee, earned a reputation as a fighter for a strong and prepared military. He understood the dynamic role of the United States in the post-cold war world. Toward this end, Herb was a strong advocate for military readiness, and a staunch supporter of his constituents in the shipbuilding industry and the local military community.

Perhaps the greatest reasons for Herb's success as a legislator are his bipartisanship and his patriotism. He was always looking out for America's best interests, always willing to hear the other side, always capable of expressing his views in logical, rather than partisan, ways. Herb showed us the importance of duty, integrity, and responsibility in public life.

We will miss him.

## MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to express my strong support for marriage penalty tax reform. Americans should not have to pay additional taxes simply because they have made the decision to get married. However, I will continue to oppose the marriage penalty tax relief as proposed in the bill under consideration today because it offers the majority of the relief to wealthy individuals subject to this tax without regard to the economy, future revenues or tax fairness. I will vote to sustain President Clinton's veto of this misguided effort.

Many middle class Americans believe they do not receive value for their taxes. An important component of any tax reform debate should focus on renewing taxpayer's confidence that they are not only being taxed fairly, but that their tax dollars are being spend wisely. It concerns me that we are considering a marriage penalty tax relief proposal today without a broader discussion of reform of our tax policy. We don't make decisions in a vacuum and the decisions we make today will have an impact on future revenues and spending on priority initiatives.

I want to work with my colleagues on both sides of the aisle to come up with meaningful, fiscally responsible marriage penalty tax relief. We can afford to correct this oddity in the tax code and offer middle class families much needed relief. Unfortunately, the bill before us today does not do that. A couple making $31,000 annually would get a tax cut of only $182 under this bill, while the wealthiest five percent of couples would be getting a tax cut of approximately $1000 each year. Further, many of these higher-income families who would receive the majority of the relief under this bill are not impacted by the existing marriage penalty. Consequently, the bill as currently drafted gives the most affluent a marriage bonus. This isn't fair, it isn't responsible tax policy and it isn't affordable.

The bill vetoed by the President costs $292 billion over 10 years. This tax cut is $110 billion more than the version which passed the House of Representatives earlier this year. A tax cut of this size passed without regard to other tax reform needed, such as the estate tax, and without regard to other dynamics in the economy is irresponsible. Adoption of this tax cut will greatly jeopardize our nation's ability to pay down the national debt, comprehensively reform the tax code and ensure the stability of Social Security and Medicare.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am hopeful that by working together we can come up with an economic strategy which provides fiscal security by using any surplus pay down our publicly held debt and make Social Security and Medicare solvent, while also providing a tax relief package that helps working families. The bill before us today doesn't do this and I cannot support it. I hope our actions today will bring the House leadership to the table to design a measure that the President can sign into law.

## IN HONOR OF PARMADALE'S 75TH ANNIVERSARY

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Parmadale's 75th anniversary. Over the years, this organization has continued to provide a vital caring service for deprived and needy children in the city of Parma. It has been an outstanding force in support of the family unit and provides an essential vision of social cohesion within our community for which we should all pay our respect.

Founded in September 1925, Parmadale was created with the objective of strengthening families by teaching parents how to more effectively care for their children. Throughout its years of community service, Parmadale's ethos has always been founded upon the strengths of family, neighborhood and community. As a care treatment provider it has maintained this fundamental value through services such as "Whole Family Treatment." It has also succeeded in adapting to the changing needs of children in our society.

Today it provides essential services for children suffering from drug dependence, mental difficulties, and serious emotional problems. The center prides itself on its flexible clinical response to the needs of children. The faculty provides specialized residential services, a range of foster care, as well as in-home services and day care. In 1989, the St. Augustine Center for Special Needs Children was established. This was the first Intensive Treatment Center for adolescents in the State of Ohio. In 1994, its success was conformed by the addition of a second Intensive Treatment Center.

My fellow colleagues please join me in paying respect to the outstanding work of the Parmadale Center. Its years of experience and flexibile approach to care services ensure that it will continue to provide an invaluable service for the youth and general community of Parma, Ohio.

## INTRODUCTION OF H.R. 5179, THE REGISTERED NURSES AND PATIENTS PROTECTION ACT

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. LANTOS. Mr. Speaker, today, with our colleague, the Gentleman from Massachusetts (Mr. MCGOVERN), I am introducing legislation that would restrict the ability of hospitals and other medical facilities to require registered nurses to work mandatory overtime hours as a normal course of business. Increasingly, employers, particularly in the health care field, are requiring employees to work overtime. Our legislation is H.R. 5179, the Registered Nurses and Patients Protection Act.

The Fair Labor Standards Act grants nurses the right to receive overtime compensation even though they are licensed professionals, but it does not limit the amount of overtime that nurses can work nor does it permit them to refuse mandatory overtime. In this era of full employment, it is simply easier and cheaper for hospital administrators to require existing employees to work overtime than it is for them to recruit and train new employees.

Mr. Speaker, no employer should be allowed to force an employee to work overtime or face termination unless there is an emergency situation that requires immediate emergency action. In the health care field, however, we are not just talking about an employee's right to refuse overtime work. We are also talking about patient safety. When nurses are forced to put in long overtime hours on a regular basis against their better judgment, it puts patients at risk.

The Registered Nurses and Patients Protection Act would amend the Fair Labor Standards Act to prohibit mandatory overtime beyond 8 hours in a work day or 80 hours in any 14-day work period except in the case of a natural disaster or in the event of a declaration of an emergency by federal, state or local government officials. The legislation does not preclude a nurse from voluntarily working overtime.

Mr. Speaker, mandatory overtime for nurses is bad health care policy. A nurse shouldn't be on the job after the 15th or 16th consecutive hour especially after she has told her supervisor "I can't do this, I've been on the job too many hours today."

Nursing is physically and mentally demanding. When a nurse is tired, it is much more difficult to deliver quality, professional care to patients. Health care experts and common sense tell us that long hours take a toll on mental alertness and mandatory overtime under such conditions can result in serious medical mistakes—medication errors, transcription errors, and errors in judgment. By the end of a regular shift a nurse is exhausted. Increasingly, however, nurses are being forced to work 16, 18 or even 20 consecutive hours in hospitals across our nation.

Mr. Speaker, a nurse knows better than anyone—better than her supervisor and better than a hospital administrator—when she has reached the point of fatigue when continuing to work can result in serious medical problems. We must give nurses more power to decide if long hours on the job is making it difficult to perform their duties. This legislation is not a case of government micro-managing—this legislation gives nurses the power to say "NO" to the forced overtime practices of hospitals nationwide. We cannot continue to allow hospitals to force nurses to work so many hours that the health and safety of patients are put at risk. I urge my colleagues to join me in supporting the adoption of the Registered Nurses and Patients Protection Act.

## FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to this bill. It is problematic for a number of reasons. First, it does not address concerns laid out clearly in a letter to Deputy Secretary Eizenstat I signed in April along with 31 of my colleagues. I am attaching a copy of that letter.

In the wake of the WTO's adverse decision on Foreign Sales Corporations, we urged the Administration—as it fashioned its response to the WTO decision—to resist efforts to increase benefits for military arms sales. After all, if the U.S. is serious about leading the world into a peaceful future, we should be promoting arms control—not increasing subsidies for defense contractors so that they can promote the conventional arms race. But this bill does just what we urged the Administration not to do—it would increase defense contractor subsidies.

In addition, this bill continues export subsidies for tobacco, thus making it American policy to promote the sales of cigarettes all over the world.

Mr. Speaker, these are serious issues deserving of serious debate. At a minimum, the bill should have been brought up under a rule for purposes of a thorough debate and consideration of amendments. This was especially necessary given the cost of the bill. At $1.5 billion over five years (in addition to the revenue that would be lost under FSC), this bill should have been more thoroughly discussed before being put to a vote.

For these reasons, Mr. Speaker, I cannot support H.R. 4986 as it has been brought before the House.

CONGRESS OF THE UNITED STATES,
*Washington, DC, April 19, 2000.*

Hon. STUART E. EIZENSTAT,
*Deputy Secretary of the Treasury,*
*Washington, DC.*

DEAR SECRETARY EIZENSTAT: In your position as the lead Administration official charged with implementing an acceptable response to the adverse World Trade Organization (WTO) decision on Foreign Sales Corporations (FSC), we urge you to resist all efforts to increase benefits for military arms sales. Indeed, the existing benefits should actually be narrowed.

The current limitation on this benefit, as contained in 26 USC §923(a)(5), provides that the normal FSC benefit is reduced by 50% for sales of certain military property, defined by Treasury as, "an arm, ammunition, or implement of war." Specific covered military property is listed on the U.S. Munitions List (22 CFR 121), as provided for by the Arms Export Control Act (22 USC §2778).

Firmly believing that our nation should be providing more leadership for effective arms control policies, we seek your help to avoid additional subsidies with federal taxpayer monies to promote the conventional arms races that plague our planet. We should be promoting arms control, not arms sales.

The complicated legislative history of the FSC provision does show that it was intended to help U.S. companies to compete overseas. However, according to the Congressional Research Service, in 1997, the United States enjoyed a 44% share of the world market for arms while Great Britain, its nearest competitor, had 17%. In 1998, the United States led in new arms deals with $7.1 billion, followed by Germany at $5.5 billion. Even the Defense Department has touted the world market dominance by U.S. companies, writing in 1994:

"The forecasts support a continuing strong defense trade performance for U.S. defense products through the end of the decade and beyond. In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade."

In 1976, Congress decided to reduce the benefit for military sales in half, establishing a 50% limit on tax benefits. In fact, the Senate provision would have eliminated it altogether for military goods, "unless it was determined that the property is competitive with foreign-manufactured property," and the House provision would have terminated benefits for military sales, "except if the products are to be used solely for non-military purposes." A report from the Joint Committee on Taxation at the time shows that Congress was very concerned with the revenue cost of this program. To increase this benefit now would cost federal taxpayers an additional $2 billion over the next 10 years. This subsidy is unnecessary. As Treasury's Office of Tax Policy wrote to the Department of Defense in December, 1998:

"[W]e analyzed whether the defense industry receives any benefits or subsidies from the U.S. government, particularly any benefits or subsidies that are not generally available to other industries. Our analysis indicates that the defense industry does benefit from its special relationship with the U.S. government, and the benefit is arguably greater now than in years past . . ."

On the question of doubling the FSC benefit to 100% for military sales, Treasury wrote in August, 1999:

"We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports, and, indeed, we are given to understand that other factors, such as the quality of the product and the quality and level of support services, tend to dominate a buyer's decision whether to buy a U.S. defense product."

In criticizing some of the continued largesse the defense industry enjoys in our federal budget, the Congressional Budget Office wrote in 1997:

"U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales. Because the U.S. defense procurement budget is nearly twice that of all Western European countries combined, U.S. industries can realize economies of scale not available to their competitors. The U.S. defense research and development budget is five times that of all Western European countries combined, which ensures that U.S. weapon systems are and will remain technologically superior to those of other suppliers."

More recently, William D. Hartung, President's Fellow at the World Policy Institute, wrote for the Cato Institute in August, 1999, "If the government wanted to level the playing field between the weapons industry and other sectors, it would have to reduce weapons subsidies, not increase them." He continued, "Considering those massive subsidies to weapons manufacturers, granting additional tax breaks to an industry that is being so pampered by the U.S. government makes no sense."

Indeed, Mr. Secretary, it makes no sense. But what is much more persuasive than the fiscal fairness arguments, is the eloquent plea from advocates for peace, such as Oscar Arias, the former Costa Rican president and Nobel Peace Prize winner in 1987, who wrote last summer in the New York Times:

"By selling advanced weaponry throughout the world, wealthy military contractors not only weaken national security and squeeze taxpayers at home but also strengthen dictators and human misery abroad."

By encouraging arms sales overseas, this subsidy actually elevates the dangers abroad, thus creating more challenges to the maintenance of our own "military superiority"—and of course more pressure to increase the defense budget. We urge you not to increase this unnecessary subsidy and to seek ways to reduce the cost to taxpayers of subsidizing weapons manufacturers.

Sincerely,

Lloyd Doggett, Lynn Woolsey, George Miller, Pete DeFazio, Bob Filner, Barbara Lee, Barney Frank, Jan Schakowsky, John Tierney, Tammy Baldwin, Dennis Kucinich, Cynthia McKinney, Jerrold Nadler, John Olver, Bill Luther, Major Owens, Lynn Rivers, Jesse Jackson, Jr., Tom Barrett, Edward Markey, Bernard Sanders, John Moakley, Jim McGovern, Michael Capuano, Sherrod Brown, John Conyers, Stephanie Tubbs Jones, Ted Strickland, Pete Stark, Mark Udall, David Minge, Brian Baird.

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## HONORING THE MEN OF C COMPANY, 1ST BATTALION 5TH MARINE REGIMENT, 1ST MARINE DIVISION

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Ms. STABENOW. Mr. Speaker, today I honor the men of C Company, 1st Battalion, 5th Marine Regiment, 1st Marine Division for the combat action they valiantly fought on April 5, 1947, near the village of HsinHo in North China.

Mr. Speaker, not many Americans remember that we sent the Marines into China in the aftermath of World War II to disarm the Japanese forces there, protect them from reprisals, relieve them from their garrisons and to ensure that the large quantity of Japanese weapons cached there did not fall into communist hands. C Company was literally on the front line of this effort. The Company was attacked during the early morning of April 5th by a group of Chairman Mao's fighters who were intent on capturing the weapons cached at HsinHo and overrunning the Marines there.

With a force estimated at over 300 men, the communists hit upon a lightly guarded outpost with a defense system designed to fight off an attack until reinforcements arrived. Under heavy fire, these Marines pursued this group of communist raiders for over eight miles. As the Commandant of the Marine Corps declared in 1998, the actions of C Company, 1st Battalion, 5th Marine Regiment were indeed "gallant deeds of brave Marines . . . and a shining example of honor and commitment."

When the dust had settled on that little hamlet in north China, America had lost five Marines killed in action and suffered 18 wounded. Mr. Chairman, a grateful nation will remember our Marines in World War II. We need to remember and honor those who fought and died for this country. The survivors of C Company have for years attempted to get official recognition for their Company in addition to the China Service Medal, Purple Hearts and Bronze and Silver Star medals awarded individually to members of C Company. I think this recognition is long overdue. I rise today to declare that the C–1–5 China Marines are to be commended as a unit for their actions of April 5th, 1947.

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## WELCOME PRIME MINISTER ATAL BIHARI VAJPAYEE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. FARR of California. Mr. Speaker, it is a privilege for me to welcome today the Prime Minister of India, Atal Bihari Vajpayee, in recognition of both his leadership in the pursuit of democracy as well as his commitment to strengthening relations between the United States and India. In his visit to the United States, Prime Minister Vajpayee demonstrates his people's interest in not only strengthening, but expanding the ties between our nations.

The United States and India share common goals for the 21st Century: freedom and democracy. By working together towards these mutual goals, the U.S. and India can build strong foundations for peace and prosperity. With peace as a common interest, it is our responsibility to ensure international security and regional stability. Prime Minister Vajpayee represents a friendship that can further these goals through cooperative programs and shared visions.

Together, the United States and India represent one-fifth of the world's population and more than one-fourth of the world's economy. Therefore, the growing bond between our nations is a positive step for everyone. In particular, California's 17th District has a significant Indian population which could greatly benefit from improved relations between India and the U.S.

I commend Prime Minister Vajpayee for being the first Indian Prime Minister in six years to address a joint session of Congress and the only world leader to address the 106th Congress. Mr. Speaker, I am honored to recognize Prime Minister Vajpayee.

## HONORING MICHAEL McCLIMON, DIRECTOR OF THE PACIFIC LUMBER COMPANY'S SCOTIA BAND

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### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize a man who has dedicated his life to serving his community through music. Today I join members of Humboldt County, California in honoring Michael McClimon and celebrating his twenty-fifth anniversary as Director of the Scotia Band.

The Scotia Band has been an active part of the Humboldt County Community for sixty-five years. Rehearsing nearly every Monday evening, each member of the band is highly dedicated to the musical service that is the band's legacy. For the last quarter century, Mr. McClimon has been the devoted leader of this band.

Long an active participant in the musical community, Mr. McClimon's role as Director of the Scotia Band began on September 17, 1975. Mr. McClimon has logged over 1,200 rehearsals as Director of the band. To deepen the members' understanding of the compositions, Mr. McClimon often shares anecdotal or historical stories about the pieces being played or their composers. As a result, the musicians' appreciation for the music is heightened and their performances are elevated to new levels.

Mr. McClimon has led the Scotia Band in performances at a variety of community functions throughout Humboldt County in the last twenty-five years. Some of these events include the Humboldt County Fair, the Rio Dell Little League Parade, the Fortuna Bicentennial, the Ferndale Repertory Theater, high school graduation ceremonies, and memorial services for civic leaders. The band is clearly a visible presence in all aspects of social life in Humboldt County.

As Director of the Scotia Band, Mr. McClimon has maintained its tradition of excellence in musical service. He is a patient and gifted teacher while continuously holding the band members to high standards. Mr. McClimon personifies an excerpt from the 50th Anniversary celebration of the Scotia Band in 1985: "For 50 years the Scotia Band has served Humboldt County communities. This spirit of dedicated public service enriches all those whose lives are touched. The band symbolizes the ideals and traditions that have made America great."

Mr. Speaker, it is appropriate at this time that we recognize Michael McClimon, for he, too, symbolizes the ideals and traditions that have made America great. He deserves to be honored today, for he has tirelessly and unselfishly served the members of the Scotia Band and the citizens of Humboldt County for twenty-five years.

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## THE AMERICAN HOME BUYERS PROTECTION ACT, H.R. 5033

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### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GONZALEZ. Mr. Speaker, on July 27, I introduced the American Home Buyers Protection Act, H.R. 5033. This bill will make much needed reforms in the practice of including mandatory arbitration clauses in homebuilding purchase contracts.

Mr. Speaker as you may know, mandatory arbitration clauses are now ubiquitous in consumer contracts. These clauses deny consumers the opportunity to go to court to seek redress for damage or harm from a product or service. Many of these clauses typically name a private arbitration service. This creates a potential conflict of interest for a private arbitrator that both must neutrally assess the merits of a case while simultaneously profiting from the continual referral of cases from a particular industry. This is a situation that I believe demands immediate redress by Congress.

Mr. Speaker, I do not believe arbitration clauses are per se bad. As a former state district judge, I took the lead in bringing alternative dispute resolution mechanisms to the civil courtrooms of my hometown of San Antonio. But, I do believe that it is wrong to insert these clauses without the knowledge and prior approval of consumers. I strongly believe that alternative dispute resolution clauses must be mutually agreed to and contain plain language descriptions of their effects. In addition, I do not believe that these clauses should be imposed on consumers as a condition precedent for entering into a commercial contract, and that the naming of arbitrator must be mutually agreed to by both parties.

The homebuilding industry in particular, I believe, has used mandatory arbitration clauses in an excessive and harmful manner. For most families, a purchase of a home is the largest single investment they will make. It is frequently the largest asset they will ever own. Mandatory arbitration agreements which allow homebuilders to avoid court analysis of their building practices has allowed numerous homebuilders to escape the consequences of shoddy workmanship and construction. I have personally seen several homes in San Antonio that were negligently and poorly constructed, inflicting serious financial harm on the families that purchased these homes.

My bill the American Home Buyers Protection Act, will make the following reforms to the mandatory arbitration process as it regards homebuilding purchase contracts:

1. It will make it illegal for homebuilders to require agreement to a mandatory arbitration agreement as a condition precedent to entering into a contract for the purchase of a new house.

2. It will require mandatory arbitration agreements to be contained on a separate document from the underlying contract and to possess the following plain language statement: "By Agreeing to Binding Arbitration You Are Giving Up Your Right To Go To Court."

3. It will require mandatory arbitration agreements to contain a procedure that adequately guarantees the purchaser an opportunity to participate in the selection of an arbitrator, and shall require that the selection of the arbitrator may only occur after a dispute regarding the homebuilding contract has arisen.

Mr. Speaker I believe the reforms in The American Home Buyers Protection Act are a good first step towards alleviating the abuse of alternative dispute resolution procedures by homebuilders. I believe that it is time that Congress take action now to protect American families from arbitration procedures that will deny them adequate protection of their most important purchase, their home.

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## HONORING THE 50TH ANNIVERSARY OF NORMAN AND ANN MALONE

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### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. BENTSEN. Mr. Speaker, I am pleased to congratulate Mayor Norman Malone and his wife Ann Malone of La Porte, Texas, as they celebrate their 50th wedding anniversary on September 15, 2000. Throughout their lives, Norman and Ann have provided tremendous examples of public service, contributing unselfishly to numerous causes while raising a fine family.

Ann and Norman are native Texans who have an abiding love for their state and community.

Ann was only 16 years old when she met 20-year-old Navy man Norman Malone at a party in Denver Harbor, a subdivision of Houston, Texas. They were married on September 15, 1950 at Ann's Mother's house in Houston by the Presbyterian minister from her church. The young couple honeymooned in San Antonio, Texas.

Norman was born in Marlin, Texas. He served his country in the U.S. Navy for 4 years as Gunner's Mate, and graduated with a B.S. form the University of Houston in 1952. He received his Masters' in Education in 1953. He also attended San Jacinto College, University of Texas, A&M University and Prairie View A&M. While in school he was a hard-working man of many talents, earning money as a bus driver, butcher, a carpenter, a chemical operator. After school he worked 11 years at Shell Chemical. He retired after 30 years from the Pasadena Independent School system and as a Vocational Director for 17 years.

As Mayor, Norman Malone has reached out to the people of La Porte, not only through his elected office, but through grassroots community projects as well. While most people know him as "Mayor," many also know him as "Normy" the Shriner Clown, who is very involved with the Masons.

Ann is a painter and a genealogist, who is known for being multi-talented. She has taught school in La Porte and Pasadena, Texas, and has worked as a librarian. She has owned a gift shop, dress shop, and tearoom.

The Malone family has deep roots in La Porte, having lived there now for 41 years. The Malone's contributions to the community are many. Over they years, Ann and Norman have instilled their values and generosity in their children and grandchildren. Ann and Norman raised 3 beautiful children, who all graduated from La Porte High School—daughter Georgia and sons Scott and Todd. Ann and Norman's grandchildren are: Jennifer, Jessica, Meghan, and Charlie.

Mr. Speaker, I am honored to recognize Ann and Norman Malone on the occasion of their 50th wedding anniversary and commend them on a lifetime of achievement. Their commitment not only to one another, but to others as well, is an example for all of us. May the coming years bring good health, happiness, and time to enjoy their children and grandchildren. On this joyous occasion, I am pleased to join their family, friends, and community in saying congratulations and thank you.

## REPORT OF THE NORTHEAST-MIDWEST CONGRESSIONAL COALITION

### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. DOYLE. Mr. Speaker, today I apprise members of the House of issues that were raised during the May 5th Northeast-Midwest Congressional Coalition field hearing I chaired in Pittsburgh. This field hearing examined the future of the U.S. Steel and the role of Technology, and was held in conjunction with the U.S. Department of Energy, Office of Industrial Technologies Steel Showcase. I, along with Representative KLINK, Representative MASCARA, and Senator SANTORUM, gathered testimony from steel company executives and their partners regarding initiatives designed to increase the competitiveness of U.S. steel makers by developing advanced technologies for steel production. For the record, I am including an executive summary from the field hearing as part of my statement.

The panelists at the Pittsburgh Steel Showcase field hearing described the role of steel in the United States economy at the beginning of the 21st century. In compelling detail, Robert Riederer, CEO and President of Weirton Steel, fleshed out the struggle to surmount challenges to the continued viability of an industry that remains as vital today to our national security and American manufacturing as it has in the past. Paul Wilhelm of U.S. Steel spoke candidly of the need to protect the environment without adversely affecting the industry. Collectively, from the panelists' testimony emerged a vision of a bedrock industry competitive in world markets, environmentally and technically advanced, but threatened on two fronts: waves of imports dumped by countries reeling from constricted domestic markets, desperate to prop up exports, and heightened environmental standards at home. In response to this discussion, members of Congress and panelists explored the following solutions: tighter enforcement of anti-dumping provisions, close monitoring of steel scrap to ensure the purity of recycled steel, increased funding for various offices within the U.S. Department of Energy for research and development of new steel production technologies, and tax credits for investment, research, and development.

It is my hope that all House members will take time to read the full report as it contains a host of important information. And as always, I stand ready to work with my colleagues on issues in support of the steel industry.

EXECUTIVE SUMMARY

The panelists at the Congressional field hearing at the Pittsburgh steel showcase described the role of steel in the United States economy at the beginning of the 21st century. In compelling detail panelists like Robert Riederer, CEO and President of Weirton Steel, fleshed out the struggle to surmount challenges to the continued viability of an industry that remains as vital today to national security and American manufacturing as it has been in the past. Candidly Paul Wilhelm of U.S. Steel spoke of the need to protect the environment without killing the industry. From the panelists' testimony emerged a vision of a bedrock industry competitive in world markets, environmentally and technically advanced but threatened on two fronts: by waves of imports dumped by countries reeling from constricted domestic markets, desperate to prop up exports, and by ever tightening environmental standards at home. Panelists and Members of Congress explored the solutions: increased funding for U.S. Department of Energy Office of Industrial Technologies' Industries of the Future research and development of new steel production technologies, tighter enforcement of anti-dumping provisions, close monitoring of imported steel scrap to ensure the purity of recycled steel, and tax credits for investment and research and development.

## HONORING REDWOOD COMMUNITY ACTION AGENCY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 20th Anniversary of Redwood Community Action Agency in Eureka, California. Since its establishment in 1980, RCAA has lead the way in serving Humboldt County's low- and moderate-income residents. The agency has developed programs to help people become more self-sufficient and to improve their own lives. Over the years tens of thousands of individuals have received assistance and in return given back to our community.

Redwood Community Action Agency has successfully competed for grant funds to create jobs, provide affordable housing, assist with housing rehabilitation and improve the environment. They have provided emergency shelter for the homeless, job training and employment readiness programs, as well as crisis intervention for Humboldt County youth and their families. Through their commitment, expertise, and diligence, they have brought over $75 million into our community over the past twenty years.

Redwood Community Action Agency is an extraordinary example of success. Through their collaboration with other organizations and governmental entities they identify human and environmental needs, work to improve current services, and seize every opportunity to serve low and moderate-income people in our region.

Mr. Speaker, it is appropriate that we honor the accomplishments of the Redwood Community Action Agency and their success in improving the lives of so many in Humboldt County, California.

## IN TRIBUTE TO JACK F. PARR

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. FARR of California. Mr. Speaker, I rise today to honor a man who has been described as "The newsman other newsmen listened to". Jack F. Parr, a long-time resident of Monterey County in California, passed away on Monday August 7, 2000, at the age of 77.

Born on August 15, 1922, Jack Parr was a veteran of World War II, where he received the Purple Heart for injuries received on D-Day. After serving his nation, he returned to the Central Coast and began working in radio. In all, he worked for three separate radio stations in Monterey County at different times-KMRL, KIDD and KNRY-ensuring that his distinctive voice and thorough reporting would be well-known and loved on the Monterey Peninsula and beyond. He could be found at any event where news was happening, and was a central figure for many people in the county. Print news and T.V. news reporters would listen to Jack's morning news report and use his leads as the agenda for news stories. Before the internet, he was the wireless wire for news. Asked how he did it, he would reply "I get up at 4:00 A.M. and cover the nightly police reports-everything evolved from there."

Jack Parr was "a jolly soul who never seemed to see the depressing side of things," as Joe Fitzpatrick, a former local reporter, put it. His humor and voice will be sorely missed by his daughters, Jacquelyn Parr Pitcher of St. Charles, Illinois and Karen Parr of Burbank, California, as well as the radio audiences of the Central Coast.

## IN SPECIAL RECOGNITION OF DEPUTY CHIEF CHARLES L. BIDWELL OF THE BRIGHTON AREA FIRE DEPARTMENT

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Ms. STABENOW. Mr. Speaker, today I pay special tribute to Deputy Chief Charles L. Bidwell for his 50 years of outstanding service to the Brighton Area Fire Department. His colleagues and friends will be hosting a dinner on September 19 in recognition of his wonderful career.

Deputy Chief Bidwell has been an active, on-call firefighter with the City of Brighton Fire

Department and the merged Brighton Area Fire Department since September 14, 1950. He retired from General Motors Proving Grounds in Milford, Michigan and served as Deputy Chief since 1988. Deputy Chief Bidwell was recognized by the City of Brighton Fire Department as Firefighter of the Year in 1987 and most recently, by the Michigan State Firemen's Association, as Firefighter of the Year for 2000.

Mr. Speaker, the Brighton area is very fortunate to have benefitted from the leadership, dedication, sacrifice and hard work of Deputy Chief Bidwell throughout his 50 years of service. As the leader in alarm response for the past decade, he has certainly contributed significantly to the safety and well-being of the citizens he has served. It is my honor, and indeed great pleasure, to stand in recognition of a man who has given so selflessly of his time and energy.

On behalf of the 8th district of Michigan, I would like to express my sincere appreciation for Deputy Chief Bidwell's many immeasurable contributions.

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## LIVIO PALLA, KERN COUNTY'S 2000 AGRICULTURIST OF THE YEAR

### HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. THOMAS. Mr. Speaker, I want to join my friends in the Kern County farm community in honoring Mr. Livio Palla, this year's recipient of the Agriculturist of the Year 2000.

One of the primary reasons California has been the nation's premier farm state for decades is its people. Today, many outside California are surprised to learn California is the nation's top dairy state, the nation's second largest producer of cotton and the primary source of almonds, pistachios, table grapes and other fruits and vegetables. Americans know Californians have been innovators in trying new industries, in exporting, in creating efficient ways to use land and resources and in marketing new products. Often overlooked is a key part of the development process: the hard work and dedication of California farmers themselves. This year, Kern County agriculture honors Livio Palla because we understand how hard people have had to work to make California what it is today.

Livio Palla has spent over a half century building dairy and livestock businesses in the San Joaquin Valley. Starting with 40 cows and 120 acres, he built a family operation that now includes a family full of farmers, dairy and livestock operations and almonds, cotton, corn, alfalfa and apples. He has served on industry panels that have built infrastructure Kern County farmers have been able to use to make even more progress.

By giving recognition to the lifetime of work and achievement of Mr. Palla, the Kern County farm community recognizes how important individual efforts can be. It is an important message and one I join with many others in acknowledging by extending congratulations to Livio Palla as this year's recipient of the Kern County Agriculturist of the Year.

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## SPENDING FOR ARTS PROGRAMS IN SCHOOLS

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I am submitting these statements for the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF TOM CHICCARELLI, JOHANNES GAMBA AND JAMES GREENOUGH

REGARDING INCREASED SPENDING FOR ARTS PROGRAMS IN SCHOOLS—MAY 26, 2000

JAMES GREENOUGH: I would like to start off by saying my partners and I are very happy to be here today to present our topic. It is on art spending in schools. In experiment after experiment educators reported of high school seniors who follow instructions to perform a task, only about one-quarter wrote instructions clear enough for someone else to follow them successfully. In most instances, students left out pertinent details or key information.

Students are currently lacking in arts education. Search Institute and the asset approach giving children what they need to succeed has identified building blocks of healthy development that help young people grow up healthy, caring and responsible. Out of 100,000 6th to 12th grade youth surveyed, only 19 percent spend three or more hours per week in lessons or practicing music, theater or other arts. This is the lowest percentage of the 40 developmental assets surveyed. It reveals the absence of arts in the nation's schools and the need for improved fine arts programs.

With this in mind we recommend that the United States Government institute a fine arts framework and curriculum. The Federal Government should provide resources to schools to encourage the development of effective fine arts programs.

The arts convey knowledge and meaning not learned through the study of other subjects. They represent a form of thinking and a way of knowing that is based in human imagination and judgment. Recent statistics show of students who have taken a fine art credit for four years score 59 points higher in verbal and 44 points higher on the math sections of the SATs, significant increases.

Research also addresses examples of young people who are considered classroom failures, perhaps acting out because these students often become the high achievers in arts learning settings. Success in the arts becomes a bridge to learning and eventual success in other areas of learning.

The world of adult work has changed and the arts learning experience has shown remarkable consistency with the evolving workplace. Ideas are what matter and the ability to generate ideas. To bring ideas to life and communicate them is what matters to workplace success. Working in a classroom or a studio as an artist, the young person is learning, practicing future workplace behaviors. These quotes came from Arts Ed's Webpage. "Art in all its distinct forms defines in many ways those qualities that are at the heart of education formed in the 1990s: Creativity, perseverance, a sense of standards, and above all striving for excellence," and the quote came from Richard Reilly, U.S. Secretary of Education.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF REMEMBERANCE (REMY) HENRY

REGARDING GRADUATED LICENSES—MAY 26, 2000

REMEMBERANCE HENRY: My name is Rememberance Henry. The State of Vermont has passed graduated licenses for teenagers. Last week I went to the Chelsea prom. Under this law my girlfriend would not have been allowed to ride in a car with me and I think this is discrimination against teenagers. Although teens are 8 percent of the population, they account for 15 percent of the motor vehicle accidents. This is a disturbing statistic, but I do not think legislation that will not allow your friends to ride in the car with me will bring down this number. It is underage drinking and peer pressure that cause the accidents.

We need to address this issue as a social, not a licensing problem. We do not empower our teenagers as a society. Of course some do go crazy and do stupid things when finally given a license, but they are in the minority. What about the majority of us that do not speed, do not get in accidents and do not drink and drive?

I lost friends last winter because of peer pressure while driving. The driver lost a dare to outrun a truck through a traffic light. Two of my friends died because of that accident, yet graduated licensing would not have prevented it. The teenager had stolen the car from his parents, and this number is reflected in the statistics. I think drunk driving laws for all citizens of Vermont should be restricted, not just teens.

Empower us as teens. We need more of a voice in our lives. Making good decisions behind the wheel begins by allowing us to make decisions within our communities. Teenagers should sit on school boards, we should have a voice at town meetings and should have the opportunity to practice citizenship before we hit a magic arbitrary age.

I thank you, Representative Sanders, for empowering me for these few minutes. I would like the legislative body of Vermont to rethink graduated licenses.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF CASEY HUIZENGA AND LUCAS SMITH

REGARDING SCHOOL DRESS CODE—MAY 26, 2000

LUCAS SMITH: Our topic is school dress codes and in our age legality class that we have in high school we have kind of talked about this topic quite a bit lately. We have been talking about it quite a bit: discussing it and everything. Casey and I both feel that we should not have dress codes because we just think that it is better for children to wear what they want to wear. It is kind of a statement for them to wear their clothes. They chose them, they wear them, so I think it is a good thing that we can chose our own clothes.

CASEY HUIZENGA: I agree with Lucas. It kind of tells us about the person, what they wear, it expresses how they feel. Like baggy pants, if they want to wear them, let them. And hats and stuff.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF BRYCE JAMES, WILL W. GUSAKOV AND JEREMIAH H. SPOFFORD

REGARDING MARIJUANA LEGISLATION—MAY 26, 2000

JEREMIAH SPOFFORD: I will begin. Our group is in favor of legalizing the cannabis plant in the United States, okay? We have some extensive research to back it up, but pretty much we have some main points.

Industrial hemp has an insane number of uses. It would be very beneficial for the environment to use industrial hemp. And marijuana as a drug is on an equal plane with alcohol, so we do not see why it shouldn't be under the same jurisdiction as alcohol.

WILL GUSAKOV: About industrial hemp, it is classified as having less than point three percent THC while marijuana has three to ten percent THC, so it is easily distinguishable. It produces four times as much pulp per acre as trees and it has longer fibers than cotton, so it is more easily recyclable. Trees require decades to grow while hemp matures in about a hundred days. And hemp helps the soil it is planted in, instead of cotton which leaches it. There are a lot of ecological values of hemp as an agricultural product.

BRYCE JAMES: To talk about marijuana as the drug, one of the common myths that is presented about marijuana as a drug is that marijuana is a gateway drug. People say that even if marijuana itself causes minimal harm, it is a dangerous substance because it leads to the use of harder drugs like heroine or LSD, where the fact is that marijuana does not cause people to use hard drugs. This is a spurious correlation based upon the theory that presents marijuana as being a causal explanation of statistical association with these other drugs, that it comes about by an increase and decrease in which drug is prevalent for the time.

Another myth brought about is that marijuana has no medical value where it has been proved that marijuana has been shown to be effective in reducing nausea in cancer chemotherapy, and it also stimulates hunger in AIDS patients and reduces interoccular pressure on people with glaucoma.

There is also evidence that marijuana reduces muscle spasticity in patients with neurological disorders, and it has been proven back in 1937 by the presidential administration of the time that marijuana has no physical addiction.

## TRIBUTE TO CAPTAIN EDWARD J. QUIJADA

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Captain Edward J. Quijada who is retiring from the United States Navy after 30 years of distinguished service. Captain Quijada. is a community leader, a patriot, a businessman and a friend.

A native of San Fernando, California, Captain QuiJada graduated from Loyola Marymount University in 1969 with a Bachelor of Business Administration and in 1980 with a MBA. His dedication to community service was evident early in his life, as he chose to work for United Community Effort, Inc., East Los Angeles immediately after graduating college. He also had a passion for service to his country and he entered Naval Officer Candidate School in Newport, Rhode Island and received his commission in November 1969. Captain Quijada served aboard the U.S.S. *Albert David* (DE–1050) as Supply Officer and was released from active duty in July of 1973.

Captain Quijada's many military accomplishments include service in several Naval Regional Contracting Center and Defense Contract Administration Services Naval Reserve units. He proved himself to be a strong leader as the Commanding Officer of both the General VTU 1904 and NRCC 419, which was selected as the top unit of 41 units at the Naval and Marine Corps Reserve Readiness Center Long Beach. Captain Quijada also held the position of Deputy/Vice Commander of NR Logistics Task Force, Commanding Officer of the AIRPAC SUPPLY 0294 at the North Island Naval Station in San Diego, and Commanding Officer of Defense Contract Management District West A919 in Irvine. Throughout his career, he received numerous military awards including two Meritorious Service Medals, a Combat Action Medal, the Vietnam Service Medal and the Joint Service Achievement Medal. He also earned the designation of a qualified Naval Aviation Supply Officer.

Once released from active duty, Captain Quijada applied his knowledge and leadership skills to the private sector. He helped manage companies including, Dataproducts Inc, Litton Data Systems and TRW, where he was Assistant Division Manager of Subcontracts and Material for sixteens years. Despite the pressures of his professional responsibilities, Captain Quijada has remained steadfast in his commitment to public service. He has served both on the Board of Directors and as President of Career Opportunities for Youth, an organization which provides scholarships to deserving students. Captain Quijada. is currently the Executive Vice-President and Chief Operating Officer of Tresierras Supermarkets.

It is my distinct pleasure to ask my colleagues to join me in saluting Captain Edward J. Quijada for his outstanding 30 years of service to this country, and to congratulate him on his retirement.

## IN RECOGNITION OF EDMONDS SCHOOL DISTRICT AS ONE OF THE BEST 100 COMMUNITIES FOR MUSIC EDUCATION IN AMERICA

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. INSLEE. Mr. Speaker, it is with great pleasure that I commend the Edmonds School District for being named one of the Best 100 Communities for Music Education in America.

This phenomenal program begins with a strong commitment to music education. Music is not perceived as an extra or optional subject, but as a core piece of a child's education that develops creativity, teaches self-discipline, enhances abstract thought and adds to a well-rounded education. They embrace a philosophy that music education is a valued aspect of the school curriculum. As with any other discipline, music courses are taught during the day and have State Essential Academic Learning requirements. This district offers opportunities to all students in kindergarten through 12h grade.

Edmonds School District offers a wide range of music programs. Outside of general music education classes and choir, students have the opportunity to learn instruments, join the Concert Choir, Orchestra, Concert Band, Vocal Jazz and Instrumental Jazz Ensemble in middle school. High school students have an even greater breadth of opportunities in Concert Band, Orchestra, Choir, Vocal and Instrumental Jazz, Marching Band, Pep Band and special programs such as Theory, History of Rock and Roll, Guitar, Percussion Ensemble, Steel Drum Ensemble and even African Drumming. Edmonds School District had the largest number of participants in band, orchestra and choir of any local school district involved in the 1999-2000 High School All-State Groups.

Not only do many students get the chance to participate, but are they are recognized at state and national levels for their superior talents. Mountlake Terrace High School was one of 15 bands across the nation invited to play at the Essentially Ellington Festival at New York City's Lincoln Center. They have received top awards at the Reno Jazz Festival and Clark College Vocal and Instrumental Jazz Festivals. The combined district high school concert choirs recently performed at Seattle's new performance center, Benaroya Hall, and will entertain crowds this year at Carnegie Hall in New York. Lastly, Edmonds orchestra programs have won top honors at the Mercer Island Orchestra Festival and at the University of Idaho Festival in Moscow.

These expansive opportunities in music education and superior achievements are well deserving of this award. I commend the Edmonds music education staff for their contributions. They have been recognized as leaders in the field by frequent invitations to present at state level conferences. Mr. Speaker, I ask that this House please join me in recognizing, honoring and commending the students and staff of the Edmonds School District for being one of the Best 100 Communities for Music Education in America.

## PRESCRIPTION DRUGS

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. That was five months ago. Although the House passed a prescription drug bill this summer, I believe it will not help most seniors. So, I will continue to read letters until Congress enacts a real Medicare prescription drug benefit. This week, I will read a letter from Shirley Radcliff of Gladstone, Michigan.

Together, Shirley and her husband spend $1,042.36 for their prescription drugs. With the Democratic prescription drug plan, they would save $286.32. Under the Republican plan, their costs would remain the same. In other words, the Republican plan would not help them.

Before I read Shirley's letter, let me share some information with my colleagues. In July, the Kaiser Family Foundation released a Prescription Drug Trends Chart Book that contains important findings.

In 1996, a third of the Medicare population had no drug coverage. This means that one third of those beneficiaries had there access to the prescription drugs they needed limited by their income.

Prices are rising and it is becoming increasingly more difficult for senior to pay for their medications out of their own pockets. In the past 5 years, the increase in prescription drug expenditures have been 2 to 4 times the percent changes in expenditure for most other health care services.

National spending for prescription drugs totaled $91 billion in 1998, more than double the amount spent in 1990. Prescription drug utilization is the fastest growing component of health care, increasing at double digit rates nearly every year since 1985.

It is critical that Medicare be modernized to include coverage for this important component. I strongly support the Democratic proposal that creates a voluntary, defined benefit.

Text of letter: "Enclosed is a copy of the drugs taken and their prices that my husband and I have taken in 1999 (and are still taking in 2000).

"We are a couple on a fixed income and cannot afford these drugs that continue to escalate. Our income cannot keep up with it.

"Take note: the middle of the first page: 15 pills of Paxil are $41.99. I cannot afford that and discontinued taking them because of it.

"And, at the top of page three, a two-month supply of Daypro is $82.53. I no longer take these either, because I cannot afford them.

"Something has to be done! At your level! Someday you will be in my shoes. Pray that you are well and do not need prescription drugs. Sincerely, Shirley M. Radcliff."

## HONORING ANN BROWN AS THE LONGEST SERVING CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GORDON. Mr. Speaker, I rise today to commend Ann Brown, the Chairman of the Consumer Product Safety Commission. She has served as Chairman for more than six and a half years, since March 10, 1994. She is by far the longest serving Chairman of the CPSC. The previous record was four years and three months.

Chairman Brown has compiled an outstanding record at the CPSC. When she came to the Agency, she found it virtually moribund, the staff dispirited, and its vital safety mission fallen far from public view. Ann Brown has revitalized the Commission by inspiring its staff and gaining wide public recognition for its safety message through the publicity she has generated for the Agency in the national media.

Chairman Brown has made the safety of children a personal priority. Through effective regulatory action, encouraging voluntary steps by companies, and creating unique public-private partnerships with industry and other governmental agencies, she has enhanced the safety of every child in America.

Shortly after becoming Chairman, she learned that the strings and cords on children's jackets were becoming caught on playground slides and school bus doors and strangling children. She promptly convened a meeting of representatives of the clothing industry and persuaded them to replace the hazardous strings and cords with snaps and Velcro. When a Commission employee developed the idea of a baby safety shower to provide gifts that would make a child's first years of life safer, Chairman Brown created a partnership with the Gerber Corporation to promote these safety showers across the nation. Working with states and local governments, she launched an annual "recall round-up" to get dangerous consumer products out of consumers' homes. She developed a partnership with the US Postal Service to get posters of the "most wanted" dangerous recalled products displayed in post offices across the nation.

In keeping with her commitment to the safety of children, Chairman Brown has given special emphasis to the prevention of Sudden Infant Death Syndrome. On her initiative, the Commission issued warnings to parents to remove soft bedding from the cribs of infants under 12 months to avoid the risk of suffocation. This year, the Commission developed a program with seven major retailers of baby bedding products to inform parents on how to keep their babies safe in their beds.

Under Ann Brown's leadership, the CPSC has been recognized for its innovative and effective programs. In 1998, CPSC won the prestigious Innovations in American Government Award for its Fast-track recall program. The award is given by the Ford Foundation, in cooperation with Harvard's Kennedy School of Government and the Council for Excellence in Government. Under Fast-track, CPSC gets defective products off store shelves more quickly, thereby reducing dangers to American consumers.

Chairman Brown has also been personally recognized for her efforts in support of consumer safety. The National Safe Kids Campaign designated her a "Champion of Safe Kids." The National Association of Government Communicators has given her its award as "Government Communicator of the Year" and on September 20 the American Academy of Pediatrics will present her with its prestigious Excellence in Public Service Award for her contributions to children's safety.

Mr. Speaker, the nation is fortunate to have such outstanding public servants as Ann Brown. She has made the CPSC a model of effectiveness for other agencies to emulate. Accordingly, it is appropriate today that we recognize and highly commend Ann Brown as the longest serving Chairman of the Consumer Product Safety Commission.

## RECOGNIZING THE 100TH ANNIVERSARY OF THE NEW REPUBLIC NEWSPAPER OF MEYERSDALE, PA

### HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. KLINK. Mr. Speaker, I rise today to recognize The New Republic newspaper on its 100th anniversary. I am especially proud to pay this tribute, because The New Republic is the newspaper of my hometown, Meyersdale, Pennsylvania.

In 1900, The Meyersdale Republican was founded by Samuel A. Kendall as a contribution to the local community. The newspaper was headed by several capable editors in its early years who focused coverage on local concerns like safe sidewalks. As The New Republic grew, the business was incorporated as the Meyersdale Printing and Publishing Company. Throughout its long history, has consistently provided its loyal subscribers with the local news and events that unite communities.

Growing up in the close-knit town of Meyersdale helped make me the person I am today. I am truly thankful to have grown up in an area that emphasizes the importance of families and of community spirit. It is always heartwarming to return to Meyersdale to visit with good friends and to meet new ones. I am proud to call Meyersdale my home.

Once again, I urge my colleagues to rise and recognize The New Republic and the citizens of Meyersdale on this truly momentous occasion. Their commitment to family and community spirit represent the finest qualities of Pennsylvania.

## RESEARCH FOR CHILDHOOD CANCER

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. SHIMKUS. Mr. Speaker, I rise today to emphasize the importance of research and outreach in our nation's fight against childhood cancer. Childhood cancer is the No. 1 cause of death by disease among children and adolescents; striking more children than asthma, diabetes, cystic fibrosis, and AIDS combined. Each year more than 12,000 children and teens are diagnosed with cancer and 3,000 die from the disease.

These statistics are disheartening. What is even more frightening though, is how high these statistics would be without the medical advances made in the last few years. Research plays a vital role in the fight against cancer; without it, childhood cancer would be a virtual death sentence. We can proudly say that because of medical breakthroughs, 70 percent or more of the children diagnosed today will be alive and well 5 years later.

I believe we need to continue to support cancer research so children will no longer suffer needlessly.

## LITERACY INVOLVES FAMILIES TOGETHER ACT

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mrs. NORTHUP. Mr. Speaker, earlier this week, the House passed H.R. 3222, the Literacy Involves Families Together Act, otherwise known as the LIFT bill. Passage of this bill not only lifts our spirits, but it will help lift the level of excellence in our teachers, which will benefit our children.

The LIFT program makes improvements to the Even Start Program. Even Start programs work with adults without GED or high school diploma and their children to break cycles of illiteracy. It also provides parents with the skills they need to be their child's teachers and most important advocate. Simply put, the LIFT bill stresses the need for teacher professional development, the use of scientific research, and expands the program so that faith-based programs may partner with the federal government to improve literacy skills throughout our communities.

Earlier this year, Sharon Darling from the National Center for Family Literacy testified before the appropriations subcommittee about the disconnect between what we know from science about how children learn to read and what teachers practice. Many teachers have admitted their frustration about not being equipped with the latest information—they want training and additional professional development. That is why LIFT is so important. It allows states to use federal money to provide training and technical assistance to instructors in Even Start and other programs with a focus on family literacy. In addition to providing instruction, LIFT requires the use of instructional reading programs which are based on scientifically-based research. Thanks to our investments in the National Institutes of Health, we know how we can best teach children to read. This is especially important for children with learning disabilities.

Understanding that children are not the only ones with learning difficulties, the LIFT bill funds research to find the most effective ways to improve literacy among adults with reading difficulties. We know that family literacy is a key component to our children being successful. The Even Start program has helped parents obtain their high school equivalency certificate. By understanding the importance of furthering their own education, parents are more inclined to become more involved in their child's education. The LIFT bill builds on the success of the Even Start program, improves the quality of the program, and holds states accountable for the progress of local literacy programs.

This Congress is fortunate to have members like Congressman Bill Goodling to shepherd this bill to the floor. Bill has worked diligently to improve the quality of education programs, whether it is improving elementary school programs, helping disabled children, or working on adult education programs. Since my time in Congress, Bill and I have worked closely together to stress the importance of scientifically based reading research and to get that information in the hands of teachers and parents. He is a fine leader on education and we will miss him when he retires after this year. With the LIFT bill, our families can lift themselves up and achieve their dreams.

## ENSURE EQUAL WAGES AND DUE PROCESS FOR DAY LABORERS

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the "Day Laborer Fairness and Protection Act," a bill to ensure equal wages and due process for day laborers. Twenty-five representatives have joined me as original cosponsors of this important legislation.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who pay for the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—usually for the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A recent study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive $5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (of-ten between 1.5 and three hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers' wages.

To address these problems, this Act includes the following definitions and requirements:

Day laborer is defined as an individual who contracts for employment with a day labor service agency.

Day labor service agency is defined as any person or entity engaged in the business of employing day laborers to provide services for any third party employer.

Day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills & qualifications.

Wages for job assignment wait-times lasting more than thirty minutes. Such wages shall be at a rate that is not less than federal or state minimum wages.

Itemized statements showing deductions made from day laborers' wages.

When a day laborer is hurt on the job, coverage of health care costs by the employer who has requested the services of the day laborer.

Enforcement of the "Day Laborer Fairness and Protection Act" by the U.S. Department of Labor.

## A SPECIAL TRIBUTE TO BOY SCOUT TROOP 224 OF OTTAWA, OHIO ON THE DEDICATION OF ITS NEW BOY SCOUT HOUSE

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GILLMOR. Mr. Speaker, I rise with great pleasure today to pay special tribute to a truly outstanding organization from Ohio's Fifth Congressional District. This Sunday, September 17, Boy Scout Troop 224 of Ottawa, Ohio will celebrate an historic and remarkable event. They dedicate the new Boy Scout House, which will serve as the new headquarters for Troop 224.

Boy Scouting in Ottawa, Ohio has a long and rich tradition. Sponsored by the Ottawa Kiwanis Club for some sixty-eight years, Boy Scout Troop 224 and Cub Scout Pack 224 have become staples of the community and have served the area with great pride and distinction. Currently, there are 89 Boy Scouts in Troop 224 and 150 Cub Scouts. These fine young men are part of the family of more than 900 boys who have participated in Scouting in Ottawa.

Known not only as the largest Boy Scout Troop in the Black Swamp area, Troop 224 has turned out 109 Eagle Scouts over the years. In fact, three Boy Scouts from Troop 224 have achieved the National Court of Honor Award for Lifesaving. Troop 224 undertakes a myriad community service projects including the Scouting for Food campaign, landscaping projects for the village of Ottawa and local churches and schools, safety programs, and nature activities.

Now, Boy Scout Troop 224 prepares for one of its biggest celebrations—the opening of its new Boy Scout House. The new facility will replace the current home, which was built in the mid 1930's and has served Troop 224, for decades. The old facility, once shared by the Boy Scouts and Girl Scouts, will give way to the new 2,400 square foot facility. The new home for Troop 224 includes several separate rooms, storage space for supplies and equipment, and space for Troop and Pack meetings, Blue and Gold banquets, and Courts of Honor.

Mr. Speaker, Boy Scouting is truly one of America's longest-standing traditions. It instills in our young people the values of hard work, honesty, discipline, safety, honor, and much more. Clearly, Boy Scout Troop 224 has worked diligently toward the new Boy Scout House and each member should be very proud of the facility and all that they have achieved. I congratulate Troop 224 on the occasion of their new home and challenge the Troop to continue to strive for excellence in Scouting and in the community. Mr. Speaker, I ask my colleagues to stand and join me in celebrating the dedication of the new Boy Scout Home for Boy Scout Troop 224 of Ottawa. We wish them the very best now and in the future.

## EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE HERBERT H. BATEMAN, MEMBER OF CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

SPEECH OF

**HON. MICHAEL BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. BILIRAKIS. Mr. Speaker, Evelyn and I wish to offer our condolences to Mrs. Laura Bateman and the entire Bateman family on the passing of our colleague and friend, Congressman Herbert Bateman.

It is appropriate that Congressman Bateman represented the historical First District, because he was not only an exemplary representative on behalf of his constituents, but a leader who has served both his colleagues in the Congress and the American people with great distinction. Herb and I were freshmen congressmen in the class of 1983. It is a testament to Congressman Bateman's longevity, and the bipartisan respect he was able to garner, that he served so effectively in this body for eighteen years.

Herb Bateman was an integral part of the restoration of America's armed forces after years of decline. His commitment to the military began with his service in the United States Air Force during the Korean War. As a member of the House Armed Services Committee, and later, as Chairman of the Subcommittee on Military readiness, his efforts were key to restoring the ability of our men and women in uniform to perform their duty and reestablish their position as the preeminent military force in the world today. I was able to see Herb's commitment to the military first hand as we traveled together to meet with our men and women in uniform serving with NATO as they defended freedom and democracy in Europe. His commitment and concern for the young people in the armed forces was unparalleled, and it was clearly visible to anyone who spoke with him.

His distinguished record was not limited to a focus on the military. Congressman Bateman's support of NASA and the United States' commitment to space helped advance and ensure our leadership in science and technology. His commitment to the environment led to the cleanup of the Chesapeake Bay, allowing its beauty to be preserved for the enjoyment of future generations. And these are but a few of his legislative achievements.

On a personal note, I had the pleasure of spending time with Herb and his wife Laura during the Republican Convention in August. Evelyn and I enjoyed the time we spent with them, and as grandparents ourselves, we could tell that they were looking forward to his impending retirement in order to spend more time with their two children, Laura Margaret and Herbert Jr., Herbert Jr.'s wife Mary, and their three grandchildren Emmy, Hank, and Sam.

The American people were the beneficiaries of Congressman Bateman's lifetime of public service, a commitment that spanned five decades. He was a great statesman, and I will miss him personally, this nation will miss his leadership. However, his legacy lives on in everything from the U.S. space program to our military, as well as many other achievements too numerous to name. The fruits of his labor will continue to benefit generations of Americans to come, and they will honor his memory.

## CALIFORNIA'S SESQUICENTENNIAL

SPEECH OF

**HON. MAXINE WATERS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 2000*

Ms. WATERS. Mr. Speaker, I rise today to congratulate the State of California on the occasion of California's Sesquicentennial—the 150th Anniversary of California's Statehood. California is home to a diverse and resourceful people with a rich and colorful history. I represent the 35th District of California, a district which includes residents of African-American, Latino, Asian, Native American and European descent. My district is as rich in diversity and resourcefulness as the great State of California itself.

The 35th District of California includes several communities in South Central Los Angeles as well as the cities of Inglewood, Gardena and Hawthorne. South Central Los Angeles is a community of resourceful people and small businesses. Gardena is a racially diverse and economically vibrant city. Hawthorne is a center of technology and a home to the aerospace industry. Inglewood is at the center of a growing Los Angeles region close to Los Angeles International Airport. Its predominantly black and Latino students are known for educational achievement and academic excellence. It is also home to the Los Angeles Forum sports arena. All the cities in the 35th district are home to hard-working, creative, energetic and resourceful people and numerous successful small businesses.

Mr. Speaker, the people of 35th District of California are dedicated to economic and educational development, and they are proud of their history and their heritage. I look forward to continuing to represent them as they look forward to the next 150 years of history as residents of the great State of California.

## TRIBUTE TO MR. ROBERT L. DOYLE

**HON. JOHN T. DOOLITTLE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor one of the pioneers of the City of Roseville, in my district in California, Mr. Robert L. Doyle. After a lifetime of dedication and service, my good friend Bob Doyle passed away on August 21 at 8:47 p.m. He was 81 years old.

From the time he was born in his family's home in 1919 until his death, Bob was a fixture in Roseville. After graduating from Roseville High School in 1937, he went to work on the family farm where he expected to remain for the rest of his life. However, in 1953, he reached a turning point in his career. His father, who along with a group of other local farmers had formed the Roseville Telephone Company 26 years earlier, asked him to take over the struggling business.

What started out as a temporary stint to set Roseville Telephone on the right course turned into a lifetime of building both the company and the community. In 1953, Roseville Telephone was a company serving 3,777 customers, employing 47 workers, with revenues of $210,000. It is now a highly successful, expanding business with annual revenue above $140 million and more than 700 employees. In 1995, the Roseville Communications Company was formed, becoming the parent company of Roseville Telephone and other subsidiaries. Bob Doyle acted as president of the Roseville Telephone Company until retiring from that post in 1993. He did, however, remain as Roseville Communications' chairman of the board of directors until retiring just one day before his death.

Besides his own hard work and determination, Bob Doyle's management success was due in part to his talent for hiring good people and allowing them to do their job. He made his employees and shareholders feel like they had a personal stake in Roseville Telephone. He also made people feel that way about the Roseville community at large. In addition to his leadership at the company, Bob Doyle was involved in numerous civic and professional organizations. Among the local clubs he belonged to were the Roseville Masonic Lodge No. 222, Scottish Rite Bodies of Sacramento, Shriners, Loyal Order of the Moose Lodge, and the Elks Lodge. He also served as president of the Roseville Chamber of Commerce.

Outside of Roseville, Bob Doyle was also recognized for his leadership in the telecommunications industry. He was involved with the Independent Telephone Pioneers Association and served as president of the California Telephone Association of Sacramento.

It is also important for me to recognize that Bob's career of service included time in the U.S. Army Medical Division during World War II.

On a personal note, I had the opportunity to work with him closely to address two of the Sacramento region's most vital needs—improved flood control and an increased water supply. Over the years, as we worked to advocate the construction of the Auburn Dam, I developed an even greater admiration and respect for Bob. Robert Doyle was not only a community leader, but he was also a great friend.

He is survived by his wife, Carmen, three children and five grandchildren. While we join his family and friends in mourning his passing, we also celebrate his life and cherish our associations with him. He clearly left his mark on all of us. Roseville, which was once a sleepy railroad town, is now a vibrant, well-planned community with award-winning parks, law enforcement, and city management. Its railroad past blends with its newer high-tech industry and thriving retail centers. Its residential areas include dynamic new developments as well as historic neighborhoods. In short, Roseville has experienced many great changes and Robert Doyle seemed to be at the heart of them all. He will be sorely missed.

May you rest in peace, Bob.

## INTRODUCING THE SMALL BUSINESS LIABILITY RELIEF ACT

### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. OXLEY. Mr. Speaker, today I am introducing, along with a bipartisan group of original cosponsors, the Small Business Liability Relief Act to provide long overdue liability protection to individuals, families and small business owners who are innocent parties that have been wrongly and unfairly trapped in the litigation nightmare of the Superfund program for two decades. Superfund badly needs to be reformed to provide liability relief for innocent parties.

Today, I am saying enough is enough. It is time to provide relief to Barbara Williams, the former owner of Sunny Ray Resturant in Gettysburg, Pennsylvania and to Greg Shierling, the owner of two McDonald's Restaurants in Quincy, Illinois, as well as thousands of others just like them whose only "crime" as small business owners was sending ordinary garbage to the local dump.

This bill only provides relief to innocent small businesses who never should have been brought into Superfund in the first place. First, it provides liability protection to small businesses who disposed of very small amounts of (110 gallons or 200 pounds) of waste. Second, it provides relief for small businesses who dispose of ordinary garbage. Third, it provides shelter from costly litigation for small businesses who dispose of de minimis amounts of waste and who otherwise face serious financial hardship.

It is my strong belief that we can pass this bill with overwhelming bipartisan support so that countless others can be spared the litigation nightmare that has already hit so many of America's small businesses.

## CONCERNING THE BOY SCOUTS OF AMERICA

SPEECH OF

### HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. SANFORD. Mr. Speaker, on Tuesday, I voted against H.R. 4892, the bill to repeal the Boy Scouts of America Charter. I have a personal stake in this debate. As a boy, I benefited from everything the Scouts had to offer. While I worked my way towards earning the rank of Eagle, I learned the lessons of leadership, trustworthiness, loyalty, and more. Additionally, the memories I have, of sharing my interest in the outdoors with other boys my age will be with me for the rest of my life.

I opposed this bill for two reasons. Number one, I do not believe it is right to single out an individual group in legislative remedies. If change in any area of law occurs it should apply to all affected, not as, in this case, with only the Boy Scouts. It does not make sense to repeal the Scouts' charter and leave in place charters for groups such as the Society of American Florists and Ornamental Horticulturists, National Ski Patrol System, Aviation Hall of Fame, or any of the roughly 90 other groups who hold charters.

If Ms. WOOLSEY'S bill repealed all federal charters, it might represent a legitimate debate, unfortunately, this bill has a more narrow scope. According to a report published by the Library of Congress, the chartering by Congress, of organizations is essentially a 20th century practice and does not assign the group any governmental attributes. The report continues by stating, that the attraction of charter status for national organizations is that it tends to provide an "official" imprimatur to their activities. With these facts in mind, in 1989, the House Judiciary Committee decided to impose a moratorium on granting new charters.

However, the bill does not address this point, instead it focuses solely on the Boy Scouts. The intend of the bill is to pressure the Boy Scouts to change their practices, which brings me to my second point.

The First Amendment provides all American's the right of association. Whether a group preaches race-based hatred or the teachings of Christianity, their right to gather together has continually been protected by our nation's courts. In fact the courts have already ruled on the practices of the Boy Scouts. State courts in California, Connecticut, Oregon, Kansas, and the U.S. Court of Appeals for the Seventh Circuit have ruled in the Boy Scouts favor.

On June 28, 2000, the Supreme Court affirmed the Constitutionally protected right of the Boy Scouts to set its own standards for membership and leadership. In his ruling Chief Justice Rehnquist stated, though alternative lifestyles are becoming more socially acceptable, "this is scarcely an argument for denying First Amendment protection to those who refuse to accept these views," he continued. "The First Amendment protects expression, be it of the popular variety or not." This decision, once again, reaffirms the Boy Scout's First Amendment rights.

This bill attempts to circumvent the courts ruling by forcing the Boy Scouts to change their practices or else lose their charter. Upon reflection, I have come to agree with Chief Justice Rehnquist and the Supreme Court's, ruling, it should not be the federal government's role to alter the Boy Scout's values. More significantly, the, Boy Scout case is ultimately about something much bigger than scouting, it was a decision of whether or not our Constitutional right of association should remain intact. Passing this bill would have had just the opposite effect and for this reason, I voted against the bill.

## ESTUARY RESTORATION ACT OF 2000

SPEECH OF

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of H.R. 1775, the Estuary Restoration Act. This important piece of legislation provides a strong framework and strategy for protecting, maintaining and strengthening the nation's estuaries.

Estuaries are essential and fragile ecosystems that deserve a comprehensive plan to ensure their long-term viability. They are home to thousands of species of aquatic plant and animal life. They are also some of the most productive commercial fisheries in the world. And, millions of Americans flock to estuarine areas for vacations and recreation.

The legislation we are considering today gives us another tool to use for estuary preservation and restoration. This bill streamlines financing for estuary projects and integrates existing federal and non-federal programs. The bill also gives priority to those estuaries currently part of a management plan or pollution mitigation plan. This is so important that my colleague, ROSA DELAURO, and I introduced H.R. 1096, to provide special funding to States for implementation of national estuary conservation and management plans. I hope that with the passage of this legislation we can continue to provide the funding necessary to truly safeguard these essential natural resources.

Unfortunately, I can also tell you, from recent experience, about the tenuous nature of estuaries. Many of my constituents live near and fish from Long Island Sound. The Sound, until recently, was the third largest lobster fishery in the United States, behind Maine and Massachusetts. But the last two seasons have been a disaster for the Long Island Sound fishery. All of the lobsters in Long Island Sound have died. Lobster harvesters are finding their traps empty and their lives thrown into turmoil. The cause of this die-off is being studied and investigated, and it reinforces the need for greater protection of the nation's estuary habitats.

I am a proud cosponsor of this legislation and I urge my colleagues to support it.

## BILL TO COMPENSATE POISONED NUCLEAR WORKERS

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### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing another bill dealing with the pressing matter of providing compensation and care for current and former nuclear-weapons workers made sick as a result of their on-job exposure to radiation, beryllium, and other dangers. Let me explain why I am doing so at this time.

Earlier this year, I joined in supporting the Whitfield amendment to the Defense Authorization bill for fiscal year 2001. That amendment, which was adopted by the House, clearly stated that Congress needs to act this year to make good on the promise of a fairer deal for these people who helped America win the Cold War.

This is a very important matter for our country. It's particularly important for many Coloradans because our state is home to the Rocky Flats site, which for decades was a key part of the nuclear weapons complex. Now the site's old military mission has ended, and we are working hard to have Rocky Flats cleaned up and closed. But while we work to take care of the site, we need to work just as hard to take care of the people who worked there.

The people who worked at Rocky Flats and the other nuclear weapons sites were part of our country's defense just as much as those who wore the uniform of an armed service. They may not have been exposed to hostile fire, but they were exposed to radiation and beryllium and other very hazardous substances—and because of that some have developed serious illnesses while others will develop such illnesses in the future. Unfortunately, they haven't been eligible for veterans' benefits and have been excluded from other federal programs because they technically worked for DOE's contractors—and for far too long the government was not on their side. That has changed, I'm glad to say—the Department of Energy has reversed its decades-old policy of opposing workers claims.

I strongly supported that amendment because, as Len Ackland, writing in the Denver Post, has correctly said, "The shape of such legislation will determine whether or not this nation, through its political leadership, will finally accept responsibility for the physical harm to thousands of the 600,000 workers recruited to fight the cold war by producing nuclear weapons."

So I was encouraged when the House adopted that amendment and went on record as saying that now is the time for the Congress to accept that responsibility. Adoption of the amendment signaled that the House recognized this to be a matter of high priority and that it was important for Congress to pass legislation this year to create an efficient, uniform, and adequate system of compensation for these civilian veterans of the cold war.

But that amendment was only a very modest first step. Since its adoption, both the House and Senate have completed initial action on the defense authorization bill—and the bill as passed by the Senate includes a separate title, Title 35, that would set up a compensation system for these workers who played such a vital role in winning the Cold War. That title, and the other differences between the House and Senate versions of the defense authorization bill, are now being considered by a conference committee.

I am sure that this Senate-passed legislation could be further refined. But we are rapidly nearing the end of this Congress, and time is of the essence. That is why, along with more than 100 of our colleagues, I have strongly urged the House's conferees to agree to this part of the Senate bill. I remain convinced that having the Senate-passed legislation included in the conference report on the defense authorization bill would be the very best way to take the essential first step toward the vital goal of doing justice to these workers.

However, some questions have been raised about the details of that Senate-passed legislation—and, next week, there will be a Subcommittee hearing in the Judiciary Committee to examine the pending House legislation dealing with this subject. There already

However, until now the Senate-passed legislation technically has not been pending before the Judiciary Committee because it was passed as an amendment to the defense authorization bill rather than as a free-standing measure.

So, along with a number of other Members who are joining as cosponsors, I today am introducing a bill that combines elements of the Whitfield amendment to the defense authorization bill—namely, the findings spelling out the background and the need for legislation—and the substantive provisions of Title 35 of the Senate amendment to that same defense authorization bill.

I am doing this so that the Judiciary Committee will have the fullest possible opportunity to consider these provisions at next week's hearing. My hope is that as a result the Judiciary Committee members who are also conferees on the defense authorization bill will join the other House conferees in agreeing to inclusion of these provisions in the conference report. I think that will provide the best opportunity to achieve enactment this year of an essential first step toward providing a long-overdue measure of justice. I know that more will remain to be done, but it will lay a good foundation on which to build in the near future—something that I hope to be able to do beginning next year.

### DIGEST OF PROVISIONS OF BILL

Title: Energy Employees Occupational Illness Compensation Act of 2000 (based on Title 35, Senate Defense Authorization Act, FY 2001).

Background: After decades of denials, the Administration has conceded that workers who helped make nuclear weapons were exposed to radiation and chemicals that caused cancer and early death. Secretary of Energy Bill Richardson is leading the Administration's efforts to pass as comprehensive a bill as possible in this Congress. The Administration offered a preliminary bill in November 1999 (HR 3418) through Representative Paul Kanjorski. After releasing a National Economic Council Report in April 2000 which outlined the science and policy reasons for implementing a federal workers comp system for nuclear weapons workers, Representative Whitfield, and many cosponsors, introduced HR 4398, a comprehensive bill which covers radiation, beryllium silica, hazardous chemicals and heavy metals.

New Bill/Senate Amendment: The Udall of Colorado bill incorporates the provisions of the Energy Employees Occupational Illness Compensation Act of 2000, which was adopted on the Senate floor as an amendment to the Defense Authorization Act for fiscal year 2001. It provides for payment by the Federal government of lost wages and/or medical costs for employees who died or whose health was damaged by exposure to beryllium, radiation or silica while working for the defense of the United States through defense nuclear programs of the Department of Energy (DOE) and its predecessor agencies. These health hazards were special to DOE and to nuclear weapons, which require both beryllium-containing components and radioactive materials and drilling of tunnels under the Nevada Test Site.

The compensation in this bill is modeled on the coverage federal employees can receive in the Federal Employees Compensation Act. Compensation decisions are to be based on science and expert judgment, and dose information is to be used where it is known or can be estimated. As with FECA, compensation under this bill would be mandatory spending and benefits are tax exempt. CBO has scored Title 35 of the Senate's Defense Authorization bill at $2.3 billion over 5 years and $3.7 billion over 10 years.

Three federal agencies would be involved in the program. The Department of Labor, which already administers FECA, would handle the administrative processing of claims, appeals, and payments. The Department of Health and Human Services (HHS), which currently oversees radiation and beryllium health effects research at DOE sites, would oversee the scientific decisions that must be made. The DOE, which has the detailed information on and access to workers, is to play an advocacy role in informing workers of the programs and facilitating information flow to the Department of Labor.

Hazards and Coverage: *Beryllium:* Beryllium is a non-radioactive metal that can cause an allergic reaction that severely scars the lungs. Beryllium lung damage has unique characteristics and can be traced specifically to beryllium exposure. The first sign of the allergic reaction is beryllium sensitivity, which sometimes progresses to chronic beryllium disease. Beryllium sensitivity must be medically monitored, but is not disabling. Chronic beryllium disease can disable or kill. Under Title 35 and this bill:

Workers who can show beryllium sensitivity (or who have chronic beryllium disease but are not disabled) would be eligible to have the medical costs of monitoring their condition paid by the Federal government.

Workers who contract chronic beryllium disease and who die or are disabled could also receive lost wage benefits, in addition to medical costs.

*Radiation:* Radiation in high doses has been linked to elevated rates of some types of cancer. Unlike beryllium illness, it is not possible to look at a tumor and know for sure that radiation in the workplace caused it. Scientists have determined the doses at which certain cancers in workers in certain age groups can be confidently be said to be radiation caused. These data on radiation dose and cancer form the basis in the bill for compensating workers who have adequate dose records, as follows.

Workers who have a specified radiogenic cancer that is determined to be work-related under HHS guidelines, but who are not disabled, could have their medical costs of their cancer treatment paid by the Federal government.

Workers who have a work related cancer, as established under the HHS guidelines, and who are disabled or dead, could also receive lost wage benefits, in addition to medical costs.

*Silicosis:* Miners at the Nevada Test site drilled underground tunnels through hard rock for the placement of nuclear weapons devices that were subsequently tested. DOE failed to adequately control exposure to silica dust and 20 percent of the workers screened by a DOE medical screening program at the Nevada Test Site have found silicosis, a disease that causes irreparable scarring of the lungs.

*Workers with Non-Existent Radiation Records.* Many worker dose records in DOE are flawed, but this amendment requires HHS to estimate dose, where records exist and it is feasible to do so. In some cases, though, it is not feasible to reconstruct what radiation dose a group of workers received, even though it is clear from their job types that their health may have been endangered by radiation. For these special exposure situations, the bill provides that workers can be placed by the HHS into a "special exposure cohort" that can be compensated for certain types of cancer enumerated in the amendment. Members of the "special exposure cohort" are eligible for the same compensation as workers in the previous section. Because of the unmeasured, probably large, internal radiation doses which they received, and the lack of monitoring, protection, or even warning given by DOE to them, certain employees at the DOE gaseous diffusion plants are placed in the "special exposure cohort" by law under the bill. It was the public outcry over the deliberate deception of these employees by the DOE and its contractors concerning workplace radiation risks that led the Administration to propose the bill on which Title 35 and this bill are patterned.

*Lump Sum Payment Option.* All of the above classes of workers, if they are disabled, and their survivors, if the workers die before being compensated, would be able to choose a one-time $200,000 lump plus medical benefits in lieu of lost wages and ongoing medical benefits described above. This option is intended mostly for elderly, retired workers, or for survivors of deceased workers.

*Administrative Provisions.* There are provisions in the bill against receiving lost wages or lump sum payments for more than one disability or cause of death. Benefits under other Federal or state worker compensation statutes for the same disability or death would be deducted from any benefits under the bill. Title 35 and the bill also contain language making payment under the amendment the exclusive remedy for all liability by DOE and its contractors. For vendors, acceptance of payment under this program would waive the right to sue, but employees who seek court relief would have to file within 180 days of the onset of a beryllium or radiation related disease.

Other Toxic Substances: The bill does not provide federal compensation for health effects from exposure to other toxic substances in the DOE workplace, but does authorize DOE to work with States to get workers with these health effects into State worker compensation programs. DOE will maintain an office to review claims and advise contractors not challenge claims deemed meritorious by DOE.

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## THE INTRODUCTION OF LEGISLATION TO CREATE AN ADMINISTRATIVE LAW JUDGE CONFERENCE OF THE UNITED STATES

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GEKAS. Mr. Speaker, I am today introducing legislation to establish the Administrative Law Conference of the United States.

America's administrative law judges occupy an important place in American government, adjudicating federal agency decisions that affect nearly every American. Administrative Law judges conduct formal proceedings, interpret federal and state law, apply agency regulations, and ensure the fair implementation of a broad range of federal agency policies. Since passage of the Administrative Procedure Act, the importance of administrative law judges and their impact on everyday life has steadily grown in conjunction with the increased scope and significance of modern regulation.

Today, administrative law judges annually handle thousands of cases with economy, dispatch and uncommon professionalism. The creation of an Administrative Law Judge Conference will bring further economy and efficiency to the administrative legal process. It will do so by enhancing the judicial performance, status and legal training of administrative law judges by establishing recurrent education programs that will sharpen the legal focus of administrative law judges while enhancing understanding of broader administrative adjudicatory trends. The Conference will not be the sole repository of this knowledge, however. Rather, the bill requires the Conference to annually submit its findings to Congress, where representatives of the American people can review the findings of the Conference and formulate policy to ensure the optimal function of the administrative legal process.

The creation of an Administrative Law Judge Conference will bring an increased measure of uniformity and efficiency to federal agency adjudication, enhance the status and performance of administrative law judges, and promote public confidence in the administrative legal process.

I urge your support of the bill.

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## 40TH ANNIVERSARY OF REAL ESTATE INVESTMENT TRUSTS

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. NEAL of Massachusetts. Mr. Speaker, 40 years ago today President Dwight D. Eisenhower signed legislation into law that established real estate investment trusts, also known as REITs.

A REIT is a company dedicated to owning and, typically, operating income-producing real estate such as apartments, shopping centers, offices and warehouses. The key feature of a REIT is the requirement that it pass 95 percent of its taxable income to its shareholders every year, which also means that it needs to grow primarily by raising investment funds in the capital markets.

Congress established REITs in 1960 to make it easier for small investors to invest in commercial properties, much like mutual funds allow small investors to pool funds. And as hoped, REITS have every reason to be proud of their record of professional management, and their history of bringing liquidity, security, and performance to average investors in commercial real estate. REITs currently hold about $325 billion of assets, and this year have averaged a total return of 22.5 percent and averaged a dividend yield of 7.3 percent.

While REITs have played an important role in American economic life since 1960, they have truly come into their own since passage of the 1986 Tax Reform Act which removed most of the tax-sheltering capability of real estate and emphasized income producing transactions, and allowed REITs to operate and manage real estate as well as own it. This merged owner interests with the interests of other significant parties, leading to greater confidence in this form of investment. The adoption of the REIT Modernization Act by this Congress, a bill I cosponsored and worked for, will continue the trend toward allowing REITs to remain competitive and flexible in today's marketplace.

In closing, Mr. Speaker, I wish to congratulate the REIT industry on their 40 years of leadership in the economic marketplace, and their national association for their effective leadership on federal and state issues important to the industry. I look forward to continuing to work with them on issues of importance to REIT investors.

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## CONGRATULATING THE WATKINS MILL HIGH SCHOOL BOOSTER CLUB

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mrs. MORELLA. Mr. Speaker, today I honor and congratulate the students, parents, and faculty of Watkins Mill High School. I would like to especially acknowledge The Watkins Mill Booster Club, a group of devoted parents and community members who have formed a partnership to support and enrich all extracurricular activities at the school. Their generous efforts benefit the school's athletics, academic programs, performing arts, and other activities.

The teachers and students at Watkins Mill are dedicated to excellence and committed to success. As Chair of the House Technology Subcommittee, I am especially proud of the medical careers magnet program at Watkins Mill High School. This education program has been recognized nationally for its integration of high technology in the classroom. In addition, the athletics programs at Watkins Mill benefit from the work of the Booster Club, including the division champion girls soccer team, the unbeaten girls volleyball team, and the Maryland State 4A Champion baseball team.

This weekend, the Watkins Mill Booster Club is sponsoring a fundraiser which features the hilarious entertainment of The Capitol Steps, the nationally recognized musical political satire troupe. As the performers say, they are the "only group in America that attempts to be funnier than Congress." This Watkins Mill High School fundraising performance will be the only appearance by the Capitol Steps in Montgomery County, Maryland this year. I congratulate Booster Club member Heath Suddleson for arranging this event.

As a former educator, I am proud to recognize Watkins Mill High School for its extraordinary educational and extracurricular programs. I congratulate the school's students, faculty, supportive parents, dedicated administrators, and the Booster Club. In addition, I thank Principal MaryAnn Jobe, Booster Club President Paul Chewning, and Vice President Marge Goergen for their commitment. I wish Watkins Mill High School continued success in achieving excellence in education.

## CONGRATULATING THE PEOPLE OF THE REPUBLIC OF CHINA ON THEIR NATIONAL DAY, OCTOBER 10, 2000

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. UNDERWOOD. Mr. Speaker, as we may recall, the island of Taiwan was hit by a devastating earthquake last year on September 21. Thousands lost their lives and damage costs ran into the hundreds of millions. In what was already becoming troubling economic times, that prospering island nation was nearly brought to its knees. We who are Taiwan's regional neighbors know that, prior to the earthquake, the people of Taiwan were getting ready to celebrate their most important public holiday on October 10th affectionately known as "10–10," Taiwan's National Day is celebrated with the same sense of loyalty and patriotism, the same sense of pride, and with the same gusto as we celebrate our most important public holiday, the Fourth of July. Imagine then how pained, how joyless and how sad the people of Taiwan must have been to find themselves in the midst of overwhelming tragedy instead of joyous celebration.

A year has passed, and like the rest of the world, the Republic of China has stepped into the 21st century. Their recovery from the earthquake has been slow and steady, and some signs of the devastation still remain. Reconstruction and rebuilding of their economy is progressing so that now they can mark the anniversary of earthquake with solemnity and yet prepare to celebrate "10–10" with renewed hope and with renewed confidence in themselves.

We in Guam know all too well how important "10–10" is to the people of Taiwan, because the Taiwan Chinese community of Guam has always been generous in their celebrations, inviting our participation and sharing all the good things that make us brothers, sisters and cousins of the Pacific. Their contributions to Guam are immense, yet they remain humble and hardworking, and they go about their lives quietly helping to build our economy, enhancing our pool of professional skill and talent, and enriching our island community. We, who are no strangers to natural disasters, mourned with the people of Taiwan last year. This year, we, who know what it is like to reject defeat and to work hard toward full recovery, look forward with them to a joyful celebration.

Mr. Speaker, this October 10th the Republic of China will celebrate its 89th anniversary as a free and prosperous democracy. I think the earthquake in Taiwan pointed out the real success story that is Taiwan—that their relationships with people throughout the world are so good that so many came to their aid. Nothing is as serious a sign of our common humanity than when we are most vulnerable, and certainly times of natural disaster point that out. And I think it is very important that we continue to express our support for Taiwan.

At its essence, "10–10" is a celebration of the amazing successes people can achieve when they are free to exercise their rights, when they can aspire to greater things, when they can pursue what they desire for themselves, their families and their nation, when they refuse to be defeated. The Republic of China's continuing triumph is an inspiration to all freedom-loving people around the world. For this, we thank them. On this year's commemoration of "10–10," we congratulate them.

## PERSONAL EXPLANATION

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. GILMAN. Mr. Speaker, during the week of July 24th, due to hospitalization, I was unable to vote on Roll Call Number 429 through and including Roll Call number 450. If I had been present I would have voted AYE on all, except on Roll Call Number 449, on which I would have voted NAY. Accordingly, I ask unanimous consent to have my statement placed in the RECORD at the appropriate point.

## RECOGNIZING EDWARD J. BRISCOE ELEMENTARY SCHOOL

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Ms. GRANGER. Mr. Speaker, today I recognize and commend Edward J. Briscoe Elementary School of Fort Worth, Texas, for being designated by the Texas Education Agency as a State of Texas Recognized School. This tremendous achievement is a testament to the leadership of Briscoe Elementary's principal, Dr. Jennifer Giddings Brooks, and to the hard work of the school's teachers, staff, and students.

The students attending Briscoe Elementary come from diverse ethnic backgrounds. The school is located in a neighborhood with challenging social conditions, where 97% students are on free and reduced lunch programs. With the guidance of dedicated teachers, students at Briscoe have overcome these disadvantages and become an example of academic achievement for all of America's schools.

Over the last several years, test scores have drastically risen at Briscoe Elementary. More than 80% of the school's 410 students passed each section of the Texas Assessment of Academic Skills (TAAS) test. What is even more impressive is Briscoe's attendance rate of 96.5%. This success is a result of the incredible devotion to students by the school's teachers and staff. They set high standards for their students, but they also invest real time in their students' lives. Fourthgrade teacher Shaneeka Shannon says that her work at Briscoe Elementary is "Not just a job. It's a calling." Shaneeka's attitude is at the core of the school's success. By believing in and setting high expectations for its students, Briscoe has beaten the odds and become a place where academic excellence is the rule not the exception.

As a former public school teacher, I am very concerned about the condition of America's classrooms; however, the success of schools like Briscoe Elementary give me hope and should give our nation hope. Together we can reach our vision of an America where our children are not only well-educated; but, more importantly, an America where our children believe in themselves and their country.

We can reach this goal one school and one child at a time. Briscoe Elementary School's success will serve as an excellent example of what can be accomplished.

## VETERINARY HEALTH ENHANCEMENT ACT FOR UNDER-SERVED AREAS

### HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. PICKERING. Mr. Speaker, many rural and inner city areas of the United States lack proper veterinary care in their communities. As a result, the health of both animals and humans in these areas is at risk. In many cases, veterinarians, upon graduating from a school of veterinary medicine, opt to practice in a prosperous urban setting which provides the highest opportunity for income. This leaves many rural and inner-city regions lacking proper veterinary care.

Rural areas in the United States are going through a unique transformation. These smalltown, agrarian communities are literally drying up. These areas can't afford to provide veterinarians the same levels of income as a more prosperous urban area. Therefore, these areas are forced to go without a practicing veterinarian in the area. Not only do families need pet health care in these areas, but farmers and ranchers are forced to conduct their operations without an agricultural veterinarian in the area resulting in the poor health of livestock and humans as well as loss of income to the farmer or rancher. In the same respect, poor, inner-city areas need additional veterinarians as well. These areas are hotbeds for dangerous diseases carried by animals which can then be spread to susceptible children.

In response to this disparity, I am introducing the Veterinary Health Enhancement Act for Under-served Areas. Under this proposal, veterinary students will be provided debt relief for their veterinary school loans which often run higher than $120,000. This is a voluntary federal program in which the state school of veterinary medicine may choose to participate. Students may receive this assistance only if they agree to practice in an under-served area as mentioned above. The result of having veterinarians practicing in under-served rural and inner-city areas will help improve animal health, will ensure that the risk of disease transfer from animals to humans is minimal, and will lower the health risks especially to children who are more susceptible to these animal health risks.

This is a non-controversial bill which will provide welcome veterinary care to inner city and rural areas. I urge all my colleagues to support this bill on behalf of their communities.

### OLYMPIC AMBUSH ADVERTISING

#### HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. HEFLEY. Mr. Speaker, I wish to address a problem that impacts not only the United States Olympic Committee, which is located in my district of Colorado Springs, but also millions of Americans who are involved in the Olympic movement.

The problem is known as "ambush marketing," a deceptive practice in which companies deliberately and falsely suggest that they support or are affiliated with an event or organization. This enables companies to steal the benefits of sponsorship of events such as the Olympics without paying the associated sponsorship fee.

Numerous American companies such as Coca-Cola, McDonald's and Visa have spent millions of dollars for the privilege of being official sponsors of the Olympic Games. Competing companies, through deceptive advertising, have attempted to capitalize on the goodwill and favorable publicity of an Olympic sponsorship without paying the appropriate licensing fee. You may ask, "So what?". The "so what" is that official sponsors have invested time, creativity and money into helping our nation's Olympic effort, while the ambush advertisers have invested nothing in the Olympic movement, yet hope to profit from an association.

Ambush marketing has the direct and immediate result of depriving officially licensed sponsors of the Olympic Games of the exclusive rights in their product category to advertise their financial support for the Olympic Movement and associate with the Olympic Games. What will happen in the future if Congress does not put an end to ambush marketing in the context of the Olympic Movement? Advertisers and marketers will, quite likely, be less inclined to buy the requisite sponsorship packages for the privilege of being an "official Olympic sponsor." Indeed, some may think about becoming ambush marketers themselves and enjoy the fruits of an Olympic sponsorship without any of the corresponding obligations.

Such a result will most certainly have a devastating effect on the United States Olympic Committee which receives no federal funding. The current system of private funding has worked marvelously in providing the money and support that pays for the training, transportation and facilities of our great Olympic athletes. However, the system is being threatened. Ambush marketers are diluting the value and prestige an Olympic sponsorship. The more they erode the value of sponsorship, the less incentive others will have to contribute the millions of dollars required to enjoy the distinction of being an official Olympic sponsor and support our Olympic athletes.

I first addressed this issue in a floor statement in 1993, but in the ensuing years the practice has become more widespread. While the USOC has worked tirelessly to combat ambush marketing, it apparently needs better tools to put an end to the practice. Only Congress can provide these tools, and it is becoming apparent that it is time for us to step in. I look forward to working with my colleagues next year to craft targeted legislation to give the USOC the proper tools necessary to combat ambush marketing.

### SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

SPEECH OF

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 27, 2000*

Mr. PAUL. Mr. Speaker, I am pleased to rise in support of the Social Security Tax Relief Act (H.R. 4865). By repealing the 1993 tax increase on Social Security benefits, Congress will take a good first step toward eliminating one of the most unfair taxes imposed on seniors: the tax on Social Security benefits.

Eliminating the 1993 tax on Social Security benefits has long been one of my goals in Congress. In fact, I introduced legislation to repeal this tax increase in 1997, and I am pleased to see Congress acting on this issue. I would remind my colleagues that the justification for increasing this tax in 1993 was to reduce the budget deficit. Now, President Clinton, who first proposed the tax increase, and most members of Congress say the deficit is gone. So, by the President's own reasoning, there is no need to keep this tax hike in place.

Because Social Security benefits are financed with tax dollars, taxing these benefits is yet another incidence of "double taxation." Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a "shell game" which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs and mask the true size of the federal deficit.

Mr. Speaker, the Social Security Tax Relief Act, combined with our action earlier this year to repeal the earnings limitation, goes a long way toward reducing the burden imposed by the Federal Government on senior citizens. However, I hope my colleagues will not stop at repealing the 1993 tax increase, but will work to repeal all taxes on Social Security benefits. I am cosponsoring legislation to achieve this goal, H.R. 761.

Congress should also act on my Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security Trust Fund is spent solely on Social Security. When the government takes money for the Social Security Trust Fund, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting the Social Security Benefits Tax Relief Act (H.R. 4865). I also urge my colleagues to join me in working to repeal all taxes on Social Security benefits and ensuring that moneys from the Social Security trust fund are used solely for Social Security and not wasted on frivolous government programs.

### SAN BERNARDINO'S ROUTE 66 RENDEZVOUS CELEBRATES THE OPEN ROAD

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. LEWIS of California. Mr. Speaker, it is accurate to say that for Americans headed West to Southern California, all roads pass through San Bernardino County. And for one weekend this month, a half-million people from across the United States will head straight to San Bernardino to celebrate the most storied road of all: Route 66.

In its 11th year, the Route 66 Rendezvous in downtown San Bernardino has grown from 300 cars and 4,000 people to 2,448 vehicles viewed by 600,000 visitors last year, making it one of the nation's largest free-admission events. Through the strong support of local businesses—led by chief sponsor Stater Bros. Markets—and thousands of volunteers, the city of San Bernardino has created one of the top family-oriented events in California, according to the state's Division of Tourism.

Celebrating the car culture that has been such a part of modern American history, the Rendezvous invites the thousands of visitors to watch the classic vehicles parade, race their engines in a decibel-measured contest and burn out their tires at an abandoned raceway. Kids are given a chance to build and keep their own toys.

It is no surprise that renewed interest in the fabled Route 66 has led America to San Bernardino County. Over 200 miles of the Mother Road carry travelers from the forbidding Mojave Desert to the doorstep of Southern California's cities. Those who are rediscovering the first cross-country highway have a tremendous resource in Barstow, where the newest and most exciting Route 66 museum has opened in the historic Harvey House railroad depot. Further along the highway West is another fine museum in Victorville.

Children who grew up in San Bernardino knew Route 66 as the home of the Wigwam Motel—and eventually as the home of the nation's first McDonalds restaurant. It was the road that brought the nation to California, and helped create the most populous and vibrant state in the country.

This year's celebration will be highlighted by the induction of four new members of the Cruisin' Hall of Fame, which enshrines the people, machines and institutions that have contributed the most to our nation of car lovers. The inductees this year are the toymaker Mattel, for the ubiquitous miniature Hot Wheels cars; the Beach Boys musical group; J.C. Agajanian, a legendary owner of the Ascot Speedway; and the Woody, the hand-built station wagon that was the sports utility vehicle of its day.

Mr. Speaker, I ask that you and my colleagues join me in recognizing these new members of the Cruisin' Hall of Fame for their contributions to our nation's popular history and culture. And please join me in congratulating San Bernardino for hosting the Route 66 Rendezvous, a celebration of America's romance with the automobile.

## SIXTH DISTRICT ESSAY CONTEST WINNERS

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues the tremendous work of a half-dozen young men and women who live in my District.

Each year, my office in cooperation with numerous junior and senior high schools in Northern Illinois sponsor an essay writing contest. A board, chaired by Vivian Turner, a former principal of Blackhawk Junior High School in Bensenville, IL, chooses a topic, and evaluates results of the submitted essays. Winners share more than $1,000 in scholarship funds.

This year, Robert Arroyo, a student at Immanuel Lutheran School in Elmhurst, placed first in the Junior High Division with an essay entitled Just as American as Apple Pie, a text of which I include in the RECORD. Placing second in the Junior High Division is Bethany Bredehoft, a student at Immanuel Lutheran School in Elmhurst; and Liz Juranek, a student at Algonquin Middle School in Des Plaines, placed third.

In the Senior High Division, Kate Brenan, a student at Driscoll Catholic High School in Addison, placed first with her essay entitled Rule of Law, a text of which I include in the RECORD. Steven Pyter, a student at Lake Park High School in Roselle, placed second; and John Fennell, a student at Driscoll Catholic High School in Addison, placed third.

(By Robert Arroyo)

JUST AS AMERICAN AS APPLE PIE

Being a responsible citizen is just as American as apple pie. A good apple pie has a firm, moist, brown, crust surrounding a sweet filling of sliced apples with cinnamon, topped with a cool scoop of ice cream. A good citizen is surrounded by important freedoms called civil rights. They include freedom of speech, freedom of religion, freedom of assembly, and trial by jury. An American citizen has the right to vote for the President and members of Congress and to run for government office himself. A U.S. citizen has the right to own things, live where he wants, go to a good school, and travel throughout the United States.

Our government protects and supports its citizens like an apple pie is protected and supported by its crust. In return, we must be responsible citizens just as the apple pie has a sweet, spicy fruit inside it for us to enjoy.

A responsible citizen knows what his government is doing. He tries to find out what is happening. He reads newspapers. He watches and listens to the news on television and radio.

A responsible citizen knows the names of the president and vice president of the United States and their duties as well as the governor of his state and his duties. A responsible citizen also knows the head of the government for his city, town and county along with their duties. A responsible citizen must keep informed on what is going on around him. Then be must exercise his right to vote by making responsible choices when he elects government officials.

Every responsible citizen knows "The Star-Spangled Banner," our national anthem, as well as "The Pledge of Allegiance" to the flag. When a citizen pledges allegiance to his flag, he promises loyalty and devotion to his nation. Each word has a deep meaning. If the United States is called to war, a responsible citizen may be called to serve in the armed forces or help out to the best of his ability on the home front.

A responsible citizen must obey the laws of the land as well as the laws of the state, city and county. Every responsible citizen must drive safely and never drive drunk. He respects the rights of others and the property of others. He does not do drugs, and he helps the police by reporting any suspicious persons hanging around the neighborhood. The police and other law enforcement agencies need help. They cannot fight crime unless everyone works together to help them.

Another way to be a responsible citizen is by paying one's taxes. Our tax money provides us with teachers, firemen, policemen, and the armed forces. Better roads, schools, libraries, and parks are built from tax money. Some of our tax money also goes to help those less fortunate than we are. That is why a responsible citizen must always pay his fair share of taxes.

Being a responsible citizen means other things, too. A responsible citizen helps to conserve America's natural resources and to keep America beautiful. Every citizen can take part in cleaning up the community, planting trees, and saving water and energy at home.

Now we are ready for that cool scoop of ice cream on our apple pie. Being kind and understanding toward our fellow citizens is just like the topping on an apple pie because it adds that final caring touch. Therefore, a responsible citizen will volunteer to help other people whenever possible in his family, school, and community.

RULE OF LAW

(By Kate Brenan)

The rule of law is the basis of the American government, it is embedded in the structure of our constitution. It inspired our founding fathers and all subsequent government leaders; it is the foundation of our democracy and it allows judicial decisions to be as important as legislation. The rule of law is a philosophical concept that promotes a government of laws—not a government of men. By human nature, humans can be fickle or subjective despite the need for objectivity in important decisions, Laws, however, are unchanging, theoretically unbiased and provide a foundation for further development of government regulations and policies. Therefore, laws also provide a solid point of reference for making important government decisions. The rule of law also states that government and court decisions are based on previously passed laws or court decisions. This prevents arbitrary rulings of judges due to personal biases and ensures a consistency within the law.

The rule of law emphasizes the permanent influence of judicial decisions on future rulings. The innate power of a government based on rule of law therefore lies in the court system. Monumental judicial decisions have influenced countless other similar cases. Cases regarding the desegregation of American schools, for example, greatly influenced the public's overall acceptance of racial harmony.

The rule of law is vital to democracy because of its authority in regard to continuous government decisions. Applications of known laws or previous court decisions allow for more objective reasoning in future decisions. It therefore allows for a fluid and changing model of standard American law, which encourages the changing face of America to challenge court decisions, legislation and leaders. This results in a more involved community and a more true democracy. Judges are able to correct previous decisions by ruling them unconstitutional. These decisions subsequently influence countless other court cases across the nation. Our democracy is based on equal representation and voting rights. If we had a rule of man, our inalienable rights might be manipulated on a case by case situation. The rule of law makes judges and legislators realize the reverence of their decisions, ensuring more just and responsible decisions.

These decisions that enforce the power of the law in the United States are not found everywhere. Other countries have suffered from malicious dictators in the past, Hitler being the most notorious in recent history. Some democratic governments place too much executive power in the hands of too few people. The United States' revolutionary and progressive history has been an example to many countries, however, and our success with the rule of law is being emulated across the globe. The way in which our government is set up with three branches, supported by the rule of law and a strong republic, ensures a balance so the people's concerns are addressed and their opinions are taken to heart at all times. Ideally this results in a more true democracy, where the public's sentiments are revered, Since previous court cases are applicable to each following case, the public can keep the government in check.

The rule of law not only sets precedence in regard to government decisions, but affects society as well. We are more likely to recall past decisions of bosses, teachers or other authority figures and apply them to decisions concerning our own future, reflecting the emphasis of rule of law in our lives. Without the protection and assurance that laws will be the basis for decisions and arbitrary rulings are unconstitutional, our government loses its power. Laws are meaningless without structure and people to enforce them and that structure is fallible without the protection of an absolute rule of law.

## SEPTEMBER SCHOOL OF THE MONTH

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mrs. McCARTHY of New York. Mr. Speaker, I have named H. Frank Carey High School in Franklin Square School of the Month in the Fourth Congressional District for September 2000. Recently, Carey High received the prestigious Blue Ribbon School Award for 1999–2000 from the U.S. Department of Education.

In addition, Carey High School is one of five high schools in the Sewanhaka Central High School District which was one of only three school districts to win the prestigious New York State Excelsior Award.

I want to congratulate Carey High School not only on the Blue Ribbon Award, but also for the personal educational approach provided to Long Island's young adults.

Thomas Dolan is the Principal of Carey, and Dr. George Goldstein is the Superintendent of Schools for the Sewanhaka Central School District. The school has 1,528 students, 137 staff members.

The Blue Ribbon Award is bestowed on schools that excel in all areas of academic leadership, teaching and teacher development and school curriculum. In addition, schools must exhibit exceptional levels of community and parental involvement, high student achievement levels and rigorous safety and discipline programs. Schools selected for recognition have conducted a thorough self-evaluation, involving administrators, teachers, students, parents and community representatives, including developing a strategic plan for the future.

Carey teaches students to learn, and also instills a sense of community responsibility. As a result, students excel academically and fully participate in the school community, whether in the fine arts or athletics.

Carey High School approaches education as a never-ending way of life. Carey has an exemplary academic record, a dedicated staff, and is a great asset to Long Island education.

## IN MEMORY OF ALFRED HENSON WARD

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to honor an outstanding citizen of the Eleventh District of Virginia, a patriotic and loyal staff member of both the House and the Senate, a devoted father, and my loyal friend, Fred Ward, who passed away Tuesday, September 12th at the age of 59.

Fred served his community in many ways, most recently as an elected member of the Fairfax County School Board. His interest in education and in children was reflected in his devotion to his own children, Jesse Lee and Emily Lou, his stepson Joe McAlear and the hundreds of other kids he helped and mentored as a volunteer Little League, soccer and swimming coach.

He had a long and distinguished professional career here in the House and the Senate, where he was the court reporter for the Senate Select Committee on Intelligence. In fact he was the first court reporter for both the House and the Senate Intelligence Committees when they were established in 1976. In that capacity, Fred held the highest security clearance a member or a staffer can have, and he was a key participant in our great nation's struggle with and victory over communism. Prior to his career in the Congress, Fred served in the Army and remained a true friend to those who served in the military all of his life.

But it was in his own home and his community that Fred really devoted his talents and energies, and that is where I had the privilege of getting to know and to work with him long before I came to serve in the Congress. He loved deeply and was very proud of his two children, Jesse and Emily. He was a full participant in their school and extracurricular activities, and his face would light up at the mere mention of their names and accomplishments. He was a friend and mentor to his stepson Joe. Even though they were divorced, he and his wife Sandra remained friends, and it was together that they managed his healthcare and comfort.

In memorials to Fred Ward, history will record November 20, 1940–September 12, 2000. Those almost 60 years were filled with many great moments and spawned many great memories, and I join all of his friends in extending my deepest sympathy to his family on his passing.

## INTRODUCTION OF THE SMALL BUSINESS HEALTH INSURANCE EXPANSION ACT

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. MOORE. Mr. Speaker, today I am introducing a bill that will help uninsured Americans get the health insurance coverage they want and need. It has been endorsed by the Blue Dog Coalition, whose members support this fiscally responsible, targeted solution that will help uninsured Americans and the small businesses where many of them work.

Like a majority of my colleagues, I support the Patients' Bill of Rights that will give patients and their doctors power over health care decisions. I have been frustrated by the slow work of the conference committee in coming to a compromise on this legislation.

I want a Patients' Bill of Rights to pass before Congress adjourns for the year. I want to go home and tell my constituents that I have done what I promised to do. I hope that the bill I am introducing today will provide a middle ground for the conference negotiations. A majority of this House supports the Patients' Bill of Rights, and both Republicans and Democrats can agree that the problem of the uninsured is one of our most pressing public health concerns.

The bill would provide immediate 100 percent deductibility of health insurance premiums for self-employed individuals. My bill also would create a temporary tax credit for small employers who have not offered health insurance in the past two years. The credit will reimburse 20 percent of health insurance costs, up to $400 per year for individuals and $1000 for family coverage. Businesses can get an additional 10 percent tax credit (up to 30 percent total) if they join in a Health Benefit Purchasing Coalition, which provides small employers a way to pool resources, negotiate collectively with insurers, and administer health plans for small employer groups. In order to foster innovation on the state level, the bill creates a state grant program for initiatives that expand health insurance to the uninsured through market innovations.

I have attached the letter sent to Senator NICKLES from the Blue Dog Coalition asking him to consider our bill as a reasonable compromise to the $48 billion access bill that passed the House with no offsets. This bill is targeted, fiscally responsible, and could become law.

Small employers are struggling to provide health insurance coverage for their employees, and Congress should do something to help them. It's the right thing to do for business, and it's the night thing to do for millions of Americans who want and need health insurance.

## TRIBUTE TO PROFESSOR MORIHIRO SAITO

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize Professor Morihiro Saito, a professor of Aikido, who has offered his services to my constituents in the 6th Congressional District of California during his many visits to the North Bay over the last 25 years. During that time, Professor Saito has brought the message of peace, harmony and intelligent reconciliation of conflicts to the people of California.

On September 22, 2000, a seminar will be held in San Rafael, California, to promote the art of Aikido. More than 300 people are expected to attend from around the world. I am proud to again welcome Professor Morihiro Saito to our area. I would like to welcome our world guests to this seminar.

I, along with the Aikidoists in California, would like to express my appreciation and gratitude for Professor Morihiro Saito's years of service and dedication to teaching and instructing. It is truly remarkable that in such a short period of time a handful of Aikidoists has grown into tens of thousands of practitioners, from around the world, promoting Aikido's message of peace, harmony and nonviolent conflict resolution.

Mr. Speaker, it is my great pleasure to welcome Professor Morihiro Saito to California's Sixth Congressional District.

## CATHERINE E. INGRAM AND NIGEL L. GRAHAM

### HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to extend my congratulations to two former House Pages, Catherine Elizabeth Ingram and Nigel Leonard Graham on the occasion of their recent marriage.

Catherine and Nigel met when they came to Washington to serve as Congressional Pages during the summer of 1988. Catherine served as a Page under my sponsorship while Nigel was sponsored by the Honorable HENRY WAXMAN of California. Nigel was extremely interested in the political process and his enthusiasm inspired Catherine's interest. They did not experience love at first sight; however, as the summer progressed they began to spend most of their days together at the Capitol and to enjoy their evenings together in D.C. A friendship developed over the summer and they agreed to keep in touch. After that summer, Nigel wrote the first letter and they have kept in touch ever since. Their friendship soon grew into a relationship and they have been a couple since 1990. When Nigel and Catherine became engaged in December 1999, they returned to the restaurant they frequented in the summer of 1988. It was a special moment as they recalled the place where their relationship began.

Mr. Speaker. It is heartwarming to know that Nigel and Catherine met and found personal happiness through their service as Congressional Pages. I wish this fine young couple every happiness and good fortune in the years ahead.

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## TRIBUTE TO JOE ANDERSON

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a remarkable South Carolinian on the occasion of his retirement. Mr. Joe M. Anderson, Jr. has contributed much to his state in the way of service and expertise, and he will be missed in the business community of South Carolina.

Joe was born and raised in Anderson, South Carolina. He received his B.A. from the University of Georgia in 1965 and his MBA from the University of South Carolina in 1967.

To Joe, community service is a top priority. Currently, he is the President of South Carolina Operations for Bell South. He is the founding chairman of the South Carolina Chamber of Commerce's Excellence in Education Council, on which he still serves as a board member. He is also a member of the Board of Directors of the United States Chamber of Commerce. He was recently appointed by the Governor of South Carolina to be the Chair of the advisory council for the "First Steps" program, a new educational initiative in South Carolina. His passion for education, cultural awareness, and community service has led him to serve as president and chair of various other organizations in the state. But, regardless of his title or position, he maintains that helping others takes precedence over pride and formality.

In the midst of all of his service to his community, Joe always finds time for his family. He is married to the former Carol Gerrod of Anderson, and has three sons.

It is citizens like Mr. Joe Anderson, Jr. that make South Carolina such a great state. Mr. Speaker, I ask you to join me in paying tribute to this fine South Carolinian who has set an example of community service, selflessness, and hard work for others, and wish him the very best in his retirement years.

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## IN MEMORY OF MICHAEL F. PILTMAN

### HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. MCNULTY. Mr. Speaker, a light is gone from the world with the loss of Michael F. Piltman, 46, of Rotterdam, New York.

His friends and colleagues who worked with him for many years in New York State government will always cherish Michael's special personal qualities and his dedication to public service.

He was humane, just and ethical. He lived, ". . . to make gentle the life of this world." To these ends he directed his many talents: a creative and facile mind, a sparkling wit, a joy in people, a zest for the political arena, tolerance for all and a passion for human rights and progressive causes.

Michael loved others, not only in the abstract but also in countless interactions, large and small, with real people, marking his every day with acts of kindness and compassion.

An incomparable and loyal friend, he was giving, nurturing and empathetic, always putting others above himself. He lived with genuine humility and not a trace of egotism.

His irrepressible spirit will ever be a presence, and an inspiration, in the many lives fortunate enough to have been touched by his.

I join with Gail Shaffer, Jim Baldwin, Tom Matthews, Bill Brown, Barbara Chocky, Teresa Davenport Carter, Cheryl Parsons Reul, Maggie Quinn, Barbara Kozack, Sue DiDonato, Gene Labocetta, Ginny Kintz, Sam Messina and Michael's many other friends and colleagues in mourning his loss.

"Faith, hope and love, and the greatest of these is love." Michael, all who knew you loved you. Our lasting tribute to you is to carry on your goodness in our own lives and to others.

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## IN HONOR OF FATHER WILLIAM F. TEZIE

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father William F. Tezie, a caring and devoted man who has served as a pastor for more than 44 years. This is a particularly special time for Father Tezie as he celebrates his retirement, his 25th anniversary as pastor of St. John Nepomucene's Church, and his 70th birthday.

Father Tezie was born in Pittsburgh, Pennsylvania, but shortly thereafter his family moved to Lakewood, Ohio and eventually to Rocky River. He attended St. Christopher Grade School and graduated from Rocky River High School. In 1948, Father Tezie entered Gregory Minor Seminary in Cincinnati and later graduated from St. Mary Major Seminary in Cleveland.

Since his ordination on May 19, 1956, Father Tezie has shared his commitment and faith with six different parishes throughout Ohio. Before he began his remarkable 25-year reign as pastor at St. John Nepomucene's Church in 1975, he provided nearly 20 wonderful years of dedicated service to the parishes at St. Richard's Church in North Olmsted, St. John's Church in Akron, St. Cyril and Methodius's Church in Lakewood, St. Mary's of the Falls Church in Olmsted Falls, and St. Francis Xavier's Church in Medina. In 1991, the Diocese of Cleveland presented the Award of Excellence as outstanding pastor to Father Tezie for his exemplary service to Catholic education.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me in congratulating Father William J. Tezie on his retirement, his anniversary and his birthday. I, along with the St. John Nepomucene Parish, wish to thank this incredible man for the lifetime of faithful and loving service he has given.

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## ST. ANN OF THE DUNES ROMAN CATHOLIC CHURCH

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate St. Ann of the Dunes Roman Catholic Church, in Beverly Shores, Indiana, as it celebrated its 50th anniversary as a parish this past Sunday, September 10, 2000. I would also like to take this opportunity to congratulate Father John B. Barasinski, pastor, on this joyous occasion.

Adjacent to the scenic Indiana Dunes National Park, St. Ann of the Dunes celebrated its half-century of history during a special mass last Sunday with Bishop Dale Melczek and the Reverend Charles Doyle, who presided over the church as its pastor for 30 of its 50 years.

From humble beginnings, St. Ann of the Dunes began as a nomadic church, taking up weekly residence wherever it could find space. Parishioners held services in houses, restaurants, and even a fire station, until 1954, when Helen Wood donated five acres that were once home to the Beverly Shores Golf Course. On this donated land, parishioners built a simple, rectangular church which served them well until 1971, when this building underwent extensive renovations and additions. St. Ann of the Dunes parish continues to be home to a close-knit congregation.

With many of its members descended from Lithuanians and Poles, evidence of Central European ethnic pride can be seen throughout the interior of the church. Numerous parishioners have used their artistic talents to beautify the facility. The altar and stained glass windows were hand-crafted and donated by church members. Parishioner and local artisan, Richard Kiebdaj, carved the candlesticks and baptismal font. He also created the main crucifix in the church, which is made from amber donated by various members of the parish.

Sharing its geography with the Indiana Dunes National Lakeshore, St. Ann of the Dunes' peaceful setting is inviting not only to the people of Beverly Shores and surrounding communities, but also to the visitors from the nearby state and national park campgrounds. During the summer months, parishioners and travelers come to celebrate mass outdoors in the beautiful and natural setting of the neighboring park amphitheater.

The generosity of the parishioners is typical of the care and dedication they show for the church and each other. The parishioners are committed to a tithing program, dedicating 10 percent of the weekly parish collection for local, national and international causes to assist people in need.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of St. Ann of the Dunes, under the current guidance of Father John B. Barasinski, as they celebrate their 50th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love for their church and devotion to their community throughout the past 50 years.

## HONORING PRIME MINISTER ATAL BIHARI VAJPAYEE OF INDIA

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. MEEHAN. Mr. Speaker, today I honor Prime Minister Atal Bihari Vajpayee of India. As you know, the Prime Minister will be addressing a joint session of Congress to provide us with his personal perspective on the role India plays and will play in our new world order and economy.

U.S. foreign policy is increasingly focusing on the importance of India, and appropriately so. India is slated to out-populate China by 2035. It is an important strategic democracy in a volatile and strategically important geographic region—a region for which there are hopes of permanent peace.

Since India's inception 53 years ago as an independent country, it has maintained a constitution based on the same democratic principles that our Founding Fathers valued. The Indian Constitution safeguards all its people from all forms of discrimination on grounds of race, religion, creed or sex. It guarantees freedom of speech, expression and belief, assembly and association, migration, and acquisition of property. It maintains a government where five national parties and 14 prominent state parties can co-exist in a coalition government.

Furthermore, India reaffirmed its commitment to human rights when it signed the Warsaw Declaration in June of this year. This declaration emphasized the interdependence between peace, development, human rights and democracy. Signatories agreed on the right of every person to have equal protection under the law; freedom of opinion and expression; freedom of thought; equal access to education; freedom of peaceful assembly; access to a competent, independent and impartial judiciary and that all human rights—whether civil, cultural, economic political or social be promoted and protected.

Moreover, India is also making its mark as an economic entity. For the past 10 years, the U.S. information technology (IT) industry has made increasing investments in India. They have recognized that India is capable of providing an educated, ambitious workforce that can meet the needs of the world's technology-driven economy. This has allowed India to help cultivate the growth of its IT sector. India has successfully educated its workforce with IT skills and established successful partnerships with industry leaders. India is second only to the United States in the number of Microsoft-certified professionals.

India recognizes the important link between political freedom and economic development. As India's first Prime Minister, Jawaharlal Nehru said "We talk of freedom, but today political freedom does not take us very far unless there is economic freedom. Indeed, there is no such thing as freedom for a man who is starving or for a country that is poor." This symbiotic relationship between economic success and personal freedom is the foundation for a just, stable world order.

The prioritization of economic success and personal freedom is also reflected in our Indian-American population. There are over 1.5 million Indian-Americans, and their contributions to engineering and technology, art and literature, and education and culture are prominent across the nation. They work in our hospitals as doctors, they start local businesses as entrepreneurs, and they serve in our government as public servants. They fill our temples, teach our children and participate in our civic processes, and so embody and exemplify the ideals of the American Dream.

As a member of the Congressional Caucus on India and Indian-Americans, I recognize that it is time for the United States to further its relationship with India. Our economic and political relationships with India and Prime Minister Vajpayee have accelerated greatly in recent years. President Clinton urged us further along this path with his visit this past March to India. The President met with government officials, traveled in India with Indian-Americans as his foot soldiers, addressed their parliament, and met with India's citizens. Through these exchanges, the United States strengthens and prioritizes its relationship with India. I am especially proud of the fact that in my district, some of the finest citizens of Indian heritage have been contributors to our economic and social fabric. We complement our relationship with India by recognizing the importance of our Indian-American community. We validate it through continued dialogue and discourse.

## INTRODUCTION OF A RESOLUTION CELEBRATING THE 50TH ANNIVERSARY OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. HALL of Ohio. Mr. Speaker, today, I am proud to introduce a resolution which honors and recognizes the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14, 2000, UNHCR will mark a half-century of helping millions of the world's most vulnerable people. I am pleased that Representatives BENJAMIN GILMAN, SAM GEJDENSON, CHRISTOPHER SMITH, and TOM LANTOS have joined me as original cosponsors on this legislation.

UNHCR has been mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping 23 million people in more than 140 countries.

Mrs. Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly 10 years. It is one of the toughest jobs and Mrs. Ogata has done a superb job of bringing both professionalism and compassion to the organization over her decade of service.

This resolution also calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

I would urge my colleagues to adopt this legislation.

## TRIBUTE TO NORM SILLS

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to congratulate Norm Sills of Salisbury, Connecticut, for being named to the Appalachian Trail Conference's (ATC) Honor Roll of Volunteers. In this 75th anniversary year of the Appalachian Trail, the ATC is recognizing 75 individuals for their commitment to the trail. The honor roll seeks to recognize people for their dedication to the trail based upon the number of hours each has worked, their willingness to mentor new volunteers and their overall leadership skills.

Over the last 34 years, Mr. Sills, has clearly exhibited all of these qualities. A retired farmer, Mr. Sills has contributed over 2,500 hours of his time to help maintain the Appalachian Trail. In addition to his work on the trail itself, Mr. Sills is co-editor of the Massachusetts-

Connecticut Appalachian Trail Guide and a 34-year member of the Appalachian Mountain Club. The Appalachian Mountain Club (AMC) is one of many organizations that helps to coordinate maintenance of the trail, largely by volunteers. Founded in 1876 as a hiking and climbing club, the AMC is now responsible for maintaining 122 miles of the Trail in Maine, Massachusetts, Connecticut and Pennsylvania. AMC has created a 4,200 person nationwide volunteer network that spent 181,500 hours in 1999 alone managing this national treasure.

First established in 1925, the Appalachian Trail Conference linked several northern hiking groups, such as the AMC, regional planning groups and the then young national forest system to coordinate creation, and later maintenance, of the trail. In 1984, the National Park Service delegated day to day upkeep of the trail and the accompanying Forest Service lands to the ATC. The trail now runs 2,167 miles from Maine to Georgia, through 14 states, and through my district, the northwest corner of Connecticut. The 14 states have collectively contributed over 180,000 acres through which the trail passes to the ATC.

No other nonprofit organization is responsible for the daily oversight of such a large tract of land or one with such a rich history. Volunteers, such as Mr. Sills, are crucial in ensuring the continuing use of the trail. Given Mr. Sills' longstanding dedication, there can be no doubt that Mr. Sills has been instrumental in maintaining the trail and he is truly deserving of this award. I congratulate Mr. Sills on this honor.

# SENATE—*Friday, September 15, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Psalmist draws our minds and hearts to God:

*O Lord, our Lord, how excellent is Your name in all the earth. What is man that You are mindful of him and the son of man that You visit him? You have created him a little lower than the angels and crowned him with glory and honor. You have given him dominion over the work of Your hands.*—Psalm 8.

Gracious God, ultimate Sovereign of this Nation and Lord of our lives, we are stunned again by Your majesty and the magnitude of the delegated dominion You have entrusted to us. We respond with awe and wonder and with renewed commitment to be servant leaders. In a culture that often denies Your sovereignty and worships at the throne of the perpendicular pronoun, help us to exemplify the greatness of servanthood. You have given us a life full of opportunities to serve, freed us from self-serving aggrandizement, and enabled us to live at full potential for Your glory. We humble ourselves before You and acknowledge that we could not breathe a breath, think a thought, make a sound decision, or press on to excellence without Your power. By Your appointment we are here doing the work You have given us to do, called to serve this great Nation. You alone are the one we seek to please. We have been blessed to be a blessing. Grant us grace and courage to give ourselves away to You and to others with whom we are privileged to work in the great Senate family. In Your holy name, Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. GORTON). The Senator from Arkansas is recognized.

### SCHEDULE

Mr. HUTCHINSON. Today the Senate will resume consideration of H.R. 4444, the China PNTR legislation. All amendments have been disposed of, and therefore the bill is open for general debate only. Those Senators who are interested in making statements as in morning business are also encouraged to come to the floor during today's session.

Mr. President, as previously announced, there will be no votes today or during Monday's session. The first vote of next week will be final passage of the PNTR legislation at 2:15 on Tuesday.

I ask unanimous consent Senator CRAIG be recognized for up to 30 minutes as in morning business at some point today and that on Monday at 2 p.m. the Senate resume consideration of H.R. 4444.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. I thank my colleagues for their attention.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### MEASURE PLACED ON THE CALENDAR—S. 3046

Mr. HUTCHINSON. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 3046) to amend title 11 of the United States Code, and for other purposes.

Mr. HUTCHINSON. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

### TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework of relations between the United States and the People's Republic of China.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I would like to make a few comments on the legislation pending before the Senate on the permanent normal trade relations status for China. As announced, we will be having the final vote on this legislation on Tuesday. We had an extended debate on this issue. I think it has been a healthy debate and a good debate for the American people. As I announced earlier, we have disposed of all amendments. We have had amendments on almost every conceivable subject, everything from the environment to labor issues in China, to abortion issues. Of course, none of those amendments, I think, has received more than 33, 34 votes. It is clear this legislation is going to pass and is going to pass overwhelmingly.

Historically, every time there was a vote in the House of Representatives, when I served in the House, and on the occasions in which there were sense of the Senates, I have voted against granting annual most-favored-nation status to China, that which we now call normal trade relations. I want to explain my thinking on this issue.

On May 24, 2000, as the House of Representatives approved permanent normal trade relations status for China, Pastor Wang Li Gong celebrated his 34th birthday by sewing footballs in a forced labor camp in Tianjing. His hands are injured, and they bleed every day because of the work. When Pastor Wang is not trying to fulfill high production quotas, he is allowed only a few hours of sleep and many more hours of torture. He has been under administrative detention since last November for the crime of organizing a Christian gathering in his home.

But Pastor Wang is not the only target of persecution. In its annual report on human rights, our State Department documents just about every violation of international norms in China. Religious persecution to crackdowns on political dissent, to torture, to forced labor, to trafficking of women and children—it is all happening in China. It is not getting better. At least, if you view it in terms of the last few years, if you go back to the Cultural Revolution, you can find there have been fits and starts of improvement, but as you look at the State Department's reports over the last few years, the situation is not improving.

In the area of religious persecution, the State Department, in its Annual Report on International Religious Freedom, notes:

> The Government's respect for religious freedom deteriorated markedly, especially for the Falun Gong and Tibetan Buddhists,

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> and the Government's repression and abuses continue during the first 6 months of 2000.

That is, of course, as far as the report extends, is the first 6 months of this year. Its conclusion is:

> Respect for religious freedom deteriorated markedly.

At the very time the House of Representatives was voting for PNTR, and during the process by which that debate has gone on in the Senate, the conclusion of our own Government is that "religious freedom has deteriorated markedly."

The report goes on to note that:

> The Standing Committee of the National People's Congress adopted a decision to ban "cults," including the Falun Gong and other religious groups.

At the time the Chinese People's Congress adopted that law banning religious cults, I expressed concern to my colleagues in the Senate that this new law would be very broadly applied. It is bad enough to give a government the power to define what is a cult and what is not, what is acceptable religious belief and what is not acceptable religious belief, but this crackdown was unprecedented. There had been serious crackdowns in the past. At that time, I introduced a resolution in this Senate expressing my concern and the concern of the Congress that this crackdown, this harsh crackdown on the Falun Gong, would only be a beginning. I predicted the so-called cult law would be widely applied.

My worst fears have come true. The law has been applied extremely broadly to other groups, including Christians. On August 23, 2000, Chinese police arrested 130 Christians in Henan Province. These Christians are from the Fangcheng church, a popular house church movement. The Chinese Government considers them a cult, not because of what they believe, not because of their teachings, but because they are not registered with the State; they are not under the control of the Chinese Government. Their leaders, arrested a year ago, are suffering for their faith in labor camps, a penalty under the so-called anti-cult law.

The proponents of PNTR have argued that, No. 1, increased trade will result not only in an increased export of American products to China but also in the export of American values, including human rights and individual freedom.

No. 2, they have asserted that the failure to grant PNTR would result in isolating China and driving the Chinese regime to even more repressive tactics.

No. 3, they have insisted that entry into the WTO will ensure that Chinese misbehavior can be addressed and that Chinese violations would be dealt with under the World Trade Organization.

No. 4, they have further asserted that the creation of a human rights monitoring commission in this legislation will guarantee the ongoing monitoring of human rights conditions in China.

In my opinion, these arguments have merit. Also, the advocates of PNTR are, in my opinion, sincere. I would never question their motivations. I would never question that, in fact, they believe in all sincerity that this is a better route or a real route to improving human rights conditions in China.

I very much want to vote for permanent normal trade relations for China. It will have great economic benefits in the United States; potentially it does. It certainly has great economic benefits to the State of Arkansas. Arkansas is the No. 1 rice-producing State in the Nation. We are looking for markets. We want to sell that rice, whether it is in China, whether it is in Cuba, or wherever it is in the world.

Some have analyzed the cotton industry will be the biggest beneficiary under PNTR. Arkansas is in the top tier of States in the production of cotton.

Arkansas is the leading State in poultry production. When I visited China and went to the two Wal-Marts that are in China today—a Sam's store and a Wal-Mart—I was surprised to see the No. 1 product being sold is chicken feet. It is a delicacy, a speciality in China. We in Arkansas grow poultry. We want to make every use of it, and China is a good market for it. We have major retailers in Arkansas, and the prospects of new markets emerging in China are very appealing to retailers.

I very much wanted to vote for this bill. It is in many ways in the economic interest of Arkansas to see this go forward and, in fact, it is going to pass.

In addition, the human rights community, while generally opposing PNTR, is not of one voice. It is not of a monolithic opinion: Not everybody in the human rights community believes that PNTR should go down. Some, in fact, accept these arguments as being meritorious, that increased trade will bring about liberalization in China, greater democratization, and eventually improvement in human rights. Good people can and do disagree. That is the case when it comes to whether or not China should receive from us permanent normal trade relations.

I hope and pray the arguments that have been made by the PNTR proponents are all realized, that they are right on every point. I hope when they express their conviction that the best way to improve human rights in China is to see increased contact with the outside world, to see increased trade, to be exposed to new ideas, to see an expansion of the Internet, that all of those arguments are realized and realized soon, not in the long term but in the short term.

We may eventually see political liberalization in China. I think we will in the long term. But we should not assume PNTR or the WTO will be the main driver of this change. While we hope for change in the long run, I do not believe we can remain silent about Chinese abuses in the shortrun. We must not ignore the lessons of history.

I listened with great interest to much of the debate on the floor over the last 2 weeks, particularly the distinguished Senator from New York, in whom I have the greatest admiration and respect for his scholarship and his mind, as he went through some of the historic lessons of China and talked of improvements in China's human rights record. In one sense, that is certainly true. It is better now than it was during the Cultural Revolution, but let's not be selective in our recounting of recent Chinese history.

During the winter months of 1978 and 1979, thousands of people in Beijing posted their written complaints and protests about the ills of China on a stretch of blank wall on Chang'an Avenue. This voice of protest, which became known as the democracy wall movement, was muzzled as the Chinese Government imprisoned its leaders such as Wei Jingsheng.

That same year of the crackdown on the democracy wall movement, the U.S. established diplomatic relations with China and signed a bilateral trade agreement. Deng Xiaoping introduced a series of economic and legal reforms, and international protests against repression in China were drowned out by the promise of free-market initiatives. Twenty-one years since the United States signed a bilateral trade agreement with China, we have only seen increasing political repression and religious persecution.

Harvard professor Dani Rodrik expressed this sentiment when he said:

> I would not assume, as many advocates of normalized trade relations with China have done, that expanded trade will necessarily produce greater democracy. . . . If the Chinese leadership is truly interested in democratization, they do not need the World Trade Organization to help them achieve it. . . . There are no human rights prerequisites for WTO membership. Even if the Chinese Government were to become more repressive, existing WTO rules would not allow the U.S. and other countries to withdraw trade privileges. The pressure would have to be applied outside the WTO context.

What he is saying is if we cede the main tool we have for applying this pressure, which has been the annual MFN debate, by passing the PNTR package, we are left with a toothless Levin-Bereuter commission. This commission proposal, which is included in the PNTR package we will be voting on, has been sold as a Helsinki Commission for China. As a Helsinki Commissioner, I know this proposed commission lacks a cornerstone, the Helsinki Final Act, which commits OSCE member nations to certain human rights standards. Without that foundation, we will simply be duplicating the efforts of the U.S. State Department's

Bureau of Democracy, Human Rights, and Labor, and we will find out from this commission what we already know: Human rights in China are and at least for the foreseeable future will remain deplorable.

It would be wrong for me not to recognize the economic arguments for granting PNTR to China, and I have tried to acknowledge that. I believe business and agriculture can determine their best interests, but here, too, we should recognize that inflated expectations could quickly be punctured by an unruly China. For all the anticipation and excitement in the business community over PNTR, we will face a recalcitrant trading partner in China at the WTO. We will see the dispute settlement system and the very functioning of the WTO put to a great test.

In the final analysis, though I know PNTR is going to pass and though I realize there are going to be some very significant economic benefits to our country, and while I hope the best face and the great expectations that have been propounded for this legislation will be realized, I have concluded that I must vote no on this because the words in the most recent State Department report on China keep echoing in my ears: "The Government's respect for religious freedom deteriorated markedly." It is the most recent report—and I cannot escape the judgment that it has not gotten better—that the conditions in China have deteriorated markedly.

In ancient Rome, the Roman Government did not really care what Roman citizens believed. They did not care what their religious faith was or necessarily if they even had a religious faith. What they did care about was the supremacy of the Roman Government over its people and over all religions. Effectively, they said to their citizens: You can believe anything you want so long as you will affirm that Caesar is lord. It was not the beliefs of Christians that got them in trouble in the Roman persecutions; it was the fact they would not make that affirmation that the Roman Government was supreme and that Caesar was lord.

It seems to me that is a clear analogy to the conditions in China today. There is religious freedom in China only insofar as every religious group in China will affirm that the Chinese Government is ultimately supreme. To the extent that any religious group defies that ultimate standard, they then face intense persecution.

So for those reasons I will cast a "no" vote. I suspect that there will be 20 to 25 Members who will cast that same vote. I hope for the best outcome for PNTR, but for my own conscience I will cast a "no" vote next week.

Mr. President, I yield the floor.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. FITZGERALD. Mr. President, I rise today to speak in favor of granting permanent normal trade relations to the People's Republic of China. I support this move not only because of the tremendous economic benefits that will flow to the U.S. economy—and to my home state of Illinois—as a result of Chinese WTO membership; I also support PNTR because I believe that a China that is engaged with the international community—and which is reforming and privatizing its economy at home—will be a more stable and a more democratic China, with improved human rights at home and a better relationship with its neighbor, Taiwan. PNTR will be an unqualified gain for both the United States and China; we must not allow this bill to fail.

I first remind my fellow Senators of the many and impressive market openings that the Chinese agreed to as a condition for their entry into the World Trade Organization. The concessions won by U.S. negotiators are simply breathtaking:

Average tariffs for U.S. agricultural products will drop from 22% to 17.5% by 2004. For beef, grapes, wine, poultry, and pork, average tariffs will fall from 31.5% to 14.5%. One in every three American acres that is planted is growing food for overseas markets. U.S. farm exports to China last year totaled $1 billion, making China the eighth largest market for American farmers. And China will account for nearly 40% of all future growth of U.S. farm exports.

Also under the bilateral agreement, average tariffs for U.S. manufactured goods exported to China will fall from 24.6% to 9.4% by 2005.

But even more important than the change in formal trade barriers are the many fundamental market-opening changes that China has agreed to. Under our 1979 agreement with the Chinese—the current foundation for U.S. trade with the China—many nontariff barriers block entry of U.S. goods into China. These barriers consist of import licensing requirements, registration and certification requirements, and arbitrary technical and sanitary standards. Further, U.S. manufacturers that operate in China often are required to transfer technology to Chinese companies, use local materials, and to export a portion of their products abroad. Finally, many of these requirements are unpublished and are imposed arbitrarily. It is difficult for U.S. companies to know what restrictions will apply to their activities.

Under our Bilateral Agreement with the Chinese, China will publish its rules and make them available to U.S. companies. It will eliminate technology-transfer, local-content, and export requirements. And it will impose only safety and sanitary standards that are scientifically based.

China has also agreed to impressive changes in many areas of business where U.S. companies currently are effectively excluded. For example, in the area of:

Distribution rights: U.S. firms currently cannot run their own distribution networks in China. Under the bilateral agreement, U.S. companies for the first time will be allowed to deliver their goods directly to retailers in China.

Retailing: Under the bilateral agreement, U.S. companies will be able to open their own stores in anywhere in China without restriction. U.S. companies will be able to maintain majority ownership of stores, and will be able to sell U.S. products. The U.S. retailing industry is without peer—one-fifth of the U.S. workers work in retailing, and Americans have perfected the trade. But if we don't enact PNTR and enter the Chinese retailing market, foreign firms—such as the French conglomerate Carrefour—will take our place.

Telecommunications and high technology: Foreign companies are currently prohibited from supplying telecommunications service in China. But as a WTO member, China will join the Information Technology Agreement, and will eliminate all tariffs on computers, telecommunications equipment, and semiconductors. China will also become a party to the Basic Telecommunications Agreement, adopting cost-based pricing, interconnection rights, and creating an independent regulatory authority. Foreign companies will be allowed to provide e-mail, voice-mail, on-line information and data-base retrieval, electronic data interchange, and paging services. Foreign companies will be allowed to hold a 30% share in Chinese service suppliers, eventually going up to 50%. For cell-phone services, foreign companies' stake will be allowed to go from 25% to 49%.

Finally, it bears emphasis that the significance of all these changes is magnified by the sheer size of the Chinese market. America is the world's largest exporter, and China will soon be the world's largest purchaser of consumer goods and services. In less than five years, China will have more than 230 million middle-income consumers, with retail sales exceeding $900 billion annually. Gaining access to this enormous market is critical to American business and the future health of the U.S. economy. PNTR will provide that access. The Institute for International Economics estimates that the increase in world export of goods to China that will result from China's entry to WTO will total $21.3 billion—and the immediate increase in U.S. exports to China will be $3.1 billion. Goldman Sachs has estimated that by 2005, passage of PNTR will increase U.S. exports to China by $13 billion. This is, quite simply, an opportunity that the United States must not pass up.

I also wish to emphasize today the benefits of PNTR to my home State of Illinois. Exports to China from Illinois totaled $901 million in 1998, up 24% from 1993. China was the tenth largest export market for Illinois in 1998. And Illinois' exports to China are broadly diversified, covering almost every major product category. A few areas stand out:

PNTR represents a tremendous opportunity for Illinois farmers. In 1997, Illinois exported $3.7 billion in agricultural goods, ranking third among all States.

Soybeans: Illinois is one of America's principal producers of soybeans. Under the bilateral agreement, tariffs will be set at 3% for soybeans and 5% for soybean meal, with no quota limits. For soybean oil, quotas will be eliminated by 2006; the in-quota tariff (the only tariff that will remain after 2006) will be reduced to 9%. Soybean oil exports to China could double within five yeas after the United States enacts PNTR.

Corn: Illinois is also one of this Nation's main corn-producing States. In 1998, China imported less than 250,000 metric tons of corn from all countries. But under the bilateral agreement, the quota on corn imported to China will immediately rise to 4.5 million metric tons, climbing to 7.2 million tons by 2004. Corn within the quota will be subject to only a 1% tariff. Corn exports to China could increase a hundred-fold by 2004.

Beef and pork: Illinois is the fourth largest State in pork production. Frozen pork cuts and pork offal tariffs will fall from 20% to 12%. China's tariff on frozen beef cuts will drop from 45% to 12%, and chilled beef tariffs will go from 45% to 25% by 2004. There will be no quota, and China has agreed to accept all pork and beef from the United States that is certified as wholesome by the USDA.

Fertilizers: All quotas on importation of fertilizer into China will be eliminated by 2002, and tariffs will decline from 6% to 4%.

The insurance industry is not often discussed in the debate over PNTR, but it is important to my home State of Illinois. 140,000 jobs depend on the insurance industry in Illinois. And for all the talk we hear from opponents of PNTR about trade deficits and jobs lost as a result of trade, it is worth emphasizing that the U.S. actually has a trade surplus in global trade in services such as insurance. The bilateral agreement will help us widen that surplus. China's market currently is almost completely closed to foreign insurers; most consumers may choose only among a few state-run monopolies. The bilateral agreement will throw open the Chinese market for insurance and reinsurance. With 1.2 billion people, China represents the largest insurance market in the world—a market that is significantly underinsured at present. From 1993-98, however, growth in the Chinese insurance market averaged almost 30% a year. Under the WTO agreement, foreign insurers will be allowed to offer group, health, and pension lines of insurance, which represent about 85% of total premiums. China will also set clear licensing standards—with no economic-needs tests or quantitative limits on the number of licenses issued—and will allow foreign insurers to sell their products throughout the country, directly to Chinese consumers. The bilateral agreement will also serve as an excellent model for future WTO negotiations on insurance trade. Although only two U.S. insurance companies currently are allowed to sell any insurance in China, over 20 have recently set up offices there, and are poised to move quickly into the Chinese market. PNTR will be a boon to the U.S. insurance industry and will generate high-paying jobs here in America.

Under the bilateral agreement, average tariffs on construction equipment will fall from 13.6% to 6.4%. China is an enormous potential growth market. According to the World Bank, China will need to spend an estimated $750 billion in new infrastructure over the next decade—increasing demand for earth-moving equipment. Illinois firms are well-placed to compete for this booming market.

But all of these benefits will not comes to the United States automatically. We must grant PNTR to China. Some opponents of PNTR have claimed that we need not give up annual review of China's NTR status, that China would join the WTO anyway. They are half right. China's accession to the WTO only requires a two-thirds vote of all members—even a U.S. vote against China would not block their entry at this point. However, once China does enter the WTO, the United States will be required to comply with all WTO rules with regard to China in order to enjoy the benefits of Chinese membership in that organization. And the main WTO rule is that all members must extend equal and unconditional trading rights to each other. This means that we must extend Normal Trading Relations to China unconditionally. If we do not grant China PNTR before it enters the WTO, China would be able to challenge the U.S. refusal—and the United States would be required to invoke article XIII of the WTO agreement, suspending the application of WTO rules between itself and China. This would mean that every one of the WTO's other 135 members—who account for 90% of world trade—would be eligible for the benefit of Chinese WTO membership, but the United States would not. And this includes the benefits that stem from the U.S.-Chinese bilateral accession agreement. The concessions that China made to the United States, to secure our support for Chinese accession, would be available to all other WTO members, but not to the United States. We cannot let this happen—we cannot allow our trade competitors to eat our lunch in China.

It bears emphasis that by granting PNTR, the United States gives up no trade protections. China already enjoys normal trade relations with the United States—our markets are already open to Chinese imports. The concessions that were made as a condition to Chinese entry to WTO were all made by the Chinese—the U.S. gave up nothing, and PNTR will not affect a single American tariff or other trade barrier.

The only thing that the United States does give up by granting PNTR is the right to review China's NTR status annually. With this, we give up very little, for NTR review has not been an effective tool for influencing events in China. Congress has renewed China's NTR status every year since 1980. The Chinese no longer take the threat of review seriously—particularly after NTR was again extended after the Tiananmen Square massacre in 1989. The NTR procedure was originally enacted as the Jackson-Vanik amendment to Trade Act of 1974. The official condition for extending NTR is that the country being reviewed allow free emigration from its territory. The process was originally set up to pressure the Soviet Union with regard to free emigration of Soviet Jews. In other words, annual NTR review is a procedure that was set up to deal with an issue that does not concern us with regard to China, and to control the behavior of a country that no longer exists. Having lost its credibility over the last twenty years, it is time for annual NTR review to be retired.

But you need not take my word about the lack of leverage provided by annual review. Take the word of Fu Shenqui, a Chinese dissident who has been active in the human-rights movement in China since the 1979 Democracy Wall movement, and who has been imprisoned for his activism three separate times. Mr. Fu had this to say about the effectiveness of annual trade review:

> [T]he annual argument over NTR renewal exerts no genuine pressure on the Chinese Communists and performs absolutely no role in compelling them to improve the human rights situation. . . . [T]he improvement of the human rights situation and the advancement of democracy in China must mainly depend on the great mass of the Chinese people, in the process of economic modernization, gradually creating the popular citizen consciousness and democratic consciousness and struggling for them. It will not be achieved through the action of the U.S. Congress in debating Normal Trade Relations . . .

Also consider the words of Bao Tong, a prominent Chinese dissident. In an interview with the Washington Post, May 11, 2000, Mr. Bao said simply: "I appreciate the efforts of friends and colleagues to help our human rights situation, but it doesn't make sense to use trade as a lever. It just doesn't work."

While annual review doesn't work, engagement does. Despite the failure of the annual NTR process, the United States does still have a means of adding liberalization and democratization in China. The United States can contribute to the reforms that have been building for the last twenty years by supporting the reform faction in the Beijing regime; by providing an example of democracy and rule of law to individual Chinese citizens; by getting the Chinese government involved in the international organizations and frameworks; and by aiding the process of private capital formation in China. And all of these things can be accomplished by enacting PNTR and supporting Chinese membership in the WTO.

Zhu Rongji, the current Premier, is widely regarded as the most proreform leader in China. His group is friendly to the U.S., and they have bet their future on WTO and PNTR. After two decades of rapid growth, China's economy appears to be faltering—growth is down substantially in the last few years, and deflation has plagued the economy for over two years. The current leadership views WTO—and the reforms and market opening that it will entail—as a tool for reviving a flagging economy. WTO has been the mostly hotly debated topic in China since 1989. The reformers have agreed to adopt sweeping economic reforms in exchange for accession to the World Trade Organization. For the U.S. to reject this offer of increased openness and reform would deal a serious blow to the liberals in the Chinese government—and greatly strengthen the hand of the Communist hardliners. The W.T.O. accession agreement also offers the Chinese reformers political cover—it would merge their domestic market reform agenda with international commitments and Chinese membership in a prestigious international body. China's opening would become not just one political faction's program, but the new role of China as a participant in the international system. The United States must seize this historic opportunity to establish friendly relations with China, and to consolidate the current atmosphere of openness and reform within that country. The Chinese liberals have done their part by negotiating the most ambitious market-liberalization agreement that nation has ever seen; now it is our turn to do our part.

Again, it is worth hearing the views of these matters of those for whom China's future course is not just a theoretical concern. Martin Lee is the Chairman of the Democratic Party of Hong Kong. He emphasizes that "the participation of China in the WTO would not only have economic and political benefits, but would also serve to bolster those in China who understand that the country must embrace the rule of law."

Dai Quing is a Chinese investigative journalist and environmentalist and the winner of the 1992 Golden Pen for Freedom award given by the International Federation of Newspaper Publishers. Ms. Dai was recently imprisoned in China for 10 months on account of her writings. She nevertheless favors granting China PNTR She says:

> I have heard on the news that two of the groups I admire most in the U.S.—the AFL-CIO and the Sierra Club—are against granting permanent normal trade relations with China. . . . As a Chinese environmentalist and human-rights activist, I disagree with their position. . . . I believe that permanent normal trade status, with its implication of openness and fairness, is among the most powerful means of promoting freedom in China. Starting in 1978, the open-door policy completely changed the way China responded to the world. Today, PNTR is a powerful means to keep China's doors as open as possible.

WTO membership and PNTR will not only keep China open to the West, but will improve conditions within that country. The market reforms that will come to China as a result of PNTR—both a requirements of WTO, and as necessary changes in the face of increased competition—will help to directly liberalize Chinese society. These changes will include a much freer flow of information to China; as the economy advances, more information technology will fall into private hands, and the overall volume of communication will increase, making it much more difficult for the government to monitor and control its people.

Also, market reforms will assist the growth of civil society and the democratization of China by reducing the dependence of individual Chinese on the state sector. Although private business's share of the Chinese economy is ever increasing, a majority of Chinese workers still work for some form of a collectively owned enterprise. These state workers are paid very little in actual wages; instead, they receive much of their compensation in the form of subsidized housing, health care, child care, food, clothing, and education. State workers' reliance on these government-provided benefits greatly increases the government's power over these individuals. Those who depend on the government for their necessities are generally loath to criticize it—or to do anything that may incur its wrath and jeopardize their ability to simply get by. Increased private ownership and employment in China will break this cycle of dependence, and will do much to loosen the government's grip on its citizens.

But again, you need not take my word for it. We have heard much talk about human rights from those opposed to PNTR with China. Let us also listen to those on the front lines in the fight for democracy and greater freedom in China:

The China Democracy Party was founded two years ago in Zhejiang, China. Many of its members are currently imprisoned or under house arrest in China. The party has issued the following statement, which deserves the attention of all those concerned about political reform in China:

> The China Communist government is planted in state ownership. The very base for government power is in each and every state-owned company and farm. Bringing China into the international community will speed China's economic privatization and its development, thus [converting] state ownership into private ownership. This change will tremendously weaken the state ownership that the Communist government power basically relies on.

The same point is made by prodemocracy leader Ren Wanding, who simply states:

> A free and private economy forms the base for a democratic . . . [WTO membership] will make China's government organs and legal system evolve toward democracy.

Greater openness and trade for China will also increase China's communication with the outside world. This will not only introduce more Chinese to liberal ideas and principles, but will also increase international awareness of conditions within China. Again, as the China Democracy Party declares in its official statement: "the closer the economic relationship between the United States and China, the more chances for the United States to politically influence China, the more chances to monitor human rights conditions in China, and [the] more effective the United States [will be] to push China to launch political reforms."

And finally, the emergence of alternative power centers—especially private business—will fuel the growth of a civil society—of institutions and practices that are independent of political power. Civil society offers a check on government, and forms the bedrock of political democracy. As independent power centers become more important in China, the state will be forced to concede some power to them. This is the pattern that has led to democracy across East Asia—in South Korea, in Taiwan, and in the Philippines. Just as in these countries, market reforms and private sector growth can also be expected to lead to political liberalization in China.

In this regard, it is worth considering the concerns of those who do not favor great openness and democracy in China. A story in the Washington Post, on March 13, 2000, notes that:

> China's security services, including the People's Liberation Army, are concerned, analysts say, that joining the WTO will mark another step toward privatizing China's economy and importing even more Western ideas about management and civil society—

> a headache for those whose job it is to ensure the longevity of the one-party Communist state.

By voting for PNTR, we give the hardliners in China even more to worry about. We must pass this important legislation—not just for our own economic benefit, but to encourage and accelerate the reforms and openings that are currently taking place in China. We must not let this historic opportunity slip away.

Some have also suggested that the grant of PNTR must be tempered by our concern for China's neighbor Taiwan. But the bill that we are voting on today—the House version of PNTR—already includes a provision asking that the WTO approve the accession of both China and Taiwan at the same WTO session. The United States must remain committed to that policy—of immediate Taiwanese membership in the World Trade Organization.

It bears mention that Chen Shui-Ban, the recently elected President of Taiwan, also supports China's entry into the WTO club. In a March 22 interview with the Los Angeles Times, Mr. Chen stated:

> We would welcome the normalization of U.S.-China relations, just like we hope that cross-strait relations [will improve]. . . . We look forward to both the People's Republic of China's and Taiwan's accession to WTO.

Few have more at stake in China's future course—and in its attitude toward its neighbors—than the Taiwanese. Their leaders support China PNTR.

Finally, enacting PNTR will build on the edifice of free trade that the United States has been constructing for the last 50 years. This decade, in particular, has seen some impressive strides toward free trade, with the approval of the North American Free Trade Agreement in 1993 and the creation of the World Trade Organization in 1994. When those agreements were set in place, we heard dire warnings from the naysayers of trade, who predicted a giant sucking sound of good jobs and capital investment leaving this country. But we need no longer evaluate those predictions in the abstract. Since that time, the rest of the 1990s have elapsed, and we can see the product of the modern free-trade regime. Since the enactment of NAFTA and GATT, we have seen:

More jobs: In the 1990s, total civilian employment in the United States has surged by 16 million jobs.

Better jobs: Over 80% of the new jobs created since 1993 have been in industry/occupation categories that pay above-median wages. 65% are in the highest-paying third of job categories.

Families are better off: Between 1993 and 1998, real average household income has grown between 9.9% and 11.7% for every quintile of the income distribution. For African-Americans, it has grown by 15%. For families in the lowest quintile, income rose at a 2.7% annual rate.

Trade brings more and better jobs: Last year, international trade supported over 12 million American jobs. Exports to China alone supported over 200,000 American jobs directly, and tens of thousands more jobs indirectly. And these export-related jobs are better jobs, paying on average 17% more than non-export related jobs.

The trade naysayers also warned that free trade would lead to capital flight from the United States—that as soon as we let down our trade barriers, all of our factories would relocate abroad and that new investments would follow them. It hasn't happened. Instead, our manufacturing base is thriving:

Manufacturing output has gone up, not down: Since 1992, manufacturing output in the United States has risen by 42%. Domestic output of motor vehicles has shot up 51%, and domestic automobile employment has increased by 177,000 to almost 1 million. America remains the world's top exporter of manufactured goods. Among America's leading exports in 1998 were aircraft, computer equipment, telecommunications equipment, valves and transistors, passenger cars, and car parts.

Direct investment in the United States is soaring: In the 1990s, the United States has been the world's largest recipient of foreign investment. In 1999, fixed nonresidential private investment in the United States exceeded $1 trillion.

Low-wage countries are not siphoning away investment: From 1994-98, U.S. manufacturing investment in Mexico averaged $1.7 billion annually. But in 1997, U.S. investment in U.S. manufacturing totaled $192 billion. In 1998, 80% of U.S. investment in foreign manufacturing was in other high-wage countries. (The top five destinations were Great Britain, Canada, the Netherlands, Germany, and Singapore.) Rather than low wages, investors seek countries with economic stability, well-developed infrastructure, lucrative market potential, and skilled workers. We have nothing to fear from lower barriers to U.S. investment in underdeveloped countries such as China.

Finally, it bears mention the trade also benefits American consumers. Free trade has reduced the prices that American consumers pay for everyday goods—saving the average American family of four as much as $3,000 a year.

In the early 1990s, we might have doubted. But we rejected the counsel of the trade scaremongers, those who thought that the United States would not be able to compete in a free-trade world. And today we are better off for it—with more and better jobs, a stronger manufacturing base, and a better standard of living. It is time to build upon success, and enact the next item in the free trade agenda, by putting into law China PNTR.

I have previously spoken on the floor of the Senate about the importance of this agreement to the U.S. economy, how it will help increase jobs in manufacturing and business activities here as we can more readily export goods to China. By joining the World Trade Organization and having the U.S. Government grant permanent normal trade relations to China, China will be forced to lower its tariffs on goods that it is importing from the United States. That will enable us to export more products to the world's largest market.

This agreement is of particular importance to the State of Illinois, and that is because Illinois is a major exporting State. If Illinois were a freestanding nation, it would be one of the largest exporting nations in the entire world. Not only do we have a large agricultural economy—we are the third largest agricultural producer in the United States—but in addition, we have a diverse manufacturing base. It is hoped that after this agreement is implemented, we will be able to export more corn, more soybeans, more cattle, more beef production, as well as more pork production, to China. China, with 1.3 billion mouths to feed, is a potentially vast market for U.S. agricultural products.

In addition, we have large manufacturing concerns in Illinois, such as Caterpillar based in Peoria, with factories all over the State of Illinois; John Deere based in the quad cities part of our State; and Motorola, one of the largest manufacturers of cell phones and other high-tech products. This agreement will benefit businesses such as those and thousands of other smaller businesses in Illinois that make products which they will be more easily able to export to China following this agreement.

During this debate on PNTR, the economic reasons for voting in favor of this agreement have been thoroughly addressed. Opponents have argued that somehow this agreement will cause the United States to lose jobs. They made those same dire warnings in the early 1990s when we were considering the free trade agreement with Mexico and Canada that became known as NAFTA, as well as when we were going into the World Trade Organization. There were dire predictions of a giant sucking sound of jobs going across the border.

Those predictions have not been borne out. In the intervening years, we have seen our economy grow dramatically. We have added 16 million jobs in the intervening years, and we continue to create jobs, high-paying jobs, at a very dramatic rate.

Not only that, the most recent statistics show that more capital is being invested in the United States than anywhere else in the world right now.

Of the capital that our manufacturers are investing in foreign countries, they are not, as predicted, investing it all in low-cost poorer underdeveloped countries, but, in fact, the largest recipients of U.S. capital, in recent years, have been advanced nations such as Great Britain, Germany, and the Netherlands.

It turns out that our manufacturers, when they have wanted to invest abroad, have not only looked for low-cost—that certainly would be a plus—but they have looked for stable economies, with good infrastructures, and strong, skilled labor forces, as well as good market potential. So I think the opponents of the expansion of free trade have been mistaken when they predicted that it would hurt our jobs for us in this country and harm our economy.

But there is one other side to this, in which the opponents say, even if they can see the economic argument in favor of free trade, they argue that we should vote against free trade with China for moral reasons. I wanted to take the floor to address those arguments because I disagree strongly with what they have said.

Many opponents of permanent normal trade relations with China have suggested that by giving up the annual review of our trade status with China, we will lose any leverage we have to affect human rights conditions in that nation. But here, too, I believe the opponents of the agreement are wrong.

First, the Chinese Communists no longer take the annual trade review process seriously. Congress has renewed that status every year since it was first granted in 1979. Whatever credibility the annual process of granting normal trade relations to China has had, that all evaporated when China was granted that status in 1989 following the Tiananmen Square massacre.

While annual review does not work, engagement does. The most immediate effect of granting permanent normal trade relations to China will be to shore up the position of the reformers in the Chinese Government. Zhu Rongji, the current Premier, is widely regarded as the most pro-reform leader in China. Mr. Rongji has staked his career on the passage of this agreement and the future of permanent normal trade relations.

China's impending WTO membership has been the most hotly debated topic in China since 1989. The current leadership has agreed to adopt sweeping economic reforms in exchange for Chinese accession to the WTO. Should we accept China into that body, these reforms will be cemented into place. They will become an international commitment, enforceable through the WTO's multilateral enforcement mechanism. But should the United States reject China's offer of increased openness, we would deal a serious blow to China's reformers and greatly strengthen the hand of Communist hard-liners.

PNTR will also contribute to the development of a freer and more democratic society in China at the grassroots. The reforms accompanying China's WTO admission would accelerate the growth of the private sector in China and will make it possible for more Chinese to work for foreign companies. These changes are important for the progression of freedom in China.

What most people do not think about in this debate is that at the current time most Chinese workers are employed by their Government. I think the figure is close to 70 percent. These workers are paid minimal wages, very low wages. Most of their compensation is in the form of housing, health care, and education. They have to work in order to get those benefits.

But state workers' reliance on these benefits greatly increases the Chinese Government's control over them. Individuals who depend on the state for basic necessities are generally loath to criticize the Government or otherwise to incur its wrath.

Increased private ownership, which will result from China's accession into the World Trade Organization, and increased employment by private companies—American, European, and companies from around the world—doing business in China, employing Chinese workers in the private sector, will help break the Chinese people's cycle of dependence on the Government and will do much to loosen the Government's grip over its citizens.

Moreover, the emergence of alternative power centers in China, through private enterprise and the accumulation of private property, will spur the growth of civil society in China, fostering institutions and practices that are beyond political control.

Civil society offers a check on government and forms the bedrock of political democracy. As independent institutions become more important in China, the state will inevitably cede some power to them. This is the path that has led to democracy across Asia, in South Korea, in Taiwan, and in the Philippines.

Members of the Senate need not take my word for this. As Federal Reserve Chairman Alan Greenspan recently noted:

> History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms . . . is a more general spread of rights to individuals. Such a development will be a far stronger vehicle to foster other individual rights than any other alternative of which I am aware.

Thus, I am making the argument that has not really been made too often in this whole debate: That not only is this agreement good for our economy, for our job creation, and for our business sector, but adoption of this agreement in the legislation we will vote on on Tuesday will be good for the Chinese people because it will ultimately breed more freedom within that country.

Mr. President, I yield the floor.

Mr. COCHRAN. Mr. President, this has been a very worthwhile discussion of an issue that has bedeviled the Congress on an annual basis for too many years. We now are considering a bill that has the effect of answering a question that doesn't have to be considered each year in the future.

Although the amendments that have been offered ran the gamut of Chinese transgressions and shortcomings, both real and imagined, and many are very troubling, I am supporting this bill as reported by the Finance Committee.

Two months ago I read an editorial in the Wall Street Journal which reflected my thoughts on the relationship between our concerns about Chinese proliferation of technology and missiles on the one hand and our trade interests on the other. The editorial appeared in the July 19, 2000 edition of the paper and I saved it to put in the RECORD during this debate because in my view it answers in a thoughtful and persuasive way why this bill should be passed by the Senate and sent directly to the President for his signature.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### CHINA, TRADE AND MISSILES

The test of an Iranian medium-range ballistic missile Saturday raised further U.S. concerns that China is exporting technology that could destabilize other areas of the world. U.S. intelligence officials believe that Beijing continues to sell components and know-how to aid the Iranian and Pakistani missile programs, despite U.S. objections. They fear as well that Iran is developing longer-range missiles capable of reaching well outside the Middle East.

These suspicions have spurred the U.S. Senate to hold up the passage of Permanent Normal Trading Relations (PNTR) for China. A bill is now pending to require tougher sanctions if Beijing continues to support the spread of such weapons.

The Senate's annoyance seems justified, even if the various proposals for retaliation might not be. A few years ago the Clinton Administration extracted promises from Beijing to curtail exports of technology for weapons of mass destruction, as well as whole missiles. But it has made no progress on stopping "dual-use" technology exports to Iran and Pakistan—technology that might have either military or commercial applications.

Given that developing nations seldom test missiles with peaceful purposes in mind, the Senators are prodding American and Chinese officials to come to some agreement about controlling the spread of such technology. Several U.S. officials, including Defense Secretary William Cohen, have been to Beijing in recent weeks to hash out the issue. But there seems only to have been an "exchange of views."

Pressure from Congress is certainly useful here, but there should be a clear line drawn when it comes to PNTR. Both sides in the debate tend to over-emphasize the link between trade and China's behavior on human rights, weapons proliferation and other concerns. This is a mistake. Normal trade relations should be weighed on its own merits.

Passage of PNTR would not belittle the seriousness of China's peddling of missiles, components and weapons technology to anti-American Iran. But that problem needs to be addressed in other ways that would not undermine America's interest in advancing free trade and encouraging movement by China toward a free market economy.

Pursuing missile defense for the U.S. and its allies is one quite appropriate response. China complains frequently about American moves to develop a national missile defense. The obvious counter is that it is made necessary partly by the PRC's contributions to weapons proliferation.

Sorting out a U.S. policy toward China is possible only by looking at the big picture. Global political stability will be enhanced if China continues to advance economically and learns to observe international rules dealing with trade and investment. World Trade Organization membership for China affords no guarantee against a future conflict, but there is a sound argument to be made that development of a prospering middle class in China will push the regime toward greater moderation in both domestic and foreign policy, partly because China will have more to lose from failed adventures.

In an interview with the Asian Wall Street Journal's editorial staff, Admiral Dennis Blair, Commander in Chief of U.S. Pacific Command, emphasized the strategic importance of nurturing a working relationship with China so that a habit of trust and cooperation can over time replace a tradition of confrontation. Military exchanges, regional peacekeeping and humanitarian exercises, and normalized trade all further the goals of Americans security and Asian stability in the future. The U.S. and China may not share the same vision for the region, but they can find common interests.

Simply comparing the PRC's mild treatment of this year's Taiwanese elections with their more ominous military maneuvers during the 1996 election reveals how China does respond when the U.S. stands firm. The missile tests four years ago alienated the Taiwanese public and forced the U.S. to make its commitment to Taiwan more explicit by sending aircraft carriers to the area. Beijing has evidently drawn some conclusions from this and changed its behavior. The U.S. now must make China perceive the seriousness of the missile proliferation issue.

Senate Majority Leader Trent Lott says that PNTR will pass after some appropriations legislation is cleared. But it certainly doesn't help the case for normalized trade in an American election year if China is perceived to be thumbing its nose at the U.S. on an issue important to the security of the U.S. and its allies. Indeed, its intransigence merely encourages lawmakers in their efforts to dilute PNTR with anti-proliferation trade sanctions.

If there is an assumption in Beijing that it can be less observant of U.S. concerns now that its WTO membership seems assured, the Chinese leadership is making a serious mistake. They too have a stake in there being a constructive working relationship between the two countries. A wise leadership would not risk that relationship for the paltry earnings from sales of a few missiles or missile parts.

Mr. GORTON. Mr. President, on Wednesday, the Senate voted on several amendments to the bill establishing permanent normal trade relations status for the People's Republic of China. While I was unfortunately unable to cast my votes regarding these amendments, I was able to comment on a few of them. Today I wish to comment on the remaining amendments.

Two of the amendments argued were introduced by our colleague from North Carolina. I supported the first amendment offered by Senator HELMS, regarding family planning, abortion, and sterilization practices in China. Although the amendment failed by ten votes, I am pleased the Senate made a strong statement regarding these abhorrent practices.

While I agreed with Senator HELMS on his first amendment, I did not agree with him on his second measure. American industries have set the standard for appropriate business practice, and even though I agree with Senator HELMS that they ought to utilize these practices in China, I do not believe another layer of bureaucracy is necessary to accomplish this mission.

I would also have voted against Senator FEINGOLD'S amendment regarding the Congressional-Executive Commission established in H.R. 4444. I believe the parameters with which the Commission was established in the House of Representatives are adequate, and that additional requests or requirements from its members are not imperative.

Finally, the Senate considered an amendment offered by Senator WELLSTONE. Without question, the issues surrounding political prisoners and detainees who have attempted to organize should be addressed by the People's Republic of China. However, I believe the administration already has the tools necessary to address these very concerns. I would not have voted for Senator WELLSTONE's amendment.

Mr. BROWNBACK. Mr. President, I rise today in support of H.R. 4444, the U.S.-China Relations Act of 2000. This bill is the most significant foreign policy-related legislation that we have debated during the 106th Congress.

H.R. 4444 presents tremendous new export opportunities for our manufacturers, farmers, and service providers. While China has had excellent access to the U.S. market for 20 years, U.S. access to China's enormous market has been limited. With the enactment of this legislation, and China's accession to the WTO, that situation is about to change.

The United States is finally going to enjoy virtually unfettered access to China's vast market. The impact on my State of Kansas will be substantial. China agreed to end corn export subsidies, increase import quotas for wheat and corn, and reduce soybean tariffs. China agreed to lower its tariff on beef from 45 to 12 percent and on pork from 20 to 12 percent. China agreed to accept USDA safety certification for meat and pork exports.

And agriculture is not the only sector in my State that will benefit from China's accession to the WTO. Black & Veatch will see lower tariffs on imported equipment, which will reduce the contract cost of projects won in China. Boeing will have a more stable economic environment in which to sell airplanes to China's airlines.

Granting Permanent Normal Trade Relations status to China will increase our exports to the world's most populous country. But, more importantly, bringing China into the WTO will put the PRC on a collision course with economic and political liberalization.

Mr. President, China has been ruled by the Communist Party with an iron grip for more than 50 years. But WTO accession comes with a price. WTO accession will usher the forces of globalization into China in a very permanent way. Globalization will be good for China's economy because it will integrate China's economy into the world's economy. Globalization will also force the systemic reform of China's inefficient state-owned enterprises and banking system.

But globalization will also have a much more profound effect on China. Globalization will force upon China the infrastructure necessary for greater political liberalization. Globalization will require China to have a stronger adherence to the rule of law and property rights. Globalization will create a stronger middle class in China that will demand greater freedom with which to enjoy their new position. Globalization will bring the internet into tens of millions of Chinese homes, exposing the Chinese people to Western standards of political and religious freedom, and human rights.

I ardently believe that PNTR and human rights must go hand in hand. It is important to note that my positive position on PNTR gives me a door to walk through to raise a number of human rights issues with the Chinese Government, including religious liberty and the development of the rule of law.

Somehow, an intellectual myth has been adopted, dictating only two ways to deal with China. Either grant PNTR status but never raise these issues, which gives an unfortunate, unbridled affirmation regarding known abuses. Or the second method which mandates a complete isolation from any relationship other than that of repeatedly dunning this government with ill will and no positive incentives. Such vitriol does not work with people and it does not work with governments, and ultimately, nothing changes for those who suffer.

I propose a third way which calls for a relationship where we genuinely raise these issues in a serious, sustained dialogue. I do, in fact, raise these issues continuously. This way, will in the end, get religious prisoners free, and create an independent judiciary not ruled by Communist dogma, and give

China pause the next time another Tiananmen Square breaks out. Ultimately, this way engenders freedom and human rights better than either of those other two methods. After all, isn't that what this is all about?

One final note: I hope that the Chinese Government does not think that the tabling of the Thompson amendment is the end of the proliferation debate in the Senate. China must stop engaging in the proliferation of weapons of mass destruction. The Clinton administration has failed miserably to curb such proliferation. That is why there has been support to legislate antiproliferation policy in the absence of an executive proliferation policy.

Mr. President, China must stop making weapons of mass destruction available to rogue nations around the world. We need to open up trade with China to increase our exports and to increase the exposure of the Chinese people to economic and political liberalization. But trade must not come at the expense of national security. Ignoring China's proliferation activities while we increase our trade ties with China would be a grave mistake. We must be vigilant and enforce current U.S. law as it pertains to proliferation. The Clinton administration's failure to do so has jeopardized national security. Congress must not permit future administrations to make the same mistake.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent that during today's session the following Senators be recognized in morning business for the times specified: Senator GRAHAM of Florida and Senator EDWARDS of North Carolina for up to 10 minutes each, and Senator DORGAN of North Dakota for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I will now proceed to use the 10 minutes which I have been allocated.

The PRESIDING OFFICER. The Senator is recognized.

(The remarks of Mr. GRAHAM are located in today's RECORD under "Morning Business.")

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IMMIGRATION AND NATIONALITY ACT AMENDMENTS—Motion to Proceed

Mr. LOTT. Mr. President, there have been numerous efforts over the past several months to find a way to come to agreement on how to proceed to the so-called H-1B bill, which is a bill to provide for additional high-tech workers to come into this country. Since we have already reached the limit, I believe, for this year, there is a need for additional workers in this area. We have negotiated back and forth. At one point we were talking about 10 amendments on each side. Then we got down to seven, six, and yet Senator DASCHLE and I were working to see if we could clear five amendments.

Then you get into all kinds of discussions. Are these just relevant amendments or can it be five agreed-to amendments? How do we deal with Senators who would want to add clearly unrelated amendments that could take down the whole issue?

Without questioning the motives of anybody, I think Senator DASCHLE and I have been serious in trying to work something out. We have tried repeatedly, but there have been objections for one reason or another on both sides. I do not think we can pursue that any further, although one of the major problems, I had a Senator tell me yesterday maybe he would feel he would not object by Tuesday. But if we wait until Tuesday, then we have lost more days. So if we should be able to come to agreement that would be good. We could vitiate cloture and go to it. If we cannot, we need to go ahead and get to this issue.

Hopefully we can get cloture, and when we do, relevant amendments would still be in order, and we still would have to go through a conference. Obviously, there would be input from both sides of the aisle, both sides of the Capitol, and from the administration on the final contours on this bill. But we are down to the point now where there are a number of important bills remaining on the calendar, and if we don't find a way to address them one of two things will happen: They either won't be considered in a conference at the end of the session, or they will be considered in such a way that they will be added to some other bill, unrelated, some appropriations conference report, or something else.

At times that is the best way to proceed, and we should keep that option open. But I would prefer to have the Senate act its will on a bill of this type and relevant amendments be offered and debated and voted on. So that is what I want to try to set up here.

I have notified the Democratic leader—he has a representative here—that this is what we are going to do now, that we would move to a cloture motion and then we will get to vote on it next week.

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to S. 2045, the H-1B legislation, and send the cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B Non-Immigrant Aliens:

> Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, John Ashcroft, Gordon Smith of Oregon, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

Mr. LOTT. Mr. President, this cloture vote will occur, unless there is some intervening agreement, on Tuesday. I ask unanimous consent the cloture vote occur immediately following the passage of H.R. 4444, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? The Senator from North Dakota.

Mr. DORGAN. Reserving the right to object, I will not object, but I want to make a comment to the majority leader.

This H-1B visa bill is important to all of us. It is important to those on the Democratic side of the aisle as well. We recognize that our economy is experiencing substantial and sustained growth, unparalleled growth, and to keep that on track we have to ensure our high-tech industry has the employees it needs.

I was at a company in California some while ago and the president of the company said we have 2,000 open positions for engineers right now that we can't fill. There is not any way for us to fill them—2,000 jobs, engineers we need and we can't get. So we understand this issue. We want it to be resolved.

I must say, the Democratic leader is not here today. On his behalf, I would mention to you that with regard to the discussions that you and he have had about the potential for five amendments on a side—he was fairly optimistic about being able to clear that. We think that can be resolved. We hope it can be resolved on next Tuesday. It is our understanding the Republican leader was amenable in those discussions to an agreement that would allow five amendments on each side related to H-1B or to technology-related job training, education, and access.

It is also our understanding the Republican leader was amenable to our Democratic leader, or his designee, offering a Latino fairness amendment and a Liberian adjustment amendment.

I want to make a comment on his behalf that support of relief for immigrants who have fled wars in Haiti, El Salvador, Honduras, and Guatemala, and to other longtime residents who have been in the United States since before 1986 is important to ensure fairness in the immigration system. If we do this, we will immediately increase the size of the legal workforce and also alleviate the shortage of low-skilled workers, and we will keep families together.

We believe our offer is reasonable. We hope we can work out an agreement. I think the discussions we have had about the five amendments on each side is something that should give us some hope that we will be able to resolve this soon and certainly before this Congress adjourns.

It is a very important issue. You want to address it. We want to address it. We believe we should find a way to connect here and reach agreement to do so.

Mr. LOTT. Will the Senator yield on another point? He and I have discussed the fact that we need to make sure that, wherever possible, some of these high-tech jobs be available in areas now that are underserved—rural areas, including my own State and the State of North Dakota and several other States. I think Nebraska would be in that group. You know, you can't direct where those jobs go, but we could encourage some of those programs, some of these people to be taken into areas where there are not now opportunities, that training be available for them. That certainly would be very attractive so we do not have the high-tech industry only concentrated on the west coast and Northern Virginia or in some other areas, but to try to spread it as much as possible. That is an issue I would like us to consider.

With regard to the immigrant problems, I think, as he knows, we have in the past supported some movement in that area. I believe there is some application now to Nicaraguans that are here. Of course that causes some of the problems. Some of their neighbors don't have that same consideration. We should look at this issue. We should do it thoughtfully. But that is one of the problems.

H-1B has been pending a long time. We need to get it done. The argument can be made that these are different issues. For instance, I understand the other issues mentioned would not be relevant postcloture to the bill, but I do think it is going to be an issue that is going to be discussed as we get to the end of this session to see if there is some way some of those can be addressed. The Senator is talking, in some instances, about a relatively small number of people. One he mentioned was Liberian immigrants, focused primarily on one State. Maybe something can be done on that.

I want us to find a way to get this bill done. It has been dragging for 6 months. We are down to the last 2 weeks of the fiscal year. I am trying to set up a process that guarantees we get to a conclusion while we continue to work with those on both sides who may have objections.

The problem we have is, if you include these three, four, or five, you will have other people who will say: What about this issue, that would cause a filibuster to begin and we would wind up having to pull down the bill. I would rather that not be the end result.

Mr. DORGAN. Mr. President, if the majority leader will yield further under my reservation, as he knows, it is even difficult to agree to five amendments. We are willing to do that. The Democratic leader wants this bill done. I want it done. My colleagues want it done. We risk ending this session not doing something that we know should be done. We need to do this H-1B bill, and we need to increase the number of these visas.

Let me also respond to the point the Senator from Mississippi made a moment ago. The Senator from Mississippi pointed out that if we bring additional people in to fill jobs here, which makes sense—I much prefer they come in and fill jobs in this country rather than have the company move their operations to India or some other country—it makes sense also not to move all of those jobs into the same part of the country. Because information technology now allows us to do this work anyplace in the country, what about targeting some areas of the country where we have had outmigration, where we have lost population? That is what the Senator from Mississippi said. I think it makes eminent good sense. I hope we can work on at least a piece of that.

I will not object. Again I say it is our intention to get this legislation passed. We think the proposal offered in the last couple of days makes sense. We think we can probably clear that in the manner previously discussed between Senator DASCHLE and Senator LOTT.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator from North Dakota has up to 20 minutes. The Senator from North Dakota.

## BUDGET SURPLUSES AND DEFICITS

Mr. DORGAN. Mr. President, I come to the floor of the Senate to discuss the fiscal policy questions that are ricocheting around this Chamber, and the House as well, about what the future will hold with respect to tax cuts, budget surpluses and/or deficits, investments in education, the possibility of reducing Federal indebtedness, and other spending. I want to talk about that because we now have a discussion in this town about the potential for big recurring budget surpluses every single year.

It was not too many years ago in Washington, DC, that we had the leading economists in the country saying the 1990s would be a decade of anemic economic growth. We had very large budget deficits, the country was not doing well, and the economists said for the next decade this economy is going to grow very slowly.

The economists did not know what they were talking about then. That is not unusual. I always thought there should be some sort of standard by which we measure economists and evaluate whether what they say has any validity in terms of what we experience. Of course, we have no such yardsticks, so these economists keep on talking and people keep on listening. That is why I am here today: What do we expect in the future, and what should we do in this country as a reasonable response to those expectations.

I want to for a moment talk about the early 1990s and recall where we were. The unified budget deficit in 1992 was $290 billion and rising—$290 billion just for that year and rising. Now we have a surplus in the year 2000. Economists said we would have continual, larger and larger deficits. That was wrong. We now have a surplus.

Economic growth: Then it averaged 2.8 percent. We were apparently at the end of, or beginning to see the end of, a recession. Economic growth averaged 2.8 percent annually for the previous 12 years, and it looked as if we were finally ending a recession. Since 1993, economic growth has averaged 3.9 percent a year.

Jobs: From 1988 to 1992, we had a difficult period, one of the worst in history in terms of the creation of new jobs. The economy did not produce many new jobs. From 1993 to date, over 22 million new jobs have been created in this country.

Unemployment: It averaged 7.1 percent in the 12 years prior to 1993. Today it is at 4.1 percent on average, the lowest level in 30 years.

Home ownership fell from 1981 to 1992. Now it is the highest in history.

Median family income fell by about $1,800 from 1988 to 1992, adjusted for inflation. It has increased by over $5,000 since 1993.

Real wages fell 4.3 percent in 12 years; real wages are up 6.5 percent since 1993.

Welfare rolls increased 22 percent from 1981 to 1992; since then it has decreased by 53 percent.

The Dow Jones was 3,000 in 1992. It is 11,000 now.

The point is that this has been a very interesting time. Economists predicted this would not happen, but it did. Our economy is growing in a very robust fashion, and a lot of people are claiming credit for it. Probably everybody deserves a bit of the credit.

The 1993 Economic Reform Act that was passed by Congress, which reduced the deficit and which made tough choices, was a signal moment in this country's fiscal policy history. It dramatically changed what happened in this country. We had the courage to do what was right. It was politically difficult to do. In fact, my party paid a price for it in the next election. Guess what. It put this country back on track, away from the growing deficits toward economic growth and toward opportunity.

It is the year 2000, and we have had a remarkable 7 years. Now we are told by the same economists who predicted anemic growth for that decade that in the next decade we will have nothing but ever larger increasing budget surpluses.

Should we believe them? Is that the basis on which we should develop our future fiscal policy for this country? I do not think so. Because we are inebriated by the sound of 10 years of surpluses, we have politicians walking all around the political landscape saying: What we should do now is pass bills that call for massive tax cuts; lock it in, they say; put it in law; let's provide $1 trillion or $1.5 trillion in tax cuts.

It is very unwise, in my judgment, to do that. We do not know that we will have sustained economic growth. We do not know whether there will or will not be a recession 2, 3, or 5 years from now. We don't know what the future holds. We would be very wise to be cautious in how we handle this issue of future surpluses.

We face some really critical choices. Those choices can provide both risk and opportunity: The risk of slipping back into big deficits, which no one in this country wants, and the opportunity to move forward and build on our recent economic successes. Those are the risks: Are we going to move backwards or forwards?

I am not here on the floor of the Senate to say one side is all wrong and the other side is all right on this issue, but I will say this. Those who say the only agenda in fiscal policy is to begin cutting taxes right now, and cut taxes deeply, and cut taxes for those who have the most income in this country, risk slipping us right back into big deficits, putting us right back into the same old deficit ditch. That is the last place this country ought to want to be.

How much budget surplus is there really? Even if all the things the economists say might happen, how much real budget surplus do we have? There have been some interesting pieces written in the last few weeks about this. There was a wonderful piece written by David Broder, a very respected columnist, in the Washington Post. There was an op-ed piece written by Paul Krugman, an economist, in the New York Times. There was a good piece in the U.S. News & World Report. They raised these questions, which we should raise here in Congress.

How much surplus do we really have to use, if we are honest about where we are headed and what we are doing? Let's look at it. CBO says, $4.6 trillion in surplus over the next 10 years. I come from a town of 300 people and a high school class of 9. It is really hard for me to grasp what a trillion dollars might be. In fact, it is hard for me to grasp a billion or a million dollars—but trillions of dollars, $4.6 trillion. So people hear that word, and it is as if they have taken a big bottle of Jack Daniels and started slugging it down. All of a sudden they are talking about all kinds of wild, irresponsible plans they have because we have $4.6 trillion in surplus.

But, of course, we do not have $4.6 trillion in surplus. What we have, in fact, if you take the Social Security trust funds away, is $2.2 trillion in surplus. But we really do not have $2.2 trillion in surplus. If you take the Medicare trust fund away—and everybody says they want to have a lockbox; and I assume you would want to lock a box with something in it—so you take that away, then you have $1.8 trillion available.

And then you must adjust that figure for realistic spending, that is, how much money we are going to spend. The budget caps suggest that we will actually reduce Federal spending in domestic discretionary accounts in this country. However, we will have a population that is increasing and some inflation. And we are not going to say, with respect to law enforcement and education, and all the other essential functions of Government, that we are going to actually spend less next year than we are spending this year. That is not realistic. So adjusting for some realistic investment that makes this a good country to live in—building roads and teaching kids, providing for our common defense, all the things that make us a good country—then you have $1.2 trillion left.

Then using some of the money for extending the solvency of Social Security and Medicare, which all of us know we must do because people are growing older and living better lives, you have $700 billion left. That is the surplus.

This analysis, incidentally, comes from the Center on Budget and Policy Priorities. They say, the real budget surplus is not $4.6 trillion or $2.2 trillion. The real budget surplus is probably about $700 billion.

So then how do you reconcile people coming to the floor of the Senate telling us they want to cut taxes by $1.3 trillion or more? The only way you reconcile that puts us right back in the same deficit ditch that we have been in before.

Here is another analysis that comes from the Brookings Institution. This one says—using the exact same analysis but different elements of it—we do not have a $700 billion surplus, we have only about a $350 billion surplus—about $35 billion a year. That is the real surplus. They made some different calculations. I will not go through them all.

But the point is this: Under either of these analyses—confirmed and also discussed in the Paul Krugman piece, the David Broder piece, and others—under either of these analyses, we do not have trillions of dollars in surplus. I wish we did, but we do not. It would be terribly unwise for this country to decide to lock into law very large tax cuts—the biggest benefits of those cuts going to the wealthiest citizens in this country—at a time when it will result in large deficits in the future. We would be very smart to be very cautious as we approach this.

This is from Paul Krugman, who I believe is a really interesting thinker. He wrote an op-ed piece in the New York Times:

> The most likely prospect is that those big surpluses won't materialize. And when the chickens that didn't hatch come home to roost, we will rue the days when, misled by sloppy accounting and rosy scenarios, we gave away the national nest egg.

His point is a very important one. I am going to talk about it in a moment. But what are our priorities if we are realistic about what we are going to do and what we think will happen? Our priorities ought to be to pay down the Federal debt first and foremost. If in bad economic times you increase the Federal debt, in good economic times you ought to reduce the Federal debt. That is the import of what Paul Krugman was saying, among other things.

Here is another piece from U.S. News & World Report:

> Still, the same lack of understanding about the budget is evident today as we head into the crucial weeks of the campaign with big budget numbers and big political promises. If we get it wrong again, we could head back to those awful years—decades of apparently insuperable deficits, slow growth, and recurrent recessions.
>
> All of us could relate to the numbers better if we could knock off a few zeros from the trillions being discussed. Most American families with a lot of debt would know what to do with a windfall. They'd instinctively feel better if they used the money to redeem loans, freeing themselves from long-term obligations and insecurity, and I suggest the same principle should apply to the country, which is in exactly the same position.

The point is this. With all the opportunities we have ahead of us if, in fact, we have budget surpluses, those will be lower than generally expected. And of all the opportunities ahead of us, the first choice and first claim, in my judgment, ought to be to reduce the Federal debt.

We have a lot of proposals out there. There is one by Governor Bush where he talks about very substantial tax cuts. Frankly, I do not support them. It is not that I do not support providing some targeted tax cuts. Working families deserve some help in this area. But we cannot come around here with $1 trillion or $1.4 trillion in tax cuts, given what we expect the real surplus to be. It would put us right back in the same deficit ditch, right back in the same ditch.

What we need to do in this political debate is to see if we can't, as Republicans and Democrats, understand that when we respond to this question of the fiscal policy of this country, and what the future might hold, that we be reasonably conservative and cautious, and protect ourselves from retreating back to the same policies we had previously.

We are all responsible for those policies. There is not a set of fingerprints that lays the responsibility at one door with respect to what happened in this country. But we all ought to be responsible, as well, to say we are not going to let it happen again. In my judgment, we can do that now by saying to those who are campaigning for office—both for this Chamber and the other body, and also for the Presidency—let's have a real discussion about what the real surplus might be, and then evaluate what our priorities are with respect to that.

Now, the tax cuts. I am not going to talk about them so much. The tax cuts that are being proposed around here are terrible. In almost every case they provide the biggest benefits to those who need them least. I know people will say: Well, that is all the same old class warfare. It is not class warfare. The bottom 60 percent of the population, earning incomes up to $40,000, get $227 a year; and the top 1 percent get $46,000 each. That is not tax class warfare, that is just a tax cut that should not happen.

The question is, What should we do now? In my judgment, what we should do is establish a set of priorities, both in this Presidential campaign and in the campaigns for the Congress—the Senate and the House—and say, the priorities for using the actual budget surplus, which is much lower than the trillions of dollars being kicked around by some, is to, No. 1, pay down the Federal debt; No. 2, ensure the long-term solvency of Social Security and Medicare—we have a responsibility to do that—No. 3, address this country's urgent needs, and that means making some investments that we need in education, and other areas; and, no. 4, provide targeted tax relief for working families. All of these represent the priorities in the order that I see them. Others may see them differently.

I think it is important, before we start down this road, to address this question of whether the trillions of dollars people are kicking around as expected future surpluses are going to be real. The answer is, with almost all thoughtful economists responding to it, to say, no, these are not real; the surplus is going to be much, much smaller than that. That ought to temper our desire and demand and appetite for these huge tax cuts being proposed that will result in very large future deficits.

The single best thing we could do for this country and its children and our future is to begin paying down the Federal debt with the actual surpluses that will come in future years. It is the single most important way of strengthening this country's economy.

I seldom ever quote Alan Greenspan because we have such disagreements on monetary policy, but I will break that rule today. He came to Congress, the Senate Select Committee on Aging, and said:

> . . . there are limited fiscal resources in this country and that until we have strong evidence that there is a major structural increase in the surplus, that trying to commit it to various different program[s] or even tax cuts, I think, is unwise.

His point is, we ought to use the surplus to reduce indebtedness. We have a nearly $5.7 trillion Federal debt. If during bad times, during tough times, this country had to run up its debt in order to make ends meet, then during good times the greatest gift we could offer to America's children is to say we will reduce that indebtedness. It is not just a gift to children, it also happens to be the best way to assure long-term economic growth.

I will make one additional point as we begin discussing fiscal policy and tax issues. My presentation here will not dim the appetite of those who come to the floor and say: I don't care about numbers. I don't care about philosophy. I was elected to Congress for one thing, and I am going to propose tax cuts until my last breath. I am going to propose tax cuts because those are the only two words I know. I don't care about how it all adds up or subtracts or how it all works out. Good for them. But they are the kind of people who steer this country into the deficit ditch, and I, for one, am not going to be a part of it.

I would say to them this: To the extent that we have some ability—and I think there is some ability, even though we are going to have smaller surpluses—to provide tax cuts, I would like tax cuts to go not just to the people who have benefited most from this economy. We have, after all, one-half of the world's billionaires in the United States; good for us—but when we talk about tax cuts, I would much sooner see scarce resources go to working families. They are the ones who need them most.

It is interesting. Every time someone talks about a tax cut around here, they only talk about income taxes. Here are the taxes we collect in this country. This big red piece of the pie is payroll taxes. Those at the lowest end of the economic ladder pay a payroll tax that is the same tax as those at the highest end. Nobody wants to talk about these payroll taxes. These are the ones that have increased very substantially in recent years. So when we talk about tax cuts, maybe we could talk about trying to help those who are paying payroll taxes as well, rather than just those who are paying income taxes.

Nearly 100 percent of the bottom fifth of our population are paying more in payroll taxes than income taxes. In fact, even the middle fifth, those making between $43,000 and $65,000 a year, 80 percent of them are paying more in payroll taxes than in income taxes. Yet every time you hear somebody saying let's cut taxes, all they want to talk about is income taxes because that means their tax cut proposal is going to benefit those with the most income. What about a tax cut proposal that says we are going to offset some of the burden of those folks who are going to work every day for the minimum wage and are paying a heavy payroll tax. How about giving them a little relief.

So when the next time comes that we in Congress are talking about tax cuts, I am going to bring some of these charts out and ask: Does this not count, the pie chart that shows payroll taxes? Does it not count that the income earners at the lowest end of the scale are paying these things and it doesn't matter somehow? They don't deserve any help? That is just a tax that we won't talk about. That is not fair. It is not the way to do business.

I think the warnings—perhaps the small craft warnings at this point, but major warnings later—by some good economists are saying: Watch out what you are doing here, talking about $4 trillion of tax cuts or $4 trillion of surplus or a $2.2 trillion surplus or a $1.5

trillion tax cut; watch what you are doing here and be careful, because this is not going to materialize, and if you do what you are talking about doing, it will pose significant dangers to the American economy.

The best way to assure economic growth and opportunity in this country's future is to decide that if we have surpluses—and I hope we do—we will commit first and foremost those budget surpluses to reducing our country's indebtedness. Again, if in tough times you run up the debt, in good times this country ought to be able to pay it down. That is the greatest gift to America's children, and that is also the surest way to long-term economic health, growth, and opportunities.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

## HURRICANE FLOYD

Mr. EDWARDS. Mr. President, few North Carolinians will forget September 16, 1999. Almost 1 year ago tomorrow, Hurricane Floyd dumped 20 inches on the State of North Carolina, eastern North Carolina, devastating and forever changing our State. Fifty-two North Carolinians were killed as a result of Hurricane Floyd; 66 counties, which is more than 70 percent of our State, were declared disaster areas. More than 60,000 homes were destroyed or damaged, and hundreds of businesses were forced to close or relocate. Farmers were faced with sometimes the most difficult circumstances they had ever faced in their lives, losing everything for which they had worked.

I have been to the floor many times over the course of the last year in an effort to secure relief for our Hurricane Floyd victims. I have worked closely with my colleagues, Senator HELMS from North Carolina and Members of our House delegation, to get help for our folks who are hurting so badly. I have emphasized over and over that what we do or sometimes what we don't do affects real people's lives, the people who often are in very difficult places—for example, the people who were devastated by Hurricane Floyd.

Last year, the Senate appropriated more than $2 billion for FEMA's disaster relief account. Of that total, more than $215 million was set aside for FEMA's Hazard Mitigation Grant Program. To this day, more than 2,000 homes in North Carolina have been purchased and families have moved out of harm's way, out of the flood zone. In fact, just yesterday I spoke with Brenda Johnson to tell her that her buyout had been approved. Brenda had been living in a small apartment for almost a year. Finally, she will now be able to move on. Along with the buyout money we appropriated last year, we also secured individual family grants and other disaster relief programs to help people whose homes had been wiped out, people such as Edna Simmons of Greenville, NC.

Greenville was actually one of the hardest hit areas struck by Hurricane Floyd. Unfortunately, Edna's home was one of thousands that were overwhelmed by the flood. For days, Edna's home sat under more than 4½ feet of flood water. She lost everything, and she and her husband and her 6-year-old daughter had to start over. At first, they were able to move in with her mother. Then, with the help of her fellow church members, volunteers, using her own savings and a grant from FEMA, she was able to rebuild her home. Repairs are now in the final stages of her home. Now, more than a year after the rain drove them away, Edna and her family are finally on the verge of going back home.

This storm, however, did not just destroy homes; it also destroyed entire communities. The small town of Princeville is a great example. It was completely wiped out. Princeville residents lost their townhall; they lost their library, their police station, and their school. Of the 2,000 homes in Princeville, more than 1,000 were heavily damaged or destroyed. And Princeville residents are a very proud group. This is the first town in America that was established by freed slaves. Princeville's residents are working very hard to rebuild and preserve their historic town.

One year after the Princeville Montessori school was devastated by the floods, volunteers, State employees, students, and parents have rebuilt the school with the help of FEMA grants.

For all the successes we have had over the last year, there are still shortcomings in responding to this disaster. We have heard over and over—I and my staff—from worried and confused constituents, folks who had no idea where they were supposed to go.

Navigating the myriad programs that exist in the Federal Government to provide relief to hurricane victims is a time-consuming and sometimes very frustrating process. For example, there are Federal disaster programs within the Department of Housing and Urban Development, Department of Education, Small Business Administration, Department of Labor, Department of Energy—just to name a few. So it is very hard for folks whose lives and families have been devastated as a result of a natural disaster to know where it is they need to go to get the relief they need and deserve.

Sometimes, the assistance just doesn't come quickly enough. One example is Bobby Carraway, who owned a restaurant in Kinston NC, near the Neuse River. The river flooded, and his restaurant sat under more than 3 feet of water for many days. He lost his entire business. But with the help of his landlord, who let up on the rent, and his food suppliers, who told him he could pay when he could, neighbors who helped him clean up his business, and a large chunk of his own personal savings, he was able to reopen his restaurant.

Today, one year after Hurricane Floyd threatened to take his livelihood, Bobby is still waiting for the Small Business Administration to approve his loan. He should not have to wait so long, and residents such as Edna should not have to navigate through these confusing Federal and State programs, especially when they are dealing with devastation to family and emotional trauma caused by natural disasters such as Hurricane Floyd.

The biggest lesson we have learned from this storm is that the Federal, State, and local responses to disasters have to be better coordinated and must be more efficient.

Senator STEVENS from Alaska and I cochair the Natural Hazards Disaster Caucus. Seventeen Senators have joined us. Our goal is to provide concrete steps that Federal, State, and local programs can work together to protect our residents, provide a more efficient response, and mitigate the cost and destruction of future disasters.

The Government can't make people whole again after a disaster, but we can, and should, be prepared to do all we can to help people get back on their feet.

We have made great strides in our recovery in North Carolina, but we still have a long way to go. Most Federal officials agree it will be another 2 years before eastern North Carolina has completely recovered. Today, hundreds of people will mark the anniversary of Hurricane Floyd in their FEMA trailers, where they live. We are facing a rental housing shortfall of about 4,000 units, and thousands of victims are facing many years of debt as a result of this disaster.

I am grateful to the Senate for including $50 million for North Carolina for the USDA's Community Facilities Grant Program in the Agriculture appropriations bill. This money will make a real difference in a town such as Farmville, which needs help rebuilding its fire station.

I also want to take this opportunity to thank FEMA Director James Lee Witt and his entire agency for their dedication to helping those who simply could not help themselves.

Governor Jim Hunt has worked tirelessly to help the residents of our State. Most importantly, I want to take this opportunity to thank the people of North Carolina—the thousands of volunteers who, over the course of the last year, have responded heroically to the damage done and the devastation done to their neighbors and friends.

It has been a long year, and we still have a lot of work left to do. Hurricane

Floyd's victims were innocent people, regular working people who have done nothing wrong but had everything taken from them as a result of this natural disaster. They deserve our continued support and dedication as they attempt to rebuild their homes and their lives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, thank you very much.

Mr. President, what is the order of business before the Senate?

The PRESIDING OFFICER. The pending business is H.R. 4444.

Mr. GRAMS. I would like to speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. I thank the Chair.

## REPEAL OF THE MARRIAGE PENALTY

Mr. GRAMS. Mr. President, I wanted to take time before leaving for the weekend to be here to express my strong disappointment with President Clinton and his Democratic allies in the Congress who have once again denied millions of American couples marriage penalty relief.

On August 5, President Clinton vetoed the Marriage Tax Penalty Relief Reconciliation Act. This week, due to strong opposition from some of our Democrat colleagues, the House fell 16 votes short of the number needed to override the President's veto, thus letting down 22 million American couples, including 550,000 couples from my state of Minnesota.

These hard-working Americans are penalized, on average, $1,500 per year simply because they are married. This $32 billion annual tax burden is extremely unfair to these working men and women.

Washington is taking this money from American couples at a time when it doesn't need the money as much as these families do. This money could be used for savings for their children's education, for daycare, for tutors, for braces, for a new washer/dryer, for a family vacation, or for a down payment on a car.

For President Clinton and his Democrat allies in the Congress to deny working men and women this desperately needed tax relief is not only wrong, it is a disgrace.

It is shameful that their spending appetite is growing bigger each year and faster than the incomes of American workers and all of the people across this country who simply choose to get married, start a family, to begin their lives together, and at the altar they have the IRS standing with them.

Since 1969, our tax laws have punished married couples. There are more than 60 provisions in the tax code that penalize working American couples by pushing them into a higher tax bracket, punishing them because of their decision to be joined in holy matrimony.

This was not the intention of Congress when it separated tax schedules for married and unmarried people. It also runs contrary to our often-stated desire to strengthen the institution of the family in America a desire that was reaffirmed with the enactment of my $500 per child tax credit legislation.

The family has been, and will continue to be, the bedrock of our society. Strong families make strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly.

President Clinton himself agrees that the marriage penalty is unfair. He has said that. He believes the marriage penalty tax is unfair, but he vetoed a bill that, by the way, was a compromise, calling into question his resolve to reverse this inequity that he called unfair. But evidently the President believes it is more important for Washington to collect unfair taxes than it is to give tax breaks to working Americans. He uses any and all excuses he can find to keep as many dollars as possible coming into the Government's coffers. Even at a time of huge surpluses, he refuses to let American couples keep a little bit more of their own money.

We are not even talking tax cuts; all we are talking about is tax overcharges that should be returned. If you overpay a bill, you expect to get your change back. If you go to McDonald's and the meal is $5 and you give them $10, you expect to get your change back—or for any kind of a transaction. In this transaction, you should be able to expect to get your money back. On a marriage penalty which is unfair, you should at least be able to get your refund. But despite the rhetoric of this administration suggesting otherwise, the Clinton and Gore administration and its Democratic allies in Congress are not serious about correcting this unfair tax penalty.

Out of eight budgets the Clinton/Gore administration proposed, only one included a tiny bit of relief for married couples. Their paltry marriage penalty relief means millions of couples would not receive the tax relief they want and need. In fact, the President's plan was less than 25 percent of the plan that was sent to him, which would mean that out of 100 couples, he would say 75 married couples don't deserve tax relief even though they are unfairly taxed. A minor, paltry tax relief was proposed by this administration.

Today, families pay more in taxes than they do for food, clothing, and shelter combined. Something is wrong when parents work more to provide for the government than they do for their own families. It is time for the government to contribute to the strengthening of the family, rather than aiding its breakdown.

There is no legitimate policy reason to, continue punishing millions of American couples through this unfair marriage penalty.

By denying Americans marriage penalty tax relief, President Clinton and his Democrat allies in the Congress have shown that they care less about working couples who are struggling to raise families. They care more about dumping money into Washington's coffers. By continuing this bad tax policy that discourages marriage, they will force millions of married couples to pay more taxes to support a big government rather than being able to provide better for American families.

By denying Americans marriage penalty tax relief, President Clinton and his Democrat allies in Congress have chosen to continue to discriminate against working women. Since more and more women work today, their added incomes drive their households into higher tax brackets unfairly, reducing their take-home pay.

By denying Americans marriage penalty tax relief, President Clinton and his Democrat allies in Congress have done harm to the minority, low-income families whom they claim to help, because the marriage penalty hits lower-income working families hardest.

This is not a tax cut for the rich, as this administration always loves to say. Anytime there is any tax relief out there, it is always somehow for the rich. But this hits hard-working, middle-class, middle-income families.

In fact, President Clinton has denied relief for couples at the bottom end of the income scale who incur penalties. As a result of the marriage penalty, they paid nearly $800 in additional taxes, which represents 8 percent of their income.

So what about that? This is not tax relief for the rich.

By denying Americans marriage penalty tax relief, President Clinton and his Democrat allies in Congress have undermined the family the institution that is the foundation of our society by discouraging women from marriage, or even leading some married couples to get friendly divorces.

This is just plain wrong.

To President Clinton and Vice President GORE, I would consider asking you once again to put aside the election-year politics and reconsider your veto on our marriage penalty tax relief that would help millions of couples live the

American Dream. I would ask that. But I know it would be a waste of time. And so do millions of Americans. I know and they know we'll have to wait for a President that is more sympathetic to those who work everyday rather than big government.

To ask this President to reduce or sign this bill I guess would be a waste of time, because I believe, as do millions of Americans, that we will not see one dime of tax relief as long as he is in the White House. We need another President who is going to be more sympathetic to those who pay the bills. I always call them the most used and abused and underappreciated people in the country. That is the people who pay the bills—the taxpayers.

To the 44 million Americans, including 1.1 million Minnesotans, who suffer from this unfair penalty, I want to pledge that we will repeal this marriage tax bill next year and we will not rest until our Tax Code becomes truly family friendly.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

## WEN HO LEE

Mr. SPECTER. Mr. President, I have sought recognition to comment on a number of matters. First, the situation with Dr. Wen Ho Lee has drawn national—really, international—attention, especially in light of President Clinton's statement yesterday that he was deeply troubled by the actions of the Department of Justice and the Department of Energy.

The President put his finger on the critical question; that is, how could it be that on one day Dr. Wen Ho Lee was a major threat to national security, and on the next day the Government agreed to a plea bargain on one count, without jail time or without probation, allowing him to walk out free?

The President was sharply critical, especially of the actions of the Attorney General, who had a rather extraordinary interview with the media yesterday. She was asked about the Wen Ho Lee case and she said that, had Dr. Lee cooperated with the Government, a result could have been achieved a long time before on the disclosure of what had happened with the tapes. But the problem with that answer is that the defense had offered the Government precisely what the Government finally got; that is, Dr. Lee's cooperation on what had happened to those downloaded materials. That offer had been made months ago, but the Government had never replied to that offer. So it is hardly an excuse for Attorney General Reno to say had Dr. Lee cooperated, the matter would have been resolved a long time ago.

Then she was asked a question relating to any mistakes or anything that was done wrong in the handling of Dr. Wen Ho Lee's case. She said she was going to have to review the record to answer that question—which is really extraordinary, since she is the Attorney General and this matter was under her direct, personal supervision. That is a fact we know because in August of 1997, FBI Director Louis Freeh sent one of his top deputies, Assistant Director John Lewis, to Attorney General Reno personally to ask for authorization to submit to the court an application for a warrant under the Foreign Intelligence Surveillance Act. At that time, the FBI had provided a statement of probable cause which was more than sufficient to have the warrant issued.

Attorney General Reno then referred that request to a man named Daniel Seikaly in the Department of Justice, a man who had no prior experience with warrants under the Foreign Intelligence Surveillance Act. The wrong standard was applied.

This has all been documented in a report submitted by the Judiciary subcommittee, which I chair, on oversight of the Department of Justice. And ultimately notwithstanding the request from the Director of the FBI through a top deputy to the Attorney General personally, that request for a FISA warrant was refused. Attorney General Reno doesn't have to study the matter further to acknowledge that mistake.

Then the FBI let the case languish until December of 1998 without any active investigation. It was only when the Cox committee was about to publish its report, as rumored in late December, 1998, and as it came to pass in early January, sharply critical of the way the Wen Ho Lee case was handled, that a polygraph was ordered by the Department of Energy. The polygraph was not taken by the FBI, but taken by an outside contractor, Wackenhut. That was done on December 23, 1997. And the initial report was that Dr. Lee had passed the polygraph, had not been deceptive—grounds for discontinuing the investigation.

It was only several weeks later when the FBI got the tapes and reviewed them and found that the Wackenhut conclusion was not accurate; that there was not exoneration of Dr. Lee.

Then it appears that, finally, when the Department of Justice was thoroughly embarrassed, they really threw the book at Dr. Lee by holding him in detention in really extraordinary circumstances, in leg irons. I have seen prisoners held in leg irons. I witnessed that in Pennsylvania's correctional institution when I was district attorney. Do you know the reason you hold somebody in leg irons? Because they are so violent they threaten risk of bodily injury or worse to the guards who have to deal with them. What possible justification was there for treating Dr. Lee in that manner? And the restrictions which the Government imposed on Dr. Lee? There has been comment, unattributed sources, to law enforcement officials, that what was really in mind here was to coerce a guilty plea from Dr. Lee. The Government apparently thought he was guilty and they were thoroughly embarrassed with the way they had botched the case. What other explanation is there for the way Dr. Lee was treated?

These are fundamental questions which our subcommittee will look into, on oversight of this matter.

There are two aspects of this matter, really. One aspect is what, if anything, did Dr. Lee do to endanger national security? In the application for a search warrant, the Government laid out a long list of reasons stating probable cause for the issuance of that search warrant. Matters that had gone back as early as 1982 involving a great many suspicious activities, so that when the warrant was not issued, notwithstanding the request directly to Attorney General Reno, and when the investigation was, in effect, dropped—really languishing, but in effect dropped for some 15 months—we do not know, on this state of the record, what the quality of the evidence was which led to the indictments.

It is not a sufficient answer, any of them which have been given, because the issue of national security is of the utmost importance.

The subcommittee has in final stages a report on Dr. Peter Lee, who confessed to giving the People's Republic of China key information on nuclear secrets and also on detecting our submarines. That case was another comedy of errors, except it wasn't so funny—"comedy of errors" I think is the wrong words—horrendous errors, where there was miscommunication between the Justice Department in Washington and the assistant district attorney who was trying the case. Dr. Peter Lee finally walked out with probation, notwithstanding the very serious charges brought against him.

Beyond the issue of national security, there is the question as to the treatment of Dr. Wen Ho Lee, his constitutional rights, and whether he was fairly treated. There have been calls for Attorney General Reno's resignation, and the resignation of Secretary of Energy Richardson. I was asked about that earlier today on television and I declined to call for those resignations. I think it is too often that Members go to the klieg lights and make those demands.

I was then asked what would be effective, what could be done. And I was asked whether the President ought to fire the Attorney General.

Based on what the President has said, and the very troubled record which Attorney General Reno has had with Waco and with her decisions on independent counsels, that is something which would be meaningful, if the President really is concerned.

## FIRESTONE TIRES AND FORD VEHICLES

Mr. SPECTER. Mr. President, on another subject, I wish to comment briefly on legislation which will be introduced today in response to the tremendous problems posed by the Firestone tires and the Ford vehicles which turned over, and some 88 deaths. The Appropriations Subcommittee on Transportation, on which I sit, had a hearing on this subject on September 6, 2000. At that time, we heard comments, explanations, excuses which strained credulity. I then introduced legislation which would make it a criminal offense for someone to knowingly put on interstate commerce a deadly product which was likely to result in death. This is based on the experience I had as district attorney of Philadelphia, where reckless disregard for human life, which results in death, constitutes the requisite malice for a charge of murder in the second degree.

I have discussed this provision with the distinguished Senator from Arizona who held a hearing on the matter this week, and the administration has submitted legislation which I am told will be introduced later today. I wanted to make a comment briefly at this time since I know we will be going out early.

I compliment Senator McCAIN for this legislation which will require motor vehicle manufacturers and equipment manufacturers to obtain information and obtain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States.

The legislation will increase the civil penalties for notification of reporting violations; will establish greater cooperation with foreign transportation safety agencies with the exchange of safety-related information and the recall of defective products; and requires additional testing to determine that a vehicle or equipment meets safety requirements.

I am advised that there is coordination with the House and an excellent opportunity that this legislation will be completed before we finish our term, which would be exemplary and which would really show the American people that when we have a very dangerous situation brought to our attention, we will take action.

I am very pleased to see this legislation will include the proposals I have for criminal penalties. In a floor statement made on September 7, 2000, I documented 10 illustrative cases where deadly products had been put on the market knowing them to be deadly and knowing that they contained the risk of death or serious bodily injury. That constitutes the requisite malice for a prosecution. That will be an effective way of dealing with this issue.

The remedy of punitive damages has been illusory. Take the celebrated Pinto case where a calculation was made by Ford that it was cheaper to pay the damages resulting from injuries and deaths than it was to relocate the gas tank. A jury came in with an award of $125 million, later reduced it $3.5 million, which is the customary response where these punitive damage awards have been entered.

## COMPLIMENTING PALESTINIAN AUTHORITY

Mr. SPECTER. Mr. President, I compliment the Palestinian Council, the Palestinian Authority, and Chairman Arafat on their decision not to declare an independent state which had been proposed for September 13. I had urged Chairman Arafat not to declare an independent state when that was proposed last year, and I said at that time that if they desisted, I would make a statement on the Senate floor complimenting them on moving forward.

I say today that their decision is an important one, a good one, and one which will provide a better basis for further negotiations on the Mideast peace process.

## ISSUANCE OF A COMMEMORATIVE POSTAGE STAMP HONORING JOHN B. KELLY, JR.

Mr. SPECTER. Mr. President, the Olympic Games, set to begin today in Sydney, Australia, will feature rowing, which brings to mind the great rowing tradition' which has been a part of Philadelphia for generations. It also brings to mind John B. Kelly, Jr., a Philadelphia native who not only made great strides in the sport of rowing, but who personified the ideal of an Olympic athlete.

John B. Kelly, Jr., better known as "Jack" or "Kel," came from a distinguished family, on and off the water. His father won three gold medals in sculling in the 1920 and 1924 Olympics. His sister Grace was the late Princess of Monaco.

After graduating from the William Penn Charter School, Jack enlisted in the United States Navy. After a short term of service, he attended the University of Pennsylvania where we were college friends in the late 1940's and early 1950's. He was a member of the Kappa Sigma social fraternity and was honored with a membership in the Sphinx Senior Society for his extracurricular accomplishments. Upon graduation, he was commissioned as an ensign, combining duty on a destroyer with his preparation for the 1952 Olympic games in Helsinki.

By the time he hung up his oars, he had advanced the cause and the international name of American rowing and American sports. Jack was an eight-time national single sculls champion, four-time Olympian and bronze medalist in single sculls in 1956, and winner of two gold medals in the Pan American Games in 1955 and 1959. He was also the winner of the Diamond Sculls in the Henley Regatta in 1947 and 1949, a race from which the British had banned his father, purportedly because he worked with his hands and was not considered to be a gentleman.

The winner of the 1947 James E. Sullivan award as the nation's outstanding amateur athlete, Jack was a leading advocate for amateur sports for more than 30 years. Following the 1960 Olympic games, Jack became active in the local swimming program in the Middle Atlantic Association of the Amateur Athletic Union. In 1970 he was elected President of the National Amateur Athletic Union, the youngest person to hold that office in more than 80 years. In 1985 he assumed the presidency of the United States Olympic Committee, and served in that capacity for three weeks until his untimely death on March 2.

Philadelphia honored its native son by erecting a statue of Jack rowing, along the Schuylkill River, and also by renaming the drive along the boathouses on the Schuylkill River in honor of the Kelly family. I believe it would be appropriate for the United States to honor Jack through the creation of a commemorative postage stamp, which would pay tribute to his accomplishments as a world class athlete and to his contributions to our nation and to international athletics and goodwill.

I urge my colleagues to join me in calling upon the Postmaster General to issue this stamp in a timely manner.

The Olympics started today. Jack Kelly, Jr., has a monument on East River Drive which was renamed "Kelly Drive" in honor of the Kelly family, a very distinguished Philadelphia family. Father John B. Kelly, Sr., an Olympic gold medalist, was once denied entry into the Henley Regatta because he was someone who worked with his hands, a bricklayer; therefore, not considered a gentleman and, therefore, not entitled to enter into the competition.

His son John B. Kelly, Jr., made up for all of it. I knew young Jack Kelly as a student at the University of Pennsylvania where we attended together. The family achieved perhaps its greatest notoriety from Princess Grace of Monaco being Jack Jr.'s sister.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT

Mr. HATCH. Mr. President, I rise this afternoon to implore my colleagues to work with me in moving the American Competitiveness in the Twenty-first Century Act, S. 2045, toward enactment.

One of our greatest priorities is—and ought to be—keeping our economy vibrant, and expanding educational opportunities for America's children and its workers.

That is my priority for this country and that is my priority for my home State of Utah.

I am proud of the growth and development in my own home State—growth that has made Utah one of the leaders of the world in our high tech economy.

Utah's information technology vendor industry is among Utah's largest industries, and among the top 10 regions of IT—or information technology—activity in the U.S.

Notably, Utah was listed among the top ten IT centers in the world by Newsweek magazine in November 1998.

The growth of information technology is nowhere more evident and dramatic than in my own home State of Utah.

According to the Utah Information Technologies Association, our IT vendor industry grew nearly 9 percent between 1997 and 1998, and consists of 2,427 business enterprises.

While I am on the subject, let me just also note that just a couple of weeks ago, a major high-tech company in Utah announced the layoff of several hundred Utahns. We have several indications that alternative jobs are available.

I continue to watch this closely. I certainly want these skilled and talented people to remain in our State rather than being hired by other companies in other States.

In Utah and elsewhere, our continued economic growth, and our competitive edge in the world economy require an adequate supply of highly skilled high tech workers. This remains one of our great challenges in the 21st century, requiring both short- and long-term solutions.

The American Competitiveness in the Twenty-first Century Act, S. 2045, contains both.

In the short-term, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, my bill, once again, increases the annual cap for the next three years.

That, Mr. President, is nothing more than a short term solution to the workforce needs in my State and across the country.

The longer term solution lies with our own children and our own workers; and in ensuring that our education and training of our current and future workforce matches the demands in our high tech 21st century global economy.

Thus, working with my colleagues, I have included in this bill strong, effective, and forward-looking provisions directing the more than $100 million in fees generated by the visas toward the education and retraining of our children and our workforce.

Those provisions are included in the substitute which I am prepared to offer today.

We are here, today, however, as this session of Congress comes to a close, with the fate of this critical legislation extremely uncertain.

Frankly, when this bill was reported by the Committee, I thought we were on track to move this rapidly through the Senate.

I offered to sit down with other Members—including my colleague from Massachusetts, Senator KENNEDY, my colleague from California, Mrs. FEINSTEIN, and my colleague from Connecticut, Senator LIEBERMAN—to work with them on provisions regarding education and training. We have done that.

And, I as I have noted, I am pleased to report that the substitute which I intend to offer to this bill, reflects the majority of their ideas and proposals.

Quite unexpectedly, however, the White House weighed in with what sounded to me like an ultimatum tying passage of this to other unrelated, costly and far reaching immigration amendments.

Mr. President, I hope we can get this done.

I know the majority leader filed cloture earlier today on a motion to proceed.

I look forward to working with my colleagues in the coming days to try and avoid a confrontational process.

Again, I hope we can get this done for American workers and children and for our continued economic expansion.

I am grateful to be able to say these words today because I want to move this bill forward. It is in the best interest of our country. It is in the best interest of of our high-tech community. We are talking about nanotechnology technology, quantum computers, all kinds of educational projects in which, literally, this Nation needs to be the leader. The only way we are going to be the leader is if we continue to accentuate the positive by having the best high-tech minds working with us.

Many of these people for whom we want to allow visas are people who have been educated in our country, given our education and given our information. Frankly, it is much to our advantage to have some of them have the privilege of working here before they go back to their own countries. This bill will help to resolve that. To have it enmeshed in politics, as the White House has tried to do, is a tremendous, incredible mistake.

I hope the President and those who are advising him will back off. Let us pass this bill and keep the United States at the forefront of the high-tech revolution.

That is my goal. As everyone knows, I have worked very hard in this area. I daresay there is probably no more important bill in this Congress, as far as the information technology industry and the high-tech community are concerned, than this particular bill. There are others that rise to its equal, but nothing rises beyond it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business and to consume such time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMPLETING THE BUSINESS OF GOVERNMENT

Mr. CRAIG. Mr. President, I know we are at or near the close of business of today's session of the Senate. I thought it important that we end up the week with a bit of an analysis of where we are and where we have to get in the next several weeks to complete the business of Government, to fund the necessary agencies, and to be responsible to the American people as it relates to the expenditure of their tax dollars.

As most all Americans understand, we are now, fortunately, living with a balanced budget at our Federal Government level; that is, current operating budgets. Many of us in Congress for decades fought to get this budget balanced. It became balanced during a period of unprecedented economic growth in our country. I believe that a balanced budget contributed dramatically to that growth.

At the same time as we worked to continue to balance that budget, many of us had wanted to now take some of the unprecedented surpluses of tax dollars that are coming into us and return them to the American taxpayer. We tried to do that this year in two forms: In the reduction or the elimination of the marriage tax penalty, about $1,400 per married couple; and in the near elimination of the death tax; in other words, the taxing of citizens of their wealth or their estates upon the incident of death. Those are two items extremely popular with the American people.

Yet in trying to do that, we were told by this administration and by many of my colleagues on the other side that it would wipe out this surplus tax dollar amount—many statements such as that that couldn't be any further from the truth. The reality is that for those two tax packages that were passed by Congress and now vetoed by the President, we are talking of about a dime, one dime out of every surplus dollar, your surplus tax dollar, to be projected to come in to our Government over the next decade.

Be that as it may, that is a problem we face. So here we are now working to finalize the work of the Government in the next 3 weeks, and we have an inordinate amount of work to get done. One of my frustrations as a leader on this side in trying to move the process along is that, for the last 6 months, we have heard the rumor, and we have watched the actions of the minority leader and the folks on the other side, which would indicate there was a stalling tactic going on, that somehow they didn't want to get the work done in a timely fashion, that they constantly objected to unanimous consents, and they asked for votes time after time on issues we had already voted on and had been thoroughly debated on the floor of the Senate, from which the political answers had come flowing forth on the debate.

Let me give a couple of examples. I am one of those who always comes to the floor when there is a gun debate. Somehow, the other side is saying we have to have more votes on gun issues. Well, I will say this: We have already had 13 votes this session on the gun issue. I am not quite sure how many more we need, or will need, to express to the American people the intent of Republicans versus Democrats versus individual Senators as it comes to this issue.

We have had rollcall votes on amendments 403 times; Democrats have proposed 231 and Republicans have proposed 172. Many of these amendments never would make it into policy and had been refused by the authorizing committees but were here either for time taken or for political expressions being made—not for substantive policy reform because we knew it would not happen.

On the issue of "Kennedy Care," or health care, we have already had eight votes; and we still are being asked to take more votes on the prescription drug issue, a Government-run proposal on the part of some. We have had seven votes on that. How many votes does it take to express to the American people the intent of this Congress or this Senate when it comes to a given issue? A once-a-week vote? A once-a-day vote? How about one thorough debate and one vote up or down? That clearly expresses the will and the intent of individual Senators.

This last week we have had a very significant debate on the normalization of trade relations with China, known as PNTR, permanent normal trade relations. It is a very important debate and it was handled very well. Most of the amendments have been constructive. But while we have been trying to do this, recognizing our work schedule we have been trying to do a couple of other things. For example, we have been trying to offer up additional amendments, or appropriations bills, or conference reports that will finalize the work of Congress. This is what has happened. It confirms what many expected was true and that was an attempt to slow-roll us or stall us so we could not get our work done.

Here is a quote from the USA Today of Friday, September 8. It says:

> Senator Minority Leader Tom Daschle has a simple strategy for winning the final negotiations over spending bills. Of course, those are the key items that we must finish to finish the work of the Congress so we can adjourn. What is it?

He said:

> Stall until the Republicans have to cave in because they can't wait any longer to recess and get out on the campaign trail.

Of course, the logic is simple if you are an insider and you know the workings of the Senate and you know how many are up for reelection.

> That is because 18 of the 29 Senators seeking reelection are Republicans and 11 are Democrats. There are a lot of vulnerable Republican Senators. I know they want to go home badly.

So what is the tactic? Stall, object. One Senator can come to the floor and all he or she has to do is say: Mr. President, I object. That simple action in itself can either take hours or days of debate and break down the process. It can be called a filibuster, or gaining cloture on a vote; but ultimately, and without question, it is a stalling tactic—especially now in light of what the minority leader says.

Finally, TOM DASCHLE has come clean. He has openly and publicly said their tactic is to stall. What does stalling really get us? To some who believe in big government, it could probably get them tens of billions dollars more in money to spend on Government programs and, in some instances, more Government control, more Government mandates and, frankly, more Government in your back pocket.

People of my thinking would suggest that is bad policy. But the dollars we are talking about, the surplus dollars that we tried to get back to the American people in the form of tax relief, which was vetoed this year by the President, is the kind of money they now want to spend. Oh, these Republicans, if we just stall on them, they are so anxious to go home that they will buy their way out of it in the final hours of the 106th Congress.

Senator DASCHLE, Democrats, listen to me, please. We are not going to buy our way out of it. I don't want to buy our way out of it. The American taxpayers don't want us to buy our way out of it. They want good, sound policy, recognizing important programs. But they also know we are increasing Government spending at a near record rate now and, at the same time, we truly do have a surplus that ought to go home to the American taxpayer from whence it came. It is not our money; it is the taxpayers' money.

That is why Senator LOTT, the majority leader of the Senate, and Congressman DENNIS HASTERT, the Speaker of the House, in a meeting with President, said: Mr. President, let's take 90 percent of the surplus, if you are not going to let us give it back in taxes, and let's use it to pay down the debt; 90 percent of the surplus could go against the debt. That leaves 10 percent of the surplus to spend on programs.

Well, they can't even agree with that on the other side, when the American people are clearly saying: Give us tax relief. But if you can't do that, pay down the debt.

For gosh sakes, don't spend that money. Get Americans debt free. Buy down that nearly $6 trillion debt in a way that is manageable, responsible to the economy—but, most importantly, in a way that is responsible to our young people and to their futures. It is a debt they will, obviously, have to assume.

Mr. Daschle's answer is to stall. How do you stall? This is how you do it. When the leader comes to the floor and asks unanimous consent that H.R. 3615, the Rural Local Broadcast Signal Act—simple but important, and it is called the rural satellite bill—is ready to go, somebody from the other side stands up and says, "I object." Senator LEAHY did that for Senator DASCHLE.

Stalling tactic? You bet. I call that stall No. 1. Here is stall No. 2: H.R. 1776, the national manufactured housing construction bill. It has 32 cosponsors, including Democrats such as Senators BRYAN, CLELAND, and HOLLINGS. The Leader requested, on September 8, to go to a conference to solve our problems. This is for safety requirements for manufactured housing. Senator LEAHY, for Senator DASCHLE, said, "I object." Stall No. 2.

Stall No. 3, H.R. 1259, Social Security and Medicare Safety Deposit Act, the lockbox: Democrats and the President are trying to take credit for that right now. They fought us for a year on it. Senator ASHCROFT of Missouri was the one who came up with the idea. News stories are replete about Republicans talking about that idea for the last year and a half. And now, of course, because some folks on the other side of the aisle want credit when we proposed bringing that up to debate it, to have it, and to truly protect Social Security revenues, oops, stall No. 3.

This time Senator DASCHLE himself came out and objected to reaffirm what he said to USA Today on September 8. They won't even let that go.

Here is stall tactic No. 4, four district judges: We have been criticized all year because we won't confirm the judges the President has sent up. Majority Leader TRENT LOTT brings the judge bill to the floor, judges the Democrats want, judges the Republicans want, but, most importantly, judges that this President sent up. He brought the judges to the floor. Let's see. He brought a judge for Senator DURBIN; he brought a judge for Arizona, and everybody agreed on these judges; DASCHLE himself objected, stall tactic No. 4.

These are just functionary, important kinds of necessarily "get done if you can" kinds of things. We have time to do it. It doesn't require lots of debate. But it clearly appears to me that no action goes forth. And if we can stop that action, surely those Republicans in time will cave.

Here is stall tactic No. 5, intelligence authorization: A request to go to the conference with Democrat amendments submitted to DASCHLE through a staff channel on September 7—no response from DASCHLE or others—with an indication that Democrats are preparing additional amendments, stall tactic No. 5.

My goodness, aren't we going to get these authorizations done? They are very important.

Here are four nominations to the U.S. Institute for Peace. I am not going to stand here and suggest the Democrats aren't for peace. We are all for peace. But at least they objected to moving nominations on the Institute for Peace; stall No. 6.

A document that made stall No. 7 happen on the 13th of this month was a major report coming out of our Federal Government saying that violence in the media, violence in video games, violence on television, and violence in the movies is truly producing a culture of violence that could and appears to be translating into violent youth of America with young people witnessing over 100,000 acts of violence, actually watching on television, although acted and cast—8,000 murders during their young lifetime. Somehow that is important. We have been talking about it for years as being darned important.

Senator JOE LIEBERMAN, now Vice-Presidential candidate, proposed what is known as the "Media Violence Labeling and Advertising Act of 2000." Senator JOHN MCCAIN supported him. It is bipartisan with Democrats and Republicans, and now a national issue made true by studies and analyses of our Federal Government as to the impact on young people. We brought it to the floor. That is S. 2497, bipartisan legislation, and there was objection to the unanimous consent to move it forward.

For the week, that is stall tactic No. 7.

What will next week hold? We are going to conclude PNTR on a vote on Tuesday, I believe. We have numerous appropriations bills that ought to be dealt with. Hopefully, we can and will deal with them and in doing so pick up the pace around here and get our work done so that we can adjourn—so that we can send a very clear message to the American people of the intent of this Congress to balance the budget; to hold sacred the Social Security surplus; to make sure that we deal with health care in a responsible way for our citizens; hopefully that we could give back a few of these surplus tax dollars, but if we can't do that, at least dedicate a large portion of it to debt buydown so that young people in their lifetime won't have to finance the debt structure of the generation before them.

Those are responsible and right things to do, and I hope we can do them. But I will be back next week to talk probably about stall tactic No. 8, No. 9, No. 10, and No. 11. At least I am going to until the minority leader comes to the floor and he recants and says that he didn't say this or that this isn't a strategy because if it is a strategy, it is bad politics, and it is darned bad government to simply say, no, we are not going to work until we get the right to spend billions and billions of dollars of more money. That is not bipartisan. Most importantly, that is bad policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESCRIPTION DRUGS AND PREVENTIVE CARE: THE KEY TO TRUE MEDICARE REFORM

Mr. GRAHAM. Mr. President, yesterday I started the first of what will be five or more brief statements on issues related to the subject of the Federal Government providing a prescription medication benefit to Medicare recipients.

Yesterday, I opened this series with a discussion of what I consider to be the most important reform required in the Medicare system; and that is reforming a 35-year-old health care system which was established to provide acute care; that is, care after an illness had matured into a major condition, or after an accident had caused a person to require specific medical attention largely in a hospital setting.

What was not included as part of the 1965 Medicare program was an emphasis on what seniors want today; and that is, they want a system that will not just treat them after they are seriously ill but to have treatment that will avoid or reduce the impact of those illnesses through effective preventive strategies.

Those preventive strategies have many components, including regular screenings for those conditions that can be detected at an early time; and then the management, through a variety of sources, of those chronic conditions so that they do not mature into serious health concerns, in some cases even death.

To me, the conversion of Medicare from a sickness program to a wellness program is the fundamental reform that this Congress must achieve.

If we are going to have this new orientation on wellness, prescription drugs will play a critical role. Prescription drugs are a part of almost every methodology of managing a medical condition which, if not appropriately managed, could mature into serious complications. Prescription drugs are a key to providing true quality preventive care for our senior citizens.

My point is illustrated by an example.

Mrs. Jones is a Medicare beneficiary. She has, like an increasingly large number of Medicare beneficiaries, no drug coverage. Unfortunately, Mrs. Jones also has diabetes, hypertension, and high cholesterol. These are three conditions which in the past would have been debilitating, even fatal. Today, thanks to the miracle of modern medicine, Mrs. Jones can treat these conditions and continue to live a healthy life.

Mrs. Jones is likely to be treated with Glucopahge, Procardia XL, and Lipitor.

The annual cost of Glucophage will be $708. The annual cost for Procardia XL will be approximately $500 to $900, depending on whether 30 or 60 milligram tablets are prescribed. The annual cost of Lipitor is approximately $700. The total annual spending for these three drugs alone for Mrs. Jones will range between $1,900 and $2,300. These costs, for most seniors—I would argue, for most Americans—are likely to cause significant economic hardship. But if Mrs. Jones does not take these drugs, she will find her conditions raging out of control and will surely be a candidate for expensive hospital stays and surgery.

Those last two comments underscore the fact that this is a medical issue in terms of will we make available and affordable to our older citizens those drugs which are available to manage conditions and avoid those conditions maturing into the need for expensive hospitalization, surgery, or even conditions that are beyond the ability of those heroic measures to stop the unending pace towards death. It is also an economic issue.

For most seniors, there are many years of preparation for retirement, preparation which is particularly oriented to assure that there will be an economic foundation under their retirement years. There are many challenges and risks to that economic foundation. Today the most prominent of those risks, the one which is most feared by millions of older Americans, is the fact that they will, in fact, be diagnosed as having some condition which, the good news is, is treatable and controllable. The bad news is, it will wreck their economic foundation to pay the cost of those drugs. We are dealing not only with an issue of medical humanity but also of economic security. We owe it to our Nation's seniors that they have the chance to live a full, healthy, and economically secure life in retirement. Prescription medications are a key to allowing them to do so.

When Medicare was established in 1965, Mrs. Jones may have benefited most by a system that provided effective hospital care, that did not have a particular focus on preventive benefits, where outpatient prescription drug coverage was not a particularly significant factor. But in the 35 years since that time, medical science and our set of values of what we want from our health care system have changed dramatically.

Today pharmaceuticals, not surgery, are the first line of defense against illnesses. The number of prescriptions for American seniors grew from 648 million as recently as 1992 to more than 1 billion in the year 2000. One example of this transition from surgery to pharmaceuticals is the treatment of ulcers. It used to be that the standard treatment was surgery. Today surgery for ulcers is a very rare event. What has happened is the substitution of effective pharmaceuticals to treat, remedy, and reverse ulcerous conditions.

A senior is better because he or she has avoided the necessity of intrusive surgery. Our taxpayers are better because they have avoided the cost of that surgery, and the senior is able to resume a normal quality of life.

We should think of preventive medication today as the anesthesiology of the last century. I have suggested that if Medicare had been created, not in 1965 but at the end of the Civil War in 1865, there would have been the same debate that we are having today over whether we should include anesthesiology. As we know from our study of Civil War history, it was not uncommon for very serious surgical procedures to be conducted without anesthesiology. Today we would think it to be ludicrous to the extreme and inconceivably inhumane not to have anesthesiology as a core part of a health care system. I suggest that in a few years people will look back on this debate with the same shock and surprise that we thought there was any debate over the question of whether pharmaceuticals should be part of an appropriate humane health care system as we begin the 21st century.

Medicare beneficiaries should not have to choose between bankrupting themselves and their families or succumbing to a preventable disease. The key to modernizing Medicare is turning it from a sickness program to a wellness program. Prescription drug coverage is a crucial component of that change.

Let me give another example. A senior with gastrointestinal problems is most likely to be prescribed a drug known as Prilosec. Based on 1998 data from the Pennsylvania Pharmaceutical Assistance Contract for the Elderly program, which is the largest outpatient prescription drug program in the country, Prilosec is the second highest selling drug prescribed for seniors. The annual cost is $1,455. For a senior who, for instance, is at 200 percent of the poverty level, $16,700 per year, Prilosec will consume $1 out of every $11 of that senior's income. This price is very high for that senior. But the price the senior would pay if he or she did not take Prilosec is even higher. They would sacrifice an active, pain free life for one riddled with chronic pain.

This body should recognize that prescription drugs are an integral part of a preventive care strategy for the Medicare program. As one of the primary guardians and trustees of the Medicare program, the Senate has the responsibility to reform and modernize Medicare so that it focuses on health promotion and disease prevention for all of our Medicare beneficiaries. It can improve the quality of life for older citizens through making this conversion from a sickness to a wellness program.

The Medicare program can also slow the cost to the taxpayers by making this transition. The cost of one senior, typically an older woman who falls and, because of her shallow bone mass, injures her hip and requires hospitalization, often surgery, and always a long and painful recovery period, the cost of that to the taxpayers is much greater than the cost of one of the preventive measures which is now being recommended but which is yet to be covered by Medicare; that is, effective hormone management techniques which will contribute to maintaining strong bone conditions and reducing the vulnerability to that kind of a serious mishap.

It has been proven time and time again that a combination of preventive services and appropriate medication can reduce the incidence of stroke, diabetes, heart disease, and other potentially fatal conditions.

Detailed programmatic changes—changes based upon the realization that prescription drugs and preventive services go hand in hand—are necessary to convert the current Medicare system into one that best serves our citizens by keeping them well as long as possible.

Mr. President, we are very fortunate to be living in an era of unprecedented prosperity. This period gives to us, the trustees of the Medicare system, an even greater responsibility and opportunity. We can use this period of prosperity to reform the Medicare program, to assure that our seniors will be able to live longer, healthier lives through preventive care and the treatments that are available to us today. To capitalize upon this opportunity we must provide a prescription benefit which is affordable and comprehensive for our Medicare beneficiary citizens.

I implore each of us to take advantage of this opportunity and use the funds that are available to us now to implement change that will benefit our seniors today, our children and grandchildren tomorrow.

We have discussed the need to reform the Medicare program to shift its focus from the treatment of illness to the maintenance of good health. We have discussed the critical role that prescription medications play in ensuring a successful preventive care strategy for Medicare. If we agree on these issues—and I believe there is broad consensus—the next question we must answer is: How should a prescription drug benefit be made available for our Medicare beneficiaries?

Next week, I will discuss the critical question of whether a prescription drug benefit should be part of the big tent of Medicare program, or if it should be placed as a sideshow act outside of Medicare. I look forward to discussing this with my colleagues next week.

## BUSH HITS GORE ON DRUGS AND TAXES

Mr. GRAHAM. Mr. President, I want to close with a comment about an article that appeared in today's Washington Post under the headline, "Bush Hits Gore on Drugs and Taxes."

I ask unanimous consent that this article be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, according to this article, there is a new 30-second ad being run that is entitled

"Drugs and Taxes." According to the Washington Post article, the audio of this tape begins as follows:

> Al Gore's prescription plan forces seniors into a government-run HMO. Governor Bush gives seniors a choice.

The Post, in its analysis of this statement, makes the following comment:

> In a classic contrast ad furthering the theme that Gore is untrustworthy, Bush misrepresents the vice president's drug plan. First, it isn't mandatory; seniors can opt for drug coverage or not. Second, Medicare recipients could remain in traditional choose-your-own-doctor plans. Drug payments would be administered through private cost-control groups—such as those now employed by the insurance industry—that are not "government-run" or health maintenance organizations. In fact, many analysts say Bush's plan, while providing choices, would encourage more seniors to join cost-conscious HMOs.

I only add to that analysis of this ad that it is interesting to me that the word "HMO" is inserted in the ad of Governor Bush as a pejorative. This Senate has been trying for the better part of the last 2 years to pass a Patients' Bill of Rights in order to lay out some basic standards of protection as they relate to the beneficiaries of HMOs, the citizens who look to the HMO to finance their health care, the providers—doctors and hospitals—who are the source of that health care, and the HMO which has received the premium dollars from the patients and is now called upon to pay the providers for the cost of services delivered to the beneficiaries.

It has been my position—and I believe today a majority of the Senate's, as well as a very strong majority in the House of Representatives—that it is a Federal responsibility to establish some basic standards of that relationship so that there will be a comfort level that people know what will be expected. They will know how they would be treated, whether it is in the emergency room, whether it is in access to a specialist physician, whether it is a woman's right to use her gynecologist as her primary care physician; all of those very intimate issues will have a known, federally established standard.

Yet in spite of that majority support in both Houses of the Congress, we have gone month after month after month unable to even have the conference committee report out a bill that we can debate and decide whether it meets the appropriate standards of providing those standards of treatment for patients, providers, and the HMO itself.

It is surprising to me, therefore, in that context that now Governor Bush apparently has concluded that the HMOs are sufficient pejorative that he can use them as the target of his attack of what we don't want in our health care system. I hope this ad might serve the probably unintended purpose of galvanizing an even broader coalition within the Congress behind the necessity for HMO reform and for the establishment of a basic set of patients' rights.

If Presidential candidate Governor Bush has seen the HMO as such a pejorative figure that he is now attacking it in his ads, that might send a signal as to what the American people want us to do in terms of beginning to rectify that negative image by providing some effective nationwide standards of Patients' Bill of Rights for HMOs.

So I will conclude with that side comment. I do hope that on this important issue of the provision of prescription drug benefits, we will deescalate the misrepresentation of both parties' plans. I happen to have my own strong preference as to which plan I think will best serve the needs of the American people, and particularly our 39 million Medicare beneficiaries, but I think we ought to treat both plans with the respect they deserve, have a full and serious debate on those plans, use the election of November 7 as a national referendum as to how we wish to proceed, and then if, unfortunately, we have failed to act on prescription drugs during the remaining weeks of this session, we would reconvene in January of 2001 with a President who has a mandate from the people for a clear direction, and we will respond to that mandate by effective action.

If we achieve that goal, then to the extent of this very critical issue, the democratic process is alive, healthy, and performing one of its fundamental functions of converting public aspirations into policy that will benefit their lives.

EXHIBIT 1

### BUSH HITS GORE ON DRUGS, TAXES

(By Howard Kurtz)

Candidate: George W. Bush.

Markets: Michigan, Ohio, Pennsylvania, Florida and 14 other states.

Producer: Maverick Media.

Time: 30 seconds.

Audio: "Al Gore's prescription plan forces seniors into a government-run HMO. Governor Bush gives seniors a choice. Gore says he's for school accountability, but requires no real testing. Governor Bush requires tests and holds schools accountable for results. Gore's targeted tax cuts leave out 50 million people—half of all taxpayers. Under Bush, every taxpayer gets a tax cut and no family pays more than a third of their income to Washington. Governor Bush has real plans that work for real people."

Analysis: In a classic contrast ad furthering his theme that Gore is untrustworthy, Bush misrepresents the vice president's drug plan. First, it isn't mandatory; seniors can opt for drug coverage or not. Second, Medicare recipients could remain in traditional choose-your-own doctor plans. Drug payments would be administered through private cost-control groups—such as those now employed by the insurance industry—that are not "government-run" or health maintenance organizations. In fact, many analysts say Bush's plan, while providing choices, would encourage more seniors to join cost-conscious HMOs. Bush's education plan does place more emphasis than Gore's on holding schools accountable, though the Texas governor would spend less. Bush's $1.6 trillion tax cut would reach far more Americans than Gore's $500 billion cut, which would be tied to specific behavior, and the Gore camp essentially concedes the point by saying that 40 million taxpayers, not 50 million, would get no benefit.

## NATIONAL POW/MIA RECOGNITION DAY

Mr. LUGAR. Mr. President, today is National POW/MIA Recognition Day. As a Nation we remember and honor all those who were prisoners of war and those who are still MIA. It is altogether fitting that they have this special day where we express gratitude for their service, for their sacrifices, and for the sacrifices of their families. We also take this day to assure the many families who still await the return of a loved one that we have not forgotten.

As a former Navy officer, I feel strongly that the United States Government must fulfill its commitments to the men and women who serve in the armed forces. One of these commitments is using every available means to ensure the return of POWs and MIAs at the end of hostilities. We must continue to support the vigorous pursuit of this commitment through on-site investigations being undertaken in Indochina and through a fuller examination of records in the United States, Russia and Asia. I would like us to renew our promise to the families and to the Nation to tirelessly fight for the fullest possible disclosure of information about the many Americans missing or unaccounted for from World War I, World War II, the Korean War, in Southeast Asia, and from the Cold War.

As we renew that promise, we can also count some accomplishments. In the past year, the remains of 49 Americans were returned from the war in Southeast Asia; however, 2005 Americans remain unaccounted for from that war—1,511 in Vietnam alone.

All year, veterans in Indiana and around the country have been holding commemorative events marking the 50th anniversary of the Korean War. This year has also seen progress in negotiations with the North Korean Government. In June, we witnessed a historic summit between North and South Korea, which could lead to further breakthroughs. Within the past three months, joint United States-North Korean remains recovery operations have returned the remains of 28 Americans. Since 1996, teams from the U.S. Army Central Identification Laboratory in Hawaii have conducted 15 such operations and recovered remains believed to be 68 soldiers. Though many of these MIA files were dormant for years because we had no diplomatic ties with the North Koreans, advances in DNA identification procedures create the hope that all of these remains will be identified.

This is a team effort and requires the firm commitments of the Congress, the Administration, the Departments of Defense and State, the Joint Chiefs of Staff and the National Security Agency. I am hopeful that all of us, through continued humanitarian support and dedicated diplomatic endeavors, will gain further information about the servicemen still missing to honor their sacrifice and provide peace of mind to their loved ones.

Mr. GRAMS. Mr. President, I rise to remind my colleagues that today is National POW/MIA Recognition Day. On this occasion, we should remember and pay tribute to the 2,005 soldiers, sailors, marines, and airmen who are still missing and unaccounted for, and we stand in solidarity with their loved ones and families. I am humbled by, and grateful for their love of country and sense of duty and honor.

It is difficult not to feel uneasy amidst the mixture of somber thoughts and feelings of gratitude and pride that this day brings. Uneasy, because, while we are a nation at peace and the wars in which these men fought are long over, they have not all returned home.

These Americans swore an oath to support and defend the Constitution, and with great personal sacrifice, carried through on that promise to their nation. Undoubtedly, many endured years in starved, tortured, isolated misery. Their integrity and heroism are examples of the core values on which this nation was founded.

Today, I want to pay special tribute to the dedication and service of the soldiers from my home State of Minnesota who are or were POW/MIAs from the Vietnam war and the Korean war.

These great Americans and their families have the gratitude of this free Nation. Yet, we must not rest until all American POW/MIAs are returned and accounted for, and the many questions that have overwhelmed their families are answered. I urge the Senate, the administration, the Departments of Defense and State, the Joint Chiefs of Staff, and the National Security Agency to redouble their efforts to bring our soldiers home as quickly as possible. Let us all take heart from the POW/MIA flag, which is displayed every day in the Capitol rotunda and which I display proudly in my offices. "You Are Not Forgotten."

I ask unanimous consent to have printed in the RECORD a list of Minnesota's POW/MIAs from the Vietnam and Korean Wars.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### MINNESOTA'S COLD WAR CONFLICT POW/MIAs

Eddie R. Berg, Air Force, Staff Sergeant.

Warren J. Sanderson, Air Force, Captain.

### MINNESOTA'S VIETNAM CONFLICT POW/MIAs

Howard L. Algaard, Army, Warrant Officer.

Richard C. Anshus, Army, Lieutenant Colonel.

John F. Bailey, Air Force, Major.

Charles J. Bebus, Air Force, Airman First Class.

Cole Black, Navy, Lieutenant Commander.

Richard F. Bolstad, Air Force, Colonel.

Paul V. Carlson, Navy, Lieutenant Junior Grade.

Keith A. Christophersen, Navy, Lieutenant Junior Grade.

William R. Cook, Air Force, Lieutenant Colonel.

William J. Crockett, Air Force, First Lieutenant.

Benjamin F. Danielson, Air Force, Captain.

Gale A. Despiegler, Air Force, Major.

David W. Erickson, Marine Corps, Private First Class.

David Everson, Air Force, Lieutenant Colonel.

Allen E. Fellows, Air Force, Major.

Robert H. Flynn, Navy, Lieutenant Commander.

William S. Forman, Navy, Lieutenant.

Lawrence H. Golberg, Air Force, Captain.

Lawrence D. Gosen, Navy, Lieutenant Commander.

Gary J. Guggenberger, Army, Corporal.

Eugene A. Handrahan, Army, Corporal.

Stephen J. Harber, Army, Corporal.

Elroy E. Harworth, Air Force, Airman First Class.

Roger D. Ingvalson, Air Force, Lieutenant Colonel.

Kenneth R. Johnson, Air Force, Major.

Richard A. Knutson, Army, Warrant Officer.

Thomas C. Kolstad, Navy, Lieutenant Commander.

Melvin T. Krech, Navy, Petty Officer First Class.

Ronnie G. Lindstrom, Air Force, First Lieutenant.

Allen R. Lloyd, Army, Sergeant.

Lyle E. Mac Kendanz, Army, Staff Sergeant.

Marlow E. Madsen, Navy, Lieutenant Junior Grade.

William E. Mickelsen, Navy, Lieutenant.

Robert E. Mishuk, Marine Corps, Private First Class.

Patrick P. Murray, Marine Corps, Captain.

Clinton A. Musil, Army, Captain.

Patrick L. Ness, Navy, Ensign.

Barry A. Olson, Army, Private First Class.

Robert E. Olson, Air Force, Major.

Delbert R. Peterson, Air Force, First Lieutenant.

Trent R. Powers, Navy, Lieutenant Commander.

Michael E. Quinn, Navy, Lieutenant.

Gary L. Rehn, Marine Corps, Corporal.

Lavern G. Reilly, Air Force, Major.

Thomas E. Reitmann, Air Force, Captain.

John L. Ryder, Air Force, First Lieutenant.

Richard J. Schell, Army, Second Lieutenant.

John R. Schumann, Army, Major.

Francis L. Setterquist, Air Force, First Lieutenant.

Orval H. Skarman, Marine Corps, Sergeant.

Darrell J. Spinler, Air Force, Captain.

Danial A. Sulander, Army, Warrant Officer.

Roger W. Swanson, Army, Private First Class.

William E. Swanson, Navy Reserves, Lieutenant Junior Grade.

Leo K. Thorsness, Air Force, Major.

Dennis L. Toms, Navy, Seaman Apprentice.

Richard A. Walsh, Air Force, Lieutenant Colonel.

David R. Wheat, Navy, Lieutenant Junior Grade.

Richard D. Wiehr, Navy, Petty Officer Second Class.

Kurt M. Wilbrecht, Marine Corps, First Lieutenant.

David W. Winn, Air Force, Brigadier General.

Ronald L. Zemple, Navy, Seaman.

### MINNESOTA'S KOREAN CONFLICT POW/MIAs

Glen Allen, Marine Corps, First Lieutenant.

Roy H. Anderson, Jr., Army, Corporal.

Arnold V. Andring, Army, Sergeant.

Henry L. Arionus, Army, Corporal.

James L. Ballantyne, Army, Corporal.

Weldon L. Bassett, Army, Corporal.

John W. Beebe, Marine Corps, Major.

Dwight M. Bergeron, Army, Sergeant.

James H. Belcher, Jr., Army, Private First Class.

Louis H. Bergmann, Air Force, Staff Sergeant.

Alfred J. Bernardy, Army, Corporal.

Robert Bjorge, Army, Private First Class.

Robert S. Block, Army, Private First Class.

Richard F. Boehme, Army, Private First Class.

John L. Bolster, Army, Private First Class.

Benny Bowstring, Army, Sergeant.

George E. Bradway, Army, Private First Class.

Arnold N. Brandt, Army, Lieutenant Colonel.

William E. Brandt, Marine Corps, Corporal.

Sylvester A. Braun, Army, Corporal.

James V. Briody, Army, Private First Class.

Donald Brooks, Army, Corporal.

Gerald L. Caldwell, Marine Corps, Private First Class.

Ralph W. Carlson, Army, Sergeant.

Jerry C. Christensen, Army, Master Sergeant.

Adrian L. Christenson, Air Force, Captain.

Edward W. Clarno, Army, Private First Class.

William Colby, Army, Corporal.

Elmer C. Dahn, Army, Corporal.

Rolland W. Demo, Army, Private First Class.

Williard M. Denn, Air Force, Airman First Class.

Gordon A. Dietrich, Army, Private First Class.

Harvey E. Dorff, Army, Corporal.

Donald J. Drama, Air Force, First Lieutenant.

Dewin G. Eklund, Jr., Army, Captain.

Gerald R. Emmans, Army, Corporal.

Dean J. Erickson, Air Force, Airman Third Class.

Eugene L. Erickson, Army, Private First Class.

William P. Faeth, Air Force, Staff Sergeant.

Richard M. Fairbanks, Army, Private First Class.

John D. Farley, Marine Corps, Lance Corporal.

Michael C. Fastner, Army, Master Sergeant.

Charles C. Follese, Army, Private First Class.

Robert D. Frisk, Army, Corporal.

Channing Gardner, Navy, Lieutenant Junior Grade.

John H. Gilles, Army, Second Lieutenant.

Richard E. Grauman, Army, Sergeant.

Rosslyn E. Gresens, Army, Sergeant.

Lincoln L. Grife, Army, Private First Class.

Walter H. Gruebbeling, Army, Sergeant First Class.

Elvin W. Haase, Army, Sergeant.

Kenneth N. Halsor, Army, Private First Class.

Gordon L. Hannah, Army, Sergeant First Class.

Beverly T. Haskell, Army, Sergeant First Class.

John W. Healy, Army, Lieutenant Junior Grade.

August H. Hinrichs, Jr., Air Force, Master Sergeant.

Delbert J. Holliday, Army, Private.

John H. Holman, Army, Sergeant First Class.

Johnh I. Hoven, Army, Corporal.

Arnold S. Howard, Air Force, First Lieutenant.

Paul J. Jacobson, Air Force, First Lieutenant.

Lawrence R. Jasmer, Army, Sergeant.

Morton H. Jensen, Air Force, Technical Sergeant.

Eugene F. Johnson, Navy, Lieutenant.

Gudmund C. Johnson, Jr., Army, Corporal.

Roy L. Johnson, Army, Corporal.

Richard J. Karnos, Army, Major.

Douglas B. Kern, Air Force, First Lieutenant.

Merten G. Klawitter, Army, Sergeant.

Edwin H. Knutson, Army, Sergeant.

George W. Kristanoff, Army, Captain.

Freddie A. Kvale, Army, Corporal.

Gerald R. Larson, Army, Private First Class.

Robert W. Liebeg, Army, Corporal.

Ronald D. Lilledahl, Marine Corps, Private First Class.

Carl H. Lindquist, Army, Master Sergeant.

Walter E. Lischeid, Marine Corps, Lieutenant Colonel.

Warren A. Lundberg, Marine Corps, Lance Corporal.

Allan E. Luoma, Army, Sergeant.

William R. Lyden, Air Force, First Lieutenant.

George Major, Marine Corps, Major.

Charles D. Makela, Army, Corporal.

Clarence A. Mattson, Army, Corporal.

Homer I. May, Army, Sergeant First Class.

Earl W. Melsness, Army, Corporal.

Robert Mickelson, Army, Private First Class.

Elwyn J. Miller, Marine Corps, Private First Class.

Roland A. Moore, Army, Master Sergeant.

Harold V. Motzko, Army, Corporal.

Gerald J. Mueller, Army, Sergeant.

Horace H. Myers Jr., Air Force, Major.

Lawrence A. Nelson, Air Force, First Lieutenant.

William F. Nelson, Army, First Lieutenant.

Howard C. Nielsen, Army, Private First Class.

Robert F. Niemann, Air Force, First Lieutenant.

Larrie D. O'Brien, Army, Private.

Kenneth L. Olson, Army, Corporal.

Maurice A. Olson, Air Force, Technical Sergeant.

Norman E. Olson, Army, Master Sergeant.

Robert H. Ostendorf, Army, Private First Class.

Chester Ostrowski, Army, Private First Class.

Eugene L. Ottensen, Army, Sergeant.

Paul P. Pensak, Army, Private First Class.

Donwin R. Peterson, Air Force, Private First Class.

Norman W. Peterson, Army, Airman Second Class.

Phillip O. Peterson, Air Force, Private First Class.

Ralph L. Phelps, Air Force, Staff Sergeant.

Alvin E. Potz, Army, Private First Class.

Daniel C. Randall, Army, Private.

Francis J. Reimer, Army, Sergeant.

Glen C. Richardson, Army, Sergeant.

Alfred D. Richner Jr., Army, Sergeant.

Floyd J. Robb Jr., Army, Corporal.

Ernest Robinson, Marine Corps, Sergeant.

Eugene H. Roering, Army, Private First Class.

Raymond C. Rogers, Army, Sergeant First Class.

Henry O. Ross, Army, Corporal.

Donald L. Rosevink, Army, Private First Class.

Floyd A. Roy, Army, Sergeant First Class.

Wayne C. Ruud, Army, Private First Class.

Donald A. Sangsland, Army, Sergeant.

Joseph A. Schaefer, Marine Corps, Sergeant.

Richard J. Seguin, Air Force, First Lieutenant.

David C. Sewell, Army, Sergeant.

Kenneth E. Slagle, Army, Private First Class.

Marvin E. Sleppy, Air Force, Master Sergeant.

Fred G. Smack, Army, Private First Class.

Raymond C. Solberg, Marine Corps, Private First Class.

Norris A. Solem, Air Force, Airman Second Class.

Bernard L. Splittstoesser, Army, Corporal.

John O. Strom, Army, Corporal.

James N. Sund, Army, Corporal.

Ernest C. Swanson, Air Force, Captain.

Richard P. Swanson, Army, Private First Class.

Randall R. Sweet, Army, Corporal.

Richard H. Todd, Marine Corps, Sergeant.

James E. Torgeson, Air Force, Corporal.

Donald R. Torstad, Army, First Lieutenant.

Lloyd O. Twidt, Army, Corporal.

Fred L. Verant, Marine Corps, Corporal.

Merco Joe Verrant, Army, Captain.

Arthur R. Vossen, Army, Corporal.

Marvin L. Whitehead, Air Force, Corporal.

Stanton G. Wilcox, Marine Corps, First Lieutenant.

Jerome F. Williams, Army, Private.

Albert V. Wiswell, Army, Private.

Jack R. Ziemer, Army, Private First Class.

Harry R. Zupke, Army, Sergeant.

Vernie A. Zurn, Army, Sergeant

## CHINA's ACCESSION TO THE WORLD TRADE ORGANIZATION—ONGOING MULTILATERAL NEGOTIATIONS

Mr. BAUCUS. Mr. President, I am very pleased that we are approaching the end of our debate on PNTR. This legislation will authorize the President to grant permanent Normal Trade Relations status to China after he certifies to Congress that the terms of China's accession to the WTO are at least equivalent to those agreed in the U.S.-PRC bilateral agreement reached last November.

Before the President can make that certification, the ongoing multilateral negotiations in Geneva must be completed, specifically, the Protocol of Accession and the Working Party Report to the WTO General Council.

China is a nation where a free market and the rule of law are in the earliest stage of development. Accession to the WTO, and our granting PNTR, are just the first steps in that process.

China's integration into the global trade community will not be completed overnight. It will take a lot of work by economic reformers in China. And it will take a lot of work by leaders in the United States and in other WTO members to ensure that China stays on course.

Over the coming years, we will have to put a lot of effort into scrutinizing closely and constantly China's compliance with its commitments. That is why earlier this year I introduced the China WTO Compliance Act. I was glad that some of the provisions in my proposal were adopted by the House. Other issues raised in my bill will be dealt with in a three-year investigation that we on the Finance Committee have requested that the General Accounting Office carry out. And that is why I support the President's request for a significant increase in the resources of the Executive Branch to monitor compliance with trade agreements.

Today, I would like to mention several issues in the ongoing negotiations in Geneva. In addition to informing my colleagues about these issues, I am also using this opportunity to remind our American negotiators and the Chinese leadership about the importance of resolving these issues properly.

Section 401 of the bill states that it is the objective of the United States to obtain, in China's protocol of accession, an annual review within the WTO of China's compliance with its terms of accession. China is a nation where a free market and the rule of law are in the earliest stage of development. The success of the WTO, by contrast, is premised on its members having relatively free markets operating against a backdrop of the rule-of-law. For China's transition to membership in the world trading community to be smooth, China will have to undertake major reforms in many areas, from intellectual property law, to customs procedure, to judicial process.

Some of this is underway. It poses a uniquely massive challenge to China and to the world trading community. Some of the issues that come up may be handled through dispute settlement. But the WTO's dispute settlement mechanism has limited resources, and a flood of China cases could overwhelm the system. Rather than deal with all of China's transition issues one dispute at a time, it is vital to deal with groups of issues as a bloc, through regular annual reviews.

China has objected to having its implementation of trade obligations reviewed every other year, which is the current demand on the table in the protocol negotiations. They want to be treated as a developing country, which means a review every four years. China has also proposed that the focus of such reviews be shifted away from

China and instead look at "abuse by any Member of any specific provisions imposed especially on China in this Protocol."

This is absolutely unacceptable. The issue is China's implementation. If China believes that other members are abusing China-specific measures in the protocol of accession, it should challenge those practices in the dispute settlement mechanism. We cannot allow attention to be deflected from China's record.

In June, Canada offered an intriguing proposal, whereby each "subsidiary body" of the WTO, that is, the councils and committees that have responsibility for particular subject matters, would meet in special session at least once a year to review China's implementation of its trade obligations. We should support the Canadian proposal, which is a common-sense approach.

China has insisted for years that it should enjoy the rights and special treatment accorded to developing country members. We must continue to reject China's position on this point. China is unique. It is not simply another developing country, and it should not automatically be allowed to avail itself of developing country provisions in the WTO. China's size, the extent of state ownership, and the transitional nature of its economy and legal institutions, all should be taken into account in deciding the developing versus developed issue in particular instances. It must be on a case-by-case basis.

For example, if China automatically received developing country status for all purposes, it would receive special treatment under the subsidies agreement. Then, export subsidies and subsidies in the form of operating loss coverage would not be treated as prohibited subsidies. The burden of challenging those subsidies in the WTO would be much greater than under ordinary rules. This would be particularly troublesome, given the level of state ownership in China.

This bill contains a safeguard provision (sec. 103) that lets U.S. industries, workers, and farmers obtain relief from surges of imports from China. The provision reflects the terms of the November, 1999, U.S.-China bilateral agreement. Among its provisions is a rule that will govern the granting of relief when there is "trade diversion"—that is, when another country provides safeguard relief from surges of Chinese goods, and the goods are then diverted to the United States.

China has proposed that "trade diversion" would only be considered to exist when there is clear evidence that imports are increasing "significantly and absolutely," and are "a significant cause of material injury" to the domestic industry in the country to which the goods have been diverted.

We must reject this proposal. It is counter to our bilateral agreement in November which included none of these limitations on our taking action.

The safeguard provision, including insulation against trade diversion, is a very important feature of this bill. It ensures that if shifts in trade patterns following China's entry into the world trading system cause or threaten dislocations to American workers, businesses, and farmers, they will be able to obtain relief quickly. We must reject any efforts by China to weaken those commitments.

Under our bilateral agreement, China agreed to protect all rights acquired by American insurance companies prior to China joining the WTO. Specifically, China committed to permit existing insurance branch operations to subbranch in the future on a wholly owned basis. I understand USTR continues to work with China to correct this situation, both bilaterally and multilaterally in Geneva. I have written to Ambassador Li to make certain he understands the importance I attach to this matter. It is essential that China rectify this situation.

## ESTATE TAX LEGISLATION

Mr. ALLARD. Mr. President, recently, President Clinton vetoed legislation that would have repealed the estate tax, legislation that I strongly supported. I fundamentally oppose the estate tax. I call it the "death tax." This has been a concern of mine for some time now. In fact, I have previously introduced legislation that would do away with this unfair tax.

Congress has clearly demonstrated its support for easing this burden. The Taxpayer Relief Act of 1997 gradually increases the exemption. Last year, Congress decided that further action was needed and passed a bill that would have eliminated the federal estate tax. Unfortunately, the President chose to veto that bill.

The United States has one of the highest estate taxes in the world. While income tax rates have declined in recent decades, estate taxes have remained high. Today, the death tax is imposed on estates with assets of more than $675,000. The rates begin at 37% and very rapidly rise to 55%. Some estates even pay a marginal rate of 60%!

This issue really hits home for me. Family farms and small businesses are two of the groups most affected by the estate tax. I grew up on my family's farm in Colorado, and I owned a small business before I came to Washington. So, I truly understand the concerns of those who live in fear of the impact that this tax will have on their legacy to their children.

The estate tax has resulted in the loss of family farms and family businesses across the nation. Many people work their entire lives to build a business that they can pass on to their children. When these hard-working businessmen and farmers pass away, their families are often forced to sell off the business to pay the estate tax. I see this as an affront to those who try to pass on the fruits of their lives' work to their children.

The people affected by this tax are not necessarily wealthy. Many small businesspeople are cash poor, but asset rich. For example, the owner of a small restaurant might have $800,000 of assets, but not much cash on hand. Her children will still have to pay an excessive tax on the assets. The beer wholesaler, who has invested all of his revenue in trucks and storage, might have more than $675,000 in assets. That does not make him a cash-wealthy man. Yet, he is still subject to this so-called "tax on the wealthy."

The death tax also impacts employment and the economy. When a family-owned farm or a small business closes, the workers lose their jobs. Conversely, leaving resources in the economy can create jobs. A recent George Mason study found that if the estate tax were phased out over five years, the economy would create 198,895 more jobs, and grow by an additional $509 billion over a ten-year period.

Additionally, the estate tax is a disincentive for Americans to save their earnings. The government has created a number of tax breaks and other incentives for those who save their money: 401(k)s and IRA's—to name a few. Yet, the estate tax sends a contradictory message. Basically, it says, "If you don't spend all your savings by the time you die, the government will penalize you." This tax is no small penalty, either. We are talking about some very high tax rates.

The death tax also represents an unjust double taxation. The savings were taxed initially when they were earned. Then, when the saver passes away, the government comes along and takes a second cut. There is no good reason for the current system—other than the government's desire to make a profit at the already trying time of the death of a dear one.

The current death tax law has a greater effect on the lower end of the scale than the higher. Wealthy people can afford lawyers and planners to help them plan their estate. Those at the lower end of the estate tax scale are often unable to afford sophisticated estate planning. So the current law also makes the tax somewhat regressive, which is not fair.

Planning and compliance with the estate tax can consume substantial resources. In 1995, the Gallup organization surveyed family firms. Twenty-three percent of owners of companies valued over $10 million said that they pay more than $50,000 per year in insurance premiums on policies to help them pay the eventual bill. To plan for the estate tax, the firms also spent an average of $33,000 on lawyers, accountants and financial planners, over a period of several years. This is money that could have been better spent to expand the business and create new jobs—rather than dealing with the death tax.

The estate tax only raises one percent of federal revenue, yet it costs farms, businesses and jobs. No American family should lose their farm or business because of the federal government. I support full repeal of the federal estate tax.

## VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 15, 1999:

Larry Gene Ashbrook, 47, Fort Worth, TX; Kristi Beckel, 14, Fort Worth, TX; Mackersher Beckford, 22, Miami, FL; Shawn C. Brown, 23, Fort Worth, TX; Sydney R. Browning, 36, Fort Worth, TX; Keith Brunson, 28, Miami, FL; Gary Burgin, 51, Cincinnati, OH; Ralph Burgin, 58, Cincinnati, OH; Jorge DelRio, 36, Miami, FL; Joseph D. Ennis, 14, Fort Worth, TX; Cassandra Griffin, 14, Fort Worth, TX; Leardis Lane, 59, Chicago, IL; Omar Martinez, 32, Miami, FL; Jerry Lee Miller, 63, Salt Lake City, UT; Ali Panjwani, 32, San Antonio, TX; Lamar Price, 34, Detroit, MI; Justin M. Ray, 17, Fort Worth, TX; Calvin D. Sangrey, 45, Seattle, WA; Lawrence Venson, 21, Washington, DC; Unidentified Male, 45, Sacramento, CA.

Today is the one-year anniversary of a horrific shooting in Fort Worth, Texas. On this day one year ago, a gunman burst into the Southwestern Baptist Theological Seminary during a youth rally. Seven of the people whose names I just read were shot and killed and seven were wounded by a man they did not know. The gunman stormed into the church, cursed their religion, and shot multiple rounds of gunfire before he turned the gun on himself.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## ADDITIONAL STATEMENTS

## THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, September 14, 2000, the Federal debt stood at $5,675,575,620,669.30, five trillion, six hundred seventy-five billion, five hundred seventy-five million, six hundred twenty thousand, six hundred sixty-nine dollars and thirty cents.

One year ago, September 14, 1999, the Federal debt stood at $5,657,546,000,000, five trillion, six hundred fifty-seven billion, five hundred forty-six million.

Five years ago, September 14, 1995, the Federal debt stood at $4,968,803,000,000, four trillion, nine hundred sixty-eight billion, eight hundred three million.

Ten years ago, September 14, 1990, the Federal debt stood at $3,233,193,000,000, three trillion, two hundred thirty-three billion, one hundred ninety-three million, which reflects an increase of almost $2.5 trillion—$2,442,382,620.669.30, two trillion, four hundred forty-two billion, three hundred eighty-two million, six hundred twenty thousand, six hundred sixty-nine dollars and thirty cents, during the past 10 years.•

## RECOGNITION OF GENERAL ROBERT S. FRIX

• Mr. GORTON. Mr. President, I rise to recognize General Robert S. Frix, an outstanding individual from my State, who is the recipient of the Boy Scouts of America Distinguished Eagle Scout Award.

This award is bestowed upon a select group of Eagle Scouts who are chosen by a national review board as distinguished individuals who, by sharing their talents and time with others, have improved their communities. General Frix clearly deserves this rare honor for his service to our country, his profession and community.

Our country owes a great debt of gratitude to General Frix for his decorated military service and accomplishments. A West Point graduate, he served our country for 34 years, earning the rank of Major General and numerous decorations including two Distinguished Service Medals, 26 Air Medals, and two Meritorious Service Medals.

Through two tours each in Vietnam and Germany, he distinguished himself as a leader, but his duty in the Middle East is most notable. As Chief of Staff and Deputy Commanding General of U.S. Army Forces Central Command during Desert Shield and Desert Storm, he was instrumental in rescuing Kuwait from Saddam Hussein's siege. Commanding the Joint Task Force Kuwait, he led the enforcement of U.N. Resolution 688.

Following his military service, General Frix turned to a different kind of battle, that of decommissioning, cleaning-up, and restoring U.S. Department of Energy former nuclear weapons fabrication and materials production sites. Formerly at the Rocky Flats, Colorado site and currently at the Hanford site in my state of Washington, he manages personnel and multimillion dollar budgets in order to accomplish the clean-up and disposal of highly radioactive, toxic and hazardous materials. At the helm of the DynCorp company, he and his employees have achieved an outstanding environmental safety record.

All the while, General Frix uses his talents for the benefit of others and remains committed to serving his community as the national president of the Army Aviation Association of America Scholarship Foundation and as a lifetime member of the Disabled American Veterans. In addition, he has used his military management skills to retire council debts and raise almost $10 million in endowment as a member of the Blue Mountain Council Executive Board and Senior Vice President of Finance.

General Frix willingness to help his community extends into his professional career in which he and his colleagues at DynCorp have worked side by side to construct park facilities and renovate a local cancer treatment facility. He is highly regarded by business associates as a community leader who sets an example for others to follow.•

## REIT ANNIVERSARY

• Mr. GORTON. Mr. President, the real estate investment trust, or REIT, turned 40 years old yesterday. It has been a remarkable four decades for this investment vehicle. The goal of Congress in creating REITs back in 1960 was to give the small investor an opportunity to invest in portfolios of large-scale, commercial properties. Today, anyone and everyone can buy shares of real estate operating companies that focus on particular sectors or regions of the country.

In January, the REIT Modernization Act will take effect. Adopted by Congress last year, this law will permit REITs to remain competitive in the real estate marketplace by creating subsidiaries to offer the same range of tenant services provided by its competitors. And, as the REIT marks its 40th anniversary, so too does its association, NAREIT, the National Association of Real Estate Investment Trusts. NAREIT's annual convention will be held here in Washington, DC next month, and we wish them well on another successful event.•

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 15, 2000, he presented to the President of the United States the following enrolled bill:

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 3056. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain profits of businesses operated in connection with a public-private partnership with Centers of Industrial and Technical Excellence established by the Department of Defense; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. DASCHLE):

S. 3057. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; read the first time.

By Mr. KENNEDY (for himself and Mr. DASCHLE):

S. 3058. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; read the first time.

By Mr. MCCAIN (for himself, Mr. GORTON, and Mr. SPECTER):

S. 3059. A bill to amend title 49, United States Code, to require motor vehicle manufacturers and motor vehicle equipment manufacturers to obtain information and maintain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 3060. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans; to the Committee on the Judiciary.

By Mr. ASHCROFT:

S. 3061. A bill to require the President to negotiate an international agreement governing the recall by manufacturers of motor vehicles and motor vehicle equipment with safety-related defects; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. GORTON, and Mr. SPECTER):

S. 3059. A bill to amend title 49, United States Code, to require motor vehicle manufacturers and motor vehicle equipment manufacturers to obtain information and maintain records about potential safety defects in their foreign products that may affect the safety of vehicles and equipment in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. MCCAIN. Mr. President, I rise along with several of my colleagues to introduce legislation to reform the process used by the National Highway Traffic Safety Administration to investigate and order recalls for safety related defects in motor vehicles. We introduce this legislation today partly in response to the recall of 14.4 million Firestone tires and the 88 deaths and more than 250 injuries associated with those tires.

Over the past two weeks in a series of House and Senate hearings, we have begun to learn the details of how the National Highway Traffic Safety Administration, Ford Motor Company and Bridgestone/Firestone failed to detect and effectively respond to defective tires that were killing or causing serious harm to consumers. Based upon the still mounting evidence, it is increasingly difficult to believe that neither the companies nor NHTSA knew anything of this problem until after this summer. Annual claims reports from Firestone show an increase in claims associated with the tires subject to the recall beginning in 1996 through 1999. Ford also received numerous complaints about Firestone tires on Explorers in overseas markets. These complaints were significant enough to cause Ford to replace tires in 16 foreign countries. NHTSA was notified on at least two occasions by State Farm Insurance Company that there may be a problem with Firestone tires on Ford Explorers. Taken individually each of these incidents may not be cause for alarm. But taken collectively it is difficult to believe that no one realized this was a problem until a month ago.

I cite these facts not as evidence of guilt but as an example of the problems with the current system. NHTSA has neither the resources, the statutory authority nor the internal processes to detect and remedy safety related defects in timely fashion. The current system must be changed. When manufacturers fail to tell the truth or purposely neglect to report safety data, and people lose their lives, severe penalties must result.

It is my hope that in the remaining days of this Congress we can move from recrimination to reform. Our attention to ensuring the safety of the driving public must not be fleeting. It unfortunately has taken the cumulative tragedy of more than 80 lives to bring our collective attention to the long overdue task of reforming the way we investigate and remedy vehicle defects.

The proposal we introduce today attempts to make some basic reforms to ensure that the current situation does not repeat itself. It would authorize the Secretary of Transportation to require manufacturers of motor vehicles and motor vehicle equipment to report more information such as claims data, warrant data, and lawsuits. The bill establishes criminal penalties for manufacturers that knowingly sell vehicle with a safety-related defect that causes death or serious injury. The measure will also increase the current cap on civil penalties to from $900,000 to $15 million. It provides the Secretary with authority to seek even greater penalties in the conduct is willful and intentional.

I know that some of my colleagues believe this legislation does not go far enough and would like to address other motor vehicles safety issues or require the reporting of other data. While I share their concerns about those important issues, I caution that we must not make the perfect the enemy of the good. I want to state openly that this proposal is no panacea to the problem, and I am perfectly open to making sensible and prudent adjustments. Next week, it is my intention to report this bill from the Senate Commerce Committee. I look forward to working with my colleagues to address their concerns as we move through the process.

Mr. President, we have an opportunity before we adjourn to enact some basic reforms to empower the Department of Transportation to respond effectively to safety related defects in the future. I hope we will not waste this time and enact these reforms.

Mr. WELLSTONE:

S. 3060. A bill to amend the Hmong Veterans Naturalization Act of 2000 to extend the applicability of that act to certain former spouses of deceased Hmong veterans; to the Committee on the Judiciary.

### TECHNICAL AMENDMENTS TO THE HMONG VETERANS NATURALIZATION ACT

Mr. WELLSTONE. Mr. President, I am pleased to introduce a technical amendment today that, if passed, would ensure that widows and widowers of Hmong veterans who died in Laos, Thailand, and Vietnam are also covered by the Hmong Veterans Naturalization Act. This critical change would allow such widows to take the United States citizenship test with a translator.

Hmong soldiers died at 10 times the rate of American soldiers in the Vietnam war. As many as 20,000 Hmong were killed serving our country. They left behind families with no means of support. They left their loved ones to fend for themselves in a hostile country.

Twenty-five years later, we cannot give widows back their loved ones, though their loved ones gave their lives for us. All we can do is honor their service in a way that is long-overdue and give them the tools to become citizens in the nation for which they heroically fought, and died.

I want to thank so many of my colleagues who worked so hard to see that the Hmong Veterans Naturalization Act pass through Congress and become law. Hmong widows should have been included when this legislation was first passed and they were not. This amendment simply corrects something that should have been done long ago. I urge its swift passage.

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Mr. ASHCROFT:

S. 3061. A bill to require the President to negotiate an international agreement governing the recall by manufacturers of motor vehicles and motor vehicle equipment with safety-related defects; to the Committee on Foreign Relations.

### INTERNATIONAL CONSUMER SAFETY INFORMATION ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce the International Consumer Safety Information Act. As we are all aware, there has been a tragic loss of life associated with defects in Firestone tires.

The loss of 88 lives in the United States alone from defects in Firestone tires is extremely tragic. The death toll in other countries from this U.S. product is reportedly more than 50. Each of these people had dreams that will not be realized. There is nothing we can do that will ever compensate for the loss of one life.

However, we have a responsibility to the American people and to consumers worldwide to do everything we can to create accountability and to ensure that innocent people are not put at such a high risk in the future. By quickly alerting consumers about motor vehicle or motor vehicle equipment recalls around the globe, we will equip people with potentially life-saving information.

American consumers should be provided with immediate, life-saving information on motor vehicle or motor vehicle equipment recalls, regardless of whether the recall originated in the United States or another country. As the chairman of the Consumer Affairs and Foreign Commerce Subcommittee, I intend to do what I can on this issue. My consumer protection plan would provide consumers—via the Internet—with more immediate information about recalls of motor vehicles or motor vehicle equipment.

U.S. drivers are just not finding out about the Firestone tire defects, but there were tire failures in Venezuela as far back as 1998, and in Saudi Arabia, 1999. It is simply unacceptable that American officials abroad did not inform the American public. My proposal would ensure that this does not happen again.

Under the legislation I am introducing today, the President would negotiate an international agreement requiring foreign countries and the United States to maintain an Internet site to inform consumers worldwide of recalls of motor vehicle or motor vehicle equipment. My bill includes the following key provisions:

The international agreement would have countries include on an Internet site the names of companies that have issued recalls, the companies' contact information, the specific products that are being recalled, the countries in which the recalls are effective, and the date of the recall.

In addition, the international agreement would set up guidelines for a company that initiate a recall of motor vehicle or motor vehicle equipment to ensure that they disclose all relevant information to consumers and federal authorities in all countries it sells its products.

Finally, the bill would make the Administration accountable for disclosing information on foreign recalls by ensuring that Congress is notified and by posting the information on an Internet site for the public.

It is my hope that the Senate Commerce Committee will act quickly on this measure. At a Commerce Committee hearing this last Tuesday, I pointed out another harm that can come from a lack of adequate information about recalls.

Almost half of all Ford Explorers, which was a model that used defective Firestone tires, that are assembled in the U.S. are made at a plant in Hazelwood, Missouri. I want to visit the workers employed at this plant. The plant has been closed the past two weeks and will not reopen to assemble the popular Ford Explorer until next Monday. Most of the 2,000 workers are not reporting to work and are unsure about their future. Their overtime is nonexistence, and due to the 15,000 Explorers that will not be produced, their profit-sharing is threatened. However, they did not complain about Ford's decision to close the plant in order to get tires out to consumers as quickly as possible. In fact, they were proud that the company was willing to take such a drastic measure to serve their customers. Most importantly, they want us all to realize that what we do and what we say up here makes a difference. It makes a difference in their lives, and it affects consumer confidence in the produce these workers sweat and toil to produce.

My efforts today are intended to shine light on recalls worldwide. Consumers should know if there are recalls in other countries, and the Federal government should facilitate this transparency. The bill I am introducing today will hopefully ensure that consumers in the U.S.—and consumers worldwide—obtain updated information about recalls around the globe.

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## ADDITIONAL COSPONSORS

### S. 136

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 136, a bill to provide for teacher excellence and classroom help.

### S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

### S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

### S. 1391

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

### S. 1726

At the request of Mr. MCCAIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

### S. 1851

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1851, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that seniors are given an opportunity to serve as mentors, tutors, and volunteers for certain programs.

### S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

### S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

### S. 2731

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2731, a bill to amend title

III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

### S. 2858

At the request of Mr. GRAMS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

### S. RES. 342

At the request of Mr. ROBB, his name was added as a cosponsor of S. Res. 342, a resolution designating the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week."

### S. RES. 355

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 355, a resolution commending and congratulating Middlebury College.

## NOTICE OF HEARING

### SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on September 18, 2000 at 10 a.m. in Norristown, PA. The purpose of this hearing will be to examine the Farmland Protection Program (FPP).

## AUTHORITY FOR COMMITTEES TO MEET

### SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, September 15, at 10 a.m. to conduct an oversight hearing. The subcommittee will receive testimony on Federal agency preparedness for the summer 2000 wildfires.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CALENDAR

## CHILDREN'S INTERNET SAFETY MONTH

## NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

## NATIONAL OVARIAN CANCER AWARENESS WEEK

## NATIONAL MAMMOGRAPHY DAY

## COMMENDING AND CONGRATULATING MIDDLEBURY COLLEGE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of the following resolutions; further, the Senate proceed to their consideration en bloc: S. Res. 294, S. Res. 342, S. Res. 347, S. Res. 353, and S. Res. 355.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolutions.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions (S. Res. 294, S. Res. 342, S. Res. 347, S. Res. 353, and S. Res. 355) were considered and agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

### S. RES. 294

Whereas the Internet is one of the most effective tools available for purposes of education and research and gives children the means to make friends and freely communicate with peers and family anywhere in the world;

Whereas the new era of instant communication holds great promise for achieving better understanding of the world and providing the opportunity for creative inquiry;

Whereas it is vital to the well-being of children that the Internet offer an open and responsible environment to explore;

Whereas access to objectionable material, such as violent, obscene, or sexually explicit adult material may be received by a minor in unsolicited form;

Whereas there is a growing concern in all levels of society to protect children from objectionable material;

Whereas the technological option for parents or guardians to filter, block, or review objectionable Internet material is available and effective;

Whereas information on Internet filtering or blocking technology is unavailable to many parents or guardians; and

Whereas the Internet is a positive educational tool and should be seen in such a manner rather than as a vehicle for entities to make objectionable materials available to children: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2000 as "Children's Internet Safety Month" and supports its official status on the Nation's promotional calendar; and

(2) supports parents and guardians in promoting the creative development of children by encouraging the use of the Internet in a safe, positive manner with the aid of Internet filtering and blocking technologies.

### S. RES. 342

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning September 17, 2000, as "National Historically Black Colleges and Universities Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities.

### S. RES. 347

Whereas 1 out of every 55 women will develop ovarian cancer at some point during her life;

Whereas over 70 percent of women with ovarian cancer will not be diagnosed until ovarian cancer has spread beyond the ovary;

Whereas prompt diagnosis of ovarian cancer is crucial to effective treatment, with the chances of curing the disease before it has spread beyond the ovaries ranging from 85 to 90 percent, as compared to between 20 and 25 percent after the cancer has spread;

Whereas several easily identifiable factors, particularly a family history of ovarian cancer, can help determine how susceptible a woman is to developing the disease;

Whereas effective early testing is available to women who have a high risk of developing ovarian cancer;

Whereas heightened public awareness can make treatment of ovarian cancer more effective for women who are at-risk; and

Whereas the Senate, as an institution, and members of Congress, as individuals, are in unique positions to help raise awareness about the need for early diagnosis and treatment for ovarian cancer: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 17, 2000, through September 23, 2000, as National Ovarian Cancer Awareness Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe National Ovarian Cancer Awareness Week with appropriate recognition and activities.

S. RES. 353

Whereas according to the American Cancer Society, in 2000, 182,800 women will be diagnosed with breast cancer and 40,800 women will die from this disease;

Whereas in the decade of the 1990's, it is estimated that about 2,000,000 women were diagnosed with breast cancer, resulting in nearly 500,000 deaths;

Whereas the risk of breast cancer increases with age, with a woman at age 70 years having twice as much of a chance of developing the disease as a woman at age 50 years;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas experts agree that mammography is the best method of early detection of breast cancer, and early detection is the key to saving lives;

Whereas mammograms can reveal the presence of small cancers up to 2 years or more before a regular clinical breast examination or breast self-examination, reducing mortality by more than 30 percent; and

Whereas the 5-year survival rate for localized breast cancer is over 96 percent: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 20, 2000, as "National Mammography Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe such day with appropriate programs and activities.

S. RES. 355

Whereas in the fall of 1800, a group of distinguished Vermonters, including Jeremiah Atwater, Nathaniel Chipman, Herman Ball, Elijah Paine, Gamaliel Painter, Israel Smith, Stephen R. Bradley, Seth Storrs, Stephen Jacob, Daniel Chipman, Lot Hall, Aaron Leeland, Gershom C. Lyman, Samuel Miller, Jedediah P. Buckingham, and Darius Matthews, petitioned the Vermont General Assembly for the establishment of a new institution of higher education in the town of Middlebury, Vermont;

Whereas on November 1, 1800, the Vermont General Assembly adopted a law to establish a college in Middlebury and named this group of distinguished Vermonters to be known as "the President and fellows of Middlebury college", and designated Jeremiah Atwater as the new college's first President;

Whereas on November 5, 1800, less than 1 week after receiving its Charter, Middlebury College opened its doors to 7 students and 1 professor using space at the local grammar school for instruction;

Whereas by 1810, the college had grown to 110 students and needed space of its own, and the campus of Middlebury College was built, and on May 19, 2000, the United States Postal Service issued postcards to commemorate the Old Stone Row and the first 3 buildings of the Middlebury College campus;

Whereas over the last 2 centuries, Middlebury College has evolved from 1 of the first colleges in the United States into 1 of the most respected liberal arts colleges in the Nation, with more than 2,000 students, almost 200 professors, and a main campus of over 250 acres;

Whereas the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the Nation's educational history;

Whereas this bicentennial is a celebration honoring the people and events that have made and continue to make Middlebury College a leader in higher education;

Whereas Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone Row and the early architectural history of this 200-year-old school; and

Whereas the year-long celebration of 2 centuries of quality higher education will culminate during Founders' Week, November 1st through 5th, 2000, when a variety of events will occur in honor of Middlebury, the college, and Middlebury, the college's town: Now, therefore, be it

*Resolved*, That—

(1) the Senate commends and congratulates Middlebury College on the completion of its first 200 years of educational excellence and wishes the college continued success as it commences a third century of educational opportunity and leadership; and

(2) the Secretary of the Senate shall send a copy of this resolution to the Middlebury College President, John M. McCardell, Jr.

### HONORING THE BICENTENNIAL OF MIDDLEBURY COLLEGE

Mr. LEAHY. Mr. President. I want to express my thanks and appreciation to my colleagues in the Senate for their support of Senate Resolution 355 congratulating Middlebury College on the successful completion of their first 200 years of higher education. I also want to thank my friend Senator HATCH and my colleagues on the Judiciary Committee for discharging this resolution in such a timely manner.

Later this fall, Middlebury College will enjoy the honor of celebrating its bicentennial. Middlebury College is one of the most respected liberal arts colleges in the nation and it was one of the first institutions of higher education in Vermont. In November 1800, the school first opened its doors for business to seven students and one professor in space at the local grammar school. Today, the school has more than two thousand students, almost two hundred professors, and a main campus of over 250 acres.

In recognition of 200 years of educating students from across this country and the world, the Middlebury College Bicentennial Planning Commission has designed Celebration 2000 to commemorate this milestone in Vermont's and the nation's educational history. The year-long bicentennial celebration honors the people and events that have made and continue to make Middlebury College a leader in higher education. Celebration 2000 features concerts, plays, and symposia, both on campus and at additional locations such as the New York Public Library, and the dedication of a new science building, Bicentennial Hall, with an exterior that resembles the Old Stone Row and the school's early architectural history. This year-long celebration will culminate later this fall during Founders' Week, a series of events on campus during the first week of November.

I am pleased this body has moved so quickly to commend and congratulate Middlebury College on the completion of its first two hundred years of educational excellence. I thank my colleagues for joining Senator JEFFORDS, the other cosponsors of this resolution and me in honoring the contributions of the school, its students and its alumni.

## NATIONAL ALCOHOL AND DRUG RECOVERY MONTH

Mr. CRAIG. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res. 371 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 371) supporting the goals and ideas of National Alcohol and Drug Recovery Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 371) was agreed to.

The preamble was agreed to.

## 10TH ANNIVERSARY REESTABLISHMENT OF REPUBLIC OF LATVIA

Mr. CRAIG. I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 319.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The concurrent resolution (H. Con. Res. 319) congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 319) was agreed to.

The preamble was agreed to.

## RECOGNITION FOR SLAVE LABORERS WHO WORKED ON CONSTRUCTION OF THE UNITED STATES CAPITOL

Mr. CRAIG. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of S. Con. Res. 130 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 130) establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 130) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 130

Whereas the United States Capitol stands as a symbol of democracy, equality, and freedom to the entire world;

Whereas the year 2000 marks the 200th anniversary of the opening of this historic structure for the first session of Congress to be held in the new Capital City;

Whereas slavery was not prohibited throughout the United States until the ratification of the 13th amendment to the Constitution in 1865;

Whereas previous to that date, African American slave labor was both legal and common in the District of Columbia and the adjoining States of Maryland and Virginia;

Whereas public records attest to the fact that African American slave labor was used in the construction of the United States Capitol;

Whereas public records further attest to the fact that the five-dollar-per-month payment for that African American slave labor was made directly to slave owners and not to the laborer; and

Whereas African Americans made significant contributions and fought bravely for freedom during the American Revolutionary War: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That—

(1) the Speaker of the House of Representatives and the President pro tempore of the Senate shall establish a special task force to study the history and contributions of these slave laborers in the construction of the United States Capitol; and

(2) such special task force shall recommend to the Speaker of the House of Representatives and the President pro tempore of the Senate an appropriate recognition for these slave laborers which could be displayed in a prominent location in the United States Capitol.

## ORDER OF PROCEDURE—FIRST READINGS

Mr. CRAIG. Mr. President, I ask unanimous consent that it be in order today, notwithstanding an adjournment of the Senate, to read for the first time two bills introduced by Senator KENNEDY and that objection to a second reading be ordered today.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

MR. CRAIG. For the information of all Senators, the Senate will convene on Monday at 12 noon and be in a period of morning business until 2 p.m., with Senators GRAHAM and THOMAS in control of the time. Following morning business, the Senate will resume the final debate on H.R. 4444, the China PNTR legislation. Those Members who have closing remarks are encouraged to come to the floor during Monday's session.

As a reminder, the first votes of next week will be two back-to-back votes on Tuesday, at 2:15 p.m. The first vote will be on final passage of the PNTR bill, and the second vote will be on cloture on the motion to proceed to S. 2045, the H-1B visa bill. The cloture motion was filed during today's session.

## ADJOURNMENT UNTIL MONDAY, SEPTEMBER 18, 2000

Mr. CRAIG. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:24 p.m., adjourned until Monday, September 18, 2000, at 12 noon.

# SENATE—*Monday, September 18, 2000*

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, Sovereign of our beloved Nation, this is a special day. Yesterday we celebrated Citizenship Day in America; this week is Constitution Week; and today is Prisoner-of-War, Missing-in-Action Day when we remember those who paid the supreme price of patriotism. All three of these emphases blend together as we praise You for our country which You have blessed so bountifully.

Forgive us, Lord, for taking for granted the privileges of being citizens of this land. We seldom think about our freedoms of worship, speech, assembly, and freedom to vote. Today, we praise You for our representative democracy. Thank You for the privilege of serving in Government. Help the Senators and all of us who labor with them and for them to work today with a renewed sense of awe and wonder that You have chosen them and us to be part of the political process to make this good Nation great.

May a renewed spirit of patriotism sweep across our land. Help the children to learn that an important aspect of love for You is loyalty to our country. We dedicate ourselves to right wrongs and to shape political programs that assure opportunity and justice for all Americans. So today, as we pledge allegiance to our flag, may our hearts express joy. This is our home, our native land.

Gracious Lord, as a Senate family, we grieve the death of Murray Zweben, retired Parliamentarian of the Senate. Be with his family; comfort and encourage them in this difficult time. Through our Lord and Savior. Amen.

### PLEDGE OF ALLEGIANCE

The honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. ROBERTS. I thank the Chair.

### SCHEDULE

Mr. ROBERTS. Today, the Senate will be in a period of morning business until 2 p.m., with Senators GRAHAM and THOMAS in control of the time. Following morning business, the Senate will resume consideration of H.R. 4444, the China PNTR legislation. Under the order, there are 6 hours of final debate on the China trade bill with a vote scheduled to occur at 2:15 on Tuesday.

As a reminder, cloture was filed on the motion to proceed to S. 2045, the H-1B visa bill on Friday. That cloture vote has been scheduled to occur immediately following the vote on final passage of the China PNTR legislation. Therefore, the first votes of this week will be two back-to-back votes on Tuesday, at 2:15 p.m.

I thank my colleagues for their attention.

### MEASURES PLACED ON CALENDAR

Mr. ROBERTS. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDENT pro tempore. The clerk will read the bills by title.

The assistant legislative clerk read as follows:

> A bill (S. 3057) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.
>
> A bill (S. 3058) to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

Mr. ROBERTS. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDENT pro tempore. The bills will go to the calendar.

Mr. ROBERTS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

### WEN HO LEE

Mr. GRASSLEY. Mr. President, I am here on the floor at this particular time to ask the President of the United States who "they" are, and I hope the word "they" includes the President of the United States. I hope the President of the United States is the chief "they." I hope we don't get into a position of debating what the definition of the word "they" is. The Constitution is pretty clear—the President of the United States has all the executive power that exists in our Government.

That is the background for my visiting with you about the Wen Ho Lee case, the President's comments last week in regard to the release of Wen Ho Lee, and how the executive branch treated this Chinese American.

This is the latest instance of President Clinton failing to take responsibility and refusing to hold himself accountable for the actions of his administration.

The background of Wen Ho Lee—for those who may not have been following this over the last year—is that the Government has recently agreed to let this former nuclear scientist at Los Alamos Laboratories plead guilty to a relatively minor charge and go home with a slap on the wrist.

I think we all agree that his release is the justifiable thing to do. But it was only a short time ago that the executive branch was claiming that Wen Ho Lee was such a serious threat to American national security that he belonged in solitary confinement and in shackles with practically no ability for Mr. Lee to even contact his family. Now, after this long period of time in confinement, he gets a slap on the wrist and his freedom.

Obviously, the executive branch of Government couldn't back up its allegations with proof or this case would not have settled as it did. Despite the dire pronouncements made to the public about Wen Ho Lee, the fact is the Government didn't even have a case. It had only suspicions. Mr. Lee has, of course, paid a very high price for the suspicions of some in the executive branch.

Maybe because Lee is Asian American, there is not the outcry over the loss of civil liberties that there would be had Lee been a member of some other minority group. The same people who speak up against some minorities being mistreated because of civil liberties evidently don't seem inclined to speak up in the case of an Asian American.

Mr. Lee's treatment has caused widespread public outcry. How can this happen in America where we treasure freedom and where the rule of law has been the basis for our country's law going back to the setting up of the colonies? How could the government damage the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

reputation of a citizen by labeling him as a spy for the Communist Chinese, lock him away for 9 months of solitary confinement, and then just simply drop the case? Our Government has damaged its reputation by the way it handled the Lee case.

The American people are outraged. Pundits and political observers have raised legitimate questions about the abusive way in which Mr. Lee was treated by the executive branch of Government.

In the midst of this justifiable criticism, President Clinton decided that it was time for him, as President of the United States, to chime in. President Clinton happens to be the Chief Executive Officer of the country. He thinks, like the rest of us, that the executive branch of Government may have abused its power in the way it went after Mr. Lee and kept him confined for such a long period of time.

What troubles me about President Clinton's comments is that he acts as if he, as President of the United States, is just some sideline observer who doesn't have anything to do with the way the laws in this country are enforced.

As every high school student learned in their civics classes, the executive power of the Government is vested in the President of the United States, article II, section I:

> The executive power shall be vested in the President of the United States of America.

This is pretty simple language and pretty definitive. These words means the President is in charge of law enforcement. The President is in charge of protecting our national security.

So, even if the President delegated some of his power to the Attorney General, the President is responsible for what happened to Mr. Lee.

I hope the President can just once before he leaves office, and as part of his legacy, say he is responsible for what happened under his watch. I would like to have him say: I and the people I appointed are responsible for what happened to Mr. Lee.

But, no. He said in his news conference "they" did this—"they" held him; "they" had these charges. It was always "they," "they," "they." I happen to think President Clinton is the chief "they." He is above all the rest of the "theys."

It happens that President Clinton seems to think the Justice Department is some agency of government outside of his control. Surely the President knows better than this. The Washington Post certainly does. This past Saturday, the Post editorial page commented on the Wen Ho Lee case:

> President Clinton asks us to see him as one more commentator troubled by the case, rather than as the head of the government that brought it.

In other words, I think the Washington Post is saying the President is, in fact, the chief "they;" or he is in charge of all the rest of the "theys." Of course, as far as I am concerned, the Washington Post is right on this point.

The nation is waiting for real leadership, not another evasion or more misdirection. President Clinton may be an "artful dodger," but this is one dodge that just won't work. The American people elected President Clinton to be in that office so he could lead, not blame subordinates.

The Constitution is crystal clear that the President has the ultimate responsibility of leadership and the ultimate power of our executive branch. It is high time for President Clinton to follow the Constitution and take responsibility for the sorry actions that took place in regard to Mr. Wen Ho Lee during this administration.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE AGENDA

Mr. THOMAS. Mr. President, I want to take a couple of minutes to talk a little bit about where we are, where we are going, and what we face this week and the few remaining weeks we have before us. There will be some more Senators to come over to the floor shortly to talk about some of the issues we have before us, particularly debt reduction, which we are committed to undertake this week, and I think is one of the most important things we can do. We will be talking, of course, about many of the things that are left to discuss.

We have done a number of things in this Congress, of course, and we have a number of things yet to do, particularly appropriations. Those appropriations need to be finished by the end of the fiscal year which is the end of September. So we have a very short time to handle these things. We have worked at it for a good long time. We seem to have had a repetition of obstructions to moving forward.

I hope we are now in a position to go ahead and fund those programs that have been authorized, that are out there for the American people, and that we do not find ourselves using this time to begin to insert into these bills all kinds of things that have already been discussed and that are intended more to create an issue than they are to find a solution.

There have been, of course, a number of very important things done this year; we need to recognize that. I guess people have different ideas about how many things and what kinds of things. There is a great difference in the view of the direction this Government should take and what is the role of the Federal Government, whether the Government ought to tells us what to do or whether, in fact, the Government's role is to establish a framework in which we make our own decisions at the local level, as opposed to being dictated to by the Washington bureaucracy.

These are some of the big issues. We passed the marriage tax relief bill here in the Congress. That would have been largely a resolution to an issue of fairness, where two single persons, each earning X amount of dollars and paying X in taxes, when they get married, making the same dollars, pay a larger amount of taxes. Unfair? Of course. Unfortunately, that bill was vetoed by the President, so we will have to take it up at another time. I do not think it will be taken up this year. Obviously, the White House is determined they will not permit tax relief of this kind.

We passed the elimination of the death tax. That is very important. Some indicated it was only for the very wealthy. Of course that is not true. We have very many people in my State of Wyoming in the agriculture business, small businesses, families that have put together—sometimes over generations—a business. That business then has to be disposed of because they have to pay 52 percent taxes. That, of course, was also vetoed by the President.

We did get some tax relief. Very important was elimination of the Social Security earnings test, which eliminates the tax on earnings by seniors 65 to 69. Previous to that, seniors in that category lost a dollar in Social Security benefits for every $3 earned. Again, I think it is largely a fairness proposition and we are pleased that did happen.

The digital signatures bill, of course, is very important as we move into a new era in the business activities of our Nation. The digital signatures bill makes it easy for people to have legal protection in contracts of that kind.

On national security, the Iran Nonproliferation Act was very important for free trade. It dealt with free trade in the sub Sahara, Africa, and the Caribbean. It is important those things continue to be done. I come from a State where agriculture is very important. Nearly 40 percent of our agricultural products are sold for export. We find ourselves dealing with unilateral sanctions, which often limit what we can sell to those people. Then they go somewhere else for it. We made some progress in that area, certainly. I hope we will make some more.

We have done a good deal of work on affordable education; education savings accounts. We made available $500–$2,000 in tax relief for education. We need to get that forwarded.

Also, with health care, we passed a Patients' Bill of Rights that says you can appeal, but the first appeal goes to a medical professional and not to lawyers. I think that is the better way to go. The opposition, of course, has seen to it that it ultimately not pass, but it has passed here.

We passed bankruptcy reform which provided that if persons were able to repay at least a portion of their debt, that was an appropriate thing to do.

So we have made a substantial amount of progress. We have, I think, many issues we need to discuss that are terribly important. This is a place for decisions on the direction we take, which is what elections are about, and the direction that you and I as voters and as citizens believe the country ought to move. There are legitimate differences. That is really what we deal with. Unfortunately, many times we do not get down to what those real differences are but get tied up in other things.

On education, for example, I do not think there is a Senator in this place who doesn't believe education is one of the most important issues before us. Almost everyone in the country thinks that. The question is not that. The question is, What kind of educational support do we expect from the Federal Government? The amount the Government contributes from the Federal level is about 7 percent, but it is substantial. It deals with certain things such as special education. The real issue has not been that. The real issue is whether the Federal bureaucracy should tell the school districts what they ought to do with that Federal money or whether, indeed, we send it there and say they may have unique problems and need to spend their money for different things. The needs in Pinedale, WY, are different than they are in Pittsburgh, PA. We believe that. That has been the difference. I think it is a fundamental difference in government.

Social Security—no one would object to the notion we ought to strengthen Social Security. I think everyone would agree with the idea we want Social Security dollars to be safely entrenched. But there are some differences as to how we do that. There is a proposition on the floor that I support—I think it is excellent—that would give a choice to younger people. People over 55 or whatever probably would stay the same, but younger people would have an opportunity to invest or have invested in their behalf a portion of those Social Security dollars in the private sector, in equities. They could choose whether it be in stocks or whether it be in bonds or whether it be in combination. The point being, if we do not do something about Social Security by the time young people who are now beginning to pay in become eligible for benefits, there will not be any, the demographics have changed so much.

We started out with over 20 people working for every 1 drawing benefits. Now we have 3 people working for every 1 who draws benefits; it will soon be 2. We have to do something different than what we have been doing in the past. Obviously, you can raise taxes if you choose. That is not a popular idea. You can lower benefits, again not a popular idea. A third alternative is you can increase the return on those dollars that you have paid in and are in the trust account, and that is the difference.

There is not agreement on that so we have to choose which way we want to go.

I mentioned the Patients' Bill of Rights. Do you want someone in the medical community making a decision instead of your insurance company or do you want to go to court? You get to court, of course, long after the medical decision should have been made.

We ought to be doing something to pay down the debt. We talk about paying down the debt, but we do not seem to do much on that. There is a proposition that I think is great, and that is to set aside, as one would with a house mortgage, money and say we are going to pay down so much of this $5 trillion every year and it becomes part of the budget. It makes a lot of sense to me. We find opposition to that because people want to spend the money, and if there is a surplus, they think Government ought to grow and get into many other areas. That is a philosophical difference of opinion.

Tax reduction is much the same. When we have a surplus, it seems to me if after having funded the programs that have been authorized, after having done something to strengthen Medicare and having done something to begin to pay down the debt and strengthen Social Security, there is still surplus left, let that go. If we leave it here, it will be spent. It ought to go back to the people who paid in those dollars.

Again, it is a different view than those who generally on the other side of the aisle want more Government, more expenditures, and do not agree with that idea. Those are legitimate differences. We have to make a decision, and we have to move forward. We haven't much time to do many of those things.

Some of the questions before us are more parochial, more applicable to different parts of the country. I come from a State where 50 percent of the land belongs to the Federal Government, so the management of Federal lands and Federal resources have a great impact on our lives and on our economy.

Everyone wants to preserve our resources. They want to take care of the natural resources. Certainly I do. I am chairman of the Parks Subcommittee. There is nothing I care more about than preserving those resources. At the same time, if we are going to do that, we need to have an opportunity for the owners to have access and to enjoy these resources. We also need to have multiple use so we can have hunting, hiking, grazing, and mineral production.

Those are the kinds of issues with which we need to deal. The question is, How deeply do we want the Federal Government involved in making all the decisions in our lives? It is a legitimate difference.

We are ready to move forward now. Out of 13 appropriations bills, we have completed 2. We have 11 to go. We will be putting together probably one or two bills at a time. I hope we do not come to the end with a huge omnibus package. That is not good governance. I hope we can avoid that.

If, for example, we are considering the Interior appropriations bill, I hope we can get away from talking about the Patients' Bill of Rights or minimum wage. Those issues are great issues. We have already dealt with them. We have already voted on them. I think simply to bring them up as a blockage to moving forward with what we have to do is a mistake in governance. I hope we do not do that.

I expect the chairman of the Budget Committee to come to the floor shortly and talk a little more about the budget, about the surplus, about the prospects of what we are going to do with those dollars; whether we can, indeed, take 90 percent of this surplus and put it into debt reduction and still have about $27 billion or $28 billion to deal with those issues that need to be strengthened, such as Medicare and Social Security.

We have an opportunity to do those things. I am hopeful that each of us as citizens and voters of this country will take a look at how we see the future role of the Federal Government.

We need to deal, obviously, with the military. Defense continues to be a most important item. Most people will agree we have not financially supported the military to the extent it needs to be supported for them to carry out the mission we have assigned. We have made some progress. We have put more money into the military over the last several years, more than the administration has asked for, in fact. We need to continue to do that so we can have a safe United States.

I hope we can move forward. I appreciate the opportunity to discuss a little bit of my view of where we ought to go.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

## PROVIDING PERMANENT NORMAL TRADE RELATIONS TO CHINA

Mr. BUNNING. Mr. President, last week I spoke on the floor about how strongly I feel against providing permanent normal trade relations to China. I touched on a number of subjects, including human rights, China's antagonism toward Taiwan, and the threat that it poses to our own national security.

Unfortunately, over the last 2 weeks I have watched these issues be swept under the rug as the Senate has given away its voice on our trade relations with the most populous nation on the globe.

But while I expect the Senate will pass this PNTR, I do not intend to go down without one final swing. It is too important for our Nation not to sum up why the opponents of PNTR believe it is such a dangerous mistake.

For the last decade, I have been a vocal opponent of providing most favored nation or normal trade relations to China. For me, it all boils down to putting profits over people. I think that is just plain wrong and un-American. But while we were never able to stop Congress from approving MFN, at least we had an open and public debate on the issue every year. But by passing PNTR, we will even lose this right.

For years we have been able to use the annual debate to discuss the wisdom of granting broad trade privileges to Communist China. When the students were massacred in Tiananmen Square, or when the Chinese military threatened democracy in Taiwan, or when the revelations came to light about China spreading weapons of mass destruction to terrorists, we had a chance in the House and in the Senate to shine the spotlight on Communist China.

By passing PNTR, that spotlight will grow dim and the stick we were once able to wield under the most-favored-nation-status law will now be replaced by a rubber stamp bearing the letters, "W-T-O."

My opponents on this issue talk as if the American economy will fail if we do not pass this bill, that it is so important we should sweep aside all of the concerns about China and all of the evidence of wrongdoing because we should not "rock the boat." That is ridiculous.

I say, on something as fundamental as our national security, we should not just say we have to go along to get along. If this is as important an issue as supporters of PNTR make it out to be—that it is one of the most monumental votes in years—then we should have done it right. Instead, we have seen the deliberate process short circuited by blood oaths among Senators to oppose all amendments no matter how worthy. We have watched the supporters of PNTR move Heaven and Earth to avoid a conference with the House.

Remember, the Congress of the United States is supposed to be writing this bill, not the business community, not the U.S. Trade Representative, and especially not the Chinese.

The American people are listening. The cameras are rolling. The pressure is on to do what is right. But in this instance I think we have failed.

But before we hand over the keys of our economic engine, I think it is important that we take one last cold, hard look at who is exactly doing the driving. This is China's record.

China ships weapons of mass destruction to terrorist nations.

China operates one of the most oppressive regimes in the world, brutalizing and slaughtering its own people.

China threatens other free nations such as Taiwan and snubs its nose at the international community by occupying Tibet.

China tried to buy access to our Government through illegal campaign contributions and to influence our own elections.

There it is in black and white. But in the name of expediency and Presidential legacy, we are about to grant this nation full and open trade relations. I do not care how you spin it, that does not make any sense.

For over a decade, the supporters of free trade with China have been making the argument over and over again that China is changing, that things are getting better, and we will soon reap the benefits of free trade with China. All the facts prove them wrong.

It has been over 10 years since Tiananmen Square, and the Chinese are still slaughtering their own people. They are still selling weapons to terrorists. And they are still bullying other nations and threatening the United States. Nothing is any different with China now. In fact, it might be worse. Those who say otherwise are only fooling themselves.

While the annual debates on MFN or PNTR, or whatever you want to call it, might not have turned the tide in China, to now provide even less debate and scrutiny can only make things worse for the Chinese people.

I think the supporters are right about one thing. The final vote on this bill is going to be one of the most pivotal votes in years, one we will look back upon as a fateful moment in our history. I am afraid history is not going to be kind to Congress for passing this legislation, for abdicating our role in overseeing trade relations with China.

Mr. President, it is a sad day in Congress. I am sorry to say we are going to do the wrong thing at the wrong time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. KYL. Mr. President, first of all, I appreciate the Presiding Officer's statement with respect to PNTR. We will have a vote on that tomorrow. I share many of the Senator's sentiments with respect to the concerns of the American people about PNTR. My constituents, frankly, from the correspondence I have received, are overwhelmingly opposed to it.

I also share the concerns he expressed about some of the remaining problems we will continue to face with respect to China, not only continuing trade problems but also problems that relate to our national security. I would like to discuss some of these remaining concerns and how I have attempted to resolve those concerns which is why, at the end of the day, I am going to vote to support PNTR notwithstanding those concerns.

But I will continue to urge my colleagues that we be able to address both the continuing trade disputes that will not be resolved by China's accession into the WTO and also the national security concerns that will certainly continue to exist after China's accession into the WTO.

Mr. President, as the Senate's debate about whether to grant China permanent normal trade status comes to a close this week, and a lopsided vote in favor of granting such status is anticipated, it is imperative for the United States to continue to address numerous important issues in our country's relationship with China.

As I outlined last week, the concerns posed by China's aggressive military modernization, threats by its leaders to attack the United States or our ally Taiwan, and its irresponsible proliferation of weapons of mass destruction and ballistic missiles to rogue nations, must command attention and should not be forgotten after passage of this trade bill. I believe the Senate missed an opportunity to address some of these important concerns last week, when an amendment offered by Senator FRED THOMPSON to impose sanctions on organizations in China that engage in the proliferation of ballistic missiles and nuclear, biological, chemical weapons failed. It is also important to take steps to counter China's military moves that threaten the U.S., such as its targeting of nuclear-tipped missiles on American cities. Here too we missed an opportunity earlier this year, when

President Clinton decided to delay deployment of a national missile defense system.

With regard to Taiwan, I believe it is important that the United States support our long-standing, democratic ally. The communist regime in Beijing uses every available opportunity to undermine international support for Taiwan, and this extends to trade issues as well. Despite earlier promises to the United States that it would not block Taiwan's admission to the World Trade Organization, in recent weeks, China has nonetheless sought to do just that. I had originally intended to offer an amendment to the PNTR legislation that would have conditioned the extension of normal trade relations to China on Taiwan entry into the WTO, but agreed to withdraw the amendment after receiving assurances from President Clinton and U.S. Trade Representative Charlene Barshefsky that the U.S. would insist on this result.

I will have more to say about these national security concerns, but I would first point out that China's record on trade compliance must be closely monitored, and the United States must insist on action when China fails to comply with the very set of international trade rules it has agreed to adhere to through the WTO. The United States must also be diligent about efforts to pressure China into drastically changing its record on human rights, religious freedom, forced abortions and the harvesting of baby and adult human organs. It is unfortunate that the Senate did not pass a number of other amendments offered or debated last week that sought to deal with these issues.

Despite unacceptable behavior by the Chinese government on a range of issues, I intend to vote for PNTR for China, because of other benefits this step will bring. Trade with China has become an increasingly important issue for the United States, due to the expansive growth of its economy, and the desire of American firms to compete in the Chinese market. The United States and China has been negotiating a bilateral trade agreement for twelve years. With the passage of PNTR, and China's subsequent admittance to the WTO, this bilateral trade agreement will take effect.

China is the world's fifth largest trading market, and the United States could gain substantially from a lowering of Chinese tariffs on U.S. goods and services. Under the negotiated trade agreement, overall Chinese tariffs on American industrial goods will fall from 24.6 percent today to 9.4 percent by 2005—May 2000 report, "The U.S. Economy and China's Admission to the WTO, Joint Economic Committee. Arizona, in particular, should benefit. According to the U.S. Department of Commerce, Arizona exported $243 million in goods and services to China in 1998, up from $67 million in 1993. Of those exports, 58 percent were in electronics and electric equipment; under the trade agreement tariffs on this type of equipment will be reduced from 13 percent to 0 percent at the time of China's accession to the WTO. Over the next five years, tariffs will be significantly reduced on beef, cotton, fruits, and vegetables, all which represent potential export opportunities for Arizona. As tariffs are reduced in China and demand for U.S. goods and services increases there, significant numbers of jobs should be created in the United States, particularly in Arizona.

It is also possible, though perhaps not yet probable, that increased trade with the United States could also have a liberalizing effect on China itself, exposing its people to free ideas and making the regime improve its dismal human rights record. PNTR for China, and the subsequent U.S.–China trade agreement, may also increase chances for economic improvements in China. Dismantling state-operated enterprises in favor of private sector investment may produce better, higher-paying jobs for its Chinese citizens.

If the United States does not grant PNTR to China and make effective the U.S.-China trade agreement that will benefit U.S. workers and businesses, I am certain other countries will step in and take opportunities away from our U.S. manufacturing and service sectors.

As I outlined briefly in the opening of my statement, however, a number of issues will continue to plague the United States' relationship with China. Trade alone does not define our relationship with China, and as I have stated repeatedly, national security and human rights issues must continue to command the attention of the Administration and the elected representatives of the American people in Congress.

China poses a special challenge for America, not merely because of its growing economy and increasingly capable military, but because the path of its evolution remains unknown. We need to be realistic in our dealings with China and take steps to defend our security when warranted.

Although China has embraced some elements of a free-market economic system, the country is still led by a repressive communist regime that still tries to maintain tight control over its people and their exposure to Western ideas. The Chinese government has also been hostile to the United States in several areas, despite the efforts of the Clinton Administration to "engage" its leaders.

For example, China has targeted some of its long-range nuclear-tipped missiles on American cities and has threatened to use them if the U.S. came to the aid of Taiwan. As a commentary in the state-owned People's Liberation Army Daily stated in February, "China is neither Iraq or Yugoslavia, but a very special country . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also." Another editorial published in March of this year in a different state-owned paper was even more blunt, warning that, "The United States will not sacrifice 200 million Americans for 20 million Taiwanese."

It is important that the United States takes steps to protect ourselves through the deployment of a national missile defense system. We need to deploy such a system as soon as the technology to do so is ready, and we should pursue sea- and space-based defenses that offer tremendous advantages when combined with the ground-based system currently under development.

We also need to send clear signals to China about our intentions behind the deployment of a national missile defense system and our commitment to our long-standing ally Taiwan. For example, I'm disappointed that the Senate did not pass the Taiwan Security Enhancement Act earlier this year. This bill would have increased training for Taiwan's military officers at U.S. military schools, permitted U.S.-flag officers to visit Taiwan, and established a secure communications link between the U.S. and Taiwan militaries. It was a modest piece of legislation that should have been passed to demonstrate our support for Taiwan.

Another area where the U.S. needs to stand by Taiwan is in supporting its admission to the WTO. I though it was particularly important to address this specific issue during the Senate's consideration of the China PNTR bill in light of recent moves by China to block Taiwan's admission to the trade group.

Taiwan has been negotiating to become a member of the WTO since 1990 and has met the substantive criteria for membership. Furthermore, based on its importance to the world economy, Taiwan should be admitted to the WTO. It has the 19th largest economy and is the 14th largest trading nation in the world. Taiwan's economy is also closely linked to the U.S. It is America's 8th largest trading partner and purchases more American goods than many of our other major trading partners, like mainland China, Australia, and Italy.

On several occasions, Chinese officials had assured the United States that China would not block Taiwan's entry to the WTO as a separate entity. According to the Wall Street Journal, earlier this month, however, Chinese President Jiang Zemin told President Clinton and a business group in New York that Taiwan could only be admitted to the WTO as a province of China.

This statement by President Jiang was particularly concerning since it came on the heels of other troubling moves by China. On September 7, Chinese Foreign Ministry Spokesman Sun Yuxi said that China wanted its claim to sovereignty over Taiwan written into the terms of the WTO's rules, stating, "The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China."

Furthermore, the Wall Street Journal reported in July that:

> . . . as WTO staff members draw up the so-called protocol agreements—the reams of paper that define exactly what concessions China will make in order to gain entry into the organization—China is insisting that its claim over Taiwan be recognized in the legal language . . . chief Chinese negotiator Long Yongtu said . . . such a stand "is a matter of principle for us" . . . That would upset a consensus within the WTO that Taiwan should be allowed to enter the club as a separate economic area—that is, not an independent country, but also not as an explicit part of China. Some WTO members have argued that Taiwan has long since fulfilled its requirements to join the club and its application has been held up only to satisfy China's demand that Taiwan shouldn't win entry to the organization first.

In order to help ensure that China lived up to its promises to the United States, and that Taiwan's entry to the WTO was not unnecessarily impeded, I filed an amendment to H.R. 4444, the bill we are currently debating. The text of H.R. 4444 stated that the extension of permanent normal trade relations to China "shall become effective no earlier than the effective date of the accession of the People's Republic of China to the World Trade Organization." My amendment would have added one additional condition, stating that permanent normal trade relations with China "shall become effective no earlier than the effective date of the accession of the People's Republic of China and Taiwan as separate customs territories to the World Trade Organization."

Late last week, I agreed not to offer this amendment because of the strong assurances I received from President Clinton and U.S. Trade Representative Barshefsky that the United States would insist on Taiwan's entry to the WTO as a separate entity. As the President said in a letter dated September 12:

> There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with [Chinese] President Jiang Zemin . . . Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

Based on this strong, written assurance from the President of the United States and others provided privately by Ambassador Barshefsky, I decided not to formally offer my amendment for a vote. It is important that Congress and the Administration stand together in insisting that China live up to its promises and in showing support for Taiwan. In this instance, I am pleased we could work together toward that end.

Finally, I want to discuss an area where I believe the Senate missed an opportunity to address serious concerns about China's proliferation of ballistic missiles and weapons of mass destruction—our failure to adopt the Thompson amendment.

Over the past decade, China has been the world's worst proliferator of the technology used to develop and produce nuclear and chemical weapons and ballistic missiles, narrowly edging Russia and North Korea for this dubious distinction. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has sold nuclear technology to Iran and Pakistan. And it has aided Iran's chemical weapons program and sold that nation advanced cruise missiles.

Chinese assistance has been vital to the missile and weapons of mass destruction programs in these countries. And because of this assistance, the American people and our forces and friends abroad face a much greater threat.

Sadly, the efforts of the Clinton Administration to end Beijing's proliferation have not succeeded. Since taking office in 1993, the Administration has engaged in numerous discussions with senior Chinese officials concerning their failure to live up to international nonproliferation norms. But it has failed to impose sanctions on Chinese organizations and government entities, as required by several U.S. laws. Time and time again, the Clinton Administration has either refused to follow laws requiring sanctions or has done so in a way deliberately calculated to undermine the intent of the sanctions.

For example, the Administration has not imposed the required sanctions on China for the sale of M-11 missiles to Pakistan. Despite the unanimous judgment of our intelligence agencies that this sale has taken and incriminating evidence such as photographs of M-11 missile canisters in Pakistan and training exercises by Pakistani troops with the missile, the Administration has said the evidence was not strong enough for it to impose sanctions, since it can not be sure the missile transfer actually took place.

Another example of the Administration's failure to act concerns the transfer of anti-ship cruise missiles from China to Iran. I would remind my colleagues of one example of this danger; in 1987, a similar Exocet cruise missile killed 37 sailors on the U.S.S. *Stark*.

Iran's possession of this missile was first disclosed in January 1996 by Vice Admiral Scott Redd, then-commander of the U.S. Fifth Fleet. Admiral Redd said the C-802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy, stating, "It used to be we just had to worry about land-based cruise missiles. Now they have the potential to have that throughout the Gulf mounted on ships."

According to the Washington Times, in 1995, Defense Department officials recommended declaring that China had violated the Gore-McCain Iran-Iraq Arms Nonproliferation Act of 1992, which requires sanctions for the transfer to either country of ". . . destabilizing numbers and types and advanced conventional weapons . . ." Yet State Department officials opposed involving sanctions to avoid damaging relations with China.

In his Senate testimony in 1997, Assistant Secretary of State Einhorn acknowledged the transaction, stating, ". . . the question of whether china transferred the C-802 anti-ship cruise missiles to Iran is not in doubt." He noted that, "Such missiles increase China's maritime advantage over other Gulf states, they put commercial shipping at risk, and they pose a new threat to U.S. forces operating in the region." But Mr. Einhorn maintained that the transfer was not "destabilizing" and thus did not meet the legal requirement for sanctions to be imposed.

In September 1997, Assistant Secretary of State for East Asian and Pacific Affairs Stanley Roth further explained the Administration's position, claiming the C-802 sale ". . . does not have to be destabilizing if you define it as overturning the ability of the United States to operate in the Persian Gulf. It hasn't done that." Mr. Roth added, ". . . the U.S. Navy tells us that despite the increased threat from the sale of cruise missiles, it can continue to operate and carry out its mission to the Persian Gulf. And so even though [the Navy] is exceedingly unhappy with this new development, it is not, on the face of it, destabilizing at the point."

Such thinking illustrates how the Clinton Administration has refused to implement nonproliferation laws. If the arrival of weapons which directly threaten the U.S. Navy is not "destabilizing," it is hard to imagine what the Administration might find sufficiently destabilizing for sanctions under the Gore-McCain Iran-Iraq Arms Nonproliferation Act.

The Senate has specifically addressed the issue of Chinese cruise missile sales. In June 1997, we passed an amendment offered by Senator BENNETT by a vote of 96 to 0, stating: "The delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Nonproliferation Act of 1992. It is the sense of the Senate to urge the Clinton Administration to enforce the provisions of the [Act] with respect to the acquisition by Iran of C-802 model cruise missiles." Despite this unanimous expression by the Senate of the need to enforce the law, the Administration has refused to take action in this case.

There are many more examples of Chinese proliferation and the Administration's failure to enforce current laws in this area that provide the rationale for the Thompson amendment. In the interest of time, I will not describe them all, but will simply make the point that the Thompson amendment would have helped to combat this deadly trade by making it clear to China that it would have faced economic penalties from the U.S. if it continued to proliferate.

Mr. President, I would just say in conclusion that trade with China is important, and I intend to vote for the PNTR bill. But I believe it is imperative that we not forget these important national security issues once the debate on PNTR is completed. The challenge before us is to deal with China in a way that protects America's national security, promotes free trade, demonstrates our support for our democratic ally Taiwan, and improves human rights in China. This is a tough job, but one that I am sure all Senators agree is too important to ignore.

## JUDICIAL NOMINEES

Mr. KYL. Mr. President, I rise to discuss an important matter. As I begin, I am reminded of a statement my mother used to make. Actually, I recall my grandmother making this statement.

The statement is to "cut off your nose to spite your face." I have found out that actually that phrase can be traced back to the late 1700s, when our Constitution was created. It essentially means doing something senseless, frequently out of spite, and which frequently ends up hurting the actor. The idea is that you are not happy with your face so you are going to cut off your nose. We all understand that that doesn't exactly solve the problem and, in the end, creates a bigger problem than the one with which you started.

That phrase is applicable to something our friends of the minority are doing with respect to Federal judges. We have heard and have been subjected to a weekly dose of expressions of disappointment by members of the minority that the Senate has not confirmed more of President Clinton's judicial nominees. The chairman of the Judiciary Committee recently had to respond to that criticism because it had escalated to such a point that it demanded a response.

In fact, not only were members of the Judiciary Committee being critical of the Republican chairman and the Republican Senate for not confirming more judges, but the President and Members of the House of Representatives chimed in with very, as Senator HATCH called it, "reckless and unfounded" accusations.

For example, one Democratic House Member was quoted as saying that the Senate:

> . . . has made the judiciary an exclusive club that closes the door to women and minorities. . . . Its determinations have been made on the basis of racism and sexism, plain and simple.

Other Democrats have argued that there is a judicial vacancy crisis and that "scores of vacancies continue to plague our Federal courts." That is a statement of a prominent member of the Senate Judiciary Committee.

In the face of comments such as this, Senator HATCH had to respond, and respond he did. He pointed out that the claims are false, both the claims of the inordinate number of judges being held, allegedly, and also the charge of racism.

The Senate considers judicial nominees on the basis of merit, regardless of race or gender. As Chairman HATCH pointed out, minority and female nominees are confirmed in nearly identical proportion to their white male counterparts. The Republican Senate is confirming nominees at a reasonable rate, about the same rate as has occurred in the past.

From statistics I have from the Judiciary Committee, there are currently 64 vacancies out of the 852-member Federal judiciary, which yields a vacancy rates of about 7.5 percent. A good comparison is the year 1994—by the way, at the end of a Democratically-controlled, the 103rd Congress—when there were 63 judicial vacancies, 1 less, yielding a vacancy rate of 7.4 percent. By comparison, at the end of the Bush administration, when Democrats controlled the Senate, the vacancy rate stood at 12 percent.

It is possible to find statistics to prove about anything, but the fact is, as the chairman of the committee pointed out, this Congress is confirming judges of the Clinton administration at about the same rate as past Congresses, and certainly the vacancy rate is not as bad as it had been at previous times.

The important point is that Democrats, members of the minority, who are critical of Republicans for not confirming the nominees, need to be careful of this charge because it is they who are now refusing to confirm President Clinton's nominees to the Federal district court. There are currently four nominees who are ready to be brought to the full Senate floor for confirmation. Indeed, all four of these nominees were presented to the minority for their approval. There is no objection on the Republican side.

The minority leader, speaking for Members of the Senate minority, objected to the Senate's consideration of confirmation of these four Clinton nominees to the Federal district court, the only four candidates on whom the Senate can vote. None of the other nominees has gone through the committee and is therefore ready for us to act.

These are the four nominees currently on the Executive Calendar: Judge Susan Ritchie Bolton, Mary Murguia, James Teilborg, and Michael Reagan. The first three are nominees from Arizona. They were all nominated on July 21, 2000, by President Clinton. Michael Reagan of Illinois is the other nominee. He was nominated on May 12, 2000.

I chaired the hearing for these four nominees on July 25, 2000. They are all qualified nominees. I recommended them all to my colleagues on the Judiciary Committee for confirmation. Indeed, they were approved by the Judiciary Committee on July 27, 2000, and sent to the floor for consideration. They were supposed to be confirmed before the August recess. When an unrelated negotiation between Leader LOTT and Minority Leader DASCHLE broke down and reached an impasse, floor action on these nominees was postponed until this month, when we returned from the August recess. That is when the minority leader rejected the majority leader's request that these four be considered by the full Senate.

It doesn't matter to me whether they are confirmed by unanimous consent or by a vote, but in any event, these are the four on whom we can act. They ought to be acted on, and I believe all should be approved.

With respect to the three in Arizona in particular, I note that last year Congress created nine new Federal district court judgeships—four for Florida, three for Arizona, and two for Nevada. There was a very specific reason for this action. There is a huge caseload in these three States. The judges are falling further and further behind, primarily in the State of Arizona; I believe also in Florida. This is due to the number of criminal prosecutions for illegal drugs, alien smuggling, and related cases. All of the new judgeships for Nevada have been confirmed, and three of the four judgeships for Florida have been confirmed. None of the judgeships for Arizona has been confirmed.

It is important that these nominees of President Clinton be confirmed by the Senate. They are critical to handling the caseload in the State of Arizona.

Here is where the old phrase of my mother and grandmother comes into play: cutting off your nose to spite your face. Because some of the members of the minority party wish we could confirm even more judges, they are holding up the confirmation of these judges. There is nothing against the qualifications of any of the four. It is just that if they can't have everything their way, then, by golly, nobody is going to get anything.

It is President Clinton who has nominated these four candidates. It is not somebody from Arizona, though Democratic Congressman ED PASTOR and Senator MCCAIN and I strongly support these three nominees.

One, Mary Murguia, is a career Federal prosecutor. She is currently at the U.S. Department of Justice as the executive director of the Attorneys General Association. She would be, incidentally, the first Latina ever to be confirmed for the U.S. district court from the State of Arizona.

Jim Teilborg is a lifelong trial attorney with enormous experience in courts and would—I think everyone recognizes—make a tremendous Federal judge.

Judge Susan Bolton is one of the most respected members of the Arizona Superior Court, the trial court at the State court level, one of the most respected judges in the entire State. In fact, I have received comments from many lawyers who have said: We think your three nominees from Arizona are fantastic. We just wish Judge Bolton didn't have to leave because she is so important to the judiciary at the State level.

Judge Michael Regan from Illinois, likewise, has very high qualifications. The point is this: These are Clinton administration nominees. They are needed to fill important vacancies in the Federal district court. Members of the minority have complained incessantly all year long that we need more judges and that the Senate needs to confirm the President's nominees, and they complain when the Senate has taken more time than they thought was warranted to confirm these judges. So the Senate Judiciary Committee acts to put these judges before the full Senate, and what happens? Members of the minority object. They won't let the Senate even vote on these four nominees. That is what I call cutting off your nose to spite your face.

It is obstruction tactics; it is dealmaking at its worst. This is what people object to when they look at the Federal Government. It doesn't treat these individuals as human beings whose lives and careers are on hold. Incidentally, it has happened before. This is not the first time members of the minority have held up the nomination of a Democratic nominee by the Democratic President. In 1997, Democrats blocked the nomination of Barry Silverman to the Ninth Circuit Court of Appeals. He had to wait until the following year to be confirmed. Again, there was a dustup over a nominee from Illinois, as I recall, and the point was: If we can't get everything we want, you are not going to get anything you want.

It is not only me and not only the people of Arizona; it is also the will of the President of the United States that is being thwarted. It is not as if partisan politics were involved with respect to the people being nominated because they are Republicans, Democrats, or Independents. In fact, obviously, the majority are Democrats. So you have a Democratic President nominating mostly Democratic candidates for the court, and the Democratic minority is holding them up.

One of our distinguished colleagues on the Judiciary Committee, the distinguished ranking member, Senator LEAHY, recently said on the floor, "We cannot afford to stop or slow down judicial nominations." I agree with Senator LEAHY on this point. I hope that he and Senator DASCHLE and the other Senators who have an interest in this important subject will continue to support the confirmations of judges as long as we can and at least support the confirmations of those who the Senate can act on because they are the only ones who have been cleared to this point and, in any event, will recognize the irony in their criticism on the Senate floor for not confirming judges, when it is their action and their action alone that is preventing the confirmations of these four nominations to the Federal district bench. It is time for action. I hope my colleagues will quickly clear these four nominees for confirmation.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, my understanding is that we have 10 minutes in morning business.

The PRESIDING OFFICER. Morning business is scheduled to conclude at 2 p.m.

Mr. MURKOWSKI. I ask unanimous consent that I might be allowed 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COURT OF APPEALS DECISION ON NUCLEAR WASTE

Mr. MURKOWSKI. Mr. President, let me draw your attention to a very significant event that occurred last week which involved the nuclear utilities companies in this country prevailing in the spent fuel claims case. Now, to many, this might not seem to have great significance. Those of us on the Energy Committee have gone through a long and somewhat tedious process to try to address the federal government's obligation to encourage the Congress, specifically the Senate, to reach a decision on how we are going to dispose of our high-level nuclear waste, with a recognition that almost 20 percent of the power generated in this country comes from nuclear power. As a consequence of that, and the inability of the Government to fulfill its contractual commitment to take the waste in 1998, the industry in itself is, you might say, choking on the pileup of nuclear waste that is in temporary sites around reactors throughout the country.

Evidently, the administration does not value the sanctity of a contractual relationship very highly, because the ratepayers, over an extended period of years—several decades—have paid over 17 billion dollars into a fund which the Federal Government has managed, and that fund was specifically designed to permanently take the waste from the utility companies that generate power from nuclear energy.

The August 31, 2000 decision was highlighted in The Energy Daily. The U.S. Court of Appeals for the Federal Circuit ruled that the power companies are free to seek damages against the Energy Department for its failure to take responsibility for spent nuclear fuel. Undoubtedly, this will "prompt dozens of new lawsuits seeking billions of dollars in claims against the Government," industry attorneys indicated last Friday.

Who is the Government? The Government is the taxpayers, Mr. President. As a consequence, the inability of the administration to meet its obligation under a commitment—a binding contract—results in the taxpayers being exposed to billions of dollars in damages.

The article says:

> The U.S. Court of Appeals for the Federal Circuit handed the nuclear industry a sweeping victory Thursday when it rejected a government motion to dismiss a suit brought by utility owners of three nuclear power plants. The government claimed the utilities must first exhaust all administrative remedies available through the DOE before seeking monetary damages in the U.S. Court of Federal Claims.
>
> The decision means that nuclear utilities can return to court and will get a chance to prove their damages—to ask the court to determine the amount of damages the government must pay for DOE's failure to begin storing the spent fuel on Jan. 1, 1998.
>
> Congress set that date for the federal government to take responsibility for spent nuclear fuel in the Nuclear Waste Policy Act of 1982, which requires DOE to store the roughly 40,000 metric tons of waste generated and now stored at more than 100 U.S. nuclear plants.

Some of those plants, I might add, are no longer active. They weren't designed for long-term, indefinite storage.

> Estimates of the potential damages faced by the government as the result of last week's decision vary widely.
>
> An analysis performed this year for the Nuclear Energy Institute showed the figure could be as high as $50 billion—costs that will be borne by the taxpayers—but that number is based on a worst-case assumption that the government will never fulfill its obligation, and the utilities' spent fuel will never be stored in a proposed federal level-high waste depository at Yucca Mountain, Nev. [where the Government has already expended over $6 billion.]

The idea of the facility at Yucca Mountain in Nevada was to act as a permanent repository for the high-level waste.

> NEI General Counsel Robert Bishop told The Energy Daily Friday that the dozen or so utilities already having filed lawsuits against DOE allege some $5.4 billion in damages resulting from the government's failure to take the spent fuel.

So we are seeing the suits filed at this early time.

> Bishop acknowledged, however, that the figure could be much higher if, as expected, utilities that thus far have been reluctant to sue the government take advantage of the Thursday decision and pursue their claims in court.
>
> "You are going to see a lot of utilities deciding to do whatever they believe is in their and their customers' best interest."
>
> "Some may choose to work with DOE as PECO did. Others may decide that it is in their best interest to seek relief in federal claims court."
>
> Jerry Stouck, an attorney in the Washington office of Spriggs & Hollingsworth and the lead attorney in the case, represents Maine Yankee Atomic Power Co., Connecticut Yankee Atomic Power Co. and Yankee Atomic Electric Co. He said the government has an easier way to avoid facing dozens of lawsuits from aggrieved utilities.
>
> "The government can mitigate its damages by moving the [spent] fuel," Stouck said. "The government already has indicated it is not going to honor its contract and move the fuel as it is required to do under the law, but they can avoid damages by moving the fuel. They won't avoid all of the damages, but they will mitigate a lot of the damages simply by moving the fuel."
>
> In its ruling, the court concluded that DOE's failure to begin taking used nuclear fuel did not constitute a "delay," as the government had argued, that was resolvable under a standard contract that each utility signed with the department.
>
> It said that utilities are not obligated to seek resolution under the contract for damages caused by DOE's failure to perform its contractual obligation. It also stated unequivocally that DOE has breached its obligations under the contracts. And in a telling rebuke of the government's argument, the court made it clear that its decision extended beyond the specific suits brought by the Yankee plants.
>
> "The breach involved all the utilities that had signed the contract—the entire nuclear industry," the court said in its 14-page order.
>
> The case now returns to the claims court to determine the level of damages DOE must pay.

It is my hope that the majority leader, Senator LOTT, will have an opportunity to bring this matter to the floor again for a vote. I advise my colleagues that we are one vote short of a veto override. With the recent ruling by the court, clearly the Federal Government and the taxpayer bear the responsibility of not taking the nuclear waste as indicated by the court order.

According to the Department of Justice statement:

> We remain persuaded that the quickest and most efficient way to get relief to those utilities that are incurring costs as a result in our delay in accepting nuclear fuel is direct negotiation between individual utilities and the department. This is evidenced by the settlement agreement that we entered into last month with PECO.

There you have it. The Department of Justice hopes they can reach some kind of a settlement. But in any event, that settlement is going to cost the taxpayers a substantial sum as a consequence of the Federal Government's unwillingness to honor the terms of a contract made to take that waste in 1998.

It is my hope, as chairman of the Energy Committee, to hold a hearing on this matter because now we have a definitive decision made by the court and that puts the liability on the taxpayer and the Government. As a consequence, I think it is appropriate that we in this body come together and recognize our obligation. Our obligation is to override the President's veto and honor the contractual commitments to take the waste.

This very important environmental issue affects almost every state in this Nation. On August 31, 2000, the U.S. Court of Appeals for the Federal Circuit decided two cases and held that nuclear utilities could seek millions of dollars in damages for DOE's failure to accept high-level waste by January 1998. The court's decision only confirms what I have said on this floor over and over again—the Federal Government has breached it's contract with utilities as a result, the taxpayer is going to pay. Conservative estimates from the utilities with claims pending are upwards of $5 billion.

In the first case, the U.S. challenged the lower court's finding that Maine Yankee, Connecticut Yankee, and Yankee Rowe (all shutdown reactors with tons of fuel remaining on-site) were entitled to damages. On appeal the court ruled that the utilities have the authority to seek civil damages from the Court of Federal Claims and rejected the government's argument that relief was available through the administrative process.

In the second case, the court found that Northern States Power, now known as Xcel Energy, could also seek damages through the Court of Federal Claims.

Utilities view both decisions as major victories. Not only do they not have to go through the administrative process first, (1) the court rejected the distinction between operating and shut down utilities, and (2) characterized DOE's failure to accept waste as a breach of contract, thus entitling the utilities to proceed directly to the Court of Federal Claims to prove their damages. About a dozen utilities have claims pending that are affected by these ruling.

Before this ruling, DOE had been attempting out-of-court settlements with utilities. Only one, PECO, has made such a statement.

This court ruling only underscores what I have been saying for years—the Federal Government has breached it's contract and that will cost tax payers billions. Since 1982, the Federal government has collected over $17 billion from America's ratepayers in return for a commitment to take nuclear waste from storage sites scattered in 40 states around the country and store it in one, safe central government-run facility, beginning in 1998. Several years ago, the U.S. Court of Appeals ruled that this is a legal, as well as moral, obligation. Now the court has ruled that failure to do so is a breach of contract and the utilities may seek damages.

I have tried to help the Federal Government out of this situation. For several Congresses, I have worked on various pieces of legislation designed to keep our nuclear waste repository program on track. This Congress we took that legislation, S. 1287, further than we ever have before. In February, the Senate passed it by an overwhelming majroity—64 to 34. And then in March, the House took up the bill and passed it 253 to 167. From there, this legislation made it up Pennsylvania Avenue, to the President's desk, where he vetoed it. Why he did that, I don't know. In light of this recent court decision, maybe that doesn't look like such a good decision after all. Unless of course, the President is thinking of politics, and not tax payer liability. In any event, the President sent it back to Congress, where, on May 2, 2000, the Senate failed to override that veto. But we didn't fail by much. The actual vote count of 64–35 doesn't tell the whole story. Two Members, who have always been in the "yes" camp were necessarily absent. And the majority leader, in a procedural maneuver, switched his vote so that if we needed to revisit the issue, that opportunity would be available. So perhaps, we should now avail ourselves of that opportunity.

Senate bill S. 1287 would help to limit the taxpayers liability for DOE's failure to accept waste by permitting the early acceptance of waste at the Yucca Mountain site, once construction is authorized. S. 1287 provides the tools that will allow the Federal government to meet its obligation to provide a safe place to store spent nuclear fuel and nuclear waste as soon as possible, while reaffirming our Nation's commitment to development of a permanent repository for our Nation's nuclear waste.

At the beginning of this session, interim storage legislation, in the form of S. 608, the Nuclear Waste Policy Act of 1999, was introduced. Although the legislation had sufficient support to be favorably reported by the Committee on Energy and Natural Resources, I proposed that the committee consider a new approach to resolving the nuclear waste dilemma that might gain a full consensus and avoid the procedural difficulties encountered by the bill in the past. This approach was supported by the committee, and an original bill, which became S. 1287, was approved by the committee by a bipartisan, 14-6 vote.

During committee consideration of S. 1287, we received many constructive comments on how to improve the bill, and a manager's amendment that reflects many of these were eventually considered and passed on the Senate floor. S. 1287, as passed the House and Senate contained the following major changes:

Adds a savings clause clarifying that nothing in the bill diminishes the authority of any State under other Federal or State laws;

Alters one of the milestones and the acceptance schedule for nuclear waste to make them consistent with the schedules contained in the Department of Energy's Viability Assessment for Yucca Mountain;

Clarifies that the Secretary and a plaintiff may enter into voluntary settlements that are contingent upon new obligations being met, including acceptance of spent fuel under the schedules provided for in S. 1287;

Adds benefits for local governments in Nevada that adjoin the Nevada test site; and

Permits EPA to proceed with the radiation standard setting rule. If NRC, after consulting with the National Academy of Sciences, agrees that the standard will protect public health and safety and the environment and is reasonable and attainable, they may do so prior to June 1, 2001.

I believe that the issues to be addressed by nuclear waste legislation have evolved and this evolution is reflected in S. 1287. This legislation gives DOE the tools it needs to complete the Yucca Mountain program, while providing a mechanism to rectify DOE's failure to perform its obligations under the Nuclear Waste Policy Act of 1982.

Because DOE has failed to find a way to meet its obligation, our citizens will be left with what remedies the court can devise. After the August decision in the Court of Appeals, it is clear that the utilities can now go ahead and prove their damages. What the eventual damages are remains to be seen. This much I can say with some certainty: This remedy is bound to be expensive to the American taxpayer and is unlikely to result in used nuclear fuel being removed from the over 80 sites where it is stored around the country, in facilities that were not intended for long-term storage. If DOE is unable to open the Yucca Mountain repository on schedule, it is estimated that total damages from the Department's failure to meet its obligation will range from $40 billion to $80 billion. Clearly, such stop-gap compensation measures would drain money away from this and other Department of Energy programs, stopping all progress on the permanent repository. The American taxpayers would lose tens of billions of dollars, and we would still have no idea how we are going to get the nuclear waste out of 80 sites in 40 States.

I have said it before, and I will say it again. S. 1287 is the most important environmental bill we have considered this Congress. The alternative is to leave waste at 80 sites in 40 States. S. 1287 also gives the Secretary of Energy the ability to settle lawsuits and save the taxpayers from an estimated $40–$80 billion liability. The bill would allow early receipt of fuel once the construction is authorized—as early as 2006—assuming DOE can keep the program on schedule. Such early receipt would help mitigate a liability the courts have clearly said the government has.

We have struggled with this problem for many years. The time is now. S. 1287 is the solution. Years of litigation to prove damages will cost money and waste valuable time. Utility consumers have paid over $17 billion into the Nuclear Waste Fund. We must solve this problem. We cannot continue to jeopardize the health and safety of citizens across this country by leaving spent nuclear fuel in 80 sites in 40 States. We should move it to one remote site in the desert. If we don't, we risk losing nuclear generation altogether—that's 20 percent of our clean generation. We cannot afford to do that. Our clean air is too important. This issue is too important. Let's not ignore reality. It's dangerous and it's expensive.

Again, I remind my colleagues that in February, this body passed by an overwhelming majority vote of 64–34 to honor the commitments that were made under the contract to proceed by placing the waste at Yucca Mountain. The House took up the bill and passed it 253–167. It went down to the White House, where the President vetoed it. Why he did I don't know. I don't know whether they just disregard contracts down there. But now the burden is on the taxpayer. Now the burden is on the Senate to rise up and generate a couple more votes and override the President's veto.

Again, we will be holding a hearing on this matter in the very near future. I encourage each Member of the Senate to recognize his and her obligation to honor the terms of the contract, proceed to take the waste, and put it where it belongs, at the site at Yucca Mountain in Nevada where the taxpayer has already expended some $6 billion to put it there.

I see other Senators wishing recognition. As a consequence, I yield the floor.

## EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Parliamentary inquiry: Is there time now remaining to the Republicans to speak?

The PRESIDING OFFICER. Time has expired for morning business.

Mr. DOMENICI. Mr. President, I ask unanimous consent to be permitted to speak for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE 90/10 SOLUTION

Mr. DOMENICI. Mr. President, in order to complete our legislative agenda in the 106th Congress, our leadership has put forth a very simple concept.

For the upcoming new fiscal year that begins in about 12 days, lets devote 90 percent of the surplus to debt reduction. And the remaining 10 percent can be used for tax cuts and final spending bills.

This is a very reasonable and straightforward proposal, and I compliment our leadership both in the House and the Senate for making the proposal to the President last week.

I don't quite understand why the White House and some Democrats are so negatively excited about this proposal. For some reason, the White House and congressional leaders are having a great deal of difficulty understanding a very simple proposal.

Indeed, our distinguished minority leader, even said he "smelled a rat" in this proposal. Why is it so difficult for the White House and congressional Democrats to understand this simple proposal.

Maybe it is because they are really not serious about their own rhetoric about debt reduction. Maybe this is consistent with their blocking not once, but six times our efforts to pass the Social Security lock box legislation now on the calendar.

I am hopeful we will do that, with their help perhaps, in a way we can all agree upon. But we will do it, and we will do it under this 90–10 formula.

For my friends at the White House and across the aisle let me take just a minute to explain this proposal.

We first start with the current CBO estimate of the budget surplus for next year—that number today is $268 billion. We are even using the Democrats favorite definition of the surplus, a definition that assumes that appropriate accounts grow by inflation between 2000 and 2001—the so-called "inflated baseline." This is not my preferred definition, but it is the most liberal one available from the Congressional Budget Office.

To this $268 billion estimate, we adjust for the net effect of the supplemental that became law after CBO made its summer update. Because the supplemental shifted some spending around, the surplus next year increases slightly to $273 billion.

Now, we set aside the Social Security and Medicare HI trust fund balances—we fully protect Social Security and Medicare as we promised—those two accounts make up about $197 billion of our debt reduction next year.

We also set aside $48 billion of the non-Social Security surplus for debt reduction.

So we set the Social Security and the Medicare surplus aside, and then we set aside $48 billion more—a rather historic event because that is out of the non-Social Security surplus. Forty-eight billion dollars of that will go to debt reduction.

In total, $245 billion of next year's surplus is set aside for debt reduction. This represents 90 percent of the total surplus next year—just do the arithmetic—leaving $28 billion in outlays for the end of the session spending and tax legislation. This $28 billion should allow us to finish our work expeditiously. It would allow us to finish the appropriated bills that are still pending, fund needed priorities for hospital and health providers, for health research, aid to States and localities that have suffered this summer's fires and droughts, and other important and basic needs.

The $28 billion should also allow us to provide minimal tax relief to American small business and families. This will be a smaller package than we have done before. We will ask the President of the United States whether there is any tax bill that we can send him that he will sign. We believe this is a winner, one attached essentially to the amendment that cleared the floor when we did our minimum wage bill. It was my amendment. I offered it along with DON NICKLES and others to spread the minimum wage increase over 3 years and to provide small business and individuals with the kind of tax relief almost everyone agreed we should do.

This is the least we can do for the taxpayers, as I see it, following both a vote of the marriage tax penalty and the death. This will not, as assumed by the administration, cause irreparable damage to the economy. The Secretary of the Treasury came all the way over here to have a press conference because they were terribly concerned about this 90 percent to debt service and 10 percent to finish our work idea—the 90-10 button that is being worn around here. I don't understand how it will cause any kind of damage.

How quickly we forget the words of the Federal Reserve Chairman, who said the first thing we should do with a budget surplus is retire the debt. I can only conclude that the democratic roadblock to this very simple proposition must be, first, they do not want to provide tax cuts when taxes are at the highest level percentage of the American economy since the Second World War; second, they do not want to apply the surplus to debt reduction.

They must have a very large bushel of expenditures they want to make at the end of the year that exceed the $28 billion, which is the residue of the 90-10 that will be around for tax cuts, for add-ons to appropriations, and for those extreme needs we have in the Medicare area with reference to nursing homes, HMO plus, and the like. Those will fit within the $28 billion because we are speaking of outlays—I hope everybody understands that—in the year 2001.

Maybe this should not come as a surprise to anyone. The President of the United States has put forward an expansive and expensive set of budget proposals, a budget plan that even the Washington Post called a "lopsided budget." The Financial Times article called it "a masterpiece of central government planning."

Maybe these are the real reasons why my friends across the aisle cannot grasp the simple consent: 90 percent of the total surplus going to retiring the debt, and 10 percent being available to finish our work on appropriations, on the other expenditures, and some tax proposals that should clear.

I am prepared to talk to this issue with anyone, anywhere, and to produce the numbers. This is very close to what will happen if we take it right, watch our step, do what is needed, but not extravagantly spend money. If we try some very simple but needed tax cuts, which should challenge even this President in terms of his veto pen—and obviously we are all aware of fixing some Medicare needs, whether they are nursing homes that need some additional response from the Federal Government, whether it be the HMO plus, whether it be the home care, whether it be rural hospitals. Essentially, in the first year they do not cost that much money. They do a considerable amount over 5, but actually we believe they will fit within this $28 billion. That is the 10 percent of the 90-10 formula.

I hope everybody will take a look at it. I think it is a good way to go.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

## LIEUTENANT COLONEL THOMAS J. LEE

Mr. THURMOND. Madam President, I rise today to recognize the dedicated efforts and valuable contributions of Lieutenant Colonel Thomas ("Tom") Lee of the National Guard Bureau Counterdrug Directorate.

There are few more insidious domestic challenges to the safety, welfare, and security of the United States than illegal narcotics. Point to any border region of our nation and you will find criminal organizations smuggling every drug imaginable into America. Beyond being a highly addictive and destructive substance, drugs bring crime into every community through which they pass. Stemming the tide of illegal narcotics into the United States must always be a priority of the leaders of our nation.

For a number of years, the National Guard has played a critical and significant role in battling the drug trade in America through a variety of efforts. Whether it has been flying air support, providing translators, operating x-ray machines, doing youth outreach, or any of the seemingly endless other operations they participate in, the soldiers and airmen of the National Guard have been aggressively involved in supporting the counterdrug operations of local, state, and federal law enforcement agencies throughout the United States.

Though commissioned in the Field Artillery when he graduated from college, LTC Lee has significant experience in counterdrug operations. Over the past three-years, he has served as the Special Projects Officer in the Counterdrug Directorate, where he has worked closely with Members of Congress and their staffs on how the National Guard can help stop drug trafficking. As he has done in all his previous assignments, LTC Lee distinguished himself as an individual of selflessness who possesses a strong sense of service and an unflagging dedication to executing his duties to the best of his abilities.

LTC Lee not only demonstrated an intimate knowledge of National Guard Counterdrug policy and operations, but of the broader efforts of federal and state governments. He always provided clear, concise, and timely information and he has been a true asset to the Guard and to the nation's counterdrug operations.

I am confident that I speak for all my colleagues when I say that we are grateful and appreciative for the hard work of Lieutenant Colonel Lee during his tenure at the National Guard Bureau Counterdrug Directorate. He is a credit to the National Guard and he can be proud of both the record of accomplishment he has created and the high regard in which he is held. We wish him the best of luck in his new assignment and continued success in the years to come.

## IN RECOGNITION OF UKRANIAN INDEPENDENCE

Mr. LEVIN. Madam President, as Ukraine approaches its first decade of independence, since the collapse of the Soviet Union, there are many accomplishments which the people of Ukraine can be proud.

For over a millennium, the Ukrainian people have successfully preserved and maintained their unique culture, language, religion and identity. Such an achievement stands as an inspiration for free people everywhere, and is a testimony to the depth, character and vibrancy of the Ukrainian culture.

The November 14, 1999, re-election of Leonid Kuchna as Ukraine's President is a cause for great optimism. High turnout in this election, and a refusal by the voters to return to a Communist past, speaks to the vibrancy of Ukranian democracy.

With this election, the Ukranian people chose to move forward with a program of economic reform. While the transition from a centralized economy to a free-market system has not been easy, Ukraine has been blessed with vast natural resources, a sizeable industrial infrastructure and a hard-working and resourceful people that promise to ensure Ukraine's economic transformation. The decision, this year, by the Supreme Rada to privatize large parts of the Ukrainian economy will further enable this industrious nation to continue with its economic progress.

Ukraine's unique geographical location has given it a vital role in ensuring the peace and stability of not only the region, but of all Europe. Ukraine has shown its commitment to a secure Europe by providing troops to the peacekeeping effort in Kosovo, and by seeking to enhance its partnership with NATO. By entering into the Status of Forces Agreement with NATO, and hosting NATO military exercises in Odessa, Ukraine has reiterated its commitment to the world's most powerful military alliance.

At this time when we honor Ukraine's independence, it is only fitting that we laud the many advances made by the Ukrainian people in the past decade. The advances Ukraine has made today are built upon the sacrifices and dedication of countless patriots who have struggled to preserve the independence and freedom of the Ukranian people. I am sure that my Senate colleagues would join me in saluting the Ukranian people for their tremendous courage in promoting free and fair markets and participatory democracy during a difficult transition period.

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## BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Madam President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

| | Budget authority | Outlays |
|---|---|---|
| Current Allocation: | | |
| General purpose discretionary | $600,296,000,000 | $592,773,000,000 |
| Highways | | 26,920,000,000 |
| Mass transit | | 4,639,000,000 |
| Mandatory | 327,787,000,000 | 310,215,000,000 |
| Total | 928,083,000,000 | 934,547,000,000 |
| Adjustments: | | |
| General purpose discretionary | +55,000,000 | +36,000,000 |
| Highways | | |
| Mass transit | | |
| Mandatory | | |
| Total | +55,,000,000 | +36,000,000 |
| Revised Allocation: | | |
| General purpose discretionary | 600,351,000,000 | 592,809,000,000 |
| Highways | | 26,920,000,000 |
| Mass transit | | 4,639,000,000 |
| Mandatory | 327,787,000,000 | 310,215,000,000 |
| Total | 928,138,000,000 | 934,583,000,000 |

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

| | Budget authority | Outlays | Surplus |
|---|---|---|---|
| Current Allocation: | | | |
| Budget Resolution | $1,526,401,000,000 | 1,491,494,000,000 | $11,706,000,000 |
| Adjustments: | | | |
| Emergencies | +55,000,000 | +36,000,000 | −36,000,000 |
| Revised Allocation:. | | | |
| Budget Resolution | $1,526,456,000,000 | 1,491,530,000,000 | $11,670,000,000 |

## MOTOR VEHICLE AND MOTOR VEHICLE EQUIPMENT DEFECT NOTIFICATION IMPROVEMENT ACT

Mr. GORTON. Madam President, I join Senator McCain today as an original cosponsor of the Motor Vehicle Equipment Defect Notification Improvement Act. This measure, aimed at increasing consumer protections, is a great first step in addressing current statutory shortfalls.

The controversy surrounding the ongoing Ford/Firestone recall brought to light several deficiencies regarding the processes that are in place currently. A combination of increasing penalties, upgrading standards, and requiring more stringent disclosure should afford consumers the protections they deserve.

Let me assure my colleagues that this is a work in progress. I look forward to receiving input from all interested parties as I work with Senator McCain to ensure that we learn from our mistakes and move forward to strengthen the safeguards that protect public safety.

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## SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 220

Mr. DOMENICI. Madam President, section 220 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Energy and Natural Resources, provided certain conditions are met.

Pursuant to section 220, I hereby submit the following revisions to H. Con. Res. 290:

| | |
|---|---|
| Current Allocation to Senate Committee on Energy and Natural Resources: | |
| FY 2001 Budget Authority | $2,429,000,000 |
| FY 2001 Outlays | 2,373,000,000 |
| FY 2001-2005 Budget Authority | 11,570,000,000 |
| FY 2001-2005 Outlays | 11,364,000,000 |
| Adjustments: | |
| FY 2001 Budget Authority | 200,000,000 |
| FY 2001 Outlays | 200,000,000 |

| | |
|---|---|
| FY 2001-2005 Budget Authority | 1,100,000,000 |
| FY 2001-2006 Outlays | 1,100,000,000 |
| Revised Allocation to Senate Committee on Energy and Natural Resources: | |
| FY 2001 Budget Authority | 2,629,000,000 |
| FY 2001 Outlays | 2,573,000,000 |
| FY 2001-2005 Budget Authority | 12,670,000,000 |
| FY 2001-2005 Outlays | 12,464,000,000 |

## RELEASE OF FALN TERRORISTS

Mr. KYL. Madam President, 1 year ago, 11 terrorists dedicated to the violent pursuit of Puerto Rican independence walked out of prison thanks to a clemency grant by President Clinton. Two more of these terrorists will be released in coming years. They were all members of the Armed Forces of National Liberation (FALN), which has claimed responsibility for 130 bombings in the United States, killing 6 Americans and wounding 84 others.

It is incomprehensible to me that those responsible for such deadly violence are living in freedom today, while their victims and their families are still suffering. As we reflect on the decision of the President 1 year ago to ignore this suffering for his personal gain, I believe it's important to put a human face on the deplorable acts these terrorists committed.

I'd like to quote from the testimony of a few victims who lived through some of the 130 bombings these FALN terrorists committed:

> Bill Newhall, FALN victim: On January 24th [1975], I was having lunch with two colleagues, Charlie Murray and Frank Connor and three clients, Jim Gezork, Alex Berger and Dave Urskind. We were seated at a table overlooking Broad Street, about to return to work when a bomb, placed in a doorway next to our table, detonated, destroying our corner with shrapnel and debris. Jim, Alex, and Frank died terrible deaths, barely recognizable to their families. Another man, Harold Sherburne, who was upstairs at the time of the blast, was also killed. Charlie, David and I suffered multiple wounds, many of them from shrapnel. More than fifty other people sustained injuries as well. . . . It is impossible to adequately describe the effects of this savagery on the injured and dead as well as their families.
>
> This bombing, a terrorist act against unarmed and unsuspecting civilians and its lethal results were followed by many more . . .
>
> NYPD Detective Rocco Pascarella, FALN victim: FALN bombs were placed at locations where it was likely that innocent people would be killed or injured.
>
> About two weeks prior to December 31, 1982 I had been assigned to the Police Headquarters security detail. . . . It was 9:30 p.m. when my colleagues and I heard a tremendous explosion. At first we thought it was fireworks. But soon after, we were told a bomb had exploded at 26 Federal Plaza which is two blocks from police headquarters. I was directed by my sergeant to search the perimeter of the headquarters building for anything suspicious that might be a bomb. As I approached the rear unused entrance to the building I noticed a lot of debris. As I turned to search, the bomb went off. . . .
>
> I suffered the loss of one leg below the knee, severe scarring of my other leg, the loss of hearing in one ear, and the loss of my eyesight to the extent that I am no longer able to drive. I was in the hospital for two months. I underwent six operations for my leg and ears and received over 40 stitches to my face, ears and mouth. I spent a year going through rehabilitation to learn to walk again with my artificial leg and injured right leg. Because of my injuries I have been unable to return to active duty in the police force. I am on an extended medical leave. The pain and trauma of these disabling injuries were multiplied by the suffering it caused my family.
>
> Special Agent (Ret.) Donald R. Wofford, FBI: [O]n Wednesday, 12/11/74 . . . an anonymous Hispanic female notified the NYPD that a dead body was located in a building at 336 East 110th Street, Manhattan. A radio car was dispatched and when the investigating patrolman pushed upon an outside door to an abandoned five story tenement located at this address, the explosion occurred, seriously injuring the officer, and ultimately resulting in the loss of his eye.
>
> Special Agent (Ret.) Richard S. Hahn, FBI: Between June, 1975 and November, 1979, the FALN claimed credit for nineteen bombing and six incendiary attacks in the Chicago area. These included bomb targets such as the woman's washroom in a hotel restaurant, (9/76), the bombing of the city-county building, (6/77), and Sears Tower (10/75).

Madam President, I don't know how the President of the United States can just ignore the pain and suffering of these innocent Americans. I can't comprehend how we can say that America is tough on terrorism, and will not tolerate such violence, while our nation's leader grants clemency to those who commit these horrendous acts. And I don't understand how his Vice-President can remain silent on this grievous decision as he attempts to earn the trust of the American people. It's been a year since President Clinton granted clemency to convicted terrorists and the Senate and the American people are still searching for the answers to these questions.

## JAMES H. QUILLEN UNITED STATES COURTHOUSE

Mr. THOMPSON. Madam President, I would like to take a moment to recognize the many achievements of former Tennessee Congressman Jim Quillen, and express my support for H.R. 4608 which would designate the new United States courthouse in Greeneville, as the "James H. Quillen United States Courthouse." As some of my colleagues may know, Jim Quillen was Tennessee's longest serving Member of Congress and represented his constituents with distinction at both the state and federal level of government for 50 years. In 1963, Congressman Quillen was elected to the United States House of Representatives to represent the First Congressional District of Tennessee. After serving for thirty-four years, Congressman Quillen retired in January 1997. Congressman Quillen worked very hard for the citizens of Tennessee throughout his legislative career, and played a major role in securing funding to build the new courthouse in Greeneville.

Over the years, Congressman Quillen developed a reputation as a hard working legislator devoted to the concerns of his constituents. He served 17 terms in the House of Representatives, and in many ways lived the American dream. Born into poverty near Kingsport, he knew the hardships that many of his constituents faced, and promised that his door would always be open to hear their views. Congressman Quillen rarely accepted that something could not be done, and distinguished himself early on as a man who could get results. Congressman Quillen fought hard to establish a medical school at East Tennessee State University, which is now one of Tennessee's leading medical teaching institutions. He was also instrumental in expanding services at the Veterans Administration Medical Center in Johnson City.

Congressman Quillen's tireless efforts in the House of Representatives benefitted the entire nation, and his leadership as Ranking Member on the House Committee on Rules helped pave the way for critical legislation. During his service on the House Committee on Rules, Congressman Quillen shaped the course of national policy by acting as a "legislative gatekeeper" and working with other Members to ensure that America's needs were addressed. Congressman Quillen never lost sight of the people he was fighting for, and we should all be proud of his many accomplishments.

It is with appreciation for Congressman Quillen's dedication to public service over the past fifty years that we approve H.R. 4608 to designate the new federal courthouse in Greeneville, which he helped to build, as the "James H. Quillen United States Courthouse."

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. CLELAND. Madam President, on April 11, 2000 the Senate Commerce Committee held a hearing regarding the impact of China's accession to the World Trade Organization, WTO, on the American economy. This was a fascinating meeting that covered a wide range of topics from trade deficits and tariff barriers to national security and human rights. After participating in this hearing, and after months of meetings and speaking with Georgia farmers, small business owners, and workers, as well as conferring with national security experts, I have concluded that, on balance, establishing Permanent Normal Trade Relations (PNTR) with China—which is necessary for the U.S. to obtain the trade concessions made by China in order to gain entry into the WTO—is in the best interest of both our national security and our economic security. Therefore, I plan to support the PNTR legislation that passed the House in May.

In the April hearing, General Brent Scowcroft, the former National Security Advisor to President Bush, stated that granting PNTR to China would be, "very much in the interest of the United States. This, in my judgement goes far beyond American business and economic interests, important as these are, to key political and security issues." Mr. President, I have just returned from a trip to Japan and Korea where the issue of China PNTR as it pertains to our national security, while not the purpose of my trip, was an important topic of discussion with some of our key allies in the region as well as some of the U.S. military's finest leaders including Admiral Dennis Blair and General Thomas Schwartz—the Commander in Chief of U.S. Pacific Command and the Commander in Chief of the U.S. Forces in Korea respectively. After these discussions, I am even more convinced that the Senate should approve PNTR as an important national security measure. Admiral Fargo, the Commanding Officer of the CINCPAC Fleet echoed these sentiments when he mentioned that the "right answer" to many of the difficult questions facing us with regard to our strategic interest in the region, including PNTR, "is to engage China."

While in Japan, I met with Japanese Foreign Minister, Yohei Kono. When asked, Minister Kono stated that he believes PNTR for China and its upcoming membership in the WTO, will help China become a member of the international community and, in so doing, will help stabilize not only the Sino-Japanese relationship—which is a part of our national security since we are treaty-bound to defend Japan and because we have 46,000 troops stationed on Japanese soil—but will further stabilize the entire Asia-Pacific region. I find Foreign Minister Kono's sentiments especially significant given the historically difficult relations between these two nations and given the fact that Japan would be a primary beneficiary of trade with China should the U.S. Congress not approve PNTR.

Regarding the economic security of the U.S., granting Permanent Normal Trade Relations will open up China's market to countless Georgia goods and services, especially for Georgia's emerging high-tech and communications sector as well as for our largest industry—agriculture. Earlier this year, Tommy Irvin, Georgia's Commissioner for Agriculture, wrote to me that, "Normalizing trade relations with China will surely aid our farmers and agribusinesses' lagging export economy, which . . . has slowed over the past two years due to the economic crisis in Southeast Asia." Similarly, Governor Roy Barnes has signaled his support for PNTR and its benefits for Georgia.

Let me be clear that I do believe that U.S. trade with China, which under our current trade rules accounts for our single largest bilateral trade deficit, has had—and will continue to have, whether or not we approve PNTR—a negative effect on some American industries and workers, including some in my state in such areas as textiles and manufacturing. And I would certainly concur that China's labor, environmental and political rights standards fall far short of those we enjoy in the United States.

However, it is my belief that the annual vote currently required regarding China's Most Favored Nation status has not been an effective tool in forcing China to expand political rights or to observe international rules of free and fair trade. It seems obvious to me that both the Chinese and American leaderships have viewed the threat of not passing MFN as just that, a threat, which has never been carried out—not even after the Tiananmen Square massacre. It is important to note that while some Chinese dissidents in the United States have indicated their strong opposition to PNTR, most human rights advocates who have remained in China, the Hong Kong democratic opposition lead by Martin Lee and the government of democratic Taiwan all support PNTR for China. They believe that China's acceptance of the multilateral WTO as the arbiter of its international trade polices will, in time, produce a significant opening up of the Chinese economic, legal and, ultimately, even political systems.

Again, let's be clear on one point. China's membership in the WTO will happen with or without the support of the U.S. Congress. Should Congress not pass PNTR, then businesses in the European Union, Japan and other nations will gain the benefits of Chinese trade concessions plus fair trade enforcement by the WTO, while U.S. exporters will be left behind.

Each trade agreement is different and I am not one who believes that so-called free trade is always and necessarily a good thing for America. Several months ago, I voted against the Caribbean Basin Initiative and the Sub-Saharan African Trade bill because I thought the net effect on the U.S. economy was not going to be positive. In contrast, the trade agreement signed with China in November of 1999—which is contingent on our approval of PNTR for China—would slash Chinese tariffs on U.S. goods and services with no concessions by the United States.

While increased trade with China will likely result in a net benefit for the American economy, we must not ignore the possible impact upon industries, such as textiles and auto manufacturing, that have been adversely impacted under previous trade agreements such as NAFTA or indeed under our current trade policies—including annual MFN review—toward China. Nor should we ignore China's performance on the whole range of issues important to our bilateral relationship, including its labor and environmental standards, its respect for the human rights of its own citizens, its involvement in the proliferation of weapons of mass destruction and their delivery systems, its relationship with Taiwan, and its efforts to promote stability in such key regions as the Korean Peninsula and the Indian Subcontinent. We can, and should, vigorously defend our national interests in these matters through diplomacy, targeted sanctions, and other appropriate means.

However, in my opinion, none of our legitimate concerns about China will be effectively pursued via a continuation of our current annual review of trade relations with that country. There is little evidence to suggest that this current policy has produced any appreciable modification of Chinese behavior on trade, human rights or the other issues. On the other hand, a vote for permanent normal trade relations for China will, while relinquishing what I regard as an ineffective policy tool, secure greater access to the Chinese market for American companies, and will make the U.S. a full party to international efforts to enforce China's compliance with the terms of the WTO accession agreement. And approval of PNTR will in no way prevent the United States from considering other, more effective responses to the actions of the Chinese government. Therefore, I intend to vote for PNTR for China.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 15, 2000, the Federal debt stood at $5,649,458,049,076.86, five trillion, six hundred forty-nine billion, four hundred fifty-eight million, forty-nine thousand, seventy-six dollars and eighty-six cents.

One year ago, September 15, 1999, the Federal debt stood at $5,622,781,000,000, five trillion, six hundred twenty-two billion, seven hundred eighty-one million.

Five years ago, September 15, 1995, the Federal debt stood at $4,962,990,000,000, four trillion, nine hundred sixty-two billion, nine hundred ninety million.

Twenty-five years ago, September 15, 1975, the Federal debt stood at $549,526,000,000, five hundred forty-nine billion, five hundred twenty-six million which reflects a debt increase of more than $5 trillion—$5,099,932,049,076.86, five trillion, ninety-nine billion, nine hundred thirty-two million, forty-nine thousand, seventy-six dollars and eighty-six cents during the past 25 years.

## ADDITIONAL STATEMENTS

### INSTALLATION OF WILLIAM F. HOFMANN III, AS PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

• Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to commend a fellow Massachusetts resident, William F. Hofmann of Belmont, who will be installed as President of the nation's largest insurance association—the Independent Insurance Agents of America—next month in Orlando, Florida. Bill is a partner in Provider Insurance Group, which has offices in Belmont, Brookline and Needham.

Bill's impressive career as an independent insurance agent has been marked by outstanding dedication to his clients and his community. He began his service in the insurance industry with the Independent Insurance Agents of Massachusetts, where he served as president. He also represented Massachusetts on the IIAA's National Board of State Directors. In 1980, he was honored with the Mr. Chairman's Award" by the American Association of Managing General Agents' for his distinguished service as chairman of its Education Committee.

Bill was elected to IIAA's Executive Committee in September 1995 and was honored by his peers when they named him President-Elect of the Association last fall. He will be inaugurated as President next month during the annual meeting in Orlando.

As a member of the Executive Committee leadership panel, Bill has worked to strengthen the competitive standing of independent insurance agents by helping to provide the tools they need to operate more successful businesses.

Before joining the IIAA's national leadership team, Bill was active on several of its committees. He served as chairman of the Education Committee for four years, and in 1994 he received a Presidential Citation for his work in this area.

Bill also has distinguished himself as an active and concerned member of his community. He served as president and on the Board of Directors of the Boston Children's Service. He also has been active in the Belmont Youth Basketball program, the Chamber of Commerce, and the Boosters Club. He has served as chairman of the Belmont Red Cross and as treasurer of the Belmont Religious Council. Bill is also an elected town meeting member, finance committee member, and registrar of voters in Belmont.

I am proud of Bill's accomplishments, and I know that he will have a successful year as president of the Independent Insurance Agents of America. As his past accomplishments demonstrate, Bill will serve his fellow insurance agents with distinction, and provide them with strong leadership. I extend my warmest congratulations to Bill and his wife Marilyn as the incoming President and First Lady of this distinguished organization.•

### HONORING ALLEN MEMORIAL HOSPITAL AND THE NURSING EDUCATION PROGRAM OF ALLEN HEALTH SYSTEM

• Mr. GRASSLEY. Madam President, on the occasion of the 75th birthday of Allen Memorial Hospital and the nursing education program of Allen Health System. I would like to congratulate this fine organization. For 75 years Allen Health System has diligently carried out its mission of commitment to healing, teaching, caring, and improving the health of the people and communities it serves.

Established in 1925, this organization has, over the years, positively impacted the lives of friends and family in Waterloo/Cedar Falls and surrounding communities of Northeast Iowa. Allen Health System has contributed to the development of healthcare within the community with its high quality of healthcare, professionalism, service and outreach.

The contribution of Allen Memorial Hospital and the nursing education program of Allen Health System over the past 75 years is immeasurable and Allen is to be commended for its unwavering commitment to providing healthcare to those it serves.

This September 2000, Allen Health System associates and students come together to commemorate the organization's 75th birthday and to further enhance their knowledge and skills related to healthcare, I salute them. The community has been strengthened and enhanced by the work of this organization and the men and women who are part of it.•

### HONORING THURMAN "FUM" McGRAW AND FAMILY

• Mr. ALLARD. Madam President, I rise today to pay tribute to my friend, Thurman "Fum" McGraw, a man whose legend at Colorado State University, my alma mater, is among the greatest in the University's history. "Fum," the school's first All-American, died Wednesday at age 73 of complications from a stroke this summer.

"Fum," who was large in stature at nearly 6-foot-5 and more than 200 pounds, was considered Colorado State University's greatest athlete, and as a "gentle giant" by his wife, Brownie. McGraw became synonymous with the school's athletic department. In addition to his superior college football career, a two time All-American defensive lineman in 1948 and 1949 who led the Rams to their first Bowl game, he was also an All-American in wrestling and competed in the national track and field championships. As a senior in 1949–1950 he was the university's student body president. He graduated with a degree in forest management in 1950 and spent five years in the National Football League. After an amazing college career he starred with the National Football League's Detroit Lions, helping them to win two championships and earning All-Pro honors three times as a defensive lineman.

"Fum" returned to CSU in 1955 as the wrestling coach, also assisting with the football and track teams. He was an assistant coach with the Pittsburgh Steelers from 1958–62, returned to CSU as an administrator in 1962, then returned to the NFL as a scout in 1970. Finally in 1976 he was back to stay at CSU as the athletic director until 1986. Throughout his career at Colorado State University McGraw tirelessly raised money for the CSU athletic department. He spearheaded the resumption of the football series with the University of Colorado and helped initiate the construction of Moby Arena in 1966 and Hughes Stadium in 1968. His work ultimately led to the school's acceptance into the Western Athletic Conference in 1968. But it wasn't just what he did in athletics that made him so special.

Thurman McGraw was the recipient of numerous honors, including induction into the National Football Foundation Hall of Fame and the Colorado Sports Hall of Fame. In 1997 he and his wife received the Citizen of the West Award given annually by the National Western Stock Show. "Fum" also led the effort to name the university track for his former teammate and friend Jack Christiansen. Last year to honor McGraw, CSU officials commemorated his lifetime of support by dedicating the Thurman "Fum" McGraw Center. The Thurman "Fum" McGraw Center which includes the school's locker rooms, weight training and injury rehabilitation facilities, and coaches and staff offices for the athletic department. Two weeks ago, while "Fum" was laid up in the hospital, the football team dedicated its game against in state rival University of Colorado to McGraw. The Rams upset Colorado 28 to 24.

McGraw would do anything to help the school he adored, the friends he cared so much for, and the family he loved so dearly. Thurman "Fum" McGraw was and always will remain the essence of Colorado State University. He was a hero on and off the field, and a genuine role model for today's athletes. He will be missed throughout the community, but he will not be forgotten. I offer my thoughts and prayers to those close to Mr. McGraw in this difficult time.•

## LIEUTENANT COLONEL WILLIAM R. CORSON

• Mr. HAGEL. Madam President, I would like to make a brief statement about a man who in every way embodied the spirit and reality of an American patriot. Seldom does one have an opportunity to bump into someone during life's journey who has affected events of our time. Such a man was retired Marine Corps Colonel Bill Corson who passed away in July.

His passing reminds us all of our own mortality and destiny and how important it is to live our lives with honor and dignity. That is how Bill Corson lived his. It was a privilege to know him. I will miss his wise counsel and friendship.

I first met Bill in 1981 when I was serving as the Deputy Administrator of the Veterans Administration. He was a man who was deeply and unselfishly devoted to his country. Bill left college and enlisted in the Marine Corps during World War II. He served in Korea and Vietnam. His decorations included the Navy Commendation Medal with Combat "V." He spent most of his career on special assignment with the CIA, the White House, the Marine Corps, and the State Department. Bill went on to teach at the U.S. Naval Academy and write several books on national security issues.

Bill was relentless in the pursuit of meeting the challenges faced by the country he loved so much. He was a man of immense integrity, a man of knowledge, a man of ability, a man of compassion, a man of faith, who always gave his country his best. And America is stronger today because of this remarkable man.

He was a friend of mine, and I extend heartfelt condolences to his wife Judy and his family.

Madam President, I ask that the attached obituary from The Washington Post on Bill Corson be printed in the RECORD.

[From the Washington Post, July 19, 2000]

### WILLIAM R. CORSON, 74, AUTHOR AND RETIRED MARINE OFFICER, DIES

(By J.Y. Smith)

William R. Corson, 74, a retired lieutenant colonel in the Marine Corps and expert on counterinsurgency warfare who was almost court-martialed for publishing a book that was high critical of U.S. policy in Vietnam, died July 17 at Surburban Hospital. He had lung cancer.

For much of his career, Col. Corson was an intelligence officer on special assignment with the CIA and the Marine Corps. He spoke Chinese and specialized in Asian affairs.

In 1962, after four years as a liaison officer in Hong Kong, he was assigned to the office of the secretary of defense. This put him in touch with decision-making at the highest level as U.S. involvement in Southeast Asia deepened.

He began studying Vietnam in the early 1950s, when France was still trying to hold on to its colonial possession. In 1966, he was ordered there as commanding officer of a Marine tank battalion.

Early in 1967, he was named director of the Combined Action Program, in which small detachments of Marines served with South Vietnamese militia in villages throughout the country. The purpose of the program was to provide security from the communists and win the loyalty of the people to the Saigon government.

According to an official Marine Corps history, the program was highly successful. Col. Corson was praised by his superiors for his ability to relate to Vietnamese villagers and win their confidence.

In 1967, when he returned to the United States, he received another sensitive assignment in Washington, becoming deputy director of the Southeast Asia Intelligence Force in the office of the assistant secretary of defense.

But by that time he was convinced that U.S. policies in Vietnam were doomed and he decided to write a book.

The book, "The Betrayal," argued that the Saigon government supported by Washington was corrupt and incompetent and that it was perceived by ordinary Vietnamese as being as much of a threat to their well-being as the communists. Unless the United States devised policies to take this into account, the book said, the war would be lost and American servicemen would have died in vain.

Publication was set for July 1, 1968, by W.W. Norton and Co. Inc., a month after Col. Corson was scheduled to retire from the service.

This brought into play Marine Corps regulation that required officers on active duty to submit statements on public policy to review before making them public. Col. Corson claimed that this did not apply to him because the book would not go on sale until after he had become a civilian.

Marine Corps officials responded by having his retirement held up and by taking steps to convene a general court-martial. These plans were dropped on the grounds that they would only serve to draw attention to the book. Col. Corson's retirement went through a month later than originally scheduled.

Co. Corson later taught history at Howard University for a year and then wrote several books on national security issues, including "Promise or Peril," "Consequences of Failure," "The Armies of Ignorance" and "The New KGB" with Robert T. Crowley.

He also wrote a column on veterans affairs for Penthouse magazine for several years and was the publication's Washington editor.

William Raymond Corson was born in Chicago on Sept. 25, 1925. He attended the University of Chicago, but left in 1943 to enlist in the Marine Corps during World War II. After the war, he graduated from the University of Miami, where he also received a master's degree in business and economics. He later received a doctorate in economics at American University.

In 1949, Col. Corson was commissioned in the Marine Corps. He served in the Korean War in 1952. From 1953 to 1955, he was a student in the Chinese language course at the Naval Intelligence School in Washington. From 1964 to 1966, he taught a course on communism and revolutionary war at the U.S. Naval Academy.

His military decorations included the Navy Commendation Medal with combat "V".

Col. Corson, a resident of Potomac, was an elder and clerk of session at Harmon Presbyterian Church in Bethesda.

His marriage to Charlotte Corson ended in divorce.

Survivors include his wife, Judith C. Corson, and their three children, Adam, Zachary and Andrew, all of Potomac; two children from his first marriage, Christopher Corson of Silver Spring and David Corson of Greenville, S.C.; and five grandchildren.•

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

S. 3057. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 3058. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 18, 2000, he presented to the President of the United States the following enrolled bill:

S. 2869. An act to protect religious liberty, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10750. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC-10751. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 12, 2000; to the Committee on Governmental Affairs.

EC-10752. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-398, entitled "Sacred Heart Way, N.W., Designation Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10753. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-434, entitled "Uniform Commercial Code Secured Transactions Revision Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10754. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of the D.C. Act 13-435, entitled "Approval of the Application for Transfer of Control of District Cablevision Limited Partnership from Tele-Communications, Inc., to AT&T Corp. Act of 2000" adopted by the Council on July 11, 2000; to the Committee on Governmental Affairs.

EC-10755. A communication from the Chairman of the Council of the District of

Columbia, transmitting, pursuant to law, copies of the D.C. Act 13–398, entitled "Securities Act of 2000" adopted by the Council on July 11 , 2000; to the Committee on Governmental Affairs.

EC–10756. A communication from the Director of the Office of Equal Rights, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3067–AC71) received on September 5, 2000; to the Committee on Environment and Public Works.

EC–10757. A communication from the Inland Waterways Users Board Chairman, transmitting, pursuant to law, the 2000 Annual Report of the Inland Waterways Users Board; to the Committee on Environment and Public Works.

EC–10758. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to state truck weight limits; to the Committee on Environment and Public Works.

EC–10759. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6870–1) and "Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport" (FRL #6869–8) received on September 12, 2000; to the Committee on Environment and Public Works.

EC–10760. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of lease prospectuses relative to the Capital Investment Leasing Program for fiscal year 2001; to the Committee on Environment and Public Works.

EC–10761. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL #6872–4), "Approval and Promulgation of the Implementation Plan for the Shelby County, Tennessee Lead Nonattainment Area" (FRL #6872–2), and "Technical Assistance Grant Program" (FRL #6872–1) received on September 14, 2000; to the Committee on Environment and Public Works.

EC–10762. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of two items; to the Committee on Environment and Public Works.

EC–10763. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the endocrine disruptor screening program; to the Committee on Health, Education, Labor, and Pensions.

EC–10764. A communication from the Secretary of Health and Human Services and the Secretary of Labor, transmitting jointly, pursuant to law, the report entitled "Twenty-One Million Children's Health: Our Shared Responsibility"; to the Committee on Health, Education, Labor, and Pensions.

EC–10765. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the operations of the office of workers' compensation programs for fiscal year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–10766. A communication from the General Counsel of the Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" received on September 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10767. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Crime Control Items: Revisions to the Commerce Control List" received on September 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10768. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Releasing Information; Electronic Freedom of Information Act Amendment" (RIN2550–AA09) received on September 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10769. A communication from the Assistant General Côunsel for Regulations, Office of the Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Homeownership Program" (RIN2577–AB90) (FR–4427–F–02) received on September 12, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10770. A communication from the Deputy Secretary of the Division of Investment Management, Office of Investment Adviser Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing by Investment Advisers; Amendment to Form ADV" (RIN3235–AD21) received on September 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10771. A communication from the Under Secretary of Food, Nutrition and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Requirements for and Evaluation of WIC Program Bid Solicitation for Infant Formula Rebate Contracts" (RIN0584–AB52) received on September 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10772. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Myclobutanil; Extension of Tolerance for Emergency Exemptions" (FRL #6742–6) and "Difenoconazole; Pesticide Tolerance" (FRL #6589–3) received on September 12, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10773. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California and Imported Kiwifruit; Relaxation of the Minimum Maturity Requirement" (Docket Number: FV00–920-2 FR) received on September 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10774. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hexythiazox: Extension of Tolerance for Emergency Exemptions" (FRL #6744–5) received on September 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10775. A communication from the Under Secretary of Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of WIC Mandates of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584–AC51) received on September 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10776. A communication from the General Counsel of the Presidio Trust, transmitting, pursuant to law, the report of a rule entitled "Final Regulations of the Presidio Trust Management of the Presidio: Environmental Quality" (RIN3212–AA02) received on September 12, 2000; to the Committee on Energy and Natural Resources.

EC–10777. A communication from the Deputy General Counsel of the Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN3245–AE19) received on September 14, 2000; to the Committee on Small Business.

EC–10778. A communication from the Office of the Chief Financial Officer, Government of the District of Columbia, transmitting, pursuant to law, the report of a potential violation of the Anti-Deficiency Act; to the Committee on Appropriations.

EC–10779. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to amend the State Department Basic Authorities Act of 1956; to the Committee on Foreign Relations.

EC–10780. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada, Germany, and France; to the Committee on Foreign Relations.

EC–10781. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to law, the report entitled "Development Assistance and Child Survival/Diseases Program Allocations for fiscal year 2000; to the Committee on Foreign Relations.

EC–10782. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to emergency appropriations; to the Committee on Banking, Housing, and Urban Affairs.

EC–10783. A communication from the Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190–AA28) received on September 11, 2000; to the Committee on the Judiciary.

EC–10784. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Eighteen-Month Publication of Patent Applications" (RIN0651-AB05) received on September 12, 2000; to the Committee on the Judiciary.

EC-10785. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to building a better criminal justice system fiscal year 1999; to the Committee on the Judiciary.

EC-10786. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "National interest waivers for second preference employment-based immigrant physicians serving in medically underserved areas or at Department of Veterans' Affairs facilities" (RIN1115-AF75) received on September 14, 2000; to the Committee on the Judiciary.

EC-10787. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN2900-AJ11) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10788. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Cash Values for National Service Life Insurance (NSLI) and Veterans Special Life Insurance Term-Capped Policies" (RIN2900-AJ35) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10789. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Active Duty" (RIN2900-AJ89) received on September 12, 2000; to the Committee on Veterans' Affairs.

EC-10790. A communication from the Acting Secretary of Veterans Affairs, transmitting, a summary of the VA's Hammer Awards Program; to the Committee on Veterans' Affairs.

EC-10791. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a notification relative to the system-level Live Fire Test and Evaluation; to the Committee on Armed Services.

EC-10792. A communication from the Chief of the Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the cost comparison to reduce the cost of the Base Operating Support (BOS) functions; to the Committee on Armed Services.

EC-10793. A communication from the Secretary of Defense, transmitting, pursuant to law, a notice relative to a retirement; to the Committee on Armed Services.

EC-10794. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the cooperative threat reduction (CTR) multi-year program plan for fiscal year 2001; to the Committee on Armed Services.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VOINOVICH (for himself and Mr. DURBIN):

S. 3062. A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 3063. A bill to amend the Fair Credit Reporting Act to provide for disclosure of credit-scoring information by creditors and consumer reporting agencies; to the Committee on Banking, Housing, and Urban Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 358. A resolution relative to the Death of Murray Zweben, Parliamentarian Emeritus of the United States Senate; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. VOINOVICH (for himself and Mr. DURBIN):

S. 3062. A bill to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes; to the Committee on Governmental Affairs.

### DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN AMENDMENTS ACT OF 2000

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to improve upon the District of Columbia's process for measuring and reporting on its performance. This legislation derives directly from a letter sent to me by the Mayor of the District of Columbia, in which he requested that Congress consider making minor changes to the District's reporting requirements so that the city can take one step closer to establishing a system of performance budgeting, in which the city's budget can be linked directly to the performance goals set by the city's agencies. I am pleased that Senator DURBIN joins me as an original cosponsor of this bill.

Similar to the intent of Congress in passing the Government Performance and Results Act of 1993, which re-engineered the management practices at federal agencies, the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (DCFRMA) mandates that the District begin submitting performance accountability plans to Congress preceding each fiscal year. These plans are to establish objective, measurable performance goals for all agencies and departments within the government of the District of Columbia. The legislation also requires the District to submit to Congress a performance accountability report, following each fiscal year, that evaluates the city's ability to meet the performance goals it laid out in the performance accountability plan for that fiscal year.

For the past three fiscal years since the DCFRMA legislation took effect, the performance plans and reports have provided the District with a valuable tool to establish a system of accountability in its operations. The Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, which I chair, has held two oversight hearings on the District's progress in improving performance, and we are scheduled to hold another hearing in the coming weeks to evaluate the District's progress in accomplishing the goals it set out in its FY2000 performance accountability plan.

Although the performance accountability plan legislation has provided the District with an effective framework for establishing a system of performance budgeting, our bill proposes minor changes to the law to improve the utility and relevance of this strategic planning exercise. First, current law provides that the performance accountability plan is due no later than March 1st preceding each fiscal year. However, in order to tie together the city's budget with the performance goals for each year, the Mayor requested that we consider harmonizing the submission deadline for the performance plan with the city's budget to Congress. In order to align the submission requirements, this legislation we are introducing today would change the submission deadline for the performance accountability plan from its current March 1st deadline, to a deadline that is concurrent with the submission of the District of Columbia budget to Congress. By making this change, we hope to align the budget and the performance measures more closely, and help guide the city toward a system of performance budgeting.

The second change made by this legislation is to streamline the performance goal requirements that were initially established in the DCFRMA. The current law mandates that, for every goal, the District must establish both an acceptable level of performance and a superior level of performance. Our bill proposes that the multiple levels of performance goals by replaced by one set of ambitious performance targets. This would clarify the goals District managers are expected to meet and align congressional mandates on the District with what is required of federal agencies.

Senator DURBIN and I hope these technical amendments to the performance plan requirements will allow the

District to reform its management system more efficiently, and the subcommittee intends to actively monitor the city's progress in this regard.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.**

Section 456 of the District of Columbia Home Rule Act (section 47-231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "Not later than March 1 of each year (beginning with 1998)" and inserting "Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)"; and

(B) in paragraph (2)(A) by striking "that describe an acceptable level of performance by the government and a superior level of performance by the government"; and

(2) in subsection (b)—

(A) in paragraph (1) by striking "1999" and inserting "2001"; and

(B) in paragraph (2)(A) by striking "for an acceptable level of performance by the government and a superior level of performance by the government".

## ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 876

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 to require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1391

At the request of Mr. INOUYE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3028

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3028, a bill to amend title XVIII of the Social Security Act to provide a transitional adjustment for certain sole community hospitals in order to limit any decline in payment under the prospective payment system for hospital outpatient department services.

S. 3049

At the request of Mr. FITZGERALD, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3049, a bill to increase the maximum amount of marketing loan gains and loan deficiency payments that an agricultural producer may receive during the 2000 crop year.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 332

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 332, a resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland.

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

## SENATE RESOLUTION 358—RELATIVE TO THE DEATH OF MURRAY ZWEBEN, PARLIAMENTARIAN EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus;

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956; Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

## NOTICE OF HEARING

### SUBCOMMITTEE ON FORESTRY AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 26, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 3052, a bill to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon, and for other purposes and S. 3044 a bill to establish the Las Cienegas National Conservation Area in the State of Arizona.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224-6170.

## AUTHORITY FOR COMMITTEES TO MEET

### SPECIAL COMMITTEE ON AGING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet today, September 18, 2000, from 1:30 p.m.-4:00 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. SPECTER. Madam President, I have been asked to make certain requests on behalf of the leader.

## THE CALENDAR

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate now proceed en bloc to the following two bills: Calendar No. 681, H.R. 940, and Calendar No. 680, S. 2247.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ask unanimous consent that any committee amendments be agreed to where appropriate, the bills be read the third time and passed, any title amendments be agreed to, as necessary, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LACKAWANNA VALLEY NATIONAL HERITAGE AREA ACT OF 1999

The Senate proceeded to consider the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

***TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA***

***SECTION 101. SHORT TITLE.***

*This title may be cited as the "Lackawanna Valley National Heritage Area Act of 2000".*

***SEC. 102. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;*

*(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;*

*(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;*

*(4) the labor movement of the region played a significant role in the development of the Nation, including—*

*(A) the formation of many major unions such as the United Mine Workers of America; and*

*(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;*

*(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and*

*(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and*

*(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).*

*(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area are—*

*(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and*

*(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).*

***SEC. 103. DEFINITIONS.***

*(1) HERITAGE AREA.—The term "Heritage Area" means the Lackawanna Valley Historical Heritage Area established by section 4.*

*(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).*

*(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).*

*(4) PARTNER.—The term "partner" means—*

*(A) a Federal, State, or local governmental entity; and*

*(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

***SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.*

*(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.*

*(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.*

***SEC. 105. COMPACT.***

*(a) IN GENERAL.—To carry out this Title, the Secretary shall enter into a compact with the management entity.*

*(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—*

*(1) a delineation of the boundaries of the Heritage Area; and*

*(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.*

***SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.***

*(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Title to hire and compensate staff.*

*(b) MANAGEMENT PLAN.—*

*(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.*

*(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—*

*(A) take into consideration State, county, and local plans;*

*(B) involve residents, public agencies, and private organizations working in the Heritage Area; and*

*(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.*

*(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.*

*(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:*

*(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.*

*(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.*

*(C) A program for implementation of the management plan by the management entity, including—*

*(i) plans for restoration and construction; and*

*(ii) specific commitments of the partners for the first 5 years of operation.*

*(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.*

*(E) An interpretation plan for the Heritage Area.*

*(5) SUBMISSION TO SECRETARY FOR APPROVAL.—*

*(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.*

*(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Title with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.*

*(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—*

*(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;*

*(2) assist units of government and nonprofit organizations in—*

*(A) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(B) developing recreational resources in the Heritage Area;*

*(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and*

*(D) restoring historic buildings that relate to the purposes of the Heritage Area;*

*(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;*

*(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;*

*(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;*

*(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and*

*(9) for each year in which Federal funds have been received under this Title—*

*(A) submit a report to the Secretary that specifies—*

*(i) the accomplishments of the management entity; and*

*(ii) the expenses and income of the management entity;*

*(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and*

*(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.*

*(d) USE OF FEDERAL FUNDS.—*

*(1) FUNDS MADE AVAILABLE UNDER THIS TITLE.—The management entity shall not use Federal funds received under this Title to acquire real property or any interest in real property.*

*(2) FUNDS FROM OTHER SOURCES.—Nothing in this Title precludes the management entity from using Federal funds obtained through law other than this Title for any purpose for which the funds are authorized to be used.*

### ***SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.***

*(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

*(1) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.*

*(2) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—*

*(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and*

*(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.*

*(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—*

*(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Title not later than 90 days after receipt of the management plan.*

*(2) ACTION FOLLOWING DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.*

*(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.*

*(c) APPROVAL OF AMENDMENTS.—*

*(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.*

*(2) REQUIREMENT OF APPROVAL.—Funds made available under this Title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.*

### ***SEC. 108. SUNSET PROVISION.***

*The Secretary shall not provide any grant or other assistance under this Title after September 30, 2012.*

### ***SEC. 109. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There is authorized to be appropriated to carry out this Title $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Title for any fiscal year.*

*(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Title shall not exceed 50 percent.*

## ***TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA***

### ***SEC. 201. SHORT TITLE.***

*This title may be cited as the "Schuylkill River Valley National Heritage Area Act."*

### ***SEC. 202. FINDINGS AND PURPOSE.***

*(a) FINDINGS.—Congress finds that—*

*(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;*

*(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and 1 of the first in the United States;*

*(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;*

*(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;*

*(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies;*

*(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;*

*(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;*

*(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;*

*(9) there is a longstanding commitment to—*

*(A) repairing the environmental damage to the river and its surrounding caused by the largely unregulated industrial activity; and*

*(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;*

*(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and*

*(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and*

*(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.*

*(b) PURPOSES.—The purposes of this title are—*

*(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and*

*(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.*

### ***SEC. 203. DEFINITIONS.***

*In this title:*

*(1) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means the cooperative agreement entered into under section 204(d).*

*(2) HERITAGE AREA.—The term "Heritage Area" means the Schuylkill River Valley National Heritage Area established by section 204.*

*(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity of the Heritage Area appointed under section 204(c).*

*(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 205.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(6) STATE.—The term "State" means the State of Pennsylvania.*

### ***SEC. 204. ESTABLISHMENT.***

*(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.*

*(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.*

*(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.*

*(d) COOPERATIVE AGREEMENT.—*

*(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.*

*(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—*

*(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;*

*(B) an identification and description of the management entity that will administer the Heritage Area; and*

*(C) a description of the role of the State.*

### ***SEC. 205. MANAGEMENT PLAN.***

*(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area*

*that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.*

*(b) REQUIREMENTS.—The management plan shall—*

*(1) take into consideration State, county, and local plans;*

*(2) involve residents, public agencies, and private organizations working in the Heritage Area;*

*(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and*

*(4) include—*

*(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;*

*(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;*

*(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;*

*(D) a program for implementation of the management plan by the management entity;*

*(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and*

*(F) an interpretation plan for the Heritage Area.*

*(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.*

*(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.*

### SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

*(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—*

*(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and*

*(2) hire and compensate staff.*

*(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—*

*(1) develop and submit the management plan under section 205;*

*(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—*

*(A) assist units of government, regional planning organizations, and nonprofit organizations in—*

*(i) preserving the Heritage Area;*

*(ii) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(iii) developing recreational resources in the Heritage Area;*

*(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;*

*(v) restoring historic buildings relating to the themes of the Heritage Area; and*

*(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;*

*(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and*

*(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(4) conduct public meetings at least quarterly regarding the implementation of the management plan;*

*(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and*

*(6) for any fiscal year in which Federal funds are received under this title—*

*(A) submit to the Secretary a report describing—*

*(i) the accomplishments of the management entity;*

*(ii) the expenses and income of the management entity; and*

*(iii) each entity to which the management entity made any grant during the fiscal year;*

*(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and*

*(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.*

*(c) USE OF FEDERAL FUNDS.—*

*(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.*

*(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permittee purposes.*

*(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.*

### SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

*(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

*(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.*

*(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—*

*(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and*

*(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.*

*(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—*

*(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.*

*(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—*

*(A) local elected officials,*

*(B) the State,*

*(C) business and industry groups,*

*(D) organizations interested in the protection of natural and cultural resources, and*

*(E) other community organizations and individual stakeholders.*

*(3) ACTION FOLLOWING DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—*

*(i) advise the management entity in writing of the reasons for the disapproval; and*

*(ii) make recommendations for revisions in the cooperative agreement of plan.*

*(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.*

*(c) APPROVAL OF AMENDMENTS.—*

*(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.*

*(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.*

### SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.

*(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.*

*(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.*

### SEC. 209. SUNSET.

*The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.*

### SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

*(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any 1 fiscal year.*

*(b) FEDERAL SHARE.—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.*

The committee amendment was agreed to.

The bill (H.R. 940), as amended, was read the third time and passed.

The title was amended so as to read: "To designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes."

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## WHEELING NATIONAL HERITAGE AREA ACT OF 2000

The Senate proceeded to consider the bill (S. 2247) to establish the Wheeling National Heritage Area in the State of

West Virginia, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 2247

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Wheeling National Heritage Area Act of 2000".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) the area in an around Wheeling, West Virginia, possesses important historical, cultural, and natural resources, representing major heritage themes of transportation, commerce and industry, and Victorian culture in the United States;

(2) the City of Wheeling has played an important part in the settlement of this country by serving as—

(A) the western terminus of the National Road of the early 1800's;

(B) the "Crossroads of America" throughout the nineteenth century;

(C) one of the few major inland ports in the nineteenth century; and

(D) the site for the establishment of the Restored State of Virginia, and later the State of West Virginia, during the Civil War and as the first capital of the new State of West Virginia;

(3) the City of Wheeling has also played an important role in the industrial and commercial heritage of the United States, through the development and maintenance of many industries crucial to the Nation's expansion, including iron and steel, textile manufacturing, boat building, glass manufacturing, and stogie and chewing tobacco manufacturing facilities, many of which are industries that continue to play an important role in the national economy;

(4) the city of Wheeling has retained its national heritage themes with the designations of the old custom house (now Independence Hall) and the historic suspension bridge as National Historic Landmarks; with five historic districts; and many individual properties in the Wheeling area listed or eligible for nomination to the National Register of Historic Places;

(5) the heritage themes and number and diversity of Wheeling's remaining resources should be appropriately retained, enhanced, and interpreted for the education, benefit, and inspiration of the people of the United States; and

(6) in 1992 a comprehensive plan for the development and administration of the Wheeling National Heritage Area was completed for the National Park Service, the City of Wheeling, and the Wheeling National Task Force, including—

(A) an inventory of the national and cultural resources in the City of Wheeling;

(B) criteria for preserving and interpreting significant natural and historic resources;

(C) a strategy for the conservation, preservation, and reuse of the historical and cultural resources in the City of Wheeling and the surrounding region; and

(D) an implementation agenda by which the State of West Virginia and local governments can coordinate their resources as well as a complete description of the management entity responsible for implementing the comprehensive plan.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the special importance of the history and development of the Wheeling area in the cultural heritage of the Nation;

(2) to provide a framework to assist the City of Wheeling and other public and private entities and individuals in the appropriate preservation, enhancement, and interpretation of significant resources in the Wheeling area emblematic of Wheeling's contributions to the Nation's cultural heritage;

(3) to allow for limited Federal, State and local capital contributions for planning and infrastructure investments to complete the Wheeling National Heritage Area, in partnership with the State of West Virginia, the City of Wheeling, and other appropriate public and private entities; and

(4) to provide for an economically self-sustaining National Heritage Area not dependent on Federal financial assistance beyond the initial years necessary to establish the heritage area.

**SEC. 3. DEFINITIONS.**

As used in this Act—

(1) the term "city" means the City of Wheeling;

(2) the term "heritage area" means the Wheeling National Heritage Area established in section 4;

(3) the term "plan" means the "Plan for the Wheeling National Heritage Area" dated August, 1992;

(4) the term "Secretary" means the Secretary of the Interior; and

(5) the term "State" means the State of West Virginia.

**SEC. 4. WHEELING NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—In furtherance of the purposes of this Act, there is established in the State of West Virginia the Wheeling National Heritage Area, as generally depicted on the map entitled "Boundary Map, Wheeling National Heritage Area, Wheeling, West Virginia" and dated March, 1994. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) MANAGEMENT ENTITY.—(1) The management entity for the heritage area shall be the Wheeling National Heritage Corporation, a non-profit corporation chartered in the State of West Virginia.

(2) To the extent consistent with this Act, the management entity shall manage the heritage area in accordance with the plan.

**SEC. 5. DUTIES OF THE MANAGEMENT ENTITY.**

(a) MISSION.—The primary mission of the management entity shall be—

(A) to implement and coordinate the recommendations contained in the plan;

(B) ensure integrated operation of the heritage area; and

(C) conserve and interpret the historic and cultural resources of the heritage area.

(2) The management entity shall also direct and coordinate the diverse conservation, development, programming, educational, and interpretive activities within the heritage area.

(b) RECOGNITION OF PLAN.—The management entity shall work with the State of West Virginia and local governments to ensure that the plan is formally adopted by the City and recognized by the State.

(c) IMPLEMENTATION.—To the extent practicable, the management entity shall—

(1) implement the recommendations contained in the plan in a timely manner pursuant to the schedule identified in the plan—

(2) coordinate its activities with the City, the State, and the Secretary;

(3) ensure the conservation and interpretation of the heritage area's historical, cultural, and natural resources, including—

(A) assisting the City and the State in [a] the preservation of sites, buildings, and objects within the heritage area which are listed or eligible for listing on the National Register of Historic Places;

(B) assisting the City, the State, or a nonprofit organization in the restoration of any historic building in the heritage area;

(C) increasing public awareness of and appreciation for the natural, cultural, and historic resources of the heritage area;

(D) assisting the State or City in designing, establishing, and maintaining appropriate interpretive facilities and exhibits in the heritage area;

(E) assisting in the enhancement of public awareness and appreciation for the historical, archaeological, and geologic resources and sites in the heritage area; and

(F) encouraging the City and other local governments to adopt land use policies consistent with the goals of the plan, and to take actions to implement those policies;

(4) encourage intergovernmental cooperation in the achievement of these objectives;

(5) develop recommendations for design standards within the heritage area; and

(6) seek to create public-private partnerships to finance projects and initiatives within the heritage area.

(d) AUTHORITIES.—The management entity may, for the purposes of implementing the plan, use Federal funds made available by this Act to—

(1) make [loans or] grants to the State, City, or other appropriate public or private organizations, entities, or persons;

(2) enter into cooperative agreements with, or provide technical assistance to Federal agencies, the State, City or other appropriate public or private organizations, entities, or persons;

(3) hire and compensate such staff as the management entity deems necessary;

(4) obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money;

(5) spend funds on promotion and marketing consistent with the resources and associated values of the heritage area in order to promote increased visitation; and

(6) [to] contract for goods and services.

(e) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2), the management entity may not acquire any real property or interest therein within the heritage area, other than the leasing of facilities.

(2)(A) Subject to subparagraph (B), the management entity may acquire real property, or an interest therein, within the heritage area by gift or devise, or by purchase from a willing seller with money which was donated, bequeathed, appropriated, or otherwise made available to the management entity on the condition that such money be used to purchase real property, or interest therein, within the heritage area.

(B) Any real property or interest therein acquired by the management entity pursuant to this paragraph shall be conveyed in perpetuity by the management entity to an appropriate public or private entity, as determined by the management entity. Any such conveyance shall be made as soon as practicable after acquisition, without consideration, and on the condition that the real property or interest therein so conveyed shall be used for public purposes.

*(f) REVISION OF PLAN.—Within 18 months after the date of enactment, the management entity shall submit to the Secretary a revised plan. Such revision shall include, but not be limited to—*

*(1) a review of the implementation agenda for the heritage area;*

*(2) projected capital costs; and*

*(3) plans for partnership initiatives and expansion of community support.*

**SEC. 6. DUTIES OF THE SECRETARY.**

(a) INTERPRETIVE SUPPORT.—The Secretary may, upon request of the management entity, provide appropriate interpretive, planning, educational, staffing, exhibits, and other material or support for the heritage area, consistent with the plan and as appropriate to the resources and associated values of the heritage area.

(b) TECHNICAL ASSISTANCE.—The Secretary [shall,] *may* upon request of the management entity and consistent with the plan, provide technical assistance to the management entity.

(c) COOPERATIVE AGREEMENTS[, LOANS] AND GRANTS.—The Secretary may, in consultation with the management entity and consistent with the management plan, make [loans and] grants to, and enter into cooperative agreements with the management entity, the State, City, non-profit organization or any person.

(d) PLAN AMENDMENTS.—No amendments to the plan may be made unless approved by the Secretary. The Secretary shall consult with the management entity in reviewing any proposed amendments.

**SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal department, agency, or other entity conducting or supporting activities directly affecting the heritage area shall—

(1) consult with the Secretary and the management entity with respect to such activities.

(2) cooperate with the Secretary and the management entity in carrying out their duties under this Act, and to the extent practicable, coordinate such activities directly with the duties of the Secretary and the management entity.

(3) to the extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the heritage area.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

*(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.*

*(b) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.*

***SEC. 9. SUNSET.***

*The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.*

The committee amendments were agreed to.

The bill (S. 2247), as amended, was read the third time and passed.

## MURRAY ZWEBEN, PARLIAMENTARIAN EMERITUS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 358, submitted by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 358) relative to the death of Murray Zweben, Parliamentarian Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Madam President, I rise today to inform the Senate of a sad loss for our Senate family. Yesterday, Murray Zweben, former Parliamentarian Emeritus, passed away at Suburban Hospital from a bout with pneumonia.

Murray served the Senate for 24 years over the span of four decades. He began this long and distinguished Senate career during the late 1950's serving as Secretary to the Parliamentarian while attending law school. After clerking for a Federal judge, he returned to the Senate in 1963 to fill the vacated position of Second Assistant Parliamentarian. Murray was promoted to the position of Assistant Parliamentarian in 1964, where he served under the legendary Dr. Floyd Ridick for 10 years. In 1975, Murray ascended to the rank of Senate Parliamentarian, a position that he held until 1981. Two years later, he was honored with the prestigious title Parliamentarian Emeritus. Although I never had the honor of working with Murray, I am well aware of his enormous contributions to this body.

A native of New Jersey, Murray graduated from Clarkson College of Technology, and later received his masters degree in education from the State University of New York in Albany. After serving his country for 4 years in the Navy, Murray moved to the Washington, DC, area in 1956. In 1959, he graduated from George Washington University law school, where he served on the law review. After his tenure in the Senate, Murray opened a successful private law practice here in DC.

Murray is survived by his wife Anne; his five children Suzanne, Lisa, Marc, John, and Harry; and five grandchildren. I along with the rest of my colleagues send our deepest condolences to the Zweben family over their loss.

Mr. SPECTER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 358) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus;

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956; Now therefore be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–81, appoints the following individuals to serve as members of the National Commission to Ensure Consumer Information and Choice in the Airline Industry: Ann B. Mitchell, of Mississippi, and Joyce Rogge, of New York.

## PROGRAM

Mr. SPECTER. Madam President, on behalf of the leader, I announce, for the information of all Senators, the Senate will reconvene tomorrow at 9:30 a.m. At that time, the Senate will resume consideration of the China permanent normal trade relations bill, with 90 minutes of debate under the control of each leader.

The Senate will recess under the order from 12:30 to 2:15 for the weekly policy luncheons to meet. By a previous consent, at 2:15 the Senate will proceed to the vote on passage of the China permanent normal trade relations bill, to be immediately followed by a vote on invoking cloture on the motion to proceed to the H–1B legislation. Therefore, there will be two stacked votes at 2:15 tomorrow.

It is hoped that during Tuesday's session the Senate can begin consideration of the H–1B legislation, the Water Resources Development Act, any appropriations conference report, or any other legislative or executive matter that can be cleared for action.

## ORDER FOR ADJOURNMENT

Mr. SPECTER. Madam President, if there is no further business to come before the Senate—and I note there are no other Senators on the floor—I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 358, following the remarks of Senator ROBB.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

## PNTR WITH CHINA

Mr. ROBB. Madam President, the suspense regarding this particular vote is long over, but the date on the effect and implications of PNTR in China is really just beginning.

My rationale for supporting PNTR differs in some respects from my colleagues, who have mostly emphasized the positive impact on our economy and exports, and it relates to our ability to change the face of China—not just economically, but in terms of improving human rights, labor standards, and environmental protections, and in ensuring the rule of law.

My genuine, and I think realistic, hope is that WTO accession becomes a means for improving the most repressive aspects of Chinese society, eventually permitting our two nations to embrace, in a sincere way, the same cause of global security and peace.

It will take a concentrated effort by the next President, however, to institute a policy that uses WTO as a cudgel to aid those who have been repressed, incarcerated, and persecuted in China.

I would submit that we need to keep the faith with those brave Chinese who have risked their lives in the name of freedom—at Tiananmen and elsewhere—as China adapts its economy to the rules required of every WTO member.

Like the President, I believe the choice between economic rights and human rights, between economic security and national security, is a false choice.

But I do not believe that the emphasis of American foreign policy should be on engaging and partnering with any Chinese leaders whose sole aim is to maintain and promote the power of a bankrupt Communist party.

Looking back on the last 30 years, I think it would be fair to say that the current administration has dedicated an extraordinary amount of effort and attention toward building a lasting cooperative relationship with China.

That is not inconsistent with the policies of Presidents Nixon, Ford, Carter, Reagan, and Bush, who appreciated the significance of integrating all aspects of Chinese society into the world community.

In this regard I believe that achieving WTO accession is likely to be considered one of the President's single most important achievements during his time in office.

The groundwork was laid during previous administrations, but this President demonstrated the instinct and diplomatic skill and judgment to close the deal.

He understood the urgency and necessity of bringing the world's third largest economy into compliance with trading rules that nearly all other nations enforce and respect.

It is a considerable achievement.

The opportunity for foreign equity ownership in China will rise dramatically.

Many states subsidies will end.

China will have to meet international trade norms.

If they break the rules, a WTO panel can intervene with punitive measures.

Meanwhile, the United States is not required to change a single tariff, lower a particular subsidy, or alter any of our own invisible barriers to trade.

This is a win-win prospect for American businesses.

China's leader, Jiang Zemin, while visiting the U.N. a few days ago, had some interesting things to say about the future of his country, and it relates in part to WTO accession.

His calculation, clearly, is that one party rule in China can thrive side by side with the economic freedom required by China's membership in the WTO.

He believes the two are mutually exclusive.

Madam President, that seems paradoxical to me.

I don't believe it is tenable to argue that, over the long term, economic capitalism and political communism can coexist, let alone prosper, in the same sovereign country.

And it is my fervent hope that in China the former weakens and dissolves the latter.

WTO accession for China gets us started in that direction.

The legendary Deng Xiao Ping was fond of saying that you should "cross the river by feeling the stones." I think his successors approach WTO with some trepidation, not knowing exactly where those stones are.

I would assert that we have a key role to play as WTO rules and regulations penetrate Chinese society, specifically in assisting and supporting and working with newly economically empowered Chinese businessmen, entrepreneurs, farmers, and ordinary citizens.

With their profits and financial gain they will be in a position to create the right circumstances for political reform and change inside China.

We have a responsibility to do our part in pressuring the regime from outside.

Our actions and rhetoric matter on everything from human rights to Tibet to the rule of law.

The consequences of failing to ratify PNTR have to be considered as well, and in this case that is why I pledged ahead of time to oppose any and all amendments, even though some clearly had merit. As a practical matter, at this late date in the 106th Congress if the Senate failed to pass a clean version of PNTR it would risk, at least procedurally, getting a measure passed into law by the end of the congressional session.

Moreover, I have no doubt that China would misunderstand the reasons for our inability to pass PNTR, and that would, almost inevitably, ratchet up tensions between us even further, and it would create serious national security problems for us and our Asian allies at a minimum. In a larger sense, WTO is about changing the face of China.

The economic change will come first, to be sure, but it will lead inexorably to changes in these other areas—and in my judgment, it will lead to positive changes, from our point of view, sooner than if we were to reject PNTR.

And to re-emphasize the consequences of failure to ratify, it will also avoid the certain deterioration in our relationship with China that would take place if we rejected PNTR, which, again, would have serious and long lasting consequences in our national security relationships among all of the Pacific nations.

It has been my position that we ought to seek to maintain and promote, on a cooperative basis, our relations with China which represent a slight nuance of difference from administration policy designed to engage China strategically as a partner.

We share common ground with Beijing on a broad range of subjects, and it makes absolute sense to work together to solve problems on the Korean Peninsula and the like.

But that should not prevent us from recognizing that our values and principles are so starkly different.

Implying somehow that we're partners, or wishing that it were so, does not speak truth to power.

WTO represents an opportunity for the world community to join with a newly empowered economic class in China, and it ought to be treated as a means for strengthening their hand.

The focal point for U.S. policymakers should be to promote, sustain, and enforce broad economic freedoms within China.

Only then can we make a difference with our overall national security policies, not just through implementation of the WTO that will eventually lead to the political freedom and liberty that the Chinese people deserve.

With that, I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under to the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 4:16 p.m., adjourned until Tuesday, September 19, 2000, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Monday, September 18, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 18, 2000.*

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed without amendments concurrent resolutions of the House of the following titles:

H. Con. Res. 319. Concurrent resolution congratulating the Republic of Latvia on the 10th anniversary of the reestablishment of its independence from the rule of the former Soviet Union.

H. Con. Res. 371. Concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1608. An act to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of Federal lands.

S. Con. Res. 130. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

## CAMPAIGN FINANCE REFORM

Mr. STEARNS. Madam Speaker, I rise today to speak on campaign finance reform.

This is a topic that this Chamber is quite familiar with, and a topic which seeks to prohibit the abuse of soft money campaign donations to national political parties. Though the current campaign finance system is in need of reform, the proposal the House passed, the Shays-Meehan bill, did not improve or strengthen our campaign finance system.

The road towards campaign finance reform has been a long one with many constitutional roadblocks. The Supreme Court took a dim view of our efforts to curtail first amendment rights. Through such rulings of Buckley v. Valeo in 1976, and other cases, the court has declared that the government may not regulate political commentaries "to promote a candidate and his views." The court made an exception for ads that use explicit language to "advocate the election or defeat of a clearly identifiable candidate."

The Congress recently took a step in the right direction reforming campaign finance flaws by ending the secret fund-raising and spending by political groups under Section 527 of the Internal Revenue Code. Section 527 groups receive a large degree of anonymity under the law so long as their television ads, opinion polling and other political activities do not recommend the election or defeat of a specific candidate. This new law requires them to identify themselves to the public, then file periodic reports with the IRS that identify contributors and disclose how they spend their money in the political arena.

About a year ago, the House passed its own campaign finance reform, the Shays-Meehan bill. It was aimed at reforming abuses in modern day campaign fund-raising. Though I believe campaign finance reform is needed, the Shays-Meehan bill was not the right approach. It has been over 20 years since we last overhauled our campaign finance laws, but I believe many of the bill's provisions would have been ruled unconstitutional before the U.S. Supreme Court.

I could not support proposals placing restrictions on issue ads, thereby effectively regulating campaign expenditures by individuals, interest groups and organizations loosely allied to the parties. That legislation attempts to alter the constitutional distinction between express advocacy and issue advocacy by mere statutory definitions. The goal of this bill was to expand the category of speech that can be regulated by the Federal Government, thereby making speech no longer free.

Under current law, all individuals, political parties, businesses and other organizations are free to refer to candidates and their records on issues without regulation by the Federal Government. But under the Shays-Meehan bill, the mere reference to a candidate's name on radio or television during election campaigns would transform issue advocacy into regulated express advocacy.

Additionally, the legislation bans soft money for political parties. The Shays-Meehan bill would regulate, limit or even prohibit individuals, organizations, and corporations from receiving or spending soft money for national political parties or political committees. The attempt to limit the free rights of political parties would clearly be unconstitutional, and the courts of course, most likely would strike down these restrictions.

Since the 1976 Buckley v. Valeo decision, strong majorities have supported protections for the expenditures of money for political communications. I do not believe government restrictions on issue ads can be reconciled with the first amendment. No matter how they are dressed up, such restrictions will still involve government regulation of political speech, which we do not want.

Furthermore, such a concept of campaign finance reform is both counterproductive and, as I mentioned earlier, unconstitutional. Moreover, the bill's relative impact on the two major parties is decidedly out of balance, in my opinion. That is why I voted for the bipartisan Hutchinson-Allen substitute, which unfortunately failed on the House floor.

This bill is simple in its path towards strengthening our system and increasing public trust in the elected Federal officials. Congress would implement full disclosure laws, treat soft money and hard money the same, and make all campaign reports filed with the Federal Election Commission available to the public electronically through the Internet and through other electronic sources within 48 hours after those reports are filed. That is what the Hutchinson-Allen substitute would do. That is the proposal I supported.

I also believe that strong bipartisan support exits for an array of the reforms that could pass if Shays-Meehan were set aside. These include technological improvements in disclosure, strengthening enforcement, greater safeguards against the entry of foreign money, and possibly tax deductions to encourage small in-State donations.

While any effective and feasible solution to campaign fundraising may be out of reach in this Congress, I am confident that next year, after the Presidential election and congressional races, this body can once again focus its attention on reforming our campaign finance laws.

## THE CORPS OF ENGINEERS AND ITS RELATIONSHIP TO CONGRESS AND THE ENVIRONMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the week-long series in the Washington Post about the Corps of Engineers and its relationship to Congress and, more importantly, to the environment, raises key questions about the Corps' future direction.

The immediate challenge is for the Corps and Congress to respond carefully, thoughtfully, and in the right context to the real issues surrounding the Corps' important mission.

In its very name, the Army Corps of Engineers combines the two professions that are perhaps most results-oriented, focused, precise and committed to following orders: engineering and the military. It imposes upon those of us in Congress a special responsibility. We must be sure that we are asking the right questions and looking at the big picture. For if the Corps' assignment is to stop flooding in a particular area, that is precisely what they will do, but that may be all that they do.

As much as I agree with some of the concerns and criticisms of the Corps, it is wrong to single them out alone. The behavior of the Corps is just the most obvious example of our country's 2-century long certainty that we can conquer and bend to our will the force of nature. The Corps has simply been responding to the orders and expectations of Congress and the citizens.

Unfortunately, when it comes to the Corps' responsibility to deal with waterways and flooding, the policies that Congress has directed and funded often appear to be doing more damage than good. Our flood insurance program continues to subsidize people to live in harm's way. Combined with our tendency to engineer rivers, to channelize them, to raise levees ever higher, along with failure to insist on careful land use and wetlands protection, we have produced a situation that is dangerous and self-perpetuating. We are subsidizing people to stay in harm's way, and at the same time we are engineering rivers to produce more frequent and dangerous flooding.

Obviously, part of the message is to stop treating our rivers, wetlands and beaches like machines to be channeled, repaved and recontoured without regard for long-term costs to the environment or, frankly, to the Federal Treasury. The $8 billion we are prepared to spend now to repair part of the damage that we inflicted on the Everglades through miscalculation and poor planning and engineering is an example of why reform is needed.

Madam Speaker, there are, indeed, serious efforts with real potential for reform right now. I have been pleased during my tenure in Congress with the Corps' efforts to reposition itself. Its Challenge 21 proposal would allow the Corps to enter into an agreement with local partners to provide passive flood mitigation and river restoration projects and do so more quickly and cheaply. Congress can help speed this on its way with adequate funding right now.

In WRDA 99, we made it easier for local communities to choose nonstructural approaches to flood control, giving them more freedom to choose more environmentally and economical approaches.

The Corps of Engineers' shoreline protection program is in serious need of reassessment to avoid a parade of costly and expensive projects that in the long run are environmentally destructive and put people again in harm's way. This is especially critical at a time when it is estimated that the average shoreline will retreat 500 feet over the next 60 years, and that in the next decade alone, 10,000 structures will fall into the ocean. We cannot afford a blank check from the taxpayer and another losing fight with irresistible environmental forces.

Madam Speaker, H.R. 4879, introduced by the gentleman from Wisconsin (Mr. KIND), of which I am a proud cosponsor, is another important piece of reform that would go a long way in addressing some of the problems that have been exposed. This bill would reform the project overview and authorization process, establish an objective outside review panel for controversial projects. To increase transparency and accountability, it would guarantee more citizen participation and lead to a better balance between economic and environmental considerations.

At the end of the day, we need more dramatic steps. When Congress found military base closing too polarized and politicized to tackle itself, we established a separate commission to handle it. Through that, we have been able to do the right thing for the military, while helping communities and the Federal taxpayers. Perhaps it is time for such a stronger mechanism to depolarize and depoliticize the Corps operation here in Congress and to help everybody look at the big picture.

In the meantime, we can use the new public attention and new leadership at the Corps to promote change and reform within the Corps itself so that they can be a critical ally in protecting the environment, making our communities more livable and our families safe, healthy and economically secure.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of covenant love, grant penetrating peace and patient understanding to all families and this Nation as we learn to live with each other and all our differences.

Spread over us today the Spirit of Your covenant; that we may recognize Your presence in ordinary things and freely acknowledge You as Lord of all and in all.

May the relationship of husband and wife and between parent and child be nourished by this life-giving Spirit.

Let understanding put an end to strife and humble resolve overcome all difficulties so, Your lasting and compassionate love be cradled anew in our homes and become vibrant strength across this Nation.

Bless and protect the families of this Congress, especially those in most need of Your healing and mercy. We are confident in Your love for each of them now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SMITH) come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ADDITIONAL APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE HERBERT H. BATEMAN

The SPEAKER pro tempore. Pursuant to House Resolution 573, the Chair announces the Speaker's additional appointment of the following Members of the House to the committee to attend the funeral of the late Herbert H. Bateman:

Mr. GOODLING, Pennsylvania;
Mr. LEWIS, California;
Mr. TAYLOR, Mississippi.

## LORI HARRIGAN AND THE 2000 OLYMPICS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to recognize Lori Harrigan, a Las Vegas native, who made history this weekend.

Lori pitched the first-ever solo no-hitter in Olympic history. Nicknamed "Vegas," Lori Harrigan lead the United States team to victory over the Canadian team in the first softball game of the Olympics in Sydney, Australia.

Harrigan was also a member of the U.S. Olympic softball team that won the gold medal in Atlanta in 1996. The United States is honored to have such talented and distinguished athletes representing our country in the Olympics.

And while the U.S. team still has several more games to play before making it to the gold medal game later this month, I want to join with my fellow Nevadans in wishing Harrigan and her teammates the best of luck in extending their 111 gaming-winning streak in Sydney.

And to every other U.S. Olympian in Sydney, America is very proud of you and your accomplishments. Best of luck in the coming weeks of Olympic competition.

## ALLOWING JANET RENO TO GET AWAY WITH TREASON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when faced with solid evidence that China funneled cash illegally to the Democrat party, Janet Reno turned her back. When 100 witnesses took the fifth amendment before Congress, Janet Reno said no to the independent counsel.

Janet Reno, as reports now say, even said no to an FBI request to wire-tap a suspected Chinese spy. Now, if that is not enough to prop up Communism, even when the CIA told Janet Reno China had missiles pointed at us, Janet Reno said no. Beam me up, Congress. We are allowing Janet Reno to get away with treason. She has betrayed America before our very own eyes.

The only time she has said yes was to helping Communist China. I urge Congress to pass H.R. 5161, mandating a thorough investigation into this Chinese communist business.

Mr. Speaker, I yield back the treason with reason I believe I can prove of Janet Reno.

## MEDIA BIASED IN MANY WAYS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, in the presidential election, George Bush really faces three opponents: AL GORE, Bill Clinton and his manipulation of the government bureaucracy, and a bias by many in the media.

During the next few weeks, I am going to point out examples of media bias. The slanting of the news appears in many forms. Reporters injecting their own opinion into articles, the decision by editors and reporters to cover or not to cover certain subjects, and one-sided stories that fail to achieve a fair balance of opinions.

The American people will know there is something wrong with media coverage. In fact, a survey conducted by the American Society of Newspaper Editors showed that more than three-quarters agree there is bias in news coverage.

Conscientious editors and reporters know the media should provide the facts and fair and objective coverage. The American people are smart enough to make up their own minds.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes on postponed questions will be taken after debate is concluded on all motions to suspend the rules but not before 6 p.m. today.

## FISHERMAN'S PROTECTIVE ACT AMENDMENTS OF 1999

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 579) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1651.

The Clerk read as follows:

H. RES. 579

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 1651, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendment:

Page 1, line 4, strike "**SEC. 401. USE OF AIRCRAFT PROHIBITED.**" and all that follows through "**SEC. 402.**", and insert "**SEC. 401.**".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 579.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1651, the Fisherman's Protective Act Amendments. This bill makes a number of fishery conservation improvements in several important laws.

Title I amends the Fisheries Protective Act to extend current law so that reimbursement may be provided to owners of U.S. fishing vessels illegally detained or seized by foreign countries. Since this provision has expired, the bill will ensure that U.S. vessels illegally seized or fined by a foreign nation are able to seek reimbursement in the future.

Title II establishes a panel to advise the Secretaries of State and the Interior of the Yukon River salmon management issues in Alaska. The U.S. and Canada had an interim agreement regarding management of the salmon stocks of mutual interests in the Yukon River, but the agreement expired in March of 1998. When the interim agreement expired, it was unclear whether the advisory panel was still authorized to recommend salmon restoration measures.

This bill codifies the Yukon River Salmon Panel and authorizes the panel to advise the Secretary of State and the Secretary of the Interior on the management, enhancement, and restoration of Yukon River salmon stocks and perform other activities that relate to the conservation and management of the Yukon River salmon stocks.

Finally, Title III authorizes the Secretary of Commerce to acquire, purchase, lease, lease-purchase, or charter and equip up to six fishery survey vessels. These vessels are one of the most important fishery management tools available to Federal scientists. Because they conduct a vast majority of fishery stock surveys, their reliability is critical to fishery management. The information obtained using them is critical for the improvement of regulations governing fisheries management.

This bill is virtually identical to the measure that overwhelmingly passed the House last year; however, it does not include the extraneous measure added in the other body dealing with the harvest of bluefin tuna using spotter planes in the North Atlantic. This is a good conservation bill, and I urge an aye vote on this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1651, which was passed by the House last year. As my colleague and dear friend from Maryland (Mr. Gilchrest) on the other side of the aisle has explained it, this bill contains several provisions intended to improve fisheries conservation, management, and data collection.

It was approved unanimously by the Senate, the other body, last month; and I do urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. Gilchrest) that the House suspend the rules and agree to the resolution, H. Res. 579.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## PACIFIC SALMON RECOVERY ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2798) to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages, as amended.

The Clerk read as follows:

### H.R. 2798

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Pacific Salmon Recovery Act".

### SEC. 2. SALMON CONSERVATION AND SALMON HABITAT RESTORATION ASSISTANCE.

(a) Requirement To Provide Assistance.—Subject to the availability of appropriations, the Secretary of Commerce shall provide financial assistance in accordance with this Act to qualified States and qualified tribal governments for salmon conservation and salmon habitat restoration activities.

(b) Allocation.—Of the amounts available to provide assistance under this section each fiscal year (after the application of section 3(g)), the Secretary—

(1) shall allocate 85 percent among qualified States, in equal amounts; and

(2) shall allocate 15 percent among qualified tribal governments, in amounts determined by the Secretary.

(c) Transfer.—

(1) In general.—The Secretary shall promptly transfer in a lump sum—

(A) to a qualified State that has submitted a Conservation and Restoration Plan under section 3(a) amounts allocated to the qualified State under subsection (b)(1) of this section, unless the Secretary determines, within 30 days after the submittal of the plan to the Secretary, that the plan is inconsistent with the requirements of this Act; and

(B) to a qualified tribal government that has entered into a memorandum of understanding with the Secretary under section 3(b) amounts allocated to the qualified tribal government under subsection (b)(2) of this section.

(2) Transfers to qualified states.—The Secretary shall make the transfer under paragraph (1)(A)—

(A) to the Washington State Salmon Recovery Board, in the case of amounts allocated to Washington;

(B) to the Oregon State Watershed Enhancement Board, in the case of amounts allocated to Oregon;

(C) to the California Department of Fish and Game for the California Coastal Salmon Recovery Program, in the case of amounts allocated to California;

(D) to the Governor of Alaska, in the case of amounts allocated to Alaska; and

(E) to the Office of Species Conservation, in the case of amounts allocated to Idaho.

(d) Reallocation.—

(1) Amounts allocated to qualified states.—Amounts that are allocated to a qualified State for a fiscal year shall be reallocated under subsection (b)(1) among the other qualified States, if—

(A) the qualified State has not submitted a plan in accordance with section 3(a) as of the end of the fiscal year; or

(B) the amounts remain unobligated at the end of the subsequent fiscal year.

(2) Amounts allocated to qualified tribal governments.—Amounts that are allocated to a qualified tribal government for a fiscal year shall be reallocated under subsection (b)(2) among the other qualified tribal governments, if the qualified tribal government has not entered into a memorandum of understanding with the Secretary in accordance with section 3(b) as of the end of the fiscal year.

### SEC. 3. RECEIPT AND USE OF ASSISTANCE.

(a) Qualified State Salmon Conservation and Restoration Plan.—

(1) In general.—To receive assistance under this Act, a qualified State shall develop and submit to the Secretary a Salmon Conservation and Salmon Habitat Restoration Plan.

(2) Contents.—Each Salmon Conservation and Salmon Restoration Plan shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) except as provided in subparagraph (D), give priority to use of assistance under this section for projects that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the laws or regulations of the qualified State;

(D) in the case of a plan submitted by a qualified State in which, as of the date of the enactment of this Act, there is no area at which a salmon species referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs to conserve and enhance species of salmon that intermingle with, or are otherwise related to, species referred to in subparagraph (C)(iii)(I), which may include (among other matters)—

(I) salmon-related research, data collection, and monitoring;

(II) salmon supplementation and enhancement;

(III) salmon habitat restoration;

(IV) increasing economic opportunities for salmon fishermen; and

(V) national and international cooperative habitat programs; and

(ii) provide for revision of the plan within one year after any date on which any salmon species that spawns in the qualified State is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation and recovery of salmon;

(H) require that the qualified State maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this Act; and

(I) ensure that activities funded under this Act are conducted in a manner in which, and in areas where, the State has determined that they will have long-term benefits.

(3) Solicitation of comments.—In preparing a plan under this subsection a qualified State shall seek comments on the plan from local governments in the qualified State.

(b) Tribal MOU With Secretary.—

(1) In general.—To receive assistance under this Act, a qualified tribal government shall enter into a memorandum of understanding with the Secretary regarding use of the assistance.

(2) Contents.—Each memorandum of understanding shall, at a minimum—

(A) be consistent with other applicable Federal laws;

(B) be consistent with the goal of salmon recovery;

(C) give priority to use of assistance under this Act for activities that—

(i) provide a direct and demonstrable benefit to salmon or their habitat;

(ii) provide the greatest benefit to salmon conservation and salmon habitat restoration relative to the cost of the projects; and

(iii) conserve, and restore habitat, for—

(I) salmon that are listed as endangered species or threatened species, proposed for such listing, or candidates for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(II) salmon that are given special protection under the ordinances or regulations of the qualified tribal government;

(D) in the case of a memorandum of understanding entered into by a qualified tribal government for an area in which, as of the date of the enactment of this Act, there is no area at which a salmon species that is referred to in subparagraph (C)(iii)(I) spawns—

(i) give priority to use of assistance for projects referred to in subparagraph (C)(i) and (ii) that contribute to proactive programs described in subsection (a)(2)(D)(i);

(ii) include a requirement that the memorandum shall be revised within one year after any date on which any salmon species that spawns in the area is listed as an endangered species or threatened species, proposed for such listing, or a candidate for such listing, under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(E) establish specific goals and timelines for activities funded with such assistance;

(F) include measurable criteria by which such activities may be evaluated;

(G) establish specific requirements for reporting to the Secretary by the qualified tribal government;

(H) require that activities carried out with such assistance shall—

(i) be scientifically based;

(ii) be cost effective;

(iii) not be conducted on private land except with the consent of the owner of the land; and

(iv) contribute to the conservation or recovery of salmon; and

(I) require that the qualified tribal government maintain its aggregate expenditures of funds from non-Federal sources for salmon habitat restoration programs at or above the average level of such expenditures in the 2 fiscal years preceding the date of enactment of this Act.

(c) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Assistance under this Act may be used by a qualified State in accordance with a plan submitted by the State under subsection (a), or by a qualified tribal government in accordance with a memorandum of understanding entered into by the government under subsection (b), to carry out or make grants to carry out, among other activities, the following:

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements, including for making multi-year grants.

(B) Salmon-related research, data collection, and monitoring, salmon supplementation and enhancement, and salmon habitat restoration.

(C) Maintenance and monitoring of projects completed with such assistance.

(D) Technical training and education projects, including teaching private landowners about practical means of improving land and water management practices to contribute to the conservation and restoration of salmon habitat.

(E) Other activities related to salmon conservation and salmon habitat restoration.

(2) USE FOR LOCAL AND REGIONAL PROJECTS.—Funds allocated to qualified States under this Act shall be used for local and regional projects.

(d) USE OF ASSISTANCE FOR ACTIVITIES OUTSIDE OF JURISDICTION OF RECIPIENT.—Assistance under this section provided to a qualified State or qualified tribal government may be used for activities conducted outside the areas under its jurisdiction if the activity will provide conservation benefits to naturally produced salmon in streams of concern to the qualified State or qualified tribal government, respectively.

(e) COST SHARING BY QUALIFIED STATES.—

(1) IN GENERAL.—A qualified State shall match, in the aggregate, the amount of any financial assistance provided to the qualified State for a fiscal year under this Act, in the form of monetary contributions or in-kind contributions of services for projects carried out with such assistance. For purposes of this paragraph, monetary contributions by the State shall not be considered to include funds received from other Federal sources.

(2) LIMITATION ON REQUIRING MATCHING FOR EACH PROJECT.—The Secretary may not require a qualified State to provide matching funds for each project carried out with assistance under this Act.

(3) TREATMENT OF MONETARY CONTRIBUTIONS.—For purposes of subsection (a)(2)(H), the amount of monetary contributions by a qualified State under this subsection shall be treated as expenditures from non-Federal sources for salmon conservation and salmon habitat restoration programs.

(f) COORDINATION OF ACTIVITIES.—

(1) IN GENERAL.—Each qualified State and each qualified tribal government receiving assistance under this Act is encouraged to carefully coordinate salmon conservation activities of its agencies to eliminate duplicative and overlapping activities.

(2) CONSULTATION.—Each qualified State and qualified tribal government receiving assistance under this Act shall consult with the Secretary to ensure there is no duplication in projects funded under this Act.

(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—

(1) FEDERAL ADMINISTRATIVE EXPENSES.—Of the amount made available under this Act each fiscal year, not more than 1 percent may be used by the Secretary for administrative expenses incurred in carrying out this Act.

(2) STATE AND TRIBAL ADMINISTRATIVE EXPENSES.—Of the amount allocated under this Act to a qualified State or qualified tribal government each fiscal year, not more than 3 percent may be used by the qualified State or qualified tribal government, respectively, for administrative expenses incurred in carrying out this Act.

### SEC. 4. PUBLIC PARTICIPATION.

(a) QUALIFIED STATE GOVERNMENTS.—Each qualified State seeking assistance under this Act shall establish a citizens advisory committee or provide another similar forum for local governments and the public to participate in obtaining and using the assistance.

(b) QUALIFIED TRIBAL GOVERNMENTS.—Each qualified tribal government receiving assistance under this Act shall hold public meetings to receive recommendations on the use of the assistance.

### SEC. 5. CONSULTATION NOT REQUIRED.

Consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be required based solely on the provision of financial assistance under this Act.

### SEC. 6. REPORTS.

(a) QUALIFIED STATES.—Each qualified State shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by the qualified State under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(a)(2).

(b) SECRETARY.—

(1) ANNUAL REPORT REGARDING QUALIFIED TRIBAL GOVERNMENTS.—The Secretary shall, by not later than December 31 of each year, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives an annual report on the use of financial assistance received by qualified tribal governments under this Act. The report shall contain an evaluation of the success of this Act in meeting the criteria listed in section 3(b)(2).

(2) BIANNUAL REPORT.—The Secretary shall, by not later than December 31 of the second year in which amounts are available to carry out this Act, and of every second year thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a biannual report on the use of funds allocated to qualified States under this Act. The report shall review programs funded by the States and evaluate the success of this Act in meeting the criteria listed in section 3(a)(2).

### SEC. 7. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) QUALIFIED STATE.—The term "qualified State" means each of the States of Alaska, Washington, Oregon, California, and Idaho.

(3) QUALIFIED TRIBAL GOVERNMENT.—The term "qualified tribal government" means—

(A) a tribal government of an Indian tribe in Washington, Oregon, California, or Idaho that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon management and recovery activities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act; and

(B) an Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that the Secretary of Commerce, in consultation with the Secretary of the Interior, determines—

(i) is involved in salmon conservation and management; and

(ii) has the management and organizational capability to maximize the benefits of assistance provided under this Act.

(4) SALMON.—The term "salmon" means any naturally produced salmon or naturally produced trout of the following species:

(A) Coho salmon (oncorhynchus kisutch).

(B) Chinook salmon (oncorhynchus tshawytscha).

(C) Chum salmon (oncorhynchus keta).

(D) Pink salmon (oncorhynchus gorbuscha).

(E) Sockeye salmon (oncorhynchus nerka).

(F) Steelhead trout (oncorhynchus mykiss).

(G) Sea-run cutthroat trout (oncorhynchus clarki clarki).

(H) For purposes of application of this Act in Oregon—

(i) Lahontan cutthroat trout (oncorhnychus clarki henshawi); and

(ii) Bull trout (salvelinus confluentus).

(I) For purposes of application of this Act in Washington and Idaho, Bull trout (salvelinus confluentus).

(5) Secretary.—The term Secretary means the Secretary of Commerce.

### SEC. 8. PACIFIC SALMON TREATY.

(a) Transboundary Panel Representation.—

(1) In general.—Section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632) is amended by redesignating subsections (f), (g), and (h) in order as subsections (g), (h), and (i), and by inserting after subsection (e) the following:

"(f) Transboundary Panel.—The United States shall be represented on the transboundary Panel by 7 Panel members, of whom—

"(1) 1 shall be an official of the United States Government with salmon fishery management responsibility and expertise;

"(2) 1 shall be an official of the State of Alaska with salmon fishery management responsibility and expertise; and

"(3) 5 shall be individuals knowledgeable and experienced in the salmon fisheries for which the transboundary Panel is responsible.".

(2) Conforming amendments.—

(A) Subsection (g) of section 3 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended—

(i) by striking "and (e)(2)" and inserting "(e)(2), and (f)(2)";

(ii) by striking "and (e)(4)" and inserting "(e)(4), and (f)(3)"; and

(iii) by striking "The appointing authorities listed above" and inserting "For the southern, northern, and Frazier River Panels, the appointing authorities listed above".

(B) Subsection (h)(2) of section 3 the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3632), as redesignated by paragraph (1) of this subsection, is amended by striking "and southern" and inserting ", southern, and transboundary".

(C) Section 9 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3638) is amended by striking "9(g)" and inserting "9(h)".

(b) Compensation and Expenses for United States Representatives on Northern and Southern Fund Committees.—

(1) Compensation.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3640) is amended by redesignating subsections (c) and (d) in order as subsections (d) and (e), and by inserting after subsection (b) the following:

"(c) Compensation for Representatives on Northern Fund and Southern Fund Committees.—United States Representatives on the Pacific Salmon Treaty Northern Fund Committee and Southern Fund Committee who are not State or Federal employees shall receive compensation at the minimum daily rate of pay payable under section 5376 of title 5, United States Code, when engaged in the actual performance of duties for the United States Section or for the Commission.".

(2) Expenses.—Subsection (d) of such section, as so redesignated, is amended by inserting "members of the Northern Fund Committee, members of the Southern Fund Committee," after "Joint Technical Committee,".

(3) Clerical Amendments.—

(A) In general.—Section 11 of the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 5332) is amended—

(i) in subsection (a) by striking "at the daily rate of GS–18 of the General Schedule" and inserting "at the maximum daily rate of pay payable under section 5376 of title 5, United States Code,"; and

(ii) in subsection (b) by striking "at the daily rate of GS–16 of the General Schedule" and inserting "at the minimum daily rate of pay payable under section 5376 of title 5, United States Code,".

(B) Application.—The amendments made by subparagraph (A) shall not apply to Commissioners, Alternate Commissioners, Panel Members, and Alternate Panel Members (as those terms are used in section 11 of the Pacific Salmon Treaty Act of 1985) appointed before the effective date of this subsection.

(c) Authorization of Appropriations.—

(1) Clerical amendment.—Section 623 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, as enacted by section 1000(a)(1), Division B of Public Law 106–113 (16 U.S.C. 3645) is redesignated and moved so as to be section 16 of the Pacific Salmon Treaty Act of 1985.

(2) Authorization of appropriations.—Subsection (d) of such section is amended to read as follows:

"(d) Authorization of Appropriations.—For capitalizing the Northern Fund and Southern Fund established under the 1999 Pacific Salmon Treaty Agreement and related agreements, there are authorized to be appropriated a total of $75,000,000 for the Northern Fund and a total of $65,000,000 for the Southern Fund for fiscal years 2000, 2001, 2002, and 2003, for the implementation of those agreements.".

### SEC. 9. TREATMENT OF INTERNATIONAL FISHERY COMMISSION PENSIONERS.

For United States citizens who served as employees of the International Pacific Salmon Fisheries Commission and the International North Pacific Fisheries Commission (in this section referred to as the "Commissions") and who worked in Canada in the course of employment with those commissions, the President shall—

(1) calculate the difference in amount between the valuation of the Commissions' annuity for each employee's payment in United States currency and in Canadian currency for past and future (as determined by an actuarial valuation) annuity payments; and

(2) out of existing funds available for this purpose, pay each employee a lump-sum payment in the total amount determined under paragraph (1) to compensate each employee for past and future benefits resulting from the exchange rate inequity.

### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $200,000,000 for each of the fiscal years 2001, 2002, and 2003 to carry out this Act. Funds appropriated under this section may remain until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. Gilchrest) and the gentleman from American Samoa (Mr. Faleomavaega) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. Gilchrest).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2798, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering H.R. 2798, a bill that authorizes the Secretary of Commerce to provide financial assistance to qualified States and tribal governments for salmon conservation and habitat restoration activities. The qualified States include Alaska, California, Idaho, Oregon, and Washington. The tribal government from each State is also eligible to participate in the program.

Mr. Speaker, the bill authorizes $200 million to be apportioned to the States and tribes for activities that will protect salmon or restore salmon habitat.

While the Federal Government has spent millions of dollars on salmon restoration, the efforts have been successful.

This bill will direct funds to the State and local projects where the money will do the most good. The States are required to match the Federal funds reported annually to Congress on the use of the funds and their consistency with the act.

The Secretary reports annually to Congress on the tribal governments' use of the funds and every 2 years on each States use of the funds. Administrative uses of the funds are capped at 3 percent for the States and tribes, and 1 percent for the Secretary.

The bill clarifies that the funds be given to the States in a lump sum and allows the States of Washington and Idaho to use funds for habitat restoration and conservation of endangered bull trout in addition to salmon.

In addition, the bill includes language authorizing the Northern and Southern funds for the Pacific Salmon Treaty. These funds were created last year when the U.S. and Canada came to an agreement on a 10-year management scheme for salmon species covered under the treaty.

The 1999 agreement also created a transboundary panel under the treaty; and this bill creates that panel, authorizes its participants and allows them to be compensated for time spent working on the panel.

Finally, the bill includes a section that allows the commissioners to the International Pacific Salmon Fisheries Commission and the North Pacific Fisheries Commission to get a review of their pension. These individuals are U.S. citizens and have been paid in Canadian dollars and have been harmed by the differences in the exchange rate.

This bill would allow for review in a lump sum payment out of existing funds if an inequity has occurred.

Mr. Speaker, this is an important conservation bill and will do a great deal to conserve salmon and restore salmon habitat in the Northwest, and I urge an aye vote on the legislation.

Mr. Speaker, I reserve the balance of my time.

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Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2798, the Pacific Salmon Recovery Act introduced by the gentleman from California (Mr. THOMPSON). I know that the gentleman from California (Mr. THOMPSON) gladly would have been here to offer his statement of support, but those of us from the most western part of the United States find it very difficult to make our flights on time on a day like Monday, but I am sure that he would have been happy to be here to present his statement in support of this legislation.

Mr. Speaker, as many Members of the House are aware, salmon are an important part of the economy of the West Coast of the United States and are fished both commercially and recreationally. They are also very important to tribal custom and tradition, and their decline in the past decade has been widely felt throughout the region.

Already 25 varieties of salmon in the Pacific Northwest in California have been listed as endangered or threatened under the Endangered Species Act, and more listings are very likely to occur. The causes of this decline are many, but can be predominantly attributed to habitat loss, water diversions, and river alteration.

Mr. Speaker, restoration of salmon stocks will be difficult and the work to restore habitats and modify water uses can only be successful with the full participation of State and local governments. For that reason, the States and the administration support a coast-wide salmon recovery effort to be implemented by the States and the coastal tribes. Approximately $58 million was appropriated in this effort last year and the House Committee on Appropriations has allocated additional funding this year contingent upon an authorization.

Mr. Speaker, H.R. 2798 would provide that authorization. It has broad bipartisan support of the States, the administration, and fishing and conservation groups, and I urge my colleagues to support this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I urge an "aye" vote on this legislation, and I appreciate the gentleman from American Samoa for helping out with this legislation.

Mr. THOMPSON of California. Mr. Speaker, I rise today in support of the H.R. 2798, the Pacific Salmon Recovery Act.

My northern California district comprises several hundred miles of coastline and a large proportion of our State's salmon fisheries. However, decades of water diversions, dam building, poor industrial practices, and urban development have had a terrible impact on the rivers and streams of the Pacific Northwest.

While salmon are still an integral part of the culture of my district, the fish stocks themselves are in a state of collapse.

Twenty-six distinct population segments of Pacific salmon and sea-run trout are listed as either endangered or threatened under the Endangered Species Act.

According to the U.S. Fish and Wildlife Service, the Trinity River system alone has lost more than 80 percent of its King Salmon and more than 60 percent of its Steelhead Trout over the past 50 years.

As recently as 1988, sport and commercial salmon fishing in the Pacific region generated more than $1.25 billion for the regional economy.

Since them, salmon fishing closures have contributed to the loss of nearly 80 percent of this region's job base, with a total salmon industry loss over the past 30 years of approximately 72,000 family wage jobs.

Today, at least 80 percent of the salmon caught commercially in the Pacific Northwest and northern California each year come, not from wild populations, but from hatchery stocks.

With commercial harvest of coho salmon completely illegal and other species not far behind, hundreds of our fishing men and women have been forced out of business and our local economies have suffered.

Early efforts at the state level have begun the process of reversing the decline of our salmon economy.

But even this effort will not be sufficient. The Pacific Salmon Recovery Act will provide a much-needed boost to our stream restoration efforts, as it will for the states of Idaho, Oregon, Washington, and Alaska.

H.R. 2798 authorizes up to $200 million for salmon habitat restoration activities by the five Pacific states and the tribal governments over three years.

Administrative expenses are capped at 1 percent for the Secretary of Commerce and 3 percent for the states and tribal governments to ensure that funds are spent where they are most desperately needed.

Financial assistance to the states is contingent on a Memorandum of Understanding. At a minimum, the MOU will prioritize salmon recovery, provide measurable criteria for measuring success, and promote projects that are scientifically based and cost-effective.

Eligible uses of the money include watershed planning, single, and multi-year project grants, watershed organization support and assistance, and project maintenance and monitoring.

Decline of the salmon stocks and the resulting land use restrictions have impact every economic sector in the Pacific Northwest, from fishing to farming to manufacturing to recreation.

We will never be able to return to what was once "business as usual," but this measure would provide a significant step toward restoring our salmon habitat and repairing our local economies.

Private landowners, conservation groups, and industry already have committed to the lengthy process of repairing the damage done.

I urge my colleagues to support state, local, and private efforts to restore the Pacific Salmon runs by supporting the Pacific Salmon Recovery Act.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2798, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho for salmon habitat restoration projects in coastal waters and upland drainages, and for other purposes.".

A motion to reconsider was laid on the table.

## BLACK HILLS NATIONAL FOREST AND ROCKY MOUNTAIN RESEARCH STATION IMPROVEMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4226) to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest, as amended.

The Clerk read as follows:

H.R. 4226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Black Hills National Forest and Rocky Mountain Research Station Improvement Act".*

***SEC. 2. SALE OR EXCHANGE OF LAND, BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA.***

*(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary")*

*may, under such terms and conditions as the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the approximately 362 acres contained in the following parcels of land in the State of South Dakota:*

*(1) Tract BLKH–1 "Spearfish Dwelling" (approximately 0.24 acres); N½ of Lot 8 and Lot 9 of Block 16, Section 10, T6N, R2E, Black Hills Meridian.*

*(2) Tract BLKH–2 "Deadwood Garage" (approximately 0.12 acres); Lots 9 and 11 of Block 34, Section 23, T5N, R3E, Black Hills Meridian.*

*(3) Tract BLKH–3 "Deadwood Dwellings" (approximately 0.32 acres); Lots 12-16, inclusive, of Block 44, Section 23, T5N, R3E, Black Hill Meridian.*

*(4) Tract BLKH–4 "Hardy Work Center" (approximately 150 acres); E½SW¼SE¼, SE¼SE¼, Section 19; NE¼NW¼NE¼, E½NE¼SE¼, E½SE¼NE¼, NE¼NE¼, Section 30, T3N, R1E, Black Hills Meridian.*

*(5) Tract BLKH–6 "Pactola Work Center" (approximately 100 acres); W½SW¼NW¼, W½NW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼, Section 25; E½NE¼SE¼, SE¼SE¼NE¼, Section 26, T2N, R5E, Black Hills Meridian.*

*(6) Tract BLKH–7 "Pactola Ranger District Office" (approximately 8.25 acres); Lot 1 of Ranger Station Subdivision, Section 4, T1N, R7E, Black Hills Meridian.*

*(7) Tract BLKH–8 "Reder Administrative Site" (approximately 82 acres); Lots 6 and 7, Section 29; Lot A of Reder Placer, Lot 19, NW¼SE¼NE¼, Section 30, T1S, R5E, Black Hills Meridian.*

*(8) Tract BLKH–9 "Allen Gulch Properties" (approximately 21 acres); Lot 14 less and except Tract STA #0029, Section 25, and Lot 1, Section 36, T1S, R4E, Black Hills Meridian.*

*(9) Tract BLKH-10 "Custer Ranger District Office" (approximately 0.39 acres); Lots 4 and 9 of Block 125 and the East 15 feet of the vacated north/south alley adjacent to Lot 4, City of Custer, Section 26, T3S, R4E, Black Hills Meridian.*

*(b) TECHNICAL CORRECTIONS.—The Secretary may make technical corrections to the legal descriptions in paragraphs (1) through (9) of subsection (a).*

*(c) APPLICABLE AUTHORITIES.—Except as otherwise provided in this section, any sale or exchange of land described in subsection (a) shall be subject to laws (including regulations) applicable to the conveyance and acquisition of land for National Forest System purposes.*

*(d) CASH EQUALIZATION.—Notwithstanding any other provision of law, the Secretary may accept cash equalization payments in excess of 25 percent of the total value of the land described in subsection (a) from any exchange under subsection (a).*

*(e) SOLICITATIONS OF OFFERS.—*

*(1) IN GENERAL.—In carrying out this section, the Secretary may use solicitations of offers for sale or exchange under this section on such terms and conditions as the Secretary may prescribe.*

*(2) REJECTION OF OFFERS.—The Secretary may reject any offer under this section if the Secretary determines that the offer is not adequate or not in the public interest.*

*(f) DISPOSITION OF FUNDS.—Any funds received by the Secretary from a sale under this section or as cash equalization payments from an exchange under this section—*

*(1) shall be deposited into the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and*

*(2) shall be available for expenditure, on appropriation, for—*

*(A) the acquisition from willing sellers of land and interests in land in the State of South Dakota; and*

*(B) the acquisition or construction of administrative improvements in connection with the Black Hills National Forest.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.*

***SEC. 3. REPLACEMENT LABORATORY, ROCKY MOUNTAIN RESEARCH STATION, RAPID CITY, SOUTH DAKOTA.***

*(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Agriculture $2,100,000 for a laboratory facility for the Rocky Mountain Research Station in Rapid City, South Dakota, to replace the obsolete laboratory capability at the research station. The replacement facility shall be colocated with at least one of the administrative improvements for the Black Hills National Forest acquired or constructed under the authority of section 2(f)(2)(B).*

*(b) CONDITIONS ON ACQUISITION OF PROPERTY.—No funds available to carry out this section may be used to purchase or otherwise acquire property unless—*

*(1) the acquisition is from willing sellers; and*

*(2) the property is located within the boundaries of the State of South Dakota.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4226 was introduced by our esteemed colleague, the gentleman from South Dakota (Mr. THUNE). This legislation would allow the Forest Service to consolidate and upgrade several administrative sites in the Black Hills National Forest as well as provide authorization of $2.1 million for the construction of a replacement lab for a branch of the Rocky Mountain Research Center currently located in Rapid City, South Dakota.

The subcommittee on Forests and Forest Health held a hearing on May 3, 2000 where the gentleman from South Dakota (Mr. THUNE) and the Forest Service testified in support of the legislation. However, the Forest Service requested the bill to be amended to formally identify the sites to be relocated, and requested that the Rapid City branch of the Rocky Mountain Research Station not be required to co-locate a new administrative site in the Black Hills National Forest. Negotiations continued on this bill throughout the entire committee process and the bill that is satisfactory to all of those involved was ordered reported by the full committee, as amended, on July 26, 2000, by unanimous consent.

Mr. Speaker, I urge all Members to vote for this important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4226 authorizes the Secretary of Agriculture to sell or exchange nine administrative sites on approximately 367 acres of land in the Black Hills National Forest in South Dakota. Funds from the sale or exchange of the lands which are valued at around $2.4 million will be used to relocate, consolidate and upgrade administrative offices through land acquisition and construction of facilities. Construction costs to combine four district ranger offices into two new buildings are estimated to be around $4 million.

Mr. Speaker, the bill also authorizes $2.1 million to be appropriated for the construction of a laboratory facility in the Rocky Mountain Research Center in Rapid City, South Dakota. This facility is to be allocated with one of the administrative sites acquired or constructed through the sale of the lands. The existing research station center is in need of significant repair and does not meet OSHA and the provisions of the Americans With Disabilities Act requirements.

The administration supports this legislation, it has bipartisan support from my colleagues on both sides of the aisle, and I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE), and I commend him for coming from one of the more beautiful States in this country and representing the heritage of the Black Hills.

Mr. THUNE. Mr. Speaker, I thank the gentleman from Maryland for yielding me this time. As always, I welcome him to come to South Dakota to enjoy the beauty of the Black Hills.

I rise today in support of H.R. 4226, the Black Hills National Forest and Rocky Mountain Research Center improvement act of 2000.

Mr. Speaker, early this spring, I held a land use summit in Rapid City, South Dakota. At that event, Members, departments, and multiple-use groups voiced their frustration about the possible closing of the Rocky Mountain Research Center for Great Plains Ecosystem Research located in Rapid City.

In response to the concerns raised at the land use summit, I introduced H.R. 4226. The funds authorized by this bill would help preserve important research positions and allow the Rocky Mountain Research Center to continue studying and addressing a range of wildlife issues on the region's grasslands and woodlands. The research station plays an important role in helping manage the Black Hills National Forest and grasslands. The station, which focuses on managing prairies to sustain livestock and wildlife, has been instrumental in decisions affecting wood production and stream flows, and in providing forage for livestock and wildlife species.

Additionally, and perhaps most importantly, in light of the devastating fires that raged in the Black Hills region this summer, the research station provides vital fire ecology research.

Mr. Speaker, this bill contains two major provisions that address these important forest management and health needs for South Dakota.

First, H.R. 4226 authorizes the Secretary of Agriculture to sell or exchange certain lands owned by the Forest Service and to use the funds to acquire land in order to construct two administrative sites for the Black Hills National Forest. By allowing the Black Hills National Forest to construct two new administrative facilities, the Forest Service will be able to eliminate two leased offices which have an annual cost of $150,000, thereby consolidating four administrative sites into two.

Additionally, by allowing the sale or exchange of these lands, the Black Hills National Forest can increase efficiency and communications, decrease public confusion over the location of administrative sites, and make the Black Hills more visible and available to the over four million people that visit the area each year. Furthermore, according to the Forest Service, this bill will save the taxpayers an additional $109,000 in annual maintenance costs and $880,000 in deferred maintenance costs.

Mr. Speaker, H.R. 4226 also contains a provision to protect private property owners from being forced to sell their land for the project. Second, this bill authorizes $2.1 million to build a new research laboratory for the Rocky Mountain Research Center to be co-located with one of the new Forest Service administrative buildings.

Authorizing the funds to build the new research laboratory is essential, because the Forest Service has indicated it may close the research station if it does not have a new facility. Currently the station's laboratory needs major repairs, is not handicap accessible, does not meet OSHA regulations and is inadequate to support the unit's mission. In fact, it is my understanding that the current facility housing the Rocky Mountain Research Center in Rapid City was among the lowest ranked in a recent review of all USDA research facilities by the strategic planning task force on USDA research.

The Forest Service has estimated the construction of a new lab co-located with one of the new administrative sites would save the taxpayers $10,200 in annual maintenance costs, and $219,700 in deferred maintenance costs.

Mr. Speaker, I would like to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, and the gentleman from California (Mr. MILLER), the ranking member. I would also like to thank the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), the chairman of the Subcommittee on Forests and Forest Health and the gentleman from Washington (Mr. SMITH), the ranking member, for their work on this bill. I would also like to thank their staff and, in particular, Veronica Rolocut and Erica Rosenberg.

Additionally, I want to thank Dan Uresk at the Rocky Mountain Research Center as well as Black Hills National Forest Supervisor John Twiss for their help on this legislation.

Mr. Speaker, this bill will streamline administrative operations in the Black Hills National Forest as well as provide a future for the Rocky Mountain Research Station and the valuable information that it provides.

Mr. Speaker, I urge my colleagues to support this legislation by voting to pass H.R. 4226.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to compliment the gentleman from South Dakota for an excellent presentation, especially as the chief sponsor of this legislation.

Mr. Speaker, I do not have any additional speakers, so I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 4226, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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□ 1430

## COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1113) to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of the water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California, as amended.

The Clerk read as follows:

H.R. 1113

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

### SEC. 2. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this Act referred to as the "Secretary"), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this Act referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this Act referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

### SEC. 3. PROJECT SELECTION.

(a) ELIGIBLE PROJECTS.—A project shall be an eligible project for purposes of section 2 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled "Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin", dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) COMPATIBILITY REQUIREMENT.—The Secretary shall ensure that projects for which assistance is provided under this Act are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

### SEC. 4. COST SHARING.

(a) NON-FEDERAL SHARE.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this Act;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.—Funds appropriated pursuant to this Act may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) TREATMENT OF CONTRIBUTIONS.—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

**SEC. 5. COSTS NONREIMBURSABLE.**

Amounts expended pursuant to this Act shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

**SEC. 6. AGREEMENTS.**

Funds appropriated pursuant to this Act may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 4(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 4(b).

**SEC. 7. REIMBURSEMENT.**

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 2 before the date amounts are provided for the project under this Act, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 4.

**SEC. 8. COOPERATIVE AGREEMENTS.**

(a) IN GENERAL.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this Act.

(b) SUBCONTRACTING.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

**SEC. 9. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.**

Activities carried out, and financial assistance provided, under this Act shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

**SEC. 10. APPROPRIATIONS AUTHORIZED.**

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this Act. Sums appropriated under this section shall remain available until expended.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1113 introduced, by the gentleman from California (Mr. OSE), addresses issues associated with water management, flood control, drainage and subsistence occurring within the multicounty Colusa Basin in California.

The bill intends to reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water. It will assist in groundwater recharge efforts, as well as provide funding for conservation, conjunctive use and increased water supplies.

One of the prime objectives of local project proponents in seeking introduction of this legislation was to specifically identify a congressional priority for funding from within existing Federal programs. This authorization is not intended to expand Federal expenditure but is to prioritize existing spending. I would encourage my colleagues to vote for the legislation.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. OSE) to address some of his feelings on this legislation that affects his Congressional District.

Mr. OSE. Mr. Speaker, oftentimes, I am reminded by others who are smarter than I, when an organization does what one is hoping it does, perhaps the best thing one can do is just sit down and be quiet. However, I did want to offer a few remarks on the passage of H.R. 1113.

H.R. 1113 is a win-win for my district in that it provides the opportunity to complete work that was commenced under my predecessor's tenure. When Vic Fazio was here in the 105th Congress, he worked with Members on both sides of the aisle, the purpose of which was to bring some flood protection to the Colusa Basin and its residents. He was, I believe, able to get this package passed through the House twice, actually; but, unfortunately, it got caught in a time crunch at the end of the 105th and, as such, did not get signed by the President.

We are back here today on the first step of the new travels of the new journey. We pass it here in the House. It will go on to the Senate from here. The essential components of this bill are that we provide flood protection for people in the Colusa Basin, hopefully averting up to an average of $5 million a year in flood damage that occurs on seasonal streams off the Pacific Coast range.

It provides up to 10,000 acres of new wetlands and habitat for wildlife along the Pacific flyaway. It is supported by the Yolo, Glenn and Colusa Boards of Supervisors, the California Farm Bureau, local organizations like the Family Water Alliance, the Sacramento Valley Landowners Association, the Glenn-Colusa Irrigation District, and also by the municipalities such as Willows, Colusa and Orland.

It is also somewhat of a unique vehicle in that the Colusa Basin Drainage District has entered into a memorandum of understanding somewhat unusual in this, laying out the parameters under which the 10,000 acres of new wildlife and habitat area will be managed. It is unique in that sense.

It is perhaps a vehicle we could mimic elsewhere in the country as we work to balance our needs between the demands of humans for flood protection and our needs to help in the environment and the like.

Again, I want to express my appreciation to the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for allowing me to come and speak.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my good friend, the gentleman from Maryland (Mr. GILCHREST) for his management of the legislation and on the floor.

Mr. Speaker, this bill authorizes a number of relatively small structures for water retention and watershed management in California's Colusa Basin. The bill, as amended, now requires a reasonable level of local cost sharing to help cover project planning, design and environmental compliance expenses. I thank the gentleman from California (Mr. OSE) for his sponsorship of this bill, and I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I urge my colleagues to vote aye on the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1113, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## MISSOURI RIVER BASIN PROJECT CONVEYANCE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2984) to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup

Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska, as amended.

The Clerk read as follows:

H. R. 2984

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF THE ASSETS OF THE MIDDLE LOUP DIVISION OF THE MISSOURI RIVER BASIN PROJECT, NEBRASKA.**

(a) IN GENERAL.—The Secretary shall, as soon as practicable after the date of enactment of this Act and in accordance with all applicable law, convey all right, title, and interest in and to the property comprising the assets of the Missouri River Basin Project, Middle Loup Division, Nebraska, in accordance with the Memorandum of Understanding.

(b) SALE PRICE.—The Secretary shall accept $2,847,360 as payment from the District and $2,600,000 as payment from the power customers under the terms specified in this section, as consideration for the conveyance under subsection (a). Out of the receipts from the sale of power from the Pick-Sloan Missouri Basin Program (Eastern Division) collected by the Western Area Power Administration and deposited into the Reclamation fund of the Treasury in fiscal year 2001, $2,600,200 shall be treated as full and complete payment by the power customers of such consideration and repayment by the power customers of all aid to irrigation associated with the facilities conveyed under subsection (a).

(c) FUTURE BENEFITS.—Upon payment by the Districts of consideration for the conveyance in accordance with the Memorandum of Understanding, the Middle Loup Division of the Missouri River Basin Project—

(1) shall not be treated as a Federal reclamation project; and

(2) shall not be subject to the reclamation laws or entitled to receive any reclamation benefits under those laws.

(d) LIABILITY.—Except as otherwise provided by law, effective on the date of conveyance of the assets under this section, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the assets.

(e) DEFINITIONS.—In this section:

(1) ASSETS.—The term "assets" has the meaning that term has in the Memorandum of Understanding.

(2) DISTRICTS.—The term "Districts" means the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska.

(3) MEMORANDUM OF UNDERSTANDING.—The term "Memorandum of Understanding" means Bureau of Reclamation memorandum of understanding number 99AG601285, entitled "MEMORANDUM OF UNDERSTANDING BETWEEN UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION GREAT PLAINS REGION NEBRASKA-KANSAS AREA OFFICE AND LOUP BASIN RECLAMATION DISTRICT FARWELL IRRIGATION DISTRICT SARGENT IRRIGATION DISTRICT CONCERNING PRINCIPLES AND ELEMENTS OF PROPOSED TRANSFER OF TITLE TO WORKS, FACILITIES AND LANDS IN THE MIDDLE LOUP DIVISION".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

GENERAL LEAVE

Mr. Gilchrest. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2984.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2984 directs the Secretary of Interior to convey all right, title and interest in the Middle Loup Division to the Farwell Irrigation District; the Sargent Irrigation District; and the Loup Basin Reclamation District, in the State of Nebraska, in accordance with a signed memorandum of understanding between the Bureau of Reclamation and the districts.

An agreement on the sale price has been worked out between the districts, the Bureau of Reclamation and Western Area Power Administration for the facilities to be conveyed under this act. I urge an aye vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2984, as amended, would direct to the Bureau of Reclamation, subject to applicable law, to convey a portion of the Pick-Sloan Missouri Basin flood control and irrigation project to the Loup Basin Reclamation District, the Sargent River Irrigation District and the Farwell Irrigation District in Nebraska.

This legislation, as amended, it is my understanding that the administration supports it and at a later point in time I will reserve the right to vote on this suspension bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2984, as amended.

The question was taken.

Mr. FALEOMAVAEGA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4643) to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4643

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Torres-Martinez Desert Cahuilla Indians Claims Settlement Act".

**SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) In 1876, the Torres-Martinez Indian Reservation was created, reserving a single, 640-acre section of land in the Coachella Valley, California, north of the Salton Sink. The Reservation was expanded in 1891 by Executive Order, pursuant to the Mission Indian Relief Act of 1891, adding about 12,000 acres to the original 640-acre reservation.

(2) Between 1905 and 1907, flood waters of the Colorado River filled the Salton Sink, creating the Salton Sea, inundating approximately 2,000 acres of the 1891 reservation lands.

(3) In 1909, an additional 12,000 acres of land, 9,000 of which were then submerged under the Salton Sea, were added to the reservation under a Secretarial Order issued pursuant to a 1907 amendment of the Mission Indian Relief Act. Due to receding water levels in the Salton Sea through the process of evaporation, at the time of the 1909 enlargement of the reservation, there were some expectations that the Salton Sea would recede within a period of 25 years.

(4) Through the present day, the majority of the lands added to the reservation in 1909 remain inundated due in part to the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella, and Mexicali Valleys into the Salton Sea.

(5) In addition to those lands that are inundated, there are also tribal and individual Indian lands located on the perimeter of the Salton Sea that are not currently irrigable due to lack of proper drainage.

(6) In 1982, the United States brought an action in trespass entitled "United States of America, in its own right and on behalf of Torres-Martinez Band of Mission Indians and the Allottees therein v. the Imperial Irrigation District and Coachella Valley Water District", Case No. 82-1790 K (M) (hereafter in this section referred to as the "U.S. Suit") on behalf of the Torres-Martinez Indian Tribe and affected Indian allottees against the two water districts seeking damages related to the inundation of tribal- and allottee-owned lands and injunctive relief to prevent future discharge of water on such lands.

(7) On August 20, 1992, the Federal District Court for the Southern District of California

entered a judgment in the U.S. Suit requiring the Coachella Valley Water District to pay $212,908.41 in past and future damages and the Imperial Irrigation District to pay $2,795,694.33 in past and future damages in lieu of the United States request for a permanent injunction against continued flooding of the submerged lands.

(8) The United States, the Coachella Valley Water District, and the Imperial Irrigation District have filed notices of appeal with the United States Court of Appeals for the Ninth Circuit from the district court's judgment in the U.S. Suit (Nos. 93–55389, 93–55398, and 93–55402), and the Tribe has filed a notice of appeal from the district court's denial of its motion to intervene as a matter of right (No. 92–55129).

(9) The Court of Appeals for the Ninth Circuit has stayed further action on the appeals pending the outcome of settlement negotiations.

(10) In 1991, the Tribe brought its own lawsuit, Torres-Martinez Desert Cahuilla Indians, et al., v. Imperial Irrigation District, et al., Case No. 91–1670 J (LSP) (hereafter in this section referred to as the "Indian Suit") in the United States District Court, Southern District of California, against the two water districts, and amended the complaint to include as a plaintiff, Mary Resvaloso, in her own right, and as class representative of all other affected Indian allotment owners.

(11) The Indian Suit has been stayed by the district court to facilitate settlement negotiations.

(b) PURPOSE.—The purpose of this Act is to facilitate and implement the settlement agreement negotiated and executed by the parties to the U.S. Suit and Indian Suit for the purpose of resolving their conflicting claims to their mutual satisfaction and in the public interest.

**SEC. 3. DEFINITIONS.**

For the purposes of this Act:

(1) TRIBE.—The term "Tribe" means the Torres-Martinez Desert Cahuilla Indians, a federally recognized Indian tribe with a reservation located in Riverside and Imperial Counties, California.

(2) ALLOTTEES.—The term "allottees" means those individual Tribe members, their successors, heirs, and assigns, who have individual ownership of allotted Indian trust lands within the Torres-Martinez Indian Reservation.

(3) SALTON SEA.—The term "Salton Sea" means the inland body of water located in Riverside and Imperial Counties which serves as a drainage reservoir for water from precipitation, natural runoff, irrigation return flows, wastewater, floods, and other inflow from within its watershed area.

(4) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the Agreement of Compromise and Settlement Concerning Claims to the Lands of the United States Within and on the Perimeter of the Salton Sea Drainage Reservoir Held in Trust for the Torres-Martinez Indians executed on June 18, 1996, as modified by the first, second, third, and fourth modifications thereto.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) PERMANENT FLOWAGE EASEMENT.—The term "permanent flowage easement" means the perpetual right by the water districts to use the described lands in the Salton Sink within and below the minus 220-foot contour as a drainage reservoir to receive and store water from their respective water and drainage systems, including flood water, return flows from irrigation, tail water, leach water, operational spills, and any other water which overflows and floods such lands, originating from lands within such water districts.

**SEC. 4. RATIFICATION OF SETTLEMENT AGREEMENT.**

The United States hereby approves, ratifies, and confirms the Settlement Agreement.

**SEC. 5. SETTLEMENT FUNDS.**

(a) ESTABLISHMENT OF TRIBAL AND ALLOTTEES SETTLEMENT TRUST FUNDS ACCOUNTS.—

(1) IN GENERAL.—There are established in the Treasury of the United States three settlement trust fund accounts to be known as the "Torres-Martinez Settlement Trust Funds Account", the "Torres-Martinez Allottees Settlement Account I", and the "Torres-Martinez Allottees Settlement Account II", respectively.

(2) AVAILABILITY.—Amounts held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II shall be available to the Secretary for distribution to the Tribe and affected allottees in accordance with subsection (c).

(b) CONTRIBUTIONS TO THE SETTLEMENT TRUST FUNDS.—

(1) IN GENERAL.—Amounts paid to the Secretary for deposit into the trust fund accounts established by subsection (a) shall be allocated among and deposited in the trust accounts in the amounts determined by the tribal-allottee allocation provisions of the Settlement Agreement.

(2) CASH PAYMENTS BY COACHELLA VALLEY WATER DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Coachella Valley Water District shall pay the sum of $337,908.41 to the United States for the benefit of the Tribe and any affected allottees.

(3) CASH PAYMENTS BY IMPERIAL IRRIGATION DISTRICT.—Within the time, in the manner, and upon the conditions specified in the Settlement Agreement, the Imperial Irrigation District shall pay the sum of $3,670,694.33 to the United States for the benefit of the Tribe and any affected allottees.

(4) CASH PAYMENTS BY THE UNITED STATES.—Within the time and upon the conditions specified in the Settlement Agreement, the United States shall pay into the three separate tribal and allottee trust fund accounts the total sum of $10,200,000, of which sum—

(A) $4,200,000 shall be provided from moneys appropriated by Congress under section 1304 of title 31, United States Code, the conditions of which are deemed to have been met, including those of section 2414 of title 28, United States Code; and

(B) $6,000,000 shall be provided from moneys appropriated by Congress for this specific purpose to the Secretary.

(5) ADDITIONAL PAYMENTS.—In the event that any of the sums described in paragraph (2) or (3) are not timely paid by the Coachella Valley Water District or the Imperial Irrigation District, as the case may be, the delinquent payor shall pay an additional sum equal to 10 percent interest annually on the amount outstanding daily, compounded yearly on December 31 of each respective year, until all outstanding amounts due have been paid in full.

(6) SEVERALLY LIABLE FOR PAYMENTS.—The Coachella Valley Water District, the Imperial Irrigation District, and the United States shall each be severally liable, but not jointly liable, for its respective obligation to make the payments specified by this subsection.

(c) ADMINISTRATION OF SETTLEMENT TRUST FUNDS.—The Secretary shall administer and distribute funds held in the Torres-Martinez Settlement Trust Funds Account, the Torres-Martinez Allottees Settlement Account I, and the Torres-Martinez Allottees Settlement Account II in accordance with the terms and conditions of the Settlement Agreement.

**SEC. 6. TRUST LAND ACQUISITION AND STATUS.**

(a) ACQUISITION AND PLACEMENT OF LANDS INTO TRUST.—

(1) IN GENERAL.—The Secretary shall convey into trust status lands purchased or otherwise acquired by the Tribe within the areas described in paragraphs (2) and (3) in an amount not to exceed 11,800 acres in accordance with the terms, conditions, criteria, and procedures set forth in the Settlement Agreement and this Act. Subject to such terms, conditions, criteria, and procedures, all lands purchased or otherwise acquired by the Tribe and conveyed into trust status for the benefit of the Tribe pursuant to the Settlement Agreement and this Act shall be considered as if such lands were so acquired in trust status in 1909 except as (i) to water rights as provided in subsection (c), and (ii) to valid rights existing at the time of acquisition pursuant to this Act.

(2) PRIMARY ACQUISITION AREA.—

(A) IN GENERAL.—The primary area within which lands may be acquired pursuant to paragraph (1) consists of the lands located in the Primary Acquisition Area, as defined in the Settlement Agreement. The amount of acreage that may be acquired from such area is 11,800 acres less the number of acres acquired and conveyed into trust under paragraph (3).

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(3) SECONDARY ACQUISITION AREA.—

(A) IN GENERAL.—Not more than 640 acres of land may be acquired pursuant to paragraph (1) from those certain lands located in the Secondary Acquisition Area, as defined in the Settlement Agreement.

(B) EFFECT OF OBJECTION.—Lands referred to in subparagraph (A) may not be acquired pursuant to paragraph (1) if by majority vote—

(i) the governing body of the city within whose incorporated boundaries (as such boundaries exist on the date of the Settlement Agreement) the subject lands are situated within, or

(ii) the governing body of Riverside County, California, in the event that such lands are located within an unincorporated area,

formally objects to the Tribe's request to convey the subject lands into trust and notifies the Secretary of such objection in writing within 60 days of receiving a copy of the Tribe's request in accordance with the Settlement Agreement. Upon receipt of such a notification, the Secretary shall deny the acquisition request.

(4) CONTIGUOUS LANDS.—The Secretary shall not take any lands into trust for the Tribe under generally applicable Federal

statutes or regulations where such lands are both—

(A) contiguous to any lands within the Secondary Acquisition Area that are taken into trust pursuant to the terms of the Settlement Agreement and this Act; and

(B) situated outside the Secondary Acquisition Area.

(b) Restrictions on Gaming.—The Tribe may conduct gaming on only one site within the lands acquired pursuant to subsection 6(a)(1) as more particularly provided in the Settlement Agreement.

(c) Water Rights.—All lands acquired by the Tribe under subsection (a) shall—

(1) be subject to all valid water rights existing at the time of tribal acquisition, including (but not limited to) all rights under any permit or license issued under the laws of the State of California to commence an appropriation of water, to appropriate water, or to increase the amount of water appropriated;

(2) be subject to the paramount rights of any person who at any time recharges or stores water in a ground water basin to recapture or recover the recharged or stored water or to authorize others to recapture or recover the recharged or stored water; and

(3) continue to enjoy all valid water rights appurtenant to the land existing immediately prior to the time of tribal acquisition.

### SEC. 7. PERMANENT FLOWAGE EASEMENTS.

(a) Conveyance of Easement to Coachella Valley Water District.—

(1) Tribal interest.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall convey to the Coachella Valley Water District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United states interest.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, convey to the Coachella Valley Water District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(b) Conveyance of Easement to Imperial Irrigation District.—

(1) Tribal interest.—The United States, in its capacity as trustee for the Tribe, as well as for any affected Indian allotment owners, and their successors and assigns, and the Tribe in its own right and that of its successors and assigns, shall grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Indian trust lands (approximately 11,800 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

(2) United states.—The United States, in its own right shall, notwithstanding any prior or present reservation or withdrawal of land of any kind, grant and convey to the Imperial Irrigation District a permanent flowage easement as to all Federal lands (approximately 110,000 acres) located within and below the minus 220-foot contour of the Salton Sink, in accordance with the terms and conditions of the Settlement Agreement.

### SEC. 8. SATISFACTION OF CLAIMS, WAIVERS, AND RELEASES.

(a) Satisfaction of Claims.—The benefits available to the Tribe and the allottees under the terms and conditions of the Settlement Agreement and the provisions of this Act shall constitute full and complete satisfaction of the claims by the Tribe and the allottees arising from or related to the inundation and lack of drainage of tribal and allottee lands described in section 2 of this Act and further defined in the Settlement Agreement.

(b) Approval of Waivers and Releases.—The United States hereby approves and confirms the releases and waivers required by the Settlement Agreement and this Act.

### SEC. 9. MISCELLANEOUS PROVISIONS.

(a) Eligibility for Benefits.—Nothing in this Act or the Settlement Agreement shall affect the eligibility of the Tribe or its members for any Federal program or diminish the trust responsibility of the United States to the Tribe and its members.

(b) Eligibility for Other Services Not Affected.—No payment pursuant to this Act shall result in the reduction or denial of any Federal services or programs to the Tribe or to members of the Tribe, to which they are entitled or eligible because of their status as a federally recognized Indian tribe or member of the Tribe.

(c) Preservation of Existing Rights.—Except as provided in this Act or the Settlement Agreement, any right to which the Tribe is entitled under existing law shall not be affected or diminished.

(d) Amendment of Settlement Agreement.—The Settlement Agreement may be amended from time to time in accordance with its terms and conditions to the extent that such amendments are not inconsistent with the trust land acquisition provisions of the Settlement Agreement, as such provisions existed on—

(1) the date of the enactment of this Act, in the case of Modifications One and Three; and

(2) September 14, 2000, in the case of Modification Four.

### SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

### SEC. 11. EFFECTIVE DATE.

(a) In General.—Except as provided by subsection (b), this Act shall take effect on the date of enactment of this Act.

(b) Exception.—Sections 4, 5, 6, 7, and 8 shall take effect on the date on which the Secretary determines the following conditions have been met:

(1) The Tribe agrees to the Settlement Agreement and the provisions of this Act and executes the releases and waivers required by the Settlement Agreement and this Act.

(2) The Coachella Valley Water District agrees to the Settlement Agreement and to the provisions of this Act.

(3) The Imperial Irrigation District agrees to the Settlement Agreement and to the provisions of this Act.

The SPEAKER pro tempore. Pursuant to the rule: the gentleman from Maryland (Mr. Gilchrest) and the gentleman from American Samoa (Mr. Faleomavaega) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. Gilchrest).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4643.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4643, a bill which will provide for the settlement of issues and claims related to the trust land of the Torres-Martinez Indian tribe.

H.R. 4643 would settle claims related to the loss of approximately 14,000 acres of trust lands by the Torres-Martinez Indian tribe. It would also implement a comprehensive settlement negotiated after 18 years of litigation involving the Federal Government and the tribe.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. Bono), whose district is impacted, to further explain the legislation.

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 4643, the Torres-Martinez Desert Cahuilla Indian Claim Settlement Act. Mr. Speaker, this legislation will bring an end to an injustice suffered by this tribe nearly a century ago. And for nearly a quarter of a century, the tribe has been working with the Federal Government and local water districts to reach a settlement that is fair and equitable for all parties. Finally, we have the opportunity to right this injustice and resolve this long-standing issue.

The Torres-Martinez tribe has been without the use of over 11,000 acres of their reservation lands, due to an accident of the Federal Government nearly a century ago. This accident was compounded by the more recent actions of local water districts and agricultural interests in the southeastern section of California.

Between 1905 and 1907, flood waters of the Colorado River breached an Army Corps of Engineers retaining dike and spilled into the Salton Sink. The result of this accident was the creation of the Salton Sea and the loss of the Torres-Martinez reservation lands. These lands remained inundated due in part of the flowage of natural runoff and drainage water from the irrigation systems of the Imperial, Coachella and Mexicali Valleys into the Salton Sea.

This issue has been before the Ninth Circuit Court of Appeals for two decades. After years spent in the judicial system, the Court and the tribe have turned to Congress and the administration to reach a settlement agreement that provides an equitable resolution that all agree is long overdue. Everyone may recall that my late husband, the Honorable Sonny Bono, also tried to bring a resolution to this issue in

1996. This body approved his bill. However, due to time constraints and disputes with entities that were not party to the settlement agreement itself, the bill never cleared the Senate and never made it to the President's desk, despite the administration's keen interest in having the bill signed into law.

Now, 95 years after the Torres-Martinez suffered their loss of lands, the time has come to finally remedy this situation. This Congress has one more chance to attempt to help this impoverished tribe; and it is my sincere hope that we will seize this opportunity and right this wrong once and for all.

Mr. Speaker, the Torres-Martinez people have worked tirelessly to accommodate the requests of the local cities, the County of Riverside and other local tribes. They have proven to be good neighbors by incorporating many suggestions and changes into the settlement agreement and this legislation. Some would argue that they have been too accommodating. As a result of numerous public forums and face-to-face meetings, this legislation reflects a consensus of the entire community. That is why the bill is supported by a wide variety of entities including the City of Coachella, within whose jurisdictional boundaries the Torres-Martinez may acquire land, consistent with existing law and the provisions contained in both the settlement agreement and this act. The tribe also enjoys the full support of Riverside County, the only other governmental entity within whose jurisdiction this tribe may acquire land as part of this settlement.

Mr. Speaker, what speaks volumes is the level of support of this agreement coming from the other sovereign Indian nations. I have received letters from virtually every tribe in the region which applaud the merits of this legislation and endorse the passage of this bill. Some tribes have even gone so far as to actively support this bill in the halls of Congress. They strongly believe that the Torres-Martinez are entitled to this just remedy and find it difficult to believe that this case has still not been resolved.

The Torres-Martinez people have also received strong bipartisan support in Congress. The gentleman from Alaska (Mr. YOUNG) has been a staunch ally and supporter of this bill. The chairman has lent his energy and enthusiasm to this cause, and I am most grateful for the leadership and help he has provided to both the tribe and me during this process.

In addition, I want to recognize the original cosponsor of this legislation, the ranking member of the House Committee on Resources, the gentleman from California (Mr. GEORGE MILLER). It is largely due to his efforts on behalf of this tribe that this bill has finally made its way to the floor today.

It is also fitting to thank the Departments of Interior and Justice for their good work on this issue. The administration has cooperated with the tribe, the local water districts and the body in crafting an equitable solution. Also thanks to the boards and staff at the Coachella Valley Water District and the Imperial Irrigation District for their continued efforts.

I must also thank the other Members of this body, especially the gentleman from Michigan (Mr. KILDEE), who has been kind enough to lend their support to the Torres-Martinez. I commend them for standing up for what is right and justice.

Finally, to the staff and attorneys who have worked with this issue for countless hours, I thank them.

Now, Mr. Speaker, I humbly ask on behalf of the Torres-Martinez tribe that this body approve the legislation and give the people of this tribe the justice that they have sought for the past 95 years.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4643, a bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indian Nation. The Torres-Martinez Indian Reservation was created in 1876 to include 640 acres of land in the Coachella Valley south of California. The reservation was enlarged in 1891 and again in 1909. During this period, the Salton Sea was created covering thousands of acres of the reservation. The Salton Sea did not recede as expected and today approximately 11,000 acres of reservation land remain flooded.

Litigation over several issues surrounding the reservation has been ongoing for decades and the House has previously passed legislation in support of Torres-Martinez' goal of obtaining usable and economically viable reservation land.

During the term of this Congress, further disagreement has arisen and considerable effort has gone into resolving these new differences. It is my understanding that earlier today an agreement acceptable to all parties was reached and that this new agreement has been incorporated into the manager's amendment being offered today.

I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of our House Committee on Resources, the gentleman from California (Mr. GEORGE MILLER), the ranking minority member of the full committee, in our efforts to helping the Torres-Martinez tribe obtain additional productive land for their reservation. I also want to particularly commend the gentlewoman from California (Mrs. BONO), the chief sponsor of this legislation, for her tireless efforts in this legislation and her willingness to sponsor a bill to incorporate the provision of a fairly complex agreement. We would not be here today if she had not done so.

I also want to give particular public recognition and my compliments and commendation to my good friend, the gentleman from Michigan (Mr. KILDEE), who has worked tirelessly for the past several years in giving his assistance and full participation in the negotiations between this tribe and other tribes in California. This has really helped tremendously in bridging the differences among not only the tribes but State officials.

Mr. Speaker, this is a good example of legislation in which not every party got everything that they wanted but it is something that they have indicated they can live with, and I know that it does give the Torres-Martinez tribe at last some useful land for their reservation. Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, here we are again passing legislation to implement the settlement agreement to stop 18 years of litigation and provide the desperately poor Torres-Martinez Desert Cahuilla Indians with some usable land. Currently, the Tribe has over 11,000 acres of land sitting at the bottom of the Salton Sea with no hope of ever using that land for needed economic development or sustainable housing for their members. A court found in favor of the tribe in a 1984 trespassing suit brought against the Imperial Irrigation District (ID) and the Coachella Valley Water District (CVWD) and awarded damages to the tribe. To stave off a second suit filed on behalf of the tribe, the U.S. stepped in and worked out a settlement agreement agreeable to all parties.

The House of Representatives overwhelmingly passed this settlement legislation in the 104th Congress when our former colleague Sonny Bono pushed for its enactment. Congressman Bono tried to do the right thing by this tribe then and now Congresswoman BONO is continuing to fight for the tribe. I have been a proud sponsor of both bills and want to commend Mrs. BONO for all her hard work on behalf of this needy tribe. She has had to overcome a small but very well funded campaign of misinformation to bring the bill to this point.

This settlement will provide for payments to the tribe for the two water districts and provides to them permanent drainage flowage easements. Further, the tribe agrees to drop all claims against the United States with regard to their worthless land and is permitted to purchase some 11,000 acres out of two boxes drawn within ancestral lands to use for the benefit of the tribe. It is important to note that this tribe has been unable, through no fault of their own, to use most of their land since 1876.

This legislation has a wide range of support including the Imperial Irrigation and Coachella Valley Water Districts, the Department of Interior, the Department of Justice, numerous surrounding non Indian communities, several Members of Congress, and all local Indian tribes. I have letters from some of these supporters which I'd like entered into the record along with my statement.

The bill before us today includes numerous concessions agreed to by the Torres-Martinez Tribe. Some I personally do not agree with, however I support the sovereign right of the tribe to make its own decisions and they have maintained legal representation througout the process. The path this bill has taken has been a painful and difficult one due to the earlier opposition of a lone, small, wealthy tribe. Garnering non Indian support to fairly assist needy Indian Tribes has always been a hard task and one I've gladly taken on throughout my 25 years serving in the House. However, tribe against tribe situations are the most difficult we deal with and when one side is vastly out spent in its efforts, it makes the situation all the more sad. I hope this is the last of such battles we will have to address.

With that I urge my colleagues to support this bill and finally end this sad chapter in our history.

AGUA CALIENTE BAND
OF CAHUILLA INDIANS,
*Palm Springs, CA.*

Hon. MARY BONO,
*House of Representatives, Washington, DC.*

DEAR CONGRESSWOMAN BONO: On behalf of the Agua Caliente Band of Cahuilla Indians I wish to state that we support H.R. 4346. This bill contains a settlement agreement between the Torres-Martinez tribe, Coachella Valley Water District, Imperial Irrigation District and the Federal Government. This agreement settles a 15-year-old lawsuit that is on appeal before the Ninth Circuit Court. The entire east valley community stands to benefit from the legislation. Advantages will include the fact that agriculture will obtain rights to run off water from the numerous farms in the area and the federal government will continue efforts to clean up the Salton Sea.

As fellow Indian Nations we understand the hardships that the Torres-Martinez Band of Mission Indians have endured for nearly a century. A major injustice will be made right by the passage of this settlement agreement and we commit ourselves to help end this struggle. We are disappointed that the Cabazon Band of Mission Indians will not take this opportunity to help a fellow, disadvantaged nation, as they instead stand alone in their efforts to defeat this agreement.

If we can provide your office with any information on this matter, please feel free to contact us at any time. Also, if requested, we would be pleased to provide the House Committee on Resources with testimony in support of this measure when it becomes appropriate.

Yours truly,
RICHARD M. MILANOVICH,
*Chairman, Tribal Council.*

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COACHELLA VALLEY WATER DISTRICT,
*Coachella, CA, July 24, 2000.*

Representative GEORGE MILLER,
*Ranking Minority Member, House Resources Committee, Washington, DC.*

DEAR REPRESENTATIVE MILLER: On behalf of the Coachella Valley Water District, I would like to request that the House Resources Committee favorably report H.R. 4643, "to provide for the settlement and claims related to the trust lands of the Torres-Martinez desert Cahuilla Indians, and for other purposes."

Enactment of this legislation would facilitate and implement a settlement agreement reached by the U.S. Government, the Tribe, Imperial Irrigation District and the Coachella Valley Water District. It is a rare occasion in which parties to such complex litigation are able to join together on a final resolution that is so important to such complex litigation are able to join together on a final resolution that is so important to our region in the State of California.

We appreciate any efforts you are able to make toward ensuring enactment of this legislation in the House this year.

Yours very truly,
TOM LEVY,
*General Manager—Chief Engineer.*

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IMPERIAL IRRIGATION DISTRICT,
*Imperial, CA, July 25, 2000.*

Hon. GEORGE MILLER,
*Ranking Member, House Resources Committee, Washington, DC.*

DEAR MR. MILLER: On behalf of the Board of Directors of the Imperial Irrigation District (IID), I am writing to express our support for H.R. 4643.

As you know, this legislation would help finalize the settlement of claims by the Torres-Martinez Desert Cahuilla Indian Tribe involving flooding around the Salton Sea. The settlement resolves long-standing disputes concerning land and water use by the IID and The Coachella Valley Water District located in the southern California desert.

The IID respectfully urges your support for H.R. 4643 during the committee's consideration of the measure.

We appreciate the time you and the committee staff have given this issue over the past few years and we look forward to the passage of the implementing legislation.

Sincerely,
ERIC E. YODER,
*Government Relations.*

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Michigan (Mr. KILDEE).

☐ 1445

Mr. KILDEE. Mr. Speaker, I rise in strong support of H.R. 4643, as amended, legislation that will settle the land claims of the Torres-Martinez tribe of California.

Mr. Speaker, the time is long overdue for our government to provide just compensation to the Torres-Martinez tribe for the reservation lands they lost decades ago.

We have a moral obligation to fulfill this duty, and I am pleased that this legislation is before us today. I urge strongly the passage of H.R. 4643, as amended.

Mr. Speaker, for the last several years, and past weeks especially, I have been working with the Torres-Martinez tribe and the Cabazon Band to negotiate a compromise on an issue that has been a sticking point to these two sovereign governments.

Mr. Speaker, I believe this compromise will allow the Torres-Martinez tribe to be compensated while protecting the sovereign interests of the Cabazon tribe.

Mr. Speaker, I want to thank the tribal leaders of Torres-Martinez, the Cabazon. It has been a pleasure working with the gentlewoman from California (Mrs. BONO) on this bill. I thank the gentleman from California (Mr. GEORGE MILLER) for his assistance in resolving this most difficult issue.

I also want to thank Kimberly Teehee of my staff here; Marie Howard, the committee staff, who has worked so hard on this; and Linda Valter who has done such a wonderful job over there.

This has been really a labor of love for all of us, and I am just very happy that we are at the point we are today.

Mr. FALEOMAVAEGA. Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, we have no additional speakers. I urge an aye vote on the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 4643, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EL CAMINO REAL DE TIERRA ADENTRO NATIONAL HISTORIC TRAIL ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2271) to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail, as amended.

The Clerk read as follows:

H.R. 2271

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "El Camino Real de Tierra Adentro National Historic Trail Act".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) El Camino Real de Tierra Adentro (the Royal Road of the Interior), served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals at San Juan de Los Caballeros (1598–1600), San Gabriel (1600–1609) and then Santa Fe (1610–1821).

(2) The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas and present San Juan Pueblo, New Mexico, a distance of 404 miles;

(3) El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of the borderland;

(4) American Indian groups, especially the Pueblo Indians of the Rio Grande, developed

trails for trade long before Europeans arrived;

(5) In 1598, Juan de Oñate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real;

(6) During the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the emigration of people to New Mexico and other areas that would become the United States;

(7) The exploration, conquest, colonization, settlement, religious conversion, and military occupation of a large area of the borderlands was made possible by this route, whose historical period extended from 1598 to 1882;

(8) American Indians, European emigrants, miners, ranchers, soldiers, and missionaries used El Camino Real during the historic development of the borderlands. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans, and Americans;

(9) El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law.

**SEC. 3. AUTHORIZATION AND ADMINISTRATION.**

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by designating the paragraphs relating to the California National Historic Trail, the Pony Express National Historic Trail, and the Selma to Montgomery National Historic Trail as paragraphs (18), (19), and (20), respectively; and

(2) by adding at the end the following:

"(21) EL CAMINO REAL DE TIERRA ADENTRO.—

"(A) El Camino Real de Tierra Adentro (the Royal Road of the Interior) National Historic Trail, a 404 mile long trail from the Rio Grande near El Paso, Texas to San Juan Pueblo, New Mexico, as generally depicted on the maps entitled 'United States Route: El Camino Real de Tierra Adentro', contained in the report prepared pursuant to subsection (b) entitled 'National Historic Trail Feasibility Study and Environmental Assessment: El Camino Real de Tierra Adentro, Texas-New Mexico', dated March 1997.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the Office of the National Park Service, Department of Interior.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior.

"(D) LAND ACQUISITION.—No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for El Camino Real de Tierra Adentro.

"(E) VOLUNTEER GROUPS; CONSULTATION.—The Secretary of the Interior shall—

"(i) encourage volunteer trail groups to participate in the development and maintenance of the trail; and

"(ii) consult with other affected Federal, State, local governmental, and tribal agencies in the administration of the trail.

"(F) COORDINATION OF ACTIVITIES.—The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions, and, in consultation with the Secretary of State, the Government of Mexico and its political subdivisions, for the purpose of exchanging trail information and research, fostering trail preservation and educational programs, providing technical assistance, and working to establish an international historic trail with complementary preservation and education programs in each nation.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2271, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2271 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a component of the National Trails System.

The bill directs the Secretary of the Interior to administer the trail, to encourage volunteer groups to develop and maintain the trail, and also to consult with affected Federal, State, local governmental, and tribal agencies in its administration. The bill requires owner consent for any Federal land acquisition along the trail.

Additionally, H.R. 2271 authorizes the Secretary to coordinate trail activities and programs with the Government of Mexico as well as with Mexican nongovernmental organizations and academic institutions.

Mr. Speaker, this trail is one of several historic trails that has had a significant role in the history and development of the United States and Mexico. It served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capital in the modern day city of Santa Fe.

The trail is approximately 1,800 miles long and existed for an extended period from the late 16th century to the late 19th century. The portion of the trail that resides in what is now the United States extends a distance of 404 miles from the Rio Grande River near El Paso, Texas, to San Juan Pueblo, New Mexico. Over its long history, this trail was used by various groups and served as a cultural crossroads between diverse peoples and cultures.

Mr. Speaker, I am offering an amendment with this bill which makes some technical changes and also strikes the "consent of the owner" language in the provision dealing with land acquisition. Since most of this trail is on Federal land anyway, land acquisition authority really, in my opinion, is not necessary.

I actually in a way am opposed to this amendment myself. But so we can move this legislation, we have worked out an agreement with the other side that some of us who have some reservations about this amendment, we can probably work that out in the future.

Therefore, I urge my colleagues to support H.R. 2271 and to vote for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am both delighted and honored to be able to share my thoughts with my colleagues on this occasion of the consideration by this body of a bill that would designate the El Camino Real de Tierra Adentro as a National Historic Trail.

I also want to congratulate and applaud the efforts of the gentleman from the great State of Texas and from El Paso for his leadership on this issue.

The Camino Real has already been designated as a Millennium Legacy Trail and has been the object of a Sisters Area agreement between two waystops on this historic trail, San Francisco del Oro located in Chihuahua, Mexico, and Socorro, New Mexico, situated in the heart of my home State. It has given rise to other sister cities agreements between many other communities in New Mexico and in Mexico.

For those of my colleagues who may share my love of Southwest history, by the way, although portions of this historic trail were used in prehistoric times, it was first blazed as a complete trail by the expedition led by Juan de Onate in 1598 when he made his way to New Mexico to assure its settlement by the Spanish Crown. I am told that there is still a plaque in the city of Zacatecas that marks the place where this expedition departed on its yearlong trek. This winding 1,800 mile long roadway was the first European trade route in what is now the United States.

My home State of New Mexico as one of the trailheads for this incredible road, and the other trailhead lies in Mexico City, has a great veneration for this historic route, a route which for too long has been overshadowed by younger but better-publicized national trails. Yet, this trail has left its indelible imprint on my home State and on our national history.

New Mexico, to this very day, is peopled by Hispanics who trace their ancestry directly to many of those original settlers who accompanied Juan de Onate in 1598. New Mexico Hispanics still treasure the way of life that they tended and shaped over the past 4 centuries and more.

Hispanic institutions that were carried by the Camino Real del Tierra Adentro in the minds and hearts of those Hispanic settlers are part of New

Mexico's enchanted way of life. New Mexico's old missions, scattered along the Camino Real and its branches, date back to the 17th century.

In the 16th, 17th, 18th and 19th centuries, and long before the existence of the Santa Fe Trail or the Oregon Trail or the rise of the Appalachian Trail in the 18th century, there was already an established pattern of commerce over the Camino Real, a pattern that even reached out into our vast Great Plains. The flow of people and goods that were part of that commerce created and supported strong historic ties between New Mexico and Mexico. Indeed, to this day, many Mexican families and many New Mexican manito families can trace their roots back to the same ancestors who lived in the 16th, 17th, 18th, and 19th centuries.

Before the middle of the last century, the Camino Real de Tierra Adentro was still uninterrupted by a frontera, an international border. By even before taking of the Southwest by our national government just before the middle of the last century, the Camino Real also nurtured our country by giving viability to the Santa Fe Trail. As a result, the national commerce flowing across the late-opening branch of the Camino Real, the Santa Fe Trail, nurtured our Nation's economy when it sorely needed that sustenance.

I am confident that the passage of this legislation today will do the same thing. I know that enactment of the legislation we consider today will strengthen many common ties between the United States and Mexico that are symbolized by and embodied in the Camino Real, important ties such as transportation, commerce, and education. I say strengthen because we know in New Mexico the Camino Real never closed. It may have changed its course slightly as well as the ease with which it could be traveled, all trails eventually do, but over the centuries and through today, it has continued to connect the people of Mexico and the United States.

Revitalizing it will, undoubtedly, lead to many future discoveries that reconnect Hispanic citizens of our two countries even more closely through the ties of common family historical and cultural heritage. Revitalizing the Camino Real will also allow the larger family of Americans to participate in and benefit from that effort. It will lead to a more rounded, more holistic view of the history of our continent, one that will enable us to continue to discover and explore the commonalities that bond our two countries.

On March 22 of this year, I was privileged to have my office host officials of Mexico's Instituto Nacional de Antropologia e Historia when they signed a landmark agreement with the U.S. Bureau of Land Management concerning the recognition, protection, and promotion of the Camino Real.

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Consideration of this legislation today demonstrates that the agreement signed on March 22 was not a mere paper agreement; rather, it provided a remarkable beginning that will lead to increased understanding in the future, an understanding that says, when people of goodwill will come together to share their fortunes through family, historical, cultural and economic connections, they enrich not only each other but all of those around them.

Mr. GILCHREST. Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to my colleague from the great State of Texas (Mr. REYES) who represents this area and has played a real leadership role on this issue.

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am proud to be the sponsor of the El Camino Real de Tierra Adentro National Historic Trail Act.

This trail has a great deal of importance to the southwest. El Camino Real de Tierra Adentro, otherwise known as the Royal Road of the Interior, served as the primary route between the colonial Spanish capital of Mexico City and the Spanish provincial capitals of San Juan de Los Caballeros, San Gabriel, and ultimately Santa Fe, New Mexico.

The portion of El Camino Real de Tierra Adentro that resided in what is now the United States extended between El Paso, Texas, the district that I represent, and present-day San Juan Pueblo, New Mexico, a distance of some 404 miles.

El Camino Real is a symbol of the cultural interaction between nations and ethnic groups and of the commercial exchange that made possible the development and growth of our borderland. American Indian groups dating back into prehistoric times, especially the Pueblo Indians of the Rio Grande River Valley, used the area and the trail along the Rio Grande long before Europeans arrived on this continent.

In 1598, Don Juan de Onate led a Spanish military expedition along those trails to establish the northern portion of El Camino Real; and during the Mexican National Period and part of the U.S. Territorial Period, El Camino Real de Tierra Adentro facilitated the immigration of people into New Mexico and other areas that would ultimately become the United States of America.

This trail is important to the history of the borderlands as it was central to the exploration, conquest, colonization, settlement, religious conversion, and military occupation of the Southwest. Many people used this trail, including American Indians, European immigrants, miners, ranchers, cowboys, soldiers and missionaries. These travelers promoted cultural interaction among Spaniards, other Europeans, American Indians, Mexicans and Americans.

El Camino Real fostered the spread of Catholicism, mining, an extensive network of commerce, and ethnic and cultural traditions including music, folklore, medicine, foods, architecture, language, place names, irrigation systems, and Spanish law, to name a few. This trail is important to the cultural history and the rich heritage of the Southwest and of this country.

H.R. 2271 amends the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail. This noncontroversial legislation prohibits the acquisition of any lands or interests outside the exterior boundaries of any federally administered area for El Camino Real de Tierra Adentro.

With the amendment today, which we are willing to accept, this bill or a similar bill has already been passed by the Senate. The Senate bill was sponsored by Senator JEFF BINGAMAN and cosponsored by Senator PETE DOMENICI.

I would like to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER) as well as the gentleman from Utah (Mr. HANSEN) as well as the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the ranking member of that committee, for the work that they did to move this bill out of the committee and onto the House floor for today's vote.

I would also like to thank my colleague and good friend the gentleman from New Mexico (Mr. UDALL) for his help in this legislation. He is a cosponsor of this legislation and clearly appreciates the historical impact that the trail has had on two nations.

I hope that my colleagues will support me in the passage of this legislation. I urge my colleagues to support this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2271, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1849) to designate segments and tributaries of White Clay

Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

S. 1849

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "White Clay Creek Wild and Scenic Rivers System Act".

### SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102–215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled "White Clay Creek and Its Tributaries Watershed Management Plan", dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible management of land and water resources associated with, the watershed; and

(3) after completion of the study described in paragraph (1), Chester County, Pennsylvania, New Castle County, Delaware, Newark, Delaware, and 12 Pennsylvania municipalities located within the watershed boundaries passed resolutions that—

(A) expressed support for the White Clay Creek Watershed Management Plan;

(B) expressed agreement to take action to implement the goals of the Plan; and

(C) endorsed the designation of the White Clay Creek and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System.

### SEC. 3. DESIGNATION OF WHITE CLAY CREEK.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(162) WHITE CLAY CREEK, DELAWARE AND PENNSYLVANIA.—The 190 miles of river segments of White Clay Creek (including tributaries of White Clay Creek and all second order tributaries of the designated segments) in the States of Delaware and Pennsylvania, as depicted on the recommended designation and classification maps (dated June 2000), to be administered by the Secretary of the Interior, as follows:

"(A) 30.8 miles of the east branch, including Trout Run, beginning at the headwaters within West Marlborough township downstream to a point that is 500 feet north of the Borough of Avondale wastewater treatment facility, as a recreational river.

"(B) 15.0 miles of the east branch beginning at the southern boundary line of the Borough of Avondale to a point where the East Branch enters New Garden Township at the Franklin Township boundary line, including Walnut Run and Broad Run outside the boundaries of the White Clay Creek Preserve, as a recreational river.

"(C) 4.0 miles of the east branch that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania, beginning at the northern boundary line of London Britain township and downstream to the confluence of the middle and east branches, as a scenic river.

"(D) 6.8 miles of the middle branch, beginning at the headwaters within Londonderry township downstream to a point that is 500 feet north of the Borough of West Grove wastewater treatment facility, as a recreational river.

"(E) 14 miles of the middle branch, beginning at a point that is 500 feet south of the Borough of West Grove wastewater treatment facility downstream to the boundary of the White Clay Creek Preserve in London Britain township, as a recreational river.

"(F) 2.1 miles of the middle branch that flow within the boundaries of the White Clay Creek Preserve in London Britain township, as a scenic river.

"(G) 17.2 miles of the west branch, beginning at the headwaters within Penn township downstream to the confluence with the middle branch, as a recreational river.

"(H) 12.7 miles of the main stem, excluding Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware, beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary line of the city of Newark, Delaware, as a scenic river.

"(I) 5.4 miles of the main stem (including all second order tributaries outside the boundaries of the White Clay Creek Preserve and White Clay Creek State Park), beginning at the confluence of the east and middle branches in London Britain township, Pennsylvania, downstream to the northern boundary of the city of Newark, Delaware, as a recreational river.

"(J) 16.8 miles of the main stem beginning at Paper Mill Road downstream to the Old Route 4 bridge, as a recreational river.

"(K) 4.4 miles of the main stem beginning at the southern boundary of the property of the corporation known as United Water Delaware downstream to the confluence of White Clay Creek with the Christina River, as a recreational river.

"(L) 1.3 miles of Middle Run outside the boundaries of the Middle Run Natural Area, as a recreational river.

"(M) 5.2 miles of Middle Run that flow within the boundaries of the Middle Run Natural Area, as a scenic river.

"(N) 15.6 miles of Pike Creek, as a recreational river.

"(O) 38.7 miles of Mill Creek, as a recreational river.".

### SEC. 4. BOUNDARIES.

With respect to each of the segments of White Clay Creek and its tributaries designated by the amendment made by section 3, in lieu of the boundaries provided for in section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundaries of the segment shall be 250 feet as measured from the ordinary high water mark on both sides of the segment.

### SEC. 5. ADMINISTRATION.

(a) BY SECRETARY OF THE INTERIOR.—The segments designated by the amendment made by section 3 shall be administered by the Secretary of the Interior (referred to in this Act as the "Secretary"), in cooperation with the White Clay Creek Watershed Management Committee as provided for in the plan prepared by the White Clay Creek Wild and Scenic Study Task Force and the National Park Service, entitled "White Clay Creek and Its Tributaries Watershed Management Plan" and dated May 1998 (referred to in this Act as the "Management Plan").

(b) REQUIREMENT FOR COMPREHENSIVE MANAGEMENT PLAN.—The Management Plan shall be considered to satisfy the requirements for a comprehensive management plan under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the segments designated by the amendment made by section 3, the Secretary shall offer to enter into a cooperative agreement pursuant to sections 10(c) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the White Clay Creek Watershed Management Committee as provided for in the Management Plan.

### SEC. 6. FEDERAL ROLE IN MANAGEMENT.

(a) IN GENERAL.—The Director of the National Park Service (or a designee) shall represent the Secretary in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, including the review, required under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)), of proposed federally-assisted water resources projects that could have a direct and adverse effect on the values for which the segment is designated.

(b) ASSISTANCE.—To assist in the implementation of the Management Plan, this Act, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by section 3, the Secretary may provide technical assistance, staff support, and funding at a cost to the Federal Government in an amount, in the aggregate, of not to exceed $150,000 for each fiscal year.

(c) COOPERATIVE AGREEMENTS.—Any cooperative agreement entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to any of the segments designated by the amendment made by section 3—

(1) shall be consistent with the Management Plan; and

(2) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the segments.

(d) NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by section 3 that is not in the National Park System as of the date of the enactment of this Act shall not, under this Act—

(1) be considered a part of the National Park System;

(2) be managed by the National Park Service; or

(3) be subject to laws (including regulations) that govern the National Park System.

### SEC. 7. STATE REQUIREMENTS.

State and local zoning laws and ordinances, as in effect on the date of the enactment of this Act, shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)) with respect to the segment designated by the amendment made by section 3.

### SEC. 8. NO LAND ACQUISITION.

The Federal Government shall not acquire, by any means, any right or title in or to land, any easement, or any other interest along the segments designated by the amendment made by section 3 for the purpose of carrying out the amendment or this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Maryland (Mr. GILCHREST) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

### GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on S. 1849, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1849, introduced by Senator JOE BIDEN from Delaware, designates approximately 190 miles of segments and tributaries of White Clay Creek in Delaware and Pennsylvania as a component of the National Wild and Scenic Rivers System. Companion legislation was also introduced by the gentleman from Pennsylvania (Mr. PITTS) who deserves major credit for crafting this bill.

White Clay Creek is the watershed for more than 69,000 acres in southeastern Pennsylvania and northwestern Delaware. White Clay Creek is an important source of drinking water and also contains recreational, cultural, and scenic resources. Although much of the land around these segments is privately owned, surveys by private property owners have indicated general support for this legislation.

In 1991, Congress authorized the White Clay Creek Study Act, which directed the National Park Service to prepare a study of the eligibility and suitability of White Clay Creek as a Wild and Scenic River. This law also directed the National Park Service and White Clay Creek Study Task Force to develop a watershed management plan for the area. The study indicated the segments identified in this bill as both suitable and feasible to be designated into the Wild and Scenic Rivers System.

Mr. Speaker, during the committee proceedings on this bill, an amendment was passed which excluded some smaller segments that are not yet suitable for designation and established the width of the river segments for the wild and scenic designation at 250 feet. We believe that these changes are necessary and, hence, have amended the Senate bill to include them.

Mr. Speaker, all of the 15 local governmental entities within the watershed have passed resolutions supporting the designation and implementation of the management plan. This bill has the additional support of the minority and the administration. I urge all my colleagues to support S. 1849, with an amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 102nd Congress commissioned a study of White Clay Creek, from its headwaters in Delaware to its confluence with the Christina River in Pennsylvania, to determine if the creek and any of its tributaries might be eligible for designation as part of the Wild and Scenic Rivers Program. Ultimately, the study supported such designation.

As part of the study, the National Park Service, working with a local task force, developed a cooperative management plan which was approved in 1998. Since completion of the study, three counties and 13 municipalities in Delaware and Pennsylvania have adopted resolutions endorsing designation of the creek.

S. 1849 would amend the Wild and Scenic Rivers Act to add several segments of White Clay Creek and its tributaries to the program. Under the legislation, the river will be managed cooperatively between the Secretary and State and local governments, consistent with the 1998 management plan. The bill prohibits any Federal land acquisition for the purpose of carrying out this act.

Mr. Speaker, we join the administration and the local communities in supporting passage of S. 1849, as amended.

I commend the gentleman from Maryland (Mr. GILCHREST) and other members of the committee for their work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. PITTS) the author of this legislation.

Mr. PITTS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in strong support of the White Clay Creek Wild and Scenic Rivers Systems Act.

This bill represents a community-driven effort to preserve the White Clay Creek watershed, which is located in southeastern Pennsylvania and northwestern Delaware. The watershed is one of only a few relatively unspoiled river systems remaining in the highly developed corridor between Philadelphia, Pennsylvania and the Wilmington-Newark Delaware corridor. It is a valuable natural, ecological, and historic resource, as well as an important water resource for millions of families in the surrounding regions.

My personal desire to see this watershed preserved goes back almost 30 years. In fact, my son and I used to fish for trout there when he was a boy.

The White Clay Creek, however, is being threatened by rapid development in the region. To preserve the creek, to protect its water quality and conserve the wildlife in the watershed, it is important that we designate the creek as a Wild and Scenic River.

This bill is the culmination of more than 8 years of hard work by the local community. I have worked closely with farmers, landowners, concerned citizens, State and local officials, and the National Park Service to draft the amended language contained in this bill. It has been encouraging to me to see all interested parties work together toward the common goal of preserving this watershed.

This effort provides us with an excellent model of how to succeed in protecting our environment and natural resources. It has been a grassroots, a bi-state, and bipartisan effort from the beginning.

The Wild and Scenic designation will bring the resources that the Federal Government has to offer without ceding local control. Townships and boroughs, which historically have controlled development, will retain the power they have always had. This designation will simply give us another tool to make sure that this important natural resource is not lost to future generations.

The White Clay Creek Wild and Scenic Rivers System Act has the overwhelming support of everyone involved in the process.

I especially want to thank the gentleman from Alaska (Chairman YOUNG) from the Committee on Resources and the gentleman from Utah (Chairman HANSEN) of the Subcommittee on National Parks and Public Lands for their support of this legislation and their leadership in bringing this bill to the House floor.

I urge Members to support preserving the environment and to vote yes on this bill.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of S. 1849, the "White Clay Creek Wild and Scenic Rivers Act." I am proud to be an original cosponsor of this legislation to designate officially White Clay Creek and its tributaries as part of the National Park Service's National Wild and Scenic Rivers System.

This bill is the culmination of over 30 years of grassroots efforts to bring attention to the unique qualities of White Clay Creek and to build consensus to protecting its beauty from the adverse consequences of urban sprawl. White Clay Creek is located in the densely populated area between Philadelphia, Pennsylvania and Newark, Delaware.

White Clay Creek is well worth protecting. There are 38 properties in the watershed that have been listed on the National Register of Historic Places.

In addition, the watershed is home to three endangered plant species and 100 more plant species of "special concern" to the State of Delaware.

With regards to wildlife, the endangered bog turtle is found in the watershed along with 38 "rare" animal species on Delaware's list of "special concern."

Because the watershed is located in the middle of the Atlantic flyway, it is the northern boundary for many southern species of birds and the southern boundary for many northern species of birds. In total, there are about 200 bird species in the watershed, including the American bald eagle.

In addition, White Clay Creek serves as a vital source of drinking water for New Castle County, Delaware and Chester County, Pennsylvania.

Finally, White Clay Creek watershed is a popular location for fishing (particularly trout fishing), hiking, jogging, swimming, bird-watching, horseback riding, skating, sledding, cross-country skiing, photography, and limited deer hunting.

In September 1999, the National Parks Service released its final report, as ordered by Congress in 1991, recommending the size and scope of the wild and scenic designation for White Clay Creek. The study confirmed the beliefs of the citizens living in the watershed that there was popular support for protecting the watershed's natural, historic, and recreational resources. In fact, 89 percent of the landowners surveyed agreed to support land use regulations and programs to conserve and protect the watershed. At the same time a majority believed that there must be room for planned residential, commercial, and industrial growth.

Therefore, a White Clay Creek Task Force of private landowners, river-related organizations, and all levels of government developed the White Clay Creek Management Plan to designate a total of 191 miles, 24 miles as scenic and 167 miles as recreational, or White Clay Creek as suitable for the National Wild and Scenic River System.

All fifteen of the local governments in the watershed, including the city of Newark and New Castle County, passed resolutions supporting the management plan. The designated scenic areas flow through the White Clay Creek Preserve and the White Clay Creek State Park.

Mr. Speaker, I would like to take this opportunity to describe exactly what it means and what it does not mean for White Clay Creek to be designated wild an scenic. This bill means that the river receives permanent protection from federally-licensed or assisted water resource projects (dams, diversions, channelization, etc.) that would have a direct and adverse effect on its free-flowing condition or outstanding remarkable resources.

It does not mean that existing wastewater treatment plants or potential reservoir sites cannot be expanded to accommodate carefully planned residential, commercial, and industrial growth. New Castle County is actively seeking solutions to water shortage problems, and this bill does not limit options that are in the best interests of the citizens of Delaware.

This legislation does not replace the authority of state, county, and municipal governments to regulate land use in the watershed.

It simply prohibits Federal funds from being used to interfere with the free-flowing nature of the river or its unique resources. In doing so, it elevates the status of the river in competing for Federal preservations grants. Finally, it mobilizes the states, local governments, and communities in the watershed to work together to preserve this unique, free flowing river.

Mr. Speaker, I would like to take a moment to acknowledge House Resources Committee Chairman, DON YOUNG; Parks Subcommittee Chairman, JIM HANSEN; Resources Committee Staff, Tod Hull; my colleague, JOE PITTS; National Parks Staff, Chuck Barscz; and all the citizens in Delaware and Pennsylvania who have worked for over 30 years to protect White Clay Creek.

Mr. Speaker, I believe the combination of White Clay Creek Watershed's unique features and the strong local support for protecting the watershed justify its designation as a wild and scenic river. The Senate passed companion legislation by unanimous consent on April 13, 2000. I urge my colleagues to give their strong support to this bill.

Mr. GILCHREST. Mr. Speaker, I urge support for the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the Senate bill, S. 1849, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

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□ 1515

## DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5010) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5010

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act".

**SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.**

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

"(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

"(1) REDESIGN IN 2009.—

"(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

"(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

"(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of 1 of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(3) SELECTION OF DESIGN.—

"(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be—

"(i) selected by the Secretary after consultation with—

"(I) the chief executive of the District of Columbia or the territory being commemorated, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

"(II) the Commission of Fine Arts; and

"(ii) reviewed by the Citizens Commemorative Coin Advisory Committee.

"(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

"(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

"(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

"(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

"(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(5) ISSUANCE.—

"(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

"(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

"(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

"(D) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection commemorating the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"(6) OTHER PROVISIONS.—

"(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

"(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to this subsection, this subsection shall cease to apply with respect to such territory.

"(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House meets to consider a bill that builds on the immense popularity of the 50-State quarter program that has vast numbers of Americans looking in their pocket every day at their change. This is an addition which should be made to the legislation. It is overdue, and it recognizes the contributions of the District of Columbia and the U.S. territories.

There are many issues in this country that divide us, but there are issues that unite us; and I am happy to arise today in the spirit of unity in a bipartisan way to celebrate our diversity, to celebrate the territories that are a part of these United States and also the District of Columbia. It is appropriate and it is fitting that we should add six new quarters to the 50-State quarter program. Those will be American Samoa, Guam, the Virgin Islands, the Northern Marianas, Puerto Rico, and the District of Columbia. Without further delay, I think it would be appropriate to hear from the representatives of the District of Columbia and the territories.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume. I rise in support of this bill. As most of us are aware, our currency has shown new faces in recent years. Most recently we saw the introduction of the new Sacagawea one-dollar coin which replaces the Susan B. Anthony dollar coin. From 1999 to 2008, the country will witness the implementation of the 50-State circulating commemorative quarter program, which represents the longest running change in currency design in recent memory.

While the obverse of these quarters will continue to feature George Washington's profile, the reverse will feature a design honoring five States per year. Each State will be honored in the order in which it ratified the Constitution or entered the Union.

The bill we are considering today extends the ongoing circulating quarter program to the District of Columbia and the U.S. territories, which were not covered by the law that authorized the current program. These territories include Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. Depending on how popular the quarter turns out to be in the long term, the Federal Government may end up earning $5 billion or more in seigniorage, a figure expected to increase with the addition of the District and the territories. I am pleased to join the delegates of the District of Columbia and the U.S. territories in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume. There are several people which should be recognized as a part of this effort, and I think the first one of those should be the gentlewoman from the District of Columbia (Ms. NORTON). She and her staff have worked tirelessly on this issue, and I would like to particularly recognize Jon Bouker for his work, a member of her staff.

I would also like to salute the delegates of the various territories. The gentleman from American Samoa (Mr. FALEOMAVAEGA) is here with us today. The gentleman from Guam (Mr. UNDERWOOD) is making his way back from Guam. That is quite a chore. The gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) will speak, along with the gentlewoman from the District of Columbia (Ms. NORTON).

I would also like to recognize the gentleman from Delaware (Mr. CASTLE). The House may recall that when he first proposed this quarter program, there was quite a bit of resistance. Some thought that it would be unsuccessful, that it would even be a disaster. That word was used. In fact, it has been a great success. Sometime ago, in fact, when that legislation was brought up, he made assurances to the gentlewoman from the District of Columbia that at some time the District of Columbia would be added. I look forward to hearing from these people who played quite a role in bringing this legislation before us today.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. I thank the distinguished gentlewoman from California (Ms. WATERS) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 5010, the District of Columbia and U.S. Territories Circulating Quarter Dollar Program Act. I want to begin by thanking the former chairman, the gentleman from Delaware (Mr. CASTLE), the gentleman from Alabama (Mr. BACHUS), and the gentleman from Iowa (Mr. LEACH), as well as the gentleman from New York (Mr. LAFALCE) and the gentlewoman from California (Ms. WATERS), for their support in getting this bill to the floor so quickly today. It is indeed a pleasure for me to be here this afternoon as we move closer toward rectifying the omission of the District of Columbia and the insular areas from the original 50-State commemorative coin program act. It took us nearly 2 years, but with the vote on H.R. 5010 today, the United States citizens of the District of Columbia and the territories will finally get the opportunity to have our Nation commemorate and celebrate a significant event or fact about our respective homes.

This is a great day for all of us because with this bill we will finally be able to celebrate, all of America.

While my district, the U.S. Virgin Islands, also known as America's Paradise, has many ecological, historical, and cultural treasures which are worthy of commemoration, we also boast of having been the place where the first Secretary of the Treasury, Alexander Hamilton, grew up and honed the skills which served our then fledgling Nation so well.

For the benefit of those who might not know this, the Virgin Islands have been a member of the American family since 1917, when Denmark sold the islands of the former Danish West Indies, St. Thomas, St. Croix and St. John, to the United States for just $25 million.

We are located 1,000 miles southeast of Miami in the Caribbean Sea and are four main islands and numerous keys, with beaches that have consistently ranked among the best in the world. We also boast the only site where members of Christopher Columbus' party are known to have set foot on what is today U.S. soil. The Salt River National Historical and Ecological Park was established in 1992 to, among other things, commemorate this important historical event.

Mr. Speaker, the people of the Virgin Islands see it as only fitting that we along with the residents and citizens of Guam, American Samoa, Puerto Rico, and the District of Columbia should also get the opportunity to educate our fellow Americans at whose side we have fought to defend and protect our

Nation about our unique qualities as well as promote our pride at being Americans.

Mr. Speaker, I thank the gentlewoman from the District of Columbia because it was her leadership and dogged determination that made this day possible.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I would also like to recognize the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) for their work on this bill and also the gentlewoman from California (Ms. WATERS) for her work.

Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding this time to me and for yielding me his time from the other side of the aisle. It was not necessary, but I think it does show the bipartisan spirit in which this bill in particular has come to the floor. I also want to thank the gentleman from Iowa (Mr. LEACH), the chairman of the full committee, and the gentleman from New York (Mr. LAFALCE), his ranking member, and I thank the gentlewoman from California, the ranking member of the subcommittee for her strong support of this bill and for her consistently strong support of the District of Columbia.

I appreciate especially the initial work of the then chairman of the committee, the gentleman from Delaware (Mr. CASTLE), and, of course, the gentleman from Alabama (Mr. BACHUS), the current Chair, who has worked as tirelessly with us as we have with him to make sure that we would get to the day when all American jurisdictions would be included in the coin commemoration act under discussion here today.

When the District and the four insular areas were inadvertently left out of the 50-State Commemoration Coin Program Act, we did not see any reason to hold everyone else up. We thought that the act should proceed so that the 10-year period for incorporating States could go forward because we had the assurance of the gentleman from Delaware (Mr. CASTLE) that D.C. and the insular areas would indeed be included. I knew he would keep his word. There was never any doubt about that. Not only did he move immediately in that direction by joining all of us who are delegates as a cosponsor of the bill, but the gentleman from Alabama (Mr. BACHUS) also never lost a beat in continuing in that tradition until the work was done.

□ 1530

In any case, no damage has been done because there is a 10-year period according to date of admission to the Union, and, therefore, they would not have gotten to us anyway before now.

We are very pleased that the first 10 States are already on-line, some of them joyously touting their coin. We know that the differences between the States, the District and the territories was never meant to be invidious and never has been in this body; and we have never been so treated in this body. We are all Americans, and we appreciate that this body has, for the most part, included all of us whenever possible. That was always the intent on both sides of the aisle here.

After all, there are no differences between the insular areas and the District of Columbia on the one hand and the States on the other with respect to our American citizenship. None of the differences go to participation in a coin commemoration program.

If I may say so, this is a matter of particular pride to the areas and to the District. In a real sense, because we are not States, we perhaps reach out for ways to indicate our unity with the States. We do it in the way we carry the flag, and wave the flag. We do it in our service in the Armed Forces where the territories and the District of Columbia consistently show membership in the armed service greatly disproportionate to their numbers. The District, for example, had more residents who served in the Gulf War than 47 States. So it may be that this coin act, which may not mean very much to the average citizen, it may mean much more to those of us who come from the areas and the District of Columbia, because we look for ways to show that we are full-blooded Americans in jurisdictions of the United States, not colonies or inferior territories. Therefore, we appreciate when this body and the Senate afford us that recognition, the maximum permissible under law.

In the past, we have even won the right to vote in the Committee of the Whole, although that was withdrawn. D.C. especially longs for all the recognition it can get. If you were part of a jurisdiction in the United States that was third per capita in Federal income taxes, you would look for all the recognition from those who control the United States Treasury that you could get, and so this D.C. coin is just another way of saying we, too, are Americans.

We note that on one side of the coin will be the picture of the father of our country, and I cannot tell my colleagues what it will mean to the people I represent, that the other side, will be some image of the District of Columbia. We are already talking about what it should be. We are going to hold a competition to see what it should be. There is going to be enormous excitement when we get to that day.

We know that day is not going to be there for a few years now, but the excitement is bubbling up in the District already. We appreciate that there has been no controversy whatsoever about our participation in the coin program. Indeed, we know that in this case the more the merrier because it means more money to the U.S. Treasury.

We note with particular joy that this program has already brought $1.8 billion into the United States Treasury.

We mean to be a part of filling the coffers of the Treasury along with the 50 States and the other areas.

Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) very much for yielding me the time.

Ms. WATERS. Mr. Speaker, I yield 7 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I would be remiss if I do not especially recognize and compliment my good friend from Alabama (Mr. BACHUS) for not only his management of the legislation on the floor, but for his outstanding leadership as chairman of the Subcommittee on Domestic and International Monetary Policy that provides jurisdiction for this kind of legislation.

Mr. Speaker, I do want to thank the gentleman for his assistance and for his tireless efforts to bring this legislation down to the floor. I would like to also compliment and thank my good friend, the gentlewoman from the District of Columbia (Ms. NORTON), and her outstanding leadership and her tireless efforts for the past couple of years in bringing this to the attention, not only to the attention of our colleagues, but also especially the merits of this legislation and why we are here now today.

Mr. Speaker, I also would like to thank the gentleman from Delaware (Mr. CASTLE) for his outstanding assistance in garnering support from both sides of the aisle in seeing that this legislation is taking corrective action of what was done previously; and, of course, I want to thank my good friend, the gentlewoman from California (Ms. WATERS) representing our side of the aisle, in bringing this legislation now to the attention of the Members.

Mr. Speaker, I rise today in support strongly of H.R. 5010, a bill to amend the Circulating Quarter Dollar Program Act to include the District of Columbia and the U.S. territories.

Before proceeding, I would like to echo the sentiments expressed by my good friend, the gentlewoman from the District of Columbia, (Ms. NORTON). I wished that her pleadings for all of these years would not be taken as a political issue but to do only that which is right. Mr. Speaker, 600,000 U.S. citizens paying income taxes, and they have no representation here in the halls of the Congress.

I think there is tremendous contradiction to the whole principle of democracy and what representation is. As an example, taxation without representation is what she represents today. I wish my colleagues would not look upon her as a Democrat or a Republican, but as a representative of 600,000 income tax-paying citizens of our Nation.

Mr. Speaker, I recall years ago when the question of the territories of Alaska and Hawaii were brought to the attention of the Members, and there was concern whether we were going to have two Democratic Senators' or two Republican Senators' representation on political issues but not on the principle. They thought that Hawaii was going to be a Republican State; that is not the case today. They thought that Alaska was going to be a Democratic State; it is not the case.

The point here is that representation truly ought to be brought for full consideration of this Chamber, and I sincerely hope and I fully support the contention and the efforts made by my good friend, the gentlewoman from the District of Columbia (Ms. NORTON). The District of Columbia definitely needs representation, and that is all they are asking for, and we ought to do that which is right.

Mr. Speaker, it comes as no surprise that I am a strong supporter of this bill. It would add six additional jurisdictions to the Commemorative Coin Program Act by extending the program an additional year.

Mr. Speaker, in the 105th Congress, when we passed the Commemorative Coin Program Act, the insular areas and the District of Columbia were omitted from the legislation.

Current law authorizes the minting of 25-cent coins to commemorate each of the 50 States through state-specific designs on one side of the coins. It is a 10-year program with five States being honored each year.

This bill amends current law by adding an 11th and part of the 12th year to the program. During this period, the District of Columbia and the five insular areas would also be recognized through the minting of 25-cent coins. Commemorative designs on one side of the coins will be selected by the Secretary of the Treasury in consultation with the chief executives of these areas.

This legislation is very timely, Mr. Speaker; and I would also like to note that my district this year celebrated its 100th year of its most unique political relationship with the United States, and many Americans are not aware of this. It certainly would be a special honor to see this legislation enacted into this year.

American Samoa has had a long and proud history of supporting the United States ever since the traditional leaders of the main island of Tutuila ceded their island to the United States on April 17, 1900, and then his Majesty King Tuimanua of the Manua Islands ceded his islands in July 1904. Tutuila's beautiful harbor is the deepest in the South Pacific and the Harbor of Pago Pago was used as a coaling station for United States Naval ships in the early part of the century; and it was a major staging area for some 30,000 Marines during World War II, as it was part of our military strategy of troop movements to Micronesia to the Solomon Islands and Guadalcanal and other areas of the Pacific. To this day American Samoa serves as an important refueling station for U.S. ships as well as military aircrafts.

Mr. Speaker, American Samoa has many of its sons and daughters who serve in all branches of the Armed Forces, and they serve very proudly. Congress has recognized American Samoa's proud heritage on numerous occasions and many of my constituents have served honorably in special recognition especially of this Union for 100 years now.

Mr. Speaker, I believe it is only fitting to acknowledge the centennial anniversary of our relationship with the United States in this commemorative coin. I ask my colleagues to support this legislation.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the delegate, the gentlewoman from the District of Columbia (Ms. NORTON), and also the gentleman from American Samoa (Mr. FALEOMAVAEGA) both mentioned, I think, a very important point, one that I learned when I served in the U.S. Army, and that was the fact that our citizens in Puerto Rico, District of Columbia, Guam, they all serve in the military. They are very capable soldiers. As the gentlewoman from the District of Columbia said, more served in the Gulf War from the District of Columbia than 47 States.

I can tell my colleagues from my personal experience that anyone who served in the military knows that they will meet a lot of residents or citizens of Puerto Rico or Guam or American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I know that two of our colleagues are absent because of the tremendous distance, our resident commissioner from Puerto Rico (Mr. ROMERO-BARCELÓ) and the delegate from Guam (Mr. UNDERWOOD) would have been more than happy to participate in our deliberations this afternoon.

Mr. Speaker, I just wanted to note their absence, but I know they would have been more than happy to participate, but cannot because of the long distances that we have to travel coming in between. I want to thank the gentleman from Alabama (Mr. BACHUS) for noting the service that those of us who come from the insular areas and our good friend, the gentlewoman from the District of Columbia, we serve in the armed forces just as well, we bleed.

I think it is time also that sometimes our friends from the 50 States of our Union could give us the proper recognition. After all, we can always print money, but we can never print that life when it comes back in a body bag. I know my good friend, the gentleman from Alabama, he and I served in the Army together. We know what that means. And I think this is what America is all about.

Mr. Speaker, I want to thank my good friend, the gentlewoman from the District of Columbia, for recognizing the service of our insular areas.

Mr. BACHUS. Mr. Speaker, reclaiming my time, I thought when I yielded to the gentleman, he might also want to mention something about pro football, but I will yield a few more seconds in case he might want to mention that.

Mr. FALEOMAVAEGA. Mr. Speaker, I would be happy to. We have 16 Samoans that currently play in the NFL out of a humble population maybe out of 200,000 nationwide. That means for every 12,000 Samoans living here in the United States, we produce one NFL player, Mr. Speaker. Maybe we need to have a couple more Samoans.

Mr. BACHUS. Reclaiming my time, Mr. Speaker, I think that illustrates a very important point, and that is that when our school children collect that coin from American Samoa, they are going to find out that more pro football players per 10,000 people by far come from American Samoa than from any other States or territories. They are going to learn some other beautiful things.

Mr. FALEOMAVAEGA. Mr. Speaker, if the gentleman would yield further, now that we are on the subject of professional football, I hope it is not just to be playing in the NFL, but I am sure that our people from the insular areas, from Puerto Rico, that we would also like to see our sons and daughters in medicine, law, engineering and in business, all different walks of life. I realize that sometimes when they see Samoans they have a very different stereotyping of my people. They think that we are mean, that we are violent, but we are really very nice people, as long as you do not provoke us.

Mr. BACHUS. Mr. Speaker, when they get that quarter, they are going to learn all of those wonderful things.

Mr. Speaker, I again want to say that when the gentleman from Delaware (Mr. CASTLE) proposed this, he really precipitated our school children doing something that a lot of teachers and a lot of parents were not able to do, and, that is, have our school children learn not only the 50 States but now with the addition of the year 2009, the six additional quarters, they will learn the locations, and they will learn something about the States, the District of Columbia, and the territories.

□ 1545

I think there are school children out there that are eagerly awaiting these quarters. I also want to say this, and here is some more good news about this, the taxpayers of the United States are currently profiting by $200 million per every quarter issued. So the net effect of this on the Treasury, using today's estimate, will be a net gain of $1.2 billion by including these additional coins.

Now that was not the reason for it, but it just means that as is oft, we find that good acts sometimes have their own rewards that we do not know about. This will be an additional benefit to the people of the United States.

Finally, I want to say that in conclusion that Mr. MURKOWSKI from Alaska, and I think someone said about Hawaii but Alaska, one of the last territories to be admitted to the United States, he has introduced this bill in the Senate and he has high hopes for quick passage of the Senate bill once the House bill is passed, which we anticipate will happen today.

So I would like to close by simply urging the House to unanimously approve this. The Committee on Banking and Financial Services and Subcommittee on Domestic and International Monetary Policy approved this unanimously. We strongly feel that this action ought to be taken; that it is one that does unite our country, pulls us together, gives us common identity, very worthwhile legislation; and we hope that the Senate will follow suit very quickly.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume, as I close out this legislation.

Mr. Speaker, I would like to give thanks to the gentleman from Alabama (Mr. BACHUS) for his leadership on this issue. I must say that whether it is this issue or debt relief, I have found my colleague to be extremely fair in using the power of his chairmanship to make sure that he gives equal opportunity to all of our colleagues with their issues.

I am very pleased and proud that we have such a great working relationship and that he indeed has been more than fair, not only on this issue but on many other issues. Let me just say to the gentlewoman from the District of Columbia (Ms. NORTON) and to the representatives of the other territories who have spoken today and those who are not here, I am so very pleased that this particular legislation gives them the opportunity not only to support the 50 States circulating commemorative quarter program and to make sure that the District and the territories are included, but it gives an opportunity to speak to the unfairness of a lack of the ability to vote on important issues facing this Nation and its territories and the District, and I am very pleased that the gentleman has had an opportunity here today to remind us one more time that there is much unfinished work to be done as we try and deal with the question of the District of Columbia and the territories.

I have been working on voting rights for the District for many, many years, long before I left the California State assembly where at one time I think working with Walter Washington and some others and Fauntroy, we were talking about a constitutional amendment, I believe at that time. I think these representatives are so focused and many of us are so focused on these issues because there are important issues here that cannot be swept under the rug. We were all raised and socialized and educated on the idea that this country began with the belief that there should be no taxation without representation. That is drummed into our heads early on in learning of the history of this Nation. So we believe that. We believe very strongly that there should be no taxation without representation, and so, again, while this is about a coin and while this is about making sure that we include the District and territories that were left out of the original legislation, this also, too, is about the whole very, very basic tenet that there should be no taxation without representation.

We use this time today to add our voices one more time to asking that the right thing be done, not only with this coin but with voting rights and full participation by the District and the territories.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again I want to reiterate the contributions that the District of Columbia and our territories make each day, not only to the defense of our country but the professionals that they supply, the men and women that work daily. They are an integral part of our country, and it is time that we pass this legislation.

Mr. Speaker, I do want to say that the gentleman from Guam (Mr. UNDERWOOD) gave an excellent statement to the full committee and those remarks will be in the RECORD. We found out late Friday that this was going to be on the docket for today. Unlike some of us in the Continental United States, it takes 2 or 3 days, sometimes travel arrangements, to be here and it was just too late. That is unfortunate that that happened but those representatives simply could not get back here quick enough, but they will be given every opportunity and will be making statements about this legislation.

Mr. CASTLE. Mr. Speaker, I would like to offer a few remarks about this bill.

As the author of the original 50 State quarter legislation in 1996, I have taken a keen interest in the administration and potential expansion of the 50 State quarter program.

I am proud to support the expansion of the quarter program to the District of Columbia and the U.S. Territories. I think this bill can best be understood in the context of the legislative history of the original 50 State quarter program.

When I first proposed the 50 State quarter legislation, I was met with a lot of resistance from the administration, which had serious misgivings about how the program would be received by the public. They wanted to downgrade the bill to a study.

Fortunately, it has been a huge success. All one has to do is turn on the television to see dozens of ads selling State quarters and fancy maps to display them. In fact, our biggest problem with the program is that people cannot get their hands on the quarters fast enough. That will continue to be an issue that I will press with the mint and the Federal Reserve.

Because there had been so much concern in the Administration about whether or not the quarter program would be well received, Congress limited it to the 50 States.

Now, I think even the most skeptical observers would agree that the program should be extended to the District of Columbia and the U.S. Territories without hesitation or delay. This is not a two-bit piece of legislation.

I urge my colleagues to support passage of this legislation today.

Mr. UNDERWOOD. Mr. Speaker, as a cosponsor of H.R. 5010, the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act," I rise in support of this very important legislation. Although separate from the program initiated in 1997 by the 50 States Commemorative Coin Program Act, H.R. 5010 will no doubt create the same interest and enjoy the same success as its predecessor.

It was hoped that Commemorative Coin Program will lead the American public to become more aware of the rich history of U.S. coinage, which dates all the way back to the 1790's; that the various designs will generate a collective pride among Americans—not only their home States—but also the United States in general; and that the 50 States Commemorative Coin Program will reflect similar values which exist in each of our 50 States while also celebrating our Nation's diversity.

This objective has partly been met. In addition to serious collectors, U.S. mint surveys indicate that about 15 million kids are collecting the commemorative quarters and, at the same time, learning about their country's history and heritage. Commemorative quarters have outsold Pokemon cards a hundred times over.

Unfortunately, by excluding the District of Columbia and the Territories in the 1997 coin program, we have shortchanged the American public and missed out on an opportunity to present a more accurate reflection of the history and diversity of this great nation. By the same token, many residents of the District, Guam, Puerto Rico, the U.S. Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands have considered non-inclusion in the commemorative quarter program as the latest manifestation of disregard towards our membership and contributions to this country. If the Commemorative

Quarter Program truly intends to celebrate this Nation's diversity, such an oversight is inexcusable.

I represent the island of Guam. In 1994, we commemorated the fiftieth anniversary of Guam's liberation after three years of occupation by the Japanese during World War II. We hold the distinction of being the only civilian American community to suffer occupation during that war. In 1998, we marked the hundred-year anniversary of the commencement of our relationship with the United States which resulted from the Spanish-American War. Last August, we commemorated the fifty-year anniversary of the enactment of the Organic Act of Guam which granted civil government and U.S. citizenship to the people of Guam. Together with the Commonwealth of the Northern Mariana Islands, we are the westernmost territories of the United States. Guam is "where America's day begins." These are some interesting points that we on Guam want to share with the American public and these are some of the points that will be conveyed to the American public if the commemorative quarter program is extended to the Territories and the District.

H.R. 5010, the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act," will enable the District and the Territories to share in the pride brought about by commemorative quarters to the fifty states. It would serve the American public to be acquainted with the diversity and culture that defines the Territories and the District. More importantly, having commemorative quarters issued in honor of the District and the Territories, will go a long way towards recognizing areas of this nation that most citizens of the fifty states oftentimes overlook. Passage of this legislation will ensure the Commemorative coin program will finally cover all Americans and all areas where the U.S. flag flies. Seeing a latte stone or tapa cloth on the other side of a coin with George Washington's portrait will be a great testimony to this country's diversity. Who knows, a full examination of representative democracy for all these areas under the American flag could follow this effort to include the Territories and the District. This legislation is significant, important and necessary. It is worth much—much more than two-bits.

Again, I would like to thank my colleagues who have supported H.R. 5010, the "District of Columbia and United States Territories Circulating Quarter Dollar Program Act," and urge its expeditious passage and enactment.

Mr. BACHUS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5010, as amended.

The question was taken.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5010, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## DEFENSE PRODUCTION ACT EXTENSION

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1715) to extend the expiration date of the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1715

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION AND REAUTHORIZATION OF THE DEFENSE PRODUCTION ACT OF 1950.**

(a) EXTENSION OF TERMINATION DATE.—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "September 30, 2000" and inserting "September 30, 2001".

(b) EXTENSION OF AUTHORIZATION.—Section 711(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2161(b)) is amended by striking "2000" and inserting "2001".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. Bachus).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say that we intend to take only a very few minutes on this bill. This bill, as amended, is simply a 1-year extension of the Defense Production Act. I am not sure that any other explanation other than that is needed. I think all Members of this House know what that act is. We normally extend it for 3 years, but the reason we are doing it for 1 year is that Chairman GRAMM in the Senate wishes to take up reform of the legislation and has not had an opportunity to do that. It is a very worthy effort on his part.

The House, as soon as we pass this 1-year extension, we expect the Senate to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank our subcommittee chair for seeing to it again that this bill is on the floor today. The reason reauthorization of this act is necessary is that it contains the basic emergency authorities of the President to obtain needed emergency products for national defense. Annual renewals of this legislation have become quite routine in recent years and there is every expectation the other body will act with speed on this measure due to this tradition.

At some point, a review of some of the details of this legislation may become advisable, such as those permitting minor long-term production of various goods. However, there has been no outstanding complaints about abuse of these powers in many, many years. Consequently, this side of the aisle supports this measure to renew the act for 1 year.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 1715, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to extend and reauthorize the Defense Production Act of 1950.".

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1715, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING AMENDMENTS ACT OF 2000

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4096) to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes.

The Clerk read as follows:

H.R. 4096

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Bureau of Engraving and Printing Security Printing Amendments Act of 2000".

**SEC. 2. PRODUCTION OF DOCUMENTS FOR FOREIGN GOVERNMENTS.**

(a) IN GENERAL.—Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents) is amended—

(1) by striking "(a) The Secretary of the Treasury" and inserting:

"(a) AUTHORITY TO ENGRAVE AND PRINT.—

"(1) IN GENERAL.—The Secretary of the Treasury"; and

(2) by adding at the end the following new paragraph:

"(2) ENGRAVING AND PRINTING FOR FOREIGN GOVERNMENTS.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States—

"(A) produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States; and

"(B) produce security documents for States and their political subdivisions.".

(b) PAYMENT FOR SERVICES.—Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing) is amended—

(1) in the 1st sentence, by inserting ", any foreign government, or any individual state or other political subdivision of any foreign government" after "agency"; and

(2) in the last sentence, by inserting ", foreign government, or individual state or other political subdivision of a foreign government" after "agency".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4096 is titled Bureau of Engraving and Printing Security Printing Amendments Act of 2000. It simply grants the Treasury Department's currency printing arm the ability to produce on a reimbursable basis security documents or currency for foreign countries or security documents for States in the United States or their political subdivisions.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Speaker, I would like to engage the distinguished chairman of the Subcommittee on Domestic and International Monetary Policy, the gentleman from Alabama (Mr. BACHUS), and a member of the subcommittee, the gentlewoman from Illinois (Mrs. BIGGERT), in a colloquy.

The gentleman from Alabama (Mr. BACHUS), the gentlewoman from Illinois (Mrs. BIGGERT), the gentlewoman from California (Ms. WATERS) and other members of the subcommittee have worked diligently on the subcommittee to see that our monetary policy remains strong and sound in an ever-changing global economy, and I applaud them for doing so.

Mr. Speaker, for the first time since World War II, there is a currency developing that could become a significant reserve currency for the world, in competition with the U.S. dollar. This currency is the Euro.

The dominance of the dollar as the world's premier reserve currency has a measurably positive impact on the U.S. Federal budget and on our economy as a whole. That dominance must be protected and preserved.

The dollar's position has been secured in part by high confidence in its soundness. Our currency handling industry has produced technology to count and flawlessly scan for counterfeits at high speeds.

□ 1600

But, there is danger of that soundness being challenged because of unfair foreign competition.

In Europe, each country's Central Bank typically permits the European manufacturers of machines that handle currency to also participate in the design and/or production of that currency. As a result, these European companies have advanced knowledge of and make technical contributions to the currency before it is released. Therefore, it can adapt its currency-handling products well in advance of the release and even add characteristics to the currency which favor its technology.

These cooperative relationships between foreign manufacturers and their governments create exclusive home markets. U.S. companies have long been the innovators in currency-scanning technology. If foreign manufacturers were to succeed in driving the last remaining U.S. company out of business, they could then set U.S. prices at their own domestic rates, or higher, with impunity. The United States must begin to consider steps to ensure a level playing field for the one remaining U.S. manufacturer of currency processing equipment.

Therefore, I hope that as the 106th Congress draws to a close and we begin to look forward to the issues we will address in the next Congress, that the chairman of the subcommittee and its members will continue to work on efforts to maintain and enhance the preeminence of the dollar in world trade. I hope we continue to have an open and informative dialogue on these matters, and perhaps have hearings so that all concerned parties have a chance to express their views on this important subject.

Madam Speaker, I would ask the gentlewoman from Illinois (Mrs. BIGGERT) and the chairman of the subcommittee if they would advise me as to their disposition regarding this concern.

Mrs. BIGGERT. Madam Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Madam Speaker, I want to join my distinguished colleague from Illinois (Mr. PORTER) in applauding the gentleman from Alabama (Mr. BACHUS) for his work on the subcommittee. I would like to associate myself with the comments from the gentleman of Illinois and the important issue that he has raised.

One of the many currency concerns the distinguished chairman has addressed is the importance of maintaining the dollar's preeminence as the currency of choice in world trade. The ability of banks and other commercial entities to handle a given country's currency quickly and accurately is extremely important. Nearly 60 percent of U.S. currency is held abroad, mainly because of the purchasing power and recognized stability of the dollar. As a result, the dollar is a popular target for counterfeiting. As the gentleman from Illinois stated, without a U.S.-based manufacturer, there is concern that future technology upgrades may not keep pace with more sophisticated counterfeit operators. We, as a country, must remain vigilant in the fight against counterfeiting.

Therefore, I hope that as the 106th Congress draws to a close and we begin to look forward to the issues we will address in the next Congress, that the chairman of the subcommittee will continue to work on efforts to maintain and enhance the preeminence of the dollar in world trade. I hope we continue to have an open and informational dialogue on these matters and perhaps hold hearings so that all concerned parties have a chance to express their views on this important subject.

Mr. BACHUS. Madam Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Alabama.

Mr. BACHUS. Madam Speaker, the distinguished gentleman and gentlewoman from Illinois have brought up two very important issues to the continued growth of our economy, and that is the preeminence of the dollar and our ability to detect and to combat counterfeiting. The gentleman and gentlewoman from Illinois are correct in noting that we must remain vigilant to protect the dollar's preeminence as the currency in world trade. Although we have redesigned the dollar with counterfeit-resistant features, the simple fact is that counterfeiting continues. Because of this, we must continually update and improve our currency to ward off that threat.

I can assure the gentlewoman and the gentleman from Illinois that we will continue to endeavor to examine the issues at the committee level. The gentlewoman from Illinois mentioned hearings, and I think that would be appropriate. I will continue to work with both of my colleagues in this dialogue; it is an important dialogue. I will add that the gentlewoman from Illinois (Mrs. BIGGERT) is an important member of both the Committee on Banking and Financial Services and the Subcommittee on Monetary Policy, a very active member, and I can assure her that we will continue to work with all other interested parties to see that the discourse on this important subject continues.

I only wish that I could be working next session with the gentleman from Illinois (Mr. PORTER). Our distinguished colleague is retiring. We are all saddened by that, but I want him to know that he will be missed and all of his efforts will be missed.

Mr. PORTER. Madam Speaker, I thank the chairman of the subcommittee for his very kind words. I thank the gentlewoman from Illinois, and I hope that she will continue to be there and address this issue.

Mr. BACHUS. Madam Speaker, I want to take this opportunity to also say that on Thursday, the gentleman from Illinois (Mr. PORTER) will be recognized for his efforts in fighting and finding a cure for cancer, just one of the many awards that he has been given and will be given for his work on medical research and combating disease and bringing comfort and support to those who do suffer from illness in this country.

Ms. WATERS. Madam Speaker, I yield myself such time as I may consume.

I would like to thank the chairman of the subcommittee and my colleagues on the other side of the aisle for their interest that they have shown in this issue and their concern about monetary policy.

Today, the House takes up H.R. 4096, this bill that would allow the Treasury's Bureau of Engraving and Printing to produce currency, postage stamps and other security documents for foreign countries on a fully reimbursable basis. The bill would also provide the BEP with the authority to produce security documents for the States and their political subdivisions, also on a fully reimbursable basis.

Madam Speaker, I strongly support this bill; and I urge its adoption.

The new authority to print currency for foreign countries is being sought by the Treasury Department and the BEP, and the Treasury Secretary has strongly endorsed this bill.

Madam Speaker, H.R. 4096 is a noncontroversial piece of legislation that will help foreign countries in the printing of reliable, secure currency that will contribute to the stability of their monetary systems and the facilitation of international trade. The new authority will also allow States in the U.S. to come to the BEP for its help in producing security documents such as fish and game stamps, automobile titles, property deeds, birth and death certificates, and bond or special stock certificates. This bill will enable BEP to even out its work schedules and operate more efficiently, particularly during times when it faces excess capacity.

In addition, performing work for foreign countries will allow the Bureau to test without cost to United States taxpayers how technologies and anticounterfeiting techniques can be incorporated into future design of U.S. currency.

The bill will enable the Bureau of Engraving and Printing to fully utilize and hone the skills of its workforce, particularly craft employees such as portrait and letter engravers. In the last decade, countries such as Turkey, South Africa, Eritrea and Kuwait have approached the BEP to print security documents on their behalf, but the BEP could not provide the service because it lacked the statutory authority. This will do it.

Madam Speaker, I urge swift passage of this bill.

Madam Speaker, I yield back the balance of my time.

Mr. BACHUS. Madam Speaker, I yield myself such time as I may consume.

I think that the ranking member from California pointed out something very important. This legislation, which was made at the request of the administration, will allow the Bureau and the engravers there to develop their expertise, which is already considerable, to develop that expertise even more in producing cutting edge, anticounterfeiting and security features that might eventually find their way on to United States currency, but they can do that by basically developing it on another currency and seeing if it, in fact, is a benefit.

As the gentlewoman from California (Ms. WATERS) also said, there is excess capacity at the Bureau. We will be reimbursed in full not only for our costs, but our capital investment, so this should have a net positive effect on the Treasury, in the benefit of the U.S. taxpayers. I will submit a full statement in the RECORD, but the gentlewoman from California basically has covered everything that I would cover in my oral statement. I will submit my written statement for the RECORD.

H.R. 4096, the "Bureau of Engraving and Printing Security Printing Amendments Act of 2000," grants the Treasury Department's currency-printing arm the authority to produce, on a reimbursable basis, security documents or currency for foreign countries, or security documents for states of the United States or their political subdivisions.

Currently, the Bureau of Engraving and Printing may only print security products for Federal entities. It produces currency for the Federal Reserve and postage stamps for the United States Postal Service.

Passage of this legislation would permit the United States to assist developing nations in the deployment of stable currency systems, and to produce security products to facilitate international commerce. Those activities would allow the Bureau of Engraving and Printing to realize production efficiencies by providing additional work for the Bureau's superb engravers and printers.

The legislation stipulates that all such printing for foreign nations be done on a strictly reimbursable basis. By law, the Bureau must recover all actual costs as well as imputed long-term capital costs, so there would be no taxpayer cost for this effort. Additionally, there is a non-cash benefit to taxpayers in that depending on the type of currency or security documents printed for foreign nations, the Bureau should be able to develop an expertise in producing cutting-edge anti-counterfeiting and security features that might eventually find their way into United States currency.

Additionally, the bill stipulates that no printing for a foreign nation be undertaken without a determination by the Secretary of State that it is consistent with the foreign policy of the United States; and that printing for either developing countries, or for states, would be limited to times when demand for U.S. currency, postage stamps or other security products is below the Bureau's production capacity.

This bill was introduced "by request" in March, and was passed out of subcommittee and the full Banking Committee on voice votes.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 4096.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4096, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## DEBT RELIEF LOCK-BOX RECONCILIATION ACT FOR FISCAL YEAR 2001

Mr. HERGER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5173) to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, as amended.

The Clerk read as follows:

H.R. 5173

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Debt Relief Lock-box Reconciliation Act for Fiscal Year 2001".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that saves social security and medicare, the social security and medicare surpluses should be used to reduce the debt held by the public;

(4) until Congress and the President agree on significant tax reductions, amounts dedicated for that purpose shall be used to reduce the debt held by the public;

(5) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(6) it is fiscally responsible and in the long-term national economic interest to use a portion of the nonsocial security and nonmedicare surpluses to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this Act to—

(1) reduce the debt held by the public by $240,000,000,000 in fiscal year 2001 with the goal of eliminating this debt by 2012;

(2) decrease the statutory limit on the public debt; and

(3) ensure that the social security and hospital insurance trust funds shall not be used for other purposes.

## TITLE I—DEBT REDUCTION LOCK-BOX

### SEC. 101. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

**"§ 3114. Public debt reduction payment account**

"(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) There is hereby appropriated into the account on October 1, 2000, or the date of enactment of this Act, whichever is later, out of any money in the Treasury not otherwise appropriated, $42,000,000,000 for the fiscal year ending September 30, 2001. The funds appropriated to this account shall remain available until expended.

"(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

"(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account.".

### SEC. 102. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "$5,950,000,000,000".

### SEC. 103. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

### SEC. 104. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

### SEC. 105. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2002, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2002, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

## TITLE II—SOCIAL SECURITY AND MEDICARE LOCK-BOX

### SEC. 201. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 201 of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res. 290, 106th Congress) is amended as follows:

(1) In the section heading, by inserting "**AND MEDICARE**" before "**SURPLUSES**".

(2)(A) In subsection (a)(2), by inserting "and the Hospital Insurance Trust Fund has been running a surplus for the last 2 years" after "years".

(B) In subsection (a)(4), by inserting "and the Hospital Insurance Trust Fund surplus will be $32 billion" after "billion".

(C) In subsection (a)(5), by striking "the" the second place it appears, and by inserting "and Hospital Insurance Trust Fund" before "surpluses".

(D) In subsection (a)(6), by inserting "and medicare" after "security".

(E) In subsection (a)(7), by inserting "and hospital insurance" after "security".

(3) By striking subsection (c) and inserting the following new subsection:

"(c) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES.—

"(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, an amendment thereto, or conference report thereon, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—(i) Subparagraph (A) shall not apply to the extent that a violation of such subsection would result from an assumption in the resolution, amendment, or conference report, as applicable, of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year.

"(ii) If a concurrent resolution on the budget or an amendment thereto or conference report thereon would be in violation of subparagraph (A) because of an assumption of an increase in outlays or a decrease in revenue relative to the baseline underlying that resolution for social security reform legislation or medicare reform legislation for any such fiscal year, then that resolution shall include a statement identifying any such increase in outlays or decrease in revenue.

"(2) SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

"(i)(I) in the House, the enactment of that bill or resolution as reported; or

"(II) in the Senate, the enactment of that bill or resolution;

"(ii) the adoption and enactment of that amendment; or

"(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the surplus for any fiscal year covered by the most recently agreed to concurrent resolution on the budget to be less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation.".

(4) By redesignating subsections (e) and (f) as subsections (h) and (i), respectively, and inserting after subsection (d) the following new subsections:

"(e) ENFORCEMENT.—

"(1) BUDGETARY LEVELS WITH RESPECT TO CONCURRENT RESOLUTIONS ON THE BUDGET.—For purposes of enforcing any point of order under subsection (c)(1), the surplus for any fiscal year shall be—

"(A) the levels set forth in the later of the concurrent resolution on the budget, as reported, or in the conference report on the concurrent resolution on the budget; and

"(B) adjusted to the maximum extent allowable under all procedures that allow budgetary aggregates to be adjusted for legislation that would cause a decrease in the surplus for any fiscal year covered by the concurrent resolution on the budget (other than procedures described in paragraph (2)(A)(ii)).

"(2) CURRENT LEVELS WITH RESPECT TO SPENDING AND TAX LEGISLATION.—

"(A) IN GENERAL.—For purposes of enforcing any point of order under subsection (c)(2), the current levels of the surplus for any fiscal year shall be—

"(i) calculated using the following assumptions—

"(I) direct spending and revenue levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(II) for the budget year, discretionary spending levels at current law levels and, for outyears, discretionary spending levels at the baseline levels underlying the most recently agreed to concurrent resolution on the budget; and

"(ii) adjusted for changes in the surplus levels set forth in the most recently agreed to concurrent resolution on the budget pursuant to procedures in such resolution that authorize adjustments in budgetary aggregates for updated economic and technical assumptions in the mid-session report of the Director of the Congressional Budget Office.

"(iii) Such revisions shall be included in the first current level report on the congressional budget submitted for publication in the Congressional Record after the release of such mid-session report.

"(B) BUDGETARY TREATMENT.—For purposes of enforcing any point of order under subsection (c)(2), changes in outlays or receipts resulting from social security reform legislation or medicare reform legislation shall not be counted in calculating the surplus for any fiscal year.

"(3) DISCLOSURE OF HI SURPLUS.—For purposes of enforcing any point of order under subsection (c), the surplus of the Federal Hospital Insurance Trust Fund for a fiscal year shall be the levels set forth in the later of the report accompanying the concurrent resolution on the budget (or, in the absence of such a report, placed in the Congressional Record prior to the consideration of such resolution) or in the joint explanatory statement of managers accompanying such resolution.

"(f) ADDITIONAL CONTENT OF REPORTS ACCOMPANYING BUDGET RESOLUTIONS AND OF JOINT EXPLANATORY STATEMENTS.—The report accompanying any concurrent resolution on the budget and the joint explanatory statement accompanying the conference report on each such resolution shall include the levels of the surplus in the budget for each fiscal year set forth in such resolution and of the surplus or deficit in the Federal Hospital Insurance Trust Fund, calculated using the assumptions set forth in subsection (e)(2)(A).

"(g) DEFINITIONS.—As used in this section:

"(1) The term 'medicare reform legislation' means a bill or a joint resolution to save Medicare that includes a provision stating the following: 'For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes medicare reform legislation.

"(2) The term 'social security reform legislation' means a bill or a joint resolution to save social security that includes a provision stating the following: 'For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes social security reform legislation.'.".

(5) In the first sentence of subsection (i) (as redesignated), by striking "(1)".

(6) At the end, by adding the following new subsection:

"(j) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.".

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—(1) If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include proposed legislative language for social security reform legislation or medicare reform legislation.

(2) Paragraph (1) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 201(g) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress).

(c) CONFORMING AMENDMENT.—The item relating to section 201 in the table of contents set forth in section 1(b) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress) is amended to read as follows:

"Sec. 201. Protection of social security and medicare surpluses.".

### SEC. 202. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5173.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

I commend my good friend, the gentleman from Kentucky (Mr. FLETCHER), for his tireless efforts in the area of debt reduction.

Madam Speaker, last year, the House overwhelmingly passed, 416 to 12, legislation I introduced, the Social Security lock-box. In March of this year, I introduced the Medicare lock-box, and in June, the House passed it, 420 to 2, to lock away Medicare surpluses. Both lock-boxes, however, have six times been stopped from coming to the floor in the other body by their Democrat leadership and the Clinton-Gore administration. Today, we try again and add to the Social Security and Medicare lock-boxes a third lock-box to be used only for paying down the national public debt.

Rather than paying down national debt with only what remains, after all of the spending is done, this measure sets aside surpluses. No longer will paying down the debt be an afterthought. It instead becomes the priority. This legislation accomplishes three major goals. First, it again stops the raid on Social Security by locking up the entire Social Security Trust Fund surplus. Second, it protects seniors that rely on Medicare by setting aside 100 percent of the Medicare surplus. Third, the debt lock-box would take an additional $42 billion off the spending table and use it to pay down public debt.

All in all, 90 percent of the total surplus, or $240 billion, will be used to pay down debt.

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I suspect my friend from the other side of the aisle will attempt to paint this bill as anything other than a real effort to pay off public debt. However, the real question is very simple: In the aftermath of 40 years of excessive spending, are we going to make our children and grandchildren foot the bill? Do our children not deserve to grow up unhampered by the burden of untold debt incurred by previous generations?

Members of this House are either for protecting Social Security and Medicare and paying down the public debt, or they are not. This legislation combines our historic protection of the Social Security and Medicare trust funds with our unprecedented commitment to debt reduction, thus keeping us on track to eliminating the public debt completely by year 2012, or before.

This bill is a win-win for our children, a win-win for fiscal discipline, and a win-win for our seniors. I urge my colleagues to support the Debt Relief Lock-box Reconciliation Act.

Madam Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is a wonderful thing to be a Member of the House of Representatives in an election year. It is really quite amazing to watch the Republican Party switch positions. During the last 2 weeks the big issue each week has been we are going to override the President's veto on a tax cut that we have given to the people.

They have come out here, and they always put out the press release that goes back to their home newspapers, and it says we tried to save you from the awful taxes of death and all these other things, and the press releases go home; but on the very day that we were trying the last failed override, the Republicans switched position in midair on the same day over in the Committee on Ways and Means and said we want to pay down the debt. We do not want to give away all that tax money; we want to pay down the debt.

So they have had the benefit of the press releases on the fact that they want to cut people's taxes, and everybody wants to cut people's taxes, we have said that all along. But the fact is that they have been reading the polls, and they figured out that the American people do not want tax breaks for the wealthy few. What they want is to pay down the national debt.

So now 7 weeks from tomorrow is election day, and the Republicans say, Oh, my God, the people are not with us. We better go where the people are.

It reminds me of that story about the French parliament, where the member came out of the parliament and said, Where is the mob? I am their leader. They are now running out to get in front of where the American people are.

Madam Speaker, this kind of battlefield conversion about 7 weeks before the election is really kind of a sham. We will all vote for it. Do not let anybody think we are going to have a bad vote on this. It is a PR thing. We are going to send out the PR releases too.

But the American people should not be fooled by this, because no separation legislation is needed to reduce the debt. If, at the end of the fiscal year, when we get to September 30, if there is money left in the Treasury, the Treasury takes it and buys back debt. They reduce the debt. They do not need any rule, they do not need any law, they do not need this kind of nonsense; and that may explain why the Senate has already not even bothered to take up two previous bills just like this.

These lockboxes are good for press releases, but they do not do anything about what is required, which is discipline and not spending money. There has already been $300 billion in debt bought back from the public since 1997 by this mechanism. We did not have any lockbox or anything else; the Treasury just bought back the debt at the end of each year.

But the real danger here is the kind of three-card monte that the Republicans like to play here. It was in June that they voted to put out a supplemental appropriations act and reach in and break their own lockbox. They said they had established this lockbox; but, when it came time and they wanted to do something, they just said, hey, pass an emergency appropriation and we will do it. They broke their own lockbox.

So today we are here, and we are going to pass on suspension calendar by 414 to 0, with a press release.

Madam Speaker, I reserve the balance of my time.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, just a quick comment, if I could, on my good friend from Washington's comments. It is interesting that during the 40 years that his party held control of the House there was not any debt being paid down. As a matter of fact, we had $200 billion and $300 billion deficits during those years.

As a matter of fact, the last year that they controlled both Houses and the presidency, not only did we not have tax fairness, we were paying the highest taxes in our Nation's history except for World War II. We actually had the highest tax increase during 1993, the last year that his party was in control.

So now the gentleman is right, we did try to bring about some tax fairness; to the 25 million married couples who pay an average of $1,400 a year more, just because they are married, a marriage penalty. We also tried to help those with small businesses and farms who would like to not have their farms and small businesses sold when they pass away just to pay the taxes.

So, yes, we have worked for tax fairness, and I find it tragic that your party and your President have chosen to veto and not pass that legislation.

Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), our majority leader.

Mr. ARMEY. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I guess this is the point in time where we might rely on that old homily: the proof of the pudding is in the eating. For 40 years, throughout all of my adult lifetime, the Democrats controlled this Chamber. During all those 40 years, the growth of government spending seemed to be without limit. Their hunger for new spending programs, one risky spending scheme after another, knew no bounds; and, as they continued spending, spending, spending, and reached the limits of the government's revenue, they spent the Social Security surplus, they spent the Medicare surplus, and then they went into debt to the tune of $250, $260, $270 billion a year. They knew no limit.

In 1994 the public got fed up with it. They turned to the Republicans on our promise that if we were given the majority, we will try to balance the budget. We intended to balance the budget. The voices from the left said it could not be done, it cannot be done. It might have been done if they had ever tried, but they never paid any attention to it.

Well, we not only tried, we did it. Not only did we balance the budget, but we now have an operating surplus of $268 billion. We have here a proposition that says 90 percent of that surplus, 90 percent of it should be dedicated to debt, to buy down of the publicly held debt. What is that promise for future generations? Reduced interest expense on the debt, a reduced burden.

They say again, it cannot be done. But we must do it. We must try. We bring this resolution out here today as a measure of our resolve toward that goal. Not only 90 percent of the unified budget surplus, but 100 percent of all Social Security surplus, 100 percent of all Medicare surplus.

Why must we do that? Because, Madam Speaker, it is not the government's money, it is the people's money. The American people created this surplus, and they now ask us to do something responsible with it.

Make no mistake about it, the cries are out there for more spending. Every Democrat in America has got a new risky spending scheme, and their leader is Vice President GORE. They will spend that money, unless we stand in the way.

We will have this vote today. And, yes, maybe the Senate will not take it up, but we in this body will have made a mark; we will have made the point. We have a commitment; and after this vote is taken, when the Democrats vote for it, as well as us, and they make what they have already confessed to be their public relations statement, it will be harder to go back, even for them.

So, yes, we are saying today we put a limit on government spending; we establish a higher priority of real debt reduction. Yes, there has been $350 billion worth of debt reduction since we took the majority; and no, it never would have happened without us, because we knew, understood and complied with the priorities of the American people. It is now time for all of us to take a stand. I say we can never go back.

Madam Speaker, it is not wasted upon me that our newest, youngest Members are the people that lead this charge, people like the gentleman from Kentucky (Mr. FLETCHER), people like the gentleman from Pennsylvania (Mr. TOOMEY), people who have just gotten to this town and people who have had a vow that while they are in this town they will not squander your money on risky spending schemes, when the better alternative to pay down the debt that was piled up by those who squandered in the past can take a higher priority. I applaud the youth, I applaud the enthusiasm, I applaud the leadership, and I recommend a yes vote for all people, those who mean it, and even those who want to make a public relations statement today.

Mr. McDERMOTT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would only say to the distinguished majority leader that it is good to come out here and give a 90 percent debt reduction figure and say we will spend only 10 percent. But one really has to know how to add and subtract when one starts that kind of discussion, because the 10-year surplus is $4 trillion, $4.5 trillion, and the tax cuts proposed by the Republicans are over $943 billion. That is 21 percent spent on tax cuts alone. You cannot get 21 percent out of 10 percent. I do not care how you squeeze it or twist it or what kind of press release you put out, you cannot make the cuts you wanted to make last week and come back in here today and say, we want to pay down the debt to 90 percent.

Madam Speaker, I yield 6 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, as I listened to my colleague from Texas a moment ago, I could not help but remember the infamous words of Will Rogers, when he said, "It ain't people's ignorance that bothers me so much, it is them knowing so much that ain't so is the problem," and how many times we stand on this floor and we talk about things that are the truth, but we leave out the rest of the truth, the whole truth, and nothing but the truth.

Now, I wish to congratulate my Republican colleagues for coming around to the Blue Dog position on debt reduction, which, by the way, has been supported by a majority on my side of the aisle since we first proposed it this year, and 37 on your side of the aisle supported it when we had a chance of making it work.

Today we have a bill at least rhetorically that says we are now coming around to debt reduction. Unfortunately, this legislation falls into the category of too little too late, and completely unnecessary; but let us pass it.

Once again, my friends on the other side of the aisle have gone back to their districts during the August recess talking about tax cuts and come back talking about debt reduction. They apparently have heard the same message I have heard countless times from the folks I represent; if in fact we have some extra money in the form of a surplus, we should use it to first pay down our debt and prepare to meet the challenges of Social Security and Medicare. In fact, Social Security and Medicare are the first priority of the American people, as it should be, and should be of this body.

I would have preferred that the Republican leadership had been as enthusiastic about that position 6 months ago when the Blue Dogs offered a budget that would have made debt reduction our top priority, and I am tired of listening to this side of the aisle always being in the wrong. Let me remind every one of my colleagues, 140 Democrats supported the debt reduction bill offered by the Blue Dog Democrats, and 37 Republicans in a bipartisan way supported our budget.

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It made debt reduction our top priority instead of pursuing tax cuts that would consume all of that surplus. But I am glad we are coming around to our way of thinking. Over the last 2 years, while the Republican leadership has been pushing proposals to use all the surplus for tax cuts, those of us in the Blue Dog Coalition have been fighting to make debt reduction our top priority.

On July 22, 1999, the gentleman from Tennessee (Mr. TANNER) offered a motion to recommit, H.R. 2488, the Tax Cut Reconciliation Bill, which would have required that 100 percent of the Social Security surplus and 50 percent of the non-Social Security surpluses be dedicated to reducing the national debt. This motion was defeated by a party line vote of 211–210, roll call No. 332, with only one Republican voting for it.

On February 10, 2000, the gentleman from Indiana (Mr. HILL) offered a motion to recommit, H.R. 6, that would have required Congress pass legislation reserving enough of the on-budget surplus for debt reduction to put the Government on a path to eliminate the publicly held debt by 2013 before the tax cut could take effect. This motion was defeated by a vote 196–230, on roll call No. 12, with all Republicans voting no.

Where were all my Republican colleagues who were talking about the virtue of debt reduction today on those votes when we had a chance to put in place a serious bipartisan plan for debt reduction?

The solid Republican opposition to these and other efforts to reserve surpluses for debt reduction stands in sharp contrast to the professed commitment to debt reduction that we hear today.

I was extremely disappointed to discover that the bill reported by the Committee on Ways and Means would only apply to 1 year. The conversion to the cause of debt reduction appears to be just a short plan of convenience. The bill before us will leave Congress free to abandon debt reduction and return to fiscally irresponsible proposals to use the entire surplus for tax cuts and/or increased spending next year.

The markets who are looking to us to see if we are serious about fiscal discipline will not be impressed by a temporary 1-year commitment to debt reduction that we can abandon next year. They are looking for a fiscally responsible, long-term framework that will keep us on a course to paying down the debt while meeting our priorities on the tax cut and spending side of the aisle.

We should follow the advice of the Concord Coalition to set new discretionary caps for the next 5 years on spending for this Congress controlled by the current majority and develop a long-term plan for allocating the surplus between debt reduction, tax cuts and spending for priority programs such as Medicare, agriculture, and defense.

Some of my colleagues have said that this bill dealing with debt reduction can apply for only 1 year because we do not know what the surpluses will be after next year. I would simply ask my colleagues, where was that concern last week when we were passing tax cuts and attempting to override? That was the concern some of us had about those tax cuts. We do not know what the future surpluses are going to be. Therefore, we should be conservative and pay down the debt.

In contrast to the debt reduction legislation before us now, the Blue Dog proposals which the majority rejected would have provided for a meaningful, long-term commitment to use surpluses for debt reduction. We believe that debt reduction should be our first priority and using the surplus not something to settle for out of desperation when all else fails.

If the Republican leadership is sincere in their support for debt reduction, I would ask them to work with the Blue Dogs and all on our side of the aisle in our efforts to ensure that debt reduction is the first priority and using the projected surplus over the next 10 years, not the next year, and realize that there are those on this side, in fact the majority of my colleagues on this side have supported with their votes recorded that we believe deficit reduction is the most important tact.

It still is not a bad plan. Go back to the drawing board. One year should not be enough. We ought to have at least a 5-year spending cap proposal on the floor of the House, and we ought to deal with the 10-year projections in a realistic way.

I would ask my friends on the other side of the aisle to join with us in doing just that.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have just a couple of comments. I want to thank my good friend the gentleman from Texas (Mr. STENHOLM) and the Blue Dogs. The very positive budget resolutions that they have put out over the years, I believe, have been very helpful. Again, I want to thank the gentleman. I have worked with him for a number of years on the Committee on the Budget.

The problem, however, is that at least the vast majority of their party has not gone along with that. As we look at during the years that Democrats were in control, not only were we not reducing the debt, we were increasing it, as a matter of fact increasing it by $200 billion and $300 billion a year, which, by the way, did not count what was going into Social Security, so it was probably almost double that, for almost 40 years off and on.

So we see again that, while the words are good, and I want to thank the gentleman and there is no doubt that his intention was very good, that was not what was being followed.

Madam Speaker, I yield 4½ minutes to the gentleman from Kentucky (Mr. FLETCHER) who has been very active on the Committee on the Budget working with us on our side on crafting this legislation.

Mr. FLETCHER. Madam Speaker, I thank the gentleman for all of his work. I have had the privilege of serving now almost 2 years on the Committee on the Budget with the gentleman from California (Mr. HERGER) and I know he has been a champion of making sure that we lock up Social Security and Medicare and not spending a penny of Social Security or Medicare on other Government programs, on more and bigger Government, which had been going on here in Washington before I arrived, at least for 40 years, where they had taken money from the Social Security trust fund and money from Medicare and spent it on more and bigger government.

Now, with fiscal discipline, we have been able to have a surplus. Yes, there is a real debate as to what do we do with this surplus. I think we need to put an emphasis on debt reduction. I am certainly glad to have the support of the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Texas (Mr. STENHOLM) for this debt reduction. This is the third bill that I have been privileged to bring to the floor to reduce the debt. And I thank them for the votes and certainly hope that they do vote and support it today.

We do have some differences on tax fairness. I think we should eliminate taxes that are unfair on married couples. That is just not the right kind of family values this institution should establish in this country. And double taxing and causing someone to go to the undertaker and the IRS in the same month are not the kind of values that this institution should espouse.

So, yes, we have substantial differences on how we should spend not our money but the people's money; and that is what we are talking about here today.

Now, what we are doing in this bill clearly is taking and doing something new that has not been done before; and that is appropriating money to a debt reduction account, $240 billion. Now, some naysayers may say, well, this will occur anyway. But, in fact, it does not occur that way.

Now when we go to the end of the year to debate how this money is spent, we have $240 billion, and I am very hopeful the other body, the Senate, will take this up. And taking up this legislation, then if we are going to increase spending on more and bigger government, we are actually going to have to take this money now from this account and we are going to have to at least flush out the folks that want to spend more money and make it very clear that they are taking that money from future generations.

That is what this is about. Do we want to live within our means like every family does when they are around the kitchen table and decide to balance their checkbooks or do we want to say, no, I am going to spend more, maybe please some constituents that we want or whatever, but I am going to do more and more and build bigger government and I am going to mortgage it on the backs of the future generation?

That must stop. I am thankful that we are able to stop that at this time, we are able to pay down that debt, $240 billion, hopefully eliminate it by 2012. And, yes, I do think we can give some tax refunds to folks to go make tax more fair. And these two are not mutually exclusive. We can do both.

In the Blue Dog budget, they had a tax relief plan and some of the reasons we did not support that is I think CBO ended up scoring that as a tax increase. There is some question about that. So I think we have some honest debate.

But what does this bill mean to the average person? First off, every child that is born owes $20,000 now in debt. Every taxpayer pays a dime out of every dollar just to pay the interest on it. What this means is that we are going to eventually eliminate that. We would like to reduce that debt on future generations. We would like to tear up their mortgage and pay it off. We would like to make sure we can increase revenues by reducing the debt that we owe and the interest on that publicly held debt. It means it will keep the economy going, more people will be able to afford a home, interest rates will be lower, people will be able to afford more on their children's education, and they might even be able to take a family vacation that they have not been able to take for a while. This means that we keep the economy going, hopefully, in the direction it is going, a booming economy, so that we can provide more.

So what this means is that it is for the future generations. It would eliminate, eventually, that $20,000 debt that every child owes. Every newborn that comes into this country receives that $20,000 debt, and we are working on eliminating that.

Again, I say it is very clear, what are our priorities? Do we want more and bigger government? Well the Clinton/Gore administration, over 2 years, presented budgets that did what? Increased taxes, $82 billion 1 year and $45 billion the next or thereabouts. That is the difference in priorities. We believe it is not the Government's money, it is the people's money.

Mr. McDERMOTT. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Madam Speaker, I want to join with the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Texas (Mr. STENHOLM) and congratulate people talking about debt reduction.

I do not know where my colleagues have been in the last 18 months or so, but if it were not for the surroundings in this room being familiar to me, I would think I was in another country in another parliamentary setting.

This is what we have been saying for 18 months and we have been told repeatedly, it is the people's money, give it back to them. We have seen hundreds of billions of dollars of tax cuts enacted by the people who come down here today and try to convince us that they want to reduce the debt. I mean, I thought I was in another country.

This is familiar and, so, I guess I am in the United States.

Let me give my colleagues some example of what I am talking about. They keep talking about 40 years. Here are facts. This is history. This is not conjecture. This is not speculation. This is not a projection. This is facts. These are the budget deficits under the Presidents.

Right here the red is President Carter. This is President Reagan. This is President Bush. Reagan starts here. All of this debt. Blue starts with Clinton. If we start 40 years, they are trying to tell people that Democrats in the House did something that is constitutionally impossible. They had a Republican President for 24 of those 28 years with a veto pen, just like President Clinton has. During 6 years of Reagan's 8-year term, they had a Republican Senate. There is no way under this Government that the House can do anything by itself.

So I appreciate what they are saying. But as the gentleman from Texas (Mr. STENHOLM) said, they are asking people to believe something that is constitutionally impossible.

Beyond that, what we are talking about is a real debt of over $3.5 trillion that we have been screaming about here for 18 months. I had the motion to ask my colleagues to just reserve half, split it with the kids of tomorrow, half of the on-budget surplus over the next 10 years, just split it with the kids.

No. We got one vote from them. The rest of it was let us take 87 percent under those projections for a tax cut now for ourselves, we will not worry about the future, notwithstanding the fact that it was only a projection.

Now, if my colleagues want to talk about debt reduction, let us not just do it this year, let us do it in connection with what we have been telling people about tax cuts and let us do it over 10 years. That is what the Blue Dogs ask them to do. If they are going to use 10-year numbers to do a tax cut, then, for heaven's sake, let us do a 10-year number for a debt reduction package. Then we have got apples to apples. Then we have got something that people can relate to, understand, appreciate, and either agree or disagree with.

But to come here now, I mean I am going to vote for it, too, why not, but this is I hope the forerunner of people who have been talking about what, I think, are irresponsible tax cuts based on projections coming and saying, let us do it the conservative way, let us do it on a 50-percent split with the kids.

As a matter of fact, they say 90 percent of a unified budget, that is only $7 billion more than the Blue Dog plan would have been this year under a 50-percent on-budget surplus. We would have put 35. They put 42 for 1 year.

□ 1645

Over 10 years we will put under the Blue Dog plan over $1.3 trillion more toward debt reduction than anything my Republican colleagues have voted for this year.

Let me just say this in closing. I appreciate the time. I hope that we can come together and quit all this finger pointing and so on. But there is no way that you can disregard 18 months and come down here and say, Well, you guys come along and join us. What we need to do is a 10-year projection, not a 1-year or 30-day, or it will not even be 30 days. October 1 is the new fiscal year. It will be 15 days.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

If the gentleman would leave his map up, I think that is a very good prop. I would like to refer to it myself. There are only certain numbers I think that really count. That is the results that we are doing. If we look again over the 40 years that the gentleman's party was in control, the Democrats, we spent more than we brought in each of those 40 years. The fact is that for the last 4 years, we have actually not had 2 and $300 billion deficits.

Let me just read. During 1998, the Republican Congress had a balanced budget, the first one in 30 years, paid down $51 billion. In 1999, we had a balanced budget plus we paid down $87 billion. This year, the year 2000, we had a balanced budget and we paid down $224 billion. We are projecting that for next year, 2001, and that is the only budget we have control over as the gentleman from Tennessee knows, the only budget we have control over is the one we are in right now, we are projecting a $240 billion paydown of the public debt, 90 percent of the entire surplus, not after we finish spending but before we begin spending we want to dedicate.

Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding time.

Madam Speaker, I would point out as we look at the graph, as we look at the chart, it is a fact that all spending bills originate in the House, as we contemplate where we would be today if we were using the President's budget from 1995, had we not had the election of a Republican House in 1994, where would we be today? I think the answer to that is based upon the President's budget at the time; we would still be running chronic $200 billion deficits today.

I want to thank some of my colleagues on the other side of the aisle, particularly the Blue Dogs, for their efforts at deficit reduction. But I must say some of the credit also goes certainly to the gentleman from Ohio (Mr. KASICH), our budget chairman, and goes to the Republicans who in 1994 and in 1995, we were able to slow the rate of government growth, one year down to 2.7 percent. And in so doing, by slowing that government growth rate, allow revenues to catch up with expenditures, and now we have balanced budgets. If indeed we do look at the chart, Members notice that when we begin to run those surpluses is at the point in time that the Republican House's budgets began to kick in.

I rise in support of this debt relief lock-box act because this bill uses 90 percent of next year's budget surplus to pay down the national debt. I think as we look at the Republican plan to pay off the total public debt by 2013 and the President has signed on to that plan, we are committed to doing that; as we look at that, we now begin to realize that there are more revenues coming in than we ever imagined.

The surplus is growing at a very good clip. The administration has continued to veto those measures like the marriage and death tax relief bills, so they have made it clear that they do not want to let Americans keep some of this money. They do not want to have that returned. From our side of the aisle, our response to that is, All right. Well, let's at least make certain that the government doesn't spend it. Let's make certain that it goes to paying down the debt. Because according to the General Accounting Office, the government made more than $20 billion in improper payments in fiscal 1999 through waste, fraud, and abuse. Let us at least agree that we are going to root out that waste, fraud and abuse in these Federal agencies; and let us agree that before we spend any more of this money, we will first use 90 percent of it to pay down that national debt.

I urge my colleagues to prioritize by passing this bill so that we can reach that consensus, which I think will be something we can all agree upon.

Mr. McDERMOTT. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the gentleman for yielding time.

Madam Speaker, I would like to return the compliment to the gentleman from California. I truly have enjoyed attempting to work with him and several others on his side of the aisle who have attempted to be consistent. The bill today is not consistent. That is my problem. You cannot be on the floor one week arguing for gigantic tax cuts and then the next week coming in for saying debt reduction. You cannot do that in an honest sense. You can do it in a political sense, and I realize that is what we are doing today.

I happen to have been here during the Reagan-Bush years. Only one of those 12 years did the Congress, the big-spending liberal Congress that we have heard so many times referred to, only one time in those 12 years did the Congress ever spend more than Presidents Reagan and Bush asked us to spend. I say that to say, let us stop the finger pointing. There is enough blame.

I give credit to my colleagues on the other side for those things which they have attempted to do. But I have a healthy disagreement with the budget priorities they have brought. The gentleman from Kentucky a moment ago inferred in the usual sly way that the Blue Dog budget would have increased taxes. He knows that is not right. He knows that our budget proposed real tax cuts, just like he knows that last week when I stood up in support of the President's veto on the marriage tax penalty, I support eliminating the marriage tax. He knows that. My argument was that it did not take $292 billion to do it, it took $82 billion.

Let us confine our tax cuts within the confines of what we need to do to pay down the debt, which the gentleman from Tennessee was talking about a moment ago. You cannot do both. If you are going to have a $1.3 trillion tax cut, you do not have any money left for deficit reduction and still meet the needs of Social Security and Medicare and defense spending and all of the other things that we need.

My colleagues know that I support eliminating the death tax and have voted that way and hope that in this compromise in the 90–10 era that we can have a death tax repeal effective January 1, 2001, on all estates up to $4 million if we can pull up our sleeves and start working together.

Now, I do not know why we have this legislation. Well, I do. Everybody knows why it is out here today. We keep talking about 40 years. Forty years is history. I am more interested in this year and the next 10 years and the gentleman from California (Mr. HERGER) is, too. I know exactly where he comes from. But he has got a duty to do today. His leadership has decided we have to now emphasize debt reduction, so we are going to have a bill out emphasizing debt reduction so we can have press releases back home. But the real way we are going to deal with this is to get real.

Let me also make it very clear when we talk about numbers, there is not a dime of these dollars that are not the people's money. It does not take Members of Congress standing up and saying this is the people's money. We do not have any money to spend that we do not first take from the American people. It is a matter of priorities. My priority is fixing Social Security and fixing Medicare first, paying down the debt and then dealing with the priorities that were your number one priority last week. This week it is a different one.

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Again what is important, I think history is important, what did happen, what are the actual facts. Again as we see on this chart here, for 40 years, the Congress where the Constitution sets up that the Congress, the House of Representatives specifically under Democrat control, or under anyone's control sets up a budget. They are the ones who author spending bills.

It is interesting that there is reference to tax reduction or tax fairness as though somehow that is wrong. My good friend from Texas, just to respond to that, I do not think it is wrong to correct and have tax fairness for a young married couple who is married who has several children and yet they are penalized an average of $1,400 just by the fact that they are married. I also do not think it is wrong that farmers and small businessmen in the gentleman from Texas' district as well as my rural area in northern California who work hard all their lives, who would like to leave their families, their children their farms and small businesses, they do not get anything out of it, they are dead, but that they have to sell their small farms and their small businesses simply to pay the taxes. I do not think that is wrong.

That is our priority.

Madam Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Madam Speaker, I wish when my colleague makes mention of me that he would extend the courtesy of yielding for purposes of a response. I agree with the gentleman. That is precisely our point. We can deal with the death tax and meet every single one of the tear-bringing responses that he just brought again to the floor. I agree with him. We can deal with the marriage tax, not like you were proposing it last week, but like the Blue Dogs have suggested for the last 18 months. We can do it. Let us roll up our sleeves and do it, and you will find that we will reduce the debt as much or more as the bill before us today and do just exactly that.

Mr. McDERMOTT. Madam Speaker, I yield myself the balance of my time.

I am sure that the President of the United States is very pleased to see this conversion of the Republican Party about 2 weeks before the final negotiations begin. He has said from the beginning that we are going to strengthen Social Security, we are going to strengthen Medicare, and we are going to pay off the debt and then we are going to get to the issues like the inheritance tax and the marriage tax penalty and so forth. He has made proposals. He has said, Let's put it all in one package. It is going to happen. But this is the first time, the first time, in fact this started the other day in the Oval Office or in the conference room up at the White House where suddenly the Republicans after all this tax cutting suddenly had for the first time a new proposal laid on the table by the Speaker saying we want 90 percent to go to debt reduction.

Now, it really is better late than never. I think if somebody comes into the church and accepts the gospel of debt reduction, it is better to do it now than never. And so we welcome you. We really do. We are going to be able to end this session and do what the American people need and what they have wanted all along. They have been telling us that. All the polls have been telling us from the beginning that they recognize that simply giving money back but leaving this debt resting on their kids was not fair. They knew. We have had a good life. But they said, Let's pay down our credit card so that our kids don't have to pay it down in the future. The President has said it. He said it in the State of the Union right here in the well. And now the Republicans are with him. That is wonderful.

Mr. HERGER. Madam Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. SMITH), a member of the Committee on the Budget.

Mr. SMITH of Michigan. I thank the gentleman for yielding me this time.

Madam Speaker, we are really talking about a $70 billion surplus in excess of Social Security and Medicare. It should be 90 percent of that $70 billion, or $63 billion rather, that we are taking 90 percent of the on- and off-budget surplus, which is a start; but it means more spending.

The President has said he sees probably there is no room for using any excess to pay down the debt this year other than the debt held by the public. We have got to go further than this. Talking about paying down the debt held by the public by 2012 means that we do not solve Social Security. We do not use that money to do what is important in saving Social Security and Medicare.

I thank the gentleman for yielding.

Madam Speaker, this is a good start, but it should be more. We are really talking about a $70 billion surplus in excess of Social Security and Medicare. Ninety percent of that $70 billion, is $63 billion that should be dedicated to debt reduction in addition to the Medicare and Social Security surplus. Rather, we are taking 90 percent of the unified budget surplus which allows an additional $20 billion more spending. Ninety percent of the $70 billion is $63 billion or only $7 billion increased spending. The reason such tax cuts as the marriage penalty tax should be on the table, is that it takes increased spending off the table.

The President has said he sees little room for additional debt paydown in 2001. Let me quote the New York Times of September 13th: "Mr. Clinton told Republicans he viewed paying down the debt as a priority, but said he was not sure it could be done in the 2001 fiscal budget, which is set to begin on Oct. 1. 'Whether we can do it this year or not depends upon what the various spending commitments are,' Mr. Clinton said."

We can do better than this. Talking about paying off the debt by 2012 is misleading. It means that we do not solve the Social Security problem because it is the Social Security surplus that is being used to pay down that portion of the total debt held by the public. We need that money to do what is necessary to save Social Security and Medicare.

□ 1700

Mr. HERGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we have a historic opportunity before us today. We can make debt reduction the priority instead of the afterthought. This Congress can throw away the old ways of paying debt only after the spending is done.

We are also reaffirming our commitment to saving every penny of the Social Security and Medicare trust funds. Ending the raid on these trust funds is the right thing to do. All in all this bill will pay down an unprecedented $240 billion in public debt in just 1 year.

Madam Speaker, I urge my colleagues to vote for this measure for our children, for our grandchildren, for our seniors, and for the best interests of our Nation.

Madam Speaker, and just responding quickly to my friend on the other side of the aisle on the gospel of debt reduction, I would like to refer to the board, a graph up here which shows that for 40 years under Democrat control, we deficit-spent every year; and I think what is important is that for the last year, for the last 4 years, we have not only not deficit-spend, but the proof of the pudding is in the eating.

And I say to my good friend, the gentleman from Washington (Mr. MCDERMOTT), in 1998 we paid down $51 billion. In 1999, we paid down $87 billion. In fiscal year 2000, $224 billion; and this year, we are asking to pay down $240 billion. Again the proof of the pudding is in the eating.

We have done it before, and let us do it now and let us commit to it.

Mr. ARCHER. Madam Speaker, this bill is very straightforward and simple, and I would like to congratulate the gentleman from Kentucky, Congressman FLETCHER, for all his work on this bill. This bill would direct approximately 90% of the total budget surplus toward debt relief in Fiscal year 2001. It includes Congressman HERGER's Social Security and Medicare lockbox legislation, and it adds an additional $42 billion from the on-budget surplus in FY 2001 for additional debt reduction.

No question, we would have preferred that some of these funds would have gone to end the marriage tax penalty for 25 million married couples and to repeal the death tax to protect small businesses and family farms, but President Clinton blocked these bipartisan efforts.

So now, the next best use for these funds is to pay down the debt. Federal Reserve Chairman Alan Greenspan has said debt relief is the best way to keep our economy strong. Of course, Chairman Greenspan also has said that the worst possible use of these surplus funds is for more spending.

We don't want debt relief to be the crumbs on the table after the Washington spending binge, we want debt relief to be the meat and potatoes that grows our economy instead of big government.

That's why this bill represents a compromise. President Clinton showed that he did not want to use the taxpayer-generated surplus for tax relief with his vetoes. Buy by the same token, Republicans in Congress do not feel that the lion's share of the surplus should be used for more spending. So why don't we compromise and use the funds to pay down the public debt?

I hope and am confident we will have bipartisan support for this bill today, since every Member of the Ways and Means Committee voted for this bill last week. If there are any objections, and I hope there will be none, but if there are, I would expect them to focus on the level of debt relief included in this bill. Again, since the House passed this exact same approach to debt relief in July by a vote of 422–1, I cannot envision any objections as to how this bill achieves debt relief.

This bill is the latest highlight of a Republican record on debt relief that is unmatched in history.

Since Republicans gained control of Congress, we have paid down $351 billion in debt—$351 billion. Now, we propose to continue this effort by paying down an additional $240 billion of debt for FY 2001. Combined, that would mean that by the end of FY 2001, we would have paid down well over a half a trillion dollars in the public debt.

Half a trillion dollars in debt relief is a remarkable accomplishment for which we can all be proud.

Mr. STEARNS. Mr. Speaker, I rise in strong support of H.R. 5173, the Debt Relief Lock-Box Reconciliation Act for FY 2001. This legislation achieves several important goals—not the least of which is to retire the nation's debt by an additional forty two billion dollars in FY 2001. It does so while providing that one hundred percent of the Social Security and Medicare surpluses are fully protected. Why is it so important to all Americans, including seniors that we pay down the debt? I'll be more than happy to tell you why I think it is vital that we pay down the debt since we have eliminated the nation's deficits.

Thomas Jefferson made the following statement:

> I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared.

The was in 1816. That was a credible statement then and it remains so today. If you divide the number of citizens by the outstanding public debt, what would you get? Your share, my share, each and every child's share is $20,559.

The gross debt, which is all of the federal government's outstanding debt, totals about $5.5 trillion. To answer the question I posed earlier: We must reduce the debt because it will enhance net national savings, this in turn would free up resources for investments in productivity that will lead to stronger economic growth in the future. A larger economy will help ease the burden on our nation's children, who in later life as taxpayers, will be asked to shoulder the burden of paying for retirement and health care costs of a dramatically older population.

Paying down the debt is the right thing to do and I urge my colleagues to support passage of this important legislation.

Mr. BENTSEN. Madam Speaker, I rise in support of H.R. 5173 and want to commend the Republican Leadership for abandoning their fiscally irresponsible budget and trying to salvage, albeit with less than a month left until the 106th Congress ends, something from the ruins of their failed budget that hinged on a foolhardly $2 trillion tax cut.

H.R. 5173 would reserve 90%, or $239 billion of the total projected federal budget surplus for Fiscal Year 2001, for debt reduction. As a senior member of the House Budget Committee, I have consistently argued that the best course of action to insure the continued fiscal health of this nation, is to pay down publicly-held debt, while simultaneously safeguarding Social Security and Medicare. Under H.R. 5173, the non-Social Security, non-Medicare surplus, estimated at $42 billion, would be reserved for debt reduction and would be kept in a newly-established special account, maintained by the U.S. Department of Treasury, for use to purchase publicly-held debt at or before maturity. H.R. 5173 also amends the Republican flawed budget, H. Con. Res. 290, by creating "points of order" in the House and Senate, against any legislation that would use the projected $165 billion Social Security Trust Fund and $32 billion Medicare Hospital Insurance Trust Fund surpluses for anything other than paying down the debt. This measure, which leaves $29 billion available for spending increases or tax cuts, represents an enormous departure from the Republican Leadership's trillion dollars tax cut.

Paying down the debt is sound fiscal policy. First, by retiring Treasury bonds and reducing their availability, interest rates decline, including lower cost mortgages and car loans. Second, reducing the debt frees up capital for investment in more productive assets which will spur economic growth. Third, paying down the debt frees up federal resources which are otherwise consumed by interest costs. Fourth, lower interest rates, increased savings and economic growth, and freeing up resources all work together to increase our ability to extend the solvency of Social Security and Medicare. And fifth, the projected long-term budget surplus is based on assumptions which could change.

I have consistently argued that consuming the projected surpluses rather than pay down debt, leaves no room for error if the assumptions on budgetary surpluses turn out to be wrong and could lead us back on the path of increased debt, squeezing out Social Security, Medicare, defense, and other priorities. For these reasons, Madam Speaker, I rise in support of H.R. 5173, a concession by the Republican Leadership that their massive tax cutting scheme, was fiscally imprudent.

Mr. HERGER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5173, as amended.

The question was taken.

Mr. HERGER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 5 o'clock and 2 minutes p.m.), the House stood in recess until 6 p.m.

□ 1802

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HULSHOF) at 6 o'clock and 2 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 5173, by the yeas and nays;

H.R. 5010, by the yeas and nays; and

H.R. 2984, de novo.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## DEBT RELIEF LOCK-BOX RECONCILIATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5173, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5173, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 3, not voting 50, as follows:

[Roll No. 477]

YEAS—381

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pastor
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Mollohan
Nadler
Sabo

NOT VOTING—50

Blunt
Boucher
Campbell
Chenoweth-Hage
Cook
Crane
Cubin
Dooley
Dunn
Ehrlich
Emerson
Fattah
Franks (NJ)
Frost
Gordon
Hastings (WA)
Hilleary
Hinchey
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Lazio
Lewis (CA)
Lewis (GA)
McCollum
McIntosh
Moakley
Neal
Nethercutt
Norwood
Oberstar
Owens
Oxley
Pascrell
Pelosi
Pryce (OH)
Rogan
Saxton
Stark
Sweeney
Talent
Taylor (NC)
Thurman
Vento
Walsh
Wamp
Waxman
Wise

□ 1828

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HULSHOF). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5010, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5010, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 6, not voting 50, as follows:

[Roll No 478]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Ney
Northup
Nussle
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Boehner
Goss
Miller, Gary
Paul
Royce
Schaffer

NOT VOTING—50

Blunt
Boucher
Campbell
Chenoweth-Hage
Cook
Crane
Cubin
Dooley
Dunn
Ehrlich
Emerson
Fattah
Fletcher
Franks (NJ)
Frost
Gordon
Hastings (WA)
Hilleary
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Lazio
Lewis (CA)
Lewis (GA)
McCollum
McIntosh
Moakley
Neal
Nethercutt
Norwood
Oberstar
Owens
Oxley
Pascrell
Pelosi
Pryce (OH)
Rogan
Saxton
Stark
Sweeney
Talent
Taylor (NC)
Thurman
Vento
Walsh
Wamp
Waxman
Wise

☐ 1839

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MISSOURI RIVER BASIN PROJECT CONVEYANCE

The SPEAKER pro tempore (Mr. HULSHOF). The pending business is the question of suspending the rules and passing the bill, H.R. 2984, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2984, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. COBURN. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4577 tomorrow. The form of the motion is as follows:

I move that the managers on the part of the House on disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to recede to Section 517 of the Senate amendment to the House bill, prohibiting the use of funds to distribute postcoital emergency contraception (the morning-after pill) to minors on the premises or in the facility of any elementary or secondary school.

The SPEAKER pro tempore. The notice will appear in the RECORD.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

## CLEAR CREEK COUNTY, COLORADO, PUBLIC LANDS TRANSFER ACT AMENDMENTS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2799) to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the act.

The Clerk read as follows:

H.R. 2799

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MODIFICATION OF LAND CONVEYANCE, CLEAR CREEK COUNTY, COLORADO.**

Section 5(c)(2) of the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 (Public Law 103–253; 108 Stat. 677) is amended by striking "the date 10 years after the date of enactment of this Act" and by inserting "May 19, 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2799 is a simple measure that would amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993. This act transferred approximately 7,300 acres of BLM managed land to Clear Creek County.

The 7,300 acres consisted of unmanageable and scattered tracks of land held by the BLM. Clear Creek County was given the option to retain or dispose of this land and was given a deadline to complete this by May 19, 2004. All lands that had not been disposed of at that time were to be retained by the county. Since the passage of the 1993 act, Clear Creek County has had difficulty in disposing of some of the transferred land that would be impossible for the county to manage.

Instead of forcing Clear Creek County to retain lands they are incapable of properly managing, H.R. 2799 would provide 10 years additional time for the county to dispose of these lands.

Mr. Speaker, I urge my colleagues to support H.R. 2799.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as its author, I obviously support passage of this bill. I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, and our ranking member, the gentleman from California (Mr. GEORGE MILLER), for making it possible for the House to consider it today.

Mr. Speaker, I also want to thank the gentleman from Utah (Mr. HANSEN), my colleague, for his assistance with this legislation.

☐ 1845

I introduced the bill last year at the request of the commissioners of Clear Creek County. The bill amends section 5 of the Clear Creek Land Transfer Act of 1993. The effect of the amendment would be to allow Clear Creek County additional time to determine the future disposition of some former Federal land that was transferred to the county under that section of the 1993 act.

The 1993 act was originally proposed by my predecessor, Representative David Skaggs. Its purpose was to clarify Federal land ownership questions in Clear Creek County while helping to complete consolidation of the Bureau of Land Management administration in eastern Colorado and assisting with protecting open space and preserving historic sites. As part of its plan to merge its eastern Colorado operations into one administrative office, the BLM has determined that it would be best to dispose of most of its surface lands in northeastern Colorado. The 1993 act helped achieve that goal by transferring some 14,000 acres of land from the Bureau of Land Management to the U.S. Forest Service to the State of Colorado to Clear Creek County and to the towns of Georgetown and Silver Plume.

Of course, the BLM could have sold all of these lands and the local governments could have applied for parcels under the Recreation and Public Purposes Act. Under current law, however, the BLM would first have had to complete detailed boundary surveys. Since lands in question included many small, d-shaped parcels, some measured literally in inches, the BLM estimated that boundary surveys would have taken at least another 15 years to complete and could have cost as much as $18 million.

The estimated market value of these lands was only $3 million, and because the administrative costs were expected to be so much higher than the value of these lands, their disposal under existing law probably could never have been completed. And this would have been the worst of all outcomes because, after reaching the conclusion that the land should be transferred, the BLM in effect stopped managing them to the extent that they could have been managed at all.

Until some means could be found to enable their transfer, these 14,000 acres were effectively abandoned property, potentially attracting all the problems which befall property left uncared for and ignored.

The 1993 act responded to that situation. Under it, about 3,500 acres of BLM land in Clear Creek County were transferred to the Arapaho National Forest. About 3,200 acres of land transferred to the State of Colorado, the county and the towns of Georgetown and Silver Plume.

Finally, about 7,300 acres were transferred to the county. The bill before us today deals only with those lands transferred to the county. The 1993 act provides that after it prepares a comprehensive land use plan, the county may resale some of the land. Other parcels will be transferred to local governments, including the county, to be retained for recreation and public purposes.

With regard to the lands that the county has authority to sell, the 1993 act in effect authorizes the county to act as the BLM sales agent. It provides the Federal Government will receive any of the net receipts from the sale of these lands by the county. Under the 1993 act, the county has 10 years within which to resolve questions related to the rights of way, mining claims and trespass situations on the lands covered by that section of the act, and then to decide which parcels to transfer and which to retain.

Among other things, the county is working with the Colorado Division of Wildlife on a proposal that will result in some 2,000 acres being transferred to the division of wildlife and management as big horn sheep habitat. While the county has completed the conveyance of some of these lands, they still have about 6,000 acres to dispose of. The county commissioners have informed me that the process is taking longer than they anticipated and that a 10-year extension of time would be helpful to them to complete the process.

The bill that the House is considering today responds to that request by providing that extension. I urge its adoption, and I attach a letter from the commissioners of Clear Creek County explaining the request for this legislation.

COUNTY OF CLEAR CREEK,
*Georgetown, CO, August 3, 1999.*

Re County of Clear Creek, Colorado Public Lands Transfer Act of 1993.

Congressman MARK UDALL,
*Westminister, CO.*

DEAR CONGRESSMAN UDALL: I have been asked to provide information regarding the status of this project. As of this date, we have conveyed 118 parcels, consisting of 464 acres, of the former BLM land. This means we still have over 1,100 parcels, or 6,000 acres, to dispose of.

A considerable amount of the time on this project has involved analysis and policy development to deal with broad issues that affect most of the parcels, such as rights of way and unpatented mining claims. We have developed suitable solutions for most of these issues. As for trespass situations on specific parcels, we have resolved six of them, and there are four more that we are aware of.

It has also taken a great deal of time to develop policies and procedures for land conveyance that are equitable and cost effective. As you are aware, much of this land consists of hundreds of small fragments that are most appropriately conveyed to owners of contiguous properties, since they are too costly to manage in this configuration. Each parcel must go through the zoning process, and in many cases, the subdivision exemption process to divide them, before they be conveyed. Getting these fragments into private ownership is the biggest challenge of this project.

There are some large tracts of consolidated acreage for which we need to determine disposition. If we retain any of the land (for Recreation (and Public Purpose, as stipulated by the Transfer Act), it would be these tracts, since they would be affordable to manage. However, this has not been decided yet, because we are also looking into conveyance of these tracts to land trusts or conservation groups.

The Colorado Division of Wildlife has asked to purchase approximately 2,000 acres for Bighorn Sheep habitat. They are currently trying to put together funding for this purchase, and we are told that this could take several years.

If you need more information or have any questions, please call me at (303) 679-2434.

Sincerely,

MARK SPARGUE,
*Project Manager, County Lands Department.*

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HULSHOF). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2799.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein on H.R. 2799.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

## INTERCOUNTRY ADOPTION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2909), to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation and Respect of Intercountry Adoption, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment, with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

*(a) SHORT TITLE.—This Act may be cited as the "Intercountry Adoption Act of 2000".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings and purposes.*
*Sec. 3. Definitions.*

*TITLE I—UNITED STATES CENTRAL AUTHORITY*

*Sec. 101. Designation of central authority.*
*Sec. 102. Responsibilities of the Secretary of State.*
*Sec. 103. Responsibilities of the Attorney General.*
*Sec. 104. Annual report on intercountry adoptions.*

*TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL*

*Sec. 201. Accreditation or approval required in order to provide adoption services in cases subject to the Convention.*
*Sec. 202. Process for accreditation and approval; role of accrediting entities.*
*Sec. 203. Standards and procedures for providing accreditation or approval.*
*Sec. 204. Secretarial oversight of accreditation and approval.*
*Sec. 205. State plan requirement.*

*TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES*

*Sec. 301. Adoptions of children immigrating to the United States.*
*Sec. 302. Immigration and Nationality Act amendments relating to children adopted from Convention countries.*
*Sec. 303. Adoptions of children emigrating from the United States.*

*TITLE IV—ADMINISTRATION AND ENFORCEMENT*

*Sec. 401. Access to Convention records.*
*Sec. 402. Documents of other Convention countries.*
*Sec. 403. Authorization of appropriations; collection of fees.*
*Sec. 404. Enforcement.*

*TITLE V—GENERAL PROVISIONS*

*Sec. 501. Recognition of Convention adoptions.*
*Sec. 502. Special rules for certain cases.*
*Sec. 503. Relationship to other laws.*
*Sec. 504. No private right of action.*
*Sec. 505. Effective dates; transition rule.*

**SEC. 2. FINDINGS AND PURPOSES.**

*(a) FINDINGS.—Congress recognizes—*

*(1) the international character of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at The Hague on May 29, 1993), and*

*(2) the need for uniform interpretation and implementation of the Convention in the United States and abroad,*

*and therefore finds that enactment of a Federal law governing adoptions and prospective adoptions subject to the Convention involving United States residents is essential.*

*(b) PURPOSES.—The purposes of this Act are—*

*(1) to provide for implementation by the United States of the Convention;*

*(2) to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents involved in adoptions (or prospective adoptions) subject to the Convention, and to ensure that such adoptions are in the children's best interests; and*

*(3) to improve the ability of the Federal Government to assist United States citizens seeking to adopt children from abroad and residents of other countries party to the Convention seeking to adopt children from the United States.*

**SEC. 3. DEFINITIONS.**

*As used in this Act:*

*(1) ACCREDITED AGENCY.—The term "accredited agency" means an agency accredited under title II to provide adoption services in the United States in cases subject to the Convention.*

*(2) ACCREDITING ENTITY.—The term "accrediting entity" means an entity designated under section 202(a) to accredit agencies and approve persons under title II.*

*(3) ADOPTION SERVICE.—The term "adoption service" means—*

*(A) identifying a child for adoption and arranging an adoption;*

*(B) securing necessary consent to termination of parental rights and to adoption;*

*(C) performing a background study on a child or a home study on a prospective adoptive parent, and reporting on such a study;*

*(D) making determinations of the best interests of a child and the appropriateness of adoptive placement for the child;*

*(E) post-placement monitoring of a case until final adoption; and*

*(F) where made necessary by disruption before final adoption, assuming custody and providing child care or any other social service pending an alternative placement.*

*The term "providing", with respect to an adoption service, includes facilitating the provision of the service.*

*(4) AGENCY.—The term "agency" means any person other than an individual.*

*(5) APPROVED PERSON.—The term "approved person" means a person approved under title II to provide adoption services in the United States in cases subject to the Convention.*

*(6) ATTORNEY GENERAL.—Except as used in section 404, the term "Attorney General" means the Attorney General, acting through the Commissioner of Immigration and Naturalization.*

*(7) CENTRAL AUTHORITY.—The term "central authority" means the entity designated as such by any Convention country under Article 6(1) of the Convention.*

*(8) CENTRAL AUTHORITY FUNCTION.—The term "central authority function" means any duty required to be carried out by a central authority under the Convention.*

*(9) CONVENTION.—The term "Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993.*

*(10) CONVENTION ADOPTION.—The term "Convention adoption" means an adoption of a child resident in a foreign country party to the Convention by a United States citizen, or an adoption of a child resident in the United States by an individual residing in another Convention country.*

*(11) CONVENTION RECORD.—The term "Convention record" means any item, collection, or grouping of information contained in an electronic or physical document, an electronic collection of data, a photograph, an audio or video tape, or any other information storage medium of any type whatever that contains information about a specific past, current, or prospective Convention adoption (regardless of whether the adoption was made final) that has been preserved in accordance with section 401(a) by the Secretary of State or the Attorney General.*

*(12) CONVENTION COUNTRY.—The term "Convention country" means a country party to the Convention.*

*(13) OTHER CONVENTION COUNTRY.—The term "other Convention country" means a Convention country other than the United States.*

*(14) PERSON.—The term "person" shall have the meaning provided in section 1 of title 1, United States Code, and shall not include any agency of government or tribal government entity.*

*(15) PERSON WITH AN OWNERSHIP OR CONTROL INTEREST.—The term "person with an ownership or control interest" has the meaning given such term in section 1124(a)(3) of the Social Security Act (42 U.S.C. 1320a-3).*

*(16) SECRETARY.—The term "Secretary" means the Secretary of State.*

*(17) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.*

### *TITLE I—UNITED STATES CENTRAL AUTHORITY*

**SEC. 101. DESIGNATION OF CENTRAL AUTHORITY.**

*(a) IN GENERAL.—For purposes of the Convention and this Act—*

*(1) the Department of State shall serve as the central authority of the United States; and*

*(2) the Secretary shall serve as the head of the central authority of the United States.*

*(b) PERFORMANCE OF CENTRAL AUTHORITY FUNCTIONS.—*

*(1) Except as otherwise provided in this Act, the Secretary shall be responsible for the performance of all central authority functions for the United States under the Convention and this Act.*

*(2) All personnel of the Department of State performing core central authority functions in a professional capacity in the Office of Children's*

*Issues shall have a strong background in consular affairs, personal experience in international adoptions, or professional experience in international adoptions or child services.*

*(c) AUTHORITY TO ISSUE REGULATIONS.—Except as otherwise provided in this Act, the Secretary may prescribe such regulations as may be necessary to carry out central authority functions on behalf of the United States.*

### SEC. 102. RESPONSIBILITIES OF THE SECRETARY OF STATE.

*(a) LIAISON RESPONSIBILITIES.—The Secretary shall have responsibility for—*

*(1) liaison with the central authorities of other Convention countries; and*

*(2) the coordination of activities under the Convention by persons subject to the jurisdiction of the United States.*

*(b) INFORMATION EXCHANGE.—The Secretary shall be responsible for—*

*(1) providing the central authorities of other Convention countries with information concerning—*

*(A) accredited agencies and approved persons, agencies and persons whose accreditation or approval has been suspended or canceled, and agencies and persons who have been temporarily or permanently debarred from accreditation or approval;*

*(B) Federal and State laws relevant to implementing the Convention; and*

*(C) any other matters necessary and appropriate for implementation of the Convention;*

*(2) not later than the date of the entry into force of the Convention for the United States (pursuant to Article 46(2)(a) of the Convention) and at least once during each subsequent calendar year, providing to the central authority of all other Convention countries a notice requesting the central authority of each such country to specify any requirements of such country regarding adoption, including restrictions on the eligibility of persons to adopt, with respect to which information on the prospective adoptive parent or parents in the United States would be relevant;*

*(3) making responses to notices under paragraph (2) available to—*

*(A) accredited agencies and approved persons; and*

*(B) other persons or entities performing home studies under section 201(b)(1);*

*(4) ensuring the provision of a background report (home study) on prospective adoptive parent or parents (pursuant to the requirements of section 203(b)(1)(A)(ii)), through the central authority of each child's country of origin, to the court having jurisdiction over the adoption (or, in the case of a child emigrating to the United States for the purpose of adoption, to the competent authority in the child's country of origin with responsibility for approving the child's emigration) in adequate time to be considered prior to the granting of such adoption or approval;*

*(5) providing Federal agencies, State courts, and accredited agencies and approved persons with an identification of Convention countries and persons authorized to perform functions under the Convention in each such country; and*

*(6) facilitating the transmittal of other appropriate information to, and among, central authorities, Federal and State agencies (including State courts), and accredited agencies and approved persons.*

*(c) ACCREDITATION AND APPROVAL RESPONSIBILITIES.—The Secretary shall carry out the functions prescribed by the Convention with respect to the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention as provided in title II. Such functions may not be delegated to any other Federal agency.*

*(d) ADDITIONAL RESPONSIBILITIES.—The Secretary—*

*(1) shall monitor individual Convention adoption cases involving United States citizens; and*

*(2) may facilitate interactions between such citizens and officials of other Convention countries on matters relating to the Convention in any case in which an accredited agency or approved person is unwilling or unable to provide such facilitation.*

*(e) ESTABLISHMENT OF REGISTRY.—The Secretary and the Attorney General shall jointly establish a case registry of all adoptions involving immigration of children into the United States and emigration of children from the United States, regardless of whether the adoption occurs under the Convention. Such registry shall permit tracking of pending cases and retrieval of information on both pending and closed cases.*

*(f) METHODS OF PERFORMING RESPONSIBILITIES.—The Secretary may—*

*(1) authorize public or private entities to perform appropriate central authority functions for which the Secretary is responsible, pursuant to regulations or under agreements published in the Federal Register; and*

*(2) carry out central authority functions through grants to, or contracts with, any individual or public or private entity, except as may be otherwise specifically provided in this Act.*

### SEC. 103. RESPONSIBILITIES OF THE ATTORNEY GENERAL.

*In addition to such other responsibilities as are specifically conferred upon the Attorney General by this Act, the central authority functions specified in Article 14 of the Convention (relating to the filing of applications by prospective adoptive parents to the central authority of their country of residence) shall be performed by the Attorney General.*

### SEC. 104. ANNUAL REPORT ON INTERCOUNTRY ADOPTIONS.

*(a) REPORTS REQUIRED.—Beginning one year after the date of the entry into force of the Convention for the United States and each year thereafter, the Secretary, in consultation with the Attorney General and other appropriate agencies, shall submit a report describing the activities of the central authority of the United States under this Act during the preceding year to the Committee on International Relations, the Committee on Ways and Means, and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Judiciary of the Senate.*

*(b) REPORT ELEMENTS.—Each report under subsection (a) shall set forth with respect to the year concerned, the following:*

*(1) The number of intercountry adoptions involving immigration to the United States, regardless of whether the adoption occurred under the Convention, including the country from which each child emigrated, the State to which each child immigrated, and the country in which the adoption was finalized.*

*(2) The number of intercountry adoptions involving emigration from the United States, regardless of whether the adoption occurred under the Convention, including the country to which each child immigrated and the State from which each child emigrated.*

*(3) The number of Convention placements for adoption in the United States that were disrupted, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the disruption, the resolution of the disruption, the agencies that handled the placement for adoption, and the plans for the child, and in addition, any information regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act, as amended by section 205 of this Act.*

*(4) The average time required for completion of a Convention adoption, set forth by country from which the child emigrated.*

*(5) The current list of agencies accredited and persons approved under this Act to provide adoption services.*

*(6) The names of the agencies and persons temporarily or permanently debarred under this Act, and the reasons for the debarment.*

*(7) The range of adoption fees charged in connection with Convention adoptions involving immigration to the United States and the median of such fees set forth by the country of origin.*

*(8) The range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention.*

## TITLE II—PROVISIONS RELATING TO ACCREDITATION AND APPROVAL

### SEC. 201. ACCREDITATION OR APPROVAL REQUIRED IN ORDER TO PROVIDE ADOPTION SERVICES IN CASES SUBJECT TO THE CONVENTION.

*(a) IN GENERAL.—Except as otherwise provided in this title, no person may offer or provide adoption services in connection with a Convention adoption in the United States unless that person—*

*(1) is accredited or approved in accordance with this title; or*

*(2) is providing such services through or under the supervision and responsibility of an accredited agency or approved person.*

*(b) EXCEPTIONS.—Subsection (a) shall not apply to the following:*

*(1) BACKGROUND STUDIES AND HOME STUDIES.—The performance of a background study on a child or a home study on a prospective adoptive parent, or any report on any such study by a social work professional or organization who is not providing any other adoption service in the case, if the background or home study is approved by an accredited agency.*

*(2) CHILD WELFARE SERVICES.—The provision of a child welfare service by a person who is not providing any other adoption service in the case.*

*(3) LEGAL SERVICES.—The provision of legal services by a person who is not providing any adoption service in the case.*

*(4) PROSPECTIVE ADOPTIVE PARENTS ACTING ON OWN BEHALF.—The conduct of a prospective adoptive parent on his or her own behalf in the case, to the extent not prohibited by the law of the State in which the prospective adoptive parent resides.*

### SEC. 202. PROCESS FOR ACCREDITATION AND APPROVAL; ROLE OF ACCREDITING ENTITIES.

*(a) DESIGNATION OF ACCREDITING ENTITIES.—*

*(1) IN GENERAL.—The Secretary shall enter into agreements with one or more qualified entities under which such entities will perform the duties described in subsection (b) in accordance with the Convention, this title, and the regulations prescribed under section 203, and upon entering into each such agreement shall designate the qualified entity as an accrediting entity.*

*(2) QUALIFIED ENTITIES.—In paragraph (1), the term "qualified entity" means—*

*(A) a nonprofit private entity that has expertise in developing and administering standards for entities providing child welfare services and that meets such other criteria as the Secretary may by regulation establish; or*

*(B) a public entity (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, that—*

*(i) has expertise in developing and administering standards for entities providing child welfare services;*

*(ii) accredits only agencies located in the State in which the public entity is located; and*

*(iii) meets such other criteria as the Secretary may by regulation establish.*

*(b) DUTIES OF ACCREDITING ENTITIES.—The duties described in this subsection are the following:*

*(1) ACCREDITATION AND APPROVAL.—Accreditation of agencies, and approval of persons, to provide adoption services in the United States in cases subject to the Convention.*

*(2) OVERSIGHT.—Ongoing monitoring of the compliance of accredited agencies and approved persons with applicable requirements, including review of complaints against such agencies and persons in accordance with procedures established by the accrediting entity and approved by the Secretary.*

*(3) ENFORCEMENT.—Taking of adverse actions (including requiring corrective action, imposing sanctions, and refusing to renew, suspending, or canceling accreditation or approval) for noncompliance with applicable requirements, and notifying the agency or person against whom adverse actions are taken of the deficiencies necessitating the adverse action.*

*(4) DATA, RECORDS, AND REPORTS.—Collection of data, maintenance of records, and reporting to the Secretary, the United States central authority, State courts, and other entities (including on persons and agencies granted or denied approval or accreditation), to the extent and in the manner that the Secretary requires.*

*(c) REMEDIES FOR ADVERSE ACTION BY ACCREDITING ENTITY.—*

*(1) CORRECTION OF DEFICIENCY.—An agency or person who is the subject of an adverse action by an accrediting entity may re-apply for accreditation or approval (or petition for termination of the adverse action) on demonstrating to the satisfaction of the accrediting entity that the deficiencies necessitating the adverse action have been corrected.*

*(2) NO OTHER ADMINISTRATIVE REVIEW.—An adverse action by an accrediting entity shall not be subject to administrative review.*

*(3) JUDICIAL REVIEW.—An agency or person who is the subject of an adverse action by an accrediting entity may petition the United States district court in the judicial district in which the agency is located or the person resides to set aside the adverse action. The court shall review the adverse action in accordance with section 706 of title 5, United States Code, and for purposes of such review the accrediting entity shall be considered an agency within the meaning of section 701 of such title.*

*(d) FEES.—The amount of fees assessed by accrediting entities for the costs of accreditation shall be subject to approval by the Secretary. Such fees may not exceed the costs of accreditation. In reviewing the level of such fees, the Secretary shall consider the relative size of, the geographic location of, and the number of Convention adoption cases managed by the agencies or persons subject to accreditation or approval by the accrediting entity.*

### *SEC. 203. STANDARDS AND PROCEDURES FOR PROVIDING ACCREDITATION OR APPROVAL.*

*(a) IN GENERAL.—*

*(1) PROMULGATION OF REGULATIONS.—The Secretary, shall, by regulation, prescribe the standards and procedures to be used by accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in cases subject to the Convention.*

*(2) CONSIDERATION OF VIEWS.—In developing such regulations, the Secretary shall consider any standards or procedures developed or proposed by, and the views of, individuals and entities with interest and expertise in international adoptions and family social services, including public and private entities with experience in licensing and accrediting adoption agencies.*

*(3) APPLICABILITY OF NOTICE AND COMMENT RULES.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.*

*(b) MINIMUM REQUIREMENTS.—*

*(1) ACCREDITATION.—The standards prescribed under subsection (a) shall include the requirement that accreditation of an agency may not be provided or continued under this title unless the agency meets the following requirements:*

*(A) SPECIFIC REQUIREMENTS.—*

*(i) The agency provides prospective adoptive parents of a child in a prospective Convention adoption a copy of the medical records of the child (which, to the fullest extent practicable, shall include an English-language translation of such records) on a date which is not later than the earlier of the date that is 2 weeks before (I) the adoption, or (II) the date on which the prospective parents travel to a foreign country to complete all procedures in such country relating to the adoption.*

*(ii) The agency ensures that a thorough background report (home study) on the prospective adoptive parent or parents has been completed in accordance with the Convention and with applicable Federal and State requirements and transmitted to the Attorney General with respect to each Convention adoption. Each such report shall include a criminal background check and a full and complete statement of all facts relevant to the eligibility of the prospective adopting parent or parents to adopt a child under any requirements specified by the central authority of the child's country of origin under section 102(b)(3), including, in the case of a child emigrating to the United States for the purpose of adoption, the requirements of the child's country of origin applicable to adoptions taking place in such country. For purposes of this clause, the term "background report (home study)" includes any supplemental statement submitted by the agency to the Attorney General for the purpose of providing information relevant to any requirements specified by the child's country of origin.*

*(iii) The agency provides prospective adoptive parents with a training program that includes counseling and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.*

*(iv) The agency employs personnel providing intercountry adoption services on a fee for service basis rather than on a contingent fee basis.*

*(v) The agency discloses fully its policies and practices, the disruption rates of its placements for intercountry adoption, and all fees charged by such agency for intercountry adoption.*

*(B) CAPACITY TO PROVIDE ADOPTION SERVICES.—The agency has, directly or through arrangements with other persons, a sufficient number of appropriately trained and qualified personnel, sufficient financial resources, appropriate organizational structure, and appropriate procedures to enable the agency to provide, in accordance with this Act, all adoption services in cases subject to the Convention.*

*(C) USE OF SOCIAL SERVICE PROFESSIONALS.—The agency has established procedures designed to ensure that social service functions requiring the application of clinical skills and judgment are performed only by professionals with appropriate qualifications and credentials.*

*(D) RECORDS, REPORTS, AND INFORMATION MATTERS.—The agency is capable of—*

*(i) maintaining such records and making such reports as may be required by the Secretary, the United States central authority, and the accrediting entity that accredits the agency;*

*(ii) cooperating with reviews, inspections, and audits;*

*(iii) safeguarding sensitive individual information; and*

*(iv) complying with other requirements concerning information management necessary to ensure compliance with the Convention, this Act, and any other applicable law.*

*(E) LIABILITY INSURANCE.—The agency agrees to have in force adequate liability insurance for professional negligence and any other insurance that the Secretary considers appropriate.*

*(F) COMPLIANCE WITH APPLICABLE RULES.—The agency has established adequate measures to comply (and to ensure compliance of their agents and clients) with the Convention, this Act, and any other applicable law.*

*(G) NONPROFIT ORGANIZATION WITH STATE LICENSE TO PROVIDE ADOPTION SERVICES.—The agency is a private nonprofit organization licensed to provide adoption services in at least one State.*

*(2) APPROVAL.—The standards prescribed under subsection (a) shall include the requirement that a person shall not be approved under this title unless the person is a private for-profit entity that meets the requirements of subparagraphs (A) through (F) of paragraph (1) of this subsection.*

*(3) RENEWAL OF ACCREDITATION OR APPROVAL.—The standards prescribed under subsection (a) shall provide that the accreditation of an agency or approval of a person under this title shall be for a period of not less than 3 years and not more than 5 years, and may be renewed on a showing that the agency or person meets the requirements applicable to original accreditation or approval under this title.*

*(c) TEMPORARY REGISTRATION OF COMMUNITY BASED AGENCIES.—*

*(1) ONE-YEAR REGISTRATION PERIOD FOR MEDIUM COMMUNITY BASED AGENCIES.—For a 1-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 100 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).*

*(2) TWO-YEAR REGISTRATION PERIOD FOR SMALL COMMUNITY-BASED AGENCIES.—For a 2-year period after the entry into force of the Convention and notwithstanding subsection (b), the Secretary may provide, in regulations issued pursuant to subsection (a), that an agency may register with the Secretary and be accredited to provide adoption services in the United States in cases subject to the Convention during such period if the agency has provided adoption services in fewer than 50 intercountry adoptions in the preceding calendar year and meets the criteria described in paragraph (3).*

*(3) CRITERIA FOR REGISTRATION.—Agencies registered under this subsection shall meet the following criteria:*

*(A) The agency is licensed in the State in which it is located and is a nonprofit agency.*

*(B) The agency has been providing adoption services in connection with intercountry adoptions for at least 3 years.*

*(C) The agency has demonstrated that it will be able to provide the United States Government with all information related to the elements described in section 104(b) and provides such information.*

*(D) The agency has initiated the process of becoming accredited under the provisions of this Act and is actively taking steps to become an accredited agency.*

*(E) The agency has not been found to be involved in any improper conduct relating to intercountry adoptions.*

### *SEC. 204. SECRETARIAL OVERSIGHT OF ACCREDITATION AND APPROVAL.*

*(a) OVERSIGHT OF ACCREDITING ENTITIES.—The Secretary shall—*

*(1) monitor the performance by each accrediting entity of its duties under section 202 and its compliance with the requirements of the Convention, this Act, other applicable laws, and implementing regulations under this Act; and*

*(2) suspend or cancel the designation of an accrediting entity found to be substantially out of compliance with the Convention, this Act, other applicable laws, or implementing regulations under this Act.*

*(b) SUSPENSION OR CANCELLATION OF ACCREDITATION OR APPROVAL.—*

*(1) SECRETARY'S AUTHORITY.—The Secretary shall suspend or cancel the accreditation or approval granted by an accrediting entity to an agency or person pursuant to section 202 when the Secretary finds that—*

*(A) the agency or person is substantially out of compliance with applicable requirements; and*

*(B) the accrediting entity has failed or refused, after consultation with the Secretary, to take appropriate enforcement action.*

*(2) CORRECTION OF DEFICIENCY.—At any time when the Secretary is satisfied that the deficiencies on the basis of which an adverse action is taken under paragraph (1) have been corrected, the Secretary shall—*

*(A) notify the accrediting entity that the deficiencies have been corrected; and*

*(B)(i) in the case of a suspension, terminate the suspension; or*

*(ii) in the case of a cancellation, notify the agency or person that the agency or person may re-apply to the accrediting entity for accreditation or approval.*

*(c) DEBARMENT.—*

*(1) SECRETARY'S AUTHORITY.—On the initiative of the Secretary, or on request of an accrediting entity, the Secretary may temporarily or permanently debar an agency from accreditation or a person from approval under this title, but only if—*

*(A) there is substantial evidence that the agency or person is out of compliance with applicable requirements; and*

*(B) there has been a pattern of serious, willful, or grossly negligent failures to comply or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of the children and families concerned.*

*(2) PERIOD OF DEBARMENT.—The Secretary's debarment order shall state whether the debarment is temporary or permanent. If the debarment is temporary, the Secretary shall specify a date, not earlier than 3 years after the date of the order, on or after which the agency or person may apply to the Secretary for withdrawal of the debarment.*

*(3) EFFECT OF DEBARMENT.—An accrediting entity may take into account the circumstances of the debarment of an agency or person that has been debarred pursuant to this subsection in considering any subsequent application of the agency or person, or of any other entity in which the agency or person has an ownership or control interest, for accreditation or approval under this title.*

*(d) JUDICIAL REVIEW.—A person (other than a prospective adoptive parent), an agency, or an accrediting entity who is the subject of a final action of suspension, cancellation, or debarment by the Secretary under this title may petition the United States District Court for the District of Columbia or the United States district court in the judicial district in which the person resides or the agency or accrediting entity is located to set aside the action. The court shall review the action in accordance with section 706 of title 5, United States Code.*

*(e) FAILURE TO ENSURE A FULL AND COMPLETE HOME STUDY.—*

*(1) IN GENERAL.—Willful, grossly negligent, or repeated failure to ensure the completion and transmission of a background report (home study) that fully complies with the requirements of section 203(b)(1)(A)(ii) shall constitute substantial noncompliance with applicable requirements.*

*(2) REGULATIONS.—Regulations promulgated under section 203 shall provide for—*

*(A) frequent and careful monitoring of compliance by agencies and approved persons with the requirements of section 203(b)(A)(ii); and*

*(B) consultation between the Secretary and the accrediting entity where an agency or person has engaged in substantial noncompliance with the requirements of section 203(b)(A)(ii), unless the accrediting entity has taken appropriate corrective action and the noncompliance has not recurred.*

*(3) REPEATED FAILURES TO COMPLY.—Repeated serious, willful, or grossly negligent failures to comply with the requirements of section 203(b)(1)(A)(ii) by an agency or person after consultation between Secretary and the accrediting entity with respect to previous noncompliance by such agency or person shall constitute a pattern of serious, willful, or grossly negligent failures to comply under subsection (c)(1)(B).*

*(4) FAILURE TO COMPLY WITH CERTAIN REQUIREMENTS.—A failure to comply with the requirements of section 203(b)(1)(A)(ii) shall constitute a serious failure to comply under subsection (c)(1)(B) unless it is shown by clear and convincing evidence that such noncompliance had neither the purpose nor the effect of determining the outcome of a decision or proceeding by a court or other competent authority in the United States or the child's country of origin.*

### *SEC. 205. STATE PLAN REQUIREMENT.*

*Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—*

*(1) in paragraph (11), by striking "and" at the end;*

*(2) in paragraph (12), by striking "children." and inserting "children;"; and*

*(3) by adding at the end the following new paragraphs:*

*"(13) contain a description of the activities that the State has undertaken for children adopted from other countries, including the provision of adoption and post-adoption services; and*

*"(14) provide that the State shall collect and report information on children who are adopted from other countries and who enter into State custody as a result of the disruption of a placement for adoption or the dissolution of an adoption, including the number of children, the agencies who handled the placement or adoption, the plans for the child, and the reasons for the disruption or dissolution.".*

## *TITLE III—RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES*

### *SEC. 301. ADOPTIONS OF CHILDREN IMMIGRATING TO THE UNITED STATES.*

*(a) LEGAL EFFECT OF CERTIFICATES ISSUED BY THE SECRETARY OF STATE.—*

*(1) ISSUANCE OF CERTIFICATES BY THE SECRETARY OF STATE.—The Secretary of State shall, with respect to each Convention adoption, issue a certificate to the adoptive citizen parent domiciled in the United States that the adoption has been granted or, in the case of a prospective adoptive citizen parent, that legal custody of the child has been granted to the citizen parent for purposes of emigration and adoption, pursuant to the Convention and this Act, if the Secretary of State—*

*(A) receives appropriate notification from the central authority of such child's country of origin; and*

*(B) has verified that the requirements of the Convention and this Act have been met with respect to the adoption.*

*(2) LEGAL EFFECT OF CERTIFICATES.—If appended to an original adoption decree, the certificate described in paragraph (1) shall be treated by Federal and State agencies, courts, and other public and private persons and entities as conclusive evidence of the facts certified therein and shall constitute the certification required by section 204(d)(2) of the Immigration and Nationality Act, as amended by this Act.*

*(b) LEGAL EFFECT OF CONVENTION ADOPTION FINALIZED IN ANOTHER CONVENTION COUNTRY.—A final adoption in another Convention country, certified by the Secretary of State pursuant to subsection (a) of this section or section 303(c), shall be recognized as a final valid adoption for purposes of all Federal, State, and local laws of the United States.*

*(c) CONDITION ON FINALIZATION OF CONVENTION ADOPTION BY STATE COURT.—In the case of a child who has entered the United States from another Convention country for the purpose of adoption, an order declaring the adoption final shall not be entered unless the Secretary of State has issued the certificate provided for in subsection (a) with respect to the adoption.*

### *SEC. 302. IMMIGRATION AND NATIONALITY ACT AMENDMENTS RELATING TO CHILDREN ADOPTED FROM CONVENTION COUNTRIES.*

*(a) DEFINITION OF CHILD.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—*

*(1) by striking "or" at the end of subparagraph (E);*

*(2) by striking the period at the end of subparagraph (F) and inserting "; or"; and*

*(3) by adding after subparagraph (F) the following new subparagraph:*

*"(G) a child, under the age of sixteen at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States, by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age—*

*"(i) if—*

*"(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;*

*"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;*

*"(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;*

*"(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the biological parents has been terminated; and*

*"(V) in the case of a child who has not been adopted—*

*"(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and*

*"(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and*

*"(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.".*

*(b) Approval of Petitions.—Section 204(d) of the Immigration and Nationality Act (8 U.S.C. 1154(d)) is amended—*

*(1) by striking "(d)" and inserting "(d)(1)";*

*(2) by striking "section 101(b)(1)(F)" and inserting "subparagraph (F) or (G) of section 101(b)(1)"; and*

*(3) by adding at the end the following new paragraph:*

*"(2) Notwithstanding the provisions of subsections (a) and (b), no petition may be approved on behalf of a child defined in section 101(b)(1)(G) unless the Secretary of State has certified that the central authority of the child's country of origin has notified the United States central authority under the convention referred to in such section 101(b)(1)(G) that a United States citizen habitually resident in the United States has effected final adoption of the child, or has been granted custody of the child for the purpose of emigration and adoption, in accordance with such convention and the Intercountry Adoption Act of 2000.".*

*(c) Definition of Parent.—Section 101(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(2)) is amended by inserting "and paragraph (1)(G)(i)" after "second proviso therein)".*

### *SEC. 303. ADOPTIONS OF CHILDREN EMIGRATING FROM THE UNITED STATES.*

*(a) Duties of Accredited Agency or Approved Person.—In the case of a Convention adoption involving the emigration of a child residing in the United States to a foreign country, the accredited agency or approved person providing adoption services, or the prospective adoptive parent or parents acting on their own behalf (if permitted by the laws of such other Convention country in which they reside and the laws of the State in which the child resides), shall do the following:*

*(1) Ensure that, in accordance with the Convention—*

*(A) a background study on the child is completed;*

*(B) the accredited agency or approved person—*

*(i) has made reasonable efforts to actively recruit and make a diligent search for prospective adoptive parents to adopt the child in the United States; and*

*(ii) despite such efforts, has not been able to place the child for adoption in the United States in a timely manner; and*

*(C) a determination is made that placement with the prospective adoptive parent or parents is in the best interests of the child.*

*(2) Furnish to the State court with jurisdiction over the case—*

*(A) documentation of the matters described in paragraph (1);*

*(B) a background report (home study) on the prospective adoptive parent or parents (including a criminal background check) prepared in accordance with the laws of the receiving country; and*

*(C) a declaration by the central authority (or other competent authority) of such other Convention country—*

*(i) that the child will be permitted to enter and reside permanently, or on the same basis as the adopting parent, in the receiving country; and*

*(ii) that the central authority (or other competent authority) of such other Convention country consents to the adoption, if such consent is necessary under the laws of such country for the adoption to become final.*

*(3) Furnish to the United States central authority—*

*(A) official copies of State court orders certifying the final adoption or grant of custody for the purpose of adoption;*

*(B) the information and documents described in paragraph (2), to the extent required by the United States central authority; and*

*(C) any other information concerning the case required by the United States central authority to perform the functions specified in subsection (c) or otherwise to carry out the duties of the United States central authority under the Convention.*

*(b) Conditions on State Court Orders.—An order declaring an adoption to be final or granting custody for the purpose of adoption in a case described in subsection (a) shall not be entered unless the court—*

*(1) has received and verified to the extent the court may find necessary—*

*(A) the material described in subsection (a)(2); and*

*(B) satisfactory evidence that the requirements of Articles 4 and 15 through 21 of the Convention have been met; and*

*(2) has determined that the adoptive placement is in the best interests of the child.*

*(c) Duties of the Secretary of State.—In a case described in subsection (a), the Secretary, on receipt and verification as necessary of the material and information described in subsection (a)(3), shall issue, as applicable, an official certification that the child has been adopted or a declaration that custody for purposes of adoption has been granted, in accordance with the Convention and this Act.*

*(d) Filing with Registry Regarding Non-convention Adoptions.—Accredited agencies, approved persons, ahd other persons, including governmental authorities, providing adoption services in an intercountry adoption not subject to the Convention that involves the emigration of a child from the United States shall file information required by regulations jointly issued by the Attorney General and the Secretary of State for purposes of implementing section 102(e).*

## *TITLE IV—ADMINISTRATION AND ENFORCEMENT*

### *SEC. 401. ACCESS TO CONVENTION RECORDS.*

*(a) Preservation of Convention Records.—*

*(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Attorney General, shall issue regulations that establish procedures and requirements in accordance with the Convention and this section for the preservation of Convention records.*

*(2) Applicability of notice and comment rules.—Subsections (b), (c), and (d) of section 553 of title 5, United States Code, shall apply in the development and issuance of regulations under this section.*

*(b) Access to Convention Records.—*

*(1) Prohibition.—Except as provided in paragraph (2), the Secretary or the Attorney General may disclose a Convention record, and access to such a record may be provided in whole or in part, only if such record is maintained under the authority of the Immigration and Nationality Act and disclosure of, or access to, such record is permitted or required by applicable Federal law.*

*(2) Exception for administration of the Convention.—A Convention record may be disclosed, and access to such a record may be provided, in whole or in part, among the Secretary, the Attorney General, central authorities, accredited agencies, and approved persons, only to the extent necessary to administer the Convention or this Act.*

*(3) Penalties for unlawful disclosure.—Unlawful disclosure of all or part of a Convention record shall be punishable in accordance with applicable Federal law.*

*(c) Access to Non-Convention Records.—Disclosure of, access to, and penalties for unlawful disclosure of, adoption records that are not Convention records, including records of adoption proceedings conducted in the United States, shall be governed by applicable State law.*

### *SEC. 402. DOCUMENTS OF OTHER CONVENTION COUNTRIES.*

*Documents originating in any other Convention country and related to a Convention adoption case shall require no authentication in order to be admissible in any Federal, State, or local court in the United States, unless a specific and supported claim is made that the documents are false, have been altered, or are otherwise unreliable.*

### *SEC. 403. AUTHORIZATION OF APPROPRIATIONS; COLLECTION OF FEES.*

*(a) Authorization of Appropriations.—*

*(1) In general.—There are authorized to be appropriated such sums as may be necessary to agencies of the Federal Government implementing the Convention and the provisions of this Act.*

*(2) Availability of funds.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.*

*(b) Assessment of Fees.—*

*(1) The Secretary may charge a fee for new or enhanced services that will be undertaken by the Department of State to meet the requirements of this Act with respect to intercountry adoptions under the Convention and comparable services with respect to other intercountry adoptions. Such fee shall be prescribed by regulation and shall not exceed the cost of such services.*

*(2) Fees collected under paragraph (1) shall be retained and deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing such services.*

*(3) Fees authorized under this section shall be available for obligation only to the extent and in the amount provided in advance in appropriations Acts.*

*(c) Restriction.—No funds collected under the authority of this section may be made available to an accrediting entity to carry out the purposes of this Act.*

### *SEC. 404. ENFORCEMENT.*

*(a) Civil Penalties.—Any person who—*

*(1) violates section 201;*

*(2) makes a false or fraudulent statement, or misrepresentation, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States or a foreign country—*

*(A) a decision by an accrediting entity with respect to the accreditation of an agency or approval of a person under title II;*

*(B) the relinquishment of parental rights or the giving of parental consent relating to the adoption of a child in a case subject to the Convention; or*

*(C) a decision or action of any entity performing a central authority function; or*

*(3) engages another person as an agent, whether in the United States or in a foreign country, who in the course of that agency takes any of the actions described in paragraph (1) or (2),*

*shall be subject, in addition to any other penalty that may be prescribed by law, to a civil money penalty of not more than \$50,000 for a first violation, and not more than \$100,000 for each succeeding violation.*

*(b) Civil Enforcement.—*

*(1) Authority of attorney general.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.*

*(2) Factors to be considered in imposing penalties.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.*

*(c) Criminal Penalties.—Whoever knowingly and willfully violates paragraph (1) or (2) of subsection (a) shall be subject to a fine of not*

*more than $250,000, imprisonment for not more than 5 years, or both.*

***TITLE V—GENERAL PROVISIONS***

***SEC. 501. RECOGNITION OF CONVENTION ADOPTIONS.***

*Subject to Article 24 of the Convention, adoptions concluded between two other Convention countries that meet the requirements of Article 23 of the Convention and that became final before the date of entry into force of the Convention for the United States shall be recognized thereafter in the United States and given full effect. Such recognition shall include the specific effects described in Article 26 of the Convention.*

***SEC. 502. SPECIAL RULES FOR CERTAIN CASES.***

*(a) AUTHORITY TO ESTABLISH ALTERNATIVE PROCEDURES FOR ADOPTION OF CHILDREN BY RELATIVES.—To the extent consistent with the Convention, the Secretary may establish by regulation alternative procedures for the adoption of children by individuals related to them by blood, marriage, or adoption, in cases subject to the Convention.*

*(b) WAIVER AUTHORITY.—*

*(1) IN GENERAL.—Notwithstanding any other provision of this Act, to the extent consistent with the Convention, the Secretary may, on a case-by-case basis, waive applicable requirements of this Act or regulations issued under this Act, in the interests of justice or to prevent grave physical harm to the child.*

*(2) NONDELEGATION.—The authority provided by paragraph (1) may not be delegated.*

***SEC. 503. RELATIONSHIP TO OTHER LAWS.***

*(a) PREEMPTION OF INCONSISTENT STATE LAW.—The Convention and this Act shall not be construed to preempt any provision of the law of any State or political subdivision thereof, or prevent a State or political subdivision thereof from enacting any provision of law with respect to the subject matter of the Convention or this Act, except to the extent that such provision of State law is inconsistent with the Convention or this Act, and then only to the extent of the inconsistency.*

*(b) APPLICABILITY OF THE INDIAN CHILD WELFARE ACT.—The Convention and this Act shall not be construed to affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.).*

*(c) RELATIONSHIP TO OTHER LAWS.—Sections 3506(c), 3507, and 3512 of title 44, United States Code, shall not apply to information collection for purposes of sections 104, 202(b)(4), and 303(d) of this Act or for use as a Convention record as defined in this Act.*

***SEC. 504. NO PRIVATE RIGHT OF ACTION.***

*The Convention and this Act shall not be construed to create a private right of action to seek administrative or judicial relief, except to the extent expressly provided in this Act.*

***SEC. 505. EFFECTIVE DATES; TRANSITION RULE.***

*(a) EFFECTIVE DATES.—*

*(1) PROVISIONS EFFECTIVE UPON ENACTMENT.—Sections 2, 3, 101 through 103, 202 through 205, 401(a), 403, 503, and 505(a) shall take effect on the date of the enactment of this Act.*

*(2) PROVISIONS EFFECTIVE UPON THE ENTRY INTO FORCE OF THE CONVENTION.—Subject to subsection (b), the provisions of this Act not specified in paragraph (1) shall take effect upon the entry into force of the Convention for the United States pursuant to Article 46(2)(a) of the Convention.*

*(b) TRANSITION RULE.—The Convention and this Act shall not apply—*

*(1) in the case of a child immigrating to the United States, if the application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for the child is filed before the effective date described in subsection (a)(2); or*

*(2) in the case of a child emigrating from the United States, if the prospective adoptive parents of the child initiated the adoption process in their country of residence with the filing of an appropriate application before the effective date described in subsection (a)(2).*

HOUSE AMENDMENT TO SENATE AMENDMENT:

Page 36, strike lines 22 and 23 and insert "and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and".

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

Mr. DELAHUNT. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from New York (Mr. GILMAN) to describe the amendment.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. DELAHUNT) for yielding. We have reached an agreement with the Senate on H.R. 2909, the Intercountry Adoption Act. The Senate made modest amendments to this bill which the House passed on July 18, 2000, and the bill we are taking up today includes a further modification as proposed by the House Committee on the Judiciary.

This amendment has been agreed to by the relevant committees on both sides of the aisle and it is acceptable to the Senate as well. This amendment simply clarifies that the Attorney General, in carrying out obligations to satisfy herself that the purpose of a particular adoption is to form a bona fide parent/child relationship in the parent/child relationship of the child and the natural parents has been terminated, may consider whether there is a petition pending to confer immigrant status on one or both birth parents.

The pendency of such a petition may have negative evidentiary value on these issues before the Attorney General. We, therefore, think that this is a reasonable addition to the bill. Accordingly, I urge my colleagues to support this measure.

I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his leadership on this bill.

Mr. DELAHUNT. Mr. Speaker, further reserving the right to object, I am very glad to join my good friend, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, in urging support for this bill. I understand the other body has agreed to accept this amendment, and I want to express my appreciation to the chairman of the Subcommittee on Immigration and Claims, the gentleman from Texas (Mr. SMITH); the full chairman of the full Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE); and Senators ABRAHAM, KENNEDY and LANDRIEU for all of their efforts to help us resolve the impasse over these final amendments to this important legislation.

The Hague Convention on Intercountry Adoption is of enormous importance to adopted kids and their families, and this implementing legislation is absolutely critical to ensuring that both parents and adoptive families can participate in the intercountry adoption process with full confidence and a greater sense of security.

I want to thank the gentleman from New York (Mr. GILMAN), the ranking member; the gentleman from Connecticut (Mr. GEJDENSON); the gentlewoman from Connecticut (Mrs. JOHNSON); the gentleman from Michigan (Mr. CAMP), who has worked so hard on so many issues dealing with adoption, and the many other Members on both sides of the aisle who have worked so hard on behalf of this legislation.

Again, I want to thank Senators HELMS, BIDEN and LANDRIEU for working with us in such a bipartisan and bicameral fashion to achieve this splendid result.

Finally, Mr. Speaker, I would be remiss if I did not express my appreciation to a number of staff members without whose dedication and persistence we would not be standing here today. So let me name Kristen Gilley, who is here with us, and David Abramowitz of the Committee on International Relations; Cassie Bevan of the House Committee on Ways and Means staff; George Fishman and Peter Levinson of the Committee on the Judiciary staff; and my own legislative director, Mr. Mark Agrast.

Mr. Speaker, I am very happy to withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## WHY THE UNITED STATES DOES NOT OWE DUES TO THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. BARTLETT) is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to talk for a few minutes this evening about U.N. dues. I am not going to talk about the proposal of the U.N. to levy taxes on the countries of the world, including ours, which frightens a number of our people. Indeed, that is frightening. I am not going to talk about the proposal that the U.N. have its own army, and I know that there are those and some of them from our country in the past and at present who genuinely feel that the world would be a safer place if the U.N. had the largest army in the world and, therefore, could keep the peace. I am frightened by that prospect, and I know a number of our people are.

I am not going to talk about U.N. resolutions which once they are made have the effect of law, which have the effect of setting our laws aside and actually sometimes have the effect of setting our Constitution aside. Of course, that should be unthinkable but it has happened and we need to talk about that, but I am not going to talk about that because I am sure that others will this evening.

I am also not going to talk about whether the U.N. is effective or not, whether it really meets the promise that we held for the U.N. when it was established a number of years ago. I am not going to talk about whether the U.N. should be expanded or not. I understand they want 10 new floors on their building. They are already a monstrous bureaucracy. I am not sure being a bigger one would make them more effective.

I am not going to talk either about whether it is in our vital national security interests to continue to be a part of the U.N. That needs to be debated. I hope it will be debated across the countries; and others, this evening, I am sure will cover that subject. I am also not going to talk about whether 25 percent dues and 31.5 percent for peacekeeping is a fair share for the United States. I do not think we have 25 percent of the vote or 31.5 percent of the vote. As a matter of fact, when one looks at our vote, the U.N. has threatened to remove our vote because we have not paid our dues; that is, our vote in the General Assembly.

Let us just look at that vote for a moment and what it would mean if we did not have a vote in the General Assembly. We have less than 1 percent of the vote cast in the General Assembly, and there are a number of countries, we could easily name 15 or 20 countries, that if we vote yes they vote no and some of those countries have less citizens than the District of Columbia, and so they can cancel our vote in the U.N. What does our vote mean in the General Assembly?

It means very little, obviously, if it can be cancelled by a half dozen countries that have no more population than the District of Columbia.

The only vote in the U.N. that has any importance for us is our vote on the Security Council of the U.N. and they cannot remove that vote for not paying dues.

What I do want to talk about is a lonely fight that I waged here for several years to keep us from paying dues that we had already paid a number of times over. What I am talking about is the enormous cost of peacekeeping operations which we have borne. Three agencies of the government have looked at these costs, the CRS, Congressional Research Service; GAO, the Government Accounting Office; and the Pentagon.

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They have all reached essentially the same conclusions, that we have spent about $19 billion on peacekeeping activities since 1992. Now, we have been credited with $1.8 billion of that against U.N. dues, so a precedent has already been made, that if we spend money on an authorized U.N. peacekeeping activity that those monies that we have spent there are in lieu of dues; that is, they could replace dues. They only did that, though, with $1.8 billion. There is about another $17 billion that is still out there that we have received no credit for.

All I wanted was a very simple thing, which was an accounting of the dues that we owe. I was not arguing whether 25 percent was too much or 31 percent of peacekeeping was too much; my only argument was that we needed to get credit for what we have spent on legitimate peacekeeping activities. I think that most Americans when they hear that argument say, well, of course, it makes sense, that if we are sending our military there, if we are using our resources there in the pursuit of a U.N. resolution, an authorized U.N. activity, that we should be given credit for the monies that we spend doing that. We have been given credit for $1.8 billion, but what about the other roughly $17 billion?

Mr. Speaker, that needs to be accounted for before we pay another dime in U.N. dues.

## RACIAL PROFILING IN MODERN AMERICA

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, the Congressional Black Caucus held its annual meeting and events this past week. I rise this evening to speak about an issue that has unusual resonance, as one can see everywhere one goes where there are significant numbers of African Americans.

Vice President GORE spoke at Howard University and again Saturday evening to the Congressional Black Caucus dinner participants. At both places he briefly mentioned racial profiling. No issue, animated the mostly African American audience more than the mention of racial profiling. At Howard University, the Vice President had a moment of silence for Prince Jones, a student at Howard University who was followed by police from Maryland into Virginia, apparently stopped; he backed his car into the police car and was shot many times in the back.

The Vice President was careful to say that it was a case still under investigation; none of us had any way to know whether there was provocation for this. The students, of course, were up in arms that this model student at Howard University, a young man whose reputation was impeccable, was shot down this way.

The point I want to make here is not that the police were wrong, but that we have come to a point in the African American community where racial profiling is so widespread that nobody believes that anyone who was shot was doing anything, because there have been so many instances of black people in every class of every kind and of every profession being followed simply because they were black.

Mr. Speaker, what this amounts to is a loss of confidence in a vital part of the criminal justice system, and this at a time when African Americans have embraced the police because of crime rates in the African American community.

But look at what they see. Wholesale of police brutality incidents reported. Sentencing rules for small time drug offenses with a disproportionate racial impact so severe that in the Federal system, sentencing guidelines have been repudiated by much of the Federal judiciary. The use of the death penalty, whose racial consequences have shaken the American public, led to a moratorium in some of the States; and now we have the Justice Department reporting that even in the Federal system on death row, there are disproportionate numbers of African Americans.

Mr. Speaker, nobody wants to see the criminal justice system held up to anything but the highest praise from us all, particularly at a time when our crime rates, though going down; there was a 10 percent reduction in crime in this country since last year, are still far too high and the highest in the western world. But if we wanted to begin somewhere to restore confidence in the criminal justice system, surely we would begin with the notion that when a black person goes out on the street and walks down the street, there ought to be more than that to have him picked up or followed. That is what we have come to. There has been so much concern about the way crime escalated in the early 1990s, that though we have brought it down, we have this terrible residue.

We recognize that there are disproportionate numbers of African Americans who, in fact, have been picked up and put in jail. All the more reason to be careful about branding folks who have abided by the rules and done what they should do. Imagine how mothers of young African Americans in their 20s, I am one who has a son, finished college in 4 years, now works at ABC Sports, is doing what he is supposed to do, I do not know in New York City where he works, when he will get stopped, because, in fact, the stops there and elsewhere have been so frequent.

Frankly, I love the cops. I love the Capitol Police, I love the D.C. police and I do not know what I would do without them; I am struggling to get more of them on the streets. We have coordinated police so that Federal police and D.C. police work together. I think it is most unfair that we have not found a way to go at this so that we can restore confidence in the police, not lose that confidence right when we need to all gather in a circle around the police, thank them for what they do and ask them to do more of what they do. They put their lives on the line.

Mr. Speaker, States and cities need to do more to arrest racial profiling and police brutality. In the next session of Congress we need bills to help the States and cities do more. I promise to be a part of that effort.

## AMERICA'S ROLE IN THE UNITED NATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, over a half a century has transpired since the United States of America became a member of the United Nations. Purporting to act pursuant to the treaty powers of the Constitution, the President of the United States signed, and the United States Senate ratified, the charter of the United Nations. Yet, the debate in government circles over the United Nations' charter scarcely has touched on the question of the constitutional power of the United States to enter such an agreement. Instead, the only questions addressed concerned the respective roles that the President and Congress would assume upon the implementation of that charter.

On the one hand, some proposed that once the charter of the United States was ratified, the President of the United States would act independently of Congress pursuant to his executive prerogatives to conduct the foreign affairs of the Nation. Others insisted, however, that the Congress played a major role of defining foreign policy, especially because that policy implicated the power to declare war, a subject reserved strictly to Congress by Article I, Section 8 of the U.S. Constitution.

At first, it appeared that Congress would take control of America's participation in the United Nations. But in the enactment of the United Nations' participation act on December 20, 1945, Congress laid down several rules by which America's participation would be governed. Among those rules was the requirement that before the President of the United States could deploy United States Armed Forces in service of the United Nations, he was required to submit to Congress for its specific approval the numbers and types of Armed Forces, their degree of readiness and general location, and the nature of the facilities and assistance including rights of passage to be made available to the United Nations Security Council on its call for the purpose of maintaining international peace and security.

Since the passage of the United Nations Participation Act, however, congressional control of presidential foreign policy initiatives, in cooperation with the United Nations, has been more theoretical than real. Presidents from Truman to the current President have again and again presented Congress with already-begun military actions, thus forcing Congress's hand to support United States troops or risk the accusation of having put the Nation's servicemen and service women in unnecessary danger. Instead of seeking congressional approval of the use of the United States Armed Forces in service of the United Nations, presidents from Truman to Clinton have used the United Nations Security Council as a substitute for congressional authorization of the deployment of United States Armed Forces in that service.

This transfer of power from Congress to the United Nations has not, however, been limited to the power to make war. Increasingly, Presidents are using the U.N. not only to implement foreign policy in pursuit of international peace, but also domestic policy in pursuit of international, environmental, economic, education, social welfare and human rights policy, both in derogation of the legislative prerogatives of Congress and of the 50 State legislatures, and further in derogation of the rights of the American people to constitute their own civil order.

As Cornell University government professor Jeremy Rabkin has observed, although the U.N. charter specifies that none of its provisions "shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State," nothing has ever been found so "essentially domestic" as to exclude U.N. intrusions.

The release in July 2000 of the U.N. Human Development Report provides unmistakable evidence of the universality of the United Nations' jurisdictional claims. Boldly proclaiming that global integration is eroding national borders, the report calls for the implementation and, if necessary, the imposition of global standards of economic and social justice by international agencies and tribunals. In a special contribution endorsing this call for the globalization of domestic policymaking, United Nations Secretary General Kofi Annan wrote, "Above all, we have committed ourselves to the idea that no individual shall have his or her human rights abused or ignored. The idea is enshrined in the charter of the United Nations. The United Nations' achievements in the area of human rights over the last 50 years are rooted in the universal acceptance of those rights enumerated in the Universal Declaration of Rights. Emerging slowly, but I believe, surely, is an international norm," and this is Annan's words, "that must and will take precedence over concerns of State sovereignty."

Although such a wholesale transfer of United States sovereignty to the United Nations as envisioned by Secretary General Annan has not yet come to pass, it will, unless Congress takes action.

Mr. Speaker, H.R. 1146, the American Sovereignty Restoration Act is my answer to this problem.

To date, Congress has attempted to curb the abuse of power of the United Nations by urging the United Nations to reform itself, threatening the nonpayment of assessments and dues allegedly owed by the United States and thereby cutting off the United Nations' major source of funds. America's problems with the United Nations will not, however, be solved by such reform measures. The threat posed by the United Nations to the sovereignty of the United States and independence is not that the United Nations is currently plagued by a bloated and irresponsible international bureaucracy. Rather, the threat arises from the United Nation's Charter which—from the beginning—was a threat to sovereignty protections in the U.S. Constitution. The American people have not, however, approved of the Charter of the United Nations which, by its nature, cannot be the supreme law of the land for it was never "made under the Authority of the U.S.," as required by Article VI.

H.R. 1146—The American Sovereignty Restoration Act of 1999 is my solution to the continued abuses of the United Nations. The U.S. Congress can remedy its earlier unconstitutional action of embracing the Charter of the United Nations by enacting H.R. 1146. The U.S. Congress, by passing H.R. 1146, and the U.S. president, by signing H.R. 1146, will heed the wise counsel of our first president, George Washington, when he advised his countrymen to "steer clear of permanent alliances with any portion of the foreign world," lest the nation's security and liberties be compromised by endless and overriding international commitments.

### AN EXCERPT FROM HERBERT W. TITUS' CONSTITUTIONAL ANALYSIS OF THE UNITED NATIONS

In considering the recent United Nations meetings and the United States' relation to that organization and its affront to U.S. sovereignty, we would all do well to read carefully Professor Herbert W. Titus' paper on the United Nations of which I have provided this excerpt:

It is commonly assumed that the Charter of the United Nations is a treaty. It is not. Instead, the Charter of the United Nations is a constitution. As such, it is illegitimate, having created a supranational government, deriving its powers not from the consent of the governed (the people of the United States of America and peoples of other member nations) but from the consent of the peoples' government officials who have no authority to bind either the American people nor any other nation's people to any terms of the Charter of the United Nations.

By definition, a treaty is a contract between or among independent and sovereign nations, obligatory on the signatories only when made by competent governing authorities in accordance with the powers constitutionally conferred upon them. I Kent, Commentaries on American Law 163 (1826); Burdick, The Law of the American Constitution section 34 (1922) Even the United Nations Treaty Collection states that a treaty is (1) a binding instrument creating legal rights and duties (2) concluded by states or international organizations with treaty-making power (3) governed by international law.

By contrast, a charter is a constitution creating a civil government for a unified nation or nations and establishing the authority of that government. Although the United Nations Treaty Collection defines a "charter" as a "constituent treaty," leading international political authorities state that "[t]he use of the word 'Charter' [in reference to the founding document of the United Nations] . . . emphasizes the constitutional nature of this instrument." Thus, the preamble to the Charter of the United Nations declares "that the Peoples of the United Nations have resolved to combine their efforts to accomplish certain aims by certain means." The Charter of the United Nations: A Commentary 46 (B. Simma, ed.) (Oxford Univ. Press, NY: 1995) (Hereinafter U.N. Charter Commentary). Consistent with this view, leading international legal authorities declare that the law of the Charter of the United Nations which governs the authority of the United Nations General Assembly and the United Nations Security Council is "similar . . . to national constitutional law," proclaiming that "because of its status as a constitution for the world community," the Charter of the United Nations must be construed broadly, making way for "implied powers" to carry out the United Nations' "comprehensive scope of duties, especially the maintenance of international peace and security and its orientation towards international public welfare." Id. at 27

The United Nations Treaty Collection confirms the appropriateness of this "constitutional interpretive" approach to the Charter of the United Nations with its statement that the charter may be traced "back to the Magna Carta (the Great Charter) of 1215," a national constitutional document. As a constitutional document, the Magna Carta not only bound the original signatories, the English barons and the king, but all subsequent English rulers, including Parliament, conferring upon all Englishmen certain rights that five hundred years later were claimed and exercised by the English people who had colonized America.

A charter, then, is a covenant of the people and the civil rulers of a nation in perpetuity. Sources of Our Liberties 1-10 (R. Perry, ed.) (American Bar Foundation: 1978) As Article 1 of Magna Carta, puts it:

We have granted moreover to all free men of our kingdom for us and our heirs forever all liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

In like manner, the Charter of the United Nations is considered to be a permanent "constitution for the universal society," and consequently, to be construed in accordance with its broad and unchanging ends but in such a way as to meet changing times and changing relations among the nations and peoples of the world. U.N. Charter Commentary at 28–44.

According to the American political and legal tradition and the universal principles of constitution making, a perpetual civil covenant or constitution, obligatory on the people and their rulers throughout the generations, must, first, be proposed in the name of the people and, thereafter, ratified by the people's representatives elected and assembled for the sole purpose of passing on the terms of a proposed covenant. See 4 The Founders' Constitution 647–58 (P. Kurland and R. Lerner, eds.) (Univ. Chicago. Press: 1985). Thus, the preamble of the Constitution of the United States of America begins with "We the People of the United States" and Article VII provides for ratification by state conventions composed of representatives of the people elected solely for that purpose. Sources of Our Liberties 408, 416, 418–21 (R. Perry, ed.) (ABA Foundation, Chicago: 1978).

Taking advantage of the universal appeal of the American constitutional tradition, the preamble of the Charter of the United Nations opens with "We the peoples of the United Nations." But, unlike the Constitution of the United States of America, the Charter of the United Nations does not call for ratification by conventions of the elected representatives of the people of the signatory nations. Rather, Article 110 of the Charter of the United Nations provides for ratification "by the signatory states in accordance with their respective constitutional processes." Such a ratification process would have been politically and legally appropriate if the charter were a mere treaty. But the Charter of the United Nations is not a treaty; it is a constitution.

First of all, Charter of the United Nations, executed as an agreement in the name of the people, legally and politically displaced previously binding agreements upon the signatory nations. Article 103 provides that "[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail." Because the 1787 Constitution of the United States of America would displace the previously adopted Articles of Confederation under which the United States was being governed, the drafters recognized that only if the elected representatives of the people at a constitutional convention ratified the proposed constitution, could it be lawfully adopted as a constitution. Otherwise, the Constitution of the United States of America would be, legally and politically, a treaty which could be altered by any state's legislature as it saw fit. The Founders' Constitution, supra, at 648–52.

Second, an agreement made in the name of the people creates a perpetual union, subject to dissolution only upon proof of breach of covenant by the governing authorities whereupon the people are entitled to reconstitute a new government on such terms and for such duration as the people see fit. By contrast, an agreement made in the name of nations creates only a contractual obligation, subject to change when any signatory nation decides that the obligation is no longer advantageous or suitable. Thus, a treaty may be altered by valid statute enacted by a signatory nation, but a constitution may be altered only by a special amendatory process provided for in that document. Id. at 652.

Article V of the Constitution of the United States of America spells out that amendment process, providing two methods for adopting constitutional changes, neither of which requires unanimous consent of the states of the Union. Had the Constitution of the United States of America been a treaty, such unanimous consent would have been required. Similarly, the Charter of the United Nations may be amended without the unanimous consent of its member states. According to Article 108 of the Charter of the United Nations, amendments may be proposed by a vote of two-thirds of the United Nations General Assembly and may become effective upon ratification by a vote of two-thirds of the members of the United Nations, including all the permanent members of the United Nations Security Council. According to Article 109 of the Charter of the United Nations, a special conference of members of the United Nations may be called "for the purpose of reviewing the present Charter" and any changes proposed by the conference may "take effect when ratified by two-thirds of the Members of the United Nations including all the permanent members of the Security Council." Once an amendment to the Charter of the United Nations is adopted then that amendment "shall come into force for all Members of the United Nations," even those nations who did not ratify the amendment, just as an amendment to the Constitution of the United States of America is effective in all of the states, even though the legislature of a state or a convention of a state refused to ratify. Such an amendment process is totally foreign to a treaty. See Id., at 575–84.

Third, the authority to enter into an agreement made in the name of the people cannot be politically or legally limited by any preexisting constitution, treaty, alliance, or instructions. An agreement made in the name of a nation, however, may not contradict the authority granted to the governing powers and, thus, is so limited. For example, the people ratified the Constitution of the United States of America notwithstanding the fact that the constitutional proposal had been made in disregard to specific instructions to amend the Articles of Confederation, not to displace them. See Sources of Our Liberties 399–403 (R. Perry ed.) (American Bar Foundation: 1972). As George Mason observed at the Constitutional Convention in 1787, "Legislatures have no power to ratify" a plan changing the form of government, only "the people" have such power. 4 The Founders' Constitution, supra, at 651.

As a direct consequence of this original power of the people to constitute a new government, the Congress under the new constitution was authorized to admit new states to join the original 13 states without submitting the admission of each state to the 13 original states. In like manner, the Charter of the United Nations, forged in the name of the "peoples" of those nations, established a new international government with independent powers to admit to membership whichever nations the United Nations governing authorities chose without submitting such admissions to each individual member nation for ratification. See Charter of the United Nations, Article 4, Section 2. No treaty could legitimately confer upon the United

Nations General Assembly such powers and remain within the legal and political definition of a treaty.

By invoking the name of the "peoples of the United Nations," then, the Charter of the United Nations envisioned a new constitution creating a new civil order capable of not only imposing obligations upon the subscribing nations, but also imposing obligations directly upon the peoples of those nations. In his special contribution to the United Nations Human Development Report 2000, United Nations Secretary-General Annan made this claim crystal clear:

> Even though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of the peoples. No government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples. Human Development Report 2000 31 (July 2000) [Emphasis added.]

While no previous United Nations' secretary general has been so bold, Annan's proclamation of universal jurisdiction over "human rights and fundamental freedoms" simply reflects the preamble of the Charter of the United Nations which contemplated a future in which the United Nations operates in perpetuity "to save succeeding generations from the scourge of ware . . . to reaffirm faith in fundamental human rights . . . to establish conditions under which justice . . . can be maintained, and to promote social progress and between standards of life in larger freedom." Such lofty goals and objectives are comparable to those found in the preamble to the Constitution of the United States of America: "to . . . establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the Blessings of liberty to ourselves and our posterity . . ."

There is, however, one difference that must not be overlooked. The Constitution of the United States of America is a legitimate constitution, having been submitted directly to the people for ratification by their representatives elected and assembled solely for the purpose of passing on the terms of that document. The Charter of the United Nations, on the other hand, is an illegitimate constitution, having only been submitted to the Untied States Senate for ratification as a treaty. Thus, the Charter of the United Nations, not being a treaty, cannot be made the supreme law of our land by compliance with Article II, Section 2 of Constitution of the United States of America. Therefore, the Charter of the United Nations is neither politically nor legally binding upon the United States of America or upon its people.

Even considering the Charter of the United Nations as a treaty does not save it. The Charter of the United Nations would still be constitutionally illegitimate and void, because it transgresses the Constitution of the United States of America in three major respects:

(1) It unconstitutionally delegates the legislative power of Congress to initiate war and the executive power of the president to conduct war to the United Nation, a foreign entity;

(2) It unconstitutionally transfers the exclusive power to originate revenue-raising measures from the United States House of Representatives to the United Nations General Assembly; and

(3) It unconstitutionally robs the states of powers reserved to them by the Tenth Amendment of the Constitution of the United States of America.

It is time for this Congress to return to these time-honored American principles of liberty; not to put their hope in the promise of some international organization like the United Nations which would replace the Constitution of the United States of America with its Universal Declaration of Human Rights, thereby compromising American liberties in favor of government-imposed programs designed to enhance the economic and social well-being of peoples all around the world.

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## RESTORE FUNDING FOR INTERNATIONAL FAMILY PLANNING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, in the past few weeks, thousands of doctors from the frontline in the global fight to save women's lives were here in our Nation's Capital as part of the International Federation of Gynecologists and Obstetricians conference. Many of these doctors have launched a petition drive urging the President and all of us to end the onerous gag rule that impedes their ability to treat their patients.

For these doctors, the death of some 600,000 women each year from pregnancy-related causes is not just a statistic. It represents their neighbors, their friends, their relatives, and their patients. It represents the fact that one out of every 48 pregnant women in their communities will not survive childbirth because of preventable complications. For these doctors, the fact that U.S. funding for international family planning and related reproductive health programs has declined 30 percent since 1995 has very real consequences.

Last week, we heard from Dr. Friday Okonofua, a physician that heads the Action Health Research Center in Nigeria, about his fight to save women and children's lives. In Nigeria, 50,000 women die annually from pregnancy and childbirth complication, 20,000 of these deaths from unsafe abortions.

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This accounts for almost 10 percent of maternal deaths worldwide.

We also heard from Dr. Godfrey Mbaruka, an ob-gyn in Tanzania. When he started working in rural Tanzania 14 years ago, he worked in a hospital where there were only two beds for delivery. Many women in his clinic would deliver babies on the floor. He saw that women were dying in conditions that could have easily been prevented, dying from bleeding during and after delivery, and from convulsions during labor and from anemia.

He spoke about the simple changes that additional resources allowed him to make, such as training and basic supplies including contraceptives, that helped reduce maternal mortality in his clinic by 50 percent.

However, this hospital could not sustain this improvement. Resources for reproductive health care started to fall in rural Tanzania, just at the time when an influx of refugees, some 500,000, of which 70 percent are women and children, further drained their resources.

Then we heard from Dr. Enyantu Ifenne, a pediatrician from Nigeria, who spoke at the White House on World Health Day about the differences family planning makes in the lives of women in Nigeria.

She spoke about an adolescent girl, Jemala, who was married at 12 and pregnant at 13. Jemala did not have access to desperately needed reproductive health care. She was in labor for 4 days and suffered life-altering damage.

Jemala is not alone. Complications of pregnancy in childbirth are some of the leading causes of disability for women in developing countries.

These are just a few stories, but there are countless others from Colombia to Kenya, from Nigeria to Nepal. Although these countries are very different from one another, what unites them is the fact that in each one women are dying needlessly because of the lack of access to effective family planning programs.

Last November, Congress enacted the onerous global gag rule, which sought to stifle doctors and health providers from advocating for or against, with their own money, abortion reforms in their countries. The ob-gyns here in New York last week put it best when they said, "We are at a loss to understand how it is that the U.S. is now exporting as a matter of foreign policy a position that may expose more women to unnecessary health risks."

These doctors are calling on the United States to end the global gag rule because they cannot understand, as they said in their own words "being subjected to such a policy that not only would never be tolerated within the United States, but would be unconstitutional if applied to citizens of America."

Last week, we heard from Maria Isabel Plata, the executive director of Profamilia in Colombia, about how difficult it is to explain the gag rule to women in her country. In Colombia, unsafe abortion is the second leading cause of maternal mortality; and abortion is illegal, even in cases to save the life of the mother. Yet local organizations are afraid to talk to their policymakers about the impact of these laws on women's health.

Ms. Plata told us that women in her country now view the United States as a Nation that believes in two types of women: first, those who have human rights, those who can freely debate laws and policies in their own country; and, second, Colombian women who do not have those same basic human rights.

Mr. Speaker, for those who would question the value of U.S. dollars going overseas for family planning, for those of you who support the onerous global gag rule, I'd like you to consider the women of rural Tanzania; the adolescent girls from Nigeria; and all of the women around the world.

On behalf of the doctors on the front-line for women and children's health around the world, let's restore funding for international family planning programs without unconstitutional gag rules.

## RELIGIOUS PERSECUTION OCCURRING IN TURKMENISTAN

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, as a member of the Helsinki Commission, and also as the Cochair of the Religious Prisoners Congressional Task Force, I rise today to speak on behalf of a young man who has had his human rights violated, a young man with a wife and five young children, a man who, because of the peaceful practice of his religious beliefs, is in prison in Turkmenistan.

In December of 1998, security officials arrested and imprisoned Mr. Shageldy Atakov, pursued trumped-up charges against him, and on March 19, 1999, Mr. Atakov was sentenced to 2 years in prison. Why? Simply because he decided to change his religion from Muslim to Christian.

Despite the fact that the government of Turkmenistan is a signatory to the Helsinki Accords and other international agreements, officials have blatantly violated Mr. Atakov's and other individuals' rights to freedom of conscience, freedom of speech, and the freedom of assembly.

Before KNB officials, that is the new name for the KGB, arrested Mr. Atakov, they, along with local religious community leaders, told him if he converted back to his previous religion, he would receive a car, a house and a good job, a great offer in a country like Turkmenistan where people make approximately $40 per month.

However, these community leaders and security officials made it clear that if Mr. Atakov refused this offer, they would "find" charges against him and ensure that he was imprisoned. Over a 2-month period, various officials visited Mr. Atakov to repeat this offer and threats. In one of the visits, secret police officials said he would be imprisoned and "we will quickly force you into silence."

The KNB secret police have tried to silence Mr. Atakov in prison. Reports show that in July of 1999 and March of 2000 Mr. Atakov was forced into the special punishment cell in which he was severely beaten by guards, denied water, and fed only every other day. His family saw him at the end of the 10 days in 1999, and they reported that he was barely alive.

In July of 1999, it was reported that President Niyazov gave Mr. Atakov presidential amnesty, as allowed under Section 228 of the criminal code; but for some strange reason, security officials did not release him. Instead, they put him in the punishment cell described above.

In fact, because of the pressure from the prosecutor, who said the previous sentence was too lenient, a new trial was held in August of 1999; and Mr. Atakov was sentenced to 4 years in prison and fined $12,000. That is an amount equivalent to about 25 years of salary for the average Turk citizen.

Since February of this year, KNB officials forced his family into internal exile, the principal has kicked his children out of school, his wife has been told she will remain in exile until she renounces her faith, Mr. Atakov's brother was arrested and tortured in April of 1999, and other family members have lost their jobs and suffered as well.

In December of 1999, during a raid on a Russian family living in Turkmenistan, KNB officials told them, "First we will deport all of you foreign missionaries, then we'll strangle the remaining Christians in the country."

All of this government attention to one man and his family simply because of religious beliefs.

This injustice is an outrage. The tactics of the KNB show that the KGB forces and methods of operations did not disappear with the demise of the Soviet Union, but are still alive and well. The arrest and subsequent imprisonment of Mr. Atakov are not isolated events, but are a result of the KNB secret police policy in Turkmenistan.

In 1997, the legislature adopted severe restrictions on religion, imposing compulsory re-registration of all religious communities. According to the legislation, a religious community must have at least 500 members before it can obtain registration. Without this legal status, all religious groups are considered illegal and their activities therefore are punishable under the law.

Since June of 1997, the secret police have detained, interrogated and physically assaulted many religious believers. In addition, these officials have raided churches, interrupted worship services, searched homes and confiscated over 6,700 pieces of literature. In each instance, the KNB warned citizens that the Christian faith in particular is forbidden in Turkmenistan.

Religious believers throughout Turkmenistan suffer if they practice their religion but do not belong to either of the two "registered" religions. One is the Islamic faith, the other is the Russian Orthodox.

Mr. Speaker, I recently received reports that Mr. Atakov's health has deteriorated rapidly and he may be at the point of death. I urge the government of Turkmenistan to allow an international organization, such as the Red Cross, to visit Mr. Atakov, assess his health, and provide any medical assistance he might need. Even, I might say, the old ruthless Soviet regime allowed prisoners medical health.

I urge the government of Turkmenistan to live up to its commitments under the Helsinki Accords and other international agreements to uphold and to protect freedom of speech, assembly and belief.

Further, I urge the government of Turkmenistan to release Mr. Atakov under their own president's amnesty granted to him last year.

Finally, I urge the government to stop harassing and persecuting people of faith and recognize their important and rich contribution to their nation.

## ALLOWING REFERENCE TO RETIRING MEMBER OF OTHER BODY DURING MORNING HOUR DEBATES TOMORROW

Mr. PITTS. Mr. Speaker, I ask unanimous consent that Members be permitted to refer to a retiring Member of the other body in tributes during morning hour debate tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## RECOGNIZING IMPORTANCE OF SELECTIVE SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. KUYKENDALL) is recognized for 5 minutes.

Mr. KUYKENDALL. Mr. Speaker, for many of us about my age, when you turned 18 you went off and registered for the draft. I happen to have come of age during the Vietnam War, so it was very controversial. But last Thursday, I introduced House Concurrent Resolution 402, which recognizes the importance of the Selective Service System on the occasion of its 60th anniversary of a peacetime military registration effort.

It was first passed on September 16, 1940. I believe that willingness and tradition of America's citizens to defend not only their homeland, but also the very precept of freedom throughout the world, is the cornerstone of what makes America the greatest Nation on Earth.

The Selective Service System serves as a reminder to many in the world that America's young men stand ready to continue in the tradition of protecting democracy. As a result of the Vietnam era draft, some feel we should abolish it. Others feel we should not fund it during times of peace. And with all due respect to those Members, I disagree with them.

But the bill that I introduced is not anything to do with those two controversial subjects. The bill seeks to honor America's Selective Service System and recognize the historical role it played in America's history, especially during the past 60 years.

But before that last 60 years, what was the history of the draft in America? It began in the Civil War, and during that time, we conscripted people, and the way you got out of it was you provided a replacement. You had to go find someone to stand in your stead. It ended after the Civil War.

Again, when America went to war in World War I, we passed the Selective Service Act of 1917, and it provided for a general conscription. We even had a clause in that one, for the first time, that talked about exemptions for conscientious objectors. By the time the war ended, we had inducted 2.8 million men.

Then, during World War II, we bring ourselves to the time that we end up recognizing the anniversary of, that the Selective Training and Service Act of 1940 established the first peacetime, I stress peacetime, conscription; and it was in response to all the tension in the world at that time. You could imagine, we had had Germany recently invade Poland; the Japanese were on the march in the Pacific.

The service obligation was originally 12 months. It was quickly changed to 18 months in 1941. By the end of that war, we had conscripted over 10 million men, and the world had been made peaceful again.

Following that, in 1948, we continued conscription; and we continued registration, and we said anyone between the ages of 18 and 26 be available for service as we then entered that era of the Cold War.

In 1948, we replaced the old draft with the Universal Military Training and Service Act. A few years after that, we replaced it again with the Reserve Forces Act of 1955. At that time you were required 6 years' service between your active and reserve time.

Then came Vietnam. In 1967, we passed the Military Selective Service Act. That war had such controversy and had such venom throughout our Nation that we ended up with the discontinuation of the draft in 1973. Inductions were stopped, they were not renewed by Congress, and we favored an all-voluntary military force. However, registration was still required.

By 1975, we even suspended registration, so men who were only a few years younger than myself found themselves in an era of not even having to register. However, 5 short years later, Congress reinstated draft registration requirements for men between the ages of 18 and 26.

Our modern Selective Service System that we have today must be authorized by Congress to induct people and the President must order a return to the draft. The system today is for registration. We merely maintain the rolls. It is a lottery. It still would be used by drawing your name out of a hat based on your date of birth, and young men would be drafted with certain age groups.

Finally, local draft boards that are representative of the demographics and ethnic makeup of your community are those who can draft you. Many people, myself included, have served as a member of these local draft boards. We have done so in a standby cadre status because we do not draft anyone today.

Since Vietnam., we have been very fortunate concerning combat casualties, especially given the deadly nature of weapons employed on today's battlefields. However, should America find itself at war with a capable and determined foe, casualty rates will likely increase significantly and a mechanism that provides replacements in a timely manner will be necessary. The Selective Service System is that mechanism.

I urge all that have the opportunity to counsel America's young men, to register with Selective Service. It is an important responsibility of men between the age of 18 and 26.

The proponents of this amendment would have us believe that maintaining a Selective Service System is a waste of taxpayer resources. The cost of rebuilding the Selective Service System from scratch, in both dollars and time, far outweigh the costs associated with funding the current system.

Mr. Speaker, I ask my colleagues to defeat this amendment. Rarely do we have unanimous support from the administration, Joint Chiefs, service secretaries, and veteran service organizations across the country for a program. They all agree that we need the Selective Service System should America ever require its capabilities. Vote no on this amendment.

Mr. Speaker, House Concurrent Resolution 402 recognizes the 60th anniversary of the Selective Service System and the critical role it has played in protecting democracy. I urge its passage.

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## SOVEREIGN ENTITIES

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the President warns of the potential of a new age of civil wars. He is one of the progressive new center-left academics turned leader and a proponent of the view that he and his family of progressive thinkers can find the cause of wars and intervene with a cure.

It has been demonstrated time after time that the United States can be drawn into war after war, national conflicts within borders and across borders. American troops die and suffer for the policy formulations we are never informed of and without the specific congressional declaration and war powers that the Congress alone retains.

Since the United Nations was founded in 1945, America has not won a war but lost each and every conflict but one, depending on your view of the Persian Gulf War.

The Millennium Report recently issued by U.N. Secretary General Annan calls for "a strengthened Corps of Commanders in New York ready to organize and intervene with peacekeeping operations within a week or two."

There is little that I fear so much as U.S. troops being committed to such an international force that can intervene without requiring specific congressional approval.

Should this concept ever conclude where it is intended, a standing army with a stronger corps of commanders, we will see the development of a threat greater than ever in our recent past. Already we have seen the power of a few enormous multinational corporations grow to a size that exceeds all but the largest nations. Fifty-one corporations are presently larger than the bottom 100 nations.

We have seen the jurisdictional prerogatives of NATO enlarged and both our own CIA and NATO find in their mandates to now include protecting these same corporations' trade routes and corporate markets. How did they find that new information there? Globalization has created new sovereigns out of these paper entities. The United Nations would create a new standing army to protect these new sovereigns' interests.

There is much too much hope placed on globalization and the interdependence upon nations. The rhetoric only hides the reality of who really benefits and what the real consequences are here at home. Wages in America are stagnant, and in the last 3 years there have been periods of decline.

Maybe wages are going up slightly in some countries, but this too can be explained by other than globalization's trade benefits: the present world economy is driven by speculation, not productivity; mergers and acquisitions, not growth and new entrepreneurship; workers shifting from one well-paying job to three less well-paid service jobs; wealth increased for the few investors, owners and profiteers while the standard of living drops again and again as every new dollar buys less goods for every family.

We are today proud of an economic boom that nobody would dare suggest can be sustained. When the inevitable downturn arrives, wages will be scuttled. Wages worldwide will return to the pre-speculative period. But the largest corporations will not feel the pain, as each merger, each acquisition grants to the parent firm unlimited opportunities to downsize further and eliminate more jobs.

Is there any question about what entities are really sovereign today?

## KEY PRINCIPLES AND KEY ACCOMPLISHMENTS IN EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, I chair the positive education caucus in the Congress of the United States. This positive education caucus believes that it is easy to be critical but much more difficult to find solutions. That positive caucus is called the Committee on Education and the Workforce of the United States House of Representatives.

So I am pleased to join several of my colleagues in reviewing two things with the American people and with all who are watching: first, the seven key Republican principles on education; and second, the key education accomplishments we have made over the last 5 years.

Since we became a majority party in November of 1994, I have fought to include seven key principles in all education legislation that is passed through the Committee on Education and Workforce and the House.

Now, why did we do that? Why did we come up with these seven principles? Well, I sat here for 20 years in the minority where I was told over and over again, and I watched it happen, that all we need to do is come up with one more program or another billion dollars or cover another 100,000 or half million children and we will solve all those problems. And for 20 years I watched one more program, one more billion dollars.

Nothing happened positively in relationship to closing the achievement gap between those who are fortunate enough to have someone at home who is their first and most important teacher and those that are not.

Well, these key seven principles are quality, better teaching, local control, accountability, dollars to the classroom, basic academics, parent involvement, and above all, responsibility. And so, we have said that in quality we seek quality effectiveness and results in all Federal education programs.

No one paid much attention about the quality during those 20 years. No one really paid much attention to the studies that were done. Because the studies would have told them that we had some real problems with Head Start, we had some real problems with Title I. We could have corrected those early on, but we did not.

So we seek quality, we seek better teaching. Nothing matters more in the classroom than having a competent, well-trained teacher who teaches the subject in which he or she was trained to instruct.

Local control. House Republicans believe in cutting Federal education regulations and providing more flexibility to States and local school districts for, in exchange, accountability. As we deregulate Federal education programs and provide more flexibility, we want to ensure that Federal education programs produce real accountable results.

In dollars to the classroom, we believe in spending more dollars directly in that classroom. Basic academics. We believe in emphasizing basic academics and proven education strategy, not just fads or self-esteem approaches. And parental involvement and responsibility is extremely important.

Those public charter schools that are working primarily are working because the parent is the enforcer. The parent agrees that they will enforce the homework regulation. The parent agrees that they will enforce the dress code. The parent agrees that they will enforce the discipline code.

Well, what does that do? That attracts the best teachers and the best administrators and the best supervisors to that kind of setting. Because every good educator wants to be able to teach, and that is what happens when the parents are enforcing what is required in all of those schools.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN) who was much involved in education before he came here.

Mr. HORN. Mr. Speaker, when I first came here to Congress 8 years ago, I made improving our public schools a top priority.

When the Republicans came to power in 1974–1975, I knew that, under the leadership of the gentleman from Pennsylvania (Mr. GOODLING), we would have quality, better teaching, local control, and accountability.

I am pleased to report that significant progress has been made on all of these goals. The first step in improving our schools is to make sure that children enter the classroom ready to learn. This is especially true for children from disadvantaged families who often do not have the same family resources as middle-class children.

Republicans have been leading the way over the past few years with Head Start. As this graph shows, funding for this program has been increased 106 percent in the past 5 years. That has really helped thousands of children throughout America. We can see right here in this Head Start funding increases under the Republican Congress when we start from $3 to $7 essentially. And it was quite a spread over a decade, and we can take great accomplishment in that.

There is a lot more such as that.

Mr. GOODLING. Mr. Speaker, reclaiming my time, and in that increase we also insisted that quality was the name of the game.

For the last two reauthorizations, we were finally able to say, hey, if they get new money, do something about improving the quality of the program.

Mr. HORN. Mr. Speaker, if the gentleman will continue to yield, and I think that is happening throughout the country.

Mr. GOODLING. Mr. Speaker, it has.

Mr. HORN. Mr. Speaker, Head Start should do what its name says it does, give a real head start to children growing up in disadvantaged families.

The Head Start amendments of 1998 ensure that local agencies are accountable for successfully preparing children to enter school and for making sure that they are ready to read. New education standards, teacher training measures, and quality standards have been included, as the chairman says. Head start now strikes the appropriate balance between quality and expansion.

The increased funding for quality ensures that the program has the time and the means to develop the capacity to provide higher quality services, creating a better future for the children and the families that it serves.

A major goal of Republican education policy has been to send more dollars to the classroom while maintaining local flexibility and accountability.

Mr. Speaker, we can all agree that a motivated, qualified teacher is a key factor in student achievement. Unfortunately, some of our teachers are underqualified, overwhelmed, or simply burnt out. This is understandable given the challenges they face. As a former professor, I can certainly see those challenges.

That is why I am so pleased with the Teacher Empowerment Act which the gentleman from Pennsylvania (Chairman GOODLING) has nursed through his committee and the floor. This act is designed to provide teachers with the resources that they need while maintaining local flexibility. Funds are included to reduce class size, but this does not come at the expense of teacher quality.

This legislation provides $2 billion annually for teacher training, which focuses on the high need areas of science and mathematics. We are way behind in that. This will help tremendously. However, under this legislation, local school districts have more choice in the teacher training programs that they utilize, allowing them to meet the unique needs of their students much more effectively.

Although Washington has an important obligation to the schoolchildren of this country, national programs administered from here are not a viable option.

A better approach is to provide the funds necessary to meet the students' needs and to let State and local level school officials spend those funds in the way that works best for their particular students. This principle is reflected in the Ed Flex bill that became law last year, in brief, education flexibility.

Too many things had been mandated by the Federal Government and they never kept their word on the money. Now they are. Under this legislation, local school districts are given increased flexibility in how they can spend Federal money.

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It is those local school board members, principals, and teachers who know the unique strengths and needs of their students and their communities. They know that the most effective ways to use Federal funds is to do it at home and not in Washington. In exchange for this increased flexibility, school districts must demonstrate measurable academic achievement, and I think that is where we are all united in that.

Another significant piece of legislation passed by this Congress is H.R. 4055, the IDEA Full Funding Act, or known as the Individuals with Disabilities Education Act. This Congress for the first time fully funded this law, which aids children in every town and city in our country. Under this law, States were required to provide a free and appropriate education to every child, including those with disabilities. The Federal Government committed to paying 40 percent of the cost of special education, but it never met the payment. The Federal Government has paid only about 13 percent instead of the 40 percent of the cost of special education specified in the disabilities law.

Special education is expensive. The Federal Government mandated that special students who have disabilities should be taught at local schools. Right now, school districts must pay for the mandate, already straining their local budget. For the first time, H.R. 4055 authorizes funding to reach the Federal Government's goal of 40 percent. Those funds will help States and local school districts. Receiving full Federal funding for special education would free up local funds to help all students. Once this funding discrepancy is cleared up, school districts could use 27 percent of the funds now going to special ed on hiring more teachers, buying new computers or repairing classrooms, things that benefit all students without harming special education.

We passed this bill in June with overwhelming support. I am pleased with the broad bipartisan support that these pieces of legislation have received. We have demonstrated the ability to put aside partisan differences and work together to find common sense solutions to this country's educational challenges. Let us continue to do so. The future of our children and our Nation depend on it.

I want to again praise the gentleman from Pennsylvania (Mr. GOODLING) for the leadership he has provided once we were freed up from the bureaucracies of Washington and we put the focus on those local individuals that know a lot more about the education in their area than we do 3,000 miles away. He deserves great appreciation from the whole House for bringing all these pieces together and providing flexibility, quality, and accountability.

Mr. GOODLING. I thank the gentleman for his participation and recognize the gentleman from the committee from the great State of Georgia (Mr. ISAKSON).

Mr. ISAKSON. I thank the chairman for his introduction of me tonight and I thank the Speaker for allowing me to take a few minutes to talk about what has been a true renaissance in the approach to education at the Federal level and due in large measure to the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and the approach that he has taken.

I want to address three specific areas of the reform and enhancement that has been done over the last 2 years by the House Committee on Education and the Workforce and try and delineate specifically why accountability and why flexibility, more parental involvement are so important in the improvement of education and how the laws that have been enacted by this House in education will go a long way towards bringing about true improvement and in particular the closure of the gap between those that perform so well and those that underperform.

Thirty years ago, the United States Congress decided to get in the business of assisting public education and entered that in what was known as the title I program to begin funding programs for our most disadvantaged students. Unfortunately, in 30 years, we have realized little or no improvement and, in fact, in some cases a decline. But during those 30 years, we have seen the Federal Government enter into many other programs in public education.

So this year, the committee took a different approach. Why redo over and over again what for 30 years has not worked? Instead, let us do some new things. Number one, the straight A's bill. Under the leadership of the chairman, we passed in the House the straight A's bill which takes on this approach: instead of Washington being the CEO of your local school district, it ought to be the investor in your local school district. A CEO gives orders. An investor looks for results, which is the gentleman from Pennsylvania's approach to accountability. Under the straight A's bill, we allow a State to enter into a contract with the U.S. Department of Education. That contract is a 5-year agreement, and the premise of that contract is that State will lower the gap between the best students and the lowest-performing students.

In return for that agreement, that State receives a great deal of flexibility in the use of Federal funds directed towards the area it believes is best to address the problems of its lowest performing students. The straight A's bill demands accountability, it demands a contract, and it demands a return on the investment which our taxpayers deserve to have. The straight A's bill, in my opinion, is the inception this year of what will spread across this country in terms of the Federal Government's involvement.

A lot of people do not realize this about Federal involvement in public education. It is mountains of paperwork, but it is small molehills of money. I was chairman of the State board of education in Georgia before being elected to the Congress. Seven percent of Georgia's funds for public education come from the Federal Government. Ninety-three percent come from the State government and the local government. Yet more often than not, the paperwork comes from the Federal Government. In fact, I used to use an analogy. In Georgia, the average kindergarten kid is 36 inches tall when they enter kindergarten and that teacher fills out 42 inches of paperwork before that child leaves kindergarten. All to say, we spent the money the way Washington said we should.

Instead, straight A's takes the approach, we want the accountability of results. We want to make an investment in our children's future. We trust the local boards, and we trust the State system to make the right decision in the use of those funds.

Secondly, for just a minute in the spirit of flexibility, which was addressed so well by the gentleman from California (Mr. HORN), I want to talk about transferability. For those States that elect not to participate in straight A's, but would like the flexibility in Federal funds to make a meaningful difference, we approved the ability for Federal funds to be transferred in a way that was directed best by the local board of education towards the improvement of students.

Transferability just simply takes this premise, and I will use my State of Georgia. In rural Georgia, in an area where many migrant workers speaking many different languages, their primary language other than English, enter and pass through the public schools and that is the major crisis in the achievement gap, does it not make sense for that local system to be able to move money to the speakers of other languages to bring about better literacy of those immigrants so as to address the ability of them to improve their achievement compared to those who speak English as their primary language?

And is it not in the metropolitan Atlanta area where you have a disparity of affluent and inner city systems for their needs to be markedly different and for the money to be transferred in such a way to address the need of the specific constituency in that school system?

But being the responsible leader that the gentleman from Pennsylvania is, he also remembered that the way the Federal Government and the reason it entered public education was for title I and for our most disadvantaged kids. So the one restriction in transferability was, you could not transfer any money out of title I, but you could transfer Federal money into title I. When you take a school or a school system that in some cases can approach three-quarters free and reduced lunch, three-quarters level of poverty students, then it may be that every other dollar in Federal money designed for other programs that comes should be transferred into title I to even further enhance the Federal Government's investment in schools.

Flexibility and transferability are absolutely essential. Many times in Georgia when we approved the State budget, when it came to the Federal portion, we could not approve a single change of a comma, a semicolon or even the tense of a sentence all because the Federal Government with the money sent the regulations and the rules and the restrictions on its use to the extent that in some cases you turned it down because you could not use it where you really needed it.

Lastly for just a second, I want to talk about technology. There is a graph which I would like for the staff to put up so the people of this country can see. You hear a lot of times that Republicans do not make an investment in education. You hear a lot of times that our interest is not in education. The gentleman from Pennsylvania's leadership has demonstrated that that is not true. But if you look at that graph, that shows the investment in technology made by the Congress of the United States and its increase from 1993 to the fiscal year 2001 budget. It is a 1,761 percent increase in Federal funding in 8 years, an increase in what I believe will be the solution to some of America's greatest problems in the delivery of quality public education.

First of all, under the chairman's leadership, we decided that it is wrong to say the Federal Department of Education controls 40 percent of the technology money and directs it when it is going to be used at the local level. So we said, 95 percent goes to the local level. The U.S. Department of Education controls 5. Secondly, we had a myriad of technology programs all designed for a narrow focus on technology, all well intended but just enough money to start something, not enough money to finish it. So we rolled all those programs into one $760 million grant program, a competitive grant program to develop the best practices for the delivery of education through the use of technology, the Internet, and the World Wide Web.

By way of example, this past June I attended the National Education Computing Conference in Atlanta where public schools from around the country that have received technology grants in Federal programs are beginning to demonstrate how technology can be used to solve what we believe to be the insoluble. Just two quick examples. First, it is difficult in rural America to get advanced placement teachers for our brightest children but by use of the Internet and the World Wide Web, the increases in broad-band delivery and the merger of audio, telephony, and digital all to the school, we can now take the Nation's best AP teachers and get them in the Nation's poorest most rural systems via the Internet and its use to bring advanced placement education to any American child regardless of the resources of their system.

The Institute for a Sustainable Future in Massachusetts had a grant that was awarded to a Cobb County school system, my home, where they have embedded in the curriculum K–12 many basic principles in terms of sustaining our future economically and environmentally and real-life practices through the use of technology to demonstrate those models to teachers throughout that school system. What we will do with this $760 million over the next few years is find the best practices that work in classrooms, distribute them around the country and use the modern marvel, the Internet, to break through barriers we thought were insoluble.

In essence, I close, Mr. Speaker, by saying really three things. My dad always wanted me to make straight A's, and I think I did one year in third grade; and that was about the only year I made straight A's. But my dad always gave me the flexibility to try harder, and I did the best I could, and he challenged me. He challenged me to do my best. Through the gentleman from Pennsylvania's leadership, we are now for the first time in 30 years allowing local school systems to do their best. We are trusting them to say, if you will sign a contract that says you will lower the gap and close the gap, then we will give you the flexibility to use the money to do that intended purpose. A rising tide lifts all boats, and we owe it to every child in America regardless of their circumstance, regardless of their poverty, to be uplifted, and flexibility does that. Transferability allows us to direct funds and target them in an area that has a specific need. Never to the expense of title I, but even to its enhancement should the local system decide to do that.

Finally, there is no one in this country that knows more than those of us here in this Congress how technology has revolutionized the production of the American worker and expanded our great recovery economically in this country. It will do the same in public education. And because of your leadership and because this Republican Congress made a 1,761 percent increased investment over 8 years in the use of technology, then our children will be better off, our school systems will have more flexibility, more responsibility and more accountability, and our children will be better educated.

The last 2 years for me, my first 2 years in Congress, have been very rewarding because what I came from with frustration, and that was public education that was constrained by Federal bureaucracy, has now been unleashed through your leadership to respond as it thought it was intending to 30 years ago; and the end result is going to be improved achievement, closing of the gap between our best and our poorest students, and a renaissance in public education in the United States of America. I thank the gentleman for the opportunity to speak tonight.

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Mr. GOODLING. Mr. Speaker, I thank the gentleman from Georgia (Mr. ISAKSON) for his participation. The President gave a long list when he spoke to us here in this very Chamber, many things that we agreed with. We, however, did not agree with his approach, because it was a one-size-fits-all Washington, D.C. approach.

And so we said we are going to stick to our seven principles, because we want to make sure that no child is left behind, and so as I indicated, and as my colleagues have indicated, we have had many successes. We have a long way to go. If my colleagues look on the next chart that we have, my colleagues will see some of those successes that were mentioned and some others that were not: Individuals with Disabilities Education Act, Amendments of 1997, Individuals with Disabilities Education Act, Full Funding Resolution, Full Funding Act, Reading Excellence Act, Charter School Expansion Act in 1998, Head Start Amendments of 1998, Prohibiting New Federal Tests.

As I indicated, the President over and over again, it is a great idea, but, first of all, we have to determine what the new higher standards are. Then after we know what they are, we have to determine whether the teachers are equipped to teach to the new higher standards. After the teacher is equipped to teach the new higher standards, then we test the teacher to see whether they are equipped. Then she or he teaches for a year, then we test the child.

Prior to that, of course, I am afraid what we do is primarily is tell 50 percent of the children one more time I am not doing very well.

Dollars to the Classroom Act, believing that that is where the money can best be used. Education Flexibility Partnership Act. I fought and fought and fought for that as I sat in the minority, and finally I got a bone thrown to me. I think the gentleman from Michigan (Mr. KILDEE) probably helped me more than anybody else, and they said well, we will give you six States; that is a little trial here. It looked like maybe there was some value to that, so then the next time we said we will give you 12 States.

We can thank Texas and we can thank Maryland and a few other States, but particularly those two, and particularly Texas, because they said okay, we will take the responsibility to prove to you that we can improve the academic achievement of all of our students, if you give us an opportunity to commingle funds.

As you know, even though the funds may have been worthless, may have been so small with so many programs, if they ever commingled one penny, the auditor was there, they did not care whether there was a quality program, whether it was working or not, the only thing they wanted to make sure is you did not commingle any pennies. And we said, well, why not all 50 States?

In Texas, at the present time, of course, they can show that their Hispanic and their black population is achieving at a greater level overall on their tests than the overall average of all of the students, because they took seriously that challenge that we gave them: we will give you the flexibility, you have to accept the accountability, and you have to show that every child can improve academically.

We improved the Vocational Technical Educational Act by making sure we are in the 21st century, a very, very difficult century; and I sympathize with Voc Ed teachers because I always say when they go to bed at midnight they think they have a great lesson planned, and when they woke up the next morning, technology increased so dramatically that they are back in the Dark Ages again. And they have to plan all over again. It is not easy. I do understand that.

The Teacher Empowerment Act is mentioned, we want quality teachers. We want to give them the opportunity to be quality teachers. If they cannot get the kind of in-service that they need that is being supplied, they can go out on their own with vouchers and get that kind of improvement that they need to make sure that they are up to snuff and up to the 21st century in their teaching.

Student Results Act, again, saying that we want to see results, and the gentleman from California (Mr. HORN) I see I touched a nerve somewhere.

Mr. HORN. The gentleman has touched a nerve, because this is wonderful; and this means better prepared students for colleges. And we have a governor who is really committed to college. Governor Bush, who is running for the Presidency, said every child has a chance to go to college and make it; and I agree with him completely, having been a university president for 18 years.

And what the gentleman's committee and what this Congress have done has been to get a Pell grant up further than it ever has been for students in need, money called the Pell grant, and college work study and all of the loans and so forth, but looking at the ones for the grants, any student can go to college and get a degree. And we thank the gentleman for that.

Mr. GOODLING. As I indicated, there is nothing that substitutes for a quality teacher in a classroom. My first 4 years in a one-room school, thank God for Ms. Yost, because she was an outstanding teacher and she taught all subjects, and she did all of the other work that goes into running a one-room school and she was just outstanding, but there is no substitute for that quality teacher.

We have the Academic Achievement for All Act, the Education Savings Accounts to make sure that parents are in a position to help the child go on to some form of higher education. We have the Impact Aid Reauthorization Act, and in some districts that is extremely important because they are impacted by Federal installations in that particular area who have children who come to their public schools without, of course, the people paying taxes for that purpose.

Literacy Involves Families Together Act is, of course, one that I hold near and dear. It took us so long to understand it. If you do not deal with the entire family, you cannot break the cycle. I do not know how it took us so long to understand that. And, of course, that is what we were doing in Head Start, we were just dealing with the child. Well, of course, somebody, some adult in that family has to be the child's first and most important teacher; and, of course, that is the whole idea of our Literacy Involves Families Together Act, to make sure that we are giving the parent the tools that they need and at the same time helping the child become reading for school.

I am very proud of the Child Nutrition Act. We made real changes that I think gives youngsters an opportunity who do not have that opportunity to have a balanced meal, because it is pretty difficult to sit there and try to listen to what the professor is saying about mathematics or Latin or English or whatever on a very empty rumbling stomach.

And I see another colleague from the committee, who another college professor who knows a little bit about math and science, much more than I do, as a matter of fact, the gentleman from Michigan, (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I appreciate the gentleman from Pennsylvania for yielding to me, and I saw the gentleman on C-SPAN and rushed straight down here because I think this is one of the more important, if not the most important, discussion we will have in Special Orders this week or, perhaps, this month.

First of all, I want to commend the gentleman for what you have done. When we look at that list, it is the gentleman's initiative that developed it and carried it as far as it has come. And there are some outstanding things on there, and I will comment on a few of those later on.

It is also with some regret that I looked at the list and realized that most of this should be passed into law; a good deal is, but not all of it. And the part that is not passed into law is primarily because of game playing or threatened game playing by the minorities to attach meaningless or killer amendments or other strange amendments to this in both the House and the Senate, and that has prevented further action on it.

My experience, as the gentleman mentioned a moment ago, is in science; I received a doctorate in nuclear physics. I have taught for 22 years at the college and university level, but during that time I became heavily involved with elementary school science and to a certain extent the secondarily school science, including teaching some summer institutes sponsored by the National Science Foundation.

I would just like to make a few comments on some of the issues. First of all, the nonscience areas, when the report "A Nation At Risk" first came out over a decade and a half ago, I was struck by one thing. A Nation At Risk they talked about everything that was going wrong and what should be done; and in my mind they left out the most important factor and that was the parents. Because in my experience and in working in schools at all levels, the most important single factor in the success of the student is an interested and involved parent. And if you do not have that, you have got a long ways to go to resolve it.

And one thing I especially appreciate about the gentleman from Pennsylvania, about the list there, is the bill that we just passed in the House last week, which the gentleman has fought arduously for for some time, the Literacy Involves Family Together Act, or LIFT Act. I think that is extremely important, because it is not only trying to instill literacy in children, but it is saying if the parents are illiterate, the children are not likely to learn how to read; and, therefore, we have to teach the parents how to read and become literate if we want the children to become literate.

I think that is a very important act. I hope it gets enacted and takes effect, because I think this is a real step towards improving literacy in this country. I have worked on literacy projects in my home district with adults, but the ideal is to have the children and the adults working together, and that is precisely what this act does, and I commend the gentleman for it.

We have, as I said, many successes as the Republican Party, but let me comment on what is needed beyond an interested and involved parent, that is the most important. But the second and very, very close to it is a competent teacher. I think the teachers in this Nation have had unfair criticism. Everyone blames the teachers for the failings of the schools; and in my book, that is not the place to start.

In my working with the schools, most of the teachers are very dedicated, very anxious to do a good job; but they are hampered by lack of money in some cases, lack of facilities in other cases, lack of support from administrators aboard and other cases, and above all, frequently a lack of training. As the gentleman mentioned earlier, frequently teachers are trained to teach well, but times have changed and they need more training. They need professional development.

I am pleased that the Federal Government has been able to help in that score by providing some funds for professional development, but much more needs to be done; and I think the schools have to step up to bat on that one too and provide more funding for professional development, either through summers or through in-service.

Secondly, in terms of training, we need better training in the colleges and universities. I think the biggest problem there in terms of my experience has been the fact that the academic departments which teach the academic subjects do not communicate well with the schools of education and vice versa. Not only that, much to my regret when I was at both Berkeley and at Calvin College, there was a considerable amount of disdain of the academicians of the school of education professors and vice versa; and with that atmosphere, it was impossible to develop good cooperation.

I am pleased to see that being changed. For example, Arizona State University has done a tremendous job in the physics department to break down that barrier, and they have a superb program going. Just last week I met with a professor from the University of Washington, he has done the same with high school teachers and is training high school teachers working with educators on that. So the barriers are breaking down, but they have to break down much faster if we are going to meet the needs of our Nation.

I hope that we can do all we can to help improve the initial training of teachers and also improve the professional development of teachers. In my experience, as I say, teachers are eager to do a good job. They are eager to be properly trained, and they are very frustrated if they do not get the support of their board, of their administration, and, in fact, of their Nation from the work that we do here.

My final comments are about science and math education, which I have spent a lot of time in during my professional career and also here in the Congress. Most people do not realize that the economy of this Nation and, particularly the economic growth of this wonderful boom we are having now, is primarily due to advancement in science and technology; Alan Greenspan will be the first one to say that.

The estimates are that at least a third of our economic development now comes from information technology developments, and very likely another third of the economic growth comes from other developments in science and technology. Yet we are not producing students out of our schools who can take advantage of that. That is where the jobs are, but we are not graduating students in enough science, math, technology, and engineering to take advantage of it.

I visited Silicon Valley a few months ago. In that area alone, they have 100,000 job openings for scientific, engineering, technical people, unfilled jobs because they literally cannot find the people to take the jobs.

We have every year before the Congress requests to grant H1-B visas, to grant visas to foreigners to come in and work as scientists, engineers, technologists, mathematicians, computer specialists; and we this current year are allowing 155,000 of them to come in as immigrants because we are not producing enough. The request for next year is 350,000; we may grant 200,000.

Another indication of trouble in this Nation, if you go to graduate schools of science and engineering, over half of the graduate students are from other countries. Our students are not competing; they cannot compete with the students from other nations.

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They are not getting the grounding in math and science that they need. Another indication, the TIMMS Study and other studies comparing us to other developed countries, the United States is either at the bottom or near the bottom in every ranking of our high school graduates compared to those from other developed countries. We need to improve, and I think it is very, very important that we improve science and math education in our schools.

Now this should not be at the expense of other subjects. I know that the chairman of the committee has spent a lot of time on improving reading in this Nation. That is absolutely essential. One has to be able to read. That is number one. But these days one has to be able to understand science and math as well. So it is reading, writing, arithmetic, the three R's, but do not forget that S on there, and that is science.

The three Rs include science.

Mr. GOODLING. Three Rs and an S.

Mr. EHLERS. So we have some initiatives before the Congress on this issue. I have sponsored three bills. There are similar bills in the Senate, and they are being worked on. There may or may not be enough time this year to get them through, but I hope we can continue to pursue that because it is badly needed. If I had my druthers, I would start at pre-school; but I am willing to start at least in first grade or kindergarten. An interesting result of doing it properly, and that relates to the chairman's emphasis on reading. If science is taught early and properly, it improves success with reading, because the learning of science and mathematics develops parts of the brain that otherwise lie fallow, and those parts of the brain are very important in developing the visual skills that are necessary to develop good reading skills.

So it all goes together: Science, math, reading, that is what we need in the elementary schools. We have to develop programs that will do that. We have to develop teachers who will teach that well; and I hope with that we will be ready for the revolution in the next century, in fact the next decade, of where the jobs are actually going to be and we will produce Americans who will have those jobs and not have to import individuals from foreign nations to take those jobs.

Mr. GOODLING. When we had the literacy bill on the floor, I made the statement that we have pretty close to 100 million people who are performing either on the first or second level of literacy. The first level gets them nowhere in the 21st century. The second level, it will be very, very difficult, and that is why it is so important. It was so sad that we lost as many years as we lost, Head Start, well meaning all of those programs, well meaning but no one was out there to make sure there was quality, so we ended up many times with people who were heading the programs who really needed the programs themselves, and that is a tragedy.

In one largest school district in this country, 55 percent of all their Title I money was used to hire teachers aides. One says, that may not be bad if they are well educated. Fifty percent of them did not even have a GED, did not have a high school diploma, did not even have a GED; but worse than that they were teaching and they were teaching unsupervised. So we can see how those children who needed the very best teacher, a disadvantaged child, did not have a chance because, of course, as I indicated, there were close to 100 million, 40 to 44 million demonstrate the lowest basic literacy skills, and 50 million adults have skills on the next higher level. As the gentleman mentioned, we are going to bring in probably another 200,000 a year for the next 3 years from some other country to fill our $40,000, $50,000, $60,000 jobs. What happens to all of these people? So that is why we said we are going to adopt these seven principles. We are going to make very, very sure that we are just not going to have another program and another program and another billion dollars thrown at the program. We are going to make sure that there are quality programs.

Now someone will say well, this is not our job on the Federal level. Functional illiteracy and illiteracy surely is. We cannot survive. We cannot survive as a leading nation if, as a matter of fact, we cannot do something about this. That is why I said from the beginning we not only can be critical but we have to come up and see whether as a matter of fact we cannot find some solutions to the problem.

So I just want to repeat again what those seven principles are that have been driving our committee since the Republicans have taken over, and those principles are quality.

When we unveiled my portrait recently, I told them that when Chairman Perkins was here, he had a whistle in his speech. Now when we are marking up legislation in that room and the wind blows, those windows just whistle. We always say that is the old man either happy or unhappy with what we are doing, and I said I hope that as a matter of fact my lips move on that portrait every time they are marking up legislation and the lips say quality, not quantity; results, not process. My colleagues have heard that over and over and over again, and I just hope those lips will say it. Maybe somebody can put a tape or something there behind the picture and do it.

But, again, we believe that if we are really going to make a difference these are the seven key principles, quality, better teaching, local control, accountability, dollars to the classroom, basic academics and parental involvement and, as I said, responsibility.

Again, I want to repeat, in a public charter school that is successful, that last word on here is the key, parental responsibility. If we go two blocks from the Capitol, we will see that it is the parent who gets the child there; it is the parent who takes the child home; it is the parent who enforces the discipline code; it is the parent who enforces the dress code; it is the parent who enforces the homework code; it is that parent assuming the responsibility. They want their children to succeed and they are willing to make those sacrifices and so there is a waiting list a mile long. As I said earlier, who is attracted to a setting like that? The very best teacher, the very best administrator. We have to get in center city America and real rural America the very best teachers. That is where they are needed. That is where those role models are needed or we cannot turn this around.

So hopefully with these seven key principles as our guiding light and our guiding force, we can turn things around and not talk about one more program or one more billion dollars or one more this or one more that. Quality, quality, quality; results not process.

Mr. EHLERS. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I just want to follow up with a postscript to that very fine statement. During the recent presidential campaign, I have become very annoyed reading in the papers time after time that George Bush has latched on to education; that it has never been a Republican issue, it is always a Democratic issue; he has latched on to it in trying to win. That is just utter nonsense.

Look at the gentleman's record here in the Congress and what he has accomplished in his career here, and look at what the committee has done the last few years with the Republicans in charge of it. It has done so much better when we look at the funding and recognize that the Republicans have provided more funding from the Federal Government than the Democrats have during the time we have been in charge here. If we want to find out who is really for education and who has really done a better job and not just thrown money at it but required things such as accountability and quality, if we look at who has really contributed to the improvement of education in this country it is the Republicans. I hope the news media wakes up to that and stops saying George Bush is just doing this to win the election. That is the nonsense.

Look at what he did in Texas. The Democrats ran that State for many years; and George Bush came along. In the short time that he has been there, he has raised the scores, especially of minority students, more than they have been raised in many years under Democratic control. So I just wanted to add that.

I hate to be that partisan about it but that is the facts and we have to set the news media straight on it. We have to set the record straight, make sure people understand we are committed to education. We are committed to doing it right, but we are going to do it right. We are going to be accountable. We are going to have quality. We are going to have results. We are not just going to hand out money and say, here, do what you like.

Mr. GOODLING. Well, I latched on to GW; he did not latch on to me. And I latched on to him primarily because of his ability to lead a Democrat house and a Democrat senate in the State of Texas to bring about the best education reform probably anywhere. I was just reading over the weekend that Oklahoma is crying the blues because they lost teacher after teacher, Kansas did and several other States, because they are going where there are higher salaries and where there is a better opportunity, and, of course, one of the places they were going was Texas because with his leadership and his house and his senate they raised those teacher salaries but demanded excellence and quality at the same time.

So, again, here are seven key principles. We think that they have been the important principles to move us ahead and to make sure that no child is left behind.

## PRESCRIPTION DRUGS FOR ALL

The SPEAKER pro tempore (Mr. HULSHOF). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening, as I have so many times, I would like to talk about the need for a Medicare prescription drug program. I have to say that I will be partisan this evening. I know some of my Democratic colleagues will be joining me, because I believe very strongly that the only reason that we do not have a Medicare prescription drug plan is because of the opposition of the Republican leadership.

I have to say that I have been very disturbed to see that the Republican presidential candidate, George W. Bush, Governor Bush, has now come up with a proposal to deal with the problem that seniors face with prescription drugs, but it is really no different than the same plan that we have been hearing over and over again by the Republican leadership in this House that does not provide a prescription drug benefit under Medicare but rather simply tries to provide some sort of government subsidy, primarily for low-income people, that I believe will never succeed because essentially it is not practical. It is not under the rubric of Medicare because the Republicans traditionally and now have opposed Medicare and do not want to see it expanded to include a prescription drug benefit.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Texas.

Mr. DOGGETT. In short, we have been there and done that in this House, have not we? We have already had a vote on that very proposal which was really a plan not to help the seniors of this country but to help the insurance companies to reach out and touch someone, but in this case it was to touch and subsidize insurance companies and assist them but to leave out the vast majority of what we might call the working-class or middle-class seniors that worked to build this into the greatest country in the world, but they just have been left out of the Republican plan. Is not that correct?

Mr. PALLONE. Absolutely. And the thing that disturbs me most about it, and I know that the gentleman is very knowledgeable about this, is that the fact of the matter is that every time the Republicans have come up with a proposal to deal with the prescription drug issue it has always been defensive. In the case of the House of Representatives, because the Democrats were out there with our proposal to bring prescription drugs under the rubric of Medicare and we had a proposal out there that was a very good one, and they tried to avoid it by coming up with this plan that essentially did not help anybody.

Mr. DOGGETT. Is not it true, in fact, that what they did was to have a focus group or they got some high-powered, expensive political consultant to tell them what going by any meeting of the American Association of Retired Persons or retired teachers or many of our retired veterans could have told them for free, and that is that the Republicans are perceived here in the House and around the country as having done absolutely nothing to help seniors when it comes to the outrageous price of prescription drugs? They have sat on their hands. They have been here in charge now for right at 6 years, and they have done absolutely nothing. So after they got that input from this high-powered consultant, it only took a few days and then they were out in our Committee on Ways and Means with a proposal to subsidize insurance companies and make it appear that they were finally getting around to doing something.

Mr. PALLONE. The irony of it is that the insurance companies testified before your Committee on Ways and Means and before my Committee on Commerce and said that they would not sell the policies. They were not interested in it.

Mr. DOGGETT. I believe that their famous comment on that of one of the insurance folks was that it would be like insurance for haircuts being proposed.

Mr. PALLONE. Exactly.

Mr. DOGGETT. And even though they were going to get a general subsidy, they did not know whether they could ever provide the policies.

□ 2030

I believe though Texas, unfortunately, has been way behind on doing anything to assist our seniors, there have been some States that have tried this approach that the Republicans have advanced, and what has been their experience?

Mr. PALLONE. Well, Mr. Speaker, we have the perfect example in Nevada which, I believe around March or so of this year, passed a plan that is almost exactly the same as what the Republicans in the House proposed. The insurance industry told the Nevada legislature it was not going to work and there was not a single insurance company that wanted to sell a policy that would meet the specifications of what the Nevada legislature passed. So it has been a total failure in Nevada.

Basically, what the House Republicans are saying is that they want to adopt a State example that has failed.

Mr. TURNER. Mr. Speaker, if the gentleman will yield, I think one of the central issues that distinguishes the Democratic plan for prescription drugs for seniors and the Republican plan is that the Republican plan does not tell the senior citizens what they are going to get in terms of coverage, it does not tell them how much it is going to cost, and it certainly does not tell them how long the coverage is going to be there.

I had the experience in my district just recently going around talking about the issue of prescription drug coverage for seniors under Medicare, and I was met by seniors who were quite upset. They had signed up for this Medicare+Choice plan that is sponsored by the HMOs that a lot of my seniors were lured into because the HMO option for traditional Medicare said, well, we will offer you a little prescription drug coverage.

So all of my seniors that needed prescription drug coverage were very interested in those plans. A whole lot of them signed up. Now, we have 5,000 seniors in my district alone who have received notices that their HMO Medicare+Choice plan is being canceled as of December 31.

So I think the history of HMO coverage for Medicare is very clear. We cannot depend on it. We do not know if it is really going to be there. Over 200,000 seniors they tell me across this country have gotten similar notices that as of December 31, they will no longer have their Medicare+Choice plan in effect, and as I said, most of them signed up because it offered them some kind of little prescription drug coverage.

So what we know about the Republican approach is that the seniors today, when they look at that plan, they do not know what they are going to get, they do not know how much it is going to cost, and they do not know how long it will be there for them.

The Democratic plan, on the other hand, is a plan that offers seniors the drugs they need from the pharmacist that they trust. Our plan covers all drugs; our plan tells the seniors exactly what it is going to cost. If they want to sign up, keep in mind, the Democratic plan under Medicare is optional. If a senior says I do not want this coverage, they do not have to sign up. But when they sign up, they know that initially it will cost $25 a month; those costs are projected to increase as the coverage increases up to about 40 some odd dollars and it will cover one-half of the first $5,000 in prescription drug costs. Over that, it will cover all of it.

We know that low-income seniors will be able to have that premium paid for by the government. But that plan is a very clear plan that gives seniors a defined benefit at a cost that is understandable with coverage that they understand.

So I say the Republican HMO plan simply offers confusion and uncertainty to seniors, and that is a big difference. Because one thing I have learned the older I get, what we look for is security, and the Democratic prescription drug plan offers security for seniors, and the Republican plan does not.

So I think that when it comes right down to looking at the two plans, we clearly have the plan that seniors are going to choose. I think if we do that, we will be doing the right thing for our seniors. We will have a plan that is workable, one that seniors understand, and one they can count on. After all, Medicare, since 1965, has been a plan that seniors can count on. All of these other private insurance plans like our Republican colleagues advocate, they are here today, they are gone tomorrow. Only Medicare has been there for seniors since it was first put into law in 1965, signed by, I might say to the gentleman from Texas (Mr. DOGGETT), a great President, Lyndon Johnson from Texas.

So I think we need to stay on that course and make sure that we take care of the security that our seniors need.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Certainly.

Mr. DOGGETT. Since the name of the great Lone Star State has been invoked here, I have to tell my colleagues about an experience that I had, and my colleague may have made the same kind of inquiry in New Jersey, about what was happening to seniors in the capital of the Lone Star State of Texas.

Now, we have pretty high regard, particularly in some parts of the State, I know over in East Texas where my colleague is from, for our dogs. There some people have dogs that are pet dogs and then there are other people that have bird dogs and some have hunting dogs and they think pretty highly of them, but it seems to me that we ought not to think so highly of them that if the dog got arthritis, the dog could get the prescription drugs cheaper than one of our retirees, one of our retired teachers or a senior who had a small business in the community and had given back to the community through the years.

Mr. Speaker, I found when I did a study on arthritis medicine, for example, there in Austin, Texas, the capital of the Lone Star State, that it was going to cost almost, it was 150, almost 200 percent more for the very same type of medication that could be given to a dog or given to a senior, and there was that kind of price discrimination. If all we do is just subsidize insurance companies with all of the uncertainty that my colleague from Texas has talked about, there is nothing to keep the seniors from getting treated literally worse than dogs in Texas and I expect in some other parts of the country. They still are going to be gouged; they are still going to have higher and higher co-pays, even if some insurance company will write the policy.

So I am really concerned that this Republican plan will leave our seniors around Texas and undoubtedly around the country literally being treated worse than dogs when it comes to the price that they have to pay for their prescription drugs.

Mr. TURNER. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I certainly will.

Mr. TURNER. Mr. Speaker, I think the point the gentleman made is one that we need to have the people of this country understand, because in Texas, if one can go across to Mexico, and a lot of folks do, they buy their prescription drugs at about half the price that they pay in Texas. As the gentleman pointed out, one can go to the veterinarian to take care of their dogs and pay less for their medicine than they can get at their local pharmacy.

The truth of the matter is, the most vulnerable people in our society today are paying the highest prices for prescription drugs of anyone, and that is just not right.

I think that is another benefit of our Democratic plan for prescription drugs, because we put the power, the buying power of the senior citizens of this country together to be able to bargain with the big pharmaceutical companies. And when the buying power of all of our seniors are united rather than divided as they are today; right now, a senior citizen without prescription drug coverage is on their own when they walk into the local pharmacist. I have talked to many a one of them who tell me they went up there, they turned in their prescription, they came back a few hours later to pick it up and they had to say, no, I am sorry, I cannot afford that medicine.

So we are going to put, under the Democratic plan, the buying power of all of the seniors in this country together so that they will have the necessary clout to be able to bargain with those pharmaceutical giants for fairness in prices. If we do that, I suspect we will not have to talk about, as we have done for about 2 years here on the floor of this House, about the problem of price discrimination between the price of drugs in Mexico and Canada and anywhere else in the world, and what our seniors in this country are having to pay.

Mr. PALLONE. Mr. Speaker, reclaiming my time, let me tell my colleagues that the gentleman's example with the dog is certainly true in New Jersey. I actually have a cat; it is actually my wife's cat that I inherited, and she had, I guess it was a thyroid problem, and in New Jersey, I guess one can get the prescription drugs at the veterinarian or one can get it from the local pharmacy. So I had to refill the prescription and I went to the local pharmacy to purchase the medicine for our cat. I was told by the pharmacist that the same drug would be twice as much if it was for a human. So there is absolutely no question that we have a huge discrepancy between a cat and a senior citizen or a dog.

The other thing that is so interesting and I think so really sad is that when Governor Bush proposed his prescription drug plan and was asked by one of the reporters on the day when it was proposed, because I have the article here, The New York Times that was from September 6 of this year, he actually was critical of the Democratic plan, because of the negotiation power that the gentleman from Texas (Mr. TURNER) talked about. He said it was like price control. It is just ridiculous. That is not what it is.

The Democrats are not establishing price controls; they are simply saying that we want the government, it is not even the government, but in different regions of the country that a benefit provider would be set up, basically a group that would be able to go out and purchase the medication at a cheaper price because they represent so many people and they have the buying power to negotiate a better price, just like the HMOs do now or some other large employers do now. And Governor Bush, when he was asked about that, and I will just give my colleagues the quote from the New York Times here. He said that much like the drug industry, he criticized Mr. Gore's plan as a step towards price control. "By making government agents the largest purchaser of prescription drugs in America," he said, "by making Washington the Nation's pharmacist, the Gore plan puts us well on the way to price control for drugs."

Well, why should not a regional provider be able to go out and negotiate a better price for all of these seniors? Why should they have to pay twice the price? It does not make any sense.

I could not believe that he actually had the nerve to criticize the very provision in our bill that would reduce the price in a competitive way, sort of the American way, competition. You negotiate a better price.

Mr. TURNER. Mr. Speaker, if the gentleman will yield, I think we all understand that the free market system is not working today for our senior citizens. Every country in the world has some kind of price control over prescription drugs, because they understand that the big drug manufacturers with their patent protections have a monopoly. So they have accepted the fact that we cannot have a free market if those who are providing the prescription drugs have a monopoly.

Now, we have always tried, and I think rightly so, to preserve the free market, and all we are doing here is asking to allow our seniors to be able to have their position at the bargaining table as a group. We already do that for our veterans in this country. They get lower prices, those who go and get their prescription medicines through the VA, because we have that kind of arrangement for our veterans. All we are trying to do is expand it to be sure our senior citizens have the same deal.

As I say, we have to make a choice in this debate. There is no question in my mind that there is a fundamental choice here. One either has to take on the pharmaceutical industry, or one has to stand to protect them, because the only impediment, the only barrier to passing a prescription drug benefit under traditional Medicare is the opposition of the pharmaceutical industry.

And if we do not take on the pharmaceutical industry, if we side with them, if we try to protect their bottom line, then we are going to have a hard time supporting a plan that is going to bring prices down for our seniors and make prescription drugs affordable for them. I just think in a country where we have granted patent protection to our pharmaceutical manufacturers to encourage them to invest in research, to come up with a lot of new and wonderful medicines, that the least the pharmaceutical industry owes back to the American people is fairness in pricing.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. Surely.

Mr. DOGGETT. Mr. Speaker, I think that is just such a critical point. The pharmaceutical industry has been masquerading under something called Citizens for Better Medicare. It sounded like from the news report that the gentleman from New Jersey read that the Republican candidate had been watching too many of their ads. Because they put out ads under the pretense of being for better Medicare, but the truth is that their group is really "Citizens for Leaving Us Alone to Let Us Charge Whatever We Want to Charge."

My colleague from Texas referenced the fact that some people along the borders of America are going south or they are going north to go right across the boundary and get prescription drugs at significantly less cost, because they are sold at less cost in Mexico and in Canada. Some of those prescription drugs are made right here in the United States, and they are made and sold by our manufacturers in the pharmaceutical industry for less in Mexico and Canada than they are sold to our seniors here. They give them maybe as good a deal in Mexico or Canada as they will give a dog here in the United States. And to be sure, the prices that our uninsured seniors are having to pay are the highest I think in the entire world.

My colleague referred to the experience of some of the other countries around the world, but I do not believe anyone gets gouged as much as a senior in Texas or New Jersey or any other part of this country, and unless we come to grips with that problem and bring in the negotiating power so that it is not one retired police officer, or one retired nurse or teacher who is out there trying to take on these pharmaceutical giants that can afford to spend hundreds of thousands of dollars in campaign contributions, millions of dollars in lobby expenses, millions of dollars in these television ads, giving misinformation to everyone, we pit one senior against those pharmaceutical giants, they do not have a prayer.

□ 2045

The only hope we have through this Democratic plan is to come in and add a little balance in the system so it can be evened out a bit.

Mr. PALLONE. The reason why the prices are so much more here is exactly based on what our colleague from Texas said, and that is that since there are price controls and negotiating power for citizens in other countries, the only place left on the planet where there are not the price controls and the negotiating power is here in the United States. So the drug companies make up the difference here. They cannot make the money in these other countries, so they jack up their prices here to make up for the fact they cannot do it abroad. So that is just unfair to the average American.

Mr. TURNER. It is amazing to me how hard the pharmaceutical industry is fighting to preserve the status quo. The gentleman from Texas (Mr. DOGGETT) mentioned Citizens for Better Medicare. The first time I ran into that group I thought this must be a group of seniors trying to improve Medicare.

We got to looking into it, and we found out just what the gentleman from Texas (Mr. DOGGETT) said, and that is it is an arm of the pharmaceutical industry. In fact, studies showed in the first 6 months of this year, the so-called Citizens for Better Medicare spent $65 million in advertising to try to persuade the Congress and the American people to preserve the status quo. They ran TV ads with a character on it, a lady named Flo, and she began to talk about how she did not want government in her medicine chest.

Then we had letters mailed out to our seniors. I had a gentleman in Wal-Mart, a friend of mine, I have known him for years, John Perkins, walked up to me in the parking lot and said, "Here Jim, I have got a letter that said to write you, and now that I have caught you, it will save me writing a letter."

I said, "Well, fine, John, what do you have?"

He said, "Well, here is this letter."

It kind of looked like a telegram. And down at the bottom it said Citizens for Better Medicare.

I read it. I said, "John, this letter is telling you to write me and tell me to vote against the very bill that I am sponsoring, trying to help our seniors have some prescription drug coverage."

He said, "Oh, just forget about the letter."

Well, all of those direct-mail pieces, all of that television advertisement, they even ran ads in our major newspapers, full-page adds. I think the one they ran in the Washington Post cost something like $80,000 or $85,000 for one ad for one day. It is just amazing to me how much money the pharmaceutical industry is pouring in to try to defeat our efforts to provide a meaningful prescription drug benefit under the Medicare program.

They have got a lot to protect, I know that. They are the most profitable industry in the country today. I read that they spent $148.5 million on lobbying expenses in the last Congress. The top drug manufacturers, the top 12, paid their executives $545.5 million in salaries last year, and $2.1 billion in stock options last year to those same executives. They are a very profitable industry.

As the gentleman well pointed out, the truth is every other country in the world provides prescription drugs for their seniors at about half, on average, the price that our seniors in this country pay. That has just got to stop. I think it is our responsibility. When the free market system has broken down, when it is not working, and particularly when it is not working for the most vulnerable people in our society, this Congress has a responsibility to do something about it. I think our plan is the right plan to provide some security for our seniors.

Mr. PALLONE. Let me just mention another aspect of this that I think is important, and that is that what Governor Bush is now saying is, well, maybe we cannot cover all the seniors; but, if we cannot, then at least let us try to cover the low-income seniors, because the bottom line is that he does not have a Medicare plan.

I mean, what he has proposed and what the Republican leadership proposed here is not Medicare. I would argue that it ultimately would lead to the destruction and dismantling of Medicare. The reason for that, and the issue I want to bring up, is the fact that now the Republicans are saying, okay, we will at least try to help the low-income people and see if we can provide them with a prescription drug benefit. Because if you look at the Bush plan, there are about 25 million seniors under Medicare that would get absolutely no help and have no option for prescription drug benefits because two-thirds of seniors have income above the 175 percent poverty level. In other words, under the Bush plan, as a single individual you would have to be making less than $14,600 a year. Otherwise, you would not get any subsidy whatsoever.

The problem that I have with just targeting the low-income seniors is that it breaks the whole principle that Lyndon Johnson put forward with Medicare. When President Johnson established Medicare, the idea was you were going to get Medicare, regardless of income. It was primarily to benefit middle-income people, of course. But everyone received the Medicare benefit, regardless of income.

I am very fearful of the fact if you say okay, let us just deal with the low-income and let us not deal with the average senior, that you set a very bad precedent, because you suggest that somehow Medicare perhaps should be almost like welfare, just for low-income people. If you start that precedent, you could see that for other aspects of Medicare as well.

I should also hasten to point out that only a fraction of low-income seniors would get any coverage either, because basically what Governor Bush does is he says this is going to primarily be administered through the States. It would be up to the States to establish a prescription drug program for low-income seniors.

We know that the record is very unclear about States. Some States have some prescription drug programs. Most do not. Those that do have it for low-income people tend to have only coverage for certain aspects.

Mr. DOGGETT. If the gentleman would yield on that, first I think is the very, very important point you made about welfare. When President Johnson was leading that struggle 30 years ago, these same Republican voices were being raised in this room, maybe not the same individuals, but the same philosophy; and they said just extend the welfare program and take care of those most in need.

They were opposed to Medicare. In fact, you remember it was only a short while ago that Bob Dole was bragging about how he was one of a few people to stand up and oppose Medicare and Speaker Newt Gingrich was in this very room, and he was boasting of the need to let Medicare wither on the vine. They do not really believe in Medicare, and this is a way to start the concept that we just need a welfare plan for those most in need.

I think Medicare and Social Security have been two of the best programs this Congress has ever devised under Democratic leadership, over Republican opposition, and over continued Republican efforts to undermine those programs. I believe if we go with a welfare program for prescription drugs, that is really what the focus will be.

The second very important point the gentleman makes is just turning this over to the States is not a very good answer. Texas could have done this, but Texas has not, unfortunately, met the needs of its seniors on prescription drugs. It has not done anything. And when Texas had the opportunity after Democratic leadership in promoting the children's health insurance program to provide health insurance to meet the needs of children in our State, and we have in Texas more uninsured children than any State in the country, I think, except possibly one, we are right at the top, and we, unfortunately, at the State level, there were delays, no effort was made to expedite the program; and Texas has foregone hundreds of millions of dollars that could have helped get children there with insurance for prescriptions and other things.

With that kind of example, it does not inspire confidence that seniors who want help now would be able to get that help, even the few poor seniors who would be covered under this Republican scheme, that they would get help in a timely manner to meet their needs.

Mr. PALLONE. If I could use an example on the opposite side of the country in my home State of New Jersey, we have a program for certain low-income seniors to provide prescription drugs. It is financed through our casino revenue fund from Atlantic City casinos. I had numerous senior forums throughout the August recess. My district, a lot of the towns I represent, I would say they are very middle income, not necessarily poor, not necessarily rich; and I remember particularly one day being at the Neptune Senior Center, which is a town which is very diverse, poor people, wealthy people, and mostly middle-class people. There were probably 100 seniors in the room.

There were maybe five or six that were covered by a prescription drug program under Medicaid, and they were complaining about how they could not get certain prescription drugs because they were not listed under Medicaid; and there were maybe another 10 or 15 out of the 100 covered under the State prescription drug program, financed with casino revenue funds, and they were fairly happy with their program. But there were collectively, between the Medicaid and the state-funded program, out of the 100 people, I doubt there were more than 20 that were receiving any coverage. The other 80 people in the room had no prescription drug coverage.

This is not a problem that is faced primarily by low-income people. This is a problem that everyone faces. It is primarily middle-income people that are complaining to me now and saying, look, I cannot afford the drugs; I do not have the benefit.

Mr. TURNER. If the gentleman will yield further, I think the point the gentleman made really goes to the heart of it. Whether or not you need some help in being able to pay for prescription drugs just does not depend upon your income; it depends on how sick you are. That is one of the beautiful things about our Medicare program that was established in 1965; everybody over 65 is eligible. I think it has been a program that has received broad public support because it is available to every senior.

If we go to a system where we try to take care of prescription drugs by putting together another welfare program, all we are going to do is send money out to the States. They will struggle trying to figure out how to put a program together, and I do not think they can do it nearly as quickly as we could put a prescription drug benefit under Medicare, and it would turn out to be wholly inadequate; and it will turn out to be different all across the country.

One of the other fundamental issues that one has to come to grips with in this debate is whether or not you believe that as a senior citizen you should have the same benefit and the same coverage under Medicare, no matter where you live in this country. I can tell you, representing a rural district in east Texas where those 5,000 seniors just got notices a few weeks ago that their Medicare-plus Choice plans are going to be canceled, I can tell you that those seniors are no longer going to have any help with prescription drugs, because you could not count on those HMOs that came in there and offered those plans and are now turning and running away from them; and those seniors I think are all going to probably go back into regular Medicare. They have no other choice. But at least under regular Medicare we know that we get the same benefit no matter where you are in this country.

I think when we look at the Republican proposal of trying to rely on the States to set up welfare programs for low-income seniors, what we are going to find is that where you live will depend on what kind of benefits are provided for you, and there will be nothing for those middle-income seniors that are the ones I am hearing from too in my district who are struggling trying to pay those ever-increasing prices of prescription drugs.

So I think that traditional Medicare, if we believe in it, if we think it is important for every senior, no matter where they live in this country, to have the same coverage and the same protection and the same benefits, then I think we need to add a prescription drug benefit to traditional Medicare. That is our plan, and I think it is the only plan that provides seniors with the security that they need.

Under our plan, keep in mind, you do not have to go order it by mail. You can go to your local pharmacist, and you do not have to determine whether your insurance company has it listed on the formula, because under our plan you will get the medicine that your doctor prescribes at your local pharmacy.

That is the kind of security that the seniors need. They need to know what it is going to cost, they need to know what they are getting, and they need to know it is going to be there for them without any question. That is the Democratic plan, and I think it is the best plan for our seniors.

□ 2100

Mr. PALLONE. Mr. Speaker, I would also point out, because I know that the Republicans keep talking about choice and sort of give the impression that the problem with what the Democrats are proposing is that it is one-size-fits all, in other words, it is under the rubric of Medicare and, therefore, it is going to be national and somehow it is bad because it is national and it is one-size-fits all. Nothing could be further from the truth.

I would argue that the way the Democrats have set up this plan under Medicare, they have more choice, real choice than they have under the Republican plan. And I will say why. First of all, just like Medicare in general, this is voluntary. If they do not want to sign up for what would be Part D and pay the premium of so much a month the way my colleague described and the way the Democrats have put it forward, they do not have to do it.

But, more importantly, if they could have the Democratic plan in effect, those who are in HMOs, those who are in employer retirement plans where they are getting a prescription drug benefit can keep those plans and the

Federal Government would be helping them and helping those plans to continue to provide the prescription drug coverage. Let me explain why.

Let us say that I am in an HMO and I would like to keep the HMO. Well, the reason why so many of the HMOs are now dropping seniors is because they cannot afford to cover the seniors or in many cases provide the prescription drug benefit. Well, under the Democratic plan, the HMOs will get the money to provide the prescription drug benefit, they will actually be paid by the Federal Government to provide the benefit because it is a basic benefit that everyone is entitled to under Medicare.

So, if anything, there should be more choices available. I would suggest that both in New Jersey and Texas we will see more HMOs willing to provide a prescription drug benefit and cover seniors than we have now because now they will be getting reimbursed for most of the cost of the prescription drug benefit plan. So if they want to keep their HMO and they like an HMO, they are probably more likely to keep it under the Democratic proposal.

The same thing with employer-based plans. Some people may not want to opt for the traditional Medicare coverage, which would include the prescription drug benefit, because maybe they, through their retirement, get prescription drugs as part of their employer-based health care plan. Well, we would reimburse that, as well, and they could keep their employer-based plan.

So all we are saying is that everyone gets the benefit and the Federal Government will provide the money to pay for the benefit regardless of what program they are in, whether it is their veterans or their employer-based plan or their HMO. But there is always going to be the guarantee, the floor, that if any of those fail and they do not have the option of any of those things they can get it through their traditional Medicare plan.

Mr. TURNER. Mr. Speaker, that sounds like a good competitive program, because they have got traditional Medicare there to keep the private HMO industry honest.

What would happen to us if we did not have traditional Medicare in my rural east Texas district today? With all of those HMOs pulling out, with 15 of my 19 counties having no Medicare+Choice HMO option, my seniors would be left with nothing if they did not have traditional Medicare.

I submit to my colleagues, there are those in this House who do not like traditional Medicare for one reason or another. But the truth is, if we are going to have a system of health care for seniors, if we are going to keep the HMOs honest in terms of what they offer and the prices they are demanding to offer it, we need to keep traditional Medicare in place.

I will also submit to my colleagues, if we are unable to provide a prescription drug benefit under traditional Medicare, those who advocate getting rid of traditional Medicare will carry the day. Because when faced with the choice of choosing a private HMO plan with prescription drug coverage and a Medicare plan without it, many of our seniors will be forced to exercise the choice of choosing the private HMO plan.

So it is essential for those who really believe in privatizing Medicare and turning it over to the insurance companies, they had better think a little bit. Because if they ever expect it to work, they had better keep a viable traditional Medicare program in place as the safety net to ensure that every senior will always have the option of having coverage for their health care and their prescription drugs.

Mr. DOGGETT. Mr. Speaker, that is so very vital. We have talked about the fact that too many of our seniors are forced to choose between groceries and prescriptions and to make very challenging decisions. For some it is literally a matter of life and death.

I had a woman from Austin, Texas, write me recently about an experience that is really of great concern to her family. She says that her brother recently underwent a kidney transplant and he is about to turn 65, at which time he will be forced to go on Medicare and give up the insurance that he previously has had. But he is now going to have to have these anti-rejection drugs after having had the transplant, and she expresses the concern that they just do not know where they will find the money because the cost of these anti-rejection drugs is really prohibitive, they cannot get any coverage on Medicare and at this point, though they are not wealthy people, they do not qualify for any kind of welfare program. And these kind of folks I gather would just be excluded from the insurance subsidy plan that the Republicans are advancing.

Mr. PALLONE. Mr. Speaker, I think that is what our colleague the gentleman from Texas (Mr. TURNER) was pointing out, which is that even though the Republicans may argue, well, let us just do this for low-income people, what they are forgetting is that middle-income people, depending on their circumstances as such, they could be completely wiped out with the cost of these drugs. So the notion that somehow this is not something we have to do just for the average person is nonsense because they could be wiped out in a minute because of the cost of these drugs.

I also say that what we are finding today is that a lot of the more expensive drugs the HMOs or some of the insurance companies characterize as not medically necessary, in other words, they will say this is experimental or this is something that is not exactly approved at this point, and it is those very things that are very expensive that end up not being covered.

When we say in our Medicare prescription drug plan that they are going to have access to whatever is medically necessary, we put that language in there because we want to make clear that if their physician or the pharmacist says that this is medically necessary, it will be covered.

I know that my colleague, the gentleman from Texas (Mr. TURNER), has made a big point of that that one of the problems with the Republican plans is that not only is it primarily for low-income people but they never know exactly what they are going to get. And it is very easy to exclude things under the rubric of saying they are not medically necessary or they are experimental or those kinds of things, which is why it is important to establish in the plan what kind of drugs they are going to get and to make it clear.

Mr. TURNER. Mr. Speaker, I had a similar experience to the gentleman from Texas (Mr. DOGGETT). I talked to a lady in August during my tour of the district when I was going around to 40 communities talking about this very issue, and she came up to me and she said that her HMO had just canceled her and she wanted to know from me what I could do to help her.

It would almost bring tears to your eyes. She was a kidney transplant patient. From January until August, her prescription bills totaled $17,000. That had been covered by her HMO. As of December 31, she has no coverage, like 5,000 other seniors in my district.

Now, most of my seniors I talk to have prescription drug bills of $300, $400, $500. Many of them are paying their entire Social Security check just to cover their prescription drugs. This lady has $17,000 just from January through August.

I could not tell her what she was going to do. I had no answer for her. I told her about what we are fighting for in Congress, why we believe that we need a prescription drug benefit under traditional Medicare.

I talked to a fellow at a bank down in Liberty County. He told me that he and his wife spend $1,400 a month on prescription drugs. Now, I did not have the heart to ask him how long could he keep doing that.

But these stories are real stories from real people who have real problems. And I think that the reason we come here week after week talking about this problem is because we want to try to provide some help for those seniors who need it. And the way to do it is through the Democratic plan where we can provide seniors with a clear plan with a defined benefit, we can tell them what they are going to get, that is, they are going to get the prescription their doctor prescribes from the pharmacist they trust. We can tell them what the premium is and if they elect to take the coverage, how much it will cost. We can also tell them that under traditional Medicare the plan is here and it is going to be guaranteed by the United States Government and by the people who believe in traditional Medicare, not a plan that relies on the private insurance company that, by necessity we all understand, has to make a profit and, if they find out they are not making a profit, as apparently many of them did in my district, and decide to cancel their coverage for 5,000 seniors, then they are gone.

That is not the kind of security seniors in this country deserve.

Mr. PALLONE. Mr. Speaker, one of the reasons and I think both examples highlight it in my mind, one of the reasons why the Republican proposals just do not work is because they are too selective. In other words, originally when we started this evening we talked about how the Republican leadership proposes a bill that basically says we will give them some money and they go out and buy private insurance company and the insurance company says, we are not going to sell it. The reason they are not going to sell it is because they cannot make any money.

In other words, for most people, particularly seniors, probably 80 or 90 percent of them are using prescription drugs. It is a benefit. It is not a risk. It is not sold. In other words, if they are an insurance salesman or insurance company, they are not going to cover all these people that use the benefit because they cannot make any money.

I think we are also seeing the other phenomena, which is that the people that will go and try to sign up for the HMO are the people that really need the prescription drug coverage and they will tend to be the people that have the higher prescription drug bills and so the HMOs cannot even afford to provide it.

So what we are saying as Democrats is let us create this huge pool with all the people, everyone, every senior under Medicare. That create a huge pool. Some people use some drugs. Others use a lot. And by having this huge pool, the cost for everyone on the average becomes a lot less, they do not have the selective situation where people are trying to buy insurance or go into an HMO because they have high business. That is why it does not work.

I do not know if I am making it totally clear, but the beauty part of the Democratic proposal is that, by putting everybody in this big essential insurance pool, it is not as expensive and it is more realistic to cover them as opposed to what we are getting now with this selective insurance.

Mr. DOGGETT. Mr. Speaker, when we hear the story like the one that was just recounted, a person who is going to be facing $17,000 in bills with no remedy, we have to ask, well, why is this Congress not out here working on it tonight.

It was a little over a year ago that I offered in the House Committee on Ways and Means with our colleague the gentlewoman from Florida (Mrs. THURMAN) a proposal to deal with this price discrimination problem that would not have set up any government bureaucracy. In fact, that aspect of it would not have entailed any substantial cost.

Every Republican member of our committee voted against that proposal. And we have advanced it again this year. Every one of them voted against it again. Only after their public relations firm told them they had a problem did they come up with the plan the Republican presidential candidate is advancing.

The presidential elections I know are capturing most of the attention, but there is no good reason why the Congress should not be acting now. The gentleman from Illinois (Mr. HASTERT) could put this back on the agenda. It could be put on the agenda in the Senate and present the next President of the United States with a plan that was already in place that could be implemented. This Democratic plan that we have been talking about tonight, it could go into effect now.

I just mention to my colleagues the reaction that I think probably a lot of people have across this country that was embodied in another communication that I got from a constituent that lives out on Oakwood Drive in Austin. It begins: "Shame on you pharmaceutical companies. Where is the compassion for human life? Have you just gotten so absorbed into making big profits that you can just say, we don't care if you don't have the money, roll over and die, see if we care?"

And this person does not face the $17,000 problem. She says, "When you have a heart problem and you need three kinds of medication every day and just one prescription costs $120 each month, something is wrong. When these pharmaceutical companies have luxurious jets that transport candidates to the convention as shown on the news, then something is very wrong, especially when needed medications have these kind of exorbitant prices."

Well, I think we are here again tonight because something is very wrong and that wrong is the failure of this Congress to respond to these needs, a failure that is extended over a number of years and was just papered over with this insurance subsidy plan that does not meet the need of these kind of folks that are out there tonight facing these tough decisions.

□ 2115

Mr. PALLONE. It is such a cruel hoax, too, because as both of you have pointed out, this is a real problem. We are getting real people coming up to us on a regular basis saying that they are suffering. How cruel it is really for the Republican leadership in this House to say, well, we are going to solve their problem by throwing a few bucks at the insurance industry when the insurance industry is telling us that they are not going to provide the benefits, anyway.

I just wondered if I could for a minute go back to this article in the New York Times that talked about what had happened in Nevada. Nevada as I said in March of this year passed a piece of legislation that was very similar to what the House Republicans had proposed in terms of providing subsidies to seniors if they could go out and buy an insurance policy that covered prescription drugs. It has been a total failure. This is a reference here in the article. This is from July 8, New York Times, of this year. It quotes Barbara Buckley, a State assemblywoman who is cochair of a task force that monitors this potential program. She says that the task force refused to authorize the release of any money until it could see the details of a drug program that met the eligibility criteria in terms of premiums, deductibles, copayment, and benefit limits. Most of those details would be decided by the successful bidder.

The problem was that no insurance company wanted to offer a program that met the standards that the legislature set in terms of specifying what the premium would be, what the copayment would be, what drugs would be proposed. It says in the article, asked why insurers did not show any interest, a retired Navy captain, a Mr. Fend, who serves on this task force, said, probably because they did not think they could make any money. If they thought they could make a reasonable amount of money, they would probably buy into the program and bid on it.

The bottom line is, it is just a hoax. The Republicans here have talked about a prescription drug program that will not work. It is really awful to think that they know it will not work, it has not worked in a State where it was proposed, yet they keep bringing it forth as if somehow they are trying to address the problem when they are not.

Mr. TURNER. The Medicare program probably never would have been passed in 1965 if the private insurance industry could have taken care of the health care needs of our seniors. That is why we passed Medicare, is because private insurance would not work. I had a letter from a lady who had been in an insurance business 19 years. In fact, I have it here with me. It was a letter that was actually handed to me at a town meeting I had in Shelby County in my district. The lady asked me if I would read this letter on the way to my next stop.

This lady writes very eloquently to say she had been in the insurance business 19 years and her letter calls for us to provide a prescription drug benefit under Medicare for our seniors. She tells the story about her mother who died last November at the age of 87. As she was going through her mother's papers, she knew, of course, her mother had been on prescription medicines, I think, for about 20 years, the last 20 years of her life. She was going through all her bills, seeing what she had spent on medicine. She came across a credit card bill that had a balance owed of $6,000, and she was just shocked. She could not believe her mother, as frugal as she was, would have run up a $6,000 credit card bill and not taken care of it.

So she wrote letters to Visa. She found out what were all these charges. It turned out all of them were for prescription medicines. Her mother had been spending about $300 a month on prescription medicines, and her Social Security check just was not enough for her to get by and take care of those medicines. The lady wrote me, she says, I think my mother understood that when she died, her home could be sold and I could pay off that $6,000 Visa bill for her. But she said my mother was a very proud woman.

No senior in this country should have to struggle like that to pay for their prescription medicines. We have seniors who are breaking their pills in half trying to take their medicine and being able to afford it. I have seniors that told me at a meeting that they routinely just take one every other day. A pharmacist was standing there. He said, "For some medicines, that can be extremely dangerous for you to do that."

I had seniors come up to me and tell me that they actually have to make a choice every month of whether to buy groceries or to go fill those prescriptions. In a country as prosperous as we are today and as compassionate as we like to say we are, I believe we can do something about the problem of a prescription drug crisis for our senior citizens.

We talk about this big surplus that is going to arrive here over the next 10 years. I hope it does. I am not sure it will, but I hope it does. Some as we know on the other side of the aisle have proposed that we cut taxes to the tune, I believe Governor Bush says, of $1.6 trillion when we only have an estimated, hoped-for $2 trillion budget surplus. But I think if we are as compassionate as we like to say we are that surely we could set aside 10 percent over the next 10 years of that $2 trillion surplus and provide our senior citizens with a meaningful prescription drug benefit.

I know everybody wants tax cuts. I know everybody enjoys getting their taxes lower. But the truth is there is a basic need here that should not be ignored. And I think the vast majority of the American people agree with that. That is why I think on close examination of the Democratic prescription drug plan as compared to the Republican proposal that the overwhelming majority of our seniors and of all Americans would be in favor of a prescription drug benefit under traditional Medicare as the Democrats propose in this country.

Mr. PALLONE. I want to thank the gentleman. I think we are running out of time. The last point the gentleman made is so important. I really believe that one of the reasons why Governor Bush has proposed this scaled-down prescription drug plan that really only addresses some of the problems for low-income people is because he has proposed using so much of the surplus for this grandiose tax cut plan, which primarily benefits the wealthy and corporate interests, and so he does not have enough money left to pay for a Medicare prescription drug program the way the Democrats have proposed. And so that has actually forced him in some ways to propose this more scaled-down version that will only help some low-income people. That is unfortunate, because if we have a surplus, and you and I both I know are worried about these estimates and whether the level of surplus that is being talked about will ever materialize, but there is certainly enough that we could provide the prescription drug program along the lines of what the Democrats have proposed. I would hate to see that not happen just because of Governor Bush's tax proposals and the tax proposals that the Republicans have put forward, which I think really do not help in any significant way the average American.

I just want to say we were here again tonight as Democrats because we believe strongly that this is a major issue that should be addressed in this Congress, that is, providing a prescription drug program under Medicare. We are going to continue to be here every week until this Congress adjourns demanding that this issue be addressed.

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## NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. PETERSON of Pennsylvania). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Until the end of Congress, I am going to be here to rebut the gentleman from New Jersey who employs the doctrine of fear. He likes to get up here in front of the microphone and speak to all of you and give these misstatements, misleading statements, inaccurate statements. Less than 5 minutes ago, I just heard the gentleman from New Jersey say, and I quote, The Republican leadership, speaking of the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, the gentleman from Texas (Mr. ARMEY), the majority leader, they used the word "cruel," they throw a few bucks at the insurance companies. And then these Democrats talk about the dream team, about how everybody is going to be caught in this wonderful net, and all of your needs, your prescription needs, your medical needs will all be met by this Democratic Congress and by this Democratic Gore plan. Have you ever heard of the proposition, You don't get nothing for free? Somewhere somebody has got to pay for it. You better figure out what the problem is. I think we can agree on the problem. The Democrats that were up here, they would like you to believe that they are the only ones that understand that there are prescription service problems out there in our society and that they are the ones with the solution and their solution is very simple.

It tracks the Canadian health care plan. It is nationalized health care. It is socialized health care. The Republicans and frankly some conservative Democrats are saying, Wait a minute. Wait a minute. Before we jump into this pool of nationalized medicine, what you tried to do with Hillary Clinton about 6 or 7 years ago, 7 or 8 years ago, let's take a look at what the ramifications are; let's study other nations that have jumped into the same pool that you want us to jump into, for example, Canada, and take a look at what the Canadian system has that is better than our system.

That is what I propose you do. Before you jump into the pool, take a look at what the unintended consequences are. Maybe there are some things in the Canadian health care system that are better than the American health care system. But I would tell you this, that in America you still get the best health care of anywhere in the world. When they like to come up here and talk about the uninsured Americans, remember that there are different categories. You may have somebody that is uninsured; but no matter where you are in America, you can never be denied emergency care at a hospital if that hospital receives government funds. And I do not know any hospital, I am sure there are a couple of them out there but not very many more that do not operate on government funds.

The fact is, the prescription drugs in this country, the prices that are being charged for them are in my opinion outrageous. There is no question that the angel here is not the pharmaceutical companies. But let me tell you, there is also something to be said about the research that these pharmaceutical companies ought to be doing so that we have better medicines.

You take a look at the kind of medicines we have today, just in the last few years. I can remember 3 years ago when you got diarrhea, you drank that junk, that pink junk, you drank it. You drank a whole thing of it to try to get rid of the diarrhea. Today you buy a little packet about this big with little pills, you pop one pill and that is it. Our country is the country that makes advancements. We have got to do something about these outrageous prices that have snuck in here. For example, I do not know why the Democrat from New Jersey, instead of up here bashing and misleading all of you by saying that the Republicans, the leadership, have planned this cruel hoax on the Americans. Really, honestly, is there anybody you have ever met in elective office that wants to go out and play a cruel hoax on the constituents they represent? Is that an exaggeration? Of course it is an exaggeration.

But the fact that we come back to is this: What do we do to bring the pharmaceutical prices into line without bringing in nationalized health care? The Democrats are very easy to stand up here in front of you, ladies and gentlemen, and stand in front of my colleagues and promise you the Moon, the magic cure, greener fields on the other side of the fence. All I am saying is before you jump on the other side of the fence, take a look at the consequences of the plan that they are proposing.

Where do you think AL GORE, the Vice President, is going to get his money from this? It comes out of that surplus. Remember, this is the first time in 30 years we have had that surplus. As I say, clearly there is a problem out there. We need to address that problem. But the Gore approach and the Democratic Congress approach or at least the liberal side of it, I have got to say, I have got to restrain myself because we have several conservative Democrats who do not agree with the liberal approach as just espoused by the gentleman from New Jersey. But the liberal Democratic approach is the Hillary Clinton approach, nationalized health care, socialized health care. I can tell a lot of you right now, 64 percent of the people in America, as I understand, have some kind of prescription care service.

You better figure out what the gentleman from New Jersey is proposing to do with the service of those of you that have prescription care in moving that to the people that do not have prescription care service. There are lots of consequences to what the Democrats, the liberal Democrats, are proposing when they offer you something for nothing.

□ 2130

There is a price to be paid, and I think it is incumbent upon the gentleman from New Jersey and his colleagues when they stand up here and trash and cut down more conservative Democrats or the conservative Republicans. I think it is incumbent on them to kind of have an openness requirement. Tell the people what the consequences are of nationalized health care. Tell people what the consequences are of a Canadian-type of system. Talk about it. Tell the people what the consequences are of research for better medicines.

Know this is why this Congress just does not jump up and sign the blank check offered by the gentleman from New Jersey. We are not going to jump up and sign a blank check, at least enough of us on both sides of the aisle are saying wait a minute, what are we doing, what are the consequences. Clearly, we all agree on the problem.

Despite what the gentleman from New Jersey says, nobody is patting the pharmaceutical companies on the back and saying be proud of yourself. They have not done a good job in some regards with medicine, but frankly it appears that there is some gouging going on out there.

But before my colleagues address that problem, take a very careful look at what the Democrat, the liberal Democrat approach is, because I can assure my colleagues in the long run, first of all, they promise it will only be 10 percent of the surplus and a much, much smaller percent of the budget and nothing will grow and grow and grow; and it is the open door for socialized medicine in this country, for a national health care, and there are a lot of people who, in my opinion, will suffer under a national health care plan.

Nobody should be forgotten and nobody should be left behind, but there are ways to address that without going into a Hillary Clinton-type of health care plan. So my discussion here tonight was not intended to be on health care, but there is nobody else that stands here to rebut these gentlemen, as they speak here unrebutted for 1 hour about the so-called quote cruel hoaxes by the Republican leadership.

Those words ought to be stricken from the RECORD. They are inaccurate. They are misleading. The gentleman from New Jersey and some of his colleagues, they know that the cruel hoax by the leadership. I did not say there is a cruel hoax by the Democratic leadership. Come on, we have more protocol on this floor. We can be more ladies and gentlemen in talking about the problem.

The people that suffer while this partisan bickering goes on back here are the senior citizens that do not have prescription care or, by the way, anybody that does not have the ability to care for themselves. But do not address it by waving the magic wand and saying look, citizens, we have got something for nothing. We are going to take care of all of your health care needs. We are going to take away your personal responsibility and the government is going to assume it.

Remember, every time, and I cannot say this strong enough, every time the government assumes one of your responsibilities, every time the government takes a burden of yours and makes it a burden of theirs, they take something with it. It comes with a price. Somewhere we are losing a freedom. Somewhere we are going to lose the ability to have choice in the future.

So in summary on this health care plan, let me say, I am discouraged by the comments that were made previous to my speaking here this evening. We do not get anywhere, and I direct my remarks at the liberal Democrats. Look, we are not going to get anywhere with a nationalized health care plan. We are not going to get anywhere with socialized medicine.

Why do you not sit down instead of talking about how leadership has this cruel conspiracy going on by throwing a few bucks at insurance companies? Why do you not put the election-year rhetoric aside and sit down with us and help us try and figure out what a solution is.

Every day that we use that kind of rhetoric, there are people out there who are suffering because my colleagues are not willing to sit down and put their heads together to come up with a solution. And there is a solution.

I am optimistic that we can have a solution. We do have a great country, and we have made wonderful strides in health care. But clearly we have got some problems in that system, but we can fix it without having our health care provided by the United States of America, which means they are going to oversee what doctors you see. They are going to oversee what kind of prescriptions you get. They are going to oversee what kind of treatments you get. They are going to oversee how often you are going to get to see this doctor or that doctor. Socialized or national medicine is not the magic answer it appears to be.

Tonight it is very easy to buy into this, very easy to buy into this, because the Democrats, the liberal side over here, not all Democrats, I stand corrected, the liberal Democrats over here, they think you are going to get something for nothing. And they are saying, look, it is easy for us to afford it, no problem. Remember, you do not get something for nothing.

Let me switch subjects and talk about something much, much more pertinent, I think, really because of the Olympics. I hope some of you have are having the opportunity to watch it. In fact, I was over at the office before I came over this evening watching the Olympics, how exciting that is, even if it is taped NBC or whoever does that. The reality of it is look what we get to see clear across the ocean in Sydney and watch those Olympics, and I am very proud of those people.

I want to tell you I heard an advertisement, I will not tell you the name of the company the other day, but I heard an advertisement about the Olympics, and it said our young men and women that go over there to compete in the Olympics, they will come home heroes. And I thought to myself, you know, they will come over celebrities. I would like to have their autographs. I am proud of them.

But I think using the word heroes is somewhat of a delusion. I think the real word of heroes is used in a different type of setting. There are sports celebrities, and there are heroes.

I have a perfect example. I am not just up here talking without giving you an example. It is happening this week in Pueblo, Colorado. First of all, on my way over I real quickly grabbed a dictionary, and I looked up the word hero. Hero, a mythological or a legendary figure often of divine descent endowed with great strength or ability, an illustrious warrior, a man admired for his noble qualities, one that shows great courage, an object of extreme admiration and devotion with courage.

With that said, let me read an editorial from one of the leading newspapers in the State of Colorado, the Pueblo Chieftain. It is called Patriots Week. What is Patriots Week about? This is a celebration of heroes.

This week, we anticipate more than 110 Americans, more than 110 Americans who have been decorated with the Medal of Honor, which is the highest honor our country can give out, 110 of them will be in Pueblo, Colorado, to be honored by a city which was recently designated as one of the four finest communities to live in this country. Pueblo, Colorado, picked out of hundreds of communities. It was picked in the top four.

This week Pueblo is hosting 110 medal of honor winners, and they are calling their week Patriots' Week. I am going to go through my poster here in a few minutes with you and show you some of the interesting things about what this week is going to consist of.

First of all, let me read the editorial out of the Sunday Chieftain Star and Journal, my good friend Bob Rawlings, who is the publisher and editor, this is Patriots Week, the home of heroes in Pueblo, Colorado. On Tuesday, the National Medal of Honor Society convenes here for its annual convention. Pueblo is home to four medal of honor recipients, the most of any city at least in modern times.

On Thursday, larger-than-life bronze sculptures of the four Puebloans who won this will be unveiled at the Pueblo Convention Center. They are Carl Sitter, William Crawford, Drew Dix, and Jerry Murphy. Mr. Sitter and Mr. Crawford died this year, but not before they got to see their sculptures taking form. Also included is a display of all medal of honor recipients dating back to the Civil War, when the Nation's highest honor was approved by the United States Congress.

A black tie patriot dinner on Friday will bring five greats from the world of sports to Pueblo. Golfer Arnold Palmer; gold glove baseball player Brooks Robinson; NBA center David, The Admiral, Robinson; one-time boxing champion Gene Fullmer; and the NHL hockey star Pat LaFontaine will receive the Society's Patriot Award for the joy and support they have given to our military forces. Also commentator Paul Harvey and World War II cartoonist Bill Maudlin will receive special awards from the Medal of Honor Society.

Two other veterans organizations are in Pueblo this in week in conjunction with the Society's convention. Two days ago, the 50th anniversary reunion of the 578th Combat Engineering Battalion began. Later this year, the crew of the Peachy, a B-29 piloted by Puebloan Bill Haver that flew raids over Japan, will meet for its annual get-together. Mr. Haver named the plane, a replica of which is at the aircraft museum at the Memorial Airport in honor of his sister Peachy Wilcoxson, and I know Peachy. Today is Constitution Day. All of these patriots spot for the ideals embodied in the United States Constitution, and many of their comrades perished in that effort.

So let each and every one of us reflect on that remarkable document and re-dedicate ourselves to the cause of liberty and justice. Well, how exciting. In Pueblo alone, for example, I would like to just to kind of, for a moment, go over who are the four members who are from Pueblo, Colorado.

As I mentioned in my comments, unfortunately, two of our members, two of our citizens of Pueblo, passed away earlier this year. Mr. Crawford, who was in the Army, you can see right here, and Mr. Sitter, right here, but we still have surviving Drew Dix, the gentleman right here with the red dot, and Jerry Murphy, who was in the Marines in Korea.

This is the plaza that Pueblo, Colorado, has dedicated and put together through contributions from the local community. Here is a community that came together, did not come to the United States Congress and ask for money, did not expect the government to do it; they got together in their community of Pueblo, Colorado, to honor all medal of honor recipients, but specifically to put something that will be a long-lasting recognition of the four medal of honor winners from Pueblo, Colorado. That is what that little plaza is going to look like. The statues, here is one of Jerry Murphy, 8½ feet tall; that is the completed statute there honoring Jerry.

Here, so you have an idea, there is Bill Crawford before he passed away as he stands with the statue of him, which is also about 8½ feet high. This is going to be an exciting week in Pueblo.

What I thought I would do is share with my colleagues four of the stories of these medal of honor winners. I can tell you that I have had the occasion, and I consider it amongst the highest privileges of my congressional career, if I were to kind of recapture my memories of serving in the United States Congress, where I felt the most fortunate to meet somebody or the most privileged to be able to shake their hand, I would have to put it in the order of, I am Catholic, the Pope, and Mother Theresa, and right behind them, our medal of honor winners.

In fact, I was in a parade in Pueblo not very long ago, and I had the opportunity in that parade to shake the hands of two medal of honor winners who were watching the parade. You feel so much pride, because these people are such heroes. They really are what heros are, the word. They do not cause any delusion to the word hero. They embody hero in its fullest envisions.

Let me talk about Drew Dix. I will point out Drew here. Drew right here. By the way, a special hello to his mother, a very sweet person in Pueblo, Colorado. Let me talk a little about Drew, Drew D. Dix, U.S. Army Special Forces Vietnam, citation for conspicuous gallantry in the action at the risk of his life above and beyond the call of duty.

Sergeant Dix distinguished himself by exceptional heroism by serving as a unit advisor to heavily armed Vietcong battalions attacked the providence capital of Chau Phu resulting in complete breakdown and fragmentation of defenses of the city.

Sergeant Dix with a patrol of Vietnamese soldiers was recalled to assist in the defense of the city. Learning that a nurse was trapped in a house near the center of the city, Sergeant Dix organized a relief force, successfully rescued the nurse and returned her safely to the tackle operations center; but that is not all.

Being informed that now there were other trapped civilians within the city, Sergeant Dix voluntarily led another force to rescue eight civilian employees located in a building which was under heavy mortar and small arms fire. Sergeant Dix then returned to the center of the city. Upon approaching a building, he was subjected to intense automatic rifle and machine gun fire from an unknown number of Vietcong. He personally assaulted the building, killing six of the Vietcong and rescuing two Philippinos. The following day, Sergeant Dix, still on his own volition, assembled a 20-man force, and though under intense enemy fire, cleared the Vietcong out of the hotel, the theater and other adjacent buildings within the city.

□ 2145

During this portion of the attack, Army Republic of Vietnam soldiers, inspired by the heroism and success of Sergeant Dix, rallied and commenced firing upon the Viet Cong. Sergeant Dix individually captured 20 prisoners, including a high ranking Viet Cong official. He then attacked enemy troops who had entered the residence of the deputy providence chief and was successful in rescuing the official's wife and children.

Sergeant Dix's personal heroic actions resulted in 14 confirmed Viet Cong killed in action and possibly 25 more. The capture of 20 prisoners, 15 weapons and the rescue of 14 United States and free world civilians. The heroism of Sergeant Dix was in the highest tradition and reflects great credit upon the United States Army.

Raymond Jerry Murphy, and if you ever go to Pueblo, Colorado, you will see Murphy Boulevard. I mean, these guys are real heroes. Their community loves them. Our country has deep respect for Medal of Honor winners. Excuse me. Not winners they did not win it. Medal of Honor recipients, and I stand corrected on that.

Raymond Jerry Murphy, United States Marine Corps, Korea, citation for conspicuous gallantry at the risk of his own life, above and beyond the call of duty as a platoon commander of Company A, an action against enemy aggressor forces. Although painfully wounded by fragments from an enemy mortar shell while leading his evacuation platoon in support of assault units attacking a cleverly concealed and well-entrenched hostile force occupying commanding ground, Second Lieutenant Murphy steadfastly refused medical aid and continued to lead his men up a hill through a withering barrage of hostile mortar and small arms fire; skillfully maneuvering his force from one position to the next and shouting words of encouragement. Undeterred by the increasing intense enemy fire, he immediately located casualties as they fell and made several trips up and down the fire swept hill to direct evacuation teams to the wounded, personally carrying many of the stricken Marines to safety.

When reinforcements were needed by the assaulting elements, Second Lieutenant Murphy employed part of his unit as support and during the ensuing battle personally killed two of the enemy with his own pistol.

With all of the wounded evacuated and the assaulting units beginning to disengage, he remained behind with a carbine to cover the movement of friendly forces of the hill, and although suffering intense pain from his previous wounds he seized an automatic rifle to provide more firepower when the enemy reappeared from the trenches.

After reaching the base of the hill, he organized a search party and again ascended the slope for a final check on missing Marines, locating and carrying the bodies of machine gun crew back down the hill. Wounded a second time, while conducting the entire force to the line of departure through a continuing barrage of enemy small arms artillery and mortar fire, he again refused medical assistance until assured that every one of his men, including all of the casualties, had preceded him to the main lines.

His resolute and inspiring leadership and exceptional fortitude and great personal valor reflect the highest credit upon Second Lieutenant Murphy and enhance the finest traditions of the United States Marine Corps.

William Crawford, our third Pueblo citizen, United States Army, World War II, for conspicuous gallantry at the risk of life and above and beyond the call of duty in action, with the enemy in Italy, 13 September 1943, when Company I attacked an enemy-held position on hill 424, the third platoon in which Private Crawford was a squad scout attacked as a base platoon for the company. After reaching the crest of the hill, the platoon was pinned down by intense enemy machine and small arms fire. Locating one of these guns, which was dug in on a terrace on his immediate front, Private Crawford, without orders, and on his own initiative, moved over the hill under enemy fire to a point within a few yards of the machine gun emplacement and single-handedly destroyed the machine gun and killed three of the crew with a hand grenade; thus enabling his platoon to continue its advance.

When the platoon, after reaching the crest, was once more delayed by enemy fire, Private Crawford again, in face of intense fire and on his own volition, advanced directly to the front midway between two hostile, two this time, hostile machine gun nests located on a higher terrace and placed in a small ravine. Moving first to the left, with a hand grenade he destroyed one gun emplacement and killed the crew. Then he worked his way to the right and under continuous fire from the other machine gun emplacement, he used one hand grenade and the use of his rifle and he killed one enemy and blew out the machine gun nest and forced the remainder of the enemy to flee.

Seizing the enemy machine gun that was left from the one emplacement, he fired on the withdrawing Germans and facilitating his company's advance.

These are remarkable individuals.

Carl Sitter, United States Marine Corps Korea, for conspicuous gallantry at the risk of his own life, above and beyond the call of duty as a commanding officer of Company G, in action against enemy aggressor forces, ordered to break through enemy infested territory to reinforce his battalion the morning of 29 November. Captain Sitter continuously exposed himself to enemy fire as he led his company forward, and despite 25 percent casualties suffered in the furious action, he succeeded in driving the group to its objective.

Assuming the responsibility of attempting to seize and occupy a strategic area, occupied by a hostile force of regiment strength, deeply entrenched on a snow covered hill, commanding the entire valley southeast of town, as well as the line of march of friendly troops withdrawing to the south, he reorganized his depleted units the following morning and boldly led them up that steep frozen hillside under blistering fire, encouraging and redeploying his troops as casualties occurred, and directing forward platoons as they continued the drive to the top of the ridge.

During the night when the vastly outnumbered enemy launched a sudden vicious counterattack, setting the hill ablaze with mortar, machinegun and automatic weapons fire and taking a heavy toll in troops, Captain Sitter visited each foxhole and gun position, coolly deploying and integrating reinforcing units consisting of service personnel unfamiliar with infantry tactics into a coordinated combat team and instilling in every man the will and determination to hold his position at all costs.

With the enemy penetrating his lines, in repeated counterattacks which often required hand-to-hand combat, and on one occasion infiltrating to the command post with hand grenades, he fought gallantly with his men in repulsing and killing the fanatic attackers in each encounter. Painfully wounded in the face, wounded in the arms and wounded in the chest by bursting grenades, he staunchly refused to be evacuated, and he continued to fight on until a successful defense of the area was assured with a loss of the enemy by more than 50 percent of their troops dead or wounded or captured. His valiant leadership, superb tactics and great personal valor throughout 36 hours of bitter combat reflect the highest credit upon Captain Sitter and the U.S. Naval service.

These four gentlemen that I just described as heroes who got the Medal of Honor are from Pueblo, Colorado, but I want to remind all of my colleagues there is what we call the Medal of Honor Society, and 110 members of that society will be in Pueblo, Colorado, this week to be honored by our community and to be honored by our Nation for what they have done.

Those four stories I told are but a drop in the bucket of the stories of valor, the stories of courageous brave men and women, who stepped out above the call of duty because they believed in America. They believed in freedom and they were willing to lay their life down for it.

This weekend I had a wonderful opportunity to spend with my wife and my parents in Meeker, Colorado, and we were up at the cemetery, an old cemetery, we were in the old section of the cemetery, and I walked by a grave and it was a young man, not much on the gravestone, had the gentlemen's name, had his birth. He was 22 years old, and all it said on the gravestone was he died for his country.

As we know, we have thousands and thousands and thousands of men and women in this country who have died for their country, and we have hundreds of thousands of men and women who have fought bravely for what this country stands for, for the freedom of this country, for the benefit of all of us.

We cannot acknowledge everybody with a Medal of Honor, so we know that there are brave and courageous individuals out there who should have received the Medal of Honor, who earned the Medal of Honor but did not receive it, but we do know we still have a group of individuals who did receive the Medal of Honor, and they truly should own lock, stock and barrel the title of hero.

### WHAT KIND OF VIOLENCE ARE WE EDUCATING OUR CHILDREN WITH?

Mr. McINNIS. Mr. Speaker, I would like to move on. It is election year so in the last week and a half we all of a sudden begin to hear about a problem that, frankly, I addressed over a year ago. Not that I knew that I could foresee this problem, we had a lot of people talking about it after the Columbine High School tragedy in Colorado, and that is, what kind of violence are we educating our young people with?

We know that at tender ages, at younger ages, that is an opportunity, probably the maximum opportunity, to mold a young person, to influence a young person, to set him upon a direction in the life that they are beginning. Unfortunately, for example, the tobacco companies took full advantage of that. They marketed their products to very, very young individuals because they knew, frankly, that they could get them addicted. They knew what the disease was that they would cause. They knew the evils of tobacco, but nonetheless they knew their customer base had to constantly be renewed and the best way to renew it was to go into this fragile age, say 14, or maybe 12 to about 17, and get them hooked on the product that you wanted them to buy.

Well, we see the same kind of thing happening today in the video game industry. There is actually a market out there not for what I would consider bad entertainment but what I would consider trash. Now, look, I am not up here bashing Hollywood. I go to the movies like all the rest of you. I enjoy them. In fact, I watch Titanic any time I get an opportunity to. I have lots of favorite movies. So do you. There are a lot of neat things about Hollywood. In fact, I think films in America really speak freedom throughout the world. It is amazing on my international travels what kind of influence America has because there is American music in these countries, in China, for example, or when the American movie industry starts to creep into China, freedoms, people see what freedoms are about. So I think Hollywood has a very strong place in our society, and I think that under our First Amendment they have constitutional privilege, and 99 percent of the product that comes out of there is good product, but unfortunately 1 percent of it is being ignored by the other 99 percent.

Now I am not talking about entertainment that I do not like. Look, there are movies out there that I would not watch. There is music out there that I am not entertained by. I can assure you that my three children, who are all now in college, are not exactly entertained by the kind of music I listen to and they are not necessarily entertained by the kind of movies I like to go to. So I am not talking about music that is not entertaining to my ears or to my sight. What I am talking about is violence that is being marketed in a retail sense clear across America.

Now some people have said, well, what should government do about it? I do not think we need what is called a recreation or an entertainment czar. I do not think we need that any more than we need socialized medicine in this country. Our country prides itself on saying to the individuals, look, you have personal responsibility. The people in America still exercise a great deal of personal responsibility. So what can the government do about this? I think we in the government have an obligation for an awareness, to put out as much as we can about what we think is going on out there so that we can communicate a message to the maximum amount of our constituents.

For example, I had not been in a video arcade in a long time before last year. After Columbine, I was at the Denver International Airport and I decided to go into the video arcade, and I think out of the 27 games in that video arcade in Denver, Colorado, well over half of them were games of killing somebody; violence; games of shooting each other.

Now to the credit, Mayor Wellington Webb of Denver, Colorado, I called the city and I said, hey, I have just become aware of this. We do not have anything in the government that prohibits the City of Denver from leasing this video arcade to have this kind of merchandising of violence, but the mayor took it upon himself and within I would say half a day those games were out of that video arcade.

□ 2200

It did not take government action; it did not take a U.S. Congressman coming back here with his colleagues and passing laws to get it out of the arcade. It took the responsibility, the personal responsibility of the people of Denver, led by their mayor and the mayor's staff, and they stood up to it and they took it out in about a half a day.

Well, I think we as congress people, we have to take this message to our constituents and say hey, go visit your local video arcade, see what is going on in your neighborhood. For example, I had one of my constituents give me the magazine that his then 13-year-old boy bought off the counter. I am going to show my colleagues this magazine in a few minutes and what it markets. This magazine right here. It markets terror, it markets violence, it markets death, and it markets it in such a way that it knows that the typical 13-year-old or 14-year-old will grab this and begin to become influenced and molded by what they are reading, and what they are seeing, and pretty soon, what they are playing when they buy the video game.

For example, on this chart here, this is a video game that is advertised in this magazine. This magazine is called, Next Generation. This is the ad, a full, 2-page center-fold ad. The name of the game and the name of this ad is "You're Going to Die." This is what is being marketed out there: "You're Going to Die."

Now, in the last week, Hollywood has gotten defensive, and I have heard some artists say well, you cannot impede on the right of free speech and an artist's opportunity to have free thought. Come on. We have to have some peer enforcement. We have to exercise responsibility.

Mr. Speaker, I happen to agree with Hollywood; I do not think the government ought to have an entertainment czar. But I do think, and I would say to my colleagues that if we have constituents in the entertainment industry, that we have to emphasize upon them that, look, we all have a duty, a responsibility to our young people. This incident that occurred at Columbine High School, it did not occur because of this magazine, but let me tell my colleagues, there are some violent things out there, in my opinion, that have occurred as a result of this kind of game.

Let me show my colleagues. I have blown up the ad. This ad is available to our children and our constituents. Any constituent out there that has children, they can go to the store and pick up this magazine, no problem.

Now, take a look at this ad. This is the video game that we can buy. "You're Going to Die." You will see right here to my left the individual, this is a person who has been shot, that red is obviously blood. Let me tell my colleagues what the game offers. It offers its player to zoom in, to zoom in on this game, right up here, one can zoom in on one's computer, and one can target specific body parts and actually see the damage done, including exit wounds. They do not have to show a lot. All you have to be is a kid with some money and you go in the video store and you buy this game. You can steal a bike or hop a train just to get around town. Even the odds by recruiting the gang members you want on your side. Talk to people the way you want, talk to them any way you want on the video game. Actual game play screens, built on top of the revolutionary Quake 2 engine, includes multiplayer gang bang death match for up to 16 thugs. Life of crime. Unbelievable.

I pulled it up tonight. I web to the web site. Needless to say, a year ago, when my constituent came to me with this after we were discussing what had occurred at the Columbine High School in Colorado, I was amazed.

I contacted the executives of one of the magazines that advertises this type of advertising and then too, I contacted the producers of this game, and I asked those executives; in fact, I disclosed their names on the House Floor, I asked those executives about their own children. Believe it or not, on the web sites, on their web sites they disclosed their background, or maybe on financial documents under public corporation disclosure, they described their families.

So I wrote them and I said, Mr. Executive, Mr. Big Corporation Executive, do you allow your children to go buy the product that you are trying to market intensely to every other child in America? I will bet any amount of money, I say to my colleagues, that not one of the executives of this company allows their own children to possess this game that they, in turn, are marketing to every other American family that has children the same age they have, young children. Not one of those executives puts that trash in their own children's hand. Do we know why? Because they know the impact of what this influence means. They know what the result will be if we continue to allow these kids to play game after game after game where one can focus in and see the damage of exit wounds, where they are encouraged to steal a bike, where they tell you to go in and gang bang death and talk smack.

When the tobacco companies first came forward and said oh, this is not addicting; when the tobacco companies first came forward and said, kids have the right to choice, this is not addictive to young kids, we are not targeting young kids, it was a lie, and it is the same thing here. Do not let this company tell us they are not trying to grab that young kid, that young boy or girl, the future leaders of our country, the future citizens, the members of our families, I say to my colleagues, we know darn well what this company is trying to do with this videotape. Stuff cash in their pockets at the expense of the right and wrong of our children.

I pulled up the web site tonight, I wanted to see if this company had changed anything since I had written to them. They have not changed much.

Let me tell my colleagues how they describe that. I pulled it off the web, it is called a story off their web site. "Somewhere in the past that never existed lies the world of kingpin", that is the name of this game, "a landscape of burned out buildings and urban decay where local gangs rule the street. Begin your rise to the top, assembling your own gang of thugs. If a new member turns out to be a punk, waste him. Waste him, and make room for new blood. Moving up in the world is sure to attract the attention of kingpin. Eventually, you are going to have to take him down, but you knew that anyway."

Mr. Speaker, that is awful. I pulled that off the web site tonight before I came over here to speak. This company has not slowed down one bit.

Mr. Speaker, I think it is unfortunate. I contacted Imagine Publishing, and Imagine Publishing, by the way, is the magazine that puts this stuff out. I asked Imagine, I talked to some of their executives about a year ago, why do you put this kind of stuff in? Well, they start to give me the freedom of speech and the First Amendment. I said, wait a second, wait a second. Why do you put this stuff in there? Would you let your own children play with it? Well, no, but that is not the point, they said. The point is that really we do not censor.

Essentially, anybody that wants to put something in one of the Imagine publications, why, this is just fine. Do they have any sense of responsibility to the community that they maybe ought to say no? I did not get any idea at all, I did not get any feeling that the Imagine Publishing Corporation cared at all about any kind of community responsibility to the young people that picked up their magazine called Next Generation right here and saw this ad and went out to buy that kind of video game.

Now, of course I contacted Interplay, as I mentioned earlier in my remarks. I contacted Interplay, and as I mentioned earlier in my remarks, I said to them, do you let your own children do it? Why do you go out to America, why do you go out to our communities and market this kind of crap? Why do you do it? Look at this garbage. Do you think it is a distortion of reality? Do you think that you, in effect, are brainwashing our young people, that violence is the answer? And to think nothing of killing and to think nothing of being proud of the exit wounds the size of the exit wound that you create in a body, and that if you want to get around town you just steal a bike or a train, and then if you have a gang member you do not get along with, waste him, you are going to do it anyway? I did not get any sense of responsibility out of that corporation called Interplay.

So my conclusion is this, I say to my colleagues. We have to shoulder a responsibility to go into our communities. We should go and look in our local arcades. Most of the video arcade dealers that I have talked to, and prior to last year I had not gone into video arcades since my kids were that big playing pinball machines, and they have changed a lot. And my bet is most of my colleagues have not gone into their own districts and stopped just at a regular video arcade store to take a look at the games that are being played. But I have done that in the last year, and I can tell my colleagues that most of the video arcade owners that I have talked to responded much the same way that the city of Denver responded saying, wow, we really were not paying attention to it. We will get the game out of there.

Mr. Speaker, I can also tell my colleagues that I went to the advertisers. I figured I was not going to get this publisher to do anything, because he wanted the cash; and, by the way, there was a she too, a she executive, and they wanted the cash in their pocket. They could care less, in my opinion, about community responsibility towards our youth and violence.

So I went to the advertisers, and I tried to encourage the advertisers not to buy advertising in this magazine. I set up meetings; it did not require Federal law, it did not require U.S. congressional action. I set up meetings with Target, with City Market, King Supers Corporation, with Wal-Mart Corporation, with J.C. Penney Corporation. Every one of those retailers was responsive and every one of those retailers has taken not large steps, but small steps and, in some regards, some aggressive steps towards doing something about making sure that this kind of stuff, this kind of true violence is taken off of those retail shelves, is not being offered for sale by some of these retailers.

Mr. Speaker, that is what I am speaking here tonight about. I think we have an obligation.

I know that in the last week Al Gore prided himself on taking on Hollywood. I think we have to go to the grassroots. I think each one of us, each one of my colleagues, we need to go into our communities, take it by the grassroots, just like we are doing in our political campaigns in the next 5 or 6 weeks and talk to our local video arcades, talk to our local parent-teacher organizations, talk to our local churches and say, hey, here is somebody over here, we ought to ask them to take this stuff off of their shelves. We ought to go to the local Wal-Mart or local

Target or local K-Mart, or the bookstore, and if they have this kind of stuff, we ought to ask them to take it off. I think we would get a pretty positive response. Because most citizens out there, unlike the executives of Interplay, and unlike the executives of Imagine, most people out there that are proprietors that have their own businesses and who are operating these businesses and have more community responsibility. After all, they are a part of the community.

So, Mr. Speaker, I think we can be successful, and I do not think we need to take the kind of action that requires Federal oversight.

### ELIMINATING THE DEATH TAX

Mr. McINNIS. Mr. Speaker, let me move on to another subject very quickly. I am going to wrap up with a letter that I got after our last discussion. In our last night side chat, we talked about the death tax. We talked about the fact that the President at that time was going to veto, and has subsequently vetoed; not only supports death as a taxable event, but that the Clinton-Gore administration actually proposed this year in their budget a $9.5 billion increase in the death tax.

Now, it was amazing how much I heard, the rhetoric, about how the death tax only hits 2 percent of the community. It hits the entire community. Because to summarize, what happens with the death tax is we take the money out of a community and we transfer that money, regardless of whose money it is, it is still money that circulates within that community, and we move it from that community to Washington, D.C. to the bureaucracy and the U.S. Federal Government for redistribution. I can assure my colleagues that not a fraction of what we send in goes back to our community.

I got a very interesting letter subsequent to that and I would like to read just parts of it.

□ 2215

Although my own personal experience seemingly pales in comparison to the families in Colorado and Idaho who lost ranches and farms in order to pay estate taxes, I can still easily relate to the frustrations that those families are experiencing. I am just one of the growing number of middle-class Americans who feel that they have literally been "screwed" by their own government, and I encourage you to continue in your efforts to repeal our country's death tax laws now to prevent more of us from having to experience what my own family recently experienced.

My mother fought a valiant battle against breast cancer for a few years, but passed away in 1996. Sadly, she had just turned 65 years old. She was a full-time mother and also worked hard as a nurse for many years to pay college tuition for my sister and I. Dad worked most of his life for a defense contractor as an aerospace engineer. You can see that both of my parents were not farmers or ranchers, but they worked at jobs that many ordinary Americans work at. Both of my parents were also raised in families that survived the Great Depression, and, as a result, they acquired a deep appreciation for the value of a dollar. They both worked hard and they were also great "savers."

They were wealthy in many ways, but they certainly were not rich. When mom and dad were in their early thirties they purchased a dream home in a typical middle-class track neighborhood on Long Island for about $16,000. They resided there for 40 years, and last year my sister and I had to sell the house, which we sold for many many times what my folks bought it for, and every penny we got from that House went to the Federal Government to pay for the death tax.

Dad passed away unexpectedly. We knew that my folks had planned all their lives for retirement, but we didn't have any idea how they really had saved all those years. They did not have an extravagant lifestyle, but they lived comfortable, as many middle-class American families do. Upon retirement, dad and mom wanted to ensure that they could continue to live the comfortable standard of living they had come to enjoy as middle-class Americans during their prime earning years. Unfortunately, neither one of my parents got to reap a dime from their IRAs, their pension account, their savings or from the proceeds of the sale of their home. Rather, as I just mentioned, my sister and I were forced to sell the home soon after my dad's passing in order to pay the death taxes on the estate that was left to us.

There aren't as many farms anymore, for many reasons. Many baby-boomers, like my sister and I, who are now just beginning to inherit the wealth of a previous generation, were born and raised in suburban cities and subdivisions. Even here in Colorado Springs, my own kids are far removed from the rural farming communities that you had referred to in Colorado and Idaho. But, nonetheless, many city folks from previous generations also worked hard all of their lives. While they do not have farms or ranches to leave to their children, they do have other kinds of assets to bequeath.

While the estates of middle-income Americans often will not qualify them to be included among the rich and famous, these estates are, nonetheless, considered sizable to most of us. Many suburban and city dwellers save so they can retire comfortably, as my parents had planned, and many, like my parents, many intended their estates to be passed to their own children and to their grandchildren, estates that had already paid the taxes on the property, and they wanted to have enough money to send their grandkids to college. But they did not intend upon their death for 55 percent of their estate to be handed over to the government because death is a taxable event. It is absolutely ludicrous and unconscionable to think that this could happen in America, but it is a reality.

I was amused by your comments in which you indicated that the current administration would most likely, once they left office, seek out the expertise of tax attorneys and accountants to advise them how to best shelter their assets on their estates to avoid paying the death taxes. How true that is. But the irony is that many of these folks probably are already sheltering their assets in various tax deferred plans so their heirs can avoid paying these taxes.

If my father would have lived for a couple more years and had gotten into the retirement routine, he probably would have tried to seek advice too. But he just never got around to it. My dad used to laugh, "don't worry, I won't spend your inheritance on fancy sports cars and other expensive toys. There will be something for you."

I am sure millions of Americans haven't gotten around to it either, and I know these folks would be equally distraught to know how much that they would have passed on to their children instead automatically goes to the Internal Revenue Service.

My sister nor I never felt we were owed or entitled to an inheritance. Our parents provided for us and we were raised to be independent. We also knew that both of our parents fully intended to have what they worked so hard for to be conveyed to their children, as was directed in their wills. My parents were known for their generosity to their family, their church and their community, but we never knew that they would have contributed 55 percent of their entire estate to the Federal Government.

So, you know, I know there has been a lot made about the death tax and the President says and the vice president, well, it is a tax for the rich. This is middle-class America. As I said earlier in my comments, few are a contractor, all you have to do is own a dump truck, a pickup, a bulldozer and a backhoe, and if you own it, you are subject to that death tax. It has a very punitive way of working against communities. And what bothers me the most is not, of course, the Kennedys and the Fords and the Carnagies and all those people. They have lawyers to plan to save their estate. But what bothers me the most is the small communities, where somebody who has been successful in that community and that money is working in that community, either through contributions to charity or jobs or otherwise, and that money is taken by the Internal Revenue Service and transferred to Washington, D.C. for redeployment through government programs.

It simply can be summed up in a couple or three words: It is not fair.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHENOWETH-HAGE (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. SAXTON (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. WAMP (at the request of Mr. ARMEY) for today on account of flight cancellation.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. KUYKENDALL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and September 19, 20, 21, 22.

Mr. CANADY of Florida, for 5 minutes, September 20.

Mr. BLUNT, for 5 minutes, September 19.

Mr. COBURN, for 5 minutes, today.

## BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On September 14, 2000:

H.R. 4040. To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

On September 15, 2000:

H.R. 1729. To designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the "Pamela B. Gwin Hall".

H.R. 1901. To designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station".

H.R. 1959. To designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spears Judicial Training Center".

H.R. 4608. To designate the United States courthouse located at 220 West Depot Street in Greenville, Tennessee, as the "James H. Quillen United States Courthouse".

## ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p.m.), under its previous order the House adjourned until tomorrow, Tuesday, September 19, 2000, at 9 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10052. A letter from the Chief, Regulatory Analysis and Development, Department of Agriculture, transmitting the Department's final rule—Plum Pox Compensation [Docket No. 00-035-1] (RIN: 0579-AB19) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10053. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule—Winter Pears Grown in Oregon and Washington; Establishment of Quality Requirements for the Beurre D'Anjou Variety of Pears; Correction [Docket No. FV00-927-1 FRC] received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10054. A letter from the Associate Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California and Imported Kiwifruit; Relaxation of the Minimum Materity Requirement [Doc No. FV00-920-2-FR] received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10055. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Extension of Tolerance for Emergency Exemptions [OPP-301046; FRL-6744-5] (RIN: 2070-AB78) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10056. A letter from the Chairman, Council of the District of Columbia, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Appropriations.

10057. A letter from the Under Secretary, Policy, Department of Defense, transmitting the Cooperative Threat Reduction Multi-Year Program Plan Fiscal Year 2001, pursuant to Public Law 103-337, section 1314(a) (108 Stat. 2895); to the Committee on Armed Services.

10058. A letter from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of Defense, transmitting notification of the decision to convert to contractor performance the base operating support function at the Pittsburgh International (IAP) Air Reserve Station (ARS), Pennsylvania, pursuant to Public Law 100-463, section 8061 (102 Stat. 2270-27); to the Committee on Armed Services.

10059. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to grade of lieutenant general on the retired list Lieutenant General Micheal A. Canavan, United States Army; to the Committee on Armed Services.

10060. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list General Peter J. Schoomaker, United States Army; to the Committee on Armed Services.

10061. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report of the Office of Juvenile Justice and Delinquency Prevention for Fiscal Year 1999, pursuant to 42 U.S.C. 5617; to the Committee on Education and the Workforce.

10062. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule—Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations—received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10063. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District [Doc. No. CA226-0250; FRL-68527] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10064. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District and Bay Area Air Quality Management District [Doc. No. CA 210-0247a; FRL-6850-1], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10065. A letter from the Assoc. Bur. Chief/Wireless Telecommunications, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Geographic Channel Block Layout for Commercial Aviation Air-Ground Systems in the Air-Ground Radiotelephone Service [Docket No. DA 00-1654] received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10066. A letter from the Associate Chief, Wireless Telecommunications, Auctions & Industry Analysis Division, Federal Communications Commission, transmitting the Commission's "Major" rule—Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees [WT Docket No. 97-82] received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10067. A letter from the Deputy Secretary, U.S. Securities and Exchange Commission, transmitting the Commission's final rule—Electronic Final by Investment Advisers; Amendments to Form ADV (RIN: 3235-AD21) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10068. A letter from the Deputy Associate Administrator, United States Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District [CA 226-0251; FRL-6868-9] received September 11, 2000; to the Committee on Commerce.

10069. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 083-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10070. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 055-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10071. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10072. A letter from the Chairman, Commission for the Preservation of America's Heritage Board, transmitting the FY 2000 annual consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10073. A letter from the Librarian of Congress, transmitting the report of the activities of the Library of Congress, including the Copyright Office, for the fiscal year ending September 30, 1999, pursuant to 2 U.S.C. 139; to the Committee on House Administration.

10074. A letter from the Chairperson, Commission on Civil Rights, transmitting a report entitled, "The Crisis of the Young African American Male In the Inner Cities" pursuant to Public Law 103-419; to the Committee on the Judiciary.

10075. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Listed Chemicals; Final Establishment of Thresholds for Iodine and Hydrochloric Gas (Anhydrous Hydrogen Chloride) [DEA-156F] (RIN: 1117-AAA43) received August 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10076. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—National Interest Waivers for Second Preference Employment-Based Immigrant Physicians Serving in Medically Underserved Areas or at Department of Veterans Affairs Facilities [INS No. 2048-00] (RIN: 1115-AF75) received September 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10077. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report of the Bureau of Justice Assistance entitled, "Fiscal Year 1999 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

10078. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, transmitting the Office's final rule—Changes to Implement Eighteen-Month Publication of Patent Applications (RIN: 0651-AB05) received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10079. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Stuart, FL [Airspace Docket No. 00-ASO-12] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10080. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Kearney, NE [Airspace Docket No. 00-ACE-11] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10081. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Elko, NV [Airspace Docket No. 00-AWP-5] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10082. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Boca Raton, FL [Airspace Docket No. 00-ASO-22] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10083. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30175; Amdt. No. 2007] received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10084. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Savannah, GA [Airspace Docket No. 00-ASO-10] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10085. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hampton, IA; Correction [Airspace Docket No. 00-ACE-7] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10086. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Realignment to Restricted Area R-6901A Fort McCoy; WI [Airspace Docket No. 00-AGL-20] (RIN: 2120-AA66) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10087. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Melbourne,. FL, and Cocoa Patrick AFB, FL [Airspace Docket No. 00-ASO-27] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10088. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Soldiers Grove, WI [Airspace Docket No. 00-AGL-19] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10089. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Coffeyville, KS [Airspace Docket No. 00-ACE-15] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Marquette, MI; Correction [Airspace Docket No. 00-AGL-02] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Pratt, KS; Correction [Airspace Docket No. 00-ACE-14] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10092. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E Airspace; Melbourne, FL, and Cocoa Patrick AFB, FL [Airspace Docket No. 00-ASO-27] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10093. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Frankfort, MI [Airspace Docket No. 00-AGL-18] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10094. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Cocoa Beach, FL [Docket No. 00-ASO-31] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10095. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Simmons Army Airfield (AAF), NC, and Class E4 [Docket No. 00-ASO-30] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10096. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Dickinson, ND [Docket No. 00-AGL-17] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10097. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6-45, -50, -80A, -80C2, and -80E1 Turbofan Engines [Docket No. 2000-NE-31-AD; Amendment 39-11868; AD 2000-16-12] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10098. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9, Model MD-90-30, Model 717-200, and Model MD-88 Airplanes [Docket No. 2000-NM-89-AD; Amendment 39-11847; AD 2000-15-15] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10099. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2000-NM-02-AD; Amendment 39-11876; AD 2000-17-03] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10100. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model BAe 146 and Model Avro 146-RJ Series Airplanes [Docket No. 99-NM-355-AD; Amendments 39-11875; AD 2000-17-02] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10101. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mk1, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98-CE-117-AD; Amendment 39-11870; AD2000-16-13] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10102. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with General Electric CF6-80C2 Series Engines [Docket No. 2000-NM-24-AD; Amendment 39-11880; AD 2000-17-06] (RIN:2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10103. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226-T, SA226-AT, SA226-T(B), SA226-TC, SA-227-TT, and SA-227-AC Airplanes [Docket No. 99-CE-62-AD; Amendment 39-11874; AD 2000-17-01] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10104. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airwothiness Directives; Eurocopter France Model EC120B Helicopters [Docket No. 2000-SW-33-AD; Amendment 39-11881; AD 2000-17-07] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10105. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives;; Eurocopter Deutshland GMBH Model BO-105A, BO105C, BO-105C-2, BO-105 CB-2, BO-105 CB-4, BO-105S CS-2, BO-105 CBS-2, BO-105 CBS-4 and BO105LS A-1 Helicopters [Dcocket No. 99-SW-66-AD: Amendment 39-11882; AD 2000-17-08] (RIN 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10106. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Appeals Regulations: Title for Members of the Board of Veterans' Appeals (RIN: 2900-AK14) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10107. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comprehensive Case Resolution Pilot Notice (RIN: SRLY ELECTION NOTICE 2000-53) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4643. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes (Rept. 106-855). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4847. A bill to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982 (Rept. 106-856). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii; with an amendment (Rept. 106-857). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 4945. A bill to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes (Rept. 106-858). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3235. A bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours; with an amendment (Rept. 106-859). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 5106. A bill to make technical corrections in copyright law; with an amendment (Rept. 106-860). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 5107. A bill to make certain corrections in copyright law (Rept. 106-861). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; with an amendment (Rept. 106-862 Pt. 1).

Mr. STUMP: Committee on Veterans' Affairs. H.R. 5109. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; with an amendment (Rept. 106-863). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

*[The following action occurred on September 15, 2000]*

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged. H.R. 1954 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

*[Submitted September 18, 2000]*

Pursuant to clause 5 of rule X the Committees on the Budget and Rules discharged. H.R. 5173 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

*[The following action occurred on September 15, 2000]*

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 19, 2000.

*[Submitted September 18, 2000]*

H.R. 5173. Referral to the Committees on the Budget and Rules extended for a period ending not later than September 18, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAZIO (for himself and Mr. KUYKENDALL):

H.R. 5193. A bill to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program; to the Committee on Banking and Financial Services.

By Mr. MOORE (for himself, Mrs. MCCARTHY of New York, Mr. UDALL of New Mexico, Mr. HOUGHTON, Mr. MCCOLLUM, Mr. STUPAK, Mr. MCGOVERN, Mr. HOLT, Ms. MCCARTHY of Missouri, Mrs. LOWEY, Ms. DANNER, and Mr. HUTCHINSON):

H.R. 5194. A bill to prohibit the possession of a firearm by an individual who has committed an act of juvenile delinquency that would be a violent felony if committed by an adult; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 5195. A bill to provide for the establishment of a position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H.R. 5196. A bill to promote, protect, and enhance democracy and human rights in United States foreign policy; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 5197. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. LATOURETTE):

H.R. 5198. A bill to protect the health and welfare of children involved in research; to the Committee on Commerce.

By Mr. HINCHEY:

H.R. 5199. A bill to provide for conveyance of a lighthouse to the City of Kingston, New York; to the Committee on Transportation and Infrastructure.

By Mr. TOOMEY (for himself and Ms. BERKLEY):

H.R. 5200. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary targets truly fraudulent activity for enforcement of Medicare billing regulations, rather than inadvertent billing errors; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Con. Res. 403. Concurrent resolution recognizing, appreciating, and remembering with dignity and respect the Native American men and women who have served the United States in military service; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H. Res. 579. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1651; considered and agreed to.

By Mr. CROWLEY (for himself, Mr. PITTS, Mr. KUCINICH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. WEINER, and Mrs. LOWEY):

H. Res. 580. A resolution expressing the sense of the House of Representatives regarding the murder of human rights lawyer Jafar Siddiq Hamzah in Medan, Indonesia; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAXTON:

H.R. 5201. A bill for the relief of Richard Steinmetz; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5202. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel ANNANDALE; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. TRANCREDO and Mr. LEVIN.

H.R. 207: Mr. FATTAH.

H.R. 225: Mr. MINGE.

H.R. 284: Ms. SLAUGHTER, Mr. BOEHLERT, Mr. RAMSTAD, Mr. STENHOLM, Mr. CAPUANO, Mr. BAKER, Mr. BRADY of Texas, Mr. PASTOR, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, and Mr. ENGEL.

H.R. 303: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 363: Mr. WHITFIELD.

H.R. 531: Mr. GUTIERREZ.

H.R. 534: Mr. SHOWS, Mr. WELDON of Florida, Mr. TIAHRT, Mr. SHAW, and Mr. HASTINGS of Washington.

H.R. 692: Mr. DEAL of Georgia.

H.R. 742: Mr. GREEN of Texas.

H.R. 842: Mr. STUPAK, Mr. SHIMKUS, and Mr. GEPHARDT.

H.R. 876: Mr. HOSTETTLER.

H.R. 1071: Mr. STENHOLM.

H.R. 1168: Mr. MCCRERY.

H.R. 1228: Ms. KILPATRICK, Mr. FATTAH, and Mr. KILDEE.

H.R. 1239: Ms. JACKSON-LEE of Texas.

H.R. 1285: Mrs. LOWEY and Ms. PELOSI.

H.R. 1396: Mr. BERMAN.

H.R. 1671: Mr. STUPAK, Mr. MCHUGH, Mr. BAKER, and Mr. STENHOLM.

H.R. 1824: Mr. SANDLIN and Mr. BONILLA.

H.R. 1841: Mr. DOOLEY of California.

H.R. 1871: Mr. NADLER.

H.R. 1997: Mr. FOLEY and Mr. ENGEL.

H.R. 2121: Mrs. NAPOLITANO, Mr. ALLEN, Mrs. CLAYTON, Mr. GONZALEZ, and Mr. CLEMENT.

H.R. 2308: Mr. MCINNIS.

H.R. 2457: Mr. KOLBE.

H.R. 2544: Mr. REYNOLDS.

H.R. 2562: Mr. MCINTYRE.

H.R. 2620: Mr. BARTON of Texas and Mr. SCOTT.

H.R. 2710: Mr. FRANKS of New Jersey, Mr. GALLEGLY, and Mr. TANCREDO.

H.R. 2720: Mr. COSTELLO.

H.R. 3004: Mr. DOYLE, Mr. BECERRA, and Mr. WEYGAND.

H.R. 3272: Mr. UDALL of Colorado.

H.R. 3302: Mr. DEAL of Georgia, Mr. BURTON of Indiana, Mr. THUNE, Mr. HASTINGS of Washington, and Mr. DUNCAN.

H.R. 3514: Mrs. MCCARTHY of New York and Mr. BLUMENAUER.

H.R. 3580: Mr. CASTLE.

H.R. 3590: Mrs. FOWLER and Mr. OSE.

H.R. 3594: Mr. KANJORSKI.

H.R. 3610: Mr. FILNER and Mr. GONZALEZ.

H.R. 3694: Mrs. THURMAN.

H.R. 3840: Mr. BALDACCI, Mr. MCNULTY, and Mrs. KELLY.

H.R. 3850: Mr. BERRY.

H.R. 4025: Mr. MCHUGH, Mr. MILLER of Florida, Mr. SHADEGG, Mr. SIMPSON, and Ms. DANNER.

H.R. 4167: Mr. RODRIGUEZ and Mrs. MINK of Hawaii.

H.R. 4239: Mr. LAHOOD.

H.R. 4259: Mr. QUINN, Mr. NORWOOD, Mr. REYNOLDS, Mr. PASCRELL, Mr. FOLEY, Mr. SABO, Mr. DAVIS of Virginia, Mr. WELDON of Florida, Mr. WAXMAN, Mr. LAMPSON, Mr. BERMAN, Mr. STARK, Mr. MENENDEZ, Mr. RAMSTAD, Mr. RILEY, Mr. ROHRABACHER, Mr. SALMON, Mr. HALL of Texas, Mr. SMITH of Michigan, and Mr. NADLER.

H.R. 4271: Mr. EVANS.

H.R. 4272: Mr. EVANS.

H.R. 4273: Mr. EVANS.

H.R. 4274: Mr. MCDERMOTT, Mr. SMITH of Washington, Mr. MEEKS of New York, Mr. LEVIN, and Mr. MCHUGH.

H.R. 4301: Mr. ALLEN, Mr. SUNUNU, Mr. ANDREWS, Mr. BALDACCI, Mr. DINGELL, Mr. PRICE of North Carolina, and Mr. TIAHRT.

H.R. 4308: Mr. PITTS and Mr. ABERCROMBIE.

H.R. 4315: Ms. KAPTUR, Mr. SAWYER, and Mr. STRICKLAND.

H.R. 4328: Mr. GIBBONS and Mr. PETERSON of Minnesota.

H.R. 4330: Mr. REGULA.

H.R. 4352: Mr. HEFLEY, Mr. PACKARD, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. CUNNINGHAM, Mr. SCHAFFER, and Mr. HANSEN.

H.R. 4356: Mr. REGULA.

H.R. 4375: Mr. GONZALEZ.

H.R. 4395: Mr. HALL of Texas.

H.R. 4483: Mrs. LOWEY.

H.R. 4536: Mr. MOORE, Mr. SANDERS, Mr. THOMPSON of Mississippi, and Mr. WEYGAND.

H.R. 4538: Ms. DANNER.

H.R. 4570: Mr. BAIRD, Mr. TERRY, Mr. FOLEY, Mr. MOORE, and Mrs. JONES of Ohio.

H.R. 4634: Ms. DANNER and Mr. JEFFERSON.

H.R. 4636: Mr. BAIRD and Mr. STUPAK.

H.R. 4640: Mr. SMITH of Washington.

H.R. 4659: Mr. STARK.

H.R. 4677: Mr. EWING.

H.R. 4713: Mr. SAM JOHNSON of Texas.

H.R. 4722: Mr. EHRLICH.

H.R. 4723: Mr. KINGSTON and Mr. JONES of North Carolina.

H.R. 4734: Mr. GONZALEZ.

H.R. 4736: Mr. GREEN of Texas and Mr. BARR of Georgia.

H.R. 4739: Mr. LIPINSKI.

H.R. 4746: Mr. REGULA and Mr. BARCIA.

H.R. 4792: Mrs. THURMAN, Mr. LEWIS of Georgia, and Mr. KUCINICH.

H.R. 4798: Mr. OWENS and Mr. REYES.

H.R. 4800: Mr. TIAHRT.

H.R. 4825: Mr. HALL of Ohio, Ms. SLAUGHTER, Mrs. FOWLER, Mr. MALONEY of Connecticut, Ms. CARSON, and Mr. BILIRAKIS.

H.R. 4841: Mr. STENHOLM, Mr. HILLIARD, and Mr. GUTKNECHT.

H.R. 4848: Mr. RAHALL, Mr. BISHOP, and Mr. BENTSEN.

H.R. 4926: Mr. MOORE, Mr. SANDLIN, Mr. OSE, Mr. KUYKENDALL, Mr. MARTINEZ, Mr. GREEN of Texas, Ms. WATERS, Mr. LEWIS of Georgia, Mr. FARR of California, Mr. BOYD, Ms. HOOLEY of Oregon, Mr. DOYLE, Mr. BALDACCI, Mr. HOLDEN, Mr. STENHOLM, Mr. CRAMER, Mr. LIPINSKI, Mrs. MORELLA, and Mr. COYNE.

H.R. 4951: Mr. SMITH of Washington.

H.R. 4966: Mr. GEORGE MILLER of California.

H.R. 4971: Mr. ADERHOLT, Mr. MCGOVERN, and Mr. GONZALEZ.

H.R. 5034: Mr. SOUDER.

H.R. 5035: Ms. SCHAKOWSKY and Mr. KUCINICH.

H.R. 5045: Mr. RYUN of Kansas, Mr. HALL of Texas, Mr. BARLETT of Maryland, Mrs. MYRICK, Mrs. CHENOWETH-HAGE, Mr. COBURN, Mr. GOODE, and Mr. LARGENT.

H.R. 5065: Mr. ROHRABACHER, Mr. METCALF, Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. NADLER.

H.R. 5107: Mr. SCOTT.

H.R. 5109: Mr. UDALL of New Mexico and Mr. BAKER.

H.R. 5116: Mrs. EMERSON and Ms. PELOSI.

H.R. 5130: Mr. CAMPBELL.

H.R. 5131: Mr. HUNTER and Mr. BILBRAY.

H.R. 5136: Mr. CONYERS and Mr. SCOTT.

H.R. 5146: Mr. SANFORD, Mr. HEFLEY, and Mr. MCHUGH.

H.R. 5153: Mr. SABO, Ms. HOOLEY of Oregon, and Mr. HOLDEN.

H.R. 5173: Mr. THUNE, Mr. ROYCE, Mr. GALLEGLY, and Mr. TALENT.

H.R. 5178: Mrs. ROUKEMA, Mr. GOODLING, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. BOEHNER, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Mr. KUCINICH, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. STARK.

H.R. 5182: Mrs. MALONEY of New York.

H.J. Res. 22: Mr. KILDEE.

H.J. Res. 48: Mr. CALVERT.

H. Con. Res. 115: Mr. DEFAZIO, Mr. HOEFFEL, Mr. FRANKS of New Jersey, Mr. LOBIONDO, and Mr. MINGE.

H. Con. Res. 328: Mr. GEJDENSON.

H. Con. Res. 341: Mrs. FOWLER and Mr. MILLER of Florida.

H. Con. Res. 373: Mr. UDALL of New Mexico, Mr. FILNER, and Mr. MANZULLO.

H. Con. Res. 376: Mr. HEFLEY, Mr. MCINNIS, Mr. BUYER, Mr. LANTOS, and Mr. LIPINSKI.

H. Con. Res. 377: Mr. BEREUTER, Mr. FROST, Mr. HORN, Mr. LATOURETTE, Mr. LIPINSKI, and Mr. OBEY.

H. Con. Res. 383: Mr. DAVIS of Virginia.

H. Con. Res. 384: Mr. STUMP, Mr. EWING, Mr. WICKER, Mr. BARRETT of Nebraska, Mr. TAYLOR of Mississippi, Mrs. FOWLER, and Mr. BAKER.

H. Con. Res. 392: Mr. VISCLOSKY, Mr. KUCINICH, Mr. BOEHLERT, and Mr. REYES.

H. Con. Res. 396: Mr. MORAN of Virginia and Mr. DAVIS of Virginia.

H. Con. Res. 398: Mr. FILNER, Mr. SISISKY, Mr. HOLT, and Mr. REYES.

H. Res. 51: Mr. PACKARD, Mrs. KELLY, Ms. LOFGREN, Ms. CARSON, Mrs. THURMAN, Mr. STUPAK, and Mr. MCHUGH.

H. Res. 309: Mrs. LOWEY.

H. Res. 398: Mr. TALENT, Mr. SUNUNU, Mr. UDALL of New Mexico, Ms. KAPTUR, and Mr. BASS.

H. Res. 458: Mr. HOSTETTLER, Mr. ARCHER, Mr. BALDACCI, Mr. HOLT, Mr. BROWN of Ohio, Mr. LAHOOD, and Mr. RAMSTAD.

H. Res. 576: Ms. DANNER, Mrs. BONO, Mr. BARTLETT of Maryland, Mrs. MALONEY of New York, Mr. FRANKS of New Jersey, Mr. MCNULTY, Mr. LOBIONDO, Ms. SLAUGHTER, Mr. MINGE, and Mrs. CAPPS.

10103. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. Models SA226–T, SA226–AT, SA226–T(B), SA226–TC, SA–227–TT, and SA–227–AC Airplanes [Docket No. 99–CE–62–AD; Amendment 39–11874; AD 2000–17–01] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10104. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airwothiness Directives; Eurocopter France Model EC120B Helicopters [Docket No, 2000–SW–33–AD; Amendment 39–11881; AD 2000–17–07] (RIN: 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10105. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives;; Eurocopter Deutshland GMBH Model BO–105A, BO105C, BO–105C–2, BO–105 CB–2, BO–105 CB–4, BO–105S CS–2, BO–105 CBS–2, BO–105 CBS–4 and BO105LS A–1 Helicopters [Dcocket No. 99–SW–66–AD; Amendment 39–11882; AD 2900–17–08] (RIN 2120–AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

. 10106. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Appeals Regulations: Title for Members of the Board of Veterans' Appeals (RIN: 2900–AK14) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10107. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comprehensive Case Resolution Pilot Notice (RIN: SRLY ELECTION NOTICE 2000–53) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4643. A bill to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes (Rept. 106–855). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4847. A bill to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982 (Rept. 106–856). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii; with an amendment (Rept. 106–857). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 4945. A bill to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes (Rept. 106–858). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 3235. A bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours; with an amendment (Rept. 106–859). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 5106. A bill to make technical corrections in copyright law; with an amendment (Rept. 106–860). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 5107. A bill to make certain corrections in copyright law (Rept. 106–861). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt; with an amendment (Rept. 106–862 Pt. 1).

Mr. STUMP: Committee on Veterans' Affairs. H.R. 5109. A bill to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; with an amendment (Rept. 106–863). Referred to the Committee of the Whole House on the State of the Union.

### DISCHARGE OF COMMITTEE

*[The following action occurred on September 15, 2000]*

Pursuant to clause 5 of rule X the Committee on the Judiciary discharged. H.R. 1954 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

*[Submitted September 18, 2000]*

Pursuant to clause 5 of rule X the Committees on the Budget and Rules discharged. H.R. 5173 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATIONS OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

*[The following action occurred on September 15, 2000]*

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 19, 2000.

*[Submitted September 18, 2000]*

H.R. 5173. Referral to the Committees on the Budget and Rules extended for a period ending not later than September 18, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAZIO (for himself and Mr. Kuykendall):

H.R. 5193. A bill to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program; to the Committee on Banking and Financial Services.

By Mr. MOORE (for himself, Mrs. McCarthy of New York, Mr. Udall of New Mexico, Mr. Houghton, Mr. McCollum, Mr. Stupak, Mr. McGovern, Mr. Holt, Ms. McCarthy of Missouri, Mrs. Lowey, Ms. Danner, and Mr. Hutchinson):

H.R. 5194. A bill to prohibit the possession of a firearm by an individual who has committed an act of juvenile delinquency that would be a violent felony if committed by an adult; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 5195. A bill to provide for the establishment of a position of Deputy Administrator for Science and Technology of the Environmental Protection Agency, and for other purposes; to the Committee on Science.

By Mr. GILMAN (for himself and Mr. Gejdenson):

H.R. 5196. A bill to promote, protect, and enhance democracy and human rights in United States foreign policy; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 5197. A bill to amend title XVIII of the Social Security Act to provide certain Medicare beneficiaries living abroad a special Medicare part B enrollment period during which the late enrollment penalty is waived and a special Medigap open enrollment period during which no underwriting is permitted; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself and Mr. LaTourette):

H.R. 5198. A bill to protect the health and welfare of children involved in research; to the Committee on Commerce.

By Mr. HINCHEY:

H.R. 5199. A bill to provide for conveyance of a lighthouse to the City of Kingston, New York; to the Committee on Transportation and Infrastructure.

By Mr. TOOMEY (for himself and Ms. Berkley):

H.R. 5200. A bill to amend title XVIII of the Social Security Act to ensure that the Secretary of Health and Human Services provides appropriate guidance to physicians and other health care providers that are attempting to properly submit claims under the Medicare Program and to ensure that the Secretary targets truly fraudulent activity for enforcement of Medicare billing regulations, rather than inadvertent billing errors; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Con. Res. 403. Concurrent resolution recognizing, appreciating, and remembering with dignity and respect the Native American men and women who have served the United States in military service; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska:

H. Res. 579. A resolution providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 1651; considered and agreed to.

By Mr. CROWLEY (for himself, Mr. PITTS, Mr. KUCINICH, Mr. HALL of Ohio, Mr. SMITH of New Jersey, Mr. WEINER, and Mrs. LOWEY):

H. Res. 580. A resolution expressing the sense of the House of Representatives regarding the murder of human rights lawyer Jafar Siddiq Hamzah in Medan, Indonesia; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SAXTON:

H.R. 5201. A bill for the relief of Richard Steinmetz; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5202. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel ANNANDALE; to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. TRANCREDO and Mr. LEVIN.

H.R. 207: Mr. FATTAH.

H.R. 225: Mr. MINGE.

H.R. 284: Ms. SLAUGHTER, Mr. BOEHLERT, Mr. RAMSTAD, Mr. STENHOLM, Mr. CAPUANO, Mr. BAKER, Mr. BRADY of Texas, Mr. PASTOR, Mr. PETERSON of Minnesota, Mrs. TAUSCHER, and Mr. ENGEL.

H.R. 303: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 363: Mr. WHITFIELD.

H.R. 531: Mr. GUTIERREZ.

H.R. 534: Mr. SHOWS, Mr. WELDON of Florida, Mr. TIAHRT, Mr. SHAW, and Mr. HASTINGS of Washington.

H.R. 692: Mr. DEAL of Georgia.

H.R. 742: Mr. GREEN of Texas.

H.R. 842: Mr. STUPAK, Mr. SHIMKUS, and Mr. GEPHARDT.

H.R. 876: Mr. HOSTETTLER.

H.R. 1071: Mr. STENHOLM.

H.R. 1168: Mr. MCCRERY.

H.R. 1228: Ms. KILPATRICK, Mr. FATTAH, and Mr. KILDEE.

H.R. 1239: Ms. JACKSON-LEE of Texas.

H.R. 1285: Mrs. LOWEY and Ms. PELOSI.

H.R. 1396: Mr. BERMAN.

H.R. 1671: Mr. STUPAK, Mr. MCHUGH, Mr. BAKER, and Mr. STENHOLM.

H.R. 1824: Mr. SANDLIN and Mr. BONILLA.

H.R. 1841: Mr. DOOLEY of California.

H.R. 1871: Mr. NADLER.

H.R. 1997: Mr. FOLEY and Mr. ENGEL.

H.R. 2121: Mrs. NAPOLITANO, Mr. ALLEN, Mrs. CLAYTON, Mr. GONZALEZ, and Mr. CLEMENT.

H.R. 2308: Mr. MCINNIS.

H.R. 2457: Mr. KOLBE.

H.R. 2544: Mr. REYNOLDS.

H.R. 2562: Mr. MCINTYRE.

H.R. 2620: Mr. BARTON of Texas and Mr. SCOTT.

H.R. 2710: Mr. FRANKS of New Jersey, Mr. GALLEGLY, and Mr. TANCREDO.

H.R. 2720: Mr. COSTELLO.

H.R. 3004: Mr. DOYLE, Mr. BECERRA, and Mr. WEYGAND.

H.R. 3272: Mr. UDALL of Colorado.

H.R. 3302: Mr. DEAL of Georgia, Mr. BURTON of Indiana, Mr. THUNE, Mr. HASTINGS of Washington, and Mr. DUNCAN.

H.R, 3514: Mrs. MCCARTHY of New York and Mr. BLUMENAUER.

H.R. 3580: Mr. CASTLE.

H.R. 3590: Mrs. FOWLER and Mr. OSE.

H.R. 3594: Mr. KANJORSKI.

H.R. 3610: Mr. FILNER and Mr. GONZALEZ.

H.R. 3694: Mrs. THURMAN.

H.R. 3840: Mr. BALDACCI, Mr. MCNULTY, and Mrs. KELLY.

H.R. 3850: Mr. BERRY.

H.R. 4025: Mr. MCHUGH, Mr. MILLER of Florida, Mr. SHADEGG, Mr. SIMPSON, and Ms. DANNER.

H.R. 4167: Mr. RODRIGUEZ and Mrs. MINK of Hawaii.

H.R. 4239: Mr. LAHOOD.

H.R. 4259: Mr. QUINN, Mr. NORWOOD, Mr. REYNOLDS, Mr. PASCRELL, Mr. FOLEY, Mr. SABO, Mr. DAVIS of Virginia, Mr. WELDON of Florida, Mr. WAXMAN, Mr. LAMPSON, Mr. BERMAN, Mr. STARK, Mr. MENENDEZ, Mr. RAMSTAD, Mr. RILEY, Mr. ROHRABACHER, Mr. SALMON, Mr. HALL of Texas, Mr. SMITH of Michigan, and Mr. NADLER.

H.R. 4271: Mr. EVANS.

H.R. 4272: Mr. EVANS.

H.R. 4273: Mr. EVANS.

H.R. 4274: Mr. MCDERMOTT, Mr. SMITH of Washington. Mr. MEEKS of New York, Mr. LEVIN, and Mr. MCHUGH.

H.R. 4301: Mr. ALLEN, Mr. SUNUNU, Mr. ANDREWS, Mr. BALDACCI, Mr. DINGELL, Mr. PRICE of North Carolina, and Mr. TIAHRT.

H.R. 4308: Mr. PITTS and Mr. ABERCROMBIE.

H.R. 4315: Ms. KAPTUR, Mr. SAWYER, and Mr. STRICKLAND.

H.R. 4328: Mr. GIBBONS and Mr. PETERSON of Minnesota.

H.R. 4330: Mr. REGULA.

H.R. 4352: Mr. HEFLEY, Mr. PACKARD, Mr. BRADY of Texas, Mr. THORNBERRY, Mr. CUNNINGHAM, Mr. SCHAFFER, and Mr. HANSEN.

H.R. 4356: Mr. REGULA.

H.R. 4375: Mr. GONZALEZ.

H.R. 4395: Mr. HALL of Texas.

H.R. 4483: Mrs. LOWEY.

H.R. 4536: Mr. MOORE, Mr. SANDERS, Mr. THOMPSON of Mississippi, and Mr. WEYGAND.

H.R. 4538: Ms. DANNER.

H.R. 4570: Mr. BAIRD, Mr. TERRY, Mr. FOLEY, Mr. MOORE, and Mrs. JONES of Ohio.

H.R. 4634: Ms. DANNER and Mr. JEFFERSON.

H.R. 4636: Mr. BAIRD and Mr. STUPAK.

H.R. 4640: Mr. SMITH of Washington.

H.R. 4659: Mr. STARK.

H.R. 4677: Mr. EWING.

H.R. 4713: Mr. SAM JOHNSON of Texas.

H.R. 4722: Mr. EHRLICH.

H.R. 4723: Mr. KINGSTON and Mr. JONES of North Carolina.

H.R. 4734: Mr. GONZALEZ.

H.R. 4736: Mr. GREEN of Texas and Mr. BARR of Georgia.

H.R. 4739: Mr. LIPINSKI.

H.R. 4746: Mr. REGULA and Mr. BARCIA.

H.R. 4792: Mrs. THURMAN, Mr. LEWIS of Georgia, and Mr. KUCINICH.

H.R. 4798: Mr. OWENS and Mr. REYES.

H.R. 4800: Mr. TIAHRT.

H.R. 4825: Mr. HALL of Ohio, Ms. SLAUGHTER, Mrs. FOWLER, Mr. MALONEY of Connecticut, Ms. CARSON, and Mr. BILIRAKIS.

H.R. 4841: Mr. STENHOLM, Mr. HILLIARD, and Mr. GUTKNECHT.

H.R. 4848: Mr. RAHALL, Mr. BISHOP, and Mr. BENTSEN.

H.R. 4926: Mr. MOORE, Mr. SANDLIN, Mr. OSE, Mr. KUYKENDALL, Mr. MARTINEZ, Mr. GREEN of Texas, Ms. WATERS, Mr. LEWIS of Georgia, Mr. FARR of California, Mr. BOYD, Ms. HOOLEY of Oregon, Mr. DOYLE, Mr. BALDACCI, Mr. HOLDEN, Mr. STENHOLM, Mr. CRAMER, Mr. LIPINSKI, Mrs. MORELLA, and Mr. COYNE.

H.R. 4951: Mr. SMITH of Washington.

H.R. 4966: Mr. GEORGE MILLER of California.

H.R. 4971: Mr. ADERHOLT, Mr. MCGOVERN, and Mr. GONZALEZ.

H.R. 5034: Mr. SOUDER.

H.R. 5035: Ms. SCHAKOWSKY and Mr. KUCINICH.

H.R. 5045: Mr. RYUN of Kansas, Mr. HALL of Texas, Mr. BARLETT of Maryland, Mrs. MYRICK, Mrs. CHENOWETH-HAGE, Mr. COBURN, Mr. GOODE, and Mr. LARGENT.

H.R. 5065: Mr. ROHRABACHER, Mr. METCALF, Ms. ROS-LEHTINEN, Mr. FILNER, and Mr. NADLER.

H.R. 5107: Mr. SCOTT.

H.R. 5109: Mr. UDALL of New Mexico and Mr. BAKER.

H.R. 5116: Mrs. EMERSON and Ms. PELOSI.

H.R. 5130: Mr. CAMPBELL.

H.R. 5131: Mr. HUNTER and Mr. BILBRAY.

H.R. 5136: Mr. CONYERS and Mr. SCOTT.

H.R. 5146: Mr. SANFORD, Mr. HEFLEY, and Mr. MCHUGH.

H.R. 5153: Mr. SABO, Ms. HOOLEY of Oregon, and Mr. HOLDEN.

H.R. 5173: Mr. THUNE, Mr. ROYCE, Mr. GALLEGLY, and Mr. TALENT.

H.R. 5178: Mrs. ROUKEMA, Mr. GOODLING, Mr. BARRETT of Nebraska, Mr. MCKEON, Mr. BOEHNER, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Mr. KUCINICH, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. STARK.

H.R. 5182: Mrs. MALONEY of New York.

H.J. Res. 22: Mr. KILDEE.

H.J. Res. 48: Mr. CALVERT.

H. Con. Res. 115: Mr. DEFAZIO, Mr. HOEFFEL, Mr. FRANKS of New Jersey, Mr. LOBIONDO, and Mr. MINGE.

H. Con. Res. 328: Mr. GEJDENSON.

H. Con. Res. 341: Mrs. FOWLER and Mr. MILLER of Florida.

H. Con. Res. 373: Mr. UDALL of New Mexico, Mr. FILNER, and Mr. MANZULLO.

H. Con. Res. 376: Mr. HEFLEY, Mr. MCINNIS, Mr. BUYER, Mr. LANTOS, and Mr. LIPINSKI.

H. Con. Res. 377: Mr. BEREUTER, Mr. FROST, Mr. HORN, Mr. LATOURETTE, Mr. LIPINSKI, and Mr. OBEY.

H. Con. Res. 383: Mr. DAVIS of Virginia.

H. Con. Res. 384: Mr. STUMP, Mr. EWING, Mr. WICKER, Mr. BARRETT of Nebraska, Mr. TAYLOR of Mississippi, Mrs. FOWLER, and Mr. BAKER.

H. Con. Res. 392: Mr. VISCLOSKY, Mr. KUCINICH, Mr. BOEHLERT, and Mr. REYES.

H. Con. Res. 396: Mr. MORAN of Virginia and Mr. DAVIS of Virginia.

H. Con. Res. 398: Mr. FILNER, Mr. SISISKY, Mr. HOLT, and Mr. REYES.

H. Res. 51: Mr. PACKARD, Mrs. KELLY, Ms. LOFGREN, Ms. CARSON, Mrs. THURMAN, Mr. STUPAK, and Mr. MCHUGH.

H. Res. 309: Mrs. LOWEY.

H. Res. 398: Mr. TALENT, Mr. SUNUNU, Mr. UDALL of New Mexico, Ms. KAPTUR, and Mr. BASS.

H. Res. 458: Mr. HOSTETTLER, Mr. ARCHER, Mr. BALDACCI, Mr. HOLT, Mr. BROWN of Ohio, Mr. LAHOOD, and Mr. RAMSTAD.

H. Res. 576: Ms. DANNER, Mrs. BONO, Mr. BARTLETT of Maryland, Mrs. MALONEY of New York, Mr. FRANKS of New Jersey, Mr. MCNULTY, Mr. LOBIONDO, Ms. SLAUGHTER, Mr. MINGE, and Mrs. CAPPS.

# EXTENSIONS OF REMARKS

## IN REMEMBRANCE OF THE VICTIMS OF THE KATYN FOREST MASSACRE

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the victims of the Katyn Forest Massacre, sixty-one years after the horrible tragedy.

On September 17, 1939, Poland was invaded by Soviet-Russian troops. At the time, Poland was boldly and courageously fighting an invasion by Nazi Germany. Because Polish troops were over extended fighting the Germans, they were unable to stop the communist troops. In an area called the Katyn Forest, Soviet troops proceeded to murder Polish soldiers from all branches of the military, as well as justice and administrative officials. An estimated 21,000 died. This horrible tragedy is known as the Katyn Forest Massacre.

On September 16, 2000, at 12:00 PM, the Polish American Congress, the Katyn Forest Massacre Memorial Committee, and the Siberian Society of Florida will sponsor a memorial service in Jersey City, New Jersey, in honor of the victims.

Today, I honor the victims of the Katyn Forest Massacre. I commend them for their courage and sacrifice. They fought against terrible aggression; and they not only fought for their own freedom, but for the world's freedom, as well—freedom that many of us enjoy today.

I ask that my colleagues join me in remembering the victims of the Katyn Forest Massacre. And I ask that we also honor their sacrifice for freedom.

## IN RECOGNITION OF THE MINGO JOB CORPS FIRE FIGHTING TEAMS

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mrs. EMERSON. Mr. Speaker, today I commend the courageous actions of a group of my constituents over the August recess. The Mingo Job Corps Center of Puxico, Missouri sent four crews out West to help fight the forest fires during what has turned out to be one of our nation's worst fire seasons ever.

These brave men and women went through intense training, and jumped in with both feet to help put out fires that have engulfed much of the Rocky Mountains. They spent time in Colorado, Wyoming and Utah. The Mingo crews, who are between the ages of 18 and 24, never knew the people whose homes and livelihoods they were protecting, yet they spent several weeks risking their lives on their behalf. A few of these folks even went back a second time when they had the opportunity. I commend the following people for their bravery:

Bob Waldner, Nicholas Copeland, Wendell Clinton, Grant Potts, Ronnie Coates, Brad Cason, Dewayne Bell, Todd Simpson, Joe King, Chris Kerr, Terrance Cooper, John Thomas, Amber DeWalt, Justin Armstrong, Brian Foster, Kendall Monroe, Chris Elam, William Arnold, Bryan Meyer, Chad Curtis, Craig Tash, Tom Galvin.

Sunni Lawson, Jerl Henry, Nathan Zimmerman, William LaChance, Darrell Reynolds, Dana Nimrod, John Bressler, James Parker, James Brantley, Robbie Parratt, Jacob Wegenka, Ivie Rush, Vincent Dawson, Kathleen Knowles, Jesse Horn, Scott Clayton, Steven Yokel, Bridget Jackson, Daniel Sneckenberg, Brandon Keyser, Pam Denkins, Sarah Degrande.

David Hogue, Robbie Parratt, Jason Wilhite, James Brantley, Don Riggle, Neil Ayers, David Grobe, Ryan Simino, Willie Jones, Douglas Phillips, Franklin McLean, Anthony Neal, Lori Moore, Keith Colville, Justin Shields, Jerermy Thompson, Angie Hammond, Billy Pratt, James Fritts, Jonathan McClenton, Gary Pogue, Rob Barth.

Thank you for your courageous and selfless acts. I salute you.

## TRIBUTE TO DR. ROBERT DREWES

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American and proud Californian, Dr. Robert Drewes, in recognition of his extraordinary courage in saving the life of Abby Csaplar.

In April, 2000, Dr. Robert Drewes was leading a 24 member California Academy of Sciences trip to Africa. One stop on the trip was the 360-foot high Victoria Falls where the accident occurred. Abby Csaplar was attempting to take a photograph of the Falls when she slipped on a rock and fell over the edge. She grabbed onto a bush, which prevented her immediate death and stopped her fall.

Dr. Robert Drewes instantly dropped his pack and climbed down the side of the cliff in order to assist Abby Csaplar. Once he reached her, he supported her weight and helped her sit on a small six-inch ledge until help arrived. Victoria Falls park rangers brought a rope that was first secured to Abby Csaplar and then Dr. Robert Drewes, pulling them to safety. Dr. Robert Drewes acted selflessly and with great courage, reacting in a moment with extreme courage and saving the life of another individual.

It is fitting that Dr. Drewes is being honored for this extraordinary act of bravery, and I ask my colleagues, Mr. Speaker, to join me in honoring this great and good man. We are indeed a better county, a better Country and a better people because of him.

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratualte Mira Mesa High School in Mira Mesa and its leaders, Principal, Rachel Flanagan and Superintendent, Alan Bersin. Mira Mesa has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Mira Mesa High School's superior work be included in the RECORD:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mira Mesa High School (MMHS) is located in the Mira Mesa community of San Diego, California. MMHS has 18.3 and an 89.7 stability rate. Of the 2,262 students enrolled, 768 are registered in the free/reduced lunch program. MMHS boasts a daily attendance rate of 96.2%. The dropout rate is currently 0.03 per 100 students for grades 9–12. MMHS has been recognized for having the lowest dropout rate in the school district. Mira Mesa High School currently has formal educational partners: Proxima, Fieldstone Corporation, the U.S. Army, Wells Fargo Bank, and the San Diego Police Department Traffic Division.

MMHS operates as a Second-to-None school with an emphasis on School-to-Career key elements, the University of California a–f graduation requirements, the California curriculum frameworks, and state and district content and performance standards. The education program features curricular paths, integrated academics and vocational education, job shadowing opportunities, career elective classes, advisory classes, college/career portfolios, service learning, and senior exhibitions. A school-wide literacy focus has been implemented through the district's new Institute for Learning. Other guiding forces are the WASC Annual Action Plan, and a variety of assessment measures including the SAT, the state STAR test, and Advanced Placement exams. MMHS has strong values and many traditions embedded in the school's mission statement: "To educate all students in an integrated setting to become responsible, literate, thinking, and contributing members of a multicultural society through excellence in teaching and learning." The school's vision demonstrates pride and commitment to the task, and supports respect for all members.

## IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE PUERTORRIQUEÑOS ASOCIADOS FOR COMMUNITY ORGANIZATION (PACO)

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Puertorriqueños Asociados for Community Organization (PACO) on its 30th anniversary.

PACO is a non-profit organization in Jersey City that has served communities throughout New Jersey for 30 years, Since 1970, PACO has provided assistance with education and vocational training, job placement, housing, health services, emergency food and shelter, youth and elderly programs, and medical insurance.

By providing a variety of essential social services, PACO has made valuable contributions to the welfare of Jersey City residents, as well as to residents throughout New Jersey, insuring that the people who need it most receive a helping hand.

Today, this organization has every reason to celebrate. Because of years of selfless dedication and hard work, PACO has greatly improved the quality of life of many of our fellow citizens.

I commend PACO and its dedicated staff for all they have done for the residents of New Jersey. I ask that my colleagues join me in recognizing PACO and all its success.

## A TRIBUTE TO PRIVATE FIRST CLASS RICHARD WILSON OF CAPE GIRARDEAU, MISSOURI

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mrs. EMERSON. Mr. Speaker, PFC Wilson's biography reminds us who fights our nation's wars. They are men and women, from all walks of life, who answer the call to service and, in too many cases, make the ultimate sacrifice.

Richard Wilson grew up in Cape Girardeau, Missouri, in a family of seven children. He was a good student, a Boy Scout, a football talent, and a Golden Gloves boxer. He took an interest in military service and sought to enlist as soon as he could. On August 19, 1948, on his seventeenth birthday, he enlisted in the Army. Shortly thereafter, he reported to Fort Sam Houston for medical training. He subsequently volunteered for airborne school and reported to Fort Benning, Georgia for training. He was then assigned to Fort Campbell, Kentucky in a medical company of the 11th Airborne Division.

In June of 1950, war broke out in Korea. By late July, Wilson's unit was on alert to deploy to Korea. A final weekend at home on the Fourth of July was his family's last time with him. However, Richard Wilson wanted to marry his sweetheart before he shipped out for the Pacific. So, on August 28, 1950, three days before his departure, PFC Wilson married his sweetheart, Bonnie. He pulled duty during the day and shared a guest cottage at night until his unit shipped out. Bonnie was present to bid him farewell as his train pulled out.

Shortly after the Allied landings at Inchon and the liberation of Seoul, Wilson's unit arrived in Korea. His regiment participated in one of the largest airdrops in history on October 20, 1950.

The 187th regimental combat team, of which he was a part, dropped behind enemy lines, 30 miles north of Pyongyang to cut-off retreating North Korean Army units. It was a beautiful fall day as they made their landings among rice paddies and took up positions to block retreating enemy units. The afternoon and night of October 20 were quiet. The next day, however, Wilson's unit came under heavy fire from a vastly superior enemy determined to break through and escape to the north.

The 187th regimental combat team's mission was to ensure the high ground north of the town of Opari. On the morning of October 21, 1950, as the unit conducted a reconnaissance in force, it was flanked on three sides and forced to withdraw after sustaining heavy casualties. During this action, PFC Wilson rendered life-saving aid to numerous casualties. As his unit prepared to withdraw further, Wilson noticed that one casualty that had been presumed dead was still alive. Despite the orders to withdraw further, Wilson moved to aid and comfort the casualty. As he administered morphine and prepared to dress the casualty's wounds, he was killed by point blank enemy fire. On August 2, 1951, his widow was presented with the Medal of Honor by General Omar Bradley, in recognition of PFC Richard G. Wilson's conspicuous gallantry and intrepidity above and beyond the call of duty.

PFC Wilson volunteered to serve his country. He did so honorably. He came to us as a product of a principled family with strong values. He made remarkable contributions to the proud legacy of Army medicine. He bore great burdens with dedication and selflessness. And he was taken from us too soon.

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Rincon Middle School in Escondido and its leaders, Principal, Lou Bailey and Superintendent, Rob Guiles. Rincon has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Rincon Middle School's superior work be included in the record:

Rincon Middle School is located in the northeast part of Escondido 40 miles north of San Diego. One of four middle schools in the Escondido Union School District, Rincon is surrounded by open fields and farmlands and has preserved its rural feel, despite its proximity to the city. The natural beauty of Rincon's setting creates a relaxed and secure environment that welcomes students and staff. Since its inception five years ago, Rincon has been building strong connections between parents, teachers, and students, as well as partnerships within the business community. Rincon students are respectful, eager learners who strive to meet the high standards set for them.

Rincon's philosophy is that every student is a learner. The Rincon community values the social, physical, intellectual, and artistic development of all students. Portfolio Day, Americans on Display, 6th Grade Olympics, Living Historians, concerts, and art exhibits are some of the many traditions that foster the full development of the middle school student. These same activities unite parents and community with their school. Community involvement is important to Rincon. The students are emerging as service oriented young adults with a growing sense of community awareness. Students take part in many activities that foster a connection to their community such as: The Garden Project, School Buddy Readers, Park Clean-up Day, Peer Tutors, Natural Helpers, Guardian Angels, and student assistants for the severely handicapped. On Career Visitation Day Rincon students spend a day shadowing a professional and bring back experiences to share in their exploratory classes. Across the spectrum, students at Rincon experience a challenging curriculum appropriate to their academic level.

## IN HONOR OF JUSTICE MARIE T. GARIBALDI, UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD WINNER

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Justice Marie Garibaldi for winning the United Way's Congresswoman Mary T. Norton Memorial Award. The award, which was initiated by United Way of Hudson County in 1990, recognizes those who exhibit a deep commitment to human service as exemplified by Congresswoman Norton during her 13 terms in the House of Representatives (1925–1950). The Congresswoman was a forward-thinker who advocated for government action to help address issues we are still grappling with today, such as day care, fair employment practices, health care for veterans, and inclusion of women in high levels of government service.

Justice Marie Garibaldi was the first woman to serve on the New Jersey Supreme Court, the State's highest court. She was also the first woman to serve as president of the New Jersey State Bar Association, and as director of the State Chamber of Commerce, New Jersey Bell Telephone Co., and the Washington Savings Bank. Justice Garibaldi was a Trustee of St. Peter's College, Honorary Trustee of the National Organization of Italian American Women, and a founding member of the Executive Women of New Jersey.

She is the recipient of several awards from her alma maters, including the Medal for excellence from the Columbia University School of Law. She has received Honorary Doctor Degrees from St. John's University Law School, Seton Hall University Law School, and Drew University; and Honorary Doctor of Humanities Degrees from Upsala College, Caldwell College, College of Saint Elizabeth, and Saint Peter's College. In her honor, the American Inns of Court Foundation established The Justice Marie L. Garibaldi American Inn of Court for Alternative Dispute Resolution.

Justice Garibaldi retired from the Court on February 1, 2000. Since her retirement, she has been appointed to the Board of Directors of Crown Cork & Seal Company, Inc., and the National Italian American Foundation.

Justice Marie Garibaldi embodies the life work of Congresswoman Mary T. Norton. On behalf of my colleagues in the House of Representatives, I congratulate her for her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

## CONGRATULATORY REMARKS IN RECOGNITION OF THE 135TH ANNIVERSARY OF ZION LUTHERAN CHURCH

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mrs. EMERSON. Mr. Speaker, today I salute Zion Lutheran Church in their 135th year of service to the community of Gordonville, Missouri.

Zion Lutheran Church was organized in 1865 by a group of local farmers who were German immigrants. They secured their first pastor, Reverend Polack, who led the church through the early years. Their first church building was erected soon after the official organization of the church on August 13th. The earliest recorded minutes date back to 1870 where the evidence of the congregation's German heritage was strong. The founders often kept the church records in German or a mix between German and English. And why not, since the services were in German through the first 50 years, and the congregation was filled with mostly German immigrants.

However, even a church is affected by war, and the pressure to speak English during World War I caused the church to adapt. Until 1920, Zion maintained its strong ties to the German homeland, but the congregation knew times were changing when its first English confirmation service was held. Today, services are held in English, but the church seal and an inscription on the church bell, still in German, remind them of their long and storied past. In the neighboring cemetery, many of Gordonville's German immigrants were buried, and their descendants remain members of the church to this day.

I commend Zion Lutheran Church for its strength and longevity, and expect this church may be recognized sometime again in this body many years from now.

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Mt. Carmel High School in Scripps Ranch and its leaders, Principal, Joan Stewart and Superintendent, Dr. Bob Reeves. Mt. Carmel has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Mt. Carmel High Schools' superior work be included in the record:

Mt. Carmel High School, located in San Diego, California, is the heart of the local community. Life on campus and in the surrounding community of Rancho Pēnasquitos centers on families and their involvement in the lives of young people. Mt. Carmel is a four-year comprehensive high school serving 3,506 students in the nationally recognized Poway Unified School district. At first glance, Mt. Carmel might appear to be a traditional public high school, but the vision, traditions, and culture make Mt. Carmel anything but ordinary. Mt. Carmel maintains a long tradition of academic excellence beginning with a rigorous college-bound curriculum, approximately 81 percent of graduates enroll at institutions of higher education. Mt. Carmel teachers respond enthusiastically and capably to the high academic expectations set by the community.

Mt. Carmel offers a full range of academic, athletic and activity programs designed to meet the needs of all students. Particularly noteworthy programs include the on-line courses offered in Spanish, art and U.S. History, the fully integrated American Literature and U.S. History courses, and the partnership between the Animation Program and industry leaders such as Disney and Warner Brothers. Mt. Carmel is poised on the threshold of twenty-first century teaching and learning thanks to an investment of over $2 million worth of technology infrastructure, hardware, software, and training over the past four years. To encourage all students to stay connected on such a large campus, Mt. Carmel offers over 80 clubs, organizations and enrichment classes. Mt. Carmel exemplary staff is committed to ongoing professional development, as is evidenced by a significant investment of time and financial resources. The dynamic new principal, along with the secretaries, custodians, teachers, administrator, parents, and students share a common vision of academic excellence and support one another in the endeavor to attain this vision. Yes, Mt. Carmel's outstanding programs make it a model school, but the people make Mt. Carmel a truly special place to learn.

## TRIBUTE TO JOHN K. McINERNEY

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Ms. ESHOO. Mr. Speaker, I rise today to honor a great Californian and a distinguished American, John McInerney, on the occasion of his retirement from the San Mateo County Bar Association.

On July 3, 1967, John McInerney began his career at the San Mateo County District Attorney's Office as a Deputy District Attorney I. He excelled in this position and was subsequently promoted to Deputy District Attorney II in 1968. John McInerney then joined the Law Office of Ragan & Maguire in 1969, where he continued to work as a dedicated attorney and as an advocate for his clients.

On July 3, 1971, John McInerney began his work for the San Mateo County Bar Association where he served as the Assistant Administrator of the Private Defender Program. He demonstrated his dedication, skill, and knowledge for the next nine years in this position and on October 1, 1980, he was promoted to the position of Administrator. He subsequently was appointed Executive Director of the San Mateo County Bar Association and Administrator of its Private Defender Program in 1983, and has held this position until his retirement on June 30th of this year.

John McInerney has worked tirelessly to assist the lawyers of the Private Defender Program in providing excellent and uncompromising legal assistance to all residents of San Mateo County. John McInerney's life of leadership is instructive to us all. His dedication to the ideals of democracy and community service stand tall. It is fitting that he is being honored upon the occasion of his retirement from the San Mateo County Bar Association, and I ask my colleagues, Mr. Speaker, to join me in honoring this great and good man whom I am proud to call my friend. We are indeed a better County, a better Country and a better people because of him.

## IN HONOR OF THE GUTTENBERG HOUSING AUTHORITY, CELEBRATING 50 YEARS OF SERVING THE PUBLIC

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Guttenberg Housing Authority for 50 years of dedicated service to the public. To commemorate a half-Century of serving the community of Guttenberg, the Housing Authority will hold its 50th Anniversary Jubilee on September 16, 2000.

The Guttenberg Housing Authority was founded on April 5, 1950, and the first residence, Guttenberg Towers, was completed in 1952 and renamed Joseph P. Macaluso Towers in 1966, after the late executive director. Centennial Towers, the second residence, and Golden Gardens, the third, were completed in 1960 and 1961, respectively. The final residence, Herman G. Klein Towers, was completed in 1961 and is the only senior citizen building.

From 1966 to 1981, John R. Macaluso served as the executive director, followed by Robert F. Sabello, who served until 1994. Currently, the executive director is Barbara J. Venezia.

In order to provide meaningful support for its residents, the Housing Authority has implemented programs such as the Residents' Initiative Program, which consists of computer training for residents and an after-school program for children. The Housing Authority is not only dedicated to continuing such programs, but to expanding them, as well.

Today, the Guttenberg Housing Authority serves 450 families, in 251 public housing units, utilizing 199 Section 8 Certificates and Housing Vouchers.

On behalf of my colleagues, I congratulate the Guttenberg Housing Authority for its exceptional and compassionate service to the families of Guttenberg, New Jersey.

## TRIBUTE TO SUPERVISOR MARY GRIFFIN

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Ms. ESHOO. Mr. Speaker, I rise today to honor a proud American and distinguished Californian, Supervisor Mary Griffin, on the occasion of her retirement from the San Mateo County, California Board of Supervisors.

Mary Griffin began her public service career in 1976 when she was elected to the Millbrae City Council. She served two terms as Mayor of Millbrae, from 1980 to 1981 and from 1984 to 1985. Mary Griffin continued her service to the people of Millbrae until she was elected to the San Mateo County Board of Supervisors in 1987. In 1988 and 1992, Mary served as Vice President of the Board, and in 1989 and 1993 she served as President of the Board.

Mary Griffin has represented San Mateo County as a member of the Association of Bay Area Governments which works to solve problems in such diverse areas as transportation, housing, economic development, and infrastructure. Her leadership skills led to her being elected Vice President and President of ABAG in 1989 and 1991. She has worked on numerous Commissions to improve the state of transportation in San Mateo County, including the San Mateo County Transportation Authority Board, the Service Authority for Freeways & Expressways, the Regional Airport Planning Commission, and the Metropolitan Transportation Commission.

Supervisor Mary Griffin is known for her dedicated work on issues relating to aviation and the airports of San Mateo County. She is a representative on the Airport/Community Roundtable where she was instrumental in securing $650,000 in federal funds to insulate 45 homes against airport noise generated by San Francisco International Airport. She has also served as a member of the Airport Land Use Committee which addresses airport and land use compatibility for the Half Moon Bay Airport, the San Carlos Airport, and San Francisco International Airport.

Supervisor Mary Griffin has worked tirelessly on behalf of the children of San Mateo County, improving services and programs on their behalf. As the child of a widow who worked for minimum wage, Mary Griffin has been unswerving in her advocacy to ensure that every child receives good healthcare, childcare and an improved quality of life. In 1987 she founded the Share-a-Bear Program which benefits abused and neglected children. She founded and chairs the Children's Executive Council, a first in San Mateo County history.

Mary Griffin is the loving wife of Walter Ramseur, a retired United Airlines Pilot. They are the proud parents of three and grandparents of four. Mary Griffin is widely admired for her boundless energy, her effective work and her broad knowledge of every aspect of local government.

Supervisor Mary Griffin's life of community leadership and public service is instructive to us all. Her dedication to the ideals of democracy and community service stands tall. It is therefore fitting that she is being honored on the occasion of her retirement from the San Mateo County Board of Supervisors. So today, Mr. Speaker, I ask my colleagues, to join me in honoring this great and good woman whom I'm proud to call my friend and my colleague. We are indeed a better County, a better Country and a better people because of her.

## GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT OF 2000

SPEECH OF

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of H.R. 3632, the Golden Gate National Recreation Area Boundary Adjustment Act. I appreciate my colleague Mr. LANTOS' hard work to bring this bill to the floor today and am proud to have worked on it with him and our other Bay Area colleague, Ms. PELOSI.

Mr. Speaker, this bill will authorize open space parcels, located between existing Golden Gate National Recreation Area (GGNRA) lands and the lower-income community of Marin City, to be included within the GGNRA. This pending acquisition would create the first direct access to the GGNRA for the residents of Marin City. It will also fulfill a GGNRA "parks to people" legislative mandate to establish park access to as wide a socioeconomic constituency as possible.

In addition, H.R. 3632 allows for these parcels to be preserved in an undeveloped state that protects habitat, ridge top trails and scenic views of San Francisco Bay for the public's continued enjoyment. Including these parcels within the GGNRA boundaries is strongly supported by the Marin County Board of Supervisors, the Marin County Open Space District and local conservation organizations.

Open space preservation is a key priority for my constituents. But H.R. 3632 will also set aside lands in other parts of the Bay Area for the public's continued enjoyment. Only 20 miles south of the parcels in my district, new space in San Francisco—the urban heart of the Bay Area—will also be included in the GGNRA. Even further south, in a part of the Bay Area that is also experiencing pressure on its open space, Mr. Lantos has worked hard to include parcels in Pacifica within GGNRA boundaries.

Mr. Speaker, I urge my colleagues to support H.R. 3632 today. It is crucial that open space in the Bay Area can be preserved and enjoyed by generations of children to come.

## HONORING RICHARD P. SCHARCHBURG

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the memory of Richard P. Scharchburg. The Kettering/GMI Alumni Foundation Collection of Industrial History will be formally renamed the Richard P. Scharchburg Collection of Industrial History at a ceremony on Tuesday, September 19 in my hometown of Flint, Michigan. I have known Richard Scharchburg for many years and it is a great honor for me to pay tribute to him on this occasion.

Richard Scharchburg first taught history at Kettering/GMI in 1964. He left the school to pursue other endeavors for a short period of time and returned in 1968. He was influential in establishing the Frances Willson Thompson Chair of Industrial History and taught the history of the automotive industry with a passion at the school until his untimely death in June of this year.

He was a noted authority on the automotive industry. His renown in the field brought him recognition nationally and internationally. He was a member of the Board of Trustees of the National Automotive History Collection of the Detroit Public Library and vice-president of the Society of Automotive Historians. He is past president of the Durant-Dort Foundation, former president of the Genesee County Historical Society, and was a founding member of the Whaley Historical House. He was featured in a 1996 television series on the centennial of the automobile and one week before his death the History Channel had interviewed him for a program on the evolution of automotive technology.

Richard Scharchburg was a noted author. In addition to numerous articles about the development of the automobile his books include "W.C. Durant: The Boss," "Under No Man's Shadow: Eugene W. Kettering and the Dieselization of the Railroads," "America's Co-op College (GMI): The First 75 Years," "Carriages Without Horses: J. Frank Duryea and the Birth of the American Automobile Industry." The last book was published by the Society of Automotive Engineers and won the Thomas McKean Memorial Cup of the Antique Automobile Club of America and the Nicholas-Joseph Cugnot Award of the Society of Automotive Historians. At the time of his death he was working on a book about Walter Marr, the engineer that had worked with David Buick.

Through his efforts the Industrial History archives has grown to its current size and renown. Richard was very proud of the collection and had worked diligently to make the archives as comprehensive as possible. It is a world class resource on the history of the automobile and industry. The archives encompass the history of the automobile, automotive history and the history of the greater Flint area. Recently, my staff had to utilize the archives in doing research. The information they needed was not readily available anywhere else.

Mr. Speaker, I ask the House of Representatives to join with me in paying homage to my friend, Richard P. Scharchburg. I commend the Kettering/GMI Alumni Foundation for demonstrating their respect for a great historian by naming the Collection of Industry History in his honor so that his memory may live on for future generations.

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Diegueño Middle School in Encinitas and its leaders, Principal, Marilyn Pugh and Superintendent, Bill Berrier. Diegueño has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Diegueño Middle School's superior work be included in the record.

Diegueño Middle school is nestled in Encinitas, a quite residential area approximately four-and-a-half miles inland from the Pacific coast. Diegueño is one of four middle schools in the San Dieguito Union High School District, and it is a feeder school for two traditional high schools, one "Academy" High School, and one alternative high school. Diegueño students are motivated toward high academic expectations and proud of their academic, athletic, and service accomplishments.

Diegueño's newly developed Mission Statement is "to ensure that all students reach their potential as ethical, involved citizens and lifelong learners guided by a professional, compassionate staff who provide a challenging, creative, and meaningful education." With their mission statement in mind, Diegueño offers many programs and services to support the learning and development of middle school age students, including a rigorous core academic program expected by their community and mandated by the state. In addition, their newly networked and technologically equipped campus supports the goals of developing students' technological skills and connecting them to an increasingly global interaction with the world. Their elective program, lunchtime activities, after school programs, classes and sports teams offered in conjunction with the City of Encinitas and the Boys and Girls' Club help students to discover interests which support and enhance their academic efforts. It is indeed Diegueño's goal to show all their students that they are an integral part of our school, a necessary element of the larger surrounding community, and valuable citizens of the world.

## IN HONOR OF CAROL VIOLA, UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD WINNER

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Carol Viola for winning the United Way's Congresswoman Mary T. Norton Memorial Award. The award, which was initiated by United Way of Hudson County in 1990, recognizes those who exhibit a deep commitment to human service as exemplified by Congresswoman Norton during her 13 terms in the House of Representatives (1925–1950). The Congresswoman was a forward-thinker who advocated for government action to help address issues we are still grappling with today, such as day care, fair employment practices, health care for veterans, and inclusion of women in high levels of government service.

Carol Viola has been the cornerstone of support in the Executive Office of the United Way of Tri-State since 1991. The Tri-State United Way conducts the single largest annual workplace campaign in the nation for the benefit of people in need. She began working at Tri-State just four yours after it was formed, and she has served the organization's three most recent presidents: Calvin Green, Betty Beene (a 1990 recipient of the Mary T. Norton Award and now President of United Way of America), and Douglas Wams.

Ms. Viola has fulfilled the important responsibility of maintaining and coordinating relationships with United Way of Tri-State's key constituents and stakeholders. These individuals include CEOs and senior executives of Fortune 100 Companies, influential labor leaders and prominent community leaders who serve as Governors and volunteers of Tri-State, and 31 Chief Professional Officers of the participating local United Ways. Through her commitment to excellence and to people, Carol has provided the support that enabled many busy executives to give their time and talents to United Way and those it serves.

Ms. Viola has been happily married to Joe Crum for 13 years. She manages her mother's household and is active in her church, professional women's organizations, and neighborhood nonprofit organizations.

Carol Viola embodies the life work of Congresswoman Mary T. Norton. On behalf of my colleagues in the House of Representatives, I congratulate her for her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

## TRIBUTE TO MANATEE CHAMBER OF COMMERCE, 2000 CHAMBER OF THE YEAR

### HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MILLER of Florida. Mr. Speaker, this year, the Florida Chamber of Commerce Executives (FCCE) named the Manatee County Chamber of Commerce, their 2000 Chamber of the Year. Through this and many other notable accomplishments, the strength and spirit of the Manatee Chamber embodies the foundations for economic leadership that our community relies upon. The invaluable service of its pro-Florida, pro-business membership continually enhances our lives and builds a better future for all of Manatee County.

Through its many ventures in the Manatee area, the Manatee Chamber of Commerce has displayed an innovative and effective approach to business and community relations. This approach has been validated by the Chamber's 87% membership retention record. Not only does the Chamber boast a highly successful Economic Development Council, it also touts a rapidly growing menu of business services, including seminars, workshops and roundtable discussion groups. These, along with countless other services provided by the Chamber, are the attributes that make this body the best of its kind in the state of Florida.

I have had the pleasure to work with several members of the Manatee Chamber of Commerce, including the current Chairman Byron Shinn and Immediate Past Chairman Brian Murphy, and can personally testify to the quality of work put forth by the volunteers and staff of this great organization. It makes me proud to have such an outstanding group in Florida's 13th District. I commend the Manatee Chamber of Commerce for its past record and look forward to witnessing its future accomplishments.

## MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

### HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 2000*

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in strong support of overriding the Clinton/Gore Administration's veto of the Marriage Tax Penalty Relief Reconciliation Act pending before the House today, and urge my colleagues to join me in supporting hard working American families by voting "yes" on this override today.

This is about people. It is about families. It is about hard working moms and dads who work from paycheck to paycheck to make ends meet. Why should the government increase their taxes just because they are married? It not only doesn't make sense, it just isn't right.

And this injustice is not affecting just a few American families. According to the Congressional Budget Office, more than 25 million couples pay an average of $1,400 a year to the IRS just because they are married. This is unconscionable, and it has to stop.

Mr. Speaker, I am tired of the misleading tirade coming from those whose agenda is to keep taxpayers' money in Washington because they want to spend the federal budget surplus on more government bureaucracy. This bill is not tax relief for the rich. The fact is that marriage penalty relief is middle class tax relief because middle-income families are hit the hardest by this penalty. Most marriage penalties occur when the higher-earning spouse makes between $20,000 and $75,000 per year, according to the Congressional Budget Office. If these couples had remained single and just lived together they would not be facing this increased tax penalty. And increasing a couple's taxes just because they have chosen to make a commitment to one another in marriage, and work to build a future together, is just plain wrong.

I firmly believe that the tax revenue surplus is the American people's money, not Washington's. We should start giving back some of this tax surplus to families who work hard to put food on the table, clothe their children, pay their taxes, and who are currently forced to sacrifice their family time to earn a little more money to make ends meet.

I urge my colleagues to join me in supporting these hardworking moms and dads and vote "yes" to override the Clinton/Gore veto of the Marriage Tax Penalty Relief bill.

## CONGRATULATING GUAM'S PUBLIC TELEVISION STATION, KGTF, ON ITS 30TH ANNIVERSARY

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. UNDERWOOD. Mr. Speaker, there is at least one generation in my district who grew to adulthood with Kermit the Frog, Miss Piggy, Big Bird, and the Cookie Monster. Although they have probably turned their attention to Nova, Masterpiece Theater, Mystery! and other more adult television fare, their children are now tuning into Sesame Street, Reading Rainbow, Mr. Rogers, Teletubbies, and, of course, Barney, thanks to KGTF, Channel 12, Guam's Public Television Station.

Unlike in times past, when KGTF competed for viewers with only one commercial television station, Guam now enjoys the great variety of programming—but not C–Span, I regret—provided by cable television. As the debate rages here in our nation about the increasing number of cable channels and independent networks and the declining quality of television programming, public television remains unscathed by criticism. In Guam, as here in the States, viewers can always count on high quality shows that are educational as well as entertaining, thanks to KGTF. Despite the overwhelming programming choices available, 24 hours a day, on a multitude of channels, the people of Guam have not abandoned KGTF. As viewers, they tune in time and time again, to watch their favorite shows, shows that air only on public television. As supporters of public television, they open their wallets year after year, to give what they can so that KGTF can continue to serve them.

Mr. Speaker, on October 30, KGTF will celebrate its 30th anniversary. In a place in which commercial television has been available for just over 40 years, KGTF's longevity is not so much a testament to our social addition to television in general, but to the visionary leaders of Guam who established public television in Guam and to the people of Guam who have continued to support it successfully throughout the years. KGTF signed on the air for the first time on October 30, 1970, with a grant for $150,000 from the U.S. Department of Health, Education and Welfare and $50,000 from the Government of Guam. It had only five employees who operated out of an old Butler building in Mangilao. In 1974, the 12th Guam Legislature passed P.L. 12–194, establishing the Guam Educational Telecommunications Corporation, a nonprofit public corporation to operate KGTF. In 1997 KGTF won the Guam Developmental Disabilities Council's Media Representative of the Year award for its outstanding services and sensitivity to Guam's disabled community. In 1999, the Micronesia Chapter of the Society of Professional Journalists awarded the station its Professional Achievement and Performance Award for outstanding community service.

Today, KGTF's annual budget is a little over $1 million. The funding is provided by the Government of Guam, the federal Community Service Grant and private donations. Through good economic times and bad, the people of Guam have never allowed KGTF to sign off the air. This, I believe, is an indication of its value to the community, to a desire it fulfills, and to a service it renders. In 1991, the station purchased a remote broadcast van and in 1994 constructed a large station facility, both of which were funded entirely by contributions.

I am proud to congratulate KGTF's Board of Trustees, Chairman Carlos Baretto, Vice Chairwoman Joleen Flores, Dan Tinsay and Ariel Dimalanta, on the quality of their guidance and leadership. And I gratefully commend General Manager Ginger Underwood, Operations Manager Benny Flores, Engineer Mesegei Diaz, Administrative Officer Lorraine Hernandez, Accounting Technician Tina Poblete, Program Coordinator Dois Gallo, Program Assistant Vickey Manglona, Development Director Sonia Suobiron, Development Assistant Mary Perez, Production Manager John Muna, Studio Supervisor Edmond Cheung, Broadcast Technician Rodney Sapp, Camera Operators Mike Lizama, Curb Crisostomo and Shingpe Wang, and Master Control Operators Jason Fernandez, Reynald La Puebla and Seigfred Cabanday for making it all happen.

Si Yu'os ma'ase, hamyo todos. Maolek che'cho'-miyo para i taotao-ta. Long live KGTF!

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## ESTUARY RESTORATION ACT OF 2000

SPEECH OF

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. GEORGE MILLER of California. Mr. Speaker, the decline in estuary habitats nation-wide has been well-documented in the scientific and resource management literature for over 30 years. Worse, we are now finally seeing how ruinous this habitat loss has been to our coastal environment through degraded water quality, depleted commercial and recreational fisheries, and destructive shoreline erosion and subsidence.

Within my own district, the baylands provide some form of food, shelter, or other benefits to over 500 species of fish, amphibians, reptiles, birds, and mammals. In addition, there are almost as many species of invertebrates in the ecosystem as all the other animals combined. This brings the total number of animal species that use or call the baylands ecosystem home to over one thousand. Unfortunately, this area has lost over 95 percent of its tidal wetlands and continues to be besieged by invasive and aquatic nuisance species.

These impacts are real. Fortunately, we have an opportunity to begin the effort to reverse that trend. H.R. 1775, the Estuary Restoration Act, would provide a reasonable, balanced approach to both preserve remaining estuarine habitats and to facilitate effective, locally-driven estuary restoration.

I commend the Chairman of the Transportation and Infrastructure Committee, Mr. SHUSTER, and the senior ranking Democrat member, Mr. OBERSTAR, as well as the Chairman of the Committee on Resources, Mr. YOUNG, for their collaborative efforts and cooperation in developing this compromise legislation. I would also like to thank the bill's sponsor, Mr. GILCHREST, for his energy and persistence in pursuing this worthwhile and important bill.

I am glad to see that the bill will include as eligible restoration plans any Federal or State plan developed with the participation of public and private stakeholders. This will mean that many innovative, collaborative plans developed for the San Francisco Bay estuary, such as the Baylands Ecosystem Habitat Goals Plan, the San Pablo Baylands Restoration Plan, and the Suisun Marsh Protection Plan will become eligible for project funding.

I am also pleased that non-governmental organizations (NGOs) will be eligible to participate in the program. NGOs, such as Save the Bay and The Bay Institute in the Bay Area, embody the locally driven focus of this legislation. In addition, NGOs contribute valuable matching funds, expertise and local support—all factors critical to the long-term success of estuary restoration projects. I share the concerns raised by my colleague, Mr. OBERSTAR, that the burden placed on these organizations to participate might be excessive. There is little need for further restrictions on NGO participation because the stringent review process within the bill will ensure that only the most outstanding projects are selected and funded. I hope that this will be addressed in conference with the Senate.

I appreciate the willingness of the bill's sponsors to direct the National Oceanic and Atmospheric Administration (NOAA) as the manager of monitoring data gathered within this program. NOAA has impressive scientific expertise and superb competence in environmental data management. In addition, NOAA programs such as the National Estuarine Research Reserves and Coastal Services Center, will be useful conduits for dissemination of estuary restoration data to coastal resource managers nationwide.

The establishment of an Estuary Habitat Restoration Council within the bill is of paramount importance due to the largely experimental and innovative nature of many estuary restoration techniques. The science of estuary restoration, at present, is imprecise. It is important to recognize that we will have to learn from our mistakes; undoubtedly, not every project will meet expectations. I had hoped to include a more rigorous post-construction monitoring and evaluation process in the bill. In its absence, the Corps would be wise to work closely with the Council to prioritize and select projects based upon successes validated in the field.

In lieu of the recent criticism that has been directed at the Corps, I retain some reservations about the wisdom of Congress authorizing the Corps to take on such a significant expansion of its mission at this time. I am sure we have all been closely following the series of articles that have appeared in the Washington Post this week. Since its inception, the Corps has launched tens of billions of dollars worth of public works projects around the country, many of which have severely damaged the environment because of a lack of oversight.

I am encouraged by the efforts of several colleagues to address this issue, notably Congressman RON KIND, Congresswoman TAMMY BALDWIN and Congressman EARL BLUMENAUER. Public works projects will always be needed, but at the same time we also need to ensure the protection of the environment. Environmental considerations should be taken as seriously as economic ones when analyzing projects. Certainly, the Corps should not approve projects with severe ecological consequences.

Once again, I strongly support this legislation.

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## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Twin Peaks Middle School in Poway and its leaders, Principal Sue Foerster and Superintendent Dr. Bob Reeves. Twin Peaks has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of 11 schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students, and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the Nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the Nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by State education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans, and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement, and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Twin Peaks Middle School's superior work be included in the RECORD:

Twin Peaks Middle School is in the city of Poway, a suburban community of about 45,000 located 25 miles northeast of San Diego, California. Known as "The City in the Country," Poway maintains a rural feeling where horse trails are common and the annual rodeo is an important event. Retail trade, service industry, and government jobs presently provide the greatest opportunity for employment in Poway, although most of their residents travel to other areas of the county to work. The dedicated Twin Peaks staff exemplifies its vision of providing an excellent education for all students by making a conscious effort to continuously enhance and enrich the culture and conditions in the school so that teachers can teach more effectively, leading to students who become lifelong learners. This focused effort to strive for excellence is shared by teaches, parents, students, and community members who work together to create outstanding programs that maximize the potential of each student while acknowledging individual learning styles.

Students feel this enthusiasm for learning and want to be at Twin Peaks, as shown by the average attendance rate of over 99 percent. Students maintain an active voice in perpetuating these traditions through the Associated Student Body that provides Friday spirit days, barbecues, dances, Teacher Appreciation Day, and Harbor Cruise excursions. Other yearly events include ski trips, Women's Day speakers, Shadow-A-Student Day, the geography bee and spelling bee, Sixth Grade Olympics, sixth grade camp, a seventh grade trip to Medieval Times, band concerts, and choral and drama productions. Visitors frequently comment on the positive atmosphere that pervades the campus. Twin Peaks Middle School truly is a wonderful place to teach and learn.

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## HONORING CATHERINE CATCHINGS

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to pay tribute to Ms. Catherine Catchings, the Illustrious Commandress of Oman Court No. 132. The Daughters of Isis, Ancient and Accepted Free Masons, based in Flint, Michigan, will honor Ms. Catchings at their 40th annual Commandress Ball on October 21.

Catherine Catchings moved from Alabama to Flint, Michigan, in 1957. She joined Mt. Calvary Missionary Baptist Church and has maintained an active membership, working with the choir, Young Matrons Auxiliary, and the Willing Workers Club.

Because of Catherine's long standing dedication to enhance the quality of life for others, she began a long career with Hurley Medical Center, leading to her recent retirement. During this time, she also became President of AFSCME Local 825. Under Catherine's leadership, Local 825 made community service a key focus. Community Service became an established as a standing committee of the union, and members participated in various projects benefiting the needy. Catherine has worked with the United Way, Red Cross blood drives, and the Children's Miracle Network Run for Children. As a member of the American Legion Auxiliary, she works diligently on behalf of our area's veterans. She is involved with the Veterans Hospital Project, writes letters and purchases gifts for the veterans' families, and distributes information on such subjects as bone marrow research and donor registration.

As Worthy Matron of Royal Star Chapter 27, Order of the Eastern Star, Prince Hall Affiliation, Catherine established a Scholarship Fund, organized donation drives on behalf of the Flint Shelter, Transition House, and Carriage Town Mission. As Youth Sponsor for the Crescent Moon Youth Fraternity, she helps create future community leaders through nursing homes visits and Christmas caroling. She is truly a tremendous role model, and many people in the Flint community have had their lives enriched by her unselfish acts.

Mr. Speaker, I ask you and my fellow Members of Congress to join me in honoring the Illustrious Commandress, Ms. Catherine Catchings. Her devotion to making this nation a better place to live should reinforce our strong commitment to our communities. We owe a debt of gratitude to Catherine, her husband, and their two sons.

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## IN HONOR OF CATHY GONZALEZ, UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD WINNER

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Cathy Gonzalez for winning the United Way's Congresswoman Mary T. Norton Memorial Award. The award, which was initiated by United Way of Hudson County in 1990, recognizes those who exhibit a deep commitment to human service as exemplified by Congresswoman Norton during her 13 terms in the House of Representatives (1925–1950). The Congresswoman was a forward-thinker who advocated for government action to help address issues we are still grappling with today, such as day care, fair employment practices, health care for veterans, and inclusion of women in high levels of government service.

Cathy Gonzalez is the vice president of Human Resources for the Pershing Division of Donaldson, Lufkin & Jenrette Securities Corporation. In her role at Pershing, Mrs. Gonzalez is responsible for leading many of the firm's community relations efforts. She works with the Jersey City Board of Education to provide meaningful school-to-work opportunities for local students. Under her leadership, employees of Pershing participate in a variety of charitable activities.

Ms. Gonzalez is vice chairperson of the United Way of Hudson County and vice president of the Board of Managers of the Hudson Unit of the American Cancer Society. She has received recognition from Gateway II, Van Vorst Block Association, Ferris High School, and New York Blood Services.

Pershing, a leading provider of global correspondent financial services to over 650 financial institutions, moved its corporate headquarters to Jersey City in 1989. Pershing has established an outstanding relationship with the community by actively practicing its corporate value of social responsibility.

Ms. Gonzalez was born and raised in Jersey City, NJ. She holds a master's degree in health administration and began her career working for Christ Hospital, where she initiated volunteer efforts in the community.

Cathy Gonzalez embodies the life work of Congresswoman Mary T. Norton. On behalf of my colleagues in the House of Representatives, I congratulate her for her outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

## TRIBUTE TO NELSON FAIRBANKS

### HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. FOLEY. Mr. Speaker, this past summer marked the end of long and distinguished career for a leader of Florida's agriculture and business industries. Our dear friend, Mr. J. Nelson Fairbanks retired from his post with the U.S. Sugar Corporation.

In 1966, the charm and beauty of inviting Clewiston, Florida lured Nelson from the family farm in Louisiana. Twelve years later, he would join U.S. Sugar as vice president of corporate development. Since those first days, Nelson later took over the helm as CEO and for more than a decade guided the company and its employees through unprecedented change and growth.

By molding U.S. Sugar, Nelson also shaped the industry and his community as well.

In today's quick-fix, high-tech, "dot-com" world, Nelson and the people of U.S. Sugar truly understand the meaning of a hard day's work. They are the wholesome hospitable people that take a deep pride in laboring hard to feed America's families.

The community will indeed miss Nelson's leadership and vision. Yet, we are comforted in the knowledge that regardless where retirement takes Nelson, love for the people of Clewiston and U.S. Sugar runs thick in his veins like molasses.

## THE PRAIRIE ROSE CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION SALUTES CONSTITUTION WEEK

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MOORE. Mr. Speaker, the week of September 17–23 has been officially designated as Constitution Week. This marks the 213th anniversary of the signing of our Constitution.

The guardian of our liberties, our Constitution established our republic as a selfgoverning nation dedicated to rule by law. This document is the cornerstone of our freedom. It was written to protect every American from the abuse of power by government. Without that restraint, our founders believed the republic would perish.

The ideals upon which our Constitution is based are reinforced each day by the success of our political system to which it gave birth. The success of our way of government requires an enlightened citizenry.

Constitution Week provides an opportunity for all Americans to recall the achievements of our founders, the nature of limited government, and the rights, privileges and responsibilities of citizenship. It provides us the opportunity to be better informed about our rights, freedoms and duties as citizens.

Mr. Speaker, at this time I particularly want to take note of the outstanding work of the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution, which is actively involved in the Third Congressional District in events this week commemorating Constitution Week. The Prairie Rose Chapter has been involved with this effort in our communities for a number of years and I commend them for doing so.

Our Constitution has served us well for over 200 years, but it will continue as a strong, vibrant, and vital foundation for freedom only so long as the American people remain dedicated to the basic principles on which it rests. Thus, as the United States continues into its third century of constitutional democracy, let us renew our commitment to, in the words of our Constitution's preamble: "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ." I know that the Prairie Rose Chapter of the Kansas Society of the Daughters of the American Revolution joins with me in urging all Americans to renew their commitment to, and understanding of, our Constitution.

## 25TH ANNIVERSARY OF THE HERITAGE HILL FOUNDATION

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. GREEN of Wisconsin. Mr. Speaker, this week in my home town, the Heritage Hill Foundation will celebrate its 25th anniversary. I'm proud today to offer a few remarks honoring this exciting occasion before the House.

It's hard to believe that the Heritage Hill Foundation is 25 years old. Back in 1975, a few folks got together and decided that they were going to dedicate themselves to creating a museum of living history right in Brown County. They banded together and founded the Heritage Hill Foundation.

Over the years, this foundation has been a model organization—serving as the example for other state and local groups to follow as they sought to improve their communities.

I'm proud to have served on the board of this foundation. But I'm even more proud of what it has achieved. It has turned that dream of a living history museum into the reality that today stands as Heritage Hill State Park.

The foundation has a long list of achievements to its credit. It has raised millions for the creation and operation of Heritage Hill State Park. It has restored century-old buildings to their original glory, and built new reproduction structures that make the past come alive for the generations of today and tomorrow.

The successes of Heritage Hill are a direct result of the commitment and hard work by all those involved with Heritage Hill Foundation, and the support and help offered by our community. They're also the result of the enthusiasm of those folks, young and old, who visit Heritage Hill and remind all of us involved in the project that our investment has truly paid off.

Thank you, Heritage Hill Foundation.

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Rancho Bernardo High School in Rancho Bernardo and its leaders, Principal, Paul Gentle and Superintendent, Dr. Bob Reeves. Rancho Bernardo has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County Schools who pulled together in pursuit of education excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Rancho Bernardo High School's superior work be included in the RECORD:

Stimulated by vibrant young professional families and grounded by the wisdom, vision, and experience of a large senior population, Rancho Bernardo High School (RBHS), located in a suburban community in San Diego, California, is teeming with energetic activity. The ethnic and age diversity of the community provides a firm foundation and strongly impacts the educational experience of RBHS students. The students, along with the encouragement and support of the staff and families,have brought pride to the community and they took the school to new heights last year when Rancho Bernardo was recognized as a California Distinguished School.

Rancho Bernardo High School offers academic programs that are rigorous and challenging for all students. The programs include advanced placement courses in all academic areas, a model Advancement Via Individual Determination (AVID) program, support courses in the areas of math and English, online courses in math and civics, a BRIDGES program for at-risk students (connecting the students to the Bronco community and paving avenues for success), a community mentor program, a ninth grade interdisciplinary academy, incredible visual and technical arts offerings, and academic courses that are linked tightly to academic standards. Technology also plays an incredible role in student learning. Presently, every classroom on campus is home to a minimum of one computer, in addition to the 24 in the Library Media Center. With the campus networked and computers having access to the Internet, modern technology is provided for all students, wherever they are on campus. Ultimately, the RBHS school community is anchored by its prime goal, All Students Learning—Whatever It Takes. This goal drives the competent and caring staff and fosters positive relationships with the citizens of Rancho Bernardo.

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## TRIBUTE TO DR. SVEN-PETER MANNSFELD

### HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CALLAHAN. Mr. Speaker, just a few weeks ago, one of my constituents and friends, a chemist and civic leader of the First District of Alabama, retired after a 36-year tenure with Degussa-Hüls Corporation. Dr. Sven-Peter Mannsfeld deserves to be recognized for his accomplishments and contributions.

The son of Dr. Wilhelm Mannsfeld and Dr. Margarita Mannsfeld, Dr. Sven-Peter Mannsfeld was born in Riga, Latvia, on July 24, 1935. He became a German citizen in 1939 and an American citizen in 1989. Now, he and his wife, Sybille Elise Spormann Mannsfeld, have three accomplished sons of their own, Percy, Boris and Andy.

Dr. Mannsfeld is a chemist. He studied at the "Max Planck Institut für Kohleforschung" in Rostock, Dresden, Bonn, and Göttingen, Germany and, finally, at the University of Göttingen where he earned his Masters in Chemistry and, later, his Ph.D. in Natural Sciences. In 1964, he began his career with Degussa working for various plants in the Cologne region of Germany. Then, in 1971, he went on to the Degussa AG headquarters in Frankfurt where he worked in Project Management for Research, Development and Production Projects. Two years later Dr. Mannsfeld was put in charge of finding a site for a plant in the United States, and soon thereafter, Mobile welcomed Dr. Mannsfeld into the community.

In 1973, Dr. Mannsfeld became president of Degussa Alabama, Inc. and also served as Plant Manager for Degussa's Theodore Plant operations. Later, in 1977, he became the executive vice president of technology, engineering, and plant services for all Degussa sites in the United States. Finally, in 1999, Dr. Mannsfeld became the executive vice president and chief technical advisor to the CEO and a member of the Board of Directors of Degussa-Hüls Corporation. It is from this position that Dr. Mannsfeld has recently retired.

Bringing Degussa to Mobile was the singular vision of Dr. Mannsfeld and for nearly 30 years, Degussa and the citizens of south Alabama have benefited from this mutually beneficial relationship.

In addition to his service and leadership in Degussa, Dr. Mannsfeld has greatly contributed to the city of Mobile and all of Alabama. Shortly after becoming a United States citizen in 1989, Dr. Mannsfeld became chairman of the Business Council of Alabama in 1990. Following his Distinguished Service Cross award (in which the president of the Federal Republic of Germany presented him with the ribbon of the Distinguished Service Medal of the Republic), he was named Honorary Consul of the Federal Republic of Germany for Alabama. Dr. Mannsfeld was a participant from 1994 to 1997 in the Mercedes Alabama Project-Tuscaloosa, which ended up successfully bringing Mercedes-Benz to Alabama.

From 1995 to 1998, he was involved in the Mitsubishi Polysilicon Project in Mobile and from 1997 to 2000, with the Phenolchemie Mobile/Theodore Project. Additionally, he was instrumental in moving forward the important Theodore Industrial Park Dock Project. Finally, from 1998 to 2000, he participated in the Alabama Power Theodore Cogeneration Project. In 1999 Dr. Mannsfeld was named to the Board of Directors of Atlantic Marine Holding Company.

Dr. Mannsfeld's accomplishments and contributions do not end there, however. He additionally serves as a member of distinguished organizations such as the Mobile College Fellows, the American Chemical Engineers, the Midgulf Business Roundtable, the Alabama Chemical Association, the Board of Regents of Spring Hill College, The University of Alabama at Birmingham Advisory Council, the National Association of Manufacturers, and the Alabama School of Math and Science. In addition to this already impressive and exhaustive list, Dr. Mannsfeld has served on the Board of Directors of Degussa Corporation, the Ultraform Company, Nilok, Inc., Compass Bank of Mobile, and the Board of Directors of the Business Council of Alabama.

Dr. Mannsfeld is also a former member of many other Boards of Directors. These include the National Association of Manufacturers, the Associated Industries of Alabama, the Alabama Chemical Association, the Doctors Hospital, the YMCA-Chandler Branch, Mobile, WHIL Gulf Coast Public Broadcasting Company, the Mobile United Way, the Mobile United-Civic Organization, the Independent Colleges of Alabama, the Better Business Bureau, and the Mobile Area Chamber of Commerce.

Dr. Mannsfeld has added to the social aspect of Mobile and elsewhere through other noteworthy organizations. He belongs to the Corps Teutoni Hercynia Göttingen (a university fraternal organization), the Mobile Country Club, Ducks Unlimited, the Degussa Hunting Club, the Alabama Wildlife Federation, the Gulf Coast Conservation Association, the Audubon Society, the Mystical Carnival Society, and the U.S. Chess Federation.

Dr. Mannsfeld's contributions, both civic and business, have greatly impacted the citizens of south Alabama. While he has formally retired from the Degussa Corporation, it is my sincere hope and wish that south Alabama and the constituents I represent will continue to benefit from his presence and engagement in civic and business affairs.

Thank you, Dr. Mannsfeld, for all your many contributions to our community. May your retirement bring you many challenging, relaxing and enjoyable years.

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## CONGRATULATING HON. LEE TERRY ON THE BIRTH OF HIS SON

### HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. DEMINT. Mr. Speaker, on behalf of the Republican freshman class, I would like to congratulate Congressman LEE TERRY of Nebraska on the birth of his baby boy, Jack William Terry.

On the fourth of July, at 11:40 p.m., Mr. TERRY and his wife, Robyn, welcomed an eight pound, seven ounce child into this world. We sincerely congratulate both Mr. and Mrs. Terry on this joyous occasion as they enter into their new life as parents. May God bless the gentleman from Nebraska and his new family, and may Jack Terry live a long and prosperous life.

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## A TRIBUTE TO DAVID KATZ, MUSIC DIRECTOR AND PRINCIPAL CONDUCTOR OF ADRIAN SYMPHONY ORCHESTRA

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. SMITH of Michigan. Mr. Speaker, on Friday, September 22, 2000, David Katz will conduct his final performance as music director and principal conductor of the Adrian Symphony Orchestra and OPERA! Lenawee. It is with great pleasure that I congratulate him on his past twelve seasons of service.

Under his leadership the Adrian Symphony has grown into one of Michigan's top five orchestras, has built its own professional opera company, OPERA! Lenawee, hosted Itzhak Perlman as the most famous of dozens of exceptional solo artists, been cheered in dozens of venues in four countries and two states, and has made us more proud of our orchestra and more excited about great music than we ever thought possible.

David Katz worked to break down the barriers which often separate classical music and opera from many people, instituting educational programs for both adults and children. His programming of concerts continually challenge the musicians, as well as the audience, through presentation of a broad variety of music and through increasing the breadth and scope of programming offered, adding opera, ballet and chamber music to the Adrian Symphony Orchestra during his tenure.

David's devotion and determination to both the Adrian Symphony Orchestra and his community is to be applauded and I am honored to recognize him and wish him continued success in his future endeavors.

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## BLUE RIBBON SCHOOL WINNER

## HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Mesa Verde Middle School in Scripps Ranch and its leaders, Principal, Sonya Wrisley and Superintendent, Dr. Bob Reeves. Mesa Verde has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Mesa Verde Middle School's superior work be included in the record:

Mesa Verde Middle School, located in Rancho Penasquitos, a suburb of northern San Diego, California, exemplifies the educational heights that can be attained when a solid partnership exists between school and community. All members of this team are completely committed to their philosophy of "doing everything possible to help each student succeed", while maintaining strong academic integrity. Their school vision for 2002 states that "Mesa Verde Middle School will create an enhanced learning experience and a unique community environment for all students." The success of Mesa Verde's rigorous curriculum is evidenced by consistently high performance on standardized tests and underscored by earning the maximum six-year Western Association of Schools and Colleges (WASC) accreditation. Among their noteworthy accomplishments are two wellness programs. Mesa Verde's wellness budget enables them to have a teacher on special assignment (TOSA), devoting a full period each day to drug, alcohol, and tobacco prevention education. The second program, "Names Can Really Hurt You" was nationally recognized in Washington D.C. and fosters tolerance of diversity in the classroom and on campus. A 50% drop in negative name calling infractions best illustrates the success of this program.

Mesa Verde provides an excellent education to culturally and ethnically diverse middle class population. Their site is designed to accommodate students with a wide range of academic abilities and physical challenges. Designed with technology in mind, Mesa Verde has become Poway Unified School District's model school. Four computer labs are housed at Mesa Verde and each classroom is networked to the Internet and e-mail. A distinct feature of the campus is the village concept design. Classrooms are grouped together and house a single grade level.

And added strength of Mesa Verde is the varied "safety nets" in place to ensure that students progress and succeed socially as well as academically. Innovative programs such as Peer Mediation, Natural Helpers, Eagle Groups, and Student Outreach Services (SOS) teach students to deal effectively with their emotional needs and to interact successfully with their peers. A commitment to excellence is the cornerstone for all of Mesa Verde's programs. Providing excellence in all they do, Mesa Verde is exemplified by a dedicated, hardworking staff, who truly love children. They base all decisions on what is best for their students. The entire school community: staff, students, parents and community, works together to provide the best possible education for all students.

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## 2000 PARALYMPICS

## HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. REYNOLDS. Mr. Speaker, as the eyes of the world are fixed on Sydney, Australia, and the games of the 27th Olympiad, I rise to ask this House to glance closer to home, to Western New York, to share in an inspiring story of personal triumph and the spirit of athletic competition.

On Wednesday, September 20, 2000, friends and supporters will gather at the Rochester Yacht Club to lend their support to sailors Keith Burhans, Paul Callahan and Richard Hughes and their quest for gold at the 2000 Paralympics to be held next month in Sydney, Australia.

Burhans of Monroe County lost both legs in a 1995 boating accident. Callahan, of Newport, Rhode Island, has been a quadriplegic since college. And Hughes is an amputee from Philadelphia. The three formed a world-class team that finished second in last year's World Disabled Sailing Championship.

But their story is even greater than their ability to tack around the tetrahedrons faster than their competitors. They have used their personal experiences to teach others to overcome barriers and test their limits.

Callahan reorganized and became CEO of the Shake-A-Leg program for the disabled in Newport. And Burhans joined the board of the Rochester Rehabilitation Center, which organizes SportsNet, a similar program that allows those with physical disabilities to participate in the able-bodied sports world.

In what became the first race of one of the oldest competitions in sport, the America's Cup, a young Queen Victoria watched as the yacht "America" plowed across the finish line. When she asked her courtier to search the sea and identify which boat was second, he took a long took through his telescope and replied: "Your majesty, I regret to report, there is no second."

To Keith Burhans, Paul Callahan and Richard Hughes, I am pleased to report that your personal courage, your triumph over adversity, and your devotion to athletic competition has already made each of you, like the 1851 crew of the "America," a winner.

Mr. Speaker, I ask that this House of Representatives join me in saluting the achievements of these three extraordinary men, and that we further extend to them the best of luck at the games of the 2000 Paralympics.

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## IN HONOR OF RUSSELL BINNEY

## HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MORAN of Kansas. Mr. Speaker, today I pay tribute to a man who positively influenced the lives of many people. Earlier this month, Mr. Russell Binney of Ulysses, Kansas passed away. Russ fulfilled many important roles in his life-each of them with integrity, compassion, and dedication.

Russ proudly served his country in the United States Navy during World War II and as a lifelong member of the American Legion. Upon returning to Ulysses, he founded Binney Better Foods, Inc. For more than 40 years, Russ and his wife Virginia provided retail grocery service to the citizens of Grant County. In that time, Russ's business experienced and adapted to change. However, one thing remained constant: Russ's commitment to providing a quality product with first-rate customer service.

Russ served his community in additional ways. He was past president of the Ulysses Rotary Club and earlier this year received the Rotary 2000 Distinguished Service Award. Russ was a leader and former chairman of the Grant County Republican Party. He was a member and elder of the Shelton Memorial Christian Church. His devoted involvement in Gideon International strengthened his faith. In 1990, Russ' friends and neighbors recognized his many years of accomplished service by selecting him as the Grant County Citizen of the Year.

I have walked Main streets of many Kansas communities. In Ulysses, my objective was always to walk the business district with Russ Binney. Everyone liked you if you were with Russ. Always a smile and handshake for the men and a kiss for the women. He brightened everyone's day. No person in any Kansas town ever received a warmer reception than when Russ met one of his customers or neighbors.

Most important to Russ was his family. Over the course of their 54 years together, he and Virginia raised their son Cary and daughters Janet, Rhonda, and Tammy. They also devoted endless love and attention to seven grandchildren and seven great grandchildren.

Russell fulfilled many important roles in his life-each of them with integrity, compassion, and dedication. I join his many friends and admirers in extending my deepest sympathies to Virginia and her family during their time of loss.

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## CONFERENCE REPORT ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2000

SPEECH OF

### HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 14, 2000*

Mr. CRAMER. Mr. Speaker, I rise to express very serious concerns about this legislation that we are considering on the floor today. Section 205 of this conference report prematurely directs NASA—and I stress the word "directs"—to establish a nongovernmental organization to manage microgravity research and commercialization activities aboard the International Space Station.

Mr. Speaker, in this Body the International Space Station does not have a stronger supporter than myself. While I sat on the Science Committee, I fought to fence-off microgravity research funds from hardware cost overruns and preserve the benefits of the Station for our taxpayers. Year after year, I'm on this Floor defending the Space Station against various wounding and killing amendments. But I'm concerned that unless we're careful, this language in Section 205 may move the taxpayer investments in Space Station backwards, rather than forwards.

This language was not considered during the normal House subcommittee or full committee markup process, but was added into the bill in conference. The House hasn't held any hearings on this matter. It's not even clear to me where NASA will get the funding for this initiative. What will happen to the government resources like the Station's new Payload Operations and Integration Facility at the Marshall Space Flight Center? Will there be a duplication of facilities at the taxpayer's expense?

It is just not obvious to myself and others how handing this work to the private sector would benefit the taxpayers or NASA. In fact, it could be detrimental. We've found that to be the case when NASA management was too far removed from two recently failed missions to Mars. By NASA Administrator Dan Goldin's own admission, NASA moved too far away from the actual work taking place on its programs. We must be careful to avoid making a similar mistake with the science operations aboard the Space Station. NASA civil servants look after the nation's interests and report to the NASA Administrator Dan Goldin, who answers to us—Congress. There are no guarantees that a non-governmental organization will look after the nation's interests or have any direct responsibility to this Body. Mr. Speaker, where is the accountability in this plan?

Some people argue that a non-governmental organization managing the Hubble Space Telescope at the Space Telescope Science Institute is working well. But its mission is mostly one of science management while the mission of this proposed organization would be one of commercialization—two very different animals. Common sense tells me that the introduction of commercialization into any process also introduces an entirely new set of unique and complex issues that need to be thoughtfully considered.

Mr. Speaker, I'm also concerned that the civil servants currently managing the NASA microgravity program have had little or no meaningful opportunity to comment on this plan. These are our Nation's experts on this issue, tasked to look out for the taxpayer's interests, and they've not even been given an opportunity to voice their thoughts on this action.

Mr. Speaker, I honestly don't know if this is a good or bad idea, but why is it being pushed through in such a hasty manner? Why are we prematurely directing NASA to implement this NGO, rather than coming back to us with a plan that can be examined in the light of day before we give them a green light? Mr. Speaker, if this really is good for our Nation, then nobody should object to holding hearings and giving this the thought that it truly deserves.

I will vote for this conference report today, because there are a number of provisions in it that will be good for our space program, but I am going to continue to try to work with my Colleagues to take a closer look at this plan to transfer Space Station responsibilities to a non-government organization.

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## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Meadowbrook Middle School in Poway and its leaders, Principal, Susan Van Zant and Superintendent, Dr. Bob Reeves. Meadowbrook has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

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As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Meadowbrook Middle School's superior work be included in the RECORD:

Located in Poway, California, Meadowbrook Middle School is an energetic and nurturing middle school where young adolescents are valued and respected. It is the school's vision that each student will master the knowledge, and develop the skills and attitudes essential for success in school and society. The staff is committed to providing a strong instructional program based upon high academic, behavioral, and social standards by the use of a challenging curriculum and supportive environment for sixth, seventh, and eighth graders. To achieve rigorous standards, the school staff, parents, and other members of the community work together. They provide a well rounded, quality program designed to meet diverse student needs. Their cooperative spirit and dedication to our core value of all students learning keep them focused on providing a well-balanced program designed to excite, build upon interests, and involve students in the process of becoming lifelong learners. Learning does not end at the end of sixth period, but rather it continues through cocurricular sports, clubs, library research, tutorials, and interaction with staff in a less formal setting.

The school has a tradition of active parent/community involvement. This past year their PTA was recognized as one of the top ten units in California. Meadowbrook values and rewards student achievement in academics, the arts, athletics, and personal development. Curriculum, instructional practices, and student programs are driven by current research and assessment data. It is truly a school where students succeed as evidenced by their increasing test scores, high rate of student attendance, and their overall positive and caring school environment.

## TO HONOR MR. ED ROBSON ON HIS 70TH BIRTHDAY

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to the man behind one of the largest home building operations in America, Mr. Ed Robson. As he prepares to make his 70th birthday on September 21st, I'd like to share the history of this outstanding American and Arizonan with my colleagues.

Known as the man behind Robson Communities, Ed grew up in a middle class home environment in Boston, Mass. Although he knew the value of a good education, his love for sports and adventure was greater. After graduating in 1954 with a degree in business and banking from Colorado College in Colorado Springs, Ed played hockey for Team U.S.A. and was an alternate member of the U.S. Olympic Hockey Team. After leaving the hockey team, Robson joined the U.S. Marine Corps and was assigned as a naval aviator at Pensacola. He served for five years as a helicopter pilot and attained the rank of Captain before leaving the Marines.

Ed began his impressive career as a home builder in 1960, when he decided to pursue real estate and joined Coldwell Banker in Arizona as a real estate agent. He quickly became a broker for one of their offices. He left Coldwell Banker in 1962 and joined the Del Webb Corporation, which is his chief competitor today. As Director of Corporate Sales for the Del Webb Corporation, Robson gained immeasurable experience in all areas of the construction business.

In 1965, Robson decided to leave Webb to test his expertise and budding entrepreneurial spirit with his own real estate projects. With two other Webb employees, Robson marketed resort home sites in Bullhead City, Arizona, and then developed the Pinewood Golf Community in Flagstaff, Arizona. The success of these projects enabled Robson to acquire farmland in 1972, which became Sun Lakes. Robson's competitive drive and business acumen carried him through some tough periods including the energy crisis and recession.

Today, Sun Lakes is a 3,500-acre community with more than 14,000 residents. Robson also markets and develops three other active adult communities in Arizona and recently announced expansion plans in Texas. Robson Communities and its affiliated companies employ more than 1,170 employees and have closed more than 12,500 homes.

Father of five children and grandfather of 13, Robson still finds time to participate in community affairs. He was the 1993 Heart Ball Honoree Chairman and was instrumental in netting approximately $1 million for the American Heart Association. In 1994, he was the chairman for the Phoenix Boys and Girls Clubs and remains active on their Board of Directors. Robson also is or has been involved with a number of civic boards including Bank One, St. Luke's Foundation, United for Arizona and American Heart Association.

Robson's extraordinary achievements have not gone unnoticed. Arizona State University named him "Entrepreneur of the Year" in 1994 and Ernst & Young named him the same in 1996. In 1998, Northwood University named Robson one of the "Outstanding Business Leaders" in the United States. He was also the recipient of the 1998 Ellis Island Medal of Honor whose past honorees have included Presidents Bill Clinton, Ronald Reagan, and George Bush. Also included in this list of honorees is Frank Sinatra, Bob Hope, Mickey Mantle and Barbara Walters. Robson's personal favorite achievement was his induction into his High School Hall of Fame in Arlington, Massachusetts.

As you can see, Ed leads by example. He is truly an outstanding individual who deserves to be recognized. Therefore I ask you to please join me in wishing my friend Ed Robson a Happy 70th Birthday and continued success.

Mr. Speaker, I rise before you today to pay tribute to the man behind one of the largest home building operations in America, Mr. Ed Robson. As he prepares to mark his 70th birthday on September 21, I'd like to share the history of this outstanding American and Arizonan with my colleagues.

Known as the man behind Robson Communities, Ed grew up in a middle class home environment in Boston, Mass. Although he knew the value of a good education, his love for sports and adventure was even greater. After graduating in 1954 with a degree in business and banking from Colorado College in Colorado Springs, Ed played hockey for Team U.S.A. and was an alternate member of the U.S. Olympic Hockey Team. After leaving the hockey team, Robson joined the U.S. Marine Corps and was assigned as a naval aviator at Pensacola. He served for five years as a helicopter pilot and attained the rank of Captain before leaving the Marines.

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As you can see, Ed leads by example. He is truly an outstanding individual who deserves to be recognized. Therefore I ask you to please join me in wishing my friend Ed Robson a Happy 70th Birthday and continued success.

## INTRODUCTION OF THE "NEEDLESTICK SAFETY AND PREVENTION ACT"

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. OWENS. Mr. Speaker, I am proud to join with my colleague, the Chairman of the Subcommittee on Workforce Protections of the

Committee on Education and the Workforce, the Honorable CASS BALLENGER, to introduce the Needlestick Safety and Prevention Act. This legislation modifies the Bloodborne Pathogens Standard (29 C.F.R. 1910.1030) issued in 1991 by the Occupational Safety and Health Administration of the U.S. Department of Labor to improve the protection afforded to health care workers from the spread of bloodborne pathogens such as the HIV virus, hepatitis B, and hepatitis C, as a result of accidental needlesticks and other percutaneous injuries.

Though controversial at the time it was issued, today all agree that the Bloodborne Pathogen Standard has helped to significantly reduce the spread of bloodborne pathogens among health care workers. There is, however, more that can be done.

In March, the Center for Disease Control and Prevention estimated that more than 380,000 needlestick injuries occur in hospitals every year. At an average hospital, there will be an estimated 30 reported needlestick injuries for every 100 beds. It is estimated that there are between 600,000 and 800,000 needlestick injuries every year in all health care settings. Nurses, doctors, laboratory staff, emergency medical technicians, and housekeepers have all been victimized by needlesticks. Needlestick injuries may account for as much as 80% of occupational exposures to blood.

Needlestick injuries, unfortunately, are not uncommon among health care workers. However, they are by no means trivial. Needlestick injuries impose unnecessary and unacceptable costs on our health care system. Costs to employers associated with followup medical examinations to determine whether needlestick victims have been infected by a bloodbone pathogen are by no means insignificant and can run into the thousands of dollars. Where workers are found to have been infected as a result of a needlestick injury, costs of treatment and compensation can easily run into the hundreds of thousands of dollars. For those who are infected as a result of a needlestick injury, the costs cannot be measured in dollars, they are life-threatening.

At a hearing held on this subject in June, the Subcommittee on Workforce Protections heard from Karen Daley who testified on behalf of the American Nurses Association. In July 1998, Ms. Daley reached into a needle box with a gloved hand to dispose of a needle with which she had drawn blood and was stuck by a needle. Five months later, she was diagnosed with both HIV and hepatitis C. Ms. Daley has had to give up direct nursing care, work that she loves and had performed for twenty years. Ms. Daley has suffered weight loss, nausea, loss of appetite, hair loss, headaches, skin rashes, severe fatigue, and bone marrow depression as a consequence of treatments for her injury. Her life now revolves around treatment for her diseases. Even more seriously, current research indicates that co-infection of HIV and hepatitis C can accelerate progression to liver failure and may lead to cirrhosis, cancer, or failure in five to ten years.

What is most tragic about Ms. Daley's story and that of many like her is that her injury was not simply accidental, it was unnecessary and therefore inexcusable. In Ms. Daley's own words:

> [T]his injury did not occur because I wasn't observing universal precautions. I did everything within my power—taking all the necessary precautions including wearing gloves and following proper procedures—to reduce my own risk of exposure to bloodborne pathogens. This injury did not occur because I was careless or distracted or not paying attention to what I was doing. This injury and the life-altering consequences I am now suffering should not have happened. And, worst of all, this injury did not have to happen and would not have happened if a safer needle and disposal system had been in place in my own work setting.

It is estimated that 80% of all needlestick injuries could be prevented if greater use is made of available sharps with engineered sharps injury protections, such as retractable needles, and needleless systems. Since the publication of the bloodborne pathogen standard, there has been a substantial increase in the number and assortment of effective engineering controls that are commercially available. There is a large body of research concerning the effectiveness of engineering controls, including safer medical devices. Further, there is general consensus among health care employers as well as health care workers that the overall cost of using sharps with engineered sharps injury protections and needleless systems is substantially cheaper than the costs of contending with unnecessary needlestick injuries associated with the use of less safe devices.

The under-utilization of safer medical devices is a national issue. As of August 31st, sixteen States had already enacted legislation requiring the use of safer medical devices and a seventeenth was in the process of doing so. The State laws, however, only partially address the concern. They may not be applicable to private health care sector workers and impose differing requirements that may create burdens for both employers and medical equipment manufacturers. Legislation introduced earlier in this Congress by the Hon. FORTNEY PETE STARK and the Hon. MARGE ROUKEMA to address this same issue, the Health Care Worker Needlestick Prevention Act, H.R. 1899, currently has 187 cosponsors.

To its credit, the Occupational Safety and Health Administration (OSHA) has already acted to ensure that there is greater use of sharps with engineered safety protections and needless systems. In November 1999, OSHA issued a revised Compliance Directive on Enforcement Procedures for Occupational Exposure to Bloodborne Pathogens and has sought to highly publicize the new compliance directive. One of the principal purposes for issuing the new directive was to emphasize the requirement that employers identify, evaluate, and make use of effective safer medical devices in order to minimize the risk of occupational exposure to bloodborne pathogens.

The legislation that Mr. BALLENGER and I are introducing today builds on OSHA's efforts. By making modest changes in the bloodborne pathogen standard, this legislation, if adopted, will help to achieve substantial improvement in the safety and health of American health care workers. This legislation will help to ensure that health care workers use the safest available medical devices, that they are trained to ensure proper usage, and that employers and workers review and learn from experience to ensure continued improvement.

Specifically, the legislation amends the standard to provide for definitions of "engineering controls," "sharps with engineered sharps injury protections," and "needleless systems" in order to provide greater clarity of the requirements of the standard. The legislation ensures that employers regularly monitor and assess the development of "appropriate commercially available and effective safer medical devises" and implement use of the such devises appropriately. It further ensures that those who must use the equipment will have a voice in its selection and will be properly trained in its use. Finally, the legislation promotes greater awareness and more active vigilance by ensuring that needlestick injuries are monitored and tracked.

In developing this legislation, Mr. BALLENGER and I have sought the greatest possible consensus. For example, I have reluctantly agreed to leave aside for now the issue of extending the protections of the bloodborne pathogen standard to health care workers employed by state and local governments. We have sought to address the concerns of both health care employers and health care workers. While reinforcing the requirement that safer medical devices be used where they are commercially available, this legislation does not mandate the use of engineered controls where such controls are not commercially available. Neither this legislation, nor the underlying standard it amends, requires anyone to use any engineering control, including a safer medical device, where such use may jeopardize a patient's safety, an employee's safety, or where it may be medically contraindicated. This legislation leaves intact all of the affirmative defenses available to employers related to the use of engineered controls under the Bloodborne Pathogens Standard. Finally, we have worked closely with OSHA to ensure that this legislation appropriately builds upon and compliments the existing standard.

In conclusion, I want to thank the many people who have worked with Mr. BALLENGER and I to develop this legislation. For my part, I want to especially thank Madeleine Golde and Lorraine Theibaud of the Service Employees International Union; Barbara Coufel of the American Federation of State, County, and Municipal Employees; Bill Cunningham of the American Federation of Teachers; and Stephanie Reed and Karen Daley of the American Nurses Association. Finally, I would like to pay special tribute to Peggy Ferro. At a 1992 hearing by another committee entitled "Healthcare Worker Safety and Needlestick Injuries," Ms. Ferro testified about how she contracted HIV from a conventional needle. Ms. Ferro died in 1998. I sincerely commend Chairman BALLENGER for his efforts to ensure that we are more responsive to Ms. Daley than we were to Ms. Ferro.

## INTRODUCTION OF THE NEEDLESTICK SAFETY AND PREVENTION ACT

### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. BALLENGER. Mr. Speaker, I am joined by my colleague and ranking member of the Subcommittee on Workforce Protections, the Honorable MAJOR R. OWENS, in the introduction of the Needlestick Safety and Prevention Act. This bipartisan legislation will address an important public health issue confronting our nation's health care workers.

The Needlestick Safety and Prevention Act derives from the convergence of two critical circumstances that have a profound effect on the safety of health care workers. The first circumstance is the increased concern over accidental needlestick injuries suffered by health care workers each year in health care settings. "Needlesticks" is a term used broadly, as health care workers can suffer injuries from a broad array of "sharps" used in health care settings, from needles to IV catheters to lancets. The second circumstance is the technological advancements made over the past decade in the many types of "safer medical devices" that can be used in health care settings to help protect health care workers against sharps injuries.

The Needlestick Safety and Prevention Act would modify the Bloodborne Pathogens Standard (29 CFR 1910.1030), one of the leading health and safety standards promulgated by the Department of Labor's Occupational Safety and Health Administration (OSHA). The legislation builds on the most recent action taken by OSHA related to the Bloodborne Pathogens Standard—the November 1999 revision of OSHA's Compliance Directive on Enforcement Procedures for the Occupational Exposure to Bloodborne Pathogens.

The concern about accidental injuries to health care workers from contaminated sharps first entered the public consciousness in the mid-1980's as concern over the AIDS epidemic grew, along with concern about the spread of hepatitis B. By the end of the decade, there were a number of documented cases of health care workers contracting the HIV virus by accidentally getting stuck with a needle when treating a patient. In 1991, responding to many of those concerns, OSHA issued the Bloodborne Pathogens Standard, which specified workplace safety requirements to protect against occupational exposure to bloodborne pathogens.

Since that time, numerous studies have demonstrated the continuing serious risk to health care workers of percutaneous injuries from contaminated sharps. In March of this year, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. At an average hospital, workers incur approximately 30 reported needlestick injuries per 100 beds per year. While most reported needlestick injuries involve nursing staff—laboratory staff, physicians, housekeepers, and other health care workers are also injured.

At a Subcommittee on Workforce Protections hearing in June, Mr. Charles Jeffress, the Assistant Secretary of OSHA, testified about the most recent federal action to address this issue—OSHA's revised Compliance Directive on Enforcement Procedures for Occupational Exposure to Bloodborne Pathogens. While the goals of the Bloodborne Pathogens Standard are clearly stated, many aspects of the standard give employers considerable flexibility in choosing the methods most feasible for accomplishing those goals. Thus, the standard directs employers to use engineering controls and work practices to eliminate or minimize employee exposure to bloodborne pathogens, but it does not list or specify particular engineering controls (such as which medical devices) that employers must use. This approach allows the rule to take into account the continual progress of medical research and technology and the diversity of workplaces and workplace operations and processes, and allows the employer to determine what engineering controls will provide the best protection.

A highlight of the revised Compliance Directive, and indeed one of the main reasons for its revision, is the emphasis on the need for employers to identify, evaluate, and make use of effective commercially available engineering controls, including "safer medical devices" to reduce or minimize the risks of occupational exposure to bloodborne pathogens. These devices are also referred to as "safety devices" or "safe-needle devices," but their common element is that they have a built-in safety mechanism that reduces or eliminates exposure to the needle or sharp. Neither the Compliance Directive, nor the current bloodborne pathogens standard advocates the use of one particular device over another.

At the Subcommittee hearing, a consensus among all of the witnesses was that choosing and using a safer medical device is a complicated process for many reasons, not the least of which is that most health care settings, particularly hospitals, are enormously complex work environments. While no one type of intervention in the workplace will completely eliminate the risk of exposure, numerous studies have demonstrated that the use of safer-medical devices, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

Witnesses also stressed the importance of including health care workers in the selection and evaluation of newer devices. This is particularly so because there are many types of safer medical devices available on the market and using them may involve some adjustment in technique on the part of the health care worker. It is also important for facilities to have some type of surveillance system, such as a sharps injury log, in place to monitor the sharps injuries. This type of system is useful both for helping a facility track its high risk areas and for evaluating which types of devices are most effective.

While the revised OSHA Compliance Directive emphasizes "safer medical devices," the Bloodborne Pathogens Standard does not include safer medical devices in its examples of engineering controls. And so, this legislation would include that language in the Bloodborne Pathogens Standard.

The bill requires that the Bloodborne Pathogens Standard explicitly state that employers must document in their Exposure Control Plans the consideration and implementation of appropriate commercially available and effective engineering controls, such as safer medical devices. This legislation does not advocate the use of one particular device over another and it would not change the flexible-performance-oriented nature of the Bloodborne Pathogens Standard.

In addition, the bill would add two new sections to the Bloodborne Pathogens Standard. The first section adds a new part to the Standard's recordkeeping section, specifying that employers maintain a "sharps injury log" for the recording of percutaneous injuries from contaminated sharps. Through the use of this log, employers would be able to better monitor sharps injuries and by doing so, better evaluate high risk areas and the types of engineering controls and devices that are most effective in reducing or minimizing the risk of exposure. Employers may decide what information is useful and the information must be recorded in such a manner as to protect the confidentiality of the injured employee. The log would record the type of device used, an explanation of the incident and where it occurred. Employers who are exempt from maintaining OSHA 200 logs, such as employers with 10 or fewer employees, would likewise be exempt from maintaining a sharps injury log.

A second section would be added to the Bloodborne Pathogens Standard to specify that employers solicit input from frontline health care workers (non-managerial employees responsible for direct patient care) in the identification, evaluation and selection of effective engineering and work practice controls and to document that solicitation in the Exposure Control Plan.

Sixteen states have already passed some type of safe needle legislation over the past two years and many other states are considering similar legislation. These state actions result in coverage of state public health care facilities and state public employees both of which are not reached by federal OSHA, except in those states which are OSHA state plan states. I hope that our action on the federal level will encourage more states to take similar action—as it is well within their prerogatives to do—and adopt the same standards as those we are putting forward today for inclusion in the federal Bloodborne Pathogens Standard.

I also want to point out that many of the state bills that have passed and been signed into law during the past two years, beginning in California, have included a number of explicitly stated exceptions to the requirement for the use of safer medical devices. The lack of explicitly stated exceptions in this legislation may cause some concern for those upon first review. I emphasize there should be no cause for concern. The current Bloodborne Pathogens Standard, which we are revising through this legislation, does not contain explicitly stated exceptions. Therefore, all of the traditional defenses, including affirmative defenses available to an employer related to the use of engineering controls under the current Bloodborne Pathogens Standard, remain in effect even as to the use of safer medical devices. I would point out also that the requirement in this legislation for the consideration and implementation of safer medical devices is hinged upon the "appropriateness" and the "commercial availability" of such devices. Finally, while this may be stating the obvious, it is not the intent of this legislation, nor for that matter of the current Bloodborne Pathogens Standard, for employers to implement use of any engineering control, including a safer medical device, in any situation where it may jeopardize a patient's safety, an employee's safety or where it may be medically contraindicated.

Finally, I would like to commend the many groups who have worked so diligently on this issue over the past few years and worked so hard to reduce sharps injuries for health care workers. The broad consensus we have reached on this issue is due in no small part to the work of the American Nurses Association, the American Hospital Association, manufacturers and many others who represent health care workers. I especially want to thank Karen Daley, who testified at the hearing in June about her personal experience on behalf of the American Nurses Association.

More than 8 million health care workers in the United States work in hospitals and other health care settings. I urge my colleagues to support the Needlestick Safety and Prevention Act, which is designed to make their work places safer.

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## BLUE RIBBON SCHOOL WINNER

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Black Mountain Middle School in Penasquitos and its leaders, Principal Miguel Carillo and Superintendent, Dr. Bob Reeves. Black Mountain has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Black Mountain Middle School's superior work be included in the RECORD:

Black Mountain Middle School, located in Rancho Penasquitos, a suburb of San Diego, California, is a vibrant, progressive school community that continually strives to reach the district's mission of all All Students Learning—Whatever It Takes. They have a 25-year tradition of excellence, high expectations, and strong support for student learning, Staff, parents, and students work together to create a dynamic learning environment which engages students in learning and achievement. A caring, committed staff provides the cornerstone while standards, varied learning opportunities, and enriched curriculum provide the foundation for our successful school. As a California Distinguished School and former Blue Ribbon School recipient, Black Mountain meets the needs of a diverse student population in a residential area in the north county of San Diego.

Black Mountain recognizes the challenges its students will face as they enter the 21st century. Therefore they provide them with a solid academic program that lays the foundation of basic skills through a standards-based curriculum. Their three-period basic education configuration provides the framework for the study of language arts and social studies. Combined, these core academic areas provide students with a powerfully integrated approach to learning that develops and enhances critical thinking and problem solving. Math courses provides students with a structure of concrete facts and skills and then make connections of abstract ideas to the real world. Science lays the groundwork of scientific ideas and principles for the students through their exploration and examination of content and application. Electives provide students with opportunities to explore the world of the arts, foreign language, and technology. With Poway Unified providing the foundation, Black Mountain forges ahead to create a community of learners that continually strive to attain their site mission of developing lifelong, active learners.

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## THE HUMAN RIGHTS INVESTMENT ACT—H.R. 5196

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 5196, the Human Rights Investment Act of 2000. This measure will promote, protect and enhance human rights in United States foreign policy.

This legislation embodies a simple truth: if we really care about human rights, we need to invest in it.

Few issues—if any—receive as much rhetorical support in U.S. foreign policy as human rights. As a nation founded on a profound belief in freedom and individual rights, we focus a great deal of attention in supporting human rights advocates throughout the world.

But we have not matched our rhetoric with resources. We have not sufficiently invested in human rights.

Until recent congressional action forced an increase, the State Department Bureau of Democracy, Human Rights and Labor was by far the smallest "functional" bureau in the Department. It is still one of the very limited bureaus in the entire State Department.

Historically, the human rights bureau received about one-quarter of one percent of all State Department salaries and expenses. It still receives less than half of one percent.

We should put our money where our values are. One penny on the dollar is not too much to ask to support people risking their very lives for human rights.

Likewise, if it is not too much for the American people to ask that, if their tax dollars are paying for weapons sales and military training, then it is equally important that one penny out of every dollar be spent so that we know just what foreign governments are doing with U.S. weapons.

Letting the light shine on how governments are using taxpayer-funded military aid also requires an investment. But the good news is that it is relatively cheap—just one penny out of every dollar of U.S. military aid will do that work.

Accordingly, I urge my colleagues to support H.R. 5196. I submit the full text of H.R. 5196 be printed in the RECORD at this point.

H.R. 5196

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Human Rights Investment Act of 2000".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Supporting human rights is in the national interests of the United States and is consistent with American values and beliefs.

(2) Defenders of human rights are changing our world in many ways, including protecting freedom and dignity, religious liberty, the rights of women and children, freedom of the press, the rights of workers, the environment, and the human rights of all persons.

(3) The United States must match its rhetoric on human rights with action and with

sufficient resources to provide meaningful support for human rights and for the defenders of human rights.

(4) Congress passed and the President signed into law the International Arms Sales Code of Conduct Act of 1999 (Public Law 106-113; 113 Stat. 1501A-508), which directed the President to seek negotiations on a binding international agreement to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability, and provided that such an international agreement should include a prohibition on arms sales to countries that engage in gross violations of internationally recognized human rights.

(5) The arms export end-use monitoring systems currently in place should be improved and provided with sufficient funds to accomplish their mission.

### SEC. 3. SALARIES AND EXPENSES OF THE BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.

For fiscal year 2001 and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department of State under the heading "Diplomatic and Consular Programs" shall be made available only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor, including funding of positions at United States missions abroad that are primarily dedicated to following human rights developments in foreign countries.

### SEC. 4. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) Establishment of Fund.—There is established a Human Rights and Democracy Fund (hereinafter in this section referred to as the "Fund") to be administered by the Assistant Secretary for Democracy, Human Rights and Labor.

(b) Purposes of Fund.—The purposes of the Fund are—

(1) to support defenders of human rights;

(2) to assist the victims of human rights violations;

(3) to respond to human rights emergencies;

(4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in other countries; and

(5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) Funding.—Of the amounts made available to carry out chapter 1 and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980, and section 401 of the Foreign Assistance Act of 1969 for each of the fiscal years 2001 and 2002, $32,000,000 for each such fiscal year shall be made available to the Fund for carrying out the purposes described in subsection (b).

### SEC. 5. MONITORING OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS.

(a) Weapons Monitoring Program.—

(1) Establishment of program.—The Secretary of State shall establish and implement a program to monitor United States military assistance and arms transfers.

(2) Responsibility of assistant secretary of state for democracy, human rights and labor.—The Assistant Secretary of State for Democracy, Human Rights and Labor shall have primary responsibility for advising the Secretary of State on the establishment and implementation of program described in paragraph (1).

(b) Purposes of Program.—

(1) Primary purposes.—The primary purposes of the program described in subsection (a) are to ensure to the maximum extent feasible that United States military assistance and weapons manufactured in or sold from the United States are not used—

(A) to commit gross violations of human rights; or

(B) in violation of other United States laws applicable to United States military assistance and arms transfers that are also related to human rights and preventing human rights violations.

(2) Other purposes.—The program described in subsection (a) may be used for the following additional purposes:

(A) To prevent violations of other United States laws applicable to United States military assistance and arms transfers.

(B) To prevent fraud and waste by ensuring that tax dollars are not diverted by foreign governments or others from activities in the United States national interest into areas for which the assistance was not and would not have been provided.

(c) Elements of the Weapons Monitoring Program.—The program described in subsection (a) shall ensure to the maximum feasible extent that the United States has the ability—

(1) to determine whether United States military assistance and arms transfers are used to commit gross violations of human rights;

(2) to detect other violations of United States law concerning United States military assistance and arms transfers, including the diversion of such assistance or the use of such assistance by security force or police units credibly implicated in gross human rights violations; and

(3) to determine whether individuals or units that have received United States military security, or police training or have participated or are scheduled to participate in joint exercises with United States forces have been credibly implicated in gross human rights violations.

(d) Weapons Monitoring Fund.—

(1) Reservation of funds.—Subject to paragraph (2), for each fiscal year after fiscal year 2000, one percent of the amounts appropriated for each fiscal year for United States military assistance is authorized to be used only to carry out the purposes of this section.

(2) Exception.—For any fiscal year, if the Secretary of State certifies in writing to the appropriate congressional committees that the United States can carry out the purposes of this section without the full reservation of funds [under paragraph (1)], the Secretary of State shall designate an amount which is not less than one half of one percent of the amounts appropriated for such fiscal year for United States military assistance, and such designated amount is authorized to be used to carry out the purposes of this section.

(3) Additional funds for program.—Funds collected from charges under section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) [and other comparable provisions of law?] may be transferred to the Department of State and made available to carry out the purposes of this section.

(e) Reports.—The Secretary of State shall submit to the appropriate congressional committees the following reports. To the maximum extent possible, such reports shall be in unclassified form:

(1) Not later than 6 months after the date of the enactment of this Act, and after due consultation with the appropriate congressional committees and others, a plan to implement the provisions of this section.

(2) Not later than one year after the date of the enactment of this Act, and annually thereafter, a report setting forth the steps taken to implement this section and relevant information obtained concerning the use of United States military assistance and arms transfers.

(f) Definitions.—In this section:

(1) Appropriate congressional committees.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) United States military assistance.—The term "United States military assistance" means—

(A) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(B) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training or "IMET"),

(C) assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to international narcotics control assistance);

(D) assistance under chapter 8 of part II of the Foreign Assistance Act of 1961 (relating to antiterrorism assistance);

(E) assistance under section 2011 of title 10, United States Code (relating to training with security forces of friendly foreign countries);

(F) assistance under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (relating to additional support for counter-drug activities); and

(G) assistance under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (relating to support for counter-drug activities of Peru and Colombia).

(3) United States military assistance and arms transfers.—The term "United States military assistance and arms transfers" means—

(A) United States military assistance (as defined in paragraph (2)); or

(B)(i) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act, including defense articles or services licensed under section 38 of such Act; and

(ii) any other assistance under the Arms Export Control Act.

### SEC. 6. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.

(a) Section 116 Report.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (7), by striking "and" at the end and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(9) for each country with respect to which a determination has been made that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.".

(b) Section 502B Report.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the 4th sentence the following: "Such report shall also include, for each country with respect to which a determination has been made that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.".

**SEC. 7. AUTHORIZATIONS OF APPROPRIATIONS FOR THE NATIONAL ENDOWMENT FOR DEMOCRACY.**

There are authorized to be appropriated for the Department of State to carry out the National Endowment for Democracy Act, $50,000,000 for fiscal year 2001, and $50,000,000 for fiscal year 2002.

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## HONORING DONNA FERGANCHICK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize the Honorable Donna Ferganchick of Cedaredge, Colorado. Donna is stepping down as Delta County Commissioner after nearly a decade of public service.

Before moving to the position of Commissioner, Donna served for six years as County Assessor. She served half of her second term, enabling her to be elected the first woman County Commissioner in Delta County history. While Commissioner, Donna has served as Chairman and currently serves as Vice-Chairman of the Board of County Commissioners.

Donna's outstanding leadership abilities have not only benefited Delta County, but also a number of different organizations on which she serves. The Juvenile Diversion Board, the Grand Mesa Scenic By-ways Committee, as well as serving as an Alternative Sentencing Representative, are just a few of the ways in which Donna focuses her energy in order to ensure a better quality of life in Delta County.

Donna, you have served your community, State, and Nation proudly, and I wish you the very best in your future endeavors.

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## A TRIBUTE TO REIT

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. ENGLISH. Mr. Speaker, I rise today to congratulate the real estate investment trust industry on the occasion of its 40th anniversary.

The REIT was created by this very body and signed into law by President Eisenhower on this date in 1960.

A committee report issued that year that through REITs, "small investors can secure advantages normally available only to those with large resources."

Since then, REITs have lived up to the vision of this institution, making investment in large-scale commercial real estate accessible to people from all walks of life.

Last year, I joined several of my colleagues in co-sponsoring the REIT Modernization Act. The law, which will take effect in 2001, empowers REITs to offer the same range of services as private competitors in the fast-changing real estate marketplace.

I also want to take this opportunity to commend the industry's trade association, the National Association of Real Estate Investment Trusts, which also came into being four decades ago.

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## ARAB-ISRAELI PEACE PROCESS

### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. BLILEY. Mr. Speaker, please permit me to share with my colleagues an Op/Ed piece from the Richmond Times Dispatch regarding the Arab-Israeli peace process by Ralph Nurnberger.

[From the Richmond Times-Dispatch, Aug. 13, 2000]

FOR PEACE, ARABS ALSO MUST MAKE CONCESSIONS

(By Ralph Nurnberger)

The collapse of the Camp David summit is a direct result of what could be labeled the "Taba Syndrome." This is the tendency of Arab leaders to insist that Israel turn over every inch of territory to which the Arabs might be able to make a claim, however nebulous that might be, and regardless of whether these demands ultimately undermine any chance for a peace agreement.

The tactic of holding out for every possible piece of land, which Egypt employed after the first Camp David summit to gain control over a tiny parcel of land called Taba, places "principle above peace," with the result that often neither is achieved.

Yasser Arafat compounded the difficulties facing the negotiators at Camp David by never wavering from his public statements that he would not settle for anything less than Palestinian control of the West Bank and Gaza together with sovereignty over East Jerusalem. Through his public statements, he established expectations among his constituents that would have led them to accuse him of failure if he came away with only 98 percent of all his demands.

On the other hand, Israeli Prime Minister Ehud Barak informed the Israeli populace that he would be willing to make compromises for peace. The debate on the extent of these compromises led to a number of his coalition partners leaving the government before the Camp David talks even began. This pre-summit debate enabled Barak to be far more forthcoming than Arafat at Camp David. Essentially, the Israelis were prepared to make compromises, however difficult, for peace, while Palestinian leaders had not prepared their people to do the same.

Arab refusal to make peace unless they achieved 100 percent of their demands is not new. Following the first Camp David agreements in 1978, Israel agreed to withdraw from Sinai in exchange for peace with Egypt.

Israel pulled out by 1982, but refused to cede to Egypt a tiny parcel of land along the Gulf of Aqaba called Taba. Taba was a small strip of land along the beach that had no strategic importance, no population, and no natural resources. Its main attraction was a resort hotel and a pretty beach.

Israel claimed sovereignty over Taba, citing a 1906 British map delineating the land to be part of Turkish-controlled Palestine, not British-controlled Egypt. The Egyptians based their claim to Taba on 1917 border demarcations.

The Egyptians responded that Israel's failure to turn over control of Taba was a violation of the Camp David accord requirement that the entire Sinai be returned. At times, control over these few meters of sand threatened to undermine the entire Israeli-Egyptian peace agreement. With U.S. encouragement, both nations agreed in 1986 to send the dispute to binding arbitration. Two years later, French, Swiss, and Swedish international lawyers ruled in favor of Egypt.

The Taba Syndrome has not been lost on other Arab leaders.

When the late Syrian President Hafez Assad met with President Bill Clinton in Geneva earlier this year, he had the opportunity to regain virtually the entire Golan Heights for Syria in exchange for peace with Israel. Rather than taking 99 percent of the land in dispute, he held out for a return to the 1967 borders instead of the internationally recognized 1923 lines. The difference between the two was only a few meters, yet Assad determined that principle was more important than Syrian control of the land—and peace.

Similarly, the recent Israeli withdrawal from Lebanon was deemed insufficient. Once again, the border was arbitrarily drawn and did not reflect geographic characteristics. This border was drawn after the defeat of the Ottoman Empire in World War I by two lieutenant colonels—one from Britain and one from France—who trudged east from the Mediterranean leaving white-washed rocks to mark the new lines.

Needless to say, the location of the rocks has shifted since the lines were drawn in 1923, yet Lebanon risks future hostilities if its total demands are not accepted.

Similarly, Arafat and all top Palestinian leaders never have wavered from the demand that 100 percent of the West Bank and East Jerusalem be turned over to Palestinian control. Since agreeing to the Oslo accord in 1993, this rhetoric created unrealistic expectations among Palestinians and Muslims throughout the world.

Although Barak appeared willing to turn over substantial territory and even make compromises on Jerusalem in exchange for a secure peace and an end to the conflict, Arafat was unable to accept these. He could have had a recognized state comprising approximately 90 percent of the West Bank and governing authority over Palestinians in parts of Jerusalem. Most important, he could have had peace.

Arafat failed to take into account that every nationalist movement must ultimately embrace pragmatism instead of pursuing the maximum—and ultimately unobtainable—goals. By insisting on achieving 100 percent of his objectives, Arafat got caught up in the Taba Syndrome and doomed the Camp David talks to failure.

Unfortunately, this conference only served as another validation of Abba Eban's famous comment that Palestinian leaders "never miss an opportunity to miss an opportunity for peace."

## HONORING CASEY AND JEAN BROWN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. McINNIS. Mr. Speaker, I would like to take this moment to acknowledge two upstanding citizens of Western Colorado, Casey and Jean Brown. Casey and Jean, through their determination and 'old fashioned' hard work have built a reputation among Colorado's rodeo community. This dedication was recently rewarded when the couple received the Western Service Award, presented by the Durango Pro Rodeo.

Casey and Jean understand the value and benefit of working hard and this is evident in their day to day routine running their family ranch. Jean plays the dual role of mother and bookkeeper on the ranch. The tasks of her typical day range from patching up her rodeo bruised husband, to helping care for her children, to ensuring the health of the family's livestock.

Before coming to Colorado, Casey could be found behind the teacher's desk at California Polytechnic College. After moving to Colorado, Casey and Jean began the legacy of service to their community that they are now widely known for. Working as a rancher, Casey realized that many ranchers like himself needed assistance in the political arena. To aid others like himself, he served with distinction on the Colorado Wool Growers and Cattleman's Associations. In addition, he has also served on the National Public Lands Council and the Pine River Irrigation District.

The commitment of these two individuals to family and community is truly commendable. They have found that, through dedication and hard work, a person can truly do anything that the mind desires. They have made a true impact upon the community of Durango and they are clearly deserving of this prestigious award from the Durango Pro Rodeo Association.

Casey and Jean, I thank you for your commitment to helping others. The citizens of Durango are truly privileged to call you neighbor and friend. Congratulations!

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## INCARCERATION OF ZHANG JIE

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Ms. WOOLSEY. Mr. Speaker, I submit the following letter for the RECORD.

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 15, 2000.*

ZHU RONGJI ZONGLI,
*Premier of the People's Republic of China, Guowuyuan, Beijingshi, People's Republic of China.*

YOUR EXCELLENCY: We are writing to express our strong concern regarding the incarceration of Zhang Jie and to request that you urge the appropriate officials to release information related to his imprisonment and state of being.

Zhang Jie was a 23-year old unemployed worker from Jinan, Shangdong Province, when, on June 5th, 1989, he was alleged to have organized a rally and denounced the killing of protestors in Tiananmen Square the previous day. Zhang Jie was given an 18-year sentence for "counter revolutionary incitement." Jie was last reported in 1992 to be in Shangdong Prison Number 3, also known as Weifang Shengjian Machinery Works.

Given our understanding that Zhang Jie was exercising his basic right to freedom of expression—and neither undertook, nor called for, any violent action—we are seriously disturbed by the severity of his sentence. We are also concerned that those involved in international humanitarian efforts to secure his release have been unable to learn anything about his condition. This is all the more distressful when we hear that workers such as Zhang Jie have been subjected to harsh treatment.

The American people await some sign of progress from the leadership of the People's Republic of China in the treatment of those who speak out on matters of conscience. We call on you to personally ensure that the proper authorities will cooperate and look forward to our request for information on Zhang Jie's's status.

Sincerely,

Lynn Woolsey, Luis V. Gutierrez, Martin Frost, Tom Lantos, George Miller, Peter De Fazio, Juanita Millender-McDonald, Major R. Owens, ——— ———, Nancy Pelosi, Christopher Shays, Sam Farr, Cynthia McKinney, Pete Stark, Sherrod Brown, Lloyd Doggett.

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## HONORING JOE COLLINS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Joe Collins on his remarkable service as Rio Blanco County Commissioner. Joe is stepping down after serving his community for nearly 15 years as Commissioner. Joe's commitment to bettering his community has ensured that Rio Blanco County will be a better place for its citizens.

Joe is a long time resident of Rio Blanco County and truly understands what is important to his community. As commissioner, he fought to ensure the safety of western Colorado's land and water resources. Understanding the importance of serving his fellow Coloradans, Joe has also been involved with a number of different public interest organizations. Joe put his outstanding leadership qualities to use as a member of the Colorado Cattlemen's Association, the Rio Blanco County Cattlemen's Board of Directors, the Local Forest Service Advisory Board, and as Chairman of both the Regional Transportation Board and the Associated Governments of Northwest Colorado.

Joe, you have served your community, State, and Nation admirably, and on behalf of the State of Colorado and the U.S. Congress, I thank you. The leadership that you have given to Rio Blanco County will be greatly missed.

Good luck in your future endeavors.

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## MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 2000*

Mr. ARCHER. Mr. Speaker, pursuant to section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998, I am submitting for the RECORD the complexity analysis for H.R. 4810, the Marriage Tax Reconciliation Act of 2000 prepared by the Internal Revenue Service.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
*Washington, DC, July 31, 2000.*

MS. LINDY L. PAULL,
*Chief of Staff, Joint Committee on Taxation, Washington, DC.*

DEAR MS. PAULL: I am writing to comment on your complexity analysis of the conference agreement on H.R. 4810, the Marriage Tax Reconciliation Act of 2000 (the "Act"). Because time constraints prevented your staff from consulting the Internal Revenue Service (IRS) and the Department of the Treasury prior to issuing the Conference Report, I would like to take this opportunity to point out two additional issues concerning the conference agreement.

First, having the increased standard deduction, wider 15-percent bracket, and higher Earned Income Tax Credit (EITC) phaseout range apply to tax year 2000 will require significant changes to the IRS 2000 tax forms and processing programs. If the legislation is enacted before mid-September 2000, we should have no problem in timely implementing the required changes. Later enactment could adversely impact distribution and processing of individual income tax returns for tax year 2000.

Second, Section 6 of the Act relating to estimated taxes creates complications for both taxpayers and the IRS. Taxpayers are generally required to make quarterly payments of estimated taxes and/or withholding at least equal to 25 percent of the lesser of (i) 90 percent of the tax shown on their return for the taxable year or (ii) 100 percent (108.6 percent for certain high income taxpayers) of the tax shown on the tax return for the prior year. Estimated tax penalties are imposed on underpayments of required installations.

Section 6 of the Act prevents tax year 2000 changes from being taken into account in determining the amount of any estimated tax installments due before October 1, 2000. Therefore, the required installments for married taxpayers for the first three quarters of tax year 2000 (and the penalties for their underpayment) will not be based on the tax shown on the taxpayer's 2000 tax return. Instead, they will be based on the tax that "would have been" shown on the taxpayer's 2000 tax return had the bill not been enacted. Section 6 will create confusion and complexity for taxpayers who must determine the amount of estimated tax payments due for the remainder of tax year 2000 and who want to make adjustments in the amount of their taxes withheld. It also presents a trap for taxpayers who know about their reduced liability due to the Act but who are not aware of Section 6 of the Act.

The biggest problem with Section 6, however, is the burden imposed on married taxpayers who wish to do their own computation of their estimated tax penalty for tax year 2000 (even if only to determine whether they have a penalty), or to verify the IRS' computation of the penalty. These taxpayers will need to complete Form 2210, Underpayment of Estimated Tax by Individuals, Estates, and Trusts. They will not be able to use the Short Method, but will be required to use the much more complicated Regular Method. Married taxpayers will be directed to complete Part II of Form 2210 twice. First, they will compute their required installments for the first three quarters of 2000 using their "would have been" 2000 tax. Next, they will compute their required installment for the fourth quarter using their actual 2000 tax. The instructions for Form 2210 will be expected to include the tax rate schedules, worksheets, EITC phase-out adjustments, etc. that married taxpayers will need to compute their "would have been" tax for 2000.

In addition, to the above-mentioned modifications to the 2000 Form 2210, the IRS will need to modify its tax year 2000 Form 1040 processing and estimated tax penalty processing to take into account the "would have been" 2000 tax for married taxpayers in determining their required installments for the first three quarters. While these modifications are not difficult, they will consume a significant amount of our programming resources over a short period of time (three staff years before the end of 2000). Since our programming resources for tax year 2000 processing (in 2001) are already fully committed, implementing Section 6 presents problems for the IRS.

If you have any questions, please call. I will be happy to meet with you to discuss any of these issues.

Sincerely,

CHARLES O. ROSSOTTI.

## INTRODUCTION OF NO GUNS FOR VIOLENT PERPETRATORS ACT

### HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. MOORE. Mr. Speaker, today I join with ten of my colleagues in introducing legislation that will keep guns out of the hands of our most violent criminals.

In my twelve years as an elected District Attorney, I found that to the victim of a violent crime it makes little difference whether the perpetrator was an adult or a juvenile. I believe we all can agree that violent persons should not be able to legally possess a firearm.

We already have legislation that makes it illegal for convicted felons to possess a firearm. But a loophole allows people who were convicted of violent crimes when they were juveniles to possess firearms. This is a narrow loophole that should be closed.

This loophole was brought to my attention by one of my constituents, Bob Lockett, who owns a gun store in my district. An individual with a conviction for a shooting death as a juvenile in California tried to purchase gun parts at his store. I commend Mr. Lockett for bringing this serious matter to my attention, and I agree with him that these individuals with a violent past should be prohibited from possessing firearms. And although the state of Kansas has this law, I believe that this should be a federal law to prevent violent perpetrators from possessing firearms nationwide.

Mr. Speaker, persons who have a juvenile adjudication for a violent felony should not—should never—possess a firearm. I urge my colleagues to support this important legislation, the text of which appears below.

H.R. 5194

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "No Guns For Violent" Perpetrators Act".

**SEC. 2. PROHIBITION ON POSSESSION OF A FIREARM BY AN INDIVIDUAL WHO HAS COMMITTED AN ACT OF JUVENILE DELINQUENCY THAT WOULD BE A VIOLENT FELONY IF COMMITTED BY AN ADULT.**

Section 922(g)(1) of title 18, United States Code, is amended—

(1) by striking the comma; and

(2) by inserting ", or adjudicated as having committed an act of juvenile delinquency that would be a crime of violence (as defined in section 924(c)(3)) and punishable by imprisonment for such term if committed by an adult" before the semi-colon.

## VERMONT HIGH SCHOOL STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I am asking that these statements be submitted into the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF SCOTT DOBROWOLSKI

REGARDING GUN CONTROL—MAY 26, 2000

SCOTT DOBROWOLSKI: I come here this morning to speak on gun control, and as our schools have been noted, there is more and more shootings in our schools. Now legislation has been taking away handguns, assault rifles, many of the weapons that have been used to kill our students.

Now as I see it, I have been raised with firearms in my home and as part of this I have had a lot of training with them. I have been told right and wrong, whether or not to shoot, what to shoot. I deer hunt. Really a matter of my training as I have been told not to kill people.

As we have learned there is more and more students killing each other. A lot of these children have been decided and acquitted for not knowing the difference between killing their student and just merely playing around.

As I see it, there should be more education in school as to avoid the shooting of their classmates. If we started at a younger age, I believe that we could severely delay the risk of having all these shootings. I am not saying hand-on experience with firearms, but more or less just education on right and wrong in our schools because apparently as we have seen, parents no longer care or they are not doing their job.

My parents at a very young age taught me the difference between right and wrong and responsibility and I feel this is not being done anymore. Frankly, I went to France and instead of fearing the fact that my plane would go down I have a greater percentage of dying in my school because one of my friends might get ticked off because I told him he looked funny and he might shoot at me. I feel this is a great danger and should be stopped at a more recent time where children are more able to be influenced by what happens in their lives.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF NATHAN LOIZEAUX

REGARDING COLLEGE FINANCING—MAY 26, 2000

NATHAN LOIZEAUX: Thank you very much. I would like to talk to you about college financing. I am a Mt. Abraham senior right now. I will graduate this year, and I have been trying to get together finances to go to college and I am just realizing how hard it is. Yes, there are a lot of scholarships out there today. I have actually a book about this thick.

Unfortunately, once you start whittling down parents, grandparents, what activities you are involved in, your heritage, all of a sudden you find out the white male does not have to many scholarships out there, and then not only to top that off, but he has got to compete with everybody else in the state for the exact same scholarships.

Also my parents and great grandparents started a college account for me. They started saving up money for me. My parents were severely penalized for having a college savings account. I think that is totally wrong. You and people in Congress, people in government want teenagers and high school students to be able to go on to college to get a better education, and in this day and age you need a better education to get a good job. Yes, there are thousands of jobs out there for $6 an hour.

Unfortunately, you are never going to make it out of that gene pool without a college education. Unfortunately, a college education is very expensive. Take UVM here, for instance. I work here as a temporary helper in the summer. This college just recently raised its tuition. Colleges all over the state are raising their tuition. It is harder and harder to get into a college. You want us to get a better education but are denying us the ability to do that by not giving us the funds. And when colleges are constantly bringing up their tuition to get in, it makes it all that much harder. When parents are being penalized for having the accounts for the children to set aside money to go to the college it is even worse.

In this day and age if you are on welfare you're better off. You can get into a college, no problem on welfare basically at this point because they will pay for everything to go to college. A friend of mine is on welfare right now and she got accepted to the university here, UVM, and she basically does not have to pay a thing while she is here the entire time. She has lower grades than I do, she is not involved in the community nearly as much as I am. I applied for the same place here, but I cannot get in even though I have better academic grades and I am involved in more things. That does not really matter to me, I do not care about their selection process. It is the fact that people like me are getting denied money for setting aside money for this time and because just the raising of funds to get into a college and the expenses. We need to get a better education but in order to do it we need to have the funds. The problem is we do not have the funds.

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### HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF KATHY UNGER, MEREDITH BLESS, CULLEN BOUVIER AND SCOTT WARD

REGARDING CIVIL UNIONS—MAY 26, 2000

KATIE UNGER: I am going to begin. Okay. We are here to support the Civil Union Law that Vermont passed recently, but we are of the opinion that it should have gone further, and we think that—basically we think that everyone should have a right to be joined in marriage. And when you define marriage it is sort of a celebration of life and of loving another person and it is just something that everyone should be able to do whether or not their partner is male or female.

MEREDITH BLESS: We also think that it should be forced on the church to marry two people. It should be separate from the church because it is kind of against the church for that. But somebody who could do it like a justice of the peace.

SCOTT WARD: As Katie said, we commend Vermont for taking the steps that it has, but we feel that it is more of a national issue and that other states need to be involved in this also. So we really feel it does need to be taken further and not just Vermont.

CULLEN BOUVIER: I take the standpoint of Scott as well. I think that Vermont is doing a great job taking the first steps in the Civil Union Bill and doing great things for people, but you see different things in the papers about—last week I can recall a man putting out a sign by his driveway that was not very kind words toward homosexual people, and you just realize that there is a lot more that can be done.

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### HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF THALIA SPARLING AND KATE EARLEY

REGARDING BIOENGINEERING—MAY 26, 2000

THALIA SPARLING: I wanted to raise the issue of genetically modified food which the FDA has refused to label on products. Genetically modified food has been on the market for six years now and there is very little awareness from the common people, the public about this issue. And there is a really strong grass roots movement in Vermont right now over this issue, and it is an issue that really needs to be addressed.

KATE EARLEY: I feel that we do not know enough about this issue that they should not be able to label it, because basically they are just feeding us things we do not know thinking about. And if they have to say how much of what is in certain foods and they have to label food now, they should not be able to not label this, because it does not give a person a choice of what they are putting in their body. And they do not know enough of what could happen 20 years from now from doing this or 30 years from now or generations from now how it could effect us physically or in the environment or anything. We need to do a lot more testing before they can be allowed to put this in the food, or label it, at least label it.

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## "THE GREAT HUNGER" MEMORIAL AND THE IRISH POPULATION IN NORTHEAST OHIO

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. KUCINICH. Mr. Speaker, today I recognize Cleveland's new memorial, "The Great Hunger," and honor the entire Northeast Ohio Irish community.

Mr. Speaker, as you are aware, the Irish Famine of 1845–50, known as "An Gorta Mor," or the "Great Hunger," was devastating to the people of Ireland. One-hundred fifty years ago, during the Irish Potato Famine, Ireland was exporting tons of grain and cattle to great Britain during the industrial revolution. This left most Irish peasants feeding on one crop—the potato. When the potato famine broke out, the majority of Irish went hungry or starved to death; those lucky enough to make the voyage across the Atlantic often died in the coffin ships common of the time.

Of those who survived, many fled to the United States for freedom from the poverty, disease and hunger which claimed as many as one million lives. Large quantities of settlers, moved to the Cleveland area, where they were relegated to the swampy banks of the Cuyahoga River, an area which came to be known as "The Irishtown Bend." Many died here, succumbing to cholera, tuberculosis and infections while living a harsh existence in terribly inadequate, tarpaper shacks.

In memory of those who died and in recognition of the many who survived the horrors of poverty and disease, the memorial of "The Great Hunger" will be dedicated on September the sixteenth. After years of work, the Monument will finally be erected on the banks of the Cuyahoga River. Thanks to the effort of many Northeast Ohioans who worked earnestly on 'Cleveland's Memorial to the Great Hunger Committee,' led by co-chairs Bishop James Quinn and former Congressman and Commissioner Robert E. Sweeney, this 11-ton monument will be a source of pride for all Clevelanders. Because of the work of countless county and city officials, especially Cuyahoga County Commissioners Jane Campbell, Jimmy Dimora and Tim McCormack, we can appropriately honor the Irish who enrich our Cleveland shores.

Today, many of the two million Ohioans who claim Irish Ancestry are descendants of those brave souls who struggled through a famine and made the long journey to the United States. For the courage displayed by the Irish, and for the rich tradition they have provided the Cleveland area, I ask that my colleagues to honor with me and recognize these great peoples and the great monument, "An Gorta Mor."

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## TRIBUTE TO JOE C. FOWLER

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. DUNCAN. Mr. Speaker, Joe C. Fowler has just retired after more than 50 years of service to this Nation in law enforcement.

He served as a Patrolman, Detective, and Chief of the Knoxville Police Department, Sheriff of Knox County, and for the past six years as United States Marshal for the Eastern District of Tennessee.

Marshal Fowler has served in each of these positions with great honor and distinction.

More importantly, he has never lost his humility and has always supported and remembered the importance of the officer on the beat.

As high as Marshal Fowler rose, he never became too big to help serve pancakes at the annual fund raising breakfast for the Northside Kiwanis Club.

He is a dedicated family man, having been married to his wife Sue for 44 years, and they have two sons and four grandchildren.

This County would be a much better place if we had more men life Joe Fowler.

I submit for the RECORD an article about Marshal Fowler's career from the September 18th issue of the Knoxville News-Sentinel and call it to the attention of my Colleagues and other readers of the RECORD.

[From the Knoxville News-Sentinel, Sept. 18, 2000]

FOWLER RETIRES AFTER 50 YEARS IN LAW ENFORCEMENT

(By Laura Ayo)

It was a Sunday morning in August 1974 when one of Chief Joe C. Fowler's Knoxville Police Department officers was shot in the chest while struggling with a burglary suspect.

"By the time they got me to the hospital, he was already there," the officer, John Guider, recalled about the man who went on to head two more law enforcement agencies in Knoxville.

Guider, now senior deputy U.S. Marshal in the Knoxville district office, described the incident as his fondest memory of Fowler.

"No one could have asked for anything better than the way he treated my family," Guider said. "He really took care of my mother and (ex) wife, more than you'd expect somebody would."

On Aug. 31, Fowler retired as U.S. Marshal for the Eastern District of Tennessee, ending a unique, 50-year career in law enforcement that saw him hold the titles of police chief, sheriff, state warden and federal marshal—the only man to do so, according to colleagues.

Fresh out of the military and not finding what he wanted in college, Fowler found his calling with a badge and uniform.

"It's been a very interesting career," the 73-year-old Knoxville native said. "I wouldn't trade it for anything."

In 1970, the year he became chief of the KPD, Fowler hired 21-year-old Phil Keith as a rookie officer.

"I grew up in this police department," said Keith, who is now police chief, "Next to my dad, Joe Fowler was right up there at the top."

At an Aug. 28 retirement party Keith presented Fowler a citation of merit for distinguished service in law enforcement and one of the department's millennium badges with the word "chief" on it.

Mayor Victor Ashe proclaimed Aug. 28, 2000, Joe Fowler Day in Knoxville.

"He told me one time the most important goal you can have in life as a police officer is to make a difference, not just with citizens, but also with police officers," Keith recalled.

Keith credited Fowler with giving him the opportunities, skills and friendship that enabled him to work his way through the ranks to chief.

"He always told me to be responsible to the citizens and try to better the profession," Keith said. "He's one of these fellows who didn't have to speak the loudest in the room. I learned from that. He taught me a lot of tolerance and being compassionate."

Much of what Fowler set in motion as chief through resource building, planning and setting standards has made the police department what it is today, Keith added.

"He was not afraid to go against the grain if it was the right thing to do," he said.

Deputy U.S. Marshal Chuck Pittman worked as a sheriff's deputy for four years while Fowler served as sheriff in the 1980s.

"First of all, the thing he brought to the sheriff's department was a sense of integrity," Pittman said. "He's always been an honorable, honorable man."

After being defeated by Tim Hutchison in 1990 for a third term as sheriff, Fowler served as warden of a state-operated work-release facility in Knoxville.

Pittman and Guider were pleased when they heard their former boss would again be their boss in the Marshals Service. President Bill Clinton appointed Fowler in 1994 to his last post, where he oversaw the protection of the federal courts, judges and witnesses, and the custody of federal prisoners.

"He's the first good marshal I've worked for, and he's my third presidential appointee," Guider said. "He has good investigative experience. But what I liked about him best was he was new to the Marshals Service and if he didn't know something, he would ask somebody instead of making snap judgments and I like that."

Guider said Fowler knew how to show he cared about his employee's personal lives without interfering. He drank coffee with his staff each morning and loved to discuss the University of Tennessee football team.

"The whole office is going to miss him," Pittman said.

Looking back on his career, Fowler said his most rewarding times were when he worked with juveniles or got to hand over a large forfeiture check to a small, poorly funded sheriff's department involved in an arrest.

"It gives your heart a good feeling when you can be there and help," he said.

At one time, college panty raids were the most frustrating thing an officer had to endure. Now, Fowler said officers have to worry about making split-second decisions they'll likely have to defend in a courtroom later.

"When I came in on the police department, the general public and even criminals respected you for what you were," the white-haired, gentle-voiced Fowler recalled. "We didn't have the problems we have today."

Fowler said he'll miss the deputies, judges, court staff and people in the various agencies the Marshals Service works with daily.

"These are just great people," he said. "They're dedicated; they love their job."

Chief Deputy U.S. Marshal Don Benson will serve as interim U.S. Marshal until a new appointment is made, Fowler said. It's not known how long it will be until a new marshal is appointed, but he said probably nothing will happen until a new president is elected.

Although Fowler described his years as a motorcycle officer as the most fun he had in law enforcement, he won't be jumping on a bike and hitting the open road any time soon. Other than getting to odd jobs around the house and spending time with Sue, his wife of 44 years, two sons and four grandchildren, Fowler has no specific plans for how he'll spend his retirement.

"I've got things to do," he said. "I'm looking forward to relaxing."

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 19, 2000 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

### SEPTEMBER 20

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine food safety issues.

SR–328A

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings to examine the GAO investigation of the Everglades and water quality issues.

SD–406

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the impact of antimicrobial resistance.

SD–124

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR–253

10 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the current outlook for supply of heating and transportation fuels this winter.

SD–366

Finance

Business meeting to markup proposed legislation to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets.

SD–215

Judiciary

To hold hearings to examine antitrust law and entertainment industry efforts to restrict marketing and sales of violent entertainment to children.

SD–226

Governmental Affairs

Business meeting to consider pending calendar business.

SD–342

2 p.m.

Indian Affairs

Business meeting to markup S. 2920, to amend the Indian Gaming Regulatory Act; S. 1840, to provide for the transfer of public lands to certain California Indian Tribes; S. 2688, to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools; and S. 2615, to establish a program to promote child literacy by making books available through early learning and other child care programs.

SR–485

2:30 p.m.

Energy and Natural Resources

Energy Research, Development, Production and Regulation Subcommittee

To hold hearings on S. 2933, to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.

SD–366

Foreign Relations

To hold hearings to examine issues relating to Fidel Castro.

SD–419

### SEPTEMBER 21

9:30 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia

Subcommittee

To hold hearings to examine meeting the management challenges of the next Administration.

SD–342

Aging

Small Business

To hold joint hearings to examine issues relating to pension benefits guaranty cooperation delivery with retirees.

SD–562

Commerce, Science, and Transportation

To hold hearings on global warming issues.

SR–253

Environment and Public Works

Business meeting to consider pending calendar business.

SD–406

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

10:15 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings to examine the EPA's proposed regulations for diesel fuel.
SD–406

2:30 p.m.
Armed Services
Personnel Subcommittee
To hold hearings on the recruiting initiatives of the Department of Defense and the military services and to receive an update on the status of recruiting and retention goals.
SR–222

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine Iranian proliferation.
SD–342

3 p.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings on S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.
SR–328A

Foreign Relations
African Affairs Subcommittee
To hold hearings on certain anti-corruption efforts relating to African economic development.
SD–419

SEPTEMBER 22

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the status of policing reforms in Northern Ireland as envisioned by the Good Friday Agreement.
2172 Rayburn Building

SEPTEMBER 25

1 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold oversight hearings on the USDA's administrative procedures regarding the Packers and Stockyards Act.
SD–226

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 3052, to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon; and S. 3044, to establish the Las Cienegas National Conservation Area in the State of Arizona.
SD–366

SEPTEMBER 27

9:30 a.m.
Armed Services
To hold hearings to examine the status of U.S. military readiness.
SH–216

2:30 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

SEPTEMBER 28

9:30 a.m.
Armed Services
To resume hearings on United States policy towards Iraq.
SH–216

## POSTPONEMENTS

SEPTEMBER 20

9:30 a.m.
Small Business
To hold hearings on the United States Forest Service compliance with the Regulatory Flexibility Act.
SR–428A

# SENATE—*Tuesday, September 19, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we praise You for Your availability to us. You are Jehovah-Shammah, who promises to be with us, whenever and wherever we need You throughout this day. You have assured us that You will never leave or forsake us. You remind us of Your love when we are insecure, Your strength when we are stretched beyond our resources, Your guidance when we must make decisions, Your hope when we are tempted to be discouraged, Your patience when difficult people distress us, Your joy when we get grim.

In response, we offer our availability to You. We open our minds to receive Your divine intelligence, our responsibilities to glorify You in our work, our relationships to express Your amazing affirmation, our faces to radiate Your care and concern. As You will be here for us today, we pledge ourselves to do the work of government to Your glory. We are ready to receive what we will need each hour—each challenge, each opportunity. This day is a gift, and we accept it gratefully. You are our Lord and Savior. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MIKE DEWINE, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Ohio is recognized.

## SCHEDULE

Mr. DEWINE. Mr. President, today the Senate will immediately begin the final 3 hours of debate on H.R. 4444, the China PNTR legislation.

Under the previous order, the Senate will recess from 12:30 until 2:15 p.m. for the weekly party conferences to meet. When the Senate reconvenes at 2:15, the Senate will have two back-to-back votes. The first vote is on the final passage of the PNTR bill, and the second vote is on the cloture motion to proceed to the H-1B visa legislation.

Following the votes, it is expected that the Senate will begin debate on the H-1B visa bill, with the water resources development bill, or any appropriations conference report available for action.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

## TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Resumed

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate under the control of each leader.

The Senator from Ohio.

Mr. REID. Mr. President, will the Senator yield?

Mr. DEWINE. I yield to my colleague.

Mr. REID. Mr. President, on behalf of Senator DASCHLE, I yield 5 minutes to Senator LAUTENBERG and 5 minutes to Senator MURRAY when Senator DEWINE completes his remarks.

Mr. DEWINE. Mr. President, for the benefit of my colleagues, I yield myself 30 minutes. I candidly don't expect to take 30 minutes. For those Senators who wish to speak after me, it will probably be a shorter period of time than 30 minutes.

Mr. President, I rise today to speak on the legislation before us—H.R. 4444, the legislation extending Permanent Normal Trading Relations to the People's Republic of China or PNTR. As we approach's today's final vote, I want to make it clear that I believe strongly in free and fair trade. And, I support efforts aimed at increasing free and fair trade with China. However, as we approach the vote, I think we must take a few minutes and try to put the current debate into its proper perspective. That is what I intend to do.

Passing PNTR will result in lower trade barriers and more U.S. sales to China. We know that. But, the extent of our increased sales will depend on factors beyond our control. Our ability to send more exports to China depends largely on China's continued economic growth, its compliance with the bilateral agreement, and its development of a middle-class.

While increasing trade with China certainly is important, we must put this current debate into its proper context. We need to view this debate as it relates to both our worldwide trade policy and to our foreign policy and national security interests. With this broader perspective in mind, it becomes very clear that passing the PNTR legislation is just one part of our overall relationship with China and one part of our overall global trade policy. There remain other pressing foreign policy issues and other trade issues that await our next President, the next Congress, and the American people. Let me explain.

The fact is, as we all know, the United States is a leader in the area of free trade. If we fail to pass the PNTR legislation, we would be sending a signal to the world that the United States wants to isolate China. That's a signal we don't want to send. Both by word and deed, the United States must be the world's leader in promoting free trade. At the same time, though, we also don't want to send China—and the world—a signal that we will tolerate the proliferation of weapons of mass destruction—a practice China engages in openly.

In terms of our overall trade policy, we also cannot send a signal to our neighbors in the Western Hemisphere that says we are only interested in concentrating on the Chinese market. Since so much time and energy and resources has been directed to liberalizing trade in China, it may be a surprise to some that China represents only two percent of our foreign sales.

To keep it in proper perspective, there was no one who estimates that percentage will go beyond 2½ or 3 percent in the immediate future. Two percent of our total foreign markets is only $13 billion in U.S. sales to China.

Now, compare that to markets closer to home. Last year, Canada was our number one export destination, with $167 billion in U.S. sales, while Mexico was our second largest export market with $87 billion in sales. Further, our exports to Brazil ($13.2 billion) last year exceeded our sales to China. And what's more, forty-four percent of our exports remained right here in our own hemisphere.

Those $13 billion in sales to China pale in comparison to trade within our hemisphere. Yet, the Administration and the business community have made granting PNTR to China their single-minded trade focus. This narrow agenda has not come without cost.

Because the Administration has not emphasized expanding free trade in our hemisphere, other nations are taking the lead in seizing the economic opportunities that are right in our backyard. Our inaction in this hemisphere has essentially made it easier for Europe, Asia, and Canada to significantly expand their exports throughout Latin

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

America. The European Union (EU), for example, is now Brazil's largest trading partner. The EU's exports to Brazil have grown 255 percent from 1990 to 1998.

Additionally, during that same period, Asia experienced an incredible 1664 percent increase in its growth of exports to Argentina.

The next administration and the business community need to pay attention to our own hemisphere. That means that the next administration and the next Congress need to pass fast-track trading authority and move toward a hemispheric free trade area. It is imperative that we do this. That means that we will need to expand the North American Free Trade Agreement, which, over this last decade, has advanced economic cooperation and growth between the United States and Mexico, increasing U.S. exports to Mexico by 207 percent. And, that means that we must abandon this very narrow focus with which the current administration has viewed trade policy and start widening the lens to be more inclusive of the markets right here in our own backyard. This is significant unfinished business that our next President and our next Congress and the American people will have to address.

But, even more significant in terms of our unfinished business are the considerable national security issues at stake regarding our overall relationship with China. I say that because this is China we are talking about. China is different. China, as my colleagues all know, is unlike any other country in the world. China is a major power—a nuclear power—and China is the world's major proliferator of weapons of mass destruction.

Sadly, this administration has failed to stop the Chinese government's weapons proliferation. Sadly, this administration has not demonstrated the kind of leadership necessary to prevent China from manufacturing and selling weapons technology worldwide.

Like the United States, China is a cosignator of the Nuclear Non-Proliferation Treaty, yet over the last decade, its government has violated the Nuclear Non-Proliferation Treaty willingly, openly, and egregiously. Their actions are well documented. For example, Washington Times National Security reporter, Bill Gertz, writes in his recent book:

> [f]or at least a decade, China has routinely carried out covert weapons and technology sales to the Middle East and South Asia, despite hollow promises to the contrary.

The PRC has shown no remorse for its past actions—and certainly no inclination to change them. Rather, China has flaunted—openly—its violations.

At the beginning of the last decade, Pakistan was believed to possess a very modest nuclear weapons program—one that was inferior to India's program. Our own laws effectively banned U.S. government assistance to Pakistan because of its decision to go nuclear, and our sanctions laws contained tough penalties for any nation attempting to feed Pakistan's nuclear hunger.

That was then. Today, China has single-handedly worked to change the balance of power in South Asia and, in turn, has made the region far more different and far more dangerous.

Today, according to news reports, Pakistan possesses more weapons than India and has a better capability to deliver them. President Clinton stated earlier this year that South Asia has now become the most dangerous place in the world. We have China to thank for that.

The significant change in the balance of power between Pakistan and India was engineered by China, which provided Pakistan with critical technology to enrich and mold uranium, M-11 missile equipment and technology, and expertise and equipment to enable Pakistan to have its own missile production capability.

What has this Administration done to change this behavior? Essentially nothing. Time after time, as reporters, like Bill Gertz, uncovered extraordinary information on proliferation activities, this Administration failed to impose even the mildest sanctions against China as required by law. For example, in 1995, at the same time this Administration was aware of China's transfer of sensitive nuclear technology to Pakistan, the Administration was seeking to weaken our non-proliferation laws against Pakistan. And, rather than aggressively use the sanctions laws on the books to try to bring about a change in China's behavior, this Administration sought to find ways to show it had reached a common understanding with China to prohibit these activities and thus avoid sanctions.

However, according to the Central Intelligence Agency's unclassified bi-annual report to Congress on the proliferation of weapons of mass destruction, China remained a "key supplier" last year of weapons and missile assistance to Pakistan.

In the Middle East, it's the same story. News reports have documented China's contributions to Iran's nuclear development and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. Further, the CIA's bi-annual report also confirmed that Chinese government multi-nationals are assisting the Libyan government in building a more advanced missile program.

As it stands, international rules of conduct and pledges to our government to forego its proliferation activity have not deterred China's arms-building practices. Further, this administration has not enforced U.S. non-proliferation laws adequately nor effectively. The Chinese government certainly does not take our government seriously on the question of weapons proliferation—and frankly, why should they? The current Administration hasn't been a leader in encouraging nations to honor international non-proliferation agreements. Consequently, weapons of mass destruction are in more questionable hands than ever before.

Last year, a bipartisan commission headed by former CIA Director, John Deutch, concluded that our Federal Government is not equipped to fight nuclear proliferation. What does that say about our international credibility? What does that say about our ability to prevent the proliferation of weapons of mass destruction? What it says is that our diminished credibility may oblige other countries who are adversaries of Pakistan, Iran, and Libya to build their own weapons capabilities to counter these emerging threats.

In simple terms, the current administration has not led on these proliferation issues. That is why we should have passed Senator THOMPSON's amendment last week.

The Thompson amendment was important because it would have given us the ability to hold the People's Republic of China, and any nation, accountable for proliferating weapons of mass destruction and the means to deliver them. The bottom line is that if we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress will need new tools to pursue our national security objectives. Candidly, the next President will also have to use the tools that we have now given him.

So, where are we? When we put this whole debate in perspective—when we put the debate into its proper economic and national security contexts—where does this leave us? Realistically, approval of PNTR does not change the disagreements we have with China on weapons proliferation. It certainly will not change China's behavior. China will continue to proliferate. China will continue to pursue policies that will destabilize two critical regions of the world, placing our soldiers and our allies in serious danger.

Now that we are about to pass this legislation—now that we are about to advance our free trade policy—what do we intend to do to advance our non-proliferation policy and our own national security? Does this Administration have an answer? No, I do not think they do. Quite candidly, they never have.

We need an answer. And, from the vantage point of our national security strategy, I believe that if we fail to show vigilance in the enforcement of non-proliferation policy, we will place this nation at a terrible disadvantage. If we fail to show vigilance, we will effectively continue a de facto policy that has worked to undermine our national non-proliferation policy and is working to make our world a more dangerous place.

Had this administration pursued a non-proliferation policy with the same amount of intensity, creativity, and vigor it showed in advancing our commercial relationship with China, this would have been a far easier vote to cast.

Had the Senate done the right thing and adopted the Thompson amendment, that too would have made today's vote easier to cast.

I fear if we do not act soon to change the current course of our weapons proliferation policy—if we do not revisit the Thompson amendment, and we will revisit the Thompson amendment—we will be sending a signal to China and to the world that says our trade interests are more important than the security of our Nation, more important than the security of our children and grandchildren.

I intend to vote for the PNTR legislation before us because I believe strongly in the power of fair and free trade.

The United States has been the world's most outspoken advocate for free trade. We are the world's free trade leader. We believe free trade is a cornerstone of a free society and a free people. We believe it can be a step toward helping closed nations become open and democratic. No one here can say with certainty that it will work in China, but as the world's leader in free trade, I believe we have to try.

With this vote today, we are keeping our word as that leader, and we are moving forward. To do otherwise, to go back on the agreement this country negotiated last November, would send the wrong message to the world. It would say that the United States cannot be counted on to practice what we preach, and the implications of that message will extend far beyond our ability to negotiate trade agreements with China. A message such as that will affect our credibility worldwide.

Further, I have concluded that a "no" vote will do nothing to wean China from its weapons-building addiction. But that is why we must not stop here with today's vote. We should move forward and show clear leadership and clear direction in regard to our non-proliferation policy.

With this vote, I pledge to work with our next President to change the current state of affairs and to work toward maintaining our place as the world's model for free and fair trade. I will continue to push for free trade opportunities, both within and beyond our hemisphere. Much more important, I also pledge to work toward making our world a safer and more secure place for our children, our grandchildren, and our great grandchildren. I will continue to insist that China and other weapons-proliferating nations abide by international agreements, and I will continue to insist again, again, and again that our Nation take the lead in this area.

This is not the last time I will be on this floor talking about the problems with China. This Senate will regret if we do not return to this issue. The Thompson amendment will come back, and we will insist that it be voted on. This country has to stand strong and firm against China and their proliferation policies. Their proliferation policies threaten the security of our children and our grandchildren, and we will ignore their actions at our peril.

I thank the Chair, and I thank my colleagues.

The PRESIDING OFFICER. The Senator from Washington is recognized for up to 5 minutes.

Mr. MURRAY. Mr. President, I rise today to urge my Senate colleagues on both sides of the aisle to grant Permanent Normal Trade Relations status to China. This is about moving China in the right direction, and in the process allowing America's workers to benefit from the massive trade concessions we have won at the negotiating table.

This is a critical vote. China is home to one out of every five people on the planet, and our relationship with China is important. This vote can also have a positive impact on regional relationships throughout Asia. That is because Taiwan and Asian nations like Japan support China's accession to the World Trade Organization. They know that China's engagement will be a positive development. If Congress fails to grant PNTR to China, we will hinder our broader relationship with that country, make it harder for us to promote change there, and damage America's workers and industries as they compete with other countries for a place in China's market. The Chinese have agreed to radically open their market to U.S. goods and services. Chinese trade concessions will benefit the United States across all economic sectors in virtually every region of our country. And, the changes China has committed itself to—in order to join the WTO—will further open China to Western ideas.

I have come to the floor today to illustrate the ways that PNTR for China will help our families, our industries, and our economy. Washington State is the most trade-dependent State in our Union. The people of my state—from aerospace workers to wheat farmers to longshoremen—have urged me to make sure we take advantage of the concessions we have won from the Chinese. If we do not, good-paying family jobs will be lost, and our industries will be set back for years.

Before I elaborate on the ways PNTR for China will help America's workers, I must address many of the concerns we have about China. Over the years, I, like my colleagues, have been frustrated by the actions of the Chinese government on issues like human rights, religious freedom and weapons proliferation. As I have listened to the debate it is clear that we all want the same things: We want the people of China to have more freedom and more opportunities, and we want to bring China into the community of nations as a responsible partner. We all want the same results. The question is: What is the best way to get there? It is not to politicize our trade agreements. It is not to turn a trade vote into a referendum on how we feel about China. That is why I oppose the amendments that my colleagues have offered. These amendments will not solve the problems they highlight.

Instead, they will kill the bill for this Congress and perhaps longer and that will have a negative impact on our country. Killing this bill will do serious harm to our efforts to impact change in China on many issues. Killing this bill now will forever handicap U.S. exporters to China. It will punish U.S. workers, and it will give our competitors from Europe and Asia a massive head start as China opens its market to the world.

As I have thought about our relationship with China, I think one of the things that really frustrates us is that we are accustomed to quick fixes. In our political culture, we expect to be able to fix problems overnight. China, on the other hand, has a far different culture. Throughout its 4000 year history, China has resisted outside influences. As much as we would like to, we can't change China overnight. But we can change China over time. PNTR gives us the vehicle to help China move into the community of nations and to benefit America's families, industries and economy in the process.

Now that I have addressed the expectations and context surrounding our relationship with China, I want to return to the question I posed a moment ago: What is the best way to help China enter the community of nations? The answer is to engage with China. In fact, our own history has shown this to be true. Since 1980, when the United States normalized relations with China, our engagement has helped to change China for the better. I think it is useful to recall the history of how different China is today, than it was just 20 years ago. Before we normalized our relations, the Chinese people lived under the iron fist of their government. They enjoyed virtually no personal freedoms. Their jobs were predetermined. Their housing was assigned to them. Education, medical care, and travel were all dictated by a government-controlled system that rewarded blind loyalty to the state and harshly punished all dissent. Externally, China was closed to the outside world. Internally, China was hemorrhaging from the impact of the Cultural Revolution and other political conflicts. U.S. engagement with China has had a positive impact on that country. Certainly, we all want to see more progress and more changes in Chinese government behavior. I respect the concerns of my colleagues, but I recognize that we are making progress by engaging with China. We should not let our specific concerns override the many advantages that will flow to America's workers by supporting PNTR for China.

After considering the cultural and historic issues that have factored into this debate, I would like to focus on what this vote is about. The question before the Senate is really quite simple. The United States negotiated a trade deal with China. The agreement radically opens China's market to American workers, forces China to end its unfair practices, and gives the United States tough mechanisms to hold China accountable. The question before the Senate is: do we want to take this deal?

On behalf of my constituents and the American people, I will vote to put these Chinese concessions—literally thousands of market-opening concessions—to work for the benefit of our country. The Chinese concessions are far reaching and will impact every sector of our nation's economy and every region of our country. This agreement radically slashes tariffs. In fact, for some of our most important industries, it eliminates tariffs altogether. It preserves and in some cases strengthens our trade laws on issues like dumping, export controls, and the use of prison labor. China will no longer be able to require firms to transfer technologies and jobs to China in exchange for business. If China violates its commitments, it will have the 135 member countries of the WTO to contend with—rather than just the United States. This is an opportunity to build a strong presence in the world's largest emerging market just as it opens its doors to the world.

The people of Washington State have a unique perspective on what this trade agreement will mean for our families, our industries and our economy. One of my predecessors, Senator Warren Magnusson, was one of the first Senators to call for closer U.S.-China ties in the 1970s. For more than 20 years, the entire period of China's most recent opening to the outside world, no other state has been as engaged with China and the Chinese people as extensively as my state has. Washington State is the most trade dependent state in the country. Soon, one in three jobs will rely on international trade. Our ports, rail yards, and airports serve as gateways to and from the Pacific Rim for millions of products. My entire state stands to gain a great deal from China's accession to the WTO.

I would like to share with my colleagues how increased trade with China will affect three important Washington industries: aerospace, agriculture, and technology. Let me begin by talking about our aerospace industry because Washington state produces the finest commercial airplanes in the world. We are home to the Boeing Company, and thousands of Washington families work for Boeing. As my colleagues know, Boeing competes with Airbus, its European rival. But the playing field isn't level. Airbus is subsidized by European states, and it gets additional financing assistance, allowing Airbus customers to finance aircraft on favorable terms. China is a huge new market for airplanes. Aviation experts predict China will purchase 1,600 new commercial airplanes worth $120 billion in the next 20 years. These sales will be hotly contested. We know that Airbus is a very aggressive competitor in the China market. Passing PNTR will give the workers in my state the chance to compete in that marketplace. Thousands of Washington state jobs—good family jobs, good union jobs—hang in the balance as Boeing and Airbus fight for the China market. That is why organized labor at Boeing, Local 751 of the International Association of Machinists and Aerospace Workers, has publicly endorsed PNTR. The Boeing Machinists know that if we do not compete for aircraft sales in China, we will have ceded the largest marketplace in the world for commercial aircraft outside of the United States. Such an outcome would be disastrous for the future of our aerospace industry, and we're not just talking about one company or one industry. Thousands of small businesses in Washington state subcontract with Boeing. In addition, Boeing subcontracts in every state in the union—creating the jobs that working families rely on. Passage of PNTR will give Boeing and so many other American companies the opportunity to compete freely and fairly in China. I have every confidence that Boeing and the thousands of Americans whose jobs are tied to aerospace will succeed in this new environment. Mr. President, let me turn to another important industry in my state.

Washington State is home to some of our country's finest agricultural products from wheat to apples to a host of specialty crops. But we've had trouble opening China's market to our exports. For more than 25 years, Washington wheat has been kept out of China by an unfair trade barrier. This year, as China neared membership in the World Trade Organization, it dropped its unfair trade barrier against wheat from the Pacific Northwest. As a result, this year, Washington's first wheat sale to China in 28 years recently sailed from the Port of Portland.

Thanks to PNTR and WTO accession, my constituents will have new opportunities to feed China's population, which equals 20 percent of the world's population. The opportunities are also great for another major crop, Washington state apples. With this agreement, China's market could open to an estimated $75 million a year in business for Washington's apple growers. Overall, agriculture stands to see one-third of its export growth tied to new sales to China. Washington growers and producers will see new opportunities across the board from pork, potatoes and barley to specialty crops like raspberries, hops and asparagus. It is easy to see why the agriculture community has been such a strong voice for this U.S.-China agreement and PNTR. Agriculture has done a great job working to ensure members understand that this agreement, and PNTR is vitally important to American agriculture.

Finally I want to turn to America's high-tech industries. I am proud that Washington State is home to Microsoft and other technology companies including Nintendo, Real Networks, and Amazon.com. These companies will benefit from new protections for U.S. intellectual property. They will benefit from the elimination of high tech tariffs, from anti-dumping protections, and from the right to import and distribute goods free from government regulation and interference. The Internet is taking hold in China. It holds immense potential for changing China's society. Thanks to this agreement, Washington State Internet companies will be aggressive competitors in this new market. In addition, America's telecommunications companies will benefit as well, including AT&T Wireless and VoiceStream Wireless, which are both based in Washington State.

As I have shown, opening China's markets will help the thousands of people in my state who work in the aerospace, agriculture and technology industries. We should make sure America's workers have access to the many benefits of China's marketplace. After 20 years of normalized relations between the U.S. and China, now is the time to pass PNTR. After 13 years of tough negotiations between the United States and China, now is the time to pass PNTR. And after more than 10 years of congressional consideration of China's trade status, now is the time to pass PNTR. The Senate has just spent two weeks debating PNTR, China's accession to the World Trade Organization, and many other China issues. The heart of the question before us is: Do we want American workers to benefit from the enormous trade concessions we have won from the Chinese? I want America to benefit, and I will vote for PNTR. At the same time, this is not our final China vote. Congress has a very legitimate role to play in helping shape our relationship with China and addressing our concerns. I look forward to those debates and those opportunities to advance our ideals in China. I encourage my colleagues to vote for PNTR, and I urge my colleagues to continue to closely follow the important U.S.-China relationship.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator's time has expired.

The Senator from Nevada.

Mr. REID. Mr. President, I yield from Senator DASCHLE's time 10 minutes to Senator HOLLINGS when Senator LAUTENBERG completes his 8 minutes. Senator DASCHLE has given Senator LAUTENBERG 3 minutes to his 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, we have had an invigorating debate on a very important and complex issue—whether to grant permanent normal trade relations, PNTR, status to China. There are many aspects to this debate: expansion and regulation of the international trading system; realignment of the US position within that system; review of China's internal policies—in particular its human rights record; assessment of the prospect for constructive and systemic change in China; and the effect of PNTR upon U.S. businesses and consumers.

As many of my colleagues may remember, 2 months ago in the Finance Committee I cast the sole vote in opposition to granting PNTR to China. Although I believe in engagement with China, not isolating China, I felt strongly that I could not in good conscience vote to make this status permanent at that time. I told my colleagues about Ngawang Choephel, a Fulbright student from Middlebury College in Vermont, who was arrested by Chinese authorities while filming traditional song and dance in Tibet in 1995. Intent only on preserving traditional Tibetan music, Ngawang was charged with espionage and sentenced to 18 years in prison. I strongly protested his arrest and incarceration, together with the other Members of the Vermont delegation, the administration, and human rights supporters all over the world.

For 5 years, we received virtually no information on Ngawang's whereabouts and his condition. In spite of a Chinese law guaranteeing every prisoner the right to receive regular visits from next of kin, Chinese officials ignored the repeated pleas from Ngawang's mother, Sonam Dekyi, to visit him. During Finance Committee discussion of the PNTR legislation, I made clear my anger over the Chinese Government's unconscionable refusal to adhere to its own laws. I am pleased to report that a couple weeks later, the Chinese Ambassador to the United States called to inform me that Sonam Dekyi would be granted permission to visit her son. I thank my many colleagues who raised this case with the Chinese, and I particularly thank the Chinese Ambassador for his efforts on Sonam Dekyi's behalf.

Last month, Sonam Dekyi and her brother traveled to China to see Ngawang Choephel. They were treated very well and were allowed two visits with Ngawang. In addition, they had a meeting with the doctors at a nearby hospital who recently have treated Ngawang for several very serious illnesses. While Sonam Dekyi was very appreciative of the chance to see her son, she was disappointed to be granted only two visits and quite saddened to be denied her request just to touch her son after all these years. Most alarmingly, she found her son to be in very poor health. Despite receiving medical attention, he is very gaunt and reported ongoing pains in his chest and stomach. His mother fears for his life.

I fervently hope that in the wake of his mother's visit, greater attention will be paid to Ngawang's health, and that every effort will be made by Chinese medical personnel to treat his illnesses. However, I believe that the only solution to his health condition is medical parole. Ngawang needs extensive treatment and considerable rehabilitation. This cannot be accomplished under the harsh conditions of prison, especially a Chinese prison.

On humanitarian grounds, I appeal to the Chinese authorities to release Ngawang Choephel. This is the right thing to do, the decent thing to do, the human thing to do. Until Ngawang Choephel is released, I cannot in good conscience vote for PNTR. I urge the Chinese authorities to recognize the length of time Ngawang has already spent in prison and to move now before his 18 year sentence becomes a death sentence. I urge the immediate release of Ngawang Choephel.

I have not come to this position of opposition to PNTR easily. For the past 10 years, I have supported engagement with China and renewal of most favored nation status. The benefits of international trade for the Vermont economy are very clear, and Vermont businesses have proved very resourceful at developing high paying and desirable jobs for Vermonters. In 1989, in the wake of the Tiananmen Square uprising, this was a particularly tough position. It was difficult to know how to channel my profound outrage over Chinese behavior and how to bring about the greatest degree of change in the shortest period of time. After considerable research and much discussion with people holding many points of view, I concluded that change in China would be most rapid if the channels of communication were open to the rest of the world. Engagement with China on all fronts, including economic engagement, is going to be necessary to produce the long-term, systemic change required for expression of personal freedom and personal initiative.

The past decade has proven that change is slow and difficult. But there is progress, nonetheless. The reformers in the Chinese hierarchy are now pushing for membership in the World Trade Organization, WTO. They wish to be part of the global trading system and to open their country and their economy to international investment and influences. While there are some significant problems with the WTO system that need to be addressed, I am convinced that we must be a part of that system and we must exert a strong influence on its development. Our national interests are best served if all major economies are a part of this system, agree to play by the same rules, and are subject to the same enforcement mechanisms if they do not.

We have a very strong interest in encouraging diversification and decentralization in the Chinese economy and greater freedom of expression for Chinese citizens. The less citizens are dependent directly on the government for their jobs and housing, the more likely they are to get involved in local issues, to advocate for causes that concern them, to develop advocacy and democracy at the grass roots. In the long run, I believe this is also the best way to improve the human rights situation. It will take time. It will be incremental. Chinese society will never look just like American society, but hopefully it will be reconfigured more to the advantage of the average Chinese citizen.

Today, my overwhelming concern is for a young man who committed his life to the preservation of his own musical heritage. He found shelter in the green mountains of Vermont, even though his heart always lay in the rugged mountains of his homeland. Ngawang touched many Vermonters with his quiet manner and intensity of purpose. Vermont will not forget Ngawang Choephel. I have not forgotten Ngawang Choephel. I will not vote for PNTR until he is free.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. WELLSTONE. Will my colleague yield for a moment?

Mr. LAUTENBERG. Sure.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that in the proper order of speakers, after Senator LAUTENBERG and Senator HOLLINGS and a Republican Senator are recognized to speak, I then be recognized to speak for 10 minutes of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, the United States is now considering a bill authorizing the President to grant Permanent Normal Trade Relations to the People's Republic of China when that country joins the World Trade Organization. This can radically improve our relationship with the world's most populous country.

There is so much at stake, in my view. That is why I traveled last month to China to meet with China's leadership and some of its people, to see for myself what is happening in China, and to ensure that I make a well-informed decision on this day.

Some of what I saw, quite frankly, disturbed me. But I also saw and heard encouraging things that gave me hope about China's future. And I have concluded that the best way to promote positive change in China is to grant China permanent normal trade relations status.

Many Americans, including environmental activists and members of organized labor and human rights groups, believe this vote is about far more than trade. And I agree. We cannot consider trade policy without understanding the implications for the economy, our society, and the environment in America and the world.

Moreover, the granting of PNTR would eliminate the annual debate over granting normal trade relations, which we used to call MFN, to China. That annual debate allowed us to review all aspects of our relationship with China and developments in that country. Successive administrations and Congresses achieved progress on issues of importance to Americans by raising them in the context of that annual review.

This time, however, we are not merely considering whether China has made sufficient progress in economic, social, environmental and human rights reforms to merit extending the opening of our market—China's largest export market—for another year. Rather, we are considering whether China is on a firm enough course of progress that we can justify an act of faith and open our market permanently as China joins the WTO and substantially opens its markets to American goods and services.

That is why I traveled to China a few weeks ago, joined by my good friend the Senator from Iowa, Senator HARKIN.

I went so I could better understand China and raise my concerns with China's leaders about human rights, labor conditions, national security and the environment. I went to see for myself the condition of China's cities and rural areas, to compare the wealthy coast and the underdeveloped interior, to talk to garment workers and farmers, to assess the extent of freedom of religion and freedom of speech, to measure progress on human rights protection and environmental protection, and to look into the proliferation of weapons and the intimidation of Taiwan, to consider the abuse of power and the rule of law.

China presented a very mixed picture. The patriotic Catholic Bishop in Shanghai, Bishop Jin, expressed it well when he said, "China is very complicated."

One thing was obvious: China is undergoing a tremendous transformation as a result of Deng Xiaoping's 1978 decision to open China to the world. The past two decades have seen the rise of free enterprise and international trade, and many of the Chinese people have experienced a dramatic improvement in their standard of living. China's GDP growth, while surely lower than official estimates, has averaged more than 6 percent over the past two decades and remains strong despite the impact of the Asian financial crisis. China's economic development is amazing, particularly in the modern city of Shanghai.

I would like to speak briefly about some of the issues I raised with China's leaders and that will need to be addressed as we proceed in our strengthened relationship with China.

We have to consider the national security aspects of the U.S.-China relationship. The United States and China are not natural or historic enemies. But serious problems and tensions exist.

One key issue is China's proliferation of technologies and materials for missiles and weapons of mass destruction. Earlier this year, the CIA reported on China's continuing missile-related aid to Pakistan, Iran, North Korea and Libya, as well as nuclear cooperation with Iran and contributions to Iran's chemical weapons program. These relationships are not in China's interest and directly threaten U.S. interests.

When I raised this issue, Vice Premier Qian Qichen acknowledged that China provided missile assistance to Pakistan in the past but insisted it had not done so in recent years. Premier Zhu Rongji dismissed my concerns and demanded evidence of China's proliferation activities. Of course, China has not accepted the key Annex to the Missile Technology Control Regime. I hope China will acknowledge its past mistakes and fully commit itself to international non-proliferation efforts.

U.S. officials have made progress in addressing Chinese proliferation over the years. For example, they secured China's commitment not to help Iran develop new nuclear projects. But we must do more.

The United States and China have a common interest in ending the destabilizing proliferation of weapons of mass destruction and the missiles to deliver them. We have to improve cooperation toward that critical goal.

A second national security issue concerns Taiwan. Wang Daohan, the Chinese official who conducts the Cross-Straits Dialogue for the Mainland and influences China's policy toward Taiwan, stressed to us that Beijing is willing to give Taiwan considerable autonomy if Taipei accepts the "One China" policy and supports reunification. I am not convinced that making Taipei's acceptance of the "One China" policy a pre-condition for talks is a constructive approach.

I hope that China will withdraw its missiles that are only directed at Taiwan, because these threaten an arms race over Taiwan. As I told Mr. Wang, if you're extending a hand of peace it cannot be clenched into an iron fist.

We also need to consider protection for human rights and the rule of law in China. Fortunately, the House addressed these issues constructively in the bill before us by providing for an annual review of human rights in China. The bill before us also rightly authorizes U.S. assistance for rule of law programs in China. I know that the Ford Foundation and other private groups are supporting rule of law efforts in China. We should be prepared to put some of our resources toward achieving this worthy, if long-term, goal.

On the whole, we have to acknowledge that China has made some progress on human rights, though it still has a long way to go.

The limited ability of the Chinese people to have freedom of religion is a very real concern. The Chinese people, many of whom recognize the vacuousness of Marxist and Maoist rhetoric, are unsatisfied with their daily lives and seek a higher moral purpose, a spiritual side to life. We saw some Chinese practicing recognized religions in permitted places, but others are not so fortunate. Buddhists pray and burn incense at a temple near the Great Buddha in Leshan. Catholics attend Mass at patriotic Catholic Churches or in private homes used by the underground Catholic Church. Muslims pray at the mosque in Xian. But Muslims in Northwest China, who are not ethnically Chinese, cannot worship freely.

Judaism is not a recognized religion, so it is illegal. Practitioners of Falun Gong are arrested virtually every day when they do their exercises on Tiananmen Square or in other public places. And no member of any religion is allowed to proselytize freely, even though spreading the word is a key element of many faiths.

While Senator HARKIN and I did not have the opportunity to visit Tibet, I remain concerned about efforts to suppress Tibetan culture and religion. I hope the Chinese government will enter into dialogue with the Dalai Lama—without preconditions—with the aim of allowing him to return to Tibet as a spiritual leader.

So is there freedom of religion in China? I think a typical Chinese answer might be "Yes, within limits."

Freedom of speech is similarly limited. Pre-publication censorship through approved publishing houses ensures that the Chinese government can review and approve the content of any published work. Some books have been banned, recalled and destroyed after publication because a senior party member or official found them offensive.

During my visit to Beijing, I was pleased to hear Premier Zhu Rongji commit to continued progress on human rights. However, much work still needs to be done.

One of China's most egregious laws, under which people could be jailed as "counter-revolutionary," was repealed in 1997. But hundreds or perhaps thousands of people sentenced under that statute remain locked up.

Perhaps the worst element of China's totalitarian state and arbitrary rule is the system of "re-education through labor." Under this system, people can be deprived of their freedom for up to three years by the decision of a local police board—without ever being charged with a crime, much less having a fair trial. While indications suggest a change in the "re-education" system may be in the works, I hope China will eliminate it entirely.

Further, I was disturbed by the Chinese government's efforts to suppress dissenting voices. Our Chinese hosts refused to pursue our request to meet with Bao Tong, a former government official imprisoned for warning Tiananmen Square demonstrators of the impending crackdown, saying it was "too sensitive."

We will not forget the crackdown on democracy protesters in Tiananmen Square, nor will we sweep current human rights problems under the rug. That is not the mission. I am hopeful that a renewed United States-China relationship will yield better respect for human rights in China.

China's environmental policies are another serious concern. During the discussions in Kyoto about the world's climate, China insisted that only the U.S. and other developed countries should have to reduce greenhouse gas emissions. But China is the fourth largest and the most populous country in the world, so addressing global climate change will demand China's participation.

I raised these concerns with China's senior leaders and later with China's Environment Minister, Xie Zhenhua, at the State Environmental Protection Administration. The reaction I got was decidedly mixed. Minister Xie described China's concerted efforts to address environmental problems. For example, China has reduced annual soft coal production, and thus consumption, from 1.3 to 1.2 billion tons, with a goal of a further reduction to 1 billion tons, to reduce sulfur dioxide and particulate emissions and improve air quality. China is also increasing use of natural gas and has taken steps to remove the worst-polluting vehicles from the country's roads. However, Minister Xie then launched into a diatribe, saying that the U.S. bears principal responsibility for the degradation of the Earth's environment and that China has a right to pollute so it can develop economically.

I certainly hope recognition of the importance of environmental protection in China and global climate change will overcome the stale rhetoric of the old North-South economic discussions, so the U.S., China and other countries can join together to address common concerns. And I am hopeful that increased trade will foster more cooperation on that issue, including sales of environmentally sound American technology.

Many Americans are also rightly concerned about the working conditions and the rights of Chinese workers, particularly since American firms that follow American labor laws have to compete with Chinese producers.

Certainly, migrant workers in southeastern China—including underage workers—are exploited. And workers in China cannot meaningfully organize to protect their interests. China has strong labor laws, but enforcement is clearly lacking.

I visited a state-owned factory in Leshan, in Sichuan province, which produces equipment for power generation. Workers using large machine tools and working with large metal components had no protection for their eyes or ears, no hard hats and no steel-toed boots, as would be required in the U.S. Their work was clearly hard and dangerous, the hours long and the pay meager.

I also visited a garment factory in Shenzhen, the Special Economic Zone established 20 years ago near the border with Hong Kong. The factory manager told me workers are usually on the job for 40 hours a week, occasionally putting in overtime when the factory is busy. Workers themselves meekly said they probably work about 12 hours a day. But my staff looked through the rack of time cards near the door and discovered that virtually all of these textile workers arrive before 8 a.m., take a short lunch break and clock out after 10 p.m.—working nearly 14 hours a day, 7 days a week. And that earns them wages of 80 or 90 U.S. dollars per month, a bunk in a dormitory and meals.

The presence of American and other foreign investors and buyers can make a huge difference.

Senator HARKIN and I visited a factory near Shanghai that produces clothing for Liz Claiborne. The company appeared to be making a real effort to enforce fair labor association standards. We could see the results in working conditions. For example, the factory was well-lit and well-ventilated, even air-conditioned. Liz Claiborne's interventions led to the construction of a fire escape, and the workers' rights were clearly posted near the entrance. A Liz Claiborne representative on site not only ensures the quality of the product but also monitors compliance with China's labor laws limiting overtime hours.

Unfortunately, not all American and other foreign firms are as responsible. When I was in Hong Kong, the South China Morning Post had a front-page story about child labor in a factory in Guandong Province producing toys for McDonald's Happy Meals. Indeed, the toy industry is probably the most notorious for looking the other way as its Chinese suppliers exploit their workers. The bottom line is that trade with the United States and U.S. investment does not automatically lead to better working conditions and fairer treatment for Chinese workers. American and other foreign companies need to make fair labor standards a real condition of their business relationships.

So these are some of the problems I observed and concerns I raised in China.

I come to the key question: Can we as a nation best make progress on these issues by granting PNTR or by denying it?

Our annual reviews of Most Favored Nation treatment of China have provided important leverage with Beijing. Congress reviewed issues of importance to us, and members of the House and Senate and Administration officials raised these concerns with Chinese officials. Many times, China took significant steps to show progress, and arguably future-oriented leaders used the opportunity to promote reforms. Under H.R. 4444, a commission will still look at China's human rights record and other concerns each year, but without the implicit leverage of a vote on MFN.

Some have suggested we vote down PNTR to maintain our annual vote and the associated leverage. After all, China will still be interested in selling goods in the U.S. market, though we would not have access to WTO rules and dispute settlement mechanisms.

However, voting down PNTR would not simply maintain the status quo. Chinese leaders—and many Chinese citizens—see this debate on PNTR legislation as a referendum on the U.S.-China relationship. Rejecting PNTR means rejecting any hope of a cooperative relationship with China in the near-term. And cooperation, too, has yielded important progress. On the national security front, the U.S. and China have cooperated to promote peace and reconciliation on the Korean Peninsula. And the WTO contains a national security exception that will allow us to maintain technological controls and other national security restrictions on trade. On the human rights front, China has signed the International Covenant on Civil and Political Rights, though the National People's Congress has yet to ratify it. The presence of American firms willing to forego some of their profits to treat workers decently has helped raise standards of working conditions.

China is going to have access to the U.S. market regardless of how we vote. If we grant PNTR to China, however, we will gain the benefit of WTO dispute settlement mechanisms to better ensure China's commitment to free trade. By granting PNTR, we do give up the right to review China's trade status annually, but we can advance our agenda on non-economic issues through increased dialogue, by bringing China into multilateral agreements and institutions, and through stronger bilateral cooperation.

Economically, I believe the world and the American and Chinese people have a lot to gain by granting PNTR.

As I discussed earlier, China's economic growth over the past two decades has been staggering, as a result of its opening to the world some 20 years ago. China has risen to become the world's ninth largest exporter and the eleventh largest importer.

In November 1999, we completed a landmark Bilateral Trade Agreement with China, which is contingent on our approving PNTR. In that agreement, China pledged to reduce tariffs on a number of imports. For example, all tariffs on information technology products such as semiconductors, telecommunications equipment, computers and computer equipment are to be eliminated by 2005. Tariffs on industrial products would decline from a simple average of 24.6 percent to 9.4 percent.

The agreement also opens China's markets in a wide range of services, including banking, insurance, telecommunications, distribution, professional services and other business services. China is expected to join the WTO's Basic Telecommunications Agreement and end geographic restrictions on wireless services and its ban on foreign investment in telecommunication. Such changes are good not only for China but for America.

But establishing Permanent Normal Trade Relations is something we can do only once. Some economists have raised serious questions about whether we have gained enough access to China's markets for goods and services. Did USTR's negotiators get a good deal? I think that's a difficult question to answer now. Our annual trade deficit with China stands at a shocking $56.9 billion.

One key factor which will determine how good a deal we got is compliance. How well will China fulfill its obligations? Through China's WTO accession and the establishment of PNTR, we will be able to hold China accountable for its trade commitments through the WTO's transparent, rules-based dispute settlement mechanisms. If China arbitrarily increases a tariff on an American product or engages in retaliatory actions against the U.S., we could seek redress under WTO regulations.

How effectively will we monitor compliance and use these mechanisms and our trade laws to bring China's laws and practices into line? This is a very serious question. China is a large country—nearly the size of the United States—and the application of national laws is grossly inconsistent across the country. Moreover, U.S. firms doing business there seem to understand their immense reliance on the goodwill of China's government and Communist Party. Will these firms be willing to risk a deal in Guangzhou by asking USTR to pursue action against arbitrary and discriminatory treatment in Inner Mongolia? Or will American firms continue to emphasize cooperation with Chinese authorities?

This bill rightly stresses the need for the U.S. government to monitor China's compliance with its trade obligations and use the WTO's dispute settlement mechanisms. But if we fail to grant PNTR for China, WTO dispute mechanisms will not be available to us.

Mr. President, China is already America's fourth largest trading partner. According to administration statistics, American exports to China and Hong Kong support an estimated 400,000 well-paying U.S. jobs.

China's WTO accession and the 1999 bilateral agreement will further open China's markets to American goods and services and protects American intellectual property rights. I believe will prove to be a good deal for America's working families.

New Jersey undoubtedly stands to benefit from China's accession to the WTO and improved market access. At the end of 1998, China ranked as New Jersey's ninth largest export destination, with merchandise exports worth $668 million. Important New Jersey firms, such as Lucent Technologies and Chubb Insurance, are already active in China and will have more opportunities as a result of China's market opening under the 1999 bilateral trade deal.

Mr. President, there are some potential risks in granting permanent normal trade relations to China now. While I have concerns about China's record in the areas I have outlined, I believe that China is undergoing momentous change. The best way to promote continued progress on issues of concern and help our economy is to grant China permanent normal trade relations status.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, one would think from the comments made by my distinguished friend from New Jersey and others that the issue was the welfare and benefit of the People's Republic of China. I have no particular gripe at this moment about China. I think, as the Senator from New Jersey pointed out, it is working. China has a very competitive trade policy. They are making improvements industrially, economically, even environmentally, and perhaps with labor standards. That is not the issue.

The issue is the viable, competitive trade policy of the United States of America. You would think that we had the finest, most wonderfully competitive trade policy there could be. The fact is, we have a $350 billion trade deficit that we know of, and this year, 2000, it is going to approximate $400 billion.

Last month, the Department of Commerce announced we had lost 69,000 manufacturing jobs. The fact is, we have gone from the end of World War II, with some 42 percent of our workforce in manufacturing, down to 12 percent.

As the head of Sony—the Japanese just beat us in softball last night, and they are beating us in trade—as the head of Sony, Akio Morita, said, that world power that loses its manufacturing capacity will cease to be a world power.

We hear high tech, high tech. They are running around here as if they have discovered something. Senator, you don't understand global competition, they say. We have high tech. We want to get away from the smokestack jobs to the high-tech jobs.

Let me say a word about that. I know something about both. I have both. I would much rather have BMW than Oracle or Microsoft. Why do I say that? BMW is paying $21 an hour. A third of Microsoft's workers are paid $10 an hour, part time, temporary workers, Silicon Valley. Forty-two percent of the workers in Silicon Valley are part-time, temporary workers. I am not looking for temporary jobs. I am looking for hardcore middle America jobs.

That is the competition. The competition in global competition is market share and jobs. We treat foreign trade as foreign aid. Free trade, free trade. They say: You don't understand high tech. The truth is, we have a deficit in the balance of trade in advanced technology products with the People's Republic of China. Last year, it was $3.2 billion. It will approximate $5 billion this year.

But Senator, agriculture. Agriculture? There is a glut of agriculture in the People's Republic. Once they solve their transportation and distribution problems, they are not only going to feed the 1.3 billion, but the rest of the world. Come now, the 800 million farmers they have at the moment can certainly outproduce the 3.5 million farmers we have in America.

We had a deficit in the balance of trade of $218 million last year with the People's Republic of China. People don't understand where we are. I have a deficit in the balance of trade of cotton. I am importing cotton from the People's Republic of China.

They say: Wait a minute, what about the airplanes? Well, yes, they have orders for 1,600, we just heard a minute ago. We will cut that in half. That is really 800, because 50 percent, according to Bill Greider of the 777 Boeing plane, is going to be made in downtown

Shanghai. The MD 3010, 70 percent of that aircraft is made in the People's Republic of China. So what are we doing? Are we transferring all of the wonderful middle-class American jobs to China? And we are running all over the country hollering, "I am for the working families, I am for the working families," when, since NAFTA, they have eliminated 30,700 working families in my little State of South Carolina. We lost over 500,000 over the Nation. So we are eliminating working families, and we say, "But China is going to really start enforcing and adhering and be made accountable." Not at all.

Japan is not. Incidentally, Japan has been in the WTO for 5 years and it hasn't opened up yet. I don't know where they get the idea that once we get this particular agreement and China in the WTO, it is going to open its market. That doesn't open markets. Otherwise accountable? The People's Republic see what happened with the United States and Japan and with the United States and the United Kingdom. The President was up in New York the week before last with Prime Minister Blair, and the Prime Minister is fighting for a thousand jobs, and the President of the United States is exporting them like gang busters and fighting for bananas that we don't even produce. Fighting for bananas. Come on. When are we going to sober up and get a competitive trade policy?

For a second, I don't have the idea that we ought to cut off trade; that is ridiculous because it is impossible. We are going to trade with China. I just want to cut the word "permanent" out and have a look-see and try to get organized a trade policy whereby we can correlate 20 different departments and agencies, our Department of Commerce and Trade, and start really competing in a controlled global economy.

The fight there, of course, as I see it, is for market share. The fight is for jobs. We are not doing it. I guess my time is pretty well limited.

Alexander Hamilton enunciated the competitive trade policy of the People's Republic of China in 1789. The first was for the Seal of the United States. The second bill that passed this Congress in July 1789 was a 50-percent tariff on 60 articles. Protectionism. We learn how to build up. The Brits suggested to us that we trade with them what we produce best and they trade back what they produce best. Free trade, free trade. Hamilton, in his writing "Report on Manufacturers," told the Brits: Bug off, we are not going to remain your colony, exporting our raw materials, our agriculture, our timber, our iron ore, and importing your manufactured products. And therein is the policy of the People's Republic of China. I welcome it. I welcome the competition. But you can't find it here in the Congress. You can't find it in the Presidential race.

You would think we had a good policy of some kind. Nothing on the floor. People are coming up here, like myself, reciting their little positions, with no debate. Somebody said "invigorating debate." They couldn't care less. This vote has been fixed. This thing has been fixed since midsummer. You know it and I know it. They will give you time. There is nobody seated on the other side. Let the RECORD show that. Absolutely nobody is in a chair on the Republican side of the Senate as I speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I ask my colleague—I have 10 minutes reserved—if my colleague from Illinois needs to speak——

Mr. DURBIN. Mr. President, I make the following unanimous consent request. I understand 6 minutes is left of the Democratic leader's time. Senator WELLSTONE asked for 10 minutes. I ask unanimous consent to follow Senator WELLSTONE and to speak for 6 minutes on the Democratic leader's time, unless a Republican Member comes to the floor, at which point I will yield to them to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator HOLLINGS from South Carolina, for his remarks. Let me say to my colleague from South Carolina, I can't imagine the Senate without Senator HOLLINGS—the color, the power of the oratory and, frankly, being willing to stand by the courage of his convictions. He is a great Senator.

Mr. HOLLINGS. The Senator is too kind. I thank the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to include this in the RECORD today.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 19, 2000]

### CATHOLIC 'CRIMINALS' IN CHINA

The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu. The Cardinal Kung Foundation, a U.S.-based advocate for the Roman Catholic Church and its estimated 10 million followers in China, reports that Bishop Zeng was nabbed last Thursday. An embassy spokesman here said he could't comment. This wouldn't be a first for this apparently dangerous cleric. He was imprisoned for a quarter-century beginning in 1958. In 1983, the Communists let him out—for one month. The they jailed him for another eight years, until 1991. In 1996—at the age of 76—he was sentenced to three years of forced labor and reeducation. When he was released with six months still to run on that sentence, in 1998, the Clinton administration trumpted the news as "further evidence that the president's policy of engagement works." The fatuousness of that statement must be especially clear to the bishop from his current jail cell.

Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer. He refuses to submit to Communist atheism or to the control of the Catholic Patriotic Association, an alternative "church" created by the regime that does not recognize the primacy of the pope. China's government is willing to tolerate some religious expression as long as it is dictated by the government. Anyone who will not submit—whether spiritual movements such as Falun Gong, evangelical Protestant churches, Tibetan monasteries or the real Catholic Church—is subject to "repression and abuse," the State Department said in its recent report on international religious freedom. The admirably straighforward report noted that respect for religious freedom "deteriorated markedly" in China during the past year. "Some places of worship were destroyed," it said. "Leaders of unauthorized groups are often the targets of harassment, interrogations, detention and physical abuse."

Bishop Zeng is a man of uncommon courage, but his fate in China is sadly common. Three days before his arrest, Father Ye Gong Feng, 82 was arrested and "tortured to unconsciousness," the Cardinal Kung Foundation reports. It took 70 policemen to perform that operation. Father Lin Rengui of Fujian province "was beaten so savagely that he vomited blood." Thousands of Falun Gong practitioners have been arrested during the past year; the State Department cites "credible reports" that at least 24 have died while in police custody.

Last month the Chinese government launched a public relations mission to the United States, dispatching exhibits, performers and lecturers—on the subject of religious freedom, among others—on a three-week charm offensive. "American voters should get to know us," said the Chinese functionary in charge. The U.S. ambassador to China, Joseph Prueher, appeared at a joint news conference announcing the mission, and a number of U.S. business executives—from Boeing, Time Warner and elsewhere—happily sponsored it. We have nothing against goodwill cultural exchanges, but Chinese and American officials should not delude themselves that U.S. suspicions are caused chiefly by prejudice or lack of understanding. On the contrary, Americans understand just fine what kind of government throws 81-year-old clerics into jail.

Mr. WELLSTONE. Mr. President, this is all so timely. In this Washington Post article, the lead editorial is: "Catholic 'Criminals' in China."

The first sentence reads:

> The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu.
>
> . . . Bishop Zeng was nabbed last Thursday.

He spent a good many years in prison.

> . . . Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer.

Bishop Zeng was picked up last week and is now imprisoned again. I quote again from the editorial:

> . . . Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer.

Mr. President, every Senator should read this editorial today before they vote. I came to the floor of the Senate with an amendment. It merits a report from a commission we had established, to report back to us, a Commission on Religious Freedom, chaired by David Sapperstein. The commission looked at the situation in China and it made a recommendation to us. The commission's recommendation was, right now in China, as evidenced by what happened to this Catholic bishop, an 81-year-old bishop imprisoned for being a Catholic, that it is a brutal atmosphere and we in the Senate and the House of Representatives ought to at least reserve for ourselves the right to annually review trade relations with China so we can have some leverage to speak out on human rights. That amendment lost.

I brought another amendment to the floor. I said based upon China's agreement with the United States in 1991, a memorandum of understanding, and then another agreement in 1993, which the President used as evidence that we would delink human rights with trade policy with China, we should call on China to live up to its agreement that it would not export to this country products made by prison labor. Many of these people are in prison because they have spoken out for democracy and human rights. That amendment lost.

I brought another amendment to the floor of the Senate, which was an amendment that said men and women in China should have the right to organize and bargain collectively; they should be able to form an independent union. I cited as evidence Kathy Lee and Wal-Mart paying 8 cents an hour from 8 in the morning until 10 at night—mainly to young women. They get 1 day off a month. I said shouldn't we at least say we want to extend the right to annually review trade relations until China lives up to this standard? That amendment lost.

Then I offered an amendment with Senator HELMS from North Carolina, a broad human rights amendment, citing one human rights report after another saying that China needed to live up to the basic standard of decency when it comes to respecting the human rights of its people. That is a sacred issue to me—anywhere in the world. That amendment lost.

I want to conclude my remarks on the floor of the Senate in three ways. First, I hope I am wrong, but I believe we will deeply regret the stampede to pass this legislation and the way in which we have taken all the human rights, religious freedom, right to organize, all of those concerns, and we have put them in parentheses and in brackets as if they don't exist and are not important. I think we will regret that. I think we will regret that because if we truly understand the implications of living in an international economy, it means this.

It means that if we care about human rights, we have to care about human rights in every country. If we care about the environment—not just in our country—if we care about the right to organize—not just in our country—if we care about deplorable child labor conditions, we have to be concerned about that in every country. When we as the Senate and as Senators do not speak out on human rights, we are all diminished. When we have not spoken out on human rights in China, I think our silence is a betrayal.

I will make two other final points.

I have heard my colleagues argue "exports, exports." I have spoken plenty about this legislation, and I will not repeat everything I said but just to say I think the evidence is pretty clear. Not more exports but more investment—there is a difference.

I think what will happen is China will become the largest export platform with low-wage labor under deplorable working conditions exporting products abroad, including to our country, and our workers will lose their jobs. Frankly, we will be talking about not raising the living standard of working people but lowering the living standard.

On agriculture, I think there was a piece in the New York Times on Sunday. Every day there is an article in the newspaper about China. It is not a pretty picture. It is as if many of my colleagues want to turn their gaze away from the glut in production—about the protests, about people being arrested for the protests.

Frankly, as to the argument that we are going to have many more exports to China and that is going to be the salvation of family farmers—the President of the United States came out to Minnesota and basically made that argument—we can have different views about human rights and whether or not there will be more respect for human rights as we have more economic trade relations in China, but so far that is not the evidence. I can understand how people honestly disagree. I don't believe that most-favored-nation status or normal trade relations with China is the salvation of family farmers for this country.

I want my words in this debate to be heard. I want to stick by these words, and I want to be held accountable. I want every other colleague who has made such a claim, that this will be the salvation for our family farmers in this country, to also be held accountable.

Finally, I say to Senators that I believe we will lose this. And people in good conscience have different viewpoints. I can't help speaking with some strong feeling at the end of this debate to say this: I will look at this debate and vote with a sense of history. One-hundred years ago, our economy was changing. We were moving to a national economy—industrialized national economy. You had farmers, laborers, religious communities, populists, and women. And they made a set of standards. They wanted an 8-hour day. They wanted to abolish some of the worst child labor conditions—antitrust action; women wanted the right to vote; direct election of U.S. Senators. They wanted the right to organize and bargain collectively. The Pinkertons were killing labor organizers. The media were hostile. Money dominated politics. But many of those demands became the law of the land over the years and made our country better. So it is today. This is the new economy. It is an emerging global economy.

What we were saying is we want to civilize the global economy and make it work—not just the large conglomerates. We want this new global economy to work for the environment; to work for family farmers and producers; to work for human rights; to work for religious freedom; to work for workers. That is what this debate has been about.

I think this will become where you stand in relation to this new global economy. I think it can become some kind of axis of American politics over the next 5, 6, 7, 8, or 9 years to come.

I am proud to stand for human rights. I am proud to stand for religious freedom. I am proud to stand for the right of people to organize. I am proud to stand for an international economy but an international economy that is based upon some standard of decency and fairness.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of the leader, Senator DASCHLE, I yield 30 minutes to Senator BYRD, 5 minutes to Senator BAUCUS, and 15 minutes to Senator MOYNIHAN. I say to my Democratic colleagues, that is all the time we have. Senators shouldn't ask for an extension of time because there is no more time on the Democratic side.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President.

I asked for 6 minutes. Was that calculated?

Mr. REID. Yes. I understood that had also been granted. If not, I grant 6 minutes.

Mr. DURBIN. Thank you very much.

Mr. President, I rise today in support of Permanent Normal Trade Relations with China. Today the United States Senate will vote to grant PNTR to China and its 1.2 billion people. We will decide whether or not to allow American farmers, manufacturers, businessmen and women to trade their products, their ideas, their goods with one-fifth of the world's population.

Last November, after more than a decade of negotiations, the Clinton Administration signed a bilateral agreement that will drastically reduce barriers on American products and services going to China. The agreement is clearly in the best interests of our nation's farmers, manufacturers, and workers. Supporting China's entry into the WTO is clearly in the best interests of our economy, national security and foreign policy.

Trade is the future. Make no mistake about it: trade can open up the exchange of ideas—ideas like democracy, freedom of speech, freedom to worship, and freedom of association. China stands on the brink of becoming the most important trading partner the U.S. has ever seen and the U.S. Senate will go on record in support of this important step in international trade and foreign policy.

When China concludes similar agreements with other countries, it will join the WTO. For us to benefit though, we must grant China PNTR status—the same status we have given other countries in the WTO. And, Mr. President, that's what this debate is about. Do we give China the same status as the other countries already in the WTO? Do we put them in an environment where they will have to follow the rules and be held accountable if they break them?

Many of my colleagues have come to the floor of the United States Senate over the last several weeks to offer amendments to this legislation. They've all been defeated, with my help, despite the fact that I agree with the intention of almost everyone of them. I voted against every amendment offered because I know and the American people watching this debate know that amending H.R. 4444, at this point in the process is a death knell.

We defeated goodfaith amendments like Senator THOMPSON's non-proliferation amendment, Senator WELLSTONE's religious freedom and right to organize amendments, and Senator HELMS' amendment regarding forced abortions. I agree with the intent of my colleagues. China should not engage in the proliferation of nuclear technology. China should not prevent workers from organizing. China should not force women to adhere to any type of "one family, one child" policy.

But, the bill we're debating is a trade bill. And if it's changed in any way, shape, or form, it will go back to the House of Representatives and die.

My friend in the House of Representatives, Rep. SANDER LEVIN, successfully added language to the House-passed legislation that, I believe, holds China accountable. The Levin/Bereuter language establishes a formal Congressional-Executive Commission on China to institutionalize mechanisms for maintaining pressure on China to improve its human rights record, increase compliance with basic labor standards, and abide by current and future commitments. This commission would review and report on China's progress in these areas and make recommendations to the Administration and Congress. My friends who offered amendments regarding human rights on the floor of the Senate will be able in the future to review China's record in this important area.

The Levin proposal would also push for more transparency at the WTO, including urging prompt public release of all litigation-related documents and the opening of secret meetings of the dispute settlement panels. The United States pays dues to the WTO and we have a right to know what goes on in those meetings. I've heard over and over again about the secrecy of the WTO. It's time for the WTO to shed some light on what really happens in these meetings that affect real American workers, so that workers will be able to see that we can rely on their rules-based trading system for relief when and if it's needed.

The Levin-Bereuter proposal empowers the Congress by seeking special congressional review of U.S. participation in the WTO two years after China's accession, to assess China's implementation of WTO commitments. We'll have the power to see just how well China is abiding by its commitments.

And finally, the legislation expresses congressional support for Taiwan's accession to the WTO immediately after China's accession. While the Chinese aren't happy about this provision, I believe that it's important to allow Taiwan the same trading rights as mainland China.

America began as an agrarian nation, then transformed itself into an industrial power, and now over 200 years later, we're the leading economy in the world due, in part, to our ability to recognize that competition can force a country or a company to excel or fail. America has never feared competition.

And it's a reality that global competition is here and it's here to stay. Opponents argue that we must stop globalization, that we must punish the Chinese for all their human rights abuses, for prison labor abuses, for Tiananmen Square. Every year, we vote on whether or not to grant NTR status to China. Throughout my time in the House and Senate, I've voted both for and against NTR. Every year, we take a look at how China treats its citizens, wondering whether or not our annual review of their trade status would change their behavior.

Many say that the Congress shouldn't give up that right to annual review—that if we annually examine how the Chinese treat their people, and based upon that, deny or give them preferred trading status, somehow they will clean up their act and guarantee every Chinese citizen basic human rights. It's time we changed our approach. It's time to bring democracy to China via the Internet, via U.S./Chinese commerce relationships, via other U.S. products. It's time to bring social progress to China, not with messages from Congress but messages from across America, from businesses, labor traders, educators with new access to a society too often closed to diverse opinion.

President Clinton noted recently that "In the new century, liberty will spread by cell phone and cable modem." Take a look at America with access to the Internet and now think back to the days when access to world knowledge was only through the printed media. America is a different nation because of this progress and China has the potential to change too.

Think for a moment about what would happen if we denied PNTR to China. I believe that if we sent that signal to the Chinese people, the walls of isolation would be strengthened. The hardline Communists would be emboldened more so than before. If we vote against PNTR, Beijing won't free a single prisoner. They will turn inward and the limited freedoms the Chinese people currently enjoy could well disappear.

And this argument ignores our experience with the Soviet Union during the height of the Cold War. We spent trillions of dollars to oppose a regime that was rife with human rights abuses, yet we still sold them, in the words of the late Hubert Humphrey, "just about anything they could not shoot at us."

China will enter the WTO, with or without our support. The questions is: will America benefit from it or will the Chinese buy products and services from the Europeans or the Canadians or the Mexicans? To me, it's a clear choice: Americans will benefit from free and fair trade with China. And China will change for the better as it opens its doors to the world.

What about Illinoisans? How will farmers from Peoria and Cairo benefit from this action? How will major Illinois-based U.S. corporations like Motorola and Caterpillar and Bank of America and the thousands of Americans they employ benefit from this agreement?

The average tariff for agriculture products will be 17.5 percent and, for U.S. priority products, 14 percent, down from 31 percent. Farmers in downstate Illinois, will benefit from this; there's no doubt about it. At present, China severely restricts trading rights and the ability to own and operate distribution networks. For the first time, Illinois exporters will have the right to distribute products without going through a State Owned Enterprise. Illinois is already a significant exporter of farm and industrial goods. In 1999, Illinois exported $9.3 billion worth of industrial/agriculture machinery. We shipped just over $6 billion in electric equipment as well. Illinois farmers exported roughly $3 billion in commodities to other countries. Illinois exports in 1999 totaled over $33 billion. Of that, $850 million was sold to China.

Companies like Motorola (with over 25,000 employees in Illinois) which pays tariffs of 20 percent on pagers and 12 percent for phones, will see those tariffs slashed. The Illinois soybean farmer will see the tariff-rate quotas completely eliminated.

Banks will be able to conduct business in China within the first two years of accession. They will have the same rights as Chinese banks. Geographic and customer restrictions will be lifted in five years, thereby allowing them to open a branch anywhere in China, just like they can here. U.S. automakers, like the Chrysler plant in Belvedere, Illinois, will see tariffs on their products slashed from 100 percent to 25 percent.

Pike County, Illinois pork producers will be able, for the first time, to export pork to China. Under the current scheme, China's import barriers have effectively denied access to American pork products. We're talking tariffs in the range of 20 percent that will drop to 12 percent by 2004.

What about Illinois steelworkers, still reeling from the 1998 steel crisis? China will reduce its tariffs on steel and steel products from the current average of 10.3 percent to 6 percent. They've agreed that any entity, like Acme Steel with facilities in Riverdale and Chicago or Northwestern Wire and Rod in Sterling, will be able to export into any part of China, phased in over 3 years.

Peoria-based Caterpillar, with almost 30,000 Illinois employees, has recently invested in several new facilities in China. They've also recently announced the sale of 18 new trucks to the Shanghai Coal Company, trucks that will be made in Decatur, Illinois, and shipped halfway around the world. This is the type of investment by Caterpillar that maintains local jobs throughout towns and cities across Illinois.

Of course, many of these are big corporations. What about small businesses? How will they benefit from this agreement?

In 1997, 82 percent of all U.S. exporters were small businesses, generating over 35 percent of total merchandise exported to the East. Paperwork burdens for America's small businesses will be reduced drastically as customs and licensing procedures will be simplified. America's small businesses don't export jobs to China. They export ideas and products to a people who need and want their products and services.

No one expects this trade agreement and our future relationship with China to be easy. Already, Beijing officials have begun backtracking on several of their commitments made last November. I understand that at the most recent session of the WTO Working Party on China's accession, China objected to having its implementation of trade obligations reviewed every other year. A Chinese proposal dated July 14th strikes language in the protocol referring to bi-annual reviews and replaces it with language providing for reviews every four years. Their rationale is that they're a "developing" country.

This is absolutely unacceptable. The fact is, China is not a typically developing country and it shouldn't be allowed to cloak itself in that status. It's a uniquely large country and economy, where the essential elements of a market economy are taking root. Four years is far too long a time between reviews of China's implementation. If this proposal were adopted, it would make WTO dispute settlement the only formal channel by which we could ensure China's fulfillment of its trade obligations. Just one example: if China automatically received developing country status, it would receive special treatment like allowable export subsidies that wouldn't be treated as subsidies. If the Chinese flooded the U.S. market with steel (as is the case now), the U.S. steel industry wouldn't be able to use U.S. countervailing duty trade laws because that law doesn't apply to subsidization for developing countries. There are other areas where the Chinese would like to backpedal. But, Mr. President, we must hold them to the November agreement and discourage future backtracking of that agreement by Chinese trade officials. Any unwillingness by the Chinese to abide by this agreement at this point should be roundly condemned by this Administration and other foreign nations, who just might find the Chinese backtracking with them as well.

Trade with foreign countries means nothing if it's not carried out under a rules-based system. Trade commitments require full enforcement to have meaning. With China's WTO membership, we will gain a number of advantages in enforcement we do not currently enjoy.

First, there is the WTO dispute mechanism itself. Remember that China has never agreed to subject its decisions to impartial review, judgment, and possible sanctions if necessary. That will now happen.

Second, we will continue to have the right to use the full range of American trade laws, including Section 301 and our Anti-dumping/Countervailing Duty laws. It's important, though, to have an administration that will use these trade laws effectively. It's my hope that the next President will not hesitate to bring cases against China and other countries if they break our trade laws.

And finally, we strengthen our enforcement capabilities through the multilateral nature of the WTO. In effect, China will be subject to enforcement by all 135 WTO member nations, thus limiting their ability to play its trading partners against one another. The U.S. won't be alone if China breaks the rules.

Opponents of PNTR argue that it's NAFTA all over again. You'll remember Ross Perot's soundbite: "That great sucking sound." You'll remember that some said the American economy would go down the tubes, that hundreds of thousands of American workers would lose their jobs to cheap labor in Mexico if NAFTA were enacted.

Here's Illinois' story. Gross jobs added in export industries from 1993–1998 totaled over 60,000. Net jobs totaled almost 40,000. There was no great sucking sound. US unemployment is still low. There are more people employed in Illinois right now than at any time in its history. The Illinois Department of Commerce estimates that nearly half a million jobs are supported by exports and that there's been a 51.6 percent increase in Illinois jobs sustained by exports since enactment of NAFTA.

Yes, some folks have lost their jobs due to trade. The Department of Labor certified 50 Trade Adjustment Assistance cases in Illinois from 1994–1999, totaling 5,718 jobs lost. Frankly, losing 5,718 jobs is still too many. When workers lose their jobs, we should do more than just provide TAA. We should find ways to train our workers in emerging fields and industries so they get new jobs that are at least as good as the ones they lost. That's the responsibility of the American business community, educators, and federal, state, and local governments. This is the best opportunity we've had in years to export American ideals and products. We should also ensure we don't export American jobs.

Worker re-training is one of the most important debates that this Congress should focus on. Today, we voted on a cloture motion on H1B visas. I have almost 6,000 Illinoisans who've lost their jobs due to trade, yet we have to import workers from foreign countries because we have industries begging for skilled workers to show up for that 9–5 job. Yet, our way of solving the skills shortage in the U.S. seems to be through the importation of highly-skilled foreign workers—a Band-Aid approach that doesn't solve the underlying problem. America, as a nation that gains from trade, has an obligation to use a portion of those gains to support and re-train those who've been ill-affected. We must do more to help American workers train for and get jobs that will move them up the economic ladder.

In 1998, we passed the Workforce Investment Act. One important component of the WIA is the funding stream for dislocated workers. Grants to states and local communities provide core, intensive training and support services to laid off workers. Under President Clinton, dislocated worker funding has tripled from $517 million in 1993 to $1.589 billion for FY2000. This is an important program, like Trade Adjustment Assistance, that helps American families deal with an economy that's transforming itself as ours is today.

But is it enough? Is it enough to train workers after they lose their jobs or do we need to start before it's too late? With public/private partnerships, we can train America's workforce for the jobs of the 21st Century, the hi-tech jobs, the nursing jobs, the educator jobs. It's our responsibility to encourage companies like Caterpillar and Motorola and Cargill and others to let local, state, and federal officials know what types of workers they must have to meet their needs for the future. We should encourage more Americans to pursue higher education and skills training. I'm working for measures like college tuition tax incentives that would provide tax deductions or credits for America's working families to give their children the opportunity to prepare for the jobs of this new economy. We also need assistance to help workers with skills training and lifelong learning.

Some would argue as Lenin did that a capitalist will sell you the rope you will use to hang him, but I think such trade serves a greater purpose than profit. Information technology, now a key element in the future of business, also is a key element in undermining government control of thought and appetite. If you can flood a nation with modems people use to learn and trade, no government can bridle the expansion of thought and diversity that will follow.

Chinese leaders, recognizing the transformative nature of the free flow of ideas, have tried recently to clamp down on Internet usage by its citizens. This will never work as the authorities in Beijing will learn. China must either give up its desire to build a modern, high-tech economy or allow the free exchange of information that a modern economy requires. I accept the American premise that if you give people a little freedom and enough information, the desire for freedom, democracy and the chance to work hard and succeed will prevail.

You can station Chinese tanks on Tiananmen Square on a full-time basis, but if you let the open exchange of ideas and business transactions flow through those glowing modems, China will change for the better.

Let's grant PNTR to China and begin a new chapter in the book of U.S.-China relations. Bringing down trade barriers; Opening up new markets; Giving American workers a chance to compete; And giving America's customers a chance to enjoy the best our country can produce: It's a formula for success. It's a challenge America has never shirked.

Our workers, our farmers and businesses are counting on us to trust their ability to rise to the challenge in this new century. We cannot fail them.

Mr. President, I listened carefully to the debate and statement made by my colleague, Senator WELLSTONE, as well as Senator HOLLINGS of South Carolina. These two Senators and many others have spoken from the heart during the course of this debate. The Senate of the United States and the Nation are well served by the element they bring to this debate, their deep-felt convictions, feelings, and values that have been exhibited not only in their floor statements but in the amendments they have offered over the last several weeks.

Though I may disagree in my conclusion on this treaty, I can tell you I have the greatest respect and admiration for their leadership and for standing up on these issues of human rights.

I would like to put this in perspective. If we believe the vote we take this afternoon will give China some new benefit, then one could argue that we should ask for something in return. One could argue that if we are going to give China something, we should ask them to make changes in China in their human rights policy, which is reprehensible—the way they treat the press, the way they treat religions in that country, their forced family planning policies, the coercive attitude they have towards families and their future in China, the terrible things which we have heard about, proliferation—all of these should be on the table and part of the agenda as we negotiate, if the agreement we are voting on is, in fact, a benefit given to China. But let me suggest to you it is not. We are receiving the benefit from this agreement. Let me explain.

The World Trade Organization is a group of over 130 nations which have come together and said we are going to do away with the old school of thinking where every country would put up tariffs and barriers to trade with other countries. We are going to try a new approach. We are going to try to drop those tariffs and barriers and see what free trade will do. Let each country make a product and a service the best and sell it around the world. That is what the World Trade Organization is about. Over 130 nations have agreed that those are the rules by which we will play.

Today in the Senate this will be a historic vote to decide whether or not we bring China into the World Trade Organization and compete with U.S. trade policy—in other words, the relationship between the United States and China. China, in order to be part of this World Trade Organization, has said they will agree to drop our tariffs and barriers substantially so that American companies and farmers and others can export to China. In other words, this is a win-win situation for America's economy. It is China that is making all the decisions to drop the tariffs and drop the barriers and give us a chance to compete—give us a chance to sell to 1.2 billion people; give us a chance to sell to one-fifth of the world's population. We win; they drop the barriers; America gets a chance to sell overseas. That is what is at stake here.

If this benefit comes to the U.S. economy to be able to finally get into this market and compete, then it is kind of hard to argue that we ought to be holding off and conditioning this benefit on all sorts of changes in China.

I have seen the amendments that have been offered by many of my colleagues on the floor over the last several weeks. Many of these are good faith amendments. Many of these I agree with totally in principle. I voted against every single one of them. How can that be? Because, frankly, they don't belong on this bill. This is a trade bill. Let us address the issues of human rights, workers, environmental concerns, and proliferation by China through a variety of other approaches. But to use this trade bill is a mistake.

This trade bill gives us a chance to say to workers across America that we are going to give them a new market; we are going to give them a new chance. If my colleagues believe as I do that globalization and global competition really are the future of this country, we in America need markets in which to sell. That is what this is about.

I have a lot of confidence that American workers and businesses and farmers, given a chance to compete by fair rules, can succeed. If you believe that, you have to vote for this bill; you have to open this market. You have to give us a chance to sell in what is one of the largest markets in the world. That is what it comes down to.

There is also a provision that was added to the House bill which I support completely. It is known as the Levin/Bereuter amendment. It is a bipartisan amendment by SANDY LEVIN, a Democrat of Michigan, and DOUG BEREUTER, Republican of Nebraska. They come together and say China has to play by the rules. And we will watch them carefully with an executive commission to make sure they are not only playing by the trade rules but treating their people fairly.

I think that is the right way to proceed. I think it covers many of the issues raised during the course of this debate. But, frankly, we cannot hold up the expansion of trade opportunities waiting for China to become a democratic nation. In fact, I think expanding trade in exchange will lead China into democracy, into freedom, closer to what we value as principles in this country. Why do I believe that? I saw Tiananmen Square on television. I saw these tanks that were mowing down common citizens standing up for freedom. It was reprehensible. It was disgusting. But we saw it on television. There was a time not that long ago we would have never seen it. We would have heard about it months later. The world is opening up. We are seeing things in real time from around the world, in China and other nations, and as a result the court of world judgment says it is wrong and you have to change it, and the pressure starts building.

Think about expanded economic exchange with China, expanded trade, more foreign visitors, American businesses, American farmers, and educators going into China, becoming part of their economy. Think about this information technology as the Internet opens up China to new thinking and ideas around the world.

Do you know what we believe in this country? We believe if people are given the opportunity to hear diverse opinions, if they are given the opportunity to see what the rest of the world looks like, they will move closer to our model, closer to democracy, closer to freedom, closer to open markets. I believe that, too. I do not believe the Chinese leadership, even their hidebound old thinking, can turn that tide. This bill opens those markets, opens this exchange of ideas and goods, and gives us a chance to not only provide for workers and farmers and businesses in America the chance to succeed in a new market but a chance to change China for the better.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum and ask it not be charged against the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, the debate before the United States Senate on our granting China permanent normal trade relations status has been a tremendous debate for the country. We have heard strong arguments for and against enhancing our engagement and expanding trade with China. This debate has implications for our economy, national security, and for the future of China.

This vote has enormous implications for every American and people around the world. I am pleased that the Senate is proceeding toward a vote on final passage. It will be an honor to support legislation that has such important implications for the people of my state and for our country.

Let me say, that is not only desirable from a U.S. standpoint to have China as a full member of the WTO, I think it is essential. China entering the WTO will create unprecedented opportunities for American businesses and farmers, it will encourage the new entrepreneurial forces pushing china toward more liberal political, economic and social policies and it will certainly contribute, if not ultimately lead, to the further stabilization of Asia and the world.

From the standpoint of economic growth, increasing our economic relationship with China is imperative. Increased trade has played an indispensable role in the economic growth this country has experienced in recent decades. The leadership and the growth of American companies has been fueled by American companies winning access to new markets. As many U.S. markets continue to mature, market access will play a more important role for the expansion of our businesses.

At this time, the U.S. has very limited access to a market representing the largest number of consumers in the world. China is a nation of 1.2 billion people, one-fifth of the world's consumers. Over the next 5 years, it is projected that 200 million of those Chinese will enter the middle class. On a massive scale, these are people who will be acquiring for the first time products that we in the United States take for granted. We owe it to our workers and investors to give our companies an equal opportunity to fight for those sales.

Increasing our relationship with a country of this size is also important for maintaining our world leadership in the science, aerospace, advanced technology, and medicine, and most important in all those areas, the well-paying, advanced jobs of the future.

Trade is part of the process by which capital, resources and manpower flow to the areas in which we perform best. Reducing restrictions on capital flows has allowed American entrepreneurs to pursue opportunity, create the best, most advanced products in the world, and in these areas, lead the world.

Our world leadership in the industries of tomorrow did not happen by accident. In addition to the spirit and ingenuity of the American people, enough policy makers in this country have had the foresight to create an atmosphere where this genius and industry can thrive. Expanding our economic relationship and breaking down barriers to trade with the largest block of consumers in the world is another huge step in that process.

To continue to promote that environment where Americans can thrive on a large scale, we need to pass this legislation.

But for me, the best reason to support this relationship is that it is good for my state. Whether it is Missouri's farmers, our workers, or our businesses, Missourians will benefit if China is a member of the WTO.

Reviewing the numbers for American farmers alone gives a picture as to the staggering opportunities in this market. China is currently our fourth largest agricultural market. The U.S. Department of Agriculture estimates that this market will account for 37 percent of the future growth of agricultural exports. And the Chinese have agreed to slash tariffs and eliminate the quotas on several products important to economy of my state—soybeans, corn, cotton, beef, and pork.

As China eliminates their legal requirements for self-sufficiency in agricultural products, if they remain only 95 percent self-sufficient in corn and wheat, they will instantly become the second biggest importer of those products in the world, second only to Japan. Missouri farmers are ready to compete for those markets.

This is a tremendous opportunity to help our pork producers and cattlemen, both areas in which China has agreed to cut tariffs. Unlike the Europeans, the Chinese are ready for their people to enjoy American beef. They are prepared to eat American beef openly and enjoy it in public. In Europe, only the diplomats who come to the U.S. get to enjoy a good piece of U.S. steak.

The Chinese are going to learn quickly what we know and the European diplomats know, American beef is the best. As those 200 million Chinese enter the middle class, I am confident they will enjoy American beef and want more of it.

The projected increase for demand of pork in China is simply staggering. Rather than go into the numbers, the pork producers estimate that $5 will be added to the price of a hog when we expand our trade relationship with China. That would be the difference between success and failure for small pork producers.

On another issue of great importance to my state and to my farmers, the Chinese have agreed to settle sanitary and phyto-sanitary disputes based on science. What a novel idea. This is essential to avoiding non-tariff trade barriers as our farmers continue to employ biotechnology and advanced agricultural practices.

The benefits are not limited to agriculture, despite what has been argued, benefits do extend to manufacturing and other sectors.

For example, one company in my state, Copeland, a division of Emerson Electric, manufactures air conditioner compressors in the wonderful town of Ava, MO. Those compressors are sent to China where they are incorporated in units sold all over Asia. As the market for air conditioners in Asia has expanded, the number of manufacturing jobs in Ava have grown. Those jobs will not go to China and if this agreement is passed the manufacturing jobs in the Ava facility are expected to double.

This agreement opens competitive opportunities for businesses of all sizes. Under the market opening agreement, the Chinese will eliminate significant market barriers to entry blocking the competitiveness of American companies.

For instance, currently, if a product can even be imported into the country, the Chinese control every aspect of movement, right down to who can handle and repair an item. Those requirements will be eliminated as will the state-controlled trading companies. Quotas and tariffs must be published.

These are major steps in the direction of a market-based economy. The elimination of these wide-spread and draconian barriers will give American entrepreneurs and small businesses that want to take on the Chinese market a real chance to penetrate and compete. For the first time, American businesses, large and small, will have the chance to compete on a level playing field.

It is also worth nothing, that without the benefit of the WTO, to ensure adherence to our trade agreements, we must rely on our federal agencies to oversee and enforce agreements. Frustration with the Chinese regarding their respect for and adherence to past agreements has been expressed. We will receive the benefit of a rules-based trading regime and the weight of enforcement on a multi-lateral basis once China is a member of the body.

Some of the opponents argue that this measure is a "blank check" for China and that it "rewards" China despite the past abuses of its people. The complaints of the human rights activists against China are legitimate. The abuses and repression of religion are deplorable and their gestures toward a free Taiwan are totally unacceptable.

I reemphasize that point. We should not tolerate their abuses and their threats toward a free Taiwan.

The arguments that we are giving them a pass despite these abuses misses the point and the argument that profits are taking precedence over American values is wrong. This vote is of significant importance in promoting free enterprise in China and creating a increasingly prosperous and reform-minded middle class.

For all the backwardness of China on the issue of religious freedom and human rights, positive changes are underway on the economic front—we should recognize that the changes are a direct threat to the communist establishment in China. As the Chinese people become more aware of the opportunities that exist for improving one's life that are inherent in a free society, they will demand more rights from their government and will demand that the government become more responsive to the will of the people.

I have seen that on my visits to China. I am convinced the people of China, as they see these opportunities, will increase their demand for and their insistence on the basic principles that have made our country strong.

Senators have come to the floor this week to tell troubling stories about life in China and made arguments as to why it would be a mistake at this time to grant China PNTR. By not supporting their amendments, they have argued, we are betraying our values as a people and we are abandoning support for the principles that make ours a great country.

For all their good arguments, passing PNTR and enhancing our economic engagement with China is a concrete opportunity to promote change in many of the areas raised. It is important to discuss these issues and reiterate time and again in the strongest possible terms that we condemn the practices of the Chinese. However, it does not follow that defeating PNTR is the way to force the Chinese to change their behavior. The exact opposite is true. Exposing China to more freedom and opportunities is the way to bring about change.

One of the early amendments was in the area of the environment. The argument has been made that we cannot grant the Chinese PNTR because they have been poor stewards of their environment.

I remind my colleagues that with every extremely poor country in the world, the struggle to employ their people and raise the standard of living of its citizens is preeminent. People under such circumstances must struggle to feed their families. They are not watching NOVA environmental specials or reading National Geographic. They simply do not have the luxury to worry about the environment.

The same applies to the government, creating economic growth to employ the poor citizens is its goal. What China needs is wealth creation, jobs, and enterprise apart from the state. When the desperation and the poverty begin to subside the government is likely to be far more open and responsive to managing the environment. But calling for the denial based on their environmental policies while withholding the best means for the country to raise their standard of living does not offer a solution.

The same applies to labor practices. My support for PNTR does not mean that I condone labor conditions in China. In fact I think they are terrible. But is defeating PNTR in order to make a statement about labor practices in China going to improve worker's rights. Absolutely not.

The way to improve workers rights in China is allow foreign enterprises into the country, create more private sector jobs and more opportunity. The world buying from the Chinese will create private sector employment and reduce dependence on the government. It creates more choice and opportunity.

I share the concerns of my colleagues about Chinese crackdown on religious practices. It is an appalling and unacceptable government practice that we must continue to speak out against.

But forcing loyalty to the state and the crushing of all beliefs and values that compete with loyalty to the state is a practice that is common among communist dictatorships. This is the way that leaders in communist countries avoid having the people's loyalty to the state and the question of their purpose in life cluttered by outside influences.

Again, will supporting PNTR empower the reform movement? Can promoting free enterprise in China undermine the grip of the government? I think it can.

By joining the WTO and pursuing economic engagement and integration with the world, the Chinese communist leadership are taking a risk.

They are taking the risk that foreign entities can enter the country and form relationships with Chinese people but the people will still maintain their loyalty to the state.

They are taking the risk that their citizens are going to be exposed to the outside world and the freedoms those in American and other countries enjoy but that the Chinese people will not want a piece of that freedom for themselves.

They are taking the risk that Chinese people can go to work for private enterprises, with the freedom to pursue better opportunities and with the freedom to innovate, make their own decisions and enrich themselves, but at the end of the day, still maintain the belief that the communist lifestyle, with its per capita income of $790 a year and blind loyalty to the omnipotence of the state is the superior way of life.

The Chinese are taking a risk that their people will bear witness to entrepreneurship, capitalism, an improved standard of living, middle class lifestyle and freedom of association, and not recognize that freedom is the better and more rewarding way of life.

That is an enormous risk for the Chinese communist leadership to take—I think it is a bet they will lose.

Some of my colleagues do not possess this belief. They chose to maintain the most dire outlook on the circumstances. I believe in the virtue and the power of freedom.

Some of my colleagues have chosen to shout at the Chinese leaders about freedom, but to most of the Chinese leaders freedom means a loss of power. Much of this rhetoric, as part of a quest for meaningful change, will not do much to advance the ball. The Chinese leadership is not interested in hearing it.

Change in China, for the reasons I stated, is not going to come from the top down, at least until there are a lot of high-class funerals in that state, from the actuarial numbers that are about to apply. It is going to come from the bottom up. We must seize any opportunities available to make meaningful change happen.

The path to take is the one we are taking and that is to encourage the infiltration of free enterprise, freedom of thought and freedom of association into the current society. It may not happen over night, it may never happen and if it does, it is likely to be messy. But there are signs of movement in a positive direction—we have an opportunity to grease the skids. We would be missing a historic opportunity if we did not seize this chance. My colleagues that oppose this bill are wrong to think otherwise.

Not supporting this bill will also hurt the effort to promote the rule of law. There is a reason why a number of dissidents have come out in support of this legislation. The WTO is a rules-based organization that cannot exist if members do not adhere to the rule of law. As a member, China will have both rights and obligations and will have to deal with other nations as equals. Indeed, as a member of a growing number of international organizations, China will continually be subject to the rule of law and continually confronted with the challenge of accepting international norms and, hopefully, standards of freedom.

Finally, admission to the WTO is not a substitute for a strong, consistent foreign policy toward China. Certainly one reason why this debate has been difficult is because the administration has lack of a clear foreign policy toward China and the resolve to act on important issues as they arise. In my observation of this administration, it appears to me that they place much hope that admission to the WTO will erase their abysmal record in dealing firmly with China on important issues.

We as a nation must reiterate our support for the security of a democratic Taiwan and stand by that country as they negotiate the terms of their relationship with Taiwan. We must support the entry of Taiwan into the WTO and not let China dictate the terms by which this valuable friend and trading partner is admitted to the world trade body. We must provide Taiwan the means by which they can provide for their own security.

We must speak out for the freedom of the Chinese people to practice religion. We must speak in favor of increased freedom for the Chinese people.

China must be told that we will not tolerate their continued export of weapons technology that can lead to the destabilization of several regions around the world. We must push the Chinese to improve the export controls and we must be forceful when we discover violations in international antiproliferation agreements.

These are not objectives that will be accomplished by defeating PNTR. These are challenges that the current administration has failed to meet. We have not had the adult supervision we need in foreign affairs, in military affairs, and in relations with a critical, large member of the world organizations, and that is China. We have to have an administration which understands foreign policy, which speaks with a clear voice, annunciates our principles, and stands up for them.

Defeating PNTR will not give us a strong foreign policy. That will depend upon the next administration. I fervently hope and pray that we will get some decent leadership in foreign affairs beginning next year. We have lacked it. We have been sorrowfully observant of the failures and shortcomings throughout the last 7½ years. Defeating PNTR will not help the next administration in their foreign policy towards China. Approving PNTR will. We must be firm in charting our course in the defense of national security.

This is an important step to take for the strength of our economy and for our workers and farmers. It is also an important step to take to move China toward a freer society. We must cast this vote with open eyes. It does not answer the questions surrounding China that have been raised during this debate. That is for the foreign policy of the next administration. By adopting PNTR and voting favorably, we can take the first step in giving the next administration the tools to develop a strong foreign policy with respect to China.

I urge my colleagues to join with me in supporting permanent normal trade relations with China. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from West Virginia.

Mr. BYRD. Mr. President, I believe that the Senate is about to make a grave mistake. It is hard for me to believe that after a year which has seen the Chinese Government rattling sabers at Taiwan, continuing to brutally repress religion, and, generally, behaving like the "Bobby Knight" of the international community—after a year like that—the Senate is still determined to hand the Chinese a huge early Christmas present called permanent normal trade relations. We are running a $70 billion deficit with China. China's string of broken promises on trade and nonproliferation matters is longer than the Great Wall of China. Yet, a majority in this Senate has agreed to put all of its eggs into one basket and rush to pass PNTR. "Don't worry. Be happy," says the administration. We have the bilateral trade and investment pact to protect us.

The bilateral trade and investment pact negotiated between the U.S. Trade Representative and China is one of a series of agreements which China is negotiating with members of WTO in order to join the body. The agreement has been used to assuage the many concerns of some Members of this body about granting PNTR to China. But I believe that PNTR and the new U.S.-China trade pact, that panacea of all good things, will encourage mainly one phenomenon—one phenomenon; namely, more U.S. corporations will move operations to China to capitalize on low-wage production for export back here to the United States.

Now if Senators don't believe it, just look at recent history. Look at NAFTA. Clear evidence is right there—NAFTA, the Holy Grail of NAFTA. The North American Free Trade Agreement was supposed to right every wrong, cure every evil, and make us all healthy, wealthy and wise. NAFTA's proponents convinced Congress in 1993 that NAFTA meant large net benefits to the U.S. economy, and nothing more. There were no down sides. The line went that the U.S. could only gain from expanded trade with Mexico because Mexico was reducing its trade barriers more than the United States. Moreover—and this will sound very familiar—proponents were positive that reducing trade barriers with Mexico would encourage "reform" politicians in Mexico to privatize the economy. Now, where have we heard that before?

A new, vast middle-class would emerge, creating a new, vast middle class market in Mexico, just waiting with baited breath to gobble up American-made goods. The Clinton administration confidently predicted a giant boom in U.S.-made autos sold to Mexico.

Well, my fellow Senators, what happened when we found the Holy Grail called NAFTA? Exactly the opposite happened, that's what. A 180-degree turn happened. NAFTA encouraged large U.S. investors to move production and capital and jobs south of the border to exploit cheap labor and lax environmental standards. These new factories then exported their products back to the United States. By 1999, the United States was running a trade deficit with Mexico of $23 billion.

Automobiles were major contributors to the deficit. So were auto parts, computers, televisions, and telecommunications equipment. What happened to the large new Mexican middle class, salivating to buy American goods, which NAFTA was supposed to create? Instead of raising living standards in Mexico, NAFTA reinforced "reform" government policies in Mexico that reduced real wages for workers by 25 percent and increased to 38 percent the share of the Mexican population subsisting on $2.80 a day.

Does all this sound familiar, I ask my colleagues? It should. It certainly should. Once again the administration is playing that same old tune to Congress and to the American people. The administration argues that U.S. exports to China will rise because tariffs will be lowered on goods like automobiles and auto parts. Sounds familiar, doesn't it?

Additionally, unlike the Japanese yen or the Euro, or the Mexican peso, the exchange value of the Chinese currency does not float in the international market. It is largely determined by the Chinese Government, itself. In 1994, the Chinese devalued their currency in order to expand their exports and reduce their imports. Nothing in the bilateral agreement we have negotiated with China prevents the Chinese from such manipulation again.

In 1992, the Chinese and U.S. Governments signed a memorandum of understanding in which China agreed to provide access to U.S. goods in its markets, and to enforce U.S. intellectual property rights. President George Bush hailed this agreement as a breakthrough. The USTR under President Bush claimed that the 1992 agreement would provide "American businesses, farmers, and workers with unprecedented access to a rapidly growing Chinese market with 1.2 billion people." Well, since that much-touted 1992 agreement, U.S. exports to China have risen by about $7 billion. But look at this. Imports from China to the United States have risen by $56 billion. Now, who won that round?

Yet, the Clinton administration continues to claim that this new agreement will ensure the political triumph of democracy-loving, U.S.-friendly, free-market leaders in China, who can be trusted to live up to their end of the bargain. Someone downtown must be popping "gullible" pills. That claim gives new meaning to the word "naive".

China's successful growth and modernization absolutely depend upon its ability to export to foreign markets in order to earn the hard currency needed to import new technology. China is currently running a $70 billion annual trade surplus with Uncle Sam, with the United States. But China is running a trade deficit with the other major hard currency blocs—the European Monetary Union and Japan—a trend that will continue into the foreseeable future. In order to pursue its own self-interests, China has to exploit the U.S. market to the maximum.

Given this agenda, in a totalitarian state, one can be sure that the full force of the power of that state will be focused on protecting its manufacturing, technological, and agricultural markets. No faction of Chinese leaders can possibly deliver a more open economy to the United States or to the WTO. It is fool's gold to make that claim—fool's gold. It is the economic and political reality of the Chinese situation and agenda that makes it all but certain that China will violate any trade agreement, if it serves the national interests of China to do so.

We have not yet in this Senate or in this Nation or in this administration come to grips with that fundamental reality. It will not be different this time. It will not be any different this time. The Chinese behave the way they do in matters of trade because they have to, to survive. They cannot and will not change. The Chinese Government is not some eager puppy, like my little dog Billy Byrd, panting to please the United States or anybody else. The Chinese are committed to their own goals and their own interests and they will do whatever it takes to further their agenda.

The Clinton administration claims that China has agreed in the bilateral trade agreement to eliminate health-related barriers to U.S. meat imports that were not based on scientific evidence. But, let's listen to the words of Chinese trade negotiator, Long Yongtu. Let's hear what he said:

> Diplomatic negotiations involve finding new expressions. If you find a new expression, this means you have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions.

And there is even more interesting commentary from China's chief negotiator, Long Yongtu, in an article he authored on the impacts of WTO entry, as reported by the BBC. On the issue of a Chinese compromise with the United States on the import of U.S. meat products he said, ". . . in the United States people there think that China has opened its door wide for the import of meat. In fact, this is only a theoretical market opportunity. During diplomatic negotiations, it is imperative to use beautiful words—for this will lead to success."

We need to take note of the words of these Chinese officials. We need to listen more carefully. Beautiful words do not mean promises kept. Sometimes when we in the United States hear "yes" the Chinese are only saying "maybe."

The USTR asserts that "China will establish large and increasing tariff-rate quotas for wheat—with a substantial share reserved for private trade." Yet again, Chinese negotiator Long Yongtu sees it differently. He has publicly stated that, although Beijing had agreed, on paper, to allow 7.3 million tons of wheat from the United States to be exported to the China mainland each year, it is a "complete misunderstanding" to expect this grain to actually enter the country. The Chinese negotiator said that in its agreement with the United States, Beijing only conceded "a theoretical opportunity for the export of grain from the United States." We are suckers.

And yet, in the face of all of this contradiction by the Chinese, the Clinton Administration actually expects us all to believe that the bilateral agreement, PNTR and the WTO will magically force the Chinese government to shred its own national agenda, disregard its own needs and interests, even risk its own viability, in order to live up to an agreement with the United States. How naive can we be?

If anyone actually believes that, then let me introduce you to the tooth fairy; Tinkerbell; Mr. Ed, the talking horse; Snow White; the seven dwarfs; and Harvey, the invisible six foot rabbit.

This Senate and the administration—by all means, this administration—should pay a little more attention to history.

Let us look again for a moment at the history of NAFTA. From the time of the North America Free Trade Agreement took effect in 1994 through 1998, the net export deficit with Mexico and Canada has grown. Over 440,000 American jobs have been destroyed as a result of this growth.

Although gross U.S. exports to Mexico and Canada have shown a dramatic increase—with real growth of 92.1 percent with Mexico and 56.9 percent to Canada, that is only half the picture. Let us turn the corner. It is like knowing only one team's score or looking at only one side of the coin. We have to look at the other side of the coin to know who is winning; namely, what are we importing from Mexico?

The increases in U.S. exports have been overwhelmed by what we import from Mexico. Those imports have shot up 139.3 percent from Mexico and 58.8 percent from Canada. In 1993, before NAFTA was in effect, we had a net export deficit with our NAFTA partners of $18.2 billion. From 1993 to 1998 that same net deficit increased by 160 percent to $47.3 billion, resulting in job losses to American workers The first year NAFTA took effect, foreign direct investment in Mexico increased by 150 percent. Foreign direct investment in Canada has more than doubled since 1993.

Those are American workers' jobs that are flying like geese—we have heard the wild geese flit across the sky on their way south—across the borders. Factories move over the border to take advantage of cheap labor costs, and they take good-paying American jobs with them.

But, Senator BYRD, you may say, unemployment in the United States is at 4.1 percent. Our people have jobs. Our unemployment is very low. The answer to that question lies in a closer scrutiny of the composition of U.S. employment. Good paying jobs with good benefits, largely in the manufacturing sector, are leaving our shores and being replaced by low skill, low wage jobs in the services sector. There is a hidden agenda that becomes apparent if one remembers the lessons of NAFTA and then ponders PNTR with China. You heard them say at the convention: You ain't seen nothing yet? Well, you ain't see nothing yet. Against that backdrop, it becomes more than clear where we are headed. We have been here before.

The objective for U.S. business is not access to the Chinese domestic consumer market. Forget it. They cannot afford our goods. The objective is the business-friendly, pollution-friendly climate in China, which is advantageous for moving production off U.S. shores and then selling goods, now made in China, back to the United States—selling goods made by American manufacturers that move overseas back to the United States.

Are we really going to expect anything different from a deal with the Chinese? Our trade deficit reached $340 billion in 1999. China accounts for 20 percent of the total U.S. trade deficit. A U.S. International Trade Commission report stresses that China's WTO entry would significantly increase investment by U.S. multinationals inside China. Additionally, the composition of Chinese imports has changed over the last 10 years. In 1989, only 30 percent of what we imported from China competed with our high-wage, high-skilled industries here in the U.S. By 1999, that percentage had risen to 50 percent.

The unvarnished, unmitigated, ungussied up truth is that American companies are eagerly eyeing China as an important production base for high-tech products. And these made-in-China goods are displacing goods made in the good ole USA, Additionally, most U.S. manufacturing in China is produced in conjunction with Chinese government agencies and state-owned companies. So much for the claim that U.S. corporate activity in China benefits Chinese entrepreneurs, and will lead to privatization and, lo and behold, the emergence of a democratic China. Get it? The emergence of a democratic China.

If all this were not enough, a Senate report, made public last week, charged the Chinese government with consistently failing "to adhere to its nonproliferation commitments." In addition to outlining numerous instances of Chinese weapons sales to Iran, Libya, and North Korea, the report states, "In many instances, Beijing merely mouths promises as a means of evading sanctions."

Yet Senator THOMPSON only got 32 votes in favor of his amendment, which would have given the Congress a role in monitoring China's proliferation of weapons of mass destruction.

Senators, I could go on and on and on, but I believe there is more than ample evidence that to grant PNTR to China at this time is very unwise. The signal we send by granting PNTR now is a signal of abject weakness. It is a signal of greed. It is a signal of ambivalence on the issue of nonproliferation. It is a signal of total disregard for the overwhelming evidence that the Chinese Government will not keep its word.

I fear that the benefits claimed to be derived from PNTR are really only PR from the White House. They are selling us soap and we are lathering up. We are risking a lot on the unfulfilled promises contained in the so-called bilateral trade agreement with China. Of course, the price for that deal was the administration's commitment to China that they could get PNTR through the Congress this year. It is a package deal—a nice little wagonload of a Chinese signature on the bilateral trade agreement and an unencumbered PNTR present from the Congress. The only problem is that the wagon might be riding on Firestone tires. Shouldn't we Senators use a little caution and put off climbing in that wagon? I am not getting on that wagon. Wouldn't it be more prudent to stay off that wagon? Wouldn't that be the right choice for our Nation's people, the right thing for our national security?

This legislation—PNTR—can wait and it ought to wait. As far as this Senator's vote is concerned, it will wait.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. Mr. President, I sat here and listened to my good friend from West Virginia on trade. I believe I should speak from a position of representing a State that has benefited immensely from the trade agreements that we have passed recently—the North American Free Trade Agreement and the General Agreement on Trade and Tariffs.

Exports from the State of Colorado, which I represent, have increased dramatically. In fact, we have experienced the greatest growth in exports of any State in the Nation on a percentage basis. The economy of the State of Colorado is based greatly on agriculture. My friend from West Virginia talked about agriculture to a certain degree. We grow a lot of wheat. We raise a lot of livestock, and we do make an attempt to expand our markets to the Pacific rim countries, which includes China.

We have a very modern economic base in the State. We work a lot on exporting high tech. Many high-tech companies do business in the State of Colorado. On a concentration basis, we have the highest concentration of high-tech employees of any State in the country. So we benefit from exporting goods, and the North American Free Trade Agreement has helped the State of Colorado, and GATT has also.

I happen to think that an agreement with China for normal trade relations will help agriculture, and it will help States such as Colorado because these are markets where we can compete and have been competing.

My colleague from West Virginia talked a considerable amount about the trade deficits we are experiencing in this country. I come at the trade deficit issue from a different perspective than my colleague from West Virginia. I have looked at what happened historically with trade deficits. If we look at the time of the Great Depression in this country, the trade deficits were low. If we look at the time when we were suffering, when we had the misery index—and this is at the latter part of the 1970s, during the Carter administration—the trade deficit was low. We had high double-digit unemployment. We had high double-digit inflation, and we had high double-digit unemployment. But our trade deficit was low. I happen to believe when we look at the trade deficit, it is more of a reflection of what is happening economically in this country. Our country has experienced high trade deficits when our economy has been doing well, just like during the period of time we are in today.

So the figures he presents to you on trade deficits, in reality, they do happen. What is the significance to the economy? I happen to believe it has the opposite impact. Many times, when people are evaluating the impact of the trade deficit, they look at it only from the perspective of one industry. If you look at the total economy, the total growth of jobs within this country, we benefit, in many cases, by importing products.

How does that work? Let's take an automobile, for example. Some State may have a company—maybe in Michigan, for example—that could be impacted by trade policies. But does that have a net impact on jobs in the United States? Many times, when you take it into total consideration, there is a net gain because there are jobs—union jobs—created when you have to unload those cars at our ports. There are jobs created when you have to clean up the cars when they come into the country. There are jobs created when you have to transport those cars across the country to get them to a point of sale. Somebody has to sell the cars. Jobs are created there. Somebody has to buy the cars. There is insurance sold in relation to the purchase of the car. Goods and services relating to that go into the marketplace. Those cars have to be maintained and operated and fixed. Many times, they go into a resale market at some point in their lifetime.

These are all jobs that are created as a result of having imported that product. So I am convinced that our best policy is to work in a free market environment, and the problem we have right now is not that we don't place a lot of the tariffs and restrictions on Chinese goods coming into this country, but China is the one that is placing restrictions on our goods going into their country—particularly agricultural products and goods related to the high-tech industry. That is why I think this particular effort to create normal trade relations is beneficial. Isolationism doesn't work. Isolating a country and saying that is going to help human rights—I don't think that works. That is one reason why Taiwan, for example, supports our efforts to try to establish permanent normal trade relations with China.

So I think that in order to prevent human abuse, to protect human rights, we need to open up China. When our business people go into China, they expect a certain standard. They just won't do business with Chinese companies without those standards. They will have to abide by their contracts. If somebody doesn't honor the contract, there has to be a court system of some type that will help enforce those contracts. And these all carry with them democratic principles.

When Chinese businessmen interact with American businessmen, they will understand how the free enterprise system works, how democracy works. I think we export democracy when we enter into a free market agreement where we take down trade barriers and increase the interaction between countries—particularly when we are talking about a democratic county as opposed to a Communist one. They see there is a different way of doing things and prospering that yields benefits far and above what they have been told in a country where the leaders restrict information and restrict freedoms.

I think it is important we pass this piece of legislation that says we will have permanent normal trade relations with China.

I see my colleague from North Carolina.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. ALLARD. I would be glad to yield to the Senator from West Virginia. But I also know that I have a colleague from North Carolina who would like to be recognized for some comments. I yield to my colleague from West Virginia.

Mr. BYRD. The Senator mentioned my name. That is why I am asking him to yield.

I appreciate the fact that he has given us his viewpoint. My remarks were largely based on research that has been done by the Economic Policy Institute. It is dated November 1999. I am reading from a paper issued by the institute. It is headed with these words:

> NAFTA's pain deepens. Job destruction accelerates from 1999 with losses in every State.

It shows Colorado as having a net NAFTA job loss of 3,625 jobs. It doesn't show as much for West Virginia as Colorado. West Virginia has a net NAFTA loss of 1,183 jobs.

Let me say this to the Senator. I have been in Congress now 48 years. I have seen Democratic administrations, and I have seen Republican administrations. The kind of talk we just heard from this Senator—I respect him as a colleague, but I have to say this—is the same kind of talk I have been hearing from these administrations for 48 years. That is State Department talk. It is the same old State Department talk.

I will say to this Senator, we are going to get taken to the cleaners. We have been taken to the cleaners all these 48 years by other countries. In these ventured agreements, our negotiators for some reason or other always come out second. We have been taken to the cleaners. We will be taken again.

The Senator stated his opinion. That is this Senator's opinion, and it is based on 48 years of hearing this same line that emanates from——

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. ALLARD. I ask the Senator to let me reclaim my time. I appreciate his comments. We have a Senator from North Carolina who would like to have an opportunity to speak. I think we are working under some time guidelines.

The PRESIDING OFFICER. The time is controlled.

Mr. ALLARD. I would like to briefly respond. I am speaking from the experience of a Senator who represents a State that has benefited from free trade policy. It is not State Department talk, it is what we have seen economically. I wanted to respond, and I would like to yield my time to the Senator from North Carolina to be recognized.

Mr. BYRD. Mr. President, how much time did I use on this side?

The PRESIDING OFFICER. The Senator used 22 minutes.

Mr. BYRD. How much time does the Senator from North Carolina need? I will yield him half of my time. I ask that time that has been absorbed in this colloquy come out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Do I have any time left?

The PRESIDING OFFICER. The Senator has used 25 minutes of his 30 minutes.

Mr. BYRD. I reserve my 5 minutes.

We will be taken to the cleaners again. Mark my word.

I thank the Senator.

Mr. President, I ask unanimous consent to print a chart prepared by the Economic Policy Institute on "NAFTA job loss by State, 1993–98."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 3.—NAFTA JOB LOSS BY STATE, 1993–98

| State | Net NAFTA job loss.—No. of jobs |
|---|---|
| Alabama | −11,594 |
| Alaska | −395 |
| Arizona | −3,296 |
| Arkansas | −6,663 |
| California | −44,132 |
| Colorado | −3,625 |
| Connecticut | −4,616 |
| Delaware | −866 |
| District of Columbia | −798 |
| Florida | −13,841 |
| Georgia | −15,784 |
| Hawaii | −907 |
| Idaho | −1,397 |
| Illinois | −16,980 |
| Indiana | −21,063 |
| Iowa | −4,850 |
| Kansas | −3,452 |
| Kentucky | −8,917 |
| Louisiana | −3,245 |
| Maine | −1,877 |
| Maryland | −3,981 |
| Massachusetts | −8,362 |
| Michigan | −31,851 |
| Minnesota | −6,345 |
| Mississippi | −8,245 |
| Missouri | −10,758 |
| Montana | −1,139 |
| Nebraska | −1,751 |
| Nevada | −2,342 |
| New Hampshire | −1,265 |
| New Jersey | −11,045 |
| New Mexico | −1,268 |
| New York | −27,844 |
| North Carolina | −24,118 |
| North Dakota | −732 |
| Ohio | −19,098 |
| Oklahoma | −3,018 |
| Oregon | −5,359 |
| Pennsylvania | −20,918 |
| Rhode Island | −4,234 |
| South Carolina | −7,305 |
| South Dakota | −1,217 |
| Tennessee | −18,332 |
| Texas | −18,752 |
| Utah | −2,973 |
| Vermont | −597 |
| Virginia | −9,797 |
| Washington | −8,331 |
| West Virginia | −1,183 |
| Wisconsin | −9,314 |
| Wyoming | −402 |
| U.S. total | −440,172 |

[1] Excluding effects on wholesale and retail trade and advertising.

[2] Source: EPI analysis of Bureau of Labor Statistics and Census Bureau data.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Who yields time?

Mr. HELMS. I thank the Chair for recognizing me. In a moment, I hope the Chair will allow me the privilege of making my remarks seated at my desk. But I want to say that Senator BYRD says he has been here 38 years.

Mr. BYRD. Forty-eight years.

Mr. HELMS. Forty-eight years. I have only been here 28 years, and I have the same opinion the Senator does about the State Department. I have said many times how proud I am that the distinguished Senator from West Virginia is a native of North Carolina because he was born there. He moved at a very early age to West Virginia, a State which he has represented ably. But I admire the Senator for many reasons. We don't always agree. But I will tell you one thing. This Senator is dedicated. When I say "this Senator," I mean Senator ROBERT C. BYRD of West Virginia. He is dedicated to the proposition that this Senate shall operate in an orderly way. He made some remarks today about the unusual character of the way the voting time on this measure was arranged, and I objected to it as he did. I think it ill becomes the Senate. I hope it never happens again.

Mr. President, if I may take my seat.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The Chair wishes to know who yields time.

Mr. HELMS. Mr. President, today the Senate——

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Chair needs to know whose time this time is coming from.

Mr. BYRD. I yield my 5 remaining minutes to the Senator from North Carolina. I don't have control of the time other than that.

Mr. HELMS. I thought I had gained the floor in my own right. But I appreciate that very much. I will not take long in any case.

The PRESIDING OFFICER. The Senator's time comes from Senator LOTT's time.

The Senator from North Carolina.

Mr. HELMS. Mr. President, this afternoon the Senate will reach the end of the debate on H.R. 4444, a bill to legislate permanent normal trade relations to and with the People's Republic of China.

The debate, yes, will end this afternoon. But I can assure you that just now beginning is a debate about the future of United States and China relations.

The outcome of today's vote was well known long before the first syllable of debate resulted. I recall the objection stated by Senator BYRD, and I objected to the procedure as well because it was a pro forma action about how the consideration of H.R. 4444 was going to be conducted and the concluding result was to be final passage without even one amendment to be added.

I don't think that is becoming of the Senate, but I shall not refer to the Senate's posture as a conspiracy, but it is a first cousin to one, and I remain exceedingly troubled by what has transpired. I fervently hope it never happens to the Senate again.

The outcome of this debate was decided before any Senator even sought to be recognized by the Presiding Officer to make his or her case for or against PNTR. But all that aside, the Senate will shortly vote, and I trust that all Senators' votes will be cast with the courage of their real convictions and not convictions determined by others for them.

I commend my friend, the Senator from Delaware, Mr. ROTH, and the Senator from New York, Mr. MOYNIHAN, for their defense of "their" bill. Both BILL ROTH and PAT MOYNIHAN have been exceedingly accommodating to me and to other Senators.

But there was a stacked deck that guaranteed approval of H.R. 4444. It was evident from the start. I shall always be grateful to Senators who endeavored to ensure a serious debate, and for their courage and resolve.

I express my admiration to, among others, Senator BYRD and Senator THOMPSON, Senators BOB SMITH, JOHN KYL, PAUL WELLSTONE. These Senators were Churchillian in their efforts. Sir Winston Churchill demonstrated seven or eight decades ago that there would be no stacked deck when he courageously called for a principled confrontation against the despotism of Nazi Germany.

In the course of the Senate's debate, we did succeed in making an indisputable record concerning the deplorable state of human rights in China. And we did succeed in exposing the heinous practice of forced abortion. And we did succeed in focusing the attention of our Nation, and I think of the world, on the peril of China's proliferation.

If I may again mention Mr. Churchill, the press paid him scant attention when he cast his warnings about the trip of the Prime Minister of Great Britain to Munich where he met with Adolph Hitler, and then came back to London for a big press conference proclaiming "Peace in our time." Mr. Chamberlain proclaimed that that fellow Hitler was someone the British people could live with.

Mr. President, I sincerely fear that this bill will have serious consequences because of its profound implications for the future of U.S.-China relations, relations totally unlike the happy ones described by the bill's advocates.

The interests of various American businesses will, no doubt, be served, but to those of us who have worked in the Senate Chamber during this debate, it is highly questionable whether the national interests of either the United States or the interests of the people of China—the people of China—will be served.

As I mention ever so often, when I was a little boy I was interested in the Chinese people and their culture. That interst grew as the years went by. During my 28 years as a U.S. Senator, I have met with and worked with hundreds of Chinese students, delightful young people, bright and without exception having expressed profound hopes and prayers that their homeland can one day enjoy the freedom that the American people have by inheritance.

So clearly and without a trace of equivocation, I have the deepest admiration for the Chinese people—I repeat that for emphasis—and it is my fervent hope and my prayer that one day they will be freed from the brutal dictatorship that now controls their lives.

I sincerely believe that the majority of the American people share that feeling. I have had people stop me in the corridors. Just a few moments ago, I had the Commander of the American Legion from my State stopped me to say that he agreed with my position. I hear it over and over—in the mail we receive, in the e-mail, the faxes and letters.

Mr. President, there is unquestionably an enormous potential for a deep and lasting relationship of respect between the people of our country and the people of China. I have long been convinced that what separates us is not animosity between our peoples.

It is the Communist dictatorship in Beijing which neither speaks for, nor rules by, the consent of the Chinese people.

Today in China, millions of courageous people struggle for democracy and for religious freedom and for basic human rights. Because when they dare to do so, they are beaten and they are jailed; they are tortured and often murdered. It is for these freedom-seeking Chinese that I stand here today.

Their interests, not the interests of corporate America, are my priority. And that is why I have not been able to support H.R. 4444. Mr. President, there are many bureaucratic contacts and exchanges between the U.S. and the Chinese Government. Some of my good friends, and friends of many of us in this Senate, have traveled to China time and time again, exchanged toasts with Chinese Communist leaders, clinked glasses of wine; but the attitude of the Communist Government has never changed.

It still throws decent Chinese citizens in jail. It still denies the Chinese people the most basic political liberties. So giving permanent normal trade relations to the Government of China will indeed destroy an important lever that we now have, and have had, to influence Chinese behavior. We are tossing it aside.

The advocates of PNTR have repeatedly declared that this enactment will help the cause of democracy and human rights in China. Those declarations will now be put to the test and the ball will be in the court of Beijing. With today's vote, the Chinese Government is being given an historic opportunity to change the course of U.S.-Chinese relations for the good.

The Chinese Government has not confronted such a challenge since Beijing's tragic decision—remember—in Tiananmen Square, when a tank crushed a peaceful student protest, crushed that young man into paste. That was 11 years ago and nothing has changed since.

To seize upon this moment and make me be proven wrong, China must act quickly, not merely to open its markets as required under the agreement with the United States but open its society as well, to demonstrate a commitment to humane treatment of its people at home, and a more benign and peaceful approach to its relationship with its neighboring countries. The Chinese Government must cease the suppression of religious liberties.

Even the Washington Post commented on that this morning in a well-written, well-thought-out editorial.

The Chinese Government must put an end to the abhorrent practice of forced abortion. And with regard to the democratic Government of Taiwan, China must demonstrate that it is committed to peaceful dialog as being the only option for resolving differences between Taiwan and the Communist mainland.

Mr. President, I would be less than honest if I did not confess my great apprehension that there will be little if any real change by the Chinese Government as a result of our passing this measure. But if real change is to take place, the United States must more aggressively support the aspirations of the hundreds of millions of Chinese people who want their homeland to become a nation that is both great and good.

We must reach out to those people who are struggling for a freer, more open and more democratic China, and make clear to them that the American people stand with them. We must make clear to the Chinese Government that it will not be in their interests to continue their oppression of their own people, that in the long run totalitarian dictatorship cannot be tolerated.

So if the advocates of PNTR prove to be wrong, and if nothing changes in China in the wake of the Senate's final approval of PNTR this afternoon, I will devote whatever strength and influence I may possess to limit any and all conceivable benefits that this legislation may hold for the Chinese Communist Government.

I am nearly through, but I want to emphasize that, like many others in the Senate, I am a father and a grandfather. I am a grandfather who yearns for a peaceful world for my family and for all Americans.

Better relations with China are an important hope of a peaceful world, but not better relations at any price. Too often in history, some of the world's great democracies have sought to coexist with, even to appease, dangerous and tyrannical regimes.

I mentioned at the outset Winston Churchill, who took his stand against his country's Prime Minister Neville Chamberlain who had visited with Adolf Hitler in Munich, then returning to London proclaiming there would be "peace in our time" and that Britain need not fear Nazi Germany.

There was that one man who stood up and said no, Winston Churchill, who was to lead the free world into combat in one of the worst tyrannies history has ever known.

We must not repeat the mistake of Britain's Prime Minister seven decades ago. I have absolutely nothing against American business men and women making a profit. I want them to make a profit. I believe in the free enterprise system. I believe I have demonstrated that in all of my career.

But the safety and security of the American people must come first through the principles of this country which were laid down by our Founding Fathers. That safety and security will be assured ultimately not by appeasement, not by the hope of trade at any cost, but by dealing with Communist China without selling out the very moral and spiritual principles that made America great in the first place.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I am very pleased we are about to complete the debate on PNTR and are about to take the final vote. It has been a good debate. It has been a time when the American people have had an opportunity to learn more about what PNTR for China actually will be.

There are good arguments on all sides, but I am quite happy, frankly, that now we are at the end of this long process, finally the United States will grant permanent normal trade relations to China. We are finally putting that issue to bed, and some side issues, too, have been put off to the side, as important as they are.

Many of the issues raised on the Senate floor not directly relevant to PNTR have been very good ones. Proliferation of weapons of mass destruction, human rights, religion freedom, environment, prison labor, Taiwan-PRC relationship are very important matters that, in some cases, go to the heart of American policy. They are clearly issues that need to be debated and resolved. The United States has a very important stake in all of them.

Some of the amendments that have been proposed to PNTR in these last few weeks have been good ones; others, not so good. Fortunately, a majority of my colleagues opposed all amendments to the PNTR bill, even when we agreed with the underlying concerns. Why? Basically because any amendment that would be part of PNTR would be killer amendments due to the very short number of remaining days in this session. Because of Presidential politics, which is engulfing us to some degree, it is much more prudent not to adopt amendments at this time. In the next Congress, we will have an opportunity to deal with these issues. I hope we can deal with them, particularly based on the merits.

I want to take a moment to discuss what will happen after the PNTR vote. It is more to remind ourselves that despite the successful conclusion of the debate, when the votes are counted later today, they will not create a single job. Our votes will not sell a single bushel of wheat. Rather, PNTR is an enabler. It is a vital enabler. It enables American businesses and American people to do much more than they can now do.

The immediate next step of completion of PNTR is completion of negotiations in Geneva on the Protocol of Accession and the Working Party Report to the WTO General Council. Once China formally accedes—that is, becomes a member of WTO—we Americans will remove China from the restrictions of the Jackson-Vanik legislation. That is when it happens. At that point, the American private sector has to take advantage of the immense new opportunities afforded by China's membership in the WTO.

Passage of PNTR will be one for the history books with profound implications for the United States. Once it passes, we Americans have to put our shoulders to the wheel. We have to follow up. American industry has to follow up. The American Government has to follow up in a way that we enable ourselves to maximize potential benefits to our service providers and to our manufacturers. We have to take matters in our own hands. We have to take advantage of this. The same is true for the U.S. Government at both ends of Pennsylvania Avenue, the executive branch as well as the legislative branch. We need to watch China and monitor China's compliance to make sure this agreement is implemented.

I am reminded of another agreement we had earlier with China —that is the intellectual property rights agreement—because some Chinese firms were pirating America's films, CDs, cassettes, and other intellectual property created in the United States. We finally urged China to pass a law making the pirating of intellectual property illegal in China. China passed the law. The problem is they did not implement it. We had to go back and encourage implementation. We may face the same problems here. I hope not. It is possible.

As we move ahead, we must never forget how multifaceted our relationship with China is. That means we must aggressively address the many important issues raised in the PNTR debate. As important as those issues are, they should not be on the bill, but they still indicate the multifaceted nature of our relationship with China.

One major area is focusing on our strategic architecture in Asia. Assuring stability in the region, helping maintain peace and prosperity, and a presence of American troops are vital factors, as are other major strategic questions. They are extremely important. All parts of our relationship with China and passage of PNTR raise the probability we will be more successful in that area.

We must also take measures to help incorporate China positively into the region, and we must encourage China into the role of a responsible actor, both in the Asian region and globally.

The growth in commercial and economic activity now developing between us and China should form a pillar on which we can build a stable relationship. There are no guarantees. There never are guarantees in life. One has to do the best with what one has, with the resources one has available. Passage of PNTR gives us more resources. It is an enabler to help us increase the probability of a stronger commercial and economic relationship to help form that pillar. Again, there is no guarantee.

We must also try to avoid the constant ups and downs that have characterized the bilateral relationship over the past 30 years.

I am not going to stand here and chronicle the volatility of the ups and downs, but I do think it is important for us to lop off the peaks and the valleys in this somewhat volatile relationship with China as best we can, recognizing that we are only one side of the equation and China, of course, is the other.

But the more we try and the more we engage them at lots of different levels—whether it is trade, artistic exchanges, cultural exchanges, or military exchanges—the more likely it is we will not have to be so involved in this volatile activity. That means a stronger economic relationship between our two countries, which I think will be a major consequence of the passage of this bill.

I thank all my colleagues. This is going to be a good, solid vote. It is going to indicate that the United States is a player in the world community, that the United States is not retrenching itself, but moving forward, and that the United States is living up to its responsibilities as the leader, frankly, of the world in a way that is positive, constructive, and exercising its constructive roles. I am very proud of the action the Senate is about to take.

Mr. President, I yield back my time.

Mr. SCHUMER. Mr. President, I am prepared to support PNTR for China, but I still have reservations about China's willingness to fulfill its previous trade commitments particularly as it pertains to insurance.

First, I want to express my appreciation to President Clinton and Ambassador Barshevsky who have been forceful advocates in ensuring that China keeps its end of the bargain and fully implements the 1999 bilateral agreement between our two nations. Last week, President Clinton and President Jiang Zemin held a frank and detailed discussion about China keeping its commitment to allow U.S. insurers to expand in China under the grandfathered right to operate through their current branch structure.

In response, President Jiang pledged that China will "honor its commitments to further opening its domestic market" to grandfathered insurance companies. This is a positive, but still ambiguous statement which I hope the Chinese president will clarify. And in clarifying his position, I hope President Jiang understands that should U.S. insurers be denied the grandfathered rights to branch in China, it would result in a serious degradation of the "terms and conditions" for insurance that were negotiated by USTR last November.

The problem extends beyond insurance to the heart of the PNTR agreement. Should PNTR become law, the President must certify:

> . . . that the terms and conditions for the accession of the People's Republic of China to the World Trade Organization are at least equivalent to those agreed between the United States and People's Republic of China on November 15, 1999.

Anything less than full compliance in honoring China's commitment to grandfather U.S. insurers' branching rights will inhibit the President's ability to certify that the equivalent requirement has been met.

Every business that trades with China is looking to see how this matter is resolved because they need to know that trade agreements will truly be followed. If China wants to engage in the free market, its leaders must know that trade agreements are not arbitrary documents but ironclad commitments.

Mr. CONRAD. Mr. President, I wish to join my colleagues in expressing support for passage of Permanent Normal Trade Relations with China. This is the right thing to do for the country, and it is the right thing to do for my state of North Dakota.

I think it is important at the outset to make it clear what this vote is about—and what it is not about. This vote is about making sure that U.S. farmers, businesses, and workers receive the benefits of China's accession to the World Trade Organization. The agreement on China's accession is a clear win for the United States. China has made concession after concession, lowering tariffs and removing other barriers to U.S. exports. The U.S. has made no such concessions. But if we fail to pass Permanent Normal Trade Relations, PNTR, we will not be able to take full advantage of these opportunities but will instead cede them to our competitors.

There has been a lot of misleading talk and innuendo about what PNTR really means. PNTR is not a special privilege, and it does not signify our approval of China's domestic or foreign policies. In fact, we continue to have many differences with China that we can and should work vigorously to resolve. PNTR would simply grant China the same trading status that the United States has with more than 130 other countries around the world: nothing more, nothing less. And it would grant China the same status going forward that it has had continuously for the last twenty years. The only change is that the Congress no longer would hold an annual vote on China's trade status, a vote that has never denied China Normal Trade Relations but that has set back our efforts to engage China on human rights and other issues.

The PNTR debate is primarily about trade, so let me start by talking about the trade benefits for our country. As my colleagues know, this vote is not about whether China should be part of the WTO. There is no question that China will join the WTO. The only question is whether the United States will reap the benefits of the many concessions China has made, or whether our farmers, businesses and workers will be left out. That would be a profound mistake.

China has the world's largest population: 1.3 billion potential customers for American products. For years, our market has been open to Chinese imports, but China's market has largely been closed to our products. This agreement will open China's market to our exports. And this is a market that has terrific growth potential. China's economy is the fastest growing in the world, and China's expanding middle class will demand more and more imports of American consumer goods.

The agreement reached last November allows us unprecedented access to this huge and growing market. On manufactured goods, tariffs will fall from a current average of nearly 25 percent to less than ten percent. On services, China has agreed to phase out a broad array of laws regulations and policies that have blocked U.S. firms from competing in this growing market.

But I am especially pleased at the prospects for increased agricultural exports. Around the world, average tariffs on U.S. agricultural exports are more than 40 percent. China is slashing its tariffs to far below this average: 17.5 percent. And on U.S. priority products—the products that we produce for export—the average Chinese tariff will fall to just 14 percent. For bulk commodities the agreement establishes generous tariff rate quotas. For example, on wheat, a major export product for North Dakota, China will allow imports of 7.3 million metric tons initially (growing to 9.6 million tons by 2004) subject to a tariff of just 1 percent. In addition, China has agreed to changes in its administration of tariff rate quotas that will prevent state trading monopolies from blocking imports if there is private sector demand for wheat.

For my State of North Dakota, the agreement provides new export opportunities for wheat, for oilseeds, including canola, and for beef and pork products. The U.S. Department of Agriculture has estimated that this agreement could add $1.6 billion annually to U.S. exports of grains, oilseeds and cotton in just five years. Additional growth opportunities for North Dakota agricultural exports will come as China reduces its tariffs on beef (from 45 percent today to 12 percent by 2004) and pork (from 20 percent to 12 percent). Finally, the China agreement provides additional leverage for U.S. goals in the ongoing WTO negotiations on agriculture. China has agreed to eliminate export subsidies, to cap and reduce domestic subsidies, and to provide the right to import and distribute products without going through state trading enterprises.

There can be no question that this agreement will create expanded export opportunities for American workers, farmers and businesses. But the key word here is "opportunities." This agreement creates wonderful opportunities for North Dakota agriculture, but it is not a silver bullet. This agreement will not solve all of our trade problems with China. Nor will the results come overnight. We will need to work aggressively year after year to take advantage of these opportunities and turn them into results. And we will need to closely monitor China's implementation of its commitments.

In that vein, I am very pleased that the legislation we are considering includes provisions I strongly supported to ensure that the Federal government monitors and enforces China's WTO accession agreement. And I am hopeful that the WTO's multilateral dispute resolution system will be more successful than our past unilateral efforts to hold China to its commitments. The simple fact is that the current system has not worked well. There has been no neutral arbitrator to resolve disputes. As a result, U.S. firms have been very reluctant for the U.S. to take action against China because of Chinese threats to retaliate against American business. With China in the WTO, we will have the advantage of a neutral dispute resolution system and rules to guard against Chinese retaliation.

In my view, the trade benefits alone are enough to conclude that we should support PNTR for China. But this debate is about more than just trade. It is about human rights and national security as well. I believe bringing China into the WTO and passing PNTR is the best way to improve human rights in China. Clearly, our current annual debate over Normal Trade Relations has had little effect on human rights in China. Bringing China into the WTO, though, will increase the openness of Chinese society. It will increase the presence of American and other Western firms in China. It will open China to the InterNet and other advanced telecommunications technologies that, over time, will expose average Chinese to our thoughts, values, and ideals on human rights, workers' rights and democracy.

This is not just my view. It is a view shared by numerous prominent Chinese dissidents and religious and democratic leaders. They believe that rejecting PNTR will only strengthen the iron hand of the hard-liners in the Chinese leadership. For example, Bao Tong, a prominent dissident, was quoted in the Washington Post saying that attempts to use trade sanctions on human rights simply do not work: "I appreciate the efforts of friends and colleagues to help our human rights situation, but it doesn't make sense to use trade as a lever. It just doesn't work," Mr. Bao said. Similarly, Dai Qing, a leading Chinese environmentalist, argues that passing PNTR "would put enormous pressure on both the government and the general public to meet the international standard not only on trade, but on other issues including human rights and environmental protection." Finally, the Dalai Lama has said that "joining the World Trade Organization, I think, is one way to change in the right direction. . . . In the long run, certainly it will be positive for Tibet. Forces of democracy in China get more encouragement through that way."

Finally, I believe that passing PNTR will promote our national security interests. History teaches us that conflicts among trading partners are less likely than conflicts between countries that do not have strong economic ties. In contrast, rejecting PNTR could send a strong signal to China that the U.S. wants to isolate China. A hostile China is not in our national interest. A China integrated into the international system, obeying international rules and norms, is.

In conclusion, Mr. President, the arguments in favor of PNTR for China are very strong. Passing PNTR advances America's interests in Asia and the world. It is good for our national economy, and it is particularly good for my state's agricultural economy. I hope my colleagues will join me in sending a strong bipartisan message of support for China's accession to the WTO.

Mr. KENNEDY. Mr. President, this has been a very difficult debate for all of us in the Senate who care about labor rights, about human rights, and about the environment in China.

These issues are important, and we can't ignore them. I especially commend the many leaders throughout the country on labor issues, human rights issues, and environmental issues for stating their case and their concerns on these challenges so eloquently and effectively. It's clear that we must do more than this agreement does to make sure that free trade is also fair—that it improves the quality of life of people everywhere, and creates good jobs here at home.

The demonstrations at last year's WTO negotiations in Seattle and in other cities since then show that we must pay much greater attention to these concerns. Too often the current system of trade enriches multi-national corporations at the expense of working families, leaving workers without jobs and without voices in the new global economy. Too many companies export high-wage, full-benefit jobs from our country and replace them with lower-paying jobs in the third world countries with few, if any, benefits.

For too many families across America, globalization has become a "race to the bottom" in wages, benefits, and living standards. In recent years, corporate stock prices have often increased in almost direct proportion to employee layoffs, benefit reductions, and job exports. This growing inequality threatens our own economic growth and prosperity, and we must do all we can to end it.

I am also very concerned about a trade deficit that continues to grow at an alarming pace. In this historic time of economic prosperity, the trade deficit remains one of the most stubborn challenges we face. While the current trade deficit is clearly a sign that the U.S. economy is the strongest economy in the world, we cannot sustain this enormous negative balance of trade for the long term. We risk losing even more of our industrial and manufacturing base to foreign countries with lower labor standards.

Similarly, all of us who care about human rights and environmental rights must find more effective ways to address these concerns. The flagrant violations of human rights that continue to take place in China are unacceptable. And so is the callous disregard of the environment by that nation as its economy advances.

The answer to these festering problems is to give these fundamental issues a fair place at international bargaining tables. Clearly, we do not do enough for labor rights, human rights, and the environment when we negotiate trade agreements.

I intend to vote for this agreement, however—as flawed as it is—because I am concerned that the alternative would be even less satisfactory. But I welcome the Administration's commitment to give these other issues higher priority in future trade negotiations, and I look forward to working to achieve these essential goals.

The global marketplace is a reality, and the United States stands to gain much more by participating in it than by rejecting it. I'm hopeful that we will be able to work together in the future on these basic issues in ways that bring us together, not divide us.

It is especially significant that all of the economic concessions made in this agreement are made by China. It will not change our own market access policies at all. The concessions that China has made are substantial, and President Clinton and his Administration deserve credit for this success. In particular, U.S. Trade Representative

Charlene Barshefsky did a excellent job negotiating this agreement for the United States.

By approving PNTR, Congress is not deciding to accept China into the World Trade Organization. China will join the WTO regardless of our vote in Congress. What Congress is deciding is whether to accept or reject the extraordinary economic concessions that China has offered to the United States. If we reject PNTR, we reject the bulk of the concessions that China reluctantly made. We would be allowing China to keep its barriers up—and we might well be inviting the WTO to impose sanctions against us for not playing by the rules we agreed to.

Within five years, under this agreement, China will completely end its tariffs on information technology. It will eliminate its geographical limitations on the sale of financial services and insurance. It will do away with quotas on products such as fiber-optic cable. And it will end the requirement to hire a Chinese government "middleman" to sell and distribute products and services in China. These are major concessions that no one could have predicted even two years ago.

China has also agreed to eliminate export subsidies. The inefficient, state-owned industries in China will no longer be able to rely on government support to stay afloat. They will be required to compete on a level playing field. China has agreed that its state-owned industries will make decisions on purely commercial terms, and will allow US companies to operate on the same terms.

The agreement also contains strong provisions against unfair trade and import surges. We will have at our disposal effective measures to prevent the dumping of subsidized products into American markets for years to come. The agreement contains strong and immediate protections for intellectual property rights, which will benefit important US industries such as software, medical technology, and publishing. Strong protections are also included against forced technology transfer from private companies to the Chinese government—a provision that has benefits for both commercial enterprises and national security.

All of these protections and concessions will be lost if Congress fails to pass PNTR. Rejection of this agreement would put American businesses and workers at a major disadvantage with our competitors in Europe and in many other nations in securing access to the largest market in the world.

One out of every ten jobs in Massachusetts is dependent upon exports, and that number is increasing. If we accept the concessions that China has given us, companies in cities and towns across the state will be more competitive. More exports will be stimulated, and more jobs will be created here at home.

It is clear that many of our businesses will reap significant benefits from this trade agreement. But it is also clear that some businesses and workers will be hurt by it as well. It is our responsibility to do everything we can to reduce the harm that free trade creates. We must strengthen trade adjustment assistance and worker training programs. As we open our doors wider to the global economy, we must do much more to ensure that American workers are ready to compete. We must make the education and training of our workforce a higher priority as we ask our citizens to compete with workers across the globe. Importing skilled foreign labor is no substitute for fully developing the potential of our domestic workforce. The growth in the global marketplace makes education and training more important than ever.

We need to create high-tech training opportunities on a much larger scale for American workers who currently hold relatively low-paying jobs and wish to obtain new skills to enhance their employability and improve their earning potential. As the economy becomes more global and more competitive, it would be irresponsible to open the doors to new foreign competition, without giving our own workers the skills they need to compete and excel. I'm very hopeful that passage of this agreement will provide a strong new incentive for more effective action by Congress on all these important issues.

The issue of PNTR also involves major foreign policy and national security considerations. When China joins the World Trade Organization, it will be required to abide by the rules and regulations of the international community. The Chinese government will be obligated to publish laws and regulations and to submit important decisions to international review. By integrating China into this global, rules-based system, the international community will have procedures never available in the past to hold the government of China accountable for its actions, and to promote the development of the rule of law in China.

The WTO agreement will encourage China to continue its market reforms and support new economic freedoms. Already, 30 percent of the Chinese economy is privatized. Hard-line Chinese leaders fear that as China becomes more exposed to Western ideas, their grip on power will be weakened, along with their control over individual citizens.

As the economic situation improves, China will be able to carry out broader and deeper reforms. While economic reforms are unlikely to result immediately and directly in political reforms, they are likely to produce conditions that will be more conducive to democracy in China in the years ahead.

All of us deplore China's abysmal record on human rights and labor rights and the environment, and we have watched with dismay as these abuses have continued. It is unlikely that approving PNTR will lead to an immediate and dramatic improvement in China's record on these fundamental issues. But after many years of debate, the pressure created by the annual vote on China's trade status has not solved those problems either.

Approving PNTR leaves much to be desired on all of these essential issues. But on balance, I believe that it can be a realistic step toward achieving the long-sought freedoms that will benefit all the people of China. The last thing we need is a new Cold War with China.

Mr. KERREY. Mr. President, I rise to comment on the legislation pending before the Senate on Permanent Normal Trade Relations with China. I support this bill not only because it is in the best interest of American farmers, businesses, and consumers; but also because passage of PNTR is the best way for America to have a positive influence on China's domestic policies, including policies affecting basic human rights.

I believe that this bill has been characterized by many of my esteemed colleagues as something that it is not—a reward to China despite its poor human rights record. Surely, we do not agree with the treatment of China's citizens, just as surely as we do not agree with so many other practices of the Chinese government. However, it is important to remember that China will become a member of the WTO no matter how we vote. If the Congress were to vote against Permanent Normal Trade Relations, many of our trading partners will receive the myriad benefits of trading with China, while our farmers, our businesses, . . . our citizens would be excluded.

Furthermore, the interest we have in promoting human rights protection in China is not defeated with the passing of this bill. The Congress has used its annual review of Normal Trade Relations to push China to become more democratic, to treat its citizens with basic decency, and to discourage Chinese participation in the proliferation of weapons of mass destruction. We now have the opportunity to assist our allies in bringing China into the world trading community. And by bringing China further into the global community, the real beneficiaries of PNTR, and eventual membership in the WTO, will be the Chinese people. The Chinese people will benefit from the new economic opportunities created by increased trade. The Chinese people will benefit from the spread of the rule of law, from increased governmental transparency, and from the economic freedom which will come as a consequence of China's membership in the WTO. Finally, passage of PNTR will make it much more likely that the Chinese people will have the opportunity to do what so many Chinese-

Americans have done in the United States. By harnessing the power of individual innovation and by starting businesses, the Chinese people will be able to generate new wealth and new opportunities for themselves and their children.

While the rewards of membership are evident, let us not overlook the responsibilities that come with membership in that community—particularly the responsibilities that come with membership in the WTO. What better way to promote democracy in China, a nation that has long lacked a strong rule of law, than to encourage its participation in institutions, like the WTO, with strong dispute resolution mechanisms. Membership in the WTO will cause China to reexamine its legal infrastructure. Violating WTO agreements brings real consequences—the imposition of trade sanctions.

This is a historic opportunity. We will soon be voting on one of the most important bills ever debated in this body. I will support Permanent Normal Trade Relations for China and I hope that my colleagues will recognize this bill's importance, and give it their support.

Let me remind my colleagues that granting PNTR is not a reward for China, it is a reward for US farmers, businesses, and consumers. Passage of PNTR would allow the US to take advantage of the concessions agreed to by China in the bilateral agreement during its accession process. Tariffs for US goods will be drastically reduced.

Mr. MCCAIN. Mr. President, I rise in strong support of H.R. 4444, the U.S.-China Relations Act of 2000. This long-overdue legislation is an essential prerequisite to the advancement of U.S. interests in the Asia Pacific region, and I urge its prompt passage.

The preceding two weeks have witnessed considerable debate on the floor of the Senate with respect to U.S.-China relations and the wisdom of granting permanent Normal Trade Relations status to the government in Beijing. Clearly, there are extraordinarily serious issues dividing the United States and China. Issues central to our national security and moral values continue to preclude the development of the kind of relationship many of us would have liked to have enjoyed with the world's most populous country. As long as China continues to engage in such abhorrent practices as forced abortions, the harvesting of human organs, repressive measures against people of faith and pro-democracy movements, and the proliferation of ballistic missiles and technology, there will continue to be considerable tension in our relationship.

No one should attempt to minimize the significance of these activities. Their termination must be among our highest foreign policy priorities. Opponents of extending permanent normal trade relations status to China, however, are wrong to suggest that such a policy weakens our ability to address important issues that insult our values as a nation and impose tremendous suffering on many Chinese citizens. On the contrary, the economic relationship between the United States and China is a powerful tool for moving China in the direction we desire.

There is considerable room for improvement in the human rights situation in China, and efforts at ending Chinese transfers of ballistic missile technology to other countries have been frustratingly ineffective. Denying permanent normal trade status for China, however, is not the answer. China does in fact represent a case for economic engagement as a mechanism for affecting political change. China's history, which cannot be divorced from discussions of contemporary Chinese developments, is quite illuminating in this respect. One of the world's oldest and proudest civilizations, China has nevertheless never known true democracy. Go back 3,000 years and trace its history to the present. It is only in the last quarter-century that the window has truly opened for those aspiring to a freer China.

The economic reforms initiated by the late Premier Deng Xiao-ping began a process that has benefited millions of ordinary Chinese and has held out the greatest hope for prosperity and, ultimately, political freedom that country has ever known. The Chinese government, in fact, is struggling with the dichotomy between economic liberalization and political repression and is discovering to its dismay that it has irreconcilable interests. The United States, by maximizing its presence in China through commercial investment and trade, can be of immeasurable assistance to the Chinese population in ensuring that that conflict between economic growth and political repression is resolved in the direction of liberalization.

Objective analysis strongly supports this assertion. Since the beginning of economic reform in 1979, China's economy has emerged as one of the fastest growing in the world. The World Bank calculates that as many as 200 million Chinese have been lifted out of poverty as a result of the government's economic reforms. A recent Congressional Research Service study noted that China will have more than 230 million middle-income consumers by 2005. Clearly, economic reform, fueled in large part by trade, is benefitting the average Chinese citizen. It is important that we enable American businesses to develop a presence in these markets now, so that they can both take advantage of future developments and so that American values and practices can better take hold and flourish.

We should not be ashamed of the fact that our economy benefits by trade with China. China's accession to the World Trade Organization, an inevitability given its importance as a market, will allow American companies to sell to Chinese consumers without the current arbitrary regulations. China will be forced to take steps to open its markets to U.S. goods and services that it has been reluctant to take in the past. These steps include major reductions in industrial tariffs from an average of 24 percent to an average of 9.4 percent; reductions in the tariffs on agricultural goods from an average of 31 percent to 14 percent, as well as elimination of non-tariff barriers in agricultural imports; major openings in industries where China has been extremely reluctant to permit foreign investment, including telecommunications and financial services; and unprecedented levels of protection for intellectual property rights. In addition, the United States will be able to use the dispute resolution mechanism of the WTO to force China to meet its obligations and open its markets to American goods.

Opponents of engaging China in trade should be aware that membership in the World Trade Organization carries with it responsibilities that are at variance with Communist Party practice. That is why Martin Lee, chairman of the Democratic Party of Hong Kong, noted that China's participation in the WTO would "bolster those in China who understand that the country must embrace the rule of law." Similarly, Wang Shan, a liberal political scientist, stated that "undoubtedly [the China WTO agreement] will push political reform." And the former editor of the democratic journal Fangfa has written that "if economic monopolies can be broken, controls in other areas can have breakthroughs as well . . . In the minds of ordinary people, it will show that breakthroughs that were impossible in the past are indeed possible."

Yes, we have serious concerns with Chinese behavior in a number of areas. As General Brent Scowcroft stated in a hearing before the Commerce Committee last April, however, the essential point is what is gained by denying China permanent normal trade relations status. We would not accomplish our foreign policy objectives in the Asia Pacific region, or within the realm of missile proliferation, by impeding trade with China. I supported the measure offered by Senator THOMPSON intended to address the issue of Chinese missile proliferation because of that issue's importance to our national security, but also because it was not intended as an anti-trade measure, as is the case with the other amendments offered to this bill.

It is past time that the Senate passes permanent normal trade relations status for China. It is in America's interest, and in the interest of hundreds of millions of Chinese citizens. It is the right thing to do.

I thank the President for this opportunity to address the Senate, and urge passage of the U.S.-China Relations Act of 2000.

Mr. KERRY. Mr. President, the Senate is debating an important question with tremendous ramifications for our relationship with China and the American economy: whether to extend Permanent Normal Trade Relations status to China (PNTR).

The opponents of PNTR argue that China is not worthy of receiving PNTR. They offer a laundry list of reasons. Its track record on human rights has not only not improved but has gotten worse. It continues to ignore commitments made in the nonproliferation area, particularly with respect to the spread of missile technology. Its intimidation of Taiwan continues, with little indication that Chinese leaders are prepared to avail themselves of Taiwanese President Chen Shui-bian's offers to begin negotiations. Its compliance with existing agreements leave a lot to be desired. They speak passionately about those concerns. And these issues should never be overlooked in any thoughtful analysis of our relationship with China. They must productively be incorporated into a policy of engagement; but make no mistake: we must have a policy of engagement.

I support PNTR and I intend to vote for it. I will admit to you that when I read recent press accounts of yet another crackdown on religious practitioners in China—this time members of a Christian sect called the China Fang-Cheng Church—and of the deaths of three Falung Gong members who have been imprisoned—I understood once more the temptation to reverse my position and vote against PNTR. But I am not going to do that Mr. President, because PNTR is not an effective tool for changing China's behavior at home or abroad—and as much as we detest the behavior in China with regard to religious freedom, it is not symbolic protest that will bring about change, but thoughtful approaches and a new and different kind of engagement—economic as well as diplomatic—that will leverage real change in China in the years ahead .

So let me say once more, there is no question that the issues raised by the opponents of PNTR are serious and real. We are all outraged by the repression of Chinese citizens who simply want to practice their spiritual beliefs or exercise political rights. But denying China PNTR will not force the Chinese leadership to cease its crackdown on religious believers or political dissidents. It will not force China to abide by the principles of the Missile Technology Control Regime (MTCR) or slow down its nuclear or military modernization, or reverse its position on Taiwan. Denying PNTR will NOT keep China out of the WTO. But I am certain that denying China PNTR will set back the broad range of U.S. interests at stake in our relationship with China and undermine our ability to promote those interests through engagement.

China has the capacity to hinder or help us to advance our interests on a broad range of issues, including: nonproliferation, open markets and free trade, environmental protection, the promotion of human rights and democratic freedoms, counter-terrorism, counter-narcotics, Asian economic recovery, peace on the Korean peninsula and ultimately peace and stability in the Asia-Pacific region. It is only by engaging with China on all of these issues that we will make positive progress on any and thereby advance those interests and our security. Engagement does not guarantee that China will be a friend. But by integrating China into the international community through engagement, we minimize the possibility of China becoming an enemy.

Over the last three decades, U.S. engagement with China, and China's growing desire to reap the benefits of membership in the global community have already produced real—if limited—progress on issues of deep concern to Americans, including the question of change in China.

There are two faces of life in China today:

The first face is the disturbing crackdown on the Falon Gong and the China Fang-Cheng Church, the increase of repressive, destructive activities in Tibet, the restraints placed on key democracy advocates and the harassment of the underground churches. The second face is that of the average citizen who has more economic mobility and freedom of employment than ever before and a better standard of living.

More information is coming in to China than ever before via the Internet, cable TV, satellite dishes, and western publications. Academics and government officials openly debate politically sensitive issues such as political reform and democratization. Efforts have begun to reform the judicial system, to expand citizen participation and increase choices at the grass roots level.

While China's leaders remain intent on controlling political activity, undeniably there are indications that the limits of the system are slowly fading, encouraging political activists to take previously unimaginable steps including the formation of an alternative Democracy Party. On the whole, Chinese society is more open and most Chinese citizens have more personal freedom than ever before. Of course, we must press for further change, but we should not ignore the remarkable changes that have taken place.

China's track record on weapons proliferation is another issue of serious concern. Senator THOMPSON has introduced sanctions legislation targeted at China's proliferation policies, and I understand he will be offering that as an amendment to PNTR. With this legislation, Senator THOMPSON has done the Senate and this Nation a great service, by forcing us to take a hard look at the reality of China's commitment to international proliferation norms. And that reality, particularly over the last eighteen months, is disturbing. But I do not believe that a China-specific sanctions bill is an effective response to the challenge of weapons proliferation. And we should not scuttle PNTR just to make a point—however valid—about China's continuing export of missile-related technology.

Our concern about recent Chinese activities related to the transfer of missile technology should not lead us to overlook the totality of China's performance in the arms control area. The fact is China has taken steps, particularly in the last decade, to bring its nonproliferation and arms export control policies more in line with international norms. China acceded to the Biological Weapons Convention in 1984. In 1992, China acceded to the Nonproliferation Treaty, NPT. China signed the Comprehensive Test Ban Treaty in 1996, CTBT, and the next year promulgated new nuclear export controls identical to the dual-use list used by the Nuclear Suppliers Group. In 1997 China joined the Zangger Committee, which coordinates nuclear export policies among NPT members. The same year it ratified the Chemical Weapons Convention and began to enforce export controls on dual-use chemical technology. In 1998 China published detail export control regulations for dual-use nuclear items. These developments have also been accompanied by various pledges, for example not to export complete missile systems falling within MTCR payload and range and not to provide assistance to Iran's nuclear energy program. China's commitment to these pledges has been spotty but the fact is, China's record today is dramatically different from what it was in the 1980s or the three decades before. Then we were faced with a China exporting a broad range of military technology to an array of would-be nuclear states including Libya, Syria, Iran, Iraq, Pakistan and North Korea. Today, our principal concern is Chinese exports in the area of missile-related technology—not complete missile systems—and to two countries: Pakistan and Iran. That, it seems to me, is progress, and progress made during a period of growing engagement between China and the international community.

Some in this body, frustrated that our current engagement with China has born little fruit, are offering amendments in an attempt to use the presumed leverage in PNTR as a means of changing China's policies. I believe that engagement offers the best prospects for promoting our interests with China but I understand and share their frustration over the way in which the current administration has engaged China. The next administration must engage with greater clarity of message, consistency of policy, pragmatism about what can be achieved and over what time frame, and determination to hold China accountable when it misbehaves or ignores commitments made.

However, we should not let our frustration with the benefits of engagement lead us to undermine that policy by delaying or denying PNTR in a vain quest to change China overnight. PNTR is not a "reward", as the opponents of PNTR suggest. It is a key element in our economic engagement with China and an affirmation of our intention to have a normal trading relationship with China, as we do with the overwhelming majority of our other trading partners. Many of China's most outspoken critics including Martin Lee, the head of Hong Kong's Democratic Party, Bao Tong, one of China's most prominent dissidents; and Dai Qing, an engaging writer and environmental activist who was jailed in the wake of Tiananmen Square for her prodemocracy activities and writings, want us to give PNTR to China. They want it because they know that drawing China deeper into the international community's institutions and norms will promote more change in China over time. As Dai Qing told U.S. when she testified before the Foreign Relations Committee in July: "Firstly, PNTR will help to reduce governmental control over economy and society; secondly, PNTR will help to promote the rule of law; and thirdly, PNTR will help to nourish independent political and social forces in China."

The opponents of PNTR have argued that we are giving up leverage over China because we are abandoning our annual review of U.S.-China relations. This argument ignores two critical points: first, there has been little leverage in the MFN review because China can simply do business with others; and second, Congress has never revoked the status in the last 12 years. So how meaningful is this review in reality? There is nothing in the action we are contemplating here that prevents Congress from acting in the future, if it so desires. In fact, the pending legislation sets up a commission to review China's performance on key issues including human rights and labor rights and trade compliance so that if Congress wants to act, we will be better informed at the outset.

This vote on extending PNTR is not a referendum on the China of today. It is a vote on how best to pursue all of our interests with China including our economic interests. Extending PNTR will allow the United States to enjoy economic benefits stemming from the bilateral agreement negotiated between the United States and China. I am concerned that critical labor, human rights and environmental protections were left out of the agreement. However, I believe the agreement undeniably forces China to open its doors to more trade, and if we fail to vote in favor of PNTR, we risk forfeiting increased trade with the largest emerging market in the world to other countries in Europe and Asia.

This would be no small loss for the United States. Just consider the facts which underscore the importance of trade with China. By granting PNTR status to China, the U.S. will be able to avail itself to China—to make American goods and services available to one-fifth of the world's population. China is the world's second largest economy in terms of domestic purchasing power. It is the world's seventh largest economy in terms of Gross Domestic Product and is one of the fastest growing economies in the world. Simply put, China's economy is simply too large to ignore.

It is of course true that there has been sharp growth in the U.S. trade deficit with China, which surged from $6.2 billion in 1989 to more than $68 billion in 1999. But it is also true that the deficit is in large part due to the fact that China has closed its doors to U.S. products.

I believe that only by granting PNTR to China will U.S. businesses be able to open those doors and export goods and services to China, so that our economy can continue to grow and our workers be fully employed. U.S. exports to China and Hong Kong now support 400,000 American jobs. Trade with China is of increasing importance in my home state. China is Massachusetts' eighth largest export market. The Massachusetts Institute for Social and Economic Research at the University of Massachusetts calculated that in 1999, Massachusetts exported goods worth a total of nearly $366 million to China. That represents an increase in total exports to China of more than 15 percent from the previous year and translates into more jobs and a stronger economy in my state.

The bilateral trade agreement between the U.S. and China will give businesses in every state the chance to increase their exports to China, ultimately leading to more growth here at home. Under the agreement, China is committed to reducing tariffs and removing non-tariff barriers in many sectors important to the U.S. economy. China has agreed, for instance, to cut overall agricultural tariffs for U.S. priority products—beef, grapes, wine, cheese, poultry, and pork—from 31.5 percent to 14.5 percent by 2004. Overall industrial tariffs will fall from an average of 24.6 percent to 9.4 percent by 2005. Tariffs on information technology products—which have been driving the tremendous economic prosperity our country is currently enjoying—would be reduced from an average level of 13.3 percent to zero by the year 2005. China must also phase out quotas within five years. The U.S. market, on the other hand, is already open to Chinese products. We have conceded nothing to China in terms of market access, while China must now open its doors to increased exports. This is a one-way trade agreement favoring the United States of America.

China has made other concessions that are likely to be extremely beneficial to the U.S. economy. It has agreed to open service sectors, such as distribution, telecommunications, insurance, banking, securities, and professional services to foreign firms. China has agreed to reduce restrictions on auto trade. Tariffs on autos will fall from 80–100 percent to 25 percent by 2006, and auto quotas will be eliminated by 2005. Perhaps most importantly, the agreement and this legislation provide that China must accept the use by the United States of safeguard, countervailing, and antidumping provisions to respond to surges in U.S. imports from China that might harm a U.S. industry.

A favorable vote on PNTR will also benefit the agriculture industry. China is already the United States' sixth largest agricultural export market, and that market is expected to grow tremendously in the 21st century. China is a major purchaser of U.S. grain, meat, chicken, pork, cotton and soybeans. In the next century, USDA projects China will account for almost 40 percent of the growth in U.S. farm exports.

We must recognize that the U.S. will not be able to sell its wheat, provide its financial services, or market its computer software in China unless we grant China PNTR status. Let there be no mistake, China will become a member of the WTO whether or not we pass PNTR. Under the Jackson-Vanik Amendment to the Trade Act of 1974, the United States can and does extend Normal Trade Relations treatment to China annually. If Congress fails to amend its laws to provide permanent, rather than annual, normal trade relations, we will not be able to satisfy the requirement that normal trade relations be unconditional. The U.S.-China agreements could therefore not be enforced and the U.S. would not be able to avail itself to the dispute resolution procedures of the WTO.

The benefits of the WTO agreement extend beyond more open Chinese markets to the application of a rules-based system to China, a country that has historically acted outside the world's regulations and norms. Under the terms of this agreement, the Chinese government is obliged to publish laws and regulations subjecting some of China's most important decisions to the review of an international body for the first time. WTO membership will force China to accelerate market-oriented economic reforms. This will be a difficult and challenging task for China, but an important one that will result in freer and fairer trade with China.

Despite the likely benefits that the United States will reap if it grants PNTR to China, we must pay attention to the concerns expressed by those in the labor, environmental and human rights communities about the impact of this vote. We must hear their voices and heed their warnings so that we are on alert in our dealings with China. In China, workers cannot form or join unions and strikes are prohibited. There are no meaningful environmental standards and the prevalent use of forced labor make production in China extremely inexpensive. Because they cannot bargain collectively, Chinese workers are paid extremely low wages and are subject to unsafe working conditions.

No one on either side of the aisle, not even the most ardent supporter of PNTR, supports these most undemocratic, morally reprehensible conditions in China, and we have a duty and a responsibility to pay attention to the conditions there. It is my hope and belief that as U.S. firms move into China, they will bring with internationally-accepted business practices that may actually raise labor and environmental standards in China. I also hope that they will provide opportunities for Chinese workers to move from state-owned to privately-owned companies, or from one private company to another, where the conditions are better. These steps are small, but important. Nevertheless, the international community in general and the United States in particular must remain vigilant in order to ensure that standards are rising in China and it is simply not the case where the only benefit to come from freer trade with China is that the corporate coffers of large companies are being lined with money saved on the backs of Chinese laborers.

We must also be vigilant in ensuring that once China becomes a member of the WTO, it complies with the rules of the WTO and lives up to its commitments under trade agreements. There are many critics of PNTR with China who rightly point out that China has an extremely poor record of compliance with current trade agreements with the U.S., and that it "can't be trusted" to live up to commitments once it is in the WTO. China's trading partners worldwide must cooperate to police China so as to ensure its adherence to the trade concessions it has made.

The environment is another area in which we must be vigilant in our efforts to encourage the Chinese government to begin to promulgate and enforce environmental standards. Right now, levels of air pollution from energy and industrial production in Shanghai and Shenyang are the highest in the world. Water pollution in regions such as Huai River Valley is also among the worst in the world. In 1995, more than one half of the 88 Chinese cities monitored for sulfur dioxide were above the World Health Organization guidelines. It is estimated that nearly 178,000 deaths in urban areas could be prevented each year by cleaner air. We simply cannot allow this complete degradation of the environment in China to continue unabated.

Denying PNTR to China won't stop its unfair labor practices or its environmental devastation. So while I would have liked to see these issues addressed in this legislation or in the bilateral agreement, I believe that, on balance, the risk of not engaging China at this time far outweighs any value we would gain by signaling to China that we still do not approve of its practices and policies. That symbolic signal would only strip U.S. of the leverage that WTO membership brings with it to hold China accountable and effect real progress. If the U.S. fails to support PNTR, and thus fails to take advantage of the benefits of China's inevitable membership in the WTO, U.S. companies stand to lose market share and U.S. workers may lose jobs to European and Asian companies that gain a strong foothold in China. We would also lose the opportunity to engage China and advance our positions on all of our interests including human rights and security. And that would be far too high a price to pay in this new global economy for the short term rewards of merely sending a message with far more negative consequences for U.S. than for China.

Engagement, is the course we must pursue—intelligently, with strength and a commitment to accountability. Engagement is a course best pursued by granting China Permanent Normal Trade Relations and bringing it into the WTO. It is in the best interests of our economy and it is in the best interests of our foreign policy, and I hope we can all join together in moving the United States Senate and our Nation in that direction.

Mr. BINGAMAN. Mr. President, I rise today to discuss the amendments that have been voted on in relation to H.R. 4444, a bill that authorizes permanent normal trade relations with China. Over the last two weeks or so, several of my colleagues have introduced very thoughtful legislation specifically designed to address problems that exist at this time in China. Taken alone and at face value, many of these amendments—from human and labor rights to technology transfer to religious freedom to weapons proliferation to clean energy—have been worthy and deserving of my support. At any other time, I would have in fact voted for many of these amendments. I personally am of the view that Chinese officials must continue to make significant and tangible efforts in the future to transform their country's policies to coincide with international rules and norms. Although China is indeed making a very difficult and gradual transition to a more democratic society and a market-based economy, much remains to be done. Chinese officials must reinvigorate their commitment to change, and they will inevitably be open to criticism from both the United States and the international community until they do so.

But this said, it is clear that any amendment attached to H.R. 4444 at this time will force the bill into conference, and at this late stage in the session, that means that the bill would effectively be dead. In my mind, this bill is far too important to have this outcome. I believe that H.R. 4444 is one of the most important pieces of legislation we will consider this year, for two reasons.

First, it creates new opportunities for American workers, farmers, and businesses in the Chinese market. This bill is not about Chinese access to the U.S. market as this already exists. The bill is about U.S. access to the Chinese market, because if this bill is passed we will see a significant change in the way China has to conduct business. As a result of this bill, we will over time see a reduction in tariff and non-tariff barriers, liberalization in domestic regulatory regimes, and protections against import surges, unfair pricing, and illegal investment practices. If we do not take action on this bill this year, we will be at a tremendous competitive disadvantage in the Chinese market relative to companies from other countries.

We cannot let this happen to American workers. In my state of New Mexico alone we have seen dramatic results from increased trade with China. Our exports to China totaled $147 million in 1998, up from $366,000 in 1993. China was New Mexico's 35th largest export destination in 1993, but now it ranks fourth in this regard. In 1993 only six product groups from New Mexico were heading to China as exports, but in 1998 there were sixteen product groups flowing in that direction, from electrical equipment and components to chemicals to agriculture to furniture. In short, increased trade opportunities with China translates directly to increased economic welfare for New Mexico, and all of the United States.

A second reason this legislation is so important relates to U.S. national security. From where I stand, China is playing an increasingly active role in Asia and the world, and it is in our national interest to engage them in discussions concerning these activities on an ongoing and intensive basis. There is simply no benefit to be gained from attempting to isolate or ignore China at this time. It has not worked in the past, and it will not work in the future. I am convinced that our failure to pass this bill will limit our country's ability to influence the direction and quality of change in China. I have visited China, and I can tell you that the China of today looks dramatically different than the China of five years ago. This change is at least in part a direct result of our interaction with the Chinese people. As the PNTR debate moves forward, Congress must decide how it would like China to look five, ten, fifteen, twenty years from now. Do we want China to be a competitor, or an enemy? In my view, PNTR will place us in a particularly strong position to promote positive change in China and increase our capacity to pursue our long-term national interest.

Although I am certainly sympathetic to the objectives of many of the amendments offered by my colleagues, I feel the issue of trade with China deserves to be debated on its own merits. For this reason, I have chosen to vote against the amendments offered by my colleagues. But I would like to emphasize at this time that I look forward to the opportunity to address them in the future.

Mr. DORGAN. Mr. President, several months ago, the House of Representatives voted 237 to 197 to grant Permanent Normal Trade Relations to China. Before passing that legislation, however, the House added provisions that will require this and future Administrations to step up efforts to enforce China's compliance with its trade agreements and with internationally-recognized human rights norms.

Today the Senate will vote on whether we too will approve granting PNTR to China. That vote is on the limited question of whether to make permanent the favorable trade treatment that the United States has afforded to China one year at a time for the past 20 years—just that, and only that. The only difference in this upcoming vote and past votes on normal trade relations for China is: Shall normal trade relations be permanent, as they are with virtually every one of our other trading partners?

I have voted for normal trade relations in the past because China is a country of 1.3 billion people that is certain to play an important role in our future. The question is, will that role be a positive or negative one?

I happen to think that involvement with China is preferable to non-involvement. And I think on balance that the movement of China towards more freedom for its citizens and a market-based economy is much more likely to occur through normal trade relations than through estrangement.

While it is a close call, I have concluded that it is in our best interests to accord China Permanent Normal Trade Relations, because the legislation also establishes a commission to monitor human rights and labor issues in China and includes provisions that will ensure better enforcement of our trade agreements.

I would like to explain my reasoning.

I am mindful that there are some actions by China that give us pause. Threats directed at Taiwan, the transfer of missile technology to rogue states, and the abuse of human rights inside China are all reasons for concern. But I have seen almost no evidence that there has been any connection between Chinese behavior and Congress' annual review of China's trade status. On the other hand, there is evidence that the engagement with China by Western democracies has led to some improvement in a number of areas. It is my hope that those improvements will continue and be enhanced with Permanent Normal Trade Relations and China's accession to the WTO.

I am under no illusion that granting PNTR to China and allowing it to join the WTO will lead China inexorably toward democratization, better human rights and economic liberalization. However, I find it notable that China's security services, and conservative members of the military and Communist Party feel threatened by those developments. They are leading the opposition to President Zhang Zhemin and Premier Zhu Rongji's efforts to restructure China's economy and join the WTO precisely because they fear it will weaken the Communist Party's absolute hold on power.

The Dalai Lama and many of China's leading democracy and human rights advocates support Permanent Normal Trade Relations. They believe that the closer the economic relationship between the U.S. and China, the better the U.S. will be able to monitor human rights conditions in China and the more effectively the U.S. will be able to push for political reforms. However, other human rights advocates, including Harry Wu, believe granting China PNTR will weaken America's ability to influence China's human rights. That is why it is so important that the PNTR legislation establish a commission to monitor the human rights and labor situation in China and suggest ways we can intensify human-rights pressure on Beijing.

Most of the farm groups and business groups from my state believe PNTR and the implementation of the U.S.-China Bilateral Trade Agreement will result in a significant rise in U.S. exports to China. I hope that is true. But I fear they will be disappointed. Most impartial studies have concluded that the gains are likely to be modest. Furthermore, I am concerned by comments which were made by China's lead trade negotiator that China has conceded only a "theoretical" opportunity for the U.S. to export grain or meat to China. This makes me wonder whether China has any real intention of opening its markets as contemplated in the bilateral agreement. That is why it is so important that the PNTR bill includes provisions that will require the administration to step up its efforts to ensure that China complies with its trade agreements.

The systemic trade problems we are experiencing with China and many other countries, including Japan, Europe, and Canada, have little to do with this debate about Normal Trade Relations and a lot to do with our willingness to give concessional trade advantages to shrewd, tough, international competitors at the expense of American producers. Frankly, I am tired of it.

The recent U.S.-China Bilateral Trade Agreement was hailed as a giant step forward. In fact, it comes up far short of what our producers ought to be expecting in such agreements. If we were given a vote on that agreement, I would likely vote no, and tell our negotiators to go back and try again.

Our negotiators should have done better. It is outrageous that they signed an agreement that allows China, which already has a $70 billion merchandise trade surplus with the United States, to protect its producers with tariffs on American goods that are two to ten times higher than the tariffs we charge on Chinese goods. There is no excuse for that. But that circumstance is not unique to China. It exists in our trade relations with Japan, with the European Union, with Canada, and others. We now have a mushrooming merchandise trade deficit that is running at an annual $400 billion-plus level. It is unsustainable and dangerous for our country.

We must begin to negotiate trade agreements with our trading partners that are tough, no nonsense agreements. We should develop rules of fair trade that give American workers and American businesses a fair opportunity to compete.

Regrettably most of our trade policies reward those corporations that want to produce where it's cheap and sell back into our marketplace. That is a recipe for weakening our economy and it must stop.

So, I voted for Normal Trade Relations with China previously, and I intend to vote to make it permanent, provided that we also require this and future Administrations to dramatically step up efforts to enforce China's compliance with its trade agreements and with internationally-recognized human rights norms.

However, I want it to be clear that, if we accord Permanent Normal Trade Relations to China and we discover that they are not in fact complying with the terms of the bilateral agreement we negotiated with them or that they are retreating rather than progressing on the issue of human rights for Chinese citizens, then I believe we must reserve the right to revoke China's Normal Trade Relations status.

Mr. LUGAR. I would like to ask the distinguished chairman of the Finance Committee, Senator ROTH, a brief question. Mr. Chairman, there are a number of important initiatives and oversight capabilities created in this legislation on PNTR. Not only do we make permanent our trading relationship with China, but we have included monitoring capabilities to ensure that the commitments agreed to in the WTO accession agreements are, in fact, lived up to by the Chinese government.

Mr. ROTH. The Senator from Indiana is correct.

Mr. LUGAR. I would like to then clarify that the bill before us should not only provide means to review WTO trade compliance, but also past agreements affecting trade between our countries, whether they are treaties or memorandum of agreements between the United States and China. Is this correct, Mr. Chairman?

Mr. ROTH. The Senator is correct.

Mr. LUGAR. Thank you, Mr. Chairman. I would like then to state here that it is the intent of the bill that there be a review of the implementation of the 1992 Memorandum of Agreement between the United States and China on the Protection of Intellectual Property Rights. As you know, this agreement was reached so that American pharmaceutical compound patents issued between 1986 and 1993 would enjoy protection in China. As a number of disputes have arisen from this agreement, I think it is important that we have an independent and objective look at this agreement and then we can determine if additional efforts in this area are warranted.

Mr. ROTH. I thank the Senator. It is my intent, as his, that the 1992 MOU shall also be reviewed.

Mr. LUGAR. I thank the distinguished Chairman.

Mr. ENZI. Mr. President, I rise to speak in favor of the bill to extend permanent normal trade relations to China. I have taken a great deal of time to study both the positive and negative aspects of granting PNTR to China. I was undecided on which way to vote for quite some time. I met with and talked to those on both sides of the issue.

Although I had several concerns, my biggest were about the reports of religious persecution and other human rights violations that continue to occur in China. It certainly is not fair that anyone—let alone 20 percent of the world's population—live under this kind of injustice. We in America, a great land of freedom and liberty, find these abuses intolerable and inexcusable. Although human rights have improved over the past 20 years since China has opened up its market to the world, it has a great deal of progress to make.

I care deeply about many of the issues that have been raised throughout this debate. And I pledge to continue working to ensure that these issues are not forgotten. The evils that the communist government of China perpetuates, such as forced abortion, organ harvesting, religious persecution, weapons proliferation, and the like, should still be addressed. We must do everything we can to not only bring China into the world trading system, but also into the system of international norms, which recognizes the value of human life and rights.

After carefully weighing the issues I decided to support passage of this bill. I also decided it was such an important bill for American and Chinese citizens that it should be passed this year.

This caused me to be in the position of voting against several amendments that in any other situation I would have supported. I know several of my other good friends and colleagues did the same.

Now I want to explain some of the conclusions I have reached.

First, the recently signed U.S.-China trade agreement does not require the U.S. to make any concessions. It does not lower tariffs or other trade barriers for Chinese products coming into America. Instead, it forces China to open its market to U.S. goods and services provided the Congress extends PNTR to China. Passage or failure of this bill does not determine whether or not China becomes a member of the WTO. However, since the WTO requires that members treat each other in a non-discriminatory manner, each member country must grant other members permanent normal trade relations. Therefore, if China is not granted PNTR, it is not obligated to live by its WTO trade and market-opening commitments made to the United States.

As I mentioned earlier, China's regime has a poor track record when it comes to the human rights of its more than 1 billion citizens. It still has a long way to go to become acceptable. But the United States should not isolate the people of China from the exchange of information and products. We should not impede the efforts of Chinese citizens to trade and exchange property, which is an essential aspect of a free society.

The gradual opening of the Chinese market in recent years has been accompanied by very slow, yet positive advancements for religious freedoms in China. For example, consider the comments of Nelson Graham, son of the Reverend Billy Graham and President of East Gates International, a Christian non-profit organization. In his testimony at the Senate Finance Committee earlier this year he said, "I believe that granting China PNTR will not only benefit U.S. businesses and U.S.-based religious organizations but will be one step further toward bettering the relationship between our countries."

He went on to add that the impact of China's increased trade relations with the West has already caused a "proliferation of information exchange [that] has allowed us to be much more effective in developing and organizing our work in the [People's Republic of China]."

These and similar comments by other religious leaders have led me to believe that increased trade will help the work of these religious organizations and help promote greater freedoms in China. Prior to the gradual market opening of China, religious organizations like Nelson Graham's East Gates International, had little or no way of reaching the spiritually-starved Chinese people.

I also want to emphasize that this bill in no way ignores the importance of religious and human rights. It sets up a permanent Commission to monitor human and religious rights and the development of rule of law and democracy-building in China. This Commission will have similar responsibilities as the existing Commission on Security and Cooperation in Europe established in 1976, which has proven effective in monitoring and encouraging respect for human rights in Eastern Europe.

Mr. President, at the conclusion of my remarks I will ask unanimous consent that four letters and one op-ed piece I have be inserted into the RECORD. Three of the letters are written by the Reverend Billy Graham, Joe Volk of the Friends Committee on National Legislation, and Pat Robertson of the Christian Broadcasting Network. The other letter is from thirty-two religious leaders representing a broad range of religious organizations. the op-ed was written by Randy Tate, former Executive Direction of the Christian Coalition, and was published in the Washington Times last year. Each communication makes the point that PNTR will benefit U.S. religious organizations with operations in China.

I do not pretend that improvements in religious and human rights in China will happen overnight. Progress in liberty will not be immediate in a country where the government owns most of the property and has strict limits on political and religious association. Not one of us in this body would create a political regime such as that currently operating in China if we were cutting from whole cloth. Unfortunately, history rarely presents such ideal circumstances. Instead, we must address the world as we find it with all its imperfections.

I believe the question each of us must ask ourselves is whether human and religious rights will be improved by refusing China permanent normal trade relations. I see no evidence this would be the case. Rather, I believe that the increase in economic freedom that comes through increased trade relations will, in turn, bring about greater religious freedom and a better environment for human rights as well.

Randy Tate probably summed up this issue best. He said:

> Our case for greater trade . . . is less about money and more about morality. It is about ensuring that one-fifth of the world's population is not shut off from businesses spreading the message of freedom—and ministries spreading the love of God . . . [I]s it any surprise that some of our nation's most respected religious leaders, from Billy Graham to Pat Robertson, have called for keeping the door to China open?

I also want to briefly discuss another serious issue which was raised during the PNTR debate—the proliferation of weapons of mass destruction by China. While I recognize the sometimes delinquent behavior of China in this area, I believe the amendment which failed used a flawed unilateral and inflexible approach. I want to see the elimination of the proliferation of weapons of mass destruction. But the President currently has ample authority to sanction foreign entities for proliferation under numerous statutes. Therefore, the problem we now have is a failure by this Administration to effectively deal with the Chinese government to eliminate this proliferation. Some very targeted sanctions were probably in order for some of the Chinese proliferation activity.

But the amendment that was offered would have prescribed a very rigid one-size-fits-all solution. And we must remember that the most effective sanctions are those that are multilateral and those that have general agreement among our allies. The amendment would have required unilateral sanctions which history has shown to be ineffective tools in achieving desired behavior.

I do not believe that trade will cure all of the problems we have with China. Moreover, PNTR should not be considered a gift to China, but rather a challenge for China. The U.S. market is already open to countless Chinese goods. This will not change even if we were to refuse PNTR to China. Instead, if Congress extends PNTR to China it must open its market to the United States. At the same time China must play by the rules of the international trading system, subjecting itself to the WTO's dispute settlement process.

Without PNTR, China can remain closed to U.S. products yet increase its exports to the U.S., further exacerbating our trade deficit with China. This bill is about getting our products into China. By cooperating with them, they will lower tariffs to get into the WTO and then we have a court to adjudicate their violations. PNTR simply allows fair treatment of U.S. products and services going to China once China enters the WTO.

Change will not happen instantly. But I do believe increased trade will help advance the cause of freedom in China. The policy of engagement through trade must be backed up by strong U.S. leadership that vigorously challenges China, on a bilateral basis and through international organizations, about its human rights, weapons proliferation and other obvious shortcomings. But a vote against PNTR doesn't hurt the hard-line communists in China nor does it help the cause of human rights in China. The best way to end these evils is to transform China into a politically and socially free country. And that transformation will begin with economic freedom. Approving PNTR for China is the next and most important step toward a freer China and a safer world.

Mr. President, I ask unanimous consent to have additional material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### OPENING CHINA'S ECONOMY

### WTO MEMBERSHIP WILL BENEFIT ALL

(By Randy Tate)

When trade ministers of World Trade Organization member nations gather in Seattle this week, they will comprise the largest gathering of trade officials on U.S. soil since the Bretton Woods conference at the conclusion of World War II.

The world has dramatically changed in the intervening half-century Astounding technological advances since then have made us not only comfortable but nonchalant toward international communication. But not so when it comes to trade. Here some still see an insoluble dilemma; choosing between American interests and American ideals. By this argument, we must either engage in commerce with emerging economic giants like China, or forsake trade in standing up for democratic values and human rights.

Fortunately, many conservative and religious leaders are rejecting this false choice and are now charting a third course. They recognize that trade and cultural exchange does not hinder but rather advances the value of free minds and hearts.

All Americans of good faith can start from this point of agreement. We must stand firm in our support of democracy and the inalienable rights to liberty. We all condemn abhorrent acts such as the bloody suppression of freedom in the Tiananmen Square massacre. And there are many ways of expressing that condemnation: tough diplomacy military containment, and hard-headed realism are among them. But isolation and protectionism would be misguided, and ultimately counterproductive.

A fifth of the planet's population lives in China. It makes no sense to isolate 1.3 billion people from the rest of us. That will only encourage irresponsible commercial and political behavior, at home and abroad. Our goals should be to open Chinese markets to our products and services while opening up Chinese society to freedom. That is the way to give its citizens the real opportunity to breathe the liberating air of faith and democracy.

It would be nice of course, if the Chinese leadership did that on its own initiative. But that is a fantasy. An isolated China will resist change at home and be likely to behave more aggressively towards its regional neighbors. None of that serves American interests. Admitting China into the WTO may not cause it to shed dictatorship for democracy. But it's the right step towards realizing that goal.

Nothing unites a nation and diverts the attention of the people from abuses by its leader like a common enemy. Do we slam the door on 1.3 billion people and let Chinese leaders turn America into the villain? Economic adversaries too often evolve into military enemies, as the origins of World War II amply demonstrated. The hatred of 1.3 billion people is surely something to incur with great caution.

The bottom line is that America needs to have a seat at the negotiating table to push for further democratic and religious reforms in countries such as China. Shutting our doors and abandoning all that we've helped the Chinese people accomplish would make us part of the problem. Moreover, we have to recognize that even a U.S. embargo is not going put the Chinese out of business. Bringing China into the WTO makes them play by the same trade rules as the rest of the world, and this policy decision makes up part of the solution.

While moving forcefully to strengthen a trading partnership with China, America needs to send a strong signal that it will stand by historic allies and functioning democracies like Taiwan. We have strong moral obligations to preserve democracies. Admitting Taiwan to the WTO as well accomplishes that. This leaves open political issues for the future, such as finding ways to ensure that freedom and democracy survive and prosper in Taiwan while forging a stable environment as it works out its future relations with China.

Our case for greater trade, therefore, is less about money and much more about morality. It is about ensuring that one-fifth of the world's population is not shut off from businesses spreading the message of freedom—and ministries spreading the love of God.

Obviously our key commitment is to helping American working families. That provides the most powerful argument for strengthening commercial ties with China by admitting China into the WTO. The agreement negotiated has its imperfections, but there is no question that it makes dramatic improvements in opening up domestic Chinese markets.

For example, China will now reduce subsidies on agricultural products, which allows opportunities for American-grown products such as wheat and apples to reach a gargantuan market to a degree never considered possible before. Especially in the framing communities of my home state of Washington, the prospect of increased access to a market of this magnitude has sparked new hope in households struggling to make ends meet.

Working families dependent upon manufacturing jobs also benefit. Thanks to last week's agreement China will be forced to cut tariffs on American goods an average of 23 percent and to protect, and to protect the excellence and innovation of U.S. software manufacturers against technological piracy.

Is it any surprise that hundreds of working families will gather next week in Seattle to show their support for strengthening international trade? Not at all. Nor is it any surprise that some of our nation's most respected religious leaders, from Billy Graham to Pat Robertson, have called for keeping the door to China open. For when the Chinese trade with Americans, they are also exposed to the values of freedom and the healing message of the Gospel. And nothing is more important than that.

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STATEMENT BY RELIGIOUS LEADERS IN SUPPORT OF PERMANENT NORMAL TRADE RELATIONS WITH CHINA

SEPTEMBER 5, 2000.

DEAR SENATOR, Soon you will be asked to vote on an issue that will set the course for U.S.-China relations for years to come: enacting Permanent Normal Trade Relations (PNTR) with China. Your vote will also have an impact on how human rights and religious freedom will advance for the people of China in the years ahead. We are writing to urge you to vote *for* PNTR for China because we believe that this is the best way to advance these concerns over the long term.

We share your concern for advancing human rights and religious freedom for the people of China. The findings of the recent report from the U.S. International Religious Freedom Committee are disturbing to us. Clearly, the Chinese government still has a long way to go.

The question for us all is: What can the U.S. government do that will best advance human rights and religious freedom for the people of China? Are conditions more likely to improve through isolation and containment or through opening trade, investment, and exchange between peoples?

Let us look first at what has already occurred within China over the past twenty years. The gradual opening of trade, investment, travel, and exchange between China and the rest of the world has led to significant, positive changes for human rights and religious freedom in China. We observe the following:

The number of international religious missions operating openly in China has grown rapidly in recent years. Today these groups provide educational, humanitarian, medical, and development assistance in communities across China.

Despite continued, documented acts of government oppression, people in China nonetheless can worship, participate in communities of faith, and move about the country much more freely today than was even imaginable twenty years ago.

Today, people can communicate with each other and the outside world much more easily and with much less governmental interference through the tools of business and trade: telephones, cell phones, faxes, and e-mail.

On balance, foreign investment has introduced positive new labor practices into the Chinese workplace, stimulating growing aspirations for labor and human rights among Chinese workers.

These positive developments have come about gradually in large part as a result of economic reforms by the Chinese government and the accompanying normalization of trade, investment, and exchange with the outside world. The developing relationships between Chinese government officials, business managers, workers, professors, students, and people of faith and their foreign counterparts are reflected in the development of new laws, government policies, business and labor practices, personal freedom, and spiritual seeking. Further, the Chinese government is much more likely to develop the rule of law and observe international norms of behavior if it is recognized by the U.S. government as an equal, responsible partner within the community of nations.

The U.S. government and governments around the world have a continuing, important role to play in challenging one another through international forums to fully observe standards for human rights and religious freedom. However, we do not believe that the annual debate in the U.S. Congress, linking justifiable concern for human rights and religious freedom in China to the threat of unilateral U.S. trade sanctions, has been productive toward that end.

Change will not occur overnight in China. Nor can it be imposed from outside. Rather, change will occur gradually, and it will be inspired and shaped by the aspirations, culture, and history of the Chinese people. We on the outside can help advance religious freedom and human rights best through policies of normal trade, exchange and engagement for the mutual benefit of peoples of faith, scholars, workers, and businesses. Enacting permanent normal trade relations with China is the next, most important legislative step that Congress can take to help in this process.

Sincerely,

Organizations listed for identification purposes only.

Dr. Donald Argue, (Former President, National Association of Evangelicals, representing 27 million Christians in the United States of America).

John A. Buehrens, (Unitarian Universalist Association).

Bruce Birchard, (Friends General Conference).

Myrrl Byler, (China Education Exchange, Mennonite Church).

Reverend Richard W. Cain, ((Emeritus) President, Claremont School of Theology).

Ralph Covell, (Senior Professor of World Christianity, Denver Seminary).

Charles A. Davis, PhD, (The Evangelical Alliance Missions).

Father Robert F. Drinan, (Professor, Georgetown University Law Center; Member of Congress, 1971–1981).

Samuel E. Ericsson, (President, Advocates International, a faith-based global network of lawyers, judges, clergy, and national leaders reaching over 100 nations for justice, reconciliation, and ethics with offices on five continents).

Nancy Finneran, (Sisters of Loretto Community).

Brent Fulton, (President, ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in service to China).

Dr. Richard L. Hamm, (Christian Church (Disciples of Christ)).

Kevin M. Hardin, (University Language Services).

J. Daniel Harrison, (President, Leadership Development International).

Bob Heimburger, (Professor (Ret.), Indiana University).

Rev. Earnest W. Hummer, (President, China Outreach Ministries).

John Jamison, (Intercultural Exchange Network).

Rudolf Mak, Ph.D., (Director of Chinese Church Mobilization, OMF International).

Jim Nickel, (ChinaSource, a non-profit, Christian Evangelical organization connecting knowledge and leaders in service to China).

Don Reeves, (General Secretary (Interim), American Friends Service Committee).

Rabbi Arthur Schneier, D.D., (President, Appeal of Conscience Foundation).

Phil Schwab, (ChinaTeam International Services, Ltd.).

Dr. Stephen Steele, (Dawn Ministries).

Rev. Daniel B. Su, (Special Assistant to the President, China Outreach Ministries).

Bishop Melvin G. Talbert, (The United Methodist Church).

Dr. James H. Taylor III, (President, MSI Professional Services International).

Finn Torjesen, (Executive Director, Evergreen Family Friendship Service, a Christian, non-profit, public benefit organization working in China).

Joe Volk, (Executive Secretary, Friends Committee on National Legislation).

Rev. Dr. Daniel E. Weiss, (American Baptist Churches, USA).

Dr. Hans M. Wilhelm, (China Partner, an organization serving Church of China by training emerging young leaders).

Rev. Dr. Andrew Young, (President, National Council of Churches, former ambassador to the United Nations and member of Congress).

Danny Yu, (Christian Leadership Exchange).

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MONTREAT, NC,
*May 12, 2000.*

Hon. DAVID DREIER,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN DREIER: Thank you for contacting me concerning the People's Republic of China. I have great respect for China's long and rich heritage, and I am grateful for the opportunities I have had to visit that great country. It has been a tremendous privilege to get to know many of its leaders and also to become familiar with the actual situation of religious believers in the P.R.C.

The current debate about establishing Permanent Normal Trade Relations with China raises many complex and difficult questions. I do not want to become involved in the political aspects of this issue. However, I continue to be in favor of strengthening our relationship with China. I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to treat it as an adversary. In my experience, nations can respond to friendship just as much as people do.

While I will not be releasing a formal public statement on the PNTR debate, please feel free to share my views with your colleagues. May God give you and all of your colleagues His wisdom as you debate this important issue.

Cordially yours,

BILLY GRAHAM.

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THE CHRISTIAN
BROADCASTING NETWORK INC.,
*Virginia Beach, VA, May 10, 2000.*

Hon. JOSEPH R. PITTS,
*Congress of the United States, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN PITTS: My experience in dealing with Mainland China goes back to my first visit to that nation in 1979. Since that time, I have learned on subsequent visits that the progress of Mainland China in regard to economic development and the amelioration of the civil rights of its citizens has been dramatic.

I do not minimize the human rights abuses which take place in the People's Republic of China, but I must say on first-hand observation that significant progress in regard to religious freedom and other civil freedoms has been made over the past twenty-one years.

The population of China is the largest in the world. My sources indicate that there are at least 80 million Chinese who are Christian believes, and tens of millions of Chinese are either practicing Buddhists or practicing Muslims.

Although the Chinese government may not comport itself in the same fashion as we in America would desire, nevertheless, I believe that the economic and structural reforms begun by Chairman Deng Xiaoping are irreversible and that little by little this vast land is moving toward a more prosperous society and more individual freedom.

If the US refuses to grant normal trading relations with the People's Republic of China, and if we significantly curtail the broad-based economic, education, social, and religious contacts that are being made between the US and China, we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens.

Therefore, I would urge the Congress to pass legislation which would normalize the trading relations with the People's Republic of China without, in any way, diminishing the desire of the US to encourage the sanctity of human rights and the rule of law in that nation.

With best wishes, I remain . . .

Sincerely,

PAT ROBERTSON,
*Chairman of the Board and*
*Chief Executive Officer.*

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FRIENDS COMMITTEE
ON NATIONAL LEGISLATION,
*Washington, DC, September 7, 2000.*

Re Support permanent normal trade relations with China without amendment

DEAR SENATOR: Soon you will be asked to decide whether the enact Permanent Normal Trade Relations (PNTR) with China. We at the Friends Committee on National Legislation (FCNL) recommend that you vote for enacting PNTR with China (HR 4444) without amendment.

While we do not claim to represent all Friends (Quakers) on this challenging and complex issue, the governing body of FCNL is clear in its support for PNTR with china. This policy is fully consistent with FCNL's historic advocacy in opposition to Cold War policies of containment and in support of policies that further interdependence, cooperation, and the pacific resolution of disputes between countries through diplomacy between governments, and free trade, travel and exchange between peoples.

We share your concern for advancing human rights, religious freedom, labor rights, and environmental protection for the people of china. We are concerned about the impact of economic globalization on the standard of living and quality of life for workers both at home and abroad. We are also concerned about future cooperation and progress with the government of China in arms control, regional security, negotiations concerning the future of Taiwan, and the pacific settlement of disputes.

We believe that normalization of trade relations with china is an important step toward advancing all of these basic human security concerns over the long term. China experts note that dramatic changes have already occurred within China over the past two decades as a result of more open exchange between China and the rest of the world. Interactions between government officials businesses, universities, and individuals have led to a growing harmonization between Chinese institutions and their Western counterparts. This is reflected in the development of new laws, government policies, democratic institutions, business and labor practices, standards of behavior, and popular expectations.

This engagement has also helped indirectly to nurture movements for social change. The student movement behind the Tiananmen Square demonstrations, the growing house church and democracy movements, and the recent widespread nonviolent demonstrations by the Falun Gong reflect growing movements within Chinese society that are challenging the political status quo and expressing popular aspirations for human rights. These movements likely would not have developed or spread as quickly were it not for the opening of Chinese society to the outside world that has occurred over the past twenty years. Despite the oppressive government responses, it is unlikely that the Chinese government will be able to repress popular movements such as these for long—especially if china continues along the path of economic reform, development, and integration into the global economy.

Such engagement has led to progress with the Chinese government on several important international security issues, as well. Over the same twenty years, the Chinese government has signed and ratified the Nuclear Non-Proliferation Treaty and the Chemical Weapons Convention. It signed and awaits U.S. ratification of the Comprehensive Test Ban Treaty, and, since then, it has observed a nuclear testing moratorium. It has participated in the Asian-Pacific Economic Cooperation Forum in ways that have built confidence and diminished regional tensions.

It is far more likely that the Chinese government will cooperate in these areas in the future and observe international norms of behavior if it is recognized by the U.S. as an equal partner within the community of nations than if it is isolated or excluded. Granting PNTR would encourage continued progress and cooperation in all of these areas of concern. Conversely, denying PNTR and further isolating China would likely close many of these opportunities, lead to increased oppression within China, and undermine regional and international security.

Please vote to enact PNTR with China without amendment. This is the next, most important legislative step that you can take to further positive relations between the peoples and governments of the U.S. and China.

Sincerely,

JOE VOLK,
*Executive Secretary.*

Mr. GORTON. Mr. President, for the past eight years, the responsibility to extend annual trade status to the People's Republic of China, PRC, has been shouldered entirely by the U.S. House of Representatives. Even though the United States Senate has eluded the duty of debating and deciding upon this significant issue, not one year has gone by when the subject matter hasn't weighed heavily on my mind.

If one year ago you had questioned any number of business or trade entities in Washington state my position on the prospect of extending Permanent Normal Trade Relations, PNTR, to China, I can almost guarantee you would have received a non-committal response. For years I have questioned China's commitment to free trade with the United States, and have been critical of the notion that the U.S. continue a relationship of "engagement" with the PRC. Couple these concerns with allegations of espionage, nuclear non-proliferation, questionable campaign contributions and influence, human rights abuses, persecution of religious freedom, and the treatment of the one true Chinese democracy, Taiwan, and one might challenge the notion that China receive such significant trading status from the United States. Mr. President, these issues have played a significant role in my criticism of our relationship with China, and therefore maintained an elevated status as I reviewed the prospect of voting on PNTR.

When I made my final decision regarding China's trade status, the mere simplicity of the issue suggested a rationale and consideration based solely on trade ramifications and WTO accession procedures alone. China's accession to the World Trade Organization is forthcoming, it's a fact, it's a reality, and it will happen. If the United States does not grant PNTR to China, the PRC will gain its ambitiously sought seat in the WTO, and the United States will lose all the benefits of trade with the more than 1.2 billion inhabitants of China. If Congress does not pass PNTR, the U.S-China trade deal that was 14 years in the making will be considered null and void, and every other member of the World Trade Organization will have access to the world's third largest economy. The potential loss of trade to the United States, and to the State of Washington, is too significant to ignore.

If the simplicity of the PRC's accession to the WTO was not enough to force me to reconsider my stance on trade with China, the details of the bilateral U.S.-China trade agreement helped secure my final decision to support PNTR. While I have long been critical of the Clinton-Gore Administration's policy with respect to China, the agreement brokered and finalized by U.S. Trade Representative Charlene Barshefsky is uncomparable.

By granting PNTR to China, the U.S. stands to benefit from a wide array of trade issues. While the United States retains our valuable trading leverage in the bilateral agreement and will gain access to a once heavily guarded market, China is forced to amend its market strategy and alter its trading exercises in favor of practices that embrace free market principles. When and if China alters its trading practices, it's clear the U.S. has everything to gain.

When formulating my decision to support PNTR, it was necessary that I review and concur with those terms stated in the bilateral agreement. If the terms were ever called into question by U.S. industry, manufacturers, agriculture, the service sector, or the high tech industry, I would seriously reconsider my position.

However, not one of the aforementioned industries in the State of Washington outlined an objection to trade with China. According to the World Bank, China will have to expand infrastructure by $750 billion in the next 10 years. Washington companies like Boeing, Paacar, and Mircosoft are prepared to fill their needs. Service sector companies like Eddie Bauer, Starbucks, and Nordstrom will step up to fill consumer demands. Not to mention, agriculture can finally attempt to penetrate the Chinese market that has for so long eluded our commodities. From the lush orchards of Central Washington to the rolling wheat fields of the Palouse, agriculture in Washington state is prepared and stands ready to benefit from the access to the 1.2 billion consumers in China.

While it was fascinating to me that so many varying industries and retail companies support PNTR and trade with China, the mere numbers and degree of tariff reduction contained in the bilateral agreement persuaded me most.

For example, the U.S. agriculture products that once faced enormous trade barriers and sanitary and phytosanitary restrictions, will receive a reduction of tariffs on average from 31.5 percent to 14.5 percent. Access for bulk commodities will be expanded, and for the first time ever China will permit agriculture trade between private parties.

What does this mean for Washington state agriculture? For the first time in over 20 years, China has finally agreed to lift the ominous and ridiculous phytosanitary trade barrier Washington wheat growers have learned to hate—TCK smut. As a result of this trade agreement, Chinese officials traveled to Washington state this spring and secured a tender for 50,000 metric tons of Pacific Northwest wheat. While this purchase is nominal, and represents a figure that I will press to increase, the elimination of export subsidies on wheat has already enhanced the expansion of markets wheat growers desire.

For some of our most precious and high value commodities such as apples and pears, tariffs will be reduced from 30 percent to 10 percent. Frozen hash browns, the pride of the Columbia Basin, will receive tariff reductions from 25 percent to 13 percent. Tariffs on cheese will plummet by 38 percent; grapes by 27 percent; cherries and peaches by 20 percent; potato chips by 10 percent; and beef by 33 percent. All of these commodities represent a significant portion of the Washington state agriculture industry, and at a time when new markets are difficult to come by, news of China's tariff reduction promises resulted in waves of support for PNTR by farmers.

Washington state agriculture is not the only sector to gain access to China's market. As a matter of fact in 1998, direct exports from Washington to China totaled $3.6 billion, more than double the exports in 1996. Of that figure, 91 percent represented transportation equipment, namely aircraft and aircraft parts.

The Boeing Company maintains 67 percent of China's market for commercial aircraft. Boeing anticipates that over the next 20 years, nearly one million jobs will be related to Boeing sales to China. Over the next 10 years, China is expected to purchase 700 airplanes worth $45 billion. Recognizing Boeing's significant contribution to the Puget Sound region and the State of Washington, it's no wonder one of the major labor unions that builds these airplanes supports PNTR.

So many people automatically equate transportation jobs directly with Boeing, but the aerospace and commercial airline industry is also supported by thousands of additional employees that contract and subcontract with the nation's only airline supplier. These contractors in Washington and all across the nation also stand to benefit from trade with China.

While the agriculture and manufacturing industries in Washington stand to gain, the high-tech, service sector and forest product industries also will benefit from liberalized market access. China has agreed to zero tariffs on computers and equipment, telecommunications equipment, and information technology. Tariffs on wood will decrease 7 percent, and paper by 17 percent. In addition, fish products tariffs will drop by 10 percent.

Washington's geographic proximity to China automatically benefits the service sector, the ports, and transportation infrastructure. Banking, securities, insurance, travel, tourism, and professional services such as accounting, engineering, and medical needs will all gain access to China's market. Knowing the ambitious and adventurous nature of many Washingtonians in these fields, I can imagine many State of Washington subsidiaries could find a home in China.

While all these tariff reductions and trade liberalization efforts look good on paper, there are also several mechanisms built into the bilateral agreement to address trade and import concerns. Two of the most significant items negotiated by the United States were the import surge mechanism and the anti-dumping provisions. Both these provisions were considered "deal breakers" by American negotiators. Had they not been included, the U.S. would have walked away from the negotiating table.

The import surge mechanism will remain in place for 12 years following China's accession to the WTO, and can be used in response to potential import disruptions by China. The anti-dumping provision will remain for 15 years and will be used by the U.S. should an influx of Chinese products flood our market.

The efficacy of the anti-dumping mechanism is evidenced by the case the U.S. apple industry filed and won against China. Citing an excessive increase of apple juice concentrate, the U.S. industry filed an anti-dumping case with the International Trade Commission, ITC, just last year. After the U.S. Department of Commerce and the ITC agreed that the U.S. industry had been harmed, the price for juice apples in the U.S. increased from $10 per ton back to the normal $130 per ton. This case was significant as it exemplified the United States' ability to appropriately deal with Chinese dumping practices, and it concluded that the U.S. has an appropriate and workable mechanism to address the issue of import surges.

While the aforementioned specifics about the bilateral trade agreement speak volumes to our trade dependent friends at home in Washington, when all is said and done, when all the tariffs are reduced and markets are liberalized, major questions will still remain. Will China become the trading partner that the U.S. hopes and desires? Will the PRC adhere to those details so cautiously and ambitiously sought? Will the U.S. market benefit from the buying power of China's 1.2 billion consumers? While I might not remain as optimistic about trade with China as some of my counterparts or those in the U.S. trade industry, one fact will remain constant. With the passage of PNTR and China's eventual accession to the World Trade Organization, leaders in Beijing will have to begin complying by international trade rules and restrictions or face the wrath of its new trading partners. These partners will include the United States and all of our allies.

Of the other questions that still remain regarding human rights, religious freedom, non-proliferation, allegations of espionage, and the treatment of Taiwan, one can only hope that the eventual promises and attractiveness of democracy and free market principles will be embraced by those who encounter it for the first time. One hopes that eventually, Falun Gong practitioners will be able to practice their faith in public. One hopes that eventually the weight of internationalism, globalization and trade will move Beijing away from theories and military practices that could bring harm to their trading partners. One hopes that eventually workers will perform in a less oppressive regime. One hopes that China will one day accept Taiwan as an independent nation. One hopes.

Because I have remained vigilant about my criticism of China, I endure to continue my close watch over

United States interests and national security. Because I unconditionally support Taiwan and that country's efforts to embrace freedom and democracy, I will forevermore remain their champion. While I believe that democracy will eventually reign true, I will continue to raise concerns regarding human rights, religious freedom, and the United States relationship with China on all fronts.

I will vote for PNTR not because I am comfortable with the thought that China will adhere to all the details in the bilateral agreement, or the prospect that they will become exceptional trading partners overnight, but I support the men and women from the most trade dependent state in the nation who have urged its successful passage.

Whatever the course of our relationship with China takes over the coming years, I assure Washingtonians that I will be scrutinizing the reactions of Beijing very closely. I will continue to engage in a dialogue with all interested parties to ensure that Washington benefits from these new trade practices. I will work to ensure that American interests and national security weigh heavy on the minds of our negotiators and the next Administration. Because this vote is unmistakably one of the most significant trade votes the Senate has cast in recent years, I assure my constituents that I will keep their interests at heart.

Whatever it takes.

Mr. SESSIONS. Mr. President, I have decided to vote in favor of China PNTR because I believe this action will continue our policy of engagement with the Chinese government and increase the likelihood that our nation will have better relations with China in the years to come. The other option was to act on the assumption that China will become more hostile to the United States and that we must try to seal it off, which will not work.

This decision is a further step down the road that was begun by President Nixon in 1972 when he concluded it was better to have relations with China than to shut it off. Since then there have been many difficulties, but on the whole, I believe the relationship has been better than it would have been otherwise.

We now maintain military superiority over China and it is critical that it continue. I do not believe that it is inevitable that our future will be shaped by hostile relations with China. If we are strong and maintain our military, the chance of avoiding potential future hostilities will be improved. Such a vision is what wise leadership is all about.

I am not certain how best to improve the conditions of Christians and other religious people in China. I do recall, however, that when Rome changed from persecuting the early Christians to making Christianity the official religion of the empire, the change came about because of a change of heart and not as a result of a threat from an outside military power.

I was very impressed with the testimony of Ned Graham, son of the Rev. Billy Graham, who aids Christians in China and who has visited the country over forty times and distributed over two million Bibles to unlicensed Christians. He testified before the Senate Finance Committee. In his summation he stated that a vote for PNTR would encourage China's engagement with the world, increase the availability of computer technology to its citizens, accelerate its development of a rule of law, allow for increased contact between U.S. and Chinese citizens, and ultimately lead to positive changes in its religious policy. He concluded that most importantly "this action will help diminish the negative perceptions that exist between our two great countries." While we, as humans, can never know the future, I am persuaded by his remarks. Generosity of spirit and forbearance founded on strength are the qualities of a great nation.

On the level of trade, I believe that my state of Alabama will be able to sell more products in China because of the significant reductions in the tariffs China has imposed on imported American goods. This increased trade will benefit Alabama's farmers, timber industry and much of our manufacturing. It can benefit our transportation system, including the Port of Mobile.

While I think it will increase our exports, I cannot conclude that this agreement is going to help our overall balance of trade deficit, at least not in the short run. While China has a significant wage advantage in its manufacturing, it has a shortage of many natural resources, lacks technology, has a very poor infrastructure and is burdened by corruption and a lack of a rule of law which protects liberties and property interests. In addition, it continues to hold on to the form of communism, an ideology of incalculable destructive power. These problems will burden them for years to come and will take many generations to eliminate.

The key to the success of this agreement will be vigorous, determined and sustained leadership by the United States to ensure that China complies with this agreement and the WTO rules. China's tendency has been to cut corners and not live up to its obligations under agreements. In my view, China must come to see that its interests and those of its trading partners will be advanced by following these trading rules. Unfortunately, China seems to be obsessed with exporting and not importing. The truth is China and her people will benefit from having the opportunity to buy quality food and products from around the world. They must come to recognize that fact.

This issue is very complex and no one can see into the future with a crystal ball, but my analysis and judgement tells me it is time to step out in a positive way, and to take the lead in reducing some of the suspicions and misperceptions that have grown in recent years between our two nations.

Since I believe that increased economic activity between our two countries is not likely to assist China in strengthening its military in any substantial way, regardless of legislation, I see the positive aspects of this legislation outweighing the negative. We must, however, make clear to China that we intend to defend our just interests and those of our allies around the world, and that we will not abandon our ally and friend, the Democratically elected government of Taiwan. We also need to remain especially vigilant to protect our military secrets and technological advantage. I was therefore disappointed that the amendment offered by Senator FRED THOMPSON did not pass. We must make crystal clear to our business community that we will not tolerate transfer of our military technology to China. While I favored a number of the amendments that have been offered to this legislation, and was disappointed they did not pass, I am appreciative of the quality of the debate that has surrounded this issue.

China has 1.2 billion people, the most populous country on this globe. Their people are talented and hardworking. Our vote today should enhance our economic and political relationships.

Mr. EDWARDS. Mr. President I rise today in support of H.R. 4444, which would grant Permanent Normal Trade Relations to China. I do so only after long and careful consideration of this proposal.

I believe that granting permanent normal trade relations with China is the right thing to do. It will significantly alter our nation's relations with China. Trade between U.S. companies and the Chinese will likely explode in the coming years—generating jobs and revenues in this country. It could easily be the keystone in the continuing prosperity of this nation. And it could be the vital catalyst for democracy and a free-market system in China.

During the last few months as I have traveled through North Carolina and met with my constituents, I have heard from hundreds of men and women who believe that their future prosperity and their jobs turn upon this vote. Many of them eagerly support this legislation.

I believe that North Carolina workers can compete with anyone and win. This bill opens a world of opportunity to North Carolina businesses and workers. The farmer, the high- tech worker, the furniture manufacturer, the factory worker, and the banker all will get a real chance to capture a part of the Chinese market.

The farmer who is working so hard and struggling believes that China's agricultural market will be opened. For example, China already imports 12 percent of its poultry meat. If China joins the WTO, it will cut its poultry tariffs in half and accept all poultry meat that is certified wholesome by the USDA. A similar situation holds for pork and tobacco products. China's agreement to lower its tariffs, to eliminate quotas, and to defer to U.S. health standards provides North Carolina farmers with real opportunity.

The high- tech worker who is producing software or fiber optics cable will also benefit. China has agreed to eliminate its duties on these products in the next few years and has agreed to eliminate many of its purchase and distribution rules that inhibit sales of U.S. products.

Meanwhile, tariffs on furniture will be eliminated. Tariffs on heavy machinery will be reduced by nearly one half. Banks and insurance companies will be able to do business with the Chinese people without arbitrary restrictions. The list goes on.

As U.S. goods and services flow into China and as our engagement grows, the opportunity for real change in China grows. We are all aware that China has a long way to go in improving its record on human rights, religious liberty, environmental protection and labor rights. The abuses in that nation are serious. And I am committed to continued efforts to end those abuses. As American ideas, goods, and businesses surge into China, I believe China's record will improve.

But I am mindful that globalization and this bill in particular may have a real downside. As a Senator from North Carolina, I am well-positioned to see both the enormous benefits and the large costs of this measure.

Textile and apparel workers, many of whom live in North Carolina, face real challenges as a result of this measure. While in almost every respect the agreement with China benefits our country, textiles is the major exception. As a result of joining WTO, quotas on Chinese textiles and apparel will be eliminated in 2005. As a result, Chinese apparel will flow into the United States. By and large, the Chinese imports will likely displace imports from other countries. However, there is no doubt that an additional burden will be placed on the textile industry. To be sure, the industry can try to protect itself through the anti-surge mechanism put in place by this legislation. Yet it does us no good to pretend that these remedies are perfect and that people will not be hurt. I know that textile workers will work their hearts out competing with the Chinese. I know these people; I grew up with them. When I was in college, I worked a summer job in a textile mill. My father spent his life working in mills. The impact of PNTR on them is personal to me. Dealing with the impact of this bill on them will always be a top priority for me. And I will fight throughout my career to protect them.

Mr. President, China's entry into the World Trade Organization and its attainment of permanent normal trade relations with America is not without its risks. No one can predict with certainty that China will live up to its commitments. I vote for this bill because I believe that we must turn our face toward the future. But we must be mindful of the risks. So I warn that I will monitor China's compliance with its agreements like a hawk. If they renege, I will lead the charge to force them to live up to their obligations.

But to vote against this measure—to deny PNTR—not only fails to accomplish anything productive but also denies us enormous opportunities. We cannot hide our heads in the sand. China will join the WTO. The Senate has no impact on that decision. The only question we face is whether the U.S. will grant China permanent normal trade relations or whether it will fall out of compliance with its WTO obligations. If we fall out of compliance, the U.S. will be denied the Chinese tariff reductions and rule changes, while every other country in the world takes advantage of the Chinese concessions. We must decide whether the U.S. will be able to compete with other countries—Germany, France, Japan—as they enter the Chinese market. American companies and workers deserve the right to enter those markets. On balance, I believe that China's admission into the World Trade Organization and its attainment of permanent normal trading relations is for the good.

And so I vote for this legislation, mindful of the risks, prepared to watch the results carefully and optimistic about the future.

Mr. SANTORUM. Mr. President, the Senate is completing a historic vote on the U.S.-China Relations Act of 2000, H.R. 4444, which grants permanent normal trade relations, PNTR, status to the People's Republic of China. Realizing that many Pennsylvanians have expressed very strong feelings on both sides of this issue, I would like to take a moment to discuss my reasons for supporting this measure.

First, it is important to understand what normal trade relations, NTR, is. Since 1980, the United States has granted China NTR status every year, subject to an annual review. "Normal trade relations", NTR, is the tariff treatment the U.S. grants to its trading partners. All but a select few countries receive this trade status. NTR simply means that products from a foreign country receive the same relatively lower tariff rates as our other trading partners enjoy. The lower tariff rates result from years of negotiations and various trade agreements in which the U.S. reduces its duties on imports, in exchange for reduced rates on its own products. NTR lowers tariff rates, but does not eliminate them altogether. In this way, NTR substantially differs from a free trade agreement. Free trade agreements, such as NAFTA, set dates by which all tariffs among the member countries will be eliminated. I would also note that certain countries receive even lower tariffs than NTR affords through "preferential" tariff status.

The U.S.-China Relations Act ends the annual renewal process for China's trade status by extending permanent normal trade relations, PNTR, to China. The Act becomes effective when China is officially accepted as a member of the World Trade Organization, WTO. Upon China's accession to the WTO, a trade agreement negotiated between the Clinton Administration and China will also become effective. In exchange for PNTR, China has agreed to unprecedented tariff reductions and market-oriented reforms. The U.S. is not required to reduce our tariffs or to make any commitments, other than extension of PNTR. We also preserve the right to withdraw market access for China in a national security emergency. China, however, has committed to specific trade concessions by certain dates. Thus, the terms of this agreement are clear and enforceable. If China violates its agreements, the U.S. will be able to respond quickly and definitively.

I supported H.R. 4444 because without Congressional approval of PNTR status for China, the U.S. would not benefit from the concessions China agreed to in the bilateral trade deal. These concessions, which open the Chinese market to American goods and services, will benefit Pennsylvania's farmers, industries and workers. Likewise, I believe that engagement in a rules-based system of trade will help foster political and personal freedom, as well as economic opportunity, for China's citizens.

Mr. President, China is now the third largest economy in the world. The bilateral trade agreement pries open this historically closed market for Pennsylvania's products and services, especially in the agriculture, technology, banking, insurance, and manufacturing sectors. According to the U.S. Department of Commerce, Pennsylvania exports a wide range of products to China. Pennsylvania, as a major exporter of beef, pork, poultry, feed grains, and dairy products, will see average agriculture tariffs cut by more than half by January 2004. China must also eliminate its agriculture export subsidies and reduce domestic subsidies. Industrial tariffs on U.S. exports to China will be cut by more than half by 2005. Furthermore, China must eliminate quotas. Within three years, Pennsylvania companies and farmers will have full trading rights to import, export, and distribute their products directly to Chinese customers. Tariffs on chemical products, automobiles, and steel exported to China will also be cut from their present rates. And of course, it is important to note the strength of Pennsylvania's workers in these industries. The bilateral agreement takes the first steps in leveling the playing field for Pennsylvanians to compete in an emerging international market.

I am also pleased to say that small and medium sized businesses will benefit under the bilateral agreement. Most companies that are currently exporting to China are small and medium sized enterprises, SMEs. Nationally, 82 percent of all firms exporting to China were SMEs. Of all Pennsylvania's companies exporting products to China, 63 percent are SMEs.

Despite the benefits of our trade agreement, I am mindful of sincere opposition to granting PNTR to China on the basis of its human rights record. Under H.R. 4444, the United States will no longer condition China's trade status upon an annual review of "freedom of emigration" practices. This does not mean that the U.S. will stop pressuring China to allow its citizens to leave the country, if they choose to do so, nor does it mean that the U.S. will stop monitoring the widespread human rights violations in China. Rather, H.R. 4444 establishes a special Congressional-Executive Commission to monitor human rights abuses in China and to recommend appropriate remedies to the President and Congress. I realize that the Commission, PNTR, and even eventual WTO accession will not immediately bring about change in China; however, I believe that further engagement and economic reforms will lead to greater political and personal freedom for Chinese citizens. Isolating China serves only to strengthen the hand of hard-line communists who would continue to oppress the Chinese people. Many religious leaders share this view, including some pastors of Chinese house churches who have been jailed for their beliefs.

Another concern that I have taken very seriously is the potential impact on American workers. I have studied both the bilateral trade agreement and this legislation very carefully. Basically, the Chinese receive the same NTR tariff rates they have received for the past 20 years. In return, we get lower tariffs for our exports to China, new market access in distributing our products within China, and elimination of trade barriers for U.S. goods and services in the Chinese market. In other words, China essentially gets the status quo, while we get new benefits and substantial concessions from the Chinese. The U.S. fully preserves its anti-dumping and countervailing duty laws, which protect our industries and workers against unfairly traded Chinese imports. I would also note that H.R. 4444 provides even stronger protection from harmful Chinese import surges than current U.S. trade law allows. Furthermore, H.R. 4444 creates a government task force to prevent products made from Chinese prison labor from being imported into the U.S. With these protections in place and with effective enforcement, I believe that American workers can compete against anyone else in the world. American workers are, after all, the world's most productive.

I would also like to address the difference between granting PNTR to China and WTO accession. Congress has voted to extend PNTR to China; however, Congress has no vote on China's accession to the WTO. WTO accession is a four-step process. First, the applicant must present its trade and economic policies to a Working Party of all interested WTO countries. While these general multilateral negotiations take place, separate negotiations take place between the applicant and individual WTO countries, including the United States. These bilateral negotiations establish specific market access commitments and tariff rates. When both of these steps are completed, the Working Party drafts the terms of membership. Finally, the complete package is presented to the WTO Ministerial Conference for approval. The result of not extending PNTR would have been to deny U.S. farmers, manufacturers, banks, insurance firms, and their employees access to the Chinese market as promised in the bilateral trade agreement. Also, the U.S. would have been unable to avail itself of multilateral dispute settlement procedures in the WTO if further trade disputes with China arise.

Finally, I would like to assure Pennsylvanians that my vote on PNTR does not lessen my resolve to fight for fair trade in any way. Even after China joins the WTO, I will continue to monitor their adherence to the bilateral trade agreement. H.R. 4444 requires the United States Trade Representative, USTR, to issue a yearly report on China's compliance with its WTO obligations. I will follow these reports closely. In the meantime, I will continue to vigorously fight for stronger trade laws to protect U.S. workers and producers from unfairly traded foreign imports. For example, just last Friday, I testified at the International Trade Commission to oppose revocation of the antidumping and countervailing duty orders on various foreign steel imports.

I hope this clarifies the reasons I am supporting the U.S.-China Relations Act of 2000.

Mr. ROCKEFELLER. Mr. President, many of us have struggled for months to decide what is the right vote on China PNTR—the right vote for our individual states, the right vote for the Nation. I certainly have, as I have tried to grasp what effect PNTR with China might have on my state of West Virginia.

Over the last few months I've taken some time to listen and to talk with people in my state, to review where we are in West Virginia under the current trading system. I've tried to assess if West Virginia will be helped or disadvantaged if the Congress rejects PNTR. That is what I care about more than anything.

It is well known that West Virginia is a long way from enjoying the full benefits of the economic boom that we hear so much about. Unemployment remains over 5 percent, stuck stubbornly far above the national average. Our per capita income is $19,362, 49th among the states. Far too many of our working poor require food stamps, and far too many remain uninsured. And while I will fight every day to bring more and better jobs to West Virginia, the fact remains that we are a long way from providing the economic opportunities for the thousands of West Virginians who want to improve their lives, or are just struggling to survive from day to day.

There are many complex reasons that my state lags behind the nation economically. But one significant reason—which I believe with all of my heart and which I cannot ignore—is the simple fact that our current international trading system is simply not working for the people of West Virginia. The status quo is not working for West Virginia, neither for its workers nor for its industries.

We are just not being fairly treated under the current rules. Witness the struggle we have faced to protect our critical steel industry. Cheap and illegal imports began flooding the U.S. market in late 1997. A full two years passed before the first trade cases were resolved and the domestic industry got any relief and remedy. In those two years, six steel producers went bankrupt. Thousands were laid off. The impact on those companies, their employees, and the steel communities was devastating. And that is why I introduced fair trade legislation that would give our steel industry a fairer chance to prevent illegal steel dumping in the future. The status quo, our current unfair trade laws, were not working for West Virginia.

We in West Virginia are not being protected by the current trading rules. They are causing us to lose ground, lose jobs, and lose industries. I love my state too much to allow this to continue without fighting in every way I know to make it better. I will not vote to continue the current rules. I will not vote to maintain the status quo.

A vote in favor of PNTR for China will allow us to deal specifically with China on steel. For example, under today's unfair trade laws, the President must take uniform action against all countries that are dumping their imports on our market. Under current law and the status quo, the United States cannot single out one country for a tough remedy. Under the bilateral's antisurge provisions, we could address an influx of imports from China specifically. That is just one example, there are a few other provisions of the bilateral that could also work to, in essence, strengthen our ability to guard against Chinese steel disrupting our market.

West Virginia's chemical industry will benefit greatly from the tariff reduction that will come from passing PNTR legislation. The chemical industry is the largest industrial employer in West Virginia with an average salary of $51,000. During this debate, I heard from all of our chemical companies about the potential they have to increase their exports to China once this agreement goes into effect. Companies like DuPont who wrote me recently with the following: "DuPont currently exports to China almost $16 million of products from our plants in West Virginia, and we see those exports increasing as the Chinese economy grows. West Virginia is, in fact, the second leading exporter to China, surpassed only by Texas, among DuPont operations nationwide. West Virginia exports will drop to zero, however, if Congress does not enact PNTR legislation—because China will keep its tariffs high for U.S. exporters while lowering its tariffs for all other members' nations of WTO. Enactment of this legislation is, therefore, extremely important to DuPont and to our 3500 employees in West Virginia."

It also means that as a part of the international trading regime, China will have to deal with 131 other trading partners who all will be incredibly vigilant to ensure that China is playing by the rules. It will not be a perfect system, but it will be a much better system.

So I say, Mr. President, when you have the opportunity to do trade and business with 1.2 billion people, to engage them with the world as we do today, to change the status quo that is not working for West Virginia, then you must do what is right. It's even more important when your state ranks 4th among all 50 states in percentage of products made that are exported abroad. That is why I will vote today to approve Permanent Normal Trade Relations with China.

To be clear, the vote we take today is not about China entering the WTO. Others have said this, but it bears repeating over and over. The American people must understand this: China will enter the WTO no matter what the Congress does.

So, the sole question we must answer is, what will the impact be if the Congress rejects PNTR? Has this annual review of our trading relationship with China had the impact we had hoped it would, and what will be the effect of rejecting PNTR on West Virginia and all the United States?

First, as to the impact on China.

I do not accept, indeed, I abhor, the unfair and sometimes inhumane conditions faced by the people of that largest of the world's countries. I have spent a considerable amount of time in that part of the world and I know conditions there are unacceptable. All people who love freedom decry the violations of people's rights in China. As the leader of the free world, America must acknowledge its responsibility to do all in our power to better China's treatment of its people.

I also believe we should encourage nations like China, where fast-growing economies will increase both energy demand and greenhouse gas emissions, to use the cleanest technologies available. In fact, I view PNTR as the best means of introducing these mostly-American technologies, some of the most cutting-edge of which were developed in West Virginia, to the Chinese energy sector.

At the same time, I cannot say that the Congress' annual review of China has had any impact on China whatsoever—and we are just kidding ourselves if we think denying China PNTR now will improve labor or human rights. The annual PNTR review was supposed to provide us with some leverage to improve the conditions in China. But in reality, it has become mostly a feel-good, rubber stamp process here in the Congress that has no impact. Neither wages nor working conditions nor environmental safeguards have been advanced because we go through the annual charade of PNTR. I wish this were not true; the world experience says it is.

What will improve labor and human rights in China, in my view, is our working to bring China into a world living under law, acting to bring China into a fairer trading system without its restrictive tariffs and other barriers, and fighting to force China to deal in the world of nations under fairer rules, not just its own rules. Fighting to make China play by the rules—that's a fight I'm willing to make!

So I turn then to my second question: Will our country and my state be disadvantaged if we reject PNTR?

To that there is only one answer—I am convinced we, my state, my country, will be harmed if PNTR is rejected. No one else.

Remember, China will enter the WTO no matter how the Congress votes on PNTR. When that happens, and if we reject PNTR, all other WTO nations will have the upper hand, and all of our trading partners will benefit from lower tariffs and greater access to the world's largest market. Other nations will have all of the advantages in doing business there. Our workers, our industries, our farmers—all will have lost this new opportunity to gain fairer access to the largest of the world's untapped economies. Why would we want to squander that opportunity?

Rejecting PNTR means we lose—America loses—the many important concessions that were won last year in our government's negotiations with China. All will be lost, including unprecedented concessions that will give U.S. industries the upper hand in cases where the fairness of China's trading practices is in question. The bilateral agreement provides a twelve year product specific safeguard that ensures that the U.S. can take action on China if imports from that country cause market disruptions here in America. China has also agreed to grant U.S. industries the right to apply non-market methodology in anti-dumping cases for the next 15 years. This is a major boon for U.S. industries suffering from injury caused by unfair and illegal imports. China makes other concessions as well, which make it easier for businesses in this country to prove countervailing duty cases against China.

These new provisions could be used to help companies, like Portec Rail, in Huntington, West Virginia, who may have been harmed from dumping of Chinese steel rail joints. It seems to me that companies like Portec Rail might be early beneficiaries of these stronger import surge provisions.

Let me be clear, these provisions improve the status quo. They are stronger than our current unfair trade laws. Under the new agreement, China will finally be required to greatly lower its barriers to our trade there. China makes all the concessions. We have nothing to gain—and everything to lose—by rejecting PNTR.

And lose we will. What would be the likelihood of Chinese retaliation if we reject PNTR? There is little doubt in my mind that China would retaliate against U.S. economic interests. On a purely political level, it would bolster China's hardline forces of party control and state enterprise. And this could destabilize an area of the world that I care deeply about, the Taiwan Straits. I have spent a large part of my time working on the cross Straits issue between China and Taiwan. I want to see peace in that region. I want to see Taiwan join the WTO. But, rejection of this deal could have real dangerous consequences for Taiwan. China is simply too unpredictable, and could paralyze our efforts to promote peace and economic stability in Asia and around the globe.

Mr. President, of course we need to be vigilant and tough with China as we take advantage of this new economic opportunity. I fully realize that China has generally gone about its trading business however it saw fit, doing whatever it wanted and barring most competition. That cannot continue, and that is exactly why I believe we must bring China into and under the scrutiny of the WTO. We must make China play by a fairer set of rules, which means bringing them into a trading system governed by rules that we have helped create. And rules that we can enforce.

Mr. President, this is an opportunity for America that I am willing to fight for.

Mr. KOHL. Mr. President, I am pleased that the Senate has been able to pass, after extended debate, H.R. 4444 which will make Normal Trade Relations with China permanent. After over twenty years of yearly extensions of Most Favored Nation trading status, we are now going to stabilize our trading relations with the Chinese. This is a step forward for the United States, China, and our citizens.

I believe in trade as a liberalizing force. A country cannot accept our goods and services and not be exposed to our ideas and values. One has only to look around the Pacific to see countries that have made the move from dictatorship to democracy and see their focus on trade to understand the connection. South Korea, Taiwan, and Indonesia have all made steps toward greater democracy and all three have been engines for economic growth in the region. As capitalism penetrates Chinese society, the push for greater democracy will inexorably follow.

Increased trade and investment between our countries will separate Chinese workers from dependence on state owned enterprises. Currently Chinese workers depend on the state for almost everything including their jobs and paychecks. Once workers have a choice between working for the government and for private business, and can break their dependency on the state, the push for greater democracy will only increase.

Trade will also serve as a valuable tool for exchanges between our countries as a more personal form of diplomacy. As business people travel back and forth, as workers meet Americans, as the Chinese people have more exposure to our country through the media and the internet, the people of China will develop there own attitudes about Westerners, capitalism, and democracy.

The World Trade Organization will bring China the prestige and respect it craves, but at a price. As a member, China will be treated like any other member of the international community, and not like an outcast or rogue. The members of the WTO, however, will not let themselves be taken advantage of in trade matters. During this debate I have heard many members talk about the advantage of multilateral sanctions over unilateral ones. The WTO offers members an excellent mechanism to propound and enforce multilateral sanctions, forcing China's compliance on trade issues.

While the agreement that the Administration negotiated in the fall of 1999 is not perfect, it significantly equalizes the terms of trade between our countries. Not only did we convince the Chinese to drastically reduce their tariffs on everything from auto parts to ice cream, we also negotiated to keep our anti-dumping and import surge laws. On our side, we gave up nothing in exchange. We did not allow any additional access to our markets or lower our tariffs. It was a one way deal—a deal that U.S. farmers and workers benefit from. People may be concerned about Chinese imports into the United States, but this agreement does not alter China's access to our markets one bit. On our side of the Pacific, nothing will change.

Some of my colleagues were disappointed that workers' rights provisions were not provided for in this agreement. I share their concern that China does not share our belief in the importance of respecting working people. I believe that Senator HELMS had an excellent proposal for raising the working conditions in China, while protecting the reputations of U.S. businesses that operate in China. His amendment to create a voluntary Code of Conduct for U.S. businesses in China would go a long way in protecting Chinese workers. By agreeing to respect certain rights to organize, to earn a decent wage, and to work in a safe environment, Chinese workers would learn the benefits of American style capitalism. This would also protect U.S. companies from being accused of abusing foreign workers for economic gain. We all know the public relations albatross around the neck of companies that moved to third world countries and thought they did not have a responsibility to meet Western standards of worker protection. We all know the names of companies who have operations in Vietnam, Indonesia, and Central America that have been brought under harsh scrutiny when the public finds out what the conditions are in these factories. Senator HELMS's amendment provided an opportunity for companies to avoid this negative publicity by agreeing openly that certain principals will always be respected, regardless of whether the factory is in China or the United States.

As we focus on expanding economic ties with China, we must consider our decision to grant PNTR in the context of our broader foreign policy relationship with China. I count myself among those who support PNTR in the hope that expanded trade with China will result in a more open Chinese society. To that end, we must be persistent in pressing the Chinese to demonstrate respect for human rights. Since the May 1999 suspension of the bilateral dialogue on Chinese human rights we have continued to convey our concerns to the Chinese about their repressive policies. Their unwillingness to engage with us on these issues puts more pressure on us to use the trade and economic contacts we have to press them on human rights and other matters.

Although I chose not to support the Wellstone amendment which would have conditioned PNTR on specific steps to improve religious freedom in China because I do not believe we should be adding last minute conditions to PNTR, I am deeply concerned about the most recent State Department reports on human rights and religious freedom in China. The Chinese government's respect for religious freedom and human rights has deteriorated considerably in recent years. Reports of severe violations continue unabated, including harsh crackdowns against religious and minority groups, the imprisonment of religious and minority leaders, including Catholic bishops, the complete repression of political freedom, and violence against women, including forced abortions, sterilizations, and prostitution.

There are those who say that we are losing our leverage with the Chinese on human rights by giving up our annual review of their human rights practices before we grant them normal trade relations status. In practice, however, this review had become a formality. We have never denied the Chinese normal trade relations status, even in recent years, since the Tianneman Square uprising, when their human rights record has been so egregious. I have believed that trade can be used as an effective bargaining tool in pressuring governments to improve their records on human rights. In the case of China, PNTR will not only provide us with the opportunity to press the Chinese at the highest levels, expanded trade will expose the Chinese people to the many freedoms we hold so dear, creating pressure from within.

We will also not be losing our opportunity to monitor Chinese human rights practices in a public way. The legislation before us creates a Helsinki-style commission which is designed to keep human rights on the front burner of US-Chinese relations. We must monitor Chinese behavior, speak plainly to the Chinese, and take action when necessary to communicate our objections to China's human rights record. And, we must continue our support for U.S. government and non-government efforts to effect change in China, including the development of the rule of law.

We must also use our growing access to China to do all we can to stem the proliferation of weapons of mass destruction and their delivery systems. The proliferation of these weapons and the ballistic missiles designed to deliver them pose the greatest threat to our security in the post-Cold War era. One of the consequences of the end of the Cold War has been looser controls on the technology, materials, and expertise to develop weapons of mass destruction. We must do all we can to prevent terrorists or radical states from acquiring these weapons and the means to deliver them. To that end, we have been a leader in setting up international regimes to prevent the spread of nuclear, chemical and biological weapons, and ballistic missiles. Unfortunately, there is much evidence that the Chinese have been heavily involved in proliferation activities.

Although some would argue that the Chinese have made progress in this area, pointing to their 1992 promise to abide by the Missile Technology Control Regime, MTCR, their accession to the Nuclear Nonproliferation Treaty, NPT, their signing and subsequent ratification of the Chemical Weapons Convention, CWC, and the signing of the Comprehensive Test Ban Treaty, there are still grave concerns about Chinese proliferation activities. At the same time that China was making commitments to adhere to international regimes to prevent the spread of nuclear and chemical weapons and ballistic missiles, Chinese companies continued to transfer sensitive technology to a number of countries. These technologies were instrumental in the development of weapons programs. Missile technology sales to Pakistan, nuclear technology sales to Iran, chemical sales to Iran, and missile technology sales to North Korea have all been attributed to the Chinese. China has played a major role in Pakistan's nuclear program, selling Pakistan 5,000 ring magnets, which can be used in gas centrifuges to enrich uranium, and other equipment for their nuclear facilities. As recently as August 9, the CIA reported that China is still a "key supplier" of weapons technology, confirming for the first time missile technology sales to Libya.

The few advances China has made, at least in its formal commitments, can be attributed to U.S. pressure. The key to preventing the further spread of sensitive weapons technology and know how is to continue to press the Chinese to honor the spirit of these commitments. We must not be afraid to be tough with them in this area and we must be willing to use all tools—including sanctions—to bring this message home. Global security is at risk if we allow rogue states to develop the capability to build weapons of mass destruction. And, our own national security is directly at stake if they develop delivery systems, that is long-range ballistic missiles, to bring these weapons to our shores.

That is why I chose to support the Thompson-Torricelli amendment to require annual reviews of Chinese proliferation activities. If the review identifies persons or other entities engaging in these activities then sanctions would be imposed. I have been a longtime supporter of economic sanctions against companies and governments which engage in proliferation activities. I recognize that sanctions may not always be appropriate, and that is why Thompson-Torricelli had waiver provisions. However, sanctions have not been imposed in many cases that begged for a stronger response from our government. The reluctance to use sanctions sends a signal to the Chinese and others involved in proliferation activities that there are rarely consequences for bad actions. We must have teeth in our non-proliferation policy or in the end we will suffer the consequences.

I had no desire to delay PNTR in my support of the Thompson amendment, and I can say the same for all the amendments which I chose to support during our consideration of PNTR. Our trade ties can benefit us in all our dealings with the Chinese, but we must not permit trade to overshadow the broad range of interests which we have with them.

I have no illusions about the potential impact of what we have done. PNTR will not change the balance of trade overnight. This agreement will take time to have a liberalizing effect on the Chinese government. China is thousands of years old, we will not change their minds in a couple of years, regardless of whether we use carrots or sticks to persuade them. We need to continue working to reduce subsidies below their current levels, and continue to eliminate tariffs. The U.S. will also need to continue to work on human rights as well. The bill provides some of the tools for the work on human rights to carry on, but we must be diligent and stay focused on the task ahead.

Mr. ASHCROFT. Mr. President, I rise today to talk about a significant vote I will cast—a vote in favor of permanent normal trade relations for China. It is significant, but difficult. Difficult because the Chinese have shown—in everything from predatory trade practices, to threatening our national security, to total disregard for religious freedom and human rights—a disturbing lack of trustworthiness. And furthermore, the current administration seems trapped in a cycle of failed policy. I deeply regret that our President, on behalf of the United States, has squandered multiple opportunities to protect U.S. interests and to promote American values in trade matters.

The vote is significant because about one-fourth of the people in the world live in China. When we talk of China, we need to remember that we are talking about people, many of whom seek to embrace the same values that made America great, such as religious freedom, freedom of expression, and capitalism. They want to live free, while many of their leaders want only to amass power and rule with a heavy hand.

I do not argue, as some do, that dropping the annual review of China's trading status will usher in all of these freedoms. Nor will it further protect U.S. security interests. That argument is tenuous, at best.

The only thing that will usher in the freedom to express religious or political beliefs, to organize, to obtain a fair trial, and to be free from governmental intrusion, will be a transformation among China's highest government officials. This will not happen in the absence of a well-formulated policy underpinned by moral leadership on the part of the U.S. Presidency. The leader of the free world must lead the world toward freedom. For the sake of the Chinese people, it is my hope that the next President of the United States will take the initiative in a calculated and consistent manner to be a leader in this area, without the need to be prodded by Congress at every turn.

Furthermore, the key to U.S. security interests lies in the hands of the Commander in Chief. If China joins the World Trade Organization, the United States does not alter its ability, or its responsibility, to protect our interests at home and to promote security abroad. While the WTO agreement has an explicit exception that states that WTO trade obligations do not supercede national security decisions, the fact is that the United States does not need the exception. The most fundamental role of the U.S. government is to protect the security interests of its people, period. We can count on other countries to attempt to steal our national secrets and to violate our security interests. It is the way of history, the conflict of powers. The breakdown in U.S. security with the Chinese has occurred because this Administration has not been vigilant to protect our interests. It did not and does not have to be that way in the future.

Granting permanent normal trade relations to China does not alter the President's responsibility to promote American values or to protect U.S. security interests. However, granting PNTR to China does have a substantial impact on our ability to enforce our trade agreements. I would like to discuss this issue fully today because I believe it is central to the ability of American farmers and companies to crack open the Chinese market—on which Chinese officials, at times, appear to have a death grip.

As we all know, China has been trying to accede to the WTO for over a decade. In order for this process to be complete, China has to negotiate the terms of the trade agreement that are satisfactory to the United States and other WTO members and must receive a favorable vote from the WTO members. Also, for the United States to benefit from those new terms, Congress has to grant to China what is known as "permanent normal trade relations" status. The Administration has concluded a trade agreement with China, and the President, Vice President, and entire Administration are now asking Congress to support PNTR.

A fair trade relationship with China has the potential to give Missouri workers and farmers the ability to sell goods in a new market of more than one billion people. However, a relationship is not built on commitments alone. It must include accountability. In China's case, we have a new and improved trade agreement, but we must also be able to enforce those commitments.

On the first issue—a solid agreement—there has been substantial progress made. China should open its market on equal terms to the United States. The U.S. market has been fully open to China for years. Although I would like to see complete reciprocity, I have reviewed the proposed agreement for China's WTO accession, and I believe it is a forward step toward opening China's market for U.S. products and services. This is a good deal for American jobs and Missouri's long-term economic growth.

On everything from automobiles to agriculture, Missourians are prepared to embrace the opportunities the agreement could provide: overall average tariffs will go from 24 percent to 9 percent by 2005; agricultural tariffs will be cut nearly in half (31 percent to 17 percent); businesses will be able to bypass state-trading "middle-men"; import standards for U.S. food goods will be based on sound science; competition will increase in all of the service sectors, like telecom, insurance, banking; the Internet will be open to U.S. investment; and the list goes on.

The Missouri economy at large is poised to benefit substantially from further opening of the Chinese market. From the early to late 1990s, Missouri's exports increased by about 120 percent, going from about $65 million in 1993, to about $145 million in 1998. Most recently, China ranked in the top 10 countries for Missouri exports, up from the 16th position in 1993.

Agriculture is the largest employer in my home state, and in fact, Missouri ranks 2nd in the nation in its number of farms. As I've traveled around the state, stopping in every county over the last few months, Missouri farmers and ranchers have expressed to me the importance of approving the agreement that has been reached on agriculture. Those I met at the Missouri State Fair and at Delta Days told me that trade is becoming the number one issue for farmers.

Soybean farmers, for instance, must export about half of what they produce because there are simply not enough buyers in the United States. As the nation's sixth largest soybean producer, Missouri's soybean and soybean product exports were estimated at $586 million worldwide in 1998. China is the world's largest growth market for soybeans and soy products, and it has taken additional steps under the WTO agreement to further open its market. Tariffs will be 3 percent on soybeans and 5 percent on soybean meal, with no quota limits. For soybean oil, tariffs will drop to 9 percent, and the quota will be eliminated by 2006.

Examples of how Missouri agriculture stands to benefit are limitless. Beef, for instance, could see huge gains. Currently, Missourians are not in any real sense able to export beef to China because of trade barriers. Under the WTO accession agreement, by 2004 China will lower its tariff from 45 percent to 12 percent on frozen beef, from 20 to 12 percent on variety meats, and from 45 to 25 percent on chilled beef. Also, China has agreed to accept all beef that is accompanied by a USDA certificate of wholesomeness. These are opportunities Missouri cattlemen want to embrace. Under the agreement, U.S. cattlemen gain parity with those in other countries to compete for a beef market that covers about a quarter of the world's consumers and is virtually wide-open for growth. I know that if Missouri farmers and ranchers are given the opportunity to compete on these fair terms, they will succeed.

The WTO agreement could also help Missouri's manufacturing industry. Missouri's manufactured exports to China are broadly diversified, with almost every major product category registering exports to the Chinese market including processed foods, textiles, apparel, wood and paper products, chemicals, rubber and plastics, metal products, industrial machinery, computers, electronics, and transportation equipment.

Missouri's exports to China are from all across the state and include a variety of small and mid-sized companies. Sales to China from St. Louis totaled $93 million in 1998, a 92 percent increase since 1993. Kansas City posted exports to China of $66 million in 1998, an increase of 169 percent since 1993. The exports from the Springfield area grew by 42 percent between these years. Clearly, however, these numbers could increase much more if China's market becomes truly open—if China keeps its promises outlined in the WTO agreement.

I certainly do not claim to know exactly how changes in trade policy, such as China's WTO membership, will translate into real changes for people on a day-to-day basis, so I have set up a Missouri Trade Council to advise me on issues such as this. I would like to share a few of their thoughts.

Gastineau Log Homes, in New Bloomfield, wants to see if it can tap into China's demand for American-style homes, by providing U.S. engineering expertise and the materials with which to make them.

In Ava, MO, the Copeland plant (a subsidiary of Emerson Electric) explained how opening markets to one-fourth of the world's population can create jobs and substantially impact local communities. The Ava facility supplies the key components (scroll sets) for air-conditioning compressors. This plant would receive the benefits of the November agreement for these scroll sets by a reduction in industrial tariffs from 25 percent to 10 percent. Also, trading and distribution rights would be phased in over three years, so that Emerson Electric could distribute its scroll sets and compressors broadly, not just to its Suzhou plant, but to all distributors in China. And, Emerson Electric will be given the opportunity to service their products and establish service networks. The Copeland management has high expectations about sending their products to China. Right now, 40 percent of the plant's manufactured equipment goes to Asia, and the manager is expecting that percentage to nearly double. By 2003, exports to Asia well could be about 85 percent, and half of those exports are expected to go to Suzhou. Currently, the Ava plant employs about 350 Missourians, and the workforce is expected to double by 2003.

After reviewing China's WTO accession agreement and examining its probable impact on Missouri businesses and farmers, I believe that while the agreement does not give the United States complete reciprocity, it does make substantial progress on China's commitment to open its markets. However, the U.S.-China trade relationship must also have accountability. On the second issue—the enforceability of the agreement—I have more serious misgivings about the impact of granting PNTR to China.

The United States government has a responsibility to see that trade agreements we enter into are enforceable and enforced. My goal is to ensure that workers, farmers, and ranchers in Missouri receive the benefits promised to them through our international trade agreements.

Unfortunately, there is a combination of factors that I find discouraging, and that I believe underscores the need to make changes to broader U.S. trade policy. These included China's record of noncompliance with its trade commitments, the United States' loss of leverage in the WTO to get cases enforced, and China's propensity to be a protectionist market like the EU which has repeatedly blocked imports of American agriculture.

China's record of living up to its trade agreements has been dismal. China has frequently opened a door to U.S. companies only to frustrate their attempts to walk through it. For example, in the early 1990s, China reduced the import tariff on U.S. apples from 40 to 15 percent. However, by 1996, China had erected new backdoor barriers on apples and other agricultural products that U.S. exporters say were even more punitive than the original import tariffs.

Another example is the 1992 Market Access Agreement in which China agreed to eliminate trade barriers to U.S. agriculture, manufactured products, and automobiles. Not only did China fail to comply with this agreement, the Chinese actually made negative changes that put U.S. businesses in a worse position than they were in prior to the agreement. For instance, the U.S. Trade Representative reported that on 176 items, import restrictions were abolished. However, the Chinese replaced those 176 old restrictions with 400 new restrictions that essentially make it harder for U.S. companies to export to China. The 1999 U.S. Trade Representative report said: "By 1999, China had removed over 1,000 quotas and licenses. . . . But there are indications that China is erecting new barriers to restrict imports." Also, China adopted a new auto policy only two years after signing the Market Access Agreement that put auto manufacturers at a severe disadvantage compared to Chinese auto workers.

I agree that China's record of noncompliance, considered alone, should not be dispositive of determining how to vote on PNTR. In fact, the Administration says that we have nothing to lose by allowing China into the WTO because by doing so, China agrees to "deeper and broader" commitments, and the United States gets the benefits of the WTO dispute settlement system to enforce those commitments. However, I believe the proponents of PNTR have left out an important aspect of this "deal"—when the United States approves PNTR, we give up our ability to unilaterally retaliate against China if China doesn't live up to its commitments, and must instead rely on the WTO dispute resolution system. Unfortunately, the WTO dispute resolution procedures have been inadequate to enforce our rights in past cases where the United States has successfully challenged unfair trade practices of other countries.

One of my constituents wrote the following:

> Granting PNTR will . . . reduce our ability to use unilateral tools to respond to continued Chinese failure to live up to its commitments. Our ability to take unilateral action is our only leverage against the Chinese government. Proponents of PNTR admit that only by using unilateral actions we were able to make even modest progress on intellectual property rights. The Chinese government has not lived up to the promises they made in every single trade agreement signed with the U.S. in the past ten years.

This Missourian is absolutely correct. While the process for getting a WTO Panel Decision issued has become more favorable to the United States, the ability to enforce Panel Decisions has been diminished.

In 1994, when the United States negotiated the WTO, the United States gave up the right to threaten higher levels of retaliation. The new standard is much more limited. The pre-1994 standard allowed a successful party (country) to impose a level of retaliation that was "appropriate in the circumstances" in relation to the violation proved. However, now we are bound retaliation levels that the WTO decides is "equivalent to the nullification or impairment." This new standard has impaired our ability to enforce successful decisions, such as the one involving the export of U.S. beef to Europe.

The detrimental effect of this loss of leverage on our ability to demand implementation of favorable WTO decisions is illustrated by the U.S.-EU beef case. The WTO authorized retaliation of only $120 million by the United States to address the EU's closed beef market. Compare this figure with the $4.6 billion the United States threatened against China when we were not bound by the WTO retaliation levels. I am not suggesting that the United States should use retaliation levels that are disproportionately harsh. I favor multilateral mechanisms to determine noncompliance with trade agreements. But I believe that once the United States has been successful in challenging another country's trade barriers, retaliation should be authorized to ensure enforcement. Denying the U.S. adequate tools to enforce a decision is similar to denying a plaintiff a judgment in a case he won. "Winning" just for the sake of being called the winner is not the objective when pursuing a WTO enforcement decision. U.S. ranchers want to sell beef to the EU not just be told by the WTO that the EU is violating its agreements. And, if China fails to comply with its commitments in the future, we will need to have the tools to enforce our rights.

We need a policy that ensures results, not just paper promises. Missourians want some guarantee that inviting China into the WTO will result in enhanced export opportunities, not just never-ending litigation. To address the enforcement issue, I have taken a number of steps including the following.

I worked directly with former Commerce Secretary Daley to set up a "China Compliance and Enforcement Initiative" within the Department of Commerce. At a Commerce Committee hearing, I told Secretary Daley that this would be my top priority. In response the Enforcement Initiative was set up, which does the following:

Establishes a Deputy Assistant Secretary for China devoted to monitoring and enforcement of China's trade agreements;

Sets up a rapid response team of 12 compliance trade specialists based in Washington, D.C. and in China;

Provides U.S. businesses and others with detailed information about China's accession commitments, contact names, and up-to-date information on China's laws and regulations;

Implements an accelerated investigation procedure to encourage China's compliance without having to initiate a WTO case (within 14 days of receiving a complaint about China's noncompliance, the rapid response team will engage Chinese officials and try to come to a resolution of the issue within 90 days);

Gives U.S. companies a head start in the Chinese market by launching a trade promotion campaign, including missions, seminars, and trade shows;

Closely monitors imports from China to ensure that our trade laws are enforced.

Second, I am involved in an effort to get the Continued Dumping Act (S. 61) passed so that China will be unable to continually flood U.S. markets with unfair imports. This legislation provides for the penalties to be given to the injured industry in the United States if China continues to unfairly dump its products into the U.S. market after a decision has been made and penalties have been imposed. This bill would provide a powerful disincentive to foreign producers who dump their products in our market because it would give a financial benefit to U.S. manufacturers.

Third, I introduced the "SHOW-ME" Act (S. 2548), which says that the United States should retain a more liberal standard of retaliation in the WTO for China. This is a principle I support for the WTO in general. If the United States has completed all of the required steps by initiating, arguing, and winning a case in the WTO, we should first give the other country some time to implement this WTO decision. However, if the country continues to disregard a decision that has been made by a neutral panel in the WTO, the United States should have greater flexibility when setting levels of retaliation. I support a policy that will give the United States more tools for enforcement, as opposed to reducing the amount available, which is unfortunately where recent trade negotiations have taken us.

Along these same lines, I introduced the WTO Enforcement Act (S. 1073), which would ensure that U.S. businesses and farm interests are widely represented and heard during every stage of the WTO dispute settlement process, especially when it is necessary to threaten retaliation in order to enforce a WTO panel decision in their favor.

Fifth, I have worked with newly-appointed Commerce Secretary Mineta to make trade enforcement a top priority during the remainder of this Administration. Specifically, I have communicated with Secretary Mineta my goal of attaining added flexibility for the United States in order to enforce our rights. Secretary Mineta ensured me in meetings and at a Commerce Committee hearing that this would be a priority. I am pleased to quote from his most recent statement about the issue:

> As we have recently discussed, I share your concerns about enforcement of dispute resolution cases under the WTO and the available means of retaliation. . . . I will make one of my top priorities enforcement of our trade laws and compliance with our trade agreements, particularly the WTO. Our goal must be to ensure that panel decisions are faithfully implemented. Let me assure you that I will work closely with you and members of the Administration to find effective means of retaliation when decisions are not property implemented.

These are some of the initiatives I have recently undertaken to address Missourians'—and my own—concerns with China's past noncompliance record and our ability to enforce agreements in the future. I believe the job of opening markets begins, not ends, with the signing of agreements and the approval of PNTR for China. I know we have a continuing and great responsibility to ensure that America's farmers, ranchers, workers, and businesses receive the full benefit of the agreements that have been negotiated on their behalf. I embrace this responsibility on behalf of the millions of Missourians who are impacted by this vote and this issue. I am committed to monitor China's compliance with our trade agreements and demand action if they fail to keep their promises. In addition, I will continue to encourage this Administration, and the next, to be vigilant about enforcing our rights. Missourians deserve the opportunity to export their products according to the terms promised in agreements.

In closing, Mr. President, I would like to reiterate the fact that there is, quite frankly, a declining satisfaction in America's heartland with our ability—or inability—to open foreign markets. The only way we will rebuild confidence in trade agreements is by real enforcement of existing agreements, not by entering into newer, more unreliable ones.

It is time for U.S. trade policy to be fortified with a strong foundation—that of real enforcement. It is time that our policies lead to job creation in practice, not just in theory. It is simply unacceptable for the Chinese to repeatedly repackage the same deal with a new label and not live up to the commitments it makes.

I will continue to work with all parties to fashion fair trade policies with China and all our trading partners to increase Missourians' access to world markets, which will create more jobs and a stronger economy. As a Senator from the Show Me State, I believe China, and other WTO members, need to show us that they are serious about living up to trade agreements. I will continue to work toward this goal.

Ms. SNOWE. Mr. President, I rise today to speak on the issue we have been debating here in the Senate for the past week—the matter of permanent normal trade relations (PNTR) for China.

Mr. President, my concerns about China are longstanding. They are based in no way on antipathy for the people of China, but rather China's authoritarian government—a government with a human rights track record that no one in good conscience could even defend. That is why I opposed the annual renewal of normal trade relations for China just last year.

At the same time, we are faced with another irrefutable fact—China is becoming a member of the global trading community with or without the concurrence of the United States. The fundamental question we are faced with is whether the U.S. will be fully engaged with China during this process.

A vote in favor of PNTR for China represents a recognition of reality, a recognition that China currently has complete access to our market while we have very limited access to theirs, a recognition that China is about to burst on to the international trading scene as a full fledged member of the World Trade Organization, a recognition that we would be actively choosing to put ourselves at a distinct disadvantage relative to our fellow WTO members should we fail to grant China PNTR.

A "yes" vote is a recognition that our success in the new century's new global economy—which has arrived whether we care to admit it or not—will only be as great as our willingness to be a part of it, a recognition that we have, rightly or wrongly—and I would argue wrongly—already de-linked our trade policy with China from our human rights policy, and a recognition that the status quo has done little or nothing to help improve the lot of the typical Chinese man or woman.

Mr. President, this is an imperfect bill we have before us. Personally, I would have preferred to support a bill improved by a number of amendments we have considered during our debate. Because I believe we must do our utmost to impact human rights in china, to protect against the potential impact of their massive cheap labor market, to preserve our national security and to ensure compliance with our trade agreements.

For instance, as my colleague, Senator WELLSTONE, stated on the floor during the debate on his amendment conditioning PNTR on China's compliance with previous U.S.-China prison labor agreements, the 1992 agreement allowed on-site inspections by U.S. Customs officials in China to determine whether allegations that forced or prison labor were manufacturing products were true.

Yet as soon as Taiwan's then-President Lee visited his alma mater, Cornell University, In 1992, China demonstrated its displeasure with the U.S. by among other things, suspending its agreement to allow U.S. inspections. China still refuses to abide by the terms of this agreement.

That's why I supported Senator WELLSTONE's amendment because I believe it is time for China to start living up to the international economic role it seeks. Even absent that amendment, under the WTO, China is expected to abide by all trade agreements all the time—not just when it is in its best interest. And I will be looking to the WTO to hold them to that standard.

Indeed, as a WTO member, China would be subject to reams of trade rules, and any of the organization's 138 members would demand that a rule be enforced. I believe that this perhaps, more than anything else, would spur the development of a market economy in china which is based on full compliance with its trade agreements.

Moreover, it is encouraging that the Administration has put forth a plan to monitor China's compliance with the establishment of a new Commerce Department Deputy Assistant Secretary for China, who would be devoted to monitoring and enforcing China's WTO trade agreements. I am also encouraged by announcements that a "rapid-response compliance" team of 12 staff people working in the U.S. and China, and a China-specific subsidy enforcement team, will be established to monitor China's trade compliance.

Further, Mr. President, the legislation itself requires an annual report from the USTR on Chinese compliance with WTO obligations and instructs the USTR to work to create a multilateral mechanism at the WTO to measure compliance. It also authorizes funding deemed necessary for the U.S. to monitor China's compliance. This is a step in the right direction and a necessary component of this bill.

Another issue of utmost importance as we have reviewed PNTR from the perspective of what is in the best interests of the United States is our ability to maintain our national security.

As my colleagues are well aware, one of a president's primary responsibilities under the Constitution is to conduct foreign affairs, and in doing so, Americans assume that a president is promoting our national security and interests abroad. As trade among nations is inexorably intertwined with political relations among nations, national security cannot—and should not—be considered in isolation. Therefore, it has been entirely appropriate that China's proliferation of weapons of mass destruction have been part of this debate.

I have long been concerned about transfers of technology by China that contribute to the proliferation of weapons of mass destruction or missiles that could deliver them. Recent issues have involved China's sales to Pakistan, Iran, North Korea, and Libya. On

August 9, the CIA reported that China remained a "key supplier" of weapons technology and increased missile-related assistance to Pakistan in the second half of 1999.

This is why I was a cosponsor of the Thompson-Torricelli bill and a supporter of their amendment. It is vital that the U.S. demonstrates that we will not turn a blind eye to China's proliferation and that we will actively take steps to induce change.

The Thompson-Torricelli amendment did not address trade but, in fact, was a crucial part of this debate as China continues to facilitate the proliferation of missile technology and weapons of mass destruction, to rogue countries. It would have provided an annual review mechanism, mandatory penalties, and an escalating scale of responses to Chinese proliferation of weapons of mass destruction, missile technologies, and advanced conventional weapons.

Accordingly, I consider the passage and enactment of the Thompson-Torricelli proposal in the future not simply to be good policy, but a critical companion to PNTR, and I hope we will revisit this critical issue in the 107th Congress.

Mr. President, in addition to an in concert with our national security responsibilities, one of the most prominent national interests of the U.S. is the promotion of human rights around the world. Indeed, one of the ongoing and essential reasons I have voted against NTR status for China in the past was due to its infamous human rights abuses.

During the consideration by the House, provisions were added to the PNTR legislation to monitor China's human rights by creating a Congressional-Executive Commission. The Commission will submit to Congress and the President an annual report of its findings, including as appropriate WTO-consistent recommendations for legislative or executive action.

I also recognize that any U.S. trade sanction taken against China could be brought before the WTO for resolution by China. The WTO's focus is international trade law, not human rights.

Accordingly, I supported Senator HELMS' amendment that would require, as a condition of China receiving PNTR, that the President certify that China has taken actions regarding its human rights abuses and religious persecution. Just as importantly, I also supported another Helms amendment that called on U.S. businesses to conduct themselves in a manner that reflects the basic American values of democracy, individual liberty and justice—a voluntary code of conduct.

While both amendments were clearly defeated on grounds other than the merits of the issue itself, I make a personal appeal to America's businesses to conduct themselves in a manner that does credit to the ideas we hold dear as a nation.

And I'm certain my colleagues agree that it is clearly in America's best interest—not to mention in keeping with the principles on which we were founded—to keep up the pressure on China to improve human rights for its own people and it is my fervent hope that we will do so.

Mr. President, economically, U.S. companies have expressed to Congress throughout this debate that our future competitiveness and, ultimately, our economic success as a country will be hamstrung without this agreement—but with it, all of America will be better off. Again, while I would have preferred to vote on a bill strengthened by the amendments I have just discussed, I find that I must concur.

For the past two decades, the U.S. has granted China low-tariff access to our market. And what have we gotten in return? Any number of different trade barriers which have severely limited U.S. access to China's market. To me, Mr. President, this has been far from fair.

Under this lopsided arrangement where China maintains nearly complete access to our market while we face stiff barriers, this has contributed to the increased trade deficit with China. In 1992, our trade relations with China produced $7.5 billion in U.S. exports and $25.7 billion in U.S. imports from China. By last year, our exports rose to $13.1 billion while our imports from China reached an astonishing $81.8 billion—a $68.7 billion deficit.

Now, some have argued that by improving the business climate in China, we're opening the floodgates for a massive outflow of U.S. businesses that will wish to relocate to that country. And certainly, China will be a more attractive place to do business should PNTR be approved.

But we must keep in mind that, under our current trade arrangement with China, many U.S. businesses have chosen to relocate a degree of their operations to China because Chinese tariff and non-tariff barriers make it very difficult to export products directly to that country. In order to gain access to the market, many firms build plants in China—however, this strategy has been by no means without is own problems.

In fact, businesses currently face a variety of discriminatory practices, including technology transfer, domestic content, and export performance requirements—in other words, that firms must export a certain share of their production. Once China becomes a member of the WTO—which of course we know is inevitable regardless of how we vote on PNTR—it will lower tariffs and eliminate a wide range of non-tariff barriers.

What does this all mean for U.S. businesses? It means that many firms—especially small and medium-sized firms, so we're not just talking about large corporations here—might choose instead to export products directly to China.

In other words, a greater investment in China under the provisions of the agreement that has been negotiated could promote an increase in U.S. exports to China. And that's not just me talking. According to the well-respected firm of Goldman Sachs, passage of PNTR for China can be expected to increase our exports to China by anywhere from $12.7 to $13.9 billion per year by 2005.

In my home state of Maine, there are a variety of facets of our economy that can expect to benefit. Already, Maine is significantly engaged in trade with China—to the tune of $19 million in 1998. From agriculture to civil aircraft parts to insurance to wood products to high-tech industries and fish products, PNTR would allow these vital sectors of our economy to continue to complete on an even footing with our global competitors, and to do so under WTO enforced rules.

For example, there would be zero tariffs on all semiconductors, telecommunications equipment, and other information technology products by 2005. Tariffs on wood and paper would be reduced from between 12 to 25 percent to between 5 and 7.5 percent. And tariffs on fish products would be reduced from 20.5 to 11.4 percent. These are significant numbers for significant industries in Maine.

Now, some will argue that PNTR will adversely affect our textile industries. Mr. President, as someone who has long been concerned about our trade agreements because of the effect they will have on the textile and apparel industry in the U.S. and in Maine, nobody is more sensitive to this issue that I am. Since 1994, Maine has lost 26,500 textile and apparel jobs, so I have scrutinized every trade agreement with this situation in mind.

This legislation, however, represents an improvement over past trade agreements I have opposed. Again, the fact is, China will become part of the WTO. And all WTO members must abide by the Agreement on Textiles and Clothing, or ATC, that phases out existing quotas and improves access to the markets of developing countries. In fact, all import quotas on textiles and apparels are to cease to exist by January 1, 2005, and China will reduce its tariffs on U.S. textiles and apparels from 25.4% to 11.7%.

In other words, under the ATC, the U.S. will be required to end quotas as will China. I understand that the textile industry wanted a 10-year phase out period and that opponents have contended that this will allow massive Chinese imports to the U.S., but the U.S. has negotiated specific protections regarding textiles and the PNTR legislation itself contains anti-surge safeguards.

Under the bilateral trade deal, the U.S. was able to retain the right to impose safeguard measures through 2008 and the PNTR legislation authorizes the president to take action if products from China are being imported in such increased quantities or under such conditions as to cause or threaten to cause market disruptions to the domestic producers.

Mr. President, I understand that textiles and apparels are an inviting industry for China to utilize its vast labor pool, but I believe that what we have negotiated and are about to enact into law addresses this issue while still allowing us to be full participants in the future.

And that is what this is about, Mr. President—the future—for both the United States and China.

The fact of the matter is, recent economic development has led to a rising standard of living for the average Chinese. Does China have a long way to go? Absolutely. Is this a hopeful beginning? I believe it is.

We are not going to change China overnight, with or without PNTR. But we must start somewhere. If we are not going to use the annual review of NTR for China as leverage for greater human rights in that nation—and clearly, as I noted at the beginning, we seem to have long since conceded the point, despite my protestations—then it is time to bring the American promise to China through the promise of increased economic opportunity for the Chinese people.

Change will be incremental at best. The Chinese government has proven itself a master of self-perpetuation. They still control the lion's share of finance and the means of production, and they are still a government not of the people or for the people.

But under this new trade agreement, and as a member of the WTO, the Chinese government will have a little less control then they had before. They will be subject to more rules—and rules made by those outside of China. And they will know that if they want to be a part of the tremendous promise of the 21st century, this is their only course.

Here at home, we have choices to make as well. Will we remain globally competitive? Will we embrace the opportunity to engage ourselves in a market of 1.3 billion people? Or will we tie oversees to the status quo, where China has access to our market, we don't have access to theirs, and the human rights issue gets no better than it has over the past ten years?

The bottom line is that the U.S.-China trade agreement—which is contingent on PNTR—represents an unprecedented, albeit imperfect, opportunity for the U.S. to gain access to the China market, for the U.S. to increase trade and thereby increase innovation and prosperity for ourselves and the generations to come. For these reasons, I will support PNTR for China.

Mr. LEVIN. Mr. President, there are weighty arguments that can be made on both sides of the question regarding whether or not to grant permanent normal trade relations status, PNTR, to China. But in the end there are two compelling arguments for granting PNTR that, I believe outweigh the arguments against it.

The first is that our current trade relationship with China is unacceptable and the second is that the existing annual review of our trade relationship has failed to improve either that relationship or the human rights situation in China. Granting China PNTR will result in concrete improvements in our trade relationship and offers the promise of a significantly more effective tool for both monitoring and changing the human rights conditions in that country.

When I say that our trade relationship with China is unacceptable, I am referring to the $69 billion trade deficit with China we ran up last year ($82 billion in imports versus $13 billion in exports). And as bad as that deficit is, economists are predicting it will grow. These levels are totally unacceptable. Today, access to China's highly regulated and protected market is extremely difficult. China protects its domestic market with high tariffs and non-tariff barriers that limit access of foreign companies. There is also inadequate protection of intellectual property and trade-distorting government subsidies.

There are clearly some advantages to this agreement in terms of gaining greater access to Chinese markets. China's current trade barriers, for instance, are especially high in the automotive sector. Concessions made by China in the agreement with the United States to open up their automotive sector to our exports are significant, including tariff reductions. Before the agreement, China's auto tariffs average 80–100 percent. China agreed to lower that to 25 percent by 2006. Before the agreement China's tariff on auto parts averages 20–35 percent. That is reduced to 10 percent by 2006 under the agreement.

There are significant tariff reductions in other areas than the auto sector. Before the agreement, China's agricultural equipment tariffs average about 11½ percent. China will reduce them to 5.7 percent by 2002. Before the agreement the Chinese tariff on apples, cherries and pears is 70 percent. After the agreement, China will reduce that to 10 percent, by 2004. China's tariff on chemicals averages 14.75 percent now, and in the agreement China has agreed to reduce it to 6.9 percent by 2006. It also agreed to reduce its tariff on filing cabinets from 18 to 10.5 percent by 2003. Chinese tariffs on refrigerators would come down from 25 percent to 20 percent by 2002. American farmers and exporters have told me they believe they can export to and compete in China with these lower tariffs.

China has also agreed to phase out its restrictive import licensing requirements and import quotas for vehicles. China agreed to phase out all restrictions on distribution services, such as auto maintenance and repair industries, giving U.S. companies the right to control distribution of their products, which is currently prohibited. In its agreement with the European Union, which will apply to all WTO members once China joins the WTO, China agreed to let foreign auto manufacturers, not the Chinese government, as is currently the case, decide what vehicles they wish to produce for the Chinese market. Also, as a member of the WTO, China would be required to drop its local content restrictions. Such changes are significant and long overdue.

If the status quo in our trade with China is unacceptable, so too is our mechanism for impacting the human rights climate in that country. I know that some have argued that Congress should not grant China PNTR status because they are reluctant to abandon our annual human rights review process and thus reduce our leverage with China on human rights practices. But what real leverage has this annual review and certification process given us when the United States has granted China normal trade relations status every year for 21 years without interruption? Even in 1989, after Tiananmen Square, China's normal trade relations, NTR, status was renewed. If we can certify China even after Tiananmen Square, what is this annual review pressure really worth?

The human rights situation in China is miserable. That's the current situation, the status quo before the agreement we are considering. Describing the violations of human rights in China now doesn't answer the question of whether we should grant China PNTR any more than whether we should have granted PNTR to Saudi Arabia or other countries where human rights are violated.

In other words, the current situation before this agreement is bad regarding human rights as is true with many other countries with whom we have PNTR. I don't see how we are worse off with this agreement in terms of getting China to improve their human rights. In fact, the PNTR bill we are voting on includes a specific mechanism to monitor and report on China's human rights practices that was proposed by my brother, Congressman SANDER LEVIN. Through the establishment of a congressional-executive commission on human rights, labor market issues and the establishment of the rule of law in China we will be keeping some public, visible and ongoing pressure on China to reform in these areas.

Even the president of the AFL-CIO, John Sweeney, who was critical of the House vote approving PNTR acknowledged that my brother's provisions,

> . . . marked an historic turning point: a trade bill cannot be passed in Congress anymore unless it addresses human rights and workers' rights.

In addition to the improved human rights enforcement we gain under PNTR, I believe it is at least possible the opening of Chinese markets to our products and involving them more and more in the world economy will produce human rights results which the current approach hasn't produced.

There may be some truth in the argument that the year-to-year certification creates some uncertainty for American businesses thinking of investing in China if they export some of their Chinese production back here despite their stated intention not to. This uncertainty, it is argued, results in lower levels of US investment in China, and lower levels of job transfers which sometimes accompanies that investment, than would be the case without the tariff uncertainty created by the annual review. However, it's unrealistic to expect that investments will not be made in China by companies from other countries even if not made by our companies. European and Asian companies will presumably fill any gap. And they could just as easily export their Chinese-made products to the United States, in which case more US jobs would probably be displaced as a result of those imports than would be displaced if American companies were the investors.

Let's assume you have an American and a German refrigerator manufacturer vying to make refrigerators in China. If both companies were going to ship refrigerators back to the United States, the jobs of people making refrigerators in the United States would seemingly be at least as much jeopardized by the German made-in-China refrigerator as the American made-in-China refrigerator. Actually, the job displacement would probably be less with the American made-in-China refrigerators being sold back here because the American company is more likely to use some US made components, stimulating at least some US exports. And not only will European and Asian businesses probably be less likely to use American made components in items they assemble in China, they will probably have fewer US stockholders gaining from their investments in China than would be the case with an American company's investment.

For instance, even though General Motors started production of the Buick Regal two years ago in Shanghai, no GM vehicles have come back to the US and $250 million a year worth of American made auto parts were used in that production. As a result of General Motors and other US vehicle manufacturers' investment in China, in 1999 Chinese imports of US automotive parts grew by 90 percent over the prior year. Percentagewise, China's imports of US automotive parts are increasing faster than China's exports of automotive parts to the United States. We are seemingly better off with some US content in Chinese-made products than with none.

It's clear to me that the status quo is failing to improve human rights conditions in China and failing to improve our trade relationship with that country. Given that I believe our trade relationship with China is intolerable and China's human rights climate is miserable, I do not vote for PNTR to reward China. Far from it. I have no desire to reward China for creating unfair barriers to American products and maintaining tariffs on our exports while Chinese imports flood our marketplace. Nor do I want to reward China for its failure to comply with earlier trade agreements. And I have no desire to reward China for persecuting those who only seek to practice their religious beliefs or to secure their rights as workers. But in the end PNTR is not a reward to China, it is a tool our country should use and use aggressively to open China's markets to our goods the way our market has been open to China's goods and to exert meaningful pressure on China to join that community of nations that respects basic human rights. My vote for PNTR is a vote against a status quo that has failed to advance either of those goals. It is a vote for a measure, however imperfect, that can move us closer to a fair trading relationship with China and to a day when the people of that country can enjoy their fundamental human rights.

Mr. MACK. Mr. President, I rise today to speak on the future of U.S. trade relations with China and the impending vote on China's PNTR status. The prosperity that this nation has enjoyed for the past 50 years has been a result of our commitment to free trade and opening markets. Free trade benefits all—it enhances prosperity and develops markets, essential elements to the spread of freedom, democracy, and the rule of law. China's entry into the World Trade Organization will also enhance American competitiveness, further our national interests, and benefit our trading partners. But we must enter into this agreement with our eyes open. China must comply with this agreement for it to have meaning. The United States must vigilantly seek enforcement of all agreements with China, including those addressing national security and human rights.

I share the concern of my colleague, Senator THOMPSON, regarding China's proliferation of weapons of mass destruction. On August 9th of this year, the Director of Central Intelligence reported that China remained a "key supplier" of weapons technology and increased-missile related assistance to Pakistan as recently as the second half of 1999. In the last year it has been reported that China transferred missile technology to Libya and North Korea and may still be providing secret technical assistance to Pakistan's nuclear program. U.S. Intelligence has also provided evidence that the PRC has provided Iran with nuclear technology, chemical weapons materials, and missile technology that would violate China's commitment to observe the MTCR and U.S. laws. I do not suggest that because of these violations we should cut off trade with China, but we must address the fact that they are supplying rogue nations with weapons of mass destruction. This threat to our national security has made my decision on this vote a difficult one, and that has been compounded by my concerns with China's repeated human rights abuses.

I suspect that each of my colleagues has had some opportunity over the years to hear about the human rights abuses taking place in China. I think one of the more eloquent spokesmen for the struggle for freedom has been Wei Jingsheng. He reminds us that those of us who live in the luxury of freedom should not forget those who are still struggling for liberty and freedom.

Mr. President, because of these very strong conflicting views, the importance of open and free trade on the one hand, and the importance of human dignity and the pursuit of freedom on the other, this has been a difficult decision for me. But, after due consideration, I conclude that moving toward open and free markets advances freedom in China, so long as China is willing to abide by the rules of the WTO.

By exposing China to global competition and the benefits it has to offer, Chinese leaders will be both obligated and empowered to more quickly move their country toward full economic reform. And by virtue of their business relationships, over time the Chinese people will be exposed to information, ideas and debate from around the world. This in turn will encourage them and their leadership to embrace the virtue and promise of individual freedom. The reason I am willing to embrace it has much has to do with the kinds of changes we have seen taking place in China over the years. If they were still committed to the ideology of the 1950's and 1960's, I do not think we would be here today. But, they have clearly moved toward opening their economy, and we should continue to push to open the country to freedom.

So I think it is time for us to respond to these changes by saying to the Chinese people—we want to be engaged in free trade and competition with you. I think, in the end, humanity will benefit. So I will cast a vote in favor of this legislation.

Mr. President, I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, today the Senate votes on whether to establish Permanent Normal Trade Relations with China.

This issue has been the subject of longstanding and emotional debate. It is an issue which has divided the Congress, human rights groups and policy experts from across the spectrum. There are strong arguments on both sides—arguments I carefully weighed in deciding how to vote.

In the past, I have opposed extending annual Most Favored Nation status to China because of concerns about China's egregious record on human rights and labor rights. By many accounts, including the State Department's, the situation there has deteriorated over the past year. Repression of political dissent, restrictions on freedom of religion and the persecution of ethnic minorities are realities of everyday life. I witnessed with my own eyes the tragedy that has befallen the people of Tibet, when I traveled there in 1988.

For Vermonters, the young Tibetan and former Middlebury College student, Ngawang Choephel, and his mother, Sonam Dekyi, are the human faces of the hardships and injustices endured under Chinese rule.

Ngawang was arrested more than four years ago by Chinese police when he was in Tibet making a film about traditional Tibetan culture. He was sentenced to 18 years in prison, despite the fact that the Chinese have never produced a shred of evidence that he committed any crime. President Clinton and Secretary of State Albright have personally sought his release, to no avail. In May 1999, the U.N. Commission on Human Rights declared his detention to be arbitrary. I have taken countless steps in seeking his release, year after year, and so have Senator JEFFORDS and Congressman SANDERS.

Since 1996, Ngawang's mother sought permission to visit him. Chinese law permits family members to visit imprisoned relatives, but for four years the Chinese Government ignored her pleas. Finally, last month, the Chinese Government made it possible for her to see him. She found that he is suffering from recurrent, serious health problems, far more serious than those of us who have followed his case closely had been led to believe.

Thirty-two years ago, Ms. Dekyi made the dangerous journey from Tibet to India to escape Chinese repression. She lost a child along the way. Her remaining son is now paying a terrible price for his brave attempts to document Tibetan culture.

No one here would disagree that in so many ways the policies and practices of the Chinese Government stand in direct opposition to the democratic principles upon which our country is founded. Mr. Choephel's case is just one of many examples.

The question, however, is not whether we approve or disapprove of this reality. It exists. The question is what can we do about it? How can we most effectively encourage China to become a more open, humane and democratic society?

The unavoidable fact is that our current approach has not worked. Due process is non-existent. Ngawang Choephel and many other political prisoners remain in custody. Many of China's workers are exploited. Anyone who publicly expresses support for democracy is silenced. If I thought that we could solve these problems by preventing normal trade relations with China, I would support it without hesitation, but I do not believe that course would achieve our long-sought solutions to these many problems.

Preventing normal trade with China would not advance the political and humanitarian goals that the United States has long worked for in China, nor will it advance the economic goals we have set for ourselves here at home.

The fact is, with or without Congress' approval, China will join the World Trade Organization.

It will join 135 other countries in an organization which regulates global trade. It will be part of an international economic system created by democratic nations and governed by the rule of law. It will be required to further liberalize an economy which is already being transformed by trade and technology, and which has contributed to slow but steady reform.

So on the one hand, preventing normal trade relations with China would not stop China from enjoying the benefits of WTO. It will join WTO regardless. Nor, I believe, would blocking China PNTR result in Ngawang Choephel's release. But on the other hand, by blocking PNTR we would deny ourselves the significant economic benefits that will result from China's agreement to reduce tariffs and open its markets to U.S. exports in ways that it never has before. And, I believe, we would deny ourselves the opportunity to build a better relationship with China.

Some have suggested that this debate is about what is right and what is wrong with the WTO. From its history of negotiating trade agreements in secret, to inadequate consideration of labor rights, human rights and the environment, there are plenty of problems with the WTO. These issues are important and they absolutely should be addressed. But they are not what this debate is about.

I have long spoken out against the lack of basic freedoms in China. I strongly supported the Administration's decision to sponsor a resolution condemning China at the U.N. Human Rights Commission. I have done everything I can think of to seek Ngawang Choephel's release, and I will continue to do so until he is released. I fervently hope that the Chinese Government will respond to the Congress' vote in favor of PNTR by releasing Mr. Choephel, along with others who do not belong in prison and who in no way threaten China's security.

Until the rule of law is respected and there is an independent judiciary that protects people's rights, until Ngawang Choephel and the other prisoners of conscience who languish in China's prisons are free, China will never be able to fully join the global community.

I am encouraged that the legislation that has come from the House would create a bipartisan Helsinki-type commission to monitor, promote and issue annual reports on human rights and worker rights in China. This bill requires hearings on the contents of these reports, including the recommendations of the commission, and it establishes a task force to strengthen our ability to prevent the import of goods made with prison or forced labor.

In the past, questions have been raised about the effectiveness of the yearly review of China's human rights record. However, I believe that it is important to have an annual debate on this issue, and I feel that the Helsinki-type commission and task force will provide useful, albeit limited, mechanisms for the examination of China's record on these issues

I have voted for every amendment to this legislation that was consistent with PNTR, and which would have also strengthened human rights. I deeply regret that they were not adopted. We can expand our trade with China, we can build a better relationship with China, and we can also stand up for human rights. The amendments offered by Senator FEINGOLD, Senator WELLSTONE, and others were reasonable and fully consistent with our most cherished values.

Profound differences over human rights will continue to cast a shadow on our relationship with China, and that is unfortunate. But it is also important to recognize that life in China is significantly different from what it was two decades ago or even two years ago.

For the first time, Chinese citizens are starting their own businesses. More and more Chinese are employed by foreign-owned companies, where they generally receive higher pay and enjoy better working conditions. State-run industries are gradually being dismantled and state-owned houses, health clinics, schools and stores are no longer the rule—reducing the influence that the Chinese Communist party has over its citizens everyday lives.

Technology has also weakened the government's ability to control people's lives. In the past year, the number of Internet addresses in China has risen dramatically. This year, the number is expected to exceed 20 million. With the Internet comes the exchange of information and ideas. And the government's best efforts to stifle this exchange are little match for a phenomenon that has transformed the lives of people around the world, from the most open to the most closed societies. In addition, access to print and broadcast media has expanded rapidly, along with nonprofit and civic organizations.

It is impossible to know what path Chinese authorities will ultimately choose—whether WTO membership and the changes it requires will indeed contribute to real democratic reform. But it would be a mistake for us to err on the side of isolation when there is so much that could be gained by engagement.

The President's arguments on this issue have been persuasive. So have the arguments of three former Presidents, six former Secretaries of State, and nine former Secretaries of the Treasury.

I also found persuasive the fact that many Chinese democracy and human rights activists, who have suffered the most under Chinese rule and have the most to gain from change, support PNTR.

And so I will vote for PNTR today.

Our archaic, counterproductive and ill-conceived approach toward Cuba is a perfect model for what we should not do in China. Our isolationist policy, which I have long argued against, has fallen hardest on everyday Cubans. Nothing has done more to perpetuate Castro's grip on power, and the denial of basic freedoms there, than our embargo.

Rejecting PNTR would strengthen the same element in China—the hardliners who are afraid that engagement with the outside world will dilute their power and influence. These are the same hard-liners who are refusing to negotiate with the Dalai Lama on Tibet and who would settle differences with Taiwan by force.

Which brings me to the issue of national security. China is an emerging military power, with a small but growing capability to deliver nuclear arms. It has an increasing influence in Asia, which military experts have identified as the most likely arena for future conflict. Passage of PNTR and China's accession to the WTO offer important opportunities to increase China's stake in global security and stability and to help ensure that over the long term China becomes our competitor and not our adversary.

Moreover, this legislation will not undermine U.S. efforts to use a full range of policy tools—diplomatic, economic and military—to address any potential Chinese noncompliance with American interests or international norms.

In purely commercial terms, Congress concedes nothing to China by approving PNTR. We do not open our country to more Chinese products. Rather, we simply maintain the present access to our economy that China already enjoys. In return, Chinese tariffs—from telecommunications to automobiles to agriculture—will fall by half or more over just five years, paving the way for the export of more American goods and services to the largest market in the world.

It is important to remember that if Congress rejects PNTR, other countries will continue to trade with China. They will reap the trade benefits that we have rejected.

PNTR will benefit Vermont. In the past year, Vermont exports to China have increased significantly—from $1 million in 1998 to $6.5 million in 1999. While this represents only a small fraction of Vermont's total exports, lower tariff barriers are likely to help Vermonters export their products beyond the Green Mountains to a quarter of the world's people. More Vermont exports mean more Vermont jobs.

I recognize the concerns of some in the labor community who believe that approving PNTR may cause the loss of some jobs in the United States. I know that many leaders of American labor organizations are motivated by their concern about their workers, and I respect them for that. Behind the statistics are real people with real families who suffer real consequences.

Some American workers will be hurt by this agreement. It is likely that some jobs will be lost as some businesses shift operations to China. However, trade experts generally agree that granting China PNTR will ultimately create a more favorable trade balance by increasing exports to China. And more American exports means more American jobs at a time when unemployment is at a historic low.

I support the strong anti-surge controls that have been included in the legislation, which will help protect American industries from a surge in Chinese imports that disrupt U.S. markets. The bill also authorizes funding to monitor China's compliance with its WTO commitments.

Mr. President, as with most trade bills that have come before Congress in the last ten years, the debate over granting PNTR for China has become clouded with simple slogans and half-truths.

Despite what we may hope for, history has proven time and again that there is no quick fix for the problems facing the Chinese people. And as it becomes harder for Chinese authorities to maintain control in the face of outside influences, the temptation to crack down on dissent may get worse before it gets better.

But we need to look beyond next month or next year. Freer trade will not in and of itself improve civil and political rights in China. It will not guarantee U.S. national security. It will not create thousands of American jobs overnight. But China's civilization is thousands of years old. It is changing faster today than ever before. With continued engagement on all fronts, we can, I believe, advance each of those important goals. For my part, I personally look forward to a much more intensive and regular dialogue with Chinese officials on these and other issues of importance to both our countries.

At the end of this debate, all of these many issues and arguments must be distilled to answer this one question: Is a vote for permanent normal trade relations with China in the best interests of the United States? The answer to that question is clearly "yes."

Mr. HATCH. Mr. President, this proposal has engendered one of the most serious and genuine debates we have had recently in the Senate. I have listened carefully to the pros and cons of H.R. 4444 which have been expressed over the last several months as well as here on the Senate floor in the last several weeks.

I have not come to a decision lightly and have given a great deal of consideration to all the arguments. There is no question that China is today a communist police state. There is no question that it has an abysmal human rights record.

But, the question is not the state of China today. It is what impact PNTR will have in the future, both for the United States and for China.

On balance, Mr. President, I have concluded that permanent normal trade relations with China and passage of H.R. 4444 will contribute to America's commercial prospects, enhance the spread of free market principles, and further strengthen the social and economic forces in China that will eventually sweep the police state into the dustbin of history.

Mr. President, Asia is the state of Utah's fourth largest market. While the predominant consumer of Utah exports is Japan, which buys nearly $500 million of Utah's products, as China's economy grows, so will the demand for Utah's industrial machinery, processed foods, nutritional and health food products, electronic software, and other products demanded by maturing societies.

This trade development cannot occur without PNTR, which will allow the U.S. to take China to court over unfair trading practices.

Up to now, Utah's 1,200 informational technology companies have been at a disadvantage in the Chinese market. The Chinese steal and counterfeit virtually all software, videos, and other intellectual property media entering the country. As the chairman of the Judiciary Committee, which has jurisdiction over copyrights and patents, I am most concerned with enforcing intellectual property laws both at home and abroad. China's WTO membership will place major restraints on pirating, the most important of which is our right to take China to the WTO dispute settlement panels.

It is worthwhile to note, Mr. President, that the U.S., whose economy is the most dynamic in the world, and whose producers are the most law-abiding, will be the beneficiary of the equal enforcement of the trade rules of the WTO, which we played a large role in shaping. This is not merely a prediction: To date, the U.S. has won over 90 percent of the cases we have initiated before the WTO.

If the U.S denied China PNTR, we would lose the right to go to court and would risk surrendering our market access potential in China to our competitors.

Mr. President, job-creating Utah businesses want PNTR. Utah's business community understands the prospective value of China's trade as well as the benefits of WTO. In meetings with state agricultural groups, community leaders, as well as virtually every other major job-creating business sector with export markets or export-market potential in the state, the demands have been consistent: "Give us access to China."

While this position is strongly held in Utah, it would be unfair to say it is unanimous. Utah's steel worker community, for example, opposes PNTR for China. But, with WTO, I believe many of their fears can be addressed, since China's current ability to dump steel products in the U.S., and anywhere else, can now be met head-on with a WTO dispute settlement judgment that would bring sanctions against the Chinese, not just from the U.S., but from the entire world.

I have worked hard to assure the steel interests in Utah regarding the passage of PNTR. We passed the Steel Trade Enforcement Act of 1999, which requires the President to consult with steel companies suffering from dumping and to get their consent as a condition for lifting dumping-related sanctions.

Finally, a third advantage is afforded the steel industry in the U.S.-China Bilateral Trade Agreement, which has a 12-year restriction on exports from China that surge into the U.S. causing sudden, often irreparable harm to this important sector of our economy.

The fact is, the American economy dominates, and has benefitted enormously from, the global marketplace. That includes Utah. Today, 5.2 percent of Utah's gross state product comes from merchandise exports. Utah sent $2.6 billion of exports into the global marketplace in 1999, and we expect an increase of about five percent in export volume for the year 2000.

Trade-related jobs in the state, especially in the manufacturing sector, are more stable, pay better, and tend to demand higher skills. International trade competition is good for Utah.

There have been, and will be, job losses, but Utah's economy has absorbed them. But, Utah also provides an excellent system for assisting workers make transitions to new positions, including education and training trade-displaced persons for new skills in new industries. I will continue to support these programs.

Utah has the right type of industrial base. We have an unmatched business climate for export-oriented companies. My state's population is sophisticated in terms of linguistic skills, cultural experience and tolerance, foreign travel, overseas living experience. Our infrastructure is in place: we have an international airport; our ports of entry are modern and automated; our freight forwarding and customs brokerage communities are highly efficient; our merchandise and commercial banking, insurance and other financial institutional base is competitive with any region in the world. We are poised for another economic take-off, and passage of PNTR so that China and the U.S. can actively participate in the WTO is essential.

Mr. President, the WTO enhances the free market principles that I have been committed to since I came to the Senate in 1977. I remain a conservative who believes that the lessons of the 20th century regarding the relationship between the free market and individual freedoms are incontrovertible.

I remain convinced of the theses presented by such great thinkers as the Austrian economist Friedrich Hayek and the American Nobel Laureate Milton Friedman. Capitalism cannot exist without expanding individual freedoms. And the growth of individual freedom is antithetical to authoritarian control.

I believe that the opportunities of a free market which have so essentially contributed to our own growth and development will also benefit societies all over the world.

From this perspective, I have been a little disappointed by the way some members have characterized aspects of this debate, particularly when they used the term greed in opposition to national security interests. I do not believe the promotion of capitalism is synonymous with the promotion of greed. It is an excess of self-interest that can lead to greed; but greed, of course, is not limited to capitalist societies, and I wish to make clear that I believe that those who are promoting PNTR for China are doing so for honorable reasons, and not for greed.

Moreover, for individual corporations, PNTR is no guarantee of success. Companies must still manufacture and market a good product. They must still be competitive.

I have spoken at length about the commercial benefits of granting PNTR for China for Utah, as numerous other speakers have discussed the benefits to their states. But our duties here as Senators require that we always consider the national interest as well as the local interest. And, in this debate, we have revisited again, throughout the exchanges we've had on numerous amendments, the broader question of the U.S.-Sino bilateral relationship and American national security interests.

Let me be clear: I deplore the appalling human rights situation in China today, including the repression of political expression and other fundamental expressions of human conscience. I deplore the repugnant practices in forced abortion and organ harvesting. All of this is evidence of the continuing level of social backwardness and political barbarism that remains in effect in many parts of China.

But there is a relationship between barbarism and economic autarky that cannot be denied. The peak of modern China's human rights atrocities—measured on a grotesque scale in human casualties—occured during a period when China was in self-imposed economic and political isolation from the rest of the world. During Mao's reign, through the Cultural Revolution, and prior to the opening to the rest of the world orchestrated by President Richard Nixon, over 40 million Chinese were murdered or starved by their government. What a tragic reality that is, Mr. President, but reality it is.

Capitalism corrodes communism, Mr. President. Opportunity crowds out totalitarianism. We have certainly seen that occur since Deng Xiaoping realized that the only way China could develop—could, in fact, recover from nearly a quarter century of Mao's economic nihilism—was to open to the world and to engage the free market.

One thing I'm not, Mr. President, is a pollyanna. As I've said, I am aware of the political and human rights conditions in China today.

The fact is that many of the Chinese are also aware of the situation. The abortion policies, for example, are not supported by the Chinese people. Some Chinese are even becoming aware of a growing social problem called by scholars here the "surplus males phenomena." Dr. Valerie Hudson of Brigham Young University has done excellent work in this area.

Orwellian population practices in China have had the effect of creating a growing demographic imbalance in Chinese society between men and women. As the demographic bulge in men moves into young adulthood, Chinese society will grapple with a surfeit of unmarried men. The potential consequences for internal and external instability should be of great concern to the Chinese authorities, as well as for us. These are the consequences of the communist control over families for the past two generations.

China has a huge population with a small percentage of arable land. The

Maoist answer was to kill large segments of the population through starvation and promote the most inhumane abortion policies in the modern era. As China has opened up to the rest of the world, however, the Chinese are starting to recognize that the answer to population pressures is not a totalitarian abortion policy, but economic development that can support families.

The best example for them is Hong Kong, which has a large population on a piece of land that has virtually no natural resources, except a harbor. Capitalism provided the economic development that launched Hong Kong into the developed world, probably beating the PRC to that level of economic development by at least a century, if current predictions hold.

Mr. President, I support PNTR because I want to see an end to the barbarisms, such as the abortion policies, of the Chinese police state. Capitalism corrodes communism.

We have had a long debate on a number of amendments. Frankly, many of these amendments, all of which have been defeated on this bill, would pass the Senate as amendments to other legislative vehicles, or as stand-alone bills. Certainly the debate over China's deplorable record on proliferation, and the legislative proposal presented by the Thompson-Torricelli amendment, are worthy of further discussion and review.

While we will end the annual most-favored nation review of the PRC, nothing of this PNTR debate proscribes the Senate from future initiatives regarding the bilateral U.S.-Sino relationship.

Mr. President, sometime, I believe within my lifetime, there is going to be a change in China. There will be a transition from the current police state. I am quite certain of that.

I am somewhat less certain—as is any other analyst—about what the change will be. The analysts have parsed out the possibilities for us, including chaos and disintegration, a new Chinese fascism, or another Chinese democratic state. I say "another," because Taiwan has demonstrated conclusively that there are no particular Asian values that prevent the Chinese people from developing, nurturing and robustly practicing democracy.

United States policy cannot guarantee the outcome of the transition in mainland China—it would be naive to think otherwise. But we can influence the evolution toward the most desirable outcome. That means promoting economic development and the values of the free market in China. We should plant these seeds, Mr. President.

A vote for PNTR is a vote for promoting economic markets for Utah and other American companies, for promoting economic development in China, and for promoting the rule of law in China. PNTR is a promising means of accomplishing these goals, not just for the benefit of U.S. commerce, but also for long-term U.S. strategic interests.

Mr. BIDEN. Mr. President, the issue before the Senate today is not a mundane redefinition of China's status under our trade laws. Nor does it mark a profound shift in our policy toward the most populous nation on earth.

The question before us—neither mundane, nor profound—is nonetheless of vital importance to the future or our relationship with China. Granting China PNTR and bringing China into the global trading regime continues a process of careful engagement designed to encourage China's development as a productive, responsible member of the world community. It is a process which has no guarantees, but which is far superior to the alternatives available to us.

Our decision on normalizing trade with China is best understood in its historical context. The search for a truly modern China is now more than a 100 years old. It arguably began at the turn of the last century with the collapse of the Qing Dynasty and the birth of the Republic of China under Sun Yat-sen. The search has continued through Japanese invasion, a bloody civil war, the unmitigated disaster of the Great Leap Backwards), the social and political upheaval of the Cultural Revolution, and now through two decades of economic opening to the outside world.

Viewed in this context, a vote for permanent normal trade relations says that we welcome the emergence of a prosperous, independent, China on the world stage. It also says we want China to be subject to stronger, multilateral rules of economic behavior—rules about international trade that will influence the structure of their internal social, economic, and political systems.

Granting permanent normal trade status to China is not a new direction in our relationship with China, Mr. President, but it is an important change in the means we choose to pursue it. We have the opportunity to move some, but not all, of our dealings with China into a new forum; the forum of established, enforceable international trade rules. This will take our economic relationship to a new level; a level commensurate with the importance of our two economies to the world.

As important as this legislation is to our overall relationship with China and to our aspirations for China, we must keep our expectations in check. The reality is that extending permanent normal trade relations to China will not magically cause China's leaders to protect religious freedom, respect labor rights, or adhere to the terms of every international nonproliferation regime.

No single piece of legislation could accomplish those objectives: indeed, these changes ultimately must come from within China, with such encouragement as we can provide from outside.

Some of our colleagues disagree on this point. They would have preferred that the China trade bill be turned into an omnibus China Policy Act. I understand their objectives and their frustration with the slow pace of reform in China. But amendments offered by Senator SMITH of New Hampshire—covering such diverse issues as POW/MIA cooperation, forced labor, organ harvesting, etc.—and Senator WELLSTONE of Minnesota—conditioning PNTR on substantial progress toward the release of all political prisoners in China—pile too much onto this legislation. Moreover, those amendments would effectively hold the trade legislation hostage to changes in China which passing the trade bill would promote. This seems backwards to me.

Other colleagues have such a deep reservations about trading with China that they proposed amendments which would essentially have taken the "Permanent" and the "normal" out of permanent normal trade relations. Amendments offered by the junior Senator from South Carolina, Senator HOLLINGS, and the senior Senator from West Virginia, Senator BYRD, reflect a deep ambivalence about the benefits to the United States of trading with China. As I will discuss later, I share the Senators' skepticism about the grandiose claims some have made about the economic benefits which will flow to the United States from this trade agreement. But we are not voting on whether to trade with China. We are voting on whether to lock in concessions by China to open its market to the United States. That is why I opposed their amendments.

My opposition to efforts to turn this trade bill into an omnibus China Policy Act, and my opposition to efforts to take the "P" and the "N" out of PNTR, does not mean that I found all the amendments offered during the previous two weeks of debate without merit.

Indeed, on their own merits, I would have supported a number of the amendments offered by my colleagues. If we had considered this legislation in May, June, or July, there might have been a realistic possibility of resolving differences between the House and the Senate versions of this bill. Under those circumstances, some amendments offered here in the Senate might well have been appropriate.

For instance, Senator FEINGOLD offered an amendment to improve the Congressional Executive Commission on China to be established under the terms of H.R. 4444. The modest changes in the commission suggested by the Senator from Wisconsin are reasonable, and include making sure that the commission produces concrete recommendations for action and that it reports equally to both the House and the Senate. I hope that we might revisit this issue to ensure that the special commission on China is as effective as it can be.

Another Foreign Relations Committee colleague, Senator WELLSTONE, offered several meritorious amendments, including one endorsing the recommendations of the U.S. Commission on International Religious Freedom with respect to China policy, and another requiring the President to certify that China is in compliance with certain memoranda of understanding regarding prohibition on import and export of prison labor products.

We should seriously consider the input of the religious freedom commission and we should hold China accountable for its failure to implement agreements with the United States, and I look forward to working with my colleagues on these issues in the future.

Finally, the chairman of the Foreign Relations Committee offered several amendments, including one expressing the sense of Congress condemning forced abortions in China. No member of Congress condones the practice of coerced abortion in China or anyplace else. Senator HELMS, who opposes normalizing our trade with China, knows that, which is why he offered his amendment.

Now I share the revulsion of the senior Senator from North Carolina toward forced abortion. It is beyond the pale. But I'm concerned—as I believe the Senator well knows—that his amendment would imperil the entire bill and risk a major setback in our efforts to achieve the very goals we both seek.

Sadly, that is the predicament we find ourselves in now. By delaying consideration of this historic legislation until the last days of this Congress, the Republican leadership has effectively denied the Senate the opportunity to debate the merits of various amendments without also considering the impact that any amendment, no matter how reasonable, would have on the prospects of passing the trade bill during this session of Congress.

So, I approach the pending vote on final passage with some frustration at the process, but which considerable confidence that extending permanent normal trade relations to China is in the best interests of both the United States and the people of China.

I have listened carefully and respectfully to my colleagues on both sides of the aisle and on both sides of this question. I share with many of my colleagues a feeling of deep dissatisfaction with the many deplorable aspects of China's domestic and foreign policies.

But, for reasons I want to make clear today, I do not share the belief that by preserving the status quo in our relations with China we will see progress.

This, in a nutshell, is the question before the Senate: shall we stick with the status quo? Or shall we join with virtually every other advanced economy in the world, and endorse the membership of China in a rule-based organization that will help to encourage many of the changes in Chinese behavior that the opponents of permanent normal trade relations say they want to see?

While there are few simple answers to the many questions raised by China, one thing seems clear: If we don't like Chinese behavior now, why vote to preserve the status quo?

The answer, say some of my colleagues, is that we must preserve the annual review of China's trade status to keep the spotlight turned on China.

There are two problems with this answer, in my view. First, we have never, not once in the two decades of annual reviews of China's trade status, voted against renewal of normal trade relations. Not after the tragedy of Tiananmen Square, not after missile launches against Taiwan, not after so many other provocations, broken promises, and disappointments. Annual review of China's trade status is an empty threat—an excuse for a ritual that at one time may have served a purpose, but that no one can seriously argue today has an affect on China's behavior.

The second problem with this argument lies in the premise that extending permanent normal trade relations to China means taking China out of the limelight. I submit to you that anyone who thinks China is going to escape scrutiny by the U.S. Congress and the American people just because it enjoys normal trading privileges with us doesn't know beans about politics.

As I understand their arguments, those who will vote against normalizing our trade relationship with China believe China's foreign and domestic policies remain so objectionable under the system of annual review that we should not, as they put it "reward" China with permanent normal trade relations.

But if there has been no improvement in China's human rights record over the past two decades, why should we persist in the fiction of annual review, repeating the empty threat that we might withdraw normal trade relations? What has the annual review gained us?

I see the situation differently, Mr. President. I believe China is changing. China is far from the kind of country that we want it to be, or that its own long-suffering citizens are now working to build. But no single snapshot of unsafe working conditions, of religious and political repression, of bellicose pronouncements about Taiwan, will do justice to the fundamental shifts that are underway in China.

An objective assessment of China over the past two decades reveals sweeping changes in almost every aspect of life—changes facilitated and accelerated by China's opening to the world. These changes are not the result of our annual review of China's trade status. The roots of change reach much deeper than that.

China's leaders have consciously undertaken—for their own reasons, not ours—a fundamental transformation of the communist system that so long condemned their great people to isolation, poverty, and misery. They have been forced to acknowledge the failure of communism, and have conceded the irrefutable superiority of an open market economy. The result has been a marked improvement in living standards for hundreds of million of Chinese citizens.

This growing prosperity for the Chinese people, in turn, has put China on a path toward ever greater political and economic freedom. The Chinese people, taking responsibility for their own economic livelihood, are demanding a greater voice in the governance of China.

This is not just my analysis.

This is also the view of people inside and outside of China who are struggling to deepen China's reforms and to extend them into the political arena.

Dai Qing, a former Chinese rocket scientist turned political dissident and environmentalist, testified passionately in support of permanent normal trade relations before the Senate Foreign Relations Committee in July. She said, "PNTR will help reduce governmental control over the economy and society; it will help to promote the rule of law; and it will help to nourish independent political and social forces in China."

Wang Dan, the Beijing University student who helped lead the Tiananmen Square protests and now lives in exile, says, "Economic change does influence political change. China's economic development will be good for the East, as well as for the Chinese people."

And Xie Wanjun, the Director of the Overseas Office of the China Democratic Party—a party banned within China—says,

> We support unconditional PNTR with China by the U.S. government. . . . We believe the closer the economic relationship between the United States and China, the more chance for the U.S. to politically influence China, the more chances to monitor human rights conditions in China, and the more effective the U.S. will be to push China to launch political reforms.

Martin Lee, Chairman of Hong Kong's Democratic Party, supports China's entry into the World Trade Organization and the granting of permanent normal trade relations. "The participation of China in WTO would not only have economic and political benefits, but would also serve to bolster those in China who understand that the country must embrace the rule of law. . . ."

And Chen Shui-Bian, Taiwan's democratically elected President, said last spring,

> We feel that a democratic China will contribute to permanent peace in this region. Therefore, we support U.S. efforts to improve relations with China. While we seek to normalize the cross-strait relationship, especially in the area of business and trade, we are happy to see the United States and China improve their economic relations. Therefore, I am willing to support the U.S. normalization of trade relations with the PRC.

It's not must dissidents and leading Chinese democracy advocates who support PNTR.

At this time, I ask unanimous consent to introduce into the RECORD recent statements by former Presidents Gerald Ford and Jimmy Carter, former Secretaries of State Henry Kissinger and James Baker, Chairman of the Federal Reserve Alan Greenspan, chairman of the Christian Broadcasting Network Pat Robertson, former National Security Advisory Brent Scowcroft, and yes, even former President of the United Auto Workers and former U.S. Ambassador to China Leonard Woodcock, all of whom support extension of permanent normal trade relations to China.

There being no objection, the material was ordered to be printed in the RECORD, as follows;

### QUOTES IN SUPPORT OF PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Former President Gerald Ford: "the facts are a negative vote in the House and/or the Senate would be catastrophic, disastrous to American agriculture; electronics, telecommunications, autos and countless other products and services. A negative vote in the Congress would greatly assist our foreign competitors from Europe or Asia by giving them privileged access to China markets and at the same time, exclude America's farm and factory production from the vast Chinese market." [remarks at distinguished Americans in Support of PNTR event, 5/9/2000]

Former President Jimmy Carter: "China still has not measured up to the human rights and democracy standards and labor standards of America. But there's no doubt in my mind that a negative vote on this issue in the Congress will be a serious setback and impediment for the further democratization, freedom and human rights in China. That should be the major consideration for the Congress and the nation. And I hope the members of Congress will vote accordingly, particularly those who are interested in human rights, as I am; and those who are interested in the well-being of American workers as I am." [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Alan Greenspan, Chairman of the Federal Reserve: "The outcome of the debate on permanent normal trade relations with China will have profound implications for the free world's trading system and the long-term growth potential of the American economy . . . The addition of the Chinese economy to the global marketplace will result in a more efficient worldwide allocation of resources and will raise standards of living in China and its trading partners . . . As China's citizens experience economic gains, so will the American firms that trade in their expanding markets . . . Further development of China's trading relationships with the United States and other industrial countries will work to strengthen the rule of law within China and to firm its commitment to economic reform . . . I believe extending PNTR to China, and full participation by China in the WTO, is in the interests of the United States." [press statement at the White House, 5/18/2000, including quote from Greenspan letter to House of Representatives Banking Committee Chairman James Leach released 5/8/2000]

Former Secretary of State Henry Kissinger: "The agreement is, of course, in our economic interest, since its grants China what has been approved by the Congress every year for 20 years. But we are here together not for economic reasons. We are here because cooperative relations with China are in the American national interest. Every President, for 30 years, has come to that conclusion." [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Former Secretary of State and Treasury James Baker: "As a former Secretary of Treasury and of State, I believe that normalized trade with China is good for America on both economic grounds and security grounds. It will help move China in the direction of a more open society, and in time, more responsive government. As such, normalized trade relations with China will advance both our national interests, as well as our national ideals, in our relations with the world's most populous country." [remarks at Distinguished Americans in Support of PNTR event, 5/9/2000]

Pat Robertson, Chairman of the Board and CEO, The Christian Broadcasting Network, Inc.: "If the US refuses to grant normal trading relations with the People's Republic of China, and if we significantly curtail the broad-based economic, education, social and religious contacts that are being made between the U.S. and China, we will damage ourselves and set back the cause of those in China who are struggling toward increased freedom for their fellow citizens." [letter to Congressman Joseph Pitts, 5/10/2000]

Brent Scowcroft, USAF Lt. Gen (ret) and former National Security Advisor: "I'm strongly in favor of granting permanent normal trade relations to China, not as a favor to China, but because doing so would be very much in the U.S. national interest. This, in my judgment, goes far beyond American business and economic interests, as important as these are, to key U.S. political and security interests . . . This may be one of those rare occasions on an important issue where there's virtually no downside to taking affirmative action. We cannot ourselves determine the ultimate course China will take. And denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified. But we can take steps which will encourage China to evolve in directions compatible with U.S. interests. To me, granting permanent normal trade relations is one of the most important such steps that Congress can take." [testimony before the Senate Commerce Committee, 4/11/2000]

Leonard Woodcock, former president of the United Auto Workers and former U.S. Ambassador to China: "I have spent much of my life in the labor movement and remain deeply loyal to its goals. But in this instance, I think our labor leaders have got it wrong . . . American labor has a tremendous interest in China's trading on fair terms with the Untied States . . . The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal." [Washington Post, 3/8/2000]

Mr. BIDEN. Finally, I would like to point out that my support for permanent normal trade relations with China is based not just on an assessment of the economic benefits to the U.S., not just on the prospects for political reform in China, but also on the impact on our national security. As I discussed during the debate on the Thompson amendment at some length, improving our trade relations with China will help put the overall relationship on a sounder footing. We need to cooperate with China to rein in North Korea's nuclear missile ambitions, to prevent a destabilizing nuclear arms race in South Asia, and to combat the threats of international terrorism and narcotics trafficking. We cannot work effectively with China in these areas if we are treating them as an enemy in our trade relations.

Let me quote General Colin Powell, former chairman of the Joint Chiefs of Staff: "I think from every standpoint—from the strategic standpoint, from the standpoint of our national interests, from the standpoint of our trading interests and our economic interests—it serves all of our purposes to grant permanent normal trading relations."

So, with all due respect to my colleagues who have brought before us the images of the worst in China today, we must keep the full picture before us and keep our eye on the ball. China is changing. We must do what we can to encourage those changes.

Can we control that change? Of course not. We know that not even those who currently hold the reins of power in China are confident that they can control the process that is now underway. What little we know of internal debate in China tells us that support for China's entry into the world Trade Organization is far from unanimous there.

It is those who are most closely tied to the repressive, reactionary aspects of the current China who are most opposed to this profound step away from China's Communist past. I urge my colleagues who so rightly and so passionately seek change in China to pause and reflect on that.

While we cannot dictate the future of China, we can—we must—encourage China to follow a course that will make it a more responsible, constructive member of the community of nations.

That is why I am proud of my sponsorship of legislation which created Radio Free Asia, and am pleased that the bill before the Senate includes increased support for the broadcast of independent news and analysis to the people of China. The opening of China—to investment, to trade, to travel, and yes, to foreign news sources—is a necessary ingredient to the process of economic reform and political liberalization.

Some of my colleagues have argued that we must not cast our vote on PNTR simply on the promise of increased commercial opportunities for American corporations. I agree. Indeed, unlike some of my colleagues—on both sides of this question, pro and con—I do not see the question of China's trade status simply in terms of the economic implications for the United States.

I do not anticipate a dramatic explosion in American jobs, suddenly created to fuel a flood of exports to China. Nor do I see the collapse of the American manufacturing economy, as China, a nation with the impact on the world economy about the size of the Netherlands', suddenly becomes our major economic competitor.

Both the opponents and proponents of PNTR, I believe, have vastly oversold the economic impact of this legislation.

For the record, let me say a few things about that aspect of this issue. First and foremost, this vote will not determine China's entry into the WTO. With or without our vote of support here, China will become a member of the only international institution—created by and, yes, strongly influenced by, the advanced industrial economies of the world—in a position to formulate and enforce rules of fairness and openness in international trade.

The issue for us is what role will we play in that process—will we put the United States on record in support of change in China's economic relations with the rest of the world? Will we put the United States on record in support of China's participation in a rules-based system whose basic bylaws will require fundamental changes in the state-owned enterprises, in the People's Liberation Army conglomerates that are the last bastions of the failed Chinese system?

Or will we put ourselves on the sidelines, and on record in favor of the status quo?

Will we accept the deal negotiated between the United States and China last year, in which China made every concession and we made none?

Will we accept the deal which opens China's market to products such as Delaware's chemical and poultry exports, to Chrysler and General Motors exports?

Or will we consign ourselves to the sidelines while other nations cherry-pick Chinese markets and are first out of the gate in building distribution and sales relationships there?

Our course is clear. China's growing participation in the international community over the past quarter century has been marked by growing adherence to international norms in the areas of trade, security, and human rights. If you want to know what China looks like when it is isolated, take a look at the so-called Great Leap Forward and the Cultural Revolution. During those periods of modern Chinese history perhaps 20 million Chinese died of starvation, religious practice was almost stamped out entirely, and China supported Communist insurgents in half a dozen African and East Asian countries.

I will cast my vote today in favor of change, in favor of closing that sad chapter in China's long history.

Mr. President, I will cast my vote with Wang Dan, Dia Qing, Martin Lee, Chen Shui-bian, and the other courageous advocates for political and economic reform in China.

Let us continue to seek change in China, to play our role in the search for a truly modern China.

Mr. THURMOND. Mr. President, I rise today to discuss my concerns and views as the Senate moves toward final passage of the bill extending permanent normal trading relations to the People's Republic of China.

I have diligently listened to the debate in the Senate and have given careful consideration to all points of view. This has been a valuable debate. It has educated the American people and has provided the international community with a statement of American values and ideals.

The intentions and actions of the Government of the Communist Party of China do give me concern. The record of China has been thoroughly discussed during this debate. There is no question that reforms are overdue to improve China's record related to human rights, religious liberty, environmental protection, and the conditions of workers. Furthermore, China's record on proliferation of weapons technology is dangerous both to the region and to the entire world. China's abuses of trade agreements has been well documented. Finally, the belligerence shown toward Taiwan has been disconcerting, if not alarming.

Many amendments were offered to this legislation to address these and other issues. I supported many of those amendments, and am disappointed that the Senate felt it could not amend this bill, strictly for procedural reasons. Nevertheless, I must emphasize to the world community in general, and specifically to China, that the rejection of these amendments does not mean the United States is unconcerned about these matters.

Given China's record, why should the United States grant permanent normal trade relations? I believe, that in the long term, Americans as well as Chinese will be better off as China joins the international economic system.

There is no doubt there will be obstacles and slow progress in the short term. It will take years for the Chinese to fully open up their economy and develop the legal infrastructure that will facilitate trade and commerce. I recognize that China has made fundamental internal economic reforms, moving away from a Marxist state run economy and centralized planning. The liberalization of external trade should provide the next step in the process of giving the individual Chinese more choices. The overall effect will be that as the Chinese economy improves, Chinese workers will be lifted from poverty. This, coupled with the development of a legal framework for commerce, will lay the foundation for democracy and religious freedom.

It is essential that China follow through on its obligations to the Chinese people to advance democratic reforms, to promote human rights, and to create greater economic equality for all its citizens. The road to democracy is paved with free markets. Free trade is the bridge to reach out to the Chinese.

This opening of Chinese markets will be good for South Carolinians, specifically, and Americans, generally. In the long run, America's workers and farmers will benefit from improved trade with China and access to what is potentially the world's largest market. Passage of this bill will ensure a reduction in tariffs on American products. Chinese consumers will be able to obtain high-quality U.S. agricultural and manufactured goods and business services.

With China's permanent normal trade status and eventual membership in the World Trade Organization (WTO), there will be stronger incentives for China to honor its commitments to lowering trade barriers. Finally, the United States will have access to the WTO's dispute resolution process to arbitrate trade disputes and seek enforcement of agreements. In short, China will be required to "play by the rules."

Again, I do not expect all of this to go smoothly. But I do anticipate that opening economic doors will open other opportunities for prosperity and freedom for the Chinese people. As China develops a vibrant free market and a more open and democratic society, the Chinese people will be better off, American security will be strengthened, and the prospects for international peace will be greatly improved.

Therefore, Mr. President, despite my many concerns, and realizing this is a long-term process, I support the extension of Permanent Normal Trade Relations with the People's Republic of China. I appreciate that the bill also establishes a framework for monitoring trade agreements and for reviewing our relations with China. I strongly encourage the next administration to be more vigilant in addressing national security issues related to China. Finally, I am hopeful that expanding trade with China will provide opportunities for resolving our differences in other areas.

Mr. DASCHLE. Mr. President, since the House vote, virtually every news account of this trade agreement has called its passage by the Senate all but certain. After months of such predictions, some people might conclude that the votes we are about to cast are a mere formality. They are not. We are making history here. The votes we cast today will have consequences. Those consequences will affect our economic interests, and our national security interests, for decades to come.

In one sense, the question before us is simple: Should we grant China the same trading status as we grant nearly every other nation in the world? Behind that question, though, is a larger question. China is home to 1.2 billion people—one-fifth of the world's entire population. What kind of relationship do we want with China? Do we want a China in which American products can be distributed—and our beliefs can be disseminated? Or do we want a China that continues to erect barriers to American goods and American ideals? Which China is better for our future? That is the question at the heart of this debate.

Someone who knew something about China answered that question this way. "Taking the long view, we simply cannot afford to leave China forever outside the family of nations, there to nurture its fantasies, cherish its hates and threaten its neighbors." My friends, it was not President Clinton who said that. It was not Ambassador Barshefsky, or anyone from this Administration. Richard Nixon wrote that—in 1967. Five years later, of course, President Nixon made his historic journey to China, ending 20 years of stony silence between our two nations.

History has shown the wisdom of that journey. Six years after President Nixon visited, China opened its economy—at least in part—to the outside world. Since then, China's economy has been transformed—from a 100-percent state-owned economy to an economy in which the state accounts for less than one-third of China's output. Along with this economic change has come social and political change. China is now taking the first tentative steps toward democratic local elections. Private citizens are buying property. People are being given more freedom to choose their schools and careers. You can now find articles critical of the government in the Chinese press, and a wider selection of books in Chinese bookstores. Now, China is ready to open its door to the outside world even further. The question is: Are we going to walk through that door?

Several people deserve special thanks for helping us reach this point. First among them is the President. One reason our Nation's economy is so strong today is because this President understands the New Economy. He understand that, to win in the New Economy, we need to maintain our fiscal discipline, invest in our future competitiveness and open up new markets for the products Americans produce. Under his leadership, we have negotiated more than 300 trade agreements with other nations. Among those agreements, none is more significant than this agreement with China. And none holds more potential promise for our future.

I also want to acknowledge the President's team—particularly Charlene Barshefsky—for her extraordinary skill in negotiating this agreement. I also want to thank our colleagues in the House, SANDY LEVIN and DOUG BEREUTER, for their bipartisan efforts to further improve on the Administration's efforts. The Levin-Bereuter improvements—particularly the creation of the human rights commission—are thoughtful solutions to concerns some of my colleagues and I had about the original agreement. Representative LEVIN and I spoke frequently about those improvements during that process. I know I speak for many in this chamber when I say we appreciate the great care he took to make sure his improvements addressed our concerns, as well as the concerns of our House colleagues.

Here in this chamber, I want to thank Senator MOYNIHAN, our ranking member on the Finance Committee, for his tireless efforts to pass this agreement. His accomplishment is a fitting conclusion to an historic career. I also want to thank Senator BAUCUS, who is a real leader on trade issues; Chairman ROTH, for his bipartisan leadership and determination to pass this agreement; and of course the Majority Leader, for his cooperation and leadership as well. Finally, I want to thank my colleagues who voted against sending this agreement back to the House. Their decision to focus on our trade relationship with China and leave other important questions about that relationship for later was not an easy decision to make. But it was necessary. I thank them for making it.

We have heard many eloquent arguments for—and against—this bill. That's as it should be. Critical decisions require careful deliberation. No one who values the freedoms we enjoy as Americans can possibly condone what we have heard about human rights, workers' rights, and religious freedom in China. None of us approves of China's frequent hostility, in the past, to the rule of law. I certainly do not. I intend to vote for this agreement, however, not to reward China for its past, but to engage China and help it create a different future.

In the 22 years since it re-opened its doors to outside investors, China's economy has grown at a rate of 10 percent a year. Still, China remains—by Western standards—a largely poor and underdeveloped nation. Reformers there understand that the only way China can build a modern economy is by becoming a full and accountable member of the international trade community. In exchange for the right to join the World Trade Organization, they have therefore committed—in this agreement—to make a number of extraordinary and fundamental changes.

Under this bilateral agreement, China has agreed to cut tariffs on US exports drastically. Tariffs on agriculture products will be cut by more than half—from 31 percent to 14 percent Tariffs on industrial products will be cut by nearly two-thirds—from about 25 percent to 9 percent. And tariffs on American computers and other telecommunications products will be eliminated entirely. On our end, this agreement does not lower a single tariff or quota on Chinese goods exported to the U.S. Not one.

China has also agreed to lower or eliminate a number of non-tariff barriers that now make doing business in China extremely difficult. Under this agreement, American businesses will be able—for the first time—to sell and distribute their own products in China. The Chinese government will no longer be the monolithic middle man in every business deal. In addition, American businesses will no longer be forced to include Chinese-made parts in products they sell in China.

To appreciate the magnitude of these concessions, you need to understand the hold the Chinese government now has on China's economy and—by extension—its citizens. Today in China, the state decides what products may be imported, and by whom. The state decides who may distribute and sell products in China. State-owned banks decide who gets capital to invest. For the more than half of China's workers who are still employed by state-owned enterprises, the state decides how much they earn, whether they are promoted, even where they live.

But the state's grip on its citizens' lives is starting to weaken and will weaken further with this agreement. Nicholas Lardy, a China scholar with the Brookings Institution, notes that "the authoritarian basis of the Chinese regime is (already) . . . eroding. . . ." By agreeing to let its citizens own their own businesses, and buy products and services directly from the outside world, the Chinese government is agreeing to further relax its authoritarian grip on its people. That is not just in the interests of Chinese reformers. It is in our interests as well.

None of us can know, with absolute certainty, the effect these new economic freedoms will have on China. But I had an experience a few years ago that makes me think there is reason to be hopeful. I was with two other Senators on a bipartisan trip to the republics of the Former Yugoslavia. We were there to assess what progress was being made under the Dayton peace agreement, and what help the republics might need to rebuild politically and economically.

One day, in Albania, I was talking to a man in his early 30's. As you know, until 1992, Albania was arguably the most closed society in the world. No one entered or left. And no new information was allowed in except what the government permitted. The man I talked with said that when he was a boy, if someone had a satellite dish, and they turned it to face the sea, to receive uncensored information from Italy, police would come and turn the dish around. That was for the first offense. If the police had to come a second time, they took you off to jail.

Then the communications revolution occurred—the explosion of e-mail and Internet. Suddenly, the government couldn't just pull the plug, or turn the satellite dish around. Suddenly, Albania was connected to the rest of the world.

Today, Albania is struggling to create a free society and a free economy. The man I spoke with told me he hopes the Albania of the future looks like America.

Today, fewer than 2.5 percent of China's people own personal computers. And fewer than 1 million Chinese have access to the Internet. By the end of this year, there will be 10 million Internet users in China. By the end of next year, it's expected there will be 20 million.

Recent attempts by China to police the Internet, and punish advocates of democratic reform, are troubling to all of us. They are also destined to fail. By eliminating all tariffs on information technology in China, liberalizing distribution, and allowing foreign investment in telecommunications services—the infrastructure of the Internet, this agreement will accelerate the telecommunications revolution in China. That is not just in the interest of Chinese reformers. It is in our interest as well.

Some have expressed concerns about whether China will honor the commitments it makes in this agreement, and whether this agreement is enforceable.

Their concerns are understandable. China has no history with the rule of law, as we know it. The important point is: by entering the WTO, China is agreeing—for the first time—to comply with the rules of the international trade community. It is agreeing to settle its trade disputes through the WTO, and to honor the WTO's decisions in those disputes. If it does not, it will face sanctions.

This is a fundamental change. In previous disputes with China—including our disagreements over intellectual property rights—we have had to fight alone. But there are 135 members in the WTO. Under this agreement, we will be able to work with those other nations, many of whom share our concerns. China's ability to pit its trading partners against each other will be greatly diminished. By agreeing to these terms, China is, in fact, agreeing to live by the rule of law. And while that agreement may be limited—for now—to trade issues, eventually it is likely to be extended to other areas as well—including human rights.

Rejecting this agreement, on the other hand, is likely to harm the cause of civil rights in China. Former President Jimmy Carter—one of the world's most respected human rights advocates—has said: "There's no doubt in my mind that a negative vote on this issue in the Congress will be a serious setback and impediment for the democratization, freedom and human rights in China."

Respected Chinese democracy advocate Martin Lee agrees. In a letter to President Clinton, Lee wrote that this agreement "represents the best long-term hope for China to become a member in good-standing in the international community." Should the agreement fail, he added, " we fear that . . . any hope for political and legal reform process would also recede." Clearly, it is in the interest of Chinese reformers to prevent such a failure. But it is in our interest as well.

There is another reason this agreement is in our national interest, Mr. President. It will strengthen peace and stability throughout Asia—particularly in Taiwan. Why? Because the more China trades, the more it has to lose from war. Taiwan's newly elected President, President Chen, supports China's entry into the WTO.

By passing this agreement, we would put the United States Congress on record as saying: "If China is admitted to the WTO, Taiwan must be permitted, too—without delay." China has already agreed, as part of this agreement, to accept that condition.

As I said, Mr. President, under this agreement, China is lowering its tariffs; we are not lowering ours. China is reducing or eliminating its non-tariff barriers; we are not. There is another way to evaluate the benefits of this agreement. That is by comparing China's WTO commitments to those of another huge, largely poor and under-developed nation: India.

India places a 40 percent tariff on US consumer goods. Under this agreement, China will lower its tariffs to 9 percent. India places a 30 percent tariff on agriculture products. Under this agreement, China will reduce its agriculture tariffs to an average of 14 percent. In addition, China will eliminate all agriculture subsidies to its farmers. That's something not even our closest ally, the European Union, has agreed to do.

Four years ago, Congress re-wrote the rules that had governed farming in this country for 60 years. Supporters of the new rules said at the time that America's farmers didn't need a safety net any more because they would make so much money selling their products to new markets around the world. But that isn't what happened.

Instead of prospering in this New Economy, over the last four years, family farmers and ranchers in South Dakota and across the country have suffered through the worst economic crisis since the Great Depression. Obviously, the lack of new market opportunities isn't the only reason Farm Country is hurting, Mr. President. But opening new markets for American farm products is a necessary part of the solution to the farm crisis.

It's time for this Congress to keep its commitment to family farmers and ranchers. It's time—at the very least—to provide access to the new markets we said would be available when the rules were re-written four years ago. The South Dakota Wheat Growers Association is right. "We have everything to gain by approving PNTR with China, and nothing to lose."

One lesson we have learned from past experience is that trade agreements must be specific. That is why this agreement is painstakingly detailed. Every commitment China is making is clearly spelled out, in black and white. We also know from past experience that no trade agreement—not even one with a nation as large as China—will solve all of our economic challenges.

Even if we pass this agreement, we will still have a responsibility to fix our federal farm policy—so family farmers and ranchers can get a fair price for their products. We will still have a responsibility to make sure all American workers can learn the new skills required by this New Economy. And we will also still have a responsibility to monitor how this agreement is enforced.

We have heard a great deal of concern during this debate—and rightly so—about how China limits the rights of its citizens to organize their fellow workers, or pray to their own God. Basic legal safeguards and due process in China are routinely ignored in the name of maintaining public order. News reports just before we started this debate told of Chinese being jailed because they practice their faith in "non-official" churches. Several key leaders of the China Democracy Party have been jailed because they advocated for democratic change. Workers rights are tightly restricted, and forced labor in prison facilities continues.

Let me be very clear: No one should confuse endorsement of this trade agreement with endorsement of these and other assaults against basic human rights. Such practices are abhorrent and deeply troubling to Americans, and to freedom-loving people everywhere.

As part of the Levin-Bereuter improvements, this agreement will create a high-level commission—modeled after the Helsinki Commission—that will monitor human rights in China and report annually to Congress. We have a responsibility to support that commission.

Finally, this agreement calls on Congress to help the Chinese people develop the institutions of a civil society that are needed to support fair and open trade. We have a responsibility to provide that assistance.

This is a good agreement. But it is not a panacea. And it is not self-enforcing. If we want it to work, we have to keep working at it.

In closing, there is another quote I would like to read from President Nixon. In a toast he made to China's leaders during his 1972 visit, he said, "It is not our common beliefs that have brought us together here," he said, "but our common interests and our common hopes, the interests that each of us has to maintain our independence and the security of our peoples, and the hope that each of us has to build a new world order in which nations and peoples with different systems and different values can live together in peace—respecting one another while disagreeing with one another, letting history, rather than the battlefield, be the judge of their individual ideas."

We have made progress toward that goal over these last 28 years. This agreement will enable us to build on that progress. It is in China's interest. It is in our interest. It is in the world's best interest that we pass it. I urge you to support it.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, we have had an excellent debate over PNTR, touching on many aspects of our complex relationship with China.

It was, indeed, important we had such an exhaustive discussion because the vote we are about to cast on PNTR will be a defining moment in the history of this Chamber and in the history of our country.

That is partly because passage of PNTR will create vast new opportunities for our workers, our farmers, and businesses. But it is also because PNTR will serve America's broader national interest in meeting what is likely to be our single greatest foreign policy challenge in the coming decades—managing our relations with a rising China.

China's accession to the WTO has been the subject of intense negotiations for the past 14 years. The market access package the U.S. Trade Representative reached with Beijing represents, in my judgment, a remarkable achievement. From the point of view of every sector of the American economy, and from the perspective of every U.S. enterprise, no matter how big or small, the agreement holds the promise of new markets and future sales.

For the citizens of my own State of Delaware—from poultry farmers to auto workers to those in our chemical and services businesses—gaining access to the world's largest country and fastest-growing market, which is what PNTR permits, offers extraordinary new opportunities.

Passage of PNTR is in our economic interest. I hope our debate has made that clear. But I hope my colleagues and the American people have come to understand why PNTR is also in our national interest.

To gain entry to the WTO, China has been compelled to move its economy to a rules-based system and to end most forms of state control within roughly 5 years. Indeed, in a number of sectors of its economy, China will soon be more open to U.S. products and services than some of our developed-country trading partners in Asia and Europe.

The results of China implementing its WTO obligations will be revolutionary. But contrary to what occurred in 1949, China will be transforming itself by adopting a fully-realized market economy, thereby returning individual property rights and economic freedom to the people of China.

Why has China accepted such a capitalist revolution? As Long Yongtu, China's top WTO negotiator and Vice Minister of China's trade ministry, said earlier this year, what is "most significant at present [is that] WTO entry will speed China's reform and opening up. Reform is the only outlet for China."

In other words, China has no choice. Its state-directed policies do not work; free markets and capitalism do.

Mr. Long went on to say:

> China's WTO entry would let enterprises make their own business decisions and pursue benefits according to contracts and market principles. Liaison between enterprises and government will only hurt enterprises. Contracts kowtowing to government, though they look rosy on the surface, usually lead to failure. After joining the WTO, the government will be pressed to respect market principles and give up the approval economy.

I agree with those who say that the rise of China presents the United States with potentially our biggest foreign policy challenge. But I also believe it presents us with enormous opportunities. The single most important step the Senate can take to allow the United States to respond to that challenge adequately and seize those opportunities is to pass PNTR.

We must, and we will, continue to press Beijing on the range of issues where our interests and values diverge, from human rights to proliferation to China's aggressive stance on territorial disputes.

Yet a China fully immersed in the global trade regime, subject to all the rules and sanctions applicable to WTO members, is far likelier to live under the rule of law and to act in ways that comply with global norms. Indeed, the WTO is exactly the sort of multilateral institution that can act as a reinforcing mechanism to make China's interests more compatible with ours.

As that happens, and as China's economic success increasingly comes to depend on stable and peaceful relations with its trading partners, Beijing will be more apt to play a constructive regional and global role.

Finally, if Asia and much of the rest of the world are any guide, China's economic liberalization will accelerate its path toward greater political freedom. In East Asia alone, South Korea, Taiwan, and Thailand have amply demonstrated how economic freedom can stimulate democratic evolution.

Ultimately, China's participation in the WTO means the Chinese people will be given the chance to shape their own destiny. As Ren Wanding, the brave leader of China's Democracy Wall Movement said recently, "Before the sky was black. Now there is light . . . [China's WTO accession] can be a new beginning."

Mr. President, when we pass PNTR, that new beginning will be for the American people just as surely as it will be for the people of China.

Colleagues, let us begin anew by joining together to pass PNTR overwhelmingly.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, throughout the 22 years I have been privileged to be a Member of the Senate, I have worked very closely with our distinguished colleague from Delaware, Senator ROTH, and indeed our colleague from New York, Senator MOYNIHAN. This has to mark one of their finest hours in the Senate. Senator MOYNIHAN has spoken with me unreservedly on this important issue and it took the strong leadership of our chairman and distinguished ranking member to shepherd this key legislation through the Senate in light of the number of challenges they faced.

I hope that not only the constituencies in their respective States but the Nation as a whole recognize the skill with which these two very seasoned and senior Senators have managed this most critical piece of legislation. Passage of this legislation is in the interest of our country economically and in terms of our security—I will dwell on the security interests in a moment—for today, tomorrow, and the future.

As we enter this millennium, China, in my judgment, is our natural competitor in economics, and perhaps the nation that could pose the greatest challenges in terms of our national security. I was very much involved, as were other Members of the Senate, indeed our two leaders, in the amendment offered by Senator THOMPSON. I subscribe to so many of his goals. Were it not for a framework of laws which adequately address the concerns of Senator

THOMPSON, I would most certainly have supported his amendment. But as our two managers have pointed out, as drafted, that amendment could have imperiled the passage of this legislation.

I am pleased to join colleagues today in supporting PNTR for China. I join all Senators who have spoken so eloquently on the question of human rights deprivation in China. Indeed, I have traveled there, as almost every Member of this body has at one time, and have witnessed with my own eyes the human rights deprivation of the citizens of that nation. However, continued isolation, in my judgment, would strengthen the hands of those who inflict the abrogation of human rights on those citizens by restricting the Chinese people's contact with some of our very finest Ambassadors. I am not just speaking of the diplomatic corps. I am talking about the American people, be they traveling for business or to gain knowledge about China. The American people are among the best Ambassadors as it relates to human rights.

Our citizens, wherever they travel in the world, most particularly to China, whether it is to conduct business or for pleasure or for other reasons, bring with them the closely held and dearly valued principles of a democratic society, principles of human rights. They are unrelenting in trying to share those principles and impress upon the people of China the value of reshaping their society along the principles of human rights adopted by the major nations of this world, particularly the United States. Therefore, exposing Chinese citizens to many of the ideals that our democratic society is built upon can only help in the strengthening of human rights in China.

It is through such contacts, which will be greatly expanded with the passage of PNTR with China, that significant improvements can be made in the human rights situation in China. Not providing the PNTR status for China would also have a significant impact on both U.S. businesses and consumers.

China imports 20 percent of the U.S. wheat and timber exports, and they also are major importers of U.S. cotton, fertilizer, aircraft equipment and machinery. China supplies the United States with one-third of those wonderful gifts, particularly at Christmastime, that we share with our children. They have always had a very innovative insight into what the children want and a great deal of what we purchase comes from that nation. Ten percent of our footwear, 15 percent of our apparel, and a large percentage of our electronic products are supplied by China. Without a PNTR agreement, duties on these products might drastically increase and the costs be borne by the American consumer.

However, China's accession to the WTO will be a boon to U.S. manufacturers, farmers, and service providers. As a requirement to join the WTO, China has agreed to greatly reduce tariffs across the board. This will in turn open markets in that huge nation, thereby providing American business with great opportunities.

Let me take a minute to explain how such a reduction in Chinese tariffs will beneficially impact my State, the Commonwealth of Virginia. In 1998, Virginia's worldwide poultry and product exports were estimated at $101 million. China is currently the second leading market for U.S. poultry exports. Under its WTO accession agreement, by 2004, China will cut its frozen poultry products tariff in half, from 20 percent to 10 percent. The beautiful Shenandoah Valley of Virginia, indeed, along with other regions of the State, are the heartland of our poultry export market. They stand to benefit greatly.

In 1998, Virginia's worldwide live animal and red meat exports were estimated at $87 million. Under its WTO accession agreement, by 2004, China will reduce its tariffs 45 percent to 12 percent on frozen beef cuts, from 45 to 25 percent on chilled beef, and from 20 percent to 12 percent on frozen pork cuts, definitely benefiting Virginia's exports in these areas.

Virginia's lumber industry is the 13th largest in the Nation. China is the world's third largest lumber importer. Under its WTO accession agreement, China will substantially reduce tariffs on this import, thereby dramatically opening up the market to the American lumber industry.

Those are but a few examples of how China's accession into the WTO will provide numerous opportunities for Virginia business, particularly small- and medium-size companies which account for 54 percent of all exports from Virginia to China.

I believe it is in the long-term interest of the United States to maintain a positive trade relationship with China. I believe we can use our relationship to foster positive social, civil, and economic changes in China. Isolation tactics will only prevent the United States from having any influence over guiding China towards democratic reform.

Mr. MOYNIHAN. Mr. President, I yield such time as the Senator from Virginia may require.

Mr. WARNER. I thank my distinguished colleague. I will take but a few more minutes.

Therefore, I intend to vote loudly and strongly for this measure.

In conclusion, I am privileged to work in the Senate in the area of security, military and foreign relations as chairman of the Armed Services Committee.

In light of that, I have looked very closely at China. China is pushing many frontiers, whether it is the export of armaments or being involved in some of the most complex and fragile relationships the world over. We need only point out Pakistan and India and how Russia is on one side and China is on the other side. Let's only hope that their work with regard to that tension-filled part of the globe will be constructive and in a way to prevent any significant confrontation between those two nations.

Therefore, I think it is important that our military maintain its relationship with the Chinese. Given the tenuous situation with regard to Taiwan, and the strong principles of our Nation in trying to defend and support that democracy, I believe such a dialogue will give us a better opportunity to work on security relationships, whether regarding India and Pakistan, Taiwan or other regions of the world.

Mr. President, I think we are on the verge of a very historic moment. I commend the chairman and ranking member for their initiatives and long weeks of hard work.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I know Senator ROTH will join me in expressing great gratitude and appreciation for Senator WARNER's characteristic generosity. It comes from the chairman of the Armed Services Committee, which is doubly important.

Mr. President, we are nearly there. In a short while, the Senate will cast an epic vote. At the Finance Committee's final hearing on China this spring, on April 6, 2000, our last witness—Ira Shapiro, former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative—put it this way:

> . . . [this vote] is one of an historic handful of Congressional votes since the end of World War II. Nothing that members of Congress do this year—or any other year—could be more important.

This achievement—for it is a crowning achievement—caps an eventful year. All the more impressive in light of last December's "global disaster"—as the Economist magazine on December 11, 1999, put it—that was the Seattle World Trade Organization Ministerial.

In January, it was thought that our long-standing trade policy was in serious jeopardy—the trade policy that, for 66 years—ever since Cordell Hull created the Reciprocal Trade Agreements program in 1934—has contributed so much to our nation's prosperity.

But we have prevailed. And more. In May, the Senate took up and passed—the vote was 77 to 19—the conference report on the Trade and Development Act of 2000—establishing a long overdue trade policy for sub-Saharan Africa and putting in place new trade benefits for the Caribbean Basin countries. That measure was the most significant trade legislation passed by the Congress in six years—ever since the Uruguay Round Agreements Act of 1994.

Now, just four months later, we are about to give our resounding approval to H.R. 4444, authorizing the extension of permanent normal trade relations to China. And with this action, we will have passed more trade legislation—important trade legislation—in this session of Congress than any session of Congress in more than a decade.

It has taken us a long while to reach the point of final passage of the PNTR legislation. We have most certainly not rushed this legislation through the Senate. The House approved the measure nearly four months ago, on May 24, by a vote of 237-197. The Senate, in effect, began its consideration before the August recess—on July 27th, when we invoked cloture on the motion to proceed to the bill. The vote was a decisive 86 to 12.

By the time this vote is cast, we will have completed eleven full days of debate. We have taken up and debated 19 amendments. We have considered every facet of U.S.-China relations, and we are now ready to give this measure our overwhelming approval.

And so we ought to do. We are giving up very little—the annual review of China's trade status that has had at best an inconsequential effect on China's domestic policies. In return, we are bringing China back into the trading system that it helped to establish out of the ashes of the Second World War.

For with its accession to the WTO, China merely resumes the role that it played more than half a century ago: China was one of the 44 participants in the Bretton Woods Conference—July 1-22, 1944. It served on the Preparatory Committee that wrote the charter for the International Trade Organization that was to complement the International Monetary Fund and the International Bank for Reconstruction and Development. And China was of course one of the 23 original Contracting Parties to the General Agreement on Tariffs and Trade—initially designed to be an interim arrangement until the ITO Charter would come into force. It did not: the ITO failed in the Senate Finance Committee and we were left with the GATT.

And in China, revolution intervened. The Republic of China (now on Taiwan) notified the GATT on March 8, 1950, that it was terminating "China's" membership. It was not until 1986 that the People's Republic of China officially sought to rejoin the GATT, now the World Trade Organization. And now, after 14 years of negotiations, China is poised to become the 139th member of the WTO.

It is elemental that China belongs in the WTO. It is in the interests of all trading nations that a country that harbors one-fifth of mankind, a country that is already the world's ninth largest exporter and eleventh largest importer, abide by the rules of world trade—rules that were, I would point out, largely written by the United States.

We, too, must abide by the WTO's rules. And thus we will approve today the legislation extending permanent, unconditional normal trade relations to China—fulfilling the most basic of our obligations under the WTO's rules—nondiscriminatory treatment.

Let me leave the Senate with the following observations from Joseph Fewsmith, an associate professor of international relations at Boston University and a specialist on the political economy of China. He writes in the National Bureau of Asian Research publication of July 2, 2000:

> Some historical perspective is necessary when thinking about PNTR. When President Nixon traveled to China in 1972, China was still in the throes of the Cultural Revolution. Mao Zedong was still in command, there were no private markets, intellectuals were still raising pigs on so-called "May 7 cadre schools," and labor camps were filled with political prisoners. Nixon was treated to a performance of "The Red Detachment of Women," one of only eight model operas that were permitted to be performed. Nearly three decades later—not a long period in historical terms—China has changed dramatically. Communes are gone, the planned economy has shrunk to a shadow of its former self, and incomes have increased dramatically. Personal freedoms, while by no means perfect, are greater than at any other time in Chinese history. China's opening to the United States is a major reason for these changes, a dramatic demonstration of the impact of international influence.

Mr. President, I urge my colleagues to cast their votes in support of H.R. 4444.

I would like to attenuate my remarks simply to take up the question of Taiwan and its accession to the WTO. This ought to be explicit and perhaps the last thing said in this debate.

Just as China ought to be in the WTO—will be in the WTO—so will Taiwan. Despite the bluster of senior Chinese officials, intermittently, and recently as well, Taiwan is on track to be invited to join the WTO at the same General Council session that will consider China's application.

Article XII of the Agreement Establishing the WTO provides that:

> . . . any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations . . . may accede to the WTO.

In September 1992, the GATT Council—for the WTO was not yet in existence—established a separate working party to examine Taiwan's request for accession. The nomenclature was carefully chosen. Taiwan was called the "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu." That is the formulation under which Taiwan will enter the WTO.

The President has confirmed this and confirmed in the strongest possible terms that the United States will not accept any other outcome. The President was adamant on this point in his letter of September 12. A copy was sent to me, and I believe a copy was also sent to our distinguished chairman. It says this:

> There should be no question that my administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely, as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

Mr. President, I ask unanimous consent that the President's letter of September 12 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MOYNIHAN. Mr. President, if China should attempt to block Taiwan's accession, I suggest to the Senate that there is a remedy. H.R. 4444 gives the President the authority to extend permanent normal trade relations status to China upon its accession to the WTO, but he need not do so. Indeed, if Taiwan's membership in the WTO is blocked, I would urge—and I am sure my beloved colleague, Senator ROTH, would urge, as I see him nodding—the President to simply refrain from extending PNTR to China. So we ought to put this matter to rest.

I have no doubt that there will continue to be bumps—some serious crises indeed—in our relationship with China. Neither membership in the WTO nor normalized trade relations with the United States will magically impose the rule of law in China or institute deep-seated respect for human rights. But certainly it has the potential to advance those purposes. That is why we are here and why we will shortly make this epic decision.

Finally, if I may have the indulgence of the Senate—and I know this is shared by the chairman—I want to read a short paragraph.

My only regret today is that with the final vote on PNTR for China, we must bid farewell to our chief trade counsel, Debbie Lamb, who joined the Finance Committee staff over 10 years ago, in June 1990. Ms. Lamb has played an integral part in every major piece of trade legislation over the past decade—from the NAFTA and the Uruguay Round to our attempts to renew so-called fast-track negotiating authority to the two pieces of trade legislation that we passed this year: The Trade and Development Act of 2000, and now, at last, PNTR for China. Her knowledge and dedication to our committee's work has been exemplary. She is something that is very rare in Washington—

a person with great breadth and great depth. The committee and I will miss her deeply as she leaves today to pursue the next phase of a distinctly distinguished career.

EXHIBIT 1

THE WHITE HOUSE,
*Washington, September 12, 2000.*
Hon. DANIEL PATRICK MOYNIHAN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhance our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the broad range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as "Chinese Taipei"). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealings with China. We have pressed China successfully to join the Nonproliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions, such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

Mr. ROTH. Will the Senator yield?

Mr. MOYNIHAN. Yes, of course.

Mr. ROTH. Mr. President, I only want to echo what my friend and distinguished ranking member has said about Debbie. We have accomplished a lot in the area of trade in recent years, and so much of the credit should go to the staff who have worked so hard and so long. Top among those is Debbie Lamb, who has been available not only to her side, but has been most helpful to the majority as well. Sometimes I think people don't recognize the cooperation that often exists between Members of the two parties. But I think what Debbie has done shows that bipartisanship is still alive. We would not be here celebrating today's vote if not for her splendid contribution.

Mr. MOYNIHAN. I say to our chairman, as evidenced by the fact that this measure was reported 19–1 in the Finance Committee.

I thank the Chair. We are at a moment of history and the omens are excellent.

Mr. ROTH. Mr. President, in keeping with the words of my distinguished colleague about Debbie, I want to say a few words of thanks to all those who worked so hard on this bill.

Of course, first, I have to thank my dear friend, our venerable colleague, and always gracious ranking member of the Finance Committee, PAT MOYNIHAN. It would never have been possible to be here today with the kind of vote I think we are going to enjoy if it had not been for PAT's leadership, for his knowledge and background, and his ability to bring people together. I thank him for his outstanding contributions.

I also thank Senators GRASSLEY, THOMAS, HAGEL, ROBERTS, and ROD GRAMS for helping manage the floor. We were on this legislation something like 11 days. There were times when PAT and I were called from the floor for other duties. It was most helpful to have these other individual colleagues helping manage the floor.

Again, I thank all of Senator MOYNIHAN's committee staff who are just as gracious as the Senator for whom they work. We have already talked about Debbie Lamb. But David Podoff—I want to express my warm thanks to you for bringing your expertise to bear on this legislative process. I agree with Senator MOYNIHAN. This is probably the most important piece of legislation that will be adopted this year, if not this decade. But again, it could not have happened without people such as Dave.

I would also like to thank Linda Menghetti, and Timothy Hogan, as well as Therese Lee, who I think was such a help as a member of the Senator's personal staff.

Finally, let me thank my own staff. I would like to claim that I have the best staff on the Hill. I certainly have one of the best, if not the very best.

Mr. MOYNIHAN. Sir, we have the best staffs.

(Laughter.)

Mr. ROTH. I yield to my distinguished Senator on that point. I stand corrected.

But, again, I really want to thank my personal staff, and my trade staff, whether it is Frank Polk, who is always there when you need him, and Grant Aldonas, Faryar Shirzad, Tim Keeler, J.T. Young, and Carrie Clark from the Finance Committee. I also particularly want to thank John Duncan and Dan Bob from my personal office. Dan is really one of our great experts on Asia, and on international politics in general. I owe him so much for his help during these last 2 weeks. Thank you all for a job well done.

Let me say it is an honor and pleasure to work with the ranking member.

Mr. MOYNIHAN. My honor, sir.

Mr. ROTH. I yield the floor.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

## UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 4516

Mr. THOMAS. Mr. President, I ask unanimous consent, notwithstanding provisions of rule XXII, that immediately following the cloture vote on the motion to proceed to the H-1B legislation, the Senate proceed to the conference report to accompany H.R. 4516, the legislative branch appropriations bill. I further ask unanimous consent that there be 2 hours for debate equally divided between the two managers, with an additional hour under the control of Senator MCCAIN, 1 hour under the control of Senator THOMAS, and 90 minutes under the control of Senator KENNEDY. Finally, I ask unanimous consent that following the use or yielding back of time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate. I add, provided that 30 minutes of the Democrat manager's time be under the control of Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

## TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the passage of H.R. 4444.

The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent I be allowed to use some of my leader time to conclude discussion on the China PNTR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. First, Mr. President, this is the last day of a very critical and helpful staff member working here with the Senate in the Finance Committee. That person is Debbie Lamb on Senator MOYNIHAN's staff. She has been his chief trade counsel and has been very helpful, obviously, to Senator MOYNIHAN and, before that, to Senator Bentsen.

I remember specifically one night we were negotiating the final contours of a bill between the House and the Senate. I wound up relying on her counsel as we made the final decisions. People may find it somewhat a surprise that the majority leader, a Republican, would be relying on the counsel on the other side of the aisle, but it does work that way and it attests to her credibility and expertise. She has done a wonderful job. We wish her the very best.

In that connection, too, I want to recognize the outstanding work that has been done by Senator MOYNIHAN and by Chairman ROTH. Here he is, sitting right behind me. They have been patient; they have been willing to spend hours here in the Senate. They waited weeks to get their opportunity to have it considered in the Senate. There was no effort made to cut off a full debate. I think every Senator believes he or she had the opportunity they needed to make their case, state their positions, and raise their concerns or why they supported it.

Also, we had numerous amendments, and all of them failed. Some of them were very attractive. In fact, I felt very strongly about a couple of them, obviously. But they waded through all of this and we are going to have a final vote in a moment. I think it is going to be an overwhelming vote. I think it is the right thing to do and I commend Chairman ROTH and Senator MOYNIHAN for their leadership.

When history is written about this session, one of the things I believe it will say is that this is a session of Congress that did spend time and wound up passing some important trade bills with relation to not only China but the Caribbean and also Africa. A lot of credit goes to the leaders of this committee.

Regardless of one's views on the merits, there is no question about the significance of the measure we consider today. Normalizing trade relations with China will not only have profound effects upon our economic well-being, but it will undoubtedly have significant implications for our relations with China and our national security.

China accounts for a quarter of the world's population. It has one of the largest economies in the world—an economy that has been growing at a remarkable rate of nearly 10 percent per year. China unquestionably is and will be a major factor in the world, especially economically.

There is also no question that China's entry into the World Trade Organization holds great opportunities for the United States. Chief among them are the economic benefits that would flow from the dismantling of Chinese trade barriers—barriers that deny benefits to our workers and businesses.

But many people in this country have legitimate questions. They question whether China will live up to its commitments, whether it will trade fairly in our market, and whether we are ignoring China's human rights abuses and its destabilizing behavior in the world.

These are not questions to be taken lightly. And that is why I have insisted that the Senate not rush to action on this bill, and that those on both sides have a full opportunity to air their views and their amendments.

The Senate has had ample time to consider the agreements reached with China, has held numerous hearings on its potential accession to the WTO, and has engaged in a full and vigorous debate on this issue. That is certainly fitting on an issue of this magnitude.

I know that many of my colleagues, like myself, have struggled with this issue in light of our larger concerns about China and its behavior in the world. We all know that China is a one-party State that denies the most basic rights to its people. We must acknowledge that it deprives its people of religious freedom, that it has flagrantly engaged in weapons proliferation, and that it has repeatedly used unfair trade practices in our market.

Whle some may argue that we should, I do not believe that we can totally separate these broader issues from the question of our trade relationship with China. But I also believe that we cannot allow our desire for reform in China to blind us not only to the benefits we receive from trade with China, but from the positive effects trade may have within that country.

On balance, I am convinced that expanding our trading relation with China is not only in our economic self interest, but in our broader national interest as well.

There are many misconceptions about the action Congress is taking with this legislation. Chief among them is the view that we are voting on whether to allow China into the World Trade Organization. The fact is that China will almost certainly enter the WTO, regardless of whether the United States approves this legislation.

What this legislation will decide is whether the commitments of WTO membership are applied bilaterally between the United States and China.

Applying WTO commitments to trade between the United States and China is in our economic interest—and for a simple reason. We already grant China the favorable access to our market required by the WTO. China, however, does not grant similar access to our products. As such, this agreement will expand our access to China's market; it will not expand China's access to ours.

Many of my colleagues have gone through in detail the market-opening concessions China will be forced to make upon entry into the WTO. Let me just highlight some of the major terms that will have a direct impact on our workers and companies:

China will be required to cut tariffs from a current average of almost 25 percent to an average of around 9 percent by 2005—with particularly sharp reductions for farm products and information technology products;

China will be required to provide our companies with full trading and distribution rights—eliminating the need to go through trading companies blessed by the Chinese government;

China will be required to greatly expand access to its market for agricultural goods, ranging from cotton, wheat, soybeans, rice and farm products across the spectrum.

China will for the first time be required to provide real access to financial services providers—allowing U.S. banks, insurers and other providers significant new access.

Why would we walk away from these new and dramatic benefits—particularly when our market is already open to Chinese imports?

Both the farming and manufacturing community in my home state—as in states across the country—have voiced strong support for increased trade with China.

They know that we cannot afford to neglect economic ties with a nation of more than 1 billion people, and a market that already is the sixth largest for U.S. agricultural exports. They know that with expanded trade China is projected to account for more than one third of the growth in U.S. agricultural exports. Whether it is cotton farmers in the delta or poultry producers in central Mississippi, our farmers need China's market.

We also stand to make huge gains in the high tech sector, where the U.S. leads, and where my state is growing in leaps and bounds. Only 2.5 percent of China's population has a computer and only 1 percent has access to the Internet—but these numbers are growing rapidly.

If we do not trade with China, you can bet that our competitors in Japan and Europe will. And it will be their workers and industries—not ours—that reap the benefits of increased access to China's market.

If the economic benefits are clear, what is it that we give up by approving permanent trade relations with China? Most concretely, we end the automatic annual review of China's trade status under the Jackson-Vanik amendment. I do not take this lightly. We must acknowledge that gaining permanent trading status in our market has been a major objective of China's. And we should not dismiss out of hand the salutary effects that have resulted from a yearly review of China's actions and status.

But we must also question how much leverage this review continues to provide—particularly given that China's most favored nation status has never been withdrawn in the 20 years since relations with the PRC were normalized in 1979. And we must consider as well what benefits and favorable effects are likely to accompany a closer trading relation between our countries.

Trade will not solve all of our problems with China, and it will not change China's behavior overnight. But economic forces are powerful—often beyond anything we can imagine. China's commitments under the WTO agreements will require it to loosen its grip—perhaps not dramatically at first, but in real and observable ways—over the economic life of its people.

As wealth grows among China's middle class, as they see the benefits of open markets and freedom, as they share in the unbelievable exchange of ideas that the new economy and the Internet bring, change will come to China. And we must be there, to engage, to influence, and to foster ideas that will hopefully lead to a new flowering of democracy and freedom—and over the long run to a more peaceful and stable world.

I want to stress one thing. The passage of this bill must not—and I can tell you that as long as I have anything to say about it, it will not—mark a lessening of our commitment to scrutinize China's behavior, to combat proliferation, and to advance the cause of human and religious rights.

Our friends and allies around the world should not misinterpret what happened with our vote on the Thompson amendment—a vote that was caught up in the back and forth of how best to consider the measure. This country is united in its determination to combat weapons proliferation in China and around the world. Our commitment has not wavered, and we have not seen the last of this issue on the Senate floor.

We must recognize the legitimate fears and concerns of many citizens regarding trade with China. They know China has abused our market in the past and has failed to live up to its end of the bargain in recent trade agreements.

Ensuring Chinese compliance with its commitments will not be easy. But it is essential that we are unwavering in our vigilance to see that our workers and our companies get the benefits they are promised. This agreement maintains our ability to use our trade laws fully to combat Chinese unfair trade practices, and to take trade measures necessary to protect our national security. We must respond swiftly and forcefully where the need arises.

This will be one of the most closely scrutinized trade agreements in history, as it should be. The American people know that we can compete and win with fair and open markets, but they will not long tolerate the systematic flouting of our agreements and the abuse of our market. This will be a test—not only of our own resolve to make trade agreements work for our citizens, but of the ability of the WTO and the international system to deliver on the promises it has made.

This has been a remarkable year for trade legislation.

I want to congratulate Chairman ROTH and Senator MOYNIHAN once again for their extraordinary efforts to get our trade agenda back on track—passing this year both the Africa-CBI trade enhancement act and now this critical piece of legislation. It is a record of accomplishment for which we can all be proud.

But it is not a time to rest or sit back. We saw in Seattle the consequences of indecision, mixed messages and lack of resolve in the cause of freer and fairer trade.

Making the case for freer trade and open markets will never be easy. The concrete dislocations and challenges that come with increased global trade are often easier to see and to seize upon than the more diffuse gains from new markets and new economic growth. It is up to us as policy makers and public officials to ensure that our workers and our businesses see the gains from trade, that they receive the benefits of the agreements we make, and that our security and our economic well-being are enhanced as we seek further engagement in the global economy.

I know there are legitimate concerns about this legislation and that there are those having to struggle with whether or not we can trust China's compliance. They are legitimate concerns about human rights violations, religious persecution, and nuclear weapons activities. But I also believe it would be a tremendous mistake to ignore the advantages of this trade legislation. There are a billion people in China. These are markets that are not now open to us. Just last night, I looked over what would come out of this legislation. The fact is, they will have to open markets. China will be required to cut tariffs from the current average of almost 25 percent to an average of 9 percent by 2005, with a particularly sharp reduction for farm products and information technology.

China will be required to provide our companies with full trading and distribution rights; it will be required to greatly expand access to its markets for agricultural goods, ranging from cotton, wheat, soybeans, rice, and farm products across the spectrum. For the first time, China will be required to provide real access to financial services providers.

This is legislation that is good for America, that is good for the working people in our country. It will take a lot of vigilance. I think we need to make sure of its compliance. But it is the right thing to do. I will vote for this legislation and I hope it will be accepted overwhelmingly.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

The bill (H.R. 4444) was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—83

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Robb

Roberts
Rockefeller
Roth
Santorum
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—15

Bunning
Byrd
Campbell
Feingold
Helms
Hollings
Hutchinson
Inhofe
Jeffords
Mikulski
Reid
Sarbanes
Smith (NH)
Specter
Wellstone

NOT VOTING—2

Akaka
Lieberman

The bill (H.R. 4444) was passed.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, today ends an historic debate on permanent normal trade relations with China. The vote we just cast was certainly the most important of this year and likely the most consequential of the past decade.

We have had a vigorous debate on PNTR as well as the full range of issues my colleagues have raised through amendment.

Because of PNTR's significance, however, I opposed all amendments to PNTR regardless of merit. And many of the amendments did have merit. Indeed, I would have supported some of them under other circumstances.

In the case of PNTR, however, a vote for any amendment would have forced a conference with the House and additional votes in both the House and Senate on a conference report. Had we chosen that route, we would likely have run out of time before we could have passed PNTR in this Congress.

And had we failed to pass PNTR this year, the only certain effect would have been to punish our workers, farmers, and businesses by placing them at a huge competitive disadvantage to their fiercest foreign competitors in gaining access to China's burgeoning market.

That is because PNTR does not determine whether China enters the World Trade Organization. China will enter the WTO regardless of what Congress had done on PNTR; and China's entry will definitely take place this year according to Michael Moore, the Director-General of the WTO.

What PNTR does is allow American firms equal access to China's market when China joins the WTO.

Let us remember that in joining the WTO, China has committed itself to abandoning central control and throwing its market wide open to the United States an all the other WTO members, all within roughly five years. Let me note here that for our part, the U.S. market will not be opened further to China; our market is already open to the Chinese.

In keeping with its obligations as a member of the WTO, China will have to extend permanently and unconditionally its greatly lowered tariffs and its expansively opened market to every other member of the WTO. In other words, China will have to maintain PNTR with all member economies of the WTO. There is only one exception to this rule: when another WTO member chooses not to extend permanent normal trade relations to China, China need not extend PNTR to that country.

Of course, there is only one member of the WTO that even considered denying China PNTR—the United States. In part, that's because there has been a belief that in denying the Chinese PNTR we would somehow force them to change their behavior in any number of areas, from human rights to Taiwan to proliferation of weapons of mass destruction.

But would denying China PNTR actually have changed Chinese behavior? Frankly, there is little logic to this argument. After all, the only certain result of denying China PNTR is that we would have deprived U.S. farmers, workers and businesses access to China's lowered tariffs and more open market—access that every other member of the WTO will enjoy.

How is it that putting Americans at a competitive disadvantage to the French, the Germans, the Japanese and the Canadians would have compelled Beijing to act in ways the United States would prefer?

I submit that in denying PNTR—and thereby undermining American economic access to China—we actually would have lost leverage over China rather than gain it. Only by engaging China economically, by permitting Americans to work within China and thereby pressuring her from the inside to restructure her institutions and advance the rule of law, do we stand the best chance of making Beijing more cooperative.

That's why most of China's human rights dissidents have supported China's entry into the WTO and PNTR. As Wang Dan, a leader of the demonstrations in Tiananmen Square, said, China's entry into the WTO "will be beneficial for the long-term future of China because China thus will be required to abide by the rules and regulations of the international community."

Meanwhile, the Taiwanese, the people most threatened by China, also support China's WTO accession and PNTR. Taiwan's current and previous Presidents have both publicly affirmed their support for the United States fully normalizing trade relations with China. And as President Clinton stated in a letter he sent in response to an inquiry I made last week, the U.S. will make sure that Taiwan gains entry to the WTO just as soon as China does.

On the question of U.S. national security, the Americans most knowledgeable about the matter, including Presidents Ford, Bush and Carter, as well as virtually every living former Secretary of State and Defense, National Security Advisor and Chairman of the Joint Chiefs of Staff agrees that PNTR will advance American interests. They recognize, as General Colin Powell put it, that if Congress rejects PNTR, the result will be "to make [China] more isolated, truculent and more aggressive . . ."

The vote over PNTR was thus about more than just economics. It was also about America's response to China's emergence as a leading power, a phenomenon which I believe presents us with potentially our most serious foreign policy challenge. But it also presents us with enormous opportunities. We can only respond to that challenge adequately and seize those opportunities through a sensible overall China policy. The clear objective of that policy should be to encourage China's constructive and responsible behavior and discourage its aggressiveness and irresponsibility.

I believe our China policy must have five central elements, and PNTR forms the core of the first—that of expanding our economic relationship with Beijing. We should seek such an expanded relationship because a China integrated into the global economy is more likely to behave in ways compatible with American interests and international norms. Thus, we should encourage China's development and participate in its economic growth by supporting China's accession to the World Trade Organization and by passing PNTR, as we have done.

The more China is integrated into the international economy, the more subject Beijing is to the harsh realities of the marketplace. Should China choose a path toward blatant aggression and destabilizing domestic repression, foreign investment will dry up and firms will move to other countries where the risks are lower and the returns are higher.

Moreover, we have a better opportunity to influence China to act in ways we prefer when we enmesh it in the sort of economic relationships fostered by granting China PNTR.

In addition, economic growth nurtured by participation in the global economy tends to lead to greater demands for democratic reform. Other Asian countries, such as South Korea, Taiwan and Thailand, have amply demonstrated the political evolution that accompanies economic development. By encouraging trade with China, we are also encouraging a process that is likely to lead to the sort of political liberalization that is in America's interest.

The second element of any coherent China policy must include preparedness to deal with China if its participation in world affairs proves disruptive. Strengthening our current array of bilateral security ties in Asia is thus essential. Those ties include not only the full security alliances we have with Japan, Korea, Thailand, the Philippines and Australia, but also the productive security arrangements we maintain with Singapore, Malaysia, Brunei, Indonesia, New Zealand and other Asia Pacific nations.

Closer cooperation on security and diplomatic initiatives with nations in the Asia Pacific that share our interests on China can serve to prod Beijing to accept the moderating influence of global economic integration. It also provides a hedge in the event Beijing instead chooses an aggressive path.

Third, we must enforce current law regarding Chinese actions and be willing to challenge China on issues of concern. That is why we should continue to work to improve China's human rights policies and convince Beijing to abandon its repugnant use of forced abortions and grotesque practice of harvesting organs. We can pursue these ends, in part, by ensuring the success of the Levin-Bereuter Commission on human rights created by H.R. 4444, further supporting Radio Free Asia and condemning China at the annual human rights conference in Geneva and at other international fora.

We should respond to China when it persecutes Christians, Muslims and those of other faiths by using the authority granted by the International Religious Freedom Act.

We should continue to support Taiwan under the terms of the Taiwan Relations Act. The TRA affirms that any effort to determine Taiwan's future by other than peaceful means would, "constitute a threat to the peace and security of the Western Pacific and be of grave concern to the United States." The TRA also commits the United States to making available to Taiwan such defense articles and services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

We should push China to negotiate with the Dalai Lama regarding Tibet, supporting the Dalai Lama's call for "Cultural autonomy" within the Chinese system. And we should support the actions of the Special Coordinator for Tibetan issues within the State Department, a position created as a result of Congressional pressure in 1997.

We should investigate credible allegations that Chinese goods have been produced by prison labor and enforce section 307 of the Tariff Act of 1930, which bars imports of prison-made goods into the United States.

We should work with the International Labor Organization to make sure that China lives up to its acceptance of the ILO's Declaration of Fundamental Rights and Principles at Work, which among other things, affords the people of signatory countries the right to organize and bargain collectively.

We should work to counter Chinese proliferation of weapons of mass destruction and their means of delivery through strict enforcement of the Arms Export Control Act, Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, the Export Administration Act of 1979, the International Emergency Economic Powers Act and the Nuclear Proliferation Prevention Act of 1994.

And we should use the WTO's robust dispute settlement system to ensure that China meets its obligations to open its markets and abide by the rules of international trade.

The fourth element of a coherent China policy is the continuation of high-level, regular dialogue with Beijing. Mistrust is bound to grow when we don't meet, particularly when the list of critical bilateral, regional and global issues requiring discussion is so long. Keep in mind that even in the darkest days of the Cold War, we held a consistent series of summit talks with Soviets.

Finally, we must nurture aspects of the relationship where we share interests and can cooperate. China has the potential to play a key role in settling the serious threat posed by North Korea to the South, as well as to the 37,000 American troops we have on the ground there. I cannot imagine the Chinese playing a constructive role on any matter of mutual concern—from controlling transnational crime and narcotics trafficking to protecting the environment—if we only threaten and sanction them.

In sum, to meet the challenge and reap the opportunities of a rising China, we must encourage economic relations with Beijing based on the China's accession to the WTO and passage of PNTR, strengthen security and diplomatic ties with our friends in the rest of the Asian Pacific, enforce current law regarding Chinese actions and be willing to confront China when necessary, continue high-level dialogue, and cooperate with China on matters of mutual concern.

In addition, the Congress should not shy away from criticizing Chinese actions that run counter to internationally-recognized norms or American interests. For my part, I will do everything in my power as Chairman of the Finance Committee to see that China not only lives up to its WTO obligations, but also begins the process of internal change that is essential if Beijing is to meet those obligations.

PNTR is not a panacea, and there will be many bumps on the road in relations between the United States and China. But PNTR is a key component of a coherent strategy for addressing the complex set of issues associated with the rise of China. That is why I am pleased PNTR passed overwhelmingly and with bipartisan support.

Mr. HARKIN. Mr. President, the Senate has just voted on one of the most significant and controversial bills of this Congress. I would like to take this opportunity to share my views on the issues involved and explain the process I went through in making my decision on how to vote on providing normal trade relations status to China.

I thought about this matter a great deal and examined the issues very carefully. I listened to the arguments made by my colleagues in this Chamber and to the intense public debate over the past months. Just this last month, along with my colleague, Senator LAUTENBERG, I visited China. It was the first time I had been back since 1981. We were able to gain some valuable insights into the questions before us.

Having listened to the debate on China PNTR, especially in the media, one may have gotten the idea that this is a clear-cut question. If you listened to the proponents, you would think PNTR is a magic elixir for the American economy. If you listened to the opponents, you would think PNTR spells utter disaster.

After thoroughly looking into this matter, I concluded the claims of both sides were exaggerated. Passing PNTR was not a slam-dunk or a no-brainer, but neither was it a sellout or a surrender on the critical problems we face with China. It was a matter of judging how the scales tipped: not which side was absolutely correct but which of the alternatives seemed, on balance, the best course to take. This was not an easy decision for me. However, I believe the balance did tip, although not overwhelmingly, in favor of passing this legislation granting China normal trade relations status.

I would like to discuss briefly what the vote was really about and why I voted for PNTR.

We had a good deal of discussion over the past several days on the details and implications of this legislation and on the agreement between the United States and China regarding China joining the WTO. There is no need for me to spend any time going over that again. It is important, though, to be clear on what the vote was really about.

The vote on PNTR was not about whether China is going to join the WTO; China will. Nothing Congress can say, one way or the other, will make one bit of difference.

This vote on PNTR was really about whether the United States will benefit from the WTO's trade rules and enforcement procedures which hold China accountable to negotiated trade agreements. If we did not grant PNTR to China, other nations, our competitors, would be able to take advantage of WTO trade rules and enforcement procedures but we would not.

Why is that so? Because the WTO rules state that if we want the WTO to help us enforce fair trade rules, then we cannot treat one WTO member differently from another. We have to provide China the same continuous normal trade status we provide other WTO members. We cannot single out China for an annual review of normal trade status and still hold China to WTO rules and enforcement.

So that is what this debate really boiled down to—whether we should continue our annual review of normal trade relations with China or grant permanent normal trade relations; that is, would we gain more from a new trade relationship with China than we would lose by ending our annual review?

I firmly believe that the more we can do to bring China's behavior under the rule of law, the better off we are, the better off the Chinese people will be, and the better off the rest of the world will be. That includes our ability to use the WTO to settle trade disputes involving China.

Now, to be sure, we have had frustrations in the WTO dispute settlement process. It is far from perfect. But overall it is in our best interests to have a multilateral means to settle trade disputes with China according to the rule of law instead of trying to go it alone. That approach clearly has not been effective.

U.S. trade negotiators did obtain substantial concessions from China in exchange for WTO membership. These concessions promise to lower tariffs, reduce trade barriers, and create new opportunities for selling U.S. goods and services in China. At the same time, the United States does not have to provide any new access to our markets. So the agreement should benefit U.S. workers, farmers, businesses, and our economy in general.

But let's be realistic. The November 1999 agreement is far from overwhelmingly. It only requires China to go part of the way toward really opening up its borders and its markets. As my colleague from North Dakota, Senator DORGAN, has repeatedly pointed out, even under the agreement, China's markets will be far less open than ours.

For example, according to the Congressional Research Service, the average U.S. tariff on all goods coming into the United States from China is 4.2 percent. That is the average U.S. tariff on all goods coming from China to the United States —4.2 percent. But after this agreement goes into effect, China's average tariff on U.S. industrial goods will be 9.4 percent, over twice as much. For agricultural products, China will only reduce its tariffs from an average of 22 percent to 17 percent. U.S. agricultural tariffs are only 6 percent on average, one-third those of China.

Or take automobiles. The U.S. tariff on autos is 2.5 percent. Under this agreement, China will have a 25-percent tariff on U.S. autos—10 times higher than ours.

I realize tariff rates are not the whole story and that China agreed to substantial opening of its markets. However, I am skeptical that our negotiators obtained as much as they could have. The United States had a lot of leverage in these negotiations. China needs our consent to join the WTO. And China had a lot at stake. The United States is the world's largest economy. We import nearly $100 billion from China. We run over an $80 billion trade deficit with China.

They need access to our market. Our negotiators should have used our leverage and China's needs to get a better deal on the core trade issues and on other issues involving human rights, workers' rights, and the environment. That our negotiators did not get better tariff reductions and better agreements on worker and human rights I believe is a deeply regrettable missed opportunity. I believe our negotiators were simply in too much of a rush to get this deal done rather than address those core issues.

In particular, let's be realistic about the benefits of PNTR for American agriculture. Some of the rhetoric I have heard regarding agriculture is wildly optimistic. We have heard that U.S. farmers will soon be feeding over a billion Chinese—a virtually unlimited market. The truth is, these claims are overstated.

Farmers are ill served by the myth that China is a boon market just waiting to buy up large quantities of farm commodities and food products. China is strongly determined to remain largely self-sufficient in food production, and it is adopting technology and following policies to meet that objective.

For example, I visited a hog farm in China in 1981, and I visited one again last month. In 1981, the hogs and their management did not even compare to those here in America. The changes I saw this August were dramatic. The hogs I saw in August were every bit as lean as ours. Their sows are having litters of 12 to 14 pigs. They are saving 90 percent of them. Their cost of production is low because wages are low. And the Government owns all the land.

I discussed the potential for agricultural trade with the Vice Minister of Agriculture and other Chinese officials. They made it clear they do not expect to buy much corn or pork from the United States. In fact, they are planning to increase their exports of corn. They exported corn last year. But they did believe there would be somewhat of an increasing market in China for U.S. beef and citrus as well as some pork organ meats and similar such products.

Certainly there will be opportunities for U.S. farmers and U.S. food and agribusiness companies, but, again, we have to be realistic.

While I strongly believe we should sell as much food to China as we can, it is irresponsible to give farmers false hope that China is going to reverse the current depression in commodity prices or bail out the failed Freedom to Farm policy. More than irresponsible, it is just plain wrong.

That isn't just my own opinion. In Doane's Agricultural Report in August, Dr. Robert Wisner, a professor of agriculture economics at Iowa State University, who spent 3½ weeks in China in June assessed the prospects for food and agricultural trade with China. He wrote:

> For the longer term we can be cautiously optimistic about U.S. soybean and soybean product exports to China. But optimism about U.S. corn, wheat and livestock product exports should be more tempered.
>
> * * * * *
>
> While the jury is still out on the question Who will feed China? the Chinese answer is, "China will feed China!"

I will add, in fact, they already do.

I now want to discuss the importance of human rights in our consideration of PNTR. As I see it, a key issue in PNTR is whether in relinquishing our annual review, the U.S. will lose important leverage that could be used to change China's behavior on human rights, workers rights, and child labor. Let us first be honest about this. China has a long way to go on religious freedom, freedom of movement, freedom of expression and association, political rights and the rights of workers. The China section of the U.S. State Department's annual report on human rights for this year and for several years running are absolutely appalling. But I don't have to rely on that report. As I said, I visited China last month.

True, the human rights situation in many parts of China is not as bad as when I first visited in 1981. I could see some improvements, especially in the large cities. But the fact is, the state of human rights in China is still unacceptable. While in Hong Kong, we learned of a lawyer who was arrested and thrown in jail. His offense: He had set up a small table outside a factory to advise workers of their rights under Chinese law. To the best of my knowledge, he is still languishing in prison today.

There is also the case of the young man, Ngawang Choepel, who studied music in the U.S. at Middlebury College in Vermont. He was arrested by the Chinese authorities several years ago while studying music in Tibet and charged with espionage and counterrevolutionary sedition. I was told this young man was convicted of spying for the Dalai Lama. He was sentenced to 18 years in prison.

I responded to the Chinese that this was a ridiculous charge. But even if it were true, I asked them, how many tanks does the Dalai Lama have; how many troops does he command; how many ships does he own? To me, this was a strong indication of the weak foundation upon which the Chinese political system rests.

We also know that forced labor and prison labor still exist in China. I had been told by both Chinese and U.S. Government officials that there are no serious child labor problems in China. But now, after meeting with reputable worker and human rights organizations in Hong Kong, I know there are certainly serious child labor problems inside China. Estimates indicate China has from 10 to 40 million child laborers. When we left Shanghai and went to Hong Kong, the very next day after we were told by both U.S. authorities and Chinese authorities that child labor was not a very serious problem, this was the headline in the Sunday Morning Post, August 27, 2000, Hong Kong: "Children Toil in Sweatshop."

This was in an area north of Hong Kong, mainland China, where kids as young as 12 years old were working making toys. This is again a part of the article: "Childhood Lost to Hard Labor."

Also from the article:

> Lax age checks open door to underage workers at Shenzhen factory producing toys for fast food chain.

They were producing toys for a company and that company was selling its toys to McDonald's. McDonald's gives these toys away, when you buy a Happy Meal for your kids. It is the kids who are making the toys. Yet we are told that there are no serious child labor problems in China. Here was photographic proof, reporting proof that only a few miles across the border from Hong Kong, we had child laborers toiling to make these toys, working 16 hours a day and more.

This is a quotation from the story:

> The youngsters admit they lie about their ages to get jobs in the factory, where workers estimate up to 20 percent of the employees are under the legal age of 16. But they say only rudimentary checks are done on their ID cards by the factory to make sure they are old enough to work. Asia Monitor Resource Centre, a labor monitoring body, said it was common for people to use fake ID cards to get work. Child labor is a common problem in China. It exists in rural small farms and big factories run by transnational enterprises.

Again, we do have the problem of child labor and prison labor, forced labor in China. So, clearly, there are serious human rights problems in China that cannot be denied or swept under the rug. But they raise the questions: What are the best ways to address those problems and to bring about real progress on human rights in China? And how should human rights considerations affect our decision on PNTR?

Before I go into these questions, I will take a moment to emphasize my long and strong commitment to human rights. My record speaks for itself. I have been working on human rights issues since I first took office in the House of Representatives 25 years ago and as a private citizen before then. In fact, the first legislation I authored in the House in 1975 resulted in the enactment of section 116(d) prohibiting U.S. foreign assistance to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.

I have worked to end child labor and prison labor and religious persecution in the former Soviet Union, Haiti, Central America, Chile, East Timor, India, and other nations. I have worked very hard to free political prisoners and to end political violence.

What have I learned from all these years? Frankly, I have learned there is no standard cut-and-dried approach when it comes to advancing human rights. Of course, there are established minimum standards for human rights, as outlined in the U.N. Declaration of Human Rights, which China has signed.

I am not talking about weakening those standards, never. But there is no set formula for achieving observance of the standards. We must tailor our methods to the particular situation and the particular society.

In the case of China, I am convinced that granting PNTR will not hinder our efforts to improve human rights there. I believe, in fact, it will actually help us in that endeavor.

Some have claimed that passing PNTR will cause us to lose our leverage on human rights. The simple fact is, we have never effectively used the annual trade status review to influence human rights in China, and it is highly unlikely we would do so in the future. Annual renewal of normal trade status has become almost perfunctory. Even in the wake of Tiananmen Square, President Bush renewed China's normal trade status and Congress did not reverse that decision.

As I said, I believe passing PNTR and creating a U.S.-China relationship in the WTO should actually help to improve human rights in China. How much? It is far too early to tell. However, based on my examination of the issues and my experience in China, I concluded that the best way to move China forward is to be engaged with China. And in order to be fully engaged with China, we had to grant PNTR.

The simple fact is, we cannot simply wall China off. When I visited the Great Wall in China this summer, it reminded me how impossible such an effort would be. China could not be walled off centuries ago, and it cannot be walled off today.

Trade and economic ties alone, however, will never magically transform China's human rights policies. But I can tell you, there is a big crack in China's great wall against human rights reform. One day before long, that wall, too, will come down. Look at recent developments in China. There has been a huge influx of new products and services, but more importantly, the people of China are being exposed to new ideas and new influences regarding human rights, political rights, and religious freedom.

Now we have the Internet. I can say one thing I learned in China. The Chinese Government may be able to censor TV and to censor the radio and the newspapers, but no matter how hard they try, they will not be able to control or censor the Internet. Nearly every single person Senator LAUTENBERG and I talked with in China told us that we should support PNTR. We even met with dissidents and human rights activists in Hong Kong, people under no coercion from the Chinese Government, who had fled China, who can't even go back to China, who urged us to support PNTR. They said that anything that helps to open up China, that brings in people and ideas, is helpful.

Throughout my over 25 years in working on human rights, I have seen that they are right. We must expose countries to the influence of the rest of the world if we want them to change their policy on human rights.

I noticed the editorial in the Washington Post this morning about the "Catholic 'Criminals' in China." I am sure it has been printed in the RECORD earlier today. It talked about an 81-year-old Catholic bishop who had been thrown in jail—again. We didn't meet with this bishop. We tried, but we could not. We met with Bishop Aloysius Jin Luxian, the Bishop of Shanghai, an 85-year-old Catholic bishop who spent 27 years of his life in Chinese prisons. He is a trained Jesuit. He has been to America more than once, to Europe several times, and while he would not politically comment on PNTR, he told us in no uncertain terms that exposure to the rest of the world would be a positive thing for religious freedom in China.

I believe he is right. We must expose countries to the influence of the rest of the world if we want them to change. I also think this is true of relations with Cuba. Our policy against Cuba, trying unilaterally to isolate it, has been counterproductive. If we want Fidel Castro to change, we have to open the doors and let people trade and visit and move around freely. Our official policy is the best thing Castro has going for him.

So I conclude that PNTR will help move China toward a greater respect for human rights because it will open them up to new ideas and influences.

Even though I concluded that China PNTR offers opportunities for businesses, workers, and the economy, many people—myself included—have legitimate concerns about the impact of this bill on America's working men and women. Many labor leaders were worried that passing PNTR would cause job shifts to China.

This is a legitimate concern. It is true that for a number of years jobs have been shifting to countries—including China—that pay lower wages and tolerate poor working conditions, even abuses of worker rights. But I cannot see how denying China PNTR would have done anything to prevent jobs from moving to other countries. Some 20 years of annual reviews of China's trade status have done nothing to reverse this trend. Again, as I said, PNTR will not make the United States any more open than we have been in the past to imported products.

Instead of focusing so much just on the issue of extending PNTR to China, we have to take a broader focus and chart a new, bold course to counter the adverse effects of globalization.

We first need to look in our own back yard, examine our own laws—especially tax laws—to see whether they discourage businesses from staying and investing in American workers. We have to eliminate any tax provisions that encourage companies to move jobs and production overseas.

We also should fully utilize U.S. laws that classify unfair labor practices as unfair trade practices, which, of course, they are. Section 301 of our trade law treats the systematic denial of internationally recognized worker rights as an actionable, unreasonable, and unfair trade practice. No case has yet been brought under this provision of section 301. So we do not know exactly how it may apply. But it is time for the United States to enforce this law to the maximum extent possible.

I am encouraged by the statements of Vice President AL GORE. I will quote from a statement he made at an APEC business summit in Malaysia:

> And as we open the doors to global trade wider than ever before, let us build a trading system that lifts the fortunes of more and more people. Let us include strong protections for workers, for health and safety, for a clean environment. For at its heart, global commerce is about strengthening our shared global values. It is about building stronger families and stronger communities, through strong and steady growth around the world.

On July 9 of last year, before the Washington Council on International Trade, Vice President GORE said:

> We also must ensure that when it comes to trade, labor rights and environmental protection are not second-class issues any longer.

He has also said:

> I will insist upon and use authority in those agreements to enforce workers rights, human rights and environmental protections. We need to make the global economy work for all—and that means fighting to make sure that trade agreements contain provisions that will protect the environment and labor standards as well as open market in other countries.
>
> We need to use trade to up standards around the world and not drag down standards here at home.

In future trade negotiations, future trade agreements, labor rights, human rights, and environmental protections must be an integral part of those agreements.

There is no good reason why the WTO doesn't currently protect the rights of workers. Some will argue that labor rights are not trade related. I say nonsense. Intellectual property isn't directly related to trade, but the WTO has strong rules protecting intellectual property. Why should protecting intellectual property be any more important than protecting children against child labor or guaranteeing workers the right to organize? I don't understand why the WTO protects CDs but not child workers.

The WTO protects the intellectual property because it is produced by human effort and it has value. If someone abuses intellectual property rights, that decreases or destroys the value of the intellectual property. That is why the WTO protects it.

But what about workers? Work is also produced by human effort and it has value. But let's say an American worker loses a job because that job has been shifted to a country where worker protections don't exist, wages are a few cents an hour, and there is rampant forced labor and child labor. Hasn't the value of that worker's labor been lessened or destroyed in the exactly same way as intellectual property is devalued when it is abused? What is the difference between stealing the products of someone's creativity and stealing the fruits of someone's labor? There is none.

Globalization is the face of the 21st century. We must keep up the pressure to include enforceable labor rights in future trade agreements and particularly in new WTO rules. As the world's leading industrialized Nation, the United States has the responsibility, the authority, and the influence to lead this effort.

Again, I firmly believe we need a strong course of action to help American workers in the face of globalization. However, that was not what this bill was about. This bill was just about PNTR for China. It doesn't remove any protections for American workers or further open the United States to imports. And it should, as far as I can tell, provide some new economic opportunities for American workers.

So, on balance, I believe that passing this bill was the right choice for the United States and China. But no one should be under the illusion that PNTR and China's joining the WTO will automatically open up China's markets or its society. In a sense, passing PNTR is just the beginning of a long, hard journey for the United States.

Our work to bring China into the WTO and to pass PNTR won't amount to a hill of beans if China is not held to its commitments. We simply cannot afford to drop the ball by failing to stand up and vigorously enforce WTO rules and the agreements China has made. Joining the WTO is also the beginning of a long, hard journey for China.

We must never let up in the fight to include enforceable labor rights and environmental protections in future trade agreements. And in the face of rapid globalization, it is critical that we reform U.S. labor and tax laws so America's working men and women don't have the deck stacked against them.

As I said, trade alone is not enough to improve human rights in China or elsewhere. Just last month, I stood in Tiananmen Square, and right off of there is a big McDonald's, a symbol of Western economic influence in China. However, right near the McDonald's on Tiananmen Square, members of the Falun Gong gather each morning to do their exercises and meditation. They are not disturbing the peace, being violent; they are simply meditating and doing their exercises right in the shadow of McDonald's. Like clockwork, every morning, the police come by and arrest them. So adding more McDonald's restaurants and ensuring freer trade doesn't mean China will suddenly respect individual rights.

We have to keep up the fight for human rights—and that includes the rights of workers—using all the tools available to us.

When Senator LAUTENBERG and I were in China last month we raised the issue of prison labor at every level. We hammered away at that issue, and repeatedly asked to visit and inspect a prison labor facility. At first we ran into a brick wall, but eventually we had a breakthrough. Chinese officers still refused to allow us to visit a prison labor site ourselves, but they agreed to renew their compliance with the 1992 and 1994 agreements against sending products of prison labor to the United States. In fact, we got that assurance from Premier Zhu Rongji himself.

I am pleased to report that just a week and a half ago, U.S. Customs agents were able to visit a prison labor site in China.

We must also expect and demand that United States companies that do business in China respect human rights and the rights of workers.

If I may refer back to this article with the children in the sweatshop making toys to supply MacDonald's, when I got back to Washington, I immediately arranged to meet with MacDonald's executives in my office. They were quick to tell me that they first learned of this child labor scandal when they read about it in the papers, and that the child laborers were not employed by McDonald's, but by a subcontractor of a toy vendor. In fact, McDonald's has a voluntary code of conduct and zero tolerance policy prohibiting child labor and substandard employment practices. McDonald's has since cut off ties with that toy vendor and is responding to this child labor problem. All of this underscores the urgent need to rewrite our trade agreements so that exploitative child labor and other abuses of the rights of workers are considered unfair trade practices and a basis for trade enforcement action in the WTO.

In conclusion, Mr. President, I voted for China PNTR, with the full realization that a tremendous amount of work still remains unfinished. That's why, having cast this vote, we must make a commitment to redouble our efforts to include workers' rights and environmental protections in future trade agreements, and strengthen our own laws and tax code to encourage greater investment in our American workers, and in education and job training.

Mr. WELLSTONE. Mr. President, though we are in disagreement, I thank my colleague from Iowa for his fine words on the floor of the Senate.

## IMMIGRATION AND NATIONALITY ACT AMENDMENTS—MOTION TO PROCEED

### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B Non-Immigrant Aliens:

> Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, John Ashcroft, Gordon Smith, Pat Roberts, Slade Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B Non-Immigrant Aliens, shall be brought to a close.

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 1, as follows:—

[Rollcall Vote No. 252 Leg.]

YEAS—97

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Hollings

NOT VOTING—2

Akaka
Lieberman

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. BENNETT. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4516), and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk reads as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 4516 making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 27, 2000.)

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, parliamentary inquiry: What is the floor situation right now? Is the floor open?

The PRESIDING OFFICER. The Senate is considering the conference report on H.R. 4516 under a time agreement.

Mr. HARKIN. Further parliamentary inquiry: What is the time? I am sorry.

The PRESIDING OFFICER. The Senator from Iowa does not have time under the agreement.

Mr. HARKIN. How much time is there?

The PRESIDING OFFICER. The managers have 2 hours equally divided. Senator McCAIN has 1 hour; Senator THOMAS has 1 hour; Senator KENNEDY has 30 minutes; Senator WELLSTONE has 30 minutes; Senator DORGAN has 30 minutes; and Senator CAMPBELL has 30 minutes.

Mr. HARKIN. Mr. President, again, I still want to understand the parliamentary situation confronting the Senate right now. We are on the conference report on Treasury-Postal appropriations and legislative branch appropriations; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. There has been a unanimous consent entered into that set a time limit on this bill and the number of speakers, and their time is also set.

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. Mr. President, will the Senator yield for a second? If the Senator needs time, I will give some of my time to the Senator.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

Again, to clarify the situation, I understand that we are now engaged in 6 hours that will lead ultimately to a vote on the conference report on the legislative branch appropriations bill; is that correct?

The PRESIDING OFFICER. The Senator from Utah is correct.

Mr. BENNETT. I understand that I have 1 hour under my control.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. I hope that hour will not be necessary. I am prepared to deal with it. I am prepared to stay on the floor during the hours that are allocated to other Members of this body. But I hope we can move this more rapidly than the 6 hours.

This is my fourth year as chairman of the Legislative Branch Subcommittee and the second year that I have had the privilege of serving with Senator FEINSTEIN as the ranking member.

I want to begin this report by thanking Senator FEINSTEIN for her assistance in working on the conference report in the House. She, as you know, Mr. President, is a former mayor. That experience gives her a unique insight into some of the issues that we face in this subcommittee. So I pay tribute to her and to her staff and to the professional way in which she has handled her responsibilities.

In our final session of the conference, the question was raised by Mr. OBEY in the other body as to whether or not there would be additional legislation added to the conference report. I told him at the time that I knew of no such plan or program. I spoke accurately at the time. However, as things often happen around here, changes did occur under the sponsorship of the leadership of both Houses. As a consequence, the conference report is somewhat expanded from that which was negotiated.

Division A of H.R. 4516 contains the conference agreement for the legislative branch appropriations for fiscal year 2001, and additional funding for the credit subsidy which supports the FHA multi-family housing insurance programs. Provision B contains the conference agreement for the Treasury-general government appropriations and repeal of the excise tax on telephones.

This bill has attracted attention, and the allocation of time that has been set up around this bill is demonstrated by the time under the control of Senators who have nothing to do with the Appropriations Subcommittee on Legislative Branch and who presumably will talk about other issues than those that are directly connected with the legislative branch appropriations.

I will limit my comments to the conference agreement on the legislative branch and defer to the other subcommittee chairmen and other Senators who will address the funding that is contained in this bill under their jurisdiction.

This conference agreement appropriates $2.53 billion for fiscal year 2001, which is approximately a 1.6-percent increase over the funding for the fiscal year 2000 level, including the supplemental funding.

Both Senator FEINSTEIN and I are proud of the fact that we have kept the increase at such a low level, as we have tried to be as responsible as possible in allocating funds for the legislative branch.

We spent a great deal of time going over the accounts and the increases that agencies have had over the last 4 years to find where we could best and most fairly cut or hold down expenditures without impacting employees.

Our goal was to ensure that funding would be provided for all current legislative branch employees. We have met that goal. No RIFs, or reductions in force, will be required under this agreement.

Another priority was to make sure that adequate funding is provided for maintenance projects, particularly the projects that involve health and safety issues. I have long since learned in my business career that one of the quickest ways to temporarily show an increase on the bottom line is to cut back on maintenance. One of the surest ways to guarantee that you will get into trouble long term is to cut back on maintenance. We have tried to make sure that we didn't make that mistake here in our desire to hold down the total amount that was being spent.

We have also spent a great deal of time talking about security. We made sure that the resources were made available to the men and women who protect the Capitol, its visitors, and Members and staff.

I think we have accomplished all of our goals within the current funding restraints. The conference agreement on the legislative branch is a good agreement. I urge my colleagues to support it.

Before I yield so that Senator FEINSTEIN can make her comments, I would like to thank the staff for their hard work: Christine Ciccone, who acts as the majority clerk; Chip Yost, my legislative director; Jim English, who represents the Democratic staff director; Edie Stanley with the Appropriations Committee; and Chris Kerig from Senator FEINSTEIN's office, all of whom have performed yeomen service, staying up late nights and coming in the early morning to make sure those who get the spotlight on the television look better than perhaps we really are. I pay them that tribute and extend to them my personal thanks for all the work they have done.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I acknowledge the comments made by the chairman of the Appropriations Subcommittee on Legislative Branch and indicate my agreement with them. I also thank the staff people he has duly mentioned, and I want to speak particularly to the funding of the legislative branch.

It is my understanding on our side of the aisle that there is deep concern about the addition of the Treasury-Postal bill on this bill, largely because it contains a measure which would use 25 percent of the non-Social Security surplus. I will leave that to others to discuss.

Senator BENNETT and I worked in a bipartisan way on the fiscal year 2001 legislative branch appropriations bill. I believe it is a very good bill. It addresses the critical areas of concern for the legislative branch and is in the best interests of those whom we serve. We worked very hard to ensure that each agency within our legislative branch was treated fairly, and even though we were not able to fully fund every agency's request, we made every effort to distribute the scarce resources as fairly as possible. In some cases, we were able to make modest increases above last year's level.

I particularly note that the $97.1 million which we are providing for the Capitol Police will fund 1,481 full-time equivalents, a level which conferees believe will enable the appropriate staffing at building entrances to ensure the security of our Capitol campus.

Additionally, in order to address some very critical needs, the conference agreement provides to the Capitol Police $2.1 million in fiscal year 2000 emergency supplemental funds for security enhancements, and provides the Architect of the Capitol $9 million in fiscal year 2000 emergency supplemental funds to move forward with a number of urgent building repairs.

This is my second year as ranking member of the Appropriations Subcommittee on Legislative Branch, working alongside our dedicated and distinguished subcommittee chairman, Senator BENNETT. Senator BENNETT is always very open and willing to discuss the various issues that arise in relation to this bill. He has been very accommodating to my concerns as well as to the concerns of other Members of the Senate. I know that firsthand. In fact, he never ceases to amaze me with his extensive knowledge of the various departments and agencies under the legislative branch—not only their basic structure and the function of those agencies but their legislative histories as well. It has been a great pleasure for me to work with Senator BENNETT on this bill.

I urge the adoption of the conference agreement.

I yield some time, with the approval of Senator BENNETT, to Senator HARKIN.

Mr. BENNETT. Will the Senator yield?

Mrs. FEINSTEIN. I yield.

Mr. BENNETT. With Senator HARKIN not currently on the floor, Senator BOND desires a few moments. Could we ask unanimous consent that Senator BOND be allowed to proceed with Senator HARKIN to follow?

Mrs. FEINSTEIN. I agree.

Mr. BENNETT. I yield to Senator BOND.

Mr. WELLSTONE. Could I ask my colleague whether, in the proper order, I could then follow Senator HARKIN, or after you two are done?

Mr. BENNETT. If you have the time, fine

Mr. WELLSTONE. I have my own time.

Mr. BENNETT. That is correct, the Senator from Minnesota has his own time. We have no objection to his using the time in that sequence.

With that, I yield to Senator BOND such time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I extend my deepest thanks and appreciation to the floor managers of the bill, the chairman and the ranking member.

I take the floor today because there is an issue that has been in and out of this body and is currently in conference negotiations. It is also going to be the highlight of the news probably tomorrow. I understand the Vice President is scheduled to talk about the HUB Zone Program. This is a program that I authored in the Committee on Small Business and this body unanimously accepted 3 years ago. I am concerned about it because HUB zones are another example of this administration's record of squandered opportunities.

To begin at the beginning, in 1997, the Committee on Small Business reported out legislation to create the HUB Zone Program—historically Underutilized Business Zones. This program seeks to use Federal contracting, Federal purchasing, to generate business opportunities and jobs in the areas of high poverty and high unemployment across the Nation.

We created incentives to get small businesses to locate and bring jobs to the distressed areas, areas that usually would not be considered good places to locate in general business judgment. These distressed areas lacked established customer bases, trained workforces. They have been out of the economic mainstream. But the HUB Zone Program was designed to bring small businesses into the area.

I came up with this idea after talking with a friend who headed up the JOBS Program in Kansas City. I asked him about bringing more job training programs to the inner city. He said: Stop sending us job training programs; we have trained people and retrained and retrained. He said: Send us some jobs. I thought: there's a good idea.

So we set up a program that was designed to reward small businesses located in areas of high unemployment. Unfortunately, when we proposed that idea, immediately the Clinton-Gore administration declared its opposition. I have a letter from the Administrator of the SBA, enclosing a statement of administrative policy:

> . . . the administration remains concerned and opposed to . . . provisions relating to HUB Zones.

The administration raised a red herring that has dogged the program ever since. The alleged concern was that HUB Zones would somehow harm the 8(a) Minority Business Development Program.

I ask unanimous consent the statement of administration policy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
*Washington, DC, November 6, 1997.*

HON. JOHN J. LAFALCE,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN LAFALCE: The Administration supports reauthorization of the programs of the Small Business Administration and supports House passage of S. 1139. The bill reauthorizes small business loans which assist tens of thousands of small businesses each year and contributes to the vitality of our economy. This bill recognizes the importance of women and service disabled veteran entrepreneurs and makes permanent SBA's microloan program which helps those entrepreneurs who need small amounts of credit. While we are not in total agreement on all its provisions, we need this legislation to ensure that we can continue to properly serve our small business customers.

The Administration appreciates the improvement made in the version of the bill recently passed by the Senate which maintains the current preference for businesses participating in the 8(a) Business Development Program.

For the reasons stated in the attached Statements of Administration Policy, the Administration remains concerned about and opposed to S. 1139's provisions relating to HUB Zones, contract bundling, and the extension of the Small Business Competitiveness Demonstration Program. The Administration notes that the contract bundling provision is less burdensome than previous versions. Should this legislation be enacted, we will continue to work with the Congress to modify these provisions.

The Administration appreciates the opportunity to comment on the bill, and thanks the House and Senate Small Business Committees and their staff for working with us on this important legislation.

Sincerely,

AIDA ALVAREZ,
*Administrator.*

Enclosure.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, September 8, 1997.*

STATEMENT OF ADMINISTRATION POLICY

The Administration strongly supports reauthorization of the programs of the Small Business Administration and supports Senate passage of S. 1139, with the changes described below. The bill reauthorizes small business loan programs which assist tens of thousands of small businesses each year and contribute to the overall vitality of our economy. The Administration also supports the increase in the government-wide small business participation goal in federal contracting from 20 to 23 percent, following a phase-in period and in conjunction with the elimination of the Small Business Competitiveness Demonstration Program.

However, the Administration strongly opposes the bill's changes to current law on "contract bundling," as well as extension of the Small Business Competitiveness Demonstration Program and creation of the "HUD Zone" program. The Administration will seek amendments to address these and other concerns as addressed below.

Contract Bundling. The Administration is committed to maintaining a strong role for small businesses in Federal contracting, but is concerned that the proposed changes to the current law contract bundling provisions could deny taxpayers the cost savings and improved quality achievable by appropriate consolidation of Federal contract requirements. Therefore, the Administration urges the Senate to maintain current law, which provides sufficient authority and flexibility for the Administration to protect the important interests of small businesses.

Small business Competitiveness Demonstration Program. The Administration strongly opposes any extension of the Small Business Competitiveness Demonstration Program. Small businesses will substantially benefit from discontinuing this program and lifting the unnecessary paperwork and reporting burdens it imposes. Moreover, the Administration believes that if this demonstration program is not allowed to terminate the scheduled, S. 1139's small business participation goal will be extremely difficult to achieve.

HUB Zones. The Administration strongly supports new efforts to promote economic development in the Nation's distressed urban and rural communities. The bill's HUB Zones provision, however, could weaken one of the strongest tools for achieving this objective by according the proposed program a contracting priority equal to that of the 8(a) program.

The Administration has already proposed regulations and is ready to begin pilots for the Empowerment Contracting Program (ECP), a new contracting program targeted at distressed communities. The Administration believes that these tests should be permitted to proceed, and that they will demonstrate the ECP's ability to accomplish the goals of the HUD Zones provisions at less expense and without affecting the 8(a) program.

*Other administration concerns*

The Administration will also seek amendments to:

Remove proposed restrictions on the SBA's ability to use Women's Business Center funding to finance the costs of administering the program. Removal of these restrictions is important to ensuring the effective execution of this program.

Maintain the ability of Small Business Development Center (SBDCs) to charge appropriate fees for counseling services provided under the program.

Authorize sufficient microloan technical assistance funding to support the projected growth in this program.

Reauthorize the Small Business Technology Transfer (STTR) Program for three years, rather than six. The three-year authorization proposed by the Administration is consistent with the authorization period for the companion Small Business Innovation Research (SBIR) Program, and provides a reasonable period for both achieving and evaluating program results.

Delete the proposed pilot program targeting technical assistance to certain States. This provision would divert scarce resources needed to administer the STTR and SBIR programs.

*Pay-as-you-go scoring*

S. 1139 would increase direct spending; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may differ from these estimates.

*Pay-as-you-go estimates*

[In million of dollars]

| | |
|---|---|
| Outlays | |
| 1998 | 1 |
| 1999 | 1 |
| 2000 | 1 |
| 2001 | 1 |
| 2002 | 1 |
| 1998–2002 | 5 |

Mr. BOND. The truth is, the 8(a) program has no reason to fear the HUB Zone Program. In fact, they should be able to work nicely together. The 8(a) program helps to seek minority programs own a greater stake in the economy by focusing on ownership and development of small business.

The HUB Zone Program, on the other hand, focuses on developing jobs and opportunities in distressed areas, many of them still minority communities. One brings jobs; the other brings ownership. The two programs are two prongs of the same fork. HUB Zones in 8(a) should not fight with each other but focus on the common threads, such as contract bundling that hurt them and all other small businesses alike.

Yesterday, I was pleased to receive a letter from my friends at the National Black Chamber of Commerce in which they recognized how these two programs must work together. Harry Alford, Chamber president and CEO wrote:

> To date, the Small Business Administration and other agencies have not aggressively pursued the utilization of this valuable vehicle—

Referring to HUB Zones.

> There is a false perception that it is here to replace the 8a program. The author has been guilty of that same fear. In further research and reflection, it appears that the anxiety is unjustified. 8a is in the suburbs and nothing is in the inner city. It will be the HUB Zone activity that will spur a renaissance where economic activity is lacking. We must support the HUB zones.

Mr. President, I ask unanimous consent the letter from Mr. Alford be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL BLACK
CHAMBER OF COMMERCE,
*Washington, DC, September 18, 2000.*

Re 8a and HUB zone programs

Hon. KIT S. BOND,
*Chairman, Senate Small Business Committee, Washington, DC.*
Hon. JOHN F. KERRY,
*Ranking Member, Senate Small Business Committee, Washington, DC.*
Hon. JAMES TALENT,
*Chairman, House Small Business Committee, Washington, DC.*
Hon. NYDIA VELÁZQUEZ,
*Ranking Member, House Small Business Committee, Washington, DC.*

DEAR LEADERS OF THE SMALL BUSINESS COMMITTEES: The 8a program throughout the years has been a successful program. It has yet to reach maximum levels of utilization but there are few successful Black owned businesses today that have not gone through the 8a program during their developmental years.

However, there is something the 8a program has been unable to address and that is turning around the economic plight of our distressed inner cities and underdeveloped rural communities. The vast majority of 8a firms are in suburban and developed neighborhoods. Their employees usually do not come from distressed or underdeveloped communities. The 8a program serves a particular need and should continue in its present form. What is needed is a better spread of activity. That is, most companies certified as 8a do not get contracts from the program. According to the latest GAO report, in 1998 over 50% of 8a contracts went to 209 firms, which is only 3.5% of the 6000 firms in the program. This needs to be improved.

In addition to keeping the 8a program intact, we must look at rejuvenating our inner cities and depressed rural communities. The key to that quest is the HUB Zone program. The HUB Zone legislation is valuable to the economic future of our targeted communities.

To date, the Small Business Administration and other agencies have not aggressively pursued the utilization of this valuable vehicle. There is a false perception that it is here to replace the 8a program. This author has been guilty of that same fear. In further research and reflection, it appears that the anxiety is unjustified. 8a is in the suburbs and nothing is in the inner city. It will be the HUB Zone activity that will spur a renaissance where economic activity is lacking. We must support the HUB Zones!

Therefore, the National Black Chamber of Commerce will begin a "roll out" marketing the HUB Zone program to municipalities throughout the nation. We will identify HUB Zones in these communities and certify HUB Zone companies and recruit companies to relocate in these zones. The HUB Zone program will rise through our infrastructure of 180 affiliated chapters located in 37 states. If the federal government will not hold sufficient workshops and properly market the program, we will. It is too important to hold on a shelf or at bay fearing it will cannibalize the 8a program. The two have different roles.

To ensure either program will not adversely affect the other, we propose the following. There should be a bi-annual report from the Federal Procurement Data Center (GSA) that will review the trends in contracting in both the HUB Zone and 8a companies. This review should test the prospect of HUB Zone contracts growing at a cost to 8a companies. If any such trend exists, the Small Business Committees must implement immediate redress. The first review can be due June 30, 2001.

We believe the above can be a win-win for both philosophies. We ask your consideration and hope the SBA reauthorization will be resolved in the near future. I will be happy to entertain any queries or participate in any meetings with your staffs. For the sake of small business, it is time to aggressively move on.

Sincerely,

HARRY C. ALFORD,
*President & CEO.*

Mr. BONDS. Mr. President, we resolved the issue of how 8(a) and HUB zones would interact in 1997, by directing that the programs should not compete with each other for contracts. We placed responsibility on the contracting officers to monitor both programs, and to have discretion to divert contracts to whichever program might be falling behind at a given moment. That way both programs can succeed.

We incorporated language to that end in our legislation, and included clarifying language in our committee report. The other body agreed to our revised language, and the President signed the HUB Zone Act into law on December 2, 1997. Everyone involved agreed to the final resolution of this matter.

Subsequently, the Clinton/Gore administration decided that the program they opposed was not so bad after all. In April of 1998, the White House put out a press release in which the Vice President announced an exciting new program, the HUB zone program, that would likely create 25,000 new jobs. To judge from their press release, the HUB Zone Act was a Presidential initiative that "built upon" a Presidential Executive order. Apparently no legislation was involved, which was news to those of us who developed it, worked hard, and passed it.

The Vice President in his statement, however, overlooked one key fact, which was that HUB zone small businesses would have to wait nearly a full year before the program would start operating. It was not until late March of 1999 that SBA finally got the program off the ground and started taking applications. Even that occurred only after an exchange of several letters between my committee and the SBA Administrator. When we scheduled a hearing on SBA's budget request, SBA apparently decided they had better be ready to announce the program, so the Administrator came to the hearing ready to make that announcement.

That was exciting, but then more delay occurred. It took yet another year for SBA to process and approve 1,000 applications from HUB zone businesses. This is not nearly enough to meet the program's needs.

The HUB zone program called for 1 percent of Federal contracts to be awarded to HUB zone firms in 1999, rising to 1.5 percent in 2000. One thousand firms is not nearly enough to provide two to three billion dollars in contracting. It just isn't enough.

Without enough certified companies, the HUB zone program is doomed to failure. This fact did not go unnoticed by the contracting officers who need to award the contracts, who cited the lack of certified companies as an excuse not to do much work on the program.

We were puzzled by this failure. After a series of letters and meetings, it appears at least two factors were involved. First, the SBA chopped 10 percent of the HUB zone budget out of the program, and diverted it to other SBA activities. SBA cited the need to pay for incidental costs that HUB zone program implementation imposed on other offices at the agency, but the ten percent whack continued even after the program was finally up-and-running.

Second, it became apparent that a regulatory provision was keeping small businesses from becoming qualified. In an attempt to have the HUB zone program work effectively with other SBA programs, SBA included a requirement that HUB zone firms be affiliated only with firms that are eligible for those SBA contracting programs.

This provision was probably well-intended. But it became apparent that this was preventing firms from participating. An otherwise-qualified firm that was affiliated with a holding company to manage its real estate (like its headquarters building) would be disqualified if that holding company was not eligible for other SBA programs. Those holding companies are typically an administrative or tax convenience, so they had never intended to participate in SBA programs, so their presence disqualified the firm.

SBA informed us that they were concerned about the unintended effects of this provision. In February of this year, they sought my committee's guidance on whether they sought do away with this unduly restrictive affiliation rule. On February 16th, I wrote Administrator Alvarez to say that I agreed with that proposed change, and she wrote back on February 25th to say she agreed and that SBA would do away with the restriction.

It is now seven months later, and the regulations to implement the change we agreed to have not been published. Another seven months of delay and frustration. As Everett McKinley Dirksen once said, a year here and a year there—pretty soon you're talking about real obstructionism.

This program is designed to get jobs to people in areas where they need work, the people moving off welfare, the people at the bottom economic rung. I would be delighted if the Vice President backed up his rhetoric when he talks about HUB zones by doing something about it. They opposed it from the beginning. They claimed credit for it. They have taken away the budget for it. They have imposed regulatory roadblocks. They have not implemented it.

They have had their chance and they have not led. We are going to continue to work with the SBA Administrator. We need SBA to get the revised regulations out, to get the certification process moving. It could have been an island of excellence in the sea of neglect in the Clinton-Gore administration.

When the Vice President goes out tomorrow to claim credit for the program and talk about it, perhaps somebody will ask him why 2½ years, almost 3 years after the program was passed, how come it is still weighted down in a bureaucratic maze? I think it is a good program. I think it is a good concept. My colleagues in this body on a bipartisan basis unanimously agreed to it. This is a chance for the administration to stop talking and do something.

I am from Missouri. Frothy eloquence neither satisfies nor convinces me. I want to be shown. I hope, for a change, we will see some significant action, rather than just talk, out of the administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, a slight change has been worked out in the order of speeches. I now yield to the Senator from Colorado, who will address the Treasury-Postal portion of this bill. That has been done with the understanding and approval of the minority.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank the manager, my friend from Utah. I would like to review the Treasury and general government section, which was added to the legislative branch bill in conference.

I am going to repeat a few numbers. They are rather dry, but they are important numbers for my colleagues. Needless to say, I think this is an important section and hope they support it. Budget constraints made it impossible for the committee to fund all requests made by the administration and by our colleagues in the Senate, too, but we tried to accommodate all of the requests as far as we could.

I think, as does my ranking minority member, Senator DORGAN, we would probably have preferred to bring this bill to the floor as a free-standing bill, but time constraints prevented us from doing that. But I believe it is still a good bill. Let me go over some of the numbers.

Mr. President, the Treasury and general government portion of this conference report contains a total of $30,371,000 in new budget authority. Of that, $14,679,607,000 is for mandatory programs over which the Appropriations Committee has no control.

This conference report strikes a portion between congressional priorities, administration initiatives, and agency requirements. Preparation of the Senate committee-reported bill would not have been possible without the hard work and cooperation of the ranking member of the subcommittee, Senator DORGAN, and his staff.

As we consider the Treasury and general government portion of the legislative branch conference report, I would like to highlight some of the provisions before us:

We emphasize on the need for the Gang Resistance Education and Training Program—called GREAT—by including $3 million more than the administration request for grants to State and local law enforcement.

We provided a total of $93,751,000 for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. This includes:

$19,078,000 to fully staff and expand the Youth Crime Gun Interdiction Initiative, bringing the total to 50 cities. This program allows ATF to track and prosecute those who supply guns to our youth.

Also, $23,361,000 for expanded ballistics imaging technology, and $41,322,000 to significantly expand the Integrated Violence Reduction Strategy to support criminal enforcement initiatives such as Project Exile and Project Ceasefire to combat violent crime.

We have also included $13,700,000 for the Southwest Border Customs staffing initiative, $130 million for the Customs automation effort, called ACE, and $2,572,000 more to combat importation of items produced by forced child labor.

Speaking of youngsters, Mr. President, I am pleased to note that we have been able to fund the ONDCP anti-drug youth media campaign at $185 million.

We have spent over half a billion dollars in this program in the last several years.

Title II of this section provides $96,093,000 for the U.S. Postal Service and continues to require free mailing for overseas voters as well as for the blind, as well as a 6-day delivery and prohibit the closing or consolidation of small and rural post offices.

Title III contains a total of $691,315,000 for the Executive Office of the President. This includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and the funding for the media campaign to which I alluded.

There is $29,053,000 for the Counterdrug Technology Assessment Center for their program to transfer technology to State and local law enforcement agencies. This is an ongoing program and has been a huge benefit to both State and local law enforcement groups.

There is $206 million for the High Intensity Drug Traffickers Area Program, called the HIDTA Program. This is an existing program, and the funding is continued in this bill under the current level. HIDTA Programs coordinate local, State, and Federal antidrug efforts. It has met with a great deal of approval with local and State law enforcement. As a matter of fact, many Senators requested expansion of this program, but we had to live within our budget constraints.

Title IV is independent agencies, such as the Federal Elections Commission, the General Services Administration, the National Archives, as well as agencies involved in Federal employment issues, such as the Federal Labor Relations Authority, the Merit Systems Protection Board, the Office of Government Ethics, the Office of Special Counsel, and the Office of Personnel Management.

Also included in this title are mandatory accounts to provide for Federal retiree annuities, health benefits, and life insurance. The conferees have provided a total of $15,986,378,000 for this title in fiscal year 2001.

For the first time in 4 years, the administration has requested funding for courthouse construction. Although we have not been able to fund the entire list due to limited resources, we have included funding for four courthouse projects in fiscal year 2001, as well as an additional four projects in fiscal year 2002.

Again, I thank the ranking member of our subcommittee, Senator DORGAN, for his hard work and support. Certainly this bill would not have been possible without his assistance. Too often we forget the hard work of staff—for Senator DORGAN, Chip Walgren and Steve Monteiro; for the majority, Pat Raymond, Tammy Perrin, and Lula Edwards—who deserve a great deal of credit for the long hours, nights, and sometimes weekends spent in trying to put this section of the bill together. I believe this conference report deserves the support of the Senate.

One last thing, Mr. President. We are still obviously in a state of shock and loss at the death of our colleague, Senator Paul Coverdell, who was a tireless worker in trying to reduce youth violence and drug use. His life was a model of what youngsters should aspire to. In his honor, we have named the Federal Law Enforcement Training Center's newest dormitory building at Glynco, GA, for him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am pleased to join the subcommittee chairman, Senator CAMPBELL, in bringing this hybrid bill to the Senate floor. The process by which we have arrived here today is one which I hope we will not replicate on other appropriations bills for the remainder of the year. I will not belabor the point about the process. It is unfortunate that the Senate was unable to enact its will on this legislation when it initially was reported out of the full Appropriations Committee on July 20. This is not a reflection on the chairman—he produced a bill in a short period of time acting on the instructions he was given. I cannot fault him for this. In fact, I congratulate him for many of the good decisions which were made on the substance of this legislation, but the fact remains that the Senate was not well-served by this process.

The conference report before us today provides $15.6 billion in discretionary budget authority for high priority law enforcement, trade enforcement and good government programs. It is approximately $1.1 billion above the level of funding approved by the Appropriations Committee in July. It is also $1.9 billion above last year's enacted level. Yet is remains $900 million below the President's request. This is one of the main problems with the underlying bill. While funds were added for a number of administration priorities, the bill remains deficient in a few areas, primarily regarding IRS staffing and counter-terrorism programs. I have received assurances that additional funds will be provided for a number of these deficiencies in later appropriations bills. Former President Reagan used to say, "Trust, but verify." I trust my colleagues and look forward to verifying that additional funds will be found.

In many ways, however, this conference report is a good bill. Compared to the bill that was reported out of the Appropriations Committee, many of the problems with that bill have been resolved. Objectionable language regarding guns has been removed. Many agencies are fully funded at the requested level. The Customs Service's computer modernization program is well funded at $130 million. A good first step has been made to reduce the court house construction backlog.

This bill represents a responsible and balanced piece of legislation. I want to note that it has been a pleasure working with Senator CAMPBELL on this legislation. He and his staff have been professional and diligent in representing our interests and assisting us in formulating this legislation. I also want to take this opportunity to thank his staff, Pat Raymond, Tammy Perrin, and Lula Edwards for their hard work and cooperation in crafting this bill. I also wish to note the work of my staff, Chip Walgren, Steve Monteiro, and Nicole Kroetsch, on this legislation.

As the chairman noted, this bill funds base operations for the Treasury Department, its agencies and other general government operations. It maintains current operating levels in most instances and annualizes the costs of FTE, full time equivalent, increases made in last year's bill. It is designed to limit, as best we can, undue impacts on personnel. We have tried to avoid funding cuts which would require reductions in FTE after we increased FTE levels in fiscal year 2000.

Within the constraints imposed by our allocation, we have attempted to accommodate Members' requests where possible. However, our allocation also means that no Member received everything he or she requested. I would note that we received requests from over 75 individual Members to include funding for programs they consider of importance to their State or the Nation.

I must note that there were a number of deficiencies in this bill when it was reported out of the committee. While I did not participate in the drafting of the conference report, I am pleased that many of those deficiencies have been addressed in this legislation.

One of my major concerns is funding for the Customs Service Automated Commercial Environment, known as ACE. The original Senate bill had no funds for Customs' new and crucial computer improvement program. The existing system is the over-worked backbone of our trade flow system. It has been experiencing an ever increasing rate of failures and brownouts. Our trade volume has doubled over the last ten years. Based on the rate of growth in trade from 1996 to 1999, Customs anticipates an increase of over 50 percent in the number of entries by the year 2005.

This is an antiquated system which is becoming increasingly expensive to operate. We need to fund ACE now. The House has provided $105 million for ACE and I am pleased that the conference report includes $130 million for this crucial program.

Another issue that concerns me, as well as the administration, is funding for the Internal Revenue Service. While this conference report does better by the IRS than the original House or Senate bills, we are still more than $300 million below the President's budget request. I have spoken with the Commissioner of the IRS, Charles Rossotti, and I share his fears that funding at these levels may result in staff cuts. I ask unanimous consent that letters from Commissioner Rossotti dated September 8, 2000 and September 15, 2000 be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
*Washington, DC, September 8, 2000.*

Hon. BYRON DORGAN,
*Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR SENATOR DORGAN: On July 27, the House and Senate Appropriations Subcommittees on Treasury and General Government agreed to a conference report on the Senate Committee-passed and House-passed fiscal year 2001 spending bill. The conference committees $8.494 billion funding level is a $305 million reduction from the FY2001 request. Although this funding level is an increase from FY2000, please recognize that this level would lead to a further decline in the already low levels of compliance activity, and threaten the modernization of IRS computer systems.

Without funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative, the IRS efforts to provide increased service to taxpayers and reduce the decline in audit coverage are at risk. Specifically, toll-free service will drop from the current unacceptable level of 65 percent to less than 60 percent; similar private sector service is above 90 percent. Even more disturbing, audit coverage will continue to decline. Since FY 1998, that rate has declined 49 percent. Furthermore, audits of taxpayers earning more than $100,000 annually a rapidly expending segment of society have declined almost 33 percent from FY1998 to FY1999. Even our ability to collect taxes on acknowledged overdue accounts is declining significantly.

The conference committee also did not fund the requested $72 million for the Information Technology Investment Account (ITIA). The entire $2 trillion of annual tax revenue collected by the IRS is critically dependent on an obsolete computer system developed over 35 years by the IRS. These systems are so deficient they do not allow the IRS to administer the tax system or provide essential service to taxpayers at an acceptable level. Furthermore, because the IRS experiences a 1.5 percent annual workload increase in number of returns processed, either productivity must increase through improved technology or staffing must increase just to remain at the same inadequate service levels. Through the ITIA account provided by Congress, the IRS in the last 15 months has begun the enormous job of modernizing these systems. We must have a consistent funding stream for this program.

Lack of funding for the ITIA account will slow or even halt projects currently underway, increasing the time, cost and risk of our systems modernization.

In order to fulfill requirements of the IRS Restructuring and Reform Act of 1998 and provide effective tax administration, we must have full funding. I urge you to seek ways to provide this funding. Please contact me if you have any questions.

Sincerely,

CHARLES O. ROSSOTTI,
*Commissioner.*

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DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
*Washington, DC, September 15, 2000.*

Hon. BYRON L. DORGAN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR DORGAN: As we discussed earlier today, I am enclosing a set of talking points and a chart on the IRS' FY 2001 budget request and a description of the FTE commitment needed to meet the requirements of the IRS Restructuring and Reform Act of 1998. I cannot thank you enough for your support for full funding of the agency's budget. It is critical to carrying out the Restructuring Act and safeguarding the nation's tax administration system.

If I can be of any further assistance or answer any questions, please do not hesitate to call me.

Sincerely,

CHARLES O. ROSSOTTI,
*Commissioner.*

Enclosures.

## TALKING POINTS FOR IRS BUDGET

### BACKGROUND

Full funding for the IRS budget is $8.799 billion—the House-passed conference report if $8.494 billion—or $305 million short of the FY 2001 request.

This $305 million funds two initiatives that are key to the success of IRS' modernization effort (it also adds $4m for Criminal Investigations and $3m for Electronic Tax Administration):

$72 million for technology investments (ITIA) to upgrade the IRS's obsolete and inherently deficient computer systems

$225 million for a hiring initiative (called STABLE—Staffing Tax Administration for Balance and Equity) that will restore the IRS staffing level near the level prior to enactment of the IRS Restructuring and Reform Act of 1998 (RRA98).

### KEY POINTS

The IRS needs full funding to deliver on RRA98's mandates.

In terms of technology, IRS has developed a rigorous management process to ensure that its past mistakes (i.e. TSM) will not be repeated. The ITIA funding request is necessary so that the IRS can continue efforts to make technology investments that will have direct benefits to taxpayers in 2001. GAO has repeatedly reported that "until IRS' antiquated information systems are replaced, they will continue to hinder efforts to manage agency operations and better serve taxpayers through revamped business practices". Without this funding, the IRS will have to stretch out many of the projects it has planned to improve the administration of the nation's tax system and service to taxpayers. For example, the IRS plans to significantly improve its communications capabilities with taxpayers—allowing service representatives to answer taxpayer calls much more quickly and accurately. This is just the first of a series of planned upgrades to the decades old IRS technology infrastructure that will dramatically improve service to taxpayers and could be delayed.

The staffing initiative (STABLE) is necessary to enable the IRS to stem the precipitous decline in its collection activities and, at the same time, improve assistance to taxpayers. Since 1997, the IRS has experienced an extraordinary increase in demand for its limited staff. (See attached table.) There are two main causes for this increase:

RRA98 created numerous new taxpayer rights provisions that require additional time and resources for IRS employees. The IRS estimates that more than 4500 FTEs were devoted to meeting RRA98's demands—an effective reduction of 5.2 percent in FTE since 1997.

As the economy grows so does the IRS workload. Each year the IRS experience workload growth of 1.8 percent—that translates to an additional 1800 FTE each year just to keep pace with increased processing and compliance requirements.

STABLE is designed to compensate 'for these increases. Even with STABLE, total IRS staffing will be below the pre-RRA98 level.

IRS FTE RESOURCES IN FY 2001 WILL BE LESS THAN BEFORE RRA '98 WAS PASSED, EVEN AT FULL FUNDING OF THE REQUEST

| | |
|---|---|
| 1997 | 102,622 |
| 1998 | |
| 1999 | 99,596 |
| 2000 | 97,361 |
| 2001 (IRS request) | 99,862 |

FY 2000 MANDATORY FTE INCREASES FROM RRA '98

[FTE by Program]

| Code section | EXAM | Collection | Customer service | Other | Total FTE |
|---|---|---|---|---|---|
| 1203—Termination of Employment for Misconduct, Incl 1203 Training | | 107 | | 19 | 126 |
| 1205—Employee Training Program | 113 | 71 | 177 | 7 | 368 |
| 3001—Burden of Proof | | | 2 | 3 | 5 |
| 3201—Innocent Spouse Case Processing & Adjudication | 421 | 14 | 118 | 178 | 731 |
| 3301—Global Interest Netting | 73 | 19 | 10 | 1 | 103 |
| 3401—Due Process in Collections | | 108 | 78 | 170 | 356 |
| 3417—Third Party Notices | 150 | 270 | 150 | 17 | 587 |
| 3462—Offers in Compromise Case Processing | | 1,536 | 136 | 1 | 1,673 |
| 3501—Explanation of Joint & Several Liability | | 19 | | 1 | 20 |
| 3705—Spanish language assistance/live assistor option/contact on manually generated notices | | | 36 | 27 | 63 |
| ****—All Other Codes | | 10 | 353 | 166 | 529 |
| Total | 757 | 2,154 | 1,060 | 589 | 4,560 |

Mr. DORGAN. Mr. President, in the IRS Reform and Restructuring Act of 1998, we mandated specific goals for the IRS to meet in terms of taxpayer assistance and IRS performance. However, we continue to deny the IRS the resources it needs to meet these mandated goals. This is an administration concern, and it is my concern as well. We must do better by the IRS—if not on this bill—then in subsequent legislation. It is important that we maintain the concept and provision of "service" by the Internal Revenue Service.

I am pleased we were able to fund the National Youth Anti-Drug Media Campaign at last year's level of $185 million. While this is still $10 million less than requested by the administration, it represents a continued commitment to getting the message to our young people that drugs can kill. To date we have appropriated over $500 million for the media campaign—with mixed results. We had two hearings this year on the campaign where many of these concerns were raised. While it remains a somewhat controversial program, I will continue to work with the chairman and others ensure that the campaign bears identifiable and quantifiable results.

Finally, I am pleased that the conference report fully funds the administration's requests for the Bureau of Alcohol, Tobacco and Firearms to enforce existing gun laws. We fully fund the request to expand existing ballistics identification activities and to expand the Youth Crime Gun Interdiction Initiative, YCGII, program into 12 additional cities. Also, the objectionable gun preference provision—inserted in the original Senate bill without debate—has been dropped. This was a wise action and I congratulate the chairman and others for taking this step.

Again, while I strongly protest the process by which this conference report was drafted, in most respects—this is a responsible bill. It goes far to meeting our commitments to law enforcement and our Federal employees. I am committed to working with Senators STEVENS and BYRD and the leadership to find additional funds for the IRS and counterterrorism on subsequent legislation.

Mr. President, briefly, the statements made by the Senator from Colorado, Mr. CAMPBELL, are accurate statements. He has done an outstanding job. I am very pleased to work with him. We worked closely together on this legislation.

He knows I feel somewhat aggrieved by the process. This bill has not followed the normal course in coming from the full Appropriations Committee to the floor of the Senate. It was taken in an unusual circumstance. It was put into conference, and now a conference report comes to the floor. There are Senators who perhaps would have offered amendments on the floor who were precluded from doing so. That really should not be the case.

This is not a good process. That is not Senator CAMPBELL's fault. The Senator from Colorado is someone who did what was required of him with respect to the leadership decision. I hope we will not have this approach used in future bills. I will have more to say about the Agriculture appropriations bill which is supposed to be in conference now but on which there is no conference. I will speak more about that at a later moment.

My sense is much of what is in this bill is on target. We are about $900 million below the budget request. We made progress in a whole range of areas. I was very concerned about the program called the ACE Program, the computer modernization program at the Customs Department, known as ACE—Automated Commercial Environment.

The fact is the system for keeping track of what is coming in and going out of this country in trade, the system used by the Customs Service is simply melting down. We need to modernize that system. This program designed to do that was not funded in some of the earlier versions. The bill that is now on the floor does begin that funding with $130 million, a pretty robust amount of funding. For that I am most appreciative.

This legislation is still short with respect to the Internal Revenue Service needs, with respect to some counterterrorism appropriations, with respect to an account called unanticipated needs. The chairman of the full committee has indicated to me that while this is the conference we are dealing with and we have to take action on this conference report, he anticipates being able to respond to those deficiencies in another circumstance. We will probably have an omnibus appropriations bill. The chairman of the full committee has indicated the deficiencies that exist will be responded to in some omnibus bill at the end.

We will have to wait and see if that happens, but I expect perhaps this conference report was held for some period of time and certainly would be held at the White House. There is some discussion of a potential veto unless the holes are filled, especially with respect to enforcement capabilities at the Internal Revenue Service.

I say that only because there are more and more sophisticated schemes being used by some of the largest corporate taxpayers about which the Secretary of the Treasury has talked a great deal. They do need enforcement capability to penetrate some of those schemes that are used to avoid paying a fair share of taxes.

Pat Raymond, Tammy Perrin, and Lula Edwards on the majority side, and Chip Walgren, Steve Monteiro, and Nicole Koretsch spent a lot of time on this bill. As is the case with the legislative branch appropriations bill, this bill, the Treasury-general government appropriations bill, much credit must go to a lot of people who worked a lot of hours to make sure we funded these agencies properly.

I wanted to make those points and say I do not like this process. It has produced a bill that is pretty good in almost all respects except for a handful of things that need some remedy. The chairman of the full committee has told me, and I think he has told the White House and others, that he intends to respond to those deficiencies in some other venue as we go along in the appropriations process, and I appreciate that.

As we work to finish our remaining appropriations bills, it is my fervent hope that we can do this in the regular order. Bills passed by the full Appropriations Committee in the Senate should be brought to the Senate floor for debate and amendment, and then we send them to conference. When we have debate and amend a bill in the Senate, as we did with the Agriculture appropriations bill, which is critically important—it has my amendment that gets rid of sanctions on the shipments of agricultural products and stops using food and medicine as a weapon. The Senate voted for it by a wide margin.

It has the amendment Senator JEFFORDS and I, Senator GORTON and others offered on reimportation of prescription drugs which would force the repricing of prescription drugs in this country. We adopted that.

The House passed their bill the early part of July. We passed ours mid to late July. I am a conferee, and there has not been a conference. My expectation is there will never be a conference because they do not want to have a conference on something that controversial. Either one of those put to a separate vote in the Senate and the House will pass by 70 percent. I am worried this process will be used to hijack that bill.

I serve notice that I intend to inquire of the majority leader later this afternoon when he comes to the floor or tomorrow at some great length saying, we lost the issue last year and were hijacked to stop using food and medicine as a weapon. They adjourned the conference and never reconvened. It looks as if they are fixing to not convene a conference this year. That is not the way we should expect the Senate to do its business. I am sorry to get off on that for a moment.

Again, I appreciate the good work of Senator CAMPBELL and look forward to not only proceeding with what is in this bill, which I think is good work, but also remedying a half dozen or so areas that I think come up short of what we need to do, and I think the chairman of the full committee has said we need to do that.

Mr. CAMPBELL. Mr. President, I would like to respond to my friend and colleague from North Dakota.

His advice and counsel has been extremely important to me. I appreciate his comments very much. As I mentioned in my opening statement, I would have preferred to bring the bill to the floor as a self-standing bill, too. We are simply running out of time with only less than 3 weeks, I guess, of actual workdays before we adjourn for the year. It just was not possible this year.

But I look forward to working with him. If we do bring some emergency spending bill to the floor through the full committee, I would ask to work with him to try to fill in some of the holes we have missed in this bill.

With that, I thank the Chair and I yield the floor.

### GRAND FORKS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. DORGAN. Mr. President, there are a number of important national provisions contained within the conference report. One provision, however, is both of national importance as well as of importance to the people of North Dakota. I am especially proud that the bill names the Federal Building and United States Courthouse in Grand Forks, ND after Judge Ronald N. Davies.

The late Judge Davies is one of North Dakota's proudest sons. While he grew up in Grand Forks, he is also claimed by Fargo. It was while serving as a judge in Fargo that President Eisenhower appointed him to the Federal bench in 1955. While not a household name, Judge Davies has gone down in history as the judge who ordered Arkansas Governor Orval Faubus to integrate the Little Rock public schools 43 years ago this month. It is only fitting that the Federal building in his hometown—constructed the year he was born—bear his name.

Some of my colleagues may have had the opportunity to visit the Norman Rockwell exhibit at the Corcoran Gallery of Art in downtown Washington. Among the many examples of Americana is the famous Rockwell painting of a little African-American girl, hair in pigtails, head held high, being escorted to school by U.S. Marshals. The painting puts a human face on an important turning point in our Nation's history. It was the result of the ruling by this modest and unassuming son of North Dakota that our Nation took one more step toward expanding the American dream to all Americans.

I thank my colleagues for their support of this provision. I ask unanimous consent that articles from the Grand Forks Herald and Fargo Forum regarding Judge Davies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Grand Forks Herald, Aug. 6, 2000]

### A FITTING TRIBUTE TO JUDGE

FEDERAL BUILDING WILL BE RENAMED FOR JUDGE RONALD N. DAVIES—THE MAN WHO MADE LANDMARK DECISION ON SCHOOL DESEGREGATION

(By Marilyn Hagerty)

Soon it will be the Ronald N. Davies Federal Building and Courthouse in Grand Forks. The neoclassical building at 102 N. Fourth St. will be renamed to honor the late federal judge from North Dakota who in 1957 made what is considered the landmark decision on racial integration in our nation.

Born in Crookston in 1904—the same year work began on the Federal Building—Davies grew up in Grand Forks.

The Appropriations Committee of the U.S. Senate last month approved renaming the building in memory of the late Judge Davies.

The legislation was proposed by Sen. Byron Dorgan D-N.D., who said: "I can think of no better way to celebrate his contributions and preserve his legacy for future generations." A date for the renaming ceremony will be announced.

Davies was appointed to the federal bench by President Dwight Eisenhower in 1955. Two years later, he made history when on a temporary assignment to Arkansas he ruled that Little Rock public schools must allow black students to attend immediately.

### GUARD CALLED

The U.S. Supreme Court had ruled three years earlier that segregation was unconstitutional. Before a desegregation plan could take effect in Little Rock, Arkansas Gov. Orval Faubus called out the National Guard to prevent it.

On Sept. 7, 1957, Davies ordered Faubus to stop interfering. The governor called Davies' ruling high-handed and arbitrary, but the National Guard was removed. On Sept. 23, nine black children entered the high school, and white mobs rampaged. The children were removed after sporadic battles between police and rioters, according to reports by The Associated Press.

Two days later, the "Little Rock Nine" entered the school under the protection of 1,200 soldiers sent by Eisenhower.

Judge Davies, by then was widely known for his work in Arkansas. He often was referred to as "the stranger in Little Rock." This stemmed from an article in Newsweek in late September in which he was featured as "This Week's Newsmaker."

When a national television broadcast branded him as "an obscure federal judge," he responded: "We judges are obscure—and should be. That is want I want—to return quietly to the obscurity from which I sprang."

Before going to Arkansas, Davies said, he never had heard a desegregation case. He insisted he was only trying to do his job.

"I have no delusions about myself," he was reported to have said. "I'm just one of a couple of hundred federal judges all over the country. That all."

Davies was named to senior U.S. U.S. District Judge status in 1971 in Fargo. He died there in 1996 at the age of 91.

### HIGHLIGHTS

Significant honors awarded Judge Ronald N. Davies:

North Dakota's highest honor, the Theodore Roosevelt Roughrider Award, was presented to him in 1987. His portrait hangs in the Hall of Fame in the State Capitol.

Named outstanding alumnus of Georgetown University Law Center, Washington, D.C., in 1958.

Given an honorary doctor of law award by the UND School of Law in 1961.

Received Martin Luther King Holiday Award in 1986 by North Dakota Peace Coalition.

In 1961, the Davies family attended graduation ceremonies at UND for three rewarding reasons: Son Timothy received a degree from the law school; son Thomas earned a degree in business administration, and Judge Davies delivered the commencement address.

In 1966, Judge Davies rendered a decision he considered one of his most important cases—Stromsodt vs. Parke-Davis and Co. The case was tried in Grand Forks and involved a damage suit against Parke-Davis, one of the nation's largest drug manufacturers, for an unsafe vaccine administered to Shane Stromsodt at the age of five months in 1959. The child, who suffered irreparable brain damage, was represented by prominent torts attorney Melvin Belli. On Sept. 29, 1966, Davies awarded $500,000 to the 7-year-old Stromsodt.

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### DAVIES, THE MAN—WHO WAS JUDGE RONALD N. DAVIES?

He was competitive, ambitious, courageous. He was a lawyer's lawyer and a lawyer's judge. He had a sense of humor that would knock your socks off.

That's what children of the late Judge Ronald N. Davies say about him.

A daughter, Katherine Olmscheid, of Lafayette, Calif., was a senior in high school at the time her father was making headlines in Little Rock, Ark.

She says: "I knew what was going on, but I was so used to Dad being a take-charge kind of man that I just expected he was being very thoughtful about every decision he made. He did tell me that he well knew that his upholding the law in this case would not bode well for him in appointments to a higher court.

"He was competitive and ambitious, but when it came to the law and the courage to uphold it, there was never any question. He was a father who took time to talk to me and explain what was happening, but he never focused on the drama of it."

Thomas Davies, a son who is a municipal judge in Fargo, says his dad had a favorite saying: "Better to be silent and thought a fool than to open your mouth and erase all doubt."

Judge Ronald N. Davis was short—only 5 feet, 1 inch. But his son says nobody mentioned his height. If they did, the judge would launch into a good-natured dissertation about people who were too tall for their own good.

Thomas Davies says his father knew who he was and what he had to do. "He respected lawyers, and they respected him. He never lost contact with the average person. He knew and liked the janitors, elevator operators, secretaries, waitresses, labor people and their bosses. He could, in my estimation, have been elected to any office in state, local or federal levels; but he had the job he wanted, and he loved it."

Jody Eidler, a daughter who lives in Wheaton, Ill., remembers her father's sense of humor. "It was the best of anyone we knew. Ask any lawyer who appeared in his courtroom. I used to meet him in Chicago when he came to hear cases. I'd sit back and marvel at how smooth he was with the big-city attorneys. He handled them with kid gloves."

Davies' sons and daughters talk of the "round table" the judge held at the Elks Club in Fargo. He would have lunch with different lawyers, and he always would make room for one of his children if they happened to drop by.

Olmscheid says: "Dad was a stickler for his name being Ronald N. Davies. That N. initial thing was important to him, so I sure hope the powers that be take that into consideration when renaming the building."

As an aside, she said: "Dad was as proud of being a Sigma Nu as he was about just about anything else. He always sang the UND and Sigma Nu songs to us as we drove around Grand Forks on warm summer nights. He loved the University of North Dakota. He got his law degree from Georgetown, but he was a UND man all the way."

Along with Jody, Katharine and Thomas, the children of Judge Davies include Jean Marie Schmith and Timothy Davies, a trial lawyer with the firm of Nilles, Hansen and Davies in Fargo.

Judge Ronald N. Davies was born in Crookston on Dec. 11, 1904, two years before the completion of the U.S. Post Office and Court-house—now the U.S. Federal Building that will be named after him.

He was the son of a former Crookston Times editor and Grand Forks Herald city editor, Norwood Davies, and Minnie Quigley Davies.

His interest in the legal world grew as he tagged after his grandfather, who was chief of police in East Grand Forks. The family moved to Grand Forks in 1971, and Davies received a diploma from Central High School in 1922.

He went on to UND and worked at a soda fountain and in a clothing store to help with expenses. He graduated in 1927. He earned his law degree from Georgetown University Law Center in Washington, D.C., in 1930. As a student, he worked for the Capitol police force.

Davies began his long legal and judicial career in 1932, when he was elected as judge of the Municipal Court in Grand Forks. He served in that capacity until 1940, when he went into private practice. He was called into military service after the bombing of Pearl Harbor in 1941. He entered the U.S. Army as a first lieutenant and was discharged in 1946 as a lieutenant colonel.

Davies was married in Grand Forks on Oct. 10, 1933, to Mildred Doran, who was born in Arvilla, N.D., and grew up in Grand Forks. She was a graduate of St. John's Hospital School of Nursing in Fargo. She died in 1994.

The family includes five children, 20 grandchildren and 37 great grandchildren.

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[From the Fargo Forum, Aug. 11, 2000]

### IDEA TO HONOR JUDGE DAVIES IS APPROPRIATE

(By Terry DeVine)

North Dakota Sen. Byron Dorgan's introduction of legislation that would rename the federal courthouse in Grand Forks in honor of the late federal judge Ronald Davies of Fargo, who handed down the landmark ruling in the 1957 Little Rock, Ark., school desegregation case, is certainly appropriate.

Davies may have been a diminutive man, standing only 5-foot, 1-inch tall, but he was a Paul Bunyan of the law when he sat on the bench. His courtroom was a model of decorum, but never humorless. He had a way of keeping serious matters from becoming too overwhelming.

"If things were too tense, he'd crack a joke in court to lighten up the atmosphere," says his son, Fargo Municipal Judge Tom Davies. "The dad at home was not the judge you saw in court. He was serious in court but had a real good sense of humor."

The Senate Appropriations Committee recently approved Dorgan's legislation to change the name of the building to the judge Ronald N. Davies Federal Building and Courthouse. The provision is included in a larger bill that will be voted on by the full Senate when it returns from its recess in September.

The elder Davies was a graduate of the University of North Dakota and Georgetown Law School in Washington, D.C. While in law school, he worked as a Capitol policeman.

"I'd have loved to see that," says his son. "I'm sure my dad thought that was a hoot. He did think the rest of the world was too tall. His nightstick must have been almost as long as he was tall."

Former North Dakota senator and power broker Bill Langer nominated Davies for the federal bench in 1954, and he was appointed by President Dwight D. Eisenhower in 1955.

At the time, Langer reportedly said Ron Davies would be appointed to the federal bench or there would be no federal judges in North Dakota. The Senate obliged Langer.

Tom Davies says his father was fully aware of the awesome power a federal judge possesses, but it only made him more careful in the way he wielded it. He never let it go to his head, Davies says.

Davies had practiced law for several years in Grand Forks, N.D., before moving to Fargo following his appointment to the federal bench. He was sent to Arkansas to help clear what he thought was a backlog of routine cases.

Another federal judge ordered the integration of Little Rock schools, and Judge Davies ordered the integration process be accelerated at Central High School. Arkansas Gov. Orville Faubus called out the Arkansas National Guard to stop the admission of black students. President Eisenhower federalized the National Guard troops and nine black students were admitted to the previously all-white school.

It was a scary time, and there were death threats aplenty, but Davies stood his ground. He was the right man at the right time for the nation.

Davies paid his dues long before his federal appointment by "belonging to just about every organization that ever existed, with the exception of the Communist Party."

"He was as active as any human being could ever be," says Tom Davies. "He was a sparkplug. He never stopped recognizing people. He said hello to everyone. He was never arrogant."

Davies says his father was always available to the media, but never once took advantage of many opportunities to speak or write about the Little Rock ruling for large sums of money in his later years.

"I shouldn't be paid to talk about doing my job," he said.

His son said his father, who died in 1996 at the age of 91, spoke about Little Rock only once on television when he did a 45-minute show with Fargo-Moorhead radio/television host Boyd Christenson.

Men like Judge Davies should be remembered. Naming a federal courthouse in his honor is a fine idea.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. WELLSTONE. Mr. President, before the Senator starts, I ask the Chair: I am in order to follow the Senator from Iowa; is that correct?

The PRESIDING OFFICER. The Senator from Minnesota is in order in the request.

Mr. WELLSTONE. I thank the Chair.

Mr. HARKIN. Mr. President, parliamentary inquiry. How much time do I have?

The PRESIDING OFFICER. The Senator from California has 25 minutes under her control but has not yielded a specific amount of time.

Mrs. FEINSTEIN. I believe Senator WELLSTONE is speaking under his own time. I will yield such time as he may consume to Senator HARKIN.

Mr. HARKIN. I thank the Senator from California for her graciousness in yielding me this time.

(The remarks of Mr. HARKIN are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for 30 minutes.

Mr. WELLSTONE. Mr. President, I want to say at the very beginning to my colleague from Utah, for whom I have a lot of respect, that none of what I am about to say is aimed directly at him personally; quite the opposite. But I want to come out here and take very serious exception with the process and the result.

We finalized the legislative appropriations bill. Rather than having the Treasury and Postal appropriations bill coming directly from the floor of the Senate and having the opportunity to offer amendments, that bill was put into the legislative appropriations conference report. The two bills were basically linked to one another. This is a terrible way to legislate.

I say to the majority leader and others that we have been at this before and that I am out here on the floor of the Senate again today saying I take very serious exception to this. I cannot represent the interests of the people in the State of Minnesota very well when there is no opportunity to come to this floor and have amendments and try to make a difference.

I didn't come to the floor of the Senate to be a potted plant or a piece of furniture. In this particular case, I take exception with a couple of different things.

First of all, we have raised our salary to $141,300, and there is no opportunity for an amendment to be offered on the floor of the Senate to block this increase, no opportunity at all, no opportunity for any debate on this with an amendment. I can understand how the majority leader or someone on the majority party did not want to have an up-or-down vote. But I will tell you that I find it is very difficult to square raising our salary to $141,300 at the same time we are not willing to raise the minimum wage from $5.15 to $6.15 over a 2-year period. It is just unbelievable to me.

I want to be clear about it again. The Congress, by taking the Treasury-Postal appropriations bill and putting the salary increase into it, then putting it into a legislative appropriations conference report, is basically raising our pay without even taking a vote on it.

I want to tell you that is what gets us in trouble with the people we represent. This is exactly what gets us in trouble with the people we represent, and for very good reason.

Maybe the majority leader didn't want to have an up-or-down vote. Maybe the majority party didn't want to have an up-or-down vote. But I wanted an opportunity to come here to the floor of the Senate and say no way am I going to support raising our salary to $141,000 a year when this Senate and this conference has not been willing to raise the minimum wage from $5.15 an hour to $6.15 an hour.

To be very honest with Senators, I might raise another question, which is: Have we earned the salary increase? Have we passed a Patients' Bill of Rights? No. Have we passed prescription drugs extended onto Medicare? No. Have we reauthorized the Elementary and Secondary Education Act? No. Have we reauthorized the Small Business Administration? No.

In all due respect, we have done hardly any of the work of the people. We have not done much at all when it comes to the basic issues that affect the lives of the people we represent. Yet we are raising our salary to $141,000 a year. We are putting it into an unrelated conference report so that there will not be a vote on it. I think that is not a very direct way of conducting business.

I want to remind my colleagues of the words of Senator KENNEDY 4 years ago, when the Senate voted to gut rule XXVIII. That is the Senate rule limiting the scope of conference, and we are violating this conference report. I quote from Senator KENNEDY. This was 4 years ago, and it is so true to be prophetic.

> The rule that a conference committee cannot include extraneous matter is central to the way the Senate conducts its business. When we send a bill to a conference we do so knowing that the conference committee work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended. So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference—that is, if the point of order against such conduct becomes a dead letter—conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unrenewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate.

Mr. President, it is a highly dangerous situation. It will make all of us less willing to send bills to conference and will leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference. I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws, but tomorrow the issue might be civil rights, States rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

That is exactly what we have done. What we have here today is a mini-omnibus measure, and I think it is exactly the road that Senator KENNEDY was warning we should not go down.

I say to colleagues that I think every Senator ought to object to what we are doing—every Senator, Democrat and Republican alike.

We had an opportunity in the later months of this summer when we came back to bring this appropriations bill to the floor. We could have dealt with the Treasury-Postal appropriations bill. If we had, I would have brought an amendment to knock out our salary increase. I would have added an amendment that said we do not raise our salary increase to $141,000 a year until we raise the minimum wage. I would like to have had an up-or-down vote. All of us would have been held accountable, but that is not the way it was done. The majority party apparently doesn't want to have any votes any longer on any amendments whereby we will be held accountable.

Instead, anytime a Member desires—and I hope other Democrats will speak on this—it is true, they can take unrelated issues in matters, put it into a conference report, vote to raise our salary to $141,000 a year when we are not willing to raise the minimum wage from $5.15 to $6.15 over 2 years. They are in the majority. They can put it into an unrelated conference report, bulldoze it over us, and pass this legislation.

As a Senator from Minnesota, I am not going to let it happen without speaking about it. There will come a time when they may not be in the majority and there will come a time when they may find provisions that are put into conference reports unrelated to the scope of that conference report antithetical to the values they believe in, against what they think is right, against a Member's ability to represent their State, and they won't like it one bit. But that is exactly what has happened today. It is not because of the Presiding Officer right now, the Senator from Utah. But I believe this is truly an egregious process.

Again, one more time—just to be clear to those who are following this debate—I want to be on record. As a Senator from the State of Minnesota, people did not elect me to vote for a salary increase to $141,000 a year, people did not elect me to be here not in a position to bring out any amendments on the floor of the Senate to represent their interests, and people certainly did not elect me to let others put a salary increase—we now go up to $141,000 a year—in a conference report so we don't have an up-or-down vote on it without someone speaking out against it.

I speak out against it. I am not showboating. I speak out against it not because I don't think Senators should make a decent salary. First of all, what bothers me the most is I don't think we have done much. I think this has been a do-nothing Senate. I don't think we have done much on most of the crucial issues that affect people's lives. I am not sure what we have done to earn this increase.

Second, and I think even more importantly, I don't know how in the world we can justify raising our salary to $141,000 a year when we are not even willing to raise the minimum wage. There are 10 million people in this country who would directly benefit, and many others who would indirectly benefit, from the raise of the minimum wage. There are 119,826 Minnesotans who would benefit from a $1 increase in the minimum wage over 2 years, and if we don't do that, the minimum wage increase that we did pass has essentially lost all of its value. It is not even keeping up with inflation.

So colleagues understand, we hear a lot about the booming economy. It is true, but not all the new jobs that are being created are living wage jobs. In 1998, 29 percent of all the workers were in jobs paying poverty-level wages. In some of the jobs where we have seen the greatest growth—waiter staff, cashiers, janitors, and retail sales people—people earn less than half of what is called a living wage.

A study released by the U.S. Conference of Mayors in 1998 showed that nearly 4 out of 10 Americans visiting soup kitchens for emergency food were working; they were working poor people.

I don't think I want to go into the statistics. We have so many people in this country who could benefit. We have people who work 52 weeks a year, 40 hours a week, and they are still not out of poverty. The raise in the minimum wage would make a real difference, from $5.15 to $6.15 over a 2-year period.

What are we doing instead? Instead, we are raising our salary to $141,000 a year. We are raising our salary through the worst process, whereby rather than risking someone bringing an amendment out and having an up-or-down vote, someone has put the Treasury-Postal appropriations bill into the legislative appropriations conference report. Quite clearly, it was done in a very deliberate way so we wouldn't have to have an up-or-down vote.

In conclusion, I object to this process. I believe one of the worst things we ever did was make it possible for the majority party—and I promise the Chair that when we are in the majority I will take the same position—to basically waive the rule and insist measures that are put in conference committee be related to the subject material, that we no longer have to deal with the scope of the conference, the worst thing we could have ever done in violation of this constitutional process, and certainly in violation of the very notion of accountability.

We have been down this road before. I have come to the Chamber many times and objected to this. This time I believe even more strongly in it. I say to my colleagues, if you want to raise the salary, go ahead, but don't do it in this way. And don't put one appropriations bill that we should have been able to vote on into an unrelated appropriations bill conference report, and then bring it to the floor where there is no opportunity for amendments. I can't have an amendment that says we shouldn't raise our salary to $141,000, but I will vote against this. And I am sorry because the Presiding Officer and other Senators have done good work and in both these appropriations bills there is funding for a lot of important work.

I am going to vote no for two reasons. A, I am on record objecting to the way we are conducting our business. I am on record in opposition to the way the majority party is bulldozing over the right of the minority to come to the floor of the Senate with amendments. Second, I am voting against this appropriations bill because I think it is an outrageous proposition that the Senate should vote to raise our salaries to $141,000 a year and we are not willing to vote, to even have a debate much less a vote, on raising the minimum wage from $5.15 an hour to $6.15 an hour over a 2-year period so people who work hard all year-round and are still poor, who don't earn a decent living and cannot take care of their children, are not even given the opportunity to be able to do better for themselves and their children.

I think it is egregious. It is absolutely egregious what has happened. I am in opposition to it. I hope other Senators will speak out in opposition to the process and in opposition to the Congress being so generous with our own salary and oh so stingy when it comes to looking out for the interests of many hard-working, working poor people in this country.

Mr. President, I ask unanimous consent that 14 minutes of Senator DORGAN's time be yielded to Senator GRAHAM from Florida and that 6 minutes of my time be yielded to Senator GRAHAM of Florida.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides federal funding for numerous vital programs in the Treasury Department and the General Government. However, I am sad to say, once again, I find myself in the unpleasant position of speaking before my colleagues about unacceptable levels of parochial projects in another appropriations Conference Report.

The amount of pork in this bill is a tremendous burden which is patently unfair to the millions of hard-working American taxpayers, who do not possess the resources to get a "pet project" placed in their backyard.

The list of projects which received priority billing is quite long and the dollar amounts are staggering. Nevertheless, I will highlight a few of the egregious violations.

The conference report contains numerous provisions for millions of dollars to construct new courthouses in specific locations such as Los Angeles, CA, Richmond, VA, and Seattle, WA. Again, why are these particular sites so deserving of funding, that they receive specific earmarks to fund their construction? Unfortunately, this spending frenzy is not limited to courthouses. Somebody in either the other body or the Senate has concluded that the SSA National Computer Center in Woodlawn, MD deserves $4.3 million, and the Richard Bolling Federal Building in Kansas City, MO deserves $26 million are so unique that they should receive specific earmarks.

Furthermore, this conference report irresponsibly expands the definition of what constitutes emergency spending to get around the spending caps. For example, this report designates $9 million in funding for repairs to the underground garage in the Cannon House Office Building as emergency spending. I do not think this is what the American taxpayer would envision as a true emergency.

This report also spends nearly $7 million more for salaries and expenses for the Treasury Department than was requested by either the House or the Senate.

The list of spending excesses goes on. This bill provides a staggering $14.8 million for communications infrastructure, including radios and related equipment, associated with law enforcement responsibilities for the Salt Lake Winter Olympics. This item is but one example of the fiscal abuse surrounding the staging of the Olympic Games in Salt Lake.

This past year, Congressman DINGELL and I requested the General Accounting Office to conduct an audit into Federal financial support for U.S. cities hosting the Olympics. Specifically, we asked the GAO to answer two questions: (1) the amount of federal funding and support provided to the 1984 and 1996 Summer Olympics, and planned for the 2002 Winter Olympics, and the types of projects and activities that were funded and supported, and; (2) the Federal policies, legislative authorizations, and agency controls in place for providing the Federal funds and support to the Olympic Games. What the GAO discovered is that, "at least 24 Federal agencies reported providing or planning to provide a combined total of almost $2 billion, in 1999 dollars, for Olympic-related projects and activities for the 1984 and 1996 Summer Olympic Games and the 2002 Winter Olympic Games."

I say to my friends, the number is staggering, but what is more shocking, but not too surprising once an egregious practice begins and goes unchecked, is the way in which Federal funds flowing to Olympic host cities has accelerated. The GAO found that the American taxpayers provided about $75 million in funding for the 1984 Los Angeles games, by 1996 the bill to the taxpayers had escalated to $609 million, and for the upcoming 2002 Winter Olympics in Salt Lake City, that bill to American taxpayers is estimated to be $1.3 billion.

That is outrageous, Mr. President, and it is a disgrace. It is a disgraceful practice to put these pork-barrel projects on this appropriations bill. I say to the Senator from Utah who is on the floor now, if another pork-barrel project that is not authorized for the Olympic games is put on any appropriations bill, I will filibuster the bill until I fail to do so.

I wrote a letter to the Senator from Utah on September 19, 1997. In it I said:

> I am writing about the recent efforts to add funds—

This is 1997—

> to appropriations measures for the 2002 Winter Olympics in Salt Lake City.

I went on to say:

> I recognize that proper preparation for the Olympics is vital. . . . It seems to me, though, the best course of action would be to require the U.S. Olympic Committee, in coordination with the Administration and Congress, to prepare and submit a comprehensive plan detailing, in particular, the funding anticipated to be required from the taxpayers. . . .
>
> Please call me so that we can start work immediately to establish some predictability and rationality in the process of preparing for Olympic events in our country.

That was 1997. In a rather surprising breach of senatorial courtesy, the Senator from Utah never responded to that letter, so I wrote him another letter a year later asking for the same and never got a response.

The GAO now determines that $1.3 billion—and some of those I will read: $974,000 for the Utah State Olympic Public Safety Command; $5 million for the Utah Communications Agency Network; $3 million to Olympic Regional Development Authority, upgrades at Mt. Van Hoevenberg Sports Complex; $2.5 million, Salt Lake City Olympics bus facilities; $2.5 million, Salt Lake City Olympics regional park-and-ride lots; $500,000, Salt Lake City Olympics transit bus loan, and on and on; $925,000 to allow the Utah State Olympic Public Safety Command to continue to develop and support a public safety program for the 2002 Winter Olympics; $1 million for the 2002 Winter Olympics security training; $2.2 million for the Charleston Water Conservancy District, UT, to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games.

What the Olympic games supposedly hosted and funded by Salt Lake City, which began in corruption and bribery, has now turned into is an incredible pork-barrel project for Salt Lake City and its environs.

Not surprisingly, the GAO found that there was no effective mechanism in place for tracking Federal funding and support to host cities, one thing I tried to do in the letter to the Senator from Utah in 1997. The GAO stated that "in some cases it was difficult to determine the amount of federal funding and support because federal agencies generally did not track or report their funding and support for the Olympic Games." Congress, in some cases, authorized $690 million of the estimated $2 billion, with some $1.3 billion being approved by Federal agencies. However egregious it might be for Congress to approve $690 million in taxpayers funds—most of which was done through objectionable legislative pork barreling—it is astounding that federal bureaucrats, with absolutely no accountability, have ponied up $1.3 billion as a regular course of business.

The Ted Stevens Olympic and Amateur Sports Act, named after my good friend and colleague from Alaska, sets out the process by which the United States Olympic Committee operates, and how the USOC goes about selecting a U.S. bid city. Embodied in this act is a uniquely American tenet establishing that the United States Olympic movement, including the bid, and host city process, is an entirely independent, private sector entity. However, as this report points out, the American taxpayer has now become, by far, the largest single underwriter of the costs of hosting the Olympics. Mind you, this is not about private, voluntary giving to the Olympic movement. Nor is it about corporate sponsorships. This is about a cocktail of fiscal irresponsibility, made of congressional pork barreling, and unaccountable Federal bureaucrats.

As I outlined earlier, taxpayer funding of the Olympics has increased dramatically in recent years, as has the purpose of the funding. In the 1984 Summer Olympics in Los Angeles, $75 million in Federal support—$75 million versus $1.3 billion for the Salt Lake City Olympics—was provided. Most notable about this figure, aside from how low it is relative to Atlanta and Salt Lake, is what the money was used for. Of the $75 million in Los Angeles, $68 million, or 91 percent, was used to help provide safety and security services during the planned staging of the games. Only $7 million was for non-security-related services. Providing safety and security support is a proper role for the Federal Government. No one would dispute that the Federal Government should provide whatever support necessary to ensure that the Games are safe for everyone. However, the American taxpayer should not be burdened with building up the basic infrastructure necessary to a city to be able to pull off hosting the Olympic Games.

Clearly, by the time we got to Atlanta, such was not the case.

Other classic examples include $331,000 to purchase flowers, shrubs and grass for venues and parks around Atlanta, $3.5 million to do things like installing of solar electrical systems at the Olympic swimming pool.

As astounding as the Atlanta numbers are, they absolutely pale in comparison to Salt Lake City. Almost $1.3 billion of Federal funding and support is planned or has already been provided to the city of Salt Lake. And $645 million—51 percent—is for construction of roads and highways; $353 million—28 percent—is for mass transit projects; approximately $107 million for miscellaneous other activities, such as building temporary parking lots and bus rentals; and $161 million on safety and security.

As of April 2000, the Federal Government planned to spend some $77 million to provide spectator transportation and venue enhancements for the Salt Lake games. This includes $47 million in congressionally approved taxpayer funding for transportation systems. Among other things, Salt Lake officials plan to ask the Federal Government for $91 million to pay for things such as transporting borrowed buses to and from Salt Lake, additional bus drivers, bus maintenance, and construction and operation of park-and-ride lots.

However, as outlined, most of the money taken from taxpayers to pay the bill for the Salt Lake games is going to develop, build, and complete major highway and transit improvement projects, "especially those critical to the success of the Olympic games." This last phrase is vital to understanding the fleece game being played by cities such as Salt Lake City.

It works this way. A city decides they want to host an Olympics to generate tourism and put their hometown on the map. In order to successfully manage an Olympics, community leaders know they will have to meet certain infrastructure demands. They develop their plans, and then, of course, the pork barreling starts.

The GAO makes several recommendations for congressional consideration, including a potential Federal role in the selection of a bid city, a tracking system for funds appropriated, and more direct oversight. Among other things, the GAO also recommends a larger role for OMB in exercising oversight regarding agency activities.

However, I believe there are two fundamental reforms that should take place. The first is budget reform. Appropriations for Olympic activities should occur through the regular budget process, subject to the sunshine of public scrutiny and debate within Congress. Second, the USOC should not consider the bids of cities that do not have in place the basic capacity to host the Olympic games.

What has happened here is what happens in Congress. We start out with a little pork barreling; it gets bigger and bigger and bigger. We saw that recently on the Defense appropriations bill—$4 million on the Defense appropriations bill to protect the desert tortoise.

I want to repeat, I will filibuster and do everything in my power to delay any more appropriations bills that have this pork-barrel spending for Salt Lake City. There is a process. There is a process of authorization for these projects. They are conducted by the authorizing committees. Some of them may be worthwhile and necessary. Some of them may deserve to be authorized. Instead, they are stuck into an appropriations bill without scrutiny or without anyone looking at them.

I do not understand how we Republicans call ourselves conservatives and then treat the taxpayers' dollars in this fashion. This is terribly objectionable. It is up to $1.3 billion. We still have another year, at least, to go. This has to stop.

I am glad we got the GAO study. It is a classic example of what happens with pork-barrel spending in this body. It directly contributes to the cynicism and alienation of the American voter. These are my taxpayers' dollars, Mr. President, as well as the citizens' tax dollars of Utah. I have an obligation to my constituents in the State of Arizona who pay their taxes that their tax dollars should not be spent on this pork-barrel spending.

Therefore, Mr. President, I ask unanimous consent that a list of objectionable provisions for the legislative branch conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONAL PROVISIONS FOR THE LEGISLATIVE BRANCH CONFERENCE REPORT 106–796 (INCLUDES TREASURY/POSTAL)

ITEMS IDENTIFIED in Report 106–796

EARMARKS

*Title I—Department of the Treasury*

$47,287,000 for development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury.

$31,000,000 for the repair, alteration, and improvement of the Treasury Building and Annex.

$29,205,000, for expansion of the Federal Law Enforcement Training Center.

*Title II—Other Agencies*

Library of Congress

$4,300,000 for a high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving western North Carolina.

Russian Leadership Program—$10,000,000.

Hands Across America—$5,957,800.

Arrearage reduction—$500,000.

Mass deacidification—$1,216,000.

National Film Preservation Board—$250,000.

Digitization pilot with West Point—$404,000.

Botanic Garden

Wayfinding signage—$25,000.

Architect of the Capitol

Replace HVAC variable speed drive motor—$90,000.

Room and partition modifications—$165,000.

Replace partition supports—$200,000.

Lightning protection, Madison building—$190,000.

*Title IV—Emergency Fiscal Year 2000 Supplemental Appropriations*

Architect of the Capitol

$9,000,000 for urgent repairs to the underground garage in the Cannon House Office Building.

*Title I—Congressional Operations*

Replacement of Minton title—$100,000.

*Title IV—Independent Agencies*

$472,176,000 for construction projects at the following locations:

California, Los Angeles, U.S. Courthouse;

District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters;

Florida, Saint Petersburg, Combined Law Enforcement Facility;

Maryland, Montgomery County, Food and Drug Administration Consolidation;

Michigan, Sault St. Marie, Border Station;

Mississippi, Biloxi-Gulfport, U.S. Courthouse;

Montana, Eureka/Roosville, Border Station;

Virginia, Richmond, U.S. Courthouse;

Washington, Seattle, U.S. Courthouse.

Repairs and alterations:

Arizona: Phoenix, Federal Building Courthouse, $26,962,000.

California: Santa Ana, Federal Building, $27,864,000.

District of Columbia: Internal Revenue Service Headquarters (Phase 1), $31,780,000, Main State Building (Phase 3), $28,775,000.

Maryland: Woodlawn, SSA National Computer Center, $4,285,000.

Michigan: Detroit, McNamara Federal Building, $26,999,000.

Missouri: Kansas City, Richard Bolling Federal Building, $25,882,000; Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000.

Nebraska: Omaha, Zorinsky Federal Building, $45,960,000.

New York: New York City, 40 Foley Square, $5,037,000.

Ohio: Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000.

Pennsylvania: Pittsburgh, U.S. Post Office-Courthouse, $54,144,000.

Utah: Salt Lake City, Bennett Federal Building, $21,199,000.

Virginia: Reston, J.W. Powell Federal Building (Phase 2), $22,993,000.

Nationwide: Design Program, $21,915,000; Energy Program, $5,000,000; Glass Fragment Retention Program, $5,000,000.

$276,400,000 for the following construction projects:

District of Columbia, U.S. Courthouse Annex;

Florida, Miami, U.S. Courthouse;

Massachusetts, Springfield, U.S. Courthouse;

New York, Buffalo, U.S. Courthouse.

DIRECTIVE LANGUAGE

*Title III—General Provisions*

Standard buy-American provisions throughout the conference report.

*Title II—Other Agencies*

Language directing the General Accounting Office to undertake a study of the effects on air pollution caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky

Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahla, and Cherokee National Forests. This study will also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region. The GAO shall report to the Committees on Appropriations no later than January 31, 2001.

### *Title III*

Language directing that there be no reorganization of the field operations of the United States Customs Service Office of Field Operations which may result in a reduction in service to the area served by the Port of Racine, Wisconsin.

Up to $2,500,000 for the purchase of land and the construction of a road in Luna County, New Mexico.

$95,150,000 for the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $88,000,000 is to complete renovation of the National Archives Building.

### TITLE—DEPARTMENT OF THE TREASURY

$14,779,000 for communications infrastructure for the Salt Lake City Winter Olympics;

$2,000,000 for Critical Infrastructure Protection; and

$3,500,000 for Public Key Infrastructure.

Additionally, the conferees include $500,000 for Customs' ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

The conferees therefore direct the Treasury Department and Customs to complete this model and to report to the Committees on Appropriations not later than November 1, 2000 on its implementation. In relation to this, the conferees urge the Customs Service to give full consideration to the needs of the following areas for increases or improvements in Customs services: Fargo, North Dakota; Highgate Springs, Vermont; Charleston, South Carolina; Charleston, West Virginia; Honolulu, Hawaii; Great Falls, Sweetgrass-Coutts, and Missoula, Montana; Tri-Cities Regional Airport, Tennessee; Dulles International Airport; Louisville International Airport; Miami International Airport; Pittsburg, New Hampshire; San Antonio, Texas; and multiple port areas in Arizona, New Mexico, and Florida

### *Title III—Executive Office of the President and Funds Appropriated to the President*

As ONDCP reviews candidates for new HIDTA funding, the conferees direct it to consider the following: Las Vegas, NV; Arkansas; Minnesota; North Carolina; and Northern Florida, which have requested designation; Mexico, South Texas, West Texas, and Arizona, New England, Gulf Coast, Oregon, Northwest (including southwest and eastern Washington), and Chicago HIDTAs; and full minimum funding for new HIDTAs in Central Valley, California, Hawaii, and Ohio.

$3,300,000 for anti-doping efforts of the United States Olympic Committee.

### *Title IV—Independent Agencies*

$3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida.

$700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford Museum.

GRAND TOTAL: OVER $1.4 BILLION.

Mr. McCAIN. Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, am I correct that I have 20 minutes reserved at this time?

The PRESIDING OFFICER. The Senator is correct.

The distinguished Senator from Florida is recognized.

Mr. BENNETT. Will the Senator yield for an inquiry?

Mr. President, may I ask how much time I have left under my control?

The PRESIDING OFFICER. The distinguished Senator from Utah has 45 minutes.

Mr. BENNETT. I thank the Chair. I will use time when the Senator from Florida has finished.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the courtesy of the Senator allowing me to speak on another matter during the debate on the legislative branch conference report.

(The remarks of Mr. GRAHAM are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I listened with interest when the Senator from Arizona spoke about the GAO report with respect to the Olympics. I believe the Senator from Arizona has made a significant contribution and is attempting to move the Congress in a direction in which we should go with respect to the Olympic games. I think he has raised appropriate concerns. I can be specific about some of them. I will not attempt to be specific about them all because they are quite lengthy.

For example, the $14.8 million for communications infrastructure to which he objects in the Department of the Treasury portion of the conference report before us was inserted there at the request of the Secret Service, which told the Appropriations Committee that was the amount they required. This was not something that was asked for by the Salt Lake organizing committee or the Senator from Utah specifically. It came from the Department of the Treasury.

That is true of some of the other items. But rather than getting bogged down in a debate over the appropriateness of this amount or that amount, every one of which has had that debate in one form or another in the process of getting to the conference report, I want to address the issue of the GAO report and the comments that the Senator from Arizona made about it.

He said, very accurately, that the Federal role with respect to the Olympic games has increased dramatically from the $75 million that was appropriated in 1984 for the Olympics in Los Angeles to the amount that has now been appropriated and is going to be appropriated for the Olympics in Salt Lake City, showing the step-up from Los Angeles to Atlanta to Salt Lake City.

Inasmuch as Washington, DC, has announced its intention to bid on the Olympic games in either 2008 or 2012, I think now is an appropriate time, as the Senator from Arizona has suggested, to talk about the role of the Federal Government with respect to the Olympic games.

The GAO report makes this comment with which I am sure the Senator from Arizona would agree and with which I agree. I think it is a very appropriate comment. It says:

> Despite the lack of a specifically authorized Government-wide role in the Olympic games, the Federal Government has, in effect, become a significant supporter of the Games when hosted in the United States. Accordingly, Congress may want to consider enacting legislation to establish a formal role for the Federal Government and a Government-wide policy regarding Federal funding and support for the Olympic Games when hosted in the United States.

I think that is a very sound recommendation on the part of GAO. It resonates with the concerns raised by the Senator from Arizona.

I lived in Los Angeles in 1984 and watched the Olympic games from the standpoint of a resident. Let me add a little history to the history that has been referred to on the floor this afternoon.

In 1984, as I recall—I could be wrong, but my memory tells me—Los Angeles was the only city bidding for the Olympic games. The games were seen as an economic disaster for any city unfortunate enough to end up as the host. There were examples all over the world of cities that had hosted the Olympic games and ended up with huge deficits which took them years and years to pay off. Nobody wanted the Olympic games. Los Angeles got the Olympic games almost by default. They hired an extraordinary individual named Peter Ueberroth to serve as the manager of that event, and Peter Ueberroth did something that was both very good and, in retrospect, maybe not so good for the Olympic movement. He brought in for the first time on a serious basis big money sponsors.

I remember reading in the Los Angeles Times after the Olympic games were over that there was a surplus in the Olympic account of $30 million that would be turned over to the city of Los Angeles. There were further newspaper stories that said: No, the surplus is $60 million. No, we have looked through the books, the surplus is $100 million. I don't remember now what it ended up being. But it was, for the time, a comparatively staggering amount of money. There were jokes made in Los Angeles about the fact that everything was available as the official filled in the blanks.

I remember going with my family to watch the women's marathon. It was the only event we attended in the Los Angeles 1984 Olympic games because it was the only one that was free. We couldn't afford to buy the tickets at that time. As the father of six children, I think other people can understand that particular problem. We stood there on the sidelines and watched the Olympic runners come down. We cheered for the Americans. We were excited. Then after it was over, in the spirit of the time, one of the officials of the games turned to us and said, Do you want an official Olympic sponge? They had handed sponges filled with water to the runners as they went by, and the runners cast them off.

Everything was an "official Olympic" this or that and had a price tag attached to it. I remember Kodak was very concerned because Peter Ueberroth put the official Olympic film up for bid and Kodak said: You can't possibly have an official Olympic film that isn't an American film. Ueberroth said: Make your bid. Fuji Film outbid Kodak. We had over the Olympics in Los Angeles a large green blimp with "Fuji Film" on it. Fuji Film was the official Olympic film for the 1984 Los Angeles Olympics.

As I say, the number came out to be ultimately something close to $100 million. It transformed the Olympic movement. From that moment forward, everybody wanted to be the host city for the Olympic games. And everybody assumed that if they could somehow get that plum for their city, they would receive a very substantial economic payoff. But once you start down that road psychologically, a number of interesting things happen. And an interesting thing happened to the Olympic movement.

Mr. KENNEDY. Mr. President, will the Senator be good enough to yield for a moment for a question?

Mr. BENNETT. Yes.

Mr. KENNEDY. I note that we are going to hear from former Vice President Quayle at 6 p.m., and Senator STEVENS wanted to address the Senate. Just as a point of information, I welcome the chance to be able to address the Senate tomorrow. If the Senator is going to continue for a while, if he could let us know, because I wanted to have the opportunity to hear from Mr. Quayle and also to accommodate Senator STEVENS. The Senator is addressing a very important matter that is relevant to the remarks of the Senator from Arizona. Could he give us any indication?

Mr. BENNETT. I thank the Senator from Massachusetts for his inquiry. Since I have no prepared remarks, I am responding directly to the remarks of the Senator from Arizona. I can't put an exact timeframe on it. I will try to restrain my enthusiasm for the sound of my own voice and finish in maybe 15 or 20 minutes—something in that timeframe. I will do my best to do it faster. I understand the Senator from Alaska no longer requires any time. So the Senator from Massachusetts could speak right up to the time we go into the session with the former Vice President.

Mr. KENNEDY. I thank the Senator.

Mr. BENNETT. Mr. President, if I may go back, the reaction out of Los Angeles caused the leaders of the Olympic movement to also get dollar signs in their eyes, and the Olympics began to expand. The assumption was, if the costs go up at the International Olympic Committee or the costs go up at the U.S. Olympic Committee, no problem; we will just sell a few more sponsorships and be able to pay for it without any difficulty.

So one started chasing the other, and the number of sponsorships sold kept going higher and the costs kept going higher.

One aspect of the cost going up has been the addition of new sports. Interestingly enough, the number of sports that will participate in the Salt Lake City Olympics in 2002 is significantly higher than the number that participated at Lillehammer in, I believe, 1994. In just that short period of time, the cost of putting on the Olympics has been expanded by a significant percentage—I do not have the number currently available—by adding additional sports. The organizers of the Salt Lake Olympic Committee have told me that even though their budget is very close to the budget at Lillehammer, their costs are substantially higher because of the additional sports that have been added.

Somewhere along the line, someone lost track of what happens to all of this. Again, the head of the Salt Lake organizing committee, Mit Romney, has told me that the budget he was handed from the U.S. Olympic Committee implied more sponsorships for the winter Olympics than Atlanta had for the summer Olympics in 1996. He has to go out and sell those sponsorships now because the budget has built into the assumption that money will be there. He is still approximately $40 million or $50 million shy of being able to cover his budget even though he has outsold the sponsorships that went into Atlanta. He has more sponsorship money coming from Atlanta for the winter games, which are less popular than the summer games, and he is still money short.

That is what has happened as everybody, reacting to what happened in Los Angeles in 1984, has assumed that the Olympics are a pot of gold. They are clearly not a pot of gold. And we are getting to the point where we may be back to the Los Angeles games when no city wanted to host it because they would end up with a major deficit.

I said to Mit Romney: Will we have a deficit in Salt Lake? He said: No, we will not have a deficit because, if absolutely necessary, we will cut back to whatever amount of money we have.

We don't want to have America host Olympics that seem to be second class by comparison to the rest of the world. But financially we have no choice if we can't close that gap.

I believe Mit Romney will be able to close that gap. I believe he will be able to bring it down so that we will have an exact meeting of expenses and revenues.

But in this whole picture comes the question that has been raised by the Senator from Arizona: What is the role of the Federal Government? Increasingly, the Federal Government plays an important role in the Olympics because, increasingly, as the Olympics get bigger and bigger, with more and more nations, more and more athletes, and more and more opportunities for international terrorism, they become a bigger and bigger problem for the Federal Government.

I think the whole question raised by the Senator from Arizona and by the GAO report as to the formalization of the Federal role is a very legitimate question. I think the proposal in the GAO report that was endorsed by the Senator from Arizona that there be a formal involvement from OMB and a formal process within the Congress to track these appropriations is a right and proper proposal. We probably should have done it after the Atlanta Olympics when we had the first indication that this was what was going to happen. We didn't.

I am perfectly willing to join with the Senator from Arizona to craft a way to do this once the Salt Lake City Olympics are over. If Washington, DC, or some other American city gets the Olympics at some point in the future, this process will be in place. I think it is the responsible thing to do. I applaud the Senator from Arizona in helping move in that direction.

I point out, as the GAO report says, with respect to the $2 billion figure used by the Senator from Arizona:

> According to Federal officials, most of these funds would have been awarded to these cities or States even if they had not hosted the Olympic games although the funds could have been provided later if the games were not held.

Let me talk specifically about the two largest items in that $2 billion figure that relate to Salt Lake City: the mass transit in downtown Salt Lake City and the renovation of I–15, the interstate highway that runs through Salt Lake City. Both projects were properly authorized, properly funded, under established congressional procedures with respect to transportation activities. I–15 was 10 years beyond its designed life when renovation construction began. The project was outlined for 9 years under standard construction procedures.

The State of Utah, working with the Federal Highway Administration, came up with a method of doing it which is called design/build; that is, you design it while you are building it. Instead of designing it all first and then building it, you do it simultaneously. In the process, they cut the time from 9 years to 4½. They also cut the cost by close to $1 billion.

Yes, it will be done in time for the Olympics. Yes, it will enhance the Olympics. And GAO has included its total in its calculation of the cost of the Olympics. But it had to be done. It was a logical expense of the highway trust fund. It was funded in the normal fashion through the highway trust fund, and because of the pressure the Olympics put on it in terms of time, we now have a pilot project with design/build that is coming in ahead of schedule and under budget. We are saving taxpayers money by virtue of the pressure that the Olympics put on this highway project.

There is absolutely no question that the money would have been spent even if the Olympics had not come to Salt Lake City. It may not have been spent as wisely or as prudently as it is being spent if we had not had the pressure of the Olympics.

The second issue is the mass transit system in Salt Lake City. The mass transit system in Salt Lake City, again, stood in queue with all of the other mass transit systems that were being reviewed by the Department of Transportation. It was approved in the Clinton administration as an appropriate transit program for a metropolitan area experiencing tremendous growth and congestion. It is interesting to me to note that the current construction of mass transit in Salt Lake City is going forward even though there was no assurance that it would be completed in time for the Olympic games. In other words, the Department of Transportation approved the full funding grant agreement for that spur of the mass transit system with the full knowledge that it might not be available for the Olympics.

Now, the contractors who were building it insisted it would be available for the Olympics. It certainly will help the Olympics. But it was not approved as an Olympic project. It was not examined as an Olympics project. It was not evaluated by the Department of Transportation as an Olympics project. Its cost, however, is included in the GAO study as an Olympics project because it occurred in the period where things were being spent in Utah.

I make a footnote with respect to I-15, the interstate highway. It is being funded largely by State funds. The Federal dollars only became available after TEA-21 passed in 1998 and the State decided we couldn't wait. Had we not had the Olympics and waited for full Federal participation in this portion of the interstate, the State of Utah would be paying less than it is now. So the State of Utah has put up a substantial sum of money by virtue of this for this infrastructure. We do not complain because we will have the benefit of that infrastructure after the games are over. However, I want to make it clear to any who are keeping score that if you take the $2 billion figure to which the Senator from Arizona referred that is part of the GAO report and break it down, you come up with a much smaller figure for the Federal participation in the Olympics games that has nothing to do with anything else; that is, you have a much smaller figure for Federal expenditures that are solely Olympics expenditures than anything like the $2 billion.

Now, back to the earlier point, that we must address the question of the Federal role. Let us look what the Olympics do to any country that gets them in today's world. My wife and I went to Nagano, Japan, to see the Olympics put on in Japan. We read the Japanese newspapers. We didn't come up with a firm figure, but the Japanese newspapers speculated that the total amount that Japan as a country spent in order to put on the Olympics—the lowest figure I read was $13 billion; the highest figure I read was $18 billion, given the kind of accounting sleight of hand that accompanied the Japanese Olympics. I think the higher figure may very well be the accurate one. Even if we take the lower figure, Japan decided they could not put on an Olympics worthy of world attention without making such infrastructure improvements as to spend ultimately $13 billion. I participated in the benefits of that. I rode the bullet train from downtown Tokyo to Nagano where the Olympics were held. They decided they couldn't put on the Olympics without putting in a bullet train.

We, in the United States, view the Olympics as basically a sporting event. The rest of the world views the Olympics very differently, and once a city in a country in the rest of the world is awarded the Olympics, the entire national government of that country becomes engaged. We need to think this one through as a nation. If we ever want to hold the Olympic games in the United States again and have the games be presented to the world on anything like the level that the world has come to expect for the Olympics, we are going to have to face the fact that the Federal Government must be involved in a formal kind of way.

The GAO comments about this just growing upon us are correct and a formal examination of the American Federal Government participation in the Olympics is overdue. The fact is, now no city in this country can bid for, accept, and put on the Olympic games without significant, maybe even in the view of the Senator from Arizona, massive Federal support. The Clinton administration has recognized that. I have been a long critic of the Clinton administration in a number of areas, but in this area I must say that the Clinton administration has stepped up to the plate and supported absolutely everything that has to be done to see that the Olympics are put on in an appropriate way.

I salute the people in the OMB with whom we have worked, the people in the White House staff with whom we have worked in a collaborative way to bring this all together to see that we will have a responsible Olympic games.

The Olympic games in Salt Lake City in 2002 are going to be fabulous. We have the best mountains, the best snow, the best facilities. It is going to be a fabulous experience for the entire world, and all Americans are going to be very proud of the job that the Salt Lake Olympic Organizing Committee will do in putting that on. But the Salt Lake organizing committee could not do it without the kind of support that has been provided by all of the Federal agencies who have been called upon in the various appropriations bills that have gone through.

As we look to the future and anticipate the possibility that at some point some other American city will either gain the summer games, as Atlanta did, or the winter games, as Salt Lake City did, we should put in place the recommendations of the GAO and recognize right up front that it is a national effort, it is a Federal responsibility, as well as a city responsibility, and perform as every other country in the world performs with respect to this particular opportunity.

If we decide as a Congress that we do not want Federal participation in the Olympic games, make that decision clear, then no American city will ever host the Olympic games again because no American city can ever afford the kinds of things that are required.

I thank the Senator from Arizona for raising this issue, for bringing us to an understanding of the importance of the recommendations that the GAO has made, and for giving me the opportunity to give these specifics about the $2 billion figure. The Federal Government, in fact, will spend far less than that figure, far less than $1 billion, far less than however many hundreds of millions of dollars. I do not know the number. I do not know anybody who does. I will try to find it out and bring it to the floor at some point. It will be less than any other federal government has spent to bring the Olympics to their host country, but it demonstrates to us that we have to have the kind of planning and coordination for which the Senator from Arizona calls.

I thank the Senator from Massachusetts for his indulgence. I ask how much time I have remaining.

The PRESIDING OFFICER. The distinguished Senator from Utah has 18 minutes remaining.

Mr. BENNETT. Mr. President, I have nothing further to say. I probably should not have said as much as I did. If there is no Senator seeking recognition, I suggest the absence of a quorum and request that it be charged to both sides equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I have had brought to my attention since I finished my extemporaneous remarks some information about the funding of the Olympics that I would like to now share and put into the RECORD.

This is a draft statement that was prepared for Mit Romney. I do not want to put these words in his mouth until he has had an opportunity to review it. It has come from his staff. I believe it is accurate. I will share some of this information with you.

First, Federal spending for activities directly associated with the games is entirely appropriate when it is within traditional areas of public responsibility. Example: Two-thirds of the costs are for public safety activities, such as providing counterterrorism support. Other areas where the Government is involved include visas, customs, transportation to the public, and weather information infrastructure—all traditional governmental responsibilities.

The statement says the Olympic games are essentially a mission of peace entirely consistent with the objectives of our country and recognizing that the Government spends billions of dollars to maintain wartime capability, it is entirely appropriate to invest several hundred million to promote peace. That is an editorial comment.

With respect to the funding and the GAO report, there are two types of unrelated spending combined under the term "Federal funding." First is spending actually required to host an Olympic games; and, second, spending on projects the Government would have funded whether or not the Olympics occur. I have already talked at great length about the second aspect—funding that would have been spent regardless of whether or not the Olympics have occurred.

Direct Olympics spending; that is, spending that occurs solely because of the Olympics, as accounted in GAO's report, is about $254 million, not the $1.3 billion that was in the headlines. I repeat that: About $254 million is the direct spending, and it goes for the items that are referred to up above—visas, customs, transportation, weather information and, of course, security and counterterrorism, as indicated by the $14.8 million to which the Senator from Arizona referred that was requested by the Secret Service.

I add one other comment to this. The Senator from Arizona talked about future appropriations. We are pretty much over the hump with this year's appropriations. We cannot spend money in fiscal 2002 for Olympic games that are going to be held in February of 2002. So the 2001 fiscal year budget, which we are involved in here, is the big-ticket item.

Once we are past this budget cycle, there will be some additional funds in the next year, but they will be much smaller than the funds that are included this year. I say to my colleagues, I know of no funds in the 2001 bills that are yet to come before us that have not, in fact, been authorized in the appropriate procedure to which the Senator from Arizona referred.

So, Mr. President, I speculated as to what the number was in my extemporaneous remarks. I have now had the number given to me. The actual number of Olympics-only Federal spending is in the neighborhood of $250, $254 million. I make that additional correction to the RECORD.

### EXPANSION OF CHICAGO HIGH-DENSITY DRUG TRAFFICKING AREA

Mr. FITZGERALD. Mr. President, I would like to take this opportunity to engage the Chairman of the Treasury and General Government Appropriations Subcommittee in a brief colloquy.

Mr. CAMPBELL. Yes.

Mr. FITZGERALD. My state has an emerging methamphetamine problem, which is an unmet need of the High Intensity Drug Trafficking Areas program. To tackle this problem successfully, Congress should provide funding in fiscal year 2001 to implement the expansion of the Chicago High Intensity Drug Trafficking Area to the Southern and Central Districts of Illinois.

Over the last three years, seizures of methamphetamine laboratories in Illinois have increased by 925 percent. In 1999 alone, 246 methamphetamine laboratories were seized in Illinois (more than all previous years combined), and methamphetamine-related crime in the state is at an all-time high, according to the Illinois State Police. If this trend continues, Illinois can expect to see an exponential growth of methamphetamine activities in the next two or three years, similar to what has occurred in Kansas, Missouri, Arkansas, and Iowa.

I recognize that the final version of the Treasury and General government Appropriations Act for fiscal year 2001 includes an additional $14,500,000 to expand existing HIDTAs or fund newly designated HIDTAs. I would like to ask the Chairman a question: is it your expectation that a portion of these funds will be used to implement the expansion of the Chicago HIDTA to the Southern and Central Districts of Illinois?

Mr. CAMPBELL. Yes, that is my expectation.

### NATIONAL DRUG-FREE WORKPLACE ALLIANCE

Mr. KYL. Mr. President, I ask that I be allowed to enter into a colloquy with the distinguished Chairman of the Treasury and General Government Subcommittee, Senator CAMPBELL, regarding the importance of the National Drug-Free Workplace Alliance.

Mr. CAMPBELL. I understand the Senator's interest in this area.

Mr. KYL. I would like to take a few minutes to describe the importance of the National Drug-Free Workplace Alliance. The goal of the Alliance is to promote and assist the establishment of drug-free workplace programs and provide comprehensive drug-free workplace services to American businesses. As you know, drug abuse is prevalent in the American workplace. One in 12 employees uses illegal drugs. Equally troubling is that drug and alcohol abusers file about 5 times as many workers compensation claims as non-abusers, and 47 percent of all industrial accidents in the United States are related to drugs and/or alcohol. The Alliance will not only serve as a valuable resource to businesses, but also to the many organizations across the country devoted to drug free workplaces. Two such organizations in my state, Arizonans for a Drug-Free Workplace and Drugs Don't Work, would greatly benefit from working with the Alliance.

Mr. CAMPBELL. The Subcommittee is increasingly aware of the problems that drugs pose in the workplace. Helping businesses to address such a problem will greatly benefit our communities and children. I look forward to working with my colleague to address your concerns.

Mr. KYL. Once again I would like to thank the distinguished Chairman.

Mr. FEINGOLD. Mr. President, I rise to oppose this conference report on the legislative branch appropriations bill. The reasons for my opposition have much to do with the process by which this conference report has come to us. As I said in my statement this May during debate on the motion to proceed to the foreign operations appropriations bill, the character of the Senate has been changing. This conference report is yet another example of that change. And the change has not been for the better.

The Senate sent to conference a $2½ billion legislative branch appropriations bill. The House majority leadership took that conference on a relatively modest bill and shoveled into it a $55 billion tax cut and a $30 billion appropriations bill for the Treasury

Department, the Postal Service, the Executive Office of the President, and certain independent agencies. This is an abuse of the powers of the majority.

Mr. President, the Senate may be calloused to the accelerating number of abuses that we have witnessed in the past few years. And this growing indifference may have given some comfort to those who are spearheading this particular offensive.

But, Mr. President, there is a facet to this latest effort that makes it especially worthy of opposition. For adopting this conference report, now shielded from amendment, removes the opportunity to force an open debate of a $3,800 pay raise for every Member of the Senate and the House of Representatives.

By bringing the Treasury-Postal appropriations bill to the Senate floor for the first time in this conference report, without Senate floor consideration, the majority prevents anyone from offering an amendment on that bill to block the pay raise. The majority makes it impossible even to put Senators on record in an up-or-down vote directly for or against the pay raise. The majority has thus perfected the technique of the stealth pay raise.

And the majority also makes it impossible to link this congressional pay raise directly to other pay issues of importance to the American people. With this abuse of the rules, the majority makes it impossible to consider, among other things, an amendment that would delay the congressional pay raise until working Americans get a much-needed raise in the minimum wage.

The majority leadership thus appears to believe that cost-of-living adjustments make sense for Senators and Congressmen, but that cost-of-living adjustments do not make sense for working people making the minimum wage.

The abuse of the process that brings us here today prevents the Senate from rectifying this injustice. If the Senate were considering the regular Treasury-Postal appropriations bill, a Senator could offer an amendment that would point out inequities like this. And that, in the end, might help explain why the majority is using this procedure today. That might explain why we are not considering the regular Treasury-Postal appropriations bill, but are considering an unamenable conference report.

This unamendable conference report culminates the technique of the stealth pay raise. As my colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate and amendment.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 211 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the states.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the states.

The 27th amendment to the constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened." Now, today's action does not violate the letter of the Constitution, because it is the result of a 1989 law that provides for a regular cost-of-living adjustment for congressional pay. But stealth pay raises like the one that the Senate allows today certainly violate the spirit of that amendment.

Mr. President, this practice must end. To address it, I intend to introduce legislation that ends the automatic cost-of-living adjustment for congressional pay.

The conference report before us today took its final shape just before the August recess, during what were reported to be all-night, closed-door meetings. The House majority leadership then, tried to muscle this conference report through the House on the day before the recess. The bill survived a procedural vote by just four votes, 214 to 210, with Representatives anxious to begin their August recess, the House leadership decided to postpone further action until this month.

The conference report before us today includes the Treasury Postal bill. The Senate never had a chance to consider the Treasury Postal bill that is now part of this conference report. The Senate Appropriations Committee ordered the bill reported on July 20. It is available for Senate consideration as a separate bill.

This conference report on an appropriations bill also includes a repeal of the telephone excise tax. Now repealing the telephone tax is probably the best tax cut idea that we will get in this Congress. I voted to repeal the telephone tax during consideration of the estate tax bill.

But that was a tax bill. Today, we are being asked to enact that tax cut on an appropriations bill. A tax cut that will cost $55 billion over the next decade should not be added in the middle of the night in a conference on a $2½ billion appropriations bill.

As well, the conference report also makes budget process law changes. Section 1002 of the conference report changes the limits on outlays set in the current budget resolution for defense and non-defense spending. It shifts $2 billion from non-defense spending to defense spending. Making this budget process change violates the rules. Section 306 of the Congressional Budget Act prohibits including budget process changes like this in a bill that is not a budget process bill.

Some may argue that if we do not enact this conference report with this abuse of the process, then the leadership will confront us with an even greater abuse of process in the form of an even larger omnibus appropriations bill. Even were that so, my colleagues, we here cannot and must not give the leadership a blank check to include any matter that they choose. And we most certainly can demand that Congress do what we can to ensure that we get no pay raise until such time as Congress has enacted a raise in the minimum wage.

This is a matter of principle, because this conference report does not honor the principles of debate and amendment that undergird the rules of this Senate.

And this is a matter of fairness, because this conference report allows a $3,800 pay raise for Senators and Congressmen, before the Congress has enacted a $1,000 pay raise for working Americans making the minimum wage.

The majority has sought to prevent votes on this pay raise. By preventing votes on amendments, they have made this final vote on this conference report the single vote that will allow the congressional pay raise to happen. A Member who wants to prevent a congressional pay raise before we have a raise in the minimum wage has this one opportunity to vote against it.

It is for these reasons that I will vote against this conference report.

## MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESCRIPTION DRUGS: IN THE BIG TENT OR A SIDE SHOW

Mr. GRAHAM. Mr. President, this is the third in a series of five statements I am making on the issue of providing a prescription drug benefit for senior Americans. This continues the discussion I began last Thursday on the subject of how to modernize the Medicare program into one which will meet the needs of 21st century seniors in America.

Last week, we discussed the need to fundamentally reform the Medicare program by shifting its focus from treating acute illness to promoting and maintaining wellness, essentially converting the Medicare program from one which has an orientation towards dealing with the disease or the results of an accident after they have occurred—a sickness system—to one that attempts to maintain the highest quality of health—a wellness system.

We discussed the fact that access to affordable prescription medications is crucial to the success of a health care system based on keeping seniors healthy, well, and active. And virtually every modality that is established to maintain the highest state of good health for seniors involves access to prescription drugs.

Additionally, we discussed that, in the long run, providing seniors with access to those components of an effective wellness system, such as preventive screening, medical procedures, and appropriate prescription drug therapies, can yield significant savings for the Medicare program and thus for the American taxpayer as well as providing the enormous benefits to the senior of good health and the active lifestyle that that will allow.

Let's look at the case of osteoporosis. Osteoporosis is a disease characterized by low bone mass, deterioration of bone tissue, leading to bone fragility and increased susceptibility to fractures, particularly of the hip, spine, and wrist.

Osteoporosis is a major public health threat for 28 million Americans. Eighty percent of those 28 million Americans are women. Osteoporosis is responsible for more than 1.5 million fractures annually in the United States. Included in this 1.5 million are 300,000 hip fractures, 700,000 vertebra fractures, 250,000 wrist fractures, and more than 300,000 fractures in other parts of the anatomy. Estimated national direct expenditures, including those for hospitals and nursing homes, for osteoporosis and related fractures is $14 billion a year.

The National Academy of Sciences and the National Institutes of Health agree that osteoporosis is highly preventable. A combination of a healthy lifestyle, with no smoking or excessive alcohol use, and bone density testing and medication and hormone therapies can keep men and women prone to this disease well and free of the debilitating, sometimes fatal, effects of fractures. Seniors and near seniors must have access to screening, counseling, and appropriate medication to keep this "silent killer" at bay.

One of the most common prescriptions for osteoporosis prevention is a treatment referred to as Fosamax. The annual cost of Fosamax is approximately $750. Contrast that with a hip replacement where the surgery and followup therapy will cost the Medicare program and taxpayers over $8,000.

It makes both programmatic and economic sense that these preventive interventions be included under the big tent of Medicare. They should be treated as all of the other benefits that 98 percent of those eligible for Medicare enjoy today.

Let me restate the fact that Part B of Medicare—that is the part that, among other things, covers physicians and outpatient services—is a voluntary program that seniors must elect to get the benefits and to pay the monthly premiums for participation in Part B. How many seniors in America who are eligible for that component of Medicare in fact make that election and pay that monthly fee to get those benefits? The answer: 98 percent of eligible seniors voluntarily elect to participate in Part B of Medicare.

Seniors trust and rely on Medicare. As a result, virtually all who are eligible to join voluntarily elect to do so. When the Federal Government decides that it should participate in providing a prescription drug benefit for American seniors, that benefit is best placed under the same big tent of the Medicare program.

Now, this is not a unanimous opinion. Some of my Senate colleagues believe that a prescription drug benefit should be left outside the tent, left to a sideshow status, if you will. In order to determine which way is truly the best way, the main tent of Medicare or a sideshow, it is important to answer some key questions.

Question 1 is what do the customers, the seniors and the people who live with disabilities, what do they want? How would they prefer this program to be organized and administered? We all know the old saying that the customer is always right. This will surely be true for the new drug benefit that we will offer to Medicare beneficiaries. Congress must learn to ask and to listen—in health care terminology, to first diagnose before we proceed to prescribe.

This should have been the lesson learned from Congress' ill-considered decision to add catastrophic coverage to Medicare in the late 1980s. We prescribed before we listened. When we listen, seniors tell us they like the Medicare program. Ninety-eight percent of them voluntarily elect to participate. In 1998, the Kaiser Family Foundation found that 74 percent of seniors surveyed believed that Medicare was doing a good job serving their interests.

Seniors tell us that while Medicare is not perfect, it is convenient, affordable, and dependable. They never worry that the benefits will suddenly disappear or become too expensive. They like the universality of the Medicare program. No matter where they are—in Kansas, in Utah, or in Florida—the benefits are available and affordable. They don't want to worry, as they would in some plans, that an income of $16,000 a year would make them "too wealthy" to qualify for help.

Including the prescription drug benefit in Medicare would offer peace of mind. But don't take my word for it. Another recent poll conducted by the Kaiser Family Foundation and Harvard University showed that when seniors are given the choice of having the Federal Government administer a Medicare prescription drug benefit versus the alternative of having the Government help to pay for private insurance plans, 36 percent chose the private option; 57 percent of the respondents preferred to have the benefit as part of an expanded Medicare program.

We hear over and over in statements on the Senate floor and occasionally even in political ads that Americans will be better off if prescription drug benefits are not made part of the Medicare program. But when we listen to the people, not to just political rhetoric, what we find is that Medicare beneficiaries do not complain about Medicare. Rather, we hear a desire to expand Medicare to include real prescription drug benefits. We should listen to these voices of the customers.

Question 2: Will a true Medicare benefit or a program that relies on private and State insurers be the most reliable? Predictability, sustainability, reliability are important qualities for America's seniors. The bill I have introduced with Senators ROBB, BRYAN, CONRAD, CHAFEE, and JEFFORDS assures that all beneficiaries, including those in underserved and rural areas, would be guaranteed a defined, accessible, affordable, and stable benefit for the same monthly premium nationwide. Medicare would subsidize benefits directly and pay for prescription drug costs as any other Medicare benefit.

In contrast, the plan that is being proposed by Governor George W. Bush and by House Republicans and by some Members of this body asserts that prescription medications are a sideshow act and should not be included under the big tent of Medicare. They have outlined plans and introduced legislation to accomplish that objective.

We have heard from our colleagues that seniors do not want big government involved in their prescription drug benefit. My colleagues have said that the Vice President's plan and even the plan that has been introduced by a bipartisan group of our colleagues is a one-size-fits-all plan without adequate choice. Governor Bush attacks the Vice President's plan in his latest television ad entitled "Compare," saying that "AL GORE's prescription drug plan forces seniors into a government-run HMO."

I would like to quote from the New York Times of September 16, which analyzes this latest ad. This is what the New York Times has to say under the category of Accuracy:

> Health maintenance organizations are not popular, so it is not surprising that the commercial links Mr. Gore's prescription drug plans to HMOs. But to do so is to stretch the facts.
>
> Mr. Gore does not force the elderly to accept his new prescription drug benefit. It is voluntary. And Medicare recipients can stay in traditional plans where they choose their own doctors.
>
> Mr. Gore's plan does rely on private benefit managers to manage the program—just like private insurers do—which encourages use of generic drugs and less expensive brand names. But these are not HMOs.

Some critics argue that it is Mr. Bush's plan that would increase the number of older persons enrolling in managed care. Mr. Bush would give the people the ability to choose between the traditional Medicare program, including a new drug benefit and government-subsidized private insurance packages. A question is whether the premiums would rise for traditional Medicare, causing more people to choose managed care.

Mr. President, I ask unanimous consent that the article from the New York Times of September 16 be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Let's take another look at what Governor Bush and others in the House, as well as some of our colleagues, would offer to seniors. They would offer choice in their prescription drug plan, but the choice is not for seniors. It is for the private insurers, the States, and other entities that might choose to participate. HMOs which participate can choose to offer an affordable benefit or a prohibitively expensive one or no prescription drug benefit at all. According to the Health Care Maintenance Organization, this year some 900,000 Medicare beneficiaries who had signed up with a Medicare+choice HMO have seen those benefits yanked away, as the HMO terminates coverage.

Many others have seen their HMOs either eliminate the prescription drug benefit, as have many in my State of Florida, or they have seen that benefit substantially reduced.

The House Republicans' plan looks to private insurance to offer prescription drug policies to seniors. We have discussed time after time that the private insurance industry has said it doesn't want to offer these plans. Maybe a reason for their disinclination to offer these plans can be provided through the window of a type of plan which is very similar to the Republican House proposal.

Under the current law, there are various types of Medigap plans—plans that are provided by private insurers to fill gaps in the Medicare program. Three of these Medigap plans cover prescription drug benefits. All three of these have a $250 deductible and a 50/50 cost sharing for coinsurance.

Plans labeled "H" and "I" cover drugs up to $1,250 in total spending and plan "J" covers up to $3,000 in total spending. None of these three plans offer what is referred to as a stop-loss. There is never a point in the process where the beneficiary is not forced to continue to pay half of the cost of their drugs.

Now, what does Medigap charge to get these programs which limit coverage, in two cases, to $1,250, and in a third, $3,000, without a stop-loss provision? The average cost of these plans nationwide, per month, is $136. In my State of Florida, the average cost per month is $167. This gives you some idea of what seniors are going to be asked to pay should we go to a private insurance model as the means of providing prescription medication. These costs are well beyond what is affordable for most low-income and many middle-income seniors.

With the history of broad variation, high, and unpredictable premiums and sub-par benefit packages, it is unclear to me why a Medigap-like approach to designing a Medicare prescription drug benefit would be in the best interest of America's seniors.

Finally, there is now before us a proposal for an "immediate fix" for low-income seniors with incomes up to 150 percent of poverty in the form of block grants to States. Not only would this plan cover only a fraction of Medicare beneficiaries, it would provide a patchwork quilt of coverage for those individuals who did qualify for the benefit.

States could offer coverage consistent with their current Medicaid or State drug assistance programs, or could punt their programs to the Federal Government if they chose not to participate at all.

Seniors in some States would have coverage, but when they move to another State, they might have no coverage, or different coverage. It would be like Forrest Gump and his box of chocolates—seniors would never know just what kind of coverage they would get.

The reason that 98 percent of Medicare-eligible beneficiaries sign up for the Medicare program is that it provides reliable, quality coverage for everyone equally and everywhere in the United States of America. So why would we treat a prescription drug benefit differently than we do for the rest of Medicare benefits?

A third question is who is eligible under the program and what will they get?

There is a great deal of rhetoric about who will be eligible under the prescription drug plans being offered. For Mr. and Mrs. Jones, who make $11,000 a year—100 percent of poverty—both of the plans offered in the Senate and by Texas Governor Bush claim that their drug coverage will be completely paid for. But what will that coverage be?

In Texas, the Medicaid program only covers three prescription drugs a month. So Mr. and Mrs. Jones would be out of luck if they required more than that. But if they moved to Illinois, the program might only cover drugs for certain conditions, as is the case with that State's current drug assistance program.

A prescription drug benefit within Medicare, such as those proposed by my colleagues and myself in the Senate and the Vice President, would ensure coverage of all medically necessary prescription drugs based on need without a benefit cap. That is the kind of reliability that seniors need. And what of my own constituent, Elaine Kett.

Elaine Kett is a 77-year-old woman from Vero Beach. She is a widow living on a fixed income of approximately $20,000 a year. Like many of my constituents, Mrs. Kett sent me a list of all the prescription drugs that she takes to keep herself active and well. Every year, Elaine Kett makes sacrifices to ensure that she takes the medications she needs to live a normal active life. There are millions of seniors like Mrs. Kett in the United States today. None of them would be covered by a low income block grant to the states.

Question Four: The final question, which approach would ensure that seniors have access to an affordable drug benefit—one which could be most effective in holding down the escalating prices of prescription medications?

Individuals like Mrs. Kett are not alone. We are all witnessing prescription drug prices climbing at record levels of over 17 percent per year. We are all aware of the fact that buying in bulk yields discounts. Those seniors without insurance plans that cover drugs are on their own in the market and are faced with the higher drug prices than those of us who have prescription drug coverage negotiated by a pharmacy benefit manager.

Tomorrow, we will discuss the impact of the high cost of prescription drugs on seniors—and what can and should be done to make prescription medications more affordable for seniors.

Mr. President, our families should be secure in the fact that prescription medications are included in the big tent of Medicare and are not treated as the bearded lady outside the big tent at the circus. For many seniors, prescription medications are the main event—and we should treat them as such. A prescription drug benefit in the Medicare program is not "one size fits all," but rather one program for all. I look forward to discussing why a prescription drug benefit must not only be universal and accessible, but truly affordable.

Mr. President, when I give my fourth statement on this topic, I will elaborate on the question of which of the options that are before us inside the "main tent" of Medicare or the "side tent" of a separate non-Medicare administered prescription drug benefit, and which one will have the best opportunity of assuring affordability for America's seniors.

EXHIBIT 1

[From the New York Times, Sept. 16, 2000]

A THREE-PART ATTACK ON GORE

(By Alison Mitchell)

The Republican campaign of Gov. George W. Bush and Dick Cheney has begun broadcasting a commercial, "Compare," in 18 states in its effort to take the offensive on the issues. It takes aim at Vice President Al Gore's stands on a prescription drug benefit in Medicare, on education and on tax cuts.

Producer Maverick Media.

On the screen. The 30-second commercial features statements about Mr. Gore's proposals in black on stark white background, counterposed with color pictures of Mr. Bush. It then shows pictures in color of Americans of different ethnicity, as it speaks of people who will not get a tax cut under Mr. Gore's $500 billion plan for tax relief.

The script. A female announcer: "Al Gore's prescription plan forces seniors into a government-run H.M.O. Governor Bush gives seniors a choice. Gore says he's for school accountability, but requires no real testing. Governor Bush requires tests and holds schools accountable for results. Gore's targeted tax cuts leave out 50 million people—half of all taxpayers. Under Bush, every taxpayer gets a tax cut and no family pays more than a third of their income to Washington. Governor Bush has real plans that work for real people."

Accuracy. Health maintenance organizations are not popular, so it is not surprising that the commercial links Mr. Gore's prescription drug plan to H.M.O.'s. But to do so it has to stretch the facts.

Mr. Gore does not force the elderly to accept his new prescription drug benefit. It is voluntary. And Medicare recipients can stay in traditional plans where they choose their own doctors. Mr. Gore's plan does rely on private benefit managers to manage the program—just like private insurers do—which encourages use of generic drugs and less expensive brand names. But these are not H.M.O.'s.

Some critics argue that it is Mr. Bush's plan that would increase the number of older people enrolling in managed care. Mr. Bush would give people the ability to choose between the traditional Medicare program including a new drug benefit and government-subsidized private insurance packages. A question is whether the premiums would rise for traditional Medicare, causing more people to choose managed care.

On schools, Mr. Bush and Mr. Gore both propose testing and different kinds of accountability measures, but Mr. Bush's proposal calls for tests that would cover more grades and be more frequent than does Mr. Gore's.

It is true that Mr. Bush's $1.3 trillion 10-year tax-cut plan would give a tax reduction to every income bracket while Mr. Gore's plan for $500 million in targeted tax cuts would give tax breaks only for purposes like college education or child care.

Score card. With its tag line, "Governor Bush has real plans that work for real people," the spot suggests that Mr. Gore is not credible and neither are his programs. But Mr. Bush has his work cut out for him. Many polls show that voters trust the Democratic candidate more on health care and education. And while Mr. Bush may have the Republican's traditional advantage when it comes to tax-cutting, right now tax cuts are not one of the top concerns of voters.

## IN MEMORY OF MURRAY ZWEBEN, FORMER SENATE PARLIAMENTARIAN

Mr. DASCHLE. Mr. President, over the weekend we were saddened to learn of the death of Murray Zweben. Murray was chosen by the late Floyd Riddick to be his assistant in the Parliamentarian's office in 1965. He followed "Doc" Riddick in that post and became the Senate Parliamentarian in 1975. He served in that capacity for 6 years and left in 1981. The Senate recognized his exemplary service in 1983 by elevating him to parliamentarian emeritus. After he left the Senate, Murray worked in private law practice and played as much tennis as his schedule would permit. Those of us who knew Murray and his extraordinary ability to fly through the New York Times crossword puzzle, in ink no less, will miss him. Our thoughts and prayers go out to his wife Anne, and his children Suzanne, Lisa, Marc, John, and Harry.

## SUBMITTING CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 218

Mr. DOMENICI. Mr. President, section 218 of H. Con. Res. 290 (the FY 2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the allocation of budget authority and outlays to the Senate Committee on Armed Services, provided certain conditions are met.

Pursuant to section 218, I hereby submit the following revisions to H. Con. Res. 290:

[By fiscal years; in millions of dollars]

| | |
|---|---|
| Current Allocation to Senate Armed Services Committee: | |
| 2001 Budget Authority | $50,139 |
| 2001 Outlays | 50,129 |
| 2001–2005 Budget Authority | 267,298 |
| 2001–2005 Outlays | 266,974 |
| Adjustments: | |
| 2001 Budget Authority | 50 |
| 2001 Outlays | 50 |
| 2001–2005 Budget Authority | 400 |
| 2001–2005 Outlays | 400 |
| Revised Allocation to Senate Armed Services Committee: | |
| 2001 Budget Authority | 50,189 |
| 2001 Outlays | 50,179 |
| 2001–2005 Budget Authority | 267,698 |
| 2001–2005 Outlays | 267,374 |

## THE MADRID PROTOCOL IMPLEMENTATION ACT

Mr. LEAHY. Mr. President, we are fast approaching the end of this Congress and we have much unfinished business. While there are many items of importance to the American people that remain undone, I will speak today about a single bill that has been languishing for some time despite the fact that it is wholly uncontroversial. That bill is S. 671, the Madrid Protocol Implementation Act.

This bill is important to American businesses, both big and small. As the International Trademark Association explained in a letter to me on February 9, 2000 on behalf of its 3,700 member companies and law firms, "the practical benefits of the Madrid system, such as ease of applying and renewing trademark registrations internationally, will be of tremendous benefit to U.S. companies" and, in particular, the benefits to "small, entrepreneurial companies which do not have the financial means to seek separate national registrations for their trademarks in every country where they wish to do business." The bill and the Protocol are also supported by the American Intellectual Property Law Association and the Information Technology Association of America.

I first introduced this legislation in the 105th Congress as S. 2191 and again in this Congress in March, 1999. The Judiciary Committee reported S. 671, favorably and unanimously, on February 10, 2000. Unfortunately, the legislation has been languishing on the Senate calendar for the past eight months. In the House of Representatives, Congressmen COBLE and BERMAN sponsored and passed an identical bill, H.R. 769, on April 13, 1999. This marked the third time and the third Congress in which the House of Representatives had passed this bill.

There is no opposition to S. 671, nor to the substantive portions of the underlying Protocol. The White House recently forwarded the Protocol to the Senate for its advise and consent after working to resolve differences between the Administration and the European Community, EC, regarding the voting rights of intergovernmental members of the Protocol in the Assembly established by the agreement. These differences over the voting rights of the European Union and participation of intergovernmental organizations in this intellectual property treaty are now resolved in accordance with the U.S. position. Specifically, on February 2, 2000, the Assembly of the Madrid Protocol expressed its intent "to use their voting rights in such a way as to ensure that the number of votes cast by the European Community and its member States does not exceed the number of the European Community's Member States."

Shortly after this letter was forwarded by the Assembly, I wrote to

Secretary of State Madeleine Albright requesting information on the Administration's position in light of the resolution of the voting dispute. At a hearing of the Foreign Operations Subcommittee on April 14, 2000, I further inquired of Secretary Albright about the progress the Administration was making on this matter.

With the voting rights issue resolved, President Clinton transmitted Treaty Document 106-41, the Protocol Relating to the Madrid Agreement to the Senate for ratification on September 5, 2000. United States membership in the Protocol would greatly enhance the ability of any U.S. business, whether large and small, to protect its trademarks in other countries more quickly, cheaply and easily. That, in turn, will make it easier for American businesses to enter foreign markets and to protect their trademarks in those markets.

Senators HELMS and BIDEN moved promptly to hold a hearing in the Foreign Relations Committee on September 13, 2000 to consider the Protocol, and I commend them for acting quickly so this treaty may be considered by the full Senate before we adjourn. Members on both sides of the aisle have worked together successfully and productively in the past on intellectual property matters, and I am pleased to see these efforts again with the Protocol and implementing legislation.

Passage of S. 671 would help to ensure timely accession to and implementation of the Madrid Protocol, and it will send a clear signal to the international community, U.S. businesses, and trademark owners that Congress is serious about our Nation becoming part of a low-cost, efficient system to promote the international registration of marks.

The Madrid Protocol Implementation Act is part of my ongoing effort to update American intellectual property law to ensure that it serves to advance and protect American interests both here and abroad. The Protocol would help American businesses, and especially small and medium-sized companies, protect their trademarks as they expand into international markets. Specifically, this legislation will conform American trademark application procedures to the terms of the Protocol in anticipation of the U.S.'s eventual ratification of the treaty. Ratification by the United States of this treaty would help create a "one stop" international trademark registration process, which would be an enormous benefit for American businesses.

S. 671 makes no substantive change in American trademark law but sets up new procedures for trademark applicants who want to obtain international trademark protection. This bill would ease the trademark registration burden on small and medium-sized businesses by enabling businesses to obtain trademark protection in all signatory countries with a single trademark application filed with the Patent and Trademark Office. Currently, in order for American companies to protect their trademarks abroad, they must register their trademarks in each and every country in which protection is sought. Registering in multiple countries is a time-consuming, complicated and expensive process—a process which places a disproportionate burden on smaller American companies seeking international trademark protection. The practical benefits of the Madrid Protocol system will be to provide small and medium-sized U.S. businesses with faster, cheaper and easier protection for their trademarks.

I again urge the Senate to promptly consider and send to the President the Madrid Protocol Implementation Act.

## REAUTHORIZATION OF THE VIOLENCE AGAINST WOMEN ACT

Mr. HARKIN. Mr. President, I would like to take a moment to talk about an important issue—the critical need for Congress to reauthorize the Violence Against Women Act or VAWA. It has strong bipartisan support and it should be passed before the end of this session.

I was a proud cosponsor of this bill when it passed in 1994 and I am an original cosponsor of the reauthorization bill. This is a law that has helped hundreds of thousands of women and children in Iowa and across the nation. It has directed millions of federal dollars in grants to local law enforcement, prosecution and victim services.

Iowa has received more than $8 million in grants through VAWA. These grants fund the Iowa Domestic Violence Hotline. They help keep the doors open at domestic violence shelters, like the Family Violence Center in Des Moines.

VAWA grants to Iowa have provided services to more than 2,000 sexual assault victims just this year. And more than 20,559 Iowa students this year have received information about rape prevention through this federal funding.

The numbers show that VAWA is working. A recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that state and community efforts are working.

But VAWA must be reauthorized to allow these efforts to continue without having to worry that this funding will be lost from year to year.

Congress should not turn its back on America's women and children. Reauthorization should be a priority. So, I urge my colleagues and the leadership to pass this legislation this session.

## VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 19, 2000:

Angel Avila, 17, El Paso, TX; Patrick Codada, 21, Miami, FL; Hugo Contreras, 19, Houston, TX; Jose C. Diaz, 35, Chicago, IL; Alfred Harth, 26, Kansas City, MO; Pedro Hernandez, 23, Chicago, IL; Michael Jones, 18, Baltimore, MD; Michael K. Mills, 17, Chicago, IL; Guadalupe Munoz, 25, Houston, TX; Mario Cardenas Rivera, 18, Minneapolis, MN; Enrique Ortiz Suerez, 12, Minneapolis, MN; Ivory Williams, 18, Detroit, MI; Victor Williams, 17, Detroit, MI; Unidentified Male, 79, Portland, OR; Unidentified Female, 26, Norfolk, VA.

Following are the names of some of the people who were killed by gunfire one year ago yesterday.

September 18, 2000:

Carlos Barrera, 28, Dallas, TX; James D. Bivens, 30, Chicago, IL; Layuvette Daniels, 24, Atlanta, GA; Dedrick Jennings, 21, Memphis, TN; Julian Johnson, 17, Atlanta, GA; Amyn Noormuhammed, 25, Houston, TX; Brogdan Patlakh, 24, Philadelphia, PA; Cassiaus Stuckey, 35, Miami, FL; Rad I. Webster, 27, New Orleans, LA; Darel Whitman, 27, Dallas, TX; Joshua Young, 26, Detroit, MI; Unidentified Male, 48, Long Beach, CA.

One victim of gun violence I mentioned, 17-year-old Julian Johnson from Atlanta, was a popular student and football star from Douglass High School in Atlanta. One year ago yesterday, Julian was shot and killed in a drive-by shooting after a football game victory.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## 20TH ANNIVERSARY OF THE REGULATORY FLEXIBILITY ACT

Mr. KERRY. Mr. President, I speak today to make note of the anniversary of the signing into law of the Regulatory Flexibility Act. Twenty years ago today, the Reg Flex Act, as it is better known, was signed into law after its passage by the 96th Congress. This historic piece of legislation explicitly recognized the importance of small businesses to the economy and their contributions to innovation and competition.

With the Reg Flex Act, Congress intended that no federal action taken in the name of good public policy would undermine the nation's equally important commitment to preserving competition and to maintaining a level playing field for small businesses. The law established an analytical framework in which regulatory agencies were directed to consider the impact on small businesses of their regulatory proposals and consider alternatives that would have a more equitable impact without compromising public policy objectives. The Reg Flex Act had bipartisan support, as well as the support of the small business community.

In 1996 the Senate Small Business Committee led the effort to strengthen the Reg Flex Act with the passage of the Small Business Regulatory Enforcement Fairness Act. Under SBREFA, for the first time, the courts were given jurisdiction to review agency compliance with the law and impose remedial action where necessary. This and other changes have truly altered the culture within regulatory agencies. Federal government agencies are learning that they must balance diverse public interest concerns when developing regulations and they must ensure that their actions do not adversely affect small businesses and competition. Nearly every regulation is now examined for its impact on small businesses. Although they may never know it, small businesses have saved billions of dollars and countless work hours thanks to agency compliance with the Reg Flex Act.

Mr. President, the Reg Flex Act clearly helps small businesses every day by compelling agencies to reduce their compliance burdens. The Senate should take pride in the innovative Reg Flex Act, which has helped to create the best climate in the world for small business growth and prosperity. As the Ranking Member of the Senate Committee on Small Business, I am pleased to have played a key role in strengthening this legislation and ensuring its effective application for the benefit of our nation's small businesses.

## DOMESTIC VIOLENCE CASES IN THE ASYLUM PROCESS

Mr. LEAHY. Mr. President, I would like to speak today about two critically important immigration issues—expedited removal and the treatment of domestic violence victims in our asylum process. They both arose in a case recently brought to my attention. Two months ago, Ms. Nurys Altagracia Michel Dume fled to the United States from the Dominican Republic. She was fleeing from the man with whom she had lived for the past 11 years, a man who had raped her numerous times, forbade her even to leave the house, and, shortly before she left, bought a gun, held it to her head, and threatened to kill her. This was not the first time he had threatened her life.

She arrived here on July 17, and she was subject to expedited removal because, in her haste to escape from her abusive partner, she traveled without a valid passport. She expressed her fear of returning to the Dominican Republic. After three days of confinement, she was accorded a credible fear interview. At this crucial interview, at which she would have to discuss the fact that she had been raped, she was interviewed by two male employees and was not represented by counsel. Under their narrow interpretation of what may constitute "credible fear of persecution," based on their interpretation of a Board of Immigration Appeals decision, Matter of R-A-, the INS took the position initially that Ms. Michel should be sent back to the Dominican Republic. Under their interpretation any asylum claims based on a fear of domestic violence would be barred. So even though they believed that Ms. Michel's partner might kill her if she were forced to return to her native country, they nonetheless made a legal judgment that her claim was invalid.

I cannot believe that even those supporters of the expedited removal process who forced it into law in 1996 could have intended for this matter to be resolved in this way or for questions of law to be resolved in INS officers at a credible fear hearing. I brought this case to the attention of the INS by way of a letter on August 28. The Lawyers' Committee for Human Rights, Congresswoman CAROLYN MALONEY, and others wrote, as well. I am glad to report that Ms. Michel was accorded a second credible fear interview. At this second interview, Ms. Michel was found to have a credible fear of persecution, and will now have the chance to raise an asylum claim.

Despite this reprieve, however, Ms. Michel's case reveals yet again the serious flaws in expedited removal. A woman who told a compelling history about the danger she faced if returned to her country was only able to receive an asylum hearing after the intervention of highly capable counsel and Members of both Houses of Congress. That it is not an effective or just system. If Ms. Michel's case had not come to the attention of the Lawyers' Committee, she would likely already be back in the Dominican Republic. If she had been forced back, I shudder to think what might have happened to her.

People who flee their countries to escape serious danger should be able to have asylum hearings in the United States without having to navigate the procedural roadblocks established by expedited removal. I, again, call upon the Senate to consider S. 1940, the Refugee Protection Act, a bipartisan bill I introduced last fall with Senator BROWNBACK and five other Senators of both parties. This bill would restrict the use of expedited removal to times of immigration emergencies, and include due process protections in those rare times when it is used.

Expedited removal was originally instituted in the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA). Under expedited removal, low-level INS officers with cursory supervision have the authority to "remove" people who arrive at our border without proper documentation, or with facially valid documentation that the officer simply suspects is invalid. No review—administrative or judicial—is available of the INS officer's decision, which is rendered after a so-called secondary inspection interview. "Removal" is an antiseptic way of saying thrown out of the country.

Expedited removal was widely criticized at the time of its passage as ignoring the realities of political persecution, since people being tortured by their government are quite likely to have difficulties obtaining valid travel documents from that government. Its adoption was viewed by many—including a majority of this body—as an abandonment of our historical commitment to refugees and a misplaced reaction to our legitimate fears of terrorism.

When we debated the Illegal Immigration Reform and Immigrant Responsibility Act later the same year, I offered an amendment with Senator DEWINE to restrict the use of expedited removal to times of immigration emergencies, which would be certified by the Attorney General. This more limited authority was all that the Administration had requested in the first place, and it was far more in line with our international and historical commitments. This amendment passed the Senate with bipartisan support, but it was removed in one of the most partisan conference committees I have ever witnessed. As a result, the extreme version of expedited removal contained in AEDPA remained law, and was implemented in 1997. Ever since, I have attempted to fix the problems with expedited removal.

The Refugee Protection Act is modeled closely on the 1996 amendment that passed the Senate, and I have been optimistic that it too would be supported by a broad coalition of Senators. It allows expedited removal only in times of immigration emergencies, and it provides due process rights and elemental fairness for those arriving at our borders without sacrificing security concerns. But even as the Refugee Protection act has gained additional cosponsors during this session, it has been ignored by the Senate leadership. Indeed, despite my requests, the bill has not even received a hearing.

Meanwhile, in the three and a half years that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were thrown out of the country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, "Dem," a Kosovar Albanian, was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers. During his interview with the INS inspector who had unreviewable discretion over his fate, he was provided with a Serbian translator who did not speak Albanian, rendering the interview a farce. Instead of being embraced as a political refugee, he was put on the next plane back to where his flight had originated. We only know about his story at all because he was dogged enough to make it back to the United States. On this second trip, he was found to have a credible fear of persecution and he is currently in the midst of the asylum process.

One of the most distressing parts of expedited removal is that there is no way for us to know how many deserving refugees have been excluded. Because secondary inspection interviews are conducted in secret, we typically only learn about mistakes when refugees manage to make it back to the United States a second time, like Dem, or when they are deported to a third country they passed through on their way to the U.S. This uncertainty should lead us to be especially wary of continuing this failed experiment.

And now we must even be concerned about the conduct of credible fear interviews. When aliens subject to expedited removal express a fear of returning to their home country, the law requires that they be referred for a credible fear hearing. If their fear is found to be legitimate, they are then allowed to make a claim for political asylum. These interviews are not designed to make judgments about legal questions, but simply to determine whether a person may have a valid asylum claim. This process failed Ms. Michel, and we must now worry that it is failing other refugees.

I am also concerned about the underlying legal issue in the case of Ms. Michel and other victims of domestic violence. Last year, the Board of Immigration Appeals denied the asylum request of a Guatemalan woman who faced likely death at the hands of her husband if she were forced to return home. In that decision, Matter of R–A–, the BIA decided that victims of domestic violence did not qualify as a "social group" under our asylum laws. The Attorney General currently has this very decision under review. It is my hope that she will reverse it.

Last year I sent a letter to the INS Commissioner supporting the asylum claim of Ms. R-A. In that case, the INS did not dispute her account of horrific abuse, including her claims that her husband raped and pistol-whipped her, and beat her unconscious in front of her children. Nor did the INS dispute that law enforcement authority in her native Guatemala told her that they would not protect her from violent crimes committed against her by her husband. Based on this evidence, an immigration judge determined in 1996 that she was entitled to asylum, but the INS appealed that ruling and convinced the BIA to reverse it. That decision is currently on appeal in the Ninth Circuit Court of Appeals, but that court has stayed its consideration of the matter pending the Attorney General's own review.

Evidence of domestic violence is sadly all too common in our asylum system. Last year, I also encouraged the INS to grant asylum to a 16-year-old girl from Mexico who sought asylum in the United States after fleeing from a father who had beaten her since she was three years old, using whips, tree branches, his fists, and a hose. Apparently, the girl attempted to intervene when her father was beating her mother. Again, local law enforcement failed to protect the girl, and she fled to the United States. As in R-A-, an immigration judge granted her asylum request, but the INS appealed, and the BIA reversed it.

These BIA decisions came only two years after its decision that Fauziya Kasinga—who faced female genital mutilation if forced to return to her native Togo—was protected by our asylum laws. In making this decision, the BIA found that potential victims of genital mutilation constituted a "social group." I agree with this decision, and I believe that women fearing domestic violence must certainly also so qualify. This is especially true where—as is the case for Ms. Michel and many other women—the asylum applicants come from nations where law enforcement officials often turn a blind eye to claims of domestic violence.

Of course, the problems faced by women around the world go beyond domestic violence. Another stark example of the ways in which women applicants may be insufficiently protected by our asylum laws comes from the case of Ms. A-, a Jordanian woman seeking asylum in the United States after fleeing the prospect of a so-called "honor killing" in Jordan. I wrote the Attorney General in February—along with a bipartisan group of six other Senators—to support her asylum application. Ms. A- had fallen in love with a Palestinian man who asked her to marry him. Her father forbade the marriage, however, because he was Palestinian and had a low-paying job. Ms. A- was at that point faced with the possibility that she might be pregnant and the certainty that her future husband, whoever he might be, would know that she was no longer a virgin, a fact that would bring shame and dishonor upon her family and potentially justify her murder at her family's hands under a widely-practiced Jordanian custom. She fled to the United States and married this man.

In June 1995, her sister informed her that their father had met with their nuclear family, uncles and cousins to demand that they kill A- wherever they might meet her. The State Department reported that there were more than 20 "honor killings" in Jordan in 1998, and speculated that the actual number was probably four times as high. Making matters even worse, these killings are typically punishable by only a few months' imprisonment.

Despite the very close resemblance between these facts and the facts in Kasinga, both an immigration judge and the BIA found that Ms. A- was ineligible for asylum. The INS has agreed to stay further proceedings in the case while the Attorney General reviews the matter.

The existence of these problems in our asylum system shows that there is still work to be done, both by this Congress and in the executive branch. I call upon the Senate to use some of the time we have remaining to address the problems in our expedited removal system, and upon the Attorney General and the INS to be vigilant that victims of rape and other forms of serious domestic abuse not be returned to their countries under expedited removal. And I renew my call to the Attorney General that we reevaluate our position on asylum eligibility for victims of severe domestic violence from nations that do not take domestic violence seriously. Finally, I encourage all of my colleagues to sign on to a letter that Senator LANDRIEU and I are circulating that would ask the Attorney General to overturn R-A- and reaffirm our commitment to human rights and women's rights.

## HUD'S GUN BUYBACK PROGRAM

Mr. LAUTENBERG. Mr. President, in recent months, some Members of Congress have questioned the Department of Housing and Urban Development's authority to conduct gun buyback programs under the Public and Assisted Housing Drug Elimination Act. As the author of that legislation, I rise to set the record straight.

In proposing the Public and Assisted Housing Drug Elimination Act, my intent was to make our streets safer, particularly in federally-assisted and low-income housing where the federal government has a clear responsibility to protect families. And that intent is reflected in the statutory language, 42 U.S.C. Section 11902(a), which provides that HUD is to make grants available for use in "eliminating drug-related and violent crime." Certainly, violent crime includes all of the offenses involving guns, whether it is murder, robbery, or gang-related activity. In short, gun buybacks are an eligible activity under the Act, and HUD has acted properly in assisting housing authorities and local communities with this important effort.

Furthermore, HUD's efforts to combat gun violence have been very successful. HUD's Gun Buyback and Violence Reduction Initiative has taken about 18,500 guns off the streets in more than 70 cities, and this program has received strong support from community organizations and law enforcement.

Every year, gun violence claims an average of 30,000 lives and wounds another 100,000 people. Congress should support, and not impede, local efforts to get guns off our streets and reduce crime.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 18, 2000, the Federal debt stood at $5,651,871,016,617.17, five trillion, six hundred fifty-one billion, eight hundred seventy-one million, sixteen thousand, six hundred seventeen dollars and seventeen cents.

Five years ago, September 18, 1995, the Federal debt stood at $4,963,469,000,000, four trillion, nine hundred sixty-three billion, four hundred sixty-nine million.

Ten years ago, September 18, 1990, the Federal debt stood at $3,232,530,000,000, three trillion, two hundred thirty-two billion, five hundred thirty million.

Fifteen years ago, September 18, 1985, the Federal debt stood at $1,823,102,000,000, one trillion, eight hundred twenty-three billion, one hundred two million.

Twenty-five years ago, September 18, 1975, the Federal debt stood at $550,627,000,000, five hundred fifty billion, six hundred twenty-seven million which reflects a debt increase of more than $5 trillion—$5,101,244,016,617.17, five trillion, one hundred one billion, two hundred forty-four million, sixteen thousand, six hundred seventeen dollars and seventeen cents during the past 25 years.

## ADDITIONAL STATEMENTS

### RECOGNITION OF MEGAN QUANN, GOLD MEDAL SWIMMER FROM PUYALLUP, WA

• Mr. GORTON. Mr. President, I would like to take this opportunity to congratulate a remarkable young woman who hails from the great state of Washington and just recently struck gold at the Summer Olympics in Sydney, Australia.

On Monday, Megan Quann, a junior at Emerald Ridge High School in Puyallup, won the gold medal in the 100-meter breaststroke. Megan rallied from third place to win in a time of 1:07.05, setting a new American record.

Practicing every morning at 4:30 a.m. and swimming over 11 miles a day in preparation for the Olympics, Megan is a truly dedicated and inspiring athlete. I have learned that the City of Puyallup is already in the planning stages of welcoming their Olympic champion home with keys to the city and a plan to set aside a day on the calendar as "Megan Quann Day."

Later this week, Megan will compete again as part of the women's medley relay and will have another shot at bringing home the gold. I wish Megan luck in her next race and ask that the Senate join me in congratulating her for what she has achieved.•

### THE NATIONAL HISTORY DAY PROGRAM

• Mr. BINGAMAN. Mr. President, I rise today to speak on and give my support to a worthy program called National History Day. National History Day is a year-long, nonprofit program in which children in grades 6–12 research and create historical projects related to a broad annual theme. This year's theme was "Turning points in History: People, Ideas, Events." Using this theme, students research their area of interest and create a project, which is then entered in an annual contest. The primary goal of the National History Day program is to revolutionize the techniques implemented in teaching and training our youth.

What I want to emphasize today is the tremendous impact this unique and valuable program has had in my home state of New Mexico. New Mexico's involvement with National History Day began three years ago, and has continued to grow and enrich the lives of New Mexico's youth. The participants in the first year were few, but to date we have had more than one thousand young New Mexicans participate in the state competition.

New Mexico students that participate in this program are given the opportunity to expand upon critical thinking and research skills, which in turn help them in all subject areas. The projects they work on give them a greater appreciation of historical events that have helped shape their own hometowns as well as their nation. This hands on approach to history is an innovative way to get students excited and genuinely interested in our great nation's history.

I know that with our support, the National History Day program will continue to grow, and I believe that this growth is essential for today's students. When students do not have an opportunity to participate in this program, they miss out on a chance to grow and to better themselves. As Pulitzer Prize winner David McCullough states:

> Knowledge of history is the precondition of political intelligence. Without history, a society shares no common memory of where it has been, of what its core values are, or what decisions in the past account for the present circumstance.

National History Day gives students an opportunity to learn of our history and its importance in their daily lives.

I hope my colleagues will join me in supporting this program.•

### NATIONAL LIBRARY CARD SIGN-UP MONTH

• Mr. GRAMS. Mr. President, today I rise to recognize September as National Library Card Sign-up Month and pay tribute to those dedicated individuals who, through their passion for books and learning, make our libraries places of great discovery.

As school begins for millions of children this month, parents and mentors are coming together to promote one of the most important school supplies, one available free to every child: a library card. With the support of the American Library Association, National Library Card Sign-up Month spotlights the wealth of resources found at our local public libraries. Libraries not only offer books, magazines, and reference materials, but many also provide CDs, videos, and Internet connections to assist children and adults meet their educational goals.

There is no better place than our libraries for bringing the world and the events that shape it—past and present—to life. Fortunately, a child doesn't need any special gadgets to experience all the library has to offer; they just need their library card. A library card can open the doors to space exploration, put a reader in the front seat with a storm chaser, transport anyone with a good imagination back thousands of years in time, and offer every imaginable point of view on every topic of interest.

Mr. President, during National Library Card Sign-up Month, I commend America's schools and libraries for providing and promoting an environment that sparks a passion in people of all ages for books and learning. And I urge parents and teachers alike to share their knowledge and passion for learning with our children by signing them up for library cards at the local public library.•

### FORMER SAN FRANCISCO MAYOR GEORGE CHRISTOPHER

• Mrs. BOXER. Mr. President, it is with sadness that I rise to inform my colleagues of the death of former San Francisco Mayor George Christopher, who passed away on September 14th at the age of 92. I express my deepest condolences to Mayor Christopher's family and to his countless friends.

The city has lost an extraordinary civic leader—one whose grand vision and passion for helping people are vividly remembered by all who knew him.

Although many residents were not yet born during George Christopher's two terms as mayor from 1956 to 1964, the citizens of San Francisco still benefit today from his dynamic and no nonsense leadership. People like to say that San Francisco grew up during his tenure, that he made it a big league city. Indeed, it was George Christopher who brought the then New York Giants to town.

Mayor Christopher changed the way San Francisco looked and the way its citizens looked at themselves. He transformed the City's skyline, built the Japan Center and Candlestick Park, and he modernized downtown. He built San Francisco into a cosmopolitan, world-class city.

The child of Greek immigrants, as mayor he ushered in an era of stronger civil rights consciousness and was a particular hero to San Francisco's Greek community. He was a man of international stature who never lost his close connection to everyday people. Mayor Christopher's life was dedicated to public service, and the San Francisco of today is in many ways a living testament to his achievements both in and out of office.

George Christopher was an exceptional leader who will be greatly missed.•

## BYRON CENTER HIGH SCHOOL NAMED 1999-2000 BLUE RIBBON SCHOOL

• Mr. ABRAHAM. Mr. President, in 1982, the United States Department of Education initiated its Blue Ribbon Schools Program. In each year since, the Department has recognized schools throughout the country which excel in all areas of academic leadership, teaching and teacher development, and school curriculum. In other words, Blue Ribbon Schools are recognized because they are the finest public and private secondary schools our Nation has to offer. They are the schools that set the standard for which others strive. I am very proud to report that nine of the 198 Blue Ribbon Schools named by Secretary Richard W. Riley for 1999-2000 are located in the State of Michigan, and I rise today to recognize Byron Center High School in Byron Center, Michigan, one of these nine schools.

Over the past eight years, Byron Center High School has transformed itself from a school rooted in the curriculum of the 1950's to one prepared for the constantly changing information age of the 21st Century. A graduate of Byron Center is now technologically, academically, and culturally literate. The key to this transformation has been a shift of focus, as administrators stopped tinkering with curriculum and teaching strategies and rather developed a comprehensive restructuring model, which enabled them to more effectively address the entire educational process that Byron Center students are put through.

With the new restructuring model, Byron Center faculty and administrators have focused their efforts on four areas: providing effective guidance to all students by improving and promoting career awareness programs; forming strong partnerships and effective working relationships with local business and community leaders; hiring quality teachers and allowing them to be the leaders in the effort to improve; and constantly monitoring student performance, not only on state and national tests, but also by conducting one year and five year follow up surveys of Byron Center graduates, and collectively employing this information to determine where improvements could occur within Byron Center High School to better prepare students find success in a rapidly changing world.

The success of the transformation can clearly be seen in the new Byron Center High School facility, which students and staff moved into the fall of 1998. Dr. Robert Burt, who visited Byron Center to make the assessment for the Blue Ribbon Award, said that administrators "built the school around a structure of technology," which provided him a "dramatic opportunity to learn about the new age of high schools." Indeed, the facility was designed to support the curriculum, teaching strategies and information technology systems that have played such a vital role in the overwhelmingly successful development of Byron Center High School.

Mr. President, I applaud the students, parents, faculty and administration of Byron Center High School, for I believe this is an award which speaks more to the effort of a united community than it does to the work of a few individuals. With that having been said, I would like to recognize Dr. William Skilling, the Principal of Byron Center High School, whose dedication to making his school one of the finest in our Nation has been instrumental in creating this community. On behalf of the entire United States Senate, I congratulate Byron Center High School on being named a Blue Ribbon School for 1999-2000, and wish the school continued success in the future.•

## IN HONOR OF WILLIAM F. ASKEW

• Mr. ASHCROFT. Mr. President. I rise today to give honor to and remember the life of William F. Askew. Bill devoted his life to his nation, his family and to delivering the comfort of the Lord's word to the hearts of all those he touched.

Bill enlisted in the U.S. Marine Corps in 1942 and served in the Pacific Theater of Operations during World War II. He also served in the Florida National Guard during the Korean Conflict. Bill married Doris Dillman in June, 1946, and together they had 9 children. Bill was the founding pastor of Arlington Heights Baptist Church in Jacksonville, Florida, for 15 years, before moving to Springfield's Noble Hill Baptist Church where he pastored for the next 26 years. In 1995, Bill retired from the pastorate, but continued to touch the lives of young people with the love of God by serving as the foundations class teacher at New Life Baptist Church.

Bill understood that preaching God's word meant more than speaking from the pulpit on Sunday; it meant action as well. Bill participated in Springfield and area community activities. He served as a longtime member of the Springfield Northside Betterment Association and the Breakfast Club of the Ozarks. He served as General Manager of a 100,000 watt Christian Radio Station, KWFC, in Springfield since it first opened in 1968. And with all these activities, he still found time to be a member of the teaching faculty at Baptist Bible College.

Bill's devotion to the Savior was his most prominent feature and shapes the legacy that he leaves with his 9 children, 34 grandchildren and 14 great grandchildren.•

## THE ANNIVERSARY OF THE FOUNDING OF THE AIR FORCE

• Mr. GRAMS. Mr. President, today I rise to pay tribute to the United States Air Force as it celebrates its 53rd anniversary. For more than half a century, the men and women of the Air Force, through their dedicated service and sacrifice, have helped to ensure the freedom and security of America and the world.

Although military aviation in this country had its beginnings in the Army, less than four years after the Wright brothers made their historic first flight, it was not until 1947 that the Air Force was established as a separate branch of the armed services.

The birth of the Air Force itself can be traced to 1907, when the Aeronautical Division of the U.S. Army Signal Corps was organized. In 1935, the General Headquarters was established, and the Air Corps gained control of tactical units under General Frank Andrews, after whom Andrews Air Force Base was named. Between the years of 1939 and 1945, this organization was known as the Army Air Force and was led by the legendary General Henry "Hap" Arnold. In March 1942, the Army Air Force became coequal with the

Army ground forces, a major step in the evolution of the Air Force.

Chief Army officers such as Gen. Dwight D. Eisenhower witnessed firsthand the vital role played by air power in World War II, and foresaw the increasing importance of air power in future conflicts. Military leaders recognized that the growing strategic significance of aircraft made necessary the creation of an additional military branch, alongside the Army, Navy, and Marines, and in 1947 the National Security Act made the Air Force an autonomous military power.

Over the course of its illustrious history, the Air Force has taken on additional responsibilities, extending its reach beyond the atmosphere into space. In 1956, it was put in charge of all land-based ballistic missile systems. The first missile under the control of the Air Force—the Atlas ballistic missile—was made operational in September 1959. By 1965, the Air Force was responsible for the development of satellites, boosters, space probes, and other systems used by NASA. According to former Air Force Chief of Staff Gen. Ronald R. Fogleman, America is safer in a dangerous world because of what the Air Force brings to our nation's defense: "long range lethal combat power . . . strategic mobility . . . global awareness that comes from space assets, and . . . theater air dominance." This has been made possible through a combination of highly trained service members and highly sophisticated technology.

Thanks to the Air Force, the lives of American servicemen and women in all military branches are safer than ever before during times of conflict. Military aircraft are now able to achieve many military objectives that once required ground troops, and American casualties are greatly reduced as a result. The amazing performance of the Air Force in the Persian Gulf War, which by all accounts dramatically reduced the number of American lives lost in that conflict, shows just how much we all owe our brave airmen.

In addition to its critical defense role, the Air Force has been highly active in humanitarian and relief efforts over the years. One of the most famous of these undertakings was the Berlin airlift between June 1948 and June 1949. The largest airlift/evacuation in American history occurred in 1991 when the Air Force moved 52,000 military personnel and dependents from the Philippines to the U.S. following the eruption of Mt. Pinatubo. An airlift in February of 1992 provided food and medicine to Russia in Operation Provide Hope. Operation Provide Promise, a relief effort into Sarajevo in 1992, was the longest sustained humanitarian airlift in history. The Air Force has also been involved in hundreds and hundreds of other relief missions all over the world in response to earthquakes, hurricanes, and other natural disasters.

I would like to take this opportunity to note the contributions made by Minnesotans and those men and women serving at Minnesota's Air Force bases. These airmen have made a vital contribution to the success of the Air Force over the past 53 years. I would like to thank in particular those serving at Minnesota's Air Force Reserve and Air National Guard facilities, specifically the airmen of the 934th Airlift Wing and 133rd Airlift Wing in Minneapolis and the 148th Fighter Wing in Duluth who keep our C–130s and F–16s flying. These men and women deserve our thanks for making sure that we will always be prepared to face with confidence any future threats to our nation's security.

On behalf of all Minnesotans, I thank the members of the Air Force for their selfless devotion to our nation's defense. Throughout the history of the Air Force, its members have made countless sacrifices for their country, from the financial struggles all too often faced by service members and their families, to the high price paid by those who have been wounded, taken prisoner, or killed in battle. A grateful nation will always be in their debt.

I'm sure my colleagues will join me in recognizing the rich heritage and dedicated service of the United States Air Force on its anniversary.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGES FROM THE PRESIDENT—PM 128

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

*To the Congress of the United States:*

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 2000.*

### PRESIDENT'S PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES

This report is submitted pursuant to section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6) (the "CDA"), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, 22 U.S.C. 6021–91 (March 12, 1996) (the "LIBERTAD Act"), which requires that I "submit to the Congress on a semiannual basis a report detailing payments made to Cuba by any United States person as a result of the provision of telecommunications services authorized by this subsection.

The CDA, which provides that telecommunications services are permitted between the United States and Cuba, specifically authorizes the President to provide for these payments by license. The CDA states that licenses may be issued for full or partial payment of amounts due as a result of provision of telecommunications services authorized by this subsection, but shall not require any withdrawal from a blocked account. Following enactment of the CDA on October 23, 1992, a number of U.S. telecommunications companies successfully negotiated agreements to provide telecommunications services between the United States and Cuba consistent with policy guidelines developed by the Department of State and the Federal Communications Commission.

Subsequent to enactment of the CDA, the Department of the Treasury's Office of Foreign Assets Control ("OFAC") amended the Cuban Assets Control Regulations, 31 C.F.R. Part 515 (the "CACR"), to provide for specific licensing on a case-by-case basis for certain transactions incident to the receipt or transmission of telecommunications between the United States and Cuba, 31 C.F.R. 515.542(c), including settlement of charges under traffic agreements.

OFAC has issued eight (8) licenses authorizing transactions incident to the receipt of transmission of telecommunications between the United States and Cuba since the enactment of the CDA. None of these licenses permits payments from a blocked account. The licenses are AT&T Corporation (formerly, American Telephone and Telegraph Company), AT&T de Puerto Rico, IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.), MCI International, Inc. (formerly, MCI Communications Corporation), Telefonica Larga Distancia de Puerto Rico, Inc., WilTel, Inc. (Formerly, WilTel Underseas Cable, Inc.), WorldCom, Inc. (formerly, LDDS Communications, Inc.), and Sprint Communications Company, L.P. (formerly, Global One, and prior to that, Sprint Incorporated).

During the period January 1 through June 30, 2000, the licensees transferred funds to the Cuban telecommunications company Empresa de Telecommunicaciones de Cuba, S.A. ("ETECSA") to settle current charges for its portion of jointly provided international telecommunications services. In addition, many of the licenseses transferred funds earned by ETECSA in prior periods but not transferred in those prior periods due to pending litigation (Alejandre v. the Republic of Cuba et al.). Pursuant to changes in corporate accounting practices, payments on behalf of AT&T de Puerto Rico are now being disbursed by AT&T Corporation. The aggregated funds transferred during the period January 1 through June 30, 2000 totaled:

| | |
|---|---|
| AT&T Corporation (formerly, American Telephone and Telegraph Company) | $17,331,979 |
| Sprint Communications Company, L.P. (formerly Global One, Sprint Incorporated) | 6,033,989 |
| IDB WorldCom Services, Inc. (formerly, IDB Communications, Inc.) | 1,234,773 |
| MCI International, Inc. (formerly, MCI Communications Corporation) | 4,373,238 |
| Telefonica Larga Distancia de Puerto Rico, Inc. | 367,936 |
| WilTel, Inc. (formerly, WilTel Underseas Cable, Inc.) | 897,435 |
| WorldCom, Inc. (formerly, LDDS Communications, Inc.) | 4,496,465 |
| Total | 34,735,815 |

I shall continue to report semiannually on OFAC-licensed telecommunications payments.

## MESSAGE FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 1113. An act to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environment infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California.

H.R. 1715. An act to extend the expiration date of the Defense Production Act of 1950, and for other purposes.

H.R. 2271. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

H.R. 2798. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages.

H.R. 2799. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 4096. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4643. An act to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes.

H.R. 4931. An act to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

H.R. 5010. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

H.R. 5193. An act to amend the National Housing Act to temporarily extend the applicability of the down payment simplification provisions for the FHA single family housing mortgage insurance program.

The message also announced that the House disagree to the amendment of the Senate to the bill (H.R. 4919) entitled "An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes," and agree to the conference asked by the Senate on the disagreeing votes of the two Houses and appoint the following Mr. GILMAN, Mr. GOODLING, and Mr. GEJDENSON, to be the managers of the conference on the part of the House.

The message further announced that the House has agreed to the Senate amendment to the following bill, with an amendment:

H.R. 1651. An act to amend the Fisherman's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The message also announced that the House has agreed to the Senate amendment to the following bill, with an amendment:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, with an amendment.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1113. An act to assist in the development and implementation of projects to provide for the control of drainage, storm, flood and other waters as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; to the Committee on Energy and Natural Resources.

H.R. 2798. An act to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, and California for salmon habitat restoration projects in coastal waters and upland drainages; to the Committee on Commerce, Science, and Transportation.

H.R. 2799. An act to amend the Clear Creek County, Colorado, Public Lands Transfer Act of 1993 to provide additional time for Clear Creek County to dispose of certain lands transferred to the county under the Act; to the Committee on Energy and Natural Resources.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farwell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska; to the Committee on Energy and Natural Resources.

H.R. 4096. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States or any political subdivision thereof, on a reimbursable basis, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4643. An act to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 5010. An act to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5193. A bill to amend the National Housing Act temporarily extend the applicability of the downpayment notification provisions for the FHA single family housing mortgage insurance program; to the Committee on Banking, Housing and Urban Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2271. A bill to amend the National Trails System Act to designate El Camino

Real de Tierra Adentro as a National Historic Trail.

H.R. 4226. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4931. A bill to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

## MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5173. A bill to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

## EXECUTIVE AND OTHER COMMUNICATIONS

On September 12, 2000, the following communication was laid before the Senate, together with accompanying papers, reports, and documents, which was referred as indicated:

EC-10678. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid" received on September 8, 2000; to the Committee on Commerce, Science, and Transportation.

On September 19, 2000, the following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10795. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Sequestration Update Report for fiscal year 2000, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Environment and Public Works; Energy and Natural Resources; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business; Veterans' Affairs; Indian Affairs; and Intelligence.

EC-10796. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Depositaries and Financial Agents of the Federal Government (31 CFR Part 202)" (RIN1510-AA75) received on September 8, 2000; to the Committee on Finance.

EC-10797. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties (31 CFR Part 225)" (RIN1510-AA77) received on September 8, 2000; to the Committee on Finance.

EC-10798. A communication from the Deputy Chief Counsel of the Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payment of Federal Taxes and the Treasury Tax and Loan Program (31 CFR Part 203)" (RIN1510-AA76) received on September 8, 2000; to the Committee on Finance.

EC-10799. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000-46) received on September 11, 2000; to the Committee on Finance.

EC-10800. A communication from the Commissioner of Social Security, Social Security Administration, transmitting, a draft of proposed legislation entitled "Social Security Amendments of 2000"; to the Committee on Finance.

EC-10801. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000-38 Distributor Commissions" (RP-105492-00) received on September 14, 2000; to the Committee on Finance.

EC-10802. A communication from the Chief Counsel, Bureau of the Public Debt, Fiscal Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Collateral Acceptability and Valuation" (RIN1535-AA00) received on September 12, 2000; to the Committee on Finance.

EC-10803. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000-37 Like-kind exchanges ("parking" arrangements)" (Rev. Proc. 2000-37) received on September 15, 2000; to the Committee on Finance.

EC-10804. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Toll-Free Number For The Appeals Customer Service Program" (Announcement 2000-80, 2000-40 I.R.B.) received on September 15, 2000; to the Committee on Finance.

EC-10805. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Vessel Equipment Temporarily Landed for Repair" (RIN1515-AC35) received on September 15, 2000; to the Committee on Finance.

EC-10806. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Endorsement of Checks Deposited by Customs" (RIN1515-AC48) received on September 15, 2000; to the Committee on Finance.

EC-10807. A communication from the Secretary of Commerce and the Secretary of the Interior, transmitting jointly, a draft of proposed legislation entitled "Marine Mammal Protection Act Amendments of 2000"; to the Committee on Commerce, Science, and Transportation.

EC-10808. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Las Vegas and Pecos, NM" (MM Docket No. 00-5, RM-9752) received on September 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10809. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Arcadia, Gibsland, and Hodge, Louisiana and Wake Village, Texas" (MM Docket No. 99-144, RM-9538, RM-9747, RM-9748) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10810. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kaycee, Basin, Wyoming)" (MM Docket No. 98-87 RM-9278 RM-9608) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10811. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stamps and Fouke, Arkansas)" (MM Docket No. 99-241; RM-9480) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10812. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Saranac Lake, NY)" (MM Docket No. 99-293, RM-9720, RM-9721) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10813. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Morristown, New York)" (MM Docket No. 99-362, RM-9730) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10814. A communication from the Associate Bureau Chief, Wireless Telecommunications, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Geographical channel block layout" (RINDA 00-1654) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10815. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Announcement of fixed gear sablefish mop-up fishery; fishing restrictions" received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10816. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Implementation of Conditional Closures" received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10817. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Tuna Fisheries; Closure of the Purse Seine Fishery for Bigeye Tuna" received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10818. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled. "Fisheries Off West Coast States and in the western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon to Humbug Mountain, Oregon" received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10819. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands" received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10820. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands" received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10821. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes Gulf of Alaska for Hook-and-Line Gear Groundfish" received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10822. A communication from the Associate Bureau Chief, Wireless Telecommunications Commission, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "WT Docket 99–327, 24 GHz Report and Order, Amendment of rules governing 24 GHz Service, 47 C.F.R. 1, 2, 87 and 101" (WT Docket 99–327, FCC 00–272) received on September 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10823. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Reporting Forms Implementing FEC Rules Transmitted on June 16, 2000 and July 6, 2000" received on September 15, 2000; to the Committee on Rules and Administration.

EC–10824. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 67 FR 53917 09/06/2000" received on September 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10825. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Disaster Assistance: Cerro Grande Fire Assistance 65 FR 52260 08/28/2000" (RIN–3067–AD12) received on September 5, 2000; to the Committee on Environment and Public Works.

EC–10826. A communication from the Director of the Fish and Wildlife Service, Department of Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Santa Barbara County Distinct Population of the California Tiger Salamander as Endangered" (RIN1018–AF81) received on September 18, 2000; to the Committee on Environment and Public Works.

EC–10827. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Japan; to the Committee on Foreign Relations.

EC–10828. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of the St. Louis, MO, Special Wage Schedule for Printing Positions" (RIN3206–AJ24) received on September 15, 2000; to the Committee on Governmental Affairs.

EC–10829. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report relative to the inventory of commercial activities; to the Committee on Governmental Affairs.

EC–10830. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Simplification of Certain Requirements in Patent Interface Practice" (RIN0651–AB15) received on September 15, 2000; to the Committee on the Judiciary.

EC–10831. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, a report relative to the October 2000 Term of the Court; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001" (Rept. No. 106–414).

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 2647: A bill to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes (Rept. No. 106–415).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3064. A bill to provide for the reliquidation of certain entries of vacuum cleaners; to the Committee on Finance.

By Mr. MILLER:

S. 3065. A bill to amend the Internal Revenue Code of 1986 to expand the Hope Scholarship Credit for expenses of individuals receiving certain State scholarships; to the Committee on Finance.

By Mr. ASHCROFT:

S. 3066. A bill to amend titles XVIII and XIX of the Social Security Act to require criminal background checks for nursing facility workers; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. Enzi, Mr. Kennedy, and Mr. Reid):

S. 3067. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself, Mr. Daschle, Mr. Reid, Mr . Leahy, Mr. Durbin, Mr. Graham, Mr. Wellstone, and Mr. Kerry):

S. 3068. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status; read the first time.

By Mr. BROWNBACK:

S. 3069. A bill to amend the Television Program Improvement Act of 1990 to restore the applicability of that Act to agreements relating to voluntary guidelines governing telecast material and to revise the agreements on guidelines covered by that Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. Kohl):

S. 3070. A bill to amend title 18, United States Code, to establish criminal penalties for distribution of defective products, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, and discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. Leahy, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Domenici, Mr. Edwards, Mrs. Feinstein, Mr. Graham, Mr. Inouye, Mr. Kerrey, Mrs. Murray, Mr. Reid, Mr. Robb, and Mr. Schumer) (by request):

S. 3071. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMS (for himself and Mr. Hagel):

S. 3072. A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. Brownback):

S. 3073. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the medicare program, the medicaid program, and the maternal and child health program; to the Committee on Finance.

By Mr. GREGG (for himself and Mr. Smith of New Hampshire):

S.J. Res. 52. A joint resolution granting the consent of Congress to the International

Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. ENZI):

S. Con. Res. 136. Concurrent resolution expressing the sense of Congress regarding the importance of bringing transparency, accountability, and effectiveness to the World Bank and its programs and projects; to the Committee on Foreign Relations.

By Mr. LEVIN:

S. Con. Res. 137. Concurrent Resolution recognizing, appreciating, and remembering with dignity and respect the Native American men and women who have served the United States in military service; to the Committee on Indian Affairs.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 3066. A bill to amend titles XVIII and XIX of the Social Security Act to require criminal background checks for nursing facility workers; to the Committee on Finance.

### THE SENIOR CARE SAFETY ACT OF 2000

Mr. ASHCROFT. Mr. President, I rise today to introduce the Senior Care Safety Act of 2000. This bill prohibits nursing homes and other long-term care facilities operating under the Social Security and Medicaid systems from employing individuals with a demonstrated history of violent, criminal behavior or drug dealing. To that end, it requires these nursing facilities to conduct criminal background checks on all of their prospective employees as part of the hiring process. Nursing facilities that fail to conduct a background check prior to hiring an employee are subject to a civil fine of up to $5,000. The reason for these requirements is simple: we must ensure that our most defenseless senior Americans—those in need of long-term nursing care—are attended not by people with a demonstrated history of violent, criminal behavior, but by the most qualified and trustworthy individuals available.

The Senior Care Safety Act provides nursing facilities with the tools necessary to accomplish this objective. It requires the Department of Justice to open federal databases of criminal background information to nursing homes so that they can promptly determine if prospective employees have a criminal record. The act provides that the Department of Justice provide this information without charge to the facility or the applicant. Furthermore, it ensures that those who comply with the background check requirement are insulated from liability for refusing to hire someone prohibited from working in a nursing facility by this provision. Finally, it guarantees the privacy of those individuals who are denied such employment due to a criminal record by prohibiting the use by a nursing facility of an individual's background information for any purpose other than complying with this act.

It is tragic that a bill like this is necessary. But, while the overwhelming majority of those who care for the more than 40,000 senior citizens receiving 24-hour care in my home state of Missouri, and the more than 1.5 million of such seniors nationwide are dedicated and caring individuals, there are unfortunately too many examples of those who take advantage of this position of trust. There are far too many stories of convicted violent felons who have slipped through the cracks in the hiring process and have physically or mentally abused our frailest citizens in the very institutions that their families have entrusted them for care. This bill will play an important role in ensuring that when a family entrusts their loved ones to a nursing facility, they can rest assured that those who are looking after them are not violent felons. I look forward to working with my fellow Senators to pass this important legislation in the time remaining this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3066

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Senior Care Safety Act of 2000".

**SEC. 2. CRIMINAL BACKGROUND CHECKS FOR NURSING FACILITY WORKERS.**

(a) MEDICARE.—

(1) REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS.—Section 1819(d)(4) of the Social Security Act (42 U.S.C. 1395i-3(d)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) SCREENING OF WORKERS.—

"(i) IN GENERAL.—A skilled nursing facility shall not knowingly employ an individual unless the individual has passed a criminal background check conducted in accordance with the requirements of clause (ii).

"(ii) REQUIREMENTS.—

"(I) NOTIFICATION.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary, in consultation with the Attorney General, shall notify skilled nursing facilities of the requirements of this subparagraph.

"(II) SKILLED NURSING FACILITY REQUIREMENTS.—

"(aa) PROVISION OF STATEMENTS TO APPLICANTS.—Not later than 180 days after a skilled nursing facility receives a notice in accordance with subclause (I), the skilled nursing facility shall adopt and enforce the requirement that each applicant for employment at the skilled nursing facility shall complete the written statement described in subclause (III).

"(bb) TRANSMITTAL OF COMPLETED STATEMENTS.—Not later than 5 business days after a skilled nursing facility receives such completed written statement, the skilled nursing facility shall transmit such statement to the Attorney General.

"(III) STATEMENT DESCRIBED.—The written statement described in this subclause shall contain the following:

"(aa) The name, address, and date of birth appearing on a valid identification document (as defined section 1028(d)(2) of title 18, United States Code) of the applicant, a description of the identification document used, and the applicant's social security account number.

"(bb) A statement that the applicant has never been convicted of a crime of violence or of a Federal or State offense consisting of the distribution of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(cc) The date the statement is made.

"(IV) ATTORNEY GENERAL REQUIREMENTS.—

"(aa) IN GENERAL.—Upon receipt of a completed written statement from a skilled nursing facility, the Attorney General, using information available to the Department of Justice, shall notify the facility of the receipt of such statement and promptly determine whether the applicant completing the statement has ever been convicted of a crime described in subclause (III)(bb).

"(bb) NOTIFICATION OF FAILURE TO PASS.—Not later than 5 business days after the receipt of such statement, the Attorney General shall inform the skilled nursing facility transmitting the statement if the applicant completing the statement did not pass the background check. A skilled nursing facility not so informed within such period shall consider the applicant completing the statement to have passed the background check.

"(cc) NO FEE.—In no case shall a skilled nursing facility or an applicant be charged a fee in connection with the background check process conducted under this clause.

"(iii) LIMITATION ON USE OF INFORMATION.—A skilled nursing facility that obtains criminal background information about an applicant pursuant to this subparagraph may use such information only for the purpose of determining the suitability of the worker for employment.

"(iv) NO ACTION BASED ON FAILURE TO HIRE.—In any action against a skilled nursing facility based on a failure or refusal to hire an applicant, the fact that the applicant did not pass a background check conducted in accordance with this subparagraph shall be a complete defense to such action.".

(2) PENALTIES.—Section 1819(h)(1) of the Social Security Act (42 U.S.C. 1395i-3(h)(1)) is amended—

(A) by striking the heading and inserting "STATE AUTHORITY";

(B) in the first sentence—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii) and indenting such clauses appropriately; and

(ii) by striking "If a State" and inserting the following:

"(A) IN GENERAL.—If a State";

(C) in the second sentence, by striking "If a State" and inserting the following:

"(C) PENALTIES FOR PRIOR FAILURES.—If a State"; and

(D) by inserting after subparagraph (A) (as added by subparagraph (B)(ii) of this paragraph) the following new subparagraph:

"(B) REQUIRED PENALTIES.—A civil money penalty of not more than $5000 shall be assessed and collected, with interest, against any facility which is or was out of compliance with the requirements of clause (i), (ii)(II), or (iii) of subsection (d)(4)(B).".

(b) MEDICAID.—

(1) REQUIREMENT TO CONDUCT CRIMINAL BACKGROUND CHECKS.—Section 1919(d)(4) of the Social Security Act (42 U.S.C. 1396r(d)(4)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) SCREENING OF WORKERS.—

"(i) IN GENERAL.—A nursing facility shall not knowingly employ an individual unless the individual has passed a criminal background check conducted in accordance with the requirements of clause (ii).

"(ii) REQUIREMENTS.—

"(I) NOTIFICATION.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary, in consultation with the Attorney General, shall notify nursing facilities of the requirements of this subparagraph.

"(II) NURSING FACILITY REQUIREMENTS.—

"(aa) PROVISION OF STATEMENTS TO APPLICANTS.—Not later than 180 days after a nursing facility receives a notice in accordance with subclause (I), the nursing facility shall adopt and enforce the requirement that each applicant for employment at the nursing facility shall complete the written statement described in subclause (III).

"(bb) TRANSMITTAL OF COMPLETED STATEMENTS.—Not later than 5 business days after a nursing facility receives such completed written statement, the nursing facility shall transmit such statement to the Attorney General.

"(III) STATEMENT DESCRIBED.—The written statement described in this subclause shall contain the following:

"(aa) The name, address, and date of birth appearing on a valid identification document (as defined section 1028(d)(2) of title 18, United States Code) of the applicant, a description of the identification document used, and the applicant's social security account number.

"(bb) A statement that the applicant has never been convicted of a crime of violence or of a Federal or State offense consisting of the distribution of controlled substances (as that term is defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(cc) The date the statement is made.

"(IV) ATTORNEY GENERAL REQUIREMENTS.—

"(aa) IN GENERAL.—Upon receipt of a completed written statement from a nursing facility, the Attorney General, using information available to the Department of Justice, shall notify the facility of the receipt of such statement and promptly determine whether the applicant completing the statement has ever been convicted of a crime described in subclause (III)(bb).

"(bb) NOTIFICATION OF FAILURE TO PASS.—Not later than 5 business days after the receipt of such statement, the Attorney General shall inform the nursing facility transmitting the statement if the applicant completing the statement did not pass the background check. A nursing facility not so informed within such period shall consider the applicant completing the statement to have passed the background check.

"(cc) NO FEE.—In no case shall a nursing facility or an applicant be charged a fee in connection with the background check process conducted under this clause.

"(iii) LIMITATION ON USE OF INFORMATION.—A nursing facility that obtains criminal background information about an applicant pursuant to this subparagraph may use such information only for the purpose of determining the suitability of the worker for employment.

"(iv) NO ACTION BASED ON FAILURE TO HIRE.—In any action against a nursing facility based on a failure or refusal to hire an applicant, the fact that the applicant did not pass a background check conducted in accordance with this subparagraph shall be a complete defense to such action.".

(2) PENALTIES.—Section 1919(h)(2)(A) of the Social Security Act (42 U.S.C. 1396r(h)(2)(A)) is amended by inserting after clause (iv) the following new clause:

"(v) A civil money penalty of not more than $5000 shall be assessed and collected, with interest, against any facility which is or was out of compliance with the requirements of clause (i), (ii)(II), or (iii) of subsection (d)(4)(B).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

### SEC. 3. REPORT ON CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Attorney General shall conduct a study of the effects of background checks in nursing facilities and submit a report to Congress that includes the following:

(1) The success of conducting background checks on nursing facility employees.

(2) The impact of background checks on patient care in such facilities.

(3) The need to conduct background checks in other patient care settings outside of nursing facilities.

(4) Suggested methods for further improving the background check system and the estimated costs of such improvements.

(b) DEFINITIÓN OF NURSING FACILITY.—In subsection (a), the term "nursing facility" has the meaning given that term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)) and includes a skilled nursing facility (as defined in section 1819(a) of such Act (42 U.S.C. 1395i-3(a))).

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By Mr. JEFFORDS (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. REID):

S. 3067. A bill to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970; to the Committee on Health, Education, Labor and Pensions.

### THE NEEDLESTICK SAFETY AND PREVENTION ACT

Mr. JEFFORDS. Mr. President, I am pleased to be able to introduce today, along with Senators ENZI, KENNEDY, and REID, the Needlestick Safety and Prevention Act. This legislation will ensure that our nation's health care workers, who tend to our citizens when care is urgently needed, will no longer be risking their own health, and, perhaps, their own lives, when providing this life giving work.

Statistics paint a stark picture of the risks from accidental sharps injuries that health care workers face daily on the job, injuries that can be prevented, and, when Congress passes this legislation, will be prevented. The Centers for Disease Control and Prevention has estimated that as many as 800,000 injuries from contaminated sharps occur annually among health care workers. Due to these injuries, numerous health care workers have contracted fatal or other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C.

"Needlesticks" refer to the broad category of injuries suffered by workers in health care settings who are exposed to sharps, including items such as disposable syringes with needles, IV catheters, lancets, and glass capillary tubes/pipettes. The true shame in these alarming statistics is that accidental needlestick injuries can be prevented. Technological advancements have led to the development of safer medical devices, such as syringes with needle guards or sheaths.

The heart of the "Needlestick Safety and Prevention Act" is its requirement that employers identify, evaluate, and make use of effective safer medical devices. And the legislation emphasizes training, education, and the participation of those workers exposed to sharps injuries in the evaluation and selection of safer devices. The Act also creates new record keeping requirements, a "sharps injury log," to aid employers in identifying high risk areas, and in determining the types of engineering controls and devices most effective in reducing or eliminating the risk of exposure. Importantly, the legislation we introduce today will not impede, but will encourage technological development, as it does not favor the use of a specific device, but requires an employer to evaluate the effectiveness of available devices.

I urge all my colleagues to join us in supporting the "Needlestick Safety and Prevention Act."

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3067

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Needlestick Safety and Prevention Act".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Numerous workers who are occupationally exposed to bloodborne pathogens have contracted fatal and other serious viruses and diseases, including the human immunodeficiency virus (HIV), hepatitis B, and hepatitis C from exposure to blood and other potentially infectious materials in their workplace.

(2) In 1991 the Occupational Safety and Health Administration issued a standard regulating occupational exposure to bloodborne pathogens, including the human immunodeficiency virus, (HIV), the hepatitis B virus (HBV), and the hepatitis C virus (HCV).

(3) Compliance with the bloodborne pathogens standard has significantly reduced the

risk that workers will contract a bloodborne disease in the course of their work.

(4) Nevertheless, occupational exposure to bloodborne pathogens from accidental sharps injuries in health care settings continues to be a serious problem. In March 2000, the Centers for Disease Control and Prevention estimated that more than 380,000 percutaneous injuries from contaminated sharps occur annually among health care workers in United States hospital settings. Estimates for all health care settings are that 600,000 to 800,000 needlestick and other percutaneous injuries occur among health care workers annually. Such injuries can involve needles or other sharps contaminated with bloodborne pathogens, such as HIV, HBV, or HCV.

(5) Since publication of the bloodborne pathogens standard in 1991 there has been a substantial increase in the number and assortment of effective engineering controls available to employers. There is now a large body of research and data concerning the effectiveness of newer engineering controls, including safer medical devices.

(6) 396 interested parties responded to a Request for Information (in this section referred to as the "RFI") conducted by the Occupational Health and Safety Administration in 1998 on engineering and work practice controls used to eliminate or minimize the risk of occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps. Comments were provided by health care facilities, groups representing health care workers, researchers, educational institutions, professional and industry associations, and manufacturers of medical devices.

(7) Numerous studies have demonstrated that the use of safer medical devices, such as needleless systems and sharps with engineered sharps injury protections, when they are part of an overall bloodborne pathogens risk-reduction program, can be extremely effective in reducing accidental sharps injuries.

(8) In March 2000, the Centers for Disease Control and Prevention estimated that, depending on the type of device used and the procedure involved, 62 to 88 percent of sharps injuries can potentially be prevented by the use of safer medical devices.

(9) The OSHA 200 Log, as it is currently maintained, does not sufficiently reflect injuries that may involve exposure to bloodborne pathogens in health care facilities. More than 98 percent of health care facilities responding to the RFI have adopted surveillance systems in addition to the OSHA 200 Log. Information gathered through these surveillance systems is commonly used for hazard identification and evaluation of program and device effectiveness.

(10) Training and education in the use of safer medical devices and safer work practices are significant elements in the prevention of percutaneous exposure incidents. Staff involvement in the device selection and evaluation process is also an important element to achieving a reduction in sharps injuries, particularly as new safer devices are introduced into the work setting.

(11) Modification of the bloodborne pathogens standard is appropriate to set forth in greater detail its requirement that employers identify, evaluate, and make use of effective safer medical devices.

### SEC. 3. BLOODBORNE PATHOGENS STANDARD.

The bloodborne pathogens standard published at 29 C.F.R. 1910.1030 shall be revised as follows:

(1) The definition of "Engineering Controls" (at 29 C.F.R. 1930.1030(b)) shall include as additional examples of controls the following: "safer medical devices, such as sharps with engineered sharps injury protections and needleless systems".

(2) The term "Sharps with Engineered Sharps Injury Protections" shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as "a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident".

(3) The term "Needleless Systems" shall be added to the definitions (at 29 C.F.R. 1910.1030(b)) and defined as "a device that does not use needles for (A) the collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established, (B) the administration of medication or fluids, or (C) any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps".

(4) In addition to the existing requirements concerning exposure control plans (29 C.F.R. 1910.1030(c)(1)(iv)), the review and update of such plans shall be required to also—

(A) "reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens"; and

(B) "document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure".

(5) The following additional recordkeeping requirement shall be added to the bloodborne pathogens standard at 29 C.F.R. 1910.1030(h): "The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum—

"(A) the type and brand of device involved in the incident,

"(B) the department or work area where the exposure incident occurred, and

"(C) an explanation of how the incident occurred.".

The requirement for such sharps injury log shall not apply to any employer who is not required to maintain a log of occupational injuries and illnesses under 29 C.F.R. 1904 and the sharps injury log shall be maintained for the period required by 29 C.F.R. 1904.6.

(6) The following new section shall be added to the bloodborne pathogens standard: "An employer, who is required to establish an Exposure Control Plan shall solicit input from non-managerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the Exposure Control Plan.".

### SEC. 4. EFFECT OF MODIFICATIONS.

The modifications under section 3 shall be in force until superseded in whole or in part by regulations promulgated by the Secretary of Labor under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) and shall be enforced in the same manner and to the same extent as any rule or regulation promulgated under section 6(b).

### SEC. 5. PROCEDURE AND EFFECTIVE DATE.

(a) PROCEDURE.—The modifications of the bloodborne pathogens standard prescribed by section 3 shall take effect without regard to the procedural requirements applicable to regulations promulgated under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655(b)) or the procedural requirements of chapter 5 of title 5, United States Code.

(b) EFFECTIVE DATE.—The modifications to the bloodborne pathogens standard required by section 3 shall—

(1) within 6 months of the date of enactment of this Act, be made and published in the Federal Register by the Secretary of Labor acting through the Occupational Safety and Health Administration; and

(2) take effect on the date that is 90 days after the date of such publication.

Mr. ENZI. Mr. President, I am pleased to be part of the introduction today of S. 3067, a bipartisan bill to provide protection for our nations health care workers against accidental needlesticks and sharps injuries. I want to acknowledge and commend my colleagues Senators JEFFORDS, KENNEDY and REED in the Senate and the Honorable Mr. BALLENGER and Honorable MAJOR OWENS in the House for their work on this important safety issue.

Since the mid-1980's, injuries to health care workers from needles or other "sharps," such as IV catheters or lancets, have presented an increasingly troubling issue. As the spread of bloodborne pathogens such as HIV and Hepatitis B and C has escalated over the last 15 years, so has the danger to health care workers of contracting one of these diseases through sharps contaminated with bloodborne pathogens, such as HIV and Hepatitis B and C. Even where the injured worker does not ultimately contract a bloodborne disease, the uncertainty and fear of infection created by such injuries can be excruciating and destructive to the lives of the injured health care workers.

In response to this problem, in 1991 the Occupational Safety and Health Administration, or "OSHA," issued a standard requiring workplace safety measures to be used to protect against occupational exposure to bloodborne pathogens. This was a laudable step in the fight against worker infection, and its implementation brought a reduction in the risk of contracting a bloodborne disease in the workplace. The success of this measure, however, was limited by the effectiveness of the safety technology available at the time, and occupational exposure to bloodborne pathogens from accidental sharps injuries has continued to be a problem. In March 2000, the Centers for Disease Control estimated that between 600,000 and 800,000 needlesticks still occur among health care workers annually.

Fortunately, since the publication of the bloodborne pathogens standard there has been a substantial increase in the number and assortment of new medical devices, such as needless systems and retractable needles, that protect against needlesticks. Numerous studies have shown that the use of these safer devices, as part of an overall bloodborne pathogen risk reduction program, can be extremely effective in reducing accidental sharps injuries.

The legislation we introduce today will ensure that these safer devices are used, and lives will be saved as a result. The bill provides narrowly tailored instruction to OSHA to amend its bloodborne pathogen standard to make certain that employers understand they must identify, evaluate, and, where appropriate, make use of these safer medical devices to eliminate or reduce occupational exposure to bloodborne pathogens. OSHA issued similar instructions in a compliance directive published December 1998. Because OSHA's directive is merely agency guidance and does not have the force of law, however, I felt it was important that both employers and employees be given formal regulatory instruction on this vitally important safety issue. This legislation provides this security and improves protection for employees while still allowing employers the necessary flexibility to determine the best technology to use in the particular circumstances presented. This legislation even goes a step further to ensure that employers will have valuable input from the front line employees when it makes these determinations.

This bill is an important step for safety in the workplace, and I hope it will bring some peace of mind to the more than 8 million workers who perform the vitally important service of providing health care in this country. I am extremely proud to be a part of legislation which will save lives and help stop the spread of bloodborne diseases.

Mr. KENNEDY. Mr. President, it is a privilege to join my colleagues in introducing the Needle Stick Safety and Prevention Act. I commend Senators JEFFORDS, ENZI and REID for their effective work on this bill that is vitally important to health care professionals and all Americans who come in contact with them.

The need for needle stick protection is compelling. Last year alone, there were almost 800,000 needle stick injuries to health care professionals. Over 1,000 health care workers were infected with serious diseases, including HIV, Hepatitis B and Hepatitis C. Sadly, all of these injuries were preventable. The good news is that through the provisions of this bill, many future needle stick injuries will be prevented. In fact, the Center for Disease Prevention estimates that needle stick injuries will be reduced by as much as 88 percent.

But as is so often the case, numbers alone cannot convey the full story of human tragedy resulting from these injuries. One of my constituents, Karen Daley of Boston, is the President of the Massachusetts Nurses Association and was a registered nurse, a job she loved and found very fulfilling. In January 1999, while working in an emergency room in Boston, Karen was accidentally stuck by a contaminated needle. Six months later, she tested positive for HIV and Hepatitis C. Fortunately, Karen is in relative good health, although she will never again be able to practice her chosen profession of nursing.

The Needle Stick Safety and Prevention Act is intended to prevent tragic accidents like this. This bill requires employers to implement the use of safety-designed needles and sharps to reduce the potential transmission of disease to health care workers and patients. This bill also provides that employers establish an injury log to record the kind of devices, and the location, of all needle stick accidents.

Equally important, this bill allows non-managerial employees—those on the front lines of service delivery—to be involved in determining the appropriate devices used in health care settings.

This bill has bipartisan support in the Senate and the House. It also is supported by the American Hospital Association, the American Nurses Association, the Service Employees International Union and the American Federation of Federal, State County and Municipal Employees.

I urge all of my colleagues, on both sides of the aisle, to join us in supporting this important bill, and I am hopeful that it can be enacted into law before this session of Congress ends.

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By Mrs. FEINSTEIN (for herself and Mr. KOHL):

S. 3070. A bill to amend title 18, United States Code, to establish criminal penalties for distribution of defective products, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, and discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

### DEFECTIVE PRODUCT PENALTY ACT

Mrs. FEINSTEIN. Mr. President, I rise with my colleague from Wisconsin, Senator KOHL, to introduce legislation to better protect American consumers from irresponsible companies who knowingly allow defective vehicles or vehicle parts to remain on the market.

Our bill, the "Defective Product Penalty Act," would significantly increase the responsibility of companies to test products for defects, to recall those products when necessary, and to report to authorities when defects are found.

Recent news stories about Firestone tires have grabbed the headlines, but this bill really addresses some longstanding and serious deficiencies within our current laws. The Firestone case has highlighted the need for these overdue proposals, and it is our hope that this legislation receives swift and serious consideration. The time has come to close some loopholes and impose some real responsibility on company executives who ignore public safety.

Let me describe specifically what this bill does:

First, this legislation will increase civil penalties for failure to recall a defective vehicle or part or withholding information from the National Highway Traffic Safety Administration (NHTSA). Current penalties are $1,000 per violation with a maximum penalty in these cases of $925,000. The Defective Product Penalty Act would increase the penalty to $10,000 per violation, and would eliminate the maximum penalty altogether. A penalty of $925,000 for a multi-billion dollar, multinational business is not even enough to cause the company to think twice about releasing or recalling a defective vehicle. We need to give the NHTSA some real teeth.

Second, this legislation will establish criminal penalties for knowingly distributing a defective vehicle or part, or for failing to recall or tell authorities about a defective product, if that defect results in death or injuries. If death results, the legislation calls for a penalty of up to 15 years in prison. If serious injury results, the legislation calls for penalties of up to 5 years.

Third, this legislation would extend the statute of limitations for NHTSA to mandate recalls, from 8 to 10 years for vehicles, and from 3 to 5 years for tires.

Fourth, the bill would require companies to actually test vehicle products before self-certifying that the product is in compliance with NHTSA standards.

Next, the legislation clarifies federal law to make it clear that in cases involving vehicle products sold in the U.S., a company must send the NHTSA copies of all notices sent to dealers and owners, even if the notices are sent only to owners and dealers in foreign countries.

Finally, this legislation includes provisions from Senator KOHL's "Sunshine in Litigation Act" (S. 957), to:

Prohibit federal courts from issuing protective orders that prohibit individuals from disclosing potential defects or dangers to regulatory agencies; and

Prohibit federal courts from enforcing secrecy agreements without first balancing the need for privacy against the public's need to know about potential health and safety hazards. In other words, no longer can a company put other consumers at risk by forcing a plaintiff to keep quiet about a potential threat to public safety.

Mr. President, this legislation will send a clear signal to irresponsible companies and individuals who intentionally put the public at risk from defective products—you will now be held responsible for your actions. I urge my colleagues to join us in this effort.

Mr. KOHL. Mr. President, I rise today to join my colleague Senator FEINSTEIN in introducing the Defective Product Penalty Act of 2000.

As the Firestone/Bridgestone tire controversy sadly demonstrates, current consumer protection laws do not provide sufficient incentive for some manufacturers to put the health and safety of consumers at the forefront of their business decisions. Although most of us would find it very difficult to believe that a company knowingly introduced a defective product into the marketplace, or failed to recall one once a defect was discovered, the families of the Firestone/Bridgestone casualties do not need to be reminded that it does happen. Most companies are responsible corporate citizens, of course—and for them this legislation will not affect their behavior—but for the others who need to be "incentivized" to make consumer health and safety a foremost priority, the Defective Product Penalty Act ("DPPA") should serve as sufficient notice.

Specifically, the DPPA creates tough criminal penalties for those who knowingly introduce defective products into the stream of commerce with the realization that the product may cause death or bodily harm to an unsuspecting consumer. Risking the lives of millions of Americans because a cost-benefit analysis suggests that profits earned from a product outweigh the potential costs of liability is not only wrong, but also criminal. And it should be treated as such. Indeed, Mr. President, whenever a company adheres to the bottom line instead of respecting the health and safety of their consumers, they deserve severe, immediate, and strict punishment.

This bill also incorporates S. 957, the Sunshine in Litigation Act. This part of the bill ensures that consumers are better informed about product defects that may affect consumer health and safety. All too often our Federal courts allow vital information that is discovered in litigation—and which bears directly upon public health and safety—to be covered up, to be shielded from mothers, fathers and children whose lives are potentially at stake, and from the public officials we have asked to protect our public health and safety.

All this happens because of the use of so-called "protective orders"—really gag orders issued by courts—that are designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will fight every document requested and will refuse to agree to a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not—because both sides have agreed.

The problem of excessive secrecy orders in cases involving public health and safety has been apparent for many years. The Judiciary Committee first held hearings on this issue in 1990 and again in 1994. In 1990, Arthur Bryant, the executive director of the Trial Lawyers for Public Justice, told us, "The one thing we learned . . . is that this problem is far more egregious than we ever imagined. It goes the length and depth of this country, and the frank truth is that much of civil litigation in this country is taking place in secret."

The Defective Product Penalty Act will go a long way to ensuring that the health and safety of consumers will receive the consideration it deserves in the boardrooms and courtrooms across our country. I urge my colleagues to support it.

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By Mr. HATCH (for himself, Mr. LEAHY, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. DOMENICI, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. INOUYE, Mr. KERREY, Mrs. MURRAY, Mr. REID, Mr. ROBB, and Mr. SCHUMER) (by request):

S. 3071. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

### FEDERAL JUDGESHIP ACT OF 200

Mr. HATCH. Mr. President, today, at the request of the Judicial Conference of the United States, Senator LEAHY and I are introducing the Federal Judgeship Act of 2000. This legislation was drafted by the Judicial Conference and is based upon the recently completed biennial survey of judgeship needs conducted by the Judicial Conference, which analyzed caseload statistics for each federal district court and circuit court of appeals. The legislation sets forth the Judicial Conference's recommendation that the Congress create 63 new federal judgeships throughout the country—10 new circuit court judgeships and 53 new district court judgeships.

Perhaps the federalism decisions that have marked the tenure of the Rehnquist Court ultimately will serve to check the expansion of federal jurisdiction and the caseload burdens and need for new judges that necessarily follow such expansion. Presently, however, many of our judges—especially those in the border states of Texas, New Mexico, Arizona and California—are overburdened by heavy caseloads. Caseload statistics compiled by the Judicial Conference have convinced me of the need for a debate about new judgeships. In this debate, we must ask ourselves: How large do we really want our federal judiciary to be?

It should be noted that over the past 22 years, the judiciary has grown substantially. Currently, there are 848 judgeships created pursuant to article III of the Constitution. By contrast, just 23 years ago, there were only 509 Article III judgeships. this growth in the size of the federal judiciary—a 67 percent increase—has outpaced growth in the size of the United States. During the same period, the population of the United States has grown by just 24 percent, from 220 million to 275 million.

Given that there are only a few weeks remaining in this Congress, it is going to be difficult to achieve consensus on a comprehensive judgeship bill. Nevertheless, it is important that the views of the Judicial Conference on the issue of judgeship be brought to the attention of the Congress and given the appropriate level of consideration. Still, it is possible that consensus may be reached on legislation authorizing new judgeships. I know that many of my colleagues share my concerns about the expansion of the federal judiciary. It is my judgment, however, that the Judicial Conference's recommendation that additional judgeships be created be brought to the attention of the Congress. I look forward to a dialogue with my colleagues on this issue.

Mr. LEAHY. Mr. President, today Senator HATCH and I are introducing the Federal Judgeship Act of 2000. I am pleased that Senators FEINSTEIN, SCHUMER, BOXER, GRAHAM, REID, ROBB, INOUYE, EDWARDS, MURRAY, BINGAMAN, BAYH, KERREY, and DOMENICI are joining us as original cosponsors of this measure.

Our bill creates 70 judgeships across the country to address the workload needs of the federal judiciary. This bill incorporates the recommendations for additional judgeships most recently forwarded to us by the Judiciary Conference of the United States. Specifically, our legislation would create 6 additional permanent judgeships and 4 temporary judgeships for the U.S. Courts of Appeal; 30 additional permanent judgeships and 23 temporary judgeships for the U.S. District Courts; and convert 7 existing temporary district judgeships into permanent positions.

The Judicial Conference of the United States is the nonpartisan policy-making arm of the judicial branch. Federal judges across the nation believe that the increasingly heavy caseloads of our courts necessitate these additional judges. The Chief Justice of the United States in his annual year-end reports over the last several years has commented on the serious problems facing our federal courts having too much work and too few judges and other resources.

The Judicial Conference and Chief Justice Rehnquist are right. According to his 1999 year-end report, the filings in our federal courts have reached record heights. In fact, the numbers of criminal cases and defendants have reached their highest levels since the Prohibition Amendment was repealed in 1933. In 1999, overall growth in appellate court caseload included a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

District court activity was characterized by an increase in criminal filings and a smaller increase in civil filings. Criminal case filings rose 4 percent from 57,691 in 1998 to 59,923 in 1999; and the number of defendants grew 2 percent from 79,008 to 80,822. Criminal case filings per authorized judgeship went up almost 5 percent. Since the last significant expansion of the federal judiciary in 1990, felony criminal case filings have increased almost 50 percent, from 31,727 in 1990 to 46,789 in 1999.

Despite these dramatic increases in case filings, Congress has failed to authorize new judgeships since 1990, thus endangering the administration of justice in our nation's federal courts. Without the extraordinary contributes of our senior judges, the administration of justice could well have broken down entirely.

Over the last several decades, a 6-year cycle for reviewing the needs of the judiciary and authorizing additional judgeships had been followed by Democrats and Republicans alike. For example, in 1978, Congress passed legislation to address the need for additional judgeships. Six years later, in 1984, Congress passed legislation creating additional judgeships. Then, again six years later, in 1990, Democratic majorities in both Houses of Congress fulfilled their constitutional responsibilities and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes. At that time President Bush was in the middle of his first term in office.

That type of bipartisan effort broke down in 1996. It has now been 10 years since Congress made a systematic evaluation of the needs of the federal judiciary and acted to meet those needs. For each of the last two Congresses, the Republican majority has resisted any such action. Three years ago, the Judicial Conference requested an additional 55 judgeships to address the growing backlog. I introduced the Federal Judgeship Act of 1997, S. 678, legislation based on the Judicial Conference's 1997 recommendations. That legislation languished in the Judicial Committee without action during both sessions of the last Congress. Again last year, the Judicial Conference updated its request and recommended an additional 72 judgeships. I, again, introduced those recommendations in the Federal Judgeship Act of 1999, S. 1145. There was no action on it by the Judiciary Committee.

This year, the Judiciary Conference took the unusual step of updating last year's recommendations yet again. Those updated recommendations affect 70 judgeships. Today may signal a turning point in our efforts. Today Republicans are joining with us. I welcome them to this effort and look forward to working with them to pass the Federal Judgeship Act of 2000.

Included within our bill are the additional judgeships that would be authorized by S. 2730, the Southwest Border Judgeship Act of 2000. Senator FEINSTEIN has been tenacious in seeking the resources needed the federal courts of our southwest border States, including southern California. She is right. Those 13 judgeships for California, Arizona, New Mexico and Texas are included in our bill.

Implicit in our legislation is acknowledgment that the federal judiciary does not just have 64 current vacancies with 9 of the horizon, but that even if all those vacancies were filled, the federal judiciary would remain 70 judges short of those it needed to manage its workload, try the cases and provide the individual attention to matters that have set a high standard for the administration of justice in our federal system. In other words, considering vacancies and taking into account the judgeships authorized by our bill, the federal judiciary is today in need of more than 130 more judges.

We have the greatest judicial system in the world, the envy of people around the globe who are struggling for freedom. It is the independence of our third, co-equal branch of government that gives it the ability to act fairly and impartially. It is our judiciary that has for so long protected our fundamental rights and freedoms and served as a necessary check on overreaching by the other two branches, those more susceptible to the gusts of the political winds.

Let us act to ensure that justice in our federal courts is not delayed or denied for anyone. I urge the Senate to do in this last month of this Congress what the Republican majority has so strenuously resisted for the last four years: Enact the Federal Judgeship Act without further delay.

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Mr. GRAMS (for himself and Mr. HAGEL):

S. 3072. A bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes; to the Committee on Foreign Relations.

SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT

Mr. GRAM. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3072

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Support for Overseas Cooperative Development Act".

**SEC. 2. FINDINGS**

The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

**SEC. 3. GENERAL PROVISIONS.**

(a) DECLARATIONS OF POLICY.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(1) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(2) self-help mobilization of member savings and equity, retention of profits in the community, except those programs that are dependent on donor financing;

(3) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(4) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(5) utilization of technical assistance and training to better serve the member-owners.

(b) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: "In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

"(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

"(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

"(3) INFRASTRUCTURE.—The support of rural electric and telecommunication cooperatives for access for rural people and villages that lack reliable electric and telecommunications services.

"(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.".

**SEC. 4. REPORT.**

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by section 3 of this Act.

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By Mr. DURBIN (for himself and Mr. BROWNBACK):

S. 3073. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the Medicare Program, the Medicaid Program, and the Maternal and Child Health Program; to the Committee on Finance.

### THE MEDICARE, MEDICAID AND MCH SMOKING CESSATION SERVICES ACT OF 2000

Mr. DURBIN. Mr President, I rise today to introduce legislation that expands treatment to millions of Americans suffering from a deadly addiction: tobacco. I am pleased to have Senator BROWNBACK join me in this effort. The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2000 will help make smoking cessation therapy accessible to recipients of Medicare, Medicaid, and the Maternal and Child Health Program.

We have long known that cigarette smoking is the largest preventable cause of death, accounting for 20 percent of all deaths in this country. It is well documented that smoking causes virtually all cases of lung cancer and a substantial portion of coronary heart disease, peripheral vascular disease, chronic obstructive lung disease, and cancers of other sites. And the harmful effects of smoking do not end with the smoker. Women who use tobacco during pregnancy are more likely to have adverse birth outcomes, including babies with low birth weight, which is linked with an increased risk of infant death and a variety of infant health disorders.

Still, despite enormous health risks, 48 million adults in the United States smoke cigarettes—approximately 22.7 percent of American adults. The rates are higher for our youth—36.4 percent report daily smoking. In Illinois, the adult smoking rate is about 24.2 percent. And perhaps most distressing and surprising, data indicate that about 13 percent of mothers in the United States smoke during pregnancy.

We have also learned the hard way that in addition to the heavy health toll of tobacco, the economic costs of smoking are also high. The total cost of smoking in 1993 in the U.S. was about $102 billion, with over $50 billion in health care expenditures directly linked to smoking. The Centers for Disease Control and Prevention (CDC) reports that approximately 43 percent of these costs were paid by government funds, primarily Medicaid and Medicare. Smoking costs Medicaid alone more than $12.9 billion per year. According to the Chicago chapter of the American Lung Association, my state of Illinois spends $2.9 billion each year in public and private funds to combat smoking-related diseases.

Today, however, we also know how to help smokers quit. Advancements in treating tobacco use and nicotine addiction have helped millions kick the habit. While more than 40 million adults continue to smoke, nearly as many persons are former smokers living longer, healthier lives. In large part, this is because new tools are available. Effective pharmacotherapy and counseling regimens have been tested and proven effective. The just-released Surgeon General's Report, Reducing Tobacco Use, concluded that "pharmacologic treatment of nicotine addiction, combined with behavioral support, will enable 10 to 25 percent of users to remain abstinent at one year of posttreatment."

Studies have shown that reducing adult smoking through tobacco use treatment pays immediate dividends, both in terms of health improvements and cost savings. Creating a new nonsmoker reduces anticipated medical costs associated with acute myocardial infarction and stroke by $47 in the first year and by $853 during the next seven years in 1995 dollars. And within four to five years after tobacco cessation, quitters use fewer health care services than continued smokers. In fact, in one study the cost savings from reduced use paid for a moderately priced effective smoking cessation intervention in a matter of three to four years.

The health benefits tobacco quitters enjoy are undisputed. They are living longer. After 15 years, the risk of premature death for ex-smokers returns to nearly the level of persons who have never smoked. Male smokers who quit between age 35 and 39 add an average of five years to their lives; women can add three years. Even older Americans over age 65 can extend their life expectancy by giving up cigarettes.

Former smokers are also healthier. They are less likely to die of chronic lung diseases. After ten smoke-free years, their risk of lung cancer drops to as much as one-half that of those who continue to smoke. After five to fifteen years the risk of stroke and heart disease for ex-smokers returns to the level of those who have never smoked. They have fewer days of illness, reduced rates of bronchitis and pneumonia, and fewer health complaints.

New Public Health Service Guidelines released this summer conclude that tobacco dependence treatments are both clinically effective and cost-effective relative to other medical and disease prevention interventions. The guideline urges health care insurers and purchasers to include the counseling and FDA-approved pharmacotherapeutic treatments as a covered benefit.

Unfortunately, the Federal Government, a major purchaser of health care through Medicare and Medicaid, does not currently adhere to its own published guidelines. It is high-time that government-sponsored health programs catch up with science. As a result, I am introducing, along with my colleague Senator BROWNBACK, legislation to improve smoking cessation benefits in government-sponsored health programs.

The Medicare, Medicaid and MCH Smoking Cessation Promotion Act of 2000 improves access to and coverage of smoking cessation treatment therapies in four primary ways.

Our bill adds a smoking cessation counseling benefit to Medicare. By 2020, 17 percent of the U.S. population will be 65 years of age or older. It is estimated that Medicare will pay $800 billion to treat tobacco-related diseases over the next twenty years. In a study of adults 65 years of age or older who received advice to quit, behavioral counseling and pharmocotherapy, 24.8 percent reported having stopped smoking six months following the intervention. The total economic benefits of quitting after age 65 are notable. Due to a reduction in the risk of lung cancer, coronary heart disease and emphysema, studies have found that heavy smokers over age 65 who quit can avoid up to $4,592 in lifelong illness-related costs.

Our measure provides coverage for both prescription and non-prescription smoking cessation drugs in the Medicaid program. The bill eliminates the provision in current Federal law that allows states to exclude FDA-approved smoking cessation therapies from coverage under Medicaid. Ironically, State Medicaid programs are required to cover Viagra, but not to treat tobacco addiction. Despite the fact that the States are now receiving the full benefit of their federal lawsuit against the tobacco industry, less than half the States provide coverage for smoking cessation in their Medicaid program.

On average, states spend approximately 14.4 percent of their Medicaid budgets on medical care related to smoking.

Our legislation clarifies that the maternity benefit for pregnant women in Medicaid covers smoking cessation counseling and services. Smoking during pregnancy causes about 5-6 percent of perinatal deaths, 17-26 percent of low-birth-weight births, and 7-10 percent of preterm deliveries, and increases the risk of miscarriage and fetal growth retardation. It may also increase the risk of sudden infant death syndrome (SIDS). The Surgeon General recommends that pregnant women and parents with children living at home be counseled on the potentially harmful effects of smoking on fetal and child health. A new study shows that, over seven years, reducing smoking prevalence by just one percentage point would prevent 57,200 low birth weight births and save $572 million in direct medical costs.

Our bill ensures that the Maternal and Child Health (MCH) Program recognizes that medications used to promote smoking cessation and the inclusion of anti-tobacco messages in health promotion are considered part of quality maternal and child health services. In addition to the well-documented benefits of smoking cessation for maternity care, the Surgeon General's report adds, "Tobacco use is a pediatric concern. In the United States, more than 6,000 children and adolescents try their first cigarette each day. More than 3,000 children and adolescents become daily smokers each day, resulting in approximately 1.23 million new smokers under the age of 18 each year." The goal of the MCH program is to improve the health of all mothers and children. This goal cannot be reached without addressing the tobacco epidemic.

I hope my colleagues will join me not only in cosponsoring this legislation but also in working with me to see that its provisions are adopted before the year is out. As the Surgeon General states in his report: "Although our knowledge about tobacco control remains imperfect, we know more than enough to act now."

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Mr. GREGG (for himself and Mr. SMITH of New Hampshire):

S.J. Res. 52. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Mr. GREGG. Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 52

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL CONSENT.**

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

**"Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities**

"The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

"The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

"This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

**"Article II—General Implementation**

"Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

"The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

"On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

**"Article III—Party Jurisdiction Responsibilities**

"(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

"(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

"(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

"(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

"(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

"(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

"(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

"(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

"(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

"(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

"(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

"(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

"(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

**"Article IV—Limitation**

"Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

**"Article V—Licenses and Permits**

"Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

**"Article VI—Liability**

"Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

**"Article VII—Supplementary Agreements**

"Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

**"Article VIII—Workers' Compensation and Death Benefits**

"Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

**"Article IX—Reimbursement**

"Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

**"Article X—Evacuation**

"Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

**"Article XI—Implementation**

"(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

"(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

"(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

**"Article XII—Severability**

"This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

**"Article XIII—Consistency of Language**

"The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

**"Article XIV—Amendment**

"This compact may be amended by agreement of the party jurisdictions.".

**SEC. 2. INCONSISTENCY OF LANGUAGE.**

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

**SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this Act is hereby expressly reserved.

## ADDITIONAL COSPONSORS

### S. 61

At the request of Mr. DEWINE, the names of the Senator from Missouri (Mr. ASHCROFT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

### S. 522

At the request of Mr. LAUTENBERG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 522, a bill to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

### S. 693

At the request of Mr. HELMS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

### S. 922

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 922, a bill to prohibit the use of the "Made in the USA" label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment.

### S. 1351

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

S. 1399

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1399, a bill to amend title 38, United States Code, to provide that pay adjustments for nurses and certain other health-care professionals employed by the Department of Veterans Affairs shall be made in the manner applicable to Federal employees generally and to revise the authority for the Secretary of Veterans Affairs to make further locality pay adjustments for those professionals.

S. 1438

At the request of Mr. CAMPBELL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1438, a bill to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1538

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1538, a bill to amend the Communications Act of 1934 to clarify State and local authority to regulate the placement, construction, and modification of broadcast transmission and telecommunications facilities, and for other purposes.

S. 1608

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 1608, a bill to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 1805, supra.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2505

At the request of Mr. JEFFORDS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2505, a bill to amend title X VIII of the Social Security Act to provide increased assess to health care for medical beneficiaries through telemedicine.

S. 2686

At the request of Mr. CONCRAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2709

At the request of Mr. BAUCUS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2726

At the request of Mr. HELMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2781

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2802

At the request of Mr. WELLSTONE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2802, a bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions.

S. 2868

At the request of Mr. FRIST, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Maine (Ms. COLLINS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

S. 2936

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 2957

At the request of Mr. Roth, the name of the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2957, a bill to amend title XVIII of the Social Security Act to preserve coverage of drugs and biologicals under part B of the medicare program.

S. 2986

At the request of Mr. Hutchinson, the name of the Senator from Vermont (Mr. Jeffords) was added as a cosponsor of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. Hutchinson, the name of the Senator from Wyoming (Mr. Thomas) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3016

At the request of Mr. Roth, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3017

At the request of Mr. Roth, the name of the Senator from Washington (Mr. Gorton) was added as a cosponsor of S. 3017, a bill to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. Grams, the names of the Senator from Pennsylvania (Mr. Specter) and the Senator from North Dakota (Mr. Conrad) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3054

At the request of Mr. Lugar, the name of the Senator from North Dakota (Mr. Conrad) was added as a cosponsor of S. 3054, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children.

S. 3055

At the request of Mr. Johnson, the name of the Senator from Arkansas (Mrs. Lincoln) was added as a cosponsor of S. 3055, a bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the medicare program.

S. CON. RES. 135

At the request of Mr. Jeffords, the names of the Senator from Alabama (Mr. Sessions) and the Senator from Kansas (Mr. Brownback) were added as cosponsors of S. Con. Res. 135, a concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975

S.J. RES. 30

At the request of Mr. Kennedy, the name of the Senator from Georgia (Mr. Cleland) was added as a cosponsor of S.J. Res. 30, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 304

At the request of Mr. Biden, the names of the Senator from West Virginia (Mr. Byrd) and the Senator from Arkansas (Mrs. Lincoln) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

S. RES. 339

At the request of Mr. Abraham, his name was added as a cosponsor of S. Res. 339, supra.

At the request of Mr. Reid, the names of the Senator from Louisiana (Mr. Breaux), the Senator from Georgia (Mr. Cleland), the Senator from Wisconsin (Mr. Feingold), the Senator from Hawaii (Mr. Inouye), the Senator from South Dakota (Mr. Johnson), the Senator from Georgia (Mr. Miller), the Senator from Washington (Mrs. Murray), the Senator from New Jersey (Mr. Torricelli), and the Senator from Minnesota (Mr. Wellstone) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

## SENATE CONCURRENT RESOLUTION 136—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF BRINGING TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS TO THE WORLD BANK AND ITS PROGRAMS AND PROJECTS

Mr. CRAPO (for himself and Mr. Enzi) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 136

Whereas the United States is the single largest shareholder of the International Bank for Reconstruction and Development and the International Development Association (in this concurrent resolution referred to as the "World Bank");

Whereas recent reports by the General Accounting Office and others raise serious questions about management at the World Bank, corruption involving World Bank programs and projects, and the lack of effectiveness of World Bank programs and projects;

Whereas the estimated failure rate of World Bank programs and projects based on the World Bank's data is greater than 50 percent, as determined at the time of the final loan disbursement, and the estimated failure rate rises to 65 to 70 percent in the most impoverished nations;

Whereas the United States has an obligation to the American people to ensure that the hard-earned dollars they pay in taxes to the Federal Government are, when made available to the World Bank, being spent efficiently and as they were intended to be spent;

Whereas the United States has a duty to ensure that the policies and practices of the World Bank are consistent with the laws and objectives of the United States; and

Whereas the World Bank will continue to seek financial contributions from the United States to fund its programs and projects: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. SENSE OF CONGRESS ON INDEPENDENT PERFORMANCE AUDITS AND EVALUATIONS OF WORLD BANK PROGRAMS AND PROJECTS.**

(a) In General.—It is the sense of Congress that—

(1) the World Bank should publicly commit to execute within one year performance audits and a complete performance evaluation of the effectiveness of its programs and projects by independent private sector firms;

(2) the individual program and project audits and the complete performance evaluation conducted by the World Bank should be published and meet the requirements of subsection (b);

(3) the audits and complete performance evaluation of the programs and projects, together with the General Accounting Office review of these audits and evaluations, would help bring necessary transparency, accountability, and effectiveness to the World Bank and its programs and projects; and

(4) the health and well-being of people around the world would be aided by the World Bank's efforts to ensure that its resources are properly and appropriately directed to those truly in need.

(b) Requirements.—The requirements referred to in subsection (a)(2) are the following:

(1) One-third of the number of the World Bank's programs and projects should be audited at the location of the program or project between four and six years after the final disbursement of World Bank funds with respect to those programs and projects.

(2) Audited programs and projects should be representative, by sector and recipient country, of the World Bank's programs and projects.

(3) Results of the individual program and project audits should be compiled into a complete performance evaluation that examines whether the funds loaned by the World Bank are used in a manner that complies with the conditions of the loans and analyzes the direct and indirect costs and benefits of each program or project audited.

(4) The individual program and project audits and the complete performance evaluation of programs and projects should be performed every 3 years and should examine those programs and projects that have been completed since the submission of the last evaluation.

(5) Not later than six months after the date of completion of the complete performance evaluation, the General Accounting Office should have complete and unfettered access to the auditors, the individual program and project audits, and the complete performance evaluation and should review and report to Congress on the results and methodologies of the audits and the evaluation, the independence and competence of the auditors, and the appropriateness, thoroughness, and quality of the audit and evaluation procedures.

Mr. CRAPO. Mr. President, I rise today to introduce a resolution that expresses Congress' views on the importance of bringing transparency, accountability, and effectiveness to the World Bank. A necessary step towards achieving these worthwhile objectives is getting the World Bank to carefully and properly examine current programs and projects. The resolution I am introducing today calls for the World Bank to commit to independent performance audits and evaluations of its programs and projects. It outlines some of the steps the World Bank must take to begin a much-needed overhaul.

I share the objectives of the World Bank in reducing poverty in developing countries and bolstering their economies. The World Bank seeks a "World Free of Poverty," and we can all recognize this as a good aim. We live in a global society and all have a role in improving the health and well-being of people living in all parts of the world.

With this said, I fear that the U.S. is sending its taxpayers' hard-earned dollars to the World Bank with little to show for it. Collectively, U.S. taxpayers represent the single largest contributor of financial resources to the World Bank. Recent reports by the General Accounting Office, the congressionally-mandated and bipartisan International Financial Institution Advisory Commission as well as the testimony of experts testifying before a hearing I held this summer in the Senate Banking Subcommittee on International Trade and Finance, all agree on one thing—we can't even tell with a reasonable level of certainty that funds the World Bank spends on its programs and projects are spent efficiently and as intended to be spent.

Additionally, right now Congress is being asked to pony up money for bilateral debt relief to the Highly Indebted Poor Countries (HIPC) and as a contribution to the HIPC Initiative for mulilateral debt relief to these poor countries. This allows the multilateral financial institutions to forgive debts and make debt service payments that they are owed by the HIPCs. In part, HIPC Trust Fund monies are used to reimburse the World Bank for debt relief it provides to the HIPCs. We don't want to be sending good money after bad. We don't want to support failed lending and program practices of any international institutions because that would be money wasted. If Congress is to continue supporting the HIPC Initiative, we need to send a message that we want change.

This is why it is essential that Congress take a stand for our taxpayers who contribute so much money and a stand for the people around the globe who the Bank's programs and projects are designed to benefit.

Adopting this resolution makes this statement. It asks the World Bank to carefully examine its current activities and the way it conducts business. The resolution calls for the World Bank to publicly commit to having an independent third party with no vested interest in the outcome, conduct a thorough review of the Bank's programs and projects through performance audits and a complete performance evaluation that is made public.

A complete and open examination of the Bank's practices, its successes and failures, is a win-win for everyone. It's a win for the Bank who will know whether its programs are best targeted to achieve its mission of 'A World Free of Poverty," a win for member countries who will know whether their monies are being spent as intended, and most importantly, a win for people worldwide whose health and well-being the Bank strives to improve.

I hope my colleagues will join me in supporting this measure.

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## SENATE CONCURRENT RESOLUTION 137—RECOGNIZING, APPRECIATING, AND REMEMBERING WITH DIGNITY AND RESPECT THE NATIVE AMERICAN MEN AND WOMEN WHO HAVE SERVED THE UNITED STATES IN MILITARY SERVICE

Mr. LEVIN submitted the following concurrent resolution; which was referred to the Committee on Indian Affairs:

S. CON. RES. 137

Whereas it is necessary to recognize, appreciate, assist, and remember the Native American men and women who have served the United States in military service;

Whereas Native American men and women have served the United States armed forces in every military campaign since the American Revolutionary War;

Whereas some tribes, notably the Ottawa Nation, sent a special company of warriors to serve in the Civil War with the Michigan Sharpshooters and the Ottawa Warriors of Company K were highly decorated for their brave actions in that military action;

Whereas some tribes, notably the Ottawa Nation, sent their finest warriors to serve in the Spanish American War and one of their warriors distinguished himself in the calvary with Teddy Roosevelt on San Juan Hill;

Whereas some tribes, notably Ottawa, Chippewa, and Potawatomi answered the warrior call from within and served in great numbers in World War I even though they were not accepted as citizens of this country at that time;

Whereas the Navajo Code Talkers as well as other tribes, including the Ottawa and Chippewa, used their sacred languages to assist our country in World War II;

Whereas these sacred languages were also used to assist the United States efforts in the Korean war and the Vietnam conflict during which Native American veterans distinguished themselves with their bravery;

Whereas Native American veterans served in operations Desert Storm and Desert Shield; and

Whereas Native Americans have served in the United States military in numbers that far exceed their representation in the United States population: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress recognizes, appreciates, and remembers with dignity and respect the service to the United States of Native American veterans.

Mr. LEVIN. Mr. President, today I am pleased to submit a concurrent resolution along with Representative BART STUPAK which recognizes the Native American men and women who have served in the United States military.

This resolution recognizes the contributions of Native Americans in the United States Military service which are indeed impressive. Native Americans have served in the United States military since the American Revolution. During the Civil War, there were 3 Confederate units and 1 Union unit primarily made up of Native Americans from the Oklahoma tribes. Many Native Americans fought in the Spanish American War. In fact, one warrior from Michigan, Jonas Shawandase, fought bravely with Teddy Roosevelt on San Juan Hill.

In World War I, many Native Americans were so eager to join that they went to Canada to enlist before the United States entered the war. 6,000 of the more than 8,000 who served during this war were volunteers. This tremendous act of patriotism persuaded Congress to pass the Indian Citizenship Act in 1924. During World War II, 25,000 Native American men and women fought on all fronts in Europe and Asia, receiving more than 71 Air Medals, 51 Silver Stars, 47 Bronze Stars, 34 Distinguished Flying Crosses and two Congressional Medals of Honor. In fact Ira Hayes, a Pima Indian, was one of the men to raise the flag on Iwo Jima.

In the Vietnam War more than 41,500 Native Americans served in the United States Armed Forces. Of those, 90% were volunteers, giving Native Americans the highest record of service of any ethnic group in the country. In 1990, prior to Operation Desert Storm, some 24,000 Native American men and women were in the military. Approximately 3,000 served in the Persian Gulf. One of every four Native American males is a military veteran.

Native Americans in Michigan have told me that veterans are greatly respected in Native American societies and this honor is nowhere more apparent than at powwows. At a powwow celebration, the veterans are given the honor of carrying the flag and are the first to enter the powwow circle.

This resolution recognizes those Native Americans who with dignity served in the U.S. military. We note today their service to this country and honor Native Americans for their military contributions.

## AMENDMENTS SUBMITTED

### STEM CELL RESEARCH ACT OF 2000

### BROWNBACK AMENDMENTS NOS. 4140–4153

(Ordered referred to the Committee on Health, Education, Labor, and Pensions.)

Mr. BROWNBACK submitted fourteen amendments intended to be proposed by him to the bill, H.R. 2015, to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

AMENDMENT NO. 4140

At the appropriate place, insert the following:

**SEC. . PROHIBITION ON MIXING HUMAN AND ANIMAL GAMETES.**

(a) DEFINITIONS.—In this section:

(1) GAMETE.—The term "gamete" means a haploid germ cell that is an egg or a sperm.

(2) SOMATIC CELL.—The term "somatic cell" means a diploid cell whose nucleus contains the full set of chromosomes of a human or an animal.

(b) PROHIBITION.—It shall be unlawful for any person to knowingly attempt to create a human/animal hybrid by—

(1) combining a human gamete and an animal gamete; or

(2) conducting nuclear transfer cloning using a human egg or a human somatic cell nucleus.

(c) SANCTIONS.—

(1) IN GENERAL.—Any person who violates subsection (b) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 10 years, or both.

(2) CIVIL PENALTIES.—The Secretary of Health and Human Services shall promulgate regulations providing for the application of civil penalties to persons who violate subsection (b).

AMENDMENT NO. 4141

On page 1, line 4, strike "This".

AMENDMENT NO. 4142

On page 1, line 4, strike "Act".

AMENDMENT NO. 4143

On page 1, line 4, strike "may".

AMENDMENT NO. 4144

On page 1, line 4, strike "be".

AMENDMENT NO. 4145

On page 1, line 4, strike "cited".

AMENDMENT NO. 4146

On page 1, line 4, strike "as".

AMENDMENT NO. 4147

On page 1, line 4, strike "the".

AMENDMENT NO. 4148

On page 1, line 4, strike "Stem".

AMENDMENT NO. 4149

On page 1, line 4, strike "Cell".

AMENDMENT NO. 4150

On page 1, line 4, strike "Research".

AMENDMENT NO. 4151

On page 1, line 5, strike "Act".

AMENDMENT NO. 4152

On page 1, line 5, strike "of".

AMENDMENT NO. 4153

On page 1, line 5, strike "2000".

## NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will meet on September 20, 2000 in SR–328A at 9:00 a.m. The purpose of this hearing will be to review how our food safety system should address microbial contamination.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing scheduled for Wednesday, September 20, 2000, at 10:00 a.m. before the Committee on Energy and Natural Resources has been rescheduled for Tuesday, September 26, 2000, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the current outlook for supply of heating and transportation fuels this winter.

For further information, please call Dan Kish at (202) 224–8276 or Jo Meuse (202) 224–4756.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 20, 2000 at 2:00 p.m. in room 485 of the Russell Senate Building to conduct a business meeting to markup S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 1840, the California Indian Land Transfer Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2665, To establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; S. 2580, the Indian School Construction Act; and S. 3031, technical amendments.

SUBCOMMITTEE ON FORESTRY, CONSERVATION AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation, and Rural Revitalization will meet on September 21, 2000 in SR–328A at 3:00 p.m. The purpose of this hearing will be to review the Trade Injury Compensation Act of 2000.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, September 26, 2000 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

S. 3039, a bill to authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, and for other purposes, has been added to the agenda.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, September 19, 2000, at 9:30 a.m., in open session to receive testimony on U.S. policy toward Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 19, 2000 to mark up H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000 and H.R. 2868, the Tariff Suspension and Trade Act of 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, September 19, 2000, at 9:30 a.m. for a hearing to consider the nomination of George Omas to be a Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services be authorized to meet during the session of the Senate on Tuesday, September 19, 2000, at 10:00 a.m. for a hearing on "The State of Foreign Language Capabilities in the Federal Government—Part II".

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 19 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on H.R. 3577, a bill to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, a bill to authorize the Secretary of the Interior to enter into contracts the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, a bill to extend the deadline for commencement of construction of certain hydroelectric project in the State of West Virginia; S. 2951, a bill to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River; and S. 3022, a bill to direct the Secretary of the Interior to convey certain irrigation facilities to the Mampa and Meridian Irrigation District.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. CLELAND. On behalf of Senator FEINSTEIN, I ask unanimous consent Howard Krawitz, a legislative fellow in her office, be granted the privilege of the floor during consideration of H.R. 4444 and any votes thereon.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Marianne Clark of my staff be permitted floor privileges during the pendency of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ FOR THE FIRST TIME—S. 3068

Mr. WELLSTONE. Mr. President, I understand S. 3068 introduced earlier today by Senator KENNEDY and others is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

> A bill (S. 3068) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

Mr. WELLSTONE. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## MEASURE READ THE FIRST TIME—H.R. 5173

Mr. BENNETT. Mr. President, I understand that H.R. 5173 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 5173) to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

Mr. BENNETT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, SEPTEMBER 20, 2000

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, September 20. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator GRAMM of Texas for 30 minutes, Senator GRAHAM of Florida for 10 minutes, Senator SESSIONS for 30 minutes, Senator DORGAN for 20 minutes, and Senator DURBIN for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BENNETT. When the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume debate on the conference report to accompany the legislative branch appropriations bill. Under the previous order, there are approximately 4 hours remaining for debate. Therefore, I expect that the vote will occur at 3:30 p.m. tomorrow on adoption of the conference report to accompany H.R. 4516.

Following the 3:30 p.m. vote, it is hoped that the Senate can begin consideration of the Water Resources Development Act under a consent agreement. Therefore, Senators can expect votes throughout tomorrow afternoon's session of the Senate.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Wednesday, September 20, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 19, 2000:

### DEPARTMENT OF VETERANS AFFAIRS

EDWARD FRANCIS MEAGHER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (INFORMATION TECHNOLOGY), VICE DAVID E. LEWIS, RESIGNED.

### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

*To be rear admiral (lower half)*

CAPT. CHARLES D. WURSTER, 3540
CAPT. THOMAS H. GILMOUR, 0516
CAPT. ROBERT F. DUNCAN, 3843
CAPT. RICHARD E. BENNIS, 6591
CAPT. JEFFREY J. HATHAWAY, 9612
CAPT. KEVIN J. ELDRIDGE, 5421

# HOUSE OF REPRESENTATIVES—*Tuesday, September 19, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 19, 2000.*

I hereby appoint the Honorable PAUL RYAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 358

Whereas Murray Zweben served the Senate with honor and distinction as its third Parliamentarian from 1974 to 1981;

Whereas Murray Zweben was Assistant Senate Parliamentarian from 1963 to 1974;

Whereas Murray Zweben served the Senate for more than 20 years;

Whereas Murray Zweben performed his Senate duties in an impartial and professional manner;

Whereas Murray Zweben was honored by the Senate with the title Parliamentarian Emeritus; and

Whereas Murray Zweben served his country as an officer in the United States Navy from 1953 to 1956: Now, therefore, be it

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Murray Zweben, Parliamentarian Emeritus of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Murray Zweben.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 940. An act to designate the Lackawanna Valley National Heritage Area, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2247. An act to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes.

The message also announced that pursuant to Public Law 106-181, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the National Commission to Ensure Consumer Information and Choice in the Airline Industry:

Ann B. Mitchell, of Mississippi.
Joyce Rogge, of New York.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall continue beyond 9:50 a.m.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 5 minutes.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to Senator DANIEL PATRICK MOYNIHAN. On behalf of my colleagues, JIMMY WALSH and other Members of the New York delegation, I welcome Mrs. Moynihan, Elizabeth Moynihan, who is with us in the gallery, and Senator MOYNIHAN.

He is one of our truly inspiring legislators. He has been a scholar, a legislator, an ambassador, a cabinet officer, a presidential adviser in four administrations, a witness, a teacher, a writer, and one of the best Senators ever to grace the Halls of this institution.

He is unmatched in his ability to craft innovative solutions to society's most pressing problems, from welfare to Social Security, to transportation, to taxes. His legislative stamp is everywhere. Known as, and I quote the Almanac of American Politics, "the Nation's best thinker among politicians since Lincoln, and its best politician among thinkers since Jefferson," Senator MOYNIHAN has moved people through the power of his ideas. He is a unique figure in public life, a man of pure intellect who is unafraid of speaking inconvenient truths.

Senator MOYNIHAN's life exemplifies the American dream. He grew up in a slum known as Hell's Kitchen. Abandoned by his father, his mother became the sole supporter of the family during the Depression. Small wonder that Senator MOYNIHAN grew up to be a strong voice on welfare issues.

He recognized the danger of fostering a culture of dependency while understanding the importance of maintaining a strong safety net. He has proved to be one of the most accurate prophets of our era. Time after time, he has correctly predicted future consequences, even though many refused to believe him when his prediction ran counter to conventional wisdom.

In the 1960s, he expressed concern about the disintegration of the African American family. In the 1980s, he predicted the coming collapse of the Soviet Union. In the 1990's, he expressed concern about the tendency of our society to define deviancy down. Antisocial behavior, he warns, is tolerated at our peril.

For New Yorkers, Senator MOYNIHAN has always been one of our homegrown heroes, our proud gift to the Nation. Despite his reputation for attention to the more scholarly pursuits, he authored 18 books. Senator MOYNIHAN has never forgotten those of us who elected him. He is a hero to landmark preservationists for his effort to preserve the Custom House and the Farley Post Office, the new train station on the Farley site he helped plan and is continuing to fund, but it does not have a name yet. I believe it should be named for DANIEL PATRICK MOYNIHAN.

When the Coast Guard left Governors Island, he persuaded President Clinton to agree to give the island to New York for a dollar. I am hopeful that in the last days of this Congress, we will be able to make that pledge a reality.

As ambassador to the United Nations, he denounced the resolution equating Zionism with racism. Seventeen years later, the U.N. reversed itself, revoking this shameful resolution. Senator MOYNIHAN was a prime mover behind ISTEA, which changed the way highway and transportation funds are distributed. He is widely credited with shifting transportation priorities and making it possible for us to invest in alternatives like high speed rail. As a member of the Senate Finance Committee, he has been a guardian of Social Security; and most recently, he has focused his attention on the importance of opening up government filings and reducing secrecy in government.

I was proud to have worked with him on the passage of the Nazi War Crimes Disclosure bill. After 50 years, Americans finally are beginning to get a glimpse of the things that our government knew. Senator MOYNIHAN has also worked tirelessly on getting an accurate census for our country.

Senator MOYNIHAN's absence will make the Senate a poorer place. I am hopeful that he will remain in the public eye as a strong voice of public conscience. We need him and we will miss him, and my colleagues are here to join me in paying tribute to the great Senator from the great State of New York, Senator DANIEL PATRICK MOYNIHAN, a true American treasure.

Mr. Speaker, I will place into the RECORD his biography and a list of his speeches. I also will place editorials and tributes that have appeared recently in the papers of our country, applauding the work and contributions of the great Senator from New York.

### DANIEL PATRICK MOYNIHAN

Daniel Patrick Moynihan is the senior United States Senator from New York. First elected in 1976, Sen. Moynihan was re-elected in 1982, 1988, and 1994.

Sen. Moynihan is the Ranking Minority Member of the Senate Committee on Finance. He serves on the Senate Committee on Environment and Public Works and the Senate Committee on Rules and Administration. He also is a member of the Joint Committee on Taxation and the Joint Committee on the Library of Congress.

A member of the Cabinet or sub-Cabinet of Presidents Kennedy, Johnson, Nixon and Ford, Sen. Moynihan is the only person in American history to serve in four successive administrations. He was U.S. Ambassador to India from 1973 to 1975 and U.S. Representative to the United Nations from 1975 to 1976. In February 1976 he represented the United States as President of the United Nations Security Council.

Sen. Moynihan was born on March 17, 1927. He attended pubic and parochial schools in New York City and graduated from Benjamin Franklin High School in East Harlem. He went on to attend the City College of New York for one year before enlisting in the United States Navy. He served on active duty from 1944 to 1947. In 1966, he completed twenty years in the Naval Reserve and was retired. Sen. Moynihan earned his bachelor's degree (cum laude) from Tufts University, studied at the London School of Economics as a Fulbright Scholar, and received his M.A. and Ph.D. from Tufts University's Fletcher School of Law and Diplomacy.

Sen. Moynihan was a member of Averell Harriman's gubernatorial campaign staff in 1954 and then served on Gov. Harriman's staff in Albany until 1958. He was an alternate Kennedy delegate at the 1960 Democratic Convention. Beginning in 1961, he served in the U.S. Department of Labor as an assistant to the Secretary, and later as Assistant Secretary of Labor for Policy Planning and Research.

In 1966, Sen. Moynihan became Director of the Joint Center for Urban Studies at Harvard University and the Massachusetts Institute of Technology. He has been a Professor of Government at Harvard University, Assistant Professor of Government at Syracuse University, a fellow at the Center for Advanced Studies at Wesleyan University, and has taught in the extension programs of Russell Sage College and the Cornell University School of Industrial and Labor Relations. Sen. Moynihan is the recipient of 62 honorary degrees.

Sen. Moynihan is the author or editor of 18 books. He most recent work is Secrecy: The American Experience, published in the fall of 1998, an expansion of the report by the Commission on Protecting and Reducing Government Secrecy. Sen. Moyniahn, as Chairman of the Commission, led the first comprehensive review in forty years of the Federal Government's system of classifying and declassifying information and granting clearances.

Since 1976 Sen. Moynihan has published an analysis of the flow of funds between the Federal Government and New York State. In 1992 the analysis became a joint publication with the Taubman Center for State and Local Government at Harvard University, and includes all fifty states.

Sen. Moynihan is a fellow of the American Association for the Advancement of Science (AAAS). He was Chairman of the AAAS's section on Social, Economic and Political Science (1971–72) and a member of the Board of Directors (1972–73). He also served as a member of the President's Science Advisory Committee (1971–73). Sen. Moynihan was Vice Chairman (1971–76) of the Woodrow Wilson International Center for Scholars. He served on the National Commission on Social Security Reform (1982–83) whose recommendations formed the basis of legislation to assure the system's fiscal stability.

He was the founding Chairman of the Board of Trustees of the Hirshhorn Museum and Sculpture Garden (1971–85) and serves as Regent of the Smithsonian Institution, having been appointed in 1987 and again in 1995. In 1985, the Smithsonian awarded him its Joseph Henry Medal.

In 1965, Sen. Moynihan received the Arthur S. Flemming Awards, which recognizes outstanding young Federal employees, for his work as "an architect of the Nation's program to eradicate poverty." He has also received the International League of Human Rights Award (1975) and the John LaFarge Award for Interracial Justice (1980). In 1983, he was the first recipient of the American Political Science Association's Hubert H. Humphrey Award for "notable public service by a political scientist." In 1984, Sen. Moynihan received the State University of New York at Albany's Medallion of the University in recognition of his "extraordinary public service and leadership in the field for education." In 1986, he received the Seal Medallion of the Central Intelligence Agency and the Britannica Medal for the Dissemination of Learning.

He has also received the Laetare Medal of the University of Notre Dame (1992), the Thomas Jefferson Award for Public Architecture from the American Institute of Architects (1992), and the Thomas Jefferson Medal for Distinguished Achievement in the Arts or Humanities from the American Philosophical Society (1993). In 1994, he received the Gold Medal Award "honoring services to humanity" from the National Institute of Social Sciences. In 1997, the College of Physicians and Surgeons at Columbia University awarded Sen. Moynihan the Cartwright Prize. He was the 1998 recipient of the Heinz Award in Public Policy "for having been a distinct and unique voice in the century—independent in his convictions, a scholar, teacher, statesman and politician, skilled in the art of the possible."

Elizabeth Brennan Moynihan, his wife of 44 years, is an architectural historian with a special interest in 16th century Mughal architecture in India. She is the author of Paradise as a Garden: In Persia and Mughal India (1979) and numerous articles. Mrs. Moynihan is a former Chairman of the Board of the American Schools of Oriental Research. She serves as a member of the Indo-U.S. Subcommission on Education and Culture, and the visiting committee of the Freer Gallery of Art at the Smithsonian Institution. She is Vice Chair of the Board of the National Building Museum, and on the Trustees Council of the Preservation League of New York State.

### PERSONAL

Born March 16, 1927, Tulsa, OK.

Three children, Timothy Patrick, Maura Russell, and John McCloskey; two grandchildren.

Reside in Washington, D.C. on Pennsylvania Avenue and near Pindars Corners in Delaware County, Davenport, NY.

### PUBLIC SERVICE

Office of the Governor of the State of New York, W. Averell Harriman, Albany, NY, 1955–58 Speech writer, Assistant to Secretary Jonathan Bingham; Assistant Secretary for Reports, 1956; Acting Secretary, 1958.

Special Assistant to the Secretary of Labor, Washington, DC, 1961–62.

Executive Assistant to the Secretary of Labor, Washington, DC, 1962–63.

Assistant Secretary of Labor for Policy Planning and Research, Washington, DC, 1963–65.

Assistant to the President for Urban Affairs, Washington, DC, 1969–70.

Counselor to the President, Washington, DC, 1969–70.

Consultant to the President, Washington, DC, 1971–73.

Member, United States delegation to the Twenty-Sixth General Assembly of the United Nations, United Nations, 1971.

U.S. Ambassador to India, New Delhi, India, 1973–75.

Permanent Representative to the United Nations, New York, NY, 1975–76.

### ELECTED OFFICE

Candidate for New York City Council President, 1965.

U.S. Senator from New York, 1977–

Chairman, Committee on Finance, 1993–1994

Chairman, Committee on Environment and Public Works, 1992

### U.S. SENATE COMMITTEES

Committee on Finance, Ranking Minority Member.

Subcommittees: International Trade, Social Security and Family Policy; and Taxation and IRS Oversight.

Committee on Environment and Public Works, second ranking minority member.

Subcommittees: Superfund, Waste Control, and Risk Assessment; and Transportation and Infrastructure.

Committee on Rules an Administration.

Joint Committee on the Library.

Joint Committee on Taxation.

Committee on Foreign Relations, 1987–95.

Committee on the Budget, 1977, 1979–86.

Committee on Commerce, 1977.

Select Committee on Intelligence 1977–85, Vice Chairman, 1981–85.

### LEGISLATIVE ACHIEVEMENTS

*West Valley Demonstration Project Act of 1980*

Sponsor. Authorized U.S. Department of Energy to clean up and remove 600,000 gallons of nuclear wastes stored at West Valley, NY. Commits Federal government to convert liquid wastes into a solid glass-like logs to be transported to a permanent and secure Federal repository.

*The Acid Precipitation Act (Became Title VII of the Energy Security Act of 1980)*

First federal legislation addressing the problem of acid rain. Established a ten year program for research on the causes and effects of acid rain and possible control strategies. Ultimately the Federal government's largest scientific study outside NASA.

*Clear Air Act Reauthorization of 1982*

Mandated an eight million ton reduction in annual sulfur dioxide emission in the eastern U.S. by January 1, 1995.

*Social Security Act Amendments of 1983 (Greenspan Commission)*

Chief Democratic sponsor of amendments guaranteeing solvency of the Social Security system well into the 21st century.

*Water Resources Development Act of 1986*

Authorized $1.1 billion for 33 New York water projects. Obtained funding for the Erie Canal, Olcott Harbor, and Coney Island.

*Superfund Reauthorization Act of 1985*

Principal cosponsor. Provided $8.5 billion over five years to clean up toxic waste.

*Tax Reform Act of 1986*

One of the law's six principal drafters. Successfully opposed attempts to eliminate the deduction for state and local income and property taxes. Took millions of working poor off tax rolls, lowered tax rates and closed tax shelters and other loopholes.

*Family Support Act of 1988*

Author. Began process of transforming the Aid to Families with Dependent Children (AFDC) program from an income security program to one which helps individuals secure employment.

*Clean Air Act Amendments of 1990*

Original cosponsor. First revision of the Clean Air Act since 1977. The acid rain control provisions built upon the first Federal legislation on acid rain: Moynihan's Acid Precipitation Act of 1980 (see above).

*Intermodeal Surface Transportation Efficiency Act of 1991 (ISTEA)*

Chief author and sponsor of landmark legislation, known commonly as ISTEA, which redirected Federal surface transportation policy to include more spending for non highway-related projects. Greatly increased the amount of Federal Highway Trust Fund money to New York State which received $12 billion in highway and transit funds over six years and will be reimbursed $5 billion for the New York State Thruway over 15 years.

*Omnibus Budget Reconciliation Act of 1993*

Led efforts to get the first Clinton budget through the Finance Committee and the full Senate resulting in historic deficit reduction and uninterrupted economic growth.

*Social Security Domestic Employment Act of 1993 ("Nanny Tax")*

Simplified requirements regarding the payment of Social Security taxes due on wages paid to domestic employees.

*Social Security Administration as an independent agency (1994)*

Author of bill to make the Social Security Administration independent from the Department of Health and Human Services (HHS) to restore public confidence, improve accountability and insulate the SSA from undue political pressure.

*Pennsylvania Station redevelopment*

Leader of the redevelopment of Penn Station in Manhattan in the James A. Farley Postal Building. Secured $315 million in Federal, State, and private funds; established the Pennsylvania Station Redevelopment Corp. to oversee completion.

*1994 Crime Bill—Ban on "Cop-Killer" bullets*

Introduced and received Senate passage of legislation to protect police officers from a new class of armor-piercing ammunition. The bill extends the 1986 Law Enforcement Officers Protection Act, also sponsored by Sen. Moynihan, to prohibit this new type of "cop-killer" bullet.

*Jerusalem Embassy Act of 1995*

Principal sponsor with Senator Robert J. Dole of bill to recognize Jerusalem as the Capital of the State of Israel and to require the U.S. Embassy move from Tel Aviv to Jerusalem by 1999.

*Ronald Reagan Building and International Trade Center Act of 1995*

Sponsor. Named the newest (and last) Federal Triangle building after the former President. The Federal Triangle's completion marks the end of the redevelopment of Pennsylvania Avenue, a personal goal since the Kennedy Administration.

*Taxpayers Relief Act of 1997*

Repealed the cap on issuance of section 501 (c)(3) bonds for universities, colleges, and non-hospital health facilities.

*Government Secrecy Act of 1997*

Introduced with Senator Jesse Helms legislation recommended by the Commission on Protecting and Reducing Government Secrecy (of which Senator Moynihan chaired) to establish principles on which Federal classification and declassification programs are to be based.

*Social Security Solvency Act of 1998*

Introduced with Senator J. Robert Kerrey legislation to save Social Security by reducing payroll taxes by almost $800 billion and returning to a pay-as-you go system. Also requires benefit increases to accurately reflect the cost of living and gradually phase in an increase in the retirement age. Beginning in 2001 the bill would permit voluntary personal savings accounts, which workers could finance with the proceeds of the 2% cut in the payroll tax. And beginning in 2003, retires could continue to collect benefits regardless of how much they earn.

TEACHING AND ACADEMIC POSITIONS

Assistant in Government, Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, 1949–50.

Lecture, Russell Sage College, Troy, NY, 1957–58.

Lecture, NYS School of Industrial Relations, Cornell University, Ithaca, NY, 1959.

Assistant Professor of Political Science, Maxwell Graduate School of Citizenship and Public Affairs, Syracuse University, Syracuse, NY, 1960–61.

Fellow, Center for Advanced Studies, Wesleyan University, Middletown, CT, 1965–66.

Director, Joint Center for Urbana Studies, MIT and Harvard University, Cambridge, MA, 1966–1969.

Professor of Education and Urbana Studies, MIT and Harvard University, Cambridge, MA, 1969–73.

Professor of Government, Harvard University, Cambridge, MA, 1973–77.

COURSES TAUGHT

*Harvard University*

*1971–72*

Administration and Social Policy x-154. Social Science and Social Policy—A review of the rise of social science influence in the formulation of social policy with respect to predominantly non-economic issues. Changing perceptions of the political orientation of social science findings. Class work concentrated on case studies drawn from recent American experience

Administration and Social Policy x-227. Federal Policy Toward Higher Education—This seminar considered the emergency of Federal policy toward higher education in the context of historical programs and the social policies which they reflect, in order to define the choices implicit in the adoption of a formal national policy.

Administration and Social Policy x-256. Social Science and Education Policy—An exploration of recent and prospective influences on educational policies of social science theory and research. Included consideration of the policy making processes within the educational system and various modes of responses to social science findings.

*1972–73*

Government 251. Ethnicity in American Politics—An historical inquiry into the role of ethnic group identity as an organizing factor in American politics.

*1976–77*

Social Science 115. Social Science and Social Policy—And examination of the influence of various social science disciplines on the formulation of social policy.

*1976–77*

Government 216. Ethnicity in Politics—An historical and theoretical enquiry into the role of ethnicity as an organizing principle in modern politics.

FELLOWSHIPS

1969—Honorary Fellow, London School of Economics and Political Science.

1971—Fellow, American Association for the Advancement of Science.

1976—Chubb Fellow, Yale University.

LECTURESHIPS

1985—Feingold Lecturer, Columbia University, New York, NY.

1985—Feinstone Lecturer, U.S. Military Academy, West Point, NY.

1986—Godkin Lecturer, Harvard University, Cambridge, MA.

1986—Marnold Lecturer, New York University, New York. NY.

1987—Gannon Lecturer, Fordham University, Bronx, NY.

1991—Cyril Foster Lecturer, Oxford University, Oxford, England.

HONORARY DEGREES

LL.D. LaSalle College, 1966.
LL.D. Seton Hall College, 1966.
D.P.A. Providence College, 1967.
D.H.L. University of Akron, 1967.
LL.D. Catholic University, 1968.
D.S.W. Dusquesne University, 1968.
D.H.L. Hamilton College, 1968.
LL.D. Illinois Institute of Technology, 1968.
LL.D. New School for Social Research, 1968.
LL.D. St. Louis University, 1968.
LL.D. Tufts University, 1968.
D.S.S. Villanova University, 1968.
LL.D. University of California, 1969.
LL.D. University of Notre Dame, 1969.
LL.D. Fordham University, 1970.
H.H.D. Bridgewater State College, 1972.
D.S. Michigan Technological University, 1972.
L.L.D. St. Bonaventure University, 1972.
LL.D. Indiana University, 1975.
LL.D. Boston College, 1976.
Ph.D. Hebrew University, 1976.
LL.D. Hofstra University, 1976.
LL.D. Ohio State University, 1976.
LL.D. St. Anselm's College, 1976.
D.H.L. Baruch College, 1977.
LL.D. Canisius College, 1977.
D.C.L. Colgate University, 1977.
LL.D. LeMoyne College, 1977.
LL.D. New York Law School, 1977.

LL.D. Salem College, 1977.
LL.D. Hartwick College, 1978.
LL.D. Ithaca College, 1978.
D.H.L. Rabinnical College of America, 1978.
LL.D. Skidmore College, 1978.
LL.D. College of St. Rose, 1978.
LL.D. Yeshiva University, 1978.
LL.D. Brooklyn Law School, 1978.
D.H.L. Marist College, 1979.
LL.D. Pace University Law School, 1979.
LL.D. St. John Fisher College, 1980.
LL.D. Dowling College, 1981.
LL.D. Bar-Ilan University, 1982.
LL.D. New York Medical College, 1982.
LL.D. Pratt Institute, 1982.
LL.D. Rensselar Polytechnic Institute, 1983.
D.C.L. Union College, 1983.
D.S.I. Defense Intelligence College, 1984.
D.H.L. New York University, 1984.
LL.D. Syracuse University School of Law.
D.H.L. Bard College, 1985.
D.H.L. Hebrew Union College, 1986.
LL.D. Marymount Manhattan College, 1986.
LL.D. Columbia University, 1987.
LL.D. Touro College, 1991.
D.H.L. Hobart and William Smith College, 1992.
D.H.L. University of San Francisco, 1992.
D.C.L. St. Francis College, 1993.
LL.D. University of Rochester, 1994.
LL.D. Union College, 1995.
LL.D. Ben-Gurion University of the Negev, 1997.
D.H.L. Texas A&M University, 1998.

### OTHER POSITIONS

Budget Assistant, U.S. Air Force base, Ruislip, England, 1951–53.

Director of Public Relations, International Rescue Committee (IRC), New York, NY 1954.

Human Rights Organization, assisted refugees forced to leave their own countries through persecution.

Director, New York State Government Research Project, Syracuse University, Syracuse, NY, 1959–61.

### COMMISSIONS AND COMMITTEES

Member, New York State Tenure Commission, 1958–60.

Member, President's Council on Pennsylvania Avenue, 1962.

Vice-Chairman, President's Temporary Commission on Pennsylvania Avenue, 1965–74.

Member, Advisory Committee on Traffic Safety, Department of HEW, 1966–68.

Member, President's Science Advisory Committee, 1971–73.

### EDUCATION

Diploma, Benjamin Franklin High School, New York, NY, 1943.

City College of New York (1943–44), New York, NY, followed by naval service.

B.N.S., Tufts University, Medford, MA, 1946.

B.A. (cum laude), Tufts University, Medford, MA, 1948.

M.A. Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, 1949.

Fulbright Scholarship, London School of Economics, London, England, 1950.

Ph.D., Doctor of Philosophy, Fletcher School of Law and Diplomacy, Tufts University, Medford, MA, 1961; thesis: The U.S. and the I.L.O., 1889–1934.

### DEMOCRATIC POLITICAL EXPERIENCE

Volunteer, New York City Mayoral campaign of Robert F. Wagner, 1953.

Secretary, Public Affairs Committee of the New York State Democratic Party, 1958–60.

Member, New York State Delegation to the Democratic National Convention, 1960, 1976. Authored position papers for presidential campaign of Sen. John F. Kennedy, 1960.

### NAVAL SERVICE

1944–45—V–12 Naval Officer training program, Middlebury, VT.

1945—ROTC Tufts University/B.N.S., 1946.

1947—Communications, Gunnery Officer, U.S.S. *Quirinus*.

### MEDALS

The American Campaign Medal.—Given to those in service between 1941 and 1946. Recipient must have served outside the United States for 30 days or within the United States for one year.

The Naval Reserve Medal.—For ten years of honorable service in the Naval Reserve.

World War II Victory Medal.—For service in the U.S. Armed Forces, 1941–1846.

### BOOKS

Beyond the Melting Pot (with Nathan Glazer), The MIT Press, Cambridge, MA, 1963.

Study of ethnic life in American society and politics. Questioned contemporary conception of America as homogenous society and in which group differences were disappearing. (Winner of the Ansfield-Wolf Award in Race Relations)

The Defenses of Freedom: The Public Papers of Arthur J. Goldberg, ed., Harper & Roe, New York, NY, 1966.

Papers of the Supreme Court Justice and American Ambassador to the United Nations.

Maximum Feasible Misunderstanding, The Free Press, New York, NY, 1969.

On the role of community action in the war on poverty and why the Johnson Administration's poverty program failed to fulfill expectations.

On Understanding Poverty, ed., Basic Books Inc., New York, N.Y. 1969.

A collection of essays by leading academics and experts in the field of poverty studies.

Toward a National Urban Policy,, ed., Basic Books Inc., New York, NY, 1970.

Essays by academics and urban experts on a range of subjects related to urban affairs, including housing urban planning, transportation, crime, health, education, and race.

On Equality of Educational Opportunity, ed. (with Frederick Mosteller), Random House, New York, NY, 1972.

Papers from the Harvard University Faculty Seminar on the Coleman Report "Equality of Educational Opportunity." The Report demonstrated that minority schools were not especially unequal in their facilities and that neither teacher-pupil ratios nor per-pupil expenditures were directly related to academic achievement.

The Politics of A Guaranteed Income, Random House, New York, NY, 1973.

An explanation of the Family Assistance Plan (FAP) which guaranteed minimum income to families with children and why the proposal was defeated.

Coping: On the Practice of Government, Random House, New York, NY, 1973.

Essays on a range of subjects encountered during government service: welfare, political reform, race relations, traffic safety, education, urban affairs. Discusses how the trained social scientist can contribute to the practice of government.

Ethnicity: Theory and Experience, ed. (with Nathan Glazer), Harvard University Press, Cambridge, MA, 1975.

A collection of essays by academics and social commentators on the meaning and significance of ethnicity in modern society.

*A Dangerous Place* (with Suzanne Weaver), Little, Brown & Company, Boston, MA, 1978.

A testimonial from term as Ambassador to the United Nations. Recounts battle against Arab sponsored and Soviet inspired U.N. resolution equating Zionism with racism.

*Counting our Blessings*, Little, Brown & Company, Boston, MA, 1980.

A collection of essays on foreign policy, the judicial system, domestic and regional economic policy, arms control and other issues. Argues, among other things for public aid to nonpublic schools and that the Nation stress human rights as a priority in international relations.

*Loyalties*, Harcourt Brace Jovanovich, New York, NY, 1984.

On the history and meaning of the arms race, respect for international law, and the Communist theory of racism applied to those who opposed Soviet totalitarianism. The book argues for loyalty to principals of law, rights and humanity.

*Family and Nation*, Harcourt Brace Jovanovich, New York, NY, 1986.

On the disintegration of the American family. Argues for the establishment of a national policy to support and enhance the viability of families.

*Came the Revolution: Argument in the Reagan Era*, Harcourt Brace Jovanovich, New York, NY, 1988.

A collection of speeches, essays and other writings from 1981–1986.

*On the Law of Nations*, Harvard University Press, Cambridge, MA, 1990.

An examination of international law and the history of American internationalism in the twentieth century.

*Pandaemonium: Ethnicity in International Politics*, Oxford University Press Inc., New York, NY, 1993.

An account of ethnicity as an elemental force in international politics. How the power of ethnicity defied both the liberal myth of the melting pot and the Marxist prediction of proletarian internationalism.

*Miles to Go: A Personal History of Social Policy*, Harvard University Press, Cambridge, MA, 1996.

A personal analysis of the changing welfare state and the nation's social strategies over the last half-century. Topics include welfare, family disintegration, health care, social deviance, addiction, and broader views on civil rights and capitalism.

*Secrecy: The American Experience*, Yale University Press, New Haven, CT, 1998.

A history of government secrecy in America since World War I. Based on findings as Chairman of the Commission on Protecting and Reducing Government Secrecy (1995–1997). Secrecy is a mode of government regulation, indeed, "it is the ultimate mode for the citizen does not even know that he or she is being regulated."

### HONORS AND AWARDS

*Meritorious Service Award of the U.S. Department of Labor (1963)*

For exceptional service as Staff Director of the President's Task Force on Employee-Management Relations and for outstanding contributions to development of the policy of Employee-Management Cooperation in the Federal Service.

*Arthur S. Fleming Award as an "Architect of the Nation's War on Poverty" (1965)*

Awarded to the ten most outstanding young men and women in the Federal service. Selected by an independent panel of judges.

*International League of Human Rights Award (1975)*

For extraordinary commitment to international human rights. Oldest human rights award in the nation.

*John LaFarge Award for Interracial Justice (1980)*

Given by the Catholic Interracial Council (NY) for commitment and leadership in fighting racism and discrimination.

*American Political Science Association's Hubert H. Humphrey Award (1983)*

First recipient of the award for "notable public service by a political scientist."

*Medallion of the University, State University of New York at Albany (1984)*

For extraordinary service to the University and to education. The highest award for distinguished service the university bestows.

*Henry Medal of the Smithsonian Institution (1985)*

Presented by the Board of Regents for outstanding service to the Smithsonian Institution.

*Seal Medallion of the Central Intelligence Agency (1986)*

In recognition of outstanding accomplishment as vice-chairman of the Senate Committee on Intelligence from February 1977 to January 1985.

*Britannica Medal for the Dissemination of Learning and the Enrichment of Life (1986)*

Presented by Encyclopedia Britannica. The award's first recipient.

*Memorial Sloan-Kettering Cancer Center Medal (1986)*

For distinguished service and outstanding achievement in the cancer field.

*Gold Medal, American-Irish Historical Society (1986)*

In appreciation of significant service rendered to the cause of Ireland.

*Natan Sharansky Humanitarian Award, Rockland Committee for Soviet Jewry (1987)*

For distinguished achievement on behalf of human rights and noble efforts in support of Soviet Jewry and the Jewish people throughout the world.

*Honor Award, National Building Museum (1989)*

For fostering excellence in the built environment. Received for championing the resurrection of Pennsylvania Avenue, for promoting quality in federal building programs, and for leading efforts to rebuild the nation's deteriorating infrastructure.

*Wolfgang Friedmann Award, (Columbia University School of Law (1991)*

For outstanding contributions to the field of international law. Given by the Columbia School of Law's Journal of Translational Law.

*President's Medal, Municipal Art Society of New York (1992)*

President to an individual whose accomplishments have made an enduring contribution to urban life in America and especially to the City of New York.

*Thomas Jefferson Award for Public Architecture, American Institute of Architects (1992)*

For advocacy furthering the public's awareness and/or appreciation of design excellence.

*Laetare Medal, University of Notre Dame (1992)*

The University's highest honor. Given to those who have "ennobled the arts and sciences, illustrated the ideals of the Church, and enriched the heritage of humanity." Regarded as the most significant annual award conferred upon Catholics in the United States. Selected by a committee headed by the president of Notre Dame.

*Thomas Jefferson Medal, American Philosophical Society (1993)*

The society's most prestigious medal in recognition of distinguished achievement in the arts, humanities, or social sciences.

*Distinguished Leadership Award, American Ireland Fund (1994)*

In recognition of the Senator's long-time interest in and concern for Irish causes.

*The Gold Medal Award for Distinguished Service to Humanity (1994)*

Presented by the National Institute of Social Sciences.

*United Jerusalem Award, Union of Orthodox Jewish Congregations (1994)*

Awarded to "the single most consistent, thoughtful, and articulate champion of a united Jerusalem in the United States Congress."

*Profiles in Courage Award, American Jewish Congress (1996)*

For significant and courageous contributions to the cause of democracy and human freedom at home and abroad.

*Award for Public Service Excellence (1996)*

Presented by the Association of American Medical Colleges. For "visionary leadership in the U.S. Senate as a champion for the education, research, and patient care missions of our nation's medical schools and teaching hospitals."

*Cartwright Prize, Columbia University (1997)*

Presented by the College of Physicians and Surgeons at Columbia University for "outstanding contributions to medicine." The first non-physician to be honored.

*John Heinz Award (1999)*

### CURRENT MEMBERSHIPS

Aleph Society, New York, NY.

American Academy of Arts and Sciences, Cambridge, MA.

American Association for the Advancement of Science, Washington, DC.

American Heritage Dictionary, Usage Panel.

American Philosophical Society, Philadelphia, PA.

American Antiquarian Society, Worchester, MA.

Bedford-Stuyvesant Development and Service Corporation, New York, NY.

Century Association, New York, NY.

Committee on the Constitutional System, Washington, DC.

Corporation for Maintaining Editorial Diversity in America, Washington, DC.

Fletcher School of Law and Diplomacy (Board of Trustees), Medford, MA.

Franklin and Eleanor Roosevelt Institute, Hyde Park, NY.

Harvard Club, New York, N.Y.

Irish Georgian Society, New York, NY.

Jacob K. Javits Foundation, Inc. (Board of Trustees), New York, NY.

Jerome Levy Economic Institute at Bard College (Board of Trustees), Annandale-on-Hudson, NY.

The Maxwell School (Board of Trustees), Syracuse, NY.

National Academy of Social Insurance, Washington, NY.

National Democratic Institute for International Affairs, Washington, NY.

New York Landmarks Conservancy, New York, NY.

Project on Ethnic Relations, Princeton, NJ.

The Public Interest/National Affairs, Inc., Washington, DC.

Regent, Smithsonian Institution, Washington, DC (Appointed 1987 and 1995).

The Harry S Truman Research for the Advancement of Peace, New York, NY.

### PRIOR MEMBERSHIPS

President's Science Advisory Committee (1971–73).

American Association for Advancement of Science Council 1971; Member, Board of Directors, 1972–73; Chairman, Social, Economic and Political Science Section, 1971–72.

Woodrow Wilson International Center for Scholars; Vice Chairman (1971–76), Board of Trustees (1969–76).

Hirshhorn Museum and Sculpture Garden Founding Chairman; Board of Trustees (1971–85).

### REPORTS AND GOVERNMENT DOCUMENTS

Executive Order 10988, "Employee-Management Cooperation in the Federal Service." Approved by President John F. Kennedy January 17, 1962. Permitted Federal government employees to join unions or other employee organizations.

"Report to the President by the Ad Hoc Committee on Federal Office Space," Committee on Public Works, U.S. House of Representatives, U.S. Government Printing Office, Washington, DC, June 1, 1962. Includes reports on the redevelopment of Pennsylvania Avenue and architectural guidelines for Federal office buildings.

"One Third of a Nation," report of the Task Force on Manpower Conservation, submitted to President Lyndon B. Johnson January 1, 1964 (Task Force included the Director of the Selective Service System and the Secretaries of Defense, Health, Education, and Welfare, and Labor). Concluded that one-third of draft-age men were unfit for military service and called for manpower conservation program to give physical training and medical attention as necessary to meet national standards.

"The Negro Family: The Case for National Action," Office of Policy Planning and Research, U.S. Department of Labor March 1965.

Report on Traffic Safety, Secretary's Advisory Committee on Traffic Safety, U.S. Department of Health, Education, and Welfare, February 29, 1968 (commonly known as The Moynihan Report on Traffic Safety).

"Toward a More Accurate Measure of the Cost of Living," report to the U.S. Senate Finance Committee from the Advisory Commission to Study the Consumer Price Index (Boskin Commission), December 4, 1996. Concluded that using the CPI as cost of living index—which it is not—creates enormous costs to the Federal government in increased outlays and decreased revenues. The present upward bias is 1.1 percent points per year over the next decade, an overstatement of roughly one-third. The Commission states: "The bias alone would be the fourth largest Federal program."

"Secrecy" Commission on Protecting and Reducing Government Secrecy, Chairman. Appendix: "Secrecy' A Brief History of the American Experience," March 4, 1997.

"Memorandum of Points and Authorities of Senator Robert C. Byrd, Daniel Patrick Moynihan, and Carl Levin as Amici Curiae in Support of Plaintiff's Motions to Declare Line Item Veto Act Unconstitutional," November 26, 1997. Brief filed in the case *The City of New York* v. *Clinton*, the lawsuit brought by New York City challenging the constitutionality of the Line Item Veto Act of 1996. In a 6-3 decision on June 25, 1998 the Supreme Court ruled the Line Item Veto Act unconstitutional. Perhaps the most important case on legislative-executive relations in the history of the Court.

### INTRODUCTIONS/FOREWORDS

Children, Poverty, and Family Allowances, by James C. Vatican, 1968. Foreword.

Will They Ever Finish Bruckner Boulevard? by Ada Louise Huxtable, 1970. Preface.

The Injury Industry and the Remedy of No-Fault Insurance," 1971. Foreword

That Most Distressful Nation: The Taming of the American Irish by Andrew M. Greeley, 1972. Foreword.

"Ending Insult to Injury: No-Fault Insurance for Products and Services," 1975. Foreword.

A Cartoon History of U.S. Foreign Policy, 1975. Foreword.

A Cartoon History of United States Foreign Policy, 1776–1976, by the editors of the Foreign Policy Association, 1975. Introduction.

Drawings, by David Levine, March 4, 1976. Introduction.

The Catskills: Land in the Sky, by John G. Mitchell, 1977. Preface.

Education and the Presidency, by Chester E. Finn, Jr., 1977. Foreword.

Encounters with Kennan: The Great Debate, by George Kennan et al., 1979. Introduction.

Best Editorial Cartoons, 1980. Introduction.

"Do They Tell You What to Draw?" A Decade of Political Cartoons by Hy Rosen, October 1980. Introduction.

"So How Come You Stay in Albany?" A Decade of Cartoons, 1980. Introduction.

No Margin for Error: America in the Eighties, by Sen. Howard H. Baker, Jr., 1980. Introduction.

"Another Opinion: A Labor Viewpoint," 1980. Introduction.

A Portrait of the Irish in America, by William D. Griffin, 1981. Introduction.

Strategies for the 1980s: Lessons of Cuba, Vietnam, and Afghanistan, by Philip van Slack, 1981. Foreword.

There You Go Again, by G. Fisher, 1987. Foreword.

Government by Choice: Inventing the United States Constitution, by Elizabeth P. McCaughey, 1987. Foreword.

Caste and Class in a Southern Town, by John Dollard, 1988. Introduction.

Government By Choice, 1989. Foreword.

Disraeli, A Picture of the Victorian Age, by Andre Maurois, 1989. Foreword.

A Blue Moonray in My Kitchen, by Gabriel Aubouin, September 1991. Foreword.

Autobiography of Robert J. Myers, 1992. Foreword.

India and the United States: Estranged Democracies, by Dennis Kux, 1992. Introduction.

DANA: The President's Man, by Douglass Cater, 1995, Preface.

The Tyranny of Numbers, by Nicholas Eberstadt, 1995. Foreword.

The Torment of Secrecy, by Edward A. Shils, 1996. Introduction.

Great American Railroad Stations, 1996. Foreword.

Welfare: Indicators of Dependency, by Paul E. Barton, 1998. Foreword.

Between Friends: Perspectives on J. K. Galbraith, "Galbraith as Neighbor," 1998. Contributor.

A Passion for Truth: The Selected Writings of Eric Breindel, ed. By John Podhortez, 1998.

### THE FEDERAL BUDGET AND THE STATES

An annual report since 1976 on the balance of payments between New York State and the Federal government. "The Fisc" compares the amount of taxes New York sends to Washington each fiscal year with the amount of all forms of Federal outlays received (social security, welfare, defense spending, Federal contracts, etc.). "The Fisc" has expanded to include all 50 states and is now published jointly with the Taubman Center for State and Local Government at the John F. Kennedy School of Government, Harvard University.

*Publications*

The Federal Government and the Economy of New York State, Fiscal Year 1976.

New York State and the Federal Fisc, 1977.

New York State and the Federal Fisc, 1978.

New York State and the Federal Fisc, 1979.

New York State and the Federal Fisc, 1980.

New York State and the Federal Fisc, 1981.

New York State and the Federal Fisc, 1982—"Is Anybody Listening?"

New York State and the Federal Fisc, 1983—"A Further Report on Manufactures."

New York State and the Federal Fisc, 1984—"A disposition to be just . . . to all parts of the country:"

New York State and the Federal Fisc, 1985—"The Deficit Becomes Structural."

New York State and the Federal Fisc, 1986—"Second Decade Thoughts."

New York State and the Federal Fisc, 1987—"Useful Knowledge."

New York State and the Federal Fisc, 1988—"Reality Sets In."

New York State and the Federal Fisc, 1989—"Deficit by Default."

New York State and the Federal Fisc, 1990—"Reflections at Fifteen."

New York State and the Federal Fisc, 1991—"Who Cheated NY out of $136 Billion?"

New York State and the Federal Fisc, 1992—"Baumol's Disease."

The Federal Budget and the States, 1993—"Outside the Paradigm." With Monica E. Friar and Herman B. Leonard. Published jointly with the Taubman Center for State and Local Government, John F. Kennedy School of Government, Harvard University, Cambridge, MA.

The Federal Budget and the States, 1994—"Reagan's Revenge." With Monica E. Friar and Herman B. Leonard.

The Federal Budget and the States, 1995—"A Culture of Waste." With Monica E. Friar, Herman B. Leonard and Jay H. Walder.

The Federal Budget and the States, 1996—"Routinely Shortchanged." With Herman B. Leonard and Jay H. Walder.

The Federal Budget and the States, 1997—"Work in Progress." With Herman B. Leonard and Jay H. Walder.

The Federal Budget and the States, 1998—"A Grand Compromise?" With Herman B. Leonard and Jay H. Walder.

### ARTICLES

"Epidemic on the Highways." The Reporter, April 30, 1959.

"New Roads and Urban Chaos." The Reporter, April 14, 1960.

"Changing Governors and Police." Public Administration, Autumn 1960.

"Passenger Car Design and Highway Safety." West Point Conference on Vehicle Safety and Design, 1961.

"How Catholics Feel About Federal School Aid." The Reporter, April 25, 1961.

"When the Irish Ran New York." The Reporter, June 8, 1961.

"Bosses and Reformers: A Profile on New York Democrats." Commentary, June 1961.

"The Question of the States." Commonweal, October 12, 1962.

"Politics in a Pluralist Democracy: Studies of Voting in 1960 Elections." Commentary, October 1964.

"Draft Rejectees: Nipping Trouble in the Bud." The Reporter, February 13, 1964.

"Patronage in New York State." The American Political Science Review, June 1964.

"United States Traffic Accident Statistics Useless." American Trial Lawyers, June/July 1965.

"Breakthrough of Ljubljana." The National Jewish Monthly, September 1965.

"Behind Los Angeles Jobless Negroes and the Boom." The Reporter, September 9, 1965.

"A Family Policy." Daedalus—Journal of the American Academy of Arts and Sciences, Fall 1965.

"Employment, Income, and the Ordeal of the Negro." Daedalus, Fall 1965.

"The Professionalization of Reform." The Public Interest, Fall 1965.

"The War Against the Automobile." The Public Interest, Spring 1966.

"The Negro Family in the U.S.." Commonweal, April 1966.

"(Review of book by E. Franklin Frazier.)

"Who Gets in the Army?" The New Republic, November 5, 1966.

"The President and the Negro: The Moment Lost." Commentary, February, 1967.

"Social Goals and Indicators for American Society." Annals of the American Academy of Political and Social Sciences, May, 1967.

"Next: A New Auto Insurance Policy." The New York Times Magazine, August 27, 1967.

"Sources of Resistance to the Coleman Report." Harvard Educational Review, 1968.

"Toward a National Urban Policy." The Public Interest, Fall 1969.

"Politics as the Art of the Impossible." The American Scholar, Autumn 1919.

"What's Wrong with Welfare—Answers from Nixon's Adviser." U.S. News & World Report, June 1970.

"Policy vs. Program in the 70s." The Public Interest, Summer 1970.

"The Need to Move Beyond Programs to Policy in the Federal System." State Government, Autumn 1970.

"The Presidency and the Press." Commentary, March, 1971.

"Social Welfare: Government vs. Private Efforts." Foundation News, March–April 1972.

"Back to Earth." Cry California, Spring 1972.

"The Schism in Black America." The Public Interest, Spring 1972.

"How the President Sees His Second Terms." Life, September 1, 1972.

"Equalizing Education: In Whose Benefit?" The Public Interest, Fall 1972.

"Address to the Entering Class of Harvard." Commentary, December 1972.

"Income by Right." The New Yorker, January 13, 1973.

"'Peace'—Some Thoughts in the 1960s and 1970s." The Public Interest, Summer 1973.

"A Country in Need of Praise." Saturday Review/World, September 11, 1973.

"Was Woodrow Wilson Right? Morality and American Foreign Policy." Commentary, May 1974.

"Why Ethnicity?" Commentary, October 1974 (with Nathan Glazer).

"India—No Margin for Error." Reader's Digest, November 1974.

"Burma." Holiday, January 1975.

"The Politics of Higher Education." Daedalus, Winter 1975.

"The U.S. in Opposition." Commentary, March 1975.

"George A. Wiley: A Memoir." The Crisis, April 1975.

"Presenting the American Case." The American Scholar, Fall 1975.

"A Diplomat's Rhetoric." Harpers, January 1976.

"The Totalitarian Terrorists." New York, July 26, 1976.

"Abiotrophy in Turtle Bay: The United Nations in 1975." Harvard International Law Journal, Summer 1976.

"On U.S. Support for the World Bank Loan to Chile." The New York Times, January 4, 1977.

"The State, the Church, and the Family." The Urban and Social Change Review, Winter 1977.

"The Liberal's Dilemma." The New Republic, January 22, 1977.

"Party and International Politics." Commentary, February 1977.

"Meeting the Ideological Challenge." The Washington Post, March 19, 1977.

"As Our Third Century Begins—The Quality of Life." Across the Board, May 1977.

"The Most Important Decision-Making Process." Policy Review, Summer 1977.

"The Challenge to Liberalism." The New Leader, June 6, 1977.

"Defenders and Invaders." The Washington Post, June 13, 1977 (Excerpt from address at the Capitol Page School commencement).

"Freedom, Communism, and Poverty." The Chicago Tribune, June 24, 1977 (Excerpts from June 9, 1977 Baruch College Commencement address.

"The Soviets Do Tap Our Phones." The Philadelphia Inquirer, July 17, 1977.

"Forum: Professors, Politicians and Public Policy." AEI Forums, July 29, 1977.

"The Politics of Human Rights." Commentary, August 1977.

"Can Private Universities Maintain Excellence." Change, August 1977.

"Creative Proposals Will Come—Slowly." Phi Delta Kappan, September 1977.

"Aid for Parochial Schools." Catholic Mind, September 1977.

"Book Review: A Passion for Equality." The New Republic, November 5, 1977.

"The Politics of Human Rights." Reader's Digest, December 1977.

"Carter Welfare Plan Disappointing." The Advocate, February 1978.

"Avoiding the Next War Between the States." Newsday, February 6, 1978.

"The Aging of America: Implications for Secondary Education." Andover Bulletin, March 1978.

"Why Private Schools Merit Public Aid." The Washington Post, March 5, 1978.

"Government and the Ruin of Private Education." Harpers, April 1978.

"New York, New York: What Next, What Next." Daily News, April 6, 1978.

"Welfare Reform and Congress." Journal of the Institute for Socio-Economic Studies, Spring 1978.

"The Politics and Economics of Regional Growth." The Public Interest, Spring 1978.

"The Roots of Success." Family Circle, April 24, 1978.

"Is There a Crisis of Spirit in the West?" Public Opinion, May/June 1978.

"Imperial Government." Commentary, June 1978.

"On America and the Dissidents." Daily News, July 16, 1978.

"Saying it Their Way." Daily News, July 27, 1978.

"Capitalism Faces Tough Test in World Arena." Commitment, Summer 1978.

"Should Federal Aid Be Given to Private Schools?" Instructor, September 1978.

"Words and Foreign Policy." Policy Review, Fall 1978.

"Distortions of Political Language." The Washington Post, November 21, 1978.

"Editor's Focus." Public Welfare, Winter 1978.

"Volunteerism Needs to Survive." Community Focus, December 1978.

"The Case for Tuition Tax Credits." Phi Delta Kappan, December 1978.

"Some Negative Evidence Against the Negative Income Tax." Fortune, December 4, 1978.

"Social Science and the Courts." The Public Interest, Winter 1979.

"The U.S. Cannot Abandon World Press Freedom." The Reporter Dispatch (White Plains, NY), March 22, 1979.

"UNESCO and Freedom of the Press." Syracuse Herald Journal, April 9, 1979.

"A Subtle Change." Syracuse Herald Journal, April 10, 1979.

"Patterns of Ethnic Succession: Blacks and Hispanics in New York City." Political Science Quarterly, Spring 1979.

"Private Schools and the First Amendment." The National Review, August 3, 1979.

"What Do You Do When the Supreme Court is Wrong?" The Public Interest, Fall 1979.

"Government Aid to Non-government Schools." Catholic Mind, September 1979.

"Exporting Anti-Semitism." The New Leader, November 5, 1979.

"Will Russia Blow Up?" Newsweek, November 1979.

"Reflections: The SALT Process." The New Yorker, November 19, 1979.

"On the Subject of the First Amendment." Thought, December 1979.

"Social Science and the Courts." The Public Interest, Winter 1979.

"Technology and Human Freedom." Syracuse Scholar, Winter 1979/80.

"Anti-Semitic Plague from Moscow." Jewish Digest, January 1980.

"Russians Play Politics So Put'em in Penalty Box." Daily News, January 20, 1980.

"What Will They Do for New York?" The New York Times Magazine, January 27, 1980.

"And This, Then, Is Our Moment of Maximum National Peril." Boston Herald American, January 29, 1980.

"The Issue: Will We Bear the Cost of Defending Liberty?" Boston Herald American, January 30, 1980.

"A New American Foreign Policy." The New Republic, February 9, 1980.

"From the Third Reich to the Third via Moscow." The American Zionist, February/March 1980.

"The Great Game the Russians Won." Parade (with Liz Moynihan), May 11, 1980.

"On the Hostaging of Westway to the EPA." Daily News, May 15, 1980.

"Of Sons' and Their 'Grandsons'." The New York Times, July 7, 1980.

"Rescuing the Family." America, July 19–26, 1980.

"Maxims for Democrats." The New Republic, August 16, 1980.

"A Pattern of Failure." The Wall Street Journal, August 19, 1980.

"Remembering John Dollard." The New York Times Book Review," November 9, 1980.

"Washington vs. The Universities," Harper's, December 1980.

"The Payoff. . . Feds to Northeast Drop Dead." Daily News, January 27, 1981.

"Joining the Jackals: The U.S. at the U.N., 1977–80." Commentary, February 1981.

"The Imprudence of Forcing a Balanced Budget," The Wall Street Journal, March 18, 1981.

"Children and Welfare Reform." Journal of the Institute for Socioeconomic Studies, Spring 1981.

"Beyond 96–0." The New York Times, May 22, 1981.

"Floccinaucinihiliplification." The New Yorker, August 10, 1981.

"Tax Reform Lives!" The New York Times, August 23, 1981.

"Betraying Our Compact with Labor." Buffalo Courier-Express, December 27, 1981.

"One-third of a Nation." The New Republic, June 9, 1982.

"It's Time for the U.S. to Rally Behind Israel." New York Post, April 7, 1982.

"Managing Money," The New York Times, June 22, 1982.

"Israel Gives West a Rare Opportunity." New York Post, June 24, 1982.

"Why Indira Ghandi is Here." The Washington Post, July 29, 1982.

"Put Youth to Work on the Public Lands." USA Today, November 15, 1982.

"Thinking Clearly on Police and Crime," Respect, January 1983.

"Centralize Trade Policy." The New York Times, January 16, 1983.

"More than Social Security was at Stake," The Washington Post, January 18, 1983

"Should Congress Enact the proposed 'American Conservation Corps Act of 1983'?" Congressional Digest, May 1983.

"The Way to Make Congress's Life Easier." The New York Times, June 26, 1983.

"The Nuclear Challenge." Catholicism in Crisis (May 15, 1983 Daemen College Commencement Address, Buffalo, NY), July 1983.

"Reagan's MX Plan Commits U.S. to First Strike." Newsday, July 26, 1983.

"Reagan's Bankrupt Budget." The New Republic, December 31, 1983.

"Should Congress Enact Legislation to Provide Tax Credits for Nonpublic School Tuition?" Congressional Digest, January 1984.

"Indifference to International Law." Congress Monthly, January/February 1984.

"The Kremlin After Andropov." New York Post, February 13, 1984.

"Nurturing Terrorism." Harpers, March 1984.

"Zionism, the United Nations and American Foreign Policy." Catholicism in Crisis, April 1984.

"U.S. Has Abandoned International Law." Newsday, April 13, 1984.

"India's Gift for Pageantry," TV Guide (with Elizabeth Moynihan), April 21–27, 1984.

"International Law and International Order," Syracuse Journal of International Law and Commerce, Summer 1984.

"Preserving a Pillar of Crisis Stability," Christian Science Monitor, July 9, 1984.

"Should the CIA Fight Secret Wars:" Harper's, September 1984.

"Richard Rovere," The New Yorker, September 17,1984.

"$D_n=D_0$ (a+r) n=A Formula for Trouble," The New York Times, November 21, 1984.

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"The Politics of Stability." Speech to the National Board Meeting of the Americans for Democratic Action, Washington, DC, September 23, 1967.

"Politics as the Art of the Impossible." Commencement Address at University of Notre Dame, South Bend, IN, June 1969. (Published in The American Scholar, Autumn 1969.) (Published in Coping: On the Practice of Government.)

"The Whiskey Culture and the Drug Culture." Address at the Governors' Conference Luncheon, U.S. Department of State, Washington, December 3, 1969.

"A Moment Touched with Glory." Address before the American Newspaper Publishers Association, New York, NY, April 22, 1970. (On the Family Assistance Plan.)

"On Universal Higher Education," Speech to the 53rd annual meeting of the American Council on Education, St. Louis, MO, October 8, 1970.

Speech to the Third Committee of the United Nations, New York, NY, October 7, 1971.

"An Address to the Entering Class at Harvard College." Harvard University, Cambridge, MA, Fall '1972. (Published in Commentary, December 1972.)

"The World in the Year Ahead." Kansas State University, Manhattan, KS, May 6, 1975.

"Pacem in Terris," Pacem in Terris IV Convocation, Washington, DC, December 2, 1975.

"On Receipt of the Sculpture 'Isis' at the Hirshorn Museum and Sculpture Garden," Washington, DC, July 19, 1978.

"An Imperial Presidency Leads to An Imperial Congress Leads to An Imperial Judiciary: the Iron Rule of Emulation." Herbert H. Lehman Memorial Lecture, March 28, 1978.

"On a Democratic Foreign Policy For a Totalitarian Age." U.S. Naval Academy, Annapolis, MD, March 22, 1979.

"Human Rights in American Foreign Policy." Brooklyn College Commencement, Brooklyn, NY, June 10, 1981.

"We Confront, at This Moment, the Greatest Constitutional Crisis since the Civil War." St. John's University Commencement, Queens, NY, June 6, 1982.

"If We Can Build Saudi Arabia, Can We Not Rebuild America?" Robert C. Weinberg Fund Distinguished Lecturer speech, American Planning Association, New York, NY, June 18, 1983.

"Catholic Tradition & Social Change," Second Annual Seton-Neumann Lecture, U.S. Catholic Conference, Washington, DC, May 7, 1984.

"International Law and International Order," Commencement Address, Syracuse University College of Law, Syracuse, NY, May 13, 1984. (Published in Detroit College of Law Review, Winter 1984.)

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"Tell the Truth About the Lie." Speech at "Zionism Equals Racism," State Department seminar, Washington, DC, Decembver 10, 1984.

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Address to the 78th NAACP Convention on Apartheid and Racial Issues, New York, NY, July 7, 1987.

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"Pennsylvania Avenue: America's Main Street." National Archives Author Lectures, Washington, DC, January 19, 1989.

"The Coming Age of American Society Policy." Brown University, Providence, RI, March 13, 1989.

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"Address on UN Resolution 3379, "Zionism is Racism," to the Orthodox Jewish Union New York, June 5, 1991.

The Cyril Foster Lecture at Oxford University, (on ethnicity and international relations) Oxford, England, November 29, 1991. (Basis for Pandemonium: Ethnicity in International Politics.)

"Stateways, Folkways and Statistics." Speech to the National Research Council of the National Academy of Sciences, Washington, DC, February 21, 1992.

"Solvency as a Condition of Economic Stability." Speech to the Washington Area Economic Forum, Washington, DC, June 19, 1992.

"Defining Deviancy Down." Speech to the American Sociological Association, Washington, DC, August 22, 1992.

"Social Policy and Drug Research." The Inaugural Norman E. Zinberg Lecture, John F. Kennedy School of Government, Harvard University, Cambridge, MA, December 5, 1992.

"The Class of "43 (Toward a New Intolerance)." Speech to the Association for a Better New York (ABNY), New York, NY, April 15, 1993. (Published in City Journal, Summer 1993.)

Dedication of the Thurgood Marshall Judiciary Building, Washington, DC, March 11, 1999.

"Return to Legality as an International Norm." The Lionel Trilling Lecture at Columbia University, New York, NY, February 19, 1996.

Remarks at the Secretary's Open Forum (on Secrecy), U.S. Department of State, Washington, DC, March 6, 1996.

Testimony (on Secrecy), U.S. Senate Select Committee on Intelligence, Washington, DC, March 27, 1996.

Address at The VENONA Conference. National War College, Ft. McNair, Washington, DC, October 4, 1996.

"Secrecy as a Form of Government Regulation." Georgetown University, Washington, DC, March 3, 1997.

Remarks at the Memorial for Al Shanker. George Washington University, Washington, DC, April 9, 1997.

The Commissioning of the U.S.C. *The Sullivans*. Staten Island, NY, April 19, 1997.

Times Square Symposium on the Homeless. New York, NY, April 21, 1997.

Arts Education Technology Conference. Palisades, NY, May 3, 1997.

Dedication of the Chaim Herzog Center. Ben-Gurion University of the Negev, Jerusalem, Israel, May 26, 1997.

"Secrecy." National Press Club, Washington, DC, June 13, 1997.

"Government Secrecy in the Information Age." Secretary's Open Forum, U.S. Department of State, Washington, DC, July 25, 1997.

Keynote address. Frank Lloyd Wright Building Conservancy Conference, Buffalo, NY, September 20, 1997.

"Fifty Years of 'Meet the Press." Al Smith Memorial Dinner, Waldorf-Astoria, New York, NY, November 3, 1997.

Joseph Henry Award Presented to Dr. Frederic Seitz. Smithsonian Institution, Washington, DC, November 7, 1997.

"100 Years of Ziolnism." The Capitol, Washington, DC, November 14, 1997.

"On the Commodification of Medicine." The Cartwright Lecture, Columbia University School of Medicine, New York, NY, December 10, 1998. (Published in Academic Medicine, May 1998.)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are cautioned not to refer to guests in the gallery.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. WALSH) is recognized during morning hour debates for 5 minutes.

Mr. WALSH. Mr. Speaker, I rise today to join in the tribute to our good friend and our distinguished Senator from New York, DANIEL PATRICK MOYNIHAN; and I congratulate my colleague, the gentlewoman from New York (Mrs. MALONEY), for helping to organize this fitting tribute. It is fitting in many senses, not the least of which is its bipartisanship.

I begin by paraphrasing the great William Shakespeare's play Julius Caesar: We have come not to bury the Senator, but to praise him.

New York has great pride in Senator MOYNIHAN and his career. A native son, he began his life in Hell's Kitchen. That crucible of Hell's Kitchen helped to create the character that is now our great Senator.

George Will's column recently was an excellent explanation of his distinguished career, but there are many points that I think all of us have some identity with. Certainly the fact that he spends his summers in Pindar's Corners in upstate New York shows that he is a Senator for the entire State.

In New York State, we have what is commonly referred to as upstate and down state. Now, the people from down state, which we think of as New York City, refer to everything north of the Bronx as upstate, or as everybody from upstate refers to everything in the five bureaus and Long Island as down state.

I would like to think of Senator MOYNIHAN as being from mid-state. He has always defied that upstate-down state divide. There are a couple of songs that sort of sum up New York. Billy Joel wrote and sang a song called New York State of Mind. I prefer that to Frank Sinatra's New York, New York. New York, New York is a little presumptuous. The New York State of Mind I think explains perhaps the Senator, not playing the partisan role, not taking upstate versus down state, urban versus rural, or even domestic versus foreign in our policies. He has somehow avoided that trap.

Just as he did with many, many issues, you can describe him as a man for all seasons, a renaissance man; but certainly he has fulfilled many, many roles throughout his successful life.

As ambassador to India, he helped to bridge a gap between the world's two greatest democracies. India, for some reason, never saw itself as a friend of the United States until Senator MOYNIHAN served there with distinction and helped to create that bridge which we saw somewhat fulfilled the other day when Prime Minister Vajpayee spoke here before the United States Congress, a very important role for 2 great peoples. He served in the cabinet in many administrations, as a professor in my hometown at Syracuse University, as United States ambassador. What a tremendous resume.

He was able to take on issues that few others would be willing to enter into the fray. We have a tremendous environmental issue up home in my hometown, Onondaga Lake. He looked at the factions that divided the cure for that problem and pointed at all of them and said you are all wrong. We need to get to work on this. He helped me as a Republican bring in the Army Corps of Engineers to play a major role.

I remember the first meeting we had with the Army Corps, and he said to the colonel who was going to take over this project, he said, this project can make a general out of you if you do a good job. Well, he is no longer on the job, but the job has begun and the lake is cleaner already. I owe my partner a great deal and the community does too.

The Erie Canal, the legacy of New York State which strung all of the pearls of the upstate cities together along this waterway, we are restoring that. We are recreating it; we are redeveloping it.

He was never shy about pointing out the peccadillos of our leaders, to his credit. He had a knack for reducing complex issues to the nut of the problem. But, on the other hand, he could also philosophize and wax thoughtfully and embellish. There was a saying when MOYNIHAN and D'Amato were the Senators, if you wanted to get the history of immigration in the United States, you saw MOYNIHAN. If you wanted a passport, you saw D'Amato.

That tells you a little bit about the man.

Somehow, he has managed over the years to avoid the slings and arrows of outrageous editorial writers, although I am sure he could point out a time or two when they took them on. I don't think too many of them were smart enough to take him on. He will be remembered for his witness and wisdom, for his devotion to his beloved wife, Liz, for his 6 decades of public service, for his pithy comments, but mostly for his honesty and integrity.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. LAFALCE) is recognized during morning hour debates for 5 minutes.

Mr. LAFALCE. Senator MOYNIHAN, I wanted to thank you because I have gone to you not only for the history, but for the passports also.

I am very pleased to join with all my colleagues today as we honor a true giant of the United States Senate, and really one of the giants of public life within the history of the United States; and the words we express today will really pale in comparison to his accomplishments and the esteem in which he is held.

The breadth of his intellect is revealed in his literary output alone. He has authored 18 books on subjects ranging from poverty and race to education, urban policy, welfare, arms control, the family, government secrecy, international law. But while the quantity of DANIEL PATRICK MOYNIHAN's record is tremendous, it is the quality that really matters. I can think of no one who has served in the Capitol complex during the 20th century who has made a greater contribution to our Nation.

Others have also mastered the intricacies of the appropriations process, the details of communication law; but too few of us are able consistently to keep the big picture in front of us all the time, and that is what Senator MOYNIHAN does best. He understands that what we do in one area of the law can and often does have unintended impact in other areas of life. He knows that solving one problem could easily create two more, so he moves with care and caution; and in that regard you could say DANIEL PATRICK MOYNIHAN is a conservative in the best sense of that word.

But he also knows that without action, without government action, we would stagnate and atrophy, and that there are instances where taking bold action is the only appropriate thing to do, and it is a necessity. In that sense, he is a liberal in the best sense of that word.

I guess my time has expired, so I just must include the rest of my remarks in the RECORD. But let me congratulate him on many, many things, but most of all for having the good common sense and the good judgment to have seen the jewel in his wife, Liz Moynihan, early on and made that decision, because I really think, PATRICK, she deserves the praise equally with you.

But PAT also knows that without action, we would stagnate and atrophy. And that there are instances where taking bold action is the only appropriate thing to do. So he is also truly "liberal," in the best sense of that word.

What has impressed me most over the years, however, has been the intellectual depth which Senator MOYNIHAN brings to his endeavors. He disdains imprecise thought and turgid prose. The rigor he brings to public discourse will be sorely missed. And the attention he paid to the quality of writing will be equally missed.

Indeed, I hope someone will pull together a book with samples of his writings, and that it will become required reading for freshman legislators. How often can we truly say we want to read another Member's or a Senator's speech or "Dear Colleague" letter? Yet every time I see PAT's letterhead, I know that I'll see new and imaginative uses of our language which, almost 100 percent of the time, are not only enlightening but also refreshing.

Mr. Speaker, today's tribute cannot fully reflect what we all owe Senator MOYNIHAN, but I hope that our words inspire people around the nation and throughout the world to look back on occasion and remember the importance of his contributions to the progress of the human race on this mortal coil.

### TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. GILMAN) is recognized during morning hour debates for 5 minutes.

Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure and an honor to join my colleagues today in standing before you to salute our very good friend and colleague, our distinguished Senator, senior Senator from New York, DANIEL PATRICK MOYNIHAN, for nearly 25 years, Senator MOYNIHAN has worked tirelessly for the citizens of our great State of New York, as well as for the rights and freedom of people throughout the world. Perhaps no other national figure of the past 4 decades has better symbolized or articulated the democratic ideals and traditions of our Nation than Senator MOYNIHAN.

Prior to his arrival in the Senate in 1977, Senator MOYNIHAN served as both our United States ambassador to India and the United States ambassador to our United Nations. To that distinguished forum, he brought extensive foreign policy experience to the Congress, and he has been a leading voice on American foreign policy issues throughout his service in the Senate.

Senator MOYNIHAN has long lent his name and support to the goals of lasting peace and justice in Northern Ireland. Along with Senators DODD, KENNEDY, MACK, and many others in the Senate, Senator MOYNIHAN has been the leading voice of reason, calling on the parties to renounce violence and to secure lasting peace and justice by way of democratic means.

As a testament to his courage and conviction, Senator MOYNIHAN advocated his approach to peace in Ireland when it was still very unpopular to do so.

Senator MOYNIHAN's efforts and those of his colleagues, especially Senator Mitchell, have helped bring about peace in Northern Ireland today, something for which we are all highly grateful. Their efforts created the potential to finally end the long and painful history of a divided Ireland.

All peace-loving people, both here and around the globe, owe Senator MOYNIHAN a debt of gratitude. Accordingly, today, Senator MOYNIHAN, it is an honor to join with my colleagues in saluting you and thanking you for your selfless service to the people of New York, to the United States of America, and to peace throughout the world.

### TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. RANGEL) is recognized during morning hour debates for 2 minutes.

Mr. RANGEL. Two minutes, Mr. Speaker, how do you talk about PATRICK MOYNIHAN in 2 minutes? It would take 2 minutes to thank Liz for allowing you to do all the wonderful things that you have been able to do:

Only in America. It makes us so proud, those of us that come from the great State of New York, to know that someone that could attend a high school like Ben Franklin, know Hell's Kitchen, know what it is like to shine shoes and work on the docks, and at the same time, be able to reach the intellectual heights that you have done, not just for New Yorkers or the Senate, but for America. It gives hope to everybody in this country, but especially throughout the world, to show that when one is given an opportunity, that maybe they cannot reach the same heights that you have, but it is possible to do it in the United States of America.

Your eloquence and wit, combined with your ability to defy party labels, whether it is liberal or conservative, you have always been able to do and to say and to be appreciated for what is good for the country. And whether we are talking about Kennedy or Johnson or Nixon or Ford, Presidents have been smart enough to know that when you are talking about PATRICK MOYNIHAN, you are not talking partisanship; but you are talking sound policy for our great country.

It has been said that New Yorkers have a little more self-esteem than we need. It has been said that those that are on the Senate Finance Committee or the Committee on Ways and Means walk with swaggers. And even though most Members really do not deserve that label, when we know that we are honored to include among our body someone of such esteem as you, then we should be allowed to walk a little taller.

Elizabeth, thank you for what you have done for our great country. We look forward to working with you, no matter what both of you decide to do later. God bless.

### TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. QUINN) is recognized during morning hour debates for 5 minutes.

Mr. QUINN. Mr. Speaker, I will include my prepared remarks for today's RECORD, because we in these prepared remarks talk about the things that Senator MOYNIHAN has done.

I would like to file those, and if I may, Senator, take a moment of personal privilege to thank you on behalf of the residents of Buffalo and Erie County in western New York for all you have done over several years. I remember when I got elected in 1992 and first came into office in 1993, the very first visitor in my office was you, the very first person to come over and talk with me. We sat in the corner and enjoyed a cup of tea, and you told me what would be important for New York State. And you were right.

You have been for all of us, Members and constituents alike, a model and an example. I can give you a little secret here that my cousin Peter Quinn in Monroe County in Rochester, New York, has a son about 7 or 8 right now, and his name is Daniel Patrick Quinn. My youngest brother, Mike up in Buffalo, has a son named Daniel Patrick Quinn. There are no John Francis Quinns running around that I know of, Senator, but lots of Daniel Patricks.

We cannot find a stronger advocate for the arts, whether it is the Darwin Martin House and the Frank Lloyd Wright effort in Buffalo, New York, when we turn to someone like you.

Finally Senator, and to Liz and your family, we obviously wish you the best; but some people would say that I'm talking the height of flattery, and I want you to know when I leave this place, whenever it is and for whatever reason, if I can leave as DANIEL PATRICK MOYNIHAN leaves, I will be a lucky man.

Mr. Speaker, I am honored to rise today and join with my colleagues to pay tribute and officially recognize the retirement of my good friend, Senator DANIEL PATRICK MOYNIHAN.

Senator MOYNIHAN has dedicated his life to service of his country. He served with the Kennedy, Johnson, Nixon, and Ford administrations, and as an Ambassador to India, U.S. Representative to the United Nations, and as United States President of the U.N. Security Council.

Upon his election to the United States Senate in 1976, Senator MOYNIHAN emerged as a strong advocate for the State of New York, but never lost sight of his obligations to the Nation as a whole. His strong commitment to education, science, and arts and humanities is testimony to his leadership and integrity as a United States Senator.

A prolific author, Senator MOYNIHAN has penned or edited a remarkable eighteen books. He truly personifies that old phrase "a gentleman and a scholar," and I am proud to count him among my friends. His strong example is one we all strive to follow.

When I arrived in Congress in January 1993, one of the very first visitors to my office in Cannon was Senator MOYNIHAN. We shared a cup of tea and talked about what was important for Buffalo and New York State. Senator MOYNIHAN has been a stalwart supporter of my district and our State, every day since that first visit. I want to say thank you: not only from me and my staff, but all Buffaloians.

Mr. Speaker, today I am proud to join with both houses and the New York State delegation in commending Senator DANIEL PATRICK MOYNIHAN on his commitment to New York and the country. I also join with his wife, Elizabeth; his children, Timothy Patrick, Maura Russell and John McCloskey; and indeed, all Americans in expressing our sincerest gratitude for his leadership and service.

We have marched in parades together. There is no stronger advocate in the Congress of the arts than PAT MOYNIHAN. Whether it's the Darwin Martin House in Buffalo with its Frank Lloyd Wright history or the Albright-Krax Art Gallery, we are fortunate to have had PAT MOYNIHAN as our supporter, benefactor and friend.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. MCCARTHY) is recognized during morning hour debates for 2 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I certainly stand here to give a tribute to our Senator from New York. I remember when I was running for my first election in 1996, the great Senator was assigned to me as his "buddy," and I remember going and meeting with you in your office and sitting there saying, Oh, my God, I am with Senator MOYNIHAN.

Senator, you have been of great service to New York. You have fought for New York, but you also have fought for the country. But one of the things I certainly respect about you the most is the way you always presented an argument. It was not the partisanship that sometimes we see today. You were always a gentleman. You were always someone with kind words for everyone, and I think that is something that we should all remember.

We all know about your intellect, we all know about your great words; but, really, I think New Yorkers and the country will remember you as being the gentleman from New York, and you served your time well.

Senator, we are going to miss you, but somehow I have a feeling that you will always have your hand in New York politics, one way or the other. The tributes that you are hearing today can never match the words and the deeds that you have done for all of us over the last 25 years.

Sir, I hope I can follow in your footsteps just with your wisdom, those are big shoes to follow; but someday we are going to have so many of us to remember you by.

Thank you, Senator.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. BOEHLERT) is recognized during morning hour debates for 2 minutes.

Mr. BOEHLERT. Mr. Speaker, it is a pleasure to be here to join with my colleagues this morning to honor Senator DANIEL PATRICK MOYNIHAN. It is a special pleasure for me, because I have a relationship to PAT that none of my colleagues can claim: I am his Congressman, as the Senator reminds me; and I could tell you one could not wish for a better constituent.

But it is not only an honor and a pleasure representing and working with the Senator, it is an education. One cannot have a conversation with PAT without benefiting from his years of experience and the depth of his insight. As the recent biography of the Senator shows, one can pretty much trace the history of the second half of the 20th century simply by following his career.

His is that rare life that crosses so many supposedly impermeable boundaries. He has made his mark in the academic and in the so-called real world. He has been a critical player in domestic and foreign policy. He has been a key member of Democrat administrations and Republican administrations. He has served ably in the executive branch and in the legislative branch. He has been esteemed as an author of books and an author of laws.

His record becomes more inspiring and amazing the more it is examined. Finally, he has brought that breadth and that stature to bear, not only on the great pivotal issues of the day, race and ethnicity, welfare fair and tax policy, the Cold War and terrorism, but also on the more local matters that can make a great difference in people's lives.

So, as a New Yorker and as an American, I am sorry to see PAT MOYNIHAN leaving the Senate; but as a Congressman, I know I will still be able to rely on his wise counsel.

I expect that I will not only be reading additional books by the sage of Pindar's Corners, but also constituent mail, and those are letters that I will be eager to receive.

I salute you, very able and distinguished public servant.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. WEINER) is recognized during morning hour debates for 1 minute.

Mr. WEINER. Mr. Speaker, we live in cynical times. We live in times when reams of newspaper are printed about our foibles, individual and collective; but there is scant recognition of the greatness of our country and its great people.

Today we pay tribute to a truly great man, Liz Moynihan's husband. For more than a generation, Senator MOYNIHAN has brought dignity to these halls, and during the push and pull of daily political discourse, there has been one voice which for more than 40 years has seen around the corner into the face of our future challenges.

Mr. Speaker, this is my first term; and if I serve just this one term, or 20 more, I hope to display just one ounce, one thimbleful, of the dignity and grace and wisdom of the senior Senator from New York.

Godspeed, Senator MOYNIHAN.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. HOUGHTON) is recognized during morning hour debates for 5 minutes.

Mr. HOUGHTON. Senator, it is hard for me to stand up here and talk to you, of all people, who are so eloquent and has given so many wonderful and meaningful things to us over the years.

Also I think of the words of John Lord O'Brien, who you remember was the great lawyer from Buffalo and was the head of probably the greatest law firm in the history of the country, which was the War Production Board during World War II. Somebody was saying very nice things about him one time, and he says, "I accept that and I appreciate it. The problem I have is not inhaling them."

You have had so many nice things said about you, I know it must be very difficult. But as you know, no one person is indispensable, clearly you nor I nor anyone around here. But if anyone comes close to indispensability, it is you.

I think of that wonderful story that Archibald McLeash told at one time. He was talking to a group of students, and one of the students said at the end of the lecture, "Mr. McLeash, would you try to sum up what you have said?" And he said, "Yes, I will try." He said, "Don't forget the thing." And the student said, "What do you mean, Mr. McLeash, by 'the thing'?"

Mr. McLeash said, "I will tell you what 'the thing' is. You know, so many times in life we judge ourselves, are we a Congressman, a Senator, a head of this or in charge of that, what we do. The thing is not what we do, but what we are." And what you are and what you are to us and will continue to be, this is not a finite thing, it is more than I can express.

Obviously there are things that are important to me, what you have done in terms of our transportation in upstate New York, Route 17 or I–86, to be exact, extraordinary. Not only have you been able to do things which have really helped and opened up what could be an economic wasteland, and is not because of your efforts; but you put it all in perspective, such as many times in discussions we have, going away back, 30, 40 years, Governor Dewey and some of the things he was trying to do. It was very, very helpful.

I also remember being I think it was in the Cannon Caucus Room when Bob Dole decided he was going to step out of the race in 1988. And who was there from the other side? It was you. You did not have to be there. I do not know whether anybody asked you, but you were there to lend support to your colleague.

Also I remember the times that we have been at Seneca Falls and the Women's Hall of Fame and the importance of women's issues in this country.

I could go on and on, but I want to go back to what Mr. McLeash said, it is what you are, rather than what you have done.

There was a wonderful statement that George Patton made to the Third Army in 1945, and it goes this way: "The highest honor I have attained is that of having my name coupled with yours in these great events." I echo that now with you, sir.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. CROWLEY) is recognized during morning hour debates for 2 minutes.

Mr. CROWLEY. Mr. Speaker, time will not permit me to read my prepared remarks. Senator, so I will just summarize them. As a veteran of Hell's Kitchen, I went to Power Memorial High School in Hell's Kitchen, so we have that in common.

As a veteran of World War II, as a veteran of academia, as a veteran of four administrations serving as a cabinet official or sub-cabinet official, as a veteran of the U.N. and as a veteran of the United States Senate, what a career, what a life, a life that would be admired and is admired by all Americans. But especially we in New York admire you for your service to our State, to our city and to our country.

You have been an inspiration to millions of Americans, especially to the poor, for your work in dealing with the poor and helping those who are least fortunate. Really, I believe following through on the beliefs that you were taught as a young man I am sure and throughout your entire career, you have stuck to them, always looking out for the most unfortunate among us.

We are going to miss you here in Washington, but we are going to have you, we hope, a lot more back in New York where we can all cherish you as we have right now.

In the words of our ancestors, let me summarize by saying, may the road rise up to meet you, and may the wind be always at your back, your wife Liz's back, and your entire family.

God bless you, Senator.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. KING) is recognized during morning hour debates for 5 minutes.

Mr. KING. Mr. Speaker, Senator MOYNIHAN has often said that there is no sense in being Irish unless you realize that some day, somehow, the world is going to break your heart. Well, obviously the hearts of New Yorkers are broken by the stepping down from the Senate of Senator MOYNIHAN. But, at the same time, we as New Yorkers can rejoice in the absolutely unparalleled contributions he has made to our country, to our State, and also in the fact that he is the quintessential New Yorker.

Whether it was growing up in the streets of New York, shining shoes, working on the docks, working for Governor Harriman, running for the president of the New York City Council many years ago, serving as ambassador to the U.N. in New York where he stood up for the dignity of people everywhere, where he almost singlehandedly denounced the resolution against Zionism, a man who was willing to always come to the brink, to stand and fight for what was right. Certainly during the 24 years he has been in the United States Senate, he has never allowed partisanship to in any way interfere with the job that he did.

The gentleman from New York (Mr. BOEHLERT) stated that he has the privilege of being your Congressman. I got the short straw. I represented Senator D'Amato for many years as his Congressman. I remember the many conversations I had with Senator D'Amato, where he would say how you were invaluable to the Senate, how partisanship never entered into the relationship you had, going back to the very first meeting after his election you had with him in the Hotel Carlyle in Manhattan.

I remember Senator D'Amato preparing for that meeting with you, and afterwards saying, "I just met the greatest guy in the world." From that day forward you forged a close relationship.

But that really personifies the relationship you had with all the people of New York. You were always there. You were, on the one hand, always defending the institutions of the United States, but, at the same time, willing to challenge accepted thinking.

Your book Beyond the Melting Pot certainly redefined the importance of ethnicity in the United States, the fact that you were willing to challenge Federal programs that were not working, which certainly antagonized people on the left; but then you went against people on the right by telling them that we had much more to do to strengthen the American family, we had more to do to be responsive to those who were being left behind in good economic times.

Senator MOYNIHAN, it really is a privilege for me as a Member of Congress to be able to join in this tribute to you. It certainly was a great meaning to me as a New Yorker for many years, whether it was reading your books, whether it was trying with my thesaurus and dictionary trying to understand all of your speeches and op-ed pieces in the New York Times and intellectual journals, whether it was always being challenged and sometimes provoked, other times really just put to the test by trying to measure up to the standards you set by answering the questions that you were posing; and you real personify what it means to be a Senator.

You are a man of Hell's Kitchen and a renaissance man; a working man and a Harvard professor; a street politician who ran for president of the city council; and a diplomat who walked with world leaders.

So I am again honored and privileged to be able to serve with you in the United States Government, but, most importantly, to be here today, and also to not really make a request, but almost impose upon you to say you have an obligation to work with us for all of your remaining years, to keep those columns coming, those op-ed pieces, to keep the letters and speeches coming, and never, ever stop probing our conscience, making us take that extra step to work for our constituents and the meaning of the United States.

Thank you, Senator MOYNIHAN.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. LOWEY) is recognized during morning hour debates for 3 minutes.

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to a great public servant and a dear friend, Senator Daniel Patrick MOYNIHAN. It is hard to believe, but we know you are going to stay fighting with us all this time.

Senator MOYNIHAN has served our country honorably through more than 4 decades of public life and four distinguished terms as Senator from New York. I want to especially salute Liz, our friend, your soulmate, your champion, your partner, your friend and fighter for all the causes that are good in New York and this country. We know you are going to continue to fight with us, Liz.

As a New Yorker, it has been an honor to be represented by Senator MOYNIHAN; and, as a Member of Congress, it has truly been a privilege for me to work with him. A leading advocate for New York's renowned medical schools and teaching hospitals, Senator MOYNIHAN has fought tirelessly to make sure that New York receives the Federal health care dollars that it deserves.

As a member of the Irish caucus, I have seen firsthand Senator MOYNIHAN's passionate commitment to establishing peace with justice for the people of Northern Ireland. Senator MOYNIHAN has also worked relentlessly to strengthen the United States-Israel relationship and to bring peace to that troubled region.

Yet Senator MOYNIHAN's storied legislative career, numerous political appointments and 62 honorary degrees are only part of what makes him so remarkable. Anyone who has had the pleasure of his company or the opportunity to work and fight by his side knows that his eloquence, intellect and dignity have made him a model leader for all Americans and a venerable advocate for the people of New York.

Indeed, Senator MOYNIHAN has been a guiding light on so many issues critical to the American landscape, perhaps nowhere more evident than his lifelong commitment to ending poverty in this country. With his incisive intellect, his boundless passion, Senator MOYNIHAN has worked tirelessly to speak for those who have no voice and to mend the social fabric of our Nation.

I know I speak for all New York and the Nation when I say that this institution will lose a brilliant mind when Senator MOYNIHAN retires next year, but we will continue to have your brilliant mind in fighting with us on all these critical issues that mean so much to New York and this country.

I will always treasure the time I have served with and have been represented by my good friend, Senator DANIEL PATRICK MOYNIHAN. We wish you well. Godspeed to you, Liz, as well.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. Meeks) is recognized during morning hour debates for 1 minute.

Mr. MEEKS of New York. Mr. Speaker, I rise this morning to join my fellow colleagues in honoring the distinguished Senator from New York. For almost a quarter of a century, DANIEL PATRICK MOYNIHAN has represented the interests of the people of New York with a thoughtful, diplomatic leadership presence in the Senate. He has defined politics of civility.

His experience and expertise in domestic policy, foreign policy, science and the arts has guided our country through some of her toughest challenges. As a new Member of Congress seeking guidance, Senator MOYNIHAN and his staff were there for me whenever I called on them on behalf of the constituents of the 6th Congressional District.

Senator MOYNIHAN's professional story during four honorable Senate terms serves as a powerful contrast to the prevailing cynicism about politics and public service. PAT MOYNIHAN has been a larger-than-life figure for New York and the Senate, being a true role model and a great leader, with grace and wisdom, that has made all Americans proud, no matter what party, race, sex, religion or creed, no matter whether you are rich or you are poor. Indeed, Senator MOYNIHAN, your career has been about bringing people together. What a great legacy, about bringing people together and caring for all.

Open behalf of my constituents, I thank Senator MOYNIHAN for his dedication and distinguished public service; and I wish him and his wife, Liz, all of God's blessing. The people of New York will miss him greatly. So will the Congress, and so will our country.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from New York (Mrs. KELLY) is recognized during morning hour debates for 3 minutes.

Mrs. KELLY. Mr. Speaker, when I first met Senator DANIEL PATRICK MOYNIHAN, it was early in his career. As a graduate of the Fletcher School of Law and Diplomacy at Tufts University in Medford, Massachusetts, he was, with characteristic concern for quality education, working with my husband and others to form a New York chapter of the Tufts Alumni Association. Its purpose was to found and fund scholarships and identify bright young students who would benefit from a college education. I remember then thinking how impressive he was in his grasp and understanding of the need of a quality education for all and the need for its early recognition.

When DANIEL PATRICK MOYNIHAN ran for Senator from New York, it was as native son come home. A list of Senator MOYNIHAN's accomplishments would run on for hours, and we have heard many of them recounted here today. However, the most important things I believe so many will remember about him will be the fact that he changed their lives. He changed so many by applying intellect and concern for policy over politics.

During his distinguished career, many people gained a better quality of life and many people were able to better understand the government's functions, thanks to his thoughtful work.

Senator MOYNIHAN, it has been a great pleasure to work across the aisle from this House to the Senate and with you. We thank you for your hard work, and I thank you also for the work of your excellent staff. Although Washington may miss you, sir, we welcome you back to New York.

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## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 2 minutes.

Ms. NORTON. Mr. Speaker, I am pleased that a non-New Yorker has been able to get a word in edgewise this morning. I come to the floor as a fourth generation Washingtonian to pay tribute to a great New Yorker and a great American. Actually, I was a New Yorker. I was Chair of the New York City Human Rights Commission and I was the executive assistant to Mayor John Lindsey. The Senator introduced me when I was nominated to be the Chair of the Equal Employment Opportunity Commission.

But I come this morning because Washingtonians would want me to come and other Americans would want me to come to thank the Senator for what he has done for the Nation's Capital, and, therefore, for his country. This is only one of the unique roles the Senator has managed to carve out in 25 years in the Senate.

As an African American, I also thank him for the prescient role he played in pointing out difficulties in the black family, a position that has now been embraced by black leadership themselves. As an academic, I thank him for his work as a public intellectual. I fished out only two of the many books he has written from my bookcase this morning. How he has managed to write books and be a Senator, this academic still does not understand.

The lasting monument of this great man, I must say to you, for this city and the country, is surely his work in resurrecting Pennsylvania Avenue. From the Capitol to the White House, instead of a slum, the American people now see an avenue the equivalent of the Champs Elysee. It would not have been that way were it not for the determination and the sheer persistence of DANIEL PATRICK MOYNIHAN.

We will not have to rename The Avenue for you, Senator, in order to remember you. We will remember your work on Pennsylvania Avenue by our ongoing work and by your remarks in your Jefferson lecture at the University of Virginia in April, where you said, "In all a reassuring tale. An urban design, indivisible from a political-constitutional purpose, endured during two centuries and has now substantially prevailed. Pennsylvania Avenue lively, friendly and inviting. Yet of a sudden closed. Just so. In 1995, blockades went up at 14th Street and at 16th Street in front of the White House. Blockades and block houses. Armed Guards."

We will open The Avenue for you, Senator.

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## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New York (Mr. HINCHEY) is recognized during morning hour debates for 3 minutes.

Mr. HINCHEY. Mr. Speaker, DANIEL PATRICK MOYNIHAN has been valued and will continue to be valued for his wisdom on a kaleidoscopic range of subjects, for his prescient and nuanced analysis of social problems, his persistent and eloquent defense of government support for the poor and the disadvantaged, long after that position had become unfashionable; for his role in international affairs, as a participant and observer; as courtly diplomat and passionate defender of democracy. His example, his independence of mind, his indifference to fashion, his rejection of cant and conventional wisdom, is perhaps the best demonstration of why his favorite cause, the dignity of the free individual soul, matters so much.

Perhaps the proudest achievement of our country and our democratic system is that we allow people like DANIEL PATRICK MOYNIHAN to speak their minds and rise to power.

His particular legacy to New York lies in his understanding that the lives of free individuals can be enhanced by the beauty and grandeur of all that surrounds them: the landscape, the streetscape, and the history that underlies them. So he made it his mission to see that our home, New York, would retain its distinguished features and add to its beauty and eloquence.

He committed himself to enhancing everyday life and to landmarks that spoke of the dignity of ordinary people, the efforts of the forgotten, and the conviction that every person matters. So throughout his Senate career, he worked to protect the landmarks of the women's rights movement in Seneca Falls, because he knew that the more celebrated proclamations of liberty in Philadelphia rang a little hollow for more than half the American people.

He worked equally hard to give Federal recognition to the Erie and Champlain Canals in New York, because he knows that the working folk who dug the ditches and piloted the boats, whose names we have forgotten, were more responsible for the westward expansion of our country and the opportunities it opened than the more celebrated frontier explorers.

He is working now to protect Governors Island in New York Harbor, the island most people ignored because its work was the daily grind of protecting the harbor, the overlooked work that sustains us. He has directed Federal funds to the protection of an ordinary businessman's house in Buffalo, because that little known man, Darwin Martin, had the daring and foresight to build a place of no pretension, but great beauty, by hiring an unregarded architect named Frank Lloyd Wright.

PAT MOYNIHAN insisted that public spaces where ordinary people pass daily and conduct their mundane business should remind them of their dignity and the soaring ideals of the American endeavor. So he insisted that the New York courthouses should be fine, even grand places, and he devoted himself to the rebirth of Pennsylvania Station as a place of splendor, a worthy replacement for the building we lost when people believed that public places should be drab and functional.

Of course, here in Washington, we know that it was PAT MOYNIHAN more than any other person who saw to it that Pennsylvania Avenue was also reborn, and again became a place of eloquence and beauty, appropriate to its place as the main boulevard of our Capital.

PAT MOYNIHAN made his home in New York, appropriately at the crossroads of the ordinary and the ideal, a tiny rural settlement named in honor of a classical poet, the Hamlet of Pindar's Corners. His home there at the same time was a modest rural farmhouse and a Greek temple, a common 19th century architectural style in upstate New York, but one rarely seen today.

His blending of the common, the human, the mundane, and of the highest ideals and greatest dignity, is a reflection of America at its best, what this country is all about. Nothing could be more appropriate for the man who best reflects that same vision, DANIEL PATRICK MOYNIHAN.

Mr. Speaker, PAT MOYNIHAN has always appeared larger than life. From the day he arrived in the Senate as a freshman in 1977, he was not just another Senator. He has always stood apart. He is one of the few Senators of whom it can be said that his name is just as powerful, just as important, whether the title "Senator" is attached or not. After most of us leave Congress, the world has much less interest in what we have to say. But that will not be the case with PAT. When he speaks—whether he is Senator MOYNIHAN, Professor MOYNIHAN, or just DANIEL PATRICK MOYNIHAN—the world listens.

He has been valued, and will continue to be valued, for his wisdom on a kaleidoscopic range of subjects—for his prescient and nuanced analysis of social problems, his persistent and eloquent defense of government support for the poor and disadvantaged, long after that position had become unfashionable, for his role in international affairs as participant and observer, as courtly diplomat and passionate defender of democracy and freedom. His own example—his independence of mind, his indifference to fashion, his rejection of cant and conventional wisdom—is perhaps the best demonstration of why his favorite cause—the dignity of the free individual soul—matters so much. Perhaps the proudest achievement of our country and our democratic system is that we allow people like DANIEL PATRICK MOYNIHAN to speak their minds, and rise to power.

Any list of his achievements will be long. But we New Yorkers have some more particular and parochial reasons to thank him and to honor him, and reasons to be proud that we sent him to the Senate. He was born in Oklahoma, of course, and spent much of his professional life before he came to the Senate in Massachusetts. But we New Yorkers embraced him as he embraced us, and we will always be proud to count him as one of us.

His particular legacy to New York lies in his understanding that the lives of free individuals can be enhanced by the beauty and grandeur of all that surrounds them—the landscape, the streetscape, and the history that underlies them. So he made it his mission to see that our home, New York, would retain its distinguished features and add to its beauty and elegance.

It is telling that PAT MOYNIHAN did not put his greatest efforts into the more obvious treasures of the State, or into monuments to the great and famous. instead, he committed himself to enhancing everyday life, and into landmarks that spoke of the dignity of ordinary people, the efforts of the forgotten, and the conviction that every person matters. So throughout his Senate career he worked to protect the landmarks of the women's rights movement in Seneca Falls, because he knew that the more celebrated proclamations of liberty in Philadelphia rang a little hollow for more than half the American people. He has worked equally hard to give federal recognition to the Erie and Champlain Canals in New York, because he knows that the working folk who dug the ditches and piloted the boats whose names we have forgotten were more responsible for the westward expansion of our country and the opportunities it opened than the more celebrated frontier explorers. He is working now to protect Governors Island in New York Harbor—the island most people ignored because its work was the daily grind of protecting the harbor, the overlooked work that sustains us. He has directed federal funds to the protection of an ordinary businessman's house in Buffalo because that little known man, Darwin Martin, had the daring and foresight to build a place of no pretension but great beauty by hiring an unregarded architect named Frank Lloyd Wright.

PAT MOYNIHAN has not just looked to protect our history, however. In a time when public buildings and public spaces were given little regard, and their design was contracted to the low bidder PAT MOYNIHAN insisted that public spaces where ordinary people pass daily and conduct their mundane business should remind them of their dignity and the soaring ideals of the American endeavor. So he insisted that the new courthouses in New York should be fine, even grand places, and he devoted himself to the rebirth of Pennsylvania Station as a place of splendor, a worthy replacement for the building we lost when people believed that public spaces should be drab and functional. Of course here in Washington we know that it was PAT MOYNIHAN, more than any other person, who saw to it that Pennsylvania Avenue was also reborn, and again became a place of elegance and beauty appropriate to its place as the main boulevard of our Capital. I believe that New Yorkers and the Nation will thank him for his work on restoring aesthetics to community life for a long time to come.

Typically, though, PAT MOYNIHAN did not focus on just a few great buildings and monumental spaces. One of his finest achievements, in my view, was his imaginative and inventive idea for financing what he called "enhancements" with highway money—parks, gardens, beautification, historic restoration, and other improvements of the landscape and the community, available to every place touched by a federally funded highway. Most of these enhancements are small changes in ordinary communities, changes that touch the life and lift the spirits of all those who see them and use them. Most people don't know that PAT MOYNIHAN had anything to do with them, but they may be one of his most lasting legacies to our Nation.

PAT MOYNIHAN made his home in New York, appropriately at the crossroads of the ordinary and the ideal—a tiny rural settlement named in honor of a classical poet, the Hamlet of Pindar's Corners. His home there was at the same time a modest rural farmhouse and a Greek temple, a common nineteenth century architectural style in upstate New York, but one rarely seen today. This blending of the common, the human, the mundane, and of the highest ideals and greatest dignity is a reflection of America at its best, what this country is all about. Nothing could be more appropriate for the man who best reflects that same vision, DANIEL PATRICK MOYNIHAN.

Mr. LAZIO. Mr. Speaker, we are here this morning to honor Senator DANIEL PATRICK MOYNIHAN, who will soon be concluding a distinguished career of public service. Senator MOYNIHAN's curriculum vitae extends over 44 pages. As one reads, one can not but be astounded that a single person could achieve so much, in so many areas.

During World War II, DANIEL PATRICK MOYNIHAN left college after one year to serve his country as a Naval officer. Returning to the United States after the war, he went on to become the sole person to ever serve 4 successive administrations at the Cabinet or Sub-Cabinet level. He served Presidents Kennedy, Johnson, Nixon and Ford in such roles as Cabinet Assistant Secretary, Counselor to the President, Assistant to the President, Ambassador and President of the U.N. Security Council. In 1977 he was elected to the United States Senate, a post that he has held until today. Throughout the course of his career, Senator MOYNIHAN has been the recipient of countless honors, ranging from honorary degrees from universities throughout the world, to awards from a variety of groups far too numerous to mention.

Yet, as outstanding as his record of achievement has been, what has always impressed me is the independence of mind that has consistently characterized DANIEL PATRICK MOYNIHAN's views, statements and policy positions. During the early 1970s, DANIEL PATRICK MOYNIHAN incurred the wrath of many critics when he came out with a report on the social crisis posed by the explosion in out-of-wedlock births that was as prescient as it was controversial. Serving as our Ambassador to the United Nations, he spoke eloquently and forcefully in defense of Israel, when the infamous "Zionism equals Racism" resolution was passed in that body.

As a United States Senator, DANIEL PATRICK MOYNIHAN's willingness to take on the unpopular, yet necessary issues has remained intact. For years, when the conventional political wisdom was that Social Security reform was the "third rail of politics," DANIEL PATRICK MOYNIHAN talked of the impending crisis of solvency for Social Security. He has similarly been willing to buck the tide of political convention and correctness.

To put it quite simply, DANIEL PATRICK MOYNIHAN is one of the most honorable public servants I have ever met. His presence in the United States Senate will be sorely missed. He is a New Yorker, through the through, and has been a truly eloquent voice in Washington for all of us in the Empire State. I would be deeply honored to serve as his successor.

As he embarks upon a new chapter of his life, I would like to wish him Godspeed, secure in the knowledge that whatever new challenge DANIEL PATRICK MOYNIHAN next chooses to address will be met with the same courage, determination and raw talent that has brought him success throughout his long and distinguished career.

## GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks relating to this tribute to Senator DANIEL PATRICK MOYNIHAN.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 50 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 10 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Fulfilling Hebrew psalms and Christian exhortations, may all in this House and in this Nation be of one mind, sympathetic, loving one another, compassionate and humble.

Let no one return evil for evil, or insult for insult. On the contrary, make us a blessing for others, for this is our calling.

As God's children, we will inherit a blessing so far surpassing the momentary trouble we face and the inscrutable behavior we suffer.

God, Your blessing does not rest only on us. God's blessing, once revealed, so penetrates our being and all our relationships that we become a blessing for all our brothers and sisters in the human family, now and in the future, and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## CELEBRATING THE TWENTIETH ANNIVERSARY OF THE REGULATORY FLEXIBILITY ACT

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, I rise today to commemorate the 20th anniversary of the enactment of the Regulatory Flexibility Act.

Over 20 years ago, several Members of this House, along with Members from the other body, worked tirelessly and in a bipartisan fashion to advance the interests of small businesses caught in the endless stream of new regulations pouring out of the Federal government. Regulatory agencies and executive departments were constantly advancing new regulations with a one-size-fits-all approach. This approach to regulation was destroying our small businesses.

A handful of visionaries came to the rescue with the Regulatory Flexibility Act which is often referred to as the magna carta of small business rights. It was advanced in a bipartisan manner by a group of individuals who deserve our praise today.

Members of the House who led the charge back then were Andy Ireland, the gentleman from Missouri (Mr. SKELTON) and Neal Smith. Their colleagues in the Senate were John Culver and Gaylord Nelson. From the business community, there were many individuals who contributed to this effort, most notably John Motley and former Congressman Mike McKevitt. And, of course, as with most things we do, there was exceptional staff work done on making the Regulatory Flexibility Act a reality, most notably the contributions of then the House Committee on Small Business staffer, Stephen P. Lynch.

Happy birthday Reg Flex Act.

## REFORM FOR SENTENCING OF SEX OFFENDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a 22-year-old Boston transvestite kidnapped and molested a 12-year-old boy with a screwdriver. After all of this, the judge said there is just a little too much hype about this case. Thus, Judge Lopez sentenced this sex offender to 1 year probation and no jail time.

Unbelievable. What is next? Country clubs for child molesters? Think about it. These courts are so screwed up, admitted serial murderers get 3 square meals, TV, law libraries, and air-conditioning.

Beam me up. I say there should be a court-ordered sex change on this transvestite performed by Dr. Lorena Bobbit in Boston, Massachusetts. That would stop this garbage.

I yield back the fact that this judge should be removed from office.

## CAMPAIGN CONTRIBUTIONS FROM HOLLYWOOD UNDERMINES CANDIDATE CREDIBILITY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on August 10, 1999, there was an article in the Los Angeles Times. AL GORE was in Hollywood raising money for his campaign.

The Los Angeles Times reported that he told these big Hollywood contributors in very clear terms that a probe into Hollywood violence was the President's idea, not his. These Hollywood big wigs make a lot of money from violent movies and did not like the idea of Washington politicians meddling with their profits.

Well, Mr. Speaker, that investigation that AL GORE once disavowed is complete and it turns out that these Hollywood types have been marketing violent movies and video games to 12-year-olds. Even President Clinton is mad. But AL GORE has accepted over $13 million in donations from this special interest industry.

Now, AL GORE wants us to believe that he is going to do something about violent movies, video games and music lyrics. Would it seem too cynical if I said, quite simply, I do not believe it.

## CALLING FOR RECALL OF CONTAMINATED GENETICALLY ENGINEERED CORN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, we are told over and over again that the Food and Drug Administration is protecting the food supply by carefully scrutinizing this new genetically engineered food technology with full consideration for our safety. We are told over and over again that the biotech food industry will protect us. We are told over and over again that genetically engineered food is safe.

Mr. Speaker, my colleagues may have heard the startling new reports that unapproved genetically engineered corn has contaminated the Taco Bell taco shells found on our grocery store shelves. This corn has not been approved by the EPA for human consumption because of their concern for allergens.

The GE food industry, the genetically engineered food industry fails the American public and they are losing the public's trust in this matter.

Yesterday, the FDA announced that they will recall the product if their own testing confirms the contamination. I am asking Members to please sign my letter to the FDA asking for the recall and the FDA testing of more products that might contain this illegal corn variety.

## DIGITAL DIVIDE ACCESS TO TECHNOLOGY ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, let me share some statistics with my colleagues. Over 100 million Americans today are online, and seven new Americans go on line every second. One-third of all new jobs today are created in the technology sector, and in my home State of Illinois, salaries of technology workers are 59 percent higher than other traditional jobs.

There is great opportunity in this new economy, but educators tell me they notice the difference back home in our schools between those children who have computers and Internet access at home and those who do not. When we ask why they do not, they always say that the cost is the biggest challenge.

Well, the private sector, Ford, Intel, Delta and American Airlines have stepped forward to provide Internet-accessed computers for their employees. Unfortunately, the IRS wants to tax it. For a worker making $27,000 a year, that means $200 in higher taxes, just because their employer provides them with a computer. Think about that. The janitor, the assembly line worker, the laborer, their children having Internet access and a computer at home to do their school work.

Mr. Speaker, it is good policy; and I am glad to see the private sector stepping forward.

That is why I want to ask my colleagues to join with me in cosponsoring the DDATA Act, legislation that clarifies that employer-provided computers and Internet access are tax free, treated the same way as an employer-provided pension or health care benefit.

The DDATA Act is pro worker, pro education, and pro technology. Let us stop the IRS from taxing these kinds of employer benefits.

### IMMIGRANTS IN HIGH-TECH INDUSTRY PROVIDE ECONOMIC SECURITY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is possible for this great body to address the concerns of many, if there is an effort to deliberate and concentrate and generate a solution.

This week, we may have the opportunity to look closely at the needs of our high-tech industry with respect to additional personnel. It is called the H1-B nonimmigrant visas. As many of us have heard and as the country has heard, this high-tech industry has been an anchor of our economic boom.

However, at the same time, there are serious humanitarian issues that I believe warrant our consideration. One of them deals with the providing of late amnesty options for thousands upon thousands of immigrants who have been living in this country and paying taxes, buying homes and raising their children, but because of an INS mistake, were not able to apply for late amnesty. Then we have the parity that needs to occur for Central America similar to that given to any Nicaraguans and Cubans so that the fairness will allow families to remain united.

Then, as we look at the nonimmigrant visas, it is important to protect American workers and to provide opportunities for employment in the high-tech industry for African Americans and Hispanics. We can do good if we put our minds to it.

### PRESIDENT CALLS FOR MORE TAX COLLECTORS AT IRS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it astounds me and most of my fellow Nevadans as well when we hear that the Clinton-Gore administration intends to veto the Treasury-Postal appropriations bill, a bill which this Chamber passed just last week; veto it simply because the bill does not give enough money to the IRS.

The IRS is demanding $224 million more than their current $8.6 billion budget to pay for 5,000 more tax collectors.

Mr. Speaker, what the American people need is not more tax collectors; what the American people need is a tax break. The overwhelming tax burden currently placed on the American families is simply unconscionable and by vetoing the Treasury-Postal bill President Clinton also vetoes the repeal of the telephone excise tax, a tax passed over 100 years ago to fund the Spanish American war.

Not one single Nevadan has ever asked me to fight for more IRS tax collectors. Americans do not want the bloated bureaucracy of the IRS to expand; they want and deserve a tax break.

### AMERICA SHOULD BE STRONG PARTICIPANT IN UNITED NATIONS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, I come before the House today to talk for 1 minute about today being United Nations Day. It is also the beginning of the decade of peace in the world. They are trying to begin to emphasize how to bring peace in a variety of different places across the globe.

It is important for us in this body to recognize the important part we play, not only by our contributions to the U.N. in which we have lagged seriously behind, but in our support for what goes on.

The United States has, from time to time, supported the U.N. when it has been in our interests and at other times we walk away from them. But as we look across the globe with all of the places, Sierra Leone or Liberia or Somalia, when we look, we see always that the U.N. sometimes has our support and sometimes does not.

Now, if we are going to be the leader of the world, we certainly are economically, but if we are politically going to be leaders of the world, we must participate in the United Nations in a very strong way. That means paying our dues.

### GENERICS ARE CRITICAL IN ADDRESSING HEALTH CARE COST ESCALATION

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, I do not have to tell Members of this body that health care inflation is out of control. Our constituents are telling us that every day.

They are feeling the effects of medical costs that increased over 10 percent in 1999 alone. The latest projections are that health care inflation will outpace overall inflation for many years to come. This poses a significant threat to American families, government programs, and employers who are shouldering a growing burden of the U.S. health care costs.

One solution to this problem is to increase the availability of generic drugs. Generic drugs deliver the same health results as brand drugs, but generics cost 70 percent less on average than the brands they replace. The savings are significant.

A new report released by Sanford University in Alabama shows that for every 1 percent increase in generic drug utilization, consumers, taxpayers and employers save over $1 billion in prescription drug costs. It is clear that the greater use of generic drugs must be a part of the plan to cure the Nation's ailing health care system.

□ 1015

### GENERIC DRUGS

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, most Americans know that the cost of pharmaceutical drugs is at a record high. Prescription drug costs rose 85 percent between 1993 and 1998, and prescription drugs represent the highest out-of-pocket expense for three out of four senior citizens.

Generic drugs are FDA approved to be safe and to be secure, but they cost 70 percent less than brand name drugs. The fact of the matter is, there are loopholes in today's laws that block entry to these affordable generic drugs.

This Congress needs to reform the Hatch-Waxman Act to improve competition and make our markets more accessible and fair. Let us end the brand drug monopoly that stifles competition, restricts our consumers' choice, and raises consumer drug prices.

### CHILDHOOD CANCER AWARENESS MONTH

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the month of September is Childhood Cancer Awareness Month, and I am proud to stand here wearing my gold ribbon of hope and voice my support for the children and families who are affected by this disease.

Cancer causes more deaths during childhood than any other disease. This year an estimated 12,400 children will be diagnosed with cancer, and 2,300 will die. Though we celebrate with the survivors and their families, we cannot forget the children who will, unfortunately, succumb.

That is why I am preparing to introduce legislation on behalf of these children and their families that will support them through the hospice care. Later this month, the gentleman from Virginia (Mr. MORAN) and I will host a conference for Members and staff in order to address the challenges concerning hospice care for children and share our ideas and examine questions regarding this serious topic.

I hope my colleagues will support this legislation, the conference, and Childhood Cancer Awareness Month.

## GENERIC DRUGS PROVIDE AFFORDABLE HEALTH CARE ALTERNATIVE

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, today over 40 million Americans lack adequate health insurance coverage and millions more are struggling to cover their health care bills. Unfortunately, seniors and children are among the groups most vulnerable in American society. Finding solutions to this health care crisis has to be at the top of our agenda.

Fortunately, there is help. Right now, generic drug companies are producing lifesaving and life-improving medicines that cost substantially less than brand name drugs. In fact, generic drugs provide one of the best values in the United States health care system. The substantial savings provided by generic drugs means more Americans can buy the medicines they need. It also means that through greater use of generic drugs, public health programs, like Medicaid and Medicare, can manage to help more Americans.

Generic drugs should be a key part of any prescription drug program approved by this Congress.

## BRAND NAME AND GENERIC DRUGS ARE INTERCHANGEABLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, does anyone in the Chamber know the difference between Zantac and Ranitidine Hydrochloride? Here is the answer: Price. Zantac is the brand name of a popular medication to treat ulcers. Ranitidine Hydrochloride is the generic name of the exact same drug.

The Food and Drug Administration ensures that whether a consumer uses a drug by its brand name, such as Zantac, or a drug that goes by the generic name, such as Ranitidine, they will receive the same active ingredients and the same health benefits. To quote FDA Commissioner Jane Henney, "If the FDA declares a generic drug to be therapeutically equivalent to an innovator drug, the two products will provide the same intended clinical effect."

This is important, Mr. Speaker, because if we ever hope to bring health care inflation under control, we have to understand that brand drugs and generic drugs are truly interchangeable. Through greater use of high quality, less costly generic drugs, we can have truly affordable and effective medicine.

If we check our medicine cabinets, we find that there are more affordable generics available for many of these expensive prescriptions.

## ADMINISTRATION HAS FAILED TO RESOLVE OIL CRISIS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, first let me say the Federal Reserve has done a great job in keeping our economy strong and growing. Unfortunately, the Clinton-Gore administration's lack of a coherent energy policy threatens that very economic prosperity.

As I speak, fuel prices around the Nation and around the world are skyrocketing as the price of oil tops $37 per barrel. Rising fuel prices affect every sector of the economy and eventually every American.

Airlines are increasing fares; truckers, who deliver our food, medicine, and virtually everything else are straining to meet their contractual obligations and pay for fuel that is now costing an average of $1.62 cents a gallon. As consumer prices rise, consumer spending will decrease, leading to sluggish sales, larger inventories and slower growth.

So, Mr. Speaker, what is the administration's answer to the pending crisis? Well, instead of using the 8 years they had in office to develop an energy policy which would have prevented this crisis, the Clinton-Gore administration squandered those opportunities and now is only offering last-minute solutions, like begging Saudi Arabia to increase oil production.

For an administration that has not been ashamed to take all the credit for the current economy, I hope they do as much to solve this crisis than just admit, as they did in the spring, that they fell asleep at the switch.

## BLUE RIBBON PANEL SHOULD BE FORMED TO PROTECT RIGHTS AND LIBERTIES OF ALL AMERICAN CITIZENS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, at the time that Wen Ho Lee was first arrested, I met with the Chinese-American Political Association of the greater San Francisco Bay area. Many in that community raised their concerns that he was the target of selective prosecution, of racial profiling, and prosecutorial abuse. As we now see, as that case has started to come to a conclusion with the plea bargain, in fact many of the concerns raised by the Chinese community turned out to be true.

All Americans should be deeply disturbed by the prosecutorial abuse that was raised in this case and used against Wen Ho Lee. This does not suggest that Wen Ho Lee did not have some serious transgressions of the current law and policy, but what his government did to him should cause concern by all Americans.

All Americans are entitled to an impartial review of the actions by all parties to that prosecution. Unfortunately, the congressional committees, the FBI, the intelligence agencies, and all the rest participated in the feeding frenzy at the time of the arrest.

I think maybe we ought to have a national, impartial blue ribbon commission to look at the Wen Ho Lee case and see how we can better safeguard the rights and liberties of all American citizens.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the Debt Relief and Retirement Security Reconciliation Act of 2000, together with such other votes as may have been postponed to that point, will be taken after the debate has concluded on that motion.

Record votes on remaining motions to suspend the rules will be taken later today.

## APPOINTMENT OF CONFEREES ON H.R. 4919, SECURITY ASSISTANCE ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the

Speaker's table the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? The Chair hears none and, without objection, appoints the following conferees:

Messrs. GILMAN, GOODLING, and GEJDENSON.

There was no objection.

## FHA DOWNPAYMENT SIMPLIFICATION EXTENSION ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (5193) to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program, as amended.

The Clerk read as follows:

H.R. 5193

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "FHA Downpayment Simplification Extension Act of 2000".

**SEC. 2. EXTENSION OF APPLICABILITY OF DOWNPAYMENT SIMPLIFICATION PROVISIONS.**

Subparagraph (A) of section 203(b)(10) of the National Housing Act (12 U.S.C. 1709(b)(10)(A)) is amended by striking "executed for insurance in fiscal years 1998, 1999, and 2000" and inserting "closed on or before October 30, 2000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5193, the FHA Downpayment Simplification Extension Act of 2000 would extend existing statutory provisions in the National Housing Act that provides for the manner and method of calculating downpayments by new homeowners closing on mortgage loans insured by the Federal Housing Administration.

This simplification is merely a technical change that rewrites and clarifies downpayment requirements that, over time, have been amended in such a manner that are now unclear and difficult to understand. A simplified or streamlined method would provide savings to homebuyers and a calculation method uniformly understood by the mortgage industry and consumers.

This calculation method would reduce from a three-tiered approach to a two-tiered approach. Its effect would also decrease the amount of downpayments necessary. For example, this streamlined approach will save borrowers of a typical $150,000 home loan approximately $1,000 to $2,000 at closing.

In the 105th Congress this body passed similar legislation. Originally, the legislation was extended through a demonstration project to Hawaii and Alaska. In last year's VA-HUD appropriations act, this body extended the legislation to the rest of the country.

The current legislation will expire September 30. This bill's extension through October 30 accomplishes two goals. First, the extension will allow this committee more time to complete its work and pass the comprehensive housing conference report on H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. H.R. 1776 overwhelmingly passed the House on April 6 by a 417 to 8 vote and includes permanent authorization to simplify the manner of FHA downpayment calculations.

Secondly, and more important, this extension will eliminate any confusion that now exists in the mortgage finance market for the next few weeks where some borrowers would face uncertain downpayments requirements at closing.

Let me close by stressing that the extension of a technical change to the law reflects sound policy and allows creditworthy families greater homeownership opportunities.

I would also like particularly to express my appreciation for the work of the gentleman from New York (Mr. LAZIO), the gentleman from California (Mr. KUYKENDALL), and the gentleman from New York (Mr. LAFALCE) for their leadership in this area.

Mr. Speaker, I am submitting for the RECORD a letter received in support of this legislation by the National Association of Home Builders.

NATIONAL ASSOCIATION OF HOME BUILDERS,
*Washington, DC, September 18, 2000.*

DEAR REPRESENTATIVE: On behalf of the 200,000 members of the National Association of Home Builders, I am writing to express our support for H.R. 5193, the "FHA Downpayment Simplification Extension Act," which is scheduled to come before the full House of Representatives tomorrow under suspension of the rules. The bill provides a fifteen-day extension of the Federal Housing Authority's (FHA) downpayment simplification. We very much appreciate your consideration of our views.

NAHB is very supportive of FHA's downpayment simplification process. It has been hugely successful in enabling more low-income households to purchase their first home. Given such successes, we support Congress' action to provide a short-term extension until a more appropriate venue—namely through the authorization process—may be utilized and further, that at that time, the downpayment simplification be made permanent.

The simplification is a technical change that rewrites and clarifies downpayment requirements, that over time had been amended in such a manner that makes them unclear and difficult to understand. A simplified or streamlined method provides savings to the homebuyer and a calculation method uniformly understood by the mortgage industry and consumers. This calculation method is reduced from a three-tiered approach to a two-tiered approach. Its effect decreases the amount of downpayments necessary where the borrower is otherwise creditworthy.

Finally, as you may be aware, the issue of extending the FHA downpayment simplification is addressed in H.R. 1776, the "American Homeownership and Economic Opportunity Act," which passed in the U.S. House of Representatives on April 6, 2000 by an overwhelming and bipartisan vote of 417 to 8. Considering the strong support of this housing proposal within the House of Representatives, we continue to urge the Senate to consider H.R. 1776 and either bring it to the floor for a vote, or move to a formal conference with S. 1452, the Senate's manufactured housing legislation as soon as possible.

Thank you for the opportunity to express our views on this important housing issue. We appreciate your continued support for the home building industry and look forward to working with you during the remaining days of the 106th Congress, and into the 107th Congress, as we seek to provide safe, affordable housing for all Americans.

Sincerely,

WILLIAM P. KILLMER.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Mr. Speaker, I strongly support this 30-day technical extension of the FHA downpayment simplification formula. The bill makes sure that in the event of a VA-HUD appropriations bill not being signed into law by October 1, that FHA borrowers and lenders may continue to use the current simplified downpayment formula in anticipation of a permanent biennial or annual extension of this formula.

This bill is the second development over the last few months which clearly illustrates the folly of the current approach of interim extensions of the FHA downpayment simplification formula. Two years ago, Congress applied this formula nationwide to all 50 States for a period of 2 years ending October 1 of this year. Yet just a few months ago, confusion set into the mortgage markets as many lenders were concerned about the technical language of the 2-year application; whether the effective cutoff date was the day a loan closed or the day that HUD insured it.

☐ 1030

We were in the ridiculous situation in which lenders all over the country might have had to revert to the old formula for a month or two, potentially raising down payment levels, creating confusion, and killing home purchases.

Fortunately, both congressional leaders and HUD concurred that Congress' intent was to refer to the closing date and HUD issued a clarification to that effect, and today's bill explicitly uses this approach.

The second development is today's bill, which highlights the possibility that we will not enact a VA-HUD bill by October 1. This once again raises the very real possibility that an interim extension for down payment simplification could expire unintentionally.

The obvious conclusion is that anything less than a permanent extension of the down payment formula runs the risk that we will be in the same position a year or so from now, facing expiration of the new formula.

Moreover, the approach of a permanent extension was taken in H.R. 1776, the homeownership bill, which passed the House earlier this year. This approach of a permanent extension was taken with overwhelming bipartisan support.

So I think our course should be clear. We should make this formula permanent through whatever legislative vehicle is available in the next few weeks.

Unfortunately, there is a real risk that through inadvertence the down payment simplification formula could lapse for an extended period of time, thereby forcing FHA borrowers and lenders to revert to the old, confusing, anti-consumer formula. This risk was highlighted by an action the other body took last week where a 1-year extension of the down payment formula was put into the VA-HUD bill in subcommittee but then was inexplicably stripped by the majority in full committee.

Thus, the real risk is that, as we simultaneously consider both the fiscal year 2001 VA-HUD appropriations bill and potentially a conference on H.R. 1776, down payment simplification could fall through the cracks, especially in the confusion of the last week or so of this Congress.

That would be a terrible result for the hundreds of thousands of home buyers that use FHA.

Therefore, I ask the chairman of our Committee on Banking and Financial Services that, however these various bills are considered, that we work to ensure that down payment simplification either permanently, as in H.R. 1776, or as an extension, is included in some bill that the President signs into law. And if it is an extension, I hope it will be a long-term extension, although I support the 30-day in today's bill.

Mr. LEACH. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Speaker, let me say to the gentleman, I concur in everything the gentleman has just said, and it is one of the reasons I am so strongly supportive of getting H.R. 1776 made into public law.

Mr. LAFALCE. Mr. Speaker, reclaiming my time, I thank the Chair for changing this bill from 15 days to 30 days.

Mr. LEACH. Mr. Speaker, if the gentleman will continue to yield, in any regard, I will say to the gentleman that the scenario that he has laid out of possible problems is a credibly unfortunate scenario that could occur, and it is the intent of the Chair to be as vigilant as possible to ensure that it does not occur.

Mr. LAFALCE. Mr. Speaker, I thank the chairman of the committee, and I thank the chairman of the full committee for their comments. I ask all to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5193, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include extraneous material on H.R. 5193.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## HOMEOWNERS FINANCING PROTECTION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3834) to amend the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 to provide loan guarantees for loans made to refinance existing mortgage loans guaranteed under such section, as amended.

The Clerk read as follows:

H.R. 3834

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Homeowners Financing Protection Act".

**SEC. 2. GUARANTEES FOR REFINANCING LOANS.**

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts, guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) INTEREST RATE.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) SECURITY.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) AMOUNT.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3834, the Homeowners Financing Protection Act, would allow borrowers under the Rural Housing Service (RHS) single-family program to refinance their mortgages to take advantage of lower interest rates with new RHS-guaranteed loans.

Under the current law, RHS borrowers, under the direct or guarantee program, are precluded from refinancing their existing loan with a new RHS-guarantee loan. This anomaly affects low- and very-low-income families who originally qualified for RHS direct mortgage loans.

While the direct loans were meant to provide temporary credit in some circumstances, borrowers were unable to successfully apply for mortgage credit without a government guarantee even though their financial condition had modestly improved.

H.R. 3834 would remove the statutory prohibition from refinancing direct single-family housing loans using the guaranteed program. According to the General Accounting Office, as of May 31, 2000, approximately 9,100 RHS loans exist with an interest rate of 13 percent or higher; 65,000 loans exist with an interest rate of at least 9½ percent. It is clear that these borrowers would benefit from refinancing using the guaranteed program by lower interest rates and, therefore, lower monthly payments.

At the same time, the Federal Government would maximize its resources by providing a more cost-efficient mechanism to ensure homeownership for those sectors of our community that are unable to obtain private-sector financing and insurance.

In conclusion, I would like to thank my friend and colleague, the gentleman from New York (Mr. LAZIO), who is chairman of the subcommittee, the gentleman from Nebraska (Mr. BEREUTER), the gentleman from New York (Mr. LAFALCE), and particularly the gentleman from New Jersey (Mr. ANDREWS) for their work in this area.

CBO has advised the committee that the bill is budget neutral.

Mr. Speaker, I include for the RECORD the following letter from the Housing Assistance Council:

HOUSING ASSISTANCE COUNCIL,
*Washington, DC, August 18, 2000.*

Representative RICK LAZIO,
*Chairman, Subcommittee on Housing and Community Opportunity, U.S. House of Representatives, Washington, DC.*
Attn: Joe Ventrone & Clinton Jones
Re: Title V Rural Housing

DEAR CHAIRMAN LAZIO: The Housing Assistance Council (HAC) writes you to support a proposal by Rep. Robert E. Andrews to amend Section 502(g) to permit refinancing of certain Rural Housing Service (RHS) direct loans with guarantees under Section 502(h) in Title V in the Housing Act of 1949. Currently, there is no refinancing authority for the 502 loan guarantees. Rep. Andrews' request is supported by a General Accounting Office report, "Shift to Guaranteed Program Can Benefit Borrowers and Reduce Government Exposure" (GAO/RCED/ALMD-95/63). We are informed that a change could possibly be moved on the suspension calendar.

HAC earlier responded favorably to the GAO report in a letter to Associate Administer Czerwinski. We believe that the issue is one that should be addressed by Congress and can be done with very little budget impact. The adversely affected families now have higher incomes and can afford payments at current market rates, but are trapped in a situation not foreseen when the legislation was enacted, and which is beyond their control. It is difficult to justify interest payments to the government at rates up to 13 percent when private market rates are so much lower. The affected families had low incomes when RHS helped them attain home ownership. The very program which once helped them now causes them to make excessive mortgage payments.

It is our opinion that mitigating this problem is the right thing for the government to do and that the issue is not partisan in nature. We urge you to include a corrective amendment in legislation you may be developing which includes, or can include, Title V rural housing additions or changes.

Sincerely,

MOISES LOZA,
*Executive Director.*

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3834, the Homeowners Financing Protection Act, and I pay particular attention and give particular credit to the gentleman from New Jersey (Mr. ANDREWS) for highlighting this difficulty for the Congress and for initiating legislative action on this bill.

The bill gives homeowners with existing Rural Housing Service guaranteed and direct single-family loans the opportunity to refinance such loans under the RHS guaranteed loan program.

Permitting such loans would enable homeowners with high interest-rate mortgage loans, in some cases as high as 13.5 percent, to lower mortgage rates and therefore their monthly mortgage payments by a substantial amount.

This is also good for the Federal Government since reduced mortgage payments reduce the default risk on such loans, thereby reducing the risk of foreclosure and payout by the Federal Government.

The bill is drafted with a number of protections for both the homeowner and for the Government. For example, the amount of the refinanced loan cannot be increased except by the cost necessary for the refinancing. This avoids over-leveraging the home. The interest rate on the refinanced loan cannot be higher than the mortgage rate on the existing loan. And the bill limits the Secretary's authority to guarantee refinanced loans to the extent provided in appropriation acts.

Finally, I would note that, with passage of this bill, it is not the intent in the future that this new refinanced loan authority crowd out the issuance of new loan authority. The concern is that, if interest rates were to fall dramatically, homeowners could rush to utilize this new refinance authority, eating into loan authority for new guaranteed loans.

However, this concern can easily be addressed in future appropriations bills through different approaches, including the simple act of providing a sufficient dollar amount of loan authority.

In conclusion, I would again like to commend the very fine work of the gentleman from New Jersey (Mr. ANDREWS), and I urge adoption of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me the time. I rise in strong support of the bill.

Mr. Speaker, one of the hallmarks of this Congress will be the bipartisan cooperation and achievements of the Committee on Banking and Financial Services.

I want to thank the gentleman from Iowa (Chairman LEACH), the gentleman from Nebraska (Mr. BEREUTER), the subcommittee chairman, the gentleman from New York (Mr. LAZIO), and the ranking member, the gentleman from New York (Mr. LAFALCE). They have left their mark on this Congress in some significant and bipartisan ways; and it is a pleasure to serve with each of them. I thank them for their cooperation and the cooperation of the staff in bringing this bill to the floor in the spirit in which the committee has proceeded throughout this Congress.

To understand the importance of this bill, we need to understand what it would be like to be a family with an income of $26,000 or $27,000 a year living in a modest home in a rural area of the United States struggling to pay the bills, struggling to keep up, and confronting a mortgage payment each month that reflects a mortgage of 11 or 12 percent.

Many people in those circumstances would take advantage of recent changes in financial conditions and refinance their mortgage. They would go out and get a loan and pay off their existing mortgage, and they would replace it with one that requires lower monthly payments.

There are a lot of significant reasons why the citizens that I talk about cannot do that. First of all, they probably have a very low income, as I said; and secondly, they build up very little equity in their home, because the way they build up equity is to either live in a house that is appreciating regularly in value or by making early payments against their mortgage that would pay down the principle more quickly than they would interest.

Neither of those happy developments is happening for many of the people who we are talking about affected by this bill.

Presently, the law does not permit the United States Department of Agriculture to issue a loan guarantee or a direct loan in order to facilitate the refinancing of that mortgage loan. This bill changes that. It says that the United States Department of Agriculture can step in and, subject to its guidelines and to the other conditions set forth by the ranking member, can issue a loan guarantee or, where appropriate, a direct loan.

What does that mean to the family that I talked about at the outset of my remarks? Well, it may mean up to about $100 a month in lower mortgage payments, $100 a month more for health care or for education or to meet the other demands of the household. This is a sensible, bipartisan approach to a problem that is affecting a lot of people.

As we heard previously, there are 65,000 borrowers across the country who are paying interest rates in excess of 9½ percent, and there are 9,100 of those borrowers paying interest rates in excess of 13 percent. This is a modest measure that will help those families in a significant way.

I would like to express my appreciation to the staff on both the majority and minority side for their cooperation, to the United States Department of Agriculture for their steadfast support of this, to Geoff Plague of my office for his outstanding work.

Let me again say to the gentleman from Iowa (Chairman LEACH) and the gentleman from New York (Mr. LAFALCE) and the gentleman from Nebraska (Mr. BEREUTER), and, in his absence, the gentleman from New York (Mr. LAZIO), and also the gentleman from Massachusetts (Mr. FRANK) that I appreciate their cooperation.

I urge the adoption of the bill.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), who has spent so much of his time in this Congress on the housing issues.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Iowa (Chairman LEACH) for yielding me this time and for his kind remarks.

Mr. Speaker, I rise today to express my strong support for the Homeowners Financing Protection Act which is being considered under suspension of the rules.

First this Member would like to thank the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the House Committee on Banking and Financial Services, and the gentleman from New York (Mr. LAZIO), the distinguished chairman of the House Subcommittee on Housing and Community Opportunity, for their collective role in bringing this legislation to the floor today.

In addition, I would like to thank the gentleman from New York (Mr. LAFALCE), the ranking minority member of the House Committee on Banking and Financial Services, and the gentleman from Massachusetts (Mr. FRANK), the ranking minority member of the House Subcommittee on Housing and Community Opportunity, for their efforts on this measure.

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Furthermore, the gentleman from New Jersey (Mr. ANDREWS) deserves particular attention, commendation and congratulations for introducing this important legislation. It is important to American homeowners of modest or average income. The gentleman from New Jersey has just given us, very specifically, some of the reasons why it is important to the homeowners and how it affects their pocketbook.

Among other important provisions, this legislation amends section 502(h) of the Housing Act of 1949 to allow borrowers of the Rural Housing Service single-family loans to refinance either an existing section 502 direct or guaranteed loan to a new section 502 guaranteed loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced and the same house is used as security.

This Member supports the legislation because it facilitates the use of the RHS section 502 single family loan guarantee program. In fact, this loan program, which was first authorized with this Member's initiative, with the strong support of now the chairman of the Banking Committee, the distinguished gentleman from Iowa (Mr. LEACH), some years ago and with the support of the distinguished gentleman from New York (Mr. LAFALCE), has been very effective in nonmetropolitan communities by guaranteeing loans made by approved lenders to low-moderate to moderate-income households. The program provides a guarantee for 30-year fixed rate mortgages for the purchase of an existing home or construction of a new home. It has been very good news for the taxpayer. Further the program operates with a minimum of red tape. The examples from my home State of Nebraska, where the program was slow to start, are illustrative of how popular and how important it is for low-moderate and moderate-income Americans.

Mr. Speaker, in closing, for the aforementioned reasons and many others, this Member would encourage support for H.R. 3834 which is being considered today.

Mr. LEACH. Mr. Speaker, I thank the gentleman from Nebraska (Mr. BEREUTER). I would again stress what an extraordinary role he has played in this House on housing matters.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3834, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3834, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

Mr. SIMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, as amended.

The Clerk read as follows:

### H.R. 3986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.***

*Section 1208 of Public Law 103–434 (108 Stat. 4562) is amended—*

*(1) in subsection (a)—*

*(A) in the subsection heading, by inserting "OR WATER EXCHANGE" after "ELECTRIFICATION";*

*(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;*

*(C) by striking "In order to" and inserting the following:*

*"(1) ELECTRIFICATION.—In order to"; and*

*(D) by adding at the end the following:*

*"(2) WATER EXCHANGE ALTERNATIVE.—*

*"(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than $4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.*

*"(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—*

*"(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;*

*"(ii) secure the critical right-of-way areas for the pipeline alignment;*

*"(iii) prepare an environmental assessment; and*

*"(iv) conduct such other studies or investigations as are necessary to develop a water exchange.";*

*(2) in subsection (b)—*

*(A) in paragraph (1), by inserting "or water exchange" after "electrification"; and*

*(B) in the second sentence of paragraph (2)(A), by inserting "or the equivalent of the rate" before the period;*

*(3) in subsection (d), by striking "electrification," each place it appears and inserting "electrification or water exchange"; and*

*(4) in subsection (d), by striking "of the two" and inserting "thereof".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

### GENERAL LEAVE

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3986 authorizes a study of the feasibility of exchanging water diverted from the Yakima River for use by two irrigation districts for water from the Columbia River. The study would be conducted as part of the Yakima River Basin Water Enhancement Project. The legislation will promote salmon recovery in the Yakima River without reducing the amount of water available to irrigators.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of H.R. 3986. I thank the gentleman from Idaho (Mr. SIMPSON) for yielding me this time.

Mr. Speaker, as Members know, the preservation of salmon in the Pacific Northwest is one of my top priorities in this Congress. I am convinced that we can save this national treasure while also preserving the jobs and quality of life of Pacific Northwest residents. My legislation is just one example of the benefits that could be attained for salmon by interested parties working together at the local level.

Very simply, Mr. Speaker, my legislation authorizes a study of the feasibility of exchanging water diverted from the Yakima River for use by the Kennewick and Columbia Irrigation Districts for water from the Columbia River. The study would be conducted as part of the Bureau of Reclamation's Yakima River Basin Water Enhancement Project, a series of projects authorized by Congress to improve water quality and quantity in the Yakima River. These two systems currently take their water from the lower Yakima River where flows have already been decreased because of upriver diversions. By taking water from the much larger volume of the Columbia River, the impact on threatened and endangered species would be significantly reduced.

Specifically, this project provides the opportunity to increase Yakima River flows at Prosser Dam during critical low flow periods by up to 750 cubic feet per second. This approach will provide over twice as much flow augmentation as the previously approved electrification project and could completely eliminate the Yakima River diversion for the Kennewick Irrigation District. A new pump station and pressure pipeline from the Columbia River will be the cornerstone of a more salmon-friendly Kennewick Irrigation District.

This project is a winner for both fish and water users. It balances the need to improve habitat for threatened species while protecting water rights. Preliminary results from a lower reach habitat study indicate that these increased flows would greatly help salmon and bull trout. In addition, this proposal would provide substantial water quality improvements in the Yakima River.

It is important to note that a change in the diversion for the Kennewick Irrigation District from the Yakima River to the Columbia River will completely change the current operational philosophy for the district. It will evolve from a relatively simple gravity system to one of significant complexity involving a major pump station and pressure pipeline to the major feeder canals. This remodeling will have a significant impact on the existing system and its users during construction, start-up and transition. That is why it is essential for the Kennewick Irrigation District to be in a position to develop these facilities in the way that best fits its current and future operational goals and causes the least disruption to district water users. That is why this legislation requires the Bureau of Reclamation to give the Kennewick Irrigation District substantial control over the planning and design work in this study with the Bureau having the final approval. This approach will ensure continued involvement and support which is vital to the success of this project.

I might add, Mr. Speaker, that this bill has been going through the process on both the Republican and Democrat side. When you talk about water issues in the Pacific Northwest, you tend to polarize people in different approaches. This bill and what it tries to do is unique in that it has broad support from virtually everybody involved in water issues in the Northwest. From the Bureau of Reclamation to the American Rivers, National Fisheries, U.S. Fish and Wildlife, the Yakima Nation, the Department of Ecology within Washington State, the Northwest Power Planning Council, the Washington State Water Resources Council, the Yakima Basin Joint Board of Irrigation. If we put all of these people together in a room on any other water issues, we would be bound to have polarization. But on this one because it does have the potential of augmenting flows in a river that needs more flows and saving salmon, to me it seems it is the right thing to do.

I urge my colleagues to support this. I want to thank the Committee on Resources for their work and support in getting this bill out of committee in a unanimous, bipartisan way.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Washington I think has properly explained the legislation and the purposes of the legislation and the intent with which it is offered before the House. I do not disagree with that. I, however, will ask Members to vote against this legislation, especially Members of our caucus. I do so not because of the content of the bill but because of the manner in which Democratic Members of the committee and of our caucus have been treated in this committee in terms of the scheduling of legislation that has been offered by Democratic Members of the House. Much of that legislation is essentially noncontroversial but important in those particular districts, and we continue to have a gross disparity both in the treatment in the committee and on the floor of the House.

As I have noticed and the leadership has agreed to, we would ask Members to vote against this legislation until such time as we can get a fairer treatment of pending legislation as we come to the closing days of this session. We have asked continuously, we have sent numerous letters to the chairman asking for hearings on various pieces of legislation. Those hearings have not been granted. Again many of those bills are noncontroversial. Then we are told because they do not have hearings, they cannot come to the floor. Yet we constantly are considering bills from the other side, without hearings on the floor, many of which have not even been heard in the committee.

Last week, 18 Republican bills were scheduled and no House bills, one Senate Democratic bill was scheduled and dealt with. Tomorrow there are scheduled to be 15 Republican bills and six Democratic bills. It is very clear that if we continue this, there will be many members of the Democratic Caucus who have matters pending before the committee and the House that simply will not be considered before the clock runs out. I think we can do better. We have done better in past sessions of the Congress. I would encourage at least the members of our caucus to vote against the consideration of this and the next bill on the suspension calendar later today when we have a recorded vote on this matter.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume. I find it interesting that the gentleman from California urges his Members to vote against a bill which he considers to be a good bill simply because he disagrees with the procedure and the proportion of bills that have been presented on the floor from each party. He calls that a gross disparity. Yesterday, there were five bills considered on this floor that were Republican bills out of the Committee on Resources and four bills that were Democratic bills that were considered on this floor out of the Committee on Resources.

I would point out to the gentleman from California that in this Congress, we have had more than twice as many Democratic bills on this floor under the suspension rule as there were the last time his party controlled this body. More than twice as many. I think that we have been more than fair with the minority party under the suspension rule and the number of bills that come out. In fact, the gentleman recognizes that tomorrow over a third of the bills on the agenda in the Committee on Resources are from the minority party. So while the gentleman raises an issue which is always of concern to the minority party, and rightfully of concern to the minority party, I think he makes a fallacy in his argument that we have not been fair to the minority party. I wish he would reconsider and look at the merits of the bills rather than the procedures by which they get here.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Just in quick response, I would say that obviously the number of suspension bills is greater because this committee really only does business by suspension and that is obviously their prerogative. I would also say that I appreciate yesterday's schedule. That was negotiated. That was negotiated with notice. However, amendments were offered without notice. Last week it was 16-zip. Obviously we continue to fall further and further behind. I appreciate it is a third of the bills and the gentleman is contending that is fair. We represent half of the Congress, half of the people in the Nation, and we are put in the position now as this session comes to a close as I said before that many members of this caucus had bills that were important to them and their district, not of great controversy, not of great ideological battle and to date we have not been able to get those matters put before the House.

I would again urge the members of our caucus to oppose the two bills offered by the Committee on Resources. This does not go to other matters on the suspension calendar, because that is the purview of those committees. But with respect to these two matters from the Committee on Resources, I would urge a no vote so that we can get consideration of the members of the caucus's bills that are still pending.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Again I would point out, the gentleman raises an issue which ought to always be of concern from the minority side of the aisle, whoever is in the minority. But again I would point out that bills under consideration by this Congress, 23.4 percent have been Democratic bills. The last time his party controlled this body, 11.8 percent of the bills were Republican bills. I think that we have been more than fair. He said that last week there were 16 bills and none of them were Democratic. I would remind the Member that one of them was from the minority leader in the Senate, Senator DASCHLE. I believe that that is a member of his party.

Mr. GEORGE MILLER of California. If the gentleman will yield, I said that that bill had been dealt with, a Senate bill, a Democratic bill. That does not solve the problem for Members of the House.

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Mr. SIMPSON. Mr. Speaker, I would just point out that these bills ought to be based on their merits. This is a good bill. The gentleman from California (Mr. GEORGE MILLER) has recognized that this is a good bill, and we ought to consider it and not vote against it simply because he does not like the procedure by which the bills have come to the floor.

Last week we have, as I understand it, in the Committee on Resources asked the minority party for bills they would like to have put on the agenda, no bills were proposed from the minority party to put on the agenda, and, consequently, none were.

As I said earlier, we have five Republican bills tomorrow. A third of the bills that are on the agenda are Democratic bills, and I am glad that the gentleman forwarded those to us so we could consider them tomorrow, and they will be considered in a fair and appropriate manner.

Mr. Speaker, we will not reject them simply because they come from the minority party. We will look at them on the merits of the bill itself, so I would urge the Members not to get into this debate of killing bills simply because they are from one party or the other, but look at the bills on the merits of the bills.

I do not think the people of this country expect us to get into these types of partisan debates about whose bill it is. I expect that they expect us to look at the merits of the legislation and pass them if they are good bills, and this is a good bill, as admitted by the gentleman from California.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes to continue this dialogue.

Mr. Speaker, I would say that the speech that the gentleman just gave with respect to this bill and other bills about being considered on the merit is the reason we are asking Members to vote against these bills so that the Democratic Members can have their bills heard on the merits, marked up on the merits and voted up or down on the merits in the full House, that has not happened.

The gentleman can go on and on about 23 percent of the bills. The fact of the matter is we are half of the Congress, and there is a good number of Democratic bills that are languishing for no other reason than I guess that they are Democratic bills. I do not know how that determination is made, but obviously they have not been allowed to be considered on the merits.

Mr. Speaker, I would hope the Members would understand that there is very little else we can do other than to refuse to pass these bills until we get that kind of consideration to protect the rights of the minority Members of the House of Representatives, and I think it is important that we do that.

I think those Members were elected by the same number of people that others were elected by and their bills ought to be considered on the merit. Again, these are not great controversial bills. These are bills that are important to local districts, just as the ones before us today are, but they have not been accorded the same rights and privileges and, therefore, I would ask the members of the caucus and others, if they would like, to join us to vote against these two bills from the Committee on Resources.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMPSON. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I would like to say that I am pleased to listen to the gentleman from California (Mr. GEORGE MILLER) and his change of heart from being 6 years in the minority, because it did not appear this way when he was in the majority, as I mentioned earlier, and I will continue to mention, that more than twice as many bills of the minority have come up under this Congress than came up the last time his body controlled the House of Representatives.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman from Idaho (Mr. SIMPSON) for yielding me the time.

Mr. Speaker, I find this argument rather interesting, and I understand inside-the-Beltway politics, as far as getting your time on the floor, but on this bill particularly, I just want to make a point to my friend, the gentleman from California (Mr. GEORGE MILLER), because I know that he worked very hard on the original bill when it passed back in 1993 and 1994, and in my time in this Congress, I have heard the gentleman from California say it once and I probably dare to say I heard him say it a million times that we need to save the salmon, we cannot wait, we have to do it, time is of the essence on all of these issues.

Mr. Speaker, here we have a situation where we clearly have a potential answer, and the remark I would say is that I do not think the salmon really care about inside-the-Beltway politics, but I do know that this issue has to be dealt with, and this is a proper way to deal with it.

So notwithstanding the request on the other side, I would urge my colleagues to support this bill, because on its merits, from the standpoint of the environment, from the standpoint of saving fish, from the standpoint of expanding water quality, this meets to the "T" with strong bipartisan support.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that this is a good piece of legislation, and I think both sides recognize that this is a good piece of legislation. We can wrap all the rhetoric around this that we would like, we need to pass this bill and do what we can to help save the salmon. I hope the Members will support this.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3986, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## SENSE OF CONGRESS REGARDING NEED FOR CATALOGING AND MAINTAINING PUBLIC MEMORIALS COMMEMORATING MILITARY CONFLICTS AND SERVICE OF INDIVIDUALS IN ARMED FORCES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 345) expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces.

The Clerk read as follows:

H. CON. RES. 345

Whereas there are many thousands of public memorials scattered throughout the United States and abroad that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

Whereas these memorials have never been comprehensively cataloged;

Whereas many of these memorials suffer from neglect and disrepair, and many have been relocated or stored in facilities where they are unavailable to the public and subject to further neglect and damage;

Whereas there exists a need to collect and centralize information regarding the location, status, and description of these memorials;

Whereas the Federal Government maintains information on memorials only if they are Federally funded; and

Whereas Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada) has undertaken a self-funded program to catalogue the memorials located in the United States that commemorate military conflicts of the United States and the service of individuals in the Armed Forces, and has already obtained information on more than 7,000 memorials in 50 States: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that—

(1) the people of the United States owe a debt of gratitude to veterans for their sacrifices in defending the Nation during times of war and peace;

(2) public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces should be maintained in good condition, so that future generations may know of the burdens borne by these individuals;

(3) Federal, State, and local agencies responsible for the construction and maintenance of these memorials should cooperate in cataloging these memorials and providing the resulting information to the Department of the Interior; and

(4) the Secretary of the Interior, acting through the Director of the National Park Service, should—

(A) collect and maintain information on public memorials that commemorate military conflicts of the United States and the service of individuals in the Armed Forces;

(B) coordinate efforts at collecting and maintaining this information with similar efforts by other entities, such as Remembering Veterans Who Earned Their Stripes (a nonprofit corporation established as RVETS, Inc. under the laws of the State of Nevada); and

(C) make this information available to the public.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H. Con. Res. 345 introduced by the gentleman rom California (Mr. ROGAN) addresses the need for a cataloged list of the many different public war memorials of the United States. Thousands of public memorials dealing with the United States' involvement in military conflicts exist throughout the world. However, there is no index or record as to their location nor is there a cataloged assessment as to their condition.

Unfortunately, many of these memorials suffer from neglect, disrepair or have been relocated or stored in facilities where they are not accessible to the public.

Currently, the Federal Government only keeps track of those memorials that are federally funded; however, nonprofit organizations such as Remembering Veterans Who Earned Their Stripes have undertaken self-funded programs in an attempt to catalog these memorials.

H. Con. Res. 345 urges the Secretary of the Interior, acting through the National Park Service, to collect and maintain information on public memorials commemorating military conflicts of the United States. The resolution also urges a coordinated effort between the Federal Government and other organizations like Remembering Veterans Who Earned Their Stripes and collecting and maintaining this information which would then be available to the public.

Mr. Speaker, this legislation is ready to move forward, and I urge my colleagues to support H. Con. Res. 345.

Mr. GEORGE MILLER of California. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROGAN), a Member who is the author of this legislation.

Mr. ROGAN. Mr. Speaker, first I want to thank my dear friend, the gentleman from Utah (Mr. HANSEN), the distinguished chairman, for yielding the time to me.

Mr. Speaker, I rise in support of H. Con. Res. 345, which addresses the need to create a cataloged list of the thousands of public war memorials in the United States. Mr. Speaker, this resolution is the product of over a decade-long effort by Vietnam War veteran Brian Rooney and the nonprofit organization he founded, Remembering Veterans Who Earned Their Stripes, otherwise known as RVETS based in North Ridge, California.

Mr. Rooney believed that war memorials preserve the memories of our veteran's sacrifices and serve as a reminder of America's history. He discovered that today there is no detailed index or record of the thousands of public memorials dedicated to America's involvement in military conflicts, more importantly, dedicated to those who gave their lives for freedom.

Mr. Rooney investigated conditions for years. He found that these memorials suffer from neglect, disrepair and have been relocated or stored in facilities where they are not accessible to the public. Currently, the Federal Government monitors only those memorials that are federally funded. We have relied on the hard work of individuals like Mr. Rooney who have conducted this arduous task.

H. Con. Res. 345 urges the Secretary of the Interior, acting through the National Park Service, to collect and maintain information on public memorials commemorating military conflicts of the United States.

It urges a coordinated effort between the Federal Government and other entities like RVETS in collecting and maintaining this information which would then be made available to the public. RVETS already has cataloged over 7,000 monuments. They already have done most of the work needed to establish the database.

H. Con. Res. 345 is a bipartisan effort to honor our veterans. I want to thank Brian Rooney for his dedication not just to the country as a Vietnam war veteran, but for the decade he has spent conducting this search so that veterans could be honored.

I understand, Mr. Speaker, that this morning there has been some partisan bickering going on with respect to some of these resolutions, but I would just urge all of my colleagues to put that aside today so that we can appropriately honor veterans who have served our country and who have given their life and service for our country, and vote to support this bipartisan resolution.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in support of H. Con. Res. 345, and I urge its adoption by the House, and I commend the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. ROGAN) for helping to bring this matter to the floor at this time.

This legislation which urges the Secretary of the Interior, acting through the Park Service, to gather and maintain information on public memorials commemorating U.S. military conflicts and to make that information available to the public, which will be very useful to the entire nation. It further urges that the Federal Government cooperate with private entities in accomplishing that important goal.

Mr. Speaker, there are literally hundreds, maybe thousands, of memorials and monuments dedicated to our fighting men and women of our Nation's military. These include monuments commissioned and dedicated by the Federal Government, State governments and various localities. Over time, their number has grown to the point where it has become difficult to keep track of all of the monuments that are now in existence.

This legislation will help simplify matters by requesting the Interior Department to initiate action to collect and disseminate information, a step they have undertaken on all of these monuments. The end result will be helpful to both tourists and researchers alike, but particularly to all of our veterans organizations.

Mr. Speaker, I urge our colleagues to lend this bill their full support, and I thank the gentleman for yielding the time to me.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 345.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## CONCERNING THE EMANCIPATION OF IRANIAN BAHA'I COMMUNITY

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 257) concerning the emancipation of the Iranian Baha'i community.

The Clerk read as follows:

H. CON. RES. 257

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, and 1996, Congress, by concurrent resolution, declared that it holds the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i Faith, Iran's largest religious minority;

Whereas Congress has deplored the Government of Iran's religious persecution of the Baha'i community in such resolutions and in numerous other appeals, and has condemned Iran's execution of more than 200 Baha'is and the imprisonment of thousands of others solely on account of their religious beliefs;

Whereas in July 1998 a Baha'i, Mr. Ruhollah Rowhani, was executed by hanging in Mashhad after being held in solitary confinement for 9 months on the charge of converting a Muslim woman to the Baha'i Faith, a charge the woman herself refuted;

Whereas 2 Baha'is remain on death row in Iran, 2 on charges on apostasy, and 10 others are serving prison terms on charges arising solely from their religious beliefs or activities;

Whereas the Government of Iran continues to deny individual Baha'is access to higher education and government employment and denies recognition and religious rights to the Baha'i community, according to the policy set forth in a confidential Iranian Government document which was revealed by the United Nations Commission on Human Rights in 1993;

Whereas Baha'is have been banned from teaching and studying at Iranian universities since the Islamic Revolution and therefore created the Baha'i Institute of Higher Education, or Baha'i Open University, to provide educational opportunities to Baha'i youth using volunteer faculty and a network of classrooms, libraries, and laboratories in private homes and buildings throughout Iran;

Whereas in September and October 1998, Iranian authorities arrested 36 faculty members of the Open University, 4 of whom have been given prison sentences ranging between 3 to 10 years, even though the law makes no mention of religious instruction within one's own religious community as being an illegal activity;

Whereas Iranian intelligence officers looted classroom equipment, textbooks, computers, and other personal property from 532 Baha'i homes in an attempt to close down the Open University;

Whereas all Baha'i community properties in Iran have been confiscated by the government, and Iranian Baha'is are not permitted to elect their leaders, organize as a community, operate religious schools, or conduct other religious community activities guaranteed by the Universal Declaration of Human Rights;

Whereas on February 22, 1993, the United Nations Commission on Human Rights published a formerly confidential Iranian government document that constitutes a blueprint for the destruction of the Baha'i community and reveals that these repressive actions are the result of a deliberate policy designed and approved by the highest officials of the Government of Iran; and

Whereas in 1998 the United Nations Special Representative for Human Rights, Maurice Copithorne, was denied entry into Iran: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) continues to hold the Government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community, in a manner consistent with Iran's obligations under the Universal Declaration of Human Rights and other international agreements guaranteeing the civil and political rights of its citizens;

(2) condemns the repressive anti-Baha'i policies and actions of the Government of Iran, including the denial of legal recognition to the Baha'i community and the basic rights to organize, elect its leaders, educate its youth, and conduct the normal activities of a law-abiding religious community;

(3) expresses concern that individual Baha'is continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion;

(4) urges the Government of Iran to permit Baha'i students to attend Iranian universities and Baha'i faculty to teach at Iranian universities, to return the property confiscated from the Baha'i Open University, to free the imprisoned faculty members of the Open University, and to permit the Open University to continue to function;

(5) urges the Government of Iran to implement fully the conclusions and recommendations on the emancipation of the Iranian Baha'i community made by the United Nations Special Rapporteur on Religious Intolerance, Professor Abdelfattah Amor, in his report of March 1996 to the United Nations Commission of Human Rights;

(6) urges the Government of Iran to extend to the Baha'i community the rights guaranteed by the Universal Declaration of Human Rights and the international covenants of human rights, including the freedom of thought, conscience, and religion, and equal protection of the law; and

(7) calls upon the President to continue—

(A) to assert the United States Government's concern regarding Iran's violations of the rights of its citizens, including members of the Baha'i community, along with expressions of its concern regarding the Iranian Government's support for international terrorism and its efforts to acquire weapons of mass destruction;

(B) to emphasize that the United States regards the human rights practices of the Government of Iran, particularly its treatment of the Baha'i community and other religious minorities, as a significant factor in the development of the United States Government's relations with the Government of Iran;

(C) to emphasize the need for the United Nations Special Representative for Human Rights to be granted permission to enter Iran;

(D) to urge the Government of Iran to emancipate the Baha'i community by granting those rights guaranteed by the Universal Declaration of Human Rights and the international covenants on human rights; and

(E) to encourage other governments to continue to appeal to the Government of Iran, and to cooperate with other governments and international organizations, including the United Nations and its agencies, in efforts to protect the religious rights of the Baha'is and other minorities through joint appeals to the Government of Iran and through other appropriate actions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 257.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we are considering a resolution to call once again for the emancipation of the Iranian Baha'i community.

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We have passed similar resolutions seven times since 1982, yet the Baha'is in that country continue to be deprived of their basic rights by their government, by the Iranian government. Despite the fact that they are committed to nonviolence, tolerance and loyalty to government, the Baha'is continue to suffer deprivations and harassment from the fanatical elements of Iranian society, ranging from local clergy and their uneducated followers to highly placed government officials. Eleven Baha'is continue to languish in Iranian prisons; arrested, tried and sentenced as a result of their personal religious beliefs and peaceful religious activity.

Baha'i religious gatherings and administrative institutions were banned in 1983. A 1991 government document calls for the continued obstruction of the economic and social development of the Baha'i community. The Iranian constitution recognizes only four religions: Islam, Christianity, Judaism, and Zoroastrianism; and official rhetoric continues to name those as the only religions whose members may enjoy full rights.

Baha'is continue to be denied government employment, denied university employment, denied legitimately earned pensions, denied admission to Iranian universities, denied access to the legal system, denied access to decent places to bury their dead, and a host of other civil liberties that we in our Nation have come to take for granted as basic elements of a free and just society.

The election of President Khatami in Iran and the subsequent relaxation of the clerical dictatorship have brought hope that the rule of law will eventually prevail in that nation, and that full rights will be granted to all of its citizens, including the Baha'is. We have seen some improvement in the treatment of individual Baha'is. In the last 2 years, Baha'is have been granted passports for travel abroad more frequently and some have been granted business licenses again. A significant concession to the Baha'is was a recent modification of the rules of registration of marriages that now omits references to religion, allowing Baha'is to register marriages and legitimize their children for the first time in many years.

Those steps are significant and they should be acknowledged as signs of promise for full emancipation to come in the future. Yet those actions have been taken silently and come far short of granting Baha'is the recognition under the constitution, the Iranian constitution, that would improve their situation and protect them from fanaticism.

We look to President Khatami to stand behind his promise of Iran for all Iranians and to take steps to extend the protection of his constitution to the Baha'is by granting those rights guaranteed by the Universal Declaration of Human Rights and the International Covenants on Human Rights. We cannot remain silent when a community of 300,000 people continues to suffer the effects of persecution and deprivation while their government proclaims its support of human rights for all.

The passage of this resolution will voice once again that the United States finds the situation of the Baha'is in Iran intolerable and will not rest until that community wins full and complete emancipation.

Accordingly, Mr. Speaker, I ask my colleagues to vote for H. Con. Res. 257.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, I would first like to commend the gentleman from Illinois (Mr. PORTER) for introducing this resolution and thank thegentleman from New York (Mr. GILMAN) for moving it through the legislative process.

This important resolution concerns the continued persecution of the Baha'i community in Iran.

The resolution states that the Congress continues to hold the government of Iran responsible for upholding the rights of all its nationals, including members of the Baha'i community.

The resolution also condemns the repressive anti-Baha'i policies and actions of the government of Iran. These policies include, first, the denial of legal recognition of the Baha'i community; preventing the community from organizing and electing its leaders; stopping the education of Baha'i youth; and stopping the Baha'is from conducting the normal activities of a law-abiding religious community.

The Porter resolution also urges the government of Iran to permit Baha'i students to attend Iranian universities and to permit the Baha'i Open University to reopen.

Finally, Mr. Speaker, the resolution calls on President Clinton to continue to make Iran's treatment of the Baha'i community a significant factor in the development of U.S. relations with Iran; to emphasize the need for the U.N. Special Representative for Human Rights to be allowed to enter Iran, and to urge the government of Iran to emancipate the Baha'i community; and finally, to encourage other governments to appeal to Iran to protect the rights of Baha'is.

Mr. Speaker, the Baha'is in Iran have been persecuted far too long. Congress has gone on record since the early 1980s against harsh Iranian treatment of the Baha'is, and it is important that we do so again. Iran's leaders must understand that their anti-Baha'i policies are being closely watched by the international community. Therefore, Mr. Speaker, I urge my colleagues to support H. Con. Res. 257.

Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in strong support of H. Con. Res. 257, concerning the emancipation of the Iranian Baha'i community. Mr. Speaker, the Baha'i faith is the most recent world religion. Its founder, a Persian nobleman, declared his mission in 1863, proclaiming he was the promised one of all religions who would usher in a new age of peace for all mankind. Among Bahaullah's most fundamental teachings are oneness of God, oneness of the foundation of all religions, oneness of mankind and all peoples are equal in the sight of God.

The Baha'i faith was established in my district, the U.S. Virgin Islands, in 1954, with the settlement of pioneers on St. Thomas. The first local spiritual assembly of the Baha'i of St. Thomas was incorporated in 1965. The Baha'i of the Virgin Islands have been and are active in, among other things, providing education and enrichment programs for young children and adults, working with the Interfaith Coalitions on St. Thomas and St. Croix, as well as assisting in hurricane recovery efforts.

Mr. Speaker, the Baha'i community of the Virgin Islands strongly supports House Concurrent Resolution 257 because it would condemn the repressive anti-Baha'i policies and actions of the government of Iran, and expresses concern that individual Baha'i continue to suffer from severely repressive and discriminatory government actions, including executions and death sentences, solely on account of their religion.

I thank my colleagues for supporting this important resolution.

Mr. PORTER. Mr. Speaker, I rise to strongly support H. Con. Res. 257, concerning the emancipation of the Iranian Baha'i community.

Thousands of human rights abuses take place around the world on a daily basis. Almost all go unnoticed by the U.S. media. The Baha'is of Iran are one such group.

Many in Congress have worked closely with the National Spiritual Assembly of the Baha'is of the United States to bring attention to this situation. The Baha'i faith was founded in what was Persia in the 1840's and has grown to the largest religious minority in Iran. In the United States today, there are approximately 300,000 Baha'is. More than 90 percent are native born, and many of the remainder are refugees from Iran who have fled persecution.

One of these refugees is Firuz Kazemzadeh, who for over 30 years was the elected leader of the Baha'is in the United States, until he stepped down 2 years ago. Dr. Kazemzadeh immigrated to the United States from Iran in the 1950's and became a professor of history at Yale University. He has devoted a great deal of his time and efforts to improving the condition of his fellow Baha'is in Iran. He has quietly, in his way, been a tremendously effective fighter for his fellow Baha'is and has clearly saved many Bahai lives and much Bahai suffering. I would like to specifically commend Dr. Kazemzadeh for his decades of work helping the Baha'is.

Baha'is have suffered persecution since their religion was founded, but the situation gravely worsened in the aftermath of the 1979 Islamic Revolution. Many of the leaders of the Baha'i community were jailed at that time and many were executed solely for their religious beliefs. The fact the Baha'i community has survived in Iran over the past 20 years is a testament to the Baha'i people and their commitment to their faith.

This adverse situation for the Baha'i community could be completely reversed by the Iranian Government at any time. The repression of the Baha'is is spearheaded by the religious government of Iran in the form of laws and regulations that explicitly deny Baha'i basic rights accorded to other citizens of Iran, including other religious minorities. Religious intolerance has caused the world's people untold suffering and its presence is felt across the entire world. But in Iran it is institutionalized and written in law. And it is not only discrimination. In Iran it can mean torture, imprisonment, and death.

H. Con. Res. 157, similar to ones passed in previous sessions of Congress, calls on the Government of Iran to emancipate the Baha'is and afford to them in practice rights which should be inalienable to any human being which they are being denied. Before this administration speaks about opening relations with Iran and the positive reforms which are supposed to be taking place in that country, the Baha'is must be granted the same rights and privileges as all other Iranian citizens.

I thank the gentleman from New York (Mr. GILMAN) for his dedication to human rights and to the Baha'is and to the gentleman from California (Mr. LANTOS), the gentleman from New Jersey (CHRIS SMITH) and the gentleman from Maryland (Mr. HOYER) for again playing a leading role in bringing this resolution to the floor. Each of them have been dedicated leaders for the basic human rights of every person on earth. One of the real privileges and honors of being a Member of this body has been to serve side by side and work for human rights with these outstanding leaders. I urge Members to support this resolution.

Mr. LANTOS. Mr. Speaker, the repression of the Baha'i community in Iran is one of the most egregious ongoing violations of human rights, and I am very pleased that we are calling attention to it today. I first want to commend the gentleman from New York, the Chairman of the International Relations Committee, (Mr. GILMAN) for his bringing this important resolution to the floor today.

I also want to thank particularly the sponsor of the bill, my good friend and colleagues from Illinois, Mr. PORTER. I have had the very good fortune over the past 20 years of working very closely with JOHN PORTER on a vast number of human rights issues, and I commend him for his outstanding dedication to human rights. He has unwaveringly worked to alleviate the suffering of people around the world, and thanks to his efforts we can honestly say that the world today is a better place.

Mr. Speaker, one of the human rights issues that JOHN PORTER has championed since the day he was elected to the Congress is the situation of the Baha'is in Iran. The Baha'i has suffered greatly since Iran's Revolution in 1979. The constitution created by the Ayatollahs establishes Islam as the state religion of Iran. It also recognizes Christians, Jews, and Zoroastrians—religions that flourished in Persia before Islam—as "protected religious minorities" which are afforded legal rights. Iran's 350,000 Baha'i however, are not afforded these protections, and they enjoy no legal rights whatsoever.

Mr. Speaker, this blatant, officially sanctioned discriminations has far-reaching and inhuman consequences. until recently, Baha'i marriages have not been recognized in Iran. As a consequence, no Baha'i couple married according to their own religious rites since 1980 are legally married in the eyes of the Iranian government. The women have been liable to charges of prostitution and Baha'i children are considered illegitimate. It is not legal for property to be passed within Baha'i families. Baha'is cannot enroll in universities. Baha'is cannot hold government jobs, and those that once did are denied state pensions.

Baha'is cannot sue in the country's court, and they are not legally recognized to defend themselves even if they are sued. Baha'is generally cannot receive Iranian passports, which note the holder's religion. Baha'is are denied the right to assembly or to maintain administrative institutions. Since the Baha'i faith has no clergy, the inability to meet and elect officers threaten the very existence of the faithin Iran. Baha'is cannot teach or practice their faith or maintain contacts with their coreligionists abroad.

Mr. Speaker, I could go on listing the abuses and atrocities to which the Baha'i in Iran are subjected, but these obvious violations of the most basic of human rights are a clear indication of the magnitude of the abuses that Baha'is in Iran face daily. I strongly support this resolution, which highlights these abuses and calls on the Government of Iran to emancipate the Baha'i community. I urge my colleagues to support this resolution, and I call on the Government of Iran to recognize the rights of Baha'is and afford them the rights by other Iranian citizens.

Mr. HILLIARD. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 257.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## RWANDAN WAR CRIMES WITNESS REWARD PROGRAM AUTHORIZATION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2460) to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

The Clerk read as follows:

S. 2460

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXPANSION OF REWARDS PROGRAM TO INCLUDE RWANDA.**

Section 102 of the Act of October 30, 1998 (Public Law 105–323) is amended—

(1) in the section heading, by inserting "or rwanda" after "yugoslavia";

(2) in subsection (a)(2), by inserting "**OR THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**" after "**YUGOSLAVIA**"; and

(3) in subsection (c)—

(A) by inserting "(1)" immediately after "REFERENCE.—"; and

(B) by adding at the end the following:

"(2) For the purposes of subsection (a), the statute of the International Criminal Tribunal for Rwanda means the statute contained in the annex to Security Council Resolution 955 of November 8, 1994.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2460.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 6, 1994, a massive genocide began in Rwanda. There was no mention of Rwanda in any of our papers on that day, but soon horrific accounts of a bloody and well-planned massacre filled the pages of our newspapers. A month later, 200,000 were dead and more were being killed each and every day, but White House spokesmen still quibbled with reporters about the definition of genocide.

Too many of the masterminds of that ugly chapter in human history are still at large. An international criminal tribunal for Rwanda exists, but it has failed to bring to justice all of the leaders. Rwanda needs reconciliation, but without accountability there will be no reconciliation.

Congress extended the rewards program to those providing information leading to the indictment of Yugoslavian war criminals 2 years ago. It is now time to place a generous bounty in U.S. dollars on the heads of all who seek power through extermination. The killers have fled to Paris, to Brussels, to Kinshasa and else where. With the passage of this measure, their havens will be less safe and their sleep will be less easy.

Accordingly, I urge my colleagues to fully support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker I rise in strong support of this bill. First of all, let me commend the chairman in moving this bill through the Committee on International Relations and bringing it to the floor today. Rwanda is one of the great humanitarian disasters of this century. An estimated 800,000 people were slaughtered there earlier this decade, and only because of their ethnic identity. Expanding the State Department's reward program to persons having information leading to the conviction of persons responsible for the atrocities in Rwanda will enhance the prospect for justice for the victims.

I commend Senator FEINGOLD for moving this bill forward in the other body, and I urge my colleagues to support Senate bill 2460.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague from Alabama (Mr. HILLIARD) for yielding me this time.

Mr. Speaker, I want to commend the chairman and my colleague for rising to introduce this bill, S. 2460, which would authorize the payments of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda. I commend them both for presenting that bill today.

Mr. HILLIARD. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the Senate bill, S. 2460.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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## SUPPORT FOR OVERSEAS COOPERATIVE DEVELOPMENT ACT

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4673) to assist in the enhancement of the development and expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

The Clerk read as follows:

H.R. 4673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE**

This Act may be cited as the "Support for Overseas Cooperative Development Act".

**SEC. 2. FINDINGS**

The Congress makes the following findings:

(1) It is in the mutual economic interest of the United States and peoples in developing and transitional countries to promote cooperatives and credit unions.

(2) Self-help institutions, including cooperatives and credit unions, provide enhanced opportunities for people to participate directly in democratic decision-making for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings and such organizations should be fully utilized in fostering free market principles and the adoption of self-help approaches to development.

(3) The United States seeks to encourage broad-based economic and social development by creating and supporting—

(A) agricultural cooperatives that provide a means to lift low income farmers and rural people out of poverty and to better integrate them into national economies;

(B) credit union networks that serve people of limited means through safe savings and by extending credit to families and microenterprises;

(C) electric and telephone cooperatives that provide rural customers with power and telecommunications services essential to economic development;

(D) housing and community-based cooperatives that provide low income shelter and work opportunities for the urban poor; and

(E) mutual and cooperative insurance companies that provide risk protection for life and property to under-served populations often through group policies.

**SEC. 3. GENERAL PROVISIONS.**

(a) DECLARATIONS OF POLICY.—The Congress supports the development and expansion of economic assistance programs that fully utilize cooperatives and credit unions, particularly those programs committed to—

(1) international cooperative principles, democratic governance and involvement of women and ethnic minorities for economic and social development;

(2) self-help mobilization of member savings and equity, retention of profits in the community, except those programs that are dependent on donor financing;

(3) market-oriented and value-added activities with the potential to reach large numbers of low income people and help them enter into the mainstream economy;

(4) strengthening the participation of rural and urban poor to contribute to their country's economic development; and

(5) utilization of technical assistance and training to better serve the member-owners.

(b) DEVELOPMENT PRIORITIES.—Section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i) is amended by adding at the end the following: "In meeting the requirement of the preceding sentence, specific priority shall be given to the following:

"(1) AGRICULTURE.—Technical assistance to low income farmers who form and develop member-owned cooperatives for farm supplies, marketing and value-added processing.

"(2) FINANCIAL SYSTEMS.—The promotion of national credit union systems through credit union-to-credit union technical assistance that strengthens the ability of low income people and micro-entrepreneurs to save and to have access to credit for their own economic advancement.

"(3) INFRASTRUCTURE.—The establishment of rural electric and telecommunication cooperatives for universal access for rural people and villages that lack reliable electric and telecommunications services.

"(4) HOUSING AND COMMUNITY SERVICES.—The promotion of community-based cooperatives which provide employment opportunities and important services such as health clinics, self-help shelter, environmental improvements, group-owned businesses, and other activities.".

**SEC. 4. REPORT.**

Not later than 6 months after the date of enactment of this Act, the Administrator of the United States Agency for International Development, in consultation with the heads of other appropriate agencies, shall prepare and submit to Congress a report on the implementation of section 111 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151i), as amended by section 3 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Alabama (Mr. HILLIARD) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

### GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4673.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this Member rises in support of H.R. 4673, the Support for Overseas Cooperative Development Act. This Member introduced H.R. 4673, along with the distinguished Member from North Dakota (Mr. POMEROY), to recognize the importance of and the strengthened support for cooperatives as an international development tool.

This Member would also like to thank the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations; the distinguished gentleman from California (Mr. LANTOS), the ranking member of the Subcommittee on Asia and the Pacific; the distinguished gentleman from Pennsylvania (Mr. ENGLISH); the distinguished gentleman from Ohio (Mr. HALL); the distinguished gentleman from Ohio (Mr. GILLMOR); and the distinguished gentleman from North Carolina (Mr. BURR), for their cosponsorship of this measure.

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Indeed, this measure is a bipartisan effort and it certainly enjoys bipartisan interest and support.

Finally and very importantly, this Member wants to thank the chairman of the Committee on International Relations, the distinguished gentleman from New York (Mr. GILMAN), for cooperating in the advancements of H.R. 4673 through the committee and for his support.

Mr. Speaker, this legislation enhances language currently provided in Section 111 of the Foreign Assistance Act which authorizes the use of cooperatives in international development programs.

Specifically, this bill will give priority to funding overseas cooperatives working in the following areas: agriculture, financial systems, rural electric and telecommunications infrastructure, housing, and health. Importantly, H.R. 4673 does not provide for additional appropriations. While the administration does not routinely take positions on such matters, the Agency for International Development has not raised any objections to H.R. 4673 and I believe it is quite supportive and sympathetic.

Mr. Speaker, as we all know, cooperatives are voluntary organizations formed to share the mutual economic and self-help interests of their members. In the United States, cooperatives have existed, of course, for many years and in many forms, including agriculturally based cooperatives, electrical cooperatives, and credit unions. The common thread among all cooperatives is that they allow their members who, for a variety of reasons, might not otherwise be served by traditional institutions, to mobilize resources available to them, and to reap the benefits of association.

Since the 1960s, overseas cooperative projects have proven successful in providing assistance and compassionate assistance, I might emphasize, to low-income people in developing and transitional countries. Today, people in 60 countries are benefiting from U.S. cooperatives working abroad through projects which can be completed at very little cost to U.S. taxpayers. The low costs are possible because the money used for the projects is spent on technical and managerial expertise, not on extensive bureaucracy and direct foreign assistance payments.

Mr. Speaker, the benefits of cooperatives as a development tool are numerous. This Member would like to mention examples of democratic and economic results from the fostering of cooperatives working overseas.

Building economic infrastructure is a key role of overseas development cooperatives. Through representatives from the U.S. cooperatives, people who have traditionally been underserved in their countries, especially in rural areas and especially women, receive technical training never before available to them. Such training in accounting, marketing, entrepreneurialship and strategic planning prepares them to effectively compete for the first time in their country's economy.

For example, agricultural cooperatives in El Salvador helped to rebuild the once war-ravaged country by providing a venue for farmers to pool their scarce resources and scarce experience in capitalism so that they can market and sell the fruits and vegetables they grow.

In rural Macedonia, a small country whose neighbors are immersed in ethnic conflict, credit unions provide their members a way to build lines of credit and savings for the future.

In rural Bangladesh during the early 1990s, cooperative members bought equipment for an electrification project which now supplies 5 million people with electrical power. Cooperatives lay the foundation then for future economic stability.

Mr. Speaker, when reviewing the impact of overseas cooperatives, one simply cannot ignore the impact they have had in assisting people in transitional countries to build democratic habits and traditions. In supporting cooperatives, people who have had no previous experience with democracy create an opportunity to routinely vote for leadership, to set goals, to write policies and to implement those policies. Cooperative members learn to expect results from their decisions and that their decisions can and do, in fact, have an impact on their lives.

In conclusion, this Member would like to thank the Overseas Cooperative Development Council, the OCDC, for its contributions to this measure. The OCDC represents eight cooperative development organizations which have been very active in building cooperatives worldwide. The Credit Union National Association, CUNA, has been very supportive of this legislation and, as a member of the World Council on Credit Unions, has contributed technical assistance to aid the growth of credit unions in key transitional countries such as the former Yugoslav, Republic of Macedonia and Bolivia.

Again, Mr. Speaker, overseas cooperative projects are simply a good investment towards building good economic stability and democratic habits in developing countries, and this Member urges his colleagues in this body to support H.R. 4673.

Mr. Speaker, I reserve the balance of my time.

Mr. HILLIARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. I would first like to commend the gentleman from Nevada (Mr. BEREUTER), the subcommittee chairman, for introducing this important piece of legislation, and the gentleman from New York (Mr. GILMAN), the chairman of the committee, for moving it through the legislative process so quickly.

Mr. Speaker, credit unions and cooperatives give people more opportunity to help themselves. By promoting business enterprises and financial institutions which operate through a democratic decisionmaking process, the Congress can play a critical role in encouraging broad-based economic and social development, both at home and abroad.

The legislation before the House today will ensure that our foreign aid money adequately promotes credit unions and cooperatives overseas. The legislation states that priority must be given first to technical assistance to local-income farmers who farm, who form and develop cooperatives for farm supplies, marketing and value-added processing; the promotion of national credit union systems that strengthen the ability of low-income people and small businesses to have access to credit. It also establishes a rural electric and telecommunications cooperative for universal access for rural people and villages; and, finally, the promotion of community-based cooperatives which provide employment opportunities and other important services.

Also, Mr. Speaker, the legislation requires the Agency for International Development to report to Congress every 6 months on the implementation of this important program.

Mr. Speaker, cooperatives and credit unions allow communities to pool their financial resources, spread risk, and keep money in local circulation for the economic well-being of the constituency and localities they serve. This legislation, by promoting cooperatives and credit unions overseas, will ensure that Americans get the most bang for their buck in foreign aid money.

Mr. Speaker, I urge my colleagues to support H.R. 4673.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, in conclusion, I want to again express my appreciation to the distinguished gentleman from North Dakota (Mr. POMEROY) for his outstanding cooperation, his assistance, and for being a full partner in drafting this legislation. I appreciate his effort. With that said, I urge support of the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, H.R. 4673, a bill introduced by our Committee Members, Mr. BEREUTER, the gentleman from Nebraska, and cosponsored by Mr. POMEROY, the gentleman from North Dakota, would serve to enhance and expand international economic assistance programs that utilize cooperatives and credit unions. This bill encourages the formation of credit unions and grassroots financial institutions as a way to promote democratic decision-making while concurrently fostering free market principles and self-help approaches to development in some of the world's poorest and neediest countries.

The bill's purpose is multi-faceted. It encourages the creation of agricultural and urban cooperatives in the electrical, telecommunications, and housing fields as well as the establishment of base-level credit unions. By doing so, the bill also promotes the adoption of international cooperative principles and practices in our foreign assistance programs and encourages the incorporation of market-oriented principles into these programs. By ensuring that small businessmen and women as well as small-scale farmers have access to credit, and also a stake in their own financial institutions, the United States will foster the key values of self-reliance, community participation, and democratic decision-making in programs that directly affect their lives.

The bill amends Section 111 of the Foreign Assistance Act of 1961, the section of the Act that concerns the development and promotion of cooperatives, by adding specific language that promotes agricultural cooperatives, the establishment of credit unions and financial systems, and the creation of rural electric and telecommunications and housing cooperatives. The bill lists these increasingly critical areas of development as priorities for foreign assistance programs and requires the Administrator of the Agency for International Development to prepare and submit a report to the Congress on the implementation of Section 111 of the Foreign Assistance Act of 1961 as amended.

I commend my colleagues for drafting this bill that also strengthens the intent and spirit of H.R. 1143, the Microenterprise for Self-Reliance Act of 1999 that the International Relations Committee reported and the House passed last year. Although strides have been made to increase access to credit for those who need it most, it is clear to me that much more needs to be done to enhance micro credit institutions and credit unions as well as agricultural cooperatives in the developing world to ensure that sound fiscal practices are applied in both rural and urban areas of the world's poorest countries.

I commend the bill's sponsors for their efforts to promote the formation of more and better managed cooperatives as well as the establishment of credit unions that are managed by the poor themselves to address agricultural, housing, and health care needs.

Accordingly, I urge passage of this worthy measure.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4673.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4975) to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse".

The Clerk read as follows:

H.R. 4975

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE.**

The post office and courthouse located at 2 Federal Square, Newark, New Jersey, shall be known and designated as the "Frank R. Lautenberg Post Office and Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office and courthouse referred to in section 1 shall be deemed to be a reference to the Frank R. Lautenberg Post Office and Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4975.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4975, was introduced by our distinguished colleague, the gentleman from New Jersey (Mr. LOBIONDO) and was originally cosponsored by all members of the House delegation of the State of New Jersey on July 26, this year. This legislation designates the Post Office and courthouse located at 2 Federal Square in Newark, New Jersey as the FRANK R. LAUTENBERG Post Office and Courthouse.

This legislation was referred to the House Committee on Transportation and Infrastructure. The committee then discharged the bill and it was subsequently rereferred to the House Committee on Government Reform. The building located at 2 Federal Square in Newark, New Jersey is wholly owned by the United States Postal Service.

The Senator from New Jersey after whom the building will be named under this legislation was born in Paterson, New Jersey in 1924, the son of an immigrant silk mill worker. He graduated from Nutley High School in Nutley, New Jersey in 1941 and served with distinction in the United States Army Signal Corps from 1942 until 1946. Mr. LAUTENBERG received his B.S. degree from Columbia University School of Business in New York in 1949. He served as commissioner of the Port Authority of New York and New Jersey from 1978 to 1982 for a 6-year term. He was subsequently appointed by the governor to complete the unexpired term of Senator Brady and was reelected in 1988 and 1994 for the term ending January 3, 2001.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation to name a postal facility in Newark, New Jersey after our colleague in the other House, Senator LAUTENBERG.

I want to just reference his work in the United States Senate since 1982 on a whole range of items, but I want to particularly point out and commend to all of my colleagues his work in the area of education, his sponsorship of the $1,500 HOPE scholarship credit, and his support for the largest increase in Pell grant assistance in the history of the Pell grant program. He has been a strong supporter of environmental legislation and other very important pieces of legislation.

Mr. Speaker, I think it is entirely appropriate to join my colleague from the great State of Georgia in commending to the House this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LoBIONDO. Mr. Speaker, I thank the gentleman from Georgia for yielding to me, and I rise in very strong support of this legislation.

Senator LAUTENBERG has been a great ally and friend to the citizens of

New Jersey, and the gentleman from New Jersey (Mr. PAYNE) and the gentleman from New Jersey (Mr. PALLONE), and I all join in urging this legislation.

Mr. Speaker, I am pleased to come before the House today in support of H.R. 4975, a bill designating the Post Office and Courthouse at 2 Federal Square in Newark, New Jersey the "Frank R. Lautenberg Post Office and Courthouse."

As many of you may know, Senator LAUTENBERG is retiring at the end of this year after 18 years of distinguished service in the United States Senate on behalf of the state and the citizens of New Jersey.

Since I came to Congress in 1995, I have had the pleasure of working with Senator LAUTENBERG on several occasions. We have been able to work together in a bipartisan fashion on many issues of importance to my district—such as aviation funding, beach replenishment projects, protecting the interests of the coast guard and his work on behalf of the Coastal Heritage Trail. These are just some of the issues that we have been able to roll-up our sleeves on and make a meaningful difference that will benefit the lives of those who live in South Jersey.

I would like to pay special attention to the Senator's work on protecting the New Jersey shore from erosion and the ocean water from contamination. As the Representative of the Second District in New Jersey, which has hundreds of miles of shoreline, protecting the shore is one of my highest legislative priorities.

Recently, I had the opportunity to join with the Senator and the Mayor of Atlantic City, James Whelan, in urging the Senate to pass legislation that would require the EPA to use the latest technology available to sample and test ocean water at our beaches to ensure the public's health. I cosponsored and voted in favor of companion legislation, which passed the House in April of last year.

In fact, there hasn't been an issue that the Senator and I have worked together on since 1995 that we haven't achieved results. We have been able to come together on numerous occasions to protect the interests of South Jersey residents. Although the Senator and I don't necessarily agree on every issue, I agree that naming the post office and courthouse in Newark after Senator LAUTENBERG is an excellent way to pay tribute to him on the eve of his retirement from public service.

Mr. Speaker, H.R. 4975 has gained the support of the entire New Jersey Congressional delegation, who have come together in a bipartisan fashion to support this bill and honor a distinguished public servant for the state of New Jersey. I would also like to thank the Majority Leader, Mr. ARMEY, for bringing this legislation before the full House today for consideration and my colleague Mr. PAYNE.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I appreciate the gentleman from Pennsylvania and the gentleman from Georgia for allowing me to have a few words to say on H.R. 4975, the Frank R. Lautenberg Post Office and Courthouse designation.

As we know, this is a very important and proud day for us in New Jersey and, Mr. Speaker, I am proud to be a sponsor of the bill to name the post office in my hometown of Newark, New Jersey, after one of our State's most accomplished and dedicated public servants, my friend and colleague, Senator FRANK LAUTENBERG.

Senator LAUTENBERG is well known throughout New Jersey and the Nation for his prolific legislative achievements, but even before his election to the United States Senate, he worked tirelessly in pursuit of the American dream.

His is indeed a classic American success story. Born to immigrant parents who were forced to move constantly in search of work, he set goals for himself early in life and never wavered in his quest to fulfill his aspirations.

After completing high school in Nutly, New Jersey, he enlisted in the United States Army, serving in the Army Signal Corps in Europe during World War II. And he is very proud of his war record.

After World War II, he earned a degree with the great GI Bill of Rights, which gave opportunities to people who fought to preserve democracy and opportunity for higher education. And he earned a degree from Columbia University.

Then, in the spirit of American entrepreneurship, which he fought so hard to defend, he joined with two boyhood friends in establishing a payroll service company, Automatic Data Processing, which now has grown to be one of the largest companies in the world. This started in a basement with two fellows saying, we have an idea.

It is especially fitting that this post office we are naming for Senator LAUTENBERG in his honor is located in Newark because he has been a champion of the revitalization efforts in our city.

From the day I was elected to the House of Representatives back in 1988, I have been able to count on Senator LAUTENBERG as an advocate of major economic development efforts, including the world-class Performing Arts Center, the development of the waterfront, millions of dollars in funding for Urban Core mass transit projects, including the Newark-Elizabeth Rail Link.

Senator LAUTENBERG has gained a national reputation as a powerful voice for environmental protection, fighting for safe drinking water, clean air, a ban on ocean dumping of sewage, clean beaches, prevention of oil spills, and a strong supporter of Superfund legislation to clean up toxic sites.

His legislation to ban smoking on airplanes will go to save many, many lives in this country and in the world because this has been taken up by everyone in the world.

So as I conclude, Senator LAUTENBERG has worked to improve educational opportunities in our Nation so that coming generations will have a chance to live the American dream as we all see it.

Senator LAUTENBERG helped author the HOPE scholarship, which provides a $1,500 tax credit for students going to college. He fought to improve our public schools. He fought to have new computers in our high schools.

Mr. Speaker, I appreciate the opportunity to speak on behalf of the Senator.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my colleague from Pennsylvania for yielding me the time.

Mr. Speaker, I, too, rise in support of H.R. 4975, the bill that is sponsored by my colleague, the gentleman from Newark (Mr. PAYNE), to honor Senator LAUTENBERG with the naming of the post office in Newark in his honor.

I cannot say enough about FRANK LAUTENBERG. There is no more effective Member of the United States Senate or of the United States Congress than FRANK LAUTENBERG.

Let me say that over his three terms in office, and I suppose it adds up to 18 years as a Member of the United States Senate, I do not think anyone would suggest that anybody but FRANK LAUTENBERG was the most effective advocate for our concerns in the State of New Jersey. He is the Senator that get things done.

My colleague, the gentleman from Newark (Mr. PAYNE), talked about the various things that Senator LAUTENBERG has done over the years, legislatively. But I just wanted to focus briefly on the environmental issues, because my district in Middlesex and Monmouth Counties has a heightened concern with regard to the environment.

In Middlesex County, the northern county, we have a number of Superfund sites. And over the 12 years or so that I have been in Congress, I have seen Senator LAUTENBERG constantly out there helping me and helping my constituents to clean up the Superfund sites, to improve the program, to get citizens involved in the process. That is his hallmark. He is a grassroots person that gets the money and gets things done.

In Monmouth County, which is the county where I live along the shore, we have had concern for many years about ocean dumping, about the need for shore protection, about water quality. And if there is any area where Senator LAUTENBERG has shined and worked hard in this Congress, it is with regard to the need for clean water and improving our water quality.

I would say that our economy would not exist in the strong state that we have now along the Jersey shore were it not for Senator LAUTENBERG's efforts to provide funding for beach renourishment, to stop all the various ocean dumping sites that existed when he was first elected to the Senate. There were about 12 sites for dumping of toxic dredge materials, sludge materials, acid materials, wood burning. All these things have now passed and all these sites have been closed because of the efforts of Senator LAUTENBERG.

It is an amazing achievement over 18 years in the Senate. I only hope that this legislation, this naming of the post office, is just the first of many opportunities that we will have after he retires this year to name things after him and to make designations in his honor. Because he truly deserves it. I appreciate the fact that we here in the House have been the first to start the process with the naming of this post office today.

Mr. PASCRELL. Mr. Speaker, I am pleased to rise today to support this legislation which honors my friend and senior Senator from New Jersey, FRANK LAUTENBERG.

I am a proud cosponsor of this legislation, and applaud my colleagues, Congressman PAYNE and Congressman LOBIONDO, for bringing this important measure to the floor.

Senator LAUTENBERG is a great American and a son of my hometown of Paterson, New Jersey. Good things and great people hail from Paterson!

The son of immigrants, FRANK LAUTENBERG came from a working-class background. In fact, his father worked in the silk mills in Paterson, located around the same area where I grew up.

After graduating high school, he served the United States citizens by joining the Army Signal Corps in Europe. Upon his return, Senator LAUTENBERG began a life of public service to the citizens of the Garden State.

Along with two friends, Senator LAUTENBERG started a company that served as one of the largest employers of New Jersey workers, and helped shape the way business is conducted in America.

Automated Data Processing was and still is one of the foremost computing services companies in the world. It provides employer services to hundreds of thousands of businesses by providing the paychecks to more than 29 million wage earners each payday.

In 1982, I joined the majority of New Jersey residents in voting for FRANK LAUTENBERG to the office of Senator. We were impressed by his dedication to providing work and service in New Jersey and trusted that he would represent us well in the United States Congress.

Our gut and our vote proved right.

The impact he has had on our nation's health, safety and security is significant, and that is why we honor him today.

He is the author of laws that have shaped the lives and enriched the health and safety of Americans.

We can thank Senator LAUTENBERG for establishing 21 as the national legal drinking age, for banning smoking on airplanes and for making it illegal for anyone convicted of domestic violence to own a gun.

A strong environmental leader, Senator LAUTENBERG also helped write the Superfund, Clean Air and Safe Drinking Water Acts.

As Ranking Democratic Member of the Senate Transportation Appropriations Subcommittee, Senator LAUTENBERG has consistently supported sound investment in our nation's infrastructure.

Furthermore, he has worked tirelessly to secure hundreds of millions of dollars for New Jersey's highways, mass transit systems, airports and ports.

The Garden State has known this about Senator LAUTENBERG for 18 years, and I am proud to share his accomplishments with colleagues and fellow Americans who may not realize the impact that he has had on American policy and life.

So, as the great city of Newark continues to rise, it is more than appropriate that FRANK LAUTENBERG should be honored in name and reputation in this manner.

I urge all of my colleagues to support H.R. 4975, and am proud to join with others in recognizing the hard work and immeasurable contributions he made to the economy, quality of life, and safety for the citizens of New Jersey and America.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I have no other speakers on this side, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4975.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GERTRUDE A. BARBER POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4625) to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building".

The Clerk read as follows:

H.R. 4625

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GERTRUDE A. BARBER POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, shall be known and designated as the "Gertrude A. Barber Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Gertrude A. Barber Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4625.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4625, was introduced by the distinguished gentleman from Pennsylvania (Mr. ENGLISH). The legislation designates the facility of the United States Postal Service Building located at 2108 East 38th Street in Erie, Pennsylvania as the Gertrude A. Barber Post Office Building. The House delegation from the State of Pennsylvania has cosponsored this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, this is a great privilege. Let me, first of all, thank the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), the distinguished ranking member, who helped me shepherd this legislation through the committee and through the House of Representatives, with the unanimous support of the entire Pennsylvania delegation, because the person we are honoring today really enjoyed a Statewide reputation in Pennsylvania as an advocate of those with special needs.

With every handshake, Mr. Speaker, Dr. Gertrude Barber left an indelible mark, reflective of her compassion and caring not only for those with special needs, but everyone. This native of Erie, a community that I have lived in all of my life and which I represent, touched so many individuals. Her special gift and passion was reserved for the mentally disabled, but through that, she touched the lives of an entire community and reached out and touched many people throughout the State of Pennsylvania.

☐ 1145

For years, she gave all that she had and more, and she asked no less of the community in which she lived. Even when one met Dr. Gertrude Barber just once, that encounter lasted for a lifetime.

For these reasons, we as a community have decided to name the post office in Erie, on East 38th Street, the Gertrude A. Barber Post Office Building. I can again proudly say that every member of the Pennsylvania delegation has cosponsored this bill.

Dr. Barber died April 29 at the age of 88. During her life, she impacted not only Erie but our entire Nation. Her influence stretched outside of Erie into neighboring counties, States and everywhere in her path. It is inconceivable for Erie to imagine a life without Dr. Barber. There was something about this extraordinary individual that made one think that she would be around forever. To quote the Erie Times, who eulogized Dr. Barber, "She was a legend whose name and works will be with us for years to come."

Dr. Barber served more than 2,850 developmentally disabled clients not only in Erie but throughout the State of Pennsylvania. She knew everyone by name, whether it was a client, volunteer, or staff person. She knew about their lives and the challenges they faced and she truly cared.

For those of us who visited her in her office and visited her at the Dr. Gertrude Barber Center, we saw that caring very much in action. The disabled children and adults always came first with her. Whether she was walking with the Governor or even a Member of Congress, Dr. Barber would always take the time to talk to her children. After all, they were every bit as important to her and maybe even more so.

A member of a prominent and respected family in Erie, Dr. Barber became a special education teacher in 1933. Focusing on a need in our community, she opened the center that now bears her name in 1952. The Barber Center has since blossomed and flourished under her strong and thoughtful and watchful hand. The Center has dramatically improved the lives of the developmentally disabled. The Center has facilities for autistic and Down syndrome children, classrooms, a library, and many satellite sites. It has sponsored adult literacy and adult job training programs. She and her staff have worked with mental health professionals from 33 countries, many coming to see the methodologies and accomplishments of this Center.

As Dr. Barber's dream continued to expand, so did the Center. During her 48 years of service, she established many satellite sites throughout Pennsylvania, including group homes in Philadelphia and in Pittsburgh. She started with a small staff, which grew to 60 in the 1970s, and more than 1,650 across the State today.

During her lifetime she was recognized by world leaders, including Pope John Paul II, and Presidents Kennedy and Bush. President Kennedy appointed Dr. Barber as a delegate to the White House Conference on Children and Youth. She was also a member of his Task Force on Mental Retardation. She testified many times before Congress about the needs of people with disabilities and mental retardation. National figures sought out her advice, and she gladly guided them.

This is the 10th anniversary of the year that the Americans With Disabilities' Act was passed by Congress; and in July, 10 years ago, when President George Bush signed the Americans with Disabilities Act into law, he invited Dr. Barber to attend the ceremony. Her invitation was in recognition of the work she put into the caring for the disabled.

In 1981, she was on the planning committee for the International Year of Disabled Persons and was a delegate to the White House Conference on Education. Not only did Dr. Barber serve on countless local, State, and Federal committees, but she even established a number of local branches of national advocacy groups for people with mental retardation and related developmental disabilities.

She founded the Division of Mental Retardation within the Pennsylvania Federation Council for Exceptional Citizens, the Northwest Council for Exceptional Children and, in Erie County, the ARC. She also served as president of the Pennsylvania Association for Retarded Citizens, the Pennsylvania Federation Council for Exceptional Citizens, and the Polk State School Board of Trustees.

In her honor, scholarships have been established at Penn State University, Gannon University, Mercyhurst College, and the University of Notre Dame. She was one of the most recognized advocates of people with special needs for generations and she made this her mission.

Dr. Barber was truly called to her life's work. She dedicated her life to the thousands of children and adults whom others often treated with disregard. She believed strongly in her dream to transform the lives of the developmentally disabled. Her dream was just one small seed planted in the broad fields of life, but she loved it and protected it. She believed in her dream until it grew and blossomed and gave great joy. She proved without doubt that one person, one extraordinary person, can make a difference.

In the new testament, Mr. Speaker, Matthew wrote, "The house fell, for it was not founded upon a rock." Dr. Gertrude Barber was the rock on which her centers for the disabled were built and, in fact, she was the rock on which the disability community in Erie and even throughout the United States could lean. Though she has died, her ideals and her goals live on.

It is my great honor to sponsor this legislation to name a post office after her. I urge my colleagues to join me in honoring a remarkable woman who has taught so much to so many with her message of caring.

Mr. Speaker, I would like to thank the gentleman from Georgia (Mr. BARR) for managing this bill on the floor, and I would also like to thank the gentleman from Indiana (Mr. BURTON), the gentleman from New York (Mr. MCHUGH), and the ranking member, as I said, the gentleman from Pennsylvania (Mr. FATTAH), for their efforts in committee to make sure that this bill passes and becomes a reality.

I hope all my colleagues will support H.R. 4625 in recognition of this remarkable woman.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Let me congratulate my colleague and my good friend from the great State and Commonwealth of Pennsylvania (Mr. ENGLISH). He is responsible for this legislation. And appropriately so, because in his home district, in the City of Erie, the person who we honor has been so well known. But also throughout our State her work has been documented, even in the area of Philadelphia, and it is obvious that this is the type of person that a Federal facility, like a postal facility, should appropriately be named, and will in this case be named, after her.

I want to thank my colleague for introducing this legislation and ask all to support H.R. 4625.

Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield back the balance of my the time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4625.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## SAMUEL P. ROBERTS POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4786) to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building".

The Clerk read as follows:

H.R. 4786

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SAMUEL P. ROBERTS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, shall be known and designated as the "Samuel P. Roberts Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Samuel P. Roberts Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4786.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker, I yield myself such time as I may consume, and I rise today in support of the bill to rename the post office located in Carrollton, Georgia, after the Honorable Sam Roberts.

Sam Roberts was not just a community leader, not just a husband, not just a father, he was a friend to all of us in the Seventh District of Georgia. Sam lost his battle against cancer on January 3 of this year.

Sam was a distinguished member of the Georgia State Senate whose district laid within the Seventh Congressional District of Georgia. He won his Senate seat to represent State Senate District 30 in 1986 and was reelected in 1998. His second term was tragically cut short after his untimely death earlier this year.

Born April 10, 1937 in Rome, Georgia, after obtaining a degree in insurance and risk management from Georgia State University in 1963, Sam Roberts maintained a long career in management heading Roberts Insurance Agency. Sam Roberts received numerous community and civic awards such as "Who's Who" in Georgia and Small Businessperson of the Year from the Douglas County Chamber of Commerce. He was also Associate of the Year for the Douglas County Home Builders Association. Sam was admitted to the Carrollton High School Trojan Hall of Fame and was a Jaycees International Senator.

Throughout his life, Senator Sam, as we knew him, was involved in countless community organizations and activities and civic clubs, including President of the Sertoma Club and the Douglas County Rotary Club, National Director of the U.S. Jaycees, in government affairs, and State Vice President of the Georgia Jaycees.

Sam Roberts also served on the Board of Directors of the American Cancer Society and the March of Dimes. He was the Chaplain of the Flint Hill Masonic Lodge. Sam was a member of the Douglas County Development Authority and the Douglas County Chamber of Commerce. He was also a youth football coach for 20 years.

While serving in the Georgia State Senate, Sam Roberts worked extremely hard for swift and strong punishment of criminals, to improve education for children, and to make our State government more efficient.

Sam Roberts was a resident of Douglas County for more than 30 years. He was a member of Heritage Baptist Church with his wife Sue. Sam is also survived by three wonderful children, Sherrie, Beau and Amber.

Mr. Speaker, the career of Georgia State Senator Sam Roberts as a professional, as a legislator, as a community leader, and as a family man clearly demonstrates why we should name this post office in his community, in our community, in his honor. I ask my colleagues to join me in renaming the U.S. Post Office in Carrollton, Georgia, after the Honorable Sam Roberts.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4786, which names a post office after Samuel P. Roberts, was introduced by Representative BARR on June 29, 2000.

Mr. Roberts was born on April 10, 1937, in Rome, GA. He obtained a degree in insurance and risk management from Georgia State University and went on to head the Roberts Insurance Agency. He decided to enter politics and in 1996 he ran for the Georgia State Senate, representing District 30.

Tragically, his second term was cut short when he lost his battle with cancer and died on January 3, 2000, in Douglasville, GA. Naming a post office in his honor is a fitting way to honor his commitment to his community and family. I urge the swift adoption of this measure.

Mr. Speaker, I would just like to reiterate my support for the bill at hand. I thank the gentleman from the great State of Georgia (Mr. BARR) for his comments.

Since Mr. Roberts formerly served as a member of the State Senate in his State and as a former member of the State Senate of Pennsylvania, I again want to thank the gentleman for recognizing that those who serve our public and other legislative bodies deserve recognition in this way.

Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I appreciate the very kind remarks of the gentleman from Pennsylvania (Mr. FATTAH), and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4786.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING

Mr. BARR of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4450) to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building."

The Clerk read as follows:

H.R. 4450

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. JUDGE HARRY AUGUSTUS COLE POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, shall be known and designated as the "Judge Harry Augustus Cole Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Judge Harry Augustus Cole Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. BARR) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. BARR).

GENERAL LEAVE

Mr. BARR of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4450.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Speaker. I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4450, was introduced by the distinguished gentleman from Maryland (Mr. CUMMINGS). This legislation designates the post office located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office." H.R. 4450 is cosponsored by the entire House delegation of the State of Maryland.

Harry Augustus Cole was educated in the Baltimore City Public School System and graduated from Morgan State University in 1943. He served our Nation with distinction during World War II and then graduated from the University of Maryland School of Law, after which he practiced criminal and civil rights law.

Judge Cole is a man of many firsts. He was the first African American assistant attorney general in Baltimore City, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first African American to be named to the Maryland Court of Appeals.

Mr. Speaker, Judge Cole is most deserving of being honored by having a post office named after him in the city to which he has contributed so much for so long and where he has spent much of his life.

I urge our colleagues to support H.R. 4450, and I commend the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4450. This legislation is the product of the work of my good friend, the gentleman from Maryland (Mr. CUMMINGS), who represents both the State of Maryland and the City of Baltimore.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the prime sponsor of this legislation, to allow him to articulate to the House his reasons to commend it for passage.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I also want to thank the gentleman from New York (Chairman MCHUGH) and certainly the gentleman from Pennsylvania (Mr. FATTAH), the ranking member, the gentleman from Georgia (Mr. BARR), and to all those on the Subcommittee on Postal Service for their support in bringing this bill to the floor of the House.

I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual.

H.R. 4450 designates the United States Post Office building located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building."

Judge Harry Augustus Cole was a man of many firsts. Judge Cole was the first African American assistant attorney general in Maryland, the first African American to be elected to the State Senate of Maryland, the first chairman of the Maryland Advisory Committee to the United States Civil Rights Commission, and the first African American to be named to Maryland's highest court, the Maryland Court of Appeals.

Educated in Baltimore City Public Schools, Judge Cole graduated from Morgan State University in 1943. I might add that he later served as the chairman of the Board of Regents of that institution. While at Morgan, however, he served as the president of the student council and the founder and the first editor in chief of the Spokesman College Newspaper.

A World War II veteran, Judge Cole graduated from the University of Maryland Law School, my alma mater, and practiced criminal and civil rights law for many years. He was a member of the Alpha Phi Alpha Fraternity, the oldest African American fraternity in the country.

Unfortunately, he passed away on February 14, 1999.

Harry Cole, who is one of my role models, is fondly remembered for his quick wit and sharp sense of humor. He was a man who always helped those in need and was always there for the indigent. He offered his services free of charge and was not looking for any kind of fame or thanks. Judge Cole extended his hand without ever seeking acknowledgment. I think it is time he is honored for the contributions he gave not only to the City of Baltimore, but to the State of Maryland and to this country.

He was also a distinguished veteran and served proudly in our United States Army. He is survived by his wife, Doris, and his three daughters, Susan, Harriette and Stephanie.

I urge my colleagues to support this postal naming bill that salutes a person from my district who was an outstanding veteran, an outstanding jurist, and spent his life providing service to others.

Mr. FATTAH. Mr. Speaker, I yield back the balance of my time.

Mr. BARR of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. BARR) that the House suspend the rules and pass the bill, H.R. 4450.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess for 10 minutes.

□ 1230

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 12 o'clock and 30 minutes p.m.

## FEDERAL EMPLOYEES HEALTH BENEFITS—CHILDREN'S EQUITY ACT OF 2000

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2842) to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, as amended.

The Clerk read as follows:

H.R. 2842

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Federal Employees Health Benefits Children's Equity Act of 2000".*

***SEC. 2. HEALTH INSURANCE COVERAGE FOR CHILDREN.***

*Section 8905 of title 5, United States Code, is amended by adding at the end the following:*

*"(h)(1) An unenrolled employee who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may enroll for self and family coverage in a health benefits plan under this chapter. If such employee fails to enroll for self and family coverage in a health benefits plan that provides full benefits and services in the location in which the child resides, and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall enroll the employee in a self and family enrollment in the option which provides the lower level of coverage under the Service Benefit Plan.*

*"(2) An employee who is enrolled as an individual in a health benefits plan under this chapter and who is required by a court or administrative order to provide health insurance coverage for a child who meets the requirements of section 8901(5) may change to a self and family enrollment in the same or another health benefits plan under this chapter. If such employee fails to change to a self and family enrollment and the employee does not provide documentation showing that such coverage has been provided through other health insurance, the employing agency shall change the enrollment of the employee to a self and family enrollment in the plan in which the employee is enrolled if that plan provides full benefits and services in the location where the child resides. If the plan in which the employee is enrolled does not provide full benefits and services in the location in which the child resides, or, if the employee fails to change to a self and family enrollment in a plan that provides full benefits and services in the location where the child resides, the employing agency shall change the coverage of the employee to a self and family enrollment in the option which provides the lower level of coverage under the Service Benefits Plan.*

*"(3) The employee may not discontinue the self and family enrollment in a plan that provides full benefits and services in the location in which the child resides for so long as the court or administrative order remains in effect and the child continues to meet the requirements of section 8901(5), unless the employee provides documentation showing that such coverage has been provided through other health insurance.".*

***SEC. 3. ANNUITY SUPPLEMENT.***

*(a) IN GENERAL.—Section 8421a(b) of title 5, United States Code, is amended by adding at the end the following:*

*"(5) Notwithstanding paragraphs (1) through (4), the reduction required by subsection (a) shall be effective with respect to the annuity*

*supplement payable for each month in the 12-month period beginning on the first day of the seventh month after the end of the calendar year in which the excess earnings were earned.".*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reductions required to be made in calendar years beginning after the date of enactment of this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2842.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill accomplishes two objectives. First, it protects children who are entitled to health insurance under a court order. Second, the bill changes the timing of certain adjustments to annuities to allow OPM, that is the Office of Personnel Management, to make more accurate calculations.

Federal agencies currently cannot guarantee that a Federal employee's child is covered in accordance with a court or administrative order. Ironically, Mr. Speaker, Federal law already requires that protection for children whose parents work for an employer other than the Federal Government. Current law provides that Federal employees may enroll in an FEHBP plan, that is the Federal Employee Health Benefit Plan, either as an individual or for self and family coverage. They are under no obligation to do so however.

This important legislation will enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

In addition, Mr. Speaker, this bill delays adjustments to annunity supplementals received by certain FERS retirees. No one will be denied a benefit as a result of this delay, but the additional time will permit OPM to calculate these annunity supplements more accurately and ensure that the correct level of benefits is being paid.

Mr. Speaker, I am very proud to be an original cosponsor of this bill, it was introduced by the gentleman from Maryland (Mr. CUMMINGS).

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I and the children who will receive health care under this bill, thank the gentleman from Indiana (Chairman BURTON) and the gentleman from California (Mr. WAXMAN); the ranking member, the gentleman from Florida (Mr. SCARBOROUGH); and also we extend our appreciation to the members of our Subcommittee on Civil Service, the gentlewoman from the District of Columbia (Ms. NORTON), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Maine (Mr. ALLEN), who have affirmed their commitment to children by cosponsoring this legislation.

H.R. 2842 also enjoys the support of Senator LEVIN who introduced the companion Senate bill, S. 1688, in the Senate.

According to the 1990 United States Census, 78 percent of noncustodial parents had health coverage available through their employers, but only 23 percent had their children covered voluntarily. The legal right to health care was denied to children by absentee parents, even though they had the option to include them in their medical insurance plan for little or no cost.

The Department of Agriculture estimates that in 1998, over 10 million children had no health care coverage. H.R. 2842 will allow the Federal agencies to join States and provide health insurance for children of its employees.

The Omnibus Budget Reconciliation Act of 1993 required States to enact legislation requiring employers to enroll a child in an employee's group health plan when a court orders the employee to provide health insurance for the child but the employee fails to do so.

The Federal Employee Health Benefits Program law provided that a Federal employee may enroll in a FEHB Plan. The law does not allow an employing agency to elect coverage on the employee's behalf.

Further, FEHB law generally preempts State law with regards to coverage and benefits; therefore, a Federal agency is unable to ensure that a child is covered in accordance with a court order.

To correct this inequity, H.R. 2842, would enable the Federal Government to enroll an employee in his or her family in the FEHB program when a State court orders the employee to provide health insurance coverage for a child of the employee.

If the affected employee is already enrolled for self-only coverage, the employing agency would be authorized to change the enrollment to self and family. If the affected employee is not enrolled in the FEHB Program, the employing agency would be required to enroll him or her under the standard option of the service benefit plan Blue Cross/Blue Shield.

Finally, the employee would be barred from discontinuing the self and family enrollment as long as the court order remains in effect, the child meets the statutory definition of family member, and the employee cannot show that the child has other insurance.

I am pleased that H.R. 2842 is supported by the Association for Children for Enforcement of Support. ACES is the largest child support organization dedicated to assisting disadvantaged families entitled to support.

Mr. Speaker, someone once said that children are the living messages we send to a future we may never see, and when we think about what we are doing here, it is a very important deed providing children with health care coverage. I have often said it is not the deed, but it is the memory, and if we can have children that can gain health care when they need it and can look back on their lives and had access to doctors and could get well throughout their lives, I think they will be able to look back, not only on pleasant memories, but they will be able to look back on a healthy life.

Mr. Speaker, I urge my colleagues to support this legislation and by doing so, we send a very powerful message to this future that we may never see.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, it is my pleasure to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), my distinguished colleague and one who has been at the forefront of issues regarding Federal employees and children.

Mr. HOYER. Mr. Speaker, I thank my friend, the distinguished gentleman from Baltimore, Maryland (Mr. CUMMINGS) for yielding the time to me and, Mr. Speaker, I also want to join with my other friend, the distinguished gentlewoman from Montgomery County, Maryland (Mrs. MORELLA) in strong support of this Federal Employee Health Benefits Equity Act of 2000.

The gentleman from Maryland (Mr. CUMMINGS) and the gentlewoman from Maryland (Mrs. MORELLA) have explained very well the purposes of this legislation.

Mr. Speaker, I rise to, perhaps, discuss this in a little different perspective, but I think an important one. Many pieces of legislation come to this floor and we focus on them because they seek to focus on personal responsibility. Unfortunately, in America today too many people believe that having children is not a personal responsibility. They believe that perhaps it is biologically their child, but somehow not their responsibility.

We have passed legislation and the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary is on the floor, and he and I have cosponsored legislation which seeks to ensure that once somebody is blessed with a child that they will meet their responsibilities to that child. We passed legislation, as the gentleman from Baltimore pointed out, in 1993 which said that we were going to ensure that children would be covered under the health care policies of their parents. However, we did not also include Federal employees, the Federal Employee Health Benefit Plan, under that provision. We thought we had.

I think that was our concept but we had not and this legislation seeks to cure that defect in the language.

Now, the gentleman from Maryland (Mr. CUMMINGS), the gentlewoman from Maryland (Mrs. MORELLA), and I are unreserved supporters of Federal employees; but Federal employees, like every other individual in our country, need to meet their responsibilities. I believe that I had and continue to have a personal responsibility for my children. It is not the responsibility of the gentleman from Maryland (Mr. CUMMINGS) or the responsibility of the gentlewoman from Maryland (Mrs. MORELLA), it is my responsibility. They are my children. Now, they are all adults now, but I view them as a blessing. I view it as a blessing that I have the opportunity and the wherewithal, very frankly, to help them.

I would hope every parent would do that; not only would I hope they would do it, it is my expectation that they would do it. And this legislation simply says, as the gentleman has pointed out in correct detail, that if a court orders you to carry your child on your policy and provide them with health care coverage, critical to every child in America, then the Federal employer, like every other employer, will comply with the law in making sure that you meet that personal responsibility.

So I rise in very strong support of that. Some will say it is an additional burden on Federal employees; I say it is not. It is an equitable treatment of Federal employees as we want every other employee in America to be treated so that children in America will be better cared for and will grow up more secure and safe and better citizens.

Although this bill will not get national publicity, it is a very important bill, not only for the children that it will immediately affect, but for the principle that it adopts of responsibility of parents for the welfare and well-being of their children.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Maryland (Mr. HOYER) for his comments, because his comments really go to the crux of why we are doing what we are doing. I think all of us, all of us in this Congress accept the fact that we have to do everything in our power to make sure children have an opportunity to grow up so that they can be the best that they can be.

And when we think about something like health care, a child able to be taken care of if he has the measles or the mumps or has some kind of problem, health problem, just to know that that custodial parent is placed in a position where he or she can take that child to a health care provider and have that child taken care of is so very, very important.

As the gentleman said, this bill may not reach the headlines of our papers; but I can tell my colleagues one thing, it will reach the headlines of a lot of families, a lot of custodial parents who merely want their children to be healthy.

Mr. Speaker, I urge my colleagues to support this very important legislation. I again, thank the gentlewoman from Maryland (Mrs. MORELLA). I want to thank all of the members of our subcommittee for the bipartisan effort in our quest to uplift the children of our great Nation.

Mr. Speaker, I yield back the balance of my time.

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Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a little bill that goes a long way, a long way as we have heard in terms of helping those children who are most vulnerable to make sure that they are provided health insurance. It is going to enable the Federal Government to enroll an employee in a self and family plan in the Federal Employees Health Benefits Program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for sponsoring this bill, for recognizing its importance. I want to thank the chairman of the Subcommittee on Civil Service, the gentleman from Florida (Mr. SCARBOROUGH), for helping this bill come forward; the gentleman from Indiana (Mr. BURTON), the chairman of the full Committee on Government Reform; the gentleman from California (Mr. WAXMAN), the ranking member of the Committee on Government Reform; the cosponsors and those who have spoken today, the gentleman from Maryland (Mr. HOYER), in effect.

I do want to ask that the Members of this House unanimously, I hope, support this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 2842, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.".

A motion to reconsider was laid on the table.

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## INTELLECTUAL PROPERTY TECHNICAL AMENDMENTS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4870) to make technical corrections in patent, copyright, and trademark laws.

The Clerk read as follows:

H.R. 4870

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Intellectual Property Technical Amendments Act of 2000".

**SEC. 2. OFFICERS AND EMPLOYEES.**

(a) RENAMING OF OFFICERS.—(1) Title 35, United States Code, is amended—

(A) by striking "Director" each place it appears and inserting "Commissioner"; and

(B) by striking "Director's" each place it appears and inserting "Commissioner's".

(2) The Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946"; 15 U.S.C. 1051 et seq.) is amended by striking "Director" each place it appears and inserting "Commissioner".

(3)(A) Title 35, United States Code, is amended by striking "Commissioner for Patents" each place it appears and inserting "Assistant Commissioner for Patents".

(B) Section 3(b)(2) of title 35, United States Code, is amended—

(i) in the paragraph heading, by striking "COMMISSIONERS" and inserting "ASSISTANT COMMISSIONERS";

(ii) in subparagraph (A), in the last sentence—

(I) by striking "a Commissioner" and inserting "an Assistant Commissioner"; and

(II) by striking "the Commissioner" and inserting "the Assistant Commissioner";

(iii) in subparagraph (B)—

(I) by striking "Commissioners" each place it appears and inserting "Assistant Commissioners";

(II) by striking "Commissioners' " each place it appears and inserting "Assistant Commissioners' "; and

(iii) in subparagraph (C), by striking "Commissioners" and inserting "Assistant Commissioners".

(C) Section 3(f) of title 35, United States Code, is amended in paragraphs (2) and (3), by striking "the Commissioner" each place it appears and inserting "the Assistant Commissioner".

(D) Section 13 of title 35, United States Code, is amended—

(i) by striking "Commissioner of" each place it appears and inserting "Assistant Commissioner for"; and

(ii) by striking "Commissioners" and inserting "Assistant Commissioners".

(E) Chapter 17 of title 35, United States Code, is amended by striking "Commissioner of Patents" each place it appears and inserting "Assistant Commissioner for Patents".

(F) Section 297 of title 35, United States Code, is amended by striking "Commissioner of Patents" each place it appears and inserting "Commissioner".

(4) Title 35, United States Code, is amended by striking "Commissioner for Trademarks" each place it appears and inserting "Assistant Commissioner for Trademarks".

(5) Section 5314 of title 5, United States Code, is amended by striking

"Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office."

and inserting

"Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office.".

(6)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking "**Director** " and inserting "**Commissioner**"; and

(ii) by striking "Director's" and inserting "Commissioner's".

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking "Director" and inserting "Commissioner".

(b) ADDITIONAL CLERICAL AMENDMENTS.—

(1) The following provisions of law are amended by striking "Director" each place it appears and inserting "Commissioner".

(A) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B).

(B) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r).

(C) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)).

(D) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)).

(E) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)).

(F) Section 1295(a)(4)(B) of title 28, United States Code.

(G) Section 1744 of title 28, United States Code.

(H) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181).

(I) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182).

(J) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457).

(K) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)).

(L) Section 10(i) of the Trading with the enemy Act (50 U.S.C. App. 10(i)).

(M) Section 4203 of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113.

(2) The item relating to section 1744 in the table of sections for chapter 115 of title 28, United States Code, is amended by striking "generally" and inserting ", generally".

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Director of the United States Patent and Trademark Office or to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Commissioner of the United States Patent and Trademark Office;

(2) to the Commissioner for Patents is deemed to refer to the Assistant Commissioner for Patents; and

(3) to the Commissioner for Trademarks is deemed to refer to the Assistant Commissioner for Trademarks.

### SEC. 3. CLARIFICATION OF REEXAMINATION PROCEDURE ACT OF 1999; TECHNICAL AMENDMENTS.

(a) OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.—Title 35, United States Code, is amended as follows:

(1) Section 311 is amended—

(A) in subsection (a), by striking "person" and inserting "third-party requester"; and

(B) in subsection (c), by striking "Unless the requesting person is the owner of the patent, the" and inserting "The".

(2) Section 312 is amended—

(A) in subsection (a), by striking the last sentence; and

(B) by striking ", if any".

(3) Section 314(b)(1) is amended—

(A) by striking "(1) This" and all that follows through "(2)" and inserting "(1)";

(B) by striking "the third-party requester shall receive a copy" and inserting "the Office shall send to the third-party requester a copy"; and

(C) by redesignating paragraph (3) as paragraph (2).

(4) Section 315(c) is amended by striking "United States Code,".

(5) Section 317 is amended—

(A) in subsection (a), by striking "patent owner nor the third-party requester, if any, nor privies of either" and inserting "third-party requester nor its privies", and

(B) in subsection (b), by striking "United States Code,".

(b) CONFORMING AMENDMENTS.—

(1) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Subsections (a), (b), and (c) of section 134 of title 35, United States Code, are each amended by striking "administrative patent judge" each place it appears and inserting "primary examiner".

(2) PROCEEDING ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In an ex parte case or any reexamination case, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal. The court shall, before hearing an appeal, give notice of the time and place of the hearing to the Commissioner and the parties in the appeal.".

(c) CLERICAL AMENDMENTS.—

(1) Section 4604(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999, is amended by striking "Part 3" and inserting "Part III".

(2) Section 4604(b) of that Act is amended by striking "title 25" and inserting "title 35".

(d) EFFECTIVE DATE.—The amendments made by sections 4605(c) and 4605(e) of the Intellectual Property and Communications Omnibus Reform Act, as enacted by section 1000(a)(9) of Public Law 106–113, shall apply to any reexamination filed in the United States Patent and Trademark Office on or after the date of the enactment of Public Law 106–113.

### SEC. 4. PATENT AND TRADEMARK EFFICIENCY ACT AMENDMENTS.

(a) DEPUTY COMMISSIONER.—

(1) Section 17(b) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1067(b)), is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(2) Section 6(a) of title 35, United States Code, is amended by inserting "the Deputy Commissioner," after "Commissioner,".

(b) PUBLIC ADVISORY COMMITTEES.—Section 5 of title 35, United States Code, is amended—

(1) in subsection (i), by inserting ", privileged," after "personnel"; and

(2) by adding at the end the following new subsection:

"(j) INAPPLICABILITY OF PATENT PROHIBITION.—Section 4 shall not apply to voting members of the Advisory Committees.".

(c) MISCELLANEOUS.—Section 153 of title 35, United States Code, is amended by striking "and attested by an officer of the Patent and Trademark Office designated by the Commissioner,".

### SEC. 5. DOMESTIC PUBLICATION OF FOREIGN FILED PATENT APPLICATIONS ACT OF 1999 AMENDMENTS.

Section 154(d)(4)(A) of title 35, United States Code, as in effect on November 29, 2000, is amended—

(1) by striking "on which the Patent and Trademark Office receives a copy of the" and inserting "of"; and

(2) by striking "international application" the last place it appears and inserting "publication".

### SEC. 6. DOMESTIC PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD.

Subtitle E of title IV of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, is amended as follows:

(1) Section 4505 is amended to read as follows:

### "SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.

"Section 102(e) of title 35, United States Code, is amended to read as follows:

"'(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States if and only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or'".

(2) Section 4507 is amended—

(A) in paragraph (1), by striking "Section 11" and inserting "Section 10";

(B) in paragraph (2), by striking "Section 12" and inserting "Section 11".

(C) in paragraph (3), by striking "Section 13" and inserting "Section 12";

(D) in paragraph (4), by striking "12 and 13" and inserting "11 and 12";

(E) in section 374 of title 35, United States Code, as amended by paragraph (10), by striking "confer the same rights and shall have the same effect under this title as an application for patent published" and inserting "be deemed a publication"; and

(F) by adding at the end the following:

"(12) The item relating to section 374 in the table of contents for chapter 37 of title 35, United States Code, is amended to read as follows:

"374. Publication of international application.".

(3) Section 4508 is amended to read as follows:

### "SEC. 4508. EFFECTIVE DATE.

"Except as otherwise provided in this section, sections 4502 through 4507, and the amendments made by such sections, shall take effect on November 29, 2000, and shall apply only to applications (including international applications designating the United States) filed on or after that date. The amendments made by sections 4504 and 4505 shall additionally apply to any pending application filed before November 29, 2000, if such pending application is published pursuant to a request of the applicant under such procedures as may be established by the Director. If an application is filed on or after November 29, 2000, or is published pursuant to a request from the applicant, and the application claims the benefit of one or more prior-filed applications under section 119(e), 120, or 365(c) of title 35, United States Code, then the provisions of section 4505 shallapply to the prior-filed application in determining the filing date in the United States of the application.".

### SEC. 7. MISCELLANEOUS CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TITLE 35.—The following provisions of title 35, United States Code, are amended:

(1) Section 2(b) is amended in paragraphs (2)(B) and (4)(B), by striking ", United States Code".

(2) Section 3 is amended—

(A) in subsection (a)(2)(B), by striking "United States Code,";

(B) in subsection (b)(2)—

(i) in the first sentence of subparagraph (A), by striking ", United States Code";

(ii) in the first sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code";

(iii) in the second sentence of subparagraph (B)—

(I) by striking "United States Code,"; and

(II) by striking ", United States Code." and inserting a period;

(iv) in the last sentence of subparagraph (B), by striking ", United States Code"; and

(v) in subparagraph (C), by striking ", United States Code"; and

(C) in subsection (c)—

(i) in the subsection caption, by striking ", UNITED STATES CODE"; and

(ii) by striking "United States Code,".

(3) Section 5 is amended in subsections (e) and (g), by striking ", United States Code" each place it appears.

(4) The table of chapters for part I is amended in the item relating to chapter 3, by striking "**before**" and inserting "**Before**".

(5) The item relating to section 21 in the table of contents for chapter 2 is amended to read as follows:

"21. Filing date and day for taking action.".

(6) The item relating to chapter 12 in the table of chapters for part II is amended to read as follows:

**"12. Examination of Application ........ 131".**

(7) The item relating to section 116 in the table of contents for chapter 11 is amended to read as follows:

"116. Inventors.".

(8) Section 154(b)(4) is amended by striking ", United States Code,".

(9) Section 156 is amended—

(A) in subsection (b)(3)(B), by striking "paragraphs" and inserting "paragraph";

(B) in subsection (d)(2)(B)(i), by striking "below the office" and inserting "below the Office"; and

(C) in subsection (g)(6)(B)(iii), by striking "submittted" and inserting "submitted".

(10) The item relating to section 183 in the table of contents for chapter 17 is amended by striking "of" and inserting "to".

(11) Section 185 is amended by striking the second.period at the end of the section.

(12) Section 201(a) is amended—

(A) by striking "United States Code,"; and

(B) by striking "5, United States Code." and inserting "5.".

(13) Section 202 is amended—

(A) in subsection (b)(4), by striking "last paragraph of section 203(2)" and inserting "section 203(b)"; and

(B) in subsection (c)—

(i) in paragraph (4) by striking "rights;" and inserting "rights,"; and

(ii) in paragraph (5) by striking "of the United States Code".

(14) Section 203 is amended—

(A) in paragraph (2)—

(i) by striking "(2)" and inserting "(b)";

(ii) by striking the quotation marks and comma before "as appropriate"; and

(iii) by striking "paragraphs (a) and (c)" and inserting "paragraphs (1) and (3) of subsection (a)"; and

(B) in the first paragraph—

(i) by striking "(a)", "(b)", "(c)", and (d)" and inserting "(1)", "(2)", "(3)", and (4)", respectively; and

(ii) by striking "(1." and inserting "(a)".

(15) Section 209 is amended in subsections (a) and (f)(1), by striking "of the United States Code".

(16) Section 210 is amended—

(A) in subsection (a)—

(i) in paragraph (11), by striking "5901" and inserting "5908"; and

(ii) in paragraph (20) by striking "178(j)" and inserting "178j"; and

(B) in subsection (c)—

(i) by striking "paragraph 202(c)(4)" and inserting "section 202(c)(4)"; and

(ii) by striking "title.." and inserting "title.".

(17) The item relating to chapter 29 in the table of chapters for part III is amended by inserting a comma after "**Patent**".

(18) The item relating to section 256 in the table of contents for chapter 25 is amended to read as follows:

"256. Correction of named inventor.".

(19) Section 294 is amended—

(A) in subsection (b), by striking "United States Code,"; and

(B) in subsection (c), in the second sentence by striking "court to" and inserting "court of".

(20)(A) The item relating to section 374 in the table of contents for chapter 37 is amended to read as follows:

"374. Publication of international application.".

(B) The amendment made by subparagraph (A) shall take effect on November 29, 2000.

(21) Section 371(b) is amended by adding at the end a period.

(22) Section 371(d) is amended by adding at the end a period.

(23) Paragraphs (1), (2), and (3) of section 376(a) are each amended by striking the semicolon and inserting a period.

(b) OTHER AMENDMENTS.—

(1) Section 4732(a) of the Intellectual Property and Communications Omnibus Reform Act of 1999 is amended—

(A) in paragraph (9)(A)(ii), by inserting "in subsection (b)," after "(ii)"; and

(B) in paragraph (10)(A), by inserting after "title 35, United States Code," the following: "other than sections 1 through 6 (as amended by chapter 1 of this subtitle),".

(2) Section 4802(1) of that Act is amended by inserting "to" before "citizens".

(3) Section 4804 of that Act is amended—

(A) in subsection (b), by striking "11(a)" and inserting "10(a)"; and

(B) in subsection (c), by striking "13" and inserting "12".

(4) Section 4402(b)(1) of that Act is amended by striking "in the fourth paragraph".

### SEC. 8. TECHNICAL CORRECTIONS IN TRADEMARK LAW.

(a) AWARD OF DAMAGES.—Section 35(a) of the Act of July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1117(a)), is amended by striking "a violation under section 43(a), (c), or (d)," and inserting "a violation under section 43(a) or (d),".

(b) ADDITIONAL TECHNICAL AMENDMENTS.—The Trademark Act of 1946 is further amended as follows:

(1) Section 1(d)(1) (15 U.S.C. 1051(d)(1)) is amended in the first sentence by striking "specifying the date of the applicant's first use" and all that follows through the end of the sentence and inserting "specifying the date of the applicant's first use of the mark in commerce and those goods or services specified in the notice of allowance on or in connection with which the mark is used in commerce.".

(2) Section 1(e) (15 U.S.C. 1051(e)) is amended to read as follows:

"(e) If the applicant is not domiciled in the United States the applicant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.";

(3) Section 8(f) (15 U.S.C. 1058(f)) is amended to read as follows:

"(f) If the registrant is not domiciled in the United States, the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.";

(4) Section 9(c) (15 U.S.C. 1059(c)) is amended to read as follows:

"(c) If the registrant is not domiciled in the United States the registrant may designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the registrant does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served on the Commissioner.'';

(5) Subsections (a) and (b) of section 10 (15 U.S.C. 1060(a) and (b)) are amended to read as follows:

''(a)(1) A registered mark or a mark for which an application to register has been filed shall be assignable with the good will of the business in which the mark is used, or with that part of the good will of the business connected with the use of and symbolized by the mark. Notwithstanding the preceding sentence, no application to register a mark under section 1(b) shall be assignable prior to the filing of an amendment under section 1(c) to bring the application into conformity with section 1(a) or the filing of the verified statement of use under section 1(d), except for an assignment to a successor to the business of the applicant, or portion there of, to which the mark pertains, if that business is ongoing and existing.

''(2) In any assignment authorized by this section, it shall not be necessary to include the good will of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted.

''(3) Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment, and when the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office, the record shall be prima facie evidence of execution.

''(4) An assignment shall be void against any subsequent purchaser for valuable consideration without notice, unless the prescribed information reporting the assignment is recorded in the United States Patent and Trademark Office within 3 months after the date of the assignment or prior to the subsequent purchase.

''(5) The United States Patent and Trademark Office shall maintain a record of information on assignments, in such form as may be prescribed by the Director.

''(b) An assignee not domiciled in the United States may designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with that person or mailing to that person a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, or if the assignee does not designate by a document filed in the United States Patent and Trademark Office the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark, such notices or process may be served upon the Commissioner.'';

(7) Section 23(c) (15 U.S.C. 1091(c)) is amended by striking the second comma after ''numeral''.

(8) Section 33(b)(8) (15 U.S.C. 1115(b)(8)) is amended by aligning the text with paragraph (7).

(9) Section 34(d)(1)(A) (15 U.S.C. 1116(d)(1)(A)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''.

(10) Section 34(d)(1)(B)(ii) (15 U.S.C. 1116(d)(1)(B)(ii)) is amended by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code''.

(11) Section 34(d)(11) is amended by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(12) Section 35(b) (15 U.S.C. 1117(b)) is amended—

(A) by striking ''section 110'' and all that follows through ''(36 U.S.C. 380)'' and inserting ''section 220506 of title 36, United States Code,''; and

(B) by striking ''6621 of the Internal Revenue Code of 1954'' and inserting ''6621(a)(2) of the Internal Revenue Code of 1986''.

(13) Section 44(e) (15 U.S.C. 1126(e)) is amended by striking ''a certification'' and inserting ''a true copy, a photocopy, a certification,''.

**SEC. 9. ADDITIONAL CLERICAL AMENDMENT.**

The Patent and Trademark Fee Fairness Act of 1999 (113 Stat. 1537–546 et seq.), as enacted by section 1000(a)(9) of Public Law 106–113, is amended in section 4203, by striking ''111(a)'' and inserting ''1113(a)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4870, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4870, the Intellectual Property Technical Amendments Act of 2000. As my colleagues may well know, the benefits of the modern economy and promise for future prosperity are strongly related to our intellectual property laws. We are relying upon the proper functioning of our country's patent and trademark systems. These laws are not a casual accident, but a result of constant refinement by the Congress.

Last year, the Congress passed landmark patent reform in the American Inventors Protection Act in the final days of the session. As we all know in the hurly-burly to pass such a large bill, it is usually the case that there are often many oversights and errors which require a follow-up technical corrections bill.

I am pleased to report that the bulk of today's bill is clerical and technical in nature. It removes semicolons, aligns paragraphs, and makes other housekeeping changes. It changes some titles of key offices at the PTO. It also includes some noncontroversial changes to make certain that reexamination and the status of patent applications go as anticipated.

It advances the Congress' goal of making the PTO a more responsible government department. Most importantly, it preserves the protections for the American inventor that we designed and implemented last year.

In closing, I am pleased that the efforts of the progress on H.R. 4870 reunited me with my friend and colleague, the gentleman from California (Mr. ROHRABACHER), who is a tireless advocate for the American innovator. Likewise, I want to extend my remarks and thanks to the ranking member, the gentleman from California (Mr. BERMAN), for his valuable assistance in preparing this bill for consideration. The Members will realize that a strong and well-functioning patent and trademark system plays an integral part in our economic prosperity, should feel confident that the legislation before us plays a small, however important, role in continuing our efforts.

I urge all of my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina (Mr. COBLE), for shepherding this bill forward. As the gentleman from North Carolina (Mr. COBLE) indicated, last year Congress enacted substantial reforms to the patent system. After the enactment last year of the American Inventors Protection Act and the intervening months of implementation, it has become apparent that several minor adjustments to the law are needed. Most of the corrections within the manager's amendment and the underlying H.R. 4870, the Intellectual Property Technical Amendments Act, are truly technical, correcting punctuation and the like.

There are some minor substantive changes that are needed to implement last year's legislation. H.R. 4870, as reported by the Committee on the Judiciary and the manager's amendment, address several such issues. I want to thank the legislative counsel's office and those at the Patent and Trademark Office and the patent and trademark communities who have assisted us in identifying the problems with this bill that it addresses, and I urge the body's vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 4870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## ESTABLISHING THE ELIGIBILITY OF ALIENS ADMITTED FOR PERMANENT RESIDENCE

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 5062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITING DISQUALIFICATION FROM CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENT ALIENS.**

(a) Termination of Period of Continuous Residence.—

(1) In general.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by adding at the end the following:

"Notwithstanding the preceding sentence, in determining under such sentence whether a period of continuous residence described in subsection (a)(2) has ended, any offense committed on or before September 30, 1996, shall be disregarded.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–587).

(b) Treatment of Particular Crimes as Aggravated Felonies.—

(1) In general.—Section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as contained in title III of division C of Public Law 104–208; 110 Stat. 3009–587) is amended by adding at the end the following:

"(d) Transition Rule for Cancellation of Removal for Certain Permanent Residents.—

"(1) In general.—Except as provided in paragraph (2), notwithstanding section 321 or 322 of this Act, section 440 of the Antiterrorism and Effective Death Penalty Act of 1996 (8 U.S.C. 1101 note), or any other provision of law (including any effective date), in applying section 240A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)(3)) to a criminal offense committed on or before September 30, 1996, the term 'aggravated felony' shall not be construed to include the offense if the offense—

"(A) was not considered to be within the meaning of that term (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) on the date on which the offense was committed; and

"(B) is considered to be within the meaning of that term (as so defined) by reason of the enactment of—

"(i) this Act, in the case of an offense committed during the period beginning on April 25, 1996, and ending on September 30, 1996; or

"(ii) this Act or the Antiterrorism and Effective Death Penalty Act of 1996, in the case of an offense committed on or before April 24, 1996.

"(2) Exception.—Paragraph (1) shall not apply to an offense of rape or sexual abuse of a minor. The amendment made by section 321(a)(1) of this Act shall not be affected by such paragraph.

"(3) Course of conduct.—In the case in which a course of conduct is an element of a criminal offense, for purposes of paragraph (1), the date on which the last act or omission of that course of conduct occurs shall be considered to be the date on which the offense is committed.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–587).

**SEC. 2. POST-PROCEEDING RELIEF FOR AFFECTED ALIENS.**

(a) In General.—Notwithstanding section 240(c)(6) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)) or any other limitation imposed by law on motions to reopen removal proceedings, the Attorney General shall establish a process (whether through permitting the reopening of a removal proceeding or otherwise) under which an alien—

(1) who is (or was) in removal proceedings before the date of the enactment of this Act (whether or not the alien has been removed as of such date); and

(2) whose eligibility for cancellation of removal has been established by section 1 of this Act;

may apply (or reapply) for cancellation of removal under section 240A(a) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided under section 1 of this Act.

(b) Parole.—The Attorney General should exercise the parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) for the purpose of permitting aliens removed from the United States to participate in the process established under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. Hyde) and the gentleman from California (Mr. Berman) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Hyde).

### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5062, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made long-needed reforms to our laws governing the deportation of criminal aliens. The act put an end to criminal aliens' indefinitely delaying their deportations through endless appeals and put an end to serious criminals such as rapists being granted relief from deportation. The results are clear and gratifying. The number of criminal aliens deported by the INS has gone up dramatically since enactment of the act. Our neighborhoods are safer, especially immigrant neighborhoods, which have always borne the brunt of crime committed by aliens.

One aspect of the 1996 act has, however, led to a number of deportations that strike many, including myself, as unfair. The act broadened the definition of crimes which are considered aggravated felonies for which no relief from deportation is available. The hardship has come about because this change was made retroactively. The new definition of aggravated felony applies to crimes whenever committed. Thus, aliens who committed crimes years before enactment of the 1996 act, crimes not considered aggravated felonies when committed, have become deportable as aggravated felons.

Now, retroactive application of the law is the exception and not the rule, in the Committee on the Judiciary, for obvious reasons of notice and fairness. In addition, in some cases aliens have clearly rehabilitated themselves in the intervening years since committing their crimes, are no longer a threat to society and have started families. In these cases deportation seems an extreme remedy. Now, these hardship cases, in my opinion, could have been resolved if the INS had utilized its inherent power of prosecutorial discretion. The INS could have decided not to pursue deportation where the facts called out for forbearance. However, the INS has failed to do so. In fact, until recently the agency refused to admit it even had prosecutorial discretion.

Given this reality, it seems wise for Congress to step in and take action. H.R. 5062, introduced by the gentleman from Florida (Mr. McCollum) and the gentleman from Massachusetts (Mr. Frank), does so in a prudent and responsible manner. Under current law, legal permanent residents may apply for cancellation of removal if they have committed deportable acts. To ask for such relief, they must have been legal permanent residents for 5 years, have continuously resided in the U.S. for 7 years and not have committed any offense classified as an aggravated felony.

H.R. 5062 provides that offenses committed before 1996 that became classified as aggravated felonies in 1996, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Under the bill, legal permanent residents already removed because of such offenses could reopen their removal proceedings to apply for cancellation of removal. It is in the Attorney General's sole and unreviewable discretion whether to grant cancellation of removal in particular cases.

H.R. 5062 makes one more change in the law to carry out our intent. For the purpose of qualifying for cancellation of removal, the 1996 reforms terminated periods of continuous residence as of the date of commission of a deportable offense. Legal permanent residents who have been here for many years thus could not benefit from cancellation of removal, even if it was otherwise available to them, because deportable offenses they committed in past years now prevent them from accumulating the required residence time.

H.R. 5062 provides that deportable offenses committed before the 1996 reforms no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of retroactive application of the stop time rule could reopen their removal proceedings to apply for cancellation of removal. I urge my colleagues to vote for H.R. 5062. Enactment of this bill will make a meritorious correction without endangering the success of the 1996 bill's thrust against crime.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if one can imagine this scenario, a contributing member of this community, it could be in Massachusetts or the State of Texas or in New York, a young man, newly married with a young family, working, contributing, and legislation then rises up and ensnares him into a net dealing with the whole question of a potential or a juvenile offense that might have occurred that did not even result in jail time. Either that individual is deported or the individual finds himself or herself at home in their country burying a loved one and cannot get back into the country. Their family is separated. All that they have is lost: homes, apartments, cars. This is the reason for H.R. 5062.

I want to commend the chairman, the gentleman from Illinois (Mr. HYDE); and ranking member, the gentleman from Michigan (Mr. CONYERS); my chairman, the gentleman from Texas (Mr. SMITH), for working through this; the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK); the gentleman from Texas (Mr. FROST), and his leadership; the gentleman from Florida (Mr. DIAZ-BALART); the gentlewoman from Florida (Ms. ROS-LEHTINEN); the gentleman from California (Mr. FILNER); the gentleman from California (Mr. BILBRAY); the gentleman from California (Mr. ROGAN); and the gentleman from California (Mr. OSE) for working with us on a very important piece of legislation.

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It is by nature a technical bill, but it will eliminate the technical obstacles to applying for cancellation of removal under section 240(a) of the Immigration Nationality Act.

The effects of the bill, however, are not just technical in nature, and I have given my colleagues a scenario of a divided family, painfulness, the spouse now detained because of some minor offense that some judge early in their life felt that they were not even warranted jail time. It will have very real consequences in the lives of many longtime lawful, permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 immigration bill.

First, it will eliminate retroactive application of the so-called stop-time rule by which an alien's lawful permanent resident status is taken away for eligibility purposes when proceedings are instituted by the issuance of a notice of to appear. No crime committed before September 30, 1996 would bar an immigrant from accruing the period of residency required for cancellation of removal.

It would also address the injustice caused by declaring longtime, permanent residents ineligible for relief, residents with families and roots in the community, on the basis of a retroactive change in the definition of an aggravated felony. The 1996 immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

For example, prior to 1996, a theft offense was treated as an aggravated felony only if a sentence of 5 years or more was imposed. Say, for example, Mr. X entered the U.S. as a lawful, permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provision of the 1996 law made Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime and never again in life ever committed a serious crime. The judge who presided over that case did not think that the offense warranted even a single day of incarceration. But under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

Mr. Speaker, H.R. 5062 requires the Attorney General to establish a process of reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to reapply for cancellation relief. The bill specifies that the Attorney General should parole such aliens into the United States, give them an opportunity to apply to regain their lawful permanent residence status, and will cover those individuals who are left wandering and in a complete state of confusion, having gone to bury a loved one or attend to a sick loved one and cannot now restore their status in the United States to seek reunification with their families.

Mr. Speaker, these changes will permit long-term, lawful permanent residents who have been affected by the retroactive changes unfairly in the law to have their day in court, families will be reunited, children will have fathers, children will have mothers, and I believe it is the right thing. I urge my colleagues to vote for this bill.

Mr. Speaker, I am pleased to rise in favor of H.R. 5062. It is by nature a very technical bill. It will eliminate technical obstacles to applying for cancellation of removal under section 240A of the Immigration and Nationality Act. The effects of the bill, however, are not just technical in nature. It will have very real consequences in the lives of many long-time, lawful permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 Immigration bill.

First, it will eliminate retroactive application of the so called "stop-time rule" by which an alien's lawful permanent resident status is taken away from eligibility purposes when proceedings are instituted by the issuance of a "notice to appear." No crime committed before September 30, 1996, would bar an immigrant from accruing the period of residency required for cancellation of removal.

It also would also address the injustice caused by declaring long-term permanent residents ineligible for relief on the basis of a retroactive change in the definition of an "aggravated felony." The 1996 Immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

'For example, prior to 1996, a theft offense was treated as an aggravated felon only if a sentence of 5 years or more was imposed. Mr. X entered the United States as a lawful permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provisions of the 96 law make Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime. The judge who presided over the case did not think that the offense warranted even a single day of incarceration. Under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

H.R. 5062 requires the Attorney General to establish a process for reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to apply for cancellation relief. the bill specifies that the Attorney General should parole such aliens into the United States go give them an opportunity to apply to regain their lawful permanent resident status.

These changes will permit long-time lawful permanent residents who have been affected by retroactive changes in the law to have their day in court. I urge you to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, with great pleasure I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the very distinguished chairman of the Subcommittee on Immigration of the House Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary and my friend from Illinois for yielding me this time.

Mr. Speaker, the 1996 immigration reforms improve public safety by facilitating deportation of dangerous criminals. Since 1996, the number of criminal aliens deported annually has almost doubled from 36,000 in 1996 to 67,000 projected for this year. Increased deportations benefit public safety in the United States because the recidivism rate for criminal aliens is high. Justice Department statistics show that half of all criminal aliens released from prison are convicted of another serious offense within 3 years.

Since 1996, cancellation of removal has been the primary relief from deportation available to aliens. Legal permanent residents are likely to receive cancellation of removal if they have continuously resided in the U.S. for 7 years and have not committed any crimes classified as aggravated felonies.

Some hardship cases have arisen where deportation may not be appropriate. Republicans and Democrats in Congress have urged the Immigration and Naturalization Service to ensure that deportation proceedings are not prosecuted in inappropriate cases. However, the INS has been slow to respond.

Mr. Speaker, H.R. 5062, introduced by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK), makes two changes in existing law. The 1996 reforms expanded the aggravated felony definition and provided that aggravated felons are ineligible for cancellation of removal. The 1996 amendments that have resulted in hardship claims were added by Senate conferees late in the legislative process. While there is justification for deporting noncitizens convicted of serious crimes, applying a new standard retroactively arguably is unfair.

Mr. Speaker, H.R. 5062 provides that offenses committed before 1996 that were not aggravated felonies when committed, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Legal permanent residents already removed because of sexual offenses could reopen proceedings to apply for cancellation of removal.

Second, the 1996 reforms terminated an alien's continuous residence on the date of commission of a deportable offense. For some legal permanent residents, offenses committed in past years now prevent them from accumulating the required residents time to apply for cancellation of removal.

Mr. Speaker, H.R. 5062 provides that deportable offenses committed before 1996 no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of that provision could reopen their proceedings to apply for cancellation of removal.

Mr. Speaker, I hope my colleagues will support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and thank him for his assistance in this legislation.

Mr. CONYERS. Mr. Speaker, this bill is a product of the intense negotiations between the gentleman from Massachusetts (Mr. FRANK); the chairman of the committee, the gentleman from Illinois (Mr. HYDE); the gentleman from Florida (Mr. MCCOLLUM); the gentlewoman from Texas (Ms. JACKSON-LEE), and is a product of how far we have been able to go with the Frank-Frost original legislation, the gentleman from Texas has been in this in a very important way.

So we are proud of what we have been able to do in terms of deportable, minor offenses, which prior to the 1996 law, were pretty outrageous.

Mr. Speaker, I think we have come a great distance. We have another larger bill on this list waiting to be dealt with, the Fix 96 bill, so I am hopeful that spirit of the negotiations that brought us to this point on H.R. 5062 will move forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a major guiding force of this legislation who has worked in a determined and persistent and conciliatory manner to bring this legislation to the floor of the House, and a distinguished member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for her helpful efforts in bringing this bill to the floor.

I want to thank a number of members of the committee on both sides of the aisle, particularly the chairman of the full committee who put a lot into mediating this. It is an important step forward.

I want to say at the outset, I intend, if I am back here next year, and the early polls are good, to push for more changes than we now have. But this represents what we were able to agree on this late in this session, and while it is not everything I would like to see, it is a very significant improvement very worth passing. I hope that this bill does become law and that we are able to work with the other body and with the administration to put these provisions into law.

Some people have been puzzled and have asked me, well, how come there was retroactivity they thought constitutionally we could not do that, and I think it is an important point for people to understand. One cannot, under our Constitution, pass what the Constitution calls an ex post facto law if one is increasing the criminal penalty. But the right of a noncitizen with regard to deportation is not of the same constitutional order. So this is a policy judgment by the Congress to say that with regard to deportation, there should not be a difference, even though it would be constitutionally permissible of a retroactive sort. This leaves the effect of this bill on people who committed crimes on or after the date of enactment. That is one of the subjects that I hope we will address next year.

However, what this bill says that if one committed an offense on or before the date of the enactment of this bill, essentially one will now be treated as if the old law was in effect and there will be no element of retroactivity.

One of the things we should stress is, none of the offenses here affected now become nondeportable. We are not talking about people not being subject to deportation if, in a particular case, they ought to be deported. It increases the amount of discretion. It reduces the extent to which there was kind of an automaticity,but it does not say that people cannot be deported.

Not every offense is covered. I will be urging the Immigration Service, if we pass this, to read the intent of Congress here and in the discretion which they have and Members of this body had to recall to them the fact that no matter what, there is still prosecutorial discretion, that they will be guided by the spirit here of nonretroactivity in their administration of the bill and, in fact, focus on people who are genuinely dangerous and a threat to the community as they have the authority to do. But fundamentally, this is a time to feel good about making something better.

There are just two other points I want to make. One, I do want to stress, and I appreciate the gentleman from Texas including this and the gentleman from Illinois and others on the majority side; this is retroactively doing away with retroactivity, to some extent. That is, there are people who are already deported. Under this bill, people who are already deported will be able, because we instruct the Immigration Service to set up a procedure whereby they can apply to come back. The criteria I assume would be, to the extent that it can be reconstructed, if they would not have been deported in the first place, they should not be deported. It does not mean that everybody who is deported automatically comes back. There is a process, and they will have to show that if it was not for this change in the law, they would not have been deported.

The last point I want to make is this, Mr. Speaker. I appreciate the indulgence of my colleagues. It is a general point, not about this bill. We hear much too much today from people who are critics of our political system who tell us that only big money dominates politics, who tell us that we cannot get anything done in Congress unless there are huge campaign contributions.

Is this a very significant piece of legislation. This is an acknowledgment that a piece of legislation in 1996 had some flaws, it is a correction of those flaws. It will mean a great deal to many people; and to my knowledge, there are not a lot of campaign contributors among them. The people who have been victimized by this who, on the whole, have been people of limited economic circumstances.

So for those who are quick to kind of argue that political participation by citizens is worthless, that only big money counts, I would ask them to look at the example of this bill. This is a bill that has come to the floor today because of broad support by average citizens, most of whom, as I said, are not people of enormous economic wealth. No campaign contributions brought this bill to the floor. This bill was lobbied by citizens all across the country. Members from Sacramento and San Diego and Texas and Massachusetts and Florida, all over the country came together, because we all had constituents who were caught in a device that maybe nobody intended, maybe they did, but it was clearly working out more harshly than we thought appropriate. So I am very grateful to the majority for bringing this bill forward. I do want to stress again, this is an example of how citizens can get together and use their rights as citizens to get legislation changed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his words. It is a broad-based effort, and we are delighted that the effort was led by the gentleman from Texas (Mr.FROST), the chairman of the Democratic Caucus, a member of the Committee on Rules. He is an original cosponsor of this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), and I thank him for his leadership on this matter.

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to support legislation that restores some sanity and common sense to our Nation's immigration policy. Many of us in Congress never intended for the 1996 immigration reforms to lead to the senseless deportation of those who have paid for their minor crimes and are now productive members of society. I have personally met with many families in my district that are now dealing with the trauma of the unwarranted deportation of a family member. These families will stay in America, but are often reliant on the care and financial support of the person facing deportation. These families may be forced to go on welfare or their children may be put into foster homes. Clearly, our communities are not made safer by breaking up these families.

With this legislation, Congress is beginning to address those provisions in the 1996 law that went too far. H.R. 5062 is the first step in the right direction of fixing the 1996 immigration legislation.

□ 1315

Under current law, many legal residents can be deported for minor offenses that were not deportable offenses when they pled guilty to them. The bill will bring sensible relief to those who have paid for past infractions and will give people a chance to remain in the country. In addition, people who have already been deported under the retroactive provision of this law will be allowed to apply for readmission to the United States. This will allow families who were previously torn apart to reunite and regain the opportunity of the American Dream.

The bill does not fix all of the harsh provisions of the 1996 immigration legislation but it will bring some relief to those who have dealt with the tragedy of a deported family member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume just to add to the importance of this legislation the bipartisanship that is evident. In addition to a lack of campaign contributions, many of these individuals who will ultimately seek citizenship are not voters as well. I think the fairness of this issue has risen so high that we can see this bipartisan effort today.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H.R. 5062, and I want to thank the chairman and ranking members of the Committee on the Judiciary, and especially my colleague, the gentleman from Massachusetts (Mr. FRANK) for all their work in bringing this bill before the House.

In 1996, the Congress enacted the Illegal Immigration Reform and Responsibility Act. Now, nearly 4 years later, this Nation, built by immigrants, has witnessed broken families, devastated U.S. citizens, and people unjustly deported and jailed because of unjust provisions included in this bill.

In the Third Congressional District of Massachusetts, which I represent, there are large concentrations of immigrant families; from Portugal, especially the Azores, Cambodia, Cape Verde, and other regions. I have listened to the anguished stories of these families. Some families have members facing deportation for felony convictions committed years ago, and the person responsible has served time and made restitution to this community.

H.R. 5062 gives new hope to these desperate families. It does not fix all the problems, but it is an important step in the right direction.

Again, I want to thank all those involved for bringing it to the floor. I urge my colleagues to support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the Chair the amount of time remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 6 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER), a gentleman who has worked very hard on these issues, and these issues are particularly important to his constituents.

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also rise in support of H.R. 5062.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for offering this legislation; the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee for bringing it to us; and the gentleman from Illinois (Mr. HYDE), the chairman of the full committee; and their counterparts, the gentleman from Michigan (Mr. CONYERS), the gentleman from Massachusetts (Mr. FRANK), and the gentlewoman from Texas (Ms. JACKSON-LEE) for working so hard on this bill. All of them have graciously given me time to point out the situation that this has caused in San Diego, California, where we have hundreds of families affected by the legislation that was passed in 1996.

Like my colleagues, I rise to say that we must stop deporting hard-working legal immigrants only because they committed a minor infraction years or even decades ago. We must stop hauling parents away in the middle of the night in front of their children and denying these people, now in detention, the most basic constitutional rights that we in America believe everyone should have.

That is exactly what the 1996 law did. It redefined the term aggravated felony to cover virtually every crime ever committed. It was retroactive, covering misdemeanor crimes decades ago, and denied basic constitutional protections, such as bail and visitation rights. I repeat, we are talking about legal immigrants, immigrants residing in this country in legal fashion, who have paid their debt, if appropriate, to our society.

So we are now rolling back several of the provisions of the 1996 law and allowing those who have been deported to appeal to return to the United States. This is a great and positive step. It will mean much to hundreds and hundreds of families in San Diego, California, and it means a lot to all Americans that we are restoring liberty and justice for all.

I urge everyone to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY). We have worked together on battered immigrant legislation, and I appreciate her work on these matters.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I represent a district, and I am proud to, that is probably one of the most diverse in the Nation. It is really a gateway to the United States for people from every part of the globe. They embrace our country in a way that demonstrates their willingness to play by the rules.

We are talking about people affected by this bill who are legally in the United States and, in the case of those people who have been impacted specifically by the provisions of the 1996 law, if they have committed some sort of infraction, have paid for that. They have already done that.

What this bill has done is cause pain to so many families because the rules have been changed, which in some ways is not really a very American idea, saying that now, even though they have paid the price, they are going to be deported because we have redefined that infraction that they have committed and they are going to be out. It means that they have to leave their families, and the pain that it has caused can be corrected by supporting H.R. 5062.

I urge that support, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume to once again ask for support of this legislation. I would hope that this is painless so that we can rid the pain to others.

Mr. CONYERS. Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was touted as legislation that would control illegal immigration. It actually has many provisions that significantly affect American families, legal immigration and others seeking to enter the United States legally. Among other things, the 1996 law subjectslong-time lawful permanent residents to deportation for minor offenses committed prior to the enactment of the 1996 law.

H.R. 5062 is the product of negotiations between Representative BARNEY FRANK, HENRY HYDE and BILL MCCOLLUM:

It applies only to eliminating mandatory deportation of legal permanent residents who committed offenses that were not deportable prior to enactment of the 1996 law.

Mandatory deportation will not be required for persons who were convicted prior to September 30, 1996, of "aggravated felonies" that were not deportable offenses at the time of the conviction. Such persons will be eligible to apply for cancellation of removal.

People who have already been deported under the retroactive provisions of this law will be allowed to apply for readmission to this country, thus providing an avenue for the reunification of families that were split apart by the retroactive impact of the 1996 law.

A technical provision known as the "stop-time rule" also will be eliminated for those offenses committed on or before enactment of the 1996 law. This provision enables persons to take advantage of cancellation of removal.

This bill is only a modest bill—merely a first step toward the reforms needed to address the injustices of the overly harsh 1996 law. With regard to retroactivity, persons who are deportable under the 1996 law remain deportable. Though they can apply for cancellation of removal, they may be ineligible for other benefits such as naturalization. Moreover, the bill applies only to convictions—rather than offenses—that occurred prior to the 1996 law.

More broadly, the harshness of the 1996 immigration law must be mitigated in future bills as seen in Representative JOHN CONYERS' H.R. 4966 (Fix '96 bill). The 1996 law must be changed to restore judicial review and discretion to the Attorney General and the courts, eliminate mandatory detention, and revoke retroactive enforcement of the 1996 law on a more comprehensive basis.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 5062 and urge my colleagues to vote for this important legislation.

Mr. Speaker, this bill corrects an injustice in our laws. In 1996, Congress made several modifications to the nation's immigration law that had a harsh and unintended impact on many permanent resident aliens who live in the United States. Under these modifications, legal aliens who had lived in the United States for many years, and who may have entered a plea for a burglary or simple assault years ago, suddenly were subject to automatic deportation with no right to seek a waiver from the Attorney General, as had been the law. This retroactive feature was a creation of the other body and was something I opposed in 1996. It is wrong and bad law.

The House intention under the 1996 act was to deport those immigrants who were guilty of a dangerous aggravated felony. However, a House/Senate Conference significantly expanded the definition of such felonies to include relatively minor crimes, and then applied the law retroactively. As a consequence, individuals who had committed comparatively minor crimes would be deported, even if the crime was committed 30 or 40 years ago.

The result, Mr. Speaker, was a manifest injustice.

I will cite one example: Olufoake Olaleye, a legal permanent immigrant originally from Nigeria and mother to two American born children had lived in the United States for a number of years and had supported her family without ever having taken a nickel of public assistance. She was hard working, dedicated to her family, and in 1993 she was charged with shoplifting $14.99 worth of baby clothes after she attempted to return several items to an Atlanta clothing store without a receipt.

Olufoake, not unreasonably, wanted the matter resolved quickly and so appeared in court with a lawyer where she pled guilty, paid a fine, and was given a 12 month suspended sentence. There the matter would have rested. Unfortunately, under the 1996 law, her crime was considered an aggravated felony, and because the '96 bill included retroactivity provisions, the I.N.S. reopened her case and ordered her deported.

Mr. Speaker, it is wrong to retroactively deport a hard working immigrant for stealing $14.99 worth of baby clothes and to equate shoplifting with murder, rape and armed robbery. This Congress, with the best of intentions, went too far. H.R. 5062 will go a long way towards correcting this by eliminating retroactivity.

Mr. Speaker, we are a just and fair nation and must strike a just and fair balance in our immigration codes. H.R. 5062 does just that and I urge my colleagues to vote in favor of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 5062.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## COPYRIGHT TECHNICAL CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5106) to make technical corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5106

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ``Copyright Technical Corrections Act of 2000''.

**SEC. 2. CORRECTIONS TO 1999 ACT.**

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106-113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking ``paragraph (2)'' and inserting ``paragraph (2)(A)''; and

(B) in paragraph (3), by striking ``1005(e)'' and inserting ``1005(d)''.

(2) Section 1006(b) is amended by striking ``119(b)(1)(B)(iii)'' and inserting ``119(b)(1)(B)(ii)''.

(3)(A) Section 1006(a) is amended—

(i) in paragraph (1), by adding "and" after the semicolon;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(B) Section 1011(b)(2)(A) is amended to read as follows:

"(A) in paragraph (1), by striking 'primary transmission made by a superstation and embodying a performance or display of a work' and inserting 'performance or display of a work embodied in a primary transmission made by a superstation or by the Public Broadcasting Service satellite feed';".

### SEC. 3. AMENDMENTS TO TITLE 17, UNITED STATES CODE.

Title 17, United States Code, is amended as follows:

(1) Section 119(a)(6) is amended by striking "of performance" and inserting "of a performance".

(2)(A) The section heading for section 122 is amended by striking "**rights; secondary**" and inserting "**rights: Secondary**".

(B) The item relating to section 122 in the table of contents for chapter 1 is amended to read as follows:

"122. Limitations on exclusive rights: Secondary transmissions by satellite carriers within local markets.".

(3)(A) The section heading for section 121 is amended by striking "**reproduction**" and inserting "**Reproduction**".

(B) The item relating to section 121 in the table of contents for chapter 1 is amended by striking "reproduction" and inserting "Reproduction".

(4)(A) Section 106 is amended by striking "107 through 121" and inserting "107 through 122".

(B) Section 501(a) is amended by striking "106 through 121" and inserting "106 through 122".

(C) Section 511(a) is amended by striking "106 through 121" and inserting "106 through 122".

(5) Section 101 is amended—

(A) by moving the definition of "computer program" so that it appears after the definition of "compilation"; and

(B) by moving the definition of "registration" so that it appears after the definition of "publicly".

(6) Section 110(4)(B) is amended in the matter preceding clause (i) by striking "conditions;" and inserting "conditions:".

(7) Section 118(b)(1) is amended in the second sentence by striking "to it".

(8) Section 119(b)(1)(A) is amended—

(A) by striking "transmitted" and inserting "retransmitted"; and

(B) by striking "transmissions" and inserting "retransmissions".

(9) Section 203(a)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(10) Section 304(c)(2) is amended—

(A) in subparagraph (A)—

(i) by striking "(A) the" and inserting "(A) The"; and

(ii) by striking the semicolon at the end and inserting a period;

(B) in subparagraph (B)—

(i) by striking "(B) the" and inserting "(B) The"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) in subparagraph (C), by striking "(C) the" and inserting "(C) The".

(11) The item relating to section 903 in the table of contents for chapter 9 is amended by striking "licensure" and inserting "licensing".

### SEC. 4. OTHER AMENDMENTS.

(a) AMENDMENT TO TITLE 18.—Section 2319(e)(2) of title 18, United States Code, is amended by striking "107 through 120" and inserting "107 through 122".

(b) STANDARD REFERENCE DATA.—(1) Section 105(f) of Public Law 94-553 is amended by striking "section 290(e) of title 15" and inserting "section 6 of the Standard Reference Data Act (15 U.S.C. 290e)".

(2) Section 6(a) of the Standard Reference Data Act (15 U.S.C. 290e) is amended by striking "Notwithstanding" and all that follows through "United States Code," and inserting "Notwithstanding the limitations under section 105 of title 17, United States Code,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from California (Mr. BERMAN) will each control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5106, the bill under consideration, and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume; and I rise today in support of H.R. 5106, the Copyright Technical Corrections Act of 2000 and urge the House to adopt the measure.

H.R. 5106 makes purely technical amendments to Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999 and Title 17. H.R. 5106 corrects errors in references, spelling and punctuation, conforms the table of contents with section headings, restores the definitions in chapter 1 to alphabetical order, deletes an expired paragraph, and creates continuity in the grammatical style used.

This legislation makes necessary improvements to the Copyright Act. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5106 in a bipartisan manner and I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from North Carolina (Mr. COBLE) once again for his able leadership in moving this bill forward expeditiously.

H.R. 5106, the Copyright Technical Corrections Act of 2000, which I introduced with the chairman earlier this month, makes a number of technical corrections which merely change punctuation, correct cross references or paragraph numbering or correct editorial style in copyright law.

I want to join the chairman in thanking the Copyright Office and the legislative counsel for their assistance in the drafting of this bill, along with the staffs to the majority and my own subcommittee minority staff as well.

Mr. Speaker, I urge support for the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am supportive of the goals targeted by H.R. 5106, the "Copyright Technical Corrections Act of 2000. This bill will make a number of technical corrections to the Amendments to Intellectual Property and Communications Omnibus Reform Act of 1999, which was passed and signed into law by the first session of the 106th Congress.

These corrections will allow for clarification of the intent and scope of the 1999 legislation and provide this Congress with an opportunity to correct errors, which have been identified in the current copyright law that have been identified.

The copyright laws of the United States provide legal rights to exclusive publication, production, sale, or distribution of a literary, musical, or artistic work, which also includes computer software programs. These laws provide security for those are engaged commercial transactions of every description. A few of these forms of commercial transaction are television, and radio programming, newspaper, and magazine publication as well as electronic commercial transactions that involve the commercial exchange of information.

It is my hope that the work we do today relating to copyright law will ensure the protection of artist's work well into this new century.

I would like to thank my colleagues on the House Judiciary Committee for their work in bringing this legislation to be considered by the Full House.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5106, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## WORK MADE FOR HIRE AND COPYRIGHT CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5107) to make certain corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5107

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Work Made For Hire and Copyright Corrections Act of 2000".

**SEC. 2. WORK MADE FOR HIRE.**

(a) DEFINITION.—The definition of "work made for hire" contained in section 101 of title 17, United States Code, is amended—

(1) in paragraph (2), by striking "as a sound recording,"; and

(2) by inserting after paragraph (2) the following:

"In determining whether any work is eligible to be considered a work made for hire under paragraph (2), neither the amendment contained in section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, nor the deletion of the words added by that amendment—

"(A) shall be considered or otherwise given any legal significance, or

"(B) shall be interpreted to indicate congressional approval or disapproval of, or acquiescence in, any judicial determination,

by the courts or the Copyright Office. Paragraph (2) shall be interpreted as if both section 2(a)(1) of the Work Made For Hire and Copyright Corrections Act of 2000 and section 1011(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law 106–113, were never enacted, and without regard to any inaction or awareness by the Congress at any time of any judicial determinations.".

(b) EFFECTIVE DATE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall be effective as of November 29, 1999.

(2) SEVERABILITY.—If the provisions of paragraph (1), or any application of such provisions to any person or circumstance, is held to be invalid, the remainder of this section, the amendments made by this section, and the application of this section to any other person or circumstance shall not be affected by such invalidation.

**SEC. 3. OTHER AMENDMENTS TO TITLE 17, UNITED STATES CODE.**

(a) AMENDMENTS TO CHAPTER 7.—Chapter 7 of title 17, United States Code, is amended as follows:

(1) Section 710, and the item relating to that section in the table of contents for chapter 7, are repealed.

(2) Section 705(a) is amended to read as follows:

"(a) The Register of Copyrights shall ensure that records of deposits, registrations, recordations, and other actions taken under this title are maintained, and that indexes of such records are prepared.".

(3)(A) Section 708(a) is amended to read as follows:

"(a) FEES.—Fees shall be paid to the Register of Copyrights—

"(1) on filing each application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

"(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made;

"(3) for the issuance of a receipt for a deposit under section 407;

"(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

"(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

"(6) for the recordation, under section 302(c), of a statement revealing the identityof an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

"(7) for the issuance, under section 706, of an additional certificate of registration;

"(8) for the issuance of any other certification; and

"(9) for the making and reporting of a search as provided by section 705, and for any related services.

The Register is authorized to fix fees for other services, including the cost of preparing copies of Copyright Office records, whether or not such copies are certified, based on the cost of providing the service.".

(B) Section 708(b) is amended—

(i) by striking the matter preceding paragraph (1) and inserting the following:

"(b) ADJUSTMENT OF FEES.—The Register of Copyrights may, by regulation, adjust the fees for the services specified in paragraphs (1) through (9) of subsection (a) in the following manner:";

(ii) in paragraph (1), by striking "increase" and inserting "adjustment";

(iii) in paragraph (2), by striking "increase" the first place it appears and inserting "adjust"; and

(iv) in paragraph (5), by striking "increased" and inserting "adjusted".

(b) CONFORMING AMENDMENT.—Section 121(a) of title, 17, United States Code, is amended by striking "sections 106 and 710" and inserting "section 106".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) CARRY-OVER OF EXISTING FEES.—The fees under section 708(a) of title 17, United States Code, on the date of the enactment of this Act shall be the fees in effect under section 708(a) of such title on the day before such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5107, the bill under consideration, and to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Work Made for Hire and Copyright Technical Corrections Act of 2000 and urge the House to adopt this measure.

Mr. Speaker, H.R. 5107 is noncontroversial. It repealed an amendment in the Intellectual Property and Communication Omnibus Reform Act of 1999, IPCORA, which inserted sound recordings as a type of work that is eligible for work-made-for-hire status.

Following passage of the amendment in 1999, some recording artists argued that the change was not a mere clarification of the law and that it had substantively affected their rights. After the gentleman from California (Mr. BERMAN) and I had several meetings and agreed that a hearing was in order, the Subcommittee on Courts and Intellectual Property subsequently conducted a hearing on the issue of sound recordings as works made for hire on May 25, 2000.

A compromise solution was reached and H.R. 5107 implements that solution. It repeals the amendment in question without prejudice. In other words, it restores any person or entity to the same legal position they occupied prior to the enactment of the amendment in November 1999.

H.R. 5107 states that in determining whether any work is eligible for work-made-for-hire-status, neither the amendment in IPCORA nor the deletion of the amendment through H.R. 5107 shall be considered or otherwise given any legal significance or shall be interpreted to indicate congressional approval or disapproval of any judicial determination by the courts or the Copyright Office.

Mr. Speaker, I want to thank the gentleman from California (Mr. BERMAN), the ranking member of the subcommittee; the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee; the gentleman from Illinois (Mr. HYDE), chairman of the full committee; and the gentlewoman from California (Mrs. BONO) on our committee. There are others who will speak to this issue who also were helpful.

H.R. 5107 also includes other noncontroversial corrections to the Copyright Act. These amendments remove expired sections and clarify miscellaneous provisions governing fees and recordkeeping procedures. They will improve the operation of the Copyright Office and clarify United States copyright law.

The manager's amendment to H.R. 5107 that we are voting on today makes purely technical and noncontroversial changes to the text of H.R. 5107 as it was reported from the Committee on the Judiciary. The Subcommittee on Courts and Intellectual Property and the Committee on the Judiciary support H.R. 5107 in a bipartisan manner, and I urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

My colleagues, this is a great day for musicians who create their own music and musicians that perform, and so I am pleased to rise in support as a cosponsor of H.R. 5107 because it strikes sound recordings from the definition of work made for hire in section 101 of the Copyright Act.

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The bill undoes an unfortunate amendment to the Copyright Act made last November which changed the act to treat sound recordings as "works made for hire."

Without the benefit of committee hearings or other debate, the change terminated any future interest that artists might have in their sound recordings and turned them over permanently to the record companies. We have since learned that we should never do business this way.

After hearing testimony at the subcommittee level, all of the interested parties, I am glad to say, the subcommittee members, the recording artists and the recording industry itself, agreed that the provision was a substantive change in law and should be struck so that the law could be returned to the status quo ante. That is what brings us here today.

Returning the law to where it was before November of 1999 will ensure that any and all artists' authorship rights are preserved. Fortunately, the recording industry has worked diligently with the recording artists for the past several months to arrive at mutually agreed language. While slightly awkward in its legislative construction, I nevertheless want to compliment both parties in their efforts to reach compromise.

Now, the digital era lends to creators great opportunities for marketing their works of authorship and, at the same time, great perils of theft of those works. As we try in other legislative contexts to protect intellectual property rights in an open system of the Internet, we should not be changing the rules of such property rights in the middle of the night without hearings or proper committee consideration, as happened last year when this provision was first inserted.

I express my appreciation that we are undoing this unwise change, and I thank all of my colleagues that participated in bringing this measure to the floor and ask all of the Members of the House to give an aye vote on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. BERMAN), a very important member of the committee that worked on this legislation. He has been in this area for many years, and he did very important work in this area.

Mr. BERMAN. Mr. Speaker, I thank the gentleman, my friend and the ranking member of the committee, for yielding me a generous amount of time. I would like to do several things in that time.

First, I would like to commend a number of colleagues who have played pivotal roles in moving this important legislation, most specially the gentleman from North Carolina (Mr. COBLE), the chairman of our judiciary subcommittee. He deserves particular praise for his open-mindedness and his perseverance on this issue. There were times when people sought to impugn his motives. Notwithstanding that and the total lack of basis for that, he rose above the human tendency to retaliateand proceeded ahead, I think, very fairly and in wonderful fashion to help us come to this kind of conclusion. Without his efforts, this bill would not have had a chance of passing.

I also want to recognize several colleagues who have played pivotal roles: the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, who has been a champion for the rights of recording artists; the gentleman from Virginia (Mr. BOUCHER); the gentlewoman from California (Ms. LOFGREN); the gentleman from Florida (Mr. WEXLER); the gentleman from Massachusetts (Mr. DELAHUNT); as well as two individuals, one on the majority side, the gentlewoman from California (Mrs. BONO), who we spent a lot of time on airplanes to California discussing this issue, and a non-member of the committee who is particularly interested in this issue and the rights of recording artists, the gentlewoman from Missouri (Ms. MCCARTHY).

Section 2 of H.R. 5107 fulfills an important objective. It returns the law on the eligibility of sound recordings as "works made for hire" to its state prior to November 29, 1999. Equally important, it restores the state of the law without prejudicing the rights of any affected parties.

Finally, section 3 of H.R. 5107 makes certain unrelated changes to the Copyright Act to improve the operations of the U.S. Copyright Office. H.R. 5107 is strongly supported by both Democrats and Republicans. The bipartisan support for this bill is not surprising. It is wholly nonpartisan in nature.

H.R. 5107 is also supported by all affected private parties of whom I am aware. In fact, the language of H.R. 5107 is the successful outcome of several months of negotiations between representatives of the recording artists and the reporting industry.

For this accomplishment we owe a special note of gratitude to Jay Cooper and Cary Sherman, who represent the recording artists and recording industry, respectively. These gentlemen did yeoman's work and sacrificed many hours when they were supposed to be on vacation to craft acceptable language under often difficult circumstances and time constraints.

I would also like to thank the recording artists and record companies who worked so diligently to build this consensus.

The substance of H.R. 5107 is relatively easy to explain, while its impact is more difficult to express.

Section 2(a)(1) of this bill would remove the words "as a sound recording" from paragraph (2) of the definition of "works made for hire" in section 101 of the Copyright Act, words that this Congress added less than a year ago through section 1000(a)(9) of Public Law Number 106–113. When Congress enacted section 1000(a)(9) last year, we believed it was a non-controversial, technical change that merely clarified current law. However, since that time, we have been contacted by many organizations, legal scholars, and recording artists who take strong issue with section 1000(a)(9), asserting that it constitutes a significant, substantive change in law.

We have discovered that there exists a serious debate about whether sound recordings always, usually, sometimes, or never fell within the nine pre-existing categories of works eligible to be considered "works made for hire."

By mandating that all sound recordings are eligible to be "works made for hire," section 1000(a)(9) effectively resolved this debate and impaired the ability of creators of sound recordings that argue that particular sound recordings and sound recordings in general cannot be made "works made for hire." This, in turn, effectively prevents creators of sound recordings from attempting to exercise termination rights under section 203 of title 17, thus reclaiming their copyrights 35 years after an assignment of those rights.

By undoing section 1000(a)(9), section 2(a)(1) of this bill will prevent any prejudice to the legal arguments of creators of sound recordings. However, we are sensitive that, in undoing that amendment made by section 1000(a)(9), we must be careful not to adversely affect or prejudice the rights of other interested parties.

Specifically, we do not want the removal of the words "as a sound recording" from the definition of "works made for hire" to be interpreted to preclude or prejudice the argument that sound recordings are eligible to be "works made for hire" within the nine preexisting categories. In essence, we want the removal of the words "as a sound recording" from section 101 of the Copyright Act to return the law to the status quo ante so that all affected parties have the same rights and legal arguments that they had prior to enactment of section 1000(a)(9).

It is for these reasons that we were convinced of the need to include section 2(a)(2) within this statute, which is intended to ensure that the removal of the words "as a sound recording" will have no legal effect other than returning the law to the exact state existing prior to the enactment of section 1000(a)(9). With the inclusion of section 2(a)(2) in this bill, we ensure that courts will interpret section 101 exactly as they would have interpreted it if neither section 1000(a)(9) nor section 2(a)(1) of this bill were ever enacted.

In short, and in conclusion, we believe passage of this bill is vital to ensure that whatever rights the authors of sound recordings may have had previously are restored and that such restoration is achieved in a way that does not unfairly impair the rights of others.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, it is my pleasure to stand before my colleagues today to speak in favor of H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000. I am pleased that H.R. 5107 is being considered on the floor today, and I support this legislation.

This bill not only levels the playing field for both artists and the recording industry, but it also reverses the 1999 amendment to the Copyright Act that would have taken advantage of young artists who are not emotionally or financially prepared to sign their recording lives away.

As a member of the House Committee on the Judiciary, which considered this legislation, I am pleased that both sides of this debate were willing to sit down and draft a proposal that ensures that both the authors and the recording industry both benefit from such a well-conceived compromise.

I would like to thank the House Subcommittee on Courts and Intellectual Property chairman, the gentleman from North Carolina (Mr. COBLE), and the gentleman from California (Mr. BERMAN) for their hard work, persistence, and wisdom in pursuing a mutual understanding that reflects the thoughts and desires of both sides on this issue.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Kansas City, Missouri (Ms. MCCARTHY). No one has worked harder in the committee and in the negotiations than she.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in support of H.R. 5107, the Works Made for Hire and Copyright Corrections Act, a resolution to rectify a complex and contentious copyright issue for recording artists and record companies.

Just prior to adjournment last year, four seemingly innocuous words were added to the Satellite Home Viewers Improvement Act: "as a sound recording." But these words were inordinately powerful. Their insertion threatened one of our most precious rights, the right to claim ownership of one's artistic creations. By inserting "as a sound recording" into the bill, the work for hire provision of U.S. copyright law (revised in 1976) was fundamentally changed to prohibit the ownership of a sound recording by its creator after 35 years of sometimes onerous exploitation by a record company.

Typically, after the 35-year term, ownership of these works returned automatically to the creator. But these four words denied forever the rights of recording artists to own their creative and deeply personal expression of themselves they so generously share with the rest of us. The words also revised existing law and industry practice and did not merely clarify it.

The measure before us today corrects this injustice and repeals without prejudice the change made to U.S. copyright law last year.

I commend Jay Cooper, counsel to the artists groups, and Cary Sherman, Senior Executive Vice President and General Counsel of the Recording Industry Association of America, for their resolute commitment to negotiate a mutually agreeable solution.

I would also like to extend my heartfelt congratulations to the recording artists who made Congress aware of the need to restore their rights, in particular Don Henley and Sheryl Crow, cofounders of the Recording Artists Coalition.

I also applaud the tireless efforts of the members of the Recording Academy, Adam Sandler, and in particular, the Academy's president and CEO, Michael Greene. Without their perseverance and tenacity, this resolution would not have been reached. I also want to recognize the work of Margaret Cone and Susan Riley with the American Federation of Television and Radio Artists for their help.

From the bottom of my heart, I want to thank the gentleman from North Carolina (Chairman COBLE), the gentleman from California (Mr. BERMAN), and the gentleman from Michigan (Mr. CONYERS) of the Subcommittee on Courts and Intellectual Property for their active involvement and commitment to resolving this work-for-hire issue.

Mr. Speaker, I am honored to join with members of the Committee on the Judiciary as a cosponsor of the legislation and especially with three of my colleagues on the subcommittee who also have been an integral part of this process: the gentleman from Virginia (Mr. BOUCHER), and the gentlewomen from California (Ms. LOFGREN) and (Mrs. BONO). I applaud the Committee for working together in a spirit of bipartisanship.

I urge Members of the House to vote yes on this resolution, and I urge the Senate to work together as we did for swift passage this session.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the ranking member for yielding me the time.

Mr. Speaker, I simply wanted to add, while this in some way seems like a simple and straightforward proposition, it took a huge amount of time. I think it is worth paying special note to the staff, to Debbie Rose Aaron Blain, and Sampak Garg, Alec French of the subcommittee staff, and Stacy Baird and all the other staffers who worked on this, because they did invest a great deal of time; and I think they should be commended for that.

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Mr. CONYERS. Mr. Speaker, I yield myself 10 seconds to support the observations of the gentleman from California (Mr. BERMAN) and to single out Alec French and Sampak Garg on our judiciary staff who were so excellent.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

In closing, the gentleman from California (Mr. BERMAN) was very generous in his remarks to me. I want to remind my colleagues, there were two mules pulling that wagon, and the gentlewoman from California (Ms. LOFGREN) referred to the two Howards. I refer to us as the two mules because it became heavy lifting at times. As has already been mentioned, I mentioned the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE). They were both helpful to us. The recording industry and the artist community were both helpful.

Mr. Speaker, there was no ill intent involved with this. The Committee on the Judiciary submitted, or dispatched, six conferees, three Democrats and three Republicans. All six of us signed the conference report. It was my belief that we were merely codifying accepted practice, but that is subject to interpretation. With the passage of this bill today, I think that both parties, that is, the recording industry and the artist community, will both breathe easier, particularly the artist community. I too want to thank the staffers. Both Democrat and Republican staffers worked very diligently on this matter.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to offer comment on H.R. 5107, the Work Made for Hire and Copyright Corrections Act of 2000, for consideration. Under 17 United States Code 203, authors of copyrighted works have the right to terminate assignments of their copyrights thirty-five years after an assignment. Section 203 is designed to ensure that authors, who may have received very little compensation for the initial assignment of their copyrights, get a "second bite at the apple" if those copyrights have value after thirty-five years.

Unfortunately, the right to termination cannot be exercised by those creators of copyrighted works that are defined as "works made for hire," under 17 U.S.C. 101. Under Section 101, a work made for hire may be defined as: a work prepared by an employee within the scope of employment, or a work specially ordered or commissioned for use as one of ten, or in the case of statutorily specified categories of works. Statutorily specified work under the condition of a written agreement specifying the work shall be considered made for hire then it is considered under the conditions of section 101.

After the enactment of the new copyright law many organizations, legal scholars, and recording artists took strong issue with it, asserting that it constitutes a significant, substantive change in law. However, representatives of record companies and some legal scholars strongly disagreed with this position, and insisted that the new copyright law merely clarified prior law. The core of the disagreement between the opposing sides centers around pre-existing categories of works made for hire, and thus the extent to which sound recordings were previously eligible to be works made for hire.

This bill only attempts to return the law regarding copyrighted work that was created as "work made for hire" to its original state before the passage of the 1999 copyright legislation.

It is my hope that in the next Congress we will have an opportunity for hearing and full deliberation in this matter so that artists and commercial interest in copyrighted work can both be served by the copyright laws of our nation. I support this legislation and urge my colleagues to pass this.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## CHILD CITIZENSHIP ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2883) to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States, as amended.

The Clerk read as follows:

H.R. 2883

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Child Citizenship Act of 2000".

### TITLE I—CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES

**SEC. 101. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended to read as follows:

"CHILDREN BORN OUTSIDE THE UNITED STATES AND RESIDING PERMANENTLY IN THE UNITED STATES; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED

"SEC. 320. (a) A child born outside of the United States automatically becomes a citizen of the United States when all of the following conditions have been fulfilled:

"(1) At least one parent of the child is a citizen of the United States, whether by birth or naturalization.

"(2) The child is under the age of eighteen years.

"(3) The child is residing in the United States in the legal and physical custody of the citizen parent pursuant to a lawful admission for permanent residence.

"(b) Subsection (a) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).".

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired.".

**SEC. 102. ACQUISITION OF CERTIFICATE OF CITIZENSHIP FOR CERTAIN CHILDREN BORN OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 322 of the Immigration and Nationality Act (8 U.S.C. 1433) is amended to read as follows:

"CHILDREN BORN AND RESIDING OUTSIDE THE UNITED STATES; CONDITIONS FOR ACQUIRING CERTIFICATE OF CITIZENSHIP

"SEC. 322. (a) A parent who is a citizen of the United States may apply for naturalization on behalf of a child born outside of the United States who has not acquired citizenship automatically under section 320. The Attorney General shall issue a certificate of citizenship to such parent upon proof, to the satisfaction of the Attorney General, that the following conditions have been fulfilled:

"(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

"(2) The United States citizen parent—

"(A) has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years; or

"(B) has a citizen parent who has been physically present in the United States or its outlying possessions for a period or periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

"(3) The child is under the age of eighteen years.

"(4) The child is residing outside of the United States in the legal and physical custody of the citizen parent, is temporarily present in the United States pursuant to a lawful admission, and is maintaining such lawful status.

"(b) Upon approval of the application (which may be filed from abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall be furnished by the Attorney General with a certificate of citizenship.

"(c) Subsections (a) and (b) shall apply to a child adopted by a United States citizen parent if the child satisfies the requirements applicable to adopted children under section 101(b)(1).".

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 322 and inserting the following:

"Sec. 322. Children born and residing outside the United States; conditions for acquiring certificate of citizenship.".

**SEC. 103. CONFORMING AMENDMENT.**

(a) IN GENERAL.—Section 321 of the Immigration and Nationality Act (8 U.S.C. 1432) is repealed.

(b) CLERICAL AMENDMENT.—The table of sections of such Act is amended by striking the item relating to section 321.

**SEC. 104. EFFECTIVE DATE.**

The amendments made by this title shall take effect 120 days after the date of the enactment of this Act and shall apply to individuals who satisfy the requirements of section 320 or 322 of the Immigration and Nationality Act, as in effect on such effective date.

### TITLE II—PROTECTIONS FOR CERTAIN ALIENS VOTING BASED ON REASONABLE BELIEF OF CITIZENSHIP

**SEC. 201. PROTECTIONS FROM FINDING OF BAD MORAL CHARACTER, REMOVAL FROM THE UNITED STATES, AND CRIMINAL PENALTIES.**

(a) PROTECTION FROM BEING CONSIDERED NOT OF GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)) is amended by adding at the end the following:

"In the case of an alien who makes a false statement or claim of citizenship, or who registers to vote or votes in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of such registration or voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such statement, claim, or violation that he or she was a citizen, no finding that the alien is, or was, not of good moral character may be made based on it.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-546) and shall apply to individuals having an application for a benefit under the Immigration and Nationality Act pending on or after September 30, 1996.

(b) PROTECTION FROM BEING CONSIDERED INADMISSIBLE.—

(1) UNLAWFUL VOTING.—Section 212(a)(10)(D) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(D)) is amended to read as follows:

"(D) UNLAWFUL VOTERS.—

"(i) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is inadmissible.

“(ii) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such violation.”.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended to read as follows:

“(ii) FALSELY CLAIMING CITIZENSHIP.—

“(I) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself or herself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any other Federal or State law is inadmissible.

“(II) EXCEPTION.—In the case of an alien making a representation described in subclause (I), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be inadmissible under any provision of this subsection based on such representation.”.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration and Nationality Act on or after September 30, 1996.

(c) PROTECTION FROM BEING CONSIDERED DEPORTABLE.—

(1) UNLAWFUL VOTING.—Section 237(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(6)) is amended to read as follows:

“(6) UNLAWFUL VOTERS.—

“(A) IN GENERAL.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.

“(B) EXCEPTION.—In the case of an alien who voted in a Federal, State, or local election (including an initiative, recall, or referendum) in violation of a lawful restriction of voting to citizens, if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of such violation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such violation.”.

(2) FALSELY CLAIMING CITIZENSHIP.—Section 237(a)(3)(D) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(3)(D)) is amended to read as follows:

“(D) FALSELY CLAIMING CITIZENSHIP.—

“(i) IN GENERAL.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States for any purpose or benefit under this Act (including section 274A) or any Federal or State law is deportable.

“(ii) EXCEPTION.—In the case of an alien making a representation described in clause (i), if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making such representation that he or she was a citizen, the alien shall not be considered to be deportable under any provision of this subsection based on such representation.”.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 347 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–638) and shall apply to voting occurring before, on, or after September 30, 1996. The amendment made by paragraph (2) shall be effective as if included in the enactment of section 344 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–637) and shall apply to representations made on or after September 30, 1996. Such amendments shall apply to individuals in proceedings under the Immigration andNationality Act on or after September 30, 1996.

(d) PROTECTION FROM CRIMINAL PENALTIES.—

(1) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Section 611 of title 18, United States Code, is amended by adding at the end the following:

“(c) Subsection (a) does not apply to an alien if—

“(1) each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization);

“(2) the alien permanently resided in the United States prior to attaining the age of 16; and

“(3) the alien reasonably believed at the time of voting in violation of such subsection that he or she was a citizen of the United States.”.

(2) CRIMINAL PENALTY FOR FALSE CLAIM TO CITIZENSHIP.—Section 1015 of title 18, United States Code, is amended by adding at the end the following:

“Subsection (f) does not apply to an alien if each natural parent of the alien (or, in the case of an adopted alien, each adoptive parent of the alien) is or was a citizen (whether by birth or naturalization), the alien permanently resided in the United States prior to attaining the age of 16, and the alien reasonably believed at the time of making the false statement or claim that he or she was a citizen of the United States.”.

(3) EFFECTIVE DATES.—The amendment made by paragraph (1) shall be effective as if included in the enactment of section 216 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–572). The amendment made by paragraph (2) shall be effective as if included in the enactment of section 215 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–572). The amendments made by paragraphs (1) and (2) shall apply to an alien prosecuted on or after September 30, 1996, except in the case of an alien whose criminal proceeding (including judicial review thereof) has been finally concluded before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2883, the Adopted Orphans Citizenship Act, is designed to streamline the acquisition of United States citizenship by foreign children after they are adopted by American citizens. The bill makes the Federal Government a partner with parents who, with great compassion, adopt children from overseas.

The original bill was improved by an amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT). I want to thank him for suggesting the changes made in the amendment. He speaks with great credibility since he and his wife adopted a daughter from Vietnam at the end of the Vietnam War.

Under current law, when U.S. citizens adopt a child from another country, the child does not automatically become an American citizen. The parents have to apply to the Attorney General for a certificate of citizenship and the child then has to take the oath of allegiance required of naturalized citizens. This process can take years because of the naturalization backlog at the Immigration and Naturalization Service.

There is no reason to make adoptive parents and their new children to have to go through this laborious process.

After an adoption takes place and the child is brought to the United States consistent with United States immigration law, the child should automatically be considered a citizen.

This bill provides that internationally adopted children, and those children born to U.S. citizens overseas who are not considered citizens at birth, will become citizens as of the time they come to reside in the United States.

I should point out that it two U.S. citizens have a child overseas, the child is not considered a citizen at birth if neither parent has had a residence in the United States. Also, if a

U.S. citizen and an alien have a child overseas, the child is not considered a citizen at birth if the citizen parent has not lived in the United States for five years, at least two of which were after the age of 14. Under current law, such individuals have to go through a petition process in order to obtain citizenship.

The adopted children covered in this bill will be considered citizens automatically when certain conditions have been met.

First, at least one parent has to be a U.S. citizen. Second, the child must be under 18. Third, the child must be residing in the United States in the legal and physical custody of the citizen parent.

H.R. 2883's grant of citizenship will also apply to qualifying children who arrived in the United States prior to its enactment and have not yet obtained citizenship pursuant to the Immigration and Nationality Act (as it existed before enactment).

The manager's amendment to the bill addresses the situation of aliens who have improperly voted in federal, state or local elections, or represented themselves as citizens for the purpose of registering to vote or to procure benefits under the Immigration and Nationality Act or any other federal or state laws. The amendment is intended to provide a limited class of aliens with exemptions from the penalties in the Immigration and Nationality Act and title 18 governing illegal voting and false claims of citizenship.

In some cases, individuals had a reasonable—if mistaken—belief that they were citizens of the United States. This can occur among foreign-born children brought to the United States at a young age if their parents did not realize that the children did not become citizens automatically. Of course, the enactment of H.R. 2883 and its expansion of automatic citizenship to more foreign-born children of U.S. citizens will greatly reduce the number of cases in which such a mistake can be made.

One such case is that of a Korean orphan adopted at the age of four months by an American Air Force Master Sergeant and his American wife while they were stationed overseas. That orphan entered the U.S. with her adoptive parents when she was two years old and has spent the rest of her life in this country. it was only after she became an adult that it became known to her that her parents had never filed the necessary papers to naturalize her prior to her eighteenth birthday. Consequently, under current law, she is subject to potential deportation and even prosecution because she mistakenly voted, thinking she already was a U.S. citizen. It simply would not be fair to subject such an individual to penalties under the immigration law for genuinely innocent acts.

The protections in the managers' amendment (title II of the bill) are granted to an alien if: (1) each natural or adoptive parent of the alien is or was a citizen of the United States; (2) the alien permanently resided in the United States prior to attaining the age of 16; and (3) the alien reasonably believed at the time of voting or falsely claiming citizenship (to obtain an immigration or other benefit under federal or state law) that he or she was a citizen of the United States.

An alien who meets this standard is protected against a finding that the alien was not of good moral character (among other things, a bar to naturalization), and is protected against being considered inadmissible or deportable. In addition, an alien who meets this standard shall not be subject to prosecution under sections 611 and 1015 of title 18.

All of these amendments are effective as if they were included in the relevant sections of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

I urge my colleagues to vote for H.R. 2883.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume. I thank the gentleman from Texas for his work. Let me as well add my support for this legislation and thank the gentleman from Massachusetts (Mr. DELAHUNT) for his leadership. This simply clearly allows an adopted child as we all believe in this country has equal status with our own birth children, this adopted child that is adopted by a citizen of the United States will now have the same rights as a child born overseas to a citizen parent. I believe this legislation clearly promotes children's interests and puts children first.

Finally, I think it is important to note that we protect those individuals who vote, who believed because of their status with a citizenship parent that they had in fact citizenship, did not intentionally vote incorrectly inasmuch as they may not have had citizenship. It protects them from criminal prosecution so that the matter can be remedied and protects the voting privileges of the United States but also protects those who are well intended.

Again, let me applaud both the chairman and the ranking member of thefull committee, again the chairman of this committee and as well indicate that I hope my colleagues will support this legislation, H.R. 2883.

Mr. Speaker, I rise in support of the Child Citizenship Act of 2000, H.R. 2883. This bill would amend section 320 of the Immigration and Nationality Act, the "INA," to include adopted children within its provision for automatic acquisition of citizenship in the case of certain children born outside of the United States who have a citizen parent. It also would amend section 320 of the INA to include adopted children within its provision for citizenship through the naturalization process for children born outside of the United States to a citizen parent who cannot under current law qualify for automatic citizenship.

Including adopted children within the provision for automatic citizenship would greatly reduce the time and paperwork required for adoptive parents to procure citizenship for their children. I think it is very important to do away with unnecessary distinctions between children by birth and children by adoption, particularly with respect to such things as paperwork requirements. The United States citizens who adopt foreign born children have enough paperwork to do in the adoption process.

The Child Citizenship Act also provides protections for certain aliens who vote in a United States election on the basis of a reasonable belief that they are citizens of the United States. It would protect them from being precluded from a finding of "good moral character," which is necessary for a number of important benefits under the INA, such as naturalization. It also would protect them from being considered inadmissible or deportable for voting in the election, and from certain criminal sanctions.

Voting in a United States election is one of the most precious rights of citizenship. I agree that people who vote knowing that they are not eligible for this privilege should be subjected to removal proceedings and in some cases to criminal prosecution, but I do not want this to happen in the case of a person who has a good faith belief that he is a citizen of the United States and has a right to vote. The law on automatic citizenship is difficult even for lawyers to understand. I am not at all surprised that people make mistakes when they interpret these provisions.

I urge you to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), the moving person of this legislation and one with a direct and very special interest and thank him for his leadership.

Mr. DELAHUNT. I thank the gentlewoman from Texas for yielding me this time.

Mr. Speaker, I am very pleased today to join my good friend from Texas, the chairman of the Subcommittee on Immigration and Claims, in support of this amended bill. I want to express my truly profound gratitude to him for his willingness to address the concerns that were raised by the administration and others regarding the bill as originally introduced. The bill before us is a consensus effort. In this time of cynicism about government and the sometimes strident debate we hear, this kind of bipartisan effort should remind the American people that Members with different perspectives who work hard and act in good faith can accomplish an excellent and bipartisan result. Again, I thank the gentleman from Texas for his leadership.

I also want to acknowledge the critical involvement of Senator Don NICKLES, the author of the companion bill in the Senate, as well as Senators KENNEDY and LANDRIEU who worked so closely with us to get this measure, hopefully, to the President's desk.

Finally, let me express my appreciation to a number of key staff members without whom we would not be here today. I notice George Fishman, counsel to the subcommittee, and Peter Levinson of the full committee staff also played a key role. I would be remiss not to note the contribution of a Senate staffer, McLane Layton of Senator NICKLES' staff, who has not only been a major force behind this legislation but is herself the parent of children adopted from Latvia. Her concern and passion to remedy discrimination against adopted children is truly remarkable. I would also be remiss not to mention my own legislative director who has poured his heart and soul into this effort, Mark Agrast.

Mr. Speaker, today is truly a good day, a day that has been long in coming for adoptive parents like myself who feel deeply that their children who were born overseas have been treated differently, as if they were less American than are children who were born in the United States. For the law currently provides that our foreign-born sons and daughters are aliens. They do not have the benefits of citizenship when they arrive on our shores, come into our homes and fill up our lives with joy and love. No, we must petition for naturalization on their behalf, as if we, their parents, were not American citizens. That is unacceptable to Americans who have adopted and particularly for those who are considering adoption. That lengthy process of naturalization requires them to deal with a bureaucracy that is already overburdened and lacking in resources, for no valid reason. It is insulting to parents who have already overcome innumerable administrative obstacles to adopt our children and to bring them home. And more importantly, it is disrespectful to our children.

This bill would change all that. Under the bill, citizenship would be conferred automatically on all adopted children once they are in the United States. Parents will no longer be required to submit an application to have their children naturalized. Adopted children will no longer be the subject of discrimination. And parents will no longer need to worry about whether their children are citizens or not. And, of course, the INS will be relieved of the need to spend its limited resources on some 16,000 naturalization cases for the past year alone, and that number is expected to increase.

Furthermore, this bill would avoid some heartbreaking injustices that have sometimes tragically occurred. Some parents have discovered to their horror that their failure to complete the paperwork in time can result in their forced separation from their children under the summary deportation provisions Congress enacted back in 1996.

That was the experience of the Gaul family of Florida who adopted their son John at the age of 4. Though he was born in Thailand, he speaks no Thai, has no Thai relatives, knows nothing of Thai culture and has never been back to Thailand, until the U.S. Government deported him last year as a criminal alien at the age of 25 for property offenses that he had committed when he was a teenager.

One may ask how this could happen. The Gauls had obtained an American birth certificate for John shortly after adopting him and did not realize until he applied for a passport at age 17 that he had never been naturalized. They immediately filed the papers; but due to INS delays, his application was not processed before he turned 18. An immigration judge ruled that the agency had taken too long to process the application, but that did not make any difference. The 1996 law allowed him no discretion to halt the deportation. At least that is how the INS interpreted it.

In another recent incident, Joao Herbert, a 22-year-old Ohioan adopted as a young boy from Brazil, was ordered deported because as a teenager he sold several ounces of marijuana to a police informant. It was his first criminal offense, for which he was sentenced only to probation and community treatment. But under the law he was an aggravated felon subject to deportation because he had never been naturalized. He has now been in detention for a year and a half because the Brazilians consider his adoption irrevocable and refuse to accept him. And were they to do so, it is uncertain how he would get by. Like John Gaul, he knows no one in his native country and no longer understands his native tongue.

No one condones criminal acts, Mr. Speaker; but the terrible price these young people and their families have paid is out of proportion to their misdeeds. Whatever they did, they should be treated like any other American kid. They are our children, and we are responsible for them.

Finally, Mr. Speaker, the bill provides relief from deportation to one particular group of noncitizens who are subject to deportation under the 1996 law, namely, those who voted or registered to vote in U.S. elections in the reasonable mistaken belief that they were citizens at the time. This is a modest but important change that will correct a glaring injustice in our immigration laws.

The Child Citizenship Act of 2000 enjoys bipartisan and bicameral support and the full support of the administration. Again, I want to thank the gentleman from Texas (Mr. SMITH) and his staff and our colleagues at INS for their cooperation and hard work in enabling us to reach this result. I urge all of my colleagues to join in support of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I urge my colleagues to support this legislation to remedy this important flaw in our immigration laws.

Mr. Speaker, I have no further requests for time; and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Massachusetts (Mr. DELAHUNT) for his generous comments.

Mr. GEJDENSON. Mr. Speaker, I am proud to join my good friend from Massachusetts (Mr. DELAHUNT) and other members of the Judiciary Committee in support of H.R. 2883, the Child Citizenship Act of 2000, as amended. And I want to thank all Members who worked together to find common ground so that this legislation could move forward in a way that was acceptable to the Administration as well as the House and the Senate.

Over the course of the last year and more, the Committee on International Relations has been working on implementing legislation for the Hague Convention on Inter-Country Adoption, which this House took up and passed last night. This brought to my attention once again the difficult, and what must sometimes seem endless, procedures faced by U.S. citizens in adopting foreign-born children. We have all had constituents who have called our offices, desperate for help in solving last minute difficulties that have arisen in their search to build their family. After all the exhausting paperwork, extensive travel, and sometimes heart-wrenching experiences associated with so many international adoptions, it is unfortunate that U.S. families must negotiate yet another paper maze to obtain U.S. citizenship for their children. This additional hurdle is particularly difficult because upon their return many parents look forward to settling down to the joy of family life and its new challenges; they are not seeking yet more forms to fill out and move through the Immigration and Naturalization Service.

It was for this reason that I was the original co-sponsor of H.R. 3667, introduced by my good friend from Massachusetts, Mr. DELAHUNT, which has now been combined with the measure the House is taking up today. Once these children arrive in the United States, and the adoption is finalized, these children should be U.S. citizens, without going through a further naturalization process. And that is what H.R. 2883 does.

But we should remember that this is not just to avoid paperwork or ease mental discomfort. H.R. 2883 will end the occasional instance of injustice perpetrated by our immigration system. As mentioned by colleagues, there are tragic cases where children of U.S. parents, never naturalized because of inadvertence, are facing deportation because of a crime they have committed. While these children must face their punishment, to deport them to countries with which they have no contact, no ability to speak the language, and no family known to them is needlessly cruel. We must be sure that this never happens again.

I once again commend the sponsors of this legislation on both sides of the aisle and hope for its expedited consideration in the Senate.

Ms. SCHAKOWSKY. Mr. Speaker, I am pleased that my colleagues have passed H.R. 2883, the Adopted Orphans Citizenship Act, and I wish to add my strong support for this long overdue legislation. H.R. 2883 would restore fairness to our immigration law by removing the burdensome requirement that U.S. citizen parents apply for naturalization for their foreign-born adopted children.

What our current immigration policy says to parents is that adopted foreign-born children are not equal to their biological siblings and are not worthy of automatic U.S. citizenship. Requiring foreign-born adopted children to apply for naturalization is insulting and it's wrong. with the passage of H.R. 2883, we are sending a clear message to American parents that, should they choose to adopt a child from another country, U.S. citizenship will be awaiting that child once he or she sets foot on U.S. soil. As the aunt of Korean-born Jamie and Natalie, I strongly identify with this issue.

The birthright of all children of U.S. citizen parents, whether they are biological or adopted should be automatic U.S. citizenship. This bill will simplify the already complicated and complex process parents undertake when they embark on an international adoption and I applaud its passage.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2883, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1400

## RELIGIOUS WORKERS ACT OF 2000

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4068) to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

The Clerk read as follows:

H.R. 4068

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Religious Workers Act of 2000".

**SEC. 2. 3-YEAR EXTENSION OF SPECIAL IMMIGRANT RELIGIOUS WORKER PROGRAM.**

(a) IN GENERAL.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended by striking "2000," each place it appears and inserting "2003,".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2000.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4068.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under the Immigration and Nationality Act, a program exists which authorizes religious denominations throughout the United States to sponsor nonminister workers in religious vocations and religious occupations, such as lay workers, to enter the United States as permanent residents.

This program also authorizes visas for temporary nonimmigrant religious workers who will serve for a period not exceeding 5 years. This program was created by Congress in 1990 and has been extended several times. The nonminister religious worker programs will expire September 30th of this year; therefore, an extension of the existing program is necessary and must be accomplished with expediency.

As it exists, the legislation requires that an immigrant religious worker has been carrying on such vocation continuously for at least the 2-year period immediately preceding the time of application. This requirement was thought to reduce the likelihood of fraudulent applications; however, the Department of Justice and the INS have raised concerns regarding suspected fraud existent in the program.

Because of a vague definition of religious worker and the inability to require other precise definitions of religion, there has been suggestion of fraudulent applications in both the temporary and permanent categories.

In opposition to the views of the Department of Justice and the INS, religious institutions assert that a quantity of fraudulent applications has not been verified. The religious institutions hold the view that the limited number of visas granted per year for the nonminister aliens, which is not to exceed 5,000 persons, does not demand the addition of antifraud provisions to the existing programs.

In order to accommodate the interests of both the administration and the religious institutions, provisions to prevent fraudulent applications were discussed. Despite numerous attempts to find a resolution to these concerns and extend the program permanently, there remains disagreement as to the suggested antifraud provisions. Therefore, this bill will extend the existing Religious Worker Visa program for an additional 3 years.

Mr. Speaker, it is my hope that within that time, Congress will develop an acceptable program which reduces potential fraud, yet not require excessive administrative demands on the religious institutions which utilize this program.

Mr. Speaker, I urge my colleagues to vote for H.R. 4068 and thereby approve a 3-year extension of the existing important program.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Indiana (Mr. PEASE), my friend, for yielding the time to me.

Mr. Speaker, I am happy to play a part in the creation of the Religious Worker Program in 1990. I support these visas since they allow American religious denominations, large and small, to benefit by the addition of committed religious workers from overseas.

The visa program expires at the end of the fiscal year September 30. H.R. 4068, introduced by our colleague, the gentleman from Indiana (Mr. PEASE), extends the program for 3 additional years until October 2003.

Mr. Speaker, I want to thank the gentleman for all the good work he has done on this issue. I urge my colleagues to support the bill.

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to add my accolades and appreciation to the gentleman from Indiana (Mr. PEASE) for H.R. 4068, and also note the great work of the gentlewoman from California (Ms. LOFGREN) on this matter and thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work on the Religious Workers Act of 2000.

Mr. Speaker, this legislation has the support of the U.S. Catholic Conference, the Lutheran Immigration Service and many other religious organizations. It is a vital piece of legislation that again raises its head in unity of Republicans and Democrats.

This legislation allows religious organizations to sponsor nonminister religious workers from abroad to perform service in the United States. Examples of nonminister related work are included, but not limited to nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters. Such individuals make important contributions to the United States by caring for the sick, the aged, providing shelter and nutrition to the most needy, supporting families in crisis and working with the religious leaders.

Mr. Speaker, this country has always had a history of involving the religious community in public service or voluntaryism, helping the most needy of our community, and this legislation allows this to happen.

I would have liked this legislation to have been permanent, but it extends it for 3 years. I hope during this time frame we will be able to see the value of these religious workers and ensure that we work to keep them. Mr. Speaker, I ask my colleagues to support this legislation.

Mr. Speaker, the Non-Minister Religious Worker Visa Program, originally enacted as part of the Immigration and Nationality Act of 1990, allows religious organizations to sponsor non-minister religious workers from abroad to perform service in the United States. Examples of non-minister religious workers include but are not limited to: nuns, religious brothers, catechists, cantors, pastoral service workers, missionaries, and religious broadcasters. Such individuals make important contributions to the United States by: caring for the sick and aged, providing shelter and nutrition to the most needy, supporting families in crisis, and working with religious leaders.

The program is composed of two parts. Part one, the Special Immigration provision, provides for up to 5,000 Special Immigrant visas per year. Once granted, this type of visa allows religious workers to permanently immigrant to the United States. Under current law, this part of the program will expire on September 30, 2000. While this bill will extend the program for an additional 3 years, we really need a bill that makes the program permanent.

The Executive Director of the Lutheran Immigration Service has stated that, "Foreign lay religious workers admitted to the United States under this provision serve very important and traditional religious functions in the congregations and the communities where they work and live . . . in many communities, there is an increasing need for religious workers who can help develop or start congregations for certain ethnic or language groups . . . and Congress should extend the provision permanently so that religious denominations may implement, without any trepidation, long-term strategic plans that rely on lay foreign workers." However, I support this bill as it does extend the program for 3 years.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN), who has worked very hard on this legislation. I thank her for her leadership on it.

Ms. LOFGREN. Mr. Speaker, I rise in strong support of extending the religious worker visa program. I applaud my colleagues for recognizing the importance of this provision to religious communities across America.

My only reservation to the passage of this bill is the temporary nature of the extension. I believe that Congress should extend the religious worker program permanently. I believe that the Catholic Church, the Lutheran Church, the Methodist Church, the Christian Science Church, the Church of Jesus Christ and Latter Day Saints and other churches, synagogues, temples and mosques across America have much worthier work to accomplish than lobbying politicians every 3 years to allow a few thousand nuns, monks, sisters, brothers, cantors and other religious workers to enter this country.

Religious workers are among the most valuable members of our American society. They come to America at the call of their church and expect only the opportunity to serve. The services they provide to the communities they become a part of are immeasurable. For example, religious workers are involved in caring and ministering to the sick and elderly. Think about the hospitals and local hospice care facilities across the country and the comfort those who offer spiritual solace provide.

These facilities and their patients are all the better for our religious workers. Religious workers work with adolescents and young adults offering them spiritual guidance and counsel at a critical time in their lives.

Religious workers are involved in helping refugees adjust to a new way of life. Think of how frightening it must be to come to a new land and how welcoming it must be to know that you still have a church, where someone can lead a prayer in the language of your parents.

Most importantly, religious workers help our poor. Mr. Speaker, 3 years ago, in 1997, I read a letter from Mother Teresa urging Congress to extend this program. She said "my sisters serve the poor in Detroit where we have a soup kitchen and a night shelter for women. Let us all thank God for this chance to serve his poor."

That letter moved me and many of my colleagues to create legislation that would extend this provision permanently. While I applaud Congress for bringing this H.R. 4068 to the floor, I wish with all my heart that I could make this extension a permanent one.

I thank all of my colleagues who have worked with me on this issue, and I especially want to thank the gentleman from Indiana (Mr. PEASE) for his willingness to reach across the aisle to work with me on this important issue and for his successful struggle to bring a good resolution, although not a perfect one, to the floor today. I thank the gentleman and I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope that we can fix this, as we can fix other immigration issues, and I ask my colleagues to support this legislation. And I thank the gentleman from Indiana (Mr. PEASE) for his leadership.

Mr. Speaker, I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to acknowledge the work of the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims; the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of the subcommittee; and the gentlewoman from California (Ms. LOFGREN) and the gentleman from Utah (Mr. CANNON), all of whom spent a great deal of time with us and with staff and with representatives of the religious denominations trying to meet the objections that were raised by the Department of Justice and the Immigration and Naturalization Service.

Mr. Speaker, it was the most candid, open, honest, effort that I have seen during my time here to reach a consensus; everyone operating in good faith. We have before us what I believe is a good bill. It is not a perfect bill. But under the circumstances and given the urgency of time, I believe it is the best we can do for the most. I would encourage all my colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SCARBOROUGH). The question is on the motion offered by the gentleman from Indiana (Mr. PEASE) that the House suspend the rules and pass the bill, H.R. 4068.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## DEBT RELIEF AND RETIREMENT SECURITY RECONCILIATION ACT

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5203) to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

The Clerk read as follows:

H.R. 5203

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the "Debt Relief and Retirement Security Reconciliation Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title, etc.

DIVISION A—DEBT RELIEF

Sec. 100. Findings and purpose.

TITLE I—DEBT REDUCTION LOCK-BOX

Sec. 101. Establishment of Public Debt Reduction Payment Account.

Sec. 102. Reduction of statutory limit on the public debt.

Sec. 103. Off-budget status of Public Debt Reduction Payment Account.
Sec. 104. Removing Public Debt Reduction Payment Account from budget pronouncements.
Sec. 105. Reports to Congress.

TITLE II—SOCIAL SECURITY AND MEDICARE LOCK-BOX

Sec. 201. Protection of Social Security and Medicare surpluses.
Sec. 202. Removing Social Security from budget pronouncements.

DIVISION B—RETIREMENT SECURITY

TITLE XI—INDIVIDUAL RETIREMENT ACCOUNTS

Sec. 1100. References.
Sec. 1101. Modification of IRA contribution limits.

TITLE XII—EXPANDING COVERAGE

Sec. 1201. Increase in benefit and contribution limits.
Sec. 1202. Plan loans for subchapter S owners, partners, and sole proprietors.
Sec. 1203. Modification of top-heavy rules.
Sec. 1204. Elective deferrals not taken into account for purposes of deduction limits.
Sec. 1205. Repeal of coordination requirements for deferred compensation plans of State and local governments and tax-exempt organizations.
Sec. 1206. Elimination of user fee for requests to irs regarding pension plans.
Sec. 1207. Deduction limits.
Sec. 1208. Option to treat elective deferrals as after-tax contributions.

TITLE XIII—ENHANCING FAIRNESS FOR WOMEN

Sec. 1301. Catch-up contributions for individuals age 50 or over.
Sec. 1302. Equitable treatment for contributions of employees to defined contribution plans.
Sec. 1303. Faster vesting of certain employer matching contributions.
Sec. 1304. Simplify and update the minimum distribution rules.
Sec. 1305. Clarification of tax treatment of division of section 457 plan benefits upon divorce.
Sec. 1306. Modification of safe harbor relief for hardship withdrawals from cash or deferred arrangements.

TITLE XIV—INCREASING PORTABILITY FOR PARTICIPANTS

Sec. 1401. Rollovers allowed among various types of plans.
Sec. 1402. Rollovers of IRAs into workplace retirement plans.
Sec. 1403. Rollovers of after-tax contributions.
Sec. 1404. Hardship exception to 60-day rule.
Sec. 1405. Treatment of forms of distribution.
Sec. 1406. Rationalization of restrictions on distributions.
Sec. 1407. Purchase of service credit in governmental defined benefit plans.
Sec. 1408. Employers may disregard rollovers for purposes of cash-out amounts.
Sec. 1409. Minimum distribution and inclusion requirements for section 457 plans.

TITLE XV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

Sec. 1501. Repeal of 150 percent of current liability funding limit.
Sec. 1502. Maximum contribution deduction rules modified and applied to all defined benefit plans.
Sec. 1503. Excise tax relief for sound pension funding.
Sec. 1504. Excise tax on failure to provide notice by defined benefit plans significantly reducing future benefit accruals.
Sec. 1505. Treatment of multiemployer plans under section 415.
Sec. 1506. Prohibited allocations of stock in S corporation ESOP.

TITLE XVI—REDUCING REGULATORY BURDENS

Sec. 1601. Modification of timing of plan valuations.
Sec. 1602. ESOP dividends may be reinvested without loss of dividend deduction.
Sec. 1603. Repeal of transition rule relating to certain highly compensated employees.
Sec. 1604. Employees of tax-exempt entities.
Sec. 1605. Clarification of treatment of employer-provided retirement advice.
Sec. 1606. Reporting simplification.
Sec. 1607. Improvement of employee plans compliance resolution system.
Sec. 1608. Repeal of the multiple use test.
Sec. 1609. Flexibility in nondiscrimination, coverage, and line of business rules.
Sec. 1610. Extension to all governmental plans of moratorium on application of certain nondiscrimination rules applicable to State and local plans.
Sec. 1611. Notice and consent period regarding distributions.

TITLE XVII—PLAN AMENDMENTS

Sec. 1701. Provisions relating to plan amendments.

## DIVISION A—DEBT RELIEF

### SEC. 100. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) fiscal discipline, resulting from the Balanced Budget Act of 1997, and strong economic growth have ended decades of deficit spending and have produced budget surpluses without using the social security surplus;

(2) fiscal pressures will mount in the future as the aging of the population increases budget obligations;

(3) until Congress and the President agree to legislation that saves social security and medicare, the social security and medicare surpluses should be used to reduce the debt held by the public;

(4) until Congress and the President agree on significant tax reductions, amounts dedicated for that purpose shall be used to reduce the debt held by the public;

(5) strengthening the Government's fiscal position through public debt reduction increases national savings, promotes economic growth, reduces interest costs, and is a constructive way to prepare for the Government's future budget obligations; and

(6) it is fiscally responsible and in the long-term national economic interest to use a portion of the nonsocial security and nonmedicare surpluses to reduce the debt held by the public.

(b) PURPOSE.—It is the purpose of this division to—

(1) reduce the debt held by the public by $240,000,000,000 in fiscal year 2001 with the goal of eliminating this debt by 2012;

(2) decrease the statutory limit on the public debt; and

(3) ensure that the social security and hospital insurance trust funds shall not be used for other purposes.

## TITLE I—DEBT REDUCTION LOCK-BOX

### SEC. 101. ESTABLISHMENT OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

**"§ 3114. Public debt reduction payment account**

"(a) There is established in the Treasury of the United States an account to be known as the Public Debt Reduction Payment Account (hereinafter in this section referred to as the 'account').

"(b) The Secretary of the Treasury shall use amounts in the account to pay at maturity, or to redeem or buy before maturity, any obligation of the Government held by the public and included in the public debt. Any obligation which is paid, redeemed, or bought with amounts from the account shall be canceled and retired and may not be reissued. Amounts deposited in the account are appropriated and may only be expended to carry out this section.

"(c) There is hereby appropriated into the account on October 1, 2000, or the date of enactment of this section, whichever is later, out of any money in the Treasury not otherwise appropriated, $42,000,000,000 for the fiscal year ending September 30, 2001. The funds appropriated to this account shall remain available until expended.

"(d) The appropriation made under subsection (c) shall not be considered direct spending for purposes of section 252 of Balanced Budget and Emergency Deficit Control Act of 1985.

"(e) Establishment of and appropriations to the account shall not affect trust fund transfers that may be authorized under any other provision of law.

"(f) The Secretary of the Treasury and the Director of the Office of Management and Budget shall each take such actions as may be necessary to promptly carry out this section in accordance with sound debt management policies.

"(g) Reducing the debt pursuant to this section shall not interfere with the debt management policies or goals of the Secretary of the Treasury.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3113 the following:

"3114. Public debt reduction payment account.".

### SEC. 102. REDUCTION OF STATUTORY LIMIT ON THE PUBLIC DEBT.

Section 3101(b) of title 31, United States Code, is amended by inserting "minus the amount appropriated into the Public Debt Reduction Payment Account pursuant to section 3114(c)" after "$5,950,000,000,000".

### SEC. 103. OFF-BUDGET STATUS OF PUBLIC DEBT REDUCTION PAYMENT ACCOUNT.

Notwithstanding any other provision of law, the receipts and disbursements of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

### SEC. 104. REMOVING PUBLIC DEBT REDUCTION PAYMENT ACCOUNT FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and

Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code.

(b) SEPARATE PUBLIC DEBT REDUCTION PAYMENT ACCOUNT BUDGET DOCUMENTS.—The excluded outlays and receipts of the Public Debt Reduction Payment Account established by section 3114 of title 31, United States Code, shall be submitted in separate budget documents.

### SEC. 105. REPORTS TO CONGRESS.

(a) REPORTS OF THE SECRETARY OF THE TREASURY.—(1) Within 30 days after the appropriation is deposited into the Public Debt Reduction Payment Account under section 3114 of title 31, United States Code, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate confirming that such account has been established and the amount and date of such deposit. Such report shall also include a description of the Secretary's plan for using such money to reduce debt held by the public.

(2) Not later than October 31, 2002, the Secretary of the Treasury shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate setting forth the amount of money deposited into the Public Debt Reduction Payment Account, the amount of debt held by the public that was reduced, and a description of the actual debt instruments that were redeemed with such money.

(b) REPORT OF THE COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than November 15, 2002, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate verifying all of the information set forth in the reports submitted under subsection (a).

## TITLE II—SOCIAL SECURITY AND MEDICARE LOCK-BOX

### SEC. 201. PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.

(a) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—Section 201 of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res. 290, 106th Congress) is amended as follows:

(1) In the section heading, by inserting “**AND MEDICARE**” before “**SURPLUSES**”.

(2) By striking subsection (c) and inserting the following new subsection:

“(c) LOCK-BOX FOR SOCIAL SECURITY AND HOSPITAL INSURANCE SURPLUSES.—

“(1) CONCURRENT RESOLUTIONS ON THE BUDGET.—It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget, or conference report thereon or amendment thereto, that would set forth a surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year.

“(2) SUBSEQUENT LEGISLATION.—(A) Except as provided by subparagraph (B), it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report if—

“(i) the enactment of that bill or resolution as reported;

“(ii) the adoption and enactment of that amendment; or

“(iii) the enactment of that bill or resolution in the form recommended in that conference report,

would cause the on-budget surplus for any fiscal year to be less than the projected surplus of the Federal Hospital Insurance Trust Fund (as assumed in the most recently agreed to concurrent resolution on the budget) for that fiscal year or increase the amount by which the on-budget surplus for any fiscal year would be less than such trust fund surplus for that fiscal year.

“(B) Subparagraph (A) shall not apply to social security reform legislation or medicare reform legislation.”.

(3) By redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and inserting after subsection (d) the following new subsections:

“(e) CONTENT OF CONCURRENT RESOLUTION ON THE BUDGET.—The concurrent resolution on the budget for each fiscal year shall set forth appropriate levels for the fiscal year beginning on October 1 of such year and for at least each of the 4 ensuing fiscal years of the surplus or deficit in the Federal Hospital Insurance Trust Fund.

“(f) DEFINITIONS.—As used in this section:

“(1) The term ‘medicare reform legislation’ means a bill or a joint resolution to save Medicare that includes a provision stating the following: ‘For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes medicare reform legislation.’.

“(2) The term ‘social security reform legislation’ means a bill or a joint resolution to save social security that includes a provision stating the following: ‘For purposes of section 201(c) of the concurrent resolution on the budget for fiscal year 2001, this Act constitutes social security reform legislation.’.”.

(4) In the first sentence of subsection (h) (as redesignated), by striking “(1)”.

(5) At the end, by adding the following new subsection:

“(i) EFFECTIVE DATE.—This section shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation.”.

(b) PROTECTION OF SOCIAL SECURITY AND MEDICARE SURPLUSES.—(1) If the budget of the United States Government submitted by the President under section 1105(a) of title 31, United States Code, recommends an on-budget surplus for any fiscal year that is less than the surplus of the Federal Hospital Insurance Trust Fund for that fiscal year, then it shall include proposed legislative language for social security reform legislation or medicare reform legislation.

(2) Paragraph (1) shall cease to have any force or effect upon the enactment of social security reform legislation and medicare reform legislation as defined by section 201(g) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress).

(c) CONFORMING AMENDMENT.—The item relating to section 201 in the table of contents set forth in section 1(b) of the concurrent resolution on the budget for fiscal year 2001 (H. Con. Res 290, 106th Congress) is amended to read as follows:

“Sec. 201. Protection of social security and medicare surpluses.”.

### SEC. 202. REMOVING SOCIAL SECURITY FROM BUDGET PRONOUNCEMENTS.

(a) IN GENERAL.—Any official statement issued by the Office of Management and Budget, the Congressional Budget Office, or any other agency or instrumentality of the Federal Government of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices or any other such agency or instrumentality, shall exclude the outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act (including the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) and the related provisions of the Internal Revenue Code of 1986.

(b) SEPARATE SOCIAL SECURITY BUDGET DOCUMENTS.—The excluded outlays and receipts of the old-age, survivors, and disability insurance program under title II of the Social Security Act shall be submitted in separate Social Security budget documents.

## DIVISION B—RETIREMENT SECURITY

## TITLE XI—INDIVIDUAL RETIREMENT ACCOUNTS

### SEC. 1100. REFERENCES.

Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

### SEC. 1101. MODIFICATION OF IRA CONTRIBUTION LIMITS.

(a) INCREASE IN CONTRIBUTION LIMIT.—

(1) IN GENERAL.—Paragraph (1)(A) of section 219(b) (relating to maximum amount of deduction) is amended by striking “$2,000” and inserting “the deductible amount”.

(2) DEDUCTIBLE AMOUNT.—Section 219(b) is amended by adding at the end the following new paragraph:

“(5) DEDUCTIBLE AMOUNT.—For purposes of paragraph (1)(A)—

“(A) IN GENERAL.—The deductible amount shall be determined in accordance with the following table:

| **“For taxable years beginning in:** | **The deductible amount is:** |
|---|---|
| 2001 | $3,000 |
| 2002 | $4,000 |
| 2003 and thereafter | $5,000. |

“(B) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS 50 OR OLDER.—In the case of an individual who has attained the age of 50 before the close of the taxable year, the deductible amount for taxable years beginning in 2001 or 2002 shall be $5,000.

“(C) COST-OF-LIVING ADJUSTMENT.—

“(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2003, the $5,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2002’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $500, such amount shall be rounded to the next lower multiple of $500.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(2) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(3) Section 408(b) is amended by striking "$2,000" in the matter following paragraph (4) and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Section 408(j) is amended by striking "$2,000".

(5) Section 408(p)(8) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

## TITLE XII—EXPANDING COVERAGE

### SEC. 1201. INCREASE IN BENEFIT AND CONTRIBUTION LIMITS.

(a) Defined Benefit Plans.—

(1) Dollar limit.—

(A) Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking "$90,000" and inserting "$160,000".

(B) Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking "$90,000" each place it appears in the headings and the text and inserting "$160,000".

(C) Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking "the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000'" and inserting "one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$160,000'".

(2) Limit reduced when benefit begins before age 62.—Subparagraph (C) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 62".

(3) Limit increased when benefit begins after age 65.—Subparagraph (D) of section 415(b)(2) is amended by striking "the social security retirement age" each place it appears in the heading and text and inserting "age 65".

(4) Cost-of-living adjustments.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$90,000" in paragraph (1)(A) and inserting "$160,000"; and

(B) in paragraph (3)(A)—

(i) by striking "$90,000" in the heading and inserting "$160,000"; and

(ii) by striking "October 1, 1986" and inserting "July 1, 2000".

(5) Conforming amendment.—Section 415(b)(2) is amended by striking subparagraph (F).

(b) Defined Contribution Plans.—

(1) Dollar limit.—Subparagraph (A) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "$30,000" and inserting "$40,000".

(2) Cost-of-living adjustments.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) by striking "$30,000" in paragraph (1)(C) and inserting "$40,000"; and

(B) in paragraph (3)(D)—

(i) by striking "$30,000" in the heading and inserting "$40,000"; and

(ii) by striking "October 1, 1993" and inserting "July 1, 2000".

(c) Qualified Trusts.—

(1) Compensation limit.—Sections 401(a)(17), 404(l), 408(k), and 505(b)(7) are each amended by striking "$150,000" each place it appears and inserting "$200,000".

(2) Base period and rounding of cost-of-living adjustment.—Subparagraph (B) of section 401(a)(17) is amended—

(A) by striking "October 1, 1993" and inserting "July 1, 2000"; and

(B) by striking "$10,000" both places it appears and inserting "$5,000".

(d) Elective Deferrals.—

(1) In general.—Paragraph (1) of section 402(g) (relating to limitation on exclusion for elective deferrals) is amended to read as follows:

"(1) In general.—

"(A) Limitation.—Notwithstanding subsections (e)(3) and (h)(1)(B), the elective deferrals of any individual for any taxable year shall be included in such individual's gross income to the extent the amount of such deferrals for the taxable year exceeds the applicable dollar amount.

"(B) Applicable dollar amount.—For purposes of subparagraph (A), the applicable dollar amount shall be the amount determined in accordance with the following table:

| **"For taxable years beginning in calendar year:** | **The applicable dollar amount:** |
|---|---|
| 2001 | $11,000 |
| 2002 | $12,000 |
| 2003 | $13,000 |
| 2004 | $14,000 |
| 2005 or thereafter | $15,000.". |

(2) Cost-of-living adjustment.—Paragraph (5) of section 402(g) is amended to read as follows:

"(5) Cost-of-living adjustment.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount under paragraph (1)(B) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(3) Conforming amendments.—

(A) Section 402(g) (relating to limitation on exclusion for elective deferrals), as amended by paragraphs (1) and (2), is further amended by striking paragraph (4) and redesignating paragraphs (5), (6), (7), (8), and (9) as paragraphs (4), (5), (6), (7), and (8), respectively.

(B) Paragraph (2) of section 457(c) is amended by striking "402(g)(8)(A)(iii)" and inserting "402(g)(7)(A)(iii)".

(C) Clause (iii) of section 501(c)(18)(D) is amended by striking "(other than paragraph (4) thereof)".

(e) Deferred Compensation Plans of State and Local Governments and Tax-Exempt Organizations.—

(1) In general.—Section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations) is amended—

(A) in subsections (b)(2)(A) and (c)(1) by striking "$7,500" each place it appears and inserting "the applicable dollar amount"; and

(B) in subsection (b)(3)(A) by striking "$15,000" and inserting "twice the dollar amount in effect under subsection (b)(2)(A)".

(2) Applicable dollar amount; cost-of-living adjustment.—Paragraph (15) of section 457(e) is amended to read as follows:

"(15) Applicable dollar amount.—

"(A) In general.—The applicable dollar amount shall be the amount determined in accordance with the following table:

| **"For taxable years beginning in calendar year:** | **The applicable dollar amount:** |
|---|---|
| 2001 | $11,000 |
| 2002 | $12,000 |
| 2003 | $13,000 |
| 2004 | $14,000 |
| 2005 or thereafter | $15,000. |

"(B) Cost-of-living adjustments.—In the case of taxable years beginning after December 31, 2005, the Secretary shall adjust the $15,000 amount specified in the table in subparagraph (A) at the same time and in the same manner as under section 415(d), except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase under this paragraph which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(f) Simple Retirement Accounts.—

(1) Limitation.—Clause (ii) of section 408(p)(2)(A) (relating to general rule for qualified salary reduction arrangement) is amended by striking "$6,000" and inserting "the applicable dollar amount".

(2) Applicable dollar amount.—Subparagraph (E) of 408(p)(2) is amended to read as follows:

"(E) Applicable dollar amount; cost-of-living adjustment.—

"(i) In general.—For purposes of subparagraph (A)(ii), the applicable dollar amount shall be the amount determined in accordance with the following table:

| **"For taxable years beginning in calendar year:** | **The applicable dollar amount:** |
|---|---|
| 2001 | $7,000 |
| 2002 | $8,000 |
| 2003 | $9,000 |
| 2004 or thereafter | $10,000. |

"(ii) Cost-of-living adjustment.—In the case of a year beginning after December 31, 2004, the Secretary shall adjust the $10,000 amount under clause (i) at the same time and in the same manner as under section 415(d), except that the base period taken into account shall be the calendar quarter beginning July 1, 2003, and any increase under this subparagraph which is not a multiple of $500 shall be rounded to the next lower multiple of $500.".

(3) Conforming amendments.—

(A) Clause (I) of section 401(k)(11)(B)(i) is amended by striking "$6,000" and inserting "the amount in effect under section 408(p)(2)(A)(ii)".

(B) Section 401(k)(11) is amended by striking subparagraph (E).

(g) Rounding Rule Relating to Defined Benefit Plans and Defined Contribution Plans.—Paragraph (4) of section 415(d) is amended to read as follows:

"(4) Rounding.—

"(A) $160,000 amount.—Any increase under subparagraph (A) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(B) $40,000 amount.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.".

(h) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1202. PLAN LOANS FOR SUBCHAPTER S OWNERS, PARTNERS, AND SOLE PROPRIETORS.

(a) In General.—Subparagraph (B) of section 4975(f)(6) (relating to exemptions not to apply to certain transactions) is amended by adding at the end the following new clause:

"(iii) Loan exception.—For purposes of subparagraph (A)(i), the term 'owner-employee' shall only include a person described in subclause (II) or (III) of clause (i).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to loans made after December 31, 2000.

### SEC. 1203. MODIFICATION OF TOP-HEAVY RULES.

(a) SIMPLIFICATION OF DEFINITION OF KEY EMPLOYEE.—

(1) IN GENERAL.—Section 416(i)(1)(A) (defining key employee) is amended—

(A) by striking "or any of the 4 preceding plan years" in the matter preceding clause (i);

(B) by striking clause (i) and inserting the following:

"(i) an officer of the employer having an annual compensation greater than $150,000,";

(C) by striking clause (ii) and redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively; and

(D) by striking the second sentence in the matter following clause (iii), as redesignated by subparagraph (C).

(2) CONFORMING AMENDMENT.—Section 416(i)(1)(B)(iii) is amended by striking "and subparagraph (A)(ii)".

(b) MATCHING CONTRIBUTIONS TAKEN INTO ACCOUNT FOR MINIMUM CONTRIBUTION REQUIREMENTS.—Section 416(c)(2)(A) (relating to defined contribution plans) is amended by adding at the end the following: "Employer matching contributions (as defined in section 401(m)(4)(A)) shall be taken into account for purposes of this subparagraph.".

(c) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 416(g) is amended to read as follows:

"(3) DISTRIBUTIONS DURING LAST YEAR BEFORE DETERMINATION DATE TAKEN INTO ACCOUNT.—

"(A) IN GENERAL.—For purposes of determining—

"(i) the present value of the cumulative accrued benefit for any employee, or

"(ii) the amount of the account of any employee,

such present value or amount shall be increased by the aggregate distributions made with respect to such employee under the plan during the 1-year period ending on the determination date. The preceding sentence shall also apply to distributions under a terminated plan which if it had not been terminated would have been required to be included in an aggregation group.

"(B) 5-YEAR PERIOD IN CASE OF IN-SERVICE DISTRIBUTION.—In the case of any distribution made for a reason other than separation from service, death, or disability, subparagraph (A) shall be applied by substituting '5-year period' for '1-year period'.".

(2) BENEFITS NOT TAKEN INTO ACCOUNT.—Subparagraph (E) of section 416(g)(4) is amended—

(A) by striking "LAST 5 YEARS" in the heading and inserting "LAST YEAR BEFORE DETERMINATION DATE"; and

(B) by striking "5-year period" and inserting "1-year period".

(d) DEFINITION OF TOP-HEAVY PLANS.—Paragraph (4) of section 416(g) (relating to other special rules for top-heavy plans) is amended by adding at the end the following new subparagraph:

"(H) CASH OR DEFERRED ARRANGEMENTS USING ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—The term 'top-heavy plan' shall not include a plan which consists solely of—

"(i) a cash or deferred arrangement which meets the requirements of section 401(k)(12), and

"(ii) matching contributions with respect to which the requirements of section 401(m)(11) are met.

If, but for this subparagraph, a plan would be treated as a top-heavy plan because it is a member of an aggregation group which is a top-heavy group, contributions under the plan may be taken into account in determining whether any other plan in the group meets the requirements of subsection (c)(2).".

(e) FROZEN PLAN EXEMPT FROM MINIMUM BENEFIT REQUIREMENT.—Subparagraph (C) of section 416(c)(1) (relating to defined benefit plans) is amended—

(A) by striking "clause (ii)" in clause (i) and inserting "clause (ii) or (iii)"; and

(B) by adding at the end the following:

"(iii) EXCEPTION FOR FROZEN PLAN.—For purposes of determining an employee's years of service with the employer, any service with the employer shall be disregarded to the extent that such service occurs during a plan year when the plan benefits (within the meaning of section 410(b)) no employee or former employee.".

(f) ELIMINATION OF FAMILY ATTRIBUTION.—Section 416(i)(1)(B) (defining 5-percent owner) is amended by adding at the end the following new clause:

"(iv) FAMILY ATTRIBUTION DISREGARDED.—Solely for purposes of applying this paragraph (and not for purposes of any provision of this title which incorporates by reference the definition of a key employee or 5-percent owner under this paragraph), section 318 shall be applied without regard to subsection (a)(1) thereof in determining whether any person is a 5-percent owner.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1204. ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.

(a) IN GENERAL.—Section 404 (relating to deduction for contributions of an employer to an employees' trust or annuity plan and compensation under a deferred payment plan) is amended by adding at the end the following new subsection:

"(n) ELECTIVE DEFERRALS NOT TAKEN INTO ACCOUNT FOR PURPOSES OF DEDUCTION LIMITS.—Elective deferrals (as defined in section 402(g)(3)) shall not be subject to any limitation contained in paragraph (3), (7), or (9) of subsection (a), and such elective deferrals shall not be taken into account in applying any such limitation to any other contributions.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1205. REPEAL OF COORDINATION REQUIREMENTS FOR DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 457 (relating to deferred compensation plans of State and local governments and tax-exempt organizations), as amended by section 1201, is amended to read as follows:

"(c) LIMITATION.—The maximum amount of the compensation of any one individual which may be deferred under subsection (a) during any taxable year shall not exceed the amount in effect under subsection (b)(2)(A) (as modified by any adjustment provided under subsection (b)(3)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 2000.

### SEC. 1206. ELIMINATION OF USER FEE FOR REQUESTS TO IRS REGARDING PENSION PLANS.

(a) ELIMINATION OF CERTAIN USER FEES.—The Secretary of the Treasury or the Secretary's delegate shall not require payment of user fees under the program established under section 7527 of the Internal Revenue Code of 1986 for requests to the Internal Revenue Service for determination letters with respect to the qualified status of a pension benefit plan maintained solely by one or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

(1) made after the fifth plan year the pension benefit plan is in existence; or

(2) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

(b) PENSION BENEFIT PLAN.—For purposes of this section, the term "pension benefit plan" means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

(c) ELIGIBLE EMPLOYER.—For purposes of this section, the term "eligible employer" has the same meaning given such term in section 408(p)(2)(C)(i)(I) of the Internal Revenue Code of 1986. The determination of whether an employer is an eligible employer under this section shall be made as of the date of the request described in subsection (a).

(d) EFFECTIVE DATE.—The provisions of this section shall apply with respect to requests made after December 31, 2000.

### SEC. 1207. DEDUCTION LIMITS.

(a) IN GENERAL.—

(1) STOCK BONUS AND PROFIT SHARING TRUSTS.—Subclause (I) of section 404(a)(3)(A)(i) (relating to stock bonus and profit sharing trusts) is amended by striking "15 percent" and inserting "20 percent".

(2) COMPENSATION.—Section 404(a) (relating to general rule) is amended by adding at the end the following:

"(12) DEFINITION OF COMPENSATION.—For purposes of paragraphs (3), (7), (8), and (9), the term 'compensation otherwise paid or accrued during the taxable year' shall include amounts treated as 'participant's compensation' under subparagraph (C) or (D) of section 415(c)(3).".

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 404(a)(3) is amended by striking the last sentence thereof.

(2) Subparagraph (C) of section 404(h)(1) is amended by striking "15 percent" each place it appears and inserting "20 percent".

(3) Clause (i) of section 4972(c)(6)(B) is amended by striking "(within the meaning of section 404(a))" and inserting "(within the meaning of section 404(a) and as adjusted under section 404(a)(12))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1208. OPTION TO TREAT ELECTIVE DEFERRALS AS AFTER-TAX CONTRIBUTIONS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to deferred compensation, etc.) is amended by inserting after section 402 the following new section:

### "SEC. 402A. OPTIONAL TREATMENT OF ELECTIVE DEFERRALS AS PLUS CONTRIBUTIONS.

"(a) GENERAL RULE.—If an applicable retirement plan includes a qualified plus contribution program—

"(1) any designated plus contribution made by an employee pursuant to the program shall be treated as an elective deferral for purposes of this chapter, except that such contribution shall not be excludable from gross income, and

"(2) such plan (and any arrangement which is part of such plan) shall not be treated as failing to meet any requirement of this chapter solely by reason of including such program.

"(b) QUALIFIED PLUS CONTRIBUTION PROGRAM.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plus contribution program' means a program under which an employee may elect to make designated plus contributions in lieu of all or a portion of elective deferrals the employee is otherwise eligible to make under the applicable retirement plan.

"(2) SEPARATE ACCOUNTING REQUIRED.—A program shall not be treated as a qualified plus contribution program unless the applicable retirement plan—

"(A) establishes separate accounts ('designated plus accounts') for the designated plus contributions of each employee and any earnings properly allocable to the contributions, and

"(B) maintains separate recordkeeping with respect to each account.

"(c) DEFINITIONS AND RULES RELATING TO DESIGNATED PLUS CONTRIBUTIONS.—For purposes of this section—

"(1) DESIGNATED PLUS CONTRIBUTION.—The term 'designated plus contribution' means any elective deferral which—

"(A) is excludable from gross income of an employee without regard to this section, and

"(B) the employee designates (at such time and in such manner as the Secretary may prescribe) as not being so excludable.

"(2) DESIGNATION LIMITS.—The amount of elective deferrals which an employee may designate under paragraph (1) shall not exceed the excess (if any) of—

"(A) the maximum amount of elective deferrals excludable from gross income of the employee for the taxable year (without regard to this section), over

"(B) the aggregate amount of elective deferrals of the employee for the taxable year which the employee does not designate under paragraph (1).

"(3) ROLLOVER CONTRIBUTIONS.—

"(A) IN GENERAL.—A rollover contribution of any payment or distribution from a designated plus account which is otherwise allowable under this chapter may be made only if the contribution is to—

"(i) another designated plus account of the individual from whose account the payment or distribution was made, or

"(ii) a Roth IRA of such individual.

"(B) COORDINATION WITH LIMIT.—Any rollover contribution to a designated plus account under subparagraph (A) shall not be taken into account for purposes of paragraph (1).

"(d) DISTRIBUTION RULES.—For purposes of this title—

"(1) EXCLUSION.—Any qualified distribution from a designated plus account shall not be includible in gross income.

"(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified distribution' has the meaning given such term by section 408A(d)(2)(A) (without regard to clause (iv) thereof).

"(B) DISTRIBUTIONS WITHIN NONEXCLUSION PERIOD.—A payment or distribution from a designated plus account shall not be treated as a qualified distribution if such payment or distribution is made within the 5-taxable-year period beginning with the earlier of—

"(i) the first taxable year for which the individual made a designated plus contribution to any designated plus account established for such individual under the same applicable retirement plan, or

"(ii) if a rollover contribution was made to such designated plus account from a designated plus account previously established for such individual under another applicable retirement plan, the first taxable year for which the individual made a designated plus contribution to such previously established account.

"(C) DISTRIBUTIONS OF EXCESS DEFERRALS AND EARNINGS.—The term 'qualified distribution' shall not include any distribution of any excess deferral under section 402(g)(2) and any income on the excess deferral.

"(3) AGGREGATION RULES.—Section 72 shall be applied separately with respect to distributions and payments from a designated plus account and other distributions and payments from the plan.

"(e) OTHER DEFINITIONS.—For purposes of this section—

"(1) APPLICABLE RETIREMENT PLAN.—The term 'applicable retirement plan' means—

"(A) an employees' trust described in section 401(a) which is exempt from tax under section 501(a), and

"(B) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b).

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means any elective deferral described in subparagraph (A) or (C) of section 402(g)(3).".

(b) EXCESS DEFERRALS.—Section 402(g) (relating to limitation on exclusion for elective deferrals) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "The preceding sentence shall not apply to so much of such excess as does not exceed the designated plus contributions of the individual for the taxable year."; and

(2) by inserting "(or would be included but for the last sentence thereof)" after "paragraph (1)" in paragraph (2)(A).

(c) ROLLOVERS.—Subparagraph (B) of section 402(c)(8) is amended by adding at the end the following:

"If any portion of an eligible rollover distribution is attributable to payments or distributions from a designated plus account (as defined in section 402A), an eligible retirement plan with respect to such portion shall include only another designated plus account and a Roth IRA.".

(d) REPORTING REQUIREMENTS.—

(1) W-2 INFORMATION.—Section 6051(a)(8) is amended by inserting ", including the amount of designated plus contributions (as defined in section 402A)" before the comma at the end.

(2) INFORMATION.—Section 6047 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) DESIGNATED PLUS CONTRIBUTIONS.—The Secretary shall require the plan administrator of each applicable retirement plan (as defined in section 402A) to make such returns and reports regarding designated plus contributions (as so defined) to the Secretary, participants and beneficiaries of the plan, and such other persons as the Secretary may prescribe.".

(e) CONFORMING AMENDMENTS.—

(1) Section 408A(e) is amended by adding after the first sentence the following new sentence: "Such term includes a rollover contribution described in section 402A(c)(3)(A).".

(2) The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 402 the following new item:

"Sec. 402A. Optional treatment of elective deferrals as plus contributions.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

## TITLE XIII—ENHANCING FAIRNESS FOR WOMEN

### SEC. 1301. CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.

(a) IN GENERAL.—Section 414 (relating to definitions and special rules) is amended by adding at the end the following new subsection:

";(v) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OVER.—

"(1) IN GENERAL.—An applicable employer plan shall not be treated as failing to meet any requirement of this title solely because the plan permits an eligible participant to make additional elective deferrals in any plan year.

"(2) LIMITATION ON AMOUNT OF ADDITIONAL DEFERRALS.—A plan shall not permit additional elective deferrals under paragraph (1) for any year in an amount greater than the lesser of—

"(A) $5,000, or

"(B) the excess (if any) of—

"(i) the participant's compensation for the year, over

"(ii) any other elective deferrals of the participant for such year which are made without regard to this subsection.

"(3) TREATMENT OF CONTRIBUTIONS.—In the case of any contribution to a plan under paragraph (1), such contribution shall not, with respect to the year in which the contribution is made—

"(A) be subject to any otherwise applicable limitation contained in section 402(g), 402(h)(2), 404(a), 404(h), 408(p)(2)(A)(ii), 415, or 457, or

"(B) be taken into account in applying such limitations to other contributions or benefits under such plan or any other such plan.

"'(4) ELIGIBLE PARTICIPANT.—For purposes of this subsection, the term 'eligible participant' means, with respect to any plan year, a participant in a plan—

"(A) who has attained the age of 50 before the close of the plan year, and

"(B) with respect to whom no other elective deferrals may (without regard to this subsection) be made to the plan for the plan year by reason of the application of any limitation or other restriction described in paragraph (3) or comparable limitation contained in the terms of the plan.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) APPLICABLE EMPLOYER PLAN.—The term 'applicable employer plan' means—

"(i) an employees' trust described in section 401(a) which is exempt from tax under section 501(a),

"(ii) a plan under which amounts are contributed by an individual's employer for an annuity contract described in section 403(b),

"(iii) an eligible deferred compensation plan under section 457 of an eligible employer as defined in section 457(e)(1)(A), and

"(iv) an arrangement meeting the requirements of section 408 (k) or (p).

"(B) ELECTIVE DEFERRAL.—The term 'elective deferral' has the meaning given such term by subsection (u)(2)(C).

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to an applicable employer plan described in subparagraph (A)(iii) for any year to which section 457(b)(3) applies.

"(D) COST-OF-LIVING ADJUSTMENT.—For years beginning after December 31, 2005, the Secretary shall adjust annually the $5,000 amount in subparagraph (A) for increases in the cost-of-living at the same time and in the same manner as adjustments under section 415(d); except that the base period shall be the calendar quarter beginning July 1, 2004, and any increase which is not a multiple of $500 shall be rounded to the next lowest multiple of $500.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions in taxable years beginning after December 31, 2000.

### SEC. 1302. EQUITABLE TREATMENT FOR CONTRIBUTIONS OF EMPLOYEES TO DEFINED CONTRIBUTION PLANS.

(a) EQUITABLE TREATMENT.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended by striking "25 percent" and inserting "100 percent".

(2) APPLICATION TO SECTION 403(b).—Section 403(b) is amended—

(A) by striking "the exclusion allowance for such taxable year" in paragraph (1) and inserting "the applicable limit under section 415";

(B) by striking paragraph (2); and

(C) by inserting "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated" before the period at the end of the second sentence of paragraph (3).

(3) CONFORMING AMENDMENTS.—

(A) Subsection (f) of section 72 is amended by striking "section 403(b)(2)(D)(iii))" and inserting "section 403(b)(2)(D)(iii), as in effect before the enactment of the Debt Relief and Retirement Security Reconciliation Act)".

(B) Section 404(a)(10)(B) is amended by striking ", the exclusion allowance under section 403(b)(2),".

(C) Section 415(a)(2) is amended by striking ", and the amount of the contribution for such portion shall reduce the exclusion allowance as provided in section 403(b)(2)".

(D) Section 415(c)(3) is amended by adding at the end the following new subparagraph:

"(E) ANNUITY CONTRACTS.—In the case of an annuity contract described in section 403(b), the term 'participant's compensation' means the participant's includible compensation determined under section 403(b)(3).".

(E) Section 415(c) is amended by striking paragraph (4).

(F) Section 415(c)(7) is amended to read as follows:

"(7) CERTAIN CONTRIBUTIONS BY CHURCH PLANS NOT TREATED AS EXCEEDING LIMIT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(B) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(C) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).".

(G) Subparagraph (B) of section 402(g)(7) (as redesignated by section 211) is amended by inserting before the period at the end the following: "(as in effect before the enactment of the Debt Relief and Retirement Security Reconciliation Act)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(b) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—

(1) IN GENERAL.—Subsection (k) of section 415 is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR SECTIONS 403(b) AND 408.—For purposes of this section, any annuity contract described in section 403(b) for the benefit of a participant shall be treated as a defined contribution plan maintained by each employer with respect to which the participant has the control required under subsection (b) or (c) of section 414 (as modified by subsection (h)). For purposes of this section, any contribution by an employer to a simplified employee pension plan for an individual for a taxable year shall be treated as an employer contribution to a defined contribution plan for such individual for such year.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to limitation years beginning after December 31, 1999.

(B) EXCLUSION ALLOWANCE.—Effective for limitation years beginning in 2000, in the case of any annuity contract described in section 403(b) of the Internal Revenue Code of 1986, the amount of the contribution disqualified by reason of section 415(g) of such Code shall reduce the exclusion allowance as provided in section 403(b)(2) of such Code.

(3) MODIFICATION OF 403(b) EXCLUSION ALLOWANCE TO CONFORM TO 415 MODIFICATION.—The Secretary of the Treasury shall modify the regulations regarding the exclusion allowance under section 403(b)(2) of the Internal Revenue Code of 1986 to render void the requirement that contributions to a defined benefit pension plan be treated as previously excluded amounts for purposes of the exclusion allowance. For taxable years beginning after December 31, 1999, such regulations shall be applied as if such requirement were void.

(c) DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 457(b)(2) (relating to salary limitation on eligible deferred compensation plans) is amended by striking "33⅓ percent" and inserting "100 percent".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

### SEC. 1303. FASTER VESTING OF CERTAIN EMPLOYER MATCHING CONTRIBUTIONS.

(a) IN GENERAL.—Section 411(a) (relating to minimum vesting standards) is amended—

(1) in paragraph (2), by striking "A plan" and inserting "Except as provided in paragraph (12), a plan"; and

(2) by adding at the end the following:

"(12) FASTER VESTING FOR MATCHING CONTRIBUTIONS.—In the case of matching contributions (as defined in section 401(m)(4)(A)), paragraph (2) shall be applied—

"(A) by substituting '3 years' for '5 years' in subparagraph (A), and

"(B) by substituting the following table for the table contained in subparagraph (B):

| **"Years of service:** | **The nonforfeitable percentage is:** |
|---|---|
| 2 | 20 |
| 3 | 40 |
| 4 | 60 |
| 5 | 80 |
| 6 | 100.". |

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to contributions for plan years beginning after December 31, 2000.

(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a plan maintained pursuant to one or more collective bargaining agreements between employee representatives and one or more employers ratified by the date of the enactment of this Act, the amendments made by this section shall not apply to contributions on behalf of employees covered by any such agreement for plan years beginning before the earlier of—

(A) the later of—

(i) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof on or after such date of the enactment); or

(ii) January 1, 2001; or

(B) January 1, 2005.

(3) SERVICE REQUIRED.—With respect to any plan, the amendments made by this section shall not apply to any employee before the date that such employee has 1 hour of service under such plan in any plan year to which the amendments made by this section apply.

### SEC. 1304. SIMPLIFY AND UPDATE THE MINIMUM DISTRIBUTION RULES.

(a) SIMPLIFICATION AND FINALIZATION OF MINIMUM DISTRIBUTION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall—

(A) simplify and finalize the regulations relating to minimum distribution requirements under sections 401(a)(9), 408(a)(6) and (b)(3), 403(b)(10), and 457(d)(2) of the Internal Revenue Code of 1986; and

(B) modify such regulations to—

(i) reflect current life expectancy; and

(ii) revise the required distribution methods so that, under reasonable assumptions, the amount of the required minimum distribution does not decrease over a participant's life expectancy.

(2) FRESH START.—Notwithstanding subparagraph (D) of section 401(a)(9) of such Code, during the first year that regulations are in effect under this subsection, required distributions for future years may be redetermined to reflect changes under such regulations. Such redetermination shall include the opportunity to choose a new designated beneficiary and to elect a new method of calculating life expectancy.

(3) EFFECTIVE DATE FOR REGULATIONS.—Regulations referred to in paragraph (1) shall be effective for years beginning after December 31, 2000, and shall apply in such years without regard to whether an individual had previously begun receiving minimum distributions.

(b) REPEAL OF RULE WHERE DISTRIBUTIONS HAD BEGUN BEFORE DEATH OCCURS.—

(1) IN GENERAL.—Subparagraph (B) of section 401(a)(9) is amended by striking clause (i) and redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively.

(2) CONFORMING CHANGES.—

(A) Clause (i) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "FOR OTHER CASES" in the heading; and

(ii) by striking "the distribution of the employee's interest has begun in accordance with subparagraph (A)(ii)" and inserting "his entire interest has been distributed to him".

(B) Clause (ii) of section 401(a)(9)(B) (as so redesignated) is amended by striking "clause (ii)" and inserting "clause (i)".

(C) Clause (iii) of section 401(a)(9)(B) (as so redesignated) is amended—

(i) by striking "clause (iii)(I)" and inserting "clause (ii)(I)";

(ii) by striking "clause (iii)(III)" in subclause (I) and inserting "clause (ii)(III)";

(iii) by striking "the date on which the employee would have attained age 70½," in subclause (I) and inserting "April 1 of the calendar year following the calendar year in which the spouse attains 70½,"; and

(iv) by striking "the distributions to such spouse begin," in subclause (II) and inserting "his entire interest has been distributed to him,".

(3) Effective date.—The amendments made by this subsection shall apply to years beginning after December 31, 2000.

(c) Reduction in Excise Tax.—

(1) In general.—Subsection (a) of section 4974 is amended by striking "50 percent" and inserting "10 percent".

(2) Effective date.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

### SEC. 1305. CLARIFICATION OF TAX TREATMENT OF DIVISION OF SECTION 457 PLAN BENEFITS UPON DIVORCE.

(a) In General.—Section 414(p)(11) (relating to application of rules to governmental and church plans) is amended—

(1) by inserting "or an eligible deferred compensation plan (within the meaning of section 457(b))" after "subsection (e))"; and

(2) in the heading, by striking "GOVERNMENTAL AND CHURCH PLANS" and inserting "CERTAIN OTHER PLANS".

(b) Waiver of Certain Distribution Requirements.—Paragraph (10) of section 414(p) is amended by striking "and section 409(d)" and inserting "section 409(d), and section 457(d)".

(c) Tax Treatment of Payments From a Section 457 Plan.—Subsection (p) of section 414 is amended by redesignating paragraph (12) as paragraph (13) and inserting after paragraph (11) the following new paragraph:

"(12) Tax treatment of payments from a section 457 plan.—If a distribution or payment from an eligible deferred compensation plan described in section 457(b) is made pursuant to a qualified domestic relations order, rules similar to the rules of section 402(e)(1)(A) shall apply to such distribution or payment.".

(d) Effective Date.—The amendments made by this section shall apply to transfers, distributions, and payments made after December 31, 2000.

### SEC. 1306. MODIFICATION OF SAFE HARBOR RELIEF FOR HARDSHIP WITHDRAWALS FROM CASH OR DEFERRED ARRANGEMENTS.

(a) In General.—The Secretary of the Treasury shall revise the regulations relating to hardship distributions under section 401(k)(2)(B)(i)(IV) of the Internal Revenue Code of 1986 to provide that the period an employee is prohibited from making elective and employee contributions in order for a distribution to be deemed necessary to satisfy financial need shall be equal to 6 months.

(b) Effective Date.—The revised regulations under subsection (a) shall apply to years beginning after December 31, 2000.

## TITLE XIV—INCREASING PORTABILITY FOR PARTICIPANTS

### SEC. 1401. ROLLOVERS ALLOWED AMONG VARIOUS TYPES OF PLANS.

(a) Rollovers From and to Section 457 Plans.—

(1) Rollovers from section 457 plans.—

(A) In general.—Section 457(e) (relating to other definitions and special rules) is amended by adding at the end the following:

"(16) Rollover amounts.—

"(A) General rule.—In the case of an eligible deferred compensation plan established and maintained by an employer described in subsection (e)(1)(A), if—

"(i) any portion of the balance to the credit of an employee in such plan is paid to such employee in an eligible rollover distribution (within the meaning of section 402(c)(4) without regard to subparagraph (C) thereof),

"(ii) the employee transfers any portion of the property such employee receives in such distribution to an eligible retirement plan described in section 402(c)(8)(B), and

"(iii) in the case of a distribution of property other than money, the amount so transferred consists of the property distributed,

then such distribution (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) (other than paragraph (4)(C)) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A).

"(C) Reporting.—Rollovers under this paragraph shall be reported to the Secretary in the same manner as rollovers from qualified retirement plans (as defined in section 4974(c)).".

(B) Deferral limit determined without regard to rollover amounts.—Section 457(b)(2) (defining eligible deferred compensation plan) is amended by inserting "(other than rollover amounts)" after "taxable year".

(C) Direct rollover.—Paragraph (1) of section 457(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following:

"(C) in the case of a plan maintained by an employer described in subsection (e)(1)(A), the plan meets requirements similar to the requirements of section 401(a)(31).

Any amount transferred in a direct trustee-to-trustee transfer in accordance with section 401(a)(31) shall not be includible in gross income for the taxable year of transfer.".

(D) Withholding.—

(i) Paragraph (12) of section 3401(a) is amended by adding at the end the following:

"(E) under or to an eligible deferred compensation plan which, at the time of such payment, is a plan described in section 457(b) maintained by an employer described in section 457(e)(1)(A); or".

(ii) Paragraph (3) of section 3405(c) is amended to read as follows:

"(3) Eligible rollover distribution.—For purposes of this subsection, the term 'eligible rollover distribution' has the meaning given such term by section 402(f)(2)(A).".

(iii) Liability for withholding.—Subparagraph (B) of section 3405(d)(2) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following:

"(iv) section 457(b).".

(2) Rollovers to section 457 plans.—

(A) In general.—Section 402(c)(8)(B) (defining eligible retirement plan) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by inserting after clause (iv) the following new clause:

"(v) an eligible deferred compensation plan described in section 457(b) of an employer described in section 457(e)(1)(A).".

(B) Separate accounting.—Section 402(c) is amended by adding at the end the following new paragraph:

"(11) Separate accounting.—Unless a plan described in clause (v) of paragraph (8)(B) agrees to separately account for amounts rolled into such plan from eligible retirement plans not described in such clause, the plan described in such clause may not accept transfers or rollovers from such retirement plans.".

(C) 10 percent additional tax.—Subsection (t) of section 72 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new paragraph:

"(9) Special rule for rollovers to section 457 plans.—For purposes of this subsection, a distribution from an eligible deferred compensation plan (as defined in section 457(b)) of an employer described in section 457(e)(1)(A) shall be treated as a distribution from a qualified retirement plan described in 4974(c)(1) to the extent that such distribution is attributable to an amount transferred to an eligible deferred compensation plan from a qualified retirement plan (as defined in section 4974(c)).".

(b) Allowance of Rollovers From and to 403(b) Plans.—

(1) Rollovers from section 403(b) plans.—Section 403(b)(8)(A)(ii) (relating tc rollover amounts) is amended by striking "such distribution" and all that follows and inserting "such distribution to an eligible retirement plan described in section 402(c)(8)(B), and".

(2) Rollovers to section 403(b) plans.—Section 402(c)(8)(B) (defining eligible retirement plan), as amended by subsection (a), is amended by striking "and" at the end of clause (iv), by striking the period at the end of clause (v) and inserting ", and", and by inserting after clause (v) the following new clause:

"(vi) an annuity contract described in section 403(b).".

(c) Expanded Explanation to Recipients of Rollover Distributions.—Paragraph (1) of section 402(f) (relating to written explanation to recipients of distributions eligible for rollover treatment) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) of the provisions under which distributions from the eligible retirement plan receiving the distribution may be subject to restrictions and tax consequences which are different from those applicable to distributions from the plan making such distribution.".

(d) Spousal Rollovers.—Section 402(c)(9) (relating to rollover where spouse receives distribution after death of employee) is amended by striking "; except that" and all that follows up to the end period.

(e) Conforming Amendments.—

(1) Section 72(o)(4) is amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(2) Section 219(d)(2) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(3) Section 401(a)(31)(B) is amended by striking "and 403(a)(4)" and inserting ", 403(a)(4), 403(b)(8), and 457(e)(16)".

(4) Subparagraph (A) of section 402(f)(2) is amended by striking "or paragraph (4) of section 403(a)" and inserting ", paragraph (4) of section 403(a), subparagraph (A) of section 403(b)(8), or subparagraph (A) of section 457(e)(16)".

(5) Paragraph (1) of section 402(f) is amended by striking "from an eligible retirement plan".

(6) Subparagraphs (A) and (B) of section 402(f)(1) are amended by striking "another eligible retirement plan" and inserting "an eligible retirement plan".

(7) Subparagraph (B) of section 403(b)(8) is amended to read as follows:

"(B) Certain rules made applicable.—The rules of paragraphs (2) through (7) and (9) of section 402(c) and section 402(f) shall apply for purposes of subparagraph (A), except that section 402(f) shall be applied to the payor in lieu of the plan administrator.".

(8) Section 408(a)(1) is amended by striking "or 403(b)(8)," and inserting "403(b)(8), or 457(e)(16)".

(9) Subparagraphs (A) and (B) of section 415(b)(2) are each amended by striking "and 408(d)(3)" and inserting "403(b)(8), 408(d)(3), and 457(e)(16)".

(10) Section 415(c)(2) is amended by striking "and 408(d)(3)" and inserting "408(d)(3), and 457(e)(16)".

(11) Section 4973(b)(1)(A) is amended by striking "or 408(d)(3)" and inserting "408(d)(3), or 457(e)(16)".

(f) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of any amendment made by this section.

### SEC. 1402. ROLLOVERS OF IRAS INTO WORKPLACE RETIREMENT PLANS.

(a) In General.—Subparagraph (A) of section 408(d)(3) (relating to rollover amounts) is amended by adding "or" at the end of clause (i), by striking clauses (ii) and (iii), and by adding at the end the following:

"(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to this paragraph).

For purposes of clause (ii), the term 'eligible retirement plan' means an eligible retirement plan described in clause (iii), (iv), (v), or (vi) of section 402(c)(8)(B).".

(b) Conforming Amendments.—

(1) Paragraph (1) of section 403(b) is amended by striking "section 408(d)(3)(A)(iii)" and inserting "section 408(d)(3)(A)(ii)".

(2) Clause (i) of section 408(d)(3)(D) is amended by striking "(i), (ii), or (iii)" and inserting "(i) or (ii)".

(3) Subparagraph (G) of section 408(d)(3) is amended to read as follows:

"(G) Simple retirement accounts.—In the case of any payment or distribution out of a simple retirement account (as defined in subsection (p)) to which section 72(t)(6) applies, this paragraph shall not apply unless such payment or distribution is paid into another simple retirement account.".

(c) Effective Date; Special Rule.—

(1) Effective date.—The amendments made by this section shall apply to distributions after December 31, 2000.

(2) Special rule.—Notwithstanding any other provision of law, subsections (h)(3) and (h)(5) of section 1122 of the Tax Reform Act of 1986 shall not apply to any distribution from an eligible retirement plan (as defined in clause (iii) or (iv) of section 402(c)(8)(B) of the Internal Revenue Code of 1986) on behalf of an individual if there was a rollover to such plan on behalf of such individual which is permitted solely by reason of the amendments made by this section.

### SEC. 1403. ROLLOVERS OF AFTER-TAX CONTRIBUTIONS.

(a) Rollovers From Exempt Trusts.—Paragraph (2) of section 402(c) (relating to maximum amount which may be rolled over) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution to the extent—

"(A) such portion is transferred in a direct trustee-to-trustee transfer to a qualified trust which is part of a plan which is a defined contribution plan and which agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(B) such portion is transferred to an eligible retirement plan described in clause (i) or (ii) of paragraph (8)(B).".

(b) Optional Direct Transfer of Eligible Rollover Distributions.—Subparagraph (B) of section 401(a)(31) (relating to limitation) is amended by adding at the end the following: "The preceding sentence shall not apply to such distribution if the plan to which such distribution is transferred—

"(i) agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible, or

"(ii) is an eligible retirement plan described in clause (i) or (ii) of section 402(c)(8)(B).".

(c) Rules for Applying Section 72 to IRAs.—Paragraph (3) of section 408(d) (relating to special rules for applying section 72) is amended by inserting at the end the following:

"(H) Application of section 72.—

"(i) In general.—If—

"(I) a distribution is made from an individual retirement plan, and

"(II) a rollover contribution is made to an eligible retirement plan described in section 402(c)(8)(B)(iii), (iv), (v), or (vi) with respect to all or part of such distribution,

then, notwithstanding paragraph (2), the rules of clause (ii) shall apply for purposes of applying section 72.

"(ii) Applicable rules.—In the case of a distribution described in clause (i)—

"(I) section 72 shall be applied separately to such distribution,

"(II) notwithstanding the pro rata allocation of income on, and investment in, the contract to distributions under section 72, the portion of such distribution rolled over to an eligible retirement plan described in clause (i) shall be treated as from income on the contract (to the extent of the aggregate income on the contract from all individual retirement plans of the distributee), and

"(III) appropriate adjustments shall be made in applying section 72 to other distributions in such taxable year and subsequent taxable years.".

(d) Effective Date.—The amendments made by this section shall apply to distributions made after December 31, 2000.

### SEC. 1404. HARDSHIP EXCEPTION TO 60-DAY RULE.

(a) Exempt Trusts.—Paragraph (3) of section 402(c) (relating to transfer must be made within 60 days of receipt) is amended to read as follows:

"(3) Transfer must be made within 60 days of receipt.—

"(A) In general.—Except as provided in subparagraph (B), paragraph (1) shall not apply to any transfer of a distribution made after the 60th day following the day on which the distributee received the property distributed.

"(B) Hardship exception.—The Secretary may waive the 60-day requirement under subparagraph (A) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(b) IRAs.—Paragraph (3) of section 408(d) (relating to rollover contributions), as amended by section 1403, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) Waiver of 60-day requirement.—The Secretary may waive the 60-day requirement under subparagraphs (A) and (D) where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement.".

(c) Effective Date.—The amendments made by this section shall apply to distributions after December 31, 2000.

### SEC. 1405. TREATMENT OF FORMS OF DISTRIBUTION.

(a) Plan Transfers.—

(1) In general.—Paragraph (6) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended by adding at the end the following:

"(D) Plan transfers.—

"(i) In general.—A defined contribution plan (in this subparagraph referred to as the 'transferee plan') shall not be treated as failing to meet the requirements of this subsection merely because the transferee plan does not provide some or all of the forms of distribution previously available under another defined contribution plan (in this subparagraph referred to as the 'transferor plan') to the extent that—

"(I) the forms of distribution previously available under the transferor plan applied to the account of a participant or beneficiary under the transferor plan that was transferred from the transferor plan to the transferee plan pursuant to a direct transfer rather than pursuant to a distribution from the transferor plan,

"(II) the terms of both the transferor plan and the transferee plan authorize the transfer described in subclause (I),

"(III) the transfer described in subclause (I) was made pursuant to a voluntary election by the participant or beneficiary whose account was transferred to the transferee plan,

"(IV) the election described in subclause (III) was made after the participant or beneficiary received a notice describing the consequences of making the election, "(V) if the transferor plan provides for an annuity as the normal form of distribution under the plan in accordance with section 417, the transfer is made with the consent of the participant's spouse (if any), and such consent meets requirements similar to the requirements imposed by section 417(a)(2), and

"(VI) the transferee plan allows the participant or beneficiary described in subclause (III) to receive any distribution to which the participant or beneficiary is entitled under the transferee plan in the form of a single sum distribution.

"(ii) EXCEPTION.—Clause (i) shall apply to plan mergers and other transactions having the effect of a direct transfer, including consolidations of benefits attributable to different employers within a multiple employer plan.

"(E) ELIMINATION OF FORM OF DISTRIBUTION.—Except to the extent provided in regulations, a defined contribution plan shall not be treated as failing to meet the requirements of this section merely because of the elimination of a form of distribution previously available thereunder. This subparagraph shall not apply to the elimination of a form of distribution with respect to any participant unless—

"(i) a single sum payment is available to such participant at the same time or times as the form of distribution being eliminated, and

"(ii) such single sum payment is based on the same or greater portion of the participant's account as the form of distribution being eliminated.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to years beginning after December 31, 2000.

(b) REGULATIONS.—

(1) IN GENERAL.—The last sentence of paragraph (6)(B) of section 411(d) (relating to accrued benefit not to be decreased by amendment) is amended to read as follows: "The Secretary shall by regulations provide that this subparagraph shall not apply to any plan amendment that does not adversely affect the rights of participants in a material manner.".

(2) SECRETARY DIRECTED.—Not later than December 31, 2001, the Secretary of the Treasury is directed to issue final regulations under section 411(d)(6) of the Internal Revenue Code of 1986, including the regulations required by the amendments made by this subsection. Such regulations shall apply to plan years beginning after December 31, 2001, or such earlier date as is specified by the Secretary of the Treasury.

### SEC. 1406. RATIONALIZATION OF RESTRICTIONS ON DISTRIBUTIONS.

(a) MODIFICATION OF SAME DESK EXCEPTION.—

(1) SECTION 401(k).—

(A) Section 401(k)(2)(B)(i)(I) (relating to qualified cash or deferred arrangements) is amended by striking "separation from service" and inserting "severance from employment".

(B) Subparagraph (A) of section 401(k)(10) (relating to distributions upon termination of plan or disposition of assets or subsidiary) is amended to read as follows:

"(A) IN GENERAL.—An event described in this subparagraph is the termination of the plan without establishment or maintenance of another defined contribution plan (other than an employee stock ownership plan as defined in section 4975(e)(7)).".

(C) Section 401(k)(10) is amended—

(i) in subparagraph (B)—

(I) by striking "An event" in clause (i) and inserting "A termination"; and

(II) by striking "the event" in clause (i) and inserting "the termination";

(ii) by striking subparagraph (C); and

(iii) by striking "OR DISPOSITION OF ASSETS OR SUBSIDIARY" in the heading.

(2) SECTION 403(b).—

(A) Paragraphs (7)(A)(ii) and (11)(A) of section 403(b) are each amended by striking "separates from service" and inserting "has a severance from employment".

(B) The heading for paragraph (11) of section 403(b) is amended by striking "SEPARATION FROM SERVICE" and inserting "SEVERANCE FROM EMPLOYMENT".

(3) SECTION 457.—Clause (ii) of section 457(d)(1)(A) is amended by striking "is separated from service" and inserting "has a severance from employment".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

### SEC. 1407. PURCHASE OF SERVICE CREDIT IN GOVERNMENTAL DEFINED BENEFIT PLANS.

(a) 403(b) PLANS.—Subsection (b) of section 403 is amended by adding at the end the following new paragraph:

"(13) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(b) 457 PLANS.—Subsection (e) of section 457 is amended by adding after paragraph (16) the following new paragraph:

"(17) TRUSTEE-TO-TRUSTEE TRANSFERS TO PURCHASE PERMISSIVE SERVICE CREDIT.—No amount shall be includible in gross income by reason of a direct trustee-to-trustee transfer to a defined benefit governmental plan (as defined in section 414(d)) if such transfer is—

"(A) for the purchase of permissive service credit (as defined in section 415(n)(3)(A)) under such plan, or

"(B) a repayment to which section 415 does not apply by reason of subsection (k)(3) thereof.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to trustee-to-trustee transfers after December 31, 2000.

### SEC. 1408. EMPLOYERS MAY DISREGARD ROLLOVERS FOR PURPOSES OF CASH-OUT AMOUNTS.

(a) QUALIFIED PLANS.—Section 411(a)(11) (relating to restrictions on certain mandatory distributions) is amended by adding at the end the following:

"(D) SPECIAL RULE FOR ROLLOVER CONTRIBUTIONS.—A plan shall not fail to meet the requirements of this paragraph if, under the terms of the plan, the present value of the nonforfeitable accrued benefit is determined without regard to that portion of such benefit which is attributable to rollover contributions (and earnings allocable thereto). For purposes of this subparagraph, the term 'rollover contributions' means any rollover contribution under sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).".

(b) ELIGIBLE DEFERRED COMPENSATION PLANS.—Clause (i) of section 457(e)(9)(A) is amended by striking "such amount" and inserting "the portion of such amount which is not attributable to rollover contributions (as defined in section 411(a)(11)(D))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

### SEC. 1409. MINIMUM DISTRIBUTION AND INCLUSION REQUIREMENTS FOR SECTION 457 PLANS.

(a) MINIMUM DISTRIBUTION REQUIREMENTS.—Paragraph (2) of section 457(d) (relating to distribution requirements) is amended to read as follows:

"(2) MINIMUM DISTRIBUTION REQUIREMENTS.—A plan meets the minimum distribution requirements of this paragraph if such plan meets the requirements of section 401(a)(9).".

(b) INCLUSION IN GROSS INCOME.—

(1) YEAR OF INCLUSION.—Subsection (a) of section 457 (relating to year of inclusion in gross income) is amended to read as follows:

"(a) YEAR OF INCLUSION IN GROSS INCOME.—

"(1) IN GENERAL.—Any amount of compensation deferred under an eligible deferred compensation plan, and any income attributable to the amounts so deferred, shall be includible in gross income only for the taxable year in which such compensation or other income—

"(A) is paid to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(A), and

"(B) is paid or otherwise made available to the participant or other beneficiary, in the case of a plan of an eligible employer described in subsection (e)(1)(B).

"(2) SPECIAL RULE FOR ROLLOVER AMOUNTS.—To the extent provided in section 72(t)(9), section 72(t) shall apply to any amount includible in gross income under this subsection.".

(2) CONFORMING AMENDMENTS.—

(A) So much of paragraph (9) of section 457(e) as precedes subparagraph (A) is amended to read as follows:

"(9) BENEFITS OF TAX EXEMPT ORGANIZATION PLANS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—In the case of an eligible deferred compensation plan of an employer described in subsection (e)(1)(B)—".

(B) Section 457(d) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR GOVERNMENT PLAN.—An eligible deferred compensation plan of an employer described in subsection (e)(1)(A) shall not be treated as failing to meet the requirements of this subsection solely by reason of making a distribution described in subsection (e)(9)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

## TITLE XV—STRENGTHENING PENSION SECURITY AND ENFORCEMENT

### SEC. 1501. REPEAL OF 150 PERCENT OF CURRENT LIABILITY FUNDING LIMIT.

(a) IN GENERAL.—Section 412(c)(7) (relating to full-funding limitation) is amended—

(1) by striking "the applicable percentage" in subparagraph (A)(i)(I) and inserting "in the case of plan years beginning before January 1, 2004, the applicable percentage"; and

(2) by amending subparagraph (F) to read as follows:

"(F) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A)(i)(I), the applicable percentage shall be determined in accordance with the following table:

| "In the case of any plan year beginning in— | The applicable percentage is— |
|---|---|
| 2001 | 160 |
| 2002 | 165 |
| 2003 | 170.". |

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

### SEC. 1502. MAXIMUM CONTRIBUTION DEDUCTION RULES MODIFIED AND APPLIED TO ALL DEFINED BENEFIT PLANS.

(a) In General.—Subparagraph (D) of section 404(a)(1) (relating to special rule in case of certain plans) is amended to read as follows:

"(D) Special rule in case of certain plans.—

"(i) In general.—In the case of any defined benefit plan, except as provided in regulations, the maximum amount deductible under the limitations of this paragraph shall not be less than the unfunded termination liability (determined as if the proposed termination date referred to in section 4041(b)(2)(A)(i)(II) of the Employee Retirement Income Security Act of 1974 were the last day of the plan year).

"(ii) Plans with less than 100 participants.—For purposes of this subparagraph, in the case of a plan which has less than 100 participants for the plan year, termination liability shall not include the liability attributable to benefit increases for highly compensated employees (as defined in section 414(q)) resulting from a plan amendment which is made or becomes effective, whichever is later, within the last 2 years before the termination date.

"(iii) Rule for determining number of participants.—For purposes of determining whether a plan has more than 100 participants, all defined benefit plans maintained by the same employer (or any member of such employer's controlled group (within the meaning of section 412(l)(8)(C))) shall be treated as one plan, but only employees of such member or employer shall be taken into account.

"(iv) Plans established and maintain by professional service employers.—Clause (i) shall not apply to a plan described in section 4021(b)(13) of the Employee Retirement Income Security Act of 1974.".

(b) Conforming Amendment.—Paragraph (6) of section 4972(c) is amended to read as follows:

"(6) Exceptions.—In determining the amount of nondeductible contributions for any taxable year, there shall not be taken into account so much of the contributions to one or more defined contribution plans which are not deductible when contributed solely because of section 404(a)(7) as does not exceed the greater of—

"(A) the amount of contributions not in excess of 6 percent of compensation (within the meaning of section 404(a)) paid or accrued (during the taxable year for which the contributions were made) to beneficiaries under the plans, or

"(B) the sum of—

"(i) the amount of contributions described in section 401(m)(4)(A), plus

"(ii) the amount of contributions described in section 402(g)(3)(A).

For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to a defined benefit plan and then to amounts described in subparagraph (B).".

(c) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

### SEC. 1503. EXCISE TAX RELIEF FOR SOUND PENSION FUNDING.

(a) In General.—Subsection (c) of section 4972 (relating to nondeductible contributions) is amended by adding at the end the following new paragraph:

"(7) Defined benefit plan exception.—In determining the amount of nondeductible contributions for any taxable year, an employer may elect for such year not to take into account any contributions to a defined benefit plan except to the extent that such contributions exceed the full-funding limitation (as defined in section 412(c)(7), determined without regard to subparagraph (A)(i)(I) thereof). For purposes of this paragraph, the deductible limits under section 404(a)(7) shall first be applied to amounts contributed to defined contribution plans and then to amounts described in this paragraph. If an employer makes an election under this paragraph for a taxable year, paragraph (6) shall not apply to such employer for such taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1504. EXCISE TAX ON FAILURE TO PROVIDE NOTICE BY DEFINED BENEFIT PLANS SIGNIFICANTLY REDUCING FUTURE BENEFIT ACCRUALS.

(a) In General.—Chapter 43 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

### "SEC. 4980F. FAILURE OF APPLICABLE PLANS REDUCING BENEFIT ACCRUALS TO SATISFY NOTICE REQUIREMENTS.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable pension plan to meet the requirements of subsection (e) with respect to any applicable individual.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any applicable individual shall be $100 for each day in the noncompliance period with respect to such failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the failure is corrected.

"(c) Limitations on Amount of Tax.—

"(1) Overall limitation for unintentional failures.—In the case of failures that are due to reasonable cause and not to willful neglect, the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as one plan. For purposes of this paragraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(2) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice Requirements for Plans Significantly Reducing Benefit Accruals.—

"(1) In general.—If an applicable pension plan is amended to provide for a significant reduction in the rate of future benefit accrual, the plan administrator shall provide written notice to each applicable individual (and to each employee organization representing applicable individuals).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with regulations prescribed by the Secretary) to allow applicable individuals to understand the effect of the plan amendment.

"(3) Timing of notice.—Except as provided in regulations, the notice required by paragraph (1) shall be provided within a reasonable time before the effective date of the plan amendment.

"(4) Designees.—Any notice under paragraph (1) may be provided to a person designated, in writing, by the person to which it would otherwise be provided.

"(5) Notice before adoption of amendment.—A plan shall not be treated as failing to meet the requirements of paragraph (1) merely because notice is provided before the adoption of the plan amendment if no material modification of the amendment occurs before the amendment is adopted.

"(f) Applicable Individual; Applicable Pension Plan.—For purposes of this section—

"(1) Applicable individual.—The term 'applicable individual' means, with respect to any plan amendment—

"(A) any participant in the plan, and

"(B) any beneficiary who is an alternate payee (within the meaning of section 414(p)(8)) under an applicable qualified domestic relations order (within the meaning of section 414(p)(1)(A)),

who may reasonably be expected to be affected by such plan amendment.

"(2) Applicable pension plan.—The term 'applicable pension plan' means—

"(A) any defined benefit plan, or

"(B) an individual account plan which is subject to the funding standards of section 412,

which had 100 or more participants who had accrued a benefit, or with respect to whom contributions were made, under the plan (whether or not vested) as of the last day of the plan year preceding the plan year in which the plan amendment becomes effective. Such term shall not include a governmental plan (within the meaning of section 414(d)) or a church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made.".

(b) Clerical Amendment.—The table of sections for chapter 43 is amended by adding at the end the following new item:

"Sec. 4980F. Failure of applicable plans reducing benefit accruals to satisfy notice requirements.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan amendments taking effect on or after the date of the enactment of this Act.

(2) Transition.—Until such time as the Secretary of the Treasury issues regulations under sections 4980F(e)(2) and (3) of the Internal Revenue Code of 1986 (as added by the amendments made by this section), a plan shall be treated as meeting the requirements of such sections if it makes a good faith effort to comply with such requirements.

(3) Special rule.—The period for providing any notice required by the amendments made by this section shall not end before the

date which is 3 months after the date of the enactment of this Act.

(d) STUDY.—The Secretary of the Treasury shall prepare a report on the effects of conversions of traditional defined benefit plans to cash balance or hybrid formula plans. Such study shall examine the effect of such conversions on longer service participants, including the incidence and effects of "wear away" provisions under which participants earn no additional benefits for a period of time after the conversion. As soon as practicable, but not later than 60 days after the date of the enactment of this Act, the Secretary shall submit such report, together with recommendations thereon, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

### SEC. 1505. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.".

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

"(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsections (b)(1)(A) and (c).".

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking "The Secretary" and inserting "Except as provided in subsection (f)(3), the Secretary".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1506. PROHIBITED ALLOCATIONS OF STOCK IN S CORPORATION ESOP.

(a) IN GENERAL.—Section 409 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

"(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

"(2) FAILURE TO MEET REQUIREMENTS.—

"(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

"(B) CROSS REFERENCE.—

**"For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.**

"(3) NONALLOCATION YEAR.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

"(i) such plan holds employer securities consisting of stock in an S corporation, and

"(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

"(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

"(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

"(II) paragraph (4) thereof shall not apply.

"(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), individual shall be treated as owning deemed-owned shares of the individual.

Solely for purposes of applying paragraph (5), this subparagraph shall be applied after the attribution rules of paragraph (5) have been applied.

"(4) DISQUALIFIED PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'disqualified person' means any person if—

"(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

"(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

"(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

"(C) DEEMED-OWNED SHARES.—

"(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

"(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

"(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

"(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

"(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

"(i) the spouse of the individual,

"(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

"(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

"(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

"(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

"(A) the treatment of any person as a disqualified person, or

"(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a). If, without regard to this paragraph, a person is treated as a disqualified person or a year is treated as a nonallocation year, this paragraph shall not be construed to result in the person or year not being so treated.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

"(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

"(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

"(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.".

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) (defining employee stock ownership plan) is amended by inserting ", section 409(p)," after "409(n)".

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking "or" at the end of paragraph (1), and

(B) by striking all that follows paragraph (2) and inserting the following:

"(3) there is any allocation of employer securities which violates the provisions of section 409(p), or a nonallocation year described in subsection (e)(2)(C) with respect to an employee stock ownership plan, or

"(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.".

(2) Liability.—Section 4979A(c) (defining liability for tax) is amended to read as follows:

"(c) Liability for Tax.—The tax imposed by this section shall be paid—

"(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

"(A) the employer sponsoring such plan, or

"(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

"(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.".

(3) Definitions.—Section 4979A(e) (relating to definitions) is amended to read as follows:

"(e) Definitions and Special Rules.—For purposes of this section—

"(1) Definitions.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

"(2) Special rules relating to tax imposed by reason of paragraph (3) or (4) of subsection (a).—

"(A) Prohibited allocations.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 409(p)(1).

"(B) Synthetic equity.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

"(C) Special rule during first nonallocation year.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

"(D) Statute of limitations.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

"(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

"(ii) the date on which the Secretary is notified of such allocation or ownership.".

(d) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to plan years beginning after December 31, 2001.

(2) Exception for certain plans.—In the case of any—

(A) employee stock ownership plan established after July 11, 2000, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 11, 2000.

## TITLE XVI—REDUCING REGULATORY BURDENS

### SEC. 1601. MODIFICATION OF TIMING OF PLAN VALUATIONS.

(a) In General.—Paragraph (9) of section 412(c)(9) (relating to annual valuation) is amended to read as follows:

"(9) Annual valuation.—

"(A) In general.—For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every year, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary.

"(B) Valuation date.—

"(i) Current year.—Except as provided in clause (ii), the valuation referred to in subparagraph (A) shall be made as of a date within the plan year to which the valuation refers or within one month prior to the beginning of such year.

"(ii) Election to use prior year valuation.—The valuation referred to in subparagraph (A) may be made as of a date within the plan year prior to the year to which the valuation refers if—

"(I) an election is in effect under this clause with respect to the plan, and

"(II) as of such date, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).

"(iii) Adjustments.—Information under clause (ii) shall, in accordance with regulations, be actuarially adjusted to reflect significant differences in participants.

"(iv) Election.—An election under clause (ii), once made, shall be irrevocable without the consent of the Secretary.".

(b) Effective Date.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

### SEC. 1602. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) In General.—Section 404(k)(2)(A) (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in qualifying employer securities, or".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 1603. REPEAL OF TRANSITION RULE RELATING TO CERTAIN HIGHLY COMPENSATED EMPLOYEES.

(a) In General.—Paragraph (4) of section 1114(c) of the Tax Reform Act of 1986 is hereby repealed.

(b) Effective Date.—The repeal made by subsection (a) shall apply to plan years beginning after December 31, 2000.

### SEC. 1604. EMPLOYEES OF TAX-EXEMPT ENTITIES.

(a) In General.—The Secretary of the Treasury shall modify Treasury Regulations section 1.410(b)–6(g) to provide that employees of an organization described in section 403(b)(1)(A)(i) of the Internal Revenue Code of 1986 who are eligible to make contributions under section 403(b) of such Code pursuant to a salary reduction agreement may be treated as excludable with respect to a plan under section 401(k) or (m) of such Code that is provided under the same general arrangement as a plan under such section 401(k), if—

(1) no employee of an organization described in section 403(b)(1)(A)(i) of such Code is eligible to participate in such section 401(k) plan or section 401(m) plan; and

(2) 95 percent of the employees who are not employees of an organization described in section 403(b)(1)(A)(i) of such Code are eligible to participate in such plan under such section 401(k) or (m).

(b) Effective Date.—The modification required by subsection (a) shall apply as of the same date set forth in section 1426(b) of the Small Business Job Protection Act of 1996.

### SEC. 1605. CLARIFICATION OF TREATMENT OF EMPLOYER-PROVIDED RETIREMENT ADVICE.

(a) In General.—Subsection (a) of section 132 (relating to exclusion from gross income) is amended by striking "or" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", or", and by adding at the end the following new paragraph:

"(7) qualified retirement planning services.".

(b) Qualified Retirement Planning Services Defined.—Section 132 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following:

"(m) Qualified Retirement Planning Services.—

"(1) In general.—For purposes of this section, the term 'qualified retirement planning services' means any retirement planning service provided to an employee and his spouse by an employer maintaining a qualified employer plan.

"(2) Nondiscrimination rule.—Subsection (a)(7) shall apply in the case of highly compensated employees only if such services are available on substantially the same terms to each member of the group of employees normally provided education and information regarding the employer's qualified employer plan.

"(3) Qualified employer plan.—For purposes of this subsection, the term 'qualified employer plan' means a plan, contract, pension, or account described in section 219(g)(5).".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1606. REPORTING SIMPLIFICATION.

(a) Simplified Annual Filing Requirement for Owners and Their Spouses.—

(1) In general.—The Secretary of the Treasury shall modify the requirements for filing annual returns with respect to one-participant retirement plans to ensure that such plans with assets of $250,000 or less as of the close of the plan year need not file a return for that year.

(2) One-participant retirement plan defined.—For purposes of this subsection, the term "one-participant retirement plan" means a retirement plan that—

(A) on the first day of the plan year—

(i) covered only the employer (and the employer's spouse) and the employer owned the entire business (whether or not incorporated); or

(ii) covered only one or more partners (and their spouses) in a business partnership (including partners in an S or C corporation);

(B) meets the minimum coverage requirements of section 410(b) of the Internal Revenue Code of 1986 without being combined with any other plan of the business that covers the employees of the business;

(C) does not provide benefits to anyone except the employer (and the employer's spouse) or the partners (and their spouses);

(D) does not cover a business that is a member of an affiliated service group, a controlled group of corporations, or a group of businesses under common control; and

(E) does not cover a business that leases employees.

(3) Other definitions.—Terms used in paragraph (2) which are also used in section 414 of the Internal Revenue Code of 1986 shall

have the respective meanings given such terms by such section.

(b) Simplified Annual Filing Requirement for Plans With Fewer Than 25 Employees.—In the case of a retirement plan which covers less than 25 employees on the first day of the plan year and meets the requirements described in subparagraphs (B), (D), and (E) of subsection (a)(2), the Secretary of the Treasury shall provide for the filing of a simplified annual return that is substantially similar to the annual return required to be filed by a one-participant retirement plan.

(c) Effective Date.—The provisions of this section shall take effect on January 1, 2001.

### SEC. 1607. IMPROVEMENT OF EMPLOYEE PLANS COMPLIANCE RESOLUTION SYSTEM.

The Secretary of the Treasury shall continue to update and improve the Employee Plans Compliance Resolution System (or any successor program) giving special attention to—

(1) increasing the awareness and knowledge of small employers concerning the availability and use of the program;

(2) taking into account special concerns and circumstances that small employers face with respect to compliance and correction of compliance failures;

(3) extending the duration of the self-correction period under the Administrative Policy Regarding Self-Correction for significant compliance failures;

(4) expanding the availability to correct insignificant compliance failures under the Administrative Policy Regarding Self-Correction during audit; and

(5) assuring that any tax, penalty, or sanction that is imposed by reason of a compliance failure is not excessive and bears a reasonable relationship to the nature, extent, and severity of the failure.

### SEC. 1608. REPEAL OF THE MULTIPLE USE TEST.

(a) In General.—Paragraph (9) of section 401(m) is amended to read as follows:

"(9) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and subsection (k), including regulations permitting appropriate aggregation of plans and contributions.".

(b) Effective Date.—The amendment made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1609. FLEXIBILITY IN NONDISCRIMINATION, COVERAGE, AND LINE OF BUSINESS RULES.

(a) Nondiscrimination.—

(1) In general.—The Secretary of the Treasury shall, by regulation, provide that a plan shall be deemed to satisfy the requirements of section 401(a)(4) of the Internal Revenue Code of 1986 if such plan satisfies the facts and circumstances test under section 401(a)(4) of such Code, as in effect before January 1, 1994, but only if—

(A) the plan satisfies conditions prescribed by the Secretary to appropriately limit the availability of such test; and

(B) the plan is submitted to the Secretary for a determination of whether it satisfies such test.

Subparagraph (B) shall only apply to the extent provided by the Secretary.

(2) Effective dates.—

(A) Regulations.—The regulation required by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under paragraph (1)(A) shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(b) Coverage Test.—

(1) In general.—Section 410(b)(1) (relating to minimum coverage requirements) is amended by adding at the end the following:

"(D) In the case that the plan fails to meet the requirements of subparagraphs (A), (B) and (C), the plan—

"(i) satisfies subparagraph (B), as in effect immediately before the enactment of the Tax Reform Act of 1986,

"(ii) is submitted to the Secretary for a determination of whether it satisfies the requirement described in clause (i), and

"(iii) satisfies conditions prescribed by the Secretary by regulation that appropriately limit the availability of this subparagraph.

Clause (ii) shall apply only to the extent provided by the Secretary.".

(2) Effective dates.—

(A) In general.—The amendment made by paragraph (1) shall apply to years beginning after December 31, 2000.

(B) Conditions of availability.—Any condition of availability prescribed by the Secretary under regulations prescribed by the Secretary under section 410(b)(1)(D) of the Internal Revenue Code of 1986 shall not apply before the first year beginning not less than 120 days after the date on which such condition is prescribed.

(c) Line of Business Rules.—The Secretary of the Treasury shall, on or before December 31, 2000, modify the existing regulations issued under section 414(r) of the Internal Revenue Code of 1986 in order to expand (to the extent that the Secretary determines appropriate) the ability of a pension plan to demonstrate compliance with the line of business requirements based upon the facts and circumstances surrounding the design and operation of the plan, even though the plan is unable to satisfy the mechanical tests currently used to determine compliance.

### SEC. 1610. EXTENSION TO ALL GOVERNMENTAL PLANS OF MORATORIUM ON APPLICATION OF CERTAIN NONDISCRIMINATION RULES APPLICABLE TO STATE AND LOCAL PLANS.

(a) In General.—

(1) Subparagraph (G) of section 401(a)(5) and subparagraph (H) of section 401(a)(26) are each amended by striking "section 414(d))" and all that follows and inserting "section 414(d)).".

(2) Subparagraph (G) of section 401(k)(3) and paragraph (2) of section 1505(d) of the Taxpayer Relief Act of 1997 are each amended by striking "maintained by a State or local government or political subdivision thereof (or agency or instrumentality thereof)".

(b) Conforming Amendments.—

(1) The heading for subparagraph (G) of section 401(a)(5) is amended to read as follows: "Governmental plans".

(2) The heading for subparagraph (H) of section 401(a)(26) is amended to read as follows: "Exception for governmental plans".

(3) Subparagraph (G) of section 401(k)(3) is amended by inserting "Governmental plans.—" after "(G)".

(c) Effective Date.—The amendments made by this section shall apply to years beginning after December 31, 2000.

### SEC. 1611. NOTICE AND CONSENT PERIOD REGARDING DISTRIBUTIONS.

(a) Expansion of Period.—

(1) In general.—Subparagraph (A) of section 417(a)(6) is amended by striking "90-day" and inserting "180-day".

(2) Modification of regulations.—The Secretary of the Treasury shall modify the regulations under sections 402(f), 411(a)(11), and 417 of the Internal Revenue Code of 1986 to substitute "180 days" for "90 days" each place it appears in Treasury Regulations sections 1.402(f)-1, 1.411(a)-11(c), and 1.417(e)-1(b).

(3) Effective date.—The amendment made by paragraph (1) and the modifications required by paragraph (2) shall apply to years beginning after December 31, 2000.

(b) Consent Regulation Inapplicable to Certain Distributions.—

(1) In general.—The Secretary of the Treasury shall modify the regulations under section 411(a)(11) of the Internal Revenue Code of 1986 to provide that the description of a participant's right, if any, to defer receipt of a distribution shall also describe the consequences of failing to defer such receipt.

(2) Effective date.—The modifications required by paragraph (1) shall apply to years beginning after December 31, 2000.

## TITLE XVII—PLAN AMENDMENTS

### SEC. 1701. PROVISIONS RELATING TO PLAN AMENDMENTS.

(a) In General.—If this section applies to any plan or contract amendment—

(1) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subsection (b)(2)(A); and

(2) such plan shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 by reason of such amendment.

(b) Amendments to Which Section Applies.—

(1) In general.—This section shall apply to any amendment to any plan or annuity contract which is made—

(A) pursuant to any amendment made by this Act, or pursuant to any regulation issued under this Act, and

(B) on or before the last day of the first plan year beginning on or after January 1, 2003.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this paragraph shall be applied by substituting "2005" for "2003".

(2) Conditions.—This section shall not apply to any amendment unless—

(A) during the period—

(i) beginning on the date the legislative or regulatory amendment described in paragraph (1)(A) takes effect (or in the case of a plan or contract amendment not required by such legislative or regulatory amendment, the effective date specified by the plan); and

(ii) ending on the date described in paragraph (1)(B) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(B) such plan or contract amendment applies retroactively for such period.

#### PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. RANGEL. Mr. Speaker, is it within the rules of this House under the suspension of the rules that we can bring legislation before us that has already passed the House of Representatives?

We have two bills that have already passed the House and now they are coming back. Is it within the rules of the House that we can repass same bills, the same form without any changes?

The SPEAKER pro tempore. Under suspension of the rules, there is no prohibition against that.

Mr. RANGEL. No prohibition?

The SPEAKER pro tempore. Under the rules of the House, there is no prohibition.

Mr. RANGEL. Okay, Mr. Speaker, I withdraw my parliamentary inquiry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5203.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think perhaps my statement might very well clarify things for my friend, the gentleman from New York (Mr. RANGEL). One may ask why we are bringing up and voting on a bill that includes the legislation which so overwhelmingly passed this House yesterday under suspension of the rules by a vote of 381 to 3, along with the popular pension reform legislation which earlier passed by a vote of 401 to 25 and had at least 181 cosponsors including 81 House Democrats.

At a time when Washington reporters like to talk about partisan maneuvering at the end of a season to get Members out of town and back home to their districts, I would like to point out how hard the sponsors of this bill are working, including the Democrats and Republicans alike, the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. PORTMAN), the gentleman from California (Mr. HERGER), and the gentleman from Kentucky (Mr. FLETCHER), we are working towards bipartisan solutions to important issues on which we agree.

We are delivering this to the American people in these closing days of this session of this Congress, but the reason we are taking a series of votes on the same or similar legislation is it that we need to be sure that some form of these important solutions get passed by the other Chamber and get signed into law by the President.

Mr. Speaker, I know that a lot of negotiations are going on along Pennsylvania Avenue on a variety of issues, but we are producing results on these items that are most important to the people, the people that I represent in the State of Florida; protecting Social Security and Medicare, protecting and enhancing their retirement security, and protecting our hard-earned money from wasteful Washington spenders.

Make no mistake, over the last 6 years, the Republicans have done most of the heavy lifting in cutting wasteful Washington spending and bringing the budget into balance. Now, that there is a surplus, Republicans have begun the process of responsibly paying down the national debt, while protecting Social Security and Medicare and keeping our economy strong so that future generations of Americans inherit a Nation that is free of debt with a healthy thriving economy.

In accomplishing this major feat, which less than a decade ago, seemed impossible, Republicans have adhered to some basic principles which continue to guide us as we prepare to address the challenges ahead of us, and that is saving Social Security and Medicare for future generations.

These are our basic principles, one, payroll taxes belong to the people who pay into the system, not to the government. Two, the best way to keep Washington from spending more is to take surplus cash off the table and store it in a lockbox that can only be used for Social Security, Medicare or debt reduction. Three, long-term overpayments by taxpayers should be given back to taxpayers in the form of tax relief not co-opted by those in Washington who want to spend more.

So it is logical that as we try to keep our economy strong and keep hard-earned dollars in the hands of the wage earners of this country, we focus on pension reform and other components of this goal. Increasing the savings stimulates the economic growth, reducing the government's take on a person's savings and earnings encourages people to save, leaving them more of their savings to keep them through their retirement years.

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It is no wonder why both these bills are so popular. The question is, why are we having trouble getting similar legislation moved through the other Chamber and on to the President's desk? These are the specific reasons we are bringing up this bill today.

First, we want to try again to break the logjam in the other body on moving forward with the Social Security and Medicare lockbox. Republicans have been pushing for this legislation since early last year but have been stonewalled by the minority. Everyone from the President to the Vice President says they want this but the minority in the other body continues to block its consideration.

We hope that they are not part of some larger political game; that they will finally agree to the lockbox and get this bill signed into law.

Second, Republicans want to set aside $42 billion of the FY 2001 surplus right now for debt relief so that those funds cannot be spent on more government programs. We should not use the surplus to make government bigger; we should use it to make the national debt smaller.

We would invite the President and our colleagues in the other body to join us in this historic effort to use 90 percent of the surplus for debt relief.

Here is what our lockbox does, and, again, it is identical to the legislation that we have previously passed: one, it sets aside $240 billion for debt reduction for FY 2001 alone. That is 90 percent of the entire surplus in FY 2001 dedicated to paying down the publicly held debt and putting us on to the path of eliminating the debt by the year 2012 or perhaps even sooner. It sets aside 100 percent of the Social Security surplus to pay down the debt until we pass legislation that actually saves Social Security. That is $165 billion of debt reduction in fiscal year 2001 and $2.4 trillion over the next 10 years; $2.4 trillion.

It sets aside 100 percent of the Medicare surplus to pay down the debt until we pass legislation that saves Medicare. That is another $32 billion of debt reduction in fiscal year 2001, and another $360 billion over the next 10 years. It sets aside an additional $42 billion of the non-Social Security and non-Medicare surplus for debt reduction. An additional $42 billion of the on-budget surplus would be set aside for debt reduction in a special account in Treasury.

The bill is good for millions of Americans, especially working women who have no pension or have inadequate pension coverage today. As we will hear from other speakers today describe in even more detail, we raise the limit of IRAs from $2,000 to $5,000. As we all know, the IRAs are one of the most popular and successful programs ever conceived. As inflation has caught up with the value of the original amount people can set aside, that is $1,500 in 1974 raised to $2,000 in 1981, it makes sense to allow people to do more to save for retirement.

Our bill similarly updates 401(k) amounts and improves portability so one can take their retirement nest egg with them when they move from job to job, which is even a greater incentive for younger Americans to start planning for their future earlier.

Only half of all private sector workers have any kind of pension and only 20 percent of small business offer retirement plans. So the ability to design an individual program and carry their savings with them is as important as our effort to protect pension plans from the burdens of overtaxation. But do not forget, every single individual in this country stands to benefit from this bill because we will be protecting future generations from debt. We will be making retirement savings grow for workers of all ages, and we will be helping keep hard-earned dollars in the hands of taxpayers rather than sending them to Washington.

When given the choice to put dollars in the hands of Washington or keeping them in the pockets of people living in Florida, I would choose to trust my constituents any day.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend, the gentleman from Florida (Mr. SHAW), and he is my friend, has spent a lot of time talking about the merits of these two bills that are before the House on the suspension calendar. Throughout his support, he mentions Republicans a half a dozen times, which I can understand, it is that time of the year and he needs all the help he can get. My problem is, he would have us to believe that these two bills that passed this House overwhelmingly in a bipartisan way is just not enough to move his Republican leaders on the other side of this building. And so if this is so, then we will be using the suspension calendar for everything that we do not like the progress of a piece of legislation to move Republicans that are not in this Chamber, which I think is an abuse of the privilege of the suspension calendar. But that is a political matter.

What I am concerned about, as a member of the Committee on Ways and Means, is that there is a lot of talk about this new bill, H.R. 5203, being the same as the House-passed bill, H.R. 5173. Since the new bill is still warm in my hand as it comes off the press, and we saw it at noontime, there may be a similarity in substance; but there is a heck of a lot of difference in terms of language. There are changes in this bill that may be technical, but there are 135 lines of the new bill that is shorter than what we had in the old bill.

Now, I know that some Republican expert decided which was good and which was bad, and the gentleman has a lot of time left, and I know he will explain why we do have at least in terms of numbers and pages a different bill. But another thing bothers me and that is if we do have a very important piece of legislation and they both concern the Committee on Ways and Means, and we did have an amendment to the bill when it was in the House that would allow lower-income people to have incentives for savings, why would not this bill, if it had to be revisited, why would it bypass the Committee on Ways and Means? Why would we have something that we have not even had our staffs to read, since it has just been out a couple of hours? Why do we have this urgency to get this thing done with such speed, in view of the fact that our committee has no work before it?

We do not get a chance to have a motion to recommit on the suspension calendar. We do not have a chance to see whether we can improve this bill. It is not the identical bill that we passed here before. The staff knows that. I am just saying that when one takes popular ideas and believe that each time they find us supporting something they can call it bipartisan, that it has to keep on getting passed, it is not right.

Democrats have worked with my colleagues on the other side of the aisle on the legislation, and we still think that it can be improved; but since they have given up on tax cuts and have moved swiftly to budget gimmicks, I thought we had really done all that we could the last time this thing came up, where we are now doing by legislation what President Clinton has been doing by making certain the Federal debt is being paid down.

I do not know how far we have to go with this type of procedures on the floor. Democratic support was gotten before. Democratic support has to be gotten now. Since the parliamentarians indicated that this can be brought up as often as the other side wants on the suspension calendar, maybe we will have other bills that we have joined together in passing. I might suggest, though, being in the minority, one of the ways that action might be gotten from the other body is for Republicans here to talk to Republicans there.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say to my friend, the gentleman from New York (Mr. RANGEL), he has known me long enough to know that I am a man of my word; and I can assure him that these bills are exactly what the gentleman has already supported in the committee and that he has already supported on the floor.

I think the gentleman knows that when we get into the closing days, perhaps he knows better than I do, the negotiations that are going on. Two bills as important as these bills are, to merge them together, gives us just another option in which to get these matters before the Senate, to the conference, and to the President's desk for signature.

Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), the author of the pension portion of this bill.

Mr. PORTMAN. Mr. Speaker, I thank the chairman, the gentleman from Florida (Mr. SHAW), very much for yielding me this time; and I thank him for bringing this bill, H.R. 5203, to the floor today.

It is the Debt Relief and Retirement Security Reconciliation Act of 2000, and it is designed to give reconciliation protection to legislation we have already passed for the purpose of negotiating with the Senate to move this process forward and to get these bills enacted this year.

The first is the debt lockbox legislation that puts 90 percent of this year's budget surplus projected for 2001 into debt relief, and then second of course is the bipartisan retirement security legislation that we have passed in this House by a vote of 401 to 25, which expands and strengthens IRAs, 401(k)s and other pensions.

I would like to focus, if I could, this afternoon on the retirement security package that is before us. This is bipartisan legislation that my friend and colleague, the gentleman from Maryland (Mr. CARDIN), and I have worked on over the last 3 years. It is very important. It is very important we get it enacted and do so this year. We need to do all we can because there is a real retirement security crunch out there. Seventy million Americans, about half the workforce, do not have any kind of a pension at all today, not even a 401(k), nothing. The problem is even worse among small businesses. We are told that less than 20 percent of small businesses, Mr. Speaker, that is with businesses of 25 or fewer employees, offer any kind of pension coverage today.

Now, this is at a time when private savings in this country is dangerously low. In fact, last month we are told that our savings rate in this country was actually negative. This, of course, hurts our economy. It presents a real danger to our economy moving forward, but it also hurts people; it hurts individuals. Experts tell us that older baby-boomers, for instance, have put only 40 percent aside of what they will need for a financially secure retirement. So it is time to take action, and it is time to do it now.

Part of the problem we have had over the years is right here in Congress. Over the last 20 years, Congress has made pensions less generous by lowering the contribution of benefit levels, believe it or not, and while making pension benefits lower they have also made pensions more costly to offer by increasing the number of rules and regulations on employers.

Let me say what kind of impact that has had. Let me give a specific example. From 1982 to 1994, the limits on defined benefit plans were repeatedly reduced by Congress and new restrictions were added, primarily for the purpose of generating Federal revenue, by the way. This was not a policy decision that had to do with pensions. It had to do with at that time addressing the deficit. As these cutback from 1982 to 1994 took effect, the number of traditional defined benefit plans insured by PBGC dropped from 114,000 plans in 1987 to 45,000 plans in 1997. These are the facts. They speak for themselves.

During the past 2 decades, overall pension coverage has remained stagnant, even when the defined contribution side is included. Obviously, it is past time for Congress to reverse these trends, and the bill before us today does just that. It is a comprehensive approach. It has been developed over the last 3 years with careful consultation with small businesses, labor organizations like the building trades department of the AFL-CIO. It has also been worked on by pension law experts in the private sector, academia and the administration. Most importantly, we have looked to and taken the advice of workers themselves, folks who are in pension plans, to see how they could be improved. They have been fully vetted. About 200 Members of this House, almost equally divided between Republicans and Democrats, have cosponsored the bill and more than 85 outside groups have endorsed it. The approach is fiscally responsible, and it is very straightforward.

It falls in basically three categories. First, we allow all workers to set aside more money for their retirement. That means setting aside more money in a 401(k)-type plan, in a union, multiemployer-type plan, a defined benefit plan and all other pensions. It also means setting more money aside in an IRA. In most cases, very importantly, all we are doing is trying to restore those limits to where they were before the Congress reduced them.

For example, moving the IRA contribution levels from $2,000 to $5,000 is about where it would have been had it been indexed to inflation in the 1970s. We also allow special catch-up contributions that help workers over 50 set aside even more for retirement.

These accelerated contributions will allow older workers—especially women returning to the workforce—the opportunity to build up a retirement nest egg more quickly—at a time in their lives when their earnings are relatively high and when they most need to save for retirement.

Second, we're modernizing pension laws to adapt to what we've learned about the realities of an increasingly mobile workforce. So, we make defined contributions plans portable so workers can roll-over their retirement nest egg between various types of qualified plans—including 401(k), 403(b) and 457 plans. And, we require employers to allow workers to become vested in their pension plans more quickly—in 3 years rather than the current-law 5.

Finally, we listened to those in the trenches, and we responded to the surveys that clearly demonstrate that we must reduce the complexities and red tape in current law if we are going to expand pension opportunities for those who work for small businesses. That's why we make it easier for employers—particularly small businesses—to establish and maintain pension plans by reducing costs and liabilities—including modernizing outdated laws and streamlining complex rules. Yet, we keep in place the important protections that ensure families fairness in our pension system.

Despite the overwhelming and broad-based support for this legislation, there are some in the Administration who call this package a "tax cut for the rich." That's wrong. Why should they tell working Americans—who are struggling to save for retirement—that the $2,000 limit on IRA contributions established in 1981 makes sense today? Why should they tell working Americans that they can save less in a 401(k) plan than they could in the 1980s?

Remember who benefits here—77 percent of American workers currently participating in a pension plan make less than $50,000 per year. By expanding retirement savings options, we'll be helping those workers who need the most help in saving for retirement.

I urge my colleagues to join us today in sending a strong bipartisan message to the Senate—and to the White House—that we are committed to helping all Americans have more peace of mind—and more financial security—in their retirement years. Let's pass this package again.

□ 1430

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT), a member of the Committee on Ways and Means and a member of the Committee on the Budget.

Mr. McDERMOTT. Mr. Speaker, coming over here today, having been over here yesterday when half of this bill passed the last time, I could not help thinking of what, I think it was Groucho Marx said, that if you are going to go into politics, the first thing you have to learn to do is to act sincere. Because if we are going to come out here with this kind of legislation, we really have to work pretty hard to keep a straight face.

Yesterday we passed the bill on this lockbox on debt repayment, which is a totally useless piece of legislation. It is not necessary; the debt is being paid down without any such process now. But it was a pretty good press release yesterday. So they thought, well, let us do it again tomorrow. Since we are not doing anything worthwhile anyway, we might as well have something to put into our press release machine to fire out at the newspapers all over the country, and that is a good one, and oh, yeah, there is that pension thing, we can pass that too. Why do we not staple those bills together, because it will be different. They cannot say we are bringing out the same bill as we brought out yesterday; we are bringing out the same bill yesterday, plus the same bill from July 19.

Now, you say, why do we pick July 19? Well, we think about it and we say to ourselves, they must be bringing out the July 19 bill because they did it in the middle of the summer and people have forgotten about it, and today we are 49 days from election and we have to be sure and remind the people of the good legislation we passed that the majority in the other body killed, so we do not get blamed for it.

Mr. Speaker, the real irony of this thing is we have the majority party in the House who cannot seem to get the majority party in the other body to pay attention to them. We fire this nonsense over there and they put it in a desk drawer and it never sees the light of day again. This is an intraparty fight inside the majority party. That is why we will probably be out here tomorrow with the debt reduction bill and, let us see, we could marry it up to the estate tax removal. That would be a good one to put out here. Then, on Thursday we can bring out the debt reduction bill and the marriage tax penalty bill. Now, let me think. I will sit down over here and come up with the list for next week. Because we have not passed the appropriation acts, we have not had any conference committees on the budget, so we have to come out here and do these little shows.

Now, I think the American people are smarter than some people in this place give them credit for. They will see this; they are not going to forget that yesterday they read about the debt reduction bill and they are going to think they got the same paper 2 days in a row. Right there on the front pages, Republicans plan to spend 90 percent of the money in the surplus on paying down the debt. They cannot do it, because they already passed enough tax breaks to use up 22 percent; they cannot use 90 percent and 22 percent. If we add 90 and 22, that makes 112 percent of the surplus.

Now, I am not quite sure who teaches math over in the other caucus, but they need a new calculator, because it does not work. But, with a very straight face and acting very sincere, people stand down here and tell us that we can do it. I suppose if one believes that, one could believe in buying the Brooklyn Bridge or a whole lot of other things.

The only things we have passed here in the last few days has been naming new bridges and new courthouses and new highways and this kind of stuff, part of which is legislative nonsense, and the other part is a decent bill. But the people are not going to be fooled by this press release.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume to remind the gentleman from Washington that in the other body, it is the other party that has been filibustering the lockbox legislation. Perhaps this will break something loose over there. It is very good bipartisan legislation in this body, but in the other body it has not worked that way.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), the author of the lockbox legislation.

Mr. HERGER. Mr. Speaker, I rise in strong support of this measure. This bill increases IRA contribution limits from $2,000 to $5,000, making it easier for Americans to save. This measure also includes two provisions I introduced, the Social Security lockbox, which passed the House last year by a 416-to-12 vote, and the Medicare lockbox, which I introduced in March and passed the House this June by a 420-to-2 vote.

Mr. Speaker, for the first time, these lockboxes will protect 100 percent of trust fund surpluses from spending on other unrelated government programs. Ending the raid on the Social Security and Medicare trust funds is the right thing to do. This legislation also creates another lockbox in which $42 billion additional surplus dollars will be held only for debt reduction. All in all, this legislation will use 90 percent, or $240 billion to pay down public debt this year alone. Never in the history of our Nation has a Congress paid down this much public debt in a single year.

Today, we made debt reduction the priority, not the afterthought. This bill is the epitome of sound fiscal policy. For individual Americans, we increase opportunities to save; for the government's part, we protect the Social Security and Medicare trust funds for the first time from raids and still pay down $240 billion in public debt. This bill is a win-win for fiscal responsibility, a win-win for our children, a win-win for our seniors, and a win-win for the best interests of the United States. I urge my colleagues to vote for this measure.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, this session is descending into utter confusion, and if it is confusing here, we can imagine what the public thinks.

The Republican majority here in the House has moved from pillar to post. First a $900 billion tax cut, much of it for the very wealthy, eating up a good portion of the nonSocial Security surplus. Well, that did not fly, so now we have a proposal, 90 percent of the surplus for debt retirement. So we go from $900 billion in an unworkable tax proposal to 90 percent of that surplus, that would have been used up in large measure by the tax bill, now for debt retirement.

Well, to add to the confusion, we now have this bill tied into another bill, and what could be the reason for it? The gentleman from Ohio talked about how it was necessary for budget reconciliation, he used those terms. Let me just read a statement on this point that we have worked on with the staff and I would like to have someone refute it if it is wrong.

The debt reduction lockbox provisions in H.R. 5203 are in no way, shape or form a reconciliation bill in the Senate. The Senate had no budget reconciliation instructions for debt reduction. Among other things, the debt reduction provisions violate the Byrd Rule in the Senate and section 306 of the Budget Act which protects the jurisdiction of the budget committees. As such, a motion to proceed to consideration of such a bill under budget reconciliation rules could be filibustered in the Senate. What the House is doing is converting the House-passed pension IRA bill into a nonreconciliation bill for the Senate. So this bill is not only confusing, it is counterproductive.

Well, what is the second reason given for combining these bills? It is said it is to get the attention of the Senate. How about e-mail or the telephone, or just walk across the rotunda and sit down with the majority leader in the Senate and we will be glad to join with the White House, and let us get busy and do some work and pass some legislation.

What we are doing here is treading water while the session is sinking. It just does not make any sense, as the gentleman from New York (Mr. RANGEL) said. We Democrats are ready to work. We are ready to move on. We are ready to pass legislation and not to add to an already confusing situation.

Mr. SHAW. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, it is not confusing. The Republicans are committed to empowering American families by returning power, money and choices to the people. We do not believe that the Federal budget surplus belongs to the government. It is the people's money, and it should be returned. They earned it.

This is our constant and unchanging goal. That is why we proposed a firm commitment that applies at least 90 percent of next year's Federal budget surplus to paying off our debts. It turns out that a commitment to paying off the debt is a popular position. Last night, we forged a common sense coalition for debt relief. We drew support from both sides of the aisle. We believe that the surplus must be returned to the American people, if not through tax relief, then through debt reduction.

Today, we take another important step. Members have another opportunity to send a very clear message to the White House. The American people demand greater fiscal discipline from their government. An unrestrained wave of new Washington spending is not an acceptable use for their surplus. Our latest initiative addresses this theme of fiscal discipline by both expanding retirement security and paying off the debt. We can again urge the President to join with us, but our expectations are pretty low.

The President has already repeatedly blocked the bipartisan effort to return the surplus to the American people. Just last week he said, whether we can do debt reduction this year or not depends upon what the various spending commitments are. Less than 24 hours ago, this House voted overwhelmingly in favor of our debt reduction plan. Now every Member, Republican and Democrat, who voted for that initiative should support this common sense measure.

Mr. President, we have room for you in our common sense coalition to refund the surplus, but you must first abandon any scheme to spend the surplus on more Washington programs. If you can commit to using at least 90 percent of next year's surplus to debt relief and only debt relief, we would like to have you with us.

Mr. Speaker, members should support this bill. It will return power to the American people and strengthen our Nation.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

The majority whip has now confused me. I understood from the gentleman from Texas (Mr. ARCHER), the chairman of the Committee on Ways and Means, that we were relegislating this old legislation to send a message to the Republican leaders on the other side. However, now the majority whip wants to send a message to the President of the United States. This is really getting confusing. I mean have we given up all methods of communication completely? I know it is bad, but we do not have to legislate to talk to President Clinton. We can do these things directly. We can sit down today or tomorrow and work out how we can get some legislation passed and signed into law instead of getting out these press releases.

The next speaker on this side is the coauthor of this bipartisan piece of legislation that overwhelmingly passed the House, and he worked closely with the gentleman from Ohio (Mr. PORTMAN). I do not know how many times we are going to drag out the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) here to show that some people do talk with each other on the House side, but I hope my Republican colleagues keep doing it until they get it right, because some of us have to get out of here and get back home.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. RANGEL) for yielding me this time. Let me assure our colleagues that there is strong bipartisan support for the provisions that are contained in this bill that is before us.

☐ 1445

Many of us, including this Member, is confused on the process. I listened also to the distinguished majority whip explain what this bill is intended to do, and I do not believe that is included in the legislation before us. So I am confused on the process that we are using, but I hope it is an effort that will allow us to enact some very important legislation.

I listened to the explanation on the lockbox, and I must tell my colleagues that I am confused on the explanation on the lockbox. As I understand, it is a 1-year bill. And we are going to be judged by our actions on the appropriation bills and on the tax bills, not on the lockbox. Let us be clear about that.

I hope at the end of the day that we can say as Democrats and Republicans that we have put as our first priority retiring our debt, which is exactly what the President of the United States has asked us to do, to make the top priority the reduction of our debt with the surplus funds.

Let me speak for a moment, if I might, about the pension legislation. The gentleman from New York (Mr. RANGEL) is correct, this bill has been worked very carefully on a bipartisan basis. I thank my colleague, the gentleman from Ohio (Mr. PORTMAN), for his leadership on this. Democrats and Republicans joined together in crafting this bill and in passing this bill by 401 votes. I would hope that by bringing it up again today it is a message that we intend to send to the President of the United States a bill that deals with pensions and is not loaded up with other issues that would make it impossible for us to get it enacted this year.

As the gentleman from Ohio (Mr. PORTMAN) has pointed out, it is important legislation because it is very comprehensive legislation that will not only increase the limits but will help employers provide employer-sponsored pension plans for their employees, which help lower-wage workers because the employer puts the money on the table, making it easier for low-wage workers to put money away for their own retirement.

We deal with portability and the realization that the current workforce holds people that will work for more than one employer in their work life, so they need to be able to combine their funds. We remove a lot of the obstacles that make it difficult for employers to sponsor pension plans. We make it easier for individuals to put more money away for themselves to address the critical need in this Nation to increase the savings rates.

So I hope at the end of the day that we will be able to come together with a bill that is enacted and sent to the President. And if we can keep it to the pension issues alone, if we do not get confused with some of the other politics around here, I think we can achieve that.

But I would urge my friends on the other side of the aisle to work with us on the process issues. It is somewhat confusing to us to wake up in the morning only to find legislation that we thought already was completed in this body has once again been brought up for initial action rather than being sent to the President for signature.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, encouraging savings and investment and not leaving our kids and our grandkids with a huge mortgage is a reasonable combination in this piece of legislation.

On September 13, the President said, in regard to paying down the debt, and I quote from the New York Times, "Whether we can do it this year or not depends upon what the various spending commitments are." He may have very well said, "I have other plans for this money."

Today, this House makes spending commitments under this bill. We are committed to paying down the debt. Maybe we could do more. I would have liked to have done more. But the problem is that we have to make a commitment to do it, otherwise the propensity to spend by the President and by this Congress is too great.

Let us pass this legislation to help assure we don't simply increase spending. The President sent us the Democrat budget proposal last spring that increased spending $100 billion more than could be paid for with projected revenues. That meant that without increased taxes and increased revenues, it would have used the Social Security and the Medicaid trust fund surpluses.

Let us pass this bill and move ahead. Let us make sure saving and investment is easier for the American people and we do not leave our kids with a bigger mortgage.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means.

Mr. WELLER. Mr. Speaker, this is important legislation that we are voting on today. I strongly support setting aside 90 percent of the projected budget surplus to pay down the national debt. Of course, our goal is not only to build on the $360 billion in debt retirement we have already accomplished in the last 3 years, but to pay off the national debt by the year 2010.

I also want to stand in strong support of this legislation which locks away 100 percent of the Social Security Trust Fund for Social Security and locks away 100 percent of the Medicare Trust Fund for Medicare. That is an important commitment not only for today's seniors but for future generations.

My colleagues, I also stand in strong support of this legislation which makes it easier for America's workers and small businesses to set aside money for their own retirement. Efforts to expand what Americans can contribute to their IRAs and 401(k)s can make a big difference to many millions of working Americans.

I also want to note that this legislation includes two very important provisions: Catch-up provisions that allow individuals to make additional contributions to 401(k)s or IRAs if they are over 50. That helps working moms. And the repeal of 415 limits, which helps 10 million working Americans in the building trades.

Mr. RANGEL. Mr. Speaker, I yield myself the balance of my time.

As we close the debate on this issue, quite a number of the majority Members are concerned about the President of the United States getting involved in spending programs. I would just want the RECORD to be clear that the President will not be involved with any spending programs that are not supported by the majority Members in this House and the majority of the Members on the other side.

So if my colleagues do not want to support any of these programs, then get together with the appropriation committees to see what we are going to do, but let us not use the legislative process to send messages to the other side or send messages to the President.

Now, this is a good piece of legislation, but some of us, even though we supported the commitment to the reduction of the national debt, thought that we should have included the President's retirement plan that gave incentives for low-income workers to save. And the last time this bill was on the floor, Members had a chance to participate because it was not on the suspension calendar. The gentleman from Massachusetts (Mr. NEAL) had an amendment that would have improved upon this bill and got over 200 votes, as I recall. Many of the Members who worked on this piece of legislation that once again is before us wish that this could have been a part of the package so that all of us, in a unanimous way, could say that it helps all of the workers in different income categories.

So even though I will not be supporting this in its present form, since we do not have a chance to amend it or to work with the motion to recommit, I do want to congratulate the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) for showing that in this House we can work together in a bipartisan way.

The SPEAKER pro tempore (Mr. SCARBOROUGH). The time of the gentleman from New York (Mr. RANGEL) has expired. The gentleman from Florida (Mr. SHAW) has 1½ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman for yielding me this time. It is a busy time of the year, but this past Sunday I was able to spend some time with a new grandson, born July 22. His name is Joshua.

And that is really what this is about up here. Joshua does not understand partisan politics. He does not understand a lot of the games that may go on here. He certainly does not understand why the minority on the other side is blocking some legislation that would give him a bright future and pay down the publicly held debt instead of handing him a mortgage of $20,000. It would allow him, as he is growing up, to save more, or his parents to save more to be able to afford a home in the future. And he certainly does not understand the attitude of some people that believe it is the government's money instead of the people's money.

But one day he will appreciate what we are doing here today, because this is really about Joshua and who Joshua represents: All the children across this Nation. The future. And not only the debt that they have that we have given them, or has been given to them due to 40 years of minority rule when the debt was increased, but also the opportunity to save and to be all that he can be.

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

Because of what we do here today, if it does pass the other body and the President's desk, little Joshua will owe $240 billion less than he does today on the national debt.

Mr. NEAL of Massachusetts. Mr. Speaker, this is an interesting bill. It seems to combine an unnecessary bill on debt relief that passed the House yesterday by a vote of 381–3, with a faulty bill on retirement policy that passed the House on July 19 by a vote of 401–25. It is my understanding that our side of the aisle learned about the contents of the bill about 11:00 this morning, so there may be changes that we have not discovered yet.

Since revenue that is not spent goes to deficit reduction automatically, a statement that 90 percent of the surplus should go to deficit reduction next year hardly seems momentous. However, it does no great harm either, so I intend to vote for passage of this bill to indicate my strong support for deficit reduction. In addition, I am pleased that Members on the other side of the aisle have adopted the Democratic position as articulated all year, and have finally made deficit reduction a priority.

On the retirement bill, let me just say that I continue to believe that H.R. 1102 is flawed and is in need of many improvements. I agree with Jane Bryant Quinn when she wrote in the Business Section of the Washington Post this past weekend that this and other bills are "for the upper-middle, investor class. There should be a companion tax incentive bill that helps the workers, too."

Just such a companion bill, I believe, was offered by myself on July 19, but that amendment failed by a vote of 200–216, with all Republicans present and voting opposed, and all Democrats but three present and voting in support. This amendment established a refundable tax credit for contributions to pension plans by low and moderate income workers, and tax credits to small businesses to establish and contribute to pension plans. While not perfect, it at least made an attempt to deal with the problem of access to retirement income for those who can not save due to their low income, or can not save as much as they should. But the House, as I indicated, adopted the narrow approach.

Mr. Speaker, in conclusion, I intend to vote for deficit reduction, and to continue my effort to enact a comprehensive retirement bill that helps all Americans save for retirement, not just the "upper-middle, investor class."

Mr. GUTKNECHT. Mr. Speaker, today the House is taking up a bill which would ensure that 90 percent of next year's budget surplus goes to paying down debt. With this bill, over $600 billion of publicly held debt would be paid down by the end of next year. It would be entirely eliminated by 2013. This means lower interest rates on credit cards and home mortgages for millions of Americans. I can't think of a better gift for our children.

Unfortunately, this debt reduction measure has been attached to H.R. 1102, the Retirement Security Act. In my district, constituents have voiced concern over certain pension provisions included in this bill. Some recent pension conversions have been a grave injustice to American workers, especially mid-career and older employees who have planned for retirement based on the benefits built into their original pension plans. While H.R. 1102 provides some much-needed disclosure requirements, we need to be tougher on those companies who have taken advantage of pension conversions to fatten their bottom lines. I will continue to fight for those tougher provisions.

When H.R. 1102 was being considered, I fought to ensure that all vested employees have the choice to remain in their current defined benefit plans. I brought an amendment to the Rules Committee which would have done just that. Unfortunately, I wasn't allowed to bring it to the House floor for consideration. In the end, I cast a protest vote against H.R. 1102 because it lacked this important provision.

Today, there is no opportunity to amend this bill. I wish that these pension reform provisions had not been attached to debt relief, but it has. The importance of this bill in locking in debt reduction and increasing the ability of Americans to save for their own retirement will carry the day for most Members of this House. I will support this bill because it is critical that we offer our children a debt-free future.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and pass the bill, H.R. 5203.

The question was taken.

Mr. SHAW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 15-minute vote on H.R. 5203 and it will be followed by a 5-minute vote on H.R. 3986.

The vote was taken by electronic device, and there were—yeas 401, nays 20, not voting 13, as follows:

[Roll No. 479]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore

Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Clay
Conyers
Davis (IL)
Filner
Frank (MA)
Jackson (IL)
Kennedy
LaFalce
Lee
Matsui
McDermott
Mollohan
Nadler
Olver
Payne
Rangel
Roybal-Allard
Sabo
Sanders
Stark

NOT VOTING—13

Campbell
Dooley
Franks (NJ)
Johnson (CT)
Klink
Lazio
McCollum
McIntosh
McNulty
Nethercutt
Vento
Watkins
Wise

☐ 1517

Messrs. JACKSON of Illinois, FILNER, and NADLER changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 479 I was inadvertently detained. Had I been present, I would have voted "yes."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SCARBOROUGH). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3986, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho (Mr. SIMPSON) that the House suspend the rules and pass the bill, H.R. 3986, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 201, not voting 14, as follows:

[Roll No. 480]

YEAS—218

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gekas
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Buyer
Campbell
Dooley
Franks (NJ)
Houghton
Klink
Lazio
McCollum
McIntosh
McNulty
Nethercutt
Vento
Wise

☐ 1526

Mr. UDALL of New Mexico changed his vote from "yea" to "nay."

Mr. INSLEE changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## GAO PERSONNEL FLEXIBILITY ACT OF 2000

Mr. BURTON of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4642) to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes, as amended.

The Clerk read as follows:

### H.R. 4642

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) Civil Service Retirement System.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, paragraph (2) of section 8336(d) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

"(2)(A) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in subparagraph (D);

"(B) is serving under an appointment that is not time limited;

"(C) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

"(D) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

"(i) realigning the General Accounting Office's workforce in order to meet budgetary constraints or mission needs;

"(ii) correcting skill imbalances; or

"(iii) reducing high-grade, managerial, or supervisory positions;".

(b) Federal Employees' Retirement System.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, subparagraph (B) of section 8414(b)(1) of title 5, United States Code, shall, with respect to officers and employees of the General Accounting Office, be applied as if it had been amended to read as follows:

"(B)(i) has been employed continuously by the General Accounting Office for at least the 31-day period immediately preceding the start of the period referred to in clause (iv);

"(ii) is serving under an appointment that is not time limited;

"(iii) has not received a notice of involuntary separation, for misconduct or unacceptable performance, with respect to which final action remains pending; and

"(iv) is separated from the service voluntarily during a period with respect to which the Comptroller General determines that the application of this subsection is necessary and appropriate for the purpose of—

"(I) realigning the General Accounting Office's workforce in order to meet budgetary constraints or mission needs;

"(II) correcting skill imbalances; or

"(III) reducing high-grade, managerial, or supervisory positions;".

(c) Numerical Limitation.—Not to exceed 10 percent of the General Accounting Office's workforce (as of the start of a fiscal year) shall be permitted to take voluntary early retirement in such fiscal year pursuant to this section.

(d) Regulations.—The Comptroller General shall prescribe any regulations necessary to carry out this section, including regulations under which an early retirement offer may be made to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

### SEC. 2. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) In General.—Effective for purposes of the period beginning on the date of enactment of this Act and ending on December 31, 2003, the authority to provide voluntary separation incentive payments shall be available to the Comptroller General with respect to employees of the General Accounting Office.

(b) Terms and Conditions.—The authority to provide voluntary separation incentive payments under this section shall be available in accordance with the provisions of subsections (a)(2)–(e) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104–208 (5 U.S.C. 5597 note), except that—

(1) subsection (a)(2)(D) of such section shall be disregarded;

(2) subsection (a)(2)(G) of such section shall be applied by construing the citations therein to be references to the appropriate authorities in connection with employees of the General Accounting Office;

(3) subsection (b)(1) of such section shall be applied by substituting "Committee on Government Reform" for "Committee on Government Reform and Oversight";

(4)(A) subsection (b)(2)(A) of such section shall be applied by substituting "eliminated (if any)" for "eliminated";

(B) subsection (b)(2)(C) of such section shall be applied by substituting "such positions or functions as are to be eliminated and such employees as are to be separated" for "the eliminated positions and functions"; and

(C) the agency strategic plan referred to in subsection (b) of such section shall, in addition to the information described in paragraph (2) thereof, contain the following: the steps to be taken to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions;

(5) subsection (c)(1) of such section shall be applied by substituting "to the extent necessary (A) to realign the General Accounting Office's workforce in order to meet budgetary constraints or mission needs, (B) to correct skill imbalances, or (C) to reduce high-grade, managerial, or supervisory positions, in conformance with that agency's strategic plan (as referred to in subsection (b))." for the matter following "only";

(6) subsection (c)(2)(D) of such section shall be applied by substituting "December 31, 2003, or the end of the 3-month period beginning on the date on which such payment is offered to such employee, whichever is earlier" for "December 31, 1997"; and

(7) instead of the amount described in paragraph (1) of subsection (d) of such section, the amount required under such paragraph shall be determined in accordance with subsection (c)(1) of this section.

(c) Additional Contribution to Retirement Fund.—

(1) Determination of amount required.—The amount required under this paragraph shall be the amount determined under subparagraph (A) or (B), whichever is greater, for the fiscal year involved.

(A) First method.—The amount required under this subparagraph shall be determined as follows:

(i) First, determine the sum of the following:

(I) The amount equal to 19 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8336(d) of title 5, United States Code.

(II) The amount equal to 58 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8336 of such title 5 (not including any employee covered by subclause (I)).

(ii) Second, reduce the sum of the amounts determined under clause (i) by the sum of the following (but not below zero):

(I) The amount equal to 419 percent of the final basic pay of each employee described in paragraph (2), who is covered by subchapter III of chapter 83 of title 5, United States Code, and who resigns.

(II) The amount equal to 17 percent of the final basic pay of each employee described in paragraph (2) who takes early retirement under section 8414(b) of such title 5.

(III) The amount equal to 8 percent of the final basic pay of each employee described in paragraph (2) who retires on an immediate annuity under section 8412 of such title 5.

(IV) The amount equal to 211 percent of the final basic pay of each employee described in paragraph (2), who is covered by chapter 84 of such title 5, and who resigns.

(B) Second method.—The amount required under this subparagraph shall be equal to 45 percent of the final basic pay of each employee described in paragraph (2).

(2) Computations to be based on separations occurring in the fiscal year involved.—The employees described in this paragraph are those employees who receive a voluntary separation incentive payment under this section based on their separating from service during the fiscal year involved.

(3) Regulations.—

(A) In general.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including provisions under which any additional contribution determined under this subsection shall, at the election of the General Accounting Office, be payable either in a lump sum or through installment payments made over a period of not to exceed 3 years.

(B) Interest.—The regulations shall include provisions under which, if the installment method is chosen, interest shall be payable at the same rate as provided for under section 8348(f) of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—As used in this subsection, the term "resign" shall not be considered to include early retirement or a separation giving rise to an immediate annuity.

(d) DEFINITIONS.—

(1) FINAL BASIC PAY.—As used in this section, the term "final basic pay" has the same meaning as under section 663(d)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1997, as contained in Public Law 104-208 (5 U.S.C. 5597 note).

(2) EMPLOYEE.—As used in this section and, for purposes of this section, the provisions of law cited in subsection (b), the term "employee" shall be considered to refer to an officer or employee of the General Accounting Office.

(e) NUMERICAL LIMITATION.—Not to exceed 5 percent of the General Accounting Office's workforce (as of the start of a fiscal year) shall be permitted to receive a voluntary separation incentive payment under this section based on their separating from service in such fiscal year.

(f) REGULATIONS.—The Comptroller General shall prescribe any regulations necessary to carry out this section, excluding subsection (c). Such regulations shall include provisions under which a voluntary separation incentive payment may be offered to any employee or group of employees based on—

(1) geographic area, organizational unit, or occupational series or level;

(2) skills, knowledge, or performance; or

(3) such other similar factors (or combination of factors described in this or any other paragraph of this subsection) as the Comptroller General considers necessary and appropriate in order to achieve the purpose involved.

**SEC. 3. REDUCTIONS IN FORCE.**

(a) MODIFIED PROCEDURES.—

(1) IN GENERAL.—Subsection (h) of section 732 of title 31, United States Code, is amended to read as follows:

"(h)(1)(A) Notwithstanding any other provision of law, the Comptroller General shall prescribe regulations, consistent with regulations issued by the Office of Personnel Management under authority of section 3502(a) of title 5 for the separation of employees of the General Accounting Office during a reduction in force or other adjustment in force.

"(B) The regulations must give effect to the following factors in descending order of priority—

"(i) tenure of employment;

"(ii) military preference subject to section 3501(a)(3) of title 5;

"(iii) veterans' preference under sections 3502(b) and 3502(c) of title 5;

"(iv) performance ratings;

"(v) length of service computed in accordance with the second sentence of section 3502(a) of title 5; and

"(vi) other objective factors such as skills and knowledge that the Comptroller General considers necessary and appropriate to realign the agency's workforce in order to meet current and future mission needs, to correct skill imbalances, or to reduce high-grade, managerial, or supervisory positions.

"(C) Notwithstanding subparagraph (B), the regulations relating to removal from the General Accounting Office Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

"(2)(A) The regulations shall provide a right of appeal to the General Accounting Office Personnel Appeals Board regarding a personnel action under the regulations, consistent with section 753 of this title.

"(B) The regulations shall provide that final decision by the General Accounting Office Personnel Appeals Board may be reviewed by the United States Court of Appeals for the Federal Circuit consistent with section 755 of this title.

"(3)(A) Except as provided in subparagraph (B), an employee may not be released, due to a reduction force, unless such employee is given written notice at least 60 days before such employee is so released. Such notice shall include—

"(i) the personnel action to be taken with respect to the employee involved;

"(ii) the effective date of the action;

"(iii) a description of the procedures applicable in identifying employees for release;

"(iv) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(v) a description of any appeal or other rights which may be available.

"(B) The Comptroller General may, in writing, shorten the period of advance notice required under subparagraph (A) with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable, except that such period may not be less than 30 days.".

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall apply with respect to all reduction-in-force actions taking effect on or after—

(A) the 180th day following the date of enactment of this Act; or

(B) if earlier, the date the Comptroller General issues the regulations required under such amendment.

(3) SAVINGS PROVISIONS.—If, before the effective date determined under paragraph (2), specific notice of a reduction-in-force action is given to an individual in accordance with section 1 of chapter 5 of GAO Order 2351.1 (dated February 28, 1996), then, for purposes of determining such individual's rights in connection with such action, the amendment made by paragraph (1) shall be treated as if it had never been enacted.

(b) AUTHORITY TO PERMIT VOLUNTARY SEPARATIONS TO AVOID REDUCTIONS IN FORCE.—

(1) IN GENERAL.—Section 732 of title 31, United States Code (as amended by subsection (a)), is amended by adding at the end the following:

"(i) The regulations under subsection (h) shall include provisions under which, at the discretion of the Comptroller General, the opportunity to separate voluntarily (in order to permit the retention of an individual occupying a similar position) shall, with respect to the General Accounting Office, be available to the same extent and in the same manner as described in subsection (f)(1)-(4) of section 3502 of title 5 (with respect to the Department of Defense or a military department).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act.

**SEC. 4. SENIOR-LEVEL POSITIONS.**

(a) CRITICAL POSITIONS.—

(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 732 the following:

**"§ 732a. Critical positions**

"(a) The Comptroller General may establish senior-level positions to meet critical scientific, technical or professional needs of the General Accounting Office. An individual serving in such a position shall—

"(1) be subject to the laws and regulations applicable to the General Accounting Office Senior Executive Service under section 733 of this title, with respect to rates of basic pay, performance awards, ranks, carry over of annual leave, benefits, performance appraisals, removal or suspension, and reductions in force;

"(2) have the same rights of appeal to the General Accounting Office Personnel Appeals Board as are provided to the Office Senior Executive Service;

"(3) be exempt from the same provisions of law as are made inapplicable to the Office Senior Executive Service under section 733(d) of this title, except for section 732(e) of this title;

"(4) be entitled to discontinued service retirement under chapter 83 or 84 of title 5 as if a member of the Office Senior Executive Service; and

"(5) be subject to reassignment by the Comptroller General to any position in the Office Senior Executive Service under section 733 of this title, as the Comptroller General determines necessary and appropriate.

"(b) Senior-level positions under this section may include positions referred to in section 731(d), (e)(1), or (e)(2) of this title.".

(2) NUMERICAL LIMITATION APPLIES.—Section 732(c)(4) of title 31, United States Code, is amended—

(A) by inserting "(including senior-level positions under section 732a of this title)" after "129 positions"; and

(B) by striking "title);" and inserting "title and senior-level positions described in section 732a(b) of this title);".

(3) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 31, United States Code, is amended by inserting after the item relating to section 732 the following:

"732a. Critical positions.".

(b) REASSIGNMENT TO SENIOR-LEVEL POSITIONS.—Section 733(a) of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) allowing the Comptroller General to reassign an officer or employee in the Office Senior Executive Service to any senior-level position established under section 732a of this title, as the Comptroller General determines necessary and appropriate; and".

**SEC. 5. EXPERTS AND CONSULTANTS.**

Section 731(e) of title 31, United States Code, is amended—

(1) in paragraph (1) by striking "not more than 3 years" and inserting "terms of not more than 3 years, but which shall be renewable"; and

(2) in paragraph (2) by striking "level V" and inserting "level IV".

**SEC. 6. REPORTING REQUIREMENTS.**

(a) ANNUAL REPORTS.—The Comptroller General shall include in each report submitted to Congress under section 719(a) of title 31, United States Code, during the 5-year period beginning on the date of enactment of this Act—

(1) a review of all actions taken pursuant to sections 1 through 3 of this Act during the period covered by the report, including—

(A) the number of officers or employees who separated from service pursuant to section 1 or 2, or who were released pursuant to a reduction in force conducted under the amendment made by section 3, during such period;

(B) an assessment of the effectiveness and usefulness of those sections in contributing to the agency's ability to carry out its mission, meet its performance goals, and fulfill its strategic plan; and

(C) with respect to the amendment made by section 3, an assessment of the impact such amendment has had with respect to preference eligibles, including—

(i) whether a disproportionate number or percentage of preference eligibles were included among those who became subject to reduction-in-force actions as a result of such amendment;

(ii) whether a disproportionate number or percentage of preference eligibles were in fact released pursuant to reductions in force under such amendment; and

(iii) to the extent that either of the foregoing is answered in the affirmative, the reasons for the disproportionate impact involved (particularly, whether such amendment caused or contributed to the disproportionate impact involved); and

(2) recommendations for any legislation which the Comptroller General considers appropriate with respect to any of those sections.

(b) THREE-YEAR ASSESSMENT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report concerning the implementation and effectiveness of this Act. Such report shall include—

(1) a summary of the portions of the annual reports required under subsection (a);

(2) recommendations for continuation of section 1 or 2 or any legislative changes to section 1 or 2 or the amendment made by section 3; and

(3) any assessment or recommendations of the General Accounting Office Personnel Appeals Board or of any interested groups or associations representing officers or employees of the General Accounting Office.

(c) PREFERENCE ELIGIBLE DEFINED.—For purposes of this section, the term "preference eligible" has the meaning given such term under section 2108(3) of title 5, United States Code.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to the rule, the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON).

□ 1530

GENERAL LEAVE

Mr. BURTON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4642.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to express my support for H.R. 4642, a bill to improve the effectiveness of the General Accounting Office through improvement to its personnel system. I would like to thank my colleague, the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service for his work and efforts on this legislation.

The General Accounting Office sometimes referred to as the "watchdog" of Congress or the "investigative arm" of Congress today faces many of the same personnel problems confronting other Federal agencies. As my colleagues know, the Federal Government is nearing a crisis in its ability to recruit, retain and reward a skilled, trained, and knowledgeable workforce for the 21st century.

Mr. Speaker, like the rest of the government, GAO is fundamentally constrained by personnel issues in its ability to meet future obligations to Congress and the country. It is to ensure that GAO can successfully confront these personnel problems and secure its future that I rise in support of this very important legislation.

Mr. Speaker, I think that I can safely speak for all Members on both sides of the aisle in saying that GAO makes many contributions to helping us improve the economy, effectiveness and efficiency of government and in pointing out waste and abuse in government programs. Not a week goes by without a major GAO report about some important aspect of government operations.

From my own perspective and experience, I know that the Committee on Government Reform has a unique relationship with GAO, not only does the committee authorize GAO, but under House rules, it also officially receives every GAO record that is sent to Congress. The Committee on Government Reform also receives more GAO testimony than any other committee in Congress.

The agency is invaluable to the entire congressional community. All Members of Congress, including myself, rely upon GAO for briefings, testimony, oversight, information and review of executive operations.

Mr. Speaker, I urge my colleagues to support this legislation for GAO to ensure that our watchdog can continue to effectively do its job for Congress in the future.

As my colleagues know, we have a new Comptroller General at GAO, David M. Walker, who was confirmed about 19 months ago. Mr. Walker is committed to making sure that the agency can successfully meet its mission. Mr. Walker has developed a new strategic plan to keep aligned with our needs on the Hill. He has embarked on a reorganization designed to streamline operations and remove redundancies and he has determined to meet personnel crises head on.

As Mr. Walker seeks to make constructive changes, continue improvements in GAO, he faces a personnel quandary that has been many years in the making, a series of budget cuts in the last decade forced GAO to undergo a severe downsizing and a hiring freeze which resulted in a 39 percent staff reduction and significant imbalances among the staff remaining.

The impact of these cuts and freezes continues to hamper the agency. GAO also faces one of the government's most significant problems of the next few years. The anticipated retirement of many mid-level and senior-level employees who have been with the government for decades and who represent the greatest source of knowledge and experience in the Federal sector.

For example, nearly 55 percent of GAO's senior executive service are eligible to retire in the next 4 years and 34 percent of the agency's total workforce will be eligible to leave government.

This potential mass exodus has the ability to undermine GAO's effectiveness to an unprecedented loss of institutional memory that could directly impact its products and services to Congress. These executives and personnel have provided such long service to the government and have a storehouse of knowledge and experience that cannot be duplicated or easily replaced.

In the case of GAO, because of the wide variety of issues they handle, this is a loss of expertise across many, many areas of government. The expected loss of so many seasoned executives and supervisors, combined with the massive downsizing experienced during the past decades, when taken together, is at the core of GAO's current and future personnel problems.

Indeed, it is this one-two punch of recent and expected personnel departures that Mr. Walker and the GAO are now trying to confront, in part through the legislation now before us.

In his efforts to more effectively focus GAO on the needs of Congress in the 21st century, the Comptroller General has also recognized that the skills GAO employees have today may not always be suited for the agency's needs in the future. GAO has undertaken a number of initiatives from the new strategic plan to a skills and knowledge database of its employees.

These efforts will help the agency to ascertain both the current skill set and future skills gap of its work force. The legislation will also help to remedy this problem by providing flexibility in filling the gaps.

Mr. Speaker, as I think my comments have proved, GAO urgently needs this important legislation to help it face the future and by doing so help us here in the Congress. This bill will allow GAO to overcome its pressing personnel problems by providing the Comptroller General with the ability to correct workforce skill imbalances to successfully handle current and future issues, and to help achieve a more balanced, productive and focused workforce.

H.R. 4642 provides the agency with a set of tools so that it can better fulfill its mission to support Congress. The bill will help GAO build a workforce for the future to implement its strategic plan and be positioned to serve the varied important needs of the Congress.

The bill has three main provisions, which I will address very briefly. First, the legislation will allow the Comptroller General to hire scientific and technical experts who will have the same pay and benefits as the SES and reclassify senior executives without loss of pay. This creates a new career path for selected technical positions and helps to redress the loss of institutional memory so critical to the agency's work.

Second, the Comptroller General will be able to offer voluntary early retirement and cash buyouts to employees in jobs deemed surplus. This tool which the Comptroller General would use judiciously can help to realign the agency in ways to improve its focus in critical areas.

The final provision addresses the Comptroller General's ability to run a reduction in force or a RIF. The Comptroller General already has the authority to conduct a RIF; but under existing rules, a RIF would be based largely on a person's length of service but also would rely upon tenure and military preference.

Under this legislation, a RIF would be based on a person's skills, performance, and knowledge, as well as length of service and tenure, while retaining the statutory preference for military veterans, which I strongly support.

This is an important change because, absent this provision, efforts to reshape the agency to better serve Congress in the future could be hampered by continued loss of employees critical to implementing strategic plans, goals, and objectives.

This legislation gives GAO the flexibility it needs to maximize its performance and focus on the future. It helps rebalance the agency's personnel structure after years of budget and personnel cuts, and it continues efforts to sustain an environment in which performance in government matters.

I have been pleased to sponsor this legislation with my good friend, the gentleman from Florida (Chairman SCARBOROUGH) of the Subcommittee on Civil Service; and we have been supported by the gentleman from California (Mr. WAXMAN) in the legislation that has been discussed in several hearings in which the Comptroller General outlined the importance of the bill and the reasons why it was necessary to take this action.

Mr. Speaker, as a result of this bill's progress in Congress, there is considerable Member support and recognition of the need for this important legislation. The legislation is also supported by Mr. Walker's two predecessors in office, Comptrollers General, Elmer Staats and Charles Browser, who together represent 30 years of GAO leadership supported it.

I would further note that the administration does not oppose this bill as it only affects the agency of the legislative branch. It is important to highlight that the provisions of this bill will not have an impact on executive branch agencies or their employees.

I know that several of my colleagues initially objected to this bill because they believed it might have an impact on some of their constituents. Let me reiterate that this legislation will only affect the GAO and does not have any application to the executive branch of the Federal Government.

Furthermore, I hope that my colleagues recognize that the legislation before them now includes several changes from the original bill which are designed to ensure that the provisions, if they are implemented, are done so in an equitable and responsible manner.

This includes a requirement that GAO must issue regulations on RIF selection criteria after a public comment period. GAO must also report back to the Congress on how it implemented the law.

I believe these and other safeguards will help to satisfy any concerns of the local delegation.

In summary, Mr. Speaker, I urge my colleagues to support this bill so that GAO can achieve its goal of being a model Federal agency of sustaining a strong and effective workforce and of meeting its mission to Congress and to the American people.

Mr. Speaker, I include for the RECORD a legislative history of GAO's personnel legislation.

## LEGISLATION AUTHORIZING GAO TO TAKE CERTAIN PERSONNEL ACTIONS

### I. PURPOSE

The General Accounting Office (GAO) has requested these personnel authorities to enable the agency to effectively address human capital challenges in order to more effectively fulfill its mission. GAO explained that it recently completed a thorough evaluation of its workforce needs and resources and found that they do not match up. This arose in part because of the severe downsizing and hiring freezes from 1992–1997. Also, the kinds of skills, knowledge, and performance needed by GAO in its workforce are changing with the impact of information technology, globalization, and other trends in the broader society. Finally, these kinds of imbalances threaten to become worse, because the retirement of many employees possessing necessary expertise are or are close to being eligible for retirement.

GAO has said that it is doing what it can administratively to correct these imbalances, e.g., by enhanced entry-level recruitment, active management of promotion decisions, and compilation of an inventory of the agency's human capital needs and resources. The agency is also being restructured to have less hierarchy and fewer field offices. GAO explained, however, that its current law is designed for "downsizing," not "rightsizing," and prevents GAO from taking needed management steps.

GAO has thus explained why this new legislative authority is necessary to enable GAO to effectively address the agency's human capital requirements. This legislation is appropriate for GAO considering its role and responsibilities in the legislative branch and its unique relationship to the Congress, and also taking account of the specific, fact-based demonstration that GAO has made explaining why the requested authority is needed and appropriate.

### II. SUMMARY OF PROVISIONS

The legislation provides narrowly tailored authority, preserving due process protections, in four specific areas: (1) to offer early retirement (early-outs) on a voluntary basis to a limited number of qualified employees in each fiscal year; (2) to offer separation pay (buyouts) on a voluntary basis to a limited number of qualified employees in each fiscal year for a five-year period after enactment of the legislation; (3) to release officers and employees in a reduction in force (RIF) or an adjustment in force carried out for downsizing, realigning, or correcting skill imbalances; and (4) to establish senior-level positions to meet critical scientific, technical or professional needs and to extend to those positions the rights and benefits of Senior Executive Service employees. Regulations governing the RIF provision must give effect to tenure, military preference, veterans preference, performance, length of service, and other factors such as skills and knowledge.

In addition, the legislation requires that the Comptroller General report annually to the Congress on the use and effectiveness of the legislation, and provide the Congress with a report in three years summarizing the use and effectiveness of the legislation and recommending whether it should be continued or changed.

### III. EMPLOYEE RIGHTS AND PROTECTIONS UNDER THE NEW AUTHORITIES

First, as a general matter, it is essential that the Comptroller General consult with employees concerning plans for implementation of the legislation in advance of issuing proposed orders or regulations for comment. GAO has described the efforts taken by the Comptroller General to foster two-way communication between the Office of the Comptroller General and all agency officers and employees, including extensive discussions regarding the need for and development of this legislation. Broad consultation with officers and employees should be continued at each stage of the legislation's implementation. In addition, in developing implementing regulations, GAO is obligated under existing law to afford notice and opportunity for comment, and GAO has said it will follow the best practices of regulatory agencies in regards to summarizing and responding on the public record to significant comments received.

The legislation itself contains a number of provisions and preserves rights and protections under existing laws to assure that employees will not be subject to arbitrary and illegal action. Notably, this legislation in no way affects existing laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, and disability, that forbid prohibited personnel practices, or that require compliance with merit principles. GAO's implementation of the authorities granted by this legislation must continue to be in conformity with those existing laws.

This legislation requires that, to implement the provisions authorizing early retirement, separation pay, and reductions in force, the agency must issue regulations that provide criteria for, in effect, two levels of decision-making: the decision to use the authorities and the decision regarding which officers or employees shall be subject to actions under the authorities.

GAO has stated that these regulations must set forth clearly defined criteria and require consistent and well documented application of those criteria. Any decisions based upon individual data, such as skills/knowledge and performance, will be based on identification and measurement systems. Ratings from the agency's performance appraisal systems will be the basis for measuring individual performance, and GAO has stated that an individual's ratings for three years will be used. Similarly, skills and knowledge must be ascertained in a well-documented skills inventory. GAO has explained that its staff will fill out such a skills inventory, subject to supervisory review, which will be used in conjunction with the agency's strategic plan to identify any "gaps" or "overages" in workforce skills and knowledge. If GAO finds it necessary to use the RIF authority before a skills inventory is completed, the agency would use existing organizational groups and units.

In giving effect to military preference, GAO must comply with the requirements of its own Personnel Act, section 732(b)(5) of title 31, which requires GAO to provide a preference to veterans in a way and to an extent consistent with the system in the executive branch. In the executive branch under section 3502(b) of title 5, a preference eligible with a compensable service connected disability of at least 30% and whose performance has not been rated unacceptable is retained in preference to other preference eligibles. Section 3502(c) of title 5 requires that all other preference eligibles whose performance has not been rated unacceptable be retained in preference to all other competing employees. Therefore, these provisions would bind GAO, and preference eligibles would be the last to be terminated in their applicable unit/job or skill group under a reduction in force.

The legislation allows the provisions authorizing early retirement, separation pay, and reductions in force to be exercised only for workforce realignment and other purposes as specified in the legislation. Addressing individual employee performance is not among these specified purposes, and it is only for the specified purposes that the Comptroller General may consider individual performance data among the criteria for offering early retirement or separation pay or for carrying out a reduction in force. For example, GAO may not use these authorities for the purpose of replacing lower-performing employees with higher-performing employees or to address problems in individual employees' performance. To address performance problems, GAO must continue to use its performance management system under existing law, which affords affected employees particular procedural and substantive rights. Under this legislation as under existing law, individuals are not subject to being "targeted," i.e., reductions in force may not be carried out for the purpose of removing a particular individual or individuals.

The legislation requires that GAO regulations governing RIFs be consistent with Office of Personnel Management regulations. The use of the term "consistent with" recognizes that because of the form of GAO's personnel system, GAO's organizational structure, and the authorities granted under this and other legislation applicable to GAO, the implementing GAO regulations may vary from the approach taken by OPM. Nevertheless, the GAO regulations should follow the OPM approach where such considerations do not apply.

GAO's Personnel Appeals Board (PAB) will serve as an independent body to review and decide any cases arising out of a reduction in force where individuals feel they have not been treated in accordance with law or regulations. GAO has stated that this review authority of the PAB is established under existing statute and under provisions of GAO's existing regulations that GAO will retain. If an action under the RIF authority was unlawful, the individual employee shall be restored to the grade or rate of pay to which the employee is entitled, retroactively effective to the date of the improper action.

As to the senior level positions established under the legislation, employees appointed to those positions will generally enjoy the same rights and privileges as members of GAO's Senior Executive Service. Furthermore, except as otherwise specified in the legislation, the employees appointed to the new senior level positions will enjoy the rights and protections that apply generally to professional employees at GAO. Any employees transferred under this provision from GAO's SES to a non-executive senior level position will retain their current pay and will have an equivalent pay system to what they had in the SES.

The new early-out authority will be in addition to, and will not detract from, any rights to early retirement established under existing law.

Finally, the legislation requires GAO to report on the implementation of the new authorities both annually and in a 3-year assessment, and GAO has said that these reports will include information about any impact upon employee attitudes and opinions, as measured by employee feedback survey responses. The 3-year assessment will include not only recommendations of the Comptroller General for continuation or change of the authorities granted by this legislation, but also any assessments or recommendations of the GAO Personnel Appeals Board and of any interested GAO employee groups.

I encourage all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Members of Congress are well acquainted with the General Accounting Office. It is Congress' and the Nation's primary watchdog agency responsible for providing credible, objective and nonpartisan reports and evaluations of the programs and management of the executive branch.

The GAO has for years provided Congress with invaluable assistance, now it is asking us for assistance by providing GAO with needed human capital authorities, and we should meet this request.

Mr. Speaker, from 1992 to 1997, GAO's budget was cut by one-third. In order to achieve these reductions, the GAO was forced to reduce its staff by almost 40 percent and close many field offices. Since then, it has had to impose hiring freezes, cut training and suspend incentive programs. During the same period, GAO has faced a problem common to much of the Federal Government, an aging workforce.

By the end of fiscal year 2004, over one-third of the GAO's employees would be eligible for retirement. As a result of these pressures, GAO's workforce is out of shape. There are too many senior- and middle-level employees and too few at the lower levels. These imbalances have been well documented in a human capital profile completed by the Comptroller General.

In addition, the types of skills, knowledge and performance needed by GAO have changed over time as the world has been radically altered by the information age technology. Major policy issues have also become increasingly complex, requiring greater technical skill and sophistication to support the needs of Congress.

Mr. Speaker, all of these trends have led to a human capital profile at the General Accounting Office which does not currently operate in the most efficient or effective manner. More seriously, it puts the GAO at risk of being unable to meet the demands and needs of the Congress in the future.

The legislation before us would provide GAO with authority to address these concerns. For example, the bill would authorize the Comptroller General to offer early retirement opportunities and separation pay to a limited number of qualified personnel each of the next 3 fiscal years.

Under the legislation, the Comptroller could also establish senior-level positions to meet critical scientific or technical needs. Finally, the bill requires the Comptroller to report annually to the Congress on the effect of this legislation and to submit a 3-year assessment of the implementation and effectiveness of this act.

These and other flexibilities in the bill will bring the GAO closer to the personnel policies of our legislative branch organizations such as the Committees of Congress and the Congressional Budget Office. However, this legislation should not be viewed as a precedent for changes in executive branch personnel policy.

Mr. Speaker, we have an outstanding Comptroller General in Mr. Walker. He is putting all of his efforts into making the GAO the kind of agency that we will all be proud of.

□ 1545

This legislation before us today is a result of an enormous amount of effort that he has put into giving us recommendations to make GAO a better organization. I think that we ought to join together in a bipartisan move today in supporting this legislation and making sure that the GAO will be there to serve the needs of the Congress and the American people.

Mr. Speaker, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Indiana (Mr. BURTON) that the House suspend the rules and pass the bill, H.R. 4642, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## 2002 WINTER OLYMPIC COMMEMORATIVE COIN ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3679) to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee, as amended.

The Clerk read as follows:

H.R. 3679

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "2002 Winter Olympic Commemorative Coin Act".

**SEC. 2. COIN SPECIFICATIONS.**

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 80,000 $5 coins, which shall weigh 8.359 grams, have a diameter of 0.850 inches, and contain 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 400,000 $1 coins, which shall weigh 26.73 grams, have a diameter of 1.500 inches, and contain 90 percent silver and 10 percent copper.

(b) DESIGN.—The design of the coins minted under this Act shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. On each coin there shall be a designation of the value of the coin, an inscription of the year "2002", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

**SEC. 3. SOURCES OF BULLION.**

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act from any available source, including from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 4. SELECTION OF DESIGN.**

The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the Commission of Fine Arts;

(B) the United States Olympic Committee; and

(C) Olympic Properties of the United States—Salt Lake 2002, L.L.C., a Delaware limited liability company created and owned by the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 (hereinafter in this Act referred to as "Olympic Properties of the United States"); and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 5. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2002, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2002.

**SEC. 6. SALE OF COINS.**

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the face value, plus the cost of designing and issuing such coins (including labor, materials, dies, use of machinery, overhead expenses, and marketing).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins. Sales under this subsection shall be at a reasonable discount.

**SEC. 7. SURCHARGES.**

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $35 per coin for the $5 coins and $10 per coin for the $1 coins.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges which are received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) SALT LAKE ORGANIZING COMMITTEE FOR THE OLYMPIC WINTER GAMES OF 2002.—One half to the Salt Lake Organizing Committee for the Olympic Winter Games of 2002 for use in staging and promoting the 2002 Salt Lake Olympic Winter Games.

(2) UNITED STATES OLYMPIC COMMITTEE.—One half to the United States Olympic Committee for use by the Committee for the objects and purposes of the Committee as established in the Amateur Sports Act of 1978.

(c) AUDITS.—Each organization that receives any payment from the Secretary under this section shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

### GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3679, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is particularly fitting that this legislation comes before the House at this time, for the Summer Olympic Games in Sydney have captured our attention. Those games began only 4 days ago and are in full swing as we speak.

In less than 18 months, in February of 2002, our attention will be focused on Salt Lake City, where the Winter Olympic Games will commence. Anyone who has watched the Olympic competition is thrilled with the tremendous athletic accomplishments of all the young people involved; not only our young people but those throughout the world.

Anyone who buys a silver $1 coin or a $5 gold coin authorized by the legislation under consideration will have the satisfaction of knowing that the surcharge they pay on this coin will go to support our American athletes as they train for the upcoming 2002 Winter Olympics.

The legislation under consideration is sponsored by the gentleman from Utah (Mr. COOK). The legislation has widespread support. It is cosponsored by 290 of his colleagues. A similar bill has been introduced in the Senate. It has the requisite 67 cosponsors and, in fact, has been marked up by the Senate Banking Committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. Cook), the sponsor of the legislation.

Mr. COOK. Mr. Speaker, I thank the gentleman from Alabama (Mr. BACHUS) for yielding me this time.

Mr. Speaker, first of all, I would like to thank the gentleman from Alabama (Mr. BACHUS) for his efforts in bringing H.R. 3679, the 2002 Winter Olympic Commemorative Coin Act, to the floor today. A commemorative coin program has been a part of every U.S. Olympics Games since 1952.

In fact, the Olympic coin has become an important Olympic tradition in the United States and internationally as well. It is especially timely that this bill should come to the House floor now as the world watches the Summer Olympics in Sydney, Australia. I am sure many of us have been glued to the television watching our young swimmers, like Jenny Thompson, Megan Quann and Tom Dolan, break records and bring home the gold. As America and my home State of Utah look forward to hosting the Olympic Winter Games in 2002, passing this coin bill is a big step toward preparing for that monumental international event in our own country and preparing our athletes to compete.

Throughout the world, coin programs serve as national symbols of both morale and financial support for the games. The surcharges generated by this coin program will provide an important source of revenue for the training and support of U.S. athletes, as well as for hosting the Olympic Games.

Some of my colleagues may remember some of the problems connected with the Atlanta Olympic Games coin program. I want to assure my colleagues that H.R. 3679 has been thoughtfully and carefully crafted to overcome and prevent those problems from occurring once again.

This coin program has been developed in conjunction with the U.S. Mint and the Citizens Commemorative Coin Advisory Committee, which represents the Nation's coin collectors, the main purchasers of commemorative coins. With only 400,000 $1 silver coins and 80,000 $5 gold coins authorized, the program is expected to sell out and raise over $4 million for our Olympic athletes at no cost to the taxpayers.

Finally, I would like to thank the 290 Members of this Congress who joined me in celebrating the Olympic spirit by cosponsoring H.R. 3679. Helping our Olympic athletes achieve their dreams is something I think we can all be proud to support.

Mr. BACHUS. Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. This bill provides for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee. As we witness the joy of watching the Summer Olympics in Sydney, and the pride that our American athletes bring to our country, I am pleased to support a commemorative coin for the Winter Games of 2002, which will be coming back to the United States.

An act of Congress to issue this coin is consistent with the long tradition of issuing commemorative coins for the important events that shape our Nation's history, as well as for our national heroes.

We have in the past issued commemorative coins for other Olympics games held in the U.S., as well as for other 1994 soccer world cups also held in 12 cities across the United States. As laid out in the legislation, the design of the commemorative coin shall be emblematic of the participation of American athletes in the 2002 Olympic Winter Games. Each coin must have a designation of the value of the coin, an inscription of the year 2002, and, following U.S. tradition, inscriptions of the words: In God We Trust, United States of America, and E Pluribus Unum.

Half of the coin proceeds will go to the Salt Lake Organizing Committee for use in the staging and promotion of the games and the other half to the U.S. Olympic Committee. I certainly urge adoption of this bill.

I have one comment that I would like to add. I think the Olympic Games are extremely important. Not only does it give us the opportunity to compete with other very, very fine athletes from all around the world, it is really a geography lesson that is learned as we watch the competition in various parts of the world; and I would like for the aborigines in Sydney to know that we are learning about them as we watch the games in Sydney and that their plight is not unnoticed.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to reinforce what the gentleman from Utah (Mr. COOK) earlier said, and that this legislation is a far cry from that which created the 1996 Atlanta Olympic Games Coin program. That program had multiple coins. It was overly ambitious. According to the General Accounting Office, it lost several million dollars.

This legislation profited from those mistakes. The gentleman from Delaware (Mr. CASTLE), who was then chairman of the Subcommittee on Domestic and International Monetary Policy, made several reforms on the commemorative coin program. Those reforms are incorporated in this bill. One important reform is that no surcharges from a commemorative program may be paid to a beneficiary organization until the taxpayer has been made whole for the cost of designing and producing the coin. That is done in this series.

The sponsor of this legislation, the gentleman from Utah (Mr. COOK), the gentleman from Utah (Mr. CANNON), and the Salt Lake Committee, all worked with the U.S. Olympic Committee and with the Senate and House Committee on Banking and Financial Services, recognizing this recent history and this legislation contains several changes from that previous commemorative coin legislation aimed at increasing the integrity of the program.

The most important change, one which has been praised by the coin collectors, is reduction in the standard maximum mintage level, which should make these coins retain its value for collectors, which traditionally buy about 90 percent of these coins. The Olympic committees have also worked closely with the Mint, with the Citizens Commemorative Coin Advisory Committee to devise this program. I would like to commend both the gentleman from Utah (Mr. COOK) and the gentleman from Utah (Mr. CANNON) for their efforts, along with the gentlewoman from California (Ms. WATERS) and the gentleman from New York (Mr. LAFALCE) for their efforts.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, first of all, I would like to thank the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), for his efforts to bring this bill to the floor, and also my colleague from Utah (Mr. COOK), for his hard work in moving this issue forward. As many of the Members know, it takes 290 cosponsors on a bill to move a commemorative coin bill forward, and that takes a lot of effort.

So I would also like to thank all of my colleagues who have worked with us to cosponsor this bill and bring it to this stage.

We are going to have the Winter Olympics in Salt Lake City in February of 2002, and while in Utah we like to think of these as our Olympics. In fact they are America's Olympics, and it has been wonderful to work with our colleagues to help support that idea that this is the American Olympics.

I am personally proud of the Olympics because about 80 percent of the venues are going to be in my district, and frankly I know there are a lot of Congressmen who believe they have beautiful districts, but none are nearly so beautiful as mine. And so we invite everyone to come to the Olympics and to see another one of these areas in my district like Moab, where we have the Great Red Rock country where people go down and bike.

This commemorative coin is really about athletes; and now that we have the Summer Olympics going on in Sydney, it is good to consider just for a moment the benefits that they will get. We expect that this commemorative coin will raise about $6 million, which will be split evenly between the U.S. Olympic Committee and the Salt Lake Olympic Committee, and the proceeds of that money will all go to training athletes. So this is a great way to perpetuate the American tradition of winning the Olympics, as we are currently doing.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good commemorative coin program. I commend it to the Members. It honors a great tradition, the Olympics. It honors and supports our great U.S. Olympic team, those athletes.

Mr. Speaker, I simply join the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. COOK) in urging all Members to support it.

Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 3679, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## FEDERAL PRISONER HEALTH CARE COPAYMENT ACT OF 2000

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1349) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs, as amended.

The Clerk read as follows:

H.R. 1349

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 2000".

**SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.**

(a) In General.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

**"§ 4048. Fees for health care services for prisoners**

"(a) Definitions.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) Fees for Health Care Services.—

"(1) In general.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) Exclusion.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment, as determined by the Director.

"(c) Persons Subject to Fee.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) Amount of Fee.—Any fee assessed and collected under this section shall be in an amount of not less than $1.

"(e) No Consent Required.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section. However, each such prisoner shall be given a reasonable opportunity to dispute the amount of the fee or whether the prisoner qualifies under an exclusion under this section.

"(f) No Refusal of Treatment For Financial Reasons.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) Use of Amounts.—

"(1) Restitution of specific victims.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) Allocation of other amounts.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) Notice to Prisoners of Law.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this section and the applicability of this section to the prisoner. Notwithstanding any other provision of this section, a fee under this section may not be assessed against, or collected from, such person—

"(1) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

"(2) for services provided before the expiration of such period.

"(i) Notice to Prisoners of Regulations.—The regulations promulgated by the Director under subsection (b)(1), and any amendments to those regulations, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of those regulations (or amendments, as the case may be). A fee under this section may not be assessed against, or collected from, a prisoner pursuant to such regulations (or amendments, as the case may be) for services provided before the expiration of such period.

"(j) Notice Before Public Comment Period.—Before the beginning of any period a proposed regulation under this section is open to public comment, the Director shall provide written and oral notice of the provisions of that proposed regulation to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed regulation.

"(k) Reports to Congress.—Not later than 1 year after the date of the enactment of the Federal Prisoner Health Care Copayment Act of 2000, and annually thereafter, the Director shall transmit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 12-month period;

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners;

"(3) an itemization of the cost of implementing and administering the program;

"(4) a description of current inmate health status indicators as compared to the year prior to enactment; and

"(5) a description of the quality of health care services provided to inmates during the preceding 12-month period, as compared with the quality of those services provided during the 12-month period ending on the date of the enactment of such Act.

"(l) Comprehensive HIV/AIDS Services Required.—The Bureau of Prisons shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of the Bureau of Prisons when medically appropriate. The Bureau of Prisons may not assess or collect a fee under this section for providing such coverage.".

(b) Clerical Amendment.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners.".

**SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.**

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) Health Care Fees For Federal Prisoners in Non-Federal Institutions.—

"(1) In general.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.

"(2) No refusal of treatment for financial reasons.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.

"(3) Notice to prisoners of law.—Each person who is or becomes a prisoner shall be provided with written and oral notices of the provisions of this subsection and the applicability of this subsection to the prisoner. Notwithstanding any other provision of this subsection, a fee under this section may not be assessed against, or collected from, such person—

"(A) until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with such notices; and

"(B) for services provided before the expiration of such period.

"(4) NOTICE TO PRISONERS OF STATE OR LOCAL IMPLEMENTATION.—The implementation of this subsection by the State or local government, and any amendment to that implementation, shall not take effect until the expiration of the 30-day period beginning on the date on which each prisoner in the prison system is provided with written and oral notices of the provisions of that implementation (or amendment, as the case may be). A fee under this subsection may not be assessed against, or collected from, a prisoner pursuant to such implementation (or amendments, as the case may be) for services provided before the expiration of such period.

"(5) NOTICE BEFORE PUBLIC COMMENT PERIOD.—Before the beginning of any period a proposed implementation under this subsection is open to public comment, written and oral notice of the provisions of that proposed implementation shall be provided to groups that advocate on behalf of Federal prisoners and to each prisoner subject to such proposed implementation.

"(6) COMPREHENSIVE HIV/AIDS SERVICES REQUIRED.—Any State or local government assessing or collecting a fee under this subsection shall provide comprehensive coverage for services relating to human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) to each Federal prisoner in the custody of such State or local government when medically appropriate. The State or local government may not assess or collect a fee under this subsection for providing such coverage.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. PEASE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PEASE).

□ 1600

GENERAL LEAVE

Mr. PEASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill now under consideration.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary, was unavoidably detained and has worked a great deal with the gentleman from Arizona (Mr. SALMON) on this bill, and the gentleman from Florida has asked that I include for the RECORD his remarks on this bill, which I now do.

Mr. Speaker, H.R. 1349, the Federal Prisoner Health Care Copayment Act of 1999, was introduced by the gentleman from Arizona (Mr. SALMON). It adds a new provision to title 18 to require the Bureau of Prisons to assess and collect a fee from inmates for health care services provided to the inmate. The Subcommittee on Crime and the full Committee on the Judiciary reported this bill favorably by voice vote. It is similar to S. 704, a bill that passed the other body by unanimous consent.

Currently, inmates in the Federal Prison System receive free medical care from BOP employees, Public Health Services personnel, and private health care providers working under contract with the BOP. The purpose of the bill is to impose a type of copayment fee of a nominal amount on inmates, similar to the copayment fee paid by most Americans when they visit a health care provider under a managed health care plan.

Under this bill, the fee would be collected from all inmates who request to see a health care provider. Under the bill as introduced, the director of the BOP would establish a sliding scale for the fee, dependent on an inmate's ability to pay, but in no event would the fee be less than $1 per visit.

The fees to be collected under this bill will help insure that inmates do not abuse the free health care they receive while in prison. Economists tell us that any time someone is given something for nothing, they will use too much of it. Health care copayment fees are a way to ensure that people use an efficient amount of health care, whether they be ordinary citizens or inmates. Also, the Bureau of Prisons has testified before the subcommittee that it believes some inmates often sign up for sick call as a way of getting out of other responsibilities. This fee will also help deter inmates from abusing the system in that manner.

The fee to be collected under the bill is limited in appropriate ways. For example, the fee will not be assessed for health care services that the BOP requires all inmates receive, nor would it be charged for return visits required by BOP doctors after the inmate's first voluntary visit. Inmates will also not pay the fee for diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment. The bill also provides that if one inmate is injured by another inmate, the other inmate would be assessed the fee for the injured inmate's treatment. And, the bill states that inmates may not be refused treatment because they are insolvent or otherwise unable to pay the fee to be assessed under the bill.

The fees collected from inmates who have been ordered to pay restitution on their victims are to be used for that purpose. Three-quarters of the remaining fees are to be paid into the Federal Crime Victims Fund, and one-quarter is to be used by the Attorney General for administrative expenses in carrying out the requirements of the bill.

The bill also allows State and local governments which are housing Federal inmates under a contract with the Federal Government to also assess such a fee, provided that the fee is authorized under the law of the State where the Federal inmate is housed and that State prisoners are charged no greater a fee.

Mr. Speaker, I support this bill, the administration supports this bill, and I urge all of my colleagues to support this bill.

Mr. Speaker, this ends the statement of the gentleman from Florida (Mr. MCCOLLUM).

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 1349, the Federal Prisoner Health Care Copayment Act. The bill authorizes the director of the Federal Bureau of Prisons to collect a fee of at least $1 from an account of a prisoner for each health care visit made by that prisoner. While we were successful through the amendment process to get certain health care services excepted from that fee, such as emergency visits and prenatal care, a prisoner must still pay a fee in most instances and for conditions as serious as infectious diseases.

The gentleman from Indiana suggested that chronic infectious diseases would not be assessed a fee, but other prisoners with other infectious diseases will be discouraged from seeking care with the fee. Discouraging prisoners from getting necessary health care services by charging a copay violates the government's constitutional obligation to provide such services. It will not reduce prisoner abuse of the health care system, and it will end up costing the taxpayers money.

Mr. Speaker, the Supreme Court has recognized the government's obligation to provide health care to prisoners. In 1976, in Estelle v. Gamble, the Supreme Court enunciated the principle that the government has an obligation to provide medical care to prisoners and this has been upheld in subsequent cases. For example, in 1989 in the DeShaney v. Winnebago County Department of Social Services the court stated, "When the States, by affirmative exercise of its power, so restrains an individual's liberty that it renders him unable to care for himself and, at the same time, fails to provide for his basic human needs; e.g., food, shelter, clothing, medical care and reasonable safety, it transgresses the substantive limits on State actions set by the eighth amendment and the due process clause."

Given the limited amounts of money on hand in Federal prisoner accounts at any given time, a health care copayment requirement will impede their access to needed health care, particularly at the early treatment and intervention stage. The Bureau of Prisons reports that the majority of inmates make less than 17 cents per hour, and more than half of all inmates have no more than $60 in their account at any time, including the day immediately after their monthly pay period. Thus, even a minor copay would constitute a significant burden.

Establishing such a prerequisite to health care treatment not only undermines the government's constitutional obligation to provide medical care to inmates, but it also constitutes bad public policy. An inmate's failure to get timely treatment could result in a minor problem becoming a major problem, such as complications due to delayed detection of cancer or danger to others, resulting from untreated infectious diseases.

Further, the proponents' argument that the copay will deter inmate abuse of health care services simply lacks merit. Obviously, inmates with substantial amounts of money will not be deterred by a dollar or so copay from seeking unnecessary health care, and further, those inmates who are actually seeking appropriate care will still have to pay the copay, and so it discourages those who are seeking appropriate health care as well as those seeking inappropriate health care.

Therefore, a more likely effect of H.R. 1349 is their ability to pay will be the determining factor of whether an inmate seeks care and not whether the prisoner truly needs medical attention. Thus, it is not surprising when the Bureau of Prisons witnesses acknowledged at a hearing on H.R. 1349 that there is no way to know how many truly sick inmates will be deterred by the copay as opposed to those abusing the system.

Further, since even those who are determined to be truly sick must pay, it appears that the real purpose of the bill is simply to deter inmates from seeking health care whether they need it or not. Consistent with that purpose, the majority opposed amendments in committee which would have required a copay only if the inmate is found to have no reasonable basis for seeking health care services.

Finally, Mr. Speaker, there is a significant question as to whether the cost of administering the program will actually be greater than any savings projected. Proponents of the legislation point to States which have instituted inmate health care copayments to suggest that copays really work to discourage unnecessary health care and save the State money without jeopardizing the health care of inmates.

However, the only study on this issue has been a study by the California State auditor which found that the California Department of Corrections' annual copay program, the annual cost of that program of $3.2 million amounted to almost five times the annual collections, wasting $2.5 million. Certainly, it is not surprising that these audit results prompted the California State auditor to recommend that the program be terminated.

In conclusion, Mr. Speaker, this bill violates the government's obligation to provide health care services. It constitutes bad public policy by discouraging the truly sick from seeking health care, and it will end up costing the taxpayers money. Accordingly, I urge my colleagues to vote no on H.R. 1349.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Arizona (Mr. SALMON), the author of the legislation.

Mr. SALMON. Mr. Speaker, I would like to, first of all, thank the committee chairman, the gentleman from Illinois (Mr. HYDE) for working so tirelessly on getting this piece of legislation to the floor. I would also like to thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM) for all of his hard work and his commitment.

As we can see from the poster board here, grandma pays a copayment when she seeks health care, but the criminals pictured here, John Gotti, Timothy McVeigh, Ramzi Yousef, and Aldrich Ames do not. Most law-abiding citizens like grandma pay a small fee every time they seek elective care. But the most despicable criminal element, terrorists, murderers and drug dealers face no such burden.

Why should Federal prisoners be any different? The free health care currently enjoyed by Federal prisoners is an offense to every law-abiding, hardworking American taxpayer who struggles to make ends meet. It is time to end the free ride for Federal prisoners by requiring them to contribute to the costs of their own care.

The Federal prisoner health care copayment act puts an end to the unfair policy that permits convicts totally free access to unlimited health care. Also, under the act, every time a convict pays to heal himself, he will pay to heal a victim. Most of the copayments collected will be deposited in the Crime Victims Fund.

The support for this bill is bipartisan and bicameral.. The Senate version passed earlier last year with the support of everyone from JESSE HELMS to TOM DASCHLE. The Federal Bureau of Prisons and the Department of Justice have endorsed the bill. At least 38 States have enacted prisoner health care copayment plans. The bill reflects many of the features of the successful State copayment laws.

The Federal Prisoner Health Copayment Act simply requires the Federal Bureau of Prisons to collect a copayment of at least $1 for elected health care visits covered by the bill. The legislation applies to both inmates in the Federal Bureau of Prisons and those in the Federal system housed in non-Federal facilities such as county jails. It is expected that the Bureau of Prisons will adopt a sliding scale of fees to reflect the financial status of the inmates. Indigent prisoners would not be denied care. The fee would not be assessed for preventive health care services or emergency services, prenatal care, diagnosis or treatment for chronic infectious diseases, mental health care, or substance abuse treatment. The fee does not take effect until inmates are given prior notice. As mentioned above, every time a prisoner pays to heal himself, he will help to pay a victim.

Mr. Speaker, 75 percent of the funds collected go to the Crime Victims Fund, and the remainder covers administrative costs. If the experience of 38 States that have copayment programs up and running is any indicator, the Federal measure will accomplish several important objectives. Most importantly, frivolous visits will be reduced, perhaps dramatically. The Federal prisoner health care system is being overutilized, if not abused. The legislation will ensure that every prisoner receives the care they need without forcing the taxpayers to pay for red carpet treatment not available to most law-abiding Americans.

Consider some of the examples of how well this program has worked on the Statewide level. This is a list of all of the States in our country, 38, that have passed a copayment piece of legislation like I am introducing here today. Arizona estimates a 40 to 60 percent reduction in medical utilization. Florida experienced a 16 to 29 percent reduction in health care visits. New Jersey inmates visits declined 60 percent. Kansas saw a 30 to 50 percent reduction. Nevada, a 50 percent reduction, and Maryland, a 40 percent drop.

Mr. Speaker, CBO estimates that enactment of the Federal Health Prisoner Copayment Care Act would result in a reduction of medical visits that could be as low as 16 percent and as high as 50 percent. That is 50 percent, and that is significant.

These reductions translate into a real cost savings. The bill would generate annual revenues of $500,000 through collection of a copayment fee, most of which would benefit crime victims. Additionally, $1 million to $2 million in cost savings in reduced health care visits would be realized and could be upwards of $5 million in subsequent years.

According to CBO, the costs of administering this program would only cost about $170,000 annually. There is absolutely no doubt that enactment of the Federal Prisoner Health Care Copayment Act will save taxpayers money and provide victims of crime with a modest boost in funding.

The bill will also improve prison safety and discipline, promote responsibility, and increase the resources available to truly sick inmates.

□ 1615

In addition to reducing unnecessary visits to these facilities operated by the Bureau of Prisons, the bill would accomplish the same result for Federal inmates under the supervision of the U.S. Marshals Service. The U.S. Marshals Service supports the bill for three other reasons:

Number one, equity. If those in a State criminal justice system must pay a copayment, so should the Federal inmates housed in the institution. Two, liability. With no Federal law on this matter governing, some Federal inmates have sued local facilities that have perhaps improperly charged them a copayment. Number three, friction. The exempt status of Federal inmates foster resentment amongst State inmates. As I mentioned, 38 States have passed this. Will it take 50 States before we finally get on board and follow the leaders?

As a bonus that will interest local facilities that house Federal inmates, the bill will generate hundreds of thousands of dollars. The attacks on this bill have one element in common: They are all misplaced. Any constitutional concerns do not even pass the most liberal laugh test. Thirty-eight States have enacted the copayment laws. These States have survived court challenges in at least seven States, one being the State of Virginia. The bill does not deprive inmates of health care, rather it requires them, when they have sufficient funds in their accounts, to pay a modest copayment when seeking elective care.

While it may be true that a majority of Federal inmates do not have an exorbitant amount of money in their prison accounts, what expenses do they use their discretionary funds for? Their meals are taken care of, their exercise is taken care of, their studies are taken care of. Prisoners are not paying for room and board. They are not paying for television or recreational services. So where do they spend their money? In the commissary on such items as cigarettes. The average cost of a pack of smokes is double that of the minimum in the Prisoner Copayment Act. If prisoners are left with less money to purchase products such as cigarettes, I think we could argue they might be better off.

Those concerned that the copayment would hit poorer inmates harder than the richer ones, should be happy to know that the bill permits the director of the Bureau of Prisons to assess higher fees for more affluent inmates. We have been hearing so much about how terrible the rich are in this country, so we can stick it to the rich inmates. This is a good provision in this bill.

As for cost effectiveness, a few members of the minority cite a California report on its copayment program. This report indicates that copayment fees collected may be less than the amount spent administering the program. Even if this is the case, the final figure as to the cost effectiveness of the California program, which I have read the report, it is dubious at best, because they have no kind of tracking mechanism to establish exactly where the money has gone or the money is collected or any of the cost-benefit analysis, but they are leaving out one critical factor: The dollar value of the frivolous visits eliminated by the copayment program. With this added to the equation, the California program would be a cost saver. But they have not had any tracking mechanism instituted to determine any real data on that. In any event, CBO has reviewed the legislation before us today and concluded that it could save up to $5 million a year in health care costs.

Some argue this will endanger prisoner guards. That obviously is not the case, given the strong support of the Federal Bureau of Prisons. In fact, just the opposite is the case. Guards may be exposed to additional danger when they accompany prisoners en route to a health care visit.

The final argument is the bill would lead to a decline in health care services for inmates. Wrong again. What the bill would do is to eliminate a significant percentage of frivolous visits. This should leave additional funds and resources for the generally infirm inmates.

The vote today on the Federal Prison Health Care Copayment Act will place each Member on one of two sides: The side of convicts or the side of victims. I encourage my colleagues to side with the victims.

Mr. SCOTT. Mr. Speaker, can you advise how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) has 14 minutes remaining, and the gentleman from Indiana (Mr. PEASE) has 7½ minutes remaining.

The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I yield myself 2 minutes just to say that, first, I could not quite tell on the pictures that were presented whether or not Members of Congress were over there pictured with the convicts, because we do not pay a copay.

I would also want to point out that according to the California State auditor, when they did their study on their program they made projections, and when they looked at what they collected, they only collected about one-third of what they had anticipated. So all of these projections ought to be taken in that light.

But it seems to me when we have a program that the State auditor of California calculated that they wasted $2.5 million trying to implement because the cost of implementation was more than the collections, that seems a strange reaction to a situation where we have a grandmother that someone is trying to give relief to. It seems to me we could take some of that $2.5 million and buy a whole lot of health insurance.

We talk about reduction in costs. We also have to add back the cost of the fact that the infectious diseases may not be caught and other people may be infected. Other situations like cancer may not be detected earlier when it is easier to treat. These kinds of expenses will go up because of this copay.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I rise today in strong support of this bill because it is another step toward just plain old common sense in our Federal Government.

Thirty-eight States, as has been mentioned, including my own State of North Carolina, have successfully implemented this copayment program to help cover the cost of prisoners health care. And there is good reason for that. In North Carolina, the average total cost per inmate per day is $63. Of that, food costs about $5, but health care costs over $8.50.

With those numbers in mind, 3 years ago my State decided to implement a $3 copayment for medical services. This bill would bring that same common sense idea to our Federal prisons. If private citizens must pay every time they go to a doctor, then certainly those who have broken the law should have to pay when they choose to go to a doctor.

Yes, this bill will save Federal taxpayers money. CBO says about $5 million a year. However, it is the crime victims who will reap the most benefit from H.R. 1349. Seventy-five percent of the copayments will be directed to the Federal crime victims fund. And these copayments mean that with each elective visit to the infirmary, prisoners will take another small step to paying for their crimes.

It cannot be stated enough that under no circumstances will emergency services, prenatal care, treatment for infectious diseases, mental health care or substance abuse treatment be prevented under this bill. That will not happen. All of those services will be provided regardless of the prisoner's ability to pay. But by requiring nominal copayments of our prisoners for elective medical treatments, this Congress will enact another common sense reform and, at the same time, give some help to the victims of these criminals.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume just to point out that the crime victims who may get money, if we look at the cost in administering this program, a $1 copay would cost 33 cents just to mail the $1 to the victim. Before we have accounted for it in collecting, in accounting, and all that kind of stuff, the idea that the crime victims may get a benefit, it would be a lot easier and cheaper just to appropriate more money directly to crime victims, to the crime victims fund.

This is a total waste of the taxpayers' money. Anybody that knows anything about accounting knows that trying to account for these $1 copays will be much more than any benefit that could be derived.

Again, Mr. Speaker, in conclusion, I would say the bill violates the government's obligation under the Constitution to provide health services. It constitutes bad public policy by discouraging the truly sick from seeking health care; it hits those who are sick from accessing appropriate services, as well as those that are not; and I think it is unconscionable to suggest we want to discourage people from accessing appropriate health care.

In the end, this program will cost the taxpayers money, more money than they can ever collect from this program. Accordingly, I urge my colleagues to vote "no" on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume, and rather than reiterate the statement of the gentleman from Florida (Mr. McCollum), which has now been entered in the record, let me just mention one point that was made during the debate, and that is the assertion that Members of Congress do not copay for their health care.

While there are a variety of options available, and I am not familiar with all of the plans, I know that this Member, and others that I have spoken to sitting right here, do copay on our health care plans.

Mr. Speaker, I would ask for support of the House on the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. Pease) that the House suspend the rules and pass the bill, H.R. 1349, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the Senate bill (S. 704) to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

## S. 704

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Prisoner Health Care Copayment Act of 1999".

### SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL INSTITUTIONS.

(a) In General.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

**"§ 4048. Fees for health care services for prisoners**

"(a) Definitions.—In this section—

"(1) the term 'account' means the trust fund account (or institutional equivalent) of a prisoner;

"(2) the term 'Director' means the Director of the Bureau of Prisons;

"(3) the term 'health care provider' means any person who is—

"(A) authorized by the Director to provide health care services; and

"(B) operating within the scope of such authorization;

"(4) the term 'health care visit'—

"(A) means a visit, as determined by the Director, initiated by a prisoner to an institutional or noninstitutional health care provider; and

"(B) does not include a visit initiated by a prisoner—

"(i) pursuant to a staff referral; or

"(ii) to obtain staff-approved follow-up treatment for a chronic condition; and

"(5) the term 'prisoner' means—

"(A) any individual who is incarcerated in an institution under the jurisdiction of the Bureau of Prisons; or

"(B) any other individual, as designated by the Director, who has been charged with or convicted of an offense against the United States.

"(b) Fees for Health Care Services.—

"(1) In general.—The Director, in accordance with this section and with such regulations as the Director shall promulgate to carry out this section, may assess and collect a fee for health care services provided in connection with each health care visit requested by a prisoner.

"(2) Exclusion.—The Director may not assess or collect a fee under this section for preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment, as determined by the Director.

"(c) Persons Subject to Fee.—Each fee assessed under this section shall be collected by the Director from the account of—

"(1) the prisoner receiving health care services in connection with a health care visit described in subsection (b)(1); or

"(2) in the case of health care services provided in connection with a health care visit described in subsection (b)(1) that results from an injury inflicted on a prisoner by another prisoner, the prisoner who inflicted the injury, as determined by the Director.

"(d) Amount of Fee.—Any fee assessed and collected under this section shall be in an amount of not less than $2.

"(e) No Consent Required.—Notwithstanding any other provision of law, the consent of a prisoner shall not be required for the collection of a fee from the account of the prisoner under this section.

"(f) No Refusal of Treatment for Financial Reasons.—Nothing in this section may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(1) the account of the prisoner is insolvent; or

"(2) the prisoner is otherwise unable to pay a fee assessed under this section.

"(g) Use of Amounts.—

"(1) Restitution to specific victims.—Amounts collected by the Director under this section from a prisoner subject to an order of restitution issued pursuant to section 3663 or 3663A shall be paid to victims in accordance with the order of restitution.

"(2) Allocation of other amounts.—Of amounts collected by the Director under this section from prisoners not subject to an order of restitution issued pursuant to section 3663 or 3663A—

"(A) 75 percent shall be deposited in the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601); and

"(B) 25 percent shall be available to the Attorney General for administrative expenses incurred in carrying out this section.

"(h) Reports to Congress.—Not later than 1 year after the date of enactment of the Federal Prisoner Copayment Act of 1999, and annually thereafter, the Director shall submit to Congress a report, which shall include—

"(1) a description of the amounts collected under this section during the preceding 12-month period; and

"(2) an analysis of the effects of the implementation of this section, if any, on the nature and extent of heath care visits by prisoners.".

(b) Clerical Amendment.—The analysis for chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"4048. Fees for health care services for prisoners.".

### SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

Section 4013 of title 18, United States Code, is amended by adding at the end the following:

"(c) Health Care Fees for Federal Prisoners in Non-Federal Institutions.—

"(1) In general.—Notwithstanding amounts paid under subsection (a)(3), a State or local government may assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a Federal prisoner for health care services, if—

"(A) the prisoner is confined in a non-Federal institution pursuant to an agreement between the Federal Government and the State or local government;

"(B) the fee—

"(i) is authorized under State law; and

"(ii) does not exceed the amount collected from State or local prisoners for the same services; and

"(C) the services—

"(i) are provided within or outside of the institution by a person who is licensed or certified under State law to provide health care services and who is operating within the scope of such license;

"(ii) constitute a health care visit within the meaning of section 4048(a)(4) of this title; and

"(iii) are not preventative health care services, emergency services, prenatal care, diagnosis or treatment of contagious diseases, mental health care, or substance abuse treatment.

"(2) NO REFUSAL OF TREATMENT FOR FINANCIAL REASONS.—Nothing in this subsection may be construed to permit any refusal of treatment to a prisoner on the basis that—

"(A) the account of the prisoner is insolvent; or

"(B) the prisoner is otherwise unable to pay a fee assessed under this subsection.".

### MOTION OFFERED BY MR. PEASE

Mr. PEASE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PEASE moves to strike out all after the enacting clause of the Senate bill, S. 704, and insert in lieu thereof the text of H.R. 1349, as passed the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1349) was laid on the table.

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## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

The Clerk read as follows:

S. 1638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.**

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d-5(a)) is amended—

(1) by striking "May 1, 1992", and inserting "January 1, 1978,"; and

(2) by striking "October 1, 1997," and inserting "January 1, 1978,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

### GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1638, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of Senate bill 1638, a bill which will amend the Federal Law Enforcement Dependents Act of 1996. That act provides educational assistance to the dependents of Federal law enforcement officers and State and local public safety officers killed in the line of duty.

The Senate bill passed the Senate in May by unanimous consent. The identical House version of the bill, H.R. 2059, was introduced by the gentleman from New York (Mr. KING) on June 8 of 1999, and it was reported by voice vote from the Committee on the Judiciary on July 11 of this year. The bill has wide bipartisan support. And in the interest of ensuring that this important legislation is enacted into law at this late hour in the legislative session, we have taken up the Senate bill.

The Senate bill would amend the Federal Law Enforcement Dependents Assistance Act to extend the retroactive eligibility dates for financial assistance for higher education to the spouses and dependent children of Federal law enforcement officers and State and local public safety officers that were killed in the line of duty.

Current law provides that the dependents of Federal law enforcement officers killed in the line of duty on or after May 1, 1992, are eligible for this assistance. Dependents of State and local public safety officers killed in the line of duty on or after October 1, 1997 are also eligible. Unfortunately, the somewhat arbitrary choice for these dates has excluded some deserving dependents from participating in the program. This legislation will move the eligibility dates farther back in time in order to make them eligible. For Federal law enforcement officers and for State and local public safety officers, the new date will be January 1, 1978.

This important legislation is endorsed by the Department of Justice, the Fraternal Order of Police, and the Federal Law Enforcement Officers Association. Considering the sacrifices these brave officers make to protect us all, I think that the least we can do is to help their families get the kind of education that they might not otherwise be able to afford.

Mr. Speaker, I urge all my colleagues to support this very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

□ 1630

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1638. The bill is identical to the Judiciary-passed version of H.R. 2059. The bill amends the Federal Law Enforcement Dependents Assistance Act of 1996 to extend eligibility for financial assistance for higher education to spouses and dependent children to Federal, State, and local law enforcement officers killed in the line of duty.

Current law provides that the dependents of Federal law enforcement officers killed in the line of duty after May 1, 1992, are eligible for this assistance. Dependents of State and local police officers killed in the line of duty after October 1, 1997, are also eligible.

This legislation would change the date to January 1, 1978, for Federal law enforcement officers and State and local public safety officers. This is an appropriate and cost-effective change in the law, given the modest cost projections of the program.

For example, less than $50,000 was spent under the program last year; and projections even under the longer eligibility periods remain modest, totaling about 24 million over the next 10 years.

Mr. Speaker, I am aware of no opposition to the bill and consider it to be a reasonable and worthy way to honor the memory and contributions of slain law enforcement officials and other public safety officers and to assist their families. I, therefore, urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KING), who has been the author of the House version of this legislation.

Mr. KING. Mr. Speaker, I thank the gentleman from Arkansas for yielding me the time. I certainly thank him for his cooperation and support in expediting the passage of this bill.

I also want to, Mr. Speaker, give a special debt of thanks to the gentleman from Michigan (Mr. STUPAK), himself a former police officer, for the yeoman's job that he has done in making this a truly bipartisan effort and for giving up so much of his time and effort. And also words of thanks are due to the gentlewoman from New York (Mrs. KELLY), who actually was very instrumental in the passage of the initial legislation 2 years ago which this bill today is amending. She certainly deserves credit.

I also want to thank the Committee on the Judiciary for acting in such a bipartisan way. Also, I want to commend Kevin Horan of my staff for the great job that he has done in moving this bill along.

Mr. Speaker, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) have detailed exactly what this bill is about. I just think it is absolutely essential that we pass this legislation.

My father was a former New York City police officer for more than 30 years. I have known many police officers. I also, unfortunately, have known police officers and families of police officers who have been killed in the line of duty, who have been permanently disabled. And while there is nothing we can do to make those families whole, there is nothing we can do to take away their grief and suffering, the fact is that this is a step in the right direction. It ameliorates some of that suffering.

It also, probably just as importantly, shows that our country as a whole wants to acknowledge the debt that we owe to these men and women for the sacrifice and suffering that they have gone through. It is a way of we, as a Nation, telling what we are really all about and acknowledging the men and women who are on the front lines, who are protecting us day in and day out, who are putting their lives and limbs on the line for us so that we can enjoy a safe and prosperous life in this country.

So this is a bill which is very instrumental in, I believe, acknowledging the debt we owe to these people. It is also very important in showing where we as a country stand. It also shows that we, in a bipartisan fashion, can acknowledge the work that has been done by the police officers of this country and also give a little bit of respite, a little bit of solace, and a little bit of peace to the families of those who have suffered so much.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), a former law enforcement official, who is a strong supporter of law enforcement.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is great to see legislation come to the floor like this in a bipartisan manner. I remember when I came here in 1993, there was no law enforcement caucus. We founded a law enforcement caucus. We have been able to set up a bipartisan team that is constantly working on legislation to improve the lives for law enforcement and their families throughout this Nation.

We began in 1996 by making the bill available so that if Federal law enforcement officers were killed in the line of duty, the educational benefits for their spouses and their children would be taken care of.

Then again in 1998 we added State and local law enforcement. And now here we are in the year 2000 to really correct some inequities that have been found in all the laws that we have put together. But none of this could happen unless we all work together.

The gentleman from New York (Mr. KING) and I introduced this bill back in June of 1999. It was H.R. 2059. The Senate has moved quickly, so we are glad to substitute our bill for their bill just so we can get this passed in the waning days here of the 106th Congress.

The gentlewoman from New York (Mrs. KELLY), the gentleman from Virginia (Mr. SCOTT), the gentleman from New York (Mr. KING), the gentleman from Arkansas (Mr. HUTCHINSON), we are all part of the law enforcement caucus. There are about 69 or 70 Members who work together to try to not only take care of personal needs like this, whether it is buying bulletproof vests or trying to make sure that the voices of law enforcement are heard here in the United States Congress.

As it has been said, the necessity for this legislation is because we have different eligibility dates for both Federal and State officers. And so what we are doing is really making the legislation actually move the eligibility dates back further in time to make more dependents eligible for this benefit. It will now go to January 1, 1978. And also, at the same time, Federal, State, and local public safety officers are included in this legislation. And we will take a look at the costs.

One of the big concerns in 1996 when we started the program was what would the cost be to the Federal Treasury. We have seen in 1999 just based upon educational benefits to officers' survivors who were killed in the line of duty was only around some $44,000. And as the gentleman from Virginia (Mr. SCOTT) says, even in the next 10 years, at most if everyone took advantage of it, it would be about $24 million.

So as a law enforcement officer and as a Member of this body, I thank everyone who has helped in this legislation, who has helped us through the years to make the law enforcement caucus a success. We have to be there for the families that every day they love and support the men and women who serve as law enforcement officers of this country. These families deserve our support when the unthinkable happens and their loved one is struck down. We have to look out for them just as their husbands, their wives, their mothers, their fathers look out for us each and every day, risking their commitments to their family for the greater commitment that they have made to this great Nation.

With that I thank all of my colleagues for moving this legislation forward. I thank them for their cooperation that we have enjoyed in the last few years and look forward to continuing to work with them on measures affecting law enforcement.

Mr. HUTCHINSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY), who has been an extraordinary fighter for this legislation even prior to this Congress.

Mrs. KELLY. Mr. Speaker, I rise today to express my strong support for this bill.

Mr. Speaker, in the 105th Congress I proposed legislation which sought to provide educational assistance for the families of all fallen officers.

Though we were not able to fully achieve this objective, with the help of my colleagues on the Committee on the Judiciary, we took an important first step by enacting legislation which provided assistance to some of these families who have lost their loved ones in the line of duty.

This bill covers not only our police officers but fire people and corrections officers, as well our public safety officers who make our Nation safe.

Today we take action on a proposal to widen the circle of families who are eligible for this assistance. Approval of this bill will mark another significant step in fully recognizing the debt owed to those officers who have given their lives for the sake of all of us.

I urge all of my colleagues to join me in support of this measure. This is something we simply ought to do and we need to do.

I want to thank my colleagues, the gentleman from New York (Mr. KING) in particular, the gentleman from Arkansas (Mr. HUTCHINSON), the gentleman from Virginia (Mr. SCOTT), and the gentleman from Michigan (Mr. STUPAK), for their efforts on behalf of this important issue.

I urge my colleagues to vote for this piece of legislation.

Mr. SCOTT. Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I wish to commend the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. STUPAK), as well as the gentlewoman from New York (Mrs. KELLY) and especially the gentleman from New York (Mr. KING), for being such a strong advocate of this legislation but also for being such a strong advocate for law enforcement in general.

This legislation rights a minor wrong, and that is it acknowledges those families that were left out of the original legislation. Despite the good intentions, that first draft clearly left some families out across the country.

I am very proud to represent the folks in Staten Island and Brooklyn and probably represent the most police officers, active and retired, I would bet, in any congressional district in the country. They are my friends. They are my neighbors. But more importantly, they protect us every single day.

It feels like every year I am going to another funeral for a police officer who was killed in the line of duty. And, yeah, it affects the New York City Police Department. It goes to the heart of society. It goes to the heart of these men and women who are willing to risk their lives to protect us. But it also destroys, in part, their families.

I have seen the young boys who lost their fathers to gunshot wounds to the head trying to protect a local community. I have seen mothers who were pregnant expecting their baby when they are burying their father. I have seen families who have four or five or six police officers between two families devastated when a young husband, a young father is killed from some career criminal.

So those are all the things that sometimes we forget that police officers are willing to do for us.

But one thing we do not forget today, with the help of the gentleman from Virginia (Mr. SCOTT) and the gentleman from New York (Mr. KING) and everyone else here today, is to tell those families that may have been left out, the Congress of the United States appreciates what they went through; and if they need help to help their child, we are there for them.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just conclude by saying that when police officers give their lives to protect the rest of us, there is really no limit to what we ought to be willing to give back to that family.

This is a really symbolic gesture. The education of the children means that the next generation has a future. We know what education will do. And this is just one symbolic gesture of our respect and admiration for the courage of police officers and for those that have given the ultimate sacrifice on behalf of the rest of us.

I certainly know of no opposition to the bill and hope it can be passed unanimously.

Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the Senate bill, S. 1638.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

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## LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 2000

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4999) to control crime by providing law enforcement block grants, as amended.

The Clerk read as follows:

H.R. 4999

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Local Government Law Enforcement Block Grants Act of 2000".

**SEC. 2. BLOCK GRANT PROGRAM.**

(a) PAYMENT AND USE.—

(1) PAYMENT.—The Director of the Bureau of Justice Assistance shall pay to each unit of local government which qualifies for a payment under this Act an amount equal to the sum of any amounts allocated to such unit under this Act for each payment period. The Director shall pay such amount from amounts appropriated to carry out this Act.

(2) USE.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

(B) Enhancing security measures—

(i) in and around schools; and

(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime:

(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

(D) Establishing or supporting drug courts.

(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

(G) Enhancing programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

(H) Establishing cooperative task forces between adjoining units of local government to work cooperatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug or gang-related involvement.

(I) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that works with Federal law enforcement officials to prevent and control crime.

(3) DEFINITIONS.—For purposes of this subsection—

(A) the term "violent offender" means a person charged with committing a part I violent crime; and

(B) the term "drug courts" means a program that involves—

(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

(ii) the integrated administration of other sanctions and services, which shall include—

(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

(II) substance abuse treatment for each participant;

(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

(b) PROHIBITED USES.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this Act to purchase, lease, rent, or otherwise acquire—

(1) tanks or armored personnel carriers;

(2) fixed wing aircraft;

(3) limousines;

(4) real estate;

(5) yachts;

(6) consultants; or

(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

(c) TIMING OF PAYMENTS.—The Director shall pay each unit of local government that has submitted an application under this Act not later than—

(1) 90 days after the date that the amount is available, or

(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 4(c),

whichever is later.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Director shall adjust a payment under this Act to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

(A) paid to the unit from amounts appropriated under the authority of this section; and

(B) not expended by the unit within 2 years after receipt of such funds from the Director.

(2) Penalty for failure to repay.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

(3) Deposit of amounts repaid.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after 5 years following the enactment of the Local Government Law Enforcement Block Grants Act of 2000 shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

(g) Nonsupplanting Requirement.—Funds made available under this Act to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this Act, be made available from State or local sources.

(h) Matching Funds.—

(1) In general.—Except as provided in paragraph (2), the Federal share of a grant received under this Act may not exceed 90 percent of the costs of a program or proposal funded under this Act.

(2) Exception for financial hardship.—The Director may increase the Federal share under paragraph (1) up to 100 percent for a unit of local government upon a showing of financial hardship by such unit.

### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act—

(1) $2,000,000,000 for fiscal year 2001;

(2) $2,000,000,000 for fiscal year 2002;

(3) $2,000,000,000 for fiscal year 2003;

(4) $2,000,000,000 for fiscal year 2004; and

(5) $2,000,000,000 for fiscal year 2005.

(b) Oversight Accountability and Administration.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 2001 through 2005 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this Act, and assuring compliance with the provisions of this Act and for administrative costs to carry out the purposes of this Act. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

(c) Technology Assistance.—The Attorney General shall reserve 1 percent in each of fiscal years 2001 through 2003 of the amount authorized to be appropriated under subsection (a) for use by the National Institute of Justice in assisting local units to identify, select, develop, modernize, and purchase new technologies for use by law enforcement.

(d) Availability.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

### SEC. 4. QUALIFICATION FOR PAYMENT.

(a) In General.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this Act.

(b) Program Review.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this Act.

(c) General Requirements for Qualification.—A unit of local government qualifies for a payment under this Act for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

(1) the unit of local government has established a local advisory board that—

(A) includes, but is not limited to, a representative from—

(i) the local police department or local sheriff's department;

(ii) the local prosecutor's office;

(iii) the local court system;

(iv) the local public school system; and

(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

(B) has reviewed the application; and

(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this Act;

(2) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

(3)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this Act; and

(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

(4) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

(5) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this Act shall be audited in compliance with the Single Audit Act of 1984;

(6) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this Act or that the Comptroller General reasonably requires to review compliance and operation;

(7) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this Act;

(8) the unit of local government will spend the funds made available under this Act only for the purposes set forth in section 2(a)(2);

(9) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this Act to increase the number of law enforcement officers as described under subparagraph (A) of section 2(a)(2);

(10) the unit of local government—

(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (B) of section 2(a)(2), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 2(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

(B) will conduct such an assessment with respect to each such enhancement or program; and

(C) will submit an annual written assessment report to the Director; and

(11) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this Act. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

(d) Sanctions for Noncompliance.—

(1) In general.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

(A) has taken the appropriate corrective action; and

(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

(2) Notice.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

(e) Maintenance of Effort Requirement.—A unit of local government qualifies for a payment under this Act for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

### SEC. 5. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) State Set-Aside.—

(1) In general.—Of the total amounts appropriated for this Act for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

(2) Minimum requirement.—Each State shall receive not less than .25 percent of the total amounts appropriated under section 3 under this subsection for each payment period.

(3) Proportional reduction.—If amounts available to carry out paragraph (2) for any

payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

(b) Local Distribution.—

(1) In general.—From the amount reserved for each State under subsection (a), the Director shall allocate—

(A) among reporting units of local government the reporting units' share of such reserved amount, and

(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

(2) Amounts.—

(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

(3) Allocation to each reporting unit.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

(4) Allocation to each nonreporting unit.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

(5) Limitation on allocations.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

(6) Definitions.—For purposes of this subsection—

(A) The term 'reporting unit of local government' means any unit of local government that reported part 1 violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

(I) all counties are treated as like governmental units;

(II) all cities are treated as like governmental units;

(III) all townships are treated as like governmental units.

(ii) Similar rules shall apply to other types of governmental units.

(D) The term 'same population class' means a like unit within the same population category as another like unit with the categories determined as follows:

(i) 0 through 9,999.

(ii) 10,000 through 49,999.

(iii) 50,000 through 149,999.

(iv) 150,000 through 299,999.

(v) 300,000 or more.

(7) Local governments with allocations of less than $10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than $10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among State police departments that provide law enforcement services to units of local government and units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

(8) Special rules.—

(A) If a unit of local government in a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a nonreporting unit of local government for purposes of this subsection.

(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

(9) Resolution of disparate allocations.—(A) Notwithstanding any other provision of this Act, if—

(i) the attorney general of a State certifies that a unit of local government under the jurisdiction of the State bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government, and

(ii) but for this paragraph, the amount of funds allocated under this section to—

(I) any one such specified geographically constituent unit of local government exceeds 200 percent of the amount allocated to the unit of local government certified pursuant to clause (i), or

(II) more than one such specified geographically constituent unit of local government (excluding units of local government referred to subclause I and in paragraph (7)), exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i) and the attorney general of the State determines that such allocation is likely to threaten the efficient administration of justice,

then in order to qualify for payment under this Act, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Director a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term "geographically constituent unit of local government" means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

(c) Unavailability and Inaccuracy of Information.—

(1) Data for states.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this Act.

(2) Possible inaccuracy of data for units of local government.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes for a unit of local government is inaccurate, the Director shall—

(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

(B) when necessary, use the best available comparable data regarding the number of violent crimes for such years for such unit of local government.

### SEC. 6. UTILIZATION OF PRIVATE SECTOR.

Funds or a portion of funds allocated under this Act may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 2(a)(2).

### SEC. 7. PUBLIC PARTICIPATION.

(a) In General.—A unit of local government expending payments under this Act shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

(b) Views.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

(c) Time and Place.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

### SEC. 8. ADMINISTRATIVE PROVISIONS.

The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this Act and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this Act.

### SEC. 9. DEFINITIONS.

For the purposes of this Act:

(1) The term "unit of local government" means—

(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

(B) the District of Columbia and the recognized governing body of an Indian tribe or

Alaskan Native village that carries out substantial governmental duties and powers.

(2) The term "payment period" means each 1-year period beginning on October 1 of any year in which a grant under this Act is awarded.

(3) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(4) The term "juvenile" means an individual who is 17 years of age or younger.

(5) The term "part 1 violent crimes" means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

(6) The term "Director" means the Director of the Bureau of Justice Assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

### GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Local Government Law Enforcement Act of 2000 represents an important step by this Congress to assist local governments throughout the country as they confront crime. In stark contrast to the 1994 Crime Act, it does so without prescribing the specific programs localities must implement in order to receive funding.

This bill provides resources to localities to respond to their unique crime problems with their own unique solutions.

The text of H.R. 4999 is nearly identical to the reauthorization passed by the House of Representatives in February of 1995. There are two differences between this bill and the previous reauthorization.

First of all, the previous reauthorization as passed sought to repeal the COPS program. This bill does not do that.

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It authorizes the block grants without in any way affecting the COPS. That is one difference. The second difference is that under the previous reauthorization and this bill, both include a 10 percent local match requirement, whereby the Federal share may not exceed 90 percent of the cost of a program proposed funding under the act. However, only H.R. 4999 includes a waiver exception in cases of financial hardship. Therefore, a unit can have its matching requirement waived upon a showing of financial hardship.

We should make no mistake that this bill will provide money for our law enforcement fighting efforts with greater flexibility to the vast majority of localities throughout America. Those who argue that this money will be wasted are completely wrong. This is not a grant program for police chiefs like the old Law Enforcement Assistance Administration. This is a grant program that assists communities in addressing their crime problems. It does so through a highly visible process involving all the major law enforcement, judicial and private sector voices in the community. There is a role for the Federal Government to assist the States in the fight against crime, but such assistance must appreciate that the problems vary from State to State and community to community. We must avoid a one-size-fits-all approach, even as we reject micromanagement support from Washington that comes at the expense of flexibility.

The act leaves to local governments the decisions regarding what their funding priorities should be. It neither requires that funds be spent on police officers nor on prevention programs. It leaves that decision to local governments who understand their crime problems far better than we do. Under this bill, localities can fund police on the beat or prevention activities or anything in between. The act simply requires that those funds be used to reduce crime and improve public safety.

I will not go through all the different sections of the bill, Mr. Speaker; but I believe that the Local Government Law Enforcement Act is an important way for the Federal Government to assist localities in dealing with crime without getting in their way. It is a rejection of the "Washington knows best" mind-set and it provides more resources for the counties, cities, and towns of America to develop homegrown solutions to their unique crime problems.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise not only to express my support for H.R. 4999 but also to express my disappointment that the bill under consideration on the floor today is being considered without committee consideration. Among the constructive purposes authorized in the bill are the hiring, training, and equipping of police and other law enforcement personnel and the establishment of crime prevention, early intervention, and drug court programs. The bill specifically contains prohibitions on buying things like tanks, airplanes, yachts, and limousines which could have been purchased under some of the former programs that the gentleman from Arkansas referenced.

While I support the reauthorization contained in the bill, I had hoped that we would be looking at a program at the committee level along with other important law enforcement programs such as the Community Oriented Policing Services program, better known as the COPS program. The COPS program has been very successful and considered to be a vital contributor to the success of local communities in bringing down the crime rate all across the country.

The gentleman from New York (Mr. WEINER), a member of the House Judiciary Subcommittee on Crime introduced an authorization bill for the COPS program which had the support of the administration and a significant number of other Members of the House. I know that the law enforcement community which strongly supports the Weiner bill would have preferred to see both of these matters taken up in committee with both coming to the floor for an authorization based on a full assessment of their value to the local communities. Unfortunately, that did not happen and here we are with just this part of the bill.

But before closing, Mr. Speaker, I would want to thank the gentleman from Arkansas for accommodating the concerns of the gentleman from Guam (Mr. UNDERWOOD) involving the formula for the appropriation. Inadvertently, the bill that we were to bring to the floor had an outdated allocation for Guam, but the bill before us now includes the updated allocation. Thanks to the alertness and effectiveness of the gentleman from Guam, we were able to correct this oversight.

Mr. Speaker, although the bill does not contain the COPS program, I support the bill because it includes authorization for valuable, effective crime prevention initiatives which will be developed on the local level. I urge my colleagues to vote aye on the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to thank the gentleman from Virginia for his comments in support of this legislation. I also just wanted to remark that the gentleman from Virginia has certainly been an ardent worker in the issues of crime, both in his work on the subcommittee but also I have attended numerous hearings across the country with him and he has certainly devoted himself to this issue. The gentleman raised the issue of the COPS program, Community Oriented Policing Services program. We have held hearings in committee. It is true that we have not moved forward the bill to reauthorize his program, but as the gentleman knows, there has been some concern expressed about the effectiveness of the program. It was originally planned as a program with a fixed end to it. And so I think it is appropriate, just expressing my view, that at this juncture we wait until the next administration, wherever that might take us, to see exactly where we are going to go on that particular issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. FLETCHER), who has done an extraordinary job in pushing this legislation. Without his leadership on this issue, I do not think we would be here today talking about this.

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON) for yielding me this time, and I certainly thank the gentleman from Virginia (Mr. SCOTT) for his support of this. I also want to thank the gentleman from Florida (Mr. MCCOLLUM) for all the work that he has done on this and the Subcommittee on Crime and the staff there that has done a lot of work on this.

As it stands right now, we have had a program similar to this instituted; it has been through the appropriations. We have never had it fully authorized. We passed a bill similar to this or it was passed in Congress before I was here, at least on the House but never on the Senate side. So we are hoping very much that we can get this bill fully authorized, fully passed to authorize this program with the appropriate changes that have been made here.

First of all, it allocates $2 billion a year for the fiscal years 2001 through 2005. We also understand as far as the improvements, they have already been mentioned, these as far as providing block grants back to local law enforcement agencies, it ensures that those communities, those poor communities that are not able to meet that match requirement previously will not be precluded from getting these block grants because of a waiver that we have instituted. I know this is going to be particularly helpful for our State of Kentucky. We have several communities that may need certain items for safety or police officers or other crime prevention programs, and yet they may not be able to meet that 10 percent match sometimes. So in those hardship cases, they are able to receive this grant which previously was unavailable to them. We are glad that that change was able to be instituted.

Why have we had so much emphasis on crime? I am glad to say that over the last 8 years we have seen a decrease in crime in this country, but if we look back as early as 1960, from 1960 or 1964 up to 1991, 1992, we had a 600 percent increase in crime in this country, a tremendous increase in crime. Seventy to 80 percent of all families were affected by crime, many types of crimes. Certainly it has affected our region.

I reference an article we had recently in Lexington, Kentucky, where we have particular needs. I think it points out the diversity of communities and the diverse needs communities have where it says the crime in Lexington increased in 1999 and that probably happened in other communities around the country. We can see from the diversity of problems that we have across the Nation that a plan that implements just a one-size-fits-all is not best for particular communities.

I think, clearly, the Federal Government certainly has a role; but the best crime prevention needs to come locally where they understand the particular problems that they have. That is what makes this program so effective and really so popular among law enforcement agencies and other institutions that work to prevent and reduce crime.

In Kentucky, we have already received $4.2 million in grants from this program. Almost $1 million has gone to our State police in Kentucky. Over half a million has gone to my district alone. In these we have used funds to hire police and to pay overtime. We have used the funds to purchase other law enforcement equipment and increased the technology that allows them to more effectively prevent and detect crimes. And we have used it to establish crime prevention programs that otherwise would not be able to be afforded or be available for the communities. So it is very important.

I am certainly pleased that we have a tremendous amount of bipartisan support on this bill, the approach to reduce crime by ensuring that we provide flexibility to local law enforcement agencies and organizations and that we understand that we can bring certainly the priority of crime prevention from the Federal level but many of the decisions need to be made at the local level to ensure that we do effectively fight crime, reduce crime in this country, and make this a safer Nation for all people. I encourage everyone to vote for this bill.

Mr. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4999, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 19, 2000.*

□ 1700

## MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. COBURN. Mr. Speaker, I offer a motion to instruct conferees on the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore (Mr. PEASE). The Clerk will report the motion.

The Clerk read as follows:

Mr. COBURN moves that the managers on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to recede to Section 517 of the Senate Amendment to the House bill, prohibiting the use of funds to distribute postcoital emergency contraception (the morning-after pill) to minors on the premises or in the facilities of any elementary or secondary school.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. FRANK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, may I inquire of the Chair, who has the right to close on this debate?

The SPEAKER pro tempore. The gentleman from Oklahoma has the right to close.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this motion to instruct is to bring the House in line with the Senate's vote on this very issue, and we are going to hear a broad debate this evening about the pros and cons of postcontraception, but that is not what I think this debate is. I think the debate is whether or not parents ought to be made or allowed to be involved in significant decisions of their children, and what we are doing now in 180 schools in this country is excepting out parents from a decision that they need to know about, excepting out parents and the child's physician from a medical decision that is being made for that individual.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask, as we await some other Members who are a little better informed on this than I, I did have some questions for the gentleman from Oklahoma (Mr. COBURN). As I read the instruction, and I am not totally familiar with the Senate language, he said this was to protect the rights of parents. As written, the instruction would say that that was a prohibition, even if the parents consented. Is that the gentleman's intent that even if the parents consented this would not be allowed?

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, I would not have any problem; that is their individual choice. I have a problem in destroying the life of an unborn baby; that is a different topic. But if, in fact, a parent is involved, but under the auspices of the HCSC planning guidelines and under the auspices of title 10, there is no obligation to inform the parents whatsoever.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, I thank the gentleman for that, but the point is, as I read the instruction, if that is an accurate repeat of the language in the Senate bill, it does not allow for an exception where the parents want to. So it goes from saying the parents are not involved at all on both sides.

I would say one other thing, and I see the gentleman from Illinois (Mr. PORTER) is coming, and I am prepared to yield the time to him, but I am struck, when we discuss the question of abortion and those who make it illegal talk about an unborn child, I think we ought to be clear when we are talking now about a morning after bill, because we are often told there is a heartbeat, there are feet, there are various representations of that unborn child.

We are clearly here talking about a situation where there is no physical manifestation of the unborn child of the sort we have seen, there are no feet, there is no heartbeat. This is a philosophical objection. This is an effort to make illegal something which is philosophically expressed opposition to a form of birth control. It is very different than the kinds of representations we get.

Mr. Speaker, I ask unanimous consent to yield the remainder of the time that was allocated to me to the gentleman from Wisconsin, the ranking member of the Committee on Appropriations, for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from Wisconsin (Mr. OBEY) will control the remaining time allotted to the gentleman from Massachusetts (Mr. FRANK).

There was no objection.

Mr. OBEY. Mr. Speaker, could I inquire, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 28 minutes remaining.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that 14 minutes of my time be allocated to the distinguished gentleman from Illinois (Mr. PORTER) for purposes of control.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois (Mr. PORTER) will control 14 minutes of the 28 minutes allotted to the gentleman from Wisconsin (Mr. OBEY).

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I frankly am of a split mind on this issue. I am fairly old fashioned, and I come from a part of the country where these kinds of subjects are not discussed much in public, and I frankly get uneasy when I walk into a lot of places and see condoms and other devices being made available on a wholesale basis. I am very uncomfortable about that. But I think it is also a complicated question.

I have concerns about the motion of the gentleman from Oklahoma and actually there are a number of reasons. First of all, because I am not necessarily convinced that the best approach in my city, my hometown would be the best approach in New York or San Francisco or Lexington, Kentucky or other communities or vice versa. And I think one of the problems with the Coburn motion is that it gets in the way of local people being able to decide how they want to handle a very sensitive problem.

Secondly, I think you do have conflicting views about which approach actually saves the most lives and prevents the most abortions. And I suspect that what the answer is to that question again depends on the community morals and practices and culture. And so while I understand those who say that they find issues like this distasteful and sometimes they get, in fact, angry.

Mr. Speaker, I really wonder whether it is wise for the Congress to tell local school districts that one approach is better than another.

The other thing I would simply say is that we are trying to close up this session, and that means we are trying to resolve differences; that means we are trying to keep as much language off appropriation bills as possible, and it seems to me that to the extent that these riders are attached, which are legislative in nature, they get in the way of our ability to finish our work before the end of the fiscal year, and that causes all kinds of turmoil.

And also, frankly, if we are going to start making motions to instruct on this bill, then a number of us are going to have motions to instruct to try to accomplish policy ends that we think are important also. So if we are about to get into that business, then I guess we are going to have to get into it all the way.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I just say in response to the gentleman from Wisconsin (Mr. OBEY), there are 4,000 clinics, outside of school clinics, where you can get this done with Federal funds, what we are saying is, is this should not be happening in a middle school. There is plenty of places that if you want this service, you can get it, but it should not be occurring in the seventh and eighth grades in this country without a parent involved.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion of the gentleman from Oklahoma (Mr. COBURN) is certainly a proper motion and appropriate, but it is a very unfortunate motion for us.

It contravenes instructions given to us by our own leadership, it attempts to circumvent the House rules and procedures, and it makes the completion of our conference more difficult at a time when we are trying to finish our work. In meetings in mid-July, I should tell the gentleman from Oklahoma, the bicameral majority party leadership decided that we should drop all controversial riders to the Labor, HHS and Education bill. The senior senator from Pennsylvania, the chairman of the Senate subcommittee, Mr. SPECTER, and I were instructed to do exactly that to move this process forward.

Mr. Speaker, based on these instructions, the Senate receded from its position on this amendment; and all other similar riders were dropped in the conference.

Mr. Speaker, the motion if offered by the gentleman from Oklahoma as an amendment to the bill would not be in order in the House. Thus the import of this action is to attempt to do by motion what the rules would have prevented him from doing by amendment on the House floor.

Finally, Mr. Speaker, this motion will only serve to sharpen differences within this bill and delay the completion of the final conference report.

Mr. Speaker, of the funds made available in the bill, Elementary and Secondary Education Act funds are prohibited, by law, from being used for health clinics of any sort. Only Public Health Service funds provide a substantial source for the activities that the gentleman is alluding to.

I note that the gentleman is a member, and a valued member, of the Committee on Commerce; he is, in fact, vice chair of the Subcommittee on Health. I also note that recently coming across my desk he wrote with others a dear colleague relating to the Ryan White AIDS program.

Now, we support very strongly the Ryan White AIDS program; and we, in fact, have very substantially increased it over the President's budget request. I certainly applaud the bipartisanship on that matter. While amending the Public Health Services Act to reauthorize Ryan White, why could not the provisions included in the motion be included there? Why did not the gentleman simply add the provisions that he is attempting now to attach to an appropriation bill, where it is not appropriate, to the authorizing bill that he had before him at that time?

Mr. Speaker, I would ask the gentleman if he would respond to that. It seems to me that the Commerce Committee is where it ought to be taken up. Over and over, authorizers tell appropriators to stay off of their turf, to not do what they are authorized to do in their jurisdiction. I agree with that. We include no authorizing provisions in the House bill without the express approval of the authorizers. But the gentleman from Oklahoma telling let us get into their jurisdiction and put this Provision on the appropriations bill.

It does not belong in this bill. It should not be discussed here. The motion simply attempts to put legislative language into an appropriation bill, we do not want to do that. We wanted the authorizers to do their work.

Mr. Speaker, I reserve the balance of my time.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, number one, I would thank the gentleman from Illinois (Mr. PORTER), I wished the gentleman would have given me the idea 2 months ago or 3 months ago, and I would have been happy to put that in the bill.

Number two, I find it somewhat ironic. I want to stay on the issue. I find it somewhat ironic that we cannot use direction in terms of spending with the motion to commit, but yet we are funding hundreds and hundreds and hundreds of millions of dollars of programs that never have been authorized by any of the authorizing committees.

What I would ask the gentleman is, does he believe it is right that a 12-year old should get a morning after pill in a school clinic and a parent never know anything about it. I mean, that is what this issue is about. Whether or not we are going to give a prescription drug to a young adolescent female without her parents ever knowing in school; that is what the objection is. That is why this rider is there.

The Senate passed this 54–41. This is not a pro-life, pro-abortion debate. This is a debate about parents being involved. As we look at the young people in our country today, the one problem we are seeing and we are trying to solve in many of the programs that the gentleman has graciously funded through his appropriation to re-empower parents.

□ 1715

This bill tears them down. This bill separates by not having this. So the Senate did want this. They voted it. All we are asking is for the committee, should the House accept this motion to instruct, to follow that and give parents back some of their power.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this motion to instruct. The Helms amendment, which my colleague urges the Labor-HHS conferees to accept, was, in fact, voted on and rejected during the conference meetings in late July.

Our colleagues who opposed it understood that supporting this motion would interfere in locally made decisions.

There are roughly 1,200 school-based health clinics serving young people across the country, a partnership between local schools and community health providers. Three of four middle- and high school-based clinics do not offer contraceptive services at all.

Of the 25 percent that provide these services, the decision to do so has been made collectively by the schools, the parents, community organizations and the young people themselves.

The community works together to decide what is best for their young people and Congress should respect these local decisions. For those communities that choose to offer contraceptive services, access to contraception, including emergency contraception, just a double dose of a regular oral contraceptive, is crucial to helping teens avoid unintended pregnancies.

I am the co-chair of the Congressional Advisory Panel to the National Campaign to Prevent Teen Pregnancy, along with my colleague, the gentleman from Delaware (Mr. CASTLE). We have worked very hard in a bipartisan way to find community-based solutions to the epidemic of teen pregnancies that we have experienced in the 1990s. The good news is that the teen pregnancy rate has fallen for 7 straight years. The bad news is that American teenagers still experience 1 million pregnancies each year.

In fact, teen pregnancy rates in this country are higher than in all other industrialized countries, twice as high as in England or Canada, nine times as high as in the Netherlands or Japan. Sadly, the risk of unintended pregnancy is only part of the problem facing our young people. There is also an epidemic of sexually transmitted disease among young Americans, but they do not even know it. Kids think it cannot happen to them, but it can and it is.

Kids are getting STDs like chlamydia, which years later can rob them of their fertility; HPV, which can lead to cervical and penile cancers; and HIV for which tragically there is still no cure.

Young people may visit a school-based clinic for information about pregnancy prevention, but leave with facts about STDs that can save their lives.

I believe that if we continue to deliver strong and consistent messages about the importance of abstaining from sex, the risk of STDs, accurate information about contraception, we can continue to make continued progress in the fight against teen pregnancy and STDs; but since we know from recent data that three-quarters of the decline in the United States teen pregnancy rate is attributable to improved contraceptive use among teenagers, denying teens access to contraception will only jeopardize this progress.

It does not make sense. That is why we should leave decisions about providing contraception and other important health services to local communities and schools. School-based clinics have an enormous job to do, and they are doing a world of good.

Let us continue to support our communities, as they work to protect the health and safety of their kids. I urge my colleagues to defeat this terribly misguided motion.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to respond. The awareness of the sexually transmitted disease epidemic is one of the things that I think that I have brought to this body. It was denied, obscured and covered up over the last 6 years. The fact is, as a postcoital morning-after pill, administration does nothing to prevent sexually transmitted diseases. The other thing is the gentlewoman who just talked has been against informing people of the fact that a condom does not prevent someone from getting the largest incurable, sexually transmitted disease that we have, that will infect 6 million people this year. So if we want to talk accurately about the medical facts, I will; but this issue is when a child at school cannot get an aspirin without a parent being involved, but we can give them a prescription pill that will have a long-term impact on them. I think we need to have a full and fair discussion on that.

Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I support this motion. As a mother and a grandmother, I would be furious, literally furious, if my child were given this pill because I as a mother have to be notified if my child is given an aspirin. So it really upsets me that this decision is made by other people and not by the parents.

There is very little risk involved in taking a simple aspirin, but the morning-after pill does have several possible side effects. While I do not support this as a means of emergency contraception, it is a legal choice, and those who choose to do it should do it under the supervision of a doctor.

Currently, any school that does receive Federal funds for family planning is authorized to distribute the morning-after pill, and right now 180 school clinics offer it. The most disturbing fact is that the Federal laws and regulations overrule State parental consent and notification laws so school nurses can distribute this pill without the parents ever being involved.

I urge my colleagues to vote for this motion and vote to make sure that parents have more rights over their children than the Federal Government.

Mr. PORTER. Mr. Speaker, I continue to reserve my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to the Coburn motion to instruct. It is no secret that many who support this motion would not only take contraception from schools but would also remove the option from all health clinics. So to say that school health services are not needed is just another anti-choice action.

We know that numbers of teenagers across the country rely on school-based health clinics for their health services and for health care information. Local decision-makers and community representatives, those who know their teenagers' health needs, not the Federal Government, should have the right to decide the services their school health clinics will offer. These individuals are elected by the local constituencies. These schools will tell their school districts what they want. Local decision-makers are the ones who know the needs of their teenagers. They deserve the right to address those needs.

Allowing access to emergency contraceptive care gives teens the ability to act responsibly; act before they become pregnant so that they do not become pregnant. Let us help teens prevent unintended pregnancies. Let us give our local schools and local health clinics the right to decide for their communities.

I urge my colleagues to oppose the Coburn motion to instruct.

Mr. COBURN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise in strong support of the Coburn motion to instruct conferees. Frankly, I do not know how any Member could disagree with this motion that simply prohibits the distribution of the morning-after pill at schools. This is a pill that can cause an early abortion. So our kids can go to school, be given an abortion pill without their parents' consent. Well, unbeknownst to most parents, this is happening in at least 180 schools across America.

Why is this so surprising to parents? Because parents are required to sign a note or permission slip for everything. If their daughter needs an aspirin, the parent writes a note; if she needs an allergy shot, another note; cold medicine, a note from home; insulin, parental permission; penicillin, more permission; Ritalin even more permission. Then logically our daughters should not be given something as potentially harmful as the morning-after pill at school.

This is a pill that can have side effects such as risks of developing blood clots, heart attacks, strokes, cardiovascular disease. Obviously, one should not just be able to go to a school nurse to get it. The Coburn motion is a logical protection for our daughters and for the right, as parents, to help make important health decisions for them.

Some will argue that our daughters need the morning-after pill in schools if they have been raped or abused. If something as tragic as rape or abuse has violated a young girl, schools are required by law to report this to the authorities. Then proper care can be given to them in a hospital, not at their school.

I urge my colleagues to support this motion.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, what we are talking about here is not abortion and it is not RU-486. It is a high dose of oral contraceptives. We are talking about contraceptives here. School-based clinics provide health care professionals an ideal opportunity to counsel teens about the importance of delaying sexual activity and the risks of unprotected sex.

I would hope, we would all hope, that all girls would consult their parents if there has been a terrible mistake made; but unfortunately that communication does not happen in every family. Would we not want then to prevent an unwanted pregnancy and to prevent perhaps even an unwanted abortion? Certainly many State and local governments want to give their school-based professionals that option.

I always thought that this Congress was for local control. It seems to me we are for local control if it is our views but not the other guy's views. I do not think that is right. Let our local governments decide whether they want their school-based professionals to counsel girls and to be able to give them these contraceptives. Vote no on this motion to instruct.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are 4,000 other places in the United States that they can get these pills if they want them. We do not need it in the school. It amazes me that our whole goal is to help somebody keep a lie in our school-based clinics when we use a morning-after pill. The fact is there is a lot of freedom when young women go to their parents after having made a mistake, and are encouraged to do that.

Know what? If we cannot do this in the school, that is what will happen is the school nurse will encourage the young woman to talk with her mother and if she has a father and say we need to talk with them and get their permission to do this.

There are 4,000 other places funded by the Federal Government where this can happen. What we are saying is this should not happen in schools.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend, the gentleman from Oklahoma (Mr. COBURN), for yielding me this time.

Mr. Speaker, I strongly urge Members to support the Coburn motion to instruct conferees, to accept the Senate-passed amendment to protect young girls from being given powerful abortion drugs at school.

I say again, we are talking about a school setting, and that is no place. It is bad enough that this kind of action takes place in abortion mills. To think that we would sanction in any way or shape or form the prescribing of this kind of death to an unborn child at school is outrageous.

It should be noted that these abortion drugs not only destroy a newly created life, but they do indeed carry significant risks for the young student.

□ 1730

As the gentleman from Pennsylvania said a moment ago, with Preven, if we look at the conditions, what the manufacturer itself says, and I quote, "These conditions can cause serious disability or even death." We are talking about this being given out in a high school or junior high or elementary school setting. Our elementary and secondary schools should be the last place, Mr. Speaker, the last place where legitimate parental rights are trampled and usurped, especially when the health or the life of their daughter is at risk. Our elementary and secondary schools should be the place where life is affirmed and respect for life is affirmed; again, the last place where abortion drugs are used.

Years ago, many of us warned that school-based clinics would be misused to facilitate abortions for minors, especially by way of referrals to abortion mills. We know that is going on. Planned Parenthood alone does over 200,000 abortions in its own clinics each and every year, many of them by referrals from schools. But now we know that at least 180 schools across the country offer abortion drugs at their school-based clinics. That is outrageous for parents and for their daughters.

Mr. Speaker, we need to speak up loud and clear. Support the gentleman's very, very smart and wise motion.

Mr. COBURN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think that schools are an inappropriate place to dispense morning-after pills, so I rise in support of the Coburn motion to instruct. I think more importantly, not only current law allows this to be done without parent's consent, this is done without parent's knowledge. I think to have in place a law that says, all parents are bad parents. If parents know that their daughter is expecting a child, that would be bad for their daughter. I think we definitely need to make this change, and I think that is probably why a majority of the Senators supported this change when this issue came up in the Senate.

Mr. Speaker, I think that the motion to instruct is a start, because parents should be the first to know if their daughter is pregnant, not the last. There are so many things parents should and would want to do, and I do not think we can have in Federal law a situation where we just assume the worst about every parent in this country. That is why I strongly support this motion to instruct, and I urge everyone to vote for it.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been said over and over again here that this is a question of parental consent. I do not see any of that in this. This simply prohibits the distribution of these contraceptives on school promises. It does not say that if the parent consents, you can do it. It says, you cannot do it under any circumstances. So the whole issue of parental consent is not contained in this motion to instruct; it has nothing to do with this motion to instruct whatsoever.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in opposition to the Coburn motion to instruct conferees.

Mr. Speaker, school-based health centers are partnerships. They are partnerships within a community, and they are organizations in which school personnel, parents, community leaders, health professionals set policy governing what health care is available and under what circumstances. Mr. Speaker, 94 percent of school-based health centers require parental consent forms before a student can be seen. Two out of every three allow parents to choose which services their child cannot receive.

Those centers in which children have most access on their own are located in those communities where teen pregnancies are the highest, and they are the communities where supervision of these children, support for these children, community options for these children, public education for these children is frankly the worst. There are children in our communities who never see their parents for days, and who are basically on their own. There are also lots of young women in high schools who are really actually the victims of what we would now call date rape. But nobody has talked to them about how to say no. Nobody has educated them about how to prevent pregnancy. So we are saying that they should have, through their high school clinics, if the community board has determined that this is appropriate, they should have access to a morning after pill or emergency contraception. This kind of contraception is only a high dosage of birth control pills, the same kind of pills that millions of Americans take every day. This is not RU486. This is just a high dosage of normal contraceptive pills.

If a woman is already pregnant, the emergency pill has no effect on her pregnancy. But if a young person takes this within 72 hours of unprotected sex, date rape, rape, which is sometimes the case and more often than we actually like to acknowledge, or is the victim of incest, she can actually prevent herself from being pregnant.

Mr. Speaker, I do not understand why my colleagues who oppose abortion, although I do understand why they oppose abortion, but I do not understand why they are so opposed to preventing pregnancy, particularly for young girls who are not going to be able to support this child economically and are almost by definition unready to support this child emotionally.

My concern for the children of America is that they be born into stable, loving families that can give them the emotional and economic support and guidance over decades that children need. I can understand the difference of opinion in our Nation about how to manage abortion or what role abortion should play. But this, frankly, has nothing to do with abortion at all. It has everything to do with preventing pregnancy; it has everything to do with communities, health professionals, parents, educators, merely giving young women the knowledge and the tools and the power to prevent pregnancy.

Now, is it wise for young women to be intimate sexually when they are in high school? I would tell them no, because on a peer development basis, you are transferring power to this young man that frankly women should not transfer because they get more into the web. I mean, I could go on and on. I tell high school kids this. I tell kids all the reasons why being sexually intimate prematurely is not a good idea, how it disempowers them, how it limits their ability to develop and gain control over their abilities, their future, their hopes and their dreams.

However, by the same token, I want those young women who nobody told that to, I want those young women who had nobody advising them and helping them to at least know and understand what their choices are for responsible action. Frankly, I think it is more responsible for a young woman who has either been the victim of date rape, been the victim of rape, how many of these young people are the victims of incest, we do not know, but we are cavalier, cavalier about denying them access to a contraceptive that simply prevents implantation. It prevents pregnancy. That is a good thing. If you cannot economically and emotionally support a child, frankly, it is wise and responsible not to have one.

Mr. Speaker, I urge my colleagues to oppose the gentleman's motion, because this House has no business passing this provision.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume. As somebody who has delivered 3,500 babies and who has cared for every complication of pregnancy, I want to clear up the medical facts. A pregnancy, regardless of when Planned Parenthood says it occurs, occurs when a sperm and an egg unite. Because of where it is located, they have arbitrarily picked to say that is not a pregnancy is the biggest misstatement that I have heard.

Number two is we are talking about high dose oral contraceptives. We are not talking about a small dose. The reason that we have many dosages of pills today is because the risks associated with the high doses were so great that they caused major complications for women. Now, to do morning after pills, we are reverting back to levels of hormones that we have not seen in 20 years in this country in single doses. That raises significant complications for these young women.

The final thing that I would say is if this fails to work, which 25 percent of the time it fails to prevent the pregnancy, there is a concept known as limb reduction deficits, and if we look that up, what we find is babies born without hands, without fingers, without ears, without toes, and without their limbs. That is one of the causative factors from high-dose oral contraceptives at the formative stage of an early fetus. So medically, what was just stated is inaccurate.

Mr. Speaker, I yield 3½ minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today in support of this motion to instruct conferees offered by the gentleman from Oklahoma (Mr. COBURN), my friend.

Mr. Speaker, public schools should not use our taxpayer dollars to distribute the morning after pill to the children of this Nation. This is serious business. We are talking about whether or not the schools of America hand out emergency contraceptives to the children of America. There are many factors in play here, but I fundamentally believe that it gets back to what schools are supposed to be about.

Mr. Speaker, the last time I checked, schools are supposed to be about education. This is their stated purpose, and I think we should all agree that schools have a lot of work to do in that area just to get our children educated.

It is unimaginable to me what I just heard on this House floor, that it has been suggested that a girl who is date raped or suffered from incest should go to school the next morning to get a pill to make sure she is not pregnant, instead of being with her parents in a hospital with police and counselors that could help her. That is where this type of idea leads when we operate in secrecy from parents. Some would say that schools cannot teach if kids are worrying about life's outside pressure. Well, that may be true, but I believe that if schools were really focused on education and teaching, some of life's worries and outside pressures might fade away.

Studies have shown that high educational expectations and goals keep kids focused on their future and their education, and they are not so easily sidetracked. Like it or not, when schools pass out emergency contraceptives, it sends a signal to kids. It says, there is no need to talk to your parents or involve them in decisions which are of immense importance to your physical and emotional well-being. It also says that schools will help students bypass their parents and help make life-changing decisions for them. I am sorry, Mr. Speaker, but this is not what our schools are supposed to be about: I think kids, parents and folks all across this Nation know it. Schools are supposed to be about reading, writing, arithmetic and educational experience, not social projects funded with taxpayer funds which bypass parents and harm children.

It seems to me that it is not okay for a child to even sneeze in class without a parent's permission, and rightly so; you need parental permission to go on field trips and for a variety of other reasons. You often need parental permission just to take an aspirin. Yet, providing emergency contraception is of more serious medical consequences and parents are specifically not involved.

The Congressional Research Service looked into the prevalence of providing emergency contraceptives in school-based clinics and they found at least 180 schools across the country already are handing out emergency morning after pills in their clinics. This is just part of their sample.

Again, Mr. Speaker, schools should be about education, teaching, and learning. Let us keep the focus there. I urge my colleagues to support this motion to instruct conferees.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

□ 1745

Mr. COBURN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, in a former life, I had a Ph.D. I guess I still have it. Coming here does not remove that. I taught medical school. I taught nursing students. I have about 100 papers in the scientific literature. So I know something about the process that we are talking about today.

We also have 10 children in our family and 11 grandchildren and one great grandchild. And I will tell my colleagues from the perspective of a professor, a teacher, a parent, a grandparent and a great grandparent, that I think this policy of using taxpayer money to fund the morning after pill without parental consent is obscene and insane.

My colleagues should just stop to think about this. A child in school cannot get an aspirin without parental consent, and yet this legislation, this legislation that we are talking about, that we hope to somehow modify with this amendment, would permit the school, without the parents' knowledge, without parents' consent, with taxpayer money, to give a serious medication to a student which will terminate a life.

I say again: As a professor, as a father, as a grandfather, as a concerned citizen of this country, this is obscene and insane. Support, please, the Coburn amendment.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me this time.

Here we go again. Although this session is about to wrap up, the attacks on reproductive health care keep coming. Today, we have a motion that strips away local control over school-based health clinics.

My dear friends and colleagues on the other side of the aisle constantly talk about the importance of local control. These clinics are currently run by communities, and they are not asking for interference by the Federal Government. But this motion steps in and prohibits school-based health clinics from dispensing emergency contraception.

What we are talking about is not an abortion pill. What we are talking about is a contraception pill that a young woman can take the morning after an evening where she may have had an emergency situation, such as rape or incest. Why should Congress make this decision for every single community and every single school and every single child?

If my colleagues believe in local control, vote "no," and for many other reasons.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair would ask Members to heed the gavel.

Mr. PORTER. Mr. Speaker, I have no further speakers on my side. I would be happy to yield to the gentleman from Wisconsin (Mr. OBEY) 2 minutes for him to use on his side if he would like.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, emergency contraception has been portrayed as equal to abortion on this floor. Let us set the record straight. Emergency contraception is oral contraceptive used at higher doses.

This is oral contraception, taken once a day, prescribed by a health professional. And this is emergency contraception, taken within 72 hours of unprotected intercourse. Emergency contraception is not abortion. Same drug, same formulation, higher dose, one time. Passes through the system in a couple of hours.

Both oral contraceptives and emergency contraception work the same way: They prevent pregnancy. If a woman is pregnant, neither oral contraceptives nor emergency contraception will disrupt that pregnancy. Let me repeat: If a woman is pregnant, neither oral contraceptives nor emergency contraception will disrupt that pregnancy.

I urge a "no" vote on the Coburn motion.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this issue of health care in school-based clinics was already dealt with by the conference and it was rejected. This motion would deny Federal funding to any school-based clinic that provides emergency contraception.

Emergency contraception is not abortion. It cannot terminate a pregnancy. It prevents pregnancy in critical hours after unprotected sex. Emergency contraceptive in a school-based clinic is prescribed only by a doctor to young people seeking to act responsibly to prevent unintended pregnancy.

School-based health clinics are different across this country. They have been set up with the input of local officials, school personnel, parents and students. All of these interested parties participate in the decisions about what services they believe are appropriate and how the clinics will be run. Let us leave these decisions to the communities and to the local officials who are involved.

As I said, this conference has already agreed to reject this proposal. It is wrongheaded and I urge my colleagues in the full House to reject this motion.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. PORTER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. PORTER) has 2 minutes remaining.

Mr. PORTER. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. MORAN) is recognized for 1½ minutes.

Mr. MORAN of Virginia. Mr. Speaker, across the river about 10 years ago, when I was mayor, we set up a school-based health clinic. It was very controversial and difficult to do. But now that it has been set up, it has saved countless lives. It has helped teenagers to act more responsibly.

Ultimately, the community concluded that while it would be wonderful if we could convince teenagers never to have sex, if we could eliminate unintended pregnancies, unwed pregnancies, the reality is that we have to deal with human nature. We have to improve the lives of people. We decided that as a community, which is the way that these issues should be decided, where people can accept the accountability for decisions that they make for the people they serve directly.

I do not think we are particularly successful in trying to mandate morals. We have an opportunity now for professional people, school health nurses, generally, to be able to prescribe a way in which an abortion is not affected; whereas we can prevent pregnancy by providing pills that ensure that women can take control of their lives.

Through our schools and other community institutions, we can help them become more responsible over their future, and we will not see as many children being aborted or being born into unwed situations where they suffer. We do not; they do. Let us not make them suffer; let us defeat this instruction.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds the House again that he requested that Members honor the gavel.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I want to quote from a letter from the National Assembly on School-Based Health Care.

"School-based health care centers represent a partnership between community health care organizations, such as local hospitals, health centers and public health departments, school systems and parents. The programs are designed by the community. The scope of service, including reproductive health, is determined by what health care providers, school officials, parents, and other community members feel is necessary to combat health-compromising behaviors and inadequate and unaffordable access to competent and caring physical and mental health services for school-aged children. The ability to provide these services with public family planning and primary care resources is vital to these few programs. Their ability to offer adolescents needed reproductive health care should not be constrained by Congress. This decision should remain one of local control and oversight."

And that letter is signed by John Schlitt, Executive Director of the National Assembly on School-Based Health Care, someone certainly to whom we should listen before we take away the right of the parents and the health providers in a community to set up such a clinic.

Mr. Speaker, I am providing the full letter for the RECORD, as follows:

NATIONAL ASSEMBLY
ON SCHOOL-BASED HEALTH CARE,
*September 18, 2000.*

Hon. NITA M. LOWEY,
*U.S. House of Representatives, 2421 Rayburn HOB, Washington, DC.*

DEAR REPRESENTATIVE LOWEY: I understand the Helms amendment to the Labor/HHS appropriations bill, which was defeated in conference last month, is resurfacing through a motion by Congressman Coburn to instruct the conferees. I urge you to reject the motion and speak in its opposition.

The National Assembly on School-Based Health Care, which represents the nearly 1200 school health centers across the country, opposes the Helms amendment to the Labor-HHS appropriations bill (S. 6094). The amendment would prohibit the use of federal funds from Section 330 and Title X of the Public Health Services Act, as well as Titles V and XIX of the Social Security Act, to support the distribution of, or prescription for, the emergency contraceptive pill on the premises of elementary and secondary schools.

School-based health centers represent a partnership between community health care organizations (such as local hospitals, health centers and public health departments), school systems, and parents. These programs are designed by the community. The scope of services, including reproductive health, is determined by what health providers, school officials, parents, and other community members feel is necessary to combat health compromising behaviors and inadequate and unaffordable access to competent and caring physical and mental health services for school-aged children and adolescents.

Three in four school-based health centers are prohibited by state and/or local policy from prescribing and dispensing birth control on site. In a very small number of communities, school boards and school health advisory groups, which include parents, have made the decision to offer birth control on site because of troubling teen pregnancy and sexually transmitted disease rates.

The ability to provide these services with public family planning and primary care resources is vital to these few programs. Their ability to offer adolescents needed reproductive health care should not be constrained by Congress. The decision should remain one of local control and oversight.

Thank you for supporting community decision-making.

Sincerely,

JOHN SCHLITT,
*Executive Director.*

(From the National Assembly on School-Based Health Care—Sept. 2000)

### SCHOOL-BASED HEALTH CENTERS AND FAMILY PLANNING

#### WHAT IS A SCHOOL-BASED HEALTH CENTER, AND HOW IS IT DIFFERENT FROM A SCHOOL NURSE?

School-based health centers are partnerships between community health care organizations, typically a health department, primary care center or hospital, and a school. The services provided in the health center are similar to that which is delivered in standard medical clinics: assessment and screenings, immunizations, diagnostic and treatment services laboratory, well child health supervision, etc. There are an estimated 1200 of these unique health centers in schools across the country.

#### IS FAMILY PLANNING INCLUDED IN THE SCOPE OF SERVICES?

While the majority of health centers located in middle and high schools provide services such as pregnancy testing (85%), HIV counseling (77%), and STD testing and treatment (73%), services related to birth control are most often contained to counseling. Three in four school-based health centers are prohibited by state law or school policy from dispensing contraception on site.

#### DO PARENTS PROVIDE CONSENT FOR ACCESS TO SCHOOL-BASED HEALTH CENTERS?

Nearly all (94%) school-based health centers require signed parental consent forms before a student can be seen. Two-thirds of school-based health centers allow parents the option of selecting specific services that their child cannot receive.

### DO SCHOOL-BASED HEALTH CENTERS PRACTICE WITHIN ACCORDANCE OF STATE LAWS REGARDING MINORS' ACCESS TO SENSITIVE SERVICES?

One-third of health centers reported to the National Assembly on School-Based Health Care that adolescents may be seen for family planning related services (except contraceptive services where prohibited) without parental consent. This policy is often communicated to the parent through the consent process so that the right of adolescents to confidential services is understood.

### DO SCHOOL-BASED HEALTH CENTERS DISPENSE THE MORNING AFTER PILL?

In a survey of school-based health centers, 16% of centers serving adolescents reported that emergency contraception is available on site. This represents approximately 130 school-based health centers, or one-fifth of one percent of schools in this nation.

### DO FEDERAL DOLLARS SUPPORT SCHOOL-BASED HEALTH CENTERS?

Federal financial support for school-based health centers comes through Medicaid reimbursement, public health grants through Title V of the Social Security Act, and grants made by the Bureau of Primary Health Care under its Healthy Schools, Healthy Communities initiative.

Mr. OBEY. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 3 minutes remaining, the gentleman from Illinois (Mr. PORTER) has no time remaining, and the gentleman from Oklahoma (Mr. COBURN) has 11 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise to oppose the very troubling motion to instruct of the gentleman from Oklahoma (Mr. COBURN), which would direct, as my colleagues know, the Labor-HHS conferees to revive the already-rejected ban on emergency contraception in school-based health clinics.

In July, the House-Senate conference rejected this harmful proposal because it endangers teenagers' health and undermines the national effort to reduce unintended teen pregnancies. This ban confuses emergency contraception with abortion. And its attempt to ban abortion pills would instead ban emergency contraception.

I think it is important for our colleagues to understand the difference. ECPs, emergency contraception pills, which are FDA approved ordinary birth control pills, do not cause abortion. They inhibit ovulation, fertilization, or implantation before pregnancy occurs.

School-based health centers provide a private, safe place for teens to access health care services, including contraception and related services. Certainly we would hope that children would engage in abstinence, but they do not always, and that is why I join the American College of Obstetricians and Gynecologists in opposing the Coburn motion.

☐ 1800

Mr. OBEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this motion is going to pass by a large vote. I understand that. When the vote comes, I personally am going to vote "present."

As some Members have noticed from time to time, I on numerous occasions have voted "present" as a matter of protest in order to suggest that the House is dealing with an issue which I believe ought to be dealt with on another level of government. Often that has been the District of Columbia with respect to its own affairs, and on occasion it has been other local units of government. This is another such occasion.

I simply do not think that the same rules apply in a district which is very largely composed of white, middle-class, fairly prosperous, well-knit families and then, in contrast to other districts where you have huge amounts of poverty, childhood neglect, loosely knit families, areas such as the gentlewoman from Connecticut (Mrs. JOHNSON) described where children literally often do not see their parents for days at a time.

And so I think that this matter is best left to local school officials because they are the people on the frontlines trying to weigh the conflicting equities that they so often face not just in schools but in police work and in a number of other areas, as well.

### NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. OBEY. If this motion passes, I want to note, Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following Motion to Instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Department of Education; and to insist on disagreeing with provisions in the Senate amendment which denies the press the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

If we are going to start providing motions to instruct at this late date in the session, then I am going to have a number of motions which I think are germane to the operations of the committee.

The SPEAKER pro tempore (Mr. PEASE). The notice of the gentleman from Wisconsin (Mr. OBEY) will appear in the RECORD.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in spite of what the Members of this body might think, the intention of this motion to instruct was not to create havoc in the process as we attempt to go home.

I want to describe my medical practice to all of my colleagues for a minute so they have a perspective. I just heard the "white, middle-class" statement; and I think it is very important. Most of my patients are minorities. Most of them only have one parent. And let me tell my colleagues, every one of those parents want to know what is going on with their kids in school. And the assumption, the racial implication that if they happen to be a single mom and they have a child that gets in trouble that they do not want to know as much as everybody else is absurd and wrong and implies an absolute lack of knowledge about what is going on in this country with that valuable segment of our population. So I want to set that aside.

The other thing is I want to tell my colleagues a story, one of the reasons I offered this amendment. I was in a town hall meeting in the southeast portion of my district. A 38-year-old father came in, and I have never seen anybody so mad in my life. I was the object of his rage, because his 12-year-old daughter had just shown him what she had been given at a clinic, 12 years old, no knowledge. She was given Preven. In case she needed it at some future time, she was given a bag of condoms. She was given noxonol nine. And she was given oral contraceptives. No exam, no instruction sheet on how to use them, but she was given them.

Mr. Speaker, what the father was mad about is that somebody would dare be able to invade on the rights of his child and her health care without him knowing about it. And in front of 50 people, he stood there balling, to say what has happened to our country that parents are last? We heard about local control. What about parent control? What about putting the parents back in charge?

We cannot take an aspirin at a school without a permission slip. If their child has an antibiotic, they have to have permission to give that child his antibiotic at the school. We are so wrong-headed and so out of sync in terms of the priorities for our children in this country it is not a wonder that we are having difficulty with these issues.

The third point I want to make: we have had title X clinics for 25 years in this country. We have been teaching safe sex for 25 years. We are the highest nation in the world in sexually transmitted diseases. Nobody comes close to us. We will have 15 million new cases of sexually transmitted disease this year of which 9 million are incurable, 9 million in which the methods that we teach at our title X safe-sex clinics will not protect our children from. But we are going to dig our heads in the sand, and we are going to ignore it.

The number one cause of cervical cancer is one of them. We now know that one of those is involved with prostate cancer, the number two cancer with men. But we are going to ignore that. We are going to keep doing the same thing. We are going to dumb down to the level of the lowest possible explanation and rationalize that that is the way to treat our children.

It is not good enough. No wonder our kids are failing. We are not expecting enough of them. We are looking the wrong direction.

There is no reason for a parent never to be involved unless incest is involved. And then, in every State in this country, it is a law that they have to notify the authorities. Otherwise they go to jail if they do not notify the authorities.

This has nothing to do with school-based clinics. This has everything to do with parents, re-empowering parents.

The final point that I would make that my colleagues consider is that every one of us has told a lie; and when we finally get past that lie and tell the truth, every one of us feels good about it. When we confess that lie, there is a great feeling. It is liberating. We have told the truth, that burden we are carrying.

When we enable our children to be deceptive, we lessen their potential for the future. We should not be involved in that. We should be enabling them to reconcile with their parents, not become deceptive partners in alienating the children from their parents.

For goodness sakes, let us really think about children.

I know we are going to have the debate on abortion and pro-life; but as we solve this problem, let us empower parents to do the right thing, let us encourage the positive and discourage the negative, let us go for reconciliation between children and parents.

Mr. MOORE. Mr. Speaker, I rise today to express to my colleagues my great concern with this motion to instruct conferees.

First, it should be clear that this motion is about contraception, not abortion. Like other contraceptives, emergency contraception can prevent—but not terminate—a pregnancy. Access to contraception can be a vital part of local efforts to reduce unintended pregnancy and reduce the number of abortions—a goal shared by members on both sides of the aisle.

Second, this motion restricts the decision of local leaders. School-based clinics vary greatly across the country, and the services that they provide reflect community standards, reflected by local advisory boards made up of parents, young adults, community representatives and youth family organizations.

Emergency contraception may not be an appropriate or advisable option for many schoolbased clinics. It may be, however, both necessary and appropriate for some clinics and some communities. For many low-income, uninsured students, school-based health clinics provide their only access to necessary health care. Restricting contraceptive options only for these low-income students is wrong.

Mr. Speaker, I am ashamed to say that our country has more unintended teen pregnancies than any other industrialized country in the world. I challenge my colleagues to reject election-year politics and work with me toward policies that prevent unintended pregnancies before the morning after.

As for me, I will redouble my efforts to help our kids and their parents get the information they need about the consequences and costs of unintended pregnancy and the benefits of abstinence, good reproductive health and smart choices.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise in support of this motion to instruct conferees. It is not the business of the federal government to provide any form of birth control to minors. Furthermore, to do this without parental consent and involvement is especially egregious.

When Senator HELMS asked the Congressional Research Service to investigate whether "Morning-After" pills were distributed to minors at school clinics, CRS found that 180 schools did precisely this.

Mr. Speaker, this is unacceptable, violative of parental rights, and immoral.

It is always instructive to closely examine the rhetoric of the pro-abortion movement. And make no mistake, the pro-abortion movement supports providing the "Morning-After" pill to minors through school based clinics.

So, lets examine their rhetoric. The "Morning-After" pill often can result in causing an abortion of a human child in its earliest stages. Yet, the pro-abortion side will consistently argue that this is not an abortion. They will claim that this is just normal birth control. What hogwash.

Anyone can tell you that "birth control" occurs before a baby is conceived. Otherwise we would happily call abortion "birth control." It's not. It never has been. And, it never will be.

Mr. Speaker, our Founders saw fit to say that government exists to secure "life, liberty, and the pursuit of happiness" for its citizens. Let us not execute the smallest of our citizens by providing these misnamed abortifacient pills to our minors.

Vote "yes" on the motion to instruct conferees.

Mr. COBURN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. WILSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBURN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 170, answered "present" 1, not voting 12, as follows:

[Roll No. 481]

YEAS—250

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Gallegly
Gekas
Gephardt
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Myrick
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer

Boehlert
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gibbons
Gilman
Gonzalez
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kolbe
Kuykendall
Lantos
Larson
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Porter
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Obey

NOT VOTING—12

Campbell
Dooley
Franks (NJ)
Klink
Lazio
McCollum
McIntosh
McNulty
Murtha
Nethercutt
Vento
Wise

□ 1832

Ms. RIVERS, Mr. GIBBONS, and Mr. DINGELL changed their vote from "yea" to "nay."

Mr. POMEROY and Mrs. FOWLER changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3986, ENGINEERING FEASIBILITY STUDY OF WATER EXCHANGE IN LIEU OF ELECTRIFICATION OF CHANDLER PUMPING PLANT AT PROSSER DIVERSION DAM, WASHINGTON

Mr. HASTINGS of Washington (during consideration of the motion to instruct conferees on H.R. 4577), from the Committee on Rules, submitted a privileged report (Rept. No. 106–866) on the resolution (H. Res. 581) providing for consideration of the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4945, SMALL BUSINESS COMPETITION PRESERVATION ACT OF 2000

Mr. HASTINGS of Washington (during consideration of the motion to instruct conferees on H.R. 4577), from the Committee on Rules, submitted a privileged report (Rept. No. 106–867) on the resolution (H. Res. 582) providing for consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4213

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent to remove my name as cosponsor of H.R. 4213.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## CHINESE GOVERNMENT IMPRISONS 80-YEAR-OLD CATHOLIC BISHOP

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, I rise today after reading today's editorial from the Washington Post titled "Catholic 'Criminals' in China," that describes how the Chinese Government has rearrested an 81-year-old Roman Catholic bishop, Bishop Zeng. Here is a picture of Bishop Zeng in prison garb. And the Senate today is ready to grant MFN to China.

The bishop has spent most of his life in a Chinese prison, imprisoned through labor camps. He was imprisoned in 1958, was let out of jail for 1 month, then rearrested and imprisoned until 1991. In 1996, in his late 70s, he was rearrested again and put in a forced labor camp. Imagine being in a forced labor camp at 70 and 80 years of age.

A Chinese leader affiliated with the Chinese Government's recent public relations blitz said, "American voters should get to know us." Indeed, American people, this Congress, the Clinton administration and the next administration must know the true character of the Chinese Government is one that throws 80-year-old Catholic bishops into forced labor camps.

Does anyone in the Clinton administration care? Does the Congress care? Does anyone care?

[From the Washington Post, Sept. 9, 2000]

### CATHOLIC 'CRIMINALS' IN CHINA

The Communist regime in China has identified and rooted out another enemy of the state: 81-year-old Catholic Bishop Zeng Jingmu. The Cardinal Kung Foundation, a U.S.-based advocate for the Roman Catholic Church and its estimated 10 million followers in China, reports that Bishop Zeng was nabbed last Thursday. An embassy spokesman here said he couldn't comment. This wouldn't be a first for this apparently dangerous cleric. He was imprisoned for a quarter-century beginning in 1958. In 1983, the Communists let him out—for one month. Then they jailed him for another eight years, until 1991. In 1996—at the age of 76—he was sentenced to three years of forced labor and reeducation. When he was released with six months still to run on that sentence, in 1998, the Clinton administration trumpeted the news as "further evidence that the president's policy of engagement works." The fatuousness of that statement must be especially clear to the bishop from his current jail cell.

Bishop Zeng has been guilty of a single crime all along: He is a Catholic believer. He refuses to submit to Communist atheism or to the control of the Catholic Patriotic Association, an alternative "church" created by the regime that does not recognize the primacy of the pope. China's government is willing to tolerate some religious expression as long as it is dictated by the government. Anyone who will not submit—whether spiritual movements such as Falun Gong, evangelical Protestant churches, Tibetan monasteries or the real Catholic Church—is subject to "repression and abuse," the State Department said in its recent report on international religious freedom. The admirably straightforward report noted that respect for religious freedom "deteriorated markedly" in China during the past year. "Some places of worship were destroyed," it said. "Leaders of unauthorized groups are often the targets of harassment, interrogations, detention and physical abuse."

Bishop Zeng is a man of uncommon courage, but his fate in China is sadly common. Three days before his arrest, Father Ye Gong Feng, 82, was arrested and "tortured to unconsciousness," the Cardinal Kung Foundation reports. It took 70 policemen to perform that operation. Father Lin Rengui of Fujian province "was beaten so savagely that he vomited blood." Thousands of Falun Gong practitioners have been arrested during the past year; the State Department cites "credible reports" that at least 24 have died while in police custody.

Last month the Chinese government launched a public relations mission to the United States, dispatching exhibits, performers and lecturers—on the subject of religious freedom, among others—on a three-week charm offensive. "American voters should get to know us," said the Chinese functionary in charge. The U.S. ambassador to China, Joseph Prueher, appeared at a joint new conference announcing the mission, and a number of U.S. business executives—from Boeing, Time Warner and elsewhere—happily sponsored it. We have nothing against goodwill cultural exchanges, but Chinese and American officials should not delude themselves that U.S. suspicions are caused chiefly by prejudice or lack of understanding. On the contrary, Americans understand just fine what kind of government throws 81-year-old clerics into jail.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CHINESE GOVERNMENT JAILED ZENG JINGMU

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, last week, as the other body was beginning its final dash toward passage of the China trade deal, the Chinese Government jailed yet another dangerous agitator, his name is Zeng Jingmu. He is 81 years of age. He is a Catholic bishop, and it is not the first time Bishop Zeng has been jailed.

He was first imprisoned 42 years ago. In 1983, he was set free for about 30 days. Then they sent him to prison for 8 more years. In 1996, he was imprisoned once again, and he was sentenced to 3 years of forced labor.

At the time, Bishop Zeng was 76 years of age.

Why does the Chinese Government feel such bitter enmity toward the bishop? What crime did this 81-year-old man commit? Teaching the gospel.

Madam Speaker, none of this should come as a surprise to us. A special commission appointed by the White House and this Congress found that religious persecution is business as usual in today's China.

Over the course of this year's trade debate, advocates of normalizing trade with China repeatedly claimed it would strengthen the cause for human rights. But the jailing of Bishop Zeng tells us that if expanding trade improves human rights, someone forgot to tell the Chinese Government.

In this Capitol, the citadel of liberty, we talk a lot about the rule of law, and we talk a lot about freedom, Madam Speaker. Yet when the topic turns to China, it seems the only law that matters is the law of supply and demand, and the only freedom that counts is the freedom to make a quick buck.

Today an 81-year-old priest sits in a Chinese prison cell, and I know that God will hear his prayers, I only ask why this government cannot.

## REDUCING NATIONAL DEBT AND ANNUAL INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, this Nation can reduce our national debt by $600 billion and reduce our annual interest payments by $30 billion with no harm to anyone nor to any program. That sounds too good to be true, but it is true.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in great savings for the people. We really can cut the national debt by $600 billion and reduce our Federal interest payments by $30 billion a year. How? By merely issuing our own United States Treasury currency.

It is an undisputable fact that the Federal Reserve notes, that is, our circulating currency today, are issued by the Federal Reserve in response to interest-bearing debt instruments. Thus we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that "back" our paper money, the Federal Reserve notes. This unnecessary cost is about $100 per person per year in our country.

Why are our citizens paying $100 per person each year to rent the Federal Reserve's paper money when the United States Treasury could issue the paper money exactly as it issues our coins? The coins are minted by the Treasury and essentially sent into circulation at face value. The Treasury will make a profit of $880 million this year from the issue of 1 billion new gold-colored dollar coins.

If we use the same method of issue for our paper money as we do for our coins, the Treasury would realize a profit on the bills sufficient to reduce the national debt by $600 billion and reduce annual interest payments by $30 billion. Federal Reserve notes are officially liabilities of the Federal Reserve, and over $600 billion in U.S. bonds is held by the Federal Reserve as backing for these notes.

The Federal Reserve collects interest on these bonds from the U.S. Government and then returns most of it to the U.S. Treasury. So it is a tax on our money that goes to the United States Treasury, a tax on our money in circulation.

There is a simple and inexpensive way to convert this costly, illogical, convoluted system to a logical system, which pays no interest directly or indirectly on our money in circulation. Congress simply needs to pass a law requiring the Nation's Treasury to print and issue United States currency in the same denominations and in the same amounts as the present Federal Reserve notes. Because the new U.S. currency would be issued into circulation through the banks to replace or in exchange for the Federal Reserve notes, there would be no change in the money supply.

The plan would remove the liability of the Federal Reserve by returning to the Fed, the Federal Reserve notes in exchange for the $600 billion in interest-bearing bonds now held by the Fed, thus reducing the national debt by $600 billion.

The Nation would thus have a circulating currency, the United States Treasury currency, or U.S. notes, bearing neither debt nor interest.

The national debt would be reduced by $600 billion and annual interest payments reduced by over $30 billion. The easiest way we can save our taxpayers $30 billion each year is to issue our own U.S. Treasury money.

□ 1845

## HONORING THE MEMORY OF BILL ASKEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BLUNT) is recognized for 5 minutes.

Mr. BLUNT. Madam Speaker, I rise today to honor the memory and the life of Reverend William F. Askew, a man whose life touched so many in southwest Missouri and around the world because of his dedication to serving others.

In World War II, the Marine Corps taught him that duty, honor, country was more than a motto. It was a commitment to the ideas that he instilled in others as a drill sergeant and a commitment that followed him all his days.

'Coming back from the war and beginning a career in civilian commercial radio, he accepted Christ; and his faith became the driving center of his life. Service to others was natural for Bill Askew. He was a founding pastor of the Arlington Heights Baptist Church in Jacksonville, Florida; but he also found time to serve as the chaplain of the Duval County Fire Department. He sought opportunities to serve the spiritual and emotional needs of firemen from around Florida and the victims of the fires they fought.

Service to others was his focus when he moved his wife, Doris, and seven of their nine children to Springfield, Missouri, in 1968, to help found the area's first Christian radio station. He served as general manager of KWFC serving portions of four States until his death last week.

Despite the responsibilities he faced in running a radio station, he also committed to serving residents of northern Greene County as the pastor of the Noble Hill Baptist Church, often traveling back roads to meet the needs of a large rural area as well as those of the surrounding communities.

Service was the keynote of his life, whether he was helping form the North

Springfield Betterment Association or teaching classes at Baptist Bible College. Bill, or "Mr. A" as many of his friends called him, was dedicated to making a difference in the lives of those he served. Some of those now serve as missionaries, as business leaders, government officials; and they reflect his inspiration for their lives. He was a confidant, a mentor, an advisor, a friend to so many; and he often did it with so little fanfare.

Bill Askew was a family man. Even though he gave much to others, he was happiest when surrounded by his children, his grandchildren and his great grandchildren. He shared their joys and comforted their pain.

Madam Speaker, with his passing, southwest Missouri has lost a great spiritual and civic leader, a friend and a guiding force for many in our community. I ask that God bless him and his family as we share in their loss.

## THE VETERANS ORAL HISTORY PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, Abraham Lincoln, during his address at Gettysburg, stated that the world will little note, nor long remember what we say here, but it can never forget what they did here. Inspired by those words, as well as the words from countless number of veterans back in my own congressional district and across the country, I was motivated to draft and also introduce today, with my friend and colleague, the gentleman from New York (Mr. HOUGHTON), the Veterans Oral History Project, which will direct the Library of Congress to establish a national archives for the collection and preservation of our veterans' oral history through videotape testimony.

Now that we have the technological means to do so, I think this is a worthwhile investment for this country to make. It would be a gift from our veterans which will keep on giving not only today but tomorrow, and God willing, for generations and centuries to come.

There is a sense of urgency in introducing this bill which has, I am pleased to report, received wide bipartisan support, with a majority of the Members in the House of Representatives willing to be original sponsors of this legislation. Senator MAX CLELAND will be introducing the bill in the United States Senate this week as well.

There is a sense of urgency, given the fact that we have roughly 19 million veterans still living in this country today, of which 3,400 are from the First World War, roughly 6 million are still living from the Second World War and they are passing away by a rate of roughly 1,500 a day.

If we are to truly honor our veterans, then I think this Nation needs to make every conceivable effort to try to preserve their memory.

I am struck by the number of people who I have encountered who have regrets today because they did not take out the family video camera and videotape their grandmother or grandparent or father or mother and talk to them about their years of serving our country and some of the great conflicts that we went through as a Nation during the course of the 20th century.

I envision now, with this project, with the cooperation of a lot of people across the country, including family members, friends, neighbors, the VFW and American Legion halls, school students, class projects, who could go out and interview these veterans on videotape, I envision that a child in the 21st or 22nd century will be able to call up on the Internet the testimony of their great, great, great, grandfather or grandmother and in their own words listen to their experience during the Second World War or Korea or Vietnam or the Gulf War, for instance.

This is something that we can do with relative ease. The Library of Congress is already involved in a similar type of project with the American Folk Life Center where they are videotaping community leaders around the country as to how they would like their communities to be remembered 100 or 200 years from now. They are also engaged on a comprehensive project to digitize the information that they are collecting; and what this project would call for is for the Library of Congress and the talent and expertise that they have there to index the videotape and digitize that and make it available to families and to anyone who wants access to this very important piece of our Nation's history.

When I have been working on this project, I have had a chance to think of many of the veterans who I have encountered back home, people like Glenn Averbeck, from my congressional district who served in Korea and was part of the occupation force in Japan after the Second World War. I think of Don Bruns, a former POW during the Second World War. One story Don likes to tell is when he bailed out of a shrapnel-ridden B17 over the skies of Germany and he landed in a patch of kohlrabi. To this day, he cannot stand the sight or smell of that vegetable; but there is more to Don's story as he tells of the days of hunger in the stalag, days of boredom, days of anxiety and days when his captured comrades drifted towards insanity waiting for the day when they would be liberated or the day when they would escape.

These are the stories that we need to capture, in Don's words, and preserve for history's sake.

When I talk about the Veterans Oral History Project, I think of William Ehernman, a World War II vet shot down in the Pacific. William tells of flying cover for PT boats in the Pacific, including flying cover for one young commander, a Naval officer by the name of John F. Kennedy. I also think of Golden Barritt, a World War I veteran from my district who died just last summer. It is a shame that we did not get Golden's oral history from the Great War. He almost reached his 100 birthday, and just last year he received a medal from the government of France for his participation in the First World War.

I also think of my father, who I did get a chance to videotape who served in the Army; my uncle who served during the Second World War; and also my younger brother who recently served during the Gulf War.

So I am encouraged by the bipartisan support that many of my colleagues have given for this legislation, and I would encourage this House to move the legislation quickly since time is of the essence.

## THE HIGH PRICE OF GASOLINE DUE TO TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Madam Speaker, the top headline in the Washington Post late last week said: "Oil Prices Hit Ten Year High." Yet, as I drove into work this morning, the CBS Radio National News reported that oil prices had gone up another 90 cents a barrel.

In last Friday's Washington Times, a column in the editorial commentary pages carried the headline, "Gassed and Going Up."

This column, written by two economists, said taxes take 43 cents of every gallon and that Federal regulations add great additional costs and have prevented any new refinery from being built for 25 years. They wrote, quote, "The economy will suffer if the price of oil remains high. Our analysis shows that high oil prices will cost the average family of four more than $1,300; decrease consumer spending by nearly $80 billion and cost almost 500,000 jobs," unquote.

Last Friday night on the CNN Moneyline program, one leading stock analyst said higher oil prices are leading us into a recession and much lower stock prices. The stock market fell 278 points Friday and Monday, mainly due to fears about higher oil prices.

One of the things I do in the House is chair the Subcommittee on Aviation. A few months ago, the Air Transport Association told me that each one penny increase in jet fuel costs the airlines $200 million.

Last week, the Christian Science Monitor newspaper had a front page story about protests and some near riots in Britain and throughout Europe over high gas prices.

Sometimes we are told that we are lucky because we are paying much less for gas than the Europeans. Well, the reason is that our socialism is not as far along as theirs is. In Europe, taxes make up as much as 80 percent of the cost of gas. They pay the same world oil price as we do. They simply have more big government than we do, and we have too much.

Other segments of our economy will be hurt badly besides aviation if these oil prices go up even more, as is being predicted. Truckers are already feeling the pinch and are leading the protests in Europe. Agriculture and tourism and those who heat their homes with home heating oil will be greatly affected.

Who do we have to thank for this situation? Well, in this country those who like higher gas prices should write the White House and thank the President. The President vetoed legislation in 1995 which would have allowed production of oil in one tiny 2,000 to 3,000-acre part of the coastal plain of Alaska. The U.S. Geologic Survey has said there is approximately 16 to 19 billion barrels of oil there, equal to 30 years of Saudi oil. The President also signed an executive order placing 80 percent of the U.S. outercontinental shelf off-limits for oil production, and this is billions more barrels.

I heard on the radio last week that oil is the most plentiful liquid in the world after saltwater. Even with increased usage, we have hundreds of years worth of oil available. Yet, because this administration is controlled by wealthy environmental extremists, we cannot produce more oil in this country. The environmentalists even want gas to go much higher so everyone but them will have to drive less.

They do not seem to care that the people they hurt the most are lower-income and working families. Most environmental extremists seem to come from wealthy families who are not hurt when prices go up and jobs are destroyed. Then, too, some of these environmental groups probably receive big contributions from the oil companies, the shipping companies, the OPEC countries and others who get rich if we do not produce more U.S. oil.

Due to EPA and other Federal regulations, I am told that 36 U.S. oil refineries have closed just since 1980. Because this administration is held captive by environmental extremists, our present oil policy consists of nothing more than to beg the OPEC countries.

Well, we need to do more than beg. We endanger not only our own economy but also our national security by being too dependent on foreign oil. The price of oil could be reduced dramatically if the President would tell OPEC that we are going to produce more oil domestically and really mean it. He needs also to tell the OPEC countries that their foreign aid will be ended if they continue to gouge us on oil prices. I have co-sponsored the bill of the gentleman from New Jersey (Mr. SAXTON) to cut off IMF loans to OPEC countries which raise their oil prices, but the liberals in Congress will probably not let us pass this bill.

Begging OPEC will get us nowhere. We need strong leadership, Madam Speaker, from the White House; but we will not get it. We also need to wake up and realize that the Sierra Club and some of these other environmental groups have now gone so far to the left that they make even socialists look conservative.

## HOW MUCH IS ENOUGH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, how much is enough? The buzz in Washington is that the President is spoiling for one last fight with Congress over the budget. In fact, White House aides have practically encouraged suspicion that they would like a government shutdown to embarrass Republicans and boost Democratic prospects in the upcoming elections. Rumors of a government shutdown are greatly exaggerated. Congressional leaders are working in good faith to ensure principled compromise with the President on a budget that serves the national interest.

Under our proposal, over $600 billion of publicly held debt would be paid down by the end of next year. It would be eliminated by the year 2013. Of course, reduced debt means lower interest rates on credit cards and home mortgages for millions of American families.

The GOP debt reduction plan would also save an average of $4,064 for every American household in lower interest rates over the next 10 years. Since early last year, Congress has made its spending priorities very clear. As a member of the House Committee on the Budget, I helped craft a budget for next year in which Federal spending would grow at a rate slower than the average family budget. This budget passed the House and Senate. It serves as the blueprint for congressional spending bills this year.

The President, on the other hand, will not say just how many billions of dollars he wants to spend. He submitted one plan in January, which was soundly rejected even by members of his own party. Speaking for congressional Democrats during the debate on the President's proposal earlier this year, the gentleman from Massachusetts (Mr. MOAKLEY), a Democratic, confessed on the House floor, and I quote, "We did not propose the President's budget. We do not want any part of the President's budget," closed quote.

□ 1900

Indeed. The House Democrats offered four substitute budget plans this year. Not one of them was the President's budget plan. It never even got a vote.

Since that time, the President's spending plans have been a moving target. He is currently asking for between $20 billion and $30 billion more than he asked for in January, though he cannot say how much or exactly what he needs it for. If we cannot move forward on lowering and simplifying taxes, let us at least not go backwards on spending. A balanced budget with the surplus devoted largely to paying down debt would make perfect sense under these circumstances.

Last week, in an effort to reach agreement on total spending, congressional leaders went to the White House to propose reserving 90 percent of next year's surplus for reducing the national debt. This compromise would provide some limited room for additional spending, while paying down billions more dollars of the Federal debt and keeping a lid on Federal spending.

This should have been an attractive idea to the President. He claimed in the last few weeks that fidelity to the national debt caused him to veto the bills eliminating the marriage tax penalty and the death tax which Congress sent to the White House. But, the President seems decidedly cool toward the 90 percent debt reduction plan. Quote: "Whether we can do it," that is, use 90 percent of the surplus to pay down debt "depends on what the various spending commitments are," the President said earlier to the New York Times.

So let us be clear. When presented with a choice of more spending or paying down the national debt, the President chose more spending.

Ultimately, the budget debate comes down to a very simple question: how much is enough? I believe that $1.68 trillion should be more than enough to fund the legitimate needs of the Federal Government. Unfortunately, it is still not clear how much more the President thinks is necessary. Congress is committed to working in good faith with the President to reach a reasonable budget compromise. The question is, is he?

## TRIBUTE TO SENATOR LAUTENBERG

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, it is an honor to rise today to join the New Jersey congressional delegation and my colleagues in paying tribute to Senator FRANK LAUTENBERG. This legislation which we passed earlier in the day to name the post office and courthouse at Federal Square in Newark after the Senator is just one small way to honor a man who has done so much for New Jersey and the Nation. I will be delighted to support it and I am pleased to see the House take it up.

FRANK LAUTENBERG, born into an immigrant family residing in Paterson, New Jersey, FRANK and his family dealt with numerous obstacles and struggles that were common experiences for many Americans during the 1920s. After moving from city to city, the LAUTENBERGS and LAUTENBERG's father found work at the renowned silk mills in Paterson. His father was soon able to eke out a living to support his family. Sadly, just as FRANK was on the brink of manhood, he lost his father to cancer.

Upon his graduation from Nutley High School, FRANK LAUTENBERG enlisted and served in the Army's Signal Corps in Europe during World War II. After serving his country, he attended the prestigious Columbia University on the GI Bill where he studied economics.

With his eyes set on the innovations of the future, LAUTENBERG, accompanied by two childhood friends, founded Automatic Data Processing, a payroll services company. ADP quickly rose up the ladder of business and emerged as one of the world's largest computing service companies with over 33,000 people on its payroll.

Since his election to the Senate in 1982, FRANK LAUTENBERG has given back to the State of New Jersey and our Nation throughout his senatorial career. By writing laws that established age 21 as the national drinking age, by banning smoking on airplanes and forbidding domestic violence abusers from owning guns, LAUTENBERG insured the health and security of our families.

As a strong environmental leader, FRANK LAUTENBERG sought to protect all aspects of our beautiful environment, mainly through the Superfund program to clean up toxic waste sites, the clean air and safe drinking water acts, and the Pets on Planes acts. With the best interests of New Jersey and New Jersey's beaches in mind, FRANK LAUTENBERG wrote legislation that would ban ocean dumping of sewage, rid our beaches of garbage, control medical waste, and stop oil drilling off our famed Jersey shore.

Standing as an example of an American success story, FRANK LAUTENBERG has dedicated 18 years of his career to public service here in the United States Capitol and in New Jersey. And, despite his retirement, Senator LAUTENBERG will always be remembered for his many contributions made to better the lives of millions of Americans. I am sure he will continue to dedicate himself to improving lives, to healing the world.

On a more personal note, no one has done more to help me as a new member of the New Jersey congressional delegation than Senator FRANK LAUTENBERG. His advice, guidance and assistance are things that I will always remember with gratitude.

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## CONFERENCE REPORT ON H.R. 4919, DEFENSE AND SECURITY ASSISTANCE ACT OF 2000

Mr. GOODLING submitted the following conference report and statement on the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–868)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4919), to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Security Assistance Act of 2000".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definition.*

*TITLE I—MILITARY AND RELATED ASSISTANCE*

*Subtitle A—Foreign Military Sales and Financing Authorities*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Requirements relating to country exemptions for licensing of defense items for export to foreign countries.*

*Subtitle B—Stockpiling of Defense Articles for Foreign Countries*

*Sec. 111. Additions to United States war reserve stockpiles for allies.*
*Sec. 112. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.*

*Subtitle C—Other Assistance*

*Sec. 121. Defense drawdown special authorities.*
*Sec. 122. Increased authority for the transport of excess defense articles.*

*TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING*

*Sec. 201. Authorization of appropriations.*
*Sec. 202. Additional requirements.*

*TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE*

*Sec. 301. Nonproliferation and export control assistance.*
*Sec. 302. Nonproliferation and export control training in the United States.*
*Sec. 303. Science and technology centers.*
*Sec. 304. Trial transit program.*
*Sec. 305. Exception to authority to conduct inspections under the Chemical Weapons Convention Implementation Act of 1998.*

*TITLE IV—ANTITERRORISM ASSISTANCE*

*Sec. 401. Authorization of appropriations.*

*TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING*

*Subtitle A—Establishment of a National Security Assistance Strategy*

*Sec. 501. National Security Assistance Strategy.*

*Subtitle B—Allocations for Certain Countries*

*Sec. 511. Security assistance for new NATO members.*
*Sec. 512. Increased training assistance for Greece and Turkey.*
*Sec. 513. Assistance for Israel.*
*Sec. 514. Assistance for Egypt.*
*Sec. 515. Security assistance for certain countries.*
*Sec. 516. Border security and territorial independence.*

*TITLE VI—TRANSFERS OF NAVAL VESSELS*

*Sec. 601. Authority to transfer naval vessels to certain foreign countries.*
*Sec. 602. Inapplicability of aggregate annual limitation on value of transferred excess defense articles.*
*Sec. 603. Costs of transfers.*
*Sec. 604. Conditions relating to combined lease-sale transfers.*
*Sec. 605. Funding of certain costs of transfers.*
*Sec. 606. Repair and refurbishment in United States shipyards.*
*Sec. 607. Sense of Congress regarding transfer of naval vessels on a grant basis.*
*Sec. 608. Expiration of authority.*

*TITLE VII—MISCELLANEOUS PROVISIONS*

*Sec. 701. Utilization of defense articles and defense services.*
*Sec. 702. Annual military assistance report.*
*Sec. 703. Report on government-to-government arms sales end-use monitoring program.*
*Sec. 704. MTCR report transmittals.*
*Sec. 705. Stinger missiles in the Persian Gulf region.*
*Sec. 706. Sense of Congress regarding excess defense articles.*
*Sec. 707. Excess defense articles for Mongolia.*
*Sec. 708. Space cooperation with Russian persons.*
*Sec. 709. Sense of Congress relating to military equipment for the Philippines.*
*Sec. 710. Waiver of certain costs.*

***SEC. 2. DEFINITION.***

*In this Act, the term "appropriate committees of Congress" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

### ***TITLE I—MILITARY AND RELATED ASSISTANCE***

### ***Subtitle A—Foreign Military Sales and Financing Authorities***

***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $3,550,000,000 for fiscal year 2001 and $3,627,000,000 for fiscal year 2002.*

***SEC. 102. REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.***

*(a) REQUIREMENTS OF EXEMPTION.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:*

"(j) Requirements Relating to Country Exemptions for Licensing of Defense Items for Export to Foreign Countries.—

"(1) Requirement for bilateral agreement.—

"(A) In general.—The President may utilize the regulatory or other authority pursuant to this Act to exempt a foreign country from the licensing requirements of this Act with respect to exports of defense items only if the United States Government has concluded a binding bilateral agreement with the foreign country. Such agreement shall—

"(i) meet the requirements set forth in paragraph (2); and

"(ii) be implemented by the United States and the foreign country in a manner that is legally-binding under their domestic laws.

"(B) Exception.—The requirement to conclude a bilateral agreement in accordance with subparagraph (A) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.

"(2) Requirements of bilateral agreement.—A bilateral agreement referred to paragraph (1)—

"(A) shall, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy requiring—

"(i) conditions on the handling of all United States-origin defense items exported to the foreign country, including prior written United States Government approval for any reexports to third countries;

"(ii) end-use and retransfer control commitments, including securing binding end-use and retransfer control commitments from all end-users, including such documentation as is needed in order to ensure compliance and enforcement, with respect to such United States-origin defense items;

"(iii) establishment of a procedure comparable to a 'watchlist' (if such a watchlist does not exist) and full cooperation with United States Government law enforcement agencies to allow for sharing of export and import documentation and background information on foreign businesses and individuals employed by or otherwise connected to those businesses; and

"(iv) establishment of a list of controlled defense items to ensure coverage of those items to be exported under the exemption; and

"(B) should, at a minimum, require the foreign country, as necessary, to revise its policies and practices, and promulgate or enact necessary modifications to its laws and regulations to establish an export control regime that is at least comparable to United States law, regulation, and policy regarding—

"(i) controls on the export of tangible or intangible technology, including via fax, phone, and electronic media;

"(ii) appropriate controls on unclassified information relating to defense items exported to foreign nationals;

"(iii) controls on international arms trafficking and brokering;

"(iv) cooperation with United States Government agencies, including intelligence agencies, to combat efforts by third countries to acquire defense items, the export of which to such countries would not be authorized pursuant to the export control regimes of the foreign country and the United States; and

"(v) violations of export control laws, and penalties for such violations.

"(3) Advance certification.—Not less than 30 days before authorizing an exemption for a foreign country from the licensing requirements of this Act for the export of defense items, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a certification that—

"(A) the United States has entered into a bilateral agreement with that foreign country satisfying all requirements set forth in paragraph (2);

"(B) the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement with the United States; and

"(C) the appropriate congressional committees will continue to receive notifications pursuant to the authorities, procedures, and practices of section 36 of this Act for defense exports to a foreign country to which that section would apply and without regard to any form of defense export licensing exemption otherwise available for that country.

"(4) Definitions.—In this section:

"(A) Defense items.—The term 'defense items' means defense articles, defense services, and related technical data.

"(B) Appropriate congressional committees.—The term 'appropriate congressional committees' means—

"(i) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(ii) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) Notification of Exemption.—Section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) is amended—

(1) by inserting "(1)" after "(f)"; and

(2) by adding at the end the following:

"(2) The President may not authorize an exemption for a foreign country from the licensing requirements of this Act for the export of defense items under subsection (j) or any other provision of this Act until 30 days after the date on which the President has transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a notification that includes—

"(A) a description of the scope of the exemption, including a detailed summary of the defense articles, defense services, and related technical data covered by the exemption; and

"(B) a determination by the Attorney General that the bilateral agreement concluded under subsection (j), requires the compilation and maintenance of sufficient documentation relating to the export of United States defense articles, defense services, and related technical data to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire sophisticated United States defense items.

"(3) Paragraph (2) shall not apply with respect to an exemption for Canada from the licensing requirements of this Act for the export of defense items.".

(c) Exports of Commercial Communications Satellites.—

(1) Amendment of the Arms Export Control Act.—Section 36(c)(2) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and".

(2) Sense of Congress.—It is the sense of Congress that the appropriate committees of Congress and the appropriate agencies of the United States Government should review the commodity jurisdiction of United States commercial communications satellites.

(d) Sense of Congress on Submission to the Senate of Certain Agreements as Treaties.—It is the sense of Congress that, prior to amending the International Traffic in Arms Regulations, the Secretary of State should consult with the appropriate committees of Congress for the purpose of determining whether certain agreements regarding defense trade with the United Kingdom and Australia should be submitted to the Senate as treaties.

## Subtitle B—Stockpiling of Defense Articles for Foreign Countries

### SEC. 111. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

"(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed $50,000,000 for fiscal year 2001.

"(B) Of the amount specified in subparagraph (A), not more than $50,000,000 may be made available for stockpiles in the Republic of Korea.".

### SEC. 112. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) Transfers to Israel.—

(1) Authority.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) Items covered.—The items referred to in paragraph (1) are munitions, equipment, and material such as armor, artillery, automatic weapons ammunition, and missiles that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of the enactment of this Act, are located in a stockpile in Israel.

(b) Concessions.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) Advance Notification of Transfer.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) Expiration of Authority.—No transfer may be made under the authority of this section 3 years after the date of the enactment of this Act.

## Subtitle C—Other Assistance

### SEC. 121. DEFENSE DRAWDOWN SPECIAL AUTHORITIES.

(a) Emergency Drawdown.—Section 506(a)(2)(B) of the Foreign Assistance Act of

*1961 (22 U.S.C. 2318(a)(2)(B)) is amended by striking "$150,000,000" and inserting "$200,000,000".*

*(b) Additional Drawdown.—Section 506(a)(2)(A)(i) of such Act (22 U.S.C. 2318(a)(2)(A)(i)) is amended—*

*(1) by striking "or" at the end of subclause (II); and*

*(2) by striking subclause (III) and inserting the following:*

*"(III) chapter 8 of part II (relating to antiterrorism assistance);*

*"(IV) chapter 9 of part II (relating to nonproliferation assistance); or*

*"(V) the Migration and Refugee Assistance Act of 1962; or".*

### SEC. 122. INCREASED AUTHORITY FOR THE TRANSPORT OF EXCESS DEFENSE ARTICLES.

*Section 516(e)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(2)(C)) is amended by striking "25,000" and inserting "50,000".*

## TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

*There are authorized to be appropriated to the President $55,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).*

### SEC. 202. ADDITIONAL REQUIREMENTS.

*Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new sections:*

### "SEC. 547. CONSULTATION REQUIREMENT.

*"The selection of foreign personnel for training under this chapter shall be made in consultation with the United States defense attache to the relevant country.*

### "SEC. 548. RECORDS REGARDING FOREIGN PARTICIPANTS.

*"In order to contribute most effectively to the development of military professionalism in foreign countries, the Secretary of Defense shall develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this chapter after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether such instruction was completed successfully, and, to the extent practicable, a record of the person's subsequent military or defense ministry career and current position and location.".*

## TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

### SEC. 301. NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE.

*Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following new chapter:*

## "CHAPTER 9—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

### "SEC. 581. PURPOSES.

*"The purposes of assistance under this chapter are to halt the proliferation of nuclear, chemical, and biological weapons, and conventional weaponry, through support of activities designed—*

*"(1) to enhance the nonproliferation and export control capabilities of friendly countries by providing training and equipment to detect, deter, monitor, interdict, and counter proliferation;*

*"(2) to strengthen the bilateral ties of the United States with friendly governments by offering concrete assistance in this area of vital national security interest;*

*"(3) to accomplish the activities and objectives set forth in sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853, 5854), without regard to the limitation of those sections to the independent states of the former Soviet Union; and*

*"(4) to promote multilateral activities, including cooperation with international organizations, relating to nonproliferation.*

### "SEC. 582. AUTHORIZATION OF ASSISTANCE.

*"Notwithstanding any other provision of law (other than section 502B or section 620A of this Act), the President is authorized to furnish, on such terms and conditions as the President may determine, assistance in order to carry out the purposes of this chapter. Such assistance may include training services and the provision of funds, equipment, and other commodities related to the detection, deterrence, monitoring, interdiction, and prevention or countering of proliferation, the establishment of effective nonproliferation laws and regulations, and the apprehension of those individuals involved in acts of proliferation of such weapons.*

### "SEC. 583. TRANSIT INTERDICTION.

*"(a) Allocation of Funds.—In providing assistance under this chapter, the President should ensure that not less than one-quarter of the total of such assistance is expended for the purpose of enhancing the capabilities of friendly countries to detect and interdict proliferation-related shipments of cargo that originate from, and are destined for, other countries.*

*"(b) Priority to Certain Countries.—Priority shall be given in the apportionment of the assistance described under subsection (a) to any friendly country that has been determined by the Secretary of State to be a country frequently transited by proliferation-related shipments of cargo.*

### "SEC. 584. LIMITATIONS.

*"The limitations contained in section 573 (a) and (d) of this Act shall apply to this chapter.*

### "SEC. 585. AUTHORIZATION OF APPROPRIATIONS.

*"(a) Authorization of Appropriations.—There are authorized to be appropriated to the President to carry out this chapter $129,000,000 for fiscal year 2001 and $142,000,000 for fiscal year 2002.*

*"(b) Availability of Funds.—Funds made available under subsection (a) may be used notwithstanding any other provision of law (other than section 502B or 620A) and shall remain available until expended.".*

*"(c) Treatment of Fiscal Year 2001 Appropriations.—Amounts made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, under 'Nonproliferation, Antiterrorism, Demining, and Related Programs' and 'Assistance for the Independent States of the Former Soviet Union' accounts for the activities described in subsection (d) shall be considered to be made available pursuant to this chapter.*

*"(d) Covered Activities.—The activities referred to in subsection (c) are—*

*"(1) assistance under the Nonproliferation and Disarmament Fund;*

*"(2) assistance for science and technology centers in the independent states of the former Soviet Union;*

*"(3) export control assistance; and*

*"(4) export control and border assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) or the FREEDOM Support Act (22 U.S.C. 5801 et seq.).".*

### SEC. 302. NONPROLIFERATION AND EXPORT CONTROL TRAINING IN THE UNITED STATES.

*Of the amounts made available for fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, $2,000,000 is authorized to be available each such fiscal year for the purpose of training and education of personnel from friendly countries in the United States.*

### SEC. 303. SCIENCE AND TECHNOLOGY CENTERS.

*(a) Availability of Funds.—Of the amounts made available for the fiscal years 2001 and 2002 under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301, $59,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.*

*(b) Sense of Congress.—It is the sense of Congress, taking into account section 1132 of H. R. 3427 of the One Hundred and Sixth Congress (as enacted by section 1000(a)(7) of Public Law 106–113), that the practice of auditing entities receiving funds authorized under this section should be significantly expanded and that the burden of supplying auditors should be spread equitably within the United States Government.*

### SEC. 304. TRIAL TRANSIT PROGRAM.

*(a) Allocation of Funds.—Of the amount made available for fiscal year 2001 under chapter 9 of the Foreign Assistance Act of 1961, as added by section 301, $5,000,000 is authorized to be available to establish a static cargo x-ray facility in Malta, if the Secretary of State first certifies to the appropriate committees of Congress that the Government of Malta has provided adequate assurances that such a facility will be utilized in connection with random cargo inspections by Maltese customs officials of container traffic transiting through the Malta Freeport.*

*(b) Requirement of Written Assessment.—In the event that a facility is established in Malta pursuant to subsection (a), the Secretary of State shall submit a written assessment to the appropriate committees of Congress not later than 270 days after such a facility commences operation detailing—*

*(1) statistics on utilization of the facility by Malta;*

*(2) the contribution made by the facility to United States nonproliferation and export control objectives; and*

*(3) the feasibility of establishing comparable facilities in other countries identified by the Secretary of State pursuant to section 583 of the Foreign Assistance Act of 1961, as added by section 301.*

*(c) Treatment of Assistance.—Assistance under this section shall be considered as assistance under section 583(a) of the Foreign Assistance Act of 1961 (relating to transit interdiction), as added by section 301.*

### SEC. 305. EXCEPTION TO AUTHORITY TO CONDUCT INSPECTIONS UNDER THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998.

*Section 303 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723) is amended by adding at the end the following new subsection:*

*"(c) Exception.—The requirement under subsection (b)(2)(A) shall not apply to inspections of United States chemical weapons destruction facilities (as used within the meaning of part IV(C)(13) of the Verification Annex to the Convention).".*

## TITLE IV—ANTITERRORISM ASSISTANCE

### SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

*Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–4(a)) is amended by striking "$9,840,000" and all that follows through the period and inserting the following: "$72,000,000 for fiscal year 2001 and $73,000,000 for fiscal year 2002:".*

## TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

## Subtitle A—Establishment of a National Security Assistance Strategy

### SEC. 501. NATIONAL SECURITY ASSISTANCE STRATEGY.

*(a) Multiyear Plan.—Not later than 180 days after the date of enactment of this Act,*

*and annually thereafter at the time of submission of the congressional presentation materials of the foreign operations appropriations budget request, the Secretary of State should submit to the appropriate committees of Congress a plan setting forth a National Security Assistance Strategy for the United States.*

*(b) ELEMENTS OF THE STRATEGY.—The National Security Assistance Strategy should—*

*(1) set forth a multi-year plan for security assistance programs;*

*(2) be consistent with the National Security Strategy of the United States;*

*(3) be coordinated with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;*

*(4) be prepared, in consultation with other agencies, as appropriate;*

*(5) identify overarching security assistance objectives, including identification of the role that specific security assistance programs will play in achieving such objectives;*

*(6) identify a primary security assistance objective, as well as specific secondary objectives, for individual countries;*

*(7) identify, on a country-by-country basis, how specific resources will be allocated to accomplish both primary and secondary objectives;*

*(8) discuss how specific types of assistance, such as foreign military financing and international military education and training, will be combined at the country level to achieve United States objectives; and*

*(9) detail, with respect to each of the paragraphs (1) through (8), how specific types of assistance provided pursuant to the Arms Export Control Act and the Foreign Assistance Act of 1961 are coordinated with United States assistance programs managed by the Department of Defense and other agencies.*

*(c) COVERED ASSISTANCE.—The National Security Assistance Strategy should cover assistance provided under—*

*(1) section 23 of the Arms Export Control Act (22 U.S.C. 2763);*

*(2) chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.); and*

*(3) section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i).*

## *Subtitle B—Allocations for Certain Countries*

### *SEC. 511. SECURITY ASSISTANCE FOR NEW NATO MEMBERS.*

*(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $30,300,000 for fiscal year 2001 and $35,000,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: the Czech Republic, Hungary, and Poland.*

*(b) MILITARY EDUCATION AND TRAINING.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), $5,100,000 for fiscal year 2001 and $7,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: the Czech Republic, Hungary, and Poland.*

*(c) SELECT PRIORITIES.—In providing assistance under this section, the President shall give priority to supporting activities that are consistent with the objectives set forth in the following conditions of the Senate resolution of ratification for the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic:*

*(1) Condition (1)(A)(v), (vi), and (vii), relating to common threats, the core mission of NATO, and the capacity to respond to common threats.*

*(2) Condition (1)(B), relating to the fundamental importance of collective defense.*

*(3) Condition (1)(C), relating to defense planning, command structures, and force goals.*

*(4) Conditions (4)(B)(i) and (4)(B)(ii), relating to intelligence matters.*

### *SEC. 512. INCREASED TRAINING ASSISTANCE FOR GREECE AND TURKEY.*

*(a) IN GENERAL.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—*

*(1) $1,000,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Greece; and*

*(2) $2,500,000 for fiscal year 2001 and $2,500,000 for fiscal year 2002 are authorized to be available for Turkey.*

*(b) USE FOR PROFESSIONAL MILITARY EDUCATION.—Of the amounts available under paragraphs (1) and (2) of subsection (a) for fiscal year 2002, $500,000 of each such amount should be available for purposes of professional military education.*

*(c) USE FOR JOINT TRAINING.—It is the sense of Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.*

### *SEC. 513. ASSISTANCE FOR ISRAEL.*

*(a) DEFINITIONS.—In this section:*

*(1) ESF ASSISTANCE.—The term "ESF assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.*

*(2) FOREIGN MILITARY FINANCING PROGRAM.—The term "Foreign Military Financing Program" means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).*

*(b) ESF ASSISTANCE.—*

*(1) IN GENERAL.—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel.*

*(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—*

*(A) the amount made available for ESF assistance for Israel for the preceding fiscal year, minus*

*(B) $120,000,000.*

*(c) FMF PROGRAM.—*

*(1) IN GENERAL.—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel.*

*(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—*

*(A) the amount made available for assistance under the Foreign Military Financing Program for Israel for the preceding fiscal year, plus*

*(B) $60,000,000.*

*(3) DISBURSEMENT OF FUNDS.—Funds authorized to be available for Israel under paragraph (1) for fiscal year 2001 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2001, or October 31, 2000, whichever date is later.*

*(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for fiscal year 2001 shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $520,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.*

*(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.*

### *SEC. 514. ASSISTANCE FOR EGYPT.*

*(a) DEFINITIONS.—In this section:*

*(1) ESF ASSISTANCE.—The term "ESF assistance" means assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), relating to the economic support fund.*

*(2) FOREIGN MILITARY FINANCING PROGRAM.—The term "Foreign Military Financing Program" means the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763).*

*(b) ESF ASSISTANCE.—*

*(1) IN GENERAL.—Of the amounts made available for each of the fiscal years 2001 and 2002 for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Egypt.*

*(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—*

*(A) the amount made available for ESF assistance for Egypt during the preceding fiscal year, minus*

*(B) $40,000,000.*

*(c) FMF PROGRAM.—Of the amount made available for each of the fiscal years 2001 and 2002 for assistance under the Foreign Military Financing Program, $1,300,000,000 is authorized to be made available for Egypt.*

*(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.*

*(e) DISBURSEMENT OF FUNDS.—Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2001 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of the date of enactment of this Act, or by October 31, 2000, whichever is later, provided that—*

*(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;*

*(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program; and*

*(3) none of the interest accrued by such account should be obligated unless the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives are notified.*

### *SEC. 515. SECURITY ASSISTANCE FOR CERTAIN COUNTRIES.*

*(a) FOREIGN MILITARY FINANCING.—Of the amounts made available for the fiscal years 2001 and 2002 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—*

*(1) $18,200,000 for fiscal year 2001 and $20,500,000 for fiscal year 2002 are authorized to be available on a grant basis for all of the following countries: Estonia, Latvia, and Lithuania;*

*(2) $2,000,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for the Philippines;*

*(3) $4,500,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Georgia;*

*(4) $3,000,000 for fiscal year 2001 and $3,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Malta;*

*(5) $3,500,000 for fiscal year 2001 and $4,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovenia;*

*(6) $8,400,000 for fiscal year 2001 and $8,500,000 for fiscal year 2002 are authorized to be available on a grant basis for Slovakia;*

*(7) $11,000,000 for fiscal year 2001 and $11,100,000 for fiscal year 2002 are authorized to be available on a grant basis for Romania;*

*(8) $8,500,000 for fiscal year 2001 and $8,600,000 for fiscal year 2002 are authorized to be available on a grant basis for Bulgaria; and*

*(9) $100,000,000 for fiscal year 2001 and $105,000,000 for fiscal year 2002 are authorized to be available on a grant basis for Jordan.*

*(b) IMET.—Of the amounts made available for the fiscal years 2001 and 2002 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—*

*(1) $2,300,000 for fiscal year 2001 and $4,000,000 for fiscal year 2002 are authorized to be available for all of the following countries: Estonia, Latvia, and Lithuania;*

*(2) $1,400,000 for fiscal year 2001 and $1,500,000 for fiscal year 2002 are authorized to be available for the Philippines;*

*(3) $475,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Georgia;*

*(4) $200,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Malta;*

*(5) $700,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Slovenia;*

*(6) $700,000 for fiscal year 2001 and $1,000,000 for fiscal year 2002 are authorized to be available for Slovakia;*

*(7) $1,300,000 for fiscal year 2001 and $1,500,000 for fiscal year 2002 are authorized to be available for Romania; and*

*(8) $1,100,000 for fiscal year 2001 and $1,200,000 for fiscal year 2002 are authorized to be available for Bulgaria.*

### SEC. 516. BORDER SECURITY AND TERRITORIAL INDEPENDENCE.

*(a) GUUAM COUNTRIES AND ARMENIA.—For the purpose of carrying out section 499C of the Foreign Assistance Act of 1961 and assisting GUUAM countries and Armenia to strengthen national control of their borders and to promote the independence and territorial sovereignty of such countries, the following amounts are authorized to be made available for fiscal years 2001 and 2002:*

*(1) $5,000,000 for fiscal year 2001 and $20,000,000 for fiscal year 2002 are of the amounts made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763).*

*(2) $2,000,000 for fiscal year 2001 and $10,000,000 for fiscal year 2002 of the amounts made available under chapter 9 of part II of the Foreign Assistance Act of 1961, as added by section 301.*

*(3) $500,000 for fiscal year 2001 and $5,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).*

*(4) $1,000,000 for fiscal year 2001 and $2,000,000 for fiscal year 2002 of the amounts made available to carry out chapter 8 of part II of the Foreign Assistance Act.*

*(b) GUUAM COUNTRIES DEFINED.—In this section, the term "GUUAM countries" means the group of countries that signed a protocol on quadrilateral cooperation on November 25, 1997, together with Uzbekistan.*

## TITLE VI—TRANSFERS OF NAVAL VESSELS

### SEC. 601. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

*(a) BRAZIL.—The President is authorized to transfer to the Government of Brazil two "THOMASTON" class dock landing ships ALAMO (LSD 33) and HERMITAGE (LSD 34), and four "GARCIA" class frigates BRADLEY (FF 1041), DAVIDSON (FF 1045), SAMPLE (FF 1048) and ALBERT DAVID (FF 1050). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).*

*(b) CHILE.—The President is authorized to transfer to the Government of the Chile two "OLIVER HAZARD PERRY" class guided missile frigates WADSWORTH (FFG 9), and ESTOCIN (FFG 15). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761).*

*(c) GREECE.—The President is authorized to transfer to the Government of Greece two "KNOX" class frigates VREELAND (FF 1068), and TRIPPE (FF 1075). Such transfers shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).*

*(d) TURKEY.—The President is authorized to transfer to the Government of Turkey two "OLIVER HAZARD PERRY" class guided missile frigates JOHN A. MOORE (FFG 19), and FLATLEY (FFG 21). Such transfers shall be on a combined lease-sale basis under sections 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796, 2761). The authority granted by this subsection is in addition to that granted under section 1018(a)(9) of Public Law 106–65.*

### SEC. 602. INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.

*The value of naval vessels authorized under section 601 to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be included in the aggregate annual value of transferred excess defense articles which is subject to the aggregate annual limitation set forth in section 516(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)).*

### SEC. 603. COSTS OF TRANSFERS.

*Any expense of the United States in connection with a transfer authorized by this title shall be charged to the recipient.*

### SEC. 604. CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS.

*A transfer of a vessel on a combined lease-sale basis authorized by section 601 shall be made in accordance with the following requirements:*

*(1) The President may initially transfer the vessel by lease, with lease payments suspended for the term of the lease, if the country entering into the lease for the vessel simultaneously enters into a foreign military sales agreement for the transfer of title to the vessel.*

*(2) The President may not deliver to the purchasing country title to the vessel until the purchase price of the vessel under such a foreign military sales agreement is paid in full.*

*(3) Upon payment of the purchase price in full under such a sales agreement and delivery of title to the recipient country, the President shall terminate the lease.*

*(4) If the purchasing country fails to make full payment of the purchase price in accordance with the sales agreement by the date required under the sales agreement—*

*(A) the sales agreement shall be immediately terminated;*

*(B) the suspension of lease payments under the lease shall be vacated; and*

*(C) the United States shall be entitled to retain all funds received on or before the date of the termination under the sales agreement, up to the amount of the lease payments due and payable under the lease and all other costs required by the lease to be paid to that date.*

*(5) If a sales agreement is terminated pursuant to paragraph (4), the United States shall not be required to pay any interest to the recipient country on any amount paid to the United States by the recipient country under the sales agreement and not retained by the United States under the lease.*

### SEC. 605. FUNDING OF CERTAIN COSTS OF TRANSFERS.

*There are authorized to be appropriated to the Defense Vessels Transfer Program Account such funds as may be necessary to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by section 601. Funds authorized to be appropriated under the preceding sentence for the purpose described in that sentence may not be available for any other purpose.*

### SEC. 606. REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.

*To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under section 601, that the country to which the vessel is transferred will have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.*

### SEC. 607. SENSE OF CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS.

*It is the sense of Congress that naval vessels authorized under section 601 to be transferred to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) should be so transferred only if the United States receives appropriate benefits from such countries for transferring the vessel on a grant basis.*

### SEC. 608. EXPIRATION OF AUTHORITY.

*The authority granted by section 601 shall expire two years after the date of enactment of this Act.*

## TITLE VII—MISCELLANEOUS PROVISIONS

### SEC. 701. UTILIZATION OF DEFENSE ARTICLES AND DEFENSE SERVICES.

*Section 502 of the Foreign Assistance Act of 1961 (22 U.S.C. 2302) is amended in the first sentence by inserting "(including for antiterrorism and nonproliferation purposes)" after "internal security".*

### SEC. 702. ANNUAL MILITARY ASSISTANCE REPORT.

*Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: "and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report".*

### SEC. 703. REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM.

*Not later than 180 days after the date of the enactment of this Act, the President shall prepare and transmit to the appropriate committees of Congress a report that contains a summary of the status of the efforts of the Defense Security Cooperation Agency to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers of defense articles, defense services, and related technologies.*

### SEC. 704. MTCR REPORT TRANSMITTALS.

*For purposes of section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)), the requirement that reports under that section shall be transmitted to the Congress shall be considered to be a requirement that such reports shall be transmitted to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations and the Committee on Banking, Housing and Urban Affairs of the Senate.*

### *SEC. 705. STINGER MISSILES IN THE PERSIAN GULF REGION.*

*(a) Prohibition.—Notwithstanding any other provision of law and except as provided in subsection (b), the United States may not sell or otherwise make available under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961 any Stinger ground-to-air missiles to any country bordering the Persian Gulf.*

*(b) Additional Transfers Authorized.—In addition to other defense articles authorized to be transferred by section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990, the United States may sell or make available, under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961, Stinger ground-to-air missiles to any country bordering the Persian Gulf in order to replace, on a one-for-one basis, Stinger missiles previously furnished to such country if the Stinger missiles to be replaced are nearing the scheduled expiration of their shelf-life.*

### *SEC. 706. SENSE OF CONGRESS REGARDING EXCESS DEFENSE ARTICLES.*

*It is the sense of Congress that the President should make expanded use of the authority provided under section 21(a) of the Arms Export Control Act to sell excess defense articles by utilizing the flexibility afforded by section 47 of such Act to ascertain the "market value" of excess defense articles.*

### *SEC. 707. EXCESS DEFENSE ARTICLES FOR MONGOLIA.*

*(a) Uses for Which Funds Are Available.—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal years 2001 and 2002, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Mongolia.*

*(b) Content of Congressional Notification.—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.*

### *SEC. 708. SPACE COOPERATION WITH RUSSIAN PERSONS.*

*(a) Annual Certification.—*

*(1) Requirement.—The President shall submit each year to the appropriate committees of Congress, with respect to each Russian person described in paragraph (2), a certification that the reports required to be submitted to Congress during the preceding calendar year under section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178) do not identify that person on account of a transfer to Iran of goods, services, or technology described in section 2(a)(1)(B) of such Act.*

*(2) Applicability.—The certification requirement under paragraph (1) applies with respect to each Russian person that, as of the date of the certification, is a party to an agreement relating to commercial cooperation on MTCR equipment or technology with a United States person pursuant to an arms export license that was issued at any time since January 1, 2000.*

*(3) Exemption.—No activity or transfer which specifically has been the subject of a Presidential determination pursuant to section 5(a)(1), (2), or (3) of the Iran Nonproliferation Act of 2000 (Public Law 106–178) shall cause a Russian person to be considered as having been identified in the reports submitted during the preceding calendar year under section 2 of that act for the purposes of the certification required under paragraph (1).*

*(4) Commencement and Termination of Requirement.—*

*(A) Times for Submission.—The President shall submit—*

*(i) the first certification under paragraph (1) not later than 60 days after the date of the enactment of this Act; and*

*(ii) each annual certification thereafter on the anniversary of the first submission.*

*(B) Termination of Requirement.—No certification is required under paragraph (1) after termination of cooperation under the specific license, or five years after the date on which the first certification is submitted, whichever is the earlier date.*

*(b) Termination of Existing Licenses.—If, at any time after the issuance of a license under section 36(c) of the Arms Export Control Act relating to the use, development, or co-production of commercial rocket engine technology with a foreign person, the President determines that the foreign person has engaged in any action described in section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)) since the date the license was issued, the President may terminate the license.*

*(c) Report on Export Licensing of MTCR Items Under $50,000,000.—Section 71(d) of the Arms Export Control Act (22 U.S.C. 2797(d)) is amended by striking "Within 15 days" and all that follows through "MTCR Annex," and inserting "Within 15 days after the issuance of a license (including any brokering license) for the export of items valued at less than $50,000,000 that are controlled under this Act pursuant to United States obligations under the Missile Technology Control Regime and are goods or services that are intended to support the design, utilization, development, or production of a space launch vehicle system listed in Category I of the MTCR Annex,".*

*(d) Definitions.—In this section:*

*(1) Foreign person.—The term "foreign person" has the meaning given the term in section 74(7) of the Arms Export Control Act (22 U.S.C. 2797c(7)).*

*(2) MTCR equipment or technology.—The term "MTCR equipment or technology" has the meaning given the term in section 74(5) of the Arms Export Control Act (22 U.S.C. 2797c(5)).*

*(3) Person.—The term "person" has the meaning given the term in section 74(8) of the Arms Export Control Act (22 U.S.C. 2797c(8)).*

*(4) United states person.—The term "United States person" has the meaning given the term in section 74(6) of the Arms Export Control Act (22 U.S.C. 2797c(6).*

### *SEC. 709. SENSE OF CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES.*

*(a) In General.—It is the sense of Congress that the United States Government should work with the Government of the Philippines to enable that Government to procure military equipment that can be used to upgrade the capabilities and to improve the quality of life of the armed forces of the Philippines.*

*(b) Military Equipment.—Military equipment described in subsection (a) should include—*

*(1) naval vessels, including amphibious landing crafts, for patrol, search-and-rescue, and transport;*

*(2) F–5 aircraft and other aircraft that can assist with reconnaissance, search-and-rescue, and resupply;*

*(3) attack, transport, and search-and-rescue helicopters; and*

*(4) vehicles and other personnel equipment.*

### *SEC. 710. WAIVER OF CERTAIN COSTS.*

*Notwithstanding any other provision of law, the President may waive the requirement to impose an appropriate charge for a proportionate amount of any nonrecurring costs of research, development, and production under section 21(e)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)(B)) for the November 1999 sale of 5 UH–60L helicopters to the Republic of Colombia in support of counternarcotics activities.*

And the Senate agree to the same.

Benjamin A. Gilman,
Bill Goodling,
Sam Gejdenson,
*Managers on the Part of the House.*

Jesse Helms,
Richard G. Lugar,
Chuck Hagel,
Joe Biden,
Paul S. Sarbanes,
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### SECURITY ASSISTANCE ACT OF 2000

The conferees note that, during the past 10 years, the pool of money available for security assistance to United States allies and partners has decreased dramatically. At the same time, the number of countries with which the United States needs to engage, whether to combat proliferation or terrorism or to bolster regional security, has steadily increased. For instance, three countries of the former Warsaw Pact are now NATO members and receive both Foreign Military Financing and International Military Education and Training from the United States. Other countries which were once part of the Soviet Union itself are now free and independent, and enjoy important security relationships with the United States. An even larger number of countries, now free from the Soviet orbit, are also free to pursue closer military relationships with the United States. Thus, for instance, this bill makes Mongolia eligible for Department of Defense expenditures relating to excess defense articles for the first time in history.

The conferees are concerned that a steadily increasing number of countries are pursuing a relationship with the United States which is funded by a steadily decreasing amount of money. Additionally, 98 percent of the Foreign Military Financing (FMF) account is currently committed to just three countries as a result of various peace accord commitments. Even if the President's budget request is fully funded, only $18,200,000 in FMF would actually be available for the United States to build security ties to the rest of the world. This legislation seeks to arrest and reverse this decline. Section 101 authorizes an increase in FY 2001 of $12,000,000 in grant Foreign Military Financing over the President's budget request, and in FY 2002, with an increase of $89,000,000, will bring the total amount of truly "discretionary" FMF spending to $272,200,000. Even so, this will not return security assistance to 1990 spending levels.

Similarly, Section 201 fully funds the President's request for the International

Military Education and Training program by authorizing $55,000,000 in FY 2001 and provides a $10,000,000 increase for FY 2002.

Section 301, which establishes a new chapter in the Foreign Assistance Act, consolidates all nonproliferation funding, except for assistance to the International Atomic Energy Agency, under a single funding line. In so doing, it will protect nonproliferation assistance from numerous foreign aid restrictions that govern the current appropriations process.

This legislation fully funds the President's request and authorizes funding for one additional, Congressionally-mandated nonproliferation and export control initiative in Malta. It also funds the International Science and Technology Centers (ISTC) program at maximum capacity. Moreover, this legislation will strengthen the hand of the newly-created Nonproliferation Bureau of the Department of State in shaping a coherent U.S.nonproliferation and export control policy. Likewise, the President's antiterrorism funding request is fully authorized, and the conferees have applied additional resources to ensure that the fledgling Terrorist Interdiction Program is funded in fiscal year 2001 at the same level as in fiscal year 2000.

In total, this bill authorizes $38,806,000,000 in security assistance funding for fiscal year 2001. This is an increase of $30,800,000 over the President's budget request for fiscal year 2001. It further authorizes $3,907,000,000 for fiscal year 2002.

## TITLE I—MILITARY AND RELATED ASSISTANCE

### Subtitle A—Foreign Military Sales and Financing Authority

### AUTHORIZATION OF APPROPRIATIONS

Section 101 of the conference agreement, which has been modified from the Senate proposal, authorizes $3,550,000,000 for fiscal year 2001, and $3,627,000,000 for fiscal year 2002, for the Foreign Military Financing (FMF) Program. The administration request for fiscal year 2001 for FMF (grants and loans) is $3,538,200,000. The actual level of FMF funding for fiscal year 2000 is $3,420,000,000.

### REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES

Section 102 of the conference agreement, which has been modified from the House proposal, codifies in statute requirements relating to country exemptions for licensing of defense items for export to foreign countries.

On May 24, 2000, the Administration unveiled a major initiative—the Defense Trade Security Initiative—to improve transatlantic cooperation in the area of defense trade. The initiative was a package of seventeen separate proposals geared toward promoting U.S. defense exports of NATO countries, Japan and Australia. The Committees on Foreign Relations and International Relations, which were not consulted in a timely fashion on the Defense Trade Security Initiative, nevertheless welcome most of the proposed changes to the International Traffic in Arms Regulations (ITAR).

The overall objective of DTSI is to improve transatlantic cooperation in defense trade, particularly as that may aid us in strengthening NATO, supporting the Defense Capabilities Initiative (DCI), improving the interoperability of our forces and contributing to the health and productivity of defense industries on both sides of the Atlantic.

Most of the seventeen separate proposals deal with reforming the U.S. defense export control licensing process. They are non-controversial. They include proposals to establish new procedures for U.S. industry to secure export license for arms sales to NATO countries and other friendly countries and the establishment of a robust common database. Indeed, several of the initiatives mirror recommendations made by the two committees at various times.

Under Article 1, Section 8, of the United States Constitution, the Congress possesses sole constitutional authority to "regulate Commerce with foreign Nations." The President may only engage in such an exercise to the extent he has been authorized to do so by the Congress. Most of the seventeen DTSI measures, which clearly relate to the regulation of commerce, have been implicitly authorized in advance by Congress. The Arms Export Control Act (AECA) requires the President to administer export controls for certain commodities and also contains a measure of flexibility, allowing the President to alter export control requirements through regulatory changes. Indeed, numerous regulatory modifications have been made using this authority. Thus the constitutionality of a regulatory change to implement many of the proposed initiatives is well established.

The conferees remain concerned, however, with certain other of the proposals. The most important—and controversial—initiative is entitled 'Extension of International Traffic in Arms Regulations (ITAR) Exemption to Qualified Countries'. Pursuant to this initiative, the Administration is prepared to establish new ITAR licensing exemptions for unclassified defense items to qualified companies in foreign countries with whom the United States signs a bilateral agreement and that adopt and demonstrate export controls that are comparable in effectiveness to those of the United States.

For several years, the United States has, under Section 38(b)(2) of the AECA, permitted unlicensed trade in defense articles and defense services with Canada. This practice, popularly called the "Canada exemption," has been supported by Congress in light of the unique defense trade relationship between the United States and Canada. In a June 28, 2000, letter to Chairman Helms, the Secretary of Defense stated his intent "to negotiate a Canada-style exemption to the ITAR with the U[nited] K[ingdom] and Australia." On March 16, 2000, in a letter to the Secretary of State, the Chairmen of the Senate Committee on Foreign Relations and the House Committee on International Relations—the two Congressional Committees with sole jurisdiction over the AECA and regulation of defense trade—expressed concern about expanding the Canadian exemption. The Canada exemption is a unique one, based on an intertwined defense industrial base, a close law enforcement relationship, and geographical considerations. These same considerations do not apply to either the United Kingdom or Australia (to say nothing of other countries), despite the close military, intelligence, and law enforcement relationships that the U.S. government has with the governments in London and Canberra. For instance, defense commodities being shipped between the United States and Canada are far less susceptible to diversion than items shipped longer distances on cargo vessels which must make multiple port calls before arriving in the final port of destination. Moreover, unlike the case in Canada, many major U.K. defense companies are now jointly partnered with other European firms.

For these reasons and others, the Secretary of State and the Attorney General raised serious questions about how a Canada-like exemption would affect U.S. export controls and law enforcement efforts. Their concerns turned, in short, on the fact that elimination of a licensing requirement for various weapons and defense commodities would remove an important law enforcement capability for the United States, placing heightened reliance upon the United Kingdom and Australia to stop diversions of U.S. equipment and to provide the type of evidence needed to prosecute violations of the AECA.

In his June 28, 2000 letter, the Secretary of Defense assured the Committee on Foreign Relations that the licensing exemption for certain countries would need to be accomplished through "legally binding agreements to ensure their export control and technology security regimes are congruent to our own. In exchange for these ironclad arrangements, we are prepared to offer an exemption to the ITAR similar to that long-provided to Canada."

The conferees are pleased to note this emphasis on extending a broad ITAR exemption in a legally-binding agreement and, accordingly, are equally pleased to codify the requirement in statute. As the Department of State noted in connection with the START Treaty: "An undertaking or commitment that is understood to be legally binding carries with it both the obligation to comply with the undertaking and the right of each Party to enforce the obligation under international law." This right of enforcement is of singular importance in this case, because noncompliance with the undertaking presumably could result in the diversion of United States weaponry or technology.

Essential to the initiative to provide license-free trade to various countries is the operation of domestic export control laws in such countries. Accordingly, the underlying rationale governing Section 102 is that the United States should not provide the benefit of an exemption from licensing of U.S. defense exports unless a foreign country agrees to apply, in a legally-binding fashion and in accordance with a bilateral agreement with the United States, the full range of United States export control and laws, regulations, and policies appropriate to the sensitivity of defense items exported to a foreign country under the exemption.

In that regard, the section requires that in order to provide an exemption from licensing of defense exports to a foreign country, the United States must negotiate a legally binding bilateral agreement including specific requirements. The President must then certify that the bilateral agreement meets those specific requirements and, importantly, that the foreign country has promulgated or enacted all necessary modifications to its laws and regulations to comply with its obligations under the bilateral agreement before implementing the exemption.

The specific requirements include but are not limited to securing end-use and retransfer commitments from all end-users, controls on reexports to foreign countries including a requirement for prior written U.S. government approval for such reexports, and the establishment of a list of controlled defense items that will include those items covered by the exemption, which are required to be notified to the Congress under subsection (b) of this section.

The conferees expect to exercise close oversight of any agreements reached with foreign nations that provide for unlicensed trade in defense articles and defense services. The conferees reserve judgment on whether any agreements contemplated with the United Kingdom or Australia in this area should be undertaken in executive agreements, or as treaties, subject to advice and consent of the Senate. The conferees expect, as stated in subsection (d), that the Secretary of State will consult with the two Committees as to whether the DTSI licensing exemption for various countries should be codified as a treaty. Were the Secretary of State to conclude bilateral treaties with the United Kingdom and Australia to achieve the objectives set forth under the DTSI initiative, the Senate conferees would support the earliest possible consideration of such important measures. Alternatively, the Congress has the option of amending Section 38(b)(2) of the AECA to limit the President's flexibility to approve unlicensed trade—with Canada or any other nation.

Finally, the conferees address in subsection (c) the issue of exports of commercial communication satellites. Without prejudice to the outcome of a review, the conferees believe that both Congress and the Executive Branch should re-evaluate the issue of the correct and appropriate commodity jurisdiction for export control of U.S. commercial communication satellites.

## Subtitle B—Stockpiling of Defense Articles for Foreign Countries

### ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES

Section 111 was proposed by the House. Pursuant to Section 514 of the Foreign Assistance Act of 1961, as amended, the Department of Defense can make additions to the War Reserve Stockpiles for Allies stockpiles only as periodically provided for in legislation. For fiscal year 2000, the President requested authority to make additions to stockpiles in South Korea ($40,000,000) and Thailand ($20,000,000). The conferees provided this authority under Section 1231 of the "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001" (P.L. 106–113). For fiscal year 2001 the Department of Defense has asked for an additional $50,000,000 authorization for the Korean program. Section 111 provides this authority for fiscal year 2001.

### TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL

Section 112 has been modified from the House proposal. Periodically the Department of Defense requests authorization to transfer defense articles out of War Reserve Stockpiles to the host country in question. The defense articles are to be sold to the host nation, or to be transferred in exchange for other non-monetary concessions. The Committee provided similar authority to make such transfers to South Korea and Thailand pursuant to Section 1232 of the "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001" (P.L. 106–113).

## Subtitle C—Other Assistance

### DEFENSE DRAWDOWN SPECIAL AUTHORITIES

Section 121, which has been modified from the Senate proposal, increases the special drawdown authorities of defense articles and services from defense stocks, and for military education and training, to assist foreign countries from $150 million to $200 million.

Current law grants the President the authority to draw down from existing stocks within the Department of Defense to assist in emergencies or when he determines it is in the national interest. This section expands the authority by making nonproliferation and antiterrorism activities eligible for the special drawdown authorities relating to defense articles and services, and to military education and training, to assist foreign countries. The increase in financial authority is meant to allow for incorporation of nonproliferation and antiterrorism objectives without sacrificing the President's flexibility to respond to unforeseen emergencies and foreign policy objectives relating to combating international narcotics, international disaster assistance, and migration and refugee assistance.

### INCREASED AUTHORITY FOR THE TRANSPORT OF EXCESS DEFENSE ARTICLES

Section 122, proposed by the Senate, raises the space available weight limitation that is imposed on the transportation of excess defense articles (EDA) from 25,000 pounds to 50,000 pounds. Currently, a variety of limitations are imposed on the use of Department of Defense funds to transfer excess defense articles to foreign nations and international organizations. Moreover, even when such an expenditure is authorized, free transportation of EDA may only be provided on a space available basis if it is in the U.S. national interest to do so, the recipient nation is a developing nation which receives less than $10,000,000 in FMF and IMET, and the weight of the items to be transferred does not exceed 25,000 pounds.

In limiting the weight of defense articles to no more than 25,000 pounds, current law will preclude the transportation of a large number of United States Coast Guard "self-righting" patrol craft which have recently been declared excess but which weigh approximately 33,000 pounds. Over the next four years, more than 50 of these vessels will be eligible for transfer to foreign nations under the EDA program. However, the current weight limitation will preclude shipment of the vessels on a space available basis to foreign countries. This, in turn, will increase the cost of transfer of the defense article to would-be recipients, and likely would cause many nations to decline U.S. offers of these vessels. As a result, the Untied States Coast Guard could incur unnecessary expenses due to delays in finding foreign recipients of the craft, and possibly be forced to demilitarize vessels for whom a foreign customer could not be secured. Raising the weight limit to 50,000 pounds will obviate this problem.

## TITLE II—INTERNATIONAL MILITARY EDUCATION AND TRAINING

### AUTHORIZATION OF APPROPRIATIONS

Section 201, which has been modified from the Senate proposal, authorizes $55,000,000 for fiscal year 2001 and $65,000,000 for fiscal year 2002 to carry out international military education and training (IMET) of military and related civilian personnel of foreign countries. The administration request for fiscal year 2001 for IMET is $55,000,000. The actual level of IMET funding for fiscal year 2000 is $50,000,000. IMET is provided on a grant basis to students from allied and friendly nations, and is designed to expose foreign students to the U.S. professional military establishment and the American way of life, including the U.S. regard for democratic values, respect for individual and human rights and belief in the rule of law. Section 201 authorizes funding of the IMET program in 2002 at its maximum capacity. Funding beyond this level cannot be absorbed due to limitations in number of courses and classes.

### ADDITIONAL REQUIREMENTS RELATING TO INTERNATIONAL MILITARY EDUCATION AND TRAINING

Section 202, proposed by the Senate, amends Chapter 5 of part II of the Foreign Assistance Act of 1961, relating to International Military Education and Training (IMET), by adding two new requirements. First, selection of foreign personnel for the IMET program will be done in consultation with United States defense attaches, who are uniquely positioned to recommend candidates. The conferees are concerned to note that defense attaches are, on occasion, excluded from this process. By mandating consultation, the conferees intend to secure the complete involvement of defense attaches in nominating individuals for the IMET program. Naturally, selection of foreign personnel, and overall management of the IMET program remain the responsibility of the Department of State.

Section 202 also requires that the Secretary of Defense develop and maintain a database containing records on each foreign military or defense ministry civilian participant in education and training activities conducted under this chapter after December 31, 2000. This record shall include the type of instruction received, the dates of such instruction, whether it was completed successfully, and, to the extent practicable, a record of the person's subsequent military or defense ministry career and current position and location. The conferees expect that the record of a person's subsequent career will include positions held, reports of exceptional successes or failures in those positions, and any credible reports of involvement in criminal activity or human rights abuses. The conferees believe that such a database will improve the effectiveness of foreign military education and training activities by enabling the Department of Defense to better determine: what follow up training may be most appropriate for previously trained personnel; which courses are most effective in improving the performance of foreign military personnel; and where personnel are located in foreign defense establishments who, by virtue of their prior training, are most likely to understand U.S. modes of operation and share U.S. standards of military professionalism. This section does not require, however, that the Department of Defense institute dramatic new collection programs to gather information for the database.

## TITLE III—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

### NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Section 301 has been modified from the Senate proposal. Every major category of U.S. foreign assistance, except for nonproliferation and export control assistance, is governed under multiple sections, or entire chapters, of the Foreign Assistance Act of 1961 (FAA). The FAA contains chapters authorizing international narcotics control, military assistance, peacekeeping operations, antiterrorism assistance, IMET, development assistance, and funding for international organizations, to name a few. Although the President has declared a state of national emergency to combat the proliferation of weapons of mass destruction and associated delivery systems, the FAA does not contain a specific chapter to authorize and direct such a clearly important form of U.S. foreign aid. Funding for the nonproliferation and export control activities of the Department of State derives from a variety of disparate authorizations passed at various times. As a result, this category of funding does not enjoy the same status as other types of foreign assistance.

Appropriation of funds for nonproliferation and export control activities is cobbled together annually by the Appropriations Committee under a catch-all account that also includes demining and contributions to certain international organizations. Thus the Department of State is invariably forced to make "trade-offs" between nonproliferation and export control funding and funding for other activities. Finally, other nonproliferation and export control funding is contained within the amounts appropriated for the "newly independent" states of the former Soviet Union, and is thus subject to restrictions if the President cannot certify that Russia is not proliferating technology to Iran (which he has, to date, been unable to do).

By adding a new chapter to Part II of the FAA, the conferees intend U.S. nonproliferation and export control assistance to be given equal stature with other authorized activities. The conferees expect the Department of State, in the future, to consolidate all of its nonproliferation funding, except for funding for the International Atomic Energy Agency (which is governed by a separate authorization under the FAA), into a single, integrated request to be authorized under Chapter 9 of the FAA. The conferees further expect that the Nonproliferation Bureau of the Department of State will be given authority over the use of funds authorized by this chapter.

The new chapter to the FAA incorporates existing authorities under Sections 503 and 504 of the FREEDOM Support Act (which are the principal extant authorities for nonproliferation and export control activities). The new sections 581 and 582 carry forward those authorities, but also emphasize the need for programs to bolster the indigenous capabilities of foreign countries to monitor and interdict proliferation shipments. Section 583 directs the President to ensure that sufficient funds are allocated to the transit interdiction effort. To this end, the section contains authority for the Secretary of State to establish a list of countries that should be given priority in U.S. transit interdiction funding. The conferees suggest that the initial designation of the transit country list include those countries mentioned in the fiscal year 1999 Congressional presentation document as "key global transit points" (e.g., the countries of Central Asia and the Caucasus, the Baltics, Central and Eastern Europe, Singapore, Hong Kong, Taiwan, Cyprus, Malta, Jordan, and the UAE).

Section 584, which will be part of the new chapter of the FAA, makes clear that two of the same limitations which apply to antiterrorism assistance also apply to nonproliferation and export control assistance. Section 584 permits the use of unrelated accounts to furnish services and commodities consistent with, and in furtherance of, Chapter 9 of the FAA. However, it requires that the foreign nation receiving such services or commodities pay in advance for the item or service, and that the reimbursement be credited to the account from which the service or commodity is furnished or subsidized. Foreign Military Financing may not be used to make such payments. Section 584 also makes clear that Chapter 9 does not apply to information exchange activities conducted under other authorities of law.

Section 585 authorizes $129,000,000 for fiscal year 2001, and $142,000,000 for fiscal year 2002, for activities conducted pursuant to Chapter 9 of the FAA. This amount captures several activities currently appropriated within the Nonproliferation, Anti-Terrorism, Demining, and Related Programs Account, and the FREEDOM Support Act Assistance for the New Independent States (NIS) of the Former Soviet Union. The covered programs, at the administration's requested levels of funding for FY2001, are: $15,000,000 for the Nonproliferation and Disarmament Fund; $14,000,000 for Export Control Assistance; $45,000,000 for the Science Centers; and $36,000,000 in NIS export control and border assistance funding. The administration request for fiscal year 2001 thus totals $110,000,000 for all Chapter 9 authorized activities. The increase of $19,000,000 above the administration's requested levels is intended to support two initiatives contained in sections 303 and 304. Specifically, this increase supports funding of the International Science and Technology Centers at maximum capacity (which requires an additional $14,000,000) and establishment of a static cargo x-ray facility in Malta as the first of the transit interdiction programs to be managed under the new authorities of the FAA (a $5,000,000 program).

### NONPROLIFERATION AND EXPORT CONTROL TRAINING IN THE UNITED STATES

Section 302, which has been modified from the Senate proposal, authorizes the expenditure of $2,000,000 during both fiscal years 2001 and 2002 in nonproliferation and export control funding for the training and education of personnel from friendly countries in the United States. The Department of State already engages in a vigorous training program, and funds numerous activities which are implemented by Department of Commerce personnel. However, much of this training is conducted overseas. The conferees urge the Department of State to place emphasis on bringing a select group of officials from friendly governments back to the United States to engage in an intensive training program which draws upon the expertise of all relevant U.S. government agencies. This training should focus on those nonproliferation and export control activities which would most benefit from being conducted in the United States. Finally, the conferees are concerned with declining travel and training budgets of U.S. government agencies tasked with combating proliferation. The conferees hope this trend will be arrested, but urge the Department of State, in the interim, to seek to offset the effects of this decline using the funds authorized under this section.

### SCIENCE AND TECHNOLOGY CENTERS

Section 303, which has been modified from the Senate proposal, authorizes $59,000,000 for fiscal year 2001, and $65,000,000 in fiscal year 2002, in nonproliferation and export control funding for the Department of State's international science and technology centers. The administration request for fiscal year 2001 is $45,000,000. The actual level of funding for fiscal year 2000 is $59,000,000. The conferees expect that this not only will fully fund all ongoing activities at these centers, but will allow a significant expansion in the number of research grants offered to Russian scientists formerly employed in the development of missiles and chemical and biological warfare programs.

Section 303 also expresses the view of the conferees that frequent audits should be conducted of entities receiving ISTC funds. This will be necessary in light of the administration's interest in expanding the role of the ISTC to provide funds to redirect the expertise associated with the Soviet Union's biological warfare program. U.S. obligations under the Chemical and Biological Weapons Conventions, as well as under domestic law (e.g., P.L. 106–113), prohibit the furnishing of assistance to offensive biological warfare programs. It thus is essential that the United States audit entities that receive assistance to ensure that the United States is not contributing, albeit unknowingly, to an offensive biological warfare program (or to entities that are proliferating technology to rogue states). Moreover, the obligation to conduct audits should be spread equitably throughout the United States Government.

### TRIAL TRANSIT PROGRAM

Section 304, proposed by the Senate, authorizes $5,000,000 in nonproliferation and export control funding to establish a static cargo x-ray facility in Malta, provided that the Government of Malta first gives satisfactory assurances that Maltese customs officials will engage in random cargo inspections of container traffic passing through the Malta Freeport, and will utilize the x-ray facility to examine random shipping containers.

Malta is the ideal location for a trial transit interdiction program. The country's location, along one of the busiest trade routes in the world, has made it a crucial shipping center. The Malta Freeport is ideally situated as a redistribution point, linking trade between Europe, Africa, the Middle East, and Asia. For instance, direct shipments from the Black Sea to Malta take less than 15 days. From various ports in Europe, Russia, and Asia, large cargo vessels offload their containers into the Freeport. The containers are then stored temporarily and are reloaded onto smaller "feeder" vessels which service ports in North Africa, including Libya. The Freeport went into operation in April 1990. According to Maltese Freeport documents, that year alone, 231 vessels offloaded 94,500 containers. Since that time, the volume of activity at the port has steadily increased. In 1996, the number of ships calling at the Freeport reached 1,383. Nearly 600,000 containers transited the facility that year. For 1999, according to a January 10, 2000 article in a Maltese daily newspaper, 1,464 container ships utilized the Freeport. At this time, estimates of container traffic are not available, but presumably the number will exceed half a million.

The steadily rising level of container traffic in the Freeport is noteworthy. The volume can be expected to increase if plans to further expand the port's services are implemented, thereby making one of the world's largest deepwater ports all the more robust. The Malta Freeport Act, which establishes the Freeport as a legally separate entity from Malta proper, creates specific proliferation concerns. Currently the Freeport has its own Minister, and customs functions have been conferred upon the Freeport Authority which he oversees. Maltese Customs does not receive information on transshipments, and may not operate in the Freeport without permission. While the Freeport has never refused such a request, the fundamental lack of transparency, and the inability of Maltese customs to conduct random inspections, means that effective export enforcement is impossible at this time.

The conferees are concerned with this situation since Malta is undeniably being used as a transit point by various entities engaged in weapons proliferation. For example, in one instance of excellent cooperation between the Freeport and Maltese Customs officials, a shipment of chemical warfare precursor chemicals was seized. Similarly, the United Kingdom recently uncovered a massive shipment of missile parts slated for air delivery to Libya via Malta. While this latter incident did not involve the Freeport, it nevertheless is further evidence that various countries are seeking to use Malta as a transit point for deliveries of dangerous commodities to North Africa.

The conferees note that Maltese-U.S. relations have steadily improved over the past several years. The Government of Malta has demonstrated a genuine commitment to nonproliferation and bolstering its export control capability. Therefore the conferees favor initiation of a trial transit program with Malta, provided that the Maltese Government takes the necessary steps to render this program viable (namely, by opening the Freeport to periodic, random inspections by Maltese Customs officials). The conferees hope that this program, if successful, might serve as a model for programs in other designated transit countries.

### EXCEPTION TO AUTHORITY TO CONDUCT INSPECTIONS UNDER THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1998

Section 305 was proposed by the Senate. The Chemical Weapons Convention, which was approved by the Senate in 1997, has an extensive inspection regime which allows potentially intrusive inspections of chemical companies in the United States. The Senate was concerned about the threat posed to business proprietary information during the course of an inspection. As a result, the Chemical Weapons Convention Implementation Act of 1998 imposes a requirement that a special agent of the Federal Bureau of Investigation (FBI) accompany every inspection conducted in the United States.

However, there is minimal benefit to the FBI's monitoring of inspections at chemical destruction sites. Such inspections pose little risk to national security or trade secrets and—because of their lengthy duration—a constant FBI presence would be expensive to maintain. This section gives the FBI an exemption from the requirement to be present at inspections of U.S. chemical destruction facilities.

## Title IV—Antiterrorism Assistance

### AUTHORIZATION OF APPROPRIATIONS

Section 401, which has been modified from the Senate proposal, authorizes $72,000,000 for fiscal year 2001 and $73,000,000 for fiscal year 2002 in antiterrorism assistance. The administration request for anti-terrorism assistance for fiscal year 2001 is $72,000,000 (including the request for the Terrorist Interdiction Program (TIP)). The actual level of funding for fiscal year 2000, including the TIP, is $38,000,0000.

## Title V—Integrated Security Assistance Planning

### Subtitle A—Establishment of a National Security Assistance Strategy

### NATIONAL SECURITY ASSISTANCE STRATEGY

Section 501, which has been modified from the Senate proposal, strongly urges the annual preparation of a National Security Assistance Strategy (NSAS) to be submitted in connection with the annual foreign operations budget request. The purpose of the NSAS is to establish a clear and coherent multi-year plan, on a country by country basis, regarding U.S. security assistance programs. The current process utilized by the United States Government is entirely insufficient and is run, on an ad hoc basis. Seldom is a thoroughly researched, thoroughly justified proposal for security assistance put forward to Congress. This, in turn, has encouraged parallel Congressional initiatives and earmarks which often are put forward with a comparable level of foresight and planning. As a result, it seems that the Political-Military Affairs Bureau of the Department of State does not currently possess sufficient control over the allocation of security assistance funds, despite its clear mandate to manage these programs (except for nonproliferation assistance).

Currently there is no clearly articulated organizing principle for U.S. military assistance. Nor is there a coherent set of benchmarks, or measurements, against which the success of individual programs with various countries can be measured. As a result, military assistance funding proposals are often vague and seemingly unjustified. For instance, the most recent Congressional presentation documents justify the provision of FMF for Southeast Europe as "contributing to regional stability in Southeast Europe by promoting military reform." No further elaboration is given. It is hardly surprising, in light of this sort of justification, that the administration's security assistance requests seldom are fully funded by Congress.

The conferees urge the Department of State to transform fundamentally the way that the United States conceptualizes security assistance. Utilizing a model more akin to the Department of Defense's planning process, the Department of State is encouraged to pull together a comprehensive multi-year plan, which will evolve on an annual basis, setting forth a specific programmatic objective for each country and explaining how the requested funds will accomplish that objective. Additional, secondary objectives should be added as necessary. The conferees believe that the plan for each country should be developed at the U.S. mission level, and should be coordinated by the Department of State with all relevant U.S. government agencies with a role in U.S. security assistance programs. The bottom-up document that results is then to be coordinated with the top-down policy guidance set forth in the National Security Strategy of the United States, and by the Secretary of State (in coordination with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, and in consultation with other relevant agencies, including the intelligence community).

The conferees expect the resultant document to be a comprehensive National Security Assistance Strategy which provides a robust, detailed justification for security assistance funding that is requested. Rather than the current process, which yields unclear and unmeasurable objectives for U.S. security assistance programs, it is expected that the NSAS process will ensure that the type and amount of assistance given a country is determined programmatically. Progress can thus be measured by the administration and the Congress. In turn, the conferees anticipate that such an initiative, led by the Political-Military Affairs Bureau of the Department of State, will substantially improve Congressional understanding of the administration's initiatives and bolster Congressional support for the President's military assistance request.

### Subtitle B—Allocations for Certain Countries

### SECURITY ASSISTANCE FOR NEW NATO MEMBERS

Section 511, which has been modified from the Senate proposal, authorizes $30,300,000 for fiscal year 2001 and $35,000,000 for fiscal year 2002 in grant Foreign Military Financing for the Czech Republic, Hungary, and Poland. Section 511 also authorizes $5,100,000 for fiscal year 2001 and $7,000,000 for fiscal year 2002 in IMET funding for these three new NATO members. The administration request for fiscal year 2001 for these three countries is $30,300,000 in grant FMF and $5,100,000 in IMET funding. The actual level of grant FMF funding for the three for fiscal year 2000 is $22,000,000. The actual level for IMET funding for fiscal year 2000 is $4,570,000.

Section 511 also directs the President to give priority to supporting the objectives set forth by the Senate in its resolution of ratification for the protocols adding the three new NATO members. Specifically, the conferees expect the administration to ensure that FMF and IMET funding is used to support the ability of Poland, Hungary, and the Czech Republic to fulfill their collective defense requirements under Article V of the Washington Treaty. The conferees also expect the administration to use the additional funds provided to expand U.S. efforts to improve the ability of these countries to protect themselves from hostile foreign intelligence services.

### INCREASED TRAINING ASSISTANCE FOR GREECE AND TURKEY

Section 512, which has been modified from the Senate proposal, authorizes $1,000,000 in IMET funding for Greece and $2,500,000 in IMET funding for Turkey for each of the fiscal years 2001 and 2002. The administration request for IMET for fiscal year 2001 is $25,000 for Greece and $1,600,000 for Turkey. The actual level of IMET funding for Greece for fiscal year 2000 is $25,000. For Turkey, the actual level of IMET funding for fiscal year 2000 is $1,500,000.

The conferees are encouraged by numerous indications of a warming in Greek-Turkish relations. This improvement has manifested itself in several ways, ranging from Greek agreement to Turkish candidacy for membership in the European Union to the large number of bilateral agreements that have recently been signed during reciprocal visits of foreign ministers (including agreements on transportation, tourism, cultural heritage, and customs issues). In the interest of bolstering this process the conferees authorize a substantial increase in funds for International Military Education and Training (IMET). It is the conferees' expectation that the administration will use these additional funds to support the process of rapprochement between Greece and Turkey. Specifically, the conferees urge the administration to ensure that $1,000,000 of the additional resources, evenly divided between the two countries, is used for joint professional military education of Greek and Turkish officers. The conferees note that this type of training will build personal relationships between the militaries of these two important NATO allies, and will reinforce the process that is already underway.

### ASSISTANCE FOR ISRAEL

Section 513, which has been modified from the Senate proposal, sets into place the formula for a phase-out of annual U.S. Economic Support Funds to Israel. Operating from a baseline of $1.2 billion ESF per annum, beginning in FY 1999, the United States and Israel agreed to a plan whereby Israel's annual economic assistance would be reduced in equal increments of 10 percent (equivalent to $120,000,000 per annum), resulting in the ultimate elimination of ESF for Israel. In order to ensure Israel's continued security in the face of the loss of annual economic support, Israel requested—and the United States agreed to—an annual increase in Foreign Military Finance equal to half the reduced ESF amount (or $60,000,000). Section 513 authorizes this process for both fiscal years 2001 and 2002, and will result in an aggregate reduction in authorized foreign assistance of $120,000,000. Specifically, this section authorizes $1,980,000,000 for fiscal year 2001 and $2,040,000,000 for fiscal year 2002 in FMF. The administration's request for fiscal year 2001 is $1,980,000,000.

The authorization provided by the section is without prejudice to any rescissions or supplemental appropriations which might be required. The conferees intend for this formula for the reduction of Israel's ESF be in place through fiscal year 2008, and intend to authorize accordingly in future Acts.

In addition, this section directs that FMF funds for Israel for fiscal year 2001 be disbursed not later than 30 days after enactment of this Act or on October 31, 2000, whichever is later. To the extent that Israel makes a request, FMF funds shall, as agreed by Israel and the United States, be available for advanced weapons systems. Additionally, not less than $520,000,000 can be used for procurement in Israel of defense articles and defense services, including research and development. The conferees expect that Israel's annual aid package will be provided under the usual terms, including early disbursal of both ESF and FMF, offshore procurement, and that the aid will be provided in the form of a grant.

The conferees will view favorably additional requests for authority required in the event of a peace agreement in the Middle East.

### ASSISTANCE FOR EGYPT

Section 514, which has been modified from the Senate proposal, provides a similar formula for Egypt as that applied under Section 513. In providing an authorization for ESF to Egypt for fiscal years 2001 and 2002, Section 514 sets in place the phase-out of Economic Support Funds for Egypt at a rate of $40,000,000 per year. This section, which also contains a two-year authorization for FMF, will result in an aggregate reduction of $80,000,000 in ESF. The authorization provided by the section is without prejudice to any rescissions or supplemental appropriations which might be required.

Further, the section directs that FMF estimated to be outlayed during fiscal year 2001 shall be disbursed to an interest bearing account for Egypt in the Federal Reserve Bank of New York. However, withdrawal of funds from the account can be made only on authenticated instructions from the Defense Finance and Accounting Service and, in the event that the interest bearing account is closed, the balance of the account is to be transferred promptly to the appropriations account for Foreign Military Financing. The conferees urge that before any of the interest accrued by the account is obligated, the Committees on Appropriations and Foreign Relations of the Senate, and the Committees on Appropriations and International Relations of the House, be notified.

### SECURITY ASSISTANCE FOR CERTAIN COUNTIES

Section 515, which has been modified from the Senate proposal, provides individual authorizations for fiscal years 2001 and 2002 of grant FMF and IMET funding for various countries.

### BORDER SECURITY AND TERRITORIAL INDEPENDENCE

Section 516, which has been modified from the Senate proposal, provides an integrated authorization of security assistance funds for the GUUAM countries (e.g., Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova) and Armenia. Specifically, for fiscal year 2001, Section 516 authorizes a package of $5,000,000 in grant FMF, $2,000,000 in nonproliferation and export control assistance, $500,000 in IMET funding, and $1,000,000 in antiterrorism assistance. For fiscal year 2002, that package is: $20,000,000 in grant FMF, $10,000,000 in nonproliferation and export control assistance, $5,000,000 in IMET funding, and $2,000,000 in antiterrorism assistance. These funds must be expended in accordance with the individual requirements of their respective accounts. Thus, for instance, the grant FMF may only be utilized for activities authorized in connection with the FMF program. Likewise, nonproliferation and export control funds must be spent on the objectives set forth under Chapter 9 of the Foreign Assistance Act of 1961. Similar restrictions apply to the other authorized forms of security assistance. Thus, as assistance to Azerbaijan under this section is still subject to section 907 of the FREEDOM Support Act, such assistance may be provided only for antiterrorism or nonproliferation and export control purposes.

The funds authorized under Section 516 must be spent for the purpose of assisting the GUUAM countries and Armenia in strengthening control of their borders, and for the purpose of promoting the independence and territorial sovereignty of these countries. These funds also are specifically authorized, pursuant to Section 499C of the Foreign Assistance Act of 1961, for the purpose of enhancing the abilities of the national border guards, coast guard, and customs officials of the GUUAM countries and Armenia to secure their borders against narcotics trafficking, proliferation, and transnational organized crime. The conferees intend that funds authorized by this section be used in Uzbekistan solely for nonproliferation purposes. Finally, it bears emphasizing that the conferees strongly support the cooperation on political, security, and economic matters promoted and facilitated through the GUUAM group. The United States should promote these endeavors as part of its strategy to help these states consolidate their independence and strengthen their sovereignty, to help resolve and prevent conflicts in their respective regions, and to promote democracy and human rights. In addition, the conferees strongly support political, security, and economic cooperation between the United States and Armenia.

Finally, the conferees note the successes of the Department of Defense's two international counterproliferation programs—the DOD/FBI Counterproliferation Program and the DOD/Customs Counterproliferation Program. With minimal funding, and through excellent management, these programs are contributing to efforts to halt the spread of dangerous technology across the borders of the former Soviet Union, Eastern and Central Europe, and the Baltic states. The conferees hope that the Department of Defense will continue to support these programs and recommend that the Department of State coordinate closely with the Department of Defense on proliferation matters.

## TITLE VI—TRANSFERS OF NAVAL VESSELS

### AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Section 601 of the conference agreement, similar in the House and Senate proposals, provides authority to the President to transfer twelve naval vessels to Brazil, Chile, Greece, and Turkey. These naval vessels either displace in excess of 3,000 tons, or are less than 20 years of age. Therefore statutory approval for the transfers is required under 10 U.S.C. 7307(a). The two PERRY class frigates proposed for transfer to Turkey under lease/sale authority were approved by Congress to be transferred to Turkey by sale in the fiscal year 2000 shop transfer legislation. Because of Turkish financial uncertainties caused by recent natural disasters, however, this proposal, which is in addition to the sale authority previously granted, is needed to give Turkey some flexibility in determining the most appropriate means to acquire the ships. Two KNOX class frigates are proposed in this section to be transferred to Greece on a grant basis.

### INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES

Section 602 of the conference agreement, similar in the House and Senate proposals, ensures that the value of naval vessels authorized for transfer by grant by this Act will not be included in determining the aggregate value of transferred excess defense articles.

### COSTS OF TRANSFERS

Section 603 of the conference agreement, identical in the House and Senate proposals, provides that all costs are to be borne by the foreign recipients, including fleet turnover costs, maintenance, repairs, and training.

### CONDITIONS RELATING TO COMBINED LEASE-SALE TRANSFERS

Section 604 of the conference agreement, identical in the House and Senate proposals, authorizes the transfer of high value ships on a combined lease-sale basis under Section 61 and 21 of the Arms Export Control Act (22 U.S.C. 2796 and 2761 respectively).

### FUNDING OF CERTAIN COSTS OF TRANSFERS

Section 605 of the conference agreement, identical in the House and Senate proposals, provides authorization for the appropriation of funds that may be necessary for the costs of the combined lease-sale transfers in order to satisfy the requirements of 2 U.S.C. 661c. These funds are authorized to be appropriated into the Defense Vessels Transfer Program Account, which was established in the fiscal year 1999 transfer legislation.

### REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS

Section 606 of the conference agreement, proposed by the House, requires the President, to the maximum extent practicable, to ensure that repair and refurbishment of naval vessels authorized for transfer under this title is performed in U.S. shipyards, including U.S. Navy shipyards.

### SENSE OF CONGRESS REGARDING TRANSFER OF NAVAL VESSELS ON A GRANT BASIS

Section 607 of the conference agreement, proposed by the House, expresses the sense of Congress that naval vessels authorized for transfer to foreign countries on a grant basis under section 516 of the Foreign Assistance Act should be transferred only if the U.S. receives appropriate benefits from such countries.

### EXPIRATION OF AUTHORITY

Section 608 of the conference agreement, identical in the House and Senate proposals, provides that the transfers authorized by this Act must be executed within two years of the date of enactment. This allows a reasonable opportunity for agreement on terms and for execution of the transfer.

## TITLE VII—MISCELLANEOUS PROVISIONS

### UTILIZATION OF DEFENSE ARTICLES AND SERVICES

Section 701, proposed by the Senate, amends Section 502 of the Foreign Assistance

Act of 1961 to make clear that defense articles and services may be furnished by the United States to foreign nations for antiterrorism or nonproliferation purposes (in addition to other currently authorized purposes).

### ANNUAL MILITARY ASSISTANCE REPORT

Section 702 of the conference agreement, proposed by the House, requires the State Department to include information in the annual military assistance report required by section 655 of the Foreign Assistance Act which identifies the quantity of exports of weapons furnished on a direct commercial sales basis. The so-called "655 report" provides a timely and comprehensive account of U.S. arms transfers. This provision will close a long-standing gap by ensuring that the State Department provides information not only on the quantity of approved licenses for Direct Commercial Sales (DCS) but also on the quantity of actual deliveries of weapons exported pursuant to the DCS authority during the fiscal year covered by the report, specifying, if necessary, whether such deliveries were licensed in preceding fiscal year.

### REPORT ON GOVERNMENT-TO-GOVERNMENT ARMS SALES END-USE MONITORING PROGRAM

Section 703 of the conference agreement, proposed by the House, requires the President to submit a report on the status of efforts by the Defense Security Cooperation Agency (DSCA) to implement its plan to enhance end-use monitoring on government-to-government arms transfers to foreign countries.

The conferees direct the State Department to provide DSCA complete copies of all end-use violation and prior consent reports required under section 3 of the Arms Export Control Act.

### MTCR REPORT TRANSMITTAL

Section 704 includes the Senate Committee on Banking in an infrequent report required under the Arms Export Control Act.

### STINGER MISSILES IN THE PERSIAN GULF REGION

Section 705, proposed by the Senate, permits the replacement, on a one-for-one basis, of Stinger missiles possessed by Bahrain and Saudi Arabia that are nearing the scheduled expiration of their shelf-life.

### SENSE OF CONGRESS REGARDING EXCESS DEFENSE ARTICLES

Section 706, proposed by the Senate, calls on the President to sell more defense articles, rather than merely give them away, using the authority provided under Section 21 of the Arms Export Control Act. It urges the President to use the flexibility afforded by Section 47 of that Act to determine that "market value" of Excess Defense Articles and to sell such items at a price that can be negotiated. When the Department of Defense uses too rigid a definition of "market value," and that price cannot be commanded, the item is instead transferred on a "grant" basis pursuant to Section 516 of the Foreign Assistance Act of 1961, thereby forgoing revenues. This section encourages the Department of Defense to ascertain the "market value" on the basis of local market conditions rather than solely on the basis of a generic formula applied by the Department of Defense for accounting purposes.

### EXCESS DEFENSE ARTICLES FOR MONGOLIA

Section 707 of the Conference agreement, which has been modified from the House proposal, provides authority to furnish grant excess defense articles (EDA) and services to Mongolia for fiscal years 2001 and 2002. Unfortunately, given the weak nature of its national economy, which has led to difficulty in funding its military budget, Mongolia cannot afford the cost of packing, crating, handling, and transportation of EDA, even if the EDA itself is provided at no cost. Section 707 provides the Department of Defense with the authority to absorb the cost of transporting EDA to Mongolia, thereby allowing the receipt of much needed equipment. However, the Committee intends to continue the practice of requiring from the Department of Defense a detailed description of such costs in each proposed transfer. Were such costs to grow beyond a reasonable level, the Committee's continued support for such authorities would be jeopardized.

### SPACE COOPERATION WITH RUSSIAN PERSONS

Section 708 has been modified from the Senate proposal. This section amends the Arms Export Control Act, provides for increased reporting and certification to Congress, and expands the ability of the President to regulate missile-related cooperation by providing him with the discretionary authority to terminate contracts in the event that he determines that a violation of the MTCR sanctions law (Section 13(a)(1) of the Arms Export Control Act) has occurred.

Currently, Chapter 7 of the Arms Export Control Act imposes mandatory sanctions on proliferating entities. However, those sanctions apply only to prospective licenses and contracts. The authority does not exist, within Chapter 7, to terminate an existing license in the event that an individual has been discovered to have proliferated missile technology subsequent to the granting of the license. This deficiency became apparent in discussions with the administration regarding the proposed co-production arrangement between Lockheed Martin and a Russian rocket-engine firm, NPO Energomash. Section 708 provides that missing authority to the President, should he choose to utilize it. It is important to underscore that this authority is completely discretionary.

Section 708 also requires the President to make an annual certification to the Committee that various Russian space and missile entities doing business with the United States are not identified in the report required pursuant to the Iran Nonproliferation Act of 2000. These certifications must be made annually for the first five years of a license between a U.S. firm and a Russian entity (or for the life of the license, if less than five years). However, there is no penalty in the event that a certification cannot be made (presumably because the person or entity has been listed in the report). The MTCR sanctions law only operates in the event that the President makes a formal determination that a transfer, or a conspiracy to transfer, occurred. While the certification required under Section 708 does not go beyond the annual report that the President is required to submit to Congress under the Iran Nonproliferation Act of 2000, it is nevertheless useful because it will ensure that the Department of State continues to focus on Russian entities doing business with the United States. This provision is also intended to encourage U.S. companies working with Russian space entities to maintain pressure on their counterparts not to proliferate technology to Iran.

Finally, Section 708 rectifies an unintended reporting loophole in the Arms Export Control Act that resulted from amendments to integrate the Arms Control and Disarmament Agency within the Department of State and a subsequent decision by the Department of State on licensing technical exchanges and brokering services under Section 36 of the AECA. Specifically, for MTCR-related transfers governed under Section 36(b) and (c) which fall below the Congressional notification threshold, the administration currently must nevertheless submit a report to the Committee explaining the consistency of such a transfer with U.S. MTCR policy. However, MTCR-related licenses covered by Section 36(d) which fall below the notification threshold are not captured fully by this reporting requirement. Section 708 rectifies this problem.

### SEENSE OF CONGRESS RELATING TO MILITARY EQUIPMENT FOR THE PHILIPPINES

Section 709 of the conference agreement, proposed by the House, expresses the sense of the Congress that the U.S. should work with the Government of the Philippines to enable them to procure certain military equipment to upgrade the capabilities and improve the quality of life of the armed forces of the Philippines.

### WAIVER OF CERTAIN COSTS

Section 710 of the conference agreement, proposed by the House, waives the requirement to collect certain nonrecurring charges associated with the government-to-government sale of 5 UH-60L helicopters to Colombia in November of 1999.

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BILL GOODLING,
SAM GEJDENSON,
*Managers on the Part of the House.*

JESSE HELMS,
RICHARD G. LUGAR,
CHUCK HAGEL,
JOE BIDEN,
PAUL S. SARBANES,
*Managers on the Part of the Senate.*

## IMPACT AID THEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Madam Speaker, something pretty positive happened in Hyattsville, Maryland that I want to discuss; it happened particularly at a Chevrolet dealership, at the Lustine Chevrolet dealership. It was there that a sales agent happened upon a scandal that affects the United States Department of Education, a theft of about $2 million that this sales agent stumbled upon and called the FBI, and it resulted in a hearing that was conducted earlier today in the Committee on Education and the Workforce; specifically, the Subcommittee on Oversight and Investigations.

The Justice Department, back in July of 2000, filed a claim in Federal court that Impact Aid funds, these are the funds that are sent to assist districts responsible for educating children connected with Federal facilities; military installations usually, sometimes Indian reservations, that these Impact Aid funds intended for two school districts in South Dakota were stolen on March 31 of this year. These alleged facts were presented in the Justice Department's complaint for forfeiture, which it filed in order to recover the stolen money and property and try to get these dollars back to the children in South Dakota.

Here is how it worked. There was a falsified, direct deposit sign-up form for the Bennett County, South Dakota school district that was submitted to the Department of Education on March 20 of this year, and on the form, the deposit bank account was changed from the correct bank account number, which was used by the school district, to a number under the name of Dany Enterprises. The Department of Education employee entered these forms and this false information into the agency's electronic accounting system. Consequently, the Impact Aid forms were wired on March 31 to the Dany Enterprises bank account, to the thief's bank account.

Now, this fraud was discovered thereafter on April 4 when a salesperson at the Chevrolet dealership in Hyattsville, Maryland, when he contacted the FBI to report this suspicious transaction involving two men trying to buy a Chevy vehicle with a $48,000 cashier's check, drawing on the stolen funds from the U.S. Department of Education that were deposited in the thief's account, Dany Enterprises account. The salesman was alerted by what appeared to be false credit information.

Now, although this Chevrolet salesman refused to sell the two men the car, they were each successful in purchasing a car from other dealers in the Washington, D.C. area. Now, one of them purchased a 2000 Cadillac Escalade from a Cadillac dealer using a $46,900 cashier's check, and the other person purchased a Lincoln Navigator from a Lincoln-Mercury dealer, using a $50,000 cashier's check. These checks were used to buy both of these cars and they drew on the stolen funds from the Department of Education which were intended to go to the school in South Dakota.

Madam Speaker, I mention all of this because the Subcommittee on Oversight and Investigation has been working very hard to try to divert dollars away from the waste, fraud and abuse that is rampant over in the Department and move these dollars back to our classrooms where they benefit children.

The story did not end there, because following these revelations, the FBI found another example of where another cash transaction, this time almost $1 million which was intended for another South Dakota school district was again stolen out of these Impact Aid funds and wired to an account called Children's Cottage, Incorporated, due to another fraudulently submitted direct deposit form. This was used to buy a house as it turns out somewhere here in the Maryland area.

Now, this committee hearing that we had today was one of an ongoing series of committee hearings that we have initiated to uncover and explore the theft, fraud and abuse and waste in the Department of Education. We have also been learning about a computer theft ring where Department of Education employees have come up with this elaborate system where they have stolen television sets, electronic equipment, and so on and so forth.

Madam Speaker, we are spending as a Congress about $40 million a year for various investigators, financial auditors, other investigators that are working over in the Department of Education to try to help us stop this waste, fraud and abuse within the Department of Education and to help us get these dollars to our children and classrooms where these dollars matter most. But in this case, we are thankful for the car agent who did what the high-priced auditors were unable to do, and in this case, it has a very positive ending. He has reunited these almost $2 million with the children of South Dakota who need them. I wanted to bring that to the attention of my colleagues.

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## PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Madam Speaker, I rise this evening to command the attention of my colleagues to a potentially deadly and amazingly overlooked aspect of public safety, the construction of oil and natural gas pipelines in America.

Unbeknownst to millions of Americans, their homes, their schools and communities are sitting atop hundreds of miles of pipelines that may explode at any moment if not properly constructed or if not properly maintained.

We all received a rude awakening to the likelihood of tragedy this past August. A pipeline exploded one August morning on a camping ground in Carlsbad, New Mexico, taking the lives of 11 men, women and children. Our Speaker pro tempore knows firsthand of this tragedy. Forty-eight hours later, on the other side of the country, a bulldozer ruptured a gas pipeline on a construction site in North Carolina. Luckily, no serious injuries were reported there. Of the 226 people that died between 1989 and 1998, according to a report issued by the General Accounting Office, these were some of 1030 who were injured, $700 million in property was damaged. This is unbelievable. It is unacceptable.

Madam Speaker, it is time for Congress to demand that the office of pipeline safety within the Department of Transportation do their job. Periodic pipeline inspections, rigorously report pipeline spills.

Let me give my colleagues an idea about the status of pipeline safety, Madam Speaker, in the United States right now. All of the Nation's natural gas, in about 65 percent of crude and refined oil, travel through a network of nearly 2.2 million miles of pipes. These pipelines need constant attention and repair to remain safe. Over 6.3 million gallons of oil and other hazardous liquids are reportedly released from pipelines on the average each year.

□ 1915

Yet the incidence of spills and explosions is getting worse. The amount of oil and other hazardous liquids released per incident has been increasing since 1993. The average amount released from a pipeline spill in 1998 was over 45,000 gallons.

Oil pipeline leaks can and do contaminate drinking water, crops, residential land. They generate greenhouse gases, kill fish, cause deaths and injuries from explosions and fires.

For one, there is little or no enforcement of existing regulations. The General Accounting Office found that the Office of Pipeline Safety had not enforced 22 of the 49 safety regulations that are already on the book. And right now there are pipelines, natural gas pipelines, starting all over America. Some of these pipelines are going through college dormitories in my own State of New Jersey; going through people's residential areas in Pennsylvania and Ohio. And I say there is something wrong. This was a wilderness area. These people were fishing in New Mexico. This was not a densely populated area when 11 Americans were killed.

The Office of Pipeline Safety has not acted on many National Transportation Safety Board recommendations for more stringent pipeline standards. This sort of inattention is mysterious. Why would the agency, whose sole purpose it is to regulate and monitor these pipelines, keep them safe, be so uninterested in their duties? It is enough to make me wonder if there is collusion of some kind going on behind the scenes. Why else would this Federal agency be so lax in enforcing its own regulations?

Madam Speaker, this inaction of the Office of Pipeline Safety will not be excused by this Congress. We cannot forgive the lack of pipeline safety and enforcement. As an original cosponsor of H.R. 4792 with the gentleman from Washington (Mr. INSLEE), who we will hear from later, I beg of the Speaker to use her influence to get some real safety regulations. They are not being adhered to. People's lives are in jeopardy.

Madam Speaker, I submit for the RECORD a newspaper article regarding a pipeline rupture in Paterson, New Jersey.

[From the Herald News]

### GAS LINE RUPTURE FORCES EVACUATION IN PATERSON

(By Robert Ratish and Eileen Markey)

PATERSON.—Workers digging up a roadway on Governor and Straight streets hit a natural gas line Monday morning, releasing fumes and forcing the evacuation of 82 residents in 15 to 20 buildings.

Police cordoned off four blocks surrounding the break for about three hours while crews from Public Service Electric & Gas Co. worked to shut off the gas. Meanwhile, those who live in the neighborhood waited outside until emergency crews deemed the area safe. "You could hear a roaring sound. It sounded like a train," Councilwoman Vera Ames said. She said a thick smell of gas filled the area surrounding the break.

There were no injuries, and no buildings were damaged.

The break occurred as workers with the Passaic Valley Water Commission were using a backhoe to break through the street. The crew had been shutting off a water line leading into a building, said Chief Engineer Jim Duprey.

Duprey said the accident occurred because PSE&G failed to mark the road properly for underground lines. "When Public Service went to mark out, they indicated there was no piping in the area that was excavated," he said.

Before digging, the commission called a hotline maintained by the state Board of Public Utilities as required by the 1995 "One Call" law, Duprey said. The hotline allows agencies to make one call and have all of the appropriate utilities mark underground lines.

A spokesman for PSE&G said the utility was investigating whether the gas line was properly marked.

After hitting the line, a PVWC worker flagged down a passing officer at about 10:35 a.m., police said. Police were advised to turn off the lights on patrol cars and not leave any engines running for fear of sparking the gas fumes.

"It was very dangerous. The pressure was just phenomenal," Mayor Martin G. Barnes said.

Roger Soto, a service technician at PSE&G, stopped at each building on Harrison Street telling workers to stay outside their buildings.

"We want to make sure that no one is operating any equipment or any kind of engine," he said. "We're just securing the area, making sure everybody is safe."

The chief of emergency management, James Sparano, said even police and fire equipment posed a danger. "You'll notice even our emergency vehicles are staying way back—anything can spark it," he said.

As firefighters and emergency medical technicians stood by, 22 young children attending Bethel Christian Childcare on Auburn Street were evacuated to School 6, where they stayed until it was safe to return.

* * *

## WASTE, FRAUD AND ABUSE IN THE DEPARTMENT OF EDUCATION

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Madam Speaker, as my colleague earlier this evening talked about, today we had a hearing in the Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce doing oversight hearings on the Department of Education. Let me just put this in context for my colleagues.

In 1998 and 1999, the Department of Education failed its financial audit. That means that the independent auditors who came in and took a look at the financial records of the Department of Education indicated that the way the numbers were presented and the background, the records that the Department of Education has, the procedures that it has in place and the interim controls that it has in place, gave the auditors some reason of doubt that the way the numbers were actually presented in the financial statements perhaps did not accurately reflect the expenditures and the flow of revenue throughout the Department.

Coming from the private sector, I know that when the financial auditors come in and put some disclaimers in or do not give an organization a clean bill of health, it sets off a number of alarm bells. Because, basically, what the auditors are saying is that in this environment, without the proper financial controls in place, an environment is created that is ripe for waste, fraud, and abuse. Over the last 18 months, as we have been taking a look at this problem within the Department of Education, we have come across a number of cases where the predictions from the auditors have actually been borne out, and it is very, very disappointing.

Today, we talked about basically what some would characterize as an embezzlement scheme of roughly $1.9 million out of the Impact Aid funds that were diverted into individuals' or small companies' checking accounts. And, again, this was not caught by the internal controls within the Department of Education, this was caught by a car salesman who grew suspicious with somebody coming in and buying or attempting to buy a very expensive automobile.

We know about the theft ring. Three people have pled guilty, another three have pleadings before the court, and there are a number of employees within the Department of Education that are suspended without pay. This is a $300,000 theft ring. The material products they brought in were anything from a 61-inch television to computers to VCRs to a whole series of other electronic equipment. It also includes up to $600,000 of false billable overtime, time that was billed, time that was paid, but time that was never worked.

We also know of at least one other major theft ring within the Department of Education that we are not at liberty to talk about because there are not public documents that have been released at this point in time. We also know that within the Department of Education the Inspector General has estimated that improper Pell Grant payments amounted to $177 million in one recent year.

We know that real decisions have real impact on real people. The $1.9 million embezzlement from the Impact Aid funds impacted directly two school districts in South Dakota. Another example. Thirty-nine students were recently awarded Jacob Javits scholarships. These are scholarships that are given to students who have excelled at the undergraduate level. The Education Department at the Federal level comes back and says that they have done such a good job, that the Federal Government is now going to fund 4 years of graduate school. That is great news for those young people; that is great news for their parents; and that is great news for the undergraduate university that has fostered an environment that has allowed these kids to excel.

Just one problem: The Department of Education notified the wrong 39 students. Two days later they had to call back these young people and tell them, sorry, they were not the students that won.

We know that the Department of Education has made $150 million in duplicate payments in this current fiscal year alone. A duplicate payment is a vendor supplying an invoice for products and services that they have provided the Department of Education. A duplicate payment means they get paid once and they get paid again.

We have some serious problems at the Department of Education. At the same time that we have been looking at these kinds of problems within the Department of Education, we have also had the opportunity to travel around America and see what is working in education. We have been in roughly 21 different States, and what we have seen is some great education, reform and educational results happening at the local level.

What the Federal Government needs to learn in this issue is where we are only providing 7 percent of the money, but in some States we estimate that we are providing 50 percent of the paperwork, it is time for the Federal Government to step back and let the people who know our children's names decide what is best for our schools and for our kids. It is time to step back and to make sure that we get 95 cents of every Federal dollar invested in education, that we get 95 cents of every dollar back into the classroom.

It is time for us to remove the red tape which really restricts innovation at the local level. It is time for us to allow local school districts to decide whether they want to use money on technology, to hire teachers, to pay teachers more for teacher training or for investment in other projects. Allow people at the local level to make the decisions.

There is a lot of good things happening in education in America today. The focus needs to be on the local level and not here in Washington.

## TRIBUTE TO GILBERT WOLF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, I rise today to pay tribute to a good friend and a great American, Mr. Gilbert Wolf. On April 1 of this year, Gilbert Wolf retired as Director of the National Plastering Industry's Joint Apprenticeship Trust Fund and Administrator of the Plasterers and Cement Masons Job Corps Training Program. After 49 years in the industry, Mr. Wolf has left a legacy of superior skills training directed toward young people entering the construction trades.

A plasterer by trade, Mr. Wolf began his own career as an apprentice and went on to become a journeyman and then apprentice instructor. In 1969, he was instrumental in securing a contract with the Department of the Interior to train economically disadvantaged youth to become plasterers and cement masons. After a successful operation in three Job Corps centers, Mr. Wolf was awarded additional contracts with the Department of the Interior and labor. The Plasterers and Cement Masons Job Corps Training Program, under Gilbert Wolf's guidance, now boasts participation in 41 centers throughout the United States.

Training and motivating youth in careers in the construction industry has been Mr. Wolf's major focus for over four decades. He spearheaded several national events to bring the need for youth training to the forefront. Competition was one of his favorite themes. The result was three international apprenticeship competitions over a 5-year period; two Job Corps national competitions and countless skills demonstrations at trade shows and construction industry events throughout the United States. These events consistently showed the public the need for and the importance of solid skills training.

The Smithsonian Institute's famous Festival of Life became the setting for another national skills demonstration by Job Corps students from around the country. Mr. Wolf led the committees who organized the 2-week long festivals and won a spot on Good Morning America.

Mr. Wolf also coauthored papers on historical preservation and restoration with the Department of the Interior and the National Trust for Historical Preservation. A partnership with the NTHP brought opportunities for Job Corps students to learn and to work on important historical landmarks and to develop specialized skills.

Mr. Wolf also coauthored the Incentive Apprenticeship Training Course, which guides instructors through the process of training a number of people at multiple levels.

Gilbert Wolf is also credited with pushing hard to increase the number of women and other minorities into skills training and the construction industry. He was the first in the Job Corps to hire a woman as an instructor in a nontraditional trade.

When asked what has kept him going in this industry for the last 49 years, Mr. Wolf responded, where are the future skilled crafts people coming from, and who will train them? Passing a legacy of knowledge from one generation to the next is the backbone of our building industry. Young people are our only chance to keep building a strong America.

Madam Speaker, in closing, I want to express my own personal deep appreciation for the fact that Gilbert Wolf has been a mentor to my brother Roger and a valued friend to me. This Nation would be stronger and we would all be better people if more of us were more like Gil Wolf. I wish him a long, healthy, and happy retirement.

## PIPELINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Madam Speaker, in June 1999, a gasoline pipeline ruptured in Bellingham, Washington, and the ensuing fireball killed three young men. Following that tragedy, the House of Representatives did nothing.

Several months ago, a fuel pipeline ruptured by the Patuxent River in Maryland, spilling over 100,000 gallons of fuel, creating an environmental disaster. And following that disaster, the U.S. House of Representatives did nothing.

Several weeks ago in New Mexico, in Madam Speaker's own State, entire families were incinerated in a terrible tragedy due to a ruptured natural gas pipeline. And to date, despite many of our best efforts, the U.S. House of Representatives has done nothing.

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This Chamber, despite this continuing toll of human loss and environmental loss, has not moved one bill through committee, has not moved one bill to the floor of the House of Representatives for a vote despite many of our bipartisan efforts to accomplish a meaningful bill this year.

Madam Speaker, I rise today to call on the House leadership to bring forward to this Chamber a meaningful, comprehensive, pipeline safety bill with real teeth. And we have several to choose from in the House. We have a bipartisan bill cosponsored by the gentleman from Washington (Mr. METCALF), a Republican from the Second District in Washington, and myself, H.R. 4558. I am a prime sponsor on a bill, House bill 4792, bills that will achieve something we have long needed in this country and that is statutorily codified inspection criteria to require that pipelines in this country are inspected on a regular basis to try to prevent these tragedies.

Now, why is that so important? It is important because the tradition in the last several decades here has been of abject failure. What has happened before is that when tragedies of this nature have occurred, the U.S. Congress has passed bills that have essentially deferred to an administrative agency, to the Office of Pipeline Safety, and have directed the Office of Pipeline Safety to adopt meaningful inspection criteria, to adopt meaningful training criteria for operators.

And what has happened despite those continued grants of discretion to the administrative agency? Well, what has happened is total failure.

In 1992, this Chamber required requirements to identify high-risk pipelines. And yet, in a new millennium, we still do not have a regulation or rule requiring that. We have the National Transportation Safety Board. It found "in 1987, the Safety Board recommended that the Office of Pipeline Safety require pipeline operators to periodically inspect their pipelines to identify corrosion, mechanical damage, or other time dependent defects that may prohibit their safe operations. Yet, 13 years after our initial recommendation was issued, there are no regulations that require pipeline operators to perform periodic inspections or tests to locate and assess whether this type of damage exists on other pipelines."

Thirteen years and yet we are on the cusp of a failure if we do not pass a bill that has a statutorily required maximum period between inspections.

Now, the other Chamber, Madam Speaker, has passed a bill that again requires and gives discretion to the Office of Pipeline Safety to act. Well, frankly, we need a tougher bill. We need to break this chain of failure in the U.S. Congress. We need to bring to the floor of this House a bill that will have a statutorily codified inspection regime to make sure that these pipelines are in fact inspected.

I believe we can obtain a bipartisan resolution and get a bill to conference committee relatively quickly to do that under the leadership of the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

There have been lots of discussions, and I believe we can find a bipartisan solution to this to make sure we pass a meaningful bill.

I want to address a couple of other things our bill needs to do if we are going to give Americans the confidence they deserve in their pipelines. Besides the inspection, we have got to pass a bill that has meaningful training requirements for the people who operate these pipelines. They have to get a license to drive a truck with gasoline in this country. They have to get a license to fly an airplane. But they do not have to have any license or essentially any training requirements to operate a pipeline. It is time to require a meaningful training requirement for all operators.

Madam Speaker, I urge all of my colleagues to help this leadership bring these bills up for a vote.

## TRIBUTE TO DR. JOHN B. DUFF, PRESIDENT OF COLUMBIA COLLEGE CHICAGO

The SPEAKER pro tempore (Mrs. WILSON). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I rise today to pay tribute to Dr. John B. Duff, who is retiring as President of Columbia College Chicago after 8 successful years and an illustrious career in both academia and the public sector.

Prior to Columbia, Dr. Duff served as commissioner of the Chicago Public Library system, where he supervised construction of the Harold Washington Library, the world's largest public library. His academic positions include serving as the first chancellor of the Board of Regents from Massachusetts' newly reorganized system of public higher education; president of the University of Lowell, Massachusetts; and lay provost, executive vice president and processor of history at Seton Hall University.

Founded in 1890, Columbia College Chicago is an undergraduate and graduate college in downtown Chicago, dedicated to communication arts as well as media arts, applied and fine arts, theatrical and performing arts, and management and marketing arts. It is the fifth largest private institution of higher education in Illinois and the largest and most comprehensive arts media and communications college in the country.

More than one-third of Columbia's 9,000 students are minorities, the largest minority enrollment of any arts and communication institution in the country.

Columbia today is 50 percent larger than it was 9 years ago. In terms of physical space, under Dr. Duff's leadership, Columbia acquired 650,000 square feet. During this time, the first residence hall and new film stage facilities were opened, a new home for the music department was purchased, a new dance center was built, the 33 East Congress Building was purchased to house the English Department and the Radio Department, and Chicago's historic Ludington Building was acquired providing gallery space, student space, the Film/Video Department, and the Center for Book and Paper Arts.

The college has played a major role in the revitalization of the South Loop and, working with its neighbors, arts organizations, entrepreneurs and the city is spearheading the development of a Wabash Avenue Arts Corridor.

The growth of Columbia's faculty was also a priority for Dr. Duff during his tenure. The college added more than 100 full-time faculty positions to enhance curriculum development and management, to give more continuity to the educational programs, and to increase student contact with faculty.

Dr. Duff also reinforced the college's commitment to its students by strengthening developmental education programs, to help students stay in school and graduate. Open-admissions arts colleges are rare, but one as academically strong as Columbia is truly unique.

Today, thanks to Dr. Duff's leadership, Columbia remains secure in its mission and traditional commitments to opportunity, diversity, and professional education in the arts and communications.

Madam Speaker, I invite all Members of the House to join with me in recognizing Dr. John Duff's many contributions to higher education to the City of Chicago and to the State of Illinois and in wishing him and his wife, journalist Estelle Shanley, our very best as they join one-fifth of the rest of the population in this country and move out to California to spend the rest of their days.

## HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

### GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Madam Speaker, I am honored today to join a number of my colleagues in celebrating National Historically Black Colleges and Universities Week.

The contributions made by HBCUs to the African American community, to our country, and to our culture cannot be overstated.

As President Clinton noted in proclaiming the week of September 17 as HBCU Week, "Generations of African American educators, physicians, lawyers, scientists, and other professionals found at HBCUs the knowledge, experience and encouragement they needed to reach their full potential."

The alumni rolls of HBCUs are very long. They include two very distinguished, extraordinary Americans, Martin Luther King, Jr., and Booker T. Washington. In addition, they include a number of my colleagues who will be joining me today.

Today, Madam Speaker, Historically Black Colleges and Universities comprise about three percent of all colleges and universities. However, they confer nearly 30 percent of all bachelor's degrees awarded each year to African Americans.

HBCUs, Historically Black Colleges, also confer the majority of bachelor's degrees and advance degrees awarded to black students in the physical sciences, mathematics, computer sciences, engineering, and education. More than half of all African American professionals, including 70 percent of African American dentists and physicians, graduated from Historically Black institutions.

The real story, Madam Speaker, that underlies these figures is the story of hope and opportunity. We cannot, we should not, we must not run from our history no matter how painful, no matter how disgraceful.

Before the Supreme Court's landmark decision in Brown v. Board of Education in 1954, African Americans were routinely and wrongly excluded from institutions of higher learning. It did not matter how smart they were. It did not matter how much talent or potential they had. The only thing, tragically, that mattered was the color of their skin.

But out of that rank injustice, that indefensible racism, was born a fortitude and a determination to rise above, to overcome, to overcome through education. Thus, the first black college, which is now known as Cheyney University in Cheyney, Pennsylvania, was founded in 1837.

To appreciate the magnitude of this, remember that Cheyney was created a full 28 years before the ratification of the 13th amendment established to train free blacks to become school teachers.

Today Cheyney is one of the 105 HBCUs that continue to serve with great pride as an avenue for African Americans to attend college and indeed for other Americans to attend college, as well.

Four of those Historically Black Colleges are located in the State of Maryland, including Bowie State University in my own district, which was founded in 1865. Bowie State University is the oldest Historically Black University in Maryland. The others, Madam Speaker, are Morgan State, Coppin State, both in Baltimore, and the University of Maryland Eastern Shore.

Shortly, I will be joined by my colleague, the gentleman from Maryland

(Mr. CUMMINGS), a graduate of Morgan State, who will join me in this special order.

I want to make specific note of the four presidents of those distinguished institutions: Dr. Calvin Burnett, president of Coppin State College; Dr. Earl Richardson, with whom I had the privilege of being today, president of Morgan State University; and Dr. Dolores Spikes, president of the University of Maryland Eastern Shore.

Our newest president is the president of Bowie State University, which I just mentioned, Dr. Calvin Lowe.

Madam Speaker, let me say, as a current member of the Board of Regents of the University of Maryland systems, as someone acutely interested in education and the needs of our youth, I see the manifest vision and the determination of HBCUs practically every day. I see it in the faces of the young people in my district who know that they will have the opportunity to develop their skills and talent, whether they choose Bowie State University, the University of Maryland College Park, or any other school. I see it in the faces of young professionals who have attended an HBCU and who are now working hard to build their careers and contribute to our society. And I see it in the faces of those here tonight who appreciate the unique role and history of Historically Black Colleges and Universities and who understand the importance of their continued vibrancy.

□ 1945

In the past 20 years, at least 10 Historically Black Colleges and Universities have closed. Others, Madam Speaker, face financial hardship. We have in my opinion in this House a duty to help them, and not just with dollars, though dollars are very important. The bottom line, adequate funding, will continue to be important. But we must also recognize, Madam Speaker, that our strength as a Nation lies not just in the quality of the University of Maryland at College Park or any of the other great universities but in the excellence of another great university, Bowie State, Morgan, Coppin, the University of Maryland Eastern Shore, and the institutions from which so many of our distinguished colleagues have graduated. We must realize that while we celebrate the University of North Carolina at Chapel Hill, we also must take joy in the accomplishments and excellence of North Carolina A&T.

Historically Black Colleges have strengthened our country and enriched our culture beyond measure. They have nurtured and fostered the talents of millions. And while they can take great pride in their glorious past, it is incumbent on all of us to ensure that they enjoy an even brighter future.

Madam Speaker, I had the opportunity of meeting with Dr. Richardson, as I said, and many other presidents of Historically Black Colleges. They brought up some critical issues with which this Congress must deal. I am sure that my colleagues will join me in doing so to ensure the continued vibrancy and success of these extraordinary institutions.

Madam Speaker, I am now privileged to yield to my good friend, distinguished colleague and graduate of Howard University. I said Morgan, but Howard, University. He is on the board of regents at Morgan State University, the distinguished gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman for yielding, and I want to thank him for this special order tonight with regard to our Nation's Historically Black Colleges and Universities. I also want to thank him as the former president of the State Senate in Maryland and now as a Member of this great body for all of the support he has given to our colleges in the State of Maryland and then of course to those throughout the United States as a Member of this body.

Many might ask, what is an HBCU? To clarify, the Higher Education Act of 1965 defines an HBCU as any historically black college or university that was established prior to 1964 whose principal mission was and is the education of black Americans. Earlier today, presidents, chancellors and representatives from HBCUs met with congressional leaders to identify opportunities to advance HBCUs. Throughout their history, HBCUs have served as emblems of excellence in higher education for African Americans.

Often acclaimed "the salvation of black folks," HBCUs have engraved in American history the opportunity for freedom through education. There are 117 HBCUs, a mix of 4-year colleges and universities, community and junior colleges, public and private institutions, and technical schools. The benefits of an educational experience at an HBCU are significant and cannot be duplicated. Students develop intellectually and build life skills and personal confidence about their identity, heritage and mission to society.

Tonight, Madam Speaker, I would like to simply provide facts and figures that will give my colleagues an idea of how many lives have been impacted by HBCUs. Did you know that HBCUs have produced a large number of congressional representatives, State legislators, mayors, Federal and State judges, professors, teachers, doctors, lawyers, business leaders, activists, writers, musicians, actors, athletes and military leaders? Did you know that for more than 150 years HBCUs have enrolled less than 20 percent of African American undergraduates but, significantly, award one-third of all bachelor's degrees and a large number of the graduate and professional degrees?

During the second session of the 101st Congress at a hearing before the House Committee on Education and Labor entitled "Issues and Matters Pertaining to Historically Black Colleges and Universities," former Congressman and current president and CEO of the United Negro College Fund, William Gray of Pennsylvania, said, "HBCUs have performed a remarkable task, educating almost 40 percent of this country's black college graduates at either the graduate or undergraduate level, some 75 percent of all black Ph.D.s, 46 percent of all black business executives, 50 percent of all black engineers, 80 percent of all black Federal judges, and 85 percent of all black doctors."

At that same hearing, U.S. Surgeon General David Satcher, who was then serving as president of Meharry Medical College, stated that "historically black health professional schools have trained an estimated 40 percent of this Nation's black dentists, 40 percent of black physicians, 50 percent of black pharmacists, 75 percent of the Nation's black veterinarians."

Again, these statistics speak volumes for the value of HBCUs in providing an opportunity for African Americans to participate and make contributions in all walks of life. This record of outstanding achievement comes despite daunting challenges, including limited financial resources, as the gentleman from Maryland (Mr. HOYER) talked about just a moment ago. In fact, I must note that in comparison with other colleges and universities, HBCUs are often underfunded. However, these institutions have maintained their commitment to excellence in higher education.

Locally, in my district of Baltimore, there are two HBCUs. Coppin State College has become a staple in the community, working with school children while also providing services to small businesses in cooperation with the Small Business Administration. It has also sponsored workshops, health fairs, concerts and other activities that enable the college to serve as a repository for African American culture. Coppin State also offers degree programs to prison inmates in urban and rural areas. This is just one example of an HBCU working to make their surrounding community more livable.

As President Clinton once said, "Historically Black Colleges and Universities continue to play a vital role by adding to the diversity and caliber of the Nation's higher education system. Furthermore, these institutions remind all Americans of our obligations to uphold the principles of justice and equality enshrined in our Constitution."

I believe that the information I have provided here tonight supports this notion. I again thank the gentleman for the special order.

Mr. HOYER. I thank the gentleman for his contribution. I also thank him for his service with Morgan State University, one of the great schools in this country and in our State, and also would mention that his alma mater, Howard, of course, has a particular relationship with the Federal Government; and we are very supportive of that institution, and Dr. Swygert is doing a very outstanding job as its leader.

Mr. CUMMINGS. I certainly agree with the gentleman on that one. That is why my daughter is a second-year student there at Howard.

Mr. HOYER. I appreciate that testimony. It is as strong a testimony as you can get. I thank the gentleman.

Madam Speaker, I yield to the very distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I very much thank the gentleman for yielding. Moreover, I am very appreciative of the initiative that his involvement brings to this special order this evening. He is a member of our leadership. I think a special order led by him indicates, among other things, the attention and the importance of the Historically Black Colleges and Universities to our own minority leadership here in the House. I recognize that the majority has also given some considerable attention to Historically Black Colleges and Universities, and I want to thank them for that this evening as well. I am pleased that the gentleman from Missouri (Mr. GEPHARDT), the minority leader, has taken a lead in drawing in the Historically Black Colleges and Universities here this week when the President has declared this to be National Black Colleges and Universities Week, so that we could hear directly from them.

If I may say so, my own sister, a fourth generation Washingtonian like me, is president of a Historically Black College and University, Albany State University; so I suppose my own interest in this is also a family interest. She is a graduate of Miners Teachers College, now the University of the District of Columbia. My mother is a graduate of Howard University. I suppose it is very difficult for any African American who has gotten anywhere in life not to have in her family some indication that the HBCUs have touched their lives. I believe that this special order this evening is important for the way in which it illustrates the gentleman from Maryland's understanding of the continuing importance of these universities in the life and times of black America, the 23 States and the District of Columbia where they are located, almost half our States, 105 of them who bear a disproportionate share of the responsibility for higher education for African Americans. Because of that fact alone, these colleges and universities are deserving of all the attention we can give them. If they were to drop out of the higher education business tomorrow, black higher education in the United States of America would collapse. They give us, just at the bachelor's level, 28 percent of the bachelor's degree. They are only 3 percent of the colleges and universities in the United States of America. They are as vital as any network of institutions in our country.

Madam Speaker, I do want to speak about some new developments in the District of Columbia involving HBCUs. Of course, Howard University, in many ways the flagship university of black America, is located here. The gentleman from Maryland (Mr. HOYER) has indicated its special relationship to this Congress. When the slaves were freed, what they wanted most of all was access to education, and higher education. The Congress has had responsibility for Howard University in a very special way almost since the end of the Civil War.

Actually, we had two Historically Black Colleges and Universities here, the University of the District of Columbia as well as Howard University, the University of the District of Columbia being an amalgam of three Historically Black Colleges and Universities. But because of a wrinkle and mishap, the University of the District of Columbia was never funded as a Historically Black College and University.

I want to thank this body here this evening that when the D.C. College Tuition Act was passed, the University of the District of Columbia received its rightful status as a fully funded HBCU beginning in 1999. This was very important because this is the only publicly supported university in the District of Columbia, for its lack of vital funding, especially given the hard times the District has since gone through, was a matter of some considerable disadvantage to the District.

It is also, however, an open-admissions university. That means that, by definition, it is not the university for some of our youngsters. One size does not fit all. And so this body passed the D.C. College Tuition Access Act. This was a historic act, because for the first time it means that residents of the District of Columbia have what Maryland and Virginia, to point to our two neighbors, have had historically. Virginia has 58 public colleges and universities, I think Maryland has almost 30, and so you can choose which one fits you. The District had one. It was an open-admissions university. This gave us access to any public college or university anywhere in the United States of America, and in this its first year just begun in September, college attendance in the District of Columbia has been raised enormously. Already in the first year they have come. What it means is that the youngster and her family pays in-state tuition and the Federal Government picks up the rest.

What does that have to do with what we are celebrating here today? We have the preliminary figures about where these students are going. And I am here to report today that of the 10 universities most favored by D.C. students, and they could choose any universities that are publicly funded anywhere in the United States, six are Historically Black Colleges and Universities, the six most favored. And they are Howard, Norfolk State, Morgan, Hampton, Bowie State. There are a host of others. Delaware State. There are many in North Carolina. Now I am focusing only on the Historically Black Colleges and Universities. Private universities in the District and the region receive a stipend of $2,500 if the student chooses the private university. We have 150 students at Hampton, a private university, of course, one of the great Historically Black Colleges and Universities in Virginia.

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Mr. Speaker, the fact that so many District youngsters, who finally have the gates open for them, choose any one they want have chosen HBCUs speaks for itself about the importance of these universities to African Americans.

Mr. Speaker, we are a microcosm of where black America is in their choices of higher education. They feel welcome. They feel these schools will help them get a degree, rather than simply attend a university. The dropout rates for whites and blacks who go to college in the United States is enormous. Many of our students come from very disadvantaged backgrounds. They need special attention.

They get that attention in the historically black colleges and universities. These universities have proven themselves to the students, to their families and to our country for generations. More students than ever now in the District of Columbia know the value since the way it has been opened to allow them to go to these universities. We are grateful for this opportunity. We are grateful for this body, for the leadership on this side of the aisle and the other side of the aisle that has opened the gates all over America to make up for the fact that we do not have the same access that other colleges and universities have.

We are grateful that we now have a funded HBCU here in the District of Columbia, the University of the District of Columbia, and above all we are grateful that the HBCUs are there for D.C. as they have been there for African Americans and for people of all backgrounds throughout their glorious history.

Mr. Speaker, I very much thank the gentleman from Maryland (Mr. HOYER) for yielding to me and I thank him once again for leadership on this issue as he has always shown leadership on this issue and on other issues facing black America.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman very much. I appreciate the gentlewoman's remarks, and I believe her remarks were very cogent. I think it is a very significant fact that the six highest choices made by students in the District of Columbia who could go anywhere are historically black colleges, which speaks not only to the fulfillment of their mission, but to the quality of their work. So I thank her for her comments.

I yield to my very distinguished friend, the gentleman from Georgia (Mr. BISHOP), a graduate of one of the most distinguished educational institutions in America that is also a historically black college, Morehouse College.

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Maryland for yielding to me.

Mr. Speaker, I want to express my appreciation to our distinguished colleagues, certainly the gentleman from Maryland (Mr. HOYER) and the gentleman from Maryland (Mr. CUMMINGS) for arranging this evening's special order in recognition of the contributions made by the country's historically black colleges and universities.

These 105 institutions located in the District of Columbia and in 23 States from New York to California began to emerge more than 140 years ago, thrusting open the doors of opportunity and promise for millions of African Americans. These centers of learning have enriched the lives of their students, their parents and families and the communities and the regions that they serve.

As a matter of fact, they have made contributions that have strengthened our entire country enriching the lives of all Americans. For me, this special order has a very personal meaning. I literally grew up within the environment of a historically black college. This was in Mobile, Alabama, and the college was Bishop State Community College, which got its start in 1927 as a branch of Alabama State Teachers College. In 1965, the branch, as it was called, gained its independence and became Mobile State Junior College where my father, Dr. Sanford D. Bishop, Sr., served as the first president.

My mother incidentally was the librarian at the college, and it was literally true that the campus and family life were very closely interwoven as I spent my formative years on and about the campus there.

In 1971, Mobile State became Bishop State Junior College by an act of the Alabama legislature and later Bishop State Community College in recognition of the leadership that my late father provided in building that college into the modern, flourishing institution that it has become. Today, it offers a wide variety of courses for our student enrollment that exceeds 4,000. A college that is recognized for its academic excellence and which is, perhaps, especially noted for turning out highly skilled health care professionals.

When I decided to attend college away from home, as many young people do, my choice was Morehouse College in Atlanta, my father's alma mater, an institution that had grown from a small Baptist school when founded in 1867 to become a part of a sprawling college complex, Atlanta University Center Complex, in providing studies in liberal arts, religion, philosophy, business administration and the sciences.

It is a place known for its leaders in the struggle to move our country closer to fulfilling its promise of freedom and opportunity for all from presidents like Dr. John Hope and Dr. Ben Mays to the most famous graduate, Dr. Martin Luther King, Jr., not to mention prominent leaders in the entertainment field like Spike Lee and Samuel L. Jackson.

Today I have the privilege of representing the Second Congressional District of Georgia, which is the home of Albany State University, where, as we have heard, Dr. Portia Holmes Shields serves as president. Dr. Shields is, of course, the sister of our own friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Albany State, which was founded 97 years ago as a Bible and vocational training institute, now serves a widespread area of southwest Georgia, and it provides a wide range of bachelor's and graduate degrees. I often visit the campus in Albany where I always gain energy and ideas and inspiration from the relationship that I have with the faculty and the students.

Albany State has implemented what it calls a total quality approach, where the academic achievement translates into both commitment to the community and the skills and knowledge needed to compete in the workplace. Incidentally, in 1994 and 1998, Albany State was submerged in water from the flooding of the Flint Rivers as a result of Tropical Storm Alberta. They developed a motto the Unsinkable Albany State, and they have rebounded, rebuilt and now have a new campus that is flourishing.

Also we have Fort Valley State University in Fort Valley, Georgia, which is one of the 1890 Land Grant Colleges, the only one in Georgia. It has provided agriculture, education and liberal arts training for many, many years with many prominent graduates who have excelled in business and politics and medicine and other fields of endeavor. My good friend Dr. Oscar Prater is the President there.

There are historically black colleges and universities throughout much of the school with records and achievement very similar with those that I am very familiar with from a relatively new facility such as LaGuardia Community College in New York City to the long-established Wilberforce University in Ohio which was founded in 1856, to Compton Community College founded in 1927.

All have made contributions that loom large as the history of the country continues to be written. Congratulations to everyone who has helped these colleges and universities carry out their historic mission, including everyone here in Congress on both sides of the aisle who have helped provide the increased support for our HBCUs.

Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) and my other colleagues for having the foresight to have this special order to give recognition that of course is long overdue to a group of institutions that have really contributed greatly to the greatness of America and the world. Godspeed to all of these institutions as they continue to help make this Nation's promise a full reality.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Georgia (Mr. BISHOP) for his comments. And as I was standing here, I thought to myself Sanford Bishop Sr. would indeed be proud of his son, a leading educator in our country. His father was a very distinguished American, and his son has become someone of whom his father would be indeed be extraordinarily proud. I thank the gentleman for his participation.

Mr. Speaker, I yield to my very good friend, the gentleman from Chicago, Illinois (Mr. RUSH), a distinguished representative, and one of the very significant leaders in our country for most, if not all, of his adult life.

Mr. RUSH. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER). I want to, first of all, commend the gentleman for his insightful leadership, for his dedication to the historical black colleges throughout his professional, political career. I want to thank him for the sensitivity of which he approaches this particular issue and really just his total dedication to the efforts of historical black colleges as they move to try to strengthen themselves and maintain their commitment and their mission to the American people.

The gentleman has an exemplary image and his exemplary conduct should be noted by all Americans, because he has indeed done this Nation a great service on behalf of its minority students throughout the country.

Mr. HOYER. I thank the gentleman.

Mr. RUSH. Mr. Speaker, Historically Black Colleges and Universities are important institutions of higher learning, growth and development for African Americans and minorities Nationwide.

These institutions offer quality education in collegiate settings that are conducive to education and economic excellence.

The students who attend these colleges are educated, without the deriding stumbling blocks, the deriding stumbling blocks of racial selection for grants and scholarships and loans. The institutions are free of racial, religious, and gender discrimination.

Historically Black Colleges and Universities graduate large numbers of African Americans who, as previous speakers have indicated, lead, very, very productive lives in our society, who are leaders in this Nation among all professions, and who are leaders in the world.

In my home state of Illinois, many of our African American students attend HBCUs. There are 23 States along with the District of Columbia and the Virgin Islands which are home to HBCUs. While these institutions are places where African Americans can flourish and people prepare for the challenges of the global village. There is an important problem which impacts the quality of their students and their professors, and that problem is finances, it is money. In the last decade, the Federal Government has increased its support of HBCUs, and although the House appropriators led by the gentleman from Maryland (Mr. HOYER) and others have worked hard to ensure that HBCUs have ready access to Federal dollars through the HBCU capital financing program, more work still needs to be done.

It is this commitment to excellence which has fueled this administration's, the Clinton administration, acknowledgment of the needs of the HBCUs. This commitment was exemplified on November 1, 1993, when President Bill Clinton signed an executive order 12876 in order, and I quote, "to advance the developments of human potential, to strengthen the capacity of Historically Black Colleges and Universities to provide quality education, and to increase opportunities to participate in and benefit from Federal programs."

I am proud that President Clinton has designated the week of September 17, 2000 as National Historic Black Colleges and Universities week. The administration, the Democratic leadership, the Congressional Black Caucus and the House Democratic Caucus have led in promoting awareness of the merits of these education institutions. It is with this leadership that this subject is discussed on the Floor today, and that our Nation is aware of the tremendous benefits and the success of attending HBCUs.

Mr. Speaker, I just want to say, on a personal note say that both the previous speakers before me mentioned Albany State University, Albany State University was the first college that I ever laid eyes on.

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As a young man, my mother attended Albany State University. I am a product of Albany, Georgia, and I cannot ever forget the awe and the delight and the sense of curiosity as a young man who was in kindergarten, going to a school right across the street from Albany State University, and to be excited about my first day in school, to look across the street, to be in the shadow of Albany State University, indeed imprinted on my mind that education was indeed the one thing that meant the most to me as a young man. As I grew into adulthood, education certainly became the hallmark of my activities.

I want to thank, again, the gentleman from Maryland (Mr. HOYER). I want to thank all of those who had a vision to create Historically Black Colleges and Universities, and I want to thank my mom for introducing me to education and to instill in me the yearning, the need, the desire to make sure that I received all that this Nation can provide in terms of college and higher education and higher learning.

Mr. HOYER. Mr. Speaker, I want to thank my friend, the gentleman from Illinois (Mr. RUSH), for his generous comments and also for his cogent comments with respect to the impact that Historically Black Colleges and Universities have had on young African Americans, instilled in them a sense of hope, a sense of opportunity, a sense of future. We know that if young people do not have a sense of future, as too many do today, that they do not work for a future. They work only for today. That inspiration that the gentleman's mother gave him and his exposure to Albany State has enriched us all in this country.

Mr. Speaker, I yield to my friend, the distinguished gentlewoman from the State of California, from Oakland, (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank and commend the gentleman from Maryland (Mr. HOYER) and the gentleman from Maryland (Mr. CUMMINGS) for this special order tonight, and also for their consistent commitment and hard work on behalf of Historically Black Colleges and Universities. These institutions are so important to all of us, not only in the African American community but to all of us in the entire country.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Maryland.

Mr. HOYER. I was going to make this point later, but she gives me such an opening. We talk about these institutions giving extraordinary opportunities to African Americans, and they do. Bowie State University in my county is the place from which Christa McAuliffe graduated with her Master's degree. Christa McAuliffe, as some may recall, was the teacher in space who went up on the Challenger as it blew up and she died. She was one of Bowie State's most distinguished graduates, a Caucasian American but given an extraordinary opportunity through her attendance at and the receipt of a quality education at a Historically Black College.

Ms. LEE. That is quite a testimony; quite a testimony.

It is really an honor to be able to honor tonight our Nation's Historically Black Colleges and Universities. Malcolm X once declared that education is our passport to the future, for tomorrow belongs to the people who prepare for it today.

For over 150 years, Historically Black Colleges have provided these passports to their students. Although many African American scholars and leaders of the 19th and early 20th century disagreed about how African Americans would attain freedom and equality promised in our Constitution, they agreed, however, that educating young men and women was the most important step in succeeding in life.

Historically Black Colleges and Universities, also known as HBCUs, have always offered African American young men and women a quality, affordable education at times when access to institutions of higher learning were limited or completely closed off to African Americans. According to the Herald-Sun newspaper in North Carolina, HBCUs were actually first founded in 1837, 26 years before the end of slavery.

Since this humble beginning, HBCUs have become revered institutions of higher learning that have provided quality educational access to millions of African Americans.

According to the United States Department of Education, there are 105 accredited HBCUs in the United States. These institutions enroll upwards of 370,000 students each year. Since 1966, HBCUs have awarded approximately 500,000 undergraduate, graduate, and professional degrees. They are providers of equal educational opportunity with attainment and productivity for hundreds of thousands of students. They are educating our future world leaders.

Historically Black Colleges and Universities have never been more important in providing young men and women a superior education than they are today; and now in this new era of technology, we must ensure that our HBCUs receive the necessary support to educate and train young African Americans for these unfilled jobs in the high-tech industry. And now, in my home State of California, since the end, unfortunately, of affirmative action, as we know it it was banned in 1998 by passing Proposition 209, California students have increasingly become more aware of the educational benefits of attending a Historically Black College or University and many of my constituents are thriving and achieving academic excellence in these great schools.

Now, although I did not have the honor of attending an HBCU, I come from a family with deep roots at Historically Black Colleges and Universities. My grandfather graduated from Huston-Tillotson College in Austin, Texas; my role model, my mother, she attended Prairie View A&M and also Southern University; and my aunts followed in my grandfather's footsteps in attending Huston-Tillotson College. My nieces graduated from Prairie View A&M.

So I have really been the beneficiary of the values and the academic foundation provided me through my family's attendance and involvement at these great institutions.

Black colleges have a rich history to look back upon and a vibrant future ahead. I am proud to join my colleagues tonight in celebrating their many achievements and in so doing urge the United States Congress to redouble its efforts in supporting these fine institutions of higher learning.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) for her very important contribution and her giving us another example of an extraordinary American leader who has been impacted in her family and by the images and inspiration given by Historically Black Colleges and Universities.

We are advantaged by the service of the gentlewoman from California (Ms. LEE) in the Congress; and that, I am sure, is in part due to the inspiration she received by all of those who were enriched and given hope and opportunity and vision by Historically Black Colleges.

Mr. Speaker, I yield to the very distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding, but I also want to thank the gentleman for his display of sensitivity relative to taking out this special order and for recognizing the tremendous value of Historically Black Colleges and Universities. We have heard all of those who have spoken talk about the vast numbers of African Americans and others who have benefited from these institutions.

I, too, was fortunate to attend a Historically Black College, the University of Arkansas at Pine Bluff. As the gentlewoman from California (Ms. LEE) was talking about affordability, I can never forget on my 16th birthday going off to A&M College with $50 in my pocket wondering how I was going to make it.

As it turned out, the tuition was only $76 at that time, and I did have a $50 scholarship that the State of Arkansas gave to each of its high schools. So I only had to pay $26 of those $50. So I still had a little left over to play with.

The University of Arkansas at Pine Bluff has been an educational mecca for my family. I think of the numbers. I have four sisters who attended, two brothers, three nephews, two brothers-in-law and a whole group of cousins. So it has been not only an opportunity but it has been a propelling force in all of our lives.

It started with seven students; opened its doors in 1875 with seven students. Much of the character, though, of this institution has been shaped by outstanding administrators: J.C. Corbin, John Brown Watson, and then, of course, President Lawrence Arnett Davis, who we called Prexie, who was there when I was a student and now his son is following in his footsteps, Dr. Lawrence A. Davis, Jr.

Wherever I go in America, I always run into individuals who have excelled: physicians, nurses, under-secretaries of departments and agencies. As a matter of fact, the Secretary of Transportation, Rodney Slater's, mother-in-law and father-in-law, his mother-in-law was a colleague of mine. We were students together. His father-in-law was one of our advisors in a current events club. So these become very personal and very direct.

I would hope that we would understand what everybody has been saying. These institutions have existed, operated, oftentimes with little more than baling wire; but they cannot continue in that way. We seriously need to redouble our efforts and find additional resources, and I guarantee if one talks about getting a bang for your buck, if we put some more resources into the Historically Black Colleges and Universities, I guarantee we will be reaping the dividends and rewards for years and years and years.

So I thank the gentleman from Maryland (Mr. HOYER), again, for yielding me this time.

Mr. HOYER. I thank the gentleman for his comments. It is just extraordinarily interesting to learn of the history of families that have been impacted by HBCUs and the enrichment of those families being passed on to generations that then benefit so much their district, their State, and their Nation.

We very much appreciate his contribution and his recitation of not only his history but his family's history.

Mr. Speaker, I yield to the distinguished gentleman from Arkansas (Mr. DICKEY), who probably was interested in the history of the gentleman from Illinois (Mr. DAVIS).

Mr. DICKEY. Absolutely. I am from Pine Bluff, Arkansas. I grew up when Prexie Davis was the president of Arkansas A&M, and I cannot say I know as much about it from the inside as the gentleman from Illinois (Mr. DAVIS), who is one of their distinguished alumnus; but I do know that I saw it from the outside. I know that what that school did under Dr. Lawrence A. Davis was offer scholarships to people who could not even afford to get transportation to come to school. Some of those people learned how to learn at Arkansas A&M at Pine Bluff.

Then to advance forward, here I am in Congress and I am on a committee that the gentleman from Maryland (Mr. HOYER) and I serve on. We are midgets compared to Louis Stokes in this area, but we have been striving to add money to HBCUs because we want to present opportunities to people who want to learn and who care.

TRIO is a part of this plan, and I have gotten a lot of encouragements from Dr. Davis, Jr., about TRIO and we are doing our job there so that we can prepare people to come to school in places like UAPB and HBCUs all over the country. It is a great privilege for me to be a part of it, and I am going to continue on this committee striving hard to bring as much money as we can in a reasonable fashion for the benefit of the students who go to HBCUs all over the United States, but particularly at Pine Bluff, Arkansas.

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Mr. HOYER. Mr. Speaker, I thank the gentleman for his contribution.

Mr. Speaker, it is now a great privilege of mine to yield to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE), one of our most dynamic members of the House.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to add my own personal accolades to the speakers who have given their eloquence before me and to the gentleman from Maryland (Mr. HOYER), in particular, along with the gentleman from Maryland (Mr. CUMMINGS), for the very significant and important opportunity we have been given for this Special Order.

Many times, people diminish or misinterpret Special Orders and do not see the ultimate importance of coming to this august body and speaking to our colleagues, as the gentleman from Arkansas has just done, speaking to America, about some very vital and important issues of concern, but also making important tributes. Let me thank the gentleman from Maryland for not only providing this opportunity for a tribute, but also for his legislative work and agenda of showing himself to be a true friend of HBCUs.

Let me ask the question, since we are here together: What if? I think the gentleman from Maryland made a very valid point, as we have listened to some of the very charging stories of my colleagues. This was a very instructive experience for me, listening to sons and daughters of presidents and heroes and sheroes of our historically black colleges, right here in the House of Representatives, now the legacies of the teachings of those colleges are now here passing laws. What an honor. I think it again emphasizes that the colleges are more than places of refuge for individuals who can go nowhere else, though they were born in a segregated history, which we are very proud of. I have the honor and pleasure of representing Texas Southern University, being the neighbor to Prairie View A&M, and being on the board of directors of Oakwood College in Huntsville, Alabama. So I have a familial relationship.

Although I did not have the honor or the distinct pleasure of going to or attending an historically black college, I can certainly name a whole list of relatives and extended family members who have had the honor and pleasure of associating themselves with these institutions. My father-in-law, Philip Lee, now passed, was a Tuskegee airman and a very proud graduate of Hampton Institute, now university, along with his dear wife, who still lives. I had the pleasure of being able to point my younger brother, Michael Jackson, to the Oakwood Academy in Huntsville, Alabama. And, of course, the predecessors of this seat, the esteemed and honorable Barbara Jordan, Mickey Leeland and Craig Washington were all respective graduates of Texas Southern University, and I certainly count them as colleagues and friends. So the 23 States, along with the District of Columbia and the Virgin Islands, are further homes to the HBCUs.

Mr. Speaker, I raise the question as I speak this evening, what if? What if we did not have these places of intellectual stimulation where Booker T. Washington could not debate with W.E.B. Du Bois about the question of lifting up your buckets where they were, versus having the Talented Tenth as W. Du Bois argued, what an excellent and outstanding intellectual debate.

I think those of us who look back on history realize that there was no anger between those two gentlemen; they were only seeking to lift the recently freed slaves where they could best serve. Booker T. Washington, who founded Tuskegee Institute, thought it was important for us to learn how to be carpenters and artisans, for us to know how to build and to be plumbers, and to use our hands. He knew that slaves had just come off of the plantations, we had worked with our hands, and he wanted us to be economically independent and he saw a vehicle to do so, teach them to build this Nation with their hands and to be remunerated, to be compensated.

Also, the same with W.E.B. Du Bois, a Harvard proponent and graduate, saw that it was necessary to take the Talented Tenth and to lift them from the buckets and send them to the East Coast at that time, primarily because there were no institutions, at least of plentiful numbers, that could educate the Talented Tenth and have them be available to be the philosophers and the articulators of the agenda of the new Negro for the 20th century as we went into the 21th century.

So I ask the question, what if? What if these institutions had not survived or not carried us through the segregated 20th century when many African Americans could not be educated anyplace else. Particularly in the State of Texas and in the Deep South, there were no places for the Talented Tenth or those who wanted to lift their buckets where they were to be educated, and these schools saw fit to take up the cause.

As we moved through the 20th century, of course, as we saw the movement of A. Philip Randolph and Witney Young, and then we moved into the 1950s and saw a young man, a graduate of Morehouse College, rise to the occasion to be the visionary of the civil rights movement, Dr. Martin Luther King. His original training, or his basic training was that of a minister, but he saw fit to carry the vision of that movement, and it was his leadership that drew young people out of institutions all over this country, both white and black, but I believe that historically black colleges fueled the movement of which he led that brought young people from those institutions, because they lived in the segregated South and they said, what can we do to begin to follow Dr. Martin Luther King, and there lie the sit-ins and, of course, the marches joined by young people all over the Nation.

Mr. Speaker, I think we have had a special week and I have enjoyed participating with the gentleman from Maryland (Mr. HOYER) this week, as the President has named this week in honor of historically black colleges. We were gratified to have the Democratic Caucus host I imagine over 100 leaders of these colleges. They came to petition us to have us listen to them and to have us share our vision with them.

I would just like to note, because I know of the gentleman's record in the Committee on Appropriations, that each of us could count opportunities where we have tried to increase their funding. As a member of the Committee on Science, I thought it was important to ensure that the Civilian Space Authorization Act of 1998 and 1999 would ensure that there would be access by these colleges for direct research programs to work with the FAA, the Federal Aviation Administration, to ensure under their research, engineering and development authorization act, in particular, that again, undergraduate students could do the research that they needed.

Mr. Speaker, let me quickly conclude by noting as well that the NASA minority research, which is an important aspect of this program, and the land grant programs are important to be funded by some of the agricultural authorization.

I think the key that I would like to make sure that we are aware of is the answer to what if? We would be left with I think a gaping hole, to not have the rich history of the historically black colleges, Oakwood College, now chaired by Chairman Calvin Rock. We would not be able to cite Dr. Freeman, Dr. Joshua Hill, Dr. Polly Turner, Dr. John B. Coleman, all surrounding Prairie View A&M and Texas Southern University doing all great works.

This is an important part of our history, I say to the gentleman, and I believe this is an important night, because we have allowed ourselves to reflect and to congratulate. I think our concluding commitment should be, as our presidents have asked us, to bring them into the 21st century and catapult them with the research institutions of this Nation of high order. Let them be on the same plane as our institutions that are noted as the Ivy Leaguers, which I attended one of those. But I want them to hear our voices of appreciation and our commitment that we believe their role is extremely vital for the future of our young people and the 21st century.

With that, there is much more I could say, but I yield back to the gentleman, and I thank him for the time.

Mr. Speaker, I rise in recognition of the special role that Historically Black Colleges and Universities (HBCU) have played in the education of our Nation's young people. Twenty-three states, along with the District of Columbia and the Virgin Islands are homes to HBCUs. I have the honor of recognizing Texas Southern University, a HBCU and a constituent of the 18th Congressional District of Texas, which I serve. Texas Southern University like so many of the HBCUs was established in 1947 as a means of educating young African Americans who wanted to experience the full force of the American Dream through higher education. It was first formed under the name Texas State University for Negroes, and became the first state supported institution in the City of Houston, Texas. The first president of Texas Southern University was the Honorable Dr. R. O'Hara Lanier, U.S. Minister to Liberia.

Although Texas Southern University was first formed to educate African Americans it has become the most ethnically diverse school of higher learning in the State of Texas.

Texas Southern University has awarded over 35,000 degrees and presently offers 54 baccalaureate degree programs, 30 master's degree programs; the Doctor of Education degree in six programs; the Doctor of Philosophy in Environmental Toxicology; and two graduate professional degrees a Doctor of Pharmacy and the Doctor of Jurisprudence. The University's Robert J. Terry Library has a collection of over 913,000 holdings. The campus also hosts a 25,000-watt FM radio station that serves as a teaching and learning laboratory for communications.

Another HBCU located in the state of Texas is Prairie View A&M University. Prairie View

A&M University is the second oldest public institution of higher education in Texas, originated in the Texas Constitution of 1876. Originally the University was named the A&M College of Texas for Colored Youths and opened on March 11, 1878. Initially the College was designed by the Texas legislature to provide education to teachers.

In 1945 the name of the College was changed to Prairie View University, and the school was authorized to offer, "as need arises" all courses that were offered at the University of Texas.

Another HBCU that is close to my heart and carries the proud heritage of education excellence is Oakwood College located in Huntsville, Alabama. This college unlike the previous HBCU is not a public institution, but is operated by the General Conference of Seventh-day Adventists. Ellen G. White declared that it was God's purpose that the school should be placed in the City of Huntsville, Alabama.

Oakwood College's beginning can be traced to 1895, when the General Conference Association sent a three-man educational committee to the South to select and purchase property for a school for black youth. They began with four buildings, four teachers and 16 students, eight women and eight men; Oakwood Industrial School opened its doors on November 16, 1896.

The faculty consisted of H.S. Shaw, A.F. Hughes, Hatie Andre, and the principal, Solon M. Jacobs. For the benefit of both the institution and community, the school maintained and operated a line of industries. Students and teachers worked beside each other in agriculture, blacksmith, bricklaying, broom making, canning, carpentry, chaircaning, clothes manufacturing, cotton manufacturing, dairying, gardening, log milling and woodworking.

The beginning of each of these institutions was a need and the will to see that need met. I commend those hundreds of instructors, visionaries, students, parents, and communities who made higher education a reality for African American young people in our nation. My regret is that the precious gift of higher education was not available to every African American young person, and that desegregation came so many generations after the institution of slavery was ended.

As a member of the House Committee on Science I have worked to offer parity to HBCUs through the application of amendments to routine legislation designed to offer support to Colleges and University science, math, and engineering programs, but which have historically not included HBCUs.

I included amendments in the Civilian Space Authorization Act, Fiscal Year 1998 and 1999 that would direct that research programs funded by this act to include Historically Black Colleges and Universities. On the Floor of the House during the 104th Congress I had an amendment added to the FAA Research, Engineering and Development Authorization Act in particular to encourage research by undergraduate students at our nation's Historically Black Colleges and Universities and Hispanic Serving Institutions.

I also offered an amendment to increase funding for Historically Black Colleges and Universities under NASA's minority research and education programs. The amendment added $5.8 million to the authorization request of $25.5 million, which restored the program to the FY 1997 funding level of $31.3 million. This greatly improved and expanded research programs of HBCU's with NASA and promotes science and technology at minority universities.

Recently, during the appropriations process for the Department of Agriculture, I sponsored a successful amendment that offered 1890 Historically Black Land Grant Colleges an opportunity to share in the research resources that are made available to other colleges and universities by the Department of Agriculture. My amendment will ensure the economic viability of 105 1890 Historically Black Land Grant Colleges and Universities. These 1890 HBCUs are part of a land grant system of 105 state-assisted universities that link new science and technological developments directly to the needs and interests of the United States and the world. In addition, to strengthening agriculture, the 1890 HBCUs conduct research, provide technical assistance in environmental sciences, improve the production and preservation of safe food supplies, train new generations of scientists in mathematics, engineering, food and agriculture sciences and promote access to new sources of information to improve conservation of natural resources.

HBCUs are unlike any other institutions of higher education in the United States; they for decades were for many the only means of higher education for thousands of African Americans. They were the source of our doctors, dentists, lawyers, teachers, ministers, and artisans of all descriptions. They have reached this level of recognition that is being demonstrated this evening by education nearly 40 percent of our nation's black college graduates. Today these same institutions confer the majority of bachelor's degrees and advanced degrees awarded to black students in the physical sciences, mathematics, computer science, engineering, and education.

I am proud to stand with my colleagues in touting the accomplishments of America's Historically Black Colleges and Universities.

Mr. HOYER. Mr. Speaker, I thank the very distinguished gentlewoman for participating in this Special Order.

Mr. HOBSON. Mr. Speaker, I rise today during National Historic Black Colleges and Universities Week to honor the achievements of two of Ohio's historically black institutions of higher learning which I have the privilege of representing in the U.S. House of Representatives.

Wilberforce University, with a current enrollment of 964 students, and Central State University, with a current enrollment of 1,111 students, have demonstrated time and time again that they are firmly committed to academic excellence and the pursuit of knowledge. I am very familiar with both of these universities, as I have had the opportunity to serve on the Board of Directors of both of them.

Before coming to Congress, I served as the President Pro Tempore in the Ohio State Senate and became very involved with both institutions. I have found their respective administrators and educators to be of the highest caliber, and I am proud to represent their interests in both the Ohio Statehouse and the U.S. Congress.

Wilberforce University, which is named in honor of the 18th century statesman and abolitionist, William Wilberforce, was established in 1856. It is affiliated with the African Methodist Episcopal Church and was the first institution of higher learning owned and operated by African Americans.

Central State traces its origin to legislation passed by the Ohio General Assembly in 1887 to create a Combined Normal and Industrial Department at Wilberforce. In 1951, the general assembly officially changed the name of the state-supported portion of Wilberforce to Central State College, and then to Central State University in 1965. Central State University remains the only public historically black university in the State of Ohio.

The true resilience of these educational institutions has been demonstrated in the way they have recovered following the tornadoes of April 1974, which devastated large portions of both campuses. Both schools have been revitalized and have produced aggressive plans for the future to continue producing outstanding graduates for the State of Ohio for generations to come.

As Ohio's Seventh District Representative to the Congress of the United States, I am very pleased to have this opportunity to honor the efforts and the achievements of Wilberforce and Central State Universities. Their many contributions to higher learning in the State of Ohio are greatly appreciated by all.

Mr. FROST. Mr. Speaker, I rise today in honor of Nationally Historic Black Colleges and Universities Week to pay tribute to Paul Quinn College of Dallas, Texas. Founded in 1872, it is the oldest Liberal Arts College for African-Americans in Texas and west of the Mississippi.

Born of humble roots, Paul Quinn College was founded by a small group of African Methodist Episcopal preachers. A faculty of five taught newly freed slaves blacksmithing, carpentry, and tanning saddle work. The founders faced early challenges: a poor congregation, limited resources, and a country struggling with post-Civil War race relations. To construct the college's first building, the church launched a "Ten Cents a Brick" campaign throughout their congregation. Although poor, together the congregation's pennies built the first solid monument to their dreams.

Paul Quinn College soon expanded its curriculum to include mathematics, music, Latin, theology, and English. As the increasing service and value of the institution became apparent, the student population grew, the academic program evolved, and more buildings appeared on campus.

Today Paul Quinn College is a thriving institution, rich in history. Its 150-acres campus is a far cry from the schoolroom built with pennies, and today its 741 students take advantage of a liberal arts education, a diverse student population from around the globe, more than 40 clubs and organizations, and a strong athletic program, all steeped in an atmosphere of Christian ideals.

Although it has come a long way from humble beginnings, Paul Quinn College is now, as it was 128 years ago, still serving the intellectual, spiritual, emotional and social development of its students, preparing them for leadership and service.

Mr. Speaker, I am proud of the opportunities this fine institution has provided for so many people and the contributions it has made to the Dallas community. I know my colleagues will join me in saluting Paul Quinn College and all historically black colleges and universities this week.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today on behalf of the 29,300 students that graduate from Historically Black Colleges and Universities (HBCUs) each year. I come to this floor as a proud 1968 graduate of Tougaloo College and a 1972 graduate of Jackson State University. I am also proud to say that, located in my congressional district is the nation's oldest historically Black land-grant institution—Alcorn State University.

In the year 2000, we find that nearly 40% of Black undergraduates at HBCUs are first-generation college students. While we applaud the services that these institutions provide, we must also show support for HBCUs by increasing funding for them, developing programs to make federal dollars more accessible and encouraging private investments. In my home state of Mississippi, public HBCUs have been faced with the challenge of achieving funding levels equal to those of traditionally White institutions. For 25 years, Mississippi Valley State University, Jackson State and Alcorn have been engaged in a legal battle for equal funding. This fact emphasizes the need for increased public and private support. In spite of the circumstances, we find that HBCUs are continuing to fulfill their missions as institutions of higher learning and the first outlet for Blacks who desire to attend college.

Yes, Mr. Speaker, HBCUs have stood the test of time. Today, more than 25% of Blacks earning bachelors degrees received them from HBCUs. As President Clinton has designated this week as Nationally Historic Black Colleges and Universities Week, let us commit to improve upon the past successes of schools like Tougaloo College, Rust College, Alcorn State University and Jackson State University.

I thank Representatives HOYER, CUMMINGS, LEWIS and WYNN for their leadership on bringing this issue to the floor. God bless our HBCUs and their supporters.

Ms. BROWN of Florida. Mr. Speaker, as a proud graduate of a Historically Black College, I am more than happy to be a part of the National Historical Black College and University week here in Washington. Today, over half of all African American professionals are HBCU graduates, as is 42% of the Congressional Black Caucus.

Historically Black Colleges and Universities were created back in 1837 to provide African Americans access to higher education. Because of the terrible history of racism in many parts of our country, the goal of these schools, although straight forward, has not been easy: to educate young black Americans and empower them to play a role in the affairs of our country. Since African Americans have been denied educational opportunities until very recently, these schools have really been the only avenue open to blacks to further themselves through education.

Today, a majority of African American college students graduate from HBCU's. 28% receive their bachelor's degrees from these schools, and 15% obtain their Master's degrees from these schools. Since their creation, HBCU's have graduated more than 70% of the degrees granted to African Americans.

In my state of Florida, we are blessed with four HBCU's, two of which are located in my district. In Tallahassee, we have Florida's largest Black College, my alma mater, Florida A&M, which has nearly 10,000 students. In South Florida, we have Florida Memorial College, and my district, Florida's third, is lucky to have both Edward Waters College in Jacksonville, and Bethune Cookman College, which was founded by a determined young black woman, Mary Mcleod Bethune, in 1904 in Daytona.

Among the many exciting things happening in Florida's black colleges is the acquisition of a law school at Florida A&M, which is set to open in 2003. The opening of the school will officially mark the return of the FAMU College of Law since its closing in 1968. I remember when I was a student at Florida A&M, when the FAMU College of Law, which had provided the only avenue in the state of Florida for African Americans to undertake a career in the influential field of law, was stolen from us and merged with the law school at Florida State. This was a time when African Americans were not allowed to study at Florida state schools at the graduate level, consequently, African Americans were excluded from the field. Not surprisingly today, although that law has been repealed, there are very few African American attorneys in Florida. With the reinstallation of FAMU's law school, minority students will once again have greater access to be represented in the legal profession.

In closing, I am, and always will be, a strong supporter of HBCU's, and will continue to work hard to allow these schools to continue on with their valuable mission, the educational advancement of young African Americans.

Mr. SISISKY. Mr. Speaker, thank you for this opportunity to speak on behalf of the positive influences that Virginia State University and Saint Paul's College, two Historically Black Colleges and Universities in my district, have had on Virginia in particular, and African American culture in general.

Virginia State University, located in Ettrick, Virginia, is America's first fully state supported four-year institution of higher learning for African-Americans. In its first academic year, 1883–84, the University had 126 students and seven faculty; one building, 33 acres, a 200-book library, and a $20,000 budget.

Tuition was $3.35 and room and board was $20.00.

From these modest beginnings, Virginia State University now offers 27 undergraduate degree programs and 13 graduate degree programs.

The University, which is fully integrated, has a student body of 4,300, a full-time teaching faculty of approximately 170, a library containing 277,350 volumes, a 236-acre campus and a 416-acre farm, more than 50 buildings (including 15 dormitories and 16 classroom buildings), and an annual budget of $64,238,921.

I am pleased to have been on the Board of Visitors of Virginia State University.

When I was a delegate in the Virginia General Assembly, I sponsored the legislation which changed Virginia State College to Virginia State University.

Saint Paul's College, founded in 1888 in Lawrenceville, Virginia, is a small liberal arts college in which the attributes of integrity, objectivity, resourcefulness, scholarship, and responsible citizenship are emphasized. Over 15 undergraduate degrees are offered.

Its liberal arts, career-oriented, and teacher-education programs prepare graduates for effective participation in various aspects of human endeavor.

Intentionally small, its 600 students represent a wide variety of areas in the United States and several countries. However, the active campus life is characterized by a strong sense of camaraderie.

Education has always been very important to the people of Virginia. Whatever part of the Commonwealth you hail from, there is a place for our children to go for advanced learning.

Both Virginia State University and Saint Paul's College rank with the best colleges and universities in the country for preparing our young people to enhance this world.

As a Historically Black Colleges and Universities, the opportunities offered by these schools have been very important to the development of Virginia, and will continue to be for the future of this nation.

Mr. SKELTON. Mr. Speaker, Lincoln University, in Jefferson City, Missouri, is an historic black college that has served Missouri and our nation well since the latter part of the 1800s. Today, it serves as a beacon of education for our state of Missouri. I am so very proud of the faculty, the students, and its extension service, which have put this university on the map. I am pleased to represent such an outstanding institution.

## NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. GOODLING. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Department of Labor, Health and Human Services and Education.

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to increase Title VI Education Block Grant funding with instructions that these increased funds may also be used for the purposes of addressing the shortage of highly qualified teachers, to reduce class size, particularly in early grades; using highly qualified teachers to improve educational achievement for regular and special needs children, to support efforts to recruit, train and retrain highly qualified teachers, or for school construction and renovation of facilities at the sole discretion of the local educational agency.

## MEDICARE MODERNIZATION AND PRESCRIPTION DRUG ACT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. THOMAS) is recognized for 60 minutes as the designee of the majority leader.

Mr. THOMAS. Mr. Speaker, tonight we want to discuss one of the measures that has passed the House of Representatives. Sometimes, we do not feel the need to discuss measures that have gone through committee and have passed the House, but since there has been so much misrepresentation about the legislation that passed the House on a bipartisan vote called the Medicare Modernization and Prescription Drug Act, and since the Presidential nominees are engaged in a spirited debate, I thought it would be worthwhile to take some time, one, to focus on what it is that the House actually did, but probably more important than the specifics is to put in context the way in which the prescription drug issue has been discussed.

I think the first thing that people have to remember is that as the former majority, the Democrats controlled the House the entire time Medicare was law, up until 1994. Indeed, when President Clinton was elected in 1992, the Democrats controlled the House, they controlled the Senate, and they controlled the Presidency. I find it rather interesting that at a time when they could do anything they wanted to do, they did not talk about putting prescription drugs in Medicare for seniors.

All right. Let us say that that issue is one which has matured only recently. However, let me tell my colleagues what I consider to be an even more telling fact. During the time the Democrats controlled the House and the Senate and the Presidency, they did not add any preventive care measures or wellness measures. Now, that I think is very telling, because it was pretty obvious even at that time that if we would do relatively aggressive screening on seniors for colorectal cancer, increase mammography, and especially tests for women with osteoporosis; and one of the real scourges is diabetes, and with education and early detection and treatment, we can make significant life-enhancing behavioral decisions; but none of those were part of a Medicare program that the Democrats offered.

In 1995, the Republicans became the majority in the House and in the Senate. We offered a series of reforms adding preventive and wellness and suggesting prescription drugs. Well, as some people may remember, the 1996 election was based upon a series of untruths, frankly, that Republicans were trying to destroy Medicare, that Republicans never liked the program and could not be trusted with it.

Well, as it is now historically recorded, in 1997, it was the Republican majority that, for the first time in the history of the Medicare program, put a preventive and wellness package together, and proposed a commission to examine the way in which we could successfully integrate prescription drugs into Medicare. Why? Because no one would build a health care plan, especially one for seniors today, that does not make medicines or prescription drugs a key part of the program.

Now, what we have heard from this well from a number of our Democratic colleagues about the Republican prescription drug plan and its modernization of Medicare are frankly untruths. They have attempted to use what they have unfortunately historically done during campaign seasons with prescription drugs, and that is, they have tried to scare seniors into believing that Republicans would never believe, notwithstanding the fact that we have mothers and fathers and aunts and uncles and now, for me, even sisters who are on the verge of turning 65; I hope I do not get an irate phone call on that statement; but I have a real concern about making sure that Medicare is relevant to today's seniors' health care needs and especially tomorrow's.

□ 2045

I mention that brief history because, as we talk about Medicare, suggested changes in Medicare, and the proposals that the Democrats have offered, including President Clinton and Vice President AL GORE in his race for the Presidency, and alternatives that Democrats may offer, I think it behooves all of us to stick to the facts; to talk about what the programs are. And there are differences between the Republicans' approach to reforming Medicare and providing for prescription drugs, and Democrats'. But one of the things we ought not to do is take the liberty with the truth.

One of the things I think we need to put in focus is the fact that, unfortunately, according to recent news reports, AL GORE was unable to contain himself and made up stories; made up a story about his dog and his mother-in-law, which is already on thin ice, and comparing their use and price of drugs. I am sure it was quite a good story. He is good at telling stories. There is just one problem with it: It was not true; it is not true. He made it up.

I think it ironic that as the press and some of my colleagues focus on some verbal stumblings on the part of our Presidential candidate, he does not make things up; and that when one is challenged with the pronunciation of a word, I think it is significantly different than when one is challenged with the efficacy of a statement.

AL GORE lied. He was probably so overcome by the occasion that he felt he had to have a better story than the truth. And, actually, that is a perfect setting for the discussion of what the Republican prescription drug proposal and the modernization of Medicare is and the Democrats description of it.

The first thing they have said frequently is that our program is not in Medicare; it is not even an entitlement program. That is, it is not part of the traditional Medicare. It is something new, it is a risky scheme, and it is probably not going to be available.

During the debate, we were pleased to get a letter from the American Association of Retired People, and I do believe that in this instance it is better to rely on third parties describing what our program is rather than listening to us or to our opponents. Because what the American Association of Retired People said was, "We are pleased that both the House Republicans and Democrat bills include a voluntary prescription drug benefit in Medicare, a benefit to which every Medicare beneficiary is entitled." That is where they get the name entitlement. "And while there are differences, both bills describe the core prescription drug benefit in statute."

So there should be no misunderstanding, Governor George W. Bush's basic plan is a Medicare plan. The Republican plan, the bipartisan plan, the plan that passed the House, was a Medicare entitlement program. AARP says so. Do not take our word for it.

But what we want to spend a little time on tonight is the phrase that there are differences. Because if we do not have to worry about the fundamentals, that is they are both in Medicare, they are both an entitlement program, they are both voluntary, then maybe it might be worthwhile to stress what the differences really are. If once we have met the threshold that Republicans are not trying to destroy Medicare, that we are trying to improve Medicare, just as it was the Republican majority that added preventive and wellness and it was described as an attempt to destroy Medicare, let us spend a few minutes talking about how the plan that passed the House differs from the one that, for example, Vice President GORE wants to offer.

And in that regard I am joined by two of my colleagues tonight, both of them members of the Subcommittee on Health of the Committee on Ways and Means, which has the primary responsibility in the House jurisdictionwise of the part A Medicare program and shares the part B Medicare program with the Committee on Commerce. We have worked long and hard.

I was a member of the Medicare bipartisan commission that spent over a year examining the particulars. Both of my colleagues were close followers of that debate, read the material, and as we put together the plan that passed the House, we were focusing not on whether or not it was in Medicare but key things that I think seniors are concerned about, such as: Does it give me some choice? Do I get to choose or do I have to fit the plan I am told that I get? The idea that if someone cannot afford the drugs, how do we help them? Whether an individual is low income, or even if they are not low income, whether the cost of the drugs that they are required to take are so expensive that even that lifetime earning they have put away would soon be lost.

Those are some of the key questions. But probably the most fundamental question, given the fact that we are going to put drugs now into Medicare, and we are at the very beginning of not an evolution but a revolution in the kinds of drugs that are going to be available to seniors, do we really want a one-size-fits-some government-regulated drug program; or would we rather have the professionals who do this every day for the other health care programs decide when and how we need to shift this mix to maximize the benefit to seniors?

That really is, when we strip away all of the scare terms and the untruths about the program, the real question. The differences that AARP has said are in the two plans. And when we begin to focus on the differences, I think we will find that there are not only quantitative differences in the plans but there are clearly qualitative differences as well.

Does the gentleman from Pennsylvania wish to talk about one or more of those differences?

Mr. ENGLISH. I would, and I want to thank the gentleman from California (Mr. THOMAS) for raising this issue and leading this discussion tonight.

Every August I go back to my district and I take the time to have a series of town meetings, particularly with seniors. And as I went back this August, I attended meetings at senior centers and I went to Labor Day fairs, and when I talked to seniors this was the single topic that they seemed to be focused on. This is the single issue that seems to directly affect their lives almost regardless of their personal circumstances.

Seniors were telling me stories, and too many times that plot included skipped doses or the act of cutting pills in half in order to save money on the skyrocketing costs of prescription drugs. And in my district in northwestern Pennsylvania it is odd, but senior groups have felt obliged to charter buses to drive more than 2 hours to Canada in search of lower drug costs. That is an extraordinary anamnesis, a trip they should not have to be making, and it is just further evidence that we ought to be putting politics aside and trying to get signed into law a prescription drug plan that will protect seniors and relieve them from the expensive prescription drug market where they simply cannot keep up.

We have discussed different plans on the floor of the House, but the one thing we can all agree on is no senior should have to choose between buying food and buying their life-sustaining medicines. What I feel comfortable about is that this House has acted and has moved forward a bipartisan plan that offers a flexible and universal benefit that would really address the needs of seniors.

We in the House voted to provide a prescription drug plan under Medicare that really meets the needs of seniors virtually regardless of their circumstances, and we did it in the face of rancorous partisan opposition. We embraced a bipartisan model for extending prescription coverage to Medicare beneficiaries. Beyond that, we also all agree that seniors should have the right to choose whether or not they wish to enroll in the prescription drug benefit or maintain their current coverage.

The bipartisan plan that we passed is a balanced market-oriented approach targeted at updating Medicare and providing prescription drug coverage that is affordable, available and voluntary. And I credit the gentleman for having played a critical role in designing this plan. This plan provides options to all seniors, options that allow all seniors to choose affordable coverage that does not compromise their financial security.

The plan that the House passed would give seniors the right to choose a coverage plan that best suits their needs through a voluntary and universally offered benefit. On the other hand, as the gentleman alluded to, the plans offered on the other side, including the one offered by the Vice President, would shoehorn seniors, many of whom have private drug coverage which they are happy with, into a one-size-fits few plan. The Gore plan seems to give seniors one shot to choose whether or not to obtain their prescription drug coverage under Medicare. They have to choose at age 64 or forever hold their peace.

Under that plan, seniors are forced to take a gamble. At 64 they are asked to predict what the rest of their lives will be like. They are supposed to operate on assumptions that may change. And while their coverage may be adequate now, if heaven forbid illness were to strike and their current plan no longer suited their needs, sorry, under the Gore plan those seniors would be out of luck.

In my view, the House-passed plan addressed skyrocketing drug costs in the most effective possible way by providing Medicare beneficiaries real bargaining power through private health care plans that can purchase drugs at discount rates. This is a much more effective approach than rote price controls. Seniors and disabled Americans under the plan the House passed will not have to pay full price for their prescriptions, they will have access to the specific drug, brand name or generic, that their doctor prescribes.

Our plan provides Medicare beneficiaries with real bargaining power through group purchasing discounts and pharmaceutical rebates, meaning seniors can lower their drug prices certainly 25, perhaps as high as 40 percent. These will be the best prices on the drugs that their doctors say they need, not the drugs some government bureaucracy dictates. But I would say to the gentleman that I am concerned that other plans, such as the one offered by the administration, cannot give all seniors such a sizable discount on their prescription drugs. The CBO reports that seniors will probably see a discount of about half of what our plan offers.

The House-passed plan also is designed to allow seniors who have drug coverage to keep it, and help those who do not, get it. No senior will lose coverage as the result of this bill. Under the House plan, we are trying to help millions of seniors in rural areas without coverage to get it and to get prescription drugs at the best prices, and to have the choice of at least two plans.

Mr. Chairman, I feel that this plan is the best and the most flexible. And in Pennsylvania about two million seniors who rely on Medicare could choose to reduce their drug costs by enrolling in programs to supplement Medicare. Our plan gives all seniors the right to choose an affordable prescription drug benefit that best fits their own health care needs. By making it available to everyone, a universal benefit, we are making sure that no senior citizen or disabled American falls through the cracks. Mr. GORE claims to offer seniors a choice, but in reality he offers them a selection of one, one plan. Medicare, take it or leave it. That does not seem like much of a choice to me.

The House-passed bill also takes steps to modernize Medicare, and I think that is the core difference. The gentleman had asked me what the differences are, and this, to me, is one of the critical ones.

□ 2100

We take the first step to reform Medicare to create an independent commission to administer the prescription drug program. Mr. GORE's plan leaves Washington bureaucrats in control of senior benefits. These are the same bureaucrats who have made bad decisions here in Washington about Medicare+Choice plans like, for example, Security Blue in my district. They have not provided adequate reimbursements to districts like mine; and, as a result, we have seen a decline in benefits under Medicare+Choice and Security Blue.

I do not think those bureaucrats are the ones that we should be putting in charge of a Medicare prescription drug benefit making critical decisions that will affect not only pricing but also access to benefits for seniors throughout America.

Mr. Speaker, I feel that there is a clear choice here. We have advocated a plan that gives seniors real choices, real flexibility, and allows them to customize their benefits to meet their needs. Mr. Speaker, those are the differences that I think are absolutely critical.

Mr. THOMAS. Mr. Speaker, reclaiming my time, I thank the gentleman for his observations. Because although his State does not share its border with Canada in any significant way, he is clearly in a situation in which, because we failed to provide group purchases for seniors under a plan, they are forced to take some drastic measure.

### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. THOMAS. Mr. Speaker, the key term is "flexibility." As I said, we are on the verge of a dramatic breakthrough and a number of drugs are going to be available that are not currently on the market.

One of the reasons that the nonpartisan analysts that we use to look at pieces of legislation said that our plan, the bipartisan plan that passed the House, had as much as twice the discount capability of the Democrats' plan, including the one that the Vice President has offered, is because of the flexibility; that we provide the opportunity to change the structure when the structure needs to be changed, not when the bureaucrats or the politics say it should be changed. And so, we really should not wait one day longer than necessary to provide the seniors this relief.

Now, I think it is also worthy to note that there are as much as two-thirds of the seniors that have some form of insurance protection; but even though they have it, they are in fear of losing it. And, of course, if they are part of the one-third that has none at all, they live in fear every day that something is going to happen in which their finances simply are not going to be capable, if they have them in the first place, of paying for some these miracle drugs, which do come at relatively high prices if they have to buy them at retail, as many seniors do today, instead of group purchases.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from California, the chairman of the subcommittee that governs most of the Medicare program, for yielding to me.

I have been very pleased. First of all, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for his very thorough overview of the legislation that we developed in our committee. And I might say, over many months I have been very pleased that my colleagues on the other side of the aisle have really taken an interest in prescription drugs.

The last few months, and actually in our last floor debate, we had a full-blown alternative developed. Had that been possible a year ago, we would have prescription drugs signed by the President now. But our subcommittee did start holding hearings on this matter at the very beginning of this session.

I must say, as a woman, I have been keenly aware of the need for Medicare to cover prescription drugs. It is simply a fact that 90 percent of all women over 65 have at least one chronic illness and 73 percent of women over 65 have at least two chronic illnesses. And, for this reason, because women tend to have more chronic illnesses and also live longer than men, they spend much more on prescription drugs than do men over 65.

It is also a fact that, for a lot of reasons in our society, that most women are retired on very modest incomes, oftentimes not so low that they benefit from our State medication subsidy programs. In Connecticut it is called COMPACE, and it is a wonderful blessing to low-income seniors. But to those just above the poverty income but struggling along on a very modest income, they get no help from the State program. They cannot afford insurance. They cannot afford preventative health care and, in fact, they commonly suffer from disabilities. But they do have in common a higher instance of chronic illness and therefore a greater need for regular weekly, monthly prescription drugs.

So it is extremely important to our seniors and extremely important to senior women that we integrate prescription drug coverage into Medicare. And so there are two things that are very important in this effort to gain coverage of prescription drugs under Medicare.

One is price.

Over and over, seniors will say to me, why, when we are such a big buying group, can we not negotiate lower prices at the pharmacist?

I want to congratulate the chairman for structuring a bill that will cut those prices 25 to 30 percent. Unfortunately, the Democrats' bill, because it does not involve competition, and we are going to talk about what that means to seniors in terms of the quality of drug coverage, but just from the point of view of price, because our Democrat colleagues' alternative does not allow more than one company to distribute drugs, they will reduce drug prices at the pharmacy only about 12 percent.

And since all the bills, whether it is the Democrats or the Republicans, the President or the Congress, involve 50 percent copayment for most seniors, whether it is 50 percent of $50 or 50 percent of $100 or 50 percent of $75 makes a lot of difference.

I just want to congratulate the chairman on the fact that the structure of his bill, and this goes back to not only the importance of achieving the goal, but how we do it, the structure of our bill will drive those prices down at the pharmacy 25 to 30 percent; and that will help seniors no matter what their income group, no matter how many drugs they have to buy, whether they have reached the catastrophic limit or they have not. So I am very proud that our bill will reduce prices at the pharmacy by 25 percent.

I would like to take a couple of minutes later on in the discussion to talk about the fact that our bill will also ensure many more drugs are available to our seniors.

Mr. THOMAS. Mr. Speaker, I just want to give my colleagues a real-world anecdote to support what my colleague says. Because, clearly, as we talk about the flexibility, and as the gentleman from Pennsylvania (Mr. ENGLISH) indicated, no one should have to choose between prescription drugs and food.

Using professional managers in dealing with seniors' drug needs directly addresses two fundamental problems with seniors and drugs today; and that is, the drugs are miracle workers, as I said, but oftentimes only if they take them as prescribed. And sometimes it is money. That should not be the case, but sometimes it is just failure to remember to follow a regimen. Professional management is important there.

I was in the Kern River Valley, and this is a predominant retirement senior area, and it was at a health fair and we began discussing this question of prescription drugs. And if my colleagues have not really experienced it firsthand, they just do not appreciate the other real problem that we face with seniors and prescription drugs and that is, many seniors are not on just one prescription drug or two or three.

There were about 200 seniors there; and I said, how many seniors here are on one prescription drug? Well, every hand in the place went up. How many are on two? Virtually none went down. How many are on three. All the hands went up. How many are on four? By the time we reached four, a couple hands went down. How many are on five? Still a majority. I went all the way up to 12 different drugs, 9, 10, 11, 12, until I finally got one hand. And I said, well, okay, you win. How many do you have? He said, as far as I can remember, 16.

So it is the failure, the tragic failure to not only provide availability or low price through the group purchasing but the management, the best way to allow seniors to enjoy this miracle is what we are missing and that professional management, that flexibility is what gives us the opportunity to tell seniors under our plan and the President's plan that, yes, they are going to have a prescription drug program that meets today's needs; but they are going to have tomorrow's needs met and the day after tomorrow the flexibility that gives us those discount savings that the nonpartisan professional saves twice as much as the Democrats or the Vice President's plan.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. McCRERY), who represents a different region than the ones we have been discussing but whom I am sure has similar concerns based on his seniors' needs and how a program is structured.

Mr. McCRERY. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for convening this special order to talk about prescription drugs, and I thank the gentlewoman from Connecticut (Mrs. JOHNSON) for bringing up the element of our prescription drug bill that does not get highlighted too much, which is the elements of price and price discounts. And she is exactly right. The Republican prescription drug bill that we passed through this House, on average, would give seniors a 25 percent reduction in the cost of their prescription drugs, that is every senior, not just low-income seniors, as some Democrats have tried to characterize our bill. Every senior gets that reduction in the cost of the prescription drugs.

Another element that is overlooked sometimes in the Democrats' characterization of our bill as one that leaves out millions of senior citizens is the element of the catastrophic coverage. That is available for every senior, not just low-income seniors, not just some seniors; but every senior who voluntarily subscribes to this prescription drug program would have the benefit of that protection, protection against those soaring drug costs that can afflict somebody with a range of illnesses, some catastrophic disease should that strike that person.

That senior will be protected no matter his income, no matter his status. If he opts to get into this voluntary program that we will have created through this legislation, he will receive that protection.

So I think it is important for us to explain to the American public that the bill we passed through this House of Representatives is not just a bill for low-income seniors. It does not leave millions of seniors out; it protects all seniors who voluntarily choose to subscribe to the program, and it is available for every senior without regard to the health status of the senior.

In other words, if the senior citizen already is on the 12 prescription drugs that the gentleman from California (Mr. THOMAS) discovered one of his constituents was on, she is eligible for our program, just like the senior citizen who is not on any prescription drugs.

So, unfortunately, in some of the House races around the country, our prescription drug bill has been mischaracterized by Democrat opponents; and that is unfortunate, because what we passed through this House, I believe, is the best solution for guaranteeing a prescription drug benefit to the seniors in this country. It is the solution that involves the private sector in this country which has been so dynamic in delivering high-quality health care, unlike countries that have gone to government control of health care, dumb down basically the health care system, dumb down innovation in our health care system.

Our country, thank goodness, has continued to rely on the private sector to deliver that health care innovation. We want to do the same thing with prescription drugs, not fall back on a government solution that involves hundreds of mandates like the Democrat solution, the Gore solution. That would be catastrophic for this country if we were to let the Government take over prescription drugs in this land of ours.

□ 2115

I appreciate the gentleman allowing me a few minutes to talk about the fact that our prescription drug plan is for all seniors, not just for some, and it delivers high quality benefits to all seniors, not just some.

Mr. THOMAS. What is especially of concern to me about now, apparently the news media's understanding that the Vice President manufactured some facts to try to make his point is that there is a lot of reality out there that is better than made-up stories. What concerns me is that he knowingly made that story up. And I happen to personally believe that there are some of the Members in this body who have made up fictions about the plan that passed the House because they would rather have the issue than the solution. That is just to me reprehensible, when we could have already provided prescription drugs for seniors in Medicare.

It should not be part of a presidential debate. It should be part of the law. We are doing everything we can to make that happen, including create a bipartisan plan that passed the House when those Democratic leaders who wanted to make it an issue walked out of this body rather than engaging in an honest, direct debate about the flexibility of our plan versus the rigidness of theirs, the integration of the plan rather than theirs as an add-on, and probably, most important, the fact that we provide the drugs that your doctor believes you need, not a bureaucratic structure that may not provide that particular drug but will force you to an alternative. That is not the kind of choice that we believe seniors and their doctors ought to make.

Mrs. JOHNSON of Connecticut. The gentleman makes an excellent point. Honestly, some nights I just lie in anguish because I know that by my colleagues making this a partisan decision, seniors in America are not going to get prescription drugs for another year and a half. Now, all the plans will take a year or two to put in place and if we cannot pass the bill for another year and a half, there are people in my district who are really truly desperate for this coverage, and that says to them, "Not for another 3 or 4 years." We could pass this this year. It is really almost a crime that our colleagues will not come together and help us do it. It needs to be bipartisan.

Now, we have talked about price, but there is one really important issue that you referred to that needs to be addressed. Seniors need to be able to have the drug that is appropriate to them. Some antidepressants, for example, work by making you sleepy. Well, if you are sleepy and you fall and break a hip, that is terrible. There are other antidepressants that do not make you sleepy, and your doctor ought to have the right to choose the one that works for you. Under our bill, I am proud to say every plan will have to provide not only multiple drugs in each category but what we call multiple drugs in each classification.

One of the problems with the proposal from the other side is that you have to only provide one drug in each category, and that means your doctor will not be able to choose the pharmaceutical product that is really good for you, that will interact fairly in a healthy fashion with your other medications, that will not give you side effects that will cause harm to your health or to your well-being. So I think in this fast-paced debate, it is kind of being overlooked, that we not only want a plan that gives seniors choices of drug plans but that we want within those plans for each one to provide a lot of choices of medications so each senior gets the medication that she or he needs and that doctors will have the right to choose the pharmaceutical agent that is best for that senior.

Mr. McCRERY. It is ironic that our plan has been attacked by the Democrats because we rely on the private sector to manage the benefit. They say, "Oh, gosh, you know, we just don't believe the private sector will do a good job of managing this benefit under Medicare. We should let HCFA, the Health Care Finance Administration which administers Medicare, also administer this prescription drug benefit."

What they do not tell you is that HCFA, the Health Care Finance Administration, would rely, would hire, a private sector entity to manage their business. Just as under our bill we would have private sector entities called PBMs, or pharmaceutical benefits managers, to provide this benefit around the country, only we would have multiple PBMs, not just one, the Health Care Finance Administration would hire under the Democrats' vision one single pharmaceutical benefits manager to manage this benefit. Well, if our plan is flawed because we are going to have a private sector entity, in fact a number of private sector entities, PBMs, manage the benefit, then theirs is flawed as well because HCFA relies on a private sector entity, a PBM, a single PBM to manage theirs.

They say, "Oh, well, gosh, if that happens, if we can't get a PBM to manage the benefit under our plan, well, we'll just let HCFA, the Health Care Finance Administration, manage the benefit." Well, that sounds good, I guess, but then when you examine the kind of job that HCFA is doing now with Medicare, managing Medicare, never mind prescription drugs because that is not part of Medicare, just managing Medicare, you see that maybe that is not such a good idea after all.

For example, in an effort to help senior citizens, this Republican-majority Congress just in the last couple of years passed a change to Medicare to benefit senior citizens with their copayments, with their coinsurance under Medicare, trying to reduce the amount of out-of-pocket costs to seniors. Well, in order to effect that, HCFA, the Health Care Finance Administration, has to create an outpatient prospective payment system to make that happen, to save those seniors those out-of-pocket costs. Guess what? They have not been able to do that yet. How many years have they had now, HCFA, to put this in place? How long has it been since we have directed them to do that, to save seniors money and they have not been able to put it in place?

Mr. THOMAS. That particular program 3 years, but actually there is one program on the statutes that has been 7 years languishing waiting for the Health Care Finance Administration to implement it through regulation.

Mr. McCRERY. So 7 years for that, 3 years for the one I am talking about that would benefit the pocketbooks of seniors that we passed in an effort to help seniors, and the very administration, the Health Care Finance Administration, that the Democrats want to rely on to deliver this new benefit, prescription drugs, has not been able in 3 years to perfect this mechanism to save seniors out-of-pocket costs. That to me is not much to rely on. To me, it is much safer to rely on the private sector, a robust private sector that is innovative and wants to get in the business of delivering prescription drugs to seniors and in fact is doing so in a number of group plans around the country.

Mr. THOMAS. I know the gentleman shares my frustration in trying to get the media and others to realize that folks on the other side of the aisle and, for example, the Democratic Party nominee for President make things up. They simply are not truthful about the programs. In fact, I have often thought, if you think about "Do You Want to Be a Millionaire," a couple of really good questions that should have a high dollar value to them because they would be very difficult for people to answer, and, that is, which party was the majority in Congress when preventive and wellness programs for seniors was put into Medicare? You would probably have to use one of the lifelines to realize that it was the Republican Party and not the Democrats. Better than that, which party was in the majority when for the first time in the history of the 35-year Medicare program a prescription drug program was voted off of the floor of the House? That should be way up around a quarter of a million, because the answer is the Republicans, not the Democrats.

But if you listen to AL GORE, if you listen to the Democrats who describe our program, frankly I believe you would have to say, less than truthful terms, we are out to destroy Medicare. That old Medicare partisan scare card unfortunately is being wheeled out once again in this election by the Democrats' presidential nominee, except I am pleased to say that he was so carried away with not dealing with the truth that the press has now found out that he simply makes things up.

Mrs. JOHNSON of Connecticut. I want to mention something that really has received no attention because it goes to what my colleague from Louisiana was saying. If you rely on the private sector and you have multiple plans out there, lower prices for seniors, better choices of pharmaceuticals, you also could use, and our seniors could have used it at this very time as HCFA is driving the Medicare HMOs out of the business, an ombudsman office. And our bill puts in it a new office that is separate from HCFA, within the government but separate from HCFA, who will help them when they need help, help them find the right coverage if they cannot find it, if they need to appeal the government's decision that they can or cannot have certain care.

Then this ombudsman will help them get the information together and make that appeal. Under current law, they have effectively no appeal rights. Here we are talking about a patient bill of rights for all under-65-year-old Americans, and that has passed through the House, we, the Republican majority, included in the prescription drug bill an appeals process so that every senior would have the right to appeal if they cannot have the right drug, if they cannot have the right procedure, if they need medical care that they are being denied, and this office of ombudsman who can help them get together the information they need, guide them through the process of appeal if they need to be guided through that appeal process, and help them whenever they need help in dealing with the government around the current Medicare plan.

I am very proud that we have set up this new independent office of ombudsman and also passed for every senior in America an appeals process that gives them those critical rights to speak up and say, "Wait a minute, I need that medical treatment, and I ought to have it and have someone neutral to turn to say, yes, actually you should have that medical treatment because you need it and Medicare should be providing it."

The breadth of our prescription drug bill, not only in the choices it provides seniors and in the pharmaceutical products it provides seniors, but also in restoring their rights as human beings under Medicare is really important for seniors to understand. I am proud we did it. I hope that over the course of the next few weeks we can join together, Republicans and Democrats, and of course our bill was bipartisan, but into a larger arena and get the President with us so that our seniors will not have to wait 3 years for prescription drug coverage.

Mr. THOMAS. I want to point out again that we are not talking about a risky scheme; we are not talking about something that is different than what seniors have now in terms of Medicare. The American Association of Retired Persons said that they are pleased that both the Republican and the Democrat bills include a voluntary prescription drug in Medicare, it is an entitlement, and what we have been talking about are the differences. We frankly think that when you talk about the differences, do not use scare tactics, do not say that this plan will not work because ironically, and the gentleman from Louisiana and my colleague from Connecticut know this, under the Al Gore plan, if they are not able to get those prescription benefit managers that you have talked about to do the job, which is to limit their professional experience and let a bureaucrat tell them what to do, if they are not doing it, the fallback provision in the Vice President's plan is to those insurance companies that the Democrats like to say, will say that our plan fails.

Our plan, which was passed on a bipartisan vote, reduces the cost of drugs to seniors up to twice as much as the Democrats' plan because it is flexible and it lets professionals make the decisions in a timely and professional manner. It may not seem like a big point now, but 4 or 5 years down the road when the senior finds out the drug they need is not one that is approved and therefore you do not get the group purchasing insurance premium value to it, when they realize that they do not have the flexibility, that they do not get to choose between plans, those differences that we are mentioning now will loom very large in the life of those seniors who need to choose and who need the flexibility of our program.

□ 2130

Mr. McCRERY. As the gentleman knows, one of the criticisms that Democrats have leveled at our plan is that the private sector insurance companies, the private sector pharmaceutical benefit managers will not participate in our plan. They will not offer a plan; therefore, we are not really offering seniors any choices. Well, the same criticisms were leveled in the State of Nevada, when Nevada's Republican Governor came up with a similar plan to provide prescription drugs in the State of Nevada.

And if I am not mistaken, and please correct me if I am wrong, but just recently the deadline came for submission of plans from the private sector or bids to participate in the Nevada State program and not only did the private sector step up to the plate and say yes, we will participate, but I believe Nevada had a choice from among at least five different plans.

Mr. THOMAS. Mr. Speaker, five different plans chose to compete for the business.

Mr. McCRERY. Mr. Speaker, we will play in this game. We want to provide this benefit to your citizens in Nevada, so even though that same criticism was leveled at Nevada, the private sector will not participate. They do not like this plan.

We found at least there that that criticism was not warranted, and Nevada now has the luxury of choosing from among five different bids from the private sector to manage their prescription drug benefit in their State.

I predict, if our bill were to become law, we would experience the same thing. The private sector would step up to the plate and seniors would have multiple choices of plans as we have described.

Mr. THOMAS. And what we get out of that, as we repeated over and over, is the flexibility of choosing, but also the advantage through the competition of a lower price to the seniors, and, of course, given that the Medicare program is taxpayer financed, a lower cost to the taxpayers. We have to be concerned about the Medicare program, because it is not financially sound as we make these improvements, things like adding prescription drugs, we have to keep an eye on the bottom line costs 10 years out, 15 years out.

The intensive more than 1 year study that was undertaken by the bipartisan Medicare commission wound up unanimous in terms of the experts, whether they were professional, academia, in saying the one thing Medicare needs to preserve itself over the long run is a degree of competition and negotiation for the price of the services.

The plan we are talking about, the plan as indicated that the State of Nevada has put into place, provides the structure for that competition, which will produce, bend those growth curves a little, it will produce a plan that will save us money in the long haul. We are preserving Medicare by making sure that we can get the job done at the cheapest possible cost.

We are protecting seniors. We are, in fact, strengthening and simplifying the program. Now, that is not what we will hear from our colleagues on the other side of the aisle, because if they, in fact, were honest about the plan, we could focus on the differences, we could make adjustments, and we could provide seniors with prescription drugs in Medicare. That apparently is a choice that they have made that they do not want.

They want the political issue during this campaign. The Vice President is more than willing to make up stories that are not true to try to win the Medicare prescription drug debate. What happened to that slogan "I would rather be right than President?"

This particular candidate would rather make up stories in the attempt to convince people that his plan is better. It is not better. It is more costly. It is more limited. It does not provide the choices that this plan does, and it does not provide the savings in the long run, the competition and negotiations provide.

Mr. McCRERY. Mr. Speaker, I am glad the gentleman brought that up, as we have to conclude our discussion here. I am glad the gentleman brought up the issue of saving Medicare, because, indeed, if no changes are made to the Medicare system, we all know that it is not actuarially sound, and it will meet its demise. The program itself will meet its demise within about 20 or 25 years.

And when my generation, the baby boom generation, reaches retirement age, the Medicare program will not be able to provide benefits to my generation. So the gentleman makes an excellent point. The gentlewoman from Connecticut (Mrs. JOHNSON) also mentioned some of the reforms that we include, reforms of Medicare that we include in our prescription drug plan, which will facilitate the transition from the current Medicare system to a Medicare system that will be stronger, that will rely on competition in the private sector to drive down costs in the Medicare system and save Medicare for the long hall so that my generation and generations following mine will have the benefit of this program.

I appreciate the gentleman for yielding to me and saying that our plan does that, but the Vice President's does not.

Mr. THOMAS. I thank the gentleman for his comments. The solvency the day after tomorrow is important, the needs for tomorrow is important, but frankly we should not go one day longer than necessary to provide seniors with prescription drugs, and we ought not to keep talking about the issue. We did something, we passed it, especially when talking apparently coming from the Vice President is not truthful in the first place.

Mr. McCRERY. We passed it in a responsible way, I would admit.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very proud we are doing it in not only a way that will save and strengthen Medicare for future generations and provides more choice for seniors, but it provides more health care for seniors. Ours is the only bill that covers off-label uses of drugs. Since most of the cancer patients are over 65, and since many of the cancer treatments involve off label uses of drugs, only our bill provides coverage for most cancer treatments.

So we not only do it in an efficient, cost effective way that will strengthen Medicare in the long run for current seniors and future retirees, but we provide more choices and more health care. We need for the President to weigh in now and get our bill to his desk so every senior in America can have drugs as a part of Medicare now.

Mr. THOMAS. Our bill provides that competition in negotiation, and the only thing I am really pleased about with Governor George W. Bush's plan is he gets it, he understands the need for that competition in negotiation to provide a better product, flexibility and choice, but ultimately at a cheaper price.

My only hope is that as we continue this very important debate, my druthers would be that we do not debate, we show action. We took that action in our hands, we passed a bill off the floor of the House, we would like to deal with legislation moving forward, but if it is apparently the way that the Democrats have chosen to be rhetoric, to talk about the needs, then I think, at the very minimum, what we would hope is that the Vice President, the Democrats' nominee for President, would not play fast and loose with the facts that, in fact, the debate be a truthful one.

This is a serious matter. It is not just partisan rhetoric. It is whether or not a senior gets the kind of lifesaving drugs they deserve at a price they can afford.

The bipartisan Republican plan that passed the House does that. We do not want rhetoric. We do not want debate. We want action. We have taken action. It is now up to the President and others. I thank both of my colleagues for participating and our colleague from Pennsylvania as well.

## NIGHTSIDE CHAT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, as my colleagues recall, last evening I had an opportunity to address my colleagues and to speak about a number of different subjects. I would like to kind of do a quick summary or at least some additions or amendments to my comments last night based on some of what I saw today.

First of all, as many of my colleagues will recall last night I spoke about Pueblo, Colorado, and the home of heroes. This week is Patriots Week in Pueblo, Colorado, and there we are going to honor over 100 recipients of the Medal of Honor.

These are real heros, as I said last night, and I read the definition of heroes. And we do not have to explain to people what courage is and how courageous and brave these particular individuals were, we know that just because they are recipients of the Medal of Honor, they are amongst the most recognized, courageous and brave people in the history of this country.

I say with some sadness today that we lost one of our heroes who passed away at age 74, and I thought I would just read a brief paragraph or two about this particular hero. Douglas T. Jacobson, Douglas T. Jacobson who received the Medal of Honor was a Marine private, private in the Marine Corps for single handedly storming enemy positions on Iwo Jima, an action that resulted in the deaths of 75 Japanese soldiers, died in August. He had congestive heart failure.

Iwo Jima is often remembered for the photograph of the five Marines and the Navy Combat Medic raising the American flag on February 23, 1945, but the carnage of what occurred there was one, as described, as one of the most savage and most costly battles in the history of the Marine Corps.

This was taken from the obituary out of the New York Times. Unfortunately, obviously, Mr. Jacobson will not be in Pueblo, Colorado, but to his family, we mourn his passing and want them to know in Pueblo this week we will think about him. We will think about the action that he took on behalf of this country.

Moving on to another subject. I talked last night about the entertainment world, specifically I focused in on some of the video games that we can pick up or rent at the store or pick up or go down to the video arcade and play. I showed you a demonstration of some of them, including one which is called the Kingpin. And on the Kingpin, as I mentioned last night, you are actually able to put this video game on your video and focus in on the exit wounds of the person that you shot.

The game itself encourages you to be like a tough gang person and wipe out your opponents. And it is a gross miscarriage of, in my opinion, of responsibility, community responsibility, by some individuals, not all individuals, but by some individuals in the entertainment industry.

Mr. Speaker, I said yesterday in my comments that I felt that I probably represented 1 percent, maybe 2 percent, 3 percent of that entertainment industry that put that kind of trash out. Tonight while I was waiting for my opportunity to address my colleagues, I was back reading the New York Times.

And I noticed a story and I would like to say or comment on a response that was given to our concern in the United States Congress, our concerns as parents, parents who have young children that many of our constituents do, we expressed the concern of a lot of people and a lot of communities across this country.

Here is the response of one of the people of the entertainment industry, a guy named Larry Casinof, he is president of Threshold Entertainment, a company that makes, among other things, movies based on action oriented video games like Mortal Kombat and Duke Nukem.

Here is his comment about what Congress says about these video games, about what parents and communities are saying about these video games. I think it is a bunch of weasels scrambling for votes; that is exactly what this fellow calls my colleagues up here who express concern about the entertainment industry that small portion of the entertainment industry which puts this kind of garbage out there to be sold to our young people, with the intent of influencing our young people.

Let me tell you it would be interesting to call Larry on the phone and I wish had his phone number because I would call him this evening. In fact, if I could, I would bring a phone on to the floor, it is not allowed, but I would bring it to the floor and let my colleagues hear in the microphone, and I would ask Larry the question, Larry, do you have any children? My guess is he probably does.

Let us see. Larry, how young are they? And I would hope that his children are young. I would say Larry, do you buy these games? Do you buy Mortal Kombat, and do you buy Duke Nukem or do you buy Kingpin games for your own children? Do you allow your children to play the same kinds of games that you are profiting from by marketing to your neighbor's children, to your community's children, to your State's children, to the Nation's children.

My guess if Larry who has got the big mouth and says you are nothing but weasels if you question my integrity on putting this kind of trash out, my bet is he does not allow his kids near this stuff.

□ 2145

I think this guy is a self-righteous guy, and I do not mind saying it on the House floor; and I sure wish he would take a second look at his community responsibilities.

I sure wish he would take a look at some of the tragedies that we have suffered, some of the school shootings, Columbine High School, for example, in Colorado. I think he ought to take a look and say, gosh, are the people that are really worried about this, should we consider them vote-getting weasels or maybe, just maybe, it is somebody who is worried about the communities that they represent. I hope I get an opportunity some day to meet this fellow because I would like to ask him that question.

## THE LIBERAL MEDIA BIAS

Mr. McINNIS. Mr. Speaker, let me move on from there and mention something else. Obviously, we are in the presidential election; and when you get into an election that is as intense as this election is, the question always comes up, does the media favor one candidate over the other. Now, of course, as many of you know, obviously, I am a Republican, and I am concerned. I think that there is a liberal bias to the media in this country, not all of the media, obviously. We have many papers, the Wall Street Journal editorials which I think are outstanding. We have the Washington Times, but on a whole I think most people would agree that the media has a very liberal bent to it; that the media favors AL GORE as the next President of the United States. I think it has been clearly demonstrated in the last few days.

I guess a couple of weeks ago, an advertiser hired by George W. Bush put an ad out that had rats or something on the ad. You could not believe it. Many of you saw it. That became the headlines and the starting news story on the newscasts in the evening. They have played this story over and over and over and over. That word did not come out of George W. Bush's mouth, but they tagged him with it; and they have been tagging him day after day after day.

Well, another big issue that has come up in this presidential election is prescription drugs; and as I said last night, look, do not buy into what the liberal Democrats, not all Democrats because moderate and conservative Democrats do not necessarily agree with the liberal Democrat philosophy, but do not buy into their philosophy that they have the magic answer and that you are going to get something for nothing.

Prescription drugs are a huge problem in this country. Our medical delivery system is a huge problem in this country; but the quick and easy answer, especially for a politician, is to promise all of you that you can get something for nothing; that the government will take all the responsibility; you do not have to worry about individual responsibility anymore; we will do it for you and it will not cost you anything.

Prescription drugs are a big issue, but they have to sell this. Hillary Clinton attempted this about 8 years ago. She attempted, and I will say the polls were way up here, it took a lot of guts to stand up against Hillary Clinton and the national health care plan that GORE and Clinton supported 8 years ago, but the American people did not buy into it. Once they had time to evaluate it, once they understood what the consequences of a national health care plan would be, once they understood how poorly the government managed its current health care delivery system, like veterans benefits, like Medicare, like Medicaid. Once they realized this, they did not buy into that.

Initially, when the Hillary Clinton proposal came out to offer a nationwide socialized health care plan, the polls supported it, the majority of Americans said hey, we are tired of paying the kind of prices, we are tired of getting it stuck to us by insurance companies and frankly in a lot of cases they were. So they supported this plan until they began to look at the details. But during that period of time, until the American people had time to let the details settle out, until they had time to weigh what the consequences were of this nationalized socialized health care plan, there was a lot of propaganda put out there.

Well, you know what? We are seeing the same kind of thing. You know what is happening? The media is giving AL GORE a free ride on it. Let me say exactly what I am talking about. Not all of the media, obviously, because this headline came out of the Washington Times. AL GORE, to try and push his numbers higher against George W. Bush, has gone out and we have seen this history with AL GORE in the past, AL GORE at one point said that the movie Love Story, which my generation remembers, that Love Story was written about him and his wife, Tipper. AL GORE went on later to say that he is the one who invented the Internet, and now in the last couple of days AL GORE has stood in front of senior citizens, and I will say one of the ways that the liberal Democrats are selling their plan and are attacking the conservative or moderate Republican/Democrat plan is by the doctrine of fear, so a couple of days ago AL GORE stood up in front of a group of senior citizens and he said to these senior citizens, he said my mother-in-law, who lives with us, has arthritis and she has to pay, and I think the number was $138 a month for her prescription every month, and he says our dog has arthritis and the same drug that is administered to that dog, why that prescription costs, I think he said $37 a month.

Well, you know what? Afterwards, some people began asking questions, well, what was the price of this drug and what was the price of that drug? And this is the result: GORE made it up. He made up the antidote about the cost of the drugs. His own staff admitted that AL GORE made it up.

In all fairness, and talk about fairness here, do you think that the media has put this out? This came directly from AL GORE's mouth, by the way. Whereas this rats ad, or whatever it was, did not come from George W. Bush; it came from an advertisement authorized by his campaign or whatever. But do you think the media has done much about this?

Frankly, AL GORE has had some problems with credibility with the administration that he is associated with, but he says now he is his own man; but yet he stands in front of the American public and he lied to us about this. He fabricated. That is the word they are using, not the word lie. He fabricated the facts because it sounded good.

Of course, it is alarming that the average person would pay $138 or something a month for prescription drugs and the same drugs used on the dog would be $37 a month. That is unfair. On its face, its outrageous. Of course, we sympathize with the Vice President. Of course, we are drawn in by AL GORE's story. He told that story for a purpose, to get votes, to get your votes, Mr. Speaker. Yet now his staff admits well, he fabricated the story.

At the beginning of my comment in regards to this issue, I said take a look at whether you are a liberal Democrat, whether you are a conservative serving up here, whether you are a moderate, take a look from a nonpartisan point of view and see if there is fair play going on out there with the media. Ask the media, hey, why is not this story being played up like these other stories? I can say if that was not GORE but Bush who made up the antidote about the cost of drugs, it would be the lead story on every national broadcast in this Nation. It would be the lead story, bold headlines in a lot of newspapers across this country. They would unmercifully attack Bush for this kind of little example. But look what happened. It is a small story in a lot of these newspapers.

My point tonight is to demonstrate to you, as we get in these presidential elections, we do not have a level playing field, in my opinion, with a lot of the media out there on this presidential race. I am saying, Mr. Speaker, most of our constituents, in my opinion, will eventually see through this, and I hope most of our constituents have an opportunity to stand back and make an educated decision on who they want to support for the White House.

Well, let me move off of this subject.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that suggesting dishonesty of the Vice President or questioning his credibility are violations of the rules of the House.

Mr. McINNIS. Inquiry of the Speaker. That is a headline on a newspaper. Is that what the Speaker is referring to, is an objection to the headline off the Washington Times that says that the Vice President misled?

The SPEAKER pro tempore. Under the Rules of the House, quotes from a newspaper read in debate are held to the same standard as if spoken in the Member's own words.

### FUN FACTS ABOUT WATER

Mr. McINNIS. Mr. Speaker, I will move on to a new subject now and that is on water. I want to talk this evening about water. Water is a fun subject to talk about. Really, it is kind of boring. In Colorado, we are a State that has critical reliance on water, but I thought before we begin the discussion in earnest about the State of Colorado, I thought I would go through some fun facts that impact all of our colleagues out here, all of our constituents; some neat things, interesting things to learn about water.

As I begin this, most people do not think much about water unless it does not come out of the taps, or they do not think much about the quality of water unless their water is dirty. There are some major issues that evolve around the natural resource of water. Water is the only resource we have that naturally renews itself. It does not expire upon its use.

So I thought we would go over some interesting things that I have found about water. It would be kind of fun for us this evening to take a lighter moment and talk about some of these things.

First of all, I have titled this little chart, which obviously you can tell I have slapped this thing together, but there are some interesting things. Who was the American explorer who compared the western plains to the sandy deserts of Africa? Zebulon Pike, Pikes Peak of Colorado. Another interesting fact, and this pertains mostly to Colorado, but the largest reservoir in the State of Colorado is the reservoir called the Blue Mesa Reservoir.

Next, what percent of water treated by the public water systems is used for drinking and cooking? In other words, all of the water that is treated nationwide by your public treatment system, how much of that is used for drinking and cooking? Less than a percent. That is an interesting fact. I thought it was more than that.

In fact, I thought most of the water that was processed by your treatment facility plant was used for drinking and cooking, but less than 1 percent of it actually is.

What river in Colorado used to be called the Grande River? That is the Colorado River, and we are going to go in later on a little more depth about the Colorado River. It is called the Mother of All Rivers.

Kentucky blue grass, an interesting point here, uses 18 gallons of water per square foot for each year. Tall fescue and wheat grasses use 10 and 7 gallons of water per square foot each year, respectively.

Riparian habitat makes up less than 3 percent of the land in Colorado but is used by over 90 percent of the wildlife in the State, which points out how important riparian habitat is; and our technological advances have shown us over the last 20 or 30 years why these riparian areas are so important for our wildlife.

Eighty-seven percent of the water leaving Colorado flows out of the Colorado River Basin towards the Pacific Ocean. The remaining 13 percent of water that leaves Colorado flows out of the Missouri, the Arkansas, and the Rio Grande River Basins towards the Atlantic Ocean. So 87 percent of water in the State of Colorado, and for a lot of you that are not from Colorado you will see why there are many references to Colorado, not just because I am from there but Colorado is really a critical State in the western States when we talk about the issue of water. As I just said, 87 percent of the water that goes into Colorado flows towards the Pacific Ocean and 13 percent of that water flows towards the Atlantic Ocean.

I might also add that Colorado is the only State in the Union where all of the free-flowing water goes out of the State. There is no water in the Continental United States, in any State in the Continental United States, like Colorado, that flows into Colorado. Colorado does not have any. It is an exception of one.

Producing a typical lunch hamburger, french fries and soft drink, this is hard to believe, uses 1,500 gallons of water; a typical drink, french fries and a hamburger. By the time you are able to grow the resources, produce the resources that are necessary to come up with your final product, you have gone through 1,500 gallons of water. It includes the water needed to raise the potatoes, the grain for the bun and the grain needed to feed the cattle and the production of the soda.

Let me move over here. The natural rotation of the earth, now this is one of the most amazing water facts that I have seen and for 18 years I have studied water, the natural rotation of the earth has been altered slightly by the ten trillion, ten trillion tons of water stored in reservoirs over the last 40 years, according to NASA.

So of the 10 trillion tons of water that is stored, it has actually altered slightly the rotation of the earth.

The Platte River, whose name means flat, was named by French trappers and explorers. The Native Americans in the region called it the Nibraskier, a similar word for flat.

□ 2200

The hottest spring water in the State of Colorado, 82 degrees Celsius, 180 degrees Farenheit is found in Horse Tents Hot Springs in Chaffee County. The largest hot spring in Colorado is the big spring in Glenwood Springs with a maximum discharge greater than 2,200 gallons per minute. I am from Glenwood Springs, Colorado, and I hope that many of you have already been through Glenwood Springs. It is a small town, a beautiful town, located about 40 miles north of Aspen, Colorado. If you have driven to Aspen, especially in the winter, you had to go through Glenwood Springs, and as you go over the bridge, if you go through there again, take a look and you will see that huge hot springs.

In May 1935, 10 miles south of Kiowa, 24 inches of rain fell in 6 hours. Note that the average for Colorado in a year, in a year in Colorado, the average precipitation we get is 16.5 inches, and here in Kiowa County, they actually got 24 inches in 6 hours. Grand Lake is 265 feet deep, the deepest natural lake in Colorado.

From 1820 to 1846, the boundary of the United States with Mexico was the Arkansas River. That was the actual boundary between the United States and Mexico, the Arkansas River. Wolford Reservoir, which is one of our newer reservoirs, located 7 miles north of Kremmling, Colorado, opened to the public over Memorial Day weekend, the 5.5 mile long reservoir covers about 1,400 acres and has a capacity of 26,000 acre feet and costs about $42 million to build.

Now, in our discussion this evening about water, we will be talking about acre feet, so it is a good time to define exactly what I mean by acre feet. An acre foot of water means that the amount of water over a 1-year period of time that would cover 1 acre 1 foot deep. Now, that is what an acre foot of water is. Eighty-nine percent of Colorado's naturally occurring lakes are found at altitudes above 9,000 feet.

Now, let us talk a little bit about Colorado and why this altitude is different or important. Colorado is the highest State in the Union. In fact, the district that I represent, the Third Congressional District of Colorado, which, geographically, is larger than the State of Florida, is the highest congressional district in the Nation.

In Colorado, we depend very heavily on the precipitation that occurs on those high points at that high elevation. That is what creates 80 some percent, and we will look at that statistic a little later on, but 80 some percent of the water as a result of the snowfall at that high precipitation. So as we point out here, 89 percent, almost 90 percent of our natural lakes are found at altitudes of 9,000 feet or higher.

The average humidity that we have in Colorado is about 38 percent; technically, 37.9 percent. There are more than 9,000 miles of streams and 2000 lakes and reservoirs open to fishing in the State of Colorado. A dry wash, we often hear the term dry wash. What that really means, they are stream flows that occur only for a short period of time after the snow melt or after a rain storm, something like this. That is what they call a dry wash, or gulch, et cetera.

Let me shift over here. The South Platte waters is used in the following ways. This is interesting. The South Platte, which is a major river in the State of Colorado, 10 percent for city and industrial use, 65 percent for irrigation, and 3 percent of the water for reservoir evaporation. Twenty-two percent of the water leaves that State.

Now, let us talk for a moment, leave this and talk just for a moment about water in general. Mr. Speaker, 97 percent, 97 percent of the water in the world is salt water, and of that 97 percent, 75 percent of the balance, so we have 97 percent of the water in the world is salt water, so we have 3 percent of that left, and 75 percent of that 3 percent is water that is tied up in the polar ice caps. So we can see that less than half of a percent is fresh water in this world that we would find in lakes and streams. Mr. Speaker, 73 percent of that stream flow in the United States is claimed by States east of a line drawn north to south along the Kansas-Missouri border. So 73 percent of the stream flow in this Nation is in the eastern United States. And, most of our rainfall occurs in the East, not in the West.

In fact, in many States in the East, their problem is getting rid of water. Our problem in the West is the ability to retain the water. Mr. Speaker, 12.7 percent of the water is claimed by the Pacific Northwest, which means that only 14 percent, about, 14.2 percent to be technical, so approximately 14 percent of the water, of the total stream flow of fresh water is shared by 14 States and these 14 States geographically consume more than one-half of the Nation in land area. Of those 14 States, Colorado sits at the apex. Again, back to the high elevation of the State of Colorado.

In Colorado, our high altitude semiarid climate, we have 85 million acre feet, of the 100 acre feet we get approximately a year of moisture that falls in the State as precipitation. So we have about 100 million acre feet. Here is an interesting statistic. Of that 100 million acre feet, approximately 85 million acre feet of that goes away in evaporation or goes away in what we would call transpiration through where the plants take the moisture from the soil and it essentially evaporates through the leaves of the plants.

Let us go back here for some other interesting statistics that I think will help give us a good idea of just how critical water is and how critical it is going to be in our future. Mr. Speaker, 48 million people in the United States receive their drinking water from private or household wells. In Colorado, water must be diverted for a purpose and for beneficial use. The reason I put this in there is that Colorado water law is very unique.

Our water law in the West is significantly different than the water law in the East. In the West, water actually is a private property right. One can actually own the water separate from the land. In some States in this Union, the water and the land go together. But in Colorado, they can be separated. In Colorado, it is necessary, and in the West in general, it is necessary for us to divert water.

Basically, in Colorado, we have as much water as we could possibly need during what is called the spring runoff, which lasts from about 60 to 90 days. But once that spring runoff is finished, the States in the West have to rely very heavily upon water storage. If we do not have the water stored, we do not have the ability to use it for the balance of the year that we do not have spring runoff. That is why water storage is so critical in the West.

What is interesting is that a lot of what we would call, I guess, politicians in the East criticize water storage in the West. It is because they are talking about two entirely different systems. It is almost as if we have two entirely different countries based on water differences. In the East, the water comes much heavier and it is treated, even legally is treated differently than the water needs and the water facts of the West, which is very important to remember as we go on here.

In the United States, approximately 500,000 tons of pollutants pour into our lakes and rivers each day. That is why all of us continue towards this effort of clean water and clean lakes. Now, we cannot be so extreme as to say, look, we cannot flush our toilets because there is a pollutant in the toilet. What we have to do is figure out where that balance is with the use of water, without getting too extreme on one side or the other side. It is interesting here that if you spill four quarts of oil, a can, four quarts of oil in a sewer system, by the time it is done, you will have about an eight-acre oil spread, eight acres, as a result of four quarts of oil.

Those are the kinds of things that we have to be very sensitive with about. That is why we have to be careful about the pollutants that are in our water sources and our water supplies. This is interesting. The maximum 24-hour snowfall in the United States is 75 inches which occurred in the mountains of Colorado in 1921. Can we imagine, 75 inches of water in a 24-hour period of time.

Here are some other interesting facts. We will jump down here. Well, right here. Evidence indicates that an ancient irrigation system was found at Mesa Verde and may have been in use by 1000 AD or even earlier. It is interesting, the Anasazi down in the Mesa Verde National Park, down in the four corners of Colorado, and by the way, if you have not been down to the Mesa Verde National Park, you have to go. Take a look at the Anasazi Ruins, they were fabulous. These people that lived in the cliffs, they were called the Cliff People, and that is where we find the first indication of the use of a dam in the United States, and it was by the Anasazi people who would go down by the stream below the cliffs, and the water, as I said, Colorado is an arid State, averages 16½ inches of rain or precipitation in a year. So they would go down and store their water. That is the first indication we found of the use of a dam.

In Colorado, for a dam, we actually have a ditch, the San Luis People's Ditch, which has been in operation since its construction in 1852. That is the oldest irrigation system that we have that is still in continuous operation in Colorado. Fresh, uncompacted snow, and this is important to remember about the snowfall that comes down. In Colorado, we have an arid climate. As I said earlier, our humidity averages about 37 percent. But did we know that those snow flakes, when you are out there skiing in Colorado or just walking in the snow, those snow flakes that you see, 90 to 95 percent of that snowflake is trapped air. Mr. Speaker, 90 to 95 percent of that snowflake that we see at least in Colorado is 90 to 95 percent trapped air and I think that percentage is probably very similar in Washington, D.C., or up in Connecticut, or New Jersey when it snows.

Denver, Colorado has an average snowfall of about 60 inches per year, and the snowiest season occurred in 1908 where they had 118 inches. Avalanches killed 914 people in the United States between 1990 and 1995. On an average year, on an average year, most of the avalanche deaths actually occur in my congressional district out there in Colorado, because the Third Congressional District of Colorado basically has all of the mountains of Colorado. There are some that are outside of it, but for the most part, the mountains in Colorado are in the Third Congressional District, and avalanche is a huge danger that we have to deal with. But I can tell my colleagues this in a little promotion here which I do not think it is against the rules; I hope my colleagues ski, we have the best skiing snow in the United States. Try some of our resorts, Aspen, Vail, Steamboat, Beaver Creek, Powder Horn, Purgatory.

Let us go back to water. Water usage, this is one of the most interesting charts that I have come across in regards to water. Follow through with me when we talk about water usage. Americans are fortunate. We can turn on the faucet and get at the clean, fresh water that we need. Many of us take water for granted. Have we ever wondered how much water you use each day? Here is an idea. For the average person out there, I say to my colleagues, this will give us an idea of what the average person in America uses, the basic needs for water each day. Direct uses of water, again, this is daily, drinking and cooking, the average person uses about two gallons of water a day to drink and cook with. Flushing the toilet, between five and seven gallons per day, or excuse me, per flush, I am sorry, per flush. Washing machine, 20 gallons per load. The dishwasher, 25 gallons per load. Taking a shower, seven to nine gallons of water per minute while you are in that shower.

Now, growing foods takes most of the water. In this country, a lot of people, if you ask what consumes most water, one, they will not think of evaporation and maybe it is a misleading question, because evaporation really zaps up our biggest amount of water, but right behind it, the number one use of water in this Nation is the growing of food.

It is in agriculture. Every day in the super market we take for granted how much water is necessary to grow that food. Well, here is a good example of what is necessary. If we have one loaf of bread, by the time we grow the grain and so on and so forth to produce that one loaf of bread, we have used 150 gallons of water, 150 gallons of water. To give us an idea, I am sure many of my colleagues drink bottled water like I do. I stop at the convenience store. I am trying to get away from a pop and buy a bottle of water. Multiply, think of what you have in that container, see how many of those containers it takes to make a gallon and then multiply that times 150, and that is how much of the water you are holding in your hands is going to be required for one loaf of bread.

Mr. Speaker, one egg, one egg is 120 gallons of water; 120 gallons of water is necessary to produce 1 egg. A quart of milk, one quart of milk requires 223 gallons of water. These are numbers we cannot even imagine. If you would have given me this chart, given me just to you the right-hand side of the chart, colleagues, and ask me to fill in the gallons, I would not have even come close to these numbers. One pound of tomatoes, 125 gallons of water for a pound of tomatoes; 1 pound of oranges, 47 gallons; 1 pound of potatoes, 23 gallons of water. As we go down here, it takes more than 1,000 gallons of water to produce three balanced meals a day for one person.

□ 2215

So for every person, every one of my colleagues, if we have three balanced meals in a day, it has taken over 1,000 gallons of water to produce that food for us.

What happens to 50 glasses of water? If we had 50 glasses of water, very interesting, now, remember that evaporation is considered a portion in this, but what happens to our 50 glasses of water, if we had 50 glasses of water lined up, 44 glasses, as demonstrated right here, 44 of these glasses would be used for agriculture, for growing the food products that we eat; three glasses would be used by industry; two glasses would be used by the cities; and a half a glass would be used in the country.

I think this chart demonstrates just how critical water is. Now, obviously, we all know most of our body is made up of water, so we do not have to educate people about the importance of water. But it is interesting to just see how water interplays with everything that we do in any given day and how the circumstances of water are a lot different in the West than they are in the East.

Let us go back to Colorado. As I mentioned to my colleagues earlier, Colorado is the only State in the continental United States where all of our water flows out. We have no free-flowing water that comes into Colorado for our use. That is a very important issue here. So I thought I would point out particularly, colleagues, why in Colorado water is our lifeblood. It was written by Thomas Hornsby, the poet, and it is inscribed in our State capital that out in the West life is written in water. Life is written in water.

Here is an idea of what flows out of the State of Colorado. It gives us the average annual outflow of major rivers through 1985. So while the statistic is through 1985, it still holds pretty accurate today. Our total that we show here is about 8 million acre feet. The total of all rivers in Colorado is about 10.5 million acre feet.

We have up here, out of the South Platte, about 400,000 acre feet of water that flow out every year. We have the Republican River, about 14,000 acre feet. Over here we have the Arkansas River, which is 133,000 acre feet. Down here on the Rio Grande we have 313,000 acre feet. Over here on the Animas River we have about 663,000 acre feet. Up here on the Yampa River we have 1,500,000 acre feet. And here on the Colorado River, the river that I mentioned earlier in my remarks known as the mother of rivers, the Colorado River, earlier named by the Indians as the Red River and then later changed to the Grand River and then later Colorado, Colorado is the Spanish name for red, is 4,540,000 acre feet; 4,540,000 acre feet out of just the Colorado River.

What is interesting here are our different river basins, and I will go through those very briefly with my colleagues. We have a good map here in color that gives a pretty clear demonstration of what we call the four major river basins. We have four major basins that drain most of Colorado. All of these river basins in this State are at the apex of those 14 States which consume over half the Nation.

Lots of statistics here but, needless to say, Colorado is the critical piece of the puzzle for western water. When we take a look at that, we have four major river basins. We have the South Platte, also known as the Missouri River Basin; we have the Colorado River Basin here in the purple; here in kind of the bland green we have the Rio Grande River Basin; and over here in the lighter green we have the Arkansas River Basin.

I thought I would talk about each of these river basins. First of all, the Missouri, which is up here in the red, and that is up in what I would call the northeastern part of the State of Colorado. Its primary river in the Missouri Basin or the South Platte River Basin is the South Platte River. Now, the South Platte River drains the most populous section of the State and serves the area with the greatest concentration of irrigated agricultural lands. So the greatest concentration of irrigated agricultural lands in Colorado is up in this section of the State.

The main stem of the river flows north, then east, and meets the North Platte in southwestern Nebraska. The South Platte River, which starts here, follow my pointer here, that is the South Platte River, up into Nebraska, is 450 miles long, with 360 miles of that in the Colorado River.

Rivers east of the divide. Now, remember that we have what we call a Continental Divide which runs from Mexico to Canada. And through Colorado it basically goes, following my pointer, basically goes like this. And on the east side, rivers east of the continental divide eventually will flow to the Atlantic Ocean from Colorado. Rivers here on the west side of the Continental Divide eventually flow to the Pacific Ocean and to the Gulf of Mexico. All the way from here to the Gulf of Mexico or to the Pacific Ocean.

The Arkansas River Basin, again down here in this lighter green, begins in the central mountains near Leadville, Colorado. It flows south and east through the southern part of Colorado towards the Kansas border. The Arkansas River, this river right here which I am following here with my pointer, that river is 1,450 miles long, and 315 miles of that river are in the State of Colorado.

We move over here to the Rio Grande River. Again, back to my pointer here, that is the Rio Grande in this kind of bland green here. The Rio Grande drainage basin is located in south central Colorado and it is comparatively small, with less than 10 percent of the State's land area. The Rio Grande River is 1,887 miles long, with 180 miles in Colorado.

And now, let us talk for a moment about the Colorado River Basin. The Colorado River Basin, of course, is this area that is located right here in the purple. That is the Colorado River. We can see how many rivers and tributaries come into the Colorado. There is the Gunnison, the Roaring Fork, and in that river basin we also have the Yampa River, the White River, and the Animas River, and we could continually go down, but the Colorado River, the Colorado River system, drains over one-third of the State's area.

Twenty-five million people use water out of this basin for drinking water. Twenty-five million people depend on Colorado, specifically the Colorado River Basin, which is a good portion of western Colorado, 25 million people depend on their drinking water from this area of Colorado. Less than 20 percent of the Colorado River basin lies inside Colorado. So the length of the Colorado River Basin, less than 20 percent of that Colorado River is in that basin. But 75 percent of the water, 75 percent, goes into this basin comes from the State of Colorado.

It provides clean hydropower. We have 2 million acres of agriculture in the Colorado River Basin, and the Colorado River is 1,440 miles long, with just 225 miles of it in Colorado. Although, as I said, Colorado, in that 225 miles, puts 75 percent of the water into that river.

Now, the Colorado River Basin, our native flow, basically is close to 11 million acre feet a year. There are a lot of statistics here, but let me say to my colleagues that what we have become very dependent upon, if we flip this over very briefly, or if we pretended for a moment that this was the United States of America and we divided the country in half and we were to call this the western United States and we would call that the eastern United States, the critical factor to remember about water is that geographically there are two entirely different systems.

Water in the East has many, many different dynamics than water in the West. That is why when I talk with my colleagues, when I talk with them about water issues in the West, it is so important for my colleagues to remember that the water issues my colleagues face here in the East are different. There are different dynamics, there are different geographical constraints, there are even different uses and storage of the water.

Storage in the West is absolutely critical. If these States in the western United States did not have the water storage, for example, like Lake Powell, we would be in a real hurt. We could not exist on these lands, one, if we did not divert water from the streams; and, two, if we were not able to store the water.

I just pulled out Lake Powell. I do not know, I wonder how many of my colleagues have ever been to Lake Powell. It is spectacular. In fact, Lake Powell is so large that it has more shoreline than the entire Pacific West Coast. More shoreline in Lake Powell than the entire Pacific West Coast. It is one of the primary family recreation spots in the western United States. There are not many families in the western United States that do not know about Lake Powell, but there are a lot of families in the eastern United States that are not aware of the importance of Lake Powell, not just for recreation, family recreation, but to the whole western water system, for water storage, for clean hydropower.

The dam will hold about 27 million acre feet. The surface area is about 252 square miles; about 161,000 acres. This dam is so critical for our power. It provides power for millions of people. And needless to say, in the last couple of years we have seen a serious effort by the national Sierra Club to take down Lake Powell; to drain Lake Powell. And this is an example that points out the naivete, in my opinion, and I say that with due respect, but the naivete of an organization out of Washington, D.C. which comes out to the West to dictate what is in our best interest with western water.

There are a lot of physical characteristics, some of which I have mentioned about Colorado, that are important to remember when we talk about western water. First of all, the fact that all of the water in our State runs out of the State; the fact that we have an arid State. We do not get lots of moisture year-round. Out here in the East, in an average year, there is pretty steady moisture. In the West, the primary moisture we get is in winter, and most of that moisture is in the Colorado mountains, the high Colorado Rockies. As I mentioned to my colleagues earlier, for the Colorado River, for example, 75 percent of that River Basin comes off that snow melt that we get in the high Colorado Rockies.

I mentioned earlier as well the different rivers that we have. That is why Colorado, and again we have the four major river basins, and why when we talk about water in the West, when we talk about water in this Nation, Colorado always surfaces. It is kind of a centerpoint.

Now, when this country was first formed, the Federal Government said, just because all the water in the West falls in one State does not mean that one State should own all of that water. We have to have interstate compacts. Let us create agreements between the States so that the States have a way for reasonable use of the water but they share the water as a country instead of keeping all the water as a State. And those interstate compacts, as most of my colleagues on the floor know, are critical for the use of this water.

So, for example, we do not go to war, and I can tell my colleagues that there have been plenty of so-called water wars, not the kind of wars where there are lots of deaths, although there have been deaths, but we had water wars in the past, and the interstate compacts have primarily brought peace to the region by fairly dividing up, or at least what was considered fair at the time, those water resources.

□ 2230

There are a lot of interesting facts about these Federal river compacts. For example, the Colorado River Compact, believe it or not, the country of Mexico is entitled to parts of the Colorado River. In fact, the country of Mexico is entitled to a million and a half acre feet of the surplus water, a million and a half acre feet of the Colorado River.

How did that come about? A very interesting story. In World War II, the United States and Mexico were afraid, that is right, that the Japanese were going to invade Mexico; and Mexico came to the United States and said, would you enter our country and help protect us against the Japanese? And the United States also had a concern. We did not want the Japanese on our border coming through Mexico. So we agreed to enter the country and defend Mexico.

But Mexico understood our superior bargaining power, so they said, now look, if you are going to defend our country of Mexico, you really ought to give us some water for it. So the United States agreed to give about a million and a half acre feet of water every year to Mexico.

Now there is even a dispute where that water comes from. We have under the Colorado River Compact upper States and lower States, and even the dispute is how does that get split. It is supposed to be split evenly, 7.5 million acre feet with the lower States and 7.5 million acre feet with the upper States. But the lower States at times have argued, wait a minute, it comes out of surplus water and since there is no surplus water in the lower States, it all ought to come out of the upper States.

As you can see, the water arguments are intense throughout this Nation. But tonight the purpose of my comments on speaking on water, and as I summarize, my purpose here is that I hope my colleagues in the East understand that in States in the West like Colorado and Wyoming and Montana and California and Arizona and Utah and New Mexico, that these States are unique water States, States with unique water problems.

Colorado, as I said, is right at the apex. We have got the Continental Divide where the water on the east side of the divide flows to the Atlantic Ocean and on the west side of the Divide it flows to the Pacific Ocean.

We have 25 million people that depend on the Colorado River Basin for drinking water. These are issues that should not be downplayed. You know, on the East you do not feel the pain that we have in the West with our water. But I am asking that you understand the pain and I am asking that, before you agree with legislation and before you sign on the dotted line, for example to take down reservoirs like Lake Powell, that you have a clear understanding of the circumstances that are created when you alter the water system in the West.

In Colorado, we feel that water is for Colorado people; but we understand in Colorado that we have an obligation under the compacts to share that water. At the same time, we think there is a responsibility from neighboring States and from our fellow citizens in the eastern part of the country to understand what the unique needs are of the people of the State of Colorado.

Why multiple use and the protection of that water, whether we keep it there for minimum stream flow or whether we use it for agriculture uses that it has been well thought out over hundreds of years, 150 some years in Colorado, it has matured as we go through time.

It has matured, the uses of this water. And it should not be easily dismissed by political movement coming out of some of my colleagues on this floor.

So, in summary, I know tonight primarily the discussion has been on water. To many of you perhaps it has been somewhat boring because water is not your primary focus in Congress. But I can tell you from those of us in the West, those of us in the Rocky Mountains, water is probably the number one issue when we talk about what can we do for future generations.

So I appreciate your understanding this evening. And, in conclusion, let me tell you some phrases that we take credit for coming out of the waters in the West.

The phrase "sold down the river." We do not want to be sold down the river in the West by those of us in the East. And we do not intend to sell you down the river in the East, either. We want a good cohesive partnership when it comes to water issues.

"Swallowed hook, line, and sinker." There are people that want you out there to swallow hook, line, and sinker that Lake Powell should be drained.

"Doesn't hold water." They want you to think storage does not hold water or there is a better way to do it.

"Not worth a tinker's damn." We think water in the West is an issue that is worth a tinker's damn.

And finally, "fish in troubled water." We in the western United States will be a fish in troubled water if we do not have interests and understanding by our colleagues and our citizens in the East. It is the United States and it does require understanding between these two graphically different areas of the country as to our water issues.

## ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again tonight to talk about the issue of illegal narcotics and its impact upon our society.

Tonight I am going to focus on a topic that I have discussed usually on Tuesday nights in the past before my colleagues and the American public, and that is the specific impact of illegal narcotics on our communities and on our population.

Tonight I will bring up again the chart that I did before, the little poster that I have had here on the floor before. And it, basically, says that drugs destroy lives, a large poster background. I think this background is fitting tonight to bring out again. It is a rather large poster. It talks about a rather large problem: drugs destroy lives.

It is a simple message, simple poster. I have had it on the floor before. We have used it in my district to demonstrate that illegal narcotics are, in fact, wreaking havoc upon young people's lives and also all Americans' lives.

Tonight I want to specifically release some data that was given to our Subcommittee on Criminal Justice, Drug Policy, and Human Resources today, and that is a startling announcement and a startling revelation that, for the first time in the history of the United States of America, the drug-induced deaths exceed homicides across our land.

These are the figures that we have. Some 16,926 Americans lost their lives to drug-induced deaths in 1998. Murders in that year were 16,914, an incredible milestone in a problem that we are experiencing across the land from the East Coast to the West Coast to the Canadian border down to the Mexican border. And for the first time, again in the statistical compilation of the United States, drug-induced deaths exceed murders.

It is a sad milestone but, again, one reflected in so many communities affecting so many families and destroying so many lives.

This is indeed a sad turn of events for our Nation. And it is sad, too, that the administration under which this has occurred, the Clinton/Gore administration, has not paid attention to this problem and has tried to sweep the problem aside.

What really disturbs me as Chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources is the attempt in the last few weeks since I guess we are getting close to election to try to put a happy, smiling face on the problem of drug abuse and illegal narcotics misuse in this country.

There have been some staged events with the Secretary of HHS and other drug officials of this administration to try to come up with anything that puts a happy face on the problem that we face with illegal narcotics.

Unfortunately, this is probably their worst nightmare. We announced these findings today. It will be interesting to see what kind of a spin the media puts on this and also the administration.

The spin they have attempted to put on is that they are making progress. I think we have some facts tonight that dispute that.

The drug-induced mortality rates, and let me read from the National Vital Statistics Report, which is produced just within the last 60 days, talks about this total of death. It says, in 1998, again a total of 16,926 persons died of drug-induced causes in the United States. It says the category of drug-induced causes includes not only deaths from dependent and nondependent use of drugs, but it also excludes accident, homicide, and other causes indirectly related to drug use.

So the figure that we have here, this 1998 figure, which is our last record, is actually a much smaller figure than if we take into account all of the drug-related deaths in this Nation.

Now, the drug czar, Mr. Barry McCaffrey, has testified before our subcommittee that if we take all the drug-related deaths in the United States on an annual basis, we are approaching 52,000, equal to some of the worst casualty figures in any war in which we have been engaged.

This goes on to report that between 1997 and 1998, the age-adjusted death rate for drug-induced causes increased 5 percent from 5.6 deaths, now this is in 1 year, increased 5 percent from 5.6 deaths per 100,000 U.S. standard population to 5.9 percent, the highest it has been recorded since at least 1979.

The rate increased by 35 percent from 1983 to 1988, and that was back in the Reagan administration, the beginning of the Reagan administration, then declined 14 percent between 1988 and 1990, part of the Reagan administration and Bush administration; and it increased every year since 1990, beginning I guess the last part of the Bush administration. Between 1990 and 1998, the age-adjusted death rate for drug-induced causes increased by some startling 64 percent.

In 1998, the age-adjusted death rate for drug-induced causes for males was 2.3 times the rate for females and the rate for the black population was 1.4 times the rate for the white population.

And this also confirms other statistics that have been presented before our drug policy subcommittee that in fact those who are harmed the most by illegal narcotics are the minority population, including the blacks and Hispanics who are suffering right now not only from the problem of drug abuse.

But also, if we looked and examined the deaths here, we would see that the minority population is affected on a disproportionate basis.

□ 2245

In fact, during the Clinton administration, the number of drug-induced deaths has risen by approximately 45 percent in just 6 years. What is interesting, too, in these statistics that we have here is not the 1999 murder rate, and we do have the 1999 U.S. murder rate according to the FBI's uniform crime statistics. We do not have the drug deaths. The last compilation we have is 1998. But in 1999, we actually had a falling of the murder rate in the United States to 15,561. So we have a much greater number of drug-induced drug deaths; and we are certain that the figure we will get in 1999 will even exceed what we see in 1998. So by a dramatic increase even over this year's murders in the United States, we see drug-induced deaths surpassing that number.

Most people are concerned about weapons and destruction of life through guns and knives and other means of murder and mayhem. Now we have a statistic that should startle every Member of Congress and every American, particularly every parent and every community leader, that drug-related deaths have exceeded homicides.

It is ironic that last week one of the communities most hard hit in the Nation by illegal narcotics is Baltimore, a beautiful historic city just to the north of our Nation's capital. Baltimore has had the misfortune of having in the past a very liberal mayor, a very anti-enforcement mayor, a very pro-narcotics and liberal utilization of illegal drugs lack of enforcement in that city over that mayor's tenure.

Fortunately, they have a new mayor, Mayor O'Mally. But Baltimore has been ravaged by illegal narcotics and again by a very tolerant policy. This headline was last week in the Baltimore Sun. It says "Overdose Deaths Exceed Slayings." It again cites that the number of deaths in that city by illegal narcotics and drug overdoses exceeds murders in the city. In fact, the State medical examiner's office reported that 324 people died of illegal drug overdose in Baltimore last year, passing the total of 309 homicides. In 1998 there were 290 overdose victims and 313 homicides. I hope later on to spend a little bit more time talking about the policy in Baltimore that turned into a disaster. And certainly this community is facing now the same thing that we see on a national level.

This is an urban setting. Baltimore is an urban community. I come from a suburban area, the area just north of Orlando, Florida, a very family-oriented community and region. We have had, and I have held up here headlines from 2 years ago that the number of drug overdose deaths exceed homicides in central Florida, also. So we have suburban areas that are well-to-do; we have urban areas such as Baltimore that now see the same thing happening. We see rural areas impacted by illegal narcotics. We see every age bracket impacted by illegal narcotics.

Unfortunately today we announce that for the entire Nation, drug-induced deaths have exceeded murders across our land.

If I may, I would like to also focus on this chart that shows from the beginning of the Clinton-Gore administration, some 11,000 drug-induced deaths, up to 16,926, just shy of 17,000. Again, that represents a 45 percent increase under this administration's watch. Now I see why they want to talk about prescription drugs now. I see why they like to change the subject. Now I see why they like to report any glimpse of favorable statistics relating to drug abuse and illegal narcotics use, because this in fact is one of the most dismal figures and dismal legacies by any administration, Republican, Democrat or in any Nation. It is a very sad milestone for this country.

What really disturbs me, too, is the misuse of some of the data that has been released recently. Our Congress has required the administration under Public Law 105–277 to establish measurable goals in the funds and programs that we assign for combating illegal narcotics, particularly in a multibillion-dollar drug education and prevention program. We ask the drug czar and the administration to report back to the Congress on their efforts to curtail illegal narcotics on a performance basis that is measurable so we know that we are putting money in and we are getting results out.

One of the objectives of the report that has come to us was that we would reach an 80 percent level of our 12th graders, or young people, by the year 2002 perceiving drug use as harmful. That was the goal that we reach. Unfortunately, in some of the statistics that have been released lately to put a happy face on the drug abuse and misuse situation in our country, I have found the administration is changing baselines. For example, in 1996, 59.9 percent of the 12th graders perceived drug use as harmful. Even after we have run the media campaign, we find that in 1998, it dropped to 58.5 percent of the 12th graders perceived drug use as harmful. In 1999, they have even backslided more according to the information that we have obtained, and we are down to some 57.4 percent of the 12th graders now perceive drug use as harmful. The goal, remember, was to achieve 80 percent by 2002. So it is rather scary that they would take a new base year, 1998, rather than 1996, and now claim a 1-year decline, a modest decline and change from assessing 12th graders to eighth graders because they did find that 73.3 percent of eighth graders saw marijuana use as harmful. By using the 73.3 percent of eighth graders, they now only fall somewhere around 7 percent from reaching their 80 percent goal.

These are some of the statistics touted by the administration, but a clever change in the group that was surveyed and judged and also changing the baseline. But the facts remain pretty clear that in fact we have an epidemic of illegal narcotics use among almost every age group.

According to a January 26, 2000, white paper which was published by the National Center on Addiction and Substance abuse, which is also known as CASA, eighth graders in rural America, if we take out those eighth graders in rural America, 83 percent are likelier than eighth graders in urban centers to use crack cocaine; 50 percent are likelier than eighth graders in urban centers to use cocaine; and 34 percent likelier than eighth graders in urban centers to smoke marijuana. And 104 percent likelier than eighth graders in urban centers to use amphetamines including methamphetamines. If we start looking at some of the subsections of eighth graders, and in this case this study looked at rural eighth graders, we see a horrible trend in illegal narcotics use; and we are talking about crack cocaine and methamphetamines which have caused a tremendous amount of damage, death and destruction and I am sure in this figure of death we would even find those young people.

We find another report from May of this year that the number of heroin users in the United States has increased from 500,000 in 1996 to 980,000 in 1999. Again, this is not part of the administration's report to the American people. Nor would they want to talk about this statistic or this legacy, especially so close to the election. The rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 in 1,000 in 1996. This is not a statistic that we heard touted by the Secretary of HHS or our drug officials.

First-time heroin users are getting younger, another legacy of this administration, from an average of 26 years old in 1991, just before they took control of the administration, to an average of 17 years. That means the first-time heroin user in 1991 was 26 years of age. They have managed to bring that down to 17 years of age by 1997, not a pretty statistic; but we see why drug deaths are dramatically increasing in the United States.

According to a very recent Associated Press article, June 11 of this year, a survey conducted by the national drug control policy office itself said that about 80,000 12- to 17-year-olds and 303,000 18- to 25-year-olds admitted using heroin in 1998. According to DEA, our Drug Enforcement Administration, in 1990 the average age again of someone trying heroin was 26.5. We said in 1992 27 years of age, and again this administration managed to turn it around to an average of age 17.

A study conducted by the Centers for Disease Control and Prevention for 15,349 students grade nine through 12 revealed that in 1991, again just before this administration won office in 1992, 14 percent of students surveyed said they used marijuana. That number increased to 26.7 percent in 1999. Students reporting that they tried marijuana at least once increased from 31.3 percent in 1991 to 47.2 percent in 1999.

Unfortunately, what we see during the past 7 years has been an increase in drug use and abuse in almost every category. We have some statistics that do not get publicized. For example, 4 percent, or 595,640 students, enrolled in grades nine through 12 have used cocaine according to the most recent study in the past month.

□ 2300

That is up dramatically over again the beginning of this administration. Methamphetamines, which were not even on the charts at the beginning of this administration, we have 99.1 percent or 1,355,018 students enrolled in grades 9 through 12 have now used methamphetamine, almost 10 percent of the students enrolled in grades 9 through 12.

If you want to worry about drugs and prescription drugs for elderly, and that is a serious concern that we must address, and we must make certain that those who are elderly and infirm or in need have prescription drugs, that is an important topic. But this topic that I present tonight is extremely important, particularly to our young people, when again we have a startling statistics like this.

Mr. Speaker, almost 10 percent of our young people have tried methamphetamines, and we have again 2.4 percent of our students enrolled in grades 9 through 12 have used heroin. Heroin, which we find now in a more deadly and potent form than we ever have, and I have cited the increases in marijuana use, which have nearly doubled in the terms of this administration. 2.8 percent of the students enrolled in grade 9 through 12 have injected illegal drugs, that is 268,038 students, again, in our most recent report.

These are not statistics again that you will hear from the administration, and the media unfortunately does not want to cover this problem. They, the media, have a more liberal bent, and they have, along with the administration, been guilty of sweeping this problem under the table.

One of the problems that we have, how did we get ourselves into a situation with these statistics, with drugs, drug-induced deaths now exceeding homicides in the United States. I want to say it was not easy. It took the Clinton administration almost 7 years to dismantle and systematically take piece by piece apart what was a very effective war on drugs.

Mr. Speaker, in fact, if we look at a period from 1985 to 1992, we saw over a 40 percent decrease in drug use in this country. The Clinton-Gore administration has failed to make the drug war a top national priority. Now, how can a President of the United States make drug enforcement, drug prevention, drug education, drug interdiction or a war on drug real when only eight times in 7 years, just prior to our work this year on the Colombian package, did the President mention the war on the drugs in his public addresses.

As a result, we have witnessed an explosion in drug use and abuse. We have witnessed an incredible amount of production of coca, the base for cocaine and opium poppy, the base for heroin, in Colombia. And I have cited in past special order presentations how this administration systematically first stopped in 1994 information sharing to the chagrin of even the Democrats, who protested their move, who stopped providing surveillance information that could be used in shoot down by other countries trying to stop drugs within other countries borders, not U.S. forces, but other countries which saw a resurgence in drugs leaving the source countries.

We saw again a policy where aid and assistance was blocked for some 3 years by a misapplication of our drug certification law, and we saw the stopping of aid even appropriated and designated by the Congress to get to Colombia that did not get to Colombia, and then finally when some few helicopters that we asked 3 years and 4 years for to get there to get to the illegal narcotics to go after the traffickers in the mountain terrain. When they finally arrived, it was almost in a ludicrous situation and a condition that they arrived without proper armoring which led us to require this Congress to pass a $1.3 billion package in emergency funding just recently. And we saw the President of the United States attempt to grandstand and also blur the issue of the tragedy that he had helped create in Colombia through very specific missteps and policy.

Despite that billion dollars in aid, we still see a tide of illegal narcotics coming into this country, that is because our Panama forward surveillance post was closed down, the administration bungled the negotiation of keeping our antinarcotics surveillance base in Panama, and it may be some 2 years before we get the surveillance capability, the forward-operating capability, the interdiction capability. That is why we have an incredible supply of drugs coming in and they are killing our young people.

Why are they coming in? Again, because of some direct and inappropriate missteps by this administration to stop drugs cost effectively at their source and also stop them by taking the military out of the surveillance business. And we know that this administration from 1992 to 1999, according to this report provided to me as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, this administration cut antinarcotics flights, they declined from some 46,264 to 14,770 or some 68 percent from fiscal year 1992 to 1999. That is why we have a flood of illegal narcotics, heroin and other drugs in our streets and in our communities.

This report further details, again prepared by the General Accounting Office, that the administration cut ship days devoted to supporting interdiction of suspected maritime illegal drug shipments, which declined 62 percent from 1992 through 1999. So if you wonder why we have illegal narcotics in incredible quantities coming in to our country, here in fact is the evidence.

When you close down a real war on drugs, the result is death in our streets and now drug-induced deaths have exceeded homicides in our land for the first time.

Mr. Speaker, the other problem that we have and many young people do not realize, and even adults who are using the narcotics that are coming in, for example, the heroin that is on the streets today, the purity levels are incredibly high.

In the 1970s and 1980s, there were 3 percent and 4 percent, 5 percent purity levels in the heroin that was on the streets. Today it is not uncommon to find 70 percent or 80 percent pure heroin when mixed with other drugs or alcohol is resulting in the deaths drug-induced deaths, that we have seen that again have now skyrocketed above murders in the United States. Even though the Republican-led Congress has instituted a $1 billion antidrug media campaign, we still see us losing the war on drugs in the United States for several reasons.

First of all, we have not had a war on drugs since 1993. The Clinton administration, one of its first steps was to dismantle the drug czar's office and slash the positions from some 120 down to several dozen. We have helped build that back up and with the aid of a new drug czar, Barry McCaffrey, we have made some progress in putting Humpty Dumpty back together again.

The interdiction and source country programs are both cut by some nearly 50 percent, and that was a further blow to any effective war on the drugs. And even with the institution of a $1 billion media campaign matched by a billion dollars and donated, we are still far away from winning or recreating a real war on drugs. Unfortunately, we found that in our subcommittee, the reports that we are getting even dismay us more. Heroin users, as I said, are even younger than ever.

We are finding also that emergency room reports and incidents of drug overdose in our hospitals and treatment centers are also dramatically on the increase.

Mr. Speaker, I am told by some local officials that the only reason that we do not have even higher death rates by drug-induced deaths is that, in fact, we have gotten a little bit better at the emergency treatment, but emergency room doctors reported in 1997 and 1998 that heroin is involved in four to six visits out of every 100,000 by use, 12 to 17 up from 1 in 100,000 in 1990. For young adults, from 18 to 25, 41 emergency room visits in every 100,000 involved heroin up from 19 in 1991. Among women, in general, the numbers have doubled in a decade. Again, more troubling information that comes before our subcommittee.

Mr. Speaker, we also have reports that dismay me not only about illegal narcotics but about other types of addictive habits, and we have heard some talk from this administration about cutting down tobacco use. Unfortunately, from the President, from the Executive Offices of the Presidency, we find that they may talk about tobacco, but they have their own way of sending the wrong message.

When you see the President of the United States smoking a cigar and talking about cutting down on tobacco use, it has obviously sent a dual message to our young people. Some of the reports that again my subcommittee have received that cigar smoking and the numbers of cigar smokers and the amount of cigar use is on a dramatic increase.

□ 2315

This report that our subcommittee received, and this was prepared by a number of doctors and a medical report, said the trends in cigar smoking between the years 1993 and 1997, the consumption of all types of cigars in the United States increased by 46.4 percent, reversing a steady decline of 66 percent in cigar consumption from 1964 to 1993.

Between 1993 and 1997, consumption of large cigars increased some 69.4 percent. Unfortunately, this is also affecting our college population and a survey of some 14,000 college students done in 1999, last year, found that 46 percent had either smoked cigarettes, cigars or used smokeless tobacco in the previous year.

Cigar consumption increased by 50 percent between 1993 and 1998, reversing a 30-year decline. Of course, I take the legacy of having more drug-induced deaths much more seriously than I do the cigar smoking report, but it just shows that when you set a bad example a bad example is followed by our young people, by our college students and by our general population.

One of the problems we have with this whole illegal narcotics issue is lack of national leadership on the issue. When you do not talk about it, when you destroy programs that were built up to deal with it, or you misdirect resources appropriated by the Congress to resolve the problem, we see the results, and they are not very pretty.

One of the most serious problems that we face today in the area of illegal narcotics is a new drug that is on the scene in large quantities. Some of these drugs are referred to as designer drugs or club drugs. In particular, I want to talk a few minutes about ecstacy. We have a July 2000 Joint Assessment of MDMA Trafficking Trends, that is ecstacy trafficking trends, which is produced by the National Drug Intelligence Center, in cooperation with the Department of Justice Drug Enforcement Administration and the U.S. Customs Service. This assessment talks about trends in ecstacy. Sometimes our statistic-counting does not even keep up with what is happening in the real world.

Some of that was evidenced today in the hearing that we conducted when we announced that for the first time in the history of our Nation that drug-induced deaths, drug-related deaths, exceeded homicides in our country. We talked to the statistic-gatherers and sometimes their statistics do not keep up with what is happening on the streets. That is unfortunate. But we found with this recent report, through, again DEA, Customs, Department of Justice, a trend with ecstacy that is startling. Nearly 8 million ecstacy pills have been seized by the U.S. Customs Service and the Drug Enforcement Administration from January to July 2000. That is 20 times the numbers seized in all of 1998.

An article in USA Today, just a short time ago, stated that U.S. Customs seizures of ecstacy have risen some 700 percent in the past 3 years from some 381,000 tablets in 1997 to more than 3.5 million in 1999. One of the things that we have learned about ecstacy is most of the ecstacy coming into the United States is produced at a very high profit, sometimes just a few pennies to produce this ecstacy and sometimes the ecstacy tablet sells for somewhere between $20 and $45 a tablet in the urban and rural areas of America, so there is high profit in this. It is a new drug of choice. It is a drug that young people are told is harmless, and it is a drug that is very common in some of the raves and youth dance clubs around the country. DEA intelligence reports, our drug administration intelligence reports, find that ecstacy dealers in Europe have joined with Israeli organized crime groups, have also found that more than 80 percent of the ecstacy coming into the United States is manufactured in the Netherlands. I am pleased to report that our U.S. Customs Service is going to reopen our operation in the Netherlands, and we will have agents stationed there. We will also increase our resources there to go after some of these traffickers, and I appreciate the cooperation of DEA and Customs in that effort. When we know where illegal narcotics are coming from, we can apply the resources to go after people who are delivering death and destruction to our communities.

Customs officials at Kennedy Airport in New York seized over 1 million ecstacy pills in just the first nine months of 1999. Ecstacy was first identified as a street drug in 1972, but we have never seen anything like the amount of ecstacy that has been seized. Just this year, since January 1, the U.S. Customs Service reported to our subcommittee that it seized over 219,000 ecstacy tablets just in Florida, my home State, and they had a street value of almost $7 million.

In May of 2000, U.S. Customs officials seized 490,000 ecstacy tablets, the largest single amount seized in the United States to that date, from a courier at the San Francisco Airport. Right now the Drug Enforcement Agency estimates that over 90 percent of all ecstacy smuggled into the United States is in capsule or pill form and 10 percent is in powder form.

MDMA, again ecstacy, that threat is expected to approach the methamphetamine threat that we now see in this country by the year 2002 or the year 2003. The National Household Survey on Drug Abuse shows an increase in lifetime use of ecstacy, MDMA, by almost every age group in the country, especially the 18 to 25 age group whose use increased from 3.1 percent in 1994 to 5 percent in 1998.

I would just like to say a few more things about ecstacy. We received many more reports of bad ecstacy and ecstacy mixed with other drugs that is having fatal results across the land. This is a copy of the Boston paper, the Boston Globe from last week. The headline on the local section said Ecstacy Additives Trouble Activists. It says, law enforcement authorities and antidrug activists are warning that new and dangerous additives are being mixed into one of the most popular drugs sold and used in the city's nightclubs. Law enforcement officials say many makers of ecstacy eager to cut costs and meet demand for the euphoria-inducing drug among high school and college students are lacing the pills with cheaper and more dangerous substances. Of particular concern, authorities said, is the use of PMA, a chemical recently blamed for the death of an 18-year-old woman in Illinois.

Our Subcommittee on Criminal Justice, Drug Policy and Human Resources is receiving more and more of these reports of bad drugs. They are bad in the first place but they have these deadly poison additives to them, and young people are dying from them.

We had testimony yesterday in Atlanta, in a field hearing, from the father of a young girl who had ingested one of the designer drugs, and she died a most horrible death. Some two years she was on a life support system, convulsing. Her body temperature reached 107. At several points her heart rate had fallen to 25 and up to 170, literally destroying her body until she finally died; two years of suffering through a drug that she had taken most innocently.

Today we held a hearing as we announced again the news that drug-induced deaths in 1998 exceeded homicides and murders in this country. We brought from Florida a couple whose 15-year-old son Michael had ingested designer drugs and died, one of the 16,926 who died in 1998. Unfortunately, this puts a very human face on a problem which we have outlined tonight, and which, again, only shows a part of the problem.

From time to time, I like to cite some of the happenings around the country. I just cited an article about what is happening with ecstacy in Boston and this article appeared recently on August 18 in the L.A. Times, and it says, Teen Executed Over Drugs. A 15-year-old boy allegedly kidnapped from his San Fernando Valley neighborhood was shot execution-style as he lay bound and gagged in a shallow grave because his older half brother had not paid a $36,000 marijuana debt to a drug dealer, authorities said.

Now, when we compile the year 2000 figures, this death will not appear there because it is not drug-induced and it does not meet the qualifications. It will be in the 50,000 drug-related deaths cited by our drug czar, unfortunately.

The area that I come from which is, again, a very peaceful, family-oriented part of our Nation, central Florida, continues to be racked by illegal narcotics. While I was home, I had this clipping that I saved dated, again, August 29, where a young life was lost: Drugs Take Life is the headline; friend charged. Sherry Rich, 19, died early Sunday morning of an apparent overdose of ecstacy laced with heroin in an apartment complex in my area.

This is one, September 2, a couple of days later, Apparent ODs At Club Kills Two. Two men died and another was hospitalized from apparent drug overdoses after they visited an Orange County bottle club. This report said they purchased marijuana and some sort of pills, according to the Orange County sheriff's deputy.

□ 2300

While we hear crack cocaine is now down, even my area continues to be inundated. A recent article says Central Florida's crack cocaine problem is no longer a front-burner issue; it has been replaced in importance by heroin's comeback and the surge of new designer drugs. However, this says that crack continues to be a problem along with these other drugs. That is referring to my area of representation, which is Central Florida, again plagued.

Mr. Speaker, I received a letter from Mel Martinez, the chairman of Orange County, our central legislative body in Orange County, Florida, and he writes to me just a few days ago, "Congressman MICA: Eighty heroin overdose deaths have occurred in the 7-county Central Florida high-intensity drug traffic area in 1999 alone. The Florida Department of Law Enforcement recently released a report prepared by the Medical Examiner's Office indicating 48 heroin overdose deaths occurred in Miami last year, and 42 occurred in Orlando."

Almost every State, every community, every locale, every region of this Nation is facing the same thing.

Tonight we released the statistics that again state that U.S. drug deaths from drug-induced deaths in 1998 exceeded murder for the first time. Again, if we use 1999 murder figures, we are down in the 15,000 range. These continue to drop, while drug deaths continue to rise.

The headlines spell out the story, the threat of Ecstacy reaching cocaine and heroin proportions, and tonight we have outlined some of what is going on with Ecstacy.

Mr. Speaker, I do want to take a moment for my colleagues and others who may be listening to show what Ecstacy does to the brain. Many young people think it is a harmless drug. Dr. Allen Leschner of the National Institute of Drug Abuse presented a different grasp, but this just shows what happens to the brain. This is the normal brain; this is a brain that has absorbed or been affected by the use of Ecstacy. Basically, it induces a Parkinson's-type affect on the brain, destroying the brain cells, not allowing regeneration of the brain cells.

Not only do we have that, but Ecstacy that is attractively packaged in with all kinds of designer labels, which the U.S. Customs Service provided us, even fancy symbols that are put on of various designer clothing and the cars and things to induce young people to try these drugs. But this is the fancy packaging. These are the results. If we do not think the results are bad enough, again, to destroy the brain, look at the deaths, and many of these, I just read one from my local community, they used Ecstacy and other drugs or alcohol with these drugs, and also, the drug dealers are now cutting Ecstacy across the land with all types of deadly chemicals.

So this is what we end up with, a horrible situation and the destruction of life and limb and also brain. Ecstacy again, reaching cocaine and heroin proportions, and high schoolers report more drug use from June 9, 2000.

Again, the administration would rather probably talk about prescription drugs, and I do not want to demean in any way the importance of that, particularly for our elderly or those who have problems paying for legal narcotics, and I am talking tonight about illegal narcotics. But, in fact, we have a situation that has basically spun out of control. In spite of our good efforts over the past 3 or 4 years by the new majority, we have somehow missed the mark with the administration of the resources that have been provided to this administration. It is sad, again tonight, as I conclude, to report that for the first time in the history of our country, we have deaths by drug-induced means, drug-related deaths exceeding murder across our land.

Mr. Speaker, I appreciate the patience of the staff who have remained tonight. This is an important topic and should be on the minds of Members of Congress, it should be on our agenda, and it should be important to every American that not another American is lost to illegal narcotics in this country.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of illness in the family.

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## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PASCRELL) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. CASTLE, for 5 minutes, September 20.

Mr. PITTS, for 5 minutes, September 20.

Mr. DUNCAN, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, September 20.

Mr. SCHAFFER, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

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## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2247. An act to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; to the Committee on Resources.

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## ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 20, 2000, at 10 a.m.

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## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10108. A letter from the Chief, Programs and Legislation Division Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Wright-Patterson Air Force Base (AFB) has conducted a cost comparison to reduce the cost of the Air Force Research Laboratory Support Service functions, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10109. A letter from the Secretary of Defense, transmitting the Secretary's certification that the system level Live Fire Test and Evaluation (LFT&E) of the UH-60 Modernization Program aircraft would be unreasonably expensive and impractical, pursuant to 10 U.S.C. 2366(c)(1); to the Committee on Armed Services.

10110. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressesd Natural Gas Fuel Containers [Docket No. NHTSA–98–4807] (RIN: 2127–AH72) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10111. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Arcadia, Gibsland, and Hodge, Louisiana and Wake Village, Texas) [MM Docket No. 99–144; RM–9538; RM–9747; RM–9748] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10112. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202.(b), Table of Allotments, FM Broadcast Stations. (Canton and Saranac Lake, New York) [MM Docket No. 99-293; RM-9720; RM-9721] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10113. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Kaycee and Basin, Wyoming) [MM Docket No. 98-87; RM-9278; RM-9608] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10114. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Canton and Morristown, New York) [MM Docket No. 99-362; RM-9730] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10115. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Stamps and Fouke, Arkansas) [MM Docket No. 99-241; RM-9480] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10116. A letter from the Associate Bureau Chief, Wireless Telecommunications Commission, Federal Communications Commission, transmitting the Commission's final rule—Amendment to Parts 1, 2, 87 and 101 of the Commission's Rules To License Fixed Services at 24 GHz [WT Docket No. 99-327] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10117. A letter from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Crime Control Items: Revisions to the Commerce Control List [Docket No.000822242-0242-01] (RIN: 0694-AC31) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

10118. A letter from the Executive Director, Committee For Purchase From People Who are Blind or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions—received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10119. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Releasing Information; Electronic Freedom of Information Amendment (RIN: 2550-AA09) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10120. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Activities under the Freedom of Information Act Annual Report on Religious Freedom, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

10121. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fisheries by Vessels Using Hook-and-Line Gear in the Gulf of Alaska [Docket No. 000211039-0039-01; I.D. 08300H] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10122. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka MACKerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 090100A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10123. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 000211040-0040-01; I.D. 082900D] received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10124. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure and Inseason Adjustments from Cape Falcon to Humbug Mountain, OR [Docket No. 000501119-01119-01; I.D. 080400C] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10125. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery, Implementation of Conditional Closures [Docket No. 000407096-0096-01; I.D. 082300A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10126. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—International Fisheries; Pacific Tuna Fisheries; Closure of the Purse Seine Fishery for Bigeye Tuna [Docket No. 991207319-9319-01; I.D. 072700A] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10127. A letter from the Program Analyst, FAA, Deaprtment of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2000-NM-288-AD; Amendment 39-11878; AD 2000-17-04] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10128. A letter from the Program Analyst, FAA, Deaprtment of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-20 0 and -300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental Type Certificate (STC) SA2969SO [Docket No. 2000-NM-277-AD; Amendment 39-11877;AD 2000-17-51] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10129. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directivez; Rolls-Royce plc. RB211 Trent 768-60, Trent 772-60,and Trent 772B-60 Turbofan Engines; Correction [Docket No. 2000-NE-05-AD; Amendment 39-11804; AD 2000-13-05] (RIN: 2120-AA64) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10130. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2000-NM-289-AD; Amendment 39-11879; AD 2000-17-05] (RIN 2120-AA64) received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10131. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Disaster Assistance: Cerro Grande Fire Assistance (RIN: 3067-AD12) received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10132. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Cash Values for National Service Life Insurance (NSLI) and Veterans Special Life Insurance Term-Capped Policies (RIN: 2900-AJ35) received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10133. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the FY 1999 operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 1998, through September 30, 1999, pursuant to 30 U.S.C. 936(b); jointly to the Committees on Education and the Workforce and Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3986. A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; with an amendment (Rept. 106-864). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4441. A bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes; with an amendment (Rept. 106-865). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 581. Resolution providing for consideration of the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington

(Rept. 106–866). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 582. Resolution providing for consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes (Rept. 106–867). Referred to the House Calendar.

Mr. GOODLING: Committee of Conference. Conference report on H.R. 4919. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes (Rept. 106–868). Ordered to be printed.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4519. A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration (Rept. 106–869 Pt. 1).

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Government Reform discharged. H.R. 4519 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 25, 2000.

H.R. 4519. Referral to the Committee on Government Reform extended for a period ending not later than September 19, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHAW (for himself, Mr. Portman, Mr. Cardin, Mr. Herger, Mr. Nussle, Mr. Fletcher, and Mr. Gallegly):

H.R. 5203. A bill to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. Capuano, and Mr. Sanders):

H.R. 5204. A bill to amend the Public Health Service Act to provide for the collection of data on benign brain-related tumors through the national program of cancer registries; to the Committee on Commerce.

By Mr. BEREUTER (for himself and Mr. Minge):

H.R. 5205. A bill to amend the Agricultural Market Transition Act to establish a flexible fallow program under which a producer may idle a portion of the total planted acreage of the loan commodities of the producer in exchange for higher loan rates for marketing assistance loans on the remaining acreage of the producer; to the Committee on Agriculture.

By Mrs. CAPPS (for herself, Mr. Waxman, and Ms. Eshoo):

H.R. 5206. A bill to provide funding for MTBE contamination; to the Committee on Commerce.

By Mr. COBURN:

H.R. 5207. A bill to clarify the Federal relationship to the Shawnee Tribe as a distinct Indian tribe, to clarify the status of the members of the Shawnee Tribe, and for other purposes; to the Committee on Resources.

By Ms. DeGETTE (for herself, Mrs. Morella, Mrs. Tauscher, Mr. Meehan, Mr. Waxman, Mr. Weygand, Mr. Stark, Mr. LaFalce, Mr. Sanders, Mr. Doggett, Mr. Levin, Mrs. Lowey, and Mr. Filner):

H.R. 5208. A bill to amend titles V, XVIII, and XIX of the Social Security Act to promote smoking cessation under the Medicare Program, the Medicaid Program, and the maternal and child health program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Tanner):

H.R. 5209. A bill to amend title XVIII of the Social Security Act to revise the payments for certain physician pathology services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. Greenwood, Mr. Murtha, Mr. Borski, Mr. Wolf, Mr. Martinez, Mr. Gekas, Mr. Sherwood, Mr. Frank of Massachusetts, Mr. Oxley, Mr. Shuster, Mr. Barrett of Nebraska, Mr. Brady of Pennsylvania, Mr. Toomey, Mr. McNulty, Mr. Fattah, Mr. Hoeffel, Mr. Peterson of Pennsylvania, Mr. Holden, Mr. Weldon of Pennsylvania, Mr. Kanjorski, Mr. Mascara, Mr. Doyle, Mr. Coyne, Mr. Pitts, Mr. English, and Mr. Klink):

H.R. 5210. A bill to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building"; to the Committee on Government Reform.

By Mr. GOODLING:

H.R. 5211. A bill to allow taxpayers to include compensation payments received pursuant to the Declaration on Extraordinary Emergency Because of Plum Pox Virus by the Secretary of Agriculture as income or gain over a 10-year period; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. Houghton, Mr. Abercrombie, Mr. Ackerman, Mr. Allen, Mr. Andrews, Mr. Baca, Mr. Baird, Mr. Baldacci, Ms. Baldwin, Mr. Barcia, Mr. Barrett of Wisconsin, Mr. Barrett of Nebraska, Mr. Bass, Mr. Becerra, Mr. Bentsen, Ms. Berkley, Mr. Berry, Mrs. Biggert, Mr. Bilirakis, Mr. Bishop, Mr. Blumenauer, Mr. Boehlert, Mr. Boehner, Mr. Bonior, Mrs. Bono, Mr. Borski, Mr. Boswell, Mr. Boyd, Mr. Brady of Texas, Mr. Brady of Pennsylvania, Ms. Brown of Florida, Mrs. Capps, Mr. Capuano, Mr. Cardin, Mr. Castle, Mr. Chambliss, Mr. Clement, Mr. Clyburn, Mr. Condit, Mr. Cooksey, Mr. Coyne, Mr. Cramer, Mr. Crowley, Mrs. Cubin, Ms. Danner, Mr. Davis of Illinois, Mr. Davis of Florida, Mr. DeFazio, Ms. DeLauro, Mr. DeLay, Mr. Deutsch, Mr. Dickey, Mr. Dicks, Mr. Dingell, Mr. Dixon, Mr. Dooley of California, Mr. Doyle, Mr. Dreier, Mr. Edwards, Mr. Ehlers, Mr. English, Mr. Etheridge, Mr. Evans, Mr. Ewing, Mr. Farr of California, Mr. Filner, Mr. Foley, Mr. Ford, Mr. Fossella, Mr. Frank of Massachusetts, Mr. Franks of New Jersey, Mr. Frelinghuysen, Mr. Frost, Mr. Gilchrest, Mr. Gilman, Mr. Goode, Mr. Gordon, Mr. Graham, Mr. Green of Wisconsin, Mr. Green of Texas, Mr. Greenwood, Mr. Gutknecht, Mr. Hall of Texas, Mr. Hastings of Florida, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hill of Indiana, Mr. Hill of Montana, Mr. Hinchey, Mr. Hinojosa, Mr. Hobson, Mr. Hoeffel, Mr. Hoekstra, Mr. Holden, Mr. Holt, Ms. Hooley of Oregon, Mr. Hoyer, Mr. Hulshof, Mr. Hunter, Mr. Hutchinson, Mr. Hyde, Mr. Inslee, Mr. Isakson, Ms. Jackson-Lee of Texas, Mr. Jefferson, Mr. John, Mr. Sam Johnson of Texas, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Mrs. Jones of Ohio, Mr. Kanjorski, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. King, Mr. Kingston, Mr. Kleczka, Mr. Kucinich, Mr. LaHood, Mr. Lantos, Mr. Largent, Mr. Larson, Mr. Lewis of Georgia, Ms. Lofgren, Mr. Luther, Mr. Maloney of Connecticut, Mr. Manzullo, Mr. Markey, Mr. Mascara, Mr. Matsui, Ms. McCarthy of Missouri, Mrs. McCarthy of New York, Mr. McDermott, Mr. McGovern, Mr. McIntyre, Mr. McKeon, Mr. McNulty, Mrs. Meek of Florida, Mr. Meeks of New York, Mr. Menendez, Mr. Metcalf, Mr. George Miller of California, Mr. Gary Miller of California, Mrs. Mink of Hawaii, Mr. Mollohan, Mr. Moran of Virginia, Mrs. Morella, Mr. Murtha, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Nethercutt, Mr. Nussle, Mr. Oberstar, Mr. Obey, Mr. Olver, Mr. Ortiz, Mr. Owens, Mr. Oxley, Mr. Pallone, Mr. Pascrell, Mr. Pease, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Petri, Mr. Phelps, Mr. Pomeroy, Mr. Price of North Carolina, Mr. Quinn, Mr. Rahall, Mr. Ramstad, Mr. Rangel, Mr. Reyes, Ms. Rivers, Mr. Roemer, Mr. Rohrabacher, Mr. Rothman, Ms. Roybal-Allard, Mr. Ryan of Wisconsin, Mr. Ryun of Kansas, Mr. Sabo, Mr. Salmon, Ms. Sanchez, Mr. Sanders, Mr. Sandlin, Mr. Sawyer, Ms. Schakowsky, Mr. Scott, Mr. Sensenbrenner, Mr. Shays, Mr. Sherman, Mr. Shimkus, Mr. Shows, Mr. Skelton, Ms. Slaughter, Mr. Smith of Washington, Mr. Snyder, Mr. Spratt, Ms. Stabenow, Mr. Stark, Mr. Stenholm, Mr. Strickland, Mr. Stump, Mr. Stupak, Mr.

SUNUNU, Mr. SWEENEY, Mr. TANNER, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mrs. THURMAN, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. UPTON, Mr. WALSH, Mr. WAMP, Ms. WATERS, Mr. WATKINS, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Mr. WICKER, Mrs. WILSON, Ms. WOOLSEY, Mr. WU, Mr. WYNN, and Mr. WATT of North Carolina):

H.R. 5212. A bill to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes; to the Committee on House Administration.

By Mr. MATSUI:

H.R. 5213. A bill to amend the Internal Revenue Code of 1986 to repeal the extended recovery period applicable to the depreciation of tax-exempt use property leased to foreign persons or entities; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. SAM JOHNSON of Texas, and Mr. MATSUI):

H.R. 5214. A bill to rename the National Museum of American Art; to the Committee on House Administration.

By Mr. SANDERS:

H.R. 5215. A bill to amend the Internal Revenue Code of 1986 to exclude national service educational awards from the recipient's gross income; to the Committee on Ways and Means.

By Mr. PETERSON of Pennsylvania (for himself, Mr. BILIRAKIS, Mr. BILBRAY, Mr. BLUMENAUER, Mr. CUNNINGHAM, Mr. DELAHUNT, Mr. DeMINT, Ms. DUNN, Mr. FORBES, Mr. GEKAS, Mr. GIBBONS, Mr. GREENWOOD, Mr. HERGER, Mr. HILLEARY, Mr. KLINK, Mr. McKEON, Mr. MURTHA, Mr. SCHAFFER, Mr. SHADEGG, Mr. SHERWOOD, Mr. SIMPSON, Mr. SWEENEY, Mr. TERRY, Mr. WATKINS, Mr. WELDON of Pennsylvania, Mr. WOLF, Mr. ROHRABACHER, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ROGAN, Mr. FARR of California, Mr. SMITH of New Jersey, Mr. HOEKSTRA, Mr. DIAZ-BALART, Mr. BOEHLERT, Mr. THORNBERRY, Mrs. NORTHUP, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. BLUNT, Mr. BOEHNER, Mrs. BONO, Mr. BRADY of Texas, Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. CAMP, Mr. CANNON, Mr. CHAMBLISS, Mr. COOK, Mr. COOKSEY, Mr. COX, Mrs. CUBIN, Mr. DAVIS of Virginia, Mr. DeFAZIO, Mr. DeLAY, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. DOYLE, Mr. DUNCAN, Mrs. EMERSON, Mr. ENGLISH, Mr. EWING, Mr. FATTAH, Mr. FOSSELLA, Mr. GOODE, Mr. GOODLATTE, Mr. GORDON, Mr. GRAHAM, Ms. GRANGER, Mr. GUTKNECHT, Mr. HANSEN, Mr. HAYWORTH, Mr. HOLDEN, Mr. HOSTETTLER, Mr. HOYER, Mr. HULSHOF, Mr. HUNTER, Mr. ISAKSON, Mr. JONES of North Carolina, Mr. KANJORSKI, Mr. KIND, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LAZIO, Mr. LEWIS of Kentucky, Mr. LUCAS of Oklahoma, Mr. MASCARA, Mrs. McCARTHY of New York, Mr. McINTOSH, Mr. MICA, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. MORAN of Kansas, Mr. NEY, Mr. NORWOOD, Mr. PAUL, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. REYNOLDS, Mr. RILEY, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCOTT, Mr. SESSIONS, Mr. SHUSTER, Mr. SKEEN, Mr. SMITH of Michigan, Mr. STENHOLM, Mr. SUNUNU, Mr. TAUZIN, Mr. TIAHRT, Mr. TRAFICANT, Mr. UDALL of New Mexico, Mr. WALDEN of Oregon, Mr. WELDON of Florida, Mr. WICKER, and Mrs. WILSON):

H. Con. Res. 404. Concurrent resolution calling for the immediate release of Mr. Edmond Pope from prison in the Russian Federation for Humanitarian reasons, and for other purposes; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WELLER introduced a bill (H.R. 5216) to direct the Secretary of the Army to convey easement over certain lands in La Salle County, Illinois, to the Young Men's Christian Association of Ottawa, Illinois; which was referred to the Committee on Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 148: Mrs. BONO.

H.R. 207: Mr. KOLBE.

H.R. 218: Mr. VITTER.

H.R. 284: Mr. BALDACCI, Mr. MURTHA, Mr. BURTON of Indiana, Mr. CROWLEY, Mr. NEAL of Massachusetts, Mr. FILNER, Mr. WYNN, and Mr. SESSIONS.

H.R. 303: Mr. BECERRA and Mr. PAUL.

H.R. 625: Mr. BALDACCI.

H.R. 783: Mr. SOUDER.

H.R. 842: Mr. PHELPS, Mr. KENNEDY of Rhode Island, and Mr. LEVIN.

H.R. 900: Mr. STARK.

H.R. 914: Mr. LEVIN.

H.R. 935: Mr. SCHAFFER.

H.R. 979: Mr. ROEMER.

H.R. 1178: Mr. GOODLATTE.

H.R. 1413: Mr. INSLEE.

H.R. 1505: Mr. HUNTER.

H.R. 1622: Mr. LEACH.

H.R. 1644: Ms. McCARTHY of Missouri.

H.R. 1824: Mr. MEEKS of New York.

H.R. 1926: Ms. HOOLEY of Oregon.

H.R. 2000: Mr. DAVIS of Illinois and Mr. HILLEARY.

H.R. 2351: Mr. STARK.

H.R. 2413: Mr. KUYKENDALL.

H.R. 2620: Mr. RANGEL and Mr. BALDACCI.

H.R. 2710: Mr. MEEHAN, Mr. SMITH of Texas, Mr. BARRETT of Nebraska, Mr. GILLMOR, Mr. SHERMAN, Mr. KASICH, Mr. PASCRELL, and Mr. LaHOOD.

H.R. 2790: Mr. MORAN of Virginia.

H.R. 2870: Mr. DAVIS of Illinois and Mr. SMITH of New Jersey.

H.R. 3003: Mr. BARR of Georgia, Mr. EHRLICH, and Mr. WALSH.

H.R. 3249: Ms. BERKLEY and Mr. OLVER.

H.R. 3308: Mr. HEFLEY.

H.R. 3446: Mr. ANDREWS.

H.R. 3463: Ms. JACKSON-LEE of Texas and Mr. BOEHLERT.

H.R. 3500: Mr. GONZALEZ.

H.R. 3633: Mr. PASCRELL and Mr. DEUTSCH.

H.R. 3700: Mr. SHAYS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP, and Mr. GOODLING.

H.R. 3809: Mr. BONIOR.

H.R. 3823: Mr. STARK.

H.R. 4025: Mr. WAMP, and Mr. SHIMKUS.

H.R. 4028: Mr. DAVIS of Illinois.

H.R. 4064: Mr. SANDLIN.

H.R. 4102: Mr. PAUL.

H.R. 4146: Mr. SANDERS.

H.R. 4206: Ms. McCARTHY of Missouri.

H.R. 4213: Mr. BARR of Georgia.

H.R. 4215: Mrs. EMERSON and Mr. BURR of North Carolina.

H.R. 4250: Mr. STARK.

H.R. 4259: Mr. CUNNINGHAM, Mr. SUNUNU, Mr. PICKERING, Mr. MASCARA, Mrs. NORTHUP, Mr. CUMMINGS, Mr. CASTLE, Mr. CHABOT, Mr. ACKERMAN, Ms. WATERS, Mr. GILLMOR, Mr. GOODE, Ms. GRANGER, Mr. HANSEN, Mr. HEFLEY, Mr. HILL of Indiana, Mr. HOEFFEL, Mr. HINCHEY, Mr. HOLT, Mr. HOLDEN, Mr. JACKSON of Illinois, Mr. ISAKSON, Mr. JENKINS, Mr. SAM JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. HILLIARD.

H.R. 4274: Ms. BROWN of Florida.

H.R. 4289: Mr. BERMAN, Mr. REGULA, Mr. HOEFFEL, and Mr. MEEHAN.

H.R. 4330: Mr. BALDACCI.

H.R. 4356: Mr. BRADY of Pennsylvania, Mrs. McCARTHY of New York, Mrs. THURMAN, Mr. BALDACCI, and Mr. KUCINICH.

H.R. 4357: Mr. BENTSEN.

H.R. 4431: Mr. STEARNS.

H.R. 4434: Mr. KING.

H.R. 4467: Mr. SHERWOOD and Mr. RILEY.

H.R. 4483: Mr. BENTSEN.

H.R. 4490: Mr. STARK.

H.R. 4503: Mr. CHAMBLISS, Mr. DEAL of Georgia, and Mr. THORNBERRY.

H.R. 4508: Ms. DANNER.

H.R. 4613: Mr. JONES of North Carolina.

H.R. 4645: Mr. McDERMOTT, Mr. STUPAK, and Mr. BLUMENAUER.

H.R. 4649: Mr. DELAHUNT, Mr. FALEOMAVAEGA, Mr. OBERSTAR, Mrs. NAPOLITANO, Mr. BARR of Georgia, and Mr. McDERMOTT.

H.R. 4653: Mr. GOODE.

H.R. 4664: Mrs. THURMAN and Mr. FATTAH.

H.R. 4677: Ms. BALDWIN.

H.R. 4728: Mrs. MEEK of Florida, Mr. LEWIS of Kentucky, Mr. COLLINS, Mr. KENNEDY of Rhode Island, Ms. BROWN of Florida, Mr. GIBBONS, and Mr. MORAN of Kansas.

H.R. 4745: Mr. BARTON of Texas and Mr. WEINER.

H.R. 4780: Mrs. THURMAN.

H.R. 4828: Ms. HOOLEY of Oregon.

H.R. 4894: Mr. FLETCHER, Mr. GILCHREST, Mr. KINGSTON, Mr. McHUGH, Mr. LUCAS of Kentucky, and Mrs. NORTHUP.

H.R. 4895: Mr. FLETCHER, Mr. GILCHREST, Mr. KINGSTON, Mr. McHUGH, and Mr. LUCAS of Kentucky.

H.R. 4902: Ms. DANNER.

H.R. 4904: Mr. KILDEE.

H.R. 4935: Mr. CAPUANO.

H.R. 4964: Mr. McGOVERN and Mr. McHUGH.

H.R. 5004: Mr. WOLF.

H.R. 5005: Mr. LEWIS of California and Mr. FRANKS of New Jersey.

H.R. 5026: Mr. ARMEY, Mr. HAYWORTH, Mr. SOUDER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. COBURN, Mr. COMBEST, Mr. DOOLITTLE, Mr. GRAHAM, Mr. ISTOOK, Mr. KINGSTON, Mr. LARGENT, Mrs. MYRICK, Mr. OSE, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. POMBO, Mr. ROHRABACHER, Mr. RYUN of Kansas, Mr. SPENCE, Mr. SWEENEY, Mr. TANCREDO, and Mr. TOOMEY.

H.R. 5028: Mr. ARMEY, Mr. CAMPBELL, Mr. COBURN, Mr. KOLBE, Mr. DOOLITTLE, Mr. ROGAN, Mr. CHAMBLISS, Mr. CANNON, Mr. BARTLETT of Maryland, Mr. SCHAFFER, Mr. HERGER, Mr. FOLEY, and Mr. SHADEGG.

H.R. 5052: Mr. MASCARA and Mr. McHUGH.

H.R. 5054: Mr. PALLONE.

H.R. 5055: Mr. BARTON of Texas and Mr. GORDON.

H.R. 5091: Mr. FRANK of Massachusetts.

H.R. 5128: Mrs. JOHNSON of Connecticut.

H.R. 5151: Mr. KOLBE and Mr. MCCOLLUM.

H.R. 5161: Mr. BAKER, Mr. SMITH of Texas, Mr. BURTON of Indiana, Mr. LATOURETTE, Mr. NEY, Mr. MARTINEZ, Mr. SKEEN, and Mr. BARR of Georgia.

H.R. 5164: Mrs. CUBIN, Mr. GREENWOOD, Mr. EHRLICH, Ms. SLAUGHTER, Mr. CAMP, Mr. PHELPS, and Mr. REYNOLDS.

H.R. 5178: Mr. HOEKSTRA, Mr. CLAY, Mr. LEACH, Mr. CASTLE, Mr. BILBRAY, and Mr. HILLEARY.

H.R. 5180: Ms. DANNER, Mr. BARCIA, and Mr. GEJDENSON.

H.R. 5200: Mr. STEARNS.

H.J. Res. 7: Mr. SOUDER.

H.J. Res. 48: Mr. FRANK of Massachusetts.

H. Con. Res. 58: Mr. KLECZKA, Mr. CAPUANO, and Mr. BOEHLERT.

H. Con. Res. 390: Mr. MICA, Mrs. MYRICK, Mr. RAMSTAD, and Mr. CALLAHAN.

H. Res. 163: Mr. OLVER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4213: Mr. DAVIS of Illinois.

## PETITIONS, ETC.

Under clause 3 of rule XII,

113. The SPEAKER presented a petition of American Bar Association, relative to a Resolution petitioning federal, state, and territorial governments to construe and if necessary amend laws regulating the health professions, controlled substances, insurance, and both public and private health benefit programs so that these laws do not impose barriers to quality pain and symptom management; which was referred to the Committee on Appropriations.

# EXTENSIONS OF REMARKS

## POCKET-VETO POWER

## HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. HASTERT. Mr. Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Democratic Leader, Mr. Gephardt. It is addressed to President Clinton. In it, we express our views on the limits of the "pocket-veto" power. I also submit a copy of the letter referenced therein, which was sent to President Bush on November 21, 1989, by Speaker Foley and Republican Leader Michel.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 7, 2000.*

Hon. WILLIAM J. CLINTON,
*The President, The White House, Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

> Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
*Speaker.*
RICHARD A. GEPHARDT,
*Democratic Leader.*

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CONGRESS OF THE UNITED STATES,
*Washington, DC, November 21, 1989.*

Hon. GEORGE BUSH,
*President of the United States, The White House, Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
*Speaker.*
ROBERT H. MICHEL,
*Republican Leader.*

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## BLUE RIBBON SCHOOL WINNER

## HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Bernardo Heights Middle School in Rancho Bernardo and its leaders, Principal, Maureen Newell and Superintendent, Dr. Bob Reeves. Bernardo Heights has been designated by the U.S. Department of Education as a National Blue Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation's most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous overview of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Bernardo Heights Middle Schools' superior work be included in the record:

Located in northern San Diego County, Bernardo Heights Middle School (BHMS) is one of five middle schools in the award-winning Poway Unified School District. The school has a sprawling suburban campus where students are active participants in the learning process. The dynamic teachers are committed to developing a love of learning that will last a lifetime. Bernardo Heights has set expectations and academic standards that foster well being, encourage appreciation of the arts, and at the same time embrace diversity. BHMS is continuously re-evaluating their curriculum and the needs of its students. Using parent input, needs assessments, and up-to-date teaching practices and methods, their curriculum provides a solid scope and sequence that assures students will be ready for the 21st Century.

Knowing the pressures and variables of modern society, Bernardo Heights has developed an array of assistance programs to form a safety net for students who are at-risk. From parent-teacher-student conferences to support groups, tutorials to mentoring programs, they do "whatever it takes" to provide all students every opportunity to succeed. Almost 80% of all students scored above the 50th percentile on the SAT 9 reading, writing and math tests and Average Daily Attendance (ADA) is at 96.5%. From its unique architecture to the exciting learning environment within its classrooms, Bernardo Heights Middle School is a dynamic, active educational center, filled with the promise of tomorrow.

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## TRIBUTE TO SERGEANT WILLIAM F. SNELL

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to Sergeant William F. Snell, an officer with the California Highway Patrol. Sergeant Snell is retiring from the California Highway Patrol after 32 years of service to the State of California.

Sergeant Snell began his career as an officer with the California Highway Patrol in 1968. Upon his graduation from the academy, Sergeant Snell was assigned to several offices in California, including Baldwin Park, Riverside, San Bernardino, Central Los Angeles and Santa Ana in July 1986.

In Santa Ana, Sergeant Snell held several administrative positions. He was the sergeant in charge of commercial enforcement within the Santa Ana Area. As sergeant in charge, he directed the commercial officers within the Border Division area, including San Diego and Orange County offices.

Sergeant Snell is a dedicated officer who has served the people and the State of California with highest degree of professionalism. During his career with the Highway Patrol, Sergeant Snell demonstrated his outstanding qualities of management and leadership. Sergeant Snell upheld the mission of the California Highway Patrol to manage and regulate traffic and to achieve "safe, lawful and efficient use of the highway transportation system." An officer in the California Highway Patrol must possess courage, strength, and heroism in the face of the unknown.

I commend Sergeant Snell for his dedication to the safety of California's citizens and to the high caliber of service that he gave to his profession. Colleagues, please join with me in recognizing Sergeant William F. Snell as a man of dignity, honor and purpose and in wishing him many happy years of retirement.

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## HOW DRUG PROFITS DRIVE DOCTORS TO INCREASE DRUG UTILIZATION

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. STARK. Mr. Speaker, at the Department of Justice's prodding, Medicare and Medicaid are finally going to reimburse drugs at a more accurate rate. In the past, we have paid for drugs at 95% of the Average Wholesale Price (AWP)—a wholly artificial and often grossly inflated price.

The action by HCFA should be welcome by taxpayers. But it should also be welcome by patients—and not just because patients will now face lower co-payment amounts. The worst aspect of the AWP pricing abuse has been that it distorts medical judgment, causing many—not all, but many—doctors to increase their utilization of drugs on which the doctors can make the most money on the "spread" between the listed AWP price, and what the actual cost to the provider is.

The following data shows the phenomenon: there is absolutely no reason that the nation's utilization of ipratropium bromide has soared—other than doctors can now make over a 100% profit on the product. If you need ipratropium bromide, you should get it. You should not be getting it because your doctor makes a bigger and bigger profit on it.

I think the evidence will show that there are better cancer drug fighting products available to people, which are not being used because the doctors make more profit on the poorer quality product.

Reform of the AWP will not only save dollars—it will stop an insidious form of medical malpractice.

How has Medicare Utilization for the Inhalation Drug Ipratropium Bromide (HCPCS codes K0518 and J7645) changed as the "spread" or profit that doctors can make on the use of the product has increased?

In 1995, Medicare paid $3.11 for a unit, and that's what it cost the provider. There was no spread, and Medicare spent $14,426,108 on the product.

In 1996, Medicare reimbursed $3.75 a unit, but the cost to doctors was only $3.26, giving a 49 cent profit or a 15% spread. Interest in the product picked up, with Medicare spending $47,388.622.

In 1997, Medicare's reimbursement was $3.50 a unit, but the providers's true cost was only $2.15, giving a profit spread of $1.35 or 63%. Sales of the product really starting taking off, and Medicare spent $96,204,639 on the product.

In 1998 and 1999, Medicare reimbursed $3.34 for a unit. In 1998, doctors could get it for about $1.70, giving them a profit of 96% or $1.64 per unit. Sales totaled $176,887,868! In 1999, the drug was available for $1.60, giving users a 108% profit. We don't have the data on total 1999 Medicare expenditures on this product yet, but I bet, Mr. Speaker, that it is higher than ever.

This example is exhibit #1 why we need AWP reform.

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## HONORING THE AMERICAN BUSINESS WOMEN'S ASSOCIATION FOR ITS EFFORT TO ADVANCE WOMEN IN BUSINESS

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. GOODLING. Mr. Speaker, I rise today to honor the American Business Women's Association for its dedication to promote the professional, educational, cultural, and social advancement of business women.

September 22, 2000 will mark the 51st anniversary of the founding of the American Business Women's Association. For over 50 years the members of this association have recognized that education and skilled training are crucial in today's technological society. These enterprising women hold active, responsible positions on all levels of business and will play an increasingly powerful role in the American workforce.

The local chapters of the A.B.W.A. have made scholarships available to students to further their education and have provided financial assistance to students returning to the workforce by enabling them to attend college. Through the improvement of individual skills, leadership abilities, knowledge of diversified business techniques and business relations, these diverse women continue to ensure the future advancement of the chapters of the American Business Women's Association.

I ask my colleagues to join me in recognizing the women of the American Business Women's Association for their support and contributions to the public and private sectors of our country by helping women advance through education.

## SCOUTING FOR ALL ACT

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. WALDEN of Oregon. Mr. Speaker, I rise to express my most profound opposition to H.R. 4892, the so-called Scouting for All Act, which would repeal the federal charter of the Boy Scouts of America. As an Eagle Scout, a member of the Scout Council, and a lifelong advocate of Scouting, I am both saddened and dismayed by this misguided attempt to bully one of the finest youth organizations in America. Since its inception in 1910, the Boy Scouts have instilled in tens of millions of young men the ideals of good citizenship, patriotism, and service to others. Perhaps no organization in our nation's history has done more to prepare America's youth for the challenges and responsibilities they will face as adults.

I hope the irony of this legislation is not lost on my colleagues. In the name of tolerance, the author of this bill is attempting to harness the power of the federal government to change an organization simply because it does not share her views. This bill represents an incredibly arrogant attempt to impose the beliefs of a small minority on a private institution. And it seeks to demonize one of the most fundamentally decent groups in America.

Mr. Speaker, the Scout Oath includes the pledge that a Scout will keep himself "morally straight." Whether one believes homosexuality is inconsistent with that oath or not, the Boy Scouts of America are entitled to interpret their oath, as well as set their own criteria for membership, as they see fit. I would submit to my colleagues that denying them that right would demonstrate a supreme disrespect for the right of people to associate freely, which the Constitution guarantees.

The problem with this legislation should be obvious to anyone who respects the right of Americans to organize themselves as they choose. The legislative power of this Congress should not be used as a tool to shape the policies of private organizations in ways that are pleasing to the political class.

In an age when America's young people are fed a steady diet of violence and obscenity, it is absurd that Congress is targeting an institution as wholesome as the Boy Scouts. In an age when school shootings capture headlines and we busy ourselves combating teen drug use, it is shameful that some of my colleagues would assail an organization dedicated to such principled goals as the Boy Scouts. I urge my colleagues to reject this offensive legislation and send a clear message to the nation's Scouts that they have both the support and admiration of the United States Congress.

## PERSONAL EXPLANATION

### HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. TAYLOR of North Carolina. Mr. Speaker, due to flight delays, I was unavoidably detained in North Carolina yesterday and unable to cast a vote on Roll Call Votes 477 and 478. Had I been present, I would have voted YEA on Roll Call Vote 477 and YEA on Roll Call Vote 478. I ask unanimous consent that the permanent record reflect these intended votes.

## TRIBUTE TO PERRY HALL ON ITS 225TH ANNIVERSARY

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. CARDIN. Mr. Speaker, today I pay tribute to a very special community located in Maryland's 3rd Congressional District. The Perry Hall community is celebrating its 225th anniversary this year.

Perry Hall is a thriving, suburban community of 40,000 residents located 10 miles northeast of Baltimore City. It was founded in 1775 by Harry Dorsey Gough, who purchased a 1,000-acre estate called The Adventure. He renamed it Perry Hall after his family's home near Birmingham, England. On that site he built a mansion that became known for magnificent gardens and distinctive architecture.

In the years during and after the Civil War, German and Irish families began to settle in the community surrounding the mansion. These families worked hard and developed a thriving dairy and nursery industry. In 1875, Eli Slifer and William Meredith bought the "Perry Hall" property, divided it and sold lots to immigrant families, who then began raising "stoop crops" such as celery and carrots.

Perry Hall began its transformation from rural hamlet to suburban community in the years following World War II. Brick bungalows were built for returning GI's and their brides. New schools were built to serve their growing families and the first shopping center arrived in 1961.

In 1981, the transformation was completed with construction of White Marsh Mall. While the farms and forests of Perry Hall have been replaced by housing developments, shopping centers and new businesses, the most important part of Perry Hall still remains: its friendliness and warmth.

This year, Perry Hall has celebrated it's 225th year with a series of events, picnics and concerts. The Perry Hall Improvement Association will cap off this anniversary year with the Millennium Ball on Nov. 3, 2000.

I ask my colleagues to join me in expressing congratulations to all who live in Perry Hall, Maryland, and in wishing them the best on this historic anniversary.

## IN RECOGNITION OF THE CONTRIBUTIONS OF PROFESSOR CARL SWARTZ

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. GEJDENSON. Mr. Speaker, today I congratulate Professor Carl Swartz upon receiving the Educational Excellence and Distinguished Service Award for 2000. Professor Swartz is a deserving recipient and a tremendous asset for Three Rivers Community College.

Professor Swartz is a well-respected professor of business at Three Rivers Community College in Norwich, Connecticut. He has been teaching courses at Three Rivers since 1971 and has had the distinct honor to serve as chairman for the business administration and marketing programs for 14 years. While at Three Rivers, Carl has been an advisor to the business club and developed new courses in industrial supervision, salesmanship, labor relations, human resource management and advertising. Carl has also served on many committees and was a member of the White House Small Business Advisory Committee during the Carter administration. In addition, in 1999, Carl received the Congress of Connecticut Community Colleges Recognition award for his invaluable work at Three Rivers.

Professor Swartz has gone beyond the role of professor and has been active in the community as well. He has represented Three Rivers on the TVCCA Board of Directors, served as a member of the state council on Vocational Education and written a weekly column for the Norwich Bulletin. By involving himself in the educational and social aspects of his students, he has created a solid foundation for the future of our community.

Mr. Speaker, I Join residents from Norwich in congratulating Professor Carl Swartz on receiving this prestigious award. He is a scholar, a teacher and an example for all.

## RECOGNIZING THE CITY OF SANTA CLARITA

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. McKEON. Mr. Speaker, I rise today to recognize the city of Santa Clarita, California, for its activities on behalf of preserving the Santa Clara River, located in my district, and for its activities recognizing National Pollution Prevention Week.

The City of Santa Clarita will hold its annual "River Rally" at the Santa Clara River on September 23, 2000. This event will highlight the importance of the Santa Clara River. During this annual event, citizens from throughout the city and the greater Santa Clarita Valley gather and pick up trash from the banks of the river. The River Rally raises awareness of the river and pollution prevention measures. The city and the many business and individuals who participate in the River Rally deserve our thanks.

The City is holding the River Rally during National Pollution Prevention Week, which is September 18–24. We all value a clean environment. In order to achieve that goal, the city of Santa Clarita has developed a pollution prevention program that is aimed at protecting the environment and encouraging economic competitiveness.

Santa Clarita is to be commended for taking these steps to safeguard our environment and raise awareness of the importance of pollution prevention.

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## HONORING RENEE ROSE

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. RADANOVICH. Mr. Speaker, I rise today to honor a very special person, Renee Rose of San Francisco, California, who is a dedicated wife, daughter, mother, grandmother, colleague and friend.

Renee Rose is one of those rare individuals who takes care of everyone she knows. Whether you are simply stopping by her office to drop something off, or you are a second cousin of a second cousin looking for a place to stay—Renee will take care of you. She takes care of everyone, and she is wonderful at it. In a day and age when people do not even exchange eye contact, Renee is a beautiful reminder about what people should be all about. And everyone lucky enough to fall into her care is truly blessed. If only we had more Renee's.

On behalf of the many that have benefited from your numerous kindnesses, Renee Rose, we rise to celebrate you and your 60th birthday. We wish you 60 more!

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## INTRODUCTION OF THE BENIGN BRAIN TUMOR CANCER REGISTRIES AMENDMENT ACT

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Ms. LEE. Mr. Speaker, since 1973, there has been a federal cancer data collection process in existence. Unfortunately this process failed to include "benign" brain tumors. I have introduced legislation to include benign brain tumors in the data collection of cancer registries.

This data will directly help the entire medical system including public health agencies, scientific research labs, health system public policy groups and of course the brain tumor groups. The medical system organizations use cancer data in funding decisions, investigations, research, and care facilities.

I am pleased to announce the introduction of the Benign Brain Tumor Cancer Registries Amendment Act.

Brain tumors are the second leading cause of cancer death for children and the third leading cause of cancer death in young adults ages 15–34.

The greatest increase in brain tumors has been among people 75 years of age or older.

Only 37 percent of males and 52 percent of females survive five years following the diagnosis of a primary benign or malignant brain tumor.

Each year, approximately 100,000 people in the United States are diagnosed with a primary or metastatic brain tumor. Nationwide, the incidence of brain tumors has increased by 25 percent since 1975 and the reasons for this increase are unknown.

For many types of tumors, the distinction between benign and malignant is significant. For tumors of the brain, this distinction is not as clear.

A tumor, whether malignant or benign, is a collection of cells that grow as rapidly as malignant tumors, however based on location and size, even benign brain tumors can be life threatening.

Benign brain tumors account for almost 40 percent of all brain tumors. Not including these tumors in the cancer registry, underestimates the incidence of brain tumors in the general population.

Roughly half of all brain tumors are benign. All brain tumors, both cancerous and benign, are potentially life-threatening.

I urge my colleagues to cosponsor this bill and support the thousands of Americans plagued with this disease.

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## TRIBUTE TO DR. GEORGE W. TEUSCHER

### HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. GREENWOOD. Mr. Speaker, in its annual meeting in San Antonio, on October 28, 2000, the American Society of Dentistry for Children will honor the life's work of George W. Teuscher. Born in 1908, Dr. Teuscher received his dental degree from Northwestern University in 1929. Subsequently, he received an MSD degree in pediatric dentistry, an MA in educational psychology and a PhD in education, with major areas of study in administration, and English and American Literature. Since the 1930s, Dr. Teuscher has been a dental clinician, researcher, educator, dental school dean, writer, editor, and lecturer to dentists all over the world. In 1968 he became Editor-in-Chief of the Journal of Dentistry for Children. In the thirty two years since, Dr. Teuscher's editorials regarding child advocacy have expounded on preventive dentistry and medicine, child behavior, parental concerns, the importance of education, special needs patients, ethics, social responsibility, and other topics—all relating to children and their well being. His writings in the Journal have served as a veritable archival conscience for the dentist: a thought provoking stream of awareness regarding children in modern societies. Dr. Teuscher's writings, along with articles he has selected for publication, have made the Journal of Dentistry for Children the most widely read and important international publication in the field. Likewise, his leadership in the American Society of Dentistry for Children has made it a renowned and respected child advocacy health organization. To this day, with undiminished vigor and enthusiasm, 92-year-old Dr. Teuscher reviews and edits scholarly submissions to the Journal, from dozens of countries. His skills and talent for this endeavor seem to increase with each published issue of the Journal, as the years have gone by. As one of dentistry's great leaders of the 20th century contemplates retiring from his work with the American Society of Dentistry for Children, it is with great respect, gratitude, admiration and affection that the people of the United States and members of the United States Congress pay tribute to Dr. George W. Teuscher.

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## PERSONAL EXPLANATION

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mrs. EMERSON. Mr. Speaker, on Monday September 18, 2000 I was unavoidably detained in Southeast Missouri. I was reviewing a critical flood control project with the Assistant Secretary of the Army for Civil Works, Dr. Joe Westphall. Had I been present I would have voted aye on roll call votes 477 and 478.

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## PERSONAL EXPLANATION

### HON. HELEN CHENOWETH-HAGE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mrs. CHENOWETH-HAGE. Mr. Speaker, on September 18, 2000, I missed two roll call votes because of unavoidable obligations in Idaho. Had I been present, I would have voted "yea" on roll call vote 477 (Motion to Suspend the Rules and Pass, as Amended, H.R. 5173) and "yea" on roll call vote 478 (Motion to Suspend the Rules and Pass, as Amended, H.R. 5010).

## TRIBUTE TO CHAPLIAN (COLONEL) WILLIAM C. MORRISON, JR.

### HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. WISE. Mr. Speaker, I rise today to Honor Chaplain (Colonel) William C. Morrison, Jr., who is retiring from the United States Army after 24 years of active duty and to congratulate him on being selected as the new Regional Minister of the Christian Church (Disciples of Christ) in Florida.

William C. Morrison, Jr., has served this great country with dignity, integrity and honor He is a native of Charleston, West Virginia, and an ordained minister of the Christian Church (Disciples of Christ).

He graduated from West Virginia State College with a Bachelor of Science Degree in Business Administration. He completed his theological studies at Howard University School of Divinity in Washington, D.C. where he earned the Master of Divinity Degree. He also graduated from Golden Gate University in San Francisco, California, with a Master of Business Administration Degree in Management.

Chaplain Morrison received a direct commission into the United States Army Chaplain Corps on June 15, 1976. He is a graduate of the Chaplain Officer Basic and Advanced Courses, Division Chaplain Course, Installation Chaplain Course, U.S. Army Drug and Alcohol Abuse Team Training, U.S. Army Command and General Staff College, and the U.S. Army War College. He has served as an Army Chaplain in assignments at Fort McClellan, Alabama, Republic of South Korea; Fort Knox, Kentucky; Washington, DC.; Frankfurt West Germany; and Fort Bliss, Texas. He also served as the Staff Chaplain of the Armed Forces Inaugural Committee for the 1984 Presidential Inauguration of Ronald Reagan and George Bush. During Operations Desert Shield and Desert Storm, he served as the Brigade Chaplain for the 11th Air Defense Artillery Brigade.

Before attending the U.S. Army War College, he was the Division Chaplain for the 101st Airborne Division (Air Assault), Fort Campbell, Kentucky. Upon graduation from the Army War College, he served as the Mobilization, Training, and Military operations Chaplain, U.S. Army Forces Command, Fort McPherson, Georgia. He also served as the Deputy Command Chaplain, U.S. Army Forces Command. Prior to his current assignment as Command Chaplain, U. S. Army Materiel Command, he was the Installation Staff Chaplain, Fort Stewart, Georgia, he is currently serving as Command Chaplain, U.S. Army Materiel Command. His awards and decorations include the Legion of Merit Medal, Bronze Star Medal, seven awards of the Meritorious Service Medal, the Joint Service Commendation Medal, Army Commendation Medal, Army Achievement Medal. Southwest Asia Service Medal (with three stars) , Liberation of Kuwait Medal, and the Air Assault Badge.

I am especially proud of his accomplishments as a distinguished Army Officer and Chaplain from my district in Charleston, West Virginia. His accomplishments speak to his courage, compassion, integrity, and loyalty to his country.

Mr. Speaker, I ask that this house please join me in recognizing, honoring, and congratulating this outstanding army officer, soldier and clergyman.

## CALIFORNIA'S SESQUICENTENNIAL

SPEECH OF

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 13, 2000*

Ms. SANCHEZ. Mr. Speaker, today, I join my colleagues in celebrating California's 150 year anniversary of statehood. This is a monumental time in our history not only as a people from a state but as a constantly growing and ever changing nation. I am proud and honored to be a part of such a special event.

Throughout my life, I have been lucky enough to call the 46th Congressional District in Southern California home. It's experience has been an honor to not only serve my constituents, but enjoy the many opportunities that our state has to offer.

Orange County, California is known the world over for it's performing arts, education and the Anaheim Angels major league base ball team. Anaheim, California is home to Disney Land, the "Happiest Place on Earth" which has entertained families for over fifty years.

For over a century, my state has been a leader and the very backbone for economic opportunity in almost every major field. It is this nations leader in trade and shipping as well as a model for education, environmental initiatives, and the world's largest entertainment industry.

The 46th District in California is culturally diverse and represents the best of what California has to offer. I am deeply honored to represent those from the 46th Congressional District in California, and I will continue my responsibility to all who call Orange County, California home.

## HONORING THE HEROES OF THE 44TH INFANTRY DIVISION

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the brave Americans of the 44th Infantry Division. From September 21 to September 24, 2000, the 44th Infantry Division Association will be celebrating the 55th anniversary of the end of World War II at the Midway Hotel near Chicago, Illinois. This venue is very appropriate, as the State of Illinois contributed over eleven hundred soldiers to the 44th Division. Today, it certainly gives me great honor to remind my colleagues and the American public of the sacrifice these great men gave for the freedom and prosperity that is enjoyed by so many.

Maj. General William F. Dean commanded the 44th Infantry Division of roughly fifteen thousand men, comprising about one-fifth of the 7th Army. On September 15, 1944, the 44th Infantry landed at Cherbourg, France, to relieve the 79th Division that invaded Normandy on D-Day.

Forty days later, the 44th received their first attack from axis forces east of Luneville, France. In midwinter 1944, the 44th Division fought through the Maginot line, as well as the Vosges Mountains in northern France. In fact, the first United States soldiers to reach the Rhine River between France and Germany were members of the 44th Infantry Division. Along the way, the 44th held off several savage assaults from German Panzer divisions. In addition, the 44th was called to relieve two divisions of allied forces that were to be employed in the Ardennes Forest counteroffensive.

In the beginning of 1945, the 44th Infantry Division was forced into a defensive posture, as three German divisions, including the elite 17 SS Panzer Grenadier Division, conducted an all-out attack on United States forces. Amazingly, the brave Americans held off the brutal attack that would have cut off the allied forces in Alsace, as well as the Vosges and Hardt Mountains. In mid-March 1945, the division earned a well-deserved 2-day rest after other allied divisions passed through their fortification for the final assault on Germany. I should note that the 44th had undergone 144 days of continuous commitment.

On March 27, 1945, the 44th finally crossed the Rhine and provided for the capture of Mannheim and Heidelberg. Soon later, the 44th reached the Danube River and joined with the 10th Armored Division. On April 25, 1945, these joint forces captured the ancient German city of Ulm. Finally, the 44th swept into the Austrian Alps, after which Victory in Europe was gratefully won.

Mr. Speaker, the 44th Infantry Division fought for 203 incredible days. They captured over 44,000 enemy prisoners, and destroyed thousands more. During the European campaign, the 44th lost roughly 2,000 men in combat. Since the end of World War II, another 6,000 have passed on. Today, our country is graced with over 5,000 survivors of the 44th Infantry Division. With roughly 1,000 World War II veterans leaving us each day, I am very pleased to see these veterans enjoying the years that they earned so courageously. Mr. Speaker, I hope these brave Americans will continue to relate their incredible experiences gained during the greatest, most noble war ever fought by man.

## TRIBUTE TO TROOPER ROBERT PEREZ, JR.

### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. BROWN of Ohio. Mr. Speaker, I rise today to pay tribute to Ohio State Highway Patrol Trooper Robert Perez, who dedicated his life to law enforcement and assisting people in need. At the age of 24, Trooper Perez died in the line of duty as a result of a roadside fatality.

Known and respected for his integrity, dedication and ability, Trooper Perez distinguished himself as a community leader and devoted family man. Trooper Perez began his law enforcement career as a Vermilion Ohio Police Explorer, where he had the opportunity to accompany police officers and gain first hand experience. After graduating in the 132nd Ohio State Highway Patrol Academy Class in 1999, he served at the Highway Patrol Post at Freemont and then Milan, Ohio. He was also involved in the Ohio's Trooper Coalition, the Ohio State Trooper's Association for Safer Ohio and Ohio Trooper's Caring. Trooper Perez also served as a Member of the Army National Guard and was a Lorain (Ohio) Corrections Officer.

Trooper Perez took great pride in helping his family. From an early age, he took care of his brother, sister and mother by mentoring his siblings and giving his earnings to his mother. Trooper Perez's willing and giving heart made him a son and brother his family will always be proud of.

## GENERIC DRUGS SAVE CONSUMERS BILLIONS WHILE INCREASING CHOICE AND COMPETITION

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. BERRY. Mr. Speaker, since the Drug Price Competition and Patent Restoration Act, better known as the Waxman-Hatch Act, was signed into law in 1984, generic drugs have been a major source of relief for many Americans who face extraordinarily high prescription drug prices.

The law struck a balance between the generic pharmaceutical industry and brand-name companies. It did this by speeding up the approval process for generic drugs, and also by guaranteeing brand-name companies a minimum amount of market exclusivity before generics are allowed to compete.

After the passage of Waxman-Hatch, the generic pharmaceutical industry grew from a $2 billion industry in 1984 to $8 billion in 1997. Over the same period, brand-name companies' sales grew from $17 billion to $77 billion.

According to the Congressional Budget Office, generic pharmaceuticals saved consumers $8 to $10 billion dollars in 1994 alone. As fast as drug prices have been rising in recent years, they would have increased much faster if consumers had not had access to generic alternatives.

Despite the great benefit generic alternatives have provided to many patients, I am concerned about the activities some brand-name manufacturers have engaged in to obstruct generic competition. These efforts by brand-name companies include using payments to generic competitors, which are legally entitled to a period of being the exclusive competitor for 180 days, not to bring their product to market—in effect, this is buying a perpetual monopoly. Attempts to spread false information, lobby state legislators to restrict generic competition, and circumvent the ordinary process by having Congress pass special legislation granting patent extensions are other examples of anti-competitive behavior.

I have a great appreciation for what the generic pharmaceutical industry has done to benefit American consumers, and I am hopeful that in the not-too-distant future Congress will consider additional pro-consumer legislation to ensure consumers have increased access to more affordable generic prescription drugs.

## GENERIC DRUGS AND BRAND NAME DRUGS MEET THE SAME FDA STANDARDS

### HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. ENGLISH. Mr. Speaker, expanding government prescription drug programs is one way to ensure Americans have access to the medicine they need. Another way is to educate them to make better choices among health care options so that they are able to get the best health care at a fair price. Part of the education process must include a primer on generic drugs.

Most Americans do not take advantage of generic drugs and the substantial cost savings they represent because they do not really know the truth about them. The truth is, the U.S. Food & Drug Administration holds generic drugs and brand drugs to the exact same standards. The FDA requires that generics and brands contain the same active ingredients and deliver the same health benefits. The FDA also monitors generic manufacturing facilities to ensure that their drug products maintain high quality and effectiveness.

Generics are safe, effective, and more affordable than brand name drugs. Let's do our part to make sure more Americans are aware of the tremendous health care value they can get from generic pharmaceuticals.

## IMPROVE ACCESS TO GENERIC PHARMACEUTICALS

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. DEUTSCH. Mr. Speaker, I'm here today to deliver good news for American consumers, seniors and taxpayers, all of whom are seeking more affordable medicine. That's right, good news!

Over the next decade, patents on nearly $50 billion worth of brand name drugs are scheduled to expire. If you assume that generic versions of those drugs will be introduced at a price 50 percent lower than the brand price—and that's conservative—Americans will enjoy $25 billion in savings. That figure is in addition to an estimated $10 billion Americans are already saving each year through the use of generic drugs.

With so much profit at stake, we can expect brand drug companies to do everything in their power to delay the expiration of those patents. But as representatives of the people, we must put patient health ahead of profits and vote no on these unfair and unwarranted patent extension requests.

## DELAY OF CONSIDERATION OF THE FINANCIAL CONTRACT NETTING ACT OF 2000, H.R. 1161

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. LAFALCE. Mr. Speaker, last Friday, notice of expedited floor action on H.R. 1161, legislation to insure against potentially destabilizing legal uncertainties in the financial markets, was circulated in the House. The Committee on Banking and Financial Services has reported favorably. In fact, all committees of jurisdiction on the Financial Contract Netting Act of 2000 have acted. Controversy on this bill is virtually non-existent. Broad bipartisan support for the measure is assured. Signature by the President has long been assumed should Congress complete action of the bill. Moreover, the bill, as a separate non-controversial part of the more general and contentious Bankruptcy Reform Act, has passed both the House and the Senate. The bankruptcy legislation itself has not, of course, been finally adopted due to its long-pending conference and highly contentious provisions.

Yesterday, the netting bill was pulled from consideration on the suspension calendar. The precipitous action of the Republican leadership calls into very serious question the ability of Congress, given the short time until adjournment, to enact this vital legislation under the most favorable of circumstances.

H.R. 1161, while highly technical and complex legislation, has broad support because of the critical need it fills. The legislation is a top priority of the Federal Reserve and the Treasury Department. It is essential to provide an orderly structure through which financial corporations can work out their debts in bankruptcy without destabilizing financial markets. It is consensus, must-pass legislation.

In contrast, the successful conclusion of the longstanding conference on the Bankruptcy Reform Act is increasingly in doubt, because of fundamental problems and substantial controversy surrounding that underlying legislation. Apparently, companies supporting passage of that controversial legislation have now mustered the political clout to block the non-controversial H.R. 1161. I deplore what I view as a cynical effort by some industry lobbyists to hold the vital netting legislation hostage. Doing so will not save the otherwise controversial bankruptcy bill, and such tactics are irresponsible in the extreme. Not only are they contrary to good and necessary public policy, they are also very risky for many of the affiliated banks and brokerage firms of the obstructing companies involved. These firms are also active in the very sophisticated financial markets which risk being thrown into disarray in the event of failure of a major domestic or, indeed, foreign financial institution, absent the netting legislation.

The Financial Contract Netting Act is essential to ensure that financial markets function smoothly, especially in the event of the failure of a large institution. Monetary experts have been strongly urging the approach of H.R. 1161 since the Promisel Report in 1991. From then to the present, the need for this legislation has become more acute each year, because of the increasingly outdated nature of statutes which are supposed to set the bankruptcy and receivership rules for financial firms. The rise of the $40–50 trillion swaps market is the main force which has rendered these statutes increasingly irrelevant and effectively inoperable.

Under H.R. 1161, a bankrupt financial firm's debts, that are related to financial instruments in the exposed process of transfer, can be quickly reduced to clear, single amounts owed to other healthy financial companies, according to their respective claims. Under present law, such simplification might well not be able to occur due to inconsistencies among governing statutes. Needless litigation and disavowal of debt could therefore occur. Such disruption is highly risky in an environment where clarity regarding debt obligations and payment is a must if our value and claims transfer system is to work with the flawlessness demanded by this increasingly sophisticated economy.

The public dangers here are quite real. I deplore the fact that companies pressing for bankruptcy legislation seem focused only on their narrow interests without giving due consideration to stability of the financial markets these companies heedlessly jeopardize and the broader issues confronting American finance. In particular, potential financial disruptions due to stresses on the energy supply and in the currency markets make the netting legislation imperative before Congress adjourns sine die.

I urge expeditious and independent action on the netting legislation.

## ADVO 100TH RECOVERY

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. LAMPSON. Mr. Speaker, I'd like to take a moment to congratulate ADVO, Inc., in its recovery of the 100th missing child that has been featured on its Have You Seen Me? direct mail cards.

For fifteen years, ADVO has made a strong commitment to aiding in the recovery and return of missing children. In partnership with the National Center for Missing and Exploited Children and the United States Postal Service, ADVO launched the America's Looking for Its Missing Children program in 1985. Reaching an estimated 79 million home each week with pictures of missing children, the familiar Have You Seen Me? cards are constant reminders to the public that hundreds of thousands of children are missing annually in our country. In total, more than 40 billion pictures of missing children have been distributed to date.

And Americans have responded in an unprecedented way. ADVO announced on July 31st that the recent joyous reunion of a 5-year-old Pennsylvania girl with her mother, following an 18-month abduction, is the 100th safe recovery of a missing child resulting from the familiar mail cards.

One in six children is found as a direct result of programs like ADVO's. It takes just a few seconds of your time to stop, look and think about the children that are featured on posters, on the cards, and on television. Each time you see one, you're presented with an opportunity to reunite a family with their missing child. Once again, congratulations to ADVO on its continued commitment to this very worthy cause.

## IN HONOR OF CHARLES AMPAGOOMIAN, SR.

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. MCGOVERN. Mr. Speaker, today I honor the life of a man who, throughout his life, gave unselfishly of himself to his town, his community, and his nation. The son of Armenian immigrants, Charles Ampagoomian Sr. was a life long resident of Northbridge (Whitinsville) which has honored him with the dedication of a bridge in his memory.

In 1939, at the age of 17, Mr. Ampagoomian enlisted in the Army where he served until the outbreak of World War II. Serving with the 885th Bombardment Squadron of the Fifteenth Air Force Staff Sergeant Ampagoomian served his nation with honor participating in the campaigns of North Apennines, Naples, Foggia, Southern France, Rome, Arno, Air Combat Balkans, Rhineland, Po Valley, and Northern France. During his service, Staff Sergeant Ampagoomian was recognized by the Army with numerous decorations including the American Theater Campaign Ribbon, Good Conduct Medal, Distinguished Unit Badge with I Oak Leaf Cluster, GO #3325 Hq 15th AF 44, European, African and Middle Eastern Theater Campaign Ribbon, Victory Medal, and American Defense Service Medal with Clasp.

Following the War, Mr. Ampagoomian returned to his native Northbridge (Whitinsville) working for 35 years as a truck driver and union member. He was active in his community serving as past commander of the Whitinsville Veterans of Foreign Wars, a Member of the Board of Trustees of the Armenian Apostolic Church, on the Advisory Board of St. Camilis Hospital, and on the Northbridge Democratic Town Committee.

I know that the entire town of Northbridge joins with me in honoring the memory of Charles Ampagoomian Sr. a man who was dedicated to family and community. Congratulations to his family on this honor.

## PERSONAL EXPLANATION

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. OBERSTAR. Mr. Speaker, I underwent corrective surgery on my hand yesterday, and was not present to record my vote during the consideration of legislation under Suspension of the Rules.

Had I been present, I would have voted "aye" on rollcall 477, for I supported similar Debt Lockbox legislation in July; and I would have voted "aye" on rollcall vote 478.

## UPON THE DEATH OF ROBERT P. RASCOP, FORMER MAYOR OF SHOREWOOD, MN, VISIONARY ENVIRONMENTALIST AND DEDICATED MINNESOTA PUBLIC SERVANT

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. RAMSTAD. Mr. Speaker, I rise sadly to salute a remarkable and visionary public servant from my area in Minnesota who passed away recently.

By any measure of merit, Robert P. Rascop of Shorewood, Minnesota, was one of our natioh's best and brightest—a gifted business leader and a truly remarkable local government leader.

He had very special leadership skills, indeed. Bob passed away September 12 after a tragic accident. Bob will be sorely missed by all of us who admired and respected his remarkable public stewardship.

Bob lived in Shorewood for a quarter of a century, near the shores of his beloved Lake Minnetonka Bob and his loving wife of 35 years, Carol, raised their children Mary and Larry there.

A gifted business leader with NCR for 34 years, Bob still dedicated much of his time, energy and talent to his community. He was a member of the Shorewood City Council and, from 1981 to 1988, Mayor. His leadership was critical during those years as developmental pressures required good planning by city leaders—and strong principles. Bob Rascop was a thoughtful man of the utmost integrity.

For fully two decades, Bob was very active with the Lake Minnetonka Conservation District, an organization which attempts to strike a delicate balance so that both present users and future generations will be able to enjoy Lake Minnetonka.

Bob helped the LMCD with its important work with his great intellect, impressive array of people skills and sense of humor. Deliberations were fair, everyone was heard. And, in the end, Lake Minnetonka's environment was the top priority.

All of us who love Lake Minnetonka owe Bob Rascop a deep debt of gratitude. His vigilance and environmental expertise have been instrumental in protecting Lake Minnetonka. I will always be grateful to Bob for his exceptional leadership and visionary guidance, and my thoughts and prayers are with his wonderful family.

## PERSONAL EXPLANATION

### HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. HILLEARY. Mr. Speaker, on Monday, September 18, I was unavoidably detained from the House Chamber when my flight from Tennessee to return to Washington was canceled. Had I been present I would have cast my vote as follows: rollcall 477—"yes"; rollcall 478—"yes."

## HATCH-WAXMAN ACT LOOPHOLES MUST BE CLOSED

### HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. MOLLOHAN. Mr. Speaker, the modern day pharmaceutical marketplace was established by passage of the 1984 Drug Price Competition and Patent Term Restoration Act. The act, commonly known as the Hatch/Waxman Act, gave brand companies longer patent periods to provide them with financial incentive to innovate. The act also gave generic drug companies a streamlined approval process, so they could bring less-costly versions of drugs to market quickly after patents expired.

The Hatch/Waxman Act worked well. Brand companies introduced hundreds of new drugs and grew to become the most profitable industry in the world. Meanwhile, generic companies were able to provide the public with drugs that cost significantly less.

Unfortunately, the brand drug companies were not satisfied with their astounding success. They are now using loopholes in the Hatch/Waxman Act to file frivolous administrative and legal challenges to keep generic competitors out of the marketplace. For example, brand companies are exploiting loopholes in the act to keep generic versions of drugs such as Taxol for cancer and Losec for ulcers out of the marketplace. Each day the brand companies succeed in delaying generic competition, they reap windfall profits at the expense of patients.

The Hatch/Waxman Act is a good law that will be made great when the loopholes are closed and fairness returns to the pharmaceutical marketplace.

## HATCH/WAXMAN ACT

### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. PACKARD. Mr. Speaker, in 1984, the Hatch/Waxman Act was signed into law to bring order to the pharmaceutical economy and benefit the American consumer. This Act was enacted in response to rising drug prices and assertions by drug companies that long regulatory delays increased costs for consumers. The Act served as a compromise between the competing interests of generic and brand name drug manufacturers. Under the Act, brand drug companies received extended patent periods. The patent extensions were designed to enable brand companies to make greater profits, which allow for more research. The Act also provided generic drug companies with the right to develop less-costly generic versions of brand drugs as the patents expire.

The Act has been a success for two reasons. First, it provides brand name and generic drug companies with incentives to provide better quality products for consumers; and second, it encourages the brand name industry to dedicate more of its profits to research and development of new drugs under a set patent expiration date.

The best way to ensure continued investment in new drug research is to make sure the Hatch/Waxman Act is enforced fairly and consistently. By doing this, we can give the American public greater access to innovative and affordable medicine, and drug companies will have the incentives intended by Congress to continue to provide their services.

## HISPANIC HERITAGE MONTH

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. UDALL of New Mexico. Mr. Speaker, Friday, September 15 marked the beginning of "Hispanic Heritage Month." Our country's history has been richly enhanced by the contributions Hispanic-Americans have given us. I am happy to take part in recognizing these contributions. In my home state of New Mexico we are proud of our Hispanic heritage, which reflects the influence of many cultures.

Not only has New Mexico's history been shaped in part by its Hispanic heritage, but so has the history of our entire Southwest. Indeed, the reach of that Hispanic heritage extended into our eastern manufacturing centers in the 19th Century. It is sad that this rich contribution to our national history is often overlooked. But as the Hispanic presence in our country grows, we cannot continue to ignore the part of the American heritage that played itself out predominantly in—but not only in—the huge territory comprised of what is now the states of New Mexico, Arizona, Texas, California, Colorado, Utah, Nevada and even Oklahoma, Kansas, Missouri and Louisiana. (I say "predominantly in" because the first continuing Hispanic presence in our country is generally recognized as having occurred in St. Augustine, Florida.)

To return to New Mexico and my district, New Mexico may have been traversed by Alvaro Nuñez Cabeza de Baca as early as 1536. However, New Mexico became the object of focused exploration in 1540. In that year Francisco Vasquez de Coronado led an expedition into New Mexico and then out across the Great Plains. This was the first documented encounter between New Mexico's Native American communities and Hispanic explorers—encounters that varied in the degree of conflict that occurred between the members of our indigenous cultures and those explorers, but encounters that also began a centuries-long process of cultural exchange and mutual adaptation that eventually shaped the Hispanic Southwest.

Unfortunately, the next 400 years of Hispanic history in New Mexico—and, indeed, in the Southwest—have been neglected and overlooked. And this rich history has also been inappropriately obscured under the cover of past prejudices. Even the use of the term "Spaniard" in referring to those early European explorers and settlers ignores the fact that many of those Spaniards came from other European countries—Italy, Flanders, Germany, Greece and even Ireland and England. And while some Spaniards undoubtedly visited and explored New Mexico in search of riches, and Spanish missionaries were intent on converting Native Americans to Christianity, it is clear that most of the early Spanish colonists came to find a new life for themselves in a new land. And others, it has become increasingly clear, came to escape the Inquisition and find a measure of religious freedom for themselves.

The Spanish Crown's first effort to actually settle New Mexico occurred in 1590. Gaspar Castaño de Sosa led a wagon train of Spanish and Portuguese settlers—many of them possibly Sefarad, Iberian Jews—from the area near present-day Monterrey, Mexico up the Rio Grande and then north along the Pecos River to "winter over" at Pecos Pueblo in New Mexico. The Jamestown, Virginia settlement was still seventeen years in the future. And Plymouth Rock, Massachusetts, was thirty years away. In the spring of 1591 Castaño de Sosa was arrested at Santo Domingo Pueblo, New Mexico through the machinations of a rival Spanish government official. Castaño de Sosa had moved his fledgling colony to this location by that time. Following his arrest he was marched back to Mexico City, tried, convicted of illegal settlement and then ordered to serve a sentence of hard labor on Spanish ships employed in the Oriental trade. He was killed in a shipboard uprising without ever learning that his appeal of the sentence had been successful and the Spanish Crown had ordered him back to New Mexico as its first governor.

In 1597, after it was clear that Castaño de Sosa had forfeited his life, the Spanish Crown selected Juan de Oñate y Salazar to resettle New Mexico. A number of the members of the Oñate settlement expedition had participated in the original settlement efforts led by Gaspar Castaño de Sosa. Juan de Oñate established his first capitol and settlement—named San Gabriel del Yunque-Yunque—at the Pueblo of

San Juan de los Caballeros, NM. By about 1605 the capitol had been moved to the location it has occupied continuously for almost four hundred years—Santa Fe, New Mexico. This makes Santa Fe the oldest State capital in the United States, pre-dating the landing at Plymouth Rock by more than ten years. While its founding has been attributed to Don Pedro de Peralta in 1610, more recent evidence indicates that it was actually settled at an earlier date.

Hispanic influence now permeates New Mexico. From the dawn of the 16th century, supplies and communications came into the area along the Camino Real del Tierra Adentro—the Royal Road of the Interior—that still stretches 2,000 miles from Mexico City to Santa Fe. For the next two centuries and better, caravans periodically made the six-month trek northward. They brought new crops and agricultural techniques, which were combined with those of New Mexico's pre-historic Native American Pueblo communities. They brought cattle and sheep and taught the Native Americans how to raise them. They introduced horses and the wheel, opening the door to the worlds of transportation, commerce and technology. They brought mining and metal-working techniques that were used to produce weapons, tools and jewelry. They brought their cuisine, which over the ensuing centuries has been synthesized into the unique cooking tradition that is so quintessentially New Mexican.

Over the two centuries that followed this original settlement effort, New Mexico found itself increasingly on the fringe of the portion of the Spanish empire administered from Mexico City—the portion referred to as "New Spain." New Mexico's early economic promise failed to develop. It was a frontier long before the pioneers on our Atlantic seaboard began their westward venturing, then trekking. And while that frontier was not an economic engine for New Spain, it became a marketplace for inter-cultural exchange and the formulation of the most unique blend of cultures in our country.

The descendants of those original "Spanish" settlers of multi-national origin were joined by a second wave of settlers following the Native American uprising of 1680 and the resettlement of New Mexico by the forces of the Spanish Crown led by Diego de Vargas in 1692. At annual trade fairs in Taos, Santa Fe or other locations, the Spanish settlers joined with members of the Native American Pueblos to trade with the nomadic Comanche, Navajo, Apache, Kiowa, Ute and other tribes. Members of those tribes left their tribal communities to settle among the Spanish settlers—sometimes willingly, and sometimes because they were captured and forcibly kept as servants. Spanish settlers also were forcibly patriated to nomadic tribes. And in the process, New Mexican culture gained many unique characteristics. And to the degree intermarriage occurred between the Native Americans in the Pueblo communities and the Spanish settlers there also occurred an exchange of cultures. By the middle of the 18th century a new culture was added to the general mix as French traders began to enter New Mexico and to marry into New Mexico's families.

In the 19th Century, New Mexico took, for a time, a more prominent place in the stream of our national commerce when the Santa Fe Trail opened. Hispanic New Mexicans quickly took advantage of this play of fortune, and by the time that the United States incorporated the Southwest into our national territory, Hispanics dominated trade on the Santa Fe Trail. This created the longest continuous trade route in North America, extending from East Coast factories and import houses all the way to Mexico City and beyond. However, as patterns of commerce began to shift around the time of the Civil War, Hispanic New Mexican traders found difficulty in shifting to the larger-scale operations necessary to survive in an increasingly competitive world of national commerce. The place of New Mexico as an important juncture for national and international commerce also began to lose ground as the Santa Fe Trail began to be displaced by the Oregon Trail and then the trans-national failroads. By the late 19th Century, New Mexico had, once again, been relegated to a "frontier."

Nonetheless, New Mexico has thrived in spite of its struggle to recapture its former place in our national framework. It has slowly begun to turn the tide at the same time that it has hung onto a treasured way of life steeped in cultural tradition. To this day, many—if not most—of the Hispanic communities in my district still hold their annual fiestas celebrating nearly a half-millenium of New Mexican religious traditions and beliefs. The Santa Fe Fiesta—the oldest continuing festival in our country—draws thousands of visitors every year. Family and community life and values sustain our communities. And cultural traditions and institutions are everywhere.

This blending of cultures that occurred in New Mexico has followed the general pattern of what occurred throughout New Spain—and, indeed, throughout the sphere of Spanish influence in the New World. While there were many hostile conflicts during that process, what cannot be disputed is that the accommodation of "Old World" ideas and culture to the "New World" was nowhere as complete as within the limits of the Spanish Empire. Almost nowhere else in our country did so many Native American communities manage to survive their contact with the settlers of European heritage. Throughout the Hispanic world the pervasiveness of the Spanish-flavored outlook of this new blending of cultures led to the application of the term "la Raza." While this term has often been translated as "the Race," this literalist translation misses the meaning—because the term is a predominantly cultural, not racial or ethnic reference. And it is a term—like its contemporary English twin "Hispanic"—that expresses pride in those whose cultural tradition incorporates this blending of cultures under the auspices of the world view inherited from not only the first Spanish settlers of the New World, but also of the peoples who joined them in expanding and broadening that world view.

So while New Mexico has its own unique place in the history and culture of Hispanics, it also shares so much in common with those other parts of the Western Hemisphere that evolved and developed under the same process. We celebrate that richness during Hispanic Heritage Month every year. It is only fitting. We must recognize and embrace the part of our national heritage that not only represents a coming together of so many cultures, but that continues to embrace and welcome those who want to enlarge their world. And so New Mexico, as one stirring example of the history and culture of Hispanics—a mosaic where various cultural ingredients intermingle and complement each other, while often retaining a basic identity—serves as a model for the highest ideals of our society.

Let us then look toward the future during this time of celebration and recognition of Hispanics. As opportunities begin to multiply in new and advanced fields, we must assure that Hispanics are afforded the education and training that will allow them to continue to contribute in much-need ways to our society. And in New Mexico, let us share our pride in our Hispanic heritage. We are living proof that people from different backgrounds can work together for common goals. I join all my colleagues in celebrating Hispanic Heritage Month from September 15 to October 15.

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## REACTION TO INDIAN PRIME MINISTER

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. BURTON of Indiana. Mr. Speaker, last week the Indian Prime Minister spoke in this very chamber to a joint session of Congress. In addition, he will meet with several American leaders, including President Clinton and perhaps both major-party Presidential candidates. When he meets with these leaders, they must bring up the issue of human rights and self-determination.

India claims to be a democracy, but in truth there is no democracy in India. It is a militant Hindu fundamentalist state. Christians, Sikhs, Muslims, Dalits, and other minorities suffer severe oppression and atrocities at the hands of Hindu fundamentalists.

Just last month, a priest in India was kidnapped, tortured, and paraded through town naked by militant Hindu nationalists. The Indian government has refused to register a complaint against the kidnappers. This is the latest act in a campaign of terror against Christians that has been going on since Christmas of 1998. This campaign has seen the murders of priests, 5 of which were beheaded; rape of nuns, Hindu militants burning a missionary and his two sons to death in their van, the destruction of schools and prayer halls, and other anti-Christian atrocities. Most of these activities have been carried out by allies of the government or people affiliated with organizations under the umbrella of the RSS, the parent organization of the ruling BJP, which was founded in support of Fascism.

And its not just Christians, where more than 200,000 have been murdered in Nagaland since 1947, who are in danger in India. Over 250,000 Sikhs have been murdered since 1984, and well over 70,000 Kashmiri Muslims since 1988, as well as tens of thousands of other minorities by Indian security forces. We cannot accept this kind of brutality and tyranny from a government that claims to be democratic.

Last year, India denied the U.N. Special Rapporteurs on torture and extrajudicial killings permission to visit the country. And since the 1970's, Amnesty International & other human rights groups have been barred from areas in India. Even Cuba allows Amnesty in! In 1999 Human Rights Watch issued their annual report that noted, "Despite government claims that 'normalcy' has returned to Kashmir, Indian troops in the state continue to carry out summary executions, disappearances, rape and torture". (Human Rights Watch Report; India: Human Rights Abuses Fuel Conflict, July 1, 1999.)

And, while the Prime Minister talks today about a strong relationship with the U.S., just last year his Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance. The Indian Express quoted the Defense Minister in explaining that this security alliance was intended "to stop the U.S."

India is not a country to be trusted. India introduced the nuclear arms race to South Asia, it supported the Soviet invasion of Afghanistan and it votes against us in the United Nations. Its time that India clean up its human rights violations and ends its anti-Americanism. And, let Kashmir determine its own fate as it was promised nearly 50 years ago to by offering a referendum for self-determination. If it is a democracy, it should let its own people vote on their future.

Mr. Speaker, a bipartisan group of 17 Members of Congress, including myself, have written a letter to President Clinton urging him to press the Prime Minister on issues of self-determination for Khalistan, human rights, and release of political prisoners. I'd like to submit a copy of the letter into the RECORD, as well as a press release from the Council of Khalistan that sheds more light on the issue.

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 12, 2000.*
HON. BILL CLINTON,
*President of the United States,*
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: Indian Prime Minister Atal Bihari VaJpayee will be visiting you from September 13 to September 17. It is important that you press him on the issue of the persecution of Christians, Sikhs, Muslims, and other minorities by the Indian government.

Press Trust of India reported on August 25 that a Christian priest in Gujarat was kidnapped, tortured, and paraded through town naked. This attack was not an isolated incident. Since Christmas 1998, priests have been murdered, nuns have been raped, a missionary and his two sons were burned to death in their van by members of the RSS, which is the parent organization of the ruling BJP, schools and prayer halls have been attacked and destroyed. Yet the Indian government refuses to take any action against the people who perpetrate these atrocities.

During your trip to India, 35 Sikhs were murdered in the village of Chithi Singhpora, Kashmir. The Ludhiana-based International Human Rights Organization investigated this and separately the Movement Against State Repression and the Punjab Human Rights Organization conducted an investigation. Both of these investigations have proven that the Indian government carried out this massacre. The Indian government has admitted that the five Muslims they killed on the claim that they were responsible for the massacre were innocent. Now they have arrested two more people, claiming that they were responsible for this massacre. Yet despite the fact that so-called "militant" groups almost always claim responsibility for incidents they are responsible for, nobody has emerged to claim responsibility for the killings in Chithi Singhpora.

The Politics of Genocide by Indejit Singh Jaijee reports that the Indian government has murdered more than 250,000 Sikhs since 1984. These figures were derived from figures put out by the Punjab State Magistracy. India has also killed more than 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of Dalits, Assamese, Tamils, Manipuris, and others. According to Amnesty International, there are thousands of political prisoners being held in illegal detention without charge or trial in "the world's largest democracy."

India is a hostile country. Last year the Indian Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance "to stop the U.S." India openly supported the Soviet invasion of Afghanistan. It tested five nuclear warheads, beginning the nuclear arms race to South Asia. And it refuses to allow the Sikhs, Kashmiris, Christians, and other minority nations and peoples decide their own political future in a free and fair vote, as democratic countries do. America has repeatedly granted this opportunity to Puerto Rico and Canada has permitted Quebec to do so. Why can't the "world's largest democracy" settle these issues the democratic way?

America is the bastion of freedom for the world. We cannot accept this kind of brutality and tyranny from a government that claims to be democratic. We call on you to press Prime Minister Vajpayee on the issues of human rights and self-determination for Khanistan, Christian Nagalim, Kashmir, and all the minority nations and peoples living under Indian rule.

Sincerely,

Edolphus Towns, Donald M. Payne, Wally Herger, Lincoln Diaz-Balart, Cynthia McKinney, Dan Burton, James Traficant, John T. Doolittle, James Rogan, James Oberstar, Peter King, Roscoe Bartlett, Randy "Duke" Cunningham, Eni F.H. Faleomavaega, Philip M. Crane, Ileana Ros-Lehtinen, George P. Radanovich.

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[Press Release Council of Khalistan]

U.S. CONGRESS: INDIA IS A "HOSTILE COUNTRY"

LETTER URGES PRESIDENT TO PRESS INDIAN PRIME MINISTER ON SELF-DETERMINATION FOR KHALISTAN, HUMAN RIGHTS, RELEASE OF POLITICAL PRISONERS

Washington, D.C., September 13, 2000—A bipartisan group of 17 Members of the U.S. Congress have written a letter to President Clinton urging him to press Indian Prime Minister Atal Bihari Vajpayee, who arrives for a state visit today, on issues of self-determination for Khalistan, human rights, and release of political prisoners. The letter called India "a hostile country."

"We call on you to press Prime Minister Vajpayee on the issues of human rights and self-determination for Khalistan, Christian Nagalim, Kashmir, and all the minority nations and peoples living under Indian rule," the Members of Congress wrote. The Members noted the recent incident in which a priest in Gujarat was kidnapped, tortured, and dragged naked through the streets. This incident is part of a pattern of repression against Christians that has been going on since Christmas 1998, they noted. They also took note of the massacre of 35 Sikhs in Chithi Singhpora during the President's visit to India in March, which two independent investigations have proven was carried out by the Indian government. They wrote about the murders of over 250,000 Sikhs since 1984, over 70,000 Muslims since 1988, more than 200,000 Christians in Nagaland since 1947, and tens of thousands of other minorities by the Indian government. "We cannot accept this kind of brutality and tyranny from a government that claims to be democratic," they wrote.

They also wrote, "India is a hostile country. Last year the Indian Defense Minister led a meeting with Cuba, China, Iraq, Serbia, Russia, and Libya to construct a security alliance, 'to stop the U.S.'," they noted. They also wrote that India introduced the nuclear arms race to South Asia and that it supported the Soviet invasion of Afghanistan.

The lead sponsor of the letter was Representative Edolphus Towns (D-NY). Other co-signers include Representative Wally Herger (R-Cal.); Representative Donald M. Payne (D-NJ); Representative Lincoln Diaz-Balart (R-Fla.); Representative Cynthia McKinney (D-Ga.); Representative Roscoe Bartlett (R-Md.); Representative Dan Burton (R-Ind.), chairman of the Government Reform and Oversight Committee; Representative Randy (Duke) Cunningham (R-Cal.); Representative James Traficant (D-Ohio); Representative Eni F.H. Faleomavaega (D-American Samoa); Representative John T. Doolittle (R-Cal.); Representative Philip M. Crane (R-Ill.); Representative James Rogan (R-Cal.); Representative Ileana Ros-Lehtinen (R-Fla.); Representative James Oberstar (D-Minn.); Representative George P. Radanovich (R-Cal.); and Representative Peter King (R-NY).

Indian security forces have murdered over 250,000 Sikhs since 1984, according to figures compiled by the Punjab State Magistracy and human-rights organizations. These figures were published in The Politics of Genocide by Inderjit Singh Jaijee. About 50,000 Sikh political prisoners are rotting in Indian jails without charge or trial. Many have been in illegal custody since 1984. India is in gross violation of international law. Since 1984, India has engaged in a campaign of ethnic cleansing in which about 50,000 Sikhs were murdered by the police and secretly cremated, according to Justice Ajit Singh Bains, chairman of the Punjab Human Rights Organization, in an interview broadcast on "Ankhila Punjab" radio in Toronto, Canada. The Indian Supreme Court described this campaign as "worse than a genocide."

"On behalf of half a million Sikhs in the United States, I would like to thank Congressman Towns and every Member who signed this letter," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. "We thank our friends in both parties for their support for freedom in South Asia. This letter can help focus the attention of the United States and India on the important democratic values of self-determination and human rights," he said. "The willingness of these Members of Congress to call India a hostile country also advances freedom in South Asia by helping to frustrate India's drive for hegemony in the region," he said. He predicted that "the breakup of India draws closer every day and Khalistan will be free in this decade."

## STUDENT CONGRESSIONAL TOWN MEETING

## HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements in the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF HEATHER MOYLAN, GEORGE (BUD) VANA, IV AND MATTHEW JENNESS

REGARDING GENDER REQUIREMENT IN AFFIRMATIVE ACTION—MAY 26, 2000

HEATHER MOYLAN: Today we would like to propose that new legislation be introduced regarding gender equity, legislation that would repeal any sections of affirmative action that make reference to gender in the workplace. Affirmative action is defined as actions taken to provide equal opportunities as an admission for employment for minority groups or women.

Traditionally society has dominated by the male gender. Today, however, advancements have been made for women in regards to jobs, sports and education. Affirmative action legislation and its close cousin, Title 9 have had a lot of important and beneficial progress for women in all of their endeavors. In most cases quality is already a reality. Statistics show in some cases there is a female advantage and of course there is still progress to be made. The legislation and enforcement by the government, once crucial, has run its course. The American people have become accustomed to gender equality.

States have created their own legislation. Institutions and public and private sectors have their own regulations, and in summary the law has done all that it can do. The danger now exists that the law may be abused with so-called reverse discrimination suits.

MATTHEW JENNESS: Last night I went out and I found information to back this up: with looking at the job rate between male and female and I found that the participation rate percentage was in 1948, 32 percent female and 86.9 percent male. In 1979, 50 percent female and 78 percent male, and in this year, 2000, 75 percent male and 60 percent female. So from that I figure that a 60 percent—there is a pretty good margin there, it is close, and the ten percent may be people who chose to be—females choosing to take traditional roles in the family.

GEORGE VANA, IV: I get to show you some stuff, I guess. Now this is a graph of high school attendance percentage. These are 14- and 15-year-olds. This right here is the male bar and that represents 80.2 percent attendance and this represents female attendance which is 85.6 percent, and this is I guess preliminary to what we are getting to here.

CONGRESSMAN SANDERS: So that chart shows there are more girls in high school than boys.

GEORGE VANA, IV: This is college enrollment and it is the same trend basically. 41.7 percent of 18- and 19-year-old males attend college, and I guess it is 51.3 percent of females, age 18 to 19 years old attend college. These are based on the United States Census Bureau. And then we are also going to look at male versus female education accomplishments, and you can see here that education attainment which basically signifies some degree of some sort is much, much higher nowadays within females. These are numbers in the thousands, 46,888,000 females now attain higher educational status compared to 29,343,000 males. And current college enrollment, also in the millions, is we have about 6,905,000 males in college right now as opposed to 8,641,000 females, so a gap exists now I guess and that would almost be in favor of females where affirmative action legislation many years ago served to increase these numbers.

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HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF FALINDA HOUGH, DANIELLE MORGAN AND WENDY PRATT

REGARDING HOUSING FOR TEEN MOTHERS—MAY 26, 2000

WENDY PRATT: My name is Wendy and we are teen moms, young mothers who have a lot of problems with housing, and we would like it if we had a program for us to work through to get help with getting housing for us. Our school put together a program called Independence and it is for single mothers with one child and I have a child and a child on the way, so that is not a program that I can link, go through because I am going to have two children, and it is just so hard for me to find someplace to stay.

DANIELLE MORGAN: I am 16 and I have an eleven-month-old son. I live at my mother's house which includes me and my son, my mother, my six-year-old little brother and my stepfather, and that is somewhere that I really do not want to be right now because one thing is that it is hard to parent when you are also being parented. I can not do what I want with my son because my parents are interfering with that. And I have been told that because of past college students and just younger people that rented apartments in Burlington, they wrecked the apartments, we are not allowed to do that anymore and I feel that is unfair to me and my friends and whoever else is going through the same things I am going through because I feel that I deserve my own space for me and my child.

There is the Lund Home and I have lived there, I lived there when I was pregnant, and I feel that is a very good program. But then when you leave there, there are some people that are ready for something more. And I will be 17 in August and I feel like I could have my own apartment and my own space to live in. I thank Lund is for a beginning process for people that need to learn more things, but I have already been there and now I am stuck. I have nowhere else to go.

FALINDA HOUGH: Actually I am in the same situation as Danielle. It is hard to live in your house where you are also being parented and your parents are trying to tell you how to raise your kid. And there should be other opportunities for us as far as the Lund Center, but you cannot go there if you have two children, so it is hard for other people to go there. And there should be more housing for us where we can live.

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HON. BERNARD SANDERS IN THE HOUSE OF REPRESENTATIVES

ON BEHALF OF PAULA DUFRESNE AND KATHLEEN SHEVCHIK

REGARDING DATE/ACQUAINTANCE RAPE—MAY 26, 2000

KATHLEEN SHEVCHIK: Good morning, Congressman SANDERS, fellow students and those attending this event.

Today we come before you to express our concern about a crisis: date and acquaintance rape. After researching in depth about date and acquaintance rape, we feel a definite need for change in the near future. In out society there needs to be more awareness and knowledge available for students. There are many factors leading to rape whether it is alcohol, drugs or even Rapinol slipped into a drink, this is a serious problem needing a definite solution.

Acquaintance rape is defined as any non-consensual sexual activity between two or more people who know each other. Here are some facts. 60 percent of all rape victims know their assailants, but 92 percent of adolescent rape victims know their assailants. On college campuses one in every four women is a victim of rape. 84 percent of these women knew their assailant and 57 percent of those rapes happened on a date.

Congressman SANDERS, I will enroll as a freshman next year in college, and after this research I am scared that I could be another statistic. Date rape is about power and control, not romance and passion. Many women think it could never happen to them, but they are simply not educated enough on this issue.

What we are proposing today is the need for schools to provide more education on date and acquaintance rape. Women need to become more aware of their surroundings and situations that lead to rape. Men must be portrayed as a part of the solution, not just the source of the problem.

PAULA DUFRESNE: We think there should be an educational program nationwide. This program should inform both men and women on all aspects of date rape. We feel this program should be attended twice: once entering high school and once entering college. We feel that this program should have group discussions about when sexual activity is considered rape, how to be more assertive, and to realize that no always means no. There should also be the victims of date rape and even possibly their assailants. This program would create more awareness to everyone. It would bring so much positive to schools and even to individuals. The knowledge should be given out before the students have to use it. We strongly believe that no action will only insure that an unacceptable situation remains unchanged. In conclusion, we will leave you with the words of Katie Ripley, a college student who wrote The Morning After, Sex, Fear and Feminism on Campuses. "Today's definition of rape has stretched beyond bruises to threats of death or violence to involve emotional pressure and the influence of alcohol."

## BLUE RIBBON SCHOOL WINNER

### HON. RANDY “DUKE” CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate Scripps Ranch High School in Scripps Ranch and its leaders, Principal, David LeMay and Superintendent, Alan Bersin. Scripps Ranch has been designated by the U.S. Department of Education as a National Bule Ribbon School for 2000. I am proud to inform my colleagues that my district had an amazing record of eleven schools selected for that prestigious honor this year. I would also like to note that the Academy of Our Lady of Peace right outside my district in San Diego County was also named a Blue Ribbon School. I applaud the educators, students and communities in each of the San Diego County schools who pulled together in pursuit of educational excellence.

Blue Ribbon Schools are recognized as some of the nation’s most successful institutions, and they are exemplary models for achieving educational excellence throughout the nation. Not only have they demonstrated excellence in academic leadership, teaching and teacher development, and school curriculum, but they have demonstrated exceptional levels of community and parental involvement, high student achievement levels and strong safety and discipline.

After schools are nominated by state education agencies for the Blue Ribbon award, they undergo a rigorous review of their programs, plans and activities. That is followed with visits by educational experts for evaluation. Ultimately, those schools which best demonstrate strong leadership, clear vision and mission, excellent teaching and curriculum, policies and practices that keep the schools safe for learning, family involvement and evidence of high standards are selected for this prestigious award. I am pleased that they are now receiving the national recognition they are due.

As school and community leaders head to Washington for the Department of Education awards ceremony, I want to thank them once again for a job well done. More satisfying than any award, these leaders will have the lifelong satisfaction of having provided the best education possible and a better future for thousands of children. I am proud of what they have achieved, and want to share their achievements so that more people benefit from their accomplishments. I ask that a summary of Scripps Ranch High School’s superior work be included in the record:

Scripps Ranch High School, San Diego, California, opened in 1993, modeling its curriculum on Second to None: A Vision of the New California High School, the 1992 report from the California State Department of Education Task Force. Strong academics, modern technology, a wide variety of electives, block scheduling, advisory periods, and the integration of academic and career curricula are Second to None fundamentals and the foundation of the learning environment at Scripps Ranch High School (SRHS). An innovative and quality staff presently serves an ethnically diverse 2,063 student population.

All students participate in a 23-minute CORE (Career Opportunities, Reading, and Exhibitions) advisory period that meets two days each week. The CORE period is used to mentor students, promote school-to-career activities, and to advance literacy through reading. Staff members keep the same CORE students throughout their high school years. Because of this continual mentoring in a 25 to 1 ratio, each student has a link to a staff member who knows and cares about them and can refer them for assistance when a need arises. The heart and soul of SRHS lies in its staff. Their dedication to teaching and students is obvious to anyone who visits a classroom or attends an extracurricular event. Teachers not only sponsor clubs and coach teams, they attend and support student events and activities throughout the school year. This school began with pride in its foundations, continues to build on its reputation of excellence, and is ever ready to enhance its programs to benefit the students that it serves.

## DEBT RELIEF LOCK-BOX RECONCILIATION ACT FOR FISCAL YEAR 2001

SPEECH OF

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 18, 2000*

Mr. JONES of North Carolina. Madam Speaker, I rise today to urge my colleagues to support the Debt Relief Lockbox Reconciliation Act.

According to the Department of Treasury, our national debt stands at over $5.6 trillion. Every man, woman, and child owes $21,000 for that debt. Even in these strong economic times, that debt remains an albatross over the prosperity of future generations. This legislation takes steps to correct that problem. It would ensure that the vast majority of the surplus is reserved for two important purposes: (1) to ensure that the Medicare and Social Security are preserved and (2) to reduce the public debt. We have a moral obligation to uphold these principles. Not only are they critical to Americans today, but they will greatly impact American generations of tomorrow.

The bill introduced by my friend and colleague from Kentucky would reduce the publicly held debt by an additional $240 billion in FY01 and would protect all of the Social Security and Medicare surpluses. By using 90% of the projected FY01 surplus, we are making a good-faith, common-sense effort to put an end to all publicly held debt by 2012, keeping with the promises made when I was first elected in 1994. Instead of spending this money on more unnecessary federal programs in Washington, we are putting a real downpayment on a better future for America. I urge my colleagues to join me this week in voting that future.

## PERSONAL EXPLANATION

### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. JONES of North Carolina. Mr. Speaker, last night I was meeting with constituents in North Carolina and unavoidably missed rollcall votes 477 and 478.

Had I been present, I would have voted “yes” on rollcall vote No. 477 and “yes” on rollcall vote No. 478.

# HOUSE OF REPRESENTATIVES—*Wednesday, September 20, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 20, 2000.*

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as Americans, young and old, we love life and desire to see good times. Yet You have told us: "Whoever would love life and see good days must keep the tongue from evil and lips from speaking deceit; must turn from evil and do good; seek peace and pursue it. For the eyes of the Lord are on the righteous and His ears turned to their prayer, but the face of the Lord is against evildoers."

Lord God, deepen our desires for what is good and free of deceit. Perhaps the simple discipline of containing our speech today will calm the atmosphere around us, create solid ground for true dialogue, and bring peace to our corner of the world, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. WELLER) come forward and lead the House in the Pledge of Allegiance.

Mr. WELLER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## TRIBUTE TO EMERGENCY RESPONSE PERSONNEL IN NEVADA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today to recognize and commend the emergency medical personnel that responded with skill and excellence to a tour bus crash which occurred on September 7 in a remote area, 20 miles north of Tonopah, Nevada.

The accident scene was every EMT's worst nightmare; 41 passengers trapped inside a bus which had turned over on its side and skidded for over 300 feet. Yet in a record 69 minutes, emergency crews from three counties treated, stabilized, and transported all of the patients, many of them critically injured, to three area medical facilities.

Mr. Speaker, although it is difficult to put into words the magnitude of this grave disaster, it is easy to express the respect and praise that I and my fellow Nevadans have for these emergency response personnel. Their commitment, courage, and dedication is an inspiration to every American. Forty-one people are living testimony today because of their heroism.

So today, Mr. Speaker, to all of the men and women who responded to the September 7 crash, and to all emergency response personnel in America, we thank you for a job well done, and God bless.

## RUSSIAN PRESIDENT PUTIN DETERMINED TO DESTROY INDEPENDENT MEDIA IN RUSSIA

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, having just returned from Russia, I can testify that the Mafia permeates all aspects of Russian society, but when Mafia tactics are used by the government, we are dealing with a new threat.

I call my colleagues' attention to a lead editorial in today's Washington Post. "Russian President Vladimir Putin, who proclaimed his devotion to a free press during a recent visit to the United States, in fact seems determined to destroy Russia's independent media, the growth of which constituted one of the important successes of the post-Soviet era. His latest target is NTV, Russia's only independent television network. He is attacking it with a veneer of legality, but the underlying tactics of threats, imprisonments and political prosecution are not subtle."

Mr. Putin better change his course. He cannot be accepted by the civilized world if he destroys one of the important achievements of the Yeltsin era—a free press. A free press is our last guarantee that Russia will develop in a democratic direction.

## JUSTICE DEPARTMENT AND H.R. 4105

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress fights over small pay raises, the Justice Department gave $180 million worth of bonuses. If that is not enough to promote the Peter Principle, Robert Bratt and Joe Lake got big bucks for illegal contracts, illegal hiring of cronies, and illegal visas for two lovers they called field operatives, and neither was even charged.

Let us check further. Colgate got $110,000, Sposato got $85,000, Vail got $75,000. Meanwhile, my $1 minimum wage bill is still being blocked in the Senate, and this group of cronies at the Justice Department maintains dossiers on myself and all my colleagues, making sure we do not destroy their gravy train.

Beam me up here. It is time to pass H.R. 4105 and put a bulldog right on their buns, big time.

## TV AD SHOULD BE PULLED

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, an independent political group is running a television ad in Kansas City, Missouri, that is causing controversy that I want to comment on for my 1-minute.

According to the Washington Post, an actress in the ad portrays a mother who removed her child from the public school because "we didn't want him in a place where drugs and violence was fashionable. That was a bit more diversity than he could handle."

Mr. Speaker, I have not seen the ad. I am not familiar with the group that sponsored it. But the statement I read, if it is in the advertisement, comes perilously close to bigotry, which is a sentiment that has no place in American politics. Since the ad goes on to urge people to vote Republican, I think Republicans have a special responsibility to denounce it.

Mr. Speaker, one of my favorite passages from the Bible is from First Samuel. It says, "God does not see the same way people see. People look at the outside of a person, but the Lord looks at the heart." In that spirit, I urge the group responsible for this commercial to withdraw it.

I hope our State and country can go the rest of this election campaign with no further appeals to racial fear or prejudice.

## CONGRATULATIONS TO ADVO

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I want to congratulate ADVO, Inc. in its recovery of its 100th missing child that has been featured on the "Have You Seen Me" direct mail cards.

For 15 years, ADVO has been a strong commitment to aiding in the recovery and return of missing children. In partnership with the National Center for Missing and Exploitative Children and the United States Postal Service, ADVO launched its America's Looking for Its Missing Children program in 1985. Reaching an estimated 79 million homes each week with pictures of missing children, the familiar "Have You Seen Me" cards are constant reminders to the public that hundreds of thousands of children are missing annually in our country.

In total, more than 40 billion pictures of missing children have been distributed to date, and Americans have responded in an unprecedented way. We announced on July 31 the joyous reunion of a 5-year-old Pennsylvania girl with her mother, following an 18-month abduction, its 100th recovery of a safe child resulting from the familiar mail cards.

One in six children is found as a direct result of programs like ADVO. It takes a few seconds of our time to stop, look, and think about the children that are featured on posters, on the cards, and on television. Each time we see one, we are presented with an opportunity to reunite a family with their missing child.

Once again, congratulations to ADVO on its continued commitment to a very worthy cause.

## EDUCATION IS NUMBER ONE PRIORITY OF AMERICAN PEOPLE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the American people have made it clear that education is their number one priority this election season.

Too many of our children are stuck in schools that do not prepare them to compete in the world, and I am sorry to say that the Clinton-Gore administration simply has not measured up in this area. Their rhetoric is great, it is even flowery; but they have not even met the goals they set for themselves.

In 1994, Clinton and Gore announced with great fanfare their goals for the year 2000, but they have fallen far short of the mark. They said the U.S. would be first in math and science by the year 2000. Instead, we have fallen to 17th in math and 21st in science. They said all our schools would be safe and drug free by the year 2000. Instead, school violence is worse than it has ever been. Drug use is still common. Their goal for 2000 was that all adults would be literate by now. Instead, 44 million adults still do not have basic reading skills.

Promises versus results. People care a lot more about results than promises.

## A REPUBLIC CANNOT EXIST WITHOUT MORALS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, yesterday was a very special day for the district I have the honor of representing. On that day, 263 years ago, in 1737, Charles Carroll of Carrollton was born. Carroll County and Carroll Creek in my district was named for him.

Charles Carroll has received special honor here at the Capitol. His portrait hangs on the third floor, and a statute of him stands near the memorial entrance to the Capitol. Charles Carroll was a member of the first Congress and a framer of the Bill of Rights. He was the only Catholic to sign the Declaration of Independence and he was the final surviving signer of the Declaration of Independence, dying in 1832 at the age of 95.

Charles Carroll was outspoken about his faith and declared that his religious convictions had caused him to enter the American Revolution. In fact, his faith was so important in his life that he built and personally funded a house of worship.

Charles Carroll, one of the very first Members of this body, reminded us, and I quote, "Without morals a Republic cannot subsist for any length of time; they therefore who are decrying the Christian religion are undermining the solid foundation of morals, the best security for the duration of free governments."

That is just as true today as it was then.

□ 1015

## ADDRESSING REAL AMERICAN PRIORITIES

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, this summer we stood on this floor and pleaded with our Republican leaders not to enact reckless tax bills without securing the future of Medicare, Social Security, education, and to focus on paying down our debt.

During the recess I am sure that they, like I, talked to lots of people in our own districts who said that, yes, we would all like to have a tax cut, but we want to make sure we take care of business first.

Last week the leadership changed their stand and joined the Democratic concern to pay down the debt.

But time is running out.

Now we need to look at other Democratic priorities like affordable prescription drug benefits for our seniors who cannot buy the medication they need to maintain their health, investing in education to fix our crumbling schools and overcrowded schools so our children have a healthy environment to learn in, building our national defense, and taking care of our veterans who risked their lives to protect our country, and real managed care reform like we passed on this House floor, and most importantly, making sure Social Security is there not just for my dad's generation and my generation but our children's generation.

I have been listening to my constituents, and these are issues they want us to address, and I hope we will these last few weeks in session.

## DATA ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the Internet and the new economy offers great opportunity. We have over 100 million Americans that are online. Every second, seven more Americans go online. There are now 4.8 million Americans employed in the technology sector. That is more than auto and steel and oil combined. So there is a tremendous amount of opportunity.

Unfortunately, when I talk with my educators, teachers, school administrators, and school board members back home, they tell me they notice a difference in the classroom when children have a computer and Internet access at home and those who do not. Many call that the digital divide.

I am pleased to say that the private sector has been stepping forward. Ford, Intel, Delta, American Airlines have stepped forward and are now offering to their employees, as an employee benefit, a computer and Internet access for use at home, benefitting 600,000 families. That is going to help.

Think about it. The laborer, the assembly line worker, the baggage handler, the flight attendant, their children having a computer and Internet access at home to do their schoolwork just like the CEO and the manager's child.

Here is the catch, though. The IRS wants to tax that computer provided to that employee. And, of course, we need to stop that. Let us pass the data act. I ask for cosponsorship and bipartisan support.

### AMERICANS WANT REAL QUALITY HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the one thing that Americans are now crying out for is real quality health care, restore the relationship between patient and physician, and have this Congress pass a real Patient's Bill of Rights.

And then if we listen to their cry for the seniors, we have one needy senior, one needed prescription drug, and a cost of $400 for one dose.

It is absolutely imperative when we begin to multiply the cost of $400 times thousands and thousands of seniors that we provide the opportunity for equal assess to lower price prescription drugs for our seniors, get a real importation bill to allow prescription drugs to come in so that seniors can be taken care of and, yes, have a real prescription drug benefit, a guaranteed Medicare benefit.

This is what the Democrats have been advocating. Why can our colleagues on the other side of the aisle not join us to support our seniors to ensure, one, a real Patient's Bill of Rights and, two, real importation as it is in the agriculture conference on the Senate side to provide for lower-cost access to prescription drugs?

### MEDIA DISPLAYS DOUBLE-STANDARD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Texas. Mr. Speaker, the double-standard that often exists in today's media coverage is obvious. For example, the major networks all provide the Democrats with more convention coverage than the Republicans. More coverage is also given to liberal positions.

Take the issue of gun control. Guns are consistently portrayed as the weapons of criminals. We never hear about a tragedy being averted or a life being saved because a law-abiding citizen was armed with a gun.

Media bias also censors ads. Both the New York Times and USA Today refused to run ads against partial-birth abortions.

This week AL GORE made up a story about what prescription drugs cost his mother-in-law, and the media all but ignored it.

Why does the media display such a liberal bias? Simply because journalists are more liberal than the rest of us.

A 1996 Roper Center survey found that 89 percent of Washington political writers voted for the Clinton/Gore ticket in 1992, only 9 percent supported George Bush.

### PHARMACEUTICAL COMPANIES ARE AGAINST REIMPORTATION OF PRESCRIPTION DRUGS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, seniors face skyrocketing prices for their prescription drugs. Many choose between purchasing their medications and buying groceries. We need a prescription drug benefit through Medicare. It is a necessity that would bring dignity to our seniors' lives and we need to do this.

In addition, the House needs to fight for lower prices. In July we passed an amendment to allow U.S. pharmacists to be able to purchase prescription drugs at the same low prices paid for in other countries, 20, 30, sometimes 50 percent less for the same drug, and then pass the savings along to seniors.

It is common sense. It will bring seniors relief from the crushing costs of prescription drugs. The pharmaceutical companies are waging an all-out campaign against reimportation. It is time we stood up for our seniors. It is time that the Republican leadership stop using empty rhetoric and protect our seniors' right to affordable prescription drugs. We should allow reimportation of prescription drugs, and we should do it now.

### TIME FOR CONGRESS TO ADMINISTER FIRST AID TO HOSPITALS

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, I stood behind the Balanced Budget Act when it was passed in 1997. We all believed it was a good bill that addressed fraud and abuse in Medicare billing. But now, 3 years down the road, we are seeing unintended consequences of this bill.

In 1997, Congress estimated the Balanced Budget Act would cut $116 billion in fraudulent Medicare payments. Current projection, however, estimate $227 billion in cuts. These cuts, almost double the original projection, go well beyond fraud and abuse. These cuts threaten vital hospital services.

Walls Regional Hospital in my district serves a growing but primarily rural area, Cleburne, Texas. The hospital recently expanded its Skilled Nursing section from 12 to 25 beds. Just as Walls finished their expansion, the Balanced Budget Act reduced the reimbursement rate for skilled nursing by 70 percent, a loss of a million dollars a year for Walls. Today, despite community needs, the Skilled Nursing facility is down to 11 beds.

It is stories like this that remind us to prioritize our Nation's health services. Mr. Speaker, it is time for Congress to administer first aid to our hospitals.

### REIMPORTATION OF PRESCRIPTION DRUGS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I have a constituent in Queens, New York, who pays $409 for a 3-month supply of Prilosec for his wife. The same drug, the same dosage, same everything, would cost him $184 in Canada. But it is illegal for him to purchase this medication in Canada and reimport it back into the U.S.

The only crime I see here is the high prices being charged by drug companies. They are truly gouging Americans.

Therefore, I am working with a number of my colleagues to allow individuals, pharmacists, and wholesalers to reimport prescription drugs back into the U.S. and pass the tremendous savings on to all Americans.

The GOP Congress will not pass a Prescription Drug Fairness for Seniors Act.

The GOP Congress will not pass a prescription drug benefit under Medicare.

Well, now I challenge this Congress to allow for the safe reimportation of FDA-approved drugs for Americans. It would lower drug costs by 50 percent overnight without costing the Government of this country one single dime.

Let me say this to America: The drug companies oppose this plan, this bill. Therefore, we all know it must be good for America.

### WHY THIS LARGE CIGARETTE TAX?

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, let me pose a mathematical problem. When the President finally finishes his budget negotiations with the Congress, he will have spent the projected budget surplus and more.

Where will he go to find the money to finance his liberal spending programs? How about a big cigarette tax? That ought to make everyone happy.

In the North Carolina Senate, when we raised the tax, guess what happened. Tax incomes shrank, as it did in other States that raised the cigarette tax.

So I ask the President, why this large cigarette tax. It will not produce more income for anybody except the Feds because it will be a new item to them. The States will lose income; and the President's friends, the trial lawyers, probably could not collect their billion-dollar settlements.

So what is up, Mr. President? Mr. President, either you find extra money elsewhere or you really risk losing your best friends, the trial lawyers.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). Members are requested to address their remarks to the Chair.

## SMALL BUSINESS COMPETITION PRESERVATION ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 582 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), my colleague and my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the legislation before us today is an open rule providing for consideration of H.R. 4945, the Small Business Competition Preservation Act of 2000.

This open rule waives clause 4(a) of rule XIII against the consideration of the bill, which requires a 3-day availability of the committee report. The rule provides one hour of general debate to be equally divided among the chairman and the ranking minority member of the Committee on Small Business. The rule provides that the bill shall be open to amendment at any point.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, it is often said that small business is the engine that drives the American economy. Statistics confirm this. Small businesses employ 53 percent of the private workforce and are responsible for 50 percent of the private gross domestic product.

I am proud of these facts. I am proud of small businesses and what their employees produce for America to keep us strong.

Small business is a literal powerhouse of job creation. They represent 99 percent of all employers and create 80 percent of the new jobs in America.

Small businesses are also more innovative than larger businesses. The airplane, audio tape recorder, heart valve, pacemaker, and the personal computer are among the important innovations by small firms in the 20th century.

□ 1030

Looking ahead, we have got to make sure that small businesses have the needed resources and capital to move forward so that America and Americans have the best of what small businesses produce. Looking out for the family farm, ranch or store on Main Street is something this Congress strongly supports.

With this in mind, Republicans in Congress have focused on scheduling and passing legislation to further help and aid small businesses. For example, Congress passed legislation that would help small businesses better prepare for the millennium computer bug. We remember that as the Y2K bug. Congress also passed the Paperwork Elimination Act of 1999 to minimize burdens of Federal paperwork on small businesses by employing new technology such as digital signatures. Because small businesses are in dire need for more affordable health insurance, Congress passed legislation to allow small firms to band together to purchase insurance which lowers the cost. Small businesses also stood to benefit a great deal from legislation to repeal the death tax, legislation that was passed by Congress but vetoed by President Clinton. Had this legislation been signed into law, many small businesses would be able to stay in the family when the owner dies rather than being sold to pay a debt to the IRS.

Mr. Speaker, with passage of this rule, Congress will once again consider important legislation to help small business. The underlying legislation, the Small Business Competition Preservation Act of 2000, is important to strengthen existing protections for small business participating in the Federal procurement contracting process. The Federal Government has failed in its goal to spend at least 20 percent of their procurement dollars with small businesses, in part because of the Federal agencies' practice of bundling individual contracts into packages that are too large for small businesses to handle. Federal agencies contend that contract bundling saves taxpayers money while improving the quality of products and the services provided by the government. However, none of this has been substantiated.

The database, analyses, and reporting requirements in H.R. 4945 will ensure that adequate data exists concerning the benefits of contract bundling, thus allowing Congress to make better decisions and to better assess the small business and the needs that they have. Bundling is one of the most important issues facing small businesses today. The ultimate cost of bundling is passed on to the taxpayers in the form of lower quality goods and services and higher taxes.

Mr. Speaker, the rule before us is a fair and open rule. It allows any Member to offer an amendment at any time. This rule, which was reported out of the Committee on Rules last night by a voice vote, will enable the House to consider this fair and bipartisan legislation.

I urge my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time and his work on this bill and certainly on the rule. It is an open rule. It is the kind of rule that the minority likes. It will allow consideration of the Small Business Competition Preservation Act of 2000.

As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business. The rule permits amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

In recent years, the Federal Government often bundles together separate small contracts into one larger contract. This is because in some cases it might be cheaper and more efficient to let one larger contract instead of several smaller ones. However, there is some evidence that bundling is not always the best deal for taxpayers. There is also some concern that small businesses are shut out of the process when contracts are bundled.

The bill requires the Small Business Administration to collect, analyze and report information about bundling so that the administration and Congress can better evaluate this practice. Wright Patterson Air Force Base, which is located partially in my district, handles more contracts than any other Federal agency in the State of Ohio. Therefore, I am particularly concerned about the efficiency of the process and the fairness to small businesses. The Dayton Area Chamber of Commerce, which has set up an innovative electronic program that notifies small businesses which contracts are available, is also monitoring the effects of bundling contracts.

Mr. Speaker, it has long been the policy of the Federal Government to encourage small businesses because of their enormous potential to increase economic growth. This bill takes an important step towards protecting small businesses and improving government contracting operations. This is an open rule. I urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I would like to echo the words of the gentleman from Ohio (Mr. HALL). His State not unlike my State of Texas and not unlike many States around this country depend upon small businesses who depend upon employees, good, hardworking employees to show up for work every day and produce a product that makes America stronger and better. We concur. This is bipartisan. It is an opportunity to begin the process so that we can know the facts and figures in an orderly process. We believe it is the right thing to do. I applaud my colleague for his opportunity to once again work together.

Mr. Speaker, we believe this is a fair and open rule and would ask that our colleagues support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 582 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4945.

□ 1038

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes, with Mr. COOKSEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri (Mr. TALENT).

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume. I want to thank the Committee on Rules for giving us an hour on a bipartisan basis under an open rule to discuss a very important subject, H.R. 4945.

The purpose of the bill, Mr. Chairman, is very simple. It is to ensure that the Small Business Administration has sufficient information concerning the impact of contract consolidation, or bundling, on small businesses. H.R. 4945 mandates that the administrator of the Small Business Administration develop a database of these consolidated, or bundled, contracts.

Mr. Chairman, contract bundling is one of the most important issues facing small business today. The Federal Government spends almost $200 billion a year procuring goods and services. Congress has mandated a goal for Federal agencies to spend at least 20 percent of those dollars with small businesses. We do that, both because we believe in small business as an avenue for opportunity and economic growth for our citizens and because we believe that competition among small businesses is presumptively to the benefit of the taxpayer both in terms of cost and quality. Yet the Federal Government fails routinely to meet that goal of 20 percent.

At present, Federal procurement policies evidently place a greater premium on presumed efficiencies and easing the workload of contracting officials than on the goals of including small business and ensuring a diverse and competitive industrial base. In this scenario, the ultimate loser is the taxpayer who faces the long-term prospect of their government buying lower-quality goods and services at higher prices. Other losers are the small business community and particularly minority small businesspeople who are always disproportionately affected when the government withdraws business from small businesses.

How does a contract bundle work, Mr. Chairman? Here is how it works. The government takes contracts which have typically in the past been bid out on a smaller basis. So, for example, a base, a military base may need food services for its mess hall so it bids those out routinely and typically to local food service providers which are typically small businesses and they win the contract and then go in and provide the food service. A bundled contract is a contract that puts a bunch of those bids together, if you will, in a bundle; and it could do it on a geographic basis so it may require that you be able to provide the service to a whole region of the United States, or it may do it on a functional basis, so that, for example, for a construction contract that bids out not only electrical services but it bids out electrical and carpentry services and plumbing services, and in either case, Mr. Chairman, the colleagues can see how this would eliminate radically small businesses from participating, because they cannot deliver the services on a regional basis and they are often organized along specialized lines, so they cannot deliver all the different construction trade requirements. And so only big businesses can bid.

Typically the government will say, this will lower cost, it will improve quality. We have found in our hearings over and over again that quality suffers as one would expect when you eliminate competition from small businesses. Even costs are not saved because when you force out small businesses from a market and then you have to rebid these bundled contracts after a year or two, there is much less competition and the costs go way up.

Here is what we want to do. We want to at least get a handle on how big the problem is. Under this bill the SBA will be required to assess whether these contracts have achieved the savings or improvements in quality that the procuring agency anticipated when it initially consolidated the contract. We want to know whether these bundled contracts have the savings that the agencies always claim for them, because they say they get great savings and improved quality. Then when we go back and try to investigate it, they cannot provide the information. H.R. 4945 will also provide information so the SBA can effectively negotiate with Federal agencies and determine whether they should adjust their procurement strategies in order to meet the small business participation goals established in the Small Business Act, and then all this information will be reported to the House and Senate small business committees so we can do our job effectively of overseeing these requirements that we have placed into the law.

Mr. Chairman, I do not want to take time away from other Members. Let me just give a couple of examples so Members can understand what I am talking about. These are real-life bundles. I expect that Members have been approached by small business constituents back home over the last several years complaining about this. Let me give Members an example. Right now military bases when they bid out their travel agency services typically bid out the business end of the travel services, so somebody traveling on business, that is bid out and bid on by particular travel agencies and then they separately bid out the holiday or the leisure travel, the holiday or the leisure business, and those two things are bid separately. The proposal is now to bundle those, so they will bundle together holiday business and business travel. Typically small businesses, therefore, will not be able to bid on the contract because they are usually organized either to handle holiday, personal, leisure travel or business travel, and the two ends of the business are very different. So the department is proposing to bundle all these contracts together.

One excuse they often give for bundling is that that way they will ape the market, they will do what private companies do. Mr. Chairman, private companies do not bundle together business travel and holiday travel. They do it separately. That is why travel agencies are typically organized along those lines because the two lines of business are very different. The effect of it would be to withdraw the $20 to $25 billion worth of government travel business from competition from small business, which would increase the costs and decrease the quality available to our servicemen and women.

One other example I will give. Right now in the Marine Corps when they have a need for food service on a base or in a commissary, they bid it out to local food service businesses. The proposal is to regionalize that so that you have to be able to bid on all the business in a region which will mean only the big businesses will be able to bid. Here is how the food will then be provided in the future. They will cook it up in central kitchens, they will chill it, and then they will bring it on base and heat it up. So now in the name of efficiency, and we have no idea whether it will actually save any money in the long run, we are going to be serving our servicemen and women, in effect, airline food rather than bidding this thing out the way it has traditionally been done so that small food service preparation businesses can bid on it.

I could go on and on. I mean that, Mr. Chairman. As the chairman of the Committee on Small Business, I have encountered this over and over and over again. We have worked with the agencies to try and do something about it. The ranking member and I have worked together on this. We are united as a committee on this. Members will see this today in the debate. We are absolutely committed to stopping this practice or at least requiring that it be justified. That is the purpose for this bill.

Let me just say the bill is supported by all the small business groups, NFIB, the Chamber, and it is supported by minority small business groups like the Black Chamber and the National Small and Disadvantaged Business Association. Right now we have no certain definition of what bundling is, we have no information about the number of bundles, we have no information about whether they are a success even on their own terms within the agencies.

□ 1045

Mr. Chairman, that needs to stop for the sake of small business opportunity, for the sake of our entrepreneurs for the sake of advancing participation by minorities and the economy and for the sake of the taxpayers, and that is why this bill is offered. That is why I have unburdened myself so much on the subject of it.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4945, the Small Business Competition Preservation Act of 2000. Mr. Chairman, we continue to talk about what a strong economy we have and how our Nation's small businesses are largely responsible for this. In fact, it has become almost cliche to say that small businesses are the backbone of our Nation's economy. Everywhere we turn we see them as the innovators and cutting edge leaders of every industry from construction to technology, everywhere except the Federal Government.

Indeed, we are seeing an alarming downward trend in the number of Federal prime contracts awarded to small businesses. For example, from 1997 to 1999, the number of contracts offered to small business by the Department of Defense dropped by over 34 percent. In response to concerns from small business, the Democrats commissioned a study on the poor state of contracting for small businesses.

The result was even worse than we feared. Our results showed the Federal Government failing small businesses in every conceivable way, with the worst offender being the Department of Defense. The number of contracts awarded to minority-owned firms has decreased by over 25 percent, and most dramatically the number of contracts awarded to women-owned businesses has decreased by over 38 percent.

The reality is, that the Federal Government thinks it can put these big contracts together to reduce costs and increase quality. Well, Mr. Chairman, the committee has had a number of hearings on this issue. There is not one documented case in which a contract bundle has actually saved money and increased quality, not one.

This legislation begins the process of making common sense changes to the caring of contract bundling statute while requiring the SBA to file a report with Congress which will provide much more information on the scope of the bundling issue.

In addition to requiring further information on contract bundling, this bill requires the Small Business Administration to develop a database. This database will provide us the missing link of information to assist us in tracking critical information on bundled contracts. We will now be able to learn what happens to firms who are displaced by bundling, do these firms become subcontractors? Do they go out of business?

One of the most egregious examples of contract bundling is the Air Force FAST contract. This bill will help to provide reliable data on contracts such as this. In a hearing before the Committee on Small Business in November of last year, the Department of Defense agreed to commission a study of contract bundling. Within 3 months, it became evident that the Department has no data to conduct an accurate and comprehensive bundling study. With the passage of this bill today, agencies can no longer plead ignorance on the issue of contract bundling.

We are all aware that Federal agencies are operating in a do-more-with less environment, and operating an efficient Federal system. However, we must also ensure that the Federal marketplace is inclusive of our country's small businesses. We must take steps right here and right now to ensure that our small businesses are not streamlined out of the process.

I am not opposed to the Federal Government streamlining its processes as long as small businesses are not left behind in the wake, and as long as the quality of services remains at least equal to what was provided prior to the bundle. And make no mistake, because I want this to be clearly understood, the passage of this bill serves as both a message and a warning to those who believe contract bundling is a good idea.

We are watching you closely.

Let me conclude by commending the gentleman from Missouri (Chairman TALENT) for introducing this bill and providing further protection for our Nation's small businesses.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, first of all, I want to thank the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for this very important legislation, as well as for their overall effectiveness and the bipartisan manner in which this committee has operated during the last session.

Mr. Chairman, last year the Small Business Committee conducted hearings on Federal Government procurement policies. In that hearing we found what many of us already knew, that small and minority-owned businesses have serious difficulty contracting with the Federal Government. As a result, the Small Business Committee with the leadership of the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking member, and the gentleman from Missouri (Chairman TALENT) conducted a study to reveal which agencies were implementing and reaching their federally mandated goals.

This study known as the scorecard revealed that because of contract bundling, many agencies conducted little, if any, business with small and minority-owned businesses. Mr. Chairman, contract bundling is disheartening and devastating to small businesses while and at the same time showing no measurable savings to the American taxpayer.

These are now exciting times for small businesses. On the private side of business, we are witnessing a revolution, a complete transformation of how businesses operate. Today our Nation's 22 million businesses are using innovative ways to hire, train and create better products and make extraordinary profits.

The easy good ole boy network of doing business is becoming outdated, outmoded, and obsolete in the private sector; therefore, it should be obsolete in our government. Therefore, for us to see Departments like Energy, Education and Labor to be named the worst Federal agencies in small business procurement, and our Nation's Department of Defense to have virtually no 8A goal for minority and small businesses is an embarrassment.

It is time to change. It is time to innovate. No longer should these Departments be allowed to posture and pose as friends of small businesses when their actions show something totally different. It is time for us to work together to preserve and expand our small businesses.

H.R. 4945 takes the first step, and I urge my colleagues to join with me in passing this greatly needed legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for yielding me the time.

Mr. Chairman, I am pleased to rise today in support of the passage of H.R. 4945. This important bipartisan legislation introduced by the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), our ranking members, seeks to correct the way many Federal agencies set their contracting criteria that excludes small businesses.

If I may, Mr. Chairman, I want to commend both the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for making bipartisanship a reality not just empty words. That is important in this House.

The Small Business Committee has conducted several hearings on the issue of contract bundling. Bundling is defined simply as the combining of several smaller contracts into one large contract, which is awarded to and performed by a large government contractor.

In recent years, Federal Government contracting with small businesses has been falling far short of expectations. Most Federal agencies have not been held accountable for contract bundling. They are just doing whatever they please. This report, which the gentleman from Illinois (Mr. DAVIS) just referred to, speaks for itself. It grades every agency in the Federal Government as to whether it is responsive to small businesses or not. Most are not. The best we could come up with is a C minus report card. That is not acceptable to any of us.

In July of last year, this report card was very clearly presented. Agencies are giving multiple contracts to one large contractor at the expense of millions of small businesses. This report also showed that the number of contracts being awarded to small businesses has decreased over the last 3 years by 23 percent.

Minority- and women-owned businesses have suffered greatly, with nearly every Federal agency failing to meet the negotiated small business goals. We all know and recognize that small businesses are the backbone of the Nation. Every speaker refers to it today.

H.R. 4945 responds to the lack of empirical data available on the impact of contract bundling we heard the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, talk about. We cannot even get statistics because data is not held by each of these agencies, and obviously for the very specific reason, they do not want us to know. Those of us who have been elected, those of us who are really on the front lines, they do not want us to know how they let those contracts out there.

But now this legislation will call them up. It puts everything on top of the table where it should be. This is taxpayers' dollars that are being spent here. We are trying to protect those dollars, and we are trying to also preserve the bulk of business in this country which is small business.

While this bill helps to correct the problems associated with contract bundling, there is more that must be done to help these firms succeed in the Federal procurement arena. It is appropriate, Mr. Chairman, for Congress to require better accountability from Federal agencies on procurement goals, that is why I support H.R. 4945 as a member of the committee, but also as a good American and a good congressman, I hope.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. TALENT. Mr. Chairman, I yield myself 30 seconds to say that I appreciate the words of the gentleman from New Jersey (Mr. PASCRELL). The gentleman is a good American and a good congressman. He is not overstating the case. We want Members of Congress to know what the trends that are going on here. This is as much a question of whether the will of this body is to prevail in light of the mandates we have put in the statutes or whether these agencies are going to continue going to do what they want to do regardless of the will of Congress.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), my friend, to speak on this subject.

Mr. ENGLISH. Mr. Chairman, I would also like to salute the gentleman from Missouri (Chairman TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, of the Small Business Committee for bringing forward this legislation now and on a bipartisan basis.

Mr. Chairman, America's 23 million small businesses employ more than 50 percent of the private workforce and they generate more than half of the Nation's gross domestic product. They are the principal source of new jobs in the U.S. economy and the primary source of dynamism in the U.S. economy. But no matter how they shape our economy, small businesses in general, and notably women-owned businesses, still face an uphill battle when it comes to obtaining Federal contracts, that is why I rise in strong support of this legislation, the Small Business Competition Preservation Act of 2000.

Mr. Chairman, small businesses have an inherent disadvantage of scale because of their size and resources.

□ 1100

It is difficult for them to compete in a procurement landscape dominated by big business. Congress has, as the gentleman noted, enacted goals for Federal agencies that give small businesses a fighting chance in a playing field slanted toward the big boys. One goal calls for small business to be awarded just 20 percent of Federal contracts; but, Mr. Chairman, not a single Federal agency, not one, has met that goal.

Federal agencies, and particularly the Department of Defense, have ignored these goals and instead instituted procurement policies more focused on alleged efficiencies in the procurement system. By consolidating numerous jobs into one contract, Federal agencies erect a barrier to participation by small business. Small businesses have limited resources to draw on and work at a disadvantage when it comes to bidding on a bundled Federal contract.

I have heard from many small business and women-owned business owners who have expressed their concerns and shared their stories of the quality services that they could offer the Federal Government but are unable to do so because a Federal agency chooses a bundling process with contracts instead of a series of small contracts. After all, how can a small business grow and expand if the Federal Government consistently penalizes them for their size by only offering bundled contracts, which are often too large for a single small business to handle?

That slants the playing field toward big business, making it impossible for smaller players to compete.

I hope my colleagues will join me in support of H.R. 4945. After all, the Federal Government should be fostering the dreams that this Nation was built on, which is what this legislation is intended to do.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I rise today to join my colleagues on both sides of the aisle in support of H.R. 4945, the Small Business Competitive Preservation Act. During the past two congressional terms, my colleagues and I from the Committee on Small Business, under the distinguished and very effective leadership of the gentleman from Missouri (Mr. TALENT) and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, have devoted many hours to conducting hearings on contract bundling and the negative impact that this practice has had on small business.

From these hearings, we have clearly seen that there is no direct evidence which shows that bundling has saved the government money or that a higher quality of product was delivered by larger companies.

Just before our summer recess, our ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), and the Democratic members of the Committee on Small Business released a contracting study, which we have heard about, known as a "score card," which showed that a number of Federal agencies, in particular the Department of Defense, rely on contract bundling. This study further showed that minority- and women-owned businesses have felt the hardest impact from contract bundling and that nearly every Federal agency failed to meet the negotiated small business goals for fiscal year 1999.

Perhaps the most revealing evidence that has been produced from the hearings on contract bundling is that there is no hard data on the impact of this practice. There is no way to track exactly what is happening or to hold anyone accountable; most importantly, no way to develop a remedy.

Mr. Chairman, we have had enough hearings. Now it is time to act, and we are doing so in H.R. 4945. H.R. 4945 imposes the establishment of a recordkeeping mechanism that would allow the Small Business Administration to keep track, among other things, of whether the measurably substantial benefits alleged by the Federal agencies in support of contract bundling are actually achieved. It requires specific reporting to Congress and it further closes loopholes which have allowed this procedure to continue to grow and to bypass mandates of law.

Mr. Chairman, small businesses and minority-owned businesses have suffered tremendously under bundling. I urge my colleagues to preserve the integrity of the Federal Government and the survival of small businesses by voting in support of H.R. 4945.

Mr. TALENT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of H.R. 4945, the Small Business Competition Preservation Act of 2000. Small businesses are a key factor in the growth of the American economy, and women-owned businesses are a vital element. Nevertheless, there remains one sector of the American economy in which small businesses in general and women-owned businesses face difficulty entering: the provision of goods and services to the Federal Government. Congress has enacted goals for small business participation of 20 percent and for women-owned businesses 5 percent. Not one Federal agency has met either of these goals.

Despite the goals, Federal agencies and, in particular the Department of Defense, have instituted procurement policies that are more focused on alleged efficiencies in the procurement system than in meeting the statutory goals. By putting together and bundling a number of requirements into one contract, the Federal agencies erect a barrier to participation by small businesses.

I have cosponsored H.R. 4945 because I believe it is a necessary step in eliminating unnecessary contract bundling. I sat in committee hearings listening to both Federal bureaucrats and small businesses disagree over the impact of the same contract. Obviously, each side has their own slant on whether the contract will benefit or detract from small businesses; but, of course, intuitively it makes sense that the larger the requirements for a contract the less likely that a small business will have the resources to win that contract.

H.R. 4945 provides Congress and the Federal Government with the necessary data to properly assess contract bundling. H.R. 4945 requires the SBA to maintain a database of bundled contracts, determine how many small businesses are displaced as prime contractors and analyze bundled contracts to determine whether real savings or other benefits have accrued to the Federal Government.

It seems very sensible to me. Even though the Small Business Reauthorization Act of 1997 requires procuring agencies to perform such studies, we all know that the agencies can clearly bias their analytical information to support the result they wish it to be, in a regulation or specific contracting action.

In the same way that the Truth in Regulating Act gives the Government Accounting Office the authority to provide Congress with information about regulations, H.R. 4945 authorizes the Small Business Administration to provide unbiased information to Congress on the effects of contract bundling on small businesses.

Once we have this data, Congress will then be able to sensibly consider what changes are needed to Federal Government procurement statutes to ensure that small businesses, especially women-owned businesses, are not excluded from providing goods and services to the Federal Government. I urge the Members to support H.R. 4945 and bring to light the Federal Government's procurement practices that hinder small business participation, reduce competition and ultimately cost the American taxpayer.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the chairman and the ranking member for their leadership and for bringing this much-needed legislation to this body.

Mr. Chairman, as the ranking member of the Subcommittee on Empowerment of the Committee on Small Business, I rise in strong support of the Small Business Competition Preservation Act. America's hard-working small business owners, entrepreneurs and employees are the bedrock of our Nation's unprecedented economic growth. Small businesses represent over 99 percent of all employers and employ 52 percent of the private workers; 61 percent of the private workers on public assistance; and employ 38 percent of the private workers in high-tech companies. They provide 51 percent of the private sector output and represent 96 percent of all exporters of goods. These hard-working businessmen and women need us to pass the Small Business Competition Preservation Act to assess the effectiveness of contract bundling, which has dominated the Federal procurement market for years.

This legislation would require the administrator of the SBA to determine whether bundling contracts actually achieves the savings that Federal agencies assume. The bill will also require the administrator to maintain a database that would track the number of small businesses who are displaced as prime contractors as a result of contract bundling.

Currently, there is no data available which shows contract bundling is effectively cutting costs. However, our Federal agencies have insisted on bundling most of its procurement contracts. This has shut out too many qualified small businesses, especially women- and minority-owned businesses, which are growing at the fastest rates. The number of African American-owned businesses soared by 46 percent from 1987 to 1992. Hispanic-owned businesses are among the fastest growing segments of the U.S. business population, with 82.9 percent rate of growth during the same period. Businesses owned by Asian Americans, American Indians and other minorities increased by 87.2 percent during this same period.

This same success has been achieved by women-owned businesses. In 1992, there were just over 400,000 women-owned businesses. Today, they total 8.5 million and represent one-third of all U.S. companies. Women-owned businesses generate $3.1 trillion in revenue, an increase of 209 percent between 1987 and 1997 after adjusting for inflation. This resounding rate of growth has outpaced all other business growth in each of the 50 States.

I urge my colleagues, Mr. Chairman, to join the gentleman from Missouri (Mr. TALENT), the gentlewoman from New York (Ms. VELÁZQUEZ), and me in voting for America's small businesses by voting for the Small Business Competition Preservation Act. We cannot give them anything less.

Ms. VELAZQUEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I would like to thank the chairman of the Committee on Small Business, the gentleman from Missouri (Mr. TALENT), and my ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for their hard work on the Committee on Small Business.

During my first term in Congress, I have had an opportunity to work very hard with each of them in trying to preserve the small businesses in our country. I also succeeded my good colleague, the gentleman from Maryland (Mr. WYNN), who has been working very hard on behalf of the Congressional Black Caucus on this issue of bundling.

I will not be repetitive, Mr. Chairman, in my remarks. My colleagues have put on the record very important information about the impact that bundling has had on small business. The businesses from the 11th Congressional District of Ohio, which I represent, which is Cleveland and the surrounding suburbs, have come to me on more than one occasion saying, this bundling is keeping us from having an opportunity to do business with the United States Government. What can you do about it? What can you do about it?

I am pleased to be supportive of my colleagues on this issue. I kind of think of it sometimes as an impact of a business in my own community, where they say I have been making this ice cream for 100 years in my community but the larger companies keep making ice cream. My ice cream is as good. It tastes as good, but I cannot competitively offer the same price. Give me a chance to get to the table. Give me a smaller contract where I can do business with my people, so the people in my community can eat, send their kids to school, live in a nice house. So what we are just saying is we need the opportunity.

What this bill will do will prove what we are saying. It will show that small businesses in our country have been displaced and basically put out of business as a result of not having access to government contracts. The bundling has killed their opportunity to be competitive, and we want them to be competitive once again.

So I am going to stop at this point and just say that I am glad to be a part of a committee, the Committee on Small Business, that gets to issues, passes partisanship, and gets to issues that are important to the small businesses of our community.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we do not have any more speakers over here. I notice the gentlewoman has some; and if she needs some extra time, I am more than happy to yield. I appreciated very much the comments of the last two speakers, the gentlewoman from Ohio (Mrs. JONES), and the gentlewoman from California (Ms. MILLENDER-McDONALD). I appreciate their contribution to the committee on this and other issues.

The gentlewoman from California (Ms. MILLENDER-McDONALD) made the point very strongly about the impact of this bundling on minority participation in particular, and she is absolutely correct. The small business growth in the minority community and among women is tremendous and we have not seen that reflected among the agencies, and bundling is one of the reasons. It has a disproportionate impact on these kinds of entrepreneurs; and this is ironic, given the fact that periodically we see somebody in one of the agencies with some huge photo op about how they are trying to help minority small businesspeople and then they will bundle contracts which automatically yanks away a lot of business from them.

One of the ways they do this, Mr. Chairman, is through something they called IDIQ contracts, which is indefinite delivery, indefinite quantity contracts. So they will take a particular line of business which they have been contracting out, maybe ordering paper for the copier, and they have been contracting that out as just straight contracts. Small businesses have been participating in bidding; and usually when they bid, they win because they are more efficient and they provide better quality. So then what they will do is they will say, oh, no, what we need is you have to be able to provide as much paper as we want on a moment's notice. It is an indefinite delivery and indefinite quantity.

□ 1115

Well, this, of course, makes it more difficult for small business people. They do not maintain the kinds of staff and the kind of reserves that bigger businesses do, and then they will expand that and they will say, now it has to be all office supplies you have to be able to provide.

Then, when the small businesses complain and they come to us, as they came to the gentlewoman from Ohio and she complains, and the committee complains, the Committee on Small Business complains and the Small Business Administration complains, if we do it long enough and strong enough, eventually they will say okay, well, here, we will set aside a contract, an IDIQ contract for a minority businessperson, so yes, we have them on the schedule now and then they never order anything from them, or they do not get any business that way, either.

As we can see, Mr. Chairman, and as the House can see, we are tired of it. We have been living with this on the committee for several years and it is time for the agencies and the government to pay attention to it.

I will give another example, Mr. Chairman. The GSA, for years, contracted out elevator repair in Federal buildings on a building-by-building basis and then they bundled it into eight regional contracts. So while before it used to be on a building basis or a city-wide basis so that small elevator repair firms could do it and now they cannot, and it makes it virtually impossible for small businesses to compete logistically or financially. And then, again and again, the justification is it helps the taxpayer or we get better quality, and then when we investigate to try and find out how it helps the taxpayer or to get better quality, they cannot even justify it on their own terms. This bill is designed to make sure that they do at least that.

So I want to thank the gentlewoman from New York for her leadership on this issue, as well as her assistance on this bill.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, let me begin by thanking first the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business for his keen insight, hard work and dedication on this issue. He has worked very hard and I am most impressed, and I thank him for his leadership. I also thank the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for her tenacity and determination for bringing this bill to the floor, the result of which is a bipartisan piece of legislation that will help the small business community in America.

Mr. Chairman, I rise in strong support of this legislation. As we have heard, small businesses are the engine of growth in America. Small businesses are a source of important competition in America, and small businesses are a source of diversity in America, as women-owned businesses, African American-owned businesses, Hispanic-owned businesses and Asian-owned businesses and others are coming to the American workplace offering their goods and services to the United States Government. The sad fact, however, is that bundling has begun to displace these businesses, has squeezed many of these businesses out, and I believe that is wrong, unfair, and not good for this country.

In 1995, the White House held a conference on small business and one of the major recommendations from that conference was that we limit and restrict bundling because it was displacing small business.

Now, the response from the other side is that we need this bundling because it is more efficient. The problem is, they have never been able to prove that. What has happened, however, is that big companies have gotten these contracts to the disadvantage of small businesses.

Let me tell my colleagues what happens, and it is really an unfortunate situation. A contract where we may have had 10 or 12 competitors competing to offer the government the best price are now squeezed out because that contract is now consolidated into one huge contract. So the big company with very little or no competition gets this huge regional contract and then, with no competition from the little guys, does not necessarily give the Government the best price. What they do, however, is skim off the profit margin from that contract and then subcontract back out the contract to small businesses, leaving them with no profitability. That is one of the perhaps lesser known problems with the contract bundling.

Unfortunately, bundling is proliferating. There are currently four major contracts within DOD alone projected to surpass $25 billion. The Navy Internet contract, the Air Force FAST contract, the Marine food service contract, and the Navy janitorial contract in San Diego. In each instance, analysis shows these contracts can be performed by small businesses, and that there is no national security threat that would justify bidding these contracts on a bundled basis.

What has been the result of this pattern? Well, although DOD procurement has increased from $109 billion to $116 billion from 1998 to 1999, we have had a decrease of 34 percent in the number of small business prime contractors, a decrease of 25 percent in the number of minority-owned firms, and a decrease of 38 percent in the number of women-owned businesses.

To be brief, we are losing our small businesses, they are being squeezed out, displaced, or they are having their profitability denied because of the practice of contract bundling, and we need to stop it. We need to demand that if the taxpayers are going to be served by bundling, that the people doing the bundling document and prove it. That is what this bill requires, and that is why I think it is so important.

One final note. It is important that small businesses not be just subcontractors, that they be prime contractors, because one of the requirements of bids is that one has experience as a prime contract, so not only does bundling deny small businesses, it precludes their growing into larger, more profitable companies. We have an excellent bill here, it is a bipartisan bill, it will enable us to find out whether bundling is good for America or bad for America, and it will give, ultimately, small businesses a fair chance.

Mr. Chairman, I urge passage of the bill, and I thank both the chairman and the ranking member for their leadership.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Before the gentleman from Maryland leaves, if he would just engage in a little colloquy with me on my time, because he raised a point in closing, and I know he did not have enough time to elaborate, but it is an excellent point, so on my time if the gentleman would elaborate with me a little bit.

He made the point about how important it is that small business people be prime contractors as well as subcontractors, and the gentleman is right. I wonder if he has had this experience that I have had.

Small businesses come to me and say, well, okay, they will say, it is okay because you are a subcontractor, and I have had a lot of minority small businesses in particular tell me this, so that we get listed as a subcontractor by the prime contractor, and then when it comes time for the prime contractor to do the contract, they never give us any business, so they are not a prime contractor or a subcontractor.

Mr. Chairman, I would ask the gentleman if he has had that experience.

Mr. WYNN. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, I absolutely have had that experience, and I thank the chairman for raising that point. As a matter of fact, I introduced legislation, I do not think it is going anywhere this session, which would say that if an agency lists a subcontractor, they have to use that subcontractor or justify in some legitimate way, for some legitimate reason, not using that contractor; otherwise, it is essentially fraud, it is a fraud on the public, it is a disservice to the contractor. So I think the chairman's point is certainly very well taken.

Mr. TALENT. Mr. Chairman, I thank the gentleman, and I will reclaim my time and just say, if that bill gets assigned to my committee, it is going to go some place, I will tell my colleague that.

The problem here, and the House needs to know this, is that these bills sometimes get sequential referrals and get caught up in the process. In this case we have jurisdiction, so we were able to get this one out.

I really want to thank the gentleman for his work and efforts in this area, and his expertise as well.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise in support of the Small Business Preservation Competition Act, and thank the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership on this issue that affects so many businesses across the country, particularly in rural areas such as the one I represent in south Texas.

Every time I go home, I see a small businessman or businesswoman in my travels around town. They tell me about how the contracts that were once part of the healthy competition in the area are finding more and more that they are edged out of business by the mega corporations that can afford to combine a function and underbid for a multitude of services.

Many times, to compete for contracts that are over hundreds of millions of dollars, small businesses just do not have the financial resources. Now, they have the experience, they have the skills, but it is the financing resources or bonding capacity to compete for these contracts. We have to realize, Mr. Chairman, that the small business community happens to be the backbone of our economy. It is small businesses that are bigger than General Motors, but slowly and surely, we are leaving them out of the process.

As a member of the Committee on Armed Services and the ranking member on the Subcommittee on Military Readiness, I have seen this happen all the time. I am concerned about one of the issues that is happening in my district about trying to regionalize and getting several bases together. Sometimes we are wondering whether they are doing this because if a small businessperson comes with a contract of $700,000 and then there is another contract more or less similar at the other base, they combine them, and the small businessperson cannot compete for that project.

This is why this is so, so important.

Mr. Chairman, I appreciate the fact that many of my colleagues are convinced that contracting out services of the Federal Government would save money. As a member of the Committee on Armed Services, in many instances, I have seen that this is just the opposite. We need to be able to give the small business people the opportunity for them to compete, and I favor this piece of legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

I would like to close by again encouraging full support for this very important piece of legislation, H.R. 4945.

Mr. Chairman, this legislation, the Small Business Competition Preservation Act of 2000, is an excellent starting point for making common sense changes to the contract bundling statute. During this Congress and the last, we have heard a lot of talk about accountability. We have asked accountability for everyone from welfare recipients to teachers. It is time also for Federal agencies to be accountable for their actions, and that is what this bill is really about.

As the Committee on Small Business has so often heard, data is just not currently being collected on these mega contracts barring from gauging the true impact bundling is having on small businesses who want to do business with our government.

Mr. Chairman, H.R. 4945 will set up a database to track not only all bundled contracts, but also the small businesses displaced by consolidations. It also requires analysis and directs the SBA to file a report with Congress aimed at providing greater information about the scope of contract consolidations within the Federal marketplace.

Mr. Chairman, this legislation focuses on the need for greater equity in Federal procurement for our Nation's small businesses and the adverse effect of increased contract size. Federal agencies are relying on combining contracts in an effort to streamline government and increase its efficiency.

While these are laudable goals, in not one instance has a Federal agency come before the committee and pointed to an instance where taxpayer dollars were saved and the government received better quality from a large business. They are not proving cost savings and small businesses are being shut out of the Federal marketplace. This bill gives us the ability to collect the one commodity that will help us make real changes. That commodity is information. That information can then be turned into common sense solutions to solve the problem of bundling.

Mr. Chairman, I strongly encourage the passage of H.R. 4945.

Mr. Chairman, I yield back the balance of my time.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

In closing, I thank the gentlewoman for her comments and her leadership on this issue.

Mr. Chairman, one of the responsibilities of the Committee on Small Business is to inform the Members of the House when its will regarding opportunity for small business is not being carried out within the Federal agencies; specifically, as we have heard today, most predominantly within the Department of Defense. I appreciated very much the comments of the gentleman from Texas (Mr. ORTIZ), who sits on the Committee on Armed Services with me and sees this constant flouting of our will regarding small business over and over again from that perspective as well. This is not just partisanship for small business. I think that would be appropriate, Mr. Chairman. Not only is small business the backbone of the economy, as Members have said so eloquently today, but it is increasingly the backbone of opportunity.

□ 1130

It may be the only source of opportunity for so many people in our country: for single moms, who will not have an opportunity to get a postgraduate education; or for people reentering the workforce after raising kids; or people coming from distressed neighborhoods or disadvantaged backgrounds. They do not have the same kind of opportunities that other people may have, but they can start a small business. And we have had evidences of that and testimonies of that over and over again before the Committee on Small Business.

We think the government ought to favor small business. Certainly it ought not to disadvantage them. And that is what is at stake here. This is a question of fairness for our entrepreneurs around the country. We have given numerous examples. We could give more of them, but I do not think it is necessary.

This bill simply allows us to find out what is going on. It has a unitary definition of bundling. It establishes a database, instructs the Committee on Small Business to operate that database and tell us what is going on, and then analyze whether any of these contracts actually save money, as they say it will, or produce higher quality, as they say it will. We have not found any evidence of that, and we have looked pretty hard for the last year and a half.

So it is up to the Members to decide what they want to do. I am going to get a rollcall vote on this issue, Mr. Chairman. I hope Members do not mind. As the gentlewoman from New York said, one of the reasons for this bill is to send a message, if the House wants to send it, regarding contracting and procurement for small businesses. We just have to decide. Do we want to vote for opportunity for small business people, or convenience or the latest trend in procurement within the Federal bureaucracy? Do we want to vote for continued excuses and evasions when we ask the agencies to justify what they are doing, or do we want to vote to enforce and send a message about the will of this body regarding opportunities for small entrepreneurs around this country?

I know how I am going to vote, Mr. Chairman. I suspect that I know how the Members of the House are going to vote.

Mr. HINOJOSA. Mr. Chairman, I rise today to help try to right a grievous wrong that America's small businesses have suffered far too long. Time and time again, we talk about how small businesses are the backbone of America. Why then, does it seem as if small businesses are constantly fighting an uphill battle? Take for example, the issue before us today, contract bundling. What could be more unfair? I am glad that as a body, we are taking a united stand today to try and change this practice and to hold Federal agencies that fail to provide a fair and competitive market for small businesses accountable for their actions. This is long overdue.

You are going to hear numerous facts from my colleagues documenting why this practice is so abhorrent, but the point I want to make is—wrong is wrong. We should all be starting from a level playing field. The Federal Government took on this responsibility when it promised small businesses would receive a fair opportunity to compete for Federal contracts. It has fallen short of meeting this promise. However, we don't know to what degree this has occurred. We do know that relying on contract bundling devastates small businesses and shows no measurable savings to American taxpayers. We do know that the Government awarded $200 billion in Federal contracts but small businesses only received $43 billion in contract dollars. We do know that this is clearly not a level playing field.

The Small Business Competitive Preservation Act of 2000 will allow for us to provide the Small Business Administration with the tools to right the wrongs of contract bundling. It will broaden the definition of contract bundling, it will also require the SBA Administrator to maintain a contract bundling database, and it will inform the House Small Business Committee as to whether or not there are measurable and substantial benefits to contract bundling. Through the passage of this legislation, we will mend the promise broken by meaningless words. We will not only claim that small businesses are the foundation for America's continued prosperity, but we will show them that we mean it.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 4945, the Small Business Competition Preservation Act of 2000 (SBCPA) and urge its adoption.

H.R. 4945 is a response to the lack of empirical data available on the issue of bundling. This legislation will provide a number of different methods of collecting information on the how, what, when, where and why of contract bundling. For example, SBCPA requires the Small Business Administration (SBA) to develop and maintain a database of these contracts within the federal government. This database not only will track agency bundled contracts but it will also maintains statistical information on the tangible effects of bundling on smaller companies and in particular industries of the small business community.

SBCPA also calls for the SBA to analyze renewable bundled to contracts to determine whether they have achieved the savings and benefits used to justify consolidation in the first place. In addition, the SBA would then be required to evaluate whether those savings and benefits would continue if the contract remains bundled. Once this information is fully analyzed, the SBA Administrator would then be asked to put together an annual report.

The numbers tell the whole story. The federal government awarded almost $200 billion in federal contracts in 1999, yet small businesses suffered a significant drop in the number of available contracts. Small businesses received only 4.9 million contracts which totaled $43 billion in total contract dollars. This represents almost a 23 percent drop in a three-year period (1997–1999).

Minority and women-owned businesses have been particularly effected, with nearly every federal agency failing to meet their negotiated small business goals. In addition, some agencies have simply ignored these goals and declared them "not legally binding."

I believe this bill takes an important step towards protect contracting opportunities for small business in the federal marketplace. I urge my colleagues to support this bill.

Mrs. McCARTHY of New York. Mr. Chairman, I rise in support of the Small Business Preservation Competition Act. This important legislation will keep track of bundled contracts and their impact on small businesses.

A recent Contracting Study, also known as the "Scorecard", released by the House Small Business Committee shows a number of federal agencies, particularly the Department of Defense, are relying on contracting bundling which is devastating small businesses while showing no measurable savings to the American taxpayer.

This study also concluded that the federal government awarded almost $200 billion in federal contracts in 1999, but small businesses suffered a significant drop in the number of available contracts. Of that, small businesses received only 4.9 million contracts which totaled $43 billion in total contract dollars. This represents almost a 23 percent drop in a three-year period (1997–1999).

And with the decreasing number of federal prime contracts available small businesses stand to be shut out of a multi-billion dollar marketplace. Unfortunately, with a lack of available data, the ability to obtain critical information about bundled contracts is severely hampered.

This bill is a response to the lack of empirical data available on the impact of contract bundling. SBPCA allows Congress to get a handle on the effects and bring agency justification for these bundling contracts into public view. In addition, the bill calls for agency accountability of the cost savings of each bundled contract.

We all know that small business provides the very foundation for America's continued prosperity. And while SBPCA helps to correct the problems associated with contract bundling, there is more that must be done to help these firms succeed in the federal procurement arena.

I urge my colleagues to support this important legislation.

Mr. TALENT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4945

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Competition Preservation Act of 2000".

### SEC. 2. DATABASE, ANALYSIS, AND ANNUAL REPORT WITH RESPECT TO BUNDLED CONTRACTS.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(p) DATABASE, ANALYSIS, AND ANNUAL REPORT WITH RESPECT TO BUNDLED CONTRACTS.—

"(1) BUNDLED CONTRACT DEFINED.—In this subsection, the term 'bundled contract' includes—

"(A) each contract that meets the definition set forth in section 3(o) regardless of whether the contracting agency has conducted a study of the effects of the solicitation for the contract on civilian or military personnel of the United States; and

"(B) each new procurement requirement that permits the consolidation of 2 or more procurement requirements.

"(2) DATABASE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator of the Small Business Administration shall develop and shall thereafter maintain a database containing data and information regarding—

"(i) each bundled contract awarded by a Federal agency; and

"(ii) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

"(3) ANALYSIS.—For each bundled contract that is to be recompeted as a bundled contract, the Administrator shall determine—

"(A) the amount of savings and benefits (in accordance with subsection (e)) achieved under the bundling of contract requirements; and

"(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

"(4) ANNUAL REPORT ON CONTRACT BUNDLING.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, and annually in March thereafter, the Administration shall transmit a report on contract bundling to the Committees on Small Business of the House of Representatives and the Senate.

"(B) CONTENTS.—Each report transmitted under subparagraph (A) shall include—

"(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

"(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

"(I) data on the number and total dollar amount of all contract requirements that were bundled; and

"(II) with respect to each bundled contract, data or information on—

"(aa) the justification for the bundling of contract requirements;

"(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

"(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

"(dd) the extent to which the bundling of contract requirements complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and

"(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a demand for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARGENT) having assumed the chair, Mr. COOKSEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes, pursuant to House Resolution 582, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TALENT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 482]

YEAS—422

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Brady (TX)
Campbell
Diaz-Balart
Green (WI)
Klink
Lazio
McIntosh
Meek (FL)
Nethercutt
Vento
Wise

☐ 1156

Mr. METCALF changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 482, had I been present, I would have voted "yea."

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 482, had I been present, I would have voted "yea."

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## CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Resources now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources and one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), the ranking Democratic member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1200

Mr. HASTINGS of Washington. Mr. Speaker, H.Res. 581 is a closed rule waiving all points of order against the consideration of H.R. 3986, a bill providing for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Station at Prosser Diversion Dam in the State of Washington. The resolution provides for 1 hour of general debate in the House to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule further provides that the Committee on Resources amendment in the nature of a substitute now printed in the bill shall be considered as adopted. Finally, the rule waives all points of order against the committee amendment in the nature of a substitute and provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 3986 passed the Committee on Resources unanimously by voice vote on September 13. It was originally considered by the House yesterday under suspension of the rules. We are bringing this bill before the House again today because, although the bill was supported by a majority of the House Members, it did not receive the two-thirds support necessary for passage under suspension of the rules for reasons completely unrelated to the substance of the bill.

We were told during debate on H.R. 3986 yesterday that Members who opposed the bill did so in order to express their frustration that more Democrat bills have not been considered by the House under suspension of the rules. On the surface, Mr. Speaker, that sounds like a compelling argument and a legitimate cause for concern. After all, Members in this body have every right to expect that they will be treated fairly regardless of which party is in the majority.

The problem with the Democrat leaders' complaint, however, is that it is completely groundless. When Members examine the record of bills considered under suspension of the rules, here is what they will find: in 1993 and 1994, the last Congress controlled by the Democrats, we Republicans were given 11.8 percent of all bills on the suspension calendar. In contrast, during this Congress, we have given the Democrats 23.5 percent of the bills under suspension, which is fully twice as many. Mr. Speaker, I guess they are right. On this issue, we have not been fair. Actually we have been more than fair.

Although we should not have to take up the House's time on this bill for the second day in a row, the partisan tactics of the leadership on the other side of the aisle has left us with no choice but to bring this bill back once again. The resolution before Members provides for a closed rule on H.R. 3986 only because we have taken more than enough of the Members' and the House's time on this measure and because Members on the other side of the aisle have indicated in the press that they would have supported this bill on its merits without any amendments had they not decided to make an example of us during yesterday's exercise in partisan finger pointing.

To summarize, Mr. Speaker, H.R. 3986 is a straightforward and noncontroversial bill. It provides funding for studies that we believe will ultimately serve the goal of saving salmon while protecting water rights, two important goals shared by people throughout the Pacific Northwest. That is why H.R. 3986 is supported by environmental groups as well as irrigators, Indian tribes and by local governments. Simply put, this is a common sense measure that has gotten caught up in the end-of-the-session partisan bickering here in the House that is of absolutely no interest to the citizens or the salmon living in my district. Frankly, both deserve better.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule on this bill and H.R. 3986 when it is considered on the floor of the House, hopefully for the last time, in just a few minutes.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend, the gentleman from Washington (Mr. HASTINGS), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this noncontroversial bill by the gentleman from Washington (Mr. HASTINGS) that will simply authorize the Secretary of the Interior to study the engineering feasibility of exchanging water from the Columbia River instead of the Yakima River to provide electricity to the Chandler Pumping Plant and Power Plant. Normally, noncontroversial bills like this come up under suspension, Mr. Speaker; but normally bills by both Democrats and Republicans come up, also. But for some reason Democratic bills are not coming to the floor like they used to. Democratic bills are not even being scheduled for hearings like they used to.

So this bill by my dear friend from Washington is a perfectly good bill; it has been sent to the floor under a rule as part of a protest of a larger policy of discrimination against Democratic bills. We have no controversy with the bill.

I sincerely hope we can resolve this issue and get a fair number of Democratic resources bills to the floor under suspension. I urge my colleagues to support my very dear friend's bill. I hope they support the rule and support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

I would just reiterate again what I said in my opening remarks. The last time that my friend's party controlled the House, they had provided the Republicans with half as many bills under suspension as we have this year.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SIMPSON. Mr. Speaker, pursuant to House Resolution 581, I call up the bill (H.R. 3986) to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 581, the bill is considered read for amendment.

The text of H.R. 3986 is as follows:

H.R. 3986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.**

Section 1208 of Public Law 103-434 (108 Stat. 4562) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting "OR WATER EXCHANGE" after "ELECTRIFICATION";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(C) by striking "In order to" and inserting the following:

"(1) ELECTRIFICATION.—In order to"; and

(D) by adding at the end the following:

"(2) WATER EXCHANGE ALTERNATIVE.—

"(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1), the Secretary may use sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.

"(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and the Columbia Irrigation District—

"(i) shall prepare a report that describes project benefits, contains feasibility level designs and cost estimates;

"(ii) may obtain critical rights-of-way;

"(iii) shall prepare an environmental assessment; and

"(iv) shall conduct such other studies or investigations as are necessary to develop a water exchange.";

(2) in subsection (b)(1), by inserting "or water exchange" after "electrification"; and

(3) in subsection (d), by striking "electrification." each place it appears and inserting "electrification or water exchange".

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 3986, as amended, is as follows:

H.R. 3986

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. CHANDLER PUMPING PLANT AND POWERPLANT OPERATIONS AT PROSSER DIVERSION DAM, WASHINGTON.***

*Section 1208 of Public Law 103–434 (108 Stat. 4562) is amended—*

*(1) in subsection (a)—*

*(A) in the subsection heading, by inserting "OR WATER EXCHANGE" after "ELECTRIFICATION";*

*(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;*

*(C) by striking "In order to" and inserting the following:*

*"(1) ELECTRIFICATION.—In order to"; and*

*(D) by adding at the end the following:*

*"(2) WATER EXCHANGE ALTERNATIVE.—.*

*"(A) IN GENERAL.—As an alternative to the measures authorized under paragraph (1) for electrification, the Secretary is authorized to use not more than $4,000,000 of sums appropriated under paragraph (1) to study the engineering feasibility of exchanging water from the Columbia River for water historically diverted from the Yakima River.*

*"(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary, in coordination with the Kennewick Irrigation District and in consultation with the Bonneville Power Administration, shall—*

*"(i) prepare a report that describes project benefits and contains feasibility level designs and cost estimates;*

*"(ii) secure the critical right-of-way areas for the pipeline alignment;*

*"(iii) prepare an environmental assessment; and*

*"(iv) conduct such other studies or investigations as are necessary to develop a water exchange.";*

*(2) in subsection (b)—*

*(A) in paragraph (1), by inserting "or water exchange" after "electrification"; and*

*(B) in the second sentence of paragraph (2)(A), by inserting "or the equivalent of the rate" before the period;*

*(3) in subsection (d), by striking "electrification," each place it appears and inserting "electrification or water exchange"; and*

*(4) in subsection (d), by striking "of the two" and inserting "thereof".*

The SPEAKER pro tempore. The gentleman from Idaho (Mr. SIMPSON) and the gentleman from California (Mr. DOOLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 3986 authorizes the study of the feasibility of exchanging water diverted from the Yakima River for use by two irrigation districts for water from the Columbia River. The study would be conducted as part of the Yakima River Basin Water Enhancement Project. The legislation will promote salmon recovery in the Yakima River without reducing the amount of water available to irrigators.

Mr. Speaker, one of the most contentious and divisive issues in the Pacific Northwest is that of salmon recovery. The desire to restore salmon runs is one that is universally shared in the Pacific Northwest. It is vital to the historical culture of the region. The difficulty that arises is one of how best to go about salmon recovery, taking into consideration the species, the environment, local and regional economics and so forth.

There are some that have been pushing for the immediate extreme measure of removing the four lower Snake River dams on the Snake River while others, myself included, believe we should take some common sense steps toward salmon recovery before we consider the extreme measure of removing dams. H.R. 3986 is one of those steps. In itself, it will not recover salmon. But the study that it authorizes may be one of the pieces of the salmon-recovery puzzle.

Mr. Speaker, I ask unanimous consent that the gentleman from Washington (Mr. HASTINGS) be allowed to control the time for the majority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. DOOLEY of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3986 would simply authorize a study of a new water pumping plant at the Prosser Diversion Dam in the State of Washington. According to the sponsors of the legislation, the gentleman from Washington (Mr. HASTINGS) and Senator GORTON, the study would determine if diverting water for irrigation from the larger Columbia River instead of the Yakima River would help save the endangered fish in the area.

There is no objection to the enactment of H.R. 3986.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3986, and I want to thank the gentleman from Idaho (Mr. SIMPSON) for yielding the time to me.

Mr. Speaker, the preservation of salmon in the Pacific Northwest is one of my top priorities in Congress. I am convinced that we can save this national treasure while also preserving the jobs and quality of life in the Pacific Northwest. My legislation is just one example of the benefits that can be obtained for salmon by interested parties working together on the local level.

Yesterday, this legislation received a majority of the House of Representatives under suspension but failed to garner the necessary two-thirds necessary for passage. It is my understanding, as the gentleman from California (Mr. DOOLEY) said, they have no objections to this legislation that went through the committee process and that was reported out by unanimous vote. However, yesterday the minority party chose to play politics over salmon recovery, and so we are returning here today to ask my colleagues for their continued support of this legislation.

I was pleased, however, to receive support from three of my Democrat Members from Washington State, Mr. DICKS, Mr. INSLEE and Mr. BAIRD, on the vote yesterday. They chose by their vote to choose salmon over politics. I appreciate their commitment to saving salmon in the Pacific Northwest.

Very simply, this legislation authorizes a study of the feasibility of exchanging water diverted from the Yakima River for use by the Kennewick and Columbia Irrigation Districts for water from the Columbia River. The study would be conducted as part of the Bureau of Reclamation's Yakima River Basin Water Enhancement Project, a series of projects authorized by Congress to improve water quality and quantity in the Yakima River. These two systems currently take their water from the lower Yakima River where flows have already been decreased because of upstream diversions. By taking water from a much larger volume of the Columbia River, the impact on threatened and endangered species would be significantly reduced.

Specifically, this project provides the opportunity to increase Yakima River flows at the Prosser Dam during critical low-flow periods by up as many as 750 cubic feet per second. This approach will provide over twice as much flow augmentation as the previously approved electrification project and would completely eliminate the Yakima River diversion for the Kennewick Irrigation District. The new pump station and pressure pipeline from the Columbia River will be the cornerstone of a more salmon-friendly Kennewick Irrigation District.

This project is a winner for both fish and for water users. It balances the need to improve habitat for threatened species while protecting water rights. Preliminary results from the lower reach habitat study indicate that these increased flows would greatly help salmon and bull trout. In addition, this proposal would provide substantial water quality improvements to the Yakima River.

It is important to note that a change in the diversion for the Kennewick Irrigation District from the Yakima River to the Columbia River will completely change the current operational philosophy of the district. It will evolve from a relatively simple gravity system to one of significant complexity involving a major pump station and a pressure pipeline to the major feeder canals. This remodeling will have a significant impact on the existing systems and its users during construction, start-up and transition. That is why it is essential for the Kennewick Irrigation District to be in a position to develop these facilities in the way that best fits its current and future operational goals and causes the least disruption to the district water users. That is why this legislation requires the Bureau of Reclamation to give the Kennewick Irrigation District substantial control over the planning and design work in this study with the bureau, of course, having final approval. It is an approach that will continue local improvement and support which is vital to the success of this project and other projects.

This legislation is noncontroversial, which is somewhat unique when you are talking about water issues within the Pacific Northwest. It is supported by a large coalition of Federal, State and local agencies and stakeholders. Amongst those are the National Marine Fisheries, the U.S. Fish and Wildlife, the Yakima Nation, the Washington State Department of Ecology, the Northwest Power Planning Council, the Washington State Water Resources Association, American Rivers, and the Yakima Basin Board of Irrigators.

I do want to say, too, Mr. Speaker, that this legislation highlights the ingenuity of local stakeholders coming together for a common purpose of saving salmon and preserving our way of life. I am pleased to report to the House that the effort before the committee today is one of many in my district. There are many that are going on in my district to further this goal. Specifically, I would like to mention my support for the efforts of the Columbia-Snake River irrigators who have outlined a water management alternative that will revitalize the salmon recovery efforts by optimizing fish production and the effective use of this region's financial resources.

□ 1215

Their plan accomplishes this by protecting tribal treaty rights and ensuring their long-term stability. Finally, the plan recognizes the importance of State and privately held water rights to the economy of the Pacific Northwest.

Another example of the local initiative for salmon recovery is the effort currently being undertaken by the Confederated Tribes of the Coleville Reservation and the Okanogan County Irrigation District up in the northern part of my district. These groups have taken a proactive approach to salmon recovery by conducting a joint study of water management efforts along the Salmon Creek and Okanogan County. Their joint efforts will result in the improvement of the fish passage and the habitat ensuring the preservation of salmon while protecting farmers and irrigators of their water rights.

I would say, Mr. Speaker, this legislation symbolizes what can be done and what is being done in my district and in the Northwest to try to ensure salmon recovery by recognizing and respecting local people making decisions on a local level.

I am pleased that this bill is in front of us again today. I regret that it got caught up in a bit of bipartisanship yesterday, but I would urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 581, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DOOLEY of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 418, nays 1, not voting 14, as follows:

[Roll No. 483]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
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Hoyer
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Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
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Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
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Millender-McDonald
Miller (FL)
Miller, Gary
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Ros-Lehtinen
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Scarborough
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Smith (MI)
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Smith (WA)
Snyder
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Stark
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Stump
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Waxman
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Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—14

Campbell
Clay
Coburn
Gephardt
Hutchinson
Klink
Lazio
McIntosh
Nethercutt
Norwood
Spratt
Vento
Wilson
Wise

□ 1239

Mr. MARKEY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH, AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees, pursuant to clause 7(c) of House rule XXII.

The SPEAKER pro tempore (Mr. GILLMOR). The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Department of Education; and to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the title VI Education Block Grant with limited accountability in the use of funds.

### PARLIAMENTARY INQUIRY

Mr. PORTER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois will state his parliamentary inquiry.

Mr. PORTER. Mr. Speaker, under the House rules, is it permissible to divide a motion to instruct? Because we would agree with part of this, that is the funding level for education, but the rest of it we do not agree with. Is it possible to divide a motion of this type?

The SPEAKER pro tempore. Would the gentleman from Illinois specify how he would like the question divided?

Mr. PORTER. Mr. Speaker, I would suggest that it be divided after the line 4, the word "education, semicolon," and so that we would consider the highest funding level possible in one segment and then there would be a separate motion for the rest of it.

The SPEAKER pro tempore. The Chair would advise the gentleman that as a 20-day motion under clause 7(c) of rule XXII, the motion is grammatically and substantively divisible under the precedents and that at the end of the debate the Chair will put the question on the divisible portions.

Pursuant to the rule, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Illinois (Mr. PORTER) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we are here on this motion today in large part because yesterday a motion to instruct conferees on this bill was made on that side of the aisle and I indicated that if we were going to get into the business of instructing conferees then we would have a significant number of motions on our own on this side.

□ 1245

I do not particularly enjoy this process, but I do not think we can sit by while the guns are being fired by only one side on an issue as important as education, for instance.

I am also disappointed, frankly, because I understood that the gentleman from Pennsylvania (Mr. GOODLING), our good friend, was going to offer a motion which would have instructed the House to support the idea of making major appropriations to Title VI for the purpose of providing funding to local school districts, which they could use with great flexibility. Let me state, if that motion had been offered, I would have voted for it.

My position on this, and I think the vast majority of people on this side of the aisle feel the same way, is that we are for all of the money that we can get into education and get back to local school districts. We think that is the number one priority facing the country. However, we believe that there ought to be accountability in the way that money is used, and we believe that whatever funds are provided from such a block grant, for instance, should be provided in addition to the funds that are provided to meet national priority needs, not as a substitute for funds which are provided for those priority needs.

There is a second reason that we are here, because I think we need to clarify what it is that both parties are trying to do in the conference on the Labor, Health and Education appropriation bill. To explain that, I need to put it in context.

Mr. Speaker, 5 years ago, the majority party, when they took over control of this House, produced a budget which, among other things, tried to cut the Education budget 20 percent below the budget of the previous year; they tried to eliminate the Department of Education, and they felt so strongly about it that they were willing to see the government shut down in order to force their budget priorities on the President. They did not exactly win that argument, and they certainly did not win the political argument associated with it. So they slowly but surely have backed off that proposition, but they continue at every opportunity to show their basic antagonism toward initiatives made by the President to strengthen education.

The latest evidence of that is the fact that in the bill which moved out of the House, they made very large cuts in the President's education budget. They cut some $400 million out of after-school funding that the President had proposed. They cut $1.3 billion out of school modernization, they cut $1.7 billion out of the President's class size initiative, and instead tried to fold that money into a block grant arrangement under which a major ability to achieve accountability is lost. That is one of the places where we part company.

The majority now, in conference, has chosen to add about $5.5 billion of their priorities back into the Labor, Health, Education bill, but so far, there appears to be no room in the inn for our priorities or the President's priorities.

I want to make it clear. We do not believe that providing flexible funding to school districts is automatically opposed to the idea of providing specific funding for specific purposes to local districts. We think we ought to do both; and, in fact, we have provided that we do both, by supporting significant funding for Title VI. But we want to make it clear. We are for the President's efforts to provide $1.7 billion for his class-size reduction program. We are for the President's efforts to provide $1.3 billion in assistance to local school districts to renovate ancient, outmoded and dangerous buildings. I just had one closed in my district last week by the State Department of Public Construction, for instance; and we are for some other things.

The majority party has increased funding for special education by a significant amount, and yet the bill does not fully reflect the amount for special education that this House indicated it wanted to see when on May 3, it passed the authorization. So we believe that there ought to be a substantial increase in special education funding above the amount provided in the House bill. We also believe that since we are providing huge amounts of money to Colombia for drug interdiction, we also ought to have a significant increase of well over $200 million in funding for drug treatment slots here at home.

We also believe that we ought to substantially increase Pell Grant funding above the amount provided by either the administration or the majority party in its budget so far.

Mr. Speaker, I would simply note that the problem we face is that under the newest of proposals raised by the majority party on how to deal with the surplus, they indicate that there would be about $28 billion on the table that could be used for a variety of purposes. So far, it appears that they intend to use $2 billion of that in the Energy and Water bill; it appears that the interior bill is going to come back to the House $3 billion to $4 billion above the level that it was when it passed the House originally, yet we are told that none of that money should be, none of that $28 billion should be devoted to increases in education above the amount stipulated by the majority party. We do not agree with that.

Mr. Speaker, we think, therefore, that this motion is proper in both of its aspects. We simply ask that the conferees provide the highest funding level possible for the Department of Education, and we also ask that we disagree with the provisions in the Senate amendment which would fund the flexible money that goes back to school districts in the form of block grants at the expense of the President's two initiatives on school modernization and on class-size reduction. We are perfectly willing to see an increase in Title VI, provided that we have adequate accountability for those funds, but not at the expense of the President's priorities.

Mr. Speaker, we believe this country is healthy enough and prosperous enough to fund both the majority party's priorities and ours and the President's, and that is the purpose of this motion to instruct today.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) very cleverly writes a motion, the first part of which says that the House should insist on the highest funding level possible for the Department of Education. Certainly, all of us agree with that, proposition. Then adds the gentleman from Wisconsin (Mr. OBEY), adds provisions that he knows we disagree with dealing with control by Washington over the expenditure of funds by local school districts.

I am pleased that the Chair has told us that we can divide this question. If we look at what we have done on education in our tentative conference report, and we have completed the conference and have the report but have not filed it, we are already $600 million in funding for the Department of Education above the President's budget. We have $600 million more than the President committed to providing adequate resources for education. We have plussed up important accounts, making a Federal commitment to education that is far greater than the the President of the United States submitted to the Congress earlier this year.

Look at the accounts. In education technology, we are ahead of the President. In education for the disadvantaged, a $9 billion account, we are ahead of the President. Impact Aid: the President has attempted every time he has offered a budget to cut that responsibility of the Federal Government; we have increased it. We are $258 million ahead of the President's request on Impact Aid, which is important in many school districts impacted by the Federal presence.

Special education: We have increased this account. In fact, we have, doubled, this account in the last 6 years. Our increase this year is $1 billion more than the President asked for. Education for the homeless: We are ahead of the President. Rehabilitation services: We are ahead of the President. Vocational and adult education: We are ahead of the President. Student financial assistance: $300 million ahead of the President, and we have increased Pell Grants far more than the President asked for, because we know that young people in America need this help to get a higher education. Historically Black Colleges and Universities: We are substantially ahead of the President. Hispanic-serving institutions: We are substantially ahead of the President. The TRIO program: Another program like special education and Pell Grants, where every year we have been substantially ahead of the President's budget, providing more money than he asked for in this fiscal year. Higher education: Ahead of the President.

So, Mr. Speaker, in program after program, especially those programs that are important to those most at risk in our society where they need the resources to get ahead educationally, we are substantially ahead of the President of the United States.

So, do we disagree with the first part of this motion to instruct saying that we should fund it at the highest possible level? Absolutely not. We are already way ahead of the President of the United States in our commitment to education.

The second part of the motion deals with fundamental differences between the two parties. And here, yes, we definitely do disagree. Who should be responsible for making education decisions? Washington, D.C., which is what they want, or local school districts, which is what we want. Now, the gentleman from Wisconsin talks about this in terms of accountability. Do not be fooled. This is not accountability, this is who controls where the money is spent. It means accountability to Washington, not accountability to the local taxpayers who provide most of the funding for education in our country. So do not be fooled by the word accountability; it is controll by Washington that the gentleman is proposing, and do we disagree with that? Absolutely, we disagree with that.

On school construction. The conference agreement puts $3.1 billion into Title VI, the block grant that allows local school districts the discretion to spend these funds according to what they believe are their needs. They may use it for school construction, reducing class size, professional development, or what their needs are. Should they be forced to use this money for school construction when they do not need it? Of course not. But it should be available to them for training teachers or reducing class size or doing other things that they know very well, much better than Washington, what the needs may be.

The President's approach wants Washington control, it ignores local flexibility in favor of a one-size-fits-all approach dictated by the Federal Government. We think that is wrong. We think most Members in this body think that is wrong. We very much oppose the gentleman's motion in that part of it that deals with this philosophical, difference between Democrats and Republicans.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the gentleman just said that obviously all of us on the House floor agree with the first part of the motion that asks the conferees to fund education at the highest possible level. But, in fact, the conferees yesterday repeated early and often the fact that they were not willing to go one dime above the level now contained in their bill for the Labor, Health, and Education budget.

It is true that our friends have now, belatedly, after 5 years of trying to savage the education programs, it is true that at this point they are above the President on some aspects of the education budget. But that is largely due to the additions in Pell Grants and the additions in special education, both of which we support on this side of the aisle. We have no quarrel with that. We believe that this country is wealthy enough that there ought to be room enough for both Republican priorities and Democratic priorities when it comes to education.

When it comes to the disadvantaged, for instance, the fact is that the majority party is $85 million in total below the President's budget for Title I, and within that reduced number they have eliminated the President's request for $250 million to use to fix schools that are in the most trouble and are failing. On vocational education they are above the President on State grants, but they are $200 million below the President on voc-ed tech prep programs. And the list can go on and on.

When we cut through it all, the fact is very simple: we are asking the majority to put at least $3 billion in additional funding for education into the Labor-HHS bill. If Members are for that, then vote for this motion. If my colleagues are not for it, and they vote for this motion, they will be walking both sides of the street. If we are for adding that $3 billion, then we do not need any more motions to instruct. Just bring out the conference report, and we will have a bill that can fly through both Houses, if we deal with some of the other problems that have to be fixed in the Labor Department and in the HHS Department.

So when we cut through it all, in the end, what counts is whether or not we will bring to this floor a bill which in the area of education will provide $3 billion above the level that has been provided up to this point. That is what this argument is about, and that is what we are going to continue to fight for.

Mr. PORTER. Mr. Speaker, I would inquire of the Chair how much time remains on each side?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Illinois (Mr. PORTER) has 24 minutes and the gentleman from Wisconsin (Mr. OBEY) has 19 minutes.

Mr. PORTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, what I learned more than anything else in the 20 years I sat in the minority on the Committee on Education and the Workforce, and even I am reminded today as the chairman of that committee, the approach that we took all those years positively did not help children, and that is what this is all about.

We sat there year after year after year and we said, if we just had one more program, if we just had another billion dollars, if we could just cover another 100,000 children, everything would be better. And what are the results? Well, the results are that the achievement gap has grown. It has not decreased at all. Because over and over again we said we have the programs, from Washington, D.C. One size will fit all. We know better than anybody else.

But, more importantly, what we did was we took all of the money and divided it up over and over and over again, because we kept adding new programs. So now we are down to the point where they do not have enough money to do anything worthwhile unless they commingle funds. And what were our auditors doing during this time? The auditors did not ask whether it is a quality program; they did not say is this program succeeding. What they said was, "If you commingle one penny, you have had it. Boy, we will be down your throat." So a local district, who could take a couple small programs and make them into a worthwhile program, could not do it. So as I said, the achievement gap just gets wider.

I pleaded with the President over and over again to not put the cart before the horse. When he came up with the magnificent idea that we need a national test, I said, "Mr. President, first of all you have to set the higher standards; then you have to prepare the teacher to teach to the higher standards; then you have to test the teacher to see whether they are ready to teach to the higher standards; and then, after they teach the higher standards, then you test the child. Because before that, all you will be doing is telling, for $100 million, 50 percent of the youngsters one more time that they are not doing well. That is all they have ever heard."

Then he came up with the sexy eye-catching idea that we need 100,000 teachers to reduce class size in the early grades. Well, anybody knows if we can reduce class size in the early grades, and we have a competent, quality teacher in the classroom, that is a plus. The problem is, as I reminded him over and over again, if we do not have a quality teacher to put in that classroom, then we have done nothing except spend money and make it even worse for the children because now they do not even have a quality teacher.

So we allowed him to have a third of those. And what happened when we did that? Thirty-some percent of all of those first teachers had no qualifications whatsoever. So now in the place where we need them the most, real rural America and center city America, they ended up having to put someone in that classroom, and the children most in need got anything but a quality teacher. That is a tragedy. And that is what happens when we dictate from here.

I kept telling him over and over again, "Do you realize that in some of those districts they may have some teachers that are fairly good; that if they had the opportunity to better prepare those teachers, they would have a quality teacher in the classroom?" But, no, we had to do something that appeared sexy. And, of course, when we look at it, we are looking at 15,000 school districts. We are looking at a million classrooms, and we are talking about 100,000 teachers. Again, the cart before the horse.

When I became the chairman, I said, we have to do better. These children are not achieving. We are not closing the achievement gap. So we said let us do everything based on seven major principles: quality; better teaching; local control; accountability, but the accountability is to the children, the accountability is to the parents; more dollars to the classroom, basic academics; and more parental involvement and responsibility.

What we will do if we go this route that is being suggested, however, is that now we will backtrack. And now we will be down to the business where there is a one-size-fits-all from Washington, D.C. After all, We know what is better than anybody else. We will let the parents out of this whole equation; we will forget the children in this whole equation because, as I said, more programs, more dollars have not closed that achievement gap. It has been spread so thinly that we have not been able to do anything about quality.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The previous speaker just said that the answer to everything is teacher quality. If that is the case, I would like to know why the majority party cut the President's teacher quality initiatives by $527 million below his request.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. WICKER), a valued member of the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations.

Mr. WICKER. Mr. Speaker, I urge my colleagues in the strongest of terms to reject the Obey approach to education. And I want to make two quick points and then a larger point.

The first point I would make is to reiterate what my chairman, the gentleman from Illinois (Mr. PORTER), said. When our friends on the Democratic side say accountability, they really mean Federal control. They really mean the absence of local flexibility. And, in my opinion, they mean the absence of accountability to the schoolchildren and to the parents. That is my first point.

The second point, and it needs to be understood over and over, not only by the Members in this room but by the American public, is that we have increased the President's education budget in this conference report. We are over $600 million higher than the President's request on education. Now, that is point number two.

Point number three comes down to what we are really talking about. It is a difference in philosophy between the two political parties on the very important issue of education, and that is the questsion, do we insist on the President's request for his program on school construction?

Now, there is not a soul within the sound of my voice who would not like for us to have better schools and better school buildings and better school facilities. We are all for that. The question is how do we do it. I say we send Federal education dollars to the local school districts on programs that we know will work, that are proven already to have worked, and we free up money on the local level for local schools to do what they have always done in school construction, and that is to make school construction decisions themselves. That is the Republican approach.

The approach that is being urged on us today is to say that, although the President has signed seven straight appropriation bills with regard to education, in this, the 8th year of his term, we must insist, before we can pass the bill, before we can get out of this town at the end of the fiscal year, we must insist on a new Federal program to build school buildings at the local level, something that we have never done.

Now, listen to me. This bill would provide $1.3 billion in school construction and start us on the slippery slope of spending billions and billions and billions of dollars. There is no telling where it would end on school construction. We are told now that the needs currently for school construction are $254 billion. This proposal would fund less than one-half of 1 percent, approximately, of the total needs. Ten times that amount would only give us 5 percent. Where will it end?

My colleagues, please think before we enter into this vast and expensive new Federal program.

Mr. OBEY. Mr. Speaker, I again yield myself 30 seconds.

The gentleman has just denounced the idea of having a Federal school construction program. I would point out the Republican chairman of the authorizing committee has introduced his own school construction program which at least matches the President's in size. Why can we not simply fund it, since apparently the need is recognized on both sides of the aisle?

Mr. PORTER. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. PORTER) has 16½ minutes and the gentleman from Wisconsin (Mr. OBEY) has 18 minutes.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER), a member of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have been on this subcommittee for many years. In 1983, Terrell Bell, then the Secretary of Education, issued a report. That report was entitled: A Nation at Risk. It said that we were at risk of becoming a Nation of mediocrity because our educational system was not keeping apace. The response of the Reagan administration was to send down a budget which had the largest cut in education funding at the national level to that date in history.

Now, that budget that Ronald Reagan sent down was not passed. It was increased substantially. But me thinks the chairman protests too much in saying we are all for the first sentence, that we want to spend more for education. It is useful, I think, to remember a little bit of the history of why we are here and why this motion, we think, is necessary.

First of all, when we passed the House bill, we were $3 billion less than the Senate bill on education, $3 billion less.

□ 1315

So that, when the House took its action, all of this euphoria about spending more on education was not present. But we have had a lot of policies, Mr. Speaker, since then about what the American public care about. We have had a lot of debate between the Presidential candidates, and everybody is falling all over themselves to be for education.

So what do we see between then and now, between the passage of a Republican budget that provided little funds for education and today? Well, we see a $3.7 billion increase, notwithstanding the fact that we Democrats stood on the floor when this bill passed and we opposed its passage, of course, and said we needed more money.

Oh, no, it is fine. This is just a first inning in any event. We have been just at the first inning in about 13 bills, which is why we are stuck in the mud because this process has not been real.

Well, my colleagues are starting to get real. We understand that, because November 7 footsteps are heard loud in these Chambers and the American public's voice is heard louder as the days go by.

I rise in support of this motion. I believe that the gentleman from Illinois (Mr. PORTER) our distinguished chairman who we are going to lament will not be here next month to help us work on these issues because he cares about these issues.

But I think we need this motion because we need to say we want to go to those figures in our conference. The conference has not really been a real conference. The reason it has not been a very real conference is because the dollars that the Republicans say are available for these bills keeps moving, it keeps moving as their political antenna quivers. And every time they got a little quiver, there is a little more money and they add it to the bills, which they should have done, of course, on substance, not on politics, on the concern that the gentleman from Pennsylvania (Mr. GOODLING) says about children.

Now, the second part of this motion is a critically important part. I have had this discussion with one of the Members of the United States Senate. He says local control. I am for local control, but I am for accountability for the gentleman from Maryland (Mr. HOYER) when I go home and say, we took your money and here is how we spent it, not the school boards spent it, but this is what I said was a priority, the gentleman from Maryland (Mr. HOYER).

I believe that there is a critical need in this country, as the President believes, for us to help with school construction. Because we know that schools are falling down, we know there are not enough classrooms, we know that there are some schools that are not safe for our kids to be in. So the President of the United States has proposed, and I support, saying we are going to give some money for school construction, not to build new pools in schools, not to have new football programs, etcetera, etcetera. That is not my responsibility. If the locals want to do it, they spend, as all of us know, 93 percent on education. We spend 7.

But I believe that school construction is critically important if we are going to have more classrooms. Because, in order to have more smaller classes, we have got to have more classrooms; and in order to have more classrooms, we have got to have more teachers. So the President proposes that we have a program for more teachers, as well.

The Republicans made a deal last year when they passed the omnibus appropriations bill that they were for that and they said they were for that. Now, maybe they were for it because that is the only way the bill would get passed, but notwithstanding the fact we had an agreement that that would happen. That is what this motion to instruct is all about, both ends of it, more money.

Now, yes, I agree, we seem to be moving in that direction because they added not only $3.7 billion from the House bill, they added $8 billion in total to the House bill. Eight billion dollars they have added to the House bill. We are glad they are getting there because the children of America, the families of America need this investment.

I am prepared it take the responsibility for more classrooms, more teachers, and to assist with school construction. I think that is my responsibility, and I am prepared to stand up for it and vote for it.

So when they tell me, Mr. Speaker, that they want local control, I want local control. But when they say that we should not make determinations on specific needs, I think they are wrong. That is our responsibility.

I urge passage of this motion to instruct.

Mr. PORTER. Mr. Speaker, I yield myself 30 seconds just to say to the gentleman from Maryland (Mr. HOYER) that the money for school construction is in the bill. It is in Title VI. It can be used, almost all of it, actually a lot more than the President put, $2.7 billion of Title VI can be used for school construction under the bill as it is drawn.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, am I also correct, I ask the chairman, that not a penny of it needs to be spent on school construction?

Mr. PORTER. Mr. Speaker, reclaiming my time, I will tell the gentleman that that is a decision for the local school boards and he does not respect it.

Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE) the distinguished chairman of the Subcommittee on Early Childhood, Youth, and Families of the Committee on Education and the Workforce.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would just like to straighten out a few facts here. It is correct that the Federal Government only applies about 7 percent of the total financing of all K–12 education in the United States of America. But here is something else which is a fact. This is an absolute fact.

In the first 5 years of the last decades, while the Democrats were in charge of the Congress of the United States of America and there was a Republican President and then a Democratic President, the increase for funding in education in the very budget that we are talking about here was 6 percent per year.

In the last 5 years, not including this year, while Republicans have been in charge of the funding mechanism for education in the United States of America, the increase has been, on average, 8.2 percent per year, a difference of 2.2 percent.

So I just want to put that little argument to rest. We are also ahead of the President's budget as far as this year is concerned.

The real argument here is not funding. We could argue, for example, that we should help our children with disabilities, something that this Congress has many, many years through Democrats and even a little bit under the Republicans, but particularly the Democrats, has ignored, 11 percent of what should be a 40-percent commitment for example.

We could argue that we need to help with construction. Indeed, $1.7 billion on a bill that is probably at least $400 billion, some say 300, some say 500, let us round it off to $400 billion, does not even begin to make a dent. That will still be done at the State and local level.

So I have no problem with the additional funding. I have always supported the Federal role. I have always supported the Department of Education. I have always supported the increases in terms of the funding. But we passed last year an Education Flexibility Act to allow our local and State educational entities to be able to make decisions with respect to Federal funding and what they were going to do with it.

We clearly demonstrated here, Republicans and Democrats alike I might add, we demonstrated that we wanted them to make a decision. We have in Title VI basically a flexible instrument, if you will, to help with education funding. And they can use Title VI, which truly is a block grant with very few limitations on it, right in line with education flexibility, they can use that for a variety of things.

They can use it to reduce class size. That is hire more teachers, which the President wants to do and the Democrats want to do, I want to do, and I think Republicans want to do on this side. They can use it for school construction. Maybe that is needed someplace. Maybe it is not needed other places. Remember, some places do not need school construction, they need other things. Perhaps they need technology or they want more professional development of their teachers or they want to deal with problems of transportation or a variety of problems that comes with education naturally depending on where they are in the country. We want to give them that flexibility.

We are not arguing about the money here at all on this floor today. We are arguing about the direction of the money. Should the Federal Government direct it for just class size reduction and for the issue of construction.

So my view is that we should support that aspect of it which increases the funding and we should listen to our local people because they are the ones that say that they want the flexibility to be able to spend the money to help all children.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the fact is that in fiscal year 1996, the Republican majority tried to cut $5 billion, 19 percent, out of the President's education request. The following year they tried to cut $2.8 billion out of the President's request, 11 percent. The following year they got religion and they only tried to cut $191 million, or 1 percent, out of the President's education budget. The following year they tried to cut $662 million out of the President's budget. Last year they tried to cut $1.4 billion out of the President's education budget. And this year they have been trying to cut $2.9 billion out of the President's budget on the bill that left the House.

Now, the only reason that the final numbers wind up looking as good as the gentleman from Delaware (Mr. CASTLE) has indicated is because the majority party got beat for 5 straight years in negotiations and we were able to get that money restored.

Since they want to brag about how ineffective they have been, go ahead, but that does not impress anybody very much.

Mr. PORTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Colorado (Mr. SCHAFFER), a member of the Committee on Education and the Workforce.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the fact that education spending has grown so much under Republican leadership of Congress is a fact that exercises my Democrat friends, I know. I want my colleagues to know that it is a fact that exercises some of us Republican Members, too.

But what this debate really is about is just what the maker of the motion stated in his opening remarks, and that is that the motion was made because there was another motion made yesterday to which he objected and because that motion was accepted he decided to offer this one.

As a parent of five children who rely on public education for hope and opportunity, that kind of political gamesmanship breaks my heart, Mr. Speaker.

I hope that the children of America and those kids who are in school who count on us to focus in a serious way on education can see this silly amendment defeated for its purposes, for its intent, and for the fallacies that it contains. And there are several. It is a very confining amendment that restricts school board members and States as to how they can spend Federal education dollars.

So if they are in the business, Mr. Speaker, of constraining and restricting and narrowing the scope for these Federal dollars, then this is an amendment for them. But for the rest of us who hope that these dollars can be spent on the priorities that exist in schools across the country, this would be an amendment to oppose.

Now, as a member of the Committee on Education and the Workforce, I have had the opportunity to travel around the country and visit schools from coast to coast. I have visited hundreds of them in my own congressional district. I can tell my colleagues that every school board member and every teacher has a hope and a dream for their children that are in their jurisdiction that they can create schools that allow these children to thrive and succeed in an American society.

But the challenges that face each school is different. In some schools in my district, transportation is the top priority need. In others it might be technology. And in others it might be teacher pay, it might be class size reduction, it might be buying new buildings and repairing the buildings that exist. But it is not the same priority across the country.

We can all identify districts that have needs in school construction. But some districts in America have gone to their local voters and raised the mill levy to fix their schools. Some schools around the country have gone to their local voters and persuaded them to spend more through property taxes or sales taxes or income taxes to reduce class size.

What does this amendment say to them? It says that their local efforts to deal with these responsibilities locally are going to be ignored because we are going to now take their income taxes that come to Washington and we are going to spend then somewhere else on other districts that have not identified school construction as the highest priority.

We should reject this amendment and this suggestion because of the confining, restraining nature it entails, chop out the red tape that accompanies Federal funds, and provide real liberty and freedom to American schools.

□ 1330

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of this motion to instruct. I want to associate myself with the remarks of the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Maryland (Mr. HOYER) on this matter. We know very well why the increased moneys in education have been put there, because of the insistence of the minority in Congress and the insistence of President Clinton in the negotiations. And each and every time they have made these terribly inadequate bills that have been reported out of this House better.

But let us understand something. The Obey amendment is about whether or not we are going to meet our commitment to the children of this Nation. Yes, some of the money is targeted, but how do you think those school buildings got in the condition they are in today? Because of the neglect of the local school boards and others. What we are suggesting is that the Federal Government ought to make an effort, because the children who are doing the poorest most likely are in the poorest condition schools. We ought to try to target some effort so that those local communities could fix up those schools and make them appropriate for the education of our young children.

To sit here and suggest that somehow local school superintendents and others cannot move around Federal money, then you ought to get yourself a new superintendent because restraints are minimal. Most superintendents will tell you the problem is with the State Department of Education, not with the Federal Department of Education.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GILLMOR). The Chair would request Members from both sides who have been frequently going over the time limit to attempt to stay within the time yielded to them for debate.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. OBEY. Mr. Speaker, I had not expected this many people to want to participate in debate. I am now getting a lot of additional requests that we had not expected. Could I persuade the majority party to agree to a unanimous consent request to add 10 minutes to each side?

Mr. PORTER. Mr. Speaker, I would object to the request. We have had ample notice of the amount of time, and the gentleman and I have an important meeting we have to go to as well.

Mr. OBEY. I would just note that we had thought that the gentleman from Pennsylvania (Mr. GOODLING) was going to be offering his motion which had been noticed, and we had expected that there would be two hours of debate on it.

Mr. PORTER. I would again inquire of the Chair the time remaining.

The SPEAKER pro tempore. Each side has 10 minutes.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON), a distinguished member of the Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Illinois not only for the time he has given me but also for the great work he and the ranking member have done in providing more funds for education in this year's budget. But I rise specifically to answer rhetorical questions that have been asked and gone unanswered. My good friend from Wisconsin, with whom we both share a mutual excellent friend and our chancellor at our university system in Georgia, being the man that I know he is, wants answers to those questions. I want him to listen closely.

When you say that we cut money out of teacher training, the truth of the matter is that last year's settlement of the 100,000 teachers was our recommendation. Yes, we will hire 100,000 teachers if they are certified; and if they are not, local systems have the ability to use the money to train teachers that are already teaching and are not certified. That is the problem in America. But the political promise that we were going to hire 100,000 teachers, which sounds good, is not a promise on which can be delivered. So we turned that money into workable money to train teachers.

The second question, I too am a coauthor of that bill on school construction. And so everyone knows the clear difference in our proposal and that which is proposed by the President, our proposal was to use a fixed amount of money to fund the unfunded mandates of the Federal Government in asbestos removal, IDA classroom conformity and things like that which is a finite number. The President's $1.3 billion proposal is less than .3 percent of the unmet need in classrooms in the United States of America. It exceeds the surplus in the fiscal year 2000 budget. And worst of all, it is a promise to the American people we cannot keep. It was the President himself who in 1994 and 1995, and I am sorry I do not have my notes in front of me, struck $200 million in classroom construction because he said we could never start funding classrooms in this country. You pass a bill with the promise that you are going to build schools in local districts, and you will never pass another bond issue; and you will never pass another local sales tax, and America's needs for schools will skyrocket.

The gentleman from Maryland talked about wanting to build schools back home. His State's unfunded school construction locally exceeds the amount of money that the President wants to put in for the entire United States of America. We Republicans and the Democrats are for our children. We want them to have the best of everything. But what we need to do is recognize where our priorities are, and ours should be in flexibility at the local level. It should be in accountability, and it should be giving credit where credit is due. I give the gentleman from Wisconsin his credit. He has done a lot towards education in this country. But so too has the gentleman from Illinois and those others of us who are working to enrich our children without offering a false political promise that we could never meet. The good appropriator that he is would never want to promise spending more money than the surplus we have just to make people think we are going to build the schools America needs. Americans are through local bond issues, through local referendums and through commitment. We do not have enough money to do it, and I believe the gentleman knows it.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds.

The position of the majority party has been that while there is $28 billion in money on the table to allocate under their budget proposal, that not one additional dime should go to education. That is crazy.

Mr. PORTER. Mr. Speaker, I yield myself 15 seconds to simply say to the gentleman from Wisconsin, he is fighting a battle on a budget which he well knows as an appropriator does not allocate funds to anything. All it does is give the overall spending figure. The rest of it is all advisory, and it means nothing to anybody. It never has and he knows it.

Mr. OBEY. Mr. Speaker, I yield myself 15 seconds. Is the gentleman denying that yesterday Senator SPECTER told us in conference that your leadership said that we could not go one dime above the education bill that you had already put together? Is the gentleman denying that?

Mr. PORTER. Yes. The gentleman mistook who said what. I think it was his leadership that said that to him.

Mr. OBEY. Well, the last time I looked, his leadership was Republican.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of the Obey amendment and in opposition to what appears to be the Republican education plan that is going to be put before us because the Republican plan fails the test of some common sense conservative ideas. If you want to reduce crime in this country, you ought to know that a lot of juvenile crime is committed after school. But the Republican plan would deprive 1.6 million children of after-school programs. If you want economic growth in this country, you understand that a good labor force is the key to economic growth. Many of our citizens do not speak English as their primary language. But the Republican plan cuts 15 percent from bilingual education.

If you want money for school construction, and it is true that the Republican plan apparently would put $1.3 billion in, but it says to the local districts, spend the $1.3 billion as you see fit. We believe that money should be spent for the purposes for which it was intended. And when we put $1.75 billion forward to hire new quality teachers to reduce class sizes, we believe the money should be spent for the purposes for which it was intended, a common sense conservative principle.

The watchword of the day is compassionate conservatism. The Republican plan is neither compassionate nor conservative.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my good friend from the State of Wisconsin for yielding me this time. It has been said that, quote, "Our children are our message to the future that we may never see." We should not be arguing so much about this spending level or that spending level rather than the priority of working in a bipartisan way to help in education for our children, to help the quality of teachers, which is one of the most important issues we face.

The gentleman from Florida (Mr. DAVIS) and I have a bill in that would help bring more teachers into the teaching profession that is nowhere to be found on the floor today, to try to help designate smaller class size, local control but smaller class size so that teachers are not overwhelmed with 26 kids but may have 16, 17 or 18 kids to try to again give local control over targeted resources in title I to help the most vulnerable kids.

I offered an amendment a year ago that got 39 Republican votes to increase funds for title I. Where is that bill today? Where is that money to help kids today? Our children are our message to the future.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, while we are debating the great issues of education, I just want to recall a visit to Reedville Elementary School in Aloha, Oregon, where the class size initiative is working exactly as intended. There were 54 kids in the first-year class elementary school. Because of the Federal class size reduction initiative, instead of two classes of 27 kids, there were three classes of 18 kids. In Reedville in Aloha, Oregon, this program has made a difference. Let us keep it alive. Let us keep it going.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I urge all Members to support this Obey motion, and I hope that there will be bipartisan support for this motion. We need to help more local districts deal with their desire to try to get to smaller class sizes. That, I think, is a goal that all of us can agree on. We know that smaller class size yields better academic results. We know why smaller class size works. It works for a simple reason. Parents spend one-third less time with children today than they did 20 years ago. Family life has changed in America. People have more jobs, more hours, more single-parent families, more traffic jams, more time commuting, more time away from home. And even when we are at home with kids, sometimes we do not communicate with them the way we once did. And the one institution in our society that has the ability to help families fill in some of these holes is the schools.

Now, we also know that in today's world with children having less time with parents, it means they need more supervision and more attention from teachers.

□ 1345

But it is one thing to teach 30 kids or 35 kids when I grew up in the 1950s, and it is a very different thing to be teaching 30 or 35 kids today who have the chance to spend much less time with their parents.

Now, frankly, if we could have agreed on putting more dollars into this effort and left it kind of flexible as to what local districts would do, I think we could work that out. But I hope Members on both sides of the aisle in a bipartisan way will vote for this motion.

It makes sense, because it is reaching the right goal. The passion of this House must be helping parents carry out their most important responsibility, and that is raising our children to be productive law-abiding citizens. And class size, we know from experience, is the best way to do that.

We are willing to talk about other variations on the theme. We are willing to talk about flexibility, but we simply must in this appropriation budget process put the right amount of dollars and the right amount of effort behind America's most pressing and important need, and that is, making sure our classroom size is consistent with every child in this society being a productive law-abiding citizen.

Mr. Speaker, I urge Members on both sides of the aisle to vote enthusiastically for the Obey motion.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I might say to the gentleman from Missouri (Mr. GEPHARDT) that I think he has just sung our song. We have the money in the account under Title VI, the education block grant, to provide for class size reduction. We have the money in the account to provide for school construction. There is money for teacher training. There is money for education technology.

The only difference here is that we do not make the local school districts spend it for what Washington thinks it ought to be spent for, we let local school districts make this decision because they know their needs far better than we do.

The gentleman from Missouri (Mr. GEPHARDT), the minority leader, just talked about flexibility, that is exactly what we are doing. We are providing the resources and saying to the local school districts, you make this decision; we are not going to make it in the Department of Education down on Independence Avenue. You are going to make the decision because you know best what your needs are.

The commitment for these needs is there. The flexibility is in the conference report. The motion would simply say do not give the local school districts flexibility, make sure that the control remains in Washington. That is why we ought to oppose this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 45 seconds to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the Obey motion. The Labor, HHS Education bill should provide the highest level of funding possible for the Department of Education.

We have flexibility under current law for school districts to do what we want, what we do not want is to have local school districts take Federal money and put Astro turf on the football field instead of providing for kids in those classrooms.

My wife is a high school algebra teacher. I trust my local school districts. But I also know that if we tax folks, we ought to know where the money is going and not just send a blank check home. In Texas, 76 percent of our schools need repairs just to reach "good" condition, 46 percent need repairs and building features such as plumbing, air conditioning, heating and cooling, 60 percent have at least one environmental problem. That is why we have need to provide as high a funding as the Obey motion calls for the Department of Education.

Over the next decade, we will see our schools grow even more and more. We have to provide the funding through this motion and not just send a blank check to everybody in the country.

Mr. OBEY. Mr. Speaker, I yield 45 seconds to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, just a couple of weeks ago, I had an opportunity of traveling around my congressional district visiting many schools and getting into a lot of technology classrooms that our kids are using, but I also used that as an opportunity to release a study that I had conducted in the congressional district in regards to where we were on class size reduction. And the study actually showed that in western Wisconsin we are doing a pretty good job and the results are showing with enhanced student performance.

But as I talked to the administrators and teachers and parents, they were asking for the creation of more partnerships and more dedicated revenue streams for class size reduction. In Wisconsin, we have something called revenue caps that prevents our local school districts from increasing revenue spending on priority areas and education.

One of the sources of funding that they are looking to more and more as a result of this policy is a revenue stream from Washington, and that is why I think the Obey amendment being offered here today is very important, and I encourage my colleagues to support it.

Schools throughout my home-State of Wisconsin are tapping every resource available to reduce class size. School districts are also struggling to maintain and build the facilities necessary to offer a quality learning environment.

Class size reduction efforts at the local, State and Federal levels are proving effective at improving academic achievement. Schools across Wisconsin have been taking advantage of both the State class size reduction program, known as SAGE, and the Federal Class Size Reduction program to hire new teachers and provide professional development opportunities for their staffs.

We in Congress must remain committed to these priorities to ensure that all of our students benefit from the enhanced learning environment smaller classes and modern buildings offer. These efforts must not be considered short-term fixes, but long-term commitments.

But we should be committed to providing critical resources to particular areas and students in need. The role of Federal Government in education has always been to help those children with the most need and to address problems of national significance. At this point in time, simply increasing Federal block grants at the expense of proven, needed programs does away with that focus and simply reduces the role of the Federal Government to that of a new stream of revenue for Governors unwilling to tackle education issues directly through State funding.

Everyone's talking about education this election season. And I believe I hear candidates from both the Democratic and Republican parties talking about the need for greater accountability. Yet, more open-ended block grants are not going to advance accountability.

I'm all for local control of schools, but let's be honest; the level of funding we provide, while critical to many individual students and local schools in need, does not circumvent local control over their schools. But by targeting funds to those most in need and projects of most critical need we will continue the commitment to education we all claim to have.

Mr. OBEY. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Illinois (Mr. PORTER) has 5 minutes, the gentleman from Wisconsin (Mr. OBEY) has 2 minutes.

Mr. OBEY. Mr. Speaker, I have only 1 remaining speaker, and I understand I have the right to close.

The SPEAKER pro tempore. The gentleman is correct.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to reiterate that the issue here is not about money. We are substantially above the President in most education accounts. We are, overall, $600 million ahead of the President's requests for the Department of Education's funding in the conference report. We are substantially ahead of the President, a billion dollars ahead of the President, in special education. We are ahead of the President in student financial assistance. We are ahead in Pell Grants. We are ahead in TRIO, higher education, Historically Black Colleges and Universities, Hispanic-serving institutions, education technology, education for the disadvantaged, impact aid, education for homeless, rehabilitation services.

We are ahead of the President in many of the important educational accounts, and overall we are over half a billion dollars ahead of the President in our commitment to funding of education. The real argument here is on flexibility or control.

Republicans insist that the local school districts that are in our society be charged with the responsibility for educating our kids, together with the States, 95 percent of the expenditures are State and local money, they ought to control how the money is spent. The Democrats on the other hand insist that Washington can make that decision for them and not want accountability. That is a nice word, it is control.

It is saying Washington is going to tell you how this money is going to be spent and you have to spend it that way. We put the money in; the money is there. It is there for class size reduction. It is there for school construction. It is there for teacher training, but the control is not there, the control is left where it should be with those who are accountable for educating our kids, the local school districts.

Mr. Speaker, we think that is the way to go. There is a profound philosophical difference here, and this motion does define that difference. If Members want local control, vote against the motion. If Members want local control, vote against the motion. If Members want control by Washington, vote for it. I would urge Members to vote no.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, no one is against districts having flexibility, but I would point out that under Title VI, which they want to expend without any strings whatsoever, audits discovered that one State used those funds to purchase an automobile for the State department of education; another State used it to pay their entire State education printing bill at the expense of the Federal Government; a third State used these funds for a banquet related to an entirely different program; another State used them for graduate classes taken by an employee of the State education agency. That points out for the need for accountability.

Mr. Speaker, 93 percent of the money spent at the local level is under control of local, State, or local and State school agencies; that will remain under local control. We are talking about whether we ought to have some ability to target the remaining 7 percent which comes from the Federal Government. We think we should.

The gentleman from Illinois (Mr. PORTER) says this is not about money. That is absolutely not true. We want at least $3 billion more in that bill for education, for school modernization, for class size reduction, for afterschool programs, for Pell Grant increases, for special education increases and a number of others that we outlined.

This asks two things: It asks, first of all, that we fund education at the highest possible level. It means we should take some of that $28 billion in new money on the table and use it for education.

The majority party has told us in conference we cannot use a dime of that additional money for education; that puts education last rather than first as a national priority. That is backwards. The second thing we say is whatever amount of money you provide for local flexibility, do not use it as an excuse to gut our efforts to strengthen efforts to provide modern school buildings and smaller class size.

This country is wise enough and wealthy enough to do both.

Mr. CLAY. Mr. Speaker, I rise in support of Mr. OBEY's motion because it seeks to ensure that H.R. 4577 includes dedicated funding to address two critical needs of our public schools.

First, the motion seeks to preserve the Clinton/Clay class size reduction initiative, which is intended to eliminate overcrowded classrooms and boost student achievement.

Thus far, the class size initiative has enabled communities to hire nearly 30,000 teachers for the current school year, providing smaller classes in the early grades to an estimated 1.7 million children. President Clinton has proposed spending an additional $1.75 billion in FY 2001, which would allow support for almost 50,000 teachers.

We should fully fund the President's request, and also provide a long-term authorization to ensure that the benefits of smaller classes, led by highly qualified teachers, are extended to even more school districts and students.

Mr. Speaker, I also support Mr. OBEY's motion because it would ensure H.R. 4577 includes funding to build and modernize 6,000 schools nationwide.

Today, over 28,000 public schools, have inadequate heating and cooling systems. Over 23,000 have inadequate plumbing, and more than 20,000 schools have leaking roofs. In addition, 2,400 new public schools will be needed by the year 2003 to accommodate rising enrollments and relieve overcrowding.

Mr. Speaker, if we fail to invest sufficient Federal resources in reducing class sizes and building better public schools, we will fail to give the help that is most needed to the students they serve.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise in support of Mr. OBEY's motion to instruct conferees to provide the "highest funding level possible" for the Education Department which is embodied in H.R. 4577, the Labor, Health, Human Services, and Education Appropriations Bill. The education of our nation's children is an issue of paramount concern. As Members of the House of Representatives we need to be committed to ensuring that all children are being educated in a safe and clean environment that is conducive to learning. We know, however, that in many school districts all across the country this is not the case. Students are being educated in dilapidated school facilities with severely overcrowded classrooms. We should support the Administration's request for dedicated funds to reduce class sizes in early grades and for local school construction.

Research and common sense suggest that smaller classes offer teachers the chance to devote more time to each student which improves their ability to learn. A 1998 U.S. Department of Education report, "Reducing Class Size: What Do We Know?" indicates that reducing class size is related to increased student learning. Other studies have shown that smaller class sizes result in increased student achievement, a reduction in discipline problems and increased instructional time for teachers. In addition, smaller classes have been shown to be most important in early grades, and for disadvantaged and minority students.

Under the leadership of the Administration's Class-Size Reduction Initiative, a number of states have already implemented class size reduction programs. The state of California, which I represent, began its Class Size Reduction Program in 1996, giving money to school districts for the purpose of reducing the student/teacher ratio to 20 to 1 in kindergarten through third grade. The goal of the K–3 Class Size Reduction Program was to increase student achievement, particularly in reading and mathematics, by decreasing the class size to 20 or fewer students per certified teacher. The program has been a great success as over 90 percent of the state's schools are participating in the class-size reduction program, academic achievement is up and the state has dedicated a record amount of money for teacher recruitment and school construction. Similar results are being experienced all across the country and serve as a testament to the importance of promoting smaller class sizes.

Smaller classes require larger, modern facilities. The motion to instruct conferees offered by my colleague, Congressman OBEY, recognizes that federal funds need to be targeted toward school construction if we are to meet the needs of students across the nation. Communities across the country are struggling to address critical needs to renovate exiting schools and build new ones, School construction and modernization are necessary to accommodate rising student enrollments, to help reduce class sizes and to make sure schools are accessible to all students. According to the General Accounting Office, two-thirds of America's schools are in need of extensive repair and replacement of major structures. The state of California has estimated $22 billion in school infrastructure and modernization needs. I have walked through school facilities with leaking roofs, splintered chairs, and walls with severe water damage. This is unacceptable. America's students deserve better, and I congratulate Mr. OBEY for working diligently to ensure that they get better.

I strongly support Mr. OBEY's motion to instruct because it focuses on the need to provide students with the best possible learning environment which consists of smaller classes in safe school buildings, that are conductive to learning.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. A division of the question has been demanded.

The Chair will first put the question on the portion of the motion through the semicolon. The Chair will then put the question on the remaining portion.

Without objection, an electronic vote on the second portion may be a 5-minute vote, if following a 15-minute vote on the first portion.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first portion of the divided question.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on the highest funding level possible for the Department of Education;

The SPEAKER pro tempore. The question is on the first portion of the divided motion offered by the gentleman from Wisconsin (Mr. OBEY).

The first portion of the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the second portion of the divided question.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class sizes in the early grades and for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. The question is on the second portion of the divided motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 222, nays 201, not voting 10, as follows:

[Roll No. 484]

YEAS—222

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards

Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—201

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Burton
Campbell
Hilliard
Jones (OH)
Klink
Lazio
McIntosh
Nethercutt
Sabo
Vento

□ 1421

Messrs. CHABOT, GUTKNECHT, GILCHREST, PICKERING, WELLER, YOUNG of Alaska and METCALF changed their vote from "yea" to "nay."

Messrs. SNYDER, GILMAN, BARCIA, GALLEGLY and ADERHOLT changed their vote from "nay" to "yea."

So the second portion of the divided motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, two motions to reconsider are laid on the table.

There was no objection.

## LISTEN TO SCIENTIFIC EXPERTS; NOT FEAR PROFITEERS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the American taxpayer is making a considerable investment in research through the spending of Congress and the President. Part of the research that I am particularly interested in is the basic plant genome research.

Current sequencing efforts on the Arabidopsis plant has allowed us to understand the plant gene and our ability to modify plants, with the potential of tremendously helping mankind throughout the world. We now have the ability to select one or two or a few genes, whose characteristics have been determined, and incorporate those genes into another plant to improve the nutrient digestibility, to improve the vitamins, to improve the needed minerals, to create the desease immunization values of that particular food product.

We are now faced with what I call fear profiteers that are spreading the word of fear to stymie research. My message this morning is that we have to rely on scientific information as we pursue our scientific endeavors and not allow emotion and fear profiteers to determine the destiny of research and scientific achievement in this country.

Mr. Speaker, the payoffs from plant genome research will depend in large part on our ability to capture and apply the benefits from it. Congress should support the goals of the plant genome research. The National Plant Genome Initiative is a well-managed public asset that represents a wise use of taxpayer dollars.

Current sequencing efforts on Arabidopsis thaliana have improved immeasurably our understanding of the genomics of a typical flowering plant. The shift in emphasis from gene sequencing to functional genomics is the logical next step that should provide the intellectual basis for new varieties of commercially-important crops and other plants.

NSF, the U.S. Department of Agriculture (USDA), and the other participants in the plant genome program have done a credible job of making the results of the research it funds available to other researchers and the private sector. Partnerships among universities participating in the program, agricultural experiment stations, and private-sector companies also have been developed.

These efforts should be encouraged further, and more formal structures concentrating research efforts in plant genomics, plant breeding, and agricultural extension should be considered to attract increased private sector participation and get new varieties to the field sooner. To that end, I would hope that the plant genome and gene expression centers pilot program authorized in H.R. 3500, through its matching-funds requirement, will be used by NSF to encourage greater participation of other federal agencies, particularly USDA, and the private sector in accelerating the development of enhanced food crops, particularly those that provide nutritional or health benefits to consumers, and for alternative uses of agricultural crops.

Please join me this Thursday at a press and staff briefing on biotechnology and "Fear Profiteers." A timely discussion of the importance of sound science in policy approaches to biotechnology, other areas of science and case studies of organizations and businesses that sow health scares to reap membership and/or monetary gain. September 21, 2000, 11:30–12:30 p.m., 1302 Longworth Building, Representative NICK SMITH (R–MI); Fred Smith, Competitive Enterprise Institute; Bonner Cohen, Ph.D., Lexington Institute; Alex Avery, Hudson Institute; Emceed by Steve Milloy, Publisher of junkscience.com.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, I rise to express my deep disappointment that the Senate has approved permanent normal trade relations with China, which the President will soon sign.

Contrary to the cheers heard from private industry, this is not a moment of celebration for millions of hard-working American men and women. In fact, American workers in specific industries are watching their jobs disappear. We have sacrificed their livelihood on the alter of trade with China. These are working people who will soon see their jobs exported overseas. In New Jersey, we will lose 22,000 jobs over the next 10 years.

Upon enactment of PNTR, the United States is caving in to pressure from private industry and turning a blind eye to the Chinese Government's flagrant shortcomings. I did not vote for PNTR when it was considered in the House because an affirmative vote was one that would legitimize the actions of a government known for terrorizing its citizens, disallowing free speech and religion, and for breaking every trade agreement they have made with the United States.

Increased trade with China will not force the reform and democracy in their deeply flawed government. We have given them a pink slip, our workers, Mr. Speaker.

Mr. Speaker, I rise to express my deep concern and disappointment that the Senate has approved Permanent Normal Trade Relations with China, which the President will soon sign into law.

Contrary to the cheers heard from private industry, this is not a moment of celebration for millions of hard working American men and women who will get the short end of the stick. PNTR is a bad deal for the United States and its people.

I am ashamed to tell the men and women in my district, the Eighth Congressional District of New Jersey, that this bill passed Congress. These are working people, who will soon see their jobs exported overseas. New Jersey will lose over 22 thousand jobs over the next ten years upon enactment of this bill.

Furthermore, upon enactment of PNTR, the United States is caving in to pressure from private industry and turning a blind eye to the Chinese government's flagrant shortcomings.

I did not vote for China PNTR when it was considered in the House because an affirmative vote was one that would legitimize the actions of a government known for terrorizing its citizens, disallowing free speech and religion, and for breaking every trade agreement with the United States.

Increased trade with China will not foster reform and democracy in their deeply flawed government. Instead, it will lead America into trade deficits, as has been proven in normal trade relations agreements in the past. Most importantly, I am disappointed that the American worker was not well represented in this Congress.

Instead of ensuring that hard working American families are secure in their jobs so that they can put food on their table, clothes on their backs, and pay their mortgage, the Congress has just handed them a pink slip.

I applaud the attempts of some of my colleagues in the Senate who tried to offer remedies to this flawed bill, but were rebuffed with each and every attempt. I was disappointed that constructive amendments—amendments dealing with labor standards, human rights, weapons technology and policy toward Taiwan—were rejected. I try to remain optimistic about the prospects for our future. But I am continually discouraged from optimism when I watch the textile industry in my district vanish before my very eyes.

How can the workers in my District be optimistic when they are looking for work in trades that will no longer be based in the United States? Right before the House took the vote on China PNTR, workers in my district held a rally against passage. The site? A textile company that had closed down because jobs have been exported overseas slowly, but surely.

Workers, businessmen, students and veterans were all in attendance at the rally, united against this trade policy that will be enacted soon after I speak here today. The opposition I stood with that day was a broad coalition of patriots. They would like us to export our values before our jobs.

This trade agreement is nothing more than corporate welfare. We are paving the way for multinational corporations to exploit low-wage workers without fear of human rights violations for working conditions.

After all, workers in China are not protected by their government. There are no unions, no freedoms, no whistle-blowing, no legal recourse for inhumane conditions, no freedom of speech . . . the list goes on and on.

I will never surrender my moral compass, and that the only thing I want to be permanent between the United States and China is a commitment to freedom. I vehemently oppose the passage of China PNTR, and will continue to fight on behalf of American laborers in the future. God bless America.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILLMOR). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## EDUCATION FUNDING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Delaware (Mr. CASTLE) is recognized for 5 minutes.

Mr. CASTLE. Mr. Speaker I would like to take some time here this afternoon to talk about education in furtherance of the discussion we just had and the votes we have just had on the floor of the House of Representatives.

In a time when education has risen to be the number one issue in all of the polls that we see across America, everyone is trying to take credit for what is happening in education, or to blame others. In reality, I do not think there is a man or woman on either side of this Chamber who would not want to, in some way, be able to help young people with education.

Mr. Speaker, I like to believe very strongly that we on the Republican side have worked very, very hard to further this purpose, just as we did on the last vote, trying to take the same amount of money and giving flexibility to the States and local districts to make the decision about how to use the money and not mandate just school construction or just reduced class size.

Similarly, we have been working very hard on the funding aspects of education. Indeed, as I indicated in our discussion earlier today, in the first 5 years of the last decade, with the Democrats in charge of the House of Representatives, the increase in funding for education was 6 percent per year. Basically, it was 6 percent in the 5 years the Democrats were in charge of the House, and when the Republicans took over, the increase has been 8.2 percent a year. Anyone who knows anything about mathematics and takes that 2.2 percent additional increase each year realizes how many dollars that amounts to. So there has been no shirking of the responsibility of Republicans with respect to education.

But I think just as important have been some of the issues that underlie this. We have been very determined to help children with disabilities, to help with IDEA, the individuals with disabilities education act. They need particular help because, in some cases, it is particularly expensive to help those young people be educated.

We have been concerned about quality. We have talked about quality effectiveness and results in education. We have talked about better teaching. In our classrooms today, particularly today with the technology and some of the problems in society, we need teachers who are competent and who are well trained and, in particular, who know their subject matter. We need accountability. As we are deregulating more Federal education programs and providing more flexibility, which we have been doing, we must ensure that Federal education programs produce real accountable results.

We believe in local control. Ultimately, we have to make that decision, be it Washington State or Washington, D.C. or Wilmington, Delaware or some place around the United States of America, we need to give them the flexibility to do what they have to do in order to educate. We need to get dollars to the classroom. We have been pushing very hard to make sure that the appropriations which are done here go into the classrooms to help the young people get educated.

Basic academics is important. No more fads or self-esteem approaches, perhaps new math, open classrooms, some of the things which have failed over the years. We need the basic academics, and we do need parental involvement and responsibility. I think all of us are aware that parents are often out of the house more because of the need for income, jobs, matters like that, but the bottom line is that we need to get parents as involved as we possibly can.

□ 1430

We have been working very hard in order to get that done, and we have been providing the funding for this, and I think that is a significant point that needs to be made.

There are a lot of areas we have been involved in: the Charter School Expansion Act; some real opportunities to educate differently, perhaps better; prohibiting new Federal taxes, for example; dealing with the Teacher Empowerment Act and the Student Result Act. These are all areas of building for education for young people across America.

But there are other areas as well, and some are not necessarily connected to what Republicans do. One is called Head Start. Head Start is a very significant program that helps young people who may need a particular start in education to get up to the starting line equal. I like to believe that every kid in kindergarten at the age of 5 is going to be equal at that point if we can possibly help with that.

And Republicans have been leading the way over the last few years with Head Start. Funding for this program has expanded by 106 percent since 1995. That is a tremendous increase. That is a real commitment, to take all of those children who may come from families or circumstances where they need some extra help and provide that extra help to them.

At the same time, we are talking again about quality and not just quantity, and we are saying that those people who are in these Head Start programs, that is teaching and running them, should have the background to do that. Hopefully, they will be teachers or people on their way to a teaching degree so that they will have the advantages of knowing exactly how they can handle children. So we are working on that. And now half the people teaching in Head Start have a college degree. There is a balance, I think, between quality and expansion, which is going on here; and we think that is important as well.

We think quality child care is important also. A great sum of money has been spent with respect to the area of helping with our children. Again, children are the future. Children are a precious commodity that we have to pay a great deal of attention to as Members of the Congress of the United States of America.

Literacy is also important. And under the tutelage of the gentleman from Pennsylvania (Mr. GOODLING), the retiring but extraordinarily talented chairman of the Committee on Education and the Workforce, we have also addressed these issues. So there are many, many things which we have done with respect to education for which the Republican Party may take credit, as well as some Democrats may take credit.

The bottom line is that we care a great deal about education. We have funded education and we want to make sure all those children have every opportunity possible.

## PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from around the state from seniors who shared their personal stories. On the 12th, I made a commitment to continue to read a different letter every week until the House enacts reform. That was five months ago. Although the House passed a prescription drug bill this summer, I believe it will not help most seniors. So, I will continue to submit letters until Congress enacts a real Medicare prescription drug benefit. This week, I will submit a letter from Virginia Langell of Chippewa Lake, Michigan.

At most, there are only three weeks left for Congress to enact a meaningful prescription drug benefit. It is critical that we do so before Congress adjourns.

This week, Newsweek magazine has devoted its cover story to the issue of prescription drugs. It is the same story that I have been sharing on the House floor since April. Seniors are paying too much for their prescription drugs.

According to Newsweek, the cost of prescription drugs is rising at an alarming rate, at least twice as fast as the rate of inflation. As a result of these increases, pharmaceutical companies are the most profitable in the nation, with an 18.6 percent profit margin in 1999.

The issue of Newsweek also clarifies that the most visible and loudest opponent of creating a Medical prescription drug benefit, the "Citizens for Better Medicare," a so-called grass-roots organization, is funded primarily by the pharmaceutical industry. In fact, the industry has spent an estimated $65 million on television advertising to persuade senior citizens that a prescription drug benefit is not in their best interest.

Well, I disagree. I have met with too many seniors, read too many letters, visited with too many families in Michigan who are struggling to buy the prescriptions they need. Too many are forced to make a decision between their prescription medication or buying food or heating their homes. We cannot and should not wait one more day. Congress must enact a voluntary, defined Medicare prescription drug benefit plan.

Following is a letter from Virginia Langell.

DEAR CONGRESSWOMAN DEBBIE STABENOW: here are my receipts for 1998. Also, I would like to have you take a look at these two drugs that jumped up in the past few months:

Furosemide: [from] $7.59 [to] $8.79—a jump of $1.20

Adalat: [from] $73.99 [to] $82.99—a jump of $9.00

The prices are ridiculous. It's about time something is done for the seniors.

I live on Social Security. I get $735.00 a month. I have 5 prescriptions filled every month, also eye drop prescriptions every two or three months.

It costs me $135.00 to $150.00 every month just for drug prescriptions. I would like to see the law makers in Washington live on this kind of income. I have no co-pay for drug prescriptions and also there are the "over-the-counter[s]" like aspirin, Ben Gay, etc.

I hope you can fight for us and see what can be done.

Yours truly,

VIRGINIA LANGELL.

Assuming that Ms. Langell pays $135/mo for her medication, she pays a total of $1,620.00 per year.

Under the Democratic plan, she would save: $611.25.

Under the Republican plan, she would only save: $385.00.

In other words, Virginia would save more with the Democratic plan: $226.25.

That is the difference between eating two or three meals a day. That is the cost of heating a small home during the coldest winter months. That is the difference between being able to fill your car with gasoline for trips to and from the doctor's office. It is clear that we must enact a real prescription drug plan now.

## BALANCED BUDGET REFINEMENT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, I rise today to talk about the Balanced Budget Act of 1997, or BBA, and the efforts in this body to provide some relief through another Balanced Budget Refinement Bill.

I voted against the Balanced Budget Act of 1997 because it was designed to cut $116 billion from Medicare. I believed these cuts were too drastic and would severely harm our health care delivery system. Unfortunately, I was right. Three years later, the Congressional Budget Office has projected that Medicare will be cut by more than $250 billion, more than double what was originally expected.

Our hospitals, medical device companies, nursing homes, health centers, and home health agencies all need relief from these drastic cuts. That is why I am here today advocating for a comprehensive and significant BBA relief package.

A BBA package will help the teaching hospitals throughout the country, like the University of Massachusetts Medical Center, located in my district. A BBA package will help HMOs stay in Medicare+Choice. We know that HMOs are pulling out of Medicare+Choice because they cannot afford to treat Medicare patients with the reimbursement levels currently set in the BBA.

While I support BBA relief for teaching hospitals and nursing homes, as well as efforts to keep HMOs participating in Medicare+Choice, I want to focus on three areas that are not receiving the attention they deserve in discussions on the Balanced Budget Act refinement package. Specifically, I want to talk about medical devices, health centers and rural clinics, and last, but not least, home health care.

First, I want to express my support for H.R. 4395, the Medicare Patient Access to Technology Act. This bill will help speed the delivery of new medical technologies to Medicare beneficiaries and health care providers.

Mr. Speaker, medical devices and other technologies must undergo a rigorous review at the Food and Drug Administration before that medical technology is made available. This process is followed by a review of the Health Care Financing Administration, or HCFA, before it is finally approved for reimbursement under the Medicare program. However, HCFA can take up to 4 years to approve coverage, assign the product a code, and establish a payment level. This lengthy process denies our seniors access to devices, therapies and products that effectively treat disease, improve the quality of life and, indeed, save lives.

H.R. 4395 provides reforms to make these technologies available safely and quickly so that Medicare recipients will have the access and the latest medical technologies, and I urge their inclusion in any BBA relief package.

Second, I want to express my strong support for H.R. 2341, the Safety Net Preservation Act. This bill ensures that community health centers and rural health clinics can continue to provide health care services to uninsured Americans who have nowhere else to turn for the care they need.

There are more than 44 million people in this country who do not have health insurance and millions more are underinsured. Community health centers and rural health clinics are the safety net for these people; yet these centers cannot survive if they are forced to operate under fiscal deficits.

H.R. 2341 allows organizations like the Great Brook Valley Health Center and the Family Health Center in Worcester, Massachusetts, to continue doing the good work they are doing today.

Finally, I want to express my strong support for home health care and for H.R. 5163, the Home Health Care Refinement Amendments of 2000. I introduced this bill, along with the gentleman from Pennsylvania (Mr. PETERSON) and others because the home health industry has been decimated by the Balanced Budget Act. Instead of being cut by $15 billion, as was intended in 1997, home health care has been cut by $69 billion over 5 years. And next year home health care spending will be cut by another 15 percent. This has to stop.

My bill will eliminate this unnecessary and dangerous cut, as well as provide relief for the most costly patients and for rural providers. My bill also changes the billing procedure for nonroutine medical supplies and opens the door for telemedicine.

Last week, I sat down with the chief White House health care policy advisor. We agreed that home health care deserves relief and that it is a priority in the upcoming BBA relief bill. I trust he will fight for home health care, and I urge my colleagues to join me in supporting this legislation as the comprehensive home health care BBA relief package.

Mr. Speaker, providing Medicare relief from the BBA is vital. The proposals currently advocated by the majority and the administration are inadequate. We must provide at the very least $40 billion over 5 years to address the needs of medical devices, community health centers and home health care, as well as many other more well-known areas, like teaching hospitals, Medicare+Choice, and nursing homes.

I urge everyone to work to provide a comprehensive and significant relief that is absolutely necessary this year. We cannot adjourn from this Congress without addressing the issue of the Balanced Budget Act cuts in Medicare. We can do much better. Our constituents are counting on us. I hope that we are all up to the challenge.

## VICE PRESIDENT SHOULD STICK TO FACTS WHEN CAMPAIGNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, the Vice President last week in my home State in Tallahassee decided that he needed to make an example of the high cost of prescription drugs. The Vice President used statistics compiled by the Democratic National Committee relative to cost for either human consumption or animal consumption. But the Vice President did not just stop there. He decided to embellish the story. It has been in all the major papers. He decided to create a story about his mother-in-law and his pet. He went on to describe how they are taking arthritis medication for their conditions and how the disparity of price between what the dog takes and what the mother-in-law takes was so startling and so outrageous.

Now, of course, in Florida we have a lot of seniors. In fact, I am probably the seventh oldest Medicare district in America. So when it comes to prescription drugs, a subject I know something about that we have been working on in the Committee on Ways and Means, I take strong offense to the fact that he would not only create false statements and mislead the public, not only embellish the story, but create it out of sheer nonsense. And so my seniors, who are waiting for some relief from the high cost of prescription drugs, scratched their heads and wondered why somebody who has been in office so long would not just stick to the facts. Why would they have to create stories involving their own family?

During the same week, the Vice President was saying that we need medical privacy; that the United States Congress should strive to make certain that every person's medical record is protected; that they cannot be exposed to public scrutiny; that they cannot be used against them. But we might want to ask him a little more about that privacy issue before we release any of our details to the government, because he seems to relate a lot of private medical information for the sheer sake of politics. His mother-in-law now has all her neighbors knowing what medications she takes. She may or may not have agreed to that release; we just do not know. We do not even know if she takes the medication to this date. They have not been forthcoming with the facts.

I think the Vice President owes the American public an explanation. Does his dog take the medication? Do the Federal taxpayers pay for his dog's medication? Does Mrs. Gore or the Vice President drive to the veterinarian and get the prescription or is its supplied by somebody there at the Naval Observatory?

We have also heard over the recent weeks about his condemnation of Hollywood and the movie industry. Yet just last night he is there saying to everybody, "Don't worry, I am only making statements. I don't want to alarm you. I still want your campaign contributions. I still want to be your friend, but I am going to blast you in public and make sinners of all of you." He takes the money; throws darts. Takes the money; makes accusations.

"I created the Internet." That was a statement he made a few weeks ago, or a few months ago. He discovered Love Canal; he was the subject of Love Story. Yet today he is virtually absent when we are talking about high energy prices.

We talked about the soccer moms in the 1996 election and how important they are. And I hope they will all reflect when they fill up their Chrysler minivans or SUVs that the cost of fuel is now about $1.75, the highest it has been in 10 years, and certainly the highest it has been during this administration. So filling up the minivan is now a costly chore for mothers and fathers as they proceed to work and take their kids to soccer practice. But there is no one there taking credit for the oil policy of this administration.

Today, the stock market is down 200 points, largely because of energy prices; and I do not hear anybody taking credit for that. The administration has the Energy Department. One would think they would figure out a response. Yet they can only accuse the other side of the aisle and our presidential nominee, that they are tied to big oil. Maybe they should stand up and say at least we can figure out an energy policy that will be good for America; that may bring down the cost of fuel for the consumers of America.

This robust economy that we understand that they have taken full credit for for the last 8 years may in fact be in a decline because of energy prices. It is insidious. It affects transportation; it affects heating bills. Wait until this winter, when we talk about the political dynamics of choosing food and medicine. We now have to choose between food, medicine and fuel, heating oil for our homes.

So I would just like it, if we are going to start embellishing rhetoric, creating facts, making up names, inserting foot in mouth, that at least somebody come to this floor and address the voters and taxpayers of this Nation as to where we are going with our energy policy. It is getting very difficult because those who are making the energy policy do not fill up their own tanks, so they do not feel the pain. They do not feel the pain when we reach into our wallets each week and pull out those precious dollars in order to keep our lives going forward and filling our vehicles with gasoline.

So, today, as we proceed to continue discussing appropriations items and the future of this Congress and the direction of our Nation, I do again urge the Vice President to please at least stick to the script and stick to the straight facts. I would hope he would not create and embellish names and drugs that are being taken by his family, which may or may not be true.

The American public deserves the truth. They deserve to know the facts. They need to know exactly where we are going on a prescription drug policy. We do not need to bring in Fido and the rest of the family to make a point. It was fraudulent, it was false, it was demeaning, it was misleading, and it was done in Florida, in a State where seniors are looking for honesty and decisions rather than fraudulent statements.

## BORN ALIVE INFANTS PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 5 minutes.

Mr. PITTS. Mr. Speaker, it was not long ago we were all scratching our heads wondering how anyone could ask what the meaning of "is" is.

Words have plain meanings, or at least they used to. And while many of us laughed about the President's confusion, this kind of semantic game has become a matter of life and death for many newborns because many in the abortion industry are trying to convince us that even after a child is born, even if he or she is born healthy, the child is not really a person. They claim the baby has no rights or legal protections, or even the right to live. The U.S. Court of Appeals for the Third District has gone so far as to rule in favor of this outrageous position.

This is yet another example of 'a group of radical judges turning kooky ideas into law through a fiat that the Constitution does not entitle them to.

□ 1445

In the case of Planned Parenthood of Central New Jersey v. Farmer, the court ruled that it was "nonsensical for a State legislature to conclude that an infant's location in or outside the mother's womb has any relevance in deciding if the child may be killed. The Court decided that all that matters is whether or not the mother intended to have an abortion, even if it was a partial-birth abortion, which most Americans think is murder."

In other words, if a child is born alive because a doctor has induced labor as part of an abortion procedure, regardless of how late in the pregnancy, the child still may be killed. It does not matter how healthy the baby is or how loudly it cries. Once the mother decides to abort her child, it makes no difference how the baby exits the womb, we may still kill the child with impunity.

Mr. Speaker, how on Earth can we claim to be a civilized nation when we are killing living, breathing children and calling it legal?

I would like to read a portion of the testimony Jill Stanek gave back in July during the hearings on the Born Alive Infants Protection Act. Jill is a nurse that worked in a hospital in Oak Lawn, Illinois. Her hospital, which, I am embarrassed to say, is called Christ Hospital, performs abortions for women even in their second and third trimester.

Jill says that babies at that hospital sometimes survive the abortion procedure. These babies want to live, but the hospital lets them die anyway. Here is a little bit of her story.

"In the event that a baby is aborted alive, he or she receives no medical assessments or care but is only given what my hospital calls 'comfort care.' 'Comfort care' is defined as keeping the baby warm in a blanket until he or she dies, although even this minimal compassion is not always provided. It is not required that these babies be held during their short lives.

"One night, a nursing coworker was taking an aborted Down's syndrome baby who was born alive to our Soiled Utility Room because his parents did not want to hold him, and she did not have time to hold him. I could not bear the thought of this suffering child dying alone in a Soiled Utility Room, so I cradled and rocked him for the 45 minutes that he lived. He was 21 to 22 weeks old, weighed a half pound, and was about 10 inches long. He was too weak to move very much, expending any energy he had trying to breathe. Toward the end he was so quiet that I could not tell if he was still alive unless I held him up to the light to see if his heart was still beating through his chest wall. After he was pronounced dead, we folded his little arms across his chest, wrapped him in a tiny shroud, carried him to the hospital morgue where all of our dead patients are taken.

"Other co-workers have told me many upsetting stories about live aborted babies whom they have cared for."

And there is much more.

Jill's story should horrify every American. We must decide are we a civilized nation or will barbaric practices like this continue.

I urge my colleagues to support the Born Alive Victims Protection Act. Let the American people know that we still know what decency means.

## CARIBBEAN AMNESTY AND RELIEF ACT

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I want to announce that I have introduced H.R. 5032, which is the Caribbean Amnesty and Relief Act.

The act originally applied to people from the English-speaking Caribbean nations, but we have now expanded it to apply to people from all nations in the Caribbean.

Because of the close proximity of the Caribbean to the United States, there really is indeed a special relationship between our country and the Caribbean. And we have many, many people who have come to our shores and who want to come to our shores who immigrate to this country for the same reasons that my grandparents immigrated at the turn of the last century many, many years ago, wanting a better life for themselves and wanting a better life for their families; and, in doing so, they create a better life for all Americans.

Let us look at the kind of American who immigrates to this country. It is not a lazy person. It is not someone who wants something for nothing. It is an industrious person, someone who leaves behind the old country, family, friends, culture, and comes to this country. It is a special person. Indeed we are by and large a nation of immigrants, and the reason why our country has grown and flourished and prospered is because of the industriousness of our immigrants.

And so, I believe that immigration is a good thing for this country. Some may disagree. I think they are wrong. I think immigration is good for this country and it is certainly the right thing to do in terms of helping industrious people become new Americans.

We have a problem, however. It is a problem in my district. It is a problem in other districts in that we have families who are stuck. Some of the families are stuck in the old country. Some of the families are in this country.

What my bill, H.R. 5032, attempts to do is to have family reunification as its core. Mothers and fathers and sons and daughters and sisters and brothers ought to be able to live together.

I can tell my colleagues that in my district I have heard horror stories where families are stuck in the Caribbean, some are in this country, and it is impossible to get them over here.

Now, some may use the term "illegal." And we have to have a cohesive policy with immigration. But I use the term "undocumented" because sometimes the difference between people who are undocumented and documented in this country is very capricious and arbitrary. And I can tell my colleagues stories of suffering of families again who only want the best.

So my bill would help families. What my bill would do is it would be an adjustment to permanent resident alien status, in other words, allow people to get green cards if they have been in this country since 1996 and ultimately, after a certain amount of years, allow them to become citizens of this country.

It would also allow them to have work authorization while their application is pending and would also create a visa fairness commission to collect data on economic and racial profiling. Because, again, I have heard many, many horror stories of arbitrary decisions involving immigration.

So, Mr. Speaker, I would urge my colleagues to support this bill. I think that this bill ought to be a crusade, and it will be a crusade of mine. I think people of all goodwill want to do what is best for this country and what is best for people. We are not talking about names that have no significance. We are talking about people's lives. And this affects people's lives. There is no reason again why if people want to come to this country why we should not have a cohesive policy of immigration in this country, one that would help families and not divide them.

So, again, the people of the Caribbean Basin have always been loyal friends of the United States. At the height of the Cold War, the United States looked to the Caribbean nations. And, as a result, a lot of the Caribbean countries have suffered political upheaval.

So let us talk about family reunification. Let us talk about doing what is right. Let us talk about a cohesive immigration policy that does not penalize people. Let us upgrade the very special relationship that this country ought to have with the nations of the Caribbean. But most importantly, let us have family reunification. Let us do what is right for those families. And let us do what is right for America.

### PRESCRIPTION DRUG PLANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oklahoma (Mr. COBURN) is recognized for 60 minutes as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I would like to spend a little time this afternoon on a subject that we hear across all the airways and we read in all the newspapers and it is what all the politicians in the country are running around talking about. It is called prescription drug plans.

It is amazing how interested we are in this now that we have gotten into an election year. But the problem has been occurring for the last 3 years essentially.

There is no question in this country that, as the percentage of health care costs rise, an increasing proportion of that is prescription drugs. And there is no question that in our country, all of us, seniors, people in insured plans, people with no insurance, people on Medicaid, are having a more and more difficult time accessing the pharmaceuticals that we need to both succeed in treating the illnesses that we face and prevent illnesses that we could face.

My experience is I have been a physician for almost 20 years. I continue to practice on the weekends and on Fridays when we are not in session and on Monday mornings.

What I want to spend time today talking about is the direction of the Congress with this issue. I want to compare what we have heard President Clinton say and Vice President GORE say about their solution for this problem.

I have 18,000 square miles in Oklahoma that I am fortunate enough to represent. I will be going home when this session of Congress is over, and I will not be returning because I chose to limit my terms. But as we travel around and I talk to seniors, which have been the major topic that we have seen discussed in this potential to began a political advantage, this bidding war on prescription drugs, if we ask the question, do you need help with prescription drugs, many will say yes. There is no question.

But if we ask the question putting with it the caveat of who is going to pay for it, the answers are totally different. If we ask seniors, do you want a prescription drug plan and do you want one that is going to lower the standard of living of your grandchildren, we never ask that, but that is implied in the question.

For historical purposes, when Medicare began, the estimated cost for Medicare in 1990 was $12 billion in 1990. That is what the best accountants, the best people that we could have said that is what it was going to cost. And there are a couple of reasons why they missed it a thousand percent. It cost $120 billion in 1990. There are two reasons they missed it.

Number one is it is hard to estimate; and number two, the politicians in Washington, if they do not have to be responsible for the cost of it, are going to add an additional benefit. That is a natural human response, whether one is a politician or otherwise, is to give somebody else's money away if in fact it helps them accomplish their purpose.

Well, we now have a drug proposal before us that is supposed to cost about $100 billion over 10 years. And if we think about the track record for the Health Care Financing Administration and the CBO, the Congressional Budget Office, and the Government Accounting Office, all of which totally missed the cost to Medicare, what it is really going to cost is probably a trillion dollars' over the next 10 years. That is where we are at.

Now, where are we going to get money to pay for that? We are going to delay the funding of it. We are going to borrow it. And we are going to eventually ask our children to pay for it and our grandchildren.

There is a lot of baby boomers out there, which I am one of them. There are 77 million of us that are baby boomers, and it will not be long that we will be eligible for the benefits under Medicare. And as we become eligible, the one thing we do know is that the cost of the Medicare program is going to skyrocket.

The second point that I want to make is, what is the real problem in our country in terms of people being able to get prescription drugs? What is the difficulty? It is not the quality of the drug. It is not the availability of the drug. It is not the research that brings the drugs forward. What is the real problem? The problem is price.

If we do not address the competitive issue in this solution to this problem, then all we are going to do is lower the cost for some seniors and transfer it to everybody else in the country. Unless we establish and make sure that that marketplace is as efficient as it can be, we will do wonders for seniors and harm to everybody else, let alone the cost.

I have one chart I would like to spend some time on. This chart is actually Social Security. But if we move it over to 2011, the numbers are exactly the same in terms of the ratio of positive cash flow into the Social Security or Medicare fund versus outflow.

□ 1500

In 2011 under the spending we have now without a drug program, Medicare starts running a negative cash flow. It would not do that well if we had not taken two or three components out of the Medicare trust fund and put them to the regular budget. So we essentially have improved the life of Medicare both by manipulations here and the fact that we have had a wonderful economy with a lot of people paying in a lot of money on Medicare.

But what is going to happen, starting in 2011, is we are going to have to run this tremendous deficit, without a prescription drug benefit. So if we decide that a big government program is the answer and that the President and Vice President GORE is the answer, then what you need to do is just about double or triple the red on this chart. The implication being, is that your children and your grandchildren because we are going to fix the wrong problem, lack of competition, are going to have a much lower standard of living.

I have a chart that compares FICA earnings and estimated taxes just on Social Security. The reason I want to use Social Security is because the same numbers reflect on Social Security the baby boomers. What you can see is right now we all pay about 6 percent of every dollar we earn in a FICA tax and our employer matches that. But I want you to notice this graph. That does not have anything to do with the 1.45 percent that you pay in Medicare and that your employer pays. But if you just follow this graph in terms of the introduction of the new people coming into Medicare and Social Security, what you can see is the tax rate just to meet the cash flow requirements, without a prescription drug benefit, goes up to almost 20 percent. If you extrapolate that same rate from Social Security to Medicare, instead of 1.45 percent, we are going to be paying 3 percent individually and 3 percent by your employer. So we are going to double the cost of the tax when you work just to cover the Clinton-Gore drug plan.

I am not known as a partisan, and I was not real happy with the Republicans' drug plan, either; but what I do know is that the plan that is outlined by the President and Vice President Gore concentrates more power in Washington, concentrates more decision-making in Washington, and concentrates bankruptcy for Medicare in the future.

I yield to the gentleman from Texas (Mr. ARMEY), the majority leader in the House.

Mr. ARMEY. Mr. Speaker, I want to thank the gentleman from Oklahoma for recognizing me. I want to thank also the gentleman from Oklahoma for taking this special order on this special topic. It is a matter that of course is of great interest and, frankly, considerable concern to the American people. I am proud to be included in his special order.

Mr. Speaker, I have worked very hard on these comments, and I will read my comments because this is a complex subject, and we want to make sure we get it exactly right.

I would like to take a moment just to discuss the prescription drug issue. Vice President GORE and Governor Bush are engaged in a heated debate over this matter and how best to help seniors afford drugs.

Everyone agrees that Medicare coverage has failed to keep up with medical progress and that one-third of seniors today lack drug coverage and need immediate help to better afford the medications they need and upon which they rely. But as with anything, there is a right way and a wrong way to go about doing it. I might say, if this is worth doing, and I believe it is, it is worth doing right. Sadly, Mr. Speaker, the Vice President has chosen the wrong way.

Six years ago, he and President Clinton tried to force all Americans into a government-run health care plan. Thankfully their plan was rejected by the public and by Congress. I am proud to have been a part of the effort to defeat the Clinton-Gore health care plan. I thought forcing people into government-run, government-chosen HMOs was wrong then; and, Mr. Speaker, I think it is wrong now. Back then, to illustrate what the Clinton care plan really entailed, I drew up a chart showing all its amazing complexities and absurdities. I called that chart "Simplicity Defined." It looks an awful lot like this chart we are seeing right here. This one I call "Nightmare on Gore Street." You see, this risky big-government drug scheme of the Vice President's is really the sequel to that 1994 horror film we had hoped we would never see again, the one called "Clinton Care."

Alas, like the unrepentant Freddy Krueger, Mr. GORE is back trying to do for drugs what he failed to do for health care, put the government in charge of all of it. Ira Magaziner and Rube Goldberg would be hard pressed to devise so nightmarish a scheme. This frightening tangle of chutes and ladders is the product of no less than 412 new government mandates contained in the Gore plan.

If this horrifying picture is not enough, allow me to recount just a few of the reasons why the Gore government-run drug plan is bad for seniors and all other Americans as well.

First, it forces all seniors into a government-chosen HMO for drugs. If you do not like the plan the bureaucrats put you in, it is just too bad. You have no other options.

Second, it is not really voluntary as Mr. GORE claims. You will have just one chance to buy into it at the age of 64½. If you do not want to join at that time or change your mind later, you are out of luck. It is the Gore plan. Life his way or nothing at all.

Mr. Speaker, I must say, that bothers me especially because it sounds like an ultimatum. Just at that time in your life when you come to terms with the things that you do, retiring from your job, starting to contemplate a new life, worrying through what might be my options, how might I provide for myself and my family in this critical area of health care, Vice President GORE says, "We will give you an ultimatum. Make up your mind, right now. Do it my way or not at all." That is not right, and even worse, it is not fair. If you do not believe me, just look at today's part B of Medicare. That part is called voluntary, too. Just try escaping it. I dare you.

Third, government bureaucrats will decide which drugs are and are not covered. If they decide the drug you need is too expensive, they can force you to switch to a cheaper, less effective one.

Fourth, seniors will lose their existing private sector coverage whether they participate or not. Experience shows employers drop coverage as soon as the government begins providing it. So if you are one of the two-thirds of seniors who enjoy private sector drug coverage today, prepare to kiss it goodbye.

Fifth, no one will get the drug benefit until the year 2008, 8 years from now.

Sixth, it is a bad deal for most seniors. The average senior will get just 13 cents a day of actual benefit. And if you are one of the majority of seniors who use less than $576 in prescription drugs each year, you actually lose under the Gore plan. The combination of additional and a high copay force you to pay more than you would get back in benefits. For example, if you were to incur $500 in drug costs, under GORE's plan you would have to pay $550 for that privilege. That is because $300 in premiums plus $250 in copayments equals $550, more than the benefit is worth. Incidentally, these costs are on top of your existing part A, part B, and supplemental coverage costs. And the premiums for the drug coverage plan? They come directly out of your Social Security check, whether you want to pay that way or not.

Seventh, the Gore plan threatens the physical health not just of every senior but of every single American. Despite

Mr. GORE's strenuous denials, his plan must and does rely on government price controls to control its massive costs. These price controls will make it unprofitable to develop new miracle drugs, and this will kill innovation. Right now there are about 7,500 new drugs just for seniors in the research pipeline. Some of them could be cures for Alzheimer's, Parkinson's, diabetes or cancer. If the Gore plan is enacted, these innovations may never make it to the market.

The eighth problem with the Gore plan is that it relies on that old Democrat Party favorite, bureaucracy. Those few drugs that do get invented and make it through the FDA bureaucracy will under the Gore plan have to wind their way through the Medicare bureaucracy as well. It currently takes Medicare 15 months to 5 years to provide a new medical device or technology. For instance, Medicare still does not cover the tumor-detecting PET scan technology that has been covered by private health insurance for 10 years. Medicare regulations currently fill 132,000 pages, more than the tax code. Imagine how many pages of regulations will stand between seniors and new miracle drug cures under the risky Gore drug scheme.

Finally, the Gore plan actually endangers the Medicare program. As everyone knows, Medicare is insolvent, heading toward bankruptcy in the year 2025, possibly sooner. The Gore plan would pile a huge new government entitlement on top of the existing, rickety Medicare with absolutely no modernization. That is dangerous and irresponsible, like adding a second story to your house when the foundation is cracked. And it is a terrible disservice to seniors.

Mr. Speaker, let us not be discouraged. There is a better way. Americans want and deserve and we Republicans are working hard to pass a Medicare drug plan that keeps Washington out of your medicine cabinets and puts choice and control in the hands of our own seniors. Last July, we in the House passed such a plan. It was drafted by a task force of Members led by our colleagues, the gentleman from California (Mr. THOMAS), the gentleman from North Carolina (Mr. BURR), and chaired by the Speaker. It is a good plan that shows seniors enough respect to give them choices.

I am proud that Governor Bush has proposed a plan similar to our congressional plan, based on the same principles. Like our plan, the Bush plan is truly voluntary. You decide whether or not to participate. It lets you keep your existing private sector coverage if you want to. It does not let bureaucrats restrict your access to drugs. It lets you pick your own plan and tailor the benefits to suit your own needs. It holds down drug costs by helping seniors band together in groups to bargain for better prices, not through innovation-killing government price controls. And it modernizes, improves and strengthens Medicare for the long term. And one more thing: the Bush plan takes effect right away, next year, not the year 2008 like the Gore plan.

Mr. Speaker, here is the issue. The Gore plan puts choice and control in the hands of the government and it endangers Medicare. The Republican plan puts choice and control in the hands of seniors and strengthens Medicare. That is the whole choice before us in this election. I think when the American people understand the profound differences between these two approaches, they will overwhelmingly favor our approach and oppose the Democrats' risky big-government scheme, just as they did in 1994.

Mr. Speaker, I am going to ask that we put that original chart up here for just a moment. Take a look at this chart. Each and every one of these dots, segments in this snaky chart, is a separate government mandate. Why does it have to be so complex? Because we have to cut all the bureaucrats in on the deal. Why does it take till the year 2008 to implement it? It will take them till the year 2008 for them to decide what they want you to have.

□ 1515

Why can Governor Bush implement his right away? Because he knows we already know what we would like to have, and we do not have to have 8 years for a decision regarding somebody else's business.

If we think the government can get this right better than you can, Mr. Speaker, when was the last time the gentleman bought his wife the right Christmas present?

Mr. COBURN. Mr. Speaker, I thank the gentleman from Texas (Mr. ARMEY), the majority leader.

I would make one other comment. HCFA, which stands for the Health Care Financing Administration, in the words, their own director says nobody in HCFA understands the details of HCFA. It is so convoluted. And having practiced in the medical field, understanding the regulations, understanding the results, understanding the lack of common sense that comes out of this organization in terms of how we impact with our patients and how our patients are cared for, to take $300 billion swiped out of Medicare over 10 years and let those people handle it is the last thing we should do.

Mr. Speaker, there should not be an expansion of the responsibility within the Health Care Financing Administration.

Mr. Speaker, I yield to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COBURN) for not only securing this time from the gentleman from Texas (Mr. ARMEY), the majority leader, but also for joining with the gentleman from Texas, the majority leader, today to talk about this important issue.

Each Member of Congress is confronted not only in Washington, D.C., but around our own tables, in talking to our own parents, and certainly back home where we talk about how important it is for us to address the important public policy issue of prescription drugs.

What I would like to do is to spend my brief minutes here today in talking about the importance of not only what the Republican party is doing and our plan that my colleagues have heard the gentleman from Texas, the leader talk about, George Bush's plan, but also to go back and to talk with my colleagues about the importance of what we have already done.

We had an opportunity in this Congress back in July to pass a prescription drug plan, and we had the opportunity to look at several plans that were presented and certainly there was vigorous debate on the floor of the House of Representatives. And what happened was there was one plan that was raised and supported by the Democratic party, which would have arbitrarily been a decision that would be taken over by the Federal Government by Medicare, to make a decision about every single part of what a senior's health care would be decided by with prescription drugs by the Federal Government. I call it the same or similar to what we have known as Hillary Care for Health Care, the same thing is true for prescription drugs.

The second thing is, it would have required participation by every single senior. Every single senior would have to make the decision are you getting in or are you getting out?

Thirdly, it would be a decision about whether you were going to have a prescription drug plan that would really begin kicking in in 2005, now we have heard 2008.

The decision that this body made was overwhelming, and it was overwhelming because it was a bipartisan support, and pro-business Democrats made a decision that they would vote against the Democrat plan.

They did not want to take over the prescription drug industry. They did want price controls on the prescription drug industry, because they recognize that in a free enterprise system that we have here in America that we want these drug companies to keep developing, not only newer and more innovative prescription drugs, but the opportunity for us to continue what we have today, provide them to all of our senior citizens.

That plan failed, the Democrat party could not even pass their own plan, not because of the Republican party, but because they could not get enough Democrats to vote for the Democrat plan. And so Republicans were joined by about 10 pro-business Democrats. And we passed a prescription drug plan here in the House of Representatives that aims directly at the problem.

The problem is not every senior citizen, about two-thirds of our seniors, two-thirds of our seniors are without a prescription drug coverage or a plan today, and so that is why we aimed it at that.

We, our plan, the Republican plan, that has passed this House of Representatives would find that those that are at 135 percent or less of poverty, which equals 11,124 for a single person, that they would have an opportunity to receive without any cost any prescription drug that their physician decided that they needed.

Now, why is this important? I receive questions across my district all the time. Why would we want theFederal Government to begin imposing this plan for senior citizens? Well, it is simple. The fact of the matter is, is that Medicare today offers the coverage for health care for senior citizens.

Prescription drugs today can cure many, many more ills than it used to just a year ago, and in the future it will cure many more ills in the future, but doctors, when they write a prescription or when they utilize prescription drugs, they need that as part of the medical treatment for patients, putting a patient in the hospital is not always the answer.

Sometimes it is a prescription drug, so people who make less than $11,124, and it is on a sliding scale with a slight copay above that, they would receive exactly what the prescription was that the doctor ordered, exactly the way the doctor wrote it. They would be given this at no cost.

We are aiming at the poorest Americans. We are trying to help those that need help the most. That is what this prescription drug plan did.

Now, the question is in Washington, as it always has been, not only about prescription drugs or about health care, about taxes, about the things we do, why would we want the government to be involved? We have done this to help senior citizens. The Democrat plan on the other hand is one that we oppose, because we recognize that money equals power.

It always has, and unfortunately probably always will, money equals power. And they want to control the lives and the prescriptions that are written by the individual doctor, because they want to make decisions.

I became very interested in an article that appeared in the Dallas Morning News, which is a paper of high standing, my local newspaper in Dallas, Texas, and it is dated September the 9th, just a few weeks ago and it says "administration halts plan to cut Medicare payments for cancer drugs."

Mr. Speaker, it is this bureaucrat, the government, that is making a decision about live-saving drugs for many times our parents and grandparents, and based upon a number of Members of Congress, they state in here, at least 121 Members of Congress, 70 Republicans and at least 51 Democrats, signed a letter to Donna Shalala, head of the Health and Human Services, please do not cut Medicare payments. You already control seniors health care. Let me state the administration backed off cutting that.

Further, in the article it says, and I quote from the Dallas Morning News, September 9, Terry S. Coleman, former chief counsel of the Medicare program said, "the reimbursement methodology is so complicated, you can't just go in and adjust a few billing codes. The same methodology is used for all physician specialties, not just oncology."

Well, I would suggest that the majority leader is right. We should not allow this government to control the decision that is made by physicians on our prescription drugs. It even gets better, and I quote further, "while putting off cuts in payment for cancer drugs, Medicare officials said they would cut payments for drugs used at kidney dialysis centers and in the treatment of emphysema and other lung diseases starting January 1."

Mr. Speaker, I would suggest that not only is money power, but the ultimate power through rules and regulations, where we are required by the Federal Government to have Medicare to be the final decision-maker for prescription drugs in this country is not only a bad program and one that would not start with a Democrat plan until we find that kick in 2008 but, in fact, would control our lives and our freedom.

The reason why the Republican party and these Members are standing up here today is to make sure that all the Members are fully aware of what this debate is about and what the ramifications are.

It is about whether we will once against give up, as the debate in this country was in 1994, whether we will give up on the prescription drug industry and say we do not trust the free market, we want somebody else to do it for us, and when we do that, we lose pieces of our freedom, the opportunity for us to make a decision about the prescription drugs that we will put and count on for our health.

We need a plan where we empower the physician and the patient to make a decision. We need to make sure that prescription drugs are not only available, but that they are what the doctor ordered. And I will tell my colleagues that the plan that we have voted for is exactly what the doctor ordered.

Mr. Speaker, I appreciate the opportunity to be here with the gentleman today. I applaud what the gentleman has done; what the gentleman from Arizona (Mr. SHADEGG) is doing; the gentleman from Texas (Mr. ARMEY), the majority leader; and also the gentleman from Minnesota (Mr. GUTKNECHT) to make sure that our colleagues are not only updated on this issue, but that we continue to talkabout the importance of allowing physicians and patients to decide their own future.

See money is not only power, but freedom is power, too.

Mr. COBURN. I thank the gentleman. I want to make two points just for the RECORD to those that might be watching this. Medicare did a prescription drug benefit in 1988. The estimated cost was $4.7 billion. The actual costs, the 1 year that that was in place was $11.7 billion; that is how well we estimated the costs.

So when we saw up here a cost of $353 billion over 10 years, we know at least it is double that, just by the track records.

The other thing that I would make is the GAO has already stated, our accounting agency, that Medicare is not going to make it, unless we do some significant changes in terms of incentives and payments. How do we do that? We do not do that by adding significantly more costs to an already bankrupt program.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. SHADEGG), a close friend of mine and somebody I respect a great deal.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. COBURN) for yielding to me, and I appreciate the opportunity to participate in this debate.

Mr. Speaker, I actually would like to engage the gentleman in a colloquy about a number of the aspects of the Clinton-Gore plan that I think are of concern and that may need to be repeated here so they understand.

### PARLIAMENTARY INQUIRY

Mr. SHADEGG. Mr. Speaker, I would like to make a parliamentary inquiry. One of our colleagues, I think it was the gentleman from Texas (Mr. ARMEY), our majority leader, just referred to the fact that it is very important to be accurate in the facts in this debate, and that as we debate this critically important issue, we should be precise, and I believe the gentleman said that he, in fact, would read his statement so that he could be precise about, for example, the number of bureaucratic steps on the chart.

I believe in the remarks of the gentleman, he indicated that it was very important in this complicated debate that we be precise in what we say and in the facts we use and marshal in support of our position in this debate.

The question I want to ask is, is it true that under the rules of the House, I cannot refer to the fact that the Vice President in a speech in Florida on this issue, just a week or two ago, made up certain facts about the costs of prescription drugs imposed upon his mother-in-law, that those were not, in fact, the actual costs, that he made up some facts regarding the dosage of the drug taken by his mother-in-law and the dosage of the drug taken by his dog, and that he also made up the facts with regard to the overall costs of these prescriptions to his family? Am I correct that that cannot be referred to on the floor of the House?

The SPEAKER pro tempore (Mr. GILCHREST). The general rule is that the gentleman cannot engage in personality attacks against the Vice President, but the gentleman can criticize the Vice President's policies and his candidacy.

□ 1530

Mr. SHADEGG. Let me ask for a further clarification, if I might. On the screen here on the board, there are two stories, one from the Boston Globe and one from the Washington Times. I know the Times story appeared yesterday. The Boston Globe story, I believe, appeared the day before yesterday.

Mr. COBURN. Monday.

Mr. SHADEGG. It appeared Monday. Both of those stories report that, in fact, the Vice President did make up these facts; the cost of the drug that his mother-in-law allegedly paid, the dosages taken by his mother-in-law versus the dosages taken by his dog. He, in fact, made up also the overall cost and did not relate whether or not his mother-in-law was paying for these drugs or whether they were, in fact, paid for by insurance and that now the Gore campaign will not relate whether or not she is insured or not.

My question is, is it also true that that cannot be referred to and those articles cannot be read here on the floor?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman can criticize the Vice President in his actions as a candidate, but the gentleman cannot get personal in his criticism of the Vice President.

Mr. SHADEGG. I have no desire to be personal. I do think, as I stated and as I believe the majority leader stated and as the gentleman from Oklahoma (Mr. COBURN) stated at the outset of this debate, that if we are going to debate important public policy, it is critical that we all be accurate; and I would commend to my colleagues here in the Congress both of these articles which relate that, in fact, facts were fabricated by the Vice President in the course of his campaign to win support on this issue.

I would urge my colleagues that it is critical that we be truthful. It is critical that in this kind of important debate before the public that we do not make up facts or figures; that we do not mislead the American public on these issues; that we do not relate allegedly truthful stories about this issue, about family members, when we ought to know the facts, in a way which is untruthful, and that that is a discredit to this institution and a discredit to the campaign.

I think it is also important that we, in the course of this debate, not allow the ends, in this case winning the debate over how do we best take care of these serious prescription drug needs of America's elderly population, we do not allow the end of winning that debate to justify means which are clearly improper, such as making up facts which are not true; being untruthful; or in other ways telling stories which are not accurate and honest with the America people, just to win support for our position in the debate. I think that is a point that is truly worth stressing.

I would like to just go over with the gentleman from Oklahoma (Mr. COBURN), if we might, in a dialogue form some of the points that have been made already here to make sure that we understand. First, I want to ask the gentleman, is it his understanding of what is being proposed by the other side on this issue, by our Democratic colleagues, by the Clinton-Gore administration, that that plan would, for example, provide a subsidy for prescription drugs for people regardless of their income and therefore would provide a subsidy to perhaps Ross Perot, Donald Trump or anyone else in that income bracket?

Mr. COBURN. That is the same principle as we have today in Medicare. There is no choice; if one is over a certain age, they will participate, unless one chooses not to participate at 64.5 years. Once they choose not to participate, they will never be eligible.

Mr. SHADEGG. The gentleman used the word "choice" and talked about once one chooses not to participate or to participate. I think that is important. As the gentleman understands the proposal being offered by Republicans, one of the key features is choice. That is, we allow people to pick from amongst a variety of plans that meet their own needs; and in addition at least it is my understanding that as the bill we passed and the legislation we are proposing and indeed the legislation being proposed by Governor Bush would give seniors the right to not only choose amongst various plans when they join but to make choices again down the line. If they are unhappy with the plan they pick, they could make a choice at a later point to switch plans. Is that not a feature?

Mr. COBURN. That is accurate. I think the other thing to remember is one of our problems in health care in this country, especially in terms related to HMOs, is that we have lost a considerable amount of freedom. When one does not have the right to choose their doctor in this country, they have lost a significant amount of freedom. Now what we are going to see is you are not going to have the right to choose whether you get the best drug for you or one that a bureaucrat in Washington has decided is the cheapest and least expensive and may not be as effective, you are not going to get to make that choice. So it is a great political tool to say we are going to have something for everybody, even though our grandchildren are going to have to pay for it and have a lower standard of living; but to not be honest about the loss of freedom associated with that I think is disingenuous.

Mr. SHADEGG. I think you just touched upon another key point that I wanted to bring out at least in part of this important discussion. Arizona has many senior citizens. It is a great place to retire to. I hope more people retire there. But I think one of the keys that the gentleman just mentioned is we often talk about choice in the abstract. It is important, I think, for people to understand that not only under the Clinton-Gore plan do you make one choice at the outset, you either opt in or opt out and that decision is binding for life, but the second point is the one that you just mentioned and that is that if you choose to participate in the plan which the Clinton-Gore team is proposing, you are, in fact, giving away your choice, your right to choose the drug that is best for you, to a Federal bureaucrat.

I know many people that work as government employees. I worked as a government employee in the past part of my life in an unelected capacity. I think they are genuine, honest and sincere; but under the Gore plan the schedule of committed drugs would be decided by someone deep in the bowels of the Federal bureaucracy. It would take choice about which drug is right for you, which drug is right for your wife or your father or your mother or your grandfather or grandmother, it would take that choice away from them as individuals and vest it in a group of, quite frankly, Federal bureaucrats who would decide which drugs are appropriate and which drugs are not, taking that power not only away from you but away from your doctor as well. Is not that correct?

Mr. COBURN. There is a good example. There is a drug on the market known as Trazadone. The brand name is Desyrel. I use that drug a lot. I use the generic as a sleep-inducing aid for senior citizens, but I never use the generic for an antidepressant because it is not as effective. If we have this system, I will not be able to do that. So I will not be able to use a drug that there is significant difference in efficacy for treating depression, I will not be able to use that because we are going to use the generic. So, therefore, I will not be able to use that so I will not be able to give the care and nor will I have the confidence that my patient is going to get what they want.

So the loss of choice is an implied loss of freedom, but it is also a decline in care.

Mr. SHADEGG. Ultimately, as a medical doctor trying to tailor the best care for your patient, you would be at the mercy of a Federal bureaucrat who would decide which drugs can be used for which purposes.

Let me ask this question: let us say someone is sitting home and saying we have to make certain trade-offs. Maybe that has to happen. Somebody has to ultimately decide. Maybe we cannot afford to allow patients to consult with their doctors and decide which drug is right.

Do we have any assurance, if the gentleman knows the answer to this question, do we have any assurance that under the Clinton-Gore plan that at least it would be medical doctors as opposed to nondoctor personnel that would be deciding these issues under the Gore plan?

Mr. COBURN. I cannot answer that. I do not know, but I can say in other government-run health programs, title X clinics, title XI clinics, it is not doctors that make decisions. It is an extension of the doctors, somebody that is abstract making those decisions. Thatis felt to be efficient, even though the care sometimes might be substandard.

Mr. SHADEGG. The gentleman and I have worked on health care reform a great deal over the last 6 years, and particularly over the last 2 years. I hope that the medical profession is aware that this results in a surrendering of their ability to pick the right prescription drug for their patient and a tremendous loss of choice, not just for patients but for doctors and a diminution in the quality of care.

Mr. COBURN. I would like for us to ask the gentleman from Minnesota (Mr. GUTKNECHT) to stand up and join with us, because one of the issues that we raised, that this whole plan totally ignores, is enhancing of competition. What the Gore plan will do is cost shift the cost savings that might come about through Medicare on to the private sector, which will then raise everybody else's costs for prescription drugs. It will raise the State's cost in terms of Medicaid. It will raise the company's cost that pays for your insurance. If you pay your insurance yourself, it will raise. If you have no insurance, it will raise.

The problem that we have today, the reason we are even addressing this issue, is because price has become predominant. We had a 17.4 percent rise in the cost of prescription drugs in this country last year, when inflation was under 3 percent. There has to be something wrong here, and I think the gentleman from Minnesota (Mr. GUTKNECHT) has a solution to that and has been very vocal on how we enhance competition in this country, and I would welcome him to the debate.

Mr. SHADEGG. Just let me stress the point of everyone is concerned about the cost of prescription drugs. I have, as I said, many seniors in Arizona that I am deeply concerned about. My question is: How do we solve the problem, and how do we do it in a way that helps people rather than hurts them? I welcome the gentleman to the debate.

Mr. GUTKNECHT. I would like to thank my colleagues, and particularly the gentleman from Oklahoma (Mr. COBURN), and let me just say publicly we are going to miss him a lot in the next Congress. He has been a fearless advocate for real reform of our health care delivery system.

I would just like to mention before we get into the price, people need to understand and they do not have to take our word for it and I want to thank my colleague, the gentleman from Arizona (Mr. SHADEGG), for bringing up this whole issue about, let us at least deal with the facts, and everything I am going to say today I do not want people to take my word for it. The first thing I am going to say is anyone who believes that we ought to make the Health Care Financing Administration even bigger and stronger, just pick up the phone and call your local nursing home, call a registered nurse who happens to work in that nursing home.

Mr. COBURN. Call a doctor.

Mr. GUTKNECHT. Call anybody; call your doctor.

Mr. COBURN. Or call your hospital.

Mr. GUTKNECHT. Call anybody who is involved with hospital administration. Just go ahead and ask them do you think it is a good idea to make the Health Care Financing Administration even bigger and stronger?

Mr. COBURN. More powerful.

Mr. GUTKNECHT. Now, you might want to hold the phone back aways because you are going to get an earful of how the cow ate the cabbage. I mean, the people who deal with this powerful bureaucracy today will say the last thing they want to do is make it even more powerful.

The other thing I want to say about this, and again do not take my word for it, do a little research. I think the best thing about the program that we are offering, and I am not going to say it is perfect, but there are three very important principles about our program that everyone needs to understand. First of all, it is going to be available to all. Secondly, it is going to be affordable for all. But, third, and I think the most important ingredient, is that it is going to be voluntary.

Now, I am very fortunate. My parents are both on Medicare and because of the company that my dad worked for and the union contract that they had, he qualifies for a medical benefit now. So in many respects, they are in great shape. But if you ask the people who currently have coverage like that do you want to give it up for a program that is run by the Federal bureaucracy, the answer from most of those people is no. They like the program that they have today, and under the Clinton-Gore proposal they would lose the ability to choose the program that they currently have.

I do want to talk about price, because many of us have been having a lot of town hall meetings over the last several years. I was first alerted to this problem a couple of years ago at a town hall meeting in Faribault, Minnesota. Some of the seniors stood up and they started talking about the differences between whatthey pay for drugs here in the United States as opposed to what people can buy those same drugs for, whether it is Canada or Mexico or Europe.

I sometimes feel like that little boy who came in and asked his mother a question and his mother was kind of busy and she said, go ask your dad, and the little boy said well, I did not want to know that much about it. I feel a little bit like that little boy because the more I learn about this, sometimes I just say to myself I did not want to know that much about it.

Let me just show this chart. Everywhere I have gone, and we have taken this to county fairs and town hall meetings, and the people who have seen this bear out these facts. Now, interesting, this chart now is about a year and a half old, and this is not just Canada or Mexico. This is about Europe. Again, I will come back to my father, 83 years old, he takes a drug called Coumadin. Now, he has prescription drug coverage. He does not pay full retail, but the truth of the matter is the average price for that Coumadin, it is a very commonly prescribed blood thinner, the average price about a year and a half ago in the United States for a 30-day supply of Coumadin was $30.25. That same drug, made in the same plant under the same FDA approval, was selling in Switzerland for $2.85.

Now, one sweet lady at one of my town hall meetings came up to me and she said, if you think drugs are expensive today, just wait until the government provides for them free. And we need to think about that, because the answer to our problem, and let us go back to the big problem, and I think this was alluded to, the big problem is affordability. For an awful lot of seniors, if they could buy Prilosec, for example, instead at the average price in the United States which I now understand has gone up dramatically from this $109 figure for a 30-day supply, the average price in Europe at the time this chart was put together was about $39, I am told that even today you can buy it in Mexico, again the same drug made by the same company, for less than $20. Now, if seniors had access to some of these world market prices, it would go a long ways to solving this problem because seniors who are taking two or three prescriptions they might be able to afford easily $30 or $40 per month, but when that same prescription, that same drug, sells in the United States for say $200, as a matter of fact we had a gentleman at one of my town hall meetings in Winona, he came up to this chart, he pointed at two drugs and it added up to $149; and he said if I could buy those drugs at European prices, and he said that was about what I pay, but he said if I could buy them in Europe it is less than $50.

□ 1545

Now, he said, $150 really stretches my retirement and Social Security budget. But $50 I could probably afford that a whole lot more.

The real issue, though, that we need to talk about is what do we need to do to bring down prescription drug prices to a world market level. The answer, I want to make it clear, I do not support price controls, and it is honest to say some countries in Europe and the Canadians and the other countries do employ various forms of price controls.

Mr. Speaker, I have wrestled with this question. In some respects, some people say if you go to an open market system and you allow people, particularly our local pharmacists to buy from other countries, are you not just importing price controls? I have to admit, to some degree, that is correct. But we also have to step back and say, wait a second. These are the same drugs. We are the world's best customers. We should not be required to pay the world's highest prices.

Mr. COBURN. Mr. Speaker, let me interject with the gentleman if I could for a minute. I think it is important for people to know that essentially Americans are subsidizing the drugs of everybody else in the world, number one, through our research, through the National Institutes of Health; and number two, through the prices that we pay. In fact, even if the gentleman's statement about reimporting price controls were true, what that would do is put a higher pressure on the negotiated price to the other countries and, therefore, Americans would not shoulder the absolute high cost of drugs compared to everybody else, and we would see a shift of that cost, an appropriate shift of that cost, to the others. Remember, these are all made in the same plants, shipped all over the world, and charged at significantly different prices. It is important to note that one way to do that is to allow reimportation at the wholesale pharmacy and at the pharmacy level of the identical drug from other countries. If we do that, we will drive some prices.

The other point that I think is important that ought to be made is that this year $6 billion out of a $115 billion market for prescription drugs is going to be associated with television advertising for drugs that one cannot get unless a physician writes a prescription. The average consumer sees 10 of those ads a day. Now, who is paying for that? We are going to pay in America an extra $6 billion so we can see a commercial to tell us to go ask a doctor for a medicine when, in fact, what we should be saying is, Doctor, here is the problem I have, what is the best medicine? One of the subtle things that people do not realize is that when somebody comes to me thinking they need a certain medicine, it increases the cost of care, because if they do not really need that medicine, not only do I have to take their history and examine them, then I have to spend time explaining why they do not need the medicine that the ad just sold them and why they need this medicine that is cheaper, better and more effective. So, in essence, it is raising the total cost of medicine far beyond the $6 billion this year, the $9 billion that they are planning on spending next year, just on television advertising.

Mr. SHADEGG. Mr. Speaker, if the gentleman will yield, I just want to make sure that the American public and that our colleagues understand that point. This is demand? Is there a technical term?

Mr. COBURN. It is called poll through demand.

Mr. SHADEGG. Poll through demand. We advertise to the American public a prescription drug, a drug that they can only get with a prescription, the goal being those of us sitting at home feeling some of those conditions will go to our doctor and demand that particular drug, and we see these advertisements all the time. The gentleman and I are paying for the cost of that advertising, we are paying for the cost of that doctor's visit, and we are paying for the doctor to say to us, no, you really do not need that drug, it is not right for your condition.

Mr. COBURN. And, we are the only country in the world that allows it.

Mr. SHADEGG. The only country in the world that allows demand driven advertising.

Mr. COBURN. Through television.

Mr. SHADEGG. Through television.

Mr. Speaker, I would also like to ask my colleague from Minnesota who is, in fact, one of the experts in the Congress on this issue; his State borders Canada, my State borders Mexico. We have the same problem. I have people in my State of Arizona who go across the border into Mexico and get their prescription drugs at a fraction of the cost in the United States. It is shameful that they have to do that. It is particularly true that they have to do that in rural Arizona where they cannot take advantage of Medicare+Choice, where they get a drug benefit.

I think it is important, and the gentleman deserves to be complimented for the work he has done to stop the FDA from sending threatening letters to these people. Iwould like the gentleman to explain that. I would also like the gentleman to address the issue of how will government subsidization of all drug prices in America, including the drugs for Ross Perot, for example, or Donald Trump, how will that somehow bring down the cost of drugs for the rest of us, or even for seniors?

Mr. GUTKNECHT. Mr. Speaker, I think it will only make matters worse. If we were to pursue the Clinton-Gore formula, I think long term, it would drive the price of drugs even higher, even though they are trying to impose a modified form of price controls.

I think the gentleman's question is a good one. We have been aware of this for several years now, that there are huge differences between Canada and Mexico, Europe, Japan, and what we pay in the United States.

Now, I want to come back to something that the good doctor said. He said, we subsidize the pharmaceutical industry in several ways. One, through what we do with the NIH, the National Institutes of Health. We spend about $18 billion a year in basic research, much of which ultimately benefits the pharmaceutical industry. We also subsidize them through the price that we pay for those drugs. But there is a very important component that we sometimes forget. We also subsidize basic research through the pharmaceutical industries with a very generous research and development tax credit. So they are really getting subsidies three different ways from the American consumers.

Mr. Speaker, I am not here to beat up on the pharmaceutical industry. They have provided us with miracle drugs. We in the United States and people around the world live better and longer because of the pharmaceutical industry.

Mr. SHADEGG. But it is fair to ask, is one more subsidy going to solve the problem.

Mr. GUTKNECHT. Right. I think we want to come back to this. We have known for a long time, and certainly the FDA has known for a long time, that there are differentials, so what consumers have done to try and save some money, and sometimes we are talking about thousands of dollars, they have gone to other countries.

So what has this administration done about it? Well, they have done two things, and both of them, in my opinion, have made a bad situation worse. First, they have allowed some of the large pharmaceutical companies, Glaxo and Wellcome, used to be two very large pharmaceutical companies, today they are one. They have allowed these mergers to go on basically unabated.

Mr. COBURN. If the gentleman will yield, they are just about to become GlaxoWellcome SmithKline Beecham.

Mr. GUTKNECHT. We will have taken four huge pharmaceutical companies, and now we will have one. The net result is they will have greater control over markets and products, and we will see even higher prices. They have made a bad situation worse.

Mr. Speaker, let me just talk about these letters. This is a threatening letter. They have sent literally thousands, I have heard estimates as high as 300,000 of these letters have gone to seniors who are threatening them through their own FDA because they tried to save a few bucks by going to Canada or Mexico or Europe to buy prescription drugs.

Mr. COBURN. Mr. Speaker, we are just about out of time and I want to make just kind of a summary statement. The best way to allocate any resource in this country, any resource, is competition. I see the gentleman from New York (Mr. CROWLEY), very influential in our ability to try to reimport wholesale prescription drugs into this country. He understands that. The idea is to allocate resources with competition. That is one of the things we need to do.

The last thing we need is another mandatory, government-run health care program that is already proving to be inefficient, has been tried once and was so expensive they dropped it; and number three, will discourage research, will discourage new drugs, and will cost-shift, and does no benefit for anybody except a senior. Everybody else is going to have a lower benefit, less access to health care through that plan.

I yield the balance of the time to the gentleman from Arizona.

Mr. SHADEGG. Mr. Speaker, I simply want to thank my colleagues for participating in this debate. The letters that my colleague from Minnesota has pointed out have gone to people in my home State of Arizona for just having the temerity to cross the border into Mexico and buy drugs at a fraction of the cost here in the United States.

I think we need to force competition on the drug companies, I think we need to put them in a position where we force them to bring down the prices. I think we need to force them to quit forcing us to subsidize drugs in other countries. I certainly do not believe, and I compliment the gentleman for the facts that he has brought to this debate, I do not believe we should make up facts, I do not believe we should use false information, but I do believe that we should make it clear that a government subsidy, a program the likes of which is being proposed by the Clinton-Gore administration which says you get one chance to opt in or opt out and that is binding on you for a lifetime, and you hand over, by opting in, the right to choose your drugs to a bureaucrat, not a doctor; take it away from yourself, take it away from your family, take it away from your physician and give it to a bureaucrat. I cannot believe that is the best public policy Congress can come up with. I think there are better plans out there. I think the plan that we voted on, while not perfect, is a step in the right direction.

Mr. Speaker, perhaps we should conclude by pointing out that this is an issue that is important and we will not rest until we address this problem for the American people.

Mr. COBURN. Mr. Speaker, I thank my colleagues for participating in this special order with me.

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## DEMOCRATS' PRESCRIPTION DRUG PLAN BEST FOR AMERICA

The SPEAKER pro tempore (Mr. GILCHREST). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CROWLEY. Mr. Speaker, I could not think it more apt that we Democrats begin our special order on prescription drugs just after hearing the Republicans finish their remarks on the very same subject of prescription drugs.

I was most interested to listen to the remarks of the Republican House majority leader, the gentleman from Texas (Mr. ARMEY), who ridiculed Democrats like AL GORE and JOE LIEBERMAN for being out in so many words to deprive seniors of prescription drug coverage. This is laughable, and I hope everyone at home will stay tuned and listen. I can think of no better message than letting Americans compare the thoughts of the Republicans on prescription drug coverage for seniors, those of allowing the private sector and the HMOs to continue to drop seniors and let prices for drugs skyrocket, versus the opinions of the Democrats like myself who are working to strengthen Medicare with a drug benefit and work to immediately lower the cost of prescription drugs.

The GOP believes lowering the cost of drugs is wrong and the destruction of Medicare is good. I believe lowering drug prices is the right thing to do for Americans. I hope Americans enjoy this debate and the debates by Mr. Bush and Mr. Cheney and Mr. GORE and Mr. LIEBERMAN over the next 7 weeks. We Democrats gather here to discuss an important issue with regard to lowering prescription drug costs and providing greater access to medications to every American who needs those medications.

As Democrats, we have continually championed the addition of a prescription drug benefit under Medicare, but the Republican majority opposed that plan, believing Medicare has been a failure. We Democrats disagree and believe that Medicare has been an overwhelming success story in the United States.

As Democrats, we have continually come out in support of the Prescription Drug Fairness for Seniors Act sponsored by the gentleman from Maine (Mr. ALLEN). This would pass along to Seniors the same discounts given by the pharmaceutical industry that they give to the Federal Government and HMOs. Under his bill, they would also have to give those same benefits to pharmacies. In turn, they could pass these savings on to their customers. Again, the Republican leadership opposed that. The Republicans apparently believe that seniors are not paying enough for their prescription drugs. Well, my constituents, quite frankly, tell me otherwise.

Now, we Democrats are working to change the Federal law which prohibits the reimportation of safe FDA-approved drugs from countries like Canada back into the United States. We think it is unfair that seniors pay twice as much, on average, for their medications than their counterparts in places like Canada and Mexico. The Republican leadership thinks it is okay to send seniors to jail for trying to obtain more affordable drugs from other countries to improve the quality of their lives.

This chart demonstrates the real price gouging going on in the drug industry here in America. Here I have three of the most popular drugs used by seniors in America.

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We see that seniors right here in America, and in my case in Queens County and Bronx County in New York City, pay hundreds of dollars more a year than seniors in Canada for the same FDA approved drugs. Seniors pay $359.93 more annually than their friends in Canada for Zoloft; $793.20 more than their friends in Canada for Prilosec; and $369.42 than their friends in Canada for Zocor.

In fact, I have received many letters from my constituents. I had a letter from a constituent from Jackson Heights who pays $409 for a 3-month supply of Prilosec for his wife. The same drug, the same manufacturer, the same everything costs $184 for the exact same drug in Canada. And why is this? Because the American pharmaceutical industry is gouging Americans. This is wrong, and we are here to stop it.

Congress has a great opportunity to stop it now. While the GOP has prevented any real action on a drug benefit under Medicare, or the opportunity to pass along discounts to seniors on drugs, we are now working to allow Americans to reimport prescription drugs once they have been exported out of America. Essentially drugs that are researched, patented and made in America oftentimes cost twice as much here in the States than they do when they travel abroad to places like Canada and Mexico. It is like a reverse tariff. Once that drug crosses the international lines, the price for it is drastically reduced.

The drug manufacturers say that Americans' standard of living, our standard of living, is one of the chief reasons for this increase and that America should subsidize international sales of their drugs. I think putting the price burden on American seniors is wrong, and we Democrats are here to say enough is enough to the drug industry.

Right now, even though drug prices are half as much in Canada and Mexico, the only way Americans can take advantage of this is if they slip over the border in the dark of night and sneak some medications over for their own personal use. We should not be making criminals out of our seniors. Therefore, during House debate on the agricultural appropriations act, I offered an amendment to allow for the reimportation of prescription drugs into the U.S. I was pleased that this amendment passed the House with overwhelming support.

Since then, the gentleman from Arkansas (Mr. BERRY), a trained pharmacist, the gentleman from Vermont (Mr. SANDERS) as well as Republicans like to JO ANN EMERSON, TOM COBURN, a medical doctor; and GIL GUTKNECHT) and I have been working together to allow not only individuals to travel across the border to get less expensive FDA-approved drugs of the same quality but also to allow pharmacists and wholesalers to do so as well. This way they can pass on these savings to their customers, ease the financial burden on seniors who must take one or more of these prescriptions on a regular basis, lower drug prices by anywhere from 30 to 50 percent overnight, all without costing the taxpayers a single dime. It is safe. Any change would mandate strict safety standards equal to those we enjoy here in the United States.

Reimportation enjoys the support of groups as diverse as the National Community Pharmacists, AIDS Action, the American Medical Association, former FDA Commissioner David Kessler, and Secretary of Health and Human Services Donna Shalala. I urge my colleagues to ignore the misleading ad campaigns of fear and distortion lead by the Pharmaceutical Research Manufacturers of America, known as PhRMA. By allowing our Nation's citizens, trusted local pharmacists, and certified wholesalers to reimport FDA approved drugs, we can drastically lower the cost of drugs for all Americans who need prescription drug coverage.

Mr. Speaker, at this time, I would yield as much time as he would consume to the minority leader, the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. I thank the gentleman for yielding to me, and I thank the gentleman from Vermont for setting up this special order. I am happy to come to the floor today to make a few comments about this reimportation issue and other issues that I think are related to it.

Let me first cite the fact that we have not passed in this Congress, and I believe we should have passed, an agenda that really puts families first; an agenda that is supported by the majority of our people; an agenda that includes a patients' bill of rights, which is desperately needed by many families; an agenda that includes reducing class size, as we spoke today on the education bills and hiring for teachers; an agenda that includes a real Medicare prescription medicine benefit, a benefit that will work, a benefit that will be there when people need it, that will make a real difference in the lives of millions of Americans. That agenda, in my view, has been blocked in every way in the name of special interests.

The patients' bill of rights, as far as I can tell, has been blocked to protect HMOs and insurance companies. The middle-class tax cuts have been blocked in the name of huge tax cuts to the wealthy. Debt reduction has been blocked in the same name, huge tax cuts for the wealthy. Minimum wage has been blocked as a favor to some businesses that do not want it. Education incentives to modernize our schools and hire new teachers has been blocked for other ideas for private schools. The Medicare drug benefit has been blocked at the behest of the pharmaceutical industry. We need an affordable, meaningful prescription benefit in the reliable world of Medicare, a benefit that guarantees our seniors will have benefits when they need them, and real relief on reducing the cost of drugs.

The special interests have frankly stopped a reliable Medicare prescription medicine benefit. We have squandered every opportunity we have had in this Congress to get this done. But right now we have still in this Congress the ability to do something on price for all of our citizens, not just our senior citizens. I want to remind all of us that the reimportation issue has passed both Houses of the Congress. On the Medicare prescription medicine benefit, we did pass something here. It was not the right bill, but at least we passed something. Nothing has even been brought up or passed in the Senate. But on reimportation we have passed something in both Houses.

What we passed in both Houses would lower the cost of drugs in the United States by between 30 and 50 percent. This is a dramatic reduction. It could affect every American family right now. It would allow the pharmaceutical industry to buy FDA-approved drugs abroad at reduced rates and consumers could realize the savings, at least with the Senate-passed version of this bill. And, remember, we probably could have passed that better version if the rules here had allowed us to do it, but it did not.

But we have in the Senate, in conference, the right provision. It would mean that millions of seniors could buy drugs at a fraction of the current cost. It is sensible, it has bipartisan support in both bodies, it sailed through the Congress, and the American people are for it. It would help seniors and other citizens now, this year. Even the month after we would pass it, people could begin buying drugs at dramatically lower prices.

Now, the reality is the leadership has not allowed this measure to go to conference. It is bottled up in the Ag conference committee. It is languishing. It should not be languishing. Now, what are we doing? Why are we waiting until adjournment comes and we cannot take this up? Why has the measure not gone to conference? Why are we not doing something about this?

It seems to me, and I address this to the gentleman from Vermont, that we have in these remaining weeks the ability to get this up in conference, to decide this in favor of the Senate provision, which gives people the greatest reduction in price and allows companies to actually reimport these products into the United States and get a broader price reduction for more Americans. I would simply ask the gentleman, and the gentleman from New York, who has sponsored the only thing that he could in the House, which was very positive but not as good as he wanted it to be, what we can do in the remaining days to get this done for the American people?

Mr. SANDERS. Well, I just want to thank the minority leader for his very eloquent statement and for his very strong support of legislation that, if passed today, would lower the cost of prescription drugs by between 30 and 50 percent for every man, woman and child in this country. And the fact that the minority leader has now come strongly on board, this legislation makes me more confident that we are going to pass it.

But here is the story, and let us be very clear about it. The pharmaceutical industry is the most powerful industry in this country. Last year it made $27 billion in profits, $27 billion in profits while charging the American people, by far, the highest cost for prescription drugs than any other country in the world.

I live in the State of Vermont. We border on Canada. Last year, I made two trips over the border with Vermonters to purchase prescription drugs in Canada, and I want to relay one aspect of our trip. We had with us a number of women who are struggling against breast cancer, struggling for their lives, and they take a widely prescribed prescription drug called

Tamoxiphen. What we found when we went over the border is that the cost of Tamoxiphen, which saves the lives of women who are struggling with breast cancer, was one-tenth the price than in the United States of America.

Imagine that, women struggling for their lives are paying ten times more for the same exact product in this country than a few minutes away over the border. Now, as the minority leader has indicated, we have strong bipartisan support for this legislation. In my view, if that bill that was passed in the Senate were brought to the House and Senate today, it would pass overwhelmingly. It would not be close. The problem that we are having now is that the pharmaceutical industry is exertingenormous pressure on the Republican leadership. And those of us in Congress and all over America are watching day by day to see if the Republican leadership has the courage to bring this bill on to the floor, which has widespread bipartisan support.

Many Democrats and Republicans, like the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Oklahoma (Mr. COBURN) and others, are fighting the right fight. The American people are sick and tired of being played the fool and paying by far higher prices than anyone else. As the gentleman from New York (Mr. CROWLEY) indicated a moment ago, the pharmaceutical industry is spending millions and millions of dollars on radio ads, on television ads, on newspaper ads which are dishonest and misleading.

So I would say to the minority leader that the $64 million question is: Does the Republican leadership have the guts to stand up to the pharmaceutical industry and allow us to pass bipartisan legislation that would overwhelmingly sail through both bodies and lower the cost of prescription drugs by 30 to 50 percent?

And I want to thank the gentleman very much for his active role now in seeing that the legislation is passed.

Mr. GEPHARDT. I thank the gentleman for his eloquent statement, and I hope in a bipartisan way we can do something that will be very, very positive and important for the American people, who are struggling to keep their health and need to have these products at a reasonable price and are happy to pay a reasonable price to be able to get these substances to keep their health.

I thank the gentleman for his hard work and the gentleman from New York and the gentlewoman from Connecticut.

Mr. CROWLEY. I thank the minority leader for joining us.

Mr. Speaker, I now would like to yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, when we look at the health care crisis in America, there are many dimensions to it, but clearly one of the dimensions is that in my State of Vermont and all over this country physicians are writing out prescriptions to their patients, but they are saying, what is the sense of me writing out a prescription if my patient cannot afford to get it filled?

So what we are finding is that senior citizens and many, many other people are simply unable to take the prescription drugs that they need, or they are dividing their dosages in half, or they are taking their prescription drugs once every other day.

□ 1615

We hear from pharmacists that our legislation is supported by the Community Pharmacists of America. They stand behind their desks, behind their counters and their hearts are broken when senior citizens cannot afford the products that their doctors are prescribing, when people are dying and when people are suffering and we have the cure right in front of us.

So some of us in this Congress well over a year ago, the gentleman from Arkansas (Mr. BERRY) who is right here, the gentlewoman from Missouri (Mrs. EMERSON), and I introduced legislation which was a very, very simple piece legislation.

What we said is that we are living in an increasingly globalized economy. I must tell my colleagues, I have many problems with the globalized economy. But we are living in that economy. And if we go to a shoe store, the shoe company is able to purchase shoes anyplace in the world. If we go to a pant store, a haberdashery, they purchase their product anywhere in the world.

So we are asking a very simple question. If a prescription drug is FDA safety approved, why cannot a prescription drug distributor or a pharmacist purchase that product anyplace in the world at a significantly lower price than the pharmaceutical industry is selling it to him in the United States right now? Why cannot competition exist, free market exist, global economy exist when we are talking about prescription drugs which are FDA safety approved?

Now, if that legislation were passed today, what we would have is prescription drug distributors testing the market in Canada, they would buy tamoxifen for one-tenth the price they would buy other drugs for 50 percent the price, they would be able to resell it to American consumers for significantly lower prices than we are currently paying.

Now, what is wrong with that legislation?

Nothing is wrong with that legislation. What that legislation would do is lower prescription drug costs in this country from between 30 to 50 percent at almost zero expense to the American taxpayer. It would allow American business people who import drugs to take advantage of the best prices that are available all over the world.

Now, our friends in the pharmaceutical industry who last year made $27 billion in profit, our friends in the pharmaceutical industry who are contributing millions and millions of dollars to both political parties, our friends in the pharmaceutical industry who, if my colleagues can believe it, have 300 paid lobbyists here in Washington, D.C., our friends in the pharmaceutical industry who spent $65 million on advertising last year trying to defeat any legislation that would lower the cost of prescription drugs, well, let me tell my colleagues they are fighting back vigorously. They are putting on dishonest, misleading ads on radio, TV, and in the newspapers and they are saying Members of Congress want to import unsafe, adulterated drugs.

What a horrible, terrible thing to say about Members of Congress who are fighting so that their constituents can afford the prescription drugs that they need. What a disgraceful thing to say about Members of Congress that we would want to see an unhealthy prescription drug come into this country. It is simply untrue.

The legislation that passed in the Senate is very clear. There are strong safety conditions attached to it. The FDA has said that, if they have $23 million to increase their capabilities, they will guarantee that the products coming into this country are safe.

This is not rocket science. It is easily done. The problem is not unsafe drugs that will come in if our legislation is passed. The problem is that today Americans are dying, Americans are suffering because they cannot afford the outrageously high cost of prescription drugs. That is the problem.

And the pharmaceutical industry, which is every day showing the American people how outrageously greedy they are, apparently $27 billion in profits last year is not enough. I guess they need more than that. Apparently, charging Americans 10 times more than Canadians for certain drugs is not high enough prices, they need more than that.

Well, all over this country the American people are saying, enough is enough. Let us lower the cost of prescription drugs. Let us not continue the rip-off of the American people so that our people are paying so much more than the people in Europe, the people in Mexico, the people in Canada.

That is what this legislation is about. Do not believe the dishonest ads that the pharmaceutical industry is publishing.

As I mentioned a moment ago, over a year ago, legislation introduced by the gentleman from Arkansas (Mr. BERRY), the gentlewoman from Missouri (Mrs. EMERSON), and myself set the ground work, started the process for this. And we are making real progress. If that legislation were put on the floor today, we would have overwhelming bipartisan support.

I challenge the Republican leadership to show the American people that they have the guts to stand up to the pharmaceutical industry, that they will allow the House and the Senate to vote on this legislation.

If they allow us to do it, it will win, we will lower prescription drug prices in this country, and we will have done something that the American people will be very proud of us for doing.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Vermont (Mr. SANDERS) for his comments. He and I share border States with Canada. Something I have been saying over and over again, it is time that Americans do not have to go to Canada and Mexico to be treated like Americans when it comes to the cost of prescription drugs. And it is something we do deal with even in the Bronx. There has been a bus that goes from the Bronx to Canada for solely the same point that the gentleman does and he has taken constituents on.

Mr. SANDERS. Mr. Speaker, if the gentleman will continue to yield, it is an outrage, as my friend indicates, that the American people have to flee their own country to purchase prescription drugs manufactured in the United States.

Mr. CROWLEY. Mr. Speaker, I want to thank my friend from Vermont for his words and his leadership on this issue, as well.

Mr. Speaker, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New York for yielding to me. I want to congratulate him for pulling several of us together this afternoon to talk about what is probably one of the most critical issues that the American public is facing. So to the gentleman from New York (Mr. CROWLEY), the gentleman from Vermont (Mr. SANDERS), the gentleman from Arkansas (Mr. BERRY), the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentlewoman from Florida (Mrs. THURMAN), who are here on the floor this afternoon, we will continue to be on the floor of this House for as long as it takes to be able to bring some relief to the crushing cost of prescription drugs that people are facing in this country today.

Let me just make one comment, which is that we need to have a prescription drug benefit that is voluntary, that is universal and universal in the sense that it covers all seniors and that, in fact, it ought to be done under the Medicare program that will reach all seniors and provide the opportunity to, in the best way, allow for doctors and their patients, our seniors, to be able to prescribe the drugs that are needed for people to survive and for seniors to be able to get them and not be at the mercy of an insurance company or an HMO to be able to get that prescription drug.

That being said, it is unlikely, sadly enough, that in this House and in this Congress we will be unable to pass a prescription drug benefit through Medicare before we leave this body in the next few weeks.

So what we need to do in these final weeks of the Congress is we have an opportunity to pass this prescription drug reimportation legislation, and we need not to have this legislation slip through our fingers.

It has been stated quite eloquently that we have FDA regulations today that only the manufacturer of a drug can import into the United States. Therefore, the pharmaceutical companies have unfairly used these regulations to control prescription drug distribution in the United States at the expense of seniors.

We have in the United States Senate the agricultural appropriations bill which allows the wholesalers and the pharmacists to reimport or import FDA approved prescription drugs. The bill that we passed in the House, I might add, is not as strong as the one that was passed in the Senate because in the Senate language that protects against the import of counterfeit, mislabeled, or adulterated drugs, and we need to protect this language. It is critical. We are here for the good andnot the harm of the American people. We must work together to allocate the $23 million to get this effort started on the right foot.

Let me just tell my colleagues, to make this very simple, we all know and our seniors specifically know that in other countries people pay 20, 30, and even 50 percent less than their prescription drugs. The same medication that costs $1 in America costs 64 cents in Canada, 67 cents in France and 51 cents in Italy.

Let me make the point clearly. Consider Zantac, which is made by GlaxcoWellcome in the United Kingdom. GlaxcoWellcome is based in the United Kingdom.

What we are asking is just the same price that they would sell Zantac to Brits, sell that at the same cost to people in the United States. With regard to Zantac, it is marked up by 58 percent when it is sold in the United States, 58 percent.

Why? Our seniors deserve better. They deserve to have the same medication at the same price.

That is what this bill would allow, pharmacists and wholesalers to purchase medication at the same low prices that people pay in other countries, pass that savings on to America's seniors. It is common sense and it makes the world of difference to people who are struggling. And they are making those awful choices between prescription medications that they need to survive and groceries and heating bills and rent and everything else.

My colleagues have said this. I will mention it briefly. There is an awful disinformation campaign on our airwaves, and people should act more responsibly. They have bought millions and millions of dollars of advertising to sell the American public a bill of goods.

I have done this in my district. I have gone literally from center to center, senior center to senior center, with the ad and pointed out the lies in these ads. The public has got to know the truth. The campaign implies that the importation of pharmaceuticals is unsafe, and nothing can be further from the truth.

Let me just say this to my colleagues today that the pharmaceutical industry already imports 80 percent of the ingredients it uses in the prescription medicines that it sells in the United States, and 20 percent of the medicines it sells in the United States are manufactured abroad. No matter where they are made, all of these drugs are tested by the FDA.

Let me say to my colleagues that we need to call on the pharmaceutical industry. And I will just say straight out, I represent the pharmaceutical industry in my district in Connecticut and I have said plainly to them, take the ads off the air. Reasonable people can come to a table and discuss an issue. They do a wonderful job. And if a lot of it is taxpayer research that we pay for, I am a survivor of ovarian cancer, I understand the benefits of biomedical research and pharmaceutical drugs. They do a good job of producing those. But it does us no good if people cannot afford to get the benefit of this taxpayer research and the work that they did.

Let us come together. Let us make it possible for people to afford the prescription drugs.

I will say, since that has not happened, then we have an obligation to pass this reimportation legislation before we leave this institution in the next 2 or 3 weeks.

I thank my colleague for putting this effort together today.

Mr. CROWLEY. Mr. Speaker, I thank the gentlewoman for her moving remarks and for all her work and leadership on this issue and thank her for being here today.

Let me point out, if I may briefly before I turn the microphone over to the gentleman from Arkansas (Mr. BERRY), that the drug industry's scare tactics are ironic. Because, since 1992, pharmaceutical firms' importation of drugs for consumer consumption have increased by 350 percent, totaling $13.8 billion last year, imports from Canada have grown by 400 percent, and those from Mexico by 800 percent according to the National Community Pharmacists Association.

Here is one of those ads my colleague was talking about. This was in one of the trade magazines down here. It says that 11 former FDA commissioners think all Americans deserve to be protected. Well, we found out that well over the majority, some seven former FDA commissioners now find themselves being employed by the pharmaceutical industry.

Do we expect any other answer but this answer?

Ms. DELAURO. Mr. Speaker, if the gentleman will continue to yield, one of those FDA directors, Dr. David Kesler, former director of the FDA, now dean of the Yale Medical School in New Haven, Connecticut, has written a statement that, in fact, that is inaccurate. He has been very clear.

Mr. CROWLEY. Mr. Speaker, that just adds more weight to my point.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY) who himself is a pharmacist.

□ 1630

Mr. BERRY. I thank the distinguished gentleman from New York (Mr. CROWLEY) for his leadership in this matter, and the Democratic leadership for providing this hour for us to discuss this important issue. I appreciate my colleagues from around the country being here this evening to talk about this issue. I also want to thank the many Republicans that have provided leadership on this issue: the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Oklahoma (Mr. COBURN), and of course the gentleman from Vermont (Mr. SANDERS), who has worked so hard to see that the American people get treated fairly as prescription drug prices are too high and we try to bring them down. They have done a great job in providing leadership for this issue. We want the prescription drug manufacturers in this country to be successful. We want them to continue to be profitable. But there is something wrong when we allow Americans to have to pay 30 to 40, 50, 60 percent more for their medicine than any other country in the world.

The pharmaceutical manufacturers have engaged in what we try to charitably call a misleading campaign. The fact is the ads that they are running and millions and millions of dollars worth of them that they are running every day now all over the country trying to convince the American people that their safety is threatened, their health is threatened if we import these medicines at the same price that other countries buy them, the fact is that calling them "misleading" is being very kind. It is just simply a lie. These companies are simply willing to do anything to continue to be able to rob the American people.

As has already been mentioned, former FDA Commissioner David Kessler who served under both Presidents Bush and Clinton has said in a letter, "I believe the importation of these products could be done without causing a greater health risk to Americans than currently exists." The truth is Secretary Shalala has called the Senate amendment promising and does not oppose it. All Americans need to be protected from outrageously high prescription drug prices. There is no need to allow the pharmaceutical companies to continue to rob the American people.

In June, I was in Cuba to visit with the Cubans primarily to talk to them about buying some of our agricultural products. We had a great discussion. They are certainly willing and interested and desirous of buying our agricultural products. As we concluded our discussions, I said to them, "We've talked about food, about agricultural products. What about pharmaceuticals? Do you not want to buy our pharmaceuticals?" And they laughed. These are very nice people. They did not want to do anything to offend us, but they laughed. And they said, "Why would we want to buy your pharmaceuticals? We can buy your pharmaceuticals anywhere in the world. We can buy them in Canada, we can buy them in Panama, we can buy them in Mexico for half what you're paying for them. Why would we want in on a deal like that?"

And then they asked a question that I could not answer and it is unbelievable to me today that we stand here in an empty House at 4:30 in the afternoon and still we have not answered the question, "Why do you do that to your people?" they said. I could not answer that question. There is absolutely no reason why the Congress should not follow through this year and enact this provision that will clearly lower the price of prescription medicine to Americans.

I was disappointed to read yesterday that some powerful Republican Members may try to have this provision removed from the agricultural appropriations bill. They will try to disguise an appropriations bill in some way where we will not be able to tell that it has been removed until the bill has passed. Countries in the EU, the European Union, benefit from international price competition for our pharmaceuticals. They have been doing this for years, and they suffer no ill effects from it. This whole idea that the pharmaceutical manufacturers continue to try to promote that it is unsafe is absolutely ridiculous.

Our senior citizens are crossing our borders en masse to buy prescription drugs they need from Canada and Mexico. The solution we support would give all Americans access to safe and effective FDA-approved drugs made in FDA-approved facilities at international prices and give FDA the oversight it needs to know imported drugs are safe through the use of testing and other means.

It is very deceptive and manipulative for the pharmaceutical industry to claim proposals which require documents, labeling and testing put American patients at risk. That is just simply not true.

From 1991 to 1997, the amount of drugs imported for consumption by global drug makers jumped from $6.1 billion to $12.8 billion. All evidence indicates that these imports have continued to climb. For the drugs we support allowing the importation of, the new standardswill be more stringent than those that apply to the billions of dollars' worth of foreign drugs that manufacturers are bringing into this country today.

Another point that is important to remember is that the effect of our legislation is not only to facilitate the importation of reasonably priced medicine; but once U.S. manufacturers are no longer shielded from international price competition, the free market will absolutely demand that these prices go down. Interestingly enough, the same people that talk about a free market, a free market situation day after day on the other side of the aisle, are the very people today that do not want a free market situation. They want to protect these drug companies that have contributed millions and millions of dollars to their campaigns.

Dr. Christopher Rhodes, a University of Rhode Island expert in the field of applied pharmaceutical research, recently testified before the Senate Health, Education, Labor, and Pensions Committee on the issue of safety. He testified that by implementing a system which requires documentation and testing, it was his "considered professional opinion that the process of using reimported prescription medicine in the United States need not place the American public at any increased risk of ineffective or dangerous products."

Dr. Sidney Wolfe, a health and safety expert at Public Citizen said, "It is ironic how PhRMA worries about safety when lower prices are involved. The Prescription Drug Parity Act requires safety precautions above and beyond the FDA requirements and consumer protections Americans rely on when purchasing pharmaceuticals made in foreign countries."

I would ask you today, where is this House? There is a lot of daylight left today and there is nobody here. Why is the House not here on the floor today? Because we need this legislation today. We have got Americans all over this country paying too much for their medicine, many senior citizens; but all of our citizens are paying more than they should have to pay. It is absolutely outrageous that this Congress allows this to go on and the Republican leadership just simply does not do anything about it.

Ms. KAPTUR. Will the gentleman yield on that point?

Mr. BERRY. I will certainly yield to the gentlewoman from Ohio.

Ms. KAPTUR. I would agree with the gentleman that we came here to Washington this week to do the people's work and already we are finished with the day's business, so to speak; and tomorrow I am told there may be one vote, maybe not more than one vote. Meanwhile, the very bill that this issue is in is stalled. We passed it weeks ago, months ago here in the House; and it went over to the Senate. The leadership of this institution could bring that bill up here so we could vote on this whole prescription drug issue andwhether our people can bring these pharmaceuticals in from other countries like Canada if they are safe and of similar quality. Where is the bill? Even the conferees, the people here in the House who are supposed to sit down with the Members of the Senate to go over this provision, have not been appointed, even though the bill was passed here and it has been passed there. We have got plenty of time today. We have got all day tomorrow. We should have done it weeks ago. We wasted yesterday; we wasted the day before yesterday. I just wanted to affirm what the gentleman is saying and as ranking member on the subcommittee that has jurisdiction over the Food and Drug Administration, we are waiting. We are waiting for this Republican leadership to do its work.

Mr. BERRY. The gentlewoman from Ohio, who has provided great leadership in the Committee on Appropriations on this matter, is absolutely right. It is unforgivable for the Republican leadership to let our senior citizens continue to be robbed on a daily basis while we do nothing. We are gone. No one is here. We should be here working on this legislation and passing it.

I come from a small town in Arkansas. We do not lock the doors or take the keys out of our cars. Everybody knows everyone else. If we had someone going around robbing our citizens, and especially our senior citizens in that community, we would put a stop to it and we would put a stop to it right away. We would not wait until tomorrow or the next day. We would do something about it today. These companies are robbing the American people, and they are robbing our senior citizens. You do not have to assault someone to rob them. These people have figured out a way to rob someone without going into their home or assaulting them.

Ms. KAPTUR. If the gentleman will be kind enough to yield to me again, when he said that there might be a deception and maybe this bill might not come to us in a form that we could even vote on, I have really wondered whether our bill will ever get to this floor again which is under regular order, or whether these provisions and others are being worked on behind closed doors here withno public scrutiny and some of these lobby groups coming in and having an influence when we do not have the ability to bring the influence of our constituents to bear on this important question of prescription drugs, the cost of prescription drugs. I would hope that the leadership of this institution does not pull something like that and allows our Members a vote. The gentleman from New York (Mr. CROWLEY), one of our outstanding new Members of this House, the gentleman from Vermont (Mr. SANDERS), who has been a champion on senior issues, certainly in the other body Senator JIM JEFFORDS, who tried to work with the administration on the safety provisions to make sure that we have like product being brought in here, all these fine Members need to be heard. And we need to bring the weight of their influence and intelligence to bear on a free vote on this floor, not have it buried or altered in some committee room here that none of us have access to.

I would hope that the leadership of the institution hears us and gives us an opportunity to bring these prescription drugs to the American people at affordable prices. I will just tell the gentleman last week when I was doing food shopping at my local supermarket, the cashout clerk told me that every week she has people that come by there and they have to separate out their prescription drugs from their food, and they have to put food back on the counter because they cannot afford to buy both. This should not be happening in the United States of America.

Mr. BERRY. I thank the gentlewoman from Ohio again for her leadership and certainly agree with her comments. I would just make one more plea to the leadership of this House. Back in 1995 and 1996, we had lobbyists in the back rooms here writing legislation. That is absolutely unforgivable. We should not allow this to happen. I hope the American people realize that the leadership in this House today is simply ignoring the great need that we have out there to deal with the prescription drug issue and provide lower-priced prescription drugs and provide a good prescription drug benefit plan for our Medicare recipients.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY). I also want to thank the ranking member of the Subcommittee on Agriculture of the Committee on Appropriations, the gentlewoman from Ohio (Ms. KAPTUR), for her comments as well.

Mr. Speaker, I yield to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman from New York for yielding.

I first want to say that I support the pharmaceutical industry and all that they have done in America over all of these 200-plus years. We have second to none the strongest companies who represent and who bring forth medicines that have taken care of America for a long time. I commend them for that. We support them. We want them to grow. We want them to hire American citizens. And we want them to treat Americans who need and must have their products to live. At the same time, we want the product to be affordable. There is no reason that pharmaceutical companies must make 20, 30 percent profit on their medicines when the average Fortune 500 companies make 5 to 10 percent and consider that to be a formidable profit.

The pharmaceutical industry is a strong one, and we want it to remain that. But I come from the State of Michigan. My district borders, the Detroit River borders on the country of Canada. Many of my constituents, seniors, take between four to eight medicines a day. After doing the research, those medicines cost anywhere from $20 to $500 per prescription. Many of them live on fixed incomes. They have to literally choose between eating and getting their medicines. They have to choose between paying their rent or getting their medicines. These are seniors who have built America and, yes, who have built pharmaceutical companies.

□ 1645

We must know that much of the research and development that pharmaceutical companies do are at the taxpayers' expense, and that is one of the great things of our country. We want them to do the R&D necessary so that we can live healthier lives as American citizens.

At the same time that we use our tax dollars to assist private companies to bring product to the market, we want to make sure that those people, seniors or not, disabled maybe sometimes, who must have medicines to survive are able, are able, are able to get them and are affordable.

Mr. Speaker, living on the border of Michigan and Canada, many of my constituents can go across the river in a half hour or less drive and pay one third the cost that prescriptions are being charged here in the country. Why is that? These are, many times, American companies. It has already been stated, that 80 percent of the ingredients in those drugs are imported, that is 20 percent of the drugs are manufactured in other countries. So the whole issue of reimportation, it is already happening.

Mr. Speaker, I would hope we would bring the Ag bill to the floor with the provision of reimportation in the bill. It is the proper thing to do. We hope and we have heard some debate that there is not a backroom going on as we speak with six or eight people deciding what that agricultural bill will look like and whether yea or nay that reimportation provision will be in the bill, we have a responsibility, all 435 of us elected by over 600,000 people in our districts to represent, to speak out, prescription drug access, affordable medicines remain one of the top priorities of those that we represent.

Mr. Speaker, I strongly support the reimportation provision in the agriculture bill. I urge the Republican leadership of this House to bring the issue to the floor. Let us debate it. We want to have our pharmaceutical companies remain strong, but we also want to take care of those many Americans who live from day to day based on the medicines that they must have.

Michigan, Canada, our border, Canada, Michigan, our border, do not make my constituents go over the border, U.S. citizens, tax-paying citizens, raising-family citizens to another country to get those medicines that their doctor has prescribed for them and that they duly need, and we have a responsibility to see that they get it.

Mr. Speaker, let us work to make sure that we can debate this on an open floor. Let us make sure that the Republican leadership brings this to the floor. Prescription drugs are a necessity. We have to see that they become available to those who need them.

Mr. CROWLEY. I thank the gentlewoman from Michigan (Ms. KILPATRICK) from the Committee on Appropriations for her kind remarks.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY) for yielding to me and putting together this special order.

It is frustrating here we are at almost 5 o'clock on Eastern Time, 4 o'clock Central Time, and the House is not working on this legislation. We are spending an hour talking about it. It is amazing too that our seniors who work very hard to make this country prosperous and successful do not have access to affordable drugs.

H.R. 1885, the International Prescription Drug Parity Act is one way that we can make it available to them by financial relief so they can buy the medication they need to maintain their health.

It is widely reported that prescription drug prices are lower in foreign countries. In fact, studies in my own district show from Houston, Texas, we can go down to Mexico and get the same drug for lower costs; in fact, half the price.

Mr. Speaker, I know that myself, because I have done that myself. When I have been traveling in Latin America, Mexico, Costa Rica, I can buy the same drugs that I buy in the United States for significantly less.

While I would have hoped that by now we would have passed a prescription drug plan that works, why not let us reimport these drugs. My colleagues on the other side of the aisle say that it is unsafe to bring these drugs from other countries. Well, that is jut outrageous, because, frankly, these drugs are made and under FDA standards, and we imported $12.8 billion worth of drugs in the United States in 1997.

Mr. Speaker, that is not about safety, it is about profits and what we need to do is make sure that pharmaceuticals who are opposing this bill know that either they need to support a real prescription drug benefit for our seniors as part of Medicare or we are going to find a way to get cheaper prescriptions for our seniors, including bringing drugs in from other countries that meet FDA approval.

It is not fair that countries in Europe and Japan and other parts of the world have so many more cheaper drugs than our own seniors and yet they have the same standard of living.

If I go to Mexico, because Mexico does not have the standard of living we do, so the prescription drugs are cheaper, but if we go to Europe, who has the same standard of living, or Japan, there the drugs are so much cheaper. I would hope, Mr. Speaker, that we would see that we would have a real prescription drug benefit passed, otherwise we need to support the International Prescription Drug Parity Act so we can have these pharmaceuticals reimported in our country for our seniors.

I'd like to thank Congressman CROWLEY for putting together this special order. It amazes me that our seniors, who worked very hard to make this country prosperous and successful, do not have access to affordable drugs.

H.R. 1885, The International Prescription Drug Parity Act is one way that we may be able to provide them financial relief so that they can buy the medication they need to maintain their health.

It has been widely reported that prescription drug prices are lower in many foreign countries than in the United States. Studies conducted in my district confirm that seniors can buy the same drug in Mexico at a lower cost. However, I didn't need a study to tell me that.

I've talked to the seniors in my district who travel to Mexico and I've been to Mexico myself and know that the same drugs were significantly cheaper in Mexico.

While I would have hoped that by now we would have passed a prescription drug plan that works, why not let us reimport those drugs, that patients from all over can buy at lower cost.

My colleagues on the other side of the aisle claim that it is unsafe to bring drugs from other countries and that this legislation will pose a safety risk to consumers.

This is false. These FDA-approved drugs, manufactured in FDA facilities.

Under H.R. 1885, pharmacies and wholesalers importing drugs would still have to meet the same standards set by FDA, which allowed 12.8 billion dollars' worth of drugs to be imported into the United States by manufacturers in 1997. This is not about safety—its about profits and helping special interest groups. Pharmaceuticals are pressuring them not to allow this because they know that they will lose business very soon.

It is not fair that pharmaceutical companies continue to discriminate against American patients.

It is not fair that countries in Europe and across the world benefit from international price competition for pharmaceuticals. Many of these drugs were researched in the United States and funded by our Federal dollars.

This summer, the Republican leadership forced a prescription drug bill that provides more political cover than insurance coverage for our Nation's seniors. The legislation was designed to benefit the companies who make prescription drugs—not seniors. Instead, they passed a flawed piece of legislation which will cost seniors more each year, but it gives them less.

I have met with many seniors in my district who are in serious financial hardship due to the high costs of their prescription drugs. They have shown me their prescription drug bills and let me tell you, I don't see how they can survive. Seniors are having to chose between paying their bills or buying their medication. Some skip their medication to make it last longer.

We should be putting benefits into the hands of senior citizens, not pharmaceutical manufacturers. We should be providing a secure, stable, and reliable benefit—instead of watered down legislation that does nothing to address the problem. We should be building Medicare up, not trying to tear it down.

I hope this Congress will work across party lines and develop a bipartisan bill that ensures an affordable, available, and meaningful Medicare prescription drug benefit option for all seniors.

In the meantime, lets support the International Prescription Drug Parity Act, to level the playing field for American patients as well as businesses who are struggling to continue providing employees and retirees with quality, private sector coverage for prescription drugs.

This is about fairness and common sense.

Mr. CROWLEY. Mr. Speaker, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding to me.

Mr. Speaker, indeed we are talking about something very basic. We are talking about the health care of seniors. We are talking about equity. We are talking about providing opportunities for people to have access to affordable prescription drug.

I come from rural North Carolina basically where the income is not as high as in most areas and also where the senior citizens outnumber in proportion our population and the age factor is greater, so we have a lot of senior citizens living at a lower income, and they are making the election between three basics, shelter, food and prescription.

Yet, we here in the Congress have an opportunity to do something about it, and we are resisting that. We are resisting that. We say because we want safe drugs we want to make sure that the pharmaceutical companies can indeed afford to provide that. Well, I support my pharmaceuticals. I am not against them, but I am also thinking that corporate America can do good and do well, not at the expense of senior citizens.

The bill that the gentleman from New York (Mr. CROWLEY) has introduced, that has passed the House, has been improved in the Senate, so there is no reason to even fear the safety of those drugs.

Mr. Speaker, I just saw a magazine article, already the pharmaceutical companies are attacking the possibility that these drugs will be unsafe, that is a bogus, bogus, bogus claim. No one wants to have unsafe medicine. I urge this House to do the right thing, pass this bill so our seniors indeed can have affordable drugs.

Mr. CROWLEY. Mr. Speaker, I yield to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I want to thank the gentleman from New York (Mr. CROWLEY), for his incredible leadership on the issue of reimportation and getting a fair price for our seniors for prescription drugs; all people frankly. I wanted to come down to the floor today on behalf of my constituents, my constituents in Portage, Monroe, and Stoughton, Wisconsin and, all the other cities and towns and rural areas in my district who demand and need affordable, comprehensive prescription drug coverage.

Mr. Speaker, we are playing election-year politics with the health of our grandparents, our parents, aunts and uncles. We are ignoring the voice of the many constituents who have written us, me and all of my colleagues showing us in vivid detail their outrageously high prescription drug bills.

Our seniors need prescription drug coverage now. They need the passage of the bill of the gentleman from New York (Mr. CROWLEY). They need affordable drug coverage now. So no matter who you are, where you are or how sick you are, you will have the health care you need.

Mr. CROWLEY. I thank the gentlewoman from Wisconsin (Ms. BALDWIN) for the remarks. I appreciate that very, very much.

Mr. Speaker, in closing I want to thank you for the patience and your steadfastness, and I appreciate all of the speakers who gave their time this afternoon on the issue of prescription drugs.

Mr. Speaker, I just want to mention that this is not only on one side, there are Members on the other side who I am working with, the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from Oklahoma (Mr. COBURN), the gentleman from Minnesota (Mr. GUTKNECHT), as well as members in the other House. We are all working together to try to get this amendment that has passed here in the House passed in the Senate. It was improved in the Senate, approved in the conference committees, we have to do it now, we do not have much time left.

We are told we will be out of here in a couple of weeks. We need to pass this amendment so that seniors can get the prescription drugs that they need at a rate of 30 percent to 50 percent less than they are paying right now. We need to pass a patients' bill of rights, and we need to improve upon the Medicare coverage that this country provides to seniors throughout this land.

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## REFLECTING ON EXPERIENCES IN HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. CANNON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes.

Mr. McCOLLUM. Mr. Speaker, I listened intently to what was just being debated, and I have an 85-year-old father, I have my in-laws in their 80s. And I am very much dedicated and understand very much the importance of providing Medicare coverage and prescription drugs. I certainly favor a patients' bill of rights.

Mr. Speaker, rather than talking about those issues today, I have taken my 60 minutes of time, which I do not get an opportunity to do very often, and I will not probably have another opportunity ever in this House of Representatives, to reflect for a few minutes on this institution and on the experiences that I have had here over the years that I have had the privilege to serve, because I am leaving this body at the end of this session of Congress after 20 years in the House of Representatives.

This is my last chance to reflect for a few minutes to my colleagues. I am very much aware of the great importance of the House of Representatives, the People's body.

I read a book recently on the life of John Quincy Adams, and I know that having been the President of the United States, having been a United States Senator, John Quincy Adams, who finished his life in this body as a House Member, always thought of the House of Representatives as his greatest experience, most rewarding experience.

I can assure anybody that this has been a very rewarding experience for me in many ways, satisfying principally because I have been given an opportunity very few people have to serve in public office in the highest positions in this Nation, to make laws, to make life better for our children and our grandchildren, and to do things that many people would like an opportunity to do but very few people have the privilege.

I thank the voters of Central Florida who have given me that opportunity in election after election over the last several years. It has been something to reflect upon the young people that I have come in contact with in those years. It is my observation that while we often talk about our troubled youth that most of America's youth are bright and wanting to learn and very capable and that, contrary to a lot of opinions, the future is bright for this country, because we are the greatest free Nation in the history of the world. Because despite our weaknesses hither and yon, we have the greatest institutions of education and family that exist anywhere.

We need to make them better, but we need to recognize that our children not only are our hope for the future, but we have many who are doing very well, who are even living with single parents at some point, either a mother or a father, and despite all of the difficulties that there may be in that setting, even in the urban areas, in some of the worst living conditions in the country, young people are succeeding. They are learning. They are passing their courses. They are getting into positions of authority later in life. They are making their parents very proud, and I think they should be.

But I have seen quite a number of young people who have come here in this Congress to visit, either working in my office as a staff member, working in the office as a volunteer, as an intern, coming in on a high school intern program, making it to Washington because they have done an artwork for which they are being given some decoration, and in those faces, I have taken the most satisfaction, of knowing we are transferring to each generation a better knowledge of democracy and how it works and handing over to them a lot more of the keys to keeping this country the great free Nation that it is.

□ 1700

We often do not reflect on how much Congressmen do to further that cause and our staffs do to further that cause. Every year, since I have come to Congress, I have, with one exception, I think, the first year perhaps, I have had a high school intern program where one high school junior from every high school in my congressional district has come to Washington and has spent a week here, has spent a week meeting with my colleagues, meeting with various executive branch officials, having an opportunity to really learn what the United States

House of Representatives and Senate and our government is all about.

I look back on many of those, and I occasionally run into them and know each one of them not only learned a great deal here but went back to their high school and shared that with their friends, shared it with their family, have actually shared much of what they learned here with them in many ways and will forever carry with them what they learned here in that brief week. I also have sponsored a couple of pages here on the floor of the House. They have been here, some of them for the summer, a couple of them for an entire academic year.

I know from observing those young people and what they have learned how valuable it will be going back into whatever walk of life in the future they are involved with, in school, in college, and in business or whatever, and serve their communities better because of what they have learned here.

We also have had a congressional art program for many years that Congress has sponsored; and in my congressional district we have selected, through a judging process, the art work of many of the high schools. That art work is something to behold. I encourage anyone to go to any congressional district art competition when it is held annually, as it is in most congressional districts, and look at what the young people are producing, what wonderful talent they possess.

The only thing we are able to do with our congressional effort is to encourage that. Encourage it we do, legislatively in certain ways; but we particularly encourage it with our competition, where we take one high school art work out of each congressional district where this competition is held, and bring it to Washington every year as the outstanding work and put it on display in this Capitol so that the entire Nation can see it for a whole year.

There are many of those works today on display in this Capitol by young people from the last competition last summer, this past summer.

Each one of those students who has gone through the experience not only of winning and coming here but participating in one of those competitions is encouraged in terms of their artistic endeavors and encouraged to succeed in life and encouraged, in my judgment, with those things that are most valuable for a young person to have, and those are the tools of discipline, self-discipline, and confidence that they can succeed in whatever they try and they work at and really try hard enough to do.

That brings me to the basic point of my thoughts today, and that is we are a land of opportunity. We are a land of opportunity because our Founding Fathers gave us a great Constitution and a Bill of Rights and the checks and balances that go with it; and part of that checks and balance system is this elective body, the 435 Members of the U.S. House of Representatives.

In the process of being this great Nation and land of opportunity, our role as legislators is to further the work of our Founding Fathers and those who came before us, in making sure that we properly oversee our government in its many facets; that the laws that are passed in this Nation ever increase opportunities for everybody, equal opportunities for everybody of all races, religions, colors, national origins, to be able to succeed if they have the kind of self-discipline to go forward, give them the opportunity, give them the chance, encourage them, provide the right environment for it.

Now, that may sound broad and we deal with specifics out here every day; but that is what we are about, making life better for the future, providing an opportunity for other people to succeed.

I have had a lot of experiences here with legislation. I have been involved with issues concerning the immigration questions that were greatly troubling our Nation, particularly in the mid-1980s. I participated in those debates thoroughly. I am a very big believer, having served on the Subcommittee on Immigration and Claims, in legal immigration. I think that the foundation of this Nation is our immigrants. We all, in the broadest sense, came from somewhere, our ancestors did, to this country; and we are truly a melting pot, and we need to always remember that.

We need to encourage legal immigrants to come here, to contribute, to participate, and do it in an orderly fashion.

I am also a big opponent of illegal immigration. I think that undermines a lot of the values of this Nation and potentially undermines, of course, what we strive to do for those who come here legally to have a better life to contribute to our society.

I did participate in some very tough debates over the years, and I am sure those debates will continue to go on because immigration is the heart of this Nation. It is a critical centerpiece of what has made this Nation great and will always make this Nation great. We must keep our doors open. We must never close those doors. We must always encourage those who come here and give them an opportunity to contribute, and many, many do every day, to making this a greater country.

At the same time, we have to have the restrictions on those who would come here because the world is not always the nice place that we like it to be, because the economies of the rest of the world are not as great as ours and to take advantage of it in numbers that we could not absorb and assimilate properly. It is a balance question; it is a question of fairness.

There are many, many things that I have participated in debate over the years. I have also had a lot to do with issues involving the drug wars that have gone on. A lot of people have put that issue aside, though I know a number of our colleagues have discussed that from time to time here on the floor. I do not think for one minute that things are satisfactory the way they are. Too many young people are using drugs today in alarming numbers, cocaine, heroin, ecstasy, a drug that is so common in Central Florida today on the rave scene that is imported and fabricated. I believe in a balanced approach to the efforts to stop and discourage the use of drugs. I believe deeply that we have to have education of our young people; that we have to have drug treatment for those who get involved to get them away from their addiction. But we also have to give encouragement to our local communities and local law enforcement and what they do; and not the least, we must be prepared to put a blockade up to stop drugs from coming in here from foreign countries that come in by the tons every year and invade our Nation.

Now, there are those who will say that indeed, in fact, we can never stop the flow of drugs into this country and that we should legalize drugs. I will say, from having been chairman of the Subcommittee on Crime and been involved with this issue a number of years, that it is not in the best interest of our young people to have that happen. The youth of this Nation would be ill served because the studies show in those countries where that has been tried the number of young people who are and do become addicted to drugs has roughly doubled, maybe even tripled. I find that totally unacceptable. So while we may pay a price and may have to continue to work at it and may not always be successful, it is important that we continue that work and that we do everything we can to do things like the Western Hemisphere Drug Elimination Act that I was proud to have authored in the House a couple of years ago to provide the resources to discourage the drugs from coming in here and to try to do what that bill did and set a goal of reducing dramatically by 80 percent or more the drugs that come here from Latin America, in particular, but from anywhere in the world, because we are flooded with too much of that today.

So I am not leaving this body unaware that there are still many problems unresolved. The juvenile crime bill that I worked on a long time, it does not appear as though it will come out of this Congress in a fashion that gets enacted into law this time. I am sorry for that. It is caught up with other issues that it really unfortunately should not be, but it is. It was a bipartisan product, took many years of work; but the problem that underlies that bill is still here with us today.

Despite all the good things I have said about young people today, I know there are many troubled youth out there and we need to do something about that. Juvenile crime is a problem for a lot of reasons; but it is a bigger problem than it needs to be because today our juvenile court systems are not working as well as they should be, and we need to come to grips with that fact around the Nation in the State legislatures, as well as here in Washington.

The legislation that I have worked on, and hope that in the next Congress successors will succeed in putting through, would be something that provides a grant program to the States so that they can provide additional assistance to get more judges into the juvenile court system, to have more probation officers, to have more diversion programs, to do the things that are necessary to remedy our overworked juvenile court system.

Why is that so important? Well, we find in the juvenile crime area that many young people who commit these crimes do it because they really do not think they are going to get punished. A lot of that goes back to abasic system, a lack of discipline at home or at school or wherever else for a number of these young people. They do not see that if they do something wrong that they are going to receive something in return that is not very nice.

Now, much of the time in juvenile law, the punishment is nothing more than probation with a requirement that they do community service; but whenever somebody as a juvenile and they commit a misdemeanor crime, I am absolutely convinced that every juvenile who commits that crime should receive some form of punishment, some form of knowledge that they are going to suffer a consequence for doing it. That means when this bill is finally passed and becomes law, that it must contain, for the grant money to be effective, a provision that says that every State who receives the money will at the very least require every juvenile that is guilty of a misdemeanor crime to receive some punishment in the juvenile system.

I think that is very important, and it was a bipartisan product when it came out of this body this last time; and I think that it should be a bipartisan product when it finally becomes law.

One other subject in that realm that is unfinished, that troubles me, is in the area of our prisons and prison industries. I have worked on this subject for a number of years. I remember when I first came to Washington, being invited by the late Chief Justice Warren Berger to serve on a commission that was looking into factories behind fences, an effort to try to bring our businesses into the prisons of this country, State and Federal; to employ more prisoners, to gainfully employ them in a way that they could learn the skills that so when they ultimately left jail, ultimately left prison, that they would have something they could go out into the workplace with and do a job and earn a living and not come back into the prison system again with a high rate of return, which today unfortunately exists for virtually the vast majority of prisoners who leave prison in our Federal and State systems if they have not gone through some kind of prison industry work.

The sad story is that only about 20 percent of all Federal prisoners and about 7 percent or so of State prisoners are engaged in prison industries today. We have a huge debate going on in this body, and we will continue to have over the next few months, in all probability, over the question of what they call mandatory source preferences given to prison-made goods at the Federal level where the Federal Government agencies have to give some preference or priority to the prison goods that are made in the Federal prison system in terms of purchase. Now, I personally think we ought to phase that out. That should not be. On the other hand, there is a law that exists that says that no goods made in our prison systems in this country can be sold across State lines. That law has been around since the 1930s or so.

What I envision some day seeing is for businesses to come into the prisons, not having the prisoners under the prison system make goods and compete with the private marketplace, but rather have the private marketplace come into the prison, utilize the prison labor, paying a prevailing wage, paying a reasonable wage, providing that a good portion of that wage goes to pay the room and the board to save the taxpayers money and at the same time training the worker, the prisoner in this case, with real job skills that they can go out in the real world when they get out of prison and utilize and allow, of course, the business that comes into the prison to be able to market the goods that they make or the services they provide just as they would if they were using any other labor.

We need to get away from the view that some seem to hold that somehow a prisoner should not work, is not an employee, is not a part of the labor force. In my judgment, we should return all prisoners, even while they are in prison, to the degree practical, to the workforce and it is one of the great weaknesses of our society that we fail to do that. In the process of failing to do that, we have also contributed to a lot more crime because people who get out of prison without those skills, without ever having learned the discipline of a real job, do not go out and find a job and keep it. They wind up, instead, coming back to prison.

In fact, most of the prisoners today in our prison system have never held a real job. They are young people who have been committing lives of crime from the very beginning, and we need to deal with that.

So that is one of the areas that over the years I have been concerned that has not been resolved, and I know that as I leave this body I wish my colleagues well in being able to complete that action in a fair and reasonable manner.

I want to reflect for a moment on a couple of things that have been well resolved, things that I have had great experiences with in my tenure here, and comment as well on what I think young people should take away from their observations and their studies about this body. For one thing, not everything here is highly partisan. The bill I just talked about, the juvenile crime bill, although some amendments made it into a controversy, was a totally bipartisan bill, as I mentioned. It came out of my Subcommittee on Crime with every Republican and every Democrat voting for it, and it would have gone through both bodies had there not been some unforeseen circumstances at a place out in Colorado with a shooting that got it caught up with a gun issue.

□ 1715

The reality is that we have lots of other bills that are not at all even this size where we work together and we do not debate much out here on the floor of the House because we come to resolutions on them in our own way and they come here and they get voted on as suspension bills or they are voted on with limited debate. Those are bills that are often very important.

One bill that is on its way to becoming law now that affects just my district and, in some ways, affects the whole State of Florida, the bill that makes the Wakulla River in Florida a wild and scenic river under our national system, only the second river in our State. In the Florida delegation, we often work together, Democrat and Republican alike, on bills and legislation and over the years I have been here that are important to our State, and those pieces of legislation very frequently are enacted and are enacted without, again, controversy and certainly not partisanship and get a lot less notice than they probably should. It is day in and day out that those things are done.

For example, every member of my delegation from Florida has been united over the years in wanting to restore the Everglades; fighting right now together for the resources to share a partnership, the State and Federal Government, to restore the Florida Everglades to its natural beauty and to protect our environment. Every Member since I have been in this Congress in these years of both Democrat and Republican from my State have opposed offshore oil drilling off our coast because we collectively know the value of that pristine beach we have and that wonderful water that we have and we do not want to destroy the ecosystems or to put them at risk.

Mr. Speaker, I could go on and on with lists peculiar to Florida, but I could also go on with lists of those pieces of legislation where we have worked together jointly to accomplish good that was not partisan.

I can remember a bill, one that bore my name, back in 1986 that I managed to get a challenge from my then chairman, Ron Mazzoli, to be able to produce in the waning days of the Congress on marriage fraud and immigration in a way that would not require any vote, because it was too late in the session. It looked to him, I suspect, as though it would be very controversial. I was a Republican; he was a Democrat. We were the minority in those days. He was the chairman of the Subcommittee on Immigration, and I knew he favored what I wanted to do, but he did not believe probably that we could accomplish the refinement of a fairly comprehensive piece of legislation.

It dealt with the fact that we had a lot of people coming to this country under false pretenses, coming and marrying an American citizen just to get here; not because they were really in love with them, though obviously the American citizen thought otherwise. As soon as they came here and had been married, they became a citizen because of that marriage, and then they immediately separated, and the person who had been defrauded never saw them again, and the person, of course, who came here under those false pretenses, once they became a citizen, could stay. It was very difficult to ever remove them.

We did work out some provisions in the law that provided some remedies for this, to give a time delay, a period of time where the couple had to stay together after they were married and demonstrate that their marriage was viable; a lot of technical details. But that was worked out in a very accommodating fashion. I remember working with members of the other body of both parties; I remember working with the gentleman from Massachusetts (Mr. FRANK) to make sure that this was worked right and the language was done.

Then, disbelieving to many, we brought that through the committee process by a voice vote; we brought it to the floor of the House and we passed it without a single dissent. We got it passed in the other body, and we managed to get it to the President's desk and get it signed into law in the last few days of the Congress, even though it was potentially a very controversial bill. It was very bipartisan and done in a very accommodating fashion, got no real headlines. They later made a movie about some of the problems that one could see from that bill if one did not agree with it completely, and I certainly did for reasons of policy I stated, called Green Card.

I am proud of that bill, not just because it was a bill that I passed with my name on it, but because it represents the kind of bipartisan work that goes on every day here in this House of Representatives that many in the public never see, because they are focused on the big debates about the budget, about health care, about things that we do have partisan differences on, because some of us in each of our parties come from a different perspective on the role of government. I will address that in a moment as well.

Having said that, I want young people to look at this body and look at the tenure of service and hopefully be encouraged to participate. They need to study history, they need to learn their courses in school, and then as many as we can possibly get to be involved, we need to get them involved; not just to run for public office, not just to be a Congressman, though I hope many of them would do that some day, or try to do that, but because we need them involved in the communities, in the clubs, in the churches, in the community organizations, in helping other people who might run for the school board or other offices, and just by being a good citizen in whatever business or whatever they do in life by paying attention to the debates that go on and in making educated value judgments about those things that are important to making this Nation the great Nation it is today and keeping it that way.

It is, I am convinced, the word of mouth of those who really do pay attention that makes a difference in the elections and in the process of free government we have every year. All too few actually become educated in that sense. We need to encourage a whole lot more. And, in that process, I am reminded of having seen an editorial recently in the Tampa Tribune newspaper about a test that was given a few years ago in Salina, Kansas, 1995, if my recollection is correct, to eighth graders. They had to pass 44 questions in order to go from the eighth grade to the ninth grade. There were only 20 of them reproduced in the paper. I am not going to recite all of them today, but several of those questions dealt with specific dates in American history, dealt with being able to identify what happened on that date that was important, dealt with things in history, dealt with things in the English language which today, seemingly, is lost in many of our schools and among many of our children and young people that I come in contact with.

Mr. Speaker, we need to revisit that. We need not only to have the sciences do well and all of our schools be improved around this country for purposes of continuing the great revolution in industry and high technology we have, but we need young people to also study the arts and literature and know the language and know history and know it well, because history does, as many have said, repeat itself. If one does not know the pitfalls of history, one will make those mistakes over again in the next generation or the generation after that.

History is not something well known. There are many other examples of that in current media reports about history tests that college students do not pass or could not pass on very simple, basic knowledge of American history, let alone world history.

Mr. Speaker, when I think about young people, I do not just think about the need for more history, I also think about the fact that when I have seen them come here to work, all too frequently for many years, they have not had the skills in the English language that we need, or that they really need. And as we live in a computer age, it is all too easy to use "spell check" and not actually know how to spell the word, or to leave it to somebody else while you are doing creative writing and not know punctuation. It is important when one comes to be a legislative aide and in many other endeavors in life to be able to write a letter, to be able to write a paragraph, to have the analytical skills to be able to understand what you are reading, and to then interpret it and put it on paper in some simplified form. That is very important in our government, and it is certainly important still today in many businesses.

That is not a skill that many young people are learning today, unfortunately. I would suggest that the best education that any young person can have for coming to work in a congressional office today is an English literature degree or a degree in journalism; in those subject matters where they have an intense exposure to learning writing skills, verbal skills, and the ability to communicate, and analytical skills that go with that. One does not have to be a lawyer to be a Congressman, one can certainly be a doctor, and we have several who are. One can be anything in the walk of life, which is the beauty of our Nation. So I am not suggesting that everybody have an English degree or everybody have a journalism degree that comes to Congress or works here, but I am suggesting that whether one gets a degree in it or not that you learn it as young people, that you really work at it, that you do not take it for granted that we do not pass by it because your teachers may not have emphasized it the same way they would have years ago, especially grammar and how you write paragraphs and you analyze and write whole compositions.

It is far more important than many seem to think it is today. As a skill, if we have lost it, and we need it every day, it seems to me that we can never fully make up, and it is affecting us in ways that are harder to describe or to discern than sometimes measuring the lack of a particular skill for doing a scientific job or a particular work place skill.

So that is an observation that I would like to leave with my colleagues as they encourage young people in the future, and as I am doing and have done in the years that I have been here in their interest in government to be involved. Be involved with history, be involved in studying, learning about everything you can. One of the greatest attributes for anybody serving here is a general knowledge and an interest in everything. I know I have that. I am curious. I am always curious about something. I want to know the answer to this or the answer to that. I cannot know everything; I am very dependent on my staff. I do not know always the answers to everything, but I learn, and I work very hard at it. But I need those skills and I need my staff to have the skills to be able to discern these things and to discern the answers as best as we possibly can quickly, accurately, and to be able to communicate them.

When it comes to the matters of public life too, I know that a lot of people think people around here make deals all the time, and I suppose there are some. But the other part of government that is so impressive to me at the House of Representatives is how many honorable people serve here, how many very dedicated people there are here. We always hear about the exceptions, and I guess that gets publicized, and occasionally someone writes an article about just that, that there are very few of those in comparison to the 435 House Members and 100 of the other body, but I can say that it is a high degree of competence that is here and some very fine people that are the rule and that are the norm.

In that process, we have worked together on the legislative side of this, but it also makes for a body that we call collegial, and that simply means that we get along really better than people imagine. We have had great debates, like over the impeachment of the President of the United States.

People often wonder, are you really angry at the other fellow? You are having a big argument over it. The answer is no. After the debate is finished, I know of rare instances, extraordinarily rare instances where that anger carries over. Individuals get along amongst themselves in professional ways, and we learn to disagree agreeably, and we do have to do that. That is an important skill to have in life, to be able to make the argument, to be able to make the case. Above all else, you do not compromise principle, integrity, character; principle, must be there. It is important that our leaders possess those qualities and that our young people carry that forward.

Those were the qualities of our Founding Fathers. Those are the qualities necessary for a republic to succeed. A representative government is very dependent on those qualities. As we look at all of those things that we admire in people, I would suggest one of those that we admire the most is people who are of independent judgment; who, while we might not always agree with them, we do know where they stand, and we know that they mean what they say and they say what they mean. I think those are qualities that those who possess them serve the public better than otherwise would be, and you would find it remarkable how many people actually possess those qualities that serve here, but often are not recognized for one reason or another.

In speaking of this body too, I cannot help but reflect on ways other than legislative that this body can accomplish many good things. I know that all of us in our districts are involved with helping people every day through our casework staff, helping them to resolve matters of great concern with the Federal Government. I mentioned on the floor of this body a few days ago my personal staff, and I pay tribute to them who served with me and have been employees over the years, because so many of them have helped people with immigration matters, with problems with the Veterans Administration, with problems relative to things like the tax laws or Social Security or Medicare, and because government is complicated and the forms are complicated, and I personally would like to see them a lot simpler, but because they are, there is a need for that service. So we do a lot more than legislate in that sense, and we do it through our staffs and individually every day.

We also get involved in helping resolve issues and matters that are greatly important to our districts in terms of those things that may not be legislative, but are important in public policy and in our communities. We are looked to to do that as leaders.

We also have a role in our committees in particular to oversee the Federal agencies and the arms of the Federal Government on the executive branch. As we know, our government is divided into the legislative, executive and judicial branches. We actually have some role in the judicial, although they are an independent group and they ought to be. But we oversee and we have a duty to question and to interrogate, to make sure that the laws are being carried out the way Congress intended, and that we do not have fraud and abuse, and that we have people who are held accountable.

□ 1730

I mentioned earlier juveniles in the juvenile court system. It is accountability that is important there, as it is here. It is accountability that is important in every agency. Everybody who is involved needs to understand there is going to be accountability. We cannot be the policeman every time, but we certainly have a public obligation to do that job.

Then there is one other aspect that has been especially appealing to me as I have served in this body. I have been able, from time to time, to do something that made this a very rewarding place, that went far down a different trail than legislative or committee oversight or helping my constituents on a daily basis. I got involved in this endeavor that I think of as the most rewarding of my entire tenure here because I served on the immigration subcommittee in 1984. I went to Latin America, to Central America, when we were having a lot of civil disturbances there. We had the Contras in Nicaragua; we had a Civil War going on in El Salvador.

We think about that as many years ago, and it was quite a while ago; but the Cold War was still on, the former Soviet Union was engaged in trying to make the countries south of us become Communists in their doctrine and the controlling powers in some of those governments, and we were very disturbed as a Nation about a lot of those things that were happening. I went down in part because of the refugee problems flowing into Florida and the rest of this country as those disturbances occurred. We had a flow of people coming here.

While I was in El Salvador, a little tiny country in Latin America and Central America, I had an occasion to observe what they call the desplazados. Those are the displaced people, in Spanish, who were displaced off the farms. They were not technically refugees because they had not gone to another country; and, therefore, they were not treated by the United Nations as refugees and there was no aid or assistance coming to them in the international world.

So I saw these camps with hundreds of thousands of Salvadorans in them, and children that had distended bellies and diseases and things that we would not expect in a modern world, especially not so close to the United States. And I asked the folks at our embassy in El Salvador what was the problem here. One of the principal problems was there were no antibiotics in the country and no way to distribute them. In fact, they even had a shortage of antibiotics in the embassy for our own personnel.

So I came home, not having a lot of knowledge about how to do anything on that subject, but I remembered that during the Vietnam War there had been an effort to get drugs, donated by pharmaceutical companies, over to Vietnam and to the surrounding area. I called and inquired of a friend with one of those companies and asked if it would be possible for the pharmaceutical industry to donate free medicines for this purpose into this small country.

I was told that that was something that would be very difficult to do. Of course, it was possible; but it would require first and foremost that there be a security of the pharmaceuticals, the drugs, when they got in-country. And in a war zone, which El Salvador was considered, that was difficult to achieve; and he said, I do not know how you would do that, but you would have to do that. Second, there would have to be a distribution system that would ensure that these drugs were going to get to these kids and not be put on the black market or sent off somewhere else, and I do not know how you would do that. And, third, as a practical matter, these pharmaceutical companies, like any business, will want tax write-offs. They will have to have a 501(c)(3) or some other organization that will be tax deductible for them to make a contribution, and I do not know how you would do that, he said.

Well, I did not know either, but I remembered there was a Kissinger Commission going on at the time and Dr. Walsh, who was the head of Project Hope, was the head of that. The Kissinger Commission was involved in Latin America trying to resolve some of these differences and had been at work for some time. I did not know Dr. Walsh, but I called him and asked him if maybe Project Hope could do this. He was very famous for that. And he said, well, I wish I could, but we are spread too thin now and I really cannot do that. But if you come up with some ideas about how you can accomplish the goals and meet the criteria that the pharmaceutical companies have suggested, then I would be willing to allow you to have a facility here at Project Hope so they could get the tax-free benefit of their donations and maybe assist you in other ways.

Well, I did not know what I was going to do then; but I thought this was something of a light, a little hope, and I called a fellow who had given me a card in El Salvador who I had met at an embassy function while I was there for a day or two. He was a businessman there whohad migrated to El Salvador many years before. I called and asked him, because I had his card, and I said what thoughts do you have about this? And he said well, Congressman McCOLLUM, I was the International Harvester distributor in El Salvador. But with this civil war going on, there are not any needs for my business, I am not selling anything, and I have a warehouse at the military airport and that warehouse would be something under lock and key that would be absolutely secure. So if you bring some drugs down here for these kids, we could store them there.

Then he told me that he was a Knight of Malta. Well, I did not know what a Knight of Malta was. I am not Catholic, and I did not know what it was; but he quickly told me that they are one of the most famous charitable arms of the Catholic Church, and they are businessmen particularly all over the world who get involved in charitable causes. He said in many Latin American countries, and in El Salvador, there are clinics with nurses, not doctors, all over the countryside that the Knights of Malta and the Catholic Church operate; and if you could get us some assistance and get those drugs here, we could get them distributed and we could assure that those drugs would be brought to those children to use them.

Well, I thought, wow, this might really be doable. So I called Dr. Walsh back on the phone, said I am excited about this. I am not sure what the drugs ought to be, but we can do this. He said, if you are going to pursue this, I will send a doctor over from Honduras. He will analyze what is needed, and we will get that to you right away. Not only that, but here is how you go about this. Ask the pharmaceutical companies if they will donate the drugs to a central location, perhaps to your city of Orlando; I will donate the boxes and how to package it; I will even send my son down to help you package it if you find the transportation system.

Well, one thing led to another and, by golly, we did that. We actually within 4 days, which does not seem possible, had gone out with a letter to the pharmaceutical companies all over the country asking for them to make this donation, explaining the program that we had put in place, got some local business people to donate the cost of an old DC–3 aircraft we had to charter; and within a week, or 10 days at the latest, of the time I had been in El Salvador, we had a plane flying to El Salvador loaded with medicines and medical supplies donated free of charge to those children in El Salvador, those desplazados.

That actually grew into about a $4 million program over several years. I got an award from the Catholic Church, that I believe is the highest honor they can give to a non-Catholic for humanitarian service, that I am very proud of. But even more than that, it led to what was later known as the McCollum airlift, when we got involved in the Afghanistan period, when they had a civil war. And somebody said, well, you did that in El Salvador and the State Department knew about it. Can you do that over here for the refugees from Afghanistan who are now in Pakistan? I said, well, I do not think I can do that. That is a huge number over there, and you have a long way to go.

But working together, Democrat and Republican, I offered an amendment, adopted here one day on the floor of the House, to a defense bill that provided $10 million to provide airlifts all over the world to military bases to acquire nonlethal excess military supplies and fly to Pakistan for the benefit of the Afghan refugees. There were over 100 of those McCollum airlift flights over a period of the years from about 1986 to 1990, and many of those flights had returns to the United States with young children on those flights who had been injured in land mines inside Afghanistan, who had come out. We had doctors who donated all over this country their time, plastic surgeons in particular, to repair many of these wounds to make them cosmetically presentable again to give new life and new hope to those children.

Now, that went on and it is past history, it is not today; but it is something that I am prouder of than anything else that I have done as an individual Congressman since I have been here in this body. And I will never forget the opportunity that being a Congressman gave me to do that, to be involved in El Salvador and Afghanistan and in other ways. Those are things that Congressmen can do, that Members of this House can make a difference with.

I know others who are here who have done that as well. I will not start naming them, but I know there are many who have great humanitarian spirits who are in this body and when given the opportunity, whether in the minority or in the majority, makes no difference, you have the opportunity to do things with your public office that you just simply would not have if you did not take advantage of it and you were not in this position.

So I leave those thoughts with my colleagues about the office itself, of being a Member of the House of Representatives. It is an awesome responsibility you are delegated. You are elected to represent the people, probably 600,000 or so people in the United States, to come here and devote, but to do so many other things. And in that process, one who is a House Member has an obligation, not a privilege but an obligation to the public and to future generations not only to conduct him or herself honorably, and to vote on legislation wisely and in the best interests that you can possibly think of for the public as a whole, not some special interest group, to vote even on the tough votes when you know you are right but they may not be popular; but you also have an obligation, it seems to me, to use the office to further good causes. And opportunities do come along to do that, both at home in your district and in many ways it could even be abroad.

These opportunities I challenge each of my colleagues to do who will succeed me. And those who serve now, I know many of them are doing things like that. And I ask young people who study history, who study this body, to reflect on the potential that is here for good public service of any persuasion you might be.

Now, I want to close by commenting a little bit about the present. I know that we are in the waning days of this session of Congress; that when we have an election in a presidential year that we have difficulties passing good legislation at the end; mostly getting a spending bill or two out and negotiating a big end-of-the-year spending bill; but I am still hopeful that in this Congress we will produce some of the substantive legislation that is long overdue.

We have the opportunity still, if we get together and work hard, to produce a bankruptcy bill. It is in conference. There are some disagreements, but we should produce one and we should produce the right one and have the President given it to sign.

We have a chance to produce hate crimes legislation. I know that some on my side of the aisle do not agree with me on this, but I strongly believe that anybody who commits a crime, a crime based solely or principally upon the race or the religion or the sexual orientation of another person, should receive an extra enhanced sentence, just like somebody who commits a crime with a gun should receive extra punishment simply because of that crime on top of and in addition to the punishment they are going to receive for the underlying crime. Obviously, if somebody gets the death penalty for murdering somebody, that will be the ultimate punishment regardless of whether it is committed with a gun or knife or hate crime or otherwise.

I find hate crimes particularly egregious because they are crimes not committed just against an individual; they are committed against a class of people. They are committed against those who are of a certain status. And they are done in a way that tears at the fabric of America, that tears at the very basic principles of our Nation.

And I do not think the issue, as some have framed it, is an issue about gay rights or racial rights or religious rights. It is about our responsibility to discourage and deter crimes that are crimes of violence based on bigotry. That is what it is about. And whatever your views on other issues related to the hard and volatile subjects that are conducted to this, it seems to me to be a common bond that we should all have that we pledge ourselves and find a way in these waning days to pass that legislation and put into enactment a Federal provision in law that enables every offense of that nature throughout this Nation to be prosecuted and punishment to be meted out in an extra fashion that those proposals would allow.

I also would like to believe somehow that the juvenile crime bill that I mentioned earlier could be resolved. I am one of those who believe in closing the gun show loophole. I have always believed in that. I brought a bill out here on the floor of the House to do that once connected with the juvenile crime bill, unfortunately. I say that, because I know were it not for that issue, we would have had that bill passed long ago.

That bill that I proposed was a very simple thing that said, look, in the 25 States or so that have a provision in law that provides for the accounting of the results of somebody who has been convicted of a felony, in those cases, whether they were convicted or they were acquitted, if their name pops up on a computer check, which should be done anytime anybody goes to buy a gun because I do not think anybody who is a convicted felon should be allowed to buy a gun, then in those States an instant check could be done at a gun show, just like at a gun dealer and resolve the question right there.

In the other 25 States or so that do not have those results, they simply have a name pop up, you have the record and the FBI files in the computer that the person was indeed arrested for a felony, you have to wait till the courthouse opens on Monday morning, or Tuesday morning after a 3-day weekend, and then you call the courthouse and find out was it plea bargained, were the charges dropped, was he convicted, and you will know.

□ 1745

So I proposed a 72-hour waiting period. Three business days is fine with me. We did not resolve it that way. We had a big battle on the floor over two different amendments that had different viewpoints to them completely. One of them prevailed and they are still fighting in the conference committee over that. I wish somebody would get together and just do the common sense thing and let us have that bill.

There are others like that that are out here facing us, the Medicare prescription drug issue that is so volatile right now and people are debating it, and the issue over the patients' bill of rights. We should have legislation on those before we go home.

Those who are our senior citizens, and I mentioned earlier at the beginning, I have an 85-year-old dad, I have my in-laws that are in their 80s, I know the importance of making sure that Medicare and Social Security are preserved and protected for everybody who is retired or approaching retirement just as it is today. And for those involved with retirement who cannot afford, which no one who is retired really can afford today, prescription drugs we need to provide a subsidy through Medicare. I do favor Medicare prescription drug coverage.

There is huge debate over the details of how we do it. There are several options on the table about it. I voted for one out here a few weeks ago. I think that is a good proposal. There may be other alternatives that may be good, too. We need to resolve that. We need to provide that coverage. We need to do that in this Congress. We need to do it now. And then we need to come back after this election after the politics wanes and the rhetoric dies down. And we need to remember that money alone will not solve all the problems, that bigger government is not the answer, better government is the answer, that we can do better with this huge historic surplus that we have with Medicare and Social Security and other things that we have.

If we have a $4.5 trillion or so surplus over the next 10 years, as many are projecting, we should take two-thirds of that, use it to pay down the debt of this Nation so our children and grandchildren will not have the high interest payments that they have to pay. We should at the same time preserve and protect Social Security and Medicare and reform them in the sense of making them viable for future generations.

We should take the other third of that huge sum of money, it is hard to believe we will have that large a surplus but that is what is projected, take that other third, take a substantial part of it, not half of it, not a third of it, but a substantial part of it and use it to rebuild our military that has been built down way too far. And the balance of it we should use to give back to the taxpayers who paid it in in the form of across-the-board cuts and marginal tax rates and in the form of making a change to completely reform our Tax Code to make a real difference.

I am convinced that we can have a simpler, fairer Tax Code and that some day, whether it is a flat rate income tax or national sales tax, keeping the home mortgage deduction, the charitable deduction or some variation of it, we can actually have a code where we can fill out our taxes every year as citizens on a single sheet of paper and send it in and do away with the Internal Revenue Service as we know it today altogether.

We have that historic opportunity now and particularly after this election to do that. It is important for this body to consider the ways of doing it.

If it comes to the debt, we have about a $5.5 billion total debt. There is a division between public and private debt and so on. But the interest on all of this, however it is defined, is enormous for our children and our grandchildren.

So while we have the opportunity to pay down that debt with no magic and a particular date to pay it down, we need to pay it down so they will not have to pay that interest. And we should let them keep the savings from that interest. There are those that would propose using that savings to put it into some other Government program.

Let me tell my colleagues, that is tax dollars for our children. That is interest they should not have to pay. That is why we want the debt paid down. So we should make sure that when we pay the debt down that the interest that the children of this country will not have to pay in the future goes back to them so they can use it as they want and not as the Government decides.

When it comes to Social Security, I have said I have had my dad who is up in years and my in-laws and I want to preserve it today for anybody who is retired or approaching retirement, but I have a 19-year-old, a 25-year-old, a 28-year-old son and I want to see the day when they have a better retirement system, when they have one where they do not have the small amount that many have to live on or almost have to live on, and in bothcases, those who are fortunate enough to have supplemental other income retirement, it is great, but I want my young sons to be able some day and my colleagues' too to have a system where they have savings accounts where they can take 2 percent or 4 percent of the payroll taxes, set it aside, let it be invested in a conservative investment and grow for 30, 40 or 50 years so they will have a larger retirement to retire on and have a better Social Security. I do not know any grandparent who does not want that for their grandchild.

The same is true with all of health care. We need choices. Every patient should have a choice of a doctor, every doctor a choice of the treatment for their patient; and everybody in this country should have a choice of health care plans, whether it is under Medicare or whether it is out in the rest of the world. We have an enormous task to undertake in the next Congress to assure that is so. And money pumped into ever bigger government programs is not the answer. We have got to find a way to bring competition into the system and choices above all for all Americans.

When it comes to defense, I served 4 years on active duty, 20 more years in the Reserves in the Navy as a judge advocate general, a JAG officer. I then have spent the last 6 years on the House Committee on Intelligence. And at no time since I first went on active duty in 1969 have I seen the morale among active duty personnel as low as it is today. We need to do something about that. There are those that think it is not so, but it is.

We have built down our military too far in the last 8 years. We have gone from a Navy that had about 540 ships to 320. We have gone from 18 Army divisions to 10. We have fewer men and women in uniform today than we did at the time of Pearl Harbor, and we spread them all over the world in more operational events in the last 8 years than at any comparable 8-year period in history.

Is it any wonder morale is low? And we are not paying them enough.

We should never again have a family in the military on food stamps. We should pay them well. We should put the resources we need to rebuild properly and modernize not all the way back up to the Cold War level strength, we do not need do that, but we need to make it better. We need to improve and modernize our service.

I would challenge anybody to ask anybody today they know who is on active duty or has a child or relative on active duty or any retiree or veteran who follows these issues if I am not wrong. This is an all-time low in modern time since the Vietnam War of morale in our services, and we need to address that problem. And we need to have a missile defense system.

And then, with the rest of the questions on tax law I mentioned earlier, there is no reason we cannot have the tax laws of this Nation reformed in a way that is much simpler than we have today and still provide the revenues.

It strikes me that the first place to start is to remember that a few years ago, under Ronald Reagan, we had marginal tax rates that everybody who pays taxes paid that were much lower than they are today, and that if we adopted a cut in all the marginal rates across the board and lowered everybody's income tax rates, then we would be benefiting mostly those who are lower and middle income. They get the biggest benefit, not the wealthy people, under that proposal but the lower-income people who pay the bulk of the taxes. That is the first step.

The second step, then, is to do the things we need to do like repeal the estate and death tax once and for all that is unfair to small businesses or to those who want to carry on and let the children inherit the property that they worked so hard in their life to do. It is almost un-American to have this tax the way it is today. And to end the marriage penalty.

Those are things that are simple, we all ought to be able to agree on it, end the tax on Social Security earnings that makes no sense. And I think ultimately to encourage savings and investment, we should end the tax on capital gains and the tax on earned interest and the double taxation on dividends. And the easiest way to do that when we have this huge surplus, and we have plenty to do what we need to do, is to be reforming the whole code and go to that simpler code, a flat rate or a sales tax or something simple by sunsetting the code, getting a commission, coming to some common understanding. That is a challenge for the next Congress.

I would like to close by saying a couple of things about the overall picture. We are a Nation of laws. Big government is not what it is all about. We are a Nation of better government, and we should be.

I have a friend who used to talk about less taxes, less spending, less government, and more freedom. Our Nation was founded on the principle that government's best is closest to the people. The school board is where educational decisions should be made. We have a role to play. But categorical and targeted grants are not a good idea in many of these cases because they are toorestrictive whether it is in education or other areas.

We should look forward to days when laws are in place where money that comes from the Federal Government like the 6 or 7 percent of education dollars are given back in accountability grants where improvement of our schools and education academic performance is required, but where those local school boards and the parents and the teachers make the decisions about what they do with the money and not have to apply for a grant for more teachers or a grant for school construction or whatever and have to follow all the rules and the regs.

We need to simplify Government. We need to come down with those rules. And we need to get back to basics and let local government do most of this, county commissioners make decisions, school board members make the decisions they can, city commissioners they can, State governments where they have to, and go back to the principles that were so important to our Founding Fathers that leave only to Congress and the Federal Government those things that the States and the local governments truly cannot do.

And that plate is big enough. We do not need to add to it. Government is big enough. We do not need bigger government. We need better government. That is the message I would like to leave with this body.

My tenure here has been a wonderful experience. I have had the great pleasure of knowing many of my colleagues and others who preceded us very well. I have enjoyed my companionship, the relationships, the camaraderie, the many events I got to attend, the experiences, the things I have learned, the chance to learn so much about so many things. But most of all, I have enjoyed being able to be part of a body that has given me the opportunity to really and truly contribute to making the life in this country and this great Nation better for our children and our grandchildren.

This is the greatest free nation in the history of the world. If we keep it there, and we certainly can, it will be because people like those who served with me in this body today continue to be vigilant and because the children and the grandchildren who do study will learn history, do learn English, do their homework in all other areas, and continue what they are doing today, and that is being the wonderful kids that we all know that they are and the inheritors of this great Constitution, Bill of Rights, and greatest free nation in the history of the world.

I thank my colleagues so much for letting me serve.

## QUALITY OF LIFE IN OUR ENVIRONMENT

The SPEAKER pro tempore (Mr. CANNON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes.

Mr. BLUMENAUER. Mr. Speaker, I certainly join my colleagues in wishing our friend the gentleman from Florida (Mr. McCOLLUM) well.

Mr. Speaker, I would like to spend a few moments this evening discussing elements that deal with our quality of life in our environment.

After a seemingly interminable and preliminary process which has been seemingly going on since the last elections 2 years ago, we are now entering into the political home stretch.

As the candidates move past the debate on debate and the skirmishing that occurs here on Capitol Hill about budgets and health care, there is an overarching theme that is yet to be comprehensively addressed, the livability of our communities and the role the Federal Government can play in making our families safe, healthy, and economically secure.

The long-term implications for the environment have raised many areas of concern for citizens across the country. I find that it is interesting that it is not just a concern for college towns or for traditional urban centers. We find that these are very significant issues in areas like the mountain States of Colorado and Arizona and Utah.

People have been facing development and fear the situation is going to deteriorate overtime. I would like to take this opportunity this evening to discuss some of those items in greater detail.

But I would like to begin, if I may, by yielding to the gentlewoman from the District of Columbia (Ms. NORTON), the delegate from the District of Columbia. She, I think, has perhaps one of the most difficult challenges that any of us face, representing the District without a vote, without Senate colleagues, and facing some of the very difficult environmental and development issues.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON) to elaborate on some of her concerns.

Ms. NORTON. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding to me.

That is a most generous gesture and in keeping with the special attention he has devoted to the capital of the United States. He joins us in so many activities that we share in common with his own constituents.

I want to particularly thank him for joining our bike ride just the other day where we are trying to work with his livability caucus to make the Nation's capital more livable for people who walk and ride and run.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I cannot let the occasion pass without congratulating the gentlewoman on leading the pack of some 3,500 cyclists just 2 weekends ago and a marvelous experience for so many people from the Metropolitan area, not just from the District of Columbia.

I did want to point out that tomorrow morning, again with the cooperation of the office of the gentlewoman, the bicycle caucus is going to have a tour of the south waterfront redevelopment and we will be leaving at 7:30 from the Rayburn horseshoe to be able to combine some bicycle work with understanding some of the development challenges that are being faced by the District.

□ 1800

Ms. NORTON. Indeed so. We invite Members to join us. I will be riding in my skirt because I have a hearing right afterwards. I thank the gentleman for helping us show off our waterfront which we are trying to get in better shape.

I thought I would come to the floor, and I appreciate the opportunity that the gentleman from Oregon has given me, to give a status report to Members on important developments in the District of Columbia. I try to give a status report every so often. This is an important time to do so because it is the appropriation period.

There are new Members here who perhaps think they have been having an out-of-body experience because they have had to vote on the floor on a local city's budget, on a budget raised in the District of Columbia. No, that is the way they do it here. They should not do it anywhere. Some of you have been local legislators. You would never abide that in your district. If I could get out of it, I would. I think that there is going to come a time very soon when there will be ways to modify the present system.

I wanted, though, to begin by thanking the chairman of the District subcommittee, the gentleman from Virginia (Mr. DAVIS), and the vice chair, the gentlewoman from Maryland (Mrs. MORELLA), for going with me to the Committee on Rules last week to ask for the return of the vote to the District of Columbia that was retracted along with the votes of the other delegates when the Republicans took the majority. As a constitutional lawyer, I had written a memorandum that showed that even as I had the full vote in committees, I could have it in the Committee of the Whole, the creation of the rules of the House, the Democrats were in power then, by a vote I had won it. The Republicans sued us and both the District Court and the Court of Appeals indicated that this was constitutional.

When the vote was retracted through the rules, there were a considerable number of Republicans who came up to me and said that at least for the District of Columbia, which is third per capita in Federal income taxes, if we had been severed, they would have voted to retain the vote of the District. The fact that Chairman DAVIS and Vice Chair MORELLA went with me to plead for the return of the vote for the District I think indicates that we are dealing here with a matter above political considerations, not bipartisan but nonpartisan; but because we are talking about the vote, my single vote cannot make a difference, particularly since the rules require a revote if the delegate's vote makes the difference. Of course no one vote makes the difference very often. There cannot be half a dozen times in the session when that occurs. Nothing is lost by the Republican majority should they retain the majority. Everything is gained for my residents who still are smarting under the notion that anybody would take the vote while accepting their Federal income taxes.

There are other reasons as well. Uniquely, this body assumes the privilege of voting on my local budget; yet I have to stand there with no vote on the amendments as I had when I had the vote in the Committee of the Whole, and of course there is the unique requirement that every law passed by the local city council come here to lay over and perhaps to be overturned. So in the name of the half million tax-paying Americans I represent, I ask that my vote be retained, and I appreciate the bipartisan support I have for that proposition.

Let me say just a word about the District itself. Its basic health needs to be reported to this body because this body saw the District go down in 1995. Since then, there have been 4 years of balanced budgets plus surpluses. The District came into balance 2 years ahead of the congressional mandate. The control board is sunsetting. Next year's CAFR will report a balanced budget. That signals the end of the control board. At the same time the city council has revived its oversight functions so that it is now a full functioning city council with all of the vigilance that this body, for example, has over Federal agencies, keeping the new reform mayor on the reform path.

Finally, the school board, which is perhaps where the Congress has had its greatest concern, has itself also been reformed by vote of the residents of the District. We have a new superintendent that was superintendent in Montgomery County, one of the leading school districts in the country, who is now our superintendent. The former superintendent, Arlene Ackerman, did so well in the District that she was recruited away by San Francisco. She took our scores up 2 years running, instituted all manner of reforms including a summer program not only for remediation but to help students get ahead. Our police department is doing extraordinarily well in what has been a particularly high crime city. We have had double-digit drops in crime for 2 years now.

Most of my colleagues know and have enormous respect for our management-oriented mayor, the new mayor of the District of Columbia, Anthony Williams. You have perhaps read of the management plans he has in place which holds managers to goals which are publicized to the entire city so that people can see whether or not these managers are meeting their goals.

One agency has been in the paper recently, the foster care agency. I am pleased that the majority whip, TOM DELAY, a national advocate for children, himself a foster parent, was concerned about the fact that the foster care agency is in disarray. Note, though, that that agency is in receivership. Mr. DELAY has joined Chairman TOM DAVIS and me in calling for the return of that agency from the Federal courts to the mayor of the District of Columbia because he has shown that he knows how to reform an agency and the receivership has not done the job.

Finally, I want to thank the Congress for the tax credits and incentives that it voted in 1997, which are already having an enormous effect in reviving the economy of the District of Columbia. Just today, Senator CONNIE MACK and I have an op-ed piece in the Washington Post where we call upon the Senate and the House to make citywide these D.C.-only tax credits and incentives which are reviving the private economy of the District of Columbia and have contributed invaluably to the revival of the District itself. Because the District has no State to fall back on, it needs special incentives of some kind; and we prefer private sector incentives, because we are trying to develop a stable economy that depends upon no one but ourselves and our own businesses.

The D.C. residential and business credits have had phenomenal success in the many communities in which they are found. But not every community has had the benefit of these tax incentives. The result is that there are businesses that have the incentives on one side of the street and on the other side of the street they do not, or competitors have them and their competitors do not. That is because this is a small, compact city, and you cannot divide it up the way you can Chicago or New York or L.A. into districts with some getting it and some not getting it without having terrifically adverse effects. The effect here has been to unintentionally discriminate against some communities.

What Senator MACK, who has been extraordinarily helpful to this city, wonderfully attentive to our economy, and I ask is that the proven success of these tax credits and benefits make the Congress decide to make them citywide. They are a tax-exempt bonding authority, for example, which means that we have what most cities have had for a long time, and that is tax bonding authority for profit-making businesses. We only had it for tax-exempt institutions before. Now there is $100 million of private investment in the city because of the tax-exempt bonding. It is paying for itself over and over again.

The best example is the $5,000 homebuyer credit. It is the only one of the tax incentives Congress passed in 1997 that was citywide, and look what has happened. We have turned around the extraordinary exit of middle-class homeowners from the city. Seventy percent of those who bought in the city said they bought because of the $5,000 homebuyer credit which allows you to get $5,000 off of your Federal income taxes if you buy a home in the District. We want that to be the case for the tax-exempt incentives as well.

Finally, let me thank the Congress once again for the 1997 tax credits and incentives that have boosted the city's private economy. In one or another of the tax measures coming out of the House, we expect these tax credits to perhaps become citywide, and I ask for Members' support for that measure.

Let me thank, once again, those who have supported me to get the vote back for the tax-paying residents of the District. I ask whoever becomes the majority to at that time give the District back the vote it lost when the Republican majority assumed power here in the Congress. I think that it would be a most fitting way for the Congress to say to the District, which has blossomed back from the depths of insolvency into now a thriving city, "Job well done."

I thank the gentleman for yielding to me so that I might give the Members of the House this progress report on the Nation's capital.

Mr. BLUMENAUER. I again commend the gentlewoman for her valiant efforts in terms of promoting the environment and livability of our Nation's capital. I think she is doing a job on behalf of all of us, because we all have a stake in the success of Washington, D.C.

I would like to return, Mr. Speaker, to focus for a few moments about the environment and what difference it is going to make in the election this fall. We are now facing the issue of what candidate and which political party will do the best job. It is very clear that the Republican ticket, even though not currently in office on the national level, does in fact have an environmental record. Former Representative Cheney, when he was in the House for almost 13 years, compiled a lifetime voting record on environmental issues of 13 percent, one of the worst in that period of time. Likewise, Governor Bush in his two terms now as governor of Texas has an environmental record. Where is his leadership dealing with the fact that Texas puts more chemicals in the air than any other State and by most rankings is the State with the worst toxin level in the atmosphere? Were Texas a country, it would be the world's seventh largest national emitter of carbon dioxide.

The largest problem is the dangerous amount of nitrogen oxide which mixes with the exhaust vehicles to create ozone and smog. And under the leadership of Governor Bush, in 1999 Houston surpassed Los Angeles as the country's smoggiest city. Texas had the Nation's 25 highest ozone measurements and 90 percent of the Nation's readings deemed very unhealthy by the EPA.

This summer, while Los Angeles has posted eight more days of unhealthy ozone than its Texas rival, Houston's worst smog was dirtier than any in Southern California according to air quality officials. Since Bush took office, the number of days when Texas cities have exceeded Federal ozone standards have doubled. Houston and Dallas currently face Federal deadlines to make sharp cuts in air pollution or risk losing Federal transportation money.

□ 1815

At the same time that Texas environmental conditions are reaching a crisis point, cities such as Charlotte, North Carolina and Salt Lake City have managed to absorb growth while improving their air quality. The Bush administration claims that growth, not governance is the reason for the State's appalling air quality. It is hogwash. Rather the State's environmental record perhaps best underscores what a Bush Presidency would mean for our Nation's air, water, streams and for forested area. Virtually no support for growth management, no commitment to improving the air or water quality, no protection for environmental resources.

Consider the impact of the Republican governor in terms of who he has appointed to run the State's environmental agencies. All of the Texas natural resources conservation commissioners have backgrounds in industry. The same industrialists who are the generous contributor to the Bush Presidential campaign.

He is fond of saying you cannot regulate or sue your way to clean air, clean water. Yet, consider the results of his environmental centerpiece, rather than forcing the worst polluting industrial plants in the State, those grandfathered into the State's clean air policy, that currently contribute 36 percent of the chemicals Texas released in the atmosphere, Bush has worked out a program with the industrialists, a voluntary cleanup.

After 2½ years, the scheme has produced only 30 of 461 plants not already facing Federal restrictions to comply with environmental guidelines. Together these 30 plants reduce grandfathered emissions by only 3 percent. Should Vice President AL GORE and the American public push Bush on these issues, George W. may feel like the disobedient son haunted by his father's words. I recall in 1988 George Bush, Sr. went to Boston Harbor and attacked the environmental record of his opponent Michael Dukakis, saying my opponent has said he will do for America what he has done for Massachusetts, that is what I fear for my country. That has an ominous ring as it relates to George Bush's leadership in Texas.

I would yield to my colleague from Wisconsin (Mr. KIND) a few moments to elaborate on these elements.

Mr. KIND. Mr. Speaker, I thank my friend from Oregon (Mr. BLUMENAUER) for yielding to me for this opportunity to join him in this special order discussion of environmental issues affecting the year 2000 campaign, especially the Presidential race.

First I want to commend the gentleman and compliment him for the leadership role he has assumed here in Congress regarding a whole host of environmental issues, but especially the sustainable development issue that is sweeping across the country and that large and small communities, urban and rural, have to contend with now on an ever-growing basis of how they can grow and manage the growth in a sustainable way so that they all enjoy livable communities.

In fact, the gentleman is the founder of the Sustainable Development Caucus that has formed in the House of Representatives and I am a proud member of, and the gentleman brings in a lot of experts and speakers in order to enlighten Members of Congress on how Federal policy can sometimes adversely affect the sustainable development goals of our communities back home, and what we can do then to change that course of action, and how we can assist our communities back home through the dissemination of information and ideas on their sustainable development goals.

And the gentleman has really elevated that issue on the national plane, and I commend you for all of your hard work in that regard and look forward to working with the gentleman on that in the future.

I just want to take a few moments to talk about why I am supporting and why I think the Gore-Lieberman ticket is a strong ticket and the right ticket to go with for the next 8 years in this country. I had an opportunity now as a member of the new Democratic coalition of working both with Vice President GORE and Senator LIEBERMAN on a whole host of issues, and there are not two people who are more committed to environmental issues and sustainable development issues, the impact that it has on our country, than Vice President GORE and Senator LIEBERMAN.

Mr. Speaker, both of them realize and understand that we can have sustainable economic growth in this country without jeopardizing the environment at the same time, and both of them has shown an incredible amount of leadership and courage at this time on this very issue. In fact, I had the pleasure of traveling back with both the Gores and Liebermans the day after the convention in LA so that they could start their general election campaign in my hometown in La Crosse, Wisconsin, which is a beautiful area in western Wisconsin situated right on the banks of America's river, the Mississippi River.

There was a tremendous crowd and rally waiting for them at La Crosse that launched them on their general election campaign, and we all boarded the Mark Twain Riverboat that we took then down the Mississippi, and given that my congressional district has more miles that border the Mississippi River than any other congressional district in the Nation, I felt a certain moral responsibility to assume leadership on issues that affect the Mississippi River Basin.

So I helped form a bipartisan Mississippi River caucus; and this was a great opportunity for me to talk to both AL GORE and JOE LIEBERMAN in regards to the importance of that river basin, the Mississippi, through the heartland of our country, and some of the programs and projects that we have working on it, and both of them were very impressed and very supportive with the number of projects that affect the river basin, the sustainability, trying to preserve and protect it for future generations, one of which is the environmental management program for the Mississippi River.

This is a program set up through the U.S. geological survey that has long-term resource monitoring and data collection, also habitat restoration projects in the upper-Mississippi basin that the Corps of Engineers helps us on, in order to deal with the adverse effects that growth and development have had on this important river system.

It has received tremendous amount of support within the Clinton-Gore administration and also from Senator LIEBERMAN. But I have also introduced a bill that we are trying to work through Congress right now; I had a chance to talk to both of them on it. It is the Upper Mississippi River Basin Conservation Act. And it is a very simple bill with the overall goal of trying to reduce the amount of sedimentation and nutrients that flow into the river basin.

I had a chance to speak at length with AL GORE about this legislation especially as we are drifting down the Mississippi River. He said this is something right in line with his own environmental philosophical beliefs and a direction we need to go on when it comes to environmental policy. And to accomplish the reduction of sediments and nutrients flowing into the basin and resulting in back bays being filled up and the destruction of wetlands, we would implement, again, through the U.S. Geological Survey, a comprehensive scientific monitoring and modeling program, so we can identify where the hot spots are, better direct our limited resources to get the most optimal effect on the investment in order to combat some of these challenges that the river basin faces.

We also build upon existing land conservation programs that come out of the USDA so that farmers can participate in good land stewardship programs that are voluntary and incentive based because we understand they are going to be a crucial component partnership in trying to reduce the sediment and nutrient flows into this river basin. And there are some very good programs that we are relying upon in order to accomplish our objective, one of which is the conservation reservation program.

This is a program out of USDA that allows farmers to take land out of tillage and out of use, especially land that could lead to erosion problems and, therefore, water management problems in the area. This is a program that Vice President GORE has been a staunch proponent of, understanding that it is a voluntary incentive-based program for farmers to participate in.

Mr. Speaker, it helps them with the reliable steady income stream for those who are able to enroll in CRP, and I believe that as we shape the next farm bill, this is a direction we need to be going in in regards to foreign policy, rather than passing a multiple billion dollar farm relief package. If we can have a more reliable sustainable farm support through land conservation programs, this would help our family farmers during a very difficult period when we have historically low commodity prices. Milk prices now are looking at a 20, 30 year low. These are popular programs that our farmers are asking for expansion and more of.

Unfortunately, Governor Bush has come out in strict opposition to the conservation reserve program. I do not know why, since it is widely popular within the agriculture community and with family farmers because of the win-win situation that it creates, good land stewardship, good land conservation programs, which help drinking water supplies and watershed areas.

I think that is a distinct difference for people to judge the various tickets in this year's fall campaign, a tremendous difference that I think is going to have an impact throughout rural America of what party, what administration is going to be supportive of this direction in agriculture policies.

I mean those are just a couple of reasons why I think again, Gore-Lieberman is the strongest ticket when it comes to environmental issues and environmental policy. One that I know that we would be able to work successfully with in the next 8 years during the administration, because again they recognize that good environmental stewardship should not be a partisan issue.

Unfortunately, all too often the debates and the programs that we support come down along party lines, and it should not have to be that way. I mean, we see what the polling numbers show. The national and local polls of how popular good environmental programs are to the people back home. And so for a Bush-Cheney ticket to kind of offhand discount some very important land conservation programs that our farmers can benefit from, I think is an issue that should be out there and will become more and more a part of this Presidential campaign.

But again, I thank my friend from Oregon (Mr. BLUMENAUER) for allowing me to share a few minutes with him tonight during this special order. I commend the gentleman for the leadership role that he has taken here in the United States Congress on the sustainable development issues, the bike caucus that he helped form as well to encourage alternative modes of transportation, given the congestion problem that we face here in the District itself. And I do look forward to working with him in the future on these important programs.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for joining us and the gentleman is too modest. As the gentleman is leaving us, I want to express my deep appreciation for the leadership that the gentleman has shown on a whole range of issues with the Mississippi River Valley.

When we had the week-long exposé in The Washington Post dealing with concerns, serious concerns about management of the environmental issues in terms of Congress' behavior, I was proud that there were numerous references to the gentleman's insightful reform legislation that he has introduced well in advance of the current controversy to try and depoliticize, to make more transparent and to allow the public to be involved with these critical issues.

Mr. Speaker, I am proud to be a cosponsor with the gentleman of his legislation and look forward to working with him hopefully maybe even in this session to achieve that reform, but certainly in the next Congress.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from California (Mr. FARR), who has served as a mentor to me in my brief tenure in Congress to understand how Congress can be a better partner with the environment, including a report that he issued today on the steps of the Capitol.

Mr. FARR of California. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding the time to me and, Mr. Speaker, for you allowing us to have this time and this discussion. As the gentleman stated, I am a Congressman from California. California is very proud of being a State that is dealing with a lot of issues on the environment.

I mean, the fact of the matter is that California has such a diverse geography, a geography that is noted by its forests in the north and its deserts in the south, by its magnificent Sierra Nevadas on the east and its incredible coast line on the west. And in that diversity of geography, lives 33 million people, the most multicultured democracy on the face of the Earth.

And California is a testing area for the globe, not only for our Nation. It is a State that has learned that you cannot take care of the people unless you take care of the land. And we have developed in California a very extensive way of addressing the impacts of people in the land through zoning process and master planning that cities and counties must do. General plans that are in great detail.

And what has this evolved into. It has evolved into the most successful economic State in the United States. An economy that ranks 7th in the world in gross national product. What it tells my colleagues is that there is indeed a correlation between the economy and the environment. We cannot grow the specialty crops that we grow in the Salinas Valley in the central part of California anywhere else in the world, because we have a climate that is dependent on clean air, clean water, a coastal fog belt climate that has a temperature that allows us to grow 85 different crops in just Monterey County alone, that is more than any other crops that any other States in the United States gross.

□ 1830

We have an economy in California that flourishes with tourists who come to the State, attracted by its scenic wonders, by the Yosemites, by the San Francisco Bay, by the Marine Worlds, by the ocean, Big Sur, and the list goes on and on.

What I am bringing all this up to is that I am very, very worried that the national direction of local control and State control of environmental effects could change with the new administration. We look at what is happening in this Congress, take air, for example. Vice President GORE went to Tokyo to participate in the debate on global warming. There was no debate that there was global warming. There was debate on what to do about it. There were protocols laid out which request the industrialized nations to take the lead because, one, they have more information; two, they have more technology; and, three, they have the ability to think outside the box and lead countries that are less developed.

We developed those protocols and each country is supposed to go back and check about it. Well, the Republican-controlled Congress here has put riders in saying, and this is really something and I think it is shocking, it is essentially a gag order that says nobody, nobody in the Federal Government, can go out and discuss anything about the Kyoto Accords until the treaty is ratified in the United States Senate. They cannot even have discussions. They cannot even share ideas. They cannot go anywhere else in the globe.

If one sees the documentaries that are coming out, this is a concern that countries all over the world are raising, and they are asking for the United States to help in trying to understand what they can do about it; and we are gagged, we are bound, we are ordered that we cannot do that. We cannot even talk about it.

You wonder, as you see the governor of Texas running for President of the United States, and leadership is about results, and the question is, what are the results that you have accomplished while you have been in elective roles. Here is the governor of the State of Texas that comes out with the worst air in the cities of Texas, in Houston in particular, and the problem with Houston is because they have no zoning, they have no general plan, they have no requirement. It has become the biggest urban sprawl city in America, more sprawled out than Los Angeles. When you get into urban sprawl, you get into an area that the gentleman knows so much about, one cannot build effective transportation systems.

Mr. BLUMENAUER. Reclaiming my time for a moment, one of the things that has struck me about the leadership of Governor Bush is how negative it has been towards cities in Texas that are actually trying to solve the problems. This actually occurred, this was reported in the Austin American Statesman reporting that when growth-deluged City of Austin moved to regulate development and water quality, Bush approved State legislation to negate all its effects. So while talking about local control and turning things back, when communities in

Texas, and Austin is a terrific town, they are struggling with significant growth, has actually tried to move ahead, Governor Bush was not there supporting them, urging them on.

In fact, he approved legislation that stripped away the powers that they wanted to try and solve it dealing specifically with what the gentleman said.

Mr. FARR of California. Well, I think that is my point, and the point is that leadership is about getting results. We are into an election-year mode. We all know what is going on in this country, and if we watch the people, it is so easy at this time of the year, this time of elections, to listen to people complain. It is easy to criticize. It is easy to find fault. It is easy to be negative. It is very difficult in the political arena, in a bipartisan fashion, to forge something that can be signed into law and that can be instrumental in helping solve the problem. That is the measure of leadership, is what kind of results are you getting. To do nothing is not a result, particularly when it is dealing with how do you clean up the air, how do you clean up the water, how do you clean up the oceans, how do you make transportation more accessible, affordable and certainly less congestive.

If it is just complaining about it, it is not getting results.

So I am really worried because I see a potential for an administration to come in here to usurp the kind of local and State controls that we have had in law and instead of working with them essentially being in opposition to them. In order to solve water problems in America, we are going to have to actually be more conservative. We are going to have to conserve more water. That means we have to waste less water.

Now, do we have to build water facilities? Yes, but we do not have to build them as big as dam builders would say they have to be built or as many as they say have tobe built. There are compromises here, but the compromise, first of all, is using less, wasting less, recycling more.

In land use, we cannot solve our problems in land use by just allowing cities to go out, particularly in areas where there are prime agricultural lands. In California, this is our biggest struggle, urban sprawl. Everybody needs housing. It is so easy to just go out and pave over the orchard, pave over the lettuce field, pave over the cattle grazing area. Then you have houses spread all out. And guess where all the jobs are? Downtown. Tough commute into town and all of a sudden you are now creating air pollution, and you have created an unsolvable problem.

How do you do that? You look around to cities that have grown up around this world; you look to Europe which has had cities a lot longer than the United States and guess what? Some of those cities are still absolutely gorgeous cities because they put urban limit lines on them and said you are going to grow up rather than grow out; you are going to use space better downtown than you have used it; you are going to bring people back into the urban area; you are going to live in densities that are attractive, that are architectural in planning; you are going to use land, you are going to use resources appropriately.

Agricultural preservation means you have to make sure that the agricultural land cannot be converted to real estate. You do that by not selling to development. The owner owns this, this is a free market system, a willing seller says, look, I would like my land taxes reduced. I would like to have my inheritance taxes reduced. I am willing to sell you the development rights on this land and then the land, no matter who inherits it or buys it, will only be able to do agriculture on it. That is wise. That is wise use. We have done that in most of our communities. We have zoned areas saying you can only have a building of a certain height; or you live in a residential area, you do not buy a house saying I am buying this house today so that I can tear it down tomorrow to build a factory on it or to build a gas station on it. Neighborhoods would never allow that to occur.

So we need to treat our precious agricultural land just as respectfully as we treat our residential land, and we need to know where one begins and the other ends; transportation, quality of life issues.

Lastly, I would just like to say that I represent an area that has learned that the ocean is our new frontier. We have all said here on the floor of the Congress that we know more about the Moon and Mars than we know about our own oceans. That is a huge exploration responsibility. One of the things we have tried to say in California is, look, our coastline is our largest economic engine. It is where our commercial tourism, it is where our dependence on boats getting in and out of harbors, it is an area where disasters, such as oil spills, could ruin the coastal economy, the number one zone of economy in California.

What we are really worried about is that we could have the next President of the United States, the governor of Texas, if he were the President, he could sign an executive order lifting the moratorium on offshore oil drilling that we hailed and applauded President Clinton and Vice President AL GORE in deciding when they came to the first Oceans Conference in Monterey Bay. This administration made a statement that they thought the oceans were important enough that we really ought to commitment a long-term agenda to understanding the conflicts of the sea, to understanding the resources of the sea, and to understanding how we can appropriately manage those.

In doing that, the President said we do not need to drill this oil right now. It has been here for millions of years, and it can be here for a long time before we have to drill it because we can allow technology to catch up, we can allow less reliance on oil to catch up. Guess what? He did that by executive order and that same pen could unchange that if it were in the hands of a President who was pro-oil, who is very involved in allowing gulf oil to be developed. That would ruin the coast of California.

So I am very, very worried that the record of the candidate, of the governor of Texas, on the environmental issues, could literally destroy the green economy that California has so successfully built up. I bring that record to the floor tonight with a real element of concern. I appreciate the gentleman from Oregon (Mr. BLUMENAUER) for yielding his time to me to make that statement.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman from California (Mr. FARR) for his comments, and I must commend his leadership. I had the pleasure of attending that first National Oceans Conference in the beautiful district of the gentleman 2 years ago. It was a very inspirational event. It brought people together. Great things have come from it. Of course, the gentleman was the inspiration for the President with another stroke of the pen, with the California Coastal National Monument. I commend the leadership of the gentleman and his vision, and I appreciate him joining me this evening.

Mr. Speaker, I think the item that frustrates me the most is not the governor of Texas' poor environmental record, lack of leadership; but it is the lack of perception and passion about protecting the environment that I personally find most disturbing. It seems to a casual observer at least that he seems unaware of Texas' serious environmental problems. Where is his outrage and his concern being expressed that under his leadership Houston has become the city with the Nation's worst air quality?

This environmental indifference, if combined with the typical Republican leadership that we have seen in Congress in the last 6 years, could be disastrous. I want to talk about that in a moment, but first I guess it is important to also reference that there is another branch of government that is going to be in flux as a result of the outcome of this election, because every 2 or 3 years on average a Supreme Court Justice is appointed. There have been no justices appointed the last 6 years. It is very likely that the next President will be appointing more than one justice, probably 2, 3, 4, in the next 4-year term alone.

Governor Bush has indicated that from his perspective, Justice Scalia and Justice Thomas would be the models for his Supreme Court appointments. I think a cursory review, even a cursory review of their judicial decisions indicates why that could potentially be a disaster for the environment. But the Supreme Court is only the tip of the iceberg, because the next President will be appointing hundreds of Federal district and circuit court judges.

Now, these are the men and women who make decisions every day in the various circuits that impact the day-to-day activities of Americans. In many cases, these are the decisions that stand, that are never reviewed, that determine the outcomes. Of course, the judiciary on the district and circuit court level has been sort of the farm club, the bench for future higher appointments. It would be, I think, unfortunate if we were to have an approach such as has been indicated by Governor Bush as his model.

I also mentioned the other branch of government, the legislative branch, because here too there are significant differences that are offered to the American public. It has been the Democratic administration that time and time again has beaten back destructive environmental riders, vetoed legislation that was overreaching, and has been a part of constructive negotiations to be able to protect and enhance the environment and hold the line here in Congress.

If you look at the ratings by the people whose job it is to advocate for us on the environment, one of the best is the League of Conservation Voters. They have for years been compiling a nonpartisan assessment of legislative voting records. They break these records out looking at the House and the Senate and the Republicans and the Democrats.

The difference between the two parties is stark. If we look at just the leadership of the environmental committees alone, in the Senate the party average for the Republicans is 13; for the Democrats it is 76 percent, but for the average leadership the chairman of the Senate Republicans are actually even worse, scoring a bare 9 percent.

If we look at the House of Representatives, it is even more stark. The average for Republicans is 16 percent; for the Democrats the average is 78. But if you look at the leadership of the committees that deal with the environment, the average for the chairs of the Republican members is 1 percent.

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Of the 5, there was one, according to the League of Conservation Voters, 1 was 6 percent, the others had 0. Yet, for the democratic Ranking Members, the people who stand to ascend to the chairmanships, the average is 69 percent.

If we look at the House and Senate leadership, overall, the average leadership in the Senate was 0 for the Senate leaders, and in the House, it was 4 percent. The democratic leadership was 86 percent in the House, even more environmentally sensitive than the party average of 78 percent, but basically, more than 6 times more environmentally sensitive and friendly, according to the evaluation of the League of Conservation Voters.

Mr. Speaker, this has manifestations as it deals with actual policy impact. I listened with some frustration earlier this evening as one of my colleagues, the gentleman from Florida, attempted to take to task the Democrats in the administration dealing with energy policy. I thought for a moment, my goodness. What is the energy policy that has been given to us by the Republicans?

For example, the Bush-Cheney ticket would be drilling in the ANWAR, in the Arctic Reserve, destroying forever this pristine, what has been described as the Serengeti of the Arctic, and there are a few month's supply of energy. This is something that the American public opposes by a 3-to-1 margin which the Republicans in Congress have been advocating, but a democratic administration has been resisting.

I look at the difference that has been proposed by my friends in Congress from the Republican side of the aisle, because it has not been very long ago that they had no energy alternatives; that, in fact, the Republican administrations in the 1980s cut back energy research and development by billions of dollars for alternative energy sources.

In 1995, when the Republicans took control of both the House and the Senate, they once again started the attack that was begun by the Reagan administration. Their first efforts were to cut energy efficiency programs 26 percent; $1.117 billion in fiscal year 1995 was cut to $840 million. The Committee on the Budget report for fiscal year 1997 actually recommended abolishing the Department of Energy. Think of that: abolishing the Federal agency to work in this area, and further proposed cutting energy conservation programs 62 percent over 5 years. In these total 5 years, the Republicans have slashed funding for solar, renewables, and conservation funding by a total of over one and a third billion dollars below the Clinton administration requests.

Furthermore, the Republicans have cut programs like the Weather Assistance Program beginning in 1995 when they cut it by 50 percent. Even now, in the middle of the energy emergency that we have been looking at over the course of the last 6 months, the Republicans are, in fact, asleep at the switch. Last spring, in the middle of the gas price crisis, number one, the Republicans were ready to, or they were flirting with having the President's authority to protect our economy by using the Strategic Petroleum Reserve expire. In 1999, the Republicans rejected an Energy Department proposal to buy $100 million of crude oil, or nearly 10 million barrels of crude at that time of record-low prices to build up the Strategic Petroleum Reserve that could have been used during a situation such as we are facing here.

It took the House Republicans nearly a year to recognize that rising fuel prices were a national problem. They last looked at oil prices in March of 1999 and then held only the second hearing in March of 2000. There was nothing for a year from the people who control Congress.

Now, despite overwhelming evidence throughout 1999 and early 2000 that prices of gas, diesel and home heating oil were on the rise, House Republicans failed to hold even a single hearing or make a single proposal on stabilizing fuel prices, and throughout this period, they took no steps to invest in America's energy independence and economic security. But, in 1999, and I recall this well, the Republican leaders called again for the elimination of the Department of Energy and selling off the petroleum reserve.

Specifically, in April and May of last year, after OPEC's production cuts started a rise in prices, Republican leaders, the gentleman from Texas (Mr. ARMEY), the gentleman from Texas (Mr. DELAY), and the gentleman from Missouri (Mr. BLUNT) joined the Republican budget chair and 34 other Republicans to introduce H.R. 1649, the Department of Energy Abolition Act. I think the collected memory of my friends on the Republican side when they attempt to criticize the Democrats in Congress, who are not in control, or the efforts of the democratic administration to do something about it is shortsighted, to say the very least.

The Armey-DeLay energy bill would have eliminated the Energy Department and with it, oil conservation programs, renewable energy conservation research; it took energy policy out of the cabinet and sold off the Strategic Petroleum Reserve and the Navy's petroleum reserve. Such foresight. How much better off would we be today if we had adopted their reckless proposal?

Another ironic example for me of the Republicans dropping the ball is when the chairman of the Subcommittee on Energy and the Environment of the House Committee on Science held hearings in 1996 that attacked the Department of Energy's information administration for "Consistently overestimating the price of oil and using these 'inflated predictions' to justify increases in conservation research and development programs." The subcommittee chairman criticized the Department of Energy officials for predicting an oil crisis that could be caused by increased demand, increased imports, or instability in the Persian Gulf. The projections that drew that Republican chairman's criticism predicted that in the year 2000, the price per barrel of imported oil could be as high as $34, and to that Republican subcommittee chair, that was outrageous. I note for the record that as of March 7 in the year 2000, the price was $34.13.

Mr. Speaker, every day in America communities large and small are struggling with issues that define their environment, their liveability, their quality of life. Some people suggest that there is no difference between the Republicans and the Democrats, but I will tell my colleagues when it comes to the environment, the reality is stark. The Democrats in this administration and in Congress have a positive record of support and accomplishment, of sympathy and passion. The Republican ticket offers indifferent voting records, cursory performance in office, and advocacy of dangerous, even reckless, environmental policies. Our air, our water, the landscape, our precious natural resources do not have the time to survive benign neglect or malicious indifference, let alone active assault. There is a huge difference between the parties, perhaps on the environment more than any other issue. The stakes of the election for the environment could not be higher. I hope that the American public will look closely at the records and promote policies and candidates that will make our communities more livable and our families safer, healthier, and more economically secure.

## REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST MOTION TO CONCUR IN SENATE AMENDMENTS TO H.R. 940, LACKAWANNA VALLEY NATIONAL HERITAGE ACT OF 1999

Mr. DIAZ-BALART (during special order of Mr. BLUMENAUER) from the Committee on Rules, submitted a privileged report (Rept. No. 106–873) on the resolution (H. Res. 583) providing for consideration of the Senate amendments to the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4919, SECURITY ASSISTANCE ACT OF 2000

Mr. DIAZ-BALART (during special order of Mr. BLUMENAUER) from the Committee on Rules, submitted a privileged report (Rept. No. 106–874) on the resolution (H. Res. 584) waiving points of order against the conference report to accompany the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5109, DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

Mr. DIAZ-BALART (during special order of Mr. BLUMENAUER) from the Committee on Rules, submitted a privileged report (Rept. No. 106–875) on the resolution (H. Res. 585) providing for consideration of the bill (H.R. 5109) to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. McGOVERN, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, September 21.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

## ADJOURNMENT

Mr. BLUMENAUER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, September 21, 2000, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10134. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Myclobutanil; Extension of Tolerance for Emergency Exemptions [OPP–301045; FRL–6742–6] (RIN: 2070–AB78) received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10135. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Difenoconazole; Pesticide Tolerance [OPP–301005; FRL–6589–3] (RIN: 2070–AB) received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10136. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress for fiscal year 2001; to the Committee on Appropriations.

10137. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Homeownership Program [Docket No. FR–4427–F–02] (RIN: 2577–AB90) received September 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10138. A letter from the General Counsel, Federal Emergency Management, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7501] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10139. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10140. A letter from the General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10141. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Special Supplemental Nutrition Program for Women, Infants, and Children: Implementation of WIC Mandates of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (RIN: 0584–AC51) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10142. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban

Development, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received August 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10143. A letter from the Chief, Coordination and Review Section, Department of Justice, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10144. A letter from the Director, Civil Rights Center, Department of Labor, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10145. A letter from the Director, Office of Regulations Management, Office of Resolution Management, Department of Veterans Affairs, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10146. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10147. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10148. A letter from the Assistant General Counsel, National Science Foundation, transmitting the Foundation's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10149. A letter from the Deputy General Counsel Office of EEO & Civil Rights Compliance, Small Business Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10150. A letter from the Manager, Supplier and Diverse Business Relations, Tennessee Valley Authority, transmitting the Authority's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10151. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Florida: Final Authorization of State Hazardous Waste Management Program Revision [FRL 6870-1] received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10152. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Stay of the Eight-Hour Portion of the Findings of Significant Contribution and Rulemaking for Purposes of Reducing Interstate Ozone Transport [FRL 6869-8] (RIN: 2060-AJ37) received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10153. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management Administration Code for the Air Pollution Control [AL-051-200026(a); FRL-6872-4] received September 15,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of the Implementation Plan for the Shelby County, Tennessee Lead Nonattainment Area [TN-233-1-20021a; FRL-6872-2] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Technical Assistance Grant Program [FRL-6872-1] (RIN: 2050-AE33) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10156. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to France, Canada and Germany [Transmittal No. DTC 094-00]; to the Committee on International Relations.

10157. A letter from the Director, National Science Foundation, transmitting a report on the National Science Foundation 2000 Federal Activities Inventory Reform Act of Commercial Activites; to the Committee on Government Reform.

10158. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Amendments to the Freedom of Information Act, Privacy Act, and Confidential Treatment Rules—received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10159. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of Interior, transmitting the Department's final rule—Interest Rate Applicable to Late Payment or Underpayment of Monies Due on Solid Minerals and Geothermal Leases (RIN: 1010-AC76) received September 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10160. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Fixed Gear Sablefish Mop-Up [Docket No. 991223347-9347-01; I.D. 082800C] received 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10161. A letter from the General Counsel, The Presidio Trust, transmitting the Trust's final rule—Management of the Presidio: Environmental Quality (RIN: 3212-AA02) received September 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10162. A letter from the Inland Waterway Users Board, Department of the Army, transmitting the Board's fourteenth annual report of its activities; recommendations regarding construction, rehabilitation priorities and spending levels on the commercial navigational features and components of inland waterways and harbors, pursuant to Public Law 99-662, section 302(b) (100 Stat. 4111); to the Committee on Transportation and Infrastructure.

10163. A letter from the Deputy Chief Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Internal Corrosion in Gas Transmission Pipelines (RIN: 2137-AD52)—received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10164. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Administration's final rule—Interpetive Rule; Court of Competent Jurisdiction—received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10165. A letter from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Changed Product Rule Meeting; Public Meeting—received September 11,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10166. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Advisory Notice; Transportation of Lithium Batteries [Docket No. RSPA-00-7283] received September 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10167. A letter from the Acting Director, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Regulated Navigational Area: Sanibel, Florida [CGD07-00-086] (RIN: 2115-AE86) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10168. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Michelob Championship at Kingsmill Fireworks Display, James River, Williamsburg, Virginia [CGD 05-00-041] (RIN: 2115-AE46) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10169. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Du Large, LA [CGD08-00-024] (RIN: 2115-AE47) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10170. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-00-209] (RIN: 2115-AE47) received September 15, 2000, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10171. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Hampton Bay Days Festival, Hampton River, Hampton, Virginia [CGD 05-00-039] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10172. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 301188; Amdt. No. 2009] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10173. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tulsa, OK [Airspace Docket No. 2000-ASW-15] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace, Robert Gray Army Airfield, TX; and Revocation of Class D Airspace, Hood Army Airfield, TX; [Airspace Docket No. 2000-ASW-18] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10175. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1125 Westwind; Astra Series Airplanes [Docket No. 2000-NM-287-AD; Amendment 39-11896; AD 2000-18-11] .(RIN: 2120-AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10176. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model MD-900 Helicopters [Docket No. 2000-SW-03-AD; Amendment 39-11893; AD 2000-18-08] (RIN: 2120-AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10177. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Canada Ltd. Model BO 105 LS A-3 Helicopters [Docket No. 99-SW-68-AD; Amendment 39-11899; AD 2000-18-13] (RIN: 2120-AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10178. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-manufactured Model CH-54A Helicopters [Docket No. 99-SW-81-AD; Amendment 39-11901; AD 2000-18-14] (RIN: 2120-AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B3 Helicopters [Docket No. 2000-SW-39-AD; Amendment 39-11900; AD 2000-16-52] (RIN: 2120-AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10180. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, USCG, transmitting the Department's final rule—Drawbridge Operating Regulations; Honker Cut, San Joaquin County, California [CGD 11-00-006] (RIN: 2115-AE47) received 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10181. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, USCG, transmitting the Department's final rule—Safety Zone; Northstar dock, Seal Island, Prudhoe Bay, Alaska [COTP Western Alaska 00-011] (RIN: 2115-AA97) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10182. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

10183. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Endorsement of Checks Deposited by Customs Service (RIN: 1515-AC48) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10184. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Tresury, transmitting the Department's final rule—Vessel Equipment Temporarily Landed for Repair [TD 00-61] (RIN: 1515-AC35) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10185. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Patapsco River, Baltimore, Maryland [CGD05-00-038] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10186. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, USCG, transmitting the Department's final rule—Safety Zone; Middle Harbor-San Pedro Bay, CA [COTP Los Angeles-Long Beach, CA; 00-003] (RIN: 2115-AA97) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10187. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled the "Enhancement of Privacy and Public Safety in Cyberspace Act"; jointly to the Committees on the Judiciary and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3067. A bill to authorize the Secretary of the Interior to convey certain facilities to Nampa and Meridian Irrigation District; with an amendment (Rept. 106-870). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir (Rept. 106-871). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3100. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes; with an amendment (Rept. 106-872). Referred to the Committee of the Whole House on the State of the Union. Referred to the Corrections Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 583. Resolution providing for consideration of the Senate amendments to the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes (Rept. 106-873). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 584. Resolution waiving points of order against the conference report to accompany the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes (Rept. 106-874). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 585. Resolution providing for consideration of the bill (H.R. 5109) to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes (Rept. 106-875). Referred to the House Calendar.

## BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 3100. A bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MEEHAN:

H.R. 5217. A bill to provide adequate sanctions for unfair labor practices resulting in the discharge of employees; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 5218. A bill to provide grant funds to units of local government that comply with certain requirements and to amend certain Federal firearms laws; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself and Ms. DUNN):

H.R. 5219. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for research related to developing vaccines against widespread diseases and ensure that such vaccines are affordable and widely distributed; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. EDWARDS, and Mr. SMITH of Texas):

H.R. 5220. A bill to amend title XVIII of the Social Security Act to preserve essential rural hospitals; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 5221. A bill to require the United States Postal Service to convey certain real property containing a post-office building in Jackson, Michigan, to the City of Jackson, Michigan; to the Committee on Government Reform.

By Mr. SALMON (for himself, Mr. McCOLLUM, Mr. McINTYRE, Mr. McHUGH, and Mr. HANSEN):

H.R. 5222. A bill to amend title XVIII of the Social Security Act to provide attending physicians greater authority in determining whether a Medicare beneficiary is eligible for hospice care under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANFORD:

H.R. 5223. A bill to require the Secretary of Agriculture to carry out a pilot program to evaluate the feasibility and merits of State administration of units of the National Forest System; to the Committee on Agriculture.

By Mr. GILMAN (for himself, Mr. COMBEST, Mr. STENHOLM, and Mr. BEREUTER):

H.R. 5224. A bill to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLILEY (for himself and Mr. SCOTT):

H.R. 5225. A bill to revise the boundaries of the Richmond National Battlefield Park based on the findings of the Civil War Sites Advisory Committee and the National Park Service and to encourage cooperative management, protection, and interpretation of the resources associated with the Civil War and the Civil War battles in and around the city of Richmond, Virginia; to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself, Mr. RANGEL, and Mr. JEFFERSON):

H.R. 5226. A bill to amend the Internal Revenue Code of 1986 to provide a credit for electricity produced by certain waste management facilities in United States possessions, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself and Mr. GARY MILLER of California):

H.R. 5227. A bill to amend the 21st Century Community Learning Centers Act to expand after-school activities and services; to the Committee on Education and the Workforce.

By Mr. KANJORSKI (for himself and Mr. NEY):

H.R. 5228. A bill to amend title XVIII of the Social Security Act to provide for immediate relief for essential hospitals in a region, to assist in the long-range economic recovery of such hospitals, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. BISHOP, Mr. COLLINS, Mr. LEWIS of Georgia, Mr. ISAKSON, Mr. BARR of Georgia, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. NORWOOD, and Mr. LINDER):

H.R. 5229. A bill to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office"; to the Committee on Government Reform.

By Mr. LEWIS of Kentucky:

H.R. 5230. A bill to amend the Appalachian Regional Development Act of 1965 to designate Edmonson, Hart, and Metcalfe Counties, Kentucky, as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. MOLLOHAN (for himself and Mr. CALVERT):

H.R. 5231. A bill to amend the Federal Food, Drug, and Cosmetic Act and title 35, United States Code, with respect to abbreviated applications for the approval of new drugs; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mrs. MORELLA, Mr. McDERMOTT, and Mr. KUCINICH):

H.R. 5232. A bill to amend the Immigration and Nationality Act to provide for cancellation of removal and adjustment of status for certain nonpermanent resident aliens whose removal would result in extreme medical hardship; to the Committee on the Judiciary.

By Mr. RADANOVICH:

H.R. 5233. A bill to establish the National Commission on Budget Concepts; to the Committee on the Budget.

By Mr. RADANOVICH (for himself, Mr. ROHRABACHER, Ms. LOFGREN, Mr. HUNTER, Mr. HERGER, Mr. VENTO, Mr. KENNEDY of Rhode Island, and Mr. DOOLEY of California):

H.R. 5234. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans; to the Committee on the Judiciary.

By Mr. WAXMAN (for himself, Mr. STARK, Mr. BROWN of Ohio, Mr. BERRY, Mr. COBURN, and Mr. DEUTSCH):

H.R. 5235. A bill to ensure the timely availability of generic drugs through enhancement of drug approval and antitrust laws enforced by the Food and Drug Administration and the Federal Trade Commission regarding brand name drugs and generic drugs; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. SCARBOROUGH.

H.R. 207: Mr. NEY and Mr. HUTCHINSON.

H.R. 284: Mr. SAM JOHNSON of Texas, Mr. RANGEL, Mrs. KELLY, and Mr. RUSH.

H.R. 303: Mr. WAXMAN.

H.R. 534: Mr. KINGSTON, Mr. PACKARD, Mr. COBURN, and Mr. COSTELLO.

H.R. 1020: Mr. DINGELL.

H.R. 1071: Mr. LaTOURETTE and Mr. PAYNE.

H.R. 1168: Mr. DAVIS of Florida.

H.R. 1172: Mr. CALVERT.

H.R. 1187: Mr. SHERMAN.

H.R. 1194: Mr. SMITH of New Jersey.

H.R. 1303: Mrs. THURMAN, Ms. BALDWIN, and Mr. BILBRAY.

H.R. 1824: Mr. THOMPSON of California.

H.R. 2121: Mr. HALL of Texas, Mr. STARK, and Mr. NEAL of Massachusetts.

H.R. 2586: Mr. BALDACCI.

H.R. 2640: Mr. CRANE.

H.R. 2660: Mr. MORAN of Kansas.

H.R. 2720: Mrs. NORTHUP.

H.R. 2741: Mr. MARKEY.

H.R. 2814: Ms. KILPATRICK.

H.R. 3578: Mr. HOSTETTLER.

H.R. 3677: Mr. RAMSTAD.

H.R. 3816: Mr. STENHOLM.

H.R. 3872: Mr. WAMP, Mr. SANDLIN, Mr. BARR of Georgia, Mr. MASCARA, Mr. SKELTON, and Mr. BALDACCI.

H.R. 3896: Mrs. NORTHUP

H.R. 4049: Mr. CUNNINGHAM.

H.R. 4102: Mr. McHUGH.

H.R. 4271: Mr. GREENWOOD and Mr. DeFAZIO.

H.R. 4272: Mr. GREENWOOD and Mr. DeFAZIO.

H.R. 4273: Mr. GREENWOOD and Mr. DeFAZIO.

H.R. 4352: Mr. STUMP and Mr. HALL of Texas.

H.R. 4357: Mr. UDALL of Colorado.

H.R. 4393: Mr. LEWIS of California and Mrs. THURMAN.

H.R. 4395: Mr. TANNER and Mr. KUYKENDALL.

H.R. 4481: Mr. HALL of Ohio, Mr. WALSH, and Mr. MENENDEZ.

H.R. 4508: Mr. RAHALL.

H.R. 4543: Mr. KANJORSKI, Mr. SPENCE, Mr. LaTOURETTE, Mr. PHELPS, and Mr. HALL of Ohio.

H.R. 4571: Mr. McNULTY, Mr. FLETCHER, Mr. BRADY of Pennsylvania, Mr. SOUDER, Mrs. MINK of Hawaii, Mr. MOORE, Ms. ESHOO, Mr. FROST, and Mr. FRANKS of New Jersey.

H.R. 4706: Ms. KAPTUR.

H.R. 4707: Mr. DOOLEY of California, Mr. NADLER, Mr. ABERCROMBIE, Mrs. LOWEY, Ms. PELOSI, Mr. LANTOS, and Ms. WOOLSEY.

H.R. 4715: Mr. COLLINS and Mr. HULSHOF.

H.R. 4716: Mr. STENHOLM.

H.R. 4723: Mr. KOLBE.

H.R. 4746: Mr. HAYES and Mr. EHLERS.

H.R. 4760: Mr. STENHOLM.

H.R. 4792: Mr. PHELPS.

H.R. 4817: Mr. WALSH.

H.R. 4827: Mr. DREIER.

H.R. 4841: Mr. TOWNS, Mr. PETERSON of Pennsylvania, and Mr. GOODE.

H.R. 4857: Mr. HILL of Indiana, Mr. KANJORSKI, and Mr. GONZALEZ.

H.R. 4902: Mr. HILLEARY.

H.R. 4926: Mr. FATTAH, Mr. BLAGOJEVICH, Mr. ENGEL, Mrs. CAPPS, Mr. FILNER, Mr. PACKARD, Mr. RODRIGUEZ, Mr. WEINER, and Mr. FALEOMAEVAEGA.

H.R. 4944: Mr. WISE.

H.R. 4966: Mr. BONIOR.

H.R. 4971: Mr. MCHUGH, Mr. DEUTSCH, Mr. BONILLA, and Mr. CARDIN.

H.R. 4976: Mr. BAKER, Mr. MATSUI, Mr. GANSKE, Mr. CONDIT, Mr. FORD, Mr. OSE, Mr. PHELPS, Mrs. NORTHUP, Mr. WU, Mr. HAYWORTH, Mr. COSTELLO, Mr. PETERSON of Pennsylvania, Mr. FOSSELLA, Mr. HOLT, Mr. TURNER, Mr. SHIMKUS, and Mr. TANNER.

H.R. 4977: Mr. EVANS.

H.R. 5005: Mr. HERGER.

H.R. 5117: Mr. SHAW, Mr. MCCRERY, Mr. CAMP, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. WELLER, Mr. HULSHOF, Mr. COLLINS, and Mrs. JOHNSON of Connecticut.

H.R. 5136: Mr. HYDE.

H.R. 5152: Mr. GREEN of Texas, Mr. HALL of Texas, Mr. WALSH, and Mrs. JOHNSON of Connecticut.

H.R. 5153: Mr. WALSH.

H.R. 5163: Mr. MOORE, Mr. COYNE, and Mr. ABERCROMBIE.

H.R. 5164: Mr. FROST.

H.R. 5172: Mr. CANADY of Florida, Ms. MCCARTHY of Missouri, Mr. BENTSEN, Ms. DUNN, Mr. TANNER, and Mrs. TAUSCHER.

H.R. 5180: Mr. TALENT and Mr. KOLBE.

H.J. Res. 48: Mr. WOLF.

H.J. Res. 56: Mr. BILBRAY and Mrs. THURMAN.

H.J. Res. 60: Mr. CHAMBLISS.

H.J. Res. 100: Mr. MALONEY of Connecticut.

H. Con. Res. 273: Mr. OLVER and Mr. WEINER.

H. Con. Res. 357: Mr. BOEHLERT, Mr. KLINK, Ms. DANNER, Mr. MCCOLLUM, Mr. BENTSEN, Mr. COOK, Ms. RIVERS, and Mr. DIAZ-BALART.

H. Con. Res. 382: Mr. EVANS.

H. Con. Res. 395: Mr. FALEOMAVAEGA.

H. Con. Res. 396: Mr. GOODE, Mr. WOLF, and Mr. SISISKY.

H. Con. Res. 401: Mr. TANCREDO, Mr. FALEOMAVAEGA, Mr. GIBBONS, Mr. RAHALL, and Mr. ENGEL.

H. Res. 347: Mrs. MALONEY of New York.

H. Res. 461: Mr. EVANS, Mr. WELDON of Pennsylvania, Mr. BROWN of Ohio, Mr. ACKERMAN, Mr. FRANK of Massachusetts, Mrs. MYRICK, Mr. STRICKLAND, Ms. KILPATRICK, and Mr. FARR of California.

H. Res. 578: Mr. ADERHOLT, Mr. WAMP, Mr. HOEKSTRA, Mr. MANZULLO, Mr. PITTS, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. KINGSTON, Mrs. MYRICK, Mr. ISTOOK, Mr. GOODE, Mr. DICKEY, Mr. SHADEGG, Mr. RYAN of Wisconsin, Mr. SANFORD, Mr. SAM JOHNSON of Texas, and Mr. COBURN.

# SENATE—*Wednesday, September 20, 2000*

The Senate met at 9:32 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we cannot begin this day in the forward march of history without You. It is with Your permission that we are alive, by Your grace that we have been prepared for our work, by Your appointment that we are here, and by Your blessing that we are secure in Your gifts and the talents You have given us. Renew our bodies with health and strength to be the sedan chairs for our thinking brains. Open our inner eyes so that we can see things and people with Your perspective. Teach us new truth today. May we never be content with what we have learned or think we know. Set us free to soar with wings of joy and light. We trade in the spirit of self-importance for the spirit of self-sacrifice, the need to appear great for the desire to make others great, the worry over our place in history with the certainty of Your place in our hearts. Restore the continuous flow of Your spirit through us as a mighty river.

We thank You for the gift of this new day to work for Your glory and the good of America. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

## SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of Morning Business until 11:30 a.m. Following Morning Business, the Senate will resume the final debate on the conference report to accompany H.R. 4516, the Legislative Branch Appropriations Bill. A vote on final passage of the Conference Report is expected to occur at approximately 3:30 p.m. After the vote, it is hoped that the Senate can begin consideration of the Water Resources Development Act under a time agreement. Therefore, Senators can expect votes throughout this afternoon's session.

I thank my colleagues for their attention.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 11:30, with Senators permitted to speak therein for up to 5 minutes.

Under the previous order, the Senator from Texas, Mr. GRAMM, is recognized to speak for up to 30 minutes.

## MEDICARE

Mr. GRAMM. Mr. President, I thank the leader for allowing me the opportunity this morning to talk about Medicare and about pharmaceutical benefits.

I will talk about these issues, recognizing two things: One, that Medicare is second only to Social Security as the most important government program in operation today; and two, recognizing that in 1965, when Medicare came into existence and it was focused primarily on hospital care, physician care, and surgery, that reflected the practice of modern medicine in 1965. Today, Medicare is still focused on 1965 medicine. However, pharmaceuticals have taken the place, in many cases, of hospital stays and surgery, and yet Medicare does not pay for pharmaceuticals.

What I will address is the cold reality of where we are, what we want to do, but the dangers we face if we do it wrong. I view this as a statement on the problems we face in trying to provide pharmaceuticals in Medicare.

I hope to do this with a series of charts. I begin with the good news. The good news—the glorious news—is that 68.8 percent of all Medicare recipients already have some form of prescription drug coverage—68.8 percent. That level of coverage is a level of coverage virtually unmatched in terms of the structure of private health insurance. What it means is that almost 69 percent of people in America already have some form of pharmaceutical coverage when they are under Medicare.

Obviously, what this says is, whatever we do, we don't want to do anything that imperils the 69 percent of people who already have pharmaceutical coverage in our effort to try to provide it to the 31 percent of people who don't.

Where does this coverage come from? If we look at this chart, we can see that 44.6 percent of the people who have pharmaceutical coverage in Medicare are getting it through their employer. This is part of the benefit for which they worked a lifetime. They are getting it through an employer-sponsored program. Obviously, we don't want to do anything to induce employers to drop that coverage, nor do we want to do anything to substitute taxpayer money for the private money that is currently going into private health insurance to cover our seniors for pharmaceutical coverage.

There are 15.2 percent of those who have pharmaceutical coverage who get it from Medicaid; 11.9 percent get it from HMOs as part of Medicare; 10.6 percent who switched coverage during the last year and went from one form of coverage to another, so they are not counted as being in one category for the year that they had it. Then finally, 15.2 percent get pharmaceutical coverage through Medigap policies. That is the way my momma, for example, gets her pharmaceutical coverage—through a Medigap policy.

What is the point of all this? What does this mean? Why should anybody care about this?

The point is, 69 percent of Americans already have something we want to provide to 31 percent of Americans. We want to be very sure—we might even have a bipartisan agreement on this at some point—we want to be very sure we don't do anything, in trying to help the 31 percent, that could endanger, destroy, eliminate, or replace the coverage that 69 percent of those on Medicare already have.

What is it going to cost for the various plans that have been proposed? My colleagues will remember—I am sure the Presiding Officer remembers—that when Lyndon Johnson sold the Senate on passing Medicare, it was going to cost less than $1 billion a year. Medicare has now become the second largest program in America. It is on its way to becoming the most expensive program in the history of America or the history of the world. The point being, we don't always have the ability to predict what costs are going to be.

Nothing shows this more clearly than the official estimates that have been made of the Clinton-Gore drug plan. When they first introduced their plan, the Office of Management and Budget estimated that the plan would cost $118.8 billion over the first 10 years.

By April of that year, the official estimate from CBO was $149.3 billion. By May, the estimate by the Congressional Budget Office had risen to $160 billion. By July, the estimate from CBO had risen to $337.7 billion.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The point is, what happened to the program between the first estimate made when it was proposed and July? Well, the program was never implemented. What happened is—the President made some changes in it, but what really happened is people started looking deeper and deeper into the program.

The plain truth is, we don't know what the actual cost is going to be. But we know if you are going to have the federal government take over and basically federalize pharmaceuticals so that you are going to have the taxpayer paying for benefits, when currently 44.6 percent of the people who have pharmaceutical coverage are getting it from their former employer—when you have the government take it over and pay for not just the 31 percent who don't have it but for the 69 percent who do, obviously it is going to cost a lot of money.

Secondly, remember that the level of usage clearly is affected by who pays. There are many different figures you can use, but let me just use one figure. For those on Medicare who do not have third party coverage for pharmaceuticals—that is, they don't have somebody else paying their pharmaceutical bills in total or in part—they are spending, on average, less than $400 a year. But for Medicaid beneficiaries where the federal government is paying for all of their pharmaceutical bills, they are spending over $700 a year.

Now some people would say, you either need pharmaceuticals or you don't. The point is, as is true in anything, it makes a difference whether there are copayments, whether there are deductibles, and who is paying. The point this chart makes very clearly is that we have already seen, in one year, the estimated cost of the Clinton-Gore drug plan rise from $118.8 billion to $337.7 billion, and it is not implemented. The point is, we really don't have any idea about how much it is going to cost. As costs go up, what happens? As costs go up, first premiums go up, and then there is political resistance to premiums.

What happened in England with a program similar to the Clinton-Gore plan? What happened in Canada? What happened in Germany? As costs rise, with political pressure to keep premiums down, what happens? In every country in the world that has adopted a one-size-fits-all government program, one thing has happened—and it is not as if it were different in Germany from in Britain, or different in Britain from in Canada. One thing has always happened: When you have a one-size-fits-all government program and costs explode, they ration health care.

Great Britain is a good example. They delay the implementation of new drugs until the cost of those drugs comes down. That may make sense in controlling government costs, but if your mama is sick or your baby is dying, that is rationing health care. And every country in the world, to try to deal with this exact problem of exploding costs, when they have the government take over with a one-size-fits-all program, they end up rationing pharmaceuticals.

So we have people in the Senate who stand up and say that in Great Britain you can get X drug cheaper. What they don't explain is that it wasn't introduced for 2 years because of the cost, because it was rationed by the government. That is something we have to be concerned about because nobody in America wants to be in a situation where, when their mama is sick, they end up talking to some bureaucrat about cost instead of to a doctor about health care.

This is the greatest dilemma we face in doing something about pharmaceuticals. This is not a problem of anything other than arithmetic. Today, half of the people who receive Medicare spend less than $500 annually on prescription drugs. That is a fact. When people hear on television that we are debating having the government set up a program to pay for their pharmaceuticals, they think we are talking about the government paying for their pharmaceuticals. But the plain truth is—as anybody who has actually looked at the plan that has been proposed by Clinton and Gore knows—the first thing they discover is that when it is fully implemented, you are going to have to pay $662.40 in annual premiums for a plan that pays for half of your pharmaceuticals up to, ultimately, $5,000.

Here is the point. Half of all of the seniors are in the position today where their pharmaceutical bills are $500 or less. If we implement a program that has the government take over prescription drugs so that we don't have 68.8 percent of people covered by other health insurance, as we have today, but we have everybody in a government-run program, the premium cost of this is very high. And remember, this is based on a cost estimate which, if we know anything about these programs, is a gross underestimation. The annual premium cost is $662.40, and for that the government pays half of your pharmaceutical costs.

So here is the point. If the government is paying half of a Medicare beneficiaries prescription drug costs, most Medicare beneficiaries are going to get out of this program less than $250 of benefits, but they are going to pay $662.40 in premiums just to be in the program.

Now how many seniors understand that half of them are going to get $250 or less worth of benefits, but are going to end up paying $662.40 a year in premiums? What kind of bargain is it to pay $662.40 to get a benefit worth $250 or less? It is a very bad bargain, which explains why it is mandatory—why either you have to take it the first day you are eligible or you can never get into the program. They have to find ways of forcing people into this bad deal because they are not content to try to help the 31 percent of the people who don't have the insurance. They are trying to force everybody into one program run by the government, of course; and in doing so, for every one person to whom you provide new coverage, you in essence take away coverage that two people already have, which is not funded by the government.

That is why these cost estimates on a one-size-fits-all government-run program are so cataclysmic and why, if you ask people, Do you want government to provide pharmaceutical coverage in Medicare? the vast majority of people say yes. But when you explain to them that half of the people on Medicare today spend less than $500 on prescription drugs and, when the program is fully implemented, the annual premium is going to be $662.40 that will pay for only half of your pharmaceuticals up to the point you spend $5,000, people will look and see that half the people are getting $250 in benefits, and they are spending $662.40 initially when the program is fully implemented and see it isn't a good deal. But does anybody doubt the program will be at least twice that when it is ultimately in place? I don't think so.

In this political environment we are in, people are always talking about risky schemes. We have all heard it. It is amazing to me that people will talk about spending trillions of dollars, but if you want to give half that amount in tax cuts, it is a risky scheme—spending it is not risky, but giving it back to working families is risky.

Let me talk about how risky this government takeover of the pharmaceutical benefits in America for seniors is. The Clinton-Gore plan is back-end loaded. What do I mean by that? I mean that the first year it is very cheap because it doesn't even go into effect for 2 years from now. Then it becomes very expensive. The first year of the program advertises that it will cost only $13.5 billion. When the program is fully implemented, it costs $59.7 billion, or almost $60 billion a year. When we run this out over a 10-year period and we look at the estimates that are being made when fully implemented, whereas the initial estimate by the Office of Management and Budget was the program would cost $118.8 billion, when we take its cost at full implementation and what we already know, its actual cost is $597 billion over 10 years.

How are we going to make up this difference? Britain has a government-run benefit on pharmaceuticals. Germany has one. Canada has one. How did they make it up? They made it up by raising the premiums initially, and when political resistance occurred, they start rationing health care. That is what we would be buying into here.

There is one other difference, and this is from the Congressional Budget Office "Analysis of the Health Insurance Initiatives in the Mid-Session Review" that they published on July 18. I urge my colleagues to look at it. They analyzed the Clinton-Gore drug plan. Most people are obviously focused on, what is it going to cost? The Congressional Budget Office, the nonpartisan budgeting arm of Congress, finds that not only is it going to cost a tremendous amount more than what is being claimed, but equally disturbing to me is this quote:

> The Congressional Budget Office estimates that after 10 years, the average price of drugs consumed by the Medicare beneficiaries would be 8 percent higher if the President's proposal was enacted.

In other words, not only will taking over pharmaceutical coverage for all Medicare beneficiaries, when only 31 percent don't have it, cost a tremendous amount of money, but it will drive up the cost of pharmaceuticals to everyone. This is not just to seniors, this is to everyone.

What is the alternative? Interestingly enough, the best alternative is a bipartisan proposal from a bipartisan commission that was led by Senator BREAUX, a Democrat, from Louisiana.

I have a very revealing chart. I will give Michael Solon on my staff credit for this. I think this is one chart that tells a very important story. Here is what it is based on. The question it asks is the following: If you left everything exactly as it is, and you held the growth of government discretionary programs to the budget, how long could the government pay Medicare and Social Security benefits as they are currently promised? In other words, when would the government run out of money to pay for Medicare and Social Security benefits under the best of circumstances?

He finds, under the current system, the federal government would run out of money in the year 2027. If we don't spend the money or use it for anything else, we keep spending in real terms where it is, and we use all the money in the budget to fund just Social Security and Medicare, the federal governments runs out of money in 2027. That means everybody 40 and over would, for all practical purposes, be covered, but everybody under 40 would be vulnerable to the federal government's inability to pay Medicare and Social Security benefits.

If you adopted the Clinton-Gore plan, what you would do is, by driving up costs, move this doomsday or day of reckoning—whatever you want to call it—from 2027 to 2022, which means that only people 44 and above would have their Medicare and Social Security benefits secured. Stated another way, 17 million people who are between 40 and 44—those 17 million middle-aged people in that 4-year bracket—would have their Medicare benefit and their Social Security benefit imperiled by the adoption of the Clinton-Gore plan.

What is the alternative? The alternative is a bipartisan proposal. The estimates that were done of the bipartisan commission—and I remind my colleagues, people were appointed by the Speaker and the minority leader, by the majority leader and by the minority leader, and by the President—they put together a proposal that a majority supported. But because all of President Clinton's appointees voted against the final package, it did not get the supermajority needed to make a formal recommendation.

However, the majority supported the Breaux proposal. The Breaux proposal basically reformed Medicare and provided pharmaceutical benefits to the 31 percent of the people, or most of them, who don't have Medicare, don't have coverage for pharmaceutical benefits. The important thing was that the reform of Medicare contained in the Breaux commission report—by reforming Medicare, extended its lifetime from 2027 to 2059, which would mean anybody over 8 years old would have their benefits guaranteed if we adopted the bipartisan Breaux commission report.

What is the point of this speech? The whole point of this is the following, and I think these points were very important and I want to just run through them real quickly. Point one, you have 69 percent of all seniors who have some pharmaceutical coverage already. Why would you want to have the government come in and pay for that, especially when 44 percent of them are having it paid for by their former employers? That doesn't make any sense.

The only case in which you would want to do that is if you had some political agenda that said we ought to have a government-run health care system. I submit, based on the record of this administration, when they tried in 1993 and 1994 to have the government take over and run the health care system, that is exactly what their agenda is. But, notice—and this is easy to explain—if you have a problem with 31 percent of the people but you have 69 percent who already have a benefit, don't tear up what they have trying to help the people who need it. That is the first point.

The second point is that when you try to have a program that covers everybody, and you start substituting government dollars, tax dollars for other health insurance that 69 percent of the people already have, you are forced into a system where most seniors will not benefit.

As I explained earlier, today over half of all Medicare beneficiaries spend less than $500 a year on prescription drugs. Yet under this one-size-fits-all, government-runs-it, government-controls-it plan that has been proposed by the President and endorsed by the Vice President, when that plan is phased in, in order to get coverage where the government will pay half of your prescription costs up to you spending $5,000, it costs you $662.40 a year in premiums. But half of all Medicare beneficiaries would only get benefits of $250 or less. Needless to say, when you say to seniors, "We have a great deal for you, we are going to give you a benefit for $662 a year that half of you will find to be worth less than $250 in any given year," they are not excited about it. So how do you deal with that?

You deal with that by trying to mislead people about what it is going to cost. You don't phase in the whole program. You don't even start the program for 2 years, so, boy, it is cheap for the first 2 years because you don't have a program. Then you phase it in.

The point is, when you do that, you start out cheap—$13.5 billion. But when you get it fully phased in, even based on the estimates of the Congressional Budget Office—and we know the real costs will be higher—you are already up to about $60 billion a year when you get it fully implemented.

Obviously, anybody who is trying to be critical of what is being proposed has the obligation to propose an alternative. Fortunately, as a member of the Medicare Commission with Senator BREAUX and Senator KERREY—the two Democrat members who worked on the majority position—there was a proposal made. That proposal was a comprehensive reform of the system.

That comprehensive reform, which provided pharmaceuticals for moderate-income people but let the 69 percent of the people who already had pharmaceutical coverage keep it, didn't substitute tax dollars for General Motors' money on retirement health care. What happened was, whereas the Clinton-Gore plan would actually endanger the Medicare and Social Security benefits of people between the ages of 40 and 44 by driving up costs and by forcing those systems into insolvency or into fee increases or into tax increases sooner, the bipartisan proposal of the Breaux commission would have actually expanded the life of Medicare to 2059. That would mean everybody 8 years old and older would be protected. It would give us an opportunity to further refine the system.

I thank my colleagues for giving me this opportunity. These are important issues. They deserve prayerful consideration. I urge my colleagues to look at them before we change Medicare.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for his insight and leadership and expertise and courage and ability to explain, in common language, some of our most complex financial issues facing this country. It is an extraordinarily valuable asset to our country, to have Senator GRAMM in this body as a trained economist. I never cease to be amazed and appreciative of what he contributes.

## PROTECTING ALABAMA HOSPITALS

Mr. SESSIONS. Mr. President, today I want to talk about the situation involving hospitals in America. We passed the Balanced Budget Act in 1997. It was an agreement, not only of this Congress, but of the President. It was to be administered by the executive branch agency called HCFA. We projected a number of reductions and savings that would occur as a result of our efforts to balance the budget, to curtail double-digit increases in health care, and to make hospitals really force some cost containment in the escalating cost of health care in America.

I believe in that, and I support that. I think that, in part, it has been successful. Experts projected savings over this period of time would have been $115 billion. We now see that savings to Medicare will be closer to $250 billion. In other words, the savings that have come out of Medicare and Medicaid reimbursements to hospitals that are taking care of indigent patients whether they get paid or not have had an impact far in excess of what we anticipated when we passed the BBA.

I have traveled to about eight different hospitals in the last several months in my State. I met with groups of administrators from these hospitals. I talked to nurses, administrators, practitioners and accountants in the hospitals, and I believe that they are not crying wolf, but that their concerns are real. I believe there is a problem there.

I would like to share with the Members of this body some of my concerns about it and say we are going to need to improve and find some additional funding that will help those hospitals.

In Alabama, when we passed the Balanced Budget Act of 1997, Alabama's hospitals' bottom line already was significantly less than that of other hospitals in the country. That year, Alabama had an average operating margin of 2 percent, whereas the average operating margin for 1997 was 16 percent. Aside from lower operating margins, the State also has special health needs. When compared with other States, Alabama's health care market had a higher than average percentage of Medicare and Medicaid and uninsured residents. In 1998, the State's Medicare enrollees made up 15.4 percent of the population and Medicaid residents made up 15.3 percent, both above the national average of 14.1 percent. So when those reimbursements were reduced, Alabama felt it more severely than most States.

One significant part of the BBA that has been especially damaging to our Nation's hospitals is the lack of a market basket update. The market basket is Medicare's measure of inflation. It is an inflation index. It is essentially a cost-of-living adjustment for hospitals. Without an accurate inflationary update, or market basket update, Medicare payments for a hospital's inpatient perspective payment system—the way we pay them—are inadequate and do not reflect inflation or the increased demands of regulations, new technologies, and a growing Medicare population.

As part of the Balanced Budget Act of 1997, which was passed to address the double-digit growth in Medicare spending, updates in the market basket were frozen. But by freezing the updates, mathematically this effectively created negative update factors.

For example, in 1998, the market basket update was 0.1 percent; for 1999, it was a minus 1.9 percent; for fiscal year 2000, it was minus 1.8 percent; for 2001, it is scheduled to be minus 1.1 percent; for 2002, minus 1.1 percent. So, in effect, we not only have frozen the inflation increase over all these years, we have created mathematically a reduction in the funding.

From 1998 to 2000, hospital inflation rates rose 8.2 percent, while Medicare payments for inpatient care rose 1.6 percent. You can do that for a while. We can create some savings, but at some point you begin to cut access to essential health care, making health care in hospitals more difficult less personnel and decreased resources.

Overall, the BBA will result in a reduction of Medicare payments for hospital inpatient care by an estimated $46.3 billion over 10 years. This decrease in payments has been compounded by other increased costs such as the rapid increase in the cost of prescription drugs. We all know the rising costs of health care, particularly drug costs. Hospitals feel this crunch as well.

Cherokee Baptist Medical Center and Bessemer Northside Community Clinic in Alabama are two facilities that have been hurt. For example, Cherokee Baptist Medical Center has estimated that the 5-year impact of BBA implementation for years 1998 through 2002 will create a loss of $3.7 million for this small rural hospital. That is real money in a real community—$3.7 million. The hospital's operating margin fell from 4.5 percent in 1997 to 2.2 percent in 1999.

While Medicare inpatient admissions remain the same, the revenue they have received from them has dropped from $3.5 million to $2.9 million. That is a loss of over $600,000 for the hospital alone.

Bessemer Northside Community Clinic opened in 1997 in an attempt to deal with a specific community need. The community needed convenient care for its elder and uninsured. Bessemer opened to fill that need. But due to reductions in Medicare reimbursements, they lost approximately $3 million in 1999, and were projected to lose $4 million in 2000.

This clinic served about 2,000 low-income and elderly patients in its first year, and was expected to serve 200,000 as part of a regional health network. Now it has closed its doors.

What we need to do: Last year we passed the Balanced Budget Refinement Act. The truth is, it will really come into effect this year. The hospitals will begin to feel its impact in 2001. Some may think we did not do anything last year. We did, but it was phased in, and the real impact is just now beginning to be felt. It is a good start. But it is not enough. Now we need to deal with the market basket update reduction projection of 1.1 percent, again, for 2001 and 2002. We need to restore the full inflationary update. The Alabama Hospital Association as well as the American Hospital Association have identified this as one of their top priorities.

The American Hospital Preservation Act, which was introduced by Senator HUTCHISON and cosponsored by myself and 58 other Senators, should be included in this year's Medicare provider give-back legislation that is now being considered in this Congress.

Now I will talk about the wage index and how that affects a hospital in Stringfellow, AL. This is a chart that gives a clear indication of what this hospital receives compared to the national average.

For the national hospital average, this chart shows a per patient/diagnosis reimbursement rate for labor of $2,760; $1,128 for nonlabor reimbursements. That is what our national hospital average reimbursement rate looks like for per patient diagnoses for inpatient care, totaling $3,888.

But Medicare/Medicaid reimbursements for Stringfellow Memorial Hospital in Anniston, Alabama—because of lower labor costs and a higher percentage of non-labor costs are calculated by HCFA with a complicated formula that does it—is only reimbursed $2,042 for labor. This means that this rural Alabama hospital is being reimbursed $718 less per patient diagnosis. That is money not going to Stringfellow Hospital. That is money not going to that hospital. And the nonlabor costs are the same. So they are feeling a loss of $718 out of the $3,888 average cost for care compared to the national average.

Make no mistake, there are other hospitals well above the national average. Where rural Alabama hospitals lose $718 per patient, these hospitals may make $1,500 per patient diagnosis.

The nonlabor-labor split also assumes that hospitals purchase outside services from within their region, when in fact, most rural hospitals must purchase services from urban areas—which have must higher wages. In rural Alabama, much of a hospital's services often have to come from Birmingham, the University of Alabama Medical Center, and all the first-rate quality care there. It may have to be transported out to the local hospitals at greater cost than it would be in Birmingham or any other regional medical center.

According to a recent study by Deloitte Consulting, approximately 70 percent of Alabama's hospitals will be operating in the red in 2000 and as many as 14 are likely to close—unless something is done.

The reductions which have resulted from HCFA's implementation of the BBA, have affected Alabama hospitals in many ways. The reductions have hurt hospitals, both big and small, urban and rural. They have been forced to limit access, cut off services, downsize, and in some instances, close their doors.

Shelby Baptist Medical Center in Alabaster, Alabama was forced to close its inmate/juvenile detention medical clinic, close their occupational medicine clinic, close a pediatric clinic, downsize psychiatric services, close physician services to new patients, and decrease the number of health screenings for early detection of disease. They have had to place a hold on all capital projects including a women's services clinic, an additional lab, and the expansion of diagnostic services to the surrounding communities. They have also had to end the development of an "Open Access Clinic" to help deal with the area's numerous uninsured and under-insured patients.

Likewise, the net income of Coffee Health Group in Lauderdale, Colbert and Franklin Counties in Alabama dropped from $38.3 million in 1997 to a projected negative $13.6 million in 2000. The hospitals' operating margin—the pre-tax profits which are the major source of a hospital's cash flow—dropped from $19.6 million in 1997 to a projected negative $21.5 million in 2000.

Market basket update: One significant part of the BBA that has been especially detrimental to our nation's hospitals is the lack of a Market Basket Update. The Market Basket is Medicare's measure of inflation. It is essentially a cost of living adjustment for hospitals. Without an accurate inflationary update, or Market Basket Update, Medicare payments for a hospital's inpatient perspective payment system are inadequate and do not reflect the increased demands of regulations, new technologies, and a growing Medicare population.

As part of the Balanced Budget Act of 1997, which was passed to address a looming health care crisis: double-digit growth in Medicare spending, updates in the Market Basket were frozen. By freezing the updates, the BBA effectively created negative update factors: For fiscal year 1998, the market basket update was −0.1 percent, for fiscal year 1999, the update was −1.9 percent, for fiscal year 2000, the update was −1.8 percent, for fiscal year 2001, the update is scheduled to be −1.1 percent, and for fiscal year 2002, the update is scheduled to be −1.1 percent.

Between 1998 and 2000 hospital inflation rates rose 8.2 percent while Medicare payments for hospital inpatient care rose 1.6 percent. Overall, the BBA will result in a reduction of Medicare payments for hospital inpatient care by an estimated $46.3 billion over 10 years. This decrease in payments has been compounded by a rapid increase in the cost of prescription drugs and the price of blood and blood products. We all know of the rising costs of health care—most especially in drug costs. Hospitals feel this crunch as well. While the average costs of "existing drugs" or those that came to the market before 1992, is $30.47, the average price of new prescription drugs is $71.49—more than twice that of existing drugs.

Cherokee Baptist Medical Center and Bessemer Northside Community Clinic in Alabama are 2 facilities that have been affected by the BBA and provide disheartening real-life examples.

Cherokee Baptist Medical Center has estimated that the five-year impact of BBA implementation for fiscal years 1998 through 2002 will create a loss of $3.7 million. The hospital's operating margin fell from 4.5 percent in 1997 to 2.2 percent in 1999. And while Medicare inpatient admissions remained the same, the revenue dropped from $3,512,910 to $2,909,666. That's a loss of over $600,000 for this hospital alone.

Bessemer Northside Community Clinic opened in October of 1997 (about the same time the BBA was passed) in coordination with the community and in response to a specific need. The community needed convenient care for its elderly and uninsured. Bessemer opened to fill that need, but due to reductions in Medicare reimbursement that came as a result of the implementation of the BBA, Bessemer lost approximately $3 million in 1999 and was projected to lose about $4 million in 2000. This clinic served about 2,000 low income and elderly patients its first year and was expected to serve over 200,000 as part of a regional health network. It provided more than $4 million in free medical care to Northside residents since the clinic opened. Now, due to the drastic reductions in reimbursement, Bessemer has closed its doors, leaving the community's elderly to travel long distances for care, or in many cases to go without.

Last year Congress passed the Balanced Budget Refinement Act (BBRA) in 1999 to address some of the concerns we had about the affects of the implementation of the BBA. One provision in this legislation allows Sole Community Hospitals—those hospitals that are the only access to health care in an area—to receive a full Market Basket Update in fiscal year 2001. That's a good start, but it's not enough. Now we need to strike the BBA-mandated Market Basket reduction of 1.1 percent for fiscal year 2001 and 2002 and restore a full inflationary update. The Alabama Hospital Association as well as the American Hospital Association have identified this as one of their top priorities, and it is what the American Hospital Preservation Act of 1999 does. This bill which was introduced by my colleague Senator HUTCHISON and cosponsored by myself and 58 other Senators, should be included in this year's Medicare provider give-back legislation to address the continuing needs of our Medicare providers.

Wage index: Mr. President, another Medicare reimbursement issue which needs to be addressed in any upcoming Medicare provider give-back legislation is a needed adjustment to the Wage Index.

Medicare reimbursement for hospital inpatient care is based on a Perspective Payment System (PPS) which was created in the early 1990's to cut Medicare spending. A formula within the PPS is used to adjust Medicare payments to a hospital based on a Wage Index—or the average wage for a particular area. The formula is based on 2 components: labor-related and non labor-related costs. While non labor-related costs are the same nationwide—these are costs for supplies, pharmaceuticals, equipment, etc—labor-related costs differ from region to region and there are large discrepancies between the labor costs in urban and rural areas. The cost of living is lower in rural areas, so they pay, on average, lower wages. The adjustment made for these regional differences is made according to the Wage Index.

The national wage index is 1, but most rural hospitals have a wage index of 0.74 and most hospitals in Alabama have a wage index between 0.74 and 0.89, which is 0.11 to 0.26 below the national average. This index which is used to calculate the base rate for Medicare reimbursement, has several inequities:

For example:

Adding additional lower paid employees lowers your wage index.

Hiring 2 lower paid employees to do the job of one higher paid employee lowers your wage index.

Increasing wages has no impact on the wage index for 3 years.

Having no corporate overhead from a large proprietary entity lowers your wage index.

When developing the Wage Index mechanism, HCFA decided that 71 percent of a hospital's costs were labor related. This rate also includes a predominant shift to labor-related costs due to purchases of outside services which incorrectly assumes that hospitals purchase services only from within their region and thus pay similar wages for these outside services. In reality, rural hospitals usually purchase services from urban areas and must pay urban wages for these services. However, the purchase of outside services from urban areas which may have a greater labor cost is not reconciled with the prevailing wage rate within the rural area. Hence, rural hospitals are paying urban rates for those services but are not being reimbursed at their urban wage rate. The average percentage of hospital expenditures in Alabama that are labor related is 51 percent—far from the 71 percent used by HCFA. And the annual impact of these formula problems result in a reduction of Alabama hospital payments by HCFA by between 5.5 and 6.5 percent or close to $46 million a year.

To illustrate the unfairness of the Wage Index formula, you must see the differences in the calculation of the base rate for reimbursement using the Wage Index for both the national average and for a typical Alabama hospital.

National Average:

Take the initial national base rate for a per patient diagnosis of $3,888.

Multiply it by the national average for percentage of wages to all other costs (71 percent) = $2760.

Remaining $1128 is non-labor costs.

Apply National Average Wage Index (1) to wage cost of $2760 = $2760.

Add $2760 to the non-labor portion, $1128, to get a total payment of $3888. This is the base rate for Medicare reimbursement per Medicare patient diagnosis.

Compare that to: Stringfellow Memorial Hospital in Anniston, AL:

Take the initial national base rate for a per patient diagnosis of $3,888.

Multiply it by the national average for percentage of wages to all other costs (71 percent) = $2760.

Remaining $1128 is non-labor costs.

Now here's the problem. Instead of applying the national average wage index of 1, for this Alabama hospital, we would use the Montgomery wage index of 0.74.

So, apply the local wage index of (0.74) to wage cost of $2760 = $2042.

Add $2042 to the non-labor portion, $1128, to get a total payment of $3170.

Therefore the base rate for per patient diagnosis at Stringfellow Memorial Hospital is $718 less than the national average. That's nearly 20 percent below the national average.

HCFA has recognized the problem and has addressed it in other areas. In developing the formula for the new Outpatient Perspective Payment System (PPS), which was required by the BBA of 1997, HCFA set the labor component of hospital costs at 60 percent (as compared to the 71 percent in the Inpatient PPS). According to HCFA, in the development of this new Outpatient formula, 60 percent represents the average split of labor and non labor-related costs.

Why then has HCFA not changed the Inpatient PPS formula? Why do we have to do it legislatively?

Senator GRASSLEY has proposed legislation that would correct the faulty wage index formula. His plan would mandate that HCFA apply the wage index adjustment only to each hospital's actual labor costs. This proposal, though it has not been scored, would cost approximately $230 million the first year.

While I support this proposal, I am also sympathetic to my colleagues whose states are not detrimentally affected by the wage index. For that reason, I would also support other possible solutions to the Wage Index issue.

There are 2 possible options:

(1) We can develop a Wage Index "Floor," possibly set at 0.85 or 0.9. Thus there would be no effect (positive or negative) on hospitals with Wage Indeces above that level.

(2) We can establish a hold-harmless provision and apply the Wage Index adjustment to the share of hospital costs that are actually wage related (51 percent for Alabama), but only for hospitals with a Wage Index below 1.

The bottom line is that something must be done before the reductions in the BBA threaten the access to and quality of health care for our nation's seniors and uninsured. This government must not create a situation in which many of these needed hospitals have to close. We must act quickly or closures will occur.

I would like to thank the Chairman of the Senate Finance Committee, Chairman ROTH, for his efforts to address these concerns, and I look forward to working with him and the members of the Senate Finance Committee as well as the Senate Leadership to get this done.

It is time for this Congress to deal with the unfair wage index and improve it and take a step in the right direction. It is hurting our hospitals in rural America. It is really hurting them in Alabama where 70 percent are operating in the red and as many as 14 might close.

## MARSHALL SPACE FLIGHT CENTER'S 40TH ANNIVERSARY

Mr. SESSIONS. Mr. President, today we are celebrating the accomplishments of the men and women of the Marshall Space Flight Center in Huntsville, AL, on the occasion of their 40th anniversary which will be celebrated tomorrow.

In September of 1960, President Dwight Eisenhower dedicated the Marshall Space Flight Center, which soon began making history under the leadership of Dr. Wernher von Braun. From the Mercury-Redstone vehicle that placed America's first astronaut, Alan Shepard, into suborbital space in 1961, to the mammoth Saturn V rocket that launched humans to the moon in 1969, Marshall and its industry partners have successfully engineered history making projects that gave, and continue to give, America the world's premier space program.

We are fortunate to have these dedicated men and women in Huntsville. I will be offering some remarks and hope to speak on the floor again later today. I take this opportunity to express my compliments and those of the American people to the men and women at Marshall Space Flight Center, which began 40 years ago, sent men to the moon, and now is working steadfastly to create a cost-efficient, effective way to send people into space routinely, almost as easily as we fly now across the Atlantic Ocean.

## ENERGY

Mr. SESSIONS. Mr. President, I see the Senator from Alaska is here. I will just say this: Senator MURKOWSKI understands the failure of this administration's energy policy. He understands their desperate attempt to blame it on everyone but themselves.

The plain fact is, for almost 8 years, this administration has, through a myriad of ways—the chairman of the Committee on Energy and Natural Resources well knows—reduced American production of energy, leaving us more and more dependent on foreign oil. Now they have gotten together, created their cartel strength again and driven up the price of a barrel of oil in a matter of months from $13 a barrel to over $30, maybe $35. We are feeling it in every aspect of the American Government. It was done not on the basis of a free market supply and demand but because of the political acts of the OPEC nations. This administration needs to do something about it.

I am glad to see Chairman MURKOWSKI here this morning. I know he will be speaking about this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I ask how much time I am allotted under the standing order?

The PRESIDING OFFICER. The Senator may have 13 minutes of the time remaining of the Senator from Alabama.

Mr. MURKOWSKI. I thank the Chair, and I thank my good friend from Alabama.

He indicated that the price of oil had risen. The price of oil yesterday rose to an all-time 10-year high, $37 a barrel. This is a very serious matter that is not receiving enough attention by this body, nor this administration. To give my colleagues an idea, from the Washington Post yesterday there was a quote that the price of crude oil contracts on the futures market on the New York Mercantile Exchange rose above $37 a barrel for the first time.

Here is the more significant point. Analysts predicted that the price jumps, 2.7 percent yesterday and a total of 44 percent for this year, could continue indefinitely. I repeat—could continue indefinitely, especially with the uncertainty connected with Iraq's Saddam Hussein and his accusations that Kuwait was drilling near the Iraqi-Kuwaiti border and stealing Iraq's oil.

Doesn't this sound a little like what happened in 1991 prior to the Persian Gulf war where we had the muscle demonstration by Saddam Hussein and later the implications of that war?

This is serious business. If you don't believe it is serious, ask Tony Blair because the stability of the British Government is very shaky right now as a consequence of the price of energy, a 10-year high, expectations for the price of oil go as high as $40 per barrel and beyond in the near future.

Why are we in this mess and why should American consumers care? I will discuss one segment of this today because Saddam Hussein has the world over a barrel. It is over a barrel of oil.

Why should American consumers care? Well, Iraq is now in a position to set the market price of oil—and therefore, what you pay at the pump, what you pay to heat your homes, what you pay at the grocery store, and what the Northeast Corridor residents are going to be paying in this country this winter for fuel. God help us if we have a cold winter. Iraq is using its profits illegally for weapons of mass destruction. They are threatening the peace and stability of the entire Mideast region. They represent a threat to the security of Israel without question.

Let us look at a little history on how this administration has basically failed to address this threat. Just before the Clinton-Gore administration came in, we carried out a very successful mission in Desert Storm. That mission was not without American casualties. We lost 147 Americans; 467 were wounded; 23 were taken prisoner.

Since that time, we have continued to enforce a no-fly zone. We have flown over 200,000 sorties since the end of Desert Storm, at a cost to the American taxpayer of about $50 million per month. Yet here we are today more reliant on Iraqi oil. We are addicted to the imported oil. We are addicted to oil. In any event, as a consequence of our decline in domestic production, which has been 17 percent since the Clinton Administration took office, and a 14-percent increase in domestic demand during the same period, we are now 58-percent dependent on imported oil.

During the Arab oil embargo—some remember this period of time, 1973—we had gas lines around the block at filling stations. The public was outraged. They were blaming everybody, including Government. That was 1973 when we were 36 percent dependent on imported oil; now we are at 58 percent.

Today Iraq is the fastest growing source of U.S. foreign oil, 750,000 barrels a day, nearly 30 percent of all Iraqi exports. We fought a war over there in 1991. Here we are dependent on Iraq. It makes us powerless to respond. Weapons inspections are unable to proceed. We are concerned about it, but we don't do anything. Illegal oil trading is underway with other Arab nations. We know it, we enforce a blockade in the air, we don't enforce any kind of a blockade for the illegal oil shipments that are going out of Iraq. Profits go to development of weapons of mass destruction, training of the Republican Guards to keep Saddam Hussein alive.

The international community is becoming increasingly critical of sanctions towards Iraq. But consider this: Saddam Hussein puts Iraqi civilians in harm's way when we go over and bomb his targets. Saddam has used chemical weapons against his own people in his own territory. Saddam could have ended sanctions at any time. All he had to do is turn over his weapons of mass destruction; that is basically all. Yet he rebuilds his capacity to produce more. He cares more about these weapons, obviously, than he cares about his own people.

That he is able to dictate our energy future is an absolute tragedy of great proportion. Still, the administration refuses to act. What happened?

Saddam is getting more aggressive. His rhetoric in every speech at the conclusion is "death to Israel." That is what he says. What is the threat to Israel's security? It is Iraq. He has announced a $14,000 bounty on any American plane shot down, for the anti-aircraft crew that is responsible. Now he is accusing Kuwait of stealing Iraqi oil. Here we go again.

That is the same thing that was done in 1990 shortly before he invaded Kuwait. Saddam is willing to use oil to gain further concessions. This is rather interesting, to show you the leverage he has because of his oil production. The U.N. was set to approve a $15 billion compensation measure for Kuwait as a result of damages from the Gulf war. That vote was set to take place next week. Iraq has retaliated and said: No, we are not going to pay that compensation. If you make us pay, we will reduce our output of oil. Now reports are that the U.N. has postponed that vote.

That is their leverage. There is likely not enough spare capacity in OPEC to make up the difference if Iraq pulls back it's production. Here is the Wall Street Journal headline: "Iraqi Pumps Critical Oil and Knows It." That is the leverage of Saddam Hussein today, and his leverage is growing each and every hour.

This article says:

> European oil executives familiar with Iraq say the U.N. sanctions against trading with Iraq are breaking down in the region. Turkey, Jordan, Qatar, Dubai, and Oman are still openly trading with Iraq. Sanctions aren't working. Now he is strong arming the U.N.

They have put off enforcing him to make compensation to Kuwait for the loss of damages associated with his invasion of that country. And his leverage is, hey, I will cut my oil production. The world can't afford to have that happen. Even if we took military action, we would need Saddam Hussein's oil to fuel our planes and bomb him.

I would ask that the full text of the Wall Street Journal article from September 19, 2000 be printed in the RECORD.

The PRESIDING OFFICER. Without objection.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 19, 2000]

### IRAQ PUMPS CRITICAL OIL, AND KNOWS IT

(By Bhushan Bahree and Neil King Jr.)

PARIS.—An international pariah for the past decade, Iraqi leader Saddam Hussein now has the world over a barrel.

Iraq exports about 2.3 million barrels a day of crude oil into a world market so thirsty for oil that prices have soared recently spurring an international wave of consumer backlash. The Iraqi exports are significantly more than the combined spare production capacity of all other producers at this time. So the world now depends on Iraqi oil, right?

"You're damned right," snapped Amer Rasheed, Iraq's oil minister, during an interview after a ministerial meeting of the Organization of Petroleum Exporting Countries in Vienna last week.

Mr. Rasheed wouldn't answer whether Iraq is likely to use its oil weapon—threatening to halt oil exports—to seek an end, for instance, to United Nations sanctions imposed a decade ago.

Saddam has played this game before. Late last year, Iraq shut its oil taps in a dispute over the sanctions, and oil prices surged.

No sooner had Mr. Rasheed returned to Iraq last week than he accused Kuwait of stealing oil from Iraq's southern oil fields through wells drilled horizontally across the border. The accusation seemed ominous since it was the same charge Iraq leveled against its neighbor before invading Kuwait in 1990. Mr. Rasheed said Iraq would take unspecified action to protect its oil riches.

Yesterday, the Iraqi press reported that Saddam told a cabinet meeting Sunday that even Saudi Arabia, the world's largest oil exporter, didn't have enough spare capacity to relieve the world of worries about an impending oil shortage.

"This is one of those serious times when the threat of a suspension of Iraqi [oil] exports needs to be taken seriously," said Raad

Alkadiri, country analyst at Petroleum Finance Corp. in Washington.

Nobody knows just what the Iraqi leader may decide to do with his oil power. Some diplomats and industry officials figure Saddam may seek some gains by using the threat of a halt in oil exports, while others say he may reckon that things are going his way anyway, with support for the longstanding U.N. sanctions growing increasingly weak.

There is little doubt that Iraq is getting more assertive. An Iraqi fighter jet two weeks ago flew over part of Saudi Arabia for the first time in a decade, leading U.S. officials to warn that Washington would strike back if Baghdad provoked neighboring Kuwait or Saudi Arabia. U.S. officials have also warned against thinking they are too distracted by presidential politics to react.

Yet diplomats at the U.N. acknowledge that any concerted effort to get arms inspectors back into Iraq won't advance until after the U.S. presidential election. Hans Blix, head of the new inspection team, made the same point to reporters yesterday, saying "nothing serious will happen" until U.S. voters go to the polls Nov. 7.

No one at the U.N. suggests that the Clinton administration has put a hold on Iraqi diplomacy. But a spike in tensions with Iraq, especially if it led to steeper gas prices, could easily ripple through the presidential campaign.

European oil executives familiar with Iraq, meanwhile, say the U.N. sanctions against trading with Iraq are breaking down in the region. Turkey, Jordan, Qatar, Dubai and Oman are all openly trading with Iraq, says one senior European oil executive. "There is a feeling that except for bombing [against radar sites], the U.S. is turning a blind eye" to these transgressions, he says.

Western diplomats and industry officials say one potential flash point is a Sept. 26 meeting in Geneva of the U.N. Compensation Commission, which was set up after the Gulf War to decide on claims on losses resulting from Iraq's invasion of Kuwait. The body's governing board is scheduled to consider a claim of some $16 billion by state-owned Kuwait Petroleum Co., a claim that irks Iraq and may have provoked the counterclaim that Kuwait has been stealing Iraqi oil.

The commission has already paid out more than $8 billion to claimants. The U.N. supervises Iraqi exports of oil and directs 30% of the receipts from such sales to fund the commission and finance the awards. Depending on oil prices and Iraqi export levels, the commission is getting some $400 million every month from the Iraqi oil sales. Claims on Iraq total more than $320 billion. Though the commission's awards are expected to be significantly below that, Iraq has long argued that it wouldn't pay damages for decades to come.

If there is a political flare-up now that results in Iraq halting exports, the consequences could be serious at a time when supplies are tight, oil prices already are at 10-year highs of more than $36 a barrel (see article on page C1), and consumers have been protesting across Europe. "It would be devastating * * * the price of a barrel would double," the European oil executive said.

Most OPEC countries are producing flat out to meet strong world demand for oil. Kuwait, for instance, has made clear that it can't even meet the latest quota increase it was allocated as part of last week's OPEC agreement to raise the group's output by 800,000 barrels a day. The increase was aimed at helping to cover world demand, which is running at some 76 million barrels a day.

Iran's output actually declined in August, perhaps because of production difficulties at its fields. Exporters that aren't members of OPEC also are producing as much as oil as they can. Norway and Mexico, for instance, have both said they are producing to capacity.

That's not to say that the rest of the world would be helpless. Saudi Arabia and the United Arab Emirates could produce some extra oil to offset at least part of any shortfall from Iraq. Saudi Arabia's exact surge capacity—the ability to produce extra volumes for a short period of time—isn't precisely known. But given its huge capacity base of more than 10 million barrels a day, the kingdom could produce at a much higher rate for a short period. It also could try to increase its capacity, which would take at least some months.

Meanwhile, the U.S. and other industrial countries that have strategic reserves of petroleum could release them. The U.S. alone has some 570 million barrels of oil stored at salt caverns, and U.S. officials say they are prepared to tap the reserves immediately should Iraq cut off its oil exports.

"We could cover all Iraqi production for a year if we had to," one senior U.S. official said.

Altogether, industrial-country members of the Paris-based International Energy Agency have some 112 days of net import coverage through stocks that can be released in case of a 7% decrease in supplies from the average levels of the previous year.

Mr. MURKOWSKI. Think about the simple equation of Saddam's influence over the world right now. You don't have to be a mental giant to reach any other conclusion, but we buy Saddam Hussein's oil. We send him the money. He pays his Republican guards and builds up his biological and chemical weapons capability. We take that oil, put it in our airplanes and fly over and bomb him. And the process starts all over again. What kind of a foreign policy is that?

How do we get back on course? Well, there is a solution. We have to reduce our dependence on foreign oil. We need to go through some avenues to do this. We need to increase our efficiency and maximize our utilization of alternative fuels and renewables. But we also have to increase domestic oil and gas production in this country. We have vast resources in areas like the overthrust belt in Wyoming, Colorado, and other States where we produce oil. We can produce more. But 64 percent of the public land has been withdrawn from exploration. Increased domestic supply is needed to lower prices, reduce volatility, and ensure safe and secure energy supply.

My State of Alaska has been producing about 20 to 25 percent of all the total crude oil produced in this country in the last 20-some years. We can produce more. We have the technology and we can do it safely. Give us an opportunity. Let us show the American can-do spirit. Let us meet the environmental concerns with technology, not rhetoric.

We must increase our domestic energy supply of oil to lower prices, reduce volatility, and ensure safe and secure energy supply. We have legislation to do it. Senator LOTT and I and others introduced the Energy Security Act of 2000, S. 2557. If enacted, It would guide us toward rolling back our dependence on foreign oil to below 50 percent. That is a goal, an objective of the bill.

To meet that goal, our bill would, among other things, increase domestic energy supplies of oil by allowing frontier royalty relief; improving Federal oil lease management; providing tax incentives for production, and assuring price certainty for small producers; allow new exploration in America's Arctic, in the Rocky Mountain States, and along the OCS areas for those States that want it; protect consumers against seasonal price spikes, especially with regard to Northeast heating oil users; foster increased energy efficiency, and provide new tax incentives for renewable energy to replace foreign oil.

The bottom line is, the Clinton-Gore energy policy and our increased dependence on Saddam Hussein is a travesty on the American people, the American mentality, and the American memory. We fought a war in Iraq, and now we are dependent on their resources and unable, or unwilling to do anything about it. Saddam is leveraging the issue by his dictate to the U.N. that he is not going to give them compensation. If they make him, he will simply cut his production, and the world can't afford to have that happen.

Finally, more U.S. dependence on foreign oil gives more leverage to Saddam Hussein to threaten regional stability. The administration seems powerless to respond for fear of cutting back on Iraqi exports. We are in a period almost as if it was during the last year of the Carter administration. Remember that time? We were being held hostage, if you will. We had hostages in our embassy in Iran. This time we have a country, a nation held hostage by Saddam Hussein.

What will the effect be? It is going to be at the gas pump and in your heating oil bill. I haven't even talked about natural gas, and I will not do that today. I want to remind my colleagues that we have been talking about oil today. Tomorrow we are going to talk about natural gas. Natural gas, a year ago, was $2.16. Today it is $5.40 for deliveries in October. The GOP energy plan would defuse Saddam Hussein's threat. The Clinton-Gore plan wants to stand by until the election is over. They hope they get away with it.

That concludes the amount of time allotted to me. Tomorrow I will talk about the price of natural gas and the effect it will have on the economy, your heating bills, and your electric bills.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized, but the Senator doesn't have any time.

Mrs. BOXER. Mr. President, I ask unanimous consent that I may use 5 minutes of Senator DURBIN's time, to be followed by Senator GRAHAM and then Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLINTON-GORE PRESCRIPTION DRUG PLAN

Mrs. BOXER. Mr. President, I thank my colleague for giving me these 5 minutes. I listened to Senator GRAMM's attack on the Clinton-Gore prescription drug plan, the Democratic plan. I will tell you, it was very interesting because I just read an article in one of the newspapers. I think it was in The Hill. It is an article by Representative SHERROD BROWN. Representative BROWN points to a confidential document—I will quote him—prepared for House Republicans. It found its way into the public realm. It wasn't news at the time, he says, but when you read it, it suggests that the Republicans go after the Democratic plan by calling it a one-size-fits-all plan, "a big government plan, especially a one-size-fits-all big government plan."

As I listened to Senator GRAMM, he uses those terms over and over again. Now it sort of makes sense as to why they have put out this strategy on how to attack this plan. I had to smile when I was listening to Senator GRAMM because I thought, Is he attacking the Medicare program? The Medicare program is a program that covers 99 percent of our seniors. I suppose he thinks that the one-size-fits-all big government plan—and I assume he feels that way because Governor Bush, in 4 years, wants to do away with the Medicare plan. So this is what is happening here.

I want to share a couple of charts that show the differences between the two plans. This is amazing. Also, they say it is a forced plan when it is voluntary. Vice President GORE has been very clear that the plan is a voluntary plan. Seniors can take it if they want. So here you have the Democratic plan, which is affordable for all seniors. It is part of Medicare and it is voluntary. It has a defined benefit, and it gives bargaining power to seniors so that the cost of the drugs would go down.

The House Republican bill has no assistance to seniors with incomes over $12,500. So that leaves out most seniors. It is private insurance, not Medicare. Insurers say they won't offer it. We have proof of that and we have quotes. An insurer can modify or drop benefits year to year. Seniors may lose access to local pharmacies or drugs. There is no guarantee of better prices. Let's see the comments about the Bush-Republican plan—the GOP prescription drug plan by health insurers.

> We continue to believe the concept of the so-called drug-only private insurance simply would not work in practice.

That is Charles Kahn, President, of the Health Insurance Association of America.

Let's look at other comments of health insurers on the GOP plan endorsed by Senator GRAMM and Governor Bush.

> Private drug insurance policies are doomed from the start. The idea sounds good, but it cannot succeed in the real world. I don't know of an insurance company that would offer a drug-only policy like that or even consider it.

Charles Kahn, President of the Health Insurance Association of America.

Health insurers tell us that the Bush Republican plan is doomed because no insurance companies are going to do it.

Here is Cecil Bykerk, Executive Vice President of the Mutual of Omaha companies, who says:

> I am convinced that stand-alone drug policies won't work.

You have a real plan by AL GORE for voluntary benefits under Medicare—a program that is revered by seniors. The fact is that the Republican plan, by the very companies that are making life miserable for seniors—HMOs, insurance companies, and pharmaceutical companies—is a complete sham.

Things are getting hot around here. It is "happy season." It is political season. I think we have to get back to reality.

Let's realize that the words used by my friend, Senator GRAMM from Texas, come straight out of the Republican campaign strategy book—call it big government, call it one size fits all; if you don't like the Medicare program, then you ought to support Governor Bush's plan because in 4 years he does away with Medicare.

Let's take a look at this one more time.

The Senate Democratic bill, which is essentially the Gore plan, is affordable for all seniors. It is voluntary. It will work.

The House Republican plan and the one that is discussed by PHIL GRAMM is a sham. The insurance companies say they can't do it.

Thank you very much. I thank my colleague from Florida for allowing me to go ahead.

The PRESIDING OFFICER. The Senator from Florida is recognized.

## MEDICARE REFORM

Mr. GRAHAM. Mr. President, for the past 3 days I have been discussing the need to reform Medicare and the fundamental reform of shifting Medicare from being a program that focuses on sickness and dealing with disease and the consequences of accidents after they happen, to a health care system that focuses on wellness and maintaining the highest possible quality of life. I pointed out that an essential ingredient of any wellness strategy is prescription drugs. Prescription drugs are a modality in virtually every form of therapy which is designed to reverse disease conditions or to manage those conditions.

Yesterday, I talked about the fact that the prescription drug benefit for senior Americans should be provided through the Medicare program. It is the program which the seniors themselves have indicated over and over that they believe in, they trust, they have confidence in, and that they would like it to be the program through which this additional benefit would be added to all the other benefits that are available through Medicare. They would also like prescription drugs to be available through Medicare.

In the context of the discussion of our colleague from California, I must point out that while the seniors are saying they want to have a prescription drug benefit administered through Medicare, the Governors of the States are saying they do not want to have the responsibility for administering a prescription drug benefit; it is not our job nor should it be our financial responsibility to be involved in prescription drugs for a group of Americans who have since 1965 been covered by a national program and not a State-by-State program.

I would like to talk about the issue of cost and which alternative before us has the best opportunity to serve not only the interests of the 39 million seniors but all Americans in terms of injecting some control over an out-of-control, spiraling increase in the cost of pharmaceutical drugs.

Let me use as an illustration what has happened to a constituent of mine, Mrs. Elaine Kett. Mrs. Kett is a 77-year-old widow from Vero Beach, FL. She lives on a fixed income of approximately $20,000 a year, which means that her income is above the level that would provide benefits for her under the kind of plan that my Teutonic cousin from Texas has indicated he would support.

Like many of my constituents, Mrs. Kett sent me a list of all the prescription drugs that her physician has indicated are medically necessary for her wellness and quality of life. These are the lists of Mrs. Elaine Kett's drugs. As you will see when you add up all the costs of the drugs which she used in 1999, the total cost was $10,053.36. Mrs. Kett has already said her income is $20,000 a year. Fifty cents out of every dollar of Mrs. Kett's income was consumed in paying for the prescription drugs necessary for her life, wellness, and quality.

In her letter, Mrs. Kett writes:

> This is killing me because my income is just a bit more than double the cost of these drugs.

Then she adds a postscript.

> P.S.—Someone said these are the golden years, only the gold is going into someone else's pocket.

There are millions of Americans just like Mrs. Kett. Passing a real prescription drug benefit to cover Mrs. Kett and all Medicare beneficiaries should be a priority for this session of the Congress.

Today, we will examine one of the key reasons why so many seniors are unable to purchase the medications which their physicians have said are medically necessary. The reason is cost.

Prescription drug prices are growing so quickly that seniors and, I would argue, most Americans cannot keep up. In July, Families USA released a report that concluded:

> The growing reliance on prescription drugs by the elderly and the mounting costs of those drugs is a crisis for America's senior citizens.

The elderly already pay a significant portion of prescription drugs expenditures out of their pockets. Today, many seniors are without any prescription drug coverage.

The traditional ways in which seniors have been covered for prescription drugs—which have included employers who provided those benefits to their retirees through the Medicaid program if they were medically indigent or through Medigap policies if they could afford the often exorbitant costs, and through HMOs which provided prescription drugs as a benefit—are constricting in terms of who they will cover and what they will cover.

So every week, more seniors are placed in the position of either having to cover their entire prescription drug costs or a larger proportion of that cost.

Today, almost one out of three seniors lacks any prescription drug coverage. Over 50 percent of Medicare beneficiaries lack coverage at some point during any given year. For those fortunate enough to have prescription drug coverage, the coverage is diminishing.

Thus, unless seniors are assured of prescription drug coverage through Medicare, many will find that needed medications are unavailable.

If it is true that the lack of prescription drug coverage has reached a crisis level for seniors, then why have we not yet enacted a real, affordable, and comprehensive prescription drug benefit under Medicare?

The answer, I suspect, includes the fact that the pharmaceutical companies may have erected an effective blockade to the enactment of a prescription drug benefit through Medicare.

In fact, the watchdog group, "Public Citizen," reports that drug companies spent $83.6 million in lobbying costs this year alone.

I would suspect from looking at the television ads run by the industry that much of those moneys have been spent on lobbying efforts against the passage of a universal, affordable Medicare prescription drug benefit.

Why do the pharmaceutical companies cringe at a Medicare prescription drug proposal? It is because they know the power of the marketplace. As long as 39 million senior Americans have to deal, one by one, and as long as almost one-third of those have to deal without any assistance from any other source in the purchase of their prescription drugs, the market will not function. There is no effective purchaser-seller relationship.

What we do know is that when there is an effective market, prices can be restrained. We know it through the Veterans' Administration, which is able to purchase the exact same prescription drugs Mrs. Kett has been purchasing, but at substantially lower prices because they are using the power of a large purchaser for the benefit of American veterans. State Medicaid programs know this because they are using the power of their large purchases for the benefit of the million medically indigent within their States. HMOs know the power of the marketplace because they purchase their prescription drugs on a wholesale basis and then share those benefits with HMO beneficiaries.

With or without the support of the pharmaceutical companies, we must seek relief for seniors who are the victims of this crisis. The cost of prescription drugs is skyrocketing. We owe it to our seniors to examine the reasons and then to act.

In 1999, the prices of the 50 prescription drugs most used by older Americans increased 2 to 3 times the rate of overall inflation. In 1 year, the 50 most used prescription drugs by American seniors increased by 2 to 3 times the rate of overall inflation.

The numbers speak for themselves: Lorazepam, used to treat conditions including anxiety, convulsions, and Parkinson's disease, rose by 409 percent, 27 times the rate of inflation, from January 1994 through January 2000. Imdur, a drug used to treat angina, rose eight times the rate of inflation. And Lanoxin, used to treat congestive heart failure, rose at six times the rate of inflation.

Not only are the prices of drugs escalating at a rapid pace in the United States, but prices charged to Americans are also flat out incomprehensible.

We have all heard that prices of prescription drugs in other countries—including our neighbors, Canada and Mexico—are generally substantially lower than prices in the United States. The heartburn medicine Prilosec, the world's best seller, the largest selling prescription drug, costs $3.30 per pill in the United States. What is the price in Canada? One dollar and forty-seven cents. The allergy drug Claritin costs almost $2 a pill in the United States. What does it cost elsewhere? Forty-one cents in Great Britain and 48 cents in Australia. We are talking about exactly the same drug produced by the same manufacturer.

A constituent from Springhill, FL, called my office yesterday demanding to know why drug prices are so much lower in Mexico and Canada than they are in his hometown. I can't answer that question. Frankly, I don't think anyone can answer that question. Pharmaceutical manufacturers have been the top-ranked U.S. industry for profits as a percentage of revenue throughout the past decade. After-tax profits for the pharmaceutical industry average 17 percent of sales. By way of comparison, the average for all industries was 5 percent. The effective tax rate for the pharmaceutical industry is 16 percent. The effective tax rate for all manufacturing companies is 23 percent; 31 percent for wholesale and retail trade, financial services, and insurance and real estate, and an average of 27 percent for all industry.

While millions of seniors are sacrificing their last dollar, as is Mrs. Kett, to pay for medication, the pharmaceutical manufacturers are taking in higher profits than any other industry in the United States of America.

Money does not take precedence over health. Profits cannot be the top priority when public health is compromised. We have that responsibility as the representative of those Americans to take action.

One of the things we ought to do in addition to adding prescription drugs as a part of Medicaid is to assure public access to true drug prices as opposed to the mythic average wholesale price. This would be one step to encourage accountability among drug manufacturers. Rapidly escalating prices and inequitable prices across borders warrant an investigation and consideration of prescription drug costs containment.

I submit that by having Medicare as a new force in the marketplace, not through regulation or cost control but by using the principles of Adam Smith in a capitalist society, that with an effective purchaser of drugs for our 39 million seniors, we can see a substantial reduction in the price of pharmaceuticals for them, and all Americans will indirectly benefit. As public servants, we have a fundamental responsibility to protect all of our citizens.

We all recognize that millions of seniors in America are struggling to pay for prescription drugs, so it seems clear our goal in the Senate should be to assure that our prescription drug benefit for seniors and people with disabilities is included in Medicare.

Our proposal is that Medicare would utilize an intermediary referred to as a "pharmacy benefit manager." There would be two or more of these managers in each region of the country. They would be the ones responsible for negotiating with the pharmaceutical companies and then passing on those benefits to the ultimate senior user. We cannot achieve these kinds of benefits through the fractured plan that relies upon private insurance. We cannot assure these benefits by a plan which is fractured through 50 States. We can only assure to our seniors the benefits of effective control by the marketplace if we place this plan within the Medicare program.

I appreciate the opportunity to share these remarks and look forward to a further discussion of prescription drug prices that we face in this Nation.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from North Dakota.

## PRESCRIPTION DRUGS COST TOO MUCH

Mr. DORGAN. Mr. President, I want to talk today about the issue of prescription drugs. Some of my colleagues have already talked about this issue at some length. Let me add to that.

In January of this year, on a cold, snowy day, a group of North Dakota senior citizens and I drove from North Dakota to Canada. It was not much of a drive, as a matter of fact, from Pembina, ND, to Emerson, Canada. We went to Canada to allow these senior citizens to purchase prescription drugs in Emerson, because the same drug that is marketed in Canada—in the same bottle, made by the same company—is sold in most cases for a fraction of the price for which it is sold in the United States.

I want to illustrate that, if I may. I ask unanimous consent to use, on the floor of the Senate, two pill bottles. These bottles are for a medicine called Zocor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. The bottles are slightly different, one is bigger than the other, but Zocor is sold both in Canada and the United States. Zocor is one of a number of cholesterol-lowering drugs. In fact, Dan Reeves, coach of the Atlanta Falcons, has an advertisement saying he takes a similar drug to lower his cholesterol following some heart problems he had.

In any event, Zocor is an FDA-approved drug produced by the same company, often in the same FDA-approved plant. Yet, this bottle of Zocor is sold in Winnipeg, Canada, for $1.82 per caplet. But if you are an American who is using Zocor to lower your cholesterol, you pay $3.82 per tablet. Again, if you buy it in Canada, it is $1.82 per tablet. But in the United States, the same tablet, by the same company, is not $1.82, but $3.82.

The Senate just finished yesterday a debate about normal trade relations. This used to be called most-favored-nation status. Do you know what the situation is with respect to prescription drug prices? We have least-favored-customer status for the American consumer. Why do I say this? Because prescription drug prices here are higher than anywhere else in the world. Why should the American consumer pay prices that are 10 times, or 5 times, or triple or double the price paid by everyone else in the world for the same prescription drugs made in the same plants by the same companies?

The answer is that U.S. consumers should not be least favored consumers as they are forced to be by the pharmaceutical drug industry. We can change that. How can we change it? We can change it by allowing our pharmacists and our distributors to be able to access the same FDA-approved prescription drug in Canada or in other countries—sold by the same company and produced in an FDA-inspected plant—at a lower price and pass the savings along to their customers. If we did that, the pharmaceutical industry would be required to reprice their prescription drugs in this country and reduce their prices.

I want to talk about Sylvia Miller. Sylvia Miller is one of the senior citizens who went to Canada with me. She is from Fargo, ND. A columnist in Fargo wrote a piece about Sylvia Miller. Let me just acquaint you with Sylvia Miller by reading from this piece:

> Sylvia Miller isn't one to complain, but few people would blame her if she chose to complain just a little bit. . . . Sylvia knows that life isn't always easy, that people struggle with the lows and look forward to the highs. . . . She's had her share of dark days in her 70 years of life on this earth.
>
> The 1980s were a pretty rough decade for her. She beat breast cancer in 1981, then lung cancer eight years later. She's a tough lady.

This article says she and her husband lived most of their lives in Durbin and then moved to Fargo in 1987, after "we were flooded out by water coming cross country—the basement filled up nearly to the ceiling."

Sylvia went with me to Emerson, Canada, 5 miles across the border, because she wanted to buy her prescription drugs at a better price. This article says Sylvia is a pleasant person. I know that because I know Sylvia. It also says she leads a disciplined life. She has to. She has diabetes. She also has asthma, and she has a heart that could be stronger. She tests her blood sugar level several times a day, eats wisely and at the right times, and the article goes on to say she gives herself shots four times a day, mixing three different insulins, uses two different inhalers for lungs which function below normal capacity, and she requires seven different prescription drugs every month. Last year, she received $4,700 from Social Security, and her prescription drug bill was more than $4,900. She says: Things don't quite add up, do they?

On our trip to Canada, I stood with Sylvia and the others in this little one-room drugstore in Emerson, Canada. The exact same prescription drugs you can buy in this tiny drugstore are sold 5 miles south, in Pembina, ND, or 120 miles south in Fargo, ND. The difference is not in the pill—it is the same pill, same color, same shape, made in the same plant, marketed by the same company. The difference? Price. Americans are the least favored consumers. They pay the highest prices.

So a group of senior citizens who pay too much for prescription drugs—such as Sylvia, who gets $4,700 on Social Security and has a $4,900 prescription drug bill—are trying to get a better price for the drugs they need to lead a good life by traveling to Canada.

These senior citizens should not have to load up in a van on a cold winter morning and drive to Canada. The Customs Service will allow individuals to bring back from Canada a small amount of prescription drugs for their personal use. But there is a Federal law that says a pharmacist from Grand Forks, ND, or Montana or Vermont, can't go to Canada and access that same drug and come back and pass the savings along to their customers. Federal law says you can't do that. We aim to change that Federal law.

The Senate has already passed our proposal. Senator JEFFORDS, Senator GORTON, Senator WELLSTONE and I, and a range of others have worked to pass this plan in the Senate. Our proposal says: Let's allow U.S. pharmacists and distributors to go to other countries and access the identical prescription drugs, approved by the FDA, at a lower price, bring them back, and pass the savings along to the American consumer. Of course, if we get this plan signed into law, what will happen is that the pharmaceutical industry will be required to reprice these drugs in this country.

Now, guess what. The pharmaceutical industry is spending a fortune to try to defeat this proposal. It is in a conference committee. I am one of the conferees. The conference isn't even meeting. Why isn't it meeting? Because people have heartburn over this proposal, and they want to kill it.

The pharmaceutical industry said the 11 former Food and Drug Administration Commissioners have come out in opposition to the proposal. Well, yesterday, I showed a letter that we received from David Kessler, the former Commissioner of the Food and Drug Administration under Presidents Bush and Clinton. I want to tell my colleagues what he says:

> The Senate bill which allows only the importation of FDA approved drugs, manufactured in approved FDA facilities, and for which the chain of custody has been maintained, addresses my fundamental concerns.

He is not opposing what we are trying to do. This is a former FDA Commissioner.

Dr. Kessler says further:

> I believe the importation of these products could be done without causing a greater health risk to the American consumers than currently exists.

We need to give the FDA some additional resources to make sure we do not have counterfeit drugs imported. The pharmaceutical industry says this is an issue of safety. It is not. Here is an FDA Commissioner who says this can be done safely as long as you have safeguards. The pharmaceutical industry says this debate is about safety. They know better than that. It is about profits. Whose profits? Their profits.

Donna Shalala, who is the Secretary of Health and Human Services, has also written us a letter. She has indicated she believes that the Senate approach is an approach that can work. Secretary Shalala has said: "With respect to the three amendments now in conference"—one of which is the Jeffords-Dorgan amendment I am talking about that was passed by the Senate—"we believe the Jeffords amendment represents a promising approach" that can be effective if Congress provides new and efficient resources—which we intend to do—to the FDA.

So the head of the Department of Health and Human Services says this can be done safely as well, as long as we provide additional resources to the FDA.

But, again, today, for those who are trying to kill this proposal, I would like to offer another challenge. Of course, no one has ever accepted the challenge, but I am interested in finding just one Member of Congress—one man or woman serving in the Senate or in the House out of 535 of us—to stand up on the floor of the Senate or House and say: I believe the American consumer should be treated as the least favored consumer by the pharmaceutical industry. I support that. I believe it, and I think we ought to leave it the way it is.

I want one Member of Congress to stand up and say that. I want one Member of Congress to stand up and say: With respect to Zocor, a prescription drug to lower cholesterol, I believe that Americans ought to have to pay $3.82 per tablet for the same medicine for which the pharmaceutical industry will charge the Canadians only $1.82 per tablet. A similar discount is provided to the Italians, the Germans, and the English, and the Swedes, and the rest of the countries, because the big drug companies are charging Americans the highest prices in the world.

I am not asking for the Moon here. I am only asking for one Member of Congress to stand up and support the pharmaceutical industry's pricing policies. And no one will. Because they want to kill this under the cover of darkness. They want to kill this by not having a conference, and by dropping it during some closed meeting in some crevice of this Capitol Building.

This is not an issue without names and faces and consequences. Sylvia Miller went to Canada with me to purchase prescription drugs at a much lower price, as did other senior citizens. But it ought not have to be that way. There is no reason anybody ought to have to go anywhere else in order to access the same prescription drug for half the price they pay in the United States.

That is unfair to the U.S. consumer. We can change it. And we can change it without compromising safety. We can change it, and should, and will.

Let me mention a word about the prescription drug industry. I happen to think we benefit mightily from much of what they do. When they develop a new prescription drug, good for them. But much of the new work in prescription drug development is coming from public investment through the National Institutes of Health and elsewhere. We are making substantial taxpayer-funded investments in research. Much of that research is then taken by the pharmaceutical industry and used to produce new medicines, for which they charge higher prices to the American consumer than anyone else in the world. That is not fair.

I want the pharmaceutical industry to be profitable, but profiting in ways that are unfair to the U.S. consumer should not be allowed.

The pharmaceutical industry has said—and incidentally, they have sent people all around North Dakota to newspapers and TV stations with this message—that if what Senator DORGAN wants to do gets done, there will be less research done on new medicines.

Interesting point. The pharmaceutical industry spends more money for research in Europe than it does in the United States, by just a bit. In other words, more research is done by that industry in Europe than in the United States. They say: If we charge less in the United States, somehow we will do less research. Yet they charge less in Europe and do more research there. And they charge more for prescription drugs in this country than in any country in Europe and do slightly less research. If their argument had any validity at all why is that the case?

To those in the pharmaceutical industry, I understand that you have a responsibility to your stockholders. I understand that. You have the responsibility to earn a decent profit. I understand that. Yet the Wall Street Journal says that the pharmaceutical industry has profits that are "the envy of the corporate world."

We are not talking about price controls with the Senate proposal. We are simply saying if the global economy is good for the pharmaceutical industry—and every other industry in this world—then why is the global economy not able to work for Sylvia Miller? Why can't Sylvia Miller's pharmacist go to Winnipeg, Canada, and purchase Zocor, and bring it back and sell it at a price that is much less than is now charged in this country?

The pharmaceutical industry will say: Gee, some of these countries have price controls. That is true. Some of these countries—many of them—say: All you can charge for prescription drugs is your cost plus a profit.

Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, one of the inconveniences of the global economy is that you have advantages and disadvantages, and you have to live with both. When you move products around in a global economy—and the pharmaceutical industry certainly does—you get the advantages of importing lower-priced compounds and chemicals with which to make prescription drugs. So the big drug companies benefit from the global economy. But one of the inconveniences of the global economy is that the conditions that exist in the country you are purchasing from comes with that product.

Today, if I were to go up to my colleagues—and I will not—and turn over their necktie, I would find some of them are wearing a necktie made in China. So I say to them: If you are wearing a necktie made in China, governed by a Communist government, no doubt, when you purchased the necktie, you were contributing to the salary of the Communist leader of China. Do you feel comfortable with that necktie?

But, of course, no one set out to give comfort to any government anywhere. They simply bought a necktie. That is why, when the pharmaceutical industry says, "if you are able to access the lower priced drug in Canada, you are importing some sort of price controls," I say nonsense. All you are doing is taking advantage of the global economy, the buying and selling of goods back and forth across borders.

Yes, it is inconvenient that some countries—in fact, many countries—do have price controls. But if pharmacists were able to access products in other countries at a lower price, why should they be prevented from moving them into this country? The Senate plan would allow this with complete safeguards, only for medicines that are approved by the FDA, only those medicines that are manufactured in an FDA-approved plant. Additional resources to the FDA would allow you to make certain you are not moving counterfeit products in and out of this country. With safeguards such as these in place, former FDA Commissioner

David Kessler, Health and Human Services Secretary Donna Shalala, and others say it is perfectly appropriate and perfectly acceptable to give consumers, such as Sylvia Miller, the opportunity to have lower priced drugs in this country.

I will finish by asking this: Is there any Member of the House or Senate who believes the U.S. consumer should be the least favored consumer in international trade on prescription drugs? Does anybody stand up in support of this? I fail to see one, in all my time discussing this over the last year and a half, who will stand up and say: Let me be the first to say I support the highest prices for American consumers on prescription drugs. No one will do that because they don't dare do it publicly. They understand how unfair this pricing scheme is.

That is what Senator JEFFORDS and I, and Senators GORTON and WELLSTONE and many others, are intending to change. The Senate has passed our proposal by a wide margin. It is now in conference. Those who have the strings to pull want to dump it and kill it by not having a conference convened. I happen to be a conferee. I intend to be at a conference at some point and fight for this proposal.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from Illinois is recognized to speak for up to 25 minutes.

Mr. DURBIN. Mr. President, I salute my colleague, the Senator from North Dakota. He has been a leader on the issue of prescription drugs and has challenged all of us to focus on an issue which most American families understand completely.

They know what it costs to go to the pharmacy, if you are not lucky enough to have good insurance. They know what it means when you go into your local pharmacy and they tell you how much a drug costs and you almost faint.

They say: Wait a minute; don't you have some insurance coverage?

Well, yes, I think I do.

This happened to me recently in Springfield, IL. It ended up costing me a fraction of what it would have cost. It was a prescription where I had to think twice about whether I wanted to spend that kind of money on it, if the insurance didn't cover it. But that was an option for me; I am in pretty healthy shape. Imagine a person who is really struggling to just survive, to stay healthy and strong, and the choices they have to make when they have limited income.

What I am talking about is not an outrageous situation or an outlandish idea. It happens every single day. It happens across America. People, families across America, keep looking to Washington and saying: Do you get it? Do you understand this? Do you care?

I have a quote one of my staff came up with that I thought was apropos. It is very old. It goes back to 1913. President Woodrow Wilson wrote it to a friend. He was venting his frustration because several Democrats on the Senate Finance Committee were blocking something he considered to be a high priority. He wrote:

> Why should public men, Senators of the United States, have to be led and stimulated to what all the country knows to be their duty? Why should they see less clearly, apparently, than anyone else, what the straight path to service is? To whom are they listening? Certainly not to the voice of the people when they quibble and twist and hesitate.

That is what this debate gets down to. Are the men and women elected to the Senate and the House of Representatives really listening to the people back home? If we were, would we be wasting a minute and not dealing with the prescription drug benefits people need to survive?

Yet when we take a look at what has been proposed, they are dramatically different, the two major proposals coming from the two major candidates for President. The one that comes from AL GORE and JOE LIEBERMAN on the Democratic side suggests to treat the prescription drug benefit as a Medicare benefit; to say, yes, it is available to every American. It is universal. It is an option which every American can take, and we will protect you under Medicare. You will know that there is a limit to your out-of-pocket expenses. It is simple. It is straightforward. It is consistent with the Medicare program that has been around for over 40 years.

Frankly, there are some people who don't care for it. The drug companies don't care for it. They are making very generous profits every single year, and they know if all of the people under Medicare came together and bargained with them on drug prices and drug costs, their profits may go down. That is why they resist it. That is why this special interest group has been so good at stopping this Congress from doing what the American people want done. Their profits come first, unfortunately, in the Senate—not the people in this country, not the families struggling to pay the bills.

On the other side, they make a proposal which sounds good but just will not work. Under Governor Bush's proposal on prescription drugs, he asserts, for 4 years we will let the States handle it. There are fewer than 20 States that have any drug benefits. Illinois is one of them, I might add. His home State of Texas has none. But he says: Let the States handle it for 4 years; let them work it out.

In my home State of Illinois, I am glad we have it. But it certainly isn't a system that one would recommend for the country. Our system of helping to pay for prescription drugs for seniors applies to certain illnesses and certain drugs. If you happen to be an unfortunate person without that kind of coverage and protection, you are on your own. That is hardly a system for America.

It is far better to take the approach which has been suggested by Mr. GORE and Mr. LIEBERMAN, to have a universal plan that applies to everyone. Let's not say that a person's health and survival depends on the luck of the zip code, where you happen to live, whether your State is generous or not. I don't think that makes sense in America. I think we are better than that.

We proved it with Medicare. We didn't say under Medicare: We will let every single State come up with a health insurance plan for seniors. We said: We will have an American plan, a national plan, and every single American—Hawaii, Alaska, and the lower 48—everyone who can benefit from it gets the same shot at quality health care. And it worked. The critics said, in the 1960s; that is big government; that is socialism, Medicare will be the end of health care as we know it in America. "Socialized medicine," they called it.

Wrong, completely wrong. Ask the people in the hospitals and the doctors today what Medicare has meant. It has meant they are able to give the elderly in America quality health care. Just take a look at the raw statistics. Seniors are living longer today than they did in the 1960s. They are healthier. A lot of good things have come from Medicare.

We believe the same standard should be applied when it comes to prescription drugs. Let us base this on the Medicare system. If you doubt for a moment that this is a serious problem, I wish you would go to your local pharmacy and ask your pharmacist. When I held hearings across Illinois, I brought in doctors and pharmacists and seniors to talk about this issue. The people who were the most adamant about the need for reform were the pharmacists, the men and women in the white coats behind the counter who get the prescriptions from the doctor and try to fill them for the patient and have to face the reality of the cost. Those are the men and women who know every single day that there are seniors who are not filling prescriptions, taking half of what they are supposed to, ignoring the request and, frankly, the best advice of their doctors because they cannot afford otherwise.

Here we stand in the Senate, 7 weeks away from a national election, an election where the American people say a prescription drug benefit is the highest health care priority, and we are not prepared to do anything. Is it any wonder that people looking at the Congress of the United States wonder whether we are paying attention to the reality of life for families across this country? When people can go across the border into Canada and buy the same exact drug sold in the United States, made in the same laboratory, subject to the same FDA inspection, for a fraction of the cost, how in the world can we stand here and say there is nothing we can do about it? There is something we can do about it. There is something we must do about it.

This election is a referendum on whether this Congress has the will to respond to families in need. A lady in Chicago, IL, received a double lung transplant. What a miracle.

Years ago, that was unthinkable. Now it is possible. It works. She stood before me and looked good several years after it occurred. But she said:

> Senator, it cost me $2,500 a month for the immunosuppressive drugs to stay alive. I cannot afford it. So what I have done, frankly, is to give up everything I have on earth and move into my son's home, where I live in the basement. I asked for Medicaid at the Department of Public Aid in Illinois and for the money to pay for my prescription drugs each month. I fill out the forms every month to try to make sure I qualify for the drugs.

She said:

> Senator, one month I missed it. I didn't get the paperwork back in time. For one month, I didn't take the drugs and I was worried sick. I went back to the doctor after that month and he said, "Don't ever let that happen again. You had irreversible lung damage that occurred during that one-month period of time."

Think about the burden on that poor lady's shoulders. How many of us dream of being dependent on our children in our elderly and late years? None of us wants that. Many times my mother has said to me, "I don't want to be a burden."

That woman is living in the basement of her kid's home. She has no place to turn and is wondering if she can get the paperwork in on time to qualify for Medicaid. Missing that opportunity, she could lose the chance for the miracle of two new lungs that gave her new life, losing the chance for that miracle to continue.

That is the reality of what is happening. Hers is the most extreme case, and I remember it because of that. But as I went across my State, people said: Senator, I get $800 a month from Social Security and it costs me $400 a month for prescription drugs. I don't have any insurance to cover that.

A third of the seniors in this country have no insurance protection whatsoever; a third have poor protection, and a third are lucky because they worked in the right place and had the right retirement. They are covered and protected. When you hear stories and you come back to Washington, you think: Why are we here? The men and women here are supposed to be here to respond to the real needs of America's families. Yet in this case, and in so many others, this Congress has come up empty. Missed opportunity after missed opportunity.

Let me suggest another thing to you. One thing I have noticed as I visited families in my State of Illinois is that they talk about their children. They will brag about how good they are at playing soccer or playing the piano or getting good grades. But then there will be a pause, a hesitation, and they say: I wonder how we are ever going to pay for that college education. I hear that over and over. New parents with a little baby might say: He looks like his dad and he is sleeping all night, but how in the world are we going to pay for this kid's college?

That is a real concern. The people know the cost of a college education has gone up dramatically. We did a survey in Illinois of community colleges, private colleges, and public universities. Over a 20-year period of time, when a child might consider being in college 20 years later, what happened to the cost of tuition and fees at universities and colleges in my home State of Illinois? They have gone up over 250 percent and, in some cases, over 400 percent. So even if you think you are putting enough money away today to cover what is already a high cost of education, quadruple that cost and you are dealing with the reality of what that could cost in years to come.

So families say to me as a Senator and to those of us serving in Congress: Do you hear us? Do you understand it? You tell us that education is good for our kids and for our country. What are you doing in Washington to help us out, to give us a helping hand?

The honest answer is: Absolutely nothing. There is something we can do. Senator CHUCK SCHUMER, my deskmate here from the State of New York, and Senator JOE BIDEN of Delaware, have been pushing for a plan that I think makes a lot of sense. It is a plan the Democrats are proposing as part of this Presidential campaign. It is very simple and straightforward. It says that you can take the cost of college tuition and fees and deduct them from your income. What it means is that up to $12,000 of tuition and fees can be deducted. For a family, that means they are going to have a helping hand of around $3,000 each year to pay for it. I wish it were more, but it is certainly a helping hand.

When I went to Rockford College in Rockford, IL, I said: What did the average student graduate with in terms of debt? They said it was about $20,000. That is a lot of money when you are first out of college. Yet if the deductibility of college expenses were part of the law in America, that student would be walking out with a debt of $5,000 or $6,000 instead of $20,000.

Wouldn't that be good for this country and for that family? Doesn't it give that young man or woman the right opportunity to make a choice of a job or a graduate education? I can't tell you how many young people I ran into who said: Because of my college debts, I had to take the best-paying job. I really want to be a teacher, but they don't pay enough. I got a chance to go with a dot-com and make a zillion, so I had to do that.

We lost something there. We lost a potential teacher, someone who wanted to put his or her life into teaching others, but decided, because of the finances, to postpone it or never do it. That is reality.

If we look at that reality, the question is, What does Congress do to respond? Instead of coming up with tax relief for middle-income families to pay for college education expenses, the only tax relief bills we have come up with is for the wealthiest people—the so-called elimination of the death tax and the elimination of the marriage penalty tax. When you lift the lid and look inside, it ends up giving over 40 percent of the benefits to people making over $300,000 a year. Excuse me, but if I am making $25,000 a month in income, how much of a tax break do I need? My life is pretty good, thank you. And thank you, America, for giving me the opportunity to have it. I don't need a tax break from this Congress.

But the families struggling to pay for college education expenses deserve a tax break. If we really believe that the 21st century should be the American century, we need to invest not only in helping families put their kids through college, but in helping workers who realize that additional skills give them greater earning potential, the chance to get that training and education. Sometimes that costs money. If it is going to cost money and tuition and fees, they, too, should be able to deduct it. Lifetime learning, lifelong learning is a reality today if you want to be successful. You can't step back.

When I went into my Senate office representing Illinois 4 years ago and put the computer on my desk, believe me, I am not of an age where I am a computer wizard, but I am learning. I realize I have to learn to keep up with this technology because it makes me more effective and efficient. Everybody is learning that lesson, whether you are in a classroom or a workplace, and the people who want to prosper from that experience and want to make their lives better sometimes need additional training. So when we talk about the deductibility of these expenses for lifelong learning and for college education, we are talking about people setting out to improve themselves. It is not a handout. These people are asking for an opportunity to be educated and trained and skilled.

One of the bills we are going to debate this week is the H–1B visa. You may not know what the term means, but basically it is a question as to how many people we will allow to immigrate into the U.S. to take highly paid, unfilled jobs—jobs that require skills America's employers say they can't find in the American workforce. Well, it is a real problem. I think we need to have an expansion of the H–1B visa to allow people to come in from overseas to fill these jobs so American companies will stay in America, so that they will continue to prosper, pay their taxes, profit by their ventures, and I think we can help them.

But what a commentary on our workforce and our education system that we continue to have to look overseas not for what used to be the brute force of labor coming to build railroads and towns, but now they are the most skilled people in the world. So if we say we are going to allow more people to come into this country to fill the highly skilled jobs, don't we have a similar responsibility to the people and families of this country to explain how, the next time around, there will be Americans skilled to fill these jobs? I think that is part of the debate. Yet you won't hear much about it on the floor of this Senate. We don't talk about education much here.

Some of my colleagues want to dismiss it as a State and local issue, that the Federal Government has little or nothing to do with that. I disagree. We should be giving tax relief to families to pay for higher education and even more. When you look at the schools in America, there are genuine needs. I think everybody who has raised a family, as my wife and I have, appreciates that the more kids you have in the room, the tougher it is to manage it. A teacher with 30 kids in a classroom has her hands full. We have to talk about lower class sizes, smaller classes with more individual attention.

On the Democratic side, we have proposed 100,000 new teachers who will go into classrooms. Schools are growing and the population is getting larger, and 100,000 teachers will cut back on the number of kids in a classroom and give a teacher a better chance to teach.

A teacher came up to me at O'Hare Airport in Chicago and said: I teach on the south side of Chicago. We qualified for the Federal program to have smaller classrooms. Thank you, Senator. It is working. Those kids are getting a better education.

I don't deserve the credit. It wasn't my idea. But I happen to support it. We should support more of it. We are not even discussing education on the floor of the Senate. We are talking about H–1B visas to bring in more skilled employees from overseas. And we are not talking about educating and training our kids in the next generation to fill those jobs. We have lost it in this debate. Somehow we are consumed with things that other people think are much more important. I can't think of anything more important than education. Health care for prescription drugs and education so kids have a better chance for their future makes all the sense in the world.

While we are talking about a better future, let me also address the 10 million Americans who got up to go to work and went to work this morning, and who go to work every single morning, not looking for a government check but for a paycheck at the end of the week where they are paid $5.15 an hour. That is the minimum wage in this country, and it has been stuck there for over 2 years. Why? Because this Congress refuses to give some of the hardest working people in America an increase in the minimum wage. These are people who get up and go to work every day, who are waiting on tables in the restaurants, and who make the beds in the hotels. They are the day-care workers to whom we entrust our children, they are people working in nursing homes watching our parents and grandparents, and we refuse to give them an increase in the minimum wage.

For decades in this Capitol, this was not a partisan issue. From the time Franklin Roosevelt created the minimum wage until the election of Ronald Reagan, it was a bipartisan undertaking. We raise this wage periodically so people can keep up with the cost of living in this country. But, sadly, it has become a partisan issue.

While we fight on the Democratic side to give 10 million Americans an increase in the minimum wage, we are resisted on the other side of the aisle. They don't want to see these increases. Sadly, it means that people who are struggling to get by with $10,000 or $11,000 a year—and, frankly, have to turn to the Government for food stamps and look to other sources and more jobs—many of those people are single parents raising their kids, working at jobs with limited pay and limited requirements for skills, trying to do their level best. We have refused time and time again to increase the minimum wage in this country. That is a sad commentary on this Congress.

I also want to comment on the reality that we will be increasing congressional pay this year, as we have with some frequency, to reflect the cost-of-living adjustment. I think that is fair. But doesn't fairness require that we give the same consideration to people who are working for $5.15 an hour? I hope my colleagues, Senate Democrats and Republicans alike, will share my belief that this is something that absolutely needs to be done.

Whether we are talking about health care or prescription drugs and fairness in paying people for what they work for, there is an agenda that has gone unfilled in this Congress. It is an agenda which has been ignored and about which the American people have a right to ask us to do something.

I can tell you that as we talk about the future of this country and its economy, we are all applauding the fact that we have had the longest period of economic expansion in our history. We have had 22 million new jobs created during the Clinton-Gore administration. There is more home ownership than anytime in our history. There are more small businesses being created, particularly women-owned small businesses, across America. We have seen our welfare rolls going down. The incidence of violent crime is going down. We have seen an expansion of opportunity in this country that has been unparalleled. But if we sit back and want to rest on our accomplishments and our laurels, the American people have a right to throw all of us out of office. Our responsibility is to look ahead and say we can do better to improve this country and make it better for our children and grandchildren.

This Congress has refused to look ahead. It has refused to say how we can expand health care so that over 40 million Americans without any health insurance will have a chance to get the basic quality health care on which all of us insist for ourselves and our family.

This Congress has refused to address the prescription drug needs of families across America at a time of unparalleled prosperity in these United States.

This Congress has refused to look to the need of education when we know full well that the benefits of our economy can only accrue to those who are prepared to use them and who are prepared to compete in a global economy.

Yesterday, by an overwhelming vote, we voted for permanent normal trade relations with China. I voted for that. It was 83–15. It was a substantially bipartisan rollcall. We said that country, which represents one-fifth of the world's population, is a market we need. I hope when the President signs the bill we will begin to see an opening of that market for our farmers and our businesses. But we will only be as good in the global economy as we are in terms of the skill and education of America's workers.

We know full well that there will always be some country in the world—if not China, some other country—that will pay a worker 5 cents an hour and they will take it. We also know that those workers have limited education and limited skills, perhaps doing a manual labor job. And those jobs are always going to be cheaper overseas; that is a fact of life.

But if we are going to prosper in America from a global economy, we have to bring our workforce beyond manual labor, beyond basic skills, and that means investing in our people. It is important to have the very best technology, but it is even more important to have the very best skilled people working in the workplace. We happen to think if we are going to keep this economy moving forward, we need to make certain we don't do anything that is going to derail the economy.

We have seen some suggestions—for example, Governor Bush and some of his Republican friends in the Senate who have suggested over a $1 trillion tax cut that they want to see over the next 10 years. They have suggested we change the Social Security system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURBIN. I yield the floor.

## MEASURES PLACED ON THE CALENDAR—S. 3068 AND H.R. 5173

Mr. CRAIG. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. I ask unanimous consent that they be read by title at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 3068) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

A bill (H.R. 5173) to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

Mr. CRAIG. Mr. President, I object to further proceedings on the bills at this time.

The PRESIDING OFFICER. The bills will be placed on the calendar.

The PRESIDING OFFICER. The Senator from North Dakota.

## JUDGE RONALD DAVIES

Mr. DORGAN. Mr. President, the legislation we will vote on after lunch contains a provision that will name a Federal courthouse in Grand Forks, ND. A Federal building in Grand Forks, ND, will be named the Judge Ronald N. Davies Federal Building. I want to describe to my colleagues something about Judge Ronald Davies.

Some of my colleagues may have had the opportunity to visit the Norman Rockwell exhibit at the Corcoran Gallery of Art in downtown Washington, DC. Among the many examples of Americana in the Gallery is a famous painting of a little African American girl, hair in pigtails, head held high, being escorted into a school by U.S. marshals. It was the result of a ruling by an unassuming Federal judge, a son of North Dakota, that allowed this Nation to take one large step forward in expanding America's dream for all Americans.

Forty-three years ago this month, on September 7, 1957, a Federal judge from North Dakota was asked to go to Arkansas to sit as a Federal judge and render a decision on a case involving civil rights. Surrounded by security guards because of threats on his life, Judge Ronald Davies carefully weighed the facts and the law and then issued an order that the New York Times later said was a landmark decision in civil rights, ordering the integration of the Little Rock public schools.

Most people will not know the name of Ron Davies, but Judge Davies is one of North Dakota's proudest sons. He was made a Federal judge by the appointment of President Eisenhower in 1955. While on temporary assignment in Arkansas, he issued the decision that would become one of the landmark decisions on the issue of civil rights. He required the integration of the schools in Little Rock.

Judge Davies was not a tall man. In fact, he was just over 5 feet—about 5 foot 1, 5 foot 2—but he will certainly be remembered as a giant in the history of civil rights and integration. Despite threats on his life and National Guardsmen guarding the doors, this man sat in a courthouse and rendered the pivotal decision that will echo throughout this Nation's history. He replied, "I was only doing my job," when asked about that decision. He was unassuming and unwilling to be in the national spotlight. In fact one news program called him an "obscure judge." He agreed. He said, "We judges are obscure and should be."

Back then, he was also called "the stranger in Little Rock." But he was no stranger to justice and no stranger to decency and no stranger to common sense. Men such as Judge Davies should be remembered. I think it is appropriate that we recognize this Federal judge with the fiery spirit, a man with an unerring sense of duty who went to Little Rock in a very difficult circumstance and did his job.

When schoolchildren and citizens and visitors pass through the door of the Federal building in Grand Forks, ND, they will be reminded of the courage Judge Davies showed America as he sat and did his job in those difficult times in Little Rock. It was a turning point in our Nation's history.

I can think of no better way to celebrate the life of Judge Davies, and also the important achievements his decision 43 years ago this month have rendered this country, than to put his name on the Federal building in Grand Forks, ND. So when this legislation becomes law later this year, that Federal building will be named the "Ronald N. Davies Federal Building and United States Courthouse."

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now resume consideration of the conference report to accompany H.R. 4516, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H.R. 4516 making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand that under this conference report that is now on the floor, the Senator from Wyoming has an hour reserved.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. I ask unanimous consent that I be allowed to use up to 10 minutes of that hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

### PRESCRIPTION DRUGS

Mr. CRAIG. Mr. President, for the course of the last hour and a half, I have been both in committee and in my office. While in my office, I watched a good deal of the discussion going on here on the floor by some of my colleagues on the other side—Senator GRAHAM from Florida, Senator BOXER from California, Senator DURBIN from Illinois, and Senator DORGAN from North Dakota—talking about the issue of prescription drugs.

There isn't a Senator here who does not recognize the importance of this issue primarily with the senior community in America today—primarily with the poorer of that community who cannot afford some of the new drugs that are on the market that are clearly improving their lifestyle, extending their health, and allowing many of our citizens to live better and longer.

That is why some of us, if not all of us, for the last couple of years have recognized the need to respond to the prescription drug issue within Medicare as a primary health provider in this country for our seniors. When that belief first came about, it came about in the context of the reform of Medicare. I think it is important to give a little history.

With a health care program in this country that is 30 years old, we began to recognize that it was in trouble; that it was continuing to pay for health care needs that were sometimes no longer needed and costs continued to go up. We were constantly working to adjust it.

In the Balanced Budget Act of 1997, we made adjustments. Some of those were right; some of those were wrong. Some of those were interpreted by the Federal health care administrators in a way that Congress didn't intend, and we are going to make some of those corrections this year for nursing homes and hospitals. The fundamental question is and should be, Was Medicare providing the necessary health care needs of our seniors?

Out of that grew the prescription drug issue. No question about it, as the President knows, these new designer drugs that are out on the market that are a result of our science, our technology, are doing wonderful things. They are not included. They are not a part of the old Medicare model that we created 30-plus years ago. That is why in the Balanced Budget Act of 1997 this Congress and this Senate said: Let's create the National Bipartisan Commission on the Future of Medicare. Let's reform it to fit the 21st century and the needs of the seniors of America in the 21st century, and let's do that in the context of shaping it differently, making sure prescription drugs are a piece of it. That will be the new health care paradigm.

The President appointed people. We appointed people. We worked. They studied. We brought in the best health care experts in the country and they brought about a report. Something happened along the way. We were getting closer and closer to an election cycle, and it appeared tragically enough that the other side saw this much more as a political issue than a need for substantive reform. As a result, that commission reported it lacked the one vote necessary for a majority to report back to Congress its findings and its proposal for the Congress to act.

Interestingly enough, the two Democrats from the Senate, Senator BREAUX and Senator KERREY, who served on that committee, voted for the report. They saw it as a major step in the right direction and, of course, the President's appointees were advised to vote against the report, or so we understand. They voted against it. Eleven votes were needed to approve the commission's recommendation; 10 of the 17 commissioners voted yes. We needed one more and we simply did not get it.

Before the vote ever took place, President Clinton announced the commission had failed and that his own advisers would draft a plan to serve the Medicare program. I think what he was saying was that his own advisors would draft a political plan to serve the next Presidential election.

The politics of Mediscare and prescription drugs moves now into the political arena. That announcement occurred in March of 1999. It literally was the sounding of a trumpet, the sounding of the fact that prescription drugs and Medicare without reform would become a part of the political mantra of the day; every Senator, Democrat and Republican, recognizing that we had to deal with prescription drugs. In fact, it was interesting to me that Senator BREAUX said: We are not going to fix Medicare; we are going to be looking for issues to beat each other over the head with once again.

That is what he said in the CONGRESSIONAL RECORD of March of 1999—a Democrat, referring to the commission and a failure of the commission and a failure of this President to stand up and be counted for at a time when we had a chance, a window of opportunity to make major national reform in Medicare and to include prescription drugs in it. We would not be here today voting or debating this issue had that report come forward, been crafted into law, in bill form, and been debated. We would have debated it. With that kind of bipartisan support it could have and it would have happened. But it didn't happen. And tragically enough, it is not going to happen this year.

We are engaged in a national debate over which side can provide the best form of prescription drug program for the seniors of America. The debate in the field today between candidate George W. Bush and candidate Vice President AL GORE has now moved to the floor of the Senate. Prior to that debate, the Congress, in its budget resolution, said: Let's put $200 million in there to deal with prescription drugs this year so that seniors who are in true need, the truly neediest of the senior community who are making those choices between food and prescription drugs could be cared for. I hope we can still get them.

While we have the national debate ongoing today between Governor Bush and Vice President GORE—and it is an appropriate debate to have—the Vice President, I don't believe, deserves another bite at the apple. He has had 8 years and he had a chance to go to this President and say: Let's do Medicare reform. Let's do it now in a bipartisan way. Let's take this issue off the table.

That isn't what happened. It is just too ripe for politics. It is just too tasty an issue to engage in a national debate about it. That is what we are about today. It is now on the floor of the Senate. Vice President GORE has his prescription drug plan out; George W. Bush has proposed his; we will attempt to deal with ours.

I have the privilege of now serving on the Finance Committee. The Finance chairman has brought about a bill and we hope to have it on the floor and we hope it will comply with the amount of money necessary in the budget to fund this in the short term to deal with the problem in the immediate sense. Governor Bush says: Let's deal with it now and let's give truly needy seniors the solution to the problem now.

And AL GORE says: No, no, no; let's work on this—18 months, 2 years; We will have a better plan; we will have an all-inclusive plan.

There are very real differences in what is proposed. Our Vice President says an all-Government plan, Government control, Government managed, universal for everyone. We are saying, no, no, we like the one in the model that the Governor from Texas has put up, with greater flexibility, more choice for seniors. It is very similar to what I have, and very similar to what the Presiding Officer has, under insurance, allowed to be provided for Federal employees by private providers. There is flexibility to make choices.

I don't think I want a Federal warehouse in Boise, ID, distributing drugs to seniors 500 miles away at the other end of the State. I want the local pharmacy allowing the local senior to make the choice with his or her doctor as to what their true needs are and for those needs to be covered in Medicare. That is what the seniors of America want. They don't want the Government saying yes or the Government saying no.

There are very real and fundamental debates. I suspect we are going to hear Senators such as the Senator from Florida now on the floor—and this is an important issue in a State with so many seniors, as has the State of Florida, and I don't dispute that. But it is important that we engage in this debate and that the American public stop and say, gee, is there a free lunch and are there free drugs? The answer is no. It will cost someone, and it will cost $200 or $300 or $400 or $500 million, or $12 billion a year to do a universal program, or a lot more than that. We know it will be very costly. Therefore, it is right and proper to decide who can afford to pay and who can't afford to pay.

How about those seniors who have their own health care program now that pays? Why would AL GORE want to wipe out those insurance programs and go to a Government program? I don't think any seniors who study the program and understand that are going to like that idea. They are going to want their own health care program that they paid for and that maybe is a condition of their retirement coming down from the company they had worked for all their lives. And they ought to have it. That is the kind of flexibility and the dynamics we ought to have in the marketplace.

This Congress, in a bipartisan way, will ultimately solve this problem. We can do it this year a little bit of the way to help the truly needy. That is what we ought to do. I hope we can resolve that in a bipartisan fashion. Then we will allow the national debate to go on. We will ask every senior to compare the score charts, the Governor Bush plan versus the Al Gore plan—a Government plan versus a plan of choice, versus a plan of individualism; a relationship between a doctor and his or her patient versus a relationship with a Government provider.

That choice is going to be very simple for Americans when they are given it in a clear, understandable way. That is why I am on the floor today. Let's back away from the clutter and the finger pointing. Let's compare the plans—they are both out there now—on a point-by-point basis, and let us do what we can do here this year.

We have $200 million built into the budget. We did it in advance, knowing we ought to deal with this issue. We ought to deal with it now for the truly needy seniors of America, those who make the horrible choice of food versus prescription, heat versus prescription. Not in America. Never in America should that be allowed to happen.

I hope the politician will step back for a moment from the restrictions or complications of that issue and solve that problem now for our truly needy seniors while we allow the national debate to go on as to what America and American citizens wish to choose as a part of their overall health care needs.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent to speak on the time of Senator THOMAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

### THE 90 PERCENT SOLUTION

Mr. VOINOVICH. Mr. President, one of the primary reasons I came to the Senate, was the fact that I believed we had spent money over the years on many things that, while important, we were unwilling to pay for, or, in the alternative, do without. We had a policy of "let the next guy worry about it" or more precisely, "let the next generation worry about it." I have said this before and I will keep on saying it until everyone realizes that we have a national debt that is costing us $224 billion in interest payments a year, and that translates into $600 million per day just to pay the interest.

Out of every Federal dollar that is spent this year, 13 cents will go to pay the interest on the national debt. In comparison, 16 cents will go for national defense; 18 cents will go for nondefense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more Federal tax dollars on debt interest than we do on the entire Medicare program.

It still amazes me to think that 38 years ago, when my wife Janet and I got married, only 6 cents out of every dollar was going to pay interest on the debt. It is high time for our nation to make some headway into bringing down our national debt and lowering those interest costs.

As my colleagues know, our nation currently enjoys the greatest economic expansion in our history. We have a robust economy, and across the nation, states are reporting record low unemployment rates. Congress should take advantage of this incredible opportunity to create a lasting legacy for the young people of our country, and pay down our national debt and get this burden off the backs of our children and off the backs of our grandchildren.

All the experts say that paying down the debt is the best thing we could do with our budget surpluses.

Indeed, CBO Director Dan Crippen said earlier this year:

> . . . most economists agree that saving the surpluses, paying down the debt held by the public, is probably the best thing that we can do relative to the economy.

Federal Reserve Chairman Greenspan also said:

> My first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public. From an economic point of view, that would be, by far, the best means of employing it.

Lowering the debt sends a positive signal to Wall Street and to Main Street. It encourages more savings and investment which, in turn, fuels productivity and continued economic growth. It also lowers interest rates, which in my view, is a real tax reduction for the American people.

Furthermore, devoting on-budget surpluses to debt reduction is the only way we can ensure that our nation will not return to the days of deficit spending should the economy take a sharp turn down or a national emergency arise.

In the time that I have been in the Senate, I have worked tirelessly to ensure that our on-budget surplus is used to pay down the national debt.

In fact, during consideration of the fiscal year 2000 and the fiscal year 2001 budget resolutions, I offered amendments that would direct whatever on-budget surplus we received in each particular fiscal year towards debt reduction.

In addition, I have been a staunch advocate of "lock boxing" both the Social Security and Medicare trust funds to prevent the expenditure of these funds.

Further, I offered an amendment with Senator ALLARD this past June to direct $12 billion in FY 2000 on-budget surplus dollars toward debt reduction. By the way, it passed by a vote of 95-3.

It was a great victory, but the celebration did not last long.

Unfortunately, all but $4 billion of that $12 billion disappeared: used for other spending in the Military Construction Appropriations Conference Report.

My disappointment was somewhat tempered by the news that the on-budget surplus that had been predicted earlier in the year was entirely too low an estimate.

As my colleagues know, in July, the CBO announced that our fiscal year 2000 on-budget surplus had grown to $84 billion—$60 billion more than was projected in January.

We have to be careful not to squander this windfall, because if we are able to maintain some fiscal restraint—and resist the temptation to spend it in the time we have remaining—at the end of this fiscal year, that $60 billion will be used for debt reduction.

We must resist the temptation to tap it before the end of this month—particularly in light of the fact that as of the first of this month, Congress had increased non-defense discretionary spending in fiscal year 2000 to $328 billion: a 9.3 percent boost over the previous fiscal year, and the largest single-year increase in non-defense discretionary spending since 1980.

If we do resist the temptation to spend it, I think we should celebrate the fact that we have made a major dent in our national debt: the most significant payment using on-budget surplus funds in more than 30 years. Think of that.

But, the fiscal year 2000 budget cycle is just about over. The issue today is what are we going to do to strike a blow for fiscal responsibility in the coming fiscal year.

As my colleagues are likely aware, Majority Leader LOTT and Speaker HASTERT have developed legislation, the Debt Relief Lock-Box Reconciliation Act for Fiscal Year 2001, H.R. 5173, that will allocate 90 percent of the fiscal year 2001 surplus towards debt reduction.

What will that mean?

Under H.R. 5173, both the Social Security and the Medicare surpluses will be "lock-boxed," and approximately $200 billion will be protected from those who would use those funds for more spending.

I think the public should know, so there is no confusion, that it is not a literal "lock box"—like a safety deposit box—but it is an iron-clad commitment that Congress cannot touch these funds for spending. Instead, those surplus dollars could only be used to pay down the debt.

It took Congress until just last year to finally stop using our Social Security surplus as a means to mask more than three decades of spending and instead, use it for debt reduction. We should continue this "hands off" approach of the Social Security trust fund.

Sadly, we have not yet been able to do the same with respect to the Medicare surplus—having used nearly all of it on spending in fiscal year 2000. Now is the time to treat the Medicare surplus the same as we have treated the Social Security surplus and make sure that it is subject to the same "hands off" policy as well.

Putting these trust funds in a "lock box" doesn't mean that we will have solved the problems of Social Security and Medicare, but using them to lower our debt now gives us added flexibility in the future to address the long-term solvency of these two programs. It is about time we reform Social Security and Medicare.

Also under this bill, some $42 billion of the on-budget surplus that the CBO is estimating for the next fiscal year will be used strictly for debt reduction. No smoke-and-mirrors, no gimmicks, just straight debt reduction.

Therefore, under H.R. 5173, 90 percent of all fiscal year 2001 surplus funds will be used for debt reduction.

I have heard the President and some of my colleagues say that this is just going to squeeze the ability to meet "pressing needs" in the coming fiscal year. I do not agree.

If the disparity between the preliminary and supplemental surplus projections of fiscal year 2000 are any indicator, there will likely be an upward readjustment of the surplus projections in FY 2001.

If our economy should slow and these projections turn out to be too optimistic, then we could cut spending—which would be fine as far as I am concerned. But in the meantime, this proposal will hold our feet to the fire with respect to spending, and our feet need to be held to the fire.

My colleagues and I are not asking for a lot, simply that this body stand up and be counted. I hear people every day saying let's do something about the national debt. I hear the President of the United States say it is a problem and we need to address it. So, I say to my colleagues that if we agree that we need to bring down the debt, then let's take advantage of the chance to do so and let's enact this proposal.

Reducing the national debt has been a principle of my party. It has been a principle of mine throughout my political career. First of all, you don't go into debt. But, if you do, you get rid of it.

Here we have an ability to put our money where our mouths are, and say, yes, we do believe in reducing the national debt. We are going to take this money, put it aside, and pay down the national debt.

And while I personally would like to see as much of the on-budget surplus used for debt reduction as humanly possible, I believe this is the best proposal we are going to see as negotiations get underway over the fiscal year 2001 budget.

Nevertheless, I believe by capping spending and tax cuts for fiscal year 2001, and locking in set amounts of debt reduction, as this proposal does, we will have effectively established a good first step towards further fiscal responsibility in fiscal year 2002 and beyond. In other words, it establishes a down payment for us to do even more meaningful debt reduction in years ahead.

I think GAO Comptroller General David Walker said it best when he testified last year before the House Ways and Means Committee. Here is what he said:

> This generation has a stewardship responsibility to future generations to reduce the debt burden they inherit, to provide a strong foundation for future economic growth, and to ensure that future commitments are both adequate and affordable. Prudence requires making the tough choices today while the economy is healthy and the workforce is relatively large—before we are hit by the baby boom's demographic tidal wave.

When I came to the Senate, I had one grandchild. Today, I have three. Like all other Americans, I think about what the future has in store for them and about the legacy I want to leave to my grandchildren.

We have a moral obligation to remove the debt-burden that we have placed on their backs. It is up to this Congress—in the weeks we have left—to pass the Debt Relief Lock-Box Reconciliation Act for our children and grandchildren and for the future of our Nation.

The House of Representatives has already stepped up to the plate and passed this bill overwhelmingly, by a vote of—listen to this—381 to 3. It is up to the Senate to do the same.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I will speak on the time that has been reserved for Senator KENNEDY and ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, we are now debating a conference report that includes both the legislative branch and the Treasury and general government appropriations bills. Unfortunately, the Treasury and general government bill was never considered on the Senate floor. It went directly from the Appropriations Committee into this conference report.

There are some critical deficiencies in the Treasury and general government appropriations bill, deficiencies that I had hoped to address on the floor with an amendment. I am now prevented from doing that. The deficiencies to which I want to call the attention of my colleagues involve counterterrorism funding, an issue that should be of particular concern to each of us.

As you know, terrorism is a national security threat, a threat which Americans have experienced in reality. Just to mention the names: Oklahoma City, the World Trade Center, Khobar Towers, Pan Am 103. Each of these reminds us of how deadly terrorism can be and how vulnerable we are to it.

What most Americans do not know is that there are many more instances of attempted terrorist activities that have been averted by a combination of good intelligence and effective law enforcement.

The apprehension of a terrorist crossing into the United States by Customs agents just prior to the millennium celebration is one well-known example of the success that we have had in interdicting terrorists before they can strike.

While terrorists have been around for a long time, their actions are becoming increasingly more deadly. In the past 5 years, over 18,000 people someplace around the world have been injured or killed in a terrorist incident. That 18,000 number of persons injured or killed by terrorism in the last 5 years represents a threefold increase over the preceding 5 years.

With the proliferation of chemical, biological, radiological, and even nuclear weapons as a real threat, the potential for even deadlier attacks is a reality. This makes efforts to prevent attacks even more vital.

Earlier this year, the congressionally mandated National Commission on Terrorism issued its report. The report is called: "Countering the Changing Threat of International Terrorism." This report concluded that international terrorism poses an increasingly dangerous and difficult threat, and that countering the growing danger of this threat requires significantly enhancing U.S. efforts.

It further states that priority one is to prevent terrorist attacks using U.S. intelligence and law enforcement as our principal tools to prevent such attacks.

I would also like to cite a recent report by the Commission on America's National Interests. The Commission on America's National Interests is a commission on which Senators ROBERTS, MCCAIN, and myself are members.

The commission's report on "America's National Interests," dated July 2000, lists as a vital interest that:

> Terrorist groups be prevented from acquiring weapons of mass destruction and using them against U.S. citizens, property and troops.

The commission's report goes on to state:

> As one of the most free and open societies in the world, the U.S. is also among the most vulnerable to terrorism. . . .
>
> Protecting American citizens both at home and abroad requires a well-coordinated counter-terrorism effort by all U.S. government agencies, giving due regard for fundamental American civil liberties and values.

The report on "America's National Interests" continues:

> Given the severity of the potential consequence of a weapon of mass destruction terrorist incident, as well as the rising technical capacity of non-state actors, the U.S. government should attach the highest priority to developing the capacity to preempt these threats if possible, and mitigate their consequences if necessary.

Mr. President, I repeat from the report on "America's National Interests" that "the U.S. government should attach the highest priority to developing the capacity to preempt these threats if possible, and mitigate their consequences if necessary."

This report could not have been more clear. Yet still another group of experts studying U.S. national security, the U.S. Commission on National Security, commonly known as the Hart-Rudman commission, concluded in its April 2000 report that our No. 1 priority should be to ensure that the United States is safe from the dangers of a new era: the proliferation of weapons of mass destruction and terrorism. It specifically mentions "strengthening cooperation among law enforcement agencies, intelligence services, and military forces to foil terrorist plots. . . ."

The words of these three significant reports, as well as many other Americans, did not go unheeded by the administration. The President recognized the growing importance of law enforcement and intelligence in countering the terrorist threat even before these reports were released. He sent to Congress a request for over $300 million in additional funding for exactly the types of enhanced counterterrorism efforts that these three commissions are recommending.

What has happened in the Congress? Of the approximately $300 million requested, a portion of which was requested in a classified form, as it will be used by various intelligence agencies, $28 million of that $300 million was for reprogramming requests in the fiscal year that is about to conclude on September 30. What happened? That request for reprogramming was rejected, rejected including $10 million for the Department of the Treasury and $18 million for the Department of Justice.

I am sad to report that in the bill before us today, the fiscal year 2001 appropriations request, which begins on October 1, did not fare much better. There was a $71.1 million request for the Department of Justice. This has been completely unfunded in both the House and the Senate appropriations committees and thus in this conference report. There was a $77.2 million request for the Department of the Treasury which should have been included in the bill we are currently debating; $74 million of that remains unfunded.

In addition, the request for the intelligence community was not funded in the fiscal year 2001 legislation. In total, of those amounts which are available for public review, of the $300 million requested by the President, $146.1 million was unfunded.

Let me describe a couple of specific initiatives that are particularly important and that so far have not been funded in either the House or Senate appropriations bill.

First, the administration requested over $40 million to support the Joint Terrorism Task Forces. These are interagency law enforcement groups which combine resources and expertise for a more effective and efficient effort to deter and investigate terrorists. This is a proven concept that brings agencies together to solve problems, hopefully problems before they mature into tragic instances. The Joint Terrorism Task Forces were very successful in deterring and preventing terrorism during the millennium. I cannot understand why this Congress would not support this request.

Second, the President requested $6.4 million to create a unit within the Office of Foreign Asset Control dedicated to uncovering and tracking the financial assets of terrorist organizations. This is an area of law enforcement in which America, in the area of terrorism, is woefully deficient. It is vitally important that we establish this new office and that we gain an insight and an ability to oversee and control terrorist financing. This was a specific recommendation of the National Commission on Terrorism. This item was rejected, and so our woeful deficiency will continue for another year, if the current position of Congress, including the position of the legislation before us this afternoon, becomes law.

In fact, there were several items that were included in the President's request that the Commission on Terrorism specifically recommended. They include increased resources to meet technology requirements, expansion of linguistic capabilities, increased funding for investigative initiatives—all of those unfunded.

There is also an as yet unfunded request to establish a Center for Anti-Terrorism and Security Training. This will provide a centralized training facility for those on the front lines fighting terrorists around the world, including our own Capitol Police, diplomatic security officers protecting our embassies abroad, and our allies who look to us to help them in their fight against terrorism. The counterterrorism funding I am highlighting is desperately needed. All agencies have agreed that we need to do more to step up our efforts against terrorism. These requests are supported by the bipartisan National Commission on Terrorism and, in more general terms, the Commission on America's National Interests, and the Hart-Rudman commission.

What I find especially hard to imagine is why we would refuse this $300 million request when it is so widely recognized that the cost of failure, when it comes to terrorism, involves weapons of mass destruction and could be in the billions of dollars. This is an area where we must do absolutely everything we can on the prevention side to avoid, to interdict acts of terrorism before they are inflicted upon our citizens.

Mr. President, there is yet another consequence of the action we are being asked to take by supporting an appropriations bill which is so deficient in meeting this key area of our Nation's security. All too often we are seen as pushing other governments to do more in the fight against terrorism, to help us in an international effort against terrorism. If we are unwilling to support what our own experts tell us is needed, what is in our national interest, how can we be effective in convincing others to do more? I don't think there is an answer to that question. We must practice what we preach.

The good news is there is still time to remedy the situation. I hope the appropriations committees will fund the President's request for counterterrorism funding. This is about a real threat that is here today and cannot be ignored. Failing to take action on this modest request is irresponsible. Those who call for spending more for potential future threats and for increasing spending on other national security priorities cannot ignore the vital national interest, the first-line priority of an effective national protection against terrorism.

I will express my dismay, my shock at what has been done by the Congress thus far by voting against this bill. And should the Congress, in its lack of attention or lack of appropriate recognition of the importance of terrorism, should we pass this appropriations bill, which is so deficient in responding to the challenges of terrorism, then I will urge the President to veto this bill and give the Congress an opportunity to redeem itself from what is potentially a very serious error—placing the national security of the United States at risk.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will use some of my leader time to comment briefly on the pending legislation.

I come to the floor to express my strong objection to the manner in which this was presented to the Senate. It is wrong, it is dangerous, it is shortsighted, and it does a real disservice to this institution, period.

I have no objection to appropriations bills coming to the floor, as they must. I have no objection to perhaps even limiting the amendments at this late date to relevant legislation that may be affected in the bill. But I do have a strong reservation when we gag the Senate, as we have once again, limiting debate about important matters directly relating to tax and appropriations in a way that precludes the right of every Senator to be fully engaged in these deliberations.

I have heard again and again from colleagues on the other side that it is our desire to slow things down—to stop things. Let me say that is poppycock. No one here wants to slow anything down. In just a moment I will present a list for the RECORD of all the things we are prepared to take up this afternoon—this afternoon.

We know why this package was cobbled together in the form and manner in which it now appears before the Senate. It was put together to deny us the right to offer amendments—something we seek to do not because we want to slow things down but because we want a voice.

I am not necessarily opposed to the telephone tax repeal. Senator ROBB has been an extraordinary advocate of that. I give him great credit for getting us this far. But I must say I think it begs the question at this hour, with our Republican colleagues clamoring for 90 percent of the surplus to be used for debt retirement, should we would choose the telephone tax, of all things, as one of the items to be paid for with the remaining 10 percent of the surplus our Republican colleagues suggest should be available for both tax reduction as well as investments?

I am told there is about $28 billion left in the budget if we reserve 90 percent for the surplus. If we assume for the moment that we accept the Republicans' proposal to use 50 percent of that $28 billion for tax reduction and 50 percent for investments, that leaves about $14 billion for tax reduction in the remainder of this year. Fourteen billion dollars isn't a lot of money when you are talking about the proposals we have had to vote on this year, but $14 billion represents what the Republicans would make available for tax cuts.

The telephone tax would use up one-third of what they would allocate for tax reduction in this fiscal year—one-third. Maybe we want to commit one-third of the remaining surplus for tax reduction to the telephone tax.

But this Senate is denying us the opportunity to suggest something else. This Senate is denying us the opportunity to offer amendments and to have a debate. In fact, I must say I will bet you most people are going to vote on this and they don't even have a clue what the telephone tax is. I know the Presiding Officer does. He just noted that to me. But I will venture a guess that a lot of people do not.

That is just one of the problems we have with this course of action.

I don't have any objection to taking up the Treasury-Postal appropriations bill. I don't have any objection to taking up Legislative Branch appropriations bill. But I do have an objection when the administration informs us that we have virtually eliminated funding for counterterrorism and have not provided the funding necessary for the IRS and we have been denied the opportunity to at least debate these issues.

Then I am told indirectly that, well, we will come up with the money somewhere on another vehicle. I am mystified by that approach. What is it that leads us to think we can find the money elsewhere, at a later date, if we can't find it now? And if we can't find it now, it just seems to me we are premature in moving the bill forward until we can find it.

There are a lot of specific practical problems that I hope my colleagues share about this approach—problems related to our ability to participate in the process, problems related to our ability to offer amendments, problems related to the fundamental rights of every Senator to be involved in the debate, problems related directly to the substance of the issues on which we are now voting. Those are serious problems, and they shouldn't be minimized. But beyond that, I have fundamental problems with the precedent we are setting here.

There are many who may come into the Senate in future years who, if we continue this process, may come to the conclusion that if it is good on appropriations, why not on any authorization? Why not on a tax bill? Let's just go from committee to conference. Let's forget this Chamber. This Chamber might well be additional office space someday. We don't need a Chamber anymore—not for deliberations, because there are none.

Where does it end? Not in our generation. I am sure this will be a slow process. But, institutionally, anybody who cares about the way the Senate should be run should care about the process we are using now.

I don't know what message it sends to our young Members on either side of the Chamber about the way we do business around here. But I don't want to have it heard or said on the Senate floor anytime in the near future that this is the greatest deliberative body, because we aren't deliberating. We are not deliberating on these issues, we are rubber stamping. We are sending them through the process the way you might expect it done in the House, but it doesn't, and it shouldn't, happen here. Institutionally, Republican or Democrat, old or young, it shouldn't matter. I am troubled, very troubled, by this process.

As I said a moment ago, we have no objection—none—to moving to other bills. I will not do it. But I would love to ask unanimous consent to move, immediately following the conclusion of our debate on this package, to the Commerce-State-Justice appropriations bill. Guess what. I would get an objection on the other side. I am not sure why. I don't know why. But I know this. We haven't brought it up because somebody over there doesn't want it to come up. That isn't us.

I would love to ask unanimous consent to take up the D.C. appropriations bill, the intelligence authorization bill, and the H-1B bill. Let's take them up. Let's have a debate. Let's offer amendments. I have offered to Senator LOTT that we could take up the H-1B bill with five amendments on a side with an hour limit on each amendment, period. We would be done in a day. I believe we could do it in a day. The other side has rejected this offer.

Don't let anybody say with a straight face or with any credibility that it is Democrats holding things up. Let's get to these bills. Let's get them done. Let's offer amendments. But, for heaven's sake, let's remember this institution. Let's call it the most deliberative body and mean it. Let's recognize the institutional quality.

It degrades us each time something such as this happens.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

(The remarks of Mr. MURKOWSKI are located in today's RECORD under "Morning Business.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, we are about through with this debate, as demonstrated by the fact that Senators on neither side are coming to the floor. We would be able to vote more rapidly than anticipated except that some Senators have made appointments based on the assumption we would not be voting until 3:30 or 4. However, we have cleared on both sides that we can vote on the adoption of the pending conference report at 3:15 and that paragraph 4 of rule XII be waived. I ask unanimous consent that the Senate agree to the adoption of that time and the waiving of that rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Senate will shortly vote on the conference report to accompany H.R. 4516, the Legislative Branch Appropriations Act for 2001.

As the managers have stated, this conference report also includes the Treasury-general government bill for fiscal year 2001.

Many Senators have voiced concern about the inclusion of the Treasury bill, which had not previously passed the Senate, in this conference report. Many Senators have questioned me personally about this. Having served in this body for nearly 32 years, I understand and share that commitment to the procedures of the Senate and want to do my best to preserve the rights of all Senators.

I am here to ask Senators in this case to consider the product rather than the process by which this conference report comes before the Senate. This report addresses critical funding priorities for all of the elements of the legislative branch. Senator BENNETT and Senator FEINSTEIN have achieved a very balanced agreement with the House on the underlying bill that merits the support of the Senate.

In the Treasury bill, substantial changes were made to the committee-reported bill, the bill that came out of our Appropriations Committee, to accommodate priorities of the Members of the House and of the executive branch, both in terms of funding and of legislation. It would be preferable to have this bill come separately before the Senate, but the Appropriations Committee now finds itself in the stranglehold of the calendar.

In all likelihood, we have about 10 voting days remaining in this Congress. We are working to compress weeks of work into a handful of days. There are additional changes that Members and the President seek in the Treasury portion of the conference report. I have extended my personal commitment to Senator DORGAN to work with him and Senator CAMPBELL to try to incorporate those adjustments into another conference report. I also have given my word to Senator REID concerning problems regarding the police section of the legislative bill itself.

Adoption of this report now will permit us to redouble our efforts to conclude our work as rapidly as possible on the other bills that still pend before Congress, and we will be able to achieve the changes some sought to make in the current bill. Any other course will set the Senate and the Congress way back in getting our job done.

If this conference report is not approved, we will have to find some way to go back to conference with the House. And if it is decided that we must bring the Treasury bill before the Senate, I can assure Senators that we will have a postelection session.

It is just not possible to finish these bills before the election and get home in a reasonable amount of time—at least before the election—for the Members of the House and Senate who are up for election to conduct their campaigns.

I don't know of any other way to do what we have to do, other than to try to match up some of these bills in conference. There are lots of issues that both sides of the aisle may disagree on and fight over during the days that remain in this Congress.

The bill before the Senate, I believe, is a reasonable bill, comprised of two separate bills that meet important national objectives. I have come to the floor to urge the Senate to support this conference report, to accept the commitments that I and others have made concerning the additional concerns expressed on the floor, and let our committee complete its work.

I report to the Senate that conferences are scheduled today on the Interior bill and Transportation appropriations bill. But there is one thing Senators should know; our committee will be working every day—not just the 10 days of votes—between now and adjournment to try to finish the bills before the scheduled day of adjournment, October 6. Even when that day comes, it will not be the last day for the Appropriations Committee. We will have to await the outcome of the President's review and determine whether there have to be changes made in the bills following the veto, should that occur. I am not predicting it will occur, but it might.

If the Senate votes and approves this bill and sends it to the President, it is going to lend real momentum to concluding the appropriations process in a very responsible way this year. There have been things that held up these bills this year, including many days on the Senate floor with cloture motions and other matters. I am not critical of those. That is very important work for the Senate to do.

Now we are in the appropriations process and we are trying to deal with a period that will really end on the 28th, not the 30th, because of the holiday and our recess next week. We have to find a way to complete these bills.

The Senators who want to vote against the bill ought to be prepared to come back after the election. We are not going to be able to finish these bills separately this year. We are going to have to find a way to join them together. I, for one, have lived through too many postelection sessions. I don't want to live through another one. I urge Members of the Senate to support this conference report and let us get on about our work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, with passage of the legislative branch appropriations conference report, the Senate will successfully roll back one of the most regressive taxes in history and given Americans everywhere a much-deserved break.

For some time, now, I have pushed to repeal the telephone excise tax, a tax that is placed on individuals and families, regardless of income or circumstances.

Quite simply, if you owned a phone, you paid the tax, and along with its regressive nature, the tax was lamentable because it stood as one more example of how antiquated, unfair, counterproductive government policies not only outlive their original design, but become almost impossible to abolish.

The telephone excise tax was first imposed in 1898, more than 102 years ago. Its purpose was to fund the Spanish-American War, to provide for those who, like Teddy Roosevelt and his Rough Riders, needed the wherewithal to defend U.S. interests.

At the time it was imposed, it came as something of a luxury tax—a tax on the wealthy, as few Americans owned telephones.

Roosevelt rode up San Juan Hill. The war came to an end. But Washington couldn't resist holding on to the revenue. From time to time, the tax was repealed, but it always seemed to get reinstated—rising as high as 25 percent at one point—and placing an unfair burden on millions.

Today, however, we shall successfully eliminate the telephone excise tax, and this—in my mind—is cause for celebration. Studies show that individuals and families with income less than $10,000 spend almost 10 percent of their income on telephone bills. Individuals and families earning $50,000 spend 2 percent of their income for telephone service. Because of what we have done here today, these families—and all families—will benefit.

I'm proud of this action, grateful to those who supported repealing this excise tax. What we have done is not only in the interest of Americans everywhere, but it is a clear demonstration that we are willing and able to appropriately address the need to reduce the excessive tax burden that has been placed on the back of America's middle class.

My sincere hope is that this is the beginning of a long and successful trend.

On another issue, I am concerned that the legislative branch appropriations conference report—while it contains good news for taxpayers—while it contains good news for taxpayers—does not meet the full funding needs of the Internal Revenue Service. As you know, 2 years ago in a major bipartisan initiative, Congress successfully passed the largest IRS reform and restructuring effort in history. That law has been effective in protecting taxpayers and giving the IRS the direction necessary to re-engineer its business practices, upgrade its computer systems, and provide taxpayers with better service.

But in order to most effectively carry out Congress' mandate, and to fulfill its mission to collect and protect the Federal revenue, the IRS needs adequate funding.

This appropriations conference report, unfortunately, provides hundreds of millions of dollars less than what the agency needs. And the absence of proper funding will cut directly into the improved conditions that Congress desires. Unless additional funding is provided, the Service may be unable to effectively perform its audit and collection functions. Without adequate funding, service functions will diminish.

There will be a loss of telephone and walk-in service for taxpayers, a decrease in the level of toll-free service, and it will become more difficult for taxpayers to receive assistance.

We must provide additional funds to the IRS in other appropriate bills before this Congress adjourns. Only by doing this can we ensure that the IRS has the resources it needs to meet the standards of service and accountability that Congress has required.

Along with eight members of the Senate Finance Committee, I have signed a letter to members of the Appropriations Committee asking that funding be restored. And I intend to work with my colleagues toward this end.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask consent that the vote occur on adoption of the pending conference report at 3 p.m., and that paragraph 4 of Rule 12 be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GREGG). Without objection, it is so ordered.

### MINIMUM WAGE

Mr. DURBIN. Mr. President, I rise to speak this afternoon on an issue which is important to all Americans, particularly the 10 million who are presently working for a minimum wage. Senator KENNEDY of Massachusetts will join me in a few minutes to discuss the issue, which has been a major crusade for him for the last several years.

Earlier I noted that until the mid-1980s the issue of a minimum wage increase was never a partisan issue. In fact, Republican and Democratic Presidents alike endorsed the idea of periodically trying to increase the minimum wage to reflect the cost of living. But for some reason, in the mid-1980s, that all changed. It became a Democratic and Republican battle as to whether people who were earning a minimum wage should be able to keep up with the cost of living, keep up with inflation. Because of that battle, fits and starts and the wins and losses, many minimum wage workers across America started falling behind. In fact, their buying power, working for a minimum wage, was diminishing because Congress had failed to give them an adequate increase in their income to keep up with the cost of living.

Some arguments on the other side suggested: If you raise the minimum wage for workers who have no skills, entry level workers, it is going to basically kill jobs because employers are going to have to make a choice. They are either going to pay more to a minimum wage worker on the job and then reduce the size of the workforce or pay less to that minimum wage worker and keep a larger workforce.

It seems as if there is linear logic to this argument, but, in fact, when you look at it, the economic history of this country just does not back it up. As you will notice on this first chart which I am showing, as we have seen increases in the minimum wage from April of 1995 where the wage was increased, in October of 1996, to $4.75, and then again in October of 1997 to $5.15 an hour, the current minimum wage, the number of people working in America has continued to grow. So the argument that increasing the minimum wage is a job killer just does not make any sense.

Just the opposite seems to be true. In a growing economy, when you give to the workers at the lowest level an increase in their living wage, they are likely to spend it. They need it for rent, for groceries, for their kids' shoes, for school expenses. So little of it is saved as lower income families are forced to spend everything to make ends meet; that spending, of course, creates demand in the economy for the production of more products and services. That is what has happened to us repeatedly. Since 1996, if you will take a look here at the minimum wage increase, unemployment is down in all the major groups.

People say these minimum wage jobs are just for kids who do not have any skills or background. When they come to the workplace and get their first job, they have to be prepared to be paid very little for it. I used to be one of those a long time ago. Take a look at what has happened here between September of 1996 and August of the year 2000. The 1996 minimum wage increase did not kill job opportunities in a single category here: Among teenagers, even among high school dropouts, African Americans, Hispanic Americans, or women in the workforce.

One of the other misconceptions is that somehow the minimum wage is just going to be paid to those who are, frankly, children who have limited work experience, a first job, so they will get a minimum wage. Who are these 10.1 million workers across America who would benefit from an increase in the minimum wage? I think you would be surprised to learn, as I was, that 69 percent of the workers who benefit are adults over the age of 20. So the idea that this is a children's wage or a teenager's wage is just wrong. Mr. President, 69 percent of minimum wage workers, 7 million of them, are over 20; 60 percent of these are women and many of these women have children.

You know what we are talking about here. We are talking about someone who has gone through a divorce, perhaps has a child they are trying to raise and do their very best by working a minimum wage job. Sixty percent of these minimum wage workers are women and 45 percent of them have full-time jobs. They are full-time minimum wage workers making less than $11,000 a year: 16 percent African American, 20 percent Hispanic; 40 percent of them work in retail. They sell us our hamburgers and our CDs at the store and all the things we buy; 27 percent are in the service sector; 83 percent of the minimum wage workers are heads of households and they are earning between $5.15 an hour and $6.14 an hour. Mr. President, 40 percent of minimum wage workers are the sole adult breadwinners in their families.

The argument that we are talking about a training wage for kids who really just want a first time on the job overlooks 40 percent of the minimum wage workforce who are adults trying to make enough money to feed a child—those are the minimum wage workers. I can recall a speech given many years ago by Rev. Jesse Jackson from Chicago, which I am proud to represent in the Senate, when he talked about these people going to work every day—the invisible workforce. We do not see them cleaning our hotel rooms, clearing off the tables, working in the kitchens and the day-care centers and the nursing homes; people we rely on to make America a better place, who do the tough, often thankless jobs in America for $5.15 an hour.

In my home State of Illinois, the estimate is we have over 400,000 minimum wage workers. These are people who deserve an increase in that minimum wage for a chance to be able to get out of poverty. Frankly, most Americans agree: If you are a hard-working person who is not looking for a handout but just looking for a chance to go to work, you really deserve some sort of basic living wage.

Look at this chart, "Americans Support Wages That Keep Working Families Out Of Poverty." Overwhelmingly, 81 percent strongly agree with this. Does anyone really, listening to this speech, this debate, believe if you are making $10,700 a year you are out of poverty? That you have a comfortable life? Even with the Earned-Income Tax Credit, one of the few things with which we try to help these working families, by and large life is from payday to payday. They are striving just to meet the necessities and basics of life. So when we talk about an increase in the minimum wage, we are talking about helping these families who are going to work every single day finally reach up over the ledge and look ahead, beyond poverty.

If welfare reform was not about rewarding that type of person, what was the debate all about? I voted for it. Some of my colleagues said don't do that because you are going to leave the poor behind when they really need help. I hope we never do.

But I can tell you, this minimum wage debate is about those people, folks with limited job experience. They are finally off the dole, off welfare, trying to do their best, stuck in a $5.15-an-hour job; showing up for work on a regular basis, full-time employees—45 percent of them—and still stuck at $5.15 an hour.

During the Republican Convention in Philadelphia, there was a lot of talk about the economy. It was amazing, in a way, because they failed to acknowledge, as you might expect, we are in a period of prosperity unparalleled in the history of the United States. We have had the longest run of economic expansion ever. We are now talking about eliminating our national debt. That has not happened since the Civil War, I might add—the Civil War in the 19th century, if there is any doubt what I am referring to.

In Philadelphia, they said the problem with this economy is it has left too many people behind. It has helped create 22 million new jobs in this country, a lot of them in my State and other States around the Nation. But if you are talking about leaving people behind, how about the people on minimum wage who have been left behind because a Republican dominated and controlled Congress refuses to give a minimum wage increase to the hardest working people in this country?

Oh, the Republicans in the House have come forward with a proposal. They have had the idea of implementing this $1-an-hour increase over 3 years. They want to bring it down to 2 years, but there are a couple attachments to it and riders and things they would like to add. For example, they would like to really challenge paying overtime to workers in general—not talking about minimum wage workers but talking about workers in general. Frankly, many of us think that is a bitter pill to swallow; that a lot of hard-working families would have to give up on their overtime pay so the lowest paid workers in this country earning $5.15 an hour would have a chance to get out of poverty and have a living wage. That is not a deal which, frankly, any of us should buy.

It is time for us to do the right thing. We are going to go home in a few weeks. A lot of Senators will be campaigning for other candidates or for their own reelection, and they will face a lot of crowds and people coming up to them. You aren't likely to see a lot of minimum wage workers in those crowds. These are hard-working folks struggling to get by, many times with more than one job; they do not have time to listen to politicians who get out and gab and make their speeches on the stump.

But it is a shame we will not have a chance to see them because, if we do, we, frankly, have to ask of them some understanding and forgiveness, that this Congress, with its large agenda of important items, has failed to address the most fundamental need in their lives—an increase in the minimum wage so they can survive and raise their children and live in dignity.

If we value hard work in this country, we should compensate the hard workers, the minimum wage workers adequately. For over 2 years we have refused to do it. I see my colleague, Senator KENNEDY, is on the floor. I salute him for the leadership he has shown on this issue time and time again. I am sorry we are in a position where both parties no longer have come to a bipartisan agreement on dealing with a minimum wage.

But I say to Senator KENNEDY, as I am prepared to yield the floor to him, that this is a battle worth fighting in the closing weeks of this session. As we consider all of the possibilities and all of the special interests that need to be tended to and made happy before we leave, let us not forget the people who cannot afford a lobbyist in this town—the minimum wage workers across America who we count on week in and week out to make America work.

I think we owe it to them to increase the minimum wage by 50 cents an hour over each of the next 2 years, to a level of $6.15, knowing full well that that is not a comfort level, that isn't going to give them relief from concern about paying for the necessities of life; but we owe it to them to increase this wage. Frankly, this Senator is prepared to say that this experience with this minimum wage increase has convinced me once and for all that relying on the goodness and gratitude of Congress on an infrequent basis to give the hardest working people in this country enough money to scrape themselves out of poverty and make a living has to come to an end.

We need to put into law a cost-of-living adjustment for the minimum wage, so we can say to the people across America, the millions who work for this minimum wage: Your life is not going to be hanging in the balance as to whether politicians in Washington are paying attention. You pay attention to your family and your job every day. We should pay attention to you by making certain you have a living wage.

Mr. President, I yield the floor to my colleague from Massachusetts, Senator KENNEDY.

Mr. BENNETT. If the Senator would withhold, I would like to make an inquiry about time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. It is my understanding that on the Republican side there are still 45 minutes remaining under the control of Senator McCAIN.

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. BENNETT. I ask unanimous consent that that time be reserved for my control as manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. The Senator from North Dakota has 4 minutes, and Senator KENNEDY has 11½ minutes.

Mr. DURBIN. I thank the Chair and yield to Senator KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I had hoped to be able to address some of the issues here this afternoon, but we will have to work out additional time later in the afternoon.

The appropriations bill that is before us effectively will increase the pay for Members of Congress by over $5,000 a year. I support that particular proposal, but we ought to know that that is what is effectively included in this legislation. That is there basically because of the Republican leadership. As I mentioned, I support that, as I have supported other pay increases in the past.

But what Americans should understand is the fact that on the one hand the Republican leadership is prepared to have a $5,000 increase in the pay of Members of Congress and still deny us the opportunity to vote for a 50-cent-an-hour increase this year and a 50-cent-an-hour increase next year for the hard-working Americans who are at the bottom end of the economic ladder. It is basically and fundamentally wrong. And the American people ought to understand it.

We have 2½ weeks left. We ought to be able to make a judgment decision whether those Americans—some 10.1 million who will be affected by the increase in the minimum wage—ought to be able to have an increase in the minimum wage. We believe they should. We have fought to try to get that to happen. We have been limited in our opportunities to address that issue because of parliamentary tactics which have been used by the Republican majority in the Senate to deny us that.

No one needs a briefing about the issues on the increase in the minimum wage. They are basic. They are fundamental. Ninety-five percent of the Members of this body have voted on this issue. It would not take a great deal of time. We would be willing to enter into an hour equally divided if we were able to get an opportunity to vote on an increase in the minimum wage.

The American people ought to understand what the priorities are as we are coming to the last days of this Congress with 2½ weeks left. This is an issue of priorities. The Republican leadership has said we will put this appropriations bill forward. They have basically sidetracked the whole debate on the education bill, even though that was a priority for them before and even though their standard bearer is out there talking about the importance of higher education. I wish that the candidate would just call up the majority leader and say: Put the education bill on the floor of the Senate. Why aren't you doing it?

We are going to be dealing with the H-1B legislation which is going to affect 100,000 visas and denying the opportunity to make other kinds of changes in that particular program. We are saying that that is more important than having a short debate on an increase in the minimum wage?

As my friend and colleague has pointed out—who are these people? They are basically people who are assistants to teachers, who work in the schools in this country.

Who are they? They are helping assistants to child care workers, who are looking after the children of working families.

Who are these people? They are assistants in nursing homes, who are looking after the parents who have retired and are now in nursing homes being taken care of either by their children in nursing homes or perhaps even under the Medicaid system.

These are the people who are minimum wage workers. They are the men and women who clean the buildings around this country.

What has happened to them over the period? I wish the Members of this body had seen the excellent piece on ABC this morning that talked about what is happening in the workforce. It pointed out that now the American worker is working longer than any other worker and that the rates of productivity have increased. Generally speaking, when you have an increase in productivity and you have workers willing to work more, they get an increase in their pay. Not here, not minimum wage workers.

What we have seen is that those at the top part of the economic ladder have been experiencing a very substantial increase and those on the bottom fifth of the economic ladder, which include the minimum wage workers, have actually fallen behind in their purchasing power. If we do not take action on an increase in the minimum wage in the final 2½ weeks, then the increase we had 3 years ago will effectively be wiped out for these workers. That is quite a message; that is quite a priority.

Mr. President, I ask the Chair to advise me when I have 2 minutes remaining.

What has happened? We have offered this. And what has come back now from the other side, from the Republican leadership? They say: All right, we will let you have a 2-year increase in the minimum wage if you will agree to a $76 billion tax reduction for the wealthiest individuals in this country. Some deal, some deal for workers—$76 billion in tax reductions. You would think at least they would have the common sense just to do it for the small mom-and-pop stores. No. This is for the big boys, tax cuts, $76 billion. The last time we had an increase in the minimum wage, it was $21 billion. A lot of people thought that was too much. Seventy six billion dollars they want. And that isn't enough.

What they also want to do is wipe out time and a half for overtime for 73 million Americans, cut back on overtime pay. So you don't have to even pay, not only the minimum wage workers, but those above them, overtime pay. That is part of the deal: We will give 50 cents an hour to hard-working Americans this year and 50 cents next year. Give us the $76 billion. Let us be able to make other workers work. It will save us billions and billions and billions of dollars in terms of payroll. That is the deal they are offering.

Beyond that, I know this isn't a typical Republican position. They say: We are going to preempt the States that are out there in terms of the tax credit for workers in restaurants where they are able, instead of paying the full minimum wage, to say: We will only pay part. And if they get the rest in terms of tips, we don't have to make up the wages. That is a fine situation anyway. Someone is able to provide additional kinds of services; because of that, able to get a tip; and you are going to penalize them. We are going to put that into giving the credit to the employers. It is a lousy deal for workers in the first place. The Restaurant Association and their employees have gone through the roof anyway since the last time we passed it. Nonetheless, what they are saying is, OK, here is one deal for the minimum wage, but because some of the States have been a little more understanding and a little more helpful to these workers, we will preempt those States. I don't hear any statements on the other side of the aisle: Well, we don't want one size fits all. If you eliminate "one size fits all" and "Washington knows best" from the Republican vocabulary, they haven't got much to say. On this bill, there is no consistency. Give us $76 billion. Let us eliminate overtime. Then we will have a deal.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. KENNEDY. Mr. President, we are going to take every opportunity—and there will be some that will come down—to try to do something in terms of the minimum wage.

As I have said before, this is a women's issue because the majority of the recipients of the minimum wage are women. It is a children's issue because a majority of the women who get the minimum wage have children. This is a family issue. We hear "family values" around here. This is a family values issue because whether those parents have time to spend with those children depends on income. It is a children's issue.

It is a civil rights issue because the great percentage of those who are out there working are men and women of color. And beyond that, it is fairness issue. In the United States of America, with the economy going right through the roof, with the greatest economic prosperity in the history of the Nation, we are going to say: If you work hard, 40 hours a week, 52 weeks of the year, we don't think you ought to live in poverty. The Republican leadership refused to let us get a vote on this. That is absolutely unconscionable. The American people ought to understand it on election day.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Utah.

Mr. BENNETT. Mr. President, I am here in my capacity as manager of the conference report. We have had very little conversation about the conference report or any of the items contained in the bill, but through this debate, we have had a great deal of conversation about a number of other issues.

I suppose in the spirit of that debate, I can be excused if I respond to the comments made by the senior Senator from Massachusetts. The senior Senator from Massachusetts as well as the Senator from Illinois have given us a great number of statistics about the minimum wage, a great deal of information from various studies that have been done about the minimum wage. I remind them of the last time we had a definitive study on the minimum wage that was given to us with great fanfare from the Department of Labor; that further analysis of that study by objective academics indicated that the methodology of the study was false; that the conclusion of the study, which was that the minimum wage did not in fact destroy jobs, was false, and that the minimum wage does in fact have an impact.

I don't want to debate studies and arguments and academics. I want to take us, for just a moment, into the real world of employment. We hear over and over that we are in the most prosperous economy that anybody can remember. That is true. That creates a real world situation which has not been addressed in any of the rhetoric we have just heard.

The real world situation is this: When the economy is very strong, there is a very strong demand for labor. As a consequence, unemployment goes down. Unemployment is at historic lows at this time of a good economy. And in the real world, where people really seek jobs and employers really seek workers, there is a shortage of workers.

I talk to employers in my State and I say: What is your biggest problem?

They say: Our biggest problem is finding workers. We post jobs. We do everything we can to try to get people to come in and take these jobs. They come in off the street and if, during the presentation of what the job is like, we say something that they don't particularly like, they turn and walk out. Why? Because they can walk into another employer down the street and have exactly the same kind of presentation. They are in a position where they can pick and choose.

I know this doesn't sound like macroeconomics, but this is the reality of the marketplace in which we operate. If I can talk about macroeconomics for a moment, let me quote Alan Greenspan, who appears regularly before the Senate Banking Committee and the Joint Economic Committee, on both of which I have the opportunity to serve. He says to us the one thing he watches with greatest concern in terms of the possibility of this economy overheating and spiraling off into inflation is the shortage of labor. He says the reason he has not raised interest rates more is because our labor is becoming so much more productive that we can have this kind of tremendous demand in the economy, even though the labor force is not expanding as rapidly as one would think it would have to in historic terms. The labor force is expanding in productivity so that it can keep up with the demand for labor in the economy without becoming inflationary.

So there are microeconomic considerations and individual considerations, but it always comes down to the same fact in the real world: There is no shortage of jobs. There is no shortage of good-paying jobs. There is no shortage of jobs above the poverty level. The problem is with people who, for whatever reason, cannot take the jobs that are available. The reason is usually training. The reason is usually experience.

If I may get personal for a moment, Mr. President, I don't know how many other Members of this body have worked for a minimum wage, but I have. I did it when I was 14. The job, frankly, was something of a gift because I don't think I added very much value to the corporation that I worked for at age 14 at 50 cents an hour. For me, it was a tremendous experience. I look back on the time that I worked at ages 14, 15, 16, and so on, in the summertime, after school, and on weekends, as one of the most important formative experiences of my life. But I think if the Federal Government had come in and said, no, you can't pay BOB BENNETT 50 cents an hour and we are going to order you to pay him 75 cents, my employer, in all probability, would have said: What he does for us is, frankly, not worth 75 cents an hour, and being true to our shareholders and our other employees whose jobs we do not want to jeopardize, we will just let him go. But the minimum wage was low enough that I could work for 50 cents an hour, I could have that kind of experience and, frankly, I could get the kinds of job skills that made it possible for me, a few years later, to command salaries at substantially higher than the minimum wage.

When I hear about the minimum wage from people in my State, it is always from employers who are employing—and this is a very pejorative term, but it is true—marginal workers. And they say: Senator, if you raise the minimum wage, I am going to have to let them go. The contribution that they make to my company, or farm, or ranch, whatever it might be, is marginal. I can afford to pay them the minimum wage now and say that I get some return from their labor. If you raise it, I am going to have to say, no, it isn't worth it; I can't afford this. These people then end up unemployed. The problem with these workers is not to have the Government step in and attempt to repeal the law of supply and demand; the problem is to find innovative, new ways to give them the training and skills they require in order to command a higher wage on the basis of their work.

We are about to move, I hope, on to a debate on H-1B visas. People will say: What does that have to do with the minimum wage? It is a manifestation of the same basic principle I am talking about here; that is, we cannot, no matter how powerful we think we are as Senators, repeal the law of supply and demand.

H-1B visas are used primarily by high-tech employees from other countries who come into this country to take high-tech jobs. What is the demand for those high-tech jobs? Right now, there are between 350,000 and 400,000 high-tech jobs, paying in the high five figures and into the low six figures, going begging in this country, and the companies that have those jobs are saying: If we can't find Americans, we want people from outside America to come in and fill these jobs. Will you please allow us to give visas to these people?

We cannot legislate that those kinds of salaries be paid to someone who is not capable of doing the job. The focus here, in terms of those who are at the lowest ends of our economic ladder, should be finding ways to train them, equip them, and prepare them to command, on the basis of their own skills, the wages they want instead of having the Government just automatically decree that they be paid a wage that may, in fact, be higher than the amount of value that they can add to their employer.

The Senator from Illinois displayed a chart that showed the minimum wage going up and employment going up, and then he suggested that one causes the other. I suggest that there is no relationship whatsoever between those two trend lines. There is another trend line that I think has a relationship. What is the area of greatest unemployment in this country? If you break it down with the demographics and the metropolitan areas, you find that the area of greatest unemployment in this country is among young, black teenagers in the inner city, particularly male. That is, statistically, the area of highest unemployment.

The unemployment rate among young, teenage, black males in the inner city in the United States is not only in double digits; it is in high double digits. I don't have the figures with me now. I didn't understand that we were going to debate minimum wage on the legislative branch bill. But they are in the 50 percent, 60 percent, 70 percent area. Those young, black men would benefit enormously by having a job experience. I know that, as I say, from my own experience, when I was paid the minimum wage at age 14. But it was less to add value to the company than to add skills and understanding to myself.

If we had the law of supply and demand operating unimpeded by Government instruction, I can imagine—and I think I could find jobs for those young, black teenagers to do in the inner city. They would not be $6-an-hour jobs, but they would be jobs where there could be some value added to the employer and tremendous experience and training value added to the employee. And the Government, over time, would get tremendous benefits out of that because if those young men could be trained in marketable skills and then go out and command jobs at $10 and $12 and $15 an hour based on their skills rather than the Government demanding that they be paid that whether they produce value for it or not, the economy would be better, society would be better, and America as a whole would be better.

So as I listen to these debates on the minimum wage, the emotion, the shouting, and the great indignation that is sent forward here, I ask the Senators to step away from the academic studies. Go out among the employers of their own States and ask this direct question: What will happen in your business to the people you hire if the Federal Government intervenes in this situation and starts to dictate the wages that you pay?

A comment came out of the oil crisis of the 1970s when President Carter was telling us that the energy crisis was a crisis that was the moral equivalent of war and that we must somehow marshal the entire energies of the Nation to deal with it. Interestingly enough, as the Senator from Alaska points out, ever since we declared that kind of war, American dependence on foreign oil has gone up, not down. That is one of the main reasons we are looking at $2-a-gallon gasoline in the Midwest, as we are seeing the results of 8 years of an administration that has opposed any kind of energy development in the United States. In that period, an economist made this point that I have never forgotten. He said: When the Federal Government interferes with the setting of prices by the forces of supply and demand, you get one of two results.

If the Federal Government sets the price higher than the market would set it, you get a shortage. When the Federal Government sets the price lower than the market would set it, you get a surplus. In other words, when the Federal Government says you must pay a wage higher than these people can return value for, you get a shortage of jobs that these people can fill. If the Government should arbitrarily say we will set a price lower than these people can produce, then you get a surplus of people.

We don't need shortages and we don't need surpluses. We need jobs. We don't need shortages. We don't need surpluses of energy. To put it back in the same context, we need the energy.

The law of supply and demand gives you a price. It is always the right price as supply meets demand. As soon as someone steps in to try to manipulate that law—be that someone a monopolist, or be that someone a Federal legislator—and you get a diversion between the price that the demand would call for and that the supply would provide, you get either a shortage or a surplus. It has been that way since time immemorial, and it will be that way forevermore into the future.

We need to learn that lesson and be a little humble towards that process in the Senate as we stand on the floor of the Senate and raise our voices in indignation to say we must do something for these people in the name of fairness, and realize that in the long run we are in all probability hurting far more than we are helping.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time currently running virtually equally between the two sides be charged equally against both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I will vote against the combined legislative branch and Treasury-Postal Service appropriations bills.

While the administration has identified a couple of funding shortfalls in the bill, that is not my primary concern here, and it is not the reason I am opposing this legislation.

I am voting against the bill because the Senate has never considered the Treasury-Postal appropriations bill. Let me repeat that: the Senate is being asked to vote on a conference report on a bill that never passed the Senate.

This is a complete distortion of the legislative process. We are not potted plants. The people of the state of California elected me to represent them. That means debating bills, offering amendments that are important to the people of my state, and casting votes. It does not mean giving a rubber stamp to whatever conference report comes before us when we have not even debated the bill in the first place.

I was considering offering an amendment to this bill prohibiting the sale of firearms to individuals who are drunk. Believe it or not, it is not against the law to sell a gun to someone who is intoxicated. I was considering offering an amendment regarding the carrying of concealed weapons in places of worship. And I was considering offering an amendment praising Smith and Wesson for entering into an agreement with the administration to change the way it manufactures and distributes firearms.

But I was prevented—every Senator was prevented—from offering any amendments because the Treasury-Postal Service bill was never brought up. Normally a bill that does not come before the Senate cannot become law.

But the majority wanted to avoid debating and voting on these amendments, and so they found a way to make an end-run around the rules of the Senate and to run roughshod over the rights of 100 Senators.

I will not be a party to this process, so I will vote against the bill.

Ms. SNOWE. Mr. President, I rise today in support of the contraceptive coverage provision included in the FY2001 Treasury-Postal appropriations conference report currently before the Senate.

This provision is fundamental to the health of the approximately 2 million women of reproductive age who rely on the Federal Employees Health Benefits Program, or FEHBP, for their health care, and I thank Chairman CAMPBELL for again including this important language. This language is essentially the same language that has been signed into law the last 2 years.

This provision says that if an FEHBP health plan provides coverage of prescription drugs and devices, they must also cover all FDA-approved prescription contraceptives. It also says that plans which already cover outpatient services also cover medical and counseling services to promote the effective use of those contraceptives.

This language respects the rights of religious plans that, as a matter of conscience, choose not to cover contraceptives. Furthermore, the committee language we have before us makes it clear that this language does not cover abortion in any way, shape, or form.

The contraceptive coverage provision signed into law the last 2 years, and contained in this year's bill, contains a conscience clause that strikes the appropriate balance between recognizing the legitimate religious concerns of individual health plans and physicians with the equally important goal of increasing access to prescription contraceptives and reducing unintended pregnancy and abortion rates in this country.

The religious exemption in current law specifically exempts the religious-based plans that the Office of Personnel Management, which manages FEHBP, identified as participating in FEHBP. And it exempts "any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs."

Despite concerns voiced by opponents, this provision has caused no upheaval in the Federal Employees Health Benefit Program. When plans have left the program in the last 2 years they cited insufficient enrollment, noncompetitive premiums, or unpredictable utilization as the reason for leaving the program—not the requirement to cover prescription contraception. And other than the five plans specifically excluded in current law, no plan has requested to be excluded from the provision nor has any plan complained that the conscience clause is insufficient. Furthermore, OPM is not aware of any physician or other health care provider who requested an exclusion.

The need to retain the current committee language is clear. Today, nearly 9 million Federal employees, retirees, and their dependents participate in the FEHBP. Approximately 2 million women of reproductive age rely on FEHBP for all their medical needs. Unfortunately, before 1998, the vast majority of these women were denied access to the broad range of safe and effective methods of contraception.

It is clear that the need for prescription contraceptive coverage is well understood by women across the country. And while we in Congress debate this need and delay guaranteeing coverage to women across the country, states are taking up the call on their own. In fact there are 13 states—Maryland, Connecticut, Georgia, Hawaii, Maine, New Hampshire, Nevada, North Carolina, Vermont, California, Delaware, Iowa, and Rhode Island—who have passed their own contraceptive coverage legislation.

Across America, the lack of equitable coverage of prescription contraceptives contributes to the fact that women today spend 68 percent more than men in health care costs. That's 68 percent. And this gap in coverage translates into $7,000 to $10,000 over a woman's reproductive lifetime.

So I ask my colleagues: with 10 percent of all Federal employees earning less than $25,000 what do you think is the likely effect of these tremendous added costs for these Federal employees?

Well, I'll tell you the effect is has: Many of them simply stop using contraceptives, or will never use them in the first place, because they simply can't afford to. And the impact of those decisions on these individuals and on this nation is a lasting and profound one.

Women spend more than 90 percent of their reproductive life avoiding pregnancy, and a woman who doesn't use contraception is 15 times more likely to become pregnant than women who do. Fifteen times. And of the 3 million unintended pregnancies in the United States, half of them will end in abortion.

Mr. President, I can't think of anyone I know, no matter their ideology or party, who doesn't want to see the instances of abortion in this nation reduced. Well, imagine if I told you we could do something about it.

We vote year after year to restrict abortion coverage in FEHBP plans. My colleagues know that I vote against this restriction every time it comes up. At the same time I firmly believe that, if the Senate is going to vote against allowing FEHBP plans to cover abortion, then we should require this same plan to cover prescription contraceptives if they cover other prescription medications—prescription contraceptives which prevent unintended pregnancies that lead to abortion.

That is what the committee language does. When the Alan Guttmacher Institute estimates that the use of birth control lowers the likelihood of abortion by a remarkable 85 percent, how can we ignore a provision like this which makes the use of birth control more affordable to our Federal employees, and do so—according to the Congressional Budget Office—with negligible cost to the Federal Government.

The fact is, all methods of contraception are cost effective when compared to the cost of unintended pregnancy. And with unplanned pregnancies linked to higher rates of premature and low-birth weight babies, costs can rise even above and beyond those associated with healthy births.

As the American Journal of Public Health estimates, the cost under managed care for a year's dose of birth control pills is less than one-tenth of what it would cost for prenatal care and delivery.

Whatever the reason, as an employer and model for the rest of the nation, the Federal Government should provide equal access to this most basic health benefit for women. The committee language would allow Federal employees to have that option.

In closing, Mr. President, let me say that if we, as a nation, are truly committed to reducing abortion rates and increasing the quality of life for all Americans, then we need to begin focusing our attention on how to prevent unintended pregnancies. Retailing contraceptive coverage for Federal employees is a significant step in the right direction. I thank Chairman CAMPBELL for again including this important language.

Mr. DOMENICI. Mr. President, I am pleased to rise today in support of the conference report accompanying H.R. 4516, the Legislative Branch and Treasury-general government appropriations bill for FY 2001.

The pending conference agreement combines two of the 13 annual appropriations bills into one bill, which provides $34.9 billion in new budget authority and $30.9 billion in new outlays to fund the operations of the Legislative Branch, and the Executive Office of the President, and the agencies of the Department of the Treasury, including the Internal Revenue Service (IRS), Customs Service, Bureau of Alcohol, Tobacco and Firearms, the General Services Administration, and related agencies. When outlays from prior-year budget authority and other completed actions are taken into account the conference agreement totals $33.0 billion in BA and $32.5 billion in outlays for fiscal year 2001.

The final bill is $145 million in BA and $145 million in outlays below the most recent section 302(b) allocation for these two subcommittees filed on September 20th.

The final bill also has a revenue effect for two provisions—repeal of a provision in the Balanced Budget Act of 1997 that temporarily increases federal employee retirement contributions by 0.5 percent; and repeal of the telephone tax enacted in the late 1800's to help finance the Spanish-American War. A loss of revenue totaling approximately $4.8 billion is estimated for fiscal year 2001, and additional amounts in the outyears.

I commend the subcommittee chairman and ranking members for bringing this important measure to the floor. I urge the adoption of the bill and ask for unanimous consent that the Budget Committee scoring of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS, 2001: SPENDING COMPARISONS—CONFERENCE REPORT

[Fiscal year 2001, $ millions]

| | General purpose | Mandatory | Total |
|---|---|---|---|
| Conference Report[1]: | | | |
| Budget authority | 18,161 | 14,805 | 32,966 |
| Outlays | 17,683 | 14,810 | 32,493 |
| Senate 302(b) allocation: | | | |
| Budget authority | 18,306 | 14,805 | 33,111 |
| Outlays | 17,828 | 14,810 | 32,638 |
| 2000 level: | | | |
| Budget authority | 16,210 | 14,479 | 30,689 |
| Outlays | 16,679 | 14,488 | 31,167 |
| President's request | | | |
| Budget authority | 19,057 | 14,805 | 33,862 |
| Outlays | 17,951 | 14,810 | 32,761 |
| House-passed bill: | | | |
| Budget authority | 16,886 | 14,805 | 31,691 |
| Outlays | 17,201 | 14,810 | 32,011 |
| Conference report compared to: | | | |
| Senate 302(b) allocation: | | | |
| Budget authority | −145 | .......... | −145 |
| Outlays | −145 | .......... | −145 |
| 2000 level: | | | |
| Budget authority | 1,951 | 326 | 2,277 |

H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS, 2001: SPENDING COMPARISONS—CONFERENCE REPORT—Continued

[Fiscal year 2001, $ millions]

| | General purpose | Mandatory | Total |
|---|---|---|---|
| Outlays | 1,004 | 322 | 1,326 |
| President's request | | | |
| Budget authority | −896 | | −896 |
| Outlays | −268 | | −268 |
| House-passed bill: | | | |
| Budget authority | 1,275 | | 1,275 |
| Outlays | 482 | | 482 |

[1] Also reflects conference report on Treasury-General Government Appropriations. Conference report also includes repeal of federal communications excise tax, which results in a revenue loss of $4.328 billion in 2001, and a repeal of federal employee retirement contribution, which results in a revenue loss of $460 million in 2001. Neither revenue effect is reflected in the discretionary scoring of this bill, and count on the PAYGO scorecard instead.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. BENNETT. Mr. President, am I correct in my assumption that the previous order calls for a vote now on the conference report?

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. BENNETT. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 69, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—28

Allard
Bennett
Bond
Campbell
Cochran
Craig
Crapo
Domenici
Enzi
Fitzgerald
Gorton
Grassley
Gregg
Hagel
Hutchinson
Inhofe
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Shelby
Smith (OR)
Specter
Thomas
Thurmond

NAYS—69

Abraham
Ashcroft
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Chafee, L.
Cleland
Collins
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Frist
Graham
Gramm
Grams
Harkin
Hatch
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Miller
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Smith (NH)
Snowe
Stevens
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Akaka
Feinstein
Lieberman

The conference report was not agreed to.

Mr. STEVENS. Mr. President, I enter a motion to reconsider the vote by which the conference report was defeated.

The PRESIDING OFFICER. The motion is so entered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IMMIGRATION AND NATIONALITY ACT AMENDMENTS—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonresidential aliens.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Florida.

Mr. GRAHAM. Mr. President, we are debating the motion to proceed to the legislation that would increase the number of visas for aliens who have certain technical skills that are deficient within the United States; that is, the H-1B visa bill. Several of us hope this bill can be expanded in order to deal with other pressing issues of immigration to provide not only for those who are desirous of working in the high-tech industry—the high-tech industry which needs their services—but also that we can redress some of the injustices which have seeped into our immigration law. So I am, today, rising to discuss those elements of unfairness that we hope can be considered under the title of the Latino and Immigrant Fairness Act.

The focus of this legislation is, as the title of the act says, fairness. We all learned some fundamental lessons in grammar school. One of those is what is fair and what is not fair. It is fair for a teacher to punish two noisy schoolchildren who have broken the rules in the classroom by keeping both of them inside during the recess period. We may, in our own childhood, have been subjected to that kind of sanction. But if the teacher decides to let one child go out and play but keeps the other in, that wouldn't be fair. In other words, one of the aspects of fairness is treating people who are in the same circumstances in the same way.

We are here today trying to achieve that type of fairness because, in 1996, we passed an immigration law that went too far. It violated that rule of treating people in the same circumstances in the same way.

It was also unfair because it applied retroactively. People who had played by the rules, who were doing all the things that they thought this society wanted them to do in order to become a part of our society, suddenly found that all those steps were for naught, and they were about to be subjected to deportation. Making laws retroactive is almost always bad public policy. It is changing the rules in the middle of the game. That is what we have done, but this is our opportunity to correct it.

A little history: Central American and Haitian immigrants came to the United States, particularly in the 1980s, and were welcomed by Presidents Ronald Reagan and George Bush. They were fleeing civil wars or violent upheavals in their repressive governments. They followed every rule.

Over the past 10 or 15 years, they set down roots. They raised families; they bought homes, started small businesses. Then, with the passage of the 1996 immigration bill, they suddenly became deportable. They could be forced to return to their countries, the very countries they fled. They were being forced to do so based on no actions of their own but, rather, a change in the rules enacted here in Congress.

Congress was quick to recognize some of the overreaching of the 1996 immigration law because 1 year later, in 1997, and then 2 years later, in 1998, Congress took steps to correct this injustice for some people—mainly Nicaraguans, Cubans, and some Haitians. In 1997, with bipartisan support, Congress passed the Nicaraguan Adjustment and Central American Relief Act, often called NACARA.

In 1998, with bipartisan support, we passed the Haitian Refugee Immigration Fairness Act. In 2000, with the Latino and Immigrant Fairness Act, we can complete the process and correct injustices for all who face similar circumstances.

One part of the Latino and Immigrant Fairness Act, the part that we refer to as "NACARA Parity," would have a tremendous impact on Central American and Haitian nationals. Many of the Central American and Haitian beneficiaries of this legislation reside in my State of Florida. I know them well. They are small business owners; they are educators; they are volunteers. They are raising families who are contributing to our State. These residents are a vibrant and crucial part of our community. Many have made Florida their home for 15 or 20 years or more. It is patently unfair to uproot these families after they have sunk such deep roots into our communities.

I had the honor of participating in a hearing held recently in Miami when we originally introduced the Haitian Refugee Immigration Fairness Act. At that hearing we heard some stories, stories of adults and children; stories of people like Louisiana Micleese and Nestela Robergeau. It deeply affected the whole audience in attendance at the hearing.

I spoke at the hearing and told the story of a Miami resident, Alexandra Charles, who witnessed the brutal killing of her mother by military personnel in Haiti. Alexandra couldn't come to the hearing when I spoke on her behalf because she was working at one of the two jobs she is holding down in order to pay her way through the Miami Dade Community College. This young adult, who had grown up in Florida, was in danger of being deported to what, for her, was, for all intents and purposes, a foreign country. Congress did the right thing and passed legislation to protect her. But we did not protect others.

There are other elements of this legislation, the Latino fairness legislation. It is legislation which will update the registry which has not been updated in many years. That is the registry of who is currently in the United States, who has been living here as a law-abiding person and can apply for some legal status in the United States, and also a restoration of the 245(i) program, which is pro-business, pro-family, and common sense.

I will not speak at length on those other two provisions in this legislation because I know there are colleagues who will follow me who desire to do so. But I want to make one point that is common to all three components of this legislation: The "NICARA Parity" provision, the registry update, and the restoration of the 245(i) program.

Many business organizations see this legislation, the three components, not only as humanitarian and fair but one that makes economic sense. I would like to submit for the RECORD a letter of support from the U.S. Chamber of Commerce and other business organizations.

I ask unanimous consent a letter dated September 8 of this year from the Essential Worker Immigration Coalition be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, these immigrants are long-time employees of small businesses and other businesses in virtually every State. They are workers who do some of the toughest, hardest jobs in America. What affects them affects all of us, especially the businesses and the consumers who rely on their dedication, energy, and commitment to achieving the American dream.

I urge all my colleagues to work with us and assure that this vital, long overdue legislation, legislation that is in the best American traditions of fairness and justice, becomes law and becomes law this year.

EXHIBIT 1

EWIC ESSENTIAL WORKER
IMMIGRATION COALITION,
*Washington, DC, September 8, 2000.*

U.S. SENATE,
*Washington, DC.*

DEAR SENATOR: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled ("essential worker") labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years: paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take not to help stabilize the current workforce:

- Update the registry date. As has done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.
- Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a $1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.
- Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, current law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: allowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER
IMMIGRATION COALITION.

ESSENTIAL WORKER IMMIGRATION COALITION MEMBERS

American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Meat Institute, American Road & Transportation Builders Association, American Nursery & Landscape Association, Associated Builders and Contractors, Associated General Contractors, The Brickman Group, Ltd., Building Service Contractors Association International, Carlson Hotels Worldwide and Radisson, Carlson Hotels Worldwide and TGI Friday's, Cracker Barrel Old Country Store, Harborside Healthcare Corporation, Ingersoll-Rand.

International Association of Amusement Parks and Attractions, International Mass Retail Association, Manufactured Housing Institute, Nath Companies, National Association for Home Care, National Association of Chain Drug Stores, National Association of RV Parks & Campgrounds, National Council of Chain Restaurants, National Retail Federation, National Restaurant Association, National Roofing Contractors Association, National Tooling & Machining Association, National School Transportation Association, Outdoor Amusement Business Association, Resort Recreation & Tourism Management, US Chamber of Commerce.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is a motion to proceed on S. 2045.

Mrs. BOXER. Mr. President, I would like to address that subject, and I will probably speak for about 20 minutes.

The PRESIDING OFFICER. The Senator has that right. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we have a very important issue facing us in California. In fact, we have two very important issues facing us in California that are intertwined into this particular discussion on immigration policy. One of them deals with the real shortage of high-tech labor that we face in California and elsewhere in the country, where we are finding that the high-tech industry cannot find enough good, qualified people with the proper skills, experience, and training to fill the high-tech jobs that are really fueling our economic recovery and our economic prosperity, not only in California but in many other States.

This is a real problem. At first, when I heard about it, I thought, could this be true? Could it be true that we do not have these workers? Since I have asked that question, and a number of others did also, there have been some studies showing that it is the case; that we do have a shortage of these workers. If we don't make accommodations for people to come into this country who have these skills, we will simply not be able to function as an economy.

The second problem we face in California—and perhaps in other States, I am sure—is the question of fairness in our immigration law. Fairness really needs to be a hallmark of what we do when it comes to immigration. We should not treat people from one country who face real problems differently from people from another country who face similar problems. Yet we have that with respect to our Latin American policy. So we really need to have a situation where we have a Latino fairness act, while we are, in fact, taking care of the labor shortages for our business friends. These things are interrelated in many ways. I hope we will be able to take them up together and pass them together; or if we can't do it that way, I hope that we have an agreement between both sides of the aisle, and with the President, that we will make sure both of these problems are addressed and are addressed in a good and careful way.

Let me talk about the Latino fairness question. Basically, what we are asking for is parity for all Americans so immigrants from El Salvador, Guatemala, Honduras, and Haiti have the same chance and go through the same process for permanent status or asylum as those from Nicaragua and Cuba. It is very simple. Why should we say to immigrants from one Latin American country that they would have a different standard when, in fact, there has been great suffering in all of these countries?

It may take place in different ways, but the bottom line is that there are many people from these countries who had to leave these countries because of fear of harm to themselves, their families; and those people were in these countries I mentioned.

We have heard about death squads. We have heard about horrible things happening to people and people disappearing in the middle of the night. In fact, the families in Guatemala have been shattered by this kind of thing, and a group of mothers got together and brought this issue to the world's attention. So there has been suffering. We remember the suffering from El Salvador with the right-wing death squads operating there, and we know the horror stories from Haiti and the other countries that are clamoring for some kind of fairness.

So if you lived in Nicaragua and you were hurt there by the Communist regime, or if you lived in Cuba and you were hurt there by the Communist regime, we want to open our arms to you. Why wouldn't we want to open our arms to you if you were hurt by a right-wing regime? We should not be playing politics at all. We should say that people who are persecuted by government—whether the bullet came from the right, left, or the middle, it doesn't matter; it is still a bullet. We should be fair to all of those people.

We want to update the registry so that undocumented aliens in the U.S. before 1986 can get a chance to remain permanently. The current cutoff date is 1972. Historically, we have gone back and changed those dates. It is time to do that.

We want to restore section 245(i), which allows those eligible for permanent resident status, who are in the U.S. already, to remain here while the process is being completed.

I want to tell you a real story about why this is so important. Jaime came to the U.S. from Mexico, and is now married to Michelle, a U.S. citizen. The couple has two daughters, both U.S. citizens. As a citizen, Michelle petitioned for an immigrant visa for her husband. When it came time to complete the visa application process, Jaime and his wife went to the consular offices in Cuidad Juarez, Mexico, for the interview. He was unaware that if he left the United States he would be barred from entering for 10 years. Michelle returned but has since lost her job and is struggling financially to support her children. Jaime is making very little money in Mexico—not enough to support his family in the U.S. Michelle finds every day a struggle to survive without her husband. The separation has caused great emotional anguish, as well as economic hardship.

I think all of us on both sides of the aisle care about families and care about family unification. We know how important it is that children have a mother and a dad at home, if it is possible. So here we have a policy where this gentleman who came here a long time ago, was working and supporting his family, made a mistake and left the country; now he finds out he can't come back for 10 years. We need to fix this problem.

So while we are helping our friends in the high-tech industry get workers and allow those workers to come into this country, to immigrate into this country, it seems to me that we ought to address this Latino fairness act.

As I said before, I was a little dubious when I heard of these shortages in the high-tech companies I represent. So I was very pleased when there was a study because the study showed that in fact they were telling us the absolute truth; they are short a lot of people.

In January 2000, unemployment hit its lowest level in 30 years. What a great economic story we have to tell. It is important to all of our sectors that are desperate for properly qualified employees.

We thought we would never see this day, even as recently as 1992, which seems like yesterday. That is when I won election to the Senate. The people in my State were suffering double-digit unemployment. We are very happy to stand here today and say that because of the Clinton-Gore policy that made it through, we have seen the greatest economic recovery in history, with the biggest surplus we have seen, having created 22 million new jobs.

So we have a problem, and our problem is an enviable one to the entire world. We really need to have more help in our high-tech industry.

That is why this bill that is pending before us is so important. That is why I support it so strongly.

We see that an independent study group found a shortage of 400,000 programmers, systems analysts, and computer scientists.

We know we have a real problem. We also know we are not doing enough in this country to educate our kids.

That is why I am so excited at the idea of a huge commitment to education, the kind Vice President GORE talked about—he said the biggest since the GI bill. That is what we need so we don't have to import these workers.

The number of bachelor's degrees awarded in computer science has declined 43 percent between 1986 and 1996. The number of bachelor's degrees awarded in engineering declined 19 percent between 1986 and 1996.

We are not turning out the graduates for the computer science and engineering skills that we need.

We need to really move on this matter; it breaks my heart to say these high-paying jobs are not going to American workers.

Some of the good things in this H-1B visa bill deal with retraining. A lot of the funds will come from the fees the companies will pay. They have to pay a fee when they bring a worker in to do important things—workforce training; math and science engineering; technology; postsecondary scholarships for low-income and disadvantaged students; to the National Science Foundation for matching or direct grants to support private company partnerships; to assist schools in initiating, improving, or expanding math and science; and information technology curricula through a variety of methods. We have some funds to help our Department of Labor enforce and process these workers, and for the Immigration and Naturalization Service.

I compliment the committee for its work. I particularly thank Senator KENNEDY who did a very good job of working with the high-tech community. They are very supportive of seeing that these fees go to this education and job training. It is so important. It isn't enough. We need a bigger commitment to education. That is clear.

When I talk about education, I always quote a wonderful man who was the President in the 1950s, Dwight David Eisenhower. Ike said in those years that in order for us to be strong, it took more than just a strong military. He said you could have more guns than any other country. You could have more missiles, more ships, and more people in uniform. But if you didn't have an educated workforce, if education wasn't front and center, it would mean nothing; we would be weak.

He was the first President in modern times to say there is a role for the Federal Government in education. He signed the National Defense Education Act in order to stimulate teachers to go into math and science, and so on.

If he were here today, I think he would be saying to us: You didn't do enough in education. You have done great on the military; we are the most powerful Nation in the world, but we had better make sure our people can run these very complicated military machines, let alone anything to do with the civilian sector.

My view is that we have a great opportunity with this bill. It is important that we give the high-tech community the workers they need so they will stay in this country, and so they will continue to fuel this economic growth.

It is also important that at the same time we are allowing so many thousands of farm workers into the country to help us—and we are very happy and willing to do that—that we look at our immigration policy toward people who have been here for many years—the Latino community—and pass the Latino fairness act.

I think if we did both of those things we would feel very good about the Senate because it would be fairness all the way around.

I appreciate having this opportunity to speak on this today. I know from the Silicon Valley and other areas of my State—Los Angeles, San Diego, and even now in the Central Valley where there is more and more growth in the high-tech computer industries—that we need this visa bill.

I also can tell you from my Latino community that they expect to be treated fairly. They are not asking for the world. They want their families to be reunited. They want fairness and equity for all Central Americans.

Again, if there was persecution in one country and we opened our arms to those good people, we should open our arms to the others from the other countries who have been left out.

Again, El Salvador, Guatemala, Honduras, and Haiti have been struggling. They need our help.

I think this is an opportunity to help our business community and to help our immigrants who are really making our country so strong and, in my opinion, doing the work that needs to be done every day. We couldn't find harder workers than they. They ought to be treated with dignity and respect.

While we are at it, we ought to raise the minimum wage. I hope we can take that up in the near future. I don't know if you can calculate what you would make if you earned a minimum wage. It is hard to survive. It is practically impossible to survive.

I hope we can do these things for our workers, for our businesses, for our immigrants, and move this country forward so the American dream is there for all of our people.

Thank you very much. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Wisconsin and I be allowed to proceed as if in morning business for a period of not to exceed 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Thank you, Mr. President.

(The remarks of Ms. COLLINS and Mr. FEINGOLD are located in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, the Senate has been considering an important measure to increase the number of visas available for high-technology workers from other countries to come to the United States. I urge my colleagues to lend their support to that measure but also to an equally important measure, not only for providing a workforce in America but for keeping true to our fundamental sense of American fairness. The bill to which I refer is the Latino and Immigrant Fairness Act. I am honored to be a cosponsor of one of the three major elements of that act.

The United States is known throughout the world for the splendid vision that guides the actions we take as a nation. America is first and foremost a country that cherishes equality, a land where all people are equal under the eyes of the law, a land of liberty and justice for all.

This vision of America is a constant challenge to those of us in the Senate who are privileged to be working for the American people, working to make it concrete and real in everyday life. It is a hard task, indeed, to ensure equality of opportunity for all people, harder still to provide equal justice. Perhaps most difficult of all is the challenge of ensuring that equality of opportunity, of liberty, and of justice are available to the poorest, the most underrepresented, the most disenfranchised segments of American society.

There is an area of public policy where our efforts at achieving this American ideal have not always been successful, an area where counterproductive laws and cumbersome bureaucracies have dealt a series of unfair blows against people least able to defend themselves, an area where inequality in the eyes of the law is too often the rule rather than the exception. I am speaking of the plight of our immigrant population.

Let me confess at the outset that I come to this subject with some prejudice. My mother was an immigrant to this country. In my office in the Senate above my desk is my mother's naturalization certificate. I keep it there as a reminder that the son of an immigrant to this country can one day be a U.S. Senator, representing a State as great as the State of Illinois.

My story isn't unique. There are stories such as mine all over America—of people who came here as immigrants, their sons and daughters, looking for the American dream and finding it. Given that opportunity to participate in this great society, to work hard, to try to achieve their very best, they did. Because of that, we are a great nation.

The current state of affairs is shocking when it comes to the arbitrary treatment of immigrants coming to our country. Almost at random, Federal authorities deem some immigrants to be legally here while others in identical situations are denied any legal protection.

In a nation that treasures and respects "family values", immigrant families are being torn apart under the capricious application of our current laws. Husbands must leave their wives, parents are separated from their children, brothers and sisters told they may never be able to see one another again, all in the name of an immigration policy that treats Nicaraguans differently from Salvadorans, children differently from adolescents, and skilled carpenters differently from skilled computer technicians.

The simple, inescapable fact is that our current immigration laws are unfair. They create a highly unworkable patchwork approach to the status of immigrants, one that assaults our sense of fair play. Immigrants from Nicaragua and Cuba who have lived here since 1995 can obtain green card status in the U.S. through a sensible, straightforward process. Guatemalans, Salvadorans and East Europeans are covered by a different, more stringent and more cumbersome set of procedures. A select group of Haitian immigrants are classified under another restrictive status. Hondurans by yet another.

Here are some examples:

As if this helter-skelter approach isn't bad enough, existing policies also treat family members of immigrants—spouses and children—differently depending on where they live, and under which provision of which law they are covered. Consider the case of young Gheycell, who came to the U.S. when she was 12 years old with her father and sister. The family was fleeing from war-torn Guatemala; fleeing the carnage, brutality and utter chaos that ravaged their poor country. They applied for asylum here in the United States, and received work permits as their case was decided. Nine years later, the case is still pending. Gheycell's father and sister have been told they will get their green cards, but Gheycell, now 21 years old, is no longer a minor child, and has thereby lost her legal status. Although she has grown up in the United States, although she has become an active and integrated member of her community, although she has attended college here and wants to further pursue her education and her career and, most of all, although she desperately wants to stay together with her family, the vagaries of our current system have plunged this young lady into a status as an undocumented alien.

Or consider the plight of Maria Orellana, a war refugee from El Salvador, who fled the country when soldiers killed two members of her family. She has lived the past ten years in the United States. Recently, the INS ordered her deported even though she is eight months pregnant and even though her husband—himself an immigrant—has legal status here and expects to soon be sworn in as a U.S. citizen. When a newspaper reporter asked the INS to comment on Maria's case, the reply was: "I don't know why Congress wrote it differently for people of different countries. We're not in a position to change a law given to us by Congress . . . we just enforce the law as written."

Well, the law, in this case, was written badly, and needs to be fixed. That fix is before us today. It is the Latino and Immigrant Fairness Act. This bill addresses three areas of the most egregious inequities in immigration law, offering fixes that are not only meet the test of simple fairness, but also benefit our nation in important ways.

The first area that the Latino and Immigrant Fairness Act addresses is NACARA parity. Currently, the Nicaraguan Adjustment and Central American Relief Act—NACARA—creates different standards for immigrants depending on their country of origin. This patchwork approach relies on artificial distinctions and inevitably creates inequities among different populations of immigrants. The Latino and Immigrant Fairness Act would eliminate these inequities by providing a level playing field on which all immigrants with similar histories would be treated equally under the law. The Act extends to other immigrants—whether from the Americas or from Eastern Europe—the same opportunities that NACARA currently provides only to Nicaraguans and Cubans.

Secondly, a provision to restore Section 245(i) of the Immigration Act would restore a long-standing and sensible policy that was unfortunately allowed to lapse in 1997. Section 245(i) had allowed individuals that qualified for a green card to obtain their visa in the U.S. if they were already in the country. Without this common-sense provision, immigrants on the verge of getting a green card must return to their home country to obtain their visa. However, the very act of making such an onerous trip can put their status in jeopardy, since other provisions of immigration law prohibit re-entry to the U.S. under certain circumstances. Restoring the Section 245(i) mechanism to obtain visas here in the U.S. is a good policy that will help keep families together and keep willing workers in the U.S. labor force.

Third, and equally important, is changing the Date of Registry. Undocumented immigrants seeking permanent residency must demonstrate that they have lived continuously in the U.S. since the "date of registry" cut-off. The Latino and Immigrant Fairness Act would update the date of registry from 1972—almost 30 years of continuous residency—to 1986. Many immigrants have been victimized by confusing and inconsistent INS policies in the past fifteen years—policies that have been overturned in numerous court decisions, but that have nonetheless prevented many immigrants from being granted permanent residency. Updating the date of registry to 1986 would bring long overdue justice to the affected populations.

Correcting the inequities in current immigration policies is not only a matter of fundamental fairness, it is good, pragmatic public policy. The funds sent back by immigrants to their home countries are important sources of foreign exchange, and significant stabilizing factors in several national economies. The immigrant workforce is important to our national economy as well. Federal Reserve Chairman Alan Greenspan has frequently cited the threat to our economic well-being posed by an increasingly tight labor pool. Well, this act would allow workers already here to move more freely in the labor market, and provide not just high-tech labor, but a robust pool of workers able to contribute to all segments of the economy.

In short, the Latino and Immigrant Fairness Act is an important step for restoring a fundamental sense of fairness in our treatment of America's immigrant population. Even in the midst of the Senate's busy end-of-session schedule, this is a bill that should be passed into law. It is a matter of common sense, and of good public policy but most of all, it is a matter of simple fairness.

But—and this must be said—the Latino and Immigrant Fairness Act has had an extraordinarily difficult time seeing the light of day. My good colleagues, Senators KENNEDY and REID and I tried to bring this bill forward for consideration in July, before the Senate left for its August recess. We were unsuccessful. We are trying again now, in the limited time left for this Congressional session, and again, we have been unsuccessful. And I must ask, for the sake of preserving families, shouldn't this bill be voted on? For the sake of our national economy—beset as it is by a shortage of essential workers—shouldn't this bill be voted on? For the sake of the economies of those Latin American countries that receive considerable sums from immigrants to the U.S. who are able to legally live and work here, shouldn't this bill be voted on? For the sake of our national sense of fairness, of justice, of our very notion of right and wrong, shouldn't this bill be voted on?

The Latino Immigration and Fairness Act has unusually broad support. President Clinton and Vice President GORE both actively support the provisions in this bill. So does Jack Kemp. Empower America supports this bill as pro-family and pro-market. AFL-CIO supports it as pro-labor. Many faith-based organizations have lent their support as well, recognizing the simple fairness that is at the heart of this legislation. In light of this broad spectrum of bipartisan support for the Latino and Immigrant Fairness Act, it seems the only proper course of action is to bring this bill forward in the Senate for full consideration. Again, I have to close by asking this esteemed body: Shouldn't this bill be voted on?

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud what the distinguished Senator from Illinois has said. He, of course, has worked so long on both the H-1B visas issue and the immigration issues included in the Latino and Immigrant Fairness Act. I know of nobody who spends more time on these issues than he does. I am proud to be here with him, and I invite him to return to these issues as we proceed in this debate.

## H-1B VISAS

Mr. LEAHY. Mr. President, I am pleased that we are finally turning our attention to this legislation and a debate over the best way to increase the number of H-1B visas, a policy goal that is shared widely in this body. The bill was reported from the Judiciary Committee more than six months ago. It has taken us a very long time to get from Point A to Point B, and it has often appeared that the majority has been more interested in gaining partisan advantage from a delay than in actually making this bill law.

The Democratic Leader has consistently said that we would be willing to accept very strict time limits on debating amendments, and would be willing to conduct the entire debate on S. 2045 in less than a day. Our Leader has also consistently said that it is critical that the Senate take up proposals to provide parity for refugees from right-wing regimes in Central America and to address an issue that has been ignored for far too long—how we should treat undocumented aliens who have lived here for decades, paying taxes and contributing to our economy. I joined in the call for action on H-1B and other critical immigration issues, but our efforts were rebuffed by the majority.

Indeed, months went by in which the majority made no attempt to negotiate these differences, time which many members of the majority instead spent trying to blame Democrats for the delay in their bringing this legislation to the floor. At many times, it seemed that the majority was more interested in casting blame upon Democrats than in actually passing legislation. Instead of working in good faith with the minority to bring this bill to the floor, the majority spent its time trying to convince leaders in the information technology industry that the Democratic Party is hostile to this bill and that only Republicans are interested in solving the legitimate employment shortages faced by many sectors of American industry. Considering that three-quarters of the Democrats on the Judiciary Committee voted for this bill, and that the bill has numerous Democratic cosponsors, including Senator LIEBERMAN, this partisan appeal was not only inappropriate but absurd on its face.

Finally, last week, the majority made a counteroffer that did not provide as many amendments as we would like, but which did allow amendments related to immigration generally. We responded enthusiastically to this proposal, but individual members of the majority objected, and there is still no agreement to allow immigration amendments. At least some members of the majority are apparently unwilling even to vote on issues that are critical to members of the Latino community. This is deeply unfortunate, and leaves those of us who are concerned about humanitarian immigration issues with an uncomfortable choice. We can either address the legitimate needs of the high-tech industry in the vacuum that the majority has imposed, or we can refuse to proceed on this bill until the majority affords us the opportunity to address other important immigration needs. I voted yesterday to proceed to S. 2045 because I believe it presents a good starting point for discussion, and because I believe we should make progress on immigration issues in this Congress. I still hope that an agreement can be reached with the majority that will allow votes on other important immigration matters as part of our consideration of this bill.

I believe there is a labor shortage in certain areas of our economy, and a short-term increase in H-1B visas is an appropriate response. Due to the stunning economic growth we have experienced in the past eight years, unemployment is lower than the best-case scenario envisioned by most economists. Increasing the number of available H-1B visas is particularly important for the high-tech industry, which has done so much to contribute to our strong economy. Although it is important that the high-tech industry ensure that it is making maximum possible use of American workers, it should also have access to highly-skilled workers from abroad, particularly workers who were educated at American universities. Under current law, however, which allowed for 115,000 visas for FY 2000, every visa was allotted by March, only halfway through the fiscal year.

So I support this bill's call for an increase in the number of visas. But I believe the legislation can be improved, and I look forward to the opportunity to make improvements through the amendment process. Most importantly, instead of including an open-ended provision exempting from the cap those foreign workers with graduate degrees from American universities, as S. 2045 does, I believe we should retain a concrete cap on the number of these visas. I believe we should increase the cap to 200,000, and then set aside a significant percentage of those visas for such workers. This should address employers' needs for highly-skilled workers, while also limiting the number of visas that go to foreign workers with less specialized skills.

I regret that we will likely be unable to offer other important amendments to this bill. For much of the summer, the majority implied that we were simply using the concerns of Latino voters as a smokescreen to avoid considering S. 2045. Speaking for myself, although I have had reservations about certain aspects of S. 2045, I voted to report it from the Judiciary Committee so that we could move forward in our discussions of the bill. I did not seek to offer immigration amendments on the Senate floor because I wanted to derail S. 2045. Nor did the White House urge Congress to consider other immigration issues as part of the H-1B debate because the President wanted to play politics with this issue, as the distinguished Chairman of the Judiciary Committee suggested on the floor last Friday. Rather, the majority's inaction on a range of immigration measures in this Congress forced those of us who were concerned about immigration issues to attempt to raise those issues. Under our current leadership, the opportunity to enact needed change in our immigration laws does not come around very often, to put it mildly.

It is a disturbing but increasingly undeniable fact that the interest of the business community has become a prerequisite for immigration bills to receive attention on the Senate floor. In fact, with only a few weeks remaining before we adjourn, this will be the first immigration bill to be debated on the floor in this Congress. Even humanitarian bills with bipartisan backing have been ignored in this Congress, both in the Judiciary Committee and on the floor of the Senate.

The bipartisan bills that have suffered from the majority's neglect include both modest bills designed to assist particular immigrant groups and larger bills designed to reform substantial portions of our immigration and asylum laws. Bills to assist Syrian Jews, Haitians, Nicaraguans, Liberians, Hondurans, Cubans, and Salvadorans all need attention. Bills to restore due process rights and limited public benefits to legal permanent residents have been ignored.

The Refugee Protection Act, a bipartisan bill with 10 sponsors that I introduced with Senator BROWNBACK, has not even received a hearing in the Judiciary Committee, despite my request as Ranking Member. The Refugee Protection Act addresses the issue of expedited removal, the process under which aliens arriving in the United States can be returned immediately to their native lands at the say-so of a low-level INS officer. Expedited removal was the subject of a major debate in this Chamber in 1996, and the Senate voted to use it only during immigration emergencies. This Senate-passed restriction was removed in what was probably the most partisan conference committee I have ever witnessed. The Refugee Protection Act is modeled closely on that 1996 amendment, and I hope that it again gains the support of a majority of my colleagues.

As a result of the adoption of expedited removal, we now have a system where we are removing people who arrive here either without proper documentation or with facially valid documentation that an INS officer suspects is invalid. This policy ignores the fact that people fleeing despotic regimes are quite often unable to obtain travel documents before they go—they must move quickly and cannot depend upon the government that is persecuting them to provide them with the proper paperwork for departure. In the limited time that expedited removal has been in operation, we already have numerous stories of valid asylum seekers who were kicked out of our country without the opportunity to convince an immigration judge that they faced persecution in their native lands. To provide just one example, a Kosovar Albanian was summarily removed from the U.S. after the civil war in Kosovo had already made the front pages of America's newspapers.

The majority has mishandled even those immigration bills that needed to be passed by a date certain to avoid significant humanitarian and diplomatic consequences. First, the Senate failed to pass a bill to make permanent the visa waiver program that allows Americans to travel to numerous other countries without a visa. The visa waiver pilot program expired on April 30, and the House passed legislation to make the program permanent in a timely manner, understanding the importance of not allowing this program—which our citizens and the citizens of many of our closest allies depend upon—to lapse. The Senate, however, simply ignored the deadline and has subsequently ignored numerous deadlines for administrative extensions of the program.

Second, the Senate has thus far refused to act on the bipartisan S. 2058, which would extend the deadline by one year for Nicaraguans, Cubans, and Haitians to apply for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, NACARA, and the Haitian Refugee Immigration Fairness Act, HRIFA. The original deadline expired on March 31. But the Senate did not extend the deadline—an action that the Judiciary Committee unanimously approved—by March 31. And the Senate has not acted to extend the deadline in the intervening five and a half months. No one has expressed any opposition to S. 2058, which counts Senators MACK and HELMS among its sponsors; rather, the majority has simply allowed the bill to sit and fester, perhaps holding it hostage to the passage of S. 2045. As a result, we in the Congress have had to rely upon the Administration's assurances that it would not remove those who would be aided by the extension from the United States while this legislation was pending. As someone who has served for more than 25 years in the Senate, I find it profoundly disturbing that this body must rely on the Administration not to enforce the law because it has taken us so long to actually make good on our intention to change it. We should not need to rely on the good graces of the Administration—we should do our job and legislate.

I am well aware that immigration is just one of the many issues that Congress must address. Indeed, there may be some Congresses where immigration needs to be placed on the backburner so that we can address other issues. But this is not such a Congress. It was only four years ago that we passed two bills with far-reaching effects on immigration law—the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. There are still many aspects of those laws that merit our careful review and rethinking. Among many others, Senators KENNEDY, MOYNIHAN, and DURBIN have been actively involved in promoting necessary changes to those laws, in an attempt to rededicate the United States to its historic role as a leader in immigration policy. But their efforts too have been ignored by the majority.

When a bill such as S. 2045 comes to the floor, then, those of us who are concerned about immigration legislation would be abdicating our duty not to raise other potential immigration legislation. Most members of both parties want to see a significant increase in the number of H-1B visas. If there had been another avenue to obtain consideration of the rest of our immigration agenda, we would have taken it. But such an avenue was not offered.

I voted to proceed to consideration of this bill. I hold out hope that we can reach an agreement to discuss other critical immigration matters. If the majority truly wishes to display compassionate conservatism, and show concern for all Americans, such an agreement should be easy to reach.

## LATINO AND IMMIGRANT FAIRNESS ACT

Mr. LEAHY. Mr. President, let me speak about the Latino and Immigrant Fairness Act and why we should consider this bill now.

I say this with no ulterior motive. Obviously, if anyone looks at the demographics of Vermont, they know I am not speaking about this because of a significant Hispanic population in the State of Vermont. I speak about it out of a sense of fairness. It is called the Latino and Immigrant Fairness Act. That is what it is.

I am a proud cosponsor of this legislation, not only as a Senator but as ranking member of the Judiciary Committee, because it addresses three very important issues to the Latino community.

We fought on our side of the aisle consistently to obtain debate and a vote on these proposals either as an amendment or as a freestanding bill.

Once again, I call on the leadership to give us either a vote as a freestanding bill or as an amendment because we ought to stand up in the Senate and say how we stand on this issue. If my colleagues on the other side believe in compassionate conservatism, they will allow a vote on this bill, which offers help to hardworking families who pay taxes and help keep our economy strong.

First off, this legislation ensures that we treat all people who fled tyranny in Central America equally, regardless of whether the tyrannical regime they fled was a left-wing or right-wing government.

I remember going into a refugee camp in Central America and talking to a woman who was there with her one remaining child. Her husband had been killed. Her other children had been killed.

I said: Do you ally yourself with the left or the right? She didn't know who was on the left or who was on the right in the forces that were fighting. She only knew that she and her husband had wanted to raise their family and to farm a little land. And yet the forces of the regime came in and killed the whole family with the exception of her and her one child.

People who have no political position get caught in terrible circumstances, in between forces to which they have no allegiance.

In 1997, Congress granted permanent residence status to Nicaraguans and Cubans who fled dictatorship and who met certain conditions. It may well have been the right step. But others were left behind.

It is past time to extend the benefits of the 1997 law to Guatemalans, Salvadorans, Hondurans, and Haitians. To benefit under this bill, an immigrant would have to have been in the United States since December of 1995 and would have to demonstrate good moral character.

In addition to the clear humanitarian justifications for treating an immigrant from Guatemala who fled terror in the same way we treat an immigrant from Nicaragua who fled terror, there is also a strong foreign policy justification for this bill. These immigrants send money back to their families. They help support fledgling economies in what remain fragile democracies. The United States has devoted significant effort to assisting democratic efforts in Latin America, and the hard work that Latin American immigrants perform in America helps to stablize the growth of democracy there.

Second, this amendment would reinstate section 245(i), which, for a $1,000 fee, allows immigrants on the verge of getting legal permanent residence status to achieve that status from within the United States, instead of being forced to leave their families and their jobs for lengthy periods to be able to complete the process. Section 245(i) was a part of American law until 1997, when Congress failed to renew the provision. There is bipartisan support for correcting this erroneous policy, and now is the time to do it. It is important to note that these are people who already have the right under our laws to obtain permanent residency—this provision simply streamlines that process while contributing a significant amount to the Treasury. Indeed, in the last fiscal year in which section 245(i) was law, it produced $200 million in revenue for the government. At a time when the Immigration and Naturalization Service is plagued by backlogs, that is funding that would be useful.

Third, of course, the amendment would allow people who have lived and worked here for 14 years or more, contributing to the American economy, to adjust their immigration status. That has been a part of the immigration law since the 1920s. It has been continually updated. It should be updated now for the first time in 14 years. This will adjust the status of thousands of people already working in the United States, helping both them and their employers to continue playing a role in our current economic boom. These are people who have built deep roots in the United States, who have families here and children who are American citizens, and who have in many cases done jobs that American citizens did not want. We should continue our historical practice and update the registry.

This legislation has the strong support of numerous groups representing Hispanic Americans, including the League of United Latin American Citizens, the National Council of La Raza, the Mexican American Legal Defense and Educational Fund, and the National Association of Latino Elected and Appointed Officials. It also has the support of conservative groups such as Americans for Tax Reform and Empower America. It has received union support from the AFL-CIO, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union. Religious groups ranging from the U.S. Catholic Conference to the Anti-Defamation League to Lutheran Immigration and Refugee Services have also endorsed the bill. Finally, business organizations including the National Restaurant Association and the American Health Care Association have also encouraged this bill's passage.

When we talk about H-1B visas, we are usually talking about giving immigration benefits to people who are going to have high-paying, high-tech jobs. Everybody wants to do that. We worked to get that out of the Judiciary Committee.

But I would say to those who are holding up the Latino and Immigrant Fairness Act, don't think only of people in high-tech, high-paying jobs. Think of the needs of ordinary workers.

It seems that the immigration concerns of everyday families have been ignored day after day in this Congress. I am talking about people who are not going to be in executive positions, and who cannot afford lawyers or anything else they want. I am talking about men and women who work for an hourly wage, who try to raise their families, who go to church, who want to see their children go to school, who want to live the American life, the American dream.

My grandparents came to this country. They did not speak a word of English. But they raised a family. They raised six children, including my mother. They started a small business. They had a grandson who ended up in the Senate. But they also had six children. They weren't wealthy. My grandfather came here not speaking a word of English, with his brother, and they started a stone shed. Then when they had enough money to afford to send back to Italy for their wives and their children, they did. It was the American dream. People still have that dream. We should help them, especially in this case.

There are also important due process issues that need to be fixed if America wants to retain its historic role as a beacon for refugees and a nation of immigrants. But in this Congress, even humanitarian bills with bipartisan backing have been completely ignored, both in the Judiciary Committee and on the Senate floor. The bipartisan bills that have suffered from the majority's neglect include both modest bills designed to assist particular immigrant groups and larger bills designed to reform substantial portions of our immigration and asylum laws. Bills to assist Syrian Jews, Haitians, Nicaraguans, Liberians, Hondurans, Cubans, and Salvadorans all need attention. Bills to restore due process rights and limited public benefits to legal permanent residents have been ignored.

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The majority has mishandled even those immigration bills that needed to be passed by a date certain to avoid significant humanitarian and diplomatic consequences. In the most egregious example, the Senate failed to pass a bill to make permanent the visa waiver program that allows Americans to travel to numerous other countries without a visa. The visa waiver pilot program expired on April 30, and the House passed legislation to make the program permanent in a timely manner, understanding the importance of not allowing this program—which our citizens and the citizens of many of our closest allies depend upon—to lapse. The Senate, however, simply ignored the deadline and has subsequently ignored numerous deadlines for administrative extensions of the program.

I am well aware that immigration is just one of the many issues that Congress must address. Indeed, there may be some Congresses where immigration needs to be placed on the backburner so that we can address other issues. But this is not such a Congress. It was only four years ago that we passed two bills with far-reaching effects on immigration law—the Antiterrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. There are still many aspects of those laws that merit our careful review and rethinking. Among many others, Senators KENNEDY, MOYNIHAN, and DURBIN have been actively involved in promoting necessary changes to those laws, in an attempt to rededicate the United States to its historic role as a leader in immigration policy. But their efforts too have been ignored by the majority.

In the limited time we have remaining, I urge the majority to just bring up the Latino and Immigrant Fairness Act and have a vote on it. We know we could pass it if we could only be allowed to have a vote. Let's show the kind of fairness that America wants to show. Let us be the beckoning country that it was to my grandparents and my great-grandparents.

The PRESIDING OFFICER. The Senator from Wyoming.

## MORNING BUSINESS

Mr. ENZI. I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEDICARE HOME HEALTH

Ms. COLLINS. Mr. President, it is absolutely critical that Congress take action this year to address some of the unintended consequences of the Balanced Budget Act of 1997, which has been exacerbated by a host of ill-conceived new regulatory requirements imposed by the Clinton administration.

The combination of regulatory overkill and budget cutbacks is jeopardizing access to critical home health services for millions of our Nation's most frail and vulnerable senior citizens.

Tonight, the Senator from Wisconsin and I are taking the opportunity to talk about this very important issue. The Senator from Wisconsin has been a real leader in helping to restore the cuts and to fight the onerous regulatory requirements imposed by the administration which have affected home health care services across the Nation.

I also want to recognize that there have been many other Senators who have been involved in this fight. I am going to put a list of the cosponsors to the legislation that I have introduced into the RECORD.

I ask unanimous consent a list of cosponsors, which exceeds 50 Senators, be printed in the RECORD, reflecting the contributions many of our colleagues have made to this fight.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COSPONSORS OF S. 2365

Spencer Abraham, Wayne Allard, John Ashcroft, Max Baucus, Robert F. Bennett, Jeff Bingaman, Christopher S. Bond, Barbara Boxer, Sam Brownback, Conrad R. Burns.

Lincoln D. Chafee, Max Cleland, Thad Cochran, Kent Conrad, Michael DeWine, Christopher J. Dodd, John Edwards, Michael B. Enzi, Dianne Feinstein, Bill Frist.

Slade Gorton, Rod Grams, Judd Gregg, Chuck Hagel, Orrin G. Hatch, Jesse Helms, Ernest F. Hollings, Y. Tim Hutchinson, Kay Bailey Hutchison, James M. Inhofe.

James M. Jeffords, John F. Kerry, Frank R. Lautenberg, Patrick J. Leahy, Carl Levin, Joseph I. Lieberman, Blanche Lincoln, Richard G. Lugar, Barbara A. Mikulski, Frank H. Murkowski.

Patty Murray, Jack Reed, Pat Roberts, John D. Rockefeller IV, Rick Santorum, Charles E. Schumer, Bob Smith, Gordon Smith, Olympia J. Snowe, Arlen Specter.

Robert G. Torricelli, George V. Voinovich, John W. Warner, Paul D. Wellstone.

Ms. COLLINS. Mr. President, health care has come full circle. Patients are spending less time in the hospital. More and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions has increasingly been taking place in the home. Moreover, the number of older Americans who are chronically ill or disabled in some way continues to grow each year. Concerns about how to care for these individuals will only multiply as our population ages and is at greater risk of chronic disease and disability.

As a consequence, home health has become an increasingly important part of our health care system. The kinds of highly skilled—and often technically complex—services that our nation's home health agencies provide have enabled millions of our most frail and vulnerable older persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes.

By the late 1990s, home health was the fastest growing component of Medicare spending. The program grew at an average annual rate of more than 25 percent from 1990 to 1997. The number of home health beneficiaries more than doubled, and Medicare home health spending soared from $2.5 billion in 1989 to $17.8 billion in 1997.

This rapid growth in home health spending understandably prompted the Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to slow this growth in spending and make the program more cost-effective and efficient. These measures, however, have unfortunately produced cuts in home health spending far beyond what Congress intended. Home health spending dropped to $9.7 billion in FY 1999—just about half the 1997 amount. And on the horizon is an additional 15 percent cut that would put our already struggling home health agencies at risk and would seriously jeopardize access to critical home health services for millions of our nation's seniors.

Last year, I chaired a hearing of the Permanent Subcommittee on Investigations where we heard about the financial distress and cash-flow problems that home health agencies across the country are experiencing. Indeed, over 2,500 agencies, about one-quarter of all home health agencies nationwide, have either closed or stopped serving Medicare patients. Others have laid off staff or declined to accept new patients with more serious health problems. Moreover, the financial problems of home health agencies have been exacerbated by a number of burdensome new regulatory requirements imposed by the Health Care Financing Administration.

One witness, who is a CEO of a visiting nurse service in Saco, ME, termed HCFA's regulatory policy as that of being "implement and suspend." No longer had the agency spent all this money and time and effort in complying with a new regulatory requirement, then the Federal Government decided: never mind; we really didn't mean it; we weren't ready to implement this.

We also heard numerous complaints about OASIS, a system of data collection containing data on the physical, mental, and functional status of patients receiving care from home health agencies. Not only has this been a very expensive and burdensome paperwork process, but the process of collecting information invades the personal privacy of many patients, which they understandably are concerned about.

I recently met with home health nurses in southern Maine and I heard complaints about the administrative burdens and paperwork requirements associated with OASIS and its effect on patient care. I also heard what the real impact of the budget cutbacks has meant for many of the people in the State of Maine.

I call attention to a chart that shows the impact that we are already experiencing in the State of Maine. As shown in the chart, nearly 7,500 Maine citizens have lost access to home health services altogether. What has happened to those 7,500 senior citizens? Believe me, I know from my discussions with dedicated nurses who were providing home health services to them, it is not that they have recovered; it is not that they have gotten well. Rather, the loss of home health services has forced many of them into nursing homes prematurely or has put them at risk of increased hospitalization.

Ironically, the Medicare trust fund pays far more for nursing home care or for hospitalization than it would continuing to provide home health care services to these individuals. The chart shows the financial burden in Maine in a year's time has suffered a 26-percent decrease in reimbursements for a 30-percent cut in visits. Again, it is our most vulnerable, frail, ill, elderly citizens who are bearing the brunt of these cutbacks.

I heard very sad stories about the impact. Consider the case of one elderly woman who suffered from advanced Alzheimer's disease, pneumonia, and hypertension, among other illnesses. She was bed bound, verbally nonresponsive, and had a number of other serious health issues, including infections and weight loss. This woman had been receiving home health services for 2 years. That allowed her to continue to stabilize through the care and the coordination of a compassionate and skilled home health nurse. Unfortunately, the agency received a denial notice, terminating home health care for this woman.

A true tragedy happened in this case. Less than 3 months later, after her home health care had been terminated, this woman died as a result of a wound on her foot that went untreated, a serious wound that undoubtedly her home health nurse would have recognized.

This is only one of the heart-wrenching stories that I heard during that visit. It is only one of the countless testimonials that I have heard from both patients and home health providers across the State.

It is now clear that the savings goals set forth for home health in the Balanced Budget Act of 1997 have not only been met but far surpassed. According to a recent study by the Congressional Budget Office, spending for home health care has fallen by more than 35 percent in the last year. In fact, CBO cites this larger than anticipated reduction in home health care spending as the reason why overall Medicare spending fell last year for the first time.

The CBO now projects that the post-Balanced Budget Act reductions in home health will be about $69 billion between fiscal years 1998 and 2002. This is over four times the $16 billion that Congress expected to save as a result of the 1997 act. It is a clear indication, particularly when combined with the regulatory overkill of this administration, that the Medicare home health cutbacks have been far deeper and far wider reaching than Congress ever intended.

I have introduced legislation which is cosponsored by the Senator from Wisconsin who, as I said, has been a leader in this area, with my colleague from Missouri, Senator BOND. In fact, both Senator BOND and Senator ASHCROFT, as well as many of my other colleagues, are cosponsors of legislation that eliminates the further 15-percent reduction in Medicare payments to home health agencies that is currently scheduled to go into effect on October 1 of next year. If we do not act to eliminate this 15-percent cut that is looming on the horizon, it will sound the death knell for thousands of home health agencies. And ultimately the people, the true victims, will be those senior citizens who will no longer receive the care they need. I know the Presiding Officer has also been very concerned about the impact in his State; all Members who have rural States know the importance of home health care.

As Congress prepares for action on Medicare, we should give top priority to providing much needed relief to our Nation's beleaguered home health agencies. The legislation I have introduced currently has 55 Senate cosponsors—32 Republicans and 23 Democrats. It has the strong backing of patient and consumer groups, ranging from the American Diabetes Association, the National Council on Aging, Easter Seals, the American Nurses Association, and the National Family Caregivers Association, as well as the two major industry groups representing home health care agencies with whom we have worked very closely.

It is imperative we solve this problem before we adjourn this year. I appreciate the opportunity to address this issue.

The remainder of the time will be reserved for the Senator from Wisconsin, with whom it has been a real pleasure to work on this issue.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased to join the Senator from Maine in talking about the importance of eliminating the automatic 15-percent reduction in Medicare payments to home health agencies. It is currently scheduled for October 1, 2001. I am very pleased to be working with her on this because she is a tremendous leader on this issue. It is a very good example of the kind of bipartisanship that is essential for this body to function well. I am most pleased to be working with the Senator on this because it is so obvious she has taken a great deal of time to listen to her constituents about this very important issue.

I have heard the same sad story in Wisconsin, and we hear a lot of very compelling human stories in this job. But I find this one impossible to ignore. I know the Senator from Maine feels the same way. The fact is, this system of home health care—at least in the State of the Senator from Maine and my State—was working. It is not as if it is something we are trying to create. It was working. Because of some poorly constructed policies, it is being harmed in a way that is truly harming older people in our country.

The story the Senator from Maine gave is a very compelling example of a broader series of tragedies that are occurring, I think, on an almost daily basis in my State of Wisconsin, and in many other States.

So, I thank her. I believe strongly that Congress must act to preserve access to home health care for seniors and others. That is why I have made the preservation of access to home health services one of my top priorities in the U.S. Senate.

For seniors who are homebound and have skilled nursing needs, having access to home health services through the Medicare Program is the difference between staying in their own home and moving into a nursing home.

The availability of home health services is integral to preserving independence, dignity, and hope for many beneficiaries. I feel strongly that where there is a choice, we should do our best to allow patients to choose home health care. I think seniors need and deserve that choice.

Mr. President, as you know, and as many of our colleagues know, the Balanced Budget Act of 1997 contained significant changes to the way that Medicare pays for home health services. Perhaps the most significant change was a switch from cost-based reimbursement to an interim payment system, or IPS.

IPS was intended as a cost-saving transitional payment system to tide us over until the development and implementation of a prospective payment system or PPS, for home health payments under Medicare. Unfortunately, the cuts went deeper than anyone—including CBO forecasters—anticipated, leaving many Medicare beneficiaries without access to the services they need.

These unintended consequences of the Balanced Budget Act of 1997 have been severe indeed. Instead of the $100 billion in 5-year savings that we targeted, present projections indicate that actual Medicare reductions have been in the area of $200 billion.

Home health care spending, which the Congressional Budget Office expected to rise by $2 billion in the last 2 years even after factoring in the Balanced Budget Act cuts, has instead fallen by nearly $8 billion, or 45 percent.

These painful cuts have forced more than 40 home health care agencies in 22 Wisconsin counties to close their doors, in just 2 years.

So, what do these changes mean for Medicare beneficiaries?

Frankly, in many parts of Wisconsin, these changes mean that beneficiaries in certain areas or with certain diagnoses simply do not have access to home health care.

I am concerned that a further 15-percent cut in home health care reimbursements will further jeopardize care and leave some of our frailest Medicare beneficiaries without the choice to receive care at home. Last year, I was proud to work with Senator COLLINS and others to delay the automatic 15-percent reduction in Medicare home health payments for one year. However, I believe this reduction must be eliminated in order to preserve access to home health care.

I think seniors need and deserve the choice to stay in their homes, and I hope my colleagues will follow the leadership of Senator COLLINS and others by supporting the elimination of the 15-percent cut.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. FEINGOLD. Mr. President, I believe that will be sufficient. I will just proceed, if I may.

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## JUDICIAL HONORARIA

Mr. FEINGOLD. Mr. President, I come to the floor today to express my deep concern about a provision that is tucked into the Commerce, State, Justice appropriations bill. It came to light in a front page story last Thursday in the Washington Post. We have become accustomed in this body to hearing about outrageous special interest provisions finding their way into must-pass appropriations bills, but this one is really special. Section 305 of the bill that was reported by the Appropriations Committee exempts Federal judges from the ban on receiving cash honoraria contained in the Ethics in Government Act.

If this provision becomes law, Federal judges will once again be able to accept cash compensation for speeches. There will be no limit on this additional compensation because the bill also provides that honoraria will not be considered outside income, which is subject under current law to a cap equal to 15 percent of the salary of a Level II executive employee, or about $22,000. With this change, Federal judges will be able to supplement their Federal salaries of over $140,000 per year with tens of thousands of dollars from speaking engagements.

The Federal judiciary as a whole is widely respected, and deservedly so. But it has been a bad few months for the reputation of the judiciary. Even before this effort to lift the honoraria ban, there has been increasing attention to the practice of Federal judges traveling to posh resorts and dude ranches to attend seminars and conferences. These junkets are "all-expenses paid," and the bill is often footed by legal foundations and industry groups with litigation interests before the very judges who attend the seminars.

A recent report released by Community Rights Council found that at least 1,030 Federal judges took over 5,800 privately funded trips between 1992 and 1998. Some of these seminars are conducted at posh vacation resorts in locations such as Amelia Island, FL and Hilton Head, SC, and include ample time for expense-paid recreation. These kinds of education/vacation trips, which have been valued at over $7,000 in some cases, create an appearance that the judges who attend are profiting from their positions. More important, they create an appearance that is not consistent with the image of an impartial judiciary.

That is the same image that is threatened by this proposed repeal of the honoraria ban. Who in this body believes that the powerful interests that seek our good will through campaign contributions would not try to curry favor with judges with generous honoraria? Have we learned nothing over the past two decades? In 1989, the Congress took a big step forward by increasing the salaries of federal employees and prohibiting honoraria. Perhaps we need to revisit the issue of the salaries of federal judges in light of current economic circumstances. But one thing I am absolutely certain we should not do is relax the ethical standards to which they are subject. The independence and impartiality of the judiciary are too important to our system of justice. This would truly be a case of cutting off our nose to spite our face.

Now let me say a few words about the process by which this significant change in the ethical guidelines that apply to judges has come close to becoming law. The provision was included in the bill reported by the Appropriations Committee on July 18. It was very quietly added to that bill. It takes up only a page and a half of 126 pages of legislative language. And the committee report, which usually can be counted on to explain the bill says the following about section 305:

> * * * section 305 amends section 501 of 5 U.S.C. App.

That is it. No explanation, no rationale, no argument for why this change should be made, or why it is being done in an appropriations bill instead of in substantive legislation that might be the subject—which you might imagine we would like to have—of hearing and committee consideration.

At any rate, the Commerce State Justice appropriations bill still has not yet come to the floor and now it appears very likely it will never come to the floor. That means that those of us who oppose the lifting of the honoraria ban, not to mention other troubling provisions in that bill, will never have a chance to offer an amendment to delete it from the bill. We will never have a chance to ask our colleagues to vote on this provision. We will never know whether the United States Senate supports what the Appropriations Committee has done.

I think that is outrageous. We should be ashamed. This is a very important revision to the Ethics in Government Act. The Senate should be permitted to vote on it. But the Republican leadership will not let that happen. That means that the crucial decision will be made by the appropriators in their mock conference, and by the negotiators of a final omnibus spending bill.

It appears that lifting the honoraria ban for judges in some of our colleagues' minds is just a first step to allowing other public officials to supplement their salaries with payments from special interests. The majority leader was quoted as saying that we'll probably need to get rid of the ban for Members of Congress as well. I urge the people who are crafting these bills to think twice before starting down this slippery slope. Let's keep the honoraria ban in place for judges and ensure that our judiciary maintains its integrity and the respect of the American people.

## STRATEGIC PETROLEUM RESERVE

Mr. MURKOWSKI. Mr. President, I rise today to call the attention of my colleagues to an urgent matter, and that is the reauthorization of the Strategic Petroleum Reserve. The legislation is sitting hère today and awaits clearance. It is contained in the Energy Policy and Conservation Act, or EPCA.

We have a hold on the passage of EPCA, which contains the Strategic Petroleum Reserve reauthorization. Also in the EPCA package is the Northeast home heating oil reserve. I know this is of great interest to Members from the Northeast, who are concerned, legitimately, about the potential of higher prices for home heating oil this fall and this winter, particularly if we should have a very cold winter.

The White House, the Secretary of Energy, has pleaded with Congress to pass EPCA, including the Strategic Petroleum Reserve reauthorization. I am chairman of the Energy and Natural Resources Committee. We passed a companion measure out of this committee. Now EPCA waiting on the floor. An effort was made last night to clear it. The administration claims it is an emergency that they have the reauthorization. They are contemplating going into the SPR and taking oil out of it to try an address this crisis. The merits of that deserve additional consideration by this body.

I will just share this observation on the logic of such a move. SPR is a reserve, it holds about a 50-day supply of oil, which is to be used in the case of emergency disruption of our foreign oil. Currently our dependence on foreign oil amounts to about 58 percent of our consumption. However, because of the high prices and the inadequacy of our refining industry, we are facing a train wreck relative to energy prices, gasoline, diesel, and other petroleum products. If it seems I am being a little ambitious in citing the critical nature of this crisis, let me tell you that the Government of Great Britain and Prime Minister Tony Blair find it a real issue relative to the stability and continuity of that Government.

The responses we have seen in Germany, England, Poland, and other countries to the increasing price of energy and what it means to the consumer is not only of growing concern, but it has reached a crisis mentality. During this country's last energy crisis, we had our citizens outraged. It was in 1973 when the oil embargo associated with the production from OPEC—it was called the Arab oil embargo—hit this country. We had gas lines around the block. People were mad, outraged, indignant. At that time, we were only 37-percent dependent on imported oil. Today, we are 58 percent. The Department of Energy contemplates we might be as high as 63 or 64 percent in the not too distant future.

The oil price yesterday was the highest in 10 years, more than $37 a barrel. There are those who predict it is going to go to $40 a barrel. Here we have the reauthorization of the Strategic Petroleum Reserve, at the request of the administration, being held up by a Member on the other side of the aisle. There may be other reasons the Senator has seen fit to put a hold on this legislation.

I certainly would be happy to debate one of the issues that concerns activity in my State. It is the measure that allows power plants smaller than 5-

megawatts to be licensed through a state procedure in Alaska. It would allow our Native people in rural areas to have clean, renewable energy rather than the high-cost diesel power they now burn.

I want to tell my colleagues, the Native people in Alaska really need this exemption. This is utilizing the renewable resource; namely, rainwater, snowfall. The inability of these small projects to support the cost of a Federal energy regulatory relicensing procedure—which is appropriate for large-scale projects—makes it absolutely beyond the capability of these small villages to utilize renewable resources associated with a 5 megawatt powerplant generated by water power.

I do not know whether there is an objection on the royalty-in-kind provision. No other Senator has indicated an objection, nor has the administration. It is hard to understand an objection when the provision simply says that the Secretary of the Interior may accept gas and oil in lieu of cash payments. The Department of the Interior has that power now and is using it in pilot projects.

The provision allows the Secretary more administrative flexibility to actually increase revenues from the Government's oil and gas royalty-in-kind program. Under current law, the Government has the option of taking its royalty share either as a portion of production—usually one-eighth or one-sixth—or its equivalent in cash.

Recent experiences with the MMS's royalty-in-kind pilot program has shown that the Government can increase the value of its royalty oil and gas by consolidation and bulk sales. Under royalty-in-kind, the Government controls and markets its oil without relying on its lessees to act as its agent. This eliminates a number of issues that have resulted in litigation in recent years and allows the Government to focus more directly on adding value to its oil and gas.

I would hope my appeal results in the administration, the Secretary of Energy, and others who believe very strongly that EPCA should be passed, including the reauthorization of the Strategic Petroleum Reserve. This action is especially timely, when indeed this country faces a crisis in the area of oil. I think the merits of the President having this authority at a time when we contemplated an emergency suggests the immediacy of the fact that this matter be resolved and addressed satisfactorily. We should adhere to the plea of the President to reauthorize SPR. I want the Record to note it is certainly not this side of the aisle that is holding this matter up. I would suggest it be directed by the appropriate parties to get clearance so we can pass EPCA out of this body.

## FEDERAL SUPPORT FOR THE 2002 WINTER OLYMPIC GAMES

Mr. HATCH. Mr. President, I could not believe my ears yesterday afternoon when I heard the Senator from Arizona take out after my home State and my home city.

On behalf of the people of Utah and America, I express our outrage over the notion that supporting our country's Olympic Games could be termed either "parochial" or "pork barrel." Nothing could be further from the truth.

I frankly do not agree with every provision the committee recommends either. But, I do not question the motives or sincerity of my colleagues who put it there.

Yesterday, the Senator from Arizona specifically questioned the level of federal support for the 2002 Winter Olympic Games in Salt Lake City. It is, of course, his right to oppose such assistance. But, before he walks further down the plank, I would like to provide a few facts. Perhaps the Senator will reevaluate his position.

First, the report just issued by the General Accounting Office, "Olympic Games: Federal Government Provides Significant Funding and Support," is flawed in several respects. I am sorry that the Senator from Arizona has relied so heavily on this document to form his opinions about the Salt Lake Games.

Foremost among the problems with the GAO report is the fact that it errs in categorizing a number of projects, specifically in the transportation area, as "Olympic" projects. In fact, these are improvements to transportation infrastructure that would have been requested regardless of whether Salt Lake had been awarded the Olympic bid.

I would be happy to show the Senator from Arizona the details of the I–15 improvements and why they were necessary to repair road and bridge deterioration, implement safety designs, and relieve congestion. None of this has anything to do with the Olympic Games. Local planning for this project was actually begun in 1982, 13 years before Salt Lake City was awarded the Games.

GAO itself implies that the inclusion of these projects as Olympic projects is misleading. The report states on page 8: "According to federal officials, the majority of the funds would have been provided to host cities and states for infrastructure projects, such as highways and transit systems, regardless of the Olympic Games."

The major effect of the 2002 Olympic Games on this project is the timetable for completion. Quite obviously, we cannot have jersey walls marking off construction zones and one-lane passages during the Games.

Moreover, while Utah has sought and received some federal assistance for the project, the I–15 reconstruction project has been funded substantially by Utah's Centennial Highway Fund, which was established in 1997 and funded by an increase in the state's gasoline tax. This fact seems to disappear from the radar screen during these debates.

The GAO report also ascribes the TRAX North-South light rail system to the Olympic expense column. This, too, is not the case. The full funding agreement for the North-South light rail project was granted by the U.S. Department of Transportation in August 1995, less than two months after Salt Lake was awarded the Games. Clearly light rail was not initiated because of the Games.

While the light rail system will certainly benefit Olympic spectators during the Games, that is not why Salt Lake City and communities south of the city built it.

Salt Lake is growing by leaps and bounds. More and more people commute into the city—not unlike the Washington metropolitan area. It is a city that is striving to reduce air pollution by encouraging the use of public transportation. That is why they built light rail.

I would like to point out to my colleagues that the General Accounting Office did another report entitled, "Surface Infrastructure: Costs, Financing and Schedules for Large-Dollar Transportation Projects." In this 1998 report, the GAO evaluated Utah's major transportation projects for the House Transportation Appropriations Subcommittee. This report concluded that both the I–15 and light rail projects were being efficiently run and were well within budget. Many of the contracts were being awarded at costs lower than expected. Yet, this fact was not included in the debate yesterday.

The Department of Transportation Inspector General issued a report in November 1998 concluding that the I–15 reconstruction project was on schedule and that the cost estimates were reasonable. It also praised Utah's use of the "design-build" method of contracting on this project. This fact was similarly omitted from the discussion yesterday.

Contrary to the impression left by the Senator from Arizona, the Salt Lake Olympic Committee, SLOC, has never sought to "sneak" anything into an appropriations bill. Mitt Romney and his staff have been open about every dime being requested.

Those transportation projects which are necessary to put on the Olympic Games in 2002 were delineated in a transportation plan submitted to and approved by the U.S. Department of Transportation. The funds being requested were detailed in that plan.

The Senator from Arizona yesterday implied that these so-called "pork barrel" appropriations for the 2002 Winter

Games were an outgrowth of the Olympic bribery scandal which has embarrassed my home state. His comments were most unfortunate for many reasons—not the least of which is his suggestion that these appropriations requests are in any way improper is just wrong.

SLOC made its budget publicly available to the press. It has briefed officials at federal agencies and at the White House. SLOC has regularly visited with members of Congress including members of the House and Senate Appropriations Committees. Right from the outset, SLOC outlined their plans and budgets and has provided periodic updates. These updates have showed lower requirements for federal assistance. But, again, this fact was not mentioned in the GAO report or by the Senator from Arizona.

A second criticism of the GAO report is its comparison of federal support for the Los Angeles Summer Games in 1984 to federal assistance for the Salt Lake Games in 2002. Simply put, this is an apples to oranges comparison.

First, the Salt Lake Olympic Committee has fully integrated planning for the Paralympic Games with the Olympic Games. The Paralympics did not even exist in 1984. In 1996, Atlanta chose to have two separate organizing entities.

Second, the Senator from Arizona may not have noticed, but there have been an estimated 7,282 reported terrorist attacks since 1984. Let me refresh my colleagues' memories. These attacks have included: Pam Am Flight 103 in 1988; the World Trade Center in 1993; the Oklahoma City Federal Building in 1995; the Tokyo subway in 1995; Khobar Towers in 1997; and U.S. Embassies in Kenya and Tanzania in 1998.

Not all of them have been on the front pages of major newspapers, but this startling number demonstrates the need for enhanced security at an international event like the Olympic Games. The same level of security provided for the Los Angeles Games would most likely be inadequate for the Salt Lake Games. It is essential that we provide security based on the situation in the year 2002.

Security and counterterrorism are legitimate federal duties. I am glad the Secret Service is getting $14.8 million for communications infrastructure. I want our law enforcement personnel to have the best equipment available, not just for the Salt Lake City Olympics, but at all times.

I do not believe that the Secret Service, FBI, and other security agencies are buying disposable products. This equipment will be well used to keep Americans safe in cities all across America.

Third, and perhaps most importantly, by the GAO's own calculation, only $254 million is requested for planning and staging the Games, not the $1.3 billion figure cited yesterday. I would like to note that this is roughly 25 percent of the entire budget for the Salt Lake Games.

If that seems like a lot, let us review the point made by the Congressional Research Service in its 1997 report, "Financing the Olympic Games Held in the United States, 1904–1960: A Brief Overview," and noted by the GAO. In 1960, Squaw Valley received an appropriation of $20 million to assist in staging the Winter Olympic Games—about 25 percent of the total budget for the Games.

Let me be clear that I am not advocating an automatic 25 percent federal subsidy for a host city. But, I wish to make the point that this level of assistance is not unprecedented and could be construed as quite modest when compared with governmental subsidies foreign cities receive from their national governments.

Before I conclude, Mr. President, I would like to make one final point.

The Senator from Arizona suggested yesterday that the USOC should not consider bids of cities that do not have the capacity to host the Games.

Well, Mr. President, that would eliminate every city in America from hosting an Olympic Games, summer or winter. No city—not even New York or Los Angeles—could put on a 21st century, multi-week, international event like this entirely on its own.

Think about this: Lake Placid, New York, has hosted the Winter Games twice, in 1932 and in 1980. But, in 1990, Lake Placid had a population of fewer than 2500 people. There is no way metropolitan Salt Lake City, with a million people, let alone Lake Placid could host these Games under the proposed McCain criteria.

Allow me to suggest, Mr. President, that America itself will host the 2002 Winter Olympic Games, just as it did in Atlanta, Los Angeles, Lake Placid, or Squaw Valley. An American bid city is selected by the United States Olympic Committee for its organizational ability and world class sporting venues. It becomes America's choice. If chosen by the IOC, the city does not host the Games on its own behalf, but for our whole country.

When a U.S. athlete mounts the podium in Salt Lake City two years from now, the music you hear will not be "Come, Come Ye Saints." No, it will be "The Star-Spangled Banner," our country's national anthem.

I agree with the GAO and with Senator MCCAIN on one thing. I agree that we ought to give some consideration to how, if the United States ever hosts another Olympic Games, we should support the host city. There is much to commend a better process for such support.

I would be very happy to join Senator MCCAIN in such a mission. But, I wish that, in the meantime, he would join us in support of America's host city for the XIX Winter Olympiad.

## VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 20, 1999:

Donetta L. Adams, 26, Bloomington, IN; Barbara F. Allen, 65, Bloomington, IN; Eugene S. Bassett, Jr., 35, Davenport, IA; Antonio Butler, 19, Miami, FL; William Cook, 38, Detroit, MI; Rosa Gomez, 41, Miami, FL; Travis L. Harris, 27, Chicago, IL; James Hoard, 31, Bloomington, IN; Katherine Kruppa, 39, Houston, TX; Teal Lane, 19, Baltimore, MD; Mark Pitts, 22, Detroit, MI.

One of the victims of gun violence I mentioned was 65-year-old Barbara Allen of Bloomington, Indiana. Barbara's boyfriend shot and killed both her and her pregnant daughter, 26-year-old Donetta Adams, before turning the gun on himself.

Another victim of gun violence, 41-year-old Rosa Gomez of Miami, was shot and killed by her ex-boyfriend after having been harassed and threatened by him on several occasions.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## PERMANENT NORMAL TRADING RELATIONS FOR CHINA

Mr. ABRAHAM. Mr. President, I rise today to discuss the vote I cast yesterday in support of H.R. 4444, the bill extending permanent normal trading relations to the Peoples' Republic of China.

While the vote we cast yesterday was to grant China PNTR, it cannot be viewed separate from the question of China's accession to the WTO. In our negotiations with the Chinese over their entry in the WTO, we agreed to end the annual exercise of renewing NTR and to extend NTR to China permanently. In fact, if we do not grant China PNTR we will be the ones in violation of the WTO's rules when China is ultimately granted entry into the WTO. And, as a result, we will lose access to their markets and the beneficiaries of this will be our trade competitors in Europe, Asia, and South

America. Most importantly, we have gained some very important trade concessions in our negotiations with the Chinese over their entry into the WTO, and we stand to gain even greater trade concessions from them once they join the WTO and become subject to its rules and dispute resolution procedures.

By extending PNTR and allowing China entry into the WTO, the U.S. can expect to increase exports to China by an estimated $13.9 billion within the first five years. And according to the U.S. Department of Agriculture, American farmers will account for $2.2 billion of that increase in exports to China. If our economy is to continue to grow and we are to continue to create more good-paying, skilled jobs so that unemployment remains low and Americans can take home more income, we must expand our economic opportunities. The best way to accomplish that is to find new markets for our products. And the most lucrative new market that exists is China.

As our colleague from Texas, Senator PHIL GRAMM, pointed out in a "Dear Colleague" letter he circulated earlier this week, things in China are changing significantly, if perhaps not as quickly or as comprehensively as we wish. Senator GRAMM quoted a report on China recently issued by the Federal Reserve Bank of Dallas, in which the observation is made: "Beijing's billboards no longer spout ideology. They advertise consumer products like Internet service, cell phones, and credit cards." There can be little doubt that China is changing. The task left to us to decide is how best to effectuate positive change there.

My primary concern, in evaluating how to vote on PNTR and China's accession to the WTO has always been: "What is in the best interests of Michigan's workers and businesses?"

China was Michigan's 15th largest export market in 1998. That rank has almost certainly risen since then. Michigan's exports to China grew by 25 percent during the 5 years between 1993 and 1998, increasing from $211 million to $264 million. Businesses in the Detroit area accounted for $180 million of those exports in 1998, an 11 percent increase over its 1993 figure. Other areas of Michigan are seeing truly phenomenal growth in trade with China. Exports to China from businesses located in the Flint and Lansing areas grew by more than 84 percent from 1993 to 1998. And exports from Kalamazoo and Battle Creek businesses to China grew by an astounding 353 percent during that same period, according to the U.S. International Trade Administration.

The growth in China trade outside of Detroit is due to the surprisingly high number of small and medium-sized businesses in Michigan that are exporting to China. According to the Commerce Department, more than 60 percent of the Michigan firms exporting to China in 1997 were either small or medium-sized companies. Of the 149 small and medium-sized Michigan businesses exporting to Michigan in 1997, as substantial majority of these were small businesses with fewer than 100 employees. This trend extends beyond Michigan as well. Nationwide, not only did small and medium-sized businesses in 1997 comprise 35 percent of all U.S. merchandise exports to China—up from 28 percent in 1992—but this 35 percent share of the Chinese market was higher than the share small and medium-sized businesses had of overall U.S. merchandise exports that year—31 percent.

While Michigan's manufacturing sector certainly stands to benefit from passing PNTR and China's accession to the WTO, we must not overlook the tremendous benefits that Michigan farmers also stand to gain from these agreements. Agriculture is Michigan's second largest industry, and exporting is a vital component of the state's agricultural business. Michigan agricultural exports totaled almost $1 billion in 1998, but that figure was down almost $100 million from two years earlier. With increased competition in agriculture at home and abroad from the European Community and major S. American exporters such as Chile, opening up a massive new market such as China would be of tremendous benefit to a state like Michigan that relies so heavily on agriculture production and export.

The agreement the U.S. negotiated with China, which includes PNTR, contains significant trade concessions by the Chinese in four areas critical to Michigan agriculture. Michigan exported $240 million worth of soybeans and soybean products in 1998, and China is the world's largest growth market for soybeans. China has agreed to lower tariff rates on soybeans to 3 percent with no quota limits. Michigan is also a large feed grains producer, exporting $163 million worth of feed grains and products in 1998. China has agreed to lower their quota to a nominal 1 percent within an agreed upon import quota schedule. However, that quota grows at a tremendous rate, starting at 4.5 million metric tons and growing to 7.5 million metric tons by 2004. By comparison, China imported less than 250,000 metric tons of corn from all countries in 1998. The circumstances are much the same for two other very important Michigan agriculture products—vegetables and fruit. On vegetables, China's tariff rates are scheduled to drop anywhere from 20 to 60 percent by 2004. With respect to fresh and processed deciduous fruit, China has committed to tariff reductions of up to 75 percent. To a state like Michigan, which is known for its cherries, apples, pears, and peaches, this is a significant breakthrough for our fruit growers.

Of course, Mr. President, this is not the end of the story. While many of these tariffs will be substantially reduced and quotas are lifted or expanded considerably, tariffs and quotas will still remain on many U.S. goods—as they in fact will continue to exist on certain goods coming from China into the United States. But once China is a member of the WTO, the U.S. will continue to push to have Chinese trade barriers reduced even further and eliminated altogether.

A critical element of this debate that too often gets overlooked is the degree to which our membership in the WTO helps us eliminate unfair trading practices amongst our trading partners. The WTO provides a forum to which we can take trade disputes with our trading partners involving unfair trading practices by them. One of the primary functions of the WTO is to provide procedures to settle trade disputes promptly, eliminating a significant deficiency of the previous GATT system in which the process often dragged out indefinitely. The WTO procedures are inherently more fair and more predictable—and that is to our benefit as the world's largest economy and as the world's foremost promoter of free and fair trade.

The United States has filed more complaints to the WTO against other countries—49 of them as of April of this year—than any other WTO member country. The U.S. has also prevailed in 23 of the 25 complaints acted upon up to that time—clear evidence that the WTO is of tremendous assistance to us in getting other countries to stop their unfair trading practices. This is also why we can be confident that once China becomes a member of the WTO that we will be able to further reduce the remaining trade impediments they have against our goods and that we will be able to ensure that they live up to the commitments they have already made to us in exchange for PNTR and our support for them joining the WTO.

While I have supported annual renewal of NTR each year I have been in the Senate, I have also been a severe critic of many of China's policies and actions and their human rights record. In 1997, I introduced the China Policy Act, in which I attempted to outline a new paradigm for dealing with the Chinese. Specifically, I felt it was unwise for us to use trade continually as our weapon of first resort each time an issue arose between our two countries, whether it be nuclear non-proliferation and missile sales to rogue nations, religious persecution, repression in Tibet, forced abortion, or threatening gestures towards Taiwan.

I feel it unfair to American companies and farmers doing business in China to make them constantly bear the brunt of our efforts to get the Chinese to modify their behavior. I am also concerned about pursuing such a strategy when it would likely result in U.S. companies and farmers losing market share and market access in China to our trade competitors in Europe, Asia, and South America. The China Policy Act legislation I introduced in 1997 essentially said, "Let us reserve using trade as a weapon only for those occasions when our dispute with China is trade related."

My China Policy Act took a very tough stand on what I believe was unacceptable behavior by the Chinese in the area of missile sales and nuclear proliferation. In response to China's sale of 60 cruise missiles to Iran, which I viewed as a direct violation of the Iran-Iraq Non-Proliferation Act of 1972, my legislation required the President to impose the sanctions provided for by the 1972 act against China. In addition, because I believed the Chinese sale was so dangerous, my legislation suspended the President's ability to waive those sanctions.

I have also taken other steps to thwart China's ability to export dangerous armaments and weapons of mass destruction. I voted for the Cochran amendment to the FY '98 DoD Authorization bill to control the export to China of supercomputers that could be utilized by them in their development of missiles and in exploiting nuclear technology. I also supported the Hutchinson amendment to the FY '99 DoD Authorization bill to study the development of U.S. Theater Missile Defense systems against potential Chinese ballistic missiles.

Based on this track record and of my continuing concerns for China's actions in this area, I felt compelled to support the Thompson amendment because I believed it was the wisest approach to dealing with this very real threat to our national security. To those who argued that the Thompson amendment would undermine the very principles upon which PNTR was based, I would counter that Senator THOMPSON made a number of significant modifications to his legislation to address these very concerns.

The Senator from Tennessee went to great lengths to ensure that American agriculture would be spared the brunt of any trade actions taken against China. This ensures that our farmers are not unfortunate victims of attempts by U.S. policymakers to punish the Chinese for their behavior in non-trade areas. Senator THOMPSON also gave the President greater flexibility to respond to crises by making sanctions against supplier countries under the act discretionary rather than mandatory. And the evidentiary standard in the legislation for imposing mandatory sanctions on companies identified as proliferators has been raised to give the President discretion in determining whether a company has truly engaged in proliferation activities.

So I believe the most problematic areas of Senator THOMPSON's original legislation have been addressed responsibly and that made it worthy of support. While I remain a staunch supporter of PNTR for China and supporting China's accession into the WTO, I simply cannot ignore China's past practices in the area of missile sales to rogue nations and it's role in nuclear proliferation. The U.S. must maintain the ability to confront such aggressive arms practices abroad as a means of protecting its own national security.

In conclusion, I am keenly aware of the deeply divided feelings Americans have over the questions of PNTR and China's accession to the WTO. There are few, if any, states in which feelings are more polarized on this subject than in Michigan. I respect the fact that sincere people can and will draw a conclusion different from mine. To those who came to a different conclusion, I say that we here in Congress have promised to pay close attention to the reports issued by the Congressional-Executive Commission on Human and Labor Rights created in this legislation. If China's behavior does not improve and if they do not abide by the agreements they have signed, I am sure that Congress will respond accordingly. I certainly intend to.

As many of my colleagues may know, both my wife and I grew up in union households. Her father was a member of the United Auto Workers. And my father was a UAW member as well. That is not an uncommon situation in a state like Michigan, as you can well imagine, where a significant percentage of the population is employed either by one of the automakers or one of the various supplier companies. But like most Michiganders who grew up in a union household or are currently living in one I know what it's like to see a father or mother come home celebrating a raise or some benefits they had secured in a recently ratified contract. And I also know the pain and stress that goes with layoffs or plant closings, things my state has had all too much experience with in the not too distant past.

Many current union workers and their families have come up to me in the past year and said they were scared about what will happen if we pass PNTR and allow China into the WTO. They fear that the Chinese will not live up to the commitments they have made with respect to eliminating trade barriers or that American companies might choose to move their operations overseas leaving workers here unemployed and without any available jobs or careers into which to move. Those are very real fears. And I take those concerns very seriously and to heart.

China will open its markets in the very near future. The question is: Will U.S. firms be among those competing for these new markets, competing for a portion of the one billion new consumers that are going to be available in China? Or are we going to cede those new opportunities to our competitors in Europe, Asia, and South America? Likewise, the question is not whether U.S. companies will eventually do business in China. The question is whether it will be on our terms or on China's. Will companies be forced to move over to China in order to avoid high tariffs, quotas on U.S. produced goods, or other restrictions which make it difficult for them to do business there? Or will we attempt to eliminate such barriers to market access now through negotiation, so that U.S. companies can continue to operate here in the States, employing U.S. workers and paying U.S. Taxes, and still export goods and services to China in a competitive environment with our trading competitors?

I think when most workers consider the options we face, they will agree that the best course for our nation is to join with the other nations of the world in accepting China into the WTO and attempting to work with the procedures available there to open their markets further and ensure they live up to the commitments they have already made.

That is the conclusion to which this Senator has come. That is why I voted for permanent normal trade relations for the Peoples' Republic of China. That is why I support China's accession to the WTO.

## ARMED FORCES CONCURRENT RETIREMENT AND DISABILITY PROVISION

Mr. REID. Mr. President, as the defense authorization conference is meeting, I rise today to urge my colleagues to stand behind the Senate version of the bill with respect to Section 666 of H.R. 4205. This provision permits retired members of the Armed Forces who have a service connected disability to receive military retired pay concurrently with veterans' disability compensation.

Veterans from Nevada and all over the country care about this legislation.

Career military retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. Simply put, the law discriminates against career military men and women. All other federal employees receive both their civil service retirement and VA disability with no offset.

This inequity is absurd. How do we explain this inequity to these men and women who scarified their own safety to protect this great nation? How do we explain this inequity to Edward Lynk from Virginia who answered the call of duty to defend our nation? Mr. Lynk served for over 30 years in the Marine Corps and participated in three wars, where he was severely injured during combat in two of them.

Or George Blahun from Connecticut who entered the military in 1940 to serve his country because of the impending war. He served over 35 years during World War II, the Korean War and the Vietnam War. He is 100% disabled because of injuries incurred while performing military service. He asks that Congress stop giving veterans the "arbitrary bureaucratic rhetorical nonsense" and truly support this legislation. We must demonstrate to these veterans that we are thankful for their dedicated service. As such, we must fight for the amendment in the Senate version of the national defense authorization bill for FY 2001.

This is an absolute injustice to our career military retired veterans. Federal employees, for example a member of Congress or a staffer here on Capital Hill or an employee from the Department of Engery, are not penalized if they receive disability benefits. While career military men and women that have incurred injuries while in the line of duty are prohibited from doing so because of an archaic, out-dated 109-year-old law.

The amendment in the Senate bill represents an honest attempt to correct this inequity that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to the entire Federal retirement policy.

It is unfair for our veterans not to receive both of these payments concurrently. We must ensure that our veterans who are facing serious disabilities as a result of injuries sustained during their service do not have to choose between retirement pay and losing a portion of their disability benefits.

We have an opportunity to show our gratitude to these remarkable 437,000 disabled military men and women who have scarified so much for this great country of ours.

We are currently losing over one thousand WWII veterans each day. Every day we delay acting on this inequity means that we have denied fundamental fairness to thousands of men and women.

The Senate passed this provision by unanimous consent and the House companion bill, H.R. 303 from Congressman BILIRAKIS has 314 cosponsors. Our veterans have earned this and now it is our chance to honor their service to our nation. Freedom isn't free—and this is a small cost to the Federal government given the immeasurable sacrifices made by these dedicated Americans.

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## SPACE TRANSPORTATION

Mr. SESSIONS. Mr. President, I rise today with two purposes in mind. The first is to compliment the men and women who labor on behalf of the nation at the George C. Marshall Space Flight Center in Huntsville, Alabama on the occasion of Marshall's 40th Anniversary. My second purpose is to share some thoughts on the importance of Space Transportation in light of the VA/HUD Appropriations Bill that will come before this body in the not too distant future. These two issues are inextricably linked in that Marshall Space Flight Center is the world leader in space transportation yet ever dependent on the funding that the VA/HUD appropriators provide. For that reason, I compliment Senator KIT BOND, and his superlative staff in advance of the bill being debated for all they continue to do on behalf of NASA and the nation. Their foresight will ultimately make the difference as we continue to move forward as a nation of explorers.

In September, 1960 President Dwight Eisenhower dedicated the Marshall Space Flight Center which soon began making history under the mentorship and direction of Dr. Wernher von Braun. From the Mercury-Redstone vehicle that placed America's first astronaut, Alan B. Shepard, into sub-orbital space in 1961, to the mammoth Saturn V rocket that launched humans to the moon in 1969, Marshall and its industry partners have successfully engineered history making projects that gave, and continue to give, America the world's premier space program.

We in Alabama and across America have so much to be thankful for and in a small way Marshall and its scientists, engineers and support personnel have carved out a niche of excellence that brought history to the community, state and nation. From Skylab, to the space shuttle to the lunar roving vehicle, America has looked to Marshall for experience and leadership. They were the right stuff, and they continue today to be the best with over 30 world-class facilities and test facilities. As NASA's Center of Excellence for Space Propulsion the men and women of Marshall are not simply dreamers of what may be, but are working hard in research and development to provide the propulsion systems that will enable NASA to provide the nation safe, reliable, low-cost access to space, rapid interplanetary transportation, and the hope of exploration beyond the solar system. This is not folly, Mr. President, this is reality.

These initiatives require us to make new investments in Space Transportation and this is what I believe Senator BOND and his committee are trying to do. Investments are being made and must continue to be made in the years to come in the Space Launch Initiative, the Third Generation technology program, and in Shuttle upgrades if we are going to achieve our collective space destiny.

I would like to take a few moments today to discuss these initiatives and the promise they hold for our country. I would also like to talk about some of the technology spin-offs these investments will yield for other parts of our economy.

The Space Launch Initiative is intended to dramatically reduce the cost of access to space by an order of magnitude over the next 10 years and to increase the reliability of space launch vehicles.

This initiative will result in the creation of a "highway to space" that will enable increased commercial activity in Earth orbit and beyond. The impact for our nation's economy will be dramatic, I believe. We need only to look at the past to understand the possibilities associated with opening new frontiers. Throughout our history, commerce and growth have been fueled when boundaries have been pushed back.

Let me briefly describe the elements and the purpose of NASA's Space Launch Initiative. The Space Shuttle remains the world's only reusable launch vehicle and continues to be a workhorse for NASA and the American public. You may have been watching the recent activities in space surrounding STS-106 (which landed this morning in Florida), our first shuttle mission to the International Space Station since the arrival of its newest component, the Russian supplied service module—Zvezda. The Shuttle is the first generation of reusable launch systems, but it has its faults and we must improve on this system. It is a very expensive system to operate and requires thousands of people and months of work to prepare the system for launch. In order to meet the goals of the Space Launch Initiative, NASA and its partners must develop systems that only require around 100 people and about one week for turnaround.

The Space Launch Initiative will focus on reducing technical and programmatic risks as well as the business risks associated with the development of new space launch technologies. While the goal will be to develop a Second Generation Reusable Launch Vehicle that increases crew safety by a factor of 10 and decreases cost by the same amount, the technology we develop along the way will only serve to enrich the economy. Let me provide an example—its NASA's X-33 program.

The X-33 is a sub-scale flight demonstrator designed to test many technologies that will drive a full-scale Second Generation vehicle. Like many developmental programs, the X-33 has had its share of setbacks. However, even with setbacks the X-33 program has actually spun off technology that will improve the lives of many newborn children.

Let me explain. The X-33's original composite tank contained fiber optic sensing technology embedded along the edge to monitor the health of the system. Realizing the potential of this technology could be far reaching, NASA's Marshall Space Flight Center partnered with Dr. Jason Collins of the Pregnancy Institute in Slidell, Louisiana and with Prism, a San Antonio manufacturer of medical products, to improve obstetric forceps used to position an infant in the mother's womb prior to delivery, and in some cases used to assist with the delivery. Obstetrical forceps have been in use for over 300 years with more than 700 variations of the design, however, none of these allowed the physician to assess the force the instrument placed on the infant. An improvement was definitely needed that would minimize the risk to newborns delivered by forceps. NASA's solution: forceps made of polymeric material which flexes under pressure with fiber optic sensors from the X-33 program embedded in the material during the manufacturing process that indicate strain.

It is predicted that the fiber optic forceps will reduce the number of cesarean section deliveries, reduce the risk of injury to the mother, and significantly lower the occurrence of fetal injury caused by ordinary forceps, thus reducing overall health care costs.

Another part of the Space Launch Initiative is a program called the Alternate Access to the Space Station. This is an extremely important part of the Initiative for several reasons. The Alternate Access to Space Station effort will provide our country with more than one way service to the Space Station. As you may recall, Mr. President, in the aftermath of the Challenger disaster, the Shuttle program was down for several years. However, once the International Space Station is on orbit with a permanent crew on board, we cannot afford to face a time in which the Shuttle or any one launch vehicle is out of service for an extended period of time.

We must have a very robust method of keeping the Station re-supplied. We cannot afford to be tied to one or even two launch systems, but must have access to several launch vehicles. The Alternate Access program is designed to develop some of the most innovative launch vehicle concepts that exist today in industry for the purpose of providing resupply capability to the Station. This effort will give many up-and-coming aerospace companies and entrepreneurs the ability to break into the market by using NASA's requirements as the baseline on which to build their business case and attract investors.

While the Space Launch Initiative is designed to reduce the cost of access to space from $10,000 a pound to $1,000 a pound, in order to make space travel truly routine for the average citizen, we must do more. NASA is also planning to invest in Third Generation technologies to further reduce the cost of putting a pound of payload in orbit. The goal of the Third Generation activities is to get launch costs down to $100 a pound within 25 years. At that point, routine access to space for a variety of activities will become possible.

NASA's Third Generation program has been dubbed Spaceliner 100—the idea being that the technology advancements would result in a launch vehicle with commercial airliner reliability and again, a cost of around $100 a pound for launch. I was pleased last year to jump-start this investment. In a bipartisan effort, I along with Majority Leader TRENT LOTT, Senators SHELBY, BREAUX, LANDRIEU, VOINOVICH, DEWINE, and COCHRAN pressed for the inclusion of $80 million dollars in the FY 00 VA-HUD bill for Spaceliner 100.

I am glad to see that this action did not go unnoticed by the Administration. In this year's FY 2001 budget submission, the White House included $1.2 Billion for NASA's Third Generation effort over the next five years. This funding will support research in earth-to-orbit, in-space, and interstellar transportation technologies.

Earlier in my comments, I mentioned the Space Shuttle and the tremendous contribution it has made and will continue to make to our nation's space program. As we move towards these advanced launch vehicles, NASA must not take their eye off of the launch vehicle we depend on today. I am pleased to see that this is not the case, in fact the agency is taking steps to ensure that the Shuttle continues to be a robust vehicle. In fact, NASA is actually advocating upgrades for the Shuttle and the Administration proposed to spend $1.4 Billion dollars over five years in upgrades to the Shuttle. However, in light of the investments in Second and Third Generation technologies, you might wonder if Shuttle upgrades are worth it. The answer is yes and here's why:

First, we are dealing with a crew safety issue. Today the Shuttle performs on the edge of its capabilities. Statistically speaking, the Shuttle system will encounter a catastrophic failure once in every 450 launches. However, with the proposed upgrades, the Shuttle would have a much better safety margin.

With the upgrades, for every launch of the Shuttle, the catastrophic failure rate would be one in every 1,000 launches. Although this is not even close to the one in 2 million safety margin we enjoy on commercial airliners, it is a vast improvement. And when you are dealing with human lives, every little bit helps.

Second, every upgrade proposed for the Shuttle will be a candidate for use on Second Generation systems. In other words, not only is NASA improving safety for Shuttle crews, they are getting the opportunity to "road test" many new technologies.

I have briefly described NASA's Space Launch Initiative as well as the Agency's Third Generation efforts. I have provided an example or two of spin off technologies we are receiving and will continue to receive from this significant investment. These efforts are important to our nation's economic future as well as our continued National security. I believe these efforts will amount to a defining moment in our nation's space program in the day's ahead.

I am proud of the lead role NASA's Marshall Space Flight Center in Huntsville, Alabama is taking in these efforts. But as anyone at Marshall will tell you, this will take the combined efforts of many of NASA's other Field Centers, along with the full participation of America's aerospace industry, and the help of many academic partners.

I began my remarks today by describing the 40 year effort at Marshall and the hard work that we have witnessed by Senator BOND's committee. We should not be lured into a false sense of security that we will always have the talent in our field centers we have today, or the great support we enjoy from the authorization and appropriations committees. As we look into the future, access to space will be as important to us as civil aviation is today. However, we all have a lot of work ahead of us, and this is an endeavor we must educated ourselves on and monitor closely that it doesn't stray off course. There is simply too much at stake to allow that to happen.

In the mid-1970's, the U.S. dominated the worldwide commercial space launch market. Today, we launch only 30 percent of the world's commercial payloads. Our re-emergence into the commercial market place will depend on bold investments, and on the boldness of our leaders who wish for America to remain a Nation of Explorers.

I urge my colleagues therefore to study carefully the upcoming NASA appropriation bill and suggest to them that they support the VA/HUD Appropriations Bill, and the investments in the Space Launch Initiative, Third Generation technologies, and Shuttle upgrades. These investments will truly be the keys to our future success in space and in the future global marketplace.

They also guarantee that the men and woman at the George C. Marshall Space Center have the tools to unlock the technological mysteries that lie before us, and in doing so make planet Earth a better place to live.

## NORTH CAROLINA GOVERNOR JIM HUNT ON EDUCATION REFORM—VOUCHERS ARE THE WRONG ANSWER

Mr. KENNEDY. Mr. President, one of our top priorities in Congress is to improve public schools for all students—by reducing class size, improving training and support for teachers, expanding after-school programs, modernizing and building safe school facilities, and increasing accountability for results. But some in Congress advocate diverting scarce resources to subsidize private schools through vouchers, when it is public schools that need the help and support.

An article in today's Wall Street Journal by North Carolina Governor Jim Hunt eloquently explains why we should do more to support public schools, and why we should oppose private school vouchers.

Governor Hunt is a respected leader and renowned champion on education issues. He has been a strong advocate for many years for improving public schools, particularly by upgrading curricula, supporting better teacher training, and increasing early childhood education opportunities. As Governor Hunt states, it would be a step in the wrong direction to undermine these important priorities by relying on voucher schemes, just as we are starting to see solid results in improved student achievement.

I believe that Governor Hunt's article will be of interest to all of us who care about these issues, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, Wed., Sept. 20, 2000]

### THE VOUCHER CHORUS IS OFF-KEY

(By Gov. James B. Hunt Jr.)

We are hearing a chorus of voices arguing that school vouchers are the key to improving American education, especially for minority groups and other low-income students in urban areas. We are accustomed to hearing such arguments from the political right, but now the voices are sounding in stereo.

My friend Robert Reich has taken to the pages of The Wall Street Journal to propose a far-reaching voucher plan ("The Case for 'Progressive' Vouchers," editorial page, Sept. 6). With all due respect to Mr. Reich and his allies on both the right and the left, let me suggest that vouchers are the wrong solution to the wrong problem at the wrong time. Instead of focusing on how to improve schools, they assume that pulling money out of failing schools provides an appropriate incentive to turn such schools around.

But school improvement is hard work. In 1983, Americans received a wake-up call about public schools. In a stinging report "A Nation at Risk," a blue-ribbon national commission warned that the level of teaching and learning in primary and secondary schools was so low that it threatened our economic competitiveness. As a result, a national movement was launched to improve academic performance. Virtually every state has now spelled out high standards for student achievement, many of them enforced by tests for promotion and graduation from high school. Rigorous accountability systems have been introduced for teachers and school administrators accompanied by monetary incentives for success and sanctions for failure. Many states are focusing on reducing class sizes.

It has taken us nearly two decades to put together these and other strategies relating to curricula, teacher training, early childhood education and other elements that contribute to a successful school, and they are now paying off. It is wishful thinking to assert, as voucher proponents do, that struggling schools will somehow magically transform themselves because of a threat that some of their students will take a voucher, pack up their book bags and go elsewhere.

Vouchers address the wrong problem by narrowing the issue. Few would dispute that private schools can provide a good academic education. But there is a group of students whose needs must also be considered: the 90% of our kids who will remain in public schools. Mr. Reich acknowledges that the "closest thing we've seen to a national school-voucher experiment" occurred in New Zealand and that the result of that decade-long experiment was that "the worst schools grew worse." The New Zealand study proves the point of voucher opponents. We cannot support a policy of educational triage that allows a few students to get help while neglecting the needs of the many more students left behind.

Finally, the current push for vouchers is ill-timed. As already noted, we now have evidence that the concerted efforts in recent years to improve the teaching and learning that occurs in public schools is paying off. In North Carolina we have the ABCs of Public Education, a reform effort that emphasizes accountability at the school level. During the 1999-2000 school year 69.6% of our 2,100 public schools met or exceeded their growth standards on achievement tests. For schools that are falling behind, our state dispatches special teams to fix the lowest performing schools—not withdraw funds, as voucher proponents would have us do.

While we are raising the standards, we are also raising the pay of those in the classroom to the national average. In addition, teachers, guidance counselors and administrators can receive as much as $1,500 each and teaching assistants as much as $500 if their schools reach a certain level of proficiency. The RAND Corp. report found that between 1990 and 1996 students in our state showed the highest average annual gain on the National Assessment of Education Progress reading and math tests. Our state's average total SAT score moved up two points in 1999–2000, continuing the upward trend the state has experienced since 1989. We also have the highest number of teachers who've proven their expertise by earning certification through the National Board for Professional Teaching Standards.

Voucher proponents do make one point that needs to be taken seriously—vouchers can contribute to diversity and innovation in the system. It is true that we have moved well beyond the point where one-size-fits-all education is adequate. We need to encourage schools to offer a variety of approaches. But this can readily be achieved, as is already happening, within the public system through the design and promotion of magnet, subject-focused and other alternative schools that meet the specific interests of students and their parents while meeting high standards.

Let's also not assume, as has been implied by Mr. Reich, that where parents live determines their level of interest in schools. An expensive home in the suburbs doesn't guarantee a parent is passionate about where their children are learning. We need to make sure every parent is active and involved with his or her child's education.

## AFRICAN AMERICAN FAMILY SERVICES

Mr. WELLSTONE. Mr. President, I rise today to recognize the 25th anniversary of the establishment of African American Family Services.

This inspirational organization has spent the past 25 years providing culturally specific services to the Minnesota African American community. Since 1975, it has expanded its services from solely dealing with chemical dependency to providing critical services in chemical health, family preservation, domestic violence, and adolescent violence prevention and anger management.

In addition to these programs, African American Family Services provides its clients with two other invaluable services—a resource center, which includes a resource library and a cross-peer education mentoring project, and a technical assistance center, which creates training programs to educate human and social service professionals on enhancing service delivery to African American clients.

Twenty-five years after its founding, this organization is still searching for new and innovative ways to serve Minnesotans. Currently, African American Family Services is attempting to work more directly with the children of its clients, hoping that this will help to break the cycle of self-destructive behavior that many families experience.

As the leading provider of human services to the Minnesota African American community, this organization has served countless individuals and families. By providing an effective network of dedicated staff and volunteers who have worked hard to serve every person who walks through its doors, African American Family Services truly has been able to make a difference in the lives of its clients.

I am grateful to have had the opportunity to work with this wonderful organization, and am proud to commend its outstanding record of success and service to the community on the floor of the United States Senate. Please join me in honoring all of the people who have made the success of the African American Family Services possible.

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## UNHCR DEATH IN GUINEA

Mr. FEINGOLD. Mr. President, I rise today to speak about the tragic events that occurred over the weekend in the West African country of Guinea. West Africa is a very rough neighborhood, and for years Guinea has borne a heavy refugee burden, as Liberian and Sierra Leonean people have fled into its borders to escape violence in their home countries. In fact, Guinea hosts more refugees than any other country in Africa—nearly half a million of them.

The region's tensions have, unfortunately, spilled over to affect the welfare of refugees. Recently, a crisis erupted when a series of armed incursions into Guinea from Liberia and Sierra Leone provoked a violent reaction on the part of Guinean authorities who rounded up and arrested thousands of foreigners, including refugees, accusing them of aiding the attackers.

On Sunday, in the town of Macenta, Mensah Kpognon, a Togolese employee of the United Nations High Commissioner for Refugees was killed, and another UNHCR worker from the Ivory Coast, Sapeu Laurence Djeya, was abducted by unidentified attackers. Reports indicate that dozens of civilians were also killed in the raid.

This terrible tragedy marks the fourth murder of a UNHCR worker in less than two weeks. Three others, including an American citizen, Carlos Caceres, were murdered on September 6, 2000 in Atambua, West Timor by a militia mob while Indonesian armed forces and police failed to stop the violence.

These terrible crimes, committed against individuals who dedicated their lives to helping others in need, must not continue. All responsible members of the international community must work together to provide security for the humanitarian workers laboring in difficult conditions around the globe. Governments in the region must ensure that those responsible for these acts must be held accountable for their actions. Cross-border raids into Guinea must be stopped. And most urgently, the governments of West Africa must work to find Sapeu Laurence Djeya and to ensure her safety and freedom.

## THE INTERNATIONAL ACADEMIC OPPORTUNITY ACT

Mr. SCHUMER. Mr. President, I rise today to speak about the International Academic Opportunity Act introduced by Senator's LUGAR, FEINGOLD, COLLINS and me. This bill provides $1.5 million in scholarships to low income college students to finance their study abroad. It is estimated that this program will help over 300 students in its first year. I believe that this legislation will provide needed resources to help low income students compete in today's global marketplace.

In this era of globalization, it has become imperative for America's students to be prepared to operate in an international environment and economy. By studying abroad, students will be exposed to different languages and cultures that will help them become the successful leaders in the future.

This scholarship, otherwise referred to as the Gilman Scholarship Act, because it was the developed by the Hon. BENJAMIN GILMAN of New York, will provide up to $5000 per student for their study abroad. Mr. GILMAN targeted these scholarships to low income students who otherwise would not have been able to consider a study abroad program. I believe that by increasing the number of students that will benefit from an international education we can only enhance the capacity of our citizens to participate in a global society.

This legislation passed unanimously in the House and I hope that we will be able to pass it in the Senate before the end of session. I urge leadership and my fellow Senators to support a swift and unhindered passage.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 19, 2000, the Federal debt stood at $5,658,234,946,688.07, five trillion, six hundred fifty-eight billion, two hundred thirty-four million, nine hundred forty-six thousand, six hundred eighty-eight dollars and seven cents.

Five years ago, September 19, 1995, the Federal debt stood at $4,965,955,000,000, four trillion, nine hundred sixty-five billion, nine hundred fifty-five million.

Ten years ago, September 19, 1990, the Federal debt stood at $3,232,292,000,000, three trillion, two hundred thirty-two billion, two hundred ninety-two million.

Fifteen years ago, September 19, 1985, the Federal debt stood at $1,823,102,000,000, one trillion, eight hundred twenty-three billion, one hundred two million.

Twenty-five years ago, September 19, 1975, the Federal debt stood at $550,758,000,000, five hundred fifty billion, seven hundred fifty-eight million which reflects a debt increase of more than $5 trillion—$5,107,476,946,688.07, five trillion, one hundred seven billion, four hundred seventy-six million, nine hundred forty-six thousand, six hundred eighty-eight dollars and seven cents during the past 25 years.

## ADDITIONAL STATEMENTS

## IN RECOGNITION OF DR. JOAB M. LESESNE, JR.

• Mr. HOLLINGS. Mr. President, now here is one thing with which I can agree, and not be in a minority. Dr. Joab M. Lesesne, Jr. has not only headed Wofford College with distinction for 28 years, but he has brought luster to the National Association of Independent Colleges and Universities as its Chairman. A man of many talents, Joe served as a general in the South Carolina National Guard and is presently Chairman of the South Carolina Department of Natural Resources Governing Board. Dr. Shi, the eminent President of Furman University, cites this record better than I in a recent editorial in the Greenville News. I ask that the editorial be reprinted in the RECORD.

The material follows:

[From the Greenville News, Sept. 17, 2000]

### JOE LESESNE STANDS AS A TRUE AMERICAN HERO

(By David Shi)

In an age with few heroes, it becomes even more important to honor those who stand above the crowd. Last week, Furman University had the privilege of bestowing an honorary doctoral degree on Joab Lesesne, the recently retired president of Wofford College. He had served it well—with a special genius that everyone observed yet no one can define.

Joe Lesesne was raised on a college campus. His father, a Wofford graduate, served as president of Erskine College. After graduating from Erskine, the younger Lesesne went on to earn his M.A. and Ph.D. degrees in history from the University of South Carolina. He began his career at Wofford in 1964 as an assistant professor of history, and he soon distinguished himself in the classroom. Lesesne was a luminous teacher who made the past shine with interest and significance.

Professor Lesesne was appointed assistant dean in 1967. Soon thereafter, he implemented the college's interim term, a four-week winter learning program that has become an indispensable part of a Wofford education. He later became director of development and then dean of the college. In 1972, at the ripe age of 34, he was named Wofford's ninth president.

Lesesne quickly realized that going from the faculty to the presidency means abandoning righteousness for pragmatism. He also discovered that a college president needs the endurance of an athlete, the wisdom of a Solomon and the courage of a lion. But perhaps most important is to have the stomach of a goat in order to accommodate all of the civic club luncheons, campus banquets and meals-on-the-run.

As a resolute champion of the distinctive virtues of residential liberal arts colleges, Lesesne led Wofford through a remarkable era of progress, change and achievement. The college's endowment soared during his long tenure, new buildings were constructed, and he helped attract a stronger, more diverse faculty and student body. Along the way, President Lesesne displayed extraordinary composure and resilience. Hard to surprise and even harder to shock, he displayed the magnanimity of a saint in dealing with complaints and crises.

President Lesesne became a leader of national prominence within the higher education community. He was the first Southerner to chair the board of the National Association of Independent Colleges and Universities, and he headed the council of presidents of South Carolina's private colleges. In addition, he is a retired major general in the South Carolina Army National Guard, and he continues to chair the South Carolina Commission on Natural Resources.

Yet the real value of a career can sometimes be better gauged by a person's character than by a public portfolio. Joe Lesense is a genial representative of a fast vanishing world of grace, civility, loyalty, faith and moral rectitude. A warm man with a big heart, he has no enemies—even among those who disagree with him. Known for his casual intensity and refreshing humility, he loves to tell stores and to catch fish.

For almost 30 years as a college president, Joe Lesesne manifested unshaken nerve, rescuing wit, and, above all, a love for Wofford that has never waned. He had a special affection for students. He teased them, entertained them, inspired them and guided them. They responded with equal affection.

It has been invigorating for those of us still in our age of impetuous vanities to associate with such a wise colleague. I cannot imagine anyone more effective at helping the people of this state appreciate the important role played by Wofford and the other private liberal arts colleges. Joe Lesesne is one of those refreshing people who prefers to grin rather than scowl, banter rather than pontificate. What a wonderful mentor he has been to me and many others.

In his compassionate awareness of others, in his instinctive respect for them, in his declared willingness to help, in his courtesy, tolerance and gentleness, Joe Lesesne demonstrated that the highest intelligence is at its most fertile and expressive when allied to the deepest humanity. As to all of these traits, he has provided us the great gift of his example. Blessed are those who perform good works and earn our respect and admiration. Thanks, Joe.●

## NATIONAL BLUE RIBBON SCHOOLS IN MARYLAND

● Mr. SARBANES. Mr. President, I am pleased to congratulate and welcome to our Nation's Capitol the two middle schools and two high schools from Maryland that have been named Blue Ribbon School Award winners by the United States Department of Education. These schools are among only 198 middle and high schools nationwide to be honored with this award, the most prestigious national school recognition for public and private schools.

The designation as a Blue Ribbon School is a ringing endorsement of the successful techniques which enable the students of these schools to succeed and achieve. Over the past few years, I have made a commitment to visit the Blue Ribbon Schools and have always been delighted to see first hand the interaction between parents, teachers, and the community, which strongly contributed to the success of the school. I look forward to visiting each of these four schools and congratulating the students, teachers and staff personally for this exceptional accomplishment.

According to the Department of Education, Blue Ribbon Schools have been judged to be particularly effective in meeting local, state and national goals. These schools also display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. Blue Ribbon status is awarded to schools which have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to family involvement; evidence that the school helps all students achieve high standards; and a commitment to share the best practices with other schools.

After a screening process by each State Department of Education, the Department of Defense Dependent Schools, the Bureau of Indian Affairs, and the Council for American Private Education, the Blue Ribbon School nominations were forwarded to the U.S. Department of Education. A panel of outstanding educators from around the country then reviewed the nominations, selected schools for site visits, and made recommendations to Secretary of Education Richard Riley.

The four winning Maryland secondary schools are as follows:

Baltimore City College High School: founded in 1839 is the third oldest public high school in the country. A college preparatory magnet high school emphasizing the liberal arts and serving students and parents in Baltimore, City College sends 95 percent of its graduates to post-secondary institutions and, in doing so, has played a part in the American dream—preparing students to succeed in college as well as giving them day-to-day experience in working with people of all backgrounds to lead in the community.

Bel Air Middle School: located in Harford County, is a high-performing model of teaching and learning because of its outstanding academic programs and the high level of commitment from teachers, students, local businesses, and parents. Bel Air Middle School has developed an integrated assessment program entitled, "Student Achievement and Improvement through Lifelong Learning", SAIL, which has been recognized nationally by the National Council of Teachers of English. Additionally, Bel Air Middle School has a literacy Team, which provides the faculty with ongoing professional development, particularly in the areas of reading and writing.

Paint Branch High School: in Burtonsville, Montgomery County, offers a dynamic and innovative whole-school signature program in science and the media. In addition to delivering a rigorous, comprehensive high school program with a full complement of honors and advanced placement classes and additional support related, community service, and extra-curricular experiences emphasizing research and experimentation. Several business partnerships support the largest internship program in the county, with nearly 170 students this year earning credit at such sites as the National Institutes of Health, Johns Hopkins University Applied Physics Laboratory, Discovery Communication, Inc., and Black Entertainment Television.

Plum Point Middle School: in Huntingtown, Calvert County, exhibits enthusiasm and strength which grows from school-wide philosophy that considers each member valuable and every minute important. Students are encouraged to participate in a variety of educational and extracurricular activities. Over 75 percent of its students are involved in after-school activities. The school has been county athletic champion 13 times in various sports. Over 20 percent of the teaching staff have been award winners—including Maryland's 1999 Teacher of the Year, Rachael Younkers.●

## RECOGNITION OF CLAIRE HOWARD

● Mr. SANTORUM. Mr. President, I would like to take this opportunity to recognize Ms. Claire Howard of Bethlehem, Pennsylvania who will serve as President of the USA Council of Serra International next year. This is a most noteworthy accomplishment, as she is the first woman ever to serve in this high capacity. I would like to insert the following article into the RECORD, which was printed in the Allentown Diocese Times on August 3, 2000:

> Claire Howard of Bethlehem was installed as President-Elect by United States Serra clubs at the annual Serra International Convention in Kansas City. She will serve a one-year term as President-Elect on the USA/Canada Council Board. In 2001, she will become the first woman President of not only the USA Council, but also the first in Serra International's 65-year history.
>
> As President-Elect of the USA Council (USAC) of Serra International, a worldwide organization that works to foster and promote Catholic religious vocations, she will work closely with the national staff and local Serra clubs, and assist the president as needed. She also serves as a liaison with the council's 13 standing committees.
>
> "I'm looking forward to making sure we all really commit ourselves to the ministry of building up the body of Christ through our Serran work," Howard said.
>
> A charter member of the Serra Club of Bethlehem, Howard has served two years as club President. An active member over the years, she has served on almost all the standing committees.
>
> Her future seat as president is not Howard's only "first" in Serra International; she has trail-blazed the way for women in Serra for years, ascending steadily through the ranks of the organizational structure. In 1993, she was the first woman to serve as District Governor of Serra International and in 1994 became the first regional representative (again the first woman) of Region 3 of the then newly formed USA/Canada Council of Serra International.
>
> She has chaired USACC's Meetings and Conventions Committee, which is responsible for coordination of the fall regional conventions in the 13 regions of the United States and Canada. In recent years she has served as USA Council Vice President for the Membership and Programs committees.
>
> For the past six years, she has been the Coordinator of the Serra Clubs of the Allentown Diocese's "Life/Vocation Awareness Weekend," working closely with diocesan Director of Vocations the Rev. Francis A. Nave. The weekend offers any adult who would like to explore the possibilities of entering the priesthood or a religious order a time of reflection, prayer and interaction with priests and religious [leaders].
>
> Howard was also appointed by the Most Rev. Edward P. Cullen, D.D., Bishop of Allentown, to be the Serran representative for the Allentown Diocese Vocation Recruitment Committee.

An active member of St. Anne Church, Bethlehem, she serves as a Eucharistic minister, lector and coordinator of the adult Bible study group. Howard's community work includes active membership in Morning Star Rotary; sustaining membership in the Junior League of the Lehigh Valley; Bethlehem Palette Club; and Bethlehem Quota Club.

She works as a full-time associate real estate broker with RE/MAX 100 Real Estate of the Greater Lehigh Valley. She is married to John J. Howard Jr., and they have three grown children. They divide their spare time between a small home in Orlando, Fla. and a season home in Stone Harbor, N.J.

The USA Council was formed officially June 1, 1994, as a national council for all Serra clubs in the United States and originally included clubs in Canada. The USA Council represents Serra International in the United States and is committed to its mission.

As Serra International is the lay vocations arm of the church, the council's mission is to foster and affirm vocations to the ministerial priesthood and vowed religious life in America, and through this ministry, further their members' common Catholic faith.

The council's primary purpose is to establish communication links between the Catholic Church hierarchy, Serra clubs and local Serrans to effectively distribute information, coordinate vocations programs and activities, and promote membership growth in the two countries. There are 12,585 Serrans in 313 Serra clubs in more than 100 dioceses in the United States.

Serra International, founded in 1935 in Seattle, Washington, is a Catholic membership organization of lay men and women who work to promote vocations to the priesthood and religious life while developing their Catholic identity. There are more than 22,000 Serrans organized into 732 clubs in 35 countries throughout the world.●

## RECOGNITION OF MS. SUE DILLON, FOUNDER AND PRESIDENT OF TAIL'S END FARM ANIMAL RESCUE

● Mr. SANTORUM. Mr. President, it is at this time that I would like to recognize Ms. Sue Dillon for her efforts as founder and president of Tail's End Farm Animal Rescue. Ms. Dillon started this organization to save horses from going to slaughter and focused on finding them good homes.

In 1993, she realized that there were no organizations or facilities in Pennsylvania to accommodate homeless farm animals needing shelter. Consequently, in order to save the lives of these animals, Ms. Dillon decided that she would take on the challenge of providing a safe haven for these animals. In 1996, she discovered that she needed to turn her facility into a full-scale, no-kill, animal facility. She obtained a non-profit status, the correct licences and opened her doors to cats, dogs, and any other homeless animals.

Although Ms. Dillon has volunteers to run the farm, help with adoption, and other facets of the operation, she remains to be a huge part of the Rescue. She continues to be actively involved with the everyday operations of the organization.

I would like to take this opportunity to recognize Sue Dillon in taking the lead to provide a safe haven for many of these animals. She is an exemplary citizen, and I applaud her efforts on this issue.●

## RECOGNITION OF HOT PINK PITTSBURGH DANCE RECITAL

● Mr. SANTORUM. Mr. President, I rise today to recognize the fundraiser Hot Pink Pittsburgh, a collaboration of Family Health Council and Pink Ribbons Project Dancers in Motion Against Breast Cancer, which will increase the awareness of breast cancer, its treatment and prevention. The event will raise funds to provide essential health care services to a growing number of uninsured women in Pennsylvania.

Hot Pink Pittsburgh will take the stage of the Byham Theater on October 2, 2000 to showcase performers and increase community awareness and appreciation. Dancers from the Pittsburgh Ballet Theater, Dance Alloy, Shona Sharif African Dance and Drum Ensemble and Hope Stone Dance as well as members of the Pittsburgh Symphony will donate their performances for the benefit.

This event will help Family Health Council provide annual exams, breast and cervical cancer screening and health education. Early detection and treatment gives women their best chance of breast cancer survival, while cervical cancer is preventable with screening and treatment.

Family Health Council, founded in 1971, serves more than 100,000 women and their families in western Pennsylvania every year. As a non-profit organization you provide gynecological and obstetric care; breast and cervical cancer screening; comprehensive nutrition services; nationally recognized teen pregnancy prevention resources; domestic and international adoption; and applied research in women's health. Family Health Council also administers a network of more than 20 community-based health care organizations. Your organization is supported by patient fees, private and public grants, and individual gifts.

I commend the efforts of the Family Health Council and Pink Ribbon Project Dancers in Motion Against Breast Cancer as well as those so dedicated to increasing the awareness of breast cancer, its treatment and prevention.●

## MESSAGES FROM THE HOUSE

At 12:00 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage.

H.R. 2883. An act to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 3834. An act to amend the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 to provide loan guarantees for loans made to refinance existing mortgage loans guaranteed under such section.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building."

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building."

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4673. An act to assist in the enhancement of the development and expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building."

H.R. 4870. An act to make technical corrections in patent, copyright, and trademark laws.

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse."

H.R. 4999. An act to control crime by providing law enforcement block grants.

H.R. 5062. An act to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

H.R. 5106. An act to make technical corrections in copyright law.

H.R. 5107. An act to make certain corrections in copyright law.

H.R. 5203. An act to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 257. Concurrent resolution concerning the emancipation of the Iranian Baha'i community.

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces.

The message further announced that the House has passed the following bill, without amendment:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 704. An act to amend title 18, United States Code, to combat the overultization of prison health care services and control rising prisoner health care costs.

## ENROLLED BILLS SIGNED

At 5:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

At. 5:34 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program, to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage; to the Committee on Governmental Affairs.

H.R. 3834. An act to amend the rural housing loan guarantee program under section 502(h) of the Housing Act of 1949 to provide loan guarantees for loans made to refinance existing mortgage loans guaranteed under such section; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4999. An act to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 5173. An act to provide for reconciliation pursuant to sections 103(b)(2) and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt.

S. 3068. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

## MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 5203. An act to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10832. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Animal Semen" (Docket #99–023–2) received on September 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10833. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of East Anglia Because of Hog Cholera" (Docket #00–080–1) received on September 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10834. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in States of Massachusetts, et al.; Temporary Suspension of Provisions in the Rules and Regulations" (Docket Number: FV00–929–6 IFR) received on September 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10835. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules entitled "Clopyralid; Pesticide Tolerances for Emergency Exemptions" (FRL #6741–9), "Diflubenzuron; Pesticide Tolerance Technical Correction" (FRL #6741–3), and "Glyphosate; Pesticide Tolerance" (FRL #6746–6) received on September 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10836. A communication from the Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1755, RUS Form 397, Special Equipment Contract (Including Installation)" (RIN0572–AB35) received on September 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10837. A communication from the Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1755, General Policies, Types of Loans, Loan Requirements—Telecommunication Program" (RIN0572–AB56) received on September 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10838. A communication from the Administrator of the Rural Utilities Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1710, 1717, and 1718—Reduction in Minimum TIER Requirements" (RIN0572–AB51) received on September 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10839. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (Docket Number: FV00–905–4 IFR) received on September 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10840. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments Docket No. 30177; Amdt. no. 424 (10–5–911–00)" (RIN2120–AA63) (2000–0005) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10841. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments Airworthiness Standards; Bird Ingestion Docket No. FAA-1998-4815; Amdt No. 23-54, 25-100 and 33-20" (RIN2120-AA63) (2000-0006) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10842. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Request for Comments; Bell Helicopter Textron, inc. Model 412, 412EP, and 412CF Helicopters; docket No. 2000-SW-29AD (9-14-10-5)" (RIN2120-AA64) (2000-0470) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10843. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Request for Comments; Eurocopter France Model AS350B3 Helicopters; Docket No. 2000-SW-39 AD (9-14-9-30)" (RIN2120-AA64) (2000-0464) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10844. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft-manufactured Model CH-54A Helicopters; Docket No. 99-SW-81-AD (10-5-9-14)" (RIN2120-AA64) (2000-0466) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10845. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Eurocopter Canada Ltd. Model BO 105 LS A-3 helicopters; Docket No. 99-SW-68-AD (9-14-10-5-00)" (RIN2120-AA64) (2000-0467) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10846. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. Model MD-900 Helicopters; Docket No. 2000-SW-03 AD (9-14-10-5)" (RIN2120-AA64) (2000-0468) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10847. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airworthiness Directives: Israel Aircraft industries, Ltd., Model 1125 Westwind Astra Series Airplanes Docket No. 2000-NM-287 AD (9-14-9-29)" (RIN2120-AA64) (2000-0469) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10848. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 105, 2009 (9-14-10-5)" (RIN2120-AA65) (2000-0047) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10849. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airspace Actions Revision of Class D Airspace; Robert Gray Army Airfield, TX, and Revocation of Class D Airspace, Hood Army Airfield, TX Docket No. 2000-SW-18 (9-14-11-30)" (RIN2120-AA66) (2000-0221) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10850. A communication from the Program Assistant, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled "Airspace Actions Revision of Class E Airspace; Tulsa, OK Docket No. 2000-SW-15 (9-14-11-30)" (RIN2120-AA66) (2000-0222) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10851. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Middle Harbor-San Pedro Bay, CA (COTP Los Angeles-Long Beach 00-003)" (RIN2115-AA97) (2000-0083) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10852. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Northstar dock, Seal Island, Prudhoe Bay , Alaska (COTP Western Alaska 00-011)" (RIN2115-AA97) (2000-0084) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10853. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Patapsco River, Baltimore, Maryland (CGD05-00-038)" (RIN2115-AE46) (2000-0014) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10854. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Michelob Championship at Kingsmill Fireworks Display, James River, Williamsburg, Virginia (CGD05-00-041)" (RIN2115-AE46) (2000-0013) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10855. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Hampton Bay Days Festival, Hampton River, Hampton, Virginia (CGD05-00-039)" (RIN2115-AE46) (2000-0015) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10856. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Bayou Du Large, LA (CGD08-00-024)" (RIN2115-AE47) (2000-0046) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10857. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hackensack River, NJ (CGD01-00-209)" (RIN2115-AE47) (2000-0048) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10858. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Honer Cut, San Joaquin County, California (CGD11-00-006)" (RIN2115-AE47) (2000-0047) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10859. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; Sanibel, Florida (CGD07-00-086)" (RIN2115-AE84) (2000-0003) received on September 14, 2000; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated on September 5, 2000:

POM-617. A resolution adopted by the City Council of Ann Arbor, Michigan relative to economic sanctions against Iraq; to the Committee on Banking, Housing, and Urban Affairs.

POM-618. A resolution adopted by the Legislature of the Commonwealth of Guam relative to clemency; to the Committee on Energy and Natural Resources.

### RESOLUTION NO. 368

Whereas, Mr. Alejandro T.B. Lizama, known to his friends and the large number of civic and community organizations as "Al," was arrested and sentenced to a year in prison for charges stemming from an incident at the U.S. District Court of Guam; and

Whereas, "Al" is a Historic Preservation Specialist II employed with the Historic Resources Division of the Guam Department of Parks and Recreation, devoting his life work to the study, documentation and preservation of the Chamorro culture through art, research and outreach; and

Whereas, "Al" during his over twenty-five (25) years of service as an employee of the Guam Department of Parks and Recreation, has shared this knowledge with the military and federal community, including those from the Department of the Air Force, the Department of Defense school system, and the Navy Family Service Center, voluntarily conducting "Welcome to Guam Orientation" programs and other outreach programs; and

Whereas, "Al" is the recipient of countless certificates of appreciation and commendation, voluntary service awards and certificates of appreciation, including those from Major General Richard T. Swope USAF Commander, Thirteenth Air Force; Colonel Stephen M. McClain, USAF Commander, 633d Air Base Wing; Commander D.L. Metzig, U.S. Navy, Director of Navy Family Service Center Guam, by direction of the Commander; and Principal Steven Dozier, Guam Department of Defense High School, for his many hours of voluntary service to their Communities;

Whereas, in 1994 "Al" was selected and recognized as one of Ten Employees of the Year in the "Magnificent Seven Program," a prestigious event which recognizes individuals and groups for their achievements and contributions in the service of the government of Guam; and

Whereas, "Al" is one (1) of just four (4) nominees for the 2000 "Governor's Award of Excellence," recognized for his innumerable contributions to the Community over the years, including, but not limited to, volunteering his time to speak to students and members of the Community in outreach programs about the significance of preserving one's culture and past; and

Whereas, "Al" is an accomplished artist whose many donated artworks appear proudly displayed in all parts of the Island; and

Whereas, "Al" was awarded the "Bronze Star Medal" for valor, the "Combat Infantry's Badge" and other Campaign medals for his patriotic service and achievement during the Vietnam War; and

Whereas, "Al" suffers from Post-Traumatic Stress Disorder ("PTSD") and was accepted to participate in the PTSD Residential Rehabilitative Program in Hilo, Hawaii, to deal with the trauma scars acquired during his service to our Country in Vietnam; and

Whereas, it would be against the interests of both "Al" and the Island Community, and would not advance the cause of justice and retribution if he were to be incarcerated for a full year; now therefore, be it

*Resolved*, That I Miná Bente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that clemency be granted to Veteran Alejandro T.B. Lizama by President William J. Clinton, that his sentence be commuted and that he be released and returned to Guam; and be it further

*Resolved*, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William J. Clinton, President of the United States of America; to the President of the United States Senate; to the Speaker of the United States House of Representatives; to the Secretary General of the United Nations; to the National Organization for the Advancement of Chamoru People; to the Honorable Congressman Robert A. Underwood, Member of the U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magál ahen Guåhan.

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POM–619. A resolution adopted by the Township of Pequannock, New Jersey relative to prescription drug benefit enhancement; to the Committee on Finance.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with amendments:

H.R. 4986: A bill to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income (Rept. No. 106–416).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN for the Committee on Commerce, Science, and Transportation.

Arthenia L. Joyner, of Florida, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

David Z. Plavin, of New York, to be a Member of the Federal Aviation Management Advisory Council for a term of one year. (New Position)

Sue Bailey, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. McCAIN .for the Committee on Commerce, Science, and Transportation.

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral*

Rear Adm. (lh) Robert C. Olsen Jr., 4781
Rear Adm. (lh) Robert D. Sirois, 8309
Rear Adm. (lh) Patrick M. Stillman, 0193

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

*To be rear admiral (lower half)*

Capt. Charles D. Wurster, 3540
Capt. Thomas H. Gilmour, 0516
Capt. Robert F. Duncan, 3843
Capt. Richard E. Bennis, 6591
Capt. Jeffrey J. Hathaway, 9612
Capt. Kevin J. Eldridge, 5421

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably nomination lists which were printed in the RECORD of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning MICHAEL J. CORL and ending GREGORY J. HALL, which nominations were received by the Senate and appeared in the Congressional Record on September 7, 2000.

Coast Guard nominations beginning Mark B. Case and ending Robert C. Ayer, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

Coast Guard nominations beginning Kevin G. Ross and ending Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record on September 12, 2000.

By Mr. JEFFORDS for the Committee on Health, Education, Labor, and Pensions.

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years. (New Position)

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3074. A bill to make certain immigration consultant practices criminal offenses; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 3075. A bill to repeal the provisions of law that provide automatic pay adjustments for Members of Congress, the Vice President, certain senior executive officers, and Federal judges, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LUGAR (for himself, Mr. SCHUMER, Ms. COLLINS, and Mr. FEINGOLD):

S. 3076. A bill to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies abroad; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. BREAUX, Mr. GRAHAM, Mr. KERREY, Mr. ROBB, Mr. KENNEDY, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 3077. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI:

S. 3078. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Fe Regional Water Management and River Restoration Project; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 3079. A bill to amend the Public Health Services Act to provide for suicide prevention activities with respect to children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 3080. A bill to amend the Public Health Services Act to provide for the establishment of a coordinated program to improve preschool oral health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 3081. A bill to amend the Public Health Services Act to provide for the conduct of studies and the establishment of innovative programs with respect to traumatic brain surgery; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 3082. A bill to amend title XVIII of the Social Security Act to improve the manner in which new medical technologies are made available to Medicare beneficiaries under the Medicare Program, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (by request):

S. 3083. A bill to enhance privacy and the protection of the public in the use of computers and the Internet, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 3084. A bill to amend title XVIII of the Social Security Act to provide for State accreditation of diabetes self-management training programs under the Medicare Program; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CLELAND, and Mrs. MURRAY):

S. 3085. A bill to provide assistance to mobilize and support United States communities in carrying out youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens; to the Committee on Health, Education, Labor, and Pensions.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. FEINGOLD:

S. 3075. A bill to repeal the provisions of law that provide automatic pay adjustments for Members of Congress, the Vice President, certain senior executive officers, and Federal judges, and for other purposes; to the Committee on Governmental Affairs.

### CONGRESSIONAL PAY ADJUSTMENT LEGISLATION

Mr. FEINGOLD. Mr. President, I rise to introduce a bill that would put an end to automatic cost-of-living adjustments for Congressional pay.

As my Colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the RECORD.

Earlier today, the Senate voted down the conference report on the Legislative Branch appropriations bill. As I noted during the debate on that bill, by considering the Treasury-Postal appropriations bill as part of that conference report, shielded as it was from amendment, the Senate blocked any opportunity to force an open debate of a $3,800 pay raise next year for every Member of the Senate and the House of Representatives. This process of pay raises without accountability must end.

The stealth pay raise technique being employed this year began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that Act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation. Many times, Congress has voted to deny itself the raise, and Congress traditionally does that on the Treasury-Postal appropriations bill.

And by bringing the Treasury-Postal Appropriations bill to the Senate floor for the first time this week in a conference report, without Senate floor consideration, the majority leadership prevented anyone from offering an amendment on that bill to block the pay raise. The majority leadership tried to make it impossible even to put Senators on record in an up-or-down vote directly for or against the pay raise. The majority nearly perfected the technique of the stealth pay raise.

And the majority also made it impossible to link this Congressional pay raise directly to other pay issues of importance to the American people. The majority made it impossible to consider, among other things, an amendment that would have delayed the Congressional pay raise until working Americans get a much-needed raise in the minimum wage.

The majority leadership thus appears to believe that cost-of-living adjustments make sense for Senators and Congressmen, but that cost-of-living adjustments do not make sense for working people making the minimum wage.

The process that gives Senators and Congressmen an automatic cost-of-living adjustment makes it easier for the majority leadership to block the Senate from rectifying this injustice. If the Senate had to debate and vote on a bill to raise its pay, a Senator could offer an amendment that would point out inequities like this.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 211 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the states.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin state Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the states.

The 27th Amendment to the Constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my boss, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment.

Now, this year's procedural device allowing another pay raise to go into effect without a recorded vote does not violate the letter of the Constitution. But stealth pay raises like the one that the Senate allowed this year certainly violate the spirit of that amendment.

Mr. President, this practice must end. To address it, I am introducing this bill to end the automatic cost-of-living adjustment for Congressional pay. Senators and Congressmen should have to vote up-or-down to raise Congressional pay.

The majority has sought to prevent votes on pay raises. My bill would simply require us to vote in the open. We owe our constituents no less.

I urge my Colleagues to support this bill.

Mr. President, I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3075

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR FEDERAL OFFICIALS.**

(a) MEMBERS OF CONGRESS.—

(1) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(A) by striking "(a)(1)" and inserting "(a)";

(B) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(C) by striking "as adjusted by paragraph (2) of this subsection" and inserting "adjusted as provided by law".

(b) VICE PRESIDENT.—Section 104 of title 3, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a)";

(B) in the first sentence by striking "as adjusted under this section" and inserting "adjusted as provided by law"; and

(C) by striking the second and third sentences; and

(2) by striking subsection (b).

(c) EXECUTIVE SCHEDULE POSITIONS.—

(1) IN GENERAL.—Section 5318 of title 5, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 53 of title 5, United States Code, is amended by striking the item relating to section 5318.

(B) Sections 5312, 5313, 5314, 5315, and 5316 of title 5, United States Code, are each amended by striking "as adjusted by section 5318 of this title" and inserting "adjusted as provided by law".

(d) JUSTICES AND JUDGES.—

(1) IN GENERAL.—Section 461 of title 28, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The table of sections for chapter 21 of title 28, United States Code, is amended by striking the item relating to section 461.

(B) Sections 5, 44(d), 135, and 252 of title 28, United States Code, are each amended by striking "as adjusted by section 461 of this title" and inserting "adjusted as provided by law".

(C) Section 371(b)(2) of title 28, United States Code, is amended in the second sentence by striking "under section 461 of this title" and inserting "as provided by law".

(e) EFFECTIVE DATES.—This section shall take effect on February 1, 2001.

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Mr. LUGAR (for himself, Mr. SCHUMER, Ms. COLLINS, and Mr. FEINGOLD):

S. 3076. A bill to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies abroad; to the Committee on Foreign Relations.

## INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

Mr. LUGAR. Mr. President, I rise to introduce the International Academic Opportunity Act of 2000. I'm pleased to be joined by Senators SCHUMER, COLLINS, and FEINGOLD in introducing this important piece of legislation.

Our bill attempts to address a gap in U.S. institutions of higher education among undergraduate students who wish to study abroad but who lack the financial means to do so. Specifically, our bill would establish an undergraduate grant program in the Department of State for the purpose of assisting American students with limited financial means to pursue studies abroad. It would provide grants for eligible students of up to $5,000 toward the cost of studying overseas for up to one academic year. These grants would be made available from existing appropriations, so we are not requesting any new funds to administer the program.

The program would be administered by the Department of State and funded through the 150 International Affairs budget. Global education is a foreign policy and national security issue, not only an education matter. During the cold war period and now, international education is part of the glue that helps to hold alliances together, that promotes cooperative bilateral relationships, that enhances international trade and business and narrows the psychological distance between counties and cultures. Our target population are the many students who wish to study abroad but who are unable to do so because of financial limitations. Our bill attempts to remedy this gap in American higher education.

To qualify for these grants, an individual must be a student in good standing at a United States institution of higher education, must have been accepted for up to one academic year of study at an institution of higher education outside the United States or be in a study program abroad approved by the student's home institution, and must be a citizen or national of the United States. Priority would be given to those who have a demonstrated financial need and who meet these other eligibility requirements.

It is my understanding that this proposal has been endorsed by the American Council on Education, the Association of State College and Universities, the Alliance for International Education and Cultural Exchange, NAFSA (Association of International Educators), the Institute of International Education, the American Councils for International Education: ACTR/ACCELS, and other educational associations and organizations involved in promoting and implementing international exchanges and higher education.

Mr. President, there are roughly five foreign students studying in the United States for every one U.S. student studying abroad. Only one percent of our total university population in the United States—about 15 million—studies abroad. This imbalance is troubling and should be rectified. 95 percent of the world's population—and all potential trading partners and customers for U.S. exports—live outside the United States. We need to improve the availability and the means for more students, scholars and practitioners to study abroad—in institutions of higher learning, to engage in language studies, to conduct field research, and to participate in international exchanges.

There is extensive research which indicates that experience in study abroad programs produces significant measurable language improvement, typically raising students from survival level skills to real fluency. Research also shows that alumni of study abroad programs view that experience as critical to their career choices and to the performances of their jobs.

In a globalized economy, our ability to understand, communicate, and conduct international commerce and other forms of cross-national and cross-cultural interactions hinge on our ability to understand and work effectively with other societies. Globalization makes the imperative of knowing and understanding the rest of the world more compelling than ever. The global economic and technology revolutions have helped redefine our nation's economic security. The opening of markets, the expansion of international trade, the extraordinary effects of Internet technology, and the need for American business to compete around the world require a larger global vision that can be advanced through expanded contacts and international education.

In order to make our program successful, other countries need to improve their exchange programs to attract American students by making more classroom space available, more and better housing, and improved language capabilities. For our part, we need to do more to encourage undergraduate students to explore the challenges and opportunities of living abroad in another culture, of being exposed to different values and different mores.

I believe this bill merits special attention. The costs are minimal, it adds no new funding to the already-strained appropriations for international affairs and it addresses the needs of those undergraduate American students who wish to study abroad but cannot ordinarily do so because they lack the financial means.

I hope my colleagues will support this initiative.

I ask that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3076

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "International Academic Opportunity Act of 2000".

### SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study abroad. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

### SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

(a) ESTABLISHMENT.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of up to one academic year of undergraduate study abroad. Grants under this Act shall be known as the "Benjamin A. Gilman International Scholarships".

(b) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for up to one academic year of study—

(A) at an institution of higher education outside the United States (as defined by section 102(b) of the Higher Education Act of 1965); or

(B) on a program of study abroad approved for credit by the student's home institution;

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) APPLICATION AND SELECTION.—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or a combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section—

(A) consideration of financial need shall include the increased costs of study abroad; and

(B) priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

**SEC. 4. REPORT TO CONGRESS.**

The Secretary of State shall report annually to the Congress concerning the grant program established under this Act. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their year of study abroad.

(4) The areas of study of participants.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this Act.

**SEC. 6. EFFECTIVE DATE.**

This Act shall take effect October 1, 2000.

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By Mr. MOYNIHAN (for himself, Mr. DASCHLE, Mr. ROCKEFELLER, Mr. BREAUX, Mr. GRAHAM, Mr. KERREY, Mr. ROBB, Mr. KENNEDY, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. EDWARDS, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MILLER, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 3077. A bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Finance.

### BALANCED BUDGET REFINEMENT ACT OF 2000

Mr. MOYNIHAN. Mr. President, I am pleased to join with Senator DASCHLE and many of my Democratic colleagues in sponsoring the Balanced Budget Refinement Act of 2000 (BBRA-2000). First, a few words on the genesis of this bill.

As part of the effort to balance the Federal Budget, the Balanced Budget Act of 1997 (BBA) provided for reduction in Medicare payments for medical services. At the time of enactment, the Congressional Budget Office (CBO) estimated that these provisions would reduce Medicare outlays by $112 billion over 5 years. We now know that these BBA cuts have been much larger than originally anticipated.

Hospital industry representatives and other providers of health care services have asserted that the magnitude of the reductions are having unintended consequences which are seriously impacting the quantity and quality of health care services available to our citizens.

Last year, the Congress address some of those unintended consequences, by enacting the Balanced Budget Refinement Act (BBRA), which added back $16 billion over 5 years in payments to various Medicare providers, including: Teaching Hospitals; Hospital Outpatient Departments; Medicare HMOs (Health Maintenance Organizations); Skilled Nursing Facilities; Rural Health Providers; and Home Health Agencies.

However, Members of Congress are continuing to hear from providers who argue that the 1997 reductions are still having serious unanticipated consequences.

To respond to these continuing problems, the President last June proposed additional BBA relief in the amount of $21 billion over the next 5 years. On July 27, Senator DASCHLE and I announced the outlines of a similar, but more substantial, Senate Democratic BBA relief package that would provide about $40 billion over 5 years in relief to health care providers and beneficiaries. Today, along with many of our colleagues, Senator DASCHLE and I are introducing this package as the Balanced Budget Refinement Act of 2000 (BBRA-2000).

Before I submit for the record a summary of this legislation, I want, in particular, to highlight that our legislation would prevent further reductions in payments to our Nation's teaching hospitals. The BBA, unwisely in my view, enacted a multi-year schedule of cuts in payments by Medicare to academic medical centers. These cuts would seriously impair the cutting edge research conducted by teaching hospitals, as well as impair their ability to train doctors and to serve so many of our nation's indigent.

Last year, in the BBRA, we mitigated the scheduled reductions in fiscal years 2000 and 2001. The package we are introducing today, would cancel any further reductions in what we call "Indirect Medical Education payments," thereby restoring nearly $2.7 billion over 5 years ($6.9 billion over 10 years) to our Nation's teaching hospitals.

I have stood before my colleagues on countless occasions to bring attention to the financial plight of medical schools and teaching hospitals. Yet, I regret that the fate of the 144 accredited medical schools and 1416 graduate medical education teaching institutions still remains uncertain. The proposals in our Democratic BBRA-2000 package will provide critically needed financing in the short-run.

In the long-run, however, we need to restructure the financing of graduate medical education along the lines I have proposed in the Graduate Medical Education Trust Fund Act (S. 210). What is needed is explicit and dedicated funding for these institutions, which will ensure that the United States continues to lead the world in this era of medical discovery. The Graduate Medical Education Trust Fund Act would require that the public sector, through the Medicare and Medicaid programs, and the private sector through an assessment on health insurance premiums, provide broad-based financial support for graduate medical education. S. 210 would roughly double current funding levels for Graduate Medical Education and would establish a Medical Education Advisory Commission to make recommendations on the operation of the Medical Education Trust Fund, on alternative payment sources for funding graduate medical education and teaching hospitals, and on policies designed to maintain superior research and educational capacities.

In addition to restoring much needed funding to our Nation's teaching hospitals, BBRA-2000 would add back funding in many vital areas of health care. Key provisions of the bill we are introducing today would: provide full market basket (inflation) adjustments to hospitals for 2001 and 2002; prevent further reductions in Indirect Medical Education (IME) payments to teaching hospitals; target additional relief to rural hospitals; eliminate cuts in payments to hospitals for handling large numbers of low-income patients (referred to as "disproportionate share (DSH) hospital payments"); repeal the scheduled 15 percent cut in payments to home health agencies; provide a full market basket (inflation) adjustment to skilled nursing facilities; assist beneficiaries through preventive benefits and smaller coinsurance payments; provide increased payments to Medicare manager care plans (HMOs); and improve eligibility and enrollment processes in Medicaid and the State Children's Health Insurance Program (SCHIP).

Mr. President, I ask unanimous consent that the bill language, a summary of the bill, and several letters of support which I send to the desk, be placed in the RECORD at the conclusion of my statement. I would like to thank Kyle Kinner and Kirsten Beronío of the minority health staff of the Finance Committee for their efforts in assembling this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3077

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO OTHER ACTS; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO OTHER ACTS.—In this Act:

(1) THE BALANCED BUDGET ACT OF 1997.—The term "BBA" means the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) THE MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999.—The term "BBRA" means the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to other Acts; table of contents.

TITLE I—PROVISIONS RELATING TO PART A

Subtitle A—Skilled Nursing Facilities

Sec. 101. Eliminating reduction in skilled nursing facility (SNF) market basket update.
Sec. 102. Revision of BBRA increase for skilled nursing facilities in fiscal years 2001 and 2002.
Sec. 103. MedPAC study on payment updates for skilled nursing facilities; authority of Secretary to make adjustments.

Subtitle B—PPS Hospitals

Sec. 111. Revision of reduction of indirect graduate medical education payments.
Sec. 112. Eliminating reduction in PPS hospital payment update.
Sec. 113. Eliminating reduction in disproportionate share hospital (DSH) payments.
Sec. 114. Equalizing the threshold and updating payment formulas for disproportionate share hospitals.
Sec. 115. Care for low-income patients.
Sec. 116. Modification of payment rate for Puerto Rico hospitals.
Sec. 117. MedPAC study on hospital area wage indexes.

Subtitle C—PPS Exempt Hospitals

Sec. 121. Treatment of certain cancer hospitals.
Sec. 122. Payment adjustment for inpatient services in rehabilitation hospitals.

Subtitle D—Hospice Care

Sec. 131. Revision in payments for hospice care.

Subtitle E—Other Provisions

Sec. 141. Hospitals required to comply with bloodborne pathogens standard.
Sec. 142. Informatics and data systems grant program.
Sec. 143. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.

Subtitle F—Transitional Provisions

Sec. 151. Reclassification of certain counties and areas for purposes of reimbursement under the medicare program.
Sec. 152. Calculation and application of wage index floor for a certain area.

TITLE II—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

Sec. 201. Reduction of effective HOPD coinsurance rate to 20 percent by 2014.
Sec. 202. Application of transitional corridor to certain hospitals that did not submit a 1996 cost report.
Sec. 203. Permanent guarantee of pre-BBA payment levels for outpatient services furnished by children's hospitals.

Subtitle B—Provisions Relating to Physicians

Sec. 211. Loan deferment for residents.
Sec. 212. GAO studies and reports on medicare payments.
Sec. 213. MedPAC study on the resource-based practice expense system.

Subtitle C—Ambulance Services

Sec. 221. Election to forego phase-in of fee schedule for ambulance services.
Sec. 222. Prudent layperson standard for emergency ambulance services.
Sec. 223. Elimination of reduction in inflation adjustments for ambulance services.
Sec. 224. Study and report on the costs of rural ambulance services.
Sec. 225. Interim payments for rural ground ambulance services until regulation implemented.
Sec. 226. GAO study and report on the costs of emergency and medical transportation services.

Subtitle D—Preventive Services

Sec. 231. Elimination of deductibles and coinsurance for preventive benefits.
Sec. 232. Counseling for cessation of tobacco use.
Sec. 233. Coverage of glaucoma detection tests.
Sec. 234. Medical nutrition therapy services for beneficiaries with diabetes, a cardiovascular disease, or a renal disease.
Sec. 235. Studies on preventive interventions in primary care for older Americans.
Sec. 236. Institute of Medicine 5-year medicare prevention benefit study and report.
Sec. 237. Fast-track consideration of prevention benefit legislation.

Subtitle E—Other Services

Sec. 241. Revision of moratorium in caps for therapy services.
Sec. 242. Revision of coverage of immunosuppressive drugs.
Sec. 243. State accreditation of diabetes self-management training programs.
Sec. 244. Elimination of reduction in payment amounts for durable medical equipment and oxygen and oxygen equipment.
Sec. 245. Standards regarding payment for certain orthotics and prosthetics.
Sec. 246. National limitation amount equal to 100 percent of national median for new pap smear technologies and other new clinical laboratory test technologies.
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Sec. 442. Provider-based rural health clinic cap exemption.
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Sec. 506. Amounts in medicare trust funds available for Secretary's share of Medicare+Choice education and enrollment-related costs.
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Sec. 801. Appropriations for Ricky Ray Hemophilia Relief Fund.
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Sec. 803. Demonstration grants to improve outreach, enrollment, and coordination of programs and services to homeless individuals and families.
Sec. 804. Protection of an HMO enrollee to receive continuing care at a facility selected by the enrollee.
Sec. 805. Grants to develop and establish real choice systems change initiatives.

## TITLE I—PROVISIONS RELATING TO PART A

### Subtitle A—Skilled Nursing Facilities

### SEC. 101. ELIMINATING REDUCTION IN SKILLED NURSING FACILITY (SNF) MARKET BASKET UPDATE.

(a) ELIMINATION OF REDUCTION.—Section 1888(e)(4)(E)(ii) (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) in subclause (I), by adding "and" at the end;

(2) by striking subclause (II); and

(3) by redesignating subclause (III) as subclause (II).

(b) SPECIAL RULE FOR PAYMENT FOR SKILLED NURSING FACILITY SERVICES FOR FISCAL YEAR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the Federal per diem rate referred to in paragraph (4)(E)(ii) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with subclause (II) of such paragraph as in effect on the day before the date of enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate computed for fiscal year 2000 pursuant to subclause (I) of such paragraph increased by the skilled nursing facility market basket percentage change for fiscal year 2001 plus 1 percentage point.

### SEC. 102. REVISION OF BBRA INCREASE FOR SKILLED NURSING FACILITIES IN FISCAL YEARS 2001 AND 2002.

(a) REVISION.—Section 101(d) of BBRA (113 Stat. 1501A–325) is amended—

(1) in paragraph (1)—

(A) by striking "4.0 percent for each such fiscal year" and inserting "the applicable percent (as defined in paragraph (3)) for each such fiscal year (or portion of such year)"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICABLE PERCENT DEFINED.—For purposes of this subsection, the term 'applicable percent' means, with respect to services provided during—

"(A) the period beginning on October 1, 2000, and ending on March 31, 2001, 4.0 percent;

"(B) the period beginning on April 1, 2001, and ending on September 30, 2001, 8.0 percent; and

"(C) fiscal year 2002, 6.0 percent.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 101 of BBRA (113 Stat. 1501A–324).

### SEC. 103. MEDPAC STUDY ON PAYMENT UPDATES FOR SKILLED NURSING FACILITIES; AUTHORITY OF SECRETARY TO MAKE ADJUSTMENTS.

(a) STUDY.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) (in this section referred to as "MedPAC") shall conduct a study of nursing home costs to determine the adequacy of payment rates (including updates to such rates) under the medicare program under title XVIII of such Act (42 U.S.C. 1395 et seq.) (in this section referred to as the "medicare program") for items and services furnished by skilled nursing facilities. In conducting such study, MedPAC shall use data on actual costs and cost increases.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a), including a description of the methodology and calculations used by the Health Care Financing Administration to establish the original payment level under the prospective payment system for skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) and to annually update payments under the medicare program for items and services furnished by skilled nursing facilities, together with recommendations regarding methods to ensure that all input variables, including the labor costs, the intensity of services, and the changes in science and technology that are specific to such facilities, are adequately accounted for.

(c) AUTHORITY OF SECRETARY TO MAKE ADJUSTMENTS.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may make adjustments to payments under the prospective payment system under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for covered skilled nursing facility services to reflect any necessary adjustments to such payments as is appropriate as a result of the study conducted under subsection (a).

(d) PUBLICATION.—

(1) IN GENERAL.—Not later than April 1, 2002, the Secretary of Health and Human Services shall publish for public comment a description of—

(A) whether the Secretary will make any adjustments pursuant to subsection (c); and

(B) if so, the form of such adjustments.

(2) Final form.—Not later than August 1, 2002, the Secretary of Health and Human Services shall publish the description described in paragraph (1) in final form.

## Subtitle B—PPS Hospitals

### SEC. 111. REVISION OF REDUCTION OF INDIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

(a) Revision.—

(1) In general.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(A) in subclause (IV), by adding "and" at the end; and

(B) by striking subclauses (V) and (VI) and inserting the following new subclause:

"(V) on or after October 1, 2000, 'c' is equal to 1.6.".

(2) Technical amendments.—Section 1886(d)(5)(B) (42 U.S.C. 1395ww(d)(5)(B)), as amended by paragraph (1), is amended—

(A) by realigning the left margins of clauses (ii) and (v) so as to align with the left margin of clause (i); and

(B) by realigning the left margins of subclauses (I) through (V) of clause (ii) appropriately.

(b) Special Adjustment for Purposes of Maintaining 6.5 Percent IME Payment for Fiscal Year 2001.—Notwithstanding paragraph (5)(B)(ii)(V) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)), as amended by subsection (a), for purposes of making payments for subsection (d) hospitals (as defined in paragraph (1)(B) of such section) with indirect costs of medical education, the indirect teaching adjustment factor referred to in paragraph (5)(B)(ii) of such section shall be determined—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, pursuant to such paragraph as in effect on the day before the date of enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, by substituting "1.66" for "1.6" in subclause (V) of such paragraph (as so amended).

(c) Conforming Amendment Relating to Determination of Standardized Amount.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended—

(1) by inserting a comma after "Balanced Budget Act of 1997"; and

(2) by inserting ", or any payment under such paragraph resulting from the application of section 111(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000" after "Balanced Budget Refinement Act of 1999".

### SEC. 112. ELIMINATING REDUCTION IN PPS HOSPITAL PAYMENT UPDATE.

(a) In General.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XV), by adding "and" at the end;

(2) by striking subclauses (XVI) and (XVII);

(3) by redesignating subclause (XVIII) as subclause (XVI); and

(4) in subclause (XVI), as so redesignated, by striking "fiscal year 2003" and inserting "fiscal year 2001".

(b) Special Rule for Payment for Inpatient Hospital Services for Fiscal Year 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for fiscal year 2001 for inpatient hospital services furnished by subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))), the "applicable percentage increase" referred to in section 1886(b)(3)(B)(i) of such Act (42 U.S.C. 1395ww(b)(3)(B)(i))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be determined in accordance with subclause (XVI) of such section as in effect on the day before the date of enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be equal to—

(A) the market basket percentage increase plus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas; and

(B) the market basket percentage increase for sole community hospitals.

### SEC. 113. ELIMINATING REDUCTION IN DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) Elimination of Reduction.—

(1) In general.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(A) in subclause (III), by striking "during each of fiscal years 2000 and 2001" and inserting "during fiscal year 2000";

(B) by striking subclause (IV);

(C) by redesignating subclause (V) as subclause (IV); and

(D) in subclause (IV), as so redesignated, by striking "during fiscal year 2003" and inserting "during fiscal year 2001".

(2) Effective date.—The amendments made by this subsection shall apply to discharges occurring on or after October 1, 2000.

(b) Special Rule for DSH Payment for Fiscal Year 2001.—Notwithstanding the amendments made by subsection (a)(1), for purposes of making disproportionate share payments for subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) for fiscal year 2001, the additional payment amount otherwise determined under clause (ii) of section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be adjusted as provided by clause (ix)(III) of such section as in effect on the day before the date of enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be increased by 3 percent.

(c) Conforming Amendments Relating to Determination of Standardized Amount.—Section 1886(d)(2)(C)(iv) (42 U.S.C. 1395ww(d)(2)(C)(iv)), is amended—

(1) by striking "Act of 1989 or" and inserting "Act of 1989,"; and

(2) by inserting ", or the enactment of section 113(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000" after "Omnibus Budget Reconciliation Act of 1990".

### SEC. 114. EQUALIZING THE THRESHOLD AND UPDATING PAYMENT FORMULAS FOR DISPROPORTIONATE SHARE HOSPITALS.

(a) Application of Uniform 15 Percent Threshold.—Section 1886(d)(5)(F)(v) (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended by striking "exceeds—" and all that follows and inserting "exceeds 15 percent.".

(b) Change in Payment Percentage Formulas.—Section 1886(d)(5)(F)(viii) (42 U.S.C. 1395ww(d)(5)(F)(viii)) is amended to read as follows:

"(viii) The formula used to determine the disproportionate share adjustment percentage for a cost reporting period for a hospital described in subclause (II), (III), or (IV) of clause (iv) is—

"(I) in the case of such a hospital with a disproportionate patient percentage (as defined in clause (vi)) that does not exceed 20.2, (P–15)(.65) + 2.5;

"(II) in the case of such a hospital with a disproportionate patient percentage (as so defined) that exceeds 20.2 but does not exceed 25.2, (P–20.2)(.825) + 5.88;

"(III) except as provided in subclause (IV), in the case of such a hospital with a disproportionate patient percentage (as so defined) that exceeds 25.2, the disproportionate share adjustment percentage = 10; and

"(IV) in the case of such a hospital with a disproportionate patient percentage (as so defined) that exceeds 30.0 and that is described in clause (iv)(III), (P–30)(.6) + 10;

where 'P' is the hospital's disproportionate patient percentage (as so defined).".

(c) Conforming Amendments.—Section 1886(d)(5)(F)(iv) (42 U.S.C. 1395ww(d)(5)(F)(iv)) is amended—

(1) in subclause (I), by striking "is described in the second sentence of clause (v)" and inserting "is located in a rural area and has 500 or more beds";

(2) by amending subclause (II) to read as follows:

"(II) is located in an urban area and has less than 100 beds, or is located in a rural area and has less than 500 beds and is not described in subclause (III) or (IV), is equal to the percent determined in accordance with the applicable formula described in clause (viii);";

(3) by striking subclauses (III) and (IV);

(4) by redesignating subclauses (V) and (VI) as subclauses (III) and (IV), respectively;

(5) in subclause (III) (as so redesignated), by striking "and is not classified as a sole community hospital under subparagraph (D),"; and

(6) in subclause (IV) (as so redesignated), by striking "10 percent" and inserting "equal to the percent determined in accordance with the applicable formula described in clause (viii)".

(d) Effective Date.—The amendments made by this section shall apply to discharges occurring on or after April 1, 2001.

### SEC. 115. CARE FOR LOW-INCOME PATIENTS.

(a) Freeze in Medicaid DSH Allotments.—

(1) In general.—Section 1923(f) (42 U.S.C. 1396r–4(f)) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3), the following new paragraph:

"(4) Special rule for fiscal years 2001 through 2008.—With respect to each of fiscal years 2001 through 2008—

"(A) paragraph (2) shall be applied—

"(i) by substituting—

"(I) in the heading, '2001' for '2002';

"(II) in the matter preceding the table, '2001 (and the DSH allotment for a State for fiscal year 2001 is the same as the DSH allotment for the State for fiscal year 2000, as determined under the following table)' for '2002'; and

"(ii) without regard to the columns in the table relating to FY 01 and FY 02 (fiscal years 2001 and 2002); and

"(B) paragraph (3) shall be applied by substituting—

"(i) in the heading, '2002' for '2003';

"(ii) in subparagraph (A), '2002' for '2003'.".

(2) Repeal; applicability.—Effective October 1, 2008, the amendments made by paragraph (1) are repealed and section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) shall be applied and administered as if such amendments had not been enacted.

(b) Increase in DSH Allotments for the District of Columbia.—

(1) In general.—Each of the entries in the table in section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) relating to the District of Columbia for FY 98 (fiscal year 1998), for FY 99 (fiscal

year 1999), for FY 00 (fiscal year 2000), for FY 01 (fiscal year 2001), and for FY 02 (fiscal year 2002) are amended by striking the amount otherwise specified and inserting "43.4".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 4721(a) of BBA (111 Stat. 511).

(c) Optional Eligibility of Certain Alien Pregnant Women and Children for Medicaid and SCHIP.—

(1) Medicaid.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(B) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) Pregnant women.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) Children.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no action may be brought under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category.".

(2) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(D) Section 1903(v)(4)(A)(ii) (relating to optional coverage of permanent resident alien children), but only if the State has in effect an election under that same eligibility category for purposes of title XIX.".

(3) Effective date.—The amendments made by this section take effect on October 1, 2000, and apply to medical assistance and child health assistance furnished on or after such date.

### SEC. 116. MODIFICATION OF PAYMENT RATE FOR PUERTO RICO HOSPITALS.

(a) Modification of Payment Rate.—Section 1886(d)(9)(A) (42 U.S.C. 1395ww(d)(9)(A)) is amended—

(1) in clause (i), by striking "October 1, 1997, 50 percent (" and inserting "October 1, 2000, 25 percent (for discharges between October 1, 1997, and September 30, 2000, 50 percent,"; and

(2) in clause (ii), in the matter preceding subclause (I), by striking "after October 1, 1997, 50 percent (" and inserting "after October 1, 2000, 75 percent (for discharges between October 1, 1997, and September 30, 2000, 50 percent,".

(b) Special Rule for Payment for Fiscal Year 2001.—

(1) In general.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for the operating costs of inpatient hospital services of a section 1886(d) Puerto Rico hospital for fiscal year 2001, the amount referred to in the matter preceding clause (i) of section 1886(d)(9)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(A))—

(A) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be determined in accordance with such section as in effect on the day before the date of enactment of this Act; and

(B) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be determined—

(i) using 0 percent of the Puerto Rico adjusted DRG prospective payment rate referred to in clause (i) of such section; and

(ii) using 100 percent of the discharge-weighted average referred to in clause (ii) of such section.

(2) Section 1886(d) puerto rico hospital.—For purposes of this subsection, the term "section 1886(d) Puerto Rico hospital" has the meaning given the term "subsection (d) Puerto Rico hospital" in the last sentence of section 1886(d)(9)(A) of the Social Security Act (42 U.S.C. 1395ww(d)(9)(A)).

### SEC. 117. MEDPAC STUDY ON HOSPITAL AREA WAGE INDEXES.

(a) Study.—

(1) In general.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) (in this section referred to as "MedPAC") shall conduct a study on the hospital area wage indexes used in making payments to hospitals under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), including an assessment of the accuracy of those indexes in reflecting geographic differences in wage and wage-related costs of hospitals.

(2) Considerations.—In conducting the study under paragraph (1), MedPAC shall consider—

(A) the appropriate method for determining hospital area wage indexes;

(B) the appropriate portion of hospital payments that should be adjusted by the applicable area wage index;

(C) the appropriate method for adjusting the wage index by occupational mix; and

(D) the feasibility and impact of making changes (as determined appropriate by MedPAC) to the methods used to determine such indexes, including the need for a data system required to implement such changes.

(b) Report.—Not later than 18 months after the date of enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a) together with such recommendations for legislation and administrative action as MedPAC determines appropriate.

## Subtitle C—PPS Exempt Hospitals

### SEC. 121. TREATMENT OF CERTAIN CANCER HOSPITALS.

(a) In General.—Section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)) is amended—

(1) in subclause (I), by striking "or" at the end;

(2) in subclause (II), by striking the semicolon at the end and inserting ", or"; and

(3) by adding at the end the following:

"(III) a hospital that was recognized as a clinical cancer research center by the National Cancer Institute of the National Institutes of Health as of February 18, 1998, that has never been reimbursed for inpatient hospital services pursuant to a reimbursement system under a demonstration project under section 1814(b), that is a freestanding facility organized primarily for treatment of and research on cancer and is not a unit of another hospital, that as of the date of enactment of this subclause, is licensed for 162 acute care beds, and that demonstrates for the 4-year period ending on June 30, 1999, that at least 50 percent of its total discharges have a principal finding of neoplastic disease, as defined in subparagraph (E);".

(b) Conforming Amendment.—Section 1886(d)(1)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(E)) is amended by striking "For purposes of subparagraph (B)(v)(II)" and inserting "For purposes of subclauses (II) and (III) of subparagraph (B)(v)".

(c) Payment.—

(1) Application to cost reporting periods.—Any classification by reason of section 1886(d)(1)(B)(v)(III) of the Social Security Act (as added by subsection (a)) shall apply to 12-month cost reporting periods beginning on or after July 1, 1999.

(2) Base year.—Notwithstanding the provisions of section 1886(b)(3)(E) of such Act (42 U.S.C. 1395ww(b)(3)(E)) or other provisions to the contrary, the base cost reporting period for purposes of determining the target amount for any hospital classified by.reason of section 1886(d)(1)(B)(v)(III) of such Act (as added by subsection (a)) shall be the 12-month cost reporting period beginning on July 1, 1995.

(3) Deadline for payments.—Any payments owed to a hospital by reason of this subsection shall be made expeditiously, but in no event later than 1 year after the date of enactment of this Act.

### SEC. 122. PAYMENT ADJUSTMENT FOR INPATIENT SERVICES IN REHABILITATION HOSPITALS.

(a) Option To Apply Prospective Payment System During Transition Period.—Section 1886(j)(1)(A) (42 U.S.C. 1395ww(j)(1)(A)) is amended in the matter preceding subclause (i) by inserting "the greater of the prospective payment rate determined in paragraph (3)(A) or" after "is equal to".

(b) Increase in Prospective Payment Percentage During Transition Period.—Section 1886(j)(1)(A)(ii)(I) (42 U.S.C. 1395ww(j)(1)(A)(ii)(I)) is amended by inserting "102 percent of" before "the per unit".

(c) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of section 4421 of BBA (111 Stat. 410).

## Subtitle D—Hospice Care

### SEC. 131. REVISION IN PAYMENTS FOR HOSPICE CARE.

(a) Increase.—Section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) is amended—

(1) in clause (i), by adding at the end the following new sentence: "With respect to routine home care and other services included in hospice care furnished during fiscal year 2001, the payment rates for such care and services for such fiscal year shall be 110 percent of such rates as would otherwise be in effect for such fiscal year (taking into account the increase under clause (ii) but not taking into account the increase under section 131 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999), and such payment rates shall be used in determining payments for such care and services furnished in a subsequent fiscal year under clause (ii)."; and

(2) in clause (ii), by striking "during a subsequent fiscal year" and inserting "during a fiscal year beginning after September 30, 1990".

(b) Eliminating Reduction in Update.—Section 1814(i)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)(ii)) is amended—

(1) in subclause (VI), by striking "through 2002" and inserting "through 2000"; and

(2) in subclause (VII), by striking "for a subsequent fiscal year" and inserting "for fiscal year 2001 and each subsequent fiscal year".

(c) SPECIAL RULE FOR PAYMENT FOR HOSPICE CARE FOR FISCAL YEAR 2001.—Notwithstanding the amendments made by subsections (a) and (b), for purposes of making payments under section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) for routine home care and other services included in hospice care furnished during fiscal year 2001, such payment rates shall be determined—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, in accordance with such section as in effect on the day before the date of enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001—

(A) by substituting "120 percent" for "110 percent" in the second sentence of clause (i) of such section (as added by subsection (a)(1)); and

(B) as if the increase under subclause (ii)(VII) (as amended by subsection (b)) for fiscal year 2001 was equal to the market basket increase for the fiscal year plus 1.0 percentage point.

## Subtitle E—Other Provisions

### SEC. 141. HOSPITALS REQUIRED TO COMPLY WITH BLOODBORNE PATHOGENS STANDARD.

(a) AGREEMENTS WITH HOSPITALS.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking "and" at the end;

(2) in subparagraph (S), by striking the period at the end and inserting ", and"; and

(3) by inserting after subparagraph (S) the following new subparagraph:

"(T) in the case of hospitals that are not otherwise subject to regulation by the Occupational Safety and Health Administration, to comply with the Bloodborne Pathogens standard under section 1910.1030 of title 29 of the Code of Federal Regulations.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements in effect on or after the date that is 1 year after the date of enactment of this Act.

### SEC. 142. INFORMATICS AND DATA SYSTEMS GRANT PROGRAM.

(a) GRANTS TO HOSPITALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program to make grants to hospitals that have submitted applications in accordance with subsection (c) to assist such hospitals in offsetting the costs related to—

(A) developing and implementing standardized clinical health care informatics systems designed to improve medical care and reduce adverse events and health care complications resulting from medication errors; and

(B) establishing data systems to comply with the administrative simplification requirements under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.).

(2) COSTS.—For purposes of paragraph (1), the term "costs" shall include costs associated with—

(A) purchasing computer software and hardware; and

(B) providing education and training to hospital staff on computer information systems.

(3) DURATION.—The authority of the Secretary to make grants under this section shall terminate on September 30, 2011.

(4) LIMITATION.—A hospital that has received a grant under section 1611 of the Public Health Service Act (as added by section 447 of this Act) is not eligible to receive a grant under this section.

(b) SPECIAL CONSIDERATION FOR LARGE URBAN HOSPITALS.—In awarding grants under this section, the Secretary shall give special consideration to hospitals located in large urban areas (as defined for purposes of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)).

(c) APPLICATION.—A hospital seeking a grant under this section shall submit an application to the Secretary at such time and in such form and manner as the Secretary specifies.

(d) REPORTS.—

(1) INFORMATION.—A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to—

(A) evaluate the project for which the grant is made; and

(B) ensure that the grant is expended for the purposes for which it is made.

(2) TIMING OF SUBMISSION.—

(A) INTERIM REPORTS.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at least annually on the grant program established under this section, including in such report information on the number of grants made, the nature of the projects involved, the geographic distribution of grant recipients, and such other matters as the Secretary deems appropriate.

(B) FINAL REPORT.—The Secretary shall submit a final report to such committees not later than 180 days after the completion of all of the projects for which a grant is made under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) $25,000,000 for each of the fiscal years 2001 through 2011 for the purposes of making grants under this section.

### SEC. 143. RELIEF FROM MEDICARE PART A LATE ENROLLMENT PENALTY FOR GROUP BUY-IN FOR STATE AND LOCAL RETIREES.

Section 1818(d) (42 U.S.C. 1395i-2(d)) is amended by adding at the end the following new paragraph:

"(6)(A) In the case where a State, a political subdivision of a State, or an agency or instrumentality of a State or political subdivision thereof determines to pay, for the life of each individual, the monthly premiums due under paragraph (1) on behalf of each of the individuals in a qualified State or local government retiree group who meets the conditions of subsection (a), the amount of any increase otherwise applicable under section 1839(b) (as modified by subsection (c)(6) of this section) with respect to the monthly premium for benefits under this part for an individual who is a member of such group shall be reduced by the total amount of taxes paid under section 3101(b) of the Internal Revenue Code of 1986 by such individual and under section 3111(b) by the employers of such individual on behalf of such individual with respect to employment (as defined in section 3121(b) of such Code).

"(B) For purposes of this paragraph, the term 'qualified State or local government retiree group' means all of the individuals who retire prior to a specified date that is before January 1, 2002, from employment in 1 or more occupations or other broad classes of employees of—

"(i) the State;

"(ii) a political subdivision of the State; or

"(iii) an agency or instrumentality of the State or political subdivision of the State.".

## Subtitle F—Transitional Provisions

### SEC. 151. RECLASSIFICATION OF CERTAIN COUNTIES AND AREAS FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) FISCAL YEARS 2002 THROUGH 2004.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal years 2002, 2003, and 2004, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) Iredell County, North Carolina is deemed to be located in the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Metropolitan Statistical Area; and

(2) the large urban area of New York, New York is deemed to include Orange County, New York (including hospitals that have been reclassified into such county).

For purposes of that section, any reclassification under this subsection shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of that section.

(b) FISCAL YEARS 2001 THROUGH 2003.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal years 2001, 2002, and 2003, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) the Jackson, Michigan Metropolitan Statistical Area is deemed to be located in the Ann Arbor, Michigan Metropolitan Statistical Area;

(2) Tangipahoa Parish, Louisiana is deemed to be located in the New Orleans, Louisiana Metropolitan Statistical Area; and

(3) the large urban area of New York, New York is deemed to include Duchess County, New York.

For purposes of that section, any reclassification under this subsection shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of that section.

(c) TECHNICAL CORRECTION TO BBRA.—

(1) IN GENERAL.—Section 152 of BBRA (113 Stat. 1501A-334) is amended—

(A) in subsection (a)(2), by inserting "(including hospitals that have been reclassified into such county)" after "such county"; and

(B) in subsection (b)(2), by inserting "(including hospitals that have been reclassified into such county)" after "Orange County, New York"; and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 152 of BBRA (113 Stat. 1501A-334).

### SEC. 152. CALCULATION AND APPLICATION OF WAGE INDEX FLOOR FOR A CERTAIN AREA.

Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for discharges occurring during fiscal year 2000, the Secretary of Health and Human Services shall calculate and apply the wage index for the Barnstable-Yarmouth Metropolitan Statistical Area under that section as if the Jordan Hospital were classified in such area for purposes of payment under that section for such fiscal year. Such recalculation shall not affect the wage index for any other area.

## TITLE II—PROVISIONS RELATING TO PART B

## Subtitle A—Hospital Outpatient Services

### SEC. 201. REDUCTION OF EFFECTIVE HOPD COINSURANCE RATE TO 20 PERCENT BY 2019.

Section 1833(t)(3)(B)(ii) (42 U.S.C. 1395l(t)(3)(B)(ii)) is amended—

(1) by striking "If the" and inserting:

"(I) In general.—If the"; and

(2) by adding at the end the following new subclause:

"(II) Accelerated phase-in.—The Secretary shall estimate, prior to January 1, 2002, the unadjusted copayment amount for each such service (or groups of such services). If the Secretary estimates such unadjusted copayment amount to be greater than 20 percent for any such service (or group of such services) on or after January 1, 2019, the Secretary shall, for services furnished beginning on or after January 1, 2002, reduce the unadjusted copayment amount for such service (or group of such services) in equal increments each year, from the amount applicable in 2001, by an amount estimated by the Secretary such that the unadjusted copayment amount shall equal 20 percent beginning on or after January 1, 2019.".

### SEC. 202. APPLICATION OF TRANSITIONAL CORRIDOR TO CERTAIN HOSPITALS THAT DID NOT SUBMIT A 1996 COST REPORT.

(a) In General.—Section 1833(t)(7)(F)(ii)(I) (42 U.S.C. 1395l(t)(7)(F)(ii)(I)) is amended by inserting "(or, in the case of a hospital that did not submit a cost report for such period, during the first cost reporting period ending in a year after 1996 and before 2001 for which the hospital submitted a cost report)" after "1996".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 202 of BBRA.

### SEC. 203. PERMANENT GUARANTEE OF PRE-BBA PAYMENT LEVELS FOR OUTPATIENT SERVICES FURNISHED BY CHILDREN'S HOSPITALS.

(a) In General.—Section 1833(t)(7)(D) (42 U.S.C. 1395l(t)(7)(D)), as amended by section 432, is amended—

(1) in the heading, by inserting ", children's," after "small rural"; and

(2) by striking "section 1886(d)(1)(B)(v)" and inserting "clause (iii) or (v) of section 1886(d)(1)(B)".

(b) Effective Date.—The amendments made by subsection (a) shall apply to services provided on or after the date that is 1 year after the date of enactment of this Act.

## Subtitle B—Provisions Relating to Physicians

### SEC. 211. LOAN DEFERMENT FOR RESIDENTS.

(a) Fairness in Medical Student Loan Financing.—

(1) Eligibility requirements.—Section 427(a)(2)(C)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1077(a)(2)(C)(iii)) is amended by inserting before the semicolon the following: ", except that for a medical student such period shall not exceed the full initial residency period".

(2) Insurance program agreements.—Section 428(b)(1)(M)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)(iii)) is amended by inserting before the semicolon the following: ", except that for a medical student such period shall not exceed the full initial residency period".

(3) Deferment eligibility.—Section 455(f)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(2)(C)) is amended by inserting before the period the following: ", except that for a medical student such period shall not exceed the full initial residency period".

(4) Contents of loan agreement.—Section 464(c)(2)(A)(iii) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)(iii)) is amended by inserting before the semicolon the following: ", except that for a medical student such period shall not exceed the full initial residency period".

(b) Fairness in Economic Hardship Determination.—Section 435(o)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1085(o)(1)(B)) is amended to read as follows:

"(B) such borrower is working full time and has a Federal educational debt burden that equals or exceeds 20 percent of such borrower's adjusted gross income, and the difference between such borrower's adjusted gross income minus such burden is less than 250 percent of the greater of—

"(i) the annual earnings of an individual earning the minimum wage under section 6 of the Fair Labor Standards Act of 1938; or

"(ii) the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Service Block Grant Act) applicable to a family of 2; or".

### SEC. 212. GAO STUDIES AND REPORTS ON MEDICARE PAYMENTS.

(a) GAO Study on HCFA Post-Payment Audit Process.—

(1) Study.—The Comptroller General of the United States shall conduct a study of the post-payment audit process under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the "medicare program") as such process applies to physicians, including the proper level of resources that the Health Care Financing Administration should devote to educating physicians regarding—

(A) coding and billing;

(B) documentation requirements; and

(C) the calculation of overpayments.

(2) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under paragraph (1) together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

(b) GAO Study on Administration and Oversight.—

(1) Study.—The Comptroller General of the United States shall conduct a study on the aggregate effects of regulatory, audit, oversight, and paperwork burdens on physicians and other health care providers participating in the medicare program.

(2) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under paragraph (1) together with recommendations regarding any area in which—

(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or

(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

### SEC. 213. MEDPAC STUDY ON THE RESOURCE-BASED PRACTICE EXPENSE SYSTEM.

(a) Study.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) (in this section referred to as "MedPAC") shall conduct a study of the refinements to the practice expense relative value units during the transition to a resource-based practice expense system for physician payments under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) (in this section referred to as the "medicare program").

(b) Report.—Not later than July 1, 2001, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a) together with recommendations regarding—

(1) any change or adjustment that is appropriate to ensure full access to a spectrum of care for beneficiaries under the medicare program; and

(2) the appropriateness of payments to physicians.

## Subtitle C—Ambulance Services

### SEC. 221. ELECTION TO FOREGO PHASE-IN OF FEE SCHEDULE FOR AMBULANCE SERVICES.

Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) Election to forego phase-in of fee schedule.—

"(A) In general.—If the Secretary provides for a phase-in of the fee schedule established under this subsection, a supplier of ambulance services may make an election to receive payments based only on such fee schedule at any time during such phase-in, and the Secretary shall begin to make payments to the supplier based only on such fee schedule not later than the date that is 60 days after the date on which the supplier notifies the Secretary of such election.

"(B) Waiver of budget neutrality.—The Secretary shall apply paragraph (3)(A) as if this paragraph had not been enacted.".

### SEC. 222. PRUDENT LAYPERSON STANDARD FOR EMERGENCY AMBULANCE SERVICES.

(a) In General.—Section 1861(s)(7) (42 U.S.C. 1395x(s)(7)) is amended by inserting before the semicolon at the end the following: ", except that such regulations shall not fail to treat ambulance services as medical and other health services solely because the ultimate diagnosis of the individual receiving the ambulance services results in a conclusion that ambulance services were not necessary, as long as the request for ambulance services is made after the sudden onset of a medical condition that would be classified as an emergency medical condition (as defined in section 1852(d)(3)(B)).".

(b) Effective Date.—The amendment made by this section shall apply with respect to ambulance services provided on or after October 1, 2000.

### SEC. 223. ELIMINATION OF REDUCTION IN INFLATION ADJUSTMENTS FOR AMBULANCE SERVICES.

Subparagraphs (A) and (B) of section 1834(l)(3) (42 U.S.C. 1395m(l)(3)(A)) are each amended by striking "reduced in the case of 2001 and 2002 by 1.0 percentage points" and inserting "increased in the case of 2001 by 1.0 percentage point".

### SEC. 224. STUDY AND REPORT ON THE COSTS OF RURAL AMBULANCE SERVICES.

(a) Study.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), in consultation with the Office of Rural Health Policy, shall conduct a study of the means by which rural areas with low population densities can be identified for the purpose of designating areas in which the cost of providing ambulance services would be expected to be higher than similar services provided in more heavily populated areas because of low usage. Such study shall also include an analysis of the additional costs of providing ambulance services in areas designated under the previous sentence.

(b) Report.—Not later than June 30, 2001, the Secretary shall submit a report to Congress on the study conducted under subsection (a), together with a regulation based on that study which adjusts the fee schedule payment rates for ambulance services provided in low density rural areas based on the increased cost of providing such services in such areas.

### SEC. 225. INTERIM PAYMENTS FOR RURAL GROUND AMBULANCE SERVICES UNTIL REGULATION IMPLEMENTED.

(a) Interim Payments.—Section 1834(l) (42 U.S.C. 1395m(l)), as amended by section 221, is amended by adding at the end the following new paragraph:

"(9) Interim payments for rural ground ambulance services.—Until such time as the fee schedule established under this subsection is modified by the regulation described in section 224(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000, the amount of payment under this subsection for ground ambulance services provided in a rural area (as defined in section 1886(d)(2)(D)) shall be the greater of—

"(A) the amount determined under the fee schedule established under this subsection (without regard to any phase-in established pursuant to paragraph (2)(E)); or

"(B) the amount that would have been paid for such services if the amendments made by section 4531(b) of the Balanced Budget Act of 1997 had not been enacted;

as adjusted for inflation in the manner described in paragraph (3)(B). For purposes of this paragraph, an ambulance trip shall be considered to have been provided in a rural area only if the transportation of the patient originated in a rural area.".

(b) Conforming Amendments.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(1) in subparagraph (R)—

(A) by inserting "except as provided in subparagraph (T)," before "with respect"; and

(B) by striking "and" at the end; and

(2) in subparagraph (S), by striking the semicolon at the end and inserting ", and (T) with respect to ambulance services described in section 1834(l)(9), the amount paid shall be 80 percent of the lesser of the actual charge for the services or the amount determined under such section;".

(c) Effective Date.—The amendments made by this section shall apply with respect to services provided on and after January 1, 2001.

### SEC. 226. GAO STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) Study.—The Comptroller General of the United States shall conduct a study of the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a), together with recommendations for any changes in methodology or payment level necessary to fairly compensate suppliers of emergency and medical transportation services and to ensure the access of beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to such services.

## Subtitle D—Preventive Services

### SEC. 231. ELIMINATION OF DEDUCTIBLES AND COINSURANCE FOR PREVENTIVE BENEFITS.

(a) In General.—Section 1833 (42 U.S.C. 1395l) is amended by inserting after subsection (o) the following new subsection:

"(p) Deductibles and Coinsurance Waived for Preventive Benefits.—The Secretary may not require the payment of any deductible or coinsurance under subsection (a) or (b) of any individual enrolled for coverage under this part for any of the following preventive health care items and services:

"(1) Blood-testing strips, lancets, and blood glucose monitors for individuals with diabetes described in section 1861(n).

"(2) Diabetes outpatient self-management training services (as defined in section 1861(qq)(1)).

"(3) Pneumococcal, influenza, and hepatitis B vaccines and administration described in section 1861(s)(10).

"(4) Screening mammography (as defined in section 1861(jj)).

"(5) Screening pap smear and screening pelvic exam (as defined in paragraphs (1) and (2) of section 1861(nn), respectively).

"(6) Bone mass measurement (as defined in section 1861(rr)(1)).

"(7) Prostate cancer screening test (as defined in section 1861(oo)(1)).

"(8) Colorectal cancer screening test (as defined in section 1861(pp)(1)).".

(b) Waiver of Coinsurance.—Section 1833(a)(1)(B) (42 U.S.C. 1395l(a)(1)(B)) is amended to read as follows: "(B) with respect to preventive health care items and services described in subsection (p), the amounts paid shall be 100 percent of the fee schedule or other basis of payment under this title,".

(c) Waiver of Deductible.—Section 1833(b)(1) (42 U.S.C. 1395l(b)(1)) is amended to read as follows: "(1) such deductible shall not apply with respect to preventive health care items and services described in subsection (p),".

(d) Adding "Lancet" to Definition of DME.—Section 1861(n) (42 U.S.C. 1395x(n)) is amended by striking "blood-testing strips and blood glucose monitors" and inserting "blood-testing strips, lancets, and blood glucose monitors".

(e) Conforming Amendments.—

(1) Elimination of coinsurance for clinical diagnostic laboratory tests.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended—

(A) by striking "basis or which" and inserting "basis, which"; and

(B) by inserting ", or which are described in subsection (p)" after "critical access hospital".

(2) Elimination of coinsurance for certain DME.—Section 1834(a)(1)(A) (42 U.S.C. 1395m(a)(1)(A)) is amended by inserting "(or 100 percent, in the case of such an item described in section 1833(p))" after "80 percent".

(3) Elimination of coinsurance for screening mammography.—Section 1834(c)(1)(C) (42 U.S.C. 1395m(c)(1)(C)) is amended by striking "80 percent" and inserting "100 percent".

(4) Elimination of deductibles and coinsurance for colorectal cancer screening tests.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended—

(A) in paragraph (2)(C)—

(i) by striking clause (ii);

(ii) by striking "Facility payment limit.—" and all that follows through "Notwithstanding" and inserting "Facility payment limit.—Notwithstanding"; and

(iii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(B) in paragraph (3)(C)—

(i) by striking clause (ii); and

(ii) by striking "Facility payment Limit.—" and all that follows through "Notwithstanding" and inserting "Facility payment limit.—Notwithstanding".

(f) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after July 1, 2001.

### SEC. 232. COUNSELING FOR CESSATION OF TOBACCO USE.

(a) Coverage.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (S), by striking "and" at the end;

(2) in subparagraph (T), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(U) counseling for cessation of tobacco use (as defined in subsection (uu)) for individuals who have a history of tobacco use;".

(b) Services Described.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Counseling for Cessation of Tobacco Use

"(uu)(1) Except as provided in paragraph (2), the term 'counseling for cessation of tobacco use' means diagnostic, therapy, and counseling services for cessation of tobacco use which are furnished—

"(A) by or under the supervision of a physician; or

"(B) by any other health care professional who is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service.

"(2) The term 'counseling for cessation of tobacco use' does not include coverage for drugs or biologicals that are not otherwise covered under this title.".

(c) Elimination of Cost-Sharing.—

(1) Elimination of coinsurance.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)), as amended by section 225(b), is amended—

(A) by striking "and" before "(T)"; and

(B) by inserting before the semicolon at the end the following: ", and (U) with respect to counseling for cessation of tobacco use (as defined in section 1861(uu)), the amount paid shall be 100 percent of the lesser of the actual charge for the services or the amount determined by a fee schedule established by the Secretary for the purposes of this subparagraph".

(2) Elimination of deductible.—The first sentence of section 1833(b) (42 U.S.C. 1395l(b)) is amended—

(A) by striking "and" before "(6)"; and

(B) by inserting before the period the following: ", and (7) such deductible shall not apply with respect to counseling for cessation of tobacco use (as defined in section 1861(uu))".

(d) Effective Date.—The amendments made by this section shall apply to services furnished on or after July 1, 2001.

### SEC. 233. COVERAGE OF GLAUCOMA DETECTION TESTS.

(a) In General.—Section 1861 (42 U.S.C. 1395x), as amended by section 232, is amended—

(1) in subsection (s)(2)—

(A) in subparagraph (T), by striking "and" at the end;

(B) in subparagraph (U), by inserting "and" at the end; and

(C) by adding at the end the following new subparagraph:

"(V) glaucoma detection tests (as defined in subsection (vv));"; and

(2) by adding at the end the following new subsection:

"Glaucoma Detection Tests

"(vv) The term 'glaucoma detection test' means all of the following conducted for the purpose of early detection of glaucoma:

"(1) A dilated eye examination with an intraocular pressure measurement.

"(2) Direct ophthalmoscopy or slit-lamp biomicroscopic examination.".

(b) Limitation on Eligibility and Frequency.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(m) Limitation on Coverage of Glaucoma Detection Tests.—

"(1) In general.—Notwithstanding any other provision of this part, with respect to expenses incurred for glaucoma detection tests (as defined in section 1861(vv)), payment may be made only for glaucoma detection tests conducted—

"(A) for individuals described in paragraph (2); and

"(B) consistent with the frequency permitted under paragraph (3).

"(2) Individuals eligible for benefit.—Individuals described in this paragraph are as follows:

"(A) Individuals who are 60 years of age or older and who have a family history of glaucoma.

"(B) Other individuals who are at high risk (as determined by the Secretary) of developing glaucoma.

"(3) Frequency limit.—

"(A) In general.—Subject to subparagraph (B), payment may not be made under this part for a glaucoma detection test performed for an individual within 23 months following the month in which a glaucoma detection test was performed under this part for the individual.

"(B) Exception.—The Secretary may permit a glaucoma detection test to be covered on a more frequent basis than that provided under subparagraph (A) under such circumstances as the Secretary determines to be appropriate.".

(c) No Application of Deductible.—Section 1833(b)(5) (42 U.S.C. 1395l(b)(5)) is amended by inserting "or with respect to glaucoma detection tests (as defined in section 1861(vv))" after "1861(jj))".

(d) Conforming Amendments.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (H), by striking "and" at the end;

(B) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(C) by adding at the end the following new subparagraph:

"(J) in the case of glaucoma detection tests (as defined in section 1861(vv)), which are furnished to an individual not described in paragraph (2) of section 1834(m) or which are performed more frequently than is covered under paragraph (3) of such section;"; and

(2) in paragraph (7), by striking "or (H)" and inserting "(H), or (I)".

(e) Effective Date.—The amendments made by this section apply to tests provided on or after July 1, 2001.

### SEC. 234. MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH DIABETES, A CARDIOVASCULAR DISEASE, OR A RENAL DISEASE.

(a) Coverage.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 233(a), is amended—

(1) in subparagraph (U) by striking "and" at the end;

(2) in subparagraph (V) by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(W) medical nutrition therapy services (as defined in subsection (ww)(1)) in the case of a beneficiary with diabetes, a cardiovascular disease (including congestive heart failure, arteriosclerosis, hyperlipidemia, hypertension, and hypercholesterolemia), or a renal disease;".

(b) Services Described.—Section 1861 (42 U.S.C. 1395x), as amended by section 233(a), is amended by adding at the end the following new subsection:

"Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

"(ww)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).

"(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

"(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

"(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

"(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed; or

"(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

"(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.".

(c) Payment.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)), as amended by section 232(c)(1), is amended—

(1) by striking "and" before "(U)"; and

(2) by inserting before the semicolon at the end the following: ", and (V) with respect to medical nutrition therapy services (as defined in section 1861(ww)), the amount paid shall be 85 percent of the lesser of the actual charge for the services or the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) Effective Date.—The amendments made by this section apply to services furnished on or after July 1, 2001.

### SEC. 235. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) Studies.—The Secretary of Health and Human Services, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting that are most valuable to older Americans.

(b) Mission Statement.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) Report.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report to Congress on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

### SEC. 236. INSTITUTE OF MEDICINE 5-YEAR MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) Study.—

(1) In general.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries including the issues described in paragraph (2) and to submit the report described in subsection (b).

(2) Issues studied.—The study required under paragraph (1) shall include an assessment of—

(A) whether each covered benefit is—

(i) medically effective; and

(ii) a cost-effective benefit or a cost-saving benefit;

(B) utilization of covered benefits (including any barriers to or incentives to increase utilization); and

(C) quality of life issues associated with both health promotion and disease prevention benefits covered under the medicare program and those that are not covered under such program that would affect all medicare beneficiaries.

(b) Report.—

(1) In general.—Not later than 5 years after the date of enactment of this section, and every fifth year thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed statement of the findings and conclusions of the study conducted under subsection (a) and the recommendations for legislation described in paragraph (2).

(2) Recommendations for legislation.—The Institute of Medicine of the National Academy of Sciences, in consultation with the Partnership for Prevention, shall develop recommendations in legislative form that—

(A) prioritize the preventive benefits under the medicare program; and

(B) modify preventive benefits offered under the medicare program based on the study conducted under subsection (a).

(c) Transmission to Congress.—

(1) In general.—On the day on which the report described in subsection (b) is submitted to the President, the President shall transmit the report and recommendations in legislative form described in subsection (b)(2) to Congress.

(2) Delivery.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

(d) Definitions.—In this section:

(1) Cost-effective benefit.—The term "cost-effective benefit" means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) demonstrated value as measured by unit costs relative to health outcomes achieved.

(2) Cost-saving benefit.—The term "cost-saving benefit" means a benefit or technique that has—

(A) been subject to peer review;

(B) been described in scientific journals; and

(C) caused a net reduction in health care costs for medicare beneficiaries.

(3) Medically effective.—The term "medically effective" means, with respect to a benefit or technique, that the benefit or technique has been—

(A) subject to peer review;

(B) described in scientific journals; and

(C) determined to achieve an intended goal under normal programmatic conditions.

(4) Medicare beneficiary.—The term "medicare beneficiary" means any individual who is entitled to benefits under part A or enrolled under part B of the medicare program, including any individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under part C of such program.

(5) Medicare program.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

### SEC. 237. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) Rules of House of Representatives and Senate.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) Introduction and Referral.—

(1) Introduction.—

(A) In general.—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 236(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) House of representatives.—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) Senate.—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) Special rule.—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) Referral.—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) Consideration.—After the recommendations in legislative form have been introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) Implementing Bill Defined.—In this section, the term "implementing bill" means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 236(b)(2), transmitted by the President to the House of Representatives and the Senate under section 236(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) Counting of Days.—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

## Subtitle E—Other Services

### SEC. 241. REVISION OF MORATORIUM IN CAPS FOR THERAPY SERVICES.

(a) Extension of Moratorium.—Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking "during 2000 and 2001" and inserting "during the period beginning on January 1, 2000, and ending on the date that is 18 months after the date the Secretary submits the report required under section 4541(d)(2) of the Balanced Budget Act of 1997 to Congress".

(b) Extension of Reporting Date.—Section 4541(d)(2) of BBA (42 U.S.C. 1395l note), as amended by section 221(c) of BBRA (113 Stat. 1501A–351), is amended by striking "January 1, 2001" and inserting "January 1, 2002".

### SEC. 242. REVISION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) Revision.—

(1) In general.—Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended to read as follows:

"(J) prescription drugs used in immunosuppressive therapy furnished—

"(i) on or after the date of enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000 and before January 1, 2004, to an individual who has received an organ transplant; and

"(ii) on or after January 1, 2004, to an individual who receives an organ transplant for which payment is made under this title, but only in the case of drugs furnished within 36 months after the date of the transplant procedure.".

(2) Conforming amendments.—

(A) Extended coverage.—Section 1832 (42 U.S.C. 1395k) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Pass-through; report.—Subsections (c) and (d) of section 227 of BBRA (113 Stat. 1501A–355) are repealed.

(3) Effective date.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) Extension of Certain Secondary Payer Requirements.—Section 1862(b)(1)(C) (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000 and before January 1, 2004, this subparagraph shall be applied without regard to any time limitation.".

### SEC. 243. STATE ACCREDITATION OF DIABETES SELF-MANAGEMENT TRAINING PROGRAMS.

Section 1861(qq)(2) of the Social Security Act (42 U.S.C. 1395xx(qq)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "paragraph (1)—" and inserting "paragraph (1):";

(2) in subparagraph (A)—

(A) by striking "a 'certified provider'" and inserting "A 'certified provider'"; and

(B) by striking "; and" and inserting a period; and

(3) in subparagraph (B)—

(A) by striking "a physician, or such other individual" and inserting "(i) A physician, or such other individual";

(B) by inserting "(I)" before "meets applicable standards";

(C) by inserting "(II)" before "is recognized";

(D) by inserting ", or by a program described in clause (ii)," after "recognized by an organization that represents individuals (including individuals under this title) with diabetes"; and

(E) by adding at the end the following new clause:

"(ii) Notwithstanding any reference to 'a national accreditation body' in section 1865(b), for purposes of clause (i), a program described in this clause is a program operated by a State for the purposes of accrediting diabetes self-management training programs, if the Secretary determines that such State program has established quality standards that meet or exceed the standards established by the Secretary under clause (i) or the standards originally established by the National Diabetes Advisory Board and subsequently revised as described in clause (i).".

### SEC. 244. ELIMINATION OF REDUCTION IN PAYMENT AMOUNTS FOR DURABLE MEDICAL EQUIPMENT AND OXYGEN AND OXYGEN EQUIPMENT.

(a) Update for Covered Items.—Section 1834(a)(14)(C) (42 U.S.C. 1395m(a)(14)(C)) is amended by striking "through 2002" and inserting "through 2000".

(b) Orthotics and Prosthetics.—Section 1834(h)(4)(A)(v) (42 U.S.C. 1395m(h)(4)(A)(v)) is amended by striking "through 2002" and inserting "through 2000".

(c) Parenteral and Enteral Nutrients, Supplies, and Equipment.—Section 4551(b) of BBA (42 U.S.C. 1395m note) is amended by striking "through 2002" and inserting "through 2000".

(d) Oxygen and Oxygen Equipment.—Section 1834(a)(9)(B) (42 U.S.C. 1395m(a)(9)(B)) is amended—

(1) in clause (v), by striking "and" at the end;

(2) in clause (vi)—

(A) by striking "each subsequent year" and inserting "2000"; and

(B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new clause:

"(vii) for 2001 and each subsequent year, the amount determined under this subparagraph for the preceding year increased by the covered item update for such subsequent year.".

(e) Conforming Amendment.—Section 228 of BBRA (113 Stat. 1501A–356) is repealed.

### SEC. 245. STANDARDS REGARDING PAYMENT FOR CERTAIN ORTHOTICS AND PROSTHETICS.

(a) Standards.—

(1) In general.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following:

"(F) Establishment of standards for certain items.—

"(i) In general.—No payment shall be made for an applicable item unless such item is provided by a qualified practitioner or a qualified supplier under the system established by the Secretary under clause (iii). For purposes of the preceding sentence, if a qualified practitioner or a qualified supplier contracts with an entity to provide an applicable item, then no payment shall be made for such item unless the entity is also a qualified supplier.

"(ii) Definitions.—In this subparagraph—

"(I) Applicable item.—The term 'applicable item' means orthotics and prosthetics that require education, training, and experience to custom fabricate such item. Such term does not include shoes and shoe inserts.

"(II) Qualified practitioner.—The term 'qualified practitioner' means a physician or health professional who meets any of the following requirements:

"(aa) The physician or health professional is specifically trained and educated to provide or manage the provision of custom-designed, fabricated, modified, and fitted orthotics and prosthetics, and is either certified by the American Board for Certification in Orthotics and Prosthetics, Inc., certified by the Board for Orthotist/Prosthetist Certification, or credentialed and approved by a program that the Secretary determines, in consultation with appropriate experts in orthotics and prosthetics, has training and education standards that are necessary to provide applicable items.

"(bb) The physician or health professional is licensed in orthotics or prosthetics by the State in which the applicable item is supplied, but only if the Secretary determines that the mechanisms used by the State to provide such licensure meet standards determined appropriate by the Secretary.

"(cc) The physician or health professional has completed at least 10 years practice in the provision of applicable items. A physician or health professional may not qualify as a qualified practitioner under the preceding sentence with respect to an applicable item if the item was provided on or after January 1, 2005.

"(III) Qualified supplier.—The term 'qualified supplier' means any entity that is—

"(aa) accredited by the American Board for Certification in Orthotics and Prosthetics, Inc. or the Board for Orthotist/Prosthetist Certification; or

"(bb) accredited and approved by a program that the Secretary determines has accreditation and approval standards that are essentially equivalent to those of such Board.

"(iii) System.—The Secretary, in consultation with appropriate experts in orthotics and prosthetics, shall establish a system under which the Secretary shall—

"(I) determine which items are applicable items and formulate a list of such items;

"(II) review the applicable items billed under the coding system established under this title; and

"(III) limit payment for applicable items pursuant to clause (i).".

(2) Effective date.—The amendment made by paragraph (1) shall apply to items provided on or after January 1, 2003.

(b) Revision of Definition of Orthotics.—

(1) In general.—Section 1861(s)(9) (42 U.S.C. 1395x(s)(9)) is amended by inserting "(including such braces that are used in conjunction with, or as components of, other medical or non-medical equipment when provided by a qualified practitioner (as defined in subclause (II) of section 1834(h)(1)(F))) or a qualified supplier (as defined in subclause (III) of such section)" after "braces".

(2) Effective date.—The amendment made by paragraph (1) shall apply to items provided on or after January 1, 2003.

### SEC. 246. NATIONAL LIMITATION AMOUNT EQUAL TO 100 PERCENT OF NATIONAL MEDIAN FOR NEW PAP SMEAR TECHNOLOGIES AND OTHER NEW CLINICAL LABORATORY TEST TECHNOLOGIES.

Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395l(h)(4)(B)(viii)) is amended by inserting before the period at the end the following: "(or 100 percent of such median in the case of a clinical diagnostic laboratory test performed on or after January 1, 2001, that the Secretary determines is a new test for which no limitation amount has previously been established under this subparagraph)".

### SEC. 247. INCREASED MEDICARE PAYMENTS FOR CERTIFIED NURSE-MIDWIFE SERVICES.

(a) Amount of Payment.—Section 1833(a)(1)(K) (42 U.S.C. 1395l(a)(1)(K)) is amended by striking "65 percent of the prevailing charge that would be allowed for the same service performed by a physician, or, for services furnished on or after January 1, 1992, 65 percent" and inserting "85 percent".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2001.

### SEC. 248. PAYMENT FOR ADMINISTRATION OF DRUGS.

(a) Review of Chemotherapy Administration Practice Expenses RVUs.—The Secretary of Health and Human Services shall review the resource-based practice expense component of relative value units under the physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for chemotherapy administration services to determine if such units should be increased.

(b) More Accurate Chemotherapy Drug Payments Tied to Increases in Chemotherapy Administration Payments.—If the Secretary of Health and Human Services determines, as a result of the review under subsection (a), that the resource-based practice expense relative value units for chemotherapy administration services should be increased, the Secrêtary—

(1) may implement such increases for such services, but only if the Secretary simultaneously implements more accurate average wholesale prices for chemotherapy drugs (but in no case shall such simultaneous implementation occur prior to January 1, 2002); and

(2) if the Secretary implements such increases for such services, shall do so without taking into account the requirement under the physician fee schedule under section 1848(c)(2)(B)(ii)(II) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(B)(ii)(II)).

(c) Blood Clotting Drug-Related Activities.—

(1) Coverage.—Section 1861(s)(2)(I) (42 U.S.C. 1395x(s)(2)(I)) is amended—

(A) by striking "and" after "supervision,"; and

(B) by inserting the following before the semicolon: ", and the costs (pursuant to section 1834(n)) incurred by suppliers of such factors".

(2) Payments.—Section 1834 (42 U.S.C. 1395m), as amended by section 233(b), is amended by adding at the end the following new subsection:

"(n) Payment for Blood Clotting Drug-Related Activities.—

"(1) In general.—The Secretary shall make payments in accordance with paragraph (2) to suppliers of blood clotting factors (as described in section 1861(s)(2)(I)) to cover the costs (such as shipping, storage, inventory control, or other costs specified by the Secretary) incurred by such suppliers in furnishing such factors to individuals enrolled under this part.

"(2) Payment amount.—The amount of payment for furnishing such blood clotting factors (as so described) shall be an amount equal to 80 percent of the lesser of—

"(A) the actual charge for the furnishing of such factors; or

"(B) an amount equal to 10 cents (or such other amount determined appropriate by the Secretary) per unit of such factor furnished.".

(3) Effective date.—The amendments made by this subsection shall apply to blood clotting factors (as described in section 1861(s)(2)(I) of the Social Security Act (42 U.S.C. 1395x(s)(2)(I))) furnished on or after the date that the Secretary of Health and Human Services implements more accurate average wholesale prices for such factors.

### SEC. 249. MEDPAC STUDY ON IN-HOME INFUSION THERAPY NURSING SERVICES.

(a) Study.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) (in this section referred to as "MedPAC") shall conduct a study on the provision of in-home infusion therapy nursing services, including a review of any documentation of clinical efficacy for those services and any costs associated with providing those services.

(b) Report.—Not later than 18 months after the date of enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study and review conducted under subsection (a) together with recommendations regarding the establishment of a payment methodology for in-home infusion therapy nursing services that ensures the continuing access of beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to those services.

## TITLE III—PROVISIONS RELATING TO PARTS A AND B

### Subtitle A—Home Health Services

### SEC. 301. ELIMINATION OF 15 PERCENT REDUCTION IN PAYMENT RATES UNDER THE PROSPECTIVE PAYMENT SYSTEM FOR HOME HEALTH SERVICES.

(a) In General.—Section 1895(b)(3)(A) (42 U.S.C. 1395fff(b)(3)(A)) is amended to read as follows:

"(A) Initial basis.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts). Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system for the 12-month period beginning on the date the Secretary implements the system shall be equal to the total amount that would have been made if the system had not been in effect and if section 1861(v)(1)(L)(ix) had not been enacted. Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and area wage adjustments among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of BBRA.

### SEC. 302. EXCLUSION OF CERTAIN NONROUTINE MEDICAL SUPPLIES UNDER THE PPS FOR HOME HEALTH SERVICES.

(a) EXCLUSION.—

(1) IN GENERAL.—Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(e) EXCLUSION OF NONROUTINE MEDICAL SUPPLIES.—

"(1) IN GENERAL.—Notwithstanding the preceding provisions of this section, in the case of all nonroutine medical supplies (as defined by the Secretary) furnished by a home health agency during a year (beginning with 2001) for which payment is otherwise made on the basis of the prospective payment amount under this section, payment under this section shall be based instead on the lesser of—

"(A) the actual charge for the nonroutine medical supply; or

"(B) the amount determined under the fee schedule established by the Secretary for purposes of making payment for such items under part B for nonroutine medical supplies furnished during that year.

"(2) BUDGET NEUTRALITY ADJUSTMENT.—The Secretary shall provide for an appropriate proportional reduction in payments under this section so that beginning with fiscal year 2001, the aggregate amount of such reductions is equal to the aggregate increase in payments attributable to the exclusion effected under paragraph (1).".

(2) CONFORMING AMENDMENT.—Section 1895(b)(1) of the Social Security Act (42 U.S.C. 1395fff(b)(1)) is amended by striking "The Secretary" and inserting "Subject to subsection (e), the Secretary".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to supplies furnished on or after January 1, 2001.

(b) EXCLUSION FROM CONSOLIDATED BILLING.—

(1) IN GENERAL.—For items provided during the applicable period, the Secretary of Health and Human Services shall administer the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) as if—

(A) section 1842(b)(6)(F) of such Act (42 U.S.C. 1395u(b)(6)(F)) was amended by striking "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment to the extent provided for in such section)" and inserting "(excluding medical supplies and durable medical equipment described in section 1861(m)(5))"; and

(B) section 1862(a)(21) of such Act (42 U.S.C. 1395y(a)(21)) was amended by striking "(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment to the extent provided for in such section)" and inserting "(excluding medical supplies and durable medical equipment described in section 1861(m)(5))".

(2) APPLICABLE PERIOD DEFINED.—For purposes of paragraph (1), the term "applicable period" means the period beginning on January 1, 2001, and ending on the later of—

(A) the date that is 18 months after the date of enactment of this Act; or

(B) the date determined appropriate by the Secretary of Health and Human Services.

(c) STUDY ON EXCLUSION OF CERTAIN NONROUTINE MEDICAL SUPPLIES UNDER THE PPS FOR HOME HEALTH SERVICES.—

(1) STUDY.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct a study to identify any nonroutine medical supply that may be appropriately and cost-effectively excluded from the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff). Specifically, the Secretary shall consider whether wound care and ostomy supplies should be excluded from such prospective payment system.

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the committees of jurisdiction of the House of Representatives and the Senate a report on the study conducted under paragraph (1), including a list of any nonroutine medical supplies that should be excluded from the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(d) EXCLUSION OF OTHER NONROUTINE MEDICAL SUPPLIES.—Upon submission of the report under subsection (c)(2), the Secretary shall (if necessary) revise the definition of nonroutine medical supply, as defined for purposes of section 1895(e) (as added by subsection (a)), based on the list of nonroutine medical supplies included in such report.

### SEC. 303. PERMITTING HOME HEALTH PATIENTS WITH ALZHEIMER'S DISEASE OR A RELATED DEMENTIA TO ATTEND ADULT DAY-CARE.

(a) IN GENERAL.—Sections 1814(a) and 1835(a) of the Social Security Act (42 U.S.C. 1395f(a); 1395n(a)) are each amended in the last sentence by inserting "(including regularly participating, for the purpose of therapeutic treatment for Alzheimer's disease or a related dementia, in an adult day-care program that is licensed, certified, or accredited by a State to furnish adult day-care services in the State)" before the period.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items and services provided on or after October 1, 2001.

### SEC. 304. STANDARDS FOR HOME HEALTH BRANCH OFFICES.

(a) IN GENERAL.—Section 1861(o) (42 U.S.C. 1395x(o)) is amended by adding at the end the following new sentences: "For purposes of this subsection, a home health agency may provide services through a single site or through a branch office. For purposes of the preceding sentence, the term 'branch office' means a service site for home health services that is controlled and supervised by a home health agency.".

(b) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall establish, using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code, standards for the operation of a branch office (as defined in the last sentence of section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)), as added by subsection (a)).

(2) REQUIREMENTS.—In establishing standards under paragraph (1), the Secretary shall—

(A) provide for the special treatment of any home health agency or branch office—

(i) that is located in a frontier area; or

(ii) with any other special circumstance that the Secretary determines is appropriate; and

(B) allow the use of technology used by the home health agency to supervise the branch office.

(3) CONSULTATION.—The Secretary shall establish the regulations under this subsection in consultation with representatives of the home health industry.

### SEC. 305. TREATMENT OF HOME HEALTH SERVICES PROVIDED IN CERTAIN COUNTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective for home health services provided under the prospective payment system under section 1895 of the Social Security Act (42 U.S.C. 1395fff) during fiscal year 2001 in an applicable county, the geographic adjustment factors applicable in such year to hospitals physically located in such county under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) (including the factors applicable to such hospitals by reason of any reclassification or deemed reclassification) shall be deemed to apply to such services instead of the area wage adjustment factors that would otherwise be applicable to such services under section 1895(b)(4)(C) of such Act (42 U.S.C. 1395fff(b)(4)(C)).

(b) APPLICABLE COUNTY DEFINED.—For purposes of subsection (a), the term "applicable county" means any of the following counties:

(1) Duchess County, New York.
(2) Orange County, New York.
(3) Clinton County, New York.
(4) Ulster County, New York.
(5) Otsego County, New York.
(6) Cayuga County, New York.
(7) St. Jefferson County, New York.

## Subtitle B—Direct Graduate Medical Education

### SEC. 311. NOT COUNTING CERTAIN GERIATRIC RESIDENTS AGAINST GRADUATE MEDICAL EDUCATION LIMITATIONS.

For cost reporting periods beginning on or after October 1, 2000, and before October 1, 2005, in applying the limitations regarding the total number of full-time equivalent interns and residents in the field of allopathic or osteopathic medicine under subsections (d)(5)(B)(v) and (h)(4)(F) of section 1886 of the Social Security Act (42 U.S.C. 1395ww) for a hospital, the Secretary of Health and Human Services shall not take into account a maximum of 3 interns or residents in the field of geriatric medicine to the extent the hospital increases the number of geriatric interns or residents above the number of such interns or residents for the hospital's most recent cost reporting period ending before October 1, 2000.

### SEC. 312. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

Part A of title XI (42 U.S.C. 1301 et seq.) is amended by adding after section 1150 the following new section:

"PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS

"Sec. 1150A. (a) Payments.—The Secretary shall make 2 payments under this section to each children's hospital for each of fiscal years 2002 through 2005, 1 for the direct expenses and the other for the indirect expenses associated with operating approved graduate medical residency training programs.

"(b) Amount of Payments.—

"(1) In general.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

"(A) Direct expense amount.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

"(B) Indirect expense amount.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

"(2) Capped amount.—

"(A) In general.—The total of the payments made to children's hospitals under subparagraph (A) or (B) of paragraph (1) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

"(B) Pro rata reductions of payments for direct expenses.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

"(c) Amount of Payment for Direct Graduate Medical Education.—

"(1) In general.—The amount determined under this subsection for payments to a children's hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

"(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

"(B) the average number of full-time equivalent residents in the hospital's graduate approved medical residency training programs (as determined under section 1886(h)(4)) during the fiscal year.

"(2) Updated per resident amount for direct graduate medical education.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

"(A) Determination of hospital single per resident amount.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children's hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the nonprimary care per resident amount computed under section 1886(h)(2) for cost reporting periods ending during fiscal year 1997.

"(B) Determination of wage and nonwage-related proportion of the single per resident amount.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

"(C) Standardizing per resident amounts.—The Secretary shall establish a standardized per resident amount for each such hospital—

"(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) for discharges occurring during fiscal year 1999 for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

"(D) Determination of national average.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

"(E) Application to individual hospitals.—The Secretary shall compute for each such hospital that is a children's hospital a per resident amount—

"(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

"(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital's area; and

"(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

"(F) Updating rate.—The Secretary shall update such per resident amount for each such children's hospital by the estimated percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) during the period beginning October 1997, and ending with the midpoint of the Federal fiscal year for which payments are made.

"(d) Amount of Payment for Indirect Medical Education.—

"(1) In general.—The amount determined under this subsection for payments to a children's hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

"(2) Factors.—In determining the amount under paragraph (1), the Secretary shall—

"(A) take into account variations in case mix and regional wage levels among children's hospitals and the number of full-time equivalent residents in the hospitals' approved graduate medical residency training programs; and

"(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

"(e) Making of Payments.—

"(1) Interim payments.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period. Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established.

"(2) Withholding.—

"(A) In general.—Subject to subparagraph (B), the Secretary shall withhold 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1).

"(B) Reduction of withholding.—The Secretary shall reduce the percent withheld from each installment pursuant to subparagraph (A) if the Secretary determines that such reduced percent will provide the Secretary with a reasonable level of assurance that most hospitals will not be overpaid on an interim basis.

"(3) Reconciliation.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital and shall use that number of residents to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made or pay any balance due to the extent possible. In the event that a hospital's interim payments were greater than the final amount to which it is entitled, the Secretary shall have the option of recouping that excess amount in determining the amount to be paid in the subsequent year to that hospital. The final amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) is subject to review under such section.

"(f) Authorization of Appropriations.—

"(1) Direct graduate medical education.—

"(A) In general.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) for each of fiscal years 2002 through 2005, $95,000,000.

"(B) Carryover of excess.—The amounts appropriated under subparagraph (A) for each fiscal year shall remain available for obligation through the end of the subsequent fiscal year.

"(2) Indirect medical education.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A) for each of fiscal years 2002 through 2005, $190,000,000.

"(g) Definitions.—In this section:

"(1) Approved graduate medical residency training program.—The term 'approved graduate medical residency training program' has the meaning given the term 'approved medical residency training program' in section 1886(h)(5)(A).

"(2) Children's hospital.—The term 'children's hospital', means a hospital with a medicare payment agreement and which is excluded from the medicare inpatient prospective payment system pursuant to section 1886(d)(1)(B)(iii) and its accompanying regulations.

"(3) Direct graduate medical education costs.—The term 'direct graduate medical education costs' has the meaning given such term in section 1886(h)(5)(C).".

#### SEC. 313. AUTHORITY TO INCLUDE COSTS OF TRAINING OF CLINICAL PSYCHOLOGISTS IN PAYMENTS TO HOSPITALS.

Effective for cost reporting periods beginning on or after October 1, 1999, for purposes of payments to hospitals under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for costs of approved educational activities (as defined in section 413.85 of title 42 of the Code of Federal Regulations), such approved educational activities shall include the clinical portion of professional educational training programs, recognized by the Secretary, for clinical psychologists.

#### SEC. 314. TREATMENT OF CERTAIN NEWLY ESTABLISHED RESIDENCY PROGRAMS IN COMPUTING MEDICARE PAYMENTS FOR THE COSTS OF MEDICAL EDUCATION.

(a) In General.—Section 1886(h)(4)(H) (42 U.S.C. 1395ww(h)(4)(H)) is amended by adding at the end the following new clause:

"(v) Treatment of certain newly established programs.—Any hospital that has received payments under this subsection for a cost reporting period ending before January 1, 1995, and that operates an approved medical residency training program established on or after August 5, 1997, shall be treated as meeting the requirements for an adjustment under the rules prescribed pursuant to clause (i) with respect to such program if—

"(I) such program received accreditation from the American Council of Graduate Medical Education not later than August 5, 1998;

"(II) such program was in operation (with 1 or more residents in training) as of January 1, 2000;

"(III) such hospital is located in an area that is contiguous to a rural area and serves individuals from such rural area; and

"(IV) such hospital serves a medical service area with a population that is less than 500,000.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 4623 of BBA (111 Stat. 477).

### Subtitle C—Miscellaneous Provisions

#### SEC. 321. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) In General.—Section 226 (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following new subsection:

"(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

"(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

"(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

"(3) Subsection (f) shall not be applied.".

(b) Conforming Amendment.—Section 1837 (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

"(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

"(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

"(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.".

(c) Effective Date.—The amendments made by this section shall apply to benefits for months beginning after the date of enactment of this Act.

## TITLE IV—RURAL PROVIDER PROVISIONS

### Subtitle A—Critical Access Hospitals

#### SEC. 401. PAYMENTS TO CRITICAL ACCESS HOSPITALS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS.

(a) Payment on Cost Basis Without Beneficiary Cost-Sharing.—

(1) In general.—Section 1833(a)(6) (42 U.S.C. 1395l(a)(6)) is amended by inserting "(including clinical diagnostic laboratory services furnished by a critical access hospital)" after "outpatient critical access hospital services".

(2) No beneficiary cost-sharing.—

(A) In general.—Section 1834(g) (42 U.S.C. 1395m(g)) is amended by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" before the period at the end.

(B) BBRA amendment.—Section 1834(g) (42 U.S.C. 1395m(g)), as amended by section 403(d) of BBRA (113 Stat. 1501A–371), is amended—

(i) in paragraph (1), by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" after "such services"; and

(ii) in paragraph (2)(A), by inserting "(except that in the case of clinical diagnostic laboratory services furnished by a critical access hospital the amount of payment shall be equal to 100 percent of the reasonable costs of the critical access hospital in providing such services)" before the period at the end.

(b) Conforming Amendments.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)(1)(D)(i); 1395l(a)(2)(D)(i)) are each amended by striking "or which are furnished on an outpatient basis by a critical access hospital".

(c) Technical Amendment.—Section 403(d)(2) of BBRA (113 Stat. 1501A–371) is amended by striking "subsection (a)" and inserting "paragraph (1)".

(d) Effective Dates.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to services furnished on or after November 29, 1999.

(2) BBRA and technical amendments.—The amendments made by subsections (a)(2)(B) and (c) shall take effect as if included in the enactment of section 403(d) of BBRA (113 Stat. 1501A–371).

#### SEC. 402. REVISION OF PAYMENT FOR PROFESSIONAL SERVICES PROVIDED BY A CRITICAL ACCESS HOSPITAL.

(a) In General.—Section 1834(g)(2)(B) (42 U.S.C. 1395m(g)(2)(B)), as amended by section 403(d) of BBRA (113 Stat. 1501A–371), is amended by inserting "120 percent of" after "hospital services,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 403(d) of BBRA (113 Stat. 1501A–371).

#### SEC. 403. PERMITTING CRITICAL ACCESS HOSPITALS TO OPERATE PPS EXEMPT DISTINCT PART PSYCHIATRIC AND REHABILITATION UNITS.

(a) Criteria for Designation as a Critical Access Hospital.—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended by inserting "excluding any psychiatric or rehabilitation unit of the facility which is a distinct part of the facility," before "provides not".

(b) Definition of PPS Exempt Distinct Part Psychiatric and Rehabilitation Units.—Section 1886(d)(1)(B) (42 U.S.C. 1395ww(d)(1)(B)) is amended by inserting before the last sentence the following new sentence: "In establishing such definition, the Secretary may not exclude from such definition a psychiatric or rehabilitation unit of a critical access hospital which is a distinct part of such hospital solely because such hospital is exempt from the prospective payment system under this section.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

### Subtitle B—Medicare Dependent, Small Rural Hospital Program

#### SEC. 411. MAKING THE MEDICARE DEPENDENT, SMALL RURAL HOSPITAL PROGRAM PERMANENT.

(a) Payment Methodology.—Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking "and before October 1, 2006,"; and

(2) in clause (ii)(II), by striking "and before October 1, 2006,".

(b) Conforming Amendments.—

(1) Target amount.—Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking "and before October 1, 2006,"; and

(B) in clause (iv), by striking "through fiscal year 2005," and inserting "or any subsequent fiscal year,".

(2) Permitting hospitals to decline reclassification.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note), as amended by section 404(b)(2) of BBRA (113 Stat. 1501A–372), is amended by striking "or fiscal year 2000 through fiscal year 2005" and inserting "fiscal year 2000, or any subsequent fiscal year,".

#### SEC. 412. OPTION TO BASE ELIGIBILITY FOR MEDICARE DEPENDENT, SMALL RURAL HOSPITAL PROGRAM ON DISCHARGES DURING ANY OF THE 3 MOST RECENT AUDITED COST REPORTING PERIODS.

(a) In General.—Section 1886(d)(5)(G)(iv)(IV) (42 U.S.C. 1395ww(d)(5)(G)(iv)(IV)) is amended by inserting ", or any of the 3 most recent audited cost reporting periods," after "1987".

(b) Effective Date.—The amendment made by this section shall apply with respect to cost reporting periods beginning on or after the date of enactment of this Act.

### Subtitle C—Sole Community Hospitals

#### SEC. 421. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.

(a) In General.—Section 1886(b)(3)(I)(i) (42 U.S.C. 1395ww(b)(3)(I)(i)) is amended—

(1) in the matter preceding subclause (I)—

(A) by striking "that for its cost reporting period beginning during 1999 is paid on the basis of the target amount applicable to the hospital under subparagraph (C) and that elects (in a form and manner determined by the Secretary) this subparagraph to apply to the hospital"; and

(B) by striking "substituted for such target amount" and inserting "substituted, if such substitution results in a greater payment under this section for such hospital, for the amount otherwise determined under subsection (d)(5)(D)(i)";

(2) in subclause (I), by striking "target amount otherwise applicable" and all that follows through "target amount')" and inserting "the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the 'subsection (d)(5)(D)(i) amount')"; and

(3) in each of subclauses (II) and (III), by striking "subparagraph (C) target amount" and inserting "subsection (d)(5)(D)(i) amount".

(b) Effective Date.—The amendments made by this section shall take effect as if included in the enactment of section 405 of BBRA (113 Stat. 1501A–372).

### SEC. 422. DEEMING A CERTAIN HOSPITAL AS A SOLE COMMUNITY HOSPITAL.

Notwithstanding any other provision of law, for purposes of discharges occurring on or after October 1, 2000, the Greensville Memorial Hospital located in Emporia, Virginia shall be deemed to have satisfied the travel and time criteria under section 1886(d)(5)(D)(iii)(II) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(D)(iii)(II)) for classification as a sole community hospital.

## Subtitle D—Other Rural Hospital Provisions

### SEC. 431. EXEMPTION OF HOSPITAL SWING-BED PROGRAM FROM THE PPS FOR SKILLED NURSING FACILITIES.

(a) Exemption for Medicare Swing-Bed Hospitals.—

(1) In general.—Section 1888(e)(7) (42 U.S.C. 1395yy(e)(7)(A)) is amended—

(A) in the heading, by striking "Transition" and inserting "Exemption";

(B) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) In general.—The prospective payment system under this subsection shall not apply to items and services provided by a facility described in subparagraph (B)."; and

(C) in subparagraph (B), by striking ", for which payment" and all that follows before the period.

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 4432 of BBA (111 Stat. 414).

(b) Change in Effective Date of BBRA Amendments.—

(1) In general.—Section 408(c) of BBRA (113 Stat. 1501A–375) is amended by striking "the date that is" and all that follows and inserting "January 1, 2001.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 408 of BBRA (113 Stat. 1501A–375).

### SEC. 432. PERMANENT GUARANTEE OF PRE-BBA PAYMENT LEVELS FOR OUTPATIENT SERVICES FURNISHED BY RURAL HOSPITALS.

(a) In General.—Section 1833(t)(7)(D), as amended by section 203, is amended to read as follows:

"(D) Hold harmless provisions for small rural and cancer hospitals.—In the case of a hospital located in a rural area and that has not more than 100 beds or a hospital described in section 1886(d)(1)(B)(v), for covered OPD services for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 202 of BBRA (111 Stat. 1501A–342).

### SEC. 433. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

(a) In General.—Section 1848(i) (42 U.S.C. 1395w–4(i)) is amended by adding at the end the following new paragraph:

"(4) Treatment of certain physician pathology services.—

"(A) In general.—Notwithstanding any other provision of law, when an independent laboratory furnishes the technical component of a physician pathology service with respect to a fee-for-service medicare beneficiary who is a patient of a grandfathered hospital, such component shall be treated as a service for which payment shall be made to the laboratory under this section and not as—

"(i) an inpatient hospital service for which payment is made to the hospital under section 1886(d); or

"(ii) a hospital outpatient service for which payment is made to the hospital under the prospective payment system under section 1834(t).

"(B) Definitions.—In this paragraph:

"(i) Grandfathered hospital.—The term 'grandfathered hospital' means a hospital that had an arrangement with an independent laboratory—

"(I) that was in effect as of July 22, 1999; and

"(II) under which the laboratory furnished the technical component of physician pathology services with respect to patients of the hospital and submitted a claim for payment for such component to a carrier with a contract under section 1842 (and not to the hospital).

"(ii) Fee-for-service medicare beneficiary.—The term 'fee-for-service medicare beneficiary' means an individual who is not enrolled—

"(I) in a Medicare+Choice plan under part C;

"(II) in a plan offered by an eligible organization under section 1876;

"(III) with a PACE provider under section 1894;

"(IV) in a medicare managed care demonstration project; or

"(V) in the case of a service furnished to an individual on an outpatient basis, in a health care prepayment plan under section 1833(a)(1)(A).".

(b) Effective Date.—The amendment made by this section shall apply to services furnished on or after January 1, 2001.

## Subtitle E—Other Rural Provisions

### SEC. 441. REVISION OF BONUS PAYMENTS FOR SERVICES FURNISHED IN HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) Expansion of Bonus Payments To Include Physician Assistant and Nurse Practitioner Services.—Section 1833(m) (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(or services furnished by a physician assistant or nurse practitioner that would be physicians' services if furnished by a physician)" after "physicians' services";

(2) by inserting ", physician assistant (in the case of a physician assistant described in subparagraph (C)(ii) of section 1842(b)(6)), or nurse practitioner" after "physician"; and

(3) by striking "clause (A) of section 1842(b)(6)" and inserting "subparagraphs (A) and (C)(i) of such section".

(b) Elimination of Requirement To Make Bonus Payments on Monthly or Quarterly Basis.—Section 1833(m) (42 U.S.C. 1395l(m)) is amended by striking "(on a monthly or quarterly basis)".

(c) Effective Dates.—

(1) In general.—The amendments made by subsection (a) shall apply to services furnished on or after July 1, 2001.

(2) Monthly or quarterly payments.—The amendment made by subsection (b) shall apply to services furnished on or after the first day of the first calendar quarter beginning at least 240 days after the date of enactment of this Act.

### SEC. 442. PROVIDER-BASED RURAL HEALTH CLINIC CAP EXEMPTION.

(a) In General.—The matter in section 1833(f) (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking "with less than 50 beds" and inserting "with an average daily patient census that does not exceed 50".

(b) Effective Date.—The amendment made by subparagraph (A) shall apply to services furnished on or after January 1, 2001.

### SEC. 443. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) Payment for Certain Physician Assistant Services.—Section 1842(b)(6)(C) (42 U.S.C. 1395u(b)(6)(C)) is amended by striking "for such services provided before January 1, 2003,".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

### SEC. 444. BONUS PAYMENTS FOR RURAL HOME HEALTH AGENCIES IN 2001 AND 2002.

(a) Increase in Payment Rates for Rural Agencies in 2001 and 2002.—Section 1895(b) (42 U.S.C. 1395fff(b)) is amended by adding at the end the following new paragraph:

"(7) Additional payment amount for services furnished in rural areas in 2001 and 2002.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D)) during 2001 or 2002, the Secretary shall provide for an addition or adjustment to the payment amount otherwise made under this section for services furnished in a rural area in an amount equal to 10 percent of the amount otherwise determined under this subsection.".

(b) Waiving Budget Neutrality.—Section 1895(b)(3) (42 U.S.C. 1395fff(b)(3)) is amended by adding at the end the following new subparagraph:

"(D) No adjustment for additional payments for rural services.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under this paragraph applicable to home health services furnished during a period to offset the increase in payments resulting from the application of paragraph (7) (relating to services furnished in rural areas).".

### SEC. 445. EXCLUSION OF CLINICAL SOCIAL WORKER SERVICES AND SERVICES PERFORMED UNDER A CONTRACT WITH A RURAL HEALTH CLINIC OR FEDERALLY QUALIFIED HEALTH CENTER FROM THE PPS FOR SNFs.

(a) In General.—Section 1888(e)(2)(A)(ii) (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended—

(1) in the first sentence, by inserting "clinical social worker services," after "qualified psychologist services,"; and

(2) by inserting after the first sentence the following: "Services described in this clause also include services that are provided by a physician, a physician assistant, a nurse practitioner, a certified nurse midwife, a qualified psychologist, or a clinical social worker who is employed, or otherwise under contract, with a rural health clinic or a Federally qualified health center.".

(b) Effective Date.—The amendments made by this section shall apply to services provided on or after the date which is 60 days after the date of enactment of this Act.

### SEC. 446. COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES PROVIDED IN RURAL HEALTH CLINICS.

(a) COVERAGE OF MARRIAGE AND FAMILY THERAPIST SERVICES.—

(1) PROVISION OF SERVICES IN RURAL HEALTH CLINICS.—Section 1861(aa)(1)(B) (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "Secretary)" and inserting "Secretary), by a marriage and family therapist (as defined in subsection (xx)(2)),".

(2) MARRIAGE AND FAMILY THERAPIST SERVICES DEFINED.—Section 1861 (42 U.S.C. 1395x), as amended by section 234(b), is amended by adding at the end the following new subsection:

"Marriage and Family Therapist Services

"(xx)(1) The term 'marriage and family therapist services' means services performed by a marriage and family therapist (as defined in paragraph (2)) for the diagnosis and treatment of mental illnesses, which the marriage and family therapist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law) of the State in which such services are performed, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, but only if no facility or other provider charges or is paid any amounts with respect to the furnishing of such services.

"(2) The term 'marriage and family therapist' means an individual who—

"(A) possesses a master's or doctoral degree which qualifies for licensure or certification as a marriage and family therapist pursuant to State law;

"(B) after obtaining such degree has performed at least 2 years of clinical supervised experience in marriage and family therapy; and

"(C)(i) is licensed or certified as a marriage and family therapist in the State in which marriage and family therapist services are performed; or

"(ii) in the case of a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services furnished on or after January 1, 2002.

### SEC. 447. CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM.

(a) IN GENERAL.—Part A of title XVI of the Public Health Service Act (42 U.S.C. 300q et seq.) is amended by adding at the end the following new section:

"CAPITAL INFRASTRUCTURE REVOLVING LOAN PROGRAM

"SEC. 1603. (a) AUTHORITY TO MAKE AND GUARANTEE LOANS.—

"(1) AUTHORITY TO MAKE LOANS.—The Secretary may make loans from the fund established under section 1602(d) to any rural entity for projects for capital improvements, including—

"(A) the acquisition of land necessary for the capital improvements;

"(B) the renovation or modernization of any building;

"(C) the acquisition or repair of fixed or major movable equipment; and

"(D) such other project expenses as the Secretary determines appropriate.

"(2) AUTHORITY TO GUARANTEE LOANS.—

"(A) IN GENERAL.—The Secretary may guarantee the payment of principal and interest for loans to rural entities for projects for capital improvements described in paragraph (1) to non-Federal lenders.

"(B) INTEREST SUBSIDIES.—In the case of a guarantee of any loan to a rural entity under subparagraph (A)(i), the Secretary may pay to the holder of such loan and for and on behalf of the project for which the loan was made, amounts sufficient to reduce by not more than 3 percentage points of the net effective interest rate otherwise payable on such loan.

"(b) AMOUNT OF LOAN.—The principal amount of a loan directly made or guaranteed under subsection (a) for a project for capital improvement may not exceed $5,000,000.

"(c) FUNDING LIMITATIONS.—

"(1) GOVERNMENT CREDIT SUBSIDY EXPOSURE.—The total of the Government credit subsidy exposure under the Credit Reform Act of 1990 scoring protocol with respect to the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under subsection (a) may not exceed $50,000,000 per year.

"(2) TOTAL AMOUNTS.—Subject to paragraph (1), the total of the principal amount of all loans directly made or guaranteed under subsection (a) may not exceed $250,000,000 per year.

"(d) ADDITIONAL ASSISTANCE.—

"(1) NONREPAYABLE GRANTS.—Subject to paragraph (2), the Secretary may make a grant to a rural entity, in an amount not to exceed $50,000, for purposes of capital assessment and business planning.

"(2) LIMITATION.—The cumulative total of grants awarded under this subsection may not exceed $2,500,000 per year.

"(e) TERMINATION OF AUTHORITY.—The Secretary may not directly make or guarantee any loan under subsection (a) or make a grant under subsection (d) after September 30, 2005.".

(b) RURAL ENTITY DEFINED.—Section 1624 of the Public Health Service Act (42 U.S.C. 300s–3) is amended by adding at the end the following new paragraph:

"(15)(A) The term 'rural entity' includes—

"(i) a rural health clinic, as defined in section 1861(aa)(2) of the Social Security Act;

"(ii) any medical facility with at least 1, but less than 50, beds that is located in—

"(I) a county that is not part of a metropolitan statistical area; or

"(II) a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725));

"(iii) a hospital that is classified as a rural, regional, or national referral center under section 1886(d)(5)(C) of the Social Security Act; and

"(iv) a hospital that is a sole community hospital (as defined in section 1886(d)(5)(D)(iii) of the Social Security Act).

"(B) For purposes of subparagraph (A), the fact that a clinic, facility, or hospital has been geographically reclassified under the medicare program under title XVIII of the Social Security Act shall not preclude a hospital from being considered a rural entity under clause (i) or (ii) of subparagraph (A).".

(c) CONFORMING AMENDMENTS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(1) in subsection (b)(2)(D), by inserting "or 1603(a)(2)(B)" after "1601(a)(2)(B)"; and

(2) in subsection (d)—

(A) in paragraph (1)(C), by striking "section 1601(a)(2)(B)" and inserting "sections 1601(a)(2)(B) and 1603(a)(2)(B)"; and

(B) in paragraph (2)(A), by inserting "or 1603(a)(2)(B)" after "1601(a)(2)(B)".

### SEC. 448. GRANTS FOR UPGRADING DATA SYSTEMS.

(a) IN GENERAL.—Part B of title XVI of the Public Health Service Act (42 U.S.C. 300r et seq.) is amended by adding at the end the following new section:

"GRANTS FOR UPGRADING DATA SYSTEMS

"SEC. 1611. (a) GRANTS TO HOSPITALS.—

"(1) IN GENERAL.—The Secretary shall establish a program to make grants to hospitals that have submitted applications in accordance with subsection (c) to assist eligible small rural hospitals in offsetting the costs of establishing data systems—

"(A) required to—

"(i) implement prospective payment systems under title XVIII of the Social Security Act; and

"(ii) comply with the administrative simplification requirements under part C of title XI of such Act; or

"(B) to reduce medication errors.

"(2) COSTS.—For purposes of paragraph (1), the term 'costs' shall include costs associated with—

"(A) purchasing computer software and hardware; and

"(B) providing education and training to hospital staff on computer information systems.

"(3) LIMITATION.—A hospital that has received a grant under section 142 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000 is not eligible to receive a grant under this section.

"(b) ELIGIBLE SMALL RURAL HOSPITAL DEFINED.—For purposes of this section, the term 'eligible small rural hospital' means a non-Federal, short-term general acute care hospital that—

"(1) is located in a rural area, as defined for purposes of section 1886(d) of the Social Security Act; and

"(2) has less than 50 beds.

"(c) APPLICATION.—A hospital seeking a grant under this section shall submit an application to the Secretary at such time and in such form and manner as the Secretary specifies.

"(d) AMOUNT OF GRANT.—A grant to a hospital under this section may not exceed $100,000.

"(e) REPORTS.—

"(1) INFORMATION.—A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to—

"(A) evaluate the project for which the grant is made; and

"(B) ensure that the grant is expended for the purposes for which it is made.

"(2) TIMING OF SUBMISSION.—

"(A) INTERIM REPORTS.—The Secretary shall report to the Committee on Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate at least annually on the grant program established under this section, including in such report information on the number of grants made, the nature of the projects involved, the geographic distribution of grant recipients, and such other matters as the Secretary deems appropriate.

"(B) FINAL REPORT.—The Secretary shall submit a final report to such committees not later than 180 days after the completion of all of the projects for which a grant is made under this section.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for grants under this section.".

(b) CONFORMING AMENDMENT.—Section 1820(g)(3) (42 U.S.C. 1395i-4(g)(3)) is repealed.

### SEC. 449. RELIEF FOR FINANCIALLY DISTRESSED RURAL HOSPITALS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by inserting after section 330D the following new section:

### "SEC. 330E. RELIEF FOR FINANCIALLY DISTRESSED RURAL HOSPITALS.

"(a) Grants to Small Rural Hospitals.—The Secretary, acting through the Health Resources and Services Administration, may award grants to eligible small rural hospitals that have submitted applications in accordance with subsection (c) to provide relief for financial distress that has a negative impact on access to care for beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that reside in a rural area.

"(b) Eligible Small Rural Hospital Defined.—For purposes of this paragraph, the term 'eligible small rural hospital' means a non-Federal, short-term general acute care hospital that—

"(1) is located in a rural area (as defined for purposes of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))); and

"(2) has less than 50 beds.

"(c) Application and Approval.—

"(1) Application.—Each eligible small rural hospital that desires to receive a grant under this paragraph shall submit an application to the Secretary, at such time, in such form and manner, and accompanied by such additional information as the Secretary may reasonably require.

"(2) Approval.—The Secretary shall approve applications submitted under paragraph (1) based on a methodology developed by the Secretary in consultation with the Office of Rural Health Policy.

"(d) Amount of Grant.—A grant to an eligible small rural hospital under this paragraph may not exceed $250,000.

"(e) Use of Funds.—

"(1) In general.—Except as provided in paragraph (2), an eligible small rural hospital may use amounts received under a grant under this section to temporarily offset financial operating losses, with emphasis on those losses attributable to reimbursement formula changes that resulted from the Balanced Budget Act of 1997, in order to ensure continued operation and short-term sustainability or to address emergency physical capital needs that might otherwise result in closure.

"(2) Prohibited uses.—A hospital may not use funds received under a grant under this section for new construction, the purchase of medical equipment, or for computer software or hardware.

"(f) Report.—

"(1) Information.—A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to evaluate the project for which the grant is made and to ensure that the grant is expended for the purposes for which it is made.

"(2) Reporting.—

"(A) Annual reports.—

"(i) In general.—Not later than December 31 of each year (beginning with 2001), the Secretary shall submit a report to the committees of jurisdiction of the House of Representatives and the Senate on the grant program established under this section.

"(ii) Information included.—The report submitted under clause (i) shall include information on the number of grants made, the nature of the projects involved, the geographic distribution of grant recipients, and such other information as the Secretary determines is appropriate.

"(B) Final report.—Not later than 180 days after the completion of all of the projects for which a grant is made under this section, the Secretary shall submit a final report. on the grant program established under this section to the committees described in subparagraph (A).

"(g) Appropriations.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for making grants under this section $25,000,000 for each of the fiscal years 2001 through 2005.".

### SEC. 450. REFINEMENT OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) Revision of Telehealth Payment Methodology and Elimination of Fee-Sharing Requirement.—Section 4206(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended to read as follows:

"(b) Methodology for Determining Amount of Payments.—

"(1) In general.—The Secretary shall pay to—

"(A) the physician or practitioner at a distant site that provides an item or service under subsection (a) an amount equal to the amount that such physician or provider would have been paid had the item or service been provided without the use of a telecommunications system; and

"(B) the originating site a facility fee for facility services furnished in connection with such item or service.

"(2) Application of part b coinsurance and deductible.—Any payment made under this section shall be subject to the coinsurance and deductible requirements under subsections (a)(1) and (b) of section 1833 of the Social Security Act (42 U.S.C. 1395l).

"(3) Definitions.—In this subsection:

"(A) Distant site.—The term 'distant site' means the site at which the physician or practitioner is located at the time the item or service is provided via a telecommunications system.

"(B) Facility fee.—The term 'facility fee' means an amount equal to—

"(i) for 2000 and 2001, $20; and

"(ii) for a subsequent year, the facility fee under this subsection for the previous year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

"(C) Originating site.—

"(i) In general.—The term 'originating site' means the site described in clause (ii) at which the eligible telehealth beneficiary under the medicare program is located at the time the item or service is provided via a telecommunications system.

"(ii) Sites described.—The sites described in this paragraph are as follows:

"(I) On or before January 1, 2002, the office of a physician or a practitioner, a critical access hospital, a rural health clinic, and a Federally qualified health center.

"(II) On or before January 1, 2003, a hospital, a skilled nursing facility, a comprehensive outpatient rehabilitation facility, a renal dialysis facility, an ambulatory surgical center, an Indian Health Service facility, and a community mental health center.".

(b) Elimination of Requirement for Telepresenter.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note) is amended—

(1) in subsection (a), by striking ", notwithstanding that the individual physician" and all that follows before the period at the end; and

(2) by adding at the end the following new subsection:

"(e) Telepresenter Not Required.—Nothing in this section shall be construed as requiring an eligible telehealth beneficiary to be presented by a physician or practitioner for the provision of an item or service via a telecommunications system.".

(c) Reimbursement for Medicare Beneficiaries Who Do Not Reside in a HPSA.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (b), is amended—

(1) by striking "In General.—Not later than" and inserting the following: "Telehealth Services Reimbursed.—

"(1) In general.—Not later than";

(2) by striking "furnishing a service for which payment" and all that follows before the period and inserting "to an eligible telehealth beneficiary"; and

(3) by adding at the end the following new paragraph:

"(2) Eligible telehealth beneficiary defined.—In this section, the term 'eligible telehealth beneficiary' means a beneficiary under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) that resides in—

"(A) an area that is designated as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

"(B) a county that is not included in a Metropolitan Statistical Area; or

"(C) an inner-city area that is medically underserved (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))).".

(d) Telehealth Coverage for Direct Patient Care.—

(1) In general.—Section 4206 of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (c), is amended—

(A) in subsection (a)(1), by striking "professional consultation via telecommunications systems with a physician" and inserting "items and services for which payment may be made under such part that are furnished via a telecommunications system by a physician"; and

(B) by adding at the end the following new subsection:

"(f) Coverage of Items and Services.—Payment for items and services provided pursuant to subsection (a) shall include payment for professional consultations, office visits, office psychiatry services, including any service identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90815, and 90862.".

(2) Study and report regarding additional items and services.—

(A) Study.—The Secretary of Health and Human Services shall conduct a study to identify items and services in addition to those described in section 4206(f) of the Balanced Budget Act of 1997 (as added by paragraph (1)) that would be appropriate to provide payment under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the study conducted under subparagraph (A) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) All Physicians and Practitioners Eligible for Telehealth Reimbursement.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (d), is amended—

(1) in paragraph (1), by striking "(described in section 1842(b)(18)(C) of such Act (42 U.S.C. 1395u(b)(18)(C))"; and

(2) by adding at the end the following new paragraph:

"(3) PRACTITIONER DEFINED.—For purposes of paragraph (1), the term 'practitioner' includes—

"(A) a practitioner described in section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)); and

"(B) a physical, occupational, or speech therapist.".

(f) TELEHEALTH SERVICES PROVIDED USING STORE-AND-FORWARD TECHNOLOGIES.—Section 4206(a)(1) of the Balanced Budget Act of 1997 (42 U.S.C. 1395l note), as amended by subsection (e), is amended by adding at the end the following new paragraph:

"(4) USE OF STORE-AND-FORWARD TECHNOLOGIES.—For purposes of paragraph (1), in the case of any Federal telemedicine demonstration program in Alaska or Hawaii, the term 'telecommunications system' includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.".

(g) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—Section 4206(a) of the Balanced Budget Act of 1997 (42 U.S.C. 13951 note), as amended by subsection (f), is amended by adding at the end the following new paragraph:

"(5) CONSTRUCTION RELATING TO HOME HEALTH SERVICES.—

"(A) IN GENERAL.—Nothing in this section or in section 1895 of the Social Security Act (42 U.S.C. 1395fff) shall be construed as preventing a home health agency that is receiving payment under the prospective payment system described in such section from furnishing a home health service via a telecommunications system.

"(B) LIMITATION.—The Secretary shall not consider a home health service provided in the manner described in subparagraph (A) to be a home health visit for purposes of—

"(i) determining the amount of payment to be made under the prospective payment system established under section 1895 of the Social Security Act (42 U.S.C. 1395fff); or

"(ii) any requirement relating to the certification of a physician required under section 1814(a)(2)(C) of such Act (42 U.S.C. 1395f(a)(2)(C)).".

(h) FIVE-YEAR APPLICATION.—The amendments made by this section shall apply to items and services provided on or after April 1, 2001, and before April 1, 2006.

### SEC. 451. MEDPAC STUDY ON LOW-VOLUME, ISOLATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b-6) (in this section referred to as "MedPAC") shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a) indicating—

(1) whether low-volume, isolated rural health care providers are having, or may have, significantly decreased medicare margins or other financial difficulties resulting from any of the payment methodologies described in subsection (c);

(2) whether the status as a low-volume, isolated rural health care provider should be designated under the medicare program and any criteria that should be used to qualify for such a status; and

(3) any changes in the payment methodologies described in subsection (c) that are necessary to provide appropriate reimbursement under the medicare program to low-volume, isolated rural health care providers (as designated pursuant to paragraph (2)).

(c) PAYMENT METHODOLOGIES DESCRIBED.—The payment methodologies described in this subsection are the following:

(1) The prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 13951).

(2) The fee schedule for ambulance services under section 1834(l) of such Act (42 U.S.C. 1395m(l)).

(3) The prospective payment system for inpatient hospital services under section 1886 of such Act (42 U.S.C. 1395ww).

(4) The prospective payment system for routine service costs of skilled nursing facilities under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(5) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

## TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

### SEC. 501. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.

(a) OPEN ENROLLMENT.—Section 1851(f)(2) (42 U.S.C. 1395w-21(f)(2)) is amended by striking ", except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to elections and changes of coverage made on or after January 1, 2001.

### SEC. 502. SPECIAL MEDIGAP ENROLLMENT ANTI-DISCRIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) DISENROLLMENT WINDOW IN ACCORDANCE WITH BENEFICIARY'S CIRCUMSTANCE.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(1) in subparagraph (A), in the matter following clause (iii), by striking ", subject to subparagraph (E), seeks to enroll under the policy not later than 63 days after the date of termination of enrollment described in such subparagraph" and inserting "seeks to enroll under the policy during the period specified in subparagraph (E)"; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

"(E) For purposes of subparagraph (A), the time period specified in this subparagraph is—

"(i) in the case of an individual described in subparagraph (B)(i), the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the applicable notice;

"(ii) in the case of an individual described in clause (ii), (iii), (v), or (vi) of subparagraph (B) whose enrollment is terminated involuntarily, the period beginning on the date that the individual receives a notice of termination and ending on the date that is 63 days after the date the applicable coverage is terminated;

"(iii) in the case of an individual described in subparagraph (B)(iv)(I), the period beginning on the earlier of (I) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice, if any, and (II) the date that the applicable coverage is terminated, and ending on the date that is 63 days after the date the coverage is terminated;

"(iv) in the case of an individual described in clause (ii), (iii), (iv)(II), (iv)(III), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date that is 60 days before the effective date of the disenrollment and ending on the date that is 63 days after such effective date; and

"(v) in the case of an individual described in subparagraph (B) but not described in the preceding provisions of this subparagraph, the period beginning on the effective date of the disenrollment and ending on the date that is 63 days after such effective date.".

(b) EXTENDED MEDIGAP ACCESS FOR INTERRUPTED TRIAL PERIODS.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(F) For purposes of this paragraph—

"(i) in the case of an individual described in subparagraph (B)(v) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with an organization or provider described in subclause (II) of such subparagraph is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, such subsequent enrollment shall be deemed to be an initial enrollment described in such subparagraph; and

"(ii) in the case of an individual described in clause (vi) of subparagraph (B) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with a plan or in a program described in clause (v)(II) of such subparagraph is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, such subsequent enrollment shall be deemed to be an initial enrollment described in clause (vi) of such subparagraph.".

### SEC. 503. INCREASE IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE IN 2001 AND 2002.

Section 1853(c)(6)(B) of the Social Security Act (42 U.S.C. 1395w-23(c)(6)(B)) is amended—

(1) in clause (iv), by striking "for 2001, 0.5 percentage points" and inserting "for 2001, 0 percentage points"; and

(2) in clause (v), by striking "for 2002, 0.3 percentage points" and inserting "for 2002, 0 percentage points".

### SEC. 504. ALLOWING MOVEMENT TO 50:50 PERCENT BLEND IN 2002.

Section 1853(c)(2) of the Social Security Act (42 U.S.C. 1395w-23(c)(2)) is amended—

(1) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(2) by adding after and below subparagraph (F) the following:

"except that a Medicare+Choice organization may elect to apply subparagraph (F) (rather than subparagraph (E)) for 2002.".

### SEC. 505. DELAY FROM JULY TO NOVEMBER 2000, IN DEADLINE FOR OFFERING AND WITHDRAWING MEDICARE+CHOICE PLANS FOR 2001.

Notwithstanding any other provision of law, the deadline for a Medicare+Choice organization to withdraw the offering of a Medicare+Choice plan under part C of title XVIII of the Social Security Act (or otherwise to submit information required for the offering of such a plan) for 2001 is delayed from July 1, 2000, to November 1, 2000, and any such organization that provided notice of withdrawal of such a plan during 2000 before the date of enactment of this Act may rescind such withdrawal at any time before November 1, 2000.

### SEC. 506. AMOUNTS IN MEDICARE TRUST FUNDS AVAILABLE FOR SECRETARY'S SHARE OF MEDICARE+CHOICE EDUCATION AND ENROLLMENT-RELATED COSTS.

(a) RELOCATION OF PROVISIONS.—Section 1857(e)(2) (42 U.S.C. 1395w–27(e)(2)) is amended to read as follows:

"(2) COST-SHARING IN ENROLLMENT-RELATED COSTS.—A Medicare+Choice organization shall pay the fee established by the Secretary under section 1851(j)(3)(A).".

(b) FUNDING FOR EDUCATION AND ENROLLMENT ACTIVITIES.—Section 1851 (42 U.S.C. 1395w–21) is amended by adding at the end the following new subsection:

"(j) FUNDING FOR BENEFICIARY EDUCATION AND ENROLLMENT ACTIVITIES.—

"(1) SECRETARY'S ESTIMATE OF TOTAL COSTS.—The Secretary shall annually estimate the total cost for a fiscal year of carrying out this section, section 4360 of the Omnibus Budget Reconciliation Act of 1990 (relating to the health insurance counseling and assistance program), and related activities.

"(2) TOTAL AMOUNT AVAILABLE.—The total amount available to the Secretary for a fiscal year for the costs of the activities described in paragraph (1) shall be equal to the lesser of—

"(A) the amount estimated for such fiscal year under paragraph (1); or

"(B) for—

"(i) fiscal year 2001, $130,000,000; and

"(ii) fiscal year 2002 and each subsequent fiscal year, the amount for the previous fiscal year, adjusted to account for inflation, any change in the number of beneficiaries under this title, and any other relevant factors.

"(3) COST-SHARING IN ENROLLMENT-RELATED COSTS.—

"(A) AMOUNTS FROM MEDICARE+CHOICE ORGANIZATIONS.—

"(i) IN GENERAL.—The Secretary is authorized to charge a fee to each Medicare+Choice organization with a contract under this part that is equal to the organization's pro rata share (as determined by the Secretary) of the Medicare+Choice portion (as defined in clause (ii)) of the total amount available under paragraph (2) for a fiscal year. Any amounts collected shall be available without further appropriation to the Secretary for the costs of the activities described in paragraph (1).

"(ii) MEDICARE+CHOICE PORTION DEFINED.—For purposes of clause (i), the term 'Medicare+Choice portion' means, for a fiscal year, the ratio, as estimated by the Secretary, of—

"(I) the average number of individuals enrolled in Medicare+Choice plans during the fiscal year; to

"(II) the average number of individuals entitled to benefits under parts A, and enrolled under part B, during the fiscal year.

"(B) SECRETARY'S SHARE.—

"(i) AMOUNTS AVAILABLE FROM TRUST FUNDS.—The Secretary's share of expenses shall be payable from funds in the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, in such proportion as the Secretary shall deem to be fair and equitable after taking into consideration the expenses attributable to the administration of this part with respect to part A and B. The Secretary shall make such transfers of moneys between such Trust Funds as may be appropriate to settle accounts between the Trust Funds in cases where expenses properly payable from one such Trust Fund have been paid from the other such Trust Fund.

"(ii) SECRETARY'S SHARE OF EXPENSES DEFINED.—For purposes of clause (i), the term 'Secretary's share of expenses' means, for a fiscal year, an amount equal to—

"(I) the total amount available to the Secretary under paragraph (2) for the fiscal year; less

"(II) the amount collected under subparagraph (A) for the fiscal year.".

### SEC. 507. REVISED TERMS AND CONDITIONS FOR EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION (CNO) DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 532 of BBRA (42 U.S.C. 1395mm note) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) TERMS AND CONDITIONS.—

"(1) JANUARY THROUGH SEPTEMBER 2000.—For the 9-month period beginning with January 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999.

"(2) OCTOBER 2000 THROUGH DECEMBER 2001.—For the 15-month period beginning with October 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999, except that the following modifications shall apply:

"(A) BASIC CAPITATION RATE.—The basic capitation rate paid for services covered under the project (other than case management services) per enrollee per month shall be basic capitation rate paid for such services for 1999, reduced by 10 percent in the case of the demonstration sites located in Arizona, Minnesota, and Illinois, and 15 percent for the demonstration site located in New York.

"(B) TARGETED CASE MANAGEMENT FEE.—A case management fee shall be paid only for enrollees who are classified as 'moderate' or 'at risk' through a baseline health assessment (as required for Medicare+Choice plans under section 1852(e) of the Social Security Act (42 U.S.C. 1395ww–22(e)).

"(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG SITES.—Each project shall implement for each site—

"(i) protocols for periodic telephonic contact with enrollees based on—

"(I) the results of such standardized written health assessment; and

"(II) the application of appropriate care planning approaches;

"(ii) disease management programs for targeted diseases (such as congestive heart failure, arthritis, diabetes, and hypertension) that are highly prevalent in the enrolled populations;

"(iii) systems and protocols to track enrollees through hospitalizations, including pre-admission planning, concurrent management during inpatient hospital stays, and post-discharge assessment, planning, and follow-up; and

"(iv) standardized patient educational materials for specified diseases and health conditions.

"(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

"(i) enrollee satisfaction surveys; and

"(ii) reporting on specified quality indicators for the enrolled population.

"(c) EVALUATION.—

"(1) PRELIMINARY REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate a preliminary report that—

"(A) evaluates such demonstration projects for the period beginning July 1, 1997, and ending December 31, 1999, on a site-specific basis with respect to the impact on per beneficiary spending, specific health utilization measures, and enrollee satisfaction; and

"(B) includes a similar evaluation of such projects for the portion of the extension period that occurs after September 30, 2000.

"(2) FINAL REPORT.—Not later than July 1, 2002, the Secretary shall submit a final report to such Committees on such demonstration projects. Such report shall include the same elements as the preliminary report required by paragraph (1), but for the period after December 31, 1999.

"(3) METHODOLOGY FOR SPENDING COMPARISONS.—Any evaluation of the impact of the demonstration projects on per beneficiary spending included in such reports shall be based on a comparison of—

"(A) data for all individuals who—

"(i) were enrolled in such demonstration projects as of the first day of the period under evaluation; and

"(ii) were enrolled for a minimum of 6 months thereafter; with

"(B) data for a matched sample of individuals who are enrolled under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) and who are not enrolled in such a project, in a Medicare+Choice plan under part C of such title (42 U.S.C. 1395w–21 et seq.), a plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm), or a health care prepayment plan under section 1833(a)(1)(A) of such Act (42 U.S.C. 1395l(a)(1)(A)).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 532 of BBRA (42 U.S.C. 1395mm note).

### SEC. 508. MODIFICATION OF PAYMENT RULES FOR CERTAIN FRAIL ELDERLY MEDICARE BENEFICIARIES.

(a) MODIFICATION OF PAYMENT RULES.—Section 1853 (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(A), by striking "subsections (e), (g), and (i)" and inserting "subsections (e), (g), (i), and (j)";

(B) in paragraph (3)(D), by inserting "paragraph (4) and" after "Subject to"; and

(C) by adding at the end the following new paragraph:

"(4) EXEMPTION FROM RISK-ADJUSTMENT SYSTEM FOR FRAIL ELDERLY BENEFICIARIES ENROLLED IN SPECIALIZED PROGRAMS.—

"(A) IN GENERAL.—In applying the risk-adjustment factors established under paragraph (3) during the period described in subparagraph (B), the limitation under paragraph (3)(C)(ii)(I) shall apply to a frail elderly Medicare+Choice beneficiary (as defined in subsection (j)(3)) who is enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in subsection (j)(2)) during the entire period.

"(B) PERIOD OF APPLICATION.—The period described in this subparagraph begins with January 2001, and ends with the first month for which the Secretary certifies to Congress that a comprehensive risk adjustment methodology under paragraph (3)(C) that takes into account the factors described in subsection (j)(1)(B) is being fully implemented."; and

(2) by adding at the end the following new subsection:

"(j) Special Rules for Frail Elderly Enrolled in Specialized Programs for the Frail Elderly.—

"(1) Development and implementation of new payment system.—

"(A) In general.—The Secretary shall develop and implement (as soon as possible after the date of enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000), during the period described in subsection (a)(4)(B), a payment methodology for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly (as defined in paragraph (2)(A)).

"(B) Factors described.—The methodology developed and implemented under subparagraph (A) shall take into account the prevalence, mix, and severity of chronic conditions among frail elderly Medicare+Choice beneficiaries and shall include—

"(i) medical diagnostic factors from all provider settings (including hospital and nursing facility settings);

"(ii) functional indicators of health status; and

"(iii) such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

"(2) Specialized program for the frail elderly defined.—

"(A) In general.—In this part, the term 'specialized program for the frail elderly' means a program that the Secretary determines—

"(i) is offered under this part as a distinct part of a Medicare+Choice plan;

"(ii) primarily enrolls frail elderly Medicare+Choice beneficiaries; and

"(iii) has a clinical delivery system that is specifically designed to serve the special needs of such beneficiaries and to coordinate short-term and long-term care for such beneficiaries through the use of a team described in subparagraph (B) and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

"(B) Specialized team described.—A team described in this subparagraph—

"(i) includes—

"(I) a physician; and

"(II) a nurse practitioner or geriatric care manager; and

"(ii) has as members individuals who—

"(I) have special training in the care and management of the frail elderly beneficiaries; and

"(II) specialize in the care and management of such beneficiaries.

"(3) Frail elderly medicare+choice beneficiary defined.—In this part, the term 'frail elderly Medicare+Choice beneficiary' means a Medicare+Choice eligible individual who—

"(A) is residing in a skilled nursing facility (as defined in section 1819(a)) or a nursing facility (as defined in section 1919(a)) for an indefinite period and without any intention of residing outside the facility; and

"(B) has a severity of condition that makes the individual frail (as determined under guidelines approved by the Secretary).".

(b) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

## TITLE VI—PROVISIONS RELATING TO INDIVIDUALS WITH END-STAGE RENAL DISEASE

### SEC. 601. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) In General.—The last sentence of section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by striking ", and for such services" and all that follows before the period at the end and inserting the following: ", for such services furnished during 2001, by 2.4 percent above such composite rate payment amounts for such services furnished on December 31, 2000, for such services furnished during 2002 and 2003, by the percentage increase in the Consumer Price Index for all urban consumers (U.S. city average) for the 12-month period ending with June of the previous year above such composite rate payment amounts for such services furnished on December 31 of the previous year, and for such services furnished during a subsequent year, by the ESRD market basket percentage increase above such composite rate payment amounts for such services furnished on December 31 of the previous year".

(b) ESRD Market Basket Percentage Increase Defined.—Section 1881(b) (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

"(12)(A) For purposes of this title, the term 'ESRD market basket percentage increase' means, with respect to a calendar year, the percentage (estimated by the Secretary before the beginning of such year) by which—

"(i) the cost of the mix of goods and services included in the provision of dialysis services (which may include the costs described in subparagraph (D) as determined appropriate by the Secretary) that is determined based on an index of appropriately weighted indicators of changes in wages and prices which are representative of the mix of goods and services included in such dialysis services for the calendar year; exceeds

"(ii) the cost of such mix of goods and services for the preceding calendar year.

"(B) In determining the percentage under subparagraph (A), the Secretary may take into account any increase in the costs of furnishing the mix of goods and services described in such subparagraph resulting from—

"(i) the adoption of scientific and technological innovations used to provide dialysis services; and

"(ii) changes in the manner or method of delivering dialysis services.

"(C) The Secretary shall periodically review and update (as necessary) the items and services included in the mix of goods and services used to determine the percentage under subparagraph (A).

"(D) The costs described in this subparagraph include—

"(i) labor, including direct patient care costs and administrative labor costs, vacation and holiday pay, payroll taxes, and employee benefits;

"(ii) other direct costs, including drugs, supplies, and laboratory fees;

"(iii) overhead, including medical director fees, temporary services, general and administrative costs, interest expenses, and bad debt;

"(iv) capital, including rent, real estate taxes, depreciation, utilities, repairs, and maintenance; and

"(v) such other allowable costs as the Secretary may specify.".

### SEC. 602. REVISION OF PAYMENT RATES FOR ESRD PATIENTS ENROLLED IN MEDICARE+CHOICE PLANS.

(a) In General.—Section 1853(a)(1)(B) (42 U.S.C. 1395w-23(a)(1)(B)) is amended by adding at the end the following: "In establishing such rates the Secretary shall provide for appropriate adjustments to increase each rate to reflect the demonstration rate (including any risk-adjustment associated with such rate) of the social health maintenance organization end-stage renal disease demonstrations established by section 2355 of the Deficit Reduction Act of 1984 (Public Law 98-369; 98 Stat. 1103), as amended by section 13567(b) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 608), and shall compute such rates by not taking into account individuals with kidney transplants and individuals in which the program under this title is a secondary payer to another payer (or payers) pursuant to section 1862(b).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to payments for months beginning with January 2002.

(c) Publication.—The Secretary of Health and Human Services, not later than 6 months after the date of enactment of this Act, shall publish for public comment a description of the appropriate adjustments described in the last sentence of section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w-23(a)(1)(B)), as added by subsection (a). The Secretary shall publish in final form such adjustments by not later than July 1, 2001, so that the amendment made by subsection (a) is implemented on a timely basis consistent with subsection (b).

### SEC. 603. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN IN WHICH THEY ARE ENROLLED IS TERMINATED.

(a) In General.—Section 1851(a)(3)(B) (42 U.S.C. 1395w-21(a)(3)(B)) is amended by striking "except that" and all that follows and inserting the following: "except that—

"(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

"(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A) then the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.".

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of enactment of this Act.

(2) Application to prior plan terminations.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a)) also shall apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1997, and before the date of enactment of this Act. In applying this paragraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of enactment of this Act.

### SEC. 604. COVERAGE OF CERTAIN VASCULAR ACCESS SERVICES FOR ESRD BENEFICIARIES PROVIDED BY AMBULATORY SURGICAL CENTERS.

(a) In General.—The matter following subparagraph (B) of section 1833(i)(1) (42 U.S.C. 1395l(i)(1)) is amended by adding at the end the following new sentence: "Such lists shall include the procedures identified as of July 30, 1999, by vascular access codes 34101, 34111, 34490, 35190, 35458, 35460, 35475, 35476, 35903, 36005, 36010, 36011, 36120, 36140, 36145, 36215-36218, 36831-36834, 37201, 37204-37208, 37250, 37251, and 49423.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to vascular access services furnished on or after January 1, 2000.

### SEC. 605. COLLECTION AND ANALYSIS OF INFORMATION ON THE SATISFACTION OF ESRD BENEFICIARIES WITH THE QUALITY OF AND ACCESS TO HEALTH CARE UNDER THE MEDICARE PROGRAM.

(a) Collection of Information.—The Secretary shall collect information on the satisfaction of each ESRD medicare beneficiary with the quality of health care under the original fee-for-service medicare program and the Medicare+Choice program, and the access of each beneficiary to that care.

(b) Analysis of Collected Information.—

(1) In general.—The Secretary shall conduct an analysis of the information collected under subsection (a) to determine—

(A) the kinds of health care that each non-dialysis health care provider provides to each ESRD medicare beneficiary for the treatment of end-stage renal disease and each comorbidity;

(B) the effect of the availability of supplemental insurance on the use by beneficiary of health care;

(C) the perceptions of each beneficiary regarding the access of that beneficiary to health care; and

(D) the quality of health care provided to each ESRD medicare beneficiary enrolled under the Medicare+Choice program compared to each beneficiary enrolled under the original fee-for-service medicare program.

(2) Considerations.—In conducting the analysis under paragraph (1), the Secretary shall consider—

(A) the feasibility of routinely collecting information on the satisfaction of each ESRD medicare beneficiary with dialysis and non-dialysis health care;

(B) whether to collect information using disease specific questions or generic questions (similar to those used in conducting the Medicare Current Beneficiary Survey);

(C) how well collected information detects access problems within each specific group of ESRD medicare beneficiaries, including beneficiaries without supplemental insurance and beneficiaries that reside in a rural area; and

(D) each obstacle that a health care provider may face in offering each type of dialysis service.

(c) Availability of Information and Analysis.—Not later than January 1 of each year (beginning in 2002) the Secretary shall make the information collected under subsection (a) and the analysis conducted under subsection (b) available to the public.

(d) Definitions.—In this section:

(1) ESRD medicare beneficiary.—The term "ESRD medicare beneficiary" means an individual eligible for benefits under the medicare program that has end-stage renal disease (including an individual enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization under the Medicare+Choice program).

(2) Medicare+choice program.—The term "Medicare+Choice program" means the program established under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w-21 et seq.).

(3) Original fee-for-service medicare program.—The term "original fee-for-service medicare program" means the health benefits program under parts A and B title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Administrator of the Health Care Financing Administration.

## TITLE VII—ACCESS TO CARE IMPROVEMENTS THROUGH MEDICAID AND SCHIP

### SEC. 701. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) In General.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C); and

(2) by inserting after paragraph (14) the following new paragraph:

"(15) for payment for services described in subparagraph (B) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);".

(b) New Prospective Payment System.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Payment for Services Provided by Federally-Qualified Health Centers and Rural Health Clinics.—

"(1) In general.—Beginning with fiscal year 2001 and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

"(2) Fiscal year 2001.—Subject to paragraph (4), for services furnished during fiscal year 2001, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of the center or clinic of furnishing such services during fiscal year 2000 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase in the scope of such services furnished by the center or clinic during fiscal year 2001.

"(3) Fiscal year 2002 and succeeding fiscal years.—Subject to paragraph (4), for services furnished during fiscal year 2002 or a succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

"(A) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

"(B) adjusted to take into account any increase in the scope of such services furnished by the center or clinic during that fiscal year.

"(4) Establishment of initial year payment amount for new centers or clinics.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after fiscal year 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic so qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year in accordance with the regulations and methodology referred to in paragraph (2). For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3).

"(5) Administration in the case of managed care.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic (at least quarterly) by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

"(6) Alternative payment methodologies.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount which is determined under an alternative payment methodology that—

"(A) is agreed to by the State and the center or clinic; and

"(B) results in payment to the center or clinic of an amount which is at least equal to the amount otherwise required to be paid to the center or clinic under this section.".

(c) Conforming Amendments.—

(1) Section 4712 of BBA (111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking "1902(a)(13)(E)" and inserting "1902(a)(15), 1902(aa),".

(d) Effective Date.—The amendments made by this section take effect on October 1, 2000, and apply to services furnished on or after such date.

### SEC. 702. TRANSITIONAL MEDICAL ASSISTANCE.

(a) Making Provision Permanent.—

(1) In general.—Subsection (f) of section 1925 (42 U.S.C. 1396r-6) is repealed.

(2) Conforming amendment.—Section 1902(e)(1) (42 U.S.C. 1396a(e)(1)) is repealed.

(b) State Option of Initial 12-Month Eligibility.—Section 1925 (42 U.S.C. 1396r-6) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) Option of 12-month initial eligibility period.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(2) in subsection (b)(1), by inserting "and subsection (a)(5)" after "paragraph (3)".

(c) Simplification Options.—

(1) Removal of administrative reporting requirements for additional 6-month extension.—Section 1925(b) (42 U.S.C. 1396r-6(b)) is amended—

(A) in paragraph (2)—

(i) in the heading, by striking "AND REPORTING";

(ii) by striking subparagraph (B);

(iii) in subparagraph (A)(i)—

(I) by striking "(I)" and all that follows through "(II)" and inserting "(i)";

(II) by striking ", and (III)" and inserting "and (ii)"; and

(III) by redesignating such subparagraph as subparagraph (A) (with appropriate indentation); and

(iv) in subparagraph (A)(ii)—

(I) by striking "notify the family of the reporting requirement under subparagraph (B)(ii) and a statement of" and inserting "provide the family with notification of"; and

(II) by redesignating such subparagraph as subparagraph (B) (with appropriate indentation);

(B) in paragraph (3)(A)—

(i) in clause (iii)—

(I) in the heading, by striking "REPORTING AND TEST";

(II) by striking subclause (I); and

(III) by redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively; and

(ii) by striking the last 3 sentences; and

(C) in paragraph (3)(B), by striking "subparagraph (A)(iii)(II)" and inserting "subparagraph (A)(iii)(I)".

(2) EXEMPTION FOR STATES COVERING NEEDY FAMILIES UP TO 185 PERCENT OF POVERTY.—Section 1925 (42 U.S.C. 1396r–6), as amended by subsection (a), is amended—

(A) in each of subsections (a)(1) and (b)(1), by inserting "but subject to subsection (f)," after "Notwithstanding any other provision of this title,"; and

(B) by adding at the end the following new subsection:

"(f) EXEMPTION FOR STATE COVERING NEEDY FAMILIES UP TO 185 PERCENT OF POVERTY.—At State option, the provisions of this section shall not apply to a State that uses the authority under section 1931(b)(2)(C) to make medical assistance available under the State plan under this title, at a minimum, to all individuals described in section 1931(b)(1) in families with gross incomes (determined without regard to work-related child care expenses of such individuals) at or below 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.".

(3) STATE OPTION TO ELECT SHORTER PERIOD FOR REQUIREMENT FOR RECEIPT OF MEDICAL ASSISTANCE AS A CONDITION OF ELIGIBILITY FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by inserting "(or such shorter period as the State may elect)" after "3".

(d) APPLICATION OF NOTICE OF ELIGIBILITY TO ALL FAMILIES LEAVING WELFARE.—Section 1925(a) (42 U.S.C. 1396r–6(a)), as amended by subsection (b)(1), is amended by adding at the end the following new paragraph:

"(6) NOTICE OF ELIGIBILITY FOR MEDICAL ASSISTANCE TO ALL FAMILIES LEAVING TANF.—Each State shall notify each family which was receiving assistance under the State program funded under part A of title IV and which is no longer eligible for such assistance, of the potential eligibility of the family and any individual members of such family for medical assistance under this title or child health assistance under title XXI. Such notice shall include a statement that the family does not have to be receiving assistance under the State program funded under part A of title IV in order to be eligible for such medical assistance or child health assistance.".

(e) ENROLLMENT DATA.—Section 1925 (42 U.S.C. 1396r–6), as amended by subsection (c)(2)(B), is amended by adding at the end the following new subsection:

"(g) ENROLLMENT DATA.—The Secretary annually shall obtain from each State with a State plan approved under this title enrollment data regarding—

"(1) the number of adults and children who—

"(A) receive medical assistance under this title based on eligibility under section 1931;

"(B) at the time they were first determined to be eligible for such medical assistance, also received cash assistance under the State program funded under part A of title IV; and

"(C) subsequently ceased to receive assistance under such State program due to increased earnings or increased child support income;

"(2) the percentage of the adults and children described in paragraph (1) who receive transitional medical assistance under this section or otherwise remain enrolled in the program under this title; and

"(3) the percentage of such adults and children that receive such transitional medical assistance for more than 6 months or that remain enrolled in the program under this title for more than 6 months after such adults or children ceased to receive assistance under the State program funded under part A of title IV.".

(f) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

### SEC. 703. APPLICATION OF SIMPLIFIED SCHIP PROCEDURES UNDER THE MEDICAID PROGRAM.

(a) COORDINATION WITH MEDICAID.—

(1) IN GENERAL.—Section 1902(l) (42 U.S.C. 1396a(l)) is amended—

(A) in paragraph (3), by inserting "subject to paragraph (5)", after "Notwithstanding subsection (a)(17),"; and

(B) by adding at the end the following new paragraph:

"(5) With respect to determining the eligibility of individuals under 19 years of age for medical assistance under subsection (a)(10)(A)(i)(IV), (a)(10)(A)(i)(VI), (a)(10)(A)(i)(VII), (a)(10)(A)(ii)(IX), or (a)(10)(A)(ii)(XIV), notwithstanding any other provision of this title, if the State has established a State child health plan under title XXI, or expanded coverage beyond the income eligibility standards required for such individuals under this title under a waiver granted under section 1115—

"(A) the State may not apply a resource standard if the State does not apply such a standard under such child health plan or section 1115 waiver with respect to such individuals;

"(B) the State shall use the same simplified eligibility form (including, if applicable, permitting application other than in person) as the State uses under such State child health plan or section 1115 waiver with respect to such individuals;

"(C) the State shall provide for initial eligibility determinations and redeterminations of eligibility using the same verification policies, forms, and frequency as the State uses for such purposes under such State child health plan or section 1115 waiver with respect to such individuals; and

"(D) the State shall not require a face-to-face interview for purposes of initial eligibility determinations and redeterminations unless the State required such an interview for such purposes under such child health plan or section 1115 waiver with respect to such individuals.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on October 1, 2000, and apply to eligibility determinations and redeterminations made on or after such date.

(b) AUTOMATIC REASSESSMENT OF ELIGIBILITY FOR TITLE XXI AND MEDICAID BENEFITS FOR CHILDREN LOSING MEDICAID OR TITLE XXI ELIGIBILITY.—

(1) LOSS OF MEDICAID ELIGIBILITY.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking the period at the end of paragraph (65) and inserting "; and", and

(B) by inserting after paragraph (65) the following new paragraph:

"(66) provide, by not later than the first day of the first month that begins more than 1 year after the date of the enactment of this paragraph and in the case of a State with a State child health plan under title XXI, that before medical assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XXI shall be made and, if determined to be so eligible, the child (or parent) shall be automatically enrolled in the program under such title without the need for a new application and without being asked to provide any information that is already available to the State.".

(2) LOSS OF TITLE XXI ELIGIBILITY.—Section 2102(b)(3) (42 U.S.C. 1397bb(b)(3)) is amended by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) that before health assistance to a child (or a parent of a child) is discontinued under this title, a determination of whether the child (or parent) is eligible for benefits under title XIX is made and, if determined to be so eligible, the child (or parent) is automatically enrolled in the program under such title without the need for a new application and without being asked to provide any information that is already available to the State;".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) apply to individuals who lose eligibility under the medicaid program under title XIX, or under a State child health insurance plan under title XXI, respectively, of the Social Security Act (42 U.S.C. 1396 et seq.; 1397aa et seq.) on or after the date that is 60 days after the date of the enactment of this Act.

### SEC. 704. PRESUMPTIVE ELIGIBILITY.

(a) ADDITIONAL ENTITIES QUALIFIED TO DETERMINE PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.—

(1) MEDICAID.—Section 1920A(b)(3)(A)(i) (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended—

(A) by striking "or (II)" and inserting ", (II)"; and

(B) by inserting "eligibility of a child for medical assistance under the State plan under this title, or eligibility of a child for child health assistance under the program funded under title XXI, (III) is an elementary school or secondary school, as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), an elementary or secondary school operated or supported by the Bureau of Indian Affairs, a State child support enforcement agency, a child care resource and referral agency, an organization that is providing emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act, or a State office or entity involved in enrollment in the program under this title, under part A of title IV, under title XXI, or that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), or (IV) any other entity the State so deems, as approved by the Secretary" before the semicolon.

(2) Application under SCHIP.—

(A) In general.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(D) Section 1920A (relating to presumptive eligibility).".

(B) Exception from limitation on administrative expenses.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) Exception for presumptive eligibility expenditures.—The limitation under subparagraph (A) on expenditures shall not apply to expenditures attributable to the application of section 1920A (pursuant to section 2107(e)(1)(D)), regardless of whether the child is determined to be ineligible for the program under this title or title XIX.".

(3) Technical amendments.—Section 1920A (42 U.S.C. 1396r–1a) is amended—

(A) in subsection (b)(3)(A)(ii), by striking "paragraph (1)(A)" and inserting "paragraph (2)(A)"; and

(B) in subsection (c)(2), in the matter preceding subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(2)(A)".

(b) Elimination of SCHIP Funding Offset for Exercise of Presumptive Eligibility Option.—

(1) In general.—Section 2104(d) (42 U.S.C. 1397dd(d)) is amended by striking "the sum of—" and all that follows through "(2)" and conforming the margins of all that remains accordingly.

(2) Effective date.—The amendment made by paragraph (1) takes effect October 1, 2000, and applies to allotments under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) for fiscal year 2001 and each succeeding fiscal year thereafter.

### SEC. 705. IMPROVEMENTS TO THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.

(a) Increase in Authorization of Appropriations.—Section 501(a) (42 U.S.C. 701(a)) is amended in the matter preceding paragraph (1) by striking "$705,000,000 for fiscal year 1994" and inserting "$1,000,000,000 for fiscal year 2001".

(b) Coordination With Medicaid and SCHIP.—

(1) Schip.—Section 505(a)(5)(F) (42 U.S.C. 705(a)(5)(F)) is amended—

(A) in clause (ii), by inserting "and in the coordination of the administration of the State program under title XXI with the care and services available under this title, as required under subsections (b)(3)(G) and (c)(2) of section 2102" before the comma; and

(B) in clause (iv), by striking "and infants who are eligible for medical assistance under subparagraph (A) or (B) of section 1902(l)(1)" and inserting ", infants, and children who are eligible for medical assistance under section 1902(l)(1), and children who are eligible for child health assistance under the State program under title XXI".

(2) Conforming amendments to SCHIP.—Section 2102(b)(3) (42 U.S.C. 1397bb(b)(3)), as amended by section 703(b)(2), is amended—

(A) by striking "and" at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(G) that operations and activities under this title are developed and implemented in consultation and coordination with the program operated by the State under title V with respect to outreach and enrollment, benefits and services, service delivery standards, public health and social service agency relationships, and quality assurance and data reporting.".

(c) Effective Date.—The amendments made by this section take effect on October 1, 2000.

### SEC. 706. IMPROVING ACCESS TO MEDICARE COST-SHARING ASSISTANCE FOR LOW-INCOME BENEFICIARIES.

(a) Increase in SLMB Eligibility.—

(1) In general.—Section 1902(a)(10)(E) (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking "and 120 percent in 1995" and inserting ", 120 percent in 1995 through 2000, and 135 percent in 2001"; and

(B) in clause (iv), by striking "2002)—" and all that follows through "(II) for" and inserting "2002) for".

(2) Conforming amendment.—Section 1933(c)(2)(A) (42 U.S.C. 1396u–3(c)(2)(A)) is amended by striking "sum of—" and all that follows through "(ii) the"".

(3) Effective date.—The amendments made by this subsection take effect on January 1, 2001, and with respect to the amendment made by paragraph (2), applies to allocations determined under section 1933(c) of the Social Security Act (42 U.S.C. 1396u–3(c)) for the last 3 quarters of fiscal year 2001 and all of fiscal year 2002.

(b) Index of Assets Test to Inflation.—Section 1905(p)(1)(C) (42 U.S.C. 1396d(p)(1)(C)) is amended by inserting ", increased (beginning with 2001 and each year thereafter) by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average)" before the period.

(c) Increased Effort To Provide Medicare Beneficiaries With Medicare Cost-Sharing Under the Medicaid Program.—

(1) In general.—Section 1902(a) (42 U.S.C. 1396a(a)), as amended by section 703(b)(1)(A), is amended—

(A) in paragraph (65), by striking "and" at the end;

(B) in paragraph (66), by striking the period and inserting "; and"; and

(C) by inserting after paragraph (66) the following new paragraph:

"(67) provide for the determination of eligibility for medicare cost-sharing (as defined in section 1905(p)(3)) for individuals described in paragraph (10)(E) and, if eligible for such medicare cost-sharing, for the enrollment of such individuals at any hospital, clinic, or similar entity at which State or local agency personnel are stationed for the purpose of determining the eligibility of individuals for medical assistance under the State plan or providing outreach services to eligible or potentially eligible individuals.".

(2) Effective date.—The amendments made by this paragraph shall take effect on the date of enactment of this Act.

(d) Presumptive Eligibility of Certain Low-Income Individuals for Medicare Cost-Sharing Under the QMB or SLMB Program.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following new section:

"PRESUMPTIVE ELIGIBILITY OF CERTAIN LOW-INCOME INDIVIDUALS

"Sec. 1920B. (a) A State plan approved under section 1902 shall provide for making medical assistance with respect to medicare cost-sharing covered under the State plan available to a low-income individual on the date the low-income individual becomes entitled to benefits under part A of title XVIII during a presumptive eligibility period.

"(b) For purposes of this section:

"(1) The term 'low-income individual' means an individual who at the age of 65 years is described—

"(A) in section 1902(a)(10)(E)(i), or

"(B) in section 1902(a)(10)(E)(iii).

"(2) The term 'medicare cost-sharing'—

"(A) with respect to an individual described in paragraph (1)(A), has the meaning given such term in section 1905(p)(3); and

"(B) with respect to an individual described in paragraph (1)(B), has the meaning given such term in section 1905(p)(3)(A).

"(3) The term 'presumptive eligibility period' means, with respect to a low-income individual, the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the income and resources of the individual do not exceed the applicable income and resource level of eligibility under the State plan, and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of the low-income individual for medical assistance for medical cost-sharing under the State plan, or

"(ii) in the case of a low-income individual on whose behalf an application is not filed by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(4)(A) Subject to subparagraph (B), the term 'qualified entity' means any of the following:

"(i) Qualified individuals within the Social Security Administration.

"(ii) An entity determined by the State agency to be capable of making determinations of the type described in paragraph (3).

"(B) The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(c)(1) The State agency, after consultation with the Secretary, shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made on behalf of a low-income individual for medical assistance for medical cost-sharing under the State plan, and

"(B) information on how to assist low-income individuals and other persons in completing and filing such forms.

"(2) A qualified entity that determines under subsection (b)(2)(A) that a low-income individual is presumptively eligible for medical assistance for medical cost-sharing under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made, and

"(B) inform the low-income individual at the time the determination is made that an application for medical assistance for medical cost-sharing under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) In the case of a low-income individual who is determined by a qualified entity to be presumptively eligible for medical assistance for medical cost-sharing under a State plan, the low-income individual shall make application for medical assistance for medical cost-sharing under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) Notwithstanding any other provision of this title, medical assistance for medicare cost-sharing that—

"(1) is furnished to a low-income individual during a presumptive eligibility period under the State plan; and

"(2) is included in the services covered by a State plan;

shall be treated as medical assistance provided by such plan for purposes of section 1903.".

### SEC. 707. BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT.

(a) Coverage as Optional Categorically Needy Group.—

(1) In general.—Section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XVI), by striking "or" at the end;

(B) in subclause (XVII), by adding "or" at the end; and

(C) by adding at the end the following:

"(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);".

(2) Group described.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) Individuals described in this subsection are individuals who—

"(1) are not described in subsection (a)(10)(A)(i);

"(2) have not attained age 65;

"(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and

"(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).".

(3) Limitation on benefits.—Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—

(A) by striking "and (XIII)" and inserting "(XIII)"; and

(B) by inserting ", and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer" before the semicolon.

(4) Conforming amendments.—Section 1905(a) (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(A) in clause (xi), by striking "or" at the end;

(B) in clause (xii), by adding "or" at the end; and

(C) by inserting after clause (xii) the following:

"(xiii) individuals described in section 1902(aa),".

(b) Presumptive Eligibility.—

(1) In general.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:

"PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS

"Sec. 1920B. (a) State Option.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to certain breast or cervical cancer patients) during a presumptive eligibility period.

"(b) Definitions.—For purposes of this section:

"(1) Presumptive eligibility period.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—

"(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and

"(B) ends with (and includes) the earlier of—

"(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or

"(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.

"(2) Qualified entity.—

"(A) In general.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—

"(i) is eligible for payments under a State plan approved under this title; and

"(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).

"(B) Regulations.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.

"(C) Rule of construction.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).

"(c) Administration.—

"(1) In general.—The State agency shall provide qualified entities with—

"(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and

"(B) information on how to assist such individuals in completing and filing such forms.

"(2) Notification requirements.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—

"(A) notify the State agency of the determination within 5 working days after the date on which the determination is made; and

"(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.

"(3) Application for medical assistance.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.

"(d) Payment.—Notwithstanding any other provision of this title, medical assistance that—

"(1) is furnished to an individual described in subsection (a)—

"(A) during a presumptive eligibility period; and

"(B) by a entity that is eligible for payments under the State plan; and

"(2) is included in the care and services covered by the State plan,

shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).".

(2) Conforming amendments.—

(A) Section 1902(a)(47) (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: "and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section".

(B) Section 1903(u)(1)(D)(v) (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—

(i) by striking "or for" and inserting ", for"; and

(ii) by inserting before the period the following: ", or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section".

(c) Enhanced Match.—The first sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended—

(1) by striking "and" before "(3)"; and

(2) by inserting before the period at the end the following: ", and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)".

(d) Effective Date.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.

## TITLE VIII—OTHER PROVISIONS

### SEC. 801. APPROPRIATIONS FOR RICKY RAY HEMOPHILIA RELIEF FUND.

Section 101(e) of the Ricky Ray Hemophilia Relief Fund Act of 1998 (42 U.S.C. 300c-22 note) is amended by adding at the end the following: "There is appropriated to the Fund $475,000,000 for fiscal year 2001, to remain available until expended.".

### SEC. 802. INCREASE IN APPROPRIATIONS FOR SPECIAL DIABETES PROGRAMS FOR CHILDREN WITH TYPE I DIABETES AND INDIANS.

(a) Special Diabetes Programs for Children With Type I Diabetes.—Section 330B(b) of the Public Health Service Act (42 U.S.C. 254c-2(b)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) Transferred funds.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) Appropriations.—For the purpose of making grants under this section, there are appropriated, out of any money in the Treasury not otherwise appropriated—

"(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

"(B) $100,000,000 for each of fiscal years 2003 through 2005.".

(b) Special Diabetes Programs for Indians.—Section 330C(c) of the Public Health Service Act (42 U.S.C. 254c-3(c)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(1) Transferred funds.—Notwithstanding";

(2) by adding at the end the following:

"(2) APPROPRIATIONS.—For the purpose of making grants under this section, there are appropriated, out of any money in the Treasury not otherwise appropriated—

"(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

"(B) $100,000,000 for each of fiscal years 2003 through 2005.".

**SEC. 803. DEMONSTRATION GRANTS TO IMPROVE OUTREACH, ENROLLMENT, AND COORDINATION OF PROGRAMS AND SERVICES TO HOMELESS INDIVIDUALS AND FAMILIES.**

(a) AUTHORITY.—The Secretary of Health and Human Services may award demonstration grants to not more than 7 States (or other qualified entities) to conduct innovative programs that are designed to improve outreach to homeless individuals and families under the programs described in subsection (b) with respect to enrollment of such individuals and families under such programs and the provision of services (and coordinating the provision of such services) under such programs.

(b) PROGRAMS FOR HOMELESS DESCRIBED.—The programs described in this subsection are as follows:

(1) MEDICAID.—The program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(2) SCHIP.—The program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

(3) TANF.—The program under part of A of title IV of such Act (42 U.S.C. 601 et seq.).

(4) MATERNAL AND CHILD HEALTH BLOCK GRANTS.—The program under title V of the Social Security Act (42 U.S.C. 701 et seq.).

(5) MENTAL HEALTH AND SUBSTANCE ABUSE BLOCK GRANTS.—The program under part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-1 et seq.).

(6) HIV/AIDS CARE GRANTS.—The program under part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.).

(7) FOOD STAMP PROGRAM.—The program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(8) WORKFORCE INVESTMENT ACT.—The program under the Workforce Investment Act of 1999 (29 U.S.C. 2801 et seq.).

(9) WELFARE-TO-WORK.—The welfare-to-work program under section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)).

(10) OTHER PROGRAMS.—Other public and private benefit programs that serve low-income individuals.

(c) APPROPRIATIONS.—For the purposes of carrying out this section, there are appropriated, out of any funds in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended.

**SEC. 804. PROTECTION OF AN HMO ENROLLEE TO RECEIVE CONTINUING CARE AT A FACILITY SELECTED BY THE ENROLLEE.**

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

**"SEC. 714. ENSURING CHOICE FOR CONTINUING CARE.**

"(a) IN GENERAL.—With respect to health insurance coverage provided to participants or beneficiaries through a managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, such plan or issuer may not deny coverage for services provided to such participant or beneficiary by a continuing care retirement community, skilled nursing facility, or other qualified facility in which the participant or beneficiary resided prior to a hospitalization, regardless of whether such organization is under contract with such community or facility if the requirements described in subsection (b) are met.

"(b) REQUIREMENTS.—The requirements of this subsection are that—

"(1) the service involved is a service for which the managed care organization involved would be required to provide or pay for under its contract with the participant or beneficiary if the continuing care retirement community, skilled nursing facility, or other qualified facility were under contract with the organization;

"(2) the participant or beneficiary involved—

"(A) resided in the continuing care retirement community, skilled nursing facility, or other qualified facility prior to being hospitalized;

"(B) had a contractual or other right to return to the facility after hospitalization; and

"(C) elects to return to the facility after hospitalization, whether or not the residence of the participant or beneficiary after returning from the hospital is the same part of the facility in which the beneficiary resided prior to hospitalization;

"(3) the continuing care retirement community, skilled nursing facility, or other qualified facility has the capacity to provide the services the participant or beneficiary needs; and

"(4) the continuing care retirement community, skilled nursing facility, or other qualified facility is willing to accept substantially similar payment under the same terms and conditions that apply to similarly situated health care facility providers under contract with the organization involved.

"(c) SERVICES TO PREVENT HOSPITALIZATION.—A group health plan or health insurance issuer to which this section applies may not deny payment for a skilled nursing service provided to a participant or beneficiary by a continuing care retirement community, skilled nursing facility, or other qualified facility in which the participant or beneficiary resides, without a preceding hospital stay, regardless of whether the organization is under contract with such community or facility, if—

"(1) the plan or issuer has determined that the service is necessary to prevent the hospitalization of the participant or beneficiary; and

"(2) the service to prevent hospitalization is provided as an additional benefit as described in section 417.594 of title 42, Code of Federal Regulations, and would otherwise be covered as provided for in subsection (b)(1).

"(d) RIGHTS OF SPOUSES.—A group health plan or health insurance issuer to which this section applies shall not deny payment for services provided by a skilled nursing facility for the care of a participant or beneficiary, regardless of whether the plan or issuer is under contract with such facility, if the spouse of the participant or beneficiary is already a resident of such facility and the requirements described in subsection (b) are met.

"(e) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) where the attending acute care provider and the participant or beneficiary (or a designated representative of the participant or beneficiary where the participant or beneficiary is physically or mentally incapable of making an election under this paragraph) do not elect to pursue a course of treatment necessitating continuing care; or

"(2) unless the community or facility involved—

"(A) meets all applicable licensing and certification requirements of the State in which it is located; and

"(B) agrees to reimbursement for the care of the participant or beneficiary at a rate similar to the rate negotiated by the managed care organization with similar providers of care for similar services.

"(f) PROHIBITIONS.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage with a managed care organization under the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to enrollees to encourage such enrollees to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending physician because such physician provided care to a participant or beneficiary in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to an attending physician to induce such physician to provide care to a participant or beneficiary in a manner inconsistent with this section.

"(g) RULES OF CONSTRUCTION.—

"(1) HMO NOT OFFERING BENEFITS.—This section shall not apply with respect to any managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, that does not provide benefits for stays in a continuing care retirement community, skilled nursing facility, or other qualified facility.

"(2) COST-SHARING.—Nothing in this section shall be construed as preventing a managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for care in a continuing care facility.

"(h) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

"(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage to the extent that a State law (as defined in section 2723(d)(1) of the Public Health Service Act) applies to such coverage and is described in any of the following subparagraphs:

"(A) Such State law requires such coverage to provide for referral to a continuing care retirement community, skilled nursing facility, or other qualified facility in a manner that is more protective of participants or beneficiaries than the provisions of this section.

"(B) Such State law expands the range of services or facilities covered under this section and is otherwise more protective of the rights of participants or beneficiaries than the provisions of this section.

"(2) CONSTRUCTION.—Section 731(a)(1) shall not be construed to provide that any requirement of this section applies with respect to health insurance coverage, to the extent that a State law described in paragraph (1) applies to such coverage.

"(i) PENALTIES.—A participant or beneficiary may enforce the provisions of this section in an appropriate Federal district court. An action for injunctive relief or damages may be commenced on behalf of the participant or beneficiary by the participant's or beneficiary's legal representative. The court may award reasonable attorneys' fees to the prevailing party. If a beneficiary dies before conclusion of an action under this section, the action may be maintained by a representative of the participant's or beneficiary's estate.

"(j) DEFINITIONS.—In this section:

"(1) ATTENDING ACUTE CARE PROVIDER.—The term 'attending acute care provider' means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license and who is primarily responsible for the care of the enrollee.

"(2) CONTINUING CARE RETIREMENT COMMUNITY.—The term 'continuing care retirement community' means an organization that provides or arranges for the provision of housing and health-related services to an older person under an agreement effective for the life of the person or for a specified period greater than 1 year.

"(3) MANAGED CARE ORGANIZATION.—The term 'managed care organization' means an organization that provides comprehensive health services to participants or beneficiaries, directly or under contract or other agreement, on a prepayment basis to such individuals. For purposes of this section, the following shall be considered as managed care organizations:

"(A) A Medicare+Choice plan authorized under section 1851(a) of the Social Security Act (42 U.S.C. 1395w–21(a)).

"(B) Any other entity that manages the cost, utilization, and delivery of health care through the use of predetermined periodic payments to health care providers employed by or under contract or other agreement, directly or indirectly, with the entity.

"(4) OTHER QUALIFIED FACILITY.—The term 'other qualified facility' means any facility that can provide the services required by the participant or beneficiary consistent with State and Federal law.

"(5) SKILLED NURSING FACILITY.—The term 'skilled nursing facility' means a facility that meets the requirements of section 1819 of the Social Security Act (42 U.S.C. 1395i–3).".

(2) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the items relating to subpart B of part 7 of subtitle B of title I the following new item:

"Sec. 714. Ensuring choice for continuing care.".

(3) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2001.

(b) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following new section:

**"SEC. 2707. ENSURING CHOICE FOR CONTINUING CARE.**

"(a) IN GENERAL.—With respect to health insurance coverage provided to enrollees through a managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, such plan or issuer may not deny coverage for services provided to such enrollee by a continuing care retirement community, skilled nursing facility, or other qualified facility in which the enrollee resided prior to a hospitalization, regardless of whether such organization is under contract with such community or facility if the requirements described in subsection (b) are met.

"(b) REQUIREMENTS.—The requirements of this subsection are that—

"(1) the service involved is a service for which the managed care organization involved would be required to provide or pay for under its contract with the enrollee if the continuing care retirement community, skilled nursing facility, or other qualified facility were under contract with the organization;

"(2) the enrollee involved—

"(A) resided in the continuing care retirement community, skilled nursing facility, or other qualified facility prior to being hospitalized;

"(B) had a contractual or other right to return to the facility after hospitalization; and

"(C) elects to return to the facility after hospitalization, whether or not the residence of the enrollee after returning from the hospital is the same part of the facility in which the beneficiary resided prior to hospitalization;

"(3) the continuing care retirement community, skilled nursing facility, or other qualified facility has the capacity to provide the services the enrollee needs; and

"(4) the continuing care retirement community, skilled nursing facility, or other qualified facility is willing to accept substantially similar payment under the same terms and conditions that apply to similarly situated health care facility providers under contract with the organization involved.

"(c) SERVICES TO PREVENT HOSPITALIZATION.—A group health plan or health insurance issuer to which this section applies may not deny payment for a skilled nursing service provided to an enrollee by a continuing care retirement community, skilled nursing facility, or other qualified facility in which the enrollee resides, without a preceding hospital stay, regardless of whether the plan or issuer is under contract with such community or facility, if—

"(1) the plan or issuer has determined that the service is necessary to prevent the hospitalization of the enrollee; and

"(2) the service to prevent hospitalization is provided as an additional benefit as described in section 417.594 of title 42, Code of Federal Regulations, and would be covered as provided for in subsection (b)(1).

"(d) RIGHTS OF SPOUSES.—A group health plan or health insurance issuer to which this section applies shall not deny payment for services provided by a skilled nursing facility for the care of an enrollee, regardless of whether the plan or issuer is under contract with such facility, if the spouse of the enrollee is already a resident of such facility and the requirements described in subsection (b) are met.

"(e) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) where the attending acute care provider and the enrollee (or a designated representative of the enrollee where the enrollee is physically or mentally incapable of making an election under this paragraph) do not elect to pursue a course of treatment necessitating continuing care; or

"(2) unless the community or facility involved—

"(A) meets all applicable licensing and certification requirements of the State in which it is located; and

"(B) agrees to reimbursement for the care of the enrollee at a rate similar to the rate negotiated by the managed care organization with similar providers of care for similar services.

"(f) PROHIBITIONS.—A group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage with a managed care organization under the plan, solely for the purpose of avoiding the requirements of this section;

"(2) provide monetary payments or rebates to enrollees to encourage such enrollees to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of an attending physician because such physician provided care to an enrollee in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to an attending physician to induce such physician to provide care to an enrollee in a manner inconsistent with this section.

"(g) RULES OF CONSTRUCTION.—

"(1) HMO NOT OFFERING BENEFITS.—This section shall not apply with respect to any managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, that does not provide benefits for stays in a continuing care retirement community, skilled nursing facility, or other qualified facility.

"(2) COST-SHARING.—Nothing in this section shall be construed as preventing a managed care organization under a group health plan, or through a health insurance issuer providing health insurance coverage in connection with a group health plan, from imposing deductibles, coinsurance, or other cost-sharing in relation to benefits for care in a continuing care facility.

"(h) PREEMPTION; EXCEPTION FOR HEALTH INSURANCE COVERAGE IN CERTAIN STATES.—

"(1) IN GENERAL.—The requirements of this section shall not apply with respect to health insurance coverage to the extent that a State law (as defined in section 2723(d)(1)) applies to such coverage and is described in any of the following subparagraphs:

"(A) Such State law requires such coverage to provide for referral to a continuing care retirement community, skilled nursing facility, or other qualified facility in a manner that is more protective of the enrollee than the provisions of this section.

"(B) Such State law expands the range of services or facilities covered under this section and is otherwise more protective of enrollee rights than the provisions of this section.

"(2) CONSTRUCTION.—Section 2723(a)(1) shall not be construed to provide that any requirement of this section applies with respect to health insurance coverage, to the extent that a State law described in paragraph (1) applies to such coverage.

"(i) PENALTIES.—An enrollee may enforce the provisions of this section in an appropriate Federal district court. An action for injunctive relief or damages may be commenced on behalf of the enrollee by the enrollee's legal representative. The court may award reasonable attorneys' fees to the prevailing party. If a beneficiary dies before conclusion of an action under this section, the action may be maintained by a representative of the enrollee's estate.

"(j) DEFINITIONS.—In this section:

"(1) ATTENDING ACUTE CARE PROVIDER.—The term 'attending acute care provider' means anyone licensed or certified under State law to provide health care services who is operating within the scope of such license and who is primarily responsible for the care of the enrollee.

"(2) CONTINUING CARE RETIREMENT COMMUNITY.—The term 'continuing care retirement community' means an organization that provides or arranges for the provision of housing and health-related services to an older person under an agreement effective for the life of the person or for a specified period greater than 1 year.

"(3) MANAGED CARE ORGANIZATION.—The term 'managed care organization' means an organization that provides comprehensive health services to enrollees, directly or under contract or other agreement, on a prepayment basis to such individuals. For purposes of this section, the following shall be considered as managed care organizations:

"(A) A Medicare+Choice plan authorized under section 1851(a) of the Social Security Act (42 U.S.C. 1395w–21(a)).

"(B) Any other entity that manages the cost, utilization, and delivery of health care through the use of predetermined periodic payments to health care providers employed by or under contract or other agreement, directly or indirectly, with the entity.

"(4) OTHER QUALIFIED FACILITY.—The term 'other qualified facility' means any facility that can provide the services required by the enrollee consistent with State and Federal law.

"(5) SKILLED NURSING FACILITY.—The term 'skilled nursing facility' means a facility that meets the requirements of section 1819 of the Social Security Act (42 U.S.C. 1395i–3).".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2001.

(c) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following new section:

**"SEC. 2753. ENSURING CHOICE FOR CONTINUING CARE.**

"The provisions of section 2707 shall apply to health maintenance organization coverage offered by a health insurance issuer in the individual market in the same manner as they apply to such coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(2) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2001.

**SEC. 805. GRANTS TO DEVELOP AND ESTABLISH REAL CHOICE SYSTEMS CHANGE INITIATIVES.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall award grants described in subsection (b) to States to support real choice systems change initiatives that establish specific action steps and specific timetables to achieve enduring system improvements and to provide consumer-responsive long-term services and supports to eligible individuals in the most integrated setting appropriate based on the unique strengths and needs of the individual, the priorities and concerns of the individual (or, as appropriate, the individual's representative), and the individual's desires with regard to participation in community life.

(2) ELIGIBILITY.—To be eligible for a grant under this section, a State shall—

(A) establish a Consumer Task Force in accordance with subsection (d); and

(B) submit an application at such time, in such manner, and containing such information as the Secretary may determine. The application shall be jointly developed and signed by the designated State official and the chairperson of such Task Force, acting on behalf of and at the direction of the Task Force.

(3) DEFINITION OF STATE.—In this section, the term "State" means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR REAL CHOICE SYSTEMS CHANGE INITIATIVES.—

(1) IN GENERAL.—From funds appropriated under subsection (f), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State real choice systems change initiatives described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such initiatives.

(2) DETERMINATION OF AWARDS; STATE ALLOTMENTS.—The Secretary shall develop a formula for the distribution of funds to States for each fiscal year under subsection (a). Such formula shall give preference to States that have a higher need for assistance, as determined by the Secretary, based on indicators such as a relatively higher proportion of long-term services and supports furnished to individuals in an institutional setting but who have a plan described in an application submitted under subsection (a)(2).

(c) AUTHORIZED ACTIVITIES.—A State that receives a grant under this section shall use the funds made available through the grant to accomplish the purposes described in subsection (a) and, in accomplishing such purposes, may carry out any of the following systems change activities:

(1) NEEDS ASSESSMENT AND DATA GATHERING.—The State may use funds to conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include information about the number of individuals within the State who are receiving long-term services and supports in unnecessarily segregated settings, the nature and extent to which current programs respond to the preferences of individuals with disabilities to receive services in home and community-based settings as well as in institutional settings, and the expected change in demand for services provided in home and community settings as well as institutional settings.

(2) INSTITUTIONAL BIAS: REMEDIES AND PROMOTION OF COMMUNITY PARTICIPATION.—The State may use funds to identify, develop, and implement strategies for modifying policies, practices, and procedures that unnecessarily bias the provision of long-term services and supports toward institutional settings and away from home and community-based settings, including policies, practices, and procedures governing statewideness, comparability in amount, duration, and scope of services, financial eligibility, individualized functional assessments and screenings (including individual and family involvement), knowledge about service options, and promotion of self-direction of services and community-integrated living and service arrangements that facilitate participation in community life to the fullest extent possible and desired by the individual.

(3) OVER MEDICALIZATION OF SERVICES.—The State may use funds to identify, develop, and implement strategies for modifying policies, practices, and procedures that unnecessarily bias the provision of long-term services and supports by health care professionals to the extent that quality services and supports can be provided by other qualified individuals, including policies, practices, and procedures governing service authorization, case management, and service coordination, service delivery options, quality controls, and supervision and training.

(4) INTERAGENCY COORDINATION; SINGLE POINT OF ENTRY.—The State may support activities to identify and coordinate Federal and State policies, resources, and services, relating to the provision of long-term services and supports, including the convening of interagency work groups and the entering into of interagency agreements that provide for a single point of entry with one-stop access for long-term support services and the design and implementation of a coordinated screening and assessment system for all persons eligible for long-term services and supports.

(5) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out training and technical assistance activities that are provided for individuals with disabilities, and, as appropriate, their representatives, attendants, and other personnel (including professionals, paraprofessionals, volunteers, and other members of the community).

(6) PUBLIC AWARENESS.—The State may support a public awareness program that is designed to provide information relating to the availability of choices available to individuals with disabilities for receiving long-term services and support in the most integrated setting appropriate.

(7) TRANSITIONAL COSTS.—The State may use funds to provide transitional costs such as rent and utility deposits, first months's rent and utilities, bedding, basic kitchen supplies, and other necessities required for an individual to make the transition from an institutional facility to a community-based home setting where the individual resides.

(8) TASK FORCE.—The State may use funds to support the operation of the Consumer Task Force established under subsection (d).

(9) DEMONSTRATIONS OF NEW APPROACHES.—The State may use funds to conduct, on a time-limited basis, the demonstration of new approaches to accomplishing the purposes described in subsection (a)(1).

(10) IMPROVEMENT IN THE QUALITY OF SERVICES AND SUPPORTS.—The State may use funds to improve the quality of services and supports provided to individuals with disabilities and their families.

(11) OTHER ACTIVITIES.—The State may use funds for any systems change activities that are not described in any of the preceding paragraphs of this subsection and that are necessary for developing, implementing, or evaluating the comprehensive statewide system of community-integrated long-term services and supports.

(d) CONSUMER TASK FORCE.—

(1) ESTABLISHMENT AND DUTIES.—To be eligible to receive a grant under this section,

each State shall establish a Consumer Task Force (referred to in this section as the "Task Force") to assist the State in the development, implementation, and evaluation of real choice systems change initiatives.

(2) Appointment.—Members of the Task Force shall be appointed by the Chief Executive Officer of the State in accordance with the requirements of paragraph (3), after the solicitation of recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities.

(3) Composition.—

(A) In general.—The Task Force shall represent a broad range of individuals with disabilities from diverse backgrounds and shall include representatives from Developmental Disabilities Councils, Mental Health Councils, State Independent Living Centers and Councils, Commissions on Aging, organizations that provide services to individuals with disabilities and consumers of long-term services and supports.

(B) Individuals with disabilities.—A majority of the members of the Task Force shall be individuals with disabilities or the representatives of such individuals.

(C) Limitation.—The Task Force shall not include employees of any State agency providing services to individuals with disabilities other than employees of agencies described in the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) or the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

(e) Availability of Funds.—

(1) Funds allotted to states.—Funds allotted to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) Funds not allotted to states.—Funds not allotted to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allotment by the Secretary using the allotment formula established by the Secretary under subsection (b)(2).

(f) Annual Report.—A State that receives a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the number and percentage increase in the number of eligible individuals in the State who receive long-term services and supports in the most integrated setting appropriate, including through community attendant services and supports and other community-based settings.

(g) Funding.—

(1) Fiscal year 2001.—For the purpose of making grants under this section, there are appropriated, out of any funds in the Treasury not otherwise appropriated, $50,000,000 for fiscal year 2001.

(2) Fiscal year 2002 and thereafter.—There is authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2002 and each fiscal year thereafter.

## Balanced Budget Refinement Act of 2000—Summary

The Balanced Budget Act (BBA) of 1997 made some important changes in Medicare payment policy and contributed to our current period of budget surpluses through significant cost savings in Medicare. CBO originally estimated the Medicare spending cuts at $112 billion over 5 years. Some of the policies enacted in the BBA, however, cut payments to providers more significantly than expected—in some cases more than double the expected amount—and threaten the survival of institutions and services vital to seniors and their communities throughout the country.

The Congress addressed some of those unintended consequences last year, by enacting the Balanced Budget Refinement Act (BBRA), which added back $16 billion over 5 years in payments to various Medicare providers.

However, Congress is continuing to hear serious concerns from health care providers and beneficiaries in our States—particularly teaching hospitals and hospitals serving people who are uninsured or underinsured, as well as concerns from skilled nursing facilities, rural health providers, home health agencies, and Medicare managed care providers.

In light of the projected $700 billion on-budget surplus over the next 5 years and the problems facing vital health care services, the Congress should enact an additional, significant package of BBA adjustments and beneficiary protections. Senate Democrats are therefore today introducing the Balanced Budget Refinement Act of 2000 (BBRA-2000), which is a package of payment adjustments and access to care provisions amounting to about $40 billion over 5 years.

Hospitals. A significant portion of the BBA spending reductions have impacted hospitals. According to the Medicare Payment Advisory Commission (MedPAC), "Hospitals' financial status deteriorated significantly in 1998 and 1999," the years following enactment of BBA. BBRA-2000 would address the most pressing problems facing hospitals by:

Fully restoring, for fiscal years '01 and '02, inpatient market basket payments to keep up with increases in hospital costs, an improvement that will help all hospitals.

Preventing implementation of further reductions in (IME) payment rates for vital teaching hospitals—which are on the cutting edge of medical research and provide essential care to a large proportion of indigent patients. Support for medical training and research at independent children's hospitals is also included in the Democratic proposal.

Targeting additional relief to rural hospitals (Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals) and making it easier for them to qualify for disproportionate share payments under Medicare.

Providing additional support for hospitals with a disproportionate share of indigent patients, including elimination of scheduled reductions in Medicare and Medicaid disproportionate share (DSH) payments, and extending Medicaid to legal immigrant children and pregnant women, as well as providing State Children's Health Insurance Program (SCHIP) coverage to these children.

Establishing a grant program to assist hospitals in their transition to a more data intensive care-delivery model.

Providing Puerto Rico hospitals with a more favorable payment rate (specifically, the inpatient operating blend rate) as MedPAC data suggests is warranted.

Home Health. The BBA hit home agencies particularly hard. Home health spending dropped 45 percent between 1997 and 1999, while the number of home health declined by more than 2000 over that period. MedPAC has cautioned against implementing next year the scheduled 15 percent reduction in payments. BBRA-2000 would:

Repeal the scheduled 15 percent cut in home health payments, delay for at least two years the inclusion of medical supplies in the home health prospective payment system (PPS), and provide a 10-percent upward adjustment in rural home health payments for two years to address the special needs of rural home health agencies in the transition to PPS. BBRA-2000 would also provide an exception for "very rural" home health agencies under the branch office definition.

Provide full update payments (inflation) for medical equipment, oxygen, and other suppliers.

Skilled Nursing Facilities (SNFs). The BBA was expected to reduce payments to skilled nursing facilities by about $9.5 billion. The actual reduction in payments to SNFs over the period is estimated to be significantly larger. BBRA-2000 would:

Allow nursing home payments to keep up with increases in costs through a full market basket update for SNFs for FY 2001 and FY 2002, and market basket plus two percent for additional payments.

Further delay caps on the amount of physical/speech therapy and occupational therapy a patient can receive while the Secretary completes a scheduled study on this issue.

Rural. Rural providers typically serve a larger proportion of Medicare beneficiaries and are more adversely affected by reductions in Medicare payments. In addition to the rural relief measures noted above (under "hospitals"), BBRA-2000 addresses the unique situation faced in rural areas through a number of measures, including: a permanent "hold-harmless" exemption for small rural hospitals from the Medicare Outpatient PPS; assistance for rural home health agencies; a capital loan fund to improve infrastructure of small rural facilities; assistance to develop technology related to new prospective payment systems; bonus payments for providers who serve independent hospitals; ensuring rural facilities can continue to offer quality lab services to beneficiaries; and specific provisions to assist Rural Health Clinics.

Hospice. Payments to hospics have not kept up with the cost of providing care because of the cost of prescription drugs, the therapies now used in end-of-life care, as well as decreasing lengths of stay. Hospice base rates have not been increased since 1989. BBRA-220 would provide significant additional funding for hospice services to account for their increasing costs, including full market basket updates for fiscal years '01 and '02 and a 10-percent upward adjustment in the underlying hospice rates.

Medicare+Choice. This legislation would ensure that appropriate payments are made to Medicare+Choice (M+C) plans. Expenditures by Medicare for its fee-for-service providers included in BBRA-2000 indirectly benefit M+C plans to a significant extent. Moreover, the legislation includes an increase in the M+C growth percentage for fiscal years '01 and '02, permitting plans to move to the 50:50 blended payment one year earlier, and allowing plans which have decided to withdraw to reconsider by November 2000.

Physicians. Congress understands the pressures that physicians face to deliver high-quality care while still complying with payment and other regulatory obligations. BBRA-2000 provides for comprehensive studies of issues important to physicians, including: the practice expense component of the Resource-Based Relative Value Scale (RBRVS) physician payment system, post-payment audits, and regulatory burdens. BBRA-2000 would provide relief to physicians in training, whose debt can often be crushing, by lowering the threshold for loan deferment from $72,000 to $48,000.

Beneficiary Improvements. Senate Democrats continue to believe that passage of a universal, affordable, voluntary, and meaningful Medicare prescription drug benefit is the highest priority for beneficiaries. In addition, BBRA-2000 would directly assist beneficiaries in the following ways:

Coinsurance: BBRA-2000 would lower beneficiary coinsurance to achieve a true 20 percent beneficiary copayment for all hospital outpatient services within 20 years.

Preventive Benefits: The bill would provide for significant advances in preventive medicine for Medicare beneficiaries, including waiver of deductibles and cost-sharing, glaucoma screening, counseling for smoking cessation, and nutrition therapy.

Immunosuppressive Drugs: The bill would remove current restrictions on payment for immunosuppressive drugs for organ transplant patients.

ALS: The bill would waive the 24-month waiting period for Medicare disability coverage for individuals diagnosed with amyotrophic lateral sclerosis (ALS).

M+C Transition: For beneficiaries who have lost Medicare+Choice plans in their area, BBRA-2000 includes provisions that would strengthen fee-for-service Medicare and assist beneficiaries in the period immediately following loss of service.

Return-to-home: The bill would allow beneficiaries to return to the same nursing home or other appropriate site-of-care after a hospital stay.

Other Provisions. BBRA-2000 would address other high priority issues, including: improved payment for dialysis in fee-for-service and M+C to assure access to quality care for end stage renal disease (ESRD) patients; increased market basket updates for ambulance providers in fiscal years '01 and '02; an immediate opt-in to the new ambulance fee schedule for affected providers; and enhanced training opportunities for geriatricians and clinical psychologists. BBRA-2000 also includes important modifications to the Community Nursing Organization (CNO) demonstration project, and additional funding for the Ricky Ray Hemophilia program.

Medicaid and SCHIP. The growing number of uninsured individuals and declining enrollment in the Medicaid program are issues which also must be addressed. To improve access to health care for the uninsured and ensure that services available through the Medicaid and SCHIP programs are reaching those eligible for assistance, BBRA-2000 includes the following provisions:

Improve eligibility and enrollment processes in SCHIP and Medicaid.

Extend and improve the Transitional Medical Assistance program for people who leave welfare for work.

Improve access to Medicare cost-sharing assistance for low-income beneficiaries.

Give states grants to develop home and community based services for beneficiaries who would otherwise be in nursing homes.

Create a new prospective payment system (PPS) for Community Health Centers to ensure they remain a strong, viable component of our health care safety net.

Extend Medicaid coverage of breast and cervical cancer treatment to women diagnosed through the federally-funded early detection program.

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NATIONAL IMMIGRATION
LAW CENTER,
*Washington, DC, September 20, 2000.*

Hon. DANIEL PATRICK MOYNIHAN,
*464 Senate Russell Office Building,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: We strongly applaud your decision to include important health care restorations for low-income immigrant children and pregnant women in the Senate Democrat's Balanced Budget Act Refinement and Access to Care proposal. The provisions would permit federal reimbursement to states that choose to cover lawfully present children and pregnant women under their Medicaid and State Children's Health Insurance Programs.

As you know, legislation passed in 1996, at a time of very tight budgets, left the safety net for legal immigrants in tatters. As a result, health dare coverage for low-income lawfully present immigrant children and pregnant women has become a state-by-state patchwork, with tragic results. In many states, there is no coverage at all for large numbers of these children and pregnant women.

The policy of denying federal health care to lawfully present immigrants is unfair and unwise. It is unfair because immigrants pay the same taxes as all others, and deserve the same access to health care that those taxes buy. In fact, immigrant taxes are more than sufficient to pay for the health care needs and all other expenses associated with immigration. The average immigrant contributes $1,800 more each year in taxes than the government pays out for her, including the costs of roads, infrastructure, and education, as well as all government services.

The policy is unwise because we are counting on these immigrant children to join with all other children in contributing to the American dream. They cannot do so if they are hindered in their early years because they could not obtain health care. And it is unwise because it shifts the responsibility for immigrant health care from the federal to the state governments, rather than maintain a shared federal-state responsibility.

The Balanced Budget Act Refinement and Access to Care proposal recognizes that some of the cuts to health care providers made in the name of balancing the budget went too far. In this time of surpluses, as Congress considers proposals to eliminate the excesses of those budget cuts on behalf of health care providers, Congress should also restore services to lawfully present immigrant children and pregnant women who sacrificed as much as anyone under the budget balancing legislation of the 1990's.

Sincerely,

Asian Pacific American Labor Alliance, Alliance for Children and Families, American College Obstetricians and Gynecologists, Center for Public Policy Priorities, Children's Defense Fund, Coalition for Humane Immigrant Rights of Los Angeles, Council of Great City Schools, Families USA, Florida Immigrant Advocacy Center, Inc., Florida Legal Services, Inc., Hebrew Immigrant Aid Society, Immigrant Legal Resource Center, Immigration and Refugee Services of America, Jewish Federation of Metro Chicago, Jewish Council for Public Affairs, March of Dimes, Migrant Legal Action Program, National Asian Pacific American Legal Consortium, National Association of Public Hospitals and Health Systems, National Council of La Raza, National Head Start Association, National Health Law Program, National Korean American Service & Education Consortium (NAKASEC), National Immigration Law Center, New Jersey Immigration Policy Network, Inc., New York Immigration Coalition, Massachusetts Immigrant and Refugee Advocacy Coalition, Southeast Asia Resource Action Center, Texas Appleseed, Texas Immigrant and Refugee Coalition, and United Jewish Communities.

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NATIONAL ASSOCIATION OF PUBLIC
HOSPITALS AND HEALTH SYSTEMS,
*Washington DC, September 20, 2000.*

DEAR SENATOR MOYNIHAN: I am writing on behalf of the National Association of Public Hospitals & Health Systems (NAPH) to express our strong support for the "Medicare, Medicaid, and SCHIP Balanced Budget Further Refinement Act of 2000." NAPH represents more than 100 metropolitan area safety net hospitals and health systems. As safety net institutions, our members are essential providers of care to uninsured and vulnerable populations whose access would otherwise be severely limited. More than 65 percent of the patients served by these systems are either Medicaid recipients or Medicare beneficiaries; another 25 percent are uninsured.

NAPH is pleased that this legislation includes a number of provisions that will assist low-income Medicaid beneficiaries and the providers that serve them. In particular, we are pleased that the legislation would avert Medicaid DSH allotment reductions after fiscal year 2000 otherwise required by the BBA. Medicaid DSH is our nation's primary source of support for safety net hospitals that serve the most vulnerable Medicaid, uninsured and underinsured patients.

NAPH has long been supportive of efforts to expand access to health insurance coverage and is pleased that the legislation includes a number of these provisions. In particular, the proposed legislation would allow states the option to provide coverage under Medicaid and/or SCHIP for legal immigrants, which will reduce confusion regarding eligibility in the immigrant community, allow legal immigrants to receive more appropriate care, and improve public health in general. The legislation also includes a state option to provide Medicaid coverage for certain women diagnosed with breast or cervical cancer and provides requirements designed to simplify Medicaid eligibility. We are grateful for your efforts to expand Medicaid and SCHIP to ensure that all low-income Americans have access to appropriate health coverage.

NAPH is also pleased that the legislation addresses many of the severe payment reductions in many areas (in addition to Medicaid DSH) imposed by the BBA on providers. In particular, NAPH is pleased that the legislation eliminates further Medicare DSH reductions, freezes IME adjustments, and restores the full market basket index update to hospital PPS rates beginning April, 2001.

We thank you for your ongoing leadership in developing legislation to assure the maintenance of the health care safety net and we look forward to working with you further to develop solutions to the problems of our nation's poor and uninsured. If you have any questions about this letter, please contact Charles Luband at (202) 624-7215.

Sincerely,

LARRY S. GAGE,
*President.*

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FAMILIES USA, THE VOICE FOR
HEALTH CARE CONSUMERS,
*September 20, 2000.*

Senator PATRICK MOYNIHAN,
*464 Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: As you introduce the Medicare, Medicaid and SCHIP Balanced Budget Further Refinement Act of

2000, we want to support a number of provisions that will improve low-income people's access to health care coverage. In particular, we support the expansion of Medicaid to certain immigrant children and pregnant women, the improvements for Medicaid adults and children, the changes which will ease enrollment for children who may be eligible for Medicaid and the State Child Health Insurance Program and the changes which will help low-income seniors who may be eligible for the Qualified Medicare Beneficiary (QMB) Program and the Specified Low-Income Medicare Beneficiary (SLMB) Program receive assistance in getting help with Medicare premiums and cost-sharing.

As you well know, despite the concerted efforts of many people, the number of uninsured Americans has continued to grow. Recent studies have shown that uninsured Americans are less likely to have a usual source of care, are more likely to delay seeking care, and are less likely to use preventive services. In addition, uninsured Americans are four times more likely than insured patients to require both avoidable hospitalizations and emergency hospital care.

These provisions will help more people get access to public health insurance programs. Please let us know if we can be of assistance in getting these provisions enacted into law.

Sincerely,

RONALD F. POLLACK,
*Executive Director.*

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ASSOCIATION OF MATERNAL
AND CHILD HEALTH PROGRAMS,
*September 20, 2000.*

Hon. DANIEL PATRICK MOYNIHAN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: The Association of Maternal and Child Health Programs (AMCHP) strongly supports your efforts to further refine the Balanced Budget Act of 1997 (BBA) and increase access to health care. In particular, we commend your leadership over the years in improving our nation's fiscal health. Through this visionary leadership, the nation now has a projected $2.2 trillion on-budget surplus over the next 10 years. It is both appropriate and fair that a portion of this surplus should help offset severe problems facing our health care services.

AMCHP strongly supports efforts included in your legislation to improve access to health care for many uninsured people including legal immigrant children and pregnant women. In addition, we applaud efforts to improve eligibility and enrollment processes in SCHIP and Medicaid. AMCHP and its members want to particularly thank you for your support of enhanced coordination and cooperation among the various health care programs aimed at improving maternal and child health and for your efforts to increase the authorization level for Title V.

The Association of Maternal and Child Health Programs is an organization dedicated to providing leadership in assuring the health and well being of all women of reproductive age, children and youth, including those with special health care needs and their families. The state directors of Title V and related programs formed the association in 1944 to share information and collaborate with each other and others concerned with the health of mothers and children.

In closing, thank you for your most recent efforts on behalf of maternal and child health through the introduction of legislation intended to further refine the BBA and improve access to health care.

Very truly yours,

DEBORAH F. DIETRICH,
*Director of Legislative Affairs.*

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NATIONAL ASSOCIATION OF
COMMUNITY HEALTH CENTERS, INC.,
*September 20, 2000.*

Hon. TOM DASCHLE,
*Democratic Leader, U.S. Senate,*
*Washington, DC.*
Hon. DANIEL PATRICK MOYNIHAN,
*Ranking Member, Senate Finance Committee,*
*Washington, DC.*

DEAR SENATORS DASCHLE AND MOYNIHAN: On behalf of the National Association of Community Health Centers (NACHC), the nationwide network of 3,000 health centers, and the more than 11 million patients they serve, I am writing to express our extreme gratitude for your inclusion of the text of S. 1277, the Safety Net Preservation act, in your legislation to provide relief from the Balanced Budget Act of 1997 (BBA).

As you know, the BBA eliminated a fundamental underpinning of America's health center safety net by phasing-out and eventually terminating the Medicaid cost-based reimbursement system for Federally qualified health centers. Because health centers are required by Federal law to provide access to care to anyone, regardless of ability to pay, centers cannot afford to be underpaid for services provided to Medicaid patients. In other words, without this payment system, health centers will be forced to subsidize low Medicaid payments with grant dollars intended to care for the uninsured—thereby forcing them to reduce the health care services they provide in their communities.

In an effort to protect health centers from the loss of this system, the Safety Net Preservation Act has been introduced in the House and Senate to ensure that health centers receive adequate Medicaid payments. This legislation, which has the bipartisan support of 54 members of the Senate and 243 members of the House of Representatives, has been endorsed by NACHC, the National Association of Rural Health Clinics, the National Rural Health Association, the United States Conference of Mayors, and the National Association of Counties.

Health centers believe that this legislation is essential to their continued survival and will ensure that they remain a viable part of America's health care safety net. Thank you again for your commitment to protecting health centers through your BBA relief legislation. It is our sincerest hope that the Safety Net Preservation Act will be included in any BBA relief package and signed into law by the time the 106th Congress adjourns.

Please feel free to contact me if there is anything that I can do for you.

Sincerely,

THOMAS J. VAN COVERDEN,
*President and CEO.*

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CENTER ON BUDGET AND
POLICY PRIORITIES,
*September 20, 2000.*

Hon. DANIEL PATRICK MOYNIHAN,
*Senate Russell Building,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: We write to applaud your efforts to help low-income families and children access much-needed health care coverage. In particular, the Center on Budget and Policy Priorities strongly supports provisions in your "Medicare, Medicaid, and S-CHIP Balanced Budget Refinement Act of 2000" aimed at reversing a trend of declining access to health coverage by low-income families and immigrant children. These provisions are important because families with children have been losing out on health care coverage as a result of unanticipated consequences of recent federal and state actions.

A growing body of evidence indicates that a significant number of low-income families with children have been inadvertently harmed by federal and state laws enacted in recent years to promote welfare reform. Despite the best intentions of many policymakers, disturbing numbers of families leaving welfare for work have lost out on health care coverage. Indeed, a recent Center analysis found that roughly half of parents and nearly one out of three children leaving welfare lost Medicaid and were at high risk of being uninsured even though the vast majority of them remained eligible for Medicaid or SCHIP. Similarly, studies indicate that the Medicaid participation of children in legal immigrant families has dropped in recent years. The largest group of such children consists of those who remain eligible for Medicaid because they are citizens of the United States. These children were not the intended targets of immigration-based restrictions on Medicaid coverage included in the 1996 welfare law, but they nevertheless have been adversely affected by the confusion and fear generated by the immigration-based restrictions on health care coverage included in the 1996 welfare law and modified in the Balanced Budget Act of 1997.

For these reasons, we strongly applaud the provisions in your legislation that would undue many of the unintended consequences on health care coverage for low-income families of recent state and federal actions, as well as restore health care coverage to all legal immigrant children. In particular, we strongly support the provisions designed to promote the simplification, coordination, and streamlining of states' application and re-enrollment procedures; to expand state flexibility to allow schools and other organizations that work with families to enroll children in health care coverage under the "presumptive eligibility" option; to give states more flexibility to provide transitional Medicaid coverage to families leaving welfare for work; and to restore state flexibility to cover legal immigrant children and pregnant women who arrived in the United States after August 22, 1996. In combination, these provisions would represent a very significant step forward.

Sincerely,

ROBERT GREENSTEIN,
*Executive Director.*

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THE NATIONAL COUNCIL
ON THE AGING,
*Washington, DC, September 20, 2000.*

Hon. DANIEL PATRICK MOYNIHAN,
*464 Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN: On behalf of the National Council on the Aging (NCOA)—the nation's first organization formed to represent older Americans and those who serve them—I write to express our sincere gratitude and support for the numerous provisions in your Medicare Balanced Budget Act (BBA) refinement bill that would directly help Medicare beneficiaries.

In particular, we strongly support provisions to: (1) clarify the Medicare home health "homebound" problem; (2) improve Medicare low-income protections; (3) improve Medicare coverage and utilization of preventive services; (4) remove the arbitrary cap on immunosuppressive drug coverage; (5) provide grants to states for home and community-based care; and (6) accelerate the phase-in period for reducing hospital outpatient coinsurance.

First, under current law, in order for Medicare beneficiaries to receive coverage for home health services they must be "confined to home." Current irrational and inconsistent interpretations of this homebound requirement are causing substantial harm to Medicare beneficiaries by effectively forcing home health users to be imprisoned within their own homes. We deeply appreciate the provision to permit beneficiaries with Alzheimer's disease or related dementia to receive therapeutic treatment in adult day centers without losing home health coverage. We urge that you consider going further by including Senator JEFFORDS' S. 2298, which is endorsed by 46 national organizations and would provide relief for all beneficiaries suffering under the homebound problem.

Second, our current methods for protecting low-income Medicare beneficiaries against increasing out-of-pocket costs are simply abysmal. A shocking number of those eligible for protection simply do not receive it. Current Medicare low-income protections are a national embarrassment. NCOA strongly supports provisions in your bill to: provide for presumptive eligibility for low-income protections; significantly improve the QI-1 program for beneficiaries with incomes between 120% and 135% of poverty; index the asset test to inflation, which is long overdue; and improve outreach for Qualified Medicare Beneficiaries.

Third, NCOA strongly supports the provisions to improve preventive care for Medicare beneficiaries. It is often easier and less expensive to prevent disease than to cure it. Disease prevention must be an essential component of Medicare beneficiaries' continuum of care. Medicare, however, still fails to cover a number of important preventive services, and those that are covered are underutilized. We support provisions to extend Medicare coverage to tobacco cessation counseling, glaucoma screening and medical nutrition therapy. The addition of these new benefits will accelerate the critical shift in Medicare from a sickness program to a wellness program. We also support the provision to eliminate all coinsurance and deductibles for preventive services. Utilization of these critical services has been surprisingly low. By encouraging greater utilization of these services, beneficiaries' quality of life will be greatly enhanced and Medicare expenditures will decline over the long run.

Fourth, NCOA supports the provision to eliminate the arbitrary and costly cap on benefits for immunosuppressive drug coverage under Medicare. The Institute of Medicine recently recommended eliminating the time limitation, noting the positive economic, clinical and social implications. It makes no sense for Medicare to pay for the more expensive consequences of organ rejection, such as dialysis or a second transplant, but refuse to pay for the drugs to prevent the rejection of the initial transplanted organ beyond 44 months. This coverage can mean the difference between life and death for some and, for others, the difference between a transplant recipient having to experience the pain of an organ rejection, a return to dialysis—for kidney recipients—and the return to a long waiting list for another organ.

Fifth, we strongly support providing grants to states for home and community-based care and to assist in implementing the Supreme Court's Olmstead decision. These services are grossly underfunded, resulting in unreasonable and costly burdens on caregivers and premature placement in institutions. Funding for home and community-based care promotes dignity and independence and helps keep families together. America's long-term care crisis will only grow worse as our population ages. The proposed grants are a good start in addressing the serious institutional bias that exists for persons with disabilities needing long-term services and supports.

Sixth, we support accelerating the phase-in period for reducing hospital outpatient coinsurance. Coinsurance for these services now averages almost 50 percent of costs. Although current law provides that coinsurance amounts will remain fixed at their current dollar level until they are reduced to 20 percent of Medicare-approved payment amounts, the process will take up to 40 years for some services. By comparison, the most gradual phase-in Medicare has used to date for any payment system change is 10 years. The current phase-in schedule is simply far too long.

NCOA commends and thanks you for your strong leadership on these important issues for America's seniors. Please let us know if there is anything we can do to assist you in enacting these provisions into law this year.

Sincerely,

HOWARD BEDLIN,
*Vice President, Public Policy and Advocacy.*

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GREATER NEW YORK
HOSPITAL ASSOCIATION,
*New York, NY, September 20, 2000.*

Hon. DANIEL PATRICK MOYNIHAN,
*464 Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR MOYNIHAN, The Greater New York Hospital Association (GNYHA) is extremely pleased to express its strong and unqualified support for your bill, "The Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 2000," co-sponsored by your colleagues, Senator Charles E. Schumer and Senator Tom Daschle. This bill, if enacted, would greatly improve the Medicare program for all of its beneficiaries as well as provide critical, permanent relief for America's hospitals, skilled nursing facilities, and home health agencies from Medicare reductions contained in the Balanced Budget Act of 1997 (BBA).

For beneficiaries, your legislation makes a number of important improvements in the Medicare program including new coverage for many critical preventive health care benefits. In addition, you provide an option for states to provide Medicaid and SCHIP coverage for pregnant women and children who, because they are immigrants, have been denied health care coverage due to the restrictions contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The bill also simplifies the SCHIP enrollment process and improves SCHIP and Medicaid in a variety of other ways. GNYHA strongly supports these provisions.

Your bill also recognizes that Medicare and Medicaid beneficiaries cannot receive quality health care services unless the health care providers they rely upon have the resources to provide the best care possible. To that end, GNYHA strongly supports the following provisions.

The bill halts further Medicare reductions to teaching hospitals by maintaining the indirect medical education (IME) payment adjustment at 6.5 percent permanently, incorporating the provisions of your Teaching Hospital Preservation Act (S. 2394). As you know, the BBA called for a 29 percent reduction in Medicare payments to teaching hospitals for the indirect costs of medical education. The BBRA postponed the cuts by one year; however, under current law, the IME adjustment would be reduced to 6.25 percent in FY 2001 and 5.5 percent in FY 2002 and years thereafter. The Further Refinement Act freezes IME adjustments at 6.5 percent, saving America's teaching hospitals from over $2 billion in additional Medicare cuts. The bill also provides greater flexibility to allow hospitals to increase the number of residents training in geriatrics and allows hospitals to be reimbursed by Medicare for the costs of training clinical psychologists.

The bill provides a full market basket update for prospective payment system hospitals, nursing homes, and home health agencies for the next two years. Under the BBA, hospitals would have received market basket minus 1.1 percent in FY 2001 and FY 2002, and nursing homes and home health agencies would have received market basket minus 1 percent. The BBA reduced inflation updates so substantially that the market basket update reductions constituted the largest single cuts suffered by hospitals and continuing care providers under the BBA. This bill ensures Medicare payments will keep pace with the increased costs of caring for Medicare beneficiaries by providing full market basket updates.

This bill restores Medicare funding for disproportionate share hospitals (DSH) by eliminating cuts in DSH payments, thus strengthening the safety net DSH hospitals provide for low-income patients.

The bill eliminates further reductions in Medicare DSH payments to states, thus enabling states to provide critical support for hospitals that serve a disproportionate share of low-income and uninsured patients.

The bill creates a grant program to help hospitals obtain advanced information systems to improve quality and efficiency.

The bill eliminates the 15 percent reduction for home health reimbursement rates, which under current law would take affect in 2002.

The bill extends the "prudent layperson" standard to ambulance services, so that ambulance providers are not unfairly denied payment by HMOs for services legitimately provided to Medicare beneficiaries.

The Medicare, Medicaid, and SCHIP Balanced Budget Further Refinement Act of 2000 recognizes the need to improve the Medicare program by providing much-needed coverage for Medicare beneficiaries, the need to improve the Medicaid and SCHIP programs for low-income Americans, and the need to repair the damage to hospitals and continuing care providers as a result of the BBA. Without your efforts, hospitals and continuing care providers will continue to struggle to provide quality care and will be forced to close down services essential to the health care needs of their communities.

GNYHA will work diligently with members of Congress to ensure passage of this very important legislation. GNYHA would like to thank you for once again providing the strong leadership necessary to improve the health care of all New Yorkers.

My best.

Sincerely,

KENNETH E. RASKE,
*President.*

Mr. DASCHLE. Mr. President, I join today with Senator MOYNIHAN and many of our colleagues in introducing the Balanced Budget Refinement Act of 2000 (BBRA-2000).

The Balanced Budget Act of 1997 (BBA) made some justified changes in Medicare payment policy and contributed to our current budget surpluses. It also included important provisions to improve seniors' access to preventive benefits, and it created the Children's Health Insurance Program. These are important accomplishments.

But some of the policies enacted in the BBA cut providers significantly more than expected. This has created severe problems for health care providers all over the country. Last year, we took steps to correct these problems. But we did not go far enough.

When I met with hospital administrators in South Dakota earlier this summer, one told me that since the cuts from the BBA were implemented, his hospital has been just barely breaking even. Usually, that alone would be cause for concern. But then other hospital administrators told me they were jealous, because they are far from breaking even. In my state, the operating margins for hospitals with 50 or fewer beds were a relatively healthy 2 percent before the BBA. Last year, these small hospitals—which are so vital to their communities—had negative margins of 6 percent.

Hospitals are not the only health care providers facing this problem. Home health agencies, nursing homes, hospices, and many other providers are all struggling to make ends meet in the face of deeper-than-expected cuts.

The package of payment adjustments that Senate Democrats are introducing today will provide a much-needed boost to these providers—totaling $80 billion over 10 years. This will ensure that Medicare beneficiaries continue to have access to the care that we have promised them.

The bill has many provisions, but I would like to highlight a few.

For hospitals, BBRA-2000 would restore the full inflation update. It would also improve payments for Disproportionate Share Hospitals (DSH) and teaching hospitals, who provide essential care for some of the neediest patients.

Our bill repeals the 15 percent cut in home health, and delays adding medical supplies to the home health prospective payment system (PPS). These fixes are essential to an industry that has seen an unprecedented drop in spending.

For skilled nursing facilities we would restore the full inflation update, with an additional two percent increase in fiscal years 2001 and 2002. We would also delay therapy caps for two additional years so that beneficiaries do not face an arbitrary limit on the amount of care they can receive.

Although the cost of providing care at the end of life has risen dramatically, the base for hospice payments has not been changed since 1989. The bill restores the full inflation update for hospice providers, and provides a ten percent upward adjustment in hospice base rates.

We are committed to ensuring that appropriate payments are made to Medicare+Choice plans. BBRA-2000 increases the growth rate in payments to these plans and allows plans to move to a 50-50 national blend one year earlier.

The bill also improves payment for ambulance providers, medical equipment suppliers, and dialysis facilities, who all provide important services to Medicare beneficiaries.

We recognize the special circumstances of rural health care providers in our bill. The rural health provisions include increasing payments for small rural hospitals, rural home health agencies, and rural ambulance providers.

There are other steps we need to take to improve beneficiaries' access to care. The bill we are introducing today includes a package of refinements to Medicare that directly help beneficiaries. For example, the bill will build on provisions in the BBA to lower beneficiary copayments and expand preventive benefits in Medicare.

We also provide for increased access to health care through improvements to Medicaid and the Children's Health Insurance Program. These include changes to the BBA, such as improving state processes for enrolling people who are eligible for Medicaid and CHIP. We also make changes to the health-related provisions of immigration and welfare reform legislation that passed in 1996. For example, the bill would extend assistance to people who leave welfare for work.

Senate Democrats continue to believe that passage of an affordable, voluntary, meaningful Medicare prescription drug benefit is of highest priority. This bill, the Balanced Budget Refinement Act of 2000, is the next step in ensuring that beneficiaries have access to the care they need.

I want to thank Senator MOYNIHAN and his staff for their hard work putting this bill together. They have spent the last two months listening to health care providers, beneficiaries, community leaders, and members of our caucus. Through that listening process they have drafted a bill that addresses the needs of the many communities that are struggling to deal with the impact of the Balanced Budget Act.

We know the problems providers are facing in health care. And we know how to fix many of them. The bill we are introducing today is a comprehensive plan to ensure the stability that health care providers need and that beneficiaries depend on. We must take this opportunity to act, before it is too late to save some of the providers who are so close to closing their doors.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator DASCHLE, Senator MOYNIHAN, and other colleagues in introducing the Balanced Budget Refinement Act of 2000. This bill takes the next step in our continued effort to restore the excessive Medicare cuts in the Balanced Budget Act of 1997. This legislation also includes several proposals to ease the financial burden and improve care for all beneficiaries. It also includes important proposals to increase the effectiveness of Medicaid and the children's Health Insurance Program, and to improve access to care for vulnerable populations, including legal immigrant children and pregnant women. Our goal is to pass this legislation before the end of the year.

The cost-saving measures enacted by Congress as part of the Balanced Budget Act of 1997 have turned out to be far deeper than the estimates at that time, and these excessive cuts have put countless outstanding health care institutions across the country at risk.

In Massachusetts, 25 percent of home health agencies no longer serve Medicare patients. Forty-three nursing homes have closed in the state since 1998, and another 20 percent are in bankruptcy. Two out of every three hospitals in Massachusetts are losing money on patient care.

The record surpluses we currently enjoy and anticipate in the years ahead are partly due to the savings achieved by cutting Medicare in the BBA. Most of these savings came from policy and payment reforms, including actual cuts in payments for various services. While some changes were clearly justified, the overall cuts were much deeper than intended and are too severe to sustain.

Last year, in passing the Balanced Budget Refinement Act of 1999, we made a good start. It gave needed relief to Medicare providers. But when we enacted that bill last year, we also knew that it was only a down-payment, and that additional relief would be needed.

The bill we are introducing today follows through on that commitment. It would invest $80 billion over 10 years to restore payments to Medicare and Medicaid providers, improve benefits, and increase access to health care under Medicaid and CHIP. It provides the funding needed to allow these essential health professionals and institutions to do what they do best—provide the best health care possible for elderly and disabled Americans on Medicare. It will ensure that the nation's health care system is able to care responsibly for today's senior citizens, and is adequately prepared to take care of those who will be retiring in the future.

No senior citizen should be forced to enter a hospital or a nursing home because Medicare can't afford to pay for the services that will keep her in her own home and in her own community.

No person with a disability should be told that occupational therapy services are no longer available. Because legislation to balance the budget reduced the rehabilitation services they need.

No community should be told that their number one employer and provider of health care will be closing its doors or engaging in massive layoffs, because Medicare can no longer pay its fair share of health costs.

No freestanding children's hospital should wonder whether it can continue to train providers to care for children, because of uncertain federal support for its teaching activities.

Yet these scenes and many others are playing out in towns and cities across the country today, in large part due to the excessive cuts required by the Balanced Budget Act three years ago.

With the retirement of the baby boom generation, the last thing we should do is jeopardize the viability and commitment of the essential institutions that care for Medicare beneficiaries. Yet that is now happening in cities and towns across the nation. In the vast majority of cases, the providers who care for Medicare patients are the same providers who care for working families and everyone else in their community. When hospitals who serve Medicare beneficiaries are threatened, health care for the entire community is threatened too.

This legislation is an important step to maintain excellence throughout our health care system. I commend Senator DASCHLE and Senator MOYNIHAN for their leadership on this vital issue. It deserves prompt consideration by the Finance Committee and the entire Senate, and it should be enacted into law before we adjourn.

Mr. DORGAN. Mr. President, I am joining with my colleagues Senator MOYNIHAN, Senator DASCHLE, and others today to introduce the Balanced Budget Refinement Act of 2000. This legislation seeks to address some of the unintended consequences the Balanced Budget Act, BBA, of 1997 is having on access to Medicare services vital to older Americans. The BBA has had a particularly serious impact on rural health care providers, and I am pleased that the legislation we are introducing today acknowledges the special needs of rural America.

Like many of my colleagues, I supported the Balanced Budget Act when it was enacted by Congress in 1997 with strong bipartisan support. Prior to the passage of this law, Medicare was projected to be insolvent within two years (by 2001), so it was imperative that we took action to extend Medicare's financial health and to constrain its rate of growth to a more sustainable level. Thanks in part to this law, we have a flourishing economy in most parts of the country and the Medicare trust fund is projected to be solvent until 2025.

But in some respects, the Balanced Budget Act was successful beyond our wildest expectations in reducing Medicare program costs. The Congressional Budget Office originally estimated that Medicare spending would be reduced by $112 billion over five years, but instead, the reduction in spending growth has been nearly double that amount. This unexpected result is having real consequences for Medicare beneficiaries and health care providers, and Congress simply must take action to address these problems before adjourning this year.

Congress took a step in the right direction towards addressing the problems facing Medicare providers by enacting the Balanced Budget Refinement Act, BBRA, of 1999. Unfortunately, however, there is growing evidence that the negative changes resulting from the BBA have not been adequately addressed by the BBRA. Moreover, the impacts continue to disproportionately affect rural health care providers and the quality of care rural Medicare beneficiaries receive.

Part of the problem facing rural providers is simply demographics: My home state of North Dakota is the second oldest in the nation, and our overall population is shrinking. In fact, in six of North Dakota's "frontier" counties, there were 20 or fewer births for the entire county for the entire year of 1997. Admissions to rural hospitals have dropped by a drastic 60 percent in the last two decades, and those patients who do remain tend to be older and sicker. This means that rural hospitals tend to be disproportionately dependent upon Medicare reimbursement, to the extent that Medicare accounts for 85 percent of their revenue. Obviously, given this reality, changes in Medicare reimbursement have a tremendous impact on the financial health of rural hospitals.

Another part of the problem is that Medicare has historically reimbursed urban health care providers at a higher rate than their rural counterparts. Of course, some of this difference can be explained by regional differences in the cost of health care and variations in the health status of older Americans. But this isn't the whole explanation. Even after adjusting for these factors, a report by health care economists found that, for example, Medicare's per beneficiary spending was about $8,000 in Miami, but only $3,500 in Minneapolis. When average Medicare payments for the same procedure are compared, the disparities in payment in different areas of the country are dramatic. For example, Medicare pays $6,588 for the treatment of simple pneumonia in the District of Columbia, but only $3,383 in North Dakota. In my opinion, this difference is largely explained by a Medicare reimbursement system that is skewed in favor of urban areas. For the most part, the BBA further perpetuates this inequity, despite efforts by some of us to address this concern.

There are a few areas of the Balanced Budget Act and BBRA that I think warrant further scrutiny and action, and these areas are addressed in the legislation being introduced today. The first is hospital payments, particularly for outpatient services. A recent analysis by a health policy research firm estimates that the BBA would reduce Medicare payments to North Dakota hospitals by $163.8 million between FY 1998 and FY2002. The BBRA passed last year restores only $16 million of those reductions. So even with BBRA refinements, North Dakota hospitals face a loss of $147.8 million in revenues. Outpatient services are a particularly critical component of care in many North Dakota hospitals: 40 percent of the hospitals in my state get more than half of their revenues from outpatient services. Senator DASCHLE and MOYNIHAN's legislation will address the problems faced by rural hospitals by, among other things, providing a full inflation increase in Medicare payments to all hospitals in 2001 and 2002 and holding rural hospitals permanently harmless from the outpatient prospective payment system.

This legislation also addresses the issue of home health reimbursement. Nearly 70 percent of the home health agencies in my home state are hospital-based, so the changes in home-health reimbursement are having a domino effect on North Dakota's hospitals. I am concerned that the Health Care Financing Administration's, HCFA, proposed rule for the new home health Prospective Payment System, PPS, does not take account of the smaller size of rural home health agencies and the higher fixed costs per visit. And, HCFA did not take sufficient account of the greater travel cost per visit in rural areas, and the higher incidence of chronic illness in rural communities. Today's legislation would address this concern by providing a 10 percent increase in rural home health payments for the next two years and repealing the 15 percent cut in home health reimbursement scheduled to take place on October 1, 2001.

This legislation also proposes other changes I think are worth further mention, including a further delay in the arbitrary caps on the amount of physical, speech, and occupational therapy Medicare beneficiaries can receive, and a 10 percent increase in the base payment rate for hospice care, which hasn't been increased in over a decade.

Finally, while all of the provisions of this bill will together help to ensure that Medicare beneficiaries can continue to rely on the quality care they need and expect, this legislation includes a number of changes that will also make Medicare an even better deal. In particular, this bill will expand Medicare's emphasis on preventive medicine by adding such benefits as coverage for glaucoma screening, counseling for smoking cessation, and nutrition therapy. The bill will also eliminate the current three-year time limit on Medicare's coverage of immunosuppressive drugs, the expensive medicines that transplant recipients need to keep their bodies from rejecting their new organs or tissue.

In short, the Balanced Budget Refinement Act of 2000 addresses many of the needs and concerns of Medicare beneficiaries and health care providers. I hope this legislation will help lay the framework for the enactment of bipartisan legislation to address these issues before the 106th Congress goes home.

Mr. JOHNSON. Mr. President, I am pleased to cosponsor the Balanced Budget Refinement Act introduced today that works to correct the inequities of Medicare reforms included in the Balanced Budget Act (BBA) of 1997.

I would like to commend Senator DASCHLE for his tremendous efforts on this issue and for his leadership with the introduction of this bill. As well, I congratulate a number of my other colleagues who have contributed immensely to the crafting of this critically important piece of legislation, including Senators MOYNIHAN, ROCKEFELLER, CONRAD, GRAHAM, KERREY, ROBB, BAUCUS, BREAUX and others.

By way of background, as part of the effort to balance the federal budget, the BBA of 1997 provided for major reforms in the way Medicare pays for medical services. The BBA made some important changes in Medicare payment policy and contributed to our current period of budget surpluses through significant cost savings in Medicare. These changes were originally expected to cut Medicare spending by about $112 billion over five years, according to the Congressional Budget Office (CBO).

However, projections showed spending falling nearly twice that much, and as a result, unintended payment cuts to providers had deepened more significantly than expected. In the face of these profound cuts, health care providers began to struggle, and beneficiary access to care became threatened, due to forced reductions in services especially in rural parts of the country such as South Dakota. As a result, Congress addressed some of these unintended consequences of the BBA by enacting the Balanced Budget Refinement Act (BBRA) last year which provided $16 billion over 5 years in payments to various Medicare providers, including: Hospital Outpatient Departments; Skilled Nursing Facilities; Rural Health Providers; Home Health Agencies; Medicare HMOs; and Teaching Hospitals. The impact in South Dakota indicated that approximately 9% of Medicare funding reductions imposed by the BBA of 1997 were returned as a result of the BBRA passed last year, resulting in approximately $15.3 million being restored to South Dakota Medicare providers.

While this was certainly a step in the right direction, the BBRA of 1999 did not do enough as concerns from hospital and nursing home administrators, home health facilities, rural health providers, ambulance services and Medicare beneficiaries continued to be heard across the country.

Not surprising, I continue to hear from many South Dakota safety net providers about the devastating effects such reductions in Medicare reimbursements are having throughout the health care industry in my home state. Consumers are also feeling the pain, as many individuals are being turned away from hospitals and nursing homes who cannot afford to accept new patients because of the lower reimbursement rates included in BBA of 1997. The undesirable and unintended cuts are devastating and feared to have severe implications on the quality and access of health care throughout our nation, including South Dakota, unless Congress acts immediately to further correct these problems. In South Dakota, and other rural parts of the country, hospitals and other health care providers have an extremely high percentage of Medicare beneficiaries making these cuts in reimbursement even more devastating. If Congress does not act in a timely fashion many of these providers may be forced to close their doors.

Nowhere can we see the impact of closures more evident than within the nursing home industry. Nursing homes are experiencing closures at record rates across the country. In South Dakota, just last month we endured our first nursing home closure in Parker, South Dakota. Not only was this devastating for residents and workers, but the domino economic impact that goes hand in hand with such a facility closure is enormous for small communities to absorb.

As well, one does not have to look far in my home state of South Dakota to see the impact many other health care providers and facilities are experiencing. Furthermore, the consequences are being felt across the board, from larger health systems in South Dakota communities such as Sioux Falls, Rapid City and Aberdeen, to medium centers in Brookings, Watertown, Pierre and Yankton, to the smaller rural facilities in places like Martin, Edgemont,. Gregory, Miller, Hot Springs and Redfield, just to name a few. The situation is arduous for many of these facilities, who often carry the immense task of being the sole health care provider in the entire county. By way of example, Gregory Healthcare Center is a 26 bed rural hospital serving approximately 9,000 people. Not surprising, Gregory is the only local provider to offer a range of services including surgery, obstetrics, and various therapies, and also operates the only home health agency in the area. The facility in Gregory was forced to cut back its' home health services as a result of the BBA Medicare reductions. Many individuals once benefiting from specialized medication oversight and condition management services through Gregory's home health agency were now at home performing these services on their own, resulting in some cases to unnecessary hospitalizations. The situation in Gregory is by far not an isolated situation and facilities nationwide are being forced to cut services just to survive. Whether it be Gregory, South Dakota, or one of far too many other facilities in this country with similar issues, these are direct examples of the intense real life situations that facilities, providers and beneficiaries are experiencing every day as a result of inadequate BBA adjustments, payment updates and beneficiary protections.

Therefore, I stand in strong support of the BBRA legislation being introduced today which will address problems facing vital health care services. I look forward to working with my colleagues on passage of the BBRA of 2000 which develops a creative, cost-effective approach to address the unintended, long-term consequences of the BBA. The proposed budget surplus provides Congress the unique opportunity to address many of the deficiencies in our nation's health care system. We need to address the valid concerns of teaching hospitals, skilled nursing facilities, home health providers, rural and community hospitals, and other health care providers who require relief from the consequences of the BBA.

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Mr. DOMENICI:

S. 3078. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Santa Fe Regional Water Management and River Restoration Project; to the Committee on Energy and Natural Resources.

### RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT

Mr. DOMENICI. Mr. President, I am pleased today to be introducing a bill authorizing the next logical step in the City of Santa Fe's Regional Water Management and River Restoration Strategy. This bill allows the Secretary of Interior to participate in the design, planning and construction of the Santa Fe, New Mexico, regional water management and river restoration project, consisting of the diversion and reuse of water, the conversion of irrigation uses from potable water to reclaimed water, and the use of reclaimed water to restore Santa Fe River flows.

Limited water resources in the Santa Fe region and increased demands threaten the sustainability of surface and groundwater supplies. The Regional Water Management and River Restoration Strategy is a comprehensive, collaborative plan to responsibly and sustainability address the region's water supply needs. The full program goals are to return flow to the river, protect riparian habitat and the traditional, cultural and religious uses of the water.

The Santa Fe area has been working overtime to determine how best to improve its water supply. I have been proud to help fund its efforts. The FY99 Energy and Water Appropriations Act provided $450,000 and the FY 2000 Energy and Water Appropriations Act included $750,000 to support the Santa Fe Regional Water Management and River Restoration initiative to address long-term water supplies in the greater Santa Fe area. That funding allowed the Bureau of Reclamation to continue and complete environmental studies required under the National Environmental Policy Act for the comprehensive plan to improve Santa Fe's regional water supplies through a reuse program and restoration of the Santa Fe River watershed.

I was also pleased to gain approval for $750,000 to support the project in the Senate FY01 VA/HUD bill to assist in the planning, coordination and development of restoration projects for the Santa Fe River under a comprehensive, watershed-based implementation program. The funding, provided through EPA's Environmental Programs and Management program, would help the WMRRS reuse treated effluent to augment streamflow, recharge the regional aquifer, and enhance the riparian habitat and recreational uses within the Santa Fe River corridor.

The Santa Fe Water Management and River Restoration Strategy is a cooperative partnership among Santa Fe County, the city of Santa Fe, and the San Ildefonso Pueblo. The city of Española, the Eldorado Water and Sanitation District, and the Northern Pueblos Tributary Water Rights Association (representing San Ildefonso, Nambé, Pojoaque and Tesuque pueblos) are also involved.

In June of this year, a $601,000 grant was awarded to the project following my request in the FY 2000 Veterans' Affairs, Housing and Urban Development and Independent Agencies (VA-HUD) Appropriations Bill. The funding was awarded through the Department of Housing and Urban Development's Economic Development Initiative (EDI) program.

This funding represents federal support for the effort to rehabilitate the Santa Fe River, a project that is one aspect of an overall initiative to address the future of water in the Santa Fe area. Those funds will be used for urban river restoration planning, source water protection planning, and development of a comprehensive trails and open space plan.

This authorizing legislation takes the water management strategy to the next phase. The plan has already been backed by a local and regional commitment of at least $2.7 million for the multi-year program. The sponsors of the program have requested this authorization to provide additional financial support for this project. This legislative authority will make the project eligible for future funding as the project is developed, as well as federal cooperation with the surrounding pueblos. I hope that this body can take swift action on the worthy legislation.

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By Mr. HATCH:

S. 3082. A bill to amend title XVIII of the Social Security Act to improve the manner in which new medical technologies are made available to Medicare beneficiaries under the Medicare Program, and for other purposes; to the Committee on Finance.

### MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT 20000

Mr. HATCH. Mr. President, when I first introduced this legislation over one year ago, Medicare beneficiaries with advanced heart disease could not gain access to ventriculaassist devices. Medicare patients who could have benefitted from cochlear implants did not receive them.

It is now over a year later. Unfortunately, these problems still persist. Medicare beneficiaries still have trouble gaining access to many technologies that are covered under private plans. And while the Omnibus Budget legislation for FY 2001 addressed the overall problem and by addressing access concerns for Medicare beneficiaries, there is still plenty of work that needs to be done. That is why I am introducing the Medicare Patient Access to Technology Act 2000 today.

We must eliminate the delays and barriers to access that have arisen in the way Medicare decides to cover, code and pay for new devices and diagnostics. The measure I am introducing today is identical to legislation introduced by Congressman JIM RAMSTAD and Congresswoman KAREN THURMAN earlier this year. It seeks to build off of the success we had last year in the Balanced Budget Refinement Act. The BBRA represented an important first step in creating a Medicare program that provides timely access to needed treatments.

The BBRA, which was signed into law as part of last year's omnibus budget legislation made significant changes. We crafted special temporary payments for new breakthrough technologies to ensure they are provided to Medicare beneficiaries in a timely manner. We also established payment categories that better reflect advances in clinical practice and technology.

The Medicare Patient Access to Technology Act 2000 recognizes that all Medicare beneficiaries, not just those in the outpatient setting, should be able to benefit from these kinds of improvements.

The bill would require: annual updates of Medicare's payment programs; temporary procedure codes to be issued by Medicare for new technologies at the time of FDA review; quarterly updates of Medicare's payment codes; external data to be used to improve the timeliness and appropriateness of reimbursement decisions; and annual reports be made on the timeliness of its coverage, coding and payment decisions.

There are some notable changes in this new version of the bill:

A provision to extend the issuance of temporary codes and quarterly coding updates to inpatient, or ICD-9, codes as well as outpatient (HCPCS) codes.

A provision to require HCFA to create open, timely procedures and sound methods for making coding and payment decisions for new diagnostic tests. It would also give stakeholders the ability to appeal a coding or payment decision for a diagnostic test.

This legislation will provide assistance to Medicare beneficiaries who currently face almost insurmountable barriers to advanced technologies.

Without this bill, Medicare will continue to fall far short of making the latest technologies and procedures available to beneficiaries in a timely manner.

I will fight for enactment of this bill in an effort to make sure that our seniors have access to the advanced treatments that can save and improve their lives.

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By Mr. LEAHY (by request):

S. 3083. A bill to enhance privacy and the protection of the public in the use of computers and the Internet, and for other purposes; to the Committee on the Judiciary.

### ENHANCEMENT OF PRIVACY AND PUBLIC SAFETY IN CYBERSPACE ACT

Mr. LEAHY. Mr. President, at the end of July, the administration transmitted to the Senate and the House of Representatives legislation intended to increase privacy and security in cyberspace. Today, at the request and on behalf of the Administration, I introduce this legislation, the Enhancement of Privacy and Public Safety in Cyberspace Act.

The White House Chief of Staff, John Podesta, announced the administration's cyber-security proposal in an important speech at the National Press Club on Monday, July 17, 2000. This is a complex area that requires close attention to get the balance among law enforcement, business and civil liberties interests just right. I welcome the Administration's participation in this debate on the privacy implications of government surveillance, which certainly deserves just as much attention as the issue of the collection and dissemination of personally-identifiable information by the private-sector.

The means by which law enforcement authorities may gain access to a person's private "effects" is no longer limited by physical proximity, as it was at the time the Framers crafted our Constitution's Fourth Amendment right of the American people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures. New communications methods and surveillance devices have dramatically expanded the opportunities for surreptitious law enforcement access to private messages and records from remote locations.

One example of these devices is the Federal Bureau of Investigation's Carnivore software program, which screens Internet traffic and captures information targeted by court orders. The Senate and House Judiciary Committees have both conducted hearings on Carnivore to discuss how the software works and whether it minimizes intrusion or maximizes the potential for government abuse. The Attorney General is arranging for an independent technical review of Carnivore, and I look forward to reviewing the results.

In short, new communications technologies pose both benefits and challenges to privacy and law enforcement. The Congress has worked successfully in the past to mediate this tension with a combination of stringent procedures for law enforcement access to our communications and legal protections to maintain their privacy and confidentiality, whether they occur in person or over the telephone, fax machine or computer. In 1968, the Congress passed comprehensive legislation authorizing government interception, under carefully defined circumstances, of voice communications over telephones or in person in Title III of the Omnibus Crime Control and Safe Streets Act.

We returned to this important area in 1986, when we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, that outlined procedures for law enforcement access to electronic mail systems and remote data processing systems, and that provided important privacy safeguards for computer users.

The Administration's legislation is an important contribution to the ongoing debate over the sufficiency of our current laws in the face of the exponential growth of computer and communications networks. In fact, this legislation contains some proposals which I support. For example, the bill would allow judicial review of pen register orders so the judge is not just a rubber stamp, and would update the wiretap laws to apply the same procedural rules to e-mail intercepts as to phone intercepts.

Nevertheless, the merits of other provisions in this legislation would benefit from additional scrutiny and debate. For example, the legislation proposes elimination of the current $5,000 threshold for large categories of federal computer crimes. This would lower the bar for federal investigative and prosecutorial attention with the result that lesser computer abuses could be converted into federal crimes.

Specifically, federal jurisdiction currently exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of aggregate damage or cause another specified injury, such as the impairment of medical treatment, physical injury to a person or a threat to public safety. Elimination of the $5,000 threshold would criminalize a variety of minor computer abuses, regardless of whether any significant harm results. Our federal laws do not need to reach each and every minor, inadvertent and harmless hacking offense—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate. This can be accomplished, as I have done in the Internet Security Act, S. 2430, which I introduced earlier this year, by simply adding an appropriate definition of "loss" to the statute.

Prior Congresses have declined to over-federalize computer offenses and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> The Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect interstate or foreign commerce. (H.Rep. 98-894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that "the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered." (S. Rep. 99-432, at p. 4, September 3, 1986).

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidentally deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the Administration's legislation, this unauthorized access to the professor's computer would constitute a federal offense.

As the Congress considers changes in our current laws with a view to updating our current privacy safeguards from unreasonable government surveillance, I commend the administration for focusing attention on this important issue by transmitting its legislative proposal.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3083

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Enhancement of Privacy and Public Safety in Cyberspace Act".

**SEC. 2. COMPUTER CRIME.**

(a) FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.—

(1) OFFENSES.—Subsection (a) of section 1030 of title 18, United States Code, is amended—

(A) in paragraph (3), by striking "accesses such a computer" and inserting "or in excess of authorization to access any nonpublic computer of a department or agency of the United States, accesses a computer"; and

(B) in paragraph (7), by striking ", firm, association, educational institution, financial institution, government entity, or other legal entity,".

(2) ATTEMPTED OFFENSES.—Subsection (b) of that section is amended by inserting before the period the following: "as if such person had committed the completed offense".

(3) PUNISHMENT.—Subsection (c) of that section is amended—

(A) in paragraph (1), by striking ", or an attempt to commit an offense punishable under this subparagraph" each place it appears in subparagraphs (A) and (B);

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) except as provided in subparagraphs (B) and (C) of this subparagraph, a fine under this title or imprisonment for not more than one year, or both, in the case of an offense under subsection (a)(2), (a)(3), (a)(5), or (a)(6) of this section which does not occur after a conviction for another offense under this section;";

(ii) in subparagraph (B), by adding "and" at the end; and

(iii) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(5)(A) or (a)(5)(B) if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(i) loss to one or more persons during any one year period (including loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least $5,000;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;

"(iii) physical injury to any individual;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security;";

(C) in paragraph (3)—

(i) by striking "(3)(A)" and inserting "(3)";

(ii) by striking ", (a)(5)(A), (a)(5)(B),";

(iii) by striking ", or an attempt to commit an offense punishable under this subparagraph;"; and

(iv) by striking subparagraph (B); and

(D) by adding at the end the following new paragraph:

"(4) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under subsection (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), or (a)(7) of this section which occurs after a conviction for another offense under this section.".

(4) Investigative Authority of United States Secret Service.—Subsection (d) of that section is amended—

(A) in the first sentence, by striking "subsections (a)(2)(A), (a)(2)(B), (a)(3), (a)(4), (a)(5), and (a)(6) of"; and

(B) in the second sentence, by striking "which shall be entered into by" and inserting "between".

(5) Definitions.—Subsection (e) of that section is amended—

(A) in paragraph (2)(B), by inserting before the semicolon the following: ", including a computer located outside the United States";

(B) in paragraph (7), by striking "and" at the end;

(C) in paragraph (8), by striking "or information," and all that follows through the end of the paragraph and inserting "or information;";

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

"(10) the term 'conviction for another offense under this section' includes—

"(A) an adjudication of juvenile delinquency for a violation of this section; and

"(B) a conviction under State law for a crime punishable by imprisonment for more than one year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' means any reasonable cost to any victim, including responding to the offense, conducting a damage assessment, restoring any data, program, system, or information to its condition before the offense, and any revenue lost or costs incurred because of interruption of service; and

"(12) the term 'person' includes any individual, firm, association, educational institution, financial institution, corporation, company, partnership, society, government entity, or other legal entity.".

(6) Civil Actions.—Subsection (g) of that section is amended to read as follows:

"(g) Any person who suffers damage or loss by reason of a violation of this section may maintain a civil action against the violator to obtain compensatory damages and injunctive or other equitable relief. An action under this subsection for a violation of subsection (a)(5) may be brought only if the conduct involves one or more of the factors set forth in subsection (c)(2)(C). No action may be brought under this subsection unless such action is begun within 2 years of the date of the act complained of or the date of the discovery of the damage.".

(7) Forfeiture.—That section is further amended—

(A) by redesignating subsection (h) as subsection (j); and

(B) by inserting after subsection (g), as amended by paragraph (6) of this subsection, the following new subsections (h) and (i):

"(h)(1) The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) such person's interest in any property, whether real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, whether real or personal, constituting or derived from, any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

"(i)(1) The following shall be subject to forfeiture to the United States, and no property right shall exist in them:

"(A) Any property, whether real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this section.

"(B) Any property, whether real or personal, which constitutes or is derived from proceeds traceable to any violation of this section.

"(2) The provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.".

(b) Amendments to Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to ensure any individual convicted of a violation of paragraph (4) or a felony violation of paragraph (5)(A), but not a felony violation of paragraph (5)(B) or (5)(C), of section 1030(a) of title 18, United States Code, is imprisoned for not less than 6 months.

(c) Communications Matters.—

(1) In General.—Section 223(a)(1) of the Communications Act of 1934 (47 U.S.C. 223(a)(1)) is amended—

(A) in subparagraphs (C) and (E), by inserting "or interactive computer service" after "telecommunications device";

(B) in subparagraph (D), by striking "or" at the end; and

(C) by adding after subparagraph (E) the following new subparagraph:

"(F) with the intent to cause the unavailability of a telecommunications device or interactive computer service, or to cause damage to a protected computer (as those terms are defined in section 1030 of title 18, United States Code), causes or attempts to cause one or more other persons to initiate communication with such telecommunications device, interactive computer service, or protected computer; or".

(2) Conforming Amendment.—The section heading of that section is amended by striking "**TELEPHONE CALLS**" and inserting "**COMMUNICATIONS**".

### SEC. 3. INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

(a) Definitions.—Section 2510 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking "electronic storage" and inserting "interim storage";

(2) in paragraph (10), by striking "section 153(h) of title 47 of the United States Code" and inserting "section 3(10) of the Communications Act of 1934 (47 U.S.C. 153(10))";

(3) in paragraph (14)—

(A) by striking "of electronic" and inserting "of wire or electronic"; and

(B) by striking "electronic storage" and inserting "interim storage"; and

(4) in paragraph (17)—

(A) by striking "'electronic storage'" and inserting "'interim storage'"; and

(B) in subparagraph (A), by inserting "by an electronic communication service" after "intermediate storage".

(b) Prohibition on Interception and Disclosure of Communications.—Section 2511 of that title is amended—

(1) in subsection (2)—

(A) in paragraph (a)(i), by striking "on officer" and inserting "an officer";

(B) in paragraph (f)—

(i) by inserting "or 206" after "chapter 121"; and

(ii) by striking "wire and oral" and inserting "wire, oral, and electronic"; and

(C) in paragraph (g), by striking clause (i) and inserting the following new clause (i):

"(i) to intercept or access a wire or electronic communication (other than a radio communication) made through an electronic communications system that is configured so that such communication is readily accessible to the general public;"; and

(2) in subsection (4)—

(A) in paragraph (a), by striking "in paragraph (b) of this subsection or";

(B) by striking paragraph (b); and

(C) by redesignating paragraph (c) as paragraph (b).

(c) Prohibition on Use of Evidence of Intercepted Communications.—Section 2515 of that title is amended—

(1) by striking "Whenever any wire or oral communication" and inserting "(a) Except as provided in subsection (b), whenever any wire, oral, or electronic communication"; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall not apply to the disclosure, before a grand jury or in a criminal trial, hearing, or other criminal proceeding, of the contents of a communication, or evidence derived therefrom, against a person alleged to have intercepted, used, or disclosed the communication in violation of this chapter, or participated in such violation.".

(d) Authorization for Interception of Communications.—Section 2516 of that title is amended—

(1) in subsection (1)—

(A) by striking "wire or oral" in the matter preceding paragraph (a) and inserting "wire, oral, or electronic";

(B) in paragraph (b), by inserting "threat," after "robbery,";

(C) by striking the first paragraph (p) and inserting the following new paragraph (p):

"(p) a felony violation of section 1030 of this title (relating to computer fraud and abuse), a felony violation of section 223 of the Communications Act of 1934 (47 U.S.C. 223) (relating to abusive communications in interstate or foreign commerce), or a violation of section 1362 of this title (relating to destruction of government communications facilities); or"; and

(D) by redesignating the second paragraph (p) as paragraph (q); and

(2) in subsection (3), by striking "electronic communications" and inserting "one-way pager communications".

(e) Authorization for Disclosure or Use of Intercepted Communications.—Section 2517 of that title is amended in subsections (1) and (2) by inserting "or under the circumstances described in section 2515(b) of this title" after "by any means authorized by this chapter".

(f) Procedure for Interception.—Section 2518 of that title is amended—

(1) in subsection (7), by striking "subsection (d)" and inserting "subsection (8)(d)"; and

(2) in subsection (10)—

(A) in paragraph (a)—

(i) in the matter preceding subparagraph (i), by striking "wire or oral" and inserting "wire, oral, or electronic"; and

(ii) in the flush matter following subparagraph (iii)—

(I) by striking "intercepted wire or oral communication" and inserting "intercepted communication"; and

(II) by adding at the end the following new sentence: "No suppression may be ordered under this paragraph under the circumstances described in section 2515(b) of this title."; and

(B) by striking paragraph (c).

(g) Civil Damages.—Section 2520(c)(2) of that title is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "court may" and inserting "court shall"; and

(B) by striking "greater" and inserting "greatest";

(2) in subparagraph (A), by striking "or" at the end;

(3) in subparagraph (B), by striking "whichever is the greater of $100 a day for each day of violation or $10,000." and inserting "$500 a day for each day of violation; or"; and

(4) by adding at the end the following new subparagraph:

"(C) statutory damages of $10,000.".

(h) Conforming and Clerical Amendments.—

(1) Conforming amendment.—The section heading of section 2515 of that title is amended to read as follows:

**"§ 2515. Prohibition on use as evidence of intercepted wire, oral, or electronic communications".**

(2) Clerical amendment.—The table of sections at the beginning of chapter 119 of that title is amended by striking the item relating to section 2515 and inserting the following new item:

"2515. Prohibition on use as evidence of intercepted wire, oral, or electronic communications.".

## SEC. 4. ELECTRONIC COMMUNICATIONS PRIVACY.

(a) Unlawful Access to Stored Communications.—Section 2701 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "electronic storage" and inserting "interim storage";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "purposes of" in the matter preceding subparagraph (A) and inserting "a tortious or illegal purpose,";

(ii) in subparagraph (A) by striking "one year" and inserting "five years"; and

(iii) in subparagraph (B) by striking "two years" and inserting "ten years"; and

(B) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) in any other case—

"(A) a fine under this title or imprisonment for not more than one year, or both, in the case of a first offense under this subparagraph; and

"(B) a fine under this title or imprisonment for not more than five years, or both, for any subsequent offense under this subparagraph.".

(b) Disclosure of Contents.—Section 2702 of that title is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "person or entity providing an" and inserting "provider of";

(ii) by striking "electronic storage" and inserting "interim storage"; and

(iii) by striking "and" at the end;

(B) in paragraph (2)—

(i) by striking "person or entity providing" and inserting "provider of"; and

(ii) striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2) of this subsection) to any governmental entity.";

(2) in subsection (b)—

(A) in the subsection caption, by inserting "for Disclosure of Communications" after "Exceptions";

(B) in the matter preceding paragraph (1), by striking "person or entity" and inserting "provider described in subsection (a)";

(C) in paragraph (6)—

(i) in subparagraph (A)(ii), by striking "or" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information."; and

(3) by adding at the end the following new subsection:

"(c) Exceptions for Disclosure of Customer Records.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2) of subsection (a))—

"(1) as otherwise authorized in section 2703 of this title;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity if not otherwise prohibited by law.".

(c) Requirements for Governmental Access.—Section 2703 of that title is amended—

(1) in subsection (a), by striking "electronic storage" each place it appears and inserting "interim storage";

(2) in subsection (b)(1)(B), by striking clause (i) and inserting the following new clause (i):

"(i) uses a Federal or State grand jury or trial subpoena, or a subpoena or equivalent process authorized by a Federal or State statute; or";

(3) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by redesignating subparagraph (C) of paragraph (1) as paragraph (2);

(C) in paragraph (2), as so redesignated—

(i) by striking "an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena" and inserting "a Federal or State grand jury or trial subpoena, or a subpoena or equivalent process authorized by a Federal or State statute,"; and

(ii) by striking "subparagraph (B)," and inserting "paragraph (1),"; and

(D) in paragraph (1)—

(i) by striking "(A) Except as provided in subparagraph (B)," and inserting "A governmental entity may require";

(ii) by striking "may disclose" and inserting "to disclose";

(iii) by striking "to any person other than a governmental entity.";

(iv) by striking "(B) A provider of" through "to a governmental entity";

(v) by redesignating clauses (i) through (iv) as subparagraphs (A) through (D);

(vi) by striking "or" at the end of subparagraph (C), as so redesignated;

(vii) by striking the period at the end of subparagraph (D), as so redesignated, and inserting "; or"; and

(viii) by adding after subparagraph (D), as so redesignated, the following new subparagraph:

"(E) seeks information pursuant to paragraph (2)."; and

(4) in subsection (d)—

(A) by striking "subsection (c)" and inserting "subsection (c)(1)"; and

(B) by striking "section 3127(2)(A)" and inserting "section 3127(2)".

(d) Delayed Notice.—Section 2705(a) of that title is amended—

(1) in paragraph (1)(B), by striking "an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury subpoena" and inserting "a Federal or State grand jury or trial subpoena, or a subpoena or equivalent process authorized by a Federal or State statute,"; and

(2) in paragraph (4), by striking "by the court" and all that follows through the end of the paragraph and inserting ", upon application, if the court determines that there is reason to believe that notification of the existence of the court order or subpoena may have an adverse result described in paragraph (2) of this subsection.".

(e) Civil Action.—Section 2707(e)(1) of that title is amended by inserting "a request of a governmental entity under section 2703(f) of this title," after "subpoena,".

(f) Conforming and Clerical Amendments.—

(1) Conforming amendments.—(A) The section heading of section 2702 of that title is amended to read as follows:

**"§ 2702. Voluntary disclosure of customer communications or records".**

(B) The section heading of section 2703 of that title is amended to read as follows:

**"§ 2703. Required disclosure of customer communications or records".**

(2) Clerical amendment.—The table of sections at the beginning of chapter 121 of that title is amended by striking the items relating to sections 2702 and 2703 and inserting the following new items:

"2702. Voluntary disclosure of customer communications or records.".

"2703. Required disclosure of customer communications or records.".

## SEC. 5. PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) General Prohibition on Use.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) APPLICATION FOR ORDER.—Section 3122(b)(2) of that title is amended by striking "certification by the applicant" and inserting "statement of facts showing".

(c) ISSUANCE OF ORDER.—Section 3123 of that title is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds, based on facts contained in the application, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. Such order shall, upon service of such order, apply to any entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order.

"(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds, based on facts contained in the application, that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.";

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "line"; and

(ii) by inserting "or applied" after "attached"; and

(B) in subparagraph (C)—

(i) by striking "the number" and inserting "the attributes of the communications to which the order applies, such as the number or other identifier,";

(ii) by striking "physical";

(iii) by inserting "or other facility" after "line";

(iv) by inserting "or applied" after "attached"; and

(v) by inserting "authorized under subsection (a)(2) of this section" after "device" the second place it appears; and

(4) in subsection (d)(2)—

(A) by inserting "or other facility" after "line";

(B) by inserting "or applied" after "attached"; and

(C) by striking "has been ordered by the court" and inserting "is obligated by the order".

(d) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) an immediate threat to a national security interest; or

"(D) an ongoing attack on the integrity or availability of a protected computer punishable pursuant to section 1030(c)(2)(C) of this title,".

(e) DEFINITIONS.—Section 3127 of that title is amended—

(1) in paragraph (2), by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or United States Court of Appeals having jurisdiction over the offense being investigated; or";

(2) in paragraph (3)—

(A) by striking "electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached" and inserting "dialing, routing, addressing, and signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears;

(3) in paragraph (4)—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument or device from which a wire or electronic communication was transmitted" and inserting "or other dialing, routing, addressing, and signaling information relevant to identifying the source of a wire or electronic communication";

(4) in paragraph (5), by striking "and" at the end;

(5) in paragraph (6), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following new paragraph:

"(7) the term 'protected computer' has the meaning given that term in section 1030(e) of this title.".

### SEC. 6. JUVENILE MATTERS.

Section 5032 of title 18, United States Code, is amended in the first undesignated paragraph by inserting after "section 924(b), (g), or (h) of this title," the following: "or is a violation of section 1030(a)(1), section 1030(a)(2)(B), section 1030(a)(3), or a felony violation of section 1030(a)(5) where such felony violation of section 1030(a)(5) is eligible for punishment under section 1030(c)(2)(C)(ii) through (v) of this title,".

### SEC. 7. PROTECTION OF CABLE SERVICE SUBSCRIBER PRIVACY.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(D) required under chapter 119, 121, or 206 of title 18, United States Code, except that disclosure under this subparagraph shall not include records revealing customer cable television viewing activity."; and

(2) in subsection (h), by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

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Mr. HATCH:

S. 3084. A bill to amend title XVIII of the Social Security Act to provide for State accreditation of diabetes self-management training programs under the Medicare Program; to the Committee on Finance.

### STATE ACCREDITATION OF DIABETES SELF-MANAGEMENT TRAINING PROGRAMS UNDER THE MEDICARE PROGRAM

Mr. HATCH. Mr. President, today, I am introducing legislation that will allow all state diabetes education programs to be reimbursed by the Medicare program. Currently, state diabetes education programs that only have state certification are not able to receive Medicare reimbursement for the fine work that they do as far as educating diabetics in the communities. As a result, these individuals have less access to the education that they need to control their diabetes.

This issue was brought to my attention by the Program Director of the Utah Diabetes Control Program. There are 32 diabetes education programs in Utah that are either Utah certified or recognized by the American Diabetes Association. Eighteen of those programs have only state certification and seven of those are located in rural communities of Utah, including Moab, Price, Roosevelt, Gunnison, Payson, and Tooele.

Without this legislation, these 18 programs cannot be reimbursed by Medicare unless they are certified by the American Diabetes Association. In Utah, our state certification program exceeds national standards. In addition to submitting an application and documentation that the education programs meet the national standards, Utah Diabetes Control Program staff conduct site visits with all applying programs. The staff also collects data through annual reports to assess continued quality and outcomes.

One of the biggest concerns that has been brought to my attention by the Utah Department of Health is that the American Diabetes Association charges $850 for state programs to apply for ADA certification. The smaller state diabetes education programs have indicated that the ADA fee is cost-prohibitive for them, especially in the more rural areas. On the other hand, state certification is free to all applicants.

I understand that this problem not only exists in Utah, but across the country. I believe that this matter needs to be addressed by Congress so that all Medicare beneficiaries, regardless of where they live, will have access to diabetes education programs.

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By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. CLELAND, and Mrs. MURRAY):

S. 3085. A bill to provide assistance to mobilize and support United States communities in carrying out youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens; to the Committee on Health, Education, Labor, and Pensions.

### THE YOUNGER AMERICANS ACT

Mr. JEFFORDS. Mr. President, I rise today to introduce the Younger American's Act with Senators KENNEDY, CLELAND, and MURRAY. This legislation embraces the belief that youth are not only our nation's most valuable resource, they also are our most important responsibility. The needs of youth must be moved to a higher priority on our nation s agenda.

It is not enough that government responds to youth when they get into trouble with drugs, teen pregnancy, and violence. We need to strengthen the positive rather than simply respond to the negative. Positive youth development, the framework for the Younger American's Act, is not just about preventing bad things from happening, but giving a nudge to help good things happen. And we know that it works.

Evaluations of Big Brothers/Big Sisters, Boys and Girls Clubs, and other youth development programs have demonstrated significant increases in parental involvement, youth participation in constructive education, social and recreation activities, enrollment in post-secondary education, and community involvement. Just as important, youth actively participating in youth development programs show decreased rates of school failure and absenteeism, teen pregnancy, delinquency, substance abuse, and violent behavior.

We also know that risk taking behavior increases with age. One third of the high school juniors and seniors participate in two or more health risk behaviors. That is why it is important to build a youth development infrastructure that engages youth as they enter pre-adolescence and keeps them engaged throughout their teen years. The Younger American's Act is targeted to youth aged ten to nineteen. This encompasses both the critical middle-school years, as well as the increasingly risky high school years.

The Younger American's Act is about framing a national policy on youth. Up until now, government has responded to kids after they have gotten into trouble. We must take a new tack. Instead of just treating problems, we have to promote healthy development. We have to remember that just because a kid stays out of trouble, it doesn't mean that he or she is ready to handle the responsibilities of adulthood. Research has shown that kids want direction, they want close bonds with parents and other adult mentors. And I believe we owe them that. Ideally, this comes from strong families, but communities and government can help.

In order to keep kids engaged in positive activities, youth must be viewed as resources: as active participants in finding solutions to their own problems. Parents also must be part of those solutions. This legislation requires that youth and parents be part of the decision-making process on the federal and local levels.

The United States does not have a cohesive federal policy on youth. Creating an Office on National Youth Policy within the White House not only raises the priority of youth on the federal agenda, but provides an opportunity to more effectively coordinate existing federal youth programs to increase their impact on the lives of young Americans. The efforts of the Office of National Youth Policy in advocating for the needs of youth, and the Department of Health and Human Service in implementing the Younger American's Act will be helped by the Council on National Youth Policy. This Council, comprised of youth, parents, experts in youth development, and representatives from the business community, will help ensure that this initiative continually responds to the changing needs of youth and their communities. It will bring a "real world" perspective to the efforts of the Office and HHS.

The Younger American's Act provides communities with the funding necessary to adequately ensure that youth have access to five core resources:

Ongoing relationships with caring adults;

Safe places with structured activities in which to grow and learn;

Services that promote healthy lifestyles, including those designed to improve physical and mental health;

Opportunities to acquire marketable skills and competencies; and

Opportunities for community service and civic participation.

Block grant funds will be used to expand existing resources, create new ones where none existed before, overcome barriers to accessing those resources, and fill gaps to create a cohesive network for youth. The funds will be funneled through states, based on an allocation formula that equally weighs population and poverty measures, to communities where the primary decisions regarding the use of the funds will take place. Thirty percent of the local funds are set aside for to address the needs of youth who are particularly vulnerable, such as those who are in out-of home placements, abused or neglected, living in high poverty areas, or living in rural areas where there are usually fewer resources. Dividing the state into regions, or "planning and mobilization areas," ensures that funds will be equitably distributed throughout a state. Empowering community boards, comprised of youth, parents, and other members of the community, to supervise decisions regarding the use of the block grant funds ensures that the programs, services, and activities supported by the Act will be responsive to local needs.

Accountability is integral to any effective federal program. The Younger American's Act provides the Department of Health and Human Services with the responsibility and funding to conduct research and evaluate the effectiveness of funded initiatives. States and the Department are charged with monitoring the use of funds by grantees, and empowered to withhold or reduce funds if problems arise.

The Younger Americans Act will help kids gain the skills and experience they need to successfully navigate the rough waters of adolescence. My twenty-first century community learning centers initiative supports the efforts of schools to operate after-school programs that emphasize academic enrichment. It's time to get the rest of the community involved. It's time to give the same level of support to the thousands of youth development and youth-serving organizations that struggle to keep their doors open every day.

I remember a young man, Brad Luck, who testified before the H.E.L.P. Committee several years ago. As a 14-year-old, Brad embarked on a two-year mission to open a teen center in his home town of Essex Junction, Vermont. He formed a student board of directors, sought 501(c)(3) status and gave over 25 community presentations to convince the town to back the program. Demonstrating the tenacity of youth, he then spear-headed a successful drive to raise $30,000 in 30 days to fund the start-up of the center. Today, the center is thriving in its town-donated space. This is an example of the type of community asset building supported by the Younger Americans Act. The Younger Americans Act is about an investment in our youth, our communities, and our future. I want to thank America's Promise, the United Way, and the National Collaboration for Youth for their work in providing the original framework for the legislation. I am proud and excited to be part of this important initiative.

I ask unanimous consent that a summary of the legislation be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

### YOUNGER AMERICANS ACT—SUMMARY

The Younger Americans Act provides a framework for a cohesive national policy on youth. Loosely based on the Older Americans Act, this legislation is an opportunity to better coordinate the services, activities and programs that help our young people make a successful transition from childhood to adulthood. The bill includes a block grant program to support local communities in their efforts to strengthen the resources that are available to youth. But perhaps most importantly, The Younger Americans Act is about forging partnerships between parents, youth, government, and youth serving organizations.

The Younger Americans Act begins with a statement of national youth policy that youth need to have access five core resources:

Ongoing relationships with caring adults;

Safe places with structured activities;

Services that promote healthy lifestyles, including those designed to improve physical and mental health;

Opportunities to acquire marketable skills and competencies; and

Opportunities for community service and civic participation.

Reflecting the high priority which youth need to occupy on the national agenda, the legislation establishes an Office of National Youth Policy within the White House. This office will serve as an effective advocate for youth within the federal government and assist in resolving administrative and programmatic conflicts between federal programs that are barriers to parents, youth, communities, and service providers in accessing the full array of core resources for youth. Funds for this Office are authorized for $500,000 a year.

The Younger Americans Act creates a Council on National Youth Policy to advise the President, the Director of the Office of National Youth Policy and the Department of Health and Human Services on the developmental needs of youth, youth participation, and federal youth policies. The membership of the Council ensures that youth are active participants in the finding solutions to many of their own problems. The Council is authorized to conduct public forums for discussion and serve as an information conduit between policy makers, youth, and others involved in the provision of youth services. It is authorized for $250,000 per year.

The Younger Americans Act creates a formula-based state block grant to support community-based youth development programs, activities and services. Ninety-seven percent of the funds will be distributed to states, Native American tribes and organizations, and outlying territories. The Department of Health and Human Services is authorized to use the remainder of the funds to conduct demonstration program for youth populations that are particularly vulnerable. Funds are distributed to states based on the population of youth aged 10–19, and the number of children and youth receiving free- or reduced priced lunches. There is a small state minimum of .4 percent.

To implement the block grant, states are required to divide the state into geographical regions called planning and mobilization areas. States are encouraged to utilize existing state administrative or programmatic regions. States may use up to 4 percent of the funds for program review, monitoring, and technical assistance; and no more than 3 percent of the funds to address the needs of particularly vulnerable youth populations, including youth in out-of-home residential settings, such as foster care, communities with high concentrations of poverty, rural areas, and youth that have been abused or neglected. The remaining 93 percent of the funds allotted to the states must be equitably distributed among the planning and mobilization areas, based on the same population and school lunch program participation formula used for the distribution of the federal funds.

An "area agency for youth" will be designated to administer the funds, under the direction of a community board. States are encouraged to build on existing community resources and systems. After assessing the available assets for youth, as well as gaps in and barriers to services in the community, a plan to address the needs of local youth in the five core resources is developed for each region of the state. At least 30 percent of the funds provided to the area agency for youth must be used to address the needs of the most vulnerable youth populations in the region. As part of the planning process, area agencies for youth and community boards must identify measures of program effectiveness upon which future progress will be evaluated.

Funds are distributed, on a competitive basis, to community-based youth serving organizations and agencies in such a manner as to build a cohesive network of programs, services and activities for local youth. Provisions in the legislation ensure the participation of youth and their families in decisions about how best to meet the needs of local youth. There is a state or local match requirement of 20 percent for the first two years, increasing to 50 percent by the fifth and subsequent years. The match can meet through cash or in-kind contributions, fairly evaluated. The legislation contains an illustrative list of youth development activities, programs and services that may receive funds from the Younger American's Act. That list includes a broad variety of effective youth development activities such as youth mentoring, community youth centers and clubs, character development, nonschool hours programs, sports and recreation activities, academic and cultural enrichment, workforce preparation, community service, and referrals to health and mental health services. The block grant is authorized for $500 million the first year, ramping up to $2 billion in the fifth year of the legislation, for a total of $5.75 billion over five years.

Although research has demonstrated the effectiveness of positive youth development programs, accountability and evaluation must be part of any significant investment of federal funds. The legislation requires the Department of Health and Human Service to conduct extensive research and evaluation of the programs, services and activities funded under the Act. The Department also has responsibility for funding professional development activities for youth workers and other training and education initiatives to increase the capacity of local boards, agencies and organizations to implement the block grant. These efforts are authorized for $7 million per year.

Mr. KENNEDY. Mr. President, I commend Senator JEFFORDS for his leadership on this important legislation and it is a privilege to join him as a cosponsor on this legislation. I also commend the thirty-four youth organizations that comprise the National Collaboration for Youth and the more than 200 young people who have worked on this bill. They have been skillful and tireless in their efforts to focus on the need for a positive national strategy for youth.

Our goal in introducing the Younger Americans Act is to establish a national policy for youth which focuses on young people, not as problems, but as problem solvers. The Younger Americans Act is intended to create a local and nation-wide collaborative movement to provide programs that offer greater support for youth in the years of adolescence. This bill, modeled on the very successful Older Americans Act of 1965, will help youths between the ages of 10 and 19. It will provide assistance to communities for youths development programs that assure that all youth have access to the skills and character development needed to become good citizens.

In other successful bipartisan measures over the years, such as Head Start, child care, and the 21st century learning communities, we have created a support system for parents of preschool and younger school-age children. These programs reduce the risk that children will grow up to become juvenile delinquents by giving them a healthy and safe start. It's time to do the same thing for adolescents.

Americans overwhelmingly believe that government should invest in initiatives like this. Many studies detail the effectiveness of youth development programs. Beginning with the Carnegie Corporation Report in 1992, "A Matter of Time—Risk and Opportunity in the Nonschool Hours," a series of studies have shown repeatedly that youth development programs at the community level produce powerful and positive results.

In this report this last March, "Community Counts: How Youth Organizations Matter for Youth Development," Milbrey McLaughlin, professor of education at Stanford University, calls for communities to rethink how they design and deliver services for youths, particularly during non-school hours. The report confirms that community involvement is essential in creating and supporting effective programs that meet the needs of today's youth.

Effective community-based youth development programs build on five core resources that all youths need to be successful. These same core resources are the basis for the Younger Americans Act. Youths need ongoing relationships with caring adults, safe places with structured activities, access to services that promote healthy lifestyles, opportunities to acquire marketable skills, and opportunities for community service and community participation.

The Younger Americans Act will establish a way for communities to give thought and planning on the issues at the local level, and to involve both youths and parents in the process. The Act will provide $5.76 billion over the next five years for communities to conduct youth development programs that recognize the primary role of the family, promote the involvement of youth, coordinate services in the community, and eliminate barriers which prevent youth from obtaining the guidance and support they need to become successful adults. The Act also creates a national youth policy office and a national youth council to advise the President and Congress and help focus the country more effectively on the needs of young people.

Too often, the focus on youth has emphasized their problems, not their successes and their potential. This emphasis has sent a negative message to youth that needs to be reversed. We need to deal with negative behaviors, but we also need a broader strategy that provides a positive approach to youth. The Younger Americans Act will accomplish this goal in three ways, by focusing national attention on the strengths and contributions of youths, by providing funds to develop positive and cooperative youth development programs at the state and community levels, and by promoting the involvement of parents and youths in developing positive programs that strengthen families.

The time of adolescence is a complex transitional period of growth and change. We know what works. The challenge we face is to provide the resources to implement positive and practical programs effectively. Investing in youth in ways like that will pay enormous dividends for communities and our country. I urge all members of Congress to join in supporting this important legislation.

## ADDITIONAL SPONSORS

### S. 61

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

### S. 63

At the request of Mr. KOHL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

### S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

### S. 1446

At the request of Mr. LOTT, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

### S. 1536

At the request of Mr. DEWINE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

### S. 1810

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

### S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

### S. 2163

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2163, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

### S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

### S. 2764

At the request of Mr. KENNEDY, the names of the Senators from South Dakota (Mr. DASCHLE) and the Senator from HAWAII (Mr. INOUYE) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

### S. 2787

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

### S. 2866

At the request of Mr. STEVENS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2866, a bill to provide for early learning programs, and for other purposes.

### S. 2912

At the request of Mr. KENNEDY, the names of the Senators from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

### S. 2937

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2937, a bill to amend title XVIII of the Social Security Act to improve access to Medicare+Choice plans through an increase in the annual Medicare+Choice capitation rates and for other purposes.

### S. 2938

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2938, a bill to prohibit United States assistance to the Palestinian Authority if a Palestinian state is declared unilaterally, and for other purposes.

### S. 2967

At the request of Mr. MURKOWSKI, the names of the Senator from Arizona (Mr. KYL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

### S. 2999

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2999, a bill to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the Medicare program, and for other purposes.

### S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senators from Oregon (Mr. WYDEN) and the Senator from Maine (Ms. SNOWE) was added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

### S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

### S. 3030

At the request of Mr. THOMPSON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 3030, a bill to amend title 31, United States Code, to provide for executive agencies to conduct annual recovery audits and recovery activities, and for other purposes.

### S. RES. 304

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

### S. RES. 330

At the request of Mr. INHOFE, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from North Carolina (Mr. HELMS), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Delaware (Mr. ROTH), were added as cosponsors of S. Res. 330, a resolution to designating the week beginning September 24, 2000, as "National Amputee Awareness Week."

## AMENDMENTS SUBMITTED

## STEM CELL RESEARCH ACT OF 2000

### BROWNBACK AMENDMENTS NOS. 4154–4162

(Ordered referred to the Committee on Health, Education, Labor, and Pensions)

Mr. BROWNBACK submitted nine amendments intended to be proposed by him to the bill (S. 2015) to amend the Public Health Service Act to provide for research with respect to human embryonic stem cells; as follows:

Amendment No. 4154

At the appropriate place, insert the following:

**SEC. . PROHIBITION ON EXPORTATION OF HUMAN EMBRYOS.**

The Secretary of Commerce shall prohibit the export (as such term is defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App 2415)) from the United States of any human embryo or part thereof.

Amendment No. 4155

On page 1, line 6, strike "Sec.".

Amendment No. 4156

On page 1, line 6, strike "2.".

Amendment No. 4157

On page 1, line 6, strike "Research".

Amendment No. 4158

On page 1, line 6, strike "on".

Amendment No. 4159

On page 1, line 6, strike "Human".

Amendment No. 4160

On page 1, line 6, strike "Embryonic".

Amendment No. 4161

On page 1, line 6, strike "Stem".

Amendment No. 4162

On page 1, line 6, strike "Cells".

## WATER RESOURCES DEVELOPMENT ACT OF 2000

### ABRAHAM AMENDMENT NO. 4163

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . APPLICATION TO GREAT LAKES.**

(a) Additional Definitions.—Section 1109(c) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended to read as follows:

"(c) Definitions.—In this section:

"(1) Great lakes state.—The term 'Great Lakes State' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

"(2) Diversion.—The term 'diversion' includes exports of bulk fresh water.

"(3) Bulk fresh water.—The term 'bulk fresh water' means fresh water extracted in amounts intended for transportation outside the United States by commercial vessel or similar form of mass transportation, without further processing.".

(b) Additional Finding.—Section 1109 (b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

"(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;".

(c) Sense of the Congress.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechamism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 27, 2000, at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, a bill to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities to be followed immediately by a business meeting to markup pending committee bills.

Those wishing additional information may contact committee staff at 202/224-2251.

## PRIVILEGES OF THE FLOOR

Mr. GRAHAM. Mr. President I ask unanimous consent that Ms. Kimbriel Dean be allowed on the floor for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to David Sarokin, a fellow on my staff, during the pendency of S. 2045, the H-1B visa bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ FOR THE FIRST TIME—H.R. 5203

Mr. ENZI. Mr. President, I understand that H.R. 5203 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (H.R. 5203) to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurrent resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

Mr. ENZI. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## INTERCOUNTRY ADOPTION ACT OF 2000

Mr. ENZI. Mr. President, I ask unanimous consent the Chair lay before the Senate a message from the House of Representatives to accompany H.R. 2909.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

*Resolved*, That the House agree to the amendment of the Senate to the bill, H.R. 2909, entitled "An Act to provide for implementation by the United States of the Hague Convention on Protection of Children in Cooperation in Respect of Intercountry Adoption, and for other purposes," with an amendment.

Mr. ENZI. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Will the Senator yield?

Mr. ENZI. I yield.

Mr. LEAHY. Regarding the last bill that went through, I want to take a moment to compliment a colleague of mine from Massachusetts, Congressman Delahunt, who has worked so hard and so diligently. It will give me a great deal of pleasure to tell him it has passed. I thank my friend.

Mr. BIDEN. Mr. President, I am extremely pleased that today the Senate is giving advice and consent to the Hague Convention on Intercountry Adoption, and approval to the related implementing legislation.

The Senate's approval of these measures will send both of them to the President for his signature. This is good news for American parents looking to adopt overseas, and good news for the thousands of orphaned children overseas looking for loving homes.

This treaty is important for a very simple reason—it will help facilitate international adoptions and provide important safeguards for children and adoptive parents. It is a good thing when the government can make things easier for its citizens—in this case, adoptive parents. An adoption is a joyous occasion, but the current system can be confusing and present uncertainties.

The Hague Convention establishes a uniform system for adopting children from other countries—so that both adoptive parents and biological parents have the assurance that an adoption is being done right. The Hague Convention and the implementing bill also establish mechanisms for improved governmental oversight for international adoptions—in order to guard against fraud and other problems associated with such adoptions.

The implementing legislation is the product of compromise between a number of people—the Chairman of the Foreign Relations Committee, Senator HELMS, Senator LANDRIEU, Senator BROWNBACK, and myself, and several people in the other body, including Chairman BEN GILMAN, and Representative SAM GEJDENSON, BILL DELAHUNT, and DAVE CAMP. None of us got all that we wanted. But I believe we have a good product here. I want to express my appreciation to them and their staffs for the hard work that went into the drafting of this bill. Several people in the executive branch, too numerous to mention, also contributed greatly to this bill.

Now the hard work of putting the promise of the Hague Convention into reality begins. The executive branch will have much to do in implementing this treaty, and Congress will have a duty to oversee this work closely. But today we are taking an important step for parents and children—a step about which we can all be proud.

## EXECUTIVE SESSION—TREATIES

Mr. ENZI. I ask unanimous consent that the Senate proceed to executive session to consider the following treaties on today's Executive Calendar:

Nos. 15, 17, 18, and 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

Treaty Document No. 105-51, Convention On Protection of Children and Co-operation In Respect of Intercountry Adoption;

Treaty Document No. 106-8, Convention (No. 176) Concerning Safety and Health in Mines;

Treaty Document No. 106-14, Food Aid Convention 1999;

Treaty Document No. 105-48, Inter-American Convention On Sea Turtles.

Mr. ENZI. I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification; all committee provisos, reservations, understandings, and declarations be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaties will be considered to have passed through their various parliamentary stages up to and including the resolutions of ratification.

The resolutions of ratification read as follows:

### CONVENTION ON PROTECTION OF CHILDREN AND COOPERATION IN RESPECT OF INTERCOUNTRY ADOPTION

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, adopted and opened for signature at the conclusion of the seventeenth session of the Hague Conference on Private International Law on May 29, 1993 (Treaty Doc. 105-51) (hereinafter, "The Convention"), subject to the declarations of subsection (a) and subsection (b).

(a) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be included in the instrument of ratification.

(1) NON-SELF EXECUTING CONVENTION.—The United States declares that the provisions of Articles 1 through 39 of the Convention are non self-executing.

(2) PERFORMANCE OF REQUIRED FUNCTIONS.—The United States declares, pursuant to Article 22(2), that in the United States the Central Authority functions under Articles 15-21 may also be performed by bodies or persons meeting the requirements of Articles 22(2)(a) and (b). Such bodies or persons will be subject to federal law and regulations implementing the Convention as well as state licensing and other laws and regulations applicable to providers of adoption services. The performance of Central Authority functions by such approved adoption service providers would be subject to the supervision of the competent federal and state authorities in the United States.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) DEPOSIT OF INSTRUMENT.—The President shall not deposit the instrument of ratification for the Convention until such time as the federal law implementing the Convention is enacted and the United States is able to carry out all the obligations of the Convention, as required by its implementing legislation.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

(4) REJECTION OF NO RESERVATIONS PROVISION.—It is the Sense of the Senate that the "no reservations" provision contained in Article 40 of the Convention has the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this Convention should not be construed as a precedent for acquiescence to future treaties containing such a provision.

### CONVENTION (NO. 176) CONCERNING SAFETY AND HEALTH IN MINES

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of Convention (No. 176) Concerning Safety and Health in Mines, Adopted by the International Labor Conference at its 82nd Session in Geneva on June 22, 1995 (Treaty Doc. 106-8) (hereinafter, "The Convention"), subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following understandings, which shall be included in the instrument of ratification:

(1) ARTICLE 12.—The United States understands that Article 12 does not mean that the employer in charge shall always be held responsible for the acts of an independent contractor.

(2) ARTICLE 13.—The United States understands that Article 13 neither alters nor abrogates any requirement, mandated by domestic statute, that a miner or a miner's representative must sign an inspection notice, or that a copy of a written inspection notice must be provided to the mine operator no later than the time of inspection.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following declarations, which shall be binding on the President:

(1) NOT SELF-EXECUTING.—The United States understands that the Convention is not self-executing.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT.—One year after the date the Convention enters into force for the United States, and annually for five years thereafter, the Secretary of Labor, after consultation with the Secretary of State, shall provide a report to the Committee on Foreign Relations of the Senate setting forth the following:

(i) a listing of parties which have excluded mines from the Convention's application pursuant to Article 2(a), a description of the excluded mines, an explanation of the reasons for the exclusions, and an indication of whether the party plans or has taken steps to progressively cover all mines, as set forth in Article 2(b);

(ii) a listing of countries which are or have become parties to the Convention and corresponding dates; and

(iii) an assessment of the relative costs or competitive benefits realized during the reporting period, if any, by United States mine operators as a result of United States ratification of the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

### FOOD AID CONVENTION, 1999

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Food Aid Convention, 1999, which was open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999, and signed by the United States on June 16, 1999 (Treaty Doc. 106-14), referred to in this resolution of ratification as "The Convention," subject to the declarations of subsection (a) and the proviso of subsection (b).

(a) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) NO DIVERSION.—United States contributions pursuant to this Convention shall not be diverted to government troops or security forces in countries which have been designated as state sponsors of terrorism by the Secretary of State.

(2) PRIVATE VOLUNTARY ORGANIZATIONS.—To the maximum feasible extent, distribution of United States contributions under this Convention should be accomplished through private voluntary organizations.

(3) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(b) PROVISO.—The advice and consent of the Senate is subject to the following provisos:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

### INTER-AMERICAN CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA TURTLES, WITH ANNEXES

*Resolved (two-thirds of the Senators present concurring therein),* That the Senate advise and consent to the ratification of the Inter-American Convention for the Protection and Conservation of Sea Turtles, With Annexes, done at Caracas, Venezuela, on December 1, 1996 (Treaty Doc. 105-48), which was signed by the United States, subject to ratification, on December 13, 1996, referred to in this resolution of ratification as "The Convention," subject to the understandings of subsection (a), the declarations of subsection (b) and the provisos of subsection (c).

(a) UNDERSTANDINGS.—The advice and consent of the Senate is subject to the following understandings, which shall be included in the instrument of ratification of the Convention and shall be binding on the President:

(1) ARTICLE VI ("SECRETARIAT").—The United States understands that no permanent secretariat is established by this Convention, and that nothing in the Convention obligates the United States to appropriate funds for the purpose of establishing a permanent secretariat now or in the future.

(2) ARTICLE XII ("INTERNATIONAL COOPERATION").—The United States understands that, upon entry into force of this Convention for the United States, the United States will have no binding obligation under the Convention to provide additional funding or technical assistance for any of the measures listed in Article XII.

(3) ARTICLE XIII ("FINANCIAL RESOURCES").—Bearing in mind the provisions of paragraph (7), the United States understands that establishment of a "special fund," as described in this Article, imposes no obligation on Parties to participate or contribute to the fund.

(b) DECLARATIONS.—The advice and consent of the Senate is subject to the following declarations:

(1) "NO RESERVATIONS" CLAUSE.—Concerning Article XXIII, it is the sense of the Senate that this "no reservations" provision has the effect of inhibiting the Senate in its exercise of its constitutional duty to give advice and consent to ratification of a treaty, and the Senate's approval of these treaties should not be construed as a precedent for acquiescence to future treaties containing such provisions.

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1998, and Condition (8) of the resolution of ratification of the Document Agreed Among the State Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(3) NEW LEGISLATION.—Existing federal legislation provides sufficient legislative authority to implement United States obligations under the Convention. Accordingly, no new legislation is necessary in order for the United States to implement the Convention. Because all species of sea turtles occurring in the Western Hemisphere are listed as endangered or threatened under the Endangered Species Act of 1973, as amended (Title 16, United States Code, Section 1536 et seq.), said Act will serve as the basic authority for implementation of United States obligations under the Convention.

(4) ARTICLES IX AND X ("MONITORING PROGRAMS," "COMPLIANCE").—The United States understands that nothing in the Convention precludes the boarding, inspection or arrest by United States authorities of any vessel which is found within United States territory or maritime areas with respect to which it exercises sovereignty, sovereign rights or jurisdiction, for purposes consistent with Articles IX and X of this Convention.

(5) It is the sense of the Senate that the entry into force and implementation of this Convention in the United States should not interfere with the right of waterfront property owners, public or private, to use or alienate their property as they see fit consistent with pre-existing domestic law.

(c) PROVISOS.—The advice and consent of the Senate is subject to the following provisos:

(1) REPORT TO CONGRESS.—The Secretary of State shall provide to the Committee on Foreign Relations of the Senate a copy of each annual report prepared by the United States in accordance with Article XI of the Convention. The Secretary shall include for the Committee's information a list of "traditional communities" exceptions which may have been declared by an party to the Convention.

(2) SUPREMACY OF THE CONSTITUTION.—Nothing in the Convention requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

Mr. ENZI. I further ask unanimous consent that any statements be printed in the CONGRESSIONAL RECORD as if read, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes. Further, that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The understandings to the resolutions of ratification are agreed to.

Mr. ENZI. I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division has been requested.

Senators in favor of the resolutions of ratification will rise and stand until counted.

Those opposed will rise and stand until counted.

On a division, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

## LEGISLATION SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## ORDERS FOR THURSDAY, SEPTEMBER 21, 2000

Mr. ENZI. Mr. President, I ask unanimous consent when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, September 21, 2000.

I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11:30 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator LOTT or his designee, 60 minutes; Senator DASCHLE or his designee, 60 minutes.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

## PROGRAM

Mr. ENZI. Mr. President, when the Senate convenes at 9:30 a.m., the Senate will be in a period of morning business until 11:30 a.m. Following morning business, the Senate will resume postcloture debate on the motion to proceed to S. 2045, the H-1B visa bill. An agreement is being negotiated regarding the Water Resources Development Act, and it is hoped that the Senate can begin consideration of the bill this week. Therefore, Senators should be prepared to vote during tomorrow's session of the Senate.

## ORDER FOR ADJOURNMENT

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, at the close of my remarks. I ask unanimous consent I be given such time as I might use.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE BUDGET

Mr. ENZI. Mr. President, I have now been in the Senate almost 4 years. Some of the days have been extremely long, but the years have been extremely short. We work through a process here that I am sure, as people watch, seems extremely slow and cumbersome. That is probably because it is. It was designed that way by our forefathers. They intended that legislation that affects this Nation would be carefully considered in two separate bodies and then submitted to the executive branch for the possibility of a veto. That takes a long time.

The bodies have grown in size as a number of States came into the Nation, and that makes it more difficult. But it is a system that works better than that in any other country in the world, and it is working now. It is difficult, very difficult; long days, tough issues, tough choices.

When I first came to the Senate, the first issue I got to talk about was the balanced budget amendment. At that time, it was just a dream that at some point we could get the discipline to balance a budget. It had been years since a budget had been balanced around here. As we went through that debate, people said: Oh, this doesn't give us enough leeway. What if we would have a war? Technically, I guess, we have had a couple since that time, and we have still balanced the budget. Not only that, the economy has increased, and many will attribute that to the budget being balanced. In countries around the world, as they balance the budget, their economy improves. We balanced the budget, the economy improved. It gave us a lot more money to work with.

In fact, we have so much money, we have started talking about honesty with the Social Security surplus. That is music to my heart. I am the only accountant in the Senate. It was pretty obvious that, with our accounting techniques, we were spending the Social Security surplus. People pay into Social Security, and the money that is paid in is, for the most part, paid in to the recipients of Social Security. It doesn't really flow into a trust fund and stay there with the portion of the trust fund for the person on retirement being used. No, the money flows in and the money flows out. But at the moment, there are more people working than receiving. As a result, there is a surplus in Social Security.

That is going to change pretty drastically in about 2013. At that point, we are going to have more people retiring than working, and there will be a deficit in Social Security. So it has been very important that we be honest on Social Security and start to put that Social Security away.

We also tried a motion to assure that would be put away. It is called a lockbox on Social Security. That has never passed around here—similar to the balanced budget amendment, which did not pass. But the American people understood how important that balanced budget amendment was, that the Federal Government couldn't spend money, just as they cannot spend more money than they have, and they insisted on a balanced budget, and we got it. We talked about a lockbox. I think we had seven different votes to end the filibuster to put that into law. It has not happened. But the message has been delivered by the people of this country that we are going to put a lockbox on Social Security; we are going to put that money away; we are not going to touch it, so the little bit that there is—this is just a surplus, the money that is flowing in and out—will be there later.

One of the things we are doing with that is we are paying down the national debt. You will hear a number of us around here say if you really look at the accounting on this, are we paying down the national debt? No, we are paying down the public national debt. We are taking that money that individuals across this country have invested in Treasury bills and we are buying their Treasury bills back. What that does is put IOUs into the Social Security trust fund—not money. We got rid of the money.

At the moment, if you have a Treasury bill, you are paid interest periodically. We have to pay the interest if the public owns the debt. So what do we achieve by taking Social Security money and buying up this public debt? I will tell you what we achieve. We achieve the ability to spend more money because we do not pay Social Security interest in cash at the moment that it is due. We take a little bit of IOU and we use it to make the Social Security trust fund a little bit bigger. But it is not real money. If we wanted to spend it, we would have to put in money in order to take money out. How would we do that? We would increase the public debt.

If you call the Treasury and they tell you the national debt at the moment—that is, the total, public and private—is bigger than it was a year ago, then we really have not paid off any of the national debt. But we have made the country a little more secure for Social Security.

One of the things we need to do now, the new push—for some of us, this is not a new push. The Presiding Officer, since he came here, has been adamant on paying down the national debt honestly. Senator ALLARD of Colorado and I got together our first year and talked about how this country ought to commit to paying down the national debt. There is not anybody in my State who does not understand that debts come due, and if we have a debt—and we talked about having a surplus—maybe we ought to take care of that debt a little bit. We put together a bill that put the national debt on a system like a house payment. We figured out how you could pay off the national debt in 30 years. That is about the time you normally pay a house down; it works similar to a house payment.

You start with a fixed payment. This number still seems to be an awfully big number to me, but around Washington it is not a big number. You just start with a measly $10 billion. You pay that $10 billion in, and it saves you some interest—genuinely saves you interest. What you do is you take that interest that you save and, instead of spending it or putting phony IOUs in a box, you take that actual cash and you add it to the $10 billion. That is your next year's payment.

So each year the $10 billion grows by the amount of interest you save, so that the final payment is huge—kind of the way a house payment works. The amount of principal that gets paid off in the 30th year on your house is practically the whole payment. With some discipline and a steady plan, that is the same thing as anybody in this country does when they are buying a house: We can pay off the national debt in 30 years.

You will hear a lot of rhetoric around here about how we might have a war; what would we do? Some unusual expenditures might come up. That is an excuse for not paying a normal payment to pay off the debt. It is just an excuse. If we were really serious about paying off the national debt, we would enter into that kind of agreement and then we would say: Here is how it works if we have a war. People who have a home sometimes outgrow their home, it is kind of an emergency, and they decide they will add to their home a little bit.

What do they do? They take out a second mortgage. That is what we ought to be doing, figuring out the lifespan of how we pay for that U.S. purchase and adding it to the payment so we stretch the payment out over a little period of time. That is money we borrowed from our kids. They are the ones who will have to pay that back.

I have to tell you, we have not gotten a single Democrat to sign onto the debt reduction in any of the forms that we have proposed it.

This year, we tried a little different approach because the surplus is growing so fast that, evidently, those estimating it cannot keep up with the estimations because every time there is a new estimation, it is greater than the one before. So what we have done in the appropriations bills this year is put in a little provision—in almost all of them, as another announcement is made of this huge new surplus—that half of that surplus has to genuinely go to the national debt. We have been successful in putting that in almost every bill.

Now we have a third plan. We are still trying to get some people in this body to sign on to debt reduction. There isn't anybody in this body who does not talk about the importance of debt reduction for this country. For some, that is a code word for, "We could spend it, and we ought to spend, and it is more fun to spend it." But that is not the right thing to do with it.

So we have said, OK, this year, for the fiscal year for which we are appropriating, we are going to have about $280 billion in surplus. The $280 billion is part Social Security surplus and part real surplus. But we made a proposal that 90 percent of that $280 billion ought to go to debt reduction—part of it the way we have been doing it with the Social Security and part of it with the real money. That still leaves us an increase of 10 percent, which actually works out to a little more than 10 percent. It is 10 percent of the surplus, but it is a bigger increase in spending.

We have said, how about if we save that other 10 percent, and, at the most, allocate half of it to tax reduction and half of it to spending? That is a proposal we are still putting forth. It has a lot of popularity across the country. Again, people recognize the need to pay down the debt, but people also realize that that puts a tremendous safety mechanism in our budget process at the moment.

But you will not see much on that in the papers. The papers don't carry debt reduction very much. People do not really carry it around as a code word. I guess it is kind of an accounting thing. But I have to tell you, I travel back to Wyoming almost every weekend, and we drive 300 to 500 miles and go to all the towns—the big ones and the little ones—and the people out there understand it. They say: That is a top priority. Pay down that debt. We got into that debt. We need to get out of that debt. And we need to take care of our kids.

I mentioned the media probably will not carry much about that. I have not seen it in the eastern media. I am often disturbed at what the eastern media puts in the paper. Right now, of course, what they are doing is trying to generate some interest in the political races, particularly the Presidential race. The media isn't really being fair on that issue.

I attended the Republican convention. That was on television, and I noticed there were 48 hours of it that were broadcast across the country. Then the Democratic convention happened later in the month, and evidently there was not anything else happening because they got 80 hours. That is not quite equal time. It is nowhere near equal time. It is almost twice as much time.

I also noticed that the people covering the conventions were the same at both conventions, and their political colors showed. When they were at the Republican convention, they criticized everything. When they were at the Democratic convention, they lauded everything. That does not sound like United States good, old American fairness to me.

The closest I have seen in fairness is in today's Washington Post editorial, which is entitled "Al Gore vs. Business." It offers us a glimpse of the skin-deep approach to many policies, but particularly health care policies. Those are important in this country right now.

We, through the media, have elevated that to a higher level than it has ever been before. Even the Washington Post speculates that: "the candidate"—by candidate, they mean Vice President GORE—"plans to go after, in the same vein, a different industry every day, each target undoubtedly poll-tested."

I would like to read the closing of their editorial and then offer some facts for your consideration on these health care things we are talking about. This is the Washington Post. This is not me.

> There are fair points to be made about the right balance between free enterprise and regulation, and useful debates to be had. Mr. Gore seems more intent upon telling us that he's for the people, not the powerful. Given his history, the slogan seems about as sincere as it is useful.

Not me—the Washington Post, that doesn't carry the stuff I really like to read about. But he is going to take on a different industry.

I am not concerned about big industry in this country. Big industry came about because of big government. If you are going to handle the bureaucracy, you have to have specialists. Big business has grown to take care of some of the specialists needed to handle the bureaucracy. The folks I am worried about are the small businesses.

When I first came to the Senate, again, one of the early debates we had on the Small Business Committee—which is one of the really joyful committees for Wyoming because all of our businesses are small businesses—one of the first discussions we had was: What is a small business? The Federal definition says: Under 500 employees. I guess we don't have any big business in Wyoming—not one. I contend that a small business is the one where the owner of the business sweeps the sidewalk, cleans the toilets, does the bookkeeping, and waits on customers.

In this country, if it is going to succeed, we need to get to a situation where that small business can deal with the bureaucracy and the forms and all of the things we put on them because that is where the entrepreneurship in this country starts. That is where the businesses start.

One of the things we are talking about with businesses, of course, is health insurance. We are trying to encourage the businesses to provide health insurance. But at the same time, here we come up with a lot of complicated situations for how we are going to handle that, that make it necessary for businesses to be bigger and have specialists.

We are also talking about Medicare and Social Security and how we are going to keep them solvent. One of the things we are good at doing here is trying to outbid everything. We have a Medicare system that is going broke. We have a Medicare system that everybody admits needs to be fixed. The President, in his State of the Union speech, mentioned the importance of fixing Medicare.

Plans for fixing Medicare? There is a bipartisan plan. It came out of a commission. Senator BREAUX and Senator FRIST headed up this commission. They have a plan that will save it.

Are we working on that plan? No. It doesn't generate enough publicity. We have gone to something that is a little catchier than that, and that is prescription drugs, and we are concerned about how people in this country can afford their prescription drugs and how nobody in this country should have to make a choice between food and prescription drugs. There isn't anybody here who thinks that kind of a choice ought to be made.

What kind of a plan do we have? I know of six of them among Members here in this body. I know of four that are on this side. And then there are a couple more because in the Presidential election this has been poll-tested as an important feature and both candidates have a plan.

The Washington Post has been covering the plans. I want to show you a little bit about how they are covering it.

The biggest secret out there is the details of Mr. Gore's plan. But the Washington Post has delved into them a little bit and given us a little bit of information. Again, this isn't what I have written. But the Washington Post does give Bush some credit for detailing a Medicare plan. They say:

> Texas Gov. George W. Bush today proposed spending $198 billion to enhance Medicare over the next 10 years, including covering the full cost of prescription drugs for seniors with low incomes.

> Bush's plan was modeled on a [bipartisan] proposal by Sen. John Breaux (D-LA) and Sen. Bill Frist (R-TN).
>
> [Bush's plan proposes] fully subsidizing people with incomes less than 135 percent of the poverty level and creating a sliding scale for people with slightly more money. But Gore would stop the sliding scale at 150 percent of the poverty level, while Bush would extend it to 175 percent.

I do appreciate them also going through the work of drawing up a little comparison and putting that in the paper. If you remember, on the other side it said it was going to cost $198 billion. They did the courtesy of adding up the columns for the two different proposals; the Gore proposal, the Bush proposal. The Gore proposal shows $158 billion by 2010. Why did he say $198 billion on the other page? Mystery. It also sounds as if he is spending an awful lot of money. When we total up this column, it comes to $253 billion. That is a little more than $158 billion.

They also do a comparison of how it is supposed to work. The biggest difference on the two sides of this chart is how it is handled, two different philosophies on how it is handled. One philosophy says the Government knows best. Send your money to Washington. Washington will handle it.

On the other side, Governor Bush says, we have a lot of things in place in this country, and they have been working well. Let's encourage them to work better and provide for more. Let's definitely not turn this thing over to HCFA.

HCFA is one of those acronyms we use around here. All you have to do is mention HCFA to any medical provider and see the grimace they get on their face. It is a system that isn't working for the things they have already been assigned, and now we are talking about assigning them more work.

Federal plan—Government knows best—as opposed to use what we have—distribute it to the States, have the States use it through the plans that have been providing health care to the people already.

I will go into the details of this at another time. I hope all of you do pay attention to what is being suggested out there because people think there is going to be a prescription drug plan that is going to be done between now and the time we adjourn this year, during this time of volatile politics.

That isn't how we do any of the bills. That is how I started this out, mentioning how our process works slowly and pretty well. It goes through a committee process usually. That is where the "bipartisan" is supposed to come in. That is where both sides suggest amendments to a good plan. But that takes time. We have limits on how long in advance before a markup, which is where they insert amendments into the bill, that you have to turn these amendments in. And then often the markup, particularly if it is a complicated issue, one as far reaching as prescription drugs, might take several different days of working through the amendments, meeting and compromising and trying to come up with the plan that will work best for our country.

That is where we need to go now. We need to have that process; we need to do that process. We should not latch on to any particular plan that is out there, unless, of course, we do the one that came out of the commission, that evolved in a bipartisan way over a long process. But that is not going to happen when the two sides have two plans.

I know the hour is getting late. I have already done my part on an education program. I want to emphasize, again, we need to pay down the national debt. I want to emphasize, again, the need to have a prescription drug plan for this country but to have the right one, not a flash-in-the-pan program, particularly not one that takes people who already have a prescription benefit and shoves them into a Federal plan against their will, taking away the right to choose that they have now. I hope we have a situation where we can work together and come up with a plan where those who are happy with their situation can continue to do it that way, and those who aren't can have a new opportunity.

That is a commitment Governor Bush has already made. He has outlined the plan. He has a plan. He has a policy. We are a little short on policies around here, but it is something that could be worked through.

One of the things I was impressed with when he became the Governor of Texas was the legislature was Democrat. He was Republican. He sat down with each and every legislator, face to face, one on one, and talked about what needed to be done for Texas. Then they did it.

Every time a new President is elected, I grab a biography that particular President likes and I read it. One of the things I found is that people repeat successes. I am sure the next President will be no different than any other President. If it is Governor Bush, I expect the opportunity to sit down with him—I look forward to it—face to face, one on one, and talk about the things that I see as necessary for this country and that he sees as necessary for this country. But more importantly, he will sit down with the people on the other side of the aisle.

One of the things we are missing in this country right now is more of a bipartisan effort, that time of sitting down and working things out. That is how it starts, with the leadership, with the President. I will be expecting him to visit with each and every person here and all 435 on the other end of this building. A tremendous effort? Absolutely. It is the most essential thing I can think of. It is the way to get things done in a bipartisan manner. That is how we will get a prescription drug plan. That is how we will improve the medical plans we already have in this country that are recognized internationally as being some of the best.

One of the great things about America is that we say we have the best, but we are always looking for ways to make it better. That is how our economy works. That is how the Government works. That is how free enterprise works.

I thank the Chair and yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, September 21, 2000.

Thereupon, the Senate, at 6:24 p.m., adjourned until Thursday, September 21, 2000, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

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SPEECH OF

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. STARK. Mr. Speaker, please submit the following report from the August 14, 2000 edition of Tax Notes into the RECORD.

### TAX ANALYSTS SPECIAL REPORT: FOREIGN SALES CORPORATION BENEFICIARIES: A PROFILE

(By Jose Oyola)

A World Trade Organization (WTO) panel concluded in 1999 that the tax benefits of foreign sales corporations (FSC) constitute a prohibited export subsidy. According to the WTO panel, the United States cannot establish a regime of direct taxation and claim that it is entitled to provide an export subsidy because it is necessary to eliminate a disadvantage to exporters created by the U.S. tax system itself. In negotiations during the course of this year, U.S. Treasury representatives presented an alternative tax scheme to the European Union (EU), but it was promptly rejected by EU officials. Negotiations are continuing, and must result in legislative changes by the beginning of FY 2001 to avoid costly sanctions.

In searching for export incentives that meet WTO standards, policymakers already have a wide range of government incentives that enhance the international competitiveness of U.S.-based companies. Some benefits are directly related to exports, like the Export-Import (Ex-Im) Bank loans and guarantees. Other incentives, like the research and experimentation tax credit, strengthen the overall competitiveness of U.S.-based corporations.

This article provides a profile of 250 companies that reported $1.2 billion in FSC tax benefits in their 1998 filings with the Securities and Exchange Commission (SEC). The article shows, for the first time, how FSC beneficiaries combine several tax benefits and government programs that do not run afoul of WTO standards. The article also presents the contribution to corporate profits from several tax incentives, and the 1991–1998 accumulated FSC tax benefits for 18 large FSC beneficiaries.

### PROFILE SUMMARY

The profile of the 250 companies that reported $1.2 billion FSC tax benefits in 1998 is as follows:

The top 20 percent of the U.S. companies in the sample claimed 87 percent of the FSC tax benefits.

Almost 30 percent of the FSC recipients reported other tax benefits, such as Research & Experimentation (R&E) tax benefits.

The cumulative 1991–1998 FSC benefits of the top 18 FSC beneficiaries were almost $3.7 billion. FSC benefits represented about 3.4 percent of the net income for this group. One of the top beneficiaries received FSC benefits equal to 10 percent of its net income.

The U.S. government operated other export-promotion programs, mainly through the Department of Agriculture and the Ex-Im Bank. The aircraft industry had almost 45 percent of the Ex-Im Bank loan guarantees outstanding at the end of FY 1999.

### DISTRIBUTION OF THE FSC TAX BENEFITS

The distribution of FSC benefits is shown in table 1. The top 20 percent of FSC beneficiaries (ranked by size of reported FSC benefit in 1998) obtained 87 percent of the FSC benefits. The high concentration of FSC benefits in the top 50 companies in the sample is partly caused by the dominant role of large corporations in U.S. exports.

### COMBINING FSC BENEFITS WITH OTHER TAX BENEFITS

Seventy-one companies (28 percent of the sample) reported $1.7 billion in tax benefits from the following sources: $1.2 billion FSC benefits, $353 million Research & Experimentation tax benefits, $123 million in benefits related to exempt investment income, and $32 million in tax benefits of Puerto Rican operations, as shown in table 2.

Table 3 shows 10 of the top FSC beneficiaries that received multiple tax benefits. The largest company in this group was Boeing Company, which received $130 million in FSC tax benefits and almost the same amount ($127 million) in Research & Experimentation tax benefits.

### FSC CUMULATIVE BENEFITS IN 1991–1998

Table 4 provides the cumulative 1991–1998 FSC benefits of 18 top FSC beneficiaries. The two largest FSC beneficiaries, General Electric Company and Boeing Company, received almost $750 million and $686 million FSC benefits in eight years, respectively. The FSC benefits obtained by Boeing Company were almost 10 percent of its 1991–1998 cumulative net income.

### OTHER GOVERNMENT EXPORT INCENTIVES

The U.S. government has 10 agencies that spent almost $2.0 billion in appropriations for export promotion activities in 1999. Two agencies that provide direct financial support to U.S. exporters, the Ex-Im Bank and the Department of Agriculture, received $1.5 billion or almost 80 percent of the total federal budget resources spent on export promotion. The Ex-Im Bank, in particular, provides direct loans and loan guarantees against political and commercial risk.

Ex-Im Bank's largest commitments at the end of fiscal year 1999 were in the air transportation industry, with $15.1 billion or 45 percent of its total outstanding guarantees. Table 5 shows the 1996–1999 annual Ex-Im Bank guarantees linked to aircraft exports of one of the largest FSC beneficiaries, Boeing Company. Government guarantees linked to Boeing exports increased from $1.1 billion in 1996 to $5.7 billion in 1999. The guarantees given to Boeing Company increased from 22 percent in 1996 to 78 percent of the annual Ex-Im Bank guarantees in 1999.

### CONCLUSION

Many U.S.-based companies already receive a combination of direct tax incentives and export-related benefits, in addition to the FSC tax benefits. Most of the benefits are received by a small number of large corporations that account for most U.S. exports. Policymakers have available a number of tax and other government incentives that meet WTO standards, and that could be expanded to replace the prohibited direct tax subsidy provided by the FSC tax regime.

TABLE 1.—CORPORATIONS RANKED BY SIZE OF FSC BENEFIT

[Dollars in millions]

| | FSC benefit | Percent | Average benefit | Standard deviation |
|---|---|---|---|---|
| Top 50 companies | $1,057.5 | 86.8 | $21.1 | $30.6 |
| 51–100 | 101.2 | 8.3 | 2.0 | 0.7 |
| 101–150 | 39.2 | 3.2 | 0.8 | 0.2 |
| 151–200 | 16.0 | 1.3 | 0.3 | 0.1 |
| 201–250 | 5.0 | 0.4 | 0.1 | 0.1 |
| Total 250 corps | 1,218.8 | 100 | 4.9 | $16.0 |

Source: Author's calculations based on corporations' financial statements.

TABLE 2.—TAX SAVINGS BY RECIPIENTS OF MULTIPLE TAX BENEFITS

[Millions]

| Top benefits of firms that reported two or more tax benefits | 13 firms out of the top 50 FSC beneficiaries | 58 firms out of next 200 FSC beneficiaries |
|---|---|---|
| FSC Benefits | $1,058 | $161 |
| R&E Tax Credit | 275 | 78 |
| Exempt Investment Income | 91 | 32 |
| Possessions Tax Credit | 19 | 13 |
| Total | 1,442 | 284 |

Source: Author's calculations based on corporations' financial statements.

TABLE 3.—FSC BENEFICIARIES REPORTING SEVERAL TAX BENEFITS

[Dollars in millions]

| FSC Beneficiaries | FSC exemption benefit | R&E credit benefit | Exempt investment income | Possessions tax credit benefit | Total |
|---|---|---|---|---|---|
| Boeing Company | $130.0 | $127.0 | 0 | 0 | 257.0 |
| Cisco Systems, Inc | 55.3 | 32.2 | 36.8 | 0 | 124.3 |
| Allied-Signal, Inc | 50.5 | 0 | 11.7 | 0 | 62.2 |
| PACCAR, Inc | 20.9 | 0 | 28.1 | 0 | 49.0 |
| Monsanto Company | 29.0 | 3.0 | 0 | 16.0 | 48.0 |
| Guidant Corp | 8.9 | 6.3 | 0 | 2.2 | 17.4 |
| Cabletron Systems, Inc | 4.7 | 1.9 | 3.6 | 0 | 10.2 |
| Owens-Illinois, Inc | 3.0 | 3.1 | 0 | 3.0 | 9.1 |
| Stryker Corp | 3.1 | 0 | 0 | 4.1 | 7.2 |
| St. Jude Medical, Inc | 5.7 | 0 | 0 | 0.1 | 5.8 |
| Subtotal | 311.1 | 173.5 | 80.2 | 25.4 | 590.2 |
| 240 Other corporations | 907.7 | 179.5 | 42.5 | 6.8 | 1,136.5 |
| Total, 250 corporations | 1,218.8 | 353.0 | 122.7 | 32.2 | 1,726.7 |

Source: Author's calculations based on corporations' financial statements.

Note: Owens-Illinois reported a combined $6 million in FSC and possessions tax benefits.

TABLE 4.—1991–1998 FSC BENEFITS FOR 18 OF THE TOP 50 BENEFICIARIES

[Dollars in millions]

| | Total FSC tax benefit | Total net income | Ratio of FSC benefit to net income (percent) |
|---|---|---|---|
| General Electric Company | $746.0 | $47,754.0 | 1.6 |
| Boeing Company | 685.5 | 6,943.0 | 9.9 |
| Motorola, Inc | 378.0 | 6,642.0 | 5.7 |
| Caterpillar Inc | 312.0 | 4,443.0 | 7.0 |

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TABLE 4.—1991–1998 FSC BENEFITS FOR 18 OF THE TOP 50 BENEFICIARIES—Continued

[Dollars in millions]

| | Total FSC tax benefit | Total net income | Ratio of FSC benefit to net income (percent) |
|---|---|---|---|
| Allied Signal Inc | 221.2 | 4,933.0 | 4.5 |
| Cisco Systems, Inc | 203.4 | 4,391.1 | 4.6 |
| Monsanto Company | 172.7 | 2,668.0 | 6.5 |
| Archer Daniels Midland Company | 165.3 | 4,094.1 | 4.0 |
| Oracle Systems Corp | 129.8 | 4,413.2 | 2.9 |
| Raytheon Company | 118.1 | 5,460.7 | 2.2 |
| RJR Nabisco, Inc | 95.0 | 1,664.0 | 5.7 |
| International Paper Co | 87.0 | 2,457.0 | 3.5 |
| Applied Materials, Inc | 86.1 | 2,169.1 | 4.0 |
| ConAgra, Inc | 85.8 | 3,282.5 | 2.6 |
| Dover Corporation | 72.3 | 2,071.4 | 3.5 |
| Parker Hannifin Corp | 44.2 | 1,485.9 | 3.0 |
| Compuware Corp | 31.1 | 824.6 | 3.8 |
| St. Jude Medical, Inc | 20.9 | 741.7 | 2.8 |
| Total, 18 FSC beneficiaries | 3,655.0 | 106,438.0 | 3.4 |

Source: Author's calculations based on corporation's financial statements.

TABLE 5.—EX-IM BANK GUARANTEES FOR BOEING COMPANY

[Dollars in millions]

| Year | Guarantees for Boeing aircraft & parts | Percent of annual Ex-Im Bank guarantees |
|---|---|---|
| 1996 | $1,154 | 22 |
| 1997 | 1,779 | 26 |
| 1998 | 2,541 | 50 |
| 1999 | 5,651 | 78 |

Source: Export Import Bank of the United States annual reports.

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## BAGHDAD RESTRAINT

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. BEREUTER. Mr. Speaker, this Member highly commends the September 18, 2000, editorial from the Omaha World-Herald about second-guessing President George Bush's decision not to invade Iraq during the Gulf War. The editorial thoughtfully discusses the possible options facing President Bush and the reasons why his final decision was clearly the best option available in a world where perfect solutions do not exist.

[From the Omaha World-Herald, Sept. 18, 2000]

BAGHDAD RESTRAINT REVISITED

The complaint is being voiced in the current campaign that the Bush administration erred during the Gulf War by failing to send a U.S. invasion force into the heart of Iraq to topple Saddam Hussein's regime.

Carrying out an "on to Baghdad" policy in 1991, it's claimed, would have spared the United States the headaches of dealing with Saddam's recalcitrant government over the past nine years. Public Pulse letters recently discussed this topic.

It's wishful thinking, however, to imagine that a U.S. takeover of Iraq would have neatly resolved the situation in the Persian Gulf. Far from bringing calm to the region, a U.S. or United Nations occupation of Iraq would have created new and difficult problems for this country.

A northward drive into Baghdad would have shattered the international coalition that President Bush had delicately assembled to support U.S. military action. The basis for the coalition, and for the United Nations resolutions which gave it legal legitimacy, was a concrete and limited goal: the expulsion of Iraqi forces from a sovereign country, Kuwait. A full-blown invasion of Iraq, perhaps complete with block-by-block fighting in the capital city, would have far exceeded that fundamental war goal.

Public support for Desert Storm was mild at best in many of the Arab and European countries whose governments stood by Bush. Had Bush adopted a topple-Saddam strategy, CNN videotape of American tanks patrolling the streets of Baghdad—a proud Arab city once the site of an Islamic empire—could well have triggered protest throughout the Arab world. It's a good bet, that U.S. occupation would have spurred tender-hearted Europeans to take to the streets to wail anew about the horrors of U.S. "imperialism." The eruption of hostility could have set back U.S. relations overseas for years.

Neither is it pleasant to contemplate what U.S. soldiers would have faced on the ground in occupying Iraq. Just as British soldiers came under withering assault in Palestine in the 1940s and French occupiers reaped the whirlwind in Algeria in the 1950s, so the U.S. occupation of a volatile Arab country like Iraq could have brought great peril to the men and women of the U.S. military.

Because Iraq lacks strong national cohesion, a U.S. invasion could well have triggered a break-up of the country into three new entities: a Kurdish north, a Sunni center and a Shia south. That radical change in the Middle East equation would have meant a host of new challenges for the United States, ranging from Turkey's anxieties over the new Kurdish state to the likelihood of Iranian manipulations of the newly independent Shias along the Persian Gulf.

The larger point here is that foreign policy issues rarely can be resolved neatly. No matter what action is taken, new problems arise. Consider the 1989 invasion that U.S. forces mounted to topple Panamanian dictator Manuel Noriega. Although the operation succeeded in ousting Noriega, Panama has continued to present the United States with new headaches. The U.S. operation restored civilian rule to the country, but that didn't stop Panama's leaders from pointedly rejecting a U.S. request last year to maintain an Air Force base at the Panama Canal. And Panama's stability is now threatened by guerrilla incursions from neighboring Colombia.

There is no reason to believe that a U.S. occupation of Iraq would have produced long-term results that were any better than those discouraging results in Panama.

George Bush had sound strategic reasons for rejecting a U.S. seizure of Baghdad. He settled on an imperfect solution, but in the real world, imperfect solutions are often the best that can be achieved.

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## A TRIBUTE TO NATIONAL "TAKING CHARGE OF YOUR TV" WEEK

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. SHAW. Mr. Speaker, I rise today to bring attention to a worthy and important program, which is the National Taking Charge of Your TV Week. This program runs from September 24th through the 29th.

The National PTA, the National Cable Television Association, and Cable in the Classroom have collaborated to develop a program in which parents and teachers mentor their children on how to use the media effectively and watch television responsibly. By providing questionnaires and guidelines, this program helps parents and teachers evaluate and curtail the impact of television violence and commercialism on their children.

The program also provides information on TV ratings, how to monitor your chidlren's television, and general research on the effects of television on children. However, the most important thing this program does is to have the TV temporarily turned off and families brought together.

Thanks to Vice President GORE, this topic has received much attention recently. But, his emphasis on the government as a solution to this problem is misguided. It is going to be through teacher and parental involvement that children learn responsible television watching. And, it is programs like National Taking Charge of Your TV Week that will make our country stronger and our children safer.

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## FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

### HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 2000*

Mr. ARCHER. Mr. Speaker, my colleague, Mr. RANGEL, and I are offering these additional remarks on H.R. 4986 to correct a statement included in the Report of the Committee on Ways and Means on H.R. 4986. The explanation of the provision in the Committee Report includes a statement of the Committee's intention regarding the qualification of certain aircraft engines as qualifying foreign trade property under H.R. 4986.

In describing the Committee's intention as to the qualification of an aircraft engine as qualifying foreign trade property, the explanation in the Committee Report describes an engine that is "specifically designed to be separated from the airframe to which it is incorporated without significant damage to either the engine or the airframe." The use of the word "incorporated" in this context is not necessarily correct and was not intended by the Committee; rather, the Committee intended to use the word "attached." As the Committee Report indicates, the Committee specifically intends not to create any inference regarding the treatment of aircraft engines for any purpose other than the specific application of H.R. 4986.

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## INTRODUCTION OF THE ESSENTIAL RURAL HOSPITAL PRESERVATION ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. PAUL. Mr. Speaker, I rise to introduce the Essential Rural Hospital Preservation Act.

This legislation provides a cost-effective means of providing assistance to those small rural hospitals who are struggling with the unintended consequences of the Balanced Budget Act of 1997. As those of us who represent rural areas can attest to, rural hospitals are desperately in need of such assistance. According to a survey conducted by Texas CPAs in April of 2000, the operating margin for hospitals outside a Standard Metropolitan Area with under 50 licensed beds pre-BBA was $26,000,000 while the operating margin post-BBA was negative $7,900,000. Reimbursement has been reduced by over $34 million since the BBA, while at the time the average rural hospital has incurred uncompensated and charity charges of $1.1 million since the changes contained in the Balanced Budget Act went into effect. Unless action is taken this year to provide assistance for these hospitals, many of them will be forced to close their doors, leaving many rural areas without access to hospital services.

I believe I can speak for all of my colleagues when I say that while none of us want to endanger the Medicare trust fund, we also want to ensure that Medicare reforms do not drive valuable health care providers into bankruptcy. After all, denying Medicare recipients in rural areas access to quality health care breaks the promise the government makes to the American people when it requires them to pay taxes to finance the Medicare trust fund that they will receive quality health care in their golden years.

Therefore, I am pleased to advance this proposal, which was developed by experts in rural health care in my district, which provides help for rural health care without endangering the soundness of the Medicare trust fund. The proposal consists of four simple changes in current Medicare laws for "Essential Service Hospitals." An Essential Service Hospital is defined as a hospital located in a non-Metropolitan Statistical Area with 50 state-licensed beds or less. The specifics of the legislation are:

1. A wage index for Essential Service Hospitals set at 1.0—Essential Service Hospitals receive 26 percent less Medicare Reimbursement than hospitals in MSA area. This places rural areas at disadvantage in competing for high-quality employees with hospitals in urban areas. Setting the wage index at 1.0 will enhance the ability of rural hospitals to attract the best personal and thus ensure residents of rural areas can continue to receive quality health care.

2. Allow Essential Service Hospitals to treat 100 percent of Medicare copay and deductions which become hospital bad debts as an allowable cost—The BBA of 1997 reduced the amount of bad debts incurred because of uncollected Medicare copayments and deductions that hospitals can submit to Medicare for reimbursement as an allowable cost. This places an especially tough burden on Essential Service Hospitals which often have a high percentage of bad debts because they tend to have a high percentage of low-income populations among their clientele.

3. Exempt Essential Service Hospitals from the Outpatient Payment System (PPS)—Since rural hospitals lack the volume necessary to achieve a fair reimbursement rate under PPS, it makes no sense to apply PPS to these hospitals. Exempting Essential Service Hospitals from PPS assures that they will have their reimbursement rate determined by a formula that matches their unique situation.

4. Provides a 20 percent Medicare Disproportionate Share (DSH) payment to Essential Service Hospitals—Since small rural hospitals tend to serve a larger number of low-income persons than the average hospital, they have a particular need for Medicare DSH payments. However, many of these hospitals are not benefiting from the DSH program, this legislation will help ensure these hospitals received the support from Medicare they need to continue providing vital health care to low-income residents of rural areas.

Considering that the BBA of 1997 has resulted in Medicare savings of over $50 billion more than projected by Congress surely it is not to much to ask that Congress ensure Medicare patients in rural areas are not denied access to quality health care services because of the unintended consequences of the Balanced Budget Amendment. I therefore call on my colleagues to stand up for rural hospitals by cosponsoring the Essential Rural Hospital Preservation Act.

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## WILDFIRES IN THE WEST RAISE QUESTION ABOUT ADMINISTRATION ACTIONS

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. BEREUTER Mr. Speaker, this Member commends to his colleagues the following editorial from the September 8, 2000, Norfolk Daily News. The editorial questions the Administration's actions restricting the construction of wilderness roads which have allowed preventive measures designed to avoid blazing forest fires.

[From the Norfolk Daily News, Sept. 8, 2000]

POETIC JUSTICE IN ACCUSATIONS—CLINTON ADMINISTRATION DESERVES CRITICISM FOR POLICY THAT AIDED FIRES

President Clinton is no more to blame for the wildfires ravaging the West than he is responsible for the nation's economic prosperity. But there is a certain poetic justice in political efforts to portray him and Vice President Al Gore as villains in the frightening destruction of thousands of acres of forest.

Several Western politicians—who, not coincidentally, are Republicans and allies of George W. Bush—have taken particular aim at a sweeping White House executive order preventing the building of large numbers of wilderness roads needed for forest-thinning by the lumber industry. The rationale of the order was that the lumber industry would do critical damage to the forests. But some critics have maintained that, by cutting some smaller trees and removing the underbrush, the industry can help keep forests healthy and prevent small fires from becoming raging blazes.

Vice President Gore, who is constantly lambasting industries in his presidential campaign for supposed instances of greed and chicanery, was an outspoken supporter of the executive order. Judging by the language he used, his thesis seems to be that making profits from trees is a premeditated and soulless insult to nature. A number of experts—and not just Republicans and industry spokesmen—agree, however, that some controlled lumbering activity in these area can be a blessing to nature.

Mr. Gore's business-bashing rhetoric and other aspects of the Clinton roadless policy suggest it was at least as much as effort to score political points as an effort to protect wilderness. The administration, as a result, seems to have earned the politically motivated accusations being tossed its way during this dreadful summer of fires.

In the end, of course, the fires are mainly a result of a very hot, very dry summer and of unfortunate no-burn federal policies that scarcely made their first appearance when President Clinton was elected.

President Clinton and Vice President Gore simply happen to have been in office when the fires occurred, just as they simply happened to be in office when the end of the Cold War, high-tech productivity and Federal Reserve anti-inflation policies helped create good economic times.

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## TRIBUTE TO CAVE SPRING NATURE PARK

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to one of Missouri's treasured historical and natural sites as it celebrates its 25th Anniversary. Twenty-two years ago as a Missouri State Representative, I had the privilege to join the members of the Cave Spring Association in creating and preserving the Cave Spring Nature Park as one of our country's celebrated historical sites.

The roots run deep in the area now named the Cave Spring Nature Park. From as far back as pre-pioneer times this site was referred to as the "Osage Trace." This name was attributed to the Indians who occupied the area: the Osage, Sac, Kansa, and Fox tribes. Later the area and its trails were surveyed and soon opened as trading routes to Santa Fe, New Mexico. Under the ownership of Jesse Barnes, this land would become one of the principal campgrounds for pioneer settlers, traders, and wagon trains heading west to discover the new territory. The cave spring was producing up to a million gallons of water a day to replenish the travelers and their horses, as well as creating a lush landscape.

It was this breathtaking landscape that would later attract horseback riders and picnickers including the young Harry Truman and Bess Wallace during their courtship. A picture of the infamous cave at this site would later be featured in a 1945 Life Magazine edition entitled "Truman's Missouri." From 1857 to 1877 the Cave Spring was owned by Harry Truman's grandfather, Solomon Young. Soon the Truman family would build their family farm just on the outskirts of the Cave Spring area, which is today appropriately known as Grandview. In the following years the Cave Spring would be the recognized by the Daughter's of the American Revolution as one of the foremost significant sites along the historic Santa

Fe Trail. Unfortunately, over the course of the next few decades the Cave Spring would fall into a period of dormancy and neglect in which the cave itself was in a "lost" state in which its whereabouts were unknown. It was not until the construction of a church that a large sinkhole was created which revealed the cave and subsequently the spring was rediscovered to a new world of appreciation. This brought new exploration and celebration of the Cave Spring and its surroundings. Soon after the rediscovery, the Cave Spring Association was formed to ensure that this site would receive the appreciation it has earned to ensure that its legacy will live on forever. Since 1975 the Cave Spring Nature Park and Historic Site has provided the northwestern Missouri region with a variety of natural and historic opportunities, specializing in enrichment programs for children, young adults, and families. The Association has worked tirelessly to preserve this site and the rich history that it bears.

Mr. Speaker, please join me in saluting the Cave Spring Nature Park and Historic Site and the entire Cave Spring Association for 25 years of service to the Greater Kansas City community.

## IN HONOR OF THE 22ND ANNIVERSARY OF THE GRAY PANTHERS OF METRO DETROIT

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. BONIOR. Mr. Speaker, today I rise to honor the 22d anniversary of one of Metro Detroit's most active and valuable organizations. For more than two decades, the Gray Panthers of Metro Detroit have been organized with the goal of advancing the causes of aging Americans and social justice for all.

The Gray Panthers were established on a national level in 1970. But it wasn't until 1978 that Lillian Rosinger, inspired by the dedication to social reform of Gray Panthers founder Maggie Kuhn, organized and was elected first convener of the Metro North Gray Panthers.

In the 22 years that followed, the all-volunteer network of grass roots activists has touched the lives of citizens across the tri-county area. They are a diverse combination of both younger and older people dreaming and working together for a better society. They have long championed the idea of a single payer health care system that will cover all Americans, young and old, rich or poor. The Gray Panthers have also taken strong, well-researched positions which support the strengthening of Social Security, Medicare and Medicaid.

True to their founding, the Gray Panthers have vigorously opposed discrimination based on age, sex, and race. They have put their hearts, minds and bodies on the lines in rallies, protest marches and public gatherings nationwide. At the local level, they can be seen rallying in support of locked out newspaper strikers or organizing a "Medicare For All" petition drive. Through their newsletters, website and e-mail action alerts, members have contacted elected officials in support of causes they cherish and in opposition to legislation they deem irresponsible.

Please join me in recognizing the Gray Panthers of Metro Detroit's 22d year as a force for positive social change in the Detroit and its surrounding areas.

## INTRODUCTION OF THE DRUG COMPETITION ACT OF 2000

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. WAXMAN. Mr. Speaker, I rise today to introduce the Drug Competition Act of 2000.

This legislation would correct a grossly anticompetitive abuse by branded and generic drug companies of the generic drug approval process. Only recently have we learned that such companies, which usually operate as fierce competitors to the benefit of American consumers, can strike collusive agreements to trade multimillion dollar payoffs by the brand company for delays in the introduction of lower cost, generic alternatives.

These sweetheart deals have earned the scrutiny of the Federal Trade Commission and the Food and Drug Administration. The FTC recently undertook consent agreements and enforcement actions against several companies which have engaged in such deals. But more can be done to prevent them from recurring.

I am very pleased to have collaborated with Senator LEAHY of Vermont, the ranking member of the Senate Judiciary Committee, in drafting this legislation. The Drug Competition Act would simply require companies seeking to reach secret, anticompetitive agreements to disclose them to the FTC and FDA. Disclosure of these agreements would enable Federal authorities to ensure that existing antitrust and drug approval laws are enforced to the letter. In sum, American consumers can be protected from anticompetitive abuses by the application of a little "sunshine."

I am very pleased this bill is being introduced with bipartisan support, and I urge my colleagues to join us in cosponsoring the Drug Competition Act of 2000.

## PERSONAL EXPLANATION

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Ms. ESHOO. Mr. Speaker, due to illness, I was not able to vote during consideration of rollcall 46–476. Had I been present, I would have voted: "aye" on rollcall numbers 460–465, 469, 471–472 and 475; "no" on rollcall numbers 466–468, 470, 473–474, and 476.

## IN RECOGNITION OF THE FOURTH STREET BAPTIST CHURCH'S 100TH ANNIVERSARY

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. COLLINS. Mr. Speaker, it has been 2000 years since our Lord was borne, and for one hundred of those years, his people have been served by the Fourth Street Missionary Baptist Church. I wish that prior obligations did not prevent me from joining you as you celebrate this milestone in your impressive new sanctuary.

But I am reminded that Jesus said his church would be built of living stones—of people—who are far more important than any structure, no matter how great and how beautiful it is.

When Fourth Street Missionary Baptist Church was founded a century ago by Reverend Willie Carter and Reverend John Bellamy, the church family worshipped under a brush arbor of vine and fig tree leaves. A man of this world would have seen a small group praying under a humble roof of green which would turn brown by winter. But a man of the spirit would have seen God laying living foundation stones for a church that would still be standing and growing 100 years hence.

Like many church bodies, the Fourth Street Missionary Baptist Church evolved over time. Originally part of the Mount Canaan Baptist Church, its members formed the New Mount Canaan Baptist Church. In 1905, a plot of land was purchased on Fourth Street, where a small shelter was built and the church body met in the home of Deacon and Sister B.A. Parker. At this time, it adopted its present name. In 1935, reflecting the growing church body, a new sanctuary was built at the corner of Third Avenue and Fifth Street.

In 1961, Reverend Johnny Flakes Jr. accepted the call to pastor the church and helped lead the church into a bright future.

Under his leadership, the church was renovated in 1966. In 1977, a new two-story education building with a kitchen and banquet hall was built. In 1999, work was finished on your new state of the art sanctuary. More importantly, he was working, with God's grace, to build the real body of the church. Membership is over 3000, and growing, both in numbers and in spirit.

This church is a living demonstration of the power of God to work in men and women's lives. Rev. Flakes, your church has had a glorious first century, and God willing, it will have many more to come. Congratulations.

## PARTNERSHIP FOR INTERNATIONAL FOOD RELIEF, H.R. 5224

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. GILMAN. Mr. Speaker, I rise today to introduce the International Food Relief Partnership Act, H.R. 5224, legislation that authorizes the stockpiling and rapid transportation, delivery and distribution of shelf stable prepackaged foods to needy individuals in foreign countries. This legislation creates a public-private partnerships to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster and other critical needs. I am pleased to join the Chairman of the Committee on Agriculture, Mr. COMBEST, the distinguished gentleman from Texas, and the Ranking Member of the Committee on Agriculture, the distinguished gentleman from Texas, Mr. STENHOLM, and the distinguished Chairman of the Subcommittee on Asia and the Pacific of the International Relations Committee, the distinguished gentleman from Nebraska, Mr. BEREUTER, in introducing this important legislation.

There is a gap in the United States' traditional international food relief effort and food reserve program that makes participation by non-profit organizations that want to contribute donated food extremely difficult. The major barrier to these volunteer contributions is the high cost of providing these donated food products to international relief organizations that transport and distribute food overseas. Agri-business efficiently and effectively provides assistance at times of greatest need through international food relief organizations that work through the Agency for International Development (AID). However, non-profits have a much more difficult time reaching international relief organizations to provide food assistance because of the high cost of processing, packaging, maintaining and shipping donated food. Consequently, food donated by non-profits is often delayed from reaching affected populations, or is simply not used for this purpose.

The International Food Relief Partnership Act will fill this gap by providing grant assistance outside the traditional food relief program to non-profits that should be matched 50 cents on the dollar by funds raised by non-profits. These grant funds will be used by non-profits to ensure that food donated by farmers can be processed, packaged, stored, and transported overseas at the time of need. AID would be responsible for the administration of this program, although funding for it would be made available through the U.S. Department of Agriculture's Food for Peace program.

Non-profits such as Breedlove, Child Life International, and Feed the Starving Children provide direct hunger assistance at times of disaster, famine, or other critical need. Organizations such as these are located throughout the United States. These organizations accept gleaned crops donated by regional farmers, and help transport and distribute this food overseas. Once the donated food is processed, it can be stored for years for use in food emergencies. Donated food reduces the cost of famine and disaster assistance because these products cost only pennies to process and ship and supplement the traditional food basket.

We need to encourage more volunteer efforts from non-profits. The International Food Relief Partnership Act accomplishes this objective by providing a means for non-profits to accept donated food and process it into a product for use in times of disaster, famine, or other critical need.

Through the enactment of this bill we create a new and inexpensive mechanism that provides more food relief for less money. The fifty-percent matching preference included in this legislation also ensures that viable and deserving organizations earn the grant funds that they seek.

I have introduced the "International Food Relief Partnership Act of 2000" today because the time to plan for a food crisis is before it occurs. I look forward to working with my colleagues in supporting the spirit of volunteerism and goodwill by rapidly passing this important legislation.

## HONORING PHIL RAMONE

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, please join me in honoring the incredible philanthropy and achievement of Phil Ramone. On September 24th Mr. Ramone will be awarded the Michael Bolton Charities Lifetime Achievement Award. Michael Bolton Charities, Inc. was established in 1993 to assist children and women at risk from the effects of poverty, homelessness, domestic violence, and physical and sexual abuse. Mr. Ramone's indefatigable generosity has enhanced the lives of countless women and children around the world for over three decades. This honor stands as a testament to Mr. Ramone's selfless acts which reflect his inherent benevolence and vision of life.

Throughout his remarkable career Mr. Ramone has produced award winning works by some of the world's most talented recording artists. His genius embraces all aspects of the entertainment business, working brilliantly in both the technical and creative sides of the industry. Mr. Ramone is one of the recording industry's most well respected and prolific producers with a resume so vast and encompassing that his peers have deified him as the undisputed "Pope of Pop." Mr. Ramone has produced galas for several U.S. Presidents and has been the driving force behind megastars such as: Frank Sinatra, Billy Joel, Paul Simon, Barbara Streisand, Madonna, B.B. King, Elton John, Gloria Estefan, Jon Secada, Fito Paez, Sinead O'Connor and Paul McCartney to name a few. Phil Ramone is invaluable to the artists he works with, such as Michael Bolton, and is an eight time Grammy Award winner, including Producer of the Year. As Chairman Emeritus of the National Academy of Recording Arts and Sciences, he is recognized by his peers as the most transcendent audio technician and stylistic creator in the music industry today. His grasp of technology revolutionized the recording studio with his first use of the Dolby four-track discrete sound system, satellite links, optical surround sound, fiber optic systems, and digital live recording.

In addition to all of these accomplishments and accolades, Mr. Ramone possesses a kindness and humility that make him one of the recording industry's most profound humanitarians. Since his earliest success Mr. Ramone's charitable commitment has helped children living in poverty around the world improve their education and their lives. It is with great respect and appreciation that we acknowledge Mr. Ramone's lifetime charitable achievements and his exemplary character on September 24. I commend Michael Bolton Charities, Inc., for their recognition of Phil Ramone's lifelong contributions to both music and humankind.

Mr. Speaker, please join me in expressing gratitude to Grammy winner Michael Bolton for his steadfast efforts to educate the Congress on the need to assist women and children at risk from the dangerous effects of poverty, domestic violence, homelessness, and physical and sexual abuse. With programs that foster self esteem, leadership skills, job training, and social awareness his charity provides the access and education that underprivileged women and children need for a better life.

Phil Ramone has a positive outlook and steadfast commitment to a better future for all our children when he notes that, "Our kids won't even think about virtual reality—it will be a regular part of their lives. Sometimes it's just so obvious to me, the future. It shows its face to me ever so often and then I say, 'Oh, of course. Why shouldn't we do this . . .' It's like an inner vision that lets you understand that there's something better, more beautiful just ahead." Thank you, Phil Ramone.

## HONORING THE 112TH BIRTHDAY OF WORLD WAR I VETERAN JOHN PAINTER

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. GORDON. Mr. Speaker, I rise today to wish a happy 112th birthday to Tennessee's oldest surviving World War I veteran, John George Painter of Hermitage Springs. He is also believed to be the nation's oldest surviving veteran.

Born on September 20, 1888, in the Keeling Branch community of Jackson County, Tennessee, Mr. Painter enlisted in the U.S. Army at the age of 29 to fight what was then called the "War to End All Wars".

Mr. Painter saw action in France's Argonne Forest where he hauled ammunition and field guns to the front lines with teams of horses and mules. He was honorably discharged on April 12, 1919, and returned home to Jackson County where he resumed his career as a blacksmith. There he married his childhood sweetheart—the former Gillie Watson—and raised two daughters.

Mr. Painter's courage during that brutal war earned him one of France's highest honors, the Order of the Legion of Honor. Only five other Tennesseans have received the distinguished award.

As we celebrate Mr. Painter's birthday today, I congratulate him for the tremendous contributions he has made to the United States and to the never-ending fight for freedom.

## NAUGATUCK VALLEY TOWNS

### HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. MALONEY of Connecticut. Mr. Speaker, I wish to bring to the attention of the U.S. House of Representatives the noteworhty accomplishments of the lower Naugatuck Valley towns located in my congressional district in Connecticut. After being chosen as a finalist in the National Civic League's All-American City competition in 1999, the Naugatuck Valley's 2000 delegation sharpened its presentation and on June 3, 2000, was awarded the League's highest honor, that of an All-American City.

The Naugatuck Valley is comprised of seven municipalities: Ansonia, Becon Falls, Derby, Naugatuck, Oxford, Seymour and Shelton. Delegates from each community traveled together to Louisville, Kentucky to compete for recognition as an All-American City. Started in 1894 by President Theodore Roosevelt and U.S. Supreme Court Justice Louis Brandeis, this award recognizes municipalities and regions where governments, citizens, businesses and volunteer organizations work together to address important local problems.

Moving beyond its background as an old industrial area, the Valley's entry in the competition highlighted the region's recent initiatives to address its needs. The delegation presented a 10-minute skit touting the region's Alliance for Growth, a nonprofit development corporation that has attracted business to the Valley and has created jobs for its residents. The judges were also told about Project Co-N-N-E-C-T, an organization founded to asses the Valley's economic health. The skit recounted the achievements of the Valley in an effort to rebuild the local Boys and Girls Club after its destruction by a fire eight years ago. In that effort, the seven communities came together to raise $4.5 million to obtain and renovate an old factory site for the youth organization.

What most set the Naugatuck Valley apart from the other entrants was its sense of community and family. Valley residents have a long history of supporting each other and working together to achieve a common goal—as evidenced by their win in Louisville. As only the second Connecticut locality ever to win the award, the delegation and residents of the Naugatuck Valley have demonstrated to the state of Connecticut and, indeed, the rest of the United States, that a dream of excellence can be achieved through hard work and dedication.

The residents and delegates from the seven towns of the lower Naugatuck Valley should rightly feel immense satisfaction at this most significant accomplishment. As one of only ten regions or cities in the country to win the All-American City award this year, they have become part of an elite group of citizens whose concern for—and pride in—their community has enabled great deeds to be accomplished.

Mr. Speaker, I ask that you and the rest of my colleagues join me in offering our sincere congratulations to the residents of the "Mighty" Naugatuck Valley of Connecticut for a job well done, and for setting an example for communities around our nation to follow.

## RECENT ACTION ON "GOLDEN RICE" OFFERS GREAT PROMISE

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the August 18, 2000, Omaha World-Herald. The editorial expresses support for recent actions which will make the newly developed "golden rice" more widely available worldwide. This rice, which has been generally engineered to contain more beta carotine, holds the potential to dramatically improve lives by helping to combat malnutrition and blindness among Vitamin A-deficient children throughout the world.

A LAUDABLE GIFT OF LIFE AND SIGHT

A lot of people, especially outside the United States, aren't buying genetically modified crops. All right then: What if somebody gave them away?

Well, somebody has—"somebody" being Monsanto Co.

It was a development so stunning that probably no novelist would ever incorporate it in a plot—too far-fetched. But Monsanto announced that it would be granting royalty-free licenses worldwide via the Internet for its newly developed "golden rice." It has been modified so that it's enriched in beta carotene, which the body converts to Vitamin A. (Licenses for other modified rices will similarly be cost-free, but golden rice is by far the star of the show.)

If this offer is widely taken up, the effect is likely to be dramatic. Worldwide, more than a million Vitamin-A deficient children die every year: 300,000 or so go blind.

We'd like to think Monsanto's generosity might inspire imitators among other holders of patents on such superfoods. First of all, there's the obvious prospect of making a better life for a lot of children in the Third World. Additionally, modified crops are getting a bum rap as being unsafe or unhealthy—"frankenfoods," in the unfortunate popular jargon. Maybe moves like Monsanto's will help dispel such thinking.

That latter point is, in fact, Monsanto's stated purpose. The argument can therefore be made that the chemical and agricultural giant is merely acting in its own long-term self-interest.

Nothing wrong with that. If this act and perhaps others like it can break that logjam of opinion, the company or companies that help bring it about deserve to benefit. But in the here and now, it was an impressive example of a giant company being a good corporate citizen of the world. The folks at Monsanto who made the decision have a right to be proud.

## HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

SPEECH OF

### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. BOYD. Mr. Speaker, education has always been a key to opportunity in America. Historically Black Colleges and Universities [HBCUs] were created as early as 1837 to provide African-Americans access to higher education. America's HBCUs have provided a crucial avenue to educational and economic advancement for African-American youth for more than 150 years.

The best opportunities for personal and professional success will go to those who are well educated. Our Nation's HBCUs have assisted African-American and other students in achieving their educational goals and reaching their full potential, while keeping tuition costs affordable. The vast majority of African-Americans with bachelor's degrees in engineering, computer science, life science, business, and mathematics have graduated from one of the 105 Historically Black Colleges and Universities. These graduates, numbering 300,000 African-Americans, make up the majority of our Nation's African-American military officers, physicians, Federal judges, elected officials, and business executives. The distinguished faculty members at HBCUs serve as role models and mentors, challenging students to reach their full potential.

I am proud to have one of these universities in the congressional district that I represent. Florida Agricultural and Mechanical University, founded on October 3, 1887, in Tallahassee, Florida, as the State Normal College for Colored Students, began classes with 15 students and 2 instructors. Since then, it has become an institution of higher learning, striving toward even greater heights of academic excellence. Today, Florida A&M University is one of nine 4-year, public, co-educational and fully accredited institution of higher learning in Florida's State University System, and excellence remains its goal.

For more than 100 years, Florida A&M University has served the citizens of the State of Florida and the Nation through its provision of preeminent educational programs. By serving the African-American community, HBCUs, like FAMU, serve all Americans. These institutions embody many of our most deeply cherished values—equality, diversity, opportunity, and hard work. FAMU is a source of great pride and a symbol of economic, social, and political growth in the community and the Nation. Preparing talented young men and women to succeed in every sector of our economy, FAMU, "Florida's Opportunity University," is committed to meeting the challenges and needs of future generations.

As education and diversity become increasingly important in the 21st century, graduates of HBCUs will continue to be at the vanguard of America's progress. I would like to commend Florida A&M University for its commitment to educational opportunity, outstanding performance, and invaluable contributions to the people of Florida.

## DIGNITY FOR THE TERMINALLY ILL ACT OF 2000

### HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. SALMON. Mr. Speaker, I rise to introduce the Dignity for the Terminally Ill Act of

2000. The bill clarifies an ambiguity in Federal law which allows the Health Care Financing Administration [HCFA] to cut off Medicare funding to hospice patients after 6 months of treatment. The scope of this problem was detailed in a recent Wall Street Journal report which revealed that in early February 1997, several Hospice patients received letters from HCFA saying they were under investigation for Medicare fraud simply because they had lived longer than current Federal guidelines allow for reimbursement. In other words, HCFA officials were more concerned about being reimbursed than they were about caring for these dying patients.

It seems strange that HCFA would begin cracking down on its 6-month rule given the fact that, for years, Medicare officials have encouraged the hospice industry to grow, primarily because it is less costly to care for the terminally ill at home than it is to treat these patients in a nursing home or hospital.

Unfortunately, it seems the rise in hospice care during the 1990s brought about an increase in fraud and abuse of the Medicare system, which in turn sparked a misguided crackdown on terminally ill patients.

HCFA officials discovered roughly $83 million in such abuse and began pushing their intermediaries to crack down on the problem. In 1997, the Inspector General of the Department of Health and Human Services warned HCFA officials to do a better job enforcing their 6-month reimbursement guideline. While HCFA's plans may have been well-intentioned, its intermediaries' attempt to enforce the rule was disastrous. For example, the Wall Street Journal reported that UGS, a subsidiary of Blue Cross Blue Shield in Wisconsin and a Medicare intermediary, sent letters to five terminally ill patients which declared that they were not eligible for Medicare hospice and, adding insult to injury, requested these patients to pay $450,000 for the care they received.

Outrage from several hospices and Federal legislators has led to a small change in HCFA's aggressive crackdown on its 6-month rule. Last week, HCFA's administrator, Nancy-Ann Min DeParle, wrote to thousands of hospices to explain that there has been a "disturbing misperception" about HCFA's efforts to enforce its 6-month regulation. However, she never specifically declared that reimbursement for care of hospice patients will continue for as long as they receive treatment. She only offered to create a "voluntary" case-by-case review of patients who remain in hospice care longer than 6 months.

Regardless of Administrator DeParle's change in position, we must clarify the law so that there is no question about HCFA's responsibility to provide care for the terminally ill. It is the right and moral thing to do. More importantly, it will let hospice patients live out their final days in dignity. I urge my colleagues to cosponsor my bill and I submit the Wall Street Journal article of June 5th to be printed in the RECORD.

## TRIBUTE TO ADELE HALL

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor an exceptional leader and friend to our Kansas City community and our country. Adele Hall is being honored as the 2000 Woman of the Year by the Central Exchange, an organization of which she is a founding member. Adele Hall has an extensive history of helping children and families in Kansas City and across our Nation. She has shown outstanding dedication as a philanthropist and representative of gender concerns for equality in the workplace and society.

Adele Hall is considered by many in Kansas City as a lifelong friend to our community. Her civic pursuits have led her to hold positions in an outstanding number of Kansas City and national philanthropic organizations. She has served as Chair of many boards including Children's Mercy Hospital, the Greater Kansas City Community Foundation, the Partnership for Children, and the former Crippled Children's Nursery School, now Children's Therapeutic Learning Center. Nationally, she has served as a board member for the Trust Fund of the Library of Congress, the George Bush Presidential Library Center, the American Academy of Pediatrics, and the Salvation Army. Currently, she is serving as Co-Chairman of a $175 million capital campaign for the Nelson-Atkins Museum of Art. She is the Vice-Chairman of the United Negro College Fund and the Youth Corps of America.

As a founding member of one of Kansas City's most reputable women's organizations, the Central Exchange, she has worked tirelessly to promote the advancement of women in all sectors of society. For the past 20 years the Central Exchange has worked to bring people of diverse backgrounds together to encourage the personal and professional growth of women. Today the Central Exchange boasts nearly 900 members from all over the Kansas City metropolitan area. The astounding membership can be attributed to what members of the Central Exchange value the most, creating opportunities to meet and learn from other women. This is an extremely difficult goal when many women are busy with work and family responsibilities. Adele Hall's various roles and achievements throughout the history of the Central Exchange have demonstrated that she has succeeded in fulfilling her dream of increasing the visibility and effectiveness of Kansas City's women.

Adele Hall's personal and professional record exhibits her spirit of commitment to others. Her entire life has exemplified the core values that we all strive for: commitment to the community, to family and to the innate desire to truly make a difference in the lives of others. Her devotion is an example to us all. I am honored to acknowledge Adele Hall for her successful efforts to promote equity and opportunity for women and children. I know that she is joined in receiving this award by her husband, Don, and their entire family. Mr. Speaker, please join me in congratulating the Central Exchange 2000 Woman of the Year, Adele Hall.

## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

SPEECH OF

### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Ms. MILLENDER-McDONALD. Mr. Speaker, today I rise to pay tribute to a man who has served as one of the most determined and effective advocates for America's hard working families in the United States Senate. Senator DANIEL PATRICK MOYNIHAN was first elected to the Senate in 1976, and has served the people of New York as well as the entire country with commitment, leadership and integrity. As the Ranking Member on the Senate Finance Committee, he has pioneered for new initiatives to feed our nation's poor, to provide critical welfare and job training services to families in need, and to ensure that everyone has access to quality health care. Senator MOYNIHAN has been particularly committed to an issue I know well: AIDS.

As many of my colleagues know, since the moment I first stepped foot in Washington, I have fought for increased funding for critical HIV and AIDS education, treatment and research programs. I have also worked to expand our current programs to areas that are still in need of our help. Africa, India, the Caribbean, and Central and Eastern Europe in particular need our help and Senator MOYNIHAN has heard this call to action.

Senator MOYNIHAN introduced S. 2032 to amend the Foreign Assistance Act to address mother-to-child transmission of HIV in Africa, Asia and Latin America. At the same time, I introduced H.R. 4665 to initiate a $10 million pilot project in Africa and India to reduce and prevent mother-to-child HIV/AIDS transmission. I am extremely pleased that H.R. 3519, the Global AIDS and Tuberculosis Relief Act of 2000, was signed into law by the President on August 19 and included much of the language and intent of my International Mother-to-Child HIV/AIDS Prevention Bill. With this legislation, we can commit $25 million to this cause.

Worldwide, 1,800 infants become infected with HIV each day. The total number of births to HIV-infected pregnant women each year in developing countries is 3.2 million. HIV/AIDS has doubled infant mortality in poor countries most heavily affected by the epidemic. We have hit a critical point where we must take action in the world's epicenter of HIV infection. We must act now if we ever hope to end this epidemic once and for all.

I thank Senator MOYNIHAN for his leadership on this serious public health issue and on so many issues affecting our women and children.

## RECOGNIZING THE ACHIEVEMENTS OF JOHN C. MURPHY

### HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. LAZIO. Mr. Speaker, I would like to recognize a man who has been dedicated to housing and community development issues for over 25 years. John Murphy is the Executive Director of the National Association of County Community and Economic Development. He has worked with my Housing and Community Opportunity Subcommittee on a number of programs.

The efforts of John Murphy have allowed counties around the country to build affordable housing, to provide seriously needed infrastructure, to alleviate homelessness, and to build senior support centers that allow our elderly citizens to remain in their own homes. He has worked endlessly to support vital public services that build stronger neighborhoods and help children grow up in safe communities.

The American dream is to own a home, an impossible dream for far too many people in our country. Mr. Murphy has helped make that dream a reality for tens of thousands of American families by helpiing numerous organizations maintain critically needed federal programs such as the Community Development Block Grant program, the HOME Investment Partnership Program and the Low Income Tax Credit Program. In addition, he has created opportunities to share information and ideas about housing programs that make the dream of homeownership possible for working class families all across our country.

Mr. Murphy has worked tirelessly to help communities find unique solutions to their housing and community development needs. At the same time, his efforts with Congress, the Department of Housing and Urban Development, the National Association of Counties, and many other organizations are well recognized.

Again, I would like to commend John Murphy for a job well done and extend my best wishes for his continued success.

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# PARTICIPANTS IN THE STUDENT CONGRESSIONAL TOWN MEETING

## HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit the following statements into the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

### RAMI FAOUR AND PAT GRIFFIN REGARDING THE LEGAL DRINKING AGE

Rami Faour: Representative Sanders, and other distinguished guests, we are here to speak about lowering the drinking age to help alleviate the problem with teen drinking. We understand that there are a large number of people between the ages of 18 and 20 who drink regardless of the law, and many of them even binge drink. Even though the legal drinking age is 21, many teens are able to purchase alcohol to consume on their own. 18 to 20 year olds can pay taxes, adopt a child, be drafted into the military, hold firearms, but they are not allowed to touch alcohol. This is an illogical inconsistency and infringement of civil rights on this age group. They are legal adults in every other respect and ironically not a lot of these legal adults who drink illegally increase the alcohol use and abuse it is meant to reduce.

Alcohol has become a forbidden fruit for teens. Drinking is more exciting when it is illegal than when it is legal. So many people go out and get drunk simply because they know they should not be drinking at all. Just look at our American history, we saw prohibition backfire. Instead of stopping it, it glorified it and we had increased alcohol. We see teens following that pattern.

Pat Griffin: The solution to this topic is a realistic drinking age .combined with education of teens about drinking. There is no reason that an 18-year-old cannot drink as responsibly or even more responsibly than a 24-year-old. The level of maturity between these two ages are about the same. The solution is to educate young youths in how to drink responsibly for the first step but current alcohol education in high school, and in college set up on how to drink responsibly and ending with the message "Do not drink because you would be too young." First we need to educate teens, then we need to trust them. If we treat them like children, they will act like children. If you treat them as responsible adults, they will act maturely. With these steps we see many different changes of attitudes and behavior of young adults.

We wish to thank you for your time to educate young adults in how to drink responsibly and then let them drink responsibly. Thank you.

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### KYLE ROSE, ERIN GOVER AND KIM KLEIN REGARDING TEEN CENTERS

Erin Gover: Good morning. My name is Erin Gover and today I will be speaking on the topic of funding of teen centers throughout Vermont.

For years society has been asking why teens turn to alcohol and drugs. So far we have concluded that the solution to this issue is positive alternatives. Well, teen centers are positive alternatives. Yet, out of all the towns in Vermont, Colchester is one of the only ones that does not have one. Yet, for three yeArs organizations like the Colchester Growth Group have founded buildings, got the community's support and fundraised the money for a teen center, but to no avail. In its place is a gas station, a quicky mart, or even a bar. I do not know about you, but I would rather have my child going to a teen center where he or she can hang out with his friends, get help on homework, or just have a good time rather than hanging out at a bar.

To compensate for this teens founded Club 242 located under Memorial Auditorium in downtown Burlington. Club 242 is a place where high school bands can play, get their start, and other high schoolers can come watch, have a good time, and just hang out. And there is absolutely no alcohol, no drugs and no smoking, a positive alternative you might say. Yet funding is currently being taken away from Club 242. Why? This leaves Burlington and Colchester with about three alternatives: shopping, movies and drugs. And it is the City of Burlington and the Town of Colchester that are making this decision, not the teens.

It is also your decision. As our representative, I believe you should make it your goal to not only make all of your fellow congressmen aware of the need for funding, but also to use your influence to pass a bill making it possibly a requirement for each town to have a teen center, a positive alternative. You should make yourself aware of these teen centers and make sure funding is not taken

The youth of Vermont have worked on this for years and continue to rally the support of the community. We are trying, but it is now your turn to help. And remember, actions speak louder than words.

Kim Klein: 90 percent of the reason why children go out and cause trouble is because there .is not really anything for them to do. I mean there are parks and stuff like that, but most children will either go out and hand out in front of stores or stuff like that and go to parties, because there is nothing constructive for them to do. And as Erin said, Club 242, being a musician and playing in high school bands, it is hard for us to get anywhere. I mean, we played there, but to be able to play in other towns and stuff, there aren't places for us to do that because they are all bars.

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### MATT PLUNKETT AND RYAN ESBJERG REGARDING TEEN DRINKING AND DRIVING

Matthew Plunkett: Congressman Sanders, eight young people die a day in alcohol-related crashes. During a typical weekend and average of one teenager dies each hour in a car crash; nearly 50 percent of those crashes involve alcohol. Alcohol is the number one drug problem among young people. This is a serious problem not only here in Vermont, but also across the nation. Drunk driving causes many deaths each year and many of us have suffered from the loss of friends and family who have died because of bad decisions involving alcohol and vehicles. When we look at the statistics on a national level, they may not seem very high but there is still a problem and more needs to be done, but then there is never enough that can be done until the problem ceases to exist.

We feel there should be more programs helping inform young drivers in training of the risks of how much more of a chance they have of getting in an accident while intoxicated. In our opinion there should be more funding or there should be funding for a problem that states some of the evils involved in alcohol-related crashes.

Ryan Esbjerg: These vehicles should not be overlooked. They are an educational resource that could be placed on display in private locations or driver's education classes can view the crash first-hand. Once young people see the results of one of these crashes, it might prevent them from making the same mistake as others. The viewing of the wreckage of cars in which people have died makes an impression that no film or lecture can match.

We keep track of history for a reason, to learn from mistakes and the mistake of drinking and driving is repeated too often. The accidents do not just affect the family of the driver or the passenger, they affect the whole community. We are urging you to extend the education of this subject, help save lives in any way that is possible, because you never know when it is your family member or your best friend you could read about in the newspaper.

Thank you for your time.

## FRIEDMAN BAG COMPANY CELEBRATES OVER 70 YEARS OF OPERATION

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### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Ms. ROYBAL-ALLARD. Mr. Speaker, today I congratulate the Friedman Bag Company for over 70 years of continuous operation in my congressional district and to highlight its leadership as a responsible corporate citizen.

In 1927, four Russian immigrant brothers started a small bag manufacturing company in the heart of Los Angeles. Sam, Saul, Harry and Morris Friedman fled Imperial Russia with their family in search of freedom, settling temporarily in Mexico until they were granted permission to enter the United States. Over the years, Friedman Bag Company grew almost as quickly as the city around it.

In many ways, the founding and growth of Friedman Bag Company personifies our nation's immigrant experience. The company was born from an immigrant family's dream to provide their children with a better life. The Friedmans succeeded, eventually becoming one of the largest suppliers of textile and polyethylene bags in the West. Their bags were primarily used for agriculture products such as Idaho potatoes, walnuts and other crops such as carrots and lettuce from the Central Valley of California.

But like many manufacturing companies in the United States, fierce competition from lower cost producers, in countries like China, eventually threatened the survival of Friedman Bag Company. To endure, the company needed to change and adapt to the new economy, and the successful effort was led by two sons of the founding members.

Friedman Bag Company desperately needed to invest money in new equipment. Company workers were still sewing burlap and mesh bags by hand. Morale and sales were suffering. Having never taken on debt financing in its history, the company embarked on a somewhat radical and risky venture to make sure it could remain competitive. Working with a financial institution that recognized its special history as a family business, and overcoming internal and external challenges, Friedman Bag Company secured the resources to continue its operations in the 33rd Congressional District.

Friedman Bag Company also worked with the Mayor and City Council to consolidate operations, ultimately bringing more jobs to Los Angeles. An article which appeared in the Los Angeles Times on May 26, 1999 and documents this important success story follows these remarks.

Today, Friedman Bag Company employs more than 250 people, with operations in Idaho, Washington and Oregon. The company's morale has soared as its future prospects have brightened. Friedman Bag Company is now firmly-positioned so a third generation of the Friedman family can continue the dream started by their family's ancestors.

I am proud of Friedman Bag Company's long tenure in southeast Los Angeles. Their efforts to modernize and adapt to an ever-changing economy in order to stay competitive are to be commended. Many men and women in my congressional district have worked at Friedman Bag Company, supporting their families and contributing to our community. I congratulate Friedman Bag Company for over 70 years of success which has epitomized the contributions to America made by our immigrant community, and I wish them many more years of successful operation to come. I submit the following article into the RECORD.

[From the Los Angeles Times, May 26, 1999]

WHEN DEBT PROVES TO BE BEST ANSWER

(By Cyndia Zwahlen)

Long debt-free Friedman Bag Co. turned to bank loans when it didn't have the money to cover shareholder buyouts and upgraded technology.

Pressure from more than 30 family shareholders to sell Friedman Bag Co., against the wishes of company management, was threatening to destroy the value of the closely held Los Angeles company founded by three brothers in 1927.

The far-flung shareholders, only one of whom worked at the company, wanted to cash out their shares. Management, including two sons of the founders, was desperate to invest the money in equipment needed to bring the company into the 21st century. Company workers were still sewing burlap and mesh bags for the agricultural industry by hand. Printing presses were slow and inefficient. Morale and sales were suffering.

"It was like a tug of war," said Harvey Friedman, chief executive and son of one of the retired founders. As the debate intensified, rumors that the company was going out of business began to fly.

Friedman Bag didn't have the money to cover shareholder buy-outs and new technology. The shareholders weren't interested in a note—a written promise to pay them in the future. And sale of the company's real estate wasn't an option because of the huge tax bill that would result, Friedman said.

For the first time in more than four decades, the company was forced to consider going outside for financing.

It's a classic dilemma for a family business. The conflicting demands on company funds of growth or expansion and shareholders buyouts or dissolutions can push the most debt-averse company to seek outside money, particularly if buyout funding isn't covered by insurance or some other previous arrangement. Perhaps it's the founder who wants to cash out, or an owner dies and there are estate problems. Or an owner without an heir interested in the business may want to sell the company to the employees through an employee stock ownership plan.

"Growth, liquidity, unexpected dissolutions that can disrupt the business are needs for financing," said Alfred E. Osborne, director of the Price Center for Entrepreneurial Studies at UCLA.

A business typically has two options when it comes to outside money—taking on debt through a bank loan or selling a stake in the company to an equity investor.

Friedman Bag, like most family businesses, chose debt, unwilling to deal with additional shareholders and their demands. The company polled its industry contacts for potential lenders. After being debt-free for decades, it found itself being wooed by more than 20 banks. Friedman and his managers decided on Imperial Bank in Los Angeles for several reasons. They got a speedy response and a loan package that covered their needs: an equipment line of credit, a term loan to buy out the shareholders and an asset-based line of credit to pay for growth. The bank's enthusiasm for the company's prospects sealed the deal.

"When you borrow money, you want to feel like the bank is excited about your new venture and not that they are doing you a big favor," Friedman said.

All things being equal, he'd just as soon lend to a family business, said Imperial Bank Executive Vice President Duke Chenoweth, who grew up in a family with a business.

"A family will generally put everything they have on the line to uphold the integrity of that family business and the family name," he said. In addition to a potentially deeper level of commitment than an absentee owner or a group of professional managers, a successful family business often has a built-in successor, important for management continuity, Chenoweth said. And if worse comes to worse, often the retired founder can be relied upon for emergency guidance or deep pockets.

Bank debt isn't right for every family business, of course. A company has to be able to generate enough cash flow to repay the debt, which naturally limits how much money a company can borrow.

Although it's not as common for a family business, an outside equity investor can also provide needed cash. The downside is that most equity investors are institutional investors who typically expect a return on their investment within three to five years. That's not practical for many family businesses.

"It would be a mistake to say private equity has no place in family business, but it would only be under specific circumstances where the family is willing to provide a liquidity event," said Jourdi de Werd, a managing director and co-founder of investment bankers Greif & Co. of Los Angeles, one of several corporate sponsors of the Family Business Program at USC.

A family that is contemplating a transition to more institutional ownership or a founder that wants to take capital out of the business might turn to an outside equity investor, said de Werd, who also grew up in a family with a business.

Friedman offered several tips for family businesses thinking about outside financing.

He echoed the advice of several bankers when he suggested family businesses limit the number of family members working at the company. Bankers worried about the toll of inflated salaries. Friedman was more concerned about a company's need for broad skills and the potential impact on the family itself.

"Success is a blend of family members and outsiders," he said. "If there is too much family, then you have a lot of internal problems that are brought home."

In addition to good-quality management, what else are bankers looking for? Organized and complete financial statements, according to Henry Walker, senior vice president at Farmers & Merchants Bank in Long Beach. The quality of your record keeping is a reflection of how you manage your business, he said.

Assessing management and financial strength is a two-way street, Walker said. Is the lender you are considering strong enough to weather an economic downturn without jeopardizing your loan?

"It's a long-term relationship you're looking for, and you shouldn't lose track of that because of a point [of interest] here or there," he said.

Planning company strategy before seeking outside money is also important. Friedman said. Friedman Bag invested in an intensive total quality management program and months of planning before it landed its bank loan. When the money arrived, the equipment purchases and a move into a new facility were completed within just three to four months of the shareholder buyout in early January. This week the new eight-color press goes online with triple the capacity of its predecessor and a setup time of 45 minutes compared with the five hours if used to take.

Friedman Bag Co. has come a long way from its modest beginnings collecting, sorting and reselling burlap bags used on farms in the 1920s. Today it employs more than 250 people and has operations in Idaho, Washington and Oregon. It supplies packaging and equipment to the agricultural industry and sandbags to the U.S. military, among others.

Employee morale has soared along with the company's new prospects. The third generation, including Friedman's son, a company vice president, has a future to look forward to, according to Friedman.

"We are a totally different company today," he said. "A new Friedman Bag Co. was born on Jan 5, 1999."

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## A POWERFUL MESSAGE ON PRAYER IN SCHOOL

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. WAMP. Mr. Speaker, one of the most troubling aspects of contemporary life is the continuing assault on values and morals. Nowhere is that effort more apparent than the determined drive to eliminate any voluntary prayer in our schools or at school events, such as athletic games. Recently, a distinguished citizen of my community spoke out on this subject. Jody McLoud is the principal of Roane County High School and has been for 11 years. He has spent 24 years as a professional educator. His comments summarize the situation about as well as anyone can. I am privileged to place them into the RECORD of the U.S. House of Representatives and urge everyone to read them carefully and pay heed. Here is what Mr. McLoud said.

It has always been the custom at Roane County High School football games to say a prayer and play the National Anthem to honor God and Country. Due to a recent ruling by the Supreme Court, I am told that saying a prayer is a violation of Federal Case Law.

As I understand the law at this time, I can use this public facility to approve of sexual perversion and call it an alternate lifestyle, and if someone is offended, that's OK.

I can use it to condone sexual promiscuity by dispensing condoms and calling it safe sex. If someone is offended, that's OK.

I can even use this public facility to present the merits of killing an unborn baby as a viable means of birth control. If someone is offended, no problem.

I can designate a school day as Earth Day and involves students in activities to religiously worship and praise the goddess, mother earth, and call it ecology.

I can use literature, videos and presentations in the classroom that depict people with strong, traditional, Christian convictions as simple minded and ignorant and call it enlightenment.

However, if anyone uses this facility to honor God and ask Him to bless this event with safety and good sportsmanship, federal case law is violated.

This appears to be at best, inconsistent and at worst, diabolical. Apparently, we are to be tolerant of everything and anyone except God and His commandments.

Nevertheless, as a school principal, I frequently ask staff and students to abide by rules with which they do not necessarily agree. For me to do otherwise would be at best, inconsistent and at worst hypocritical. I suffer from that affliction enough unintentionally. I certainly do not need to add an intentional transgression.

For this reason, I shall, "Render unto Caesar that which is Caesar's," and refrain from praying at this time. However, if you feel inspired to honor, praise and thank God, and ask Him in the name of Jesus to bless this event, please feel free to do so. As far as I know, that's not against the law—yet.

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## SAFER AMERICA FOR EVERYONE'S CHILDREN ACT (SAFE CHILDREN ACT), H.R. 5218

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 5218, the Safer America for Everyone's Children Act, or SAFE Children Act. The SAFE Children Act is a nine point program which will reward those States and communities who work to keep guns out of the hands of children, promote opportunities for students, and support programs which keep our kids off the streets and away from drugs. By supporting communities who take the initiative to combat school violence, we are allowing parents and educators to work together to make the decisions which will effectively help our children and provide an appropriate and common sense solution.

The SAFE Children Act creates new SAFE communities and SAFE States block grants which can be used to supplement, expand, or enforce programs which combat school violence. To be eligible for the new grants, "SAFE communities" will have to offer a biannual gun buyback program, provide working programs to create safe and drug-free schools, and offer after-school programs, which focus on the social, physical, emotional, moral, or cognitive well being of students. "SAFE States" will have to enact legislation to require individuals to be 21 years old to purchase a handgun, require safety locks to be sold with firearms at the time of sale, and create a public-private partnership to support organizations and municipalities who promote safe schools and gun safety.

Furthermore, the Safe Children Act creates a school counseling demonstration program to award grants to schools to establish or expand school psychological counseling programs, offering individual schools the opportunity and funding necessary to have on-site or on-contract child psychologists to assist troubled students. Additionally, the measure promotes the safety of law enforcement personnel by prohibiting the importation of large capacity ammunition feeding devices and exempts qualified law enforcement officers and retired officers from state laws prohibiting the carrying of concealed firearms.

Mr. Speaker, since the tragedy at Columbine High School, I have been meeting with parents, teachers, students, and law enforcement officials, to discuss the root of the problems in our nation's schools and find a resolution. The Safe Children Act is an important first step, because it promotes and supports community initiative and inclusion.

It is obvious that no one solution exists for solving the increase in school shootings, but it is imperative that we all dedicate ourselves to working together within our families and communities to stop the violence among our youth. The real solution to combating school violence will not be found in the halls of Congress, rather in our schools, homes, and communities throughout our nation. The Safe Children Act will reward those communities which work together to provide a safer America for everyone's children.

H.R. 5218

A BILL

To provide grant funds to units of local government that comply with certain requirements and to amend certain Federal firearms laws.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Safer America For Everyone's Children (SAFE Children) Act."

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be approriated $10,000,000 for fiscal year 2002 to carry out titles I, II, and IV.

### TITLE I—SAFE COMMUNITIES

**SEC. 101. PROGRAM AUTHORIZED.**

The Attorney General is authorized to provide grants to units of local government that comply with the requirements of section 102(a).

**SEC. 102. ELIGIBILITY REQUIREMENTS.**

(a) IN GENERAL.—To be a eligible to receive a grant under this title, a unit of local government shall have in effect, for a period of not less than 1 year, the following programs:

(1) GUN BUYBACK.—A program under which—

(A) the unit of local government offers to purchase any semiautomatic firearm for $100, and to purchase any other firearm for $50;

(B) the offer is renewed not less frequently than every 6 months; and

(C) the unit of local government transmits to the Bureau of Alcohol, Tobacco and Firearms, with respect to each 6-month period during which the program is in effect, a report on the volume and types of firearms obtained through the program during the period.

(2) SCHOOL VIOLENCE INITIATIVES.—School violence initiatives that implement comprehensive strategies to ensure a learning environment at school that is safe and drug-free.

(3) OPPORTUNITIES DURING NON-SCHOOL HOURS.—Activities to meet the child care needs of parents during non-school hours, including before- and after-school, weekends, holidays, and vacation periods. Such activities shall be designed to focus on the social, physical, emotional moral, or cognitive well

being of students and may include leadership development, character training, delinquency prevention, sports and recreation, arts, tutoring, academic enrichment, or other activities to meet the needs of the local community.

(b) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to applications from eligible units of local government that have the highest number of children aged 5 though 17 and highest rate of violent crime.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of expanding a program described in subsection (a) may not exceed 80 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this title shall be 20 percent of the cost of expanding the activities described in subsection (a) and may be in cash or in kind, fairly evaluated (including the provision of equipment, services, or facilities) from State or local sources.

### SEC. 103. USES OF FUNDS.

A unit of local government that receives a grant award under this title may use funds received to expand programs described in section 102(a).

### SEC. 104. REPORTS.

(a) LOCAL REPORTS.—Each unit of local government that receives a grant award under this title shall submit an annual report to the Attorney General regarding the effectiveness of the programs expanded through such award.

(b) REPORT TO CONGRESS.—The Attorney General shall compile the results of reports submitted under subsection 9a) and submit such information on an annual basis to the appropriate committees of Congress.

### SEC. 105. DEFINITION.

For purposes of this title and title II, the term "unit of local government" means a county, municipality, town, township, village, parish, borough, Indian tribe, or other general purpose political subdivision of a State.

## TITLE II—SAFE STATES

### SEC. 201. PROGRAM AUTHORIZED.

The Attorney General is authorized to provide grants to States that comply with the requirements of section 202(a).

### SEC. 202. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—To be a eligible to receive a grant under this title, a State shall have in effect laws which—

(1) impose criminal penalties on a person who purchases a handgun in the State if the person has not attained 21 years of age;

(2) require each person who is licensed under section 923 of title 18, United States Code, to sell a secure gun storage or safety device (as defined in section 921(a)(34) of such title) with each firearm sold by the person; and

(3) create a public-private partnership to support organizations and units of local governments that promote safe schools and gun safety.

(b) PRIORITY.—In awarding grants under this section, the Attorney General shall give priority to applications from eligible States that have the highest number of children aged 5 through 17 and the highest rate of violent crime.

(c) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of carrying out a program described in subsection (a) may not exceed 80 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of a grant under this title shall be 20 percent of the cost of carrying out the activities described in subsection (a) and may be in cash or in kind, fairly evaluated (including the provision of equipment, services, or facilities), from State sources.

### SEC. 203. USES OF FUNDS.

A State that receives a grant award under this title may use funds received to enforce programs described in section 202(a).

### SEC. 204. REPORTS.

(a) LOCAL REPORTS.—Each State that receives a grant award under this title shall submit an annual report to the Attorney General regarding the effectiveness of the program implemented with such award.

(b) REPORT TO CONGRESS.—The Attorney General shall compile the results of reports submitted under subsection (a) and submit such information on an annual basis to the appropriate committees of Congress.

## TITLE III—FEDERAL FIREARMS LAWS

## Subtitle A—Ban on Importation of Large Capacity Ammunition Feeding Devices

### SEC. 301. SHORT TITLE.

This subtitle may be cited as the "Juvenile Assault Weapon Loophole Closure Act".

### SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNITION FEEDING DEVICES.

Section 922(w) of title 18, United States Code, is amended—

(1) in paragraph (1) by striking "(1) Except as provided in paragraph (2)" and inserting "(1)(A) Except as provided in subparagraph (B);"

(2) in paragraph (2), by striking "(2) Paragraph (1)" and inserting "(B) Subparagraph (A);"

(3) by inserting before paragraph (3) the following:

"(2) It shall be unlawful for any person to import a large capacity ammunition feeding device."; and

(4) in paragraph (4)—

(A) by striking "(1)" each place it appears and inserting "(1)(A)"; and

(B) by striking "(2)" and inserting "(1)(B)".

### SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION FEEDING DEVICE.

Section 921(a)(31) of title 18, United States Code, is amended by striking "manufactured after the date of enactment of the Violent Crime Control and Law Enforcement Act of 1994.

## Subtitle B—Community Protection Act

### SEC. 311. SHORT TITLE.

This subtitle may be cited as the "Community Protection Act".

### SEC. 312. EXEMPTION OF QUALIFIED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926A the following:

**"§ 926B. Carrying of concealed firearms by qualified law enforcement officers**

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified law enforcement officer means an employee of a governmental agency who—

"(1) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest;

"(2) is authorized by the agency to carry a firearm;

"(3) is not the subject of any disciplinary action by the agency; and

"(4) meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.

"(d) The identification required by this subsection is the official badge and photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926A the following:

**"926B. Carrying of concealed firearms by qualified law enforcement officers.**

### SEC. 313. EXEMPTION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS FROM STATE LAWS PROHIBITING THE CARRYING OF CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is further amended by inserting after section 926B the following:

**"§ 926C. Carrying of concealed firearms by qualified retired law enforcement officers**

"(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

"(b) This section shall not be construed to supersede or limit the laws of any State that—

"(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

"(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

"(c) As used in this section, the term 'qualified retired law enforcement officer means an individual who—

"(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability;

"(2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

"(3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 5 years or more; or

"(B) retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

"(4) has a nonforfeitable right to benefits under the retirement plan of the agency;

"(5) during the most recent 12-month period or, if the agency requires active duty officers to do so with lesser frequency than every 12 months, during such most recent period as the agency requires with respect to active duty officers, has completed, at the expense of the individual, a program approved by the State for training or qualification in the use of firearms; and

"(6) is not prohibited by Federal law from receiving a firearm.

"(d) The identification required by this subsection is photographic identification issued by the State in which the agency for which the individual was employed as a law enforcement officer is located.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is further amended by inserting after the item relating to section 926B the following:

926C. Carrying of concealed firearms by qualified retired law enforcement officers.

### TITLE IV—SCHOOL PSYCHOLOGICAL COUNSELING

### SEC. 401. SCHOOL COUNSELING DEMONSTRATION

(a) COUNSELING DEMONSTRATION.—

(1) IN GENERAL.—The Secretary may award grants or enter into contracts under this section to establish or expand elementary and secondary school counseling programs.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

(B) propose the most promising and innovative approaches for initiating or expanding school psychological counseling; and

(C) show the greatest potential for replication and dissemination.

(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban and rural areas.

(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

(b) APPLICATIONS.—

(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application for a grant under this section shall—

(A) describe the school population to be targeted by the program, the particular personal, social, emotional, and behavioral needs of such population, and the current school psychological counseling resources available for meeting such needs;

(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school psychologists;

(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

(G) describe how any diverse cultural populations, if applicable, would be served through the program;

(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Grant funds this section shall be used to initiate or expand school psychological counseling programs that comply with the requirements in paragraph (2).

(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

(A) be comprehensive in addressing the personal, social, and emotional well being of all students;

(B) use a developmental, preventive approach to psychological counseling;

(C) increase the range, availability, quantity, and quality of psychological counseling services in the schools of the local educational agency;

(D) expand psychological counseling services only through qualified school psychologists;

(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decisionmaking, academic and career planning, or to improve social functioning;

(F) provide psychological counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

(G) include inservice training for school psychologists;

(H) involve parents of participating students in the design, implementation, and evaluation of psychological counseling program;

(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration; and

(J) evaluate annually the effectiveness and outcomes of the psychological counseling services and activities assisted under this section.

(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 1, but in no case later than January 30, 2004.

(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "school psychologist" means an individual who—

(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

(B) possesses State licensure or certification in the State in which the individual works; or

(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

(2) the terms "elementary school", "local educational agency", and "secondary school" have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); and

(3) the term "Secretary" means the Secretary of Education.

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## FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

SPEECH OF

## HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. ROTHMAN. Mr. Speaker, I am proud to rise today to honor Senator FRANK R. LAUTENBERG, as a co-sponsor of H.R. 4975, designating the post office and courthouse located at 2 Federal Square in Newark, New Jersey, as the Frank R. Lautenberg Post Office and Courthouse.

I can think of few individuals who have done so much for New Jersey to earn such an honor.

Senator FRANK LAUTENBERG is the personification of the American Dream. He was born to poor, hard-working immigrants in Paterson, New Jersey. It did not say Senator on his birth certificate. He had to work for everything he got.

FRANK LAUTENBERG enlisted in the U.S. Army where he served proudly in Europe during World War II. And thanks to the G.I. Bill, he received an education and used it to build a company from scratch.

That company, ADP, is now the largest payroll company in the world, and employs 33,000 people.

FRANK LAUTENBERG unselfishly used his success to help others. He has been one of the United States Senate's most tireless advocates for improving the health of all our families. The list of his accomplishments is both distinguished and long.

He has been one of the most strident advocates in taking on the tobacco companies to help our children. He was the leader in outlawing smoking on commercial flights.

He authored the nation's first Right to Know environmental legislation.

He established 21 as the national legal drinking age, reducing drunk driving deaths.

He helped to write Superfund, and the Clean Air and Safe Drinking Water Acts . . . And so much more.

It is impossible to find any piece of major legislation that improves public health that does not have FRANK LAUTENBERG's fingerprints on it.

And as the capstone of his career, as the ranking member of the Senate Budget Committee, he co-authored the Balanced Budget Agreement of 1997 that has helped produce the first balanced budget in a generation, and perpetuates an unprecedented era of prosperity.

On a personal note, FRANK LAUTENBERG has always been there for me when I needed him, as a friend and a leader of the New Jersey delegation.

That is why I am honored to be there for FRANK LAUTENBERG. I hope everyone will join me in thanking him for his public service and granting this honor.

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## IN RECOGNITION OF GARDEN CITY PARK FIRE DEPARTMENT RESCUE SQUAD

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to commend the outstanding work by the Garden City Park Fire Department Rescue Squad on its golden anniversary.

Over the past fifty years, the Garden City Park Fire Department Rescue Squad responded to more than 30,000 emergency calls. This all-volunteer staff, which spends countless hours training to improve their skills, have made a significant difference in the lives of countless Long Islanders.

Come rain, sun, snow, or hail, these talented men and women brave the elements applying their skills and saving lives. It is often a job that does not get the recognition it deserves because many people take their service for granted. But make no mistake, these men and women are often the difference between life and death. Always the first on the scene of an accident, they apply their skills in a professional manner and do an outstanding job treating accident victims.

I, along with those treated by these dedicated men and women, applaud your dedication and service. Residents across Long Island owe you our gratitude and thanks.

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## ESSENTIAL AND CRITICAL HOSPITAL PRESERVATION ACT OF 2000

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. KANJORSKI. Mr. Speaker, I rise today to announce the introduction of the Essential and Critical Hospital Preservation Act of 2000.

This bill improves previous legislation I have introduced in the 106th Congress by targeting relief to similar regions of the country like Northeastern Pennsylvania. Hospitals in these regions have a disproportionate number of elderly patients and have, therefore, been more greatly affected by the drastic cuts made in Medicare from the Balanced Budget Act of 1997. Furthermore, in these regions, the formula for Medicare as applied to those hospitals returns them an insufficient payment to meet their basic costs.

This bill is designed to assist economically distressed hospitals in regions where the combination of managed care, Medicare, and commercial payments changes have threatened to destroy the entire health care delivery infrastructure. It applies only to hospitals which have more than 40 percent of its patients on Medicare and receive the rural reimbursement rate despite being located in a Metropolitan Statistical Area.

Mr. Speaker, the hospitals in my region of Pennsylvania are in deep distress. Many of them are in severe economic difficulty. My proposal would give hospitals in regions of the country like Northeastern Pennsylvania a minimum of a 5-year, 10-percent increase in Medicare payments while they work through the development of long-range economic recovery programs. It also requires the hospitals to devise a coordinated economic recovery program with the assistance of the Secretary of Health and Human Services.

Mr. Speaker, in a time when the future of Medicare is under strict scrutiny, we must today continue to provide the basic essential care under the Medicare program that are intended some 35 years ago. I urge all Members of Congress to review this critical legislation in the remainder of the 106th Congress and work to enact it into law.

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## HONORING MELVIN PAGE

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. WAMP. Mr. Speaker, in some ways Melvin Page and his colleagues in honor and arms may be the bravest Americans. They fought a long and difficult war against a brutal and ferocious enemy. But—unlike the brave Americans who fought all our other wars—Melvin Page and his fellow Vietnam veterans had to fight a war that not all Americans supported. Even if Melvin Page and his comrades were "the bravest of the brave"—and they were—the civilian leadership that got us into Vietnam badly failed the men and women it sent there. Those leaders never gave our brave soldiers the unconditional backing and the clear goals needed to win. But, despite all those impediments, Melvin Page and the others who fought in that conflict can always hold their heads proudly and high because of the extreme sacrifices they made in defense of freedom.

That's why I was especially honored to take part in Melvin Page Day in Harriman, TN, in the Third District on Saturday, September 9, 2000. When you look at the story of Melvin Page's brave service, it's hard to imagine anyone who could more deserve the honors he received from his fellow citizens. Melvin served in the United States Army from 1967 to 1969 when the Vietnam War was at its height. He showed his true courage and suffered enormously during a battle in which he and 43 other men were ambushed by over 1,000 North Vietnamese Army soldiers. In an attempt to save as many of his comrades as possible, Sgt. Page called in napalm air strikes on his own position. He was hit three times by rifle shots, struck by a grenade and was grievously burned. He was one of the very few people in his command to survive the attack. Rescuers arrived just in time to save his life; and in fact, Melvin Page was so badly injured that the recovery team thought that he had died and placed him in a body bag. It was only when his hand moved that the rescuers realized that he was alive.

He had to undergo numerous operations and extensive rehabilitation to recover from the severe burns and other injuries he suffered. After Melvin Page left the Army, he became a letter carrier with the U.S. Postal Service back home in Harriman, where he has worked faithfully for 30 years.

Melvin Page's heroism and sacrifice has been recognized by the numerous medals and awards he has received, including the Bronze Star with V Device, three Purple Hearts, Two Bronze Oak Leaf Clusters, Good Conduct, National Defense Service, U.S. Vietnam Service, Vietnam Campaign, Combat Infantryman Badge, Parachute Jump Badge, Ranger Tab and Expert Marksman badge for pistol, rifle, and machine gun.

But, as impressive as this list is, it cannot begin to convey the heroism and sacrifice that marked Melvin Page's Army service. Mr. Page, as you complete 33 years of loyal and dedicated services to the United States in war and peace, please accept the congratulations, best wishes and heartfelt thanks of a grateful nation.

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## OCHSNER FOUNDATION HOSPITAL

### HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. VITTER. Mr. Speaker, on Monday, September 25, the Ochsner Foundation Hospital will open a spectacular new addition. This $46 million facility will provide 140 square feet of space over three floors. The first floor will include a world-class emergency and trauma center; the second floor will be home to 10 new operating rooms with the most advanced equipment; and the third floor will include 32 new intensive care unit patient rooms. By placing these improved facilities in new construction, operations of the existing facility are not threatened.

These improvements will improve the quality of care of patients at Ochsner. They also will provide a better learning environment for the more than 200 medical residents that study each year at Ochsner.

The Ochsner Foundation Hospital, at its present location since 1954, is accredited with commendation by the Joint Commission on Accreditation of Health Care Organizations, an achievement which places the hospital above 87% of all hospitals in the U.S. The hospital admits over 18,000 patients each year for a total of more than 97,000 patient days. The average length of stay at Ochsner is 4.9 days. In addition, each year 30,000 individuals are treated on an emergency outpatient basis.

Known for surgical expertise with nearly 12,000 surgery cases handled each year, the hospital is also known for its pediatric, cancer, cardiology, and orthopedic programs. The Ochsner Multi-Organ Transplantation Center performs transplantation surgeries for most major solid organ systems and ranks as the fifth largest heart transplantation program in the country.

Ochsner has provided generations of patients from the New Orleans area and from throughout the world with quality medical care. This new addition will permit them to continue providing the highest quality of medical care for future generations.

## TRIBUTE TO THE REVEREND BERTRAM G. BENNETT, JR.

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted his life to serving others, Reverend Bertram G. Bennett, Jr. He will be honored by the Wardens, Vestry and People of Saint David's Episcopal Church on Sunday, September 17, 2000 for 20 years of ministry at Saint David's.

Reverend Bertram G. Bennett, Jr., was born in New York City on September 23, 1951 and has been Priest-in-Charge of St. David's Episcopal Church in the Bronx since 1980. He received a B.A. in Behavioral Science from Shaw University in Raleigh, North Carolina and a Master of Divinity from the General Theological Seminary in New York City and was ordained Deacon in 1977 and Priest in 1978.

Fr. Bennett strongly upholds the Diocese of New York's mission statement of "effective church presence in poor communities." Born and raised in Harlem and carrying out his ministry in the South Bronx, Fr. Bennett is very much aware of the problems that afflict such communities.

Serving on a number of committees and boards, Fr. Bennett is well-known and respected in the Diocese, the parish and the community. He has served on the Diocesan Council and on several Diocesan committees. He is currently the Chair of the South Bronx Interparish Council, and in that capacity stresses the importance of the parishes meeting on a regular basis and sharing information and resources. Fr. Bennett is also on the Board of Episcopal Social Services, an organization that assists people of all ages throughout the Diocese.

Under Fr. Bennett's encouragement, St. David's has been a member of South Bronx Churches (SBC) since its beginning in 1987. SBC is an ecumenical broad-based organization of the Industrial Areas Foundation (IAF), involved with problems the communities in the South Bronx face regarding housing, illegal drugs, education, health, and employment. As Chair of the Housing Task Force of the South Bronx Churches, Fr. Bennett has been instrumental in the development of affordable homes in the South Bronx. He is also Chair of the Board of the Senior Housing Development. The accomplishments result from the hard work and motivation of Fr. Bennett whose steadfast perseverance is an inspiration to his parishioners.

Important to Fr. Bennett's ministry is his involvement with youth work in the church and community. He has served as Chair of the Board of Bronx Youth Ministry and has recently been appointed to serve on the School Chancellor's Interfaith Advisory Council. St. David's After School Program and Summer Day Camp are vital community programs that offer supervised and structured activities for the youngsters. In recent years, Fr. Bennett has encouraged the men of the Parish to meet on a regular basis with the young men of the community for prayer and fellowship during the week.

Before coming to St. David's, Fr. Bennett served in churches in the Bronx and Manhattan. As a parish priest, he places a high priority on making pastoral calls, visiting the sick and shut-ins, and counseling. Many times he has been able to assist members of the church and community through court appearances and intervention with the Department of Social Services, and giving support to parents dealing with school authorities.

Among the church and community organizations that have honored Fr. Bennett for his ministry are the Boys of Yesteryear, the Bronx Council, Bronx Youth Ministry, and the New York City Council of Churches.

Fr. Bennett is a devoted family man, as is evident to those who have met his wife, Ledda, their children and grandchildren.

Mr. Speaker, I ask my colleagues to join me in recognizing Reverend Bertram G. Bennett, Jr., for his remarkable career of serving the community and bringing hope to the many individuals he has touched.

## A SUCCESSFUL PUBLIC-PRIVATE PARTNERSHIP

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. WEXLER. Mr. Speaker, I rise today to commend the important contributions made by ADT Security Services, Inc., a security headquarters in my district in Boca Raton, Florida, to the National Crime Prevention Council (NCPC).

The NCPC is a private non-profit organization which has been working tirelessly to make our country safer from crime. The most prominent of their programs is the "McGruff the Crime Dog" public service advertising campaign, which is celebrating its 20th anniversary this year. Many of us are familiar with its "Take a Bite out of Crime" slogan. Some of their other valuable activities include providing technical assistance to communities, coordinating community demonstration projects, and producing award-winning publications for distribution to law enforcement, schools, and community organizations.

ADT has sponsored activities of the NCPC since 1985, and ADT's supported has allowed the NCPC to develop and distribute the National Crime Prevention Survey and the annual October Crime Prevention Month kit. To celebrate McGruff's 20th anniversary, the NCPC also began a tour of the country to recognize those communities which have had significant reductions in crime as a result of coordinated prevention efforts. This tour is only possible as a result of ADT's support.

Mr. Speaker, when corporations such as ADT give of their resources to improve communities, the results pay enormous dividends in the quality of life all Americans enjoy.

I would like to express my best wishes for continued success to the partnership of ADT and the NCPC, as well as my pride to represent a company, such as ADT, in the House of Representatives.

## VICTIMS OF CIVIL WAR: THE REFUGEES OF COLOMBIA AND PERU

### HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. DIAZ-BALART. Mr. Speaker, earlier today, I chaired a Congressional Human Rights Caucus briefing on "Victims of Civil War: The Refugees of Colombia and Peru." I would hereby like to share the agenda and my opening statement at the hearing with the House for my colleagues' information.

CONGRESSIONAL HUMAN RIGHTS CAUCUS—VICTIMS OF CIVIL WAR: THE REFUGEES OF COLOMBIA AND PERU, SEPTEMBER 20, 2000, 10–11:30 AM

Summary: Pursuant to the request of Congressional Diaz-Balart (R-FL), the Congressional Human Rights Caucus convened on September 20, 2000 at 10 AM to examine the causes and ramifications of the Andean refugee crisis and to review U.S. policy in response to this crisis. Caucus Chairmen John Edward Porter (R-IL) and Tom Lantos (D-CA) appointed Congressman Diaz-Balart (R-FL) to chair the briefing. The briefing concluded at 11:45 AM.

WITNESSES

Panel I: (1) Ms. Dawn T. Calabia, External Relations, Office of the United Nations High Commissioner for Refugees; (2) Mr. Julian Hoyos, political asylee from Colombia; and (3) Mr. Jorge Vallejos, refugee/journalist from Peru.

Panel II: (1) Ms. Nina Serafino, Congressional Research Service (CRS) specialist on Colombia; (2) Ms. Maureen Taft Morales, (CRS) specialist on Peru; (3) Andrew Miller, Acting Advocacy Director for Latin America and the Carribean, Amnesty International USA; and (4) Elisa Massimino, Washington, DC Director, Lawyers Committee for Human Rights.

OPENING STATEMENT OF CONGRESSMAN LINCOLN DIAZ-BALART, CONGRESSIONAL HUMAN RIGHTS CAUCUS, BRIEFING ON THE VICTIMS OF CIVIL WAR IN COLOMBIA AND PERU, SEPTEMBER 20, 2000

Welcome to today's Congressional Human Rights Caucus briefing on the Andean refugees—victims of civil war in Colombia and Peru. I would first like to thank my colleagues, Congressman JOHN PORTER and TOM

LANTOS and their able staffs for supporting me in convening the caucus to address this critical issue. Secondly, I would like to thank my colleagues who are present with us today. Finally I would like to extend my deep appreciation to our witnesses for their participation today and their personal investment of time and, in some cases, travel to help illuminate this issue.

I have become progressively more interested in this issue in the last few years as I have observed Colombian and Peruvian refugees seeking safe haven in South Florida. Since their arrival during the last two decades, they have enriched South Florida with their talent and their spirit of enterprise. In the last few years, my district office has experienced a great increase in the number of visits from Colombian and Peruvian families. In talking with them about their struggle for freedom and peace, I have learned about their journey and how they have sacrificed greatly to protect their children and loved ones from those who would terrorize them in pursuit of territorial, political, or monetary greed. I have pledged to these families that I will do everything I possibly can to assist them in their effort to remain as residents en route to becoming citizens of the United States.

I should mention that I will use the term refugee in its inclusive meaning to include those who seek humanitarian protection both before and after entering the United States. Therefore, I include those who seek asylum when they are fortunate enough to escape their persecutors and reach the United States.

A few points should be noted to provide context to the issue before us. Colombia continues to be engulfed in an intensifying civil war that is no longer confined to rural communities. Moreover, it now affects all regions and social strata of Colombian society. Bogota, the nation's capital, is now daily beset with guerrilla atrocities. Unemployment levels exceeded a staggering 20% in 1999 and on average there were seven kidnappings per day—2,548 per year.

On August 1, 1999 the Miami Herald Editorial Board noted, "During the terror campaign of the late 1980's and early 1990's, narco cartels bombed malls and jetliners, randomly killing innocent civilians en masse." Today, the Herald, the Washington Times, Washington Post and other national newspapers report escalating murders, kidnapings for ransom, and other atrocities committed against civilians and foreigners—increasingly more Americans (executives, journalists, professors, and tourists) are becoming victims.

Peru experienced equally severe destruction in the 1980's and 1990's at the hands of the Sendero Luminoso (the Shining Path). According to Amnesty International's Annual Report for 1990, in October of 1990 alone, the Marxist-terrorist organization killed 350 people. We will hear more from our panels about the grave conflict in Peru and how it forced thousands from their homes.

As many here recall, in the 1980's and 1990's these severe Marxist-guerrilla atrocities in Colombia and Peru caused thousands of refugees to flee their countries and seek safe haven in the United States and elsewhere in North America. The Colombians and Peruvians pursued asylum claims, but most were obstructed from relief. For example, according to the INS between 1989 and 1997, the cumulative approval rate for Colombians was 15.8% and for Peruvians 24.8%—well below similarly beleaguered countries such as Liberia (45.2%) Ethiopia (50.3%) and Burma (54.8%).

I have received letters from constituents and interested individuals that are bitterly painful to read because they depict savage brutality, intimidation, and terror, all as means to deprive non-combatants of political freedom, land, personal property, and worst of all their human dignity. One man's father was killed by the Marxist Revolutionary Armed Forces of Colombia (FARC), after repeated beatings and the murder of cattle workers, to confiscate the family's land and other assets. Another letter was from a woman who was involved in grass roots political activity on behalf of the assassinated Presidential candidate Luis Carlos Galan in 1988. She was assaulted, subjected to death threats, and forced to live in hiding and apart from her mother and children for months at a time. A bomb exploded near her home followed by a phone call that threatened her telling her that the next time it would be her home that was bombed. The door to her house was regularly spray painted with the letters "FARC".

What we will hear today will only provide a brief glimpse of the continuous suffering that the refugees have experienced everyday for years. They have lost loved ones in the conflict. They have been separated from family for years. They have been unable to attend funerals of parents and siblings. The physical and mental anguish of these communities deserve our consideration.

A nation's strength must be measured not only by its economic or military might, but by the degree in which it helps its neighboring allies. Colombia is a mere three and one-half hours flight from Miami—about the distance between Washington, DC and Denver, Colorado.

It is my hope that this Congress will look at the record of this meeting today and use it to help craft foreign and immigration policies that work to extend relief to the hardworking and law-abiding Peruvian and Colombian families. I have a proposal (The Andean Adjustment Act, HR 2741), which I will discuss later, to begin this effort and I will continue to work toward its adoption. Thank you. We will now here from Ms. Calabia on behalf of the United Nations High Commissioner for Refugees.

## INTRODUCTION OF THE IMMIGRANT HEALTH AND SAFETY ACT

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. NADLER. Mr. Speaker, today I am introducing the Immigrant Health and Safety Act. I hope my Colleagues will join me in supporting this legislation designed to correct a very serious consequence of major immigration reform legislation that was passed into law in 1996.

Prior to 1996, relief from deportation was possible for long-term immigrants of good moral character who had community ties in the U.S., if deportation would prove a cruel hardship for themselves or their families. No more than 4,000 such grants are permitted each year—and only to long-term, non-criminal immigrants with family and community ties in the U.S.

In 1996, Congress severely limited this kind of relief. Even a cruel hardship to an individual—such as an extreme medical condition—cannot prevent that individual's deportation. Now only a showing that someone's deportation will result in extreme and unusual hardship to his/her immediate relative who is a legal permanent resident or U.S. citizen can prevent deportation.

In other words, current law permits removal of long-term immigrants even if it would mean extreme medical hardship, disability, or even death. Immigrants who suffer from eminently treatable conditions in the United States could be subjected to suffering or perhaps death if forced to leave. They are also forced to leave their loved ones behind and sever ties with communities they have been a part of for years.

Historically, humanitarianism and family unity have been principal policies underpinning U.S. immigration law. For a small group of immigrants, current law threatens individual lives, community integrity, and the well being of immigrant families. Our bill would allow the Attorney General discretion to cancel their removal from the U.S. if she determined their cases had merit. The bill would not increase the number of grants of relief available each year beyond the 4,000 already permitted in current law, but would remove an undue burden of the 1996 law on a small group of immigrants who have lived in the U.S. for many years.

Again, I urge my colleagues to support this legislation and pass it as swiftly as possible.

## HOME HEALTH OCCUPATIONAL THERAPY SHOULD BE COVERED BY MEDICARE

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. ANDREWS. Mr. Speaker, I rise today to ask my colleagues to co-sponsor an important bill related to the Medicare Home Health benefit. I recently introduced H.R. 4874, the Medicare Occupational Therapy Coverage Eligibility Act of 2000. This bill would amend title XVIII of the Social Security Act to provide for eligibility for coverage of home health services under the Medicare Program on the basis of a need for occupational therapy.

Occupational therapy is regarded as a full rehabilitation benefit under Medicare in every post-acute benefit except home health. This is a historical problem that should have been corrected when occupational therapy was included as a free-standing benefit in 1987. This correction is long overdue. It will provide beneficiaries immediate access to occupational therapy—a service targeted toward increasing self-sufficiency and function in the home—if they need it as part of their home health care plan. Physicians will be able to prescribe occupational therapy immediately without the requirement that nursing or another service be provided first. Additionally, home health agencies will have more flexibility in designing care plans based on clinical appropriateness and not on an outmoded Medicare requirement.

Occupational therapy is focused on helping individuals become more independent. That is why I believe that the inclusion of occupational therapy coverage by Medicare in the home health benefit will actually decrease the dependence of individuals on home health services. This bill will help seniors to lead better, more independent lives. I urge my colleagues to support putting occupational therapy on an equal footing as a rehabilitation benefit in home health, just as it is in rehabilitation hospitals and skilled nursing facilities.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 21, 2000 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### SEPTEMBER 22

10 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the status of policing reforms in Northern Ireland as envisioned by the Good Friday Agreement.

2172 Rayburn Building

### SEPTEMBER 25

1 p.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings on the USDA's administrative procedures regarding the Packers and Stockyards Act.

SD–226

### SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

Environment and Public Works

To hold hearings on S. 1763, to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency; S. 1915, to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; S. 2296, to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; and S. 2800, to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

SD–406

Commerce, Science, and Transportation

To hold oversight hearings on the activitites of the National Railroad Passenger Corporation (AMTRAK).

SR–253

Judiciary

To hold oversight hearings to examine the Wen Ho Lee case.

SD–226

Energy and Natural Resources

To hold oversight hearings to examine the current outlook for supply of heating and transportation fuels this winter.

SD–366

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine biotechnology and consumer confidence of food.

SD–430

10:30 a.m.

Foreign Relations

To hold hearings to examine U.S. foreign policy at the end of the current administration.

SD–419

2:30 p.m.

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine IRS collecton of child support payments.

SD–215

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 3044, to establish the Las Cienegas National Conservation Area in the State of Arizona; S. 3052, to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon; and S. 3039, to authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station located in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho.

SD–366

Judiciary

Criminal Justice Oversight Subcommittee

To hold oversight hearings to examine the United States Sentencing Commission.

SD–226

### SEPTEMBER 27

9:30 a.m.

Armed Services

To hold hearings to examine the status of U.S. military readiness.

SH–216

Indian Affairs

To hold hearings on S. 2052, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities.

SR–485

Commerce, Science, and Transportation

To hold hearings to examine the marketing of violence to children.

SR–253

2:15 p.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act.

SD–406

2:30 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S–116, Capitol

### SEPTEMBER 28

9:30 a.m.

Armed Services

To resume hearings on United States policy towards Iraq.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine the Department of Commerce trad missions and political activities.

SR–253

# HOUSE OF REPRESENTATIVES—*Thursday, September 21, 2000*

The House met at 10 a.m.

The Reverend Richard Elliott, Pastor, New Hanover Evangelical Lutheran Church, Gilbertsville, Pennsylvania, offered the following prayer:

Eternal and most gracious God, before Your face empires of the past have risen and fallen away. We pray this day for our Nation: a nation entrusted to us by Your gracious hand and rooted in the sacrifices and patriotism of previous generations; a nation nurtured by You with expansive freedom, limitless opportunity, bountiful natural resources, and creative and energetic citizens.

Bless Your servants gathered here this day. Enable them to flourish. Give them wisdom to lead with character, power to serve with humility, kindness to respond with compassion, courage to strive for justice, and strength to pursue peace. Give us to Your children the vision to see the seeds of Your kingdom and to dream and reach for Your future. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. DOGGETT) come forward and lead the House in the Pledge of Allegiance.

Mr. DOGGETT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 2909) "An Act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes."

### WELCOME TO PASTOR RICHARD ELLIOTT

(Mr. TOOMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TOOMEY. Mr. Speaker, I rise today to pay tribute to our guest pastor, the Reverend Richard Elliott of New Hanover Evangelical Lutheran Church, in Gilbertsville, Pennsylvania. The House is privileged to have Pastor Elliott deliver such an inspirational opening prayer for us today, Thursday, September 21, 2000.

His message to "strive for justice and strength in order to pursue peace" is reflected in the long history of his congregation and its wisdom to lead by example. Founded in 1700, the congregation is currently celebrating the church's 300th anniversary. It is the oldest German Lutheran congregation in the United States.

New Hanover Evangelical Lutheran Church has nurtured a nation with its creative and energetic congregation, with character, with humility, with kindness and compassion. During the War for American Independence, the church served as a temporary hospital for General George Washington's troops after the Battles of Brandywine and Paoli.

Mr. Speaker, the House of Representatives is indeed privileged to have Pastor Richard Elliott of new Hanover Evangelical Lutheran Church deliver the opening prayer today. Pastor Elliott and his congregation are a true reflection of what our Founding Fathers envisioned when they fought for the birth of our Nation.

### ANNIVERSARY OF PRESIDENT WASHINGTON'S "FAREWELL ADDRESS"

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, 204 years ago, President George Washington's "Farewell Address" was published in the New York Herald.

For generations, the "Farewell Address" was one of the most recommended political works in American history. Schoolchildren studied it and citizens celebrated it. In fact, in 1862, President Lincoln even issued a national proclamation recommending that people all over the country read the address aloud.

One lengthy section of Washington's address dealt with the importance of religion and morality to public life. After declaring that religion and morality were indispensable to political prosperity, Washington bluntly asked, "Where is the security for property, for reputation, for life, if the sense of religious obligation desert?" He continued, "Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

Washington warned Americans that without religious principles, neither education nor any other force would be capable of protecting either our life or our property. This is a lesson to remember today, the 204th anniversary of the printing of Washington's "Farewell Address."

### LANCE ARMSTRONG CONGRESSIONAL GOLD MEDAL ACT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, I am joining a cancer survivor, the gentlewoman from North Carolina (Mrs. MYRICK), our colleague, in what is truly a bipartisan recognition of excellence as we introduce legislation to award a Congressional Gold Medal to Lance Armstrong. Lance is an Austinite, but one does not have to share his hometown to appreciate the depth of his achievements.

After being stricken with advanced cancer, Lance's chances of survival were slim and his chances of getting back on a bicycle were even slimmer. Just 3 months after his diagnosis in 1996, he formed the Lance Armstrong Foundation to promote cancer awareness, education, and research.

And then, his amazing comeback. Last year he conquered the Tour de France with the same strength and grace as he conquered cancer, and this year he did it again. Next week in Australia we hope his yellow jersey is turned into Olympic gold. While his courageous battle with cancer set the stage for an amazing comeback, one of the most amazing in sports history, it is his commitment to raising cancer awareness and helping others triumph over this disease that particularly merits congressional recognition.

In honor of his courage, his preeminence in the sport of cycling, and his dedication to both improving the lives of cancer victims and finding a cure for this disease, please join us in supporting the Lance Armstrong Congressional Gold Medal Act.

### HONORING SENATOR BRYAN

(Mr. GIBBONS asked and was given permission to address the House for 1

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I proudly rise today to recognize one of Nevada's great statesman who, at the end of this Congress, will be retiring from the United States Senate. Senator RICHARD BRYAN, a native of southern Nevada, has been a leader from a very young age, ever since being elected president of his eighth grade class at John Park Elementary School.

Senator BRYAN's distinguished career in public service has spanned more than 3 decades, culminating with his two terms as a United States Senator.

Throughout his tenure in the Senate, he has been committed to protecting Nevada's interest in Congress, and with only four Members in Congress to represent the entire State of Nevada, I learned during my first days here in the House the importance of a good working relationship with the other Chamber. It has been an honor for me to have the opportunity to work with such a fine legislator and dedicated Nevadan as Senator RICHARD BRYAN.

Mr. Speaker, I wish him all the best in his future endeavors after the 106th Congress comes to a close.

## CONSPIRACIES WITHIN JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Federal judge ruled that the Branch Davidians were responsible for killing their own children. The Justice Department spit the hook again. Beam me up.

I did not believe it when the Justice Department said there was no conspiracy in the assassination of JFK, there was no conspiracy in the assassination of Martin Luther King, or the assassination of Bobby Kennedy; and I do not believe that the parents of the young children of the Branch Davidians knowingly and with intent incinerated their own children. Is it any wonder America is losing trust in our government? Cannot Congress see it?

I yield back the lives, the crimes, the coverups, and the withholding of exculpatory evidence to judges and juries by the Justice Department.

## PAYING OFF AMERICA'S DEBT SHOULD BE TOP PRIORITY FOR CONGRESS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, earlier this year, Allen Greenspan appeared before one of our committees here on Capitol Hill, and he made it clear that increased spending was the worst option for using the budget surplus we have today. He said very clearly that the first thing we should do is pay down the public debt. He said, and I quote, "If that proves politically infeasible, I would opt for cutting taxes."

Mr. Speaker, this Nation has a public debt of over $3 trillion. How much is $1 trillion? If we borrowed $1 million a day 7 days a week every year and we began on the day Jesus Christ was born and went until now, we would not yet have $1 trillion.

We have the opportunity right now to pay off the public debt, and that is what our Republican Congress wants to do.

But the big spenders say we are not spending enough. The President wants $40 billion more than we have appropriated, even though every dollar we do not pay off as debt our children will have to pay interest on.

Is there any end to the Clinton-Gore administration's thirst for big government spending?

## HUNGER RELIEF ACT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, we all recognize that we are enjoying great prosperity, prosperity that we have not experienced ever before, and this is indeed a time to do those things that we could not afford to do before.

I want to bring to my colleagues' attention that there is a bill, H.R. 3192, it is called the Hunger Relief Act, and it has more than 180 cosponsors; and in the Senate, it has more than 39 cosponsors. It is a bipartisan bill.

It is a bill that looks at the fact that the least among us are not able to feed themselves. Some estimate that there are more than 40 million people who are facing hunger, or hunger insecurity. This is the time indeed, if we want to use the surplus, part of that surplus should be used to relieve those who are indeed suffering from hunger.

I would say to my colleagues, we would be spending more money, truly we would; but investing in nutrition would reduce, guess what, the cost of health care. Vesting in nutrition would mean that children would learn better. So this would be an investment, Mr. Speaker, that I think we cannot afford not to do.

Please, let us bring this bill up on suspension so we can do this before the end of this Congress.

## PEOPLE SHOULD COME BEFORE POLITICS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, look at this week's headlines. The Boston Globe: "Gore Misstates Fact in Drug Cost Pitch." The Washington Times: "Gore Made Up Anecdote About Cost of Drugs."

Mr. Speaker, we now have a new twist to "the dog ate my homework" saga. Just like supposedly inventing the Internet, the Vice President has invented a story on the campaign trail where he falsely claims his mother-in-law pays three times the price for prescription drugs as his black labrador. Make no mistake. No senior citizen should have to choose between food and medicine. That is why the Republican House passed legislation to lower the cost of prescription drugs by 25 percent, without creating a cumbersome government-run HMO as the Vice President has proposed.

Mr. Speaker, our Nation's leaders should give the American people some straight talk, not invent personal stories solely for political gain. Our Nation's seniors, mothers-in-law, and even family pets, deserve no less. People should come before politics.

## EQUITY AND RELIEF NEEDED IN PRESCRIPTION PRICE MAZE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, I would like to read a letter, Mr. Speaker, from one of my constituents. It says, "Thank you for being a supporter in the right to correct the disparity in prescription medication as it pertains to seniors in this country. Below is a chart showing medicines my wife and I take on a daily basis."

They show that Mr. and Mrs. Olsen combined spend $5,556 a year on their medication. Mrs. Olsen takes seven; Mr. Olsen takes three every single day.

It says, "How long can a person on a fixed income carry this financial burden? We do not expect these medicines to be given to us free; we expect to pay our fair share. We certainly know that they help us have an extended and quality life. Please help us find some equity and relief in this whole prescription price maze. May we hear from you soon, thank you."

Well, we could do something soon. I look at Zoloft, a prescription Mr. Olsen takes and he pays $763 a year for that. He could go to Canada and get that for 68 percent less. He could go to Canada and get it less for the exact same drug, same package, same everything.

Mr. Speaker, we can reimport drugs and lower the cost.

## RELEASE STRATEGIC PETROLEUM RESERVE

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, we are in a full blown energy crisis. Due to the lack of a coherent national energy policy, we are facing a winter which many in the Northeast will be forced to choose between heating their homes and buying food. This is a terrible dilemma that we saw in the Northeast last winter, and we are about to do it once again.

The United States' dependence on foreign oil has resulted in record-high crude oil prices, resulting in adverse economic impacts on our Nation's farmers, independent truck drivers, small business owners, and homeowners.

I have a letter here from Bernie Lapara at Lapara Oil in Carbondale, Pennsylvania, detailing the hardships faced by his customers.

Mr. Speaker, the solution is simple. We need more production and supply, but right now we could ease the impact by drawing down on the Strategic Petroleum Reserve to get over this winter heating oil crisis in the Northeast.

Mr. Speaker, I say to the President, please act now. Release the reserve for the sake of America's families and business people.

□ 1015

## MEDICARE PRESCRIPTION DRUGS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to urge my colleagues to pass legislation that would give a real prescription medicine benefit to our Nation's seniors. The Republican plan failed to meet the real problems that face our Nation's seniors. Our seniors have been receiving a bad deal when it comes to prescription medicine. Now is the time to give our seniors a good deal, a better deal, a fair deal.

The American people need and want a meaningful benefit that is voluntary, universal, affordable and accessible to all of our seniors. There is no room here to play partisan politics. No senior, but no senior should have to choose between putting food on the table and getting his or her heart medicine. This is not just, this is not right, and this is not fair.

My Republican brothers and sisters, this is our moral obligation, to do what is right.

## SUPPORT PASSAGE OF THE DATA ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to ask for bipartisan support for the Data Act, and let me tell my colleagues why.

Over 100 million Americans today are on line using the Internet. Seven Americans go on line every second for the first time. There is great opportunity, whether in e-commerce or the technology sector, for millions of Americans. But millions of Americans are not participating, and that is called the digital divide.

I am pleased the private sector has stepped forward to address the so-called digital divide, because educators tell us they notice a difference in the classroom between children who have a computer at home and those who do not in their being able to do their homework and compete in the class. Ford, Intel, Delta and American Airlines have announced plans to provide 600,000 families computers and Internet access.

Think about that. The janitor, the laborer, the assembly line worker, the baggage handler, their children having computers and Internet access just like the CEO's kids. That is a great opportunity. But here is the hitch. The IRS wants to tax it. That is right, the IRS wants to tax those workers who accept those computers. For a worker making $27,000 a year that is $200 in taxes they would have to pay.

We have a solution, the Data Act, legislation making sure that these employer-provided computers and Internet access are tax exempt for the workers. It is called the Data Act. I would ask for bipartisan support. Please join as a cosponsor and help us pass the Data Act.

## SUPPORT REIMPORTATION LEGISLATION

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, 2 years ago, in October of 1998, I released in my district the first study comparing the prices of prescription drugs in the United States to prices in Mexico and Canada. In that study we found that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs from the same U.S. manufacturers in the same quantities.

For 2 years, the Democrats here have been fighting for a prescription drug benefit, fighting for a discount for seniors. But today I rise to ask for support for legislation that would allow pharmacists to buy prescription drugs in other countries and bring them and sell them here. That would mean a substantial discount for our seniors.

We need to reduce prescription drug prices for seniors in this country. Seniors cannot wait until the next Congress to get relief from price gouging by the pharmaceutical industry. I urge my Republican colleagues to act now.

## CANDIDATES FOR ELECTION SHOULD STICK TO THE FACTS; NOT MAKE UP STORIES

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, in 1992, then Governor Lawton Childs ran some negative ads about Jed Bush, saying that if elected governor, a Republican candidate would take away Social Security. It was a lie, but it was meant to scare people.

Recently, in Tallahassee, Florida, the Vice President went on to say that his mother-in-law and dog took the same drug and the dog was getting a better break. He lied. He made a story up, trying to confuse the voters.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman will suspend.

The Chair will remind the Member that although remarks in a debate may level criticisms against the policies of the President and Vice President or against the nominated candidates for the offices of Vice President or President, remarks in debate should avoid personality and, therefore, should not include personal accusation or characterizations.

The gentleman may continue in order.

Mr. FOLEY. I thank the Speaker. I just suggest that the candidates for office use facts, not fiction; that they tell the voters the truth and not make up stories about imaginary drugs being taken by their dog or mother-in-law.

I think the senior citizens of America deserve the truth and, regrettably, they do not get it, because they have to get made-up stories about drugs being taken by Fido, the dog, and the mother-in-law. I think the mother-in-law must be embarrassed today because her drug formulary has now been released to the public, despite the Vice President's insistence that we have privacy in medical records.

My colleagues, it is serious. People need prescription drugs. They need it in Florida; they need it now. But they certainly do not need conjured-up stories by the candidates for office proclaiming to know the facts about their own medical histories and lying to the American public.

## SENIORS DESERVE EQUAL TREATMENT BY PHARMACEUTICAL COMPANIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today only the manufacturer of a drug can import a drug into the United States. Pharmaceutical companies have unfairly used this regulation to control prescription drug distribution at the expense of seniors.

Seniors know that people in other countries pay 20 to 50 percent less for their medications. Consider this: Zantac, made by GlaxcoWellcome in the United Kingdom is marked up by 58 percent in the United States. Our seniors deserve better. They deserve the same medication at the same price. No one should have to choose between food and vital medications.

The Republican leadership should stop supporting the pharmaceutical industry's race for profit at the expense of seniors' financial security. They should stop their rhetoric and false issues and talk about the real issue, which is the cost of prescription drugs. We have the opportunity to support the safe reimportation of prescription drugs. We should do it, and we should do it immediately while we are still in this session of Congress.

Let me tell my colleagues that the Republican House leadership does not want to cover seniors through Medicare, and they do not want to bring the cost down through the reimportation of prescription drugs.

## GET RID OF FRAUD, WASTE AND ABUSE AT DEPARTMENT OF EDUCATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, back home in Colorado, school is just getting underway. Three of those kids in public schools are my own, and I care about education. And I, like most parents, want the U.S. Department of Education to get the money that it spends to the classroom. I do not want to see the Department waste any more on bureaucracy and red tape, and I am tired of the theft, the fraud, and the abuse that goes on at the Department of Education that robs children of the precious resources they need.

Mr. Speaker, we spend $40 million a year on accountants and overseers and auditors to make sure that the money the Department gets does get to the children and the classroom. But it was a car dealer in Hyattsville, Maryland, that found the latest fraud of Department employees defrauding $2 million of the U.S. Department of Education into personal bank accounts. Mr. Speaker, let us get money to the classroom.

Let us get rid of the waste, fraud, and abuse at the U.S. Department of Education. Let us put children before crime and bureaucracy.

## HCFA'S BAD ADVICE TO SENIOR CITIZENS IN HOUSTON

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, during the August district work period, I sponsored a senior citizens forum with invitations to representatives from the Social Security Administration and the Health Care Financing Administration, and they participated.

Seniors do want a prescription drug benefit as part of Medicare, but Houston seniors are worried because, at the end of December, they will be losing our biggest HMO provider for Medicare, NYLCare-65, one of our largest. They have given notice that they are not going to serve the Houston market. HCFA advised the over 100 seniors in attendance, some of whom are currently enrolled in NYLCare-65, not to worry, not to do anything until after October 1. That way they would have 3 months to decide where they would go before the end of the year because the contract lasted until December 31. This included enrolling in the one sole remaining HMO in the Houston market, Secure Horizons.

Yesterday, I found out that HCFA has granted a temporary capacity waiver to Secure Horizons, which basically freezes their enrollments effective October 1 for 120 days to February 1. This temporary capacity waiver will keep seniors from being able to have the opportunity to select the one remaining HMO. HCFA should have notified us; and they gave my constituents false information in August.

## REPUBLICANS WANT TO PAY DOWN THE DEBT

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, would we go on a huge credit card spending spree if we knew that once the bill came we would leave it to our children; that they would be responsible for paying it off? Of course not. Most responsible Americans work hard to make sure they can give their kids a good life. They want to leave their children something when they die. Most responsible Americans would never dream of leaving their children a pile of debt for their inheritance.

That is exactly what the Federal Government has been doing for years. For 40 years, Democrats here in Washington spent money on bigger and bigger government and created a bigger and bigger debt. They knew our children would be the ones saddled with the bill, but they just kept spending. That was wrong.

Republicans are putting an end to that kind of spending spree and that kind of spend now and pay later mentality. That is why we want to pay down the debt. We want to pay off those bills so our children do not have to.

Let us work together to make sure our legacy to our children is a sound economy, lower taxes, safe neighborhoods and quality schools, instead of decades worth of bad debt.

## LOAN REPAYMENT PROGRAM

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, I rise today to urge my colleagues who have yet to do so to join almost 80 of my colleagues and myself in sending a bipartisan letter to the appropriators. That letter would support the National Health Service Corps Loan Repayment Program.

As my colleagues have probably seen, news accounts have highlighted funding shortfalls in the National Health Service Corps. The Corps recruits health care professionals to work in medically underserved communities. Regardless of one's particular disposition concerning how to improve health care, it is widely accepted that this important program provides underserved Americans with vital health care.

We should not allow the current disagreement on health care matters to prevent us from properly funding this program and ensuring that not only the current participants can continue to provide this care but that we can attract enough clinicians to meet all the needs of these communities.

The $49 million required to cover existing shortfalls is a fair price to pay to help our doctors and nurses help our neediest constituents. Let us take this opportunity to address this urgent need. If my colleagues have not already done so, I urge them to join us in this important effort.

## SEEDS OF OPPORTUNITY/FEAR PROFITEERS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to invite my colleagues, the press, all those that might be interested in a press briefing that we are having at 11:30 this morning in room 1302 of the Longworth. That is 11:30, 1302, on fear profiteering.

Do we select our science and those stories that are going to justify what policy we want to pass and the decisions we want to make, or do we base our policy on the kind of real science that is going to make this country and the people of the world better off?

I have been doing a study on seeds of opportunity, which is in the biotechnology. In Europe, they have brought that scientific research to a halt. What is going to happen in this country, as we look at the alar in apples; as we look at organic foods?

We need to make sure we base our policy on real science.

Mr. Speaker, I submit the agenda on the 11:30 briefing on fear profiteers for the RECORD.

Introduction: Steve Milloy, publisher of www.junkscience.com

Speaking Order: Nick Smith.

Fred Smith, Competitive Enterprise Institute.

Bonner Cohen, Lexington Institute, Editor of Fear Profiteers.

Alex Avery, Hudson Institute.

## HMO'S WANT $15 BILLION FROM CONGRESS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, last year taxpayers spent $3 billion more on people enrolled in Medicare HMOs than if they had remained in traditional Medicare. It cost the public more to pay managed care plans than to pay for the same plans financed through traditional Medicare.

I do not recall Medicare managed care plans offering to give back the excess dollars they were paid then. I do recall them unceremoniously dropping 200,000 seniors that year, claiming the Federal Government was underpaying them.

Now Medicare HMOs and Republican leaders are asking Congress to devote $15 billion, three-fourths of the dollars set aside for Medicare funding increases this year, to Medicare HMOs. They serve 14 percent of the Medicare population; they want 75 percent of the money. They want $15 billion.

That is $15 billion that Republicans want to give to the managed care industry after they abandoned 900,000 seniors; not because these plans were going bankrupt, but because other lines of business were more profitable for insurance companies HMOs. It is incomprehensible to me, Mr. Speaker, that my Republican colleagues and the Presidential candidates are trying to sell the public on privatizing Medicare. It is a bad idea.

## WASTE, FRAUD, AND ABUSE AT U.S. DEPARTMENT OF EDUCATION

(Mr. THUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THUNE. Mr. Speaker, our children are our most important and precious resource. We ought to make very certain that they have the opportunity to learn in safe and drug-free schools, to be taught by our brightest and best teachers, and to ensure that they have the highest possible opportunity to learn. And that is one thing we have been failing our children on.

Mr. Speaker, today the other thing I would note about our educational system is that our parents ought to know that when they send their education tax dollars to Washington that they are going to get spent on our children, on helping them learn at the fastest rate possible. This last week we learned of another blatant example of waste, fraud and abuse in Washington, and that was when $2 million at the Education Department was siphoned off from two schools in South Dakota and spent to buy a Cadillac, an SUV, and a house in Maryland. It took a car dealer, a car dealer, who broke this story, because the Education Department did not know what was going on.

It is another example, Mr. Speaker, of why we need to get the education dollars back into the classroom, back to our school administrators, and our school boards and our parents so that they are being spent on our children and not in the Washington bureaucracy.

□ 1030

## ENERGY POLICY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend is remarks.)

Mr. Speaker, the American people are being held hostage by foreign oil producers and American energy companies. We are now heading for our second cycle where we go from heating oil crisis to gas crisis, and now we are heading back for another heating oil crisis. At a time when oil companies should have been filling the reserves of Americans to keep their homes warm this winter, they were shipping refined No. 2 fuel oil overseas.

We need aggressive action from this administration: the release of the Strategic Petroleum Reserve. We need to have weatherization funds. We need real conservation programs that have been blocked for the last 20 years since the Reagan presidency. We have had no energy policy as far as conservation, alternative energy, energy conservation. We need to move on these things now or seniors and others will see their lives and their life savings threatened this winter for a shortage of oil.

We have made some progress. We have got millions of barrels in reserve, now gallons in reserve in Connecticut; but we need to do a lot more. We need the Senate to move the legislation that gives authorization for the heating oil reserve.

## PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, time is running out for America's seniors. America's seniors are well aware now that many of them cannot afford the drugs that their doctors prescribe. If they in fact buy those drugs, we find that they are taking the medicine one every other day instead of one every day or three times a day instead of four times a day to try to extend the medicine at the peril of their own health. Time is running out for them because the Republican leadership refuses to bring forth a real prescription drug benefit.

Rather than use the prescription drug benefit to try to undermine the Medicare system as George W. Bush has or to undermine the Medicare system as the Republican leadership has——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SUNUNU). All members are reminded that although the debate may criticize the policies of the President or the Vice President, or the nominees for those respective offices, remarks should avoid personality and, therefore, may not include personal accusations or characterizations.

The gentleman may continue in order.

Mr. GEORGE MILLER of California. I stand corrected, Mr. Speaker. It is George W. Bush's Medicare prescription drug benefit plan that undermines Medicare, not George W. Bush but his Medicare plan, so everybody is corrected.

He would undermine the system and put these seniors at the peril of the same HMOs that are canceling their coverage all over the country, put them at the peril of the insurance companies, put them at the peril of pharmaceutical companies. What we need is a prescription drug benefit as part of Medicare so that senior citizens can get the medicine they need.

## CONFERENCE REPORT ON H.R. 4919, SECURITY ASSISTANCE ACT OF 2000

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, Icall up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 584 is a rule providing for the consideration of H.R. 4919, the Security Assistance Act of 2000. The rule provides for 1 hour of general debate equally divided between the chairman and the ranking minority member of the Committee on International Relations. The rule waives all points of order against the conference report and its consideration.

Mr. Speaker, I am pleased to support this rule which provides for the consideration of the conference report to accompany H.R. 4919, an act to amend the Foreign Assistance Act of 1961 and the Arms Control Act, to make improvements to certain defense and security assistance provisions under those acts, and to authorize the transfer of naval vessels to certain foreign countries.

H.R. 4919 seeks to increase the funds spent from the foreign military financing account to build security ties with more areas of the world. The conference report authorizes $3.5 billion in fiscal year 2001 and $3.6 billion in 2002 for the foreign military financing program.

In addition, it makes several improvements to defense and security assistance provisions, such as authorizing $2 million in nonproliferation and export control funding for training and education of personnel from friendly countries in the United States as well as authorizing $55 million in 2001 and $65 million in 2002 to carry out international military education and training of military and related civilian personnel of foreign countries.

The legislation represents the first time since 1985 that the security assistance programs of the United States have been fully authorized. Passing this conference report is an important step in achieving this goal which can help us toward a safer world.

This bill, H.R. 4919, passed under suspension of the rules and passed the Senate with an amendment by unanimous consent. I believe this conference report is an excellent product. I want to commend the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), for his leadership and hard work in bringing forth this legislation.

I would urge my colleagues to support the rule and the underlying conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, as my colleague from Florida has explained, this rule waives all points of order against the conference report. The measure authorizes a total of $7.7 billion in the next 2 years for foreign military financing, international military education and training, antiterrorism, nonproliferation, and export control assistance.

Mr. Speaker, I am not opposed to the conference report. However, I believe that the process that has brought this legislation to the floor this morning is flawed and opens the possibility for mistakes that will be difficult to correct. Moreover, the process has limited the opportunity for House Members on both sides of the aisle to debate and participate in the shaping of this legislation.

This bill has never been considered by any committee of the House of Representatives. In July, the full House voted on a scaled-down version of this measure, and that was only under suspension of the rules which limits the opportunity for debate. The conference report was made available only yesterday, the same day the Committee on Rules took up the measure. As the bill passed this House, it had to be on the suspension calendar under $100 million. The bill is now up to $7.7 billion. It will have a major effect on the lives of millions of people around the world. It deals with the fundamental issues of war and peace. Yet most of what is in this conference report has never been seen by House Members until today.

Already, we have found two critical mistakes in the conference report affecting our assistance to Israel. We spent considerable time in the Committee on Rules last night debating how best to fix these mistakes. Our Israeli friends deserve better than this.

Let me give my colleagues one example of a provision in the conference report that the House has never seen before. The legislation authorizes over the next 2 years $120 million for the international military education and training program, known as IMET. Through IMET, the United States trains students from around the world how to wage war. The conference report we are now considering sets the level of IMET funding at more than double the level just 5 years ago. This is a controversial issue. Many observers believe that IMET fails to sufficiently address the need for protecting human rights and promoting democracy.

I believe the administration has misused the IMET program by funding the military of nations involved in human rights abuses. This has gone on under both Democratic and Republican administrations. Until recently, our government provided IMET assistance to Indonesia, which has carried on a brutal campaign against East Timor. Only from the pressure of Congress was this position changed.

Mr. Speaker, I am not opposed to all IMET funding, I am opposed to a House process that denies Members the opportunity to shape this program.

Finally, I want to express my disappointment in the House that we are unable to increase international development assistance, humanitarian relief and aid to refugees. These programs, along with the military assistance contained in this conference report, are an essential part of our foreign policy and our moral obligation. We seem to have no problem moving military assistance at lightning speed, but increases for humanitarian assistance are much harder to pass.

Mr. Speaker, by taking up this conference report, we are considering legislation that has never been debated in a House committee and that has never been debated on the House floor. Because this is a conference report, there is no opportunity for amendment. And because it is a conference report, there is no chance to consider the measure again before it is sent to the White House. On top of that, we are waiving the House rule that requires a 3-day layover for conference reports. This further limits the chance for House Members to read and understand the bill before the vote.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

This is very important legislation which again I reiterate my support for and urge adoption of both the rule and the underlying legislation.

Mr. Speaker, the leader behind this important effort is the distinguished chairman of the Committee on International Relations. On the issue of Israel, for example, that the distinguished gentleman from Ohio brought up, there is certainly without any doubt no stronger supporter of that critical ally of the United States than the chairman of the Committee on International Relations and also on issue after issue whether it be military education that stresses loyalty to civilian control and human rights and so many other issues, the gentleman from New York (Mr. GILMAN) is at the forefront leading the best efforts of this Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN) in order to clarify the points that have been brought up by the gentleman from Ohio.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, with regard to the gentleman from Ohio's concerns, the full committee did consider this legislation. In fact, we had rollcall votes on the House bill during full committee consideration.

The gentleman is correct that the House bill did not authorize any funding. We receded to the Senate on these numbers. These are the President's numbers, the President's requests for authorization, and they are the numbers that the House will most likely adopt when it considers the Foreign Ops legislation, including the level of funding for IMET.

With regard to development assistance for fiscal year 2001, this is still substantially higher than last year's level and more than the President had requested. I am fully committed to more spending for development assistance and would like to authorize more for these programs. But the gentleman fully knows that we have encountered a number of difficulties in authorizing development programs, largely because of family planning issues.

I want to assure the gentleman that we will continue in our efforts to make certain that we do as much as we can for development assistance.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume and just respond to the gentleman from New York (Mr. GILMAN), for whom I have great respect, that most of the funding in this bill we do not have a problem with. I do not have a problem with. I think the problem that I see and some people on the Committee on Rules see is that when we pass a bill originally in a conference or in a suspension package which does not go to any committee, it is under $100 million, it goes over to the Senate, and then it comes back very close to $8 billion. We do not get a chance to not only debate it, we do not get a chance to amend it. We do not have a lot to say about it. We get one vote up or down.

So the bill left here without any debate, well, with a little bit of debate on something that was under $100 million; and it was all taken care of in the Senate. Who knows what they put in there in the Senate. It comes back here without any thought, without looking at it, waiving the 3-day layover, it is now $8 billion; and it has got some controversial programs in here like IMET that a lot of Members here if they really looked at it probably would have some problems with it, but they cannot get at it, we cannot amend it; and as a result we are dealing with almost an $8 billion bill of which there will be very little discussion.

□ 1045

We do not like the process and how this has come up, and we think it is unfair this late in the session. We think probably, without having a chance to debate it, there are probably some very controversial things in here that if brought up on individual votes would fail.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, urging support for the rule, it is a fair rule, bringing forth this conference report and the underlying legislation, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 4919, I call up the conference report on the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 584, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 19, 2000, at page H7743).

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 4919.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor for House consideration a conference report on H.R. 4919, the Security Assistance Act of 2000. Permit me to begin by thanking the ranking Democratic Member of our committee, the gentleman from Connecticut (Mr. GEJDENSON), for his work and cooperation on this conference report. I appreciate his willingness to work on a bipartisan basis to authorize security assistance for the first time in 15 years.

The conference report is a 2-year authorization measure for security assistance. In fiscal year 2001, this measure authorizes $3.8 billion in security assistance, fully funding the President's request for foreign military financing, for international military education, and training for antiterrorism and for nonproliferation and export control assistance.

In fiscal year 2002, this measure authorizes $3.9 billion for the same programs. I am pleased to support these authorization amounts for security assistance.

The fiscal year 2001 levels meet the President's request, and they reflect levels that we expect our appropriation colleagues to be at as they wind up their work on the Foreign Operations measure.

This conference report modifies authorities with respect to the provision of security assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act, including those authorities governing war reserve stockpiles in allied countries, excess defense articles for foreign nations, and defense drawdown authorities.

The measure before us also includes provisions which will ensure that our weapons systems are not going to be diverted by foreign nations for purposes that were not intended by ensuring end-use monitoring on government-to-government arms sales and by modifying the existing 655 report on annual military assistance to provide information on commercial arms sales delivery.

The conference report also adds a new chapter to the Foreign Assistance Act to authorize nonproliferation and export control assistance and provide specific authorization for the nonproliferation and disarmament fund, for the International Science and Technology Centers, and for export control assistance programs.

Further, this measure urges the President to develop a multiyear national security assistance strategy which would identify overarching security assistance objectives and would identify on a country-to-country basis how specific resources are going to be allocated.

This measure also authorizes the transfer of 12 aging naval vessels to 4 nations, to Brazil, to Chile, to Greece and to Turkey, thereby serving U.S. foreign policy objectives while saving U.S. taxpayer dollars and the Navy scarce resources to scrap those vessels.

The conference report also includes an important bipartisan provision to address the administration's initiative regarding exemptions for defense export licensing to foreign countries.

I want to particularly thank the ranking Democratic member of the committee, the gentleman from Connecticut (Mr. GEJDENSON), for his cooperation and input on that provision. Further, the conference report streamlines the export of commercial communication satellites by cutting in half, from 30 to 15 days, the formal congressional review period for licenses to Russia, to the Ukraine and to Kazakhstan.

We have also included a provision requiring an annual assurance from the President that Russian entities, which are approved by the Congress for cooperation on space programs with U.S. firms, are not selling missile technology to Iran.

Further, the measure establishes a special military assistance program for Eastern Europe and for the Caucasus to strengthen the territorial independence of these countries in the face of Russian efforts to undermine and sabotage their fledgling democracies. The countries authorized for this special program are Georgia, Azerbaijan, Armenia, Uzbekistan, Moldova, and the Ukraine.

Finally, I want to point out that this conference report authorizes $1.98 billion in military aid to Israel for fiscal year 2001 and over $2 billion for fiscal year 2002, authorizes $1.3 billion in military aid to Egypt for fiscal year 2001 and 2002, and allows for the sale of U.S. military equipment to Israel from the United States War Reserve Stockpile, and provides for rapid disbursement of military assistance funds to both Israel and to Egypt.

It is my understanding that the administration does not want to oppose the conference report. We expect the President to sign it into law.

I would also like to recognize the excellent staff work that went into producing this conference report, particularly thank David Fite and Amos Hochstein from the staff of the gentleman from Connecticut (Mr. GEJDENSON); Walker Roberts on our staff on our side of the aisle; Marshall Billingslea of Senator HELMS' staff and Ed Levine of Senator BIDEN's staff.

Mr. Speaker, I urge our colleagues to fully support this bipartisan conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I commend the chairman on some of our accomplishments on some of this legislation, there is still a lot left to be done. It seems that we were not able to reverse what has been a damaging impact on America's satellite industry. Since the transfer of the licensing process from the Commerce Department to the State Department, we have had a 40 percent loss in American sales in the area of satellites. We continue to place restrictions on Russia as if they were the old Soviet Union and appear to try to re-create tensions that we ought to be working to ease.

Lastly, in this legislation, while we made some progress from the original concerns by Senator HELMS, it is clear that what we have here we are still placing restrictions on the United Kingdom and Australia, two of our closest allies that we work in harmony with in almost every theater in the world. The idea that American sales of nonclassified defense items should go through a complicated licensing process is against our national interest and against our global interest.

One of the things we are going to have to do as a country, as we have downsized as a result of the end of the confrontation with the Soviet Union, is to make sure that the systems we manufacture have adaptability and are sold to some of our closest allies because we will not be buying them in sufficient number to keep the per-unit price affordable if countries like England and Australia and others that are our close friends find it easier to buy systems made in Germany, France or other countries around the globe.

In a similar manner, the restrictions that were placed on the exports of satellites leave us in a situation where we have seen 40 percent of America's market share lost in a year's period in one of the most critical future industries for this country. When we take a look at where America is most competitive, it is most competitive in the front end of technology, the most modern technologies, and to put obstacles in the way of sales in that area makes no sense at all.

I want to thank the chairman for his work and effort and success in passing this first authorization in years and commend the work he has done; but we have a long way to go in these other areas, especially when we take a look at the nature of international competition today. The United States is in a very strong position, but it was not that long ago the American economy was in deep trouble. In the early 1990s and before that, we sat and watched as the Japanese seemed to control every element of international competition. We do not want to, as a result of the actions of Congress, cripple American industry and end up back in that same position.

So I commend the chairman for his success in getting this conference through and a number of things we accomplished here. There is a lot more that needs to be done that we have not done, and some damage that has been re-created by this Congress we need to undo very rapidly.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. GEJDENSON) for his remarks. I welcome his support. We look forward to working with him and doing what more has to be done up the road.

Mr. ROTHMAN. Mr. Speaker, I rise today to express my deep concern over a provision of H.R. 4919, the Defense and Security Assistance Act Conference Report, that we are considering today.

I understand that Section 514 of this conference report allows U.S. aid to Egypt for the entire Fiscal Year 2001 to be disbursed in a lump sum no later than October 31, 2000, and placed in an interest-bearing account at the Federal Reserve, thereby earning $25 to $30 million in additional funds for the Egyptian Government during the course of 2001.

The provision, which can only be seen as a reward of additional U.S. taxpayer dollars to Egypt, is poorly timed:

At a time when Egyptian President Hosni Mubarek is indicating that he will move to recognize a unilaterally declared Palestinian State, in direct contravention of U.S. policy;

At a time when the Foreign Minister of Egypt, Amr Mousa, is demanding that a future Palestinian State have Jerusalem as its capital, a fact which directly contravenes the will of the U.S. Congress, which has repeatedly gone on record affirming Jerusalem as the State of Israel's undivided capital;

At a time when publications supported by the Egyptian Government have been undermining the Middle East Peace Process by printing anti-Israel and anti-Semitic diatribes;

Why, at this time, would we seek to reward Egypt with $25 to $30 million in additional U.S. aid, especially when close to $2 billion in U.S. taxpayer dollars already goes to Egypt every year?

I think it is more appropriate to ask why Egypt is obstructing the Middle East peace process and why our longtime ally is not serving as a helpful facilitator, a role Egypt played back at the 1978 Camp David talks.

Rewarding Egypt when it hurts America's efforts to help Israel secure a lasting peace with the Palestinian people is wrong. To be a friend, to be deserving of more U.S. aid, Egypt should work with the U.S. and help bring a new dawn of peace in the Middle East.

Notwithstanding my support for this bill, I urge my colleagues to think long and hard before they appropriate more U.S. aid to Egypt.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 17, not voting 20, as follows:

[Roll No. 485]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)

Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

## NAYS—17

Conyers
DeFazio
Duncan
Ehlers
Hostettler
McKinney
Miller, George
Mollohan
Paul
Rahall
Royce
Sanders
Sanford
Schaffer
Sensenbrenner
Stark
Waters

## NOT VOTING—20

Callahan
Campbell
Cardin
Clay
Cunningham
Dooley
Hastings (FL)
Kasich
Klink
Lazio
Martinez
McCollum
McIntosh
Metcalf
Napolitano
Ros-Lehtinen
Vento
Waxman
Weldon (PA)
Young (AK)

☐ 1123

Mr. GEORGE MILLER of California, Mr. DUNCAN and Ms. WATERS changed their vote from "yea" to "nay."

Messrs. WYNN, KUCINICH, WISE, ROHRABACHER, and Ms. LEE and Ms. WOOLSEY changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 485, Defense and Security Assistance Act Conference Report, H.R. 4919, I was inadvertently detained. Had I been present, I would have voted "aye."

## CORRECTING ENROLLMENT OF H.R. 4919, DEFENSE AND SECURITY ASSISTANCE ACT OF 2000

Mr. GILMAN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 405) to correct the enrollment of H.R. 4919, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 405

*Resolved by the House of Representatives (the Senate concurring),* That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes, shall make the following corrections:

(1) On page 34, line 1, insert "on a grant basis" after "available".

(2) On page 34, line 11, strike "paragraph (1)" and insert "subsection (b)(1) and paragraph (1) of this subsection".

(3) On page 36, line 19, insert "on a grant basis" after "available".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## LACKAWANNA VALLEY HERITAGE AREA ACT OF 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

*Resolved,* That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Resources or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 583 is a rule waiving all points of order against a motion to concur in the Senate amendments to H.R. 940, the Lackawanna Valley National Heritage Act of 1999. The rule provides 1 hour of debate on the motion to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources.

Mr. Speaker, H.R. 940, introduced by the gentleman from Pennsylvania (Mr. SHERWOOD) would establish the Lackawanna Valley National Heritage Area in the State of Pennsylvania. The proposed area would cover a four-county region in the northeastern part of theState, which is a nationally significant historical area.

The bill establishes an authority which would prepare a management plan for the area, which will be submitted to the Secretary of the Interior for approval within 3 years of enactment of this legislation. The plan shall include recommendations for actions to be undertaken by units of government and private organizations in order to protect and interpret the historical, natural, cultural, and recreational resources of the area.

Mr. Speaker, H.R. 940 authorizes the appropriation of not more than $1 million for any fiscal year and not more than $10 million in total for purposes set forth in this act.

Finally, Federal funding may not exceed 50 percent of the cost of any assistance authorized in this act, and the authority may not use Federal funds received under the legislation to acquire real property or interest in real property.

Mr. Speaker, H.R. 940 passed the House on September 19, 1999, and was passed with an amendment in the nature of a substitute by the Senate on September 18, 2000. The amendment merely makes several technical and clarifying changes and conforms to the management authorities for the heritage area to those approved for other heritage areas.

Mr. Speaker, this measure is straightforward and noncontroversial; and, accordingly, I urge support for both the rule and H.R. 940.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution as well as the underlying bill. The measure would establish the Lackawanna Valley Heritage Area in the State of Pennsylvania. The proposed areas would cover a four-county region in northeastern Pennsylvania, including Lackawanna, Luzerne, Wayne, and Susquehanna Counties.

Also included in H.R. 940 is the designation of the Schuylkill River Valley. This river valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the American colonies.

□ 1130

This measure will go a long way toward repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity. H.R. 940 authorizes the appropriation of up to $1 million for any fiscal year, not exceeding $10 million, for carrying out this act.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHERWOOD), the author of this bill.

Mr. SHERWOOD. Mr. Speaker, I thank the gentleman for yielding me this time, I thank the leadership for the prompt movement of this bill, and I thank as well the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for providing us with a rule which I rise in strong support of.

This bill, to provide a Lackawanna heritage area for four counties in northeastern Pennsylvania, has been a long time in the process. That area fueled the industrial revolution with its coal mines and its steel, and it had the seeds of the modern labor movements in the coal mines. This is a beautiful historical area which alternates between the ravages of two centuries of anthracite mining and the beautiful scenic Lackawanna River Valley. This is a historical and cultural area that deems preserving.

The designation of the Lackawanna and Schuylkill River Valleys as national heritage areas will enable all Americans for years to come to witness and learn the story of anthracite mining, the labor movement, and the industrialization of our great Nation. I urge my colleagues to support this rule.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHERWOOD. Mr. Speaker, pursuant to House Resolution 583, I call up from the Speaker's table the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes, with the Senate amendments thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

### MOTION OFFERED BY MR. SHERWOOD

Mr. SHERWOOD. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. SHERWOOD moves to concur in the Senate amendments to H.R. 940, as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

### *TITLE I—LACKAWANNA VALLEY NATIONAL HERITAGE AREA*

### *SECTION 101. SHORT TITLE.*

*This title may be cited as the "Lackawanna Valley National Heritage Area Act of 2000".*

### *SEC. 102. FINDINGS AND PURPOSES.*

*(a) FINDINGS.—Congress finds that—*

*(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;*

*(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;*

*(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;*

*(4) the labor movement of the region played a significant role in the development of the Nation, including—*

*(A) the formation of many major unions such as the United Mine Workers of America; and*

*(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;*

*(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and*

*(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and*

*(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).*

*(b) PURPOSES.—The purposes of the Lackawanna Valley National Heritage Area are—*

*(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and*

*(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).*

### *SEC. 103. DEFINITIONS.*

*In this title:*

*(1) HERITAGE AREA.—The term "Heritage Area" means the Lackawanna Valley National Heritage Area established by section 4.*

*(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area specified in section 4(c).*

*(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 6(b).*

*(4) PARTNER.—The term "partner" means—*

*(A) a Federal, State, or local governmental entity; and*

*(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

### *SEC. 104. LACKAWANNA VALLEY NATIONAL HERITAGE AREA.*

*(a) ESTABLISHMENT.—There is established the Lackawanna Valley National Heritage Area.*

*(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.*

*(c) Management Entity.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.*

### SEC. 105. COMPACT.

*(a) In General.—To carry out this title, the Secretary shall enter into a compact with the management entity.*

*(b) Contents of Compact.—The compact shall include information relating to the objectives and management of the area, including—*

*(1) a delineation of the boundaries of the Heritage Area; and*

*(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.*

### SEC. 106. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.

*(a) Authorities of Management Entity.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this title to hire and compensate staff.*

*(b) Management Plan.—*

*(1) In General.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.*

*(2) Consideration of Other Plans and Actions.—The management plan shall—*

*(A) take into consideration State, county, and local plans;*

*(B) involve residents, public agencies, and private organizations working in the Heritage Area; and*

*(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.*

*(3) Specification of Funding Sources.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.*

*(4) Other Required Elements.—The management plan shall include the following:*

*(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.*

*(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.*

*(C) A program for implementation of the management plan by the management entity, including—*

*(i) plans for restoration and construction; and*

*(ii) specific commitments of the partners for the first 5 years of operation.*

*(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.*

*(E) An interpretation plan for the Heritage Area.*

*(5) Submission to Secretary for Approval.—*

*(A) In General.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.*

*(B) Effect of Failure to Submit.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this title with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.*

*(c) Duties of Management Entity.—The management entity shall—*

*(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;*

*(2) assist units of government and nonprofit organizations in—*

*(A) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(B) developing recreational resources in the Heritage Area;*

*(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and*

*(D) restoring historic buildings that relate to the purposes of the Heritage Area;*

*(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;*

*(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;*

*(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;*

*(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and*

*(9) for each year in which Federal funds have been received under this title—*

*(A) submit a report to the Secretary that specifies—*

*(i) the accomplishments of the management entity; and*

*(ii) the expenses and income of the management entity;*

*(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and*

*(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.*

*(d) Use of Federal Funds.—*

*(1) Funds Made Available Under This Title.—The management entity shall not use Federal funds received under this title to acquire real property or any interest in real property.*

*(2) Funds From Other Sources.—Nothing in this title precludes the management entity from using Federal funds obtained through law other than this title for any purpose for which the funds are authorized to be used.*

### SEC. 107. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

*(a) Technical and Financial Assistance.—*

*(1) Provision of Assistance.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.*

*(2) Priority in Assistance.—In assisting the management entity, the Secretary shall give priority to actions that assist in—*

*(A) conserving the significant historical, cultural, and natural resources that support the purpose of the Heritage Area; and*

*(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.*

*(b) Approval and Disapproval of Management Plans.—*

*(1) In General.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this title not later than 90 days after receipt of the management plan.*

*(2) Action Following Disapproval.—*

*(A) In General.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.*

*(B) Deadline for Approval of Revision.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.*

*(c) Approval of Amendments.—*

*(1) Review.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.*

*(2) Requirement of Approval.—Funds made available under this title shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.*

### SEC. 108. SUNSET PROVISION.

*The Secretary shall not provide any grant or other assistance under this title after September 30, 2012.*

### SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

*(a) In General.—There is authorized to be appropriated to carry out this title $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this title for any fiscal year.*

*(b) 50-Percent Match.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent.*

## TITLE II—SCHUYLKILL RIVER VALLEY NATIONAL HERITAGE AREA

### SEC. 201. SHORT TITLE.

*This title may be cited as the "Schuylkill River Valley National Heritage Area Act".*

### SEC. 202. FINDINGS AND PURPOSE.

*(a) Findings.—Congress finds that—*

*(1) the Schuylkill River Valley made a unique contribution to the cultural, political, and industrial development of the United States;*

*(2) the Schuylkill River is distinctive as the first spine of modern industrial development in Pennsylvania and one of the first in the United States;*

*(3) the Schuylkill River Valley played a significant role in the struggle for nationhood;*

*(4) the Schuylkill River Valley developed a prosperous and productive agricultural economy that survives today;*

*(5) the Schuylkill River Valley developed a charcoal iron industry that made Pennsylvania the center of the iron industry within the North American colonies; .*

*(6) the Schuylkill River Valley developed into a significant anthracite mining region that continues to thrive today;*

*(7) the Schuylkill River Valley developed early transportation systems, including the Schuylkill Canal and the Reading Railroad;*

*(8) the Schuylkill River Valley developed a significant industrial base, including textile mills and iron works;*

*(9) there is a longstanding commitment to—*

*(A) repairing the environmental damage to the river and its surroundings caused by the largely unregulated industrial activity; and*

*(B) completing the Schuylkill River Trail along the 128-mile corridor of the Schuylkill Valley;*

*(10) there is a need to provide assistance for the preservation and promotion of the significance of the Schuylkill River as a system for transportation, agriculture, industry, commerce, and immigration; and*

*(11)(A) the Department of the Interior is responsible for protecting the Nation's cultural and historical resources; and*

*(B) there are significant examples of such resources within the Schuylkill River Valley to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the Schuylkill River Greenway Association, the State of Pennsylvania, and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.*

*(b) PURPOSES.—The purposes of this title are—*

*(1) to foster a close working relationship with all levels of government, the private sector, and the local communities in the Schuylkill River Valley of southeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and*

*(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the Schuylkill River Valley of southeastern Pennsylvania.*

### ***SEC. 203. DEFINITIONS.***

*In this title:*

*(1) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means the cooperative agreement entered into under section 204(d).*

*(2) HERITAGE AREA.—The term "Heritage Area" means the Schuylkill River Valley National Heritage Area established by section 204.*

*(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity of the Heritage Area appointed under section 204(c).*

*(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 205.*

*(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(6) STATE.—The term "State" means the State of Pennsylvania.*

### ***SEC. 204. ESTABLISHMENT.***

*(a) IN GENERAL.—For the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations certain land and structures with unique and significant historical and cultural value associated with the early development of the Schuylkill River Valley, there is established the Schuylkill River Valley National Heritage Area.*

*(b) BOUNDARIES.—The Heritage Area shall be comprised of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania, as delineated by the Secretary.*

*(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Schuylkill River Greenway Association.*

*(d) COOPERATIVE AGREEMENT.—*

*(1) IN GENERAL.—To carry out this title, the Secretary shall enter into a cooperative agreement with the management entity.*

*(2) CONTENTS.—The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including—*

*(A) a description of the goals and objectives of the Heritage Area, including a description of the approach to conservation and interpretation of the Heritage Area;*

*(B) an identification and description of the management entity that will administer the Heritage Area; and*

*(C) a description of the role of the State.*

### ***SEC. 205. MANAGEMENT PLAN.***

*(a) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.*

*(b) REQUIREMENTS.—The management plan shall—*

*(1) take into consideration State, county, and local plans;*

*(2) involve residents, public agencies, and private organizations working in the Heritage Area;*

*(3) specify, as of the date of the plan, existing and potential sources of funding to protect, manage, and develop the Heritage Area; and*

*(4) include—*

*(A) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;*

*(B) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historical, recreational, or scenic significance;*

*(C) a recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;*

*(D) a program for implementation of the management plan by the management entity;*

*(E) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this title; and*

*(F) an interpretation plan for the Heritage Area.*

*(c) DISQUALIFICATION FROM FUNDING.—If a management plan is not submitted to the Secretary on or before the date that is 3 years after the date of enactment of this title, the Heritage Area shall be ineligible to receive Federal funding under this title until the date on which the Secretary receives the management plan.*

*(d) UPDATE OF PLAN.—In lieu of developing an original management plan, the management entity may update and submit to the Secretary the Schuylkill Heritage Corridor Management Action Plan that was approved by the State in March, 1995, to meet the requirements of this section.*

### ***SEC. 206. AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.***

*(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—For purposes of preparing and implementing the management plan, the management entity may—*

*(1) make grants to, and enter into cooperative agreements with, the State and political subdivisions of the State, private organizations, or any person; and*

*(2) hire and compensate staff.*

*(b) DUTIES OF THE MANAGEMENT ENTITY.—The management entity shall—*

*(1) develop and submit the management plan under section 205;*

*(2) give priority to implementing actions set forth in the cooperative agreement and the management plan, including taking steps to—*

*(A) assist units of government, regional planning organizations, and nonprofit organizations in—*

*(i) preserving the Heritage Area;*

*(ii) establishing and maintaining interpretive exhibits in the Heritage Area;*

*(iii) developing recreational resources in the Heritage Area;*

*(iv) increasing public awareness of and, appreciation for, the natural, historical, and architectural resources and sites in the Heritage Area;*

*(v) restoring historic buildings relating to the themes of the Heritage Area; and*

*(vi) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are installed throughout the Heritage Area;*

*(B) encourage economic viability in the Heritage Area consistent with the goals of the management plan; and*

*(C) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;*

*(3) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;*

*(4) conduct public meetings at least quarterly regarding the implementation of the management plan;*

*(5) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the approval of the Secretary; and*

*(6) for any fiscal year in which Federal funds are received under this title—*

*(A) submit to the Secretary a report describing—*

*(i) the accomplishments of the management entity;*

*(ii) the expenses and income of the management entity; and*

*(iii) each entity to which the management entity made any grant during the fiscal year;*

*(B) make available for audit all records pertaining to the expenditure of Federal funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds; and*

*(C) require, for all agreements authorizing expenditure of Federal funds by organizations other than the management entity, that the receiving organizations make available for audit all records pertaining to the expenditure of Federal funds.*

*(c) USE OF FEDERAL FUNDS.—*

*(1) IN GENERAL.—The management entity shall not use Federal funds received under this title to acquire real property or an interest in real property.*

*(2) OTHER SOURCES.—Nothing in this title precludes the management entity from using Federal funds from other sources for their permitted purposes.*

*(d) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this title, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.*

### ***SEC. 207. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.***

*(a) TECHNICAL AND FINANCIAL ASSISTANCE.—*

*(1) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the Heritage Area to develop and implement the management plan.*

*(2) PRIORITIES.—In assisting the management entity, the Secretary shall give priority to actions that assist in—*

*(A) conserving the significant natural, historical, and cultural resources that support the themes of the Heritage Area; and*

*(B) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.*

*(b) APPROVAL AND DISAPPROVAL OF COOPERATIVE AGREEMENTS AND MANAGEMENT PLANS.—*

*(1) IN GENERAL.—Not later than 90 days after receiving a cooperative agreement or management plan submitted under this title, the Secretary, in consultation with the Governor of the State, shall approve or disapprove the cooperative agreement or management plan.*

*(2) MANAGEMENT PLAN CONTENTS.—In reviewing the plan, the Secretary shall consider whether the composition of the management entity and the plan adequately reflect diverse interest of the region, including those of—*

*(A) local elected officials,*

*(B) the State,*

*(C) business and industry groups,*

*(D) organizations interested in the protection of natural and cultural resources, and*

*(E) other community organizations and individual stakeholders.*

*(3) ACTION FOLLOWING DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves a cooperative agreement or management plan, the Secretary shall—*

*(i) advise the management entity in writing of the reasons for the disapproval; and*

*(ii) make recommendations for revisions in the cooperative agreement or plan.*

*(B) TIME PERIOD FOR DISAPPROVAL.—Not later than 90 days after the date on which a revision described under subparagraph (A)(ii) is submitted, the Secretary shall approve or disapprove the proposed revision.*

*(c) APPROVAL OF AMENDMENTS.—*

*(1) IN GENERAL.—The Secretary shall review and approve substantial amendments to the management plan.*

*(2) FUNDING EXPENDITURE LIMITATION.—Funds appropriated under this title may not be expended to implement any substantial amendment until the Secretary approves the amendment.*

***SEC. 208. CULTURE AND HERITAGE OF ANTHRACITE COAL REGION.***

*(a) IN GENERAL.—The management entities of heritage areas (other than the Heritage Area) in the anthracite coal region in the State shall cooperate in the management of the Heritage Area.*

*(b) FUNDING.—Management entities described in subsection (a) may use funds appropriated for management of the Heritage Area to carry out this section.*

***SEC. 209. SUNSET.***

*The Secretary may not make any grant or provide any assistance under this title after the date that is 15 years after the date of enactment of this title.*

***SEC. 210. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There are authorized to be appropriated to carry out this title not more than $10,000,000, of which not more than $1,000,000 is authorized to be appropriated for any one fiscal year.*

*(b) FEDERAL SHARE.—Federal funding provided under this title may not exceed 50 percent of the total cost of any project or activity funded under this title.*

Amend the title so as to read: "An Act to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.".

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 583, the gentleman from Pennsylvania (Mr. SHERWOOD) and the gentleman from New Mexico (Mr. UDALL) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I yield myself such time as I may consume. I urge my colleagues to support this motion so that we can send this bill, which is important to the people of Pennsylvania and the Nation, to the President.

This bill, with the conforming amendments adopted by the Senate, establishes the two heritage areas in the State of Pennsylvania. The proposed Lackawanna Valley Heritage Area covers four counties in northeastern Pennsylvania, the counties of Lackawanna, Luzerne, Wayne and Susquehanna. The Schuylkill River Valley Heritage Area will be made up of the Schuylkill River watershed within the counties of Schuylkill, Berks, Montgomery, Chester, and Philadelphia, Pennsylvania.

The Lackawanna Valley was the first heritage area designated by the Commonwealth of Pennsylvania. I am pleased to tell my colleagues that the Lackawanna Heritage Valley Authority has been providing outstanding oversight and support of the Valley's historical and cultural resources. The Authority's executive director, John Cosgrove, and his staff, Sandra Eggert, Margo Tomlinson, Alice Sokoloski, and Jack Carling, have worked hard and are proud that for every Federal dollar provided over the last decade, the Lackawanna Valley Heritage Authority has leveraged $10 in State, local and private sector funds to finance preservation activities.

I commend them for their past successes and know that the Lackawanna Heritage Valley Authority will continue to foster these important relationships with all levels of government, the private sector, and local communities.

The Lackawanna Valley played a critical role in our Nation's history. Our coal mines powered the industrial revolution, and workers from the Lackawanna Valley played a significant role in the formation and development of the organized labor movement in the early part of the century.

My bill was reported to the Committee on Resources last year on August 3, 1999, with an amendment. It passed the House of Representatives on September 13, 1999 under suspension of the rules. The Senate passed the bill last Monday, September 18, with a further amendment which made some conforming and technical changes. We must concur in the Senate amendments as soon as possible so that the National Park Service, the Lackawanna Valley Heritage Authority, and the Schuylkill River Greenway Association can begin their important work.

The designation of the Lackawanna and Schuylkill River Valleys as a national heritage area will enable all Americans, for years to come, to witness and learn the story of anthracite mining, the labor movement, and the industrialization of America. I urge my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 940, as amended, establishes the Lackawanna Valley and Schuylkill Valley Heritage Areas in the Commonwealth of Pennsylvania. The bill originally passed the House by voice vote on September 13, 1999. The Senate passed the bill on Monday of this week and has returned the measure to the House with amendments. The Senate amendments make a number of technical, clarifying and conforming changes to the bill. These are noncontroversial changes which we support.

The Lackawanna Valley covers the four counties of Lackawanna, Luzerne, Wayne, and Susquehanna counties in northeastern Pennsylvania. The proposed heritage area would preserve and interpret the Valley's historic, cultural, and natural resources, especially as they relate to anthracite coal. In addition, the bill provides for the designation of a Schuylkill River National Valley Heritage Area so that the preservation and interpretation of the resources of the anthracite coal region will also include the significant resources found in the Schuylkill River Valley.

The Schuylkill River Valley Heritage Area would include the districts of our colleagues, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Pennsylvania (Mr. HOEFFEL). These two Members have been strong advocates for the preservation and interpretation of the region's resources, and I want to commend them for their efforts in this regard.

Mr. Speaker, H.R. 940, as amended, is a good heritage preservation proposal, and I urge my colleagues to support the bill with the Senate amendments so that we can complete action on this measure and send the bill to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. SHERWOOD. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to compliment my colleague, the gentleman from Pennsylvania (Mr. SHERWOOD), for his work on this legislation that was introduced, as was mentioned, in March of 1999. It has been over a year and a half that he has been working on this important piece of legislation.

Mr. Speaker, by designating the Lackawanna Valley of Pennsylvania as a national heritage area, this important legislation would ensure the conservation of its significant historical and cultural resources. The Lackawanna Valley was the first heritage area site, as has been mentioned, designated by the Commonwealth of Pennsylvania, and is a nationally significant historic area, as documented in the U.S. Department of Interior's Register of Historic Places.

The Valley represents the development of anthracite coal, one of North America's greatest natural resources. From early in the 19th century, Pennsylvania's coal provided an extraordinary source of energy which fueled America's economic growth for over 100 years.

At the center of the world's most productive anthracite fields, the Lackawanna Valley witnessed the inception, spectacular growth, and eventual deterioration of an industry which led the United States to unparalleled prosperity. The Valley's current mix of ethnicity, its combination of dense urban areas and isolated settlements, and the desolate remains of coal mines surrounded by beautiful countryside are a microcosm of our legacy from the industrial revolution.

As these contrasts illustrate, the industrial era was not without both human and environmental costs. Thousands of immigrants worked in the deep mines under horrible conditions. Death and injury were commonplace. With no survivor benefits or disability compensation to withstand these calamities, anthracite miners created the Nation's first labor unions and they fought for the implementation of child labor laws, workplace safety, pension security, and fair labor standards.

The new Americans who populated the Lackawanna Valley established strong communities, where ethnic ties were reinforced by church and fraternal societies that created a sense of security noticeably absent in the mines. The Valley's remaining ethnic neighborhoods are a testament to a pattern of urban growth that was once common in U.S. cities but is now disappearing.

The landscape of the Valley conveys the story of the industrial revolution most clearly. Miles of tracks and hundreds of industrial sites and abandoned mines are daily reminders of the importance of the region to industry. Heritage sites like Pennsylvania's Anthracite Heritage Museum, the Scranton Iron Furnace Historic Site, the Lackawanna Valley County Coal Mine, and the Steam Town National Historic Site help to commemorate this struggle. These sites provide the framework for historic preservation which will be cemented by this proposed legislation.

I must say, Mr. Speaker, this is not just historical preservation that is written down in a book, like this, talking about the Lackawanna Valley, this is historic preservation that future generations can drive through, walk through, can touch and feel. This is true historic preservation for future generations.

Again, I compliment my colleague from Pennsylvania (Mr. SHERWOOD) for his outstanding work on this legislation and his dedication to making sure this becomes law this year.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOLDEN), who has been a strong advocate of the preservation and interpretation of this region's resources, and we appreciate his assistance in letting the Committee on Resources know the importance of this legislation.

Mr. HOLDEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this legislation, and I would like to thank the chairmen and ranking members of the full committee and the subcommittee for their help on this legislation as well as my friend, the gentleman from Pennsylvania (Mr. SHERWOOD), who has been very gracious in including the Schuylkill River Heritage Corridor along with his Lackawanna Heritage Corridor. I appreciate his help.

Mr. Speaker, this legislation will give the Department of the Interior the opportunity to highlight the proud history of the Schuylkill River Heritage Corridor from the anthracite coal fields to Philadelphia, a proud history that includes anthracite coal, the fuel that really allowed us to have the industrial revolution in this country. It certainly fueled that and it gave us the resources to win World War I and World War II.

Also, this area in the Schuylkill River Heritage Corridor includes a great history of organized labor. The Working Man's Benevolent Association was first formed in Schuylkill County, Pennsylvania, and I am proud to say that my great grandfather was elected the first president of that organization. That was the forerunner to the United Mine Workers of America. That organization did so much, as was mentioned by the previous speaker, for worker safety, for child labor laws, an 8-hour day, and trying to get a 40-hour work. This is certainly something that will be highlighted by the Schuylkill River Greenway Association.

Along with that we will go to Schuylkill Canal, which gave us the opportunity to get anthracite coal and agriculture products to market in Philadelphia.

The Reading Railroad also will be highlighted by the Schuylkill River Greenway Association as contributing so much to the development of the United States, particularly to Pennsylvania.

We also have such a proud agricultural history in Schuylkill and Berks County, in Montgomery and Chester, and we are going to have the opportunity to talk so much about those achievements, along with the great history of iron ore and textiles.

□ 1145

I can remember when I was a kid how many women worked in the factories. If you go back 30 or 40 years before that, the history of textiles in this country certainly was highlighted along the Schuylkill River.

I think this legislation will be a great opportunity for the Department of the Interior to highlight a proud history. I would like to thank again the gentleman from Pennsylvania for his assistance and the chairman and ranking member of the committee and the subcommittee.

I urge my colleagues to support this legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HOEFFEL). I first would like to just say that the gentleman from Pennsylvania (Mr. HOEFFEL) has worked very diligently with the House Committee on Resources to get us to understand the importance of this legislation. He has been a very strong advocate for the preservation and interpretation of this region's resources. We very much appreciate his hard work on this bill.

Mr. HOEFFEL. Mr. Speaker, I want to thank the gentleman from New Mexico (Mr. UDALL) for his kind remarks and his leadership. I also want to thank the chairman and ranking member of the committee that brought this forward and particularly thank the gentleman from Pennsylvania (Mr. SHERWOOD), who went out of his way to make sure the Schuylkill River was included in this legislation that originally was designed to help the Lackawanna River. As the gentleman from Pennsylvania (Mr. HOLDEN) said, we are both grateful to be part of this because it is such an important improvement to our home areas.

I rise in strong support of this bill because it will give us an opportunity to develop the Schuylkill River in Montgomery County as a real asset to our community. Schuylkill in Dutch means "hidden river." It was named by the Dutch that discovered the Delaware and the confluence of the Delaware with the Schuylkill where Philadelphia now is. They almost missed the mouth of it so they called it the hidden river, the Schuylkill. Unfortunately in modern times, it remains a hidden river, at least in Montgomery County. My county has 700,000 residents, lots of people, lots of industry, lots of activity; but we do not make good use of the riverfront.

This legislation will allow us to develop the Schuylkill as an asset in our community. I do not mean develop in the sense of paving over or bulldozing things. What I mean is developing it as a recreational and open space asset, as a community asset, as well as a retail and residential asset.

Rivers in our communities, particularly our urban communities and suburban communities, can restore the soul of a community. People like the water. People like to be around the water. They like to shop along the water, they like to live on the water, they like to play and walk along the water. In Montgomery County, Pennsylvania, we have not been able due to a lot of reasons to properly use the Schuylkill. This legislation will encourage the planning at the local and State level and provide some of the funding to pull together the planning already going on by such groups as the Schuylkill River Greenway Association, who will be the managing group under this legislation to make sure that we have a broad vision that can use the riverfront for riverfront walkways, for parks, for recreational opportunities, as well as the kind of retail and residential efforts in communities that people truly desire.

I am delighted that this legislation is moving. I compliment again the gentleman from Pennsylvania (Mr. SHERWOOD) for his leadership. I urge all of my colleagues to vote yes.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a great example of bipartisanship, and it is the way that we should work with each other. We have two freshmen Members here, the gentleman from Pennsylvania (Mr. HOEFFEL) and the gentleman from Pennsylvania (Mr. SHERWOOD), who have worked diligently on this bill. We also have the gentleman from Pennsylvania (Mr. HOLDEN) who has participated and been a part of this. I would just say that this is a good example of us working together.

I congratulate all of the parties, including the gentleman from California (Mr. GEORGE MILLER), for I know of his very hard work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHERWOOD. Mr. Speaker I yield myself such time as I may consume.

I want to thank my colleagues from Pennsylvania for their cooperation on this bill. This is a wonderful thing to have a Lackawanna heritage area and a Schuylkill heritage area that both work to preserve what we have in Pennsylvania, a very unique heritage that was anthracite mining, early manufacturing, and the start of the industrial revolution, the start of the American labor movement. This will be a true preservation and an ability to continue the cleanup of those rivers so that they are treasures and they can be used as they were in colonial times, and there is great progress to be made in improving the environment. This is a cooperative effort to improve our environment and provide an interpretation of our history. This is a worthwhile project. I want to thank everyone that was involved in it. I ask for its passage.

Mr. HANSEN. Mr. Speaker, I rise today in support of H.R. 940 with the Senate amendments.

Mr. Speaker, H.R. 940, as amended, establishes two new heritage areas, the Lackawanna Valley National Heritage Area and the Schuylkill River National Heritage Area, both in the State of Pennsylvania. Major credit for this legislation must go to Congressman DON SHERWOOD from Pennsylvania who has worked very hard in the creation of these Heritage Areas. In fact, this bill has been a long time coming, but Mr. SHERWOOD never gave up in his effort to pass this legislation.

The proposed Heritage Areas, because of their current mix of ethnicity, combination of dense urban areas with isolated settlements, and their coal mines, represent a microcosm of our legacy from the industrial revolution. These areas played significant roles in the formation and development of the organized union movement, such as the United Mine Workers, in the early part of this century.

Mr. Speaker, H.R. 940 authorizes two experienced private entities who will be responsible for the development and implementation of the management plans for the respective heritage areas. These management plans will include recommendations to be undertaken by local and state units of government along with private organizations to protect and interpret the historical, natural, cultural, and recreational resources of the areas. Of note, the management entities may not use Federal funds received under this act to acquire real property or interest in real property. This bill is supported by the administration and, importantly, the local communities and governments within the new heritage areas. This bill will focus well-deserved national attention to these areas of Pennsylvania and I urge my colleagues for their support on H.R. 940 with the Senate amendments.

Mr. SHERWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). All time for debate has expired.

Pursuant to House Resolution 583, the previous question is ordered.

The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHERWOOD).

The motion was agreed to.

A motion to reconsider was laid on the table.

## DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 585 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 585

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5109) to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes. The bill shall be considered as read for amendment. The amendment recommended by the Committee on Veterans' Affairs now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Stump of Arizona, Representative Evans of Illinois, or a designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the ranking member of the Committee on Rules, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 585 is a modified closed rule providing for consideration of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act. This legislation is the culmination of work done by the House Committee on Veterans' Affairs over the past year to determine what can be done to improve the VA health care system. We all recognize the great sacrifices made by those who have bravely served their country in the armed services. Providing quality health care to these great Americans and their families is one of the most important ways that we can extend our gratitude. After numerous hearings, meetings and oversight conducted by the Committee on Veterans' Affairs, this legislation was developed to address a range of VA health issues.

The House will have 1 hour to engage in general debate on the bill which will be equally divided between the chairman and ranking minority member of the Committee on Veterans' Affairs. Under the rule, the amendment recommended by the Committee on Veterans' Affairs, now printed in the bill, shall be considered as adopted. All points of order against the bill, as amended, and against its consideration are waived. The rule makes in order one bipartisan amendment which is printed in the Committee on Rules report which shall be considered as read and not subject to amendment. All points of order against this amendment are waived.

Finally, the rule provides for the customary motion to recommit, with or without instructions.

Mr. Speaker, we all have heard from our constituents about the problems that riddle the VA health system. I would venture to guess that all of us share a desire to improve this system to ensure that our Nation's veterans get the quality care that they so rightly deserve. Making sure our veterans are treated right starts with treating the personnel in the VA health system right. That is why much of H.R. 5109 focuses on the providers of health care in the VA system.

Under this legislation, pay for VA nurses will become more equitable and a guaranteed national comparability pay increase on par with that received by other Federal workers will improve morale among nurses which in turn will enhance recruitment and retention of these valued employees. In addition, these nurses, who often spend more time with individual patients and who are more intimately familiar with their care, will be given a greater role in policy and decision-making at the VA. Dentists will also see their pay rise, as will VA pharmacists under the provisions of this legislation.

In addition to ensuring that the personnel in the VA system receive adequate compensation, H.R. 5109 responds to the unique health care needs of veterans by requiring the VA to incorporate a military history into medical examinations. Treating the medical conditions that arise out of military service is at the foundation of the VA system. If such conditions are left undiagnosed and/or untreated, the long-term consequences can be very, very severe. This legislation requires that during a veteran's initial clinical examination, the VA inquire about and document a veteran's military service and any exposures during their service that may contribute to their health status.

Along these same lines, H.R. 5109 seeks to build on the knowledge that has grown out of the survey that began in 1984 regarding post-traumatic stress disorder. This legislation calls for a follow-up study to determine, among other things, what the long range course of PTSD is, which veterans are least likely to recover from the disorder, and how it contributes to subsequent health conditions, such as cardiovascular disease.

Another concern that many of us have heard about from our veterans back home is that VA health facilities are inconvenient because they are so often so far away. Too often we learn of a sick individual who has to endure the hardship of traveling hours to get to where he or she needs to be, that is, the VA center. More and more, doctors can treat patients on an outpatient basis, but if a veteran is traveling 2 or 3 hours to get to an outpatient clinic, he or she may have to spend the night, particularly if follow-up care is required the next day, as it so often is.

The legislation we will vote on today improves the situation for veterans by providing clear authority to the VA to provide overnight accommodations at or near a VA facility.

Another provision of this legislation offers greater convenience to veterans by establishing a pilot program that will allow veterans with Medicare or other health coverage to coordinate their benefits and seek care in a community hospital rather than a VA facility that may be hundreds of miles away. The VA would coordinate the care to ensure that the patient does not incur additional out-of-pocket costs, and VA approval would be required to ensure that the VA is still responsible for delivering the specialized care that so many veterans require.

Mr. Speaker, these and other improvements to the VA health care system are worthy of bipartisan support. The rule before us was reported by the Committee on Rules by a voice vote. I urge its swift adoption by the House so that we may move forward with this legislation which is so very important to our veterans.

I urge a yes vote on the rule and the Department of Veterans Affairs Health Care Personnel Act.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, this veterans health care bill is bipartisan, and it deserves all of our complete support. Many parts of our country have far fewer veterans hospitals than they actually need; and veterans who live in those areas, particularly older veterans, have a very difficult time obtaining any kind of health care. This bill, bottom line, will enable veterans who live more than 2 hours away from a veterans facility to see a non-VA doctor and have the costs absorbed by the Veterans' Administration.

□ 1200

This will make it much easier for the elderly veterans to get their health care, and it will help make sure that our country keeps its promise to provide health care to our fighting men and women.

Mr. Speaker, this also will help fix some of the problems with pay for nurses, dentists, and pharmacists; and it will stem what could be a disastrous departure from the government work for these health care professionals.

Mr. Speaker, the bill would also help build new veterans hospitals in California, Virginia, Florida, and Tennessee, because we find as the veterans get older, they go to warmer climates; and, therefore, there is an inordinate amount of veterans settling in some of our southern States.

Mr. Speaker, I thank the gentleman from Arizona (Mr. STUMP), my colleague, who has done a great job on this, and the gentleman from Illinois (Mr. EVANS), my colleague, for his excellent work. They have improved the health care for American veterans, and this bill as well as the rule deserve our full support.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida (Mr. GOSS), my distinguished colleague and the vice chairman of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I rise in strong support of this rule and the underlying legislation. I thank the gentlewoman from Ohio (Ms. PRYCE), my good friend for not only her leadership but yielding me this time. I appreciate very much the observations of the gentleman from Massachusetts (Mr. MOAKLEY), who well understands the plight of our veterans.

Mr. Speaker, my home State of Florida has about 1.7 million veterans, that is a lot of veterans, and it serves as home to thousands more during our busy winter season, which is about to start. Given what we are told about the price of heating oil this year, I expect we are going to have an awful lot of visitors to Florida.

Given the age and special needs of the population, many of these men and women require extensive medical attention. The lack of timely, quality health care for our veterans has reached a crisis point across our Nation, as the gentlewoman from Ohio (Ms. PRYCE) has pointed out, but the problem is even more acute in southwest Florida.

Sadly, the need far exceeds our resources in southwest Florida, and it is not because we have not been trying. Veterans routinely wait months, sometimes over a year, just to get an appointment for something as simple as vision care or hearing care, and to make matters worse, many are forced to drive hundreds of miles to a VA facility in order to receive the medical attention they require when high-quality private facilities are located right around the corner from their homes.

This is sort of an unacceptable way to treat those who have served our country so honorably when we needed them so much.

H.R. 5109 begins to address this injustice by establishing a program to allow vets in remote areas to receive care at non-VA facilities at the VA expense. This program would not only relieve the stress of a long drive on an ailing veteran, but it would also introduce more choice into the current VA health system.

Veterans in rural areas would finally have a choice between the traditional VA care and the utilization of private medical facilities. Introducing free market values into the VA medical system in my view will likely improve the quality of medical attention received by our Nation's veterans, and they deserve the best.

It is time we enable our veterans to have this right to choose, and I think this bill gets us going on that road. It is also about time we treat veterans the same, no matter where they live. They certainly earned that. I think the veterans in southwest Florida should not be discriminated against just because so many of them have found out that southwest Florida is a great place to live and have moved there.

Mr. Speaker, it seems to me the facilities ought to follow the veterans. I strongly encourage my colleagues to support the rule, I think it is noncontroversial, and the bill. And I want to congratulate the gentleman from Arizona (Chairman STUMP) and all of the other people who have participated in bringing this forward for their leadership and commitment to veterans.

When we talked at the testimony at the Committee on Rules last evening, the gentleman from Arizona (Chairman STUMP) indicated his clear awareness of this problem and his sympathy for our problems in Fort Myers and for that I am grateful.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope all of my colleagues will join me in supporting this fair rule, which will allow the House to debate a bipartisan bill that will improve the health care for our Nation's veterans. I also want to congratulate the gentleman from Arizona (Chairman STUMP) for his fine work on this effort.

These individuals who have been willing to make great sacrifices to serve their country through their military service deserve not only our respect, but our deepest gratitude.

Mr. Speaker, the legislation before us would demonstrate to our veterans that we are sincere in our desire to repay them for the sacrifice, in part by ensuring their access to high quality health care through the VA system.

The Department of Veterans Affairs Health Care Personnel Act is a thoughtful bipartisan effort to make some of the changes necessary to improve VA care.

Mr. Speaker, I urge my colleagues to support the bill and this very fair rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STUMP. Mr. Speaker, pursuant to the provisions of House Resolution 585, I call up the bill (H.R. 5109) to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to House Resolution 585, the bill is considered read for amendment.

The text of H.R. 5109 is as follows:

H.R. 5109

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Health Care Personnel Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—PERSONNEL MATTERS

Sec. 101. Revised authority for pay adjustments for nurses employed by the Department of Veterans Affairs.
Sec. 102. Special pay for dentists.
Sec. 103. Exemption for pharmacists from ceiling on special salary rates.
Sec. 104. Physician assistant advisers to Under Secretary for Health.
Sec. 105. Temporary full-time appointments of certain medical personnel.
Sec. 106. Qualifications of social workers.
Sec. 107. Extension of temporary early retirement authority.

TITLE II—CONSTRUCTION AUTHORIZATION

Sec. 201. Authorization of major medical facility projects.
Sec. 202. Authorization of appropriations.

TITLE III—MILITARY SERVICE ISSUES

Sec. 301. Military service history.
Sec. 302. Study of post-traumatic stress disorder in Vietnam veterans.

TITLE IV—MEDICAL ADMINISTRATION

Sec. 401. Pilot program for coordination of hospital benefits.
Sec. 402. Benefits for persons disabled by participation in compensated work therapy program.
Sec. 403. Extension of authority to establish research and education corporations.
Sec. 404. Department of Veterans Affair Fisher Houses.
Sec. 405. Extension of annual report of Committee on Mentally Ill Veterans.
Sec. 406. Exception of recapture rule.
Sec. 407. Change to enhanced use lease congressional notification period.
Sec. 408. Technical and conforming changes.
Sec. 409. Appointment of Veterans Benefits Administration claims examiners (also titled Veterans Service Representatives) on a fee basis.
Sec. 410. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—PERSONNEL MATTERS

**SEC. 101. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.**

(a) REVISED PAY ADJUSTMENT PROCEDURES.—Section 7451 is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "The rates" and inserting "Subject to subsection (e), the rates"; and

(ii) in subparagraph (A), by inserting "and to be by the same percentage" after "to have the same effective date";

(B) in paragraph (2), by striking "Such" in the second sentence and inserting "Except as provided in paragraph (1)(A), such";

(C) in paragraph (3)(B)—

(i) by inserting after the first sentence the following new sentence: "To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.";

(ii) by inserting before the penultimate sentence the following new sentence: "To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay and such other information needed to meet the purpose of this section."; and

(iii) in the penultimate sentence, by inserting "or published" after "completed";

(D) by striking clause (iii) of paragraph (3)(C);

(2) by striking subsection (e) and inserting the following:

"(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.

"(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with paragraph (3) of subsection (d).

"(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. Upon such action by the

Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the exercise of the authority in the preceding sentence.

"(4) Each director of a Department healthcare facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:

"(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.

"(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.

"(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.

"(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.

"(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department healthcare facilities. Each such report shall include the following:

"(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).

"(B) The information for each such facility specified in paragraph (4).";

(3) in subsection (f)—

(A) by striking "February 1 of 1991, 1992, and 1993" and inserting "March 1 of each year"; and

(B) by striking "subsection (d)(1)(A)" and inserting "subsection (d)"; and

(4) by striking subsection (g) and redesignating subsection (h) as subsection (g).

(b) Required Consultations With Nurses.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

**"§ 7323. Required consultations with nurses**

"The Under Secretary for Health shall ensure that—

"(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and

"(2) the director of a medical center shall, to the extent feasible, include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:

"7323. Required consultations with nurses.".

**SEC. 102. SPECIAL PAY FOR DENTISTS.**

(a) Full-Time Status Pay.—Paragraph (1) of section 7435(b) is amended by striking "$3,500" and inserting "$9,000".

(b) Special Pay for Post-Graduate Training.—Such section is amended by adding at the end the following new paragraph:

"(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.".

(c) Tenure Pay.—The table in paragraph (2)(A) of that section is amended to read as follows:

| "Length of Service | Rate | |
|---|---|---|
| | Minimum | Maximum |
| 1 year but less than 2 years | $1,000 | $2,000 |
| 2 years but less than 3 years | 4,000 | 5,000 |
| 4 years but less than 7 years | 5,000 | 8,000 |
| 8 years but less than 11 years | 8,000 | 12,000 |
| 12 years but less than 19 years | 12,000 | 15,000 |
| 20 years or more | 15,000 | 18,000". |

(d) Scarce Specialty Pay.—Paragraph (3)(A) of that section is amended by striking "$20,000" and inserting "$30,000".

(e) Geographic Pay.—Paragraph (6) of that section is amended by striking "$5,000" and inserting "$12,000".

(f) Responsibility Pay.—(1) The table in paragraph (4)(A) is amended to read as follows:

| "Position | Rate | |
|---|---|---|
| | Minimum | Maximum |
| Chief of Staff or in an Executive Grade | $14,500 | $25,000 |
| Director Grade | 0 | 25,000 |
| Service Chief (or in a comparable position as determined by the Secretary) | 4,500 | 15,000". |

(2) The table in paragraph (4)(B) is amended to read as follows:

| "Position | Rate |
|---|---|
| Deputy Service Director | $20,000 |
| Service Director | 25,000 |
| Deputy Assistant Under Secretary for Health | 27,500 |
| Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary) | 30,000". |

(g) Crediting of Increased Tenure Pay for Civil Service Retirement.—Section 7438(b) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the effective date of section 102 of the Department of Veterans Affairs Health Care Personnel Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:

"(A) In an amount equal to the amount that would have been so considered under such section on the day before such effective date based on the rates of special pay the dentist was entitled to receive under that section on the day before such effective date.

"(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such effective date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such effective date.".

(h) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the later of—

(1) the date of the enactment of this Act; and

(2) October 1, 2000.

(i) Transition.—(1) In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (h), the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that effective date.

(2) In the case of an agreement entered into under such subchapter before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (h)(2), an extension or renewal of that agreement may not extend beyond that effective date.

(3) In the case of a dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (h)(2) who is eligible for an agreement under subchapter III of chapter 74 of title 38, United States Code, any such agreement may not extend beyond that effective date.

**SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.**

Section 7455(c)(1) is amended by inserting ", pharmacists," after "anesthetists".

**SEC. 104. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.**

Section 7306(f) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) a physician assistant with appropriate experience (who may have a permanent duty station at a Department medical care facility in reasonable proximity to Washington, DC) advises the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Administration.".

**SEC. 105. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.**

(a) Physician Assistants Awaiting Certification or Licensure.—Paragraph (2) of section 7405(c) is amended to read as follows:

"(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—

"(A) has successfully completed—

"(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or

"(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and

"(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.".

(b) Medical Support Personnel.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".

### SEC. 106. QUALIFICATIONS OF SOCIAL WORKERS.

Section 7402(9) is amended by striking "a person must" and all that follows and inserting "a person must—

"(1) hold a master's degree in social work from a college or university approved by the Secretary; and

"(2) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.".

### SEC. 107. EXTENSION OF TEMPORARY EARLY RETIREMENT AUTHORITY.

The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:

(1) Section 1102(c) is amended to read as follows:

"(c) Limitation.—The plan under subsection (a) shall be limited to 8,110 positions within the Department.".

(2) Section 1105(a) is amended by striking "26 percent" and inserting "15 percent".

(3) Section 1109(a) is amended by striking "December 31, 2000" and inserting "December 31, 2002".

## TITLE II—CONSTRUCTION AUTHORIZATION

### SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

(a) Fiscal Year 2001 Projects.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a psychogeriatric care building at the Department of Veterans Affairs MedicalCenter, Palo Alto, California, in an amount not to exceed $26,600,000.

(2) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, in an amount not to exceed $23,600,000.

(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $51,700,000.

(b) Additional Fiscal Year 2000 Project.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.

### SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal years 2001 and 2002 for the Construction, Major Projects, account, $101,900,000 for the projects authorized in section 101(a).

(b) Limitation.—The projects authorized in section 101(a) may only be carried out using—

(1) funds appropriated for fiscal year 2001 or 2002 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 2001 or 2002 for a category of activity not specific to a project.

## TITLE III—MILITARY SERVICE ISSUES

### SEC. 301. MILITARY SERVICE HISTORY.

(a) Military Histories.—The Secretary of Veterans Affairs, in carrying out the responsibilities of the Secretary under chapter 17 of title 38, United States Code, shall ensure that—

(1) during at least one clinical evaluation of a patient in a facility of the Department, a protocol is used to identify pertinent military experiences and exposures of the patient that may contribute to the health status of the patient; and

(2) pertinent information relating to the military history of the patient is included in the Department's medical records of the patient.

(b) Report.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of using a computer-based system in conducting clinical evaluations referred to in subsection (a)(1).

### SEC. 302. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

(a) Study on Post-Traumatic Stress Disorder.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.

(b) Follow-Up Study.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.

(c) Information To Be Included.—The study conducted pursuant to this section shall be designed to yield information on—

(1) the long-term course of post-traumatic stress disorder;

(2) any long-term medical consequences of post-traumatic stress disorder;

(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and

(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.

(d) Report.—The Secretary shall submit to the Committees of Veterans Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.

## TITLE IV—MEDICAL ADMINISTRATION

### SEC. 401. PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS.

(a) In General.—Chapter 17 is amended by inserting after section 1725 the following new section:

### §1725A. Coordination of hospital benefits: pilot program

"(a) The Secretary may carry out a pilot program in not more than four geographic areas of the United States to improve access to, and coordination of, inpatient care of eligible veterans. Under the pilot program, the Secretary, subject to subsection (b), may pay certain costs described in subsection (b) for which an eligible veteran would otherwise be personally liable. The authority to carry out the pilot program shall expire on September 30, 2005.

"(b) In carrying out the program described in subsection (a), the Secretary may pay the costs authorized under this section for hospital care and medical services furnished on an inpatient basis in a non-Department hospital to an eligible veteran participating in the program. Such payment may cover the costs for applicable plan deductibles and coinsurance and the reasonable costs of such inpatient care and medical services not covered by any applicable health-care plan of the veteran, but only to the extent such care and services are of the kind authorized under this chapter. The Secretary shall limit the care and services for which payment may be made under the program to general medical and surgical services and shall require that such services may be provided only upon preauthorization by the Secretary.

"(c)(1) A veteran described in paragraph (1) or (2) of section 1710(a) of this title is eligible to participate in the pilot program if the veteran—

"(A) is enrolled to receive medical services from an outpatient clinic operated by the Secretary whichis (i) within reasonable proximity to the principal residence of the veteran, and (ii) located within the geographic area in which the Secretary is carrying out the program described in subsection (a);

"(B) has received care under this chapter within the 24-month period preceding the veteran's application for enrollment in the pilot program;

"(C) as determined by the Secretary before the hospitalization of the veteran (i) requires such hospital care and services for a non-service-connected condition, and (ii) could not receive such services from a clinic operated by the Secretary; and

"(D) elects to receive such care under a health-care plan (other than under this title) under which the veteran is entitled to receive such care.

"(2) Nothing in this section shall be construed to reduce the authority of the Secretary to contract with non-Department facilities for care of a service-connected disability of a veteran.

"(3) Notwithstanding subparagraph (C) of paragraph (1), the Secretary shall ensure that not less than 15 percent of the veterans participating in the program are veterans who do not have a health-care plan.

"(d) As part of the program under this section, the Secretary shall, through provision of case-management, coordinate the care being furnished directly by the Secretary and care furnished under the program in non-Department hospitals to veterans participating in the program.

"(e)(1) In designating geographic areas in which to establish the program under subsection (a), the Secretary shall ensure that—

"(A) the areas designated are geographically dispersed;

"(B) at least 70 percent of the veterans who reside in a designated area reside at least two hours driving distance from the closest medical center operated by the Secretary which provides medical and surgical hospital care; and

"(C) the establishment of the program in any such area would not result in jeopardizing the critical mass of patients needed to maintain a Department medical center that serves that area.

"(2) Notwithstanding paragraph (1)(B), the Secretary may designate for participation in the program at least one area which is in proximity to a Department medical center which, as a result of a change in mission of that center, does not provide hospital care.

"(f)(1) Not later than September 30, 2002, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience in implementing the pilot program under subsection (a).

"(2) Not later than September 30, 2004, the Secretary shall submit to those committees a report on the experience in operating the pilot program during the first two full fiscal years during which the pilot program is conducted. That report shall include—

"(A) a comparison of the costs incurred by the Secretary under the program and the cost experience for the calendar year preceding establishment of the program at each site at which the program is operated;

"(B) an assessment of the satisfaction of the participants in the program; and

"(C) an analysis of the effect of the program on access and quality of care for veterans.

"(g) The total amount expended for the pilot program in any fiscal year (including amounts for administrative costs) may not exceed $50,000,000.

"(h) For purposes of this section:

"(1) The term 'health-care plan' has the meaning given that term in section 1725(f)(3) of this title.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1725 the following new item:

"1725A. Coordination of hospital benefits: pilot program.".

### SEC. 402. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

Section 1151(a)(2) is amended—

(1) by inserting "(A)" after "proximately caused"; and

(2) by inserting before the period at the end the following: ", or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title".

### SEC. 403. EXTENSION OF AUTHORITY TO ESTABLISH RESEARCH AND EDUCATION CORPORATIONS.

Section 7368 is amended by striking "December 31, 2000" and inserting "December 31, 2005".

### SEC. 404. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

(a) Authority.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 1708. Temporary lodging**

"(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.

"(b) Person to whom the Secretary may provide lodging under subsection (a) are the following:

"(1) A veteran who must travel a significant distance to receive care or services under this title.

"(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.

"(c) In this section, the term 'Fisher house' means a housing facility that—

"(1) is located at, or in proximity to, a Department medical facility;

"(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and

"(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.

"(d) The Secretary may establish charges for providing lodging under this section. The proceeds from suchcharges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.

"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—

"(1) limiting the duration of such lodging;

"(2) establishing standards and criteria under which medical facilities may set charges for such lodging;

"(3) establishing criteria for persons considered to be accompanying a veteran;

"(4) establishing criteria for the use of such premises; and

"(5) any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to temporary lodging under this section.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:

"1708. Temporary lodging.".

### SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE ON MENTALLY ILL VETERANS.

Section 7321(d)(2) is amended by striking "three" and inserting "six".

### SEC. 406. EXCEPTION TO RECAPTURE RULE.

Section 8136 is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

"(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.".

### SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

Paragraph (2) of section 8163(c) is amended to read as follows:

"(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).".

### SEC. 408. TECHNICAL AND CONFORMING CHANGES.

(a) Requirement To Provide Care.—Section 1710A(a) is amended by inserting "(subject to section 1710(a)(4) of this title)" after "Secretary".

(b) Conforming Amendment.—Section 1710(a)(4) is amended by striking "requirement in" and inserting "requirements in section 1710A(a) and".

### SEC. 409. APPOINTMENT OF VETERANS BENEFITS ADMINISTRATION CLAIMS EXAMINERS (ALSO TITLED VETERANS SERVICE REPRESENTATIVES) ON A FEE BASIS.

(a) Authority.—(1) Chapter 77 is amended by inserting after section 7703 the following new section:

**"§ 7705. Fee basis appointments of claims examiners**

"(a) The Secretary, upon recommendation of the Under Secretary for Benefits, may employ, without regard to civil service or classification laws, rules, or regulations, Veterans Claims Examiners (also titled Veterans Service Representatives) on a fee basis.

"(b) Personnel employed under this section shall be paid such rates of pay as the Secretary may prescribe.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7703 the following new item:

"7705. Fee basis appointments of claims examiners.".

(b) Reports.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives two reports on the implementation of section 7705 of title 38, United States Code, as added by subsection (a). The first report shall be submitted not later than December 31, 2001, and the second report shall be submitted not later than December 31, 2002.

### SEC. 410. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

(a) Release of Interest.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled "An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee", approved June 6, 1953 (67 Stat. 54).

(b) Specified Reversionary Interest.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.

(c) Conforming Amendment.—Section 2 of such Act is repealed.

The SPEAKER pro tempore. The amendment printed in the bill is adopted.

The text of H.R. 5109, as amended, is as follows:

H.R. 5109

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### *SECTION 1. SHORT TITLE; TABLE OF CONTENTS.*

*(a) Short Title.—This Act may be cited as the "Department of Veterans Affairs Health Care Personnel Act of 2000".*

*(b) Table of Contents.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. References to title 38, United States Code.*

*TITLE I—PERSONNEL MATTERS*

*Sec. 101. Annual national pay comparability adjustment for nurses employed by Department of Veterans Affairs.*
*Sec. 102. Special pay for dentists.*
*Sec. 103. Exemption for pharmacists from ceiling on special salary rates.*
*Sec. 104. Physician assistant adviser to Under Secretary for Health.*
*Sec. 105. Temporary full-time appointments of certain medical personnel.*
*Sec. 106. Qualifications of social workers.*
*Sec. 107. Extension of voluntary separation incentive payments.*

*TITLE II—CONSTRUCTION AUTHORIZATION*

*Sec. 201. Authorization of major medical facility projects.*
*Sec. 202. Authorization of appropriations.*

*TITLE III—MILITARY SERVICE ISSUES*

*Sec. 301. Military service history.*
*Sec. 302. Study of post-traumatic stress disorder in Vietnam veterans.*

*TITLE IV—MEDICAL ADMINISTRATION*

*Sec. 401. Pilot program for coordination of hospital benefits.*
*Sec. 402. Benefits for persons disabled by participation in compensated work therapy program.*
*Sec. 403. Extension of authority to establish research and education corporations.*
*Sec. 404. Department of Veterans Affairs Fisher Houses.*
*Sec. 405. Extension of annual report of Committee on Mentally Ill Veterans.*
*Sec. 406. Exception to recapture rule.*
*Sec. 407. Change to enhanced use lease congressional notification period.*
*Sec. 408. Technical and conforming changes.*
*Sec. 409. Release of reversionary interest of the United States in certain real property previously conveyed to the State of Tennessee.*

### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.*

## TITLE I—PERSONNEL MATTERS

### SEC. 101. ANNUAL NATIONAL PAY COMPARABILITY ADJUSTMENT FOR NURSES EMPLOYED BY DEPARTMENT OF VETERANS AFFAIRS.

*(a) Revised Pay Adjustment Procedures.—Section 7451 is amended—*

*(1) in subsection (d)—*

*(A) in paragraph (1)—*

*(i) by striking "The rates" and inserting "Subject to subsection (e), the rates"; and*

*(ii) in subparagraph (A), by inserting "and to be by the same percentage" after "to have the same effective date";*

*(B) in paragraph (2), by striking "Such" in the second sentence and inserting "Except as provided in paragraph (1)(A), such";*

*(C) in paragraph (3)(B)—*

*(i) by inserting after the first sentence the following new sentence: "To the extent practicable, the director shall use third-party industry wage surveys to meet the requirements of the preceding sentence.";*

*(ii) by inserting before the penultimate sentence the following new sentence: "To the extent practicable, all surveys conducted pursuant to this subparagraph or subparagraph (A) shall include the collection of salary midpoints, actual salaries, lowest and highest salaries, average salaries, bonuses, incentive pays, differential pays, actual beginning rates of pay and such other information needed to meet the purpose of this section."; and*

*(iii) in the penultimate sentence, by inserting "or published" after "completed";*

*(D) by striking clause (iii) of paragraph (3)(C);*

*(2) by striking subsection (e) and inserting the following:*

*"(e)(1) An adjustment in a rate of basic pay under subsection (d) may not reduce the rate of basic pay applicable to any grade of a covered position.*

*"(2) The director of a Department health-care facility, in determining whether to carry out a wage survey under subsection (d)(3) with respect to rates of basic pay for a grade of a covered position, may not consider as a factor in such determination the absence of a current recruitment or retention problem for personnel in that grade of that position. The director shall make such a determination based upon whether, in accordance with criteria established by the Secretary, there is a significant pay-related staffing problem at that facility in any grade for a position. If the director determines that there is such a problem, or that such a problem is likely to exist in the near future, the Director shall provide for a wage survey in accordance with paragraph (3) of subsection (d).*

*"(3) The Under Secretary for Health may, to the extent necessary to carry out the purposes of subsection (d), modify any determination made by the director of a Department health-care facility with respect to adjusting the rates of basic pay applicable to covered positions. Upon such action by the Under Secretary, any adjustment shall take effect on the first day of the first pay period beginning after such action. The Secretary shall ensure that the Under Secretary establishes a mechanism for the exercise of the authority in the preceding sentence.*

*"(4) Each director of a Department health-care facility shall provide to the Secretary, not later than July 31 each year, a report on staffing for covered positions at that facility. The report shall include the following:*

*"(A) Information on turnover rates and vacancy rates for each grade in a covered position, including a comparison of those rates with the rates for the preceding three years.*

*"(B) The director's findings concerning the review and evaluation of the facility's staffing situation, including whether there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position and, if so, whether a wage survey was conducted, or will be conducted with respect to that grade.*

*"(C) In any case in which the director conducts such a wage survey during the period covered by the report, information describing the survey and any actions taken or not taken based on the survey, and the reasons for taking (or not taking) such actions.*

*"(D) In any case in which the director, after finding that there is, or is likely to be, in accordance with criteria established by the Secretary, a significant pay-related staffing problem at that facility for any grade of a covered position, determines not to conduct a wage survey with respect to that position, a statement of the reasons why the director did not conduct such a survey.*

*"(5) Not later than September 30 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on staffing for covered positions at Department healthcare facilities. Each such report shall include the following:*

*"(A) A summary and analysis of the information contained in the most recent reports submitted by facility directors under paragraph (4).*

*"(B) The information for each such facility specified in paragraph (4).";*

*(3) in subsection (f)—*

*(A) by striking "February 1 of 1991, 1992, and 1993" and inserting "March 1 of each year"; and*

*(B) by striking "subsection (d)(1)(A)" and inserting "subsection (d)"; and*

*(4) by striking subsection (g) and redesignating subsection (h) as subsection (g).*

*(b) Required Consultations With Nurses.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:*

**"§ 7323. Required consultations with nurses**

*"The Under Secretary for Health shall ensure that—*

*"(1) the director of a geographic service area, in formulating policy relating to the provision of patient care, shall consult regularly with a senior nurse executive or senior nurse executives; and*

*"(2) the director of a medical center shall, to the extent feasible, include a registered nurse as a member of any committee used at that medical center to provide recommendations or decisions on medical center operations or policy affecting clinical services, clinical outcomes, budget, or resources.".*

*(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7322 the following new item:*

*"7323. Required consultations with nurses.".*

### SEC. 102. SPECIAL PAY FOR DENTISTS.

*(a) Full-Time Status Pay.—Paragraph (1) of section 7435(b) is amended by striking "$3,500" and inserting "$9,000".*

*(b) Special Pay for Post-Graduate Training.—Such section is amended by adding at the end the following new paragraph:*

*"(8) For a dentist who has successfully completed a post-graduate year of hospital-based training in a program accredited by the American Dental Association, an annual rate of $2,000 for each of the first two years of service after successful completion of that training.".*

*(c) Tenure Pay.—The table in paragraph (2)(A) of that section is amended to read as follows:*

| *"Length of Service* | *Rate* | |
|---|---|---|
| | *Minimum* | *Maximum* |
| *1 year but less than 2 years* ..... | *$1,000* | *$2,000* |
| *2 years but less than 4 years* .... | *4,000* | *5,000* |
| *4 years but less than 8 years* .... | *5,000* | *8,000* |
| *8 years but less than 12 years* .. | *8,000* | *12,000* |
| *12 years but less than 20 years* | *12,000* | *15,000* |
| *20 years or more* ..................... | *15,000* | *18,000."* |

*(d) Scarce Specialty Pay.—Paragraph (3)(A) of that section is amended by striking "$20,000" and inserting "$30,000".*

*(e) Geographic Pay.—Paragraph (6) of that section is amended by striking "$5,000" and inserting "$12,000".*

*(f) Responsibility Pay.—(1) The table in paragraph (4)(A) of that section is amended to read as follows:*

| *"Position* | *Rate* | |
|---|---|---|
| | *Minimum* | *Maximum* |
| *Chief of Staff or in an Executive Grade* .......................... | *$14,500* | *$25,000* |
| *Director Grade* ........................ | *0* | *25,000* |
| *Service Chief (or in a comparable position as determined by the Secretary)* ........ | *4,500* | *15,000."* |

*(2) The table in paragraph (4)(B) of that section is amended to read as follows:*

| *"Position* | *Rate* |
|---|---|
| *Deputy Service Director* ............................... | *$20,000* |
| *Service Director* ........................................... | *25,000* |
| *Deputy Assistant Under Secretary for Health* ....................................................... | *27,500* |
| *Assistant Under Secretary for Health (or in a comparable position as determined by the Secretary)* ........................................ | *30,000."* |

*(g) Crediting of Increased Tenure Pay for Civil Service Retirement.—Section 7438(b) is amended—*

*(1) by redesignating paragraph (5) as paragraph (6); and*

*(2) by inserting after paragraph (4) the following new paragraph:*

*"(5) Notwithstanding paragraphs (1) and (2), a dentist employed as a dentist in the Veterans Health Administration on the effective date of section 102 of the Department of Veterans Affairs Health Care Personnel Act of 2000 shall be entitled to have special pay paid to the dentist under section 7435(b)(2)(A) of this title (referred to as 'tenure pay') considered basic pay for the purposes of chapter 83 or 84, as appropriate, of title 5 only as follows:*

*"(A) In an amount equal to the amount that would have been so considered under such section on the day before such effective date based on the rates of special pay the dentist was entitled to receive under that section on the day before such effective date.*

*"(B) With respect to any amount of special pay received under that section in excess of the amount such dentist was entitled to receive under such section on the day before such effective date, in an amount equal to 25 percent of such excess amount for each two years that the physician or dentist has completed as a physician or dentist in the Veterans Health Administration after such effective date.".*

*(h) Effective Date.—The amendments made by this section shall apply with respect to agreements entered into by dentists under subchapter III of chapter 74 of title 38, United States Code, on or after the later of—*

*(1) the date of the enactment of this Act; and*

*(2) October 1, 2000.*

*(i) Transition.—(1) In the case of an agreement entered into by a dentist under subchapter III of chapter 74 of title 38, United States Code, before the date of the enactment of this Act that expires after the effective date specified in subsection (h), the Secretary of Veterans Affairs and the dentist concerned may agree to terminate that agreement as of that effective date in order to permit a new agreement in accordance with section 7435 of such title, as amended by this section, to take effect as of that effective date.*

*(2) In the case of an agreement entered into under such subchapter before the date of the enactment of this Act that expires during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (h)(2), an extension or renewal of that agreement may not extend beyond that effective date.*

*(3) In the case of a dentist who begins employment with the Department of Veterans Affairs during the period beginning on the date of the enactment of this Act and ending on the effective date specified in subsection (h)(2) who is eligible for an agreement under subchapter III of chapter 74 of title 38, United States Code, any such agreement may not extend beyond that effective date.*

### SEC. 103. EXEMPTION FOR PHARMACISTS FROM CEILING ON SPECIAL SALARY RATES.

*Section 7455(c)(1) is amended by inserting ", pharmacists," after "anesthetists".*

### SEC. 104. PHYSICIAN ASSISTANT ADVISER TO UNDER SECRETARY FOR HEALTH.

*Section 7306(f) is amended—*

*(1) by striking "and" at the end of paragraph (1);*

*(2) by striking the period at the end of paragraph (2) and inserting "; and"; and*

*(3) by adding at the end the following new paragraph:*

*"(3) a physician assistant with appropriate experience (who may have a permanent duty station at a Department medical care facility in reasonable proximity to Washington, DC) advises the Under Secretary on all matters relating to the utilization and employment of physician assistants in the Administration.".*

### SEC. 105. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

*(a) Physician Assistants Awaiting Certification or Licensure.—Paragraph (2) of section 7405(c) is amended to read as follows:*

*"(2) A temporary full-time appointment may not be made for a period in excess of two years in the case of a person who—*

*"(A) has successfully completed—*

*"(i) a full course of nursing in a recognized school of nursing, approved by the Secretary; or*

*"(ii) a full course of training for any category of personnel described in paragraph (3) of section 7401 of this title, or as a physician assistant, in a recognized education or training institution approved by the Secretary; and*

*"(B) is pending registration or licensure in a State or certification by a national board recognized by the Secretary.".*

*(b) Medical Support Personnel.—That section is further amended—*

*(1) by redesignating paragraph (3) as paragraph (4); and*

*(2) by inserting after paragraph (2) the following new paragraph (3):*

*"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.*

*"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".*

### SEC. 106. QUALIFICATIONS OF SOCIAL WORKERS.

*Section 7402(b)(9) is amended by striking "a person must" and all that follows and inserting "a person must—*

*"(A) hold a master's degree in social work from a college or university approved by the Secretary; and*

*"(B) be licensed or certified to independently practice social work in a State, except that the Secretary may waive the requirement of licensure or certification for an individual social worker for a reasonable period of time recommended by the Under Secretary for Health.".*

### SEC. 107. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

*The Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 5 U.S.C. 5597 note) is amended as follows:*

*(1) Section 1102(c) is amended to read as follows:*

*"(c) Limitation.—The plan under subsection (a) shall be limited to 8,110 positions within the Department.".*

*(2) Section 1105(a) is amended by striking "26 percent" and inserting "15 percent".*

*(3) Section 1109(a) is amended by striking "December 31, 2000" and inserting "December 31, 2002".*

## TITLE II—CONSTRUCTION AUTHORIZATION

### SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.

*(a) Fiscal Year 2001 Projects.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:*

*(1) Construction of a psychogeriatric care building at the Department of Veterans Affairs Medical Center, Palo Alto, California, in an amount not to exceed $26,600,000.*

*(2) Construction of a utility plant and electrical vault at the Department of Veterans Affairs Medical Center, Miami, Florida, in an amount not to exceed $23,600,000.*

*(3) Seismic corrections, clinical consolidation, and other improvements at the Department of Veterans Affairs Medical Center, Long Beach, California, in an amount not to exceed $51,700,000.*

*(b) Additional Fiscal Year 2000 Project.—The Secretary is authorized to carry out a project for the renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.*

### SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

*(a) In General.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal years 2001 and 2002 for the Construction, Major Projects, account, $101,900,000 for the projects authorized in section 101(a).*

*(b) Limitation.—The projects authorized in section 101(a) may only be carried out using—*

*(1) funds appropriated for fiscal year 2001 or 2002 pursuant to the authorization of appropriations in subsection (a);*

*(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 2001 that remain available for obligation; and*

*(3) funds appropriated for Construction, Major Projects for fiscal year 2001 or 2002 for a category of activity not specific to a project.*

## TITLE III—MILITARY SERVICE ISSUES

### SEC. 301. MILITARY SERVICE HISTORY.

*(a) Military Histories.—The Secretary of Veterans Affairs, in carrying out the responsibilities of the Secretary under chapter 17 of title 38, United States Code, shall ensure that—*

*(1) during at least one clinical evaluation of a patient in a facility of the Department, a protocol is used to identify pertinent military experiences and exposures of the patient that may contribute to the health status of the patient; and*

*(2) pertinent information relating to the military history of the patient is included in the Department's medical records of the patient.*

*(b) Report.—Not later than nine months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of using a computer-based system in conducting clinical evaluations referred to in subsection (a)(1).*

### SEC. 302. STUDY OF POST-TRAUMATIC STRESS DISORDER IN VIETNAM VETERANS.

*(a) Study on Post-Traumatic Stress Disorder.—Not later than 10 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into a contract with an appropriate entity to carry out a study on post-traumatic stress disorder.*

*(b) Follow-Up Study.—The contract under subsection (a) shall provide for a follow-up study to the study conducted in accordance with section 102 of the Veterans Health Care Amendments of 1983 (Public Law 98–160). Such follow-up study shall use the data base and sample of the previous study.*

*(c) Information To Be Included.—The study conducted pursuant to this section shall be designed to yield information on—*

*(1) the long-term course of post-traumatic stress disorder;*

*(2) any long-term medical consequences of post-traumatic stress disorder;*

*(3) whether particular subgroups of veterans are at greater risk of chronic or more severe problems with such disorder; and*

*(4) the services used by veterans who have post-traumatic stress disorder and the effect of those services on the course of the disorder.*

*(d) Report.—The Secretary shall submit to the Committees of Veterans' Affairs of the Senate and House of Representatives a report on the results of the study under this section. The report shall be submitted no later than October 1, 2004.*

## TITLE IV—MEDICAL ADMINISTRATION

### SEC. 401. PILOT PROGRAM FOR COORDINATION OF HOSPITAL BENEFITS.

*(a) In General.—Chapter 17 is amended by inserting after section 1725 the following new section:*

**"§ 1725A. Coordination of hospital benefits: pilot program**

*"(a) The Secretary may carry out a pilot program in not more than four geographic areas of the United States to improve access to, and coordination of, inpatient care of eligible veterans. Under the pilot program, the Secretary, subject to subsection (b), may pay certain costs described in subsection (b) for which an eligible veteran would otherwise be personally liable.*

*The authority to carry out the pilot program shall expire on September 30, 2005.*

*"(b) In carrying out the program described in subsection (a), the Secretary may pay the costs authorized under this section for hospital care and medical services furnished on an inpatient basis in a non-Department hospital to an eligible veteran participating in the program. Such payment may cover the costs for applicable plan deductibles and coinsurance and the reasonable costs of such inpatient care and medical services not covered by any applicable health-care plan of the veteran, but only to the extent such care and services are of the kind authorized under this chapter. The Secretary shall limit the care and services for which payment may be made under the program to general medical and surgical services and shall require that such services may be provided only upon preauthorization by the Secretary.*

*"(c)(1) A veteran described in paragraph (1) or (2) of section 1710(a) of this title is eligible to participate in the pilot program if the veteran—*

*"(A) is enrolled to receive medical services from an outpatient clinic operated by the Secretary which is (i) within reasonable proximity to the principal residence of the veteran, and (ii) located within the geographic area in which the Secretary is carrying out the program described in subsection (a);*

*"(B) has received care under this chapter within the 24-month period preceding the veteran's application for enrollment in the pilot program;*

*"(C) as determined by the Secretary before the hospitalization of the veteran (i) requires such hospital care and services for a non-service-connected condition, and (ii) could not receive such services from a clinic operated by the Secretary; and*

*"(D) elects to receive such care under a health-care plan (other than under this title) under which the veteran is entitled to receive such care.*

*"(2) Nothing in this section shall be construed to reduce the authority of the Secretary to contract with non-Department facilities for care of a service-connected disability of a veteran.*

*"(3) Notwithstanding subparagraph (D) of paragraph (1), the Secretary shall ensure that not less than 15 percent of the veterans participating in the program are veterans who do not have a health-care plan.*

*"(d) As part of the program under this section, the Secretary shall, through provision of case-management, coordinate the care being furnished directly by the Secretary and care furnished under the program in non-Department hospitals to veterans participating in the program.*

*"(e)(1) In designating geographic areas in which to establish the program under subsection (a), the Secretary shall ensure that—*

*"(A) the areas designated are geographically dispersed;*

*"(B) at least 70 percent of the veterans who reside in a designated area reside at least two hours driving distance from the closest medical center operated by the Secretary which provides medical and surgical hospital care; and*

*"(C) the establishment of the program in any such area would not result in jeopardizing the critical mass of patients needed to maintain a Department medical center that serves that area.*

*"(2) Notwithstanding paragraph (1)(B), the Secretary may designate for participation in the program at least one area which is in proximity to a Department medical center which, as a result of a change in mission of that center, does not provide hospital care.*

*"(f)(1) Not later than September 30, 2002, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience in implementing the pilot program under subsection (a).*

*"(2) Not later than September 30, 2004, the Secretary shall submit to those committees a report on the experience in operating the pilot program during the first two full fiscal years during which the pilot program is conducted. That report shall include—*

*"(A) a comparison of the costs incurred by the Secretary under the program and the cost experience for the calendar year preceding establishment of the program at each site at which the program is operated;*

*"(B) an assessment of the satisfaction of the participants in the program; and*

*"(C) an analysis of the effect of the program on access and quality of care for veterans.*

*"(g) The total amount expended for the pilot program in any fiscal year (including amounts for administrative costs) may not exceed $50,000,000.*

*"(h) For purposes of this section, the term 'health-care plan' has the meaning given that term in section 1725(f)(3) of this title.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1725 the following new item:*

*"1725A. Coordination of hospital benefits: pilot program.".*

### SEC. 402. BENEFITS FOR PERSONS DISABLED BY PARTICIPATION IN COMPENSATED WORK THERAPY PROGRAM.

*Section 1151(a)(2) is amended—*

*(1) by inserting "(A)" after "proximately caused"; and*

*(2) by inserting before the period at the end the following: ", or (B) by participation in a program (known as a 'compensated work therapy program') under section 1718 of this title".*

### SEC. 403. EXTENSION OF AUTHORITY TO ESTABLISH RESEARCH AND EDUCATION CORPORATIONS.

*Section 7368 is amended by striking "December 31, 2000" and inserting "December 31, 2005".*

### SEC. 404. DEPARTMENT OF VETERANS AFFAIRS FISHER HOUSES.

*(a) AUTHORITY.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:*

**"§ 1708. Temporary lodging**

*"(a) The Secretary may furnish persons described in subsection (b) with temporary lodging in a Fisher house or other appropriate facility in connection with the examination, treatment, or care of a veteran under this chapter or, as provided for under subsection (e)(5), in connection with benefits administered under this title.*

*"(b) Persons to whom the Secretary may provide lodging under subsection (a) are the following:*

*"(1) A veteran who must travel a significant distance to receive care or services under this title.*

*"(2) A member of the family of a veteran and others who accompany a veteran and provide the equivalent of familial support for such veteran.*

*"(c) In this section, the term 'Fisher house' means a housing facility that—*

*"(1) is located at, or in proximity to, a Department medical facility;*

*"(2) is available for residential use on a temporary basis by patients of that facility and others described in subsection (b)(2); and*

*"(3) is constructed by, and donated to the Secretary by, the Zachary and Elizabeth M. Fisher Armed Services Foundation.*

*"(d) The Secretary may establish charges for providing lodging under this section. The proceeds from such charges shall be credited to the medical care account and shall be available until expended for the purposes of providing such lodging.*

*"(e) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions—*

*"(1) limiting the duration of such lodging;*

*"(2) establishing standards and criteria under which medical facilities may set charges for such lodging;*

*"(3) establishing criteria for persons considered to be accompanying a veteran;*

*"(4) establishing criteria for the use of such premises; and*

*"(5) any other limitations, conditions, and priorities that the Secretary considers appropriate with respect to temporary lodging under this section.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1707 the following new item:*

*"1708. Temporary lodging.".*

### SEC. 405. EXTENSION OF ANNUAL REPORT OF COMMITTEE ON MENTALLY ILL VETERANS.

*Section 7321(d)(2) is amended by striking "three" and inserting "six".*

### SEC. 406. EXCEPTION TO RECAPTURE RULE.

*Section 8136 is amended—*

*(1) by inserting "(a)" at the beginning of the text of the section; and*

*(2) by adding at the end the following new subsection:*

*"(b) The establishment and operation by the Secretary of an outpatient clinic in facilities described in subsection (a) shall not constitute grounds entitling the United States to any recovery under that subsection.".*

### SEC. 407. CHANGE TO ENHANCED USE LEASE CONGRESSIONAL NOTIFICATION PERIOD.

*Paragraph (2) of section 8163(c) is amended to read as follows:*

*"(2) The Secretary may not enter into an enhanced use lease until the end of the 90-day period beginning on the date of the submission of notice under paragraph (1).".*

### SEC. 408. TECHNICAL AND CONFORMING CHANGES.

*(a) REQUIREMENT TO PROVIDE CARE.—Section 1710A(a) is amended by inserting "(subject to section 1710(a)(4) of this title)" after "Secretary" the first place it appears.*

*(b) CONFORMING AMENDMENT.—Section 1710(a)(4) is amended by striking "requirement in" and inserting "requirements in section 1710A(a) and".*

### SEC. 409. RELEASE OF REVERSIONARY INTEREST OF THE UNITED STATES IN CERTAIN REAL PROPERTY PREVIOUSLY CONVEYED TO THE STATE OF TENNESSEE.

*(a) RELEASE OF INTEREST.—The Secretary of Veterans Affairs shall execute such legal instruments as necessary to release the reversionary interest of the United States described in subsection (b) in a certain parcel of real property conveyed to the State of Tennessee pursuant to the Act entitled "An Act authorizing the transfer of certain property of the Veterans' Administration (in Johnson City, Tennessee) to the State of Tennessee", approved June 6, 1953 (67 Stat. 54).*

*(b) SPECIFIED REVERSIONARY INTEREST.—Subsection (a) applies to the reversionary interest of the United States required under section 2 of the Act referred to in subsection (a), requiring use of the property conveyed pursuant to that Act to be primarily for training of the National Guard and for other military purposes.*

*(c) CONFORMING AMENDMENT.—Section 2 of such Act is repealed.*

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider a further amendment printed in the House report 106-875 if offered by the gentleman from Arizona (Mr. STUMP) or the gentleman from Illinois (Mr. EVANS), or a designee, which shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5109 addresses a number of key personnel management systems needs in the VA health care system.

It authorizes regular pay raises for the VA nurses and gives the VA the authority to increase salaries for VA dentists.

It also proposes an innovative four-site health care pilot program so that veterans, who are enrolled with VA for health care, can be referred to a community hospital if the VA hospital is too far away.

Mr. Chairman, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also want to thank the gentleman from Arizona (Chairman STUMP) and the gentleman from Florida (Mr. STEARNS) and the gentleman from Illinois (Mr. GUTIERREZ), the ranking member of the Subcommittee on Health, for working with me on an important pay provision contained in the legislation now before the House, H.R. 5109.

As many of my colleagues know, my mother was a nurse, a fact of which I am very proud. I understand well the pressures nurses face as the backbone of our health care system. I understand, too, that nurses have had to shoulder even more responsibility as health care delivery is being transformed. From my perspective, it was grossly unfair to maintain a pay system under our jurisdiction that allowed hospital directors to balance the budget on the backs of VA nurses.

This bill comes at a time when competition for skilled health care personnel is fierce. Besides nurses, the bill addresses pay inequities for dentists. It provides physician assistants long-sought representation within VA headquarters along with better training opportunities. It will help the VA retain social workers, pharmacists and medical support personnel, to retain them as well.

This legislation also supports a pilot project that the gentleman from Arizona (Chairman STUMP) just talked about. It will allow the VA to manage VA's health care system in their own communities. The concept of this pilot brought to my attention by two health care professionals, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Florida (Mr. WELDON) is simple, the VA will preapprove certain veterans who are distant from VA medical centers, but who rely on VA outpatient clinics to receive certain general medical and surgical hospital in-patient services in their own communities.

Mr. Speaker, far from being the end of the VA health care system as we know now it, this is a project that is consistent with VA's goals to bring veterans' health care into our communities.

The gentleman from Arizona (Chairman STUMP) is offering a strong bill, and I urge my colleagues to support it.

Mr. Speaker, I include for the RECORD the letter from the American Federation of Government Employees:

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO
*September 21, 2000.*

Hon. BOB STUMP,
*Chairman, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.*
Hon. CLIFF STEARNS,
*Chairman, Subcommittee on Health, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC 20515.*
Hon. LANE EVANS,
*Ranking Member, House Veterans' Affairs Committee, Cannon House Office Building, Washington, DC.*

DEAR CHAIRMAN STUMP, CHAIRMAN STEARNS AND RANKING MEMBER EVANS: On behalf of the American Federation of Government Employees (AFGE), AFL-CIO and the 600,000 federal workers AFGE, represents, including roughly 125,000 Department of Veterans' Affairs (DVA) employees, I thank you for your efforts to guarantee DVA registered nurses an annual pay raise and to improve the pay for dentists and pharmacists who work at the DVA.

H.R. 5109 will guarantee DVA nurses the same annual nationwide pay increase provided to General Schedule employees. The fundamental change in the DVA nurse pay system is similar to the change proposed in H.R. 1216, the AFGE authored legislation which was introduced by Representative Steve LaTourette (R-OH). It is our understanding that H.R. 5109 will ensure that no DVA nurse will again be denied an annual pay raise or receive a negative pay adjustment.

Such changes to the current DVA nurse pay system are consistent with the AFGE testimony given before Chairman Steams' subcommittee on April 12th. At the hearing AFGE called for a guaranteed annual pay raise for DVA nurses to create a floor for nurses' pay. AFGE also urged that the Secretary be given the authority to increase nurses' pay above this floor when needed. H.R. 5109 incorporates these core principles.

AFGE opposes the section in H.R. 5109 titled, "Coordination of Hospital Benefits Program," which would create a pilot voucher-like program in four geographic areas. The section would authorize DVA to cover a veteran's costs of inpatient care at non-DVA facilities. DVA would become the secondary insurance for any out-of-pocket expenses of veterans with insurance, including Medicare, when veterans seek inpatient services in private sector hospitals.

Section 401 establishes an entirely new eligibility category for veterans' health care based not on the veteran's status or need, but purely on the veteran's geographic location, and to a great extent, the veteran's own health insurance. Accordingly, Section 401 will create a disparity between the health care available to veterans who chose to use DVA health care facilities and those, primarily with their own insurance, who have previously chosen not to use DVA facilities.

Section 401 will also set a precedent for sending veterans to non-DVA providers for inpatient services that are paid by veterans' own insurance. DVA would not subsidize care outside of the DVA system, lose both the direct and appropriated dollars and any third-party reimbursements. If this precedent is set and expanded, DVA health care facilities would only become local referral centers without the resources to sustain the full range of care, including the specialized services such as spinal cord injury care and substance abuse treatment, for which it is well known.

Under Section 401, DVA would not really have control to manage the veteran's case once referred because it would be a secondary payer, not the provider of care.

AFGE is for increased access in veterans' care but not at the cost of unraveling the DVA operated health care system. Veterans deserve and need a unique health care system devoted and dedicated to treating their unique medical needs. Picking up the co-payments for veterans who have insurance will ultimately transform DVA from a health care system designed and focused on veterans medical care into an insurance company. This proposal claims to give a few veterans improved "access" but will do so at the cost of maintaining a fully staffed and functioning DVA health care system. We urge you to omit this section from the final conference bill.

Thank you for considering AFGE's views on these important matters. AFGE appreciates that you have incorporated the core principles of the AFGE authored nurse pay legislation into H.R. 5109.

Sincerely,
BOBBY L. HARNAGE, Sr.,
*National President.*

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 9 minutes to the gentleman from Florida (Mr. STEARNS) the chairman of the Subcommittee on Health.

Mr. STEARNS. Mr. Speaker, I thank my colleague from Arizona (Mr. STUMP) for yielding the time to me.

Mr. Speaker, I want to again, like others, recognize the superb leadership of the gentleman from Arizona and also to recognize the gentleman from Illinois (Mr. GUTIERREZ), the ranking member of the Subcommittee on Health, and, of course, recognize the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs, for all of their efforts in the development of this bill.

Mr. Speaker, this is a good bill for veterans, and it is a good bill to pass today. It contains provisions that are workable, useful and innovative. It is a winning combination for the veterans we serve and for the Department of Veterans Affairs who we are charged with to take care of our veterans.

After a number of hearings we had on the subcommittee dealing with site visits and other data collection, I introduced this bill with bipartisan support, H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act of the Year 2000. It has 20 cosponsors from the Democrat side and many from the Republican side. It is bipartisan.

Mr. Speaker, let me just quickly review for my colleagues some of the key provisions of our bill. Mr. Speaker, about 10 years ago, Congress created an innovative pay system for the nurses in the VA system with the locality-based mechanism to produce pay raises that were intended to address labor market needs and to keep our veterans' nurses competitive. The idea was that each veteran hospital could act on its own self-interest and remain competitive locally.

It was intended to be a good reform, and this system initially gave the VA nurses a big pay raise. Mr. Speaker, VA's recruitment and retention problem for nurses effectively disappeared for a while with this reform. But the old saying "that was then and this is now" is true today.

My subcommittee gave special focus during this Congress to the pay situation of VA nurses, because a lot of them were leaving our system, what we found was disappointing. We have learned that many VA nurses had not received any pay increases in their pay since the initial one from our 1990 legislation. While those first pay increases were, in many cases, substantial, in the course of time, with inflation and other Federal employee groups moving ahead, what happened is they fell behind. So once again VA found itself in a competitive disadvantage, and some VA nurses were looking for employment options elsewhere.

In my judgment, as chairman of the Subcommittee on Health, it was a loss that we could not afford; therefore, our bill guarantees VA nurses the statutory national comparability pay raises given to all the other Federal employees, Mr. Speaker.

I am not declaring reform to be my enemy. I want to make the earlier legislation work that we passed in the 101st Congress. In addition to the guaranteed national pay raise for nurses, the subcommittee crafted necessary adjustments to the locality survey mechanism to ensure that data are available when needed and to specify that certain steps be taken when they are necessary that lead to appropriate salary rate increases for our VA nurses.

I believe this is the right solution. It is a compromise with our colleagues on the other side of the aisle but in the end that is what is best.

Mr. Speaker, the bill also addresses a recommendation of VA's Quadrennial Pay Report concerning the veterans' dentists, bringing their pay into better balance with average compensation of hospital-based dentists in the private sector. This is the first change in 10 years in VA dentists special pay.

Mr. Speaker, I want to thank my colleague, the gentleman from California (Mr. FILNER), for bringing his voice to this important issue and for continuing to prod us forward on behalf of the VA dentists.

Our bill also authorizes major medical facility constructions in Palo Alto and Long Beach, California; Miami, Florida with a commensurate authorization of appropriations money for this construction. Southern and western States such as these, Mr. Speaker, are areas where we continue to see rising VA patient-care work loads and demand for modern, accessible and safe facilities for veterans. These projects will help ease these burdens.

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This House is making the right choice by authorizing these projects now.

My friend, the gentleman from Illinois (Mr. EVANS), as the ranking member of the full committee, recently raised the profile of the need for Congress to reauthorize the landmark 1988 study of post-traumatic stress disorder in Vietnam veterans. Our bill authorizes this important study again.

The bill also requires VA to record military service history when VA physicians and other caregivers take a veteran's health history. This will aid any veteran who files a VA claim for disability, especially given our new appreciation that military and combat exposure may, may be associated with onset of disease later in life. I want to commend the veterans, the Vietnam veterans of America, for bringing this proposal to us. It is valuable. It is a valuable contribution to this bill.

Lastly, Mr. Speaker, our bill contains a very good approach, crafted by my good friend and colleague, the gentleman from Florida (Mr. WELDON). The gentleman from Florida (Mr. WELDON) has no VA hospital in his district; nor do I. We believe that in such a situation, when a veteran who is under VA care in a VA community-based clinic remote from a VA hospital, needs brief inpatient hospitalization, that he or she should be able to obtain this vital service closer to home. It is not any different for a veteran in this regard than it is for a nonveteran.

Can anyone in this Chamber say he or she would relish the thought of leaving their family and friends and traveling hundreds of miles for a hospital admission at a distant hospital while bypassing community hospitals closer to home?

While working with our colleagues across the aisle, our bill sets up a pilot program involving not more than four small VA clinic service areas. Within these areas, enrolled veterans in need of uncomplicated general hospital admissions would be referred to community hospitals rather than being sent to distant VA facilities. VA would serve as a coordinator of benefits to ensure that costs are covered by available private and public coverage held by most veterans who use the VA. VA will ensure that the care is delivered efficiently and with due regard to these veterans' needs.

On discharge from these short hospital stays, these veterans would continue under VA care just as before. It is a voluntary program, Mr. Speaker, a time-limited test, capped for expenditures, intended to test the premise of providing a more convenient alternative to veterans than traveling hundred of miles to seek inpatient care in large, urban VA hospitals.

Mr. Speaker, a previous small scale experiment similar to this proposal in one VA clinic was a smashing success, with a 98 percent patient satisfaction rate and was found to have saved between 15 and 28 percent of the costs that would have been paid by taxpayers had these patients traveled to a faraway veterans hospital for their admissions.

Importantly, the VA facility in Florida suffered no impact on their patient care workloads because of this local experiment. So, Mr. Speaker, this is a good idea.

Mr. Speaker, this is a synopsis of our key provisions of H.R. 5109. I ask all of my colleagues to support this bill.

I would like to point out that we have a number of organizations that have supported this. The American Legion, the Veterans of Foreign Wars of the United States, Vietnam Veterans of America, the Nursing Organization of Veterans Affairs, the American Dental Association and the largest union, the American Federation of Government Employees, among others, have all supported this legislation. So I hope my colleagues will vote for passage of this in a strong way so that we can enact this in the 106th Congress and go forward to help our veterans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 5109. I want to thank the chairman, the gentleman from Arizona (Mr. STAMP); the ranking member, the gentleman from Illinois (Mr. EVANS); the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health; and the gentleman from Illinois (Mr. GUTIERREZ), the ranking member of that subcommittee, for developing a true bipartisan proposal to address some of the pay inequities that were brought to the attention of our Committee on Veterans' Affairs.

In response to some of these concerns, I introduced last fall H.R. 2660, which I entitled Put Your Money Where Your Mouth Is, the VA Dentist Equity Act, in response to a variety of concerns of VA dentists. This spring, the gentleman from Florida (Mr. STEARNS) conducted a hearing of the Subcommittee on Health where we heard stirring testimony from dentists who have devoted their careers to the Department of Veterans Affairs. Members representing the National Association of VA Physicians and Dentists, the American Dental Association, the American Association of Oral and Maxillofacial Surgeons raised concerns about the precipitous decline in recent years in the number of dentists practicing in the VA, and raised concerns about VA's ability to recruit new dentists into the system now and in the future. These concerns are based on the facts that the dental workforce in VA is rapidly declining. Only 4 years ago, the VA had more than 900 dentists. Now we have less than 800, and in individual sites the changes have been even more pronounced.

In testimony to the subcommittee, the National Association of VA Physicians and Dentists discussed general practice dentists at one facility in the Northeast dropping from 8 to only 2 positions. Now we know that almost 70 percent of VA dentists are eligible for retirement in the next 3 years and that VA dentists are paid less than defense dentists, dentists in academia or dentists in private practice. In fact, they make almost one-third less than dentists working in these settings.

So I am very glad that H.R. 5109 includes many of the provisions that were in my earlier bill and will include the recruitment and retention of VA dentists. I want to say for our legislative record that although there is a range of salaries that are printed for dentists that will give them some equity with regard to physicians, we hear concerns in specific medical centers that the top of that range for dentists is never fully utilized.

I think it is fair to say that our committee expects that the full range, especially the top range, when eligible, of the salary schedules that are in H.R. 5109, be utilized by individual medical centers.

Now I do have one disappointment in this bill, that despite a strong sentiment in the full Committee on Veterans' Affairs to move a chiropractic health care benefit amendment in this bill, we are apparently unable to reach an agreement to introduce direct access, full scope of practice chiropractic care into the VA health care system in this year. Chiropractic is the fastest growing and second largest primary health care profession. Chiropractors are a highly trained and licensed professional health care workforce. It is time to put VA health care on a par with other government health care programs and recognize chiropractic as a vital component of our health care system. In fact, we said that a year ago in our millennium health care bill.

These are technical corrections to that bill. A year ago, we asked the VA to develop a chiropractic plan within 90 days to give chiropractic services to our veterans. The VA did not do this. I met with the Assistant Secretary for health after the 90 days were up, with various representatives of the National Chiropractic Associations. We stressed to the Assistant Secretary how important it was to act on this; and we got, frankly, bureaucratic inertia, bureaucratic resistance, and literally very little was done by a year later when we have the corrections for VA on the millennium health care bill.

I know this is not a simple issue, and I know the gentleman from Florida (Mr. STEARNS) is as vitally concerned about this as I am; and he has promised, as I understand, to have hearings on this issue within our coming sessions, and I hope that we put a chiropractic health care provision that is meaningful at the top of our committee's agenda next year so that our veterans can have direct access to this important benefit as quickly as possible.

I certainly will be working toward that goal. I look forward to working with members of the committee. The gentleman from Illinois (Mr. EVANS) has been a strong proponent of chiropractic care. The gentleman from Indiana (Mr. BUYER) on our committee has also put in a provision in the defense authorization bill that moves the Defense Department more toward this. I hope that the Committee on Veterans' Affairs working with our members and the VA health care division will cooperate as we move to our full benefits to our veterans.

I thank the chairman of the Subcommittee on Health for this wonderful bill.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee.

Mr. BUYER. Mr. Speaker, I rise in strong support of the Department of Veterans Affairs Health Care Personnel Act of 2000. This is great news for VA employees, especially VA nurses and dentists. More importantly, it is great news for veterans who receive VA medical care.

The bill will help the Department of Veterans Affairs recruit and retain qualified health care professionals as well as help ensure that VA hospitals are more fully staffed to meet their demanding health care needs. I know that in my own congressional district, the Fifth District of Indiana, VA employees have repeatedly raised the issue of pay parity so that they receive compatible pay, pay increases and special rates of pay to that of other Federal employees. I agree that it is only fair.

Last year, the Marion VA Chapter, the American Federation of Government Employees Local 1020 contacted my office seeking the pay parity for VA nurses. In addition, the Local 1020 asked the committee for relief in helping them to better address manning and staffing levels that were creating patient and employee safety issues due to lack of adequate nursing staff. To that end, I want to thank the Committee on Veterans' Affairs chairman, the gentleman from Arizona (Mr. STUMP), and the subcommittee chairman, the gentleman from Alabama (Mr. EVERETT), for their decision to hold field hearings in June at the Marion VA.

The committee's findings were indeed a revelation. It became quite clear to me and to the Department of Veterans Affairs that the Marion and Fort Wayne facilities had severe nurses shortfalls. It was evident that to ensure the highest quality of care for our veterans, an effort to meet these shortfalls would be required.

In fact, 68 positions were then immediately identified as needed to be filled. $6.5 million was placed into the budget's shortfall of this year alone, and I thank the gentleman from Arizona (Mr. STUMP) for that effort.

In addition, the director of the Northern Indiana Health Care System requested a staffing survey which identified the need for another 20 positions, so now we are up to 88 positions.

Last week, prior to the Committee on Veterans' Affairs reporting this bill to the House floor, Local 1020 indicated their support for H.R. 5109 and reiterated the need for nurse pay parity.

I will throw out there to the gentleman from Florida (Mr. STEARNS) what I have been told by the nursing profession that 50 percent of the nurses are expected to retire in the next 15 years. When we look at our education institutions in our country and we maximize them to 100 percent at the present rate of graduation, we fall very short of what the need and requirements are in front of us. So given the whole supply and demand, this bill, while we are singing its praises, is really one of those leaps forward; and we still have work yet to do.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me time.

Mr. Speaker, I am pleased to rise in strong support of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act.

I want to take this opportunity to thank the gentleman from Arizona (Mr. STUMP) and the ranking member, the gentleman from Illinois (Mr. EVANS) for all their hard work on this legislation. Their unflagging commitment to our Nation's veterans is truly laudable. This bill will significantly improve veterans' access to health care. It will also provide much-needed raises for VA nurses and other health care professionals. As a nurse, I am particularly proud that this legislation will secure pay raises for 30,000 VA nurses. These registered nurses care for sick veterans day in and day out, and they deserve raises on a par with other Federal employees.

H.R. 5109 will also allow for greater nurse participation in policy and decision-making at the Veterans Administration health centers, and it would revise the pay rates for VA dentists and pharmacists. These are measures which will address the difficulties the VA has experienced in recruiting and retaining nurses and other health care personnel.

Now I want to highlight a particular provision that is included in this bill, and it is one that my colleague, the gentleman from Florida (Mr. WELDON) and I have worked very hard to secure. I am very pleased that the Veterans Service Improvement Act is part of this bill, and I want to thank the gentleman from Cape Canaveral for his outstanding leadership on this issue. This is an important bipartisan provision which will authorize multiple pilot projects to allow the VA to contract with local hospitals to provide care for veterans.

Now what does this mean for vets?

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Right now, for example, the veterans in my district on the central coast of California have to drive all the way to Los Angeles or to Fresno for hospital care under the VA. That means for my veterans driving 2½ to 5 hours just to check into a hospital. This is a definite hardship for aging veterans and for their families, the transportation involved and the sometimes inconvenience and real hardship that it puts families under.

With this pilot project, veterans could check in with their local VA clinic and then get referred to a nearby hospital. This would allow vets to receive care close by to their friends and their family.

The legislation also allows for the coordination of benefits. For example, veterans who use Medicare for care at a local hospital are currently paying a 20 percent copayment; and under these pilot projects, that copayment would be partially or totally covered by the Veterans' Administration. This is a benefit all veterans deserve, particularly those who are ill or disabled.

This proposal is designed to expand the successful VA pilot program operated in Florida last year. As we have heard, over 1,000 veterans chose to participate in this program, and 98 percent of them said they would recommend it to other vets. In addition, the preliminary results show that this program provided a significant cost savings to the VA, and that is a benefit which we should not ignore.

Mr. Speaker, H.R. 5109 gives veterans more health care choices and provides more convenient options for their care. The veterans service improvement act is a pilot project; and I want to stress that as a pilot project, it will be carefully studied to see what the results are. It is not intended to undermine the Veterans' Administration specialized hospital care in any way. Rather, I believe it could demonstrate to augment it.

So, Mr. Speaker, I am pleased that this important legislation will pass through the House today, and I hope to see it signed into law very soon. The brave men and women who have sacrificed so much for our country deserve nothing less.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of the committee.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in very strong support of H.R. 5109, a bill affecting very positively health care personnel and formulating a pilot system for coordination of services between the VA and non-VA health care facilities.

I would like to thank at the outset the gentleman from Arizona (Mr. STUMP), the good and very able and very distinguished chairman of the full committee, for his leadership on this. He is indefatigable in his efforts to help and enhance veterans benefits. I have been on this committee for 20 years, and it has always been a real joy to watch him in action; and I want to thank him for his leadership. Also I want to thank the gentleman from Florida (Mr. STEARNS), the chairman of the subcommittee, who has done yeoman's work on this legislation and the Millennium Act and other important bills; and the gentleman from Illinois (Mr. EVANS), my good friend, for his good bipartisanship and very strong commitment to our veterans and for his work on this bill as well.

In summary, the bill not only updates pay to nurses, but adjusts the mechanism for making nurses' pay more responsive to today's market realities, increases rates of special pay to dentists, increases the salary rates to our pharmacists, and designates a physician's assistant to serve as a consultant to the Undersecretary of Veterans' Administration.

As a cutting edge initiative, it establishes pilot programs to allow veterans dependent upon medical services to be seen in facilities in much greater proximity to the veteran's home. We all know, as my good friend just said a moment ago, very often, the very long trips that members of our veterans' communities have to make to get to a hospital, I hear about it over and over again in my own district, and then there is always that legendary wait once you get there to get that service sometimes becomes a disincentive for our veterans to utilize the system. So, it is very important that we see if this experiment works and if it does, then perhaps roll it out even more.

Again, I want to congratulate my colleagues on an excellent, outstanding bill that should get the unanimous support of my colleagues.

I rise today in support of H.R. 5109 a veterans bill affecting Healthcare Personel formulating a pilot system for coordination of services between VA and Non-VA Healthcare facilities.

In summary, this bill not only updates pay to nurses but adjusts the mechanism for making nurses pay more responsive to today's market realities, increases rate of special pay to dentists, increases salary rates to pharmacist, and designates a physicians assistant to serve as a consultant to the Under Secretary of Veterans Administration. As a cutting edge initiative, it establishes pilot programs to allow veterans dependant upon medical services to be seen in facilities of much greater proximity to the veteran's home.

There is a general agreement that there is a nation-wide nursing shortage. In addition, the VA has experienced significant nurse retention problems. Appropriate and timely pay increases must be provided as part of a satisfactory work environment. This bill addresses this concern in several ways. First, it authorizes national comparability pay raise for VA nurses on par with that of other federal employees. Second, it makes optional annual locality survey process for VA nurse pay. Third, it eliminates facility directors as the sole discretionary authority to make pay increases and introduces an automatic mechanism. This will stimulate more timely raises for nurses at VA hospitals. These provisions added together, are designed to make the VA more responsive to the economic needs of nurses and will increase their retention.

### PAY FOR DENTISTS AND PHARMACISTS

The bill revises and increases the rates of special pay which is provided to dentists employed by the Veterans Health Administration and is long over due. It eliminates the salary cap on pharmacists.

### PHYSICIAN ASSISTANT AS CONSULTANT

The VA employs some 1,200 PA's as the nation's largest employer of PA's in the past 30 years. But amazingly the VA does not have a PA representative to advise the Administration on the optimal usage of PA's. This bill designates a Physician's Assistant to serve as a consultant to the Under Secretary which will greatly improve understanding and utilization of the PA's by the Veterans Administration.

### PILOT PROGRAM ON COORDINATING BENEFITS

There appear to be many veterans in all areas of the country who while in need of medical services, must travel a good distance for care. In some cases this is 100 miles or more round trip. This is accomplished often at considerable inconvenience to the patient and to the family of the loved one who must provide transportation to and from VA hospitals. Add that to the legendary wait. This bill sets up a 4 site pilot program coordinating healthcare benefits between VA and non-VA health care facilities. Following up on a previously successful program in Florida, this pilot program will see if coordinated and contracted care would be satisfactory to the veteran and a cost saving gain to the Veterans Administration.

Let me emphasize that this is a program which is totally voluntary. No veteran who feels uncomfortable participating in the program is forced to do so. This is not intended to replace the parent program which has served veterans so well in the past.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, let me first thank the chairman and the ranking member for their leadership on this great piece of legislation.

I rise today in strong support of the Department of Veterans Affairs Health Care Personnel Act. As a representative of the 37th Congressional District in California, I represent parts of the Long Beach area, so I am particularly supportive of this bill, since it will help many of my constituents.

There are approximately 24.4 million veterans in America, 552,800 of whom are in Los Angeles alone, and 28,900 of whom live in the 37th Congressional District. The number of veterans has declined over the years, but the average age of America's veterans has increased. The median age of veterans is 58 years, and 36 percent are over 65 years of age. This means the services provided at veterans' health care facilities throughout the country are even more important to our veterans, now more than ever before.

Mr. Speaker, this legislation authorizes important construction projects primarily at VA medical facilities to help veterans who have reached an age where the need for safe, accessible medical care is critical. In particular, it authorizes the construction of the VA Medical Center in Long Beach which is located on major fault lines that have yielded earthquakes which have caused severe damage to the area over the years. This construction project will correct life safety and functional space deficiencies and ensure that veterans receive the health care they need in a safe environment.

The Department of Veterans Affairs Health Care Personnel Act also improves the pay of nurses, dentists and other health care professionals employed by the Department of Veterans Affairs which ensures that those who serve our veterans are adequately compensated.

In addition, it establishes a pilot project that will allow four sites to provide inpatient hospital care to veterans in their own communities. The bill also contains a provision that would increase the availability of accommodations at VA medical facilities for veterans and their families who need to travel great distances and stay overnight when obtaining VA medical services.

Mr. Speaker, all of these measures will significantly impact the lives of veterans and their families; and, therefore, Mr. Speaker, I urge my colleagues to join me in voting for the Department of Veterans Affairs Health Care Personnel Act. It is a great piece of legislation.

Mr. STUMP. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act of 2000, with one reservation. It is a good bill. The committee has worked hard on it, and my colleagues should be commended for it.

Mr. Speaker, H.R. 5109 corrects a real problem with the pay increases of VA nurses. While the current system of salary adjustments for VA nurses does not allow salary decreases, the current system does allow for the salary to be frozen for a number of years. With inflation, this is tantamount to a cut in salary, with VA nurses having to spend more of their salary each year on the increasing cost of living. This includes the yearly increases that Federal employees must pay on their health care premiums.

In the lower New York area, we have one of the highest costs of living in the Nation. The struggle of our dedicated nurses to raise a family and save for the future is a daily challenge. At the very least, we have to ensure that all VA personnel salary is adjusted for inflation, and this good legislation corrects a grave injustice that has denied nurses pay raises that virtually all Federal workers are given on a yearly basis. This portion of the legislation has my strong support.

Unfortunately, section 401 of the legislation concerns me and colleagues I have spoken with, and that is the section that is entitled, Coordination of Hospitals Benefits Program. It would create a pilot voucher-like program in four geographic areas. The section would authorize the VA to cover a veteran's cost of inpatient care at non-VA facilities. The VA would thus become a secondary insurance for any out-of-pocket expenses of veterans with insurance, including Medicare, when veterans seek inpatient services in private sector hospitals.

It is a good idea, but right now the VA can and does contract with non-VA hospitals to treat veterans for their service-connected conditions. The premise of this pilot gives veterans a financial incentive to go to non-VA facilities for their inpatient care. It establishes an entirely new eligibility category for veterans care based not on the veteran's status or need, but purely on the veteran's geographic location, and to a great extent, the veteran's own health insurance. It could create real problems.

First, it creates a disparity between health care available to veterans who choose to use the VA health care facilities and those primarily with their own insurance who have previously chosen not to use VA facilities. Second, it sets a precedent for sending veterans to non-VA providers for inpatient services that are paid by veterans' insurance. The VA would now subsidize care outside the system, losing both the direct and appropriated dollars on any third-party reimbursements. This worries me.

If this precedent is set and expanded, the VA health care facilities would only become local referral centers without the resources to sustain a full range of care, including the acute beds and specialized services such as spinal cord injury care and substance abuse treatment for which it is well known. The VA would not really have the control to manage a veteran's case once referred because it would be a secondary payer, not the provider of care.

It is my hope this section could be removed or greatly modified before the legislation comes back to the House.

Mr. EVANS. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. STUMP), the chairman of the committee.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding us this time, and I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I rise today in support of H.R. 5109.

Mr. Speaker, today is a great day and a wonderful day for the 39,000 VA nurses who care for our Nation's ailing veterans, and I want to thank the gentleman from Arizona (Mr. STUMP), the gentleman from Florida (Mr. STEARNS), the gentleman from Illinois (Mr. EVANS), and the gentleman from Illinois (Mr. GUTIERREZ) for making this day possible.

In May of last year, I joined with a number of colleagues to introduce legislation called the VA Nurse Appreciation Act. The premise of the legislation was simple, to guarantee that VA nurses get the same annual raise as virtually every other Federal worker; no more, no less, just pay parity. It seems impossible to fathom, but for much of the last decade, VA nurses across the country have been getting short shrift when it comes to Federal pay raises.

When the Nurse Pay Act was passed about a decade ago, it did exactly what it was supposed to do. It allowed the VA to dramatically increase nurse pay so that salaries were comparable with the private sector. That law, so well intended and fully supported by the Congress, eliminated a dire nursing shortage and restored stability to VA hospitals across the country.

Sadly, when budgets became tight, VA medical center directors began using the broad discretion of the law provided in a way that the Congress never intended. Local pay surveys designed to document the need for higher raises than the GS increases were suddenly turned into a tool to withhold raises or award absurdly low raises.

Mr. Speaker, it is no walk in the park being a nurse at a Veterans' Administration facility. The hours are long, the job is stressful, and the veterans can be very sick with a whole host of medical conditions not normally seen in other hospitals. But the women and men who have devoted their careers to caring for our Nation's heroes are a dedicated lot. Despite years of meager annual raises or no raise at all, these 39,000 VA nurses did not turn their backs on our veterans or even think of withholding care.

Mr. Speaker, we are now enjoying the greatest economic prosperity in a generation and unheralded budget surpluses; yet we still have VA nurses out there who received no annual pay raise for 2, 3, 4, or, in some cases, 5 consecutive years. It is a miracle that more nurses have not abandoned the VA.

This legislation, H.R. 5109, is a wonderful step in correcting that inequity, and I again commend the chairman of the committee and the ranking member, the chairman of the subcommittee and the ranking member of the subcommittee. I am most appreciative of their interest in the issue and their willingness to correct this injustice. Special thanks are also due to the AFGE, which has worked tirelessly to make this day possible, together with the ANA and NOVA.

This change in law cannot come soon enough either. All evidence points to a looming and critical shortage of nurses. Right now the average VA nurse is 47 years old, about 5 years older than the national average. We do not attract new nurses with a promise of no annual increase.

Mr. Speaker, this has been a long, hard fight. This is a good bill with many wonderful provisions. I again want to thank the gentleman from Arizona (Mr. STUMP) and the gentleman from Florida (Mr. STEARNS) for correcting an inequity. I urge my colleagues to support the bill.

Mr. STUMP. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I rise today in strong support of H.R. 5109. I praise the gentleman from Arizona (Mr. STUMP) and his colleagues in both parties who have brought this fine piece of legislation to the House, the Veterans Affairs Health Care Personnel Act of 2000.

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Not only will this bill improve pay and help retain qualified nurses at the VA medical facilities, a provision that will significantly help nurses at the VA Medical Center Long Beach in my district and one that I have long been a supporter of in this House, it also authorizes $51.7 million for seismic corrections at the VA Medical Center Long Beach.

Providing a broad range of inpatient, outpatient and home care services for veterans throughout Southern California, the VA Medical Center Long Beach has long been recognized for the integral role it plays in Southern California's health care system. The Long Beach Center has also achieved national prominence in the field of spinal cord injury and the rehabilitation of paraplegic and quadriplegic patients.

Ranked second on the VA priority list, this project is essential to provide a safe environment for the 35,000 veteran patients served at the Long Beach VA and the 2,300 employees that work there. The four buildings included in this project house direct patient care functions and support activities that are crucial to meeting the organization's mission and goals.

These buildings are all seismically deficient and in need of upgrading. The United States Geological Survey studies have shown that the fault lines in the Southern California region run directly through the medical center. These major fault lines have yielded earthquakes of significant magnitude and caused severe damage over the years, compromising the patient care mission of the Long Beach Veterans Administration Medical Center.

The demolition of these seismically compromised and deteriorating buildings with the replacement of one newly constructed building with modern and efficient space is crucial in order to provide safety for patients, visitors and staff. It is also the most cost-effective option.

This bill is a fitting tribute to those who have served our Nation with courage and commitment and is the next step in fulfilling our continuing obligation to our Nation's veterans.

I urge all Members of this House to support this very important legislation.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I want to thank the gentleman from Arizona (Chairman STUMP) for his courage and commitment in moving this bill forward. I want to particularly commend him for including the language in section 401 that deals with the establishment of a new pilot program that will allow the coordination of payments of benefits.

This was the thrust of legislation, H.R. 4575, introduced earlier by the gentlewoman from California (Mrs. CAPPS) and myself. She has the same challenge I have, a lot of veterans in her congressional district that are served only by a clinic and not a full-service hospital. Her assistance has been critical in moving this initiative forward.

I also want to thank the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Florida (Mr. STEARNS) who have worked with me on this issue for 4 years, and, of course, the gentleman from Illinois (Mr. EVANS), ranking member, who has been very gracious.

He had a very lengthy meeting with me and the gentlewoman from California (Mrs. CAPPS) earlier in August to try to work with us on moving forward on this issue.

I also want to mention the gentleman from Illinois (Mr. GUTIERREZ) who has offered his support for this provision and, of course, the Republican and Democratic staff on the committee who have worked very, very hard.

My experience on this issue comes from my background, not only as a veteran, the son of a World War II combat-wounded Purple Heart veteran, but as well as a physician who did part of his training in a VA hospital; and, indeed, I continue to volunteer some of my time at the Veterans Health Care Clinic in my congressional district. So I think I can come to this debate with a little bit of perspective.

The veterans want three things. They want access, access, access. They want access to quality care. They want access to specialty care. They want access to care that is close to home. They do not want to be told to pack their bags, to travel across the State, or, worse, to travel to another State to get their health care.

Now, we have operated a pilot program in my congressional district for the last several years. More than 1,000 veterans have received care under this program. Did they like it? Ninety-eight percent said they liked it a lot and would recommend it to a friend. Did it cost more money? No. Actually, it saved the Veterans Administration 15 to 20 percent over cost being provided in a veterans hospital.

When it was stopped by the Veterans Administration in September of last year, the veterans in my congressional district demanded that it be restarted, and it was in July of this year. However, the Veterans Administration excluded veterans over 65 because they are covered by Medicare.

Now, I would like to read a letter that was sent to me by the wife of a veteran, Mrs. Gay Tatro. She wrote: "My husband was probably one of the first veterans in the County admitted to the hospital on the Pilot Program in May 1998 and one of the last in September 1999. Both times, plus a couple of hospitalizations in between, he would have been sent to Tampa." Now, Tampa is clean across the State. It is a

3-hour drive from my congressional district.

She goes on to say: "This would have created a substantial hardship both financially and emotionally. In this last hospitalization, the doctors were talking about amputating part of his foot. To have to go to Tampa and deal with this type of trauma by himself would have been unthinkable. The alternative: I would have to stay out of work plus pay for accommodations in Tampa to be near him."

Section 401 of this bill establishes a new pilot program that would allow the coordination of benefits. It would allow it to be established in three additional sites. There are many underserved areas in this country. Brownsville, Texas; Santa Barbara, California and many others where veterans have to travel hours.

Now, there have been some people, including some we have heard today, who have raised some concerns about this provision of the bill. They seem to center on two things. The first one is that it moves the Veterans Administration away from the business of providing care to one of ensuring care.

To the veterans in my congressional district and those in other underserved areas, I can tell my colleagues they do not care. They want to get quality health care close to home, and these kinds of debates are irrelevant to them. They are certainly irrelevant to the Tatros. They want quality health care close to home.

The other issue that they bring up is that resources could be drained from existing facilities that are currently providing care. This reminds me of, in many ways, FDR's old speech: "The only thing you have to fear is fear itself." I cannot imagine a situation where the chairman, the ranking member would allow services to be drained to provide for care for those veterans and underserved areas, drained from one area to another. The issue here is making sure our veterans get the quality health care they need.

What is clear is the status quo is unacceptable. The status quo is a two-tiered system, Mr. Speaker, a system where we have two kinds of veterans, those who live close to a facility and those who live far away and have to travel.

What we are trying to do in this provision is address the needs of those so they do not have to travel; and for those who live close to a facility, to turn to those veterans who live far away and say, no, no, no, we do not want to provide health care to you close to home, because it might affect my health care where I get my care close to the hospital is unacceptable.

This is the richest country in the world. This is the most powerful country in the world. We can take care of both groups, and this bill provides for that.

I encourage all my colleagues to not succumb to the arguments of the theoretical or to succumb to the arguments of fear, but support this provision, support this legislation.

Mr. Speaker, I am very, very happy to yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I just want to commend the gentleman from Florida (Mr. WELDON) for what he is doing and point out to my colleagues this program maximum is a $50 million pilot program. This is on a $49 billion budget for veterans, which is the second largest appropriations of money. The only one larger is the Department of Defense. So this might be, I do not know if the fractions are right, but this is one-one thousandths of a percent that is going for a very small program to demonstrate, to see if it is feasible.

So I think that this is a very modest approach, and I commend the gentleman from Florida (Mr. WELDON) for what he is doing. I certainly think, as one of his constituents pointed out, this is worth this small effort to try to serve veterans.

Mr. WELDON of Florida. Mr. Speaker, I would just like to point out that this provision is endorsed by the VFW and the American Legion. I believe it is the right thing for us to do for our veterans. We can provide quality health care to all of our veterans, and that is what we are trying to do.

### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5109, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the House leadership on both sides of this aisle for allowing us to move this bill so quickly today. I want to especially thank the gentleman from Illinois (Mr. EVANS) for all the hard work and cooperation that he has given us and, once again, thank him for the time he has generously yielded to our side.

I want to express my appreciation to the gentleman from Florida (Mr. STEARNS), the chairman of the Subcommittee on Health, for all his hard work, as well as the gentleman from Illinois (Mr. GUTIERREZ), ranking member, also the gentleman from Florida (Mr. WELDON) for all the work he has done, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from California (Mr. HORN) for their dedication in serving their veterans.

I have no further requests for time. I urge all Members to support the bill.

Mr. JONES of North Carolina. Mr. Speaker, I rise in strong support of the legislation offered the Chairman and Ranking Members of the Veterans Affairs Committee. I do not have to remind the Members of this body that our Nation would not have the prosperity we enjoy if it had not been for the millions of men and women who signed up to serve in our nation's armed forces. Their willingness to offer their lives in the defense of our Nation is the very reason that we enjoy the freedoms we have today. We owe them a debt of gratitude and the legislation before us today is one more innovative way to ensure that we fulfill that obligation.

I support the legislation for several reasons: First, I think the proposal to allow rural veterans access to health through local facilities could dramatically increase access for those veterans who must travel great distances to receive care.

Second, this legislation recognizes that we must also ensure that we have the most capable people providing the care that those veterans have earned.

Third, the bill has the potential to greatly improve the quality of care our veterans receive by better integrating the providers of that care into the policy making process.

As our veterans' population continues to age, we must always look outside the box of existing policies to further improve the care and support we provide. H.R. 5109 meets that goal and is a bill that needs to be signed into law. I urge my colleagues to work with me to improve the quality and access to health care for our Nation's veterans and pass the Department of Veterans Affairs Health Care Personnel Act of 2000.

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in strong support of the VA Health Care Personnel Act. This important piece of legislation improves veterans' access to health care and raises the salaries of VA nurses and dentists. It's incredibly unfair that VA nurses are paid less to do the same work as their counterparts in private hospitals. Under this legislation, VA nurses are guaranteed annual national pay raises based on pay inequities, instead of nursing recruitment or retention. This bill also increases the amount of pay to VA dentists who specialized or take on added responsibilities to help meet the dental needs of our veterans.

On Long Island, the cost-of-living is well-above the rest of the country. However, VA nurses travel to understaffed VA hospitals and care for our veterans at a salary that is unacceptable. As a former nurse, I understand the commitment and professionalism demanded by this profession. Unfortunately, VA nurses continue to work at salary level that does not reflect their commitment to caring for our veterans. Lastly, this legislation extends a pilot program to four as yet unnamed geographic areas where Medicare-eligible veterans can go to non-VA hospitals, at VA expense, if there are no convenient VA hospitals nearby.

Under the new program, the VA would cover some of the costs of care at non-VA hospitals for participating veterans whose private or Medicare plans would pay for most of the share. Too many veterans are forced to drive several hours to a VA hospital if there is a problem. This pilot program examines the benefits of allowing Medicare-eligible veterans to receive treatment at their local hospital.

This bill puts veterans one step closer to the care and benefits they deserve. I urge my colleagues to support this legislation.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act of 2000. I urge my colleagues to join in supporting this timely, appropriate legislation.

H.R. 5109 is designed to improve the quality and availability of health care provided by the Department of Veterans Affairs medical facilities. It was drafted to respond to a number of concerns raised by VA personnel and veterans alike. I want to commend Chairman STUMP and the other members of the Veterans Committee for their dedication to this issue, for both listening to our veterans and VA employees, and for following up on their concerns.

Over the past 2 years, I have heard from many VA nurses and pharmacists that their working conditions and their pay levels have contributed to a serious retention problem for these two professions. H.R. 5109 addresses this problem by making changes to the salary review system so that facility directors will have to conduct annual reviews of their nursing turnover and vacancy rates to determine if raises are warranted. It also stipulates that nursing personnel are to participate in this process. Moreover, it clarifies that the absence of a retention problem is not to be a basis for failing to provide a pay increase, and it prohibits "negative pay adjustments."

Regarding specialists, H.R. 5109 increases the rates of special pay for VA dentists, and adds pharmacists to the occupations that are exempt from a statutory cap on special salary rates.

This legislation also requires that, when conducting an initial clinical evaluation of a veteran, the VA identify and document pertinent military experiences and exposures which may contribute to the health status of the patient.

Finally, H.R. 5109 authorizes a pilot program involving coordination of hospital benefits. Under the program, veterans with Medicare or other coverage who use a nearby VA clinic for care, but reside far from the nearest VA medical facility, could make a choice to receive care at a community hospital as a Medicare or other health plan beneficiary when the VA finds that they need hospital care. The VA clinic would still coordinate the care, and to ensure that the patient does not incur additional out-of-pocket costs. The bill provides that VA would cover co-payments required by an individual veteran's health plan.

This component of the bill is welcome news for those veterans who reside in rural areas. I look forward to monitoring its progress, and hope it will be expanded in future years.

Mr. Speaker, H.R. 5109 makes a number of much needed adjustments to provide our veterans with better health care. For this reason, I strongly encourage our colleagues to join in supporting its passage.

Mr. RODRIGUEZ. Mr. Speaker, I commend the efforts of the VA Committee and staff in developing the VA employee pay and VA health care improvements in this bill. There are many positive elements in this bill dealing with personnel issues and I am happy to support them. VA nurses, dentists, physicians assistants, pharmacists, and social workers play a critical role in the VA health care system. The amendment to improve chiropractic service in the VA is also necessary in order to expand the availability of important chiropractic services. This legislation addresses ever-changing professions within the VA health care system by improving the salaries and working conditions of its employees.

I am especially pleased with the sections on mental illness. Authorizing another study on post-traumatic stress disorder is long overdue. We have some quality people working on PTSD at the VA and this provision would bolster that important work. I also welcome the extension of the Annual Report of the Committee on Mentally Ill Veterans. We must continue to recognize the special nature of mental illness in our Nation's veterans and continuing the input from the committee is necessary for that to occur.

I represent an area with underserved veterans. Many veterans have to travel more than 200 miles to the nearest VA facility. While I continue to advocate expanding the brick and mortar VA system where there is a genuine need, I support the pilot project at coordinating health care in under-served areas. By limiting the project to four sites and capping the costs, we have an opportunity to see the viability of this service without jeopardizing the VA as a unique hospital system. The VA is not an insurance company, and nothing we do in this bill should show an intent to re-invent the VA as such. I look forward to working with my colleagues in the Senate at enacting the provisions of this legislation this year.

Mr. MCGOVERN. Mr. Speaker, I rise today in support of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act of 2000. H.R. 5109 is important because it guarantees that nurses, dentists and pharmacists will receive pay raises that will improve their quality of life. Nurses at VA hospitals are underpaid and deserve to be paid at the same rate as those nurses at local, non-governmental hospitals. It's unconscionable that our veterans should be treated by nurses that are being paid less than their fellow nurses at other facilities. H.R. 5109 will fix that problem and properly pay these important people.

H.R. 5109 also recognizes the hard work of dentists at these VA facilities. Dentists who specialize, take on added responsibilities, or who are stationed at certain facilities will receive increased pay and also expands retirement benefits for VA dentists. Another provision exempts VA pharmacists from ceilings on special salary rates. Overall, H.R. 5109 will improve the quality of life of VA nurses, dentists and pharmacists. However, I am concerned about the provision that allows some patients to be treated at non-VA hospital facilities. While I recognize this provision creates a pilot program in four areas and has specific requirements for eligibility for participation, I am concerned that this type of program could lead to the closing of VA hospitals.

Last year, this Congress voted on H.R. 2116, the Veterans' Millennium Health Care Act. A provision in that bill would have established the process by which the Veterans Administration could close VA hospitals, profoundly damaging veterans' access to good quality health care in the Northeast. Fortunately, the final version of H.R. 2116 did not include this provision and VA hospitals were not endangered. I believe H.R. 5109 was drafted with the best intentions and that this bill is designed to improve the quality of life of VA employees and, consequently, the veterans who receive care at VA facilities. I also believe this provision was written with the intention of providing the best care possible to veterans. My concern is that, ultimately, this provision will force veterans from VA hospitals to private care.

I will vote for H.R. 5109 because, overall, this bill is a good bill. However, I ask the sponsor and the members of the Committee on Veterans Affairs to clarify the provision that creates the pilot program to ensure that it does not decrease the level of care at or, ultimately, close VA hospitals in the Northeast or across this country.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Pursuant to House Resolution 585, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. STUMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 486]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dickey
Dicks
Dingell
Dixon
Doggett

Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Burton
Campbell
Clay
Danner
Deutsch
Diaz-Balart
Dooley
Frost
Graham
Hastings (FL)
Hutchinson
Klink
Lazio
McCollum
McInnis
McIntosh
Metcalf
Reyes
Ros-Lehtinen
Vento
Waxman
Wexler

□ 1321

Mrs. NAPOLITANO changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 486, the vote on final passage of H.R. 5109, the Department of Veterans Affairs Health Care Personnel Act. Had I been present, I would have voted "yea" on rollcall vote No. 486.

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 486, the Department of Veterans Affairs Health Care Personnel Act, I was unavoidably detained. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall Nos. 485, 486, I was unavoidably detained. If present, I would have voted "aye" on rollcall Nos. 485, 486.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Madam Speaker, I rise to inquire of the distinguished majority leader the schedule for the rest of the day, week and any other information he might want to share with us.

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Madam Speaker, I appreciate the gentleman's inquiry, and I know there is a great deal of interest on the part of the Members. We have just concluded our final vote for the day, but as we speak, the Interior appropriators are feverishly working to complete their work on the Interior appropriations bill. I am sure the body will join me in expressing appreciation and encouragement to the appropriators to complete that task in such a manner that will enable us to complete our consideration of that conference report tomorrow.

So that as it stands today, we are waiting upon the Interior appropriators to complete their work and we would expect to vote that bill tomorrow in time to make our regularly scheduled departure time of 2 p.m. tomorrow afternoon. I would ask the Members, of course, to be patient and to again express their appreciation for and encouragement to the appropriators as they struggle to complete this very important work and to stay in town and available for a vote on that bill which would be scheduled in the morning.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Wisconsin for an inquiry or a comment.

Mr. OBEY. Mr. Speaker, let me simply ask of the distinguished majority leader. Obviously all of us want to get rid of as many appropriation bills as we can. We are going to have enough real arguments on the bills where we have real differences that we ought not have arguments on bills where we may not have any real differences. But I would just like to caution, or raise one point of caution. We are going to go into conference again on the Interior bill about 2:30. We were in conference on it this morning until it was interrupted for a rollcall vote on the House floor and a leadership meeting, as I understand it. If we go back in, if everything goes well and everything is kissy-face and nobody has any problems with it, we might be able to finish by 5 o'clock or so, very optimistically speaking. But at that point it is my understanding that there is an expectation that there would then be a follow-up meeting with the White House to try to discuss the known objections that the White House has to the conference as it is being formed right now.

Right now there are at least eight items which are still considered vetoable. One is the land legacy item where we have not only a $500 million difference but substantial differences not between the parties but between the Congress as an institution and the Presidency as an institution on how that package is to be handled.

We have considerable shortfalls in the Native American health area, which the White House is insisting be restored. We have a problem with energy conservation funds. We still have a large argument on the arts. We have had three additional riders that were added in the conference last night, the White River Forest in Colorado, the White Mountain rider in New Hampshire, and now the conferees are possibly going to also include a hard rock mining amendment.

If that is the case, then we will have matters of major controversy between the Congress and the White House that still have to be resolved. Assuming that could be done today, which is a huge assumption, and my evaluation is that there is not much chance that is going to occur in that short a period, but assuming that could happen sometime today, it will take at least 7 or 8 hours after drafting those changes to get that bill in a position where the committee will then have to do its read-out where we walk through every paragraph to make certain that the bill does what the conferees agree.

That means they will have to work all night. The earliest that they could possibly file would be about 5 or 6 in the morning. The earliest the Committee on Rules could meet would be tomorrow morning. Normal order would require a 1-day layover. And, in my view, it is highly unlikely that we are going to get there that fast. I do think if we can work out the differences, the bill could be ready for a vote on Monday. But I have very strong doubts that there is a prayer it will be ready tomorrow. And while we will be here on the Committee on Appropriations and I know the leadership will be here, I would simply ask the gentleman what is the utility of inconveniencing other Members who could go home or do whatever else they need to do rather than holding out a smidgen of a hope that this bill could be moved up one day? In my view given the large number of controversial items hanging out there, that is not likely to happen.

I assure the gentleman I am raising this simply to try to help meet the convenience of Members who have a right to have a realistic assessment of what is likely to happen on this bill.

□ 1330

Mr. ARMEY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Madam Speaker, I appreciate the gentleman from Michigan (Mr. BONIOR) for yielding to me.

I want to personally thank the gentleman from Wisconsin (Mr. OBEY) for outlining before the body the enormity of the task and the enormous amount of work that there is. And, in fact, I appreciate the Subcommittee on Interior's efforts to accomplish this work.

I think the gentleman has spoken eloquently and completely about how much good work they are doing and how important it is, and we can do nothing other than to elevate the appreciation.

I know the Members of this body will show to the members of the Subcommittee on Interior their appreciation and, in fact, to even sharpen their degree of willingness to encourage them in completing this work. But the fact remains that every Member here in this body was notified in January that on this week the House would be in session and would be available to consider these very important bills until 2 o'clock on Friday; and within the constraints then of that, due and full notification to all of us was given to plan our year, and, indeed, this week within this year.

I believe the only fair way for us to show our appreciation for the appropriators is to wait upon their work, encourage them in every way, and to be available to then take our next step in the completion of the House's consideration of that bill after what the gentleman has clearly outlined will be for today and this evening and tomorrow morning a heroic effort on their part and one we certainly will want to stand and applaud them for when we have the bill on the floor.

Mr. OBEY. If the gentleman would continue to yield.

Mr. BONIOR. I yield further to the gentleman.

Mr. OBEY. Madam Speaker, I certainly would like to say it is no skin off my nose if other Members are kept here, because I am going to have to be here anyway. But I really do believe that Members need to understand that the percentage chance we have of actually having an agreed bill that is not going to be vetoed, ready for the House to vote on by tomorrow is about 3 percent.

I would note, for instance, that the National Journal indicated that last week when the House took up the NASA authorization act, it actually voted on and passed the wrong bill. It had the wrong text when we voted on it last week, and that is why we have to go through these readouts and we will be here.

We will have to go through those readouts, but I do not think it helps individual Members for them to have to be stuck in their offices when they could be doing something more useful while we are running through those readouts to make certain that that does not happen again, when, in fact, the bill could easy be ready for Monday consideration if we reach agreement on it and we would not have messed up any other Members' schedules.

Mr. ARMEY. If the gentleman would continue to yield.

Mr. BONIOR. I yield further to the gentleman.

Mr. ARMEY. Madam Speaker, I want to again affirm before the body that the gentleman from Wisconsin (Mr. OBEY) has very good points in support of our commitment as a body to do the Nation's work, complete the Nation's work, and get it done as soon as is possible. I have no doubt that the gentleman from Wisconsin will be instrumental in that task, because he works in the committee to see that the work is done completely and accurately; and we appreciate the gentleman from Wisconsin for his effort.

Madam Speaker, the House will stand now in anticipation of the committee completing their work. We will continue to stay in touch with the committee as their work proceeds, and should there at any time between now and tomorrow be any information that would change the circumstances, I would be happy to come to the floor and announce it to the body. But for now, I want to thank all the Members for their cooperation, their understanding, their patience and their commitment to the Nation's work and look forward to just being on the floor and voting that bill in the morning.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## FIX 96/FIX THE TERRITORIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam (Mr. UNDERWOOD) is recognized for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, I rise to the floor today to talk about an issue in the context of the appropriations struggles that we are having, and that is to bring a modicum of fairness and justice to the people, American citizens, of the U.S. territories.

It is ironic that there are many proposals around today which I endorse which will restore some of the benefits that have been taken away since 1996 for legal residents, not U.S. citizens of the United States, including some access to health care.

At the same time that we are doing this, health care for U.S. citizens in the territories like my home island of Guam are severely hampered by the fact that Medicaid assistance to the territories is capped at certain amounts; for Guam it is $5.4 million. Moreover, the match between the local government and the Federal Government is fixed at 50/50.

Madam Speaker, what this means essentially is that if the government of Guam is to participate in the Medicaid program, which it currently does and for this past year it did and spent some $14 million in Medicaid, the actual share that the government of Guam paid is not at 50/50, but is somewhere along the line of 70/30. And as a consequence, the people of Guam, the resources are taxed to a greater extent than is to be expected.

The territories, especially Guam, have not shared in the economic boom that has occurred. In the 1990s, we have not shared in the economic boom that the U.S. mainland has enjoyed; and as a consequence, with double digit unemployment and the fact that the numbers of low-income people and people eligible for Medicaid has dramatically increased, not only due to poor economic statistics, but immigration from surrounding islands, under compacts of free association agreements with the United States. As a consequence, the people of Guam have to share a much bigger burden than the average citizen in the U.S. mainland for the provision of medical care for the indigent and the low-income.

What we proposed, and I think all of the representatives of the territories, I know all the governors of the insular areas as well, have proposed that either the caps be lifted or the cost-sharing arrangement be altered. Preferably, we could do both.

But at a minimum, we need to provide relief to these insular areas, and the way that we can do it is to secure within the context of the current appropriations process a little bit of increase in the caps, not to raise the cap entirely, but at least to raise the dollar amount on the cap, not to eliminate caps, but to at least raise the dollar amount on the caps.

We have raised this issue; I have personally raised it with the President in a meeting on Tuesday. We have raised this issue with a number of White House officials. We raised this issue with leaders here in Congress. And although it is perhaps a little bit late in the game, it is important that if we think that health care access should be extended to all people who live in the United States, regardless of their ability to pay and regardless of their legal status at a minimum, U.S. citizens in the territories should be included.

So we hope that in the context of the negotiations and the discussions over Medicaid payments, that there will be increases lifting, not eliminating, the caps, but at a minimum at least lifting the caps for Guam and American Samoa and Puerto Rico, the U.S. Virgin Islands and the Northern Marianas.

## HOUSE RECOGNITION OF THE 40TH ANNIVERSARY OF THE NATIONAL RECONNAISSANCE OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, I come to the floor with a great sense of pride and admiration to recognize the National Reconnaissance Office, the NRO, for 40 years of outstanding service to our Nation. Since its beginning as a small covert organization on 31 of August 1960 during the administration of President Dwight D. Eisenhower, the NRO has developed an unprecedented capability to conduct signals and photographic reconnaissance from space, a capability that to this day remains unmatched by any other nation in the world.

Part of the success during the last 4 decades is due to the partnership between American industry and the NRO's highly capable workforce. This workforce, which consists of government civilians and military members of the four services, has consistently delivered new and innovative satellite systems that provide critical intelligence information to our national policymakers and to our military and civilian officials during periods of peace or in crisis or in war.

Its record of outstanding technological achievement has rightly earned the NRO the title of Freedom's Sentinel in Space.

As one of 13 Members of the intelligence community, the NRO has been very skillfully managed throughout its history by the Secretary of Defense and the director of Central Intelligence. Today the NRO provides systems that push the limits of reconnaissance capability to acquire enhanced images of the Earth and an ever-expanding variety and volume of electromagnetic signals. NRO space systems serve us daily from making it possible to verify arms control treaties to aiding in protecting American lives throughout the world, Americans at home and abroad.

For these many important achievements and the promise of continued excellence in space reconnaissance during the years ahead, we heartily congratulate the men and women of the NRO past and present on the occasion of the organizations's 40th anniversary.

## H.R. 4292, THE BORN-ALIVE INFANTS PROTECTION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. CANADY) is recognized for 5 minutes.

Mr. CANADY of Florida. Madam Speaker, as I thought about the subject upon which I rise to speak today, I was reminded of the words of William Butler Yeats's poem "The Second Coming," where he wrote: "Things fall apart; the centre cannot hold; mere anarchy is loosed upon the world, the blood-dimmed tide is loosed, and everywhere the ceremony of innocence is drowned."

Now, that is a pretty bleak picture, but I think it is an accurate reflection of the problem addressed by the bill I am here to discuss today.

H.R. 4292, the Born-Alive Infants Protection Act, legislation that would provide legal protection to living, fully born babies who survive abortions; tiny, helpless infants brought into the world through no choice of their own and struggling to survive.

Now, surely we may say such legislation could not possibly be necessary. Surely fully born babies are already entitled to the protections of the law.

□ 1345

Well, until recently, that certainly was true, but the corrupting influence of a seemingly illimitable right to abortion, created out of whole cloth by the Supreme Court in Roe v. Wade has brought this well-settled principle into question.

Just weeks ago, for example, in Stenberg v. Carhart, the United States Supreme Court extended the right to abortion to include the right to partial birth abortion, a procedure in which an abortionist delivers an unborn child's body until only the head remains inside of the mother; punctures the child's skull with scissors, and sucks the child's brain out before completing the delivery.

Every time I describe that procedure, I shudder but that is the reality of what the Supreme Court of the United States has said is protected by the Constitution of the United States.

Now even more striking than the holding of the Carhart case is the fact that the Carhart court considered the location of an infant's body at the moment of death during a partial birth abortion to be irrelevant for purposes of the law. Rather, the Carhart court appears to have rested its decision on the pernicious notion that a partially-born infant's entitlement to the protections of the law is dependent not upon whether the child is born or unborn but upon whether or not the partially-born child's mother wants the child or not.

The United States Court of Appeals for the Third Circuit made the point explicit on July 26, 2000, in Planned Parent of Central New Jersey v. Farmer, a case striking down New Jersey's partial birth abortion ban. According to the Third Circuit Court of Appeals, under Roe and Carhart a child's status under the law is dependent not upon the child's location inside or outside of the mother's body but upon whether the mother intends to abort the child or to give birth.

The Farmer court stated that in contrast to an infant whose mother intends to give birth, an infant who is killed during a partial birth abortion is not entitled to the protections of the law because, and I quote, a woman seeking an abortion is plainly not seeking to give birth, closed quote.

The logical implications of these judicial opinions are indeed shocking. Under the logic of these decisions, once a child is marked for abortion it is not relevant whether that child emerges from the womb as a live baby. A child marked for abortion may be treated as a nonentity even after a live birth and would not have the slightest rights under the law; no right to receive medical care, to be sustained in life or to receive any care at all. Under this logic, just as a child who survives an abortion and is born alive would have no claim to the protections of the law, there would appear to be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die.

As horrifying as it may seem, the Subcommittee on the Constitution heard testimony indicating that this is, in fact, already occurring. According to eyewitness accounts, live-birth, so-called live-birth abortions, are indeed being performed, resulting in live-born premature infants who are simply allowed to die, sometimes without the provision of even basic comfort care such as warmth and nutrition.

On one occasion, a nurse found a living infant naked on a scale in a soiled utility closet, and on another occasion a living infant was found lying naked on the edge of a sink. One baby was wrapped in a disposable towel and thrown in the trash.

Consider that these things are happening today in this country. Now statements made by abortion supporters indicate that they support this expansion of the decision in Roe v. Wade. For example, on July 20 of this year, the National Abortion and Reproductive Rights Action League issued a press release criticizing H.R. 4292 because in NARAL's view extending legal personhood to premature infants who are born alive after surviving abortions substitutes an assault on Roe v. Wade.

Well, I think they are wrong in their interpretation of Roe v. Wade, and I do not agree with that opinion but even that opinion, if properly understood, could not be extended in that way, but that is what they advocate.

I urge my colleagues to consider this important legislation as it is considered by the House in the days to come.

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## CONGRESS SHOULD PASS A REAL PRESCRIPTION DRUG PLAN BEFORE THEY ADJOURN

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to call my colleagues' attention to passing a real prescription drug plan before Congress adjourns. It is ironic that the Presidential candidate for the Republican Party has a new slogan about real plans for real people. I think we can all agree that senior citizens are real people and they need some real help.

As a registered nurse who has spent countless hours helping senior citizens with their medical needs, I can say what these real people need. They desperately need Medicare to cover the cost of buying lifesaving drugs. As a registered nurse, I had the pleasure of working with seniors before coming to Congress. I know firsthand that many of them are on fixed incomes and already struggling to buy food and pay their rent. I have paid close attention as to what we need to do as a nation to help senior citizens. I can say that our seniors simply need assistance with purchasing life-sustaining drugs. They simply cannot afford the high cost of the drugs now.

When the big pharmaceutical companies escalate the prices of prescription drugs every year at a pace that exceeds the annual level of inflation, between 1993 and 1998, spending nationwide for prescription drugs increased at an annual rate of 12 percent. This past April, I hosted a town hall meeting back in Dallas where I talked with constituents, the real people, about the exorbitant cost of prescription drugs. And here are some of the other startling statistics that were revealed: 85 percent of the seniors fill at least one prescription per year for common conditions because for their age such as osteoporosis, hypertension, heart attacks, diabetes, or depression; seniors nationwide are paying over 130 percent more for essential prescriptions than the drug companies'' most favorite customers, the HMOs; nearly two-thirds of Medicare beneficiaries have no drug coverage or unreliable, costly, and limited coverage and must pay these costs out-of-pocket; one-third of the Medicare beneficiaries have absolutely no coverage for prescription drugs at all.

What disturbs me even more are the statistics relating to the fat cat insurance industry and the pharmaceutical industry. Premiums and copays are rising; caps of $500 to $1,000 a year are being imposed frequently; drug companies' profits were actually three times more than the average profits of all other pharmaceutical companies. I understand that we have passed one bill that favors the pharmaceutical industry. That is not what the people need. The people really need, the real people, need a plan that is covered by Medicare because the profits, they talk about research, the profits outstrip their research budgets.

That is not true. The average compensation for a drug company's CEO was $22 million a year in 1998. So if we look at all of these facts, we have to wonder how the other side could put together the plan that they have devised. It gives subsidies to the big insurance companies. It seems that penny-pinching actuaries are the other side's idea of real people, not to mention the big pharmaceutical companies. It is ironic that we have allowed all of this time to lapse and are about to leave to go home, and we have forgotten about the real people.

The American people, including the residents of Dallas, have had enough of the other side's stonewalling. The American people do not really need smoke and mirrors. They need a real prescription drug benefit for seniors, not a phony plan that relies on drug companies and insurance profiteers.

As we head toward the final stretch here, I hope that we can put the playing aside, consider that these are really people and consider that they really need real relief and pass a Medicare prescription drug benefit and bring competition to the drug industry so that drug prices can be reduced for the seniors. This is really unconscionable. We are talking about people who have retired and who are on fixed incomes. We must give them relief. We cannot continue to just play.

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## LIES, LIES AND MORE LIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I am delighted to speak before the Congress today and the American people, and I would like to obviously go back to a subject of importance, but before I do I think it was very important the comments of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) about prescription drugs. It is timely. It is important. I would remind all those listening, though, that we have been here, at least with this administration, for almost 7¾ years and just in the last several months have we seen conversation relative to prescription drugs.

The gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) quoted some statistics showing the increase in inflation and cost of drugs year in and year out, and she is correct. They have been going up year in and year out, but only in an election year did they finally come forward with a plan that would provide some degree of prescription drug coverage, but one has to read the plan to see exactly what it entails and make certain they are not getting trapped in another big government program.

I would remind the listeners that the Vice President in Florida made some comparisons about his mother-in-law and his dog taking a certain drug. Obviously those statistics and facts are not true. They were not true. They did not apply, but that did not keep him from saying them.

So I, again, in day two of veracity watch, will call attention to another claim made by the Vice President regarding Mr. Bush's tax plan. However, as many know now, the information was misleading, incorrect or not even relative. In Washington, a tax research group questioned the manner in which Mr. GORE is using its numbers to attack Mr. Bush. The Vice President says the average working American would save just 62 cents a day under his opponent's tax plan but Bob McIntyre, director of Citizens for Tax Justice, said the Democratic Presidential candidate is not representing his information correctly. It is a stretch I would not make, and that is a labor-financed group that made the calculations.

Even that group suggests that the governor of Texas's plan would bring $1.24 in savings to the average worker.

Now the other day, in fact in this morning's paper, the Vice President says he will fix the oil crisis if elected. Well, as far as I could tell he is elected Vice President today and has been for the last 8 years and today we are experiencing the highest prices of fuel oil, home heating oil in 10 years. So I would ask all those soccer moms who participated in the last election to look at your gas statements, look at your credit card receipts and see how much they are paying for gas today as they did in 1996, and see if in fact the plan offered by the Vice President will be coming much too late for changing their family's budget.

He will make specific policy announcements to deal with the crisis, right here, right now, said his spokesperson. Well, the problem has been going on for some time, in fact a couple of years. We have had hearings, we have had testimony.

We brought Mr. Richardson before the Congress, but to no avail. We are still seeing high oil prices and no resolution to this crisis.

Now, Mr. Lehane, who is Mr. GORE's spokesman, boy, if you elect the other team they will transform the Oval Office into the big oil office. I do not think that is going to happen, but maybe if it does we will start seeing a reduction in prices for fuel oil and maybe the American consumers can see some relief.

The point is today, I want to make certain that people are at least using facts and statistics correctly, because I come from Florida where senior citizens do not need to be frightened and do not need to be scared. Back in 1992, then Governor Lawton Chiles, Democrat running for reelection, his campaign launched a series of telephone ads or at least telephone solicitations to voters urging them not to vote for then candidate Jeb Bush, because they said, in fact, if you elect Jeb Bush he is going to take away your Social Security. That is absolutely, patently false. The governor of the State of Florida does not have anything to do with Social Security, but the claim was made and it was done by the campaign. After the campaign, Governor Chiles apologized for the misinformation, dissemination of unfactual material but, once again, now we have the Vice President going to Florida, quoting statistics about a dog and his mother-in-law and I think it is reprehensible because it is all designed to scare seniors, make them nervous, make them feel like nobody is looking out for them.

My grandmother came from Poland. She died with $10,000 in the bank. She desperately needed Medicare. She desperately needed Social Security. She went to her grave with a measly $10,000 in life savings having worked as hard as she could as a maid in a Travel Lodge Motel. It is for people like my grandmother I am concerned about because I do not want them to die in poverty. I do not want them to have to be worried about prescription drugs. I do not want them to have to worry about Social Security. I did not get elected as a Republican to come here and destroy those very important programs.

□ 1400

But it is troubling to me that a person running for office can make up stories, create characters, fictitious ideas, fictitious people, using them as examples of the problems that are maybe facing America.

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## DEMOCRATS SHOULD STOP USING SCARE TACTICS TO TRY TO WIN ELECTIONS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Florida (Mr. SCARBOROUGH) is recognized for 5 minutes.

Mr. SCARBOROUGH. Madam Speaker, I would like to follow up on what the gentleman from Florida so ably started, that is, talking about misrepresentations, not only in this campaign, but on the House floor.

As a Member that arrived here in 1995, I was surprised that people would come to the floor and actually talk about how mean-spirited, right-wing fanatics wanted to destroy Medicare and accused Republicans of wanting Medicare to wither on the vine. It got so bad, in fact, after the President shut down the government by vetoing nine appropriation bills, that The Washington Post, never a friend of the Republican Party, but The Washington Post actually had an editorial talking about the real fault and saying the real fault was that the Democratic Party was resorting to scare tactics and they called it "Mediscare." Of course, that caught on; and we see this trend continuing over and over and over again.

As the gentleman from Florida talked about the 1994 gubernatorial race, we actually had Lawton Chiles and Buddy McKay calling senior citizens in South Florida saying, if you vote for Jeb Bush, a governor, a governor, he is going to cut Social Security. It is just lunacy. However, this has been the tact since we got here in 1994: try to scare senior citizens, try to scare grandmothers and grandfathers, those that are the most fragile in our society, into thinking that one party actually wants to take away Medicare and Social Security benefits.

I would like to say that it ended in this House back in 1996 or 1997 that, somehow, the far left was shamed into actually stopping the lies about Medicare. But I was sitting on the floor here just 2 weeks ago, and I heard a gentleman, I will not say his name, but I actually heard a gentleman once again say that Republicans came to Washington promising to have Medicare wither on the vine.

Now, there is no polite way to say it. That is a lie. That is just a bald-faced lie. Sadly, the gentleman that said it knew he was lying, knew he was talking about when Newt Gingrich talked about having HCFA wither on the vine because he wanted to privatize an awful lot of things. But it just continues.

How sad is it that we have AL GORE saying that his mother-in-law takes dog pills that actually cost less for the dog and more for him; and then when he is pushed on it, his staff says yes, it is not true, it is not true. It is just unbelievable, and it continues over and over again.

Mr. Speaker, we hear that there is not a prescription drug plan on the table. There is. We actually passed one. But because it does not socialize the dispensing of drugs in the Department of HHS, somehow, it is a mean-spirited plan.

Madam Speaker, I just hope that the Vice President, and I hope that my friends on the left, can actually refrain from the type of scare tactics that they have been engaging in for over 6 years, because it does not work. We have got grandmoms too. We have parents who depend on Medicare, who depend on Social Security, who depend on the type of things like, for instance, a bill that I was just able to see enacted into law this past week where we passed long-term health care. But we did it in a way that did not socialize long-term health care in a bureaucracy in Washington, D.C.

We did it in a way where the decisions are made locally. The decisions are made by doctors, by patients, by health care providers, and that is where we need to go. I certainly hope again that especially the Vice President, who seeks to be the next President of these United States, can refrain from these types of exaggerations that are clearly intended to distort the truth, clearly intended to scare senior citizens into believing that one group of people are for seniors and one group are against them. It may make him feel morally superior, but it is a lie; and also it is very insulting to those of us who believe that one can care for senior citizens without centralizing and socializing every single function in the Department of HHS.

We believe, we believe that people in our communities, people in the free market, that doctors, physicians, and senior citizens, can make intelligent choices also, with the benefit of the type of plan that we passed here several months ago. So hopefully, the fear mongering can be left behind, not only on the campaign trail, but also in this House. It is too important for our seniors, and it is too important for us.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all Members that although remarks in debate may level criticism against the policies of the President and the Vice President or against the nominated candidates for those offices, still, remarks in debate must avoid personality and, therefore, may not include personal accusations or characterizations.

## THE HUNGER RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, as somebody who is on the left, on the other side of the aisle, I want to speak about an issue I think both sides can agree on.

Madam Speaker, in August, many of us in Congress were delighted by the catered cuisine served at various events during our party conventions. Yet, while we dined, 31 million Americans were either hungry or living under the specter of hunger. The economy is strong, unemployment is at a 30-year low, welfare rolls have been slashed. Still, every day in America, despite welfare reform or, perhaps, as some would say, because of it, there are families who need and use food stamps to eat. Every day in America, despite welfare reform or, perhaps, again, because of it, many go hungry, more have poor health, great numbers of our children, far too many, are unable to learn because they do not have enough to eat.

As we near the end of this Congress, we have a chance to change that shocking and scandalous situation.

I am so proud to have joined 181 of our colleagues in the House and 38 Senators, Democrats and Republicans, in support of legislation that focuses on food and takes notice of this Nation's nutritional needs. The Hunger Relief Act, H.R. 3192 in the House and S. 1805 in the Senate will help one in 10 families in our Nation who are affected by hunger.

There is evidence of hunger in 3.6 percent of all households in America. According to the report from Bread for the World, entitled "Domestic Hunger and Poverty Facts," 31 million people live in households that experience hunger or the risk of hunger. That number represents 1 in every 10 households in the United States. Close to 4 million children are hungry. Madam Speaker, 14 million children, 20 percent of the population of children, live in food-insecure homes. In food-insecure homes, meals are skipped, the size of meals are reduced; and again, according to the Bread of the World, sometimes the occupants of these homes go without food for a whole day.

More than 10 percent of all households in America are food insecure. Because there is such hunger and food insecurity, there is also infant mortality, growth stunting, iron deficiency, anemia, poor learning, and increased chances of disease. Because of such hunger and food insecurity, the poor are more likely to remain poor, the hungry more likely to remaining hungry, and the sick are less likely to get well soon. It seems strange that we must fight for food for those who cannot fight for themselves.

Madam Speaker, hunger is a condition of poverty. It is really time for us to stop picking on the poor. Less than 3 percent of the budget goes to feed the hungry, and it is well documented that when we use our resources for food and nutrition, the health needs of this Nation's poor, it does make a difference.

For more than 3 decades now, the Food Stamp program has been a corner stone of America's fight against hunger, and the first line of defense. Over the years, the program has been steadily improving, with the elimination of the requirement that food stamps be purchased, being one of the most significant breakthroughs. While many, too many continue to confront food insecurity, the situation today is far better than it was in 1960 when the Federal Government first began to focus on food. Similarly, the health consequences of this Nation's programs have experienced marked improvement. The data on birth rate, physical growth, and anemia is striking.

For example, the data shows that over a 20-year period, the incidence of physical stunting among preschool children decreased by 6.5 percent; and the improvement in the Nation's nutritional status indicates that while we need to continue our work, we can change the course of malnutrition among the poor and the needy. Over a 10-year period, according to the data, the percent of low-income households that meet 100 percent of the recommended dietary allowance grew twice as much as the improvement in the general population.

We are making progress, but we still have a long ways to go. That is why, Madam Speaker, Congress should and Congress must pass the Hunger Relief legislation before we go home this year. It is the least we can do, indeed, while we have such great prosperity.

## TRIBUTE TO CHRISTOPHER GALE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I rise today to recognize an outstanding individual from my community. His name is Christopher Gale, he is 18 years old, and I have had the opportunity to spend some time with him over the last few days. Christopher was in Washington as part of the Boys and Girls Club National Youth of the Year competition. Christopher was the winner of the Midwest region. He is an outstanding young person from my hometown.

Mr. Speaker, he has been a member of the Boys and Girls Club of Holland, Michigan, for the last 9 years. Today, he attends Western Michigan University where he intends on getting his degree in education and returning to the Holland community to teach history in his high school. At high school, he has been active in football, wrestling, baseball; he is also the president of the marching band in his spare time.

At home, he has been the role model for his younger brother and has also provided stability for his mother, who battles a physical disability. In his family, they have learned that love, compassion, and understanding are what has brought unity and strength to their family.

While in Holland, Christopher has been very active in volunteering for his community. He was awarded the Mayor's Youth Recognition Award for volunteering, by demonstrating his commitment to his neighborhood and the greater community. He volunteers on Project Pride, which is a community-wide cleanup effort. He has also helped with Little League; he has also helped with the West Ottawa Migrant program. So in addition to tutoring at school, in addition to tutoring his younger brother, in the summer he also tutors migrant children whose parents are working in the fields and whose parents travel from state to state. He has shown a great love for the next generation.

He is an active member of the Keystone Club, using his leadership skills again, what would you expect, to mentor young members of the Boys and Girls Club.

Christopher has been an outstanding contributor to the Holland community, to the community of west Michigan, and I am glad to be able to rise today and give this tribute to him and to say thank you for all that you have done for the community of Holland, the community of west Michigan, and to say congratulations for being the Midwest region winner this year.

## EDUCATION IN TODAY'S WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Indiana (Mr. ROEMER) is recognized for 60 minutes as the designee of the minority leader.

Mr. ROEMER. Mr. Speaker, I thank the gentleman, who we are proud of as a Hoosier; and, as he has announced his retirement this year, he will be missed.

Mr. Speaker, I rise today to talk about, in a bipartisan way, an issue that I think is the most important issue to my constituents in the great State of Indiana, whether I go to South Bend or Elkhart, La Porte or Michigan City or Middlebury or all over Indiana. Business leaders, parents, workers are talking about the importance of a great education system.

□ 1415

It has been said, as education goes, so goes America. We need in this great hallowed Chamber to be able to discuss in civil and bipartisan ways new ideas that will lead to a better education system.

Today in the Committee on Education and the Workforce, we were fortunate to have, not so much an expert on education issues as an expert on economic and fiscal issues, the chairman of the Federal Reserve, Alan Greenspan testify before our committee.

We talked at length with Mr. Greenspan about how intimately education is tied to the health, competitiveness, the betterment of our civil society. We can have low inflation. We can have low unemployment rates. We can have low mortgage and interest rates. But if we do not have a prepared citizen rate, if we do not have great schools and quality teachers, if we do not have discipline in the schools and parents being involved in our children's education, then we are not going to have a continued productive economy.

So Mr. Greenspan was up before Congress to say to us, Democrats and Republicans alike, that we have to do a better job in math and science education and enticing our best and brightest people into teaching, whether that be at 18 years old or at 48 years old in mid career.

Now, I have a number of my colleagues that want to join us on the floor today to talk about the importance of education, some of the new ideas that we have talked about and fought for and articulated through the months.

We have talked about parental involvement which is one of the biggest indicators to success. We have talked about quality teachers and making sure that we get the best and brightest into the teaching profession.

We will talk a little bit more about a bill that the gentleman from Florida (Mr. DAVIS) and I have introduced to try to entice people who want to move from Main Street into our classrooms with math and science and technology expertise.

We will talk, maybe, a little bit about class size and how class size is such a large determinate about how effective a quality teacher can be. There is a huge difference between a class of 16 and a class of 26.

About professional development opportunities for our teachers, a recent survey indicated that 80 percent, 80 percent of those teachers that were polled said that they did not feel comfortable integrating technology into the curriculum and that they needed more opportunity for professional development.

We will probably talk a little bit about safe schools, drug-free schools, and discipline in our schools, and all of that within the context of local control of our schools, making sure there is accountability at the local level, that we give resources and we target programs for our local communities, and they make decisions.

So let me include some of my colleagues, Mr. Speaker. I know the gentleman from Wisconsin (Mr. KIND), my good friend who serves on the Committee on Education and the Workforce, has talked at length about a number of these issues, including his concern for academy for principals and teachers, for leadership programs for these individuals running schools, about parental involvement in schools as being such an important indicator. He was in the committee hearing this morning when we had Mr. Greenspan.

Mr. Speaker, I am happy to yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman from Indiana (Mr. ROEMER) for yielding me this time and for allowing me to participate during this special order on what really should be the top priority, the top issue for this country of ours.

We have had a tremendous run with economic success and growth in recent years. We have heard testimony today from the chairman of the Federal Reserve Board, Alan Greenspan, on the Committee on Education and the Workforce, very enlightening and in-depth testimony about the important role of ramping up the quality of education and the implications for maintaining economic growth and expanding the opportunity for economic achievement in this country.

We also had a wonderful second panel that testified as well with leaders in the education field who came, Mr. Haseltine, who is CEO of the Human Genome Science project; as well as Mr. Barrett, CEO of Intel Corporation talking about some of the innovative things that the private sector is doing to partner with the public sector to improve the quality of education.

There is no question that we face challenges as a Nation in order to meet the growth needs that this economy has, but to expand the opportunities for success for all people and especially for our children in this country as we embark on what appears to be an incredible journey in the 21st century of scientific discoveries and wonders that are hard to imagine at this time.

Mr. Haseltine from the Human Genome project, for instance, testified about the implications of not emphasizing enough math and science and engineering and technology in the classroom and the adverse effects that could have, then, on our ability to stay at the forefront of these discoveries.

I happen to think that it is, not only good economically to do this to prioritize education in the country, but there are national security implications as well.

I do not think it is too bold to predict today that, with the Human Genome project, the mapping of the human body, the possible discovery of water on Mars, and a moon off from Jupiter, and the tremendous amount of biotechnological discoveries, medical breakthroughs, scientific breakthroughs, we are probably going to see more of those discoveries in the next 10, 15, 20 years than we have seen discoveries in the last 300 years in this world.

With that comes the challenge that this democracy and other democracies have around the globe that we need to do everything we can to get there first in making these type of scientific and medical breakthroughs, because they will have a profound effect on the course of human events. There are no guarantees that these scientific and medical discoveries will necessarily be used for good purposes to improve the human life.

But I have more confidence that the democracies, if we make these discoveries first, will better shape these new discoveries for the betterment of mankind as opposed to some type of authoritarian or dictatorial regimes somewhere else on the globe making these discoveries.

So it is kind of a national security issue that we are talking about as well why we need to have a national effort to improve the quality of education for our kids, an effort not unlike what we saw during the challenges posed to this country and to the free world during the Second World War where everyone in this country had a role to play, and the collective energy and resources of a Nation were brought to bear in order to achieve the common objective of defeating Nazism, fascism, the Japanese Empire in the Pacific. It was an incredible event in world history that the democracies were able to rally and accomplish that feat.

I think we face the same type of challenge in the education system now where it is not going to just take policymakers or just parents or teachers or principals being involved but every member of this country, everyone in our society should have a role in improving the quality of education.

A couple of weeks ago I had a chance to tour a lot of the elementary schools back in my district. At the time, I was releasing a report, a survey, a districtwide survey on the progress of reducing class size, knowing the success that that has reached in areas that have been successful in reducing class size, resulting in enhanced student performance as a result.

The survey for western Wisconsin shows that we are doing a pretty good job. There are some holes. Improvements still need to be made. But we are doing a pretty good job of bringing those class sizes down so that the teachers have more individual attention with the kids. There is better discipline with the classroom, more safe school districts as a result, but we need to do more in that area as well.

We heard some testimony today about the important role that parents play in the child's education. That is the number one factor to determine how well a child is going to succeed in the education system, how involved parents are going to be in their own children's education.

Now, with the advent of technology and e-mail in particular, more and more parents are able to get more directly involved in the school system and what is happening in the individual classroom affecting their child through increased ,communication with the teachers of their kids and through the principals and superintendents of school districts, being able to communicate in a much more effective and efficient manner through the Internet and e-mail messages back and forth. I think it is a wonderful development.

But we also know that, after parental involvement, the next most important determinate is the quality of teachers in the classroom. We heard consistently from Chairman Greenspan and others on the panel today the importance of professional development making to ensure we get the resources to the teachers so that we have the best and the brightest, as the gentleman from Indiana (Mr. ROEMER) indicated, in the classrooms making the difference that they can.

There, too, we face a huge challenge as a Nation, a 2.2 million teacher retirement over the next 10 years. It is both a challenge and an opportunity. The challenge is to fill those vacant spots. The opportunity is to fill it with good quality people that are going to make a difference in the classroom.

That is one of the reasons why I and many other Members, the gentleman from Indiana (Mr. ROEMER) and also the gentleman from North Carolina (Mr. ETHERIDGE), introduced the Ed-Tech bill, Education-Technology bill, which will provide more resources back to local school districts for the professional development of teachers of how best to use this new powerful learning tool, the technology and the Internet, and the numbers that that brings to the classroom and how they can better integrate that technology into the classroom.

Now, computers and the Internet and all these fancy programs on the computer are not going to replace good teachers. That will never happen. But it can certainly empower the teachers to be much more effective and efficient in connecting with the kids and enhancing student performance in the classroom. So those are just a few of the issues that I wanted to raise today.

Mr. ROEMER. Mr. Speaker, reclaiming my time, the gentleman from Wisconsin (Mr. KIND) probably has very similar businesses and schools and farms to what I may have in Indiana. I constantly find, as I visit both my small businesses and my big businesses and my unions and my chambers, that there is an overwhelming concern, probably the number one concern within the business community, and it was expressed very well today by the second panel, by people from Intel and other major corporations, international corporations, that we need to do a better job in this country of training our people in technology and math and science and school.

The business community makes this oftentimes their number one concern: that when one walks out of an Indiana high school or Wisconsin or Florida or North Carolina or California high school, that that degree means that one should be able to walk right into a business at the local community and have certain requisite skills so that one is employable or can continue one's education someplace else.

We need to continue to challenge our public schools, which are doing a very good job, but we need to have them do an even better job in this challenging global economy.

Mr. KIND. Mr. Speaker, will the gentleman yield again?

Mr. ROEMER. I am happy to yield to the gentleman from Wisconsin.

Mr. KIND. Mr. Speaker, just for one final thought on this subject. I was very encouraged. In fact, we are seeing a new awakening within the business community about how inextricably linked their future success and growth needs are to the education system.

We are seeing many more private-public partners being formed and creative ideas coming out of the private sector of how they can assist in improving professional development with the teachers, getting the technology into the classroom, making sure that every child, regardless of where they happen to be living and growing up, are going to have access to the important technology so we can close this digital divide and raise all our kids up so they can be competitive in what is going to prove to be a very tough and very competitive marketplace following their education careers.

So that is, I think, a very positive and encouraging development, and I know many of us on the committee and within the new Democratic Coalition in particular are finding creative ways of how we can foster and encourage this type of private-public partnership to achieve common objectives. I think it is the direction we need to be going in. Right now, from what I see, there is a lot of hope and promise in this direction.

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. KIND). I believe that that really leads us to an issue that is a very, very important one and vital one to me; and that is the quality of teachers in our schools.

The gentleman from Florida (Mr. DAVIS) and I have introduced a bill that seeks to find some new ways to bring people in mid career, maybe off of Main Street, maybe an accountant, maybe somebody with expertise in computer technology, somebody with expertise in math or science, from the private sector into the public realm of teaching. It is not a way to circumvent tough standards or teaching requirements, it is a way to still demand that that teacher has to be able to meet stringent tests to convey knowledge to kids in the classroom. But they do not necessarily have to go back, as a 20- or 21-year-old, to Ball State or Indiana University or Saint Mary's and go back to graduate school; that there are other ways of doing this in this new global economy.

☐ 1430

The gentleman from Florida (Mr. DAVIS) and I have worked for about a year now on this bill. We have some bipartisan support for this bill. We almost got it enacted into law last year; we hope it will be enacted this fall. I know that he has worked very, very hard on this bill and had a number of conversations with the White House and with Republicans and Democrats and almost anybody who will listen.

I would be happy to yield to the gentleman from Florida (Mr. DAVIS) to talk about the importance of quality teaching.

Mr. DAVIS of Florida. I think it is important to emphasize exactly what the problem or challenge our Nation faces. Over the next decade, we are going to have to hire over 2.2 million new schoolteachers in this country. It is a result of demographics, as many of our very fine teachers begin to reach retirement age, and also the terrific growth we are experiencing in all levels of grades today. In Hillsborough County in Tampa we are going to have to hire 7,000 new teachers over the next 10 years, and we are still struggling to find teachers to fill classes that started several weeks ago.

So how do we go about meeting this demand and treating this as not just a challenge as far as quantity but also quality? What can we do to really ensure that we attract the very best people to our classrooms to teach our children?

The Federal Government has sponsored a program known as Troops to Teachers, which was started by Senator JOHN MCCAIN and others, which has encouraged military retirees to move from the military into the classroom. Over 3,000 men and women have done this, about 270 in the State of Florida; and there have been some very good results. A lot of these men and women are there because they want to be there, they bring their life experience into the classroom, and they really have done a lot of great things.

In my hometown, I know of one Vietnam veteran who started a course on the Vietnam War, as a social studies class in high school; something the school district never could have provided otherwise.

So building on that success, the bill that my colleague, the gentleman from Indiana (Mr. ROEMER), and I have introduced, along with other Democrats and Republicans, and that Senator BOB GRAHAM has introduced with other Senators in the Senate, would expand the program to anybody. It could be a retired fire fighter, a retired policeman, a retired businessman or businesswoman, or lawyer. We are trying to move people from the fire house or the police station on Main Street to the schoolhouse on Main Street, from the board room to the classroom.

Increasingly we are hearing from lots of people who have said this is something I am willing to do. I want to give something back to the community. I feel my life experience qualifies me to be a teacher. I am not afraid to meet those same high standards that every other teacher has to meet. Because we do not change those standards. We are simply trying to encourage people to make that transition into teaching.

Our bill provides up to $5,000 as a grant to cover tuition and fees for someone who wants to go back to school to be a teacher and to pass the certification in their State. Our bill, also very importantly, provides funds that are available to any group that wants to encourage people to consider teaching as a second profession. It could be a chamber of commerce, it could be a university, it could be a labor union, it could be a not-for-profit organization. There are a lot of people out there that want to do this, and there is no reason why Congress should not take the lead and step up and call attention to this and facilitate people who really, on an individual basis or on behalf of a group, want to step up and help deal with this challenge.

So I simply cite this as one example of what we can do, among many others, if Democrats and Republicans will come together in the closing days of this session of Congress and deal with things that will really help our school children at home.

Mr. ROEMER. If the gentleman will yield, and the gentleman has probably had this happen to him on occasion too, but I have constituents in my home State of Indiana that know how active I have been on this issue and how enthusiastic I am about this idea, who walk up to me saying, when can we do it? I was fortunate enough, they say, to make a little bit of money over the last 20 years of my career in accounting, and now I want to give back to the community and I want to go into teaching. And if I can pass that stringent exam at the State level and if I can do an able job in that classroom of conveying that knowledge, I want to teach.

The business community is very excited about this idea. The high-tech community is very excited about this idea. As the gentleman noted, Democrats and Republicans have supported the idea. I know the gentleman has probably seen some success in Florida with this idea and people trying it too.

Mr. DAVIS of Florida. I have, and I have talked to men and women who have said to me, I want to make the transition; but before I start my job and earn a salary, I need a little help paying my tuition.

That is one of the purposes of the bill, to provide up to a $5,000 grant. And in return, and this is important to taxpayers, in return for receiving this grant, that teacher will have to spend at least 3 years teaching in a school that has a high need for teachers. Many of these are our most challenging schools. Many of the teacher positions that go unfilled are in math and science and special education, and there are people who have excelled in math and science who want to give something back who will make terrific teachers.

There is no reason we should not get this done. We have a perfect opportunity to be a part of the solution. The President has proposed $25 million to fund this. Senator MIKE DEWINE in the Senate is a strong supporter of this proposition. We need to get it done in this session of Congress, and we need to be part of the solution in dealing with the increasing shortage of teachers.

Mr. ROEMER. I appreciate the gentleman's hard work and articulation of why this is such an important piece of legislation. And the gentleman has noted that we have Senator DEWINE, a Republican from Ohio, and Senator GRAHAM, a Democrat from Florida, trying to work the Senate side on this. We are certainly working with Republicans and Democrats here in the House to try to get this passed as well.

The gentleman mentioned that we based our bill on a previously successful program called Troops to Teachers, where we have somewhere between 3,000 and 4,000 individuals, many of them still in high-need areas where we have a paucity, a shortage, of qualified teachers; where turnover and retention is even higher in some of these rural and inner-city areas. These individuals have brought specific, for the most part, math and science skills into many of these schools. So it has been a winner for public education, it has been a winner for a transition from military to other civilian life, and it has been a winner in terms of retention problems that we are having to deal with in public education.

Mr. DAVIS of Florida. The most recent example of this, if the gentleman will yield, is the New York City School District. The chancellor of the New York City School District, Mr. Hal Levy, has instituted a program he calls the New York Teaching Fellows; and he is succeeding in inspiring men and women to leave their jobs and go into teaching.

We need to be a part of that solution by having financial aid programs that are tailored to help people pay their bills while they are making the transition into teaching.

Mr. ROEMER. I thank the gentleman from Florida for his time and his hard work on this bill.

The gentleman from Florida talked about men and women going into teaching, and I think Mr. Greenspan today also touched on that, in responding to a very important question from the gentlewoman from California, who also serves on the Committee on Education and the Workforce with me. I would like to yield to her to talk a little about a program she is working on about equity, about fairness, about women getting into math and science programs; and maybe she will further articulate on what Chairman Greenspan talked about today in reference to her question.

Ms. WOOLSEY. Well, I thank the gentleman for inviting me to be part of this conversation with him this afternoon on this special order.

I will be talking about my "Go Girl" bill, but before I do that I have a few other thoughts on education that I would like to share with the gentleman in this conversation. Because I think it all works together, by the time I get to my "Go Girl" thoughts, and how important it is that we have women in math, science, and engineering in this country.

When I first came to Congress in 1993, my number one priority was to make education the number one priority in this Nation, and I was honored and delighted to be placed on the Committee on Education and the Workforce with the gentleman from Indiana. We sat side by side, if I remember correctly, and that was when the gentleman's first child was being born. So now 8 years later, the gentleman has a much larger family, and I have a few different ideas about education. My commitment has not changed, but what has changed is my understanding of what it takes for our children to be ready to learn when they enter the classroom.

We can have the best schools and the best teachers in the world, and we must; but our children will not enter the classroom ready to learn if we do not take some steps that are missing right now. If we have the best schools and the best educators, it will not matter if they are not ready to learn. So let us face it, if today's children are lucky enough to have two parents living with them in their home, chances are that both parents are in the workforce, they work outside of the home, and it is our children that are being left behind. It is not parents' fault. They are working hard, they are commuting long hours, they are working long hours, and they are doing that for one reason only and that is to support their families.

The fact is that 66 percent of our mothers with children under age 6 are working; 77 percent of mothers of school-aged children have jobs. Compared to 30 years ago, parents are spending nearly 52 fewer days a year with their children. Fifty-two days less a year with their children. That is almost 2 months in time. So we have to give parents the tools they need to bridge the gap between work and family so that their children will be prepared to succeed when they become adults. I would suggest that there are some tools that we must include so that parents can do a better job and so that we can do a better job for parents and relieve some of their pressures.

First of all, I believe we need to have universal voluntary preschool. I also would support paid family leave, school breakfasts, and quality child care programs, thinking of those four programs as being key to preparing children to be ready for school when they enter the classroom.

I am the Chair of the Democratic Caucus's Task Force on Children, and we are heading up an effort to ensure that our children's needs are considered in every vote we take in this Congress, and that we develop a comprehensive children's agenda that will help to prepare our children for the challenges that they will face now and the challenges that they will face as adults.

Paid family leave is a key tool. It is a tool we can use to make sure that our children get off to a positive start. Study after study has shown that the first three years are critical to a child's development. Provisions must be made for families to be with their children at this critical time at the beginning of their lives.

I have introduced legislation with Senator CHRIS DODD of Connecticut to allow States to establish paid leave programs so workers can care for newborns or newly adopted children. We know that the Family and Medical Leave Act has done a lot to help families, but most families cannot afford to go without a paycheck. In fact, a recent study found that nearly two-thirds of employees who needed family leave did not take it because they could not give up their family's income. It is our children who are paying the price because their parents need to earn a living, and that is not right. Parents should not have to choose between financial stability and their children's emotional stability.

We also have to look at the fact that learning does not start on the first day of kindergarten. Children are growing and changing from the day that they are born. By providing parents the option of participating in a voluntary universal preschool program, we will be giving all children, not just the parents who can afford to send their children to preschool, but all children a chance to start school ready to learn. Programs like Head Start and Early Head Start show us that pre-K programs work, and parents should have the option of enrolling their children in a structured, quality pre-K program.

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As I have said, with parents working hard, children are spending more and more time in child care. So we must ensure that child care is available to all children and that child care will be able to ensure for these children that they will be ready to learn, also, so that the child care is quality child care, and oh, my, would it not be nice to pay child care workers what they really should be earning?

But in particular, I want to talk about parents with infants and toddlers. They have the hardest time finding quality child care because they are working, especially those in the workforce that work nontraditional hours, weekends and nights, we need to do more so that there is child care available for children under age 3 and for parents that work nights and weekends.

But it is just not young children who are coming to school unprepared. Our children in school also face challenges. Now, we have title XI of the Elementary and Secondary Education Act which I wrote and saw signed into law in my first term in 1995. We need to expand title XI, because title XI allows schools to use more of their Federal funds for in-school support services, so that their students and families have those services available and convenient to them, services such as after-school programs, mentoring programs, tutoring and counseling programs, really services that could help young people address their fears, their angers, their frustrations before they result in tragic consequences like we have experienced this last year at our high schools.

Also, students cannot learn when they are hungry. It is proven that students who eat breakfast do better on tests, they are more well behaved in the classroom and they miss less school than those who do not eat breakfast. In spite of the good economy and because parents are so busy, many children, not only poor children, start the day off without breakfast. My pilot Federal school breakfast program which is under way in five school districts around the country is the first step toward universal school breakfast.

So even within the classroom, many children face challenges. They face challenges that make it hard for them to receive a quality education, and we must have quality education accessible to all children. So that means building new, modern schools that are welcoming to those who are disabled, that provide the technical background and experience and equipment that they need so that they are all learning on a level playing field. And in the high-tech global economy we have, those that graduate without computer skills are going to be left behind, pointblank, they will be left behind, as if we were teaching kids without books or without pencils or without paper.

That is why we have to make sure that minorities and women do not continue to lag in training in math, science and technology. Females make up slightly more than 50 percent of our country's population, but less than 30 percent of America's scientists and less than 10 percent of engineering graduates are women.

That is why I have introduced, now we will talk about Go Girl, that is why I have introduced the Go Girl bill to encourage a bold new workforce of energized women who will go into math and science and technology careers, careers that pay well, careers that are in great demand. Go Girl is legislation that will create a mentoring program to help girls from the fourth grade, because it is shortly after the fourth grade when they become sixth graders and on that for some reason girls lose interest in science and math. We have to do something to encourage them to become interested and to stay interested in high tech careers.

I do not believe, as our colleague said earlier, that education is only a job for our teachers. We have to have parents involved in their children's education. It has been proven that parental involvement is what makes the difference quite often in a successful student and a failing student. Parental involvement needs to be made a national priority for all schools, all families, and all people. These are just some of the fundamental ideas that I have that I think we in Congress can do something about to ensure that education in America is the best in the world. We must not only look at school buildings but we have to have school buildings. We also have to look at the problems children face before they enter the classroom. Only by seeing the whole picture can we give every child a chance to learn and a chance to succeed.

Children are only 25 percent of our population but they are 100 percent of this Nation's future. Our children must have every opportunity to succeed because there are going to be many challenges in this 21st century. Their future depends on it and the future of this Nation depends on it.

Mr. ROEMER. I thank the gentlewoman for her articulate comments in looking at education across the spectrum and across the board. She did mention the need to try to get to children at earlier and earlier stages because there is so much great, ripe potential there for our children to learn at 2 and 3 and 4 and 5 years old. She also serves on the Committee on Education and the Workforce. When we looked at the existing Head Start program that is about 35 years old and we tried to put more emphasis in the Head Start program on what we found out about how much more children can learn now in the year 2000 than what we suspected in 1965, we tried to move it a little bit more away from some sitting services to more quality education. But still we only have sometimes 40 or 45 percent of some of the eligible children enrolled in that Head Start program, and I know she is a big proponent of that early education and quality Head Start programs.

Ms. WOOLSEY. It was a hearing with Dr. Ed Ziegler, the father of Head Start, that started me on the road to preparing children for school, even though I know my major effort is that all children have the best education in the world, but getting them ready for this education. We had a child care hearing and, of course, he was there to talk about the successes and some of the learning experiences of Head Start. Dr. Ziegler said, before we even started, "I have learned that no matter how good we make Head Start, if we don't take care of our children and have parents involved with them the first, from zero to 3 years old, the best Head Start programs in the world will have less of a chance of success." When I talk about universal preschool, I use Head Start as my model. So the gentleman is right. We have to make that available, on a voluntary basis. We do not want to force people to send their children to preschool if they can keep them home and want to.

Mr. ROEMER. I thank the gentlewoman from California. In reclaiming my time, with respect to Head Start and parental involvement, what we have also tried to do with that Head Start program is devise some programs at night for parents to come in and work with the children directly so that they gain some of the skills and education to help teach their children some of the things, or reinforce with the children some of the things that the Head Start programs are trying to teach their children. But the gentlewoman is absolutely right. The key indicator, the very most important indicator for a child's success in education is parental involvement. If those parents are not involved, we can have the teacher quality and we can have the professional development and we can have the local control and the good ideas to reinforce charter schools and public choice, but that parental involvement is so critically important.

Ms. WOOLSEY. I think what the gentleman is referring to, teaching the parents at Head Start, is parents being the first teacher. That is where it starts and that is where it ends with our children. The better the parent knows how to parent and how to teach their children by example in general, the better that child is.

Mr. ROEMER. I thank the gentlewoman from California for her very helpful comments.

Mr. Speaker, I would like to segue into, we talk about parental involvement in terms of being a key in respect to helping our education system improve, but we also need legislators here in this body that have direct experience with our schools and know what role we should play and what role we should not play. The gentleman from North Carolina (Mr. ETHERIDGE) who I am going to yield to has got not only experience as a parent with some of his children teaching but he has got experience as a superintendent. The gentleman from North Carolina has worked tirelessly on education issues in this Congress, construction issues, education issues, quality teaching issues, technology issues.

I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. I want to thank my friend and colleague the gentleman from Indiana (Mr. ROEMER) for yielding and secondly for hosting this special order today.

I was seated there as the dialogue was going on and could not help but think, when I was the State superintendent of schools in North Carolina back in 1996 contemplating running for Congress, I could not help but think it is amazing what a few years have done to the dialogue in this body. In 1996, I was so irritated as State superintendent trying to work in my State of North Carolina with 1.1 million children and listening to the teachers and administrators so beaten down here in Congress, talking about abolishing the Department of Education, doing away with child nutrition, cutting moneys, block granting, all those things that scared the people to death who were out there nurturing and caring for children, many of whom came to school each day to the safest place that they would arrive, and we have talked about that, where the teachers had to feed them breakfast and love them before they could teach them because unfortunately they did not get the kind of nurturing that every child did have to come.

It is good to know now we are having more dialogue now across the aisle about the ability of this Congress to do something. I am glad our colleagues on the other side of the aisle are starting to pay some attention. I hope that before we finish this 106th Congress that we will heed to a number of the issues that have been addressed already but which I will not try to repeat. But I think it is important, a number of the pieces that you have worked on and been a cosponsor on. The whole issue of character education that we have included not only in higher education but now we have included in the reauthorization act. I thank the gentleman for his help on that. We have used it in North Carolina and it absolutely works in increasing academic achievement and reducing discipline in our schools.

I sought this office when I came to Washington for only one reason and really one reason only. I wanted to come and help change the tone of the debate. I wanted to help make education work at the national level. Since I have been here and was sworn in, I have worked, as the gentleman knows, with my colleagues really on both sides of the aisle to help shape, where I could, meaningful legislation that will help our communities do a number of things, one of which that you are a cosponsor of as are, I think, most of the Members who have been here today, the truth is about 228 Members have now signed on to a bill for school construction.

All these things. New teachers. We are talking about 100,000 teachers we have to fund this time, and I happen to believe we ought to fund those teachers and not block grant it. Funding for teachers, that is what parents tell me they need. I got a letter out of my local paper today that I am going to share with our friends in a few moments. But it is so important that we make sure that we help build schools and we do help reduce class sizes.

The gentleman and his wife have several children. How would you like to be teaching 28 or 30 of them in your house each day?

Mr. ROEMER. I do have. We just had our fourth child, a little girl, Grace. I have Patrick, Matthew and Sarah. The job of a teacher today, and I think the gentleman from North Carolina (Mr. ETHERIDGE) in talking to his wife and talking to him on many occasions late at night around here, I have heard about his children who are no longer the age of my children, 7, 6, 3 and 40 days old, but they are teaching, they followed you into the education profession. Oftentimes the gentleman and I have talked at length about the importance of parental involvement. Some of our children are going to school without that parental involvement, without one parent following through on homework, on keeping them diligent about what they need to do to follow up on school work. We are demanding of our teachers not just to teach the three Rs, reading, writing and arithmetic but they are responsible for ethics, character education, values. Some of the children are bringing problems from the home into the classroom.

□ 1500

And when that classroom has 26 of those children in it, that is quite a challenge. So the gentleman brings up an excellent point.

Mr. ETHERIDGE. If the gentleman would yield, I have a letter here that was a letter to the editor. It was in our State paper, the News & Observer, just this morning on this very issue. A teacher had written a letter talking about class size and how important class size is, and in addition to that, how important it is to have a classroom large enough to teach.

My colleagues know we will hear so many people talk about, well, this school was fine when I was there. It was a different world then. We were talking earlier about high tech and our people in the business community, not only just high tech, the people who work, run small businesses.

It is important for them to have a well-educated employee who comes in, but it is important also for them to understand that their business is different than it was 25 years ago, and so are our schools and so are their needs. But this parent said, her name is Kimberly Clay, in Raleigh, North Carolina, she said, just a few days ago I visited my daughter's class. She happens to be a 4th grader.

She had 31 students in the classroom, 31, and those children come with any multitude of issues. The gentleman talked about those who come from different backgrounds, and that is true; and we have children who need special help in languages, specialty help as a result of a number of disabilities they might have; but the other side of it is also a number of students who may come to school sick, we sort of forget that sometimes, simply because the parents cannot afford to put them in daycare, and they have to work and the teachers have to handle that. Medication has to be dispensed and the list goes on and on.

I do not think we have a lot of colleagues who really understand that today, what we really place on the shoulders of a teacher; and then we say to them, but we want you to turn out the best students in the world, and we want them to be better than they have ever been; and by the way, we cannot control your salaries up here, so we are not going to pay you too much, but we still want you to do a good job.

This parent was saying, it is impossible, talking about this teacher being able to teach them with all they need to do, and nurture 31 children. It is impossible for the teacher, who is excellent, let me repeat that again, the teacher, who she has already identified as an excellent teacher, to address those children's needs, let alone the remainder of the class. Because there were a couple of children with very special needs in this class.

And she talks about Wake County, which is a county this was written about. They subsequently improved their test scores, and they have been over the last several years one of the leading ones in our State; and she talks about the need for better facilities. The facilities are inadequate as we continue to increase student enrollment.

I think we have a lot of colleagues who forget that. We talk about needs, but we forget enrollments are the largest today in America they have ever been in the history of this country. Fifty-three million students are in our public schools today, as a result of what we call the baby boom echo. That means the baby boom who is having babies.

And if my colleagues will remember, Secretary Riley has released a report that over the next 10 years that number is going to grow even more dramatically, and in my home State of North Carolina, the projections are that we will be the fourth fastest-growing State in America for students in that age group.

We are growing fast now. We have children in closets and converted gyms. You name it, they are there. It is very difficult to teach. One of the real challenges, and I saw it this morning on the local news here in D.C., a Maryland school, where we are starting, and it happens in North Carolina I am sure it happens in Indiana and if the Members will check in their home schools, they will find it is happening all across America because our schools are getting bigger. And they were built years ago. We have not increased the size of the media center.

We used to call them libraries. We have not increased the size of the cafeteria where children have lunch. Can my colleagues imagine a small child having to eat lunch at 10 o'clock in the morning? And that happens in this country. It happens in my home county, my home State; and we passed a $1.8 billion bond issue, incidentally, at the State level in 1996 to help the local units, and they are raising taxes to build schools, but they are growing so rapidly across America that they need help.

Mr. ROEMER. Mr. Speaker, the gentleman mentioned this case from a teacher in his home State, North Carolina, of 31 children in one classroom; and it just brings home what we have been saying over the last hour: parental involvement, class size, quality teacher, discipline, character education in that school and some professional development opportunities for the teacher are keys for that school room to work.

Let us say with those 31 children that six of them are at risk of dropping out, five of them may have some kind of learning disability or have a prescription of Ritalin, and then there might be another five that are gifted and talented, and the teacher needs to spend more time with them. So right there, we have a number out of that 31, we probably have 16 children or so that are somewhere in between.

What does that teacher do with 31 kids? Should there be some role in a partnership, not mandating from Washington, D.C., that we say this to our local schools, but giving local schools some of the resources and some of the opportunity to say, if this is a big problem in our local community in North Carolina with 31 kids in the school room, we want to do something about it?

Mr. ETHERIDGE. I think the gentleman is right, and as the gentleman knows, we have a number of things we are working on, one of which the gentleman is a part of. I have introduced legislation, a number of others have, there was one yesterday the Rangel-Johnson-Etheridge bill for school construction at the Federal level providing that at the Federal level we will only pay the interest, $25 billion, to be allocated across the country. The local units will sell those bonds, build the buildings to help give that relief. Because in a lot of places, the real problem the schools have is space.

Teachers are a problem. Space is a problem. All these other things are a problem, but even if we allocate the 100,000 teachers, we have to do it hand in hand with the locals and help them build the space; and I think it is absolutely imperative that we do it.

During the recess, we released the report, not unlike the report mentioned by the gentleman from Wisconsin (Mr. KIND), on K through 3 showing the number of schools, classrooms that had more than the 18 optimum we are trying to get to in K through 3. What we found out, there was over 90 percent.

Now, I mentioned the gentleman's children and mine earlier, we love all three of ours. And they were great youngsters. They were great youngsters, and they are outstanding young people today. But I shudder to think if I had to teach them everyday and I had 28 or 30 of them with their varying personalities as bright as they are and their different interests. I admire the teachers. God gave us mothers, and that was great. But he also gave us teachers, and that is even better. Because they are great people; they deserve our admiration and all of our praise.

I visited one school, and I will not forget it, I went in. They had so many trailers on the campus they called it the trailer park. Now, teachers can teach in that, but the problem is we do not have the space, we do not have the opportunity to move around and interact with students like we would like to. The real problem is, when it rains, guess what happens? They get wet and go into the main building. They go to the bathroom. They go to the cafeteria. They go to the media center. They present a part of the linkage of that school, and we can do better and we have some wonderful teachers in this country with hearts of gold doing the Lord's work in all kinds of conditions.

I think at a time when we have the opportunity in this body to form that partnership, we ought to do it. We have a bill pending now, as the gentleman well knows, with 228 congressional sponsors from those on both sides of the aisle. I think it is incumbent upon the Republican leadership who runs this House to bring that bill up and allow us to vote on it.

It would pass. The President would sign it, and we could send that money out to help local schools. It is in no way meddling, because they would have total control over it; all we would do is pay the interest. Those are the kind of partnerships that the business community would applaud. They are the things that the parents want to happen.

The years that I served, 8 of them as State superintendent of the schools in North Carolina, and my colleagues have heard me say this on the floor before, I have never had a child, I never had a student ask me where the money came from. They do not really care. They just know they do not have as much in some communities as others. We have a great country. We have one of the wealthiest countries ever in the world, and there is no excuse at a time of prosperity when we cannot do the things we need to do for children to prepare for the 21st century and give every child that opportunity.

Because I truly believe education is the one thing that levels the playing field, and that is what you fought for all of your life. I would not be here today if it were not for public education, and most Members of this body, if they would be honest with us, would not be here either.

And I think we have an obligation to the next generation to reach out and help when we can. There have been times when we could not do that in the past. We did not have the resources. We now have it. We can join with the President in making sure we put out that 100,000 teachers; we can do the staff development we need, start planning for the future and also provide the resources to build schools.

Mr. ROEMER. I thank the gentleman from North Carolina for his remarks and for engaging in the colloquy with me, as I have engaged with my friends from California, Florida, and Wisconsin here over the last 50 minutes or so; and I want to conclude where I started, and that is as education goes, so goes America.

As we are able in a bipartisan way in this body to work together in a civil manner, Democrat and Republican alike, to try to work to give our local public schools more arrows in their quiver to try to solve some of the problems that they are engaged in right now, whether it is parental involvement, which we quite frankly do quite a lot about; but if it is the quality of teachers, we have some ideas that they might want to try, class size reduction.

There are some ideas out there, many of them have started at some of the local levels that we have shared with other communities: professional development opportunities, such as the Eisenhower program, character education, discipline, safe schools, safe schools from drugs and drug dealers.

These are some of the things that the Democrats and Republicans should be able to work together on as we did work together in a few instances on charter schools and public choice; on the education flexibility bill that my good friend, the gentleman from Delaware (Mr. CASTLE), and I worked on and we worked on some of the ESEA together before the agreement fell apart.

So for the benefit of these children, for the benefit of an economy that needs better-educated children, for the benefit of our civil society and the way that this body and this Chamber should work in working together and sometimes we will politely or adamantly disagree, let us try to get Democrats and Republicans to work together on the single most important issue to most citizens today, and that is improving our public education.

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## PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening, several of my colleagues and I want to talk about prescription drug coverage. I want to talk about one of the most important issues that this Congress is deliberating upon and one that we believe there is a solution to and particularly a bipartisan solution.

I want to begin by reading from a letter that I received from a constituent of mine, a 70-year-old widow. She actually has some prescription drug coverage, but it is a $500-per-year limit, and this is what she writes: "I am in pain daily, and I cannot correct the problems because of financial difficulty. I have stopped taking Prilosec, which cost $285 per month, Zoloft, which costs $100 per month, Lossomax, which also costs $100 per month, Zanaz, which costs $100 a month and Zocor, which costs over $100 a month. I need these drugs filled monthly and simply cannot afford them.

I am also in need of a pain pill, Vioxx, approximately $89, and I have not been able to purchase it. I have cried myself to sleep over this dilemma."

Mr. Speaker, those words touched my heart when I read that letter, and that is why I have read it today, and I read it in many places across this country. My constituent does not care whether Republicans solve her problem or whether Democrats solve her problem or whether the Congress solves her problem or whether the President solves her problem. What she cares about is whether the pain goes away. What she cares about is whether the glaucoma that is making her eyesight weak is cured. What she cares about is whether she's depressed.

We have an opportunity now, right now, still this year, to put people before politics and solve the problem of my constituent, and solve the problem of elderly women and elderly men and disabled men, women and children all over this country if we can provide a prescription drug benefit.

□ 1515

This House has passed a benefit. I just want to talk about how we got here. In 1965 the Medicare program was created and it was a milestone in American history. Prior to that time, if you became elderly and you lost your health care, you lost your job, you retired. Unless you were among the fortunate, you really were without and devastating illnesses shortened life and certainly lessened the quality of life for many of our elderly.

So the Congress, in 1965, did exactly the right thing, created the Medicare program, a wonderful thing, a wonderful part of Americana. But in those days, I do not think they even really gave serious consideration to creating a prescription drug benefit. Why? Because prescription drugs were not used nearly as frequently as they are today, and also because they had just bitten off a pretty big piece, in terms of the cost and the complexity of the program, to assure hospitalization care, to assure doctors' visits were going to be paid for. It was a huge accomplishment.

Now, in the 35 years that ensued between the creation of Medicare in 1965 and today, our constituents have told us, with increasing frequency, with increasing poignancy, that they are making horrible decisions between choosing to pay for the prescriptions that their doctors tell them they must have and putting food on the table; between taking the three or four pills that they are prescribed per day or maybe only taking one because they are trying to stretch out their medicines, which really is not in the interest of their health.

The Congress has not done anything. Congress has not done anything for 35 years. Why not? Well, the fundamental reason is because Congress, in most of those years, was spending money like mad and plunging this Nation into what seemed like an irreversible dive into debt, adding hundreds of billions of dollars to the national debt every year to the point where the public debt was approaching $6 trillion. There was just no way for Congress to seriously consider adding a new entitlement to the Medicare program, no matter how important it was, when we did not have any idea how we were going to pay for what we were already spending here in Washington.

Well, that has changed now; and since 1995 there has been a big change in this country. In 1997, we balanced the budget. In 1994, the Congressional Budget Office predicted that this year, I think that the deficit, the annual deficit that we would add to the national debt, was going to be something in excess of I think $240 billion or something like that. That was the projection. Today, because of the steps that we took in 1995, in 1996, in 1997, we balanced the budget and, in fact, this year, in 2000, we do not have a quarter of a trillion dollar deficit; we have a quarter of a trillion dollar surplus.

Now, we took the next step, this fiscal year, we said and we will not spend another penny of the Social Security revenues for anything else, as Congress had done for years and years, except Social Security. We locked it away, and we still have this surplus. We are paying down the debt. We have surplus. We have given some tax relief where it was needed and now we are in position to provide this benefit, and we can do it.

I have something in my wallet. It is a prescription drug card. I take a prescription for my cholesterol level, and when I go to the drugstore to fill out my prescription I take this little card out of my wallet and I give it to the pharmacist and the pharmacist gives me a prescription, and I give the pharmacist a few dollars in copay for that prescription. When my wife needs her prescriptions filled or my children are sick, we do the same thing. I am a fortunate man. My family is fortunate.

But every American in this country needs to have one of these. Every American, particularly the elderly. I mean I have one prescription, but my 70-year-old widowed constituent has numerous prescriptions, obviously, and she does not have one of these, except that it is good for $500 for the whole year. Mine is good all year around. The bill, the legislation we passed in this House earlier this year, would make sure every American senior and every disabled Social Security beneficiary has a card just like this to take to the drugstore to provide for their drugs. That is what we are going to talk about this evening.

Mr. Speaker, I am going to next yield the gentleman from Pennsylvania (Mr. SHERWOOD), my distinguished colleague.

Mr. SHERWOOD. Mr. Speaker, I am very grateful to my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), for arranging this opportunity to discuss the importance of making prescription drug coverage available to all older Americans. I see it as really vital to the health and well-being of seniors throughout the Commonwealth of Pennsylvania and all across the country, and that is why I voted for the Medicare Prescription 2000 Act, H.R. 4680 when it passed the House in June of this year.

In Pennsylvania, we are very fortunate to have the PACE program and the PACE Net program, which is available for low-income seniors. I am a strong supporter of the PACE program, which was enacted in 1984 by the Pennsylvania legislature and is administered by the Department of Aging. I know just how vital the PACE program is to those Pennsylvania seniors who qualify, but I also recognize that there are many individuals who have exorbitant prescription drug bills and limited incomes and are not covered by PACE.

For that reason, I supported H.R. 4680, which helps States with pharmacy assistance programs and allows them to expand coverage to more seniors.

For instance, PACE today, the State pays $205 million for people of low income. Then the State has $131 million annually for low- to moderate-income people. Now, PACE tomorrow, with the addition of the money for our prescription bill, would mean that the Federal Government would pay that $205 million that PACE was picking up for Pennsylvania's poor and low income.

So the State then would have $336 to spend for low- and moderate-income. So what would happen, the Federal Government would take over the prescriptions for the very limited-income Pennsylvanians, and the Pennsylvania program then could be a great help to the middle class.

New Federal subsidies would allow governors to expand popular State pharmacy assistance programs to the middle class. The Republican Congress can really take credit for creating these subsidies. The bill we passed in the House allows States flexibility to take advantage of these new Federal subsidies.

Speaker HASTERT wrote to Governor Ridge to advise him that there would be a seamless transition to all seniors and the disabled to this new pharmaceutical assistance program. Our delegation is working closely with the leadership to assure that all Pennsylvania seniors have access to affordable, voluntary prescription drug benefit.

All the costs incurred by the PACE program, for those under 135 percent of poverty, would be picked up by the Federal Government under our new plan. Any costs incurred after $6,000 are picked up by the Federal Government. States are completely off the hook for the big expense and the low-income people. For beneficiaries of 135 percent to 150 percent of poverty, there is a partial subsidy and it allows States like Pennsylvania, New Jersey and Connecticut to greatly expand their coverage to the middle class.

This new Federal benefit goes into effect in 2003, giving our governors the time necessary to make any changes to their State programs. The bipartisan bill transfers financial liability for the millions of dually eligible beneficiaries from medicaid to Medicare, giving the governors $22.8 billion, that is billion with a "B" in additional funds to expand drug coverage.

The substitute bill sought to keep prescription drug coverage as a financial responsibility of the Medicaid program for which States must fund half the cost. Nothing in our bill 4680 prevents the States from funding senior access to any pharmacy. This is a cost already incurred by State pharmacy assistance programs.

My colleagues and I are totally committed to enacting a Medicare prescription drug benefit program which will allow seniors to take full advantage of a subsidized plan to hold down drug prices. The folks in this country that pay the most for a prescription are the ones that go in and buy it on their own without having the benefit of being in any plan. So that card that my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), held up a few minutes ago, if we all had access to that, that means that all prescription drugs to seniors would most probably be reduced in price from 25 to 40 percent. That, in addition to these subsidized benefits is real progress for our seniors.

Prescription drugs for seniors is far too an important issue to be playing partisan politics with. We owe it to our seniors to have a plan which is voluntary, affordable and available.

My colleagues and I are totally committed, before we go home this year, to having such a plan enacted.

Mr. GREENWOOD. Mr. Speaker, the gentleman from Pennsylvania (Mr. SHERWOOD) has made a really important point here on the floor of the House with regard to our State of Pennsylvania. If we take the legislation that we passed and match it to our current program, our PACE program, which by the way is the best program in the whole country, there are, I think, 300,000 low-income seniors in Pennsylvania who receive almost virtually cost free drugs under the PACE program financed by our lottery, the PACE Net program elevates the standard, so with some copay even more middle-class Americans, Pennsylvanians, I should say, get the benefit.

And the legislature, because the State of Pennsylvania also has a surplus, has just proposed even raising the levels higher to reach into the middle class. So by the time we take this Federal legislation that we have passed here and relieve the State of Pennsylvania, our State, of the burden of the lowest income and then you add all of those new State dollars and the existing lottery dollars to that, we will have virtually cost free or certainly no premiums, no copays, no deductibles for a very significant portion, well up into the middle class, in Pennsylvania, and so it makes these benefits completely affordable to every one of our constituents.

I know that the gentleman from Pennsylvania (Mr. SHERWOOD) shares that.

□ 1530

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Speaker, I think what is so important about H.R. 4680 is that it is a flexible plan so that it fits with what we have in Pennsylvania. Because as the gentleman said, we have this wonderful PACE program, when the Federal Government picks up the part of the program that PACE has handled, then Pennsylvania, as I described before, has all of this extra money to make PACE a wraparound program so that it comes up into the middle class.

I have so many constituents that have worked hard all their lives and they have done everything right, and they own their home, and they have saved just a little money, and they have their Social Security benefit. If nothing catastrophic comes along, they can get through their golden years pretty well. But they all live in fear of a catastrophic illness or catastrophic prescription drug cost, which would drain down their resources and lose their nest egg or force them to sell their home to pay these bills.

This is a program that removes that fear for senior citizens. By supplementing the PACE program, it takes care of a great deal more of their prescription costs, and it also puts an absolute cap on the top, so that no senior should have to worry about losing their home because of the very high cost of prescription drugs.

The other thing it does is akin to a group purchasing power. As I said before, people who pay the most are the people who walk up and buy their pharmaceuticals cold turkey and pay with their own money. Anybody that is a member of a buying plan buys them at a reduced rate.

We have heard in the discussion that pharmaceuticals sometimes cost less in other countries than they cost here. That is a very involved discussion, but we need to pull the costs down here. One way that H.R. 4680 will do that is by the group purchasing power. If we take all pharmaceutical costs and reduce them by 25 to 40 percent before the government has to step in and pick up their share, then the government's money, your money, goes a lot further.

So this plan has some very good points to it. It is voluntary. If one has a plan through one's former employer or through one's union that is superior, one does not have to leave it. One can stay with that and not be charged anything because they voluntarily did not get in the plan. If this is a better plan than someone has, one can join it. If one is low-income, it will take care of all of their prescription costs. If one is middle-income, it will take care of a great many more of them than they have ever had the opportunity to do before, and it will have a level above which they have no responsibility.

Mr. Speaker, I think that the merging of our plan and PACE and PACENET in Pennsylvania would take very good care of our citizens. I am very proud to be associated with it.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman. The fact is that two out of three of our elderly, as the gentleman mentioned, already have some kind of coverage. Some, as we have mentioned, have coverage through the PACE program. Others who are so low-income that they qualify for Medicaid get their drugs through the Medicaid program. Some have a fee-for-service Medicare program, and then they buy a Medigap insurance that in many cases provides prescription drugs; and others have a Medicare HMO, we call it Medicare+Choice, and they get their Medicare benefits through an HMO and many of those HMOs have been providing a prescription drug benefit.

The problem, as the gentleman well knows, because he has had me to his district to visit his district and to discuss this problem and its solution, the problem is that the Medicare+Choice programs have been ratcheting back their benefits. They have been providing, they used to provide relatively generous prescription drug benefits, but they are pulling back. They are pulling back because they feel that the Congress, frankly, and the administration has not been providing sufficient funds to pay for the full health care benefits of today's seniors in managed care Medicare.

So then the gentleman and I understood that both in my district and in his district and throughout Pennsylvania and throughout the country, many of these plans announced, just in July, that they were going to leave areas.

Mr. SHERWOOD. Mr. Speaker, there is a very serious problem in my district in northeastern Pennsylvania. It is inequitable. The formula was set years ago, and then it has grown over the years; and it is now that the HMO Plus Choice plans in my most rural counties are reimbursed at the rural national rate, and that is approximately $400 a month, and in the larger cities, the rate is over $700 a month.

So what it boils down to is that my rural constituents are going to be denied a benefit under Medicare that people that live in more urban areas have the benefit of. So this is a basic unfairness in the system. I have written HCFA, and I have written the President to try and solve this problem, and my colleague and I have a bill together to try and solve it, and there are some other bills coming out; but that is very important that we make sure that problem is solved before we go home by election time. Because it is basically unfair that a senior that lives in Bradford County, Pennsylvania, should not be able to get the same benefit under Medicare that a senior who lives in Philadelphia County in Pennsylvania, or in Washington, D.C., or Houston, Texas, or Miami, Florida.

So I have a great many people in my district that receive these notices. I think there are approximately 30,000 people in my congressional district that were informed in July that their Medicare+Choice provider would cease to do business under the plan on the first of January.

Now, we have asked those Medicare+Choice providers to reconsider, to wait until we can do something, and I have written to the administrator of HCFA to ask that that date be moved out so that it can be solved. But we have to get enough funding to the rural areas that people who live in rural areas have the same benefits under Medicare as people who live in urban areas.

Mr. Speaker, it goes back to something that was said earlier. Seniors do not care whether the Congress solves it or the President solves it, and they do not care whether it is prescription drug prices or HMO Plus Choice. It is all health care; it is all health care costs. We need to continue to work to make health care more available and more affordable for seniors.

This plan, H.R. 4680, goes a long way towards that. But we will have to complement that with some legislation like the gentleman's which will solve or help to solve the flight of the Medicare+Choice providers.

Mr. GREENWOOD. Mr. Speaker, if I may, the legislation is ours. I serve on the Subcommittee on Health of the Committee on Commerce, and it was the gentleman who came to me and said this is a real problem in my area; this is a real serious matter, and we put our heads together and we wrote that legislation.

The fact of the matter is, and I do not think the gentleman is even aware of this, but it is my expectation that on Tuesday of next week, yours and mine, will be taken up by the Committee on Commerce, by the full committee, will be part of a comprehensive bill to try to restore a variety of payments, probably $21 billion into the

Medicare program to help our hospitals, to help our nursing care facilities, to provide better benefits for home health care, as well as to expand the likelihood that these HMOs will be able to stay in place and continue to offer that benefit.

So I am cautiously optimistic. I am actually very optimistic that, as the gentleman says, we will do that. We recognize the problem in your area and in mine and throughout the country, and we will hopefully report that legislation from committee on Tuesday. It will pass this House of Representatives, it will be signed by the President, and we will have made a real difference.

Mr. Speaker, it is my fervent hope that those health insurance plans, those HMOs that provide the Medicare+Choice benefit all over the country, once that is done, will be able to reverse the decision that they made, that they announced in July, because they have to do it in July, according to law, we require them to make that announcement; but they will be able to reverse this judgment and continue to provide service, good quality health care for our seniors in the gentleman's district and mine.

Mr. SHERWOOD. Mr. Speaker, that is very good news, and I thank the gentleman for continuing to work that bill with the Committee on Commerce, because I have made the pledge to my seniors that I will do everything in my power to get the HMO plus choice providers to stay in our area.

That is one of the big problems. Health care in rural areas is short of money, short of resources; and I have worked with local hospitals to fund the blend and to do all of the things that they need to do to remain viable, that is, to keep our medical institutions strong. This bill would help keep a service to our older Americans that live in rural areas that they deserve. I think we will have to be flexible in that, and we will have to make sure that there are enough resources there that the program works.

Mr. Speaker, I think there has been nothing since I came to Congress that has been as hard for me to get my arms around as health care has been. Being a businessperson all of my life, I always thought that I could understand any program and put it together very quickly. Well, our health care system is very, very complicated. The rules that administer it under HCFA have grown over a period of time, and some of them need changing. This is one that certainly needs changing, and I thank the gentleman for his efforts; and we will be glad to push that bill through.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from Pennsylvania for participating in this special order this afternoon and for all of his hard work on behalf of his seniors in his district. He must be known for that one thing in his district, because he sure talks about it here in the whole of the House.

We are joined tonight by another of our colleagues who wants to participate, fortunately, in our special order, the gentleman from Tennessee (Mr. BRYANT). And I yield to him at this time.

Mr. BRYANT. Mr. Speaker, I thank the gentleman from Pennsylvania who certainly has taken the lead in this very important legislation in the House and has been there from day one to get it started and to participate and lead us down the road, and as we pass this bipartisan bill out of the House, has been a consistent proponent of it, a spokesman, a worthy advocate of this bill. Certainly the background and the experience he brings to this House on this issue and coming from a State like Pennsylvania, which has an outstanding program, certainly cannot be lessened in any degree and must certainly be valued.

Several months ago, the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, appointed a task force of House Republicans to study this issue of prescription drugs and Medicare. Along with the gentleman from Pennsylvania (Mr. GREENWOOD), I was privileged to serve on that task force; and we worked very diligently over a long period of time with the Committee on Ways and Means and the Committee on Commerce, the two primary committees that have jurisdiction over this issue, and brought forth under the Speaker's very direct, hands-on leadership, a bill that ended up being a bipartisan bill in the sense that it had both Democrat and Republican support. It had more Republicans than Democrats, quite honestly; but there was support from both sides of the aisle, although now, that party, the Democrat Party, has their own separate bill that is very different, that is the President's, the administration's bill that is very different than ours; and I will talk about that more in a minute.

But the Speaker's task force was charged with developing a fair and responsible plan to help seniors and disabled Americans with their drug expenses. We started with a set of principles that the Speaker gave us. He wanted a plan that was a voluntary plan, a universal plan that was available to everyone and affordable, and affordable, to all of the beneficiaries. He wanted to give seniors meaningful protection, some real protection and bargaining power, the ability to use the numbers, the bulk in purchasing, to achieve lower prescription drug prices, and he wanted to make sure that we preserved and protected all Medicare benefits that seniors currently have.

Finally, the Speaker wanted an insurance-based, public-private partnership that set us on a path toward a stronger, a more modern Medicare, and which would extend the life of the program for my baby boomer generation, and beyond that even.

□ 1545

Coming up with a good plan that fits all of these guidelines and principles that the Speaker laid out was a very tall order. The bipartisan Medicare Prescription RX 2000 legislation, in my view, does follow these guidelines, and I believe it is the right approach.

First, our plan provides prescription drug coverage that is affordable. Seniors in my district and across the State of Tennessee that I represent have been writing and calling me asking for help with their high drug costs. We will help more people get prescription drug coverage at lower cost by creating, through this plan, the power of group purchasing, group buying, without price fixing and without government control, something we really, really do not want in this process.

For the first time, Medicare beneficiaries will no longer have to pay the highest prices for prescription drugs if we effectively use this bulk purchasing power. Under this proposal, seniors will have access to the same discounts that the rest of the insured population presently enjoys.

An analyst for the Lewin Group concluded after studying this private market-based insurance policy, they concluded that it could reduce consumer prescription drug costs by as much as 39 percent, 39 percent. That is 39 cents on every dollar.

Also, our proposed bipartisan plan strengthens Medicare so that we can protect seniors against out-of-pocket costs that are very high, that threaten the beneficiaries' health and their financial security. In other words, sometimes people have such high drug costs that they literally, seniors do, literally have to sell their home, they have to exhaust their lifelong savings to pay these drug costs. This should not be.

Our plan sets forth a monetary ceiling beyond which Medicare would come back in and pay 100 percent of the drug cost of these high cost expenses over that ceiling.

Second, our plan is available to all Medicare beneficiaries. Our public-private partnership ensures that drug coverage is available to everybody who needs it, by managing risk and lowering premiums. The plan calls for the government to share in insuring the sickest seniors, those that have those extraordinarily high drug costs, thereby making the risk more manageable for the insurers and lowering the premiums for every other beneficiary, which is something that will be very attractive to our senior citizens.

We protect the most vulnerable citizens by providing the 100 percent Federal assistance for the low-income beneficiaries. In other words, those seniors that cannot afford to pay these premiums at the lower end get their premium subsidized 100 percent by the government under our plan.

Thirdly, our plan is voluntary and provides seniors the right to choose the coverage that best suits their needs. Beneficiaries would be able to choose from several competing drug plans. Also, because the drug benefit is 100 percent voluntary, it preserves the beneficiaries' right to keep the coverage they already have.

I cannot tell my colleagues how many times I go home and I start talking about this, this plan, and somebody stands up and says, listen, I do not want the government taking away the present drug benefit I have. I am retired. I like the plan I have got. I do not want this one-shoe-fits-all type government response that you are talking about.

I tell them, well, that is not what we are talking about here. Our plan is voluntary. If one likes what one has, then one can keep that. But if one is among those 35 percent of American seniors who do not have any drug coverage, this is certainly a good solution for one.

I could go on and talk about this. I think I have adequately covered what I wanted to cover about this plan. I could talk about the President's plan and how it is a good start and it moves us along the right direction, but it lacks so many of the good parts of our plan, that our plan is superior. But we believe that if the White House has a sincere interest in providing a prescription drug benefit to senior citizens, that they will be willing to begin to work with us and we, as a Congress, work with them, a commitment that we made a long time ago, and we can come up with a plan that I think that will be beneficial to our senior citizens.

But right now I do not think we sense that willingness, or I am not sure how I would put that, but maybe it is an election year. I do not know.

Mr. GREENWOOD. Mr. Speaker, it certainly is an election year. I think the thing some of us find so discouraging is we have a tendency sometimes to take our eye off the ball and remember that these are real people out there.

I read a letter from a real constituent who, in her letter, said she cries herself to sleep because she cannot afford the medicines. That story is repeated all over this country. The wealthiest country in the world, the most powerful Nation in history, and we have our grandmothers who are making these painful decisions, and they are suffering from arthritis. They are suffering from all kinds of health problems because they do not have access to these prescriptions.

Now, we did pass a bill. It happens to be the gentleman from Tennessee (Mr. BRYANT) and I are Republicans, but the bill is a bipartisan bill. It had both bipartisan sponsors as well as both Republicans and Democrats that voted for it. It is, I believe, the only comprehensive prescription drug add-on for Medicare that the Congress has ever passed. It is our bill, and we passed it, and that is terrific.

Now, we happen to like our plan better than some of the other bills, and that is what one would expect in a democracy where one has the lively debate of issues and different points of views and philosophies.

But what troubles me, frankly, is that what tends to happen, because it is an election year, is people say, well, let us take a look at their bill and see how many holes we can punch in. Let us take a look at their bill and see how many holes we can punch in that. Then we can use it in the campaign and see who gets elected to President over this issue and see who gets elected the majority in Congress over this issue and see how many Republicans and Democrats we can knock out of office over this issue. That is pretty cynical, and it does not do the issue justice.

I still believe that if President Clinton wants to, that we can sit down and we can find the common ground and we can split our differences and we can take the best issues, the best ideas from each side and at least solve a good portion of this problem in this year and, if we do not solve it all to everyone's liking this year, to continue that next year. But we ought not to lose this rare opportunity.

We are finally one Chamber, the House of Representatives has passed the first bill to provide this prescription drug benefit.

Mr. BRYANT. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Tennessee.

Mr. BRYANT. Mr. Speaker, let me echo what the gentleman from Pennsylvania is saying. I was a late baby. My mother is actually 93 years old and will be 94 her next birthday. The medical technology is great. A couple of years ago, she had a pacemaker put in, I think, about age 91 or 92, and she is rolling strong again. She has to take medication as a result of that, and, fortunately, for her, it is not too expensive, and she can pay for that.

But I think about all those other folks out there who are not as fortunate as we are as a family that have these kinds of prescription drug benefits that they really need or even higher costs that they have to incur and literally in some cases have to pick between paying other bills and having their medication filled.

As the gentleman from Pennsylvania (Mr. GREENWOOD) pointed out, this is the first Congress that has passed this type of bill. Here we are literally within reach of getting a bill that can help so many people and yet, unfortunately, it seems like the politics are out there involved in it. It is going to happen at some point, but it needs to happen now, this year, and not be politicked to death.

I see the gentleman from North Carolina (Mr. BURR) is here to talk a little bit about that. He is another expert on that subject. I am going to quit talking now and yield back to the gentleman from Pennsylvania (Mr. GREENWOOD) and thank him for what he is doing today and thank both of these gentleman for the work they have done on this very worthwhile project.

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman from Tennessee (Mr. BRYANT) for his contribution and his very great work in the committee.

We are joined now by the gentleman from North Carolina (Mr. BURR), another colleague of mine from the Subcommittee on Health and Environment of the Committee on Commerce, who really does work very hard day and night on this issue.

Mr. Speaker, it is a pleasure to yield to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GREENWOOD) for yielding to me.

The gentleman and I have done this numerous times. We did it when it was not popular to get out and talk about the expansion of a benefit. But because both of us worked 2½ years on reforming the Food and Drug Administration, we understood from that process just how many people in America were relying on the research and development that not only public entities but private companies were doing.

We understood the great advances we had made in the last 30 years in this country in treatment of disease, prevention of disease, through the use of pharmaceuticals that did not exist in the 1960s when we created Medicare.

It is not hard for me to believe that, when Medicare was created, Republicans and Democrats, neither one perceived that prescription drug coverage was a benefit that should be encompassed in it. But we have also seen through the evolution of Medicare that today the Health Care Financing Administration is, in fact, the wrong agency for us to look to to administer a new drug benefit.

I think that is why many of us took on the great challenge of, one, being the first to talk about expansion of a drug benefit for seniors, but to, two, do it in a way that addressed what we saw the problems in the delivery system, that we needed a new entity whose sole job it was to administer this benefit to the 37 million Americans, those seniors, the disabled who qualified for Medicare benefits.

It is a shame that it is an election year. If this was not a Presidential election year, we would have a drug benefit, not only passed in the House of

Representatives, it would be passed in the Senate, it would be signed today by any President in the White House. But the sheer realities of the year 2000 is it is a Presidential election year. The gentleman and I have been faced with that before. But because it is a Presidential election year, it means that politics do come into health care.

At a time where we know in America that the senior population over the next 10 to 15 years will double, will move from 37 million to 72 million seniors in this country, all with the same challenges about how do I pay for prescription drugs, at a time that the mapping of the Human Genome project will be finished, we will be able to treat diseases that were chronic or terminal up to that point, we never had a cure for, and that in many cases those pharmaceuticals will now give us the ability to treat and in some cases hopefully cure, but it does no good if people cannot pay for it.

This is the first real opportunity that we have had to present a plan that is market based, that subsidizes those most at risk, that is designed in a way that the majority of seniors would want to participate out of their pocket to be part of, and for those that cannot, that they receive a government subsidy; and that it provides them the choice that they look for in any health care plan that they might look for when we created Medicare+Choice as an option for seniors who had an insurance-based option, many of which are in Pennsylvania with the gentleman from Pennsylvania (Mr. GREENWOOD). We did not limit it to one company. We did not say it could only be offered by the Federal Government.

The American people have been very specific. One size fits all does not work in health care. Drug benefits should be no different. We should supply seniors affordability, choice, access. The sooner we can do that, the better they can plan for those later years. But, more importantly, long term, the gentleman from Pennsylvania and I both know the less expensive health care is going to be to us, because what we have been treating or what we have been operating on today might just be a prescription drug in the future.

Heart disease because of high blood pressure is controllable with pharmaceuticals today. Bypass surgery could be a thing of the past with a noninvasive procedure or with pharmaceutical treatment in the future. We will never experience this unless this body, this institution, the government moves forward with a prescription drug benefit plan that allows seniors access, choice, and affordability.

Mr. Speaker, I would appreciate the observations of the gentleman from Pennsylvania (Mr. GREENWOOD) on that.

□ 1600

Mr. GREENWOOD. The point that I was thinking about making right now is that this conversation almost always turns towards the senior beneficiary of Medicare, and the gentleman has frequently in his remarks cojoined the fact that there are seniors and there is the disabled population that in fact are eligible for Social Security. And what is important to remember, when we think about that disabled community, that disabled community includes those who have very serious physical disabilities, frequently because of complicated and debilitating illnesses; and these are people who are under the age of 65.

We forget about the fact they do not have prescription drug benefits either. And they are less likely to have prescription drug benefits coming from a an employer, because they are less likely because of their disability, obviously, to have worked for an employer long enough to have had a prescription drug benefit that carries into the years when they cannot work and they are on disability. So this is another group of people who certainly need this benefit and they need it soon.

And some of those, a good number of those, their disability is the result of a mental health issue, and of course the treatment of mental illness is more and more pharmaceutical. There are more drugs coming on to the market all of the time that can help with these serious debilitating mental illnesses and in fact help those folks get back into the workforce. So our ability to provide a prescription drug benefit that also provides the benefit to the disabled population as well as the senior population is an important component of what we did pass in this House, and I commend the gentleman for remembering to remember that Medicare applies to the disabled as well as to the elderly.

Mr. BURR of North Carolina. I know the gentleman from Pennsylvania remembers that it would have been easier with a limited pot of money to say let us take care of seniors. Those other ones who might be ancillary groups, they do not fall into the same category. There was that strong argument from Members, but also that sense of responsibility that we had that we cannot leave anybody behind.

This was the most inclusive piece of legislation on prescription drugs to be debated in this institution ever. The only regret that I have is that it did not yet move past the House of Representatives; that we have not had the engagement of our friends at the other end of Pennsylvania Avenue, who talk about prescription drugs; but we have done something on prescription drugs.

We have done something that works. It expands the coverage and it provides the benefit. It means that those seniors who have had to make crucial decisions between rent and drugs, food and drugs, will not have to do it because of limited incomes. It means that we have looked at that disabled population. We have not excluded them. In many cases seniors have more employment opportunities than those who are in that disabled category, but we did not leave them behind. We included them because we knew the importance of medication but, more importantly, the importance of taking medication on a regular basis; not just when you can afford it, but on a regular basis. Because we know that those individuals, more than most, need that regular routine and that they cannot go with interruption based upon their cash flow, their lack of work that week, their lack of income that month. That safety net was provided for them, as it was for seniors.

I cannot imagine another issue that this institution could take up where we so clearly had enough vision to look down the road and see the demographic change that was happening, where we knew that the senior population will, in fact, double; where the institution did not use that vision to prepare for that future. If we miss this opportunity, how in the world will we design a benefit program that is right for my mother and that is affordable for my children when we are talking about twice as many people and having to learn how to find the right program then?

The smart thing for us to do, even though the gentleman and I know that we will not do it this calendar year, is to come back in January, to reintroduce this bill, and to make a commitment to whoever is on the other end of Pennsylvania Avenue that we are going to pass it and that we want to work with them.

Unlike a lot of talk about prescription drugs in this town, for those of us that have worked on it now since January, we have always said our door is open; we want to talk. It is just nobody has ever knocked. And when we have left it open, no one has ever shown up.

Mr. GREENWOOD. If I can reclaim time for a moment, the thing that is ironic is that, as we have said, in the history of the Congress, certainly in the last 35-year history of Medicare, it is only the one bill the gentleman and I helped to author that has passed in the House.

Now, there has been plenty of talk for 35 years from politicians on the stump running for this House and the Senate and the presidency. They have all talked about this issue. But when it came to sitting down, as we did, and saying how would we actually write this; what would the words be that we would choose to put in the bill; what would the provisions look like; how would we pay for it; how would it be flexible; how would we be able to make it affordable to the lower-income and still be affordable to the taxpayers; how does it reach into the middle class; how would we take care of the catastrophic end of things; how do we make sure it is appropriate for the disabled population as well; how do we make sure that by offering this we do not create a disincentive for employers to continue to provide the benefit; how would we do that, we grappled with all of those questions, as the gentleman knows, and we had to make decisions.

We put those decisions into a document and we said, now, can we get 218 votes out of 435 Members of the House to pass it. That meant we had to talk to various constituencies within the House to make sure that it worked in the Northeast, and that it worked in the Southwest, and it worked in the Southeast and the Northwest, and across the country. We had to do that. But when we did that, we had a document and, of course, no good deed going unpunished, we become subject to criticism. Because now people had an actual document instead of just words, and they could take that document, and they could look at it, and they could criticize this aspect or that aspect.

I think that that is what has happened, to a large extent; and I think that is unfortunate, that having put something together for the first time in history and getting it to pass the House, that we have become subject to some criticism about all of that. The hard part for us is that right now the President does not have a proposal. We do not have a bill from the President that says on paper, a document that thick, this is how I would answer all those questions about making sure that it is affordable and making sure that it meets all of these needs. We do not have that. So we have a real document against just rhetoric, and it is making for an unbalanced debate.

I think if we can get the Members at the other end of this building, as well as the gentleman at the other end of Pennsylvania Avenue in the White House, to in fact give us some documents, we would have the basis about which we could sit in a room and combine them and merge them and work out the differences, as we do regularly and is our job.

I yield to the gentleman from North Carolina.

Mr. BURR of North Carolina. As the gentleman from Pennsylvania knows, it is one thing to talk about catastrophic coverage, which is the ability to look at the senior population and say the one thing that we can do is put the Federal Government where it should have been in health care, the safety net, and assure our seniors that if they ever spend out of pocket a certain amount of money in a given year that they will never be exposed for any more than a fixed amount, catastrophic coverage, a limit. It is one thing to talk about it; it is another thing to put it on paper and to pass the test of the Congressional Budget Office or the Office of Management and Budget and have that number scored. But we did it. We did it and we lived within the framework of the available money, and we provided a stop loss for seniors of $6,000.

The President had a bunch of pieces of a plan, and he said he would like to incorporate stop loss or catastrophic loss, but the fact is that he could never do it in a way that he could put it on paper and have that paper scored because of the way he proposed designing the original plan, which was no choice, which got very little discount from the current price of pharmaceuticals in the marketplace.

The Congressional Budget Office looked at our approach and said that because we had competition, because we had provided seniors and the disabled choice in the plans that they could choose from, we will achieve at least a 25 percent discount across the board for things that are insurance-based purchased and for things that are purchased out of pocket, a 25 percent savings just by creating choice that the administration does not get with their proposal.

Mr. GREENWOOD. And if I may, that is before we even apply the Federal contribution to the actual price of the item. So that 75 is cut in half. And, of course, we pay 100 percent of the remainder for the low-income and for middle-class folks, a half. So now we are talking about going from paying 100 percent of retail price to paying 37½ percent of retail price. It is almost a two-thirds reduction in the cost of the pharmaceutical product to the average American.

Mr. BURR of North Carolina. If there existed truth in advertising on this we would have stars all across this plan because it provides at every level what seniors want.

Before the gentleman mentioned employers, I had written the word employers on a piece of paper up here because that was one of the biggest challenges that our whole task force had. There is a segment of America, a large percentage of America that are seniors today that are currently provided prescription drugs as a benefit of their retirement. As we see prices go up 11 or 12 percent a year, the question we have to look out and ask is how long will they continue to offer that benefit. Because they are not obligated to, it is just a commitment that they made when individuals retired.

We found a way to incorporate into our plan that those employers that provide that benefit, once those individuals reached that stop-loss amount, they would be covered under the Federal stop loss, a great incentive for employers to continue to provide that first dollar coverage for the millions of seniors that are currently under their health plans. We found the approach to keep the employer engaged.

We found a way to incorporate the catastrophic or the stop loss into their plan without dislocating them, which made our plan totally voluntary to every eligible person regardless of where they currently had their coverage, if they did. They could stick with that and still utilize that stop-loss protection of the national plan.

Clearly, we spent a lot of time on that, making sure that we got it right. But the fact that it was voluntary, the fact that for those that chose to participate there was choice, the fact that everybody, whether they were in their employer plan or chose one of the accredited plans by that new entity that ran the prescription drug benefit, all of them benefited from an annual stop-loss amount that protected every senior and made sure that they could not lose everything that they had accumulated because they had run into a health care problem that required unusual pharmaceutical costs.

Mr. GREENWOOD. I believe our time has just about elapsed. I want to thank the gentleman from North Carolina for his participation, as well as my other colleagues from around the country.

This clearly is, if not the number one issue in America, certainly ought to be. There is still time to resolve this issue. All we need to do is to work with the House and the Senate and the President together and, in fact, we can all be proud of meeting a need that just cries out to be met; and we think we have made a good start.

## ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SCARBOROUGH (during the Special Order of Mr. GREENWOOD). Mr. Speaker, pursuant to clause 7 (c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 4205 tomorrow. The form of the motion is as follows:

> I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 4205) be instructed to recede to the Senate language contained in section 701 of the Senate amendment to H.R. 4205.

The SPEAKER pro tempore (Mr. PEASE). The notice of the gentleman from Florida will appear at the appropriate place in the RECORD.

## HEALTH CARE ISSUES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to speak on several issues related to health care this afternoon. As my colleagues know, before I came to Congress I was a physician practicing in

Des Moines, Iowa. I do have some insight into some of these health care issues that we are trying to tie up before the end of this session, whenever that will happen.

Let me first speak about the prescription drug problem. I just finished a series of town hall meetings around my district.

□ 1615

I will tell my colleagues that the high cost of prescription drugs is a real one, not just for senior citizens but for everyone, and it is a major component to the increased premiums that we are seeing for working families in terms of their health insurance premiums. Prescription drug costs for those health plans are going up 18 to 20 percent per year, and then those costs are being transferred on to the businesses that pay for health insurance and then on to increased premiums for the family. So it is not senior citizens. But from my town hall meetings, I had a senior citizen in Council Bluffs come up to me and tell me that between his wife's drug costs and his drug costs, they were spending almost $13,000 a year on prescription drugs. They were by no means a wealthy family. I had another gentleman in Atlantic, Iowa come up to me and he had a whole packet of his prescription drug costs. They amounted to almost $7,000 a year.

Now, it is true there is a certain percentage of senior citizens who are fortunate, who are healthy, who do not have any drug costs. That is about 14 percent of the Medicare population. And about 36 percent have less than $500 out of pocket. But there is a group of senior citizens that have very high drug costs. We need to address that problem.

As a Republican, I just have to offer a polite voice of dissent, because the plan that passed this House is simply not going to work. It relies heavily on insurance companies to offer prescription drug policies. I sit on the committee of jurisdiction, the Committee on Commerce, the Subcommittee on Health and Environment. We had testimony before my committee by the insurance industry that said, we will not offer those types of policies. They have a pretty good reason for doing that: They cannot predict what the future costs of the prescription drugs are going to be. They are afraid that they will get locked into a program at a certain rate, see their costs rise way above that and they simply repeatedly, to both the House and the Senate, have said, "We're just not going to offer those plans." So it does not do you any good to pass a bill on the floor of the House that relies on insurance companies to do that when they say from their past experience and their present experience that they are not going to do it.

What is the solution? Well, I have a bill before Congress that has several important points, but two of them I think are very important: One is for that senior citizen who is right on the margin of being in poverty but is not in Medicaid as well as Medicare, we ought to do something to help that senior citizen with their high prescription drug costs. We could do that simply, not by creating a new bureaucracy. There already is a program in place for poor senior citizens and that is the Medicaid program. Every State has a Medicaid program for those senior citizens who are below the poverty line. And every Medicaid program that I know of has a drug benefit.

And just about every State that I know of has negotiated discounts with the pharmaceutical companies for those drug programs. So we ought to look at including those senior citizens who are above that poverty line, maybe up to 175 percent of poverty and include them in that Medicaid drug benefit. No new bureaucracy, they simply get a card. We could pay for that from the Federal side so that we would not be talking about an unfunded mandate on the States. It would be significantly less expensive than what we are talking about with the other proposals and we could get it done today. We could implement it tomorrow. Yes, it would not be comprehensive for everyone but it would certainly help those who need it the most in Medicare.

But what could we do for everyone?

The second thing that we should do to help with the high cost of prescription drugs, not just for senior citizens but for everybody is to readdress a law that Congress passed in 1980. It was signed into law by President Reagan, but he did so with grave reservations. He was concerned that that law would generally prohibit certain types of beneficial competition in the sale of pharmaceuticals by hospitals and other health care providers that would allow consumers to benefit through increased choices and lower prices. What was that bill? It was a bill that gave the pharmaceutical industry special protection, something that, as far as I know, no other industry in this country has and, that is, that you cannot reimport into the United States drugs that are made in the United States and packaged in the United States. It is against the law. Anyone who does that, brings drugs across the border, prescription drugs, could be prosecuted, fined. Senior citizens who have done this have gotten very nasty, threatening letters from the Customs Service or from the Food and Drug Administration. Even though senior citizens do cross to Mexico and do cross to Canada and do buy prescription drugs, they are breaking the law.

I got a letter the other day from a senior citizen in Des Moines, Iowa. He is a volunteer at a hospital that I used to work at, and he participated in a drug study at the University of Iowa for an arthritis medicine called Celebrex. That medicine worked really well for him. So he went to his doctor, he got a prescription, he went to the hospital where he is a volunteer, went to the pharmacy there and with a volunteer discount could get that prescription for about $2.50 a pill. Well, this gentleman is a pretty smart guy. He got on the Internet that night and he found out that he could, with about $10 or $15 of shipping and handling, get that prescription from Canada from a pharmacy for about half price. Same thing from a pharmacy in Geneva, Switzerland. And from Mexico he could get that medicine for about 55 cents per pill, made in the United States, packaged in the United States.

Look at this chart. Here are some drugs with a U.S. price and a European price. Let us say Coumadin, that is a blood thinner medicine, twenty-five 10-milligram pills in the United States will cost you $30.25. Over in Europe, $2.85. From $30 to $3. How about Prilosec? Twenty 28-milligram pills in the United States, $109. In Europe, $39.25.

How about Claritin? Claritin is a good antihistamine. It is advertised night and day. I guarantee my colleagues that if they watch any TV or look at any billboard, they are going to see Claritin advertised. The marketing budget by the company that makes this is astronomical. Why? Because they are making a ton of money on it. They are also trying to get an extension of their patent, which this Congress should oppose. But Claritin. For 20 pills in the United States, $44. In Europe, and this is not a Third World country. In Europe, $8.75.

I can go down this whole list. This is just representative of the difference in the cost between what we pay in the United States and what they pay in Canada or Europe, not to mention in Mexico. Why is there such a differential? Because there is not any competition, any global competition. We are subsidizing the high profits of the pharmaceutical companies in this country because of that law. Changing that law to allow a reimportation of those medicines is part of my bill. But I have to tell you that others have been involved in this issue, also. The gentleman from Oklahoma (Mr. COBURN), who is a physician; also, the gentleman from Maine (Mr. BALDACCI); Senator JIM JEFFORDS, and several others have been interested in this. We have now passed amendments to appropriations bills that would overturn that law that prevents prescription drugs from being reimported back into the United States.

In the House, we had a vote. We had a vote in the House that was 370–12 in favor of doing that. There was a vote in the Senate that was 74–21 to overturn that law. 370–12 in the House; 74–21 in the Senate. Why? Because I think intuitively we realize that if we could get in on a 1-800 telephone number or get on the Internet and be able to order our prescriptions filled from Canada or from Europe at a lower price, we know what would happen to the prices in the United States. In order to be competitive, they would come down.

Every farmer in my district knows what the price of soybeans is and they know that that price is determined by the world market. But on prescription drugs, we have given the pharmaceutical companies a special interest protection. That should be changed. If we allow competition on a global basis, the prices will come down. They will come down for everyone, not just senior citizens. They will come down for the businesses that are providing the health insurance to their employees. The pharmaceutical companies have profit margins that are three and four times higher than any other group of companies in the country. Believe me, they will still make plenty of money if we introduce some competition. And that is not setting any prices. That is not a government price-setting mechanism. That is simply allowing the market to work.

My friends on the Republican side of the aisle, all of them who voted for this, who believe in free markets and that free markets and competition bring down prices, they and all of our colleagues on the Democratic side who voted for this bill should insist with such support from both the House and the Senate that those amendments not be stripped from the conference bills on those appropriation bills that come back for our vote.

The pharmaceutical companies are lobbying night and day to get those provisions removed. If the leadership of the House or the leadership of the Senate accedes to the pharmaceutical companies' desires and strips out provisions where overwhelming majorities in both the House and the Senate have expressed their will, we are not talking about a narrow vote margin, we are talking about a margin where only 12 Members in this House voted against that, where only 21 Members in the Senate voted against that provision. If the leadership in the House, the Republican leadership in the House and the Republican leadership in the Senate strip those amendments out of those appropriations bills, then every American in this country who is paying a high prescription drug cost will know where part of the problem lies.

This is not a time to bow to special interests, big corporate, soft dollar contributions.

□ 1630

This is a time to stand up for every American who is paying outrageously high drug costs compared to the rest of the world. To buy a very simple remedy, bring down the costs of prescription drugs for everyone. If the conference bills come back, one of them is the agricultural appropriations bill, if that comes back with this provisions stripped out, I can grant my colleagues that I will be here on the floor, the gentleman from Oklahoma (Mr. COBURN) will be here on the floor, the gentleman from Maine (Mr. BALDACCI) will be here on the floor.

We will be pointing out to all of our colleagues that the leadership in this House and the leadership in the Senate, which is giving directions to that conference committee, is trying to subvert the overwhelming Democratic majority, the overwhelming majority of both Republicans and Democrats on a very, very important policy issue.

That is something we can get done. The administration, the Secretary of Health and Human Services, Donna Shalala, has said we can agree to that provision; we think we might need a little more money to make sure that the Food and Drug Administration can oversee, to make sure that there is not a problem with those reimported drugs.

The last figure I saw from Secretary Shalala was that her estimate was that maybe this would cost an additional $24 million in appropriations to the Food and Drug Administration. I tell my colleagues that is a drop in the bucket compared to the billions and billions of dollars that American citizens could save if we remove that special protection and let the price of prescription drugs come down because of competition.

My constituents back in Iowa who have those high drug prices will be watching to see what happens. I will be doing what I can, just like I am in this speech, to try to make sure that the will of the House and the will of the Senate is not contravened by a small minority of leadership subverting the will of the House and the Senate.

Now, let me talk about another very, very important issue that is coming up. We are going to be dealing with a bill very shortly, maybe as soon as next week, that will provide additional funding for Medicare. In 1997, we passed a bill involving Medicare, the Balanced Budget Act of 1997. Back in 1995 and 1996, I was one of the first Republicans to say be careful, do not cut those programs too much or we could see some real hurt.

At a committee hearing, I said, you know what, we are looking at deficits; but we have to be careful with that tourniquet. A tourniquet can stop bleeding, can keep a patient from bleeding to death; but if we put that tourniquet on too tight, it can cause the loss of blood supply to the extremity, and we can end up with gangrene.

We have found that there have been more savings from that 1997 Budget Act than we anticipated, and the consequences for certain groups that are involved with Medicare have been more than we planned for. And so I think it is entirely appropriate that we use part of our surplus, projected surplus, to go back in and fix some of that.

I have hospitals in my district in small towns in rural Iowa where the hospitals are right on the margin. They take care of very high percentages of Medicare patients, so they rely very much on the reimbursement that they get from Medicare; and they do not have, you know, a large population base to try to make that up with, say, charitable donations. We need to go back and give those hospitals some help.

One of the areas that they are having problems with is in keeping their nurses, because the funding formula for rural hospitals, they get paid less as a price index for their nurses than a hospital, for instance, in a metropolitan area, like Des Moines or Chicago or Minneapolis or Omaha; and so those areas can offer nurses significantly higher salaries, and they tend to just pull those nurses out of those small town hospitals.

We need to significantly re-adjust the pay scale index for those hospitals to bring up the funding so that they are providing their nurses with a competitive salary so that they will stay and help take care of those patients in those hospitals in the rural areas; otherwise, those hospitals are not going to make it.

If a small town does not have a hospital, we cannot keep our doctors there; and if we do not have doctors and if we do not have a hospital, we cannot keep our businesses there.

We are talking not only about whether patients would have to travel 80 miles or 100 miles to take care of a heart attack or to deliver a baby, we are talking about whether that community stays viable economically, continues to survive. So this is important. We need to do that.

I am troubled by what I am hearing on what the funding is going to be for this sort of emergency Medicare giveback bill, because the HMOs have been lobbying to get a huge percentage of this instead of getting it to those rural hospitals or to the teaching hospitals or to the inner city hospitals that take care of a lot of indigent parents or to other areas that need it. The HMOs want to take the majority of this, and I have a real problem with that.

I will tell my colleagues why a GAO, a General Accounting Office, report just published in August shows that the HMO program in Medicare has not been successful in achieving Medicare savings. It is called Medicare+Choice. And Medicare+Choice plans attracted a disproportionate selection of healthier and less expensive beneficiaries relative to the traditional fee-for-service Medicare program. That is called favorable selection.

Consequently, in 1998, the GAO estimates that the Medicare program spent about $3.2 billion, or 13.2 percent, more on health plan employees in HMOs than if they had received the same services through traditional fee-for-service Medicare. And, yet, I am hearing from my colleagues, oh, we have to give so much more money to the Medicare HMOs.

This is about the fourth study that we have had from either the Inspector General's office or the General Accounting Office that has shown that the average Medicare patient in a Medicare HMO costs the Medicare HMO less than what a fee-for-service patient would. Consequently, they make a lot of money off of it.

Then we had another report that came out, not too long ago, by the Inspector General's office. This was in February. What did they find? Here is the headline there from USA Today: "Medicare HMO hit for lavish spending." One insurer, one Medicare HMO spent $250,000 on food, gifts and alcoholic beverages; four HMOs spent $106,000 for sporting events and theater tickets and another leased a luxury box at a sports arena for $25,000. Customers, insurance brokers, and employees at one HMO were treated to $37,303 in wine, flowers, and other gifts.

As the Inspector General said, the administrative costs for some Medicare managed care plans are clearly exorbitant. Why did they say that? Well, because they found in the study that some Medicare HMOs are doing an okay job. They are spending as little as 3 percent administrative overhead on their plans.

I do not mean to say that all Medicare HMOs are the bad guys, but other Medicare HMOs were spending up to 32 percent on administrative overhead. Think of that, 10 times the amount on administrative overhead. I guess that takes into account why some of these Medicare HMOs are buying luxury sports boxes in sports arenas, or why some of them are giving away expensive gifts on wine and flowers and other gifts and others are literally funding big parties for their employees. That is all money that should be going for patient care, not for the fat of the Medicare HMO.

And so my suggestion would be that, you know what, we ought to be very careful about providing additional dollars to those Medicare HMOs. We ought to use that money to get back directly to the people who are taking care of those patients. Yes, maybe some of these Medicare HMOs with the low administrative overheads do need some help, but I would be very careful about throwing $6 billion or $7 billion or $8 billion at them with the type of record that they have. And we know adverse selection is when they are treating a healthier population at a lower cost.

We know from past studies in the past few years that when a Medicare HMO patient leaves an HMO, a Medicare HMO, and goes back into the fee-for-service, that it costs the fee-for-service plan significantly more than what the average Medicare HMO patient costs.

What is happening? Well, the Medicare HMOs are just fine for people who are healthier who do not have a problem, who do not need to see a particular doctor; but when a patient gets sick, then they transfer back to the fee-for-service side because they have more choice, they can get better treatment, and then that transfers a sicker patient back into the fee-for-service but keeps a healthier group for those Medicare HMOs.

I will tell you what, I am going to shine the light on this problem when this bill comes to the floor, unless we have a reasonable funding level for those Medicare+Choice plans and unless we provide the type of help we need for groups like our rural hospitals.

Now, let me briefly talk about HMOs. Last week I saw in USA Today on the front page one of those little charts that they have. This was from a Gallup poll on the confidence that the public has in certain institutions. At the top was the military: 64 percent of the public feel that they have confidence in the military as an institution; 56 percent, organized religion; 47 percent, the Supreme Court. Congress is down there at 24 percent.

HMOs are at the very bottom. Only 16 percent of the public think that HMOs are worthy of confidence or only 16 percent of the public have trust in HMOs as an institution. That is reflected, as it so frequently, in jokes and cartoons that we will see.

□ 1645

Here is a cartoon. It says, remember the old days when we took refresher courses in medical procedures? And this is at the HMO medical school. And it says here, and I know that it is hard for colleagues to see this from the back, it says, course directory, first floor, basic bookkeeping and accounting; second floor, this is all at the HMO medical school, second floor, advanced bookkeeping and accounting; and third floor, graduate bookkeeping and accounting.

This is a cartoon Non Sequitur by Wiley. This is HMO bedside manner. Here we have a patient that is in traction, IVs running, being monitored, probably has some endotracheal tube, and there is a sign above his bed: Time is money; bed space is loss; turnover is profit. Remember, this is the bedside HMO manner.

Here is a health care provider saying, after consulting my colleagues in accounting, we have concluded you are not well enough. Now you can go home. That is the HMO bedside manner.

Here we have the maternity hospital. Remember this from a few years ago, the advisory group to the HMOs, a company called Milliman & Robertson, that sets up guidelines, quote/unquote for care, they said at that time, you know what, we do not think women need to stay in the hospital after they deliver babies. They can go home. So here is the maternity hospital with the drive-thru window. Now only six minutes, six-minute stays for new moms, and the person at the window, it is almost like a McDonalds, says congratulations, would you like fries with that? And there is the frazzled mom who has just delivered the baby, and down in the corner you have a little figure saying, looking a little like that scalding coffee situation.

Now this is one of my favorites because when I was in practice I was a surgeon, and so here we have the doctor standing and next to him in the operating room is the HMO bean counter. The doctor says, scalpel. HMO bean counter says, pocket knife. The doctor says, suture. HMO bean counter says, Band-Aid. The doctor says, let us get him to the intensive care unit. The bean counter says, call a cab.

Remember, these are all cartoons that have appeared in daily newspapers. This gives you an index of where the public is on this. These are grounded in reality because they would not be funny if there were not an element of truth to these.

Here is one, the HMO claims department. We have an HMO reviewer at the telephone there, says, No, we do not authorize that specialist. Over there she says, No, we do not cover that operation. As she looks at her nails, she says, No, we do not pay for that medication. Then apparently the patient must have said something rather startling and she says, No, we do not consider this assisted suicide.

And here we have an HMO doctor saying, Your best option is cremation, $359 fully covered. And the patient is saying, This is one of those HMO gag rules, is it not, doctor?

Five years ago, I had a bill in Congress, a bipartisan bill with over 300 bipartisan Republican and Democratic congressmen as co-sponsors, called the Patient Right to Know Act, which would ban gag clauses that HMOs were imposing on physicians where they said before you can tell a patient about their treatment options you first have to get an okay from us.

Think about that. There I am, as a physician, a woman comes in to me, she has a lump in her breast. I took her history, her physical exam and before I can explain her three treatment options to her, if I have a contract with an HMO like that, I have to say, excuse me, I have to go out, get on the phone and say, I have Mrs. So and So with a breast lump and she has three options; can I tell her about that? Oh, for heaven's sakes, you know what, with 300-plus bipartisan cosponsors I could not get the leadership of this House to bring that to the floor. Can you imagine that?

Well, here is another cartoon of a doctor sitting at the desk and he is saying to the patient sitting there, I will have to check my contract before I answer that question. The same thing on the gag rules.

Now this is a little bit black in terms of humor. Here we have an HMO reviewer on the telephone saying Cuddly care HMO, how can I help you? She then says, You are at the emergency room and your husband needs approval for treatment? He is gasping, writhing, eyes rolled back in his head. Hum, does not sound all that serious to me. Clutching his throat? Turning purple? Uhm hum.

She says down here, Well, have you tried an inhaler? The next panel, He is dead? Next to the last panel, Well, then he certainly does not need treatment, does he? And finally, the HMO reviewer says, Gee, people are always trying to rip us off.

Here is another one? Patient is saying, Do you make more money if you give patients less care? The doctor says, That is absurd, crazy, delusional. The patient says, Are you saying I am paranoid? The HMO, Yes, but we can treat it in three visits.

I mean, this general perception by the public based on true cases that you read about in newspapers or that you talk to your friends about at work or, heaven forbid, that your own family has had problems with in terms of getting HMOs to authorize and provide needed and necessary medical treatment is so pervasive that we are even seeing jokes about it made in movies.

Remember a few years ago the movie, As Good as It Gets, where you had Helen Hunt and Jack Nicholson, and Helen Hunt was explaining that her son had asthma but that her HMO would not provide the necessary care for him and she described that HMO in expletives that I really cannot use on the floor of Congress. I was sitting in an audience in Des Moines, Iowa, with my wife and I saw something I never saw before. People stood up and started cheering and clapping when they described that HMO in those terms. That does not happen unless there are real problems.

Well, in October of 1999, almost a year ago, here on the floor of the House of Representatives, we had a 3-day debate and a bill drafted by the gentleman from Georgia (Mr. NORWOOD), very conservative Republican; myself, a Republican from Iowa; and the gentleman from Michigan (Mr. DINGELL), a Democrat, the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, passed this House with 275 bipartisan votes. Despite opposition from the Republican leadership, despite intensive, $100 million lobbying against it by the HMO industry, an amazing thing happened that day when we had a vote. A large number of Members on this floor said I am going to do what is right. I am not going to listen to that special interest group. My constituents back home are telling me we need some real patient protections. We need to prevent injuries and deaths that are being caused by HMOs and, furthermore, we need to make sure that those HMOs are responsible for their actions, because under a 25-year-old Federal law, if you get your insurance from your employer and your employer's HMO causes you to lose both hands and both feet negligently or negligently causes you to die, under that 25-year-old Federal law they are liable for the cost of the treatment, period. They would be liable for the cost of your amputations and in the case of the dead patient they would not have to pay anything because the patient is dead.

I mean, is that right? Is that justice? Is there any other industry in this country that has that type of legal protection? I do not think so.

Furthermore, the public does not like that because by a margin of about 75 percent, across both party lines, across all demographic groups, people think that at the end of the day a health insurance company should be responsible for its decisions if they make a negligent decision that results in an injury. I mean, we would not give that type of legal protection to an automobile industry.

We are holding hearings right now in my committee on the Bridgestone/Firestone tire problem. I do not see anyone proposing that we give legal immunity to those companies and yet for an industry that is making life and death decisions about your health care every day, there is a 25-year-old Federal law that says you are not liable for anything except the cost of care denied. That is not right. It needs to be fixed.

Well, as I said, it has been almost one year since the House passed the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act. The Senate passed a bill, which I would charitably characterize as the HMO Protection Act. It actually put into statutory language additional protections for HMOs, not for patients. When that happens in Congress, when the House passes a bill and when the Senate passes a bill, and they differ, then they go to what is called a conference committee. That is made up usually of the people who wrote the bills and are involved with the passage. However, in this situation, because the gentleman from Georgia (Mr. NORWOOD) and I defied the House leadership, the Speaker of the House did not even name to the conference committee the two Republican Members who wrote the bill, that wrote the bill that passed the House with 275 votes.

In fact, out of the 15 or 16 House Republican Members that were named to the conference committee, only one had actually voted for the bill that passed the House, the real Patient Protection Act, and many who were appointed were adamantly opposed to it. Now, I say what message does that send? Does that send a message that the leadership in Congress really wants to get a bona fide patient bill of rights passed? I do not think so. Well, needless to say, the conferees from the Senate, they were not that interested in really getting something done, either. So the conference has failed. In fact, the conference has not met for months and patients continue to be harmed by arbitrary and capricious HMO denials of care that are costing people their health and in some cases their lives.

So in an effort to get patient protection legislation signed into law, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), myself, Senator KENNEDY, we have created a new discussion draft of the House-passed bill seeking compromise with the Nickels amendment in the Senate, and we incorporated some of the ideas of the House substitute bills last year. We continue to think that the original Norwood-Dingell-Ganske bill is just fine, but we are willing to be flexible in order to get along.

We and the American Medical Association and over 300 health care groups who supported last year's House-passed bill have developed a discussion draft if it helps bring Republican Senators on board. We have had positive responses from a number of Republican Senators, other than those who have previously voted for the House-passed bill.

We remain optimistic that there is still time in this short time frame yet where we can break this logjam. All it takes is one or two more Republican Senators to say I think this compromise language is good language.

□ 1700

We have looked at a number of ways to seek the middle. We are giving Republican Senators an opportunity who truly want to pass patient protection legislation and see it signed into law, we are giving them an opportunity to come on board to a new bill, not one that they have voted against in the past.

This discussion draft includes many of the protections nearly all the parties agree to, including the right to choose your own doctor; protections against gag clauses; access to specialists, such as pediatricians and ob-gyns; access to emergency care; and access to plan information. This discussion draft applies the patient protections to all plans, including ERISA plans, those employer health plans, non-Federal governmental plans, and those covering individuals, so that we cover 190 million Americans.

The new draft addresses the concerns of those who want to protect States' rights by allowing States to demonstrate that their insurance laws are at least substantially equivalent to the new Federal standards, thereby leaving the State law in effect. State officials could enforce the patient protections of State law. The Secretary of Labor and Health and Human Services can approve the State plan or could challenge it, if it is inadequate. Under the new draft, doctors would make the medical decisions involving medical necessity. When a plan denies coverage, the patient has the ability to pursue an independent review of the decision from a panel of physicians that is independent of the HMO. That external review would be binding on the plan.

So let us say that an HMO says to someone, your father in this HMO does not really need to be in the hospital because he says he is going to commit suicide. And the doctor says, oh, yes, he does. And the health plan says, no, he does not. We are not going to pay for any more, out the door. Let us say then your dad goes home, and he drinks a gallon of antifreeze and he dies. Under our bill, that plan would be liable for that, that health plan would be liable. That is a hypothetical situation. That actually occurred in Texas. Texas passed a strong patient protection bill. Our bill in the House was modeled after that Texas bill.

We should take the lead of the Nation's courts with particular attention given to the recent Supreme Court case, Pegram v. Hedrick. And our new draft reflects that emerging judicial consensus. Recent court decisions have suggested injured patients can hold their health plans accountable in State court in disputes over the quality of medical care, those involving medical necessity decisions. However, patients would have to hold health plans accountable in Federal court if they wanted to challenge an administrative decision, something that would deny benefits or coverage or any decision not involving medical necessity. That is in our bill, and that is an important compromise.

In addition to specific legislative provisions, our discussion draft answers continuing questions about the original bill that passed this House. For instance, our draft says, employers may not be held liable unless they "directly participate" in a decision to deny benefits, as a result of which a patient is killed or injured.

So, for the average business out there that simply hires an HMO to provide health care coverage for both the employer and the employees, there is no liability involved, unless the employer or the business was directly involved or directly participated in the decision, but that is not how it happens. The HMO makes the decision. The business does not.

Explicitly in our bill, the employer would not be liable for that. I cannot tell my colleagues how many times I have seen ads in the Washington newspaper, I read about radio and television ads by the groups that are trying to defeat our bill, that simply do not tell the truth on our protections for employers. I simply have to say, read the bill, read the language. Those protections for businesses are real, unless they directly participate in the decision. Even then, defendants could not be required to pay punitive damages unless they showed a willful and wanton disregard for the rights or safety of the patients.

Another concern about our bill was whether it would affect the ability of health plans to maintain uniformity in different States. Some of the businesses that have business in many different States were concerned about this. Our new draft only subjects plans to State law when they make medical decisions that result in harm. So it does not affect the ability of a business to offer a uniform benefits package and be outside of State law as it relates to that benefits package.

This discussion draft that we have will allow Republican Senators who have voted against the Norwood-Dingell-Ganske bill to vote for a real patient protection bill. I sincerely hope that they take that opportunity. It would make a tremendously positive difference for our country. Mr. Speaker, to be quite frank, it probably would help the HMO industry too, because all of these cartoons and jokes that we hear about are not a good thing for that industry. But if we had a fair process in place so that if one has a dispute with one's HMO, one would have a fair process to get that taken care of, and one would know that at the end of the day, if one did not agree with the company, we would have an independent panel to review it where the decision would be binding on the company.

I say to my colleagues, that would not increase lawsuits, that would decrease lawsuits. That would help prevent injuries or deaths from happening. I honestly think that that would be beneficial to the industry itself, because boy, they have got a real problem that in my opinion some of them really deserve.

So, Mr. Speaker, I am coming to an end here. I think that there are some ways where some common sense could help with the prescription drug problem, not just for senior citizens, but for everyone in terms of helping bring down the cost of prescription drugs. I think as we look at in the next week or so ways to help with some reimbursement issues for Medicare, we should be very careful about rewarding HMOs who, in many cases, are ripping off the system; and we should focus those dollars on the real areas that need to be fixed.

Finally, we have about 3 weeks, by my estimate, left here in Congress to get something done. The way it stands right now, if the Republican Senators who have voted for the Norwood-Dingell-Ganske bill, Senators MCCAIN, FITZGERALD, CHAFEE, and SPECTER, will stick to their past votes, they have already voted twice for real patient protection, if those Republican Senators will stick with their past votes, then if all of the Senators show up and we vote on that again, we have a 50-50 tie and Vice President GORE comes in and breaks the tie, and we will have signed into law a real Patients' Bill of Rights.

However, we have an alternative. The alternative is to look at this compromise language, to get some additional Republican support for this compromise language. We can add some important aspects of access to health care to that, some areas of real compromise with the Democrats, whether it is in the area of 100 percent deductibility for the self-employed or some additional tax credits for small businesses that offer health insurance, or even in the context of an overall agreement, maybe even an extension of medical savings accounts.

Mr. Speaker, there is a desire to get this done. That is why we have come up with this new compromise language. We do not want to put Republican Members of the Senate in a box and ask them to change their vote. That is why our compromise solution is there, so that they can come on board to a good piece of legislation, we can get this signed into law, and then we can go back to our voters in November and say, we have overcome a $100 million effort by a special interest group to keep the special protection that no other American business has. We are doing something in a truly bipartisan fashion so that our citizens back home in their time of need, when they really need to have their health insurance work for them, health insurance that they have spent a lot of money on, when they really need it, it will be there, and they can have confidence in being treated fairly.

That, Mr. Speaker, is what this is about. It is a big opportunity. I urge my colleagues on both sides of the aisle to take it.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER (during special order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106–882) on the resolution (H. Res. 586) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

□ 1715

## HOUR OF MEETING ON FRIDAY, SEPTEMBER 22, 2000

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. BRADY of Texas). Is there objection to the request of the gentleman from Iowa?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

Mr. CANADY of Florida, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, today.

Mr. PICKERING, for 5 minutes, today.

## ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, September 22, 2000, at noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10188. A letter from the Associate Administrator, Department of Agriculture, Agricultral Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV00-905-4 IFR] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10189. A letter from the Associate Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Cranberries Grown in the States of Massachuetts, et al., Temporary Suspensions of Provisions in the Rules and Regulations [Docket No. FV00-929-6 IFR] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10190. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Importation of Animal Semen [Docket No. 99-023-2] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10191. A letter from the Congressional Review Coordinator, Department of Agriculture Animal and Plant Health Inspection Service, transmitting the Department's final rule—Change in Disease Status of East Anglia Because of Hog Cholera [Docket No. 00-080-1] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10192. A letter from the Attorney Advisor, Department of Transportation, NHTSA, transmitting the Department's final rule—Insurer Reporting Requirements; List of Insures [Docket No. 2000-001; Notice 02] (RIN: 2127-AH77) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10193. A letter from the Attorney Advisor, Department of Transportation, NHTSA, transmitting the Department's final rule—Insurer Reporting Requirements; List of Insurers Required to File Reports [Docket No. 99-001; Notice 02] (RIN: 2127-AH62) received August 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10194. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Monroe, Louisiana) [MM Docket No. 99-295; RM-9660] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10195. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Hudson and Ten Sleep, Wyoming) [MM Docket No. 98-97; RM-9287; RM-9609] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10196. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Tables of Allotments, FM Broadcast Stations. (Hanna and Baggs, Wyoming) [MM Docket No. 98-89; RM-9279; RM-9670] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10197. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Wright and Clearmont, Wyoming) [MM Docket No. 98-88; RM-9285; RM-9654] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10198. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Red Lodge and Joilet, Montana) [MM Docket No. 00-24; RM-9781] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10199. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mertzon, Texas) [MM Docket No. 99-356; RM-9779] (Big Pine Key, Florida) [MM Docket No. 00-29; RM-9821] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10200. A letter from the Special Assistant to the Bueau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commissions's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Buckhannon and Burnsville, West Virginia) [MM Docket No. 98-34] September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10201. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Blackduck and Kelliher, Minnesota) [MM Docket No. 99-78, RM-9487, RM-9646] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10202. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commissions, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Casper, Guernsey, Lusk, and Sinclair, Wyoming) [MM Docket No. 98-59] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10203. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Proposed lease of defense articles to the United Arab Emirates, pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10204. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the St. Louis, MO, Special

Wage Schedule for Printing Positions (RIN: 3206–AJ24) received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10205. A letter from the Director, The Peace Corps, transmitting a report on the Peace Corps' Annual Performance Report; to the Committee on Government Reform.

10206. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Explanation and Justification for revised Forms 1, 1M, 2, 3, 3X, 3P, 4, 5, 6 and 8, Regarding Electronic Filing, State Filing Waivers and Election Cycle Reporting by Authorized Committees—received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

10207. A letter from the Director, U.S. Geological Survey, Department of the Interior, transmitting a copy of draft legislation entitled, "United States Geological Survey Products and Services Act"; to the Committee on Resources.

10208. A letter from the Assistant Secretary for Legislative Affairs, Department of the State, transmitting notification of the designation of the Islamic Movement of Uzbekistan (IMU) as a "foreign terrorist organization" within the meaning of the amended Section 219 of the Immigration and Nationality Act; to the Committee on the Judiciary.

10209. A letter from the Under Secretary of Commerence, Intellectual Property, Department of Commerce, U.S Patent and Trademark Office, transmitting the Department's final rule—Simplification of Certain Requirements in Patent Interference Practice (RIN: 0651–AB15) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10210. A letter from the Assistant Attorney General, Department of Justice, transmitting a report outlining the experience and effects of grants administered by the Office of Community Oriented Policing Services (COPS) between the years 1994 and 2000; to the Committee on the Judiciary.

10211. A letter from the Secretary, Department of Transportation, transmitting a report on the National Bicycle Safety Education Curriculum; to the Committee on Transportation and Infrastructure.

10212. A letter from the Program Assistant, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412, 412EP, and 412CF Helicopters [Docket No. 2000–SW–29–AD; Amendment 39–11894; AD 2000–18–09] (RIN: 2120–AA64) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10213. A letter from the Chief Counsel, Bureau of the Public Debt, Department of Treasury, transmitting the Department's final rule—Government Securities: Call for Large Position Reports—received September 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10214. A letter from the United States Trade Representative, Executive Office of the President, transmitting notification of the pending accession to the World Trade Organization of the Sultanate of Oman; to the Committee on Ways and Means.

10215. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Like-Kind Exchanges ("parking" arrangements) [Rev. Proc. 2000–37] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10216. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Distributor Commissions [Revenue Procedure 2000–38] received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10217. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Toll-Free Numbers for Appeals Officer (Customer Service/Outreach) Program—received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10218. A letter from the Secretary of Agriculture, transmitting a draft bill entitled, "Conversion of Non-Federal Farm Service Agency County Committee Employees to Federal Civil Service Status"; jointly to the Committees on Agriculture and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science. H.R. 2413. A bill to amend the National Institute of Standards and Technology Act to enhance the ability of the National Institute of Standards and Technology to improve computer security, and for other purposes; with an amendment (Rept. 106–876). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on Science. H.R. 4429. A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices; with amendments (Rept. 106–877). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2987. A bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes; with an amendment (Rept. 106–878 Pt. 1).

Mr. TALENT: Committee on Small Business. H.R. 4897. A bill to amend the Small Business Act to establish a program to provide Federal contracting assistance to small business concerns owned and controlled by women (Rept. 106–879). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 4944. A bill to amend the Small Business Act to permit the sale of guaranteed loans make for export purposes before the loans have been fully disbursed to borrowers (Rept. 106–880). Referred to the Committee of the Whole House on the State of the Union.

Mr. TALENT: Committee on Small Business. H.R. 4946. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; with an amendment (Rept. 106–881). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 586. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–882). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on Commerce discharged. H.R. 2087, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 5 of rule X, the Committee on Education and the Workforce discharged. H.R. 4271, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2580. Referred to the Committee on Transportation and Infrastructure extended for a period ending not later than October 6, 2000.

H.R. 2987. Referral to the Committee on Commerce extended for a period ending not later than September 21, 2000.

H.R. 3673. Referral to the Committee on Ways and Means extended for a period ending not later than October 6, 2000.

H.R. 4419. Referral to the Committee on the Judiciary extended for a period ending not later than September 29, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than October 6, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JACKSON of Illinois:

H.R. 5236. A bill to institute a moratorium on the imposition of the death penalty at the Federal level until a Commission on the Federal Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Mr. JACKSON of Illinois:

H.R. 5237. A bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H.R. 5238. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that fragrances containing known toxic substances or allergens be labeled accordingly; to the Committee on Commerce.

By Mr. GILMAN (for himself and Mr. GEJDENSON):

H.R. 5239. A bill to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes; to the Committee on International Relations.

By Mr. WU (for himself, Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, and Mr. DIAZ-BALART):

H.R. 5240. A bill to amend the Immigration and Nationality Act to provide temporary protected status to certain unaccompanied alien children, to provide for the adjustment of status of aliens unlawfully present in the United States who are under 18 years of age, and for other purposes; to the Committee on the Judiciary.

By Mr. CHABOT:

H.R. 5241. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. Nadler, and Mrs. Maloney of New York):

H.R. 5242. A bill to convey certain Federal properties on Governors Island, New York, and for other purposes; to the Committee on Resources, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. Gephardt, Mr. Waxman, and Mr. Stark):

H.R. 5243. A bill to establish a program to provide grants to States to test innovative ways to increase nursing home staff levels, reduce turnover, and improve quality of care for residents in nursing homes, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETERSON of Pennsylvania (for himself, Mr. Tancredo, Mr. Simpson, and Mr. Duncan):

H.R. 5244. A bill to provide for the payment of State taxes on the sale of cigarettes and motor fuel by tribal retail enterprises to persons that are not members of the tribe, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 5245. A bill to amend the Railroad Retirement Act of 1974 to eliminate a limitation on benefits; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 5246. A bill to amend title XVIII of the Social Security Act to require home health agencies participating in the Medicare Program to conduct criminal background checks for all applicants for employment as patient care providers; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALDACCI (for himself and Mr. Coburn):

H.R. 5247. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Commerce.

By Mr. BONIOR:

H.R. 5248. A bill to require the Secretary of Health and Human Services to promulgate regulations regarding allowable costs under the Medicaid Program for school based services provided to children with disabilities; to the Committee on Commerce.

By Mr. BRADY of Pennsylvania (for himself and Ms. Velázquez):

H.R. 5249. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development demonstration program; to the Committee on Small Business.

By Mr. GEORGE MILLER of California (for himself, Mrs. Roukema, Mr. Frost, and Mr. Gilman):

H.R. 5250. A bill to provide assistance to mobilize and support United States communities in carrying out youth development programs that assure that all youth have access to programs and services that build the competencies and character development needed to fully prepare the youth to become adults and effective citizens; to the Committee on Education and the Workforce.

By Mr. BURR of North Carolina:

H.R. 5251. A bill to provide for Medicare payment for medically unsurpervised certified registered nurse anesthetists at the same level as nurse anesthetists who are medically supervised if the Medicare regulations permit certified registered nurse anesthetists to provide anesthesia services in hospitals and ambulatory surgical centers without medical supervision; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey (for himself and Mr. Frelinghuysen):

H.R. 5252. A bill to require the release of petroleum from the Strategic Petroleum Reserve to address the burdens on the citizens of the United States of the anticipated high home heating costs of the winter of 2000–2001; to the Committee on Commerce.

By Mr. GEJDENSON (for himself, Mr. Lantos, Mrs. Lowey, Ms. Pelosi, Mr. Ackerman, Mr. McGovern, Mr. Evans, Mr. Wexler, Mr. Kucinich, Mr. Berman, Mr. Capuano, Mr. Blumenauer, Mr. Hall of Ohio, Mr. Smith of New Jersey, Mr. Weygand, Mr. Faleomavaega, Mr. Kennedy of Rhode Island, Mr. Frank of Massachusetts, and Mr. Hoeffel):

H.R. 5253. A bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Banking and Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISTOOK:

H.R. 5254. A bill to authorize funds for the planning, design, and construction of the Oklahoma Land Run Memorial in Oklahoma City, Oklahoma; to the Committee on Resources.

By Mr. LaFALCE:

H.R. 5255. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to make grants to hospitals with mortgages insured under such Act for conversion and re-utilization of excess capacity; to the Committee on Banking and Financial Services.

By Mr. LaFALCE:

H.R. 5256. A bill to prevent the premature shutdown of certain FHA mortgage insurance programs; to the Committee on Banking and Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida:

H.R. 5257. A bill to establish a term limit of ten years for the Director of the Census, and to provide that an individual may not serve more than one term as the Director; to the Committee on Government Reform.

By Mrs. MYRICK (for herself and Mr. Doggett):

H.R. 5258. A bill to authorize the President to present a gold medal on behalf of the Congress to Lance Armstrong in recognition of his outstanding performance as two-time winner of the Tour de France and his courageous spirit in overcoming cancer; to the Committee on Banking and Financial Services.

By Mr. NORWOOD (for himself and Mr. Collins):

H.R. 5259. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of pre-payments for certain commodities and of mineral production payments; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. Frost, Mr. Brown of Ohio, Ms. Carson, Mr. Murtha, and Mr. Waxman):

H.R. 5260. A bill to amend the Public Health Service Act to provide for a national system of screening newborn infants for hereditary disorders, and for other purposes; to the Committee on Commerce.

By Ms. ROYBAL-ALLARD (for herself, Mr. Hinchey, and Ms. Carson):

H.R. 5261. A bill to authorize the Secretary of Housing and Urban Development to make grants to evaluate and reduce lead-based paint hazards at public elementary schools and licensed child day-care facilities; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROYBAL-ALLARD (for herself, Mrs. Maloney of New York, Mr. Hinchey, and Ms. Woolsey):

H.R. 5262. A bill to amend the Family and Medical Leave Act of 1993 to allow leave to address domestic violence and its effects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Ms. McKinney, Mr. Abercrombie, and Mrs. Jones of Ohio):

H.R. 5263. A bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; to the Committee on Resources.

By Mr. UDALL of Colorado (for himself, Ms. DeGette, Mr. Tancredo, Mr. Schaffer, Mr. Hefley, and Mr. McInnis):

H.R. 5264. A bill to establish the Rocky Flats National Wildlife Refuge in Colorado, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 5265. A bill to amend the Internal Revenue Code of 1986 to exempt State and local political committees from the notification and reporting requirements made applicable to political organizations by Public Law 106–230; to the Committee on Ways and Means.

By Mr. GRAHAM:

H.J. Res. 108. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. GILMAN:

H. Con. Res. 405. Concurrent resolution to correct the enrollment of H.R. 4919; considered and agreed to.

By Mrs. MINK of Hawaii:

H. Res. 587. A resolution expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G–8 countries, and for other purposes; to the Committee on International Relations.

By Mr. SALMON (for himself, Mr. Payne, and Mr. Gilman):

H. Res. 588. A resolution expressing the sense of the House of Representatives with respect to violations in Western Europe of provisions of the Helsinki Final Act and other international agreements relating to the freedom of individuals to profess and practice religion or belief; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

472. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to Resolution memorializing the Congress of the United States to fully fund the Ricky Ray Hemophillia Relief Fund Act of 1998; to the Committee on the Judiciary.

473. Also, a memorial of House of Representatives of the State of Texas, relative to a resolution memorializing the U.S. House of Representatives to support S. 2668, the "Family, Work and Immigrant Integration Amendments of 2000"; jointly to the Committees on the Judiciary and Commerce.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. CANNON introduced a bill (H.R. 5266) for the relief of Saeed Rezai; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. Kennedy of Rhode Island, Mrs. Jones of Ohio, Mr. Spence, Ms. Carson, Mr. Diaz-Balart, and Mr. Gilchrest.

H.R. 460: Mr. Walsh, Mr. Leach, Mr. Cummings, and Mr. Camp.

H.R. 534: Mr. McGovern.

H.R. 773: Mr. Hoyer.

H.R. 842: Mrs. Myrick.

H.R. 920: Mr. Rothman.

H.R. 941: Mr. Engel.

H.R. 1071: Mr. Moran of Virginia, Mr. Blagojevich, and Ms. Baldwin.

H.R. 1202: Mr. Andrews and Mr. Dooley of California.

H.R. 1228: Mr. Gilchrest.

H.R. 1690: Mr. Larson.

H.R. 1795: Ms. DeGette.

H.R. 1853: Mr. Shadegg.

H.R. 2120: Mr. Ford, Mr. Turner, Mr. Lantos, and Mr. Udall of Colorado.

H.R. 2129: Mr. Gekas, Mr. Watkins, and Mr. Archer.

H.R. 2166: Ms. McKinney, Mrs. Meek of Florida, Mr. Hoeffel, and Mr. Cardin.

H.R. 2242: Mr. Toomey.

H.R. 2283: Mr. Filner.

H.R. 2341: Mr. Everett, Mr. Aderholt, Mr. Clement, Mr. King, Mr. Hulshof, Mr. Graham, and Mr. Latham.

H.R. 2446: Mr. Klink.

H.R. 2451: Mr. Maloney of Connecticut.

H.R. 2739: Mr. Fattah.

H.R. 2867: Mr. Miller of Florida.

H.R. 2893: Mr. Shaw.

H.R. 3249: Mr. DeFazio.

H.R. 3749: Mr. Shadegg.

H.R. 3850: Mr. Hutchinson.

H.R. 3896: Mr. Filner.

H.R. 4001: Mr. Hinojosa, Mrs. Morella, and Mr. Andrews.

H.R. 4012: Mr. Pallone.

H.R. 4013: Mr. Peterson of Minnesota.

H.R. 4025: Mr. Ose.

H.R. 4046: Mr. Bentsen and Mr. Ehlers.

H.R. 4149: Mr. Tancredo.

H.R. 4259: Mr. Kingston, Mr. Kleczka, Mr. Linder, Mrs. McCarthy of New York, Mr. McHugh, Mrs. Maloney of New York, Mr. Knollenberg, Mr. Levin, Mr. Wexler, Mr. Gilman, Mr. Walsh, Mr. Wolf, Mr. Latham, Mr. Oxley, Mr. Portman, Mr. Rahall, Mrs. Morella, Mr. Goodling, Ms. Pryce of Ohio, Mr. Shaw, Mr. Sherman, Mrs. Clayton, Mr. Pitts, Mrs. Tauscher, Mr. Phelps, Mr. Tauzin, Mr. Snyder, Mr. Thompson of Mississippi, Mr. Scott, Mr. Minge, Mr. Underwood, Mr. Vitter, Mr. Tancredo, Mr. Scarborough, Mr. Olver, Mr. Klink, Ms. Brown of Florida, Mr. Rogan, Mr. Stump, Mr. Shows, Mr. Bachus, Mr. Weiner, and Mr. Blunt.

H.R. 4328: Mr. McNulty.

H.R. 4493: Mr. Souder and Mr. Ose.

H.R. 4503: Mr. Cramer.

H.R. 4543: Mr. Porter and Mr. Portman.

H.R. 4590: Ms. Schakowsky.

H.R. 4715: Mr. Nussle.

H.R. 4728: Mr. Goode, Mr. Hastings of Washington, and Mr. Clement.

H.R. 4825: Mr. Snyder, Mr. Walsh, Mr. Payne, Ms. Berkley, and Ms. Granger.

H.R. 4827: Mr. Bilbray.

H.R. 4848: Mr. Inslee and Mr. Rush.

H.R. 4874: Ms. Hooley of Oregon and Mr. English.

H.R. 4922: Mr. Taylor of North Carolina, Mr. Wicker, Mr. Smith of Michigan, and Mr. Bereuter.

H.R. 4969: Mr. Faleomavaega.

H.R. 4995: Mr. Tanner, Mr. Hilleary, Mr. Moran of Kansas, and Mr. Goode.

H.R. 4996: Mr. Tanner, Mr. Bishop, Mr. Moran of Kansas, and Mr. Goode.

H.R. 4997: Mr. Tanner, Mr. Hilleary, Mr. Moran of Kansas, and Mr. Goode.

H.R. 5005: Mr. Gary Miller of California, Mr. Filner, and Ms. Eshoo.

H.R. 5018: Mr. Paul.

H.R. 5026: Mr. Dickey and Mr. Sanford.

H.R. 5028: Mr. Sam Johnson of Texas, Mr. Sanford, Mr. Largent, Mr. Souder, Mr. Jones of North Carolina, and Mr. Ryun of Kansas.

H.R. 5057: Mr. Abercrombie, Ms. Eshoo, Mr. DeFazio, and Mr. Kleczka.

H.R. 5065: Mr. Stark, Mr. Kucinich, Mr. McNulty, and Mr. McGovern.

H.R. 5098: Ms. DeGette.

H.R. 5117: Mr. Kucinich.

H.R. 5121: Mr. Deutsch, Mr. Foley, and Mr. McCollum.

H.R. 5132: Mr. Wynn, Mr. Rangel, and Mr. McGovern.

H.R. 5137: Mr. Farr of California, Mr. McGovern, Mr. LaTourette, Mr. Scarborough, Mr. Frank of Massachusetts, and Ms. Danner.

H.R. 5164: Mr. Barrett of Wisconsin, Ms. Rivers, Ms. Berkley, and Mr. Blunt.

H.R. 5165: Mr. Abercrombie.

H.R. 5178: Mr. LaTourette, Mr. McHugh, Mrs. Morella, Mr. McIntosh, Mr. Horn, Mr. English, Mr. McCrery, Mr. Baker, Mr. DeMint, and Mr. Quinn.

H.R. 5200: Mr. Stenholm, Mr. Miller of Florida, and Mr. Goode.

H.R. 5222: Mr. Towns.

H.J. Res. 107: Mr. Baldacci, Mr. Frost, and Mr. McGovern.

H. Con. Res. 252: Mr. Toomey.

H. Con. Res. 340: Mr. Becerra.

H. Con. Res. 350: Ms. Woolsey, Mr. Sabo, Mr. Pascrell, and Mr. Visclosky.

H. Con. Res. 370: Mr. Becerra.

H. Con. Res. 392: Mr. Wynn and Mr. Deutsch.

H. Con. Res. 395: Mr. Gillmor.

H. Con. Res. 396: Mr. Scott and Mr. Boucher.

H. Con. Res. 398: Mr. Neal of Massachusetts and Mr. Barr of Georgia.

H. Con. Res. 404: Ms. Kaptur, Mr. Etheridge, Mr. Toomey, Mr. Sisisky, Mrs. Myrick, and Mr. Goodling.

H. Res. 146: Mr. Doggett.

# SENATE—*Thursday, September 21, 2000*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The Chaplain will now deliver the opening prayer.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Lord, Your unfailing love and mercy continue, fresh as the new morning, as sure as the sunrise. You are our strength and again we put our hope in You.

Lord, a packed agenda awaits Senators today. May their minds be power-packed with Your wisdom. Grant them physical stamina for the strain of busy schedules, the demands of decisions, the sapping strain of conflict, and the personal problems they think they must carry alone. Help them to claim Your promise, "As the day so shall Your strength be." Pour Your spirit into the wells of their souls and give them supernatural resiliency and resourcefulness. May the Senators and all of us who work with and for them accept this new day as Your gift, entering into its challenges with eagerness and into its possibilities with a positive attitude. As we grow in Your joy help us to remind our faces to radiate it. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

## SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I have been asked to announce that the Senate will be in a period of morning business until 11:30 a.m., with the time in control of the majority leader and the Democratic leader or their designees. Following morning business, the Senate will resume postcloture debate on the motion to proceed to the H-1B visa bill. However, if an agreement regarding the Water Resources Development Act can be reached, the Senate may begin consideration of that measure during today's session.

Senators should be aware that votes are expected during this afternoon's session. I thank my colleagues for their attention.

## MEASURE PLACED ON CALENDAR—H.R. 5203

Mr. MURKOWSKI. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 5203) to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2) and 213(b)(2)(C) of the concurrent resolution of the budget for fiscal year 2001, and to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the assistant minority leader be recognized in general conformance with our procedure and, after that, I may be recognized in morning business for about 15 minutes, followed by Senator SPECTER, followed by Senator BIDEN.

The PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. Reserving the right to object, with that statement, as the Senator from Alaska is taking 15 minutes, I ask unanimous consent that 15 minutes be allocated to me and 15 minutes to Senator BIDEN.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, Senator MURKOWSKI has graciously consented that the Senator from Kansas and I be allowed to speak for a few minutes prior to their unanimous consent request taking effect. I ask the Chair to recognize the chairman of the Ethics Committee, Senator PAT ROBERTS.

The PRESIDENT pro tempore. The Senator from Kansas is recognized.

## HONORARIA FOR FEDERAL JUDGES

Mr. ROBERTS. Mr. President, Senator REID and I would like to offer a few observations at this point. I thank my colleagues for allowing us to proceed before them regarding the general order.

We want to offer a few observations with respect to what I understand is a proposal to remove Federal Judges and Justices from the prohibition on honoraria, a proposal that would also remove the honoraria from the limitation on outside earned income. I strongly oppose that effort.

This seems manifestly a very wrong approach to what may be a very real problem. The alternative offered in this proposal of having the Nation's most esteemed jurists turn to the lecture circuit to supplement their salary, I believe, is simply unacceptable. The cost, it seems to me, would be too high. It would be measured in the further loss of confidence in the integrity of this Government's officials. Congress took an important step in trying to restore public confidence in the institutions of Government when it enacted the honoraria ban as part of the ethics reform package way back in 1989. I remember the discussion of it and the debate well in the House of Representatives, as I served in the House at that time. We should not backtrack on that effort. If our Federal Judges and Justices need a pay raise, then by all means let's provide for one, but let's not retreat to the discredited practices of the past.

Mr. REID. Mr. President, I thank Chairman ROBERTS for his comments and also for the work he does on a daily basis for the Ethics Committee. He works tirelessly, without complaint, and does an outstanding job for the Senate and the people of this country. Again, I thank the chairman for his comments regarding this matter. I have the greatest respect for Chief Justice Rehnquist. He has rendered great service to the country. I think he has been a good Justice. For example, almost 2 years ago now, he was the Presiding Officer in this body in one of the most difficult situations we have had in this country, dealing with the impeachment of the President. He did an exemplary job. I thought he was outstanding. But I believe on this issue he is wrong. He spoke out that the Judges should have honoraria. They don't need honoraria. I believe there is a great deal of truth in the observation that there was little honor in the honoraria practices of years ago.

Although a portion of the honoraria ban was declared unconstitutional by the Supreme Court, after which the Department of Justice Office of Legal Counsel indicated that they would not enforce the ban in any part of government, notwithstanding these actions, the honoraria ban has continued in force by rule of the Senate, and for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Members and highly paid staff in the House as well. It also appears that the judicial branch has continued to recognize and abide by the ban. I think it is wonderful that they have done so. So there is much to be preserved here, and let's not undo what has already set a pattern for good government.

Mr. ROBERTS. Mr. President, I thank the distinguished Senator, my good friend, for his very kind remarks in reference to my service on the Ethics Committee. I repeat the same basic substance of what he said on his behalf as well. It is a thankless and tireless but a very important job. I thank him for his comments.

As chairman and vice chairman of the Senate Ethics Committee, we obviously and naturally have discussed this. So I know the strength of his views on this matter as well. Not only do I think this would be a very dramatic step backwards for us in terms of the public's perception of integrity of its Government, but I think it would be terribly unfair to the most conscientious Judges and Justices. Because a Judge's income from honoraria would depend on how often appearances and speeches were made, those who dedicate the most time and attention to their job as a judge would end up benefiting the least.

As I have indicated before, if we have a problem—and I think we do—regarding salaries for Judges, we ought to address the problem in that way.

I yield to my friend.

Mr. REID. I will only add, Mr. President, because the proposal allows for but does not guarantee limits—for example, there are no limitations on the amount of the honoraria or the number of honoraria received—there is always the potential for many other problems. The Senator from Kansas and I agree that the problem with this proposal is not that it needs to be tinkered with or fine-tuned; the problem is that it takes us in the wrong direction. If the Judges need more compensation, we should address that in Congress and pay them more money.

Mr. ROBERTS. Mr. President, we do agree. As a proposed cure for lagging judicial salaries, my colleague and friend, the vice chairman of the committee, and I believe that this is not the proper step. It would set a dangerous precedent in regards to the Congress of the United States.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

## THE PRICE OF ENERGY

Mr. MURKOWSKI. Mr. President, yesterday I took the floor and discussed the problems associated with the price of oil and our increased dependence on imports from Iraq and the regime of Saddam Hussein.

Yesterday, I told this body that oil had peaked at its highest price in 10 years. I am here today to tell you that oil has peaked for the second time in 2 days with the highest point in 10 years—$37.86 a barrel.

There is a reaction occurring. It is rather interesting. I am going to discuss it briefly because my intention today was to talk about natural gas.

Natural gas, as many of us will remember, 9 months ago was about $2.16. Deliveries in October are in the area of $5.40, a 44-percent increase in a relatively short period of time. The administration is reacting.

The news today tells us that there is going to be a recommendation from the Vice President to open up the Strategic Petroleum Reserve to set up a heating oil reserve. There are a couple of things that are pending. One is the reauthorization of SPR in the EPCA bill, which is currently being held by a Member on the other side of the aisle. The administration is asking us to release the authority by passing EPCA. We are going to have to take care of that little matter first. But let's talk a little bit about the Strategic Petroleum Reserve because it is probably the most misunderstood issue on the burner today.

SPR was created back in 1973 during the era of the Arab oil embargo at a time when this Nation was 35-percent dependent on imported oil. Today we are 56-percent—nearly 58-percent dependent on imported oil. We swore back in 1973 we would never be held hostage and would never have such exposure to the national energy security of this country. So we created the salt caverns in the gulf for storage.

The question of the conceptual purpose behind this was the Mideast cartel was holding us hostage and, by having a reserve, it would act as a protection if our supplies were cut off. Congress dictated that we have a 90-day supply of oil in the reserve to offset the amount of oil we might import should it be needed if the supply were to be disrupted from the Mideast.

It is kind of interesting to go back and look at the arithmetic.

When the Clinton administration came in, in 1992, we had an 86-day supply in the Strategic Petroleum Reserve. Today, we have a 50-day supply. What has the Clinton administration done with that difference? They sold some of the SPR to meet their budget requirements. I think this is a dangerous level—50 days. I think it is inadequate to respond to any severe disruption that might occur.

The Mideast has always been a hot spot with the possibility of a conflict at any time and cutting off supplies. We are seeing Saddam Hussein now threaten the U.N. as the U.N. attempts to hold Saddam Hussein financially responsible for damages associated with the Kuwaiti invasion. They are asking for compensation. But yesterday Saddam Hussein told the U.N. where to go. He said: No, I am not paying retribution. If you make me pay retribution, I will cut my supply and my production. Then what are you going to do? We know what the U.N. did. They backed off and said: We will take it up later. He is dictating the crucial supply of oil.

As the administration talks about the merits of opening up the Strategic Petroleum Reserve, I think we have to reflect on what it was designed to do. It was to be used to give us the timeframe of ensuring that if the supply were cut off, we would have a buffer by having a supply on which we could call.

But make no mistake about it. The media completely misses this point. SPR does not contain refined product. It contains crude oil. You have to take it out of the reserve. You have to move it to a refinery and then refine it. Our refineries are virtually at full capacity now. If you take the oil out of SPR and take it to a refinery, you are going to offset other oil that that refinery would cut. As a consequence, how much more refined product have you put on the market? I think the administration owes us an explanation as they contemplate, if you will, taking oil out of SPR.

Mind you, the emergency we have is supply and demand. We are producing much less than we used to produce. Our demand is up 14 percent. Our product has fallen 17 percent. We are in a supply and demand crunch. As a consequence of that, we have a third factor many people overlook, and that is, we haven't built a new refinery in this country in 25 years. Nobody wants to build them. The reason is the permitting time, the complexity, and the Superfund exposure. And the industry simply isn't building them. We are almost up to our maximum capacity of refining. Now we are going to take oil out of SPR. We are going to displace other oil. We don't have any significant unused refining capacity.

There is another factor in this consideration. What kind of signal does this send to Saddam Hussein? What kind of signal does it send to OPEC? It sends a signal that we are now dipping into our emergency supply. As we do, what does that do to our vulnerability? The Senator from Alaska believes it increases our vulnerability. It gives them more leverage. What are we going to fall back on then? What happens if we pull oil out of SPR and Iraq reduces production? We have a calamity.

This isn't just something that is happening in the United States. If there is any question about the severity, ask Tony Blair. The Government of Great Britain is teetering on the issue of oil. Germany, Poland, and many areas of Europe are coming to the United States. There is absolutely no question about it.

High oil prices have caused many Members, therefore, of this body to call for the release of SPR in a way to manipulate the price of crude. Some suggest as much as 30,000 barrels. One Senator was saying this action would bring OPEC to its knees. I think it will bring OPEC to its feet. They will say: Hey, there goes the United States; they are dipping into their reserve; now we've got them; we've have got the leverage.

I think it is highly unlikely that this action is well thought out. This is not what the reserve was intended for. It is not what the reserve is to be used for. I hope the administration will not weaken our national security by releasing oil to drive down prices because it won't necessarily drive down prices.

You are saying, well, the Senator from Alaska is from an oil-producing State, and he is just one man's opinion.

Let me for the record submit an article from the Wall Street Journal of September 21. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 21, 2000]

## SUMMERS SLAMS PLAN TO SELL OIL IN U.S. RESERVE

(By Bob Davis and Jacob M. Schlesinger)

WASHINGTON.—Treasury Secretary Lawrence Summers advised President Clinton in a harshly worded memo that an administration proposal to drive down energy prices by opening the government's emergency oil reserve "would be a major and substantial policy mistake."

Mr. Summers' vehement objection—which, he wrote, is shared by influential Federal Reserve Chairman Alan Greenspan—doesn't mean the prospect of using the Strategic Petroleum Reserve is dead, as the White House scrambles to contain the economic and political fallout from oil prices that yesterday neared $38 a barrel for the first time in a decade.

Indeed, today Vice President Al Gore—in his role as Democratic presidential candidate—plans to call on the administration to conduct "test sales" from the SPR as part of what he called "a major policy speech . . . outlining a specific course of action" to address what could become a serious threat to his campaign.

Yesterday, a week after the Summers memo was dated, White House spokesman Joe Lockhart told reporters "all options remain on the table" to address energy prices, the SPR "being one of them."

### SIGNAL TO MARKETS

In continuing White House deliberations on the matter, two of Mr. Gore's top aides have backed serious consideration of test sales as a way to signal markets that the government is willing to act, one administration official said.

Along with Mr. Summers, the official said, other economic and diplomatic cabinet members were reluctant to tap the SPR, a buffer created after the 1973 oil embargo that has been used only once during the Gulf War in 1991. But this official added that many of those advisers, including Mr. Summers, have grown more sympathetic to that option during the past week as oil prices have continued to climb.

Mr. Summers' Sept. 13 memo did leave open the possibility of accepting a limited test sale, which could involve selling as much as five million barrels from the 570 million-barrel supply—far less than the 60 million barrels the memo said the Department of Energy advocated. "There are alternatives available involving the SPR that are focused and targeted," he conceded.

Neither Mr. Summers nor his office would cooperate for this story or discuss his memo.

### CANDIDATES' SCAPEGOATS

Yesterday, Candidate Gore gave several interviews to the major television networks to preview today's address, blasting the Organization of Petroleum Exporting Countries and what he called the profiteering of "big oil"—the latter a not-so-subtle swipe at the Republican ticket of George W. Bush and Dick Cheney, both of whom have ties to the oil industry.

Mr. Bush yesterday tried to turn the tables on his rival, saying the Clinton-Gore administration "needs to be held accountable for a failed energy policy." In an interview with MSNBC, Mr. Bush also said he would do more to encourage domestic oil exploration, and he chided the White House for failing to use American "diplomatic leverage" more effectively to get Persian Gulf allies to increase production.

Yet there is no clear, quick answer to the problem, as Mr. Summers's two-page memo argued. He wrote that using the SPR would have, at best, "a modest effect" on prices, and would have "downsides . . . that would outweigh the limited benefits."

### "DANGEROUS PRECEDENT"

He warned that the DOE's 60 million-barrel proposal would "set a dangerous precedent" by using the SPR to "manipulate prices" rather than adhering to its original purpose of responding to a supply disruption, and added that the move "would expose us to valid charges of naivete" for using "a very blunt tool" to address heating-oil prices.

Noting the potential sale's "proximity to both [an upcoming] OPEC meeting and the November election," the Treasury Secretary also said it "would simply not be credible" to claim, as some proponents have, that an oil sale could be portrayed as a technical inventory management of the reserve.

Such a move, Mr. Summers argued, also would hurt the tool's effectiveness in the event of a real oil-supply crisis, diminish the "psychological value" of using the SPR again if Iraq makes good on implied threats to cut oil output, and undercut Saudi Arabian cooperation with the U.S.

### GREENSPAN'S CLOUT

And he took the unusual step of invoking Mr. Greenspan, whose prestige has increasingly been used to influence economic-policy issues far beyond his purview of monetary policy. The letter begins: "Chairman Greenspan and I believe that using the Strategic Petroleum Reserve at this time, as proposed by DOE, would be a major and substantial policy mistake."

Energy Secretary Bill Richardson has staked out the opposite side of the debate from Mr. Summers, and prepared his own two-page memo urging use of the SPR. Both letters were presented to Mr. Clinton along with a brief summarizing the pros and cons of the issue prepared by Gene Sperling, head of the National Economic Council.

Spokespersons for Messrs. Greenspan, Richardson, and Sperling declined to comment on the memos.

Mr. MURKOWSKI. Mr. President, this article is entitled "Summers Slams Plan to Sell Oil In U.S. Reserve." "Treasury Secretary's Memo Says Greenspan Agrees It Would Be a Mistake."

The Washington by-line of the Wall Street Journal:

> Treasury Secretary Lawrence Summers advised President Clinton in a harshly worded memo that an administration proposal to drive down energy prices by opening the government's emergency oil reserve "would be a major and substantial policy mistake."

This isn't the Senator from Alaska. This is our Treasury Secretary.

> Mr. Summers's vehement objection—which, he wrote, is shared by influential Federal Reserve Chairman Alan Greenspan . . .
>
> Indeed, today Vice President Al Gore—in his role as Democratic presidential candidate—plans to call on the administration to conduct "test sales" from the SPR as part of what he called "a major policy speech . . ."

We have had a tradition of test sales from SPR under this administration.

In 1991, we offered 32 million barrels; in 1996, decommissioning Weeks Island, 5 million; 1996, the recession bill, 12 million. We had swaps, appropriations in 1997. What we did is we bought high and sold low. We lost hundreds of millions of dollars on our sale. I only assume the government figured they would make up the difference on the volume.

Our experience hasn't been very good. Let me get back to the other sale. Summers says it is a dangerous precedent.

> He warned that the DOE's 60 million-barrel proposal would "set a dangerous precedent" by using the SPR to "manipulate prices" rather than adhering to its original purpose of responding to a supply disruption, and added that the move "would expose us to valid charges of naivete" for using "a very blunt tool" to address heating-oil prices.
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I ask Members to consider the mechanical function of what has to take place. There are some people in this body who just assume you pull it out of SPR and, bang, it is there for the heating oil requirements of the Northeast Corridor, or it is there to relieve our pricing. It isn't. It is not a refined product. It has to be refined. It has to go to refineries. The refineries are operating at nearly full capacity, and when you pull it out of your reserve, it is like taking it out of your savings account. What do you do for an encore when the savings account is gone? We are certainly not going to replace SPR during this timeframe when oil prices are at an all-time high. We increase the vulnerability of the United States; we increase the potential for further increases in the price of oil.

There is one other point I want to make. The idea of a government-operated heating oil reserve, we don't really know what it means. But if I am in the business of storing heating oil, if I am a jobber in the Northeast and I know the government is going to store, I am not going to build up my reserve. Why should I? The government is going to take care of that. What does that do to the incentive of the private sector to build up reserves?

We have to think this thing through. I hope that the press will question the Vice President a little bit on the mechanics of what the net gain is. What does it do to our national security? Does it make us more vulnerable to OPEC? I also request the media to check on whether we have the authority or not—because the administration is begging us to pass EPCA, which gives us the authority, allegedly, to reauthorize the Strategic Petroleum Reserve. We have a lot of bits and pieces that we haven't taken care of.

It will be interesting to see what kind of explanation the American public is given because so often it is very easy to spin the story that the answer is SPR. Do you know what the administration is doing? They are buying more time, hopefully, to get through this election because that is the bottom line. We are heading for a train wreck on energy.

I will throw a little bit more water in my remaining 2 minutes, not on SPR but on the realization of what is coming in the second show. The second show is natural gas: $5.35 per thousand cubic feet, October, next month. It was $2.16 6 months ago. Inventories are 15 percent below last winter's level. We will not have any new supply this winter. Fifty percent of American homes rely on natural gas and nearly 18 percent of the Nation's electric power.

There we have it. The administration doesn't have a plan. We have introduced legislation to get this matter back on course, the bottom line, as Senator LOTT and a number of us have joined together in coming down with what we think is a responsible energy plan that would increase the domestic supply. It would increase certain tax benefits that would ensure that we have the incentive in order to relieve the supplies associated with the realization that the next crash is coming on natural gas.

I wanted to identify the specific mechanics associated with the issue of opening up the Strategic Petroleum Reserve and remind my colleagues that gas is right behind us in the crisis area, and the American taxpayer will bear the brunt of this. I hope the administration will rise to the occasion with some real relief.

I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Pennsylvania is recognized.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3086 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Texas.

Mr. GRAMM. Mr. President, it is my understanding that Senator BIDEN has time reserved to speak. He is not here. I ask unanimous consent that the Senator from Maine and the Senator from Kansas be recognized for 20 minutes; that if Senator BIDEN is here at that point, he then be recognized; and that I be recognized for 20 minutes when Senator BIDEN has completed his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have been advised that Senator BIDEN's schedule will not permit his arrival at this time, so I suggest holding his time in abeyance. I have no objection to the request by the Senator from Texas.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair, and I thank the Senator from Texas for arranging the time this morning.

## HOME HEALTH CARE SERVICES

Ms. COLLINS. Mr. President, Senate Republicans are committed to enacting legislation to preserve, strengthen, and save Medicare for current and future generations. It is also critical that Congress take action this year to address some of the unintended consequences of the Balanced Budget Act of 1997 which has been exacerbated by a host of ill-conceived regulatory requirements imposed by the Clinton administration. The combination of regulatory overkill and budget cuts is jeopardizing access to critical home health care services for millions of our Nation's seniors.

If one thinks about it, health care has really come full circle. Patients are spending less time in the hospital, more and more procedures are being done on an outpatient basis, and recovery and care for patients with chronic diseases and conditions increasingly takes place at home. Moreover, the number of older Americans who are chronically ill or disabled in some way continues to grow each year.

As a consequence, home health care has been an increasingly important part of our health care system, and I know the Senator from Kansas has been a very strong supporter of ensuring that these vital services are provided for our senior citizens. The kind of highly skilled and often technically complex services our Nation's home health care agencies provide have enabled millions of our most frail and vulnerable older citizens to avoid hospitals and nursing homes and receive care right where they want to be—in the comfort and security of their own homes.

In 1996, however, home health care was the fastest growing component of Medicare spending. This understandably prompted consideration of some changes as part of the Balanced Budget Act that were intended to slow the growth in spending to make the program more cost-effective and efficient.

Mr. ROBERTS. Mr. President, will the distinguished Senator from Maine yield for a question?

Ms. COLLINS. I will be happy to yield.

Mr. ROBERTS. First off, I thank the Senator so much for taking this time to draw attention to a very serious problem. I know the Senator from Maine is experiencing the same thing I am experiencing in Kansas and all Senators are experiencing when they go back home. Every hospital board—beleagured hospital boards—every hospital administrator, all of the rural health care delivery system—it is not only applicable to rural areas but all over—have been questioning me and our colleagues about when are we going to do something with regard to the Medicare reimbursement.

The Senator has indicated—I underlined it in the Senator's remarks:

> It is also critical that Congress take action this year to address some of the unintended consequences of the Balanced Budget Act of 1997. . . .

We should have done it this spring. The Senator from Maine and I talked about it. We should have done it last year. We did certainly provide that assistance. I wish we could have done that earlier. We are going to do that.

Then the Senator also said:

> . . . [and also some problems] which have been exacerbated by a host of ill-conceived regulatory requirements imposed by the Clinton administration—

And the folks at HCFA.

That is a marvelous acronym, HCFA. I will tell you what, if that is not a four-letter word in the minds and eyes of people who have to provide health care services throughout our country, I do not know what is. Asking HCFA for help, if you are a hospital board or a hospital administrator, is like asking the Boston strangler for a neck massage. It just does not work.

My question is this: as I recall, there was strong bipartisan support for these provisions, but haven't they produced cuts in home health care spending far beyond what Congress ever intended? It is my understanding—and I want people to understand this—home health care spending dropped $9.7 billion in fiscal year 1999, just about half of the 1997 amount; is that correct?

Ms. COLLINS. The Senator, as always, is entirely correct. I know how concerned he has been that inadequate reimbursements under Medicare, plus regulatory overkill by HCFA, are really jeopardizing the provision of care in our rural hospitals and our home health care agencies.

In fact, we know the Balanced Budget Act is already producing—or expected to produce—four times the savings that we intended when the 1997 Balanced Budget Act was passed. Moreover—and I know the Senator from Kansas shares my deep concern about this—looming on the horizon, believe it or not, is an additional 15-percent cutback in home health care reimbursements. That will put our already struggling home health agencies at risk. I know the Senator from Kansas shares my belief that it would, if allowed to go into effect, seriously jeopardize access to care for millions of our Nation's seniors.

The effects of these home health care cuts have been particularly devastating to the State of Maine. In Maine, I would inform my colleague from Kansas, nearly 7,500 Maine seniors have lost access to home health care due to the cutbacks and the regulatory overkill by HCFA.

Those 7,500 seniors did not get well. That is not why they lost their access to home health care. In fact, what has happened is some of them have been forced prematurely into nursing homes or they are at risk of increased hospitalization, which ironically costs the Medicare trust fund more money than if they were still receiving home health care. Some of them—and this is most tragic of all—are going without care altogether.

Cuts of this magnitude, particularly for the home health agencies in your section of the country and mine, which were historically low cost to begin with, cannot be sustained without ultimately adversely affecting patient care.

Mr. ROBERTS. Mr. President, will the Senator yield?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. The same complaints are made in Kansas. The same complaints are made throughout the country. The home health care agencies in my State—in fact, since January of about 2 years ago, 68 Medicare-certified agencies in Kansas have closed their doors, more than a 25-percent drop, more than a quarter drop.

These were not the "fly-by-night" agencies that some in the Federal Government and others in regards to various inspections—and you have talked about that we have heard about so much—many of these agencies had been in existence for 20 years.

The latest numbers from HCFA show that the total home health care visits are down by over 45 percent—almost half. The losers of this situation are not just numbers. It is just not accounting in regards to, say, HCFA. These are our Nation's seniors; in particular, those who are really sick. We are talking about the Medicare patients who are suffering through complex and chronic care needs who are already experiencing a lot of difficulty in the home care services they need.

So the same thing is true in Kansas as the Senator has pointed out in Maine. I, obviously, think it is true in every State.

Ms. COLLINS. The Senator has, as always, summarized the situation exactly right. The real losers are the sickest seniors because what is happening is, because they are more expensive to treat, our home health agencies are turning away some of the more expensive patients because they simply cannot afford to provide them care.

I met recently with a group of very dedicated and highly skilled, compassionate home health nurses from the Visiting Nurse Service in Saco, ME. That is southern Maine's largest independent, not-for-profit home health agency. It performs more than 250,000 home visits per year.

During my discussions with these nurses, I heard absolutely hard-breaking stories of how recent cutbacks and regulatory restrictions have affected both the quality and the availability of home health services.

Let me tell my colleague of just one example the nurses related to me. Consider this case. It involves an elderly Maine woman who suffered from advanced Alzheimer's disease, pneumonia, and hypertension, among many other illnesses. She was bedbound, verbally nonresponsive, and had a series of serious health issues, including serious infections.

This woman had been receiving home health care for approximately 2 years, and that had allowed her condition to stabilize through the care and coordination of a skilled nurse. Unfortunately, the care provided to this patient abruptly came to an end when HCFA'S intermediary sent out a notice denying further home health care for this woman.

That is an example of the kinds of regulatory problems that the Senator was talking about.

Let's look at what happened in this case.

The fact is, it produced a tragedy. Less than 3 months later, this woman died. She died as a result of a wound on her foot that went untreated. Undoubtedly, the home health nurse would have caught that problem before it got out of control.

That is just one of the heart-wrenching stories that I have heard not only during that visit but in discussions with patients and health care providers throughout my State.

Mr. ROBERTS. Will the Senator yield?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. The home health care agencies in my State, as I have indicated, also complain about their exacerbating financial problems. That is a very fancy word to say it has been made a whole lot worse by a host of the new regulatory requirements imposed by HCFA, including the implementation of another marvelous acronym called OASIS. The thought occurs to me, if there is an "oasis" that is proposed by HCFA—we all remember the "Survivor" show that was so popular—there'would be no survivors in regards to this OASIS, I can tell you.

OASIS stands for the new outcome and assessment information data set—new outcome and assessment information data set—new requirements for surety bonds, new requirements for sequential billing, new requirements for overpayment recoupment, new requirements on a 15-minute reporting requirement. And all of this adds up.

I just concluded a 40-county tour in my State. I will go on another 65-county tour. At every stop was a hospital administrator. They said: I don't know who reads this stuff. I think they must weigh it somewhere in Kansas City—which is the regional center.

I am not trying to deprive from the purpose and the intent and responsibility that HHS and HCFA and OASIS have here, but it just seems to me that just about the time you have one requirement promulgated—there is another fancy word—then it is changed, and it is changed overnight. This is the kind of thing that a small rural hospital, or any hospital, just cannot put up with, with that very tight margin. We are down to the morrow of the bone.

Naturally, we are going to put in some money in regards to Medicare reimbursement, but this regulatory overkill is something that just has to stop.

Ms. COLLINS. The Senator is entirely correct. I could not agree with his point more.

What I heard from the home health nurses is not only do all these excessive regulatory requirements and paperwork cost a lot of money to the agency, but they detract from the time that otherwise would be spent caring for patients. Instead of focusing on patients, they have to complete paperwork. Indeed, at that visit in Saco, ME, that I mentioned, the nurses—to illustrate the OASIS paperwork which the distinguished Senator from Kansas has just talked about—put it up all over the room. It covered the walls of the entire room. That was just one OASIS questionnaire.

Last year, I chaired a subcommittee hearing of the Permanent Subcommittee on Investigations. We heard about the problems that excessive regulation was imposing. We heard about the cash-flow problems that agencies across the country are experiencing.

One nurse from Maine, who runs a home health agency, terms HCFA's approach as being one of "implement and suspend." In other words, HCFA requires these agencies to go through all these regulatory hoops to fill out all this paperwork and then says: Never mind. This really isn't what we meant.

Meanwhile, tremendous cost and energy has gone into complying with these burdensome regulations.

Mr. ROBERTS. Will the Senator yield again, please?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. This OASIS business, in regard to all the complaints we have heard, as I have indicated—I think I ought to go into that a little bit more than explaining what the acronym is. OASIS is a system of records containing data on the physical, mental, and functional status of Medicare and Medicaid patients receiving care from home health agencies.

HCFA tried to implement OASIS as a tool to help the agency improve the quality of care and form the basis for a new home health care prospective payment system. The problem is—and my colleague chaired the subcommittee and asked all the very pertinent questions—the collection of data is so burdensome and expensive for agencies, it invades the personal privacy of the patients. It must be collected for non-Medicare patients as well as those served by Medicare.

Just yesterday, I learned that the whole OASIS information system in Kansas is not working; the computer system has failed. Agencies across the State are having a lot of difficulty in transmitting any kind of data. This burden is being felt by agencies all over the country. The question I have for the Senator is, Does she have any idea how long it takes? She has already spoken about this to some degree. Can we put a timeframe on it? Can we get more specific as to how long it takes for nurses to collect this information for HCFA? What does it cost in terms of nurse time?

Ms. COLLINS. I inform the Senator from Kansas that the testimony at my hearing indicated that it generally takes a nurse as long as 2 hours to complete these forms with one patient. The patients do not welcome this intrusive questionnaire in any way.

Mr. ROBERTS. I certainly agree with that. Will the Senator yield for another question?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. The OASIS document includes an 18-page initial assessment that must be completed by a registered nurse and a 13-page followup assessment that is required every 60 days. This reminds me of a situation quite a few years ago, when the Department came out with a requirement that all Medicare patients would have to be reviewed by a doctor every 24 hours. At the time I said I was for that, stunning all of the health care folks in my district. I was in the House of Representatives then. I said: Surely, if they are going to require a 24-hour reporting requirement by a doctor, they will furnish us the doctor. There was sort of a method to the madness.

At any rate, as I have indicated, there is an 18-page initial assessment that must be completed by a registered nurse. A 13-page followup assessment is required every 60 days. This is on top of assessments already required by the State. That is very important. It isn't as if there is no regulatory function to safeguard the interests of the patients and the taxpayer. The paperwork burden is immense. I am curious about what is included in this assessment. Is the Senator aware of the nature of the questions?

Ms. COLLINS. Mr. President, this is one of the problems. The Senator from Kansas has put his finger right on it. OASIS collects information not only about the patient's medical condition or history, but about living arrangements, medications, sensory status—I am not even sure what that means—and emotional status as well. That raises a host of problems.

Mr. ROBERTS. Emotional status? I see that patients must answer questions about their feelings. Have they ever been depressed? Have they ever had trouble sleeping? Have they ever attempted suicide? In some cases, that might be necessary, but do we really think we need a nurse to bother a physical therapy patient for this information so that he or she can send the answers over computer to someplace in Baltimore—hopefully Kansas City, but probably in Baltimore?

Does the Senator from Maine have any idea how patients have reacted to this survey? Talk about emotional distress, if somebody were to ask me in a hospital what I felt or how would I feel, do I feel depressed, I think they would learn pretty doggone quick.

Ms. COLLINS. That has been the experience of the nurses in Maine, that the patients believe this is unnecessarily intrusive. We are not talking about patients, in these cases, who are receiving home health because of emotional problems. Obviously, those questions might be appropriate in some cases, but they are clearly not in these cases.

What the nurses explained to me is that the patients say: What does this have to do with what you are treating me for? The nurses expressed concern that this "exercise of Olympian endurance" inevitably elicits a negative response from their patients. That is a problem because that patient-nurse relationship is very important. It is a relationship that respects the confidentiality and the privacy of patients, or it should.

Unfortunately, the OASIS information mandated by HCFA immediately erects a barrier that is often difficult to overcome. There is one example I want to share with my colleague from Kansas, one 76-year-old Medicare patient about whom I was told was being treated for a wound to his left shoulder. The wound care and teaching provided by the home health nurse took approximately 30 minutes. Completing the OASIS form took an hour and a half. The patient understandably asked: What does all this have to do with my shoulder? A very common response.

Mr. ROBERTS. Will the Senator yield for another question?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. I agree with my colleague. That is too much to ask. That is ridiculous. I also point out that the time filling out the forms would be much better used actually caring for the patients. There is an hour and a half that the nurse could have been doing that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. Mr. President, I ask unanimous consent for an additional 10 minutes.

Mr. WELLSTONE. Mr. President, I will not object, but with the indulgence of my colleagues, I ask unanimous consent to then be allowed to speak for 15 minutes of the Democrats' time?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I thank my colleague from Minnesota. I will try to keep my remarks certainly more brief and more pertinent.

The point I was trying to make—I know that the same is true with regard to Texas—the Senator from Texas is here—and also Minnesota and Maine—is the time to travel great distances, many miles. Our health care providers spend an awful lot of time traveling from one patient's home to another. What happens is that the first patient may be located many miles away from the next patient. It requires the home health care nurse to work virtually nonstop to meet the deadlines required for the submission of the data to HCFA, which interferes with the personal care and the travel time. This is like 24-hour duty that is exacerbated by all of the data requirements.

Ms. COLLINS. Will the Senator yield on that point?

Mr. ROBERTS. Yes.

Ms. COLLINS. The Senator has spent a lot of time understanding OASIS. One of the complaints I have heard is that OASIS even requires, in some cases, the collection of data for non-Medicare patients; is that correct?

Mr. ROBERTS. I tell my distinguished friend that unfortunately that is correct. Any Medicare-approved home health agency must comply with all Medicare conditions of participation, including the collection of OASIS. This means that patients who do not participate in Medicare are still subject to the Medicare assessment. That is exactly correct.

Last year, HCFA amended this regulation to say that these agencies don't have to transmit the data on non-Medicare patients for the time being. However, the agency still must spend the time making the assessment. So it is sort of a Catch-22. I am certainly sympathetic to the concerns raised by my constituents that these new regulations and spending cuts will harm, again, the senior. But aren't these policy changes necessary to achieve the Medicare saving goals established by the Balanced Budget Act, I ask my colleague?

Ms. COLLINS. As the Senator's rhetorical question implies, these are not necessary. The fact is that it now appears the savings goals set for home health have not only been met but far exceeded.

According to CBO, spending for home health care fell by 35 percent in 1999, and CBO cites the larger-than-anticipated drop in the use of home health services as the primary reason that total Medicare spending actually dropped, overall Medicare spending, by 1 percent last year. The CBO now projects that the post Balanced Budget Act reductions in home health care will be approximately $69 billion. That is over four times the $16 billion Congress expected to save. It is a clear indication that the cutbacks have been far deeper and far more wide reaching than Congress ever intended.

Mr. ROBERTS. Will my distinguished colleague yield for another question?

Ms. COLLINS. I am happy to yield.

Mr. ROBERTS. My colleague referred to—and I referred to it in my opening comments—the additional 15-percent cut across the board in these payments to go into effect on October 1, 2001. With regard to what she has just related to the Senate, given the savings that have already been achieved, the question is obvious, is this additional cut necessary?

I tell my colleagues and all those interested in this particular issue that last year we had to come up with an emergency bill. Nobody likes to do that.

We would prefer it to go through authorization and appropriations. Nobody likes to be faced with an emergency bill. This year is the same way. We are wrestling with that in terms of the budget caps we should live with. We are trying to figure that out. Here we are willing to provide more emergency money and we turn around and go through another 15-percent cut. It seems to me that is not conducive to what we are about with regard to consistency. What effect would that have with regard to home health care agencies?

Ms. COLLINS. A further 15-percent cut would be devastating. It would sound the death knell for those low-cost, nonprofit agencies in our States, which are currently struggling to hang on. It would further reduce our seniors' access to critical home care services. As we have discussed, we don't need to do it. We already have more than achieved the savings goals that were put forth in 1997.

Mr. ROBERTS. If the Senator will yield for an additional question, what are we going to do to help remedy this serious problem? I know the Senator has legislation, but would she summarize what she thinks is the answer to that.

Ms. COLLINS. The Senator from Kansas has been a strong supporter along with my colleagues, Senators BOND and ASHCROFT from Missouri, as well as many colleagues, in cosponsoring legislation introduced to eliminate the automatic 15-percent reduction in Medicare payments that would otherwise occur. It would provide a measure of financial relief for those home health agencies that already are cost-efficient and doing a good job. That is what we need to do—to pass that legislation before we adjourn.

Mr. ROBERTS. If I may ask one additional question, what kind of support do we have in the Senate? I think the magic number is 55. I would like for the Senator to tell our colleagues.

Ms. COLLINS. I am pleased to confirm to the Senator from Kansas that my legislation has strong support not only from the Senator from Kansas but many of our colleagues. It has 55 Senate cosponsors, including 32 Republicans and 23 Democrats, showing that this is a nationwide problem. It also has strong backing of many consumer and patient groups, including the American Diabetes Association, American Nurses Association, National Council on Aging, and the American Hospital Association. All of these groups have come together because they know that an additional 15-percent cutback would be absolutely devastating to American seniors and people with disabilities.

So if we allow this to go into effect, any of our other efforts to strengthen Medicare and home health, to help improve that benefit will really be meaningless.

Mr. ROBERTS. I have one final question. First, I thank the Senator from Maine for all her leadership and her hard work in this effort, for tapping not so gently on the shoulders of the leadership and, in a bipartisan way, attracting all sorts of support for this bill. I believe it is possible for Congress to bring this much needed relief to the home health care industry, as well as to the small rural hospitals and the teaching hospitals that are feeling the pinch of all these regulatory and legislative changes made in the last few years—with every good intent.

But this is the law of unintended consequences personified. We must work quickly. Time is of the essence for many of our home health agencies and hospitals, especially the small rural providers. I don't want to have to go out again on a 105-county listening tour in Kansas and have people come and say; Senator ROBERTS, thank you so much for your past help on a whole litany of things we have gone through regarding the home health care delivery system, only to find out that their doors may close.

I will continue to work with my colleague from Maine to pass legislation before Congress adjourns this year. We have a good team and we have good support. We cannot go home without providing help. I thank the distinguished Senator for her leadership in heading up a home health care posse for fairness and justice.

Ms. COLLINS. I thank the Senator from Kansas for his kind comments and his strong support and leadership. He clearly understands the issues involved. Time is of the essence. I appreciate the opportunity to discuss this issue this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that after my 5 minutes of remarks Senator WELLSTONE and Senator HARKIN be recognized.

Mr. GRAMM. Mr. President, does that reserve my 20 minutes?

The PRESIDING OFFICER. The Senator's 20 minutes is not affected by this request.

Ms. LANDRIEU. Is it the understanding of the Senator from Texas that after I speak Senator HARKIN and Senator WELLSTONE will speak immediately after me? I am under the impression that we have about 20 or 30 minutes on our side.

The PRESIDING OFFICER. The total is 25 minutes.

Mr. GRAMM. As I understand the schedule of the Senate, I think there would be no problem, as long as it didn't exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I thank the Senator from Texas. I will be very brief, and then Senator WELLSTONE will need about 10 minutes.

I thank my colleagues from Maine and Kansas for taking time to speak on the floor about such an important issue as health care. As we wrap up this session, I am very hopeful, in a bipartisan way, we can address specifically many of the questions that were raised in terms of the tough situation facing our home health care agencies and hospitals, our rural health clinics. It is something this Congress must address in the last few weeks. I thank them for their leadership.

## CONSERVATION AND REINVESTMENT ACT

Ms. LANDRIEU. Mr. President, I come to the floor to say a brief word about an extraordinary and very positive statement that the President of the United States made in the last 45 minutes as he gathered on the south lawn of the White House with a group of supporters of another very important bill—an issue we have actually debated for many hours and helped to usher through called the Conservation and Reinvestment Act.

The President, just this morning, called on us, in a bipartisan fashion, not to miss the opportunity to push forward on this very important piece of legislation—one which his administration has supported and helped to design. The Conservation and Reinvestment Act is really Congress's way of responding to a need that the American people have and have expressed themselves clearly on over and over, from the South to the North, from the East to the West, in meetings, through polling information that we have, through calls made to this Congress, through letters written, through e-mails sent—to say to us that now is the time to set aside a small but significant portion of the surplus that we have to invest—not for 1 year, or 6 months, not occasionally when we can, but to invest permanently a stream of revenue for conservation programs in our Nation.

I guess I can speak so passionately about this issue because the money we are speaking about investing is coming from offshore oil and gas revenues, 85 percent of which are produced off of the coast of Louisiana. We are proud of that production. We are doing it in a much more environmentally sensitive way and have been doing it for 50 years. But all of the revenue generated off of that oil and gas production has gone to the Federal Treasury. It is hard to account for how they have been spent, and they have not been spent for environmental investments for our Nation—a promise that was made 30 years ago but not kept.

So the Conservation and Reinvestment Act, which the President spoke about and continues to urge us to move forward on, is a way for us to redirect appropriately and in a very fiscally responsible way some of those revenues back to our States and local governments to help with the expansion of our parks and recreation areas in both rural and urban areas, for the preservation and restoration of our coastlines.

We in Louisiana feel strongly about getting some help from Washington to restore an eroding coastline, helping us to invest in wildlife conservation and preservation and, in many ways, including historic preservation. I will give to the staff a list of the 63 Senators, Republicans and Democrats, who are supporting this legislation, to acknowledge again in the RECORD the great work that the House leadership did—Congressman DON YOUNG, Congressman JOHN DINGELL, and Congressman GEORGE MILLER, leaders in the House.

It has truly been a bipartisan-bicameral effort.

I will submit for the RECORD the names of 63 Senators who the President mentioned in his remarks this morning, thanking us for our support and joining with him in this effort, and finally shaping this bill in such a way that both parties can be proud, for which we in Louisiana can be grateful, and that Governors and mayors and elected officials and leaders all across our Nation can be happy to work on in partnership with the Federal Government to make a significant, meaningful, reliable investment now as we begin this century—something our children and our grandchildren can count on for a more beautiful nation in 2025 or 2050. We can't wait. This is the year to make it a reality.

I thank the Chair. Again, I thank Senator LOTT and Senator DASCHLE for their excellent leadership.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I thank the Senator from Louisiana for her excellent work. I just had three members of the department of natural resources of Minnesota in my office today encouraging me to support this measure. It is very important legislation.

## NATIONAL HISTORICAL BLACK COLLEGE AND UNIVERSITY WEEK

Ms. LANDRIEU. Mr. President, this week is a week that we take out to celebrate, to honor, and to acknowledge the great contributions that 105 Historically Black Colleges and Universities have made to our Nation.

In Louisiana, I am very proud to represent four of the greatest of these institutions—Grambling State University, Southern University System, Xavier University, and Dillard University—and to recognize their great contributions in making our Nation stronger, and as we enter the new century to reassert my commitment and to acknowledge their great and significant place in the educational framework of our Nation.

On September 14, 2000, President Clinton proclaimed this week as National Historical Black Colleges Week and asked the country to join him in honoring the tremendous contributions these institutions have made not only to the lives of the students they serve but also to the history of this country. As a Senator from Louisiana, I am proud to have four HBCUs in the State of Louisiana: Dillard University, Grambling State University, Southern University System, and Xavier University.

For too many years in our Nation's history—HBCUs were the sole source of higher education for African Americans. Today, HBCUs confer the majority of the bachelor's and advanced degrees awarded to African American students in physical science, mathematics, computer science, engineering, and education. There are now 105 HBCUs in existence, providing an array of disciplines at both public and private medical schools, four-year institutions, community and junior colleges. Without their courage and commitment, this country would have been deprived of generations of African American educators, physicians, lawyers, scientists, and other professionals. In fact, a few of this country's cabinet members are alumni of HBCUs: Secretary of Labor, Alexis Herman—Xavier University; Secretary of Veterans Affairs, Togo West—Howard University; Former Secretary of Energy, Hazel O'Leary—Fisk University; and Former Secretary of Agriculture, Mike Espy—Howard University.

Like the President, I am proud to say that several members of my staff are graduates of historically black colleges and universities. Alicia Williams, Grambling State University; Tari Bradford, Southern University; Tony Eason, Grambling State University; Former Legislative Director, Ben Cannon, Xavier University and Southern University Law School; Kaira Stelly, Southern University at New Orleans; and Roderick Scott, Southern University.

In addition to educating many of our Nation's most distinguished African American professionals, HBCUs have remained steadfast to their commitment to improving the communities in which they reside and preserving America's history. Through countless forms of community service, including tutoring programs, head start, senior citizen programs, they teach their students to use their education to be men and women for others. Their libraries and colleges continue to serve as living repositories for the writings, artifacts, and photographs representing generations of African American history.

If one wants to estimate the effect that the Historically Black Colleges and Universities have had on the history of America, ask yourself what would the field of education be without the contributions of Booker T. Washington, or science without George Washington Carver, or Mathematics without Dr. Nan P. Manuel, or Engineering without Dr. Lonnie Sharp. This list is endless. Each year hundreds and thousands of students graduate from these vital institutions and are helping to shape the new century.

HBCUs have accomplished this enviable record of achievement despite numerous challenges. Even with limited financial resources and serving a relatively high number of disadvantaged students, they have kept their fees low so that no student is prohibited from accessing a quality education. For years, the faculty and staff have worked hard to provide a nurturing and accepting environment for their students, encouraging them to grow challenging them to meet the highest of academic standards.

Mr. President, I ask my colleagues to join me in taking this opportunity to salute the founders, faculty, staff, and students of America's Historically Black Colleges and Universities.

Former President Lyndon B. Johnson once said, "Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins . . . emancipation will be a proclamation but not a fact." For well over a century, Historically Black Colleges and Universities have led the way, opened the doors and provided the tools for a quality education for all.

I yield any time I might have remaining. Thank you, Mr. President.

## LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. WELLSTONE. Mr. President, I wish to announce on the floor of the Senator that 34 colleagues—Democrats and Republicans alike—join me in a letter to the White House today.

We are talking about what is going on with oil prices and what is going on with home heating costs. The projections are very frightening.

We see home heating oil costs up 30 percent and natural gas costs up 40 percent. For many of us in cold-weather States, this is a crisis issue. Specifically, we are talking about the Low-Income Energy Assistance Program.

My colleague, Senator HARKIN, has been a leader in this fight for a long, long time.

The point is that the President has about $500 million right now in LIHEAP emergency funding that we could get back to the cold-weather States. LIHEAP is a terribly important addition to the negotiations on the appropriations bill this year. Also, for funding next year, we are saying add an additional $500 million. Otherwise, I think probably maybe 15 percent of the people who are eligible for LIHEAP funding will not get any.

In the State of Minnesota, you are talking about, roughly speaking, 90,000 households. About a third of them are elderly. This is a lifeline program. It is not a lot—maybe $350 a year. But it helps people with their heating costs.

What is going on now means that the heating costs are going to go way up. If we don't add some funding to this program, we are going to have people who are cold, or they will not buy prescription drugs, or they will not have food on the table. This is a huge issue.

I urge the President and the White House in negotiations to be strong on funding for LIHEAP. We need the additional $500 million now and an additional $500 million next year. We have to make sure this important lifeline program is funded.

I visited a lot of people in their homes. Many of them are elderly people. This makes a huge difference to them. I am really worried about what is going to happen.

By the way, for the information of colleagues, it is interesting to me that we have focused on OPEC countries. An interesting story came out in the past couple of days that the non-OPEC oil countries, that collectively produce more than half the world's crude oil, rather than producing more to meet the additional demands, are producing less.

Exxon-Mobil—we have these mergers, acquisitions. We have monopolies and a cartel. I think they are in a position to fix prices. If there ever was a case to be made for antitrust action, this is a pretty decisive area in the economy where we ought to be looking at these conglomerates and holding them accountable for putting more competition into this industry.

## APPROPRIATIONS AND HEALTH CARE

Mr. WELLSTONE. Mr. President, Senator MOYNIHAN, Senator DASCHLE, and others have introduced a bill of which I am a cosponsor. It is really important. I didn't support the Balanced Budget Act of 1997. I thought it was a mistake. I didn't understand how this projected $116 billion in Medicare cuts was actually going to work on the ground with our hospitals, HMOs, and nursing homes—you name it. The projected cost is actually $200 million less by way of funding.

Last year, we did a "fix." We restored approximately an additional $16 billion or $17 billion. It did not solve the problem. We now have a bill and a request of $8 billion over the next 10 years. This is critically important. In Minnesota, in 1999, 54 of our 139 hospitals operated with less than a 2-percent margin, and 27 percent of them are in the red.

Whether it is an inner-city hospital, such as Hennepin County General, or rural hospitals, I tell Senators—Democrats and Republicans alike—that we made a huge mistake. We should have never voted for these draconian cuts in Medicare reimbursements. I don't know what is in the world we were thinking. I didn't vote for it. But I say "we" because I am a Member of the Senate, and proud to be a Member of the Senate.

But we have to restore a significant amount of this funding because both in the inner city and in the rural areas where there is a disproportionate number of elderly and low-income people, these providers are not making it. Rural hospitals will shut down. This is not just a crisis for rural communities. Employers lack health care for people. And Hennepin County General, which is, I think, a sacred place, is such an important hospital. They are struggling because of what we did in 1997.

This piece of legislation we have introduced will call for $80 billion to be restored for this funding. It is critically important if we care about the care for the elderly, low-income, rural, and inner-city communities.

I hope Democrats and Republicans alike in this final week of negotiations will come together and support not only our providers but also support the people in our State who really count on this care.

As long as we are talking about the last couple of weeks, I want to ask Senator HARKIN to share with me his reaction.

We had a vote yesterday. We had two appropriations bills, Postal-Treasury and legislative branch appropriations, which were merged together. Legislative branch got through and Postal-Treasury never came to the floor of the Senate. It was put into the conference report. Part of the idea was that you could have a salary increase, which may be fine, but of course we don't raise the minimum wage for people. The idea would be then we would have an opportunity to have up-or-down amendments and a vote on the minimum wage. If we can raise the salaries above $140,000, we ought to be able to vote for the minimum wage for the working poor people of the country. Senators voted against that bill.

Now I hear that the majority leader is talking about a lame duck session. Am I correct? I ask my colleague from Iowa. I would like to go back and forth in some discussion with my colleague from Iowa about this.

Mr. HARKIN. Mr. President, I thank my friend from Minnesota for bringing this up, and for his earlier statement on the plight of our small rural hospitals and relief for them. He was talking about the smaller hospitals, but it is really the people in our small towns and communities who need the relief. I thank him for bringing that up.

I serve on the Appropriations Committee. I have been on it now for 15 years. I am ranking member on the Labor, Health and Human Services, and Education Subcommittee I also serve on a number of others—Agriculture, Foreign Operations, and others.

I was disturbed, I say to my friend, to read in Congress Daily this morning that Senate Majority Leader LOTT said our failure to pass these two bills yesterday "increases the possibility of a lame duck session after the November elections." He told reporters: I always thought that was a possibility anyway. Senate Appropriations Committee Chairman STEVENS told reporters: In my opinion, now we are ready for a postelection session. We just don't have time to get 11 bills through in 9 days.

I say to my friend from Minnesota, we have been here for 9 months, haven't we? What have we been doing? What has happened to the 9 months? We've done nothing. Eleven out of thirteen appropriations bills have not been passed—11. Here is what's going on: The Republicans in charge don't want to vote on a Patients' Bill of Rights. They don't want to vote on it. They don't want to vote on prescription drugs for the elderly. They don't want to vote on increasing the minimum wage. What do they want to do? Put it off until after the election, have a lame duck session.

I don't understand how this complies with what our responsibilities are, what the people elected us for, what we get paid to do around here. That is, to enact legislation, to take the tough votes.

They don't want to do that. They want to put it off until after the election, for a lame duck session. What kind of sense does that make? What kind of a statement does that make to the people of this country? Nine months we have been here. This morning we are doing nothing. The Chamber is empty. Yet we could be bringing these bills on the floor right now. We are doing nothing around here.

I ask my friend from Minnesota, who gains the most from the lame duck session? Who gains the most by not having the votes now, but putting them off until after the election? HMOs, the gun lobby, the big drug companies. I bet they are just as happy as they can be after reading this morning that a lame duck session is likely because they know they can come in and control a lame duck.

I meant to engage in a colloquy with my friend from Minnesota, but I am so disturbed by this. I think this needs a complete airing.

Mr. WELLSTONE. Mr. President, I hope other Senators will come to the floor and speak on this question, including members of the majority party, the majority leader included.

The way I look at it, you cannot help but smile with a twinkle in your eye. We have had plenty of time to do the work of the people, and now to say we can't get this done. Part of the proposal is that maybe a few appropriators would stay here with the White House and the rest of us would go home and campaign. I have heard that being discussed, which means we are not here doing the work. Then the other part of it is the lame duck session.

I think this is a breakdown of representative democracy. Basically, I think the majority party is trying to have it a couple of different ways. On the one hand, as a special favor to the insurance industry, they block sensible patient protection legislation. As a special favor to some of the bottom dwellers of commerce, they block raising the minimum wage from $5.15 to $6.15 over 2 years. And as a special favor to the pharmaceutical industry, they don't want to extend prescription drug benefits as a part of the Medicare program for elderly people. And as a special favor to some of the big packers and conglomerates, they pass Freedom to Farm, which we call the "freedom to fail" bill. But at the same time, they don't want to be held accountable for any of this. They don't want to have amendments on the floor. They don't want to have any votes. They don't want any accountability.

What they would like to do—I think the actual meaning of this proposal, which we are going to raise some Cain about because we are here to work, about coming back for a lame duck session is that our Republican colleagues want to vote on prescription drug costs after the election. They want to vote on patient protection after the election. They want to vote on minimum wage after the election. They want to vote on whether we should have more teachers in schools and smaller class size, and something you have been working on, some funding for rebuilding crumbling schools, after the election.

I don't think people in the country are going to go for that. I say to my colleagues on the other side of the aisle, that is not the way representative democracy works.

Mr. HARKIN. And we had the juvenile justice bill that included the school safety provision, the child safety gun locks and included a fix to close the gunshow loophole. Why are they only willing to vote on this important legislation after the election?

We have been denied—I don't want to say the Senator from Minnesota and I have been denied; the people of this country have been denied the right to have their Senators come on this floor and vote on these issues, denied because the majority leader won't bring it up. That is why they keep putting these conference committee bills together. They now want to put together the Commerce-State-Justice bill. I wanted to offer an amendment to restore funding to the Byrne grants for local law enforcement. The Byrne grant is $100 million short from last year's funding level. But I'm not allowed to do that because they want to skip the process and attach to another bill.

The VA-HUD and Transportation—again, we haven't voted on VA and HUD. Do you want to know why? Because we want to do something about veterans' health benefits. They want to vote on that after the election, too. They don't want the veterans of this country to know exactly how they vote on veterans' health benefits, I say to my friend.

Mr. WELLSTONE. If I may interrupt my colleague, the Senator is absolutely right. This is just an extension of what has been going on. The Senate is an institution where we should have the debate, the deliberation. That is what this is about. By filing cloture on bills, by not allowing debate, by putting unrelated provisions into a conference report, the majority party has decided they will not allow debate. The logical extension of this is, let's get out of town; let's not be held accountable.

Regarding veterans, the veterans organizations, many of them put together what they call an independent budget. Senator JOHNSON of South Dakota and I have had amendments where we get a 99-0 vote that we definitely want to add an additional $500 million because we know veterans have fallen between the cracks. Every time, in some conference committee or now in some omnibus appropriations bill, they never actually vote to put the appropriations into veterans' health care.

I think the Senator is right. Whether it is veterans, farmers, people in the country caring about education—this is all the people.

Mr. HARKIN. And child safety locks on guns.

Mr. WELLSTONE. Absolutely. And prescription drugs.

So am I correct that the lame duck proposal basically adds up to this: What some Republicans seem to be suggesting is, let's get out of here; let's not have to vote on any of this; let's come back after the election and then we will vote?

Mr. HARKIN. That's it. That's what they're saying. Speaker Hastert, Speaker of the House of Representatives, at the beginning of this year promised we would have all of the appropriations bills to the President before the August recess. We are at the end of September and we have only 2 out of 13 through.

I say to my friend from Minnesota, this is the first time—and I know how much he cares about education—this is the first time since 1965, when we passed the Elementary and Secondary Education Act, that we have failed to reauthorize. Because of time? No, we had plenty of time. Look at the Chamber this morning. The Senator from Minnesota, the Senator from Iowa are here. We are doing nothing out here.

Mr. WELLSTONE. Don't say that. We are speaking. Don't say that. We are speaking.

Mr. HARKIN. What I am saying is we are not doing anything to get the bills through.

Mr. WELLSTONE. I'm kidding.

Mr. HARKIN. I point out to my friend from Minnesota, in contrast, Senator DASCHLE from South Dakota, the Democrat leader, said:

> Let's take them up. Let's have a debate. Don't let anybody say with a straight face or with any credibility that it's the Democrats

holding things up. Let's get to the bills. Let's get them done. Let's offer the amendments and move it along.

We are ready to debate. We are ready to offer amendments. We are ready to move the process—but we are denied. And again I say, the people of this country are denied the opportunity to have us vote on these measures.

Mr. WELLSTONE. If I can say to my colleague, some of what I said—everything I said I meant, and it is meant to challenge the majority party and the majority leader. But in a very serious way—the Senator mentioned education; it really breaks your heart, too, if you want to try to the best of your ability to represent people—on the Elementary and Secondary Act, between myself and staff, we were in 100 schools just meeting with people, getting their ideas about how we could best help them. We took all their ideas. Then we worked on amendments. I was so excited to come on the floor and have amendments representing what people said. The whole idea was to try to do good for people.

You cannot represent the people in your State; you cannot do good for people; you cannot be a good Senator unless the Senate becomes the Senate again. I think it is just outrageous that the majority party just does not want to have the discussion, does not want to have the debate, does not want to vote—apparently doesn't want to vote. I just think that is not the way the Senate should operate, and it makes it very difficult to do good for people.

Mr. HARKIN. I say to my friend, it seems to me what we are facing is that the majority party, in charge of the Senate, in charge of the House, they want to replace the tough votes we have to take around here, that we should be taking around here—they want to replace the tough votes with slick 30-second TV ads to try to get through this election. That is breaking down, I think, the people's respect for the Senate.

How can you have respect for an institution when we don't get anything done around here? When we say the only time we want to take up the tough issues is after the election, when there will be people here voting on these issues who may have been defeated or maybe not running again, what kind of responsibility, I ask the Senator from Minnesota, is that? We are shirking our responsibility. I hear more and more people saying they are getting dismayed with how the Congress is operating. People ought to be dismayed with the way this place is running right now. We are shirking our responsibilities around here in this regard.

As I said, I have been on this Appropriations Committee for 15 years. I have been in the Senate for 15 years. I say to my friend from Minnesota, this is the most do-nothing Congress, the most do-nothing Senate I have seen in 15 years. It is really sad.

The Senator talked about visiting schools. I spent all my summer going around visiting elderly people in the State of Iowa and getting story after story about their costs of prescription drugs.

Mr. WELLSTONE. Yes.

Mr. HARKIN. It is not something they need help with 10 years from now. They need it now. That is why we need to bring that legislation out here and vote on prescription drugs, helping those people out. But we are precluded from doing so. I am hopeful perhaps—maybe we ought to start, I say to my friend from Minnesota, maybe we ought to start asking unanimous consent to bring some of these bills out here. Let's bring them up. Let's see if the majority party will object to bringing up the bills on prescription drugs, on the juvenile justice bill, on minimum wage, Patients' Bill of Rights, Elementary and Secondary Education Act. Let's spend the next 9 days or whatever we have working on some of this legislation.

Mr. WELLSTONE. Mr. President, I say to my colleague from Iowa, that may very well be what we do. I hope this suggestion of a possible lame duck session is an idea that will last about 1 hour and that will be the end of it. And I hope our discussion on the floor will be part of putting an end to it. But I am pleased to join with my colleague. I am pleased to start asking unanimous consent to bring up this legislation.

Mr. HARKIN. We ought to think about some way. Thinking about "lame duck," I don't know where that term ever came from. I have to look it up. I am sure there is some history around here about what a lame duck session means, where that name came from. But it seems to me that a lame duck is a sick duck by definition. We don't need a sick duck around here doing the people's business. We don't need a lame duck session around here to be taking these tough votes. We ought to be standing up and doing it right now, not waiting for a sick duck to do it.

Mr. WELLSTONE. I thank my colleague. I think we will be back on the floor and we may very well be trying our level best to put these issues back on the floor. I will be proud to do it with my colleague from Iowa.

Mr. HARKIN. I thank my friend from Minnesota.

Mr. WELLSTONE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## JUDICIARY COMMITTEE ACTIONS

Mr. HARKIN. Mr. President, I understand another disturbing event has happened this morning. I am informed that the Senate Judiciary Committee has met this morning and has refused to report out any more judges—refused to do so; just stopped. Again, this flies in the face of what our responsibilities are supposed to be around here. If someone doesn't like a person, or they don't think they are qualified—I should not say "doesn't like"—if they don't think they are qualified to assume a judgeship, let them vote against that person. But that doesn't give them a reason to hold someone up in committee.

I am speaking specifically of my Iowa constituent, Bonnie Campbell, former attorney general with the State of Iowa who is now pending in the Judiciary Committee for a vacancy on the Court of Appeals for the Eighth Circuit.

Mr. WELLSTONE. Will the Senator yield for just a second? I just want to make sure, I just want to ask the Senator, Bonnie Campbell has directed all of the work against violence against women; is that correct? My wife Sheila works closely with her. She has done phenomenal work, has just a great reputation; am I correct?

Mr. HARKIN. Exactly; the Senator is exactly correct. Bonnie Campbell has, for the last 4 years, directed the Office of Violence Against Women in the Department of Justice. I can't find one person on either side of the aisle who says she hasn't done a superb job.

She has received accolades from all over this country about guiding and directing that office. She is widely supported by the American Bar Association, by people on both sides of the aisle, the party in her home State of Iowa who know the kind of outstanding person she is, how bright she is, how capable she is, what a great job she did as attorney general in the State of Iowa, and now in the Violence Against Women Office in the Department of Justice.

People on both sides of the aisle support her nomination, and yet the Senate Judiciary Committee refuses to report her out of committee. She has had her hearing. That has all been taken care of. All the paperwork is done. She has answered all the questions.

I say to the Judiciary Committee: Report her nomination out. If for some reason you think she is unqualified—I cannot imagine why—then you can cast your vote, but at least let's bring the nominee to the floor.

There are 22 vacancies on the appeals court. That is nearly half the emergency vacancies in the Federal court system. With the growing number of vacancies in the Federal courts, these positions should be filled as soon as possible with qualified people. Yet the Judiciary Committee refuses to move.

Ms. Campbell received a hearing this summer. She would serve this position on the Eighth Circuit with honor, fairness, and distinction. She has the solid support from me and my Iowa colleague, Senator GRASSLEY. Her nomination should be sent to the Senate floor.

Bonnie Campbell has had a long history in law, starting in 1984 with her private practice in Des Moines where she worked on cases involving medical malpractice, employment discrimination, personal injury, real estate, family law—a broadly based legal practice. She was then elected attorney general of Iowa in 1990, the first woman to hold that office in our State. She managed an office of 200 people, including 120 attorneys, again, handling a wide variety of criminal and civil matters for State agencies and officers. As attorney general, she gained high marks from all ends of the political spectrum as someone who was committed to enforcing the law, reducing crime, and protecting our consumers.

In 1995, she was appointed director of the Violence Against Women Office in the Department of Justice. In that position, she has played a critical role in the implementation of the violence against women provisions of the 1994 Crime Act. Again, she has won the respect from a wide range of interests with different points of views on this issue. She has been and is today responsible for the overall coordination and agenda of the Department of Justice efforts to combat violence against women.

I have known Bonnie Campbell for many years. She is a person of unquestioned integrity, keen intellect, and outstanding judgment. She has a great sense of fairness and evenhandedness. These qualities and her significant experience make her an ideal candidate for this circuit court position. Her nomination has been strongly supported by many of her colleagues, including the present Iowa attorney general, the president of the Iowa State Police Association and, of course, the American Bar Association.

Finally, we need a judicial system that reflects the diversity of this Nation. We need more women and people of color on the bench. Only 20 percent of all federal judge position in the country are filled by women, according to the Justice Department.

We have a backlog of judicial vacancies. It is only fair to move them, and we ought to move all of them out, especially Bonnie Campbell. She has had her hearing. Her nomination is sitting in the Judiciary Committee. If the reports I just heard are correct, the Judiciary Committee is stonewalling, refusing to move her name out to the floor of the Senate.

As I said earlier, this is another indication of how the leadership in this Senate is shirking its responsibilities to the people of this country—to put it off, delay, stonewall, don't do anything—when we have a crying need to fill these vacancies.

I am very dismayed. I had talked with the majority leader and the chairman of the Judiciary Committee, Senator HATCH, and others about this. And, Senator GRASSLEY and I had remained hopeful that her name would be reported out so the Senate could act on it, but it seems we have been led astray, that it is the intention of the chairman of the Judiciary Committee to lock up this nomination and not report out Bonnie Campbell.

The women of this country ought to know that. The women of this country ought to know that a uniquely qualified, eminently qualified individual to take a vacant position on the Eighth Circuit Court of Appeals is being denied by the Judiciary Committee her right to have a vote. Is that what the Judiciary Committee is telling the women of this country—that they need to take a back seat, that they will not act on these judicial nominees if you are a woman, qualified as Bonnie Campbell is?

I am very upset about this. I had in good faith been reluctant to exercise my rights as a Senator to in any way inhibit or do anything that would stop the flow of legislation or anything on the Senate floor because I had, I guess mistakenly, been of the opinion, or at least advised, if we just waited a due length of time, Bonnie Campbell's name would be reported out. Again, I think I was obviously mistaken, that my faith—my good faith—was not responded to in kind.

This is not right. It is not right to treat a person like this. It is not right to block someone who has had their hearing and is widely supported on both sides of the aisle. It might be a different story if there were a lot of controversy about Bonnie Campbell, but there is none. As I said, Senator GRASSLEY, a conservative Republican, is openly supporting her. Republicans in my State have been supportive of her getting on the Eighth Circuit.

This is, I think, a black mark on the operations of the Senate, another indication of how the leadership of this Senate refuses to do the people's business, to let things come out on the floor so we can vote up or down. Bonnie Campbell is being denied her right, I believe, as a citizen of this country to have her nomination acted upon by the full Senate, and it is a bad mark on the Senate.

I am hopeful the Judiciary Committee will reconsider its action—rather, its inaction. The Judiciary Committee can meet tomorrow, they can meet Monday, they can meet any day the chairman wants them to meet and report out this nominee. I was under the impression that was going to happen today, but obviously I had the wrong impression of what the Senate Judiciary Committee was going to do.

I urge the chairman to convene the Judiciary Committee and report Bonnie Campbell's name out before this session is over.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 5 minutes before those who have time reserved come to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## REFORMS VERSUS ROADBLOCKS

Mr. THOMAS. Mr. President, I have been in some meetings this morning. Of course, we do not have any more committee hearings going on because the other side has objected to that. I haven't listened to everything, but I heard enough to hear my friends on the other side of the aisle complaining about not moving forward.

So I just believe it is really important to talk a little bit about the whole idea of what has been going on here now for several months, where we have been seeking to make some reforms and seeking to move forward, moving a number of bills, and finding nothing but roadblocks from the other side of the aisle. It is almost hilarious to hear that kind of conversation when the facts are that we have had nothing but roadblocks coming from the other side of the aisle. And it is too bad.

We are down to where we don't have a great deal of time, and the notion that we continue to bring up the same topics, over and over and over again, simply because these folks want to make it an issue as opposed to a solution, frankly, gets pretty redundant and tiresome.

Let me just mention a few of the things specifically that have been troublesome.

S. 2045, amending the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens: Senator LOTT offered, on the 15th of September, a UC for both sides to bring the bill to the floor; objected to by Democrats.

S. 2497, the McCain-Lieberman bill dealing with the entertainment industry's marketing of inappropriate R-rated videos: In response to the FTC report, Senator SANTORUM offered a UC to bring it to the floor. The other side objected.

Four district judges in Illinois and Arizona: Asked to be brought to the floor; the minority leader objected.

S. 2507, the intelligence authorization: We tried to bring that to the floor and get a UC; no response from the minority leader.

H.R. 1776, the housing construction bill, with 32 cosponsors, including a dozen Democrats: The leader requested UC to go to conference; objected to by that side of the aisle.

H.R. 3615, the Rural Local Broadcast Signal Act, a satellite bill so we can have local-to-local broadcasting in rural areas: The leader asked for a UC to go to conference; objected to by the Democrats on that side of the aisle.

The Social Security and Medicare Safe Deposit Act, which the President and the other side of the aisle, along with Vice President GORE, claim they support: The leader asked for a UC September 7 to call it up. It was the sixth time in the 106th Congress that the Democrats have blocked the lockbox from coming up.

It takes a lot of nerve to get up and talk about not moving forward when these are the kinds of things that have actually taken place.

S. 2, the Elementary and Secondary Education Act: We spent 2 weeks of floor time this spring and summer—2 weeks—debating and voting on amendments. The other side of the aisle has blocked two UCs—including 20 additional amendments—which have kept us from finishing this measure.

It is really almost laughable to talk about that. What we need to do is to move forward. What we need to do is get these bills out, have our disagreements, vote on them, and get the job done that we are here to do. We tried to do that yesterday; we couldn't get it done.

Let me share with you another batch of information. So far in the 106th Congress well over half the votes cast on amendments are initiatives from the other side of the aisle; that is, 231 out of 403 rollcall votes. Many of these votes are repetitive votes on their favorite agenda items which are out there more to create an issue than they are to create a solution. And they say they don't have a voice.

Further, they have continued to block action on important issues for Americans, including education reform, meaningful tax relief, protecting Social Security, Medicare. We have pushed for effective reforms. That side of the aisle has continued to throw up roadblocks. We are continuing to look to the future and getting these items accomplished. Unfortunately, our friends continue with the roadblocks.

Total rollcall votes during the 106th Congress, through September 11, 611; rollcall votes on amendments, 403. Those asked for on Democrat-sponsored amendments, 231; Republican-sponsored amendments, 172.

Votes on the Democrat agenda: Votes to raise taxes or to reduce tax relief, 55; votes to increase Federal education spending, 35; Federal funds to hire new teachers as opposed to having local decisions, 9; Federal funds for school construction as opposed to letting people decide for themselves, 5; Federal funds for afterschool, 6; votes to further regulate gun owners, 13. Now, that is an issue that people disagree on, but how many times can we continue to bring it up? How many times can we have votes on it? How many times can it be used to slow down the progress toward getting our job done? Minimum wage package, 5; the minimum wage package is in a bill they have held up.

This idea of our friends on the other side getting up and talking about things not happening here is ludicrous, absolutely ludicrous, in terms of the kinds of issues that have been put up over there as roadblocks. It is time for us to get on with it. Let's take a look at what we have before us. Let's have our debate; Let's have our exchange; and let's vote and move forward.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPROPRIATIONS BILLS

Mr. BYRD. Mr. President, as the end of the 106th Congress is fast approaching, I am deeply dismayed about the prospects of completing action on the thirteen annual appropriations bills for Fiscal Year 2001, which begins October 1st. Unfortunately, as has happened far too often in recent years, much of the work on appropriations bills remains to be done. There is really no valid excuse for the Senate's failure to do its appropriations work. The House has done its work in a timely fashion.

Yet, to date, only two of the Fiscal Year 2001 appropriations bills have been signed into law—Military Construction and Defense. Of the remaining eleven bills, four have yet to even be brought up for debate in the full Senate. Those bills are Treasury, Commerce-Justice-State, VA-HUD, and The District of Columbia. As Members are aware, the conference report on H.R. 4516, the Fiscal Year 2001 Legislative Branch Appropriations is divided—broken into two divisions. Division A contains the conference agreement for the Legislative Branch bill. Division B, which was inserted into the Legislative Branch Bill without any input by Democratic Members of either the House or Senate, contains the entire Treasury-General Government Appropriations Act for Fiscal Year 2001. This was done despite the fact that the Senate has never taken up the Treasury-General Government Appropriations bill at all. In addition, again without any input from the Democratic Members of the House or Senate, a tax measure to repeal the telephone excise tax was inserted in this same conference report. The measure was soundly defeated in this body yesterday, as I believe it should have been.

Here we are with only nine calendar days left before the beginning of Fiscal Year 2001, and we have enacted only two of the thirteen annual appropriations bills and had them signed into law; two more were contained in the conference report on H.R. 4516, namely the Legislative Branch and Treasury-General Government bills. That leaves nine fiscal year 2001 appropriations bills remaining. Since, on yesterday, we did defeat the conference report, actually the Legislative Branch and Treasury-General Government bills have not been acted on, we have eleven bills remaining.

To conform with the Constitutionally envisioned process, all four of these bills should be passed in the Senate before being taken up in conferences with the other body. To shortcut that process means that the full Senate never has an opportunity to amend these bills or debate provisions in them. Especially when it comes to bills which spend the taxpayers' money, we ought to take the time to allow debate and amendment by the full membership of this body. I hear all of this talk about tax cuts and giving the people back their hard-earned money. How does that square with the rather cavalier attitude we sometimes exhibit here when it comes to appropriations bills? Do we forget, that when it comes to appropriations bills, we are spending the people's money? Don't Members of the Senate feel an obligation to let the full Senate scrutinize, debate, and, if necessary, amend, bills that allocate those hard-earned tax dollars? No public debate by the Senate on the billions of dollars contained in these bills for programs and projects means that the public is denied critical information about the use of the public's money. In a body formulated to foster debate and to protect the rights of the minority view, it is especially irresponsible to abdicate those functions when it comes to spending the people's tax dollars.

There is plenty of blame to go around as to why the Commerce-Justice-State, VA-HUD, and DC bills have not been brought up, as well as the Treasury bill. I do not seek to point the finger at anybody.

The chairman of the Appropriations Committee and the members of the Appropriations Committee have done their very best to work on these bills, to report them. The Commerce-Justice-State bill has been before the Senate long enough that we could have passed it, we could have stayed in on Fridays and, if need be, on some Saturdays. We have done that before, and we could have gotten that bill passed and, at the same time, let Senators have the chance to offer amendments to it. That is what the process is all about.

The leadership too often files cloture on appropriations bills and other matters, in order to limit the number of controversial and politically loaded amendments that can be offered by Senators on the minority side of the aisle. Democratic Members too often bring up "message" amendments over and over again on appropriations bills because they find little opportunity to have those matters debated by the Senate on other bills.

I have to say that the authorization committees, some of them at least, do not do their work and, as a consequence, the action and the responsibility then falls upon the Appropriations Committee. Members do not have an opportunity to offer amendments to authorization bills that ought to have been reported and brought to the floor. When those authorization committees do not act, naturally appropriations bills are the only vehicles to which Members can offer amendments that they would otherwise offer to the authorization bill.

Every action has a reaction. Polarization breeds polarization. Nevertheless, we must find a way to accommodate the needs of all Senators, as well as fulfill the responsibility of the leadership to move must-pass legislation.

This is not the first year that the regular appropriations process has broken down, but I urge us all to work on a bipartisan basis to ensure that it will be the last. Let us call a truce to the perennial warfare that we fight over these appropriations bills. Let us stop the drift that leads us to short cut the deliberative function of this Senate and all too often produces mammoth omnibus bills with everything but grandpa's false teeth thrown in. This is one grandpa who does not have false teeth. Mine would not go in.

Huge omnibus appropriations bills make a mockery of the legislative process, and sending appropriations bills direct to conference without Senate action on them also makes a mockery of the legislative process. For FY 1997, 1999, and 2000, Congress resorted to the adoption of omnibus appropriations acts which contained a number of appropriations bills, some of which had never been brought up in the Senate. Those omnibus acts also contained massive amounts of legislative matter, as well as tax cuts—legislative matter that never saw the light of day on the Senate floor.

For fiscal year 1999, the omnibus appropriations package enacted at the end of the session contained eight appropriations bills, as well as a tax bill totaling some $9.2 billion, and more than 60 major legislative proposals. Appropriations subcommittee chairmen and ranking members were not involved in a number of major decisions in their areas of jurisdiction, nor were the full committee chairmen and ranking members included in the decisions regarding the tax bill or the major legislative proposals. In all, that FY 1999 omnibus package totaled some 3,980 pages. It was wrapped together and run off on copy machines and presented to the two Houses as an unamendable conference report. That measure provided funding of nearly $500 billion and more than half of 3,980 pages contained legislative provisions. No one could possibly have known everything that was included in that omnibus monstrosity, just as no Member could have known what was in the omnibus bill for FY 1997, or for that of FY 2000. But we are headed in that direction again.

When we wait until the end of a session to take action on the overwhelming majority of appropriations bills, when we allow ourselves to be pressured by time, when we are forced to hurry because we are about to adjourn, it is an open invitation to the executive branch to sit down at the legislative table.

The Constitution vests the power of the purse in the legislative branch. That is the House and Senate. That is where the Constitution vests the power of the purse. Yet the way we are acting, the way we delay and the results that come from such delay in the end constitute an open invitation for the executive branch to come to the tables.

In that environment, most Senators are not in the room when the decisions are made. The President's men and the President's priorities carry great weight. It is late. The President's signature is needed, so the White House has the trump hand. Having squandered the whole year on meaningless posturing and bickering back and forth—

I say back and forth. That means both sides. I do not stand here and accuse either side of having a monopoly on the bickering. We are all involved. But we are much more likely to yield to the administration's every demand then to complete our work.

I am hopeful we can avoid such a process for fiscal year 2001. I am encouraged by the fact that a number of conferences are either under way or soon will begin. I was in one yesterday afternoon, last evening, and this morning.

I urge the leadership to find a way to bring up the appropriations bills which have not seen Senate action for debate and amendment in the Senate. I think it would be useful for both leaders, if I might presume to make a suggestion, to appoint a group of Senators to discuss these remaining appropriations bills, and what amendments our colleagues deem most important to be offered. Let us reach out across our respective aisles and find a way to do our business without resorting to an always contentious, usually counterproductive, lame-duck session. That would be the responsible way to do business. That is the fair way to do business. That would be the right way to conduct the people's affairs.

The American public is disenchanted with politics as usual and with the constant warfare that seems to continually be waged in Washington. We must recommit ourselves to working together in the spirit of cooperation to ensure that we find a way to fulfill our duties and our oaths of office as U.S. Senators.

Nobody looks good in this annual mad dash to complete work on spending bills that should have been done months before. There are no winners here.

The Republicans don't win; the Democrats don't win. The people lose. The result is an institutional erosion that we see going on. The Senate is losing its powers, it is losing its prerogatives, they are being taken from us, when we do not let bills come up and be debated and be amended by Senators. There are no winners.

There are no gold, silver, or even bronze medalists. When we engage in this sloppy, annual relay race to get the job done at all costs, the baton always gets dropped, and the losers, once again, are the people we represent and the trust they have in us.

The Senate—the institution, the one place in which the people's interests can be debated at length, and where bills can be amended, and where a check can be made on the House of Representatives, as the framers intended, and where a check can be exercised against an overreaching executive branch, when that is short circuited—the Senate loses its powers, its prerogatives go by the wayside, and the interests, the freedoms, and the liberties of the American people suffer.

It is time that we talk about these things. I am the ranking member on the Appropriations Committee. I am very, very, very concerned. I was up at 3 o'clock this morning working on a speech, not this one, but one that I still intend to make about this very subject.

Mr. President, I thank the distinguished Senator from New Hampshire for his consideration and courtesy in allowing me to go forward. I hope I have not kept him waiting unduly.

Mr. REID. Would my friend from New Hampshire allow me to enter into a brief dialog with the Senator from West Virginia? It will be very brief.

I say, through the Chair to my friend from West Virginia, that I do not believe the minority got us in this situation we are in. But I do say that we will do everything within our power to try to get ourselves out of the hole that we are in.

It is certainly not the intention of the minority to hold up Congress, to hold up these appropriations bills. As a longtime member of the Appropriations Committee, and someone who has the greatest respect and admiration for the ranking member on the Appropriations Committee, I think it is important we work with the majority in trying to figure out a way out of this. Certainly we are willing to do that.

Mr. BYRD. I thank the Democratic whip. I know he is willing to do just what he says. He wants to cooperate.

We have to save this institution. There are Senators in this body who have never seen the institution work as it was meant to work. I will have more to say about that later. But there are Members in this institution who think that this is the way the Senate has always worked. It is not. And I am not pointing fingers at anybody. I like both leaders. But we have to do something. We just must avoid coming back after the election. That is a disservice to the Members of the other body. They have done their work on these appropriations bills and sent them over here. Now we ought to do ours. And it is a disservice to the American people.

Mr. REID. I say to my friend, I spent all morning with you in a conference on the Interior appropriations bill.

Mr. BYRD. Yes.

Mr. REID. It was a difficult bill. But that is the way things are supposed to be done around here.

Mr. BYRD. That is the process.

Mr. REID. The process. And now, sometime today, there is going to be a bill reported out of that conference committee that will be brought to the respective bodies that will be approved.

Mr. BYRD. Absolutely.

Mr. REID. It is a nice piece of work. If the White House does not like it, they can do whatever they want with it, but the legislative bodies have spoken. It will pass overwhelming, that bill.

Mr. BYRD. Yes. We have a duty. We have a responsibility.

Now, I have been leader. I have been the majority leader, and I have been the minority leader, and I have been the majority leader again. I know what the problems and the pressures and the travails and the tribulations are of a majority leader. And I know what the tribulations and trials of a minority leader are. So I am well acquainted with their problems. I have had them all. I have been there. My footprints are still there. It isn't the quality of our life—that the people send us here for. It is the quality of our work on behalf of the people who send us here.

I had bed check votes at 10 o'clock on Monday mornings. There are people who sit at the desk in front of me and there are some few Senators still in this body who will remember that: Bed check votes at 10 o'clock on Monday mornings. But I alerted my colleagues: That is what we are going to have. And we are going to have votes on Fridays. We are not quitting at 12. Now, in return for that, we are going to work 3 weeks, and then we are going to be out 1 week. So you can go home and see your constituents and get an understanding of what their needs are. But 3 weeks we are going to be here. You are off 1 week. We are going to be here 3 weeks.

And they loved it. Senators loved it. They knew I meant business. And I took the attitude: If you don't like me as leader—you voted me in—then you can vote me out. But as long as I am leader, I am going to lead. I may not have many who will follow me, but I will do what I think is right for this institution.

Well, my speech did not go over well with a few, but take a look at the record of that 100th Congress. That was a great Congress. That is the way we worked it.

I understand—as I say, I like both of our leaders. I personally have great admiration for Mr. LOTT and for Mr. DASCHLE. They have their problems. And we have to help them. But let's draw back here and think of the institution. The most important thing in the world is not for me to be reelected. That is not the most important. The most important thing is for me to do my duty to this Senate—to the Senate, to the Constitution, and to the people who send me here. And if it means I have to work early and late, so be it.

I thank the distinguished Senator, and thank the Senator from New Hampshire again.

The PRESIDING OFFICER. The Senator from New Hampshire.

## UNANIMOUS-CONSENT AGREEMENT—S. 2796

Mr. SMITH of New Hampshire. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 729, S. 2796, the Water Resources Development Act of 2000, under the following limitations: There be 3 hours for general debate on the bill equally divided between the two managers; the only amendments in order be a managers' amendment; one amendment to be offered by Senators WARNER and VOINOVICH relating to cost-share and operations and maintenance, limited to 2 hours equally divided in the usual form; one amendment offered by Senator FEINGOLD relating to independent peer review, limited to 1 hour equally divided in the usual form, and subject to one relevant second-degree amendment offered by Senators SMITH and BAUCUS and limited to 30 minutes; one amendment offered by Senator TORRICELLI regarding marketing of dredge spoils, limited to 20 minutes equally divided, and subject to a relevant second-degree amendment offered by Senator SMITH, or his designee, under the same time limitations; and one additional relevant amendment per manager limited to 10 minutes equally divided.

I further ask consent that during the consideration of the bill, Senators THOMAS and KENNEDY be in control of up to 1 hour each for statements.

Finally, I ask consent that following the disposition of the above amendments, and the use or yielding back of the time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I apologize to my friend who is the chairman of the committee, but I am going to have to object.

I just spoke to one of the Members, and she is going to be over to talk to the Senator from New Hampshire forthwith.

In light of my conversation with her, I am going to have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. SMITH of New Hampshire. If I could engage my colleague for a moment. Without mentioning the name—

Mr. REID. I have no problem with that. It was Senator LINCOLN from Arkansas.

Mr. SMITH of New Hampshire. All right. I think the issue with Senator LINCOLN, to the best of my knowledge, has been resolved satisfactorily. If that is not the case, then we can delay action.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, at this time I renew my unanimous consent request regarding Calendar No. 729, S. 2796, the Water Resources Development Act of 2000.

Mr. REID. Mr. President, reserving the right to object, we have spent approximately an hour on this matter. We have had a number of conversations. I appreciate the work of the chairman and the subcommittee chair, Senator VOINOVICH. I have been assured by the Senator from Arkansas that if there is a problem in the underlying appropriations process, they will work with the people in the House to alleviate that problem to the best of their ability. There is no guarantee, but they will do everything within their power to resolve the issues about which we have spoken during this hour that we have been in a quorum call.

I say to my friend from New Hampshire and my friend from Ohio that I appreciate their consideration.

My understanding of what they will attempt to accomplish, if necessary, is accurate. Is that not true?

Mr. SMITH of New Hampshire. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I thank my colleague from Nevada. We will do our best to work through the process as outlined by the Senator from Arkansas and the Senator from Nevada.

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## WATER RESOURCES DEVELOPMENT ACT OF 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The Senate proceeded to the bill which had been reported from the Committee on Environment and Public Works, with an amendment; as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definition of Secretary.*

*TITLE I—WATER RESOURCES PROJECTS*

*Sec. 101. Project authorizations.*
*Sec. 102. Small shore protection projects.*
*Sec. 103. Small navigation projects.*
*Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.*
*Sec. 105. Small bank stabilization projects.*
*Sec. 106. Small flood control projects.*
*Sec. 107. Small projects for improvement of the quality of the environment.*
*Sec. 108. Beneficial uses of dredged material.*
*Sec. 109. Small aquatic ecosystem restoration projects.*
*Sec. 110. Flood mitigation and riverine restoration.*
*Sec. 111. Disposal of dredged material on beaches.*

*TITLE II—GENERAL PROVISIONS*

*Sec. 201. Cooperation agreements with counties.*
*Sec. 202. Watershed and river basin assessments.*
*Sec. 203. Tribal partnership program.*
*Sec. 204. Ability to pay.*
*Sec. 205. Property protection program.*
*Sec. 206. National Recreation Reservation Service.*
*Sec. 207. Operation and maintenance of hydroelectric facilities.*
*Sec. 208. Interagency and international support.*
*Sec. 209. Reburial and conveyance authority.*
*Sec. 210. Approval of construction of dams and dikes.*
*Sec. 211. Project deauthorization authority.*
*Sec. 212. Floodplain management requirements.*
*Sec. 213. Environmental dredging.*
*Sec. 214. Regulatory analysis and management systems data.*
*Sec. 215. Performance of specialized or technical services.*

*TITLE III—PROJECT-RELATED PROVISIONS*

*Sec. 301. Boydsville, Arkansas.*
*Sec. 302. White River Basin, Arkansas and Missouri.*
*Sec. 303. Gasparilla and Estero Islands, Florida.*
*Sec. 304. Fort Hall Indian Reservation, Idaho.*
*Sec. 305. Upper Des Plaines River and tributaries, Illinois.*
*Sec. 306. Red River Waterway, Louisiana.*
*Sec. 307. William Jennings Randolph Lake, Maryland.*
*Sec. 308. Missouri River Valley, Missouri.*
*Sec. 309. New Madrid County, Missouri.*
*Sec. 310. Pemiscot County Harbor, Missouri.*
*Sec. 311. Pike County, Missouri.*
*Sec. 312. Fort Peck fish hatchery, Montana.*
*Sec. 313. Sagamore Creek, New Hampshire.*
*Sec. 314. Passaic River Basin flood management, New Jersey.*
*Sec. 315. Rockaway Inlet to Norton Point, New York.*
*Sec. 316. John Day Pool, Oregon and Washington.*
*Sec. 317. Fox Point hurricane barrier, Providence, Rhode Island.*
*Sec. 318. Houston-Galveston Navigation Channels, Texas.*
*Sec. 319. Joe Pool Lake, Trinity River Basin, Texas.*
*Sec. 320. Lake Champlain watershed, Vermont and New York.*
*Sec. 321. Mount St. Helens, Washington.*
*Sec. 322. Puget Sound and adjacent waters restoration, Washington.*
*Sec. 323. Fox River System, Wisconsin.*
*Sec. 324. Chesapeake Bay oyster restoration.*
*Sec. 325. Great Lakes dredging levels adjustment.*
*Sec. 326. Great Lakes fishery and ecosystem restoration.*
*Sec. 327. Great Lakes remedial action plans and sediment remediation.*
*Sec. 328. Great Lakes tributary model.*
*Sec. 329. Treatment of dredged material from Long Island Sound.*
*Sec. 330. New England water resources and ecosystem restoration.*
*Sec. 331. Project deauthorizations.*

*TITLE IV—STUDIES*

*Sec. 401. Baldwin County, Alabama.*
*Sec. 402. Bono, Arkansas.*
*Sec. 403. Cache Creek Basin, California.*
*Sec. 404. Estudillo Canal watershed, California.*
*Sec. 405. Laguna Creek watershed, California.*
*Sec. 406. Oceanside, California.*
*Sec. 407. San Jacinto watershed, California.*
*Sec. 408. Choctawhatchee River, Florida.*
*Sec. 409. Egmont Key, Florida.*
*Sec. 410. Upper Ocklawaha River and Apopka Palatlakaha River basins, Florida.*
*Sec. 411. Boise River, Idaho.*
*Sec. 412. Wood River, Idaho.*
*Sec. 413. Chicago, Illinois.*
*Sec. 414. Boeuf and Black, Louisiana.*
*Sec. 415. Port of Iberia, Louisiana.*
*Sec. 416. South Louisiana.*
*Sec. 417. St. John the Baptist Parish, Louisiana.*
*Sec. 418. Narraguagus River, Milbridge, Maine.*
*Sec. 419. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.*
*Sec. 420. Merrimack River Basin, Massachusetts and New Hampshire.*
*Sec. 421. Port of Gulfport, Mississippi.*
*Sec. 422. Upland disposal sites in New Hampshire.*
*Sec. 423. Missouri River basin, North Dakota, South Dakota, and Nebraska.*
*Sec. 424. Cuyahoga River, Ohio.*
*Sec. 425. Fremont, Ohio.*
*Sec. 426. Grand Lake, Oklahoma.*
*Sec. 427. Dredged material disposal site, Rhode Island.*
*Sec. 428. Chickamauga Lock and Dam, Tennessee.*
*Sec. 429. Germantown, Tennessee.*
*Sec. 430. Horn Lake Creek and Tributaries, Tennessee and Mississippi.*
*Sec. 431. Cedar Bayou, Texas.*
*Sec. 432. Houston Ship Channel, Texas.*
*Sec. 433. San Antonio Channel, Texas.*
*Sec. 434. White River watershed below Mud Mountain Dam, Washington.*
*Sec. 435. Willapa Bay, Washington.*
*Sec. 436. Upper Mississippi River basin sediment and nutrient study.*

*TITLE V—MISCELLANEOUS PROVISIONS*

*Sec. 501. Visitors centers.*
*Sec. 502. CALFED Bay-Delta Program assistance, California.*
*Sec. 503. Conveyance of lighthouse, Ontonagon, Michigan.*
*Sec. 504. Land conveyance, Candy Lake, Oklahoma.*

*TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN*

*Sec. 601. Comprehensive Everglades Restoration Plan.*

***SEC. 2. DEFINITION OF SECRETARY.***

*In this Act, the term "Secretary" means the Secretary of the Army.*

### *TITLE I—WATER RESOURCES PROJECTS*

***SEC. 101. PROJECT AUTHORIZATIONS.***

*(a) PROJECTS WITH CHIEF'S REPORTS.—The following project for water resources development and conservation and other purposes is authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the designated report: The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,235,000, with an estimated Federal cost of $738,631,000 and an estimated non-Federal cost of $1,042,604,000.*

*(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:*

*(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,000,000, with an estimated Federal cost of $10,000,000 and an estimated non-Federal cost of $5,000,000.*

*(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.*

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $26,400,000, with an estimated Federal cost of $17,100,000 and an estimated non-Federal cost of $9,300,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $90,000,000, with an estimated Federal cost of $58,000,000 and an estimated non-Federal cost of $32,000,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $168,900,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $124,900,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $43,100,000, with an estimated Federal cost of $27,800,000 and an estimated non-Federal cost of $15,300,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $17,100,000, with an estimated Federal cost of $8,600,000 and an estimated non-Federal cost of $8,500,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $28,280,000, with an estimated Federal cost of $18,390,000 and an estimated non-Federal cost of $9,890,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $26,000,000, with an estimated Federal cost of $16,900,000 and an estimated non-Federal cost of $9,100,000.

(12) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $7,245,000, with an estimated Federal cost of $4,709,000 and an estimated non-Federal cost of $2,536,000.

(13) BARBERS POINT HARBOR, OAHU, HAWAII.—The project for navigation, Barbers Point Harbor, Oahu, Hawaii, at a total cost of $51,000,000, with an estimated Federal cost of $21,000,000 and an estimated non-Federal cost of $30,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $183,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $63,000,000, with an estimated Federal cost of $40,950,000 and an estimated non-Federal cost of $22,050,000.

(18) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(19) RARITAN BAY AND SANDY HOOK BAY, CLIFFWOOD BEACH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey, at a total cost of $5,219,000, with an estimated Federal cost of $3,392,000 and an estimated non-Federal cost of $1,827,000, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(20) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $30,081,000, with an estimated Federal cost of $19,553,000 and an estimated non-Federal cost of $10,528,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(21) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(22) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $66,500,000, with an estimated Federal cost of $43,225,000 and an estimated non-Federal cost of $23,275,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(23) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $200,000,000, with an estimated Federal cost of $130,000,000 and an estimated non-Federal cost of $70,000,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

### SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

### SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

### SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

### SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

### SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary *determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):*

*(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.*

*(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.*

*(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.*

*(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.*

*(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.*

*(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.*

*(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.*

*(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.*

*(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.*

*(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.*

*(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.*

*(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.*

*(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.*

*(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.*

*(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.*

*(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.*

*(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.*

*(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.*

*(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.*

*(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.*

*(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.*

*(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.*

### SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

*The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):*

*(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.*

*(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.*

*(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.*

*(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.*

*(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.*

*(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.*

*(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.*

*(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.*

*(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.*

### SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

*The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):*

*(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.*

*(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.*

*(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.*

*(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.*

*(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.*

### SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

*The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):*

*(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.*

*(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.*

*(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.*

*(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.*

*(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.*

*(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.*

*(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.*

*(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.*

*(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.*

*(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.*

*(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.*

*(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.*

*(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.*

*(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.*

*(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.*

*(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.*

*(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.*

*(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.*

*(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.*

### SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

*Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—*

*(1) in paragraph (22), by striking "and" at the end;*

*(2) in paragraph (23), by striking the period at the end and inserting "; and"; and*

*(3) by adding at the end the following:*

*"(24) Perry Creek, Iowa.".*

### SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

*Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:*

*"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).".*

## TITLE II—GENERAL PROVISIONS

### SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

*Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—*

*(1) by striking "State legislative"; and*

*(2) by inserting before the period at the end the following: "of the State or a body politic of the State".*

### SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

*Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:*

### "SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

*"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—*

*"(1) ecosystem protection and restoration;*

*"(2) flood damage reduction;*

*"(3) navigation and ports;*

*"(4) watershed protection;*

*"(5) water supply; and*

*"(6) drought preparedness.*

*"(b) Cooperation.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—*

*"(1) the Secretary of the Interior;*

*"(2) the Secretary of Agriculture;*

*"(3) the Secretary of Commerce;*

*"(4) the Administrator of the Environmental Protection Agency; and*

*"(5) the heads of other appropriate agencies.*

*"(c) Consultation.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.*

*"(d) Priority River Basins and Watersheds.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—*

*"(1) the Delaware River basin; and*

*"(2) the Willamette River basin, Oregon.*

*"(e) Acceptance of Contributions.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.*

*"(f) Cost-Sharing Requirements.—*

*"(1) Non-Federal share.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.*

*"(2) Credit.—*

*"(A) In general.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.*

*"(B) Maximum amount of credit.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.*

*"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $15,000,000.".*

### *SEC. 203. TRIBAL PARTNERSHIP PROGRAM.*

*(a) Definition of Indian Tribe.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(b) Program.—*

*(1) In general.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—*

*(A) will substantially benefit Indian tribes; and*

*(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.*

*(2) Matters to be studied.—A study conducted under paragraph (1) may address—*

*(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and*

*(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.*

*(c) Consultation and Coordination With Secretary of the Interior.—*

*(1) In general.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).*

*(2) Integration of activities.—The Secretary shall—*

*(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and*

*(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).*

*(d) Priority Projects.—In selecting water resources development projects for study under this section, the Secretary shall give priority to—*

*(1) the project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho, authorized by section 304; and*

*(2) the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 435(b).*

*(e) Cost Sharing.—*

*(1) Ability to pay.—*

*(A) In general.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.*

*(B) Use of procedures.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.*

*(2) Credit.—*

*(A) In general.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.*

*(B) Maximum amount of credit.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.*

*(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.*

### *SEC. 204. ABILITY TO PAY.*

*Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—*

*(1) by striking paragraphs (1) and (2) and inserting the following:*

*"(1) In general.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.*

*"(2) Criteria and procedures.—*

*"(A) In general.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—*

*"(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and*

*"(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).*

*"(B) Revised criteria and procedures.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay."; and*

*(2) in paragraph (3)—*

*(A) in subparagraph (A)(ii), by adding "and" at the end; and*

*(B) by striking subparagraphs (B) and (C) and inserting the following:*

*"(B) may consider additional criteria relating to—*

*"(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or*

*"(ii) additional assistance that may be available from other Federal or State sources.".*

### *SEC. 205. PROPERTY PROTECTION PROGRAM.*

*(a) In General.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.*

*(b) Provision of Rewards.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.*

*(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.*

### *SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.*

*Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-515), the Secretary may—*

*(1) participate in the National Recreation Reservation Service on an interagency basis; and*

*(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.*

### *SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.*

*Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: "in cases in which the activities require specialized training relating to hydroelectric power generation".*

### *SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.*

*Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—*

*(1) in the first sentence, by striking "$1,000,000" and inserting "$2,000,000"; and*

*(2) in the second sentence, by inserting "out" after "carry".*

### *SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.*

*(a) Definition of Indian Tribe.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

*(b) Reburial.—*

*(1) Reburial areas.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—*

*(A) have been discovered on project land; and*

*(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.*

*(2) Reburial.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).*

*(c) Conveyance Authority.—*

*(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).*

*(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.*

### *SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.*

*Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—*

*(1) by inserting "(a) IN GENERAL.—" before "It shall";*

*(2) by striking "However, such structures" and inserting the following:*

*"(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)";*

*(3) by striking "When plans" and inserting the following:*

*"(c) MODIFICATION OF PLANS.—When plans";*

*(4) by striking "The approval" and inserting the following:*

*"(d) APPLICABILITY.—*

*"(1) BRIDGES AND CAUSEWAYS.—The approval"; and*

*(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:*

*"(2) DAMS AND DIKES.—*

*"(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.*

*"(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—*

*"(i) shall be subject to section 10; and*

*"(ii) shall not be subject to the approval requirements of this section.".*

### *SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.*

*Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:*

### *"SEC. 1001. PROJECT DEAUTHORIZATIONS.*

*"(a) DEFINITIONS.—In this section:*

*"(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—*

*"(A) in the case of—*

*"(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and*

*"(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;*

*"(B) in the case of an environmental protection and restoration project—*

*"(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or*

*"(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and*

*"(C) in the case of any other water resources project, the performance of physical work under a construction contract.*

*"(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.*

*"(b) PROJECTS NEVER UNDER CONSTRUCTION.—*

*"(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—*

*"(A) are authorized for construction; and*

*"(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.*

*"(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for construction of the project or separable element by the end of that period.*

*"(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—*

*"(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—*

*"(A) that are authorized for construction;*

*"(B) for which Federal funds have been obligated for construction of the project or separable element; and*

*"(C) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.*

*"(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.*

*"(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.*

*"(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).*

*"(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 3 years after the date of enactment of this subsection.".*

### *SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.*

*(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—*

*(1) in the first sentence of paragraph (1), by striking "Within 6 months after the date of the enactment of this subsection, the" and inserting "The";*

*(2) by redesignating paragraph (2) as paragraph (3);*

*(3) by striking "Such guidelines shall address" and inserting the following:*

*"(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—*

*"(A) address"; and*

*(4) in paragraph (2) (as designated by paragraph (3))—*

*(A) by inserting "that non-Federal interests shall adopt and enforce" after "policies";*

*(B) by striking the period at the end and inserting "; and"; and*

*(C) by adding at the end the following:*

*"(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.".*

*(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.*

*(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—*

*(1) in the subsection heading, by striking "FLOOD PLAIN" and inserting "FLOODPLAIN"; and*

*(2) in the first sentence, by striking "flood plain" and inserting "floodplain".*

### *SEC. 213. ENVIRONMENTAL DREDGING.*

*Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:*

*"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.".*

### *SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.*

*(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.*

*(b) DATA.—Such RAMS data shall include—*

*(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;*

*(2) the date on which the application is considered complete;*

*(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and*

*(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.*

### *SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.*

*(a) DEFINITION OF STATE.—In this section, the term "State" has the meaning given the term in section 6501 of title 31, United States Code.*

*(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—*

*(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and*

*(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.*

*(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—*

*(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and*

*(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.*

*(d) ANNUAL REPORT TO CONGRESS.—*

*(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.*

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

## TITLE III—PROJECT-RELATED PROVISIONS

### SEC. 301. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

### SEC. 302. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

Section 374 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) in subsection (a), by striking "the following" and all that follows and inserting "the amounts of project storage that are recommended by the report required under subsection (b)."; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: "and does not significantly impact other authorized project purposes";

(B) in paragraph (2), by striking "2000" and inserting "2002"; and

(C) in paragraph (3)—

(i) by inserting "and to what extent" after "whether";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) project storage should be reallocated to sustain the tail water trout fisheries.".

### SEC. 303. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

### SEC. 304. FORT HALL INDIAN RESERVATION, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out planning, engineering, and design of an adaptive ecosystem restoration, flood damage reduction, and erosion protection project along the upper Snake River within and adjacent to the Fort Hall Indian Reservation, Idaho.

(b) PROJECT JUSTIFICATION.—Notwithstanding any other provision of law or requirement for economic justification, the Secretary may construct and adaptively manage for 10 years a project under this section if the Secretary determines that the project—

(1) is a cost-effective means of providing ecosystem restoration, flood damage reduction, and erosion protection;

(2) is environmentally acceptable and technically feasible; and

(3) will improve the economic and social conditions of the Shoshone-Bannok Indian Tribe.

(c) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in subsection (a), the Shoshone-Bannock Indian Tribe shall provide land, easements, and rights-of-way necessary for implementation of the project.

### SEC. 305. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

### SEC. 306. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

### SEC. 307. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

### SEC. 308. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the "Missouri River Valley Improvement Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term "Missouri River" means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking "(b) The general" and inserting the following:

"(b) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—The general";

(2) by striking "paragraph" and inserting "subsection"; and

(3) by adding at the end the following:

"(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.".

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: "There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.".

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

*(1) IN GENERAL.—*

*(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—*

*(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;*

*(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and*

*(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.*

*(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).*

*(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—*

*(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;*

*(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and*

*(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.*

*(3) RESERVOIR FISH LOSS STUDY.—*

*(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.*

*(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).*

*(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—*

*(A) to complete the study required under paragraph (3), $200,000; and*

*(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.*

*(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:*

*"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.".*

### ***SEC. 309. NEW MADRID COUNTY, MISSOURI.***

*(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.*

*(b) CREDIT.—*

*(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.*

*(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.*

### ***SEC. 310. PEMISCOT COUNTY HARBOR, MISSOURI.***

*(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.*

*(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.*

### ***SEC. 311. PIKE COUNTY, MISSOURI.***

*(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.*

*(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:*

*(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.*

*(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.*

*(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:*

*(1) DEEDS.—*

*(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.*

*(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.*

*(2) REMOVAL OF IMPROVEMENTS.—*

*(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).*

*(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—*

*(i) S.S.S., Inc. shall have no claim against the United States for liability; and*

*(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.*

*(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act; the land exchange under subsection (a) shall be completed.*

*(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.*

*(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).*

*(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.*

### ***SEC. 312. FORT PECK FISH HATCHERY, MONTANA.***

*(a) FINDINGS.—Congress finds that—*

*(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;*

*(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;*

*(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and*

*(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;*

*(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;*

*(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;*

*(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and*

*(B) the obligation to fund the stocking constitutes an undue burden on the State; and*

*(7) a viable multispecies fishery would spur economic development in the region.*

*(b) PURPOSES.—The purposes of this section are—*

*(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and*

*(2) to ensure stable operation and maintenance of the fish hatchery.*

*(c) DEFINITIONS.—In this section:*

*(1) FORT PECK LAKE.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.*

*(2) HATCHERY PROJECT.—The term "hatchery project" means the project authorized by subsection (d).*

*(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.*

*(e) COST SHARING.—*

*(1) DESIGN AND CONSTRUCTION.—*

*(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.*

*(B) FORM OF NON-FEDERAL SHARE.—*

*(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.*

*(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—*

*(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and*

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

### SEC. 313. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

### SEC. 314. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

"(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking "MAIN STEM," and inserting "FLOOD MANAGEMENT PROJECT,".

### SEC. 315. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

### SEC. 316. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

*(H) Thence north along that line to a point on the south line of First Avenue of that Addition.*

*(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.*

*(J) Thence north along that west line of T. 18 to the point of beginning.*

### *SEC. 317. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.*

*Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—*

*(1) by inserting "(a) IN GENERAL.—" before "The"; and*

*(2) by adding at the end the following:*

*"(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".*

### *SEC. 318. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.*

*(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.*

*(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).*

*(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.*

*(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).*

### *SEC. 319. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.*

*(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).*

*(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.*

*(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—*

*(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and*

*(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.*

*(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.*

### *SEC. 320. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.*

*(a) DEFINITIONS.—In this section:*

*(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.*

*(2) LAKE CHAMPLAIN WATERSHED.—The term "Lake Champlain watershed" means—*

*(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and*

*(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and*

*(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).*

*(b) CRITICAL RESTORATION PROJECTS.—*

*(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.*

*(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—*

*(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;*

*(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;*

*(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;*

*(D) natural resource stewardship activities on public or private land to promote land uses that—*

*(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and*

*(ii) protect and enhance water quality; or*

*(E) any other activity determined by the Secretary to be appropriate.*

*(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—*

*(1) the critical restoration project is publicly owned; or*

*(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.*

*(d) PROJECT SELECTION.—*

*(1) IN GENERAL.—In consultation with the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—*

*(A) identify critical restoration projects in the Lake Champlain watershed; and*

*(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.*

*(2) CERTIFICATION.—*

*(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.*

*(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.*

*(e) COST SHARING.—*

*(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—*

*(A) to pay 35 percent of the total costs of the critical restoration project;*

*(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;*

*(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and*

*(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.*

*(2) NON-FEDERAL SHARE.—*

*(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.*

*(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.*

*(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.*

*(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.*

*(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.*

### *SEC. 321. MOUNT ST. HELENS, WASHINGTON.*

*The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.*

### *SEC. 322. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.*

*(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.*

*(b) Critical Restoration Projects.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—*

*(1) the watersheds that drain directly into Puget Sound;*

*(2) Admiralty Inlet;*

*(3) Hood Canal;*

*(4) Rosario Strait; and*

*(5) the eastern portion of the Strait of Juan de Fuca.*

*(c) Project Selection.—In consultation with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal, tribal, State, and local agencies, the Secretary may—*

*(1) identify critical restoration projects in the area described in subsection (b); and*

*(2) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.*

*(d) Prioritization of Projects.—In prioritizing projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—*

*(1) the Salmon Recovery Funding Board;*

*(2) the Northwest Straits Commission;*

*(3) the Hood Canal Coordinating Council;*

*(4) county watershed planning councils; and*

*(5) salmon enhancement groups.*

*(e) Cost Sharing.—*

*(1) In general.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—*

*(A) to pay 35 percent of the total costs of the critical restoration project;*

*(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;*

*(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and*

*(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.*

*(2) Credit.—*

*(A) In general.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.*

*(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.*

*(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.*

### SEC. 323. FOX RIVER SYSTEM, WISCONSIN.

*Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—*

*(1) by striking "The Secretary" and inserting the following:*

*"(1) In general.—The Secretary"; and*

*(2) by adding at the end the following:*

*"(2) Payments to state.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".*

### SEC. 324. CHESAPEAKE BAY OYSTER RESTORATION.

*Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—*

*(1) in the second sentence, by striking "$7,000,000" and inserting "$20,000,000"; and*

*(2) by striking paragraph (4) and inserting the following:*

*"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—*

*"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and*

*"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.".*

### SEC. 325. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

*(a) Definition of Great Lake.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).*

*(b) Dredging Levels.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.*

### SEC. 326. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

*(a) Findings.—Congress finds that—*

*(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;*

*(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and*

*(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.*

*(b) Definitions.—In this section:*

*(1) Great lake.—*

*(A) In general.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).*

*(B) Inclusions.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).*

*(2) Great lakes commission.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).*

*(3) Great lakes fishery commission.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).*

*(4) Great lakes state.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.*

*(5) Secretary.—The term "Secretary" means the Secretary of the Army.*

*(c) Great Lakes Fishery and Ecosystem Restoration.—*

*(1) Support plan.—*

*(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.*

*(B) Use of existing documents.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.*

*(C) Cooperation.—The Secretary shall develop the plan in cooperation with—*

*(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and*

*(ii) other affected interests.*

*(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.*

*(3) Evaluation program.—*

*(A) In general.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.*

*(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.*

*(d) Cooperative Agreements.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.*

*(e) Relationship to Other Great Lakes Activities.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.*

*(f) Cost Sharing.—*

*(1) Development of plan.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.*

*(2) Project planning, design, construction, and evaluation.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.*

*(3) Non-federal share.—*

*(A) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).*

*(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.*

*(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.*

*(5) Non-federal interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.*

*(g) Authorization of Appropriations.—*

*(1) Development of plan.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.*

*(2) Other activities.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.*

### SEC. 327. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

*Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—*

(1) in subsection (a)(2)(A), by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2010.".

### SEC. 328. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

"(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized"; and

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.".

### SEC. 329. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable--

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

### SEC. 330. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be determined in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

### SEC. 331. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1121, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

## TITLE IV—STUDIES

### SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

### SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

### SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

### SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

### SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

### SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

### SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

### SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

### SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

### SEC. 410. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

### SEC. 411. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

### SEC. 412. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

### SEC. 413. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

### SEC. 414. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

### SEC. 415. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

### SEC. 416. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

### SEC. 417. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

### SEC. 418. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) STUDY OF REDESIGNATION AS ANCHORAGE.—The Secretary shall conduct a study to determine the feasibility of redesignating as anchorage a portion of the 11-foot channel of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

(b) STUDY OF REAUTHORIZATION.—The Secretary shall conduct a study to determine the feasibility of reauthorizing for the purpose of maintenance as anchorage a portion of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), lying adjacent to and outside the limits of the 11-foot channel and the 9-foot channel.

### SEC. 419. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

### SEC. 420. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

### SEC. 421. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

### SEC. 422. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

### SEC. 423. MISSOURI RIVER BASIN, NORTH DAKOTA, SOUTH DAKOTA, AND NEBRASKA.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—In cooperation with the Secretary of the Interior, the State of South Dakota, the State of North Dakota, the State of Nebraska, county officials, ranchers, sportsmen, other affected parties, and the Indian tribes referred to in subsection (c)(2), the Secretary shall conduct a study to determine the feasibility of the conveyance to the Secretary of the Interior of the land described in subsection (c), to be held in trust for the benefit of the Indian tribes referred to in subsection (c)(2).

(c) LAND TO BE STUDIED.—The land authorized to be studied for conveyance is the land that—

(1) was acquired by the Secretary to carry out the Pick-Sloan Missouri River Basin Program, authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665); and

(2) is located within the external boundaries of the reservations of—

(A) the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota;

(B) the Standing Rock Sioux Tribe of North Dakota and South Dakota;

(C) the Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota;

(D) the Yankton Sioux Tribe of South Dakota; and

(E) the Santee Sioux Tribe of Nebraska.

### SEC. 424. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

### "SEC. 438. CUYAHOGA RIVER, OHIO.

"(a) IN GENERAL.—The Secretary shall—

"(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

"(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

"(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.".

### SEC. 425. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

### SEC. 426. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

### SEC. 427. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

### SEC. 428. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

### SEC. 429. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

### SEC. 430. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

### SEC. 431. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

### SEC. 432. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

### SEC. 433. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

### SEC. 434. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

### SEC. 435. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

### SEC. 436. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

*(b) STUDY COMPONENTS.—*

*(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—*

*(A) identify and quantify sources of sediment and nutrients; and*

*(B) examine the effectiveness of alternative management measures.*

*(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—*

*(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;*

*(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and*

*(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.*

*(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.*

*(d) REPORTS.—*

*(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).*

*(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.*

*(e) FUNDING.—*

*(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.*

*(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.*

## *TITLE V—MISCELLANEOUS PROVISIONS*

### *SEC. 501. VISITORS CENTERS.*

*(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "at Fort Smith, Arkansas, on land provided by the city of Fort Smith.".*

*(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".*

### *SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.*

*(a) IN GENERAL.—The Secretary—*

*(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and*

*(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.*

*(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—*

*(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and*

*(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.*

*(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.*

### *SEC. 503. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.*

*(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—*

*(1) the lighthouse at Ontonagon, Michigan; and*

*(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.*

*(b) MAP.—The Secretary shall—*

*(1) determine—*

*(A) the extent of the land conveyance under this section; and*

*(B) the exact acreage and legal description of the land to be conveyed under this section; and*

*(2) prepare a map that clearly identifies any land to be conveyed.*

*(c) CONDITIONS.—The Secretary may—*

*(1) obtain all necessary easements and rights-of-way; and*

*(2) impose such terms, conditions, reservations, and restrictions on the conveyance;*

*as the Secretary determines to be necessary to protect the public interest.*

*(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.*

*(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—*

*(1) the lighthouse; or*

*(2) the conveyed land and improvements.*

*(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.*

### *SEC. 504. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.*

*Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—*

*(1) in paragraph (1)(B), by striking "a deceased" and inserting "an"; and*

*(2) by adding at the end the following:*

*"(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).*

*"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".*

## *TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN*

### *SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.*

*(a) DEFINITIONS.—In this section:*

*(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—*

*(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).*

*(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this Act or any other provision of law.*

*(2) GOVERNOR.—The term "Governor" means the Governor of the State.*

*(3) NATURAL SYSTEM.—*

*(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.*

*(B) INCLUSIONS.—The term "natural system" includes—*

*(i) water conservation areas;*

*(ii) sovereign submerged land;*

*(iii) Everglades National Park;*

*(iv) Biscayne National Park;*

*(v) Big Cypress National Preserve;*

*(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and*

*(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.*

*(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this Act.*

*(5) SOUTH FLORIDA ECOSYSTEM.—*

*(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.*

*(B) INCLUSIONS.—The term "South Florida ecosystem" includes—*

*(i) the Everglades;*

*(ii) the Florida Keys; and*

*(iii) the contiguous near-shore coastal water of South Florida.*

*(6) STATE.—The term "State" means the State of Florida.*

*(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—*

*(1) APPROVAL.—*

*(A) IN GENERAL.—Except as modified by this Act, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to—*

*(i) restore, preserve and protect the South Florida ecosystem;*

*(ii) provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades; and*

*(iii) provide for the water-related needs of the region, including—*

*(I) flood control;*

*(II) the enhancement of water supplies; and*

*(III) other objectives served by the Central and Southern Florida Project.*

*(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769).*

*(2) SPECIFIC AUTHORIZATIONS.—*

*(A) IN GENERAL.—*

*(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).*

*(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—*

*(I) take into account the protection of water quality by considering applicable State water quality standards; and*

*(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.*

*(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.*

*(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions in subparagraph (D), at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:*

*(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.*

*(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.*

*(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.*

*(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.*

*(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:*

*(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.*

*(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.*

*(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.*

*(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.*

*(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62;418,500.*

*(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.*

*(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.*

*(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.*

*(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.*

*(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.*

*(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.*

*(D) CONDITIONS.—*

*(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).*

*(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).*

*(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.*

*(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project or the Central Lakebelt Storage Project until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).*

*(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.*

*(c) ADDITIONAL PROGRAM AUTHORITY.—*

*(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—*

*(A) are described in the Plan; and*

*(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.*

*(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).*

*(3) FUNDING.—*

*(A) INDIVIDUAL PROJECT FUNDING.—*

*(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.*

*(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.*

*(B) AGGREGATE FEDERAL COST.—The total Federal cost of all projects carried out under this subsection shall not exceed $206,000,000*

*(d) AUTHORIZATION OF FUTURE PROJECTS.—*

*(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.*

*(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—*

*(A) a description of the project; and*

*(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).*

*(e) COST SHARING.—*

*(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.*

*(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—*

*(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and*

*(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).*

*(3) FEDERAL ASSISTANCE.—*

*(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.*

*(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under any programs such as the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose.*

*(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.*

*(5) CREDIT.—*

*(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—*

*(i) included in the total cost of the project; and*

*(ii) credited toward the non-Federal share of the cost of the project.*

*(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—*

*(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or*

*(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;*

*(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and*

*(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.*

*(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).*

*(D) PERIODIC MONITORING.—*

*(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—*

*(I) monitor the non-Federal provision of cash, in-kind services, and land; and*

*(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.*

*(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—*

*(I) the preconstruction engineering and design phase; and*

*(II) the construction phase.*

*(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.*

*(f) EVALUATION OF PROJECTS.—*

*(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.*

*(2) PROJECT JUSTIFICATION.—*

*(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—*

*(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and*

*(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.*

*(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.*

*(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:*

*(1) WATER INCLUDED IN THE PLAN.—*

*(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—*

*(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;*

*(ii) the project is favorably recommended in a final report of the Chief of Engineers; and*

*(iii) the project is authorized by Act of Congress.*

*(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—*

*(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;*

*(ii) an assessment of the requirements to divert and treat the water;*

*(iii) an assessment of delivery alternatives;*

*(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and*

*(v) any other assessments that are determined by the Secretary to be necessary to complete the study.*

*(2) WASTEWATER REUSE.—*

*(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.*

*(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.*

*(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:*

*(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.*

*(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.*

*(h) ASSURANCE OF PROJECT BENEFITS.—*

*(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this Act, for as long as the project is authorized.*

*(2) AGREEMENT.—*

*(A) IN GENERAL.—No appropriation shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State, shall ensure, by regulation or other appropriate means, that water made available under the Plan for the restoration of the natural system is available as specified in the Plan.*

*(B) ENFORCEMENT.—*

*(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the President or the Governor to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the President or the Governor, as the case may be, to comply with the agreement, or for other appropriate relief.*

*(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—*

*(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or*

*(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.*

*(3) PROGRAMMATIC REGULATIONS.—*

*(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—*

*(i) with the concurrence of—*

*(I) the Governor; and*

*(II) the Secretary of the Interior; and*

*(ii) in consultation with—*

*(I) the Seminole Tribe of Florida;*

*(II) the Miccosukee Tribe of Indians of Florida;*

*(III) the Administrator of the Environmental Protection Agency;*

*(IV) the Secretary of Commerce; and*

*(V) other Federal, State, and local agencies;*

*promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.*

*(B) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process to—*

*(i) provide guidance for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;*

*(ii) ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and*

*(iii) ensure the protection of the natural system consistent with the goals and purposes of the Plan.*

*(C) SCHEDULE AND TRANSITION RULE.—*

*(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.*

*(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.*

*(D) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.*

*(4) PROJECT-SPECIFIC ASSURANCES.—*

*(A) PROJECT IMPLEMENTATION REPORTS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.*

*(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.*

*(iii) REQUIREMENTS.—A project implementation report shall—*

*(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);*

*(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;*

*(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);*

*(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;*

*(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);*

*(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);*

*(VII) be based on the best available science; and*

*(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.*

*(B) PROJECT COOPERATION AGREEMENTS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.*

*(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.*

*(C) OPERATING MANUALS.—*

*(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.*

*(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.*

*(5) SAVINGS CLAUSE.—*

*(A) EXISTING WATER USERS.—The Secretary shall ensure that the implementation of the Plan, including physical or operational modifications to the Central and Southern Florida Project, does not cause significant adverse impact on existing legal water users, including—*

*(i) water legally allocated or provided through entitlements to the Seminole Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);*

*(ii) the Miccosukee Tribe of Indians of Florida;*

*(iii) annual water deliveries to Everglades National Park;*

*(iv) water for the preservation of fish and wildlife in the natural system; and*

*(v) any other legal user, as provided under Federal or State law in existence on the date of enactment of this Act.*

*(B) NO ELIMINATION.—Until a new source of water supply of comparable quantity and quality is available to replace the water to be lost as a result of implementation of the Plan, the Secretary shall not eliminate existing legal sources of water, including those for—*

*(i) an agricultural or urban water supply;*

*(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);*

*(iii) the Miccosukee Tribe of Indians of Florida;*

*(iv) Everglades National Park; or*

*(v) the preservation of fish and wildlife.*

*(C) MAINTENANCE OF FLOOD PROTECTION.—The Secretary shall maintain authorized levels of flood protection in existence on the date of enactment of this Act, in accordance with applicable law.*

*(D) NO EFFECT ON STATE LAW.—Nothing in this Act prevents the State from allocating or reserving water, as provided under State law, to the extent consistent with this Act.*

*(E) NO EFFECT ON TRIBAL COMPACT.—Nothing in this Act amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).*

*(i) DISPUTE RESOLUTION.—*

*(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—*

*(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;*

*(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;*

*(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and*

*(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).*

*(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this Act until the agreement established under this subsection has been executed.*

*(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law.*

*(j) INDEPENDENT SCIENTIFIC REVIEW.—*

*(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the State, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.*

*(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the State of Florida that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.*

*(k) OUTREACH AND ASSISTANCE.—*

*(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).*

*(2) COMMUNITY OUTREACH AND EDUCATION.—*

*(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.*

*(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.*

*(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—*

*(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h); and*

*(2) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.*

Mr. SMITH of New Hampshire. Mr. President, I say to my colleagues that there are amendments under the unanimous-consent agreement by Senators TORRICELLI, WARNER, VOINOVICH, and FEINGOLD.

I say to my colleagues who have those amendments, if they could proceed to the floor, the intention would be to try to get these amendments offered as soon as possible, knowing that Members do have airplanes to catch. We are hoping to yield back some of the debate time in order to get out a bit earlier. That will take the cooperation of all Members, especially those Members who are offering amendments or who have asked for time to debate other matters within this timeframe.

With the cooperation of Members, we could wrap it up hopefully by 6 o'clock or 7 o'clock. Without the cooperation of Members, it will go longer. It will be up to the leader as to how he will proceed with any votes.

I am very pleased to bring before the Senate the Water Resources Development Act of 2000.

### AMENDMENT NO. 4164

(Purpose: To provide a complete substitute)

Mr. SMITH of New Hampshire. I ask unanimous consent we move to the managers' amendment, accept it, and it be considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself and Mr. BAUCUS, proposes an amendment numbered 4164.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. The committee has worked very diligently to reach this point. It was quite a challenge: 99 Senators and me. We had a lot of projects. We had a lot of differences of opinion and a lot of things to work through. We worked very hard personally, wherever possible, wherever I needed to, with my colleagues on both sides of the aisle, to try to get accommodation for this bill. As it has been done since the Water Resources Development Act of 1986, the committee used a strict set of criteria to determine whether or not these projects would be included. Only those projects that met those criteria were included in this bill. As we know from many of the hearings we had over the last year or so, there is a backlog of Corps projects which, with the help of Senator VOINOVICH, Senator BAUCUS, and others, we are trying to clear. We stuck to our criteria.

We received over 300 requests on harbor dredging, environmental restoration, flood control, a number of items in which the Army Corps would be involved. My colleagues and I drafted a bill that authorizes 22 new projects, containing 65 project-related provisions or modifications, and authorizes 40 feasibility studies—very complex, time consuming, a lot of detail, a lot of work at the staff and Member level to get there.

I appreciate the cooperation of Senator BAUCUS and his staff throughout this process, as well as Senator VOINOVICH on our side. Not even one-third of those 300 projects made the cut. I am proud of that. It is a reflection of the strength of the criteria that we worked so hard to keep in the bill and include in the bill, to stick to those criteria, trying not to make exceptions, because once you make exceptions, it opens the door to more and more projects which are not significant or important.

Our bill does not contain cost share waivers, environmental infrastructure projects, or authorized projects that are not technically sound, environmentally acceptable, or economically justified. Those are the criteria. I am very proud of that. We stuck to those criteria. We took some heat from some Members, but we thought we were fair to everyone by sticking to the criteria.

I commend Senators VOINOVICH and BAUCUS for their hard work, and their staffs, and, in addition to Senators VOINOVICH and BAUCUS, Senator MACK and Senator GRAHAM. Senator GRAHAM, of course, is a member of our committee. Senator MACK is not. But we treated Senator MACK as if he were a member of the committee. They had full input because of the Everglades issue which is such an important part of this bill. It was a pleasure to work with all of them in putting this bill together. It was very, very difficult.

This was a freestanding bill, the water 2000 provision, to restore America's Everglades. I introduced it with my colleagues, Senators BAUCUS, VOINOVICH, GRAHAM, and MACK, on June 27, 2000. The committee favorably reported out our Everglades bill by a bipartisan vote of 17-1, with an amendment to include the Everglades. It was an overwhelmingly bipartisan vote. I think we worked through this process in a bipartisan manner both at the staff level and at the Member level.

In January of this year in south Florida at the Everglades, I made a promise to the people of that State and to the Nation, with Senator GRAHAM by my side, as well as Senator VOINOVICH, that Everglades restoration would be the top priority of this committee. Speaking for myself, it would be my top priority as the chairman. It certainly has been Senator BAUCUS' top priority as he has worked with me throughout this process.

Since that markup, the committee, the State of Florida, the administration, industry groups, environmental groups, and two Indian tribes impacted by the Everglades restoration have all worked diligently on the managers' amendment that we all can support. I am pleased to report that S. 2796 with the managers' amendment is strongly supported by all vital interests. It is truly bipartisan. It is truly historic.

A few moments ago, Senator BYRD spoke on the floor about some of the partisanship. It is out there. We all do it. There is a time and place for it. But we didn't have it in this bill. Whatever differences we had with individual Members, they had nothing to do with what somebody had next to their name.

I will briefly comment on the Everglades issue and then turn it over to my ranking member, Senator BAUCUS.

We might ask, Why is Everglades restoration necessary? The Everglades is the biggest part of this water resources development bill, and that has been controversial because other Members did not get as much as Florida. But Florida has a special issue. The Everglades are very special. It is a very environmentally sensitive region of the country. It clearly is a treasure. I want my colleagues to understand why we believe time is of the essence.

This is a national treasure. It is a vast freshwater marsh which once was connected by the flow of water, a sheet of water, a river of water, flowing south from Lake Okeechobee all the way into the Gulf of Mexico, and once covered 18,000 square miles. It is the heart of a unique biologically productive ecosystem.

But now the Everglades is in peril. It is half the size it used to be. What happened? In 1948, we had a Federal flood control project, and 1.7 billion gallons of water a day as a result of that project are now flowing into the sea, totally lost. We asked the Army Corps to do this because we had flooding. We basically created a dam. On one side of that dam is the dammed-up water; on the other side essentially is a desert. That is not what the Everglades ecosystem was designed to be. So we needed to correct it. The Federal Government, the Congress, and the administration's direction at the time, in 1948, urged us to do it. They spent the money to do it. Now I think it is the Federal Government's responsibility, in conjunction with Florida, to correct it. That is exactly what this bill does. The original Central and Southern Florida Project was done with the best of intentions—the Federal Government simply had to act when devastating floods took thousand of lives prior to the project's construction. Unfortunately, the very success of the Central and Southern Florida Project disrupted the natural sheet flow of water through the so-called "River of Grass," altering or destroying the habitat for many species of native plants, mammals, reptiles, fish, and wading birds.

We are going to recapture that wasted water, store it, and redirect it, when needed, to the natural system in the South Florida ecosystem. On July 1, 1999, the U.S. Army Corps of Engineers submitted to Congress a "Restudy" of the Central and Southern Florida Project. Called the Comprehensive Everglades Restoration Plan, this blueprint provides the details and layout of the 30-year restoration project.

The bipartisan Everglades legislation approves the Comprehensive Everglades Restoration Plan as the overall framework to restore the ecological health of the Florida Everglades. The bill also includes authorization of the initial projects necessary to get restoration underway. Specifically, the bill includes authorization of 10 construction projects. These projects, which employ already proven, standard technologies, were carefully selected by the Army Corps of Engineers and the South Florida Water Management District and included in the plan as the projects that would, once constructed, have immediate benefits to the natural system. Almost right away, the plan gets at restoring the natural sheet flow that years of human interference has interrupted.

If anybody has been in south Florida, been to the Everglades, you know what the Tamiami Trail is. Basically, that is a dam that blocks the flow of that water. We will begin the process of punching holes in that dam and allowing that sheet of water to flow once again.

The bill includes authorization of four pilot projects to test new and innovative technologies that may be employed in future restoration projects.

There is a requirement that future components of the plan must have a favorable Project Implementation Reports [PIR] from the Secretary of the Army, similar to a Chief of Engineer's report. Future projects will be authorized through the biennial Water Resources Development Act.

Adaptive management and assessment. One of my favorite aspects of the Comprehensive Everglades Restoration Plan is its inherent flexibility. If we learn something new about the ecosystem, perfect our modeling techniques, or just plain see that something is not working right, through the concept of adaptive management and assessment, we can modify the plan as new technologies and new methods become available. Much is made of this and much more will be made of this issue in the debate. This is a 36-year plan. This is a risk. It is not a sure thing. We take risks all the time in the money we spend, whether it is for a weapons system or cancer research. I am sure we would not say we haven't found a cure for cancer so therefore let's not risk any more money in research. We are saying if we do not do something to save the Everglades, we will lose the Everglades. So we have to try. We believe, on the best science we can find, that we have reasonable expectations here to invest approximately $4 billion over 36 years. That is a can of Coke a year for every American. That is not a lot of investment. I think we would be willing to do that so our grandchildren can see alligators and wading birds and enjoy the Everglades as I have with my children on many, many occasions.

So we have adaptive management. It is a great concept. If it doesn't work, we stop and we try something else. We are not locked into something for the next 36 years. We are going to perfect our techniques. If something isn't working right, we are going to modify it.

We have "assurances" that the environment will be the primary beneficiary of the water made available through CERP. The overarching object of the Plan is to restore, preserve, and protect the south Florida ecosystem, while meeting the water supply, flood protection, and agricultural needs of the region. These assurances also protect existing water users, such as the Seminole Tribe of Florida's water compact.

This bill has unprecedented broad, bipartisan support. My colleague Senator GRAHAM has compared our feat to achieving peace between the Hatfields and the McCoys. This truly is a remarkable accomplishment that deserves recognition by the Senate in the form of swift passage.

Every major constituency involved in Everglades restoration has written us a letter of support and I will later ask unanimous consent that these letters be printed in the RECORD. Also, in addition to the bipartisanship, I think we should give a lot of credit to the State of Florida. The State of Florida certainly, along with the legislature, in a bipartisan unanimous vote set aside money for this project. Gov. Jeb Bush has been fantastic in his support, as has Senator GRAHAM and Senator MACK, and the entire congressional delegation. Presidential candidates GORE and Bush have also been supportive and expressed their support.

I think there is an understanding here, that this is a huge treasure that we must do something quickly to protect and preserve.

In addition to Senators VOINOVICH, BAUCUS, GRAHAM, and MACK; the administration; Florida Gov. Jeb Bush—I already mentioned them—the Seminole Tribe of Florida and the Miccosukee Tribe of Indians support this, as do Industry Groups: Florida Citrus Mutual; Florida Farm Bureau; Florida Home Builders; The American Water Works Association; Florida Chamber; Florida Fruit and Vegetable Association; Southeast Florida Utility Council; Gulf Citrus Growers Association; Florida Sugar Cane League; Florida Water Environmental Utility Council; Sugar Cane Growers Cooperative of Florida; Florida Fertilizer and Agri-chemical Association; and Environmental Groups: National Audubon Society; National Wildlife Federation; World Wildlife Fund; Center for Marine Conservation; Defenders of Wildlife; National Parks Conservation Association; the Everglades Foundation; the Everglades Trust; Audubon of Florida; 1000 Friends of Florida; Natural Resources Defense Council; Environmental Defense; and the Sierra Club.

I also have a set of colloquies and I will later ask unanimous consent that these colloquies be printed in the RECORD.

Garnering the support of these vast interests was not easy. Long hours of intense negotiations since the time the committee reported this bill has resulted in this broad coalition of supporters. They are not the only ones who recognize a good, effective bill when they see it. Newspaper editorial boards across the country have called for Congress to swiftly enact Everglades restoration legislation this year.

On September 13, the New York Times ran an editorial, "Congress's Obligation to Nature." This editorial calls on Congress to approve two vital conservation bills, one of those being the Everglades bill. The New York Times had run an initial editorial in support of our Everglades bill on July 13, 2000.

On July 7, 2000, the Washington Post ran an editorial lauding restoration of the Everglades.

Just last week, on September 6, the Baltimore Sun ran an editorial, as well which summed up what we face now: absent action, the unique ecosystem will be lost.

Numerous Florida-based papers have also voiced strong support for the Everglades bill. On September 7, a Miami Herald editorial, "Pass the 'glades bill," so correctly states:

> more delay serves no interest—not federal, state, tribal, regional, or local. Let this Congress authorize restoration . . ."

On July 23, a Tampa Tribune-Times editorial titled, "Noble effort to rescue Everglades" recognizes that:

> the long-term survival of the Everglades National Park, which belongs to all Americans, depends upon restoring a natural flow to the Glades . . . Congress should adopt this noble plan to rescue one of the nation's genuine natural wonders.

On June 30, the Sun Sentinel ran an editorial, "Restoring the Everglades: Bill on the right track" which stated that:

> Everglades restoration will require a massive, sustained commitment . . . but it is worth it.

And if I could indulge in one more, on June 28th, the Palm Beach Post editorial, "Give Florida a lifeline" summed it up:

> Florida and the feds need to get started.

It is clear that these major national and Florida newspapers agree: the bill is strong and the time is now. This Senate, this Congress and this administration must pass Everglades restoration before the conclusion of the 106th Congress.

If you care about the environment, if you care about this national treasure, you must join me, Senators VOINOVICH, BAUCUS, MACK, and GRAHAM, and help us move WRDA, with Everglades, forward. The Everglades cannot afford to wait. We have worked too hard to build this coalition of support and the Everglades has waited too long for Congress to notice and act upon its demise. Each day that we are delayed, we jeopardize the chances of realizing restoration. Each day that we are delayed, we come closer to losing this unique ecosystem. Each day that we are delayed, vital habitat is lost and we threaten the species that are already in peril. Each day that we are delayed, the Everglades come closer to sure extinction.

I am afraid too often people forget that the Everglades is a national environmental treasure. We need to view our efforts as our legacy to future generations. Many years from now, I hope that this Congress will be remembered for answering the call and saving the Everglades while we still had the chance. Mr. President, I strongly encourage my colleagues to support passage of the WRDA, with the Everglades title intact. With that, I will only add that I hope we can finish this bill expeditiously.

The PRESIDING OFFICER. Without objection, the managers' amendment is agreed to and the committee substitute is agreed to. The bill as thus amended is the original text now for the purpose of further amendment.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to join my good friend and chairman of the Environment and Public Works Committee, Senator SMITH, in supporting S. 2796, the Water Resources Development Act of 2000. I will say a few words about the bill and a couple of words about some projects in Montana, and finally wrap up with further comments about the Everglades restoration.

This bill authorizes projects for a lot of different areas. It is really quite a sweeping bill: flood control, for one, navigation, shore protection, environmental restoration, water supply storage, and recreation.

It also modifies some existing projects and directs the Corps to study other proposed projects. All projects in this bill have the support of a local sponsor, somebody at home willing to share the cost of the project.

Even a brief review of the projects will demonstrate the importance of passing this bill. A number of the projects are needed to protect shorelines along oceans, lakes, and rivers.

Several of the navigation projects will ensure that our ports remain competitive in an increasingly global marketplace. The studies authorized in the bill will help us make informed decisions about the future use and management of our water resources.

Each project in this bill has been reviewed by the Army Corps of Engineers and has been found to be in the Federal interest, technologically feasible, economically justified, and environmentally sound. These projects have also been reviewed in accordance with applicable standards and also with our own committee criteria; in other words, they are worthy of support.

Let me mention two that are very important to my State of Montana. First is the authorization for a fish hatchery at Fort Peck. This fish hatchery will make good on a long-awaited promise on the Fort Peck project; namely, to create more opportunities for people in communities like Sidney, Malta, Lewistown, Billings, and, of course, Glasgow, and all across Montana.

Fort Peck Lake, one of the greatest resources that exists in our State, not only plays a major role in power production, water supply, but it is an increasingly important center for recreation. Not just for Montanans; people from all around the world—believe me, that is true, all around the world—come to Fort Peck Lake, MT, for our annual walleye tournaments. Hundreds of boats and probably 1,000 or more anglers participate in these events. It is amazing. I was there last summer. It is truly a sight to behold, all these boats taking off for a major national fishing tournament. The local community really puts its heart and soul into these tournaments.

Local folks have also collaborated on raising a lot of money for the matching share of the feasibility study for the fish hatchery, from Sidney, Malta, Glasgow, all across northeastern Montana. There are not a lot of people in northeastern Montana, but there is a lot of spirit and spunk and a lot of wide open spaces.

Fort Peck Lake is very important to these communities, in some sense it is almost the heart and soul of the northeastern part of our State. So, these communities have come together, they have raised the funds, and they have pitched in to support the fish hatchery project.

The State legislature also passed a special warm water fishery stamp to help provide additional financial support for the hatchery.

This hatchery will help ensure the continued development of opportunities at Fort Peck Lake, and it will represent a major source of jobs and economic development for that part of our State.

Another provision of the bill that affects my State of Montana is the one that affects cabin sites that are leased by private individuals on Federal land at Fort Peck Lake. The lake is huge. It is surrounded by the Charles M. Russell National Wildlife Refuge, but there are a lot of private in-holdings in this refuge.

This provision will allow cabin leases to be exchanged for other private land within the refuge that has higher value for, say, fish, wildlife, and recreation. By consolidating management of the refuge lands, the provision will reduce the cost to the Corps associated with managing these cabin sites. It will also enhance public access to the refuge lands.

This exchange is modeled on a similar project, of which I am very proud, near Helena, MT, which Congress authorized in 1998. It represents a win-win-win solution—a win for the public, a win for the wildlife, and a win for the cabin site owners.

I also want to mention another landmark provision in this bill referred to at some length by my good friend, Senator SMITH, chairman of the committee. In addition to the usual project authorizations contained in the water resources bill, this bill also affords a historic opportunity. Title 6 of the bill is known as the Comprehensive Everglades Restoration Plan.

Restoration of the Everglades has been many years in the making. For example, in the 1970s, the State of Florida became concerned that the previously authorized central and south Florida water project was doing too good a job. Why? Because it was draining the swampy areas of the State and was, in fact, draining the life out of the Everglades.

Under the leadership of our current colleague from Florida, Senator GRAHAM, who was then Governor GRAHAM, the State recognized that the health of the entire south Florida ecosystem, including the Everglades, was in serious jeopardy and that a major effort was needed to restore it.

Ever since, Senator GRAHAM has worked tirelessly to achieve that goal. I can testify to that personally. The comprehensive plan to restore this valuable ecosystem that is contained in the bill before us is the culmination of his work.

The Everglades is clearly a national treasure. I know it holds a particularly special place in the hearts of Senator GRAHAM and Senator MACK. Senator MACK joined Senator GRAHAM to make Everglades restoration a key part of their agenda for the State of Florida. Both of them worked very hard in a bipartisan way to make this provision a reality.

The administration, under the leadership of the Corps of Engineers and Army Assistant Secretary for Civil Works, Joe Westphal, with the cooperation of the Department of Interior and the Environmental Protection Agency, are also committed to bringing all the affected parties together to develop a plan that will work for the State of Florida, the ecosystem, and the Everglades.

The committee has worked with all the stakeholders in South Florida and with the administration to develop the consensus contained in this bill. There are provisions to review the progress of the plan, to make sure it is working, to require Congress to approve steps along the way, and to assure the water will be where it is needed, when it is needed.

We cannot wait for the Everglades to die. We have to begin now to restore it. This project is the largest environmental restoration project in the Corps' history, and it will reverse the decline of the Everglades. It is the right thing to do. I know my colleagues will join us with in supporting this section of the bill and the Water Resources Development bill generally.

I have one final point. I pay special commendation to the chairman of our committee, Senator SMITH. The first committee hearing he held as chairman of the committee was in Florida on the Everglades. It was there he saw the need to restore the Everglades, and it was there he made his pledge to the people of Florida, and to the Nation, to restore the Everglades. That is the hallmark of the very balanced, solid, far-reaching, and perceptive way in which he has handled the chairmanship of the Environment and Public Works Committee.

We are here today, in many respects, not only because of the Senators from Florida, Senators GRAHAM and MACK, and others, but also because of Senator SMITH's farsighted work as chairman of the committee. I thank him, as well as the others, for what they have done for a true national treasure.

Mr. SMITH of New Hampshire. I thank my colleague for those remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield whatever time he may consume to my colleague, the chairman of the subcommittee, Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I congratulate the chairman of the Environment and Public Works Committee and his staff, and the ranking member and members of his staff for their terrific work. I also thank Senator GRAHAM and Senator MACK for their patience as we worked through some of the problems we had with the Florida Everglades restoration project.

This Water Resources Development Act of 2000 is a product of months of hard work by the Environment and Public Works Committee. The bill provides authority for the Secretary of the Army to carry out 24 projects for water resources development, conservation, and other purposes, substantially in accordance with the Chief of Engineer reports referenced in the bill language.

In addition to the projects authorized by WRDA 2000, there are a number of significant policy provisions in the bill, including a provision to enhance the Corps' ability to accomplish multiple jurisdiction watershed studies, a provision to extend the ability-to-pay provisions to all types of projects, and a provision to accelerate project deauthorizations, which is very important.

The bill also provides for a facilitated role for the Corps to partner with non-Federal interests in implementing small environmental restoration projects on a regional basis including the Ohio River, the Puget Sound region, New England, the Great Lakes region, Chesapeake Bay, and the Illinois River.

There are some who may question the need for a WRDA bill this year since Congress passed a WRDA bill just last year. In reality, last year's bill was actually unfinished business from 1998, and if Congress is to get back on its 2-year cycle for passage of WRDA legislation, we need to act on a bill this year. The 2-year cycle is important to avoid long delays between the planning and the execution of projects, and also to meet Federal commitments to State and local government partners who share the costs with the Federal Government.

While the 2-year authorization cycle is extremely important in maintain efficient schedules for completions of important water resources projects—as I explored in a hearing I conducted in May of this year—efficient schedules also depend on adequate levels of funding. Unfortunately the appropriations for the Corps; program have not been adequate to meet the needs that have been identified.

I would like to direct my colleagues' attention to Chart No. 1. This chart dramatically illustrates what has occurred. Chart No. 1 shows our capital investment in water resources infrastructure since the 1930s, shown in constant 1999 dollars, as measured by the Corps of Engineers Civil Works construction appropriations. You can see the sharp decline from the peak in 1966 of a $5 billion appropriation, and appropriations through the 1970s in the $4 billion level, to the 1980s, and then to the 1990s, where as you can see, the annual Corps construction appropriations have dropped substantially. Corps projects have averaged only around $1.6 billion during this period of time.

Another dramatic thing has happened, as illustrated in the next two charts. We are asking the Corps of Engineers to do more with less. These two charts show the breakdown by mission area for the Corps' construction appropriation in FY 1965 and FY 1999.

If we look at the FY 1965 chart, you will see that in FY 1965, most of the money went for flood control, navigation, and hydropower.

Then we come to 1999. We find that the Corps' mission has expanded into many, many other areas: Shore protection, environmental infrastructure. So we have asked the Corps to take on a lot more responsibility than it ever had before.

As the FY 1999 chart shows, there is a dramatic mission increase with environmental restoration as a significant mission area, and two new mission areas: environmental infrastructure, and remediation of formerly used Government nuclear sites. Environmental infrastructure, as contrasted with environmental restoration, includes such work as construction of drinking water facilities and sewage treatment plants.

What is the point of all this?

If you recall the chart, the Corps construction appropriations have been falling since 1965, and its falls sharply in the 1990s. At the same time, the Corps' mission has been growing.

The result is today's huge backlog of over 500 active projects that will cost the Federal Government some $38 billion to complete. Think about it—$38 billion.

These are worthy projects with positive benefit-to-cost ratios and capable non-Federal sponsors. The projects in the backlog that are being funded for construction are being funded under spread out schedules that result in increased construction costs and delays in achieving project benefits.

I recognize that budget allocations and Corps appropriations are beyond the purview of this Water Resources Development Act. But the backlog issue impacted very fundamentally the way we approached WRDA 2000 by highlighting the importance of adhering to three important criteria in putting together the bill.

We adhered to these criteria which made many of our colleagues unhappy because many of the projects they wanted did not fit into the criteria we laid down.

First, we controlled the mission creep of the Corps of Engineers. WRDA 2000 addresses national needs within the traditional Corps mission areas: needs such as flood control, navigation shore protection, and the emerging mission area of restoration of nationally significant environmental resources such as the Florida Everglades.

The second thing we did in WRDA 2000 is make sure that the projects we are authorizing meet the highest standard of engineering, economic and environmental analysis.

We can only assure that projects meet these high standards if projects have received adequate study and evaluation to establish project costs, benefits, and environmental impacts to an appropriate level of confidence. This means that a feasibility report must be completed this calendar year before projects are authorized for construction. That is a requirement.

Finally, we have to preserve the partnerships and cost-sharing principles of the Water Resources Development Act of 1986. WRDA 1986 established the principle that water resources projects should be accomplished in partnerships with State and local governments and that this partnership would involve significant financial participation by the non-Federal partners.

My experience as mayor of Cleveland and Governor of Ohio convinced me that the requirement for local funding to match Federal dollars results in much better projects than where Federal funds are simply handed out. It doesn't matter if it is parks, housing, highways, or water resources projects, the requirement for a local cost share provides a level of accountability that is essential to a quality project. Cost sharing principles were enforced in this WRDA bill.

I am very proud of the discipline that the Environment and Public Works Committee exercised in putting together this bill Chairman SMITH should be congratulated. I recognize, though, that not everyone, as he said has been satisfied, but I believe that our authorization actions must reflect the fiscal realities of the Corps national program.

Without a doubt, the centerpiece of WRDA is the Comprehensive Everglades Restoration Plan. I want you to know, I have spent a lot of time in the Everglades on a number of different occasions. I want my grandchildren and their grandchildren to have the same experience as I have had in enjoying this wonderful national treasure.

Our Environment and Public Works Committee Chairman BOB SMITH and his staff deserve enormous credit for making this Everglades provision a reality, particularly in the very difficult area of assuring that the benefits to the natural system are realized while the interests of other water users are adequately protected.

As Senator BAUCUS said, this is not only the largest restoration project the

Corps has undertaken, but it is the largest restoration project ever undertaken in the world. So this is really quite an undertaking.

My role in putting together the Everglades title has been to assure that we moved the Everglades Restoration Plan forward while achieving consistency with the criteria that applied to all the projects in this WRDA bill. The Everglades Restoration Plan is extremely important but there are other critical water resources needs reflected in this WRDA bill. I believe the playing field should be level for the consideration of all projects.

I want my colleagues to know that we spent a great deal of time making sure that the Florida Everglades restoration plan does fit into the criteria we have establishes for other projects.

Originally, the administration's Everglades legislative proposal deviated substantially from Corps of Engineers and Environmental and Public Works Committee policies for other water resources projects, and would have set precedents which would have been very damaging to preserving effective Congressional oversight of the Corps of Engineers program. Our goal was to hold the Everglades project to the same standards that apply to other projects. This is really important.

We have accomplished a great deal in meeting this objective. I would just like to mention a few of them to give comfort to my colleagues.

First, we have reduced the level of programmatic authority for restoration projects that can be accomplished without congressional review. That is very, very important. The levels we have set are applicable to other parts of the Corps program.

We have required that two primarily land acquisition projects have been earmarked to be accomplished under other programs. That was in this. We are saying, No. Those will be done someplace else.

We have expressed concerns about advanced wastewater treatment and indicated that more effective ways of providing additional water must be explored.

We have eliminated the provision that would have allowed reimbursement to the State of Florida for the Federal share of work accomplished by the State. However, we have retained the ability of the State to receive credit for work in-kind for up to 50 percent of the work but only as this work is accomplished proportionate to Federal expenditures based on appropriations. In other words, they cannot move ahead of Federal appropriations.

We have added an incentive to encourage the completion of the modified water deliveries to the Everglades project which is essential to many aspects of Everglades restoration.

I think our most important accomplishment was in assuming that individual Everglades projects receive the same level of congressional review as other water resources projects. The administration recommended 10 projects for authorization at a total cost of $1.1 billion without a traditional feasibility report level of detail and without individual project justification.

These projects would have been authorized without congressional review of the detailed information normally associated with a Corps feasibility report and required of every other large Corps of Engineers project as a condition of authorization.

I am pleased to have been able to add a requirement to the Everglades section of the bill that no appropriation shall be made to construct any of the 10 projects until the Secretary submits the Project Implementation Report on the individual projects. Such reports will be presented to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and each committee will be able to approve the projects by resolution.

This assures that the Everglades projects will get a similar level of congressional oversight as other Corps projects.

I believe we have accomplished a great deal in making this Everglades Plan acceptable to all parties. The only question I have is the question of the operation and maintenance costs. I will be discussing that later in an amendment.

As a final item, let me turn to the redevelopment of the former Homestead Air Force Base and its relationship to the Comprehensive Everglades Restoration Plan.

In December of 1999, the U.S. Air Force and the Federal Aviation Administration released a draft supplemental environmental impact statement, EIS on the disposal of 1,632 acres of the former Homestead Air Force Base. About 870 acres of the Homestead Air Force Base has been retained as the Homestead Air Reserve Station.

This draft supplemental EIS presents as its proposed action the redevelopment of portions of the Homestead Air Force Base as a regional airport with a projected 150,000 annual air operations by 2015, and an estimated 231,000 air operations at maximum use. As a point of comparison, Reagan National Airport has about 300,000 air operations and Miami International Airport has over 500,000 air operations.

The draft supplemental EIS presents three mixed use development plans and a commercial spaceport as alternatives to the regional airport. The draft supplemental EIS was circulated for public comment in December 1999. The Air Force is currently evaluating the comments on the EIS and plans to make a final decision on conveying the property later this year.

If we look at this map, here is the Homestead Air Force Base in Homestead, FL. Ten miles away is the Everglades National Park, 2 miles away from that is Biscayne National Park, and about 10 miles away is the National Marine Sanctuary. This is the Everglades project. We can see that the use of this base will have a large impact on this very fragile area of Florida we are trying to restore.

I agree with the assessment of the Natural Resources Defense Council and eight other national and local environmental groups, that the information generated in preparing the draft supplemental EIS does not support the proposed action of regional airport development.

This information reinforces what common sense would dictate: the Homestead base is an inappropriate site for the proposed commercial airport. Indeed airport development would have a number of different adverse impacts:

It would significantly increase the noise in Everglades and Biscayne Parks, potentially affecting wildlife and detracting from the experience of visitors. At places within Everglades Park, the amount of time that aircraft noise would be above the ambient sound levels would increase more than two hours. Portions of Biscayne Park would experience similar increases up to 2 hours.

The proposed airport would be an air pollution source equivalent to a large power plant, with increases of emissions to about 392 tons per year in nitrogen oxides by 2015.

The secondary and cumulative impacts of commercial airport development would result in residential and commercial growth in the surrounding area that would frustrate planned Everglades restoration activities, specifically, the Biscayne Coastal Wetland feature of the Comprehensive Everglades Restoration Plan.

Private environmental groups are not alone in raising objections to the commercial airport development. Federal and State environmental agencies have also raised strong objections.

The Department of the Interior, commenting on the EIS, indicated that the development of a commercial airport near Biscayne and Everglades National Parks could have a series of negative consequences on these nationally and internationally recognized resources including significant noise impacts, increased contaminants in Biscayne Bay and impacts on the Comprehensive Everglades Restoration Plan. Secretary of the Interior Bruce Babbitt also has publicly expressed his personal opposition to the airport development.

The Environmental Protection Agency has serious environmental objections to the airport proposal.

The National Marine Fisheries Service does not recommend the commercial airport development because of the loss of buffer areas between the airport and Biscayne Bay.

The Florida Department of Environmental Protection is opposed to this development. They say it poses a threat to the protected terrestrial and marine environment within the Florida Keys' Area of Critical State Concern.

The South Florida Water Management District is concerned about the impacts of off-site growth generated by the airport redevelopment plan on 40,000 acres of wetlands owned and managed by the Management District.

I recognize the argument that the City of Homestead has made regarding the economic boost that the airport would provide to the city and surrounding area. When I was a member of the Ohio legislature, these same kinds of economic arguments were advanced in pressing for my support of oil and gas exploration leases in Lake Erie.

However, I believed that the environmental health of Lake Erie was more important in the long run to the economic health of Ohio than the short term revenue from oil and gas exploration.

I believe the same is true of redevelopment of Homestead Air Force Base. The environmental health of Biscayne Bay, the Everglades National Park and the Florida Keys are much more important to the long term economic future of Homestead than any airport proposal. There are alternative uses of the base property that are compatible with South Florida environmental restoration—uses that would also make significant contributions to the economy of the region.

Clearly if it was my decision to make, I would not redevelop the Homestead Air Force Base as a commercial airport. We are approving a Comprehensive Everglades Restoration Plan which will involve Federal and State expenditures of $7.8 billion. I believe it would be irresponsible to approve an investment of billions of dollars in the restoration of the south Florida ecosystem, while at the same time ignoring a re-use plan for Homestead Air Force Base that is incompatible with the restoration objectives.

My preference would have been to elevate the decision on Homestead redevelopment from the Secretary of the Air Force to the Secretary of Defense to make the decision in conjunction with the Department of Interior, the EPA, and the Department of Commerce.

This approach was not acceptable because of perceptions that it would interfere with the process and cause a delay in the decision. I have agreed instead—and it is in this bill—to a sense-of-the-Senate provision that conveys the concern of the Senate about potential adverse impacts of Homestead redevelopment and about the need for consistency in redevelopment and restoration goals. This approach was endorsed by environmental interests, and it is my hope that it will make a difference in the ultimate decision on Homestead.

I know that through all of this I have been sometimes categorized as an opponent of Everglades Restoration. Nothing could be further from the truth. I believe my efforts have helped assure that this effort can move forward. I look forward to passage of WRDA 2000 and the opportunity to get started on the Comprehensive Everglades Restoration Plan and the other critical water resources projects contained in the bill.

I thank the Chair and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I recognize that the senior Senator from Massachusetts is going to address the Senate for about an hour. It is my understanding, with his courtesy, that he will allow the Senator from Virginia to send to the desk an amendment and ask for its consideration, with the understanding that it will be laid aside for such period of time as the senior Senator from Massachusetts desires. Am I correct in that?

Mr. KENNEDY. The Senator is correct.

Mr. WARNER. I thank my good friend and colleague, the senior Senator from Massachusetts.

I send to the desk, on behalf of myself and my colleague Senator VOINOVICH, an amendment. In two or three sentences, the amendment simply does the following: Since 1986, the Senate has operated under a law whereby projects built by the Corps of Engineers, pursuant to the process of authorizing projects, are then, upon completion, carried by the States—the financial burden of the operation and maintenance of those projects.

The current legislation along the Everglades—and I am going to vote for the Everglades provision—changes that law by virtue of setting a precedent whereby the Federal taxpayer will pay half the cost of operation and maintenance for the life of the project.

Now, with due respect to my distinguished chairman and good friend, Senator SMITH, and others, who have written this legislation, I cannot understand any valid reason for changing a law that has been in effect for 14 years and served this Nation so well for this single project. My colleague from Ohio shares these concerns. That is the purpose of this amendment—to strike only a few words, providing the exception for this particular Florida project, and saying the Florida project will be treated just as all the other projects that have been authorized by the Congress in the past 14 years and presumably in the future.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KENNEDY. I understand that under the agreement I have up to an hour, is that correct?

The PRESIDING OFFICER. The Senator is correct.

### ISSUES THE SENATE SHOULD CONSIDER

Mr. KENNEDY. Mr. President, this afternoon we are considering legislation on the preservation of our water resources. That is an important issue and it should be debated, but in the short time remaining in this session, we also must answer the call of the American people for real action on key issues of main concern to working families. We still must raise the minimum wage. We must pass a Patients' Bill of Rights—a real Patients' Bill of Rights. We must enact a prescription drug benefit as a part of Medicare. We must invest in education in ways to make a real difference to our children. We must strengthen our laws against hate crimes. We must adopt sensible gun control to keep our communities and our schools safe.

But the Congress has done little more than pay lip service to these concerns of working families. In fact, this year, we have done little work at all. By the time this Congress is scheduled to adjourn only 2 weeks from now, the Senate will have met for only 115 days. That is the lowest number since 1956. It is only 2 days shy of the record set by the famous do-nothing Congress in 1948.

We know what the Senate leader has said about how he wanted to spend the last few weeks of this Congress, and that we would work day and night to get the business done. We were supposed to work on legislation by day and on appropriations bills by night. Specifically, Senator LOTT said, on September 6:

> We will focus the greatest time commitment on four other priorities. The four worthy are the permanent trade relations with China, completion of the 11 remaining appropriations bills for the fiscal year that begins October 1, raising the annual limits for protected savings in 401(k), individual retirement accounts, and the elimination of some unfair taxes like the telephone tax.

In a letter to GOP Senators, Senator LOTT wrote:

> The Senate will focus on the completion of the remaining appropriations, the China trade bill, and on the votes to override the President's vetoes of our bipartisan bills to end the marriage penalty and the death tax.

There was no mention of key priorities such as prescription drugs, Patients' Bill of Rights, or the minimum wage.

Senator LOTT said:

> When we return to session after Labor Day, there will be long days, but we will do our best to keep Senators advised, after communicating with leadership on both sides of the aisle, on what the schedule will be.

The Senate is still waiting for an answer to our unmet priorities, and so are the American people.

### H-1B HIGH-TECH LEGISLATION

Mr. President, I'm pleased that the Senate is finally taking steps to debate and vote on the H-1B high tech visa legislation. Our nation's economy is experiencing a time of unprecedented growth and prosperity. The strong economic growth can, in large measure, be traced to the vitality of the highly competitive and rapidly growing high technology industry.

I'm proud to say that Massachusetts is leading the nation in the new high tech economy, according to a recent study by the Progressive Policy Institute. Thanks to our world-class universities and research facilities, Massachusetts is a pioneer in the global economy of the information age. We are home to nearly 3,000 information technology companies, employing 170,000 people, and generating $8 billion in annual revenues.

With such rapid change, the nation is stretched thin to support these new businesses and their opportunities for growth. Nationally, the demand for employees with training in computer science, electrical engineering, software, and communications is very high.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted the American Competitiveness and Workforce Improvement Act, which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional H-1B visas, we have reached the cap before the end of the year in the last two fiscal years.

We need to be responsive to the nation's need for high tech workers. We know that unless we take steps now to address this growing workforce gap, America's technological and economic leadership will be jeopardized. I believe that the H-1B visa cap should be increased, but in a way that better addresses the fundamental needs of the American economy. Raising the cap without addressing our long-term labor needs would be a serious mistake. We cannot count on foreign sources of labor as a long-term solution.

These are solid, middle class jobs that Americans deserve under the H-1B program. The median salary for H-1B high tech workers is $45,000. Approximately 57 percent of H-1B workers have earned only a bachelor's degree. More than half of these workers will be employed as computer programmers and systems analysts. These are not highly specialized jobs. They do not require advanced degrees or years of training. American workers are the most productive workers in the world. It makes sense to demand that more of our workers be recruited and trained for these jobs.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to yield.

Mr. DURBIN. Mr. President, I thank the Senator for the comments he is making. I ask him if he would draw a historical parallel to the situation we faced in the late fifties, when the Russians launched Sputnik and we, as a nation, decided to devote resources into a National Defense Education Act, so that we would have the scientists and engineers to be able to compete then with the Russians in the space race. President Kennedy followed on with our exploration into space.

Aren't we facing a similar challenge today regarding whether we will be able to compete in the 21st century with the scientists and engineers and skilled employees with all the other nations competing for the very best jobs?

Mr. KENNEDY. The Senator is exactly right. That is why, when we do have the measure before us, we will offer amendments to try to develop the support in the Senate, and also in the House, for the funding of a program that will help ensure that this deficit, in terms of the highly skilled who are being addressed by the H-1B visa, will be eased. We will utilize very effective services. For example, the National Science Foundation, which has a good deal of skill and understanding and awareness in giving focus and attention to encouraging highly specialized vocations and support for these types of programs.

We will welcome the opportunity to join with my friend from Illinois in bringing this to the attention of the Senate when we actually have the measure before us. We are very hopeful that we will have the opportunity to address it and not have steps taken in the Senate that will foreclose both the debate and discussion on this issue.

The fact is that the great majority of these H-1B jobs have good, middle-income salaries, and they are the kinds of jobs that would benefit any family in America. For a number of reasons, which I think many of us are familiar with, we have not developed the kinds of training programs and support programs for the development of the skills in these areas that we need. But the question that will be before us is, Should we throw up our hands and say we won't do that and we will depend upon a foreign supply of these workers in the future?

I think not. I think we should take the steps now to make sure this provision actually becomes an anachronism.

Perhaps we will also need opportunities for those who have the very highly specialized skills to come here and to benefit and fit into some aspect of either industry or academia. We ought to recognize that. But to rely on the kind of jobs where only 57 percent of H-1Bs earned a bachelor's degree and the average income is only $45,000—this is a long way from those. I think most Members of the Senate and I certainly think most Americans would say H-1B is a superscientist that is going to go to a very specialized company or that will generate thousands of jobs. That may be true for very few that are included. But the fact is, for the most part, these are the kinds of jobs that can be filled with American labor if they have the right kind of skills, and we ought to be able to develop that effort as we go into this program.

We also hear countless reports of age and race discrimination as rampant problems in the IT industry. The rate of unemployment for the average IT worker over age 40 is more than 5 times that of other workers. Just when we should be doing more to bring minorities into technology careers, we hear that organizations in Silicon Valley cannot get companies to recruit from minority colleges and universities, or hire skilled, educated minorities from neighboring Oakland. The number of women entering the IT field has also dramatically decreased since the mid-1980s. If the skill shortage is as dire as the IT industry reports, we can clearly do more to increase the number of minorities, women and older workers in the IT workforce.

Any credible legislative proposal to increase the number of foreign high tech workers available to American businesses must begin with the expansion of high-skill career training opportunities for American workers.

Now more than ever, employer demand for high-tech foreign workers shows that there is an even greater need to train American workers and prepare U.S. students for careers in information technology. As Chairman Alan Greenspan recently stated,

> The rapidity of innovation and the unpredictability of the directions it may take imply a need for considerable investment in human capital . . . The pressure to enlarge the pool of skilled workers also requires that we strengthen the significant contributions of other types of training and educational programs, especially for those with lesser skills.

When we expanded the number of H-1B visas in 1998, we created a training initiative funded by a visa fee in recognition of the need to train and update the skills of members of our workforce. Today, as we seek to nearly double the number of high tech workers, we must ensure that legislation signed into law includes a significant expansion of career training and educational opportunities for American workers and students.

I propose that we build on the priorities in current H-1B law. The Department of Labor, in consultation with the Department of Commerce, will provide grants to local workforce investment boards in areas with substantial shortages of high tech workers. Grants will be awarded on a competitive basis for innovative high tech training proposals developed by workforce boards collaboratively with area employers, unions, and higher education institutions. Annually, this program will provide state-of-the-art high tech training for approximately 50,000 workers in primarily high tech, information technology, and biotechnology skills.

More than ever, today's jobs require advanced degrees, especially in math, science, engineering, and computer sciences. We must encourage students, including minorities to pursue degrees in these fields. We must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to partnership programs with an educational mission. Equally important, closing the digital divide must be a part of our effort to meet the growing demand for high skilled workers.

The only effective way for Congress to responsibly ensure more high skill training and scholarships for students is to increase the H-1B visa user fees. High tech companies are producing record profits. They can afford to pay a higher application fee. According to public financial information, for the top twenty companies that received the most H-1B workers this year, a $2,000 fee would cost between .002% and .5% of their net worth. A $1,000 fee would cost them very little. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards.

The H-1B debate should not focus solely on the number of visas available to skilled workers. It should also deal with the professional credentials of the workers being admitted. It makes sense to expand the number of H-1B visas to fill the shortage of masters and doctoral level professionals with specialized skills that cannot be easily and quickly produced domestically. We should insist that a significant percentage of the H-1B visa cap be carved out and reserved for individuals with masters or higher degrees.

In the days to come, we will have the opportunity to debate these issues and pass legislation that meets the needs of the high technology industry by raising the visa cap and also by ensuring state-of-the-art skills training for American workers. Clearly, however, the immigration agenda is not just an H-1B high-tech visa agenda. Congress also has a responsibility to deal with the critical issues facing Latino and other immigrant families in our country. To meet the needs of these immigrants, my colleagues and I have introduced the Latino and Immigrant Fairness Act.

The immigrants who will benefit from this legislation should have received permanent status from the INS long ago. These issues are not new to Congress. The Latino community has been seeking legislation to resolve these issues for many years. The immigrant community—particularly the Latino community—has waited far too long for the fundamental fairness that this legislation will provide.

This measure is also critical for businesses. All sectors of the economy are experiencing unprecedented economic growth, but this growth cannot be sustained without additional workers. With unemployment levels at 4 percent or even lower, many businesses find themselves unable to fill job openings. The shortages of highly skilled, semi-skilled and low-skilled workers are becoming a serious impediment to continuing growth.

Information technology companies are not the only firms urging Congress to provide additional workers. An equally important voice is that of the Essential Worker Immigration Coalition, a consortium of businesses and trade associations, and other organizations, including the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act. Conservative supporters of the Act include Americans for Tax Reform and Empower America. Labor supporters include the AFL-CIO, the Union of Neeletrades and Industrial Textile Employees, and the Service Employees International Union.

All of the major Latino organizations support the bill, including the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, and the National Association of Latino Elected and Appointed Officials. Religious organizations include a broad array of American Jewish groups, the U.S. Catholic Conference, and Lutheran Immigration and Refugee Services.

The Latino and Immigrant Fairness Act includes parity for Central Americans and Haitians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments. The act provided other similarly situated Central Americans and Haitians with the opportunity to apply for green cards under more difficult and narrower standards and more cumbersome procedures.

It is unfair not to provide the same relief for all immigrants seeking safe haven in the United States. Fairness requires that we address this grave injustice. As Congresswoman CARRIE MEEK said on the floor of the House of Representatives "Nicaraguans, Cubans, Guatemalans, and Salvadorans . . . live next door to each other in some of our communities [but] one will get a green card and the others cannot. One could seek citizenship after 4 to 5 years; the others cannot. Is that fair? My answer is no, it is not fair."

Senator MACK, Senator ABRAHAM, and others said, "Last year, we adopted legislation to protect Nicaraguans and Cubans. But Haitians were unfairly excluded from that bill. The time has come for Congress to end the bigotry. We must remedy this flagrant omission and add Haitians to the list of deserving refugees."

There it is, Mr. President, those who have reasonable access: Cubans and Nicaraguans; those who have unreasonable access, Salvadorans, Guatemalans, Haitians, Hondurans, and immigrants from Eastern European countries. We have the support from the Chamber of Commerce and from the AFL-CIO to bring this in. With H-1B legislation we are looking out for the high tech industry; why not look out for other industries, as well? We had a strong indication of support by two Republican Senators last year when this was passed. Yet we are being denied the opportunity by the Republican leadership to bring this matter before the Senate. We are being denied the opportunity by the Republican leadership to have a vote on it. We will agree to a time limit. They are denying even the chance to bring it up. That is wrong. That is unfair. It is unjust.

We are going to do everything we possibly can to remedy that through other parliamentary means. The idea that we are bringing up one particular proposal to look at high tech—and I am all for those provisions, and stated my support for them—and saying we should be able to deal with this issue and expand the job opportunities for other Americans, while on the other hand, saying absolutely no, we are going to set up a parliamentary situation where we are absolutely denied the opportunity to bring that up. It is supported by the religious and business communities, and has had the support of Republican Senators, but we are being denied the opportunity to bring it to the floor for a vote. It is wrong. It is unfair. The American people ought to understand it.

Not only are we failing to deal with some of the key issues which are at the heart of the American families' concerns, but we are refusing to be fair on this issue with regard to the Latino and Immigrant Fairness provisions. The Latino and Immigrant Fairness Act will create a fair and uniform set of procedures for all the immigrants from the region who have been in this country since 1995.

It is important to remember the recent history of why people in Central America and Haiti fled from their homes. In Guatemala, hundreds of so-called "extra-judicial" killings occurred every year between 1990 and 1995. Entire villages "disappeared." Most of the villages were probably massacred. In El Salvador, an end to 12 years of civil war has not meant an end to violent internal strife. Ironically, the death toll in 1994 was higher than during the war. In Honduras, the Department of State's Human Rights Report cites "serious problems," including extra-judicial killings, beatings and a civilian and military elite that has long operated with impunity. Haiti has been ruled by dictators for decades. In September 1991, Haiti's first democratically-elected government was overthrown in a violent military coup that was responsible for thousands of extra-judicial killings over a three-year period.

The idea that we have discriminatory provisions in our immigration laws is nothing new. I remember in 1965 when we passed the Immigration Act, which eliminated the Asian Pacific triangle, a provision that went back to the old Yellow Peril days. In 1965, we permitted only 125 Asians to come into the United States. We effectively excluded Asians from their ability to immigrate here. We gave preferences to others. Who did we give preference to? To those who qualified under the national origin quota system that was based upon the ethnic requirements.

The immigration laws in our country historically have been filled with these inequities, and we have been battling to try and make them fair and just. Now we are refusing to eliminate one of the most glaring discriminatory aspects that has ever existed in our immigration laws, and we are being denied that opportunity on the floor of the Senate by the Republican leadership. That is fundamentally wrong.

Providing parity for immigrants from countries in Central America and Haiti will help individuals such as Ericka and her family. In 1986, when Guatemala was in the midst of a civil war, Ericka's father was abducted and disappeared. He is presumed dead. The rest of the family fled to the United States for safety. When Ericka joined her mother in 1993, she was a minor and could be included in the family's asylum application. Her family now qualifies for permanent residence under NACARA. However, because Ericka is 21, she no longer qualifies under this law and will therefore remain in legal limbo—or worse, be deported back to Guatemala.

This is happening every single day. She lives in fear of being sent back to the country where her father was killed. Her life here is in limbo. She graduated from high school and has dreams of going on to college. But without permanent residence, she cannot qualify for scholarships. Passage of the Latino and Immigrant Fairness Act will enable her to remain in the United States with her family and continue her education.

The Latino and Immigrant Fairness Act will also provide long overdue relief to immigrants, who because of bureaucratic mistakes, were prevented from receiving green cards long ago. That is one aspect of the bill. Listen to this and wonder why we can't address this aspect of the law.

In 1986, Congress passed the Immigration Reform and Control Act, called IRCA, which included legalization for persons who could demonstrate that they had been present illegally in the United States since before 1982. There is a one-year period to file. However, INS misinterpreted the provisions in IRCA, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of law. The courts required the INS to accept filings for these individuals. One court decision stated:

> The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying.

They went to court. The court found for them. We are talking about 300,000 individuals. The court found for them and said: You are qualified, you got misinformation from the agency that was supposed to administer this. We apologize. Go ahead and apply.

Then what happened? The ink was not even dry and in 1996, the immigration law stripped the courts of the jurisdiction. The Attorney General ruled that the law superseded the court cases. As a result of these actions, this group of immigrants have been in legal limbo and fighting government bureaucracy over 14 years.

We are denying them the opportunity to make the adjustment of their status. Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of INS' misinterpretation, or who were turned away by the INS before applying.

Consider Maria. Maria, who came to the United States 18 years ago, has been living in legal limbo with temporary permission to work, while courts determine whether she should have received permanent residence under the 1986 legalization law. Maria now has a U.S. citizen son who suffers from a rare bone disease that confines him to a wheel chair. As a result of the changes in the 1996 immigration law, Maria has now lost her work permit. Her father recently passed away in El Salvador, but her tenuous legal status did not permit her to return there to pay her last respects. All Maria wants to do is legalize her status and continue to work legally to support her family and pay her son's medical bills. Without the passage of this legislation, Maria faces an uncertain future.

This bill will also restore section 245(i), a vital provision of the immigration law that permitted immigrants about to become permanent residents to apply for green cards while still in the U.S. for a $1,000 fee, rather than returning to their home countries to apply.

Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the U.S. are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees, while providing INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring Section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as ten years.

America has historically been open and welcoming to immigrant populations seeking to build new lives, free from the fear of persecution and tyranny. The Latino and Immigrant Fairness Act builds on that tradition, by restoring fairness to the immigrant community and fairness in the American legislative process. This legislation will regularize the status of thousands of workers already in the U.S., authorize them to work—that is what this is all about, obtaining a Green Card so they can work, pay taxes—and create a policy that is good for families and good for this country. It will correct past government mistakes and misdeeds that have kept hard-working immigrant families in bureaucratic limbo for far too long.

This is legislation that cannot wait. Families are being torn apart because we have failed to take the necessary steps to pass the Latino and Immigrant Fairness Act. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Just last week, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. They prefer to talk about their support for the Latino community, rather than take tangible steps to benefit immigrant workers and their families.

Few days remain in this Congress, but we are committed to doing all we can to see that this legislation becomes law this year. Passage of this bill will be a victory for all who believe in justice, fairness, and the American dream.

There may be individuals who want to take issue with those observations I have made. We would be glad to debate them. We had, under the Democratic leader's proposal, indicated a willingness to limit amendments to, I believe, five amendments and to have short time agreements on all of those. We could have disposed of this whole legislation and done it in a way that would have expressed the will of the Senate. Instead, we are spending all week on it. We are spending virtually the whole week. With 3 weeks left, we are spending a whole week on this legislation and are still failing to deal with the fundamental issues of fairness which are within the legislation, although we will have an opportunity to deal with it, and that is the Latino and Immigrant Fairness Act.

I hope we will have that chance. I am confident Senator DASCHLE will give us that opportunity. We look forward to debating these issues. But we ought to be able to do that in the sunshine on the open floor of the Senate. Maybe there are those who differ, who believe this is not an issue of fairness. Maybe there are those who say we ought to have a dual standard, one standard for the high-tech industry and a different standard for those who basically track their heritage to Spanish tradition.

I cannot speak about what the reservation is, but I fail to be persuaded by any of the arguments I have seen so far about why we should not have fairness, the Latino and Immigrant Fairness Act, as we are having fairness in the H-1B. Maybe there are those who will want to engage in that discussion and debate. I will look forward to participating in that as well.

Mr. President, I wanted to take a few moments now of the remaining time—I will only take 15 more minutes.

In addition, I want to mention briefly my sense of what, we ought to be addressing in the Senate. We are constantly reminded that we do not set the agenda, that it is the other side that sets the agenda. We have certainly learned that over the period of this year. But we want to let the millions of Americans who are out there, who care about these issues, know that there are Members in the Senate who are deeply committed to these areas of public policy and who want to take action and think action can be taken in the areas of education, education reform; in the area of prescription drug and prescription drug reform; in the area of patients' rights and patients' rights reform. I spoke yesterday about the importance of the minimum wage.

On the issues of education, what is of enormous concern to me is—I read earlier, into the RECORD, what was going to be the calendar established by the Republican leader. But I also want to read this, so we have a good idea of what the Republican leader has said on other occasions about education. This is the majority leader's promises on education.

On January 6, 1999:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

It is important for this reason: This will be the first time in 35 years—the first time in 35 years, if we do not reauthorize the Elementary and Secondary Education Act, that we have failed to do so.

Maybe there is a good reason for that. Maybe there are other higher priorities. But when the Senate spends 16 days debating the issue of bankruptcy, with 55 amendments, and then has a 6-day debate on education, and of the seven rollcall votes, three of them were virtually unanimous—we have not had the real debate and discussion the American people want.

Nonetheless, we have these promises, promises on education. This is what was said:

> Remarks to U.S. Conference of Mayors Luncheon, January 29, 1999—But education is going to have a lot of attention, and it's not going to just be words. . . .
>
> Press conference, June 22, 1999—Education is number one on the agenda for Republicans in the Congress this year.
>
> Remarks to U.S. Chamber of Commerce, February 1, 2000—We're going to work very hard on education. I have emphasized that every year I've been majority leader. . . . And Republicans are committed to doing that.
>
> Speech to the National Conference of State Legislatures, February 3, 2000—We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.
>
> Congress Daily, April 20, 2000— . . . Lott said last week his top priorities in May include an agriculture sanctions bill, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.
>
> Senate, May 1, 2000—This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.
>
> Press Stakeout, May 2, 2000—
>
> *Question:* Senator, on ESEA, have you scheduled a cloture vote on that?
>
> Senator Lott. No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good healthy, and even a protracted debate and amendments on education I think is the way to go.
>
> Senate, May 9, 2000—
>
> Senator Kennedy: As I understand, . . . we will have an opportunity to come back to [ESEA] next week. Is that the leader's plan?
>
> Senator Lott: That is my hope and intent.

Then on July 10:

> I, too, would very much like to see us complete the Elementary and Secondary Education Act. I feel very strongly about getting it done. We can work day and night for the next 3 weeks.

Then finally, July 25:

> We will keep trying to find a way to get back to the legislation and get it completed.

The reason we are not having a debate is because the majority thought there might be an amendment dealing with limiting the opportunity for children to obtain guns in school areas. That kind of outrageous question, about whether we were going to try to make our schools safer and more secure, once that was even mentioned, the word went out and we effectively found there was not going to be any more debate and discussion.

However, in 1994, under Republican leadership, the Republican leader actually cosponsored a weapons amendment. At that time, no one on that side of the aisle said: Oh, no, we are not going to consider it. That is not relevant to education. We want to make sure we are not only going to have smaller class sizes, better trained teachers, afterschool programs, modernization of schools, more technology available, greater accountability, preschool help and assistance for our children, but we want our children to be safe and we want them to be secure.

I think parents understand that and support it.

We are denied the opportunity to even vote on that. It used to be around here, years ago in the Senate—and also not that long ago—when people had differences, you settled them through debates and by votes. Now you settle them by not even bringing them up.

That is where we are: Nowhere, on the issues of education.

This is in spite of the fact we know that student enrollment will continue to rise in the foreseeable future. According to the U.S. Department of Education's 2000 Baby Boom Echo Report, between 1990 and the year 2000, growth in the K-12 student population has gone up by 6.6 million students, from 46.4 million to 53 million. And, even beyond the next ten years, the number of school-age children will continue to increase steadily. Between the year 2000 and the year 2100, the total will rise from 53 million to 94 million children, 41 million more children are going to be going to schools in this country.

Does anyone believe the education issue is going to go away? Does anyone think by not calling it up or giving it attention it is going to disappear? We used to debate these issues and then have resolution.

This is against the background that in more recent times, since 1980 to 1999, the Federal share of education funding has declined from 11 percent to 7.7 percent for elementary and secondary education, and 15 percent to 10 percent for higher education. I know there are Members who do not want any funding in elementary and secondary education.

I was here in 1994 when the new Republican leadership took over. The first thing they did was decrease funding for programs under the Elementary and Secondary Education Act. That was the first major debate. I know they have been in favor of abolishing the Department of Education. I am aware of that. Most parents think we ought to have a partnership and that we ought to move ahead.

I would like to mention just one other fact. More students today are taking advanced math and science courses. This is very encouraging since these rigorous classes provide the foundation that students need to acquire solid math knowledge. In precalculus, the percent who are taking advanced placement courses has increased from 31 percent to 44 percent; calculus, 19 percent to 24 percent; physics, 44 percent to 49 percent.

SAT math scores are the highest in 30 years. Modest gains have been made, but the upward trend lines are very important, and they have consistently flowed upwards. This is important. We ought to be debating this. We ought to know what schools are doing to achieve that success. We ought to benefit from those schools' successes. We ought to give our support to those successful efforts. We ought to give flexibility to the local community to make sure their schools are successful.

Why can't we debate this? We have more children taking the SATs than have ever taken them before. All of these SAT math scores—for males and females—are following an upward trend.

But, our work is far from over. In spite of this promising news, the results so far are not enough. Now is not the time to be complacent. We still have enormous problems. We have them in my State and in many of our largest cities. In so many of these areas, we have teachers, parents, communities, business leaders, and workers who are prepared to do something. In my city of Boston, we had a net day. We were 48th out of 50 States in terms of access to the Internet. We had net days around our State. Now we are tenth, and it was all done voluntarily.

The IDEW in Boston laid 450 miles of cable and did it voluntarily. We had contributions from the software industries of tens of millions of dollars. Many helped the teachers in training programs. They were delighted to do it. They wanted to work on it. Things are happening. We are not saying we are the only solution, but what we are saying is let's find ways we can be supportive. We are not given that opportunity.

Finally, I want to mention two other areas. One is on the issue of the Patients' Bill of Rights. It has been just over a year since the House passed good Patients' Bill of Rights legislation—the bipartisan Norwood-Dingell bill. The Senate passed another bill that failed to meet these requirements.

I remind the American people, there is not a single medical organization that supports the Republican proposal. Not one. I have said that a dozen times. I have challenged the other side to come up with a single medical organization in this country that supports their proposal. There isn't any. Three hundred support ours. Every children's group, every women's group, every group representing the disabled, every medical group of every stripe has supported ours—North, South, East, and West. We still cannot get it. If the Republicans would let us vote on this again, we would have a majority of the Members of this body support the bipartisan proposal that passed the House of Representatives. The American people ought to know that the Senate leadership is keeping this bottled up.

This chart shows the particular protections and where they came from. I am not going to take the Senate's time now to read all of them. If one is looking at where these protections came from, access to emergency care was recommended by the Committee on the Patient's Quality Commission, based of Democrats and Republicans. It was a unanimous recommendation. It is also from the insurance commissioners, the Association of Health Providers, plus it is already in Medicare. Every one of these protections has been out there one way or the other. We should be about the business of ensuring that the American people are going to get all the protections.

I see my good friend from the State of Florida who is doing such an important service to the Senate in bringing a historic perspective to the importance of a prescription drug bill, and the emotional and day-to-day reality that exists without these protections.

We still have a chance to vote on these issues. We have two different proposals that are basically before us. The one that Senator GRAHAM will introduce and support and that has broad support will ensure that individuals benefit from a prescription drug benefit program that lets doctors decide what is in their best interest. It can go into effect a year from now. That is enormously important.

The proposal that has been recommended on the other side consists of block grants that go to the States, in which 28 million American seniors will not participate because they will not be eligible. We will also have to wait until the money is actually appropriated by the Congress to those States.

States will need enabling legislation to provide those prescription drugs, and then sometime after 4 years, if there is a modernization program under Medicare, there can be a prescription drug benefit. If my colleagues want to take their chances and roll the dice, that is the way to go. If they want to have a dependable, reliable, stable, predictable benefit program, it should be under Medicare. The seniors understand that. They have confidence in it. They want it strengthened. We have a responsibility to do that. We can build on that program for a sound and effective future.

I will be glad to yield the remaining time to the Senator from Florida.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts wanted to be notified when he had 15 minutes.

Mr. KENNEDY. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. BENNETT. Mr. President, it is my understanding there is an hour reserved under the control of Senator THOMAS.

The PRESIDING OFFICER. The Senator is correct.

Mr. BENNETT. It is my understanding further, Mr. President, and I inform the Chair, that with Senator THOMAS' permission, I am here to claim that time. Is there objection to my doing that?

The PRESIDING OFFICER (Mr. L. CHAFEE). Without objection, the Senator has the time.

Mr. BENNETT. Mr. President, I say to my friend from Florida, I want to respond briefly to the comments of the Senator from Massachusetts and then perhaps respond to the Senator from Florida.

The Senator from Massachusetts has touched a number of issues in this debate. I am not sure I can keep up with him in terms of the volume of subjects he has brought before us, but I will try to respond to some that I think need response.

I will start with the H-1B issue, which is the issue with which he started. He told us at great length how much he supports the H-1B program and described the high-tech activity in Massachusetts, his home State, which is dependent on our doing something about the H-1B problem. He did not tell us that he was one of two Senators—and there were only two—in the committee who voted against reporting out the H-1B visa bill about which we are talking. So it is clear his support is conditional on a number of things.

He outlined those on the floor. And he is certainly entitled to his conditions and to his attitude with respect to them. But I will point out a few things with respect to H-1B which those Senators who are primarily responsible to the AFL-CIO, in their political lives, do not seem to talk about.

We talk about jobs. The Senator from Massachusetts said: Many of the jobs for H-1B visas are filled by people who do not require very high academic standards, so those can be filled by Americans. We should only have the H-1B visas for people with master's degrees and doctorates. He talked about a screening program that would be set up by the Federal Government to determine, on the basis of academic credentials, who could get in and who could not get in on the H-1B system.

I spent a good portion of my life in the private sector. I found that experience to be tremendously valuable to me when I came to the Senate. At one point in my young life, I fantasized about the possibility of coming here as a very young Senator, taking a seat maybe in my thirties or even forties. Now I am very glad that I did not do that because that would have meant I would have spent all of that time in the governmental orbit and not learning some very fundamental lessons in the private community.

The first lesson I learned in the private community—and learned it again and again and again whenever the situation came up—was that the marketplace rules. I have said here before that if I could control what we carve in marble around here, along with the Latin phrases, which are inspiring and wonderful and historic, I would carve another slightly more practical phrase in marble, to keep it before us so we never forget it, and it would be: "You cannot repeal the law of supply and demand." We try that every once in a while. We try to repeal the law of supply and demand with congressional mandates. This is what, frankly, the Senator from Massachusetts would be up to if he had his way on the H-1B visa issue.

Why is there an H-1B visa issue? Because there is a gap between supply and demand. It is as simple as that. There is an enormous demand for certain kinds of jobs in this country. Currently it is running somewhere between 350,000 and 400,000. That is the demand. For whatever reason, the American educational system cannot supply the workers to fill that demand. There is a pool of skilled workers who can fill that demand worldwide, and that pool of supply will meet that level of demand. The only question is: Where?

We held a high-tech summit in the Joint Economic Committee, of which the senior Senator from Massachusetts is a member. He came to that summit and heard the executives of the high-tech companies speak to us. I am not sure whether he was there when one particular statement was made, but it made a strong impression on my memory, and I would remind the Senator from Massachusetts, and others, of what one particular man said.

He said: "Senators, understand, this work"—he was referring to the demand—"will be done by these people"—referring to the supply. "The only question is, whether they will do it living in the United States or living abroad."

In today's high-tech world, in today's world of the Internet, the job can be sent electronically to the worker living in India, or Pakistan, or some other country; and the results of the work can be sent electronically back to the corporate headquarters in Silicon Valley, or Route 128 in Massachusetts, or Utah Valley, or Salt Lake Valley, or the Dulles Corridor, or any other high-tech center you might want to identify.

I cannot understand why it is not recognized in this Chamber almost universally that it would be better for the United States to have highly skilled, highly motivated, immediately qualified individuals living in the United States, paying taxes in the United States, adding to the economic activity of the United States, while they do this work, instead of having them live abroad and paying their taxes and making their contributions to the economy of other countries.

Yet the restrictions that would be put on H-1B visas, primarily at the behest of the AFL-CIO, would have the effect of saying, you can't do this work in the United States. And to have the Government screen those who can get H-1B visas on the basis of the Government's criteria of what constitutes the appropriate educational level, is to deny clearly the impact of the market.

No one is going to hire someone on the basis of anything other than that person's ability to do the work. I do not want to say to Hewlett-Packard or Intel or Novell, or any other high-tech company you can name: You can't hire this worker because we in the Government have decided that he does not have the appropriate educational credentials.

I want Hewlett-Packard to make that decision. They might not make it right. But it is the shareholders of Hewlett-Packard who pay the price if they make a mistake. That is the way the entire American economy has been built from the very beginning, and that is the way it will flourish in the future.

But no, we have from the Senator from Massachusetts an outline of the restrictions that the Government should put on the hiring practices of American companies. And we have from the Senator the statement that the Government should decide who is qualified to come in under an H-1B visa to fill one of these high-tech jobs.

Whenever the Government gets involved in trying to change the law of supply and demand, you get one of two things—I said this yesterday when we were in the debate on the minimum wage; I repeat it today—whenever the Government interferes with the law of supply and demand, you either get a shortage or you get a surplus.

Let me expand on that a little. As I reread my remarks from yesterday, I was not as clear as I usually like to be.

Right now, we have an example of the Government dictating how many foreign nationals can come in to work in the high-tech industry. They set the amount below that for which there is demand. What is the result? A shortage. Interfering with the law of supply and demand, the Government says, we will only allow this many, when, in fact, the requirement is for that many; and the result is we have a shortage of these workers.

A flip side of this, where surpluses are created, is where the Government sets a price higher than the market would. If I can go back historically to a time that is impressive to the Western U.S., the Government said: We will buy silver at a set price for our coinage. They set the price of silver higher than the market price. What happened? Everybody went out to find any kind of silver in their mountains, or any sort of mining operation, and the Government acquired a huge surplus of silver. The price was set higher than the market would set and it created a surplus.

In the case of skilled workers, the quantity is set lower than market demands, and we get a shortage.

So once again, engraved in marble on the walls: "You cannot repeal the law of supply and demand"—and recognize that every time you try, all you do is create either an artificial surplus or an artificial shortage.

As I said, with respect to H-1B visas, the work will get done either in the United States or abroad; and it will get done by the same people either in the United States or abroad. The only question we have to ask ourselves is, Do we want the people who are doing this work, getting paid by American corporations, drawing salaries with which they support their families, to be living in the United States and spending those salaries in the United States, contributing to the tax base of the United States, adding to the economic benefits of the United States, or do we want them living abroad?

Obviously, the American companies that seek to hire these individuals want them here because it is more efficient for them to be here. It would mean higher costs for them if they had to do the work abroad, but they will absorb those higher costs because they have to do the work. If they don't, America will lose its technological lead. America will lose its edge over the rest of the world, and we will see the technology world begin to disappear.

We have recaptured it. There was a period of time when people said the future lies in Japan, that America's great day of technological advance is behind us, that the Japanese have taken over. I remember those debates. I remember those speeches. It is not true. There is no country in the world that is close to the United States in our technological edge.

But to maintain that technological edge, not rest on our oars and coast into the future, we have to have a skilled workforce that can keep things moving forward. It is not available in this country. We have to let those companies hire on a worldwide basis so that the edge can be maintained here.

People say, well, they are taking jobs from Americans. Again, Mr. President, the statistics are clear. There are 350,000 to 400,000 high-tech jobs going begging right now because there are not people qualified to fill them. Companies are paying bounties to their employees who bring in a potential employee. In many companies in Silicon Valley, an existing employee will be paid thousands of dollars if he can introduce another prospective employee to his company who gets hired. Bounties are being paid to find people with these skills so that the companies can maintain their technological skills.

It is not a matter of saying, well, there are Americans who will be shut out if the H-1B visa program passes. It is not a matter of saying there are American graduates from American universities who will be denied jobs if we let these other people in. No. It is a matter of jobs going begging, jobs that have to be performed if this country is to maintain its technological edge, people who are capable of filling those jobs being allowed to come into this country and perform them.

Now there is one other aspect to this that I will highlight and discuss. That is the importance of maintaining America's edge. I have referred to it already, but I want to expand on it a little bit.

It used to be that in the industrial age, when a company was established and momentum was created in the marketplace, you could expect the momentum of that company to carry it forward not only for years but probably for decades. In today's world, a technology company can disappear virtually overnight if somebody else gets the edge on them and produces something better quickly. The most important factor in today's economy is speed, the speed with which you get your product to market, the speed with which you move ahead of your competitor. That means, once again, qualified people. That means, once again, being able to fill those particular assignments.

Now the Senator from Massachusetts says, well, what we really need to do is spend money increasing training. We look at the bills that are before the Appropriations Committee, and there is an enormous amount of money being spent to increase training in the United States to try to close this educational gap. I would be more than thrilled if we could say that there were already 400,000 American graduates from American universities ready to fill these jobs, that we don't need any visas for high-tech people abroad.

One of the ironies of that, however, that applies to the H-1B visa issue, is this: a large percentage—indeed, in some universities it is close to 50 percent—of the high-tech graduates of these universities are foreign born. They hold foreign passports. We give them visas to come to this country to gain the best education that is available anywhere in the world in these high-tech skills. Then when they graduate, we say to them: Thank you very much; you cannot stay because we can't give you an H-1B visa.

The American taxpayers—in the State of Utah, it is my State taxpayers—are subsidizing those universities. Why? Because we want the product that comes out of them in the form of qualified graduates. So we have ourselves in the interesting and ironic situation of saying, because we believe in education, we will appropriate money for higher education on both a Federal and State level; because we believe in education, we will do everything to make the American university system the very best in the world, which it is; and because we believe in opportunity, we will allow students from all over the world to come to these schools.

But when they have been here and partaken of that tax subsidy and have obtained that education, we say to them: Now you can't work here. You have lived here for 4 years, 5 years, 6 years, with a graduate degree, maybe you have been here 7 or 8 years. You have become assimilated into American culture. You have become comfortable with hamburgers and pizza (which is more of an American food than it is Italian food, I have discovered). You feel comfortable in all of this. You are ready to find a job. You can't find a job in the hotbed of technological advancement, which is the United States of America. You have to go home. We won't give you an H-1B visa after we have subsidized your education at taxpayer expense.

I have a hard time understanding how that makes any sense, that these students from our best universities, who have received the taxpayer subsidy giving them the best degrees, then have to leave because of the artificial barriers created by the attempt, once again, of Government to try to repeal the law of supply and demand.

When we talk about Americans filling these jobs, talk about graduates of American universities filling these jobs, let us understand that many of those graduates are themselves the very people who will benefit from the H-1B visa program that is included in this bill.

Now a few other comments, and then I will yield the floor.

I was interested to hear the Senator from Massachusetts talk about the fact that there are jobs going begging in this good economy and how difficult it is for employers to fill jobs. He was speaking at this time not about the H-1B visa and the high-tech kind of jobs, he was speaking about very ordinary jobs. He was speaking on behalf, he said, of immigrants who he wanted to come in to fill these jobs. He said these jobs are going begging and we need to pass his particular bill in order to make it possible for these immigrants to take these jobs.

I am not a member of the appropriate committee, so I cannot comment in detail on the bill he was pressing, but I would like to go back to our debate of yesterday when the senior Senator from Massachusetts was demanding that we raise the minimum wage. We have raised the minimum wage. We do that periodically. But he is demanding that we raise the minimum wage again.

To me, there is an interesting gap between the rhetoric of yesterday that says these people cannot support themselves on their wage and the Government must interfere, once again, with market forces that set their wages, to push those wages up, and then the rhetoric of today that says there are a bunch of low-level jobs going unfilled.

If the jobs are going unfilled, why is it? It is, once again, because there are not people qualified to take them. I told the Senate yesterday about the experience I have in my home State. When I talk to employers, they say their biggest problem is finding workers. They can't get anybody to fill the jobs.

I ask them: Do you offer more than the minimum wage?

The answer is always: Yes, we are offering more than the minimum wage.

The problem is not that the Government hasn't mandated a high enough wage in order for these people who are just subsisting at minimum wage to get by; the problem is they do not have the skills that will allow them to return enough value to the employer so they can command the jobs that are open in this economy.

The Senator from Massachusetts answered his rhetoric of yesterday with his rhetoric of today. I hope he can connect the two so that we can realize that the challenge for people who are living at poverty's edge, the working poor who are getting by on just the minimum wage, is not Government intervention to artificially demand that they be paid more and, thereby, in some cases, run the risk of being priced out of the market for the skills they have. The challenge is to see that their skills are improved. That is where training money should go. That is where many American corporations are spending their training money, and that is where the educational challenge becomes most obvious.

American corporations are spending billions of dollars to teach employees how to read and write. That is correct—billions of dollars to teach basic skills that should have been learned in public schools and were not.

Now we get to the next issue that the Senator from Massachusetts talked about in his presentation, which is education. I was lured back into public life by the issue of education. I was very happy being the CEO of a comfortable and profitable company.

I got a phone call one day saying: Would you be willing to serve as a member of the strategic planning commission for the Utah State Board of Education and address our education issue?

I said: Yes, that sounds like a proper kind of citizen thing to do.

Then I got a phone call a few days later and they said: By the way, we want you to be the chairman of that commission.

Thus, I found myself dragged in a little further and a little deeper than I had originally planned.

I immersed myself in education issues and came out of that experience absolutely convinced of several things:

No. 1, education is our No. 1 survival issue. Now that the Soviet Union is no more, nothing threatens the future of America, long term, so much as the educational challenge that we face. I am sure that the Senator from Massachusetts would agree with me on that.

No. 2, nothing is more high bound and determined not to change than the educational institution in this country. And we have seen that in the debate on this floor. We have seen that in the educational initiatives that have been offered on this floor. The Republicans have brought forth proposal after proposal after proposal that would bring fresh air, new opportunities, new experimentation into the educational establishment. Some of them passed, some of them were filibustered. Those that were passed were vetoed. And always we were told the solution to education is to put more money into the present system.

Now, there is a cliche that we have in the business world that says, "If you want to keep getting the result you are getting, keep doing what you are doing." If we want to continue the educational crisis and challenge that we have in this country, then we should keep funding education as we are funding it. But when the Senator from Washington proposes allowing 10 States to experiment—if they want to—with a greater degree of local control over Federal dollars, we are told: No, that threatens public education as we know it. We can't do that. That is risky, that is dangerous.

We keep reminding our friends on the other side that if the State doesn't want to do that, they don't have to. We are not mandating this kind of change. We are just making it an opportunity. No, they filibuster against that. They say the President will veto that. They say we can't consider that.

I am not one of those who thinks that a voucher program constitutes a silver bullet that is going to solve every educational problem. I know some on my side of the aisle do believe that. I don't; I think there are serious problems with vouchers. But I am willing to experiment with them to find out whether or not in certain circumstances vouchers can help. I am willing to try and get a little data. The data we have with respect to vouchers is quite encouraging—sufficiently encouraging that Robert Reich, a former Secretary of Labor in the Clinton administration, a man not known for his right-wing proclivities, wrote a piece in the Wall Street Journal that said that the data is in and vouchers work. I was stunned when I read that. I thought, gee, the experiment is over and we know that it works. He had a most interesting, most creative kind of further proposal to test the implication of vouchers.

But, once again, we heard again and again: No, no, we can't experiment with that. It will threaten public education as we know it. And here are their key words, which test very well in a poll, and they work very well in a focus group: If you try the Republican experiment in education, you will drain money away from the public schools.

There is an answer to Robert Reich in the Wall Street Journal recently, where Governor Hunt says: No, no, no; you can't do this because what you are doing is taking money away from the public schools.

Well, Mr. President, as I say, I spent most of my life in the private sector. I think I understand money and the movement of money. This is the way I understand it. Let me walk through it and see if someone can help me realize how it takes money away from public schools to run one of these experiments.

Let's say that a school district is spending $7,000 per year on a child. There are many public school districts in this country that spend more than that. We happen to spend less than that in Utah for a variety of reasons. We spend considerably more than that here in the District of Columbia.

Let's take that as a number, for the sake of this illustration. The school district is spending $7,000 per child. Along comes a Republican opportunity to try something with that child, and we follow the Robert Reich formula that says this is only with low-income children. We will not subsidize a Member of Congress who wants to send his children to private schools, as many Members of Congress have done—as the Vice President has done. No, we won't subsidize them. We will say that only low-income people who otherwise could not even conceive of going anyplace else will be eligible for this program. That is Robert Reich's proposal. OK. Let's take $5,000 and say to this child: You can take $5,000 and go someplace else.

As I say, in the private world where I have spent most of my time, $5,000 subtracted from $7,000 leaves $2,000. It seems to me that if you do that, you are saying to that school district you have an extra $2,000 per child for every child to whom you give a voucher, and you can use that $2,000 per child to spend on the children who stay. You can increase spending per child in the public school system if you adopt a voucher program such as the one Robert Reich has endorsed.

I do not ever hear that when we hear the rhetoric about education. You are taking money away from the public school system. In the aggregate, yes; you probably are. But we don't teach in the aggregate. We fund and we teach per child. If you are going to make your calculation on the basis of the amount of money available per child, you want as many children on vouchers as you can possibly get because you are going to make an extra $2,000 for every two grand on every one of them. That extra $2,000 is available for the kids who stay in the public system.

I would be very interested to have anyone on either side of the aisle explain to me why that math doesn't work. Explain to me why the reality of those numbers doesn't add up because they always add up every time I do the calculation. Every time I run through the examples, it always ends up being more money per student less in public education if you try one of these experiments.

I repeat again that I do not believe that vouchers represent a silver bullet. I have spent enough time examining them that I think there are some serious problems with them. I think it needs to be checked and rechecked. We need to be very careful before we endorse any kind of massive movement towards vouchers as some of my fellow Republicans have done.

But I ask those who do not even want to experiment: What are you afraid of finding? Are you afraid of finding that it might work? I am not afraid of finding that it fails. I am willing to admit that it was wrong, once we have some actual data. As I say, Robert Reich decided the data demonstrates that it works. The city of Milwaukee has been doing it longer than anyone else. They endorsed it and say it is working there. The driving force behind it was an inner-city black single mother named Polly Williams who serves as a liberal member of the Democratic State legislature. She says: The private system is failing my child. It is failing our children.

Interestingly, when you do the polls, support for this kind of experimentation is perhaps highest in the minority community—not the white, middle-class soccer moms in the school districts where the schools do a pretty good job, but in the inner-city minority schools where the children are being left behind.

Ultimately, this is the solution to the H-1B visa problem. It is fixing American education so that we have enough Americans to fill those 400,000 high-tech jobs. But it will not be done in the way that the Senator from Massachusetts wants to do it.

I repeat: If you want to keep getting the results you are getting, keep doing what you are doing. That is basically what he has offered us—keep putting more and more money into the present system, and don't even think about experimenting with it. When the Republicans say, let's try giving more control to the local school board, we are told, No. That would threaten the present system. When the Republicans say, let's experiment in the District of Columbia with some vouchers and see what happens, we are told, No. That would threaten the present system.

I believe we are trying to act responsibly with respect to the education situation. I am afraid there are some others who are trying to act politically and respond to the teachers union and other parts of the educational establishment for whom the only thing better than things the way they are is things the way they were. They don't want to try anything different. They don't want to experiment in the way the late Senator from Georgia tried—it was vetoed; the way the Senator from Washington tried, it was vetoed; the way Robert Reich suggested we try, and it was filibustered.

I think we should say to the Senator from Massachusetts: What are you afraid of? What are you afraid of in terms of experimentation? Don't filibuster; don't tell the President to veto. Let us have some of this experience, and then we will see if we can't move in the direction which will give us the graduates from American universities who will fill the 400,000 high-tech jobs.

One final comment: The Senator from Massachusetts talked at great length about problems with the INS and the problems with aliens here on an undocumented status who would like citizenship—that we must pass a law in order to solve their problems. Again, I am not a member of the committee, and I don't know the details of the law. I might very well end up in favor of it. But I would say this to the Senator from Massachusetts: If he makes a phone call to the White House, the chances are it will be returned more rapidly than if I do.

I will share with him my experience as a Senator, which I think is not atypical. We spend more time in our offices in Utah dealing with INS problems than any other single issue. More people come in with heartrending stories about their difficulty in dealing with the INS.

I have ridden along with the Salt Lake Police Department. They told me their No. 1 problem has to do with the INS and the way the INS handles undocumented aliens.

In the city of Salt Lake, 80 percent of our drug arrests and 50 percent of our murders are committed by undocumented aliens. They come across the border, go past the border States, and come into Utah where they think they are free from INS supervision because INS is located most heavily in the border States. And they have set up the drug turf wars. They control the drug traffic. They fight to protect their turf. The police tell me that 50 percent of the murders come from that.

Interestingly, once the cocaine is gone—they bring it with them—they will go back for more, and then come back again with another stash. Interestingly, the chief of police told me that for some reason there was a shortage of cocaine south of the border and that month all they had in Salt Lake was heroin. They brought a different drug with them, and they stayed until that shipment was gone. Then they went back and another group came—80 percent of the drug crimes; 50 percent of the murders.

Naturally, I spend time with the INS trying to get their assistance to deal with this. My point is this: If the Senator from Massachusetts is concerned about INS problems, he is not alone. But the problems, it appears to me, lie with the administration of the INS in this administration rather than with the underlying legislation that deals with it.

I was stunned to discover that there are people in my State who have been waiting for a green card so long that their 5-year visa opportunity will expire before they get it. And the answer as to why they are waiting so long has nothing to do with their qualifications but with the backlog that has been built up in the way the INS processes applications for green cards. We are not going to solve that problem by passing a visa piece of legislation that the Senator from Massachusetts wants.

But I think if he made a phone call to the President, if he made a phone call to the Attorney General, and he started with the same fervor and volume and excitement that he demonstrates from time to time on the Senate floor to berate them about the way the INS is administered and managed, those who need intelligent handling by the INS in my State would start to get some relief. I don't think they will get relief with the passage of this legislation. But I think they can get relief if we can get the attention of the INS, and the managers, the bureaucrats, the political appointees—call them what you will—in the Clinton administration who have been handling this for the last 8 years.

I am one who would vote for increased appropriations for the INS if I were confident the management of that agency were capable of handling it because I recognize the seriousness of the problem. I see day to day, from the people who come into my office, how wrenching it is in terms of their relationship with their families, but this is something the executive branch should get together first and foremost before they come to the legislative branch for the passing of a piece of legislation that makes everybody feel good.

That is the best I can do on this short notice to respond to the issues the Senator from Massachusetts has raised. I enjoy the exchanges that seem to come about now as the Senator from Massachusetts, the Senator from Minnesota, the Senator from Illinois, and others repeatedly come to the floor to raise these issues. I and other Senators on this side will repeatedly come to the floor to respond. I am grateful to the Senator from Massachusetts for giving me the opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, my understanding is at this time the Senate will proceed with the matter before it relating to the Florida Everglades and the bill submitted by the distinguished chairman of the Environment and Public Works Committee; am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. The pending business is an amendment submitted by the Senator from Virginia with my principal cosponsor, the Senator from Ohio; is that correct?

The PRESIDING OFFICER. The amendment has not been recorded.

### AMENDMENT NO. 4165

(Purpose: To require payment by non-Federal interests of certain operation and maintenance costs)

Mr. WARNER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, and Mr. VOINOVICH and Mr. INHOFE, proposes an amendment numbered 4165.

The amendment is as follows:

On page 196, strike lines 1 through 7 and insert the following:

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, replacement, and rehabilitation of projects and activities carried out under this section shall be consistent with section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770).

Mr. WARNER. Mr. President, I thank the clerk. I asked the amendment be read because this is a technical amendment. It clearly strikes the provision which, if left, changes the law that the Congress and the executive branch have operated under for 14 consecutive years. It changes it for this project, and it establishes a precedent that every Member of Congress in the future will have to grasp as he or she advocates their next project in their State. I think that is ill advised.

For 14 years, we have had a body of law that has served well regarding the most complicated and very expensive series of programs to take care of needed situations in our country—floods, saving lives, navigation, promoting commerce. We can go on and describe these many projects that each year the Congress considers working with the Corps of Engineers and the executive branch to obtain.

All of a sudden, we are going to quietly, with one short sentence, take off the law books the provision which has established that the States have the responsibility for operation and maintenance when these projects are completed with taxpayer money and some cost-sharing formula by the States. I think that is wrong. I see no justification.

I support this project. I will vote for it. It is a very important part of America. Indeed, it is shared, although in Florida the benefits are shared by all Americans. I point out regarding the Chesapeake Bay, for years I have advocated, with some success, and with the help of many colleagues, the cleanup and the restoration of that great national asset. That has been in progress for a dozen years. Each year, we get a few million dollars to do it, just a few million here and there, to improve this magnificent estuary serving a number of States on the east coast.

All of a sudden, we come along with the romance of the Everglades, and the administration has some idea—and I cannot find any justification clearly in the RECORD—and says do away with 14 years of practice and legislation that has been in effect by the Congress.

I say to every Member voting, be prepared to go back home and explain to your constituents why they must continue to pay the full 100 percent O&M for their projects in the last 14 years, and all of a sudden Florida gets a cost sharing of 50-50. Be prepared to go back home and answer that question. My amendment simply restores, preserves, the law as it has been for 14 years.

Very interestingly, in 1996 I, as I have for 14 years, served on the Environment and Public Works Committee. I happened to be subcommittee chairman when we considered the Florida Everglades and wrote the initial legislation to get this project underway. I am addressing the Water Resources Development Act of 1996, Public Law 104-303, October 12, 1996. I refer to the following, 110 Stat. 3770:

> OPERATION AND MAINTENANCE.—The operation and maintenance of projects carried out under this section shall be a non-Federal responsibility.

So Congress, just 4 years ago, reiterated in this Everglades project that it shall be non-Federal for operations and maintenance.

What is the mystery about this project that first induced the administration, then the Environment and Public Works Committee in reporting this bill out—what induced them to change the law which was very succinctly and expressly stated just 4 years ago, a law that had been in effect since 1986?

I will vote for this. It is a good project. However, I succinctly say, let's adhere to the law that has served this Nation well. I guarantee no Member of this body or the other body can bring to the attention of their colleagues the need for something to be done in their State without having this same cost-sharing formula in the years to come.

To do otherwise would be unfair to your constituents. So all I am trying to do is preserve equity and fairness—equity and fairness for what has been done in the past and what shall be done in the future.

By requiring the States under the 1986 law, and as repeated under the 1996 law, to bear the burden of operation and maintenance puts a burden on the States to examine the projects brought forth by the Members of Congress to determine is this worthy, in fact, of the support of the taxpayers of that State for the life of the project. It is a joint decision at that point.

Now with the stroke of a pen in this statute we are requiring the Federal taxpayers to pay 50 percent of the lifetime of this enormous project. This is one big project.

You say, Senator, what do you mean such a big project? Look at the budget. Just look at the budget of the Corps of Engineers for the past few years. It has averaged around $1.4 billion for the whole of America, for the 50 States—$1.4 billion. In this bill alone we are authorizing $1.1 billion for 10 of perhaps 50 to 60 projects of this one restoration of the Everglades.

Let me repeat that: $1.1 billion for Florida, and that is construction costs. The O&M costs for these first 10 is estimated, total for these 10 projects, somewhere between $10 and $40 million a year. And as you look at the next 10 and the next 10 and the next 10 and the next 10, to where you get to the 50 or 60 total projects for the restoration of the Everglades, that O&M figure becomes quite considerable. This project is going to suck the lifeblood out of projects all across America, not only in terms of the construction costs but, if the Congress were to adopt this, 50-50 cost sharing.

Paul Revere called out, "The British are coming." I call out: Folks, this is coming. I forewarn you. This is coming. You better go back home and talk to your constituents and say this one is going to be in competition with what I had planned this year and next year, or next year, for our State. Is the Congress ready to take the Corps of Engineers' budget averaging $1.4 billion and double it and triple it? If you look at the statistics, this budget of the Corps has been coming down through the years. Today, the Corps has insufficient funds to meet the requirements that existed prior to 1986.

Let me point that out. Prior to 1986, we did have a cost sharing on O&M for projects. It is still the obligation of the Federal Government to live up to the O&M expenses for the project prior to 1986. Yet the Corps is short funds to meet its obligations under law prior to 1986. So I am anxious to hear from our distinguished chairman, a very valued and dear friend of mine of many years.

I see both the distinguished Senators from Florida are going to participate at some point in this debate. I just come back to something very simple. What is it about the mystique and the romance of the Florida Everglades that justifies changing a body of law that has served this Nation well for some 14 years, and that was specifically reiterated and put into law in 1996 when we addressed the first, very first pillars, the foundation for the Everglades project which we address here today?

Mr. President, I would like to return to this subject, but I know my colleague from Ohio, who is joining with me on this, and my distinguished colleague from Oklahoma—both of whom serve on the Environment and Public Works Committee—are desirous of speaking to this issue. For the moment, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise in support of the Warner amendment. In my dissenting view on S. 2797, the "Restoring the Everglades, An American Legacy Act," I outlined my concerns with this legislation. I would like to submit my dissenting view for the RECORD.

While I recognize the Everglades as a national treasure, S. 2797 sets precedents, which I cannot, in good conscience, condone.

I would also like to reiterate my objection to the marriage of the Everglades and WRDA legislation. I know many advocates of this plan argue that the Everglades should be a part of WRDA 2000. However, the Everglades plan is hardly a typical WRDA project. Because of the scale and departure from existing law and policy of the Everglades legislation, it should be considered as a stand alone bill—not a provision in the Water Resources Development Act of 2000. This is a precedent setting bill. With other plans of this nature in the works, the Everglades will be a model for how we handle these enormous ecological restoration projects in the future. We are entering new and, in my opinion, dangerous territory.

No. 1. This legislation violates the committee policy concerning the need for a Chief of the Army Corps of Engineer's report before project authorization. This legislation authorizes 10 projects at a cost of $1.1 billion with no reports of the Chief of Engineers on these projects. Since 1986, it has been the policy of the Committee on Environment and Public Works to require projects to have undergone full and final engineering, economic and environmental review by the Chief of Engineers prior to project approvals by the committee. This process was established to protect taxpayer dollars by ensuring the soundness of all projects. While I understand that, under this legislation, no appropriation can be made until a "Project Implementation Report" is submitted by the Corps, this legislation is still breaking committee policy—it is authorizing projects without a Chief's report.

No. 2. Everglades restoration is based on unproven technology. I have serious concerns about the wisdom of a federal investment in unproven technologies—particularly a $7.8 billion investment. The project approval process, described above, was established to prevent exactly what is happening with this legislation—a gamble with the American taxpayers' money.

No. 3. The open-ended nature of costs of this project. The total cost of the Comprehensive Everglades Restoration Plan is estimated at $7.8 billion over 38 years. This is the current estimate. I have serious concerns about this potential for cost over runs associated with this project. GAO agrees with me. In a report—released today—GAO stated, "Currently, there are too many uncertainties to estimate the number and costs of the Corps projects that will ultimately be needed . . ." As with almost all federal programs, this project will probably cost much more at the end of the day. For example, in 1967, when the Medicare program was passed by Congress, the program was estimated to cost $3.4 billion. In 2000, the costs of the program are estimated to $232 billion. No one could have foreseen this exponential growth! The future cost of projects of this magnitude must be taken into consideration by Congress before we pass legislation. Once projects like these get major investments, they are funded until the end—no matter what the cost. There should be a cost cap on the entire Everglades project—not just on portions.

No. 4. This legislation sets a new precedent which requires the federal government to pay for a major portion of operations and maintenance costs. The Warner amendment will remedy this problem.

Since 1986, water resource projects, including environmental, navigation, flood control, and hurricane restoration are financed partially by the federal government and partially by the local and state governments. And all of the costs of operations and maintenance of the projects has been the nonfederal entities—usually state or local governments responsibility. We should not forget that this critical cost-share policy was a key factor in breaking a 16 year stalemate on water resources development authorization legislation.

This Everglades legislation splits the cost of operations and maintenance of the Everglades—½ to the federal government and ½ to the State of Florida. The O&M expenditures for these prematurely authorized projects is expected to cost $20 million, and, according the Corp, when the Everglades project is completed, O&M costs are projected to be in excess of $170 million a year.

At the end of FY 2000, there will be a $1.6 billion backlog of federal O&M costs nationwide of which $329 million is considered "critical" because, if O&M is not performed on these facilities, they will not be able to maintain current performance. In the Tulsa district, which includes Oklahoma, there is a $80 million backlog in O&M. The $170 million needed for O&M of the Everglades—which is almost half of the this year's critical backlog—will drain resources—creating a larger backlog around the rest of the nation. How can we fund local O&M expenses when we can't fund federal O&M expenses.

States and localities have enormous backlogs of operations and maintenance costs due to lack of funding. The precedent, which the Everglades legislation sets, could open a pandora's box—having the Federal Government take on expenses for the operations and maintenance of many projects. There are a number of Oklahoma projects that could use federal funds for operations and maintenance costs. My hometown of Tulsa pays in excess of $3 million a year in O&M costs.

The Everglades legislation is also unfair because the Corps will be conducting annual inspections on all flood control projects turned over to the local sponsors for 100 percent O&M. Though they try very hard, many localities, which cannot afford O&M costs, will not be able to keep their projects properly maintained. When it comes time for more Federal projects, they will not be favorably looked upon, the Federal Government will say, well, if the local sponsor cannot afford the current cost-share agreement, how could they afford a new one—even if the community desperately needs the new project. How can the Federal Government fund Florida's Everglades O&M bill; while other community's projects are denied because they can not afford proper O&M and we will not help them? How is this fair?

Again, I recognize the Everglades as a national treasure—as I do many treasures in Oklahoma. As Congress considers the Everglades restoration legislation, all I ask is that Congress play by the rules.

Mr. President, to reiterate, I commend the Senator from Virginia for bringing to our attention what is happening here. I am concerned. This is a major piece of legislation. As I said yesterday in committee, it would be my preference not to have it as part of the water bill but to have it as a standalone bill. Because of the size, the magnitude, and nature of it, it should be. It is true what Senator WARNER has said about how this violates both the letter and the intent of what we decided in 1986. I remember when it happened. But it is not just in this area. Let me mention briefly three other areas where we are having the same problem.

First of all, this legislation violates the committee policy concerning the need for the Chief of the Army Corps of Engineer's report before project authorization. This was decided back in 1986. To my knowledge—and I had my staff research this—we have not gone forward with any other projects that have not had a recommendation and a report completed by the Chief of the Corps of Engineers.

Mr. WARNER. Mr. President, if the Senator will yield, I checked that out. This is part of the statement I am putting in the RECORD. Clearly, it was not done. That is a second area where it is deviating from the longstanding practice of the Committee on Environment and Public Works.

Mr. INHOFE. I can see what is going to happen after this because every time something comes up they are going to say: Wait a minute, you didn't require it then. They are overworked. So why should we require it now?

We have two right now in the State of Oklahoma, in my State, awaiting those reports.

The second thing is the unproven technology. If you go back to 1986, repeated again in 1996, we said we will only use proven technology when these projects are authorized. Admittedly, during the committee meeting they said—in fact even the chairman of the committee said—we know a lot of this technology is not proven.

The third thing is it is open ended. I want to mention we are talking about $7.8 billion over 38 years. Yesterday, the GAO came out, and after pressing on this, said it could be higher. How much higher? It could be as high as $14 billion. I am old enough to remember—I think there are a couple of us in this Chamber who might remember, too—back in 1967 when we started out on the Medicare program. They said at that time it was going to cost $3.4 billion. I suggest to you this year it is $232 billion. I do not like these open-ended things. They say we are only talking about the first year. Once you start, you are committed.

The last thing, of course, is what this amendment addresses. I believe very strongly that when we open up the O&M accounts, the operation and maintenance costs will be borne by the Federal Government. It is not just going to be that on future projects that come up we will say we don't have to worry about O&M accounts because 50 percent of it can be provided by the Federal Government; there is now a precedent for it. Not only that, I can see right now coming back on existing projects and saying: Look, we are undergoing that as a State expense. Why should we do that when we are not doing it for this particular project?

I think the amendment is very good, but I think the amendment should be broadened to cover these other violations of both the intent and letter of the 1986 law.

Mr. WARNER. Mr. President, before the Senator yields the floor—we served on the Environment Committee for 14 years—I have to bring to the attention of the Senate another project. It is called the Central Artery in Boston. There are those who affectionately refer to it as "the big ditch" which our late, highly respected and beloved Speaker of the House, Tip O'Neill, initiated. I went back and checked the record, I say to my friend from Oklahoma. I bear some of the responsibility because I was on this committee at this time.

The first estimate for the big ditch was $1 billion. It is still unfinished. We have expended about $7 or $8 billion and the GAO estimate to finish it is $13.5 billion, underlining the importance of getting that chief engineer's report, which has been the law and the precedent of our committee for these many years. I thank the Senator.

Mr. INHOFE. I thank the Senator. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise to support the Warner-Voinovich-Inhofe amendment regarding operation and maintenance of the Comprehensive Everglades Restoration Plan.

I join my colleagues in rejecting the current language contained in the legislation which unfairly grants the State of Florida a 50-percent non-Federal and 50-percent Federal cost share on the operation and maintenance of the Everglades project. I note this is even more generous than the administration's bill which provided for a 40-percent Federal share.

This amendment is an issue of equity among all of the 50 States, where, to date, operation and maintenance has been a State and local responsibility. I remind my colleagues that the recommendation of the Chief of Engineers was that the operation and maintenance of the Everglades restoration project be 100-percent non-Federal, consistent with WRDA 1986 and national policy, as pointed out by my colleague from Virginia.

The annual operation and maintenance costs for the construction features of the Comprehensive Everglades Restoration Plan currently contained in S. 2796 are $172 million per year.

These operation and maintenance costs would be shared on a 50-50 basis, which means the Federal share of these costs would be almost $90 million. The current operation and maintenance appropriation nationally is about $1.8 billion. This means the Everglades operation and maintenance responsibility of the Corps could represent 5 percent of the total current national appropriation for operation and maintenance.

The stark reality is that the Corps of Engineers is in no position to assume a large additional maintenance burden. By 2001, the Corps will have a backlog of critical maintenance nationwide of $450 million.

Chart 1, which I have before the Senate, shows a breakdown of that backlog by project purposes. As my colleagues will note, 61 percent of the maintenance backlog is in navigation, both inland navigation on our rivers and maintenance dredging of our coastal harbors. The Corps is not meeting its critical needs today for the infrastructure we depend on for our increasingly trade-based economy.

My colleagues should realize these unmet needs are in each of our States, not only in Florida but throughout the United States. Further, my colleagues can also see that maintenance of the flood control projects that are essential in protecting lives and property makes up a significant part of the backlog at 18 percent.

Finally, I want to highlight recreation which is especially important to my colleagues from the West. The Corps is second among Federal agencies in recreation visitation to the land and water resources it manages. Many people associate the Corps with its lake projects, and yet the Corps does not have the resources it needs to meet its maintenance responsibilities at these projects.

This next chart shows the maintenance shortfall by State as a percentage of the maintenance backlog. As one can see, California has the largest, followed by Florida and Louisiana. It is ironic to me that Florida is among the States already most severely impacted by the maintenance backlog whose situation is likely to become much more severe if the Corps takes on a larger portion of the operation and maintenance responsibility for the Everglades. I ask my colleague, Senator GRAHAM, how do you believe the Corps will be able to meet the maintenance needs in Florida, such as dredging its harbors, maintaining its waterways, and operating portions of the central and south Florida project while taking on this additional $90-million-a-year maintenance burden?

This last chart I have before the Senate shows a few examples of maintenance needs that are not being addressed in some of the other 49 States.

The reason I bring these charts to my colleagues' attention is that this maintenance problem is not in a few States; it goes across the United States of America. Every Senator in some way is impacted because we do not have enough money for paying for the operation and maintenance on these projects.

Operation and maintenance activities to accommodate the large influx of recreation visitors to Corps projects along the route of the Lewis and Clark exploration during its bicentennial celebration is underfunded. It deals with the Missouri River basin—the Dakotas, Montana, Iowa, Missouri, Nebraska.

How about the dredging in New York Harbor? That needs to be done.

How about seismic studies on projects throughout the New England States which are not able to be done because we do not have enough money?

How about recreation facilities in Oklahoma or flood protection in North and South Dakota?

The point is, it is not a Florida issue. Adding to a maintenance burden that the Corps already cannot meet will impact all of us who have Corps-managed resources in our States.

This is a matter of equity. The Senator from Virginia has spoken to that eloquently. We had it right in WRDA 1986. The operation and maintenance responsibility for new Corps of Engineers investments must rest with the non-Federal sponsors. We cannot afford at this time to deviate from principle.

This is my first term in the Senate, but I have been here long enough to know that if we begin to make exceptions, there will be no end to it. We must stick to our principles, and that is why I am asking my colleagues to support this amendment.

Mr. WARNER. Will the Senator yield for a moment? I want to clarify, the charts of the Senator from Ohio are pre-1986 projects done by the Corps.

Mr. VOINOVICH. Yes.

Mr. WARNER. That is the point. In other words, all of that magnitude of money, which was a $451 million shortfall last fiscal year, is for projects done prior to 1986. Since 1986, the States have paid for it and that is existing law. If you fail to maintain a project, a dam or a waterway, what happens? It deteriorates. The cement crumbles, the silt fills in, and it begins to degrade and begins to impact the safety of the citizens who rely on those projects for protection or navigation.

This is a very serious program my distinguished colleague brings to the attention of the Senate, and I am so glad that the Senator clearly reiterated my message: It is not a Florida situation; it is all 50 States.

When my colleagues vote, bear in mind how that vote affects this year and for years to come your State projects.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield such time as he may consume to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. Mr. President, I thank my colleague and chairman of Senate Committee on Environment and Public Works, who has given outstanding leadership to this entire legislation, the Water Resources Development Act of 2000, and has been a particularly thoughtful student of the Everglades restoration.

I rise in strong opposition to the amendment proposed by my colleague from Virginia. To put what we are about in some context, we are talking about a unique partnership between a State and the Federal Government for the protection of one of the world's treasures. The Florida Everglades has been designated by the United Nations as a world heritage site, one of the few places on the planet that has been designated such because of its unique features, features that have a global importance.

Everglades National Park, which is just a small portion of the overall Everglades system, is the second largest national park in the continental United States. This restoration program will be the most significant and the most expensive environmental restoration project ever attempted anywhere in the world.

This is going to be a world laboratory for how we will restore damaged environmental systems, both within the United States and elsewhere on the globe.

This has been a bipartisan effort. It has been an effort that has now been underway for the better part of three decades —bipartisan in the sense that it has been supported by Republican Presidents and Governors, Congresses, and State legislatures; and Democratic Presidents, Governors, Congresses, and State legislatures.

It is a proposal that is much in the nature of a marriage. It is a relationship in which both partners must respect each other, pledge to work through their challenges together, and, thus, build a strong and sustaining relationship.

The legislation before us today offers a balance between the partners of that marriage. It requires the State to pay 50 percent of the construction cost of this project. It requires the State to pay 50 percent of the $7.8 billion, which is the estimated cost of construction of this project over the next 30 to 40 years.

It requires the Federal Government to pay 50 percent of the operation and maintenance costs of the project as it is completed.

Cost sharing for operation and maintenance represents a responsible action by the Federal Government to protect the Federal taxpayers' investment in the restoration of the Everglades.

Why is this a responsible action? It is a responsible action and is also a recognition of a reality which differentiates this project from other Federal public works projects; that the major beneficiary of this project is the natural system, and the natural system is owned in large part by the Federal Government.

To repeat, the principal beneficiary of this project will be enormous Federal land tracts in the affected area. Thus, the Federal Government has an ongoing interest; and we suggest, as does the committee of jurisdiction, the administration, and the State of Florida, that that large Federal investment and responsibility warrants an ongoing Federal-State shared role in the operation and maintenance of the project once it is completed.

Some of the projects that are in this plan, such as the wastewater reuse projects, which have some of the highest estimated cost of operation and maintenance, are included primarily for the benefit of Biscayne National Park, Florida Bay, a significant part of Everglades National Park, and the National Marine Sanctuary. The perspective that I share is not mine alone or not parochially Florida's alone.

Mr. President, I ask unanimous consent that two letters on this topic be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. The first letter is signed by a broad coalition of national environmental groups, including the National Audubon Society, the National Parks Conservation Association, the Natural Resources Defense Council, the Sierra Club, the World Wildlife Fund, as well as environmental groups within Florida.

This letter states:

> In addition, approval of the [Warner] amendment would . . . severely jeopardize the likelihood of enacting Everglades Restoration legislation this year. . . .

The second letter is from a broad coalition of agricultural and industrial representatives. It states:

> The Comprehensive Everglades Restoration Plan is primarily a plan to restore and protect Federal properties.

It also states:

> The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan, Everglades restoration will never be implemented.

My colleague, Senator MACK, will soon be inserting into the RECORD a letter from Florida's Governor, Jeb Bush, which will state, in part:

> Not only is this partnership formula fiscally and politically prudent, it is also critical to maintaining the diverse and broad-based support that the bill before you has earned.

Mr. President, you and others in this body may ask why there is near unanimous agreement that operation and maintenance costs must be a shared cost of this project. What is it that differentiates this project from other public works projects?

Let me suggest the following. First, to quote from the bill itself:

> The overarching objective of the Comprehensive Everglades Restoration Plan is the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region.

Let me read a portion of that again:

> The overarching objective of the Comprehensive Everglades Restoration Plan is the restoration, preservation, and protection of the South Florida ecosystem. . . .

What is that system that we are about to protect and preserve? It is essentially a Federal system.

First, it is an enormous marine sanctuary that runs from the lower part of the Florida peninsula to some 150 miles to the Dry Tortugas, an area with the only living corral reef area in the continental United States.

It is also four units of the National Park System: The Everglades National Park, which I indicated earlier is the second largest national park in the continental United States; Biscayne National Park; the Dry Tortugas National Park; and the Big Cypress Natural Preserve. Those great Federal ownership areas are going to be primary beneficiaries of the restoration of the Everglades; finally, 16 national wildlife refuges in the area that will be affected by the Everglades restoration, from those at the upper edges of the Everglades system to those throughout the Florida Keys.

Once constructed, this project will be operating, in large part, for the benefit of the natural system, which is in Federal ownership.

As the primary beneficiary of this project, the Federal Government should have a continued interest and financial role in seeing that its goals are achieved through appropriate implementation.

Once the Federal Government is a full and equal partner in the cost of operating this project, it will also be able to assure that the project continues to be operated for the benefit of the natural system in Federal ownership.

Without this participation in operation and maintenance, the Federal Government would be, in effect, abdicating its responsibility to the American taxpayers to protect the investment which they are going to make in restoration of the Everglades, which they have already made in the acquisition of these enormous Federal interests.

Another important fact, in reviewing Senator WARNER's proposal, is the cost-sharing for the Everglades restoration project. I did not hear this very significant fact mentioned by any of the three previous speakers.

The traditional Federal public works project is financed 65 percent by the

Federal Government, 35 percent by the local sponsor, whoever that might be.

There are several and significant environmental and ecosystem restoration projects which contain that very cost sharing in the bill that we have before us, the Water Resources Development Act of 2000.

I draw your attention to page 118, line 7: A project for environmental restoration at Upper Newport Bay Harbor in California; 65-percent Federal, 35-percent local sponsor.

On page 121, line 23, there is a project for ecosystem restoration at Wolf River in Memphis, TN; 65-percent Federal, 35-percent local sponsor.

On page 122, line 3, there is a project for environmental restoration at Jackson Hole, WY, 65-percent Federal, 35-percent local sponsor.

I point out these examples in this very bill that is before us today, not because they are unusual but because in fact they are the norm. Sixty-five percent is the normal share that the Federal Government pays for a project in the Water Resources Development Act.

But for this project, one of the largest projects of its type in our Nation's history, the State of Florida is paying 50 percent—not 35 percent, but 50 percent—of the cost of construction.

To my knowledge—and I ask the proponents of this amendment if they have information to the contrary—I know of no other local sponsor for an environmental restoration project who is paying 50 percent of the cost of the project.

Mr. WARNER. Mr. President, if the Senator would yield, I would be happy to reply.

Mr. GRAHAM. I am glad to yield.

Mr. WARNER. Mr. President, my amendment goes to the operation and maintenance, which from 1986 on was 100-percent State responsibility. That is the amendment. The Senator, of course, quite properly is addressing, by way of background, the construction. And there are various formulas for cost sharing on construction. But he points out that they are paying 50 percent versus the 35 percent on the construction allocation of the State. But in fairness, the reason they are paying the higher is that there are some other than environmental projects here. This whole thing goes from Orlando to the tip of Florida. This is enormous. This is over half the State's length; is that correct?

Mr. GRAHAM. That happens to be the size of the Everglades system. This project encompasses the Everglades system, an integrated environmental system, the totality of which creates the environments that sustain all of these great Federal investments.

Mr. WARNER. I am trying to draw some parallel for the average Member of Congress who deals with a dam or a waterway which is in a small portion, relatively speaking, of his or her State. This covers over half the State; isn't that correct?

Mr. GRAHAM. No.

Mr. WARNER. All right. What percentage, from Orlando to the tip?

Mr. GRAHAM. From Orlando to the tip of Florida would be approximately 35 to 40 percent.

Mr. WARNER. Thirty-five to forty. I was off 10 percent. I say to my good friend, the reason you go to 50 percent and not 35 is you are covering non-Federal and part of municipal water supplies. There are a whole lot of municipal water supplies that are benefited.

Mr. GRAHAM. Mr. President, I would appreciate the opportunity to complete my remarks, and then I would like to respond specifically to the statement relative to the nature of the projects, the Federal purposes that they will play, and the appropriateness of the overall arrangement of a 50-percent State share in construction and then a 50-percent Federal share in operation and maintenance.

Mr. WARNER. Certainly, I did not wish to invade. But the Senator invited questions: Does any other Senator know of projects other than 35 percent? I am pointing out, yes, because he is including a lot of municipal water supply, treatment plants for runoff water, and a lot of other things that most States pay for back home.

I thank the Senator.

Mr. GRAHAM. I will return to discuss the specific issue of municipal water. Let me complete the arithmetic of the analysis I was doing.

On an annual basis, the difference between the State of Florida contributing 50 percent as opposed to the norm of 35 percent is approximately a $35-million-a-year savings during the construction period of this project, some 30 to 40 years, for the Federal Government. If the Federal Government were to take that $35-million-a-year savings and invest it, even at a conservative rate of interest of 5 percent, over the period of this project, that would produce a total of approximately $1.8 billion. That is the savings plus the interest earned on those savings to the Federal Government. That $1.8 billion would pay the cost of operation and maintenance of this project to approximately the year 2050.

We are, for the first half century of the 21st century, going to be saving the Federal Government an enormous amount of money by the State paying at the rate of 50 percent rather than 35 percent, and those funds will go substantially towards meeting these ongoing operation and maintenance costs that the Federal Government will share on a 50–50 basis.

The amendment Senator WARNER has offered fails to recognize any of these distinct characteristics, the nature of the Federal interest to be protected, the continuing interest of the Federal Government in how its capital investment is implemented, and, finally, the fact that because of a much more generous and forthcoming State share of the construction cost, the Federal Government is saved substantial funds.

The Senator from Virginia raised the question that there are other projects. He specifically talked about wastewater projects. There are no wastewater projects in here. There are wastewater reuse projects which are one of the areas being done precisely to protect Federal interests. They are not wastewater systems that are going to be serving a local municipality. They are wastewater systems to purify the water before it goes into the Biscayne Bay National Park and before it goes into the Florida Bay component of the Everglades National Park or before it goes into the National Marine Sanctuary in the Florida Keys.

This is not a wastewater treatment system that a municipality would have. These are systems to protect the quality of water in order to protect the quality of the Federal investment. As I said earlier, these are some of the most expensive of the operation and maintenance costs this project will generate.

The amendment fails to reflect the fact that this is a marriage, a marriage between the State and Federal Government, and that that marriage is necessary to assure the plan's success, a true union where each partner respects the other and makes a commitment as equals. Everglades restoration won't work unless the executive branch, Congress, and the State government move forward hand in hand.

We are about to make one of the most important decisions that this Congress will make. Obviously, it is a project that has enormous personal interest to me because of my personal long association with the Everglades and my deep appreciation of the qualities it represents. But this will be an opportunity for the Congress to commit itself to one of the great ventures in terms of environmental restoration and protection in our Nation's history. It is a project that I suggest Members of Congress will look back upon later in their lives and careers with pride that they were part of this effort.

It is a project in which we are asking that there be a long-term commitment with the State of Florida. On the concerns that were expressed about the possibility that additional changes might be called for, or additional costs incurred, I underscore, every one of those costs is going to be shared on a 50–50 basis. So we have a partner in this project who is going to be just as concerned about achieving the result and doing so in the most cost-effective way as we share those concerns.

So this is legislation which is truly historic. It is legislation which will lead us down the path toward Everglades restoration—a goal which our

Nation has shared for many decades, a goal in which we can play an important role today in seeing that it becomes reality.

Thank you, Mr. President.

EXHIBIT NO. 1

1000 FRIENDS OF FLORIDA, AUDUBON OF FLORIDA, CENTER FOR MARINE CONSERVATION, THE EVERGLADES FOUNDATION, THE EVERGLADES TRUST, NATIONAL AUDUBON SOCIETY, NATIONAL PARKS CONSERVATION ASSOCIATION, NATURAL RESOURCE DEFENSE COUNCIL, SIERRA CLUB, WORLD WILDLIFE FUND,

*September 19, 2000.*

Hon. BOB SMITH,
*Chairman, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.*
Hon. MAX BAUCUS,
*Ranking Member, Senate Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR SMITH AND SENATOR BAUCUS: We are writing to express our opposition to the Voinovich amendment to H.R. 2796, the Water Resources Development Act of 2000, that would eliminate the state-federal operations and maintenance (O&M) cost share for the Comprehensive Everglades Restoration Plan (CERP).

S. 2796 presently provides a 50-50 cost share between the State and Federal government. The Voinovich amendment would make the State of Florida pay the entire cost. The Voinovich amendment ignores the fact that this is no ordinary water project because the taxpayer is a primary beneficiary of the project.

Within the project area there is a unique and compelling federal interest that justifies a 50-50 state/federal cost share for operations and maintenance. The project area includes four National Parks, 16 National Wildlife Refuges, and one National Marine Sanctuary that comprise five million acres of federally owned and managed lands—50% of the remaining Everglades.

In addition, approval of the Voinovich amendment would likely yield two results; both of which would severely jeopardize the likelihood of enacting Everglades Restoration legislation this year: First, the State could withdraw its support for the bill leaving this a project without a non-federal sponsor. Or, the State could seek new modifications to reflect the diminished federal commitment to restoration of America's Everglades, a move that would send the Everglades back to the drawing board with no time left on the clock.

Therefore, we respectfully request that you vote against the Voinovich Everglades cost share amendment to S. 2796.

Thank you for your consideration of our views.

Sincerely,

Nathaniel Reed, Chairman, 1000 Friends of Florida.

David Guggenheim, Vice President for Conservation Policy, Center for Marine Conservation.

Tom Rumberger, Chairman, The Everglades Trust.

Mary Munson, Director, South Florida Programs, National Parks Conservation Association.

Frank Jackalone, Senior Field Representative, Sierra Club.

Stuart Strahl, Ph.D., Executive Director, Audubon of Florida.

Mary Barley, Chair, The Everglades Foundation.

Tom Adams, Director of Government Affairs, National Audubon Society.

Bradford H. Sewell, Senior Project Attorney, Natural Resources Defense Council.

Shannon Estenoz, Director, South Florida/Everglades program, World Wildlife Fund.

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DAWSON ASSOCIATES INCORPORATED,
*Washington, DC, September 19, 2000.*

Senator BOB SMITH,
*Chairman, Committee on Environment and Public Works, Dirksen Senate Office Bldg., Washington, DC.*

DEAR CHAIRMAN SMITH: The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan (CERP), Everglades restoration will never be implemented. Governor Bush's Commission for the Everglades has taken the position that if the Federal government is to be a full and equal partner in restoration, it should share in all of the associated costs. Furthermore, it is certain that the Florida Legislature will not supply the level of funding needed to construct this plan if they are going to have to pay the full cost of operation over the life of the project.

The CERP is primarily a plan to restore and protect Federal properties, and the development of the plan has been dominated by the federal agencies, especially the Department of Interior. The restoration of a unique ecological system of world significance dramatically and fundamentally distinguishes the purposes of the Comprehensive Plan from those of other Army Civil Works projects.

Furthermore, the Army Corps of Engineers indicated to stakeholders throughout the planning process that it would seek cost sharing for all modifications over their life cycle. This commitment eliminated the biases in project decision-making that result when all costs are not treated in the same way. Affirming this commitment in the authorization will ensure that project design decisions will continue to be based on cost-effectiveness alone.

Sincerely,

ROBERT K. DAWSON,
*President.*

COALITION MEMBERS

Florida Citrus Mutual (Mr. Ken Keck, Director for Government Affairs).

Florida Farm Bureau (Mr. Carl B. Loop, Jr., President).

Florida Home Builders Association (Mr. Keith Hetrick, General Counsel).

The American Water Works Association, Florida Section Utility Council (Mr. Fred Rapach, Chairman).

Florida Chamber (Mr. Chuck Littlejohn, Government Affairs).

Florida Fruit and Vegetable Association (Mr. Mike Stuart, President).

Southeast Florida Utility Council (Mr. Vernon Hargrave, Chairman).

Gulf Citrus Growers Association (Mr. Ron Hamel, Executive VP).

Florida Sugar Cane League (Mr. Phil Parsons, Environmental Counsel).

The Florida Water Environment Association Utility Council (Mr. Fred Rapach, Chairman).

Sugar Cane Growers Cooperative of Florida (Mr. George Wedgworth, President).

Florida Fertilizer and Agri-chemical Association (Ms. Mary Hartney, President).

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK. And I thank him for his help and cooperation on this legislation.

The PRESIDING OFFICER. The Senator from Florida, Mr. MACK, is recognized.

Mr. MACK. Mr. President, I want to say to my dear friend, the Senator from Virginia, I thoroughly enjoyed listening to his presentation. And I say this with all good humor. It was a great performance. It reminded me a little of Chicken Little in "The Sky is Falling" when I listened to equating $86 million in operating expenses to a $1.4 billion budget. The $86 million will be the cost of operating and maintaining this new system 25 or 30 years from now. I think it might be appropriate to try to figure out what the Corps' budget might be 25 or 30 years from now. I think that would bring a more significant understanding of the impact of the operating and maintenance costs to the Federal Government.

The second point I will make is that we are already spending more than that now on the Everglades. I suggest that on this project we are proposing today—and I believe strongly that it will pass—we will probably seek a reduction in the long run as a part of the Corps' budget. But, again, I appreciate the fervor with which my colleague presented his argument.

Mr. WARNER. I thank my colleague for his courtesy. We will have more to say.

Mr. MACK. I am sure we will.

Mr. President, I am in strong opposition to the amendment offered by my friend from Virginia. This amendment, if passed, will put an end to the unprecedented partnership developed between the Federal Government and the State of Florida in an effort to restore and protect America's Everglades. While I am sure my colleague from Virginia has the best of intentions in offering his amendment, I caution my colleagues that one-size-fits-all solutions can be extremely harmful to something as sensitive and as difficult as Everglades restoration.

It may be useful to take a few minutes today to help highlight the Everglades provision in the water resources bill before us and explain how the amendment of the Senator from Virginia will impact our longstanding efforts to restore and protect this unique ecosystem.

Let me begin by stating that the legislation before us today is a consensus product supported by a full spectrum of environmental groups and economic stakeholders. It is supported by Florida's two Indian tribes, Gov. Jeb Bush of the State of Florida, and it is supported by the Clinton administration.

Nine months ago, my colleague from Florida, Senator GRAHAM, and I set out to write a balanced Everglades bill that addressed the needs of south Florida's environment and its citizens. This was no small task. We asked individuals and groups who have long been divided to set aside their differences and work together with us. We asked them to help us restore this vibrant, natural system to its former glory. With the steady leadership of Chairman BOB SMITH and Senator BAUCUS, we have accomplished our goal. The bill we bring to the floor today is something of which all Americans, and I believe all Senators, can be proud.

In the bill we are considering today, we authorize a comprehensive plan to undo the harm done by 50 years of Federal efforts to control flooding in south Florida, without consideration for damage done to south Florida's environment. This comprehensive plan was developed over the past 8 years by the Corps of Engineers, with input from economic and environmental stakeholders, local governments, scientists, restoration engineers, the people of south Florida, and the Congress. It is recognized throughout south Florida and the Nation as a fair and balanced plan to provide for the water-related needs of the region while, for the first time, ensuring that the needs of the Everglades will be met as well.

It is terribly important that we do this. Without this plan, the Everglades will die and water, the lifeblood of south Florida's economy, will continue to be siphoned off into the sea without benefiting the environment or the people who live and work in the region.

Let me take a moment to share with you some of the principles Senator GRAHAM and I have used to guide our efforts this year in drafting this bill. We wanted to be sensitive to the legitimate concerns and needs of all citizens and interests who have a stake in how the plan is implemented, we wanted to be true to the restoration mandate and ensure that the Everglades got the first benefit of any new water generated by the plan, and we wanted to affirm and establish in law the true partnership we share with the State of Florida in achieving the plan's restoration goal.

The cooperation between the State agencies charged with managing this effort and the Federal Government over the years has been truly unprecedented. The State shared the cost of developing the plan we are considering today. The Corps of Engineers has benefited greatly from the engineering talent at the South Florida Water Management District. Florida has been our full partner in bearing half of the cost of the restoration projects already underway in the Everglades. The State has committed to split evenly the cost of implementing the plan once it is authorized. The reason for this partnership is simple. Both the State and Federal Government have a vital interest in the restoration of the Everglades. Both the State and the Federal Government should pay for the cost of operating and maintaining the restoration project once it is built.

I say this to provide background for the debate on the amendment before us. This partnership we have established is vital to our efforts, and if this amendment passes, it will be very difficult to accomplish our restoration goals.

I have a letter from Gov. Jeb Bush expressing his opposition to the amendment of the Senator from Virginia. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. MACK. Mr. President, a key part of this partnership has been the commitment by the State of Florida—already enshrined in a bill approved by Governor Bush earlier this year—to pay fully half the $7.8 billion cost of implementing the Everglades restoration plan. This is a significantly greater cost share than the local sponsor typically pays to construct a Corps project.

Many Corps projects have a local cost share of as little as 20 percent of the total project and few pay more than 35 percent. In fact, if the State were paying 35 percent, rather than the 50 percent it has committed to, it would increase the burden of the Federal taxpayer by almost $1.2 billion. Let me repeat that. The State has committed to a greater-than-average cost share for constructing the restoration project and will save the Federal taxpayers almost $1.2 billion.

I believe the good faith demonstrated by the State's offer—not to mention the resulting savings of the Federal Government—clearly refutes any argument that the State is somehow unduly benefiting from the operation and maintenance cost share proposed in the bill before us today.

While I cannot stress enough the damage this amendment will do to our relationship with the State of Florida, I remind my colleagues about the significant Federal investment we are making in the Everglades and the important Federal interest in ensuring this project is operated and maintained properly.

Within the boundaries of the proposed restoration area, there are four national parks, including Everglades National Park, one of the crown jewels of our National Park System. There is a national marine sanctuary and many other national interests. All of these important environmental assets are dependent upon the successful operation of the restoration plan.

If the project is not operated properly—if the water is not right—these important Federal holdings in south Florida will continue to suffer the same fate they are suffering today. If we and the State of Florida are to come together behind a restoration plan and spend $7.8 billion to implement that plan, it seems we also have the responsibility and obligation to stay in Florida and help with the successful operation and maintenance of the project. That is a reasonable position.

I add that the operation and maintenance cost share in this bill is fully consistent with prior central and southern Florida project authorizations. In fact, the Federal Government pays the full cost of operating and maintaining the levees, channels, locks, and control works of the St. Lucie Canal, Lake Okeechobee, and the Caloosahatchee River. The Federal Government pays the full cost—not 50-50, but the full cost—of operating the levees, channels, locks, and control works of the St. Lucie Canal, Lake Okeechobee, and the Caloosahatchee River. All of these areas that I have mentioned are in this restoration area. It pays the full cost of operating and maintaining the main spillways in the system's water conservation area.

Further, the Flood Control Act of 1968 provided that the project costs of providing water delivery to Everglades National Park is considered a federal responsibility and on that basis the federal government would share in the operation and maintenance of projects that serve that area of the system. The federal government is also required, under a 1989 law, to participate in the cost share for the modified water deliveries project. And, finally, the water resources bill of 1996 provides that the cost of operating and maintaining water deliveries to Taylor Slough and Everglades National Park be shared between the State and federal governments.

That is my argument to this constant mention of the fact that for 14 years we have had this precedent.

I have just stated the whole series of issues related to the Everglades in which there is a whole range of the sharing of costs and maintaining the Everglades system.

There appears to be ample precedent for a shared cost between the State and federal governments on projects related to the Everglades and Everglades restoration.

What the Senator from Virginia is advocating is something far different. He would have the federal government pack up and leave when the restoration project is completed—essentially abandoning precedent and abandoning a national treasure after an unprecedented effort to save it. His amendment would have the federal government abdicate its responsibility, to both the environment and the taxpayer, to protect the substantial investment we're making on their behalf in the Everglades.

I would remind my colleagues, the Everglades is a dynamic system. It is dependent on the steady, reliable supply of fresh water this restoration project will provide over the years.

It is not like a levee, or a bridge, which the federal government can construct and turn over to the local authorities. This is an enormously complex restoration project managing the water flow over and through 18,000 square miles of subtropical uplands, wetlands and coral reefs. The area covered by this project spans from Lake Okeechobee to Key West; from Fort Myers on the gulf to Fort Pierce on the Atlantic.

This is not an investment we can afford to abandon, Mr. President. The investment is too great and the stakes are too high. I would urge my colleagues to defeat the amendment.

EXHIBIT 1

GOVERNOR OF THE STATE OF FLORIDA,
*September 19, 2000.*

Hon. CONNIE MACK,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MACK: Florida awaits with much anticipation Congress' authorization of the plan to restore America's Everglades. Our optimism is derived in large measure from the demonstrated leadership in the Senate, particularly your efforts and those of Senator Smith and Senator Trent Lott and his leadership team. We are also hopeful that, with time running out, the White House will hold together the bipartisan nature of this effort by encouraging minority members to keep focused on the historic nature of the opportunity before them.

Clearly, with just a few legislative days remaining, a key to success will be limiting efforts to revisit some of the fundamental agreements that have now carried us so far. Among these agreements is the unprecedented equal cost sharing arrangement between the federal government and our state.

This true and equal partnership creates all of the right incentives for making wise, cost-effective decisions as the project proceeds through construction, operation and maintenance. An equal and shared interest between the state and federal governments ensures that cost control remains a shared goal, and that design and construction decisions are made based on what will provide the greatest long-term efficiencies. No party will benefit from attempting to shift costs forwards or backward for short-term advantage. Everybody, most importantly the taxpayers, wins if there is mutual benefit in controlling overall costs for the life of the project.

The current 50-50 cost sharing formula for construction, operation and maintenance of the Comprehensive Everglades Restoration Plan is far superior to the conventional funding formulas used for more typical Water Resources Development Act projects. Florida, by paying half of the project construction costs, will save the federal treasury nearly $2 billion. This up front savings to the federal government is equivalent to more than 20 years of the projected operation and maintenance costs.

Beyond the sound fiscal arguments for an equal partnership, there are also important practical and management benefits.

All of the diverse interests that have rallied around the bill that is now before the Congress recognize the delicate political balance that has been struck regarding the management and allocation of water resources in the South Florida ecosystem after the construction project is complete. Clearly the maintenance of this balance is best protected if there are equal commitments from the state and the federal government for the ongoing operation and maintenance of the project.

I respectfully urge you to remain alert to the importance of this full and equal partnership between the state and federal governments. Not only is this partnership formula fiscally and politically prudent, it is also critical to maintaining the diverse and broad-based support that the bill before you has earned. Please let me know if you believe that this agreement is ever in jeopardy in the critical days ahead as this Congress prepares to make environmental history.

Sincerely,

JEB BUSH.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, will the Senator yield for a question?

I was much taken by my colleague's comment that this is a matter between the Federal Government and the State. Indeed, it is a marriage that every Governor would dream about, and the wedding presents being given are astronomical. Look at the whole project. It is dotted with wastewater projects to clean up the water that comes from the communities before it goes to these estuaries. I can understand that. I can understand that, I say to my other colleague from Florida. But how does that differ from the Chesapeake Bay which has been struggling over a 10-year period to clean up the wastewater from their surrounding communities which goes into the Chesapeake Bay and which affects the striped bass, crabs, and everything else? Who pays for that? The local communities do.

The wastewater comes from the various adjacent communities, and why shouldn't this cleanup project be paid for by the local communities rather than this massive public project?

I have looked at towns all over Virginia that are struggling to meet the wastewater requirements and paying their local taxes to clean it up before it is distributed into the streams and rivers and lakes in my State. I say there is no difference between my streams and my lakes in the Chesapeake Bay and the magnificence of the Florida Everglades. Yet the Senator is asking the Federal taxpayer to pay for it and changing a law which has served this Nation for some 14 years.

That is why you do not have the 35-percent construction cost formula but 50 percent, because of the many projects which are not related to the magnificence of the flora, fauna, birds, alligators, snakes, and so forth, which indeed are very important. They are very important and essential to these projects.

Fine, clean up the water, but do it like every other municipality. Have the States pay for it with the local taxes before it is distributed back into the various components of the Florida Everglades.

If there are any Senators who wish to reply during the course of the debate, I would be glad to yield.

There is an abundance of wedding presents coming with this marriage, I say to my good friend from Florida.

Mr. GRAHAM. Mr. President, I repeat what I said before. The purpose of these water reuse facilities, as I indicated earlier, and the nature of these reuse facilities is one of the areas on which we are going to be doing some preliminary experimentation and demonstration before committing to what the ultimate formula will be.

The purpose of these is to take water which has been polluted in large part because of the Federal projects that have been in place since it was authorized in 1948 and to clean that water to a point that it will no longer serve to damage the important Federal investment.

As an example, in the middle of the Everglades there will be a variety of what are called stormwater treatment areas constructed. These are not mechanical, but biological methods of cleaning the water that comes off the middle part of the Everglades so that when it gets down into the area of Everglades National Park, it will meet the standards that will avoid the water-causing adverse effects in the park.

At the present time, the injection of inappropriate water quality into Everglades National Park has contributed substantially to a dramatic fall in the natural wildlife, fisheries, and fauna of Everglades National Park, and it has contributed to the development of extensive exotic, nonnatural plants in the area.

The purpose of these water reuse and treatment areas—most of which are not the kind of sewage treatment plants we think about with concrete in place where water comes and is mechanically treated and then discharged—is to deal with natural water flow systems—not from municipal areas; they are largely going to be biological and not mechanical. And the purpose of all of this is to achieve a level of water quality, the principal beneficiary of which will be these Federal landowners.

Mr. WARNER. Mr. President, if I may respond to my friend, I accept what he is saying. It is just a question of who is going to pay for it.

Take, for example, the cleanup of the Chesapeake Bay, which begins way up in Delaware, reaches Baltimore, MD, reaches Washington, DC, and reaches Norfolk, VA. All of the water runoff from those municipalities the local people accept the cost of because it goes into the Chesapeake Bay, which is, as any number of projects, a Federal investment. The Federal taxpayer has put money into cleaning up the Bay.

What is the distinction between the water runoff from municipalities into the local streams or the Chesapeake Bay, which is just as important to the people of those communities as are the everglades to the people of Florida?

Mr. GRAHAM. The source of pollution is largely from a previously authorized Federal project; two, the nature of the cleanup in Florida is not of the type that surrounds the Chesapeake Bay.

The PRESIDING OFFICER. If the Senator will suspend, the time is under the control of the Senator from Virginia and the Senator from New Hampshire. At the present time, the Senator from Virginia has the time.

Mr. WARNER. Thank you. I wish to share the time. I will accept the time of my questioning to be charged to the time of the Senator from Virginia, and, of course, the reply would be charged to the chairman's time.

Mr. VOINOVICH. Mr. President, will the Senator yield?

Mr. WARNER. I make my point, Mr. President. I see no distinction. Water is water. Cleanup is cleanup. The question is, Who is going to pay for it? The question is, Who will pay for it?

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire has time and the Senator from Virginia has time.

Mr. WARNER. I yield such time as the Senator from Ohio desires, but our colleague from Florida also seeks recognition.

Mr. MACK. I wanted to respond to the question.

Mr. WARNER. Mr. President, the Senator from Florida wishes to respond to a point I made. I suggest to the Chair we recognize our colleague from Florida. Of course, his time is under the control of the chairman of the committee.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield such time as the Senator from Florida may consume to respond to the Senator from Virginia.

Mr. MACK. This will be a brief response. I apologize to my colleagues for trying to hop in here, but the Senator raised a question I thought should be responded to: What makes us different?

In the State of Florida, in 1994, we passed the Everglades Forever Act which provides for local payment of water cleanup costs. The Federal Government's share in the cost of cleaning up the water that directly benefits Federal areas such as the Everglades National Park—the fact is that the local communities are paying for the cleanup of the waters that the Senator has suggested.

The second point I make, I think there is something unique about what we have come up with. The Senator says the uniqueness is the 50-50 cost sharing. The uniqueness that I see—and I don't think there is a Member who has traveled to the State of Florida and become involved and knowledgeable about the Everglades Project, who is not amazed by the partnerships that have been developed—is the various interests in our State that have come together and who have said not only do they support but they are willing to put money into it.

As the Senator knows, the State of Florida, during this past legislative session, in fact, put up I believe almost $200 million towards this project.

Again, to answer the question directly, the cities are, in fact, paying. The State of Florida anticipated that question in 1994 and passed the act that I referred to a few moments ago.

I thank the Senator for yielding.

Mr. WARNER. I want to reply to my colleague.

We love our States equally. I say to the Senator, the Chesapeake Bay is just as dear to our people as are the Everglades to Floridians. The Chesapeake Bay is a national asset—maybe not of the proportions but certainly of equal significance to the Everglades. All of this has been done through the years at a minute fraction of the cost to clean up the bay. Striped bass and crabs are returning and are beginning to live and prosper. We are making some progress. Again, there has been a clear cost sharing by the local communities, which I do not find in this bill.

My question to the Senator is, Why did the Congress of the United States in 1996, just 4 years ago almost to the day, October 12, pass a law saying "operation and maintenance expenses of projects carried out under this section shall be a non-Federal responsibility"?

That was 1996, 4 years ago. Why is this now being changed?

Mr. MACK. I believe, if I can respond, and perhaps I can find the language, if you read further on in the act, you will find some language that has to do with some cost sharing of the area that the Senator is referring to as identifying certain aspects of the bill, but there are other references in there about following precedent with respect to cost sharing. There is, as I read in my statement, a whole series of things in which there is even 100-percent participation at the Federal level for operation and maintenance.

Mr. WARNER. I will pass this document to my good friend and we should address that together before the vote.

My amendment simply says, leave in place the 1986 and the 1996 laws. That is all.

I yield time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I make it clear I am a supporter of this Florida restoration plan.

Second, I point out there is this representation that we have all of these Federal resources in Florida that are going to benefit from this bill. And the answer to that, yes, they are. On the other hand, as a former Governor of Ohio, the Everglades are not only a tremendous resource for the United States, but they are also a tremendous resource for the State of Florida because they bring tremendous numbers of people to Florida from which the State benefits. We don't talk about that, but that is the other side of the coin.

Senator GRAHAM from Florida mentioned page 118 of the restoration projects. I point out that none of the restoration projects mentioned include municipal water supply. This proposal benefits the municipal water supply to the extent of 20 percent of the overall cost of the project.

In my State, the municipal water supply is paid for 100 percent by the people in the community. If we look at the numbers on this project and subtract the benefit to the State of Florida for the cost of paying for this public water supply that they would have to pay for entirely themselves, they are benefiting to the tune of $1.6 billion. If we take the $1.6 billion the State of Florida is benefiting from, the $3.9 non-Federal share they are putting into it, it works out to be $2.3 billion as what they are really paying out because they are saving on the $1.6 billion that they would have to spend on the public water supply.

Looking at those numbers, the relationship is basically 35 percent, the State of Florida; 65 percent, the Federal Government. I want the Senators to look at the numbers: 20 percent of this overall project is for the public water supply. Fine. But the fact is that if this project wasn't being undertaken, that public water supply would have to be supplied by the State of Florida or the communities within the State of Florida.

This argument that it is a 50-50 cost sharing on the construction costs does not state the facts. It is more like 35-65. Therefore, to say we are paying 50 percent of the construction costs; therefore, it should be 50-50 in operations, I don't think is a proper argument on their part.

In addition, I conclude with reference to the equity to the rest of the projects throughout the United States of America. In 1986 we decided O&M would be taken care of by the restoration project beneficiaries. I point out to the other Senator from Florida that as to the St. Luci project and many others mentioned, the Federal Government is picking up 100 percent of the cost that took place before 1986. Perhaps maybe one of the reasons why the Federal Government decided not to pay 100 percent is because a lot of people thought that was not fair.

Mr. SMITH of New Hampshire. I yield 2 minutes to the Senator from Florida.

Mr. MACK. Mr. President, I respond to the question raised by the Senator from Virginia when we were talking about cost share. I suggested to Senator WARNER, if he looked in other places in Public Law 104, which is referred to as the Water Resources Development Act of 1996, he would find other language different from the language to which he was referring. That is found in section 316, central and southern Florida Canal, 111. Under "Operation and Maintenance," it says:

> The non-Federal share of operation and maintenance cost of the improvements undertaken pursuant to this section shall be 100 percent;

However, if you go on, it says:

> . . . except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the cost of operating and maintaining pump stations that pump water into Taylor Slough and in the Everglades National Park.

I wonder what the argument was 14 years ago about changing precedent. People want to refer to precedent. The reality is that Congress does what the Congress believes is necessary to carry out an important project. I think it is pretty clear. In fact, my colleagues who oppose this cost share have indicated they are going to support the resolution, or support the act; therefore, I think, accepting the notion of the significance and importance of what we are doing. And therefore it is reasonable for the Senate to determine on this particular project because of its unusual, unique circumstances, that somehow we should, in fact, have a 50-50 cost share.

I do not find that stunning, and I am not impressed with the fact that for the last 14 years which some want to refer to that there has been a precedent established. There are all kinds of indications that we have had different cost shares, to the extent that we find in some areas the Federal Government is picking up 100 percent of the cost of operation and maintenance.

I again say to my colleagues, I hope they will support Senator GRAHAM and I and Senators SMITH and BAUCUS and defeat this amendment.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we all want to protect the Everglades. I don't think there is a Senator here who does not want to substantially protect and restore the Everglades.

How do we do it? What is the most fair, most equitable way to restore the Everglades? I think it is important to remember we cannot let perfection be the enemy of the good. There is no perfect solution. But there are good solutions. The committee has crafted a good solution.

It is true, as the Senator from Virginia and the Senator from Ohio are pointing out, we are breaking precedent. It is true. The provisions of the bill do provide for Uncle Sam to pay 50 percent of the operation and maintenance cost of this very large and very important project. That is true. I share many of the concerns of the Senators, the potential slippery slope; what is this going to lead to? Why are we breaking precedent here? It is a 14-year precedent, I think. It has been some time. What is a Federal interest? Sometimes it is hard to define what a Federal interest is.

But just as there are more Federal dollars going in for operation and maintenance, on the other side of the equation we are also breaking another precedent; that is, the State is putting up more of the construction costs. Ordinarily the State would have to put up about 35 percent of the construction costs. It is a big project, about $8 billion. Florida has decided to put up the full 50 percent. So they are paying more than they ordinarily would. The U.S. Government will be paying more than it ordinarily would in operation and maintenance costs.

This arrangement may not be perfect. But we are dealing with an extraordinary, special situation, and that is the Everglades. All of us in America feel a part of the Everglades. Certainly, the Floridians feel more closely attached to the Everglades, but I think the rest of us in this country have a feeling about it. It is part of America, a special part of America we want to protect and restore as best we can. So I say we should stick with the approach the committee has come up with after a lot of hard work, and a lot of give and take.

In addition, I might point out 50 percent of the benefits go to parks, Federal parks, Federal land. There are about 18,000 square miles involved in the Everglades restoration. About 9,000 square miles of that is Federal lands; 9,000 is non-Federal lands. So it seems to me a 50-50 operation and maintenance cost share—it is rough justice. It is about right: 9,000 Federal, 9,000 non-Federal, 50-50; at a time when the State of Florida also is putting up more than its usual share for construction.

So this has been a good debate. In future years, when we are faced with similar questions, I know the Senator from Virginia and the Senator from Ohio are going to be front and center saying: Uh-oh, here we go again. Remember that time in September 2000? And they will be making good points. But I believe one has to make a decision. The decision is now before us to proceed with the bill and not adopt the amendment offered by my good friend, recognizing they made good points, but I do not agree those points are sufficiently valid to warrant passage of their amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. BAUCUS. I yield.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. In those few moments when I am able to take a vacation, I like to go to your State.

Mr. BAUCUS. You go often and I appreciate it.

Mr. WARNER. I started there as a firefighter in 1943.

Mr. BAUCUS. You did, and you told many stories about how proud you are of that.

Mr. WARNER. I was a 15-year-old boy. But what are you going to tell the people in Billings, Missoula, Livingston? There is lots of Federal land out there.

What percentage of your State is Federal land?

Mr. BAUCUS. I tell you, we are very proud of it.

Mr. WARNER. It is a high percentage.

Mr. BAUCUS. I will tell them this is a good precedent for Montana.

Mr. WARNER. You better go back and undo some of the things we have done in the last 14 years and readjust the cost sharing.

I say to my friend, I don't understand it. The State of Florida has to pay 50 percent rather than 35 percent. I will tell you why. It is because you have so many collateral projects, wastewater and other things. But if that was the problem, why didn't you stick in the committee to the 35 percent and leave the cost sharing as it was and not change the law?

Mr. BAUCUS. I think the answer to that, if I might answer my friend, is, again, a sort of rough justice. The State of Florida wants to be a partner in this thing.

Mr. WARNER. We shifted from marriage to partner, Mr. President.

Mr. BAUCUS. It is not lopsided. There is a slight tilt in favor of the State of Florida, and I mean it is slight. It is not really out of bounds. But the Everglades is really special. It is a national treasure. I think we should help restore the Everglades.

Mr. WARNER. I thank my friend. I wouldn't want to go back to Virginia and say to my community they are more special than they are.

But one of the interesting things, if I may add for a minute, where are the environmental organizations, the watchdogs who are the first to come up? They are standing by in absolute silence as to the change of this law which they helped us put in place in 1986, and again in 1996. It is just silence across the land because of the romance and the mystique of this magnificent Everglades.

I say to those organizations: My little lakes, my little streams in Virginia are just as important. And the people of Virginia are paying to clean up the water going into those streams and lakes, rivers and dams, not the Federal Government.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield time to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Will the Senator from Montana yield for a question?

Mr. BAUCUS. Yes, on the Senator's time.

Mr. VOINOVICH. The cost sharing on municipal waters is 100 percent local. Does the Senator agree?

Mr. BAUCUS. That's correct, ordinarily.

Mr. VOINOVICH. I have many areas of my State that need to upgrade their water supply. They would love to have the Federal Government pick up the tab for part of it.

Mr. BAUCUS. That is correct, as do all States.

Mr. VOINOVICH. As mayor of Cleveland, we had to increase water rates 300 percent in order to do the job we needed to do and we didn't get any money from the Federal Government. I think it is really important to recognize that 20 percent of this total cost is municipal water supply. We are paying for the cost of the municipal water supply. They are avoiding some $1.6 billion of cost for this municipal water. That is an enormous contribution.

If you subtract out that $1.6 billion from Florida's share on it, it works out to be about 35-65, so that the argument, 50-50, and therefore we ought to do 50 percent of the operation and maintenance I do not think is as relevant as it might be if it was really 50-50.

Mr. BAUCUS. Might I respond to the Senator?

Mr. VOINOVICH. Yes.

Mr. BAUCUS. I heard what you are saying, but I think you heard the Senator from Florida, both Senators, very extensively explain how it is the Corps project, the original Everglades project, which I think cost about $3 billion in today's dollars to build, that caused a lot of the pollution problems.

Here we are coming up with a restoration of the Everglades which includes restoration of waters, municipal waters included, which otherwise would be degraded because of the original Corps project or because of the costs and pollution problems associated with that project.

Mr. VOINOVICH. The point is, I am not referring to wastewater. I am talking about public water supply which is very important to developing any State. You have people coming in, and you need a public water supply. In order to provide it, you have to go to the local people, the ratepayers, and say: Come up with the money. And the Federal Government does not participate.

In this project, we are saying to the State of Florida: If you have future municipal water needs, 20 percent of this project is for that. It is an equivalent of $1.6 billion, and you are going to be saving that cost in the future.

Mr. BAUCUS. I understand that, but, again, the same principle applies to municipal water as I explained applies to wastewater.

Mr. VOINOVICH. We do not agree on that.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SMITH of New Hampshire. Mr. President, during the course of the debate on this amendment, I heard several statements made—I am sorry my colleague from Virginia is not on the floor at the moment—about precedent-breaking and about what the law says. We have heard all these representations about the law.

I have the law in my hand, and I am going to read from it word for word. This is the Water Resources Development Act of 1986, which has been cited a number of times, that somehow we are breaking precedent, violating law, or not maintaining the law with what we are doing in the Everglades.

Section 906(e). There are three criteria mentioned here in terms of construction, and then I will go to O&M:

> (e) In those cases when the Secretary, as part of any report to Congress, recommends activities to enhance fish and wildlife resources, the first costs of such enhancement—

In this case construction—

> shall be a Federal cost when—
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> (1) such enhancement provides benefits that are determined to be national. . . .

Everybody in this Chamber today has called the Everglades a national treasure, including those proponents of this amendment.

> (2) such enhancement is designed to benefit species that have been listed as threatened or endangered by the Secretary of Interior. . . .

We have 68 endangered or threatened species in the Everglades.

> (3) such activities are located on lands managed as a national wildlife refuge.

We have 16 national wildlife refuges in the Everglades ecosystem.

Here is the line which is absolutely the opposite of what has been said on the Senate floor all afternoon on this amendment. Listen carefully. This is the O&M portion:

> When benefits of enhancement do not qualify under the preceding sentence, 25 percent of such first costs of enhancement shall be provided by non-Federal interests under a schedule of reimbursement. . . . The non-Federal share of operation, maintenance . . . of activities to enhance fish and wildlife resources shall be 25 percent.

If the non-Federal portion is 25 percent, the Federal portion should be 75 percent. All we are asking for in this legislation is a 50 percent Federal portion. We are not violating any law. We are absolutely following, to Florida's detriment, if one wants to take that position since they could do 75-25; we are doing 50-50.

It is very important my colleagues understand. No precedent is being broken. No law is being ignored or violated. We are working within the law under this provision, up to 75 percent Federal share when those three criteria of construction I just mentioned are met. We have met all three of those. We do not even have to meet them all. It is "or." We met all three. As a result of that, we can go up to 75 percent. We have gone to 50 percent in the Federal share. There is a compelling reason to do this. It is fair, and it is within the law.

I will conclude with a few more points. If one looks at the so-called normal WRDA legislation, 65 percent Federal—35 percent State on construction—we are doing 50-50 with the Everglades—that is a 15-percent reduction in the Federal cost. If we take that 15-percent reduction—Senator MACK referred to this already—that is about $1.2 billion the Federal Government is saving on the construction portion.

The question is, If we take that $1.2 billion and offset it, how much O&M can we get out of that? Senator MACK thought it was around 20 years. So there are 20 years of O&M just from the savings on that particular part of the construction.

All my colleagues need to understand, this is a deal-breaking amendment. This amendment would basically take down the entire Everglades proposal, in my view, and WRDA, because to go from the 50-50 position, which has been delicately negotiated and has stayed within the law and stayed within the precedent, contrary to what has been said, would be a deal breaker. That would be a tragedy, in my view, with the greatest respect for the proponents because they feel strongly about this. I do not want to be breaking precedent or violating law and will not.

I want, first, my colleagues to know after this project is constructed, it is the responsibility of the non-Federal interests to operate and maintain it. In the Everglades provision, 50-50 O&M—I do not think that is out of the ordinary; it is within the law, as I said.

The Federal Government owns and manages about 50 percent of the lands that will benefit from this restoration project. Fifty percent is federally owned. For realizing 50 percent of the benefits, it is not unreasonable we should put up 50 percent of the costs. We could do 75 under the law; we are doing 50. There are four national parks, from Virginia when we were talking about cost share. I suggested to Senator WARNER, if he looked in other places in Public Law 104, which is referred to as the Water Resources Development Act of 1996, he would find other language different from the language to which he was referring. That is found in section 316, central and southern Florida Canal, 111. Under "Operation and Maintenance," it says:

> The non-Federal share of operation and maintenance cost of the improvements undertaken pursuant to this section shall be 100 percent;

However, if you go on, it says:

> . . . except that the Federal Government shall reimburse the non-Federal interest with respect to the project 60 percent of the cost of operating and maintaining pump stations that pump water into Taylor Slough and in the Everglades National Park.

I wonder what the argument was 14 years ago about changing precedent. People want to refer to precedent. The reality is that Congress does what the Congress believes is necessary to carry out an important project. I think it is pretty clear. In fact, my colleagues who oppose this cost share have indicated they are going to support the resolution, or support the act; therefore, I think, accepting the notion of the significance and importance of what we are doing. And therefore it is reasonable for the Senate to determine on this particular project because of its unusual, unique circumstances, that somehow we should, in fact, have a 50-50 cost share.

I do not find that stunning, and I am not impressed with the fact that for the last 14 years which some want to refer to that there has been a precedent established. There are all kinds of indications that we have had different cost shares, to the extent that we find in some areas the Federal Government is picking up 100 percent of the cost of operation and maintenance.

I again say to my colleagues, I hope they will support Senator GRAHAM and I and Senators SMITH and BAUCUS and defeat this amendment.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we all want to protect the Everglades. I don't think there is a Senator here who does not want to substantially protect and restore the Everglades.

How do we do it? What is the most fair, most equitable way to restore the Everglades? I think it is important to remember we cannot let perfection be the enemy of the good. There is no perfect solution. But there are good solutions. The committee has crafted a good solution.

It is true, as the Senator from Virginia and the Senator from Ohio are pointing out, we are breaking precedent. It is true. The provisions of the bill do provide for Uncle Sam to pay 50 percent of the operation and maintenance cost of this very large and very important project. That is true. I share many of the concerns of the Senators, the potential slippery slope; what is this going to lead to? Why are we breaking precedent here? It is a 14-year precedent, I think. It has been some time. What is a Federal interest? Sometimes it is hard to define what a Federal interest is.

But just as there are more Federal dollars going in for operation and maintenance, on the other side of the equation we are also breaking another precedent; that is, the State is putting up more of the construction costs. Ordinarily the State would have to put up about 35 percent of the construction costs. It is a big project, about $8 billion. Florida has decided to put up the full 50 percent. So they are paying more than they ordinarily would. The U.S. Government will be paying more than it ordinarily would in operation and maintenance costs.

This arrangement may not be perfect. But we are dealing with an extraordinary, special situation, and that is the Everglades. All of us in America feel a part of the Everglades. Certainly, the Floridians feel more closely attached to the Everglades, but I think the rest of us in this country have a feeling about it. It is part of America, a special part of America we want to protect and restore as best we can. So I say we should stick with the approach the committee has come up with after a lot of hard work, and a lot of give and take.

In addition, I might point out 50 percent of the benefits go to parks, Federal parks, Federal land. There are about 18,000 square miles involved in the Everglades restoration. About 9,000 square miles of that is Federal lands; 9,000 is non-Federal lands. So it seems to me a 50-50 operation and maintenance cost share—it is rough justice. It is about right: 9,000 Federal, 9,000 non-Federal, 50-50; at a time when the State of Florida also is putting up more than its usual share for construction.

So this has been a good debate. In future years, when we are faced with similar questions, I know the Senator from Virginia and the Senator from Ohio are going to be front and center saying: Uh-oh, here we go again. Remember that time in September 2000? And they will be making good points. But I believe one has to make a decision. The decision is now before us to proceed with the bill and not adopt the amendment offered by my good friend, recognizing they made good points, but I do not agree those points are sufficiently valid to warrant passage of their amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. BAUCUS. I yield.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. In those few moments when I am able to take a vacation, I like to go to your State.

Mr. BAUCUS. You go often and I appreciate it.

Mr. WARNER. I started there as a firefighter in 1943.

Mr. BAUCUS. You did, and you told many stories about how proud you are of that.

Mr. WARNER. I was a 15-year-old boy. But what are you going to tell the people in Billings, Missoula, Livingston? There is lots of Federal land out there.

What percentage of your State is Federal land?

Mr. BAUCUS. I tell you, we are very proud of it.

Mr. WARNER. It is a high percentage.

Mr. BAUCUS. I will tell them this is a good precedent for Montana.

Mr. WARNER. You better go back and undo some of the things we have done in the last 14 years and readjust the cost sharing.

I say to my friend, I don't understand it. The State of Florida has to pay 50 percent rather than 35 percent. I will tell you why. It is because you have so many collateral projects, wastewater and other things. But if that was the problem, why didn't you stick in the committee to the 35 percent and leave the cost sharing as it was and not change the law?

Mr. BAUCUS. I think the answer to that, if I might answer my friend, is, again, a sort of rough justice. The State of Florida wants to be a partner in this thing.

Mr. WARNER. We shifted from marriage to partner, Mr. President.

Mr. BAUCUS. It is not lopsided. There is a slight tilt in favor of the State of Florida, and I mean it is slight. It is not really out of bounds. But the Everglades is really special. It is a national treasure. I think we should help restore the Everglades.

Mr. WARNER. I thank my friend. I wouldn't want to go back to Virginia and say to my community they are more special than they are.

But one of the interesting things, if I may add for a minute, where are the environmental organizations, the watchdogs who are the first to come up? They are standing by in absolute silence as to the change of this law which they helped us put in place in 1986, and again in 1996. It is just silence across the land because of the romance and the mystique of this magnificent Everglades.

I say to those organizations: My little lakes, my little streams in Virginia are just as important. And the people of Virginia are paying to clean up the water going into those streams and lakes, rivers and dams, not the Federal Government.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield time to my friend from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Will the Senator from Montana yield for a question?

Mr. BAUCUS. Yes, on the Senator's time.

Mr. VOINOVICH. The cost sharing on municipal waters is 100 percent local. Does the Senator agree?

Mr. BAUCUS. That's correct, ordinarily.

Mr. VOINOVICH. I have many areas of my State that need to upgrade their water supply. They would love to have the Federal Government pick up the tab for part of it.

Mr. BAUCUS. That is correct, as do all States.

Mr. VOINOVICH. As mayor of Cleveland, we had to increase water rates 300 percent in order to do the job we needed to do and we didn't get any money from the Federal Government. I think it is really important to recognize that 20 percent of this total cost is municipal water supply. We are paying for the cost of the municipal water supply. They are avoiding some $1.6 billion of cost for this municipal water. That is an enormous contribution.

If you subtract out that $1.6 billion from Florida's share on it, it works out to be about 35-65, so that the argument, 50-50, and therefore we ought to do 50 percent of the operation and maintenance I do not think is as relevant as it might be if it was really 50-50.

Mr. BAUCUS. Might I respond to the Senator?

Mr. VOINOVICH. Yes.

Mr. BAUCUS. I heard what you are saying, but I think you heard the Senator from Florida, both Senators, very extensively explain how it is the Corps project, the original Everglades project, which I think cost about $3 billion in today's dollars to build, that caused a lot of the pollution problems.

Here we are coming up with a restoration of the Everglades which includes restoration of waters, municipal waters included, which otherwise would be degraded because of the original Corps project or because of the costs and pollution problems associated with that project.

Mr. VOINOVICH. The point is, I am not referring to wastewater. I am talking about public water supply which is very important to developing any State. You have people coming in, and you need a public water supply. In order to provide it, you have to go to the local people, the ratepayers, and say: Come up with the money. And the Federal Government does not participate.

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Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

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It is very important my colleagues understand. No precedent is being broken. No law is being ignored or violated. We are working within the law under this provision, up to 75 percent Federal share when those three criteria of construction I just mentioned are met. We have met all three of those. We do not even have to meet them all. It is "or." We met all three. As a result of that, we can go up to 75 percent. We have gone to 50 percent in the Federal share. There is a compelling reason to do this. It is fair, and it is within the law.

I will conclude with a few more points. If one looks at the so-called normal WRDA legislation, 65 percent Federal—35 percent State on construction—we are doing 50-50 with the Everglades—that is a 15-percent reduction in the Federal cost. If we take that 15-percent reduction—Senator MACK referred to this already—that is about $1.2 billion the Federal Government is saving on the construction portion.

The question is, If we take that $1.2 billion and offset it, how much O&M can we get out of that? Senator MACK thought it was around 20 years. So there are 20 years of O&M just from the savings on that particular part of the construction.

All my colleagues need to understand, this is a deal-breaking amendment. This amendment would basically take down the entire Everglades proposal, in my view, and WRDA, because to go from the 50-50 position, which has been delicately negotiated and has stayed within the law and stayed within the precedent, contrary to what has been said, would be a deal breaker. That would be a tragedy, in my view, with the greatest respect for the proponents because they feel strongly about this. I do not want to be breaking precedent or violating law and will not.

I want, first, my colleagues to know after this project is constructed, it is the responsibility of the non-Federal interests to operate and maintain it. In the Everglades provision, 50-50 O&M—I do not think that is out of the ordinary; it is within the law, as I said.

The Federal Government owns and manages about 50 percent of the lands that will benefit from this restoration project. Fifty percent is federally owned. For realizing 50 percent of the benefits, it is not unreasonable we should put up 50 percent of the costs. We could do 75 under the law; we are doing 50. There are four national parks, as I indicated before, 16 national wildlife refuges, 1 national marine sanctuary, and 21 federally managed properties, or 5 million acres of federally owned and managed lands all in the south Florida ecosystem.

I do not mean to imply that other projects are not important, but this project has plenty of Federal interest.

The level of the investment being put forth by the State is unprecedented, and they put it up early, to their credit. They put money aside right from the beginning. We asked Governor Bush and the legislature to do that. They did it and did it quickly and willingly.

The Federal Government was responsible for damaging the Everglades, as has been pointed out. We did it. The Federal Government did it in 1948. That is another aspect of this that needs to be considered. We must look at what we did. We did the damage, not knowingly or not knowing how badly it was going to affect the Everglades, but we did it, and therefore we have an obligation to correct it. That should impact that figure of 50–50.

Do we want to ensure our investment in the restoration effort is preserved for future generations? The answer is unequivocally yes.

Do we believe the restoration project is an equal partnership between the Federal Government and the State of Florida? The answer is yes, absolutely. Florida does, too.

Do we want to impose on Florida the burden for maintaining fresh flows of water in the quality and quantity needed by our Federal trust resources? I do not think so. Our properties are our responsibility, and we should maintain them. That is not unreasonable.

The Everglades provision in the managers' amendment is supported by the administration, supported by the State of Florida, supported by two Native American tribes impacted by the restoration, and supported by industry groups and environmentalists, and they do not want to risk fracturing that delicate coalition of support.

Mr. President, I ask unanimous consent that a letter from Governor Bush of Florida in opposition to this amendment and a letter from several environmental groups in opposition, and also a letter from Dawson Associates, which represents a number of industries, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNOR OF THE STATE OF FLORIDA,
*Tallahassee, FL, September 19, 2000.*

Hon. BOB SMITH,
*Chairman, Environment and Public Works Committee, Washington, DC.*

DEAR MR. CHAIRMAN: Florida awaits with much anticipation Congress' authorization of the plan to restore America's Everglades. Our optimism is derived in large measure from the demonstrated leadership in the Senate, particularly your efforts and those of Senator Mack and Senator Trent Lott and his leadership team. We are also hopeful that, with time running out, the White House will hold together the bipartisan nature of this effort by encouraging minority members to keep focused on the historic nature of the opportunity before them.

Clearly, with just a few legislative days remaining, a key to success will be limiting efforts to revisit some of the fundamental agreements that have now carried us so far. Among these agreements is the unprecedented equal cost sharing arrangement between the federal government and our state.

This true and equal partnership creates all of the right incentive for making wise, cost-effective decisions as the project proceeds through construction, operation and maintenance. An equal and shared interest between the state and federal governments ensures that cost control remains a shared goal, and that design and construction decisions are made based on what will provide the greatest long-term efficiencies. No party will benefit from attempting to shift costs forward or backward for short-term advantage. Everybody, most importantly the taxpayers, wins if there is mutual benefit in controlling overall costs for the life of the project.

The current 50–50 cost sharing formula for construction, operation and maintenance of the Comprehensive Everglades Restoration Plan is far superior to the conventional funding formulas used for more typical Water Resource Development Act projects. Florida, by paying half of the project construction costs, will save the federal treasury nearly $2 billion. This up front savings to the federal government is equivalent to more than 20 years of the projected operation and maintenance costs.

Beyond the sound fiscal arguments for an equal partnership, there are also important practical and management benefits. All of the diverse interest that have rallied around the bill that is now before the Congress recognize the delicate political balance that has been a struck regarding the management and allocation of water resources in the South Florida ecosystem after the construction project is complete. Clearly the maintenance of this balance is best protected if there are equal commitments from the state and the federal government for the ongoing operation and maintenance of the project.

I respectfully urge you to remain alert to the importance of this full and equal partnership between the state and federal governments. Not only is this partnership formula fiscally and politically prudent, it is also critical to maintenance to maintaining the diverse and broad-based support that the bill before you has earned. Please let me know if you believe that this agreement is ever in jeopardy in the critical days ahead as this Congress prepares to make environmental history.

Sincerely,

JEB BUSH.

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1000 FRIENDS OF FLORIDA, AUDUBON OF FLORIDA, CENTER FOR MARINE CONSERVATION, THE EVERGLADES FOUNDATION, THE EVERGLADES TRUST, NATIONAL AUDUBON SOCIETY, NATIONAL PARKS CONSERVATION ASSOCIATION, NATURAL RESOURCE DEFENSE COUNCIL, SIERRA CLUB, WORLD WILDLIFE FUND,
*September 19, 2000.*

Hon. BOB SMITH,
*Chairman, Senate Environmental and Public Works Committee, Washington, DC.*

Hon. MAX BAUCUS,
*Ranking Member, Senate Environmental and Public Works Committee, Washington, DC.*

DEAR SENATOR SMITH AND SENATOR BAUCUS: We are writing to express our opposition to the Voinovich amendment to H.R. 2796, the Water Resources Development Act of 2000, that would eliminate the state-federal operations and maintenance (O&M) cost share for the Comprehensive Everglades Restoration Plan (CERP).

S. 2796 presently provides a 50–50 cost share between the State and Federal government. The Voinovich amendment would make the State of Florida pay the entire cost. The Voinovich amendment ignores the fact that this is no ordinary water project because the taxpayer is a primary beneficiary of the project.

Within the project area there is a unique and compelling federal interest that justifies a 50–50 state/federal cost share for operations and maintenance. The project area includes four National Parks, 16 National Wildlife Refuges, and one National Marine Sanctuary that comprise five million acres of federally owned and managed lands—50% of the remaining Everglades.

In addition, approval of the Voinovich amendment would likely yield two results; both of which would severely jeopardize the likelihood of enacting Everglades Restoration legislation this year: First, the State could withdraw its support for the bill leaving this a project without a non-federal sponsor. Or, the State could seek new modifications to reflect the diminished federal commitment to restoration of America's Everglades, a move that would send the Everglades back to the drawing board with no time left on the clock.

Therefore, we respectfully request that you vote against the Voinovich Everglades cost share amendment to S. 2796.

Thank you for your consideration of our views.

Sincerely,

Nathaniel Reed, Chairman, 1000 Friends of Florida.

David Guggenheim, Vice President for Conservation Policy, Center for Marine Conservation.

Tom Rumberger, Chairman, The Everglades Trust.

Mary Munson, Director, South Florida Programs, National Parks Conservation Association.

Frank Jackalone, Senior Field Representative, Sierra Club.

Stuart Strahl, Ph.D., Executive Director, Audubon of Florida.

Mary Barley, Chair, The Everglades Foundation.

Tom Adams, Director of Government Affairs, National Audubon Society.

Bradford H. Sewell, Senior Project Attorney, Natural Resources Defense Council.

Shannon Estenoz, Director, South Florida/Everglades Program, World Wildlife Fund.

DAWSON ASSOCIATES, INC.,
*Washington, DC, September 19, 2000.*
Senator BOB SMITH,
*Chairman, Committee on Environment and Public Works, Washington, DC.*

DEAR CHAIRMAN SMITH: The coalition of Florida agriculture, water utilities, and homebuilders is convinced that without Federal participation in the costs of operation, maintenance, repair, replacement, and rehabilitation activities associated with the Comprehensive Everglades Restoration Plan (CERP), Everglades restoration will never be implemented. Governor Bush's Commission for the Everglades has taken the position that if the Federal government is to be a full and equal partner in restoration, it should share in all of the associated costs. Furthermore, it is certain that the Florida Legislature will not supply the level of funding needed to construct this plan if they are going to have to pay the full cost of operation over the life of the project.

The CERP is primarily a plan to restore and protect Federal properties, and the development of the plan has been dominated by the federal agencies, especially the Department of Interior. The restoration of a unique ecological system of world significance dramatically and fundamentally distinguished the purposes of the Comprehensive Plan from those of other Army Civil Works projects.

Furthermore, the Army Corps of Engineers indicated to stakeholders throughout the planning process that it would seek cost sharing for all modification over their life cycle. This commitment eliminated the biases in project decision-making that result when all costs are not treated in the same way. Affirming this commitment in the authorization will ensure that project design decisions will continue to be based on cost-effectiveness alone.

Sincerely,

ROBERT K. DAWSON,
*President.*

COALITION MEMBERS

Florida Citrus Mutual (Mr. Ken Keck, Director for Government Affairs).

Florida Farm Bureau (Mr. Carl B. Loop, Jr., President).

Florida Home Builders Association (Mr. Keith Hetrick, General Counsel).

The American Water Works Association, Florida Section Utility Council (Mr. Fred Rapach, Chairman).

Florida Chamber (Mr. Chuck Littlejohn, Government Affairs).

Florida Fruit and Vegetable Association (Mr. Mike Stuart, President).

Southeast Florida Utility Council (Mr. Vernon Hargrave, Chairman).

Gulf Citrus Growers Association (Mr. Ron Hamel, Executive VP).

Florida Sugar Cane League (Mr. Phil Parsons, Environmental Counsel).

The Florida Water Environmental Association Utility Council (Mr. Fred Rapach, Chairman).

Sugar Cane Growers Cooperative of Florida (Mr. George Wedgworth, President).

Florida Fertilizer and Agri-chemical Association (Ms. Mary Hartney, President).

Mr. SMITH of New Hampshire. Mr. President, in conclusion, we have an opportunity to rectify a terrible mistake we made. We did it with good intentions. But we made a mistake. This is what we need to do. It is our responsibility now to do that. The Everglades provision in the managers' amendment is supported by these groups.

I urge my colleagues to preserve that Federal-State partnership in the Everglades restoration, to preserve this 50-50 O&M, and to reject this amendment because, again, I believe to pass this amendment would break the deal that we have already worked out so delicately among so many groups, No. 1, and, No. 2, it would be unfair. It would not be consistent with the law, WRDA 86, and it would not, in my view, be consistent with the precedent.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. WARNER. I yield such time as the Senator from Ohio may require. But before doing so, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. VOINOVICH. Mr. President, I would like to comment on the remarks of the chairman of my committee for whom I have a great deal of respect. I would beg to differ in terms of the interpretation of what this water restoration project comes under.

This is not a fish and wildlife enhancement under 906(e). This is an environmental restoration under section 103 of WRDA 1986, as amended, which basically calls for: 100 percent of the operation, maintenance, replacement and rehabilitation costs for projects are to be paid by the local participant in the project.

Last, but not least—and, again, with all due respect to my chairman—as a former Governor of Ohio, I can tell you that if this amendment is adopted, the Governor of Florida is not going to walk away from this wonderful legislation that is going to help restore the Everglades and commit the Federal Government to—based on our hearing this week—half of some $14 billion.

If anyone is going to vote against this amendment because they think it is a deal breaker, in my opinion, it is not a deal breaker. This bill will pass. If this amendment is adopted, the bill is still going to pass, and we will move on with this project.

The PRESIDING OFFICER. Who seeks time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to accommodate the distinguished chairman of our committee to facilitate the vote, which would also accommodate a number of our colleagues.

We have had a very good debate. The issue before the Senate is very succinct and simple. We have had a body of law for 14 years. That law, with reference to this specific project, was reviewed in 1996. And explicitly, the Congress, after reviewing it, stated the following: "The operation and maintenance of projects carried out under this section"—and that section dealt with the Florida Everglades—"shall be a non-Federal responsibility." So we are now about to vitiate 14 years of law.

I say to my colleagues, you will have to go back and explain to your constituents how all the projects in that 14-year period are now operation and maintenance being funded by the States, and that the budget for the projects prior to 1986 is underfunded by $440 million in this one fiscal year.

So I think it is a very bad precedent for this Congress to vitiate 14 years of law, and particularly when it was reviewed specifically with regard to this project just 4 years ago and explicitly written into law that the operation and maintenance would be entirely the responsibility of the State of Florida.

I yield the floor and yield back my time.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. SMITH of New Hampshire. I am prepared to yield that back, but Senator LEVIN has asked for time to make a comment.

I yield 1 minute to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I understand that there is a managers' package of amendments which have been cleared, and that one of those amendments was that of my colleague from Michigan, Senator ABRAHAM.

I had some concerns about that, which I have not had a chance yet to share with Senator ABRAHAM. I think I will be able to work this out with him, but I have not yet had the opportunity.

I understand now that amendment would be withheld from the managers' package until we can get back with the managers about that subject.

So if there is a managers' package that is offered tonight, it would not include that amendment?

Mr. SMITH of New Hampshire. The Senator is correct. We are going to try to offer a managers' package tonight. It will not include that amendment, to give the two Senators from Michigan the opportunity to work that out.

Mr. LEVIN. I thank the Senator for that. I will be in touch with Senator ABRAHAM in the hopes and belief, too, we will be able to work something out on it.

I thank my friend.

Mr. SMITH of New Hampshire. Mr. President, I now yield back all time on my side on the pending amendment.

Before the vote begins, I announce, on behalf of the majority leader, that following this vote on this amendment, there will be no further votes this evening.

Mr. President, I ask unanimous consent that the final passage vote for WRDA occur at 4:50 p.m. on Monday, and that paragraph 4 of rule XII be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on agreeing to Warner amendment No. 4165. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Idaho (Mr. CRAPO) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—24

Allard
Bunning
Burns
Campbell
Cochran
Gramm
Grassley
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
McConnell
Murkowski
Nickles
Roberts
Sessions
Shelby
Specter
Stevens
Thomas
Voinovich
Warner

NAYS—71

Abraham
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Byrd
Chafee, L.
Cleland
Collins
Conrad
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Grams
Gregg
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
Mikulski
Miller
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Smith (NH)
Smith (OR)
Snowe
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NOT VOTING—5

Akaka
Boxer
Crapo
Feinstein
Lieberman

The amendment (No. 4165) was rejected.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENTS NOS. 4166, 4167, 4168, 4169, 4170, 4171, 4172, AND 4173, EN BLOC

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendments to S. 2796 currently at the desk, be accepted en bloc. These amendments have been agreed to by the minority.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes amendments Nos. 4166 through 4173, en bloc.

The amendments are as follows:

AMENDMENT NO. 4166

(Purpose: To direct the Corps of Engineers to give expedited consideration to the completion of a study on renourishment of certain beaches in North Carolina)

At the appropriate place in title III, insert the following:

**SEC. . BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.**

(a) DEFINITION OF BEACHES.—In this section, the term "beaches" means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

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AMENDMENT NO. 4167

(Purpose: To provide the Corps of Engineers the authority to accept and expend funds provided by public entities to process permits required by federal environmental statutes)

SEC. . (a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision making in the permitting process.

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AMENDMENT NO. 4168

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

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AMENDMENT NO. 4169

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

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AMENDMENT NO. 4170

(Purpose: To provide assistance for efforts to protect and improve the Missouri River in the State of North Dakota)

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

AMENDMENT NO. 4171

(Purpose: To direct the Secretary of the Army to establish a program to market dredged material)

At the appropriate place, insert the following section:

**SEC. . SHORT TITLE.**

This section may be cited as the "Dredged Material Reuse Act".

**SEC. . FINDING.**

Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environment and economic purposes.

**SEC. . DEFINITION.**

In this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

**SEC. . PROGRAM FOR REUSE OF DREDGED MATERIAL.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(b) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(c) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the U.S. Treasury.

(d) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

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AMENDMENT NO. 4172

On page 49, line 1, insert a comma between "assessment" and "community".

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AMENDMENT NO. 4173

At the appropriate place insert:

**SEC. . NATIONAL ACADEMY OF SCIENCES STUDIES.**

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term "Academy" means the National Academy of Sciences.

(2) METHOD.—The term "method" means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term "feasibility report" means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term "water resources project" means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy

shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment in the managers' package to the Water Resources Development Act of 2000. My amendment is needed to allow the Army Corps of Engineers to continue to work on a feasibility study to alleviate the chronic flooding in the Southwest Valley of Albuquerque, New Mexico.

First, I want to thank the committee chairman, Senator SMITH, the distinguished ranking member, Senator BAUCUS, and Chairman VOINOVICH, as well as their fine staffs for all their good work on WRDA2000 (S. 2796).

For a number of years the Southwest Valley area of Albuquerque in my state has been prone to flooding after major rainstorms. The flooding has caused damage to irrigation and drainage structures, erosion of roadways, pavement, telephone and electrical transmission conduits, contaminated water and soil due to overflowing septic tanks, damaged homes, businesses, and farms, and presented hazards to automobile traffic. In 1997, Bernalillo County approached the Army Corps of Engineers to request a reconnaissance study of the chronic flooding problems.

The study area encompassed 17.8 square miles of mostly residential neighborhoods along the banks of the Rio Grande in the Southwest Valley and the 50 square miles on the West Mesa, including the Isleta Pueblo, that drain into the valley. The reconnaissance study began in March 1998 and is now completed.

The conclusions of the reconnaissance study define the magnitude of the continuing flooding problem in the Southwest Valley. The study also established a clear federal interest in the drainage project, found a positive cost to benefit ratio for the project, and identified work items necessary to begin designing a range of solutions to alleviate the chronic flooding problems in the valley.

In 1999, based on the positive findings of the reconnaissance study, the Environment and Public Works Committee authorized the Army Corps of Engineers to conduct a full study to determine the feasibility of a project for flood damage reduction in Albuquerque's Southwest Valley. The authorization is contained in section 433 of the Water Resources Development Act of 1999 (P.L. 106-53). I want to thank the EPW committee for authorizing this much needed feasibility study. The study began in March 1999 and is expected to be completed in February 2002.

Currently, Bernalillo County, the Albuquerque Metropolitan Arroyo Flood Control Authority and the Corps are working cooperatively on the feasibility study. Last year, the administration requested, and the Congress appropriated, $250,000 in Federal funding for the feasibility study. This year, the request was for $330,000. I want to thank the Appropriations Committees in the House and Senate for again providing the full amount requested.

Last July I had an opportunity to meet with the engineers from the Corps, the County, and AMAFCA to get an update on the study and to tour the areas in the Southwest Valley that are subject to chronic flooding. At the end of the tour, the Corps indicated to me that based on the initial results of the feasibility study, the flooding there was quite severe but the project did not seem to meet the Corps' required flow criterion of 1800 cubic feet per second for the 100-year flood. These flow criteria are outlined in the Engineering Regulations established for the Corps. Because of the obvious severity of the flooding, the engineers requested a legislative waiver of the regulations. Without a waiver, the Corps could not continue as a partner in the project. They also indicated the Corps' regulations do not contain any provision to waive the peak discharge criterion.

I'd like to take a few moments to describe briefly the unique situation in the Southwest Valley that necessitates a waiver of the Corps' standard regulations. The land along the west side of the Rio Grande is essentially flat. The river is contained by large earthen levees, which were built for flood control. When a river is contained this way by levees, the sediment accumulates in the river bed, slowly raising the level of the river. Of course, if there were no levees, when sediment builds up, the river would simply change course to a lower level. However, over the years, as the sediment has continued to accumulate in the Rio Grande, the level of the river within the levees is now higher than the surrounding land. Thus, when there are heavy rains during the monsoon season, the runoff has nowhere to go—it simply flows into large pools on the valley floor, flooding homes and farms. The water can't flow uphill into the river, so it stays there until it either evaporates or is pumped up and hauled away.

If the flood water sits in large pools and isn't flowing, it clearly can't meet any criterion based on the flow rate of water. Indeed, given the unique nature of the flooding in the Southwest Valley, most areas subject to chronic flood damage do not meet the Corps' peak discharge criterion.

During my visit in July, the three partners in the feasibility study specifically asked me for help in obtaining a waiver of the Corps' technical requirements to deal with this special situation. My amendment provides the necessary waiver the Corps needs to continue to work in partnership with the county and AMAFCA on this project.

This is not a new authorization; Congress authorized this study last year. My amendment is a simple technical fix to the existing authorization. I do believe the unique situation in Bernalillo County warrants a waiver of the Corps' standard regulations, and I thank the committee for accepting my amendment.

### SAVINGS CLAUSE REPORT LANGUAGE

Mr. BAUCUS. Mr. President, as part of the manager's amendment we amend section (h)(3)(B) of the bill as reported that explains what the programmatic regulations should contain. What impact does amending this section have on the report language that accompanies this section.

Mr. SMITH. I am very glad that you asked that question. First let me explain what subsection (h)(3) does. Subsection (h)(3) requires the issuance of programmatic regulations to ensure that the goals and purposes of the Plan are achieved by guiding the implementation of the project implementation reports.

Confusion was raised due to the wording that we used in the bill as reported. In order to clarify section (h)(3)(B)(i), we deleted the words "provide guidance." Despite the change in the manager's amendment, the report language for this section is still relevant, and reflects the committee's interpretation of this section. It is still the committee's intent that in developing the programmatic regulations, the Federal and State partners should establish interim goals-expressed in terms of restoration standards-to provide a means by which the restoration success of the plan may be evaluated through the implementation process. The restoration standards should be quantitative and measurable at specific points in the plan implementation.

Mr. BAUCUS. thank you for the clarification.

### FLORIDA CONSUMPTIVE USE PERMITTING PROCESS

Mr. BAUCUS. In the manager's amendment we modified the agreement section of the bill. Am I correct that the purpose of this section is to require the State of Florida and the President of the United States to enter into a binding agreement requiring Florida to manage its consumptive use permitting process in such a manner that the State will be able to deliver the water made available by the plan for the natural system to ensure restoration.

Mr. SMITH of New Hampshire. That is correct. Furthermore, the plan should include an agreemen that the State will not pre-allocate any water generated by the plan for consumptive use or otherwise make this water unavailable by the State. This agreement is extremely is extremely important, as are the programmatic regulations, in ensuring that the needs of the natural system are met.

Mr. BAUCUS. Thank you for the clarification.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 4166 through 4173, en bloc) were agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### BREAKENRIDGE FLOOD REDUCTION PROJECT

Mr. GRAMS. Mr. President, I would like to engage the distinguished chairman of the Environment and Public Works Committee, in a brief colloquy on an extremely important flood reduction project. As the Chairman may recall, I have been a strong proponent of the ongoing Breckenridge flood reduction project in Breckenridge, Minnesota. I am pleased that the Chairman has agreed that this existing flood control project should continue to proceed expeditiously. As a result of the 1997 floods, the city of Breckenridge experienced over $30 million in flood related damages. That flood cost the Federal Government millions of dollars in expenditures for advanced measures for flood fighting, flood emergency actions during the flood, and post-flood cleanup and recovery efforts at Breckenridge.

After the 1997 flood, the city has taken numerous actions to protect themselves from future catastrophic flooding. Such actions include the acquisition of many flood prone properties; local design and construction of new local flood levees at selected areas; initiation of a partnership between the Corps of Engineers, the city, and the State of Minnesota for a cost-shared Section 205 Feasibility Study to define an implementable Federal flood reduction project.

The city of Wahpeton, North Dakota is located immediately across the Red and Bois de Sioux Rivers from Breckenridge and is therefore strongly inter-related from a hydraulic and social perspective. Wahpeton has also entered into a separate cost-shared Section 205 flood reduction study for protecting their city. The flood protection plans now formulated for Wahpeton and Breckenridge are interdependent with each project relying on flood control features to be implemented by their sister city. If Wahpeton moves forward before Breckenridge, then Breckenridge could experience even more flooding. The two projects should proceed together. Therefore, in order for either project to move forward through completion these separate Federal flood reduction projects must both be constructed expeditiously. The timing associated with construction of each project will affect the implementation options and costs for each project.

I would like to continue to work with the Chairman as this bill goes to conference in providing further assurances that this existing flood control project be constructed as quickly as possible so that the city of Breckenridge can be protected from future flooding.

Mr. WELLSTONE. Mr. President, I want to echo the words of my colleague from Minnesota and thank my colleagues, the Chairman and ranking members of the Environment and Public Works Committee for their attention to the needs of the residents of Breckenridge, Minnesota and this much needed flood control project. We have come a long way since the floods of 1997, when I visited the community to witness first hand the devastation. Since then the city of Breckenridge has been working closely with the Army Corps of Engineers and the Minnesota Department of Natural Resources to design a comprehensive flood control plan to protect the community from future losses. I am pleased that the Senate WRDA bill will include authorization for this much needed flood control project.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to be able to accommodate the Senators' request and provide $21 million in authorized language for this existing and ongoing flood reduction project. I know how important this project is to the citizens of Breckenridge, Minnesota, and hope the construction can begin expeditiously.

Mr. GRAMS. Mr. President, I thank my colleague for his assistance.

### ADAPTIVE ASSESSMENT AND MONITORING

Mr. GRAHAM. Mr. President, I rise to speak today about the Adaptive Assessment and Monitoring section of this legislation with my colleagues from Florida and New Hampshire. This is one of the most critical aspects of this legislation which builds in a feedback loop for the Army Corps and the South Florida Water Management District and ultimately, the Congress, to incorporate new information into Plan authorization, design and execution. I would encourage the Corps, under the authority and appropriations provided for the Comprehensive Everglades Restoration Plan [CERP], to coordinate with appropriately qualified outside institutions, both nationally and internationally, to conduct independent scientific assessments and monitoring as part of the Adaptive Assessment and Monitoring Program. I also believe that one of the most important elements of Everglades restoration will be technology transfer to other ecosystems. I recommend that the Corps continue its partnerships with appropriately qualified outside institutions, both nationally and internationally, to distribute lessons-learned from this experience.

Mr. MACK. I echo the sentiments of the Senator from Florida about the Adaptive Assessment and Monitoring Program. As this is a long-term plan spanning almost 25 years in execution, it stands to reason that research will yield new information and technology changes will yield new solutions. The Adaptive Assessment and Monitoring Program is critical to ensuring that this new information is incorporated into our planning process for this project. The type of collaboration described by my colleague from Florida will ensure that resources are wisely spent by utilizing and expanding monitoring programs already in operation.

Mr. SMITH of New Hampshire. I thank my colleagues from Florida for bringing these issues to my attention, and I agree with my colleagues that the Corps of Engineers should take advantage of the expertise of appropriately qualified outside institutions, both nationally and internationally, in the Adaptive Monitoring and Assessment Program authorized under this legislation.

### INDIAN TRUST DOCTRINE PROVISION

Mr. BAUCUS. Section (h)(2)(C) of Title VI of S. 2796 states, "in carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian trust tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations." Is the intent of this provision to ensure that the Secretary of the Interior give full and equal consideration to all his legal responsibilities?

Mr. SMITH. The Senator is correct. The intent of this provision is to ensure that the Secretary of the Interior, in carrying out his responsibilities as authorized by this Act, shall fully and equally consider all of his legal responsibilities including, but not limited to the Indian Trust Doctrine, Everglades National Park, Biscayne National Park, Big Cypress National Preserve, the National Park System, the National Wildlife Refuge System, Migratory Bird Treaty, and the Endangered Species Act.

Mr. BAUCUS. I thank the Chairman.

### CLARIFICATION OF INTENT OF THE SAVINGS CLAUSE

Mr. BAUCUS. Mr. President, I would like to ask the Chairman of the Senate Environment and Public Works Committee to clarify the intent of the Savings Clause provision included in subsection (h)(5) section of 601 of S. 27976, as modified by the manager's amendment.

Mr. SMITH. I would be happy to clarify.

Mr. BAUCUS. It is my understanding that the Savings Clause was intended to provide that until a new source of water supply of comparable quantity and quality is available to replace any water supply to be lost as a result of implementation of the Plan, the Secretary of the Army and the non-federal sponsor shall not eliminate or transfer existing legal sources of water.

Mr. SMITH. That is my understanding as well.

Mr. BAUCUS. Am I correct in saying with respect to flood control, the Savings Clause was intended to ensure that implementation of the Plan will not result in significant adverse impact to any person with an existing, legally recognized right to a level of protection against flooding, including flood protection for the natural system?

Mr. SMITH. The Senator is correct.

Mr. BAUCUS. Furthermore, I understand that the Savings Clause provision was not intended to allow the U.S. Army Corps of Engineers to redirect to the natural system water from the human environment of unsuitable quality or quantity in an effort to provide the flood protection guaranteed in the section?

Mr. SMITH. Yes, that is my understanding of the intent of the Savings Clause as well.

Mr. BAUCUS. I thank the Senator for his assistance in clarifying the intent of this provision.

### WATERBURY DAM

Mr. LEAHY. Mr. President, I want to thank my distinguished colleagues, Senators Baucus and Smith, for their hard work on the Water Resources Development Act of 2000. I am especially grateful for their inclusion of a provision in this bill that will ultimately expand the successful federal, state, and local partnerships restoring the highest water quality in the Lake Champlain watershed.

One project that we could not come to full agreement on before this bill's passage, however, was authorization for the repair of the Waterbury Dam. Our lack of final language was in a large part due to the absence of a final Dam Safety Assurance Program Evaluation Report from the Army Corps of Engineers, a final draft of which was sent to ACE Headquarters for review on August 24, 2000.

The Waterbury Dam was built by the Army Corps of Engineers in 1935 and holds 1.23 billion cubic feet of water in its reservoir. Were the dam to fail, this volume of water would ultimately submerge and destroy the entire corridor of cities and towns downstream in the Winooski River valley. Thousands of lives would be lost. Hundreds of thousands of acres would be completely devastated.

Unfortunately, increasingly serious cracks and seepage in Waterbury Dam's structure were recently discovered and have heightened concerns that the dam could, in fact, fail. The State of Vermont and the Army Corps went into action and drew down the water level to alleviate pressure on the dam. The Corps carried out an assessment this summer to further characterize immediate repair needs. There is strong evidence that these cracks are, in fact, the result of initial design flaws and the Corps work today follows two previous instances—one in 1956-8 and one in 1985—when the Army Corps of Engineers had full authority to make needed dam modifications.

I understand that the Army Corps of Engineers is expediting the review of the Dam Safety Assurance Report for the Waterbury Dam. I am grateful to Senators Smith and Baucus for their understanding that the final report may contain important information relevant for authorization of the project.

I look forward to working with my distinguished colleagues, Senators Smith and Baucus, once the report is finalized and is able to guide our plans for Waterbury Dam repair.

Mr. SMITH of New Hampshire. I realize that Waterbury Dam repair is a pressing need for the state of Vermont and will carefully analyze the final report when it is released from the Army Corps of Engineers.

Mr. BAUCUS. I join Chairman Smith in recognizing the need for repairs to Waterbury Dam in Vermont.

Mr. INHOFE. Mr. President, there is an issue that needs to be addressed in WRDA that is not addressed by this bill. On June 12, 2000, the Administration sent us a report on the management of the Corps of Engineers' hopper dredge fleet. It says that efforts initiated by Congress in WRDA 96 have been successful. That legislation moved more of the routine maintenance dredging to the private sector and increased the Corps emergency response capability. In their report, the Corps recommended a plan that would move a little more work to the private sector while rehabilitating the oldest federal hopper dredge for emergency response purposes. While it may be questionable whether or not the benefit of this federal investment is worth the cost, I am willing to implement the Corps recommendations in order to get the management and emergency response improvements that are described in the report to Congress. After receiving the report, I requested legislative language from the Corps that they provided to me. I have been attempting to work with interested members to get this language, or possibly other compromise language, adopted in this legislation. I do not understand why the Corps recommendation is not considered a victory by the supporters of this federal dredge. The Corps strongly believes that their recommendation is a win-win for the nation's ports and the ports along the Delaware River as well as the nation's taxpayers. While I am not offering an amendment here today, I want my colleagues to know that this is an issue that I am going to pursue. I hope that we will be able to work something out in the conference committee. Thank you very much. I look forward to working with my colleagues on this important national issue.

Mr. FEINGOLD. Mr. President, there is a clear need for Independent Review of Army Corps of Engineers' projects. During debate on this bill I was prepared to offer an amendment on Independent Review. It was drawn from similar provisions in a larger piece of Corps Reform legislation sponsored by my Wisconsin colleague in the other body (Mr. Kind). My interest in an Independent Review amendment was shared by the Minority Leader (Mr. Daschle) and the Senator from California (Mrs. Boxer) and a number of taxpayer and environmental organizations, including: the League of Conservation Voters, American Rivers, Coast Alliance, Earthjustice Legal Defense Fund, Izaak Walton League of America, Natural Resources Defense Council, Sierra Club and Taxpayers for Common Sense.

I believe that the Senate should act right now to require Independent Review in this Water Resources Development Act, but the Senate is apparently not ready to take that step. Nevertheless, in response to my initiative, the bill's managers (Senator SMITH and Senator BAUCUS) have adopted an amendment as part of their Manager's Package which should help get the Authorizing Committee, the Environment and Public Works Committee, the additional information it needs to develop and refine legislation on this issue through a one year study by the National Academy of Sciences (NAS) on peer review. As part of the discussions with the Senator from New Hampshire (Mr. SMITH) and the Senator from Montana (Mr. BAUCUS) over the amendment I intended to offer, they have agreed that as the NAS conducts its review, they will hold hearings on the issue of Corps reform and on a bill which I will introduce next Congress that will include Independent Review. I want to make certain that an NAS study does not become an excuse not to do anything on Corps reform for a year. Therefore, I have not opposed that study, and its completion will eliminate one argument against enacting serious Corps reform. The managers understand my concern in this regard, and are interested in moving forward on reforms, and have agreed to my request for hearings. It is my hope that through hearings the NAS study and my bill can dovetail nicely so that we have a fully vetted bill which can then be fined tuned by the NAS recommendations. The agreement we have made provides the best chance to pass a serious reform bill in the next year, rather than reach deadlock.

I appreciate the efforts that the Managers of this bill have taken to bring this bill to the floor in the closing days of this Senate. I know that many of these Corps projects are extremely important to many of our constituents. However, Mr. President, in light of the attention and concern that the replacement of the Upper Mississippi locks has had in my own home state, I felt it that it was important that the issue of establishing additional oversight and review of Corps projects be raised in the context of this year's Water Resources bill, and that we begin down the road to passage of Corps reform legislation. Today we are closer to that goal than we were yesterday.

As last week's five part series on the Corps of Engineers which ran in the Washington Post last week highlighted, the ongoing construction and maintenance of Corps dams, navigation channels, and flood control structures, and other water development projects dramatically alter the nation's landscapes. Michael Grunwald's Sunday, September 10, 2000 story made this point very clear that the debate over whether the Corps:

> . . . should grow or shrink, and how much it should shift its focus from construction projects to restoration project. . .may not be the sexiest of Beltway brawls, but it will have a dramatic effect on America. Corps levees and floodwalls protect millions of homes, farms and businesses. Its coastal ports and barge channels carry 2 billion tons of freight annually. Its dams generate one-fourth of America's hydroelectric power. Its water recreation sites attract more visitors than the National Park Service's. Its land holdings would cover Vermont and New Hampshire. But the Corps may have its greatest impact on nature . . . So the future direction of the Corps will help determine the future health of America's environment.

Furthermore, this major government program costs federal taxpayers billions of dollars each year, and unfortunately, there have been times when economically unjustified activities have made it through to construction. While there are heartening signs of reform in the Corps Civil Works program, Congress should be working to create an independent process to help affirm when the Corps gets it right and help to provide a means for identifying problems before taxpayer funded construction investments are made. Today we begin that work in earnest.

Mr. President, I feel that requiring independent review of large and controversial Corps projects is a practical first step down the road to a reformed Corps of Engineers. Independent review would catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, and would provide planners desperately needed support against the never ending pressure of project boosters. Those boosters, Mr. President, include Congressional interests, which is why I believe that this body needs to champion reform—to end the perception that Corps projects are all pork and no substance. As Mike Grunwald's article on Monday, September 11, 2000 states:

> Water projects are a traditional coin of the realm on Capitol Hill, offering members of Congress jobs, contracts and other benefits for their constituents and campaign contributors —as well as ribbon cutting opportunities for themselves. In fact, the Corps budget consists almost entirely of projects requested by individual lawmakers, then approved by the Corps; the agency has almost no discretionary funds of its own.

I wish it were the case, Mr. President, that I could argue that additional oversight were not needed, but unfortunately, I see that there is need for additional scrutiny. In the Upper Mississippi there is troubling evidence of abuse. There is troubling evidence from whistleblowers that senior Corps officials, under pressure from barge interests, ordered their subordinates to exaggerate demand for barges in order to justify new Mississippi River locks. This is a matter which is still under investigation, and I hope that no evidence of wrongdoing will ultimately be found. Adequate assessment of the environmental impacts of barges is also very important. I am also concerned that the Corps' assessment of the environmental impacts of additional barges does not adequately assess the impacts of barge movements on fish, backwaters and aquatic plants. We should not gamble with the environmental health of the river. If we allow more barges on the Mississippi, we must be sure the environmental impacts of those barges are fully mitigated.

I am raising this issue principally because I believe that Congress should act to restore trust in the Corps if we are going to complete an unbiased assessment of navigation needs. The first step in restoring that trust is restoring the credibility of the Corps' decision-making process. We must remove the cloud hanging over the Corps. There is a basic conflict of interest here, and Mike Grunwald's story on Wednesday, September 11, 2000, again in the Washington Post, makes this clear:

> The same agency that evaluates the proposed water projects gets to work on the ones it deems worthwhile. If the analysis concludes that the economic costs of a project outweigh its benefits, or that the ecological damage of a project is too extreme, then the Corps loses a potential job.

Unfortunately, Mr. President, Congress now finds itself having to reset the scales to make economic benefits and environmental restoration co-equal goals of project planning. Our rivers serve many masters—barge owners as well as bass fisherman—and the Corps' planning process should reflect the diverse demands we place on them. I want to make sure that future Corps projects no longer fail to produce predicted benefits, stop costing more than the Corps estimated, and do not have unanticipated environmental impacts. In the future, we must monitor the result of projects so that we can learn from our mistakes and, when possible, correct them. We should impose a system of peer review as soon as possible and consider other comprehensive reforms. In a first step toward full evaluation of projects, I have committed myself to making Corps reform a priority in the next year and in the 107th Congress. The agreement we have reached today ensures that this Senate will also make it a priority.

## MORNING BUSINESS

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent there be a period for the transaction of routine morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE AMERICAN RED CROSS NATIONAL BLOOD APPEAL

Mr. THURMOND. Mr. President, we are currently facing one of the worst blood shortages in history, and I implore the citizens of this fine nation to volunteer to be a blood donor. Across the country hospitals are having to postpone life saving operations because of the lack of blood. Just the other day, the Medical University of South Carolina in Charleston had to postpone a liver transplant because it lacked the necessary blood supply to perform the surgery. This is simply not acceptable.

On September 19, 2000, Dr. Bernadine Healy, president and CEO of the American Red Cross, made the following statement stressing the critical need for blood donations. I feel that it is essential that we heed Dr. Healy's advice, and I ask unanimous consent that her statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY DR. BERNADINE HEALY, SEPTEMBER 19, 2000, AMERICAN RED CROSS BLOOD SUPPLY PRESS CONFERENCE

At this moment, the nation's blood supply is in critically short supply. We could not practice modern medicine without blood. Right now, the medical care of patients is being altered, postponed or canceled because the blood they need is not available. This silent savior in many medical emergencies is in short supply.

Blood is a critical link in the chain of health care nationwide. Together, the American Red Cross and the hundreds of independent blood centers maintain the strength of that link providing blood to patients in need. But that link is weak, and the chain of caring is being stretched to its limit.

Our role as blood bankers is an important one and we take our responsibilities very seriously. Every donor provides a generous gift of life and we recognize that gift as part of a precious national resource. We are now facing a time when the demand for this resource has grown such that it is outpacing our ability to provide adequate supplies.

In August 1999, the Red Cross collected about 16,700 units of blood per day. In August 2000, we collected nearly 17,300 units of blood daily—an increase of 3 percent. However, while collections have increased, so too has distribution. In August 1999, we distributed more than 14,700 units of blood each day. In August 2000, we distributed nearly 17,000 units each day, a 14 percent increase for that one month.

The American Red Cross believes we need a three-day inventory available—about 80,000 units—which enables us to provide an uninterrupted supply of blood to patients in need. However, for the entire summer, the Red Cross has operated on little more than a two-day supply.

Last Friday, our national inventory plummeted to 36,000 units of blood, and we consider 50,000 units to be a critical inventory level. Thirty-four of our thirty-six blood regions nationwide are in urgent need of blood donations. Many of our regions are being forced to ask local hospitals to postpone elective surgeries, especially if the patient in question has type 0 blood because the demand is greatest for this type.

An increase in the population, aging, growing numbers of medical procedures and more complex surgeries that were not possible years ago have contributed to this increase in demand. Patient undergoing chemotherapy and infants in neonatal care need blood. So do accident victims and those undergoing transplants. Blood is always, everywhere in need.

The American Red Cross is implementing increased donor recruitment initiatives to help offset these trends including:

1. Scheduling more blood drives, as well as expanding the hours of existing blood drives;
2. Pilot-testing an Internet-based system to enable people to schedule blood donation appointment online;
3. Utilizing aggressive telemarketing and direct-mail campaigns to encourage previous blood donors to come back and schedule an appointment;
4. Paying for advertising and working with the news media in markets nationwide to get this critical message to potential donors;
5. Establishing a pilot "urban blood donor center" in Chicago to make it easier for people working in downtown areas to donate blood during the business day.

We are excited about these new efforts and hope that they will allow us to reach more prospective donors than ever before. However, the fact remains that we need help now to address the current blood shortage. I want to encourage everyone, from students returning to school, to people who haven't donated blood in a while to call 1-800-GIVE-LIFE today to schedule an appointment. We need you now. Don't forget, 1-800-GIVE-LIFE.

## THE HAGUE CONVENTION ON PROTECTION OF CHILDREN

Mr. HELMS. Mr. President, countless Americans will welcome the news that the Senate last night ratified the Treaty of the Hague Convention on Protection of Children and cooperation in Respect of Intercountry Adoption. This Treaty was approved by our Foreign Relations Committee in April.

In addition, the Senate also approved unanimous final passage of the Intercountry Adoption Implementation Act—which was likewise unanimously approved by the House of Representatives this past Monday.

I offered the Intercountry Adoption Implementation act a year ago—along with Senator LANDRIEU, because this legislation will provide, for the first time, a rational structure for intercountry adoption.

Mr. President, this significant legislation is intended to build some accountability into agencies that provide intercountry adoption services in the United States while strengthening the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in an ethical manner to find homes for children.

In addition, Mr. President, both the Senate and the House agreed that sole responsibility for implementing the requirements of the Hague Convention, rests with the U.S. Secretary of State. Although, some advocated early on, a role for various government agencies, I believe that spreading responsibility among various agencies would have undermined the effective implementation of the Hague Convention.

Mr. President, passage of this significant legislation would not have been possible without the assistance from several talented people in both the Senate and House.

In particular, of course, I extend my sincere appreciation to Senator LANDRIEU (and her staff). Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997.

Senator BIDEN, ranking minority member of the Foreign Relations Committee, has been exceedingly helpful (as has his staff) in finalizing the Intercountry Adoption Implementation Act.

It's always a privilege to work with our colleagues in the House—and especially regarding passage of this Act. The Honorable BILL GILMAN, the distinguished chairman of the House International Relations Committee; Congressman SAM GEJDENSON, ranking minority member on the House International Relations; Congressmen DAVE CAMP and WILLIAM DELAHUNT; and, last but by no means least, my good friend, Congressman RICHARD BURR—who offered the original Senate companion bill in the House.

From my own Senate family, the former legislative counsel for the Foreign Relations Committee (now counsel for Senate Intelligence), Patricia McNerney; and Michele DeKonty, the very special lady who, in every sense, my right-hand lady.

Mr. President, this legislation now goes to President Clinton. I am hopeful that ratification and implementation of the Hague Convention will encourage more intercountry adoptions, while protecting all who are involved in the process.

## DELAYS IN SENATE CONFIRMATION OF JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, I regret to report to the Senate that the last confirmation hearing for federal judges held by the Judiciary Committee was in July. Throughout August and now into the third week in September, there have been no additional hearings held or even noticed. By contrast, in 1992, the last year of the Bush Administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session.

I also regret that the Judiciary Committee's inaction on judicial nominations has led to Senators object to Senate committees continuing to meet on other matters when the Senate is in session. The matter is most acute with regard to the numerous vacancies on our Courts of Appeals and the qualified women and men who have been stalled before this Committee.

This Judiciary Committee has reported only 3 nominees to the Courts of Appeals all year. We have held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Helene White, Bonnie Campell and others should be considered by this Committee and voted on by the Senate without additional delay.

Currently there remain more judiciary vacancies than there were when Congress adjourned in 1995. We have not even kept up with attrition over that last 5 years. Earlier this week, Senator HATCH joined with me and a dozen other Senators to introduce the Federal Judgeship Act of 2000. That legislation incorporates recommendations of the Judicial Conference of the United States to authorize 70 judgeships in addition to the 64 current vacancies within the federal judiciary. If those additional judgeships were taken into account, the so-called "vacancy rate" would be over 13 percent with over 130 vacancies.

We can make quick progress when we want to do so. The last group of nominees considered by the Judiciary Committee included three who were nominated on a Friday, had their hearing the next week and were approved and reported to the Senate within 6 days.

By contrast, we still have pending without a hearing qualified nominees like Judge Helene White of Michigan. She has been held hostage for over 45 months without a hearing. She is the record holder for a judicial nominee who has had to wait the longest for a hearing and her wait continues without explanation to this day.

We still have pending before the Committee, the nomination of Bonnie Campbell to the Eighth Circuit. Ms. Campbell had her hearing last May, but the Committee refuses to consider her nomination, vote her up or vote her down. Instead, there is the equivalent of an anonymous and unexplained secret hold. Bonnie Campbell is a distinguished lawyer, public servant and law enforcement officer. She was the Attorney General for the State of Iowa and the Director of the Violence Against Women Office at the United States Department of Justice. And she enjoys the full support of both of her home State Senators, Senator HARKIN and Senator GRASSLEY. I commend Senator HARKIN for his remarks on Ms. Campbell's nomination earlier today. I understand his frustration and believe that this Senate's failure to act on this highly qualified nominee is without justification.

We still have pending without a hearing the nomination of Roger Gregory of Virginia and Judge James Wynn of North Carolina to the Fourth Circuit. Were either of these highly-qualified jurists confirmed by the Senate, we would be finally acting to allow a qualified African American to sit on that Court for the first time. We still have pending before the Committee the nomination of Enrique Moreno to the Fifth Circuit. He is the latest in a succession of outstanding Hispanic nominees by President Clinton to that Court, but he too is not being considered by the Committee or the Senate.

Let me return briefly to the nomination of Roger Gregory. The Chairman of the Judiciary Committee indicated in his recent op-ed in the Wall Street Journal that the reason Roger Gregory would not be confirmed is because the Administration refused to consult with his home State Senators. In fact, this nomination is supported by both Virginia Senators, both Senator WARNER and Senator ROBB. Indeed, Senator ROBB made a forceful statement on behalf of this just a few days ago. In response to that assertion in the Wall Street Journal, the Counsel to the President sent a letter to the editors of that paper that corrected the misstatement. I ask unanimous consent that a copy of that letter be included in the RECORD at the end of my remarks.

The Chairman also suggested that it was too late in the session to move on these nominations. In addition to the recent examples I already noted, nominees now on the Senate calendar awaiting action after being before the Judiciary Committee for less than one week, there is the example of the hearing held last week by the Government Affairs Committee on two District of Columbia Superior Court judges, who one was nominated on May 1 and the other was nominated on June 26. Another example of the ability of the Senate to act is the September 8 confirmation of James E. Baker to the U.S. Court of Appeals for the Armed Forces. Of course, the Republican candidate for the presidency has said that nominations should be acted upon within 60 days. Of the 42 judicial nominations currently pending, 33 have been pending from 60 days to 4 years without final action, including Roger Gregory.

Finally, there is the contrasting example of responsible action by the Democratic majority in 1992 on the nomination of Timothy Lewis to the Third Circuit. Tim Lewis was nominated on September 17. By September 17, Roger Gregory had already been pending for well over 60 days. Tim Lewis was accorded a hearing on September 24, was voted on by the Committee on October 7, and was confirmed by the Senate on October 8, before it adjourned for rest of the campaign before the presidential election that year.

I note for the Senate that there continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 22 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 11 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000 and requested by the Judicial Conference to handle their increased workloads, the vacancy rate would be 16 percent.

Pending before the Committee are a dozen nominees to the Federal Courts of Appeals who are awaiting a hearing. They include Judge Helene White of Michigan, who is now the longest pending judicial nomination at over 45 months without even a hearing; Barry Goode, whose nomination to the Ninth Circuit was the subject of numerous statements by Senator FEINSTEIN and who has been pending for over two years; Allen Snyder, another well-respected and highly-qualified nominee who got a hearing but no Committee vote although he received the highest rating from the ABA, enjoys the full support of his home state Senators, and had his hearing on May 10, 2000. There are and have been many others, including a number of qualified minority nominees whom I have been speaking about throughout the year, including Kathleen McCree Lewis of Michigan, Enrique Moreno of Texas and Roger Gregory of Virginia.

Let us compare to the year 1992, in which a Democratic majority in the Senate confirmed 11 Court of Appeals nominees during a Republican president's last year in office among the 66 judicial confirmations for the year. In 1992, the Committee held 15 hearings—twice as many as this Committee has found time to hold this year. The Judiciary Committee has held hearings on only five Court of Appeals nominees all year and has refused to vote on two of those. In the last 10 weeks of the 1992 session, the Committee held four hearings and all of the nominees who had hearings then were confirmed before adjournment. In the last 10 weeks of the 1992 session, we confirmed 32 judicial nominations.

What is most significant about the recent trend of judicial vacancies and vacancy rates is that the vacancies that existed in 1993, even after the creation of 85 new judgeships in 1990, had been cut almost in half in 1994, when the rate was reduced to 7.4 percent with 63 vacancies at the end of the 103rd Congress. We continued to make progress even into 1995. In fact, the vacancy rate was lowered to 5.8 percent after the 1995 session, and before the partisan attack on federal judges began in earnest in 1996 and 1997.

Progress in the reduction of judicial vacancies was reversed in 1996, when Congress adjourned leaving 64 vacancies, and in 1997, when Congress adjourned leaving 80 vacancies and a 9.5

percent vacancy rate. No one was happier than I that the Senate was able to make progress in 1998 toward reducing the vacancy rate. I praised Senator HATCH for his effort. Unfortunately, the vacancies have since grown again.

During Republican control it has taken two-year periods for the Senate to match the one-year total of 101 judges confirmed in 1994, when we were on course to end the vacancies gap. Nominees like Judge Helene White, Barry Goode, Judge Legrome Davis, and J. Rich Leonard, deserve to be treated with dignity and dispatch—not delayed for two and three years. We are still seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan. They are left to twist in the wind. All of this despite the fact that, by all objective accounts and studies, the judges that President Clinton has appointed are a moderate group of judges, rendering moderate decisions, and certainly including far fewer ideologues than were nominated during the Reagan Administration.

With respect to the Senate's treatment of nominees who are women or minorities, I remain vigilant. I have said that I do not regard Senator HATCH as a biased person. I have also been outspoken in my concern about the manner in which we are failing to consider qualified minority and women nominees over the last several years. From Margaret Morrow, Margaret McKeown and Sonia Sotomayor, through Richard Paez and Marsha Berzon, and including Judge James Beatty, Jr., Judge James Wynn, Roger Gregory, Enrique Moreno and all the other qualified women and minority nominees who have been delayed and opposed over the last several years, I have spoken out. The Senate will never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice Ronnie White to be a Federal District Court Judge in Missouri.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit in the history of that Circuit. The nomination of Judge James A. Beaty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters at the NAACP Convention. We should respond not be misunderstanding or mischaracterizing what he said, but instead taking action on these well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

I ask unanimous consent that an article for the Wall Street Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 2000]

### 'RACIAL DIVISION' CHARGE IS UNTRUE

In "Senate Isn't Guilty of Racism In Confirming Judges," Sen. Orrin Hatch states that in recent weeks the president has "nominated numerous minorities for federal judgeships without consulting home-state senators" (editorial page, Sept. 5). This is simply untrue. The administration has adhered to its practice of consulting with home-state senators prior to nominating judicial candidates, and it did so with the two nominees Sen. Hatch mentioned by name.

One of those, Roger Gregory, an accomplished African-American attorney from Virginia, was nominated for the Fourth Circuit at the end of June. Sen. Hatch says the president moved a judgeship from North Carolina to Virginia in order to make the nomination, but the seat for which Mr. Gregory was nominated has not been filed before, nor allocated to any particular state in the Fourth Circuit. Moreover, Roger Gregory has the strong support of both of his home-state senators (who were indeed consulted prior to nomination). Democratic Sen. Chuck Robb recommended Mr. Gregory to the president and has been working tirelessly on Mr. Gregory's behalf. Republican Sen. John Warner has joined Sen. Robb in requesting that Sen. Hatch give Mr. Gregory a hearing.

The Fourth Circuit, which hears cases from Maryland, North Carolina, South Carolina, Virginia and West Virginia, has the largest African-American population of any circuit in the country. Yet it has never had an African-American judge. It is extraordinary to suggest that the president's nomination of a highly qualified candidate who has the support of both home-state senators is part of some effort to "generate racial divisions." Rather than make such claims, the Republican leadership should demonstrate its color-blind bipartisanship by promptly confirming Roger Gregory.

Indeed, the Senate has a great deal more work to do on judges. Sen. Hatch states that in 1994 the administration had argued that a "7.4%" vacancy rate in the judiciary was equivalent to full employment. Using that figure, he suggests that the administration has no basis for complaining about vacancies, because the vacancy rate is now close to that level. But the figure cited by the administration in 1994 was actually 4.7%. To attain even this modest goal, the Senate would need to reduce judicial vacancies to 40. That is, the Senate would need to confirm an additional 24 nominees this year. We look forward to working with the Senate Republicans to achieve this goal.

BETH NOLAN,
*Counsel to the President,*
*The White House.*

Washington.

## FAST AND SIMPLE SHORTCUT TAX ACT

Mr. GREGG. Mr. President, I rise today as an original cosponsor of this innovative and much-needed piece of legislation, the Fair and Simple Shortcut Tax (FASST) Act, which would streamline the process of paying federal taxes for millions of Americans. I am very pleased to join Senator DORGAN in introducing this important legislation.

The current Federal tax code is a tangle of requirements, deductions, credits, and other regulations that only a few lawyers and accountants fully understand. Still, we expect the average American citizen, under penalty of law, to have a complete grasp of all their tax obligations and to pay them in full and on time. The complexity of the current tax code has made it a burden to pay ones's tax obligations. This burden must be alleviated.

The good news is that we can do something to simplify the tax code for the millions of Americans who do not have complicated investment or corporate income and for whom paying taxes should be as easy and painless as possible. The FASST Act offers a voluntary tax plan which would simplify the filing process for millions Americans. It also provides much needed tax relief through the elimination of the marriage penalty, a tax which actually punishes people for getting married.

The FASST Act would provide a single, low tax rate of 15 percent for taxpayers who earn up to $100,000 per year in wages and receive no more than $5,000 in income from capital gains, interest, and dividends. A taxpayer who chooses to participate in this program would not receive a tax return, nor would he have to pay the federal government on April 15th because too little in taxes was deducted from his payroll. Instead, the employee would elect to fill out a modified W-4 form at work whereby his employer would withdraw the exact tax obligation at the single low rate of 15 percent. What a relief it would be for those folks who qualify to be free from the yearly burden of trying to decipher the federal tax code.

Taxpayers who elect to participate in this program would still benefit from the current standard tax deduction, as well as personal exemptions, child care credits, the Earned Income Tax Credit and a deduction for home mortgage interest expenses and property taxes. Thus, employees would experience the best of both worlds—the current tax system's generous deduction and credit system for working families, as well as a simplified tax system. This bill also provides generous savings incentives by exempting up to $5,000 of all interest, dividends and capital income from taxes.

Taxpayers who do not participate in the FASST program would also benefit from provisions in the FASST Act. First, this act reduces the marriage penalty, and provides an exemption from the Alternative Minimum Tax for many sole proprietors and small businesses. In addition, all taxpayers would be eligible to receive a 50 percent credit for up to $200 in tax preparer expenses if they file their taxes electronically. And again, there is a substantial incentive for savings and investment as up to $500 of dividend and interest income is exempt for individuals. The FASST Act is good for all taxpayers.

I believe that the FASST Act provides much needed reform to our tax system. Our current federal tax code is immense, complex, and confusing. It has become a burden on the American taxpayer. The FASST Act takes a much-needed first step toward providing a simpler, friendlier means of collecting taxes from our hard-working citizens. I am pleased to join with my fellow Senators from North Dakota and Illinois in introducing the Fast and Simple Shortcut Tax Act today.

## VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, for the last several months, many of us here in the Senate have been urging our colleagues to pass sensible gun laws. Each year, more than 30,000 Americans are killed by gunfire (an average of 10 children and adolescents and 74 adult Americans each day) and until we act, thousands more will be lost to gun violence.

Those of us who are committed to this issue have pledged to read the names of some of those who have lost their lives to gun violence in the past year.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 21, 1999:
Colden Hurt, 28, Baltimore, MD;
Troy Jones, 32, Washington, DC;
Billy Peaks, 23, Chicago, IL;
Roland Shepard, 56, Philadelphia, PA;
Charles Walker, 17, St. Louis, MO;
Omar Williams, 24, Memphis, TN;
Jessie Williamson, 42, Memphis, TN.

We cannot allow such senseless gun violence to continue. The deaths of these people are a painful reminder to all of us that we need to enact sensible gun legislation today.

## OBJECTION TO CHANGES IN FALSE CLAIMS ACT

Mr. GRASSLEY. I rise today to notify my colleagues that I have notified the Majority Leader that I will object to any changes to the False Claims Act whether in bill or amendment form.

## VISA WAIVER PILOT PROGRAM

Mr. LEAHY. Mr. President, I rise today to urge the majority to lift its hold on H.R. 3767, which would permanently authorize the visa waiver pilot program. I am a cosponsor of the Senate version of this legislation, which will achieve the important goal of making our visa waiver program permanent. We have had a visa waiver pilot project for more than a decade, and it has been a tremendous success in allowing residents of some of our most important allies to travel to the United States for up to 90 days without obtaining a visa, and in allowing American citizens to travel to those countries without visas. Countries must meet a number of requirements to participate in the program, including having extraordinarily low rates of visa refusals. Of course, the visa waiver does not affect the need for international travelers to carry valid passports.

The visa waiver pilot program expired on April 30. The House passed legislation to make the program permanent before that deadline. But the Senate failed to meet this deadline, and the Administration was forced to extend it administratively. Since then, the Senate has missed deadline after deadline, and has had to rely on the grace of the Administration for this program—which is relied upon by thousands of American travelers every year—to continue.

Every Democratic Senator has cleared this bill. But the majority has refused to clear it, even five months after it passed the House and the statutory authorization for this program expired. Earlier in the year, some members had substantive concerns about the bill. Those have been rectified. I am unaware of any remaining substantive objections to this legislation, and it is now well past time to pass it. Passing it will not require any floor debate or roll call vote. It simply requires Senators to life their holds.

This is a bill that benefits American travelers from every State and the tourism industry in every State. It is not a Democratic bill or a Republican bill. It is not a regional bill. It is simply a good, common-sense bill that deserves the Senate's support. There has been too much stalling on this bill already—we should act today.

## RENAMING OF THE STATE DEPARTMENT HEADQUARTERS IN HONOR OF PRESIDENT HARRY S TRUMAN

Mr. ASHCROFT. Mr. President, tomorrow will be a special day for the State of Missouri. Tomorrow, President Clinton and Secretary of State Madeleine Albright will hold a ceremony to officially rename the U.S. State Department Headquarters as The Harry S Truman Federal Building.

I am pleased to have played a role in the renaming of the State Department in honor of one of Missouri's most famous sons—President Truman. Last spring, I introduced a bill, S. 2416, to designate the headquarters for the Department of State, as the "Harry S. Truman Federal Building". The House's companion legislation, H.R. 3639, sponsored by Missouri Congressmen IKE SKELTON and ROY BLUNT, passed the Senate on June 8th and was signed by the President on June 20, 2000. Secretary of State Albright was supportive of this effort from the beginning, and I thank her. In addition, I would like to thank the Senators who cosponsored this bill, Senators BOND, BOXER, BYRD, DEWINE, HAGEL, MOYNIHAN, ROBERTS, and WARNER.

Born in Lamar, Missouri, Harry S Truman was a farmer, a national guardsman, a World War I veteran, a local postmaster, a road overseer, and a small business owner before turning to politics. Through these traditional experiences, he gained the courage, honesty, and dedication to freedom required of a great leader. Joining the Senate in 1935, Truman fought against government waste and saved the U.S. Government $15 billion as Chairman of the Senate War Investigating committee. Ten years later, Harry S Truman became Franklin D. Roosevelt's Vice President. Four short months later, Truman assumed the presidency after Roosevelt's untimely death, and remarked to reporters: "I felt like the moon, the stars, and all the planets had fallen on me." Although Truman might have felt unprepared, he rose to the challenge with typical Missourian resolve and changed the face of history. President Truman went on to become one of the most influential presidents of the modern era. His leadership and character, especially in the area of foreign policy, have earned him well-deserved praise and respect throughout the world. The life, character, and freedom-loving values of this great Missourian are honored by countless millions.

Mr. President, naming the State Department Headquarters building after President Truman is a befitting tribute to his life and his legacy. This is truly a proud moment for the Truman family, the people of Missouri, and all Americans.

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## COMBATING CHILDHOOD CANCER AND DUCHENNE MUSCULAR DYSTROPHY

Mr. HUTCHINSON. Mr. President, the month of September is Childhood Cancer Awareness Month. Contrary to public perception, cancer is not just an adult disease. Cancer is the second leading cause of childhood deaths, second only to accidents. Cancer strikes 46 children, or two classrooms of children, every school day. In 1975, only 35 percent of children with cancer survived more than five years. Thanks to modern medicine, 70 percent of children diagnosed with cancer survive. Thirty percent, however, do not.

Childhood cancer has a unique set of characteristics and problems which researchers are still trying to find answers to. While most adult cancers result from lifestyle factors, such as smoking, diet, occupational, and other exposure to cancer-causing agents, the causes of most childhood cancers, are not yet known. While adult cancers are primarily those of the lung, colon, breast, prostate and pancreas, childhood cancers are mostly those of the white blood cells (leukemias), brain, bone, the lymphatic system and tumors of the muscles, kidneys and nervous system. Childhood cancers further differ from adult cancers in that they often have spread to other parts of the body by the time they are diagnosed.

Our goal must be to increase funding for research, early detection and treatment, and prevention of childhood cancer. The member institutions of the Children's Oncology Group, C.O.G., provide treatment for up to 90 percent of all children with cancer in North America. The Children's Oncology Group is supported, in part, by federal funds from the U.S. National Cancer Institute and by private funds raised by the National Childhood Cancer Foundation. The National Cancer Institute is slated to receive $3.8 billion in Fiscal Year 2001 for cancer research. Yet childhood cancer is one of many focuses of the NCI's research, and it certainly is not among the top funding priorities.

I have worked with my fellow colleagues on the Senate Health, Education, Labor, and Pensions Committee to raise awareness about the need for greater focus on childhood cancer, and I am delighted that the Senate will today pass legislation to address a number of pressing children's health issues. In particular, I want to thank Senator FRIST, the author of this legislation, for working with me to include language directing the Secretary of Health and Human Services to study environmental and other risk factors for childhood cancers and to carry out projects to improve treatment outcomes among children with cancer—such projects shall include expansion of data collection and population surveillance efforts to include childhood cancers nationally, the development of a uniform reporting system nationwide for reporting the diagnosis of childhood cancers, and support for the National Limb Loss Information Center to address the primary and secondary needs of children with cancer to prevent or minimize the disabling nature of these cancers. By authorizing the Secretary to carry out these functions, we will hopefully get the answers we need to ensure that all children live a healthy, cancer-free life.

Another devastating disease which affects almost exclusively male children, is Duchenne Muscular Dystrophy, DMD. At this time, there is no cure for DMD. Little boys with DMD are most often not diagnosed before the age of two or three years. Most boys with DMD walk by themselves later than average, and then in an unusual manner. They may frequently fall, have difficulty rising from the ground, or difficulty going up steps. Calf muscles typically look over developed or excessively large, while other muscles are poorly developed. Use of a wheelchair may be occasional at age 9, but total dependence is normally established upon reaching the teen years. Most boys affected survive into their twenties, with relatively few surviving beyond 30 years of age.

I have heard from the parents and grandparents of a little boy in Arkansas who has DMD. His name is Austin and his family is desperately hoping for a cure so they don't have to watch their son and grandson lose his ability to walk. While we are far from finding a cure for DMD, I am hopeful that language that Senator FRIST has graciously worked with me to include in the children's health bill will help Austin and the thousands of other young boys suffering from DMD. Specifically, the Act authorizes the Secretary of Health and Human Services to expand and increase coordination of the activities by the National Institutes of Health with respect to research on muscular dystrophies, including DMD.

In conclusion, we are about to pass incredibly important legislation to address a myriad of children's health issues, including childhood cancer and Duchenne Muscular Dystrophy. Efforts to improve the quality and length of life for millions of children are valuable beyond measure, and I encourage all of my colleagues to work together with me to raise awareness about these devastating diseases and the need to find treatments and cures for the children they affect.

## THE INTERCOUNTRY ADOPTION ACT OF 2000

Ms. LANDRIEU. Mr President, it may only be September, but it sure feels like Christmas. For seven years, adoption advocates in the United States and throughout the world have waited for the moment that came late yesterday. In fact, it marked the second time this week that history has been made in these chambers. On Tuesday, this body voted to extend permanent normal trade relations to China and yesterday, we voted to ratify the Hague Convention on Protection of Children and Cooperation in Respect of International Adoption. In doing so, we have joined the international community in, for the first time, recognizing that the "child for the full, harmonious development of his or her personality, should grow up in a family." For the hundreds of thousands of children growing up on the streets and in institutions throughout the world, yesterday's vote marked the hope of a better tomorrow.

I would like to begin my remarks by thanking Chairman HELMS for his extraordinary leadership in passing this historic legislation. There is no doubt in my mind that we would not be celebrating this important moment were it not for him. In the two years since we stood together on this floor and introduced this legislation, he has worked tirelessly to ensure that each of the bill's provisions were aimed at protecting adopted children and their families. I would also like to thank Senator BIDEN, Senator BROWNBACK, Senator KENNEDY, Senator ABRAHAM, Representative GILMAN, Representative GEJDENSON, Representative SMITH and Representative CAMP for their work in moving this bill forward.

I would also like to commend the adoption community at large. In my opinion, this effort is a shining example of what can be accomplished if people are willing to compromise for the greater good. I have said it before and I believe it rings true here, adoption brings people, whether they are Republican, Democrat, conservative, liberal, American, Russian or Chinese, together. United by the belief that all children deserve to grow in the love of a permanent family. Adoption breaks down barriers and helps build families.

Last year international adoption helped 15,744 children to realize their dream of having a family of their own. Not a day goes by when I do not receive a letter or a picture from one of these families telling me what incredible joy adoption has brought to their lives. Not long ago, I attended the naturalization ceremony for about 100 of these families. I distinctly remember looking into the crowd, at the tiny faces of these little ambassadors from Moldova, India, China, Kazakhstan, Russia, Korea, Romania, and thinking that there is no better example of the new era of globalization. With inventions like the Internet, geographic barriers will no longer stand in the way of children finding families. Today, it is possible for a couple from a small town like New Iberia, Louisiana to be connected with a waiting child in Irkustk, Russia. There is no such thing as an unwanted child, just unfound families. We share a collective responsibility to find a home for every child in the world and with yesterday's vote, we acknowledged that we are willing to share in that responsibility.

As the largest receiving country, we have the opportunity to use this legislation and the system it creates to construct an international framework designed to protect the children and families involved in the adoption process. It is time for us to take action to eliminate some of the fraud, abuse and greed that can corrupt the adoption process. Joined by their commitment to protecting the rights of the child, Hague countries can now enjoy the comfort of knowing that each and every adoption will be performed in accordance with the established standards. Adoptive parents can rest easier knowing that there is somewhere they can turn with questions and concerns.

As an adoption advocate and adoptive mother, it has been a very exciting week. In addition to passing this treaty, the House just passed the H.R. 2883, the Adopted Orphans Citizenship Act. This bill grants automatic citizenship for children who are adopted. Unlike a child born to a United States citizen, adopted children are not conferred automatic citizenship by virtue of their adoption. Instead, they must go through a long, complex and costly naturalization process. This is not only unnecessary its unfair. Adopted children should have the same rights as birth children and laws which unfairly discriminate between the two need to be changed. I urge my colleagues to act quickly to pass this legislation.

Yes, Mr. President, it has been a very good week for children in need of homes. Yesterday, President Clinton awarded the second installment of the adoption incentive payments to states who had increased their number of adoptions out of foster care. 46,000 children in foster care found homes through adoption last year. That is a 65 percent increase since 1996.

Although I am excited by the progress we have made, I am still driven by the vision of the children in institutions abroad and the knowledge that over 500,000 children in this country are caught in the foster care drift. We have accomplished a lot, but much remains to be done.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 20, 2000, the Federal debt stood at $5,660,515,052,511.42, five trillion, six hundred sixty billion, five hundred fifteen million, fifty-two thousand, five hundred eleven dollars and forty-two cents.

One year ago, September 20, 1999, the Federal debt stood at $5,630,759,000,000, five trillion, six hundred thirty billion, seven hundred fifty-nine million.

Five years ago, September 20, 1995, the Federal debt stood at $4,967,473,000,000, four trillion, nine hundred sixty-seven billion, four hundred seventy-three million.

Ten years ago, September 20, 1990, the Federal debt stood at $3,214,168,000,000, three trillion, two hundred fourteen billion, one hundred sixty-eight million.

Fifteen years ago, September 20, 1985, the Federal debt stood at $1,823,102,000,000, one trillion, eight hundred twenty-three billion, one hundred two million, which reflects a debt increase of almost $4 trillion—$3,837,413,052,511.42, three trillion, eight hundred thirty-seven billion, four hundred thirteen million, fifty-two thousand, five hundred eleven dollars and forty-two cents, during the past 15 years.

## ADDITIONAL STATEMENTS

### NATIONAL BIBLE WEEK

• Mr. BURNS. Mr. President, I am honored to serve as one of this year's congressional co-chairs for National Bible Week, sponsored by the National Bible Association. This observance occurs during the week of November 19-26, 2000, the week during which Thanksgiving Day occurs. This is appropriate since many Americans will attend houses of worship during that week to give thanksgiving.

As we gather to give thanks, let us remember that "Man shall not live by bread alone, but by every word that proceeds from the mouth of God." (Matthew 4:4) When we try to live by bread alone, we nourish the body but starve the mind. Members of Congress are called upon to right wrongs and correct injustice. There is no better way for all of us to satisfy our hunger and thirst for justice than by "eating" the life-giving spiritual food found in the Bible. By "eating" the food of the Bible, I mean not just reading and studying the lessons found there, but to ponder those messages in our hearts and apply them to our own lives. John Quincy Adams, our sixth President, said, "For years I have read the Bible through once a year. I read it every morning, as the very best way to begin the day."

We are all very busy people. Many of us think we do not have time to read the Bible every day. D. L. Moody once answered this common excuse by saying, "My friend, if you are too busy to read the Bible every day you are busier than Almighty God ever intended any human being should be and you had better let some things go and take time to read the Bible."

The Bible has always been more than a doctrinal source book or a compendium of theological beliefs. People have turned to it time and time again for comfort, encouragement, guidance and direction. I have my Bible on my desk. Woodrow Wilson, our twenty-eighth President, said, "I am sorry for the men who do not read the Bible every day. I wonder why they deprive themselves of the strength and of the pleasure."

Read the Bible. Study the Bible. Ponder the messages contained in the Bible. By doing this you will learn of God's will for your life. Apply those message to your life and you will learn that there is salvation, there is forgiveness of sins and there is the hope of eternal life in the presence of God.•

### CELEBRATING THE GENEROSITY OF JOAN C. EDWARDS

• Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the philanthropy of one of West Virginia's most celebrated adopted daughters. Later this month at a formal naming ceremony, the Marshall University School of Medicine in Huntington, West Virginia, will be renamed the Joan C. Edwards School of Medicine at Marshall University. It gives me great honor to come to the floor today to be able to share Joan Edwards' remarkable story with the nation.

Born in London, England, Joan's family moved to New Orleans when she was only four years old. At the age of 17, Joan set off to tour the nation singing the "Sugar Blues" with Clyde McCoy and his Kentucky band. As a young girl, Joan's singing career brought her to Chicago, New York, and Pittsburgh, among other cities, where she met her future husband and Huntington, West Virginia native, James "Jim" Edwards. Joan and Jim were married soon after, and lived in Pittsburgh prior to returning to Huntington to work at the Edwards' family business, National Mattress Company. Together, Jim and Joan would build the family's business into a great American success story and were also able to take up their passion of breeding racehorses.

In 1991, after 54 years of marriage, Jim Edwards lost his battle with cancer. Shortly thereafter, Joan Edwards announced that she would present a total of over $20 million in contributions to the Huntington community from their estate. This included $1 million to the Marshall University School of Medicine, $1 million to the Huntington Museum of Art, $2 million to the Episcopal Church, and $16 million to the Cabell Huntington Hospital for the construction of an adult cancer center.

This story in and of itself is remarkable, but Joan Edwards' charity goes even beyond that. Since that time, Joan has donated an additional $1 million to the Fine and Performing Arts Center at Marshall and $2 million to address the University's most pressing needs. And Joan Edwards has not stopped there. She has raised the bar even further. Having lost both her husband and son to cancer, Joan has bequeathed an additional $16 million to the Marshall University Medical School with an additional $2 million dedicated toward preliminary planning, design, and development for the creation of a children's cancer center.

It is indeed fitting that Marshall University will bestow a great honor upon Mrs. Edwards, formally renaming its Medical School the Joan C. Edwards School of Medicine at Marshall University. I would also like to point out that only one-third of all of the medical schools in the nation are named after a benefactor. Of these institutions, Marshall University's School of Medicine will be the first in the nation named after a woman. This is such a fitting tribute for such an amazing woman.

Joan has demonstrated the true meaning of philanthropy. Her active engagement in academics, the arts, athletics, and health care has impacted the lives of countless people in West Virginia and across the country, serving as an inspiration to us all. She has done more for the foundation of the community than most people would ever be able to do, and we are fortunate to have her as part of the fabric of West Virginia. I thank Joan for all of her selfless acts, and as we celebrate this honor, I am reminded of how proud I am that she is a fellow West Virginian.●

## RECOGNITION OF LINDSAY BENKO, OLYMPIC GOLD MEDALIST

● Mr. BAYH. Mr. President, I rise today to recognize a remarkable young athlete from the great state of Indiana.

Yesterday, Americans watched with pride as 23 year-old Lindsay Benko and her teammates captured the gold medal in the 4x200 freestyle swim relay. The team did it in style, setting an Olympic record with their time of 7:57.80.

With that victory, Lindsay became the first Hoosier to win a medal at the 2000 Summer Olympic games in Sydney, Australia.

Lindsay hails from Elkhart, Indiana, a small town in the shadow of Notre Dame's famous golden dome. In a town where football rules, today it is Lindsay Benko who has captured the headlines and inspired pride in Elkhart and South Bend.

Like so many other Olympic athletes, Lindsay has been preparing for her Olympic moment since she was very young, in fact, she has been swimming competitively since she was eight years old. Lindsay has dedicated her life to a sport she loves, and worked hard to be among the best. As early as her freshman year at Elkhart Central High School, she was a state champion. In high school, she won a total of eleven state titles, four in the 100 meter freestyle, four in the 200 meter freestyle, and three in the 400 meter freestyle relay. After graduation, Lindsay took her competitive fire and winning Hoosier spirit to the University of Southern California, where she won a total of five NCAA individual titles.

Yesterday, Lindsay conquered her sport at a new level. She can now be called a world-class athlete and a world champion, but we will continue to proudly claim her as our own in the state of Indiana.

Mr. President, I join my friends in Elkhart, South Bend and across Indiana in congratulating Lindsay Benko for her outstanding accomplishment, and wishing the best of luck to all of our nation's Olympic athletes as they compete in the 2000 Summer Olympic Games.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 4945. An act to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 405. Concurrent resolution to correct the enrollment of H.R. 4919.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 940) to designate the Lackawanna Valley National Heritage Area, and for other purposes.

The message also announced that the House has agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4919) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

### ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, September 21, 2000, by the President pro tempore (Mr. THURMOND):

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; to the Committee on Energy and Natural Resources.

H.R. 4945. An act to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes; to the Committee on Small Business.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5203. A bill to provide for reconciliation pursuant to sections 103(a)(2), 103(b)(2), and 213(b)(2)(C) of the concurred resolution on the budget for fiscal year 2001 to reduce the public debt and to decrease the statutory limit on the public debt, and to amend the Internal Revenue Code of 1986 to provide for retirement security.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 21, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10860. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Habitual residence in the territories and possessions of the United States" (RIN 1115-AE61 INS No. 1811-96) received on September 20, 2000; to the Committee on the Judiciary.

EC-10861. A communication from the Acting Assistant General Counsel for Regulatory Services, Office of Management and Office of Inspector General, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Official Seal National Security Information Procedures" received on September 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10862. A communication from the Secretary of Defense, transmitting, pursuant to law, a notification relative to chemical warfare material; to the Committee on Armed Services.

EC-10863. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to Grissom Air Reserve Base; to the Committee on Armed Services.

EC-10864. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mefenoxam; Pesticide Tolerances for Emergency Exemptions" (FRL #6741-1) received on September 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10865. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melon Fruit Fly Regulations; Regulated Areas, Regulated Articles, and Removal of Quarantined Area" (Docket #99-097-3) received on September 20, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-10866. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Argentina, The Czech Republic, Mexico, The Netherlands, Norway, South Korea, Spain, The Republic of Korea, and The United Kingdom; to the Committee on Foreign Relations.

EC-10867. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District" (FRL #6866-1) received on September 20, 2000; to the Committee on Environment and Public Works.

EC-10868. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tennessee: Final Authorization of State Hazardous Waste Management Program Revision" (FRL #6874-6) received on September 19, 2000; to the Committee on Environment and Public Works.

EC-10869. A communication from the Director of the Office of Civil Rights, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN 1190-AA28) received on September 19, 2000; to the Committee on Environment and Public Works.

EC-10870. A communication from the Deputy Administrator of the General Services Administration, transmitting a copy of a report relative to the National Institutes of Health Bayview Research Center in Baltimore, MD; to the Committee on Environment and Public Works.

EC-10871. A communication from the Deputy Administrator of the General Services Administration, transmitting a copy of a report relative to a lease prospectus for the Federal Trade Commission in Washington, DC; to the Committee on Environment and Public Works.

EC-10872. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone (Including 32 Regulations) (USCG-2000-7386)" (RIN 2115-AA97) (2000-0082) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10873. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Juan Harbor, Puerto Rico (COTP San Juan 00-065)" (RIN 2115-AA97) (2000-0085) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10874. A communication from the Acting Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations (Including 4 Regulations) (USCG-2000-7386)" (RIN 2115-AE46) (2000-0016) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10875. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Red Lodge and Joliet, Montana" (MM Docket No. 00-24) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10876. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Norfolk, Virginia" (MM Docket No. 00-68, RM-9792) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10877. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Lynn Haven, Florida" (MM Docket No. 00-93) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10878. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Live Oak, Florida" (MM Docket No. 00-95) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10879. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Buckhannon and Burnsville, West Virginia)" (MM Docket No. 98-34) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10880. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, (Casper, Guernsey, Lusk, and Sinclair, Wyoming)" (MM Docket No. 98-59) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10881. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Meeteetse, Cody, Wyoming)" (MM Docket No. 98-85; RM-9286, RM-9359) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10882. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations. (Wright and Clearmont, Wyoming)" (MM Docket No. 98-88) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10883. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Hanna, Baggs, Wyoming)" (MM Docket No. 98-89; RM-9279, RM-9670) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10884. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Hudson, Ten Sleep, Wyoming)" (MM Docket No. 98-97; RM-9287, RM-9609) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10885. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Shoshoni and Dubois, Wyoming)" (MM Docket No. 98-99) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and an amendment to the title and with a preamble:

S. Res. 304: A resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 785: A bill for the relief of Frances Schochenmaier.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1314: A bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

S. 2778: A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2811: A bill to amend the Consolidated Farm and Rural Development Act to make communities with high levels of out-migration or population loss eligible for community facilities grants.

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, without amendment and with a preamble:

S. Con. Res. 135: A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

## NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Foreign Relations and placed on the Executive Calendar, pursuant to the unanimous consent agreement of September 21, 2000:

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador, vice Victor Marrero, to which position he was appointed during the last recess of the Senate.

Mark L. Schneider, of California, to be Director of the Peace Corps, vice Mark D. Gearan, resigned, to which position he was appointed during the last recess of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 3086. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. Gregg, and Mr. Durbin):

S. 3087. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a 15 percent tax on wage income with a tax return free filing system, to reduce the burdens of the marriage penalty and alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 3088. A bill to require the Secretary of Health and Human Services to promulgate regulations regarding allowable costs under the medicaid program for school based services provided to children with disabilities; to the Committee on Finance.

By Mr. HAGEL (for himself, Mr. McCain, Mr. Kerrey, Mr. Cleland, Mr. Kerry, and Mr. Robb):

S. 3089. A bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. Campbell):

S. 3090. A bill to establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself, Mr. Grams, Mr. Ashcroft, and Mr. Brownback):

S. 3091. A bill to implement the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD:

S. 3092. A bill to provide incentives for improved and efficient use of energy sources, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 3093. A bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER:

S. 3094. A bill to amend titles 18 and 28, United States Code, to inhibit further intimidation of public officials within the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Reid, Mr. Durbin, Mr. Reed, Mr. Daschle, Mr. Graham, Mr. Leahy, Mr. Kerry, and Mr. Wellstone):

S. 3095. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 359. A resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week"; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself, Mr. Lieberman, Mr. Kennedy, Mr. Moynihan, Mr. Reid, and Ms. Landrieu):

S. Con. Res. 138. A concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 3086. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

### OPENING THE SUPREME COURT TO TELEVISION

Mr. SPECTER. Mr. President, I have sought recognition today to introduce legislation on behalf of Senator Biden and myself, a bill which, succinctly stated, would provide the following: The Supreme Court of the United States shall permit television coverage of all open sessions of the Court unless the Court decides by a vote of the majority of Justices that allowing such coverage in a particular case will constitute a violation of the due process rights of one or more of the parties before the Court.

I will summarize that lengthy statement because of time limitations. The statement contains the citations of the cases referred to and the specific quotations which I shall cite.

The purpose of this legislation is to open to public view what the Supreme Court of the United States does in rendering important decisions. It is grounded on the proposition that since the Supreme Court of the United States has assumed the power to decide the cutting-edge questions on public policy today and has in effect become virtually a "super legislature" in taking on the decisions on these public policy issues, that the public has a right to know what the Supreme Court is doing, and that right would be substantially enhanced by televising the oral arguments of the Court so that the public would be able to see and hear the kinds of issues which the Court is deciding. The public would then have an insight into those issues to be able to follow what the Court decides after the due course of the Court's deliberations.

In a very fundamental sense, the televising of the Supreme Court has been implicitly recognized—perhaps even sanctioned—by a 1980 decision of the Supreme Court of the United States in a case captioned Richmond Newspapers v. Virginia, where the Supreme Court noted that a public trial belongs not only to the accused, but to the public and the press as well; and that people now acquire information on court procedures chiefly through the print and electronic media.

That decision, in referencing the electronic media, perhaps might be said to anticipate televising court proceedings, although I do not mean to suggest that the Supreme Court is in agreement with this legislation. It might be appropriate to note at this juncture that the Court could, on its own motion, televise its proceedings but has chosen not to do so, which presents, in my view, the necessity for legislation on this subject.

If one goes to the chambers of the Supreme Court, which are right across the green here in the Capitol complex, one may enter and observe the Court's arguments because they are public. Newspaper reporters are permitted to be in the Court. No cameras are permitted in the Court, of even still pictures, so when television wishes to characterize an argument, they have to send in an artist to have an artist's renderings.

When I argued the case of the Navy Yard back in 1964, the Court proceedings were illustrated by an artist's drawings. But in the year 2000, when the public gets a substantial portion, if not most, of its information from television, the availability strictly to the print media, is insufficient to give the public a real idea as to what is going on in the Supreme Court of the United States.

The Supreme Court has traditionally had an agenda. It is really nothing new. The Warren Court vastly expanded criminal rights. In the year 2000, I think no one would question at least some of the Warren Court's decisions, saying that anybody who is being prosecuted in a criminal proceeding has a right to counsel. It is really surprising to note that before 1963, the case of Gideon v. Wainwright, the defendant in a criminal case did not have a right to counsel except in murder cases.

There is no doubt that the Supreme Court of the United States in the 1930s had an agenda in striking down New Deal legislation. And then, in a historic move, President Franklin Delano Roosevelt, an enormously popular President in the mid- to late 1930's, very unhappy about the Supreme Court's activism in striking down New Deal legislation by five to four decisions—President Roosevelt suggested packing the Court by adding six additional Justices. There was quite a public reaction adverse to that proposal. Perhaps the Supreme Court of the United States had more public attention at that particular time than at any other time in its history.

In the face of what was happening, a Supreme Court Justice, Owen J. Roberts, who happened to be from Philadelphia, my hometown, decided to change his position and to support and hold constitutional the New Deal legislation leading to the famous phrase "a switch in time saves nine," from the old adage about "a stitch in time saves nine." The switch by Supreme Court Justice Owen Roberts, it is said, saved the nine-person constituency of the Supreme Court.

The Rehnquist Court, I submit, is unusually activist in pursuing its agenda. The Court has stricken acts of Congress, saying:

> No Congressman or Senator purported to present a considered judgment.

Or striking acts of Congress saying there was a:

> lack of legislative attention to the statute at issue.

Or striking an act of Congress saying the legislation was:

> * * * an unwarranted response to perhaps an inconsequential problem.

Or declaring an act of Congress unconstitutional saying:

> Congress had virtually no reason to believe [that the statute was well founded.]

There is no effort here to challenge the authority of the Supreme Court of the United States to have the final word. That has been established since Marbury v. Madison in 1803. I believe it is necessary that the Supreme Court of the United States have the final word on interpreting the Constitution and beyond that on saying what is a constitutional question. But given the breadth of the Court's authority and given the sweeping scope of what the Court is doing, the point is that there ought to be public knowledge and there ought to be a public response. Because I think it is fair to say that the Court is aware and does watch the public response, and it ought to really be a factor in whatever the Court decides to do—again, recognizing that the Court has the final say.

In June of 1999, the Supreme Court curtailed congressional authority in favor of the rights of States to sovereign immunity on patents and copyrights, not withstanding the express constitutional grant of authority to Congress to regulate patents and copyrights. Those cases led former Solicitor General Walter Dellinger, formerly a professor and a leading constitutional scholar, to describe these cases as:

> * * * one of the three or four major shifts in constitutionalism we have seen in the last three centuries.

Those particular cases were subject to very substantial criticism by Professor Rebecca Eisenberg of the University of Michigan Law School, commenting on Florida Prepaid Postsecondary Education v College Savings Bank:

> * * * the decision makes no sense.

Asserting that it arises from a:

> * * * bizarre States' rights agenda that really has nothing to do with intellectual property.

The Court's decisions have moved, as I have noted, really onto the cutting edge of so many of the critical issues which are matters of great national concern. The Court has decided issues from birth to death and the vital issues in between, making the decision on the constitutional right to an abortion; making decisions on how the death penalty will be imposed; making decisions on the questions of freedom of religion, as illustrated by the case of City of Boerne v. Flores, where the Court struck down the Religious Freedom Restoration Act.

Freedom of religion, of online speech, in Reno v. ACLU, the Court struck down two provisions of the Communications Decency Act of 1998; Prince v. United States, the Court, by a 5-to-4 decision, reversed some six decades of firmly established constitutional authority on the supremacy of Federal laws over States under the commerce clause. And, in the Lopez case in 1995, the Supreme Court of the United States invalidated congressional authority, which had been intact for some 60 years under the commerce clause.

So we have seen the expansion of the authority of the Supreme Court of the United States in so many lines, really, taking on the aura and the perspective of a superlegislature.

Justice Felix Frankfurter perhaps anticipated the day when the Supreme Court arguments would be televised when he said that he longed for a day when:

> The news media would cover the Supreme Court as thoroughly as it did the World Series, since the public confidence in the judiciary hinges on the public's perception of it, and that perception necessarily hinges on the media's portrayal of the legal system.

It is interesting to note that the columns of the Senate match up exactly with the columns of the Supreme Court of the United States.

In the early deliberations on the Constitution, there were proposals that Supreme Court Justices ought to be appointed by the Senate. I am not sure quite how that would have worked out given our large groupings and how we would go about making those decisions, but that was once thought about.

There was a constitutional amendment proposed that would have allowed Supreme Court decisions to be overruled by a two-thirds vote of the Senate, a proposal which I think would have been very unwise and did not get very far.

The Senate does have the constitutional authority on confirmation of Supreme Court Justices, perhaps our most important function as so many major decisions have been decided by a single vote on 5-4 decisions: 79 such decisions in the past 5 years; 20 such decisions in the last term of the Court.

The Court has been a strong point in our historical development, but as the Court has expanded into areas traditionally reserved for Congress, functioning virtually as a superlegislature, without in any way challenging the independence of the Court, the independence of the Federal judiciary, I do believe it is appropriate for the Congress to speak on the operation of the Court.

The Congress has the authority to establish the number of Justices so that if the Congress chose, we could expand the number beyond nine or curtail it. The Congress has established the number six as a quorum for the Court. The Congress has the authority to establish the jurisdiction of the Supreme Court of the United States and, in the landmark case of Ex parte McCardle, decided that the jurisdiction of the Court could be curtailed even on constitutional grounds. Frankly, I do not think that 1868 decision would stand today as to the authority of the Congress to curtail the jurisdiction of the Court on constitutional grounds, but during confirmation proceedings when those questions are asked, the nominees choose to leave that as an open question. It does remain an open question.

Televising, of course, is vastly different and a far range from the issue of jurisdiction. The Congress of the United States has established the time limits for Federal trials under the speedy trial limit and has established time limits for consideration of habeas corpus cases. So there is ample authority for the Congress to call for the opening of the Supreme Court for television.

Obviously, there are issues of separation of power which I think this legislation respects. Obviously, the final decision will be for the Court. I do not expect a rush to judgment on this very complex proposition, but I do believe the day will come when the Supreme Court of the United States will be televised. That day will come, and it will be decisively in the public interest so the public will know the magnitude of what the Court is deciding and its role in our democratic process.

The public's interest would be significantly promoted by televising the proceedings of the Supreme Court of the United States. Given the enormous importance of the decisions made by the Court, and the fact that so many of these decisions are really public policy choices rather than strictly legal decisions, the public deserves as much access as possible to the Court's proceedings.

This proposed legislation to televise sessions of the Supreme Court fully respects the authority of the Supreme Court to make the ultimate decision on Constitutional questions. It seeks to impose greater accountability upon a body which decides so many matters of the greatest importance to our country, often by a single vote.

In the normal course of events, the Supreme Court often renders opinions which, at their core, decide cutting-edge issues which are really within the legislative domain under the Constitutional doctrine of Separation of Powers. In recent years the Supreme Court has exaggerated this policy role by explicitly substituting its judgment for that of Congress and striking down legislation which it has found is not based upon a "considered judgment."

In our Constitutional scheme, who are the justices of the Supreme Court to substitute their judgment for that of Congress on these issues of public policy? By what right do the Justices decide that Congress has not exercised a "considered judgment"? When it rules on this basis, the Court goes far beyond its role as final Constitutional arbiter and becomes a super legislature.

Senator BIDEN cogently addressed this issue in a July 26, 2000 floor statement. After discussing a number of recent Supreme Court opinions in which the Court exceeded its authority to strike down laws passed by Congress, Senator BIDEN noted that:

> It is crucial . . . that the American people understand the larger pattern of the Supreme Court's recent decisions and . . . the disturbing direction in which the Supreme Court is moving because the consequences of these may well impact upon the ability of American citizens to ask their elected representatives in Congress to help them solve national problems that have national impact. . . .
>
> Make no mistake, what is at issue here is the question of power . . . basically whether power will be exercised by an insulated judiciary or by the elected representatives of the people.

The public has a right to know how, why and what the Court is doing. In particular, the deliberations of the Court should be open to the sunshine of public scrutiny. Television coverage would be a significant step to provide a meaningful opportunity for public to observe and understand what the Court is doing.

Beyond educating the public, enhanced public scrutiny may very well have the effect of discouraging judicial activism and overreaching. The example of Justice Owen Roberts is instructive. In the mid-1930's, the Supreme Court struck down many significant pieces of New Deal legislation by votes of 5 to 4. President Roosevelt went to great lengths to publicize this episode of judicial activism, culminating in his infamous proposal to pack the Supreme Court by adding six new members. Notwithstanding FDR's enormous popularity, that proposal raised a storm of protest and failed. In the midst of that controversy, a swing justice, Owen J. Roberts, shifted his position to support the New Deal programs. Accordingly, a majority of the Court then supported and upheld New Deal legislation. Justice Robert's change in position led to the famous phrase, "a switch in time saves nine."

The current Court broke with sixty years of tradition in curtailing Congress's authority under the Commerce Clause in *Lopez*, which invalidated Federal legislation creating gun-free school zones. In June 1999 in three far-reaching decisions, the Supreme Court curtailed Congressional authority in favor of the right of states to sovereign immunity on patent, copyright and other intellectual property infringement matters. These cases are: *College Savings Bank* v. *Florida Prepaid*, 527 U.S. 666, *Florida Prepaid* v. *College Savings Bank*, 527 U.S. 627, and *Alden* v. *Maine*, 527 U.S. 706.

The June 1999 patent and copyright infringement cases have been roundly criticized by the academicians. Stanford University historian Jack Rakove, author of "Original Meanings", a Pulitzer Prize winning account of the drafting of the Constitution, characterizes Justice Kennedy's historical argument in Alden v. Maine as "strained, even silly".

Professor Rebecca Eisenberg of the University of Michigan Law School, in commenting on Florida Prepaid Post-secondary Education Expense Board vs. College Savings Bank, said:

> "The decision makes no sense", asserting that it arises from "a bizarre states' rights agenda that really has nothing to do with intellectual property.

Harvard Professor Laurence Tribe commented:

> "In the absence of even a textual hint in the Constitution, the Court discerned from the constitutional 'ether' that states are immune from individual lawsuits." (These decisions are) "scary". "They treat states' rights in a truly exaggerated way, harking back to what the country looked like before the civil war and, in many ways, even before the adoption of the Constitution."

*College Savings Bank* v. *Florida Prepaid* 1999 U.S. LEXIS 4375, *Florida Prepaid* v. *College Savings Bank* 1999 U.S. LEXIS 4376 and *Alden* v. *Maine*, 1999 U.S. LEXIS 4374.

In addition to treating the Congress with disdain, the five person majority in all three cases demonstrated judicial activism and exhibited what can only be viewed as a political agenda in drastically departing from long-standing law. Former Solicitor General Walter Dellinger described these cases as:

> "one of the three or four major shifts in constitutionalism we've seen in two centuries."

A commentary in the Economist on July 3, 1999 emphasized the Court's radical departure from existing law stating:

> "The Court's majority has embarked on a venture as detached from any constitutional moorings as was the liberal Warren Court of the 1960's in its most activist mood."

In its two opinions in College Savings Bank v. Florida Prepaid and Florida Prepaid v. College Savings Bank, the Court held that the doctrine of sovereign immunity prevents states from being sued in Federal court for infringing intellectual property rights. These decisions leave us with an absurd and untenable state of affairs. Through their state-owned universities and hospitals, states participate in the intellectual property marketplace as equals with private companies. The University of Florida, for example, owns more than 200 patents. Furthermore, state entities such as universities are major consumers of intellectual property and often violate intellectual property laws when, for example, they copy textbooks without proper authorization.

But now, Florida and all other states will enjoy an enormous advantage over their private sector competitors—they will be immune from being sued for intellectual property infringement. Since patent and copyright infringement are exclusively Federal causes of action, and trademark infringement is largely Federal, the inability to sue in Federal court is, practically speaking, a bar to any redress at all.

The right of states to sovereign immunity from most Federal lawsuits is guaranteed in the Eleventh Amendment to the constitution, which provides that:

> The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any foreign state.

It has long been recognized, however, that this immunity from suit is not absolute. As the Supreme Court noted in one of the Florida Prepaid opinions, the Court has recognized two circumstances in which an individual may sue a state:

> First, Congress may authorize such a suit in the exercise of its power to enforce the Fourteenth Amendment—an Amendment enacted after the Eleventh Amendment and specifically designed to alter the federal-state balance. Secondly, a state may waive its sovereign immunity by consenting to suit. *College Savings Bank* v. *Florida Prepaid* at 7.

Congress' power to enforce the Fourteenth Amendment is contained in Section Five of the Fourteenth Amendment, which provides that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." One of the provisions of the Fourteenth Amendment, Section One, provides that no State shall, "deprive any person of . . . property . . . without due process of law." Accordingly, Congress has the power to pass laws to enforce the rights of citizens not to be deprived of their property—including their intellectual property—without due process of law.

Employing this power under Section 5 of the Fourteenth Amendment, Congress passed the Patent Remedy Act and the Trademark Remedy Clarification Act in 1992. As its preamble states, Congress passed the Patent Remedy Act to "clarify that States . . . are subject to suit in Federal court by any person for infringement of patents and plant variety protections." Congress passed the Trademark Remedy Clarification Act to subject the States to suits brought under Sec. 43 of the Trademark Act of 1946 for false and misleading advertising.

In Florida Prepaid v. College Savings Bank, the Court held in a 5 to 4 opinion that Congress did not validly abrogate state sovereign immunity from patent infringement suits when it passed the Patent Remedy Act. In an opinion by Chief Justice Rehnquist, the Court reasoned that in order to determine whether a Congressional enactment validly abrogates the States' sovereign immunity, two questions must be answered, "first, whether Congress has unequivocally expressed its intent to abrogate the immunity . . . and second whether Congress has acted pursuant to a valid exercise of power."

The Court acknowledged that in enacting the Patent Remedy Act, Congress made its intention to abrogate the States' immunity unmistakably clear in the language of the statute. The Court then held, however, that Congress had not acted pursuant to a valid exercise of power when it passed the Patent Remedy Act. The Court wrote that Congress' enforcement power under the Fourteenth Amendment is "remedial" in nature. Therefore, "for Congress to invoke Section 5 it must identify conduct transgressing the Fourteenth Amendment's substantive provisions, and must tailor its legislative scheme to remedy or preventing such conduct." Florida Prepaid v. College Savings Bank at 20.

The Court found that Congress failed to identify a pattern of patent infringement by the States, let alone a pattern of constitutional violations. The Court specifically noted that a deprivation of property without due process could occur only where the State provides inadequate remedies to injured patent owners. The Court then observed that:

> Congress, however, barely considered the availability of state remedies for patent infringement and hence whether the States' conduct might have amounted to a constitutional violation under the Fourteenth Amendment. . . . Congress itself said nothing about the existence or adequacy of state remedies in the statute or in the Senate Report, and made only a few fleeting references to state remedies in the House Report, essentially repeating the testimony of the witnesses. Florida Prepaid v. College Savings Bank at 27–28.

Accordingly, the Court concluded that:

> The legislative record thus suggests that the Patent Remedy Act does not respond to a history of widespread and persisting deprivation of constitutional rights of the sort Congress has faced in enacting proper prophylactic Section 5 legislation. Instead, Congress appears to have enacted this legislation in response to a handful of instances of state patent infringement that do not necessarily violate the Constitution. Florida Prepaid v. College Savings Bank at 31–32.

Not only is the result of this opinion troubling—that states will enjoy immunity from suit—but also by the reasoning which supports this result. Here we have a Chief Justice of the Supreme Court choosing to ignore an act of Congress because he has concluded that Congress passed the legislation with insufficient justification. In essence, the Chief Justice is telling us we did a poor job developing our record before passing the Patent Remedy Act. As we all know, however, many of us support legislation for reasons that don't make it into the written record. The record is an important, but imperfect, summary of our views. This is why past Courts have been reluctant to discuss Congressional motives in this fashion.

In College Savings Bank v. Florida Prepaid, the Supreme Court decided in a 5 to 4 opinion that Trademark Remedy Clarification Act (the "TRCA") was not a valid abrogation of state sovereign immunity. The Court, in an opinion by Justice Scalia, noted that Congress passed the TRCA to remedy and prevent state deprivations of two types of property rights: (1) a right to be free from a business competitor's false advertising about its own product, and (2) a more generalized right to be secure in one's business interests. The Court contrasted these rights with the hallmarks of a protected property interest, namely the right to exclude others.

Justice Scalia reached the surprising conclusion that protection against false advertising secured by Section 43(a) of the Lanham Act does not implicate property rights protected by the due process clause so that Congress could not rely on its remedies under Section 5 of the 14th Amendment to abrogate state sovereign immunity. If conducting a legitimate business operation with protection from false advertising is not a "property right", it is hard to conceive of what is business property. That Scalia rationale shows the extent to which the Court has gone to invalidate Congressional enactments.

The Court then discussed whether Florida's sovereign immunity, though not abrogated, was voluntarily waived. Here, the Court expressly overruled its prior decision in *Parden* v. *Terminal R. Co.* 377 U.S. 184 (1964) and held that there was no voluntary waiver. In Parden, the Court had created the doctrine of constructive waiver, which held that a state could be found to have waived its immunity to suit by engaging in certain activities, such as voluntary participation in the conduct Congress has sought to regulate. Since Congress has sought to regulate interstate commerce, then a state which participated in interstate commerce by registering and licensing patents would be held to have voluntarily waived its immunity to a patent infringement suit. By overruling Parden, however, the Court held that a voluntary waiver of sovereign immunity must be express. Florida made no such express waiver of its sovereign immunity.

In other relatively recent cases, the Court has gone out of its way, almost on a personal basis, to chastise and undercut Congress. The case of *Sable* v.

*FCC*, 492 U.S. 115 (1989) provides a striking example of this trend. In Sable, the Court struck down a ban on "indecent" interstate telephone communications passed by Congress in 1988. In rejecting this provision, the Court focused on whether there were constitutionally acceptable less restrictive means, short of a total ban, to achieve its goal of protecting minors. The Court then declared, in unusually dismissive and critical language, that Congress has not sufficiently considered this issue:

> aside from conclusory statements during the debates by proponents of the bill . . . that under the FCC regulations minors could still have access to dial-a-porn messages, the congressional record presented to us contains no evidence as to how effective or ineffective the FCC's most recent regulations were or might prove to be.
>
> The bill that was enacted . . . was introduced on the floor. . . . *No Congressman or Senator purported to present a considered judgement* with respect to how often or to what extent minors could or would circumvent the rules and have access to dial-a-porn messages. (Emphasis Added)

If a member of the Congress made a judgment, by what authority does the Supreme Court superimpose its view that it wasn't a "considered judgment"? A fair reading of the statements from the floor debate on this issue undercuts the Court's disparaging characterization of this debate. For example, Representative TOM BLILEY of Virginia gave a rather detailed and persuasive discussion of how he concluded that a legislative ban was necessary. Mr. BLILEY noted that in 1983, Congress first passed legislation which required the FCC to report regulations describing methods by which dial-a-porn providers could screen out underage callers. Mr. BLILEY then walks us through the repeated failure of the FCC to pass regulations which could withstand judicial scrutiny. Finally Mr. BLILEY notes that:

> it has become clear that there was not a technological solution that would adequately and effectively protect our children from the effect of this material. We looked for effective alternatives to a ban—there were none.

The Court repeats its critique of Congressional action in the case of *Reno* v. *ACLU*, 521 U.S. 844 (1997). Here, the Court struck down the Communications Decency Act, which prohibited transmission to minors of "indecent" or "patently offensive" communications. In this opinion, the Court again discusses whether less restrictive means were available and again concludes that Congress had not sufficiently addressed the issue. The opinion notes that:

> The Communications Decency Act contains provisions that were either added in executive committee after the hearings [on the Telecom Act] were concluded or as amendments offered during floor debate on the legislation. . . . No hearings were held on the provisions that became the law.

The Court in Reno later notes that, "*The lack of legislative attention* to the statute at issue in *Sable* suggests another parallel with this case." (Emphasis Added)

Once again, if Congress passes a law, by what authority does the Supreme Court conclude that we did not devote sufficient legislative attention to the law? In the Reno opinion itself the Court noted that some Members of the House of Representatives opposed the Communications Decency Act because they thought that less restrictive screening devices would work. These members offered an amendment intended as a substitute for the Communications Decency Act, but instead saw their provision accepted as an additional section of the Act. In light of this record, how can the Court say that Congress did not consider less restrictive means?

Most recently, in its January, 2000, opinion in *Kimel* v. *Florida Board of Regents*, 528 U.S. 62, the Supreme court once again took aim at Congress' judgment. In Kimel, the Court held that a 1974 amendment to the Age Discrimination in Employment Act (the "ADEA") to extend its application to discrimination by state and local governments was not a valid abrogation of state sovereign immunity. The Court rejected Congress' action in truly dismissive tones:

> Our examination of the ADEA's legislative record confirms that Congress' 1974 extension of the Act to the States was *an unwarranted response to a perhaps inconsequential problem*. Congress never identified any pattern of age discrimination by the States, much less any discrimination whatsoever that rose to the level of constitutional violation. * * * (Emphasis Added)
>
> A review of the ADEA's legislative record as a whole * * * reveals that *Congress had virtually no reason to believe* that state and local governments were unconstitutionally discriminating against their employees on the basis of age. Congress' failure to uncover any significant pattern of unconstitutional discrimination here confirms that *Congress had no reason to believe* that broad prophylactic legislation was necessary in this field. Kimel at (Emphasis Added)

Almost every member of Congress had had close working relationships with employees of the state and local governments back home, and all members of Congress meet state and local government employees when they are back in their states or districts. In fact, many members of Congress were once themselves state employees. Congress is therefore in a very good position to know that age discrimination by the states is not an "inconsequential" problem. In fact, the absence of an in-depth debate on this topic likely reflects the fact that this proposition that state and local governments discriminate on the basis of age was noncontroversial. The Supreme Courts failure to defer to Congress' experience on this issue and its jaundiced reading of the record are troubling.

While numerous other instances of judicial activism may be cited, the decisions during Chief Justice Warren's tenure from 1953 through 1969 are illustrative. While few, if any at this late date, would disagree with the Warren Court's decision holding segregation unconstitutional in Brown v. Board of Education, it was a clear-cut case of judicial activism overturning Pleassey v. Ferguson since neither the legislative nor executive branches of the federal or state governments would correct those rank injustices.

The Warren Court significantly expanded the interpretation of the due process clause of the 14th Amendment to add Constitutional rights to criminal defendants in state court cases. In Mapp v. Ohio, the Court rule that unconstitutionally seized evidence could not be introduced in a state criminal proceeding. In Gideon v. Wainwright, the Supreme Court required that the State provide a defendant a lawyer when "hailed" into criminal court. Miranda v. Arizona, perhaps the Court's most famous opinion, rule out a defendant's confession or statement unless five specific warnings were given by police and waivers obtained from the defendant before incriminating statements could be introduced against him/her in state court proceedings.

Another era of judicial activism occurred in the mid-1930's. During this period, the Supreme Court embarked on a very different activist agenda by striking down many of the core laws passed as part of President Roosevelt's New Deal. In the 1935 case of A.L.A. Schecter Poultry Corp. v. United States, the Supreme Court struck down the National Industrial Recovery Act on the grounds that it exceeded Congress' power under the Commerce Clause. Also in 1935, in Railroad Retirement Board v. Alton R.R., the Supreme Court struck down the Railroad Retirement Act on the same Commerce Clause grounds. In the 1936 case of United States v. Butler, the Supreme Court struck down the agricultural Adjustment Act on the grounds that it sought to regulate a subject—the production of daily products—prohibited to Federal government under the 10th Amendment. Also in 1936, in Carter v. Carter Coal Co., the Court struck down the Bituminous Coal Conservation Act on the same 10th Amendment grounds.

These decisions, led to the infamous proposal to pack the Supreme Court by adding six new members. Notwithstanding FDR's enormous popularity, that proposal raised a storm of protest and failed.

Televised court proceedings better enable the public to understand the role of the Supreme Court and its impact on the key decisions of the day. Not only has the Supreme Court invalidated Congressional decisions where there is, in the views of many, simply a difference of opinion to what is preferable public policy, but the Court determines avant-garde issues such as whether aids is a disability under the Americans with Disabilities Act, whether Congress can ban obscenity from the Internet, and whether states can impose term limits upon members of Congress. Just this past term, the Court addressed whether the FDA has the authority to regulate tobacco products as a drug and whether states can ban partial birth abortion.

The current Court, like its predecessors, hands down decisions which vitally affect the lives of all Americans. Since the Court's 1803 historic decision in Marbury v. Madison, the Supreme Court has the final authority on issues of enormous importance from birth to death. In Roe v. Wade (1973), the Court affirmed a Constitutional right to abortion in this country and struck down state statutes banning or severely restricting abortion during the first two trimesters on the grounds that they violated a right to privacy inherent in the Due Process Clause of the Fourteenth Amendment. In the case of Washington v. Glucksberg (1997), the court refused to create a similar right to assisted suicide. Here the Court held that the Due Process Clause does not recognize a liberty interest that includes a right to commit suicide with another's assistance.

In the Seventies, the Court first struck down then upheld state statutes imposing the death penalty for certain crimes. In Furman v. Georgia (1972), the Court struck down Georgia's death penalty statute under the cruel and unusual punishment clause of the Eighth Amendment and stated that no death penalty law could pass constitutional muster unless it took aggravating and mitigating circumstances into account. This decision lead Georgia and many states to amend their death penalty statutes and, four years later, in Gregg v. Georgia (1976), the Supreme Court upheld Georgia's amended death penalty statute.

Over the years, the Court has also played a major role in issues of war and peace. In its opinion in Scott v. Sanford (1857)—better known as the Dredd Scott decision—the Supreme Court held that Dredd Scott, a slave who had been taken into "free" territory by his owner, was nevertheless still a slave. The Court further held that Congress lacked the power to abolish slavery in certain territories, thereby invalidating the careful balance that had been worked out between the North and the South on the issue. Historians have noted that this opinion fanned the flames that led to the Civil War.

More recently, the Supreme Court played an important role during the Vietnam War. Prominent opponents of the war repeatedly petitioned the Court to declare the Presidential action unconstitutional on the grounds that Congress had never given the President a declaration of war. The Court decided to leave this conflict in the political arena and repeatedly refused to grant writs of certiorari to hear these cases. This prompted Justices Douglas, sometimes accompanied by Justices Stewart and Harlan, to take the unusual step of writing lengthy dissents to the denials of cert.

In New York Times Co. v. United States (1971)—the so called "Pentagon Papers" case—the Court refused to grant the government prior restraint to prevent the New York Times from publishing leaked Defense Department documents which revealed damaging information about the Johnson Administration and the war effort. The publication of these documents by the New York Times is believed to have helped move public opinion against the war.

In its landmark civil rights opinions, the Supreme Court took the lead in effecting needed social change, helping us to address fundamental questions about our society in the courts rather than in the streets. In Brown v. Board of Education, the Court struck down the principle of "separate but equal" education for blacks and whites and integrated public education in this country. This case was followed by a series of civil rights cases which enforced the concept of integration and full equality for all citizens of this country, including Garner v. Louisiana (1961), Burton v. Wilmington Parking Authority (1961), and Peterson v. City of Greenville (1963).

When deciding issues of such great national import, the Supreme Court is rarely unanimous. In fact, a large number of seminal Supreme Court decisions have been made by a vote of 5-4. Such a close margin reveals that these decisions are far from foregone conclusions distilled from the clear meaning of the Constitution and legal precedents. On the contrary, these major Supreme Court opinions are really policy decisions reached on the basis of the preferences and views of each individual justice. In a case that is decided by a vote of 5-4, individual justices have the power by his or her vote to change the law of the land.

Given the enormous significance of each vote cast by each justice on the Supreme Court, it is important that each justice know that they will be held accountable for their vote. Televising the proceedings of the Supreme Court will allow the sunlight to shine brightly on these proceedings and ensure greater accountability.

The following are just a handful of examples of major 5-4 decisions handed down by the Supreme Court this century:

Lochner v. New York (1905). The Court struck down an early attempt at labor regulation by holding that a law limiting bakers to a sixty-hour work week violated the liberty of contract secured by the Due Process Clause of the Fourteenth Amendment.

Hammer v. Dagenhart (1918). The Court again struck down a labor law, this time the Keating-Own Federal Child Labor Act, on the grounds that Commerce Clause did not give Congress the power to completely forbid certain categories of commerce.

Furman v. Georgia (1972). The Court struck down the death penalty under the cruel and unusual punishment clause of the Eighth Amendment.

Plyer v. Doe (1982). The Court invoked the Equal Protection Clause of the Fourteenth Amendment to strike down a Texas statute which denied state funding for the education of illegal immigrant children.

Webster v. Reproductive Health Services (1989). In this case, which has been widely viewed as a retreat from Roe v. Wade, the Court upheld various restrictions on the availability of abortion including a ban on the use of public funds and facilities for abortions.

United States v. Eichman (1990). The Court invalidated state and Federal laws prohibiting flag desecration on the grounds that they violated the First Amendment.

Adarand Constructors, Inc. v. Pena (1995). The Court held that Federal racial classifications, like those of a state, must be reviewed under a strict scrutiny standard.

U.S. Term Limits v. Thornton (1995). The Court struck down a state law imposing term limits upon Members of Congress on the grounds that states have no authority to change, add to, or diminish the age, citizenship, and residency requirements for congressional service enumerated in the Qualifications Clause of the U.S. Constitution.

During the past five years alone, there have been eighty 5 to 4 Supreme Court decisions. Out of the 79 cases decided in the Court's most recent term, 20 were decided by a single justice on a 5 to 4 vote. The following are some of the important decisions handed down by the Court in its last few sessions that were decided by a 5 to 4 vote:

*Tobacco regulation*. In FDA v. Brown and Williamson Tobacco Corporation, the Court ruled that the FDA lacks authority under the Federal Food, Drug, and Cosmetic Act (FDCA) to regulate tobacco products.

*Abortion*. In Stenberg v. Carhart, the Court ruled that Nebraska's statute criminalizing the performance of "partial birth abortions" is unconstitutional under principles set forth in Roe v. Wade (1973) and Planned Parenthood v. Casey (1992).

*Violence Against Women Act*. In United States v. Morrison, the Court struck down a key provision of the 1994 Violence Against Women Act (VAWA) that allowed victims of gender-motivated violence to bring private civil lawsuits against the perpetrators in federal court. The Supreme Court said that Congress, in enacting the VAWA provision, overstepped its authority to regulate interstate commerce and enforce the Constitution's equal-protection guarantee.

*HIV infection.* In Bragdon v. Abbott, the Court ruled that HIV infection is a "disability" as defined by the American with Disabilities Act, even if the person who has tested positive for HIV is asymptomatic.

*Fourth Amendment.* In Pennsylvania Board of Probation and Parole v. Scott, the Court limited the exclusionary rule by holding that it does not apply in parole revocation hearings.

*Freedom of Religion.* In City of Boerne v. Flores, the Court struck down the Religious Freedom Restoration Act ("RFRA") on the grounds that it exceeded Congressional power under Section 5 of the Fourteenth Amendment. RFRA had provided that governments can infringe upon religious practices only if they have health, safety or other "compelling interest" in doing so.

*Freedom of Speech Online.* In Reno v. ACLU, the Court struck down two provisions of the Communications Decency Act of 1996 prohibiting transmission of obscene and indecent messages to minors on the grounds that they violated the First Amendment.

In Printz v. United States, the Court voted 5 to 4 to reverse six decades of firmly established constitutional authority on the supremacy of federal laws over states rights under the Commerce Clause. Specifically, the Court held unconstitutional the provisions of the Brady Bill that require state and local law enforcement officers to conduct background checks on prospective handgun purchasers.

In Agostini v. Felton, the Court voted to lower the barrier between church and state by holding that the Establishment Clause of the First Amendment does not bar use of public school teachers to provide remedial education to disadvantaged children in parochial schools.

In Raines v. Byrd, the Court ruled that our colleagues, Senators BYRD, LEVIN, MOYNIHAN, and HATFIELD, lacked standing to challenge the constitutionality of the Line Item Veto Act since they failed to establish a particularized personal injury. The Court's rejection of an "institutional injury" to Congress as a basis for standing significantly limits the ability of legislators to raise constitutional challenges to legislation in the courts.

*Cameras Should be allowed in the Supreme Court on Basic Public Policy and Constitutional Grounds.*

Given the awesome national significance of the decisions made by the Supreme Court, the right of the public to view the process by which these decisions are made is self evident. In a democracy, the workings of the government at all levels should be open to public view. The more openness, and the more real the opportunity for public observation, the greater the understanding and trust. As the Supreme Court noted in the 1986 case of Press-Enterprise Co. v. Superior Court, "People in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing."

It was in this spirit that the House of Representatives opened its deliberations to meaningful public observation by allowing C-Span to begin televising debates in the House chamber in 1979. The Senate followed the House's lead in 1986 by voting to allow television coverage of the Senate floor.

Beyond this general policy preference for openness, however, there is a strong argument that the Constitution requires that television cameras be permitted in the Supreme Court.

It is well established that the Constitution guarantees access to judicial proceedings to the press and the public. In 1980, the Supreme Court relied on this tradition when it held in Richmond Newspapers v. Virginia that the right of a public trial belongs not just to the accused, but to the public and the press as well. The Court noted that such openness has "long been recognized as an indisputable attribute of an Anglo-American trial."

Recognizing that in modern society most people cannot physically attend trials, the Court specifically addressed the need for access by members of the media:

> Instead of acquiring information about trials by first hand observation or by word of mouth from those who attended, people now acquire it chiefly through the print *and electronic media*. [emphasis added] In a sense, this validates the media claim of acting as surrogates for the public. [Media presence] contributes to public understanding of the rule of law and to comprehension of the functioning of the entire criminal justice system.

Today, television is the means by which most Americans get their information. To exclude television cameras from the court is to effectively prevent large segments of American society from ever witnessing what transpires therein. Furthermore, television provides a level of access to courtroom proceedings far closer to the ideal of actual attendance in the court than either newspapers or photographs can provide.

In addition, a strong argument can be made that forbidding television cameras in the court, while permitting access to print and other media, constitutes an impermissible discrimination against one type of media in contravention of the First Amendment. In recent years, the Supreme Court and lower courts have repeatedly held that differential treatment of different media is impermissible under the First Amendment absent an overriding governmental interest. For example, in 1983 the Court invalidated discriminatory tax schemes imposed only upon certain types of media in Minneapolis Star & Tribune Co. v. Minnesota commissioner of Revenue. In the 1977 case of ABC v. Cuomo, the Second Circuit rejected the contention by the two candidates for mayor of New York that they could exclude some members of the media from their campaign headquarters by providing access through invitation only. The Court wrote that:

> Once there is a public function, public comment, and participation by some of the media, the First Amendment requires equal access to all of the media or the rights of the First Amendment would no longer be tenable.

In the 1965 case of Estes v. Texas, the Supreme Court rejected the argument that the denial of television coverage of trials violates the equal protection clause. In the same opinion, the Court held that the presence of television cameras in the Court had violated a Texas defendant's right to due process. Subsequent opinions have cast serious doubt upon the continuing relevance of both prongs of the Estes opinion.

In its 1981 opinion in Chandler v. Florida, discussed above, the court recognized that Estes must be read narrowly in light of the state of television technology at that time. The television coverage of Estes' 1962 trial required cumbersome equipment, numerous additional microphones, yards of new cables, distracting lighting, and numerous technicians present in the courtroom. In contrast, the court noted, television coverage in 1980 can be achieved through the presence of one or two discreetly placed cameras without making any perceptible change in the atmosphere of the courtroom. Accordingly, the Court held that, despite Estes, the presence of television cameras in a Florida trial was not a violation of the rights of the defendants in that case. By the same logic, the holding in Estes that exclusion of television cameras from the courts did not violate the equal protection clause must be revisited in light of the dramatically different nature of television coverage today.

Given the strength of these arguments, it is not surprising that over the last two decades there has been a rapidly growing acceptance of cameras in American courtrooms which has reached almost every court except for the Supreme Court itself. Ironically, it was a Supreme Court decision which helped spur the spread of television cameras in the courts. In 1981, in the case of Chandler v. Florida, the Supreme Court decided that televising criminal proceedings did not inherently interfere with a criminal defendant's constitutional right to a fair trial, and that there was no empirical evidence to support a claim that it did. Shortly after the Chandler decision, the American Bar Association revised its canons to permit judges to authorize televising civil and criminal proceedings in their courts.

Following the green lights provided by the Supreme Court and the ABA, forty-seven states have decided to permit electronic coverage of at least some portion of their judicial proceedings. In 1990, the federal Judicial Conference authorized a three-year pilot program allowing television coverage of civil proceedings in six federal district courts and two federal circuit courts. The program began in July, 1991 and ran through December 31, 1994. The Federal Judicial Center monitored the program and issued a positive final evaluation. In particular, the Judicial Center concluded that:

> Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program.

The Judicial Center also concluded that:

> Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.

Despite this positive evaluation, the Judicial Conference voted in September, 1994, to end the experiment and not to extend the camera coverage to all courts. This decision was made in the aftermath of the initial burst of television coverage of O.J. Simpson's pretrial hearing. Some have argued that the decision was unduly influenced by this outside event.

In March, 1996, the Judicial Conference revisited the issue of television cameras in the federal courts and voted to permit each federal court of appeals to "decide for itself whether to permit the taking of photographs and radio and television coverage of appellate arguments." Since that time, two circuit courts have enacted rules permitting television coverage of their arguments. It is significant to note that these two circuits were the two circuits which participated in the federal experiment with television cameras a few years earlier. It seems that once judges have an experience with cameras in their courtroom, they no longer oppose the idea.

On September 6, 2000, the Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts held a hearing on "Allowing Cameras and Electronic Media in the Courtroom." The primary focus of the hearing was Senate bill 721, legislation introduced by Senators GRASSLEY and SCHUMER that would give federal judges the discretion to allow television coverage of court proceedings. One of the witnesses at the hearing, Judge Edward Becker, Chief Judge U.S. Court of Appeals for the Third Circuit, spoke in opposition to the legislation and the presence of television cameras in the courtroom. The remaining five witnesses, however, including a federal judge, a state judge, a law professor and other legal experts, all testified in favor of the legislation. They argued that cameras in the courts would not disrupt proceedings but would provide the kind of accountability and access that is fundamental to our system of government.

In my judgment, Congress, with the concurrence of the President, or overriding his veto, has the authority to require the Supreme Court to televise its proceedings. Such a conclusion is not free from doubt and is highly likely to be tested with the Supreme Court, as usual, having the final word. As I see it, there is no constitutional prohibition against such legislation.

Article 3 of the Constitution states that the judicial power of the United States shall be vested "in one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish." While the Constitution specifically creates the Supreme Court, however, it left it to Congress to determine how the Court would operate. For example, it was congress that fixed the number of justices on the Supreme Court at nine. Likewise, it was Congress that decided that any six of these justices are sufficient to constitute a quorum of the Court. It was Congress that decided that the term of the Court shall commence on the first Monday in October of each year, and it was Congress that determined the procedures to be followed whenever the Chief Justice is unable to perform the duties of his office.

Beyond such basic structural and operational matters, Congress also controls more substantive aspects of the Supreme Court. Most importantly, it is Congress that in effect determines the appellate jurisdiction of the Supreme Court. Although the Constitution itself sets out the appellate jurisdiction of the Court, it provides that such jurisdiction exists "with such exceptions and under such regulations as the Congress shall make." In the early days of the Supreme Court, Chief Justice Marshall, writing for the Court in Durousseau v. United States, recognized that the power to make exceptions to the Court's jurisdiction is the equivalent of the power to grant jurisdiction, since exceptions can be "implied from the intent manifested by the affirmative description [of jurisdiction]."

the Supreme Court recognized the power of Congress to control its appellate jurisdiction in a dramatic way in the famous 1868 case of Ex Parte McCardle. In this case, McCardle, a newspaper editor, was being held in custody by the military for trial on charges stemming from the publication of articles alleged to be libelous and incendiary. McCardle petitioned the Supreme Court for a writ of habeas corpus. The Court heard his case but, before it rendered its opinion, Congress repealed the statute that gave the Supreme Court jurisdiction to hear the habeas appeal. In light of this Congressional action, the Supreme Court felt compelled to dismiss the case for lack of jurisdiction.

Congress also exercises broad and significant control over the timing within which federal courts must act. For example, Congress passed the Speedy Trial Act to quantify an individual's Sixth Amendment right to a speedy trial. Specifically, the Act requires that an individual arrested for a criminal offense be indicted within thirty days of arrest and be brought to trial within seventy days of an indictment.

Likewise, the habeas corpus reform I authored, which became law as part of the comprehensive anti-terrorism act of 1996, imposes strict timetables upon the filing and review of habeas corpus petitions and appeals. For example, in the case of both death row inmates and other prisoners, the Act establishes a one-year deadline within which state and federal prisoners must file their federal habeas petitions. In capital cases, the Act requires a district court to render a final determination of a habeas petition not later than 180 days after the date on which it is filed, and it requires a court of appeals to hear and render a final determination of any appeal of an order granting or denying such petition within 120 days after the date on which the reply brief is filed.

Some objections have been raised to televised proceedings of the Supreme Court on the ground that it would subject justices to undue security risks. My own view is such concerns are vastly overstated. Well-known members of Congress, including such high profile personalities as Senator TED KENNEDY, walk on a regular basis in public view in the Capitol complex. Other very well-known personalities, presidents, vice presidents, cabinet officers, all are on public view with even incumbent presidents exposed to risks as they mingle with the public. Such risks are minimal and, in my view, are worth the relatively minor exposure that Supreme Court justices would undertake through television appearances.

The Supreme Court could, of course, permit television through its own rule but has decided not to do so. Congress should be circumspect and even hesitant to impose a rule mandating the televising of Supreme Court proceedings and should do so only in the face of compelling public policy reasons. The Supreme Court has such a dominant role in key decision-making functions that their proceedings ought to be better known to the public; and, in the absence of Court rule, public policy would be best served by enactment of legislation requiring the televising of Supreme Court proceedings.

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By Mr. DORGAN (for himself, Mr. GREGG, and Mr. DURBIN):

S. 3087. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a 15 percent tax on wage income with a tax return free filing system, to reduce the burdens of the marriage penalty and alternative minimum tax, and for other purposes; to the Committee on Finance.

THE FAIR AND SIMPLE SHORTCUT TAX PLAN

Mr. DORGAN. Mr. President, for all the talk about taxes in this chamber, we often overlook one of the worst burdens of the current tax system. I'm talking about the monumental hassle that taxpayers face to file their tax returns each year.

It is simply inexcusable that Congress has made it so expensive and complex for Americans to fulfill this basic civic duty. Taxpayers will probably spend somewhere around three billion hours and at least $75 billion next year in the effort to meet their federal income tax obligations. It's no wonder they barrage congressional offices with letters each spring imploring us to simplify the Tax Code.

They are right. Each little provision in the tax code has a justification, but together they add up to a big headache for the American taxpayer. We can't blame the IRS for the misery endured this past year or in the years ahead. There's no way to truly simplify tax day unless Congress changes the underlying law.

That's why I'm pleased to be joined by Senators GREGG and DURBIN in introducing a tax reform proposal that we call the "Fair and Simple Shortcut Tax" (FASST) plan. Our plan would give most taxpayers the opportunity to pay their federal income taxes without having to prepare a tax return if they so choose. Some thirty countries already enable their citizens to pay their federal taxes in this way. We believe tax simplification along these lines can work in this country, too. Our approach would also be less costly than other major tax simplification plans that have been proposed in Congress in the past several years.

Our bill is based on a principle that both sides of the aisle generally are eager to espouse—namely, choice. The bill would allow taxpayers to choose to pay their taxes without complexity, paperwork and hassle. Those who prefer to use the current system, with its complexity and expenses, could do so if they wanted. But if they want something simpler, they could choose that instead.

Under FASST, most taxpayers could forget about filing a federal tax return on April 15th. Instead, their entire income tax liability would be withheld at work. There would be no more deciphering statements from mutual funds, no more frantic search for records and receipts, and no last minute dash to the Post Office in order to meet the midnight deadline. According to Treasury Department officials who have studied it, the FASST plan would give up to 70 million Americans the opportunity to elect the no-return option.

Specifically, under the FASST plan, most taxpayers could choose the no-filing option by filling out a slightly modified W-4 form at work. Using tables prepared by the IRS, their employers would determine the employee's exact tax obligation at a single rate of 15 percent on wages—after several major adjustments—and withhold that amount. This amount would satisfy the taxpayer's entire federal income tax obligation for the year, absent some unforeseeable changes in circumstances or fraud.

The FASST plan would be available for couples earning up to $100,000 in wages and no more than $5,000 in other income such as interest, dividends or capital gains. In the case of individual taxpayers, the wage and non-wage income limits would be $50,000 and $2,500, respectively. Popular deductions would continue under this plan: the standard deduction, personal exemptions, the child care credit and Earned Income Tax Credit, along with a deduction for home mortgage interest expenses and property taxes. Our bill would include critical savings incentives for average Americans by exempting up to $5,000 of all interest, dividends and capital gains income from taxation for couples, $2,500 for singles. Moreover, savings contributions made through employers would be excluded from the wage calculations in the beginning.

Consider some of the advantages of this hassle-free plan:

No taxpayers would lose. If a taxpayer prefers to file an ordinary return, he or she would still have that choice, and no one would be forced to lose a tax deduction that he or she wants to keep.

Wages would be taxed at a single, low rate of 15 percent.

A deduction for home mortgage interest expenses, the Earned Income Tax Credit, and other popular parts of our current tax code would be preserved. Other major tax reform plans would eliminate those deductions, which many people count on.

The alternative minimum tax, AMT and the marriage penalty would be eliminated.

Compliance costs for taxpayers and government alike would fall. If 70 million Americans chose the FASST option, hundreds of millions of dollars now spent on paper pushing could be used in more productive ways.

Those taxpayers who continued to file under the old system would get relief too. The plan would reduce the marriage penalty by making the standard deduction for married couples double the amount available for single filers. Also, it would virtually eliminate the complicated AMT for most sole proprietors, farmers and other small businesses by exempting the first $1 million in self-employment income from the AMT calculations. This legislation also would provide a 50 percent credit for up to $1,000 in expenses that businesses might incur implementing the FASST plan. In addition, it would grant taxpayers who continue to use the current system a 50 percent tax credit for up to $200 in tax preparer expenses, provided they file their returns electronically. Finally, the bill would offer individuals a substantial incentive for savings and investment by exempting up to $500 of dividend and interest income, $1,000 for couples.

Mr. President, millions of Americans in this country are tired of spending countless hours wading through complex forms and instruction books. Our bill is both simple and fair, and it gives most taxpayers the choice to avoid the annual nightmare that the federal tax system has become.

In testimony before a Senate subcommittee earlier this year, IRS Commissioner Rossotti testified that it's "unquestionable that this bill provides significant tax simplification." Imagine how much better life would be if April 15th were just another day. Under the FASST plan, for millions of Americans, that could be true. We urge our colleagues to support this important legislation, which we think will go a long way toward eliminating the burden of "tax day" for tens of millions of taxpayers in the future.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3087

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.**

(a) SHORT TITLE.—This Act may be cited as the "Fair and Simple Shortcut Tax Plan".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

## TITLE I—FAIR AND SIMPLE SHORTCUT TAX PLAN

**SEC. 101. FAIR AND SIMPLE SHORTCUT TAX PLAN.**

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end the following:

### "PART VIII—FAIR AND SIMPLE SHORTCUT TAX PLAN

"Sec. 60. Tax on individuals electing FASST.
"Sec. 60A. Computation of applicable taxable income.
"Sec. 60B. Credit against tax.
"Sec. 60C. Election.
"Sec. 60D. Liability for tax.

**"SEC. 60. TAX ON INDIVIDUALS ELECTING FASST.**

"(a) TAX IMPOSED.—If an individual who is an eligible taxpayer has an election in effect under this part for a taxable year, there is hereby imposed a tax equal to 15 percent of the taxpayer's applicable taxable income.

“(b) Coordination With Other Taxes.—The tax imposed by this section shall be in lieu of any other tax imposed by this subchapter. The preceding sentence shall not apply to taxes described in section 26(b)(2) other than subparagraph (A) thereof.

**“SEC. 60A. COMPUTATION OF APPLICABLE TAXABLE INCOME.**

“(a) In General.—For purposes of this part, the term ‘applicable taxable income’ means the taxpayer's applicable wage income, minus—

“(1) the standard deduction,

“(2) the deductions for personal exemptions provided in section 151, and

“(3) the homeowner expense deduction allowable under subsection (c).

“(b) Applicable Wage Income.—For purposes of this part—

“(1) In general.—The term ‘applicable wage income’ means, with respect to an individual, wages received by such individual for the taxable year for services performed as an employee of an employer.

“(2) Employment.—The term ‘employment’ has the meaning given such term in section 3121(b).

“(3) Wages.—The term ‘wages’ has the meaning given such term in section 3401(a).

“(c) Homeowner Expense Deduction Allowed.—

“(1) In general.—For purposes of subsection (a), there shall be allowed as a deduction for the taxable year an amount equal to the product of—

“(A) $5,000, and

“(B) a fraction, the numerator of which is the number of months in such year in which the taxpayer owned and used property as the taxpayer's principal residence (within the meaning of section 121) and the denominator of which is 12.

“(2) Special rules.—For purposes of this subsection—

“(A) Married individuals.—In the case of a married individual, the ownership and use requirements of paragraph (1) shall be treated as met for any month if either spouse meets them.

“(B) Divorce; cooperative housing.—Rules similar to the rules of paragraphs (3) and (4) of section 121(d) shall apply.

“(C) Out-of-residence care.—If a taxpayer becomes physically or mentally impaired while owning and using property as a principal residence, then the taxpayer shall be treated as meeting the ownership and use requirements of paragraph (1) during any period the taxpayer owns the property and resides in any facility (including a nursing home) licensed by a State or political subdivision to care for an individual in the taxpayer's condition.

**“SEC. 60B. CREDITS AGAINST TAX.**

“No credit shall be allowed against the tax imposed by this part other than—

“(1) the credit allowable under section 24 (relating to child tax credit),

“(2) the credit allowable under section 32 (relating to earned income credit), and

“(3) the credit for overpayment of tax under section 6402.

**“SEC. 60C. ELECTION.**

“(a) Election.—An eligible taxpayer may elect to have this part apply for any taxable year.

“(b) Eligible Taxpayer.—

“(1) In general.—For purposes of this part, the term ‘eligible taxpayer’ means, with respect to any taxable year, a taxpayer who receives—

“(A) applicable wage income in an amount not in excess of—

“(i) $100,000, in the case of a taxpayer described in section 1(a), and

“(ii) 50 percent of the amount in effect under clause (i) for the taxable year, in the case of any other taxpayer, and

“(B) gross income (determined without regard to applicable wage income) in an amount not in excess of—

“(i) $5,000, in the case of a taxpayer described in section 1(a), and

“(ii) 50 percent of the amount in effect under clause (i) for the taxable year, in the case of any other taxpayer.

“(2) Exclusions.—The term ‘eligible taxpayer’ shall not include—

“(A) a married individual unless the individual and the spouse both have the same taxable year and both make the election,

“(B) a nonresident alien individual, or

“(C) an estate or trust.

“(3) Inflation adjustments.—In the case of a taxable year beginning after 2001, each dollar amount under paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2000’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(b) Form of Election.—

“(1) In general.—An individual shall make an election to have this part apply for any taxable year by furnishing an election certificate to such individual's employer not later than the close of the first payroll period after the individual commences work for such employer or January 1 of the taxable year to which such election relates, whichever is later.

“(2) Contents of certificate.—The election certificate furnished under paragraph (1) shall—

“(A) contain such information as the Secretary requires to enable the Secretary to carry out this part and enable the employer to withhold the appropriate amount of wages under section 3402, and

“(B) contain a certification by the employee under penalty of perjury that the information furnished is correct.

“(3) Amendment of certificate.—A new election certificate shall be filed within 30 days after the date of any change in the information required under paragraph (2).

“(4) Election certificate.—For purposes of this section, the term ‘election certificate’ means the withholding exemption certificate used for purposes of chapter 24.

“(5) Advance payment of earned income amount.—The Secretary shall prescribe such regulations as may be necessary to allow an eligible taxpayer to treat an election certificate furnished under this section as including an earned income eligibility certificate under section 3507 in the case of an eligible individual claiming the earned income credit under section 32.

“(c) Period Election In Effect.—

“(1) In general.—Except as provided in paragraph (2), an election under this section shall be effective for the taxable year for which it is made and all subsequent taxable years.

“(2) Termination.—An election under this part shall terminate with respect to an individual for any taxable year and all subsequent taxable years if at any time during such taxable year such individual—

“(A) is no longer an eligible taxpayer,

“(B) elects to terminate such individual's election, or

“(C) commits fraud with respect to any information required to be provided under this section.

“(d) Safe Harbor for Ineligibility.—In the case of an individual who has a termination under subsection (c)(2)(A), no addition to tax under section 6654 shall apply to any underpayment attributable to eligible wage income of such individual for such taxable year if such underpayment was not due to fraud, negligence, or disregard of rules or regulations (within the meaning of section 6662).

“(e) Marital Status.—For purposes of this part, marital status shall be determined under section 7703.

**“SEC. 60D. LIABILITY FOR TAX.**

“(a) Amount Withheld Treated as Satisfaction of Liability.—Except as provided in this section, any amount withheld as tax under section 3402(t) for an eligible individual with an election in effect under section 60C for the taxable year shall be treated as complete satisfaction of liability for the tax imposed by section 60(a) for such taxable year.

“(b) Exceptions.—Notwithstanding subsection (a)—

“(1) Overpayment.—If the amount withheld as tax under section 3402(t) for an eligible taxpayer with an election in effect under section 60C for the taxable year exceeds the tax imposed under section 60(a) for the taxable year, the excess amount shall be treated as an overpayment for purposes of section 6402.

“(2) Underpayment.—

“(A) In general.—If the Secretary determines that the amount withheld as tax under section 3402(t) for an eligible taxpayer is less than the tax imposed under section 60(a) and such underpayment is not due to fraud, the Secretary may assess and collect such underpayment in the same manner as if such underpayment were on account of a mathematical or clerical error appearing on a return of the individual for the taxable year.

“(B) De minimis exception.—If the amount by which the tax imposed by section 60(a) exceeds the amount withheld as tax under section 3402(t) by less than the lesser of $100 or 10 percent of the tax so imposed, the taxpayer shall be treated as having no underpayment.

“(c) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this section, including regulations—

“(1) to allow a refund of an overpayment under subsection (b)(1) to a taxpayer without requiring additional filing of information by the taxpayer, and

“(2) to notify taxpayers of eligibility for credits allowable under section 60B and allow a claim and refund of any credit not claimed by an eligible taxpayer during the taxable year.”.

(b) Withholding From Wages.—Section 3402 (relating to income tax collected at source) is amended by adding at the end the following new subsection:

“(t) Withholding Under the Fair and Simple Shortcut Tax Plan.—

“(1) In general.—An employer making payment of wages to an individual with an election in effect under section 60C shall deduct and withhold upon such wages a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary in accordance with paragraph (2).

"(2) WITHHOLDING TABLES.—The Secretary shall prescribe 1 or more tables which set forth amounts of wages and income tax to be deducted and withheld based on information furnished to the employer in the employee's election form and to ensure that the aggregate amount withheld from such employee's wages approximates the tax liability of such individual for the taxable year. Any tables prescribed under this paragraph shall—

"(A) apply with respect to the amount of wages paid during such periods as the Secretary may prescribe, and

"(B) be in such form, and provide for such amounts to be deducted and withheld, as the Secretary determines to be most appropriate to carry out the purposes of this chapter and to reflect the provisions of chapter 1 applicable to such periods, including taking into account any credits allowable under section 24 or 32.

The Secretary shall provide that any other provision of this section shall not apply to the extent such provision is inconsistent with the provisions of this subsection.

"(2) ELECTION CERTIFICATE.—

"(A) IN GENERAL.—In lieu of a withholding exemption certificate, an employee shall furnish the employer with a signed election certificate and any amended election certificate at such time and containing such information as required under section 60C.

"(B) WHEN CERTIFICATE TAKES EFFECT.—

"(i) FIRST CERTIFICATE FURNISHED.—An election certificate furnished to an employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

"(ii) REPLACEMENT CERTIFICATE.—An election certificate furnished to an employer which replaces an earlier certificate shall take effect as of the beginning of the 1st payroll period ending (or the 1st payment of wages made without regard to a payroll period) on or after the 30th day after the on which the replacement certificate is so furnished.".

(c) WAIVER OF REQUIREMENT TO FILE RETURN OF INCOME.—Subsection (a)(1)(A) of section 6012 (relating to persons required to make return of income) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by inserting after clause (iv) the following new clause:

"(v) who is an eligible taxpayer with an election in effect for the taxable year under section 60C."

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of parts for subchapter A of chapter 1 is amended by adding at the end the following new item:

"Part VIII. Fair and Simple Shortcut Tax Plan."

(2) Section 6654(a) is amended by inserting "and section 60C(d)" after "this section".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 102. TAX CREDIT FOR EMPLOYER FASST PLAN STARTUP COSTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

### "SEC. 45D. FASST PLAN EMPLOYER START-UP CREDIT.

"(a) CREDIT ALLOWED.—

"(1) IN GENERAL.—For purposes of section 38, the Fair and Simple Shortcut Tax plan start-up credit determined under this section for the taxable year is an amount equal to the lesser of—

"(A) 50 percent of eligible start-up costs of the taxpayer for the taxable year, or

"(B) $1,000.

"(2) MAXIMUM CREDIT.—The maximum credit allowed with respect to a taxpayer under this subsection for all taxable years shall not exceed the amount determined under paragraph (1) for all taxable years.

"(b) ELIGIBLE START-UP COSTS.—For purposes of this section, the term 'eligible start-up costs' means amounts paid or incurred by an employer (or any predecessor) during the 1 year period beginning on the date on which the employer first employs 1 or more employees with an election in effect under section 60C for the taxable year, in connection with carrying out the withholding requirements of section 3402.

"(c) CREDIT AVAILABLE FOR EACH WORKSITE.—If a taxpayer maintains a separate worksite for employees, such person shall be treated as a single employer with respect to such worksite for purposes of the credit allowable under subsection (a)."

(b) CONFORMING AMENDMENTS.—

(1) Section 38(b) is amended—

(A) by striking "plus" at the end of paragraph (11),

(B) by striking the period at the end of paragraph (12), and inserting a comma and "plus", and

(C) by adding at the end the following new paragraph:

"(13) the Fair and Simple Shortcut Tax plan start-up credit determined under section 45D."

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. Fair and Simple Shortcut Tax plan start-up credit."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

## TITLE II—PROVISIONS TO SIMPLIFY THE TAX CODE

### SEC. 201. REDUCTION IN MARRIAGE PENALTY IN STANDARD DEDUCTION.

(a) IN GENERAL.—Section 63(c)(2) (relating to basic standard deduction) is amended to read as follows:

"(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the amount under subparagraph (C) for the taxable year, in the case of a joint return or a surviving spouse (as defined in section 2(a)),

"(B) 150 percent of such amount, in the case of a head of household (as defined in section 2(b)), and

"(C) $3,000, in the case of an individual who is not married and who is not a surviving spouse or head of household or a married individual filing a separate return."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 202. ALTERNATIVE MINIMUM TAX EXCLUSION OF SELF-EMPLOYMENT INCOME AND CERTAIN ITEMS OF PREFERENCE AND ADJUSTMENTS.

(a) INCREASED EXEMPTION FOR SELF-EMPLOYMENT INCOME.—Section 55(d)(1) (relating to exemption amount for taxpayers other than corporations) is amended to read as follows:

"(1) EXEMPTION AMOUNT FOR TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the term 'exemption amount' means the sum of—

"(A) an amount equal to—

"(i) $45,000 in the case of—

"(I) a joint return, or

"(II) a surviving spouse,

"(ii) $33,750 in the case of an individual who—

"(I) is not a married individual, or

"(II) is not a surviving spouse, and

"(iii) $22,500 in the case of—

"(I) a married individual who files a separate return, or

"(II) an estate or trust, and

"(B) an amount equal to the lesser of—

"(i) the self employment income (as defined in section 1402(b)) of the taxpayer for the taxable year, or

"(ii) $1,000,000.

For purposes of this paragraph, the term 'surviving spouse' has the meaning given to such term by section 2(a), and marital status shall be determined under section 7703.".

(b) EXCLUSION OF CERTAIN ITEMS OF PREFERENCE AND ADJUSTMENTS.—Section 55 (relating to alternative minimum tax imposed) is amended by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR SMALL BUSINESSES.—

"(1) IN GENERAL.—For purposes of this part, in computing the alternative minimum taxable income of a taxpayer to which this subsection applies for any taxable year—

"(A) no adjustments provided in section 56 which are attributable to a trade or business of the taxpayer shall be made, and

"(B) taxable income shall not be increased by any item of tax preference described in section 57 which is so attributable.

"(2) APPLICATION.—

"(A) IN GENERAL.—This subsection shall apply to a taxpayer for a taxable year if the taxpayer is not a corporation and the gross receipts of the taxpayer for the taxable year from all trades or businesses do not exceed $1,000,000.

"(B) SPECIAL RULES.—Rules similar to the rules of paragraphs (2), (3)(B), and (3)(C) of section 448(c) shall apply for purposes of this subsection.".

(c) CONFORMING AMENDMENTS.—Section 55(d)(3) is amended—

(1) by striking "paragraph (1)(A)" and inserting "paragraph (1)(A)(i)" in subparagraph (A),

(2) by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)" in subparagraph (B),

(3) by striking "paragraph (1)(C)" and inserting "paragraph (1)(A)(iii)" in subparagraph (C), and

(4) by striking "paragraph (1)(C)(i)" and inserting "paragraph (1)(A)(iii)(I)" in the second sentence.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

### SEC. 203. NONREFUNDABLE TAX CREDIT FOR TAX PREPARATION EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by adding at the end the following new section:

### "SEC. 25B. TAX PREPARATION EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) 50 percent of the qualified tax preparation expenses of the taxpayer for the taxable year, or

"(2) $100.

"(b) Qualified Tax Preparation Expenses.—For purposes of this section, the term 'qualified tax preparation expenses' means expenses paid or incurred during the taxable year by an individual in connection with the preparation of the taxpayer's Federal income tax return for such taxable year, but only if such return is electronically filed. Such term shall include any expenses related to an income tax return preparer.

"(c) Denial of Deduction.—No deduction shall be allowed under this chapter for any amount taken into account in determining the credit under this section.".

(b) Conforming Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 25B. Tax preparation expenses."

(c) Effective Date.—The amendments made by this section shall apply to expenses paid or incurred for taxable years beginning after December 31, 2000.

### SEC. 204. EXEMPTION OF CERTAIN INTEREST AND DIVIDEND INCOME FROM TAX.

(a) In General.—Part III of subchapter B of chapter 1 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

### "SEC. 116. PARTIAL EXCLUSION OF DIVIDENDS AND INTEREST RECEIVED BY INDIVIDUALS.

"(a) Exclusion From Gross Income.—In the case of an individual who does not have an election in effect under section 60C for the taxable year, gross income does not include dividends and interest otherwise includible in gross income which are received during the taxable year by such individual.

"(b) Limitations.—

"(1) Maximum amount.—The aggregate amount excluded under subsection (a) for any taxable year shall not exceed $500 ($1,000 in the case of a joint return).

"(2) Certain dividends excluded.—Subsection (a) shall not apply to any dividend from a corporation which for the taxable year of the corporation in which the distribution is made is a corporation exempt from tax under section 521 (relating to farmers' cooperative associations).

"(c) Special Rules.—For purposes of this section—

"(1) Exclusion not to apply to capital gain dividends from regulated investment companies and real estate investment trusts.—

**"For treatment of capital gain dividends, see sections 854(a) and 857(c).**

"(2) Certain nonresident aliens ineligible for exclusion.—In the case of a nonresident alien individual, subsection (a) shall apply only in determining the taxes imposed for the taxable year pursuant to sections 871(b)(1) and 877(b).

"(3) Dividends from employee stock ownership plans.—Subsection (a) shall not apply to any dividend described in section 404(k).".

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 32(c)(5) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting "; or", and by inserting after clause (ii) the following new clause:

"(iii) interest and dividends received during the taxable year which are excluded from gross income under section 116.".

(2) Subparagraph (A) of section 32(i)(2) is amended by inserting "(determined without regard to section 116)" before the comma.

(3) Subparagraph (B) of section 86(b)(2) is amended to read as follows:

"(B) increased by the sum of—

"(i) the amount of interest received or accrued by the taxpayer during the taxable year which is exempt from tax, and

"(ii) the amount of interest and dividends received during the taxable year which are excluded from gross income under section 116.".

(4) Subsection (d) of section 135 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Coordination with section 116.—This section shall be applied before section 116.".

(5) Paragraph (2) of section 265(a) is amended by inserting before the period ", or to purchase or carry obligations or shares, or to make deposits, to the extent the interest thereon is excludable from gross income under section 116".

(6) Subsection (c) of section 584 is amended by adding at the end the following new flush sentence:

"The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant.".

(7) Subsection (a) of section 643 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) Dividends or interest.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116.".

(8) Section 854(a) is amended by inserting "section 116 (relating to partial exclusion of dividends and interest received by individuals) and" after "For purposes of".

(9) Section 857(c) is amended to read as follows:

"(c) Restrictions Applicable to Dividends Received From Real Estate Investment Trusts.—

"(1) Treatment for section 116.—For purposes of section 116 (relating to partial exclusion of dividends and interest received by individuals), a capital gain dividend (as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

"(2) Treatment for section 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.".

(10) The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Partial exclusion of dividends and interest received by individuals.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000.

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### By Mr. LEVIN:

S. 3088. A bill to require the Secretary of Health and Human Services to promulgate regulations regarding allowable costs under the Medicaid Program for school based services provided to children with disabilities; to the Committee on Finance.

### ADMINISTRATIVE SERVICES ADJUSTMENT

Mr. LEVIN. Mr. President, today I am introducing legislation which provides fair relief to schools in Michigan and other states.

In 1993, the state of Michigan and our school districts worked out an agreement which would provide schools a portion of Federal Medicaid dollars based on school based health related activities that were being provided to eligible children receiving special education services. When these school superintendents looked around in 1996, they saw a similarly situated state which was providing administrative services to help special needs kids, and they decided to follow suit for children in Michigan. Michigan then implemented the Administrative Outreach component of school based services based on a program that had been in operation in that state for the previous two years.

Recently, HCFA disallowed $103.6 million in claims submitted by the state of Michigan to reimburse the schools for services already rendered in this effort. It is simply unfair that these school districts are now being penalized when they have been trying to provide health services through the schools for special needs kids in ways used in other states and after relying on HCFA regional guidance.

I have met with a large group of Michigan school superintendents and their staff and I know how committed they are to helping children with special needs. Apparently, the rules need to be clarified, and in a meeting with HCFA that the Michigan superintendents had this week, HCFA committed to sitting down with the education community by the end of this month to finalize an administrative guide regarding claims for reimbursement. That is surely an appropriate goal, but in the meantime, Michigan claims have been disallowed although the state relied on regional HCFA guidance. While national guidance is being clarified, we should not penalize states who have acted reasonably based on existing guidance.

I believe Michigan school superintendents when they say they believed they were acting appropriately in providing services for children with special educational needs. These are honest hardworking people trying to run school districts on tight budgets. I am introducing this legislation because I believe any attempt to penalize schools who acted in good faith will ultimately hurt special needs kids as well as our schools themselves.

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### By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 3090. A bill to establish the Rocky Flats National Wildlife Refuge in the State of Colorado, and for other purposes; to the Committee on Armed Services.

### ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT OF 2000

Mr. ALLARD. Mr. President, I rise today, with Senator BEN NIGHTHORSE CAMPBELL, to introduce a very important piece of legislation for my state of

Colorado and this nation—The Rocky Flats National Wildlife Refuge Act. My colleague, Representative MARK UDALL, is introducing companion legislation in the House cosponsored by the entire Colorado delegation.

Today we begin a new chapter in the history of Rocky Flats. This legislation will permanently designate the Rocky Flats Environmental Technology Site as a National Wildlife Refuge following the cleanup and closure of the site. It ensures that the Federal Government will retain full liability and ownership of this former nuclear weapons facility. This legislation will transform Rocky Flats from producing weapons to protecting wildlife. It will ensure that our children and grandchildren will be able to enjoy the wildlife and open space that currently exists at Rocky Flats.

This is a tremendous achievement. Once the bill is enacted, we will see Rocky Flats move from being an active nuclear weapons site into an active refuge for wildlife and wild flowers in less than two decades. An accomplishment which no one thought was possible.

My vested interest in Rocky Flats began during the 1980's when I was the Chairman of the State Senate Committee on Health, Environment, Welfare and Institutions. Although I supported the national security mission of the Rocky Flats site prior to closure, I believe that the Department of Energy must also ensure the safety and health of all Coloradans and the environment. When the Rocky Flats site was shut down in 1990, cleaning up and closing down the site became one of my top legislative priorities and will remain so until this project is complete.

So where did the idea come from to turn Rocky Flats, a former nuclear weapons production facility, into a National Wildlife Refuge?

My experience with wildlife refuge designations began with Congresswoman Schroeder at the Rocky Mountain Arsenal in 1992. We worked on a bill very similar to the one we are here to discuss today, which designated the Arsenal as a National Wildlife Refuge. Given the success we experienced at the Rocky Mountain Arsenal, I am confident this is an appropriate designation for Rocky Flats.

Last year, I became the Strategic Subcommittee Chairman of the Senate Armed Services Committee, which has direct oversight of former DoE weapons facilities including Rocky Flats. This is the first site in the DoE complex to receive funding for cleanup and closure, and will therefore be a role model for other sites in the complex. As Chairman of the Subcommittee, I will continue to work closely with my colleagues to educate them on the importance of cleaning up and closing down Rocky Flats so it can be utilized as a National Wildlife Refuge. This education extends beyond the cleanup and closure of Rocky Flats to the importance of cleaning up and closing of all the former DoE weapons sites.

To this end, Congressman UDALL and I have worked in a bipartisan manner, with the Department of Energy, the EPA, the State of Colorado, the local governments and the Rocky Flats stakeholders to produce the proposed Rocky Flats National Wildlife Refuge Act. It has been hard work and with many discussion drafts, but in the end I believe we have produced a bill that the communities surrounding Rocky Flats can and will be proud of.

It is important to understand that this legislation maintains that the Rocky Flats site will remain in permanent Federal ownership, and that the administrative transfer of this site from DoE to the Fish and Wildlife Service will take place after the cleanup and closure of the site is complete. While cleanup is still our top priority, determination of official closure is determined by the Environmental Protection Agency's signing of the final on-site record of decision. There are many components of this bill which I will summarize as follows:

The sponsors of the legislation recognize the historic importance of the Lindsay Ranch homestead facilities and this legislation guarantees the ranch's preservation.

Additionally, this bill ensures that the site will remain a unified site, therefore disallowing the annexation of land to any local government, or for the construction of through roads. The only roads that may be constructed on the site would be by the Fish and Wildlife Service for the management of the refuge.

Currently, there is a provision in this legislation to allow the Secretary of Energy and the Secretary of the Interior to authorize a transportation right of-way on the eastern boundary of the site for transportation improvements along Indiana Street. We are aware of the continued evaluation of this issue and want this section of the bill to be consistent with the needs of the State of Colorado and the local governments.

With respect to the transfer of management responsibilities and jurisdiction over Rocky Flats, this bill requires the Department of Energy and the Fish and Wildlife Service to publish in the Federal Register a Memorandum of Understanding one year after the enactment of this Act. This Memorandum of Understanding will address administrative matters such as the division of responsibilities between the two agencies until the official transfer of the site occurs. This legislation clearly states that no funding designated for cleanup and closure of the site will be used for these activities.

It is important that the transfer of the site from the Department of Energy to the Fish and Wildlife Service exclude any property that must be retained by DoE for future onsite monitoring, as well as property which must be retained for protection of human health and safety.

The improvements necessary for the site to be managed as a wildlife refuge will be completed at no cost to the Secretary of the Interior. Therefore, the Secretary of Interior will need to identify appropriate improvement needs and submit this request to the Secretary of Energy in writing. This legislation also clarifies that in the event of future cleanup activities, this action will take priority over wildlife management. These two agencies must continue to work with each other towards their missions.

One of the most important directives in this Act states that "nothing in this Act affects the level of cleanup and closure at the Rocky Flats site required under the Rocky Flats Cleanup Agreement or any Federal or State law." Through the ongoing discussions that Congressman UDALL and I have had with the Rocky Flats stakeholders we believe it is important to reiterate that this bill should not be used as a mechanism to drive the level of cleanup. We are confident that this language clarifies this issue. Our primary goal remains and will continue to remain the on-going cleanup and closure of Rocky Flats. And, nothing in this bill affects the on-going cleanup and closure activities at the Rocky Flats.

Once the site is transferred to the Fish and Wildlife Service, the refuge will be managed in accordance with the National Wildlife Refuge System Act to preserve wildlife, enhance wildlife habitat, conserve threatened and endangered species, provide education opportunities and scientific research, as well as recreation.

We recognize the importance of the locally elected officials and stakeholders in the effectiveness and success of this bill. Therefore, we want to ensure their continued contribution at Rocky Flats. Through this bill we direct the Fish and Wildlife Service to convene a public process to include input on the management of the site. The public process will provide a forum for recommendations to be given to the Fish and Wildlife Service on issues including the site operations, transportation improvements, leasing land to the National Renewable Energy Laboratory, perimeter fences, the development of a Rocky Flats museum and visitors center. Upon the completion of this report by the Fish and Wildlife Service, a report will be submitted to Congress to identify the recommendations resulting from the public process.

We have received a lot of input with respect to private property rights. This legislation recognizes and preserves these property and access rights, which include mineral rights, water and easement rights, and utility rights-of-ways. This legislation does direct the Secretary of Energy to seek to purchase mineral rights from willing sellers. For management purposes, this Act provides the Secretary of Energy and the Secretary of Interior the authority to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

Additionally, this bill provides the Secretary of Energy with the authority to allow Public Service Company of Colorado to construct an extension from an existing extension line on the site.

As a tribute to the Cold War and those who worked at Rocky Flats both prior to and after the site closure, Congressman UDALL and I, through this legislation, authorize the establishment of a Rocky Flats museum to commemorate the site. This bill requires that the creation of the museum shall be studied, and a report shall be submitted to Congress within three years following the enactment of this act.

Lastly, this bill directs the Department of Energy and the Fish and Wildlife Service to inform Congress on the costs associated with the implementation of this Act.

This process has moved forward successfully thanks to the hard work of the local governments and the Rocky Flats stakeholders. I also want to thank Representative UDALL for the bipartisan manner in which he and his staff worked with me and my office. Rocky Flats, like all other cleanup sites, is bigger than partisan politics and this effort proves it.

Once clean up and closure is accomplished in 2006, I look forward to returning to Rocky Flats for the dedication of new Rocky Flats National Wildlife Refuge.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 3090

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Rocky Flats National Wildlife Refuge Act of 2000".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government, through the Atomic Energy Commission, acquired the Rocky Flats site in 1951 and began operations there in 1952. The site remains a Department of Energy facility. Since 1992, the mission of the Rocky Flats site has changed from the production of nuclear weapons components to cleanup and closure in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

(2) The site has generally remained undisturbed since its acquisition by the Federal Government.

(3) The State of Colorado is experiencing increasing growth and development, especially in the metropolitan Denver Front Range area in the vicinity of the Rocky Flats site. That growth and development reduces the amount of open space and thereby diminishes for many metropolitan Denver communities the vistas of the striking Front Range mountain backdrop.

(4) Some areas of the site contain contamination and will require further remediation. The national interest requires that the ongoing cleanup and closure of the entire site be completed safely, effectively, and without unnecessary delay and that the site thereafter be retained by the United States and managed so as to preserve the value of the site for open space and wildlife habitat.

(5) The Rocky Flats site provides habitat for many wildlife species, including a number of threatened and endangered species, and is marked by the presence of rare xeric tallgrass prairie plant communities. Establishing the site as a unit of the National Wildlife Refuge System will promote the preservation and enhancement of those resources for present and future generations.

(b) PURPOSE.—The purpose of this Act is to provide for the establishment of the Rocky Flats site as a national wildlife refuge while creating a process for public input on refuge management and ensuring that the site is thoroughly and completely cleaned up.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) CLEANUP AND CLOSURE.—The term "cleanup and closure" means the remedial actions and decommissioning activities being carried out at Rocky Flats by the Department of Energy under the 1996 Rocky Flats Cleanup Agreement, the closure plans and baselines, and any other relevant documents or requirements.

(2) COALITION.—The term "Coalition" means the Rocky Flats Coalition of Local Governments established by the Intergovernmental Agreement, dated February 16, 1999, among—

(A) the city of Arvada, Colorado;

(B) the city of Boulder, Colorado;

(C) the city of Broomfield, Colorado;

(D) the city of Westminster, Colorado;

(E) the town of Superior, Colorado;

(F) Boulder County, Colorado; and

(G) Jefferson County, Colorado.

(3) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(4) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(5) REFUGE.—The term "refuge" means the Rocky Flats National Wildlife Refuge established under section 7.

(6) RESPONSE ACTION.—The term "response action" has the meaning given the term "response" in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) or any similar requirement under State law.

(7) RFCA.—The term "RFCA" means the Rocky Flats Cleanup Agreement, an intergovernmental agreement, dated July 19, 1996, among—

(A) the Department of Energy;

(B) the Environmental Protection Agency; and

(C) the Department of Public Health and Environment of the State of Colorado.

(8) ROCKY FLATS.—The term "Rocky Flats" means the Rocky Flats Environmental Technology Site, Colorado, a defense nuclear facility, as depicted on the map entitled "Rocky Flats Environmental Technology Site", dated July 15, 1998.

(9) ROCKY FLATS TRUSTEES.—The term "Rocky Flats Trustees" means the Federal and State of Colorado entities that have been identified as trustees for Rocky Flats under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

**SEC. 4. FUTURE OWNERSHIP AND MANAGEMENT.**

(a) FEDERAL OWNERSHIP.—Unless Congress provides otherwise in an Act enacted after the date of enactment of this Act, all right, title, and interest of the United States, held on or acquired after the date of enactment of this Act, to land within the boundaries of Rocky Flats shall be retained by the United States.

(b) LINDSAY RANCH.—The structures that comprise the former Lindsay Ranch homestead site in the Rock Creek Reserve area of the buffer zone, as depicted on the map referred to in section 3(8), shall be permanently preserved and maintained in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(c) PROHIBITION ON ANNEXATION.—The Secretary of the Interior shall not allow the annexation of land within the refuge by any unit of local government.

(d) PROHIBITION ON THROUGH ROADS.—Except as provided in subsection (e), no public road shall be constructed through Rocky Flats.

(e) TRANSPORTATION RIGHT-OF-WAY.—

(1) IN GENERAL.—

(A) AVAILABILITY OF LAND.—On submission of an application meeting each of the conditions specified in paragraph (2), the Secretary and the Secretary of the Interior may make available land along the eastern boundary of Rocky Flats for the sole purpose of transportation improvements along Indiana Street.

(B) BOUNDARIES.—Land made available under this paragraph may not extend more than 150 feet from the west edge of the Indiana Street right-of-way, as that right-of-way exists as of the date of enactment of this Act.

(C) EASEMENT OR SALE.—Land may be made available under this paragraph by easement or sale to 1 or more appropriate entities.

(D) COMPLIANCE WITH APPLICABLE LAW.—Any action under this paragraph shall be taken in compliance with applicable law.

(2) CONDITIONS.—An application for land under this subsection may be submitted by any county, city, or other political subdivision of the State of Colorado and shall include documentation demonstrating that—

(A) the transportation project is compatible with the management of Rocky Flats as a wildlife refuge; and

(B) the transportation project is included in the Regional Transportation Plan of the Metropolitan Planning Organization designated for the Denver metropolitan area under section 5303 of title 49, United States Code.

**SEC. 5. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ROCKY FLATS.**

(a) IN GENERAL.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall publish in the Federal Register a draft memorandum of understanding under which the Secretary shall transfer to the Secretary of the Interior administrative jurisdiction over Rocky Flats.

(B) REQUIRED ELEMENTS.—

(i) IN GENERAL.—Subject to clause (ii), the memorandum of understanding shall—

(I) provide for the timing of the transfer;

(II) provide for the division of responsibilities between the Secretary and the Secretary of the Interior for the period ending on the date of the transfer; and

(III) provide an appropriate allocation of costs and personnel to the Secretary of the Interior.

(ii) NO REDUCTION IN FUNDS.—The memorandum of understanding shall not result in any reduction in funds available to the Secretary for cleanup and closure of Rocky Flats.

(C) DEADLINE.—Not later than 18 months after the date of enactment of this Act, the Secretary and Secretary of the Interior shall finalize and implement the memorandum of understanding.

(2) EXCLUSIONS.—The transfer under paragraph (1) shall not include the transfer of any property or facility over which the Secretary retains jurisdiction, authority, and control under subsection (b)(1).

(3) CONDITION.—The transfer under paragraph (1) shall occur not later than 10 business days after the signing by the Regional Administrator for Region VIII of the Environmental Protection Agency of the Final On-site Record of Decision for Rocky Flats.

(4) COST; IMPROVEMENTS.—The transfer—

(A) shall be completed without cost to the Secretary of the Interior; and

(B) may include such buildings or other improvements as the Secretary of the Interior may request in writing for refuge management purposes.

(b) PROPERTY AND FACILITIES EXCLUDED FROM TRANSFERS.—

(1) IN GENERAL.—The Secretary shall retain jurisdiction, authority, and control over all real property and facilities at Rocky Flats that are to be used for—

(A) any necessary and appropriate long-term operation and maintenance facility to intercept, treat, or control a hazardous substance, radionuclide, or other pollutant or contaminant; and

(B) any other purpose relating to a response action or any other action that is required to be carried out at Rocky Flats.

(2) CONSULTATION.—

(A) WITH ENVIRONMENTAL PROTECTION AGENCY AND STATE.—The Secretary shall consult with the Administrator of the Environmental Protection Agency and the State of Colorado on the identification and management of all property to be retained under this subsection to ensure the continuing effectiveness of response actions.

(B) WITH SECRETARY OF THE INTERIOR.—

(i) IN GENERAL.—The Secretary shall consult with the Secretary of the Interior on the management of the retained property to minimize any conflict between the management of property transferred to the Secretary of the Interior and property retained by the Secretary for response actions.

(ii) CONFLICT.—In the case of any such conflict, implementation and maintenance of the response action shall take priority.

(3) ACCESS.—As a condition of the transfer under subsection (a), the Secretary shall be provided such easements and access as are reasonably required to carry out any obligation or address any liability.

(c) ADMINISTRATION.—

(1) IN GENERAL.—On completion of the transfer under subsection (a), the Secretary of the Interior shall administer Rocky Flats in accordance with this Act subject to—

(A) any response action or institutional control at Rocky Flats carried out by or under the authority of the Secretary under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) any other action required under any other Federal or State law to be carried out by or under the authority of the Secretary.

(2) CONFLICT.—In the case of any conflict between the management of Rocky Flats by the Secretary of the Interior and the conduct of any response action or other action described in subparagraph (A) or (B) of paragraph (1), the response action or other action shall take priority.

(3) CONTINUING ACTIONS.—Except as provided in paragraph (1), nothing in this subsection affects any response action or other action initiated at Rocky Flats on or before the date of the transfer under subsection (a).

(4) LIABILITY.—The Secretary shall retain any obligation or other liability for land transferred under subsection (a) under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); or

(B) any other applicable law.

### SEC. 6. CONTINUATION OF ENVIRONMENTAL CLEANUP AND CLOSURE.

(a) ONGOING CLEANUP AND CLOSURE.—

(1) IN GENERAL.—The Secretary shall carry out to completion cleanup and closure at Rocky Flats.

(2) NO RESTRICTION ON USE OF NEW TECHNOLOGIES.—Nothing in this Act, and no action taken under this Act, restricts the Secretary from using at Rocky Flats any new technology that may become available for remediation of contamination.

(b) RULES OF CONSTRUCTION.—

(1) NO RELIEF FROM OBLIGATIONS UNDER OTHER LAW.—

(A) IN GENERAL.—Nothing in this Act, and no action taken under this Act, relieves the Secretary, the Administrator of the Environmental Protection Agency, or any other person from any obligation or other liability with respect to Rocky Flats under the RFCA or any applicable Federal or State law.

(B) NO EFFECT ON RFCA.—Nothing in this Act impairs or alters any provision of the RFCA.

(2) REQUIRED CLEANUP LEVELS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), nothing in this Act affects the level of cleanup and closure at Rocky Flats required under the RFCA or any Federal or State law.

(B) NO EFFECT FROM ESTABLISHMENT AS NATIONAL WILDLIFE REFUGE.—

(i) IN GENERAL.—The requirements of this Act for establishment and management of Rocky Flats as a national wildlife refuge shall not affect the level of cleanup and closure.

(ii) CLEANUP LEVELS.—The Secretary is required to conduct cleanup and closure of Rocky Flats to the levels hereafter established for soil, water, and other media, following a thorough review, by the parties to the RFCA and the public, of the appropriateness of the interim levels in the RFCA.

(3) NO EFFECT ON OBLIGATIONS FOR MEASURES TO CONTROL CONTAMINATION.—Nothing in this Act, and no action taken under this Act, affects any long-term obligation of the United States relating to funding, construction, monitoring, or operation and maintenance of—

(A) any necessary intercept or treatment facility; or

(B) any other measure to control contamination.

(c) PAYMENT OF RESPONSE ACTION COSTS.—Nothing in this Act affects the obligation of a Federal department or agency that had or has operations at Rocky Flats resulting in the release or threatened release of a hazardous substance or pollutant or contaminant to pay the costs of response actions carried out to abate the release of, or clean up, the hazardous substance or pollutant or contaminant.

(d) CONSULTATION.—In carrying out a response action at Rocky Flats, the Secretary shall consult with the Secretary of the Interior to ensure that the response action is carried out in a manner that, to the maximum extent practicable, furthers the purposes of the refuge.

### SEC. 7. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(a) ESTABLISHMENT.—Not later than 30 days after the transfer of jurisdiction under section 5(a)(3), the Secretary of the Interior shall establish at Rocky Flats a national wildlife refuge to be known as the "Rocky Flats National Wildlife Refuge".

(b) COMPOSITION.—The refuge shall consist of the real property subject tc the transfer of jurisdiction under section 5(a)(1).

(c) NOTICE.—The Secretary of the Interior shall publish in the Federal Register a notice of the establishment of the refuge.

(d) ADMINISTRATION AND PURPOSES.—

(1) IN GENERAL.—The Secretary of the Interior shall manage the refuge in accordance with applicable law, including this Act, the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), and the purposes specified in that Act.

(2) SPECIFIC MANAGEMENT PURPOSES.—To the extent consistent with applicable law, the refuge shall be managed for the purposes of—

(A) restoring and preserving native ecosystems;

(B) providing habitat for, and population management of, native plants and migratory and resident wildlife;

(C) conserving threatened and endangered species (including species that are candidates for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.));

(D) providing opportunities for compatible environmental scientific research; and

(E) providing the public with opportunities for compatible outdoor recreational and educational activities.

### SEC. 8. PUBLIC INVOLVEMENT.

(a) ESTABLISHMENT OF PROCESS.—Not later than 90 days after the date of enactment of this Act, in developing plans for the management of fish and wildlife and public use of the refuge, the Secretary of the Interior, in consultation with the Secretary, the members of the Coalition, the Governor of the State of Colorado, and the Rocky Flats Trustees, shall establish a process for involvement of the public and local communities in accomplishing the purposes and objectives of this section.

(b) OTHER PARTICIPANTS.—In addition to the entities specified in subsection (a), the public involvement process shall include the opportunity for direct involvement of entities not members of the Coalition as of the date of enactment of this Act, including the Rocky Flats Citizens' Advisory Board and the cities of Thornton, Northglenn, Golden, Louisville, and Lafayette, Colorado.

(c) DISSOLUTION OF COALITION.—If the Coalition dissolves, or if any Coalition member elects to leave the Coalition during the public involvement process under this section—

(1) the public involvement process under this section shall continue; and

(2) an opportunity shall be provided to each entity that is a member of the Coalition as of September 1, 2000, for direct involvement in the public involvement process.

(d) Purposes.—The public involvement process under this section shall provide input and make recommendations to the Secretary and the Secretary of the Interior on the following:

(1) The long-term management of the refuge consistent with the purposes of the refuge described in section 7(d) and in the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

(2) The identification of any land described in section 4(e) that could be made available for transportation purposes.

(3) The potential for leasing any land in Rocky Flats for the National Renewable Energy Laboratory to carry out projects relating to the National Wind Technology Center.

(4) The characteristics and configuration of any perimeter fencing that may be appropriate or compatible for cleanup and closure, refuge, or other purposes.

(5) The feasibility of locating, and the potential location for, a visitor and education center at the refuge.

(6) The establishment of a Rocky Flats museum described in section 10.

(7) Any other issues relating to Rocky Flats.

(e) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Armed Services of the Senate and the appropriate committee of the House of Representatives a report that—

(1) outlines the conclusions reached through the public involvement process; and

(2) to the extent that any input or recommendation from the public involvement process is not accepted, clearly states the reasons why the input or recommendation is not accepted.

**SEC. 9. PROPERTY RIGHTS.**

(a) In General.—Except as provided in subsection (c), nothing in this Act limits any valid, existing property right at Rocky Flats that is owned by any person or entity, including, but not limited to—

(1) any mineral right;

(2) any water right or related easement; and

(3) any facility or right-of-way for a utility.

(b) Access.—Except as provided in subsection (c), nothing in this Act affects any right of an owner of a property right described in subsection (a) to access the owner's property.

(c) Reasonable Conditions.—

(1) In general.—The Secretary or the Secretary of the Interior may impose such reasonable conditions on access to property rights described in subsection (a) as are appropriate for the cleanup and closure of Rocky Flats and for the management of the refuge.

(2) No effect on applicable law.—Nothing in this Act affects any other applicable Federal, State, or local law (including any regulation) relating to the use, development, and management of property rights described in subsection (a).

(3) No effect on access rights.—Nothing in this subsection precludes the exercise of any access right, in existence on the date of enactment of this Act, that is necessary to perfect or maintain a water right in existence on that date.

(d) Purchase of Mineral Rights.—

(1) In general.—The Secretary shall seek to acquire any and all mineral rights at Rocky Flats through donation or through purchase or exchange from willing sellers for fair market value.

(2) Funding.—The Secretary and the Secretary of the Interior—

(A) may use for the purchase of mineral rights under paragraph (1) funds specifically provided by Congress; but

(B) shall not use for such purchase funds appropriated by Congress for the cleanup and closure of Rocky Flats.

(e) Utility Extension.—

(1) In general.—The Secretary or the Secretary of the Interior may allow not more than 1 extension from an existing utility right-of-way on Rocky Flats, if necessary.

(2) Conditions.—An extension under paragraph (1) shall be subject to the conditions specified in subsection (c).

**SEC. 10. ROCKY FLATS MUSEUM.**

(a) Museum.—In order to commemorate the contribution that Rocky Flats and its worker force provided to the winning of the Cold War and the impact that the contribution has had on the nearby communities and the State of Colorado, the Secretary may establish a Rocky Flats Museum.

(b) Location.—The Rocky Flats Museum shall be located in the city of Arvada, Colorado, unless, after consultation under subsection (c), the Secretary determines otherwise.

(c) Consultation.—The Secretary shall consult with the city of Arvada, other local communities, and the Colorado State Historical Society on—

(1) the development of the museum;

(2) the siting of the museum; and

(3) any other issues relating to the development and construction of the museum.

(d) Report.—Not later than 3 years after the date of enactment of this Act, the Secretary, in coordination with the city of Arvada, shall submit to the Committee on Armed Services of the Senate and the appropriate committee of the House of Representatives a report on the costs associated with the construction of the museum and any other issues relating to the development and construction of the museum.

**SEC. 11. REPORT ON FUNDING.**

At the time of submission of the first budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, after the date of enactment of this Act, and annually thereafter, the Secretary and the Secretary of the Interior shall report to the Committee on Armed Services and the Committee on Appropriations of the Senate and the appropriate committees of the House of Representatives on—

(1) the costs incurred in implementing this Act during the preceding fiscal year; and

(2) the funds required to implement this Act during the current and subsequent fiscal years.

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Mr. GRASSLEY (for himself, Mr. Grams, Mr. Ashcroft, and Mr. Brownback):

S. 3091. A bill to implement the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture, Nutrition, and Forestry.

### PACKERS AND STOCKYARDS ENFORCEMENT IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, today I'm introducing a bill to implement recommendations by the General Accounting Office contained in a report—issued just today—which assesses the efforts of the Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA) in implementing the Packers and Stockyards Act. Done correctly, GIPSA is supposed to use the Packers and Stockyards Act as a tool to prevent farmers from being subject to unfair and anti-competitive practices.

In August 1999, I asked the GAO to investigate whether GIPSA was taking full advantage of its authority to investigate competition concerns in the cattle and hog industries. In a nutshell, GIPSA has failed in its mission to protect family farmers. GIPSA has failed to ensure fairness and competitiveness in the livestock industry. The report recommends that significant changes need to be made to GIPSA's investigation and case management, operations, and development processes, as well as its staff resources and capabilities, in order for it to effectively perform its Packers and Stockyards duties.

The news of this administration's failure of duty couldn't come at a worse time. Family farmers and independent producers are experiencing some of the lowest prices for their commodities in years. In the meantime, agribusiness has become so concentrated that family farmers are concerned they can't get a fair price for their products. They are seeing fewer options for marketing their commodities and they are having to sustain increased input costs. The extent of concentration in agribusiness has raised serious concerns about the ability of companies to engage in unfair practices. Most of these complaints involve the livestock industry.

The Justice Department and Federal Trade Commission are responsible for protecting the marketplace from mergers, acquisitions and practices that adversely affect competition. But GIPSA, under the Packers and Stockyards Act, has substantial, explicit authority to halt anti-competitive activity in the livestock industry by taking investigative, enforcement and regulatory action. But GIPSA has done none of this. All we hear are calls for more legislation or more money. It's clear that this is just another example of this administration passing the buck to Congress by calling for new legislative authority, when they are the ones that have failed to exercise the broad authority they already have. If USDA won't use their existing powers, what makes us in Congress think they'd use new powers?

As I've stated, I asked for this GAO investigation because I suspected that USDA had not been doing enough to ensure that small and mid-sized producers were not being harmed by possible anti-competitive activity in the livestock industry. So, to tell you the truth, I wasn't surprised when GIPSA got a failing grade. But I can tell you that I am outraged by USDA and this administration's lack of priorities in doing their job and their failure to enforce the laws on the books. Let me make this clear, this USDA is not a friend to the family farmer. And the Clinton-Gore administration is one to talk about us here in Congress doing nothing about concerns in agriculture. Maybe I need to define what "nothing" means. I think that this GAO Report defines "nothing" quite well.

Let me summarize the findings of the GAO report. The report confirms that GIPSA's authority to halt anti-competitive practices and protect buyers and sellers of livestock is quite broad and, in fact, go further than the Sherman Act in addressing anti-competitive practices.

The report also found that two major factors have impacted GIPSA's capability to perform their competition duties. Investigation and case methods, practices and processes are inadequate or non-existent at GIPSA.

For example, the GAO found that GIPSA's investigations are planned and conducted primarily by economists and technical specialists without the formal involvement of USDA's Office of General Counsel attorneys from the beginning of an investigation. Attorneys only get involved when a case report is completed. On the other hand, DOJ and FTC have teams of attorneys and economists that perform investigations of anti-competitive practices, with the attorneys taking the lead from the outset to ensure that a legal theory is focused on the potential violation of law. The GAO also found that GIPSA does not have investigative methods designed for competition cases, nor does it have investigation guidance for anti-competitive practice methods and processes. In contrast, DOJ and FTC have detailed processes and practices specifically designed for these kinds of cases.

GIPSA is also inadequately staffed. The GAO indicated that although the agency has hired additional economists, they are relatively inexperienced. More importantly, even though I understand there are around 300 lawyers in the General Counsel's Office, the report found that the number of attorneys working on GIPSA matters has actually decreased from 8 to 5 since GIPSA reorganized in 1998. To add insult to injury, they are not all assigned full-time to GIPSA's financial, trade practice, and competition cases; some have other USDA responsibilities as well. Consequently, very little attorney time is actually dedicated to competition cases, thanks to the low priority this administration has placed on the problem.

The GAO Report's recommendations are straightforward. It recommends that GIPSA come up with investigation and case methods, practices and processes for competition-related allegations, in consultation with the DOJ and FTC.

It recommends that GIPSA integrate the attorney and economist working relationship, with attorneys at the lead from the beginning of the investigation. It also suggests that USDA might want to report to Congress on the state of the cattle and hog market, as well as on potential violations of the Packers and Stockyards Act. In effect, the GAO provides a blueprint for how GIPSA should be run, and the policies and procedures it should have in place to protect family farmers.

So, the GAO is telling us that USDA and GIPSA just haven't gotten their act together to function like a competent agency. And they are recommending that USDA and GIPSA do something that makes common sense—develop a successful plan, train your people, get guidance from the experts, write effective processes and procedures designed for competition cases, hire antitrust lawyers.

Let me give you some more information. Way back in October 1991, the GAO issued another report which determined that, despite increased concentration in the livestock industry, GIPSA's monitoring and analysis were not up to speed to identify anti-competitive practices. Instead, GIPSA still placed its primary emphasis on ensuring prompt and accurate payment to livestock sellers. In 1997, USDA's own Office of Inspector General found that GIPSA needed to make extensive improvements to its Packers and Stockyards Program to live up to its competition responsibilities. The 1997 OIG report found that GIPSA did not have the capability to perform effective anti-competitive practice investigations because it was not properly organized, operated or staffed. It recommended that GIPSA make extensive organizational and resource improvements within the department, as well as employ an approach similar to that used by DOJ and FTC, by integrating attorneys and economists from the beginning of the investigative process. Sound familiar?

Because of the large number of complaints about competition in the livestock industry, one would have thought that USDA and the administration would have put addressing competition concerns in every way possible and ensuring the effective functioning of GIPSA at the top of their list. USDA and the administration had clear warnings in the 1991 GAO Report and the 1997 OIG Report that there were significant problems, yet they've been ineffective in addressing them. In fact, USDA agreed with the reports and acknowledged that they needed to reevaluate guidelines and regulations, as well as make appropriate organizational, procedure and resource changes. So why wasn't this done? Why weren't these concerns addressed in an effective manner? Why still all this mismanagement? Why still no guidance, policies or proceures?

And now this GAO report raises even more troubling questions. What are USDA's real priorities? Are ag concentration and anti-competitive activity of any concern to the Clinton/Gore administration? How many violations of the Packers and Stockyards Act have slipped through the cracks because of GIPSA's failure to execute its statutory responsibility? My hearing on September 25, next week in my Judiciary Subcommittee, will explore these and other questions.

I can already see the finger-pointing to come from USDA. They are going to say they need more time. Well, they've known since 1991 that they had problems, isn't that time enough to fix them? They are going to say that we haven't given them enough money. But the fact is that Congress has increased GIPSA and USDA OGC funding almost every year since 1991. If USDA saw that they needed more antitrust lawyers for their Packers and Stockyards competition cases, they should have dedicated more of their funds to hiring them. The problem is this administration's priorities. The problem is this administration's inability to take responsibility.

In any event, it's clear that we can't count on this administration's Agriculture Department to reorganize and fix the problems identified in this GAO report. USDA promised to respond to similar problems identified in the 1991 GAO Report and 1997 OIG report, yet did nothing of any real effect to change the situation. Promises made to farmers and promises broken. It's clear to me that recent movements on the part of USDA to address some of these issues are just another way to deflect criticisms of their failure to act. And my concerns continue to grow. Legislation is necessary to force USDA and GIPSA to do their job. It's obvious that if we leave it to this administration, it will be the same old, same old. And the family farmer will continue to wait for something to happen. USDA has broken too many promises already.

No more. My bill, the Packers and Stockyards Enforcement Improvements Act, will require USDA to implement GAO's commonsense recommendations, GAO's blueprint for success. Specifically, my bill will require that, within one year, USDA implement the recommendations of the GAO report, in consultation with DOJ and FTC. My bill will require that, during this one year implementation period, USDA will work with DOJ and FTC to identify anti-competitive violations and take enforcement action under the Packers and Stockyards Act. My bill will require USDA to set up a training program for competition investigations within one year. In addition, my bill will require USDA to provide Congress with a yearly report on the state of the cattle and hog industries and identify activities that represent potential violations under the Packers and Stockyards Act.

Finally, my bill will require USDA to report back to Congress within a year on what actions it has taken to comply with this act.

This is a good government bill. It doesn't change the authority of USDA to address anti-competitive activity in the livestock industry under the Packers and Stockyards Act. Obviously, there's no need to do that—USDA already has all the authority they need. Instead, my bill does something a lot more fundamental—it makes USDA and GIPSA reorganize, regroup and revamp their Packers and Stockyards program so they can do their job. Hopefully this will help change USDA's failure to take its current statutory responsibilities seriously. It seems to me that this is a recurring theme, the administration not enforcing the laws on the books and then blaming others for their inadequacies. But the report is clear. They are the problem. This GAO report is important because it has identified what the real problem is: USDA and the administration are asleep at the switch.

I ask unanimous consent to have my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3091

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Packers and Stockyards Enforcement Improvement Act of 2000".

**SEC. 2. ENFORCEMENT.**

(a) IMPLEMENTATION OF THE GENERAL ACCOUNTING OFFICE REPORT.—Not later than 1 year after September 21, 2000, the Secretary of Agriculture shall implement the recommendations of the report issued by the General Accounting Office entitled "Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices", GAO/RCED-00-242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the investigation management, operations, and case methods development processes recommendations in the report; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices, and enforce the Packers and Stockyards Act, 1921.

(c) TRAINING.—Not later than September 21, 2001, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in investigations of complaints of unfair and anti-competitive activity, drawing on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

**SEC. 3. REPORT.**

Title IV of the Packers and Stockyards Act, 1921 is amended by—

(1) redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) inserting after section 414 the following:

"SEC. 415. Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) assesses the general economic state of the cattle and hog industries; and

"(2) identifies business practices or market operations or activities in those industries that represent possible violations of this Act or are inconsistent with the goals of this Act.".

**SEC. 4. IMPLEMENTATION REPORT.**

The Secretary of Agriculture shall report to Congress on October 1, 2001, on the actions taken to comply with section 2.

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By Mrs. BOXER:

S. 3093. A bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes; to the Committee on Energy and Natural Resources.

THE HALT ELECTRICITY PRICE-GOUGING IN SAN DIEGO ACT

Mrs. BOXER. Mr. President, today I am introducing a very important bill, the Halt Electricity Price-gouging in San Diego Act. This bill, a companion to the bill introduced in the House on September 7, 2000 by Congressman FILNER, sends a loud and clear signal to electric companies in California that the federal government will not tolerate price gouging of our people.

California is currently experiencing an energy crisis, particularly in San Diego. Energy supplies are barely adequate on any given day to meet demand. Wholesale electricity prices have soared, causing San Diego Gas and Electric to pass along increased costs to consumers and resulting in bills that have increased as much as 300 percent in the San Diego area.

Small business owners and people on small or fixed incomes, especially the elderly, are particularly suffering. Other utilities in the state have similar supply and cost problems, causing losses in the hundreds of millions of dollars.

This bill would direct the Federal Energy Regulatory Commission (FERC) to impose price caps on wholesale electricity prices. The bill would also require power suppliers to refund fees charged above the FERC-imposed price cap since June 1, 2000. The precise total of refunds due would be determined by the Federal Energy Regulatory Commission.

I urge FERC to act swiftly and bring relief to those who have been hit by this terrible situation.

The fight for fair utility rates is going to be difficult and may require a number of other solutions. I will continue to work with Congressman FILNER and others to ensure that we end the crisis and prevent similar incidents in California and elsewhere in the United States.

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## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 459

At the request of Mr. HATCH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 1314

At the request of Mr. LEAHY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1314, a bill to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1822

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1822, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2123

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

S. 2264

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2345

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2345, a bill to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2601

At the request of Mr. ASHCROFT, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2601, a bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2717

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 2717, a bill to amend the Internal Revenue Code of 1986 to gradually increase the estate tax deduction for family-owned business interests.

S. 2841

At the request of Mr. ROBB, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2841, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 2953

At the request of Mr. TORRICELLI, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2953, a bill to amend title 38, United States Code, to improve outreach programs carried out by the Department of Veterans Affairs to provide for more fully informing veterans of benefits available to them under laws administered by the Secretary of Veterans Affairs.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3040

At the request of Mr. THOMPSON, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 3040, a bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes.

At the request of Mr. GRAMS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 3040, supra.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3077

At the request of Mr. MOYNIHAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3077, a bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes.

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## CONCURRENT RESOLUTION 138—EXPRESSING THE SENSE OF CONGRESS THAT A DAY OF PEACE AND SHARING SHOULD BE ESTABLISHED AT THE BEGINNING OF EACH YEAR

Mr. WELLSTONE (for himself, Mr. LIEBERMAN, Mr. KENNEDY, Mr. MOYNIHAN, Mr. REID, and Ms. LANDRIEU) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 138

Whereas human progress in the 21st century will depend upon global understanding and cooperation in finding positive solutions to hunger and violence;

Whereas the turn of the millennium offers unparalleled opportunity for humanity to examine its past, set goals for the future, and establish new patterns of behavior;

Whereas the people of the United States and the world observed the day designated by the United Nations General Assembly as "One Day in Peace, January 1, 2000" (General Assembly Resolution 54/29);

Whereas the example set on that day ought to be recognized globally and repeated each year;

Whereas the people of the United States seek to establish better relations with one another and with the people of all countries; and

Whereas celebration by the breaking of bread together traditionally has been the means by which individuals, societies, and nations join together in peace: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) each year should begin with a day of peace and sharing during which—

(A) people around the world should gather with family, friends, neighbors, their faith community, or people of another culture to pledge nonviolence in the new year and to share in a celebratory new year meal; and

(B) Americans who are able should match or multiply the cost of their new year meal with a timely gift to the hungry at home or abroad in a tangible demonstration of a desire for increased friendship and sharing among people around the world; and

(2) the President should issue a proclamation each year calling on the people of the United States and interested organizations to observe such a day with appropriate programs and activities.

Mr. WELLSTONE. Mr. President, I introduce today on behalf of myself and Senators LIEBERMAN, KENNEDY, REID, MOYNIHAN, LEVIN, and LANDRIEU, a resolution to designate January 1, 2001, and every following January 1st, as a day of peace and reconciliation among all peoples of the world. The purpose of this resolution is to create a day of peaceful celebration across the world and in our backyards, as well as a day for sharing food with others whose lives we normally do not touch in a personal way.

"One Day in Peace," a pledge of no violence in our homes, neighborhoods, and battlefields, on January 1, 2000, was supported by over 100 nations, 25 U.S. governors, hundreds of mayors worldwide and over 1,000 organizations in nearly 140 countries, as well as the UN General Assembly. It worked and the new millennium was ushered in with a day of peace worldwide.

At the same time, another event, The Millennium Meal Project, an international effort to use the tradition of breaking bread to promote peace and end hunger, was officially endorsed by the White House, members of both the House and Senate, the World Peace/

Inner Peace Conference and the Jubillenium World Conference on Religion and Peace featuring 19 diverse faiths and went exceedingly well this past January 1, 2000.

Now these two initiatives have joined together in order to encourage people all over the world, through sharing of a special meal, to reach out to one another for "One Day" by creating an environment of peace and mutualism. Since the beginning of recorded history, breaking bread together has been seen as a tradition when people from opposing sides can sit down and learn about one another in a peaceful manner.

Particularly we as Senators need to put aside our differences, on both sides of the aisle, to discover and celebrate our commonalities in order to prepare ourselves for working more harmoniously during the 107th Congress to solve the critical problems of both violence and hunger in our nation and in our world. We know, all too well, that children around the world and at home are going to bed hungry, and that our children are often afraid to go to school.

Let us make "One Day" a special time of reflection, to eliminate hunger and violence for children and families throughout the world, by sharing our prosperity and friendship with people from all backgrounds, beliefs and cultures. This day should be held high in importance to celebrate our diversities and differences, rather than emphasizing them as barriers between us.

I hope this resolution will be adopted unanimously.

## SENATE RESOLUTION 359—DESIGNATING OCTOBER 16, 2000, TO OCTOBER 20, 2000, AS "NATIONAL TEACH FOR AMERICA WEEK"

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 359

Whereas while the United States will need to hire over 2,000,000 new teachers over the next decade, Teach For America has proven itself an effective alternative means of recruiting gifted college graduates into the field of education;

Whereas in its decade of existence, Teach For America's 6,000 corps members have aided 1,000,000 low-income students at urban and rural sites across the United States;

Whereas Teach For America's popularity continues to skyrocket, with a record-breaking number of men and women applying to become corps members for the 2000-2001 school year;

Whereas over half of all Teach For America alumni continue to work within the field of education after their two years of service are complete;

Whereas Teach For America corps members leave their service committed to lifelong advocacy for low-income, underserved children;

Whereas over 100,000 schoolchildren are being taught by Teach For America corps members in 2000; and

Whereas October 16th through 20th will be Teach For America's fourth annual "Teach For America" week, during which government members, artists, historians, athletes, and other prominent community leaders will visit underserved classrooms served by Teach For America corps members: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Teach For America program, and its past and present participants, for its contribution to our Nation's public school system;

(2) designates the week beginning on October 16, 2000, and ending on October 20, 2000, as "National Teach For America Week"; and

(3) encourages Senators and all community leaders to participate in classroom visits to take place during the week.

## AMENDMENTS SUBMITTED

## WATER RESOURCES DEVELOPMENT ACT OF 2000

### SMITH OF NEW HAMPSHIRE (AND BAUCUS) AMENDMENT NO. 4164

Mr. SMITH of New Hampshire (for himself and Mr. BAUCUS) proposed an amendment to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.
Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.
Sec. 216. Hydroelectric power project funding.
Sec. 217. Assistance programs.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Boydsville, Arkansas.
Sec. 303. White River Basin, Arkansas and Missouri.
Sec. 304. Petaluma, California.
Sec. 305. Gasparilla and Estero Islands, Florida.
Sec. 306. Illinois River basin restoration, Illinois.
Sec. 307. Upper Des Plaines River and tributaries, Illinois.
Sec. 308. Atchafalaya Basin, Louisiana.
Sec. 309. Red River Waterway, Louisiana.
Sec. 310. Narraguagus River, Milbridge, Maine.
Sec. 311. William Jennings Randolph Lake, Maryland.
Sec. 312. Breckenridge, Minnesota.
Sec. 313. Missouri River Valley, Missouri.
Sec. 314. New Madrid County, Missouri.
Sec. 315. Pemiscot County Harbor, Missouri.
Sec. 316. Pike County, Missouri.
Sec. 317. Fort Peck fish hatchery, Montana.
Sec. 318. Sagamore Creek, New Hampshire.
Sec. 319. Passaic River Basin flood management, New Jersey.
Sec. 320. Rockaway Inlet to Norton Point, New York.
Sec. 321. John Day Pool, Oregon and Washington.
Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 323. Charleston Harbor, South Carolina.
Sec. 324. Savannah River, South Carolina.
Sec. 325. Houston-Galveston Navigation Channels, Texas.
Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
Sec. 327. Lake Champlain watershed, Vermont and New York.
Sec. 328. Waterbury Dam, Vermont.
Sec. 329. Mount St. Helens, Washington.
Sec. 330. Puget Sound and adjacent waters restoration, Washington.
Sec. 331. Fox River System, Wisconsin.
Sec. 332. Chesapeake Bay oyster restoration.
Sec. 333. Great Lakes dredging levels adjustment.
Sec. 334. Great Lakes fishery and ecosystem restoration.
Sec. 335. Great Lakes remedial action plans and sediment remediation.
Sec. 336. Great Lakes tributary model.
Sec. 337. Treatment of dredged material from Long Island Sound.
Sec. 338. New England water resources and ecosystem restoration.
Sec. 339. Project deauthorizations.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.

Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Fernandina Harbor, Florida.
Sec. 411. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 412. Boise River, Idaho.
Sec. 413. Wood River, Idaho.
Sec. 414. Chicago, Illinois.
Sec. 415. Boeuf and Black, Louisiana.
Sec. 416. Port of Iberia, Louisiana.
Sec. 417. South Louisiana.
Sec. 418. St. John the Baptist Parish, Louisiana.
Sec. 419. Portland Harbor, Maine.
Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 421. Searsport Harbor, Maine.
Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 423. Port of Gulfport, Mississippi.
Sec. 424. Upland disposal sites in New Hampshire.
Sec. 425. Southwest Valley, Albuquerque, New Mexico.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Duck Creek Watershed, Ohio.
Sec. 428. Fremont, Ohio.
Sec. 429. Grand Lake, Oklahoma.
Sec. 430. Dredged material disposal site, Rhode Island.
Sec. 431. Chickamauga Lock and Dam, Tennessee.
Sec. 432. Germantown, Tennessee.
Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 434. Cedar Bayou, Texas.
Sec. 435. Houston Ship Channel, Texas.
Sec. 436. San Antonio Channel, Texas.
Sec. 437. Vermont dams remediation.
Sec. 438. White River watershed below Mud Mountain Dam, Washington.
Sec. 439. Willapa Bay, Washington.
Sec. 440. Upper Mississippi River basin sediment and nutrient study.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
Sec. 505. Land conveyance, Candy Lake, Oklahoma.
Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

Sec. 601. Comprehensive Everglades Restoration Plan.
Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

TITLE VII—WILDLIFE REFUGE ENHANCEMENT

Sec. 701. Short title.
Sec. 702. Purpose.
Sec. 703. Definitions.
Sec. 704. Conveyance of cabin sites.
Sec. 705. Rights of nonparticipating lessees.
Sec. 706. Conveyance to third parties.
Sec. 707. Use of proceeds.
Sec. 708. Administrative costs.
Sec. 709. Termination of wildlife designation.
Sec. 710. Authorization of appropriations.

TITLE VIII—MISSOURI RIVER RESTORATION

Sec. 801. Short title.
Sec. 802. Findings and purposes.
Sec. 803. Definitions.
Sec. 804. Missouri River Trust.
Sec. 805. Missouri River Task Force.
Sec. 806. Administration.
Sec. 807. Authorization of appropriations.

### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

## TITLE I—WATER RESOURCES PROJECTS

### SEC. 101. PROJECT AUTHORIZATIONS.

(a) Projects With Chief's Reports.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) Barnegat Inlet to Little Egg Inlet, New Jersey.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) New York-New Jersey Harbor.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) Projects Subject to a Final Report.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) False Pass Harbor, Alaska.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) Unalaska Harbor, Alaska.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) Rio de Flag, Arizona.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000..

(4) Tres Rios, Arizona.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) Los Angeles Harbor, California.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) Murrieta Creek, California.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) Pine Flat Dam, California.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) Ranchos Palos Verdes, California.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) Santa Barbara Streams, California.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) Upper Newport Bay Harbor, California.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) Whitewater River Basin, California.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) Delaware Coast from Cape Henlopen to Fenwick Island, Delaware.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3.661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) Tampa Harbor, Florida.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) John T. Myers Lock and Dam, Indiana and Kentucky.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) Greenup Lock and Dam, Kentucky.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) Morganza, Louisiana, to Gulf of Mexico.—

(A) In general.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) Credit.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

**SEC. 102. SMALL SHORE PROTECTION PROJECTS.**

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

**SEC. 103. SMALL NAVIGATION PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

**SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

**SEC. 105. SMALL BANK STABILIZATION PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

**SEC. 106. SMALL FLOOD CONTROL PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

**SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSKINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Muskingum County, Ohio.

### SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

### SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

### SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Perry Creek, Iowa.".

### SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).".

## TITLE II—GENERAL PROVISIONS

### SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—

(1) by striking "State legislative"; and

(2) by inserting before the period at the end the following: "of the State or a body politic of the State".

### SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

### "SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

"(1) ecosystem protection and restoration;

"(2) flood damage reduction;

"(3) navigation and ports;

"(4) watershed protection;

"(5) water supply; and

"(6) drought preparedness.

"(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;

"(2) the Secretary of Agriculture;

"(3) the Secretary of Commerce;

"(4) the Administrator of the Environmental Protection Agency; and

"(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

"(1) the Delaware River basin; and

"(2) the Willamette River basin, Oregon.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

"(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

### SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) Consultation and Coordination With Secretary of the Interior.—

(1) In general.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) Integration of activities.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) Priority Projects.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) Cost Sharing.—

(1) Ability to pay.—

(A) In general.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) Use of procedures.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) Credit.—

(A) In general.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) Maximum amount of credit.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

### SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) In general.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

"(2) Criteria and procedures.—

"(A) In general.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

"(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

"(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

"(B) Revised criteria and procedures.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay."; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding "and" at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

"(B) may consider additional criteria relating to—

"(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

"(ii) additional assistance that may be available from other Federal or State sources.".

### SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) In General.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) Provision of Rewards.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

### SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

### SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: "in cases in which the activities require specialized training relating to hydroelectric power generation".

### SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking "$1,000,000" and inserting "$2,000,000"; and

(2) in the second sentence, by inserting "out" after "carry".

### SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) Definition of Indian Tribe.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) Reburial.—

(1) Reburial areas.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) Reburial.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) Conveyance Authority.—

(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) Retention of necessary property interests.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

### SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting "(a) In General.—" before "It shall";

(2) by striking "However, such structures" and inserting the following:

"(b) Waterways Within a Single State.—Notwithstanding subsection (a), structures described in subsection (a)";

(3) by striking "When plans" and inserting the following:

"(c) Modification of Plans.—When plans";

(4) by striking "The approval" and inserting the following:

"(d) Applicability.—

"(1) Bridges and causeways.—The approval"; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

"(2) Dams and dikes.—

"(A) In general.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

"(B) Other dams and dikes.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

"(i) shall be subject to section 10; and

"(ii) shall not be subject to the approval requirements of this section.".

### SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

### "SEC. 1001. PROJECT DEAUTHORIZATIONS.

"(a) Definitions.—In this section:

"(1) Construction.—The term 'construction', with respect to a project or separable element, means—

"(A) in the case of—

"(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and "(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

"(B) in the case of an environmental protection and restoration project—

"(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

"(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

"(C) in the case of any other water resources project, the performance of physical work under a construction contract.

"(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

"(b) PROJECTS NEVER UNDER CONSTRUCTION.—

"(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

"(A) are authorized for construction; and

"(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

"(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

"(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

"(1) LIST OF PROJECTS.—

"(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

"(i) that are authorized for construction;

"(ii) for which Federal funds have been obligated for construction of the project or separable element; and

"(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

"(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

"(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

"(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

"(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

"(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.".

### SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking "Within 6 months after the date of the enactment of this subsection, the" and inserting "The";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking "Such guidelines shall address" and inserting the following:

"(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

"(A) address"; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting "that non-Federal interests shall adopt and enforce" after "policies";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking "FLOOD PLAIN" and inserting "FLOODPLAIN"; and

(2) in the first sentence, by striking "flood plain" and inserting "floodplain".

### SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.".

### SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

### SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term "State" has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

### SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking "In carrying out" and all that follows through "(1) is" and inserting the following: "In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the

heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

"(1) are";

(2) in the first sentence of subsection (b), by striking "the proposed uprating" and inserting "any proposed uprating";

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

"(c) Use of Funds Provided by Preference Customers.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

"(d) Application.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).".

### SEC. 217. ASSISTANCE PROGRAMS.

(a) Conservation and Recreation Management.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) Rural Community Assistance.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment community participation, planning, development, and management activities.

(c) Cooperative Agreements.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

## TITLE III—PROJECT-RELATED PROVISIONS

### SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) General.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99-662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) Removal Process.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) Lands To Be Sold.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) Criteria for Land To Be Acquired.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) Dredged Material Disposal Sites.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) Other Mitigation Lands.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99-662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) Repeal.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

### SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

### SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) In General.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) Report.—

(1) In general.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) Timing.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) Contents.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

### SEC. 304. PETALUMA, CALIFORNIA.

(a) In General.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) In-Kind Services.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) Credit.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

### SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

### SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) Definition of Illinois River Basin.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) Comprehensive Plan.—

(1) Development.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) Technologies and innovative approaches.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) Specific components.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) Consultation.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) Additional studies and analyses.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) Critical Restoration Projects.—

(1) In general.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) Federal share.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) General Provisions.—

(1) Water quality.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) Public participation.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) Coordination.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) Justification.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) Applicability.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) Operation, maintenance, rehabilitation, and replacement.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) In-kind services.—

(A) In general.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) Items included.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) Credit.—

(A) Value of land.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) Work.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

### SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

### SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) In General.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) Authorities.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

### SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water

Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

### SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) Redesignation.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) Reauthorization.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

### SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

### SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) In General.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) In-Kind Services.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) Credit.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

### SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) Short Title.—This section may be cited as the "Missouri River Valley Improvement Act".

(b) Findings and Purposes.—

(1) Findings.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) Purposes.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) Definition of Missouri River.—In this section, the term "Missouri River" means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) Authority To Protect, Enhance, and Restore Fish and Wildlife Habitat.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking "(b) The general" and inserting the following:

"(b) Comprehensive Plan.—

"(1) In general.—The general";

(2) by striking "paragraph" and inserting "subsection"; and

(3) by adding at the end the following:

"(2) Fish and wildlife habitat.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.".

(e) Integration of Activities.—

(1) In general.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) New authority.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) Missouri River Mitigation Project.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: "There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.".

(g) Upper Missouri River Aquatic and Riparian Habitat Mitigation Program.—

(1) In general.—

(A) Study.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) Pilot program.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall

develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) Reservoir fish loss study.—

(A) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) Authorization of appropriations.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) Missouri and Middle Mississippi Rivers Enhancement Project.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.".

### SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) In General.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) Credit.—

(1) In general.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) Maximum amount of credit.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

### SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) Credit.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) Maximum Amount of Credit.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

### SEC. 316. PIKE COUNTY, MISSOURI.

(a) In General.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) Land Description.—The parcels of land referred to in subsection (a) are the following:

(1) Non-federal land.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) Federal land.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(c) Conditions.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) Deeds.—

(A) Non-federal land.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) Federal land.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) Removal of improvements.—

(A) In general.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) No liability.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) Time limit for land exchange.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) Legal description.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) Administrative costs.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) Value of Properties.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

### SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) Findings.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) Purposes.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) Definitions.—In this section:

(1) Fort peck lake.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) Hatchery project.—The term "hatchery project" means the project authorized by subsection (d).

(d) Authorization.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) Cost Sharing.—

(1) Design and construction.—

(A) Federal share.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) Form of non-federal share.—

(i) In general.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) Required crediting.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) Operation, maintenance, repair, and replacement.—

(A) In general.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) Costs Associated With Threatened and Endangered Species.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) Power.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) Availability of funds.—Sums made available under paragraph (1) shall remain available until expended.

### SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

### SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) In General.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) Membership.—The task force shall be composed of 20 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) Conforming Amendment.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking "MAIN STEM," and inserting "FLOOD MANAGEMENT PROJECT,".

### SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In General.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost Sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

### SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

### SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".

### SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

### SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term "New Savannah Bluff Lock and Dam" means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

### SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

### SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

### SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

### SEC. 328. WATERBURY DAM, VERMONT.

The Secretary shall implement the recommendations contained in the New England District report, dated August 2000, entitled "Waterbury Dam, Waterbury, Vermont, Dam Safety Assurance Program Report", at a total cost of $26,000,000, with an estimated Federal cost of $17,680,000 and an estimated non-Federal cost of $8,320,000.

### SEC. 329. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

### SEC. 330. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

### SEC. 331. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".

### SEC. 332. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking "$7,000,000" and inserting "$20,000,000"; and

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.".

### SEC. 333. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

### SEC. 334. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

### SEC. 335. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2010.".

### SEC. 336. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

"(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized"; and

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.".

### SEC. 337. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

### SEC. 338. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

### SEC. 339. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682.300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates

N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

## TITLE IV—STUDIES

### SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

### SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

### SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) Required Elements.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

### SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

### SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

### SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

### SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) In General.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $250,000.

### SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

### SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

### SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

### SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) In General.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) Required Elements.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

### SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

### SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

### SEC. 414. CHICAGO, ILLINOIS.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) Sites.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) Use of Information; Consultation.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

### SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

### SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

### SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

### SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

### SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

### SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1000 feet.

### SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

### SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) In General.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) Consideration of Other Studies.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

### SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

### SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

### SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Evaluation of Flood Damage Reduction Measures.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.".

### SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

### "SEC. 438. CUYAHOGA RIVER, OHIO.

"(a) In General.—The Secretary shall—

"(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

"(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

"(b) Cost Sharing.—The non-Federal share of the cost of the study shall be 35 percent.

"(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.".

### SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

### SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

### SEC. 429. GRAND LAKE, OKLAHOMA.

(a) Evaluation.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) Feasibility Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) Cost sharing.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

### SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

### SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) In General.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) Funding.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

### SEC. 432. GERMANTOWN, TENNESSEE.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) Justification Analysis.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) Cost Sharing.—

(1) Federal share.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) Non-federal share.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

### SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) Required Element.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

### SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

### SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

### SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

### SEC. 437. VERMONT DAMS REMEDIATION.

(a) In General.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) Dams To Be Evaluated.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) Cost Sharing.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.

### SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) Review.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) Issues.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

### SEC. 439. WILLAPA BAY, WASHINGTON.

(a) Study.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) Project.—

(1) In general.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) Land, easements, and rights-of-way.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

### SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) In General.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "at Fort Smith, Arkansas, on land provided by the city of Fort Smith.".

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".

### SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104-208; 110 Stat. 3009-748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

### SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term "easement prohibition" means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term "eligible property owner" means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term "fee land" means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term "flowage easement" means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term "Lake" means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) Prior Encroachment Resolutions.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) Prior Real Property Rights.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

### SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) In General.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) Map.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) Conditions.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) Environmental Response.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) Responsibilities After Conveyance.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) Applicability of Environmental Law.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

### SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking "a deceased" and inserting "an"; and

(2) by adding at the end the following:

"(4) Costs of nepa compliance.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

"(5) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

### SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

"(i) Richard B. Russell Dam and Lake, South Carolina.—

"(1) In general.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

"(2) Land description.—

"(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements.

"(B) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

"(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

"(4) Perpetual status.—

"(A) In general.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

"(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

"(5) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

"(6) Fish and wildlife mitigation agreement.—

"(A) In general.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

"(B) Failure of performance.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.".

### SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) Terrestrial Wildlife Habitat Restoration.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

"(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

"(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

"(bb) the carrying out of plans developed under this section; and"; and

(2) in subsection (b)(4)(B), by striking "section 604(d)(3)(A)(iii)" and inserting "section 604(d)(3)(A)".

(b) South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the State of South Dakota, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "Department of Game, Fish and Parks of the" before "State of"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;".

(c) Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "as tribal fuhds" after "for use"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;".

(d) Transfer of Federal Land to State of South Dakota.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking "in perpetuity" and inserting "for the life of the Mni Wiconi project";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) Deadline for transfer of recreation areas.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.";

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting "and" after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking "and" and inserting "or"; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) Structures.—

"(A) In general.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) Lease of recreation areas.—

"(i) In general.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

"(I) Oahe dam and lake.—

"(aa) Downstream Recreation Area.

"(bb) West Shore Recreation Area.

"(cc) East Shore Recreation Area.

"(dd) Tailrace Recreation Area.

"(II) Fort Randall dam and lake Francis Case.—

"(aa) Randall Creek Recreation Area.

"(bb) South Shore Recreation Area.

"(cc) Spillway Recreation Area.

"(III) Gavins point dam and Lewis and Clark lake.—Pierson Ranch Recreation Area.

"(ii) Lease boundaries.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.";

(4) in subsection (f)(1), by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(5) in subsection (g), by striking paragraph (3) and inserting the following:

"(3) Easements and access.—

"(A) In general.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(B) No effect on mission.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).";

(6) in subsection (h), by striking "of this Act" and inserting "of law"; and

(7) by adding at the end the following:

"(j) Cleanup of Land and Recreation Areas.—

"(1) In general.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) Funding.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(k) Cultural Resources Advisory Commission.—

"(1) In general.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

"(2) Membership.—The Commission shall be composed of—

"(A) 1 member representing the State of South Dakota;

"(B) 1 member representing the Cheyenne River Sioux Tribe;

"(C) 1 member representing the Lower Brule Sioux Tribe; and

"(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

"(3) Duty.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

"(4) Responsibilities, powers, and administration.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

"(l) Inventory and Stabilization of Cultural and Historic Sites.—

"(1) In general.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) Funding.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.".

(e) Transfer of Corps of Engineers Land for Affected Indian Tribes.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking "The Secretary" and inserting "Not later than January 1, 2002, the Secretary";

(2) in subsection (b)(1), by striking "Big Bend and Oahe" and inserting "Oahe, Big Bend, and Fort Randall";

(3) in subsection (d), by striking paragraph (2) and inserting the following:

"(2) Structures.—

"(A) In general.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

"(B) Lease of recreation areas.—

"(i) In general.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

"(I) Left Tailrace Recreation Area.

"(II) Right Tailrace Recreation Area.

"(III) Good Soldier Creek Recreation Area.

"(ii) Lease boundaries.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.";

(4) in subsection (f)—

(A) in paragraph (1), by striking "Federal law" and inserting "a Federal law specified in section 607(a)(6) or any other Federal law";

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

"(C) Easements and access.—

"(i) In general.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

"(ii) No effect on mission.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).";
and

(C) in paragraph (3)(B), by inserting before the period at the end the following: "that were administered by the Corps of Engineers as of the date of the land transfer."; and

(5) by adding at the end the following:

"(h) Cleanup of Land and Recreation Areas.—

"(1) In general.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

"(2) Funding.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(i) Inventory and Stabilization of Cultural and Historic Sites.—

"(1) In general.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) Funding.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(j) Sediment Contamination.—

"(1) In general.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

"(A) complete a study of sediment contamination in the Cheyenne River; and

"(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).".

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

"(d) BUDGET CONSIDERATIONS.—

"(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

"(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

"(A) be detailed;

"(B) include all necessary tasks and associated costs; and

"(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

"(a) SECRETARY.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

"(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

"(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

"(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

"(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

"(2) ALLOCATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

"(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

"(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

"(I) 65 percent to the State of South Dakota.

"(II) 26 percent to the Cheyenne River Sioux Tribe.

"(III) 9 percent to the Lower Brule Sioux Tribe.

"(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).".

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

"(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.".

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "the Tribe" and inserting "the affected Indian Tribe".

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking "the respective Tribe" each place it appears and inserting "the respective affected Indian Tribe".

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking "an Indian Tribe" and inserting "any Indian Tribe"; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**AFFECTED INDIAN TRIBES**";

(B) in paragraphs (1) and (4) of subsection (a), by striking "the Indian Tribes" each place it appears and inserting "the affected Indian Tribes";

(C) in subsection (c)(2), by striking "an Indian Tribe" and inserting "any Indian Tribe";

(D) in subsection (f)(2)(B)(i)—

(i) by striking "the respective tribes" and inserting "the respective affected Indian Tribes"; and

(ii) by striking "the respective Tribe's" and inserting "the respective affected Indian Tribe's"; and

(E) in subsection (g), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking "an Indian Tribe" each place it appears and inserting "any Indian Tribe".

## TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

### SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph

(B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) Pilot projects.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) Initial projects.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) Conditions.—

(i) Project implementation reports.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) Submission of report.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) Funding contingent on approval.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) Modified water delivery.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) Maximum cost of projects.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) Additional Program Authority.—

(1) In general.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) Project implementation reports.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) Funding.—

(A) Individual project funding.—

(i) Federal cost.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) Overall cost.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) Aggregate cost.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) Authorization of Future Projects.—

(1) In general.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) Submission of report.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) Non-federal responsibilities.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) Federal assistance.—

(A) In general.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) Agriculture funds.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) Operation and maintenance.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) Credit.—

(A) In general.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) Work.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

### SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) In General.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

## TITLE VII—WILDLIFE REFUGE ENHANCEMENT

### SEC. 701. SHORT TITLE.

This title may be cited as the "Charles M. Russell National Wildlife Refuge Enhancement Act of 2000".

### SEC. 702. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

### SEC. 703. DEFINITIONS.

In this title:

(1) Association.—The term "Association" means the Fort Peck Lake Association.

(2) Cabin site.—

(A) In general.—The term "cabin site" means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) Inclusions.—The term "cabin site" includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) Cabin site area.—

(A) In general.—The term "cabin site area" means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) Inclusion.—The term "cabin site area" includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) Lessee.—The term "lessee" means a person that is leasing a cabin site.

(5) Refuge.—The term "Refuge" means the Charles M. Russell National Wildlife Refuge in Montana.

### SEC. 704. CONVEYANCE OF CABIN SITES.

(a) In General.—

(1) Prohibition.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) Determination; notice.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 708(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) Offer of comparable cabin site.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) Response.—

(1) Notice of interest.—

(A) In general.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) Form.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) Unpurchased cabin sites.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 705 and 706.

(c) Process.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) Consultation and Public Involvement.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) Conveyance.—Subject to subsections (h) and (i) and section 708(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) Vehicular Access.—

(1) In general.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) Construction.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) Offer to convey.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) Utilities and Infrastructure.—

(1) In general.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) No federal assistance.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) Covenants and Deed Restrictions.—

(1) In general.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) Reservation of rights.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) No Conveyance of Unsuitable Cabin Sites.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) Identification of Land for Exchange.—

(1) In general.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 702 and for which a willing seller exists.

(2) Appraisal.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) Acquisition.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 702, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 707.

(4) Public participation.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

### SEC. 705. RIGHTS OF NONPARTICIPATING LESSEES.

(a) Continuation of Lease.—

(1) In general.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 704 (including a lessee who declines an offer of a comparable cabin site under section 704(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) Expiration before 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) Improvements.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) Option To Purchase.—Subject to subsections (d) and (e) and section 708(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 704(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) Covenants and Deed Restrictions.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 704(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) No Conveyance of Unsuitable Cabin Sites.—A cabin site that is determined to be unsuitable for conveyance under subsection 704(a)(2) shall not be conveyed by the Secretary under this section.

(f) Report.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 704(b) and have declined an opportunity to acquire a comparable cabin site under section 704(a)(3).

### SEC. 706. CONVEYANCE TO THIRD PARTIES.

(a) Conveyances to Third Parties.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 704(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 704(a)(2).

(b) Covenants and Deed Restrictions.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 704(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) Conveyance to Association.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

### SEC. 707. USE OF PROCEEDS.

(a) Proceeds.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 708(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 702; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) Limitation.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

### SEC. 708. ADMINISTRATIVE COSTS.

(a) In General.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) Reimbursement.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 704(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

### SEC. 709. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

### SEC. 710. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

## TITLE VIII—MISSOURI RIVER RESTORATION

### SEC. 801. SHORT TITLE.

This title shall be known as the "Missouri River Restoration Act of 2000".

### SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

### SEC. 803. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term "Committee" means the Executive Committee appointed under section 804(d).

(2) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) PLAN.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 805(e).

(4) STATE.—The term "State" means the State of South Dakota.

(5) TASK FORCE.—The term "Task Force" means the Missouri River Task Force established by section 805(a).

(6) TRUST.—The term "Trust" means the Missouri River Trust established by section 804(a).

### SEC. 804. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

### SEC. 805. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) Cost Sharing.—

(1) Assessment.—

(A) Federal share.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) Non-federal share.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) Plan.—

(A) Federal share.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) Non-federal share.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) Federal share.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) Non-federal share.—

(i) In general.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) Required non-federal contributions.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) Credit.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

**SEC. 806. ADMINISTRATION.**

(a) In General.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Federal Liability for Damage.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) Flood Control.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) Use of Funds.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

**SEC. 807. AUTHORIZATION OF APPROPRIATIONS.**

(a) Initial Funding.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) Existing Programs.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

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### WARNER (AND OTHERS) AMENDMENT NO. 4165

Mr. WARNER (for himself, Mr. Voinovich, and Mr. Inhofe) proposed an amendment to the bill, S. 2796, supra; as follows:

On page 196, strike lines 1 through 7 and insert the following:

(4) Operation and maintenance.—The operation, maintenance, repair, replacement, and rehabilitation of projects and activities carried out under this section shall be consistent with section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770).

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### HELMS AMENDMENT NO. 4166

Mr. SMITH of New Hampshire (for Mr. Helms) proposed an amendment to the bill, S. 2796, supra; as follows:

At the appropriate place in title III, insert the following:

**SEC. . BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.**

(a) Definition of Beaches.—In this section, the term "beaches" means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) Renourishment Study.—The Secretary shall expedite completion a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

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### GORTON AMENDMENT NO. 4167

Mr. SMITH of New Hampshire (for Mr. Gorton) proposed an amendment to the bill, S. 2796, supra; as follows:

Sec. . (a) The Secretary after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision making in the permitting process.

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### REED AMENDMENTS NOS. 4168–4169

Mr. BAUCUS (for Mr. Reed) proposed two amendments to the bill, S. 2796, supra, as follows:

#### Amendment No. 4168

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purposes.

#### Amendment No. 4169

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

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### CONRAD (AND DORGAN) AMENDMENT NO. 4170

Mr. BAUCUS (for Mr. Conrad (for himself and Mr. Dorgan)) proposed an amendment to the bill. S. 2796, supra; as follows:

After title VI, insert the following:

#### TITLE —MISSOURI RIVER PROTECTION AND IMPROVEMENT

**SEC. 01. SHORT TITLE.**

This title shall be known as the "Missouri River Protection and Improvement Act of 2000".

**SEC. 02. FINDINGS AND PURPOSES.**

(a) Findings.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the

Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

### SEC. 03. DEFINITIONS.

In this title:

(1) PICK-SLOAN PROGRAM.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) PLAN.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 05(e).

(3) STATE.—The term "State" means the State of North Dakota.

(4) TASK FORCE.—The term "Task Force" means the North Dakota Missouri River Task Force established by section 05(a).

(5) TRUST.—The term "Trust" means the North Dakota Missouri River Trust established by section 04(a).

### SEC. 04. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) Membership.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

1. the North Dakota Department of Health;

2. the North Dakota Department of Parks and Recreation;

3. the North Dakota Department of Game and Fish;

4. the North Dakota State Water Commission; and

5. the North Dakota Indian Affairs Commission.

6. agriculture groups;

7. environmental or conservation organizations;

8. the hydroelectric power industry;

9. recreation user groups;

10. local governments; and

11. other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

### SEC. 05. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) Required non-federal contributions.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) Credit.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

**SEC. 06. ADMINISTRATION.**

(a) In General.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) Federal Liability for Damage.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) Flood Control.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) Use of Funds.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

**SEC. 07. AUTHORIZATION OF APPROPRIATIONS.**

(a) Initial Funding.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) Existing Programs.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

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## TORRICELLI AMENDMENT NO. 4171

Mr. BAUCUS (for Mr. Torricelli) proposed an amendment to the bill, S. 2796, supra; as follows:

At the appropriate place, insert the following section:

**SEC. . SHORT TITLE.**

This section may be cited as the "Dredged Material Reuse Act".

**SEC. . FINDING.**

Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environment and economic purposes.

**SEC. . DEFINITION**

In this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

**SEC. . PROGRAM FOR REUSE OF DREDGED MATERIAL.**

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(b) Limitations.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(c) Regional Responsibility.—The program described in subsection (a) may authorize each of the 8 Division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities, shall be deposited in the U.S. Treasury.

(d) Reports.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

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## SMITH OF NEW HAMPSHIRE AMENDMENTS NOs. 4172–4173

Mr. SMITH of New Hampshire proposed two amendments to the bill, S. 2796, supra; as follows:

Amendment No. 4172

On page 49, line 1, insert a comma between "assessment" and "community".

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Amendment No. 4173

At the appropriate place insert:

**SEC. . NATIONAL ACADEMY OF SCIENCES STUDIES.**

(a) Definitions.—In this section:

(1) Academy.—The term "Academy" means the National Academy of Sciences.

(2) Method.—The term "method" means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) Feasibility report.—The term "feasibility report" means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) Water resources project.—The term "water resources project" means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) Independent Peer Review of Projects.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) Study elements.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) Academy report.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) Independent Peer Review of Methods for Project Analysis.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) Academy report.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

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## BEACHES ENVIRONMENTAL ASSESSMENT, CLEANUP, AND HEALTH ACT OF 2000

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### SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4174

Mr. SMITH of New Hampshire proposed an amendment to the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".

**SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.**

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

"(i) Coastal Recreation Water Quality Criteria.—

"(1) Adoption by states.—

"(A) Initial criteria and standards.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

"(B) New or revised criteria and standards.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

"(2) Failure of states to adopt.—

"(A) In general.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

"(B) Exception.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.

"(3) Applicability.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.".

**SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.**

(a) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

"(v) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

"(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.".

(b) Revised Criteria.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) Revised criteria for coastal recreation waters.—

"(A) In general.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

"(B) Reviews.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria.".

**SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

**"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

"(a) Monitoring and Notification.—

"(1) In general.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

"(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

"(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

"(2) Level of protection.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

"(b) Program Development and Implementation Grants.—

"(1) In general.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.

"(2) Limitations.—

"(A) In general.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

"(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

"(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

"(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

"(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and

"(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

"(B) Grants to local governments.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

"(3) Other requirements.—

"(A) Report.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

"(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

"(ii) actions taken to notify the public when water quality standards are exceeded.

"(B) Delegation.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

‘‘(4) Federal share.—

‘‘(A) In general.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

‘‘(B) Non-federal share.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

‘‘(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

‘‘(ii) provided in cash or in kind.

‘‘(c) Content of State and Local Government Programs.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

‘‘(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

‘‘(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

‘‘(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

‘‘(A) the periods of recreational use of the waters;

‘‘(B) the nature and extent of use during certain periods;

‘‘(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

‘‘(D) any effect of storm events on the waters;

‘‘(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

‘‘(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

‘‘(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

‘‘(A) the Administrator, in such form as the Administrator determines to be appropriate; and

‘‘(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

‘‘(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

‘‘(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

‘‘(d) Federal Agency Programs.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

‘‘(1) protects the public health and safety;

‘‘(2) is consistent with the performance criteria published under subsection (a);

‘‘(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

‘‘(4) addresses the matters specified in subsection (c).

‘‘(e) Database.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—

‘‘(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

‘‘(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

‘‘(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

‘‘(B) the Administrator determines should be included.

‘‘(f) Technical Assistance for Monitoring Floatable Material.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

‘‘(g) List of Waters.—

‘‘(1) In general.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

‘‘(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

‘‘(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

‘‘(2) Availability.—The Administrator shall make the list described in paragraph (1) available to the public through—

‘‘(A) publication in the Federal Register; and

‘‘(B) electronic media.

‘‘(3) Updates.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

‘‘(h) EPA Implementation.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

‘‘(1) to conduct monitoring and notification; and

‘‘(2) for related salaries, expenses, and travel.

‘‘(i) Authorization of Appropriations.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.’’.

**SEC. 5. DEFINITIONS.**

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

‘‘(21) Coastal recreation waters.—

‘‘(A) In general.—The term ‘coastal recreation waters’ means—

‘‘(i) the Great Lakes; and

‘‘(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

‘‘(B) Exclusions.—The term ‘coastal recreation waters’ does not include—

‘‘(i) inland waters; or

‘‘(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

‘‘(22) Floatable material.—

‘‘(A) In general.—The term ‘floatable material’ means any foreign matter that may float or remain suspended in the water column.

‘‘(B) Inclusions.—The term ‘floatable material’ includes—

‘‘(i) plastic;

‘‘(ii) aluminum cans;

‘‘(iii) wood products;

‘‘(iv) bottles; and

‘‘(v) paper products.

‘‘(23) Pathogen indicator.—The term ‘pathogen indicator’ means a substance that indicates the potential for human infectious disease.’’.

**SEC. 6. INDIAN TRIBES.**

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking ‘‘and 404’’ and inserting ‘‘404, and 406’’.

**SEC. 7. REPORT.**

(a) In General.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) Coordination.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.

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## BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1999

### SMITH OF NEW HAMPSHIRE AMENDMENT NO. 4175

Mr. SMITH proposed an amendment to the bill (S. 522) to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".

**SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.**

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

"(i) Coastal Recreation Water Quality Criteria.—

"(1) Adoption by States.—

"(A) Initial criteria and standards.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

"(B) New or revised criteria and standards.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

"(2) Failure of States to adopt.—

"(A) In general.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

"(B) Exception.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.

"(3) Applicability.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.".

**SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.**

(a) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

"(v) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

"(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.".

(b) Revised Criteria.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

"(9) Revised criteria for coastal recreation waters.—

"(A) In general.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

"(B) Reviews.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria.".

**SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

**"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

"(a) Monitoring and Notification.—

"(1) In general.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

"(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

"(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

"(2) Level of protection.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

"(b) Program Development and Implementation Grants.—

"(1) In general.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.

"(2) Limitations.—

"(A) In general.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

"(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

"(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

"(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

"(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and

"(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

"(B) Grants to local governments.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

"(3) Other requirements.—

"(A) Report.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

"(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

"(ii) actions taken to notify the public when water quality standards are exceeded.

"(B) Delegation.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

"(4) Federal share.—

"(A) In general.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

"(B) Non-federal share.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

"(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

"(ii) provided in cash or in kind.

"(c) Content of State and Local Government Programs.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

"(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

"(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

"(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

"(A) the periods of recreational use of the waters;

"(B) the nature and extent of use during certain periods;

"(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

"(D) any effect of storm events on the waters;

"(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

"(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

"(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

"(A) the Administrator, in such form as the Administrator determines to be appropriate; and

"(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

"(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

"(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

"(d) Federal Agency Programs.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

"(1) protects the public health and safety;

"(2) is consistent with the performance criteria published under subsection (a);

"(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

"(4) addresses the matters specified in subsection (c).

"(e) Database.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—

"(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

"(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

"(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

"(B) the Administrator determines should be included.

"(f) Technical Assistance for Monitoring Floatable Material.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

"(g) List of Waters.—

"(1) In general.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

"(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

"(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

"(2) Availability.—The Administrator shall make the list described in paragraph (1) available to the public through—

"(A) publication in the Federal Register; and

"(B) electronic media.

"(3) Updates.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

"(h) EPA Implementation.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

"(1) to conduct monitoring and notification; and

"(2) for related salaries, expenses, and travel.

"(i) Authorization of Appropriations.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.".

### SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(21) Coastal recreation waters.—

"(A) In general.—The term 'coastal recreation waters' means—

"(i) the Great Lakes; and

"(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

"(B) Exclusions.—The term 'coastal recreation waters' does not include—

"(i) inland waters; or

"(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

"(22) Floatable material.—

"(A) In general.—The term 'floatable material' means any foreign matter that may float or remain suspended in the water column.

"(B) Inclusions.—The term 'floatable material' includes—

"(i) plastic;

"(ii) aluminum cans;

"(iii) wood products;

"(iv) bottles; and

"(v) paper products.

"(23) Pathogen indicator.—The term 'pathogen indicator' means a substance that indicates the potential for human infectious disease.".

### SEC. 6. INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking "and 404" and inserting "404, and 406".

### SEC. 7. REPORT.

(a) In General.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) Coordination.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.

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## FEDERAL RESEARCH INVESTMENT ACT

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### FRIST (AND ROCKEFELLER) AMENDMENT NO. 4176

Mr. SMITH of New Hampshire (for Mr. FRIST (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill (S. 2046) to reauthorize the Next Generation Internet Act, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Research Investment Act".

### TITLE I—FEDERAL RESEARCH INVESTMENT

**SEC. 101. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.**

(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that has saved lives in the United States and around the world.

(2) The research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently are underrepresented in the national science and technology enterprise.

(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal investment in research and development activities:

(1) Civilian research and development expenditures reached their pinnacle in the mid-1960s due to the Apollo Space program, declining for several years thereafter. Despite significant growth in the late 1980s and early 1990s, these expenditures, in constant dollars, have not returned to the levels of the 1960s.

(2) Fiscal realities now challenge Congress and the President to steer the Federal government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

**SEC. 102. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.**

The Congress makes the following findings with respect to health-related research:

(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.

(2) FUNDING OF HEALTH-RELATED RESEARCH.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in both fiscal year 1999 and fiscal year 2000. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.

(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.

**SEC. 103. ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN RESEARCH AND TECHNOLOGY.**

The Congress makes the following findings:

(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each support a narrow phase of research or development and are not coordinated with one another. The government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a precommercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) EXCELLENCE IN AMERICAN UNIVERSITY RESEARCH INFRASTRUCTURE.—Federal investment in science, engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.

(3) COMMITMENT TO A BROAD RANGE OF RESEARCH INITIATIVES.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.

(4) PARTNERSHIPS AMONG INDUSTRY, UNIVERSITIES, AND FEDERAL LABORATORIES.—Each of these contributors to the national science and technology delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.

**SEC. 104. MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.**

(a) MAINTAINING UNITED STATES LEADERSHIP IN SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.

(b) GUIDING PRINCIPLES.—Federal research and development programs should be conducted in accordance with the following guiding principles:

(1) GOOD SCIENCE.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.

(2) FISCAL ACCOUNTABILITY.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a

project's and program's progress against carefully planned milestones and international benchmarks.

(3) PROGRAM EFFECTIVENESS.—The United States needs to make sure that government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.

(4) CRITERIA FOR GOVERNMENT FUNDING.—Program selection for Federal funding should continue to reflect the nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the nation's long-term future scientific and technological capacity, for which government has traditionally served as the principal resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, all of which may also raise the standard of living, which may include pre-commercial, pre-competitive engineering research and technology development. Additionally, government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the government should not invest in commercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.

**SEC. 105. POLICY STATEMENT.**

(a) POLICY.—This title is intended to—

(1) assure a doubling of the base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, achieved by steadily increasing the annual funding of civilian research and development programs so that the total annual investment equals 10 percent of the Federal government's discretionary budget by fiscal year 2011;

(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);

(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;

(4) allow for accelerated growth of individual agencies to meet critical national needs;

(5) guarantee the leadership of the United States in science, engineering, medicine, and technology;

(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise; and

(7) continue aggressive Congressional oversight and annual budgetary authorization of the individual agencies listed in subsection (b).

(b) AGENCIES COVERED.—The agencies and trust instrumentality intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this title are—

(1) the National Institutes of Health, within the Department of Health and Human Services;

(2) the National Science Foundation;

(3) the National Institute for Standards and Technology, within the Department of Commerce;

(4) the National Aeronautics and Space Administration;

(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;

(6) the Centers for Disease Control, within the Department of Health and Human Services.

(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);

(8) the Department of Agriculture;

(9) the Department of Transportation;

(10) the Department of the Interior;

(11) the Department of Veterans Affairs;

(12) the Smithsonian Institution;

(13) the Department of Education;

(14) the Environmental Protection Agency;

(15) the Food and Drug Administration, within the Department of Health and Human Services; and

(16) the Federal Emergency Management Agency.

(c) DAMAGE TO RESEARCH INFRASTRUCTURE.—A funding trend equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.

(d) FUTURE FISCAL YEAR ALLOCATIONS.—

(1) GOAL.—The goal of this title is to increase the percentage of the Federal discretionary budget allocated for civilian research and development by 0.3 percent annually to realize a total of 10 percent of the Federal discretionary budget by fiscal year 2011.

(2) AMOUNTS AUTHORIZED.—There are authorized to be appropriated to the agencies listed in subsection (b) for civilian research and development the following amounts:

(A) $43,080,000,000 for fiscal year 2001.

(B) $45,160,000,000 for fiscal year 2002.

(C) $47,820,000,000 for fiscal year 2003.

(D) $50,540,000,000 for fiscal year 2004.

(E) $53,410,000,000 for fiscal year 2005.

(3) FISCAL YEARS 2006–2011.—There is authorized to be appropriated to the agencies listed in subsection (b) for civilian research and development for each of the fiscal years 2006 through 2011 an amount that, on the basis of projections of Federal discretionary budget amounts as such projections become available, will meet the goal established by paragraph (1).

(4) ACCELERATION TO MEET NATIONAL NEEDS.—

(A) IN GENERAL.—If an agency listed in subsection (b) has an accelerated funding fiscal year, then, except as provided by subparagraph (C), the amount authorized by paragraph (2) or determined under paragraph (3) for the fiscal year following the accelerated funding fiscal year shall be determined in accordance with subparagraph (B).

(B) EXCLUSION OF ACCELERATED FUNDING AGENCY.—The amount authorized to be appropriated for civilian research and development under this subparagraph for a fiscal year shall be determined—

(i) by reducing the total amount that, but for subparagraph (A), would be authorized to be appropriated by paragraph (2) or paragraph (3) by a percentage equal to the percentage of total amount authorized by that paragraph for the fiscal year preceding the accelerated funding fiscal year to the agency that had the accelerated funding fiscal year; and

(ii) allocating the reduced amount among all agencies listed in subsection (b) other than the agency that had the accelerated funding fiscal year.

(C) EXCEPTION TO ACCELERATED FUNDING AGENCY RULE.—Subparagraph (B) does not apply if the amount appropriated to an agency for civilian research and development purposes for a fiscal year, adjusted for inflation (assuming an annual rate of inflation of 3 percent), does not exceed the amount appropriated to that agency for those purposes for fiscal year 2000 increased by 2.5 percent a year for each fiscal year after fiscal year 2000.

(D) ACCELERATED FUNDING FISCAL YEAR DEFINED.—In this subsection, the term "accelerated funding fiscal year" means a fiscal year for which the amount appropriated to an agency for civilian research and development purposes is an increase of more than 8 percent over the amount appropriated to that agency for the preceding fiscal year for those purposes.

(e) CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this title in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.

(f) BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.

(g) CONGRESSIONAL AUTHORIZATION PROCESS.—The policies and authorizations in this Act establish minimum levels for the overall Federal civilian research portfolio across the agencies listed in subsection (b) under the procedures defined in subsection (d). The amounts authorized by subsection (d) establish a framework within which the authorizing committees of the Congress are to work when authorizing funding for specific Federal agencies engaged in science, engineering, and technology activities.

**SEC. 106. ANNUAL RESEARCH AND DEVELOPMENT ANALYSES.**

The Director of the Office of Science and Technology shall provide, no later than February 15th of each year, a report to Congress that includes—

(1) a detailed summary of the total level of funding for civilian research and development programs throughout all Federal agencies;

(2) a focused strategy that is consistent with the funding projections of this title for each future fiscal year until 2011, including specific targets for each agency that funds civilian research and development;

(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those

terms in chapter 63 of title 31, United States Code);

(4) a Federal strategy for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community; and

(5) an annual analysis of the total level of funding for civilian research and development programs throughout all Federal agencies as compared to the previous fiscal year's Congressional budget appropriations for science, engineering, and technology activities of the agencies described in section 105(b), that details for the current fiscal year—

(A) how total funding levels compare to those authorized according to section 105(d);

(B) how the differences in those funding levels will affect the health, stability, and international standing of the Federal civilian research and development infrastructure;

(C) how the disparities in those levels affect the ability of the agencies covered by this Act to perform their missions; and

(D) which agencies are excluded under this Act due to accelerated funding and the aggregate amount to be authorized to other agencies under section 105(d).

### SEC. 107. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.

(a) Study.—The Director of the Office of Science and Technology Policy shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating Federally-funded research and development programs. The Director shall report the results of the study to the Congress not later than 18 months after the date of enactment of this Act. This study shall—

(1) recommend processes to determine an acceptable level of success for Federally-funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal government to evaluate Federally-funded research and development programs;

(2) assess the extent to which civilian research and development agencies incorporate independent merit-based review into the formulation of their strategic plans and performance plans;

(3) recommend mechanisms for identifying Federally-funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of Federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our nation's historical research and development priorities—

(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the nation; and

(B) mission research derived from a high-priority public function.

(b) Alternative Forms for Performance Goals.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a program activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.

(c) Strategic Plans.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).

(d) Definitions.—In this section:

(1) Director.—The Term "Director" means the Director of the Office of Science and Technology Policy.

(2) Program activity.—The term "program activity" has the meaning given that term by section 1115(f)(6) of title 31, United States Code.

(3) Independent merit-based evaluation.—The term "independent merit-based evaluation" means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000, which shall remain available until expended.

### SEC. 108. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.

(a) In General.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

**"§ 1120. Accountability for research and development programs**

"(a) Identification of Unsuccessful Programs.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an acceptable level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.

"(b) Accountability If No Improvement Shown.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction—

"(1) a concise statement of the steps necessary to—

"(A) bring such program into compliance with performance goals; or

"(B) terminate such program should compliance efforts fail; and

"(2) any legislative changes needed to put the steps contained in such statement into effect.".

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

"1120. Accountability for research and development programs".

(2) Section 1115(f) of title 31, United States Code, is amended by striking "section and sections 1116 through 1119," and inserting "section, sections 1116 through 1120,".

## TITLE II—NETWORKING AND INFORMATION TECHNOLOGY

### SEC. 201. SHORT TITLE.

This title may be cited as the "Networking and Information Technology Research and Development Act".

### SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) Information technology will continue to change the way Americans live, learn, and work. The information revolution will improve the workplace and the quality and accessibility of health care and education and make government more responsible and accessible. It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities.

(2) Information technology is an imperative enabling technology that contributes to scientific disciplines. Major advances in biomedical research, public safety, engineering, and other critical areas depend on further advances in computing and communications.

(3) The United States is the undisputed global leader in information technology.

(4) Information technology is recognized as a catalyst for economic growth and prosperity.

(5) Information technology represents one of the fastest growing sectors of the United States economy, with electronic commerce alone projected to become a trillion-dollar business by 2005.

(6) Businesses producing computers, semiconductors, software, and communications equipment account for one-third of the total

growth in the United States economy since 1992.

(7) According to the United States Census Bureau, between 1993 and 1997, the information technology sector grew an average of 12.3 percent per year.

(8) Fundamental research in information technology has enabled the information revolution.

(9) Fundamental research in information technology has contributed to the creation of new industries and new, high-paying jobs.

(10) Our Nation's well-being will depend on the understanding, arising from fundamental research, of the social and economic benefits and problems arising from the increasing pace of information technology transformations.

(11) Scientific and engineering research and the availability of a skilled workforce are critical to continued economic growth driven by information technology.

(12) In 1997, private industry provided most of the funding for research and development in the information technology sector. The information technology sector now receives, in absolute terms, one-third of all corporate spending on research and development in the United States economy.

(13) The private sector tends to focus its spending on short-term, applied research.

(14) The Federal Government is uniquely positioned to support long-term fundamental research.

(15) Federal applied research in information technology has grown at almost twice the rate of Federal basic research since 1986.

(16) Federal science and engineering programs must increase their emphasis on long-term, high-risk research.

(17) Current Federal programs and support for fundamental research in information technology is inadequate if we are to maintain the Nation's global leadership in information technology.

### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $728,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004. Amounts authorized under this subsection shall be the total amounts authorized to the National Science Foundation for a fiscal year for the Program, and shall not be in addition to amounts previously authorized by law for the purposes of the Program.".

(b) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—Section 202(b) of the High-Performance Computing Act of 1991 (15 U.S.C 5522(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" are inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $164,400,000 for fiscal year 2000; $201,000,000 for fiscal year 2001; $208,000,000 for fiscal year 2002; $224,000,000 for fiscal year 2003; and $231,000,000 for fiscal year 2004.".

(c) DEPARTMENT OF ENERGY.—Section 203(e)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(e)(1)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $119,500,000 for fiscal year 2000; $175,000,000 for fiscal year 2001; $220,000,000 for fiscal year 2002; $250,000,000 for fiscal year 2003; and $300,000,000 for fiscal year 2004.".

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—(1) Section 204(d)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(1)) is amended—

(A) by striking "1995; and" and inserting "1995;"; and

(B) by striking "1996; and" and inserting "1996; $9,000,000 for fiscal year 2000; $9,500,000 for fiscal year 2001; $10,500,000 for fiscal year 2002; $16,000,000 for fiscal year 2003; and $17,000,000 for fiscal year 2004; and".

(2) Section 204(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)) is amended by striking "From sums otherwise authorized to be appropriated, there" and inserting "There".

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(d)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(2)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $13,500,000 for fiscal year 2000; $13,900,000 for fiscal year 2001; $14,300,000 for fiscal year 2002; $14,800,000 for fiscal year 2003; and $15,200,000 for fiscal year 2004.".

(f) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $4,200,000 for fiscal year 2000; $4,300,000 for fiscal year 2001; $4,500,000 for fiscal year 2002; $4,600,000 for fiscal year 2003; and $4,700,000 for fiscal year 2004.".

(g) NATIONAL INSTITUTES OF HEALTH.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

### "SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Institutes of Health shall support activities directed toward establishing University-based centers of excellence pursuing research and training in areas of intersection of information technology and the biomedical, life sciences, and behavioral research; research and development on technologies and processes to better manage genomic and related life science data bases; and, computation infrastructure for and related research on modeling and simulation, as applied to biomedical, life science, and behavioral research. In pursuing the above programs and in support of its mission of biomedical, life sciences, and behavioral research, National Institutes of Health should work in close cooperation with agencies involved in related information technology research and application efforts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.".

### SEC. 204. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended by adding at the end the following new subsections:

"(c) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.—(1) Of the amounts authorized under subsection (b), $350,000,000 for fiscal year 2000; $421,000,000 for fiscal year 2001, $442,000,000 for fiscal year 2002, $486,000,000 for fiscal year 2003, and $515,000,000 for fiscal year 2004 shall be available for grants for long-term basic research on networking and information technology, with priority given to research that helps address issues related to high end computing and software; network stability, fragility, reliability, security (including privacy and counterinitiatives), and scalability; and the social and economic consequences (including the consequences for healthcare) of information technology.

"(2) In each of the fiscal years 2000 and 2001, the National Science Foundation shall award under this subsection up to 25 large grants of up to $1,000,000 each, and in each of the fiscal years 2002, 2003, and 2004, the National Science Foundation shall award under this subsection up to 35 large grants of up to $1,000,000 each.

"(3)(A) Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, $55,000,000 for fiscal year 2003, and $60,000,000 for fiscal year 2004 shall be available for grants of up to $5,000,000 each for Information Technology Research Centers.

"(B) For purposes of this paragraph, the term 'Information Technology Research Centers' means groups of six or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects which will significantly advance the science supporting the development of information technology or the use of information technology in addressing scientific issues of national importance.

"(d) MAJOR RESEARCH EQUIPMENT.—(1) In addition to the amounts authorized under subsection (b), there are authorized to be appropriated to the National Science Foundation $70,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, $80,000,000 for fiscal year 2002, $80,000,000 for fiscal year 2003, and $85,000,000 for fiscal year 2004 for grants for the development of major research equipment to establish terascale computing capabilities at one or more sites and to promote diverse computing architectures. Awards made under this subsection shall provide for support for the operating expenses of facilities established to provide the terascale computing capabilities, with funding for such operating expenses derived from amounts available under subsection (b).

"(2) Grants awarded under this subsection shall be awarded through an open, nationwide, peer-reviewed competition. Awardees may include consortia consisting of members from some or all of the following types of institutions:

"(A) Academic supercomputer centers.

"(B) State-supported supercomputer centers.

"(C) Supercomputer centers that are supported as part of federally funded research and development centers.

Notwithstanding any other provision of law, regulation, or agency policy, a federally funded research and development center may apply for a grant under this subsection, and may compete on an equal basis with any other applicant for the awarding of such a grant.

"(3) As a condition of receiving a grant under this subsection, an awardee must agree—

"(A) to connect to the National Science Foundation's Partnership for Advanced Computational Infrastructure network;

"(B) to the maximum extent practicable, to coordinate with other federally funded large-scale computing and simulation efforts; and

"(C) to provide open access to all grant recipients under this subsection or subsection (c).

"(e) Information Technology Education and Training Grants—

"(1) Information technology grants.—The National Science Foundation shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this paragraph shall be limited to improving education in fields related to information technology. The Foundation shall encourage institutions with a substantial percentage of student enrollments from groups underrepresented in information technology industries to participate in the competition for grants provided under this paragraph.

"(2) Internship grants.—The National Science Foundation shall provide—

"(A) grants to institutions of higher education to establish scientific internship programs in information technology research at private sector companies; and

"(B) supplementary awards to institutions funded under the Louis Stokes Alliances for Minority Participation program for internships in information technology research at private sector companies.

"(3) Matching funds.—Awards under paragraph (2) shall be made on the condition that at least an equal amount of funding for the internship shall be provided by the private sector company at which the internship will take place.

"(4) Definition.—For purposes of this subsection, the term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) Availability of funds.—Of the amounts described in subsection (c)(1), **$10,000,000** for fiscal year 2000, **$15,000,000** for fiscal year 2001, **$20,000,000** for fiscal year 2002, **$25,000,000** for fiscal year 2003, and **$25,000,000** for fiscal year 2004 shall be available for carrying out this subsection.

"(f) Educational Technology Research.—

"(1) Research program.—As part of its responsibilities under subsection (a)(1), the National Science Foundation shall establish a research program to develop, demonstrate, assess, and disseminate effective applications of information and computer technologies for elementary and secondary education. Such program shall—

"(A) support research, including collaborative projects involving academic researchers and elementary and secondary schools, to develop innovative educational materials, including software, and pedagogical approaches based on applications of information and computer technology;

"(B) support empirical studies to determine the educational effectiveness and the cost effectiveness of specific, promising educational approaches, techniques, and materials that are based on applications of information and computer technologies; and

"(C) include provision for the widespread dissemination of the results of the studies carried out under subparagraphs (A) and (B), including maintenance of electronic libraries of the best educational materials identified accessible through the Internet.

"(2) Replication.—The research projects and empirical studies carried out under paragraph (1)(A) and (B) shall encompass a wide variety of educational settings in order to identify approaches, techniques, and materials that have a high potential for being successfully replicated throughout the United States.

"(3) Availability of funds.—Of the amounts authorized under subsection (b), **$10,000,000** for fiscal year 2000, **$10,500,000** for fiscal year 2001, **$11,000,000** for fiscal year 2002, **$12,000,000** for fiscal year 2003, **$12,500,000** for fiscal year 2004 shall be available for the purposes of this subsection.

"(g) Peer Review.—All grants made under this section shall be made only after being subject to peer review by panels or groups having private sector representation.".

(b) Other Program Agencies.—

(1) National aeronautics and space administration.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "and experimentation".

"(2) Department of energy.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended by striking the period at the end and inserting a comma, and by adding after paragraph (4) the following:

"conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high performance computing and collaboration tools needed to fulfill the statutory mission of the Department of Energy, and may participate in or support research described in section 201(c)(1).".

(3) National institute of standards and technology.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended by striking "; and" at the end of subparagraph (C) and inserting a comma, and by adding after subparagraph (C) the following: "and may participate in or support research described in section 201(c)(1); and".

(4) National oceanic and atmospheric administration.—Section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "agency missions".

(5) Environmental protection agency.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "dynamics models".

(6) United states geological survey.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

**"SEC. 207. UNITED STATES GEOLOGICAL SURVEY.**

"The United States Geological Survey may participate in or support research described in section 201(c)(1).".

**SEC. 205. NEXT GENERATION INTERNET.**

(a) In General.—Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended—

(1) in paragraph (1)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", **$15,000,000** for fiscal year 2001, and **$15,000,000** for fiscal year 2002" after "fiscal year 2000";

(2) in paragraph (2), by inserting ", and **$25,000,000** for fiscal year 2001 and **$25,000,000** fiscal year 2002" after "Act of 1998";

(3) in paragraph (4)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", **$10,000,000** for fiscal year 2001, and **$10,000,000** for fiscal year 2002" after "fiscal year 2000"; and

(4 in paragraph (5)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", **$5,500,000** for fiscal year 2001, and **$5,500,000** for fiscal year 2002" after "fiscal year 2000".

(b) Rural Infrastructure.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

"(e) Rural Infrastructure.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speech connectivity more accessible to users in geographically-remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".

(c) Minority and Small College Internet Access.—Section 103 of the High-Performance Computing Act of 1991 (51 U.S.C. 5513), as amended by subsection (b), is further amended by adding at the end thereof the following:

"(f) Minority and Small College Internet Access.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.".

(d) Digital Divide Study.—

(1) In general.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

(A) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next General Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(B) a review of all current Federally-funded research to decrease the inequity of Internet access to rural and low-income users; and

(C) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(2) Report.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by paragraph (1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

(3) Authorization of appropriations.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this subsection.

**SEC. 206. REPORTING REQUIREMENTS.**

Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting "(1)" after "ADVISORY COMMITTEE.—"; and

(C) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, implementation, and activities of the Program, the Next Generation Internet program, and the Networking and Information Technology Research and Development program, and shall report not less frequently than once every 2 fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of the enactment of the Federal Research Investment Act."; and

(2) in subsection (c)(1)(A) and (2), by inserting ", including the Next Generation Internet program and the Networking and Information Technology Research and Development program" after "Program" each place it appears.

**SEC. 207. REPORT TO CONGRESS.**

Section 103 of the High-Performance computing Act of 1991 (15 U.S.C. 5513), as amended by section 205 of this title, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) REPORT TO CONGRESS.—

"(1) REQUIREMENT.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Federal Research Investment Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

"(2) CONSULTATION.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

"(3) ISSUES.—The reports shall—

"(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

"(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

"(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

"(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.".

**SEC. 208. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.**

Section 301 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

"(h) STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY—

"(1) STUDY.—Not later than 90 days after the date of the enactment of the Federal Research Investment Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) SUBJECTS.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of the enactment of the Federal Research Investment Act a report setting for the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.— Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1).".

**SEC. 209. COMPTROLLER GENERAL STUDY.**

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this Act, and the amendments made by this Act, on lower income families, minorities, and women.

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## NOTICES OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 28, 2000 at 10:00 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal government's breach of contract for failure to accept high level nuclear waste by January 1998.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Commtitee on Energy and Natural Resources, United States Senate, 364 Dirsken Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224-8115.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

### COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a joint hearing has been scheduled before the Committee on Energy and Natural Resources and the Committee on Foreign Relations. The hearing is titled: Climate Change: Status of the Kyoto Protocol After Three Years.

The hearing will take place on Thursday, September 28, 2000 at 3:00 p.m. in room SD-419 of the Dirksen Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources or the Committee on Foreign Relations.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Staff Scientist, at (202) 224-7875.

### SUBCOMMITEE ON FORESTRY, CONSERVATION AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization will meet on September 25, 2000 in SR-328A at 9:30 a.m. The purpose of this hearing will be to review the Trade Injury Compensation Act of 2000.

### SUBCOMMITTEE ON RESEARCH, NUTRITION AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Research, Nutrition and General Legislation will meet on September 27, 2000 in SR-328A at 9:30 a.m. The purpose of this hearing will be to review U.S. Department of Agriculture financial management issues.

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## PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Janko Mitric, an intern, for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Peter Washburg, a fellow on the minority staff of the Environment and Public Works Committee, and Rich

Worthington, a fellow with Senator VOINOVICH be granted floor privileges during the consideration of S. 2796, the Water Resources Development Act of 2000.

The PRESIDING OFFICER.

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jack Hess, a fellow in my office, be granted floor privileges during the consideration of S. 2796, the Water Resources Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### BEACHES ENVIRONMENTAL AWARENESS, CLEANUP, AND HEALTH ACT OF 1999

Mr. SMITH of New Hampshire. I ask unanimous consent that the Senate proceed to consideration of Calendar No. 748, H.R. 999.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4174

Mr. SMITH of New Hampshire. I send an amendment to the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 4174.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4174) was agreed to.

The bill (H.R. 999), as amended, was read the third time and passed.

### BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 743, S. 522.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 522) to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".*

***SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.***

*Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:*

*"(i) COASTAL RECREATION WATER QUALITY CRITERIA.—*

*"(1) ADOPTION BY STATES.—*

*"(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria guidance under section 304(a).*

*"(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria guidance is applicable.*

*"(2) FAILURE OF STATES TO ADOPT.—*

*"(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1), the Administrator shall promptly propose regulations described in subparagraph (A) or (B) of that paragraph for the State setting forth revised or new water quality standards for pathogens and pathogen indicators for coastal recreation waters of the State.*

*"(B) EXCEPTION.—If the Administrator proposes regulations described in subparagraph (A) under section 303(c)(4)(B), the Administrator shall publish any revised or new standard under this section not later than 36 months after the date of publication of the new or revised water quality criteria under section 304(a)(9).*

*"(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.".*

***SEC. 3. REVISIONS TO WATER QUALITY CRITERIA GUIDANCE.***

*(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:*

*"(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—*

*"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;*

*"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;*

*"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and*

*"(4) guidance for State application of the criteria guidance for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.".*

*(b) REVISED CRITERIA GUIDANCE.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:*

*"(9) REVISED CRITERIA GUIDANCE FOR COASTAL RECREATION WATERS.—*

*"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria guidance for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.*

*"(B) REVIEWS.—Not later than the date that is 5 years after the date of publication of water quality criteria guidance under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria guidance.".*

***SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.***

*Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:*

***"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.***

*"(a) MONITORING AND NOTIFICATION.—*

*"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria that provide for—*

*"(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or other points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and*

*"(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).*

*"(2) LEVEL OF PROTECTION.—The performance criteria referred to in paragraph (1) shall provide for the activities described in subparagraphs (A) and (B) of that paragraph to be carried out as necessary for the protection of public health and safety.*

*"(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—*

*"(1) IN GENERAL.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring*

*and notification for coastal recreation waters adjacent to beaches or other points of access that are used by the public.*

*"(2) PRIORITIZATION.—States and local governments may prioritize the use of funds under paragraph (1) based on the greatest risks to human health.*

*"(3) LIMITATIONS.—*

*"(A) IN GENERAL.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—*

*"(i) the program is consistent with the performance criteria published by the Administrator under subsection (a); and*

*"(ii) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.*

*"(B) GRANTS TO LOCAL GOVERNMENTS.—The Administrator is authorized to make grants for implementation of a local government program under subparagraph (A) only if the Administrator determines that the State in which the local government is located did not submit a grant application for a program that meets the requirements of subsection (c) during the 1-year period beginning on the date of publication of performance criteria under subsection (a).*

*"(4) OTHER REQUIREMENTS.—*

*"(A) LISTS OF WATERS.—On receipt of a grant under this subsection, a State, tribe, or local government shall—*

*"(i) apply the prioritization established by the State, tribe, or local government under paragraph (2); and*

*"(ii) promptly submit to the Administrator—*

*"(I) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided; and*

*"(II) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent compliance with the performance criteria under subsection (a).*

*"(B) ADDITIONAL INFORMATION.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, information collected as part of the program for monitoring and notification under this section.*

*"(C) DELEGATION.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).*

*"(5) FEDERAL SHARE.—*

*"(A) IN GENERAL.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.*

*"(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—*

*"(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and*

*"(ii) provided in cash or in kind.*

*"(c) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—*

*"(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or other points of access that are used by the public;*

*"(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;*

*"(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—*

*"(A) the periods of recreational use of the waters;*

*"(B) the nature and extent of use during certain periods;*

*"(C) the proximity of the waters to known point and nonpoint sources of pollution; and*

*"(D) any effect of storm events on the waters;*

*"(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and*

*"(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);*

*"(5) measures for prompt communication of the occurrence, nature, location, pollutant source involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—*

*"(A) the Administrator; and*

*"(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;*

*"(6) measures for the posting of signs at beaches or other points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and*

*"(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.*

*"(d) FEDERAL AGENCY PROGRAMS.—Not later than 30 months after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or other points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—*

*"(1) protects the public health and safety; and*

*"(2) is consistent with the performance criteria published under subsection (a).*

*"(e) INFORMATION DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—*

*"(1) the information reported to the Administrator under subsection (b)(4)(B); and*

*"(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—*

*"(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and*

*"(B) the Administrator determines should be included.*

*"(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.*

*"(g) LIST OF WATERS.—*

*"(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall maintain a list of discrete coastal recreation waters adjacent to beaches or other points of access that are used by the public that—*

*"(A) are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and*

*"(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State from performing monitoring and notification consistent with the performance criteria established under subsection (a)).*

*"(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—*

*"(A) publication in the Federal Register; and*

*"(B) electronic media.*

*"(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.*

*"(h) EPA IMPLEMENTATION.—*

*"(1) IN GENERAL.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a), the Administrator shall conduct a monitoring and notification program for coastal recreation waters in that State using the funds appropriated for grants under subsection (i)—*

*"(A) to conduct monitoring and notification; and*

*"(B) for related salaries, expenses, and travel.*

*"(2) PRIORITIZATION.—In conducting a monitoring and notification program under paragraph (1), the Administrator shall apply any prioritization developed by the State under subsection (b)(2).*

*"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.".*

### SEC. 5. DEFINITIONS.

*Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:*

*"(21) COASTAL RECREATION WATERS.—*

*"(A) IN GENERAL.—The term 'coastal recreation waters' means the Great Lakes and other marine coastal waters (including coastal estuaries) that are used by the public for swimming, bathing, surfing, or other similar water contact activities.*

*"(B) EXCLUSION.—The term 'coastal recreation waters' does not include inland waters.*

*"(22) FLOATABLE MATERIAL.—*

*"(A) IN GENERAL.—The term 'floatable material' means any foreign matter that may float or remain suspended in the water column.*

*"(B) INCLUSIONS.—The term 'floatable material' includes—*

*"(i) plastic;*

*"(ii) aluminum cans;*

*"(iii) wood products;*

*"(iv) bottles; and*

*"(v) paper products.*

*"(23) PATHOGEN INDICATOR.—The term 'pathogen indicator' means a substance that indicates the potential for human infectious disease.".*

### SEC. 6. INDIAN TRIBES.

*Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking "and 404" and inserting "404, and 406".*

***SEC. 7. REPORT.***

*(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—*

*(1) recommendations concerning the need for additional water quality criteria guidance for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;*

*(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and*

*(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.*

*(b) COORDINATION.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

***SEC. 8. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.*

*(b) BUDGET REQUEST.—The Administrator of the Environmental Protection Agency shall request that Congress appropriate funds to carry out this Act.*

AMENDMENT NO. 4175

Mr. SMITH of New Hampshire. Senator SMITH of New Hampshire has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Hampshire [Mr. SMITH], proposes an amendment numbered 4175.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4175) was agreed to.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate will soon pass my legislation, S. 522, the Beaches Environmental Assessment and Coastal Health Act of 2000. I ask my colleagues to support this legislation and the managers' amendment that is before the Senate. This legislation is cosponsored by Senators AKAKA, BOXER, CLELAND, DODD, FEINSTEIN, KENNEDY, KERRY, LEVIN, LIEBERMAN, MOYNIHAN, SMITH of New Hampshire, SARBANES, and TORRICELLI.

Many Americans who visited the beach this summer went home with more than just a tan. They brought back illnesses they contracted because they swam in contaminated water without realizing it.

Unfortunately, whether you get sick from your trip to the beach depends on which state you happen to be in. That's because states do not have uniform standards for coastal water quality.

For 10 straight years, Mr. President, the Natural Resources Defense Council has issued its report, "Testing the Waters," which provides a comprehensive, highly reliable assessment of the quality of the nation's waters. Since 1991, first with then-Representative Bill Hughes of New Jersey and subsequently with Representative FRANK PALLONE of New Jersey, I have introduced legislation to require states to adopt consistent coastal water quality standards to protect beachgoers from contamination. This legislation also would call on states to develop beach water quality monitoring and notification programs.

Over the years, I've been greatly concerned about the increase in beach closings and advisories throughout the nation. In 1999, according to the NRDC's 10th annual report, there were more than 6,100 beach closings and advisories at our nation's oceans, bays and Great Lakes. Since 1988, there have been more than 36,156 beach closings and advisories.

There is some good news in this information, Mr. President. For one, it indicates a greater vigilance by state and local governments. Since the first NRDC report was issued and citizens learned more about the risks at their beaches, at least nine states and many local governments have initiated or expanded their coastal water quality monitoring programs. This shows that many states and local governments are deeply concerned about the health hazards faced by people who swim in contaminated water.

However, these data show us that we continue to have serious water pollution at our nation's beaches. For example, 70 percent of beach closings and advisories in 1999 were prompted by state and local government monitoring programs that detected bacteria levels exceeding state or local water quality standards. These bacteria levels have been associated with a variety of gastrointestinal diseases.

This bill would ensure that all coastal states apply the U.S. Environmental Protection Agency's criteria for detecting bacteria in their beach waters. Mr. President, the goal of this bill is to ensure that no matter where people go to the beach, they will know that a uniform level of protection is being applied.

Right now, only seven states have adopted the criteria that the EPA called on states to adopt back in 1986. This bill give states three-and-a-half years to bring their standards up to where President Reagan's EPA said they should have been 14 years ago.

The second part of my bill provides incentive grants to help states set up beach monitoring and public information programs. Right now, only nine states comprehensively monitor most or all of their beaches. These are Connecticut, Delaware, Illinois, Indiana, New Hampshire, New Jersey, North Carolina, Ohio and Pennsylvania.

My bill does not say how a state should monitor its beaches or how that information should get to the public. To help the states, the EPA would be required to develop monitoring and notification guidance.

While we often don't know the exact source of coastal water pollution, we suspect that in many cases, sewer overflows and street runoff following heavy rainstorms are partly responsible. My bill focuses on a critical need: for states to set uniform standards and provide information to the public. My bill does not seek to regulate these sources of pollution. I sincerely hope that the Senate will address this key concern in the next Congress.

Finally, my bill would require the EPA to establish a publicly available database containing the information states submit about their monitoring programs. Right now, Mr. Chairman, only California, Delaware, New Jersey, North Carolina and Rhode Island compile and publicize records of beach closings and bacteria levels. The legislation would encourage all coastal states and the EPA to provide this information to the public.

I want to thank the managers of this bill, Senator BOB SMITH and Senator BAUCUS, for their leadership in bringing this bill before the full Senate. I also want to recognize the members of the Committee staff for working so diligently on this legislation. In particular, I want to compliment John Pemberton and Ann Klee of the Majority Staff of the Environment and Public Works Committee; Jo-Ellen Darcy of the Minority staff of the Committee; and Amy Maron and Ruth Lodder of my personal staff.

Many organizations also made significant contributions to this bill. I want to thank the Natural Resources Defense Council, American Oceans Campaign, Center for Marine Conservation, Surfrider Foundation, Association of State and Interstate Water Pollution Control Administrators, and the Coastal States Organization for their hard work.

Mr. SMITH of New Hampshire. I ask unanimous consent the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 522) was read the third time and passed as follows:

S. 522

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".

### SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

“(i) Coastal Recreation Water Quality Criteria.—

“(1) Adoption by states.—

“(A) Initial criteria and standards.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

“(B) New or revised criteria and standards.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

“(2) Failure of states to adopt.—

“(A) In general.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

“(B) Exception.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.

“(3) Applicability.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.”.

### SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

“(v) Studies Concerning Pathogen Indicators in Coastal Recreation Waters.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

“(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

“(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

“(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

“(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.”.

(b) Revised Criteria.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

“(9) Revised criteria for coastal recreation waters.—

“(A) In general.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

“(B) Reviews.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria.”.

### SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

### “SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

“(a) Monitoring and Notification.—

“(1) In general.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

“(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

“(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

“(2) Level of protection.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

“(b) Program Development and Implementation Grants.—

“(1) In general.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.

“(2) Limitations.—

“(A) In general.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

“(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

“(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

“(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

“(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and

“(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

“(B) Grants to local governments.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

“(3) Other requirements.—

“(A) Report.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

“(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

“(ii) actions taken to notify the public when water quality standards are exceeded.

“(B) Delegation.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

“(4) Federal share.—

“(A) In general.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

“(B) Non-federal share.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

“(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

“(ii) provided in cash or in kind.

“(c) Content of State and Local Government Programs.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

“(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

“(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

“(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

“(A) the periods of recreational use of the waters;

“(B) the nature and extent of use during certain periods;

“(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

“(D) any effect of storm events on the waters;

“(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

“(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

“(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

“(A) the Administrator, in such form as the Administrator determines to be appropriate; and

“(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

“(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

“(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

“(d) FEDERAL AGENCY PROGRAMS.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

“(1) protects the public health and safety;

“(2) is consistent with the performance criteria published under subsection (a);

“(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

“(4) addresses the matters specified in subsection (c).

“(e) DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—

“(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

“(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

“(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

“(B) the Administrator determines should be included.

“(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

“(g) LIST OF WATERS.—

“(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

“(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

“(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

“(A) publication in the Federal Register; and

“(B) electronic media.

“(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

“(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

“(1) to conduct monitoring and notification; and

“(2) for related salaries, expenses, and travel.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.”.

### SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

“(21) COASTAL RECREATION WATERS.—

“(A) IN GENERAL.—The term ‘coastal recreation waters’ means—

“(i) the Great Lakes; and

“(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

“(B) EXCLUSIONS.—The term ‘coastal recreation waters’ does not include—

“(i) inland waters; or

“(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

“(22) FLOATABLE MATERIAL.—

“(A) IN GENERAL.—The term ‘floatable material’ means any foreign matter that may float or remain suspended in the water column.

“(B) INCLUSIONS.—The term ‘floatable material’ includes—

“(i) plastic;

“(ii) aluminum cans;

“(iii) wood products;

“(iv) bottles; and

“(v) paper products.

“(23) PATHOGEN INDICATOR.—The term ‘pathogen indicator’ means a substance that indicates the potential for human infectious disease.”.

### SEC. 6. INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking “and 404” and inserting “404, and 406”.

### SEC. 7. REPORT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Senate today has unanimously passed S. 522, the Beaches Environmental Assessment and Coastal Health Act of 2000 and H.R. 999, the Beaches Environmental Awareness, Cleanup, and Health Act of 1999. These bills reflect what we can do when we work together cooperatively, and on a bipartisan basis to protect the environment. Most importantly, they will result in significant environmental benefits on the ground—cleaner and safer beaches for all Americans. I am proud to be a cosponsor of the Senate version of this legislation, S. 522.

I want to thank Congressman BILBRAY for taking the lead on this Beach legislation over the years and for all his hard work in making sure we pass this legislation. Without his hard work and determination over the years we would not have passed this legislation today. I also would like to recognize Senator LAUTENBERG for his leadership on this issue in the Senate.

Every year, over 180 million people visit coastal waters for recreational purposes. Over half of the population of the United States lives near a coastal area and traditionally a great majority of Americans visit coastal areas every year to swim, fish, hunt, dive, bike, view wildlife and learn. For many states, this tourism provides significant economic benefits. In fact, coastal recreation and the tourism industry are the second largest employers in the nation, and supporting 28.3 million jobs. In New Hampshire, for example, the seacoast region is one of the most popular tourism spots in the State. Rye Beach and Hampton Beach, to name a couple, provide beautiful vacation spots for those of us in New Hampshire and many of our friends in neighboring states.

Unfortunately, pathogens found in sewage spills, storm water runoff, and combined sewer overflows are impairing water quality and threatening the health of the public who visit our nation's beaches. While some States have strong programs for monitoring and informing the public of the presence of pathogens that are harmful to human health, others do not.

In response to the need for consistency among the States in monitoring and public notification of pathogens in coastal recreation waters, Representative BILBRAY and Senator LAUTENBERG introduced their Beach bills.

The bills require all states with coastal recreation waters to adopt water quality criteria that protect public health and welfare, consistent with EPA criteria guidance for pathogens and pathogen indicators. The legislation requires the Administrator of the Environmental Protection Agency, in cooperation with State and local governments, to publish performance criteria that provide guidance for state monitoring and assessment, and public notification programs that protect human health.

The performance criteria will be used by the States as guidance to improve upon existing monitoring and notification programs or, in some States to establish monitoring and notification programs. In the case of New Hampshire, which as an extensive monitoring and notification program, these performance criteria will provide further guidance to improve upon our program.

The bills provides $30 million over 5 years in grants to States and local communities for the implementation and development of these monitoring and notification programs. In certain situations, such as the early stage of a program, EPA will be able to award as a grant a large percentage, up to 100 percent, of the costs of developing a program to some states. This provides those few States without monitoring and notification programs a great incentive through grant funding to develop and implement this comprehensive program. Improving water quality at our nation's beaches, as well as implementing monitoring and public notification programs, will benefit all Americans who have a right to expect that they can safely swim in the water.

The Committee filed the Report on S. 522 (Rept. No. 106-366) on August 25, 2000. The Committee Report and the text of S. 522, as amended in Committee, reflected a number of changes negotiated by the Committee and the two principle sponsors of the House and Senate bills, Congressman BRIAN BILBRAY of California and Senator FRANK LAUTENBERG. Over the past few months, I have worked with my colleagues on the Committee, particularly Senators LAUTENBERG and BAUCUS, and with Congressman BILBRAY to continue to improve the language of this legislation. Together, we have crafted a comprehensive Manager's Amendment that I believe provides States with needed flexibility and enhances environmental protection. As the manager of the bill, and a cosponsor of the Senate bill, I am pleased that the Senate passed this Manager's Amendment as a substitute to the text of both H.R. 999 and S. 522. Both bills, as passed by the Senate, reflect the agreements and principles set forth in Senate Report No. 106-366.

I thank Senator BAUCUS and my other Committee colleagues, as well as Senators LOTT and DASCHLE, for helping us continue the tradition of bipartisan action on environmental matters.

## VETERANS PROGRAMS ENHANCEMENT ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 787, S. 1810.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1810) to amend title 38, United States Code, to clarify and improve veterans' claims in appellate procedures.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Veterans Programs Enhancement Act of 2000".*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. References to title 38, United States Code.*

*TITLE I—BENEFITS MATTERS*

*Subtitle A—Compensation and Pension Matters*

*Sec. 101. Clarification and enhancement of authorities relating to the processing of claims for veterans benefits.*
*Sec. 102. Expansion of list of diseases presumed to be service-connected for radiation-exposed veterans.*
*Sec. 103. Special monthly compensation for female veterans who lose a breast as a result of a service-connected disability.*

*Subtitle B—Education Matters*

*Sec. 111. Making uniform the requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.*
*Sec. 112. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.*
*Sec. 113. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.*
*Sec. 114. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.*
*Sec. 115. Adjusted effective date for award of survivors' and dependents' educational assistance.*

*Subtitle C—Housing Matters*

*Sec. 121. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.*
*Sec. 122. Increase in maximum amount of housing loan guarantee.*
*Sec. 123. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.*

*Subtitle D—Insurance Matters*

*Sec. 131. Premiums for term service disabled veterans' insurance for veterans older than age 70.*
*Sec. 132. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.*
*Sec. 133. Family coverage under Servicemembers' Group Life Insurance.*

*Subtitle E—Burial Matters*

*Sec. 141. Eligibility for interment in the national cemeteries of certain Filipino veterans of World War II.*

*Subtitle F—Employment Matters*

*Sec. 151. Veterans employment emphasis under Federal contracts for recently separated veterans.*
*Sec. 152. Comptroller General audit of veterans employment and training service of the Department of Labor.*

*Subtitle G—Benefits for Children of Female Vietnam Veterans*

*Sec. 161. Short title.*
*Sec. 162. Benefits for the children of female Vietnam veterans who suffer from certain birth defects.*

*Subtitle H—Other Benefits Matters*

*Sec. 171. Review of dose reconstruction program of the Defense Threat Reduction Agency.*

*TITLE II—HEALTH CARE MATTERS*

*Sec. 201. Veterans not subject to copayments for medications.*

Sec. 202. Establishment of position of Advisor on Physician Assistants within Office of Undersecretary for Health.
Sec. 203. Temporary full-time appointments of certain medical personnel.

### TITLE III—CONSTRUCTION AND FACILITIES MATTERS

### Subtitle A—Construction Matters

Sec. 301. Authorization of major medical facility projects for fiscal year 2001.
Sec. 302. Authorization of additional major medical facility project for fiscal year 2000.
Sec. 303. Authorization of appropriations.

### Subtitle B—Other Matters

Sec. 311. Maximum term of lease of Department of Veterans Affairs property for homeless purposes.
Sec. 312. Land conveyance, Miles City Veterans Administration Medical Complex, Miles City, Montana.
Sec. 313. Conveyance of Ft. Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado.
Sec. 314. Effect of closure of Ft. Lyon Department of Veterans Affairs Medical Center on administration of health care for veterans.

### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.*

## TITLE I—BENEFITS MATTERS

## Subtitle A—Compensation and Pension Matters

### SEC. 101. CLARIFICATION AND ENHANCEMENT OF AUTHORITIES RELATING TO THE PROCESSING OF CLAIMS FOR VETERANS BENEFITS.

*(a) DEFINITION OF CLAIMANT.—Chapter 51 is amended—*

*(1) by redesignating section 5101 as section 5101A; and*

*(2) by inserting before section 5101A, as so redesignated, the following new section:*

**"§5101. Definition of 'claimant'**

*"For purposes of this chapter, the term 'claimant' means any individual who submits a claim for benefits under the laws administered by the Secretary.".*

*(b) INCOMPLETE APPLICATIONS.—Section 5103(a) is amended by striking "evidence" both places it appears and inserting "information".*

*(c) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 is further amended by inserting after section 5103 the following new section:*

**"§5103A. Assistance to claimants**

*"(a) Except as provided in subsection (b), the Secretary shall make reasonable efforts to assist in the development of information and medical or lay evidence necessary to establish the eligibility of a claimant for benefits under the laws administered by the Secretary.*

*"(b) The Secretary is not required to provide assistance to a claimant under subsection (a) if no reasonable possibility exists, as determined in accordance with regulations prescribed under subsection (f), that such assistance would aid in the establishment of the eligibility of the claimant for benefits under the laws administered by the Secretary.*

*"(c) In any claim for benefits under the laws administered by the Secretary, the assistance provided by the Secretary under subsection (a) shall include the following:*

*"(1) Informing the claimant and the claimant's representative, if any, of the information and medical or lay evidence needed in order to aid in the establishment of the eligibility of the claimant for benefits under the laws administered by the Secretary.*

*"(2) Informing the claimant and the claimant's representative, if any, if the Secretary is unable to obtain any information or medical or lay evidence described in paragraph (1).*

*"(d)(1) In any claim for disability compensation under chapter 11 of this title, the assistance provided by the Secretary under subsection (a) shall include, in addition to the assistance provided under subsection (c), the following:*

*"(A) Obtaining the relevant service and medical records maintained by applicable governmental entities that pertain to the veteran for the period or periods of the veteran's service in the active military, naval, or air service.*

*"(B) Obtaining existing records of relevant medical treatment or examination provided at Department health-care facilities or at the expense of the Department, but only if the claimant has furnished information sufficient to locate such records.*

*"(C) Obtaining from governmental entities any other relevant records the claimant adequately identifies and authorizes the Secretary to obtain.*

*"(D) Making reasonable efforts to obtain from private persons and entities any other relevant records the claimant adequately identifies and authorizes the Secretary to obtain.*

*"(E) Providing a medical examination needed for the purpose of determining the existence of a current disability if the claimant submits verifiable evidence, as determined in accordance with the regulations prescribed under subsection (f), establishing that the claimant is unable to afford medical treatment.*

*"(F) Providing such other assistance as the Secretary considers appropriate.*

*"(2) The efforts made to obtain records under subparagraphs (A), (B), and (C) of paragraph (1) shall continue until it is reasonably certain, as determined in accordance with the regulations prescribed under subsection (f), that such records do not exist.*

*"(e) If while obtaining or after obtaining information or lay or medical evidence under subsection (d) the Secretary determines that a medical examination or a medical opinion is necessary to substantiate entitlement to a benefit, the Secretary shall provide such medical examination or obtain such medical opinion.*

*"(f) The Secretary shall prescribe regulations for purposes of the administration of this section.".*

*(d) COST OF OTHER AGENCIES IN FURNISHING INFORMATION.—Section 5106 is amended by adding at the end the following new sentence: "The cost of providing such information shall be borne by the department or agency providing such information.".*

*(e) REPEAL OF "WELL-GROUNDED CLAIM" RULE.—Section 5107 is amended to read as follows:*

**"§5107. Burden of proof; benefit of the doubt**

*"(a) Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a claimant shall have the burden of proof in establishing entitlement to benefits under the laws administered by the Secretary.*

*"(b) The Secretary shall consider all information and lay and medical evidence of record in a case before the Department with respect to benefits under laws administered by the Secretary, and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding an issue material to the determination of the matter.".*

*(f) APPLICABILITY OF ENHANCED AUTHORITIES.—(1) Except as specifically provided otherwise, section 5103A of title 38, United States Code (as added by subsection (c)), and section 5107 of title 38, United States Code (as amended by subsection (e)), shall apply to any claim pending on or filed on or after the date of the enactment of this Act.*

*(2)(A) In the case of a claim for benefits described in subparagraph (B), the Secretary of Veterans Affairs shall, upon the request of the claimant, or upon the Secretary's motion, order such claim readjudicated in accordance with section 5103A of title 38, United States Code (as so added), and section 5107 of title 38, United States Code (as so amended), as if the denial or dismissal of such claim as described in that subparagraph had not been made.*

*(B) A claim for benefits described in this subparagraph is any claim for benefits—*

*(i) the denial of which became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and*

*(ii) which was denied or dismissed because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, during the period referred to in clause (i)).*

*(3) No claim shall be readjudicated under paragraph (2) unless the request for readjudication is filed, or the motion made, not later than two years after the date of the enactment of this Act.*

*(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this subsection shall be construed as establishing a duty on the part of the Secretary to locate and readjudicate a claim described in paragraph (2)(B).*

*(g) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 51 is amended—*

*(1) by striking the item relating to section 5101 and inserting the following new items:*

*"5101. Definition of 'claimant'.*
*"5101A. Claims and forms."; and*

*(2) by inserting after the item relating to section 5103 the following new item:*

*"5103A. Assistance to claimants.".*

### SEC. 102. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

*Section 1112(c)(2) is amended by adding at the end the following:*

*"(P) Lung cancer.*

*"(Q) Colon cancer.*

*"(R) Tumors of the brain and central nervous system.*

*"(S) Ovarian cancer.".*

### SEC. 103. SPECIAL MONTHLY COMPENSATION FOR FEMALE VETERANS WHO LOSE A BREAST AS A RESULT OF A SERVICE-CONNECTED DISABILITY.

*(a) IN GENERAL.—Section 1114(k) is amended—*

*(1) by striking "or has suffered" and inserting "has suffered"; and*

*(2) by inserting after "air and bone conduction," the following: "or, in the case of a female veteran, has suffered the anatomical loss of one or both breasts (including loss by mastectomy),".*

*(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to payment of compensation under section 1114(k) of title 38, United States Code (as so amended), for months beginning on or after that date.*

*(2) No compensation may be paid for any period before the date of the enactment of this Act by reason of the amendments made by subsection (a).*

### *Subtitle B—Education Matters*

### *SEC. 111. MAKING UNIFORM THE REQUIREMENT FOR HIGH SCHOOL DIPLOMA OR EQUIVALENCY BEFORE APPLICATION FOR MONTGOMERY GI BILL BENEFITS.*

*(a) Active Duty Program.—(1) Section 3011 is amended—*

*(A) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):*

*"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and";*

*(B) by striking subsection (e); and*

*(C) by redesignating subsections (f), (g), (h), and (i) as subsections (e), (f), (g), and (h), respectively.*

*(2) Section 3017(a)(1)(A)(ii) is amended by striking "clause (2)(A)" and inserting "clause (2)".*

*(b) Selected Reserve Program.—Section 3012 is amended—*

*(1) in subsection (a), by striking paragraph (2) and inserting the following new paragraph (2):*

*"(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and";*

*(2) by striking subsection (f); and*

*(3) by redesignating subsection (g) as subsection (f).*

*(c) Withdrawal of Election Not To Enroll.—Section 3018(b)(4) is amended to read as follows:*

*"(4) before applying for benefits under this section—*

*"(A) completes the requirements of a secondary school diploma (or equivalency certificate); or*

*"(B) successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree; and".*

*(d) Educational Assistance Program for Members of the Selected Reserve.—Paragraph (2) of section 16132(a) of title 10, United States Code, is amended to read as follows:*

*"(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);".*

### *SEC. 112. REPEAL OF REQUIREMENT FOR INITIAL OBLIGATED PERIOD OF ACTIVE DUTY AS CONDITION OF ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS.*

*(a) Active Duty Program.—Section 3011, as amended by section 111 of this Act, is further amended—*

*(1) in subsection (a)(1)(A)—*

*(A) by striking clause (i) and inserting the following new clause (i):*

*"(i) who serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces; or"; and*

*(B) in clause (ii)(II), by striking "in the case of an individual who completed not less than 20 months" and all that follows through "was at least three years" and inserting "if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service";*

*(2) in subsection (d)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which an individual's entitlement to assistance under this section is based";*

*(3) in subsection (g)(2)(A), as redesignated by section 111(a)(1)(C) of this Act, by striking "during an initial period of active duty," and inserting "during the obligated period of active duty on which entitlement to assistance under this section is based,"; and*

*(4) in subsection (h), as so redesignated, by striking "initial".*

*(b) Selected Reserve Program.—Section 3012 is amended—*

*(1) in subsection (a)(1)(A)(i), by striking ", as the individual's" and all that follows through "Armed Forces" and inserting "an obligated period of active duty of at least two years of continuous active duty in the Armed Forces"; and*

*(2) in subsection (e)(1), by striking "initial".*

*(c) Duration of Assistance.—Section 3013 is amended—*

*(1) in subsection (a)(2), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based"; and*

*(2) in subsection (b)(1), by striking "individual's initial obligated period of active duty" and inserting "obligated period of active duty on which such entitlement is based".*

*(d) Amount of Assistance.—Section 3015 is amended—*

*(1) in the second sentence of subsection (a), by inserting before "a basic educational assistance allowance" the following: "in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,";*

*(2) in subsection (b), by striking "and whose initial obligated period of active duty is two years," and inserting "whose obligated period of active duty on which such entitlement is based is two years,"; and*

*(3) in subsection (c)(2), by striking subparagraphs (A) and (B) and inserting the following new subparagraphs (A) and (B):*

*"(A) whose obligated period of active duty on which such entitlement is based is less than three years;*

*"(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and".*

### *SEC. 113. AVAILABILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.*

*Paragraph (5) of section 3501(a) is amended by adding at the end the following new sentence: "The term also includes any preparatory course described in section 3002(3)(B) of this title.".*

### *SEC. 114. ELECTION OF CERTAIN RECIPIENTS OF COMMENCEMENT OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.*

*Section 3512(a)(3) is amended by striking "8 years after," and all that follows through the end and inserting "8 years after the date elected by the person (if such election is approved as the beginning date of such period by the Secretary and is made during the period between such birthdays) which beginning date—*

*"(A) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, shall be between the dates described in subsection (d) of this section; and*

*"(B) in the case of a person whose eligibility is based on the death of a parent, shall be between—*

*"(i) the date of the parent's death; and*

*"(ii) the date of the Secretary's decision that the death was service-connected;".*

### *SEC. 115. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.*

*(a) In General.—Section 5113 is amended—*

*(1) in subsection (a), by striking "subsection (b) of this section," and inserting "subsections (b) and (c),";*

*(2) by redesignating subsection (b) as subsection (c); and*

*(3) by inserting after subsection (a) the following new subsection (b):*

*"(b)(1) In determining the effective date of an award of educational assistance under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary shall consider the individual's application under section 3513 of this title as having been filed on the effective date from which the Secretary, by rating decision, determines that the veteran from whom eligibility for such educational assistance is derived either died of a service-connected disability or established the existence of a total service-connected disability evaluated as permanent in nature if that effective date is more than one year before the date the rating decision is made.*

*"(2) An individual referred to in paragraph (1) is a person eligible for educational assistance under chapter 35 of this title by reason of subparagraph (A)(i), (A)(ii), (B), or (D) of section 3501(a)(1) of this title who—*

*"(A) submits to the Secretary an original application under section 3513 of this title for educational assistance under that chapter within one year after the date that the Secretary issues the rating decision on which the individual's eligibility for such educational assistance is based;*

*"(B) claims such educational assistance for pursuit of an approved program of education during a period or periods preceding the one-year period ending on the date on which the individual's application under that section is received by the Secretary; and*

*"(C) would, without regard to this subsection, have been entitled to such educational assistance for pursuit of such approved program of education if the individual had submitted such application on the effective date from which the Secretary determined that the individual was eligible for such educational assistance.".*

*(b) Stylistic Amendment.—Subsection (c) of that section, as redesignated by subsection (a)(2) of this section, is amended by striking "of this section".*

*(c) Applicability.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to applications first made under section 3513 of title 38, United States Code, that—*

*(1) are received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act; or*

*(2) as of that date are pending with the Secretary or exhaustion of available administrative and judicial remedies.*

### *Subtitle C—Housing Matters*

### *SEC. 121. ELIMINATION OF REDUCTION IN ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS FOR VETERANS HAVING JOINT OWNERSHIP OF HOUSING UNITS.*

*Section 2102 is amended by adding at the end the following new subsection:*

*"(c) The amount of assistance afforded under subsection (a) for a veteran authorized assistance by section 2101(a) of this title shall not be reduced by reason that title to the housing unit, which is vested in the veteran, is also vested in any other person, if the veteran resides in the housing unit.".*

### SEC. 122. INCREASE IN MAXIMUM AMOUNT OF HOUSING LOAN GUARANTEE.

(a) IN GENERAL.—Subparagraph (A)(i)(IV) of section 3703(a)(1) is amended by striking "$50,750" and inserting "$63,175".

(b) CONFORMING AMENDMENT.—Subparagraph (B) of that section is amended by striking "$50,750" and inserting "$63,175".

### SEC. 123. TERMINATION OF COLLECTION OF LOAN FEES FROM VETERANS RATED ELIGIBLE FOR COMPENSATION AT PRE-DISCHARGE RATING EXAMINATIONS.

Section 3729(c) is amended—

(1) by inserting "(1)" before "A fee"; and

(2) by adding at the end the following new paragraph:

"(2) A veteran who is rated eligible to receive compensation as a result of a pre-discharge disability examination and rating shall be treated as receiving compensation for purposes of this subsection as of the date on which the veteran is rated eligible to receive compensation as a result of the pre-discharge disability examination and rating without regard to whether an effective date of the award of compensation is established as of that date.".

## Subtitle D—Insurance Matters

### SEC. 131. PREMIUMS FOR TERM SERVICE DISABLED VETERANS' INSURANCE FOR VETERANS OLDER THAN AGE 70.

Section 1922 is amended by adding at the end the following new subsection:

"(c) The premium rate of any term insurance issued under this section shall not exceed the renewal age 70 premium rate.".

### SEC. 132. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 is amended in subsections (a), (c), and (d) by striking "$200,000" each place it appears and inserting "$250,000".

(b) MAXIMUM UNDER VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) is amended by striking "$200,000" each place it appears and inserting "$250,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

### SEC. 133. FAMILY COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) INSURABLE DEPENDENTS.—Section 1965 is amended by adding at the end the following:

"(10) The term 'insurable dependent', with respect to a member, means the following:

"(A) The member's spouse.

"(B) A child of the member for so long as the child is unmarried and the member is providing over 50 percent of the support of the child.".

(b) INSURANCE COVERAGE.—(1) Subchapter III of chapter 19 is amended by inserting after section 1967 the following new section:

**"§ 1967A. Insurance of dependents**

"(a) Subject to the provisions of this section, any policy of insurance purchased by the Secretary under section 1966 of this title shall also automatically insure against death each insurable dependent of a member.

"(b)(1) A member insurable under this subchapter may make an election not to insure a spouse under this subchapter.

"(2) Except as provided in subsection (c)(3), a spouse covered by an election under paragraph (1) is not insured under this section.

"(3) Except as otherwise provided under this section, no insurable dependent of a member is insured under this section unless the member is insured under this subchapter.

"(c)(1) Subject to an election under paragraph (2), the amount for which a person insured under this section is insured under this subchapter is as follows:

"(A) In the case of a member's spouse, the lesser of—

"(i) the amount for which the member is insured under this subchapter; or

"(ii) $50,000.

"(B) In the case of a member's child, $5,000.

"(2) A member may elect in writing to insure the member's spouse in an amount less than the amount provided for under paragraph (1)(A). The amount of insurance so elected shall be evenly divisible by $10,000.

"(3) If a spouse eligible for insurance under this section is not so insured, or is insured for less than the maximum amount provided for under subparagraph (A) of paragraph (1) by reason of an election made by the member concerned under paragraph (2), the spouse may thereafter be insured under this section in the maximum amount or any lesser amount elected as provided for in paragraph (2) upon written application by the member, proof of good health of the spouse, and compliance with such other terms and conditions as may be prescribed by the Secretary.

"(d)(1) Insurance coverage under this section with respect to an insurable dependent of the member shall cease—

"(A) upon election made in writing by the member to terminate the coverage; or

"(B) the date that is 120 days after the earlier of—

"(i) the date of the member's death;

"(ii) the date of termination of the insurance on the member under this subchapter; or

"(iii) the date on which the insurable dependent of the member no longer meets the criteria applicable to an insurable dependent as specified in section 1965(10) of this title.

"(2)(A) At the election of an insured spouse whose insurance under this subchapter is terminated under paragraph (1), the insurance shall be converted to an individual policy of insurance upon written application for conversion made to the participating company selected by the insured spouse and the payment of the required premiums.

"(B) The individual policy of insurance of an insured spouse making an election under subparagraph (A) shall become effective on the date of the termination of the spouse's insurance under paragraph (1).

"(C) The second, fourth, and fifth sentences of section 1977(e) of this title shall apply with respect to the insurance of an insured spouse under this paragraph.

"(e)(1) During any period in which the spouse of a member is insured under this section, there shall be deducted each month from the member's basic or other pay, or otherwise collected from the member, until the member's separation or release from active duty an amount determined by the Secretary (which shall be the same for all such members) as the premium allocable to the pay period for providing that insurance coverage.

"(2)(A) The Secretary shall determine the premium amounts to be charged for insurance coverage for spouses of members under this section.

"(B) The premium amounts shall be determined on the basis of sound actuarial principles and shall include an amount necessary to cover the administrative costs to the insurer or insurers providing such insurance.

"(C) Each premium rate for the first policy year shall be continued for subsequent policy years, except that the rate may be adjusted for any such subsequent policy year on the basis of the experience under the policy, as determined by the Secretary in advance of that policy year.

"(3) Any amounts deducted or collected under paragraph (1), together with the income derived from any dividends or premium rate adjustments received from insurers with respect to insurance under this section, shall be deposited to the credit of the revolving fund established by section 1969(d) of this title, and shall be available for payment and use in accordance with the provisions of that section.

"(f) Any amount of insurance in force on an insurable dependent of a member under this section on the date of the dependent's death shall be paid, upon the establishment of a valid claim therefor, to the member or, in the event of the member's death before payment to the member can be made, then to the person or persons entitled to receive payment of the proceeds of insurance on the member' life under section 1970 of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1967 the following new item:

"1967A. Insurance of dependents.".

(c) EFFECTIVE DATE AND INITIAL IMPLEMENTATION.—(1) This section and the amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act, except that paragraph (2) shall take effect on the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs, in consultation with the Secretaries of the military departments, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services, shall take such action as is necessary to ensure that each member of the uniformed services on active duty (other than active duty for training) during the period between the date of the enactment of this Act and the effective date under paragraph (1) is furnished an explanation of the insurance benefits available for dependents under the amendments made by this section and is afforded an opportunity before such effective date to make elections that are authorized under those amendments to be made with respect to dependents.

## Subtitle E—Burial Matters

### SEC. 141. ELIGIBILITY FOR INTERMENT IN THE NATIONAL CEMETERIES OF CERTAIN FILIPINO VETERANS OF WORLD WAR II.

(a) ELIGIBILITY OF CERTAIN COMMONWEALTH ARMY VETERANS.—Section 2402 is amended by adding at the end the following new paragraph:

"(8) Any individual whose service is described in section 107(a) of this title if such individual at the time of death—

"(A) was a naturalized citizen of the United States; and

"(B) resided in the United States.".

(b) CONFORMING AMENDMENT.—Section 107(a)(3) is amended by striking the period at the end and inserting the following: ", and chapter 24 of this title to the extent provided for in section 2402(8) of this title.".

(c) APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths occurring on or after that date.

## Subtitle F—Employment Matters

### SEC. 151. VETERANS EMPLOYMENT EMPHASIS UNDER FEDERAL CONTRACTS FOR RECENTLY SEPARATED VETERANS.

(a) EMPLOYMENT EMPHASIS.—Subsection (a) of section 4212 is amended in the first sentence by inserting "recently separated veterans," after "veterans of the Vietnam era,".

(b) CONFORMING AMENDMENTS.—Subsection (d)(1) of that section is amended by inserting "recently separated veterans," after "veterans of the Vietnam era," each place it appears in subparagraphs (A) and (B).

(c) RECENTLY SEPARATED VETERAN DEFINED.—Section 4211 is amended by adding at the end the following new paragraph:

"(6) The term 'recently separated veteran' means any veteran during the one-year period beginning on the date of such veteran's discharge or release from active duty.".

### SEC. 152. COMPTROLLER GENERAL AUDIT OF VETERANS EMPLOYMENT AND TRAINING SERVICE OF THE DEPARTMENT OF LABOR.

(a) REQUIREMENT.—The Comptroller General of the United States shall carry out a comprehensive audit of the Veterans Employment and Training Service of the Department of Labor. The purpose of the audit is to provide a basis for future evaluations of the effectiveness of the Service is meeting its mission.

(b) COMMENCEMENT DATE.—The audit required by subsection (a) shall commence not earlier than January 1, 2001.

(c) ELEMENTS.—In carrying out the audit of the Veterans Employment and Training Service required by subsection (a), the Comptroller General shall—

(1) review the requirements applicable to the Service under law, including requirements under title 38, United States Code, and the regulations thereunder;

(2) evaluate the organizational structure of the Service; and

(3) evaluate or assess any other matter relating to the Service that the Comptroller General considers appropriate for the purpose specified in subsection (a).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the audit carried out under subsection (a). The report shall include—

(1) the results of the audit; and

(2) any recommendations that the Comptroller General considers appropriate regarding the organization or functions of the Veterans Employment and Training Service of the Department of Labor.

## Subtitle G—Benefits for Children of Female Vietnam Veterans

### SEC. 161. SHORT TITLE.

This subtitle may be cited as the "Children of Women Vietnam Veterans' Benefits Act of 2000".

### SEC. 162. BENEFITS FOR THE CHILDREN OF FEMALE VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

### "§ 1811. Definitions

"In this subchapter:

"(1) The term 'child', with respect to a female Vietnam veteran, means a natural child of the female Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the female Vietnam veteran first entered the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title).

"(2) The term 'covered birth defect' means each birth defect identified by the Secretary under section 1812 of this title.

"(3) The term 'female Vietnam veteran' means any female individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era (as so specified), without regard to the characterization of the individual's service.

### "§ 1812. Birth defects covered

"(a) IDENTIFICATION.—Subject to subsection (b), the Secretary shall identify the birth defects of children of female Vietnam veterans that—

"(1) are associated with the service of female Vietnam veterans in the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title); and

"(2) result in the permanent physical or mental disability of such children.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) The birth defects identified under subsection (a) may not include spina bifida.

"(c) LIST.—The Secretary shall prescribe in regulations a list of the birth defects identified under subsection (a).

### "§ 1813. Benefits and assistance

"(a) HEALTH CARE.—(1) The Secretary shall provide a child of a female Vietnam veteran who was born with a covered birth defect such health care as the Secretary determines is needed by the child for such birth defect or any disability that is associated with such birth defect.

"(2) The Secretary may provide health care under this subsection directly or by contract or other arrangement with a health care provider.

"(3) For purposes of this subsection, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this subsection, except that for such purposes—

"(A) the reference to 'specialized spina bifida clinic' in paragraph (2) of such section 1803(c) shall be treated as a reference to a specialized clinic treating the birth defect concerned under this subsection; and

"(B) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of such section 1803(c) shall be treated as a reference to vocational training under subsection (b).

"(b) VOCATIONAL TRAINING.—(1) The Secretary may provide a program of vocational training to a child of a female Vietnam veteran who was born with a covered birth defect if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

"(2) Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under paragraph (1).

"(c) MONETARY ALLOWANCE.—(1) The Secretary shall pay a monthly allowance to any child of a female Vietnam veteran who was born with a covered birth defect for any disability resulting from such birth defect.

"(2) The amount of the monthly allowance paid under this subsection shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

"(3) In prescribing a schedule for rating disabilities under paragraph (2), the Secretary shall establish four levels of disability upon which the amount of the monthly allowance under this subsection shall be based.

"(4) The amount of the monthly allowance paid under this subsection shall be as follows:

"(A) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under this subsection, $100.

"(B) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $214; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

"(C) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $743; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

"(D) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $1,272; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

"(5) Amounts under subparagraphs (A), (B)(i), (C)(i), and (D)(i) of paragraph (4) shall be subject to adjustment from time to time under section 5312 of this title.

"(6) Subsections (c) and (d) of section 1805 of this title shall apply with respect to any monthly allowance paid under this subsection.

"(d) GENERAL LIMITATIONS ON AVAILABILITY OF BENEFITS AND ASSISTANCE.—(1) No individual receiving benefits or assistance under this section may receive any benefits or assistance under subchapter I of this chapter.

"(2) In any case where affirmative evidence establishes that the covered birth defect of a child results from a cause other than the active military, naval, or air service in the Republic of Vietnam of the female Vietnam veteran who is the mother of the child, no benefits or assistance may be provided the child under this section.

"(e) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of the provisions of this section.".

(b) ADMINISTRATIVE PROVISIONS.—Chapter 18 is further amended by inserting after subchapter II, as added by subsection (a) of this section, the following new subchapter:

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

### "§ 1821. Applicability of certain administrative provisions

"The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall apply with respect to benefits and assistance under this chapter in the same manner as such provisions apply to veterans' disability compensation.

### "§ 1822. Treatment of receipt of monetary allowance on other benefits

"(a) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

"(b) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

"(c) Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for or the amount of benefits under any Federal or Federally-assisted program.".

(c) REPEAL OF SUPERSEDED MATTER.—(1) Subsections (c) and (d) of section 1805 are repealed.

(2) Section 1806 is repealed.

(d) REDESIGNATION OF EXISTING MATTER.—Chapter 18 is further amended by inserting before section 1801 the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) CONFORMING AMENDMENTS.—(1) Sections 1801 and 1802 are each amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) is amended by striking "this chapter" and inserting "this section".

(f) CLERICAL AMENDMENTS.—(1)(A) The chapter heading of chapter 18 is amended to read as follows:

**"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".**

(1) The tables of chapters at beginning, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

**"18. Benefits for Children of Vietnam Veterans ........................................ 1801".**

(2) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting after the chapter heading the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Birth defects covered.
"1813. Benefits and assistance.

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

"1821. Applicability of certain administrative provisions.
"1822. Treatment of receipt of monetary allowance on other benefits.".

(g) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.

## Subtitle H—Other Benefits Matters

### SEC. 171. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the dose reconstruction program of the Defense Threat Reduction Agency.

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c) the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

## TITLE II—HEALTH CARE MATTERS

### SEC. 201. VETERANS NOT SUBJECT TO COPAYMENTS FOR MEDICATIONS.

Subparagraph (B) of section 1722A(a)(3) is amended to read as follows:

"(B) to a veteran who is considered by the Secretary to be unable to defray the expenses of necessary care under section 1722 of this title.".

### SEC. 202. ESTABLISHMENT OF POSITION OF ADVISOR ON PHYSICIAN ASSISTANTS WITHIN OFFICE OF UNDERSECRETARY FOR HEALTH.

(a) ESTABLISHMENT.—Subsection (a) of section 7306 is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Advisor on Physician Assistants, who shall carry out the responsibilities set forth in subsection (f).".

(b) RESPONSIBILITIES.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) The Advisor on Physician Assistants under subsection (a)(9) shall—

"(1) advise the Under Secretary for Health on matters regarding the optimal utilization of physician assistants by the Veterans Health Administration;

"(2) advise the Under Secretary for Health on the feasibility and desirability of establishing clinical privileges and practice areas for physician assistants in the Administration;

"(3) develop initiatives to facilitate the utilization of the full range of clinical capabilities of the physician assistants employed by the Administration;

"(4) provide advice on policies affecting the employment of physician assistants by the Administration, including policies on educational requirements, national certification, recruitment and retention, staff development, and the availability of educational assistance (including scholarship, tuition reimbursement, and loan repayment assistance); and

"(5) carry out such other responsibilities as the Under Secretary for Health shall specify.".

### SEC. 203. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended—

(1) by striking "nursing," and inserting "nursing"; and

(2) by inserting "who have successfully completed a full course of training as a physician assistant in a recognized school approved by the Secretary," before "or who".

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".

## TITLE III—CONSTRUCTION AND FACILITIES MATTERS

## Subtitle A—Construction Matters

### SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR FISCAL YEAR 2001.

The Secretary of Veterans Affairs may carry out the following major medical projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

### SEC. 302. AUTHORIZATION OF ADDITIONAL MAJOR MEDICAL FACILITY PROJECT FOR FISCAL YEAR 2000.

Section 401 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572) is amended by adding at the end the following:

"(7) Renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.".

### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 PROJECTS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2001 and for fiscal year 2002, $36,100,000 for the Construction, Major Projects, account for the projects authorized in section 301.

(b) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL FISCAL YEAR 2000 PROJECT.—Section 403 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573) is amended—

(1) in subsection (a)(1), by striking "$57,500,000 for the projects authorized in paragraphs (1) through (5)" and inserting "$71,500,000 for the projects authorized in paragraphs (1) through (5) and (7)"; and

(2) in subsection (b), by inserting "and (7)" after "through (5)" in the matter preceding paragraph (1).

(c) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 2001 for a category of activity not specific to a project.

## Subtitle B—Other Matters

### SEC. 311. MAXIMUM TERM OF LEASE OF DEPARTMENT OF VETERANS AFFAIRS PROPERTY FOR HOMELESS PURPOSES.

Section 3735(a)(4) is amended by striking "three years" and inserting "20 years".

### SEC. 312. LAND CONVEYANCE, MILES CITY VETERANS ADMINISTRATION MEDICAL COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the "County"), all right, *title, and interest of the United States in and to the parcels of real property consisting of the Miles City Veterans Administration Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.*

*(b) TIMING OF CONVEYANCE.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.*

*(c) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the condition that the County—*

*(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or*

*(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).*

*(d) CONVEYANCE OF IMPROVEMENTS.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.*

*(2) Any conveyance under this subsection shall be without consideration.*

*(e) USE PENDING CONVEYANCE.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.*

*(f) MAINTENANCE PENDING CONVEYANCE.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.*

*(g) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.*

*(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.*

### ***SEC. 313. CONVEYANCE OF FT. LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.***

*(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law and subject to the provisions of this section, the Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the location of the Ft. Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to utilize the property for purposes of a correctional facility.*

*(b) PUBLIC ACCESS.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel, which is located on the real property, and the cemetery located adjacent to the real property.*

*(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.*

*(c) PLAN REGARDING CONVEYANCE.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:*

*(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Ft. Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.*

*(B) That the conveyance of the Ft. Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.*

*(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.*

*(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.*

*(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.*

*(d) ENVIRONMENTAL RESTORATION.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.*

*(e) PERSONAL PROPERTY.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.*

*(f) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.*

*(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.*

### ***SEC. 314. EFFECT OF CLOSURE OF FT. LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.***

*(a) PAYMENT FOR NURSING HOME CARE.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Ft. Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado or such private facility, as the case may be, as a result of the closure of the Ft. Lyon Department of Veterans Affairs Medical Center.*

*(b) OBLIGATION TO PROVIDE EXTENDED CARE SERVICES.—Nothing in section 313 of this Act or this section may be construed to alter or otherwise effect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.*

*(c) EXTENSION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.—Notwithstanding section 1109(a) of the Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 113 Stat. 1599; 5 U.S.C. 5597 note), the authority to pay voluntary separation incentive payments under that Act to employees of the Ft. Lyon Department of Veterans Affairs Medical Center shall apply to eligible employees (as defined by section 1110 of that Act) at the Ft. Lyon Department of Veterans Affairs Medical Center whose separation occurs before June 30, 2001.*

*(d) REPORT ON VETERANS HEALTH CARE IN SOUTHERN COLORADO.—Not later than one year after the conveyance, if any, authorized by section 313, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under the Network in the Southern Colorado. The report shall describe any improvements to the system in Southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.*

Mr. SMITH of New Hampshire. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1810) was read the third time and passed.

The title was amended so as to read:

"A Bill to amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.".

## NEXT GENERATION INTERNET 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 607, S. 2046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2046) to reauthorize the Next Generation Internet Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment, as follows:

(The parts to be stricken are shown in black brackets; the parts to be inserted are in italic.)

S. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* "SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) CONFORMING AMENDMENTS.—(1) Sections 1801 and 1802 are each amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) is amended by striking "this chapter" and inserting "this section".

(f) CLERICAL AMENDMENTS.—(1)(A) The chapter heading of chapter 18 is amended to read as follows:

**"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".**

(1) The tables of chapters at beginning, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

**"18. Benefits for Children of Vietnam Veterans ....................................... 1801".**

(2) The table of sections at the beginning of chapter 18 is amended—

(A) by inserting after the chapter heading the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Birth defects covered.
"1813. Benefits and assistance.

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

"1821. Applicability of certain administrative provisions.
"1822. Treatment of receipt of monetary allowance on other benefits.".

(g) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.

### Subtitle H—Other Benefits Matters

### SEC. 171. REVIEW OF DOSE RECONSTRUCTION PROGRAM OF THE DEFENSE THREAT REDUCTION AGENCY.

(a) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences to carry out periodic reviews of the dose reconstruction program of the Defense Threat Reduction Agency.

(b) REVIEW ACTIVITIES.—The periodic reviews of the dose reconstruction program under the contract under subsection (a) shall consist of the periodic selection of random samples of doses reconstructed by the Defense Threat Reduction Agency in order to determine—

(1) whether or not the reconstruction of the sampled doses is accurate;

(2) whether or not the reconstructed dosage number is accurately reported;

(3) whether or not the assumptions made regarding radiation exposure based upon the sampled doses are credible; and

(4) whether or not the data from nuclear tests used by the Defense Threat Reduction Agency as part of the reconstruction of the sampled doses is accurate.

(c) DURATION OF REVIEW.—The periodic reviews under the contract under subsection (a) shall occur over a period of 24 months.

(d) REPORT.—(1) Not later than 60 days after the conclusion of the period referred to in subsection (c) the National Academy of Sciences shall submit to Congress a report on its activities under the contract under this section.

(2) The report shall include the following:

(A) A detailed description of the activities of the National Academy of Sciences under the contract.

(B) Any recommendations that the National Academy of Sciences considers appropriate regarding a permanent system of review of the dose reconstruction program of the Defense Threat Reduction Agency.

## TITLE II—HEALTH CARE MATTERS

### SEC. 201. VETERANS NOT SUBJECT TO COPAYMENTS FOR MEDICATIONS.

Subparagraph (B) of section 1722A(a)(3) is amended to read as follows:

"(B) to a veteran who is considered by the Secretary to be unable to defray the expenses of necessary care under section 1722 of this title.".

### SEC. 202. ESTABLISHMENT OF POSITION OF ADVISOR ON PHYSICIAN ASSISTANTS WITHIN OFFICE OF UNDERSECRETARY FOR HEALTH.

(a) ESTABLISHMENT.—Subsection (a) of section 7306 is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Advisor on Physician Assistants, who shall carry out the responsibilities set forth in subsection (f).".

(b) RESPONSIBILITIES.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) The Advisor on Physician Assistants under subsection (a)(9) shall—

"(1) advise the Under Secretary for Health on matters regarding the optimal utilization of physician assistants by the Veterans Health Administration;

"(2) advise the Under Secretary for Health on the feasibility and desirability of establishing clinical privileges and practice areas for physician assistants in the Administration;

"(3) develop initiatives to facilitate the utilization of the full range of clinical capabilities of the physician assistants employed by the Administration;

"(4) provide advice on policies affecting the employment of physician assistants by the Administration, including policies on educational requirements, national certification, recruitment and retention, staff development, and the availability of educational assistance (including scholarship, tuition reimbursement, and loan repayment assistance); and

"(5) carry out such other responsibilities as the Under Secretary for Health shall specify.".

### SEC. 203. TEMPORARY FULL-TIME APPOINTMENTS OF CERTAIN MEDICAL PERSONNEL.

(a) PHYSICIAN ASSISTANTS AWAITING CERTIFICATION OR LICENSURE.—Paragraph (2) of section 7405(c) is amended—

(1) by striking "nursing," and inserting "nursing"; and

(2) by inserting "who have successfully completed a full course of training as a physician assistant in a recognized school approved by the Secretary," before "or who".

(b) MEDICAL SUPPORT PERSONNEL.—That section is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Temporary full-time appointments of persons in positions referred to in subsection (a)(1)(D) shall not exceed three years.

"(B) Temporary full-time appointments under this paragraph may be renewed for one or more additional periods not in excess of three years each.".

## TITLE III—CONSTRUCTION AND FACILITIES MATTERS

### Subtitle A—Construction Matters

### SEC. 301. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS FOR FISCAL YEAR 2001.

The Secretary of Veterans Affairs may carry out the following major medical projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a 120-bed gero-psychiatric facility at the Department of Veterans Affairs Palo Alto Health Care System, Menlo Park Division, California, $26,600,000.

(2) Construction of a nursing home at the Department of Veterans Affairs Medical Center, Beckley, West Virginia, $9,500,000.

### SEC. 302. AUTHORIZATION OF ADDITIONAL MAJOR MEDICAL FACILITY PROJECT FOR FISCAL YEAR 2000.

Section 401 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1572) is amended by adding at the end the following:

"(7) Renovation of psychiatric nursing units at the Department of Veterans Affairs Medical Center, Murfreesboro, Tennessee, in an amount not to exceed $14,000,000.".

### SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001 PROJECTS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2001 and for fiscal year 2002, $36,100,000 for the Construction, Major Projects, account for the projects authorized in section 301.

(b) AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL FISCAL YEAR 2000 PROJECT.—Section 403 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1573) is amended—

(1) in subsection (a)(1), by striking "$57,500,000 for the projects authorized in paragraphs (1) through (5)" and inserting "$71,500,000 for the projects authorized in paragraphs (1) through (5) and (7)"; and

(2) in subsection (b), by inserting "and (7)" after "through (5)" in the matter preceding paragraph (1).

(c) LIMITATION.—The projects authorized in section 301 may only be carried out using—

(1) funds appropriated for fiscal year 2001 or fiscal year 2002 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 2001 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 2001 for a category of activity not specific to a project.

### Subtitle B—Other Matters

### SEC. 311. MAXIMUM TERM OF LEASE OF DEPARTMENT OF VETERANS AFFAIRS PROPERTY FOR HOMELESS PURPOSES.

Section 3735(a)(4) is amended by striking "three years" and inserting "20 years".

### SEC. 312. LAND CONVEYANCE, MILES CITY VETERANS ADMINISTRATION MEDICAL COMPLEX, MILES CITY, MONTANA.

(a) CONVEYANCE REQUIRED.—The Secretary of Veterans Affairs shall convey, without consideration, to Custer County, Montana (in this section referred to as the "County"), all right, *title, and interest of the United States in and to the parcels of real property consisting of the Miles City Veterans Administration Medical Center complex, which has served as a medical and support complex for the Department of Veterans Affairs in Miles City, Montana.*

*(b) Timing of Conveyance.—The conveyance required by subsection (a) shall be made as soon as practicable after the date of the enactment of this Act.*

*(c) Conditions of Conveyance.—The conveyance required by subsection (a) shall be subject to the condition that the County—*

*(1) use the parcels conveyed, whether directly or through an agreement with a public or private entity, for veterans activities, community and economic development, or such other public purposes as the County considers appropriate; or*

*(2) convey the parcels to an appropriate public or private entity for use for the purposes specified in paragraph (1).*

*(d) Conveyance of Improvements.—(1) As part of the conveyance required by subsection (a), the Secretary may also convey to the County any improvements, equipment, fixtures, and other personal property located on the parcels conveyed under that subsection that are not required by the Secretary.*

*(2) Any conveyance under this subsection shall be without consideration.*

*(e) Use Pending Conveyance.—Until such time as the real property to be conveyed under subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the real property, together with any improvements thereon, under the terms and conditions of the current lease of the real property.*

*(f) Maintenance Pending Conveyance.—The Secretary shall be responsible for maintaining the real property to be conveyed under subsection (a), and any improvements, equipment, fixtures, and other personal property to be conveyed under subsection (d), in its condition as of the date of the enactment of this Act until such time as the real property, and such improvements, equipment, fixtures, and other personal property are conveyed by deed under this section.*

*(g) Legal Description.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.*

*(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.*

***SEC. 313. CONVEYANCE OF FT. LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, COLORADO, TO THE STATE OF COLORADO.***

*(a) Conveyance Authorized.—Notwithstanding any other provision of law and subject to the provisions of this section, the Secretary of Veterans Affairs may convey, without consideration, to the State of Colorado all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 512 acres and comprising the location of the Ft. Lyon Department of Veterans Affairs Medical Center. The purpose of the conveyance is to permit the State of Colorado to utilize the property for purposes of a correctional facility.*

*(b) Public Access.—(1) The Secretary may not make the conveyance of real property authorized by subsection (a) unless the State of Colorado agrees to provide appropriate public access to Kit Carson Chapel, which is located on the real property, and the cemetery located adjacent to the real property.*

*(2) The State of Colorado may satisfy the condition specified in paragraph (1) with respect to Kit Carson Chapel by relocating the chapel to Fort Lyon National Cemetery, Colorado, or another appropriate location approved by the Secretary.*

*(c) Plan Regarding Conveyance.—(1) The Secretary may not make the conveyance authorized by subsection (a) before the date on which the Secretary implements a plan providing the following:*

*(A) Notwithstanding sections 1720(a)(3) and 1741 of title 38, United States Code, that veterans who are receiving inpatient or institutional long-term care at Ft. Lyon Department of Veterans Affairs Medical Center as of the date of the enactment of this Act are provided appropriate inpatient or institutional long-term care under the same terms and conditions as such veterans are receiving inpatient or institutional long-term care as of that date.*

*(B) That the conveyance of the Ft. Lyon Department of Veterans Affairs Medical Center does not result in a reduction of health care services available to veterans in the catchment area of the Medical Center.*

*(C) Improvements in veterans' overall access to health care in the catchment area through, for example, the opening of additional outpatient clinics.*

*(2) The Secretary shall prepare the plan referred to in paragraph (1) in consultation with appropriate representatives of veterans service organizations and other appropriate organizations.*

*(3) The Secretary shall publish a copy of the plan referred to in paragraph (1) before implementation of the plan.*

*(d) Environmental Restoration.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary completes the evaluation and performance of any environmental restoration activities required by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and by any other provision of law.*

*(e) Personal Property.—As part of the conveyance authorized by subsection (a), the Secretary may convey, without consideration, to the State of Colorado any furniture, fixtures, equipment, and other personal property associated with the property conveyed under that subsection that the Secretary determines is not required for purposes of the Department of Veterans Affairs health care facilities to be established by the Secretary in southern Colorado or for purposes of Fort Lyon National Cemetery.*

*(f) Legal Description.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Any costs associated with the survey shall be borne by the State of Colorado.*

*(g) Additional Terms and Conditions.—The Secretary may require such other terms and conditions in connection with the conveyances authorized by subsections (a) and (e) as the Secretary considers appropriate to protect the interests of the United States.*

***SEC. 314. EFFECT OF CLOSURE OF FT. LYON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER ON ADMINISTRATION OF HEALTH CARE FOR VETERANS.***

*(a) Payment for Nursing Home Care.—Notwithstanding any limitation under section 1720 or 1741 of title 38, United States Code, the Secretary of Veterans Affairs may pay the State of Colorado, or any private nursing home care facility, for costs incurred in providing nursing home care to any veteran who is relocated from the Ft. Lyon Department of Veterans Affairs Medical Center, Colorado, to the State of Colorado or such private facility, as the case may be, as a result of the closure of the Ft. Lyon Department of Veterans Affairs Medical Center.*

*(b) Obligation To Provide Extended Care Services.—Nothing in section 313 of this Act or this section may be construed to alter or otherwise effect the obligation of the Secretary to meet the requirements of section 1710B(b) of title 38, United States Code, relating to staffing and levels of extended care services in fiscal years after fiscal year 1998.*

*(c) Extension of Voluntary Early Retirement Authority.—Notwithstanding section 1109(a) of the Department of Veterans Affairs Employment Reduction Assistance Act of 1999 (title XI of Public Law 106–117; 113 Stat. 1599; 5 U.S.C. 5597 note), the authority to pay voluntary separation incentive payments under that Act to employees of the Ft. Lyon Department of Veterans Affairs Medical Center shall apply to eligible employees (as defined by section 1110 of that Act) at the Ft. Lyon Department of Veterans Affairs Medical Center whose separation occurs before June 30, 2001.*

*(d) Report on Veterans Health Care in Southern Colorado.—Not later than one year after the conveyance, if any, authorized by section 313, the Under Secretary for Health of the Department of Veterans Affairs, acting through the Director of Veterans Integrated Service Network (VISN) 19, shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the status of the health care system for veterans under the Network in the Southern Colorado. The report shall describe any improvements to the system in Southern Colorado that have been put into effect in the period beginning on the date of the conveyance and ending on the date of the report.*

Mr. SMITH of New Hampshire. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1810) was read the third time and passed.

The title was amended so as to read:

"A Bill to amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.".

## NEXT GENERATION INTERNET 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate proceed to the consideration of Calendar No. 607, S. 2046.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2046) to reauthorize the Next Generation Internet Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment, as follows:

(The parts to be stricken are shown in black brackets; the parts to be inserted are in italic.)

S. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### [SECTION 1. SHORT TITLE.

[This Act may be cited as the "Next Generation Internet 2000".

### [SEC. 2. FINDINGS.

[The Congress makes the following findings:

[(1) The United States investment in science and technology has yielded a scientific and engineering enterprise without peer. The Federal investment in research is critical to the maintenance of our international leadership.

[(2) The Internet is at a pivotal point in its history. While promising new applications in medicine, environmental science, and other disciplines are becoming a reality, they are still constrained by the Internet's capacity and capabilities. The current Internet cannot support an emerging set of activities, many of which are essential to mission-critical applications in government, national laboratories, academia and business.

[(3) Government-sponsored network research and development is critical to the success of the Next Generation Internet. Previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States.

[(4) Since its establishment in 1998, the Next Generation Internet Program has successfully funded peer-reviewed research to address the critical need for increased network performance and management.

### [SEC. 3. PURPOSES.

[The purposes of this Act are—

[(1) to authorize, through the Next Generation Internet Program and Large Scale Networking Program, research programs related to—

[(A) high-end computing and computation;

[(B) human-centered systems;

[(C) high confidence systems; and

[(D) education, training, and human resources; and

[(2) to provide, through the Next Generation Internet Program and Large Scale Networking Program, for the development and coordination of a comprehensive and integrated United States research program which will—

[(A) focus on research and development toward advancing network technologies to create a network infrastructure that can support greater speed, robustness, and flexibility;

[(B) promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

[(C) conduct research on the tools and services that hear future agency networking requirements demands, including application specific multicast, quality of service, and internet video conferencing;

[(D) focus on research and development of the next generation network fabric, particularly concerning the expansion of affordable bandwidth for users that is both economically viable and does not impose a geographic penalty (as defined in section 7(a) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.); and

[(E) encourage researchers to pursue approaches to networking technology that lead to flexible and extensible solutions wherever feasible.

### [SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

[Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended to read as follows:

["(d) AUTHORIZATION OF APPROPRIATIONS.—

["(1) IN GENERAL.—There are authorized to be appropriated for the purpose of carrying out the Next Generation Internet program and Large Scale Networking program the following amounts:

| ["Agency | FY 2000 | FY 2002 | FY 2003 |
|---|---|---|---|
| ["Department of Defense | $70,300,000 | $74,200,000 | $78,300,000 |
| ["Department of Energy | $32,000,000 | $33,800,000 | $35,700,000 |
| ["National Aeronautics and Space Administration | $19,500,000 | $20,600,000 | $21,700,000 |
| ["National Institutes of Health | $96,000,000 | $101,300,000 | $106,300,000 |
| ["National Institute of Standards and Technology | $4,200,000 | $4,400,000 | $4,600,000 |
| ["National Science Foundation | $111,200,000 | $117,300,000 | $123,800,000 |
| ["National Security Agency | $1,900,000 | $2,000,000 | $2,100,000 |
| ["Agency for Healthcare Research and Quality | $7,400,000 | $7,800,000 | $8,200,000 |

["(2) USE OF SUCH FUNDS.—Funds authorized by paragraph (1)—

["(A) shall be used in a manner that contributes to achieving the goals of the Next Generation Internet Program and the Large Scale Networking program; and

["(B) may be used only for research that is merit-based and peer-reviewed.".

### [SEC. 5. RURAL INFRASTRUCTURE.

[Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

["(e) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts made available to fund research shall be used to fund research grants into the reduction of the cost of Internet access services available to users in geographically-remote areas. The research shall include investigation of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".

### [SEC. 6. MINORITY AND SMALL COLLEGE INTERNET ACCESS.

[Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 6, is further amended by adding at the end thereof the following:

["(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (e) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Historically Black, or small colleges and universities.".

### [SEC. 7. DIGITAL DIVIDE STUDY.

[(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

[(1) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next General Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

[(2) a review of all current Federally-funded research to decrease the inequity of Internet access to rural and low-income users; and

[(3) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

[(b) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

[(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this section.]

## *Title I—Next Generation Internet*

### *SECTION 101. SHORT TITLE.*

*This title may be cited as the "Next Generation Internet 2000".*

### *SEC. 102. FINDINGS.*

*The Congress makes the following findings:*

*(1) The United States investment in science and technology has yielded a scientific and engineering enterprise without peer. The Federal investment in research is critical to the maintenance of our international leadership.*

*(2) Federal support of computing, information, and networking research and development has been instrumental in driving advances in information technology, including today's Internet, that are transforming our society, enriching the lives of Americans, enabling scientific and engineering discoveries, and improving the competitiveness and productivity of United States' businesses. We have an essential national interest in ensuring a continued flow of innovation and advances in information technology to assure the continued prosperity of future generations.*

*(3) The Internet is at a pivotal point in its history. While promising new applications in medicine, environmental science, and other disciplines are becoming a reality, they are still constrained by the Internet's capacity and capabilities. The current Internet cannot support an emerging set of activities, many of which are essential to mission-critical applications in government, national laboratories, academia, and business.*

*(4) Government-sponsored network research and development in large scale networking technologies, service, and performance is critical to enable the future growth of the Internet and to meet Federal agency mission needs.*

*(5) Since its establishment in 1998, the Next Generation Internet Program, which builds on the research and development activities funded under the Large Scale Networking Programs, has successfully deployed networking testbeds and funded peer-reviewed research and development to address the critical need for networks that are more powerful, reliable, and versatile than the current Internet.*

*(6) Networking research and development is an integral part of the Federal information technology research and development program. Balanced investments in other areas, including software design and productivity, high-end computing, high confidence software and systems, human-computer interface and information management, high-end computing infrastructure and applications, and research into the social, legal, ethical, and workforce implications of information technology should be pursued.*

### *SEC. 103. PURPOSES.*

*The purposes of this title are—*

*(1) to authorize the Large Scale Networking Programs, including the Next Generation Internet Programs; and*

*(2) to provide, through the Large Scale Networking Programs, including the Next Generation Internet Programs, for the development and coordination of a comprehensive and integrated United States research program which will—*

*(A) focus on research and development toward advancing network technologies to create a network infrastructure that can support greater speed, robustness, and flexibility;*

*(B) promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;*

*(C) conduct research on the tools and services that future agency networking requirements demand, including application specific multicast, quality of service, and Internet video conferencing;*

*(D) focus on research and development of the next generation network fabric, including the expansion of bandwidth for users that is both economically viable and does not impose a geographic penalty (as defined in section 7(a) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.); and*

*(E) encourage researchers to pursue approaches to networking technology that lead to flexible and extensible solutions wherever feasible.*

***SEC. 104. AUTHORIZATION OF APPROPRIATIONS.***

*Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended to read as follows:*

*"(d) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) IN GENERAL.—There are authorized to be appropriated for the purpose of carrying out the Large Scale Networking Programs, including the Next Generation Internet Programs, the following amounts:*

| *"Agency* | ***FY 2001*** | ***FY 2002*** | ***FY 2003*** |
|---|---|---|---|
| *"Department of Defense* | *$70,300,000* | *$74,200,000* | *$78,300,000* |
| *"Department of Energy* | *$32,000,000* | *$33,800,000* | *$35,700,000* |
| *"National Aeronautics and Space Administration* | *$19,500,000* | *$20,600,000* | *$21,700,000* |
| *"National Institutes of Health* | *$96,000,000* | *$101,300,000* | *$106,300,000* |
| *"National Institute of Standards and Technology* | *$4,200,000* | *$4,400,000* | *$4,600,000* |
| *"National Science Foundation* | *$111,200,000* | *$117,300,000* | *$123,800,000* |
| *"National Security Agency* | *$1,900,000* | *$2,000,000* | *$2,100,000* |
| *"Agency for Healthcare Research and Quality* | *$7,400,000* | *$7,800,000* | *$8,200,000* |
| *"National Oceanic and Atmospheric Administration* | *$2,700,000* | *$2,900,000* | *$3,100,000* |

*"(2) LIMITATIONS.—Funds authorized by paragraph (1) shall be used in a manner that contributes to achieving the goals of the Large Scale Networking Program, including the Next Generation Internet Programs. Research conducted under this program shall be merit-based and peer-reviewed.".*

***SEC. 105. RURAL INFRASTRUCTURE.***

*Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:*

*"(e) RURAL INFRASTRUCTURE.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speed connectivity more accessible to users in geographically-remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".*

***SEC. 106. MINORITY AND SMALL COLLEGE INTERNET ACCESS.***

*Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 6, is further amended by adding at the end thereof the following:*

*"(f) MINORITY AND SMALL COLLEGE INTERNET ACCESS.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.".*

***SEC. 107. DIGITAL DIVIDE STUDY.***

*(a) IN GENERAL.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—*

*(1) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next General Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;*

*(2) a review of all current Federally-funded research to decrease the inequity of Internet access to rural and low-income users; and*

*(3) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.*

*(b) REPORT.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.*

*(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this section.*

### *Title II—Federal Research Investment Act*

***SECTION 201. SHORT TITLE.***

*This title may be cited as the "Federal Research Investment Act".*

***SEC. 202. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.***

*(a) VALUE OF RESEARCH AND DEVELOPMENT.—The Congress makes the following findings with respect to the value of research and development to the United States:*

*(1) Federal investment in research has resulted in the development of technology that saved lives in the United States and around the world.*

*(2) Research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.*

*(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.*

*(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.*

*(5) Science, engineering, and technology play a critical role in shaping the modern world.*

*(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; and science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.*

*(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.*

*(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently underparticipate in the national science and technology enterprise.*

*(b) STATUS OF THE FEDERAL INVESTMENT.—The Congress makes the following findings with respect to the status of the Federal Investment in research and development activities:*

*(1) Federal investment of approximately 13 to 14 percent of the Federal discretionary budget in research and development over the past 11 years has resulted in a doubling of the nominal amount of Federal funding.*

*(2) Fiscal realities now challenge Congress to steer the Federal government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.*

*(3) Current projections of Federal research funding show a downward trend.*

***SEC. 203. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.***

*The Congress makes the following findings with respect to health-related research:*

*(1) HEALTH AND ECONOMIC BENEFITS PROVIDED BY HEALTH-RELATED RESEARCH.—Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.*

*(2) FUNDING OF HEALTH-RELATED RESEARCH.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in fiscal year 1999. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.*

*(3) INTERDISCIPLINARY NATURE OF HEALTH-RELATED RESEARCH.—Because all fields of science and engineering are interdependent, full realization of the nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.*

### *SEC. 204. ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN THE RESEARCH PROCESS AND USEFUL TECHNOLOGY.*

*The Congress makes the following findings:*

*(1) FLOW OF SCIENCE, ENGINEERING, AND TECHNOLOGY.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each support a narrow phase of research or development and are not coordinated with one another. The government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a pre-commercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.*

*(2) EXCELLENCE IN THE AMERICAN RESEARCH INFRASTRUCTURE.—Federal investment in science, engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.*

*(3) COMMITMENT TO A BROAD RANGE OF RESEARCH INITIATIVES.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.*

*(4) PARTNERSHIPS AMONG INDUSTRY, UNIVERSITIES, AND FEDERAL LABORATORIES.—Each of these contributors to the national science and technology delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.*

### *SEC. 205. MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.*

*(a) MAINTAINING UNITED STATES LEADERSHIP IN SCIENCE, ENGINEERING, AND TECHNOLOGY.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.*

*(b) GUIDING PRINCIPLES.—Federal research and development programs should be conducted in accordance with the following guiding principles:*

*(1) GOOD SCIENCE.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.*

*(2) FISCAL ACCOUNTABILITY.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a project's and program's progress against carefully planned milestones.*

*(3) PROGRAM EFFECTIVENESS.—The United States needs to make sure that government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.*

*(4) CRITERIA FOR GOVERNMENT FUNDING.—Program selection for Federal funding should continue to reflect the nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the nation's long-term future scientific and technological capacity, for which government has traditionally served as the principle resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, and raising the standard of living, which may include pre-commercial, pre-competitive engineering research and technology development. Additionally, government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the government should not invest in commercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.*

### *SEC. 206. POLICY STATEMENT.*

*(a) POLICY.— This title is intended to—*

*(1) assure a base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, with this base level defined as a doubling of Federal basic research funding over the 11 year period following the date of enactment of this Act;*

*(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);*

*(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;*

*(4) allow for accelerated growth of agencies such as the National Institutes of Health to meet critical national needs;*

*(5) guarantee the leadership of the United States in science, engineering, medicine, and technology; and*

*(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise.*

*(b) AGENCIES COVERED.—The agencies and trust instrumentality intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this title are—*

*(1) the National Institutes of Health, within the Department of Health and Human Services;*

*(2) the National Science Foundation;*

*(3) the National Institute for Standards and Technology, within the Department of Commerce;*

*(4) the National Aeronautics and Space Administration;*

*(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;*

*(6) the Centers for Disease Control, within the Department of Health and Human Services;*

*(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);*

*(8) the Department of Agriculture;*

*(9) the Department of Transportation;*

*(10) the Department of the Interior;*

*(11) the Department of Veterans Affairs;*

*(12) the Smithsonian Institution;*

*(13) the Department of Education;*

*(14) the Environmental Protection Agency, and*

*(15) the Food and Drug Administration, within the Department of Health and Human Services.*

*(c) DAMAGE TO RESEARCH INFRASTRUCTURE.—A continued trend of funding appropriations equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.*

*(d) FUTURE FISCAL YEAR ALLOCATIONS.—*

*(1) GOALS.—The long-term strategy for research and development funding under this section would be achieved by a steady 2.5 percent annual increase above the rate of inflation throughout a 11-year period.*

*(2) INFLATION ASSUMPTION.—The authorizations contained in paragraph (3) assume that the rate of inflation for each year will be 3 percent.*

*(3) AUTHORIZATION.—There are authorized to be appropriated for civilian research and development in the agencies listed in subsection (b)—*

*(A) $39,790,000,000 for fiscal year 2000;*
*(B) $41,980,000,000 for fiscal year 2001;*
*(C) $44,290,000,000 for fiscal year 2002;*
*(D) $46,720,000,000 for fiscal year 2003;*
*(E) $49,290,000,000 for fiscal year 2004;*
*(F) $52,000,000,000 for fiscal year 2005;*
*(G) $54,860,000,000 for fiscal year 2006;*
*(H) $57,880,000,000 for fiscal year 2007;*
*(I) $61,070,000,000 for fiscal year 2008;*
*(J) $64,420,000,000 for fiscal year 2009; and*
*(K) $67,970,000,000 for fiscal year 2010.*

*(4) ACCELERATION TO MEET NATIONAL NEEDS.—*

*(A) IN GENERAL.—If the amount appropriated for any fiscal year to an agency for the purposes stated in paragraph (3) increases by more than 8 percent over the amount appropriated to it for those purposes for the preceding fiscal year, then the amounts authorized by paragraph (3) for subsequent fiscal years for that agency and other agencies shall be determined under subparagraphs (B) and (C).*

*(B) EXCLUSION OF AGENCY IN DETERMINING OTHER AGENCY AMOUNTS FOR NEXT FISCAL YEAR.—For the next fiscal year after a fiscal year described in subparagraph (A), the amount authorized to be appropriated to other agencies under paragraph (3) shall be determined by excluding the agency described in subparagraph (A). Any amount that would, but for this subparagraph, be authorized to be appropriated to that agency shall not be appropriated.*

*(C) RESUMPTION OF REGULAR TREATMENT.—Notwithstanding subparagraph (B), an agency may not be excluded from the determination of the amount authorized to be appropriated under paragraph (3) for a fiscal year following a fiscal year for which the sum of the amounts appropriated to that agency for fiscal year 2000 and all subsequent fiscal years for the purposes described in paragraph (3) does not exceed the sum of—*

*(i) the amount appropriated to that agency for such purposes for fiscal year 2000; and*

*(ii) the amounts that would have been appropriated for such purposes for subsequent fiscal years if the goal described in paragraph (1) had been met (and not exceeded) with respect to that agency's funding.*

*(D) NO LIMITATION ON OTHER FUNDING.—Nothing in this paragraph limits the amount that may be appropriated to any agency for the purposes described in paragraph (3).*

*(e) CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this title in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.*

*(f) BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.*

***SEC. 207. PRESIDENT'S ANNUAL BUDGET REQUEST.***

*The President of the United States shall, in coordination with the President's annual budget request, include a report that parallels Congress' commitment to support Federally-funded research and development by providing—*

*(1) a detailed summary of the total level of funding for research and development programs throughout all civilian agencies;*

*(2) a focused strategy that reflects the funding projections of this title for each future fiscal year until 2010, including specific targets for each agency that funds civilian research and development;*

*(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those terms in chapter 63 of title 31, United States Code); and*

*(4) specific proposals for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community.*

***SEC. 208. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.***

*(a) STUDY.—The Director of the Office of Science and Technology Policy, in consultation with the Director of the Office of Management and Budget, shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating Federally-funded research and development programs. This study shall—*

*(1) recommend processes to determine an acceptable level of success for Federally-funded research and development programs by—*

*(A) describing the research process in the various scientific and engineering disciplines;*

*(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and*

*(C) recommending how these measures may be adapted for use by the Federal government to evaluate Federally-funded research and development programs;*

*(2) assess the extent to which agencies incorporate independent merit-based review into the formulation of the strategic plans of funding agencies and if the quantity or quality of this type of input is unsatisfactory;*

*(3) recommend mechanisms for identifying Federally-funded research and development programs which are unsuccessful or unproductive;*

*(4) evaluate the extent to which independent, merit-based evaluation of Federally-funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and*

*(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—*

*(A) administrative burden on contractors and recipients of financial assistance awards;*

*(B) administrative burdens on external participants in independent, merit-based evaluations;*

*(C) cost and schedule control for construction projects funded by the program;*

*(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and*

*(E) the timeliness of program responses to requests for funding, participation, or equipment use.*

*(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our nation's historical research and development priorities—*

*(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the nation; and*

*(B) mission research derived from a high-priority public function.*

*(b) ALTERNATIVE FORMS FOR PERFORMANCE GOALS.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a program activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.*

*(c) STRATEGIC PLANS.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).*

*(d) DEFINITIONS.—In this section:*

*(1) DIRECTOR.—The term "Director" means the Director of the Office of Science and Technology Policy.*

*(2) PROGRAM ACTIVITY.—The term "program activity" has the meaning given that term by section 1115(f)(6) of title 31, United States Code.*

*(3) INDEPENDENT MERIT-BASED EVALUATION.—The term "independent merit-based evaluation" means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—*

*(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or*

*(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000 for the 18-month period beginning October 1, 2000.*

***SEC. 209. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.***

*(a) IN GENERAL.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:*

***"§ 1120. Accountability for research and development programs***

*"(a) IDENTIFICATION OF UNSUCCESSFUL PROGRAMS.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an acceptable level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.*

*"(b) ACCOUNTABILITY IF NO IMPROVEMENT SHOWN.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction—*

*"(1) a concise statement of the steps necessary to—*

*"(A) bring such program into compliance with performance goals; or*

*"(B) terminate such program should compliance efforts fail; and*

*"(2) any legislative changes needed to put the steps contained in such statement into effect.".*

*(b) CONFORMING AMENDMENTS.—*

*(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:*

*"1120. Accountability for research and development programs".*

*(2) Section 1115(f) of title 31, United States Code, is amended by striking "section and sections 1116 through 1119," and inserting "section, sections 1116 through 1120,".*

AMENDMENT NO. 4176

(Purpose: To increase the Federal investment in civilian research and development)

Mr. SMITH of New Hampshire. Mr. President, Senators FRIST and ROCKEFELLER have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. FRIST, for himself and Mr. ROCKEFELLER, proposes an amendment numbered 4176.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4176) was agreed to.

Mr. SMITH of New Hampshire. I ask unanimous consent the committee amendment, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 2046) was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

## MEASURE READ THE FIRST TIME—S. 3095

Mr. SMITH of New Hampshire. Mr. President, I understand that S. 3095, introduced earlier today by Senator KENNEDY, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 3095) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

Mr. SMITH of New Hampshire. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

## UNANIMOUS CONSENT AGREEMENT—NOMINATIONS

Mr. SMITH of New Hampshire. Mr. President, as in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations and that they be placed on the Calendar:

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States with the rank of Ambassador, to which position he was appointed during the last recess of the Senate; and

Mark L. Schneider, of California, to be Director of the Peace Corps, vice Mark D. Gearan, resigned, to which position he was appointed during the last recess of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR FRIDAY, SEPTEMBER 22, 2000, AND MONDAY, SEPTEMBER 25, 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, September 22. I further ask unanimous consent that on Friday and Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator HAGEL, or his designee, 30 minutes; Senator DORGAN, or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent that the Senate convene at 12 noon on Monday and that the Senate be in a period for morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the first hour, and Senator THOMAS, or his designee, in control of the second hour. Following morning business, I ask unanimous consent that the Senate resume debate on the motion to proceed to S. 2045, the H-1B visa bill, and at 3:50 p.m., the Senate resume debate on S. 2796, the Water Resources Development Act, for 1 hour equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SMITH of New Hampshire. Mr. President, when the Senate convenes at 10 a.m. tomorrow, the Senate will be in a period for morning business throughout the day. The Senate may also resume debate on the motion to proceed to S. 2045, the H-1B visa bill, as well as any other items available for action. As previously announced, no votes will occur during tomorrow's session. The next vote will occur at 4:50 p.m. on Monday, September 25, on final passage of the Water Resources Development Act.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Friday, September 22, 2000, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 21, 2000:

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. KEVIN P. BYRNES, 7639

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. KERRY G. DENSON, 1996

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. WILLIAM W. GOODWIN, 8875

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624 AND 531:

*To be colonel*

GEORGE M. ABERNATHY, 7019
BRUCE H. ACKER, 2711
DANIEL S. ADAMS JR., 1182
DAVID A. ADAMS, 8868
SCOTT A. ADAMS, 7025
WILLIAM M. AHRENDT, 5250
STANLEY E. ALBAUGH, 7985
NORMAN R. ALBERT, 5813
JOHN E. ALEXANDER, 5549
GAIL C. ALLEN, 1109
JOHN R. ALLEN, 5218
THOMAS L. ALSTON, 9405
GLENN N. ALTSCHULD JR., 9234
KEVIN C. ANDERSEN, 0960
BENJAMIN ANDERSON, 7785
MARK ANDERSON, 6131
RICHARD L. ANDERSON, 1405
SILVIA S. ANDERSON, 8835
HAROLD J. ARATA III, 9296
FRANK P. ARENA JR., 1747
JEFFREY C. ARMSTRONG, 7167
RICHARD G. ARVIN, 9779
ERIC A. ASH, 4646
JOHN R. ATKINS, 2254
MARK A. ATKINSON, 4260
GREGORY D. AUGST, 0291
CHARLES H. AYALA, 6785
FLOYD A. BADSKY, 7342
ALAN K. BAKER, 0189
JOHN E. BALL, 2482
JONATHAN E. BANCROFT, 6949
KENNETH W. BARKER, 5732
DANIEL P. BARNETT, 4402
PAUL T. BARNICOTT, 8488
LEAH J. BARRERA, 8887
MARK A. BARRETT, 9870
JOSEPH F. BARRON, 4267
MICHAEL C. BARTON, 3839
EMERSON A. BASCOMB, 1954
WILLIAM R. BECKER, 3255
LORENZA M. BEDGOOD, 2733
KEVIN A. BELL, 7202
WILLIAM J. BENDER, 6936
KENNETH L. BENNETT, 9894
WILLIAM C. BENNETT JR., 8446
BRYAN J. BENSON, 0562
SANDRA A. BEST, 2027
EDWARD R. BEZDZIECKI, 9845
DEBORAH A. BIELLING, 6860
HENRI J. BIGO, 3574
JEFFREY J. BLESSING, 6550
THOMAS M. BLUME, 0853
MICHAEL R. BOERA, 2658
CHRISTOPHER C. BOGDAN, 0757
JOSE M. BOLUDA, 3741
HOWARD L. BORST, 4841
PAUL E. BOTTS, 3494
THOMAS J. BOUTHILLER, 8464
STEVEN M. BOWER, 4998
ALBERT J. BOWLEY JR., 6417
JOSEPH F. BOYLE, 9923
ANDREA A. BRABOY, 5467
JAMES S. BRACKETT, 4747
RAYMOND C. BRADBURY, 2221
MICHAEL D. BRADLEY, 0381
MATTHEW P. BRANIGAN, 8380
EDWARD M. BREEN, 1057
GEORGE D. BREMER JR., 0283
REX S. BRENNAN, 6534
TIMOTHY K. BRIDGES, 3271
JAMES E. BRIGGS, 6807
LARRY W. BRITTENHAM, 5561
ERIC J. BROOKS, 2863

FRANK K. BROOKS JR., 9240
JAMES D. BROPHY II, 2490
BRIAN M. BROWN, 1819
JAMES D. BROWN, 1360
KATHERINE L. BROWN, 1403
THOMAS H. BROWN, 4363
JAMES M. BROWNE, 7021
JOSEPH J. BROZENA JR., 5548
MARK S. BRUGH, 1535
WILLIAM W. BRUNER III, 5964
STEVEN P. BRUNIN, 7424
GARY C. BRYSON, 8135
MARK A. BUCKNAM, 5053
MARIO C. BUDA, 8225
DAVID A. BUJOLD, 0278
WILLIAM F. BURNETTE, 9761
STEVEN G. BURRIS, 0120
RICHARD A. BUSCHELMAN, 0231
STEVEN G. BUTEAU, 8966
JAMES P. CALLAHAN, 2424
JOHN T. CALVIN, 7497
JOHN E. CAMPBELL, 8546
MICHAEL D. CARDENAS, 9135
MICHAEL J. CAREY, 1362
GARY L. CARLSON, 0165
MICHAEL L. CARLSON, 7311
MICHAEL F. CARROLL, 7480
MICHAEL J. CARTER, 4417
WILLETTE P. CARTER, 8786
LOURDES A. CASTILLO, 1274
VINCENT CATERINA, 9032
TIMOTHY C. CETERAS, 8853
YUNHYOK CHANG, 9533
ROBERT E. CHAPMAN II, 4874
DANIEL J. CHARCHIAN, 8016
JOSEPH F. CHENEY, 9899
JAMES S. CHESNUT, 8134
DONALD B. CHEW, 8455
PHILIP B. CHILSON, 2866
BARBARA E. CHINE, 3139
SHELLEY DIANE CHRISTIAN, 2822
WILLIAM H. CILEK, 8759
JESSE J. CITIZEN JR., 6290
PORTER B. CLAPP JR., 1294
JIMMY R. CLARK, 0082
JOHN S. CLARK JR., 9550
PAUL M. CLARK, 7152
THOMAS R. CLAY, 1608
MICHAEL A. CLEVELAND, 3180
MICHAEL J. CLOSE, 5511
CATHY C. CLOTHIER, 4532
DONALD M. COHICK, 4980
GREGORY W. COKER, 0396
LARRY C. COLEMAN, 3540
EUGENE COLLINS, 8170
BILLY R. COLWELL, 4912
JOSEPH B. CONNELL, 7324
JOHN F. CONROY, 7380
GREGORY P. COOK, 1769
GLORIA A. L. COPELAND, 9959
MARK A. CORRELL, 2542
DAVID P. COTE, 2200
DAVID A. COTTON, 6654
JOHN F. COURTNEY, 9116
WILLIAM V. COX, 8236
DAVID A. CROCKETT, 9750
JORI N. CROMWELL, 6055
KELLEY W. CROOKS, 7070
LAURI K. CROSS, 5296
GARY L. CROWDER, 2004
FRANCIS P. CROWLEY, 1089
RICHARD J. CROWLEY, 5107
THURLOW E. CRUMMETT JR., 7772
BRIAN J. CULLIS, 9811
LINDA M. CUNNINGHAM, 4607
MAUREEN CUNNINGHAM, 2345
KAREN W. CURRIE, 5240
MICHAEL P. CURTIS, 8067
GREGGORY E. CUSTER, 6581
CHRISTIAN C. DAEHNICK, 7822
BILLY G. DAVIS, 9964
DEBORAH L. DAVIS, 8851
DON D. DAVIS, 2213
KEVIN J. DAVIS, 7977
MARK S. DAVIS, 8653
MARTHA L. DAVIS, 7052
TIMOTHY A. DAVIS, 1451
STEPHEN ELLIS DAWSON, 2081
SCOTT K. DEACON, 5054
WILLIAM G. DEAN, 6496
SHERYL L. DEBNAM, 5801
JAMES DEFRANK III, 4339
ROBERT E. DEGRAPHENREID, 6544
DALE L. DEKINDER, 5081
WILLIAM J. DELGREGO, 5317
MICHAEL P. DELMAN, 0983
JAY T. DENNEY, 6093
DWYER L. DENNIS, 2817
RAKESH N. DEWAN, 9483
GERALD DIAZ, 6174
RALPH J. DICICCO JR., 8969
STEVEN P. DICKMAN, 2743
ROBERT A. DICKMEYER, 1243
JOSEPH N. DICKSON, 2507
GARY W. DIERINGER, 9891
MICHAEL L. DILLARD, 4896
JERRY LEE DILLON, 6701
RAYMOND E. DINSMORE, 3847
TERESA A. H. DJURIC, 3668
DEBRA D. DONNAHOO, 4986
BRUCE E. DOSS, 3054
STEVE R. DOSS, 1763
WILLIAM P. DOYLE JR., 0195
CHERYL L. DOZIER, 7873
STEVEN F. DREYER, 5859
CURTIS S. DRIGGERS, 6106
COLLEEN M. DUFFY, 3269
PATRICK E. DUFFY, 7941
JOHN N. DUFRESNE, 4779
SHARON K. G. DUNBAR, 4733
PETER F. DURAND, 8177
ORVILLE A. EARL JR., 0449
SHEILA MILLER EARLE, 9007
MICHAEL L. EASTMAN, 1050
DAVID A. EASTON, 6153
THEODORE W. EATON, 2111
MARTY J. EDMONDS, 8285
MELINDA M. EDWARDS, 1396
THOMAS P. EHRHARD, 2569
JOHN H. ELDER III, 7507
GARY L. ELLIOTT, 2790
RICHARD G. ELLIOTT JR., 6483
RUTH E. ELLIS, 8647
KEVIN R. ERICKSON, 3620
SIDNEY L. EVANS JR., 1837
CHARLES W. EYLER, 1796
DONALD R. FALLS, 0696
JOHN B. FEDA, 9418
LARRY LEE FELDER, 3389
LORRY M. FENNER, 3354
KENNETH G. FINCHUM JR., 4714
MICHAEL E. FISCHER, 6738
MARK B. FISH, 4690
THOMAS F. FLEMING, 5705
TIMOTHY P. FLETCHER, 1422
LAURA J. FLY, 6955
MILO V. FOGLE, 2978
WARREN FONTENOT, 0522
JOSEPH M. FORD, 1333
JAMES W. FORSYTH JR., 2998
JEFFREY G. FRANKLIN, 1111
TODD R. FRANTZ, 0067
JEFFREY L. FRASER, 2708
GARY W. FREDERICKSEN, 0280
FRED W. FREEMAN, 5895
DAVID A. FRENCH, 2132
MICHAEL T. FRIEDLEIN, 3931
LINDA K. FRONCZAK, 8639
ROBERT S. FROST, 3348
RICHARD A. FRYER JR., 8122
STEVEN CARL FUNK, 0056
ROBERT P. GADDY, 3865
TIMOTHY P. GAFFNEY, 3276
MICHAEL K. GAMBLE, 5047
REBECCA J. GARCIA, 6432
KATHRYN L. GAUTHIER, 3723
ANDRE A. GERNER, 9513
GAIL M. GILBERT, 5854
REGINA S. GILES, 7842
HENRY J. GILMAN, 2330
RUSSELL M. GIMMI, 9681
MICHAEL A. GIROUX, 2182
GREGORY D. GLOVER, 1528
GLENN A. GODDARD, 8295
DOUGLAS L. GOOD, 6340
CRAIG C. GOODBRAKE, 7455
SCOTT P. GOODWIN, 0114
FRED W. GORTLER, 7287
KURT S GRABEY, 7616
MELINDA W. GRANT, 3514
STEPHEN P. GRAY, 9169
GORDON S. GREEN, 7498
THOMAS G. GREEN, 8981
WILLIAM T. GREENOUGH, 6939
DONALD R. GREIMAN, 3261
RANDALL E. GRICIUS, 8407
BOBBIE L. GRIFFIN JR., 9661
HUBERT D. GRIFFIN JR., 6409
HARRIET A. GRIFFITH, 2738
TIMOTHY G. GROSZ, 0538
DAVID J. GRUBER, 3547
JOHN A. GUILLORY, 8155
JACK C. GUNDRUM, 3931
PETER A. GUTER, 7811
DAVID W. GUTHRIE, 8099
JAMES T. HAAS, 2609
CHRISTOPHER E. HAAVE, 0580
HENRY A. HAISCH JR., 6097
DONALD L. HALL JR., 5924
JEFFREY M. HALL, 8159
SUZANNE E. HALL, 0235
REGIS T. HANCOCK, 9963
DONA J. HANLEY, 6671
TIMOTHY J. HANSON, 4830
MICHAEL P. HARTMANN, 4083
RICHARD M. HARTWELL, 6094
CHARLES B. HARVEY, 9843
RANDALL L. HARVEY, 4197
JAMES E. HAYWOOD, 1829
RAYMOND J. HEGARTY II, 0012
CHERYL A. HEIMERMAN, 6802
MICHAEL R. HELMS, 1889
DANIEL W. HENKEL, 3681
LYNN A. HERNDON, 8024
JOHN S. HESTER III, 4769
JIMMIE C. HIBBS, 0267
DAN O. HIGGINS, 8207
JEFFREY P. HIGHTAIAN, 3796
ALISON R. HILL, 2850
WILEY L. HILL, 3101
DENNIS F. HILLEY, 2326
MARK L. HINCHMAN, 7839
ANTHONY L. HINEN, 5897
VICTOR L. HNATIUK, 9453
MICHAEL E. HODGKIN, 7164
DARRELL H. HOLCOMB, 5995
JUDITH A. HOLL, 7640
JAMES P. HOLLAND, 7777
KENNETH F. HOLLENBECK, 5843
JAMES M. HOLMES, 8053
MICHAEL A. HOLMES, 7382
JOEL W. HOOKS, 7629
PATRICIA G. HORAN, 8508
HELEN M. HORNKINGERY, 6657
PAUL G. HOUGH, 0083
DAVE C. HOWE, 5732
JOHN HOWE, 8244
DONALD R. HUCKLE JR., 4700
DONALD J. HUDSON, 6859
WAYNE E. P. HUDSON, 6062
KIRBY P. HUNOLT, 4007
PATRICIA K. HUNT, 1607
BRIAN K. HUNTER, 5340
KENNETH J. HUXLEY, 0663
JOHN E. HYTEN, 3025
GEORGE R. IRELAND, 0179
JOHN J. JACOBSON, 4093
HAROLD K. JAMES, 7219
JOHN D. JANNAZO, 2861
VICTOR JANUSHKOWSKY, 4302
GREGORY R. JASPERS, 9430
DREW D. JETER, 4558
JACK H. JETER JR., 3109
VICTOR G. JEVSEVAR JR., 3694
BRENDA S. JOHNSON, 6530
JEFFREY S. JOHNSON, 9474
PATRICK N. JOHNSON, 8704
WRAY R. JOHNSON, 6478
RICHARD C. JOHNSTON, 2144
BRIAN L. JONES, 3285
DARYL P. JONES, 2582
FREDERICK C. JONES, 3674
JAMES J. JONES, 6904
KEVIN E. JONES, 6529
MARK WARREN JONES, 6648
JARRETT D. JORDAN, 6870
CHARLES D. JOSEPH, 0417
WILLIAM J. KALASKIE, 7647
WALT H. KAMIEN, 0318
DAVID A. KARNS, 8275
BETH M. KASPAR, 5893
PEACHES KAVANAUGH, 8312
KEVIN M. KEITH, 5268
PHILIP J. KELLERHALS, 1441
BRIAN T. KELLEY, 2392
BRIAN T. KELLY, 6031
CLARK A. KELLY, 8572
DAVID R. KENERLEY, 7579
ROBERT C. KEYSER JR., 7614
JANICE A. KINARD, 0108
CHRISTOPHER R. KING, 7019
DAVID M. KING, 4052
JAN T. KINNER, 1675
RORY S. KINNEY, 2183
RAY A. KIRACOFE, 8735
BRIAN E. KISTNER, 1304
REX R. KIZIAH, 2993
JONATHAN W. KLAAREN, 9095
DOUGLAS H. KNAPP, 7057
EDWARD G. KNOWLES, 4912
TIMOTHY J. KNUTSON, 5913
ELDEN J. KOCOUREK, 5887
JAMES G. KOLLING, 0969
JON L. KRENKEL, 7003
GLENN D. KRIZAY, 5916
JOSEPH W. KROESCHEL, 0273
RAYMOND A. KRUELSKIE, 7484
BRYAN L. KUHLMANN, 8361
JOSEPH F. LAHUE, 0546
JOHN M. LANICCI, 0765
THOMAS L. LARKIN, 6448
TERESA L. LASH, 8769
PAUL A. LAW, 1825
DENNIS M. LAYENDECKER, 5153
ANGELA H. LAYMAN, 7814
SUSANNE P. LECLERE, 4871
CATHERINE E. LEE, 8661
LARRY A. LEE, 4665
NANCY A. K. LEE, 6381
WILLIAM C. LEE, 6290
MICHAEL J. LEGGETT, 4194
ROBERT H. LEMMON JR., 4732
REID S. LERUM, 7490
ROLAND N. LESIEUR, 5384
JAMES R. LESTER, 8746
JEFFERY L. LEVAULT, 1166
MICHAEL LEWIS, 4324
SCOTT E. LEWIS, 9596
STEVEN K. LILLEMON, 7699
BRUCE A. LINDBLOM, 3552
ROBERT K. LINDNER, 3640
STEVEN W. LINDSEY, 4215
JON N. LINK, 7801
TODD E. LINS, 3441
KURTIS D. LOHIDE, 5607
RICHARD W. LOMBARDI, 6828
JANICE G. LONG, 4723
JOHN M. LYLE, 1270
JAMES H. LYNCH, 6661
WILLIAM R. MACBETH, 0881
ALBERT T. MACKEY JR., 5884
WILLIAM E. MACLURE, 0454
WILLIAM P. MACON, 0572
MARCIA F. MALCOMB, 1183
MICHAEL J. MALONEY, 3685
WILLIAM E. MANNING JR., 1141

JAMES D. MARCHIO, 1299
KEITH P. MARESCA, 7016
BRIAN MARSHALL, 4134
FREDERICK H. MARTIN, 0608
WENDY M. MASIELLO, 5269
SCOTT J. MASON, 6253
CHRISTOPHER A. MATSON, 1838
EARL D. MATTHEWS, 3183
JON A. MATZ, 4960
MARY M. MAY, 8460
JOSEPH W. MAZZOLA, 0496
STEPHANIE F. MC CANN, 8183
RICHARD G. MC CLELLAN, 2706
THERESA A. MC CLURE, 9351
WILLIAM B. MC CLURE, 6412
MICHAEL K. MC CULLOUGH, 6570
PATRICIA S. MC DANIEL, 9968
PHILIP W. MC DANIEL, 9645
DANN C. MC DONALD, 5868
RONALD L. MC GONIGLE, 9884
KATHLEEN B. MC GOVERN, 7366
KENNETH E. MC KINNEY, 3913
CRAIG S. MC LANE, 7108
LINDA K. MC MAHON, 6031
JILEY E. MC NEASE, 1217
JOHN S. MEDEIROS, 0810
MICHAEL E. MEIS, 5523
PAMELA A. MELROY, 7437
TIMOTHY N. MERRELL, 1337
RANDELL S. MEYER, 1116
PETER N. MICALE IV, 2672
ULYSESS MIDDLETON JR., 9392
JOHN L. MILES, 9952
JAMES R. MILLER, 4829
JERRY F. MILLER, 0525
MERTON W. MILLER, 5115
RUSSELL D. MILLER, 5943
RUSSELL F. MILLER, 2597
WYATT C. MILLER, 4116
GARY W. MINOR, 1188
ROBERT J. MODROVSKY, 1861
ANNE M. MOISAN, 2399
CLADA A. MONTEITH, 5394
REGINA G. MONTGOMERY, 3692
ALAN J. MOORE, 1890
ABRAHAM MORRALL JR., 0085
TIMOTHY R. MORRIS, 4510
MICHAEL J. MOSCHELLA, 0661
RENE M. MUHL, 7827
WALTER A. MUNYER, 0985
KENNETH A. MURPHY, 0162
WILLIAM K. MURPHY, 0149
JULIA B. MURRAY, 4157
ASHLEY R. MYERS, 6725
MARK W. NEICE, 9638
WILLIAM E. NELSON, 7555
DAVID M. NEUENSWANDER, 5689
JULIE K. NEUMANN, 4380
STEPHEN E. NEWBOLD, 7726
EDWIN R. NEWCOME, 8230
ROBERT C. NOLAN II, 8642
THOMAS R. NOVAK, 7668
CRAIG S. OLSON, 9789
EUGENE K. ONALE, 6524
KATHLEEN J. OREGAN, 8652
WALTER M. OWEN, 5623
LINDA K. PALMER, 2310
ALLAN J. PALOMBO, 1580
FRANK A. PALUMBO JR., 9638
JOHN R. PARDO JR., 5460
RICHARD M. PATENAUDE, 1484
LEONARD A. PATRICK, 6807
GREGORY F. PATTERSON, 7155
ROBERT B. PATTERSON JR., 9542
STANLEY E. PERRIN, 2981
CURTISS R. PETREK, 8572
LEONARD A. PETRUCCELLI, 7453
PATRICK W. PHILLIPS, 1967
CHARLES R. PITTMAN JR., 6211
LARRY P. PLUMB II, 2639
JIMMY L. POLLARD, 9435
GEORGE M. POLOSKEY, 9940
RICHARD E. POPE, 4511
MARGARET S. PORTERFIELD, 5000
WILLIAM H. POSSEL, 8440
ROBERT A. POTTER, 5644
WALTER B. PRESLEY, 8385
EDWARD L. PRESSLEY, 8978
JOHN W. PRIOR II, 2621
STEVEN C. PUTBRESE, 4776
JIMMY M. QUIN, 0342
FRANKLIN T. RAGLAND, 9304
JUANITO E. RAMIREZ, 1768
JOHN R. RANCK JR., 8040
JOSEPH T. RARER JR., 8390
DWIGHT D. RAUHALA, 8980
JANICE K. RAUKER, 9296
HAROLD RAY, 0372
STEVEN J. REANDEAU, 2266
ANTONIO H. REBELO, 8414
RUTH H. REED, 3148
ROBERT L. RENEAU, 1299
ULYSSES S. RHODES JR., 7016
DANA A. RICHARDS, 9802
RICHARD J. RICHARDSON, 0638
JAMES R. RIDDLE, 2226
DENISE RIDGWAY, 8005
PHILIP M. RIEDE, 2240
NELLIE M. RILEY, 9452
EDWARD O. RIOS, 5077
CAROL D. RISHER, 7227
CRAIG D. RITH, 9740
DARRYL L. ROBERSON, 7665
CATHERINE M. ROBERTELLO, 7209
BRIAN E. ROBINSON, 1294
FRANCIS J. ROBINSON, 0033
LORI J. ROBINSON, 4018
ANTHONY J. ROCK, 4136
CESAR A. RODRIGUEZ JR., 2249
JOSE E. RODRIGUEZ, 1122
STEVEN W. ROGERS, 0405
MICHAEL C. RUFF, 7117
MICHAEL J. RUSDEN, 3896
WILLIAM P. RUSHING III, 1469
DAVID L. SAFFOLD, 1532
CHRIS SARANDOS, 3562
WALTER I. SASSER, 9462
WILLIAM R. SAUNDERS, 8102
MICHAEL J. SAVILLE, 4435
MARTIN L. SAYLES, 6990
STEVEN W. SAYRE, 9927
LARRY J. SCHAEFER, 2400
EDWARD B. SCHMIDT, 3099
THOMAS M. SCHNEE, 7043
DANIEL L. SCOTT, 8446
GLENN M. SCOTT, 2268
ANDREW R. SCRAFFORD, 6714
ROBERT C. SEABAUGH, 5774
STEVEN R. F. SEARCY, 8752
DONALD G. SEILER, 9107
KAREN L. SELVA, 8064
SANDRA SERAFIN, 9905
JOY S. S. SHASTEEN, 8370
PATRICK M. SHAW, 2380
KENNETH P. SHELTON, 9299
HOWARD SHORT, 3710
DALE S. SHOUPE, 3103
JAMES R. SHUMATE, 8252
FRANCIS W. SICK JR., 6942
NOLAN L. SINGER, 3656
JILL S. SKELTON, 7335
EDWARD SKIBINSKI, 6582
KRISTIAN D. SKINNER, 6340
LAURIE S. SLAVEC EASTERLY, 7574
JOHN C. SLEIGHT, 6211
DAVID A. SMARSH, 5872
CHARLES P. SMILEY, 4152
ANN M. SMITH, 6116
DAVID W. SMITH, 9787
GARY G. SMITH, 7154
JAMES R. SMITH, 1092
JEFFREY E. SMITH, 3638
JOHNNY B. SMITH, 4026
SARAH J. SMITH, 1160
JOSEPH S. SMYTH, 8625
CYNTHIA G. SNYDER, 0286
KEITH W. SNYDER, 4190
JOHN J. SOWDON, 2105
GREGG A. SPARKS, 9398
NANCY L. SPEAKE, 5105
JOSEPH P. SQUATRITO JR., 0300
RICHARD P. STAFFORD, 6499
JOHN F. STANKOWSKI III, 6252
DANIEL H. STANTON, 8514
THOMAS J. STARK, 5418
WILLIAM A. STARK, 5516
KATHRYN G. STATEN, 8583
LARRY F. STEPHENS, 5752
MURRELL F. STINNETTE, 4919
JOHN E. STOCKER III, 0567
WILLIAM C. STORY JR., 3592
JAMES C. STRAWN, 5105
RENEE B. STRICKLAND, 7053
ELISABETH J. STRINES, 1641
BRUCE R. STURK, 9814
ROBERT E. SUMINSBY JR., 2223
DEBORAH J. SUSKI, 2704
JAMES A. SWABY, 6103
NORMAN C. SWEET, 0396
JANICE A. SWIGARTSMITH, 1490
TERENCE R. SZANTO, 0525
JOHN R. TAGLIERI, 6785
GERALD W. TALCOTT, 7498
DAVID L. TAYLOR, 5077
KERRY D. TAYLOR, 5823
JAMES A. TEAFORD, 8257
JEFFREY THAU, 5517
GEORGE L. THOMPSON, 7812
JOHN F. THOMPSON, 3497
WAYNE L. THOMPSON, 9384
YORK D. THORPE, 0170
MARK W. TILLMAN, 2389
HAL M. TINSLEY, 9999
LINDEN J. TORCHIA, 8674
RAYMOND G. TORRES, 5799
LAURIE K. TOWNSEND, 4899
MARK P. TRANSUE, 9309
THOMAS J. TRASK, 6283
RICHARD K. TRASTER, 9521
WILLIAM R. TRAVNICK, 0579
ROBERT L. TREMAINE, 9425
KEITH J. TROUWBORST, 2964
JAMES J. TSCHUDY II, 2132
JAMES O. TUBBS, 6637
ALAN B. TUCKER JR., 9367
WINFIELD F. TUFTS, 3885
ELLSWORTH E. TULBERG JR., 5453
ROBERT L. TULLMAN, 9890
JAMES L. VANANTWERP, 8448
CONSTANCE A. VANDERMARLIERE, 0888
MICHAEL C. VENDZULES, 6696
TIMOTHY W. VINING, 0134
MICHAEL L. WALTERS, 1081
PATRICK M. WARD, 2290
RICHARD C. WARNER, 8847
STEVEN J. WASZAK, 6916
STEVEN K. WEART, 6117
ANDREW K. WEAVER, 7114
GLENN W. WEAVER, 4476
NANCY E. WEAVER, 0650
STEVEN G. WEBB, 1686
ROBERT I. WEBER JR., 7565
JACK WEINSTEIN, 1262
SUSAN G. WELLNER, 0592
MARK J. WELSHINGER, 5561
SCOTT D. WEST, 3153
MARTIN WHELAN, 7976
RICHARD W. WHITE JR., 6361
SALLY J. WHITENER, 9564
DALE R. WILDEY, 3981
KAREN S. WILHELM, 0773
BRETT T. WILLIAMS, 8154
GREGORY J. WILLIAMS, 9029
STEVEN E. WILLIAMS, 3437
TIMOTHY R. WILLIAMS, 4089
CARL WILLIAMSON, 2814
VIRGINIA G. WILLIAMSON, 8273
GUY J. WILLS III, 5435
STEPHEN W. WILSON, 2773
STEVEN M. WILSON, 1123
ROBERT D. WINSTON, 5071
FREDERICK C. WIRSING, 3834
DAVID B. WIRTH, 6021
MICHAEL H. WITT, 9010
JONATHAN M. WOHLMAN, 6117
FRANKLIN R. WOLF, 3633
AUDREY L. WOLFF, 4224
TOD D. WOLTERS, 1426
VICKIE L. WOODARD, 1325
MARGARET H. WOODWARD, 6339
JOSUELITO WORRELL, 1073
JOHN D. WRIGHT, 4495
ROBERT F. WRIGHT JR., 3349
WALTER E. WRIGHT III, 1413
MICHAEL C. YUSI, 1823
STEVEN W. ZANDER, 9344
EDWIN A. ZEHNER, 6437
JOSEPH E. ZEIS JR., 9715
*LEONARD H. ZELLER, 7895
DAVID W. ZIEGLER, 1096
RICHARD M. ZINK, 2859

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

### *To be lieutenant commander*

MICHAEL W. BASTIAN, 7377
TIMOTHY J. COCHRAN, 3907
MICHAEL D. DEWULF, 9530
KENNETH P. DONALDSON, 8614
RICHARD F. DUBNANSKY JR., 7536
STEPHEN W. DUDAR, 1606
EDWARD J. FISCHER, 6635
JAMES L. FLEMING, 7801
THOMAS W. FOX, 9178
THOMAS A. GABEHART, 6433
GENE M. GUTTROMSON, 0697
PAUL H. HOGUE, 0387
AARON M. HOLDAWAY, 3856
JOE W. HYDE, 0872
JAMES E. KENNEY, 5624
DEREK M. LAVAN, 1550
JERRY W. LEGERE, 1782
ANTHONY J. LESPERANCE, 8162
LANCE R. MORITZ, 1892
CLIFTON B. MYGATT JR., 4814
WILLIAM S. O'CONNOR, 7362
LEONARD J. PERRIER, 8901
WILLIAM M. POLLITZ, 6995
THOMAS PRUSINOWSKI, 8385
CHARLES S. SMITH, 5406
KEVIN J. SNOAP, 5514
NICHOLAS R. TILBROOK, 8740
SCOTT M. VANDENBERG, 1369
JASON D. WARTELL, 9479
RICHARD F. WEBB, 3920
FRED R. WILHELM III, 0932
STEVEN C. WURGLER, 5797

# EXTENSIONS OF REMARKS

## HONORING LINDA AND JOHNNY MILLER AND HANDS ACROSS THE VALLEY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize two exceptional residents of my congressional district. Thanks to the humanitarian efforts of Linda and Johnny Miller, hundreds of children, parents and seniors in our Napa Valley will not go to bed hungry tonight.

On Saturday, September 23rd, Linda and Johnny Miller will once again host the 7th Annual Hands Across the Valley benefit to raise funds for local food programs. The Millers have made countless contributions to our community. Most recently, they helped raise funds for the care of a little boy who was critically injured in our recent earthquake. But perhaps their greatest contribution that has touched the most lives in our Napa Valley is their tireless efforts regarding this monumental Hands Across the Valley event.

Linda and Johnny Miller have been a driving force behind the success of this benefit since its earliest days. As event pioneers, they joined Eleanor and Francis Ford Coppola as well as 49er Legend Steve Young to celebrate the first Hands Across the Valley event in 1994 at a wonderful restaurant in my district called Bistro Don Giovanni. Five hundred guests participated in that inaugural event to reduce hunger in our county.

Thanks to the Millers, this event has grown every year. Because of their leadership and their many friends, Hands Across the Valley has donated more than $600,000 to feed Napa's hungry families. This year's event will be bigger and more successful than ever, with nearly 2,000 guests and volunteers working together to ensure none of our neighbors are without food.

Mr. Speaker, the Millers have put their heart and soul into this worthwhile cause because they understand its importance. Despite the media perception of Napa as a community for the wealthy, more than 7% of the county's population is below the poverty level and more than 21% are near the poverty level. A recent survey by the University of California and the Redwood Empire Food Bank found that 43% of individuals seeking food assistance each month at Napa food pantries and soup kitchens are children. The average household seeking assistance has four people. More than 30% do not have a stove or oven and 28% do not have a refrigerator.

Mr. Speaker, I believe it is fitting and appropriate to honor the service these two extraordinary individuals have given to our community. I commend all of those involved in this annual benefit and wish them great success on Saturday. We are all better off because of their efforts.

## IN RECOGNITION OF THE GOYA FOODS' DONATION TO THE SMITHSONIAN

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise to acknowledge Goya Foods, Inc., and its CEO Joseph A. Unanue, for contributing the company's historical archive to the Smithsonian Institution's National Museum of American History. The Goya Collection will further the public's education in important and unique ways, illustrating not only Goya's history, but also representing the histories of the thousands of enterprises started by new immigrants and their contributions to America.

The Goya Collection tells the story of how this company, which was founded in 1936 by Spanish immigrants Prudencio Unanue and his wife, Carolina Casal de Unanue, has come to occupy its present position as the largest Hispanic-owned food company in the U.S.

The Goya Collection, including scores of photographs, calendars, sales promotional materials, cookbooks, recipes, product labels, scrapbooks and news clippings, is now housed at the National Museum of American History's Archives Center and its Division of Cultural History.

This collection, the first from a Hispanic-owned business, is a significant addition to the Smithsonian Institution's holdings. It affords researchers and the public the opportunity to learn not only about the growth of a Latino enterprise, but to see how Latino culture has enriched American history. The Goya Collection tells more than the story of one company—it also chronicles an important Chapter in the living history of the Hispanic community in the United States.

Today, I ask that my colleagues join me in acknowledging Goya Foods' wonderful donation to the Smithsonian.

## HONORING JUDGE CLAYTON E. PREISEL

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. KILDEE. Mr. Speaker, I rise today to honor a longtime community leader, Judge Clayton E. Preisel. On November 30, community leaders will join family and friends to celebrate the career of Judge Preisel as he marks his retirement after more than 30 years of service in the field of law, and to the citizens of Michigan.

After receiving his Bachelor's Degree in 1951, Clayton Preisel began an 18-year career as a teacher and school administrator. During this time, he also received a Master's Degree. In 1964, he entered Detroit College of Law. After being awarded a Juris Doctorate in 1968, he began practicing law in 1969. Clayton established himself as a highly successful and competent attorney, and he continued to practice law privately for 23 years. His tenure as a private attorney ended in 1982, when he was appointed to serve as Probate Court Judge for Lapeer County.

In addition to his work in the Probate Court, Judge Preisel has been an influential member of the community. From 1969 to 1982, he served on the Imlay City School Board, and has been a member in good standing of the Lapeer County Bar Association. He has also been involved with groups such as 4–H, United Way, Lions Club, Big Brothers/Big Sisters, the Community Foundation, and many other groups dedicated to improving the quality of life for children and families.

Mr. Speaker, Judge Preisel has always tried to treat every person who appeared before him with the utmost dignity and respect. Because of the sometimes sensitive nature of his caseload, he was also dedicated to handling each issue gently and with compassion. I believe what always made Clayton such a special judge and person was the time he spent in the community, meeting with people of all economic, ethnic, and racial backgrounds. I number Judge Preisel among my cherished personal friends, and I am a better person for having known him. Furthermore, he is responsible for making our community a much better place. For these reasons I ask my colleagues in the 106th Congress to join me in congratulating Judge Preisel on his retirement.

## ONE YEAR AFTER TAIWAN'S DEVASTATING EARTHQUAKE OF SEPTEMBER 21, 1999

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. LANTOS. Mr. Speaker, just one year ago today—early on the morning of September 21, 1999—a powerful earthquake rocked Taiwan, leaving over 2,453 people dead, 701 seriously injured, and 52 missing. Immediately after the quake, the government of the Republic of China on Taiwan quickly mobilized and organized relief and rescue efforts. Assistance and donations poured in from across Taiwan and from around the world. Some 21 countries sent more than 700 experts and specialists from many fields to assist in the effort. This was an important show of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

support and solidarity by the international community for Taiwan.

Now, a year after the tragic quake, it is possible to assess the massive assistance which the Taiwan government has taken to help those affected by the disaster. It has provided $87 million to assist families with members who died in the quake or are still missing. Monetary compensation for families with total or partially destroyed homes has amounted to $520 million. Through private sector funding, the government has established shelters for over 5,200 families. Some $430 million has been allocated for quake victims for rent subsidies, and an additional $3.3 billion has been provided for rebuilding loans for quake victims and their families. In quake-affected areas, the government has made major efforts to repair damaged roads and bridges.

Mr. Speaker, realizing that reconstruction is a long term project, Taiwan's new President, Chen Shui-bian, established a cabinet-level special commission on June 1 of this year to oversee reconstruction efforts in home design, engineering, infrastructure, and sanitation. The commission will also oversee public welfare and counseling of survivors. Members of this commission will be drawn from different government agencies and ministries. The goal of the commission is to coordinate all relief operations and to form a comprehensive plan to enable quake victims and their families to rebuild their lives.

Mr. Speaker, as we mark this anniversary, I urge my colleagues to join me in extending condolences to the victims of this horrible tragedy. I also invite my colleagues to join me in commending the government of the Republic of China in Taiwan and its leaders for their extensive efforts in providing immediate and long-term assistance to the victims affected by last year's tragic earthquake in Taiwan.

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## TRIBUTE TO GILBERT DE LA O

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. VENTO. Mr. Speaker, I rise today to commend the work of an outstanding citizen of Minnesota's Fourth District, Gilbert de la O. Mr. de la O is being honored on September 22 for his contributions to our community, as the recipient of the first National Alumnus of the Year Award from the United Neighborhood Center of America (UNCA).

UNCA is a voluntary, nonprofit, national organization with neighborhood—based member agencies throughout the United States. The program works in partnership with neighborhood centers to find solutions to social problems that prevent productive community life.

Mr. de la O, once considered a juvenile delinquent, credits his turn-around in part to the caring workers at the West Side Neighborhood House community center. For the past 30 years he has remained involved with this organization by working in the child care center and taking part in activities geared toward young people in the community—young people Mr. de la O can relate to, having once walked in their shoes.

Beyond his work at the center, Mr. de la O is active in many other capacities in our community. Whether it's teaching diversity training to the Saint Paul Police Department, serving on the Saint Paul School Board, or working with groups such as the Ordway Center for the Performing Arts or the Saint Paul Public Library, he always seems to have the best interest of the community at heart.

Gilbert de la O is truly an example of what can be accomplished when we look beyond ourselves and strive to benefit others. So many in Saint Paul have been touched by his work and I am pleased that he is being recognized with such a prestigious national honor. I thank him for his dedication and wish him the very best of luck in his future endeavors.

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## ST. MICHAEL'S LUTHERAN CHURCH AND RICHVILLE, MICHIGAN

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. BARCIA. Mr. Speaker, I rise today to celebrate the 150th anniversary of the founding of Richville, Michigan and St. Michael's Lutheran Church in that community.

In the beginning, the town and the church grew from the same source, springing forth as a haven for poor young men and women denied the chance to marry in their native Germany because they lacked property.

This sad situation in Germany in 1850 prompted Pastor Wilhelm Loehe to propose a fourth colony in mid-Michigan to be called Frankenhilf, which later became Richville, to allow Lutheran men to acquire land and money to marry, raise families and practice their faith. Richville was the last of four Michigan Franconian colonies established by Loehe. Postal authorities later renamed the town to avoid confusion with Frankentrost, Frankenlust and Frankenmuth.

Unfortunately, many of the first German Lutheran settlers who made that pilgrimage of faith to Richville left shortly after arriving. However, two families persevered and in the fall of 1851 three more families joined them, along with Pastor John Diendorfer. On the second Sunday of Advent, December 7, 1851, Pastor Diendorfer preached to the first congregation gathered at St. Michael's.

In time, the colony and the church welcomed more members. By 1875, the congregation built a second church to seat up to 500 members and later they also opened a school. Other structures followed. Since its founding, the congregation has outgrown the community, with 1,600 baptized members and 300 residents. The school now has 11 full-time teachers and 200 students.

Mr. Speaker, this clearly is a church with its foundation firmly embedded in the rock of Christian love. The guiding principles of Christianity have provided past and present members of this congregation with a spiritual sense of community that will serve future generations well, taking those who practice it a step closer to God.

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## HONORING ELEANOR AND FRANCIS FORD COPPOLA AND HANDS ACROSS THE VALLEY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise to recognize two extraordinary residents of my congressional district whose tireless humanitarian efforts will ensure that hundreds of individuals and families in our Napa Valley will not go to bed hungry tonight.

On Saturday, September 23rd, Eleanor and Francis Ford Coppola will once again host the 7th Annual Hands Across the Valley benefit to raise funds for local food programs. The Coppolas have made countless contributions toward improving our community but none are as significant and far-reaching as their efforts regarding this monumental event.

The Coppolas' hospitality in opening up their beautiful Niebum-Coppola Estate Winery is the driving force that has made this event the success that it is. In 1995, Eleanor and Francis hosted the event at their home in Rutherford. Joined by 650 guests, the benefit gained statewide and national acclaim. Due to the event's tremendous popularity, the Coppolas agreed to host the benefit in 1996 at their then newly-acquired Niebaum-Coppola Estate Winery where 1,000 guests enjoyed Napa Valley's finest wines and foods.

Thanks in large part to the Coppolas' incredible hospitality, this year's event is expecting nearly 2,000 guests. Mr. Speaker, it is little wonder why Hands Across the Valley has now become a tradition of our Northern California community.

And, Mr. Speaker, it is no surprise that the Coppolas have put their heart and soul into this worthwhile cause. Despite the media perception of Napa as a community for the wealthy, more than 7% of the county's population is below the poverty level and more than 21% is near the poverty level. A recent survey by University of California and the Redwood Empire Food Bank found that 43% of individuals seeking food assistance each month at Napa food pantries and soup kitchens are children. The average household seeking assistance has four people. More than 30% do not have a stove or oven and 28% do not have a refrigerator.

Mr. Speaker, I believe it is fitting and appropriate to honor the service these two distinguished individuals have given to our community. Thanks to the Coppolas and many of their friends, Hands Across the Valley has raised over $600,000 to feed Napa's hungry families. I commend all of those involved in this annual benefit and wish them great success on Saturday. We are all better off because of their efforts.

## TRIBUTE TO MARY GRIFFIN ON HER RETIREMENT AS SAN MATEO COUNTY SUPERVISOR

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. LANTOS. Mr. Speaker, I would like to call the attention of my colleagues in the House to the remarkable public career of my dear friend Mary Griffin, who will shortly retire as a county supervisor of San Mateo County, California. I have known Mary for over twenty years, and during that time I have seen how her contributions have enriched our community and helped many individuals on a very personal level.

Mr. Speaker, Mary began her career as a teacher—in the Santa Rosa Public elementary schools (1954–1957), as an instructor in education at San Francisco State University (1957–1959), and as a teacher in the South San Francisco Unified School District (1973–1987). She began her public service in 1976 when she was elected to the Millbrae City Council. She served on the City Council for 13 years, and was twice elected as mayor (1980, 1984).

In March of 1987, Mary Griffin was elected to the Board of Supervisors of San Mateo County. She was re-elected to a full term in 1988, and then was reelected for two additional terms in 1992 and 1996. Mary served as President of the Board of Supervisors in 1989, 1993, and 1999. She served as President of the Association of Bay Area Governments (1991–1992) and as Vice Chair of the Bay Area Economic Forum (1995).

Mr. Speaker, during nearly thirteen years of leadership on the Board of Supervisors, Mary has demonstrated her outstanding leadership and commitment to dealing with issues of critical importance in maintaining the quality of life on the Peninsula. She has worked to deal with serious transportation problems in our area. She served on the Transportation Authority Board and the Metropolitan Transportation Commission (1989–1998), where she made important contributions to improving Peninsula transportation in a period of intense economic growth in our area. Reflecting her concern with issues involving the San Francisco International Airport, which is a critical transportation hub contributing to the economic vitality of our entire region, she made important contributions as a member of the Airport Land Use Committee, the Regional Airport Planning Committee, and the Airport Community Roundtable.

Mary has been in the forefront in protecting our fragile environment. In her first year as County Supervisor, Mary took the lead in county recycling efforts as the first and only chair of the County Recycling Task Force. She served on the Solid Waste Advisory Committee, as a member of the Congestion Management and Air Quality Committee, and Joint Air Quality Policy Committee.

The needs of children are at the top of Mary Griffin's agenda, and she has frequently emphasized that how we care for our children's needs today will determine our nation's tomorrow. As a child of a widow who worked for the minimum wage, Mary still remembers those hard times, and she has focused on helping families and children make a better future. She has established or taken a leading role in a number of programs to help children—the "Share-a-Bear Program" for abused and neglected children in San Mateo County, the Children's Dental Program to assure that impoverished children with severe dental needs are cared for, and the Children's Executive Council to improve communication and cooperation among children's programs throughout the county.

Mr. Speaker, Mary Griffin has received numerous awards recognizing her commitment and contribution to our community—a PTA Honorary Life Service Award, Woman of the Year of the California Federation of Women's Clubs, Woman of Distinction of the Soroptimist International of Millbrae-San Bruno, Directors Award of the State Department of Social Services, and many, many others.

Mr. Speaker, I invite my colleagues to join me in extending our warmest congratulations to Mary Griffin on the occasion of her retirement as a member of the San Mateo County Board of Supervisors. Her commitment to public service is an inspiration and an example to all of us. We wish her well now that she will have more time to spend with her family: her husband, Walter Ramseur, her three children—John, Mary and Zachary—and her five grandchildren.

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## IN HONOR OF JERRY HAYES FOR HIS REMARKABLE RECORD OF PUBLIC SERVICE AND COURAGEOUS ADVOCACY FOR PEOPLE WITH DISABILITIES

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. RAMSTAD. Mr. Speaker, I rise sadly to salute a courageous public servant from my district who passed away recently, a man who changed my life as well as the lives of numerous people with disabilities.

Thomas G. (Jerry) Hayes of Excelsior, Minnesota, was confined to a wheelchair since 1976 because of a mysterious virus which left him paralyzed from the waist down.

But when it came to issues of importance to people with disabilities, Jerry's mobility and spirit knew no bounds. He was a powerful, articulate and highly effective advocate for people with disabilities right up to his death earlier this month. His son, Tom, called Jerry a "professional volunteer."

Jerry was a highly successful business leader as head of Jersey Ice Cream and a food sales company. He viewed his disability not with regret or bitterness, but as an opportunity, an opportunity to help other people with disabilities and the poor.

I was a young State Senator when I first met Jerry Hayes, who quickly became one of my role models and a key member of my Disabilities Advisory Committee. Issues important to people with disabilities have been among my highest priorities since entering public service, and Jerry is one of the principal reasons why.

Jerry was well liked by everyone he met and his well-researched, heartfelt positions moved many lawmakers to change their thinking when it came to critical issues affecting people with disabilities.

Jerry used the very same assets that made him so successful in business—his dynamic personality, boundless energy and tremendous leadership skills—to increase public awareness of the daunting obstacles faced by people with disabilities as they tried to lead more independent lifestyles.

Jerry Hayes changed minds, softened hearts and, literally, moved buildings.

His relentless hard work led to buildings becoming more accessible for people with disabilities, just one of his many accomplishments. He was particularly interested in making churches more accessible.

When then President Bush signed the landmark Americans with Disabilities Act, Jerry Hayes received a personal invitation from the President to attend the event.

His life's work and volunteerism on behalf of people with disabilities read like a "Who's Who" of Twin Cities organizations which are there to help. Touched by his vision, energy and work ethic were the world famous Courage Center, where he was a member of the board, United Handicapped Federation, Quality Transit Coalition, Regional Transit Board, Catholic Charities, where he was also a board member, Special Olympics, Minnesota Board on Aging, Minnesota Governor's Planning Council on Physical Disabilities and others.

Jerry Hayes was also a veteran of the Army. A grateful nation owes him a tremendous debt of gratitude for his dedication to freedom for the people of the world and all Americans with disabilities.

I will always be grateful to Jerry Hayes for his exceptional leadership, visionary guidance and treasured friendship through the years. My thoughts and prayers are with his wonderful family: Mary, his wife of 46 years; son Joe and daughters Jean, Molly and Abbie; his eight grandchildren; his sister Mary and brother John.

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## A TRIBUTE TO THE SEVENTH ANNUAL KIDS DAY AMERICA

### HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. INSLEE. Mr. Speaker, I rise today in honor of the seventh annual Kids Day America. This weekend youngsters will gather in Silverdale, Washington to commemorate this day by learning about health, safety and environmental issues. Local law enforcement officers, doctors, dentists, lawyers, and community leaders will volunteer their time to help children develop healthy habits and an awareness of their environment.

I am heartened by this special event for several reasons. Kids Day America pools the collective resources of many talented adults for the common cause of passing knowledge to our children. Through this exercise we strengthen the bonds of our community—and it is this more than anything that will guide our children toward healthy and full lives. As we in Congress work to make our communities safe and beautiful with clean air and clear water, it is inspiring to know that children across the country are learning to protect these natural assets. Furthermore, as we struggle with health care costs for our elderly, it is vital that the habits of a healthy lifestyle are taught to our children.

Mr. Speaker, I commend all who have helped organize this important day. Their dedication and leadership truly distinguishes my Congressional District.

## TRIBUTE TO THE HUNGER PROJECT

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor the work of an outstanding group called the Hunger Project. The Hunger Project is a strategic organization and worldwide endeavor focused on ending hunger throughout the world. The Hunger Project strives for a more permanent, wide reaching solution to assure that all of us, including the citizens of underdeveloped societies in Africa, Asia and Latin America will one day know a world without hunger.

Each region, country, city and village that suffers from hunger is unique. It is this simple truth that guides the work of the Hunger Project. Instead of relying upon solutions that have been successful in other places, each situation is approached as a new initiative and a plan is designed specifically with the particular area in mind. Through the mobilization of both the grassroots and the local leadership, effective, specialized plans are devised and implemented. The Hunger Project stresses self-reliance and enablement; when people are given the right tools, they can create societal structures that will not only end their hunger, but also prevent it from ever happening again.

The key component of the Hunger Project's strategy is the empowerment of women. The unique position of women in society allow them to be the most effective agents of change in the battle against hunger. The responsibilities of nutrition, family planning, education and others typically fall to women, yet women are traditionally shut out of their society's development and decision making process in developing nations. The Hunger Project mobilizes women to fight for the ability to take control over their own lives and the future of their families.

This Saturday, the twenty-third of September, the Hunger Project is launching a new crusade against hunger targeted at South Asia. According to the Hunger Project's President, Joan Holmes, studies show South Asia suffers from the highest levels of childhood malnutrition in the world as a direct result of the oppression of women in this area. However, new laws in both Bangladesh and India allow women to serve in their local governments. The Hunger Project is utilizing this new opportunity to help women in those nations organize, mobilize and exercise these new rights to make hunger in their communities a memory.

Mr. Speaker, the mission and work of the Hunger Project are both admirable and vital. The dedication and commitment of individuals such as Karen Herman and other supporters of the Hunger Project are making the end of global hunger a goal within our reach. I salute their noble undertaking and look forward to working in partnership to assure that one day their vision of a world without hunger is realized.

## GOVERNORS ISLAND PRESERVATION ACT

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. GILMAN. Mr. Speaker, today I rise to introduce H.R. 5242, the Governors Island Preservation Act. This legislation is a historic opportunity to preserve and protect the third and final jewel of New York Harbor, Governors Island.

Governors Island was owned and operated as a military facility by the British and American armed forces for more than 200 years. This national treasure has played an important role in the Revolutionary War, the War of 1812, the American Civil War, World Wars I and II, as well as hosting the site of the 1988 Reagan-Gorbachev Summit, during the cold war.

In 1800, in order to provide for the national defense, the people of the State of New York ceded control of Governors Island to the Federal Government, then, in 1958, transferred the island outright for only $1.

The U.S. Coast Guard has now vacated Governors Island because of the high costs involved in maintaining its base there. The now unused island is being maintained by General Services Administration with an annual appropriation and, by law, must be disposed of by 2002.

New York State and New York City need our help to preserve and protect one of our Nation's most important and beautiful landmarks, and turn Governors Island into a destination with significant open and educational spaces for public use.

The State and the city of New York have worked out a detailed plan that will protect the historic nature of the island while transforming the southern tip into a 50-acre public park, complete with recreation facilities and stunning views of the Statue of Liberty and the harbor. New interactive educational facilities, including an aquarium and a historical village, are planned, as is moderately-priced family lodging and a health center. The awe-inspiring opportunity we have to establish this new public space to complement both liberty and Ellis Island is unprecedented and mandates decisive action.

Accordingly, the Governors Island Preservation Act will open the doors to this opportunity by transferring the island back to the citizens of New York for the same nominal price the Federal Government paid.

Mr. Speaker, I would like to take this opportunity to call upon all my colleagues in asking their support for the Governors Island Preservation Act. Governor Pataki, Senators MOYNIHAN and SCHUMER, Mayor Giuliani, Speaker Silver, Representatives, NADLER, FOSSELLA, MALONEY, and myself, have all worked extremely hard to address every concern and develop bipartisan legislation which will open Governors Island up not only to the people of New York, but to our entire Nation.

## HONORING GEORGE ALTAMURA AND HANDS ACROSS THE VALLEY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. THOMPSON of California. Mr. Speaker, I rise to recognize an extraordinary humanitarian from my congressional district whose tireless efforts will ensure that hundreds of individuals and families in our Napa Valley will not go to bed hungry tonight.

On Saturday, September 23rd, George Altamura will chair the 7th Annual Hands Across the Valley benefit to raise funds for local food programs. Mr. Altamura has made countless contributions toward improving our community including his work with Catholic Charities providing services to at-risk youths, victims of Alzheimer's and the homeless. None, however, are as significant and far-reaching as his efforts regarding this monumental event.

As a founding father and pioneer, George Altamura has been a driving force behind this community benefit's success. He joined Eleanor and Francis Ford Coppola as well as Linda and Johnny Miller in opening up his wonderful restaurant Bistro Don Giovanni to host the first Hands Across the Valley event in 1994. Five hundred guests participated in that inaugural evening to reduce hunger in our county.

Thanks in large part to George's leadership and determination, this event has grown every year. Because of him and his many friends, Hands Across the Valley has donated over $600,000 to feed Napa's hungry families. This year's event is expected to be bigger and more successful than ever, with nearly 2,000 guests and volunteers working together to ensure none of our neighbors are without food.

Mr. Speaker, George Altamura has put his heart and soul into this event because he understands its importance. He knows that not everyone has shared in our nation's recent prosperity. He also understands that despite the media perception of Napa as a community for the wealthy, more than 7 percent of the county's population is below the poverty level and more than 21 percent are near the poverty level. A recent survey by the University of California and the Redwood Empire Food Bank found that 43 percent of individuals seeking food assistance each month at Napa food pantries and soup kitchens are children. The average household seeking assistance has four people. More than 30 percent do not have a stove or oven and 28 percent do not have a refrigerator.

Mr. Speaker, I believe it is fitting and appropriate to honor the service George Altamura has given to our community for so many years. I commend all of those involved in this annual benefit and wish them great success on Saturday. We are all better off because of their efforts.

## RECOGNIZING DANIEL CREWS OF WINSTON, GEORGIA

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. BARR of Georgia. Mr. Speaker, I am pleased to recognize USA Shooting team member, Daniel Crews of Winston, Georgia. Daniel is the only member of the USA Shooting team who hails from Georgia, and we are honored he is from our Seventh District.

Daniel recently won his fourth national title in precision air rifle shooting at the national competition in Colorado Springs, Colorado, and placed 14th overall. When not shooting as a member of the USA Shooting team, Daniel shoots for the Douglas County Hawkeyes.

Daniel's dedication to excellence and perseverance makes him a role model for his peers, and I am pleased to honor his impressive accomplishments as a world-class air rifle competitor.

## THE LEON S. BENSON HOLOCAUST STUDIES COLLECTION AT THE SAN MATEO PUBLIC LIBRARY

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the Leon S. Benson family and others who have made the contributions to the Leon S. Benson Holocaust Studies Collection of the San Mateo Public Library. The official dedication ceremony for this excellent collection will take place this Sunday, September 24, 2000, and I wanted to take a moment to share with my colleagues some information about this wonderful educational endeavor.

Leon S. Benson, like myself, was a survivor of the Holocaust. After he passed away in January of last year, his family embarked on a fund-raising drive to create a permanent Holocaust studies collection at the San Mateo Public Library that would honor his legacy. I am delighted that our library will have this collection of books and multimedia reference materials.

Mr. Speaker, it is extremely important to have this type of research facility at the San Mateo Public Library. First and most importantly, it provides a resource for students of San Mateo and neighboring communities. As many of you are aware, California public schools require High School students to study the Holocaust, as well as the policies of Nazi Germany that led up to it. The Benson collection provides an excellent local resource which our students will put to good use when they to do research for their assignments.

Second, the collection will be a valuable asset to all who visit the San Mateo Public Library. I would hope that the Leon S. Benson Holocaust collection is utilized, not just by students, but by others who need to know of this dark period in the history of mankind. Only through education and awareness can we confront anti-Semitism, racism, xenophobia and bigotry and work to eradicate them.

One of the major problems facing Holocaust historians in this country, as well as the rest of the world, is the fact that people who lived through the atrocities, people like Mr. Benson, are passing on, and their first-hand knowledge of the Shoah passes with them. Preserving the history of that dark era of humanity is a critical necessity. Mr. Speaker, I can think of no better way to honor the legacy of a survivor of the Holocaust than in the manner which Leon Benson's family have chosen to honor him.

## CHILDHOOD CANCER AWARENESS MONTH

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. PAUL. Mr. Speaker, because September is Childhood Cancer Awareness Month this is an excellent time to reflect on the problems faced by working parents struggling to meet the needs of a child stricken with cancer. I am sure that all would agree that there are few Americans more in need of tax relief than families forced to devote every available resource to caring for a child with a terminal illness such as cancer. This is why I have introduced the Family Health Tax Cut Act (H.R. 4799). This legislation provides a $3,000 tax credit to parents caring for a child with cancer, another terminal disease, or any other serious health condition requiring long-term care. H.R. 4799 also helps all working parents provide routine health care for their children by providing them with a $500 per child tax credit.

The bill will be particularly helpful to those parents whose employers cannot afford to provide their employees' health insurance. Oftentimes those employees work in low-income jobs and thus must struggle to provide adequate health care for their children. This burden is magnified when the child needs special care to cope with cancer or a physical disability. Yet, thanks to Congress' refusal to grant individuals the same tax breaks for health-care expenses it grants businesses, these hard-working parents receive little or no tax relief to help them cope with the tremendous expenses of caring for a child requiring for a child requiring long-term or specialized care.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above 18,000 dollars a year or single income filers with incomes slightly above 15,000 dollars per year. Clearly this bill will be of the most benefit to working families balancing the demands of taxation with the needs of their children.

Under the Family Health Tax Cut Act, a struggling single mother with an asthmatic child would at last be able to provide for her child's needs; while a working-class family will have less worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Mr. Speaker, it is tough enough for working families to cope with a child with a serious illness without having to sacrifice resources that should be used for the care of that child to the federal government. It is hard to think of a more compassionate action this Congress can take than to reduce taxes on America's parents in order to allow them to help provide quality health care to their children. I therefore call on my colleagues to join me in helping working parents provide health care to their children by cosponsoring H.R. 4799, the Family Health Tax Cut Act.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. BECERRA. Mr. Speaker, on September 14, 2000, I was detained with business in my District, and therefore unable to cast my votes on rollcall numbers 472 through 476. Had I been present for the votes, I would have voted "aye";" on rollcall vote 475, and "no" on rollcall votes 472, 473, 474 and 476.

Mr. Speaker, I am unable to support the Conference Report for H.R. 4516, the Legislative Branch Appropriations for F.Y. 2001, because it bypassed the normal appropriations process. Moreover, this legislation raises Members' salaries while falling half a million dollars short of the Administration's budget to fund more important priorities of the American people. However, there are several provisions in the report which I strongly support. I applaud the conferees for fully funding the Administration's law enforcement initiatives, including a proposal to add 600 AFT agents to more fully enforce existing gun laws. In addition, I strongly support the provision which would repeal the 3 percent telephone excise tax that was levied as a luxury tax over 100 years ago to fund the Spanish American War. Finally, the $258 million for the U.S. Customs Department's automation program in the legislation is critical, and I am pleased the conferees recognized its importance. I look forward to enacting these measures in a bill that better funds other needed priorities, which is arrived at through a more thorough discussion between Members of Congress.

## INTRODUCTION OF THE HEREDITARY DISORDERS NEWBORN SCREENING ACT OF 2000

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. PALLONE. Mr. Speaker, there is no uniform federal standard for screening newborn infants for hereditary disorders. Currently, states decide for themselves on an individual basis the types of disorders for which newborns are screened. As a result of this piecemeal approach, a haphazard system prevails under which detectable disorders—disorders that can profoundly affect the health of an infant for life—may or may not be found early enough to make a difference depending on the state in which a newborn lives. If a newborn lives in a state that happens not to screen for a particular disorder, the failure to screen could result in a tragic outcome that might have been different had the infant simply lived in another state. This system essentially subjects newborns with detectable disorders to a game of "Russian Roulette".

Last month, the Newborn Screening Task Force, which was convened by the American Academy of Pediatrics (AAP) at the request of the Health Resources and Services Administration, published a report on newborn screening in the AAP journal Pediatrics. Among the report's recommendations is a call to "adhere to nationally recognized recommendations and standards for the validity of tests." "State newborn screening systems" the Task Force observed "have a responsibility to review the appropriateness of existing tests [and] tests for additional conditions." In other words, the Task Force is calling on the states to eliminate the disparities that exist in newborn screening by expanding their programs to test for a common set of core disorders.

Achieving this goal is no small task for the states. The technology for screening, which continues to advance at a rapid pace, is extremely expensive, and there needs to be a more coordinated system for developing and implementing an expanded newborn screening program. The federal government can and should assist in creating this system.

Today I am introducing legislation that will work towards eliminating the disparities that exist between states and improving the newborn screening system. The Hereditary Disorders Newborn Screening Act of 2000 will establish a grant program for the states to be administered by the Health Resources and Services Administration to achieve this and other important related goals in an effort to strengthen our nation's newborn screening system.

I urge all of my colleagues to join me in eliminating these testing disparities and the preventable tragedies they produce by cosponsoring the Hereditary Disorders Newborn Screening Act of 2000.

## INTRODUCTION OF THE YOUNGER AMERICANS ACT

## HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to introduce, along with my colleagues Mrs. ROUKEMA, Mr. FROST, and Mr. GILMAN, the Younger Americans Act. This is landmark legislation that will dramatically increase after-school opportunities for young children and teenagers by providing them with adult mentors, education, sports, and volunteer activities.

As any parent or teacher knows, the best way to keep kids out of trouble and help them learn and grow is to keep them busy and give them opportunity. Today's bill is an historic opportunity to dramatically expand safe and exciting programs for children and youth after school, a time when too many kids suffer from a lack of activity and adult supervision. A recent Urban institute study found that one in five young people age 6–12 are left without adult supervision after school and before their parents come home from work, a critical period during the day to keep youth both positively engaged and out of trouble.

Thirty-five years ago, Congress made a decision to help seniors and passed the Older Americans Act. In doing so, Congress launched a series of highly effective local efforts that have improved and enriched the lives of our nation's elderly. It helped pay for senior centers, Meals on Wheels, and community service programs like Green Thumb.

For too long, however, Congress has ignored the needs of our nation's young people. It has failed to make the issues of young people a priority and has failed to make an adequate investment in their development and well-being.

Our new bill attempts to correct that oversight. Today, we seek to repeat the success of the Older Americans Act by funding a national network of high-quality programs tailored to the particular challenges faced by youth today.

Too often, we find that public programs for young people focus on the problems of youth and promote piecemeal policies that seek to redress negative behaviors like juvenile delinquency or teen pregnancy.

But the evidence shows that the most promising approaches are those that foster positive youth development, build social and emotional competence, and link young people with adult mentors. This is the future of youth social programs in the 21st century and it is an approach we seek to advance through this legislation.

The Younger Americans Act will help coordinate and fund youth-mentoring, community service through volunteerism, structured academic and recreational opportunities, and other activities aimed at fostering the positive educational and social development of teens and pre-teens.

Under the bill, the federal government would distribute funds by formula to community boards that would oversee the planning, operation, and evaluation of local programs. Funding for local programs in the initial year would be $500 million, and would rise to $2 billion in 2005, in addition to matching funds provided by local and state governments and the private sector.

To qualify, each local program would be required to adopt a comprehensive and coordinated system of youth programs with the following five general components: ongoing relationships with caring adults; safe places with structured activities; access to services that promote healthy lifestyles, including those designed to improve physical and mental health; opportunities to acquire marketable skills and competencies; and, opportunities for community service and civic participation.

Thirty percent of funds would be targeted to youth programs that address specific, urgent areas of need such as youth in correctional facilities and situations where youth are at high risk due to neglect or abuse.

The bill has a vast national coalition of supporters including former Joint Chiefs of Staff Chairman Colin Powell, the Boys & Girls Clubs of America, Big Brothers/Big Sisters, the National Urban League, America's Promise, the Child Welfare Leagues of America, United Way, the National Mental Health Association, and others.

I want to thank all of members of the coalition behind this bill for bringing us together. I applaud their work on this legislation and the work that they do every day in each of our local communities.

I want to express special appreciation to all of the young people from these associations, who have rightly played such a key role in drafting and advocating for this legislation.

Congress has enacted many worthwhile programs to help young people. But the bill we are introducing today has a different message. Our bill responds to the tremendous desire of young people to have the greatest opportunity possible to be active, creative, and productive citizens in our society, rather than receiving society's help only after they are in trouble. Kids are asking to be given a chance to make a difference in their own lives. We are saying today that that is exactly what Congress can and should do.

I am confident we can make that happen. I look forward to working with my colleagues to pass this legislation.

## HONORING THE 352ND FIGHTER GROUP, THE BLUE NOSED BASTARDS OF BOSNEY

## HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. BILIRAKIS. Mr. Speaker, today I recognize a special group of World War II veterans.

The 352nd fighter group, known as the Blue Nosed Bastards of Bosney, was named for the farm land where they were based and the bright blue paint on the cowling of each of their P–51 Mustangs. The primary purpose of the fighter group was to escort bombers across the English Channel to France and Germany (and eventually Berlin) where they bombed the Germans relentlessly. Once the bombers had completed their missions and returned to base, the 352nd would attack various military targets before returning home. The fighter group also participated in D–Day by neutralizing the German Air Force before the invasion and then providing cover for the Allies during the invasion.

Since the end of World War II, the brave men of the 352nd fighter group have reunited every year somewhere in the United States. This year will be their 50th reunion which is being held in Richmond, Virginia. It will also be their last reunion. This historic reunion was brought to my attention by Howard Polin, a corporal in the Army Aircorp, who served on the ground crew with the 352nd fighter group in England from December 7, 1942 until February 4, 1946.

I want to take this opportunity to salute the men of the 352nd fighter group. They, along with the millions of young men and women who served our country in uniform during World War II, served side by side to restore the peace and the freedom to those overwhelmed by tyranny.

Americans of all religions, of all races, and of diverse political philosophies, came together on the battlefield and on the homefront, helping to extinguish the flames of oppression and the evil that infected mankind throughout the world. America provided a beacon of hope in a dark sea of despair.

We must never forget those brave men and women who served in the war that changed our future. Since they have returned home, they have faithfully served this country with dignity and with strengthened character. They have all helped to create the single greatest country on the face of the earth and have altered, for the better, the future of mankind, both at home and abroad.

America can never fully repay her veterans. However, we can honor these courageous individuals by treasuring the freedom they preserved.

Mr. Speaker, the men of the 352nd fighter group all answered the call to duty when their country needed them. They are true American heroes.

## CONGRATULATING PORTER-STARKE SERVICES

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Porter-Starke Services, located in Porter County, Indiana, as it celebrates its 25th anniversary this Friday, September 22, 2000. Porter-Starke Services will commemorate its 25 years of dedicated service to the community of Northwest Indiana in a gala celebration entitled "A Silver Lining," to be held at the Porter County Expo Center in Valparaiso, Indiana. The celebration will serve as an opportunity for Porter-Starke to reaffirm its commitment to excellence in mental health services for individuals in Valparaiso, Portage, and the surrounding communities.

Porter-Starke Services grew from a grassroots effort initiated by citizens located within ten miles of a large state mental hospital. Concerned with the quality of care provided by the state hospital, the volunteers sought to provide improved care alternatives for those whose lives are affected by mental illness. To that end, Porter-Starke Services was incorporated in 1967 as LaPorte-Porter-Starke Services, and those volunteers served as its first board of directors. The name of the center reflected the three counties involved in the original effort. By 1968, LaPorte County had withdrawn from the group to form its own center, the Swanson Center for Mental Health. Thus, in 1968, the charter was altered, and Porter-Starke Services was born.

From 1967 through 1973, Porter-Starke Services' volunteer board of directors worked tirelessly to raise the capital to build an adequate facility, find a location suitable for the main center, and organize a comprehensive and effective program. Ultimately, land was donated by the Urschel family, and state and local funding was secured for financing construction of a facility in Valparaiso, Indiana. During the past two decades, Porter-Starke has continued to grow and change, reflecting the needs of the communities while remaining committed to the highest caliber of mental health care.

Over its 25 years of development, Porter-Starke has been fortunate enough to receive support and assistance from numerous community leaders and good Samaritans in Northwest Indiana. This year, Porter-Starke Services and the Mental Health Association of Porter County are recognizing several of these individuals for their dedication and commitment to the mental health field at a special dinner, prior to the gala celebration at the Expo Center. Larry Sheets and Lee E. Grogg will receive the Aled P. Davies Award for Public Policy on Health, the Gale C. Corley President's Award will be presented to Charles Walker, and the Patient Care and Advocacy Award will be given to John Wilhelm. Marilyn Lindner will receive the Porter-Starke Award for Community Mental Health, while Karen Conover will receive the Robert Anderson Community Education and Service Award. The Mental Health Association of Porter County will present Randy Zromkoski the Distinguished Service Award, Julane Corneil the United Way Agency Volunteer of the Year Award, and the Cooks Corners Elementary School, Kenya Jenkins, and Velma Strawhun will all receive the Friends of the Mental Health Association Award.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the administrators, health care professionals, and countless individuals who, over the years, have contributed to Porter-Starke's success in achieving its standard of excellence. Their hard work has improved the quality of life for everyone in Indiana's First Congressional District.

## NATIONAL COMMISSION ON BUDGET CONCEPTS ACT

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. RADANOVICH. Mr. Speaker, yesterday I introduced the National Commission on Budget Concepts Act.

Over three decades ago, President Lyndon Johnson established his Commission on Budget Concepts. The Commission's task—to make the Federal budget a more useful document for public policy making—was no easy assignment. Nonetheless, the Commission put forth many sound suggestions that policy makers and the public embraced. That was thirty-three years ago.

Times have changed. Before Republicans balanced the budget, we had deficits as far as the eye could see. Now we are forecasting surpluses in the trillions of dollars. Suddenly everybody agrees that the Social Security surplus should not be touched. We are taking trust funds offbudget. We are paying off principle on the debt.

Mr. Speaker, we are treading on unfamiliar ground. We should establish a new commission that will review the federal budget in today's terms, and figure out how it can best be presented in today's climate.

## GAIL M. EDWARDS: A TRUE AMERICAN

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. FILNER. Mr. Speaker, I rise today to honor Mr. Gail M. Edwards on the occasion of his retirement, after nearly thirty-five years as a pilot with Trans World Airlines (TWA).

Gail is an ideal American and a man whose life and career have made us proud. He was born on July 16, 1935 and grew up in Indiana with his mother, Dorris Wannetta Edwards, his father, Harold Perry Edwards, and his brother, Victor Royce Edwards. He was the first of his family to graduate from college, and he received his degree from Indiana University in 1957.

He joined the United States Air Force immediately after college, fulfilling his lifelong goal of flying. As a child, he had spent many hours building model airplanes and hanging them around his room. He volunteered to fly volunteer airlift missions to Vietnam during the Vietnam War and then served in the Air National Guard for many years after the war, retiring as a Full Bird Colonel, Vice Wing Commander, Tactical Airlift Wing. He received two Air Force Commendation Medals.

Years later, when the nation was in the Gulf War conflict, he volunteered again. He ran into the Commanding General of the California Air National Guard and said, "Call me if you need a grizzly, gray-haired old man to fly a 130." They both smiled and Gail knew he wasn't going to get a call, but they also both knew if he did get a call, he would say, "You bet!"

Gail loved the Air Force for opening up vast vistas for him. He believed the Air Force was a "God-send." He loved every minute of it. While on duty in England and Japan, Gail met and married Kathleen Riley, an English/Speech/Drama teacher on American Airforce bases, in 1962.

Leaving the Air Force in January, 1966, he went to work for TWA and has been a pilot for TWA for nearly thirty-five years. He has said that after the Air Force taught him to fly and allowed him to experience the world, TWA gave him the opportunity to share it with his family and all the other passengers.

Gail lives with his wife of 38 years in Redondo Beach, California. His children are Kimberly Ellen Edwards (32) of San Diego and Jonathan Kyle Edwards (28) of Scottsdale.

He enjoyed working for TWA, and even more, he loved serving his country. He is extremely patriotic, just the kind of citizen we all want to be. He has volunteered with the

United Methodist church, Little League, Boy Scouts, Girl Scouts, Indian Guides, and Indian Maidens. He built play houses for his children and helped them with their homework. But first and foremost, Gail is an American and a pilot. He loves his family, he loves his job, and he loves his country.

I am honored to have this opportunity to recognize Gail Edwards and to thank him for his service to TWA and to his nation.

## IN HONOR OF MATHEW LOBAS

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Mathew Lobas, of Parma, Ohio, who was recently elected National Commander of the Polish Legion of American Veterans, U.S.A. (PLAV). He took the Oath of Office on August 22, 2000 at the National Convention in Tunica County, Mississippi.

Mathew Lobas demonstrated his dedication to his country more than 50 years ago when he served in the United States Naval Construction Battalion in Southeast Asia during World War II. He joined the Polish Legion of American Veterans (PLAV) following his honorable discharge from the Navy in August 1946. Throughout his 54 years of membership within the PLAV, Lobas has held a number of important positions, ranging from Post Commander to State Commander to National First Vice Commander. He has continuously advanced PLAV's issues at the local, state and national levels. In 1994, he was awarded a Certificate of Recognition for his outstanding service in helping to start new posts in Florida and Nevada.

In addition to his noteworthy work on behalf of PLAV, Lobas is remarkably active in numerous other organizations in the Cleveland area, such as the American Legion, the VFW, the Joint Veterans Commission of Cuyahoga County, and the Memorial Day Association of Greater Cleveland, where he is responsible for the placement of American flags at the grave sites of deceased veterans. He also dedicates many hours to the Holy Trinity Orthodox Church in Parma, Ohio, where he served as President of the Parish for over six years.

Mathew Lobas currently resides in Parma, Ohio with his lovely wife of 50 years, Olga; they have two children and four grandsons.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me in congratulating Mathew Lobas on his election as National Commander of the Polish Legion of American Veterans, U.S.A. I thank him on behalf of the Cleveland community for his lifetime of commitment to service and volunteerism.

## A TRIBUTE TO THE GREATER PHILADELPHIA HEALTH ACTION, INC.

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the Greater Philadelphia Health Action as it celebrates three decades of providing dedicated health and human services to economically disadvantaged and medically under served Philadelphians.

Founded in 1970, GPHA has grown to offer a full spectrum of accessible and affordable medical and behavioral health care services.

In 1990, GPHA opened the Woodland Academy Child Development Center. Today it offers quality comprehensive day care for more than 100 infants and pre-school and school-age children. It also offers low income and child development programs for teen parents, working families and those enrolled in vocational training programs.

Currently GPHA has five full service medical centers, an expanded behavioral health care program, and a day care and child development center. It serves over 28,000 patients as it continues to expand. That expansion includes plans to launch a new youth program that would provide music, arts and computer instruction and life skills instruction.

As it celebrates 30 years of service, GPHA remains committed to continue its tradition of providing outstanding service to the Philadelphia community.

## IN RECOGNITION OF NATIONAL POLLUTION PREVENTION WEEK

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. PORTMAN. Mr. Speaker, I rise in support of National Pollution Prevention Week, which is being observed this week, September 18–24, by many in the Second District of Ohio and across the nation.

Originating in California in 1992, Pollution Prevention Week gained widespread popularity in states like Ohio before becoming a national effort in 1995. This week it continues its valuable role in raising awareness about pollution prevention.

Stopping pollution before it starts is one of the most cost-effective ways to conserve resources and keep our environment clean. Often, these goals are best achieved locally, and, for a number of years, the Greater Cincinnati Earth Coalition has recognized the environmental and economic benefits of preventing pollution at its source. The Coalition strives to protect our environment with cooperative action between businesses, individuals, environmental and community groups and government agencies. This past year, the Coalition successfully worked with a number of groups through the City of Cincinnati Office of Environmental Management to increase the use of recyclable material at public events.

Mr. Speaker, Pollution Prevention Week reminds us that the best way to conserve our resources and have a clean environment is to keep problems from developing in the first place. It encourages us to work for a cleaner environment while maintaining a competitive, prosperous business climate. These are goals we can all support. I hope my colleagues will join me in recognizing Pollution Prevention Week.

## HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

SPEECH OF

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. CLEMENT. Mr. Speaker, I am pleased today to join with my colleagues in honoring this country's Historically Black Colleges and Universities, three of which are located in my district, the 5th district of Tennessee. These schools are: Fisk University, Meharry Medical College and Tennessee State University. For well over a century, HBCUs have made their mark as vital institutions of higher learning. After the Emancipation Proclamation, the continuing legacy of racism in the 19th century barred African Americans from most higher education opportunities. As a result, colleges and universities devoted to educating African Americans were established, mostly in the South, where the majority of freed slaves remained after the Civil War.

Generations of African American educators, physicians, lawyers, scientists and other professionals found at HBCUs the knowledge, experience and encouragement they needed to reach their full potential. Over the years, HBCUs have compiled an enviable record of achievement, educating almost forty percent of our Nation's black college graduates. They have educated millions of young people and have prepared African-Americans students for the challenges and opportunities of this new century.

The faculty and staff of HBCUs have created a nurturing environment for their students, set high academic standards and expectations and served as inspiring role models for the young people around them. HBCUs have accomplished this in the face of daunting challenges including limited financial resources.

HBCUs' limited pool of private financial contributors have denied many of the institutions the opportunity to meet their capital needs. That is why I was pleased to join with Congressman JAMES CLYBURN in 1996 to secure the authorization of $29 million for HBCU historic preservation.

Historic structures that attest to the contributions HBCUs have made in education our students are at risk of being lost forever. At the close of the 104th Congress, the Omnibus Parks and Public Lands Management Act was signed into law. This legislation earmarked twelve schools to receive desperately needed funds to preserve their campus' historic structures. These funds have been used to repair numerous buildings on Fisk University's campus in Nashville and return the campus to its former beauty. This is the last year of that authorization and I am hopeful that we will be successful in securing the remaining $7.2 million in appropriation funding in this year's Interior appropriations bill.

I am extremely proud of the success Nashville's HBCU's have had in educating African-Americans from across the country. Fisk University, Meharry Medical College and Tennessee State University have all made deep marks on the Nashville community and have enriched all of our lives.

In addition to educating many of our Nation's most distinguished African American professionals, HBCUs reach out to improve the quality of life in surrounding communities. Fisk's world-famous Jubilee Singers originated as a group of traveling students in 1871. The singers struggled at first, but before long, their performances so electrified audiences that they traveled throughout the United States and Europe. The Jubilee Singers introduced much of the world to spirituals and, in the process, raised funds that preserved their University and permitted construction of Jubilee Hall, the South's first permanent structure built for the education of black students.

From its earliest days, Fisk has played a leadership role in the education of African-Americans. Fisk faculty and alumni have been among America's intellectual, artistic and civic leaders in every generation since the University's beginnings. Among currently practicing black physicians, lawyers and dentists, one in six is a Fisk graduate.

Today, Meharry Medical College is the largest private, historically black institution exclusively dedicated to educating health care professionals and biomedical scientists in the United States. Meharry has graduated nearly 15 percent of all African American physicians and dentists practicing in the United States. Since 1970, Meharry has awarded more than 10 percent of the Ph.D.'s in biomedical sciences received by African Americans. Today, the majority of Meharry's graduates practice in medically under-served rural and inner city areas. As Meharry takes its place among the leading institutions preparing health professionals to meet the challenges of the 21st century, the College remains true to its heritage of serving the under-served of all origins, while maintaining an uncompromising standard of excellence.

Tennessee State University, which is also located in Nashville, continues the tradition of educating African-Americans and preparing future leaders of our communities and country. Oprah Winfrey and the late Olympic track star Wilma Rudolph are among its long list of distinguished graduates. TSU has recently been acknowledged as one of the 100 "most wired" universities, ranking 55th this year. I applaud TSU's achievement in bringing 21st century technology to all of its students and classrooms. This is quite an accomplishment and one of which the entire TSU community should be proud. TSU is doing its part in closing the digital divide by ensuring that all of our students, regardless of socio-economic class, have access to computers and the Internet. This training is vitally important to ensuring their academic success in the future. TSU continues to meet the challenges and demands of a 21st century education.

As TSU, Fisk and Meharry demonstrate, HBCU play an array of roles in educating our African-American students. They, along with the many other HBCU's across our country are to be commended for their dedication to academic excellence and commitment to educational opportunity for all. I look forward to working with my colleagues in supporting HBCU's and ensuring that they receive the resources and support necessary to continue their mission.

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## PARTICIPANTS IN THE STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit the following statements into the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

#### BRIAN LINDSTAM REGARDING HOMELESS TEENS

Brian Lindstam: My subject is on homeless teens. Over 500 Vermont teens become homeless every year in Vermont. That is about two teens a day, and 300 of those teens of that 500 are from Burlington. Why do teens become homeless? Here are several reasons: Abuse, negligence, and one-parent households where the teen is not getting the support because the parent is consumed in his or her own life. Sex abuse and drug and alcohol addiction can be a problem.

Spectrum is a teen shelter in Burlington where troubled teens can get support, counseling and get back into some kind of schooling. Burlington Youth Build is a nine-month program where they get paid $250 every two weeks and got their GED at the end of program. They run this program as if it was a job. If you miss a day, you get no pay. If you have a drug or alcohol addiction there is a program, it is a three-month program at a rehabilitation clinic called Mountain View in Huntington. This is where Spectrum sends you if you have an addiction or if you need help.

I have an idea for—I have an idea that if you get a job at a food facility, it is a two-day orientation to get you ready for your job. If you have a job at IBM, it is an eight-day orientation to get ready for your job. So I said to myself, two to eight days can get you ready for a job;, then why cannot three months of schooling get a student ready for his or her job? Nine months of schooling or four years of schooling will burn out a frustrated mind, so if you have a teen pick one class to excel in for three months and get a $300 to $500 bonus at graduation, fee or bonus to help pay for utensils or a wardrobe to get them going in their job. I feel that this problem will help teens that do not like school and it will open new doors to them for a better life.

#### MATT KOZLOWSKI REGARDING AUTO INSURANCE FOR TEENS

Matt Kozlowski: Congressman Sanders, I have reached the point in my life where I am a young adult and I have many obstacles to overcome, one of them being car insurance. I will be turning 17 in a month and I am going to get my license. Recently I moved from Toronto, Ontario, Canada where I had gotten around the whole city with buses, subway, streetcars and trains to get to mandatory destinations like school and work.

Now that I am living in Vermont, all my destinations are far apart and cannot be reached by buses, subways, et cetera. Therefore, I need to make a new investment, that being a car.

Purchasing a car is not a problem for working teens. You can save up a couple thousand dollars to purchase it, but what is very expensive and hard to do is maintaining it on the road by paying extremely high car insurance rates. A single male age 16 to 18 pays on average $2,567.97 annually for car insurance, compared to a single 23- or 24-year-old male who only pays $994.63 annually.

Just because we fall under the dangerous young drivers category of the insurance companies, I do not feel that we all belong there. I am aware that these insurance rates are based on statistics, but not all young drivers should have to pay high rates due to others' mistakes. The younger we are, the more time we want for sports, school and our social life. We do not want to have to work the majority of each week having to pay a monthly insurance bill of over $200 to get from one destination to another.

One of the solutions that I would like to propose is giving young drivers a regular 23- to 24-year-old single male insurance rate of approximately $1,000 annually. If one were to get a speeding ticket, have an accident or be cited for violation or along those lines, then they should fall into the dangerous young driver category. I feel that we all deserve at least one chance before we fall into such a category because we all are not dangerous drivers.

I think that my proposal would be successful in making teens have more time for sports in school as well as resulting in insurance companies having to pay fewer claims. If I knew that I had one chance before my insurance rate went up from $1000 to $2500, I would definitely be a very much more cautious driver. I also think that car insurance companies make enough money as it is and shouldn't be taking great amounts of money from minors, most of whom just make enough to keep their cars on the road.

Thank you much for your time and consideration.

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#### MATT CYR REGARDING EMANCIPATED MINORS

Matt Cyr: Sir, I am here to tell you about the lack of knowledge people have on emancipation, and if you all do not know what emancipation is, it is when a minor under the age of 18 is able to move out of the house with your parents consent legally and you get a legal document that says you are on your own, you can sign your own, so they consider you 18 so you can live on your own and manage your own stuff.

And just a little while my dad thought I would be better off at the age of 17, and I thought I would too, but it is kind of hard even though I am fighting through it, but that is not what I am here to tell you about is my money problems. It is about the lack of knowledge people have on this topic, because when I am trying to get my phone, electricity and cable hooked up to my place, they said I needed my parent to do it.

How can I do things on my own when and if they do not let me be on my own? They need to give me a chance for me to do it on my own. The law says I can sign on my own and do all the things that an 18-year-old could do, but the public does not know about this law and if they did they would be able to say yes to the things that I need to do on a common basis.

There are some people that do know about the law and they are not sure as to what the rights I would get or you would get. The only thing I ask is for you to show people about this law and not just this one but other laws as well as what they also mean. There are many places you can do this, like on TV commercials or visits in the schools and tell them about the laws. I do not see things that you guys—I do not see things that people do to inform about the laws because I never heard about it and I never knew about it. Why I think you need to inform a lot more people about the law and others is because I have hardly ever heard of this law or anything about it until it happened. Thanks.

### ELIZABETH BOMBARD REGARDING SCHOOL SAFETY

Elizabeth Bombard: My topic is safety in schools. Safety in schools has become a hot topic these days after all that has happened in school in the past few years. Many schools around the nation have heightened security to try to prevent any more tragic events from occurring. The bottom line, the shooting at Columbine really changed how safe students feel at their school.

Colchester High School had to take safety measures last year when repeatedly we got bomb threats. For about a week we had to enter the school from the front doors and go through metal detectors. That goes to show even small schools in small towns are affected by this. Schools throughout the country have started programs to try to prevent things like Columbine from happening.

A school in Ashtabula, Ohio put together a group called the Positive Education Program which helps develop social skills and trust activities. This is a program that school officials think could help include more students and prevent violence from entering their school. Many people think they have more opportunities for children to get involved to help lift the students that do not feel included and may be the violent ones.

Many other schools have also started programs including a school in Tampa, Florida which awarded "Stop and Think" stickers at their own elementary school to children who show exceptional good behavior. Many think this is more effective than metal detectors and security guards. Even though nothing extreme has happened close to Vermont, I do not think it is too early to take safety measures to make sure our schools stay safe for learning.

CHS has done a little to help open more doors to students or things to do, some of which are CHS Cares and Through Helpers. CHS Cares is a group of students who raise money and goods to make baskets for people in our town that need help around the holidays. This year we supplied turkey dinners to many families in the community for Thanksgiving. Through Helpers are sophomores, juniors and seniors who offer to help under classmen with problems they have in school or socially.

I do agree with the many people who think more involvement may help kind students. I also think that many problems with children start right at their own home, but there are little we can do about that. I think the schools around here do need to make more programs and activities open for children to do so they do not have so much free time. It should also include transportation home afterwards for the students who do want to do the programs but do not have parents home until late to pick them up. Often the children who are causing trouble are also the ones who do not have parents home until late in the evening. Having more opportunities can try to help prevent the problem of violence in our school before it starts.

What I would like to see happen from doing this speech is more funding in schools to try to have more clubs and groups for students which includes transportation.

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## INTRODUCTION OF ROCKY FLATS NATIONAL WILDLIFE REFUGE ACT

## HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to designate Rocky Flats as a National Wildlife Refuge once that former nuclear-weapons site in Colorado is cleaned up and closed.

This bill, the "Rocky Flats National Wildlife Refuge Act of 2000," was developed through a process of collaboration with Senator ALLARD, who is today introducing corresponding legislation in the Senate, and is cosponsored by Representatives DEGETTE, TANCREDO, SCHAFFER, HEFLEY, and McINNIS.

In shaping this legislation, Senator ALLARD and I consulted closely with local communities, State and Federal agencies, and interested members of the public. We received a great deal of very helpful input, including many detailed reactions to and comments on related legislation that I introduced last year and discussion drafts that Senator ALLARD and I circulated earlier this year.

Both Senator ALLARD and I recognize that introduction of legislation is only the beginning of the formal legislative process. We welcome and will consider any further comments that anyone may have regarding the bills we are introducing today. However, we believe that these bills address the points raised by the many parties in Colorado who are interested in this important matter.

Here is a brief outline of the main provisions of the bills Senator ALLARD and I are introducing today: The bill—Provides that the Federally-owned lands at Rocky Flats site will remain in federal ownership; that the Lindsay Ranch homestead facilities will be preserved; that no part of Rocky Flats can be annexed by a local government; that no through roads can be built through the site; and that some portion of the site can be used for transportation improvements along Indiana Street along the eastern boundary.

Requires DOE and the U.S. Fish and Wildlife Service to enter into a Memorandum of Understanding within 18 months after enactment to address administrative issues and make preparations regarding the future transfer of the site to the Fish and Wildlife Service and to divide responsibilities between the agencies until the transfer occurs; provides that the cleanup funds shall not be used for these activities.

Specifies when the transfer from DOE to the Fish and Wildlife Service will occur—namely when the cleanup is completed and the site is closed as a DOE facility.

Describes the land and facilities that will be transferred to the Fish and Wildlife Service (most of the site) and the facilities that will be excluded from transfer (any cleanup facilities or structures that the DOE must maintain and remain liable for); directs that the transfer will not result in any costs to the Fish and Wildlife Service.

Directs that the DOE will continue to be required to clean up the site and that in the event of any conflicts, cleanup shall take priority; maintains DOE's continuing liability for cleanup.

Requires the DOE to continue to clean up and close the site under all existing laws, regulations and agreements.

Requires that establishment of the site as a National Wildlife Refuge shall not affect the level of cleanup required.

Requires the DOE to clean up the site to levels that are established in the Rocky Flats Cleanup Agreement as the agreement is revised based on input from the public, the regulators and the Rocky Flats Soil Action Level Oversight Panel.

Requires DOE to remain liable for any long-term cleanup obligations and requires DOE to pay for this long-term care.

Establishes the Rocky Flats site as a National Wildlife Refuge 30 days after transfer of the site to the Fish and Wildlife Service.

Provides that the refuge is to be managed in accordance with the National Wildlife Refuge System Administration Act.

Provides that the refuge's purposes are to be consistent with the National Wildlife Refuge System Administration Act, with specific reference to preserving wildlife, enhancing wildlife habitat, conserving threatened and endangered species, providing opportunities for education, scientific research and recreation.

Directs the Fish and Wildlife Service to convene a public process to develop management plans for the refuge; requires the Fish and Wildlife Service to consult with the local communities in the creation of this public process.

Provides that the public involvement process shall make recommendations to the Fish and Wildlife Service on management issues—specifically issues related to the operation of the refuge, any transportation improvements, leasing land to the National Renewable Energy Laboratory, any perimeter fences, development of a Rocky Flats museum and visitors center; requires that a report is to be submitted to Congress outlining the recommendations resulting from the public involvement process.

Recognizes the existence of other property rights on the Rocky Flats site, such as mineral rights, water rights and utility rights-of-way; preserves these rights and allows the rights holders access to their rights.

Allows the DOE and the Fish and Wildlife Service to impose reasonable conditions on the access to private property rights for cleanup and refuge management purposes.

Requires the federal government to seek to acquire the underlying mineral rights through agreement with the private owners.

Allows the Public Service Company of Colorado to provide an extension from their high-tension line on the site to serve the area around Rocky Flats.

Authorizes the establishment of a Rocky Flats museum to commemorate the history of the site, its operations and cleanup.

Requires the DOE and the Fish and Wildlife Service to inform Congress on the costs associated with implementing this Act.

Let me take a moment to address a few of the more important issues that were raised by the local communities and how they are addressed in this bill.

First, transportation issues. Rocky Flats is located in the midst of a growing area of the Denver metropolitan region. As this area continues to grow, pressure is being put on the existing transportation facilities just outside the boarders of the site. In addition, the Denver-metropolitan region has been constructing a beltway around the city. The last segment of this beltway yet to be completed or approved for construction is to be in the northwest section of Denver, the same general areas where Rocky Flats is located. The communities that surround the site have been considering transportation improvements in this area for a number of years—including the potential completion of the beltway.

So, one of the questions on which Senator ALLARD and I sought comments was whether our bills should allow some use of Rocky Flats land to assist in addressing the transportation needs and future demands. We asked for and received the views of the public and the local communities. That input, along with the recent decision by the local communities to forego for now the construction of the beltway in the northwest region of Denver, overwhelmingly indicated that the bill should allow for possible availability of some land along Indiana Street along the eastern boundary of Rocky Flats for this purpose, but that the bills should not specifically provide for a more far-reaching availability of Rocky Flats land for a beltway. So the bills we are introducing reflects that position.

Second, the Rocky Flats Cold War Museum. This section of the bill authorizes the establishment of a museum to commemorate the Cold-War history of the work done at Rocky Flats. Rocky Flats has been a major facility of interest to the Denver area and the communities that surround it. Even though this facility will be cleaned up and closed down, we should not forget the hard work done here, what role it played in our national security and the mixed record of its economic, environmental and social impacts. The city of Arvada has been particularly interested in this idea, and took the lead in proposing inclusion of such a provision in the bill. However, a number of other communities have expressed interest in also being considered as a possible site for the museum. Accordingly, the bills being introduced today provide that Arvada will be the location for the museum unless the Secretary of Energy, after consultation with relevant communities, decides to select a different location after consideration of all appropriate factors such as cost, potential visitorship, and proximity to the Rocky Flats site.

Third, private property rights. Most of the land at Rocky Flats is owned by the federal government, but within its boundaries there are a number of pre-existing private property rights, including mineral rights, water rights, and utility rights-of-way. In response to comments from many of their owners, the bills acknowledge the existence of these rights, preserve the rights of their owners, including rights of access, and allow the Secretaries of Energy and Interior to address access issues to continue necessary activities related to cleanup and closure of the site and proper management of its resources.

With regard to water rights, the bills protect existing easements and allow water rights holders access to perfect and maintain their rights. With regard to mineral rights, the bills urge the Secretaries of Energy and Interior to acquire these rights from existing owners—but ensure that

Fourth, the National Renewable Energy Laboratory's (NREL) National Wind Technology Center. This research facility, which is located northwest of the site, has been conducting important research on wind energy technology. As many in the region know, this area of the Front Range is subjected to strong winds that spill out over the mountains and onto the plains. This creates ideal wind conditions to test new wind power turbines. I support this research and believe that the work done at this facility can help us be more energy secure as we find ways to make wind power more productive and economical. The bills we are introducing today preserve this facility. It is outside the boundaries of the new wildlife refuge that the bill would create and thus would be allowed to continue at its present location. In addition, NREL has been considering expanding this facility onto the open lands of Rocky Flats. The bill allows NREL to pursue this proposal through the public involvement process.

Finally, cleanup levels. Over the last year, some concerns were expressed that the establishment of Rocky Flats as a wildlife refuge could result in a less extensive or thorough cleanup of contamination that has resulted from its prior mission. Of course, that was not the intention of the bill I introduced last year and it is definitely not the intention of the bills being introduced today. The language in these bills has been drafted to ensure that the cleanup is based on sound science, compliance with federal and state environmental laws and regulations, and public acceptability. The bills now tie the cleanup levels to the levels that will be established in the Rocky Flats Cleanup Agreement (RFCA) for soil, water and other media following a public process to review and reconsider the cleanup levels in the RFCA. In this way, the public will be involved in establishing cleanup levels and the Secretary of Energy will be required to conduct a thorough cleanup based on that input. In addition, the bills require that the establishment of the site as a wildlife refuge cannot be used to affect the cleanup levels—removing any possibility of arriving at a lesser cleanup due to this ultimate land use.

Mr. Speaker, I want to express my thanks to Senator ALLARD for his outstanding cooperation in drafting this important legislation. I am very appreciative of his contributions and look forward to continuing to work closely with him and the other members of Colorado delegation in both the House and Senate to achieve enactment of this legislation.

In the past, Rocky Flats has been off-limits to development because it was a weapons plant. That era is over—and its legacy at Rocky Flats has been very mixed, to say the least. But it has left us with the opportunity to protect and maintain the outstanding natural, cultural, and open-space resources and value of this key part of Colorado's Front Range area. This bill would accomplish that end, would provide for appropriate future management of the lands, and would benefit not just the immediate area but all of Colorado and the nation as well.

# HOUSE OF REPRESENTATIVES—*Friday, September 22, 2000*

The House met at noon and was called to order by the Speaker pro tempore (Mr. PEASE).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 22, 2000.*

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

One hundred thirty-eight years ago on this date, September 22, 1862, Abraham Lincoln issued a proclamation "containing among other things, the following . . . that on the 1st day of January 1863, all persons held as slaves within any State . . . shall be then, thenceforward and forever free. . . ."

Abraham Lincoln looked "upon this act (and) sincerely believed (it) to be an act of justice, warranted by the Constitution. . . ." He said, "I invoke the considerate judgment of mankind and the gracious favor of Almighty God."

May You, the Almighty, continue to look upon this Nation and all its people with favor. By our commitment to see all persons free, may we be judged by You and by the world.

Cleansed by Your Spirit, may this Nation be rid of all racial strife and become a light to the world, a people who know their diversity, embrace differences with understanding and struggle continually to set themselves and others free from all forms of prejudice.

In You, Our God, we see ourselves as a people now and forever free.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 522. An act to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

S. 1810. An act to amend title 38, United States Code, to expand and improve compensation and pension, education, housing loan, insurance, and other benefits for veterans, and for other purposes.

S. 2046. An act to reauthorize the Next Generation Internet Act, and for other purposes.

## ADJOURNMENT TO MONDAY, SEPTEMBER 25, 2000

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## STOP THE $2 BILLION AIR WAR ON IRAQ NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the Christian Science Monitor newspaper had a lengthy article yesterday about Iraq and the fact that we are still regularly bombing there.

The Monitor reported: "The air mission has been expensive. It costs about $2 billion a year and occupies about 20,000 soldiers, 200 aircraft, and 25 ships."

The Monitor also said the U.S. air war "has not loosened Saddam's grip on power and is being questioned by U.S. lawmakers."

About 1 year ago, the Associated Press ran a lengthy story describing our continued bombing of Iraq as a "forgotten war" because most Americans did not even realize we are still bombing. They still do not. Here we are spending an average of almost $6 million a day regularly bombing Iraq, and most Americans do not even realize this one-sided "war" is even still going on.

What a waste. What are we accomplishing? Probably just the opposite from what we should be trying to do. Probably the only thing our bombing has accomplished is to keep Saddam Hussein in power by making the U.S. so unpopular in Iraq. These people were our allies in the 1980s. They could be our friends once again if we would stop bombing them.

Iraq is no threat whatsoever to the U.S. unless we continue to bomb them for so long and so much that they are forced to send terrorists in here in acts of desperation.

The Monitor article yesterday also said this: "But beyond Britain, Washington lacks enthusiastic international support in its crusade against the Iraqi leader. Baghdad claims that the U.S.-led sanctions are leading to mass malnutrition and unusually high rates of infant mortality."

Several reports have said that our sanctions over the last 10 years have caused the deaths of hundreds of thousands of Iraqi children. How would we feel about a country that was doing this to us?

The top of the front page of the Washington Post a couple of months ago had a headline which said: "Under Iraqi Skies, a Canvas of Death." The subhead said: "Town of Villages Reveals Human Cost of U.S.-led Sorties in "No-Fly" Zones."

The story, a very long one, told of several children who were named in the story who were killed in different U.S. bombing raids.

The lead paragraphs told this story: "Suddenly out of the clear blue sky, the forgotten war being waged by the

United States and Britain over Iraq visited its lethal routine on the shepherds and farmers of Toq al-Ghazalat about 10:30 a.m. on May 17.

"Omran Harbi Jawair, 13, was squatting on his haunches at the time, watching the family sheep as they nosed the hard, flat ground in search of grass. He wore a white robe but was bareheaded in spite of an unforgiving sun. Omran, who liked to kick a soccer ball around this dusty village, had just finished fifth grade at the little school a 15-minutes walk from his mud-brick home. A shepherd boy's summer vacation lay ahead.

"That is when the missile landed.

"Without warning, according to several youths standing nearby, the device came crashing down in an open field 200 yards from the dozen houses of Toq al-Ghazalat. A deafening explosion cracked across the silent land. Schrapnel flew in every direction. Four shepherds were wounded. And Omran, the others recalled, lay dead in the dirt, most of his head torn off, the white of his robe stained red.

"'He was only 13 years old, but he was a good boy,' sobbed Omran's father, Harbi Jawair, 61."

I repeat, what would we think about a country that was doing this to our children.

The Post story said that "a week of conversations with wounded Iraqis and the families of those killed . . . showed that civilian deaths and injuries are a regular part" of this air war.

The Monitor story quoted one man as saying "Iraq does not even have the means to pose a threat to its neighbors," and it is certainly not a threat to us.

Saddam Hussein forced us to take action in 1991 because he had moved into Kuwait and was threatening Saudi Arabia and the entire Middle East.

But we now know that much of what he was doing was saber rattling. His military strength was greatly exaggerated as we found when many of his best soldiers began surrendering to anyone they could, even CNN television news.

Saddam is a very bad man who has been responsible for horrible things happening to his people. I am convinced that the only thing keeping him in power and keeping his people from revolting and throwing him out has been our continued bombing.

We should never send our troops to foreign battlefields and especially start bombing people unless there is a real and legitimate threat to our national security or a very vital U.S. interest at stake.

This administration, Mr. Speaker, has deployed troops to other countries more than the six previous administrations put together. This administration bombed a medicine factory in Sudan and bombed Afghanistan and Kosovo and Iraq. The timing of the start of these bombings was usually at a time when the President was having serious personal problems or, in Iraq's case, the eve of his impeachment.

They say that those who hate war the most are those who have actually been in one, fighting on the front lines in a shooting war who have seen the horror of it and thus want to do everything possible to avoid it.

Perhaps it is because almost no one in this administration has actually fought on the front lines of a shooting war that they have been so cavalier-about or so quick to bomb people. Whatever the reason, the situation is not the same as it was in 1991. We need to stop this $2 billion air war now.

## GAIL M. EDWARDS: A TRUE AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, to me, the real heroes in our country today are those people who go to work every day, play by the rules, provide for their loving families and contribute back to their communities.

Mr. Speaker, I rise today to honor one such American hero, Mr. Gail Edwards, on the occasion of his retirement, after nearly 35 years as a pilot with Trans World Airlines.

Gail is what I think we would call an ideal American, a man whose life and career have made us all proud. He was born on July 16, 1935 and grew up in Indiana with his mother, Dorris Wannetta Edwards, and his father Harold Perry Edwards, and his brother Victor Royce Edwards.

He was the first of his family to graduate from college, and he received his degree from Indiana University in 1957. He joined the United States Air Force immediately after college, fulfilling his lifelong dream of flying.

As a child, he had spent many hours building model airplanes and hanging them around his room. He volunteered to fly volunteer airlift missions to Vietnam during the Vietnam War and then served in Air National Guard for many years after the war, retiring as a Full Bird Colonel, Vice Wing Commander, Tactical Airlift Wing, and received 2 Air Force commendation medals.

Years later, when the Nation was in the Gulf War conflict, he volunteered again. He ran into the commanding general of the California Air National Guard and said, "Call me if you need a grizzly gray-haired old man to fly a 130." They both smiled, and Gail knew he was not going to get a call. But they also both knew, if he did get a call, he would say, "You bet."

Gail loved the Air Force for opening up vast vistas for him. He believed the Air Force was a Godsend. He loved every minute of it. While on duty in England and Japan, Gail met and married Kathleen Riley, an English, speech and drama teacher on the American Air Force bases in 1962.

When he left the Air Force in 1966, he went to work for TWA and has been a pilot for that airline for nearly 35 years. He has said that the Air Force taught him to fly and allowed him to experience the world, but TWA gave him the opportunity to share it with his family and all the other passengers.

Gail lives with his wife of 38 years in Redondo Beach, California. His children are Kimberly Ellen Edwards, one of San Diego's best television journalists, and Jonathan Kyle Edwards of Scottsdale.

He enjoyed working for TWA and, even more, he loved serving his country. He is extremely patriotic, just the kind of citizen we all want to know and to be.

He has volunteered with the United Methodist Church, Little League, Boy Scouts, Girl Scouts, Indian Guides, and Indian Maidens. He built playhouses for his children and helped them with their homework.

But first and foremost, Gail is an American and a pilot. He loves his family, he loves his job, and he loves his country. I am honored to have this opportunity to recognize a real American hero, Gail Edwards, and to thank him for his service to TWA and to his Nation.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FILNER) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2046. An act to reauthorize the Next Generation Internet Act, and for other purposes; to the Committees on Science, Commerce, Resources, and Agriculture.

## ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Monday, September 25, 2000, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10219. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerance Technical Correction [OPP-301041; FRL-6741-3] (RIN: 2070-AB78) received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10220. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Glyphosate; Pesticide Tolerance [OPP-301053; FRL-6746-6] (RIN: 2070-AB78) received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10221. A letter from the Deputy Associate Administrator, Environmental Protective Agency, transmitting the Agency's final rule—Clopyralid; Pesticide Tolerances for Emergency Exemptions [OPP-301043; FRL-6741-9] (RIN: 2070-AB78) received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10222. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals of budget authority, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106-293); to the Committee on Appropriations and ordered to be printed.

10223. A letter from the Chief, Programs and Legislation Divison Office of Legislative Liaison, Department of the Air Force, transmitting a report on a cost comparison to reduce the cost of the Base Operating Support functions, conducted by the Commander of Grissom Air Reserve Base (ARB) Indiana; to the Committee on Armed Services.

10224. A letter from the Director, Administration and Management, Department of Defense, transmitting a report on the printing and duplicating services procured in-house or from external sources during FY 1999 in the Office of the Secretary of Defense; to the Committee on Armed Services.

10225. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection with a Securitization or Participation (RIN: 3064-AC28) received September 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10226. A letter from the Acting Inspector General, Department of Defense, transmitting a report on the Department of Defense Superfund Financial Transactions FY 1999; to the Committee on Commerce.

10227. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's "Major" rule—Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Heart Disease [Docket Nos. 00P-1275 and 00P-1276] received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10228. A letter from the Special Assistant, Mass Media Bureau, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lynn Haven, Florida)[MM Docket No. 00-93; RM-9881] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10229. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review—47 C.F.R. Part 90—Private Land Mobile Radio Services [WT Docket No. 98-182; RM-9222] Replacement of Part 90 by Part 88 to Revise the Private Land Radio Services and Modify the Policies Governing Them and Examination of Exclusivity and Frequency Assignment Policies of the Private Land Mobile Services [PR Docket No. 92-235] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10230. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Shoshoni and Dubois, Wyoming) [MM Docket No. No 98-99; RM-9283; RM-9695] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10231. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Osceola, Sedalia, and Wheatland, Missouri) [MM Docket No. 99-299; RM-9687; RM-9813] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10232. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Live Oak, Florida) [MM Docket No. 00-95; RM-9887] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10233. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. Meeteetse and Cody, Wyoming [MM Docket No. 98-85; RM-9286; RM-9359] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10234. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Baton Rouge, Louisiana) [MM Docket No. 99-317; RM-8743] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10235. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Johannesburg and Edwards, California) [Docket No. 99-239; RM-9658] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10236. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Norfolk, Virginia) [Docket No. 00-68; RM-9792] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10237. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Klamath Falls, Oregon) [MM Docket No. 99-296; RM 9661] received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10238. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—In the Matter of Implementation of 911 Act [WT Docket No. 00-110] The Use of N11 Codes and Other Abbreviated Dialing Arrangements [CC Docket No. 92-105] received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10239. A letter from the Acting Director, Defense Security Cooperation, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Isreal for defense articles and services (Transmittal No. 00-74), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10240. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Isreal for defense articles and services (Transmittal No. 00-73), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10241. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 19-00 which constitutes a Request for Final Approval for the Agreement concerning Amendment One to the Technical Cooperation Program Memorandum of Understanding, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10242. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 98-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10243. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Technical Assistance Agreement with Mexico [Transmittal No. DTC 107-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10244. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Czech Republic [Transmittal No. DTC 67-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with United Kingdom [Transmittal No. DTC 128-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10246. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting certification of a proposed Manufacturing and Technical Assistance Agreement for the export of defense services under a contract with the Republic of Korea [Transmittal No. DTC 016-00], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

10247. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Spain [Transmittal No. DTC 042-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles sold under a contract to United Kingdom [Transmittal No. DTC 097-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10249. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

10250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

10251. A letter from the Auditor, District of Columbia, transmitting A copy of a report entitled "Audit of the Accounts and Operations of the Washington Convention Center Authority for Fiscal Years 1997 through 1999," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

10252. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "District's Privatization Initiatives Flawed by Noncompliance and Poor Management," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

10253. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Management and Accounting Deficiencies in the District's Excess and Surplus Property Program," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

10254. A letter from the Acting, Assistant Administrator for Fisheries Service, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Prohibition of Trap Gear in the Royal Red Shrimp Fishery in the Gulf of Mexico [Docket No. 000913257-0257-01; I.D. 081800D] (RIN: 0648-AO52) received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10255. A letter from the Chairman, Federal Maritime Commission, Bureau of Enforcement, Federal Maritime Commission, transmitting the Commission's final rule—Inflation Adjustment of Civil Monetary Penalties [Docket No. 00-09] received September 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10256. A letter from the The Chief Justice, Supreme Court of the United States, transmitting a notification that the Supreme Court will open the October 2000 Term on October 2, 2000 and will continue until all matters before the Court, ready for argument, have neen diposed of or declined; to the Committee on the Judiciary.

10257. A letter from the Acting Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulation for San Juan Harbor, Puerto Rico [COTP San Juan 00-065] (RIN 2115-AA07) received September 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10258. A letter from the Deputy Adminstrator, General Services Administration, transmitting a report on the Building Project Survey for the National Institutes of Health Bayview Research Center in Baltimore, MD; to the Committee on Transportation and Infrastructure.

10259. A letter from the Administrator, General Services Administration, transmitting Prospectus for the Federal Trade Commission in Washington, D.C., pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

10260. A letter from the Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting the Services's "Major" rule—Bonus to Reward States for High Performance (RIN: 0970-AB66) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10261. A letter from the Chief Counsel, Foreign Claims Settlement Commission of the United States, transmitting the annual report of its activities for calendar year 1999, pursuant to 50 U.S.C. app. 2008 and 22 U.S.C. 1622a; jointly to the Committees on International Relations and the Judiciary.

10262. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Bilateral or multilateral agreements with other nations for the protection and conservation of certain species of sea turtles, pursuant to Public Law 101-162, section 609(a)(5)(C) (103 Stat. 1038); jointly to the Committees on Resources and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2346. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment (Rept. 106-883). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4800. A bill to require the Secretary of the Interior to identify appropriate lands within the area designated as Section 1 of the Mall in Washington, D.C., as the location of a future memorial to former President Ronald Reagan, to identify a suitable location, to select a suitable design, to raise private-sector donations for such a memorial, to create a Commission to assist in these activities, and for other purposes; with amendments (Rept. 106-884). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4656. A bill to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site (Rept. 106-885). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAZIO (for himself, Mr. King, Mr. Fossella, Mr. Boehlert, Mr. Gilman, Mr. Reynolds, Mr. Towns, Mr. Hinchey, Mrs. McCarthy of New York, Mr. Walsh, Mr. Owens, Mr. Houghton, Mr. McNulty, Mrs. Kelly, and Mrs. Maloney of New York):

H.R. 5267. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Theodore Roosevelt United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. MURTHA (for himself, Mr. Boyd, Mr. Boswell, Mr. Cunningham, Mr. Evans, Mr. Gilchrest, Mr. Cramer, Mr. Bonior, Mr. McCollum, Mr. Sanders, Ms. Millender-McDonald, Mr. Faleomavaega, Mr. Dixon, Mr. Barcia, and Mr. Kolbe):

H.R. 5268. A bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial; to the Committee on Resources.

By Mr. MURTHA (for himself and Mr. Regula):

H.R. 5269. A bill to require that a semipostal be issued for the benefit of the National Park Service; to the Committee on Government Reform, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. Schaffer, and Mr. Udall of Colorado):

H.R. 5270. A bill to amend title 49, United States Code, to clarify that State attorney generals may enforce State consumer protection laws with respect to air transportation and the advertisement and sale of air transportation services, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH (for himself, Mr. Cannon, Mrs. Chenoweth-Hage, Mr. Condit, Mrs. Cubin, Mr. DeLay, Mr. Doolittle, Ms. Dunn, Mr. Gibbons, Mr. Goode, Mr. Goodlatte, Mr. Green of Wisconsin, Mr. Hansen, Mr. Hastings of Washington, Mr. Hayworth, Mr. Herger, Mr. Hill of Montana, Mr. Knollenberg, Mr. McInnis, Mr. Nethercutt, Mr. Ose, Mr. Peterson of Pennsylvania, Mr. Pombo, Mr. Schaffer, Mr. Simpson, Mr. Skeen, Mr. Stump, Mr. Stupak, Mr. Taylor of North Carolina, Mr. Thomas, Mr. Thune, Mr. Turner, Mr. Walden of Oregon, Mrs. Wilson, and Mr. Young of Alaska):

H. Con. Res. 406. Concurrent resolution expressing the sense of the Congress that Federal land management agencies should immediately enact a cohesive strategy to reduce the overabundance of forest fuels which places national resources at high risk of catastrophic wildfire; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT:

H. Res. 589. A resolution congratulating Nancy Johnson on winning the first gold medal of the 2000 Olympic games in Sydney, Australia; to the Committee on Government Reform.

## MEMORIALS

Under clause 3 of rule XII,

474. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to Resolution 12-78 memorializing the President of the United States and the U.S. Congress to fully fund the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1168: Mr. INSLEE.

H.R. 3825: Mr. METCALF.

H.R. 4301: Mr. SOUDER, Mr. DOYLE, Mr. STENHOLM, Mr. CLEMENT, Mr. DIAZ-BALART, and Mr. TURNER.

H.R. 4800: Mr. SCARBOROUGH and Mr. BARR of Georgia.

H.R. 5122: Mr. LIPINSKI, Mr. MCHUGH, Mr. BISHOP, Mr. BOEHNER, and Mr. RADANOVICH.

H. Res. 146: Mr. SMITH of New Jersey.

# SENATE—*Friday, September 22, 2000*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, thank You for Your blessing. It gives us approbation, affirmation, a feeling of value, a sense of destiny, and an assurance of Your power. You have chosen, cherished, and called us to be Your sons and daughters. In Your providential planning You have placed each of us where we are and given us special assignments. Each of us has unique orders of the work we are to do. You provide power to help us, for You have ordained that if we do not do the work You have given us to do, it will not be done. So we report for duty with the delight that we have been blessed to be a blessing.

Help us to bless the people of our lives with a reminder of how much they mean to us. Heal our lock-jaw so we can articulate our appreciation of the gift each person is to us. May we be used by You to fill the blessing-shaped void inside of everyone needing to be filled by words of encouragement.

We will live this day only once. Before it is gone, may we bless all the people we can, in every way we can, with all the love we can. Help us not to waste today in selfish neglect of the people You have given us. Today is a day to receive and give Your blessing. In Your generous, giving, and forgiving name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable CHUCK HAGEL, a Senator from the State of Nebraska, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. HAGEL). The acting majority leader is recognized.

## SCHEDULE

Ms. COLLINS. Mr. President, today the Senate will be in a period of morning business throughout most of the day. The Senate may also resume debate on the motion to proceed to the H-1B visa bill. As a reminder, the first vote of next week is scheduled to occur at 4:50 p.m. on Monday, September 25. The vote is on final passage of the Water Resources Development Act of 2000. Also next week, the Senate will continue consideration of the H-1B visa bill.

I thank my colleagues for their attention.

## ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be recognized for the purposes of morning business for up to 30 minutes at 11 a.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for up to 12 minutes to introduce legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS and Mr. CLELAND pertaining to the introduction of S. 3096 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

## INVESTMENT IN EDUCATION

Mr. CLELAND. Mr. President, one thing behind the growth of the American economy is our educational system. There is good news and bad news about our educational system today.

In a climate that currently seems filled with more dissent than accord, I think we can at least agree that elected officials on both sides of the aisle are in lockstep with the American people on the importance of education: It is a priority so critical that it should be at the top of our national agenda. This is a view very similar to the opinion held by President Lincoln almost 150 years ago. "Upon the subject of education," Lincoln said, "not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we, as a people, can be engaged in."

Education's priority having been espoused by both sides during this Congress, it is profoundly disappointing that S. 2, the critically important legislation to reauthorize the landmark Elementary and Education Act, appears to be dead for this year. What a shame. It is apparent from the earlier floor debate on S. 2 that agreement breaks down on the condition of America's educational system today and on the course we should pursue to improve our schools.

Seventeen years ago our country was rocked by the publication of "A Nation at Risk." The findings were devastating: Our educational system was being "eroded by a rising tide of mediocrity that threatens our future as a nation and a people."

That landmark report went on to say that if "an unfriendly foreign power" had tried to impose on America our "mediocre educational performance," we might well have viewed it "as an act of war."

I have listened to some of my colleagues maintain that nothing has changed in the last 17 years—that American education continues on a downward spiral. They claim that the federal government's role in education is a source of national shame. Barring a radical change in course, they say, America's report card will continue to be a document of failure.

Mr. President, I agree that there is compelling need for improvement. In fact, if you ask the companies in the high-tech world in my State and around America, they know that some 300,000 to 400,000 high-tech jobs out there in this economy today are going begging for want of educated and talented people.

Every day in America almost 2,800 high school students drop out. This is not acceptable. Each school year, more than 45,000 under-prepared teachers, teachers who have not even been trained in the subjects they are teaching, enter the classroom. Who here among us believes this to be acceptable? Here in America fourteen million children attend schools in need of extensive repair or replacement. Who in this body would argue that we have to do better? As a nation we have witnessed school shootings—classroom tragedies which were unheard of 20 years ago. Who here would not do everything in their power to restore safety and sanity to America's schools?

But, Mr. President, I would argue that this is only part of the picture. "A

Nation at Risk" was a wake-up call. Educators, parents, businesses, community leaders, and officials at all levels of government responded. Yes, serious problems still exist, but so do success stories. America's dropout rate is down—from 14 percent in 1982 to single digits today, including in many of our toughest neighborhoods. In my own State of Georgia, over 70 percent of high school students now graduate, a marked improvement over the 52 percent graduation rate in 1980. In 1950, only 5 percent of Georgians held college degrees. Now over one in five—22 percent—do.

And there's more good news. Nationally SAT and Advanced Placement test scores are up. Performance on the National Assessment of Educational Progress, NAEP, has increased, particularly in the key subjects of reading, mathematics, and science—with African American and Hispanic students making significant gains in both math and science.

Just consider: From 1994 to 1998, average reading scores increased at all three grades tested (4, 8, and 12). The average math score is at its highest level in 26 years. And let us not forget that this progress is happening during a time when many states and school districts are raising standards and putting in place tough graduation requirements. This progress is happening during a time when U.S. students are taking more rigorous courses than ever. By 1994, 52 percent of high school graduates had taken the core subjects recommended by "A Nation at Risk," almost quadruple the 1982 number.

To those who over the last 20 years have uttered doomsday predictions about our failing schools, let me say that parents in this country, in overwhelming numbers, continue to send their children to public schools. In fact, ninety percent of children in the K–12 age group attend public schools. That's nine out of every ten children in this country. When America's school bell rang this September, over 53 million students returned to class, a record school enrollment. What's more, surveys show that most parents think their own child's public school is doing a pretty good job. It's other people's schools they fear are failing.

Mark Twain once said, "Get your facts first, and then you can distort them as much as you please." The facts, I believe, bear out that we have made progress since the publication of "A Nation at Risk." The facts also bear out that many of our education challenges continue to go unmet. In a survey on education issues conducted this past March, Americans were asked to list the major problems facing our public schools today. "Lack of parental involvement" topped the list, followed closely by "undisciplined students." The majority of respondents also cited "lack of retention of good teachers," "overcrowded classrooms," "lack of academic standards for promotion/graduation," "lack of teachers qualified to teach in their subject area," and "outdated schools" as issues meriting our nation's attention.

It all boils down to this central issue: Do we stay the course or do we reshape, dramatically, the federal government's role in education? I believe strongly that we should increase our federal investment in public schools, for surely the education of America's children is a vital national interest. I also believe that we should continue to work with the states and local school districts—who are now and who should and will remain the major education decisionmakers in this country—to ensure that those federal dollars are spent on initiatives that aim to fix the specific problems in our schools which are causing the American people so much concern.

We need to be willing to invest the nation's dollars into improving the recruitment, retention, and professional development of our nation's teachers. What teachers know and can do is the single most important influence on what students learn, according to the National Commission for Teaching and America's Future Teachers.

In the American educational system, it falls to our States and local communities to set high educational standards and provide quality education so that all children can achieve to standards of excellence. While the federal government's precise role in education is open to debate, I believe it is unquestionably in our national interest for federal officials to work in cooperation with States and localities to promote educational excellence and to encourage standards-based reform.

We should work to ensure that parents have information on teacher qualifications and achievement levels at their child's school. One important way to improve our schools is to enable parents to hold schools accountable for progress and to give them choices they can exercise if progress does not occur.

Research has shown that class size directly relates to the quality of education. Students in smaller classes consistently outperform students in larger classes on tests, are more likely to graduate on time, stay in school, enroll in honors classes, and graduate in the top ten percent of their class. We need to help local school districts recruit, hire and train 100,000 qualified teachers to reduce class sizes in the early grades. It is an investment in reducing teacher turnover and in improving student performance.

Research also links student achievement and conduct to the condition of their schools. Yet fourteen million children in the U.S. attend schools in need of extensive repair or replacement. In my own State of Georgia, nearly two-thirds of our schools—62 percent—report a need to upgrade or repair their buildings. We need to help local communities from Savannah to San Antonio to Seattle rebuild, modernize and reduce overcrowding in more than 6,000 of America's public schools.

There is consensus in every borough, town and city throughout this country that bloodshed in our schools cannot and will not be tolerated. Yet every day five million children are left to care for themselves in the hours before and after school. We know that these are the very hours that children are most likely to participate in risky behavior. In fact, almost half of all violent juvenile crime takes place between the hours of 3 and 8 p.m. We need to help our communities reduce juvenile crime by investing more dollars in after-school care. We need to expand the popular 21st Century Learning Centers Program to ensure that 1 million children each year—up from the current 190,000—will have access to safe and constructive after-school tutoring, recreation, and academic enrichment.

Mr. President, I maintain that there is no more powerful—and empowering—force in the universe than education. "On education all our lives depend," said Benjamin Franklin. And Christa McAuliffe, selected to be the first schoolteacher to travel in space, described simply but poetically the awesome potential of her vocation: "I touch the future," she said. "I teach." While we may bring to the debate on education differing views, it is my hope that we ultimately remember this is a profoundly important issue which should be above politics and ideology. It is all about the future of this country—and the future, after all, is in very small hands.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

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## VIOLENCE AGAINST WOMEN ACT

Mr. JOHNSON. Mr. President, I come to the Senate floor to speak about the importance of reauthorizing the Violence Against Women Act before September 30. Since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women have declined, and the number of sexual assaults nationwide have gone down as well.

Despite the success of the Violence Against Women, Act, domestic abuse and violence against women continue to plague our communities. Consider the fact that a woman is raped every five minutes in this country, and that nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year. Shelters, victims' service providers, and counseling centers in my state rely heavily on VAWA funds to provide assistance to these women and children. VAWA reauthorization assures that states and communities will continue to have access to critical funds for domestic violence services. We must not allow this opportunity to pass us by.

As you know, legislation to reauthorize VAWA has received broad, bipartisan support in both the House and Senate. I am pleased to join 68 of my Senate colleagues in cosponsoring VAWA legislation that unanimously passed the Senate Judiciary Committee in June. Similar legislation in the House has 233 bipartisan cosponsors and was also approved in June by the House Judiciary Committee.

Since the Violence Against Women Act became law, South Dakota organizations have received over $6.7 million in federal funding for domestic abuse programs. In addition, the Violence Against Women Act doubled prison time for repeat sex offenders; established mandatory restitution to victims of violence against women; codified much of our existing laws on rape; and strengthened interstate enforcement of violent crimes against women.

The law also created a national toll-free hotline to provide women with crisis intervention help, information about violence against women, and free referrals to local services. Last year, the hotline took its 300,000th call. The number for women to call for help is: 1-800-799-SAFE.

In addition to reauthorizing the provisions of the original Violence Against Women Act, the legislation that I am supporting would improve our overall efforts to reduce violence against women by strengthening law enforcement's role in reducing violence against women. The legislation also expands legal services and assistance to victims of violence, while also addressing the effects of domestic violence on children. Finally, programs are funded to strengthen education and training to combat violence against women.

A woman from South Dakota recently wrote me about this issue, and I'd like to share her story with you because I believe it makes the most compelling case for reauthorization of the Violence Against Women Act.

The letter begins:

> My story is that I was abused as a child, raped as a teenager, and emotionally abused as a wife. I survived that, but I almost didn't emotionally survive the last two and a half years knowing that my grandchildren were being abused and having my hands tied to be patient while our laws worked. My son has been fighting for custody of his triplets.

The letter continues:

> Their story is horrible. While in the custody of their mother and her live-in boyfriend, they were battered, bruised, emotionally and sexually assaulted.

She writes that one of her grandchildren got her ear cut off, another had his head split open, and the third child's throat was slit.

Thankfully, the woman writes that her son finally got custody of her grandchildren and removed them from the abusive environment.

The letter concludes:

> This is my story, and at least it has a happy ending, but there are hundreds of women and children out there still living in danger. Please reauthorize the Violence Against Women Act. Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference.

Simply stated, reauthorization of the Violence Against Women Act will provide much needed resources to prevent domestic violence in our country. I appreciate that we have many worthwhile legislative priorities remaining to be decided, including a majority of appropriations bills that must be passed this year. However, I can think of no better accomplishment for Congress than to reauthorize VAWA and help keep wives, daughters, sisters, and friends from becoming victims of domestic violence.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Am I recognized in morning business under a previous order?

The PRESIDING OFFICER. That is correct.

## THE REMAINING BUSINESS OF THE SENATE

Mr. DORGAN. Mr. President, we are nearing the end of the session of the 106th Congress. I believe we have 13 appropriations bills that we are required to enact and required to be signed into law to provide funding for all of the various things that are done in public policy and by our agencies of Government.

Out of the 13 appropriations bills, 2 of them have been signed into law by President Clinton. Now this process is broken. It is quite clear. We have come to the end stage of this session. Most of the appropriations bills are not yet completed. Most of the very difficult and complex issues are as of yet unresolved. I say to my colleagues that all we have to do to resolve all of this is to vote—only vote.

I will give you an example of why this process is broken. I serve on the agriculture appropriations subcommittee. We passed a bill in July that appropriates money for agricultural functions. Now, the Senate passed its bill in mid to late July. The House passed its bill on July 11. I am a conferee in a conference between the House and Senate. There has never been a conference. We have never met. There have been no discussions, and no Senator or Congressman has been involved in any way to try to move this legislation forward. Why? I am not sure exactly the reason why. I suspect the reason why is that this issue—this Agriculture appropriations bill—has some very complicated and controversial matters involved in it and some don't want to vote on them. So if you don't want to vote, don't call them up, don't have a conference. Just dig in your heels and stall. That is what happened.

One of the controversial issues on that bill—and it is appropriate that it should be on that bill—is the question of whether this country should allow the sale of food to certain countries with whom we have economic sanctions. Our country has had a policy, believe it or not, of saying we will use food as a weapon.

We don't like Saddam Hussein, so we impose economic sanctions against him and his country. We impose economic sanctions against the country of Iraq. We impose sanctions against Iran. We impose sanctions against Libya, North Korea, and Cuba. Included in those economic sanctions are provisions that say we will not allow the shipment of food or medicine to your country. That doesn't make any sense to me. We ought never use food as a weapon. We ought never under any condition say that we will prevent the shipment of food to anywhere in the world. This is a policy that takes aim at dictators whom we don't like, and it ends up hitting sick, hungry, and poor people. That makes no sense.

So the Senate passed my amendment that is now in conference. The amendment says let us stop using food as a weapon; no more sanctions on food shipments anywhere in the world. That passed the Senate. It is in conference. We are not meeting in conference. Do you know why? Because some in this Congress do not like that provision. They want to retain sanctions on food. They want to continue to use food as a weapon. They want to prevent us shipping food, for example, to Cuba and other countries. Because they don't have the votes to prevent it if we had a vote on it, they say let's not have a conference. So there is no conference.

We are now just days from the end of the session, and the Agriculture appropriations bill is not passed. It is in conference. There is no conference meeting and no House conferees appointed. So there are some who think they will do what they did last year. The Senate passed that same provision last year by 70 votes, and the conference got hijacked by House leaders. When we met, the Senate conferees said we insist on our provisions to stop using food as a weapon. At that moment, there was an adjournment by the House conferees, and it never again met. Why? Because the House conferees would have supported us, and the House leaders wouldn't let them do it. In order to prevent a vote, they adjourned the conference, and it never again met.

We come to the end of this session in total chaos in all of these bills because some want to prevent a vote. This is the center for democracy. The process of democracy is to vote, even if it is controversial—vote, and then count them, and the winning side wins.

That is what ought to happen here. This isn't rocket science.

I say to those putting this schedule together to remember the old days. Did you get a tinker toy set or an erector set when you were a kid? You put it together piece by piece. That is the way this should work.

There are 13 bills. There is a sequence by which you pass the bills, put them in conference, have votes, resolve the controversial issues, get them done, get them to the President, and meet the deadline.

But I fear what is going to happen in the next week or two is that the same people who tried to hijack this process last year could do it again this year. The losers will be the American public—the American people and family farmers who rely on us to repeal this provision that says let's continue to use food as a weapon.

It is immoral. It is wrong for our family farmers. It is immoral for our country, and a terrible thing for our family farmers. It hurts hungry, sick, and poor people around the world. We ought to stop it.

I will have more to say about that next week.

## ENERGY PRICES

Mr. DORGAN. Mr. President, as we look ahead, aside from the wrench in the crankcase here in Congress that prevents any kind of movement to get things done, one of the significant challenges for us both now and in the months ahead is this issue of energy. What is happening to energy prices? What is happening to the supply of energy? I want to talk for a minute about where we are.

Go back a year, or maybe a year and a half, and the price of oil was $10 a barrel. In fact, in North Dakota it was $6 to $7 a barrel. The price of gasoline at the gas pumps was about 90 cents a gallon. The price of natural gas was about $2 per million cubic feet.

Now, fast forward: What has happened is the OPEC countries have cut their production of oil. We have seen a circumstance in this country where the price of oil has spiked up on the spot market to $36 and $37 a barrel. Gasoline is anywhere from $1.50 to $2 a gallon. Natural gas prices have more than doubled from $2 per mcf, and in some cases $5 to $5.50.

We have people frightened to death with the reports that home heating fuel costs are spiking way up. Those in my State and others—particularly in the Northeast as they enter what could be a cold winter—are trying to figure out how they, on limited incomes, will pay for home heating fuel that is going to double, and in some cases triple in price. These are significant and serious issues. The question is, What do we do about it? What is causing all of this? And what can we do about it? We start out by understanding that it is complicated. It is not simple.

One of the first and most important aspects of understanding this is our country is far too dependent on foreign sources of energy. We are far too dependent especially on the OPEC countries for our oil. When we have to send people from our country to the OPEC countries to beg them to open the faucets and produce more, it has a significant impact on our economy and our future and our economic growth. We ought to understand that this makes us far to vulnerable. We need in the long term to move away from that vulnerability.

Second, with respect to consumers, they ask the question: Not only is OPEC cutting back, but why? The answer to that is, yes; OPEC is cutting back. Why? Because it is in their interest and they can do so. But they are also asking: Is somebody profiteering at the gas pumps? They see merger after merger in the energy industry. They see that British Petroleum and Amoco get married. They see Exxon and Mobil decide they are going to get hitched.

All of these big companies gather together, and then at a time when we have an energy crisis, we have a circumstance where the largest 14 oil companies show profits of over $10 billion in one quarter—up 112 percent—and those who drive to the gas pumps, those who are buying home heating fuel, and those who are paying for natural gas prices are asking the question: Is somebody profiteering at my expense?

As I say, this is a complex issue. But all of these questions need to be answered. The Federal Trade Commission has a current investigation going on. I hope they can wrap that up soon and tell the American people what is happening with respect to prices.

The issue of supply and demand in energy is something I want to talk about just for a moment. There has been a lot of discussion in the last few weeks on this issue of energy. We have some people saying in the last 6 to 8 years we have seen a decrease in production. That is causing our problem. We have been talking about energy supplies. Let's talk about the production of oil. Let's take a look at this line of production and what you see going back to about the late 1960s or 1970s. There has been a continual and diminished production.

That has happened under Republican administrations and Democratic administrations. That has happened under a series of administrations over many years. You see the line on the chart. There is no change in it at all. There is a systematic reduction in the production of energy.

With respect to the consumption of energy, we also see what has happened. In the 1970s, we had this energy scare for a number of reasons. We had a very brief reduction. We had a significant conservation movement in this country to conserve energy. We had some brief reductions. But the fact is, we have begun to trend upward once again in a significant way. You will see that imports are continuing now to increase once again, which makes us much more dependent on foreign source energy.

This is important to everybody. I am a Senator who represents the State of North Dakota. It is important to us. When the price of gas at the pump spikes way up, or the price of diesel fuel begins to spike way up, this is what it means to a State such as North Dakota. We have farmers who are heavy users of fuel in order to put the crop in and to get the crop off the field. Higher prices for fuel means real trouble especially at a time when we have collapsed grain prices. It means people living in North Dakota, or other State such as ours, who drive a lot just to get places, that we pay a much heavier burden than others do. Do you know that North Dakotans drive almost twice as much per person as New Yorkers just to get to a grocery store? Why? Because we are a very large State with a sparse population and you have to drive long distances to get to places.

I have a friend in New York. They have relatives in New Jersey 50 miles away. I am told they pack an emergency kit in the trunk, put blankets in the car, and plan for 6 months to take a little trip to see their relatives 50 miles away. I don't know if that is true. But on the east coast, you don't travel as much. Populations are near. In North Dakota and Montana and States like those, we have to travel a lot. Therefore, we pay twice as much for our energy and for our transportation needs.

There is a significant interest in what is happening. The consumption is going up. Our production has for 25 years been trending down, and imports are moving up.

Here is the consumption by sector on the chart: Transportation, industrial, residential, and commercial. What we see is a significant trend up in transportation.

It is interesting as we talk about all of these issues, one of the things happening in the Congress is a consistent resistance in Congress to ask anybody to work on vehicles that are more efficient. We have had these issues called CAFE standards, and I know it is very controversial. Does anybody think it is prudent for this country to resist trying to get more efficient automobiles?

It makes sense to begin to continue to apply pressure to say we need more efficiency in our vehicles. We can see what is happening in transportation consumption of energy. Yet this Congress continues to demand we not try to establish some new goals with respect to fuel efficiency.

I have not been the biggest cheerleader on these issues because we drive a lot of pickup trucks. We have to make accommodations for that in sparsely populated areas, but we ought to expect the auto industry and others to join in trying to move in a relentless way toward more efficient vehicles and toward trying to provide some balance in this top line. More efficiency will result in less consumption on the transportation side. That is one way to deal with this.

We need to respond to this issue, to respond on two sides of this coin: one is production, and one is consumption. I will describe both quickly, especially in the context of the discussion of the last couple of days.

Vice President GORE says we ought to consider taking some oil out of the Strategic Petroleum Reserve. They call that the SPR. We have over 500 million barrels of oil in the Strategic Petroleum Reserve, and Vice President GORE says we should take some out to provide stability in oil prices. Frankly, I have not been the biggest fan of moving to SPR anytime quickly. We have had this discussion before—8 or 9 months ago.

There is a circumstance today with the intransigence of the OPEC countries in being unwilling to increase production sufficient to provide some short-term balance in energy supply. We could, it seems to me, take half a million barrels a day out of SPR for 6 months, 9 months, 120 days, without dramatically diminishing the Strategic Petroleum Reserve, and at the same time contribute stability to international supply in a way that brings prices down and provides people the ability to see over this hump.

When we get over the heaviest use of supply in this fourth quarter and get into the next year, we will see more production because $35 and $36 a barrel has moved all kinds of rigs into areas where we have not had production before. A year and a half ago, we had zero production rigs drilling for oil in North Dakota; today, we have 20. I am told if there were enough workers, we would probably have 30 rigs in North Dakota. That is just a small amount compared to what is happening all over the world relative to today's oil prices.

My point is, what will provide some stability in the next 2, 3, 4 months? We have an economy that is a blessing. This has been the longest sustained economic growth in this country's history. It doesn't take much to tip an economy. We saw that in the early 1990s with some energy price spikes. Now it seems to me we ought to engineer a serious public discussion about the value of using, in a very cautious and conservative way, a portion of the Strategic Petroleum Reserve—only a very small portion—to come in and provide a cushion for the daily needs, as of yet unmet, that will provide some stability in energy prices. This will then provide, in my judgment, the opportunity to not have to worry quite so much about having these price spikes in energy, tipping this economy out of balance and moving toward a slowdown and a recession.

Vice President GORE talks about SPR. I say again, I have not been a big cheerleader for saying let's run into tapping the Strategic Petroleum Reserve. Normally, the use of the SPR is for national security interest reasons. We have barrels of oil put away for emergencies. Given the production that exists in OPEC, the amount we are short on a daily basis, and the production we expect to come in around the corner sometime beginning January of next year because of the new rigs, it seems to me we can provide some filler with a small amount of inventory from the SPR in a way that provides stability to this market. In providing stability to the market, we will provide some insurance for this economy. I think that would be very important.

We must, however, understand this is a wake-up call for our country. We cannot allow this moment to pass without understanding we are far too dependent on foreign sources of energy. We need more production at home, we need more conservation at home, and less dependence on foreign energy.

In production in this country, I have favored some ability to use royalties as well as the Tax Code to provide some stabilization of prices with respect to production. Ten dollars a barrel for oil was too low; we all understood that. When oil went to $10 a barrel, nobody was drilling anymore; $10 a barrel was too low. We need some price stability for that industry; I understand that.

Even as we work on price stability and to encourage greater production in this country, we also need to understand the issue of conservation is a critically important issue, because in this consumption line we have to understand part of our balance is a production line that we need to get up, and the other part of our balance is a consumption line that we need to trend down, if we can.

We face serious challenges. This is the moment for our country to stop and think a bit about how we get over this short-term problem. I think we ought to have a good discussion about the short-term use of SPR in a very cautious and conservative way to stabilize these markets. This ought to spark a good discussion about conservation and greater fuel efficiencies in our vehicles. It ought to spark a significant discussion about conservation.

Even as we do that in the short run, we need to understand in the long run, we can't sustain an industrialized economy—the strongest, biggest economy in the world—the economy with the longest sustained economic growth in the world, we cannot sustain that with the vagaries of production decisions made by oil sheiks in other countries. We are too vulnerable to allow that to happen.

I make an additional point on a related issue. A part of the problem of these increasing oil imports—but only a part and really not even the largest part—is what it is doing to our trade deficits. When I talk about challenges we face, aside from the fact that this process around here is broken, and we are not passing appropriations bills when we should, and we are in a state of confusion on how to get this 106th Congress adjourned, there are two larger challenges about which we need to be very concerned.

One I just mentioned, and that is the oil issue, the energy issue, and what has happened to energy prices, what might happen to our economy as a result of what is happening in energy prices. The second is our trade deficit. It relates to the energy issue, as well. This is the second challenge to our economic opportunities in the future. Our trade deficit is spiking up, up, up, way up. Importing more oil, obviously, is causing part of this, but it is just part. Our trade deficit is a very serious, abiding, long-term problem.

We are now headed toward a yearly merchandise trade deficit that is going to be around $430 billion in the year 2000. In July, the overall trade deficit in goods and services was $31.9 billion. The merchandise deficit was $38.7 billion. That is unsustainable. A $7.5 billion monthly trade deficit with Japan, a $7.6 billion trade deficit with China, a $6.3 billion trade deficit with the European Union, $4.7 billion with Canada, $2.2 billion with Mexico—we can't sustain that. That cannot continue. The merchandise deficit with Japan for the first half of 2000 was nearly $40 billion; with China, $36 billion; Europe, $26 billion; Canada, $23 billion.

Not many people seem to care much about this. Nobody talks much about it. But this is a deficit that must be repaid. It regrettably will be repaid in the future with a lower standard of living in this country, and the higher the deficit, the more difficulty we will have to respond to this obligation.

This results from a wide range of things. It results from China, Japan, Europe, Canada, Mexico—which have the largest bilateral trade deficits—deciding they should sell more to us than they are willing to buy from us. This cannot continue.

Even Alan Greenspan, with whom I have had substantial disagreements for a long period of time, says something has to give; this trade deficit is unsustainable.

I was intending to speak at greater length about our trade deficit, but I will save that for a later time. Suffice it to say that if this trade deficit continues to spike up, we could very well see it undermine confidence in the U.S. dollar and we could see the dollar begin falling on international currency markets. That could cause all kinds of problems for our country's economy.

There are two challenges we must meet—dealing with an energy policy both short term and long term that makes sense, and the challenge of dealing with a trade policy that begins to straighten out this trade mess.

I know other colleagues have things they want to talk about. I will come back later to talk about the specific trade issues we have with China and Japan and Canada and Europe. But it is my hope to end where I began today. It is my hope, in the next 2 weeks or so when the 106th Congress is expected to adjourn, that we can decide to bring the issues I have discussed to the floor for a vote. If someone believes we should keep using food as a weapon, good for them. They are dead wrong, but they have a right to think that. Everybody has a right to be wrong.

The point is, if 75 percent of the Senate and 75 percent of the House believes we ought to stop using food as a weapon and stop holding our farmers hostage by preventing them from shipping food to other countries, and stop hurting poor and sick and hungry people in Cuba and Iran and Libya and other places, if you believe that, then let us have a conference and cast a vote to stop it, as the Senate has done with over 70 percent of its Members. But those who bottle this up and try to hijack it by saying, "We are not going to allow you to vote on this," that is not the way the system is supposed to work. If they try to do that in a dozen or so areas—where we have already passed legislation but they are trying not to have a conference and are trying to hijack the process—this place is going to slow way down in a big hurry.

Let me ask for cooperation on the part of the majority leader, the majority party, and my colleagues on my side and let's get this done. Let's do it right.

Another thing, we can't end this session without dealing with the issue of the minimum wage for the people at the lowest rung of the ladder in this country. We have an obligation to do that. That has been kicking around like a Ping-Pong ball for months.

We can't end this session without passing a Patients' Bill of Rights. Of course we ought to do that. That just makes sense. There are the votes to do that, in my judgment. It passed the House. We have the votes in the Senate. If we get it back up, we will win it by one vote.

There are a series of important things we should do, we ought to do—things the American people should expect us to do—and we only have a couple of weeks. I say to the people who run this place: Let's go back to regular order. If you don't like a provision, fine, try to kill it. But at least give us a vote on it. We will see, how the American public feels about it, how our colleagues feel about it. The way they are killing things these days is by putting them in a closet someplace and hoping nobody will see. It is happening to the issue of reimportation of prescription drugs, to the issue of food as a weapon in international sanctions. Frankly, that is the wrong way to legislate. If you have the votes, beat us. If you do not have the votes, give us the chance to win on the floor of the Senate and House as well on these important issues.

Mr. REID. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. REID. I say to my friend from North Dakota, it is too bad there are not more discussions about trade. I say my colleague has tried, more than any other Member of the Senate. If we take a look at what is happening with these tremendous trade deficits—we are all kind of fat and sassy around here these days. Because the economy is so good, it buries these trade deficits. But if the economy begins to lag a little bit—and it will someday—we are going to feel these trade deficits more than you can imagine—not more that you can imagine but more than most people can imagine.

So I compliment you for trying so hard to keep the fact that we need to be concerned about our trade deficit in the forefront of what we are doing. We cannot have this imbalance of trade going on forever and remain the strong, powerful country that we are. If the trade deficit continues and it keeps getting larger and larger, as the Senator's pictures have shown—I am trying to figure out a way to say "a picture is worth a thousand words," and it really is. What you have shown here tugs at my heartstrings because it really is an issue we need to be addressing, and we are not.

Basically, I want to say to the Senator from North Dakota how much I appreciate his doing everything within his power, not only today but over the past 5 years, to bring this to the forefront so we start talking about these issues.

I have to say we failed. We have not followed your lead. We have not discussed, in any depth at all, the trade deficit.

Mr. DORGAN. Mr. President, the Senator from Nevada is very generous. I must say the two things I came to talk about today are the energy problems that we have that are abiding and serious and that have a huge impact, not only on the State of North Dakota and the citizens I represent, but an impact on all Americans. And also the trade deficit, which has a similar impact on an agricultural State such as the State I represent. These are big issues, big challenges. Unfortunately, they are going unresolved.

There is the old story about a Cherokee Indian chief who is reputed to have said at one point:

> The success of a rain dance depends a lot on the timing.

That was tongue in cheek, I expect, but that is true also with Congress and what it is willing to address and not willing to address, what it is willing to bring out here and sink its teeth into and what it wants to put in a closet and pretend doesn't exist.

These are big issues. We deal with a lot of small issues every day as well, but these are big issues and we have to deal with these issues. These issues will affect the economic lives of millions of small businessmen and women. It will affect the economic future of kids coming out of school, and they want a job and they need a good, growing economy to get a job.

These issues are the kinds of things that can tip a growing economy over into a recession, or something worse. That is why it is important. When you see storm clouds gather on the horizon, you pay attention to them. These are storm clouds on the horizon. Things are good now. This is a blessing. We have a great economy. You wouldn't rather be anywhere than here because we have a wonderful economy and things are very good in a lot of areas of this country, but these are storm clouds and our job is to anticipate and respond to things that we know are going to have a significant impact on the future of this country—energy and trade. We better get busy. We better respond to these issues.

I yield the floor.

Mr. REID. I say, before my friend does leave the floor—I ask I be recognized.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we in the United States, because of the power of our economy, are not feeling the increase in fuel prices. We are feeling it a little bit. But other places in the world are feeling it very dramatically.

What I say to my friend, talking about the trade deficit and problems with energy, is that we may not be feeling them now, but if we do not address these problems we are going to feel these fuel problems dramatically because it was not long ago a barrel of oil was costing $10. We did nothing. At the time, of course, because of the low prices, we could have done something to put this fuel into our reserves. We did not do anything about that. We, of course, during the good times, have done nothing to develop alternative fuel sources. We could do that. We have not done that. Now that there is the spike in oil prices, we are looking back and saying: Gee, I wish we would have done something. Tax policy does not do anything to favor alternative fuels.

There are a lot of things that are facing this country that we need to get ahold of while we have the opportunity. This economy is looked upon as the greatest of all time. But as good as our economy is, it can falter just as it has gone up. It does not take a lot of things to start going wrong before we have a problem with our economy.

So, again, before my friend leaves the floor, he could not talk about two issues that are any more important to this thriving economy than the trade deficit—that is pronounced and we are not doing anything about it—and, of course, energy, about which we are doing very little.

Mr. DORGAN. If I might respond, Mr. President, the folks in this country who are now worried sick about what is happening to energy prices are people such as senior citizens who know they are going to pay a home heating fuel bill that is multiples of what they paid last year. They are living on fixed incomes and do not have the money. They are saying: How do I do this? These are people who are living on fixed incomes, who drive up to the gas pump and now discover it costs a significant amount of money to fill their gas tank. Or small truckers—I just make this final point.

Mike and Jenny Mellick from Fargo, ND, called me. They operate seven trucks. It is a small company, a man and wife trying to run an operation with seven tractor-trailer rigs that haul loads across the country. They said the increase in fuel costs is devastating to them and they are worried about losing their business.

This is having repercussions all across this country. This could tip the economy. We have to get ahead of this and say we need more production and more conservation and we need to care about these folks who are being dislocated by the significant energy crisis we face.

I yield the floor.

Mr. REID. Mr. President, the one thing I am appreciative of is the Vice President has a plan; that is, he has recommended that if these prices stay where they are, we should start drawing down our reserves. This is one alternative. I am glad he is doing this rather than just complaining.

We have to have an energy policy. This is not a problem of Democrats or Republicans; it has been a problem of administrations for the last 30 years. They simply will not get involved and work with Congress to come up with a long-term energy policy, and we need one.

Mr. DORGAN. Mr. President, I mentioned earlier about the Vice President's proposal. I have not been a big cheerleader to move to SPR. By the same token, SPR is 570 million barrels of stored reserves. If we take half a million barrels a day, we could for 90 or 120 days, which is what we need at this point to get back into a supply equilibrium, provide some significant stability in energy prices just by taking a very small portion. So we take a very small fraction of the SPR and with it provide stability to oil prices.

We need to work on the longer issues as well. There is merit in having this debate and discussion. The Vice President has raised a very important issue. Good for him. We have a short-term issue, intermediate issues, and long-term issues. In the short term, we ought to take a look at this issue. Maybe half a million barrels a day will be the catalyst to provide the stability we want in oil prices at this moment in order to get to the next intersection, which I think after the first of the year is an intersection of much more production.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Chair recognizes the Senator from Nebraska.

## THE NEED FOR AN AMERICAN ENERGY POLICY

Mr. HAGEL. Mr. President, the one driving factor in the advancement of mankind has been energy. Fire, oil for heat and lamps, water mills, coal, electricity, refined oil, hydro power, nuclear power. Advancements in energy have fueled the great advancements of civilization.

Today, energy touches every facet of our lives. It heats, cools, powers, and lights our homes, our places of business, our schools, and our hospitals. It fuels our modes of transportation whether on road, rail, sea, or air. It powers up our computers, the Internet and the information superhighway. It goes into the production of food, medicine, clothing, and every consumer product ranging from household appliances to health and beauty products. It allows the stock markets to open each morning around the world. It powers the transactions of commerce and business. It fuels the planes, ships, tanks, submarines, and weapons that protect America.

Energy is the great connector. It fuels the productive capacity of the world. It affects world stability.

Energy is serious business. America must have a national energy policy that ensures we have reliable, stable, and affordable sources of energy. This cannot be neglected. To do so leaves our Nation vulnerable on all fronts.

Energy policy ties together America's economy, standard of living, national security, and our geopolitical strategic interests around the world—and our future.

Perhaps the area where energy has the most immediate and visible effect is on the pocketbooks of individual Americans and the economic growth of our Nation.

Oil prices have more than tripled in less than 2 years, to nearly $37 a barrel this week—the highest price since the buildup to the Persian Gulf war in November of 1990. The President of the Organization of Petroleum Exporting Countries, OPEC, said last Friday that the price of oil may temporarily hit $40 a barrel this winter. I suspect we might see $50 a barrel in the next few months.

American consumers have felt this most immediately at the gas pimp.

This winter, consumers are likely to feel an even stronger bite when they heat their homes. Natural gas and home heating oil prices are also on the rise. The prices for natural gas, which is used to heat 58 million homes, have doubled since the beginning of the year. Customers of heating oil, including more than one-third of the homeowners in the Northeastern part of the United States may pay more than $2 a gallon—or twice the current price—to heat their homes this winter.

As energy prices rise this winter, Americans will again be reminded of the lessons we learned in the 1970s about the volatility of energy prices and the impact on our economy. The forecasts are not optimistic. Said Leo Drollas, chief economist at the Center for Global Energy Studies, "I think the only thing we can do is pray for a very warm winter." Praying for a warm winter is not an energy policy.

The concern over natural gas prices is so great that on Wednesday, several of our Nation's Governors met in Columbus, Ohio, to discuss the "natural gas crisis."

And it is not just gasoline, natural gas and heating oil prices that are affected by the current energy predicament. It is all energy. Over the past 12 months, costs paid by consumers for all forms of energy have increased by 13 percent.

High energy costs ripple through the economy. They drive up inflation. Then deflation. The Consumer Price Index has risen 3.4 percent in the last year, with energy price increases responsible for nearly one-quarter of that increase.

It also saps the strength of our economy. Energy fuels economic growth. "Oil shocks" send a shock through the economy, increasing prices for everything that uses energy. It is a draining force on our society and economy. When consumers are forced to spend more on energy, they spend less on other items.

Higher energy prices increase the cost of doing business, of moving goods, of manufacturing, and of farming.

We are seeing the beginning of the consequences of higher fuel costs in Europe. Protests virtually shut down Great Britain last week, at one point more than 90 percent of their petrol stations were dry. These protests blocked transportation and caused disruption in medical services, postal delivery, education, and food supply. As a matter of fact, for the first time since the years after World War II, Great Britain had to ration food. Great Britain, one of the great powers of our time had to ration food at the supermarkets last week, and they introduced a policy of one loaf of bread per customer. The British Chambers of Commerce estimated that the protests cost Britain's economy $351 million per day. These protests erupted throughout Europe. In almost every country in Europe there were protests.

High energy prices will dramatically affect the United States, Europe, Japan, and other industrialized nations. But these industrialized nations' economies are better prepared to cushion the heavy blow than the recovering economies in Asia, developing countries, and emerging market economies. These nations, including South Korea and Taiwan, still depend on such heavy industries as steel production for their economic growth. Studies have shown that if oil prices do not fall quickly, these economies could lose at least 2 percent of their gross national product this year.

One of Europe's central bankers has predicted that the current spike in oil prices could cut a full percentage point off the GDP growth expected around the world during the next 12 months. This is an awesome number when you step back and understand what that means. And what that means is catastrophe. The President of the World Bank, James Wolfensohn, echoed these fears in an interview in the International Herald Tribune. He predicted a $10 shift in oil prices could decrease global economic growth by at least one-half of a percentage point.

In the United States, a slowdown in economic growth due to higher energy prices will have a negative impact on our Federal budget. The assumptions for projected Federal budget surpluses over the next 10 years do not take into account what would happen if high energy prices or energy shortages stalled our economy.

Where then would be our proposals to finance new prescription drug plans for Medicare recipients, provide more funding for education, grapple with the restructuring of our entitlement programs, and much-needed funds to improve our Nation's military? Where then would the money come from? The money needed to fund these areas of the Federal budget and pay down our national debt would have gone up in smoke—literally.

Other countries would be affected in the same way. High energy prices affect nations the same way they affect individual households—the more money spent on energy, the less there is available for other priorities.

But this has broader implications than budgetary issues. Increasing energy prices will affect efforts to improve the environment. In recent years, we have made great strides in working with developing nations to help them use responsible measures to grow their economies. But they will do what they must do to survive. If their national self-interests are at stake, they will clear cut forests to grow food, and they will not consider environmental measures. They will draw natural resources from wherever they can get them. They will abandon efforts to upgrade to cleaner technologies and stay with their dirty smokestacks and other energy-producing methods that damage the environment, if energy costs go too high.

The price of oil also has broad national security implications, as you know so well. These broad national security implications to the United States are there because we are so reliant on foreign sources for our supply of crude oil.

During 1973, at the peak of the energy crisis, we relied on foreign sources of oil for 35 percent of our domestic supply. Since that time, we have become more—not less—dependent on foreign oil. Today, we import almost 60 percent of the oil used in the United States. The Department of Energy estimates that we will at least be 65-percent reliant on foreign oil by 2020.

The response to the current high oil prices by the Clinton administration has been to try and cajole oil-exporting nations to increase production in an effort to lower prices. U.S. Secretary of Energy Bill Richardson has said, regarding the pressure on OPEC nations: "Our quiet diplomacy is working." I ask, what diplomacy?

Crude oil is at a record high. We import more oil than we did during the energy crisis in the 1970s, spending more than $300 million a day. Petroleum accounts for one-third of the U.S. total trade deficit.

Who are we kidding? This has bigger implications than high gas prices. In February 1995, President Clinton issued the following statement:

> . . . the nation's growing reliance on imports of crude oil and refined petroleum products threatens the nation's security because they increase U.S. vulnerability to oil supply interruptions . . . I concur with the Department's recommendation that the Administration continue its present efforts to improve U.S. energy security.

Yet through the Clinton-Gore administration policies, this administration has discouraged, and in many cases blocked, American oil and gas producers from increasing domestic production. Since that time, we have increased our use of oil and turned more and more to foreign countries to supply the oil we use. We import 1.5 million barrels of oil more per day than we did 5 years ago. That is an increase of nearly 22 percent in the last 5 years. Therefore, it should not be surprising that President Clinton issued a nearly identical ruling on March 24 of this year, stating again that oil imports threaten U.S. national security.

High energy prices also impact the security of other nations and threaten global stability. Energy fuels the productive capacity of national economies. The adverse effect of high energy prices can cause instability in emerging democracies and in market economies, which then can quickly erupt into regional turmoil, conflict, and war, devastating all prospects for growth, prosperity, and for eliminating hunger and poverty.

The contributing factors to the current high oil prices demonstrate the geopolitical consequences of energy, and the leverage granted to oil-exporting nations. Prices have increased for oil and natural gas because supply has not kept pace with demand. From 1994 to 1999, global oil consumption grew by almost 10 percent, while production rose only at about 7 percent.

Do we have a supply problem? Of course we have a supply problem. When demand stretches supply to the breaking point, the result is rationing. What a dangerous, dangerous development—the rationing of energy.

When the price of oil fell dramatically a few years ago, drilling companies cut back on their exploration of both oil and natural gas. They reduced their spending. There was a drastic decline in global drilling during 1998, 1999, and early this year. Astonishingly, there are only about 40 percent as many drilling rigs working today as there were in the early 1980s. Even OPEC nations must constantly drill to offset depletion. Low levels of drilling reflect a capital shortage, and the result is that oil production has been falling continuously in the United States; it is stable or falling in the North Sea; it is falling in most of Latin America; and it is not growing hardly anywhere else in the world. Capital not invested in energy production a few years ago is now reflected in lower supplies and product.

During this time, global demand for oil has increased, fueled by a strong U.S. economy—which we all applaud, which we all take advantage of, and which we based projected surpluses on—economic growth in Europe, and a stronger than expected economic recovery in Asia, which are all responsible for this demand.

The economic growth of developing nations is a very energy-intensive exercise, we must know. China and India show oil demand growing at nearly 8 percent a year on a sustained basis. This increased demand, coupled with low supplies, has pushed oil reserves near their limits worldwide. Inventories are at low levels. In most industrialized nations, it will take many years to correct the imbalance between supply and demand.

In addition to current inventories, the oil industry normally has another cushion to use to meet increased demand. This is called "spare capacity" or unused wells that can be called on to produce additional supplies when necessary.

Turning on these spigots can help correct the imbalance between supply and demand. However, except for the days of the gulf war, the world's spare capacity is at its lowest point since the days leading up to the 1973 energy crisis—less than 3 million barrels per day. Therefore, the world oil market is very tight and very vulnerable to supply disruptions and price fluctuations. A further tightening of the market could lead to the kind of energy rationing we saw in the 1970s.

The situation is even worse in the natural gas market, especially for North America.

But correcting imbalances of supply and demand in oil markets is very different from traditional economic models. Oil does not move on a free market. The demand is given—individuals and nations do not have a choice about whether they need energy or not, and oil is still the greatest source of global energy in the world today. Its production is concentrated in the hands of a few who have the ability to control the flow of oil into the market and, thereby, the price of this commodity. This makes oil a political commodity.

Our reliance on foreign oil leaves the U.S. vulnerable to the whims of foreign oil cartels. If something happened to threaten this supply, we could not turn on the spigots here in the United States overnight.

A tight oil market gives additional leverage to individual oil-exporting nations. Half of the world's spare production capacity today now is in Saudi Arabia. Iraq, interestingly enough—Iraq, whom we bombed almost daily—is the fastest growing source of U.S. oil imports. We import about 750,000 barrels of oil a day from Iraq.

What if Saddam Hussein were to decide to bully the market by turning off its tap, which currently pumps 2.3 million barrels a day on to the global market?

On Monday, he warned that OPEC nations were bowing to pressures from—in his words—"superpowers" in agreeing to increase production in an attempt to lower prices. He said, "The superpowers will fasten their grip on oil producing countries." This is a very dangerous development.

Our allies, of course, would be even more vulnerable to threats from oil-producing nations because Europe and Japan are even more dependent than the U.S. on foreign oil.

How did we, the United States, get ourselves into this precarious position?

How did we get here? We have bumbled into it because we were not paying attention. Every administration in the last 25 years must share some responsibility for where we are today. But in particular, this administration, the Clinton-Gore administration, has drifted through the last 8 years without an energy policy, content to sit back and enjoy a good economy—of course, to take credit for that economy—but unwilling to prepare our Nation for the challenges ahead and make the tough choices and hard decisions necessary for energy independence.

The lack of a Federal energy policy for the last 8 years has worked to decrease U.S. oil production, making American consumers more vulnerable to the volatility of prices set by oil cartels such as OPEC. The wild swings in price over the last 2 years have hurt U.S. oil and gas producers and shut down many drilling wells because of instability in the markets, loss of investment capital, loss of qualified employees, and elimination of the petroleum infrastructure.

The lack of an overall policy has made U.S. producers more susceptible to the manipulation of prices by cartels such as OPEC. In testimony before the Senate Foreign Relations Committee in March, Denise Bode, an Oklahoma corporation commissioner, discussed the impact of OPEC's manipulation on oil markets:

> Whatever OPEC's motivation, the impact on American petroleum production is that each time this happens, they make the domestic oil and gas production industry in America a little less predictable, driving away capital, qualified oil field employees and scrapping petroleum infrastructure. . . .

The policies of this administration have actually served to discourage and at some point completely block or shut off domestic oil and natural gas production. While oil consumption in the United States has risen by 14 percent since 1992, over the last 8 years U.S. crude oil production has dropped by 17 percent. The number of American jobs in exploring and producing oil and gas has declined by 27 percent. The number of working oil rigs has declined by 77 percent. This administration has failed to encourage viable energy alternatives. They pursue policies promoted by environmentalists with no comprehension or acknowledgment of the consequences of these policies and what these consequences are for real Americans, for our economy, our Nation, and our future.

This administration has blocked exploration in the Alaska National Wildlife Refuge which could contain 16 billion barrels of domestic crude oil. In 1995, President Clinton vetoed legislation to allow any exploration in Alaska. In 1998, President Clinton closed most of the Federal Outer Continental Shelf to any exploration until the year 2012.

Vice President GORE has vowed to prohibit any future exploration for oil and natural gas on the Outer Continental Shelf. Increased Government regulations over the last 8 years have affected investment in our energy industry. Thirty-six oil refineries have been closed in the last 8 years, and no major oil refinery has been built in the last 25 years. This is in part due to the requirements of the Clean Air Act that make it difficult to build or upgrade any refineries.

EPA regulation has placed more and more and more burdens on fewer and fewer oil refineries by forcing them to produce reformulated gasoline for different markets. Use of hydroelectric power has been sharply declining due to the onerous regulatory burdens on the industry. This administration does not consider water to be a renewable resource—that is the definition by this administration of "water"—and has even advocated taking down current valuable hydroelectric dams in the Pacific Northwest that supply power.

Nuclear energy has not been promoted as a clean energy alternative by this administration. No new plants are scheduled to begin operating. This administration has steadfastly opposed and recently vetoed legislation that would ensure timely construction of a desperately needed Federal storage facility for spent nuclear fuel. In addition, virtually all nuclear operating licenses are up for renewal by 2015. Yet the Nuclear Regulatory Commission has indicated it expects no more than 85 of the 103 units will file renewals. That means we will be taking out of current service, at a minimum, 18 nuclear powerplants in the next few years. Where in the world are we going to recover that capacity? Where will that capacity come from? We don't talk about that.

Furthermore, this administration, while professing a desire to increase natural gas as a source of energy, works constantly against efforts to increase the availability of domestic natural gas. The National Petroleum Council has identified a critical barrier to increasing supplies of natural gas: Access to over 200 trillion cubic feet of natural gas reserves is either off limits or is being severely restricted on multiple-use lands and the Outer Continental Shelf.

This administration says, well, use natural gas but just don't drill for it. This administration's budget clearly demonstrates where its energy priorities are. This year's Department of Energy budget, submitted by this administration, has $1.2 billion for climate change activities, but yet it has only $92 million for oil, gas, and energy research and development—a clear statement on where they are with their priorities. An energy policy that emphasizes only some energy sources and priorities without regard for their negative impacts on energy markets threatens the sustainability of this economy, the welfare of our people, the stability of the world, and the future of this country.

What can we do to address this problem? Can we address this problem? Of course, we can address this problem. Both the next President and the Congress must pursue a comprehensive energy policy that decreases our reliance on foreign oil by increasing the safe, environmentally sound production of our domestic oil and gas resources and by developing a more diversified supply of energy sources.

The answer is not, as Vice President GORE recommended yesterday, to tap into the Strategic Petroleum Reserve. These 570 million barrels were set aside to deal with severe disruptions in oil supply caused by war or other national emergencies.

The strategic reserve was not created to make up for 8 years of inattention from the Clinton-Gore administration or to make up for the detrimental impact their policies have had on domestic production. The Vice President himself acknowledged in February this statement when he said it would be a "bad idea"—his words—to tap into the strategic reserve. And so has the President's Secretary of the Treasury, Mr. Summers; as has the Chairman of the Federal Reserve, Mr. Greenspan.

Furthermore, opening up the strategic reserve will not do anything to address the shortage of home heating oil. Why? The strategic reserve consists of crude oil. It would need to be refined into heating oil, and our refineries are already running at full capacity. If we still had the 36 refineries that were shut down over the last 8 years of this administration, then we might be able to refine that extra oil from the strategic reserve, but it does nothing to help our current situation. It is bad policy, shortsighted policy.

In addition to augmenting domestic oil production, the United States must explore other future energy options that will reduce other foreign oil dependency. Our Nation's future is directly connected to energy capacity. If we fail this great challenge, our children and history will judge us harshly and we will leave the world more dangerous than we found it. That is not our heritage. That is not our destiny. It will require bold, forceful, intelligent new leadership. That is America's heritage. That is America's destiny.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, I commend the Senator from Nebraska for his remarks. He certainly is making points that need to be made. I am sure we are going to hear a lot more about it in the next few days. I thank him for wrapping up his remarks at this point so that we may proceed with a number of business items before we go out for the week.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## IMMIGRATION AND NATIONALITY ACT AMENDMENTS—MOTION TO PROCEED

Mr. LOTT. Mr. President, I call for regular order with respect to the H-1B bill.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> A motion to proceed to the bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonresidential aliens.

The PRESIDING OFFICER. The question is now on agreeing to the motion.

The motion was agreed to.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDING OFFICER (Mr. DOMENICI). The clerk will now report the bill by title.

The legislative clerk read as follows:

> A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens bill.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".*

***SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.***

*In addition to the number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101 (a)(15)(H)(i)(b)), the following number of aliens may be issued such visas or otherwise provided such status for each of the following fiscal years:*

*(1) 80,000 for fiscal year 2000;*

*(2) 87,500 for fiscal year 2001; and*

*(3) 130,000 for fiscal year 2002.*

***SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS.***

*Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:*

*"(5) The numerical limitations contained in paragraph (1)(A)(iii) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—*

*"(A) who is employed (or has received an offer of employment) at—*

*"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or*

*"(ii) a nonprofit research organization or a governmental research organization; or*

*"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)))."*

*"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), be counted toward the numerical limitations contained in paragraph (1)(A)(iii) the first time the alien is employed by an employer other than one described in paragraph (5)(A).".*

***SEC. 4, LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.***

*(a) SPECIAL RULES.—Section 202(a) (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:*

*"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—*

*"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.*

*"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".*

*(b) CONFORMING AMENDMENTS.—*

*(1) Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".*

*(2) Section 202(e)(3) (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".*

*(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act, any alien who—*

*(1) is the beneficiary of a petition filed under section 204(a) for a preference status under paragraph (1), (2), or (3) of section 203(b); and*

*(2) would be subject to the per country limitations applicable to immigrants under those paragraphs but for this subsection,*

*may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.*

***SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.***

*(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:*

*"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall*

*continue for such alien until the new petition is adjudicated. If the new petition is denied, employment authorization shall cease.*

*''(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—*

*''(A) who has been lawfully admitted into the United States;*

*''(B) on whose behalf an employer has filed a nonfrivolous application for new employment or extension of status before the date of expiration of the period of stay authorized by the Attorney General; and*

*''(C) who has not been employed without authorization in the United States before or during the pendency of such petition for new employment.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.*

### *SEC. 6. EXTENSION OF AUTHORIZED STAY IN CASES OF LENGTHY ADJUDICATIONS.*

*(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for adjustment of status under section 245 to accord the alien status under section 203(b), has been filed, if 365 days or more have elapsed since the filing of a labor certification application on the alien's behalf, if required for the alien to obtain status under section 203(b), or the filing of the petition under section 204(b).*

*(b) EXTENSION OF H1–B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.*

### *SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.*

*(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ''October 1, 2001'' and inserting ''October 1, 2002''.*

*(b) FEE REQUIREMENTS.—Section 212(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(c)(9)(A)) is amended in the text above clause (i) by striking ''October 1, 2001'' and inserting ''October 1, 2002''.*

*(c) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''September 30, 2001'' and inserting ''September 30, 2002''.*

### *SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.*

*Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:*

*''(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.*

### *SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".*

*(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ''digital divide'') in the United States.*

*(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).*

### *SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.*

*(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—*

*(1) in paragraph (2), by striking ''56.3 percent'' and inserting ''36.2 percent'';*

*(2) in paragraph (3), by striking ''28.2 percent'' and inserting ''30.7 percent''; and*

*(3) in paragraph (4)(A), by striking ''4 percent'' and inserting ''2.5 percent''.*

*(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking ''2,500 per year.'' and inserting ''3,125 per year. The Director may renew scholarships for up to 4 years.''.*

*(c) NATIONAL SCIENCE FOUNDATION GRANT PROGRAM.—Section 286(s)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended to read as follows:*

*''(B) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K–12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—(i) 25.8 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct and/or matching grant program to support private-public partnerships in K–12 education.*

*''(ii) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including, those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology; involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; and college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology.''.*

*(d) REPORTING REQUIREMENTS.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:*

*''(e) The Secretary of the Department of Labor and the Director of the National Science Foundation shall—*

*''(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and*

*''(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—*

*''(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and*

*''(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.*

### *SEC. 11. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.*

*(a) SHORT TITLE.—This section may be cited as the ''Kids 2000 Act''.*

*(b) FINDINGS.—Congress makes the following findings:*

*(1) There is an increasing epidemic of juvenile crime throughout the United States.*

*(2) It is well documented that the majority of juvenile crimes take place during after-school hours.*

*(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.*

*(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.*

*(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.*

*(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.*

*(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.*

*(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.*

*(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.*

*(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—*

*(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—*

*(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;*

*(B) supervised activities in safe environments for youth; and*

*(C) full-time staffing with teachers, tutors, and other qualified personnel.*

*(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.*

*(d) APPLICATIONS.—*

*(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant*

*for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.*

*(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—*

*(A) a request for a subgrant to be used for the purposes of this section;*

*(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;*

*(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;*

*(D) written assurances that all activities funded under this section will be supervised by qualified adults;*

*(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;*

*(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and*

*(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.*

*(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—*

*(1) the ability of the applicant to provide the intended services;*

*(2) the history and establishment of the applicant in providing youth activities; and*

*(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—*

*(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.*

*(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.*

*(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.*

Amend the title to read as follows: "A bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, and to establish a crime prevention and computer education initiative.".

### AMENDMENT NO. 4177

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT], for Mr. ABRAHAM, proposes an amendment numbered 4177.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 4178 TO AMENDMENT NO. 4177

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4178 to amendment No. 4177.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending H-1B amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 4178 to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H1-B non-immigrant aliens.
>
> Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, Gordon Smith of Oregon, Pat Roberts, Slade Gorton, Connie Mack, John Warner, and Robert F. Bennett.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Tuesday. I will announce to the Members the time of that vote later today, after consultation on both sides. In the meantime, I ask that the mandatory quorum under rule XXII be waived.

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object to the request, I ask the Senator if he will be available to answer a couple of questions. I want to ask some questions following this discussion about the Agriculture appropriations bill, if the majority leader would allow that.

Mr. LOTT. Certainly.

Mr. DORGAN. I shall not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. LOTT. Mr. President, I move to recommit the bill back to the committee to report back forthwith, and I send the motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] moves to recommit the bill, S. 2045, to the Committee on Judiciary with instructions and to report back forthwith.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 4179 TO THE MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. LOTT. Mr. President, I send an amendment to the desk to the motion to recommit with instructions and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4179 to the motion to recommit with instructions.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

### AMENDMENT NO. 4180 TO AMENDMENT NO. 4179

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4180 to amendment No. 4179.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may offer, on behalf of Senator DASCHLE, Senator KENNEDY, myself, and others, the Latino and Immigrant Fairness Act.

Mr. LOTT. Mr. President, reserving the right to object, first, I know there is a lot of interest in this amendment, and there are a number of Senators who have interest in other amendments on both sides of the aisle—additional immigration amendments.

There is a lot of interest on this side—and probably on both sides of the aisle—with regard to a H-2A provisions, which has to do with additional, I guess, temporary visas in the agriculture area. I understand the interest and support in both of these areas. But Senator DASCHLE and I tried to get clearance. We worked on it over a period of days. We both were very serious in trying to get it agreed to. We have not been able to get it cleared. Even though I think Senator DASCHLE got an agreement cleared on his side, there was objection on our side.

We have tried over a period of months to get an agreement on how to take up this H-1B immigrant visa issue. It is important to industry in America. We have over 2,000 jobs that are going unfilled now. We need these high-tech workers. It is not something that is critical in my own State, but it is critical to the economy and the high-tech industry in our Nation.

We are down to the last few days. We need to get this done. Therefore, I have to object. I object, Mr. President.

Mr. REID. Mr. President, we have tried hard and, as the Senator so graciously stated, we have been able to clear an agreement that we would have five amendments per side, with an hour time agreement. We could finish this bill, certainly, in 1 day.

It is so important that we get this done. I understand the importance of H-1B. I supported it. We have had 420,000 people come to this country as a result of our H-1B legislation in the past. But there are other things that we simply need to do, including the Latino and Immigrant Fairness Act, of which I am a cosponsor. I strongly support this piece of legislation that seeks to provide permanent and legally defined groups of immigrants who are already here working and contributing as taxpayers and to the social fabric of the company. They are awaiting U.S. citizenship.

I say to the majority leader that we need to have an opportunity to, in some way, in the waning days of this Congress to work this out. We are going to work very hard. We will do it with the support and consideration of the majority leader, or without it. We really believe this is necessary. We are sorry the majority leader has objected, but we understand the reasons.

Mr. LOTT. Let me say, Mr. President, I am sure we have not heard the last of this issue. As we get to the conclusion of the session, there will be other areas or bills where this issue will be presented and argued. I fully expect that to happen.

Mr. President, is there objection?

The PRESIDING OFFICER. There was objection.

Mr. LOTT We are back to the original objection to the motion and the reading be dispensed with.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to Calendar No. 552, S. 2557, regarding the increasing price of gasoline and decreasing America's dependency on foreign oil.

The PRESIDING OFFICER. The motion is debatable.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONFERENCE ACTION

Mr. LOTT. Mr. President, Senator DORGAN had indicated he had some questions he would like to ask. I have some tributes and routine business and also the closing script that we would like to go into. I thought maybe I would yield for some questions before we begin that.

Mr. DORGAN. Mr. President, I appreciate the Senator from Mississippi yielding to me. I wanted to propound a series of questions.

First of all, let me say that I respect the difficult job the majority leader has. As we come to the end of the 106th Congress and try to put all the pieces together and make them fit, and so on, it is a difficult job.

One specific piece of legislation that is very important to me—as are many others—is the Agriculture appropriations bill.

I come from a farm State. This is a critically important piece of legislation.

The House of Representatives passed an Agriculture appropriations bill on July 11. The Senate passed one on July 20. It is now September 22. I was appointed a conferee for this appropriations conference. I am on the subcommittee, and there has been no appropriations conference at all. We are toward the end of this legislative session, and I worry about the regular process.

Will we have an appropriations conference?

The reason I am asking this question is, as the majority leader knows, there are some very controversial things in this legislation. I understand there are, because the Senate by a majority vote said we want them. One of those controversial issues is a policy that says: Let us stop using food as a weapon. We want to abolish sanctions on food shipments all around the world. It is controversial.

Some don't want to do that. Some want to continue to use food sanctions against Cuba and other countries. I don't. Seventy Members of the Senate voted not to do it. We want to abolish that approach. That is one.

The other controversial issue is—Senator JEFFORDS and I offered the amendment on the reimportation of prescription drugs approved by the FDA. That was controversial.

The reason I am asking the question of the majority leader is, yesterday someone from the news media called me and said another Member of the Senate indicated that next week the Agriculture appropriations bill will be coming to the floor of the Senate. This Senator asked: How will that happen? He said: By magic.

By magic? I am a conferee. If there is a conference report on the Agriculture appropriations bill being brought to the floor of the Senate, it is not coming from a conference I was ever invited to attend.

These are very important issues.

I haven't mentioned the issue of crop loss and quality loss on crops in North Dakota and across the country where farmers have been devastated by disease and quality loss in their crops. We want to focus on that in this bill as well.

I will not give a speech. But I want to ask the majority leader: Can he tell me anything about this conference or anything about this "magic" that one Member of the Senate suggested was going to happen? Do we expect to have a conference with the House on Agriculture appropriations? And will those of us who are conferees and who come from farm States and have an abiding interest in doing the right thing have the opportunity to pursue these policies and get votes on them?

Mr. LOTT. Mr. President, I would be glad to try to respond to some of the questions and comments.

First of all, I certainly understand the Senator's interest in this very important funding bill for agriculture in America. There is a lot of funding here. I don't know the total amount of this bill, but it is multibillion dollars, and it is important for our farm economy, for food for our people in this country, and also for exports in many ways.

My State also is heavily involved in agriculture and has to deal with a number of problems, all the way from droughts to floods—everything but locusts.

Then, of course, we have the timber industry, which is an important part of our agricultural economy. Now that is in very difficult straits, caused to a large degree because of subsidized timber products and lumber from other countries—Canada, Russia, and every place else. It is just killing our domestic timber industry. When you add to that the administration's very bad national forest policy and timber policies, they are having a hard time. So I agree, it is important, and I share the Senator's interest in it.

Maybe he is asking the wrong Mississippian about this bill. I certainly have an interest, and as majority leader I continue to try to urge the various Senate committees of appropriations and conferees to get together and complete their work. But the Senator from Mississippi, Mr. COCHRAN, is the chairman of the Senate agriculture appropriations subcommittee. He is directly and intimately involved.

I think there are two or three reasons that conference has not yet met. First of all, the main reason is the House hasn't appointed conferees. They have to appoint conferees. One of the reasons they haven't done that, as the Senator from North Dakota knows, as a former House Member knows, and I do, after they do that, they are then subject to motions in the House that could be a further complicating factor in getting the work done. I think they are waiting to appoint conferees when they are ready to complete action in conference. That is one thing.

The second thing is there still has been, up until yesterday, I think, some question about exactly how much money was going to be needed in the disaster area because, as the Senator knows, there continue to be problems that are related to the fires, and they are still trying to get an estimate of exactly what that amount of money would be.

Then there are some issues that are not going to be easy to resolve, but they are going to have to be resolved—reimportation of drugs, as the Senator mentioned. The Senate acted on that. We had the Jeffords-Dorgan amendment as amended by Senator COCHRAN, then the House language by Congressman COBURN, I believe.

You have to find some way to get a result. I am satisfied that there is going to be some language in that bill in this area. I don't know what it is going to be. There are a lot of people with a lot more expertise in how that will work, and the safety aspects of it, and what individuals will be able to do. All of that is going to have to be resolved.

You have the sanctions question. There is no easy solution there. You have kind of the Senate position, the House position, a third position, and other options. I wish the Senator the very best in working all of that out. I am not a member of the agriculture appropriations subcommittee, and I hope not to be there when the final decision is made.

Last but not least, I assume within the next week or so the conferees will meet.

There are areas sometimes when communication between the bodies of the Congress or between the parties is not as good as it could be, I guess. But usually in agriculture you have pretty good input all around because it is so important to individual Senators.

But I am assuming conferees will be appointed at some point before too long and that there will be a vote and action taken. I quite often wish for magic, but I rarely see it in dealing with these appropriations issues.

Mr. DORGAN. Mr. President, if the Senator will yield for one further point, I have consulted with the senior Senator from Mississippi, Mr. COCHRAN, someone for whom I have great regard. He has done a wonderful job as chairman of that subcommittee. He indicated, pretty much as the majority leader did, that the House didn't appoint conferees. The House passed the agriculture appropriations bill on July 11.

It may be a stretch, but I think sometimes there are teams around here, and the team kind of gets together to talk about how they are going to do something. When teams huddle up, they do not call both a pass play and run play; they normally call one play. It may be a stretch on my part, but I figured there is a team that has huddled up and said: You know the play. We are not going to call on agriculture because we have a couple of things we don't want to have people vote on, and we are not going to have a conference.

That is the only explanation I can have for being a conferee and never having a conference. I guess the easiest choice is the obvious choice. Let the House and the Senate vote on these controversial issues. Both of them that I mentioned would have passed by 75 percent of the House and the Senate easily.

The reason the Senator from Mississippi, the majority leader, knows I have a little bit of tension about this is, last year we had the same issue on sanctions and food shipments. The same issue went through the Senate with 70 votes and went into conference. I was a conferee. The first order of business in the conference was to say: We insist on the Senate's position. Let's stop using food as a weapon. Let's stop having embargoes on food shipments.

The Senate voted. The Senate conferees insisted on their position, and the conference was disbanded and never met again, because the House conferees were prepared to support us and the House leadership said: No. We are going to disband the conference and bring the conference report to the floor that we haven't had a chance to work on.

My great concern is, that might happen again this year and maybe there has been no play called yet. But I hope that, really soon the majority leader will tell them that the easiest play for these controversial issues is to bring them back, and let's have votes in the House and Senate. I am willing to lose the votes if, after we count them, I am on the wrong end. But we won't lose on either of these issues.

I finally say to the majority leader, it is true that we have suffered, and his State has suffered droughts and floods. We have had fires in my State and devastating quality losses on top of floods. We need to put a piece in this agriculture appropriations bill in response to those disasters as well. That is another significant part of it.

I want to work with the majority leader. But my great concern is that there won't be a conference. If the majority leader is telling me he thinks there will be, I hope he will consult with the Speaker of the House. We both served in the House. I think it is unusual to have a bill passed on July 11, and now on September 22 they haven't appointed conferees.

Mr. LOTT. Has the Senator ever tried giving Senate or House appropriations members orders or directions? What I am saying to the Senator is, it won't do any good; they are going to do what they are going to do in due time.

All I ask from the appropriators on Agriculture, Energy and Water, and Interior is to give me a bill. Whatever you agree on is fine with me. All I want is to be able to schedule the conference report. I have tried saying, Do this; do that. How about that? What about this time? What about another time? They will act when they get ready, I guess. They will have a conference meeting and do their work or they won't. It beats the heck out of me. It is mystifying.

They have a job to do. All I am saying is I have confidence in THAD COCHRAN. I will support whatever he wants to do. I believe the farmers of North Dakota and Mississippi are going to be better for whatever he does. That is all I can do.

I am ready to go the minute they get a conference report. We will bring it to the floor like white lightning. Hopefully, that is next week. I would love to do it next week. The last time I checked, that is the end of the fiscal year. If they have it ready Tuesday, Wednesday, Thursday, the happier I will be.

Mr. DORGAN. If they get it ready, I hope it goes through a conference at some point. If I am a conferee, I hope I am invited.

There is the television commercial where the cowboys are trying to herd cats.

Mr. LOTT. I was one of the cowboys trying to keep the cats; they won't herd up, though.

Mr. DORGAN. I know that.

It is one thing for me to be mystified; that is probably acceptable, but I am worried when the leader is mystified.

Mr. LOTT. You are a cat, and you will want to get grouped up for a conclusion.

Mr. DORGAN. Things will slow down a lot if we have a process that tries to partition people off from this. These are important issues, and they are not done at the end of the session; they probably should have been done long ago. As we get to the end of the session, I am asking we have conferences.

To the extent you are talking to the Speaker, I hope you will encourage them: Appoint conferees, get to conference, and get the business done. That is all I am asking today. I expect to be at a conference next week.

Somebody in this Senate said yesterday to a member of the press—I assume it is probably printed today—that the conference report was going to come to the Senate floor by "magic." Well, that is a magic carpet that will surprise a lot of Members, I suppose, and will cause a lot of problems. If the Senator will support us in regular order in having a conference in which we can all participate, that is what we expect to be the case in the Senate.

## TRIBUTE TO PAT WADE

Mr. LOTT. Mr. President, I rise in support today and bid farewell to a dear colleague and a member of our Senate family. That person is Patricia "Pat" Wade, who has worked on Capitol Hill with distinction and loyalty for over 28 years.

Pat came to Washington from Memphis, TN. I have known her throughout these 28 years. I have been in Congress all those years and remember when she first came. She came in 1970 and actually began working for Congressman Dan Kuykendall from Tennessee—the Tennessee talking horse, we affectionately called him, a great guy and a good friend.

During her tenure on the House side, she also worked for then-Congressman THAD COCHRAN and his successor in the House, Jon Henson, both from the great State of Mississippi.

After a stint in the House, she moved over to the Senate side to work for Vice President George Bush in his Capitol office. Senate Majority Leader Bob Dole's office was her next stop. Then I brought her on board when I took the position in the Senate majority leader's office.

She now works with Elizabeth Letchworth, and she is administrative assistant to the secretary for the majority's office. She is invariably friendly and effective. When I call looking for this very important floor staff director, Pat can find her no matter where she is. She always has a smile on her face. She has a fun-loving attitude and is just a very nice person. I will miss her dearly. Pat will certainly do well as she goes back to her home State and spends more time with her beloved mother. We will miss her, but we wish her luck in all future endeavors and thank her for her contributions to this body over these many years.

## ORDER OF PROCEDURE

Mr. President, I noticed that Senator BYRD from West Virginia was seeking to ask me to yield. I am happy to yield for any kind of question or comment the Senator desires.

Mr. BYRD. The majority leader is very, very gracious. I appreciate that. I have a speech I want to make today. Could the majority leader enter an order that I be recognized for 25 or 30 minutes at the close of day.

Mr. LOTT. Mr. President, certainly. We will modify our closing script to make that possible for Senator BYRD. I know it will be informative, interesting, and entertaining, as his speeches always are, and it will recognize some great moment, some great individual, or some important point about the Senate itself.

We will certainly accommodate that request.

Mr. BYRD. I have my tie on today. This is Constitution Week and this is the last working day for us in the Constitution Week. I do have a speech about the Constitution.

Mr. LOTT. I will be interested in hearing that speech.

## ADDITIONAL STATEMENTS

## WELCOME TO TAIWAN REPRESENTATIVE C.J. CHEN

• Mr. CRAIG. Mr. President, today I rise to welcome Mr. C.J. Chen as the new Representative at the Taiwan Economic and Cultural Representative Office (TECRO). Mr. C.J. Chen, former foreign minister of Taiwan, has recently replaced Mr. Stephen Chen as Taiwan's top diplomat in the United States. Mr. C.J. Chen is certainly qualified to speak for his government and to brief us on all the issues affecting the good relations between the United States and Taiwan.

Representative Chen was born in China and educated in Taiwan and Great Britain. He received a law degree at the University of Cambridge and was a resident fellow at the University of Madrid. Following his training in Europe, he returned to Taipei and served in many key positions. Most notably he was senior deputy in Taiwan's Washington office in the 1980's; later he was a vice foreign minister, a senator in the Parliament, and a government spokesman. Prior to June of this year, he was the Foreign Minister for the Republic of China.

Representative Chen's appointment as Taiwan's chief diplomat in the United States is a strong indication of the importance his government attaches to Taiwan-United States relations. He will have a unique opportunity to keep us abreast of the new administration's peace initiatives for the region.

Representative Chen has already made a great start on Capitol Hill. I trust that he will have a very successful stay in Washington and on Capitol Hill. He is a very talented and respected representative for TECRO.•

## BABY SAFETY MONTH

• Mr. GRAMS. Mr. President, I rise today to recognize the month of September as Baby Safety Month. This year's theme, "Good Night, Sleep Tight," stresses crib safety. As a grandparent, I experienced the tragic loss of my grandson Blake on March 30, 1995, when he passed away from Sudden Infant Death Syndrome, or SIDS. My experience, and the experiences of the many others I have met since then who faced similar losses, have helped heighten for me the importance of doing everything we can to ensure the safety of an infant.

A baby brings so much joy and excitement into a family, along with a new perspective on life. Of course, a birth also means a host of baby products coming into the home—everything from a car seat and safety locks on cabinet doors, to a crib. Experts recommend parents do not use second-hand products because of the safety standards new baby products have to meet. However, if older products are used, parents should make certain they do not have loose or missing parts.

The most important thing parents can do for the safety of their baby is to supervise them carefully, especially when they are using juvenile products. Baby products are designed for safe use, but not as a substitute for parental supervision. For more than 20 years, the Juvenile Products Manufacturers Association has been helping parents keep their babies safe from harm by certifying juvenile products and working with the American Society for Testing and Materials (ASTM), a nonprofit organization, to inform and educate the American public on safe products.

Research has told us that normal, healthy infants should ALWAYS sleep on their backs unless otherwise advised by a pediatrician. Consulting their pediatrician and using a safe crib that meets current federal and ASTM standards will help parents feel comfortable placing their babies to sleep. Despite all the precautions, however, nearly 50 babies suffocate or strangle themselves each year in cribs with unsafe designs. During Baby Safety Month, JPMA provides promotional materials at retail outlets to help promote crib and baby safety to every new parent.

Since the death of my grandson, I have been privileged to get to know the men and women of the Minnesota SIDS Center, which serves Minnesotans by working to prevent SIDS and helping families who have suffered a loss due to SIDS. They are doing important work, and their efforts are very much appreciated. The Minnesota SIDS Center and other organizations have helped reduce SIDS rates by 43 percent by spreading the word to parents that putting infants to sleep on their backs has been proven to reduce SIDS deaths in some cases. The lives of more than 1,500 infants are being spared each year. That is exciting news. Even with the recent progress, though, SIDS claims nearly 3,000 lives every year and remains the leading cause of death for infants between one month and one year of age. Clearly, there is still much more we need to learn.

Mr. President, I hope every parent, new and expecting, takes the necessary precautions to prevent all potential risks to the safety of their baby. I would also like to thank those at the Minnesota SIDS Center and similar organizations across America who are working hard to improve the safety of every baby, thereby ensuring that "Good Night, Sleep Tight" is more than just another catchy slogan.•

## AMERICAN BUSINESS WOMEN'S DAY

• Mr. GRAMS. Mr. President, today I rise to recognize September 22 as American Business Women's Day. On this day in 1949, the American Business Women's Association (ABWA) was founded as a support organization for women either entering or already in the workforce. The ABWA was founded by Mr. Hilary A. Bufton, Jr., a Missouri business owner who realized the positive economic impact women can have in the workplace.

American Business Women's Day won national attention after passage of a congressional resolution in 1983 and 1986, and President Ronald Reagan issued a proclamation granting it official recognition. Today, American Business Women's Day gives every American an opportunity to recognize the vital contributions women are making to this nation.

Women have long played a vital role in America's workforce. As scientists, elected officials, presidents of companies, and small business owners, in every job category in every profession upon which this nation depends, women take key roles in all facets of business. Some 27.5 million women work in the 9.1 million women-owned businesses in the United States, representing 38 percent of all businesses and generating over $3.6 trillion in annual sales. Consisting of nearly 48 percent of the overall workforce in the United States, more than 61 million working women continue to prove their excellence with the positive influence they have on America's growing economy.

These women are rightly concerned about the critical issues in Congress that affect their ability to work and provide for their families, at the same time they are often trying to balance the competing demands of business and family. The tax burden, for example, imposes a marriage penalty on women who choose to get married, which in turn often forces both spouses to take jobs just to meet their annual tax obligations. And that, of course, ultimately forces families to spend less time together. The estate tax, or "death tax," severely limits the ability of a business owner to pass along her business to her children, and often results in that business having to be sold upon her death. Social Security discriminates against women, especially those who are forced to return to the workforce after the death of a spouse, or who choose to work part time while raising a family. Obsolete federal laws restrict the ability of employers to offer flexible working arrangements. For example, a week in which a working mother must stay home with a sick child cannot legally be "balanced" with the hours of the following week, when a lighter home schedule means a worker could spend extra hours on the job.

At the urging of thousands of Minnesota's working women, these are concerns I have worked hard to address. We have made progress—the $500 per-child tax credit I authored is helping ease the family tax burden—but much work remains.

The American Business Women's Association has recognized 10 influential women each year since 1953 for their stellar achievements and contributions to the American work force. I am proud to mention that Ms. Leslie Hall from Rochester, MN, is one of the 10 finalists for the year 2001. Ms. Hall is an associate of clinical microbiology at the Mayo Clinic, who was recognized in 1998, for her scientific work in mycology as the recipient of the Billy H. Cooper Memorial Award. I congratulate her for her many achievements.

Mr. President, I am honored to be able to stand here today and pay tribute to every woman in my home state of Minnesota and across America who has contributed to our nation's economic prosperity and innovation. They have my sincere thanks.•

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

### EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer laid before the Senate the following message from the President of the United States, transmitting a nomination, which was referred to the appropriate committee.

(The nomination received today is printed at the end of the Senate proceedings.)

## REPORT ON THE EMERGENCY DECLARED WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 129

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2000, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 22, 2000.*

### NOTICE—CONTINUATION OF EMERGENCY WITH RESPECT TO UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union for the Total Independence of

Angola (UNITA), prohibiting the sale or supply by United States persons or from the United States, or using U.S. registered vessels or aircraft, of arms, related materiel of all types, petroleum, and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. On December 12, 1997, in order to take additional steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13069, closing all UNITA offices in the United States and imposing additional sanctions with regard to the sale or supply of aircraft or aircraft parts, the granting of take-off, landing and overflight permission, and the provision of certain aircraft-related services. On August 18, 1998, in order to take further steps with respect to the national emergency declared in Executive Order 12865, I issued Executive Order 13098, blocking all property and interests in property of UNITA and designated UNITA officials and adult members of their immediate families, prohibiting the importation of certain diamonds exported from Angola, and imposing additional sanctions with regard to the sale or supply of equipment used in mining, motorized vehicles, watercraft, spare parts for motorized vehicles or watercraft, mining services, and ground or waterborne transportation services.

Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on prospects for peace in Angola, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 22, 2000.*

## MESSAGE FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5109. An Act to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes.

## MEASURE REFERRED

The following bill was read the first and second time by unanimous consent, and referred as indicated:

H.R. 5109. An Act to amend title 38, United States Code, to improve the personnel system of the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S 3095. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10886. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Blackduck and Kelliher, MN)" (MM Docket No. 99-78, RM-9487, RM-9646) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10887. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Johannesburg, Edwards, California)" (MM Docket No. 99-239, RM-9658) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10888. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Monroe, LA" (MM Docket No. 99-265, RM-9660) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10889. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Klamath Falls, Oregon" (MM Docket No. 99-296, RM-9661) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10890. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Osceola, Sedalia and Wheatland, Missouri" (MM Docket No. 99-299) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10891. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, DTV Broadcast Stations, Baton Rouge, LA" (MM Docket No. 99-317, RM-9743) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10892. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations Mertzon, Texas and Big Pine Key, Florida" (MM Docket No. 99-356 and 00-29) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10893. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "1998 Biennial Regulatory Review—Private Land Mobile Radio Services" (WT Docket No. 98-182, FCC 00-235, PR Doc. 92-235) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10894. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the 911 Act; The Use of N11 Codes and other abbreviated Dialing Arrangements" (FCC 00-327, WT Doc. 00-110, CC Doc. 92-105) received on September 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10895. A communication from the Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement a Previously Disapproved Measure Originally Contained in Amendment 9 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region" (RIN0648-AM93) received on September 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10896. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 95 of the Commissions's Rules to Establish a Medical Implant communications Service in the 402-405 MHz Band" (WT Docket No. 99-66, FCC 99-363) received on September 20, 2000; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. ROTH):

S. 3096. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business; to the Committee on Finance.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 3097. A bill to suspend temporarily the duty on acrylic fiber tow; to the Committee on Finance.

By Mr. DORGAN:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to phase in a full estate tax deduction for family-owned business interests; to the Committee on Finance.

By Mr. GRAMS:

S. 3099. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies, and for other purposes; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CLELAND, and Mr. ROTH):

S. 3096. A bill to amend the Internal Revenue Code of 1986 to increase and modify the exclusion relating to qualified small business; to the Committee on Finance.

### ENCOURAGING INVESTMENT IN SMALL BUSINESS ACT

Ms. COLLINS. Mr. President, I rise today to introduce the Encouraging Investment in Small Business Act, legislation intended to stimulate private investment in the entrepreneurs who drive our economy. I am very pleased to be joined today by my good friend, the Senator from Georgia, Mr. CLELAND, and by the distinguished chairman of the Finance Committee, Senator ROTH, in introducing this important legislation. Senators CLELAND and ROTH both understand the importance of small businesses to our economy and have been tireless advocates on their behalf.

The bill we are introducing today will encourage long-term investment in small and emerging businesses by rewarding individuals who risk investment in such firms. According to the U.S. Small Business Administration, small firms account for three-quarters of the Nation's employment growth and almost all of our net new jobs.

Small businesses employ more than 50 percent of all private workers, provide 51 percent of our private sector output, and are responsible for a disproportionate share of innovations. Moreover, small businesses are avenues of opportunity for women and minorities, younger and older workers, and those making the transition from welfare to work.

At the same time, small businesses face unique financing challenges. I know this from my experience serving as the New England Administrator for the Small Business Administration. There are so many small entrepreneurs who have a wonderful idea for an innovative product but simply have great difficulty in getting the financing they need to get that idea off the ground.

Simply put, entrepreneurs need access to more capital to start and expand their businesses. Small businesses that cannot deliver "dot-com" rates of return are particularly having trouble raising needed funds. As the Small Business Administration noted earlier this year, "Adequate financing for rapidly growing firms will be America's greatest economic policy challenge of the new century."

A recent report by the National Commission on Entrepreneurship presented findings of 18 focus groups with more than 250 entrepreneurs from across the country. According to the report, these entrepreneurs were "nearly unanimous in identifying difficulties in obtaining seed capital investments." That is the early stage financing that helps get a business off the ground.

Moreover, minority-owned small businesses and research-intensive businesses that may take many years to develop a product find raising sufficient capital to be particularly difficult. Consider that it takes, on average, 14 years for a biotechnology company to develop a new pharmaceutical. This promising and growing sector of our economy requires patient capital—and lots of it.

Cheryl Timberlake, the executive director of the Biotechnology Association in my State, recently wrote to endorse the legislation I am introducing today and to reinforce the need to stimulate more investment in biotech firms. Cheryl wrote that:

> Many of the Maine biotech companies are still in the research stage and rely on venture capital to fund their innovative drug development. Most research-stage biotech companies do not yet have products on the market. Without a source of revenue, there are no profits to fund their business. These companies are dependent on private investors for most or all of their financial support. [Therefore, the Biotechnology Association of Maine] believes that the changes in . . . the Internal Revenue Code [such as you propose] will enable more small business investment in our member companies.

I think Cheryl summed up the problem well in Maine. We have a growing and diverse biotechnology sector, but they are having difficulty in finding the kind of financial support that they need to grow.

I also received recently a letter of support from the executive director of the National Commission on Entrepreneurship. He noted that startup companies are "struggling to find access to equity investments [particularly in the range] between $100,000 and $3 million."

His letter continues:

> So the question becomes: how can we motivate more individuals with investment capital, who may not have previous experience with entrepreneurial companies, to invest in such companies at the "seed" or "early-stage" level? The Encouraging investment in Small Business Act, by increasing the incentives provided by Section 1202 of the Internal Revenue Code, may well provide one important part of the answer to this question.

Similarly, the National Federation of Independent Business, our Nation's largest small business group, has also written in support of the legislation that the Senator from Georgia and I are introducing today.

Dan Danner wrote:

> Unfortunately, while our nation's current prosperity has brought unprecedented funds to certain sectors of our economy, small business entrepreneurs still lack access to valuable capital needed to start and expand their businesses.

Mr. President, I ask unanimous consent that the three letters from which I quoted this morning be printed in the RECORD, in their entirety.

There being no objection, the letter were ordered to be printed in the RECORD, as follows:

BIOTECHNOLOGY ASSOCIATION
OF MAINE,
*Augusta, ME, August 28, 2000.*
Hon. SUSAN M. COLLINS,
*U.S. Senate, Russell Building,*
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the Biotechnology Association of Maine (BAM), a trade organization representing Maine's biotechnology companies, our affiliated educational institutions, and the not for profit research organizations. I am writing to endorse the Encouraging Small Business Act.

In an industry survey conducted by our sister organization the Center for Innovation in Biotechnology (CIB), the first most critical challenge to the success of biotechnology firms in Maine is financing. The incredible pace of new technological developments create unceasing demands for new and established companies to remain competitive and grow. All efforts to stay competitive require investment. Businesses in Maine involved in biotechnology and life sciences look for any opportunity to increase their financial footing.

Many of the Maine biotech companies are still in the research stage and rely on venture capital to fund their innovative drug development. Most research-stage biotech companies do not yet have products in the market. Without a source of revenue, there are no profits to fund their business. These companies are dependent on private investors for most or all of their financial support.

BAM believes the changes in Section 1202 of the Internal Revenue Code, as proposed will enable more small business investment in our member companies. The changes will enable private investors to use the Code, as it was intended and eliminate the duplication and unnecessary provisions that complicate the process. The key is to encourage investment, in whatever means possible. It should be recognized that the Section 1202 has proven useful to small and large companies, but it frequently burdensome, with difficult accounting procedures and other unrelated hurdles.

On behalf of the Biotechnology Association of Maine, I appreciate your continued leadership and thank you for proposing the Encouraging Investment in Small Business Act. We look forward to working with you on passage of this important piece bill. Thank you.

Sincerely yours,
CHERYL C. TIMBERLAKE,
*Executive Director.*

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NATIONAL COMMISSION
ON ENTREPRENEURSHIP,
*Washington, DC, September 15, 2000.*
Hon. SUSAN M. COLLINS,
*Russell Senate Office Building, U.S. Senate,*
*Washington, DC.*

DEAR SENATOR COLLINS: I congratulate you on your introduction of The Encouraging Investment in Small Business Act of 2000. The bill represents one way that tax policy can help address the current "capital gap" facing emerging high-growth companies throughout the country, especially in regions just beginning to build entrepreneurial economies.

The National Commission on Entrepreneurship has just completed 18 focus groups with 250 entrepreneurs around the country. We asked these entrepreneurs to tell us what key external constraints face the start-up and growth of their companies. Finding qualified people—from entry level to technical to management employees—was their number one concern. But also very high on their lists was a growing "seed capital" or "early-stage capital" gap. Entrepreneurial companies are struggling to find access to equity investments roughly between $100,000 and $3,000,000.

In brief, the "early stage capital" problem is this. Entrepreneurs can cobble together the equity they need up to about $100,000 through the use of credit cards, second mortgages, and cash investments from friends and family. And if they are building a company, say in "hot" sectors like the Internet or biotech, where the dynamics of the industry require extraordinary amounts of cash early in a firm's life, they can find venture capital firms to invest a minimum of three to five million dollars. But if they need less than $3,000,000 for the near future, investors at that funding level are very hard to find.

Highly developed entrepreneurial regions provide this "early-stage capital" typically in the form of organized "angel" investor networks. "Angels" are usually previously successful entrepreneurs and other wealthy investors connected with the entrepreneurial economy in their regions who regularly and systematically review potential investments. They then serve either as board members or mentors to their new investee companies, and prepare them for a round of venture capital investment or acquisition by another company or an initial public offering.

Unfortunately, regions just beginning to build entrepreneurial economies do not yet have these "angel networks" in place. So the question becomes: how can we motivate more individuals with investment capital, who may not have previous experience with entrepreneurial companies, to invest in such companies at the "seed" or "early-stage" level?

The Encouraging Investment in Small Business Act, by increasing the incentives provided by Section 1202 of the Internal Revenue Code, may well provide one important part of the answer to this question. While we have not reviewed in detail all the provisions of your legislation, your bill takes two important steps in this direction.

First, the bill accounts for post-1993 changes in tax rates for capital gains of all kinds, by increasing the capital gains exclusion for investments in small businesses from 50% to 75%. And second, the bill excludes the gains from these investments from calculations under the Alternative Minimum Tax (AMT) provisions of the Code. Combined with the other provisions of your bill that simplify the use of Section 1202, the tax incentives could well motivate many more investors to allocate more of their investment dollars to high-growth entrepreneurial companies. Typically, the combined investments of several individuals in one such company would amount to meeting the critical "seed" or "early stage" capital needs of that company.

We look forward to working with you as your legislation moves forward and would be delighted to provide any additional information about "angel" investing and the growing "early-stage" capital gap. To that end, I have taken the liberty of attaching a copy of one of our bi-weekly columns that addresses the topic.

Sincerely,

PATRICK VON BARGEN,
*Executive Director.*

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NFIB, THE VOICE OF SMALL BUSINESS
*Washington, DC.*

Hon. SUSAN COLLINS,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR COLLINS: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I want to express our support for the Encouraging Investment in Small Business Act, which you will be introducing in September.

As you are aware, small businesses are the engines driving our economy. They constitute 98 percent of all businesses in America, and they employ almost 60 percent of the workforce. Additionally, small businesses have created roughly two-thirds of the net new jobs in the American economy since the early 1970's.

Unfortunately, while our nation's current prosperity has brought unprecedented funds to certain sectors of our economy, small business entrepreneurs still lack the access to valuable capital needed to start and expand their businesses.

Your legislation goes along way towards addressing this problem. By reforming and improving Section 1202 of the Internal Revenue Code, investors will now have a true incentive to invest in small businesses. Under current law, Section 1202 is no longer a viable option in many of the circumstances it was originally intended to address. Moreover, Section 1202's impact will continue to be diluted by a scheduled decrease in long-term capital gains rates applicable to most stock purchased after 2000 and the probability that still more taxpayers will be subject to the extremely complicated and cumbersome Alternative Minimum Tax. The Encouraging Investment in Small Business Act would eliminate unnecessary complexity in Section 1202 and make it a more robust engine of capital formation for small businesses.

Senator Collins, thank you for your continued support of small businesses. We look forward to working with you to get the Encouraging Investment in Small Business Act enacted into law.

Sincerely,

DAN DANNER,
*Senior Vice President,*
*Federal Public Policy.*

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Ms. COLLINS. Mr. President, if we want to remain the world's most entrepreneurial country, which is certainly the strength of this Nation, where small businesses generate the ideas and create the jobs that fuel our economy, we must continue to create an environment that nurtures and supports entrepreneurs. Our bill would help to create such an environment, not by establishing a new Federal program or adding a complicated new section to our Tax Code but, rather, by simplifying and improving a provision that is already there.

By way of background, section 1202 was added to the Internal Revenue Code in 1993 in order to encourage investment in small business. The bill that created this section was introduced by senator Dale Bumpers and enjoyed widespread bipartisan support. Similarly, the legislation we introduce today will improve upon the 1993 legislation.

In brief, section 1202 of the Internal Revenue Code permits noncorporate taxpayers to exclude from gross income 50 percent of the gain from the sale or exchange of qualified small business stock, known as QSB stock, held for more than 5 years. The concept is a sound one. In practice, however, this section has proven to be cumbersome to use and less advantageous than originally intended.

As an article in the December 1998 edition of the Tax Adviser noted:

> Section 1202 places numerous and complex requirements on both the qualified small business and the shareholder.

The article went on to note that the provision "is no longer the deal it seemed to be."

The Encouraging investment in Small Business Act would amend section 1202 to eliminate unnecessary complexity and to make it a more robust engine of capital formation for small business. As it stands now, that engine needs some fine-tuning. Given the reductions in capital gains rates subsequent to section 1202's enactment and the fact that more and more taxpayers are now subject to the alternative minimum tax, section 1202 is no longer a viable option in many circumstances. Moreover, its impact will continue to be diluted by a scheduled decrease in long-term capital gains rates applicable to most stock purchased after the year 2000, as well as the probability that still more taxpayers will be subject to the AMT.

The Encouraging Investment in Small Business Act makes a number of improvements to this section of the code. First, the bill increases the amount of qualified small business stock gain that an individual can exclude from gross income from 50 percent to 75 percent. Second, the legislation strikes the section of the Tax Code that makes a portion of the section 1202 exclusion a preference item under the alternative minimum tax. These two changes rejuvenate the section and make it the potent generator of small business capital that it was intended to be.

Currently, an individual who invested in QSB stock, sold it, and found her or himself subject to the AMT, would face an effective capital gains rate of 19.9 percent or just .1 percent less than the existing rate on long-term capital gains. When we consider that the number of taxpayers subject to the AMT is predicted to triple over the next 5 years, it becomes crystal clear that a fix is needed now. The legislation would take additional steps to make section 1202 more attractive to small businesses and investors.

The legislation may sound complicated and, indeed, revising tax law is always a challenge, but the bottom line is that our legislation makes a number of common sense changes that are all designed to encourage more investment in small businesses, the engine of our economy.

These changes have been endorsed by the leading small business organizations. They are changes recommended by a recent Securities and Exchange Commission forum on small business capital formation, and they are the changes needed to accommodate and, indeed, to foster the capital-raising needs of small business, the foundation of our national economy.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I applaud the distinguished Senator from Maine, Ms. COLLINS, for her gargantuan effort to tackle the Byzantine aspects of the U.S. Tax Code to see if there is some way we can assist our venture capitalists to help our small businesses, particularly our high-tech small business more.

It is a pleasure to work with Senator COLLINS, not only in this endeavor but in other endeavors. We serve together on the Government Affairs Committee. One of our responsibilities is oversight of the Securities and Exchange Commission which looks at the world of investments in businesses in this country. I applaud her for her insight, for her innovation in this area, she is right on target. I am pleased to associate myself with her remarks today and pleased to cosponsor the legislation of which she speaks.

On that point, in terms of being relevant to what is driving the American economy, not only in my home State of Georgia, particularly in Atlanta, where more and more high-tech businesses are located, but in Silicon Valley, where I just got back from a tour in early August, it is obvious that we are generating a lot of talented young minds in America with great ideas and that those young minds can form together, and with the right capital at the right time can generate businesses that literally were unknown or unheard of just months ago. We see those kind of successes now driving the American economy. Information technology economies now provide the leading edge for American economic growth and our prosperity. I couldn't agree more with the Senator from Maine. We will do everything in our power to assist this legislation and move it forward.

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By Mr. DORGAN:

S. 3098. A bill to amend the Internal Revenue Code of 1986 to phase in a full estate tax deduction for family-owned business interests; to the Committee on Finance.

### ESTATE TAX DEDUCTION FOR FAMILY-OWNED BUSINESS INTERESTS

Mr. DORGAN. Mr. President, one of the things Americans like least about Congress is the way we wrangle over things we don't agree about instead of acting on things we can agree about.

The estate tax is a case in point. There is wide agreement in the Senate that we should act to eliminate the burden of the estate tax on family farms and businesses. We could accomplish that this year—this week in fact—with little fuss or ado.

I propose that we do just that, and save for later the parts of the estate tax that we don't agree on. We should not hold the family farms and businesses of this nation hostage to the heirs of multi-billion-dollar investment fortunes. We can address that problem right now so let's do it.

We often forget in this country that a family is an economic unit as well as a social unit. This nation was built upon an economy of family-based farms and businesses. That is why the values of family—a commitment to community, a loyalty to place, a sense of tradition passing through the generations—were an important part of the economy in the formative days of our republic.

Those values weakened as the economy became national and corporate. They have weakened further still as the economy has become global, and the cold calculus of the global marketplace has displaced considerations of family and community in our economic life.

In this setting it is crucial that we strive to keep the family farms and businesses that we have, and to encourage new ones. Family-based enterprise provides a counterweight to the centrifugal forces of the global economy. It can help to anchor the market in values and concerns that the large impersonal corporation does not share, and we should encourage this form of enterprise whenever we can.

Certainly the Federal Government never should force the sale of such an enterprise just to pay an estate tax. That does not happen often today. But not often is still too often. It should never happen, and that is why I am introducing a bill today to make sure it doesn't.

Under this bill, the estate tax on farms and businesses under active family management would phase out over 6 years, until by 2006 it would be gone completely.

This bill is different from the one that passed this Chamber earlier this year in one key respect: It applies onto family farms and businesses passed along to the next generation. It does not apply to the heirs of multi-billion dollar investment fortunes and the like. There was a strange disconnect in the debate over that earlier bill. Virtually all the talk from proponents was about family farms and businesses. Yet the bulk of the actual belief of their bill would have gone to the heirs of investment fortunes instead.

That is why many of us voted against the bill. The walk didn't match the talk. And that is why I am proposing today that, for once, we move forward on what we do agree on instead of wrangling continuously, for political advantage, over what we don't. Large stock fortunes are not the same as family farms and businesses. They raise a different set of questions where the estate tax is concerned, and we ought to deal with those questions separately and at a later time.

This is not the place to debate the merits of the estate tax as it applies to large fortunes as opposed to operating farms and businesses. I will just note briefly a few of the reasons why many of us could not support the previous bill.

For one thing, the tax was enacted out of the conviction that those who have benefited most from our democracy in the past ought to contribute to its security and well-being in the future. That was true back in 1916 and it is equally true today. To repeal the estate tax completely would shift the burden of paying for the Federal Government even more onto the working men and women of this country. That is not fair.

Second, the estate tax encourages people with large fortunes to make significant contributions to charity. If we are going to rely less on government in addressing our social problems, and more on the efforts of individuals and private nonprofit organizations, then we must not dry up a prime source of funding for these efforts.

Third, the estate tax encourages the work ethic, as it applies to estates other than family-based farms and businesses. Those who might otherwise be able to live on inherited fortunes occasionally have to some useful work instead.

I know that there is disagreement on these points. They deserve an honest debate. But as I said, we should not hold family based farms and businesses hostage to that debate. We can agree that help for these family based enterprises is the first priority of estate tax reform. We can agree that no family farm or family business should have to be sold to pay an estate tax.

So let's do that now and save the rest for another day.

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By Mr. GRAMS:

S. 3099. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies, and for other purposes; to the Committee on Finance.

### SMALL PROPERTY AND CASUALTY INSURANCE EXEMPTION ACT

Mr. GRAMS. Mr. President, I rise to introduce a bill to clarify the tax exemption status for small property and casualty insurance companies. These small companies are vitally important to provide needed services for our rural and farming communities.

Under current law, an insurance company with up to $350,000 in premium is tax-exempt. In addition, companies with premiums that exceed $350,000 but do not exceed $1,200,000 are allowed to elect to be taxed on their net investment income.

Investment income or assets are not considered when determining qualification for either tax-exempt status or investment income taxation. These companies are allowed to elect to be taxed on their net investment income.

Early this year, President proposed in his FY 2001 budget to modify this calculation to include investment and other types of income. The proposal would also change the tax law to allow companies with premiums below $350,000 to elect to be taxed on their net investment income.

By including investment income into the calculation, it is the intent of the administration to prohibit foreign companies and other large insurers from sheltering income from taxes.

However, by including investment into the calculation, the intended beneficiaries, small property and casualty insurance companies, will not be able to qualify for the exemption defeating the intent of Congress and purpose for the provision.

Mr. President, since 1921, small insurance companies have been exempt from federal taxation so that all their financial resources could be used for claims paying.

It has been the public policy goal to maintain small, rural, farm-oriented insurers so that all Americans would have access to coverage at a reasonable cost.

While the administration's goal of closing the loophole is admirable, the current proposal would only serve to harm the small U.S. farm insurance company that the provision is there to protect.

My legislation would close the loophole by limiting the provision to only those companies that are directly owned by their policyholders and the company operates in only one state.

In addition, the legislation would increase the tax exemption level from $350,000 to $531,000, indexed for inflation every year thereafter, and it would increase the investment income election from $1.2 million to $1.8 million, indexed for inflation every year thereafter.

The last time these levels were increased was 1986. Inflation has eroded the levels to the point of being irrelevant. The increased levels were calculated by using the CPI to adjust the levels for inflation.

Mr. President, by making these changes we can ensure that our rural and farming communities will continue to receive the needed insurance services. I urge my colleagues to support this legislation.

## ADDITIONAL COSPONSORS

S. 670

At the request of Mr. JEFFORDS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 2264

At the request of Mr. ROCKEFELLER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2264, a bill to amend title 38, United States Code, to establish within the Veterans Health Administration the position of Advisor on Physician Assistants, and for other purposes.

S. 2686

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2686, a bill to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 2787

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2986

At the request of Mr. HUTCHINSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

## AMENDMENTS SUBMITTED

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

### ABRAHAM AMENDMENT NO. 4177

Mr. LOTT (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; as follows:

Strike all after the word "section" and insert the following:

**1. SHORT TITLE.**

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United

States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

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## LOTT AMENDMENT NO. 4178

Mr. LOTT proposed an amendment to amendment No. 4177 proposed by Mr. LOTT (for Mr. ABRAHAM) to the bill, S. 2045, supra; as follows:

Strike all after the figure one and insert the following:

### SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

## SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B skill shortage.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

## SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective

way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 2 days after effective date.

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## LOTT AMENDMENT NO. 4179

Mr. LOTT proposed an amendment to the instructions of the motion to recommit the bill, S. 2045, supra; as follows:

At the end of the instructions add the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application Requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 3 days after effective date.

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## LOTT AMENDMENT NO. 4180

Mr. LOTT proposed an amendment to amendment No. 4179 proposed by Mr. Lott to the bill, S. 2045, supra; as follows:

Strike all after the word "section" and insert the following:

**1. SHORT TITLE.**

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

**SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

**SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.**

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

**SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.**

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of Responsible Fiscal Agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership Considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of Grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B Skill Shortage.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up Funds.—

"(A) In General.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of Start-up Period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training Outcomes.—

"(A) Consideration for Certain Programs and Projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for Grant Applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching Funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative Costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application Requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C)' written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In General.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 4 days after effective date.

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## CHILDREN'S HEALTH ACT OF 2000

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### FRIST (AND OTHERS) AMENDMENT NO. 4181

Mr. FRIST (for himself, Mr. JEFFORDS, Mr. KENNEDY, Mr. DODD, Mr. DEWINE, Ms. COLLINS, Mr. BINGAMAN, Mr. HUTCHINSON, Mrs. MURRAY, Mr. ASHCROFT, Mr. ABRAHAM, Mr. GORTON, Mr. HATCH, Mr. BOND, Mr. ENZI, Mr. DURBIN, Mr. HARKIN, Mr. WELLSTONE, Mr. TORRICELLI, and Ms. MIKULSKI) proposed amendment to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children's Health Act of 2000".

**SEC. 2. TABLE OF CONTENTS.**

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Sec. 611. National Center on Birth Defects and Developmental Disabilities.

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## DIVISION A—CHILDREN'S HEALTH

## TITLE I—AUTISM

### SEC. 101. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON AUTISM.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following section:

"EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON AUTISM

"SEC. 409C. (a) IN GENERAL.—

"(1) EXPANSION OF ACTIVITIES.—The Director of NIH (in this section referred to as the 'Director') shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on autism.

"(2) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director shall carry out this section acting through the Director of the National Institute of Mental Health and in collaboration with any other agencies that the Director determines appropriate.

"(b) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—The Director shall under subsection (a)(1) make awards of grants and contracts to public or nonprofit private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for centers of excellence regarding research on autism.

"(2) Research.—Each center under paragraph (1) shall conduct basic and clinical research into autism. Such research should include investigations into the cause, diagnosis, early detection, prevention, control, and treatment of autism. The centers, as a group, shall conduct research including the fields of developmental neurobiology, genetics, and psychopharmacology.

"(3) Services for patients.—

"(A) In general.—A center under paragraph (1) may expend amounts provided under such paragraph to carry out a program to make individuals aware of opportunities to participate as subjects in research conducted by the centers.

"(B) Referrals and costs.—A program under subparagraph (A) may, in accordance with such criteria as the Director may establish, provide to the subjects described in such subparagraph, referrals for health and other services, and such patient care costs as are required for research.

"(C) Availability and access.—The extent to which a center can demonstrate availability and access to clinical services shall be considered by the Director in decisions about awarding grants to applicants which meet the scientific criteria for funding under this section.

"(4) Coordination of centers; reports.—The Director shall, as appropriate, provide for the coordination of information among centers under paragraph (1) and ensure regular communication between such centers, and may require the periodic preparation of reports on the activities of the centers and the submission of the reports to the Director.

"(5) Organization of centers.—Each center under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director.

"(6) Number of centers; duration of support.—

"(A) In general.—The Director shall provide for the establishment of not less than 5 centers under paragraph (1).

"(B) Duration.—Support for a center established under paragraph (1) may be provided under this section for a period of not to exceed 5 years. Such period may be extended for 1 or more additional periods not exceeding 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(c) Facilitation of Research.—The Director shall under subsection (a)(1) provide for a program under which samples of tissues and genetic materials that are of use in research on autism are donated, collected, preserved, and made available for such research. The program shall be carried out in accordance with accepted scientific and medical standards for the donation, collection, and preservation of such samples.

"(d) Public Input.—The Director shall under subsection (a)(1) provide for means through which the public can obtain information on the existing and planned programs and activities of the National Institutes of Health with respect to autism and through which the Director can receive comments from the public regarding such programs and activities.

"(e) Funding.—There are authorized to be appropriated such sums as may be necessary to carry out this section. Amounts appropriated under this subsection are in addition to any other amounts appropriated for such purpose.".

### SEC. 102. DEVELOPMENTAL DISABILITIES SURVEILLANCE AND RESEARCH PROGRAMS.

(a) National Autism and Pervasive Developmental Disabilities Surveillance Program.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may make awards of grants and cooperative agreements for the collection, analysis, and reporting of data on autism and pervasive developmental disabilities. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

(2) Eligibility.—To be eligible to receive an award under paragraph (1) an entity shall be a public or nonprofit private entity (including health departments of States and political subdivisions of States, and including universities and other educational entities).

(b) Centers of Excellence in Autism and Pervasive Developmental Disabilities Epidemiology.—

(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish not less than 3 regional centers of excellence in autism and pervasive developmental disabilities epidemiology for the purpose of collecting and analyzing information on the number, incidence, correlates, and causes of autism and related developmental disabilities.

(2) Recipients of awards for establishment of centers.—Centers under paragraph (1) shall be established and operated through the awarding of grants or cooperative agreements to public or nonprofit private entities that conduct research, including health departments of States and political subdivisions of States, and including universities and other educational entities.

(3) Certain requirements.—An award for a center under paragraph (1) may be made only if the entity involved submits to the Secretary an application containing such agreements and information as the Secretary may require, including an agreement that the center involved will operate in accordance with the following:

(A) The center will collect, analyze, and report autism and pervasive developmental disabilities data according to guidelines prescribed by the Director, after consultation with relevant State and local public health officials, private sector developmental disability researchers, and advocates for those with developmental disabilities.

(B) The center will assist with the development and coordination of State autism and pervasive developmental disabilities surveillance efforts within a region.

(C) The center will identify eligible cases and controls through its surveillance systems and conduct research into factors which may cause autism and related developmental disabilities.

(D) The center will develop or extend an area of special research expertise (including genetics, environmental exposure to contaminants, immunology, and other relevant research specialty areas).

(c) Clearinghouse.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out the following:

(1) The Secretary shall establish a clearinghouse within the Centers for Disease Control and Prevention for the collection and storage of data generated from the monitoring programs established by this title. Through the clearinghouse, such Centers shall serve as the coordinating agency for autism and pervasive developmental disabilities surveillance activities. The functions of such a clearinghouse shall include facilitating the coordination of research and policy development relating to the epidemiology of autism and other pervasive developmental disabilities.

(2) The Secretary shall coordinate the Federal response to requests for assistance from State health department officials regarding potential or alleged autism or developmental disability clusters.

(d) Definition.—In this title, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### SEC. 103. INFORMATION AND EDUCATION.

(a) In General.—The Secretary shall establish and implement a program to provide information and education on autism to health professionals and the general public, including information and education on advances in the diagnosis and treatment of autism and training and continuing education through programs for scientists, physicians, and other health professionals who provide care for patients with autism.

(b) Stipends.—The Secretary may use amounts made available under this section to provide stipends for health professionals who are enrolled in training programs under this section.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

### SEC. 104. INTER-AGENCY AUTISM COORDINATING COMMITTEE.

(a) Establishment.—The Secretary shall establish a committee to be known as the "Autism Coordinating Committee" (in this section referred to as the "Committee") to coordinate all efforts within the Department of Health and Human Services concerning autism, including activities carried out through the National Institutes of Health and the Centers for Disease Control and Prevention under this title (and the amendment made by this title).

(b) Membership.—

(1) In general.—The Committee shall be composed of the Directors of such national research institutes, of the Centers for Disease Control and Prevention, and of such other agencies and such other officials as the Secretary determines appropriate.

(2) Additional members.—If determined appropriate by the Secretary, the Secretary may appoint to the Committee—

(A) parents or legal guardians of individuals with autism or other pervasive developmental disorders; and

(B) representatives of other governmental agencies that serve children with autism such as the Department of Education.

(c) Administrative Support; Terms of Service; Other Provisions.—The following shall apply with respect to the Committee:

(1) The Committee shall receive necessary and appropriate administrative support from

the Department of Health and Human Services.

(2) Members of the Committee appointed under subsection (b)(2)(A) shall serve for a term of 3 years, and may serve for an unlimited number of terms if reappointed.

(3) The Committee shall meet not less than 2 times each year.

### SEC. 105. REPORT TO CONGRESS.

Not later than January 1, 2001, and each January 1 thereafter, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the implementation of this title and the amendments made by this title.

## TITLE II—RESEARCH AND DEVELOPMENT REGARDING FRAGILE X

### SEC. 201. NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT; RESEARCH ON FRAGILE X.

Subpart 7 of part C of title IV of the Public Health Service Act is amended by adding at the end the following section:

"FRAGILE X

"Sec. 452E. (a) Expansion and Coordination of Research Activities.—The Director of the Institute, after consultation with the advisory council for the Institute, shall expand, intensify, and coordinate the activities of the Institute with respect to research on the disease known as fragile X.

"(b) Research Centers.—

"(1) In general.—The Director of the Institute shall make grants or enter into contracts for the development and operation of centers to conduct research for the purposes of improving the diagnosis and treatment of, and finding the cure for, fragile X.

"(2) Number of centers.—

"(A) In general.—In carrying out paragraph (1), the Director of the Institute shall, to the extent that amounts are appropriated, and subject to subparagraph (B), provide for the establishment of at least three fragile X research centers.

"(B) Peer review requirement.—The Director of the Institute shall make a grant to, or enter into a contract with, an entity for purposes of establishing a center under paragraph (1) only if the grant or contract has been recommended after technical and scientific peer review required by regulations under section 492.

"(3) Activities.—The Director of the Institute, with the assistance of centers established under paragraph (1), shall conduct and support basic and biomedical research into the detection and treatment of fragile X.

"(4) Coordination among centers.—The Director of the Institute shall, as appropriate, provide for the coordination of the activities of the centers assisted under this section, including providing for the exchange of information among the centers.

"(5) Certain administrative requirements.—Each center assisted under paragraph (1) shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be prescribed by the Director of the Institute.

"(6) Duration of support.—Support may be provided to a center under paragraph (1) for a period not exceeding 5 years. Such period may be extended for one or more additional periods, each of which may not exceed 5 years, if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period be extended.

"(7) Authorization of appropriations.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE III—JUVENILE ARTHRITIS AND RELATED CONDITIONS

### SEC. 301. NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES; RESEARCH ON JUVENILE ARTHRITIS AND RELATED CONDITIONS.

(a) In General.—Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 442 the following section:

"JUVENILE ARTHRITIS AND RELATED CONDITIONS

"Sec. 442A. (a) Expansion and Coordination of Activities.—The Director of the Institute, in coordination with the Director of the National Institute of Allergy and Infectious Diseases, shall expand and intensify the programs of such Institutes with respect to research and related activities concerning juvenile arthritis and related conditions.

"(b) Coordination.—The Directors referred to in subsection (a) shall jointly coordinate the programs referred to in such subsection and consult with the Arthritis and Musculoskeletal Diseases Interagency Coordinating Committee.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

(b) Pediatric Rheumatology.—Subpart 1 of part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

### "SEC. 763. PEDIATRIC RHEUMATOLOGY.

"(a) In General.—The Secretary, acting through the appropriate agencies, shall evaluate whether the number of pediatric rheumatologists is sufficient to address the health care needs of children with arthritis and related conditions, and if the Secretary determines that the number is not sufficient, shall develop strategies to help address the shortfall.

"(b) Report to Congress.—Not later than October 1, 2001, the Secretary shall submit to the Congress a report describing the results of the evaluation under subsection (a), and as applicable, the strategies developed under such subsection.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 302. INFORMATION CLEARINGHOUSE.

Section 438(b) of the Public Health Service Act (42 U.S.C. 285d-3(b)) is amended by inserting ", including juvenile arthritis and related conditions," after "diseases".

## TITLE IV—REDUCING BURDEN OF DIABETES AMONG CHILDREN AND YOUTH

### SEC. 401. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317G the following section:

"DIABETES IN CHILDREN AND YOUTH

"Sec. 317H. (a) Surveillance on Juvenile Diabetes.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a sentinel system to collect data on juvenile diabetes, including with respect to incidence and prevalence, and shall establish a national database for such data.

"(b) Type 2 Diabetes in Youth.—The Secretary shall implement a national public health effort to address type 2 diabetes in youth, including—

"(1) enhancing surveillance systems and expanding research to better assess the prevalence and incidence of type 2 diabetes in youth and determine the extent to which type 2 diabetes is incorrectly diagnosed as type 1 diabetes among children; and

"(2) developing and improving laboratory methods to assist in diagnosis, treatment, and prevention of diabetes including, but not limited to, developing noninvasive ways to monitor blood glucose to prevent hypoglycemia and improving existing glucometers that measure blood glucose.

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 402. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434 the following section:

"JUVENILE DIABETES

"Sec. 434A. (a) Long-Term Epidemiology Studies.—The Director of the Institute shall conduct or support long-term epidemiology studies in which individuals with or at risk for type 1, or juvenile, diabetes are followed for 10 years or more. Such studies shall investigate the causes and characteristics of the disease and its complications.

"(b) Clinical Trial Infrastructure/Innovative Treatments for Juvenile Diabetes.—The Secretary, acting through the Director of the National Institutes of Health, shall support regional clinical research centers for the prevention, detection, treatment, and cure of juvenile diabetes.

"(c) Prevention of Type 1 Diabetes.—The Secretary, acting through the appropriate agencies, shall provide for a national effort to prevent type 1 diabetes. Such effort shall provide for a combination of increased efforts in research and development of prevention strategies, including consideration of vaccine development, coupled with appropriate ability to test the effectiveness of such strategies in large clinical trials of children and young adults.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE V—ASTHMA SERVICES FOR CHILDREN

### Subtitle A—Asthma Services

### SEC. 501. GRANTS FOR CHILDREN'S ASTHMA RELIEF.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following part:

## "PART P—ADDITIONAL PROGRAMS

### "SEC. 399L. CHILDREN'S ASTHMA TREATMENT GRANTS PROGRAM.

"(a) Authority To Make Grants.—

"(1) In general.—In addition to any other payments made under this Act or title V of the Social Security Act, the Secretary shall award grants to eligible entities to carry out the following purposes:

"(A) To provide access to quality medical care for children who live in areas that have a high prevalence of asthma and who lack access to medical care.

"(B) To provide on-site education to parents, children, health care providers, and medical teams to recognize the signs and symptoms of asthma, and to train them in the use of medications to treat asthma and prevent its exacerbations.

"(C) To decrease preventable trips to the emergency room by making medication available to individuals who have not previously had access to treatment or education in the management of asthma.

"(D) To provide other services, such as smoking cessation programs, home modification, and other direct and support services that ameliorate conditions that exacerbate or induce asthma.

"(2) Certain Projects.—In making grants under paragraph (1), the Secretary may make grants designed to develop and expand the following projects:

"(A) Projects to provide comprehensive asthma services to children in accordance with the guidelines of the National Asthma Education and Prevention Program (through the National Heart, Lung and Blood Institute), including access to care and treatment for asthma in a community-based setting.

"(B) Projects to fully equip mobile health care clinics that provide preventive asthma care including diagnosis, physical examinations, pharmacological therapy, skin testing, peak flow meter testing, and other asthma-related health care services.

"(C) Projects to conduct validated asthma management education programs for patients with asthma and their families, including patient education regarding asthma management, family education on asthma management, and the distribution of materials, including displays and videos, to reinforce concepts presented by medical teams.

"(2) Award of Grants.—

"(A) Application.—

"(i) In General.—An eligible entity shall submit an application to the Secretary for a grant under this section in such form and manner as the Secretary may require.

"(ii) Required Information.—An application submitted under this subparagraph shall include a plan for the use of funds awarded under the grant and such other information as the Secretary may require.

"(B) Requirement.—In awarding grants under this section, the Secretary shall give preference to eligible entities that demonstrate that the activities to be carried out under this section shall be in localities within areas of known or suspected high prevalence of childhood asthma or high asthma-related mortality or high rate of hospitalization or emergency room visits for asthma (relative to the average asthma prevalence rates and associated mortality rates in the United States). Acceptable data sets to demonstrate a high prevalence of childhood asthma or high asthma-related mortality may include data from Federal, State, or local vital statistics, claims data under title XIX or XXI of the Social Security Act, other public health statistics or surveys, or other data that the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, deems appropriate.

"(3) Definition of Eligible Entity.—For purposes of this section, the term 'eligible entity' means a public or nonprofit private entity (including a State or political subdivision of a State), or a consortium of any of such entities.

"(b) Coordination With Other Children's Programs.—An eligible entity shall identify in the plan submitted as part of an application for a grant under this section how the entity will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with asthma, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(c) Evaluation.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under the grant that includes—

"(1) a description of the health status outcomes of children assisted under the grant;

"(2) an assessment of the utilization of asthma-related health care services as a result of activities carried out under the grant;

"(3) the collection, analysis, and reporting of asthma data according to guidelines prescribed by the Director of the Centers for Disease Control and Prevention; and

"(4) such other information as the Secretary may require.

"(d) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 502. TECHNICAL AND CONFORMING AMENDMENTS.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended—

(1) in part L, by redesignating section 399D as section 399A;

(2) in part M—

(A) by redesignating sections 399H through 399L as sections 399B through 399F, respectively;

(B) in section 399B (as so redesignated), in subsection (e)—

(i) by striking "section 399K(b)" and inserting "subsection (b) of section 399E"; and

(ii) by striking "section 399C" and inserting "such section";

(C) in section 399E (as so redesignated), in subsection (c), by striking "section 399H(a)" and inserting "section 399B(a)"; and

(D) in section 399F (as so redesignated)—

(i) in subsection (a), by striking "section 399I" and inserting "section 399C";

(ii) in subsection (a), by striking "subsection 399J" and inserting "section 399D"; and

(iii) in subsection (b), by striking "subsection 399K" and inserting "section 399E";

(3) in part N, by redesignating section 399F as section 399G; and

(4) in part O—

(A) by redesignating sections 399G through 399J as sections 399H through 399K, respectively;

(B) in section 399H (as so redesignated), in subsection (b), by striking "section 399H" and inserting "section 399I";

(C) in section 399J (as so redesignated), in subsection (b), by striking "section 399G(d)" and inserting "section 399H(d)"; and

(D) in section 399K (as so redesignated), by striking "section 399G(d)(1)" and inserting "section 399H(d)(1)".

## Subtitle B—Prevention Activities

### SEC. 511. PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT; SYSTEMS FOR REDUCING ASTHMA-RELATED ILLNESSES THROUGH INTEGRATED PEST MANAGEMENT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) by adding a period at the end of subparagraph (G) (as so redesignated);

(3) by inserting after subparagraph (D), the following:

"(E) The establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of illness due to asthma and asthma-related illnesses, especially among children, by reducing the level of exposure to cockroach allergen or other known asthma triggers through the use of integrated pest management, as applied to cockroaches or other known allergens. Amounts expended for such systems may include the costs of building maintenance and the costs of programs to promote community participation in the carrying out at such sites of integrated pest management, as applied to cockroaches or other known allergens. For purposes of this subparagraph, the term 'integrated pest management' means an approach to the management of pests in public facilities that combines biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.";

(4) in subparagraph (F) (as so redesignated), by striking "subparagraphs (A) through (D)" and inserting "subparagraphs (A) through (E)"; and

(5) in subparagraph (G) (as so redesignated), by striking "subparagraphs (A) through (E)" and inserting "subparagraphs (A) through (F)".

## Subtitle C—Coordination of Federal Activities

### SEC. 521. COORDINATION THROUGH NATIONAL INSTITUTES OF HEALTH.

Subpart 2 of part C of title IV of the Public Health Service Act (42 U.S.C. 285b et seq.) is amended by inserting after section 424A the following section:

"COORDINATION OF FEDERAL ASTHMA ACTIVITIES

"Sec. 424B (a) In General.—The Director of Institute shall, through the National Asthma Education Prevention Program Coordinating Committee—

"(1) identify all Federal programs that carry out asthma-related activities;

"(2) develop, in consultation with appropriate Federal agencies and professional and voluntary health organizations, a Federal plan for responding to asthma; and

"(3) not later than 12 months after the date of the enactment of the Children's Health Act of 2000, submit recommendations to the appropriate committees of the Congress on ways to strengthen and improve the coordination of asthma-related activities of the Federal Government.

"(b) Representation of the Department of Housing and Urban Development.—A representative of the Department of Housing and Urban Development shall be included on the National Asthma Education Prevention Program Coordinating Committee for the purpose of performing the tasks described in subsection (a).

"(c) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

### Subtitle D—Compilation of Data

#### SEC. 531. COMPILATION OF DATA BY CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 401 of this Act, is amended by inserting after section 317H the following section:

''COMPILATION OF DATA ON ASTHMA

''SEC. 317I. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

''(1) conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma and the quality of asthma management;

''(2) compile and annually publish data on the prevalence of children suffering from asthma in each State; and

''(3) to the extent practicable, compile and publish data on the childhood mortality rate associated with asthma nationally.

''(b) SURVEILLANCE ACTIVITIES.—The Director of the Centers for Disease Control and Prevention, acting through the representative of the Director on the National Asthma Education Prevention Program Coordinating Committee, shall, in carrying out subsection (a), provide an update on surveillance activities at each Committee meeting.

''(c) COLLABORATIVE EFFORTS.—The activities described in subsection (a)(1) may be conducted in collaboration with eligible entities awarded a grant under section 399L.

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

## TITLE VI—BIRTH DEFECTS PREVENTION ACTIVITIES

### Subtitle A—Folic Acid Promotion

#### SEC. 601. PROGRAM REGARDING EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS.

Part B of title III of the Public Health Service Act, as amended by section 531 of this Act, is amended by inserting after section 317I the following section:

''EFFECTS OF FOLIC ACID IN PREVENTION OF BIRTH DEFECTS

''SEC. 317J. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall expand and intensify programs (directly or through grants or contracts) for the following purposes:

''(1) To provide education and training for health professionals and the general public for purposes of explaining the effects of folic acid in preventing birth defects and for purposes of encouraging each woman of reproductive capacity (whether or not planning a pregnancy) to consume on a daily basis a dietary supplement that provides an appropriate level of folic acid.

''(2) To conduct research with respect to such education and training, including identifying effective strategies for increasing the rate of consumption of folic acid by women of reproductive capacity.

''(3) To conduct research to increase the understanding of the effects of folic acid in preventing birth defects, including understanding with respect to cleft lip, cleft palate, and heart defects.

''(4) To provide for appropriate epidemiological activities regarding folic acid and birth defects, including epidemiological activities regarding neural tube defects.

''(b) CONSULTATIONS WITH STATES AND PRIVATE ENTITIES.—In carrying out subsection (a), the Secretary shall consult with the States and with other appropriate public or private entities, including national nonprofit private organizations, health professionals, and providers of health insurance and health plans.

''(c) TECHNICAL ASSISTANCE.—The Secretary may (directly or through grants or contracts) provide technical assistance to public and nonprofit private entities in carrying out the activities described in subsection (a).

''(d) EVALUATIONS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of activities under subsection (a) in order to determine the extent to which such activities have been effective in carrying out the purposes of the program under such subsection, including the effects on various demographic populations. Methods of evaluation under the preceding sentence may include surveys of knowledge and attitudes on the consumption of folic acid and on blood folate levels. Such methods may include complete and timely monitoring of infants who are born with neural tube defects.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

### Subtitle B—National Center on Birth Defects and Developmental Disabilities

#### SEC. 611. NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES.

Section 317C of the Public Health Service Act (42 U.S.C. 247b-4) is amended—

(1) by striking the heading for the section and inserting the following:

''NATIONAL CENTER ON BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES'';

(2) by striking ''SEC. 317C. (a)'' and all that follows through the end of subsection (a) and inserting the following:

''SEC. 317C. (a) IN GENERAL.—

''(1) NATIONAL CENTER.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center on Birth Defects and Developmental Disabilities (referred to in this section as the 'Center'), which shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

''(2) GENERAL DUTIES.—The Secretary shall carry out programs—

(A) to collect, analyze, and make available data on birth defects and developmental disabilities (in a manner that facilitates compliance with subsection (d)(2)), including data on the causes of such defects and disabilities and on the incidence and prevalence of such defects and disabilities;

(B) to operate regional centers for the conduct of applied epidemiological research on the prevention of such defects and disabilities; and

(C) to provide information and education to the public on the prevention of such defects and disabilities.

''(3) FOLIC ACID.—The Secretary shall carry out section 317J through the Center.

''(4) CERTAIN PROGRAMS.—

''(A) TRANSFERS.—All programs and functions described in subparagraph (B) are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Children's Health Act of 2000.

''(B) RELEVANT PROGRAMS.—The programs and functions described in this subparagraph are all programs and functions that—

''(i) relate to birth defects; folic acid; cerebral palsy; mental retardation; child development; newborn screening; autism; fragile X syndrome; fetal alcohol syndrome; pediatric genetic disorders; disability prevention; or other relevant diseases, disorders, or conditions as determined the Secretary; and

''(ii) were carried out through the National Center for Environmental Health as of the day before the date of the enactment of the Act referred to in subparagraph (A).

''(C) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions specified in subparagraph (B), and amounts available for carrying out the programs and functions, are transferred to the Center, effective upon the expiration of the 180-day period beginning on the date of the enactment of the Act referred to in subparagraph (A). Such transfer of amounts does not affect the period of availability of the amounts, or the availability of the amounts with respect to the purposes for which the amounts may be expended.''; and

(3) in subsection (b)(1), in the matter preceding subparagraph (A), by striking ''(a)(1)'' and inserting ''(a)(2)(A)''.

## TITLE VII—EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS

#### SEC. 701. PURPOSES.

The purposes of this title are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing state-wide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

### SEC. 702. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION, CENTERS FOR DISEASE CONTROL AND PREVENTION, AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as added by section 501 of this Act, is amended by adding at the end the following section:

### “SEC. 399M. EARLY DETECTION, DIAGNOSIS, AND TREATMENT REGARDING HEARING LOSS IN INFANTS.

“(a) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

“(1) To develop and monitor the efficacy of state-wide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns, infants, toddlers, and children.

“(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

“(b) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

“(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

“(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

“(B) to provide technical assistance on data collection and management;

“(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to state and national policymakers;

“(D) to identify the causes and risk factors for congenital hearing loss;

“(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

“(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

“(2) NATIONAL INSTITUTES OF HEALTH.—The Director of the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniquès and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

“(c) COORDINATION AND COLLABORATION.—

“(1) IN GENERAL.—In carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

“(2) POLICY DEVELOPMENT.—The Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

“(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (a) and to develop a data collection system under subsection (b).

“(d) RULE OF CONSTRUCTION; RELIGIOUS ACCOMMODATION.—Nothing in this section shall be construed to preempt or prohibit any State law, including State laws which do not require the screening for hearing loss of newborn infants or young children of parents who object to the screening on the grounds that such screening conflicts with the parents' religious beliefs.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘audiologic evaluation’ refers to procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State coordinating agencies under part C of the Individuals with Disabilities Education Act or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local consumer, self-help, parent, and education organizations, and other family-centered services.

“(2) The terms ‘audiologic rehabilitation’ and ‘audiologic intervention’ refer to procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

“(3) The term ‘early intervention’ refers to providing appropriate services for the child with hearing loss, including nonmedical services, and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

“(4) The term ‘medical evaluation by a physician’ refers to key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

“(5) The term ‘medical intervention’ refers to the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

“(6) The term ‘newborn and infant hearing screening’ refers to objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated to the Health Resources and Services Administration such sums as may be necessary for fiscal year 2002.

“(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (b)(1), there are authorized to be appropriated to the Centers for Disease Control and Prevention such sums as may be necessary for fiscal year 2002.

“(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (b)(2), there are authorized to be appropriated to the National Institute on Deafness and Other Communication Disorders such sums as may be necessary for fiscal year 2002.”.

## TITLE VIII—CHILDREN AND EPILEPSY

### SEC. 801. NATIONAL PUBLIC HEALTH CAMPAIGN ON EPILEPSY; SEIZURE DISORDER DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b) is amended by adding at the end the following section:

### “SEC. 330E. EPILEPSY; SEIZURE DISORDER.

“(a) NATIONAL PUBLIC HEALTH CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall develop and implement public health surveillance, education, research, and intervention strategies to improve the lives of persons with epilepsy, with a particular emphasis on children. Such projects may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities. The Secretary may directly or through such awards provide technical assistance with respect to the planning, development, and operation of such projects.

"(2) CERTAIN ACTIVITIES.—Activities under paragraph (1) shall include—

"(A) expanding current surveillance activities through existing monitoring systems and improving registries that maintain data on individuals with epilepsy, including children;

"(B) enhancing research activities on the diagnosis, treatment, and management of epilepsy;

"(C) implementing public and professional information and education programs regarding epilepsy, including initiatives which promote effective management of the disease through children's programs which are targeted to parents, schools, daycare providers, patients;

"(D) undertaking educational efforts with the media, providers of health care, schools and others regarding stigmas and secondary disabilities related to epilepsy and seizures, and its effects on youth;

"(E) utilizing and expanding partnerships with organizations with experience addressing the health and related needs of people with disabilities; and

"(F) other activities the Secretary deems appropriate.

"(3) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this subsection are coordinated as appropriate with other agencies of the Public Health Service that carry out activities regarding epilepsy and seizure.

"(b) SEIZURE DISORDER; DEMONSTRATION PROJECTS IN MEDICALLY UNDERSERVED AREAS.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants for the purpose of carrying out demonstration projects to improve access to health and other services regarding seizures to encourage early detection and treatment in children and others residing in medically underserved areas.

"(2) APPLICATION FOR GRANT.—A grant may not be awarded under paragraph (1) unless an application therefore is submitted to the Secretary and the Secretary approves such application. Such application shall be submitted in such form and manner and shall contain such information as the Secretary may prescribe.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term "epilepsy" refers to a chronic and serious neurological condition characterized by excessive electrical discharges in the brain causing recurring seizures affecting all life activities. The Secretary may revise the definition of such term to the extent the Secretary determines necessary.

"(2) The term "medically underserved" has the meaning applicable under section 799B(6).

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE IX—SAFE MOTHERHOOD; INFANT HEALTH PROMOTION

### Subtitle A—Safe Motherhood Prevention Research

#### SEC. 901. PREVENTION RESEARCH AND OTHER ACTIVITIES.

Part B of title III of the Public Health Service Act, as amended by section 601 of this Act, is amended by inserting after section 317J the following section:

"SAFE MOTHERHOOD

"SEC. 317K. (a) SURVEILLANCE.—

"(1) PURPOSE.—The purpose of this subsection is to develop surveillance systems at the local, State, and national level to better understand the burden of maternal complications and mortality and to decrease the disparities among population at risk of death and complications from pregnancy.

"(2) ACTIVITIES.—For the purpose described in paragraph (1), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out the following activities:

"(A) The Secretary may establish and implement a national surveillance program to identify and promote the investigation of deaths and severe complications that occur during pregnancy.

"(B) The Secretary may expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and collect data in each State.

"(C) The Secretary may expand the Maternal and Child Health Epidemiology Program to provide technical support, financial assistance, or the time-limited assignment of senior epidemiologists to maternal and child health programs in each State.

"(b) PREVENTION RESEARCH.—

"(1) PURPOSE.—The purpose of this subsection is to provide the Secretary with the authority to further expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers and the community in safe motherhood.

"(2) RESEARCH.—The Secretary may carry out activities to expand research relating to—

"(A) encouraging preconception counseling, especially for at risk populations such as diabetics;

"(B) the identification of critical components of prenatal delivery and postpartum care;

"(C) the identification of outreach and support services, such as folic acid education, that are available for pregnant women;

"(D) the identification of women who are at high risk for complications;

"(E) preventing preterm delivery;

"(F) preventing urinary tract infections;

"(G) preventing unnecessary caesarean sections;

"(H) an examination of the higher rates of maternal mortality among African American women;

"(I) an examination of the relationship between domestic violence and maternal complications and mortality;

"(J) preventing and reducing adverse health consequences that may result from smoking, alcohol and illegal drug use before, during and after pregnancy;

"(K) preventing infections that cause maternal and infant complications; and

"(L) other areas determined appropriate by the Secretary.

"(c) PREVENTION PROGRAMS.—

"(1) IN GENERAL.—The Secretary may carry out activities to promote safe motherhood, including—

"(A) public education campaigns on healthy pregnancies and the building of partnerships with outside organizations concerned about safe motherhood;

"(B) education programs for physicians, nurses and other health care providers; and

"(C) activities to promote community support services for pregnant women.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### Subtitle B—Pregnant Women and Infants Health Promotion

#### SEC. 911. PROGRAMS REGARDING PRENATAL AND POSTNATAL HEALTH.

Part B of title III of the Public Health Service Act, as amended by section 901 of this Act, is amended by inserting after section 317K the following section:

"PRENATAL AND POSTNATAL HEALTH

"SEC. 317L. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall carry out programs—

"(1) to collect, analyze, and make available data on prenatal smoking, alcohol and illegal drug use, including data on the implications of such activities and on the incidence and prevalence of such activities and their implications;

"(2) to conduct applied epidemiological research on the prevention of prenatal and postnatal smoking, alcohol and illegal drug use;

"(3) to support, conduct, and evaluate the effectiveness of educational and cessation programs; and

"(4) to provide information and education to the public on the prevention and implications of prenatal and postnatal smoking, alcohol and illegal drug use.

"(b) GRANTS.—In carrying out subsection (a), the Secretary may award grants to and enter into contracts with States, local governments, scientific and academic institutions, Federally qualified health centers, and other public and nonprofit entities, and may provide technical and consultative assistance to such entities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE X—PEDIATRIC RESEARCH INITIATIVE

#### SEC.1001ESTABLISHMENTOFPEDIATRIC RESEARCH INITIATIVE.

Part B of title IV of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

"PEDIATRIC RESEARCH INITIATIVE

"SEC. 409D. (a) ESTABLISHMENT.—The Secretary shall establish within the Office of the Director of NIH a Pediatric Research Initiative (referred to in this section as the 'Initiative') to conduct and support research that is directly related to diseases, disorders, and other conditionsin children. The Initiative shall be headed by the Director of NIH.

"(b) PURPOSE.—The purpose of the Initiative is to provide funds to enable the Director of NIH—

"(1) to increase support for pediatric biomedical research within the National Institutes of Health to realize the expanding opportunities for advancement in scientific investigations and care for children;

"(2) to enhance collaborative efforts among the Institutes to conduct and support multidisciplinary research in the areas that the Director deems most promising; and

"(3) in coordination with the Food and Drug Administration, to increase the development of adequate pediatric clinical trials and pediatric use information to promote the safer and more effective use of prescription drugs in the pediatric population.

"(c) Duties.—In carrying out subsection (b), the Director of NIH shall—

"(1) consult with the Director of the National Institute of Child Health and Human Development and the other national research institutes, in considering their requests for new or expanded pediatric research efforts, and consult with the Administrator of the Health Resources and Services Administration and other advisors as the Director determines to be appropriate;

"(2) have broad discretion in the allocation of any Initiative assistance among the Institutes, among types of grants, and between basic and clinical research so long as the assistance is directly related to the illnesses and conditions of children; and

"(3) be responsible for the oversight of any newly appropriated Initiative funds and annually report to Congress and the public on the extent of the total funds obligated to conduct or support pediatric research across the National Institutes of Health, including the specific support and research awards allocated through the Initiative.

"(d) Authorization.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.

"(e) Transfer of Funds.—The Director of NIH may transfer amounts appropriated under this section to any of the Institutes for a fiscal year to carry out the purposes of the Initiative under this section.".

### SEC. 1002. INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS.

(a) In General.—Subpart 7 of part C of title IV of the Public Health Service Act, as amended by section 921 of this Act, is amended by adding at the end the following:

"INVESTMENT IN TOMORROW'S PEDIATRIC RESEARCHERS

"Sec. 452G. (a) Enhanced Support.—In order to ensure the future supply of researchers dedicated to the care and research needs of children, the Director of the Institute, after consultation with the Administrator of the Health Resources and Services Administration, shall support activities to provide for—

"(1) an increase in the number and size of institutional training grants to institutions supporting pediatric training; and

"(2) an increase in the number of career development awards for health professionals who intend to build careers in pediatric basic and clinical research.

"(b) Authorization.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

(b) Pediatric Research Loan Repayment Program.—Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487E the following section:

"PEDIATRIC RESEARCH LOAN REPAYMENT PROGRAM

"Sec. 487F. (a) In General.—The Secretary, in consultation with the Director of NIH, may establish a pediatric research loan repayment program. Through such program—

"(1) the Secretary shall enter into contracts with qualified health professionals under which such professionals will agree to conduct pediatric research, in consideration of the Federal government agreeing to repay, for each year of such service, not more than $35,000 of the principal and interest of the educational loans of such professionals; and

"(2) the Secretary shall, for the purpose of providing reimbursements for tax liability resulting from payments made under paragraph (1) on behalf of an individual, make payments, in addition to payments under such paragraph, to the individual in an amount equal to 39 percent of the total amount of loan repayments made for the taxable year involved.

"(b) Application of Other Provisions.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with paragraph (1), apply to the program established under such paragraph to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established under subpart III of part D of title III.

"(c) Funding.—

"(1) In general.—For the purpose of carrying out this section with respect to a national research institute, the Secretary may reserve, from amounts appropriated for such institute for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

"(2) Availability of funds.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.".

### SEC. 1003. REVIEW OF REGULATIONS.

(a) Review.—By not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall conduct a review of the regulations under subpart D of part 46 of title 45, Code of Federal Regulations, consider any modifications necessary to ensure the adequate and appropriate protection of children participating in research, and report the findings of the Secretary to Congress.

(b) Areas of Review.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider—

(1) the appropriateness of the regulations for children of differing ages and maturity levels, including legal status;

(2) the definition of "minimal risk" for a healthy child or for a child with an illness;

(3) the definitions of "assent" and "permission" for child clinical research participants and their parents or guardians and of "adequate provisions" for soliciting assent or permission in research as such definitions relate to the process of obtaining the agreement of children participating in research and the parents or guardians of such children;

(4) the definitions of "direct benefit to the individual subjects" and "generalizable knowledge about the subject's disorder or condition";

(5) whether payment (financial or otherwise) may be provided to a child or his or her parent or guardian for the participation of the child in research, and if so, the amount and type given;

(6) the expectations of child research participants and their parent or guardian for the direct benefits of the child's research involvement;

(7) safeguards for research involving children conducted in emergency situations with a waiver of informed assent;

(8) parent and child notification in instances in which the regulations have not been complied with;

(9) compliance with the regulations in effect on the date of enactment of this Act, the monitoring of such compliance, and enforcement actions for violations of such regulations; and

(10) the appropriateness of current practices for recruiting children for participation in research.

(c) Consultation.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consult broadly with experts in the field, including pediatric pharmacologists, pediatricians, pediatric professional societies, bioethics experts, clinical investigators, institutional review boards, industry experts, appropriate Federal agencies, and children who have participated in research studies and the parents, guardians, or families of such children.

(d) Consideration of Additional Provisions.—In conducting the review under subsection (a), the Secretary of Health and Human Services shall consider and, not later than 6 months after the date of enactment of this Act, report to Congress concerning—

(1) whether the Secretary should establish data and safety monitoring boards or other mechanisms to review adverse events associated with research involving children; and

(2) whether the institutional review board oversight of clinical trials involving children is adequate to protect children.

### SEC. 1004. LONG-TERM CHILD DEVELOPMENT STUDY.

(a) Purpose.—It is the purpose of this section to authorize the National Institute of Child Health and Human Development to conduct a national longitudinal study of environmental influences (including physical, chemical, biological, and psychosocial) on children's health and development.

(b) In General.—The Director of the National Institute of Child Health and Human Development shall establish a consortium of representatives from appropriate Federal agencies (including the Centers for Disease Control and Prevention, the Environmental Protection Agency) to—

(1) plan, develop, and implement a prospective cohort study, from birth to adulthood, to evaluate the effects of both chronic and intermittent exposures on child health and human development; and

(2) investigate basic mechanisms of developmental disorders and environmental factors, both risk and protective, that influence health and developmental processes.

(c) Requirement.—The study under subsection (b) shall—

(1) incorporate behavioral, emotional, educational, and contextual consequences to enable a complete assessment of the physical, chemical, biological and psychosocial environmental influences on children's well-being;

(2) gather data on environmental influences and outcomes on diverse populations of children, which may include the consideration of prenatal exposures;

(3) consider health disparities among children which may include the consideration of prenatal exposures.

(d) Report.—Beginning not later than 3 years after the date of enactment of this Act, and periodically thereafter for the duration of the study under this section, the Director of the National Institute of Child Health and Human Development shall prepare and submit to the appropriate committees of Congress a report on the implementation and findings made under the planning and feasibility study conducted under this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $18,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

## TITLE XI—CHILDHOOD MALIGNANCIES

### SEC. 1101. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION AND NATIONAL INSTITUTES OF HEALTH.

Part P of title III of the Public Health Service Act, as amended by section 702 of this Act, is amended by adding at the end the following section:

### ‘‘SEC. 399N. CHILDHOOD MALIGNANCIES.

‘‘(a) In General.—The Secretary, acting as appropriate through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health, shall study environmental and other risk factors for childhood cancers (including skeletal malignancies, leukemias, malignant tumors of the central nervous system, lymphomas, soft tissue sarcomas, and other malignant neoplasms) and carry out projects to improve outcomes among children with childhood cancers and resultant secondary conditions, including limb loss, anemia, rehabilitation, and palliative care. Such projects shall be carried out by the Secretary directly and through awards of grants or contracts.

‘‘(b) Certain Activities.—Activities under subsection (a) include—

‘‘(1) the expansion of current demographic data collection and population surveillance efforts to include childhood cancers nationally;

‘‘(2) the development of a uniform reporting system under which treating physicians, hospitals, clinics, and states report the diagnosis of childhood cancers, including relevant associated epidemiological data; and

‘‘(3) support for the National Limb Loss Information Center to address, in part, the primary and secondary needs of persons who experience childhood cancers in order to prevent or minimize the disabling nature of these cancers.

‘‘(c) Coordination of Activities.—The Secretary shall assure that activities under this section are coordinated as appropriate with other agencies of the Public Health Service that carry out activities focused on childhood cancers and limb loss.

‘‘(d) Definition.—For purposes of this section, the term ‘childhood cancer’ refers to a spectrum of different malignancies that vary by histology, site of disease, origin, race, sex, and age. The Secretary may for purposes of this section revise the definition of such term to the extent determined by the Secretary to be appropriate.

‘‘(e) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.’’.

## TITLE XII—ADOPTION AWARENESS

## Subtitle A—Infant Adoption Awareness

### SEC. 1201. GRANTS REGARDING INFANT ADOPTION AWARENESS.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 801 of this Act, is amended by adding at the end the following section:

### ‘‘SEC. 330F. CERTAIN SERVICES FOR PREGNANT WOMEN.

‘‘(a) Infant Adoption Awareness.—

‘‘(1) In general.—The Secretary shall make grants to national, regional, or local adoption organizations for the purpose of developing and implementing programs to train the designated staff of eligible health centers in providing adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

‘‘(2) Best-practices guidelines.—

‘‘(A) In general.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree that, in providing training under such paragraph, the organization will follow the guidelines developed under subparagraph (B).

‘‘(B) Process for development of guidelines.—

‘‘(i) In general.—The Secretary shall establish and supervise a process described in clause (ii) in which the participants are—

‘‘(I) an appropriate number and variety of adoption organizations that, as a group, have expertise in all models of adoption practice and that represent all members of the adoption triad (birth mother, infant, and adoptive parent); and

‘‘(II) affected public health entities.

‘‘(ii) Description of process.—The process referred to in clause (i) is a process in which the participants described in such clause collaborate to develop best-practices guidelines on the provision of adoption information and referrals to pregnant women on an equal basis with all other courses of action included in nondirective counseling to pregnant women.

‘‘(iii) Date certain for development.—The Secretary shall ensure that the guidelines described in clause (ii) are developed not later than 180 days after the date of the enactment of the Children's Health Act of 2000.

‘‘(C) Relation to authority for grants.—The Secretary may not make any grant under paragraph (1) before the date on which the guidelines under subparagraph (B) are developed.

‘‘(3) Use of grant.—

‘‘(A) In general.—With respect to a grant under paragraph (1)—

‘‘(i) an adoption organization may expend the grant to carry out the programs directly or through grants to or contracts with other adoption organizations;

‘‘(ii) the purposes for which the adoption organization expends the grant may include the development of a training curriculum, consistent with the guidelines developed under paragraph (2)(B); and

‘‘(iii) a condition for the receipt of the grant is that the adoption organization agree that, in providing training for the designated staff of eligible health centers, such organization will make reasonable efforts to ensure that the individuals who provide the training are individuals who are knowledgeable in all elements of the adoption process and are experienced in providing adoption information and referrals in the geographic areas in which the eligible health centers are located, and that the designated staff receive the training in such areas.

‘‘(B) Rule of construction regarding training of trainers.—With respect to individuals who under a grant under paragraph (1) provide training for the designated staff of eligible health centers (referred to in this subparagraph as ‘trainers’), subparagraph (A)(iii) may not be construed as establishing any limitation regarding the geographic area in which the trainers receive instruction in being such trainers. A trainer may receive such instruction in a different geographic area than the area in which the trainer trains (or will train) the designated staff of eligible health centers.

‘‘(4) Adoption organizations; eligible health centers; other definitions.—For purposes of this section:

‘‘(A) The term ‘adoption organization’ means a national, regional, or local organization—

‘‘(i) among whose primary purposes are adoption;

‘‘(ii) that is knowledgeable in all elements of the adoption process and on providing adoption information and referrals to pregnant women; and

‘‘(iii) that is a nonprofit private entity.

‘‘(B) The term ‘designated staff’, with respect to an eligible health center, means staff of the center who provide pregnancy or adoption information and referrals (or will provide such information and referrals after receiving training under a grant under paragraph (1)).

‘‘(C) The term ‘eligible health centers’ means public and nonprofit private entities that provide health services to pregnant women.

‘‘(5) Training for certain eligible health centers.—A condition for the receipt of a grant under paragraph (1) is that the adoption organization involved agree to make reasonable efforts to ensure that the eligible health centers with respect to which training under the grant is provided include—

‘‘(A) eligible health centers that receive grants under section 1001 (relating to voluntary family planning projects);

‘‘(B) eligible health centers that receive grants under section 330 (relating to community health centers, migrant health centers, and centers regarding homeless individuals and residents of public housing); and

‘‘(C) eligible health centers that receive grants under this Act for the provision of services in schools.

‘‘(6) Participation of certain eligible health clinics.—In the case of eligible health centers that receive grants under section 330 or 1001:

‘‘(A) Within a reasonable period after the Secretary begins making grants under paragraph (1), the Secretary shall provide eligible health centers with complete information about the training available from organizations receiving grants under such paragraph. The Secretary shall make reasonable efforts to encourage eligible health centers to arrange for designated staff to participate in such training. Such efforts shall affirm Federal requirements, if any, that the eligible health center provide nondirective counseling to pregnant women.

‘‘(B) All costs of such centers in obtaining the training shall be reimbursed by the organization that provides the training, using grants under paragraph (1).

‘‘(C) Not later than one year after the date of the enactment of the Children's Health Act of 2000, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers. Within a reasonable time after training under this section is initiated, the Secretary shall submit to the appropriate committees of the Congress a report evaluating the extent to which adoption information and referral, upon request, are provided by eligible health centers in order to determine the effectiveness of such training and the extent to which such training complies with subsection (a)(1). In preparing the reports required by this subparagraph, the Secretary shall in no respect interpret the provisions of this section to allow any interference in the provider-patient relationship, any breach of patient confidentiality, or any monitoring or auditing of the counseling process or patient records which breaches patient confidentiality or reveals patient identity. The reports required by this subparagraph shall be conducted by the Secretary acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Director of the Agency for Healthcare Research and Quality.

"(b) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## Subtitle B—Special Needs Adoption Awareness

### SEC. 1211. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1201 of this Act, is amended by adding at the end the following section:

### "SEC. 330G. SPECIAL NEEDS ADOPTION PROGRAMS; PUBLIC AWARENESS CAMPAIGN AND OTHER ACTIVITIES.

"(a) SPECIAL NEEDS ADOPTION AWARENESS CAMPAIGN.—

"(1) IN GENERAL.—The Secretary shall, through making grants to nonprofit private entities, provide for the planning, development, and carrying out of a national campaign to provide information to the public regarding the adoption of children with special needs.

"(2) INPUT ON PLANNING AND DEVELOPMENT.—In providing for the planning and development of the national campaign under paragraph (1), the Secretary shall provide for input from a number and variety of adoption organizations throughout the States in order that the full national diversity of interests among adoption organizations is represented in the planning and development of the campaign.

"(3) CERTAIN FEATURES.—With respect to the national campaign under paragraph (1):

"(A) The campaign shall be directed at various populations, taking into account as appropriate differences among geographic regions, and shall be carried out in the language and cultural context that is most appropriate to the population involved.

"(B) The means through which the campaign may be carried out include—

"(i) placing public service announcements on television, radio, and billboards; and

"(ii) providing information through means that the Secretary determines will reach individuals who are most likely to adopt children with special needs.

"(C) The campaign shall provide information on the subsidies and supports that are available to individuals regarding the adoption of children with special needs.

"(D) The Secretary may provide that the placement of public service announcements, and the dissemination of brochures and other materials, is subject to review by the Secretary.

"(4) MATCHING REQUIREMENT.—

"(A) IN GENERAL.—With respect to the costs of the activities to be carried out by an entity pursuant to paragraph (1), a condition for the receipt of a grant under such paragraph is that the entity agree to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs.

"(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(b) NATIONAL RESOURCES PROGRAM.—The Secretary shall (directly or through grant or contract) carry out a program that, through toll-free telecommunications, makes available to the public information regarding the adoption of children with special needs. Such information shall include the following:

"(1) A list of national, State, and regional organizations that provide services regarding such adoptions, including exchanges and other information on communicating with the organizations. The list shall represent the full national diversity of adoption organizations.

"(2) Information beneficial to individuals who adopt such children, including lists of support groups for adoptive parents and other postadoptive services.

"(c) OTHER PROGRAMS.—With respect to the adoption of children with special needs, the Secretary shall make grants—

"(1) to provide assistance to support groups for adoptive parents, adopted children, and siblings of adopted children; and

"(2) to carry out studies to identify—

"(A) the barriers to completion of the adoption process; and

"(B) those components that lead to favorable long-term outcomes for families that adopt children with special needs.

"(d) APPLICATION FOR GRANT.—The Secretary may make an award of a grant or contract under this section only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) FUNDING.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE XIII—TRAUMATIC BRAIN INJURY

### SEC. 1301. PROGRAMS OF CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) IN GENERAL.—Section 393A of the Public Health Service Act (42 U.S.C. 280b–1b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(3) the implementation of a national education and awareness campaign regarding such injury (in conjunction with the program of the Secretary regarding health-status goals for 2010, commonly referred to as Healthy People 2010), including—

"(A) the national dissemination of information on—

"(i) incidence and prevalence; and

"(ii) information relating to traumatic brain injury and the sequelae of secondary conditions arising from traumatic brain injury upon discharge from hospitals and trauma centers; and

"(B) the provision of information in primary care settings, including emergency rooms and trauma centers, concerning the availability of State level services and resources.";

(2) in subsection (d)—

(A) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(B) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(b) NATIONAL REGISTRY.—Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393A the following section:

"NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY REGISTRIES

"SEC. 393B. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States or their designees to operate the State's traumatic brain injury registry, and to academic institutions to conduct applied research that will support the development of such registries, to collect data concerning—

"(1) demographic information about each traumatic brain injury;

"(2) information about the circumstances surrounding the injury event associated with each traumatic brain injury;

"(3) administrative information about the source of the collected information, dates of hospitalization and treatment, and the date of injury; and

"(4) information characterizing the clinical aspects of the traumatic brain injury, including the severity of the injury, outcomes of the injury, the types of treatments received, and the types of services utilized.".

### SEC. 1302. STUDY AND MONITOR INCIDENCE AND PREVALENCE.

Section 4 of Public Law 104–166 (42 U.S.C. 300d–61 note) is amended—

(1) in subsection (a)(1)(A)—

(A) by striking clause (i) and inserting the following:

"(i)(I) determine the incidence and prevalence of traumatic brain injury in all age groups in the general population of the United States, including institutional settings; and

"(II) determine appropriate methodological strategies to obtain data on the incidence and prevalence of mild traumatic brain injury and report to Congress concerning such within 18 months of the date of enactment of the Children's Health Act of 2000; and"; and

(B) in clause (ii), by striking ", if the Secretary determines that such a system is appropriate";

(2) in subsection (a)(1)(B)(i), by inserting ", including return to work or school and community participation," after "functioning"; and

(3) in subsection (d), to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 1303. PROGRAMS OF NATIONAL INSTITUTES OF HEALTH.

(a) INTERAGENCY PROGRAM.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d–61(d)(4)) is amended—

(1) in subparagraph (A), by striking "degree of injury" and inserting "degree of brain injury";

(2) in subparagraph (B), by striking "acute injury" and inserting "acute brain injury"; and

(3) in subparagraph (D), by striking "injury treatment" and inserting "brain injury treatment".

(b) DEFINITION.—Section 1261(h)(4) of the Public Health Service Act (42 U.S.C. 300d-61(h)(4)) is amended—

(1) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(2) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities".

(c) RESEARCH ON COGNITIVE AND NEUROBEHAVIORAL DISORDERS ARISING FROM TRAUMATIC BRAIN INJURY.—Section 1261(d)(4) of the Public Health Service Act (42 U.S.C. 300d-61(d)(4)) is amended—

(1) in subparagraph (C), by striking "and" after the semicolon at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) carrying out subparagraphs (A) through (D) with respect to cognitive disorders and neurobehavioral consequences arising from traumatic brain injury, including the development, modification, and evaluation of therapies and programs of rehabilitation toward reaching or restoring normal capabilities in areas such as reading, comprehension, speech, reasoning, and deduction.".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 1304. PROGRAMS OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d-51) is amended—

(1) in the section heading by striking "**DEMONSTRATION**";

(2) in subsection (a), by striking "demonstration";

(3) in subsection (b)(3)—

(A) in subparagraph (A)(iv), by striking "representing traumatic brain injury survivors" and inserting "representing individuals with traumatic brain injury"; and

(B) in subparagraph (B), by striking "who are survivors of" and inserting "with";

(4) in subsection (c)—

(A) in paragraph (1), by striking ", in cash,"; and

(B) in paragraph (2), by amending the paragraph to read as follows:

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.";

(5) by redesignating subsections (e) through (h) as subsections (g) through (j), respectively; and

(6) by inserting after subsection (d) the following subsections:

"(e) CONTINUATION OF PREVIOUSLY AWARDED DEMONSTRATION PROJECTS.—A State that received a grant under this section prior to the date of the enactment of the Children's Health Act of 2000 may compete for new project grants under this section after such date of enactment.

"(f) USE OF STATE GRANTS.—

"(1) COMMUNITY SERVICES AND SUPPORTS.—A State shall (directly or through awards of contracts to nonprofit private entities) use amounts received under a grant under this section for the following:

"(A) To develop, change, or enhance community-based service delivery systems that include timely access to comprehensive appropriate services and supports. Such service and supports—

"(i) shall promote full participation by individuals with brain injury and their families in decision making regarding the services and supports; and

"(ii) shall be designed for children and other individuals with traumatic brain injury.

"(B) To focus on outreach to underserved and inappropriately served individuals, such as individuals in institutional settings, individuals with low socioeconomic resources, individuals in rural communities, and individuals in culturally and linguistically diverse communities.

"(C) To award contracts to nonprofit entities for consumer or family service access training, consumer support, peer mentoring, and parent to parent programs.

"(D) To develop individual and family service coordination or case management systems.

"(E) To support other needs identified by the advisory board under subsection (b) for the State involved.

"(2) BEST PRACTICES.—

"(A) IN GENERAL.—State services and supports provided under a grant under this section shall reflect the best practices in the field of traumatic brain injury, shall be in compliance with title II of the Americans with Disabilities Act of 1990, and shall be supported by quality assurance measures as well as state-of-the-art health care and integrated community supports, regardless of the severity of injury.

"(B) DEMONSTRATION BY STATE AGENCY.—The State agency responsible for administering amounts received under a grant under this section shall demonstrate that it has obtained knowledge and expertise of traumatic brain injury and the unique needs associated with traumatic brain injury.

"(3) STATE CAPACITY BUILDING.—A State may use amounts received under a grant under this section to—

"(A) educate consumers and families;

"(B) train professionals in public and private sector financing (such as third party payers, State agencies, community-based providers, schools, and educators);

"(C) develop or improve case management or service coordination systems;

"(D) develop best practices in areas such as family or consumer support, return to work, housing or supportive living personal assistance services, assistive technology and devices, behavioral health services, substance abuse services, and traumatic brain injury treatment and rehabilitation;

"(E) tailor existing State systems to provide accommodations to the needs of individuals with brain injury (including systems administered by the State departments responsible for health, mental health, labor/employment, education, mental retardation/developmental disorders, transportation, and correctional systems);

"(F) improve data sets coordinated across systems and other needs identified by a State plan supported by its advisory council; and

"(G) develop capacity within targeted communities.";

(5) in subsection (g) (as so redesignated), by striking "agencies of the Public Health Service" and inserting "Federal agencies";

(6) in subsection (i) (as redesignated by paragraph (3))—

(A) in the second sentence, by striking "anoxia due to near drowning." and inserting "anoxia due to trauma."; and

(B) in the third sentence, by inserting before the period the following: ", after consultation with States and other appropriate public or nonprofit private entities"; and

(7) in subsection (j) (as so redesignated), by amending the subsection to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 1305. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

Part E of title XII of the Public Health Service Act (42 U.S.C. 300d-51 et seq.) is amended by adding at the end the following:

### "SEC. 1253. STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration (referred to in this section as the 'Administrator'), shall make grants to protection and advocacy systems for the purpose of enabling such systems to provide services to individuals with traumatic brain injury.

"(b) SERVICES PROVIDED.—Services provided under this section may include the provision of—

"(1) information, referrals, and advice;

"(2) individual and family advocacy;

"(3) legal representation; and

"(4) specific assistance in self-advocacy.

"(c) APPLICATION.—To be eligible to receive a grant under this section, a protection and advocacy system shall submit an application to the Administrator at such time, in such form and manner, and accompanied by such information and assurances as the Administrator may require.

"(d) APPROPRIATIONS LESS THAN $2,700,000.—

"(1) IN GENERAL.—With respect to any fiscal year in which the amount appropriated under subsection (i) to carry out this section is less than $2,700,000, the Administrator shall make grants from such amount to individual protection and advocacy systems within States to enable such systems to plan for, develop outreach strategies for, and carry out services authorized under this section for individuals with traumatic brain injury.

"(2) AMOUNT.—The amount of each grant provided under paragraph (1) shall be determined as set forth in paragraphs (2) and (3) of subsection (e).

"(e) APPROPRIATIONS OF $2,700,000 OR MORE.—

"(1) POPULATION BASIS.—Except as provided in paragraph (2), with respect to each fiscal year in which the amount appropriated under subsection (i) to carry out this section is $2,700,000 or more, the Administrator shall make a grant to a protection and advocacy system within each State.

"(2) AMOUNT.—The amount of a grant provided to a system under paragraph (1) shall be equal to an amount bearing the same ratio to the total amount appropriated for the fiscal year involved under subsection (i) as the population of the State in which the grantee is located bears to the population of all States.

"(3) MINIMUMS.—Subject to the availability of appropriations, the amount of a grant a protection and advocacy system under paragraph (1) for a fiscal year shall—

"(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, and the protection and advocacy system serving the American Indian consortium, not be less than $20,000; and

"(B) in the case of a protection and advocacy system in a State not described in subparagraph (A), not be less than $50,000.

"(4) Inflation adjustment.—For each fiscal year in which the total amount appropriated under subsection (i) to carry out this section is $5,000,000 or more, and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Administrator shall increase each of the minimum grants amount described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under subsection (i) to carry out this section between the preceding fiscal year and the fiscal year involved.

"(f) Carryover.—Any amount paid to a protection and advocacy system that serves a State or the American Indian consortium for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the next fiscal year for the purposes for which such amount was originally provided.

"(g) Direct Payment.—Notwithstanding any other provision of law, the Administrator shall pay directly to any protection and advocacy system that complies with the provisions of this section, the total amount of the grant for such system, unless the system provides otherwise for such payment.

"(h) Annual Report.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Administrator concerning the services provided to individuals with traumatic brain injury by such system.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001, and such sums as may be necessary for each the fiscal years 2002 through 2005.

"(j) Definitions.—In this section:

"(1) American Indian consortium.—The term 'American Indian consortium' means a consortium established under part C of the Developmental Disabilities Assistance Bill of Rights Act (42 U.S.C. 6042 et seq.).

"(2) Protection and advocacy system.—The term 'protection and advocacy system' means a protection and advocacy system established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).

"(3) State.—The term 'State', unless otherwise specified, means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

### SEC. 1306. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Section 394A of the Public Health Service Act (42 U.S.C. 280b–3) is amended by striking "and" after "1994" and by inserting before the period the following: ", and such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

### SEC. 1401. DEFINITIONS.

In this title:

(1) Child with a disability; infant or toddler with a disability.—The terms "child with a disability" and "infant or toddler with a disability" have the meanings given the terms in sections 602 and 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1401 and 1431).

(2) Eligible child care provider.—The term "eligible child care provider" means a provider of child care services for compensation, including a provider of care for a school-age child during non-school hours, that—

(A) is licensed, regulated, registered, or otherwise legally operating, under State and local law; and

(B) satisfies the State and local requirements,

applicable to the child care services the provider provides.

(3) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(4) State.—The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

### SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $200,000,000 for fiscal year 2001, and such sums as may be necessary for each subsequent fiscal year.

### SEC. 1403. PROGRAMS.

The Secretary shall make allotments to eligible States under section 1404. The Secretary shall make the allotments to enable the States to establish programs to improve the health and safety of children receiving child care outside the home, by preventing illnesses and injuries associated with that care and promoting the health and well-being of children receiving that care.

### SEC. 1404. AMOUNTS RESERVED; ALLOTMENTS.

(a) Amounts Reserved.—The Secretary shall reserve not more than ½ of 1 percent of the amount appropriated under section 1402 for each fiscal year to make allotments to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands to be allotted in accordance with their respective needs.

(b) State Allotments.—

(1) General rule.—From the amounts appropriated under section 1402 for each fiscal year and remaining after reservations are made under subsection (a), the Secretary shall allot to each State an amount equal to the sum of—

(A) an amount that bears the same ratio to 50 percent of such remainder as the product of the young child factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States; and

(B) an amount that bears the same ratio to 50 percent of such remainder as the product of the school lunch factor of the State and the allotment percentage of the State bears to the sum of the corresponding products for all States.

(2) Young child factor.—In this subsection, the term "young child factor" means the ratio of the number of children under 5 years of age in a State to the number of such children in all States, as provided by the most recent annual estimates of population in the States by the Census Bureau of the Department of Commerce.

(3) School lunch factor.—In this subsection, the term "school lunch factor" means the ratio of the number of children who are receiving free or reduced price lunches under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.) in the State to the number of such children in all States, as determined annually by the Department of Agriculture.

(4) Allotment percentage.—

(A) In general.—For purposes of this subsection, the allotment percentage for a State shall be determined by dividing the per capita income of all individuals in the United States, by the per capita income of all individuals in the State.

(B) Limitations.—If an allotment percentage determined under subparagraph (A) for a State—

(i) is more than 1.2 percent, the allotment percentage of the State shall be considered to be 1.2 percent; and

(ii) is less than 0.8 percent, the allotment percentage of the State shall be considered to be 0.8 percent.

(C) Per capita income.—For purposes of subparagraph (A), per capita income shall be—

(i) determined at 2-year intervals;

(ii) applied for the 2-year period beginning on October 1 of the first fiscal year beginning after the date such determination is made; and

(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce on the date such determination is made.

(c) Data and Information.—The Secretary shall obtain from each appropriate Federal agency, the most recent data and information necessary to determine the allotments provided for in subsection (b).

(d) Definition.—In this section, the term "State" includes only the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

### SEC. 1405. STATE APPLICATIONS.

To be eligible to receive an allotment under section 1404, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application shall contain information assessing the needs of the State with regard to child care health and safety, the goals to be achieved through the program carried out by the State under this title, and the measures to be used to assess the progress made by the State toward achieving the goals.

### SEC. 1406. USE OF FUNDS.

(a) In General.—A State that receives an allotment under section 1404 shall use the funds made available through the allotment to carry out 2 or more activities consisting of—

(1) providing training and education to eligible child care providers on preventing injuries and illnesses in children, and promoting health-related practices;

(2) strengthening licensing, regulation, or registration standards for eligible child care providers;

(3) assisting eligible child care providers in meeting licensing, regulation, or registration standards, including rehabilitating the facilities of the providers, in order to bring the facilities into compliance with the standards;

(4) enforcing licensing, regulation, or registration standards for eligible child care providers, including holding increased unannounced inspections of the facilities of those providers;

(5) providing health consultants to provide advice to eligible child care providers;

(6) assisting eligible child care providers in enhancing the ability of the providers to serve children with disabilities and infants and toddlers with disabilities;

(7) conducting criminal background checks for eligible child care providers and other individuals who have contact with children in the facilities of the providers;

(8) providing information to parents on what factors to consider in choosing a safe and healthy child care setting; or

(9) assisting in improving the safety of transportation practices for children enrolled in child care programs with eligible child care providers.

(b) Supplement, Not Supplant.—Funds appropriated pursuant to the authority of this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide services for eligible individuals.

### SEC. 1407. REPORTS.

Each State that receives an allotment under section 1404 shall annually prepare and submit to the Secretary a report that describes—

(1) the activities carried out with funds made available through the allotment; and

(2) the progress made by the State toward achieving the goals described in the application submitted by the State under section 1405.

## TITLE XV—HEALTHY START INITIATIVE

### SEC. 1501. CONTINUATION OF HEALTHY START PROGRAM.

Subpart I of part D of title III of the Public Health Service Act, as amended by section 1211 of this Act, is amended by adding at the end the following section:

### "SEC. 330H. HEALTHY START FOR INFANTS.

"(a) In General.—

"(1) Continuation and expansion of program.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, Maternal and Child Health Bureau, shall under authority of this section continue in effect the Healthy Start Initiative and may, during fiscal year 2001 and subsequent years, carry out such program on a national basis.

"(2) Definition.—For purposes of paragraph (1), the term 'Healthy Start Initiative' is a reference to the program that, as an initiative to reduce the rate of infant mortality and improve perinatal outcomes, makes grants for project areas with high annual rates of infant mortality and that, prior to the effective date of this section, was a demonstration program carried out under section 301.

"(3) Additional grants.— Effective upon increased funding beyond fiscal year 1999 for such Initiative, additional grants may be made to States to assist communities with technical assistance, replication of successful projects, and State policy formation to reduce infant and maternal mortality and morbidity.

"(b) Requirements for Making Grants.—In making grants under subsection (a), the Secretary shall require that applicants (in addition to meeting all eligibility criteria established by the Secretary) establish, for project areas under such subsection, community-based consortia of individuals and organizations (including agencies responsible for administering block grant programs under title V of the Social Security Act, consumers of project services, public health departments, hospitals, health centers under section 330, and other significant sources of health care services) that are appropriate for participation in projects under subsection (a).

"(c) Coordination.—Recipients of grants under subsection (a) shall coordinate their services and activities with the State agency or agencies that administer block grant programs under title V of the Social Security Act in order to promote cooperation, integration, and dissemination of information with Statewide systems and with other community services funded under the Maternal and Child Health Block Grant.

"(d) Rule of Construction.—Except to the extent inconsistent with this section, this section may not be construed as affecting the authority of the Secretary to make modifications in the program carried out under subsection (a).

"(e) Additional Services for At-Risk Pregnant Women and Infants.—

"(1) In general.—The Secretary may make grants to conduct and support research and to provide additional health care services for pregnant women and infants, including grants to increase access to prenatal care, genetic counseling, ultrasound services, and fetal or other surgery.

"(2) Eligible project area.—The Secretary may make a grant under paragraph (1) only if the geographic area in which services under the grant will be provided is a geographic area in which a project under subsection (a) is being carried out, and if the Secretary determines that the grant will add to or expand the level of health services available in such area to pregnant women and infants.

"(3) Evaluation by general accounting office.—

"(A) In general.—During fiscal year 2004, the Comptroller General of the United States shall conduct an evaluation of activities under grants under paragraph (1) in order to determine whether the activities have been effective in serving the needs of pregnant women with respect to services described in such paragraph. The evaluation shall include an analysis of whether such activities have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. Not later than January 10, 2004, the Comptroller General shall submit to the Committee on Commerce in the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions in the Senate, a report describing the findings of the evaluation.

"(B) Relation to grants regarding additional services for at-risk pregnant women and infants.—Before the date on which the evaluation under subparagraph (A) is submitted in accordance with such subparagraph—

"(i) the Secretary shall ensure that there are not more than five grantees under paragraph (1); and

"(ii) an entity is not eligible to receive grants under such paragraph unless the entity has substantial experience in providing the health services described in such paragraph.

"(f) Funding.—

"(1) General program.—

"(A) Authorization of appropriations.—For the purpose of carrying out this section (other than subsection (e)), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) Allocations.—

"(i) Program administration.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 5 percent for coordination, dissemination, technical assistance, and data activities that are determined by the Secretary to be appropriate for carrying out the program under this section.

"(ii) Evaluation.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary may reserve up to 1 percent for evaluations of projects carried out under subsection (a). Each such evaluation shall include a determination of whether such projects have been effective in reducing the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups.

"(2) Additional services for at-risk pregnant women and infants.—

"(A) Authorization of appropriations.—For the purpose of carrying out subsection (e), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(B) Allocation for community-based mobile health units.—Of the amounts appropriated under subparagraph (A) for a fiscal year, the Secretary shall make available not less than 10 percent for providing services under subsection (e) (including ultrasound services) through visits by mobile units to communities that are eligible for services under subsection (a).".

## TITLE XVI—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

### SEC. 1601. IDENTIFICATION OF INTERVENTIONS THAT REDUCE THE BURDEN AND TRANSMISSION OF ORAL, DENTAL, AND CRANIOFACIAL DISEASES IN HIGH RISK POPULATIONS; DEVELOPMENT OF APPROACHES FOR PEDIATRIC ORAL AND CRANIOFACIAL ASSESSMENT.

(a) In General.—The Secretary of Health and Human Services, through the Maternal and Child Health Bureau, the Indian Health Service, and in consultation with the National Institutes of Health and the Centers for Disease Control and Prevention, shall—

(1) support community-based research that is designed to improve understanding of the etiology, pathogenesis, diagnosis, prevention, and treatment of pediatric oral, dental, craniofacial diseases and conditions and their sequelae in high risk populations;

(2) support demonstrations of preventive interventions in high risk populations including nutrition, parenting, and feeding techniques; and

(3) develop clinical approaches to assess individual patients for the risk of pediatric dental disease.

(b) Compliance With State Practice Laws.—Treatment and other services shall be provided pursuant to this section by licensed dental health professionals in accordance with State practice and licensing laws.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each the fiscal years 2001 through 2005.

### SEC. 1602. ORAL HEALTH PROMOTION AND DISEASE PREVENTION.

Part B of title III of the Public Health Service Act, as amended by section 911 of this Act, is amended by inserting after section 317L the following section:

"ORAL HEALTH PROMOTION AND DISEASE PREVENTION

"Sec. 317M. (a) Grants to Increase Resources for Community Water Fluoridation.—

"(1) In general.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States and Indian tribes for the purpose of increasing the resources available for community water fluoridation.

"(2) USE OF FUNDS.—A State shall use amounts provided under a grant under paragraph (1)—

"(A) to purchase fluoridation equipment;

"(B) to train fluoridation engineers;

"(C) to develop educational materials on the benefits of fluoridation; or

"(D) to support the infrastructure necessary to monitor and maintain the quality of water fluoridation.

"(b) COMMUNITY WATER FLUORIDATION.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Director of the Indian Health Service, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the water fluoridation guidelines of the Centers for Disease Control and Prevention that are entitled "Engineering and Administrative Recommendations for Water Fluoridation, 1995" (referred to in this subsection as the 'EARWF').

"(2) REQUIREMENTS.—

"(A) COLLABORATION.—In collaborating under paragraph (1), the Directors referred to in such paragraph shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

"(B) GENERAL USE OF FUNDS.—Amounts made available under paragraph (1) shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

"(C) FLUORIDATION SPECIALISTS.—

"(i) IN GENERAL.—In carrying out this subsection, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

"(ii) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

"(iii) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

"(D) IMPLEMENTATION.—The project established under this subsection shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

"(3) EVALUATION.—In conducting the ongoing evaluation as provided for in paragraph (2)(D), the Secretary shall ensure that such evaluation includes—

"(A) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

"(B) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

"(C) the development of a practical model that may be easily utilized by other tribal, state, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

"(D) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

"(c) SCHOOL-BASED DENTAL SEALANT PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with the Administrator of the Health Resources and Services Administration, may award grants to States and Indian tribes to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

"(2) USE OF FUNDS.—A State shall use amounts received under a grant under paragraph (1) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

"(3) ELIGIBILITY.—To be eligible to receive funds under paragraph (1), an entity shall—

"(A) prepare and submit to the State an application at such time, in such manner and containing such information as the state may require; and

"(B) be a public elementary or secondary school—

"(i) that is located in an urban area in which and more than 50 percent of the student population is participating in federal or state free or reduced meal programs; or

"(ii) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(d) DEFINITIONS.—For purposes of this section, the term 'Indian tribe' means an Indian tribe or tribal organization as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

### SEC. 1603. COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.

Part B of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by adding at the end the following:

"COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH

"SEC. 320A. (a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a program to fund innovative oral health activities that improve the oral health of children under 6 years of age who are eligible for services provided under a Federal health program, to increase the utilization of dental services by such children, and to decrease the incidence of early childhood and baby bottle tooth decay.

"(b) GRANTS.—The Secretary shall award grants to or enter into contracts with public or private nonprofit schools of dentistry or accredited dental training institutions or programs, community dental programs, and programs operated by the Indian Health Service (including federally recognized Indian tribes that receive medical services from the Indian Health Service, urban Indian health programs funded under title V of the Indian Health Care Improvement Act, and tribes that contract with the Indian Health Service pursuant to the Indian Self-Determination and Education Assistance Act) to enable such schools, institutions, and programs to develop programs of oral health promotion, to increase training of oral health services providers in accordance with State practice laws, or to increase the utilization of dental services by eligible children.

"(c) DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the extent practicable, ensure an equitable national geographic distribution of the grants, including areas of the United States where the incidence of early childhood caries is highest.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each the fiscal years 2001 through 2005.".

## TITLE XVII—VACCINE-RELATED PROGRAMS

### Subtitle A—Vaccine Compensation Program

### SEC. 1701. CONTENT OF PETITIONS.

(a) IN GENERAL.—Section 2111(c)(1)(D) of the Public Health Service Act (42 U.S.C. 300aa–11(c)(1)(D)) is amended by striking "and" at the end and inserting "or (iii) suffered such illness, disability, injury, or condition from the vaccine which resulted in inpatient hospitalization and surgical intervention, and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect upon the date of the enactment of this Act, including with respect to petitions under section 2111 of the Public Health Service Act that are pending on such date.

### Subtitle B—Childhood Immunizations

### SEC. 1711. CHILDHOOD IMMUNIZATIONS.

Section 317(j)(1) of the Public Health Service Act (42 U.S.C. 247b(j)(1)) is amended in the first sentence by striking "1998" and all that follows and inserting "1998 through 2005.".

## TITLE XVIII—HEPATITIS C

### SEC. 1801. SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C.

Part B of title III of the Public Health Service Act, as amended by section 1602 of this Act, is amended by inserting after section 317M the following section:

"SURVEILLANCE AND EDUCATION REGARDING HEPATITIS C VIRUS

"SEC. 317N. (a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may (directly and through grants to public and nonprofit private entities) provide for programs to carry out the following:

"(1) To cooperate with the States in implementing a national system to determine the incidence of hepatitis C virus infection (in this section referred to as 'HCV infection') and to assist the States in determining the prevalence of such infection, including the reporting of chronic HCV cases.

"(2) To identify, counsel, and offer testing to individuals who are at risk of HCV infection as a result of receiving blood transfusions prior to July 1992, or as a result of other risk factors.

"(3) To provide appropriate referrals for counseling, testing, and medical treatment of individuals identified under paragraph (2) and to ensure, to the extent practicable, the provision of appropriate follow-up services.

"(4) To develop and disseminate public information and education programs for the detection and control of HCV infection, with priority given to high risk populations as determined by the Secretary.

"(5) To improve the education, training, and skills of health professionals in the detection and control of HCV infection, with priority given to pediatricians and other primary care physicians, and obstetricians and gynecologists.

"(b) LABORATORY PROCEDURES.—The Secretary may (directly and through grants to public and nonprofit private entities) carry out programs to provide for improvements in the quality of clinical-laboratory procedures regarding hepatitis C, including reducing variability in laboratory results on hepatitis C antibody and PCR testing.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

### SEC. 1901. AUTOIMMUNE-DISEASES; INITIATIVE THROUGH DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 1001 of this Act, is amended by adding at the end the following:

**"SEC. 409E. AUTOIMMUNE DISEASES.**

"(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES.—

"(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to autoimmune diseases.

"(2) ALLOCATIONS BY DIRECTOR OF NIH.—With respect to amounts appropriated to carry out this section for a fiscal year, the Director of NIH shall allocate the amounts among the national research institutes that are carrying out paragraph (1).

"(3) DEFINITION.—The term 'autoimmune disease' includes, for purposes of this section such diseases or disorders with evidence of autoimmune pathogensis as the Secretary determines to be appropriate.

"(b) COORDINATING COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall ensure that the Autoimmune Diseases Coordinating Committee (referred to in this section as the 'Coordinating Committee') coordinates activities across the National Institutes and with other Federal health programs and activities relating to such diseases.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the directors or their designees of each of the national research institutes involved in research with respect to autoimmune diseases and representatives of all other Federal departments and agencies whose programs involve health functions or responsibilities relevant to such diseases, including the Centers for Disease Control and Prevention and the Food and Drug Administration.

"(3) CHAIR.—

"(A) IN GENERAL.—With respect to autoimmune diseases, the Chair of the Committee shall serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH, and shall provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and other relevant agencies.

"(B) DIRECTOR OF NIH.—The Chair of the Committee shall be directly responsible to the Director of NIH.

"(c) PLAN FOR NIH ACTIVITIES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Coordinating Committee shall develop a plan for conducting and supporting research and education on autoimmune diseases through the national research institutes and shall periodically review and revise the plan. The plan shall—

"(A) provide for a broad range of research and education activities relating to biomedical, psychosocial, and rehabilitative issues, including studies of the disproportionate impact of such diseases on women;

"(B) identify priorities among the programs and activities of the National Institutes of Health regarding such diseases; and

"(C) reflect input from a broad range of scientists, patients, and advocacy groups.

"(2) CERTAIN ELEMENTS OF PLAN.—The plan under paragraph (1) shall, with respect to autoimmune diseases, provide for the following as appropriate:

"(A) Research to determine the reasons underlying the incidence and prevalence of the diseases.

"(B) Basic research concerning the etiology and causes of the diseases.

"(C) Epidemiological studies to address the frequency and natural history of the diseases, including any differences among the sexes and among racial and ethnic groups.

"(D) The development of improved screening techniques.

"(E) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(F) Information and education programs for health care professionals and the public.

"(3) IMPLEMENTATION OF PLAN.—The Director of NIH shall ensure that programs and activities of the National Institutes of Health regarding autoimmune diseases are implemented in accordance with the plan under paragraph (1).

"(d) REPORTS TO CONGRESS.—The Coordinating Committee under subsection (b)(1) shall biennially submit to the Committee on Commerce of the House of Representatives, and the Committee on Health, Education, Labor and Pensions of the Senate, a report that describes the research, education, and other activities on autoimmune diseases being conducted or supported through the national research institutes, and that in addition includes the following:

"(1) The plan under subsection (c)(1) (or revisions to the plan, as the case may be).

"(2) Provisions specifying the amounts expended by the National Institutes of Health with respect to each of the autoimmune diseases included in the plan.

"(3) Provisions identifying particular projects or types of projects that should in the future be considered by the national research institutes or other entities in the field of research on autoimmune diseases.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for conducting or supporting through the National Institutes of Health research and other activities with respect to autoimmune diseases.".

## TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

### SEC. 2001. PROVISIONS TO REVISE AND EXTEND PROGRAM.

(a) PAYMENTS.—Section 340E(a) of the Public Health Service Act (42 U.S.C. 256e(a)) is amended—

(1) by striking "and 2001" and inserting "through 2005"; and

(2) by adding at the end the following: "The Secretary shall promulgate regulations pursuant to the rulemaking requirements of title 5, United States Code, which shall govern payments made under this subpart.".

(b) UPDATING RATES.—Section 340E(c)(2)(F) of the Public Health Service Act (42 U.S.C. 256e(c)(2)(F)) is amended by striking "hospital's cost reporting period that begins during fiscal year 2000" and inserting "Federal fiscal year for which payments are made".

(c) RESIDENT COUNT FOR INTERIM PAYMENTS.—Section 340E(e)(1) of the Public Health Service Act (42 U.S.C. 256e(e)(1)) is amended by adding at the end the following: "Such interim payments to each individual hospital shall be based on the number of residents reported in the hospital's most recently filed medicare cost report prior to the application date for the Federal fiscal year for which the interim payment amounts are established. In the case of a hospital that does not report residents on a medicare cost report, such interim payments shall be based on the number of residents trained during the hospital's most recently completed medicare cost report filing period.".

(d) WITHHOLDING.—Section 340E(e)(2) of the Public Health Service Act (42 U.S.C. 256e(e)(2)) is amended—

(1) by adding "and indirect" after "direct";

(2) by adding at the end the following: "The Secretary shall withhold up to 25 percent from each interim installment for direct and indirect graduate medical education paid under paragraph (1) as necessary to ensure a hospital will not be overpaid on an interim basis.".

(e) RECONCILIATION.—Section 340E(e)(3) of the Public Health Service Act (42 U.S.C. 256e(e)(3)) is amended to read as follows:

"(3) RECONCILIATION.—Prior to the end of each fiscal year, the Secretary shall determine any changes to the number of residents reported by a hospital in the application of the hospital for the current fiscal year to determine the final amount payable to the hospital for the current fiscal year for both direct expense and indirect expense amounts. Based on such determination, the Secretary shall recoup any overpayments made to pay any balance due to the extent possible. The final amount so determined shall be considered a final intermediary determination for the purposes of section 1878 of the Social Security Act and shall be subject to administrative and judicial review under that section in the same manner as the amount of payment under section 1186(d) of such Act is subject to review under such section.".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 340E(f) of the Public Health Service Act (42 U.S.C. 256e(f)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) for each of the fiscal years 2002 through 2005, such sums as may be necessary."; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(C) for each of the fiscal years 2002 through 2005, such sums as may be necessary.".

(g) DEFINITION OF CHILDREN'S HOSPITAL.—Section 340E(g)(2) of the Public Health Service Act (42 U.S.C. 256e(g)(2)) is amended by striking "described in" and all that follows and inserting the following: "with a medicare payment agreement and which is excluded from the medicare inpatient prospective payment system pursuant to section 1886(d)(1)(B)(iii) of the Social Security Act and its accompanying regulations.".

## TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

### SEC. 2101. ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK; AMENDMENTS REGARDING NEEDS OF CHILDREN.

(a) IN GENERAL.—Section 372(b)(2) of the Public Health Service Act (42 U.S.C. 274(b)(2)) is amended—

(1) in subparagraph (J), by striking "and" at the end;

(2) in each of subparagraphs (K) and (L), by striking the period and inserting a comma; and

(3) by adding at the end the following subparagraphs:

"(M) recognize the differences in health and in organ transplantation issues between children and adults throughout the system and adopt criteria, polices, and procedures that address the unique health care needs of children,

"(N) carry out studies and demonstration projects for the purpose of improving procedures for organ donation procurement and allocation, including but not limited to projects to examine and attempt to increase transplantation among populations with special needs, including children and individuals who are members of racial or ethnic minority groups, and among populations with limited access to transportation, and

"(O) provide that for purposes of this paragraph, the term 'children' refers to individuals who are under the age of 18.".

(b) STUDY REGARDING IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall provide for a study to determine the costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans and health insurance cover such costs. The Secretary may carry out the study directly or through a grant to the Institute of Medicine (or other public or nonprofit private entity).

(2) RECOMMENDATIONS REGARDING CERTAIN ISSUES.—The Secretary shall ensure that, in addition to making determinations under paragraph (1), the study under such paragraph makes recommendations regarding the following issues:

(A) The costs of immunosuppressive drugs that are provided to children pursuant to organ transplants and to determine the extent to which health plans, health insurance and government programs cover such costs.

(B) The extent of denial of organs to be released for transplant by coroners and medical examiners.

(C) The special growth and developmental issues that children have pre- and post-organ transplantation.

(D) Other issues that are particular to the special health and transplantation needs of children.

(3) REPORT.—The Secretary shall ensure that, not later than December 31, 2001, the study under paragraph (1) is completed and a report describing the findings of the study is submitted to the Congress.

## TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

### SEC. 2201. MUSCULAR DYSTROPHY RESEARCH.

Part B of title IV of the Public Health Service Act, as amended by section 1901 of this Act, is amended by adding at the end the following:

"MUSCULAR DYSTROPHY RESEARCH

"SEC. 409F. (a) COORDINATION OF ACTIVITIES.—The Director of NIH shall expand and increase coordination in the activities of the National Institutes of Health with respect to research on muscular dystrophies, including Duchenne muscular dystrophy.

"(b) ADMINISTRATION OF PROGRAM; COLLABORATION AMONG AGENCIES.—The Director of NIH shall carry out this section through the appropriate Institutes, including the National Institute of Neurological Disorders and Stroke and in collaboration with any other agencies that the Director determines appropriate.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of the fiscal years 2001 through 2005. Amounts appropriated under this subsection shall be in addition to any other amounts appropriated for such purpose.".

## TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

### SEC. 2301. GRANTS REGARDING TOURETTE SYNDROME.

Part A of title XI of the Public Health Service Act is amended by adding at the end the following section:

"TOURETTE SYNDROME

"SEC. 1108. (a) IN GENERAL.—The Secretary shall develop and implement outreach programs to educate the public, health care providers, educators and community based organizations about the etiology, symptoms, diagnosis and treatment of Tourette Syndrome, with a particular emphasis on children with Tourette Syndrome. Such programs may be carried out by the Secretary directly and through awards of grants or contracts to public or nonprofit private entities.

"(b) CERTAIN ACTIVITIES.—Activities under subsection (a) shall include-

"(1) the production and translation of educational materials, including public service announcements;

"(2) the development of training material for health care providers, educators and community based organizations; and

"(3) outreach efforts directed at the misdiagnosis and underdiagnosis of Tourette Syndrome in children and in minority groups.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE XXIV—CHILDHOOD OBESITY PREVENTION

### SEC. 2401. PROGRAMS OPERATED THROUGH THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.), as amended by section 1101 of this Act, is amended by adding at the end the following part:

### "PART Q—PROGRAMS TO IMPROVE THE HEALTH OF CHILDREN

### "SEC. 399W. GRANTS TO PROMOTE CHILDHOOD NUTRITION AND PHYSICAL ACTIVITY.

"(a) IN GENERAL.—The Secretary, acting though the Director of the Centers for Disease Control and Prevention, shall award competitive grants to States and political subdivisions of States for the development and implementation of State and community-based intervention programs to promote good nutrition and physical activity in children and adolescents.

"(b) ELIGIBILITY.—To be eligible to receive a grant under this section a State or political subdivision of a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan that describes—

"(1) how the applicant proposes to develop a comprehensive program of school- and community-based approaches to encourage and promote good nutrition and appropriate levels of physical activity with respect to children or adolescents in local communities;

"(2) the manner in which the applicant shall coordinate with appropriate State and local authorities, such as State and local school departments, State departments of health, chronic disease directors, State directors of programs under section 17 of the Child Nutrition Act of 1966, 5-a-day coordinators, governors councils for physical activity and good nutrition, and State and local parks and recreation departments; and

"(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

"(c) USE OF FUNDS.—A State or political subdivision of a State shall use amount received under a grant under this section to—

"(1) develop, implement, disseminate, and evaluate school- and community-based strategies in States to reduce inactivity and improve dietary choices among children and adolescents;

"(2) expand opportunities for physical activity programs in school- and community-based settings; and

"(3) develop, implement, and evaluate programs that promote good eating habits and physical activity including opportunities for children with cognitive and physical disabilities.

"(d) TECHNICAL ASSISTANCE.—The Secretary may set-aside an amount not to exceed 10 percent of the amount appropriated for a fiscal year under subsection (h) to permit the Director of the Centers for Disease Control and Prevention to—

"(1) provide States and political subdivisions of States with technical support in the development and implementation of programs under this section; and

"(2) disseminate information about effective strategies and interventions in preventing and treating obesity through the promotion of good nutrition and physical activity.

"(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not to exceed 10 percent of the amount of a grant awarded to the State or political subdivision under subsection (a) for a fiscal year may be used by the State or political subdivision for administrative expenses.

"(f) TERM.—A grant awarded under subsection (a) shall be for a term of 3 years.

"(g) DEFINITION.—In this section, the term 'children and adolescents' means individuals who do not exceed 18 years of age.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

### "SEC. 399X. APPLIED RESEARCH PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention and in consultation with the Director of the National Institutes of Health, shall—

"(1) conduct research to better understand the relationship between physical activity, diet, and health and factors that influence health-related behaviors;

"(2) develop and evaluate strategies for the prevention and treatment of obesity to be used in community-based interventions and by health professionals;

"(3) develop and evaluate strategies for the prevention and treatment of eating disorders, such as anorexia and bulimia;

"(4) conduct research to establish the prevalence, consequences, and costs of childhood obesity and its effects in adulthood;

"(5) identify behaviors and risk factors that contribute to obesity;

"(6) evaluate materials and programs to provide nutrition education to parents and teachers of children in child care or preschool and the food service staff of such child care and pre-school entities; and

"(7) evaluate materials and programs that are designed to educate and encourage physical activity in child care and pre-school facilities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

### "SEC. 399Y. EDUCATION CAMPAIGN.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in collaboration with national, State, and local partners, physical activity organizations, nutrition experts, and health professional organizations, shall develop a national public campaign to promote and educate children and their parents concerning—

"(1) the health risks associated with obesity, inactivity, and poor nutrition;

"(2) ways in which to incorporate physical activity into daily living; and

"(3) the benefits of good nutrition and strategies to improve eating habits.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

### "SEC. 399Z. HEALTH PROFESSIONAL EDUCATION AND TRAINING.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, in collaboration with the Administrator of the Health Resources and Services Administration and the heads of other agencies, and in consultation with appropriate health professional associations, shall develop and carry out a program to educate and train health professionals in effective strategies to—

"(1) better identify and assess patients with obesity or an eating disorder or patients at-risk of becoming obese or developing an eating disorder;

"(2) counsel, refer, or treat patients with obesity or an eating disorder; and

"(3) educate patients and their families about effective strategies to improve dietary habits and establish appropriate levels of physical activity.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

## TITLE XXV—EARLY DETECTION AND TREATMENT REGARDING CHILDHOOD LEAD POISONING

### SEC. 2501. CENTERS FOR DISEASE CONTROL AND PREVENTION EFFORTS TO COMBAT CHILDHOOD LEAD POISONING.

(a) REQUIREMENTS FOR LEAD POISONING PREVENTION GRANTEES.—Section 317A of the Public Health Service Act (42 U.S.C. 247b-1) is amended—

(1) in subsection (d)—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

"(7) Assurances satisfactory to the Secretary that the applicant will ensure complete and consistent reporting of all blood lead test results from laboratories and health care providers to State and local health departments in accordance with guidelines of the Centers for Disease Control and Prevention for standardized reporting as described in subsection (m)."; and

(2) in subsection (j)(2)—

(A) in subparagraph (F) by striking "(E)" and inserting "(F)";

(B) by redesignating subparagraph (F) as subparagraph (G); and

(C) by inserting after subparagraph (E) the following:

"(F) The number of grantees that have established systems to ensure mandatory reporting of all blood lead tests from laboratories and health care providers to State and local health departments.".

(b) GUIDELINES FOR STANDARDIZED REPORTING.—Section 317A of the Public Health Service Act (42 U.S.C. 247b-1) is amended by adding at the end the following:

"(m) GUIDELINES FOR STANDARDIZED REPORTING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop national guidelines for the uniform reporting of all blood lead test results to State and local health departments.".

(c) DEVELOPMENT AND IMPLEMENTATION OF EFFECTIVE DATA MANAGEMENT BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—

(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall—

(A) assist with the improvement of data linkages between State and local health departments and between State health departments and the Centers for Disease Control and Prevention;

(B) assist States with the development of flexible, comprehensive State-based data management systems for the surveillance of children with lead poisoning that have the capacity to contribute to a national data set;

(C) assist with the improvement of the ability of State-based data management systems and federally-funded means-tested public benefit programs (including the special supplemental food program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the early head start program under section 645A of the Head Start Act (42 U.S.C 9840a(h)) to respond to ad hoc inquiries and generate progress reports regarding the lead blood level screening of children enrolled in those programs;

(D) assist States with the establishment of a capacity for assessing how many children enrolled in the medicaid, WIC, early head start, and other federally-funded means-tested public benefit programs are being screened for lead poisoning at age-appropriate intervals;

(E) use data obtained as result of activities under this section to formulate or revise existing lead blood screening and case management policies; and

(F) establish performance measures for evaluating State and local implementation of the requirements and improvements described in subparagraphs (A) through (E).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for each the fiscal years 2001 through 2005.

(3) EFFECTIVE DATE.—This subsection takes effect on the date of enactment of this Act.

### SEC. 2502. GRANTS FOR LEAD POISONING RELATED ACTIVITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.), as amended by section 1801 of this Act, is amended by inserting after section 317N the following section:

### "GRANTS FOR LEAD POISONING RELATED ACTIVITIES

"SEC. 317*O*. (a) AUTHORITY TO MAKE GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to States to support public health activities in States and localities where data suggests that at least 5 percent of preschool-age children have an elevated blood lead level through—

"(A) effective, ongoing outreach and community education targeted to families most likely to be at risk for lead poisoning;

"(B) individual family education activities that are designed to reduce ongoing exposures to lead for children with elevated blood lead levels, including through home visits and coordination with other programs designed to identify and treat children at risk for lead poisoning; and

"(C) the development, coordination and implementation of community-based approaches for comprehensive lead poisoning prevention from surveillance to lead hazard control.

"(2) STATE MATCH.—A State is not eligible for a grant under this section unless the State agrees to expend (through State or local funds) $1 for every $2 provided under the grant to carry out the activities described in paragraph (1).

"(3) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary in such form and manner and containing such information as the Secretary may require.

"(b) COORDINATION WITH OTHER CHILDREN'S PROGRAMS.—A State shall identify in the application for a grant under this section how the State will coordinate operations and activities under the grant with—

"(1) other programs operated in the State that serve children with elevated blood lead levels, including any such programs operated under titles V, XIX, or XXI of the Social Security Act; and

"(2) one or more of the following—

"(A) the child welfare and foster care and adoption assistance programs under parts B and E of title IV of such Act;

"(B) the head start program established under the Head Start Act (42 U.S.C. 9831 et seq.);

"(C) the program of assistance under the special supplemental nutrition program for women, infants and children (WIC) under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(D) local public and private elementary or secondary schools; or

"(E) public housing agencies, as defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

"(c) Performance Measures.—The Secretary shall establish needs indicators and performance measures to evaluate the activities carried out under grants awarded under this section. Such indicators shall be commensurate with national measures of maternal and child health programs and shall be developed in consultation with the Director of the Centers for Disease Control and Prevention.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.".

(b) Conforming Amendment.—Section 340D(c)(1) of the Public Health Service Act (42 U.S.C. 256d(c)(1)) is amended by striking "317E" and inserting "317F".

### SEC. 2503. TRAINING AND REPORTS BY THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) Training.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration and in collaboration with the Administrator of the Health Care Financing Administration and the Director of the Centers for Disease Control and Prevention, shall conduct education and training programs for physicians and other health care providers regarding childhood lead poisoning, current screening and treatment recommendations and requirements, and the scientific, medical, and public health basis for those policies.

(b) Report.—The Secretary of Health and Human Services, acting through the Administrator of the Health Resources and Services Administration, annually shall report to Congress on the number of children who received services through health centers established under section 330 of the Public Health Service Act (42 U.S.C. 254b) and received a blood lead screening test during the prior fiscal year, noting the percentage that such children represent as compared to all children who received services through such health centers.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each the fiscal years 2001 through 2005.

### SEC. 2504. SCREENINGS, REFERRALS, AND EDUCATION REGARDING LEAD POISONING.

Section 317A(l)(1) of the Public Health Service Act (42 U.S.C. 247b-1(l)(1)) is amended by striking "1994" and all that follows and inserting "1994 through 2005.".

## TITLE XXVI—SCREENING FOR HERITABLE DISORDERS

### SEC. 2601. PROGRAM TO IMPROVE THE ABILITY OF STATES TO PROVIDE NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

Part A of title XI of the Public Health Service Act, as amended by section 2301 of this Act, is amended by adding at the end the following:

### "SEC. 1109. IMPROVED NEWBORN AND CHILD SCREENING FOR HERITABLE DISORDERS.

"(a) In General.—The Secretary shall award grants to eligible entities to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling or health care services to newborns and children having or at risk for heritable disorders.

"(b) Use of Funds.—Amounts provided under a grant awarded under subsection (a) shall be used to—

"(1) establish, expand, or improve systems or programs to provide screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

"(2) establish, expand, or improve programs or services to reduce mortality or morbidity from heritable disorders;

"(3) establish, expand, or improve systems or programs to provide information and counseling on available therapies for newborns and children with heritable disorders;

"(4) improve the access of medically underserved populations to screening, counseling, testing and specialty services for newborns and children having or at risk for heritable disorders; or

"(5) conduct such other activities as may be necessary to enable newborns and children having or at risk for heritable disorders to receive screening, counseling, testing or specialty services, regardless of income, race, color, religion, sex, national origin, age, or disability.

"(c) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States; and

"(2) prepare and submit to the Secretary an application that includes—

"(A) a plan to use amounts awarded under the grant to meet specific health status goals and objectives relative to heritable disorders, including attention to needs of medically underserved populations;

"(B) a plan for the collection of outcome data or other methods of evaluating the degree to which amounts awarded under this grant will be used to achieve the goals and objectives identified under subparagraph (A);

"(C) a plan for monitoring and ensuring the quality of services provided under the grant;

"(D) an assurance that amounts awarded under the grant will be used only to implement the approved plan for the State;

"(E) an assurance that the provision of services under the plan is coordinated with services provided under programs implemented in the State under titles V, XVIII, XIX, XX, or XXI of the Social Security Act (subject to Federal regulations applicable to such programs) so that the coverage of services under such titles is not substantially diminished by the use of granted funds; and

"(F) such other information determined by the Secretary to be necessary.

"(d) Limitation.—An eligible entity may not use amounts received under this section to—

"(1) provide cash payments to or on behalf of affected individuals;

"(2) provide inpatient services;

"(3) purchase land or make capital improvements to property; or

"(4) provide for proprietary research or training.

"(e) Voluntary Participation.—The participation by any individual in any program or portion thereof established or operated with funds received under this section shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, another Federal or State program.

"(f) Supplement Not Supplant.—Funds appropriated under this section shall be used to supplement and not supplant other Federal, State, and local public funds provided for activities of the type described in this section.

"(g) Publication.

"(1) In general.—An application submitted under subsection (c)(2) shall be made public by the State in such a manner as to facilitate comment from any person, including through hearings and other methods used to facilitate comments from the public.

"(2) Comments.—Comments received by the State after the publication described in paragraph (1) shall be addressed in the application submitted under subsection (c)(2).

"(h) Technical Assistance.—The Secretary shall provide to entities receiving grants under subsection (a) such technical assistance as may be necessary to ensure the quality of programs conducted under this section.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2005.

### "SEC. 1110. EVALUATING THE EFFECTIVENESS OF NEWBORN AND CHILD SCREENING PROGRAMS.

"(a) In General.—The Secretary shall award grants to eligible entities to provide for the conduct of demonstration programs to evaluate the effectiveness of screening, counseling or health care services in reducing the morbidity and mortality caused by heritable disorders in newborns and children.

"(b) Demonstration Programs.—A demonstration program conducted under a grant under this section shall be designed to evaluate and assess, within the jurisdiction of the entity receiving such grant—

"(1) the effectiveness of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders in reducing the morbidity and mortality associated with such disorders;

"(2) the effectiveness of screening, counseling, testing or specialty services in accurately and reliably diagnosing heritable disorders in newborns and children; or

"(3) the availability of screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders.

"(c) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall be a State or political subdivision of a State, or a consortium of 2 or more States or political subdivisions of States.

### "SEC. 1111. ADVISORY COMMITTEE ON HERITABLE DISORDERS IN NEWBORNS AND CHILDREN.

"(a) Establishment.—The Secretary shall establish an advisory committee to be known as the 'Advisory Committee on Heritable Disorders in Newborns and Children' (referred to in this section as the 'Advisory Committee').

"(b) Duties.—The Advisory Committee shall—

"(1) provide advice and recommendations to the Secretary concerning grants and projects awarded or funded under section 1109;

"(2) provide technical information to the Secretary for the development of policies and priorities for the administration of grants under section 1109; and

"(3) provide such recommendations, advice or information as may be necessary to enhance, expand or improve the ability of the

Secretary to reduce the mortality or morbidity from heritable disorders.

"(c) Membership.—

"(1) In general.—The Secretary shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

"(2) Required members.—The Secretary shall appoint to the Advisory Committee under paragraph (1)—

"(A) the Administrator of the Health Resources and Services Administration;

"(B) the Director of the Centers for Disease Control and Prevention;

"(C) the Director of the National Institutes of Health;

"(D) the Director of the Agency for Healthcare Research and Quality;

"(E) medical, technical, or scientific professionals with special expertise in heritable disorders, or in providing screening, counseling, testing or specialty services for newborns and children at risk for heritable disorders;

"(F) members of the public having special expertise about or concern with heritable disorders; and

"(G) representatives from such Federal agencies, public health constituencies, and medical professional societies as determined to be necessary by the Secretary, to fulfill the duties of the Advisory Committee, as established under subsection (b).".

## TITLE XXVII—PEDIATRIC RESEARCH PROTECTIONS

### SEC. 2701. REQUIREMENT FOR ADDITIONAL PROTECTIONS FOR CHILDREN INVOLVED IN RESEARCH.

Notwithstanding any other provision of law, not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services shall require that all research involving children that is conducted, supported, or regulated by the Department of Health and Human Services be in compliance with subpart D of part 45 of title 46, Code of Federal Regulations.

## TITLE XXVIII—MISCELLANEOUS PROVISIONS

### SEC. 2801. REPORT REGARDING RESEARCH ON RARE DISEASES IN CHILDREN.

Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report on—

(1) the activities that, during fiscal year 2000, were conducted and supported by such Institutes with respect to rare diseases in children, including Friedreich's ataxia and Hutchinson-Gilford progeria syndrome; and

(2) the activities that are planned to be conducted and supported by such Institutes with respect to such diseases during the fiscal years 2001 through 2005.

### SEC. 2802. STUDY ON METABOLIC DISORDERS.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall, in consultation with relevant experts or through the Institute of Medicine, study issues related to treatment of PKU and other metabolic disorders for children, adolescents, and adults, and mechanisms to assure access to effective treatment, including special diets, for children and others with PKU and other metabolic disorders. Such mechanisms shall be evidence-based and reflect the best scientific knowledge regarding effective treatment and prevention of disease progression.

(b) Dissemination of Results.—Upon completion of the study referred to in subsection (a), the Secretary shall disseminate and otherwise make available the results of the study to interested groups and organizations, including insurance commissioners, employers, private insurers, health care professionals, State and local public health agencies, and State agencies that carry out the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2001 through 2003.

## TITLE XXIX—EFFECTIVE DATE

### SEC. 2901. EFFECTIVE DATE.

This division and the amendments made by this division take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

## DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

### SEC. 3001. SHORT TITLE.

This division may be cited as the "Youth Drug and Mental Health Services Act".

## TITLE XXXI—PROVISIONS RELATING TO SERVICES FOR CHILDREN AND ADOLESCENTS

### SEC. 3101. CHILDREN AND VIOLENCE.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

"Part G—Projects for Children and Violence

### "SEC. 581. CHILDREN AND VIOLENCE.

"(a) In General.—The Secretary, in consultation with the Secretary of Education and the Attorney General, shall carry out directly or through grants, contracts or cooperative agreements with public entities a program to assist local communities in developing ways to assist children in dealing with violence.

"(b) Activities.—Under the program under subsection (a), the Secretary may—

"(1) provide financial support to enable local communities to implement programs to foster the health and development of children;

"(2) provide technical assistance to local communities with respect to the development of programs described in paragraph (1);

"(3) provide assistance to local communities in the development of policies to address violence when and if it occurs;

"(4) assist in the creation of community partnerships among law enforcement, education systems and mental health and substance abuse service systems; and

"(5) establish mechanisms for children and adolescents to report incidents of violence or plans by other children or adolescents to commit violence.

"(c) Requirements.—An application for a grant, contract or cooperative agreement under subsection (a) shall demonstrate that—

"(1) the applicant will use amounts received to create a partnership described in subsection (b)(4) to address issues of violence in schools;

"(2) the activities carried out by the applicant will provide a comprehensive method for addressing violence, that will include—

"(A) security;

"(B) educational reform;

"(C) the review and updating of school policies;

"(D) alcohol and drug abuse prevention and early intervention services;

"(E) mental health prevention and treatment services; and

"(F) early childhood development and psychosocial services; and

"(3) the applicant will use amounts received only for the services described in subparagraphs (D), (E), and (F) of paragraph (2).

"(d) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) will be distributed equitably among the regions of the country and among urban and rural areas.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years.

"(f) Evaluation.—The Secretary shall conduct an evaluation of each project carried out under this section and shall disseminate the results of such evaluations to appropriate public and private entities.

"(g) Information and Education.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application under this section to the general public and to health care professionals.

"(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.

### "SEC. 582. GRANTS TO ADDRESS THE PROBLEMS OF PERSONS WHO EXPERIENCE VIOLENCE RELATED STRESS.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to public and nonprofit private entities, as well as to Indian tribes and tribal organizations, for the purpose of developing programs focusing on the behavioral and biological aspects of psychological trauma response and for developing knowledge with regard to evidence-based practices for treating psychiatric disorders of children and youth resulting from witnessing or experiencing a traumatic event.

"(b) Priorities.—In awarding grants, contracts or cooperative agreements under subsection (a) related to the development of knowledge on evidence-based practices for treating disorders associated with psychological trauma, the Secretary shall give priority to mental health agencies and programs that have established clinical and basic research experience in the field of trauma-related mental disorders.

"(c) Geographical Distribution.—The Secretary shall ensure that grants, contracts or cooperative agreements under subsection (a) with respect to centers of excellence are distributed equitably among the regions of the country and among urban and rural areas.

"(d) Evaluation.—The Secretary, as part of the application process, shall require that each applicant for a grant, contract or cooperative agreement under subsection (a) submit a plan for the rigorous evaluation of the activities funded under the grant, contract or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(e) Duration of Awards.—With respect to a grant, contract or cooperative agreement under subsection (a), the period during which payments under such an award will be made to the recipient may not exceed 5 years. Such grants, contracts or agreements may be renewed.

“(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

### SEC. 3102. EMERGENCY RESPONSE.

Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(1) by redesignating subsection (m) as subsection (o);

(2) by inserting after subsection (l) the following:

“(m) Emergency Response.—

“(1) In general.—Notwithstanding section 504 and except as provided in paragraph (2), the Secretary may use not to exceed 2.5 percent of all amounts appropriated under this title for a fiscal year to make noncompetitive grants, contracts or cooperative agreements to public entities to enable such entities to address emergency substance abuse or mental health needs in local communities.

“(2) Exceptions.—Amounts appropriated under part C shall not be subject to paragraph (1).

“(3) Emergencies.—The Secretary shall establish criteria for determining that a substance abuse or mental health emergency exists and publish such criteria in the Federal Register prior to providing funds under this subsection.

“(n) Limitation on the Use of Certain Information.—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under section 505 may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Secretary) to its publication or release in other form.”; and

(3) in subsection (o) (as so redesignated), by striking “1993” and all that follows through the period and inserting “2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

### SEC. 3103. HIGH RISK YOUTH REAUTHORIZATION.

Section 517(h) of the Public Health Service Act (42 U.S.C. 290bb–23(h)) is amended by striking “$70,000,000” and all that follows through “1994” and inserting “such sums as may be necessary for each of the fiscal years 2001 through 2003”.

### SEC. 3104. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

(a) Substance Abuse Treatment Services.—Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following:

### “SEC. 514. SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS.

“(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing substance abuse treatment services for children and adolescents.

“(b) Priority.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who propose to—

“(1) apply evidenced-based and cost effective methods for the treatment of substance abuse among children and adolescents;

“(2) coordinate the provision of treatment services with other social service agencies in the community, including educational, juvenile justice, child welfare, and mental health agencies;

“(3) provide a continuum of integrated treatment services, including case management, for children and adolescents with substance abuse disorders and their families;

“(4) provide treatment that is gender-specific and culturally appropriate;

“(5) involve and work with families of children and adolescents receiving treatment;

“(6) provide aftercare services for children and adolescents and their families after completion of substance abuse treatment; and

“(7) address the relationship between substance abuse and violence.

“(c) Duration of Grants.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

“(d) Application.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(e) Evaluation.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

“(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

### “SEC. 514A. EARLY INTERVENTION SERVICES FOR CHILDREN AND ADOLESCENTS.

“(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), for the purpose of providing early intervention substance abuse services for children and adolescents.

“(b) Priority.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants who demonstrate an ability to—

“(1) screen for and assess substance use and abuse by children and adolescents;

“(2) make appropriate referrals for children and adolescents who are in need of treatment for substance abuse;

“(3) provide early intervention services, including counseling and ancillary services, that are designed to meet the developmental needs of children and adolescents who are at risk for substance abuse; and

“(4) develop networks with the educational, juvenile justice, social services, and other agencies and organizations in the State or local community involved that will work to identify children and adolescents who are in need of substance abuse treatment services.

“(c) Condition.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall ensure that such grants, contracts, or cooperative agreements are allocated, subject to the availability of qualified applicants, among the principal geographic regions of the United States, to Indian tribes and tribal organizations, and to urban and rural areas.

“(d) Duration of Grants.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for periods not to exceed 5 fiscal years.

“(e) Application.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

“(f) Evaluation.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, contract, or cooperative agreement, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate.

“(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.”.

(b) Youth Interagency Centers.—Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding the following:

### “SEC. 520C. YOUTH INTERAGENCY RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTERS.

“(a) Program Authorized.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Bureau of Justice Assistance and the Director of the National Institutes of Health, shall award grants or contracts to public or nonprofit private entities to establish not more than 4 research, training, and technical assistance centers to carry out the activities described in subsection (c).

“(b) Application.—A public or private nonprofit entity desiring a grant or contract under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(c) Authorized Activities.—A center established under a grant or contract under subsection (a) shall—

“(1) provide training with respect to state-of-the-art mental health and justice-related services and successful mental health and substance abuse-justice collaborations that focus on children and adolescents, to public policymakers, law enforcement administrators, public defenders, police, probation officers, judges, parole officials, jail administrators and mental health and substance abuse providers and administrators;

“(2) engage in research and evaluations concerning State and local justice and mental health systems, including system redesign initiatives, and disseminate information concerning the results of such evaluations;

“(3) provide direct technical assistance, including assistance provided through toll-free telephone numbers, concerning issues such as how to accommodate individuals who are being processed through the courts under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), what types of mental health or substance abuse service approaches are effective within the judicial system, and how community-based mental health or substance abuse services can be more effective, including relevant regional, ethnic, and gender-related considerations; and

"(4) provide information, training, and technical assistance to State and local governmental officials to enhance the capacity of such officials to provide appropriate services relating to mental health or substance abuse.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.".

(c) PREVENTION OF ABUSE AND ADDICTION.—Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq.) is amended by adding the following:

### "SEC. 519E. PREVENTION OF METHAMPHETAMINE AND INHALANT ABUSE AND ADDICTION.

"(a) GRANTS.—The Director of the Center for Substance Abuse Prevention (referred to in this section as the 'Director') may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities to enable such entities—

"(1) to carry out school-based programs concerning the dangers of methamphetamine or inhalant abuse and addiction, using methods that are effective and evidence-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(2) to carry out community-based methamphetamine or inhalant abuse and addiction prevention programs that are effective and evidence-based.

"(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering methamphetamine or inhalant prevention programs in accordance with subsection (c).

"(c) PREVENTION PROGRAMS AND ACTIVITIES.—

"(1) IN GENERAL.—Amounts provided under this section may be used—

"(A) to carry out school-based programs that are focused on those districts with high or increasing rates of methamphetamine or inhalant abuse and addiction and targeted at populations which are most at risk to start methamphetamine or inhalant abuse;

"(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for methamphetamine or inhalant abuse and addiction;

"(C) to assist local government entities to conduct appropriate methamphetamine or inhalant prevention activities;

"(D) to train and educate State and local law enforcement officials, prevention and education officials, members of community anti-drug coalitions and parents on the signs of methamphetamine or inhalant abuse and addiction and the options for treatment and prevention;

"(E) for planning, administration, and educational activities related to the prevention of methamphetamine or inhalant abuse and addiction;

"(F) for the monitoring and evaluation of methamphetamine or inhalant prevention activities, and reporting and disseminating resulting information to the public; and

"(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(2) PRIORITY.—The Director shall give priority in making grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in methamphetamine or inhalant abuse and addiction.

"(d) ANALYSES AND EVALUATION.—

"(1) IN GENERAL.—Up to $500,000 of the amount available in each fiscal year to carry out this section shall be made available to the Director, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for methamphetamine or inhalant abuse and addiction and the development of appropriate strategies for disseminating information about and implementing these programs.

"(2) ANNUAL REPORTS.—The Director shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Commerce and Committee on Appropriations of the House of Representatives, an annual report with the results of the analyses and evaluation under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a), $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

### SEC. 3105. COMPREHENSIVE COMMUNITY SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

(a) MATCHING FUNDS.—Section 561(c)(1)(D) of the Public Health Service Act (42 U.S.C. 290ff(c)(1)(D)) is amended by striking "fifth" and inserting "fifth and sixth".

(b) FLEXIBILITY FOR INDIAN TRIBES AND TERRITORIES.—Section 562 of the Public Health Service Act (42 U.S.C. 290ff-1) is amended by adding at the end the following:

"(g) WAIVERS.—The Secretary may waive 1 or more of the requirements of subsection (c) for a public entity that is an Indian Tribe or tribal organization, or American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, or the United States Virgin Islands if the Secretary determines, after peer review, that the system of care is family-centered and uses the least restrictive environment that is clinically appropriate.".

(c) DURATION OF GRANTS.—Section 565(a) of the Public Health Service Act (42 U.S.C. 290ff-4(a)) is amended by striking "5 fiscal" and inserting "6 fiscal".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 565(f)(1) of the Public Health Service Act (42 U.S.C. 290ff-4(f)(1)) is amended by striking "1993" and all that follows and inserting "2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(e) CURRENT GRANTEES.—

(1) IN GENERAL.—Entities with active grants under section 561 of the Public Health Service Act (42 U.S.C. 290ff) on the date of enactment of this Act shall be eligible to receive a 6th year of funding under the grant in an amount not to exceed the amount that such grantee received in the 5th year of funding under such grant. Such 6th year may be funded without requiring peer and Advisory Council review as required under section 504 of such Act (42 U.S.C. 290aa-3).

(2) LIMITATION.—Paragraph (1) shall apply with respect to a grantee only if the grantee agrees to comply with the provisions of section 561 as amended by subsection (a).

### SEC. 3106. SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

(a) ADMINISTRATION AND ACTIVITIES.—

(1) ADMINISTRATION.—Section 399D(a) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in paragraph (1), by striking "Administrator" and all that follows through "Administration" and insert "Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) in paragraph (2), by striking "Administrator of the Substance Abuse and Mental Health Services Administration" and inserting "Administrator of the Health Resources and Services Administration".

(2) ACTIVITIES.—Section 399D(a)(1) of the Public Health Service Act (42 U.S.C. 280d(a)(1)) is amended—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C), by striking the period and inserting the following: "through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, health, substance abuse and mental health providers through screenings conducted during regular childhood examinations and other examinations, self and family member referrals, substance abuse treatment services, and other providers of services to children and families; and"; and

(C) by adding at the end the following:

"(D) to provide education and training to health, substance abuse and mental health professionals, and other providers of services to children and families through youth service agencies, family social services, child care, Head Start, schools and after-school programs, early childhood development programs, community-based family resource and support centers, the criminal justice system, and other providers of services to children and families.".

(3) IDENTIFICATION OF CERTAIN CHILDREN.—Section 399D(a)(3)(A) of the Public Health Service Act (42 U.S.C. 280d(a)(3)(A)) is amended—

(A) in clause (i), by striking "(i) the entity" and inserting "(i)(I) the entity";

(B) in clause (ii)—

(i) by striking "(ii) the entity" and inserting "(II) the entity"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(ii) the entity will identify children who may be eligible for medical assistance under a State program under title XIX or XXI of the Social Security Act.".

(b) SERVICES FOR CHILDREN.—Section 399D(b) of the Public Health Service Act (42 U.S.C. 280d(b)) is amended—

(1) in paragraph (1), by inserting "alcohol and drug," after "psychological,";

(2) by striking paragraph (5) and inserting the following:

"(5) Developmentally and age-appropriate drug and alcohol early intervention, treatment and prevention services."; and

(3) by inserting after paragraph (8), the following:

"Services shall be provided under paragraphs (2) through (8) by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional, or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements.".

(c) SERVICES FOR AFFECTED FAMILIES.—Section 399D(c) of the Public Health Service Act (42 U.S.C. 280d(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting before the colon the following: ", or by an entity, where the professional or entity provides assurances that the professional or entity is licensed or certified by the State if required and is complying with applicable licensure or certification requirements"; and

(B) by adding at the end the following:

"(D) Aggressive outreach to family members with substance abuse problems.

"(E) Inclusion of consumer in the development, implementation, and monitoring of Family Services Plan.";

(2) in paragraph (2)—

(A) by striking subparagraph (A) and inserting the following:

"(A) Alcohol and drug treatment services, including screening and assessment, diagnosis, detoxification, individual, group and family counseling, relapse prevention, pharmacotherapy treatment, after-care services, and case management.";

(B) in subparagraph (C), by striking ", including educational and career planning" and inserting "and counseling on the human immunodeficiency virus and acquired immune deficiency syndrome";

(C) in subparagraph (D), by striking "conflict and"; and

(D) in subparagraph (E), by striking "Remedial" and inserting "Career planning and"; and

(3) in paragraph (3)(D), by inserting "which include child abuse and neglect prevention techniques" before the period.

(d) ELIGIBLE ENTITIES.—Section 399D(d) of the Public Health Service Act (42 U.S.C. 280d(d)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting:

"(d) ELIGIBLE ENTITIES.—The Secretary shall distribute the grants through the following types of entities:";

(2) in paragraph (1), by striking "drug treatment" and inserting "drug early intervention, prevention or treatment; and

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "; and" and inserting "; or"; and

(B) in subparagraph (B), by inserting "or pediatric health or mental health providers and family mental health providers" before the period.

(e) SUBMISSION OF INFORMATION.—Section 399D(h) of the Public Health Service Act (42 U.S.C. 280d(h)) is amended—

(1) in paragraph (2)—

(A) by inserting "including maternal and child health" before "mental";

(B) by striking "treatment programs"; and

(C) by striking "and the State agency responsible for administering public maternal and child health services" and inserting ", the State agency responsible for administering alcohol and drug programs, the State lead agency, and the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act; and"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(f) REPORTS TO THE SECRETARY.—Section 399D(i)(6) of the Public Health Service Act (42 U.S.C. 280d(i)(6)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by striking subparagraphs (C), (D), and (E) and inserting the following:

"(C) the number of case workers or other professionals trained to identify and address substance abuse issues.".

(g) EVALUATIONS.—Section 399D(l) of the Public Health Service Act (42 U.S.C. 280d(l)) is amended—

(1) in paragraph (3), by adding "and" at the end;

(2) in paragraph (4), by striking the semicolon and inserting the following: ", including increased participation in work or employment-related activities and decreased participation in welfare programs."; and

(3) by striking paragraphs (5) and (6).

(h) REPORT TO CONGRESS.—Section 399D(m) of the Public Health Service Act (42 U.S.C. 280d(m)) is amended—

(1) in paragraph (2), by adding "and" at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking the semicolon and inserting a period; and

(C) by striking subparagraphs (C), (D), and (E); and

(3) by striking paragraphs (4) and (5).

(i) DATA COLLECTION.—Section 399D(n) of the Public Health Service Act (42 U.S.C. 280d(n)) is amended by adding at the end the following: "The periodic report shall include a quantitative estimate of the prevalence of alcohol and drug problems in families involved in the child welfare system, the barriers to treatment and prevention services facing these families, and policy recommendations for removing the identified barriers, including training for child welfare workers.".

(j) DEFINITION.—Section 399D(o)(2)(B) of the Public Health Service Act (42 U.S.C. 280d(o)(2)(B)) is amended by striking "dangerous".

(k) AUTHORIZATION OF APPROPRIATIONS.—Section 399D(p) of the Public Health Service Act (42 U.S.C. 280d(p)) is amended to read as follows:

"(p) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

(l) GRANTS FOR TRAINING AND CONFORMING AMENDMENTS.—Section 399D of the Public Health Service Act (42 U.S.C. 280d) is amended—

(1) by striking subsection (f);

(2) by striking subsection (k);

(3) by redesignating subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (o), and (p) as subsections (e) through (o), respectively;

(4) by inserting after subsection (c), the following:

"(d) TRAINING FOR PROVIDERS OF SERVICES TO CHILDREN AND FAMILIES.—The Secretary may make a grant under subsection (a) for the training of health, substance abuse and mental health professionals and other providers of services to children and families through youth service agencies, family social services, child care providers, Head Start, schools and after-school programs, early childhood development programs, community-based family resource centers, the criminal justice system, and other providers of services to children and families. Such training shall be to assist professionals in recognizing the drug and alcohol problems of their clients and to enhance their skills in identifying and understanding the nature of substance abuse, and obtaining substance abuse early intervention, prevention and treatment resources.";

(5) in subsection (k)(2) (as so redesignated), by striking "(h)" and inserting "(i)"; and

(6) in paragraphs (3)(E) and (5) of subsection (m) (as so redesignated), by striking "(d)" and inserting "(e)".

(m) TRANSFER AND REDESIGNATION.—Section 399D of the Public Health Service Act (42 U.S.C. 280d), as amended by this section—

(1) is transferred to title V;

(2) is redesignated as section 519; and

(3) is inserted after section 518.

(n) CONFORMING AMENDMENT.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by striking the heading of part L.

### SEC. 3107. SERVICES FOR YOUTH OFFENDERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3104(b), is further amended by adding at the end the following:

### "SEC. 520D. SERVICES FOR YOUTH OFFENDERS.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, and in consultation with the Director of the Center for Substance Abuse Treatment, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, and the Director of the Special Education Programs, shall award grants on a competitive basis to State or local juvenile justice agencies to enable such agencies to provide aftercare services for youth offenders who have been discharged from facilities in the juvenile or criminal justice system and have serious emotional disturbances or are at risk of developing such disturbances.

"(b) USE OF FUNDS.—A State or local juvenile justice agency receiving a grant under subsection (a) shall use the amounts provided under the grant—

"(1) to develop a plan describing the manner in which the agency will provide services for each youth offender who has a serious emotional disturbance and has been detained or incarcerated in facilities within the juvenile or criminal justice system;

"(2) to provide a network of core or aftercare services or access to such services for each youth offender, including diagnostic and evaluation services, substance abuse treatment services, outpatient mental health care services, medication management services, intensive home-based therapy, intensive day treatment services, respite care, and therapeutic foster care;

"(3) to establish a program that coordinates with other State and local agencies providing recreational, social, educational, vocational, or operational services for youth, to enable the agency receiving a grant under this section to provide community-based system of care services for each youth offender that addresses the special needs of the youth and helps the youth access all of the aforementioned services; and

"(4) using not more than 20 percent of funds received, to provide planning and transition services as described in paragraph (3) for youth offenders while such youth are incarcerated or detained.

"(c) APPLICATION.—A State or local juvenile justice agency that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(d) REPORT.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that describes the services provided pursuant to this section.

"(e) DEFINITIONS.—In this section:

"(1) SERIOUS EMOTIONAL DISTURBANCE.—The term 'serious emotional disturbance' with respect to a youth offender means an offender who currently, or at any time within the 1-year period ending on the day on which services are sought under this section, has a diagnosable mental, behavioral, or emotional disorder that functionally impairs the offender's life by substantially limiting the offender's role in family, school, or community activities, and interfering with the offender's ability to achieve or maintain 1 or more developmentally-appropriate social, behavior, cognitive, communicative, or adaptive skills.

“(2) Community-Based System of Care.—The term ‘community-based system of care’ means the provision of services for the youth offender by various State or local agencies that in an interagency fashion or operating as a network addresses the recreational, social, educational, vocational, mental health, substance abuse, and operational needs of the youth offender.

“(3) Youth Offender.—The term ‘youth offender’ means an individual who is 21 years of age or younger who has been discharged from a State or local juvenile or criminal justice system, except that if the individual is between the ages of 18 and 21 years, such individual has had contact with the State or local juvenile or criminal justice system prior to attaining 18 years of age and is under the jurisdiction of such a system at the time services are sought.

“(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.”.

### SEC. 3108. GRANTS FOR STRENGTHENING FAMILIES THROUGH COMMUNITY PARTNERSHIPS.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq) is amended by adding at the end the following:

### “SEC. 519A. GRANTS FOR STRENGTHENING FAMILIES.

“(a) Program Authorized.—The Secretary, acting through the Director of the Prevention Center, may make grants to public and nonprofit private entities to develop and implement model substance abuse prevention programs to provide early intervention and substance abuse prevention services for individuals of high-risk families and the communities in which such individuals reside.

“(b) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applicants that—

“(1) have proven experience in preventing substance abuse by individuals of high-risk families and reducing substance abuse in communities of such individuals;

“(2) have demonstrated the capacity to implement community-based partnership initiatives that are sensitive to the diverse backgrounds of individuals of high-risk families and the communities of such individuals;

“(3) have experience in providing technical assistance to support substance abuse prevention programs that are community-based;

“(4) have demonstrated the capacity to implement research-based substance abuse prevention strategies; and

“(5) have implemented programs that involve families, residents, community agencies, and institutions in the implementation and design of such programs.

“(c) Duration of Grants.—The Secretary shall award grants under subsection (a) for a period not to exceed 5 years.

“(d) Use of Funds.—An applicant that is awarded a grant under subsection (a) shall—

“(1) in the first fiscal year that such funds are received under the grant, use such funds to develop a model substance abuse prevention program; and

“(2) in the fiscal year following the first fiscal year that such funds are received, use such funds to implement the program developed under paragraph (1) to provide early intervention and substance abuse prevention services to—

“(A) strengthen the environment of children of high risk families by targeting interventions at the families of such children and the communities in which such children reside;

“(B) strengthen protective factors, such as—

“(i) positive adult role models;

“(ii) messages that oppose substance abuse;

“(iii) community actions designed to reduce accessibility to and use of illegal substances; and

“(iv) willingness of individuals of families in which substance abuse occurs to seek treatment for substance abuse;

“(C) reduce family and community risks, such as family violence, alcohol or drug abuse, crime, and other behaviors that may effect healthy child development and increase the likelihood of substance abuse; and

“(D) build collaborative and formal partnerships between community agencies, institutions, and businesses to ensure that comprehensive high quality services are provided, such as early childhood education, health care, family support programs, parent education programs, and home visits for infants.

“(e) Application.—To be eligible to receive a grant under subsection (a), an applicant shall prepare and submit to the Secretary an application that—

“(1) describes a model substance abuse prevention program that such applicant will establish;

“(2) describes the manner in which the services described in subsection (d)(2) will be provided; and

“(3) describe in as much detail as possible the results that the entity expects to achieve in implementing such a program.

“(f) Matching Funding.—The Secretary may not make a grant to a entity under subsection (a) unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program for which the grant was awarded, the entity will make available non-Federal contributions in an amount that is not less than 40 percent of the amount provided under the grant.

“(g) Report to Secretary.—An applicant that is awarded a grant under subsection (a) shall prepare and submit to the Secretary a report in such form and containing such information as the Secretary may require, including an assessment of the efficacy of the model substance abuse prevention program implemented by the applicant and the short, intermediate, and long term results of such program.

“(h) Evaluations.—The Secretary shall conduct evaluations, based in part on the reports submitted under subsection (g), to determine the effectiveness of the programs funded under subsection (a) in reducing substance use in high-risk families and in making communities in which such families reside in stronger. The Secretary shall submit such evaluations to the appropriate committees of Congress.

“(i) High-Risk Families.—In this section, the term ‘high-risk family’ means a family in which the individuals of such family are at a significant risk of using or abusing alcohol or any illegal substance.

“(j) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $3,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

### SEC. 3109. PROGRAMS TO REDUCE UNDERAGE DRINKING.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq), as amended by section 3108, is further amended by adding at the end the following:

### “SEC. 519B. PROGRAMS TO REDUCE UNDERAGE DRINKING.

“(a) In General.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to enable such entities to develop plans for and to carry out school-based (including institutions of higher education) and community-based programs for the prevention of alcoholic-beverage consumption by individuals who have not attained the legal drinking age.

“(b) Eligibility Requirements.—To be eligible to receive an award under subsection (a), an entity shall provide any assurances to the Secretary which the Secretary may require, including that the entity will—

“(1) annually report to the Secretary on the effectiveness of the prevention approaches implemented by the entity;

“(2) use science based and age appropriate approaches; and

“(3) involve local public health officials and community prevention program staff in the planning and implementation of the program.

“(c) Evaluation.—The Secretary shall evaluate each project under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

“(d) Geographical Distribution.—The Secretary shall ensure that awards will be distributed equitably among the regions of the country and among urban and rural areas.

“(e) Duration of Award.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years. The preceding sentence may not be construed as establishing a limitation on the number of awards under such subsection that may be made to the recipient.

“(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.”.

### SEC. 3110. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

Subpart 2 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-21 et seq), as amended by sections 3108 and 3109, is further amended by adding at the end the following:

### “SEC. 519C. SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME.

“(a) In General.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations, to provide services to individuals diagnosed with fetal alcohol syndrome or alcohol-related birth defects.

“(b) Use of Funds.—An award under subsection (a) may, subject to subsection (d), be used to—

“(1) screen and test individuals to determine the type and level of services needed;

“(2) develop a comprehensive plan for providing services to the individual;

"(3) provide mental health counseling;

"(4) provide substance abuse prevention services and treatment, if needed;

"(5) coordinate services with other social programs including social services, justice system, educational services, health services, mental health and substance abuse services, financial assistance programs, vocational services and housing assistance programs;

"(6) provide vocational services;

"(7) provide health counseling;

"(8) provide housing assistance;

"(9) parenting skills training;

"(10) overall case management;

"(11) supportive services for families of individuals with Fetal Alcohol Syndrome; and

"(12) provide other services and programs, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

"(c) Requirements.—To be eligible to receive an award under subsection (a), an applicant shall—

"(1) demonstrate that the program will be part of a coordinated, comprehensive system of care for such individuals;

"(2) demonstrate an established communication with other social programs in the community including social services, justice system, financial assistance programs, health services, educational services, mental health and substance abuse services, vocational services and housing assistance services;

"(3) show a history of working with individuals with fetal alcohol syndrome or alcohol-related birth defects;

"(4) provide assurance that the services will be provided in a culturally and linguistically appropriate manner; and

"(5) provide assurance that at the end of the 5-year award period, other mechanisms will be identified to meet the needs of the individuals and families served under such award.

"(d) Relationship to Payments Under Other Programs.—An award may be made under subsection (a) only if the applicant involved agrees that the award will not be expended to pay the expenses of providing any service under this section to an individual to the extent that payment has been made, or can reasonably be expected to be made, with respect to such expenses—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) Duration of Awards.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

"(f) Evaluation.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(g) Funding.—

"(1) Authorization of appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $25,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

"(2) Allocation.—Of the amounts appropriated under paragraph (1) for a fiscal year, not less than $300,000 shall, for purposes relating to fetal alcohol syndrome and alcohol-related birth defects, be made available for collaborative, coordinated interagency efforts with the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Child Health and Human Development, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers for Disease Control and Prevention, the Department of Education, and the Department of Justice.

### "SEC. 519D. CENTERS OF EXCELLENCE ON SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME AND ALCOHOL-RELATED BIRTH DEFECTS AND TREATMENT FOR INDIVIDUALS WITH SUCH CONDITIONS AND THEIR FAMILIES.

"(a) In General.—The Secretary shall make awards of grants, cooperative agreements, or contracts to public or nonprofit private entities for the purposes of establishing not more than 4 centers of excellence to study techniques for the prevention of fetal alcohol syndrome and alcohol-related birth defects and adaptations of innovative clinical interventions and service delivery improvements for the provision of comprehensive services to individuals with fetal alcohol syndrome or alcohol-related birth defects and their families and for providing training on such conditions.

"(b) Use of Funds.—An award under subsection (a) may be used to—

"(1) study adaptations of innovative clinical interventions and service delivery improvements strategies for children and adults with fetal alcohol syndrome or alcohol-related birth defects and their families;

"(2) identify communities which have an exemplary comprehensive system of care for such individuals so that they can provide technical assistance to other communities attempting to set up such a system of care;

"(3) provide technical assistance to communities who do not have a comprehensive system of care for such individuals and their families;

"(4) train community leaders, mental health and substance abuse professionals, families, law enforcement personnel, judges, health professionals, persons working in financial assistance programs, social service personnel, child welfare professionals, and other service providers on the implications of fetal alcohol syndrome and alcohol-related birth defects, the early identification of and referral for such conditions;

"(5) develop innovative techniques for preventing alcohol use by women in child bearing years;

"(6) perform other functions, to the extent authorized by the Secretary after consideration of recommendations made by the National Task Force on Fetal Alcohol Syndrome.

"(c) Report.—

"(1) In general.—A recipient of an award under subsection (a) shall at the end of the period of funding report to the Secretary on any innovative techniques that have been discovered for preventing alcohol use among women of child bearing years.

"(2) Dissemination of findings.—The Secretary shall upon receiving a report under paragraph (1) disseminate the findings to appropriate public and private entities.

"(d) Duration of Awards.—With respect to an award under subsection (a), the period during which payments under such award are made to the recipient may not exceed 5 years.

"(e) Evaluation.—The Secretary shall evaluate each project carried out under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(f) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

### SEC. 3111. SUICIDE PREVENTION.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq), as amended by section 3107, is further amended by adding at the end the following:

### "SEC. 520E. SUICIDE PREVENTION FOR CHILDREN AND ADOLESCENTS.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, public organizations, or private nonprofit organizations to establish programs to reduce suicide deaths in the United States among children and adolescents.

"(b) Collaboration.—In carrying out subsection (a), the Secretary shall ensure that activities under this section are coordinated among the Substance Abuse and Mental Health Services Administration, the relevant institutes at the National Institutes of Health, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Administration on Children and Families.

"(c) Requirements.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization desiring a grant, contract, or cooperative agreement under this section shall demonstrate that the suicide prevention program such entity proposes will—

"(1) provide for the timely assessment, treatment, or referral for mental health or substance abuse services of children and adolescents at risk for suicide;

"(2) be based on best evidence-based, suicide prevention practices and strategies that are adapted to the local community;

"(3) integrate its suicide prevention program into the existing health care system in the community including primary health care, mental health services, and substance abuse services;

"(4) be integrated into other systems in the community that address the needs of children and adolescents including the educational system, juvenile justice system, welfare and child protection systems, and community youth support organizations;

"(5) use primary prevention methods to educate and raise awareness in the local community by disseminating evidence-based information about suicide prevention;

"(6) include suicide prevention, mental health, and related information and services for the families and friends of those who completed suicide, as needed;

"(7) provide linguistically appropriate and culturally competent services, as needed;

"(8) provide a plan for the evaluation of outcomes and activities at the local level, according to standards established by the Secretary, and agree to participate in a national evaluation; and

"(9) ensure that staff used in the program are trained in suicide prevention and that professionals involved in the system of care have received training in identifying persons at risk of suicide.

"(d) Use of Funds.—Amounts provided under grants, contracts, or cooperative agreements under subsection (a) shall be used to supplement and not supplant other Federal, State, and local public funds that are expended to provide services for eligible individuals.

"(e) Condition.—An applicant for a grant, contract, or cooperative agreement under subsection (a) shall demonstrate to the Secretary that the applicant has the support of the local community and relevant public health officials.

"(f) Special Populations.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are made in a manner that will focus on the needs of communities or groups that experience high or rapidly rising rates of suicide.

"(g) Application.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include a plan for the rigorous evaluation of activities funded under the grant, contract, or cooperative agreement, including a process and outcome evaluation.

"(h) Distribution of Awards.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall ensure that such awards are distributed among the geographical regions of the United States and between urban and rural settings.

"(i) Evaluation.—A State, political subdivision of a State, Indian tribe, tribal organization, public organization, or private nonprofit organization receiving a grant, contract, or cooperative agreement under subsection (a) shall prepare and submit to the Secretary at the end of the program period, an evaluation of all activities funded under this section.

"(j) Dissemination and Education.—The Secretary shall ensure that findings derived from activities carried out under this section are disseminated to State, county and local governmental agencies and public and private nonprofit organizations active in promoting suicide prevention and family support activities.

"(k) Duration of Projects.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award may be made to the recipient may not exceed 5 years.

"(l) Study.—Within 1 year after the date of enactment of this section, the Secretary shall, directly or by grant or contract, initiate a study to assemble and analyze data to identify—

"(1) unique profiles of children under 13 who attempt or complete suicide;

"(2) unique profiles of youths between ages 13 and 21 who attempt or complete suicide; and

"(3) a profile of services which might have been available to these groups and the use of these services by children and youths from paragraphs (1) and (2).

"(m) Authorization of Appropriation.—

"(1) In general.—For purposes of carrying out this section, there is authorized to be appropriated $75,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.

"(2) Program management.—In carrying out this section, the Secretary shall use 1 percent of the amount appropriated under paragraph (1) for each fiscal year for managing programs under this section.".

### SEC. 3112. GENERAL PROVISIONS.

(a) Duties of the Center for Substance Abuse Treatment.—Section 507(b) of the Public Health Service Act (42 U.S.C. 290bb(b)) is amended—

(1) by redesignating paragraphs (2) through (12) as paragraphs (4) through (14), respectively;

(2) by inserting after paragraph (1), the following:

"(2) ensure that emphasis is placed on children and adolescents in the development of treatment programs;

"(3) collaborate with the Attorney General to develop programs to provide substance abuse treatment services to individuals who have had contact with the Justice system, especially adolescents;";

(3) in paragraph (7) (as so redesignated), by striking "services, and monitor" and all that follows through "1925" and inserting "services";

(4) in paragraph (13) (as so redesignated), by striking "treatment, including" and all that follows through "which shall" and inserting "treatment, which shall"; and

(5) in paragraph 14 (as so redesignated), by striking "paragraph (11)" and inserting "paragraph (13)".

(b) Office for Substance Abuse Prevention.—Section 515(b) of the Public Health Service Act (42 U.S.C. 290bb-21(b)) is amended—

(1) by redesignating paragraphs (9) and (10) as (10) and (11);

(2) by inserting after paragraph (8), the following:

"(9) collaborate with the Attorney General of the Department of Justice to develop programs to prevent drug abuse among high risk youth;"; and

(3) in paragraph (10) (as so redesignated), by striking "public concerning" and inserting "public, especially adolescent audiences, concerning".

(c) Duties of the Center for Mental Health Services.—Section 520(b) of the Public Health Service Act (42 U.S.C. 290bb-3(b)) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) by inserting after paragraph (2), the following:

"(3) collaborate with the Department of Education and the Department of Justice to develop programs to assist local communities in addressing violence among children and adolescents;";

(3) in paragraph (8) (as so redesignated), by striking "programs authorized" and all that follows through "Programs" and inserting "programs under part C"; and

(4) in paragraph (9) (as so redesignated), by striking "program and programs" and all that follows through "303" and inserting "programs".

## TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

### SEC. 3201. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) In General.—Section 520A of the Public Health Service Act (42 U.S.C. 290bb-32) is amended to read as follows:

### "SEC. 520A. PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) Projects.—The Secretary shall address priority mental health needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for prevention, treatment, and rehabilitation, and the conduct or support of evaluations of such projects;

"(2) training and technical assistance programs;

"(3) targeted capacity response programs; and

"(4) systems change grants including statewide family network grants and client-oriented and consumer run self-help activities. The Secretary may carry out the activities described in this subsection directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or private nonprofit entities.

"(b) Priority Mental Health Needs.—

"(1) Determination of needs.—Priority mental health needs of regional and national significance shall be determined by the Secretary in consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) Special consideration.—In developing program priorities described in paragraph (1), the Secretary shall give special consideration to promoting the integration of mental health services into primary health care systems.

"(c) Requirements.—

"(1) In general.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) Duration of award.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) Matching funds.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under this section provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) Maintenance of effort.—With respect to activities for which a grant, contract or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) Evaluation.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) Information and Education.—

"(1) In general.—The Secretary shall establish information and education programs to disseminate and apply the findings of the knowledge development and application, training, and technical assistance programs, and targeted capacity response programs, under this section to the general public, to health care professionals, and to interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out mental health services.

"(2) RURAL AND UNDERSERVED AREAS.—In disseminating information on evidence-based practices in the provision of children's mental health services under this subsection, the Secretary shall ensure that such information is distributed to rural and medically underserved areas.

"(f) AUTHORIZATION OF APPROPRIATION.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.

"(2) DATA INFRASTRUCTURE.—If amounts are not appropriated for a fiscal year to carry out section 1971 with respect to mental health, then the Secretary shall make available, from the amounts appropriated for such fiscal year under paragraph (1), an amount equal to the sum of $6,000,000 and 10 percent of all amounts appropriated for such fiscal year under such paragraph in excess of $100,000,000, to carry out such section 1971.".

(b) CONFORMING AMENDMENTS.—

(1) Section 303 of the Public Health Service Act (42 U.S.C. 242a) is repealed.

(2) Section 520B of the Public Health Service Act (42 U.S.C. 290bb-33) is repealed.

(3) Section 612 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa-3 note) is repealed.

### SEC. 3202. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa-5) is amended to read as follows:

### "SEC. 506. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

"(a) IN GENERAL.—The Secretary shall award grants, contracts and cooperative agreements to community-based public and private nonprofit entities for the purposes of providing mental health and substance abuse services for homeless individuals. In carrying out this section, the Secretary shall consult with the Interagency Council on the Homeless, established under section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

"(b) PREFERENCES.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give a preference to—

"(1) entities that provide integrated primary health, substance abuse, and mental health services to homeless individuals;

"(2) entities that demonstrate effectiveness in serving runaway, homeless, and street youth;

"(3) entities that have experience in providing substance abuse and mental health services to homeless individuals;

"(4) entities that demonstrate experience in providing housing for individuals in treatment for or in recovery from mental illness or substance abuse; and

"(5) entities that demonstrate effectiveness in serving homeless veterans.

"(c) SERVICES FOR CERTAIN INDIVIDUALS.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall not—

"(1) prohibit the provision of services under such subsection to homeless individuals who are suffering from a substance abuse disorder and are not suffering from a mental health disorder; and

"(2) make payments under subsection (a) to any entity that has a policy of—

"(A) excluding individuals from mental health services due to the existence or suspicion of substance abuse; or

"(B) has a policy of excluding individuals from substance abuse services due to the existence or suspicion of mental illness.

"(d) TERM OF THE AWARDS.—No entity may receive a grant, contract, or cooperative agreement under subsection (a) for more than 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

### SEC. 3203. PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS.

(a) WAIVERS FOR TERRITORIES.—Section 522 of the Public Health Service Act (42 U.S.C. 290cc-22) is amended by adding at the end the following:

"(i) WAIVER FOR TERRITORIES.—With respect to the United States Virgin Islands, Guam, American Samoa, Palau, the Marshall Islands, and the Commonwealth of the Northern Mariana Islands, the Secretary may waive the provisions of this part that the Secretary determines to be appropriate.".

(b) AUTHORIZATION OF APPROPRIATION.—Section 535(a) of the Public Health Service Act (42 U.S.C. 290cc-35(a)) is amended by striking "1991 through 1994" and inserting "2001 through 2003".

### SEC. 3204. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) CRITERIA FOR PLAN.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x-2(b)) is amended by striking paragraphs (1) through (12) and inserting the following:

"(1) COMPREHENSIVE COMMUNITY-BASED MENTAL HEALTH SYSTEMS.—The plan provides for an organized community-based system of care for individuals with mental illness and describes available services and resources in a comprehensive system of care, including services for dually diagnosed individuals. The description of the system of care shall include health and mental health services, rehabilitation services, employment services, housing services, educational services, substance abuse services, medical and dental care, and other support services to be provided to individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act. The plan shall include a separate description of case management services and provide for activities leading to reduction of hospitalization.

"(2) MENTAL HEALTH SYSTEM DATA AND EPIDEMIOLOGY.—The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children and presents quantitative targets to be achieved in the implementation of the system described in paragraph (1).

"(3) CHILDREN'S SERVICES.—In the case of children with serious emotional disturbance, the plan—

"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (such system to include services provided under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service under such system other than comprehensive community mental health services; and

"(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

"(4) TARGETED SERVICES TO RURAL AND HOMELESS POPULATIONS.—The plan describes the State's outreach to and services for individuals who are homeless and how community-based services will be provided to individuals residing in rural areas.

"(5) MANAGEMENT SYSTEMS.—The plan describes the financial resources, staffing and training for mental health providers that is necessary to implement the plan, and provides for the training of providers of emergency health services regarding mental health. The plan further describes the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved.

Except as provided for in paragraph (3), the State plan shall contain the information required under this subsection with respect to both adults with serious mental illness and children with serious emotional disturbance.".

(b) REVIEW OF PLANNING COUNCIL OF STATE'S REPORT.—Section 1915(a) of the Public Health Service Act (42 U.S.C. 300x-4(a)) is amended—

(1) in paragraph (1), by inserting "and the report of the State under section 1942(a) concerning the preceding fiscal year" after "to the grant"; and

(2) in paragraph (2), by inserting before the period "and any comments concerning the annual report".

(c) MAINTENANCE OF EFFORT.—Section 1915(b) of the Public Health Service Act (42 U.S.C. 300x-4(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following:

"(2) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a nonrecurring nature and for a specific purpose.".

(d) APPLICATION FOR GRANTS.—Section 1917(a)(1) of the Public Health Service Act (42 U.S.C. 300x-6(a)(1)) is amended to read as follows:

"(1) the plan is received by the Secretary not later than September 1 of the fiscal year prior to the fiscal year for which a State is seeking funds, and the report from the previous fiscal year as required under section 1941 is received by December 1 of the fiscal year of the grant;".

(e) WAIVERS FOR TERRITORIES.—Section 1917(b) of the Public Health Service Act (42 U.S.C. 300x-6(b)) is amended by striking "whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B)" and inserting in its place "except Puerto Rico".

(f) AUTHORIZATION OF APPROPRIATION.—Section 1920 of the Public Health Service Act (42 U.S.C. 300x-9) is amended—

(1) in subsection (a), by striking "$450,000,000" and all that follows through the end and inserting "$450,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003."; and

(2) in subsection (b)(2), by striking "section 505" and inserting "sections 505 and 1971".

### SEC. 3205. DETERMINATION OF ALLOTMENT.

Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x-7(b)) is amended to read as follows:

"(b) Minimum Allotments for States.—With respect to fiscal year 2000, and subsequent fiscal years, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under such section for fiscal year 1998.".

**SEC. 3206. PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.**

(a) Short Title.—The first section of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (Public Law 99-319) is amended to read as follows:

**"SECTION 1. SHORT TITLE.**

"This Act may be cited as the 'Protection and Advocacy for Individuals with Mental Illness Act'.".

(b) Definitions.—Section 102 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10802) is amended—

(1) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by inserting ", except as provided in section 104(d)," after "means";

(B) in subparagraph (B)—

(i) by striking "(i)" who" and inserting "(i)(I) who";

(ii) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(iii) in subclause (III) (as so redesignated), by striking the period and inserting "; or"; and

(iv) by adding at the end the following:

"(ii) who satisfies the requirements of subparagraph (A) and lives in a community setting, including their own home."; and

(2) by adding at the end the following:

"(8) The term 'American Indian consortium' means a consortium established under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042 et seq.).".

(c) Use of Allotments.—Section 104 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10804) is amended by adding at the end the following:

"(d) The definition of 'individual with a mental illness' contained in section 102(4)(B)(iii) shall apply, and thus an eligible system may use its allotment under this title to provide representation to such individuals, only if the total allotment under this title for any fiscal year is $30,000,000 or more, and in such case, an eligible system must give priority to representing persons with mental illness as defined in subparagraphs (A) and (B)(i) of section 102(4).".

(d) Minimum Amount.—Paragraph (2) of section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)(2)) is amended to read as follows:

"(2)(A) The minimum amount of the allotment of an eligible system shall be the product (rounded to the nearest $100) of the appropriate base amount determined under subparagraph (B) and the factor specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the appropriate base amount—

"(i) for American Samoa, Guam, the Marshall Islands, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, and the Virgin Islands, is $139,300; and

"(ii) for any other State, is $260,000.

"(C) The factor specified in this subparagraph is the ratio of the amount appropriated under section 117 for the fiscal year for which the allotment is being made to the amount appropriated under such section for fiscal year 1995.

"(D) If the total amount appropriated for a fiscal year is at least $25,000,000, the Secretary shall make an allotment in accordance with subparagraph (A) to the eligible system serving the American Indian consortium.".

(e) Technical Amendments.—Section 112(a) of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10822(a)) is amended—

(1) in paragraph (1)(B), by striking "Trust Territory of the Pacific Islands" and inserting "Marshall Islands, the Federated States of Micronesia, the Republic of Palau"; and

(2) by striking paragraph (3).

(f) Reauthorization.—Section 117 of the Protection and Advocacy for Individuals with Mental Illness Act (as amended by subsection (a)) (42 U.S.C. 10827) is amended by striking "1995" and inserting "2003".

**SEC. 3207. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.**

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

## "PART H—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

**"SEC. 591. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES.**

"(a) In General.—A public or private general hospital, nursing facility, intermediate care facility, or other health care facility, that receives support in any form from any program supported in whole or in part with funds appropriated to any Federal department or agency shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(b) Requirements.—Restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(1) the restraints or seclusion are imposed to ensure the physical safety of the resident, a staff member, or others; and

"(2) the restraints or seclusion are imposed only upon the written order of a physician, or other licensed practitioner permitted by the State and the facility to order such restraint or seclusion, that specifies the duration and circumstances under which the restraints are to be used (except in emergency circumstances specified by the Secretary until such an order could reasonably be obtained).

"(c) Current Law.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

"(d) Definitions.—In this section:

"(1) Restraints.—The term 'restraints' means—

"(A) any physical restraint that is a mechanical or personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely, not including devices, such as orthopedically prescribed devices, surgical dressings or bandages, protective helmets, or any other methods that involves the physical holding of a resident for the purpose of conducting routine physical examinations or tests or to protect the resident from falling out of bed or to permit the resident to participate in activities without the risk of physical harm to the resident (such term does not include a physical escort); and

"(B) a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition.

"(2) Seclusion.—The term 'seclusion' means a behavior control technique involving locked isolation. Such term does not include a time out.

"(3) Physical escort.—The term 'physical escort' means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.

"(4) Time out.—The term 'time out' means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

**"SEC. 592. REPORTING REQUIREMENT.**

"(a) In General.— Each facility to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 applies shall notify the appropriate agency, as determined by the Secretary, of each death that occurs at each such facility while a patient is restrained or in seclusion, of each death occurring within 24 hours after the patient has been removed from restraints and seclusion, or where it is reasonable to assume that a patient's death is a result of such seclusion or restraint. A notification under this section shall include the name of the resident and shall be provided not later than 7 days after the date of the death of the individual involved.

"(b) Facility.—In this section, the term 'facility' has the meaning given the term 'facilities' in section 102(3) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(3)).".

**"SEC. 593. REGULATIONS AND ENFORCEMENT.**

"(a) Training.—Not later than 1 year after the date of enactment of this part, the Secretary, after consultation with appropriate State and local protection and advocacy organizations, physicians, facilities, and other health care professionals and patients, shall promulgate regulations that require facilities to which the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.) applies, to meet the requirements of subsection (b).

"(b) Requirements.—The regulations promulgated under subsection (a) shall require that—

"(1) facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate patients, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) appropriate training be provided for the staff of such facilities in the use of restraints and any alternatives to the use of restraints; and

"(3) such facilities provide complete and accurate notification of deaths, as required under section 592(a).

"(c) Enforcement.—A facility to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training, shall not be eligible for participation in any program supported in whole or in part by funds appropriated to any Federal department or agency.".

### SEC. 3208. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3207, is further amended by adding at the end the following:

### "PART I—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH

### "SEC. 595. REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL, COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH.

"(a) Protection of Rights.—

"(1) In general.—A public or private non-medical, community-based facility for children and youth (as defined in regulations to be promulgated by the Secretary) that receives support in any form from any program supported in whole or in part with funds appropriated under this Act shall protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusions imposed for purposes of discipline or convenience.

"(2) Nonapplicability.—Notwithstanding this part, a facility that provides inpatient psychiatric treatment services for individuals under the age of 21, as authorized and defined in subsections (a)(16) and (h) of section 1905 of the Social Security Act, shall comply with the requirements of part H.

"(3) Applicability of medicaid provisions.—A non-medical, community-based facility for children and youth funded under the medicaid program under title XIX of the Social Security Act shall continue to meet all existing requirements for participation in such program that are not affected by this part.

"(b) Requirements.—

"(1) In general.—Physical restraints and seclusion may only be imposed on a resident of a facility described in subsection (a) if—

"(A) the restraints or seclusion are imposed only in emergency circumstances and only to ensure the immediate physical safety of the resident, a staff member, or others and less restrictive interventions have been determined to be ineffective; and

"(B) the restraints or seclusion are imposed only by an individual trained and certified, by a State-recognized body (as defined in regulation promulgated by the Secretary) and pursuant to a process determined appropriate by the State and approved by the Secretary, in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint and seclusion, de-escalation methods, avoiding power struggles, thresholds for restraints and seclusion, the physiological and psychological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits, the process for obtaining approval for continued restraints, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints.

"(2) Interim procedures relating to training and certification.—

"(A) In general.—Until such time as the State develops a process to assure the proper training and certification of facility personnel in the skills and competencies referred in paragraph (1)(B), the facility involved shall develop and implement an interim procedure that meets the requirements of subparagraph (B).

"(B) Requirements.—A procedure developed under subparagraph (A) shall—

"(i) ensure that a supervisory or senior staff person with training in restraint and seclusion who is competent to conduct a face-to-face assessment (as defined in regulations promulgated by the Secretary), will assess the mental and physical well-being of the child or youth being restrained or secluded and assure that the restraint or seclusion is being done in a safe manner;

"(ii) ensure that the assessment required under clause (i) take place as soon as practicable, but in no case later than 1 hour after the initiation of the restraint or seclusion; and

"(iii) ensure that the supervisory or senior staff person continues to monitor the situation for the duration of the restraint and seclusion.

"(3) Limitations.—

"(A) In general.—The use of a drug or medication that is used as a restraint to control behavior or restrict the resident's freedom of movement that is not a standard treatment for the resident's medical or psychiatric condition in nonmedical community-based facilities for children and youth described in subsection (a)(1) is prohibited.

"(B) Prohibition.—The use of mechanical restraints in non-medical, community-based facilities for children and youth described in subsection (a)(1) is prohibited.

"(C) Limitation.—A non-medical, community-based facility for children and youth described in subsection (a)(1) may only use seclusion when a staff member is continuously face-to-face monitoring the resident and when strong licensing or accreditation and internal controls are in place.

"(c) Rule of Construction.—

"(1) In general.—Nothing in this section shall be construed as prohibiting the use of restraints for medical immobilization, adaptive support, or medical protection.

"(2) Current law.—This part shall not be construed to affect or impede any Federal or State law or regulations that provide greater protections than this part regarding seclusion and restraint.

"(d) Definitions.—In this section:

"(1) Mechanical restraint.—The term 'mechanical restraint' means the use of devices as a means of restricting a resident's freedom of movement.

"(2) Physical escort.—The term 'physical escort' means the temporary touching or holding of the hand, wrist, arm, shoulder or back for the purpose of inducing a resident who is acting out to walk to a safe location.

"(3) Physical restraint.—The term 'physical restraint' means a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include a physical escort.

"(4) Seclusion.—The term 'seclusion' means a behavior control technique involving locked isolation. Such term does not include a time out.

"(5) Time out.—The term 'time out' means a behavior management technique that is part of an approved treatment program and may involve the separation of the resident from the group, in a non-locked setting, for the purpose of calming. Time out is not seclusion.

### "SEC. 595A. REPORTING REQUIREMENT.

"Each facility to which this part applies shall notify the appropriate State licensing or regulatory agency, as determined by the Secretary—

"(1) of each death that occurs at each such facility. A notification under this section shall include the name of the resident and shall be provided not later than 24 hours after the time of the individuals death; and

"(2) of the use of seclusion or restraints in accordance with regulations promulgated by the Secretary, in consultation with the States.

### "SEC. 595B. REGULATIONS AND ENFORCEMENT.

"(a) Training.—Not later than 6 months after the date of enactment of this part, the Secretary, after consultation with appropriate State, local, public and private protection and advocacy organizations, health care professionals, social workers, facilities, and patients, shall promulgate regulations that—

"(1) require States that license non-medical, community-based residential facilities for children and youth to develop licensing rules and monitoring requirements concerning behavior management practice that will ensure compliance with Federal regulations and to meet the requirements of subsection (b);

"(2) require States to develop and implement such licensing rules and monitoring requirements within 1 year after the promulgation of the regulations referred to in the matter preceding paragraph (1); and

"(3) support the development of national guidelines and standards on the quality, quantity, orientation and training, required under this part, as well as the certification or licensure of those staff responsible for the implementation of behavioral intervention concepts and techniques.

"(b) Requirements.—The regulations promulgated under subsection (a) shall require—

"(1) that facilities described in subsection (a) ensure that there is an adequate number of qualified professional and supportive staff to evaluate residents, formulate written individualized, comprehensive treatment plans, and to provide active treatment measures;

"(2) the provision of appropriate training and certification of the staff of such facilities in the prevention and use of physical restraint and seclusion, including the needs and behaviors of the population served, relationship building, alternatives to restraint, de-escalation methods, avoiding power struggles, thresholds for restraints, the physiological impact of restraint and seclusion, monitoring physical signs of distress and obtaining medical assistance, legal issues, position asphyxia, escape and evasion techniques, time limits for the use of restraint and seclusion, the process for obtaining approval for continued restraints and seclusion, procedures to address problematic restraints, documentation, processing with children, and follow-up with staff, and investigation of injuries and complaints; and

"(3) that such facilities provide complete and accurate notification of deaths, as required under section 595A(1).

"(c) Enforcement.—A State to which this part applies that fails to comply with any requirement of this part, including a failure to provide appropriate training and certification, shall not be eligible for participation in any program supported in whole or in part by funds appropriated under this Act.".

### SEC. 3209. EMERGENCY MENTAL HEALTH CENTERS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3111, is further amended by adding at the end the following:

### "SEC. 520F. GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS.

"(a) Program Authorized.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers.

"(b) Health Center.—In this section, the term 'health center' has the meaning given such term in section 330, and includes community health centers and community mental health centers.

"(c) Distribution of Awards.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States, between urban and rural populations, and between different settings of care including health centers, mental health centers, hospitals, and other psychiatric units or facilities.

"(d) Application.—A State, political subdivision of a State, Indian tribe, or tribal organization that desires a grant under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with funds received under this section.

"(e) Use of Funds.—

"(1) In general.—A State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) shall use funds from such grant to establish or designate hospitals and health centers as Emergency Mental Health Centers.

"(2) Emergency mental health centers.—Such Emergency Mental Health Centers described in paragraph (1)—

"(A) shall—

"(i) serve as a central receiving point in the community for individuals who may be in need of emergency mental health services;

"(ii) purchase, if needed, any equipment necessary to evaluate, diagnose and stabilize an individual with a mental illness;

"(iii) provide training, if needed, to the medical personnel staffing the Emergency Mental Health Center to evaluate, diagnose, stabilize, and treat an individual with a mental illness; and

"(iv) provide any treatment that is necessary for an individual with a mental illness or a referral for such individual to another facility where such treatment may be received; and

"(B) may establish and train a mobile crisis intervention team to respond to mental health emergencies within the community.

"(f) Evaluation.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under this section and a process and outcomes evaluation.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 through 2003.".

### SEC. 3210. GRANTS FOR JAIL DIVERSION PROGRAMS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3209, is further amended by adding at the end the following:

### "SEC. 520G. GRANTS FOR JAIL DIVERSION PROGRAMS.

"(a) Program Authorized.—The Secretary shall make up to 125 grants to States, political subdivisions of States, Indian tribes, and tribal organizations, acting directly or through agreements with other public or nonprofit entities, to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

"(b) Administration.—

"(1) Consultation.—The Secretary shall consult with the Attorney General and any other appropriate officials in carrying out this section.

"(2) Regulatory authority.—The Secretary shall issue regulations and guidelines necessary to carry out this section, including methodologies and outcome measures for evaluating programs carried out by States, political subdivisions of States, Indian tribes, and tribal organizations receiving grants under subsection (a).

"(c) Applications.—

"(1) In general.—To receive a grant under subsection (a), the chief executive of a State, chief executive of a subdivision of a State, Indian tribe or tribal organization shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall reasonably require.

"(2) Content.—Such application shall—

"(A) contain an assurance that—

"(i) community-based mental health services will be available for the individuals who are diverted from the criminal justice system, and that such services are based on the best known practices, reflect current research findings, include case management, assertive community treatment, medication management and access, integrated mental health and co-occurring substance abuse treatment, and psychiatric rehabilitation, and will be coordinated with social services, including life skills training, housing placement, vocational training, education job placement, and health care;

"(ii) there has been relevant interagency collaboration between the appropriate criminal justice, mental health, and substance abuse systems; and

"(iii) the Federal support provided will be used to supplement, and not supplant, State, local, Indian tribe, or tribal organization sources of funding that would otherwise be available;

"(B) demonstrate that the diversion program will be integrated with an existing system of care for those with mental illness;

"(C) explain the applicant's inability to fund the program adequately without Federal assistance;

"(D) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(E) describe methodology and outcome measures that will be used in evaluating the program.

"(d) Use of Funds.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant under subsection (a) may use funds received under such grant to—

"(1) integrate the diversion program into the existing system of care;

"(2) create or expand community-based mental health and co-occurring mental illness and substance abuse services to accommodate the diversion program;

"(3) train professionals involved in the system of care, and law enforcement officers, attorneys, and judges; and

"(4) provide community outreach and crisis intervention.

"(e) Federal Share.—

"(1) In general.—The Secretary shall pay to a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) the Federal share of the cost of activities described in the application.

"(2) Federal share.—The Federal share of a grant made under this section shall not exceed 75 percent of the total cost of the program carried out by the State, political subdivision of a State, Indian tribe, or tribal organization. Such share shall be used for new expenses of the program carried out by such State, political subdivision of a State, Indian tribe, or tribal organization.

"(3) Non-federal share.—The non-Federal share of payments made under this section may be made in cash or in kind fairly evaluated, including planned equipment or services. The Secretary may waive the requirement of matching contributions.

"(f) Geographic Distribution.—The Secretary shall ensure that such grants awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(g) Training and Technical Assistance.—Training and technical assistance may be provided by the Secretary to assist a State, political subdivision of a State, Indian tribe, or tribal organization receiving a grant under subsection (a) in establishing and operating a diversion program.

"(h) Evaluations.—The programs described in subsection (a) shall be evaluated not less than 1 time in every 12-month period using the methodology and outcome measures identified in the grant application.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.".

### SEC. 3211. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3210, is further amended by adding at the end the following:

### "SEC. 520H. IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES.

"(a) In General.—The Secretary shall award grants, contracts or cooperative agreements to States, political subdivisions of States, Indian tribes, and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

"(b) Duration.—With respect to a grant, contract or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(c) Application.—

"(1) In general.—To be eligible to receive an award under subsection (a), a State, political subdivision of a State, Indian tribe, or tribal organization shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Content.—An application submitted under paragraph (1) shall—

"(A) describe the program to be funded under the grant, contract or cooperative agreement;

"(B) explain how such program reflects best practices in the provision of child welfare and mental health services; and

"(C) provide assurances that—

"(i) persons providing services under the grant, contract or cooperative agreement are adequately trained to provide such services; and

"(ii) the services will be provided in accordance with subsection (d).

"(d) Use of Funds.—A State, political subdivision of a State, Indian tribe, or tribal organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use amounts made available through such grant, contract or cooperative agreement to—

"(1) provide family-centered, comprehensive, and coordinated child welfare and mental health services, including prevention, early intervention and treatment services for children and adolescents, and for their parents or caregivers;

"(2) ensure a single point of access for such coordinated services;

"(3) provide integrated mental health and substance abuse treatment for children, adolescents, and parents or caregivers with a mental illness and a co-occurring substance abuse disorder;

"(4) provide training for the child welfare, mental health and substance abuse professionals who will participate in the program carried out under this section;

"(5) provide technical assistance to child welfare and mental health agencies;

"(6) develop cooperative efforts with other service entities in the community, including education, social services, juvenile justice, and primary health care agencies;

"(7) coordinate services with services provided under the medicaid program and the State Children's Health Insurance Program under titles XIX and XXI of the Social Security Act;

"(8) provide linguistically appropriate and culturally competent services; and

"(9) evaluate the effectiveness and cost-efficiency of the integrated services that measure the level of coordination, outcome measures for parents or caregivers with a mental illness or a mental illness and a cooccurring substance abuse disorder, and outcome measures for children.

"(e) Distribution of Awards.—The Secretary shall ensure that grants, contracts, and cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) Evaluation.—The Secretary shall evaluate each program carried out by a State, political subdivision of a State, Indian tribe, or tribal organization under subsection (a) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 and 2003.".

### SEC. 3212. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3211, is further amended by adding at the end the following:

### "SEC. 520I. GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to States, political subdivisions of States, Indian tribes, tribal organizations, and private nonprofit organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

"(b) Priority.—In awarding grants, contracts, and cooperative agreements under subsection (a), the Secretary shall give priority to applicants that emphasize the provision of services for individuals with a serious mental illness and a co-occurring substance abuse disorder who—

"(1) have a history of interactions with law enforcement or the criminal justice system;

"(2) have recently been released from incarceration;

"(3) have a history of unsuccessful treatment in either an inpatient or outpatient setting;

"(4) have never followed through with outpatient services despite repeated referrals; or

"(5) are homeless.

"(c) Use of Funds.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) shall use funds received under such grant—

"(1) to provide fully integrated services rather than serial or parallel services;

"(2) to employ staff that are cross-trained in the diagnosis and treatment of both serious mental illness and substance abuse;

"(3) to provide integrated mental health and substance abuse services at the same location;

"(4) to provide services that are linguistically appropriate and culturally competent;

"(5) to provide at least 10 programs for integrated treatment of both mental illness and substance abuse at sites that previously provided only mental health services or only substance abuse services; and

"(6) to provide services in coordination with other existing public and private community programs.

"(d) Condition.—The Secretary shall ensure that a State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under subsection (a) maintains the level of effort necessary to sustain existing mental health and substance abuse programs for other populations served by mental health systems in the community.

"(e) Distribution of Awards.—The Secretary shall ensure that grants, contracts, or cooperative agreements awarded under subsection (a) are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(f) Duration.—The Secretary shall award grants, contract, or cooperative agreements under this subsection for a period of not more than 5 years.

"(g) Application.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that desires a grant, contract, or cooperative agreement under this subsection shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include a plan for the rigorous evaluation of activities funded with an award under such subsection, including a process and outcomes evaluation.

"(h) Evaluation.—A State, political subdivision of a State, Indian tribe, tribal organization, or private nonprofit organization that receives a grant, contract, or cooperative agreement under this subsection shall prepare and submit a plan for the rigorous evaluation of the program funded under such grant, contract, or agreement, including both process and outcomes evaluation, and the submission of an evaluation at the end of the project period.

"(i) Authorization of Appropriation.—There is authorized to be appropriated to carry out this subsection $40,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 through 2003.".

### SEC. 3213. TRAINING GRANTS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb-31 et seq.), as amended by section 3212, is further amended by adding at the end the following:

### "SEC. 520J. TRAINING GRANTS.

"(a) In General.—The Secretary shall award grants in accordance with the provisions of this section.

"(b) Mental Illness Awareness Training Grants.—

"(1) In general.—The Secretary shall award grants to States, political subdivisions of States, Indian tribes, tribal organizations, and nonprofit private entities to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders, to refer family members to the appropriate mental health services if necessary, to train emergency services personnel to identify and appropriately respond to persons with a mental illness, and to provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(2) Emergency Services Personnel.—In this subsection, the term 'emergency services personnel' includes paramedics, firefighters, and emergency medical technicians.

"(3) Distribution of Awards.—The Secretary shall ensure that such grants awarded under this subsection are equitably distributed among the geographical regions of the United States and between urban and rural populations.

"(4) Application.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity that desires a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities that are carried out with funds received under a grant under this subsection.

"(5) Use of Funds.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity receiving a grant under this subsection shall use funds from such grant to—

"(A) train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and appropriately respond;

"(B) train emergency services personnel to identify and appropriately respond to persons with a mental illness; and

"(C) provide education to such teachers and personnel regarding resources that are available in the community for individuals with a mental illness.

"(6) EVALUATION.—A State, political subdivision of a State, Indian tribe, tribal organization, or nonprofit private entity that receives a grant under this subsection shall prepare and submit an evaluation to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including an evaluation of activities carried out with funds received under the grant under this subsection and a process and outcome evaluation.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2003.".

## TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

### SEC. 3301. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.—Section 508(r) of the Public Health Service Act (42 U.S.C. 290bb-1(r)) is amended to read as follows:

"(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary to fiscal years 2001 through 2003.".

(b) PRIORITY SUBSTANCE ABUSE TREATMENT.—Section 509 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended to read as follows:

### "SEC. 509. PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) PROJECTS.—The Secretary shall address priority substance abuse treatment needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for treatment and rehabilitation and the conduct or support of evaluations of such projects;

"(2) training and technical assistance; and

"(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, other public or nonprofit private entities.

"(b) PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS.—

"(1) IN GENERAL.—Priority substance abuse treatment needs of regional and national significance shall be determined by the Secretary after consultation with States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to promoting the integration of substance abuse treatment services into primary health care systems.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants, contracts, or cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate and apply the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public, to health professionals and other interested groups. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

"(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001 and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(c) CONFORMING AMENDMENTS.—The following sections of the Public Health Service Act are repealed:

(1) Section 510 (42 U.S.C. 290bb-3).

(2) Section 511 (42 U.S.C. 290bb-4).

(3) Section 512 (42 U.S.C. 290bb-5).

(4) Section 571 (42 U.S.C. 290gg).

### SEC. 3302. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—Section 516 of the Public Health Service Act (42 U.S.C. 290bb-1) is amended to read as follows:

### "SEC. 516. PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE.

"(a) PROJECTS.—The Secretary shall address priority substance abuse prevention needs of regional and national significance (as determined under subsection (b)) through the provision of or through assistance for—

"(1) knowledge development and application projects for prevention and the conduct or support of evaluations of such projects;

"(2) training and technical assistance; and

"(3) targeted capacity response programs.

The Secretary may carry out the activities described in this section directly or through grants or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations, or other public or nonprofit private entities.

"(b) PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS.—

"(1) IN GENERAL.—Priority substance abuse prevention needs of regional and national significance shall be determined by the Secretary in consultation with the States and other interested groups. The Secretary shall meet with the States and interested groups on an annual basis to discuss program priorities.

"(2) SPECIAL CONSIDERATION.—In developing program priorities under paragraph (1), the Secretary shall give special consideration to—

"(A) applying the most promising strategies and research-based primary prevention approaches; and

"(B) promoting the integration of substance abuse prevention information and activities into primary health care systems.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—Recipients of grants, contracts, and cooperative agreements under this section shall comply with information and application requirements determined appropriate by the Secretary.

"(2) DURATION OF AWARD.—With respect to a grant, contract, or cooperative agreement awarded under this section, the period during which payments under such award are made to the recipient may not exceed 5 years.

"(3) MATCHING FUNDS.—The Secretary may, for projects carried out under subsection (a), require that entities that apply for grants, contracts, or cooperative agreements under that project provide non-Federal matching funds, as determined appropriate by the Secretary, to ensure the institutional commitment of the entity to the projects funded under the grant, contract, or cooperative agreement. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

"(4) MAINTENANCE OF EFFORT.—With respect to activities for which a grant, contract, or cooperative agreement is awarded under this section, the Secretary may require that recipients for specific projects under subsection (a) agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the entity for the fiscal year preceding the fiscal year for which the entity receives such a grant, contract, or cooperative agreement.

"(d) EVALUATION.—The Secretary shall evaluate each project carried out under subsection (a)(1) and shall disseminate the findings with respect to each such evaluation to appropriate public and private entities.

"(e) INFORMATION AND EDUCATION.—The Secretary shall establish comprehensive information and education programs to disseminate the findings of the knowledge development and application, training and technical assistance programs, and targeted capacity response programs under this section to the general public and to health professionals. The Secretary shall make every effort to provide linkages between the findings of supported projects and State agencies responsible for carrying out substance abuse prevention and treatment programs.

"(f) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated to carry out this section, $300,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.".

(b) CONFORMING AMENDMENTS.—Section 518 of the Public Health Service Act (42 U.S.C. 290bb–24) is repealed.

### SEC. 3303. SUBSTANCE ABUSE PREVENTION AND TREATMENT PERFORMANCE PARTNERSHIP BLOCK GRANT.

(a) ALLOCATION REGARDING ALCOHOL AND OTHER DRUGS.—Section 1922 of the Public Health Service Act (42 U.S.C. 300x–22) is amended by—

(1) striking subsection (a); and

(2) redesignating subsections (b) and (c) as subsections (a) and (b).

(b) GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.—Section 1925(a) of the Public Health Service Act (42 U.S.C. 300x–25(a)) is amended by striking "For fiscal year 1993" and all that follows through the colon and inserting the following: "A State, using funds available under section 1921, may establish and maintain the ongoing operation of a revolving fund in accordance with this section to support group homes for recovering substance abusers as follows:".

(c) MAINTENANCE OF EFFORT.—Section 1930 of the Public Health Service Act (42 U.S.C. 300x–30) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d) respectively; and

(2) by inserting after subsection (a), the following:

"(b) EXCLUSION OF CERTAIN FUNDS.—The Secretary may exclude from the aggregate State expenditures under subsection (a), funds appropriated to the principle agency for authorized activities which are of a nonrecurring nature and for a specific purpose.".

(d) APPLICATIONS FOR GRANTS.—Section 1932(a)(1) of the Public Health Service Act (42 U.S.C. 300x–32(a)(1)) is amended to read as follows:

"(1) the application is received by the Secretary not later than October 1 of the fiscal year for which the State is seeking funds;".

(e) WAIVER FOR TERRITORIES.—Section 1932(c) of the Public Health Service Act (42 U.S.C. 300x–32(c)) is amended by striking "whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B)" and inserting "except Puerto Rico".

(f) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

(1) IN GENERAL.—Section 1932 of the Public Health Service Act (42 U.S.C. 300x–32) is amended by adding at the end the following:

"(e) WAIVER AUTHORITY FOR CERTAIN REQUIREMENTS.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may waive the requirements of all or part of the sections described in paragraph (2) using objective criteria established by the Secretary by regulation after consultation with the States and other interested parties including consumers and providers.

"(2) SECTIONS.—The sections described in paragraph (1) are sections 1922(c), 1923, 1924 and 1928.

"(3) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) and inform the State of that decision not later than 120 days after the date on which the request and all the information needed to support the request are submitted.

"(4) ANNUAL REPORTING REQUIREMENT.—The Secretary shall annually report to the general public on the States that receive a waiver under this subsection.".

(2) CONFORMING AMENDMENTS.—Effective upon the publication of the regulations developed in accordance with section 1932(e)(1) of the Public Health Service Act (42 U.S.C. 300x–32(d))—

(A) section 1922(c) of the Public Health Service Act (42 U.S.C. 300x–22(c)) is amended by—

(i) striking paragraph (2); and

(ii) redesignating paragraph (3) as paragraph (2); and

(B) section 1928(d) of the Public Health Service Act (42 U.S.C. 300x–28(d)) is repealed.

(g) AUTHORIZATION OF APPROPRIATION.—Section 1935 of the Public Health Service Act (42 U.S.C. 300x–35) is amended—

(1) in subsection (a), by striking "$1,500,000,000" and all that follows through the end and inserting "$2,000,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 and 2003.";

(2) in subsection (b)(1), by striking "section 505" and inserting "sections 505 and 1971";

(3) in subsection (b)(2), by striking "1949(a)" and inserting "1948(a)"; and

(4) in subsection (b), by adding at the end the following:

"(3) CORE DATA SET.—A State that receives a new grant, contract, or cooperative agreement from amounts available to the Secretary under paragraph (1), for the purposes of improving the data collection, analysis and reporting capabilities of the State, shall be required, as a condition of receipt of funds, to collect, analyze, and report to the Secretary for each fiscal year subsequent to receiving such funds a core data set to be determined by the Secretary in conjunction with the States.".

### SEC. 3304. DETERMINATION OF ALLOTMENTS.

Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

"(b) MINIMUM ALLOTMENTS FOR STATES.—

"(1) IN GENERAL.—With respect to fiscal year 2000, and each subsequent fiscal year, the amount of the allotment of a State under section 1921 shall not be less than the amount the State received under such section for the previous fiscal year increased by an amount equal to 30.65 percent of the percentage by which the aggregate amount allotted to all States for such fiscal year exceeds the aggregate amount allotted to all States for the previous fiscal year.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall not receive an allotment under section 1921 for a fiscal year in an amount that is less than an amount equal to 0.375 percent of the amount appropriated under section 1935(a) for such fiscal year.

"(B) EXCEPTION.—In applying subparagraph (A), the Secretary shall ensure that no State receives an increase in its allotment under section 1921 for a fiscal year (as compared to the amount allotted to the State in the prior fiscal year) that is in excess of an amount equal to 300 percent of the percentage by which the amount appropriated under section 1935(a) for such fiscal year exceeds the amount appropriated for the prior fiscal year.

"(3) DECREASE IN OR EQUAL APPROPRIATIONS.—If the amount appropriated under section 1935(a) for a fiscal year is equal to or less than the amount appropriated under such section for the prior fiscal year, the amount of the State allotment under section 1921 shall be equal to the amount that the State received under section 1921 in the prior fiscal year decreased by the percentage by which the amount appropriated for such fiscal year is less than the amount appropriated or such section for the prior fiscal year.".

### SEC. 3305. NONDISCRIMINATION AND INSTITUTIONAL SAFEGUARDS FOR RELIGIOUS PROVIDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) is amended by adding at the end the following:

### "SEC. 1955. SERVICES PROVIDED BY NONGOVERNMENTAL ORGANIZATIONS.

"(a) PURPOSES.—The purposes of this section are—

"(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services under this title and title V, and the receipt of services under such titles; and

"(2) to allow the organizations to accept the funds to provide the services to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

"(b) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—

"(1) IN GENERAL.—A State may administer and provide substance abuse services under any program under this title or title V through grants, contracts, or cooperative agreements to provide assistance to beneficiaries under such titles with nongovernmental organizations.

"(2) REQUIREMENT.—A State that elects to utilize nongovernmental organizations as provided for under paragraph (1) shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide services under substance abuse programs under this title or title V, so long as the programs under such titles are implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization that provides services under, or applies to provide services under, such programs, on the basis that the organization has a religious character.

"(c) RELIGIOUS CHARACTER AND INDEPENDENCE.—

"(1) IN GENERAL.—A religious organization that provides services under any substance abuse program under this title or title V shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

"(A) to alter its form of internal governance; or

"(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide services under any substance abuse program under this title or title V.

"(d) EMPLOYMENT PRACTICES.—

"(1) SUBSTANCE ABUSE.—A religious organization that provides services under any substance abuse program under this title or title V may require that its employees providing services under such program adhere to rules forbidding the use of drugs or alcohol.

"(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of services under, or receipt of funds from, any substance abuse program under this title or title V.

"(e) Rights of Beneficiaries of Assistance.—

"(1) In general.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, services funded under any substance abuse program under this title or title V, the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such services) within a reasonable period of time after the date of such objection, services that—

"(A) are from an alternative provider that is accessible to the individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from such organization.

"(2) Notice.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

"(3) Individual described.—An individual described in this paragraph is an individual who receives or applies for services under any substance abuse program under this title or title V.

"(f) Nondiscrimination Against Beneficiaries.—A religious organization providing services through a grant, contract, or cooperative agreement under any substance abuse program under this title or title V shall not discriminate, in carrying out such program, against an individual described in subsection (e)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

"(g) Fiscal Accountability.—

"(1) In general.—Except as provided in paragraph (2), any religious organization providing services under any substance abuse program under this title or title V shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) Limited audit.—Such organization shall segregate government funds provided under such substance abuse program into a separate account. Only the government funds shall be subject to audit by the government.

"(h) Compliance.—Any party that seeks to enforce such party's rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal or State court against the entity, agency or official that allegedly commits such violation.

"(i) Limitations on Use of Funds for Certain Purposes.—No funds provided through a grant or contract to a religious organization to provide services under any substance abuse program under this title or title V shall be expended for sectarian worship, instruction, or proselytization.

"(j) Effect on State and Local Funds.—If a State or local government contributes State or local funds to carry out any substance abuse program under this title or title V, the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

"(k) Treatment of Intermediate Contractors.—If a nongovernmental organization (referred to in this subsection as an 'intermediate organization'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any substance abuse program under this title or title V, the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.".

### SEC. 3306. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

### "SEC. 506A. ALCOHOL AND DRUG PREVENTION OR TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS.

"(a) In General.—The Secretary shall award grants, contracts, or cooperative agreements to public and private nonprofit entities, including Native Alaskan entities and Indian tribes and tribal organizations, for the purpose of providing alcohol and drug prevention or treatment services for Indians and Native Alaskans.

"(b) Priority.—In awarding grants, contracts, or cooperative agreements under subsection (a), the Secretary shall give priority to applicants that—

"(1) propose to provide alcohol and drug prevention or treatment services on reservations;

"(2) propose to employ culturally-appropriate approaches, as determined by the Secretary, in providing such services; and

"(3) have provided prevention or treatment services to Native Alaskan entities and Indian tribes and tribal organizations for at least 1 year prior to applying for a grant under this section.

"(c) Duration.—The Secretary shall award grants, contracts, or cooperative agreements under subsection (a) for a period not to exceed 5 years.

"(d) Application.—An entity desiring a grant, contract, or cooperative agreement under subsection (a) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(e) Evaluation.—An entity that receives a grant, contract, or cooperative agreement under subsection (a) shall submit, in the application for such grant, a plan for the evaluation of any project undertaken with funds provided under this section. Such entity shall provide the Secretary with periodic evaluations of the progress of such project and such evaluation at the completion of such project as the Secretary determines to be appropriate. The final evaluation submitted by such entity shall include a recommendation as to whether such project shall continue.

"(f) Report.—Not later than 3 years after the date of enactment of this section and annually thereafter, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the services provided pursuant to this section.

"(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $15,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

### SEC. 3307. ESTABLISHMENT OF COMMISSION.

(a) In General.—There is established a commission to be known as the Commission on Indian and Native Alaskan Health Care that shall examine the health concerns of Indians and Native Alaskans who reside on reservations and tribal lands (hereafter in this section referred to as the 'Commission').

(b) Membership.—

(1) In general.—The Commission established under subsection (a) shall consist of—

(A) the Secretary;

(B) 15 members who are experts in the health care field and issues that the Commission is established to examine; and

(C) the Director of the Indian Health Service and the Commissioner of Indian Affairs, who shall be nonvoting members.

(2) Appointing authority.—Of the 15 members of the Commission described in paragraph (1)(B)—

(A) 2 shall be appointed by the Speaker of the House of Representatives;

(B) 2 shall be appointed by the Minority Leader of the House of Representatives;

(C) 2 shall be appointed by the Majority Leader of the Senate;

(D) 2 shall be appointed by the Minority Leader of the Senate; and

(E) 7 shall be appointed by the Secretary.

(3) Limitation.—Not fewer than 10 of the members appointed to the Commission shall be Indians or Native Alaskans.

(4) Chairperson.—The Secretary shall serve as the Chairperson of the Commission.

(5) Experts.—The Commission may seek the expertise of any expert in the health care field to carry out its duties.

(c) Period of Appointment.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filed in the same manner as the original appointment.

(d) Duties of the Commission.—The Commission shall—

(1) study the health concerns of Indians and Native Alaskans; and

(2) prepare the reports described in subsection (i).

(e) Powers of the Commission.—

(1) Hearings.—The Commission may hold such hearings, including hearings on reservations, sit and act at such times and places, take such testimony, and receive such information as the Commission considers advisable to carry out the purpose for which the Commission was established.

(2) Information from federal agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the purpose for which the Commission was established. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) Compensation of Members.—

(1) In general.—Except as provided in subparagraph (B), each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time), during which that member is engaged in the actual performance of the duties of the Commission.

(2) Limitation.—Members of the Commission who are officers or employees of the United States shall receive no additional pay on account of their service on the Commission.

(g) Travel Expenses of Members.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under section 5703 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(h) COMMISSION PERSONNEL MATTERS.—

(1) IN GENERAL.—The Secretary, in accordance with rules established by the Commission, may select and appoint a staff director and other personnel necessary to enable the Commission to carry out its duties.

(2) COMPENSATION OF PERSONNEL.—The Secretary, in accordance with rules established by the Commission, may set the amount of compensation to be paid to the staff director and any other personnel that serve the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and the detail shall be without interruption or loss of civil service status or privilege.

(4) CONSULTANT SERVICES.—The Chairperson of the Commission is authorized to procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

(i) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that shall—

(A) detail the health problems faced by Indians and Native Alaskans who reside on reservations;

(B) examine and explain the causes of such problems;

(C) describe the health care services available to Indians and Native Alaskans who reside on reservations and the adequacy of such services;

(D) identify the reasons for the provision of inadequate health care services for Indians and Native Alaskans who reside on reservations, including the availability of resources;

(E) develop measures for tracking the health status of Indians and Native Americans who reside on reservations; and

(F) make recommendations for improvements in the health care services provided for Indians and Native Alaskans who reside on reservations, including recommendations for legislative change.

(2) EXCEPTION.—In addition to the report required under paragraph (1), not later than 2 years after the date of enactment of the Youth Drug and Mental Health Services Act, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes any alcohol and drug abuse among Indians and Native Alaskans who reside on reservations.

(j) PERMANENT COMMISSION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal years 2002 and 2003.

## TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

### SEC. 3401. GENERAL AUTHORITIES AND PEER REVIEW.

(a) GENERAL AUTHORITIES.—Paragraph (1) of section 501(e) of the Public Health Service Act (42 U.S.C. 290aa(e)) is amended to read as follows:

"(1) IN GENERAL.—There may be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator may delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also may ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2010 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.".

(b) PEER REVIEW.—Section 504 of the Public Health Service (42 U.S.C. 290aa–3) is amended as follows:

### "SEC. 504. PEER REVIEW.

"(a) IN GENERAL.—The Secretary, after consultation with the Administrator, shall require appropriate peer review of grants, cooperative agreements, and contracts to be administered through the agency which exceed the simple acquisition threshold as defined in section 4(11) of the Office of Federal Procurement Policy Act.

"(b) MEMBERS.—The members of any peer review group established under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than ¼ of the members of any such peer review group shall be officers or employees of the United States.

"(c) ADVISORY COUNCIL REVIEW.—If the direct cost of a grant or cooperative agreement (described in subsection (a)) exceeds the simple acquisition threshold as defined by section 4(11) of the Office of Federal Procurement Policy Act, the Secretary may make such a grant or cooperative agreement only if such grant or cooperative agreement is recommended—

"(1) after peer review required under subsection (a); and

"(2) by the appropriate advisory council.

"(d) CONDITIONS.—The Secretary may establish limited exceptions to the limitations contained in this section regarding participation of Federal employees and advisory council approval. The circumstances under which the Secretary may make such an exception shall be made public.".

### SEC. 3402. ADVISORY COUNCILS.

Section 502(e) of the Public Health Service Act (42 U.S.C. 290aa–1(e)) is amended in the first sentence by striking "3 times" and inserting "2 times".

### SEC. 3403. GENERAL PROVISIONS FOR THE PERFORMANCE PARTNERSHIP BLOCK GRANTS.

(a) PLANS FOR PERFORMANCE PARTNERSHIPS.—Section 1949 of the Public Health Service Act (42 U.S.C. 300x–59) is amended as follows:

### "SEC. 1949. PLANS FOR PERFORMANCE PARTNERSHIPS.

"(a) DEVELOPMENT.—The Secretary in conjunction with States and other interested groups shall develop separate plans for the programs authorized under subparts I and II for creating more flexibility for States and accountability based on outcome and other performance measures. The plans shall each include—

"(1) a description of the flexibility that would be given to the States under the plan;

"(2) the common set of performance measures that would be used for accountability, including measures that would be used for the program under subpart II for pregnant addicts, HIV transmission, tuberculosis, and those with a co-occurring substance abuse and mental disorders, and for programs under subpart I for children with serious emotional disturbance and adults with serious mental illness and for individuals with co-occurring mental health and substance abuse disorders;

"(3) the definitions for the data elements to be used under the plan;

"(4) the obstacles to implementation of the plan and the manner in which such obstacles would be resolved;

"(5) the resources needed to implement the performance partnerships under the plan; and

"(6) an implementation strategy complete with recommendations for any necessary legislation.

"(b) SUBMISSION.—Not later than 2 years after the date of enactment of this Act, the plans developed under subsection (a) shall be submitted to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives.

"(c) INFORMATION.—As the elements of the plans described in subsection (a) are developed, States are encouraged to provide information to the Secretary on a voluntary basis.

"(d) PARTICIPANTS.—The Secretary shall include among those interested groups that participate in the development of the plan consumers of mental health or substance abuse services, providers, representatives of political divisions of States, and representatives of racial and ethnic groups including Native Americans.".

(b) AVAILABILITY TO STATES OF GRANT PROGRAMS.—Section 1952 of the Public Health Service Act (42 U.S.C. 300x–62) is amended as follows:

### "SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

"Any amounts paid to a State for a fiscal year under section 1911 or 1921 shall be available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts were paid.".

### SEC. 3404. DATA INFRASTRUCTURE PROJECTS.

Part C of title XIX of the Public Health Service Act (42 U.S.C. 300y et seq.) is amended—

(1) by striking the headings for part C and subpart I and inserting the following:

## "PART C—CERTAIN PROGRAMS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

### "Subpart I—Data Infrastructure Development";

(2) by striking section 1971 (42 U.S.C. 300y) and inserting the following:

### "SEC. 1971. DATA INFRASTRUCTURE DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts or cooperative agreements with States for the purpose of developing and operating mental health or substance abuse data collection, analysis, and reporting systems with regard to performance measures including capacity, process, and outcomes measures.

"(b) PROJECTS.—The Secretary shall establish criteria to ensure that services will be available under this section to States that have a fundamental basis for the collection, analysis, and reporting of mental health and substance abuse performance measures and States that do not have such basis. The Secretary will establish criteria for determining whether a State has a fundamental basis for the collection, analysis, and reporting of data.

"(c) CONDITION OF RECEIPT OF FUNDS.—As a condition of the receipt of an award under this section a State shall agree to collect, analyze, and report to the Secretary within 2 years of the date of the award on a core set of performance measures to be determined by the Secretary in conjunction with the States.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—With respect to the costs of the program to be carried out under subsection (a) by a State, the Secretary may make an award under such subsection only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 50 percent of such costs.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

"(e) DURATION OF SUPPORT.—The period during which payments may be made for a project under subsection (a) may be not less than 3 years nor more than 5 years.

"(f) AUTHORIZATION OF APPROPRIATION.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001, 2002 and 2003.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, 50 percent shall be expended to support data infrastructure development for mental health and 50 percent shall be expended to support data infrastructure development for substance abuse.".

### SEC. 3405. REPEAL OF OBSOLETE ADDICT REFERRAL PROVISIONS.

(a) REPEAL OF OBSOLETE PUBLIC HEALTH SERVICE ACT AUTHORITIES.—Part E of title III (42 U.S.C. 257 et seq.) is repealed.

(b) REPEAL OF OBSOLETE NARA AUTHORITIES.—Titles III and IV of the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89–793) are repealed.

(c) REPEAL OF OBSOLETE TITLE 28 AUTHORITIES.—

(1) IN GENERAL.—Chapter 175 of title 28, United States Code, is repealed.

(2) TABLE OF CONTENTS.—The table of contents to part VI of title 28, United States Code, is amended by striking the items relating to chapter 175.

### SEC. 3406. INDIVIDUALS WITH CO-OCCURRING DISORDERS.

The Public Health Service Act is amended by inserting after section 503 (42 U.S.C. 290aa-2) the following:

### "SEC. 503A. REPORT ON INDIVIDUALS WITH CO-OCCURRING MENTAL ILLNESS AND SUBSTANCE ABUSE DISORDERS.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall, after consultation with organizations representing States, mental health and substance abuse treatment providers, prevention specialists, individuals receiving treatment services, and family members of such individuals, prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report on prevention and treatment services for individuals who have co-occurring mental illness and substance abuse disorders.

"(b) REPORT CONTENT.—The report under subsection (a) shall be based on data collected from existing Federal and State surveys regarding the treatment of co-occurring mental illness and substance abuse disorders and shall include—

"(1) a summary of the manner in which individuals with co-occurring disorders are receiving treatment, including the most up-to-date information available regarding the number of children and adults with co-occurring mental illness and substance abuse disorders and the manner in which funds provided under sections 1911 and 1921 are being utilized, including the number of such children and adults served with such funds;

"(2) a summary of improvements necessary to ensure that individuals with co-occurring mental illness and substance abuse disorders receive the services they need;

"(3) a summary of practices for preventing substance abuse among individuals who have a mental illness and are at risk of having or acquiring a substance abuse disorder; and

"(4) a summary of evidenced-based practices for treating individuals with co-occurring mental illness and substance abuse disorders and recommendations for implementing such practices.

"(c) FUNDS FOR REPORT.—The Secretary may obligate funds to carry out this section with such appropriations as are available.".

### SEC. 3407. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

Subpart III of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–51 et seq.) (as amended by section 3305) is further amended by adding at the end the following:

### "SEC. 1956. SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS.

"States may use funds available for treatment under sections 1911 and 1921 to treat persons with co-occurring substance abuse and mental disorders as long as funds available under such sections are used for the purposes for which they were authorized by law and can be tracked for accounting purposes.".

## TITLE XXXV—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

### SEC. 3501. SHORT TITLE.

This title may be cited as the "Drug Addiction Treatment Act of 2000".

### SEC. 3502. AMENDMENT TO CONTROLLED SUBSTANCES ACT.

(a) IN GENERAL.—Section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) is amended—

(1) in paragraph (2), by striking "(A) security" and inserting "(i) security", and by striking "(B) the maintenance" and inserting "(ii) the maintenance";

(2) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) by inserting "(1)" after "(g)";

(4) by striking "Practitioners who dispense" and inserting "Except as provided in paragraph (2), practitioners who dispense"; and

(5) by adding at the end the following paragraph:

"(2)(A) Subject to subparagraphs (D) and (J), the requirements of paragraph (1) are waived in the case of the dispensing (including the prescribing), by a practitioner, of narcotic drugs in schedule III, IV, or V or combinations of such drugs if the practitioner meets the conditions specified in subparagraph (B) and the narcotic drugs or combinations of such drugs meet the conditions specified in subparagraph (C).

"(B) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to a practitioner are that, before the initial dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, the practitioner submit to the Secretary a notification of the intent of the practitioner to begin dispensing the drugs or combinations for such purpose, and that the notification contain the following certifications by the practitioner:

"(i) The practitioner is a qualifying physician (as defined in subparagraph (G)).

"(ii) With respect to patients to whom the practitioner will provide such drugs or combinations of drugs, the practitioner has the capacity to refer the patients for appropriate counseling and other appropriate ancillary services.

"(iii) In any case in which the practitioner is not in a group practice, the total number of such patients of the practitioner at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number.

"(iv) In any case in which the practitioner is in a group practice, the total number of such patients of the group practice at any one time will not exceed the applicable number. For purposes of this clause, the applicable number is 30, except that the Secretary may by regulation change such total number, and the Secretary for such purposes may by regulation establish different categories on the basis of the number of practitioners in a group practice and establish for the various categories different numerical limitations on the number of such patients that the group practice may have.

"(C) For purposes of subparagraph (A), the conditions specified in this subparagraph with respect to narcotic drugs in schedule III, IV, or V or combinations of such drugs are as follows:

"(i) The drugs or combinations of drugs have, under the Federal Food, Drug, and Cosmetic Act or section 351 of the Public Health Service Act, been approved for use in maintenance or detoxification treatment.

"(ii) The drugs or combinations of drugs have not been the subject of an adverse determination. For purposes of this clause, an adverse determination is a determination published in the Federal Register and made by the Secretary, after consultation with the Attorney General, that the use of the drugs or combinations of drugs for maintenance or detoxification treatment requires additional standards respecting the qualifications of practitioners to provide such treatment, or requires standards respecting the quantities of the drugs that may be provided for unsupervised use.

“(D)(i) A waiver under subparagraph (A) with respect to a practitioner is not in effect unless (in addition to conditions under subparagraphs (B) and (C)) the following conditions are met:

“(I) The notification under subparagraph (B) is in writing and states the name of the practitioner.

“(II) The notification identifies the registration issued for the practitioner pursuant to subsection (f).

“(III) If the practitioner is a member of a group practice, the notification states the names of the other practitioners in the practice and identifies the registrations issued for the other practitioners pursuant to subsection (f).

“(ii) Upon receiving a notification under subparagraph (B), the Attorney General shall assign the practitioner involved an identification number under this paragraph for inclusion with the registration issued for the practitioner pursuant to subsection (f). The identification number so assigned shall be appropriate to preserve the confidentiality of patients for whom the practitioner has dispensed narcotic drugs under a waiver under subparagraph (A).

“(iii) Not later than 45 days after the date on which the Secretary receives a notification under subparagraph (B), the Secretary shall make a determination of whether the practitioner involved meets all requirements for a waiver under subparagraph (B). If the Secretary fails to make such determination by the end of the such 45-day period, the Attorney General shall assign the physician an identification number described in clause (ii) at the end of such period.

“(E)(i) If a practitioner is not registered under paragraph (1) and, in violation of the conditions specified in subparagraphs (B) through (D), dispenses narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, the Attorney General may, for purposes of section 304(a)(4), consider the practitioner to have committed an act that renders the registration of the practitioner pursuant to subsection (f) to be inconsistent with the public interest.

“(ii)(I) Upon the expiration of 45 days from the date on which the Secretary receives a notification under subparagraph (B), a practitioner who in good faith submits a notification under subparagraph (B) and reasonably believes that the conditions specified in subparagraphs (B) through (D) have been met shall, in dispensing narcotic drugs in schedule III, IV, or V or combinations of such drugs for maintenance treatment or detoxification treatment, be considered to have a waiver under subparagraph (A) until notified otherwise by the Secretary, except that such a practitioner may commence to prescribe or dispense such narcotic drugs for such purposes prior to the expiration of such 45-day period if it facilitates the treatment of an individual patient and both the Secretary and the Attorney General are notified by the practitioner of the intent to commence prescribing or dispensing such narcotic drugs.

“(II) For purposes of subclause (I), the publication in the Federal Register of an adverse determination by the Secretary pursuant to subparagraph (C)(ii) shall (with respect to the narcotic drug or combination involved) be considered to be a notification provided by the Secretary to practitioners, effective upon the expiration of the 30-day period beginning on the date on which the adverse determination is so published.

“(F)(i) With respect to the dispensing of narcotic drugs in schedule III, IV, or V or combinations of such drugs to patients for maintenance or detoxification treatment, a practitioner may, in his or her discretion, dispense such drugs or combinations for such treatment under a registration under paragraph (1) or a waiver under subparagraph (A) (subject to meeting the applicable conditions).

“(ii) This paragraph may not be construed as having any legal effect on the conditions for obtaining a registration under paragraph (1), including with respect to the number of patients who may be served under such a registration.

“(G) For purposes of this paragraph:

“(i) The term ‘group practice’ has the meaning given such term in section 1877(h)(4) of the Social Security Act.

“(ii) The term ‘qualifying physician’ means a physician who is licensed under State law and who meets one or more of the following conditions:

“(I) The physician holds a subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties.

“(II) The physician holds an addiction certification from the American Society of Addiction Medicine.

“(III) The physician holds a subspecialty board certification in addiction medicine from the American Osteopathic Association.

“(IV) The physician has, with respect to the treatment and management of opiate-dependent patients, completed not less than eight hours of training (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise) that is provided by the American Society of Addiction Medicine, the American Academy of Addiction Psychiatry, the American Medical Association, the American Osteopathic Association, the American Psychiatric Association, or any other organization that the Secretary determines is appropriate for purposes of this subclause.

“(V) The physician has participated as an investigator in one or more clinical trials leading to the approval of a narcotic drug in schedule III, IV, or V for maintenance or detoxification treatment, as demonstrated by a statement submitted to the Secretary by the sponsor of such approved drug.

“(VI) The physician has such other training or experience as the State medical licensing board (of the State in which the physician will provide maintenance or detoxification treatment) considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients.

“(VII) The physician has such other training or experience as the Secretary considers to demonstrate the ability of the physician to treat and manage opiate-dependent patients. Any criteria of the Secretary under this subclause shall be established by regulation. Any such criteria are effective only for 3 years after the date on which the criteria are promulgated, but may be extended for such additional discrete 3-year periods as the Secretary considers appropriate for purposes of this subclause. Such an extension of criteria may only be effectuated through a statement published in the Federal Register by the Secretary during the 30-day period preceding the end of the 3-year period involved.

“(H)(i) In consultation with the Administrator of the Drug Enforcement Administration, the Administrator of the Substance Abuse and Mental Health Services Administration, the Director of the National Institute on Drug Abuse, and the Commissioner of Food and Drugs, the Secretary shall issue regulations (through notice and comment rulemaking) or issue practice guidelines to address the following:

“(I) Approval of additional credentialing bodies and the responsibilities of additional credentialing bodies.

“(II) Additional exemptions from the requirements of this paragraph and any regulations under this paragraph.

Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.

“(ii) Not later than 120 days after the date of the enactment of the Drug Addiction Treatment Act of 2000, the Secretary shall issue a treatment improvement protocol containing best practice guidelines for the treatment and maintenance of opiate-dependent patients. The Secretary shall develop the protocol in consultation with the Director of the National Institute on Drug Abuse, the Administrator of the Drug Enforcement Administration, the Commissioner of Food and Drugs, the Administrator of the Substance Abuse and Mental Health Services Administration and other substance abuse disorder professionals. The protocol shall be guided by science.

“(I) During the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, a State may not preclude a practitioner from dispensing or prescribing drugs in schedule III, IV, or V, or combinations of such drugs, to patients for maintenance or detoxification treatment in accordance with this paragraph unless, before the expiration of that 3-year period, the State enacts a law prohibiting a practitioner from dispensing such drugs or combinations of drug.

“(J)(i) This paragraph takes effect on the date of the enactment of the Drug Addiction Treatment Act of 2000, and remains in effect thereafter except as provided in clause (iii) (relating to a decision by the Secretary or the Attorney General that this paragraph should not remain in effect).

“(ii) For purposes relating to clause (iii), the Secretary and the Attorney General may, during the 3-year period beginning on the date of the enactment of the Drug Addiction Treatment Act of 2000, make determinations in accordance with the following:

“(I) The Secretary may make a determination of whether treatments provided under waivers under subparagraph (A) have been effective forms of maintenance treatment and detoxification treatment in clinical settings; may make a determination of whether such waivers have significantly increased (relative to the beginning of such period) the availability of maintenance treatment and detoxification treatment; and may make a determination of whether such waivers have adverse consequences for the public health.

“(II) The Attorney General may make a determination of the extent to which there have been violations of the numerical limitations established under subparagraph (B) for the number of individuals to whom a practitioner may provide treatment; may make a determination of whether waivers under subparagraph (A) have increased (relative to the beginning of such period) the extent to which narcotic drugs in schedule III, IV, or V or combinations of such drugs are being dispensed or possessed in violation of this Act; and may make a determination of whether such waivers have adverse consequences for the public health.

"(iii) If, before the expiration of the period specified in clause (ii), the Secretary or the Attorney General publishes in the Federal Register a decision, made on the basis of determinations under such clause, that this paragraph should not remain in effect, this paragraph ceases to be in effect 60 days after the date on which the decision is so published. The Secretary shall in making any such decision consult with the Attorney General, and shall in publishing the decision in the Federal Register include any comments received from the Attorney General for inclusion in the publication. The Attorney General shall in making any such decision consult with the Secretary, and shall in publishing the decision in the Federal Register include any comments received from the Secretary for inclusion in the publication.".

(b) Conforming Amendments.—Section 304 of the Controlled Substances Act (21 U.S.C. 824) is amended—

(1) in subsection (a), in the matter after and below paragraph (5), by striking "section 303(g)" each place such term appears and inserting "section 303(g)(1)"; and

(2) in subsection (d), by striking "section 303(g)" and inserting "section 303(g)(1)".

(c) Additional Authorization of Appropriations.—For the purpose of assisting the Secretary of Health and Human Services with the additional duties established for the Secretary pursuant to the amendments made by this section, there are authorized to be appropriated, in addition to other authorizations of appropriations that are available for such purpose, such sums as may be necessary for each of fiscal years 2001 through 2003.

## TITLE XXXVI—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

### SEC. 3601. SHORT TITLE.

This title may be cited as the "Methamphetamine Anti-Proliferation Act of 2000".

## Subtitle A—Methamphetamine Production, Trafficking, and Abuse

## PART I—CRIMINAL PENALTIES

### SEC. 3611. ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS.

(a) Amendment to Federal Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any offense relating to the manufacture, importation, exportation, or trafficking in amphetamine (including an attempt or conspiracy to do any of the foregoing) in violation of—

(1) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(2) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(3) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(b) General Requirement.—In carrying out this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) relating to amphetamine—

(1) review and amend its guidelines to provide for increased penalties such that those penalties are comparable to the base offense level for methamphetamine; and

(2) take any other action the Commission considers necessary to carry out this subsection.

(c) Additional Requirements.—In carrying out this section, the United States Sentencing Commission shall ensure that the sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving amphetamines, including—

(1) the rapidly growing incidence of amphetamine abuse and the threat to public safety that such abuse poses;

(2) the high risk of amphetamine addiction;

(3) the increased risk of violence associated with amphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of amphetamine and precursor chemicals.

(d) Emergency Authority to Sentencing Commission.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

### SEC. 3612. ENHANCED PUNISHMENT OF AMPHETAMINE OR METHAMPHETAMINE LABORATORY OPERATORS.

(a) Federal Sentencing Guidelines.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with paragraph (2) with respect to any offense relating to the manufacture, attempt to manufacture, or conspiracy to manufacture amphetamine or methamphetamine in violation of—

(A) the Controlled Substances Act (21 U.S.C. 801 et seq.);

(B) the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.); or

(C) the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.).

(2) Requirements.—In carrying out this paragraph, the United States Sentencing Commission shall—

(A) if the offense created a substantial risk of harm to human life (other than a life described in subparagraph (B)) or the environment, increase the base offense level for the offense—

(i) by not less than 3 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 27, to not less than level 27; or

(B) if the offense created a substantial risk of harm to the life of a minor or incompetent, increase the base offense level for the offense—

(i) by not less than 6 offense levels above the applicable level in effect on the date of enactment of this Act; or

(ii) if the resulting base offense level after an increase under clause (i) would be less than level 30, to not less than level 30.

(3) Emergency authority to sentencing commission.—The United States Sentencing Commission shall promulgate amendments pursuant to this subsection as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100–182), as though the authority under that Act had not expired.

(b) Effective Date.—The amendments made pursuant to this section shall apply with respect to any offense occurring on or after the date that is 60 days after the date of enactment of this Act.

### SEC. 3613. MANDATORY RESTITUTION FOR VIOLATIONS OF CONTROLLED SUBSTANCES ACT AND CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT RELATING TO AMPHETAMINE AND METHAMPHETAMINE.

(a) Mandatory Restitution.—Section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)) is amended—

(1) in the matter preceding paragraph (1), by striking "may" and inserting "shall";

(2) by inserting "amphetamine or" before "methamphetamine" each place it appears;

(3) in paragraph (2)—

(A) by inserting ", the State or local government concerned, or both the United States and the State or local government concerned" after "United States" the first place it appears; and

(B) by inserting "or the State or local government concerned, as the case may be," after "United States" the second place it appears; and

(4) in paragraph (3), by striking "section 3663 of title 18, United States Code" and inserting "section 3663A of title 18, United States Code".

(b) Deposit of Amounts in Department of Justice Assets Forfeiture Fund.—Section 524(c)(4) of title 28, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) all amounts collected—

"(i) by the United States pursuant to a reimbursement order under paragraph (2) of section 413(q) of the Controlled Substances Act (21 U.S.C. 853(q)); and

"(ii) pursuant to a restitution order under paragraph (1) or (3) of section 413(q) of the Controlled Substances Act for injuries to the United States.".

(c) Clarification of Certain Orders of Restitution.—Section 3663(c)(2)(B) of title 18, United States Code, is amended by inserting "which may be" after "the fine".

(d) Expansion of Applicability of Mandatory Restitution.—Section 3663A(c)(1)(A)(ii) of title 18, United States Code, is amended by inserting "or under section 416(a) of the Controlled Substances Act (21 U.S.C. 856(a))," after "under this title,".

(e) Treatment of Illicit Substance Manufacturing Operations as Crimes Against Property.—Section 416 of the Controlled Substances Act (21 U.S.C. 856) is amended by adding at the end the following new subsection:

"(c) A violation of subsection (a) shall be considered an offense against property for purposes of section 3663A(c)(1)(A)(ii) of title 18, United States Code.".

### SEC. 3614. METHAMPHETAMINE PARAPHERNALIA.

Section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)) is amended in the matter preceding paragraph (1) by inserting "methamphetamine," after "PCP,".

## PART II—ENHANCED LAW ENFORCEMENT

### SEC. 3621. ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE.

(a) Use of Amounts or Department of Justice Assets Forfeiture Fund.—Section 524(c)(1)(E) of title 28, United States Code, is amended—

(1) by inserting "(i) for" before "disbursements";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following:

"(ii) for payment for—

"(I) costs incurred by or on behalf of the Department of Justice in connection with the removal, for purposes of Federal forfeiture and disposition, of any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine; and

"(II) costs incurred by or on behalf of a State or local government in connection with such removal in any case in which such State or local government has assisted in a Federal prosecution relating to amphetamine or methamphetamine, to the extent such costs exceed equitable sharing payments made to such State or local government in such case;".

(b) GRANTS UNDER DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) is amended by inserting before the semicolon the following: "and to remove any hazardous substance or pollutant or contaminant associated with the illegal manufacture of amphetamine or methamphetamine".

(c) AMOUNTS SUPPLEMENT AND NOT SUPPLANT.—

(1) ASSETS FORFEITURE FUND.—Any amounts made available from the Department of Justice Assets Forfeiture Fund in a fiscal year by reason of the amendment made by subsection (a) shall supplement, and not supplant, any other amounts made available to the Department of Justice in such fiscal year from other sources for payment of costs described in section 524(c)(1)(E)(ii) of title 28, United States Code, as so amended.

(2) GRANT PROGRAM.—Any amounts made available in a fiscal year under the grant program under section 501(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b)(3)) for the removal of hazardous substances or pollutants or contaminants associated with the illegal manufacture of amphetamine or methamphetamine by reason of the amendment made by subsection (b) shall supplement, and not supplant, any other amounts made available in such fiscal year from other sources for such removal.

### SEC. 3622. REDUCTION IN RETAIL SALES TRANSACTION THRESHOLD FOR NON-SAFE HARBOR PRODUCTS CONTAINING PSEUDOEPHEDRINE OR PHENYLPROPANOLAMINE.

(a) REDUCTION IN TRANSACTION THRESHOLD.—Section 102(39)(A)(iv)(II) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(II)) is amended—

(1) by striking "24 grams" both places it appears and inserting "9 grams"; and

(2) by inserting before the semicolon at the end the following: "and sold in package sizes of not more than 3 grams of pseudoephedrine base or 3 grams of phenylpropanolamine base".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

### SEC. 3623. TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES.

(a) IN GENERAL.—

(1) REQUIREMENT.—The Administrator of the Drug Enforcement Administration shall carry out the programs described in subsection (b) with respect to the law enforcement personnel of States and localities determined by the Administrator to have significant levels of methamphetamine-related or amphetamine-related crime or projected by the Administrator to have the potential for such levels of crime in the future.

(2) DURATION.—The duration of any program under that subsection may not exceed 3 years.

(b) COVERED PROGRAMS.—The programs described in this subsection are as follows:

(1) ADVANCED MOBILE CLANDESTINE LABORATORY TRAINING TEAMS.—A program of advanced mobile clandestine laboratory training teams, which shall provide information and training to State and local law enforcement personnel in techniques utilized in conducting undercover investigations and conspiracy cases, and other information designed to assist in the investigation of the illegal manufacturing and trafficking of amphetamine and methamphetamine.

(2) BASIC CLANDESTINE LABORATORY CERTIFICATION TRAINING.—A program of basic clandestine laboratory certification training, which shall provide information and training—

(A) to Drug Enforcement Administration personnel and State and local law enforcement personnel for purposes of enabling such personnel to meet any certification requirements under law with respect to the handling of wastes created by illegal amphetamine and methamphetamine laboratories; and

(B) to State and local law enforcement personnel for purposes of enabling such personnel to provide the information and training covered by subparagraph (A) to other State and local law enforcement personnel.

(3) CLANDESTINE LABORATORY RECERTIFICATION AND AWARENESS TRAINING.—A program of clandestine laboratory recertification and awareness training, which shall provide information and training to State and local law enforcement personnel for purposes of enabling such personnel to provide recertification and awareness training relating to clandestine laboratories to additional State and local law enforcement personnel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, and 2002 amounts as follows:

(1) $1,500,000 to carry out the program described in subsection (b)(1).

(2) $3,000,000 to carry out the program described in subsection (b)(2).

(3) $1,000,000 to carry out the program described in subsection (b)(3).

### SEC. 3624. COMBATING METHAMPHETAMINE AND AMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS.

(a) IN GENERAL.—

(1) IN GENERAL.—The Director of National Drug Control Policy shall use amounts available under this section to combat the trafficking of methamphetamine and amphetamine in areas designated by the Director as high intensity drug trafficking areas.

(2) ACTIVITIES.—In meeting the requirement in paragraph (1), the Director shall transfer funds to appropriate Federal, State, and local governmental agencies for employing additional Federal law enforcement personnel, or facilitating the employment of additional State and local law enforcement personnel, including agents, investigators, prosecutors, laboratory technicians, chemists, investigative assistants, and drug-prevention specialists.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $15,000,000 for fiscal year 2000; and

(2) such sums as may be necessary for each of fiscal years 2001 through 2004.

(c) APPORTIONMENT OF FUNDS.—

(1) FACTORS IN APPORTIONMENT.—The Director shall apportion amounts appropriated for a fiscal year pursuant to the authorization of appropriations in subsection (b) for activities under subsection (a) among and within areas designated by the Director as high intensity drug trafficking areas based on the following factors:

(A) The number of methamphetamine manufacturing facilities and amphetamine manufacturing facilities discovered by Federal, State, or local law enforcement officials in the previous fiscal year.

(B) The number of methamphetamine prosecutions and amphetamine prosecutions in Federal, State, or local courts in the previous fiscal year.

(C) The number of methamphetamine arrests and amphetamine arrests by Federal, State, or local law enforcement officials in the previous fiscal year.

(D) The amounts of methamphetamine, amphetamine, or listed chemicals (as that term is defined in section 102(33) of the Controlled Substances Act (21 U.S.C. 802(33)) seized by Federal, State, or local law enforcement officials in the previous fiscal year.

(E) Intelligence and predictive data from the Drug Enforcement Administration and the Department of Health and Human Services showing patterns and trends in abuse, trafficking, and transportation in methamphetamine, amphetamine, and listed chemicals (as that term is so defined).

(2) CERTIFICATION.—Before the Director apportions any funds under this subsection to a high intensity drug trafficking area, the Director shall certify that the law enforcement entities responsible for clandestine methamphetamine and amphetamine laboratory seizures in that area are providing laboratory seizure data to the national clandestine laboratory database at the El Paso Intelligence Center.

(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated in a fiscal year pursuant to the authorization of appropriations for that fiscal year in subsection (b) may be available in that fiscal year for administrative costs associated with activities under subsection (a).

### SEC. 3625. COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING.

(a) ACTIVITIES.—In order to combat the illegal manufacturing and trafficking in amphetamine and methamphetamine, the Administrator of the Drug Enforcement Administration may—

(1) assist State and local law enforcement in small and mid-sized communities in all phases of investigations related to such manufacturing and trafficking, including assistance with foreign-language interpretation;

(2) staff additional regional enforcement and mobile enforcement teams related to such manufacturing and trafficking;

(3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas in combating such manufacturing and trafficking;

(4) provide the Special Operations Division of the Administration with additional agents and staff to collect, evaluate, interpret, and disseminate critical intelligence targeting the command and control operations of major amphetamine and methamphetamine manufacturing and trafficking organizations;

(5) enhance the investigative and related functions of the Chemical Control Program of the Administration to implement more fully the provisions of the Comprehensive Methamphetamine Control Act of 1996 (Public Law 104-237);

(6) design an effective means of requiring an accurate accounting of the import and export of list I chemicals, and coordinate investigations relating to the diversion of such chemicals;

(7) develop a computer infrastructure sufficient to receive, process, analyze, and redistribute time-sensitive enforcement information from suspicious order reporting to field offices of the Administration and other law enforcement and regulatory agencies, including the continuing development of the Suspicious Order Reporting and Tracking System (SORTS) and the Chemical Transaction Database (CTRANS) of the Administration;

(8) establish an education, training, and communication process in order to alert the industry to current trends and emerging patterns in the illegal manufacturing of amphetamine and methamphetamine; and

(9) carry out such other activities as the Administrator considers appropriate.

(b) ADDITIONAL POSITIONS AND PERSONNEL.—

(1) IN GENERAL.—In carrying out activities under subsection (a), the Administrator may establish in the Administration not more than 50 full-time positions, including not more than 31 special-agent positions, and may appoint personnel to such positions.

(2) PARTICULAR POSITIONS.—In carrying out activities under paragraphs (5) through (8) of subsection (a), the Administrator may establish in the Administration not more than 15 full-time positions, including not more than 10 diversion investigator positions, and may appoint personnel to such positions. Any positions established under this paragraph are in addition to any positions established under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Drug Enforcement Administration for each fiscal year after fiscal year 1999, $9,500,000 for purposes of carrying out the activities authorized by subsection (a) and employing personnel in positions established under subsection (b), of which $3,000,000 shall be available for activities under paragraphs (5) through (8) of subsection (a) and for employing personnel in positions established under subsection (b)(2).

## PART III—ABUSE PREVENTION AND TREATMENT

### SEC. 3631. EXPANSION OF METHAMPHETAMINE RESEARCH.

Section 464N of the Public Health Service Act (42 U.S.C. 285o-2) is amended by adding at the end the following:

"(c) METHAMPHETAMINE RESEARCH.—

"(1) GRANTS OR COOPERATIVE AGREEMENTS.—The Director of the Institute may make grants or enter into cooperative agreements to expand the current and on-going interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to methamphetamine abuse and addiction and other biomedical, behavioral, and social issues related to methamphetamine abuse and addiction.

"(2) USE OF FUNDS.—Amounts made available under a grant or cooperative agreement under paragraph (1) for methamphetamine abuse and addiction may be used for research and clinical trials relating to—

"(A) the effects of methamphetamine abuse on the human body, including the brain;

"(B) the addictive nature of methamphetamine and how such effects differ with respect to different individuals;

"(C) the connection between methamphetamine abuse and mental health;

"(D) the identification and evaluation of the most effective methods of prevention of methamphetamine abuse and addiction;

"(E) the identification and development of the most effective methods of treatment of methamphetamine addiction, including pharmacological treatments;

"(F) risk factors for methamphetamine abuse;

"(G) effects of methamphetamine abuse and addiction on pregnant women and their fetuses; and

"(H) cultural, social, behavioral, neurological and psychological reasons that individuals abuse methamphetamine, or refrain from abusing methamphetamine.

"(3) RESEARCH RESULTS.—The Director shall promptly disseminate research results under this subsection to Federal, State and local entities involved in combating methamphetamine abuse and addiction.

"(4) AUTHORIZATION OF APPROPRIATIONS.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1), such sums as may be necessary for each fiscal year.

"(B) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated pursuant to the authorization of appropriations in subparagraph (A) for a fiscal year shall supplement and not supplant any other amounts appropriated in such fiscal year for research on methamphetamine abuse and addiction.".

### SEC. 3632. METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE BY CENTER FOR SUBSTANCE ABUSE TREATMENT.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by adding at the end the following new section:

"METHAMPHETAMINE AND AMPHETAMINE TREATMENT INITIATIVE

"SEC. 514. (a) GRANTS.—

"(1) AUTHORITY TO MAKE GRANTS.—The Director of the Center for Substance Abuse Treatment may make grants to States and Indian tribes recognized by the United States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction in order to permit such States and Indian tribes to expand activities in connection with the treatment of methamphetamine or amphetamine abuser or addiction in the specific geographical areas of such States or Indian tribes, as the case may be, where there is such a rate or has been such an increase.

"(2) RECIPIENTS.—Any grants under paragraph (1) shall be directed to the substance abuse directors of the States, and of the appropriate tribal government authorities of the Indian tribes, selected by the Director to receive such grants.

"(3) NATURE OF ACTIVITIES.—Any activities under a grant under paragraph (1) shall be based on reliable scientific evidence of their efficacy in the treatment of methamphetamine or amphetamine abuse or addiction.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall ensure that grants under subsection (a) are distributed equitably among the various regions of the country and among rural, urban, and suburban areas that are affected by methamphetamine or amphetamine abuse or addiction.

"(c) ADDITIONAL ACTIVITIES.—The Director shall—

"(1) evaluate the activities supported by grants under subsection (a);

"(2) disseminate widely such significant information derived from the evaluation as the Director considers appropriate to assist States, Indian tribes, and private providers of treatment services for methamphetamine or amphetamine abuser or addiction in the treatment of methamphetamine or amphetamine abuse or addiction; and

"(3) provide States, Indian tribes, and such providers with technical assistance in connection with the provision of such treatment.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2000 and such sums as may be necessary for each of fiscal years 2001 and 2002.

"(2) USE OF CERTAIN FUNDS.—Of the funds appropriated to carry out this section in any fiscal year, the lesser of 5 percent of such funds or $1,000,000 shall be available to the Director for purposes of carrying out subsection (c).".

### SEC. 3633. STUDY OF METHAMPHETAMINE TREATMENT.

(a) STUDY.—

(1) REQUIREMENT.—The Secretary of Health and Human Services shall, in consultation with the Institute of Medicine of the National Academy of Sciences, conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(2) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall submit to the Committees on the Judiciary of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated for the Department of Health and Human Services for fiscal year 2000 such sums as may be necessary to meet the requirements of subsection (a).

## PART IV—REPORTS

### SEC. 3641. REPORTS ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS.

The Secretary of Health and Human Services shall include in each National Household Survey on Drug Abuse appropriate prevalence data and information on the consumption of methamphetamine and other illicit drugs in rural areas, metropolitan areas, and consolidated metropolitan areas.

### SEC. 3642. REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS.

(a) STUDY.—The Attorney General shall conduct a study of the use of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. Sources of data for the study shall include the following:

(1) Information from Federal, State, and local clandestine laboratory seizures and related investigations identifying the source, type, or brand of drug products being utilized and how they were obtained for the illicit production of methamphetamine and amphetamine.

(2) Information submitted voluntarily from the pharmaceutical and retail industries involved in the manufacture, distribution, and sale of drug products containing ephedrine, pseudoephedrine, and phenylpropanolamine, including information on changes in the pattern, volume, or both, of sales of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the

Attorney General shall submit to Congress a report on the study conducted under subsection (a).

(2) Elements.—The report shall include—

(A) the findings of the Attorney General as a result of the study; and

(B) such recommendations on the need to establish additional measures to prevent diversion of ordinary, over-the-counter pseudoephedrine and phenylpropanolamine (such as a threshold on ordinary, over-the-counter pseudoephedrine and phenylpropanolamine products) as the Attorney General considers appropriate.

(3) Matters considered.—In preparing the report, the Attorney General shall consider the comments and recommendations including the comments on the Attorney General's proposed findings and recommendations, of State and local law enforcement and regulatory officials and of representatives of the industry described in subsection (a)(2).

(c) Regulation of Retail Sales.—

(1) In general.—Notwithstanding section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note) and subject to paragraph (2), the Attorney General shall establish by regulation a single-transaction limit of not less than 24 grams of ordinary, over-the-counter pseudoephedrine or phenylpropanolamine (as the case may be) for retail distributors, if the Attorney General finds, in the report under subsection (b), that—

(A) there is a significant number of instances (as set forth in paragraph (3)(A) of such section 401(d) for purposes of such section) where ordinary, over-the-counter pseudoephedrine products, phenylpropanolamine products, or both such products that were purchased from retail distributors were widely used in the clandestine production of illicit drugs; and

(B) the best practical method of preventing such use is the establishment of single-transaction limits for retail distributors of either or both of such products.

(2) Due process.—The Attorney General shall establish the single-transaction limit under paragraph (1) only after notice, comment, and an informal hearing.

## Subtitle B—Controlled Substances Generally

### SEC. 3651. ENHANCED PUNISHMENT FOR TRAFFICKING IN LIST I CHEMICALS.

(a) Amendments to Federal Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in accordance with this section with respect to any violation of paragraph (1) or (2) of section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) involving a list I chemical and any violation of paragraph (1) or (3) of section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) involving a list I chemical.

(b) Ephedrine, Phenylpropanolamine, and Pseudoephedrine.—

(1) In general.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving ephedrine, phenylpropanolamine, or pseudoephedrine (including their salts, optical isomers, and salts of optical isomers), review and amend its guidelines to provide for increased penalties such that those penalties corresponded to the quantity of controlled substance that could reasonably have been manufactured using the quantity of ephedrine, phenylpropanolamine, or pseudoephedrine possessed or distributed.

(2) Conversion ratios.—For the purposes of the amendments made by this subsection, the quantity of controlled substance that could reasonably have been manufactured shall be determined by using a table of manufacturing conversion ratios for ephedrine, phenylpropanolamine, and pseudoephedrine, which table shall be established by the Sentencing Commission based on scientific, law enforcement, and other data the Sentencing Commission considers appropriate.

(c) Other List I Chemicals.—In carrying this section, the United States Sentencing Commission shall, with respect to each offense described in subsection (a) involving any list I chemical other than ephedrine, phenylpropanolamine, or pseudoephedrine, review and amend its guidelines to provide for increased penalties such that those penalties reflect the dangerous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine and amphetamine, including—

(1) the rapidly growing incidence of controlled substance manufacturing;

(2) the extreme danger inherent in manufacturing controlled substances;

(3) the threat to public safety posed by manufacturing controlled substances; and

(4) the recent increase in the importation, possession, and distribution of list I chemicals for the purpose of manufacturing controlled substances.

(d) Emergency Authority to Sentencing Commission.—The United States Sentencing Commission shall promulgate amendments pursuant to this section as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

### SEC. 3652. MAIL ORDER REQUIREMENTS.

Section 310(b)(3) of the Controlled Substances Act (21 U.S.C. 830(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) As used in this paragraph:

"(i) The term 'drug product' means an active ingredient in dosage form that has been approved or otherwise may be lawfully marketed under the Food, Drug, and Cosmetic Act for distribution in the United States.

"(ii) The term 'valid prescription' means a prescription which is issued for a legitimate medical purpose by an individual practitioner licensed by law to administer and prescribe the drugs concerned and acting in the usual course of the practitioner's professional practice.";

(3) in subparagraph (B), as so redesignated, by inserting "or who engages in an export transaction" after "nonregulated person"; and

(4) adding at the end the following:

"(D) Except as provided in subparagraph (E), the following distributions to a nonregulated person, and the following export transactions, shall not be subject to the reporting requirement in subparagraph (B):

"(i) Distributions of sample packages of drug products when such packages contain not more than 2 solid dosage units or the equivalent of 2 dosage units in liquid form, not to exceed 10 milliliters of liquid per package, and not more than one package is distributed to an individual or residential address in any 30-day period.

"(ii) Distributions of drug products by retail distributors that may not include face-to-face transactions to the extent that such distributions are consistent with the activities authorized for a retail distributor as specified in section 102(46).

"(iii) Distributions of drug products to a resident of a long term care facility (as that term is defined in regulations prescribed by the Attorney General) or distributions of drug products to a long term care facility for dispensing to or for use by a resident of that facility.

"(iv) Distributions of drug products pursuant to a valid prescription.

"(v) Exports which have been reported to the Attorney General pursuant to section 1004 or 1018 or which are subject to a waiver granted under section 1018(e)(2).

"(vi) Any quantity, method, or type of distribution or any quantity, method, or type of distribution of a specific listed chemical (including specific formulations or drug products) or of a group of listed chemicals (including specific formulations or drug products) which the Attorney General has excluded by regulation from such reporting requirement on the basis that such reporting is not necessary for the enforcement of this title or title III.

"(E) The Attorney General may revoke any or all of the exemptions listed in subparagraph (D) for an individual regulated person if he finds that drug products distributed by the regulated person are being used in violation of this title or title III. The regulated person shall be notified of the revocation, which will be effective upon receipt by the person of such notice, as provided in section 1018(c)(1), and shall have the right to an expedited hearing as provided in section 1018(c)(2).".

### SEC. 3653. THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES.

(a) In General.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"ANHYDROUS AMMONIA

"Sec. 423. (a) It is unlawful for any person—

"(1) to steal anhydrous ammonia, or

"(2) to transport stolen anhydrous ammonia across State lines,

knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance in violation of this part.

"(b) Any person who violates subsection (a) shall be imprisoned or fined, or both, in accordance with section 403(d) as if such violation were a violation of a provision of section 403.".

(b) Clerical Amendment.—The table of contents for that Act is amended by inserting after the item relating to section 421 the following new items:

"Sec. 422. Drug paraphernalia.
"Sec. 423. Anhydrous ammonia.".

(c) Assistance for Certain Research.—

(1) Agreement.—The Administrator of the Drug Enforcement Administration shall seek to enter into an agreement with Iowa State University in order to permit the University to continue and expand its current research into the development of inert agents that, when added to anhydrous ammonia, eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

(2) Reimbursable provision of funds.—The agreement under paragraph (1) may provide for the provision to Iowa State University, on a reimbursable basis, of $500,000 for

purposes the activities specified in that paragraph.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Drug Enforcement Administration for fiscal year 2000, $500,000 for purposes of carrying out the agreement under this subsection.

## Subtitle C—Ecstasy Anti-Proliferation Act of 2000

### SEC. 3661. SHORT TITLE.

This subtitle may be cited as the "Ecstasy Anti-Proliferation Act of 2000".

### SEC. 3662. FINDINGS.

Congress makes the following findings:

(1) The illegal importation of 3,4-methylenedioxy methamphetamine, commonly referred to as "MDMA" or "Ecstasy" (referred to in this subtitle as "Ecstasy"), has increased in recent years, as evidenced by the fact that Ecstasy seizures by the United States Customs Service have increased from less than 500,000 tablets during fiscal year 1997 to more than 9,000,000 tablets during the first 9 months of fiscal year 2000.

(2) Use of Ecstasy can cause long-lasting, and perhaps permanent, damage to the serotonin system of the brain, which is fundamental to the integration of information and emotion, and this damage can cause long-term problems with learning and memory.

(3) Due to the popularity and marketability of Ecstasy, there are numerous Internet websites with information on the effects of Ecstasy, the production of Ecstasy, and the locations of Ecstasy use (often referred to as "raves"). The availability of this information targets the primary users of Ecstasy, who are most often college students, young professionals, and other young people from middle- to high-income families.

(4) Greater emphasis needs to be placed on—

(A) penalties associated with the manufacture, distribution, and use of Ecstasy;

(B) the education of young people on the negative health effects of Ecstasy, since the reputation of Ecstasy as a "safe" drug is the most dangerous component of Ecstasy;

(C) the education of State and local law enforcement agencies regarding the growing problem of Ecstasy trafficking across the United States;

(D) reducing the number of deaths caused by Ecstasy use and the combined use of Ecstasy with other "club" drugs and alcohol; and

(E) adequate funding for research by the National Institute on Drug Abuse to—

(i) identify those most vulnerable to using Ecstasy and develop science-based prevention approaches tailored to the specific needs of individuals at high risk;

(ii) understand how Ecstasy produces its toxic effects and how to reverse neurotoxic damage;

(iii) develop treatments, including new medications and behavioral treatment approaches;

(iv) better understand the effects that Ecstasy has on the developing children and adolescents; and

(v) translate research findings into useful tools and ensure their effective dissemination.

### SEC. 3663. ENHANCED PUNISHMENT OF ECSTASY TRAFFICKERS.

(a) AMENDMENT TO FEDERAL SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission (referred to in this section as the "Commission") shall amend the Federal sentencing guidelines regarding any offense relating to the manufacture, importation, or exportation of, or trafficking in—

(1) 3,4-methylenedioxy methamphetamine;

(2) 3,4-methylenedioxy amphetamine;

(3) 3,4-methylenedioxy-N-ethylamphetamine;

(4) paramethoxymethamphetamine (PMA); or

(5) any other controlled substance, as determined by the Commission in consultation with the Attorney General, that is marketed as Ecstasy and that has either a chemical structure substantially similar to that of 3,4-methylenedioxy methamphetamine or an effect on the central nervous system substantially similar to or greater than that of 3,4-methylenedioxy methamphetamine;

including an attempt or conspiracy to commit an offense described in paragraph (1), (2), (3), (4), or (5) in violation of the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. 1901 et seq.).

(b) GENERAL REQUIREMENTS.—In carrying out this section, the Commission shall, with respect to each offense described in subsection (a)—

(1) review and amend the Federal sentencing guidelines to provide for increased penalties such that those penalties reflect the seriousness of these offenses and the need to deter them; and

(2) take any other action the Commission considers to be necessary to carry out this section.

(c) ADDITIONAL REQUIREMENTS.—In carrying out this section, the Commission shall ensure that the Federal sentencing guidelines for offenders convicted of offenses described in subsection (a) reflect—

(1) the need for aggressive law enforcement action with respect to offenses involving the controlled substances described in subsection (a); and

(2) the dangers associated with unlawful activity involving such substances, including—

(A) the rapidly growing incidence of abuse of the controlled substances described in subsection (a) and the threat to public safety that such abuse poses;

(B) the recent increase in the illegal importation of the controlled substances described in subsection (a);

(C) the young age at which children are beginning to use the controlled substances described in subsection (a);

(D) the fact that the controlled substances described in subsection (a) are frequently marketed to youth;

(E) the large number of doses per gram of the controlled substances described in subsection (a); and

(F) any other factor that the Commission determines to be appropriate.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the base offense levels for Ecstasy are too low, particularly for high-level traffickers, and should be increased, such that they are comparable to penalties for other drugs of abuse; and

(2) based on the fact that importation of Ecstasy has surged in the past few years, the traffickers are targeting the Nation's youth, and the use of Ecstasy among youth in the United States is increasing even as other drug use among this population appears to be leveling off, the base offense levels for importing and trafficking the controlled substances described in subsection (a) should be increased.

(e) REPORT.—Not later than 60 days after the amendments pursuant to this section have been promulgated, the Commission shall—

(1) prepare a report describing the factors and information considered by the Commission in promulgating amendments pursuant to this section; and

(2) submit the report to—

(A) the Committee on the Judiciary, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(B) the Committee on the Judiciary, the Committee on Commerce, and the Committee on Appropriations of the House of Representatives.

### SEC. 3664. EMERGENCY AUTHORITY TO UNITED STATES SENTENCING COMMISSION.

The United States Sentencing Commission shall promulgate amendments under this subtitle as soon as practicable after the date of enactment of this Act in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 100-182), as though the authority under that Act had not expired.

### SEC. 3665. EXPANSION OF ECSTASY AND CLUB DRUGS ABUSE PREVENTION EFFORTS.

(a) PUBLIC HEALTH SERVICE ACT.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 3306, is further amended by adding at the end the following:

### "SEC. 506B. GRANTS FOR ECSTASY AND OTHER CLUB DRUGS ABUSE PREVENTION.

"(a) AUTHORITY.—The Administrator may make grants to, and enter into contracts and cooperative agreements with, public and nonprofit private entities to enable such entities—

"(1) to carry out school-based programs concerning the dangers of the abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other drugs commonly referred to as 'club drugs' using methods that are effective and science-based, including initiatives that give students the responsibility to create their own anti-drug abuse education programs for their schools; and

"(2) to carry out community-based abuse and addiction prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs that are effective and science-based.

"(b) USE OF FUNDS.—Amounts made available under a grant, contract or cooperative agreement under subsection (a) shall be used for planning, establishing, or administering prevention programs relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

"(c) USE OF FUNDS.—

"(1) DISCRETIONARY FUNCTIONS.—Amounts provided to an entity under this section may be used—

"(A) to carry out school-based programs that are focused on those districts with high or increasing rates of abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and targeted at populations that are most at risk to start abusing these drugs;

"(B) to carry out community-based prevention programs that are focused on those populations within the community that are most at-risk for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(C) to assist local government entities to conduct appropriate prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(D) to train and educate State and local law enforcement officials, prevention and education officials, health professionals, members of community anti-drug coalitions and parents on the signs of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the options for treatment and prevention;

"(E) for planning, administration, and educational activities related to the prevention of abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs;

"(F) for the monitoring and evaluation of prevention activities relating to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and reporting and disseminating resulting information to the public; and

"(G) for targeted pilot programs with evaluation components to encourage innovation and experimentation with new methodologies.

"(2) Priority.—The Administrator shall give priority in awarding grants under this section to rural and urban areas that are experiencing a high rate or rapid increases in abuse and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs.

"(d) Allocation and Report.—

"(1) Prevention program allocation.—Not less than $500,000 of the amount appropriated in each fiscal year to carry out this section shall be made available to the Administrator, acting in consultation with other Federal agencies, to support and conduct periodic analyses and evaluations of effective prevention programs for abuse of and addiction to 3,4-methylenedioxy methamphetamine, related drugs, and other club drugs and the development of appropriate strategies for disseminating information about and implementing such programs.

"(2) Report.—The Administrator shall annually prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on the Judiciary, and the Committee on Appropriations of the Senate, and the Committee on Commerce, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives, a report containing the results of the analyses and evaluations conducted under paragraph (1).

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section—

"(1) $10,000,000 for fiscal year 2001; and

"(2) such sums as may be necessary for each succeeding fiscal year.".

### Subtitle D—Miscellaneous

### SEC. 3671. ANTIDRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES.

Not later than 90 days after the date of enactment of this Act, the head of each department, agency, and establishment of the Federal Government shall, in consultation with the Director of the Office of National Drug Control Policy, place antidrug messages on appropriate Internet websites controlled by such department, agency, or establishment which messages shall, where appropriate, contain an electronic hyperlink to the Internet website, if any, of the Office.

### SEC. 3672. REIMBURSEMENT BY DRUG ENFORCEMENT ADMINISTRATION OF EXPENSES INCURRED TO REMEDIATE METHAMPHETAMINE LABORATORIES.

(a) Reimbursement Authorized.—The Attorney General, acting through the Administrator of the Drug Enforcement Administration, may reimburse States, units of local government, Indian tribal governments, other public entities, and multi-jurisdictional or regional consortia thereof for expenses incurred to clean up and safely dispose of substances associated with clandestine methamphetamine laboratories which may present a danger to public health or the environment.

(b) Additional DEA Personnel.—From amounts appropriated or otherwise made available to carry out this section, the Attorney General may hire not more than 5 additional Drug Enforcement Administration personnel to administer this section.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Attorney General to carry out this section $20,000,000 for fiscal year 2001.

### SEC. 3673. SEVERABILITY.

Any provision of this title held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed as to give the maximum effect permitted by law, unless such provision is held to be utterly invalid or unenforceable, in which event such provision shall be severed from this title and shall not affect the applicability of the remainder of this title, or of such provision, to other persons not similarly situated or to other, dissimilar circumstances.

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## KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE CORRIDOR AREA ACT OF 2000

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### MURKOWSKI AMENDMENT NO. 4182

Mr. LOTT (for Mr. Murkowski) proposed an amendment to the bill (S. 2511) to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; as follows:

On page 5 of the bill as reported, strike lines 13 through 17 and insert in lieu thereof:

"(2) Management entity.—The term "management entity" means the 11 member Board of Directors of the Kenai Mountains—Turnagain Arm National Heritage Corridor Communities Association.".

Beginning on page 6 of the bill as reported, strike line 15 through line 12 on page 7 and insert in lieu thereof the following:

"(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

"(1) A discussion of the goals and objectives of the Heritage Area;

"(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area;

"(3) A general outline of the protection measures, to which the management entity comments.

"(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.".

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## NEXT GENERATION INTERNET 2000

On September 21, 2000, the Senate amended and passed S. 2046, as follows:

S. 2046

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Research Investment Act".

### TITLE I—FEDERAL RESEARCH INVESTMENT

### SEC. 101. GENERAL FINDINGS REGARDING FEDERAL INVESTMENT IN RESEARCH.

(a) Value of Research and Development.—The Congress makes the following findings with respect to the value of research and development to the United States:

(1) Federal investment in research has resulted in the development of technology that has saved lives in the United States and around the world.

(2) The research and development investment across all Federal agencies has been effective in creating technology that has enhanced the American quality of life.

(3) The Federal investment in research and development conducted or underwritten by both military and civilian agencies has produced benefits that have been felt in both the private and public sector.

(4) Discoveries across the spectrum of scientific inquiry have the potential to raise the standard of living and the quality of life for all Americans.

(5) Science, engineering, and technology play a critical role in shaping the modern world.

(6) Studies show that about half of all United States post-World War II economic growth is a direct result of technical innovation; science, engineering, and technology contribute to the creation of new goods and services, new jobs and new capital.

(7) Technical innovation is the principal driving force behind the long-term economic growth and increased standards of living of the world's modern industrial societies. Other nations are well aware of the pivotal role of science, engineering, and technology, and they are seeking to exploit it wherever possible to advance their own global competitiveness.

(8) Federal programs for investment in research, which lead to technological innovation and result in economic growth, should be structured to address current funding disparities and develop enhanced capability in States and regions that currently are underrepresented in the national science and technology enterprise.

(b) Status of the Federal Investment.—The Congress makes the following findings with respect to the status of the Federal investment in research and development activities:

(1) Civilian research and development expenditures reached their pinnacle in the mid-1960s due to the Apollo Space program, declining for several years thereafter. Despite significant growth in the late 1980s and early 1990s, these expenditures, in constant dollars, have not returned to the levels of the 1960s.

(2) Fiscal realities now challenge Congress and the President to steer the Federal Government's role in science, engineering, and technology in a manner that ensures a prudent use of limited public resources. There is both a long-term problem—addressing the ever-increasing level of mandatory spending—and a near-term challenge—apportioning a dwindling amount of discretionary funding to an increasing range of targets in science, engineering, and technology. This confluence of increased national dependency on technology, increased targets of opportunity, and decreased fiscal flexibility has created a problem of national urgency. Many indicators show that more funding for

science, engineering, and technology is needed but, even with increased funding, priorities must be established among different programs. The United States cannot afford the luxury of fully funding all deserving programs.

### SEC. 102. SPECIAL FINDINGS REGARDING HEALTH-RELATED RESEARCH.

The Congress makes the following findings with respect to health-related research:

(1) Health and Economic Benefits Provided by Health-Related Research.—Because of health-related research, cures for many debilitating and fatal diseases have been discovered and deployed. At present, the medical research community is on the cusp of creating cures for a number of leading diseases and their associated burdens. In particular, medical research has the potential to develop treatments that can help manage the escalating costs associated with the aging of the United States population.

(2) Funding of Health-Related Research.—Many studies have recognized that clinical and basic science are in a state of crisis because of a failure of resources to meet the opportunity. Consequently, health-related research has emerged as a national priority and has been given significantly increased funding by Congress in both fiscal year 1999 and fiscal year 2000. In order to continue addressing this urgent national need, the pattern of substantial budgetary expansion begun in fiscal year 1999 should be maintained.

(3) Interdisciplinary Nature of Health-Related Research.—Because all fields of science and engineering are interdependent, full realization of the Nation's historic investment in health will depend on major advances both in the biomedical sciences and in other science and engineering disciplines. Hence, the vitality of all disciplines must be preserved, even as special considerations are given to the health research field.

### SEC. 103. ADDITIONAL FINDINGS REGARDING THE LINK BETWEEN RESEARCH AND TECHNOLOGY.

The Congress makes the following findings:

(1) Flow of Science, Engineering, and Technology.—The process of science, engineering, and technology involves many steps. The present Federal science, engineering, and technology structure reinforces the increasingly artificial distinctions between basic and applied activities. The result too often is a set of discrete programs that each support a narrow phase of research or development and are not coordinated with one another. The Government should maximize its investment by encouraging the progression of science, engineering, and technology from the earliest stages of research up to a pre-commercialization stage, through funding agencies and vehicles appropriate for each stage. This creates a flow of technology, subject to merit review at each stage, so that promising technology is not lost in a bureaucratic maze.

(2) Excellence in American University Research Infrastructure.—Federal investment in science, engineering, and technology programs must foster a close relationship between research and education. Investment in research at the university level creates more than simply world-class research. It creates world-class researchers as well. The Federal strategy must continue to reflect this commitment to a strong geographically-diverse research infrastructure. Furthermore, the United States must find ways to extend the excellence of its university system to primary and secondary educational institutions and to better utilize the community college system to prepare many students for vocational opportunities in an increasingly technical workplace.

(3) Commitment to a Broad Range of Research Initiatives.—An increasingly common theme in many recent technical breakthroughs has been the importance of revolutionary innovations that were sparked by overlapping of research disciplines. The United States must continue to encourage this trend by providing and encouraging opportunities for interdisciplinary projects that foster collaboration among fields of research.

(4) Partnerships Among Industry, Universities, and Federal Laboratories.—Each of these contributors to the national science and technology delivery system has special talents and abilities that complement the others. In addition, each has a central mission that must provide their focus and each has limited resources. The Nation's investment in science, engineering, and technology can be optimized by seeking opportunities for leveraging the resources and talents of these three major players through partnerships that do not distort the missions of each partner. For that reason, Federal dollars are wisely spent forming such partnerships.

### SEC. 104. MAINTENANCE OF FEDERAL RESEARCH EFFORT; GUIDING PRINCIPLES.

(a) Maintaining United States Leadership in Science, Engineering, and Technology.—It is imperative for the United States to nurture its superb resources in science, engineering, and technology carefully in order to maintain its own globally competitive position.

(b) Guiding Principles.—Federal research and development programs should be conducted in accordance with the following guiding principles:

(1) Good science.—Federal science, engineering, and technology programs include both knowledge-driven science together with its applications, and mission-driven, science-based requirements. In general, both types of programs must be focused, peer- and merit-reviewed, and not unnecessarily duplicative, although the details of these attributes must vary with different program objectives.

(2) Fiscal accountability.—The Congress must exercise oversight to ensure that programs funded with scarce Federal dollars are well managed. The United States cannot tolerate waste of money through inefficient management techniques, whether by Government agencies, by contractors, or by Congress itself. Fiscal resources would be better utilized if program and project funding levels were predictable across several years to enable better project planning; a benefit of such predictability would be that agencies and Congress can better exercise oversight responsibilities through comparisons of a project's and program's progress against carefully planned milestones and international benchmarks.

(3) Program effectiveness.—The United States needs to make sure that Government programs achieve their goals. As the Congress crafts science, engineering, and technology legislation, it must include a process for gauging program effectiveness, selecting criteria based on sound scientific judgment and avoiding unnecessary bureaucracy. The Congress should also avoid the trap of measuring the effectiveness of a broad science, engineering, and technology program by passing judgment on individual projects. Lastly, the Congress must recognize that a negative result in a well-conceived and executed project or program may still be critically important to the funding agency.

(4) Criteria for Government funding.—Program selection for Federal funding should continue to reflect the Nation's 2 traditional research and development priorities: (A) basic, scientific, and technological research that represents investments in the Nation's long-term future scientific and technological capacity, for which Government has traditionally served as the principal resource; and (B) mission research investments, that is, investments in research that derive from necessary public functions, such as defense, health, education, environmental protection, all of which may also raise the standard of living, which may include,pre-commercial, pre-competitive engineering research and technology development. Additionally, Government funding should not compete with or displace the short-term, market-driven, and typically more specific nature of private-sector funding. Government funding should be restricted to pre-competitive activities, leaving competitive activities solely for the private sector. As a rule, the Government should not invest in commercial technology that is in the product development stage, very close to the broad commercial marketplace, except to meet a specific agency goal. When the Government provides funding for any science, engineering, and technology investment program, it must take reasonable steps to ensure that the potential benefits derived from the program will accrue broadly.

### SEC. 105. POLICY STATEMENT.

(a) Policy.—This title is intended to—

(1) assure a doubling of the base level of Federal funding for basic scientific, biomedical, and pre-competitive engineering research, achieved by steadily increasing the annual funding of civilian research and development programs so that the total annual investment equals 10 percent of the Federal Government's discretionary budget by fiscal year 2011;

(2) invest in the future economic growth of the United States by expanding the research activities referred to in paragraph (1);

(3) enhance the quality of life and health for all people of the United States through expanded support for health-related research;

(4) allow for accelerated growth of individual agencies to meet critical national needs;

(5) guarantee the leadership of the United States in science, engineering, medicine, and technology;

(6) ensure that the opportunity and the support for undertaking good science is widely available throughout the United States by supporting a geographically-diverse research and development enterprise; and

(7) continue aggressive Congressional oversight and annual budgetary authorization of the individual agencies listed in subsection (b).

(b) Agencies Covered.—The agencies and trust instrumentality intended to be covered to the extent that they are engaged in science, engineering, and technology activities for basic scientific, medical, or pre-competitive engineering research by this title are—

(1) the National Institutes of Health, within the Department of Health and Human Services;

(2) the National Science Foundation;

(3) the National Institute for Standards and Technology, within the Department of Commerce;

(4) the National Aeronautics and Space Administration;

(5) the National Oceanic and Atmospheric Administration, within the Department of Commerce;

(6) the Centers for Disease Control, within the Department of Health and Human Services;

(7) the Department of Energy (to the extent that it is not engaged in defense-related activities);

(8) the Department of Agriculture;

(9) the Department of Transportation;

(10) the Department of the Interior;

(11) the Department of Veterans Affairs;

(12) the Smithsonian Institution;

(13) the Department of Education;

(14) the Environmental Protection Agency;

(15) the Food and Drug Administration, within the Department of Health and Human Services; and

(16) the Federal Emergency Management Agency.

(c) DAMAGE TO RESEARCH INFRASTRUCTURE.—A funding trend equal to or lower than current budgetary levels will lead to permanent damage to the United States research infrastructure. This could threaten American dominance of high-technology industrial leadership.

(d) FUTURE FISCAL YEAR ALLOCATIONS.—

(1) GOAL.—The goal of this title is to increase the percentage of the Federal discretionary budget allocated for civilian research and development by 0.3 percent annually to realize a total of 10 percent of the Federal discretionary budget by fiscal year 2011.

(2) AMOUNTS AUTHORIZED.—There are authorized to be appropriated to the agencies listed in subsection (b) for civilian research and development the following amounts:

(A) $43,080,000,000 for fiscal year 2001.

(B) $45,160,000,000 for fiscal year 2002.

(C) $47,820,000,000 for fiscal year 2003.

(D) $50,540,000,000 for fiscal year 2004.

(E) $53,410,000,000 for fiscal year 2005.

(3) FISCAL YEARS 2006–2011.—There is authorized to be appropriated to the agencies listed in subsection (b) for civilian research and development for each of the fiscal years 2006 through 2011 an amount that, on the basis of projections of Federal discretionary budget amounts as such projections become available, will meet the goal established by paragraph (1).

(4) ACCELERATION TO MEET NATIONAL NEEDS.—

(A) IN GENERAL.—If an agency listed in subsection (b) has an accelerated funding fiscal year, then, except as provided by subparagraph (C), the amount authorized by paragraph (2) or determined under paragraph (3) for the fiscal year following the accelerated funding fiscal year shall be determined in accordance with subparagraph (B).

(B) EXCLUSION OF ACCELERATED FUNDING AGENCY.—The amount authorized to be appropriated for civilian research and development under this subparagraph for a fiscal year shall be determined—

(i) by reducing the total amount that, but for subparagraph (A), would be authorized to be appropriated by paragraph (2) or paragraph (3) by a percentage equal to the percentage of the total amount authorized by that paragraph for the fiscal year preceding the accelerated funding fiscal year to the agency that had the accelerated funding fiscal year; and

(ii) allocating the reduced amount among all agencies listed in subsection (b) other than the agency that had the accelerated funding fiscal year.

(C) EXCEPTION TO ACCELERATED FUNDING AGENCY RULE.—Subparagraph (B) does not apply if the amount appropriated to an agency for civilian research and development purposes for a fiscal year, adjusted for inflation (assuming an annual rate of inflation of 3 percent), does not exceed the amount appropriated to that agency for those purposes for fiscal year 2000 increased by 2.5 percent a year for each fiscal year after fiscal year 2000.

(D) ACCELERATED FUNDING FISCAL YEAR DEFINED.—In this subsection, the term "accelerated funding fiscal year" means a fiscal year for which the amount appropriated to an agency for civilian research and development purposes is an increase of more than 8 percent over the amount appropriated to that agency for the preceding fiscal year for those purposes.

(e) CONFORMANCE WITH BUDGETARY CAPS.—Notwithstanding any other provision of law, no funds may be made available under this title in a manner that does not conform with the discretionary spending caps provided in the most recently adopted concurrent resolution on the budget or threatens the economic stability of the annual budget.

(f) BALANCED RESEARCH PORTFOLIO.—Because of the interdependent nature of the scientific and engineering disciplines, the aggregate funding levels authorized by the section assume that the Federal research portfolio will be well-balanced among the various scientific and engineering disciplines, and geographically dispersed throughout the States.

(g) CONGRESSIONAL AUTHORIZATION PROCESS.—The policies and authorizations in this Act establish minimum levels for the overall Federal civilian research portfolio across the agencies listed in subsection (b) under the procedures defined in subsection (d). The amounts authorized by subsection (d) establish a framework within which the authorizing committees of the Congress are to work when authorizing funding for specific Federal agencies engaged in science, engineering, and technology activities.

### SEC. 106. ANNUAL RESEARCH AND DEVELOPMENT ANALYSES.

The Director of the Office of Science and Technology shall provide, no later than February 15th of each year, a report to Congress that includes—

(1) a detailed summary of the total level of funding for civilian research and development programs throughout all Federal agencies;

(2) a focused strategy that is consistent with the funding projections of this title for each future fiscal year until 2011, including specific targets for each agency that funds civilian research and development;

(3) an analysis which details funding levels across Federal agencies by methodology of funding, including grant agreements, procurement contracts, and cooperative agreements (within the meaning given those terms in chapter 63 of title 31, United States Code);

(4) a Federal strategy for infrastructure development and research and development capacity building in States with less concentrated research and development resources in order to create a nationwide research and development community; and

(5) an annual analysis of the total level of funding for civilian research and development programs throughout all Federal agencies as compared to the previous fiscal year's Congressional budget appropriations for science, engineering, and technology activities of the agencies described in section 105(b), that details for the current fiscal year—

(A) how total funding levels compare to those authorized according to section 105(d);

(B) how the differences in those funding levels will affect the health, stability, and international standing of the Federal civilian research and development infrastructure;

(C) how the disparities in those levels affect the ability of the agencies covered by this Act to perform their missions; and

(D) which agencies are excluded under this Act due to accelerated funding and the aggregate amount to be authorized to other agencies under section 105(d).

### SEC. 107. COMPREHENSIVE ACCOUNTABILITY STUDY FOR FEDERALLY-FUNDED RESEARCH.

(a) STUDY.—The Director of the Office of Science and Technology Policy shall enter into agreement with the National Academy of Sciences for the Academy to conduct a comprehensive study to develop methods for evaluating federally funded research and development programs. The Director shall report the results of the study to the Congress not later than 18 months after the date of enactment of this Act. This study shall—

(1) recommend processes to determine an acceptable level of success for federally funded research and development programs by—

(A) describing the research process in the various scientific and engineering disciplines;

(B) describing in the different sciences what measures and what criteria each community uses to evaluate the success or failure of a program, and on what time scales these measures are considered reliable—both for exploratory long-range work and for short-range goals; and

(C) recommending how these measures may be adapted for use by the Federal Government to evaluate federally funded research and development programs;

(2) assess the extent to which civilian research and development agencies incorporate independent merit-based review into the formulation of their strategic plans and performance plans;

(3) recommend mechanisms for identifying federally funded research and development programs which are unsuccessful or unproductive;

(4) evaluate the extent to which independent, merit-based evaluation of federally funded research and development programs and projects achieves the goal of eliminating unsuccessful or unproductive programs and projects; and

(5) investigate and report on the validity of using quantitative performance goals for aspects of programs which relate to administrative management of the program and for which such goals would be appropriate, including aspects related to—

(A) administrative burden on contractors and recipients of financial assistance awards;

(B) administrative burdens on external participants in independent, merit-based evaluations;

(C) cost and schedule control for construction projects funded by the program;

(D) the ratio of overhead costs of the program relative to the amounts expended through the program for equipment and direct funding of research; and

(E) the timeliness of program responses to requests for funding, participation, or equipment use.

(6) examine the extent to which program selection for Federal funding across all agencies exemplifies our Nation's historical research and development priorities—

(A) basic, scientific, and technological research in the long-term future scientific and technological capacity of the Nation; and

(B) mission research derived from a high-priority public function.

(b) Alternative Forms for Performance Goals.—Not later than 6 months after transmitting the report under subsection (a) to Congress, the Director of the Office of Management and Budget, after public notice, public comment, and approval by the Director of the Office of Science and Technology Policy and in consultation with the National Science and Technology Council shall promulgate one or more alternative forms for performance goals under section 1115(b)(10)(B) of title 31, United States Code, based on the recommendations of the study under subsection (a) of this section. The head of each agency containing a program activity that is a research and development program may apply an alternative form promulgated under this section for a performance goal to such a program activity without further authorization by the Director of the Office of Management and Budget.

(c) Strategic Plans.—Not later than one year after promulgation of the alternative performance goals in subsection (b) of this section, the head of each agency carrying out research and development activities, upon updating or revising a strategic plan under subsection 306(b) of title 5, United States Code, shall describe the current and future use of methods for determining an acceptable level of success as recommended by the study under subsection (a).

(d) Definitions.—In this section:

(1) Director.—The term "Director" means the Director of the Office of Science and Technology Policy.

(2) Program activity.—The term "program activity" has the meaning given that term by section 1115(f)(6) of title 31, United States Code.

(3) Independent merit-based evaluation.—The term "independent merit-based evaluation" means review of the scientific or technical quality of research or development, conducted by experts who are chosen for their knowledge of scientific and technical fields relevant to the evaluation and who—

(A) in the case of the review of a program activity, do not derive long-term support from the program activity; or

(B) in the case of the review of a project proposal, are not seeking funds in competition with the proposal.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out the study required by subsection (a) $600,000, which shall remain available until expended.

### SEC. 108. EFFECTIVE PERFORMANCE ASSESSMENT PROGRAM FOR FEDERALLY-FUNDED RESEARCH.

(a) In General.—Chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

**"§ 1120. Accountability for research and development programs**

"(a) Identification of Unsuccessful Programs.—Based upon program performance reports for each fiscal year submitted to the President under section 1116, the Director of the Office of Management and Budget shall identify the civilian research and development program activities, or components thereof, which do not meet an acceptable level of success as defined in section 1115(b)(1)(B). Not later than 30 days after the submission of the reports under section 1116, the Director shall furnish a copy of a report listing the program activities or component identified under this subsection to the President and the Congress.

"(b) Accountability If No Improvement Shown.—For each program activity or component that is identified by the Director under subsection (a) as being below the acceptable level of success for 2 fiscal years in a row, the head of the agency shall no later than 30 days after the Director submits the second report so identifying the program, submit to the appropriate congressional committees of jurisdiction—

"(1) a concise statement of the steps necessary to—

"(A) bring such program into compliance with performance goals; or

"(B) terminate such program should compliance efforts fail; and

"(2) any legislative changes needed to put the steps contained in such statement into effect.".

(b) Conforming Amendments.—(1) The chapter analysis for chapter 11 of title 31, United States Code, is amended by adding at the end thereof the following:

"1120. Accountability for research and development programs.".

(2) Section 1115(f) of title 31, United States Code, is amended by striking "section and sections 1116 through 1119," and inserting "section, sections 1116 through 1120,".

## TITLE II—NETWORKING AND INFORMATION TECHNOLOGY

### SEC. 201. SHORT TITLE.

This title may be cited as the "Networking and Information Technology Research and Development Act".

### SEC. 202. FINDINGS.

The Congress makes the following findings:

(1) Information technology will continue to change the way Americans live, learn, and work. The information revolution will improve the workplace and the quality and accessibility of health care and education and make Government more responsible and accessible. It is important that access to information technology be available to all citizens, including elderly Americans and Americans with disabilities.

(2) Information technology is an imperative enabling technology that contributes to scientific disciplines. Major advances in biomedical research, public safety, engineering, and other critical areas depend on further advances in computing and communications.

(3) The United States is the undisputed global leader in information technology.

(4) Information technology is recognized as a catalyst for economic growth and prosperity.

(5) Information technology represents one of the fastest growing sectors of the United States economy, with electronic commerce alone projected to become a trillion-dollar business by 2005.

(6) Businesses producing computers, semiconductors, software, and communications equipment account for one-third of the total growth in the United States economy since 1992.

(7) According to the United States Census Bureau, between 1993 and 1997, the information technology sector grew an average of 12.3 percent per year.

(8) Fundamental research in information technology has enabled the information revolution.

(9) Fundamental research in information technology has contributed to the creation of new industries and new, high-paying jobs.

(10) Our Nation's well-being will depend on the understanding, arising from fundamental research, of the social and economic benefits and problems arising from the increasing pace of information technology transformations.

(11) Scientific and engineering research and the availability of a skilled workforce are critical to continued economic growth driven by information technology.

(12) In 1997, private industry provided most of the funding for research and development in the information technology sector. The information technology sector now receives, in absolute terms, one-third of all corporate spending on research and development in the United States economy.

(13) The private sector tends to focus its spending on short-term, applied research.

(14) The Federal Government is uniquely positioned to support long-term fundamental research.

(15) Federal applied research in information technology has grown at almost twice the rate of Federal basic research since 1986.

(16) Federal science and engineering programs must increase their emphasis on long-term, high-risk research.

(17) Current Federal programs and support for fundamental research in information technology is inadequate if we are to maintain the Nation's global leadership in information technology.

### SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) National Science Foundation.—Section 201(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5521(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $580,000,000 for fiscal year 2000; $699,300,000 for fiscal year 2001; $728,150,000 for fiscal year 2002; $801,550,000 for fiscal year 2003; and $838,500,000 for fiscal year 2004. Amounts authorized under this subsection shall be the total amounts authorized to the National Science Foundation for a fiscal year for the Program, and shall not be in addition to amounts previously authorized by law for the purposes of the Program.".

(b) National Aeronautics and Space Administration.—Section 202(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $164,400,000 for fiscal year 2000; $201,000,000 for fiscal year 2001; $208,000,000 for fiscal year 2002; $224,000,000 for fiscal year 2003; and $231,000,000 for fiscal year 2004.".

(c) Department of Energy.—Section 203(e)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(e)(1)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $119,500,000 for fiscal year 2000; $175,000,000 for fiscal year 2001; $220,000,000 for fiscal year 2002; $250,000,000 for fiscal year 2003; and $300,000,000 for fiscal year 2004.".

(d) National Institute of Standards and Technology.—(1) Section 204(d)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(1)) is amended—

(A) by striking "1995; and" and inserting "1995;"; and

(B) by striking "1996; and" and inserting "1996; $9,000,000 for fiscal year 2000; $9,500,000 for fiscal year 2001; $10,500,000 for fiscal year 2002; $16,000,000 for fiscal year 2003; and $17,000,000 for fiscal year 2004; and".

(2) Section 204(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)) is

amended by striking "From sums otherwise authorized to be appropriated, there" and inserting "There".

(e) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Section 204(d)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(d)(2)) is amended—

(1) by striking "1995; and" and inserting "1995;"; and

(2) by striking the period at the end and inserting "; $13,500,000 for fiscal year 2000; $13,900,000 for fiscal year 2001; $14,300,000 for fiscal year 2002; $14,800,000 for fiscal year 2003; and $15,200,000 for fiscal year 2004.".

(f) ENVIRONMENTAL PROTECTION AGENCY.—Section 205(b) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(b)) is amended—

(1) by striking "From sums otherwise authorized to be appropriated, there" and inserting "There";

(2) by striking "1995; and" and inserting "1995;"; and

(3) by striking the period at the end and inserting "; $4,200,000 for fiscal year 2000; $4,300,000 for fiscal year 2001; $4,500,000 for fiscal year 2002; $4,600,000 for fiscal year 2003; and $4,700,000 for fiscal year 2004.".

(g) NATIONAL INSTITUTES OF HEALTH.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended by inserting after section 205 the following new section:

### "SEC. 205A. NATIONAL INSTITUTES OF HEALTH ACTIVITIES.

"(a) GENERAL RESPONSIBILITIES.—As part of the Program described in title I, the National Institutes of Health shall support activities directed toward establishing University-based centers of excellence pursuing research and training in areas of intersection of information technology and the biomedical, life sciences, and behavioral research; research and development on technologies and processes to better manage genomic and related life science data bases; and, computation infrastructure for and related research on modeling and simulation, as applied to biomedical, life science, and behavioral research. In pursuing the above programs and in support of its mission of biomedical, life sciences, and behavioral research, National Institutes of Health should work in close cooperation with agencies involved in related information technology research and application efforts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services for the purposes of the Program $223,000,000 for fiscal year 2000, $233,000,000 for fiscal year 2001, $242,000,000 for fiscal year 2002, $250,000,000 for fiscal year 2003, and $250,000,000 for fiscal year 2004.".

### SEC. 204. NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.

(a) NATIONAL SCIENCE FOUNDATION.—Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5521) is amended by adding at the end the following new subsections:

"(c) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT.—(1) Of the amounts authorized under subsection (b), $350,000,000 for fiscal year 2000, $421,000,000 for fiscal year 2001, $442,000,000 for fiscal year 2002, $486,000,000 for fiscal year 2003, and $515,000,000 for fiscal year 2004 shall be available for grants for long-term basic research on networking and information technology, with priority given to research that helps address issues related to high end computing and software; network stability, fragility, reliability, security (including privacy and counterinitiatives), and scalability; and the social and economic consequences (including the consequences for healthcare) of information technology.

"(2) In each of the fiscal years 2000 and 2001, the National Science Foundation shall award under this subsection up to 25 large grants of up to $1,000,000 each, and in each of the fiscal years 2002, 2003, and 2004, the National Science Foundation shall award under this subsection up to 35 large grants of up to $1,000,000 each.

"(3)(A) Of the amounts described in paragraph (1), $40,000,000 for fiscal year 2000, $45,000,000 for fiscal year 2001, $50,000,000 for fiscal year 2002, $55,000,000 for fiscal year 2003, and $60,000,000 for fiscal year 2004 shall be available for grants of up to $5,000,000 each for Information Technology Research Centers.

"(B) For purposes of this paragraph, the term 'Information Technology Research Centers' means groups of six or more researchers collaborating across scientific and engineering disciplines on large-scale long-term research projects which will significantly advance the science supporting the development of information technology or the use of information technology in addressing scientific issues of national importance.

"(d) MAJOR RESEARCH EQUIPMENT.—(1) In addition to the amounts authorized under subsection (b), there are authorized to be appropriated to the National Science Foundation $70,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, $80,000,000 for fiscal year 2002, $80,000,000 for fiscal year 2003, and $85,000,000 for fiscal year 2004 for grants for the development of major research equipment to establish terascale computing capabilities at one or more sites and to promote diverse computing architectures. Awards made under this subsection shall provide for support for the operating expenses of facilities established to provide the terascale computing capabilities, with funding for such operating expenses derived from amounts available under subsection (b).

"(2) Grants awarded under this subsection shall be awarded through an open, nationwide, peer-reviewed competition. Awardees may include consortia consisting of members from some or all of the following types of institutions:

"(A) Academic supercomputer centers.

"(B) State-supported supercomputer centers.

"(C) Supercomputer centers that are supported as part of federally funded research and development centers.

Notwithstanding any other provision of law, regulation, or agency policy, a federally funded research and development center may apply for a grant under this subsection, and may compete on an equal basis with any other applicant for the awarding of such a grant.

"(3) As a condition of receiving a grant under this subsection, an awardee must agree—

"(A) to connect to the National Science Foundation's Partnership for Advanced Computational Infrastructure network;

"(B) to the maximum extent practicable, to coordinate with other federally funded large-scale computing and simulation efforts; and

"(C) to provide open access to all grant recipients under this subsection or subsection (c).

"(e) INFORMATION TECHNOLOGY EDUCATION AND TRAINING GRANTS.—

"(1) INFORMATION TECHNOLOGY GRANTS.—The National Science Foundation shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3 (a) and (b) of that Act, except that the activities supported pursuant to this paragraph shall be limited to improving education in fields related to information technology. The Foundation shall encourage institutions with a substantial percentage of student enrollments from groups underrepresented in information technology industries to participate in the competition for grants provided under this paragraph.

"(2) INTERNSHIP GRANTS.—The National Science Foundation shall provide—

"(A) grants to institutions of higher education to establish scientific internship programs in information technology research at private sector companies; and

"(B) supplementary awards to institutions funded under the Louis Stokes Alliances for Minority Participation program for internships in information technology research at private sector companies.

"(3) MATCHING FUNDS.—Awards under paragraph (2) shall be made on the condition that at least an equal amount of funding for the internship shall be provided by the private sector company at which the internship will take place.

"(4) DEFINITION.—For purposes of this subsection, the term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) AVAILABILITY OF FUNDS.—Of the amounts described in subsection (c)(1), $10,000,000 for fiscal year 2000, $15,000,000 for fiscal year 2001, $20,000,000 for fiscal year 2002, $25,000,000 for fiscal year 2003, and $25,000,000 for fiscal year 2004 shall be available for carrying out this subsection.

"(f) EDUCATIONAL TECHNOLOGY RESEARCH.—

"(1) RESEARCH PROGRAM.—As part of its responsibilities under subsection (a)(1), the National Science Foundation shall establish a research program to develop, demonstrate, assess, and disseminate effective applications of information and computer technologies for elementary and secondary education. Such program shall—

"(A) support research projects, including collaborative projects involving academic researchers and elementary and secondary schools, to develop innovative educational materials, including software, and pedagogical approaches based on applications of information and computer technology;

"(B) support empirical studies to determine the educational effectiveness and the cost effectiveness of specific, promising educational approaches, techniques, and materials that are based on applications of information and computer technologies; and

"(C) include provision for the widespread dissemination of the results of the studies carried out under subparagraphs (A) and (B), including maintenance of electronic libraries of the best educational materials identified accessible through the Internet.

"(2) REPLICATION.—The research projects and empirical studies carried out under paragraph (1) (A) and (B) shall encompass a wide variety of educational settings in order to identify approaches, techniques, and materials that have a high potential for being successfully replicated throughout the United States.

"(3) AVAILABILITY OF FUNDS.—Of the amounts authorized under subsection (b), $10,000,000 for fiscal year 2000, $10,500,000 for fiscal year 2001, $11,000,000 for fiscal year 2002, $12,000,000 for fiscal year 2003, and $12,500,000 for fiscal year 2004 shall be available for the purposes of this subsection.

"(g) Peer Review.—All grants made under this section shall be made only after being subject to peer review by panels or groups having private sector representation.".

(b) Other Program Agencies.—

(1) National aeronautics and space administration.—Section 202(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5522(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "and experimentation".

(2) Department of energy.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended by striking the period at the end and inserting a comma, and by adding after paragraph (4) the following:

"conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high performance computing and collaboration tools needed to fulfill the statutory mission of the Department of Energy, and may participate in or support research described in section 201(c)(1).".

(3) National institute of standards and technology.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended by striking "; and" at the end of subparagraph (C) and inserting a comma, and by adding after subparagraph (C) the following:

"and may participate in or support research described in section 201(c)(1); and".

(4) National oceanic and atmospheric administration.—Section 204(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(2)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "agency missions".

(5) Environmental protection agency.—Section 205(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5525(a)) is amended by inserting ", and may participate in or support research described in section 201(c)(1)" after "dynamics models".

(6) United states geological survey.—Title II of the High-Performance Computing Act of 1991 (15 U.S.C. 5521 et seq.) is amended—

(A) by redesignating sections 207 and 208 as sections 208 and 209, respectively; and

(B) by inserting after section 206 the following new section:

**"SEC. 207. UNITED STATES GEOLOGICAL SURVEY.**

"The United States Geological Survey may participate in or support research described in section 201(c)(1).".

**SEC. 205. NEXT GENERATION INTERNET.**

(a) In General.—Section 103(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(d)) is amended—

(1) in paragraph (1)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $15,000,000 for fiscal year 2001, and $15,000,000 for fiscal year 2002" after "fiscal year 2000";

(2) in paragraph (2), by inserting ", and $25,000,000 for fiscal year 2001 and $25,000,000 for fiscal year 2002" after "Act of 1998";

(3) in paragraph (4)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $10,000,000 for fiscal year 2001, and $10,000,000 for fiscal year 2002" after "fiscal year 2000"; and

(4) in paragraph (5)—

(A) by striking "1999 and" and inserting "1999,"; and

(B) by inserting ", $5,500,000 for fiscal year 2001, and $5,500,000 for fiscal year 2002" after "fiscal year 2000".

(b) Rural Infrastructure.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513) is amended by adding at the end thereof the following:

"(e) Rural Infrastructure.—Out of appropriated amounts authorized by subsection (d), not less than 10 percent of the total amounts shall be made available to fund research grants for making high-speed connectivity more accessible to users in geographically remote areas. The research shall include investigations of wireless, hybrid, and satellite technologies. In awarding grants under this subsection, the administering agency shall give priority to qualified, post-secondary educational institutions that participate in the Experimental Program to Stimulate Competitive Research.".

(c) Minority and Small College Internet Access.—Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by subsection (b), is further amended by adding at the end thereof the following:

"(f) Minority and Small College Internet Access.—Not less than 5 percent of the amounts made available for research under subsection (d) shall be used for grants to institutions of higher education that are Hispanic-serving, Native American, Native Hawaiian, Native Alaskan, Historically Black, or small colleges and universities.".

(d) Digital Divide Study.—

(1) In general.—The National Academy of Sciences shall conduct a study to determine the extent to which the Internet backbone and network infrastructure contribute to the uneven ability to access to Internet-related technologies and services by rural and low-income Americans. The study shall include—

(A) an assessment of the existing geographical penalty (as defined in section 7(a)(1) of the Next Generation Internet Research Act of 1998 (15 U.S.C. 5501 nt.)) and its impact on all users and their ability to obtain secure and reliable Internet access;

(B) a review of all current federally funded research to decrease the inequity of Internet access to rural and low-income users; and

(C) an estimate of the potential impact of Next Generation Internet research institutions acting as aggregators and mentors for nearby smaller or disadvantaged institutions.

(2) Report.—The National Academy of Sciences shall transmit a report containing the results of the study and recommendations required by paragraph (1) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 1 year after the date of enactment of this Act.

(3) Authorization of appropriations.—There are authorized to be appropriated to the National Academy of Sciences such sums as may be necessary to carry out this subsection.

**SEC. 206. REPORTING REQUIREMENTS.**

Section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting "(1)" after "Advisory Committee.—"; and

(C) by adding at the end the following new paragraph:

"(2) In addition to the duties outlined in paragraph (1), the advisory committee shall conduct periodic evaluations of the funding, management, implementation, and activities of the Program, the Next Generation Internet program, and the Networking and Information Technology Research and Development program, and shall report not less frequently than once every 2 fiscal years to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on its findings and recommendations. The first report shall be due within 1 year after the date of the enactment of the Federal Research Investment Act."; and

(2) in subsection (c) (1)(A) and (2), by inserting ", including the Next Generation Internet program and the Networking and Information Technology Research and Development program" after "Program" each place it appears.

**SEC. 207. REPORT TO CONGRESS.**

Section 103 of the High-Performance Computing Act of 1991 (15 U.S.C. 5513), as amended by section 205 of this title, is further amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively, and by inserting after subsection (a) the following new subsection:

"(b) Report to Congress.—

"(1) Requirement.—The Director of the National Science Foundation shall conduct a study of the issues described in paragraph (3), and not later than 1 year after the date of the enactment of the Federal Research Investment Act, shall transmit to the Congress a report including recommendations to address those issues. Such report shall be updated annually for 6 additional years.

"(2) Consultation.—In preparing the reports under paragraph (1), the Director of the National Science Foundation shall consult with the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and such other Federal agencies and educational entities as the Director of the National Science Foundation considers appropriate.

"(3) Issues.—The reports shall—

"(A) identify the current status of high-speed, large bandwidth capacity access to all public elementary and secondary schools and libraries in the United States;

"(B) identify how high-speed, large bandwidth capacity access to the Internet to such schools and libraries can be effectively utilized within each school and library;

"(C) consider the effect that specific or regional circumstances may have on the ability of such institutions to acquire high-speed, large bandwidth capacity access to achieve universal connectivity as an effective tool in the education process; and

"(D) include options and recommendations for the various entities responsible for elementary and secondary education to address the challenges and issues identified in the reports.".

**SEC. 208. STUDY OF ACCESSIBILITY TO INFORMATION TECHNOLOGY.**

Section 201 of the High-Performance Computing Act of 1991 (15 U.S.C. 5524), as amended by sections 3(a) and 4(a) of this Act, is amended further by inserting after subsection (g) the following new subsection:

"(h) Study of Accessibility to Information Technology.—

"(1) Study.—Not later than 90 days after the date of the enactment of the Federal Research Investment Act, the Director of the National Science Foundation, in consultation with the National Institute on Disability and Rehabilitation Research, shall enter into an arrangement with the National Research Council of the National Academy of Sciences for that Council to conduct a study of accessibility to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(2) SUBJECTS.—The study shall address—

"(A) current barriers to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities;

"(B) research and development needed to remove those barriers;

"(C) Federal legislative, policy, or regulatory changes needed to remove those barriers; and

"(D) other matters that the National Research Council determines to be relevant to access to information technologies by individuals who are elderly, individuals who are elderly with a disability, and individuals with disabilities.

"(3) TRANSMITTAL TO CONGRESS.—The Director of the National Science Foundation shall transmit to the Congress within 2 years of the date of the enactment of the Federal Research Investment Act a report setting forth the findings, conclusions, and recommendations of the National Research Council.

"(4) FEDERAL AGENCY COOPERATION.—Federal agencies shall cooperate fully with the National Research Council in its activities in carrying out the study under this subsection.

"(5) AVAILABILITY OF FUNDS.—Funding for the study described in this subsection shall be available, in the amount of $700,000, from amounts described in subsection (c)(1).".

**SEC. 209. COMPTROLLER GENERAL STUDY.**

Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report on the results of a detailed study analyzing the effects of this Act, and the amendments made by this Act, on lower income families, minorities, and women.

## CHILDREN'S HEALTH ACT OF 2000

Mr. LOTT. I ask unanimous consent that the health committee be discharged from further consideration of H.R. 4365 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4181

Mr. LOTT. Senator FRIST has an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. FRIST, proposes an amendment numbered 4181.

Mr. LOTT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. FRIST. Mr. President, I am pleased that the Senate has passed today, H.R. 4365, the Children's Health Act of 2000, a comprehensive of several important children's health bills on which I and the rest of the Senate have spent a great amount of time over the past year and a half. These bills address a wide variety of critical children's health issues, including day care safety, maternal and infant health, pediatric public health promotion, pediatric research, and efforts to fight youth drug abuse and provide mental health services. Collectively, this comprehensive bill will form the backbone of efforts that will improve the health and safety of America's children well into the coming years.

The bill which passed the Senate today includes two divisions, with Division A addressing issues regarding children's health, while Division B addresses youth drug abuse.

Perhaps the most critical section in Division A of this bill are provisions relating to day care health and safety, which were included in S. 2263, the "Children's Day Care Health and Safety Improvement Act," which I introduced with Senator DODD on March 9, 2000. These provisions recognize that while more than 13 million children under the age of six spend some part of their day in day care, including 254,000 children in Tennessee alone, evidence suggests a need to make these settings safer and improve the health of children in child care settings.

The danger in child care settings has recently become evident in Tennessee. Tragically, within the span of 2 years, there have been 4 deaths in child care settings in Memphis, and 1 in 5 childcare programs in the Nashville area were found to have potentially put the health and safety of children at risk during 1999. But this isn't just a Tennessee concern. It affects parents nationwide.

For example, according to a Consumer Product Safety Commission Study, in 1997, 31,000 children ages four and younger were treated in hospital emergency rooms for injuries sustained in child care or school settings. Since 1990, more than 60 children have died in child care settings. This is unacceptable. The thousands of parents leaving their children in the hands of child care providers each day deserve reassurance that their children are safe.

Further evidence of day care health and safety concerns were made clear in a recent study by the American Academy of Pediatrics which showed a disturbing trend among infants and Sudden Infant Death Syndrome (SIDS) in day care. The study examined 1,916 SIDS cases from 1995 to 1997 in 11 states, and found that about 20 percent, 391 deaths, occurred in day care settings. Most troubling was the fact that in over half of the cases where caretakers placed children on their stomach, the children were usually put to sleep on their backs by their parents.

Parents and advocates who are dedicated in helping to eliminate the incidence of SIDS have urged that child care providers be required to have SIDS risk reduction education. I agree, which is why I included provision in the bill to carry out several activities, including the use of health consultants to give health and safety advice to child care providers on important issues like SIDS prevention.

Overall the bill provides $200 million to states, including $4.2 million for my state of Tennessee, to help improve the health and safety of children in child care. The grants could be used for a number of activities, including child care provider training and education; inspections and criminal background checks for day care providers; enhancements to improve a facility's ability to serve children with disabilities; transportation safety procedures; and information for parents on choosing a safe and healthy day care setting. The funding could also be used to help child care facilities meet health and safety standards or employ health consultants to give health and safety advice to child care providers.

As a father, my highest concern is the safety of my three sons, and I understand the fears that so many parents have. Parents shouldn't be afraid to leave their children in the care of a licensed child care facility. This bill helps ensure that our child care centers will be safer.

The major portion of Division A are provisions which were included in the "Children's Public Health Act of 2000" which I introduced on July 13, 2000 with Senators JEFFRODS and KENNEDY. Provisions in the "Children's Public Health Act of 2000" address a wide range of children's health issues including maternal and infant health, pediatric health promotion, and pediatric research.

Unintentional injuries are the leading cause of death for every age group between 1 and 19 years of age, comprising 26 deaths per 100,000 children aged 1–14 and 62 deaths per 100,000 children aged 15–19. More than 1.5 million American children suffer a brain injury each year. Therefore, the bill reauthorizes and strengthens the Traumatic Brain Injury programs at the Centers for Disease Control and Prevention (CDC), the National Institutes of Health (NIH) and the Health Resources and Services Administration (HRSA).

Because birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric hospital admissions, the bill also focuses on maternal and infant health. This legislation establishes a National Center for Birth Defects and

Developmental Disabilities at the CDC to collect, analyze, and distribute data on birth defects. In addition, the bill authorizes the Healthy Start program to reduce the rate of infant mortality and improve perinatal outcomes by providing grants to areas with a high incidence of infant mortality and low birth weight.

Furthermore, over 3,000 women experience serious complications due to pregnancy. Two out of three will die from complications in their pregnancy. Therefore, the bill develops a national monitoring and surveillance program to better understand maternal complications and mortality, and to decrease the disparities among populations at risk of death and complications from pregnancy.

The bill also combats some of the most common childhood diseases and conditions. For instance, it provides comprehensive asthma services and coordinates the wide range of asthma prevention programs in the federal government to address the most common chronic childhood disease, asthma, which affects nearly 5 million children.

We also focus on childhood obesity, which has doubled in just the past 15 years, and produced 4.7 million seriously overweight children and adolescents ages 6-19 years. To address this epidemic, the bill supports state and community-based programs to promote good nutrition and increased physical activity among American youth.

In examining the problems affecting children across the nation and in Tennessee, I was very concerned to learn that in Memphis, over 12 percent of children under the age of 6 may have lead poisoning. Such poisoning can cause a variety of debilitating health problems, including seizure, and coma, and even death. Even at lower levels, lead can contribute to learning disabilities, loss of intelligence, hyperactivity, and behavioral problems. This bill includes physician education and training programs on current lead screening policies, tracks the percentage of children in the Health Centers program who are screened for lead poisoning, and conducts outreach and education for families at risk of lead poisoning.

The May 2000 Surgeon General's report noted that oral health is inseparable from overall health, and that while a majority of the population has experienced great improvements in oral health, disparities affecting poor children and those who live in underserved areas represent 80 percent of all dental cavities in 20 percent of children. This bill encourages pediatric oral health by supporting community-based research and training to improve the understanding of etiology, pathogenesis, diagnoses, prevention, and treatment of pediatric oral, dental, and craniofacial diseases.

Finally, the bill strengthens pediatric research efforts by establishing a Pediatric Research Initiative within the NIH to enhance collaborative efforts, provide increased support for pediatric biomedical research, and ensure that opportunities for advancement in scientific investigations and care for children are realized.

I also want to highlight the critical issue of childhood research protections. Included in this bill are provisions to address safety issues in children's research by requiring the Secretary of HHS to review the current federal regulations for the protection of children participating in research, which address such issues as determining acceptable levels of risk and obtaining parental permission, and to report to Congress on how to ensure the highest standards of safety. Also, the provision requires that all HHS-funded and regulated research comply with these additional protections for children. During this year, the Senate Subcommittee on Public Health, which I chair, held two important hearings relating to gene therapy trials and human subject protections. The Subcommittee discovered that there was a lapse of protection for individuals participating as subjects in clinical trial research. Next Congress, I intend to make the further review and updating of human subject protections a major priority of the Subcommittee.

Division B of the bill contains provisions which address the scourge upon children of drug abuse. The 1999 National Household Survey on Drug Abuse, conducted by the Substance Abuse and Mental Health Services Administration (SAMHSA), reported that 10.9 percent of youths age 12-17 currently use illicit drugs. It further estimated that nearly 11.3 percent of 12-17 year-old boys and 10.5 percent of 12-17 year-old girls used drugs in the past month. But just as important is the growth in alcohol abuse among our youth, as SAMHSA reports that 10.4 million current drinkers are younger than the legal drinking age of 21 and that more than 6.8 million engaged in binge drinking. Tragically, all of these numbers among youth substance abuse have risen since 1992.

To address the tragedy of drug use by our children, the bill incorporates the "Youth Drug and Mental Health Services Act," which I introduced with Senator KENNEDY last spring and was first passed the Senate on November 3, 1999.

The "Youth Drug" bill addresses the problem of youth substance abuse by reauthorizing and improving SAMHSA through a renewed focus on youth and adolescent substance abuse and mental health services, in conjunction with greater flexibility and new accountability for States for the use of federal funds.

Created in 1992 to assist States in reducing the incidence of substance abuse and mental illness through prevention and treatment programs, SAMHSA provides funds to States for alcohol and drug abuse prevention and treatment programs and activities, as well as mental health services, with its block grants accounting for 40 percent and 15 percent respectively of all substance abuse and community mental health services funding in the States. In my own State of Tennessee, SAMHSA provides more than 70 percent of overall funding for the Tennessee Department of Health's Bureau of Alcohol and Drug Abuse Services.

This bill accomplishes six critical goals: (1) promotes State flexibility by easing outdated or unneeded requirements governing the expenditure of Federal block grants; (2) ensures State accountability by moving away from the present system's inefficiencies to a performance based system; (3) provides substance abuse treatment services and early intervention substance abuse services for children and adolescents; (4) helps local communities treat violent youth and minimize outbreaks of youth violence through partnerships among schools, law enforcement and mental health services; (5) ensures Federal funding for substance abuse or mental health emergencies; and (6) supports and expands programs providing mental health and substance abuse treatment services to homeless individuals.

The bill also includes a number of other important provisions, including those to address how to treat individuals with co-occurring mental health and substance abuse disorders the proper and safe use of restraints and seclusions in mental health facilities, and important "charitable choice" provision that permits Federal assistance for religious organizations providing substance abuse services. We know that no one approach works for everyone who needs and wants substance abuse treatment and that faith-based programs have strong records of successful rehabilitation. This provision will allow faith-based programs to continue to offer their assistance and expertise.

The "Youth Drug and Mental Health Services Act" provides Tennessee and other states needed funds for community based programs helping individuals with substance abuse and mental health disorders, dramatically increasing State flexibility and ensuring that each State is able to address its unique needs. The bill provides a much needed focus on the troubling issue of drug use by our youth and helps local communities deal with the issue of children and violence.

I would also like to highlight the "Methamphetamine Anti-Proliferation Act of 1999," which is sponsored by Senator ASHCROFT and included in this comprehensive bill. This bill address the plague of methamphetamine which has severely impacted Tennessee, other southern states, the Mid-West, and Rocky Mountain states. Under these provisions, criminal penalties are increased for individuals who manufacture methamphetamine. The provisions also increase funding for law enforcement training and target high intensity methamphetamine trafficking areas.

Finally the bill also tackles another devastating drug which has shown signs of increased use in our youth, the drug known as "Ecstasy." In short, the bill directs the Sentencing Commission to review and amend the Ecstasy guidelines to provide for increased penalties to reflect the seriousness of the offenses of trafficking in and importing Ecstasy and related drugs.

Mr. President, this legislation which has passed the Senate today is a comprehensive, multifaceted attack on the numerous threats to our children's health. I am thankful for all my colleagues for their support and willingness to help the children of this nation. I would especially like to thank Senators JEFFORDS and KENNEDY and Representatives TOM BLILEY, MICHAEL BILIRAKIS, JOHN DINGELL and SHERROD BROWN, and their excellent staffs for all the hard work and dedication which has gone into this bill. I would also like to thank Mr. Bill Baird and Ms. Daphne Edwards, of the Office of Senate Legislative Counsel, for their tireless work and for their great expertise in drafting this comprehensive bill. I would also like to personally thank Mr. Joseph Faha, Director of Legislation and External Affairs of the Substance Abuse and Mental Health Service Administration as well as other member of the Department of Health of Human Services. Finally, I would like to thank my Staff Director, of the Public Health Subcommittees, Anne Phelps and my Health Policy Advisor, Dave Larson. Finally, I would like to thank the may groups advocating on behalf of children and parents and families who have worked so hard to bring this bill to fruition. I look forward to swift action in the House on this measure and it's enactment into law.

Mr. KENNEDY. Mr. President, this legislation will help millions of children in the years ahead. It takes needed action to improve children's health by expanding pediatric research and taking specific steps to deal with a wide range of childhood illnesses, disorders, and injuries. It also reauthorizes the Substance Abuse and Mental Health Services Adminstration, which has an important role in reducing substance abuse and maintaining and improving the mental health of the nation's children and adolescents. Coordinated efforts in these areas can lead to significant benefits for all children.

Senator FRIST and I have worked closely with many of our Democratic and Republican colleagues on this important legislation. We have talked with experts and advocates in the children's health community and in the mental health and substance abuse treatment communities. This legislation will lead to significant progress in addressing many of today's most pressing pediatric public health problems.

The legislation includes a variety of new and reauthorized children's health provisions. It represents a compromise with our colleagues in the House and addresses a wide range of pediatric public health issues raised by experts in the field and championed by numerous members from both sides of the aisle in both chambers.

Division A of the bill focuses on general children's health. It includes programs to improve the health of pregnant women and prenatal outcomes, including prevention of birth defects and low birth weight. It establishes a new Center for Birth Defects and Developmental Disabilities at the Centers for Disease Control and Prevention, in order to focus the nation's activities more effectively in these important areas. It also directs the Secretary of the Department of Health and Human Services to expand public education efforts on folic acid consumption in order to decrease neural tube birth defects.

The bill also deals with traumatic brain injury which is the leading cause of death and disability in young Americans. The Centers for Disease Control and Prevention has estimated that 5.3 million Americans are living with long-term, severe disability as a result of brain injuries, and each year 50,000 people die as a result of such injuries. The Children's Public Health Act revises and extends the authorization for a series of important programs that were enacted in 1996 to deal with these injuries. This reauthorization will assure continued progress toward understanding, treating and preventing them.

In addition, the bill includes the long overdue reauthorization of the CDC's Injury Prevention and Control Programs. There are steps we should take to modernize this authority and increase the authorization levels, but it is welcome progress at last to renew its authorization.

Improving and protecting the safety of child care facilities is also a high priority for Congress. This legislation creates a new program to improve the safety of children in child care settings, and to encourage child care providers to take steps to prevent illness and injuries and protect the health of the children they serve.

It is said that the 21st century will be the century of life sciences. Our national health policy will have the benefit of brilliant new scientific discoveries that have already begun to change how we diagnose, treat and prevent countless conditions. The legislation creates a new grant program that focuses on inherited disorders. Based on legislation introduced last year that has the strong support of a broad-based coalition of both the genetics and public health communities, our bill provides funds for state or local public health departments to expand existing programs or initiate new programs that provide screening, counseling or health services to infants and children who have genetic conditions or are at risk for such conditions. It also establishes an Advisory Committee to assist the Secretary on these issues.

The bill also takes a number of steps to address other prevalent childhood conditions. Asthma is the most common chronic childhood illness, affecting more than seven percent of all American children. The death rate for children with asthma increased by 78 percent between 1980 and 1993, and asthma-related costs total nearly $2 billion annually in direct health care for children. The nation is handicapped by a lack of basic information on where and how asthma strikes, what triggers it, and how effectively the health care system is responding to those who suffer from this chronic disease. Our bill will provide greater asthma services to children, including mobile clinics and patient and family education, and it will help to reduce allergens in housing and public facilities.

Poor nutrition and lack of physical activity are also hurting many American children and contributing to lifelong health problems. The nation spends $39 billion a year—equal to six percent of overall U.S. health care expenditures—on direct health care related to obesity. Twenty percent of American children—one in five—are overweight. Unhealthy eating habits and physical inactivity in childhood can lead to heart disease, cancer and other serious illnesses decades later. Children and adolescents who suffer from eating disorders, such as anorexia nervosa and bulimia, can have wide-ranging physical and mental health impairments. Our legislation establishes new grant programs to reduce childhood obesity and eating disorders, promote better nutritional habits among children, and encourage an appropriate level of physical activity for children and adolescents.

The bill also requires the Secretary to study issues related to effective treatment for metabolic disorders, including PKU, and access to such treatments, in order to prevent worsening of these conditions. It is my hope that this study will be useful for employers, insurers, insurance commissioners and others who provide insurance or set coverage standards.

Another major area where additional efforts are needed is dental care. Last May, the Surgeon General published a landmark report on oral health in America, emphasizing the need to consider oral health as an essential part of total health. There is no question that oral and dental health care should be included in primary care. Tooth decay is the most common childhood infectious disease, and it can lead to devastating consequences, including problems with eating, learning and speech. Twenty-five percent of children in the United States suffer 80 percent of the tooth decay, with significant racial and age disparities. The number of dentists in the country has been declining since 1990, and is projected to continue to decline through the year 2020.

According to a 1995 report by the Inspector General, only one in five Medicaid-eligible children receive dental services annually, and the shortage of dentists exacerbates the problem of unmet needs. Yet tooth decay is largely preventable. More effective efforts to educate parents and children about the causes of tooth decay—and initiatives to prevent and treat it—can lead to lasting public health improvements. Our legislation includes a variety of approaches to deal with this silent epidemic, including a new grant program to improve the understanding of prevention, diagnosis, and treatment of pediatric oral diseases and conditions, and grants to increase community-wide fluoridation and school-based dental sealant programs. It also directs the Secretary to undertake a coordinated oral health initiative to fund innovative activities to improve the oral health of low-income children.

Research has long shown that childhood lead poisoning can have devastating effects on children, causing reduced IQ and attention span, stunted growth, behavior problems, and reading and learning disabilities. Yet too many children remain unscreened and untreated, and adequate services often are not available for children with elevated levels of lead in their blood. There is no excuse for not taking greater steps to eliminate childhood lead poisoning. Our bill includes screening for early detection and treatment, professional education and training programs, and outreach and education activities for at-risk children.

Pediatric research discoveries promote and maintain health throughout a child's life span, and also contribute significantly to new insights that aid in the prevention and treatment of illnesses among adults. A growing body of evidence shows that risk factors for conditions such as coronary artery disease and stroke begin in childhood and persist through adulthood. Congress has a strong record of promoting basic and clinical research, and the steps taken in this legislation continue that priority with a special focus on children.

The legislation establishes a pediatric research initiative, authorized at $50 million annually, that will increase support for pediatric biomedical research at the National Institutes of Health, including an increase in collaborative efforts among multidisciplinary fields in areas that are promising for children. The legislation also requires coordination with the Food and Drug Administration to increase the number of pediatric clinical trials, and to provide greater information on safer and more effective use of prescription drugs in children.

Children have unique health care needs. They are not simply small adults. Nothing is more important to the future health of America's children than maintaining a steady supply of pediatricians, pediatric specialists and pediatric-focused scientists.

Our legislation takes several important steps to improve the growth and development of a pediatric-focused medical community. It enhances support through the NIH expressly for training and career development activities of pediatric researchers, including establishing a loan repayment program for health care professionals who focus on pediatric research.

It revises and extends the authorization of a program enacted last year to support graduate medical education at independent children's hospitals. These hospitals train half of all pediatric specialists, and 30 percent of all pediatricians. However, because GME activities have historically been supported by Medicare and because these hospitals serve very few Medicare patients, they have traditionally received very little federal financial support for this important and costly activity. As a result, children's hospitals are struggling to maintain the important training, pediatric research, and primary and specialty care services that they provide. Children's hospitals should be treated like all other teaching hospitals when it comes to support for their GME activities. I have sponsored other legislation to guarantee full funding each year, without being subject to the appropriations process. That proposal has been included in the Balanced Budget Refinement Act of 2000. It is awaiting consideration in the Finance Committee, and I hope it will be enacted this year.

The bill also authorizes a new long-term study to monitor and evaluate health and development of children through adulthood. The kind of information that will be obtained by this study is long-overdue, and I look forward to its results.

The bill also takes two steps to protect children who participate in clinical trials and other research. It requires all HHS-regulated and funded research to comply with current pediatric-specific human subject protection regulations. This provision is supported by the FDA and industry alike, and it is an important step toward assuring full public confidence in life-saving research activities. In addition, it requires the Secretary to review those regulations and report on their adequacy and recommendations, if any, for changes within six months. Our committee intends to look more broadly at the issue of human subject protections next year, and this report will help inform those discussions.

Finally, this legislation also includes a variety of directives to increase activities at public health agencies on specific disorders and diseases affecting children. Children living with autism, Fragile X, diabetes, arthritis, muscular dystrophy, epilepsy, cystic fibrosis, and a number of other conditions have much to be grateful for today. We all have the highest hopes that the provisions in this bill will lead to successful efforts to combat these debilitating and often deadly conditions.

Division B of the bill will enable the Substance Abuse and Mental Health Services Administration to meet the mental health and substance abuse needs of communities through its successful existing programs and through new and innovative initiatives.

The recent National Household Survey on Drug Abuse indicates that we have made important progress in combating substance abuse, especially among the nation's youth. The goal of this legislation is to build on that progress with expanded prevention and treatment services. Several of the bill's provisions come from the Mental Health Early Intervention, Treatment, and Prevention Act, which Senator DOMENICI and I introduced in response to the Surgeon General's groundbreaking Report on Mental Health. These provisions take needed steps to give the mentally ill the services they need.

This legislation is the product of bipartisan cooperation, and I especially commend Senator FRIST for his leadership in bringing everyone together. His efforts have helped ensure that the measure we pass today is an effective response to the mental illness and substance abuse problems we face.

Over the past two decades, we have made great progress in determining the causes of mental illnesses and developing strategies to treat them. We have also begun to understand the biological basis of substance abuse. Despite these scientific advances, mental illness and substance abuse continue to be a national crisis. One in five Americans will experience some form of mental illness this year—and two-thirds of them will not seek treatment. Substance abuse costs the country an estimated $270 billion in annual economic costs, and it leads to unacceptable violence, injury, and HIV infection in our communities.

Too often, patients with mental illness are denied the state-of-the-art treatment that would be available if their illnesses were physical instead of mental. We have failed to provide them with the services they need to meet the overwhelming obstacles they face. We have not made an adequate effort to help them overcome their addictions.

The bill we pass today is intended to correct these injustices.

It will provide treatment to those who desperately need it and prevention services to those at risk. Much of the bill focuses on the unique needs of youths, adolescents, and young adults. It provides services for children of substance abusers, training for teachers to recognize the symptoms of mental illness, and a suicide prevention program for children and youth. In addition, it provides a range of community services for children with serious emotional disturbances and for youth offenders. Agencies will receive funding to study and treat post-traumatic stress disorder in children. The bill also provides funds to coordinate welfare and mental health services for children who would benefit from this approach.

For homeless individuals, the bill provides expanded mental health and substance abuse services, along with transition assistance. For residents of treatment facilities, it offers protections from the inappropriate and often harmful use of seclusion and restraints. The bill will help to divert persons with mental illness from the criminal justice system, which for too long has served as a dumping-ground, and give them the services they need. It will provide special treatment for those who suffer simultaneously from mental illness and addiction. It will also provide funds to designate facilities as emergency mental health centers, especially in underserved areas. In all the services included, there will be a special emphasis on meeting the unique needs of specific cultures and ethnic groups, and on giving states the flexibility they need to address the concerns of their individual communities.

For too long, we have blamed the mentally ill and those addicted to alcohol and other drugs for their behavior, rather than extending a helping hand. Recent scientific advances have opened new windows onto the biochemical basis of mental illness and addictive behavior. This legislation will ensure that these advances are translated into practical services for those who need them. By creating this more effective framework to deliver appropriate services, we will help many more individuals to re-enter society as productive members, and do much more to dispel the stigma of diseases that affect the mind.

This legislation deserves to be a major public health priority for the nation. Congress should send the President this legislation before the end of this session.

I ask unanimous consent that the summary of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### The Children's Health Act of 2000: Division A—Children's Health

### Title I—Autism

Under this provision, the Director of NIH shall expand, intensify, and coordinate the activities of the NIH with respect to research on autism. The Director of NIH will establish not less than 5 Centers of Excellence on autism research. Each center will conduct basic and clinical research into the cause, diagnosis, early detection, prevention, control and treatment of autism, including research in the fields of developmental neurobiology, genetics and psychopharmacology. The Director shall provide for the coordination of information among centers. The Director shall provide for a program under which samples of tissues and genetic materials that are of use in research on autism are made available for this research.

The provision also establishes 3 CDC regional centers of excellence in autism and pervasive developmental disabilities, to collect and analyze information on the number, incidence, and causes of autism and related developmental disabilities. The Secretary shall also establish a program to provide information on autism to health professionals and the general public, and establish a committee to coordinate all activities within HHS concerning autism.

### Title II—Research and Development Regarding Fragile X

Instructs the National Institute of Child Health and Human Development to expand, intensify, and coordinate research on Fragile X and authorizes the development of coordinated Fragile X research centers.

### Title III—Juvenile Arthritis and Related Conditions

Requires the National Institute of Arthritis and Musculoskeletal and Skin Diseases to expand and intensify research concerning juvenile arthritis. Directs HHS to evaluate whether the supply of pediatric rheumatologists is adequate to meet the health care needs of children with arthritis.

### Title IV—Reducing Burden of Diabetes Among Children and Youth

Directs the Secretary, acting through the CDC, to develop a sentinel system to collect incidence and prevalence data on juvenile diabetes. Requires NIH to conduct or support long-term epidemiology studies to investigate the causes and characteristics of juvenile diabetes, and to support regional clinical research centers for the prevention, detection, treatment and cure of juvenile diabetes. Provides for research and development of prevention strategies.

### Title V—Asthma Services for Children

This provision authorizes the Secretary to award grants to provide comprehensive asthma services to children, equip mobile health care clinics, conduct patient and family education on asthma management, and identify children eligible for Medicaid, the State Children's Health Insurance Program, and other children's health programs. This provision amends the Preventive Health and Health Services Block Grant program to provide for the establishment, operation, and coordination of effective and cost-efficient systems to reduce the prevalence of asthma and asthma-related illnesses, especially among children, by reducing the level of exposure to allergens through the use of integrated pest management.

This provision also requires the National Heart Lung and Blood Institute, through the National Asthma Education Prevention Program Coordinating Committee, to identify all federal programs that carry out asthma-related activities, develop a Federal plan for responding to asthma in consultation with appropriate federal agencies, professional and voluntary health organizations, and recommend ways to strengthen and improve the coordination of asthma-related Federal activities. CDC will collect and publish data on the prevalence of children suffering from asthma in each State, as well as mortality data at the national level.

### Title VI—Birth Defects Prevention Activities

This provision expands CDC's folic acid education program to prevent birth defects. In partnership with the States and local, public, and private entities, CDC shall expand an education and public awareness campaign; conduct research to identify effective strategies for increasing folic acid consumption by women of reproductive capacity; evaluate the effectiveness of these strategies; and conduct research to increase our understanding of the effects of folic acid in preventing birth defects.

This provision elevates the Division of Birth Defects and Developmental Disabilities to a National Center for Birth Defects and Developmental Disabilities within CDC. The purpose of this Center would be to collect, analyze, and distribute data on birth defects and developmental disabilities including information on causes, incidence, and prevalence; conduct applied epidemiological research on the prevention of such defects and disabilities; and provide information to the public on proven prevention activities.

### Title VII—Early Detection, Diagnosis and Treatment Regarding Hearing Loss in Infants

Authorizes grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems, and provide technical assistance to State agencies. Directs the NIH to continue a program of research and development on the efficacy of new screening techniques and technology. Provides for federal coordination with State and local agencies, consumer groups, national medical, health, and education organizations. Coordinated activities shall include policy recommendations and development of a data collection system.

### Title VIII—Children and Epilepsy

Authorizes the agencies of HHS to expand current epilepsy surveillance activities; implement public and professional education activities; enhance research initiatives; and strengthen partnerships with government agencies and organizations that have experience addressing the health needs of people with disabilities. Authorizes demonstration projects in medically underserved areas, to improve access to health services regarding seizures, to encourage early detection and treatment in children.

### Title IX—Safe Motherhood and Infant Health Promotion

The provision authorizes the Secretary of HHS to develop a national surveillance program to better understand the burden of maternal complications and mortality and to decrease the disparities among populations at risk of death and complications from pregnancy. The provision allows the Secretary to expand the Pregnancy Risk Assessment Monitoring System to provide surveillance and data collection in each State. Furthermore, the provision would expand research concerning risk factors, prevention strategies, and the roles of the family, health care providers, and the community in safe motherhood. The provision also authorizes public education campaigns on healthy pregnancy, education programs for health care providers, and activities to promote community support services for pregnant women. Finally, the provision authorizes grant funding for research initiatives and programs to prevent drug, alcohol, and tobacco use among pregnant women.

### TITLE X—PEDIATRIC RESEARCH INITIATIVE

This provision establishes a Pediatric Research Initiative within the National Institutes of Health to enhance collaborative efforts, provide increased support for pediatric biomedical research, and ensure that expanding opportunities for advancement in scientific investigations and care for children are realized.

The Secretary of HHS will make available enhanced support for activities relating to the training and career development of pediatric researchers, including general authority for loan repayment of a portion of education loans.

This provision also requires that all HHS-funded and regulated research comply with current pediatric-specific human subject protection regulations. (Currently FDA-regulated research is not required to comply).

National Institute of Child Health and Human Development is authorized to convene and direct a consortium of federal agencies, including CDC and EPA, to develop and implement a prospective cohort study to evaluate the effects of both chronic and intermittent external influences on human development, and to investigate basic mechanisms of developmental disorders and environmental factors, both risk and protective, that influence growth and developmental processes. The study will incorporate behavioral, emotional, educational, and contextual consequences to enable a complete assessment of the physical, chemical, biological and psychosocial environmental influences on children's well-being. The study shall gather data on environmental influences and outcomes until at least age 21, shall include diverse populations, and shall consider health disparities.

### TITLE XI—CHILDHOOD MALIGNANCIES

Directs the Secretary of HHS, through CDC and NIH, to study risk factors that affect or cause childhood cancers and carry out projects to improve outcomes for children with cancer and resultant secondary conditions. Provides for the expansion of current data collection and support for CDC's National Limb Loss Information Center.

### TITLE XII—ADOPTION AWARENESS

This title authorizes the Secretary of HHS to make grants to adoption organizations to train the staff of eligible health centers in providing adoption information and referrals based on guidelines developed by the adoption community. The Secretary, through the Health Resources and Services Administration and the Agency for Healthcare Research and Qaulity, shall evaluate the effectiveness of the training program as well as the extent to which such training complies with federal requirements which may apply to eligible health centers, to provide adoption information and referrals on an equal basis with all other courses of action included in nondirective pregnancy options counseling.

The Secretary shall carry out a national campaign to provide information to the public about adoption of children with special needs. Additionally, the Secretary shall make grants to provide assistance to adoption support groups and carry out studies to identify components that lead to favorable long-term outcomes for families that adopt children with special needs.

### TITLE XIII—TRAUMATIC BRAIN INJURY

This provision reauthorizes the Traumatic Brain Injury Act of 1996 to extend the authority for CDC to support research into strategies for the prevention of TBI and to implement public information and education programs for the prevention of traumatic brain injuries. CDC will support additional data collection and development of State TBI registries. NIH research is expanded to include cognitive disorders and neurobehavioral consequences arising from TBI. The bill authorizes HRSA to make grants for new and expanded community support services. Grants may be used to educate consumers and families, train professionals, improve case management, develop best practices in the areas of family support, return to work, and housing for people with traumatic brain injury. HRSA shall also make grants to protection and advocacy systems, to provide services to individuals with traumatic brain injury. This title also reauthorizes CDC's injury prevention and control programs to 2005.

### TITLE XIV—CHILD CARE SAFETY AND HEALTH GRANTS

To address the need for increased safety of child care facilities, the Secretary of HHS shall provide grants to States to carry out activities related to the improvement of the health and safety of children in child care settings. Grants may be used for two or more of the following activities: train and educate child care providers to prevent injuries and illnesses and to promote health-related practices; strengthen and enforce child care provider licensing, regulation, and registration; rehabilitate child care facilities to meet health and safety standards; provide health consultants to give health and safety advice to child care providers; enhance child care providers' ability to serve children with disabilities; conduct criminal background checks on child care providers; provide information to parents on choosing a safe and healthy setting for their children; or improve the safety of transportation of children in child care.

### TITLE XV—HEALTHY START INITIATIVE

Healthy Start, which was created as a demonstration project in 1991, is authorized in this bill for the first time. The Healthy Start program is designed to reduce the rate of infant mortality and improve perinatal outcomes by providing grants to areas with a high rate of infant mortality and low birth weight infants. This provision also authorizes a new grant program to conduct and support research and provide additional services to enhance access to health care for pregnant women and infants.

### TITLE XVI—ORAL HEALTH

This provision requires HHS to support community-based research to identify interventions that reduce the burden and transmission of oral, dental and craniofacial diseases in high risk populations, and develop clinical approaches for pediatric assessment. HHS is authorized to fund innovative oral health activities to decrease the incidence of baby bottle and early childhood tooth decay, and to increase utilization of pediatric dental services in children under 6.

The Secretary of HHS is authorized to provide grants to States to increase community water fluoridation and to provide school-based dental sealant services to children in low income areas. This provision also authorizes HHS to provide for the development of school-based dental sealant programs to improve the access of children to sealants. Finally, HHS shall make grants to dental training institutions and community-based programs, as well as those operated by the Indian Health Service, to develop oral health promotion programs and to increase utilization of dental services by children eligible for such services under a federal health program.

### TITLE XVII—VACCINE-RELATED PROGRAMS

Modifies the Vaccine Injury Compensation Program, to allow compensation for those who suffer an adverse reaction to the rota virus. This provision provides compensation if a vaccine causes an injury that requires hospitalization and surgical intervention. Additionally, the preventive health services childhood immunization program is reauthorized to 2005.

### TITLE XVIII—HEPATITIS C

Authorizes HHS to implement a national system to determine the incidence of hepatitis C virus infection, and to assist the States in determining the prevalence of HCV infection. Also authorizes HHS to identify, counsel and offer testing to individuals who are at risk of HCV infection, and to develop public and professional education programs for the detection and control of HCV infection. Provides for improvements in clinical laboratory procedures regarding Hepatitis C.

### TITLE XIX—NIH INITIATIVE ON AUTOIMMUNE DISEASES

The Director of NIH shall expand, intensify, and coordinate the activities of NIH with respect to autoimmune diseases.

### TITLE XX—GRADUATE MEDICAL EDUCATION PROGRAMS IN CHILDREN'S HOSPITALS

This provision makes technical corrections to the pediatric GME program, which supports training activities in freestanding children's hospitals, and extends its authorization through fiscal year 2005.

### TITLE XXI—SPECIAL NEEDS OF CHILDREN REGARDING ORGAN TRANSPLANTATION

Requires HHS to implement organ donation policies that recognize the unique needs of children. HHS shall carry out studies and demonstration projects to improve rates of organ donation and determine the unique needs of children. HHS shall conduct a study to determine the costs of immunosupressive drugs for children who have received transplants and the extent to which public and private health insurance plans cover these costs.

### TITLE XXII—MUSCULAR DYSTROPHY RESEARCH

NIH will expand and increase coordination in activities with respect to research on muscular dystrophies.

### TITLE XXIII—CHILDREN AND TOURETTE SYNDROME AWARENESS

HHS will implement public and professional education programs on Tourette Syndrome, with a particular emphasis on children.

### TITLE XXIV—CHILDHOOD OBESITY PREVENTION

This provision authorizes the CDC to support the development, implementation, and evaluation of state and community-based programs to promote good nutrition and increased physical activity. States would be required to develop comprehensive, interagency school- and community-based approaches to encourage and promote nutrition and physical activity in local communities, with technical support from CDC.

The CDC will coordinate and conduct research to improve our understanding of the relationship between physical activity, diet, health, and other factors that contribute to obesity. Research will also focus on developing and evaluating effective strategies for the prevention and treatment of obesity and eating disorders, as well as study the prevalence and cost of childhood obesity and its effects into adulthood.

The CDC in collaboration with State and local health, nutrition, and physical activity experts, will develop a nationwide public education campaign regarding the health risks associated with poor nutrition and physical inactivity, and will promote effective ways to incorporate good eating habits and regular physical activity into daily living.

The CDC, in collaboration with HRSA, will develop and carry out a program to train health professionals in effective strategies to better identify, assess, and counsel (or refer) patients with obesity, an eating disorder, or who are at risk of becoming obese or developing an eating disorder. They will also develop and carry out a program to train educators and child care professionals in effective strategies to teach children and their families about ways to improve dietary habits and levels of physical activity.

### Title XXV—Early Detection and Treatment Regarding Childhood Lead Poisoning

This provision requires HRSA to report annually to the Congress on the percentage of children in the Health Centers program who are screened for lead poisoning, and requires HRSA to work with the CDC and HCFA to conduct physician education and training programs on current lead screening policies. CDC will issue recommendations and establish requirements for its grantees to ensure uniform reporting of blood lead levels from laboratories to State and local health departments and to improve data linkages between health departments and federally funded benefit programs.

This provision authorizes new funding through the Maternal and Child Health Block Grant to states with a demonstrated need to conduct outreach and education for families at risk of lead poisoning, provide individual family education designed to reduce exposures to children with elevated blood lead levels, implement community environmental interventions, and ensure continuous quality measurement and improvement plans for communities committed to comprehensive lead poisoning prevention.

### Title XXVI—Screening for Heritable Disorders

Amends the Public Health Service Act to enhance, improve or expand the ability of State and local public health agencies to provide screening, counseling or health care services to newborns and children having or at risk for heritable disorders. This provision also creates an advisory committee to provide advice and recommendations to the Secretary for the development of grant administration policies and priorities, and to enhance the ability of the Secretary to reduce mortality or morbidity from heritable disorders.

### Title XXVII—Pediatric Research Protections

This provision addresses critical safety issues in children's research by requiring the Secretary of HHS to review the current federal regulations for the protection of children participating in research, which address such issues as determining acceptable levels of risk and obtaining parental permission, and to report to Congress on how to update them to ensure the highest standards of safety.

### Title XXVIII—Miscellaneous Provisions

This provision would require the NIH Director to report to Congress within 180 days of enactment on activities conducted and supported by the NIH during FY 2000 with respect to rare diseases in children and the activities that are planned to be conducted and supported by the NIH with respect to such diseases during the FY 2001-2005. This provision also requires HHS to study issues related to access to effective treatment for metabolic disorders, including PKU. Results of the study shall be made available to public health agencies, Medicaid, insurance commissioners, and other interested parties.

## DIVISION B—YOUTH DRUG AND MENTAL HEALTH SERVICES

This division reauthorizes programs within the Substance Abuse and Mental Health Services Administration (SAMHSA) to improve mental health and substance abuse services for children and adolescents, implement proposals giving States more flexibility in the use of block grant funds with accountability based on performance, and consolidate discretionary grant authorities to give the Secretary more flexibility to respond to the needs of those who need mental health and substance abuse services. It also provides a waiver from the requirements of the Narcotic Addict Treatment Act that would permit qualified physicians to dispense or prescribe schedule III, IV, or V narcotic drugs or combinations of such drugs approved by FDA for the treatment of heroin addiction. It also provides a comprehensive strategy to combat Methamphetamine use.

### Title XXXI—Provisions Relating to Services for Children and Adolescents

#### SECTION 3101—CHILDREN AND VIOLENCE

Authorizes $100 million for the Secretary to make grants to public entities in consultation with the Attorney General and the Secretary of Education to assist local communities in developing ways to assist children in dealing with violence. Four different types of grants are permitted under the authority: grants to provide financial support to enable the communities to implement the programs; to provide technical assistance to local communities; to provide technical assistance in the development of policies; and to assist in the creation of community partnerships among the schools, law enforcement and mental health services. Grantees would have to ensure that they will carry out six activities which include: security of the school; educational reform to deal with violence; review and updating of school policies to deal with violence; alcohol and drug abuse prevention and early intervention; mental health prevention and treatment services; and early childhood development and psychosocial services. However, Federal funding is available for prevention, early intervention, and treatment services.

Authorizes $50 million for the Secretary to develop knowledge with regard to evidence-based practices for treating psychiatric disorders resulting from witnessing or experiencing domestic, school and community violence and terrorism. Establishes centers of excellence to provide technical assistance to communities in dealing with the emotional burden of domestic, school and community violence and terrorism if and when they occur.

#### SECTION 3102—EMERGENCY RESPONSE

Permits the Secretary to use up to 2.5% of the funds appropriated for discretionary grants for responding to emergencies. The authority would permit an objective review instead of peer review. This would permit an expedited process for making awards. The Secretary is required to define an emergency in the Federal Register subject to public comment.

The section also includes language that provides additional confidentiality protection for the information collected from individuals who participate in national surveys conducted by the Substance Abuse and Mental Health Services Administration.

#### SECTION 3103—HIGH RISK YOUTH REAUTHORIZATION

Reauthorizes the High Risk Youth Program, which provides funds to public and non-profit private entities to establish programs for the prevention of drug abuse among high risk youth.

#### SECTION 3104—SUBSTANCE ABUSE TREATMENT SERVICES FOR CHILDREN AND ADOLESCENTS

Authorizes $40 million for the Secretary to make grants, contracts or cooperative agreement to public and non-profit private entities including American Indian tribes and tribal organizations for the purpose of providing substance abuse treatment services for children and adolescents. Priority is given to applicants who can apply evidenced based and cost effective methods, coordinate services with other social service agencies, provide a continuum of care dependent on the needs of the individual, provide treatment that is gender specific and culturally appropriate, involve and work with families of those in treatment, and provide aftercare.

Authorizes $20 million for the Secretary to make grants, contracts or cooperative agreements to public and non-profit private entities including local educational agencies for the purposes of providing early intervention substance abuse services for children and adolescents. Under the provision, priority is given to applicants who demonstrate an ability to screen for and assess the level of involvement of children in substance abuse, make appropriate referrals, provide counseling and ancillary services, and who develop a network with other social agencies. Requires the Secretary to ensure geographical distribution of awards.

Authorizes $4 million to create centers of excellence to assist States and local jurisdictions in providing appropriate care for adolescents who are involved with the juvenile justice system and have a serious emotional disturbance.

Authorizes $10 million for the Secretary to make grants, contracts, or cooperative agreements to carry out school based as well as community based programs to prevent the use of methamphetamine and inhalants.

#### SECTION 3105—COMPREHENSIVE COMMUNITY SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE

This program was begun in 1994 to provide seed money to local communities to develop systems of care for children with serious emotional disturbances thus improving the quality of care and increasing the likelihood that these children would remain in local communities rather than being sent to residential facilities. This section reauthorizes this program through fiscal year 2002 and provides an authority for the Secretary to waive certain requirements for territories and American Indian tribes.

This section also would extend some grants under this program to 6 years. The intent of the program is to provide seed funding for comprehensive systems of care. Unfortunately, many successful programs have had a difficult time ensuring their continuation without Federal support. This provision would give them an additional year to secure that support.

### SECTION 3106—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

Improves coordination by transferring this program from Health Resources and Services Administration (HRSA) to SAMHSA and authorizes the Secretary to make grants to public and non-profit private entities to provide the following services to children of substance abusers: periodic evaluations, primary pediatric care, other health and mental health services, therapeutic interventions, preventive counseling, counseling related to witnessing of chronic violence, referrals for and assistance in establishing eligibility for services under other programs, and other developmental services. Grantees would also provide services to families where one or both of the parents are substance abusers. The program requires that grantees match Federal funds with funds from other sources.

The program is authorized at $50 million through fiscal year 2002 and the authority is updated to include changes that have occurred since fiscal year 1992 when it was first authorized: e.g. developing connection to the Temporary Assistance for Needy Families (TANF) and the Children's Health Insurance Program (CHIP) programs.

### SECTION 3107—SERVICES FOR YOUTH OFFENDERS

Authorizes $40 million for the Secretary to make grants, contracts or cooperative agreements to State and local juvenile justice agencies to help such agencies provide aftercare services for youth offenders who have or are at risk of a serious emotional disturbance and who have been discharged from juvenile justice facilities. The funds may be used for planning, coordinating and implementing these services.

### SECTION 3108—GRANTS FOR STRENGTHENING FAMILIES THROUGH COMMUNITY PARTNERSHIPS

Provides for grants to develop and implement model substance abuse prevention programs and substance abuse prevention services for individuals in high risk families.

### SECTION 3109—UNDERAGE DRINKING

Authorizes $25 million for the Secretary to make awards of grants, cooperative agreements or contracts to public and nonprofit private entities, including Indian tribes and tribal organizations to enable such entities to develop plans for and to carry out school based and community based programs for the prevention of alcoholic beverages consumption by individuals who have not attained the legal drinking age.

### SECTION 3110—SERVICES FOR INDIVIDUALS WITH FETAL ALCOHOL SYNDROME

Authorizes $25 million for the Secretary to make grants, cooperative agreement or contracts with public or nonprofit private entities including Indian tribes and tribal organizations to provide services to individuals diagnosed with fetal alcohol syndrome or alcohol related birth defects. The funds can be used for screening and testing: mental health, health or substance abuse services; vocational services; housing assistance; and parenting skills.

Authorizes $5 million for the Secretary to make grants, cooperative agreements or contracts to public or nonprofit private entities for the purposes of establishing not more than 4 centers of excellence to study techniques for the prevention of fetal alcohol syndrome and alcohol related birth defects and adaptations of innovative clinical interventions and service delivery improvements.

### SECTION 3111—SUICIDE PREVENTION

The provision authorizes $75 million for the Secretary to make grants, contracts or cooperative agreement to public and nonprofit private entities to establish programs to reduce suicide deaths in the United States among children and adolescents. The provision requires collaboration among various agencies with the Department of Health and Human Services. Findings from the programs are then to be disseminated to public and private entities.

### SECTION 3112—GENERAL PROVISIONS

This provision amends the sections that establish the responsibilities of the Centers for Substance Abuse Treatment, Substance Abuse Prevention and the Mental Health Services to include an emphasis on children. In the case of the Center for Mental Health Services it would require the Director to collaborate with the Attorney General and the Secretary of Education on programs that assist local communities in developing programs to address violence among children in schools.

## TITLE XXXII—PROVISIONS RELATING TO MENTAL HEALTH

### SECTION 3201—PRIORITY MENTAL HEALTH NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE

In 1996, the appropriation committees started a practice which they have continued through fiscal year 1999 of appropriating funds to SAMHSA's general authority (Section 501) instead of specific programs. This section codifies what the appropriations committees have done by repealing several specific authorities related to mental health services in favor of a broad authority that gives the Secretary more flexibility in responding to individuals in need of mental health services. It would authorize four types of grants: (1) knowledge development and application grants which are used to develop more information on how best to serve those in need; (2) training grants to disseminate the information that the agency garners through its knowledge development; (3) targeted capacity response which enables the agency to respond to service needs in local communities; and (4) systems change grants and grants to support family and consumer networks in States. Repealed in this section are sections 303, 520A and 520B of the Public Health Service Act and section 612 of the Stewart B. McKinney Act.

This section includes a provision that would permit $6,000,000 of the first $100,000,000 appropriated to the program and 10 percent of all funds above $100,000,000 to be given competitively to States to assist them in developing data infrastructures for collecting and reporting on performance measures.

This section also addresses the importance of the interface between mental health services and primary care.

### SECTION 3202—GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS

The section reauthorizes the Grants for the Benefit of Homeless Individuals program which provides grants to develop and expand mental health and substance abuse treatment services to homeless individuals. Preference is maintained for organizations that provide integrated primary health care, substance abuse and mental health services to homeless individuals, programs that demonstrate effectiveness in serving homeless individuals, and programs that have experience in providing housing for individuals who are homeless.

### SECTION 3203—PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS (PATH)

This section reauthorizes the PATH program which provides funds to States under a formula for the provision of mental health services to homeless individuals. Preference is maintained for organizations with demonstrated effectiveness in serving homeless veterans. The section also provides an authority for the Secretary to waive certain requirements for territories.

### SECTION 3204—COMMUNITY MENTAL HEALTH SERVICES (CMHS) PERFORMANCE PARTNERSHIP PROGRAM

The Community Mental Health Services Block Grant is a formula program under which funds are distributed to States for the provision of community based mental health services for adults with a serious mental illness and children with a serious emotional disturbance. This program and the Substance Abuse Prevention and Treatment Block Grant provide funds to States to provide services. State accountability under these programs is built on State expenditure of funds.

Provisions in this section and other sections of this bill provide for the first steps in increasing State flexibility in the use of funds while establishing an accountability system based on performance. In this section, the number of elements that States must include in their plan for use of CMHS Block Grant funds are reduced from 12 to 5, thus providing additional flexibility for the States and reduced administrative costs.

This section also expands the responsibilities of the already existing State Planning Councils. Under current law, these councils are required to review and comment on State plans for use of CMHS Block Grant funds. Under this provision they would also be required to review and comment on State reports on the outcomes of their activities.

One provision within current law requires States to maintain their financial support for providing community based mental health services at an average of what they spent over the past two years. This requirement discourages States from adding one time infusions of funds into community mental health services since it would increase the States' maintenance of effort requirement. This provision would indicate that an infusion of funds of a non-recurring nature for a singular purpose may be exempt from the calculation of the maintenance of effort requirement.

Current law allows for the Secretary to set a date for the submission of grant applications. Applications must include a plan on how the State intends to use the funds and a report on how funds were spent the previous year. A provision in this section would establish that State plans for use of funds must be submitted by September 1 of the fiscal year prior to the fiscal year for which the State is seeking funds and the reports by the following December 1.

The section also makes changes to the current waiver authority for territories.

### SECTION 3205—DETERMINATION OF ALLOTMENT

There are three elements to determine the allocation of funding for SAMHSA block grants: (1) the population of individuals needing services; (2) the cost of providing services; and (3) the state income level. In August of 1997, SAMHSA changed the data on determining the cost of providing services from the use of manufacturing wages to nonmanufacturing wages, which was determined to be the most appropriate method to reflect cost differences among states. This action would have caused a decline of funding in several states. To address this problem, this section makes permanent provisions enacted in Public Law 105-277 on the formula for distribution of funds under the Community Mental Health Services Block Grant (CMHS). The CMHS Block Grant formula includes a "hold harmless" provision which guarantees that no State will receive less funding than it did in fiscal year 1998.

### SECTION 3206—PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986

This section makes technical changes to the formula for distribution of funds under this program to correct a provision that would have inappropriately reduced minimum State allotments. It also provides for the renaming of the Act to conform with changes made in previous laws, makes a technical change to the provision on territories and reauthorizes the program through fiscal year 2002.

The bill would also permit an American Indian Consortia to receive direct funding after the appropriation exceeds $25 million. It would also extend the responsibilities of the Protection and Advocacy program to individuals living in the communities when the appropriation exceeds $30 million.

### SECTION 3207—REQUIREMENT RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

This measure would require facilities that are both within the purview of the Protection and Advocacy program and which receive appropriated funding from the Federal government to protect and promote the rights of individuals with regard to the appropriate use of seclusions and restraints. Such covered facilities are required to inform the Secretary of each death that occurs while a patient is restrained or in seclusion, or each death that occurs within 24 hours after a patient is restrained or in seclusion, or where it is reasonable to assume that a patient's death is a result of seclusion or restraint. The Secretary is required to issue regulations within one year of enactment on appropriate staff levels, appropriate training for staff on the use of restraints and seclusions.

Requires any such facility that is supported in whole or in part with funds appropriated under the Public Health Service Act to protect and promote the rights of each resident of the facility, including the right to be free from physical or mental abuse, corporal punishment, and any restraints or involuntary seclusion imposed for purposes of discipline or convenience; sets standards for when restraints or seclusion may be imposed; requires each such facility to notify the appropriate State licensing or regulatory agency of each death that occurs in the facility and of the use of seclusion or restraint in accordance with regulations promulgated by the Secretary. Failure to comply with these requirements including the failure to appropriately train staff makes such facility ineligible for participation in any program supported in whole or in part by funds appropriated under this Act.

### SECTION 3208—REQUIREMENTS RELATING TO THE RIGHTS OF RESIDENTS OF CERTAIN NON-MEDICAL COMMUNITY-BASED FACILITIES FOR CHILDREN AND YOUTH

Ensures that appropriately-trained supervisory personnel are present whenever a physical restraint is required of a resident of a non-medical community-based treatment facility. The use of mechanical or chemical restraints in such facilities is prohibited and physical restraint must be used only in emergency situations. The section also authorizes the Secretary to develop guidelines for licensing rules regarding training use of restraints.

### SECTION 3209—GRANTS FOR EMERGENCY MENTAL HEALTH CENTERS

This provision authorizes $25 million for the Secretary to make grants to States, political subdivisions of States, Indian tribes and tribal organizations to support the designation of hospitals and health centers as Emergency Mental Health Centers which will serve as a central receiving point in the community for individuals who may be in need of emergency mental health services.

### SECTION 3210—GRANTS FOR JAIL DIVERSION PROGRAMS

Authorizes $10 million for the Secretary to make grants to States, political subdivisions of States, Indian tribes and tribal organizations to develop and implement programs to divert individuals with a mental illness from the criminal justice system to community-based services.

### SECTION 3211—GRANTS FOR IMPROVING OUTCOMES FOR CHILDREN AND ADOLESCENTS THROUGH SERVICES INTEGRATION BETWEEN CHILD WELFARE AND MENTAL HEALTH SERVICES

The provision authorizes $10 million for the Secretary to make grants to States, political subdivisions of States, Indian tribes and tribal organizations to provide integrated child welfare and mental health services for children and adolescents under 19 years of age in the child welfare system or at risk for becoming part of the system, and parents or caregivers with a mental illness or a mental illness and a co-occurring substance abuse disorder.

### SECTION 3212—GRANTS FOR THE INTEGRATED TREATMENT OF SERIOUS MENTAL ILLNESS AND CO-OCCURRING SUBSTANCE ABUSE

Authorizes $40 million for the Secretary to make grants, contracts or cooperative agreements with States, political subdivisions of States, Indian tribes and tribal organizations for the development or expansion of programs to provide integrated treatment services for individuals with a serious mental illness and a co-occurring substance abuse disorder.

### SECTION 3213—TRAINING GRANTS

The prevision authorizes $25 million for the Secretary to award grants States, political subdivisions of States, Indian tribes and tribal organizations or non-profit private entities to train teachers and other relevant school personnel to recognize symptoms of childhood and adolescent mental disorders and to refer family members to the appropriate mental health services if necessary; to train emergency services personnel to identify and appropriately respond to persons with a mental illness; and to provide education to such teachers and emergency personnel regarding resources that are available in the community for individuals with a mental illness.

## TITLE XXXIII—PROVISIONS RELATING TO SUBSTANCE ABUSE

### SECTION 3301—PRIORITY SUBSTANCE ABUSE TREATMENT NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE

As explained in section 3201, this section codifies what the appropriations committees have done by repealing several specific authorities related to substance abuse treatment services that gives the Secretary more flexibility in responding to the needs of people in need of substance abuse treatment. It would authorize three types of grants: (1) knowledge development and application grants, which are used to develop more information on how best to serve those in need; (2) training grants to disseminate the information that the agency garners through its knowledge development; and (3) targeted capacity response, which enables the agency to respond to services needs in local communities. Repealed in this section are sections 508, 509, 510, 511, 512, 571 and 1971 of the Public Health Service Act.

This section also addresses the importance of the interface between substance abuse treatment services and primary care.

### SECTION 3302—PRIORITY SUBSTANCE ABUSE PREVENTION NEEDS OF REGIONAL AND NATIONAL SIGNIFICANCE

This section implements in authorization for substance abuse prevention what the appropriations committees did in fiscal year 1996. It authorizes the same type of grants as described in the previous section except that they pertain to substance abuse prevention. Repeals sections 516 and 518 of the Public Health Service Act.

This section also addresses the importance of the interface between substance abuse prevention services and primary care.

### SECTION 3303—SUBSTANCE ABUSE PREVENTION AND TREATMENT PERFORMANCE PARTNERSHIP BLOCK GRANT

This program provides funds to States for their use in providing substance abuse prevention and treatment services. While there is considerable flexibility in State use of funds, there are a number of requirements which are directly related to public health issues. This provision would begin the process of giving States greater flexibility in their use of funds and accountability based on performance instead of expenditures.

Greater flexibility is enhanced by the repeal of a requirement that States spend 35 percent of their allotment on drug related activities and 35 percent on alcohol related activities. A provision requiring States to maintain a $100,000 revolving fund to support homes for persons recovering from substance abuse would be made optional thus permitting States to continue such efforts or to use those funds for other services as they deem necessary.

This section also creates authority for the Secretary to waive certain requirements for States who meet established criteria. Those criteria would be established in regulation after consultation with the States, providers and consumers.

One provision within current law requires the State to maintain its financial support for substance abuse prevention and treatment services at the average of what it spent over the past two years. While States support this requirement, it discourages States from adding one time infusions of funds into substance abuse services since it would increase the calculation of the State's maintenance of effort requirement. This section includes a provision that would exempt from maintenance of effort requirements any one time infusion of funds which are for a singular purpose.

Current law allows the Secretary to set a date for the submission of grant applications. Applications include a plan on how funds will be used and a report on how funds were spent the previous year. A provision in this section would establish that State applications are due on October 1 of the fiscal year prior to the fiscal year for which they are seeking funds.

This section also simplifies the waiver for territories and reauthorizes the program through fiscal year 2002.

### SECTION 3304—DETERMINATION OF ALLOTMENT

There are three elements to determine the allocation of funding for SAMHSA block grants: (1) the population of individuals needing services; (2) the cost of providing services; and (3) the state income level. In August of 1997, SAMHSA changed the data on determining the cost of providing services from the use of manufacturing wages to non-manufacturing wages, which was determined to be the most appropriate method to reflect cost differences among states. This action would have caused a decline of funding in several states. To address this problem, this section makes permanent provisions in Public Law 105-277 on the formula for distribution of funds under the Substance Abuse Prevention and Treatment Block Grant (SAPT).

The SAPT Block Grant formula includes Minimum Growth and Small State Minimum Rules needed to complete the phase-in of the new formula. Also, the provision includes a Proportional Scale Down Rule if appropriations decline in future years.

### SECTION 3305—NONDISCRIMINATION AND INSTITUTIONAL SAFEGUARDS FOR RELIGIOUS PROVIDERS

This section would permit religious organizations which provide substance abuse services to receive Federal assistance either through the Substance Abuse Prevention and Treatment Block Grant or discretionary grants through the Substance Abuse and Mental Health Services Administration while maintaining their religious character and their ability to hire individuals of the same faith. Such programs may not discriminate against anyone interested in treatment at the facility. If a person who is referred for services needs or would prefer to be served in a different facility, the program will refer that person to an appropriate treatment program.

The provision further stipulates that Federal funds received under a block or discretionary grant for substance abuse services by a religious organization will be maintained in a separate account and only the Federal funds used by such providers shall be subject to Federal audit requirements.

A religious organization that believes that it has been discriminated against based on the fact that it is a faith based program may bring an action for injunctive relief against the appropriate government agency or entity that has allegedly committed the violation.

Federal funds may not be used for sectarian worship, instruction or proselytization.

If a State or local government chooses to co-mingle their funds with Federal funds, then the State and or local government funds are subject to the provisions of this section.

### SECTION 3306—ALCOHOL AND DRUG PREVENTION AND TREATMENT SERVICES FOR INDIANS AND NATIVE ALASKANS

Authorizes $15 million for the Secretary to make grants, contracts or cooperative agreements with public and private non-profit private entities including American Indian tribes and tribal organizations and Native Alaskans for the purpose of providing alcohol and drug prevention or treatment services for Indians and Native Alaskans. Priority is given to those entities that will provide such services on reservations or tribal lands, employ culturally appropriate approaches, and have provided prevention or treatment services for at least one year prior to applying for a grant. The Secretary is required to submit a report to the Committees of jurisdiction after three years and annually thereafter describing the services that have been provided under this program.

### SECTION 3307—ESTABLISHMENT OF COMMISSION

Authorizes $5 million to establish a Commission on Indian and Native Alaskan Health Care that shall carry out a comprehensive examination of the health concerns of Indians and Native Alaskans living on reservations or tribal lands. The Commission will consist of the Secretary as Chair and 15 appointed and voting members, 10 of whom must be American Indians or Native Alaskans. The Director of the Indian Health Service and the Commissioner of Indian Affairs are non-voting members. The commission is to issue a report within three years detailing the health condition of individuals living on tribal lands, what services are currently available and if there are insufficient services detail why this situation exists, and make recommendations to the Congress on how to address these issues.

## TITLE XXXIV—PROVISIONS RELATING TO FLEXIBILITY AND ACCOUNTABILITY

### SECTION 3401—GENERAL AUTHORITIES AND PEER REVIEW

This section removes the requirement that there be an Associate Administrator for Alcohol Policy, and makes necessary corrections to the peer review requirements to reflect changes since 1992. The section also includes language that provides additional confidentiality protection for the information collected from individuals who participate in national surveys conducted by the Substance Abuse and Mental Health Services Administration.

### SECTION 3402—ADVISORY COUNCILS

SAMHSA and each of its Centers are required under statute to have an Advisory Council. Current law requires that they meet three times a year. This section reduces the number of times the councils are required to meet to two.

### SECTION 3403—GENERAL PROVISIONS FOR THE PERFORMANCE PARTNERSHIP BLOCK GRANTS

As part of the effort to change the current CMHS and SAPT Block Grants into performance-based systems, the Secretary is required to submit to Congress within two years a plan for what these performance based programs would look like and how they would operate. This plan would include how the States would receive greater flexibility, what performance measures would be used in holding States accountable, definitions for the data elements that would be collected, the funds needed to implement this system and where those funds would come from, and needed legislative changes. This would give the committees of jurisdiction one year to consider the plan and implement any necessary changes in the next reauthorization of SAMHSA in 2003.

### SECTION 3404—DATA INFRASTRUCTURE PROJECTS

This section creates an authority for the Secretary to make grants to States to assist them in developing the data infrastructure necessary to implement a performance based system. States are required to match the Federal contribution.

### SECTION 3405—REPEAL OF OBSOLETE ADDICT REFERRAL PROVISIONS

This section repeals certain obsolete provisions of the Narcotic Addict Rehabilitation Act of 1966.

### SECTION 3406—INDIVIDUALS WITH CO-OCCURRING DISORDERS

The section requires the Secretary to report to the committees of jurisdiction on how services are currently being provided to those with a co-occurring mental health and substance abuse disorder, what improvements are needed to ensure that they receive the services they need, and a summary of best practices on how to provide those services including prevention of substance abuse among individuals who have a mental illness and treatment for those with a co-occurring disorder.

### SECTION 3407—SERVICES FOR INDIVIDUALS WITH CO-OCCURRING DISORDERS

The section clarifies that both Substance Abuse Prevention and Treatment and Community Mental Health Service Block Grant funds may be used to provide services to those with a co-occurring mental health and substance abuse disorder as long as the funds are used for the purposes for which they were authorized.

## TITLE XXXV—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

### SECTION 3501—SHORT TITLE

Drug Addition Treatment Act of 2000

### SECTION 3502—WAIVER AUTHORITY FOR PHYSICIANS WHO DISPENSE OR PRESCRIBE CERTAIN NARCOTIC DRUGS FOR MAINTENANCE TREATMENT OR DETOXIFICATION TREATMENT

The waiver from the requirements of the Narcotic Addict Treatment Act would permit qualified physicians to dispense (including prescribe) schedule III, IV, or V narcotic drugs or combinations of such drugs approved by FDA for the treatment of heroin addiction. The physician would be required to refer the patient for appropriate counseling and limit his or her practice to 30 patients.

Physicians are qualified if they are licensed under State law and hold a subspeciality board certification in addiction psychiatry from the American Board of Medical Specialties, certification in a subspeciality from the American Osteopathic Association, certification from the American Society of Addiction Medicine, the physician has participated in a clinical trial on the narcotic drug, is approved by the State licensing board or has such other training or experience as the Secretary considers necessary. Permits the Secretary to issue regulation on criteria for using other credentialing bodies or on the limit of 30 patients. The Secretary is also required under the provision to issue practice guidelines within 120 days. States are given 3 years in which to pass legislation that would prohibit a practitioner from dispensing such drugs or combinations of such drugs if they want.

The Secretary or the Attorney General are authorized to determine whether the program is working and to stop the program with 60 days notice.

## TITLE XXXVI—METHAMPHETAMINE ANTI-PROLIFERATION

### SECTION 3601—SHORT TITLE

Methamphetamine Anti-Proliferation Act of 1999

## SUBTITLE A—METHAMPHETAMINE PRODUCTION

## PART I—CRIMINAL PENALTIES

### SECTION 3611—ENHANCED PUNISHMENT OF AMPHETAMINE LABORATORY OPERATORS

Section 3602 directs the Sentencing Commission to raise the penalties for amphetamine related offenses to a level comparable to those for methamphetamine.

### SECTION 3612—ENHANCE PUNISHMENT OF AMPHETAMINE AND METHAMPHETAMINE OPERATORS

This section amends the Sentencing Guidelines by increasing the base offense level for manufacturing amphetamine or methamphetamine to not less than level 27 if the offense created a substantial risk of harm to human life or to the environment and to not less than level 30 if the offense created a substantial risk of harm to the life of a minor or incompetent.

### SECTION 3613—MANDATORY RESTITUTION FOR METH LAB CLEAN-UP

Section 103 makes reimbursement for the costs incurred by the U.S. or State and local governments for the cleanup associated with the manufacture of amphetamine or methamphetamine mandatory. It also provides that the restitution money will go to the Asset Forfeiture Fund instead of the treasury.

### SECTION 3614—METHAMPHETAMINE PARAPHERNALIA

This section amends the anti-paraphernalia statute to include paraphernalia used in connection with methamphetamine use.

## PART II—ENHANCED LAW ENFORCEMENT

### SECTION 3621—ENVIRONMENTAL HAZARDS ASSOCIATED WITH ILLEGAL MANUFACTURE OF AMPHETAMINE AND METHAMPHETAMINE

This section authorizes the DEA to receive money from the Asset Forfeiture Fund to pay for clean-up costs associated with the illegal manufacture of amphetamine or methamphetamine for the purposes of federal forfeiture and disposition. It also allows for reimbursement to State and local entities for clean-up costs when they assist in a federal prosecution on amphetamine or methamphetamine related charges to the extent such costs exceed equitable sharing payments made to such State or local government in such case. The section also expressly states that funds from the Violent Crime Reduction Trust Fund can be used to pay for clean-up costs.

### SECTION 3622—REDUCTION IN THRESHOLD FOR NON-SAFE HARBOR PRODUCTIONS

This section reduces the threshold for retail sales of non-safe harbor products containing pseudoephedrine or phenylpropanolamine from 24 grams to 9 grams. It also limits the package size to not more than 3 grams of pseudoephedrine or phenylpropanolamine base.

### SECTION 3623—TRAINING FOR DRUG ENFORCEMENT ADMINISTRATION AND STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO CLANDESTINE LABORATORIES

Section 3613 authorizes $5.5 million in funding for DEA training programs designed to (1) train State and local law enforcement in techniques used in meth investigations (2) provide a certification program for State and local law enforcement enabling them to meet requirements with respect to the handling of wastes created by meth labs; (3) create a certification program that enables certain State and local law enforcement to recertify other law enforcement in their regions; and (4) staff mobile training teams which provide State and local law enforcement with advanced training in conducting clan lab investigations and with training that enables them to recertify other law enforcement personnel. The training programs are authorized for 3 years after which the States, either alone or in consultation/combination with other States, will be responsible for training their own personnel. The States will be required to submit a report detailing what measures they are taking to ensure that they have programs in place to take over the responsibility after the three year federal program expires.

### SEC. 3624—COMBATING METHAMPHETAMINE IN HIGH INTENSITY DRUG TRAFFICKING AREAS

This section authorizes $15 million a year for fiscal years 2000-2004 to be appropriated to ONDCP to combat trafficking of methamphetamine in designated HIDTA's by hiring new federal, State, and local law enforcement personnel, including agents, investigators, prosecutors, lab technicians and chemists. It provides that the funds shall be apportioned among the HIDTA's based on the following factors: (1) number of Meth labs discovered in the previous year; (2) number of Meth prosecutions in the previous year; (3) number of Meth arrests in the previous year; (4) the amounts of Meth seized in the previous year; and (5) intelligence and predictive data from the DEA and HHS showing patterns and trends in abuse, trafficking and transportation patterns in methamphetamine, amphetamine and listed chemicals. Before apportioning any funds, the Director must certify that the law enforcement entities responsible for clan lab seizures are providing lab seizure data to the national clandestine laboratory database at the El Paso Intelligence Center. It also provides that not more than five percent of the appropriated amount may be used for administrative costs.

### SECTION 3625—COMBATING AMPHETAMINE AND METHAMPHETAMINE MANUFACTURING AND TRAFFICKING

This section authorizes $6.5 million to be appropriated for the hiring of new agents to (1) assist State and local law enforcement in small and mid-sized communities in all phases of drug investigations, including assistance with foreign-language interpretation; (2) staff additional regional enforcement and mobile enforcement teams; (3) establish additional resident offices and posts of duty to assist State and local law enforcement in rural areas; and (4) provide the Special Operations Division with additional agents for intelligence and investigative operations.

It also authorizes $3 million to enhance the investigative and related functions of the Chemical Control Program to implement further the provisions of the Comprehensive Methamphetamine Control Act of 1996. The funds shall be used to account accurately for the import and export of List I chemicals and coordinate investigations surrounding the diversion of these chemicals; to develop a computer infrastructure sufficient to process and analyze time sensitive enforcement information from suspicious orders reported to DEA field offices and other law enforcement; and to establish an education, training, and communications process to alert industry of current trends and emerging patterns of illicit manufacturing activities.

## PART III—ABUSE PREVENTION AND TREATMENT

### SECTION 3631—EXPANSION OF METHAMPHETAMINE RESEARCH

This section allows the Director of the National Institute on Drug Abuse (NIDA) to make grants and enter into cooperative agreements to expand the National Drug Abuse Treatment Clinical Trials Network and current and on-going research and clinical trials with treatment centers relating to methamphetamine abuse and addiction and other biomedical, behavioral and social issues related to methamphetamine abuse and addiction. It authorizes to be appropriated such sums as may be necessary and such sums are to supplement and not supplant any other amounts appropriated for research on methamphetamine abuse and addiction.

### SECTION 3632—METHAMPHETAMINE AND AMPHETAMINE ADDICTION TREATMENT

This section authorizes $10 million in grants to States that have a high rate, or have had a rapid increase, in methamphetamine or amphetamine abuse or addiction, for treatment of methamphetamine and amphetamine addiction.

### SECTION 3633—STUDY OF METHAMPHETAMINE TREATMENT

This section requires the Secretary of HHS, in consultation with the Institute of Medicine of the National Academy of Sciences, to conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine and to report the findings to the Judiciary Committees of the Senate and House of Representatives.

## PART IV—ABUSE PREVENTION AND TREATMENT

### SECTION 3641—REPORT ON CONSUMPTION OF METHAMPHETAMINE AND OTHER ILLICIT DRUGS IN RURAL AREAS, METROPOLITAN AREAS, AND CONSOLIDATED METROPOLITAN AREAS

This section requires HHS to include in its annual National Household Survey on Drug Abuse prevalence data on the consumption of methamphetamine and other illicit drugs in rural, metropolitan, and consolidated metropolitan areas.

### SECTION 3642—REPORT ON DIVERSION OF ORDINARY, OVER-THE-COUNTER PSEUDOEPHEDRINE AND PHENYLPROPANOLAMINE PRODUCTS

This section requires the Attorney General to conduct a study on the use of ordinary over-the-counter pseudoephedrine and phenylpropanolamine products in the clandestine production of illicit drugs. The report is to be submitted to Congress and shall include the AG's findings and recommendations on the need for additional measures, including thresholds, to prevent diversion of blister pack products.

## SUBTITLE B—CONTROLLED SUBSTANCE GENERALLY

### SECTION 3651—ENHANCED PUNISHMENT OF TRAFFICKING IN LIST I CHEMICALS

This section directs the Sentencing Commission to increase the penalties for violations involving ephedrine, pseudoephedrine, and phenylpropanolamine so that the penalties correspond to the quantity of controlled substance that could reasonably have been manufactured from these chemicals. The Sentencing Commission is also directed to establish a conversion table to determine the quantity of controlled substances that can be manufactured from these chemicals. The Sentencing Commission also shall review and amend its guidelines concerning list I chemicals other than those above, to provide for increased penalties to reflect the dangerous nature of such offenses and the dangers associated with manufacturing methamphetamine.

### SECTION 3652—MAIL ORDER REQUIREMENTS

This section represents changes to the reporting requirements of 21 U.S.C. 830(b)(3) worked out between the DEA and industry. Reporting will no longer be required for valid prescriptions, limited distributions of sample packages, distributions by retail distributors if consistent with authorized activities, distributions to long term care facilities, and any product which has been exempted by the AG. It also allows the AG to revoke an exemption if he finds the drug product being distributed is being used in violation of the Controlled Substances Act.

SECTION 3653—THEFT AND TRANSPORTATION OF ANHYDROUS AMMONIA FOR PURPOSES OF ILLICIT PRODUCTION OF CONTROLLED SUBSTANCES

This section makes it unlawful for a person to steal anhydrous ammonia or to transport stolen anhydrous ammonia across State lines knowing, intending, or having reasonable cause to believe that such anhydrous ammonia will be used to manufacture a controlled substance. Also provides funding to Iowa State University to permit it to continue and expand its current research into the development of inert agents that will eliminate the usefulness of anhydrous ammonia as an ingredient in the production of methamphetamine.

SUBTITLE C—ECSTASY ANTI-PROLIFERATION ACT OF 2000

SECTION 3661—3665

Directs the Sentencing Commission to review and amend the Ecstasy guidelines to provide for increased penalties such that those penalties reflect the seriousness of the offenses of trafficking in and importing Ecstasy and related drugs. Section 3665 authorizes $10 million in grants for prevention efforts concerning Ecstasy and other "club drugs."

SUBTITLE D—MISCELLANEOUS

SECTION 3671—ANTI-DRUG MESSAGES ON FEDERAL GOVERNMENT INTERNET WEBSITES

This section requires all federal departments and agencies, in consultation with ONDCP, to place anti-drug messages on their Internet websites and an electronic hyperlink to ONDCP's website. Numerous government agencies have children's websites, including the Social Security Administration.

SECTION 3672—REIMBURSEMENT BY DRUG ENFORCEMENT ADMINISTRATION OF EXPENSES INCURRED TO REMEDIATE METHAMPHETAMINE LABORATORIES

Authorizes $20 million to be appropriated in FY 2001 for the DEA to reimburse States, units of local government, Indian tribal governments, and other public entities for expenses incurred to clean-up and safely dispose of substances associated with clandestine methamphetamine laboratories which may present a danger to public health or the environment.

SECTION 3673—SEVERABILITY SECTION

Any provision held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, is to be given the maximum effect permitted by law, or if it is held to be invalid or unenforceable, such provision shall be severed from this Act.

**Ms. COLLINS.** Mr. President, I commend my colleagues, the chair and ranking member of the Public Health Subcommittee of the Health, Education, Labor, and Pensions Committee, for all of their efforts in bringing the Children's Health Act of 2000 to the Senate floor. This omnibus bill is the result of months of bipartisan collaboration and discussion between Members of both the House and the Senate in an effort to address important children's health issues in this Congress.

As the co-chair of the Senate Diabetes Caucus, I am particularly pleased that the Pediatric Diabetes Research and Prevention Act, which I introduced earlier this year with Senators BREAUX, ABRAHAM, CRAIG, and BUNNING, has been included in this bill. Our legislation—which was also cosponsored by Senators GRASSLEY, BINGAMAN, CHAFEE, ROTH, HOLLINGS, and SCHUMER—will help us to reduce the tremendous toll that diabetes takes on our nation's children and young people, and I want to thank my colleagues for including it in the omnibus bill.

As noted in the recent cover story in Newsweek, diabetes is a devastating, lifelong condition that affects people of every age, race, and nationality. Sixteen million Americans suffer from diabetes and about 800,000 new cases are diagnosed each year. It is one of our nation's most costly diseases in both human and economic terms. Diabetes is the leading cause of kidney failure, blindness in adults, and amputations not related to injury. It is a major risk factor for heart disease and stroke and shortens life expectancy up to 15 years. Moreover, diabetes costs our nation more than $105 billion a year in health-related expenditures. More than one out of every ten health care dollars and about one out of four Medicare dollars are spent on people with diabetes.

Unfortunately, there currently is no method to prevent or cure diabetes and available treatments have only limited success in controlling its devastating consequences. The burden of diabetes is particularly heavy for children and young adults with type I, also known as juvenile diabetes. Juvenile diabetes is the second most common chronic disease affecting children. Moreover, it is one that they never outgrow.

As the founder of the Senate Diabetes Caucus, I have met many children with diabetes who face a daily struggle to keep their blood glucose levels under control: kids like nine-year-old Nathan Reynolds, an active young boy from North Yarmouth, who was Maine's delegate to the Juvenile Diabetes Foundation's Children's Congress last year. Nathan was diagnosed with diabetes in December of 1997, which forced him to change both his life and his family's life. He has learned how to take his blood—something his four-year-old brother reminds him to do before every meal—check his blood sugar level, and give himself an insulin shot on his own, sometimes with the help of his parents or his school nurse. Nathan told me that his greatest wish was that, just once, he could take a "day off" from his diabetes.

The sad fact is that children like Nathan with diabetes can never take a day off from their disease. There is no holiday from dealing with their diabetes. They face a lifetime of multiple daily finger pricks to check their blood sugar levels and daily insulin shots. Moreover, insulin is not a cure for diabetes, and it does not prevent the onset of serious complications. As a consequence, children like Nathan also face the possibility of lifelong disabling complications, such as kidney failure and blindness.

Reducing the health and human burden of diabetes and its enormous economic impact depends upon identifying the factors responsible for the disease and developing new methods for prevention, better treatment, and ultimately a cure. The provisions of the Pediatric Diabetes Research and Prevention Act that have been included in the Children's Health Act of 2000 will do just that.

One of the most important actions we can take is to establish a type I diabetes monitoring system. Currently there is no way to track the incidence of type I diabetes across the country. As a consequence, the estimates for the number of people with type I diabetes from the American Diabetes Association, the Juvenile Diabetes Foundation, the Centers for Disease Control and Prevention, and the National Institutes of Health vary enormously from 123,000 to over 1.5 million, a 13-fold variation. One of the best ways to define the prevalence and incidence of a disease, as well as to characterize and study populations, is to establish a national database specific to that disease, which our legislation would do.

Obesity and inadequate physical activity—both major problems in the United States today—are important risk factors for type 2, or non-insulin dependent diabetes. Unfortunately, obesity is a significant and growing problem among children in the United States, which has led to a disturbing increase in the incidence of type 2 diabetes among young people. This is particularly alarming since type 2 diabetes has long been considered an "adult" disease. Nearly all of the documented cases of type 2 diabetes in young people have occurred in obese children, who are also at increased risk for the complications associated with the disease. Moreover, these complications will likely develop at an earlier age than if these children had developed type 2 diabetes as adults. Our legislation therefore calls for the implemention of a national public health effort to address the increasing incidence of type 2 diabetes in children and young people.

In addition, the legislation calls for long-term studies of persons with type 1 diabetes at the National Institutes of Health where these individuals will be followed for 10 years or more. This long-term analysis of type 1 diabetes will provide an invaluable basis for the investigation and identification of the causes and characteristics of diabetes and its complications and it will also help to identify a potential study population for clinical trials. The legislation also directs the Secretary of Health and Human Services to support regional clinical research centers for the prevention, detection, treatment and cure of type 1 diabetes. And finally, the legislation directs the Secretary of HHS to provide for a national program to prevent type 1 diabetes, including efforts to develop a vaccine.

Mr. President, these provisions will help us to better understand and ultimately conquer diabetes, which has had such a devastating impact on millions of American children and their families. It is therefore most appropriate that they be included in the Children's Health Act of 2000, and I urge all of my colleagues to join me in supporting it.

Mr. REED. Mr. President, I rise to add my voice to the chorus of support for this legislation, which will have a strong positive impact on the youth of this nation.

The first element of this initiative that I would like to highlight are the provisions regarding children's public health. This effort will greatly enhance health promotion and disease prevention directed towards youth, improve access to certain health care services for needy children and bolster resources for pediatric-specific medical research. Children are our most precious resource, and we should do all we can to enable our children to reach their full potential both physically and intellectually. The Children's Public Health Act takes an important step toward achieving this goal by creating an environment where children are able to grow and develop unhindered by the burden of disease.

Medical science has made incredible strides in reducing and preventing devastating childhood diseases that were prevalent only a generation ago. Yet, despite these advances in our ability to stem the spread of deadly infectious diseases, there has been an increase in the incidence of chronic and debilitating disorders that afflict children. Specifically, over the past decade, we have seen a rise in the number of children suffering from asthma, autism, and other diseases attributed to poor diet and lack of physical activity, such as diabetes, high cholesterol and hypertension in young children. This legislation sets forth a balanced, creative approach to these troubling pediatric conditions by augmenting pediatric clinical research, while also expanding and intensifying screening, education, outreach, monitoring and training efforts led by State and local public health agencies and other health care providers.

There are two specific initiatives that I am especially proud of in this legislation. The first seeks to address an entirely preventable problem that continues to plague far too many children in this nation—lead poisoning. While tremendous strides have been made over the last 20 years in reducing lead exposure among our citizens, it is estimated that nearly one million preschoolers nationwide still have excessive levels of lead in their blood—making lead poisoning the leading childhood environmental disease.

Lead is most harmful to children under age six because lead is easily absorbed into their growing bodies, and interferes with the developing brain and nervous system. The effect of lead poisoning on a child ranges from mild to severe. Most often in the U.S., children are poisoned through chronic, low-level exposure to lead-based paint, which can cause reduced IQ and attention span, hyperactivity, impaired growth, reading and learning disabilities. Children with high blood lead levels can suffer from brain damage, behavior and learning problems, slowed growth, and hearing loss, among other maladies.

Timely childhood lead screening and appropriate follow-up care for children most at-risk of lead exposure is critical to mitigating the long-term health and developmental effects of lead. Regrettably, our current system is not adequately protecting children, particularly low-income children, from this hazard. It is estimated that two-thirds of at-risk children have never been screened and, consequently, remain untreated.

This legislation takes some of the critical steps necessary to begin to address this problem. Specifically, the bill strengthens the lead program at the Centers for Disease Control and Prevention by providing new resources to conduct extensive outreach and education in coordination with other state programs that serve families with children at-risk of lead poisoning, such as WIC and Head Start. The bill also authorizes the implementation of community-based interventions to mitigate lead hazards and establishes guidelines for the reporting and tracking of blood lead screening tests so that we may have more accurate data on the number of lead-exposed children nationwide. The legislation also designates resources for health care provider education and training on current lead screening practices.

The second element of this bill that I believe will have a major impact on improving the overall health of children relates to the problem of childhood obesity. Over the past fifteen years, the number of overweight children in this country has doubled. It is estimated that an alarming five million youth 6-19 years of age are overweight, while another six million children are overweight to the point that their health is endangered.

Contributing to this alarming trend has been the rise in fast food consumption, coupled with an increasingly sedentary lifestyle where time engaged in physical activity has been replaced by hours playing computer games and watching television. The New York Times recently noted that the average child between the ages of 6 and 11 watches 25 hours of television a week—and this does not include time spent playing video games or on a computer.

Another reason for the lack of physical activity in children is the reduction in daily participation in physical education classes. Fewer and fewer States require school districts to offer physical education, despite the fact that children who engage in regular physical activity often perform better in school. We are raising a generation of inactive children that will likely become inactive, chronically ill adults. By not ensuring kids take time to participate in regular physical activity, we, as a society, are doing them a great disservice in the long run.

Already, we are seeing younger and younger Americans with the signs of heart disease and diabetes, among other obesity-linked illnesses. The Centers for Disease Control and Prevention reports that 60 percent of overweight 5-10 year old children already have at least one risk factor for heart disease, such as hypertension, while the number of children diagnosed with Type II diabetes has skyrocketed. If we continue on this trajectory, obesity-related illnesses will soon rival smoking as a leading cause of preventable death, costing hundreds of thousands of American lives and billions of dollars in health care costs and lost productivity. Clearly, action needs to be taken.

This legislation acknowledges this trend and attempts to reverse it through a multi-faceted approach. First, the bill authorizes a new competitive grant program through the Centers for Disease Control and Prevention to assist states and localities to develop and implement comprehensive school- and community-based approaches to promoting good nutrition and physical activity among children. The bill also calls for greater applied research to improve our understanding of the multiple factors that contribute to obesity and eating disorders and emphasizes the need for a nationwide public education campaign to educate families about the importance of good eating habits and regular physical activity. Lastly, the bill provides for health professional education and training to aid in the identification and treatment of overweight children, children suffering from an eating disorder or children at risk of these conditions.

The other major component of this bill is based on S. 976, the Youth Drug and Mental Health Services Act, which originated in the Senate Health, Education, Labor, and Pensions Committee, and passed the full Senate last year. This legislation reauthorizes programs administered by the Substance Abuse and Mental Health Services Administration (SAMHSA), and also provides many enhancements that will specifically benefit children and adolescents suffering from substance abuse or mental health problems, children who have witnessed violence, and children from families needing substance abuse or mental health treatment and other support services.

I am pleased that this legislation includes a provision that I worked on to address the severe shortage of transitional services for youth who are leaving the juvenile justice system. Specifically, the bill addresses this shortage by authorizing grants to local juvenile justice agencies to provide comprehensive community-based services such as mental health and substance abuse treatment, job training, vocational services, and mentoring programs to juvenile offenders.

Studies have found that the juvenile population has a special need for these types of services, mental health and substance abuse treatment, in particular. It is estimated that the rate of mental disorder is two to three times higher among the juvenile offender population than among youth in the general population. According to a 1994 Department of Justice study, 73 percent of the juveniles surveyed reported mental health problems, and 57 percent reported past treatment. Also, it is estimated that 60 percent of youth in the juvenile justice system have substance abuse disorders, compared to 22 percent in the general population.

Unfortunately, there currently exists little, if any, support for youth who are leaving the juvenile justice system. Many services, such as mental health and substance abuse treatment, provided while the youngster was detained or incarcerated, are discontinued upon their release. Given this breakdown in the continuity of services, it is hardly surprising that of the 4 million youngsters arrested each year, 30 percent are likely to recidivate within the year of arrest.

In the handful of places where transitional services have been provided, the results have been outstanding. For instance, in Rhode Island we have a successful program called "Project Reach." Yale University, in its evaluation of Project Reach, found that children receiving transitional services improved dramatically: 80 percent had significant increases in their grades in school; school attendance increased from 50 to 75 percent; and there was a 60 percent reduction in youth encounters with police after enrolling in the program. In addition, there was a 50 percent decrease in out-of-home placement for these children. In other words, children who once had problems so severe that they had to be removed from their homes are now able to remain with their families in their communities.

Adequate transitional and aftercare services to prevent recidivism are essential to reducing the societal costs associated with juvenile delinquency, promoting teen health, and fostering safe communities. These provisions recognize the serious gap in services for youth offenders and takes important steps to address this serious deficiency. I am grateful for the inclusion of this critical language in the bill.

As I have noted, there are many positive aspects to this legislation. However, I have deep reservations about a particular provision that was retained in the SAMHSA bill that allows all religious institutions, including pervasively religious organizations, such as churches and other houses of worship, to use taxpayer dollars to advance their religious mission. I oppose this "charitable choice" language and offered an amendment to modify it when the original legislation was considered in Committee last year.

Although charitable choice has already become law as a part of welfare reform and the Community Services Block Grant, CSBG, section of the Human Services Reauthorization Act, the inclusion of charitable choice in this legislation is particularly disturbing since, unlike its application to the intermittent services provided under Welfare Reform and CSBG, SAMHSA funds are used to provide substance abuse treatment which is ongoing, involves direct counseling of beneficiaries and is often clinical in nature. In the context of these programs it would be difficult if not impossible to segregate religious indoctrination from the social service.

Faith-based organizations do have an important and necessary role to play in combating many of our nation's social ills, including youth violence, homelessness, and substance abuse. In fact, I have seen first-hand the impact that faith-based organizations such as Catholic Charities have on delivering certain services to people in need in my own state. By enabling faith-based organizations to join in the battle against substance abuse, we add another powerful tool in our ongoing efforts to help people move from dependence to independence.

While there are many benefits that come with allowing religious organizations to provide social services with federal funds, I am concerned that without proper safeguards, well-intentioned proposals to help religious organizations aid needy populations, might actually harm the First Amendment's principle of separation of church and state. The charitable choice provision creates a disturbing new avenue for employment discrimination and proselytization in programs funded by SAMHSA. Under current law, many religiously-affiliated nonprofit organizations already provide government-funded social services without employment discrimination and proselytization. However, the legislation extends Title VII's religious exemption to cover the hiring practices of organizations participating in SAMHSA programs.

As I already mentioned, during markup, I offered an amendment that would have addressed this issue by including important safeguards and protections for beneficiaries and employees of SAMHSA funded programs. Specifically, the amendment would have removed the provision that allows religious organizations to require employees hired for SAMHSA funded programs to subscribe to the organization's religious tenets and teachings. Since the bill prohibits religious organizations from proselytizing in conjunction with the dissemination of social services under SAMHSA programs, it seems contradictory to permit religious organizations to require their employees to subscribe to the organization's tenets and teachings when it has no bearing on the provision of services. Second, the amendment would have eliminated the extension of Title VII's religious exemption to cover the hiring practices of organizations participating in SAMHSA funded programs.

Ultimately, my proposal would not have reduced the ability of religious groups to hire co-religionists or more actively participate in SAMHSA funded programs. It merely would have eliminated the explicit ability to discriminate in taxpayer-funded employment and left to the courts the decision of whether employees who work on, or are paid through, government grants or contracts are exempt from the prohibition on religious employment discrimination.

For the last 30 years, federal civil rights laws have expanded employment opportunities and sought to counter discrimination in the workplace. I recognize that we need the assistance of religious organizations in the battle against substance abuse. However, partnerships with faith-based organizations should augment—not replace—government programs. These partnerships should respect First Amendment protections and not allow taxpayer dollars to be used to proselytize or to support discrimination. I believe we need a far more robust and informed debate before we allow any expansion of current exemptions to Title VII.

Nevertheless, this combined legislation has many meaningful provisions that will go a long way towards improving the health and well-being of our children. This legislation not only strengthens pediatric medical research, it also includes important enhancements in maternal and prenatal health as well as several other health promotion and disease prevention initiatives that will greatly enhance the quality of life for children. Similarly, the bill contains elements that will greatly improve mental health and substance abuse services for children and adolescents.

I am pleased to have worked on this legislation and look forward to its expeditious passage this year.

Mr. DOMENICI. Mr. President, I rise today to briefly speak about the passage of the children's health bill and the Substance Abuse and Mental Health Services Administration reauthorization bill.

I would like to begin by congratulating Senators FRIST and KENNEDY for their work on this important piece of legislation and to tell them how pleased I am the package contains a number of provisions from the Mental Health Early Intervention, Treatment, and Prevention Act of 2000, S. 2639.

Today we do not even question whether mental illness is treatable. But, today we recoil in shock and disbelief at the consequences of individuals not being diagnosed or following their treatment plans. The results are tragedies we would have prevented.

Just look at the tragic incidents at the Baptist Church in Dallas/Fort Worth, the Jewish Day Care Center in Los Angeles, and the United States Capitol to see the common link: a severe mental illness. Or the fact that there are 30,000 suicides every year, including 2,000 children and adolescents.

It was not too long ago that our Nation decided we did not want to keep people with a mental illness institutionalized. Simply put, it was inhumane to simply lock these individuals up without even using science to consider other alternatives.

Make no mistake, our Nation still has these same individuals with mental illness, we just do not have a very good way to deal with these individuals. Many of these individuals formerly locked up are now our neighbors taking the proper medication to manage their illness.

However, our Nation simply does not have an understanding of what happens when individuals stop taking their medications because sadly many of these highly publicized incidents of mass violence all too often involve an individual with a mental illness.

When these incidents occur, my wife and I watch with horror on television and we often turn to each other and say that person was a schizophrenic or that individual was a manic depressive.

Some of you may have seen the recent 4 part series of articles in the New York Times reviewing the cases of 100 rampage killers. Most notably the review found that 48 killers had some kind of formal diagnosis for a mental illness, often schizophrenia.

Twenty-five of the killers had received a diagnosis of mental illness before committing their crimes. Fourteen of 24 individuals prescribed psychiatric drugs had stopped taking their medication prior to committing their crimes.

With this in mind I am especially pleased that with the passage of this package we are taking a very positive step forward to address the problem I have mentioned. The provisions adopted from the Mental Health Early Intervention, Treatment, and Prevention Act of 2000 will serve to give more people the ability to identify when someone might be suffering from mental illness and pose a threat to themselves or others.

I think it's important that we begin to find ways to get these people help before we find them involved in a violent tragedy and I would like to briefly touch upon several of those provisions I believe will take us a long way towards that goal:

A grant program will provide training to teachers and emergency services personnel to identify and respond to individuals with mental illness, and to raise awareness about available mental health resources. Another grant program creates Emergency Mental Health Centers that will serve as a specific site in communities for individuals in need of emergency mental health services, and will also provide mobile crisis intervention teams.

The Jail Diversion Demonstration will create 125 programs to divert individuals with mental illness from the criminal justice system to community-based services. And finally, the Mental Illness Treatment Grant will provide integrated treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder with an emphasis placed on individuals with a history of involvement with law enforcement or a history of unsuccessful treatment.

In closing, I really believe we have a historic opportunity to become preventers of serious, serious acts of violence before they happen and I look forward to working with my colleagues in the future to continue addressing this important issue.

Mr. WELLSTONE. Mr. President, I rise today in support of the passage of the Children's Health Act of 2000, an extraordinary bipartisan bill that includes so many outstanding provisions to improve the health and mental health of the children of our country. The bill includes the reauthorization of the Substance Abuse and Mental Health Services Administration, a long-overdue reauthorization and revitalization of an agency that provides most of the public funding of mental health and addiction services to our communities. SAMHSA has many dedicated staff who have worked so hard to develop and manage remarkable programs over the last several years. I am proud to have played a role in the development of this comprehensive bill, and to join my colleagues in encouraging its quick passage into law.

The Children's Health Act of 2000 takes a major step forward in supporting research, services, treatment, and professional training to begin to address some of the most significant health problems affecting children of all ages. This legislation clearly states that children's health, including their mental health and addiction treatment needs, must be a priority for our country. It is not enough to deal with our children's health needs only after they have become crises. Many of the programs outlined in this bill recognize this problem by focusing on prevention and education programs, and by supporting programs to train researchers and health care providers who specialize in children's health.

Many of the health areas included in this comprehensive bill were identified by the Department of Health and Human Services as among the top 10 leading health indicators for children in its major public health initiative "Healthy People 2010," launched in January 2000. Several were of particular importance to me as I worked on this bill, especially programs supporting treatment of mental illness and addiction; increased access to health care, especially for our mentally ill youth in correctional facilities; and overall improvements in fitness and oral health for all our children, including low-income children and children living in rural areas.

Dr. David Satcher, the United States Surgeon General, has released several groundbreaking reports in recent years which highlight the scope and the specific health needs of our children. These reports included "Mental Health: A Report of the Surgeon General"; "The Surgeon General's Call to Action to Prevent Suicide"; and the first ever "Oral Health In America: A Report of the Surgeon General," which each begins to address these severe health crises in these areas for so many of our children. The problems identified by Dr. Satcher touch on both the national problems across our country, and also highlight the significant health care disparities for different groups. I am pleased to have contributed to many new legislative and funding efforts to support improvements in these areas of health care.

In the Surgeon General's 2000 report on oral health, the strong link between oral health and overall health was highlighted, and this bill helps to address the problems identified in the report. Dr. Satcher emphasized the devastating consequences of untreated oral disease and how it can affect children's health and well-being, leading to serious pain and suffering, time lost from school, loss of permanent teeth, damage to self-esteem, and co-existing medical conditions. So much of what we need to do is already known. We need to identify the unmet need and improve access to care for those who need it most. This bill includes funding for school-based and other innovative oral health care programs to improve the overall health of our children. The oral health programs included in this bill are an important step forward.

Healthy People 2010 goals also identified obesity as a major problem for children, particularly because of the decline in physical activity among our children. One-fourth of our children aged 6-17 are overweight, and the percentage of children who are seriously overweight has doubled in the last thirty years. This is not a minor issue for the health of our children: obesity as a chronic illness is related to other serious chronic conditions in children, including type II diabetes, hypertension, and asthma. Research has also shown that 60% of overweight children 5-10 years old already have at least one risk factor for heart disease. Adult obesity is associated with many of the leading causes of death and disability, including heart disease, diabetes, arthritis, and cancer. The public health efforts in this bill that focus on this serious national problem, including improvements in physical education funding, public health education, and nutrition education, are ones I enthusiastically support. In the future we must do even more to again make physical education a high priority for our country and establish a national foundation to promote physical activity for all ages.

I am particularly proud of the section of this bill that supports local suicide prevention programs focusing on our young people. Youth suicide must be recognized for the national crisis that it is. In my own state of Minnesota, suicide is the second leading cause of death among our youth, as it is in half of the states in our country. Overall, in the United States, it is the third leading cause of death among our children, taking more lives than homicide. We know from the outstanding research supported by the National Institute of Mental Health that 90% of all completed suicides are linked to untreated or inadequately treated mental illness or addiction. More than 500,000 Americans attempt to take their own lives every year. In this bill, $75 million will be authorized to support local prevention programs focusing on our children who are at risk of taking their own lives. More than 50 groups supported our efforts to improve funding for suicide prevention programs this year, including local programs, like the Minnesota group, Suicide Awareness/Voices of Education (SA/VE), as well as national groups, such as Suicide Prevention and Advocation Network (SPAN), the National Hope Line Network, and the National Mental Health Association.

We can no longer afford to turn our eyes away from the horrible reality that many of our citizens, even our children, may want to die. We continue to treat mental illness and severe drug addiction as somehow less important than other illnesses. We blame the sick for their disease, and the result can be death and tragedy. Today, we begin to acknowledge that this kind of discrimination is against many of our own children.

I am also pleased to have worked to include an additional $4 million to support resource centers for those who work with our mentally ill youth in correctional facilities. Our children need help in many areas: education, child care, juvenile justice, and health care. Many are experiencing severe drug addiction, mental illness, and lack of access to health care coverage. The Director of the Office of National Drug Control Policy (ONDCP) has recognized that the number one priority for the nation's National Drug Control Strategy is to educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco. And yet 80 percent of adolescents needing treatment are unable to access services because of the severe lack of coverage for addiction treatment or the unavailability of treatment programs or trained health care providers in their community. Many of these children end up in the juvenile justice system as a result.

The reauthorization of SAMHSA within this bill, with its state block grant funding for mental health and addiction treatment, is a good beginning. But so much more must be done to stop treating our children as second class citizens, and to stop treating mental illness and addiction as second class illnesses. We must continue to fight for fairness and parity in health care coverage for our children, indeed for all of our citizens, who suffer from mental illness and addiction. It is their future, and ours, as a country, that is at stake.

Mr. ASHCROFT. Mr. President, I am pleased to support the Children's Health Act of 2000 that will pass the Senate today. This legislation is the result of months of dedicated work by a number of Senators and House members. I believe the final language represents a comprehensive approach to promote physical and mental health for children, and protect them from dangerous, illegal drugs. I am a cosponsor of the Senate version of this bill, a previous Senate version of the Children's Health Act (S. 2868), as well as the author of two key provisions contained in the package we are considering today.

I rise today to speak in favor of this legislation and to thank the bill's sponsor, Senator FRIST, for working with me to include two provisions that I believe are essential tools for advancing health and safety of America's children. The bill that will pass today, H.R. 4365, contains three main sections: (1) the text of S. 486, the Methamphetamine Anti-Proliferation Act, a bill I introduced last year that previously passed the Senate and has been approved by the House Judiciary Committee for consideration by the House of Representatives; (2) the Youth Drug and Mental Health Services Act, which reauthorizes programs within the jurisdiction of the Substance Abuse and Mental Health Services Administration (SAMHSA) to improve mental health and substance abuse services for children and adolescents and allows the Charitable Choice concept, which I first authored in the 104th Congress, to be applied to the programs covered by this Act and (3) the Children's Health Act, which amends the Public Health Services Act to revise, extend, and establish programs with respect to children's health research, health promotion and disease prevention activities conducted through Federal public health agencies.

Mr. President, let me touch briefly on each of these three main sections.

First, this bill includes the text of S. 486, the Methamphetamine Anti-Proliferation Act, a bill I introduced in February 25, 1999 in response to the growing problem of methamphetamine production and use in my home state of Missouri, throughout the Midwest and in many other states as well. Unfortunately, the problem of methamphetamine has only gotten worse in the past year and a half. This anti-meth measure I authored will help fight meth in Missouri and the U.S. with $55 million in new resources for enforcement, cleanup, school- and community-based prevention efforts, and rehabilitation services.

The Methamphetamine Anti-Proliferation Act will bolster the fight against meth through stiffer penalties for drug criminals; more money for law enforcement, education, and prevention; and a wider ban on meth paraphernalia. The bill directs the U.S. Sentencing Commission to raise its guidelines for sentencing meth offenders. It requires mandatory reimbursement for the costs incurred by federal, state and local governments for the cleanup associated with meth labs. It authorizes $5.5 million in funding for DEA programs to train State and local law enforcement in techniques used in meth investigations and staff mobile training teams which provide State and local law enforcement with advanced training in conducting lab investigations. It also provides $15 million in funding to combat the trafficking of meth in counties designated High Intensity Drug Trafficking Areas.

This legislation also provides for further research into the use of meth; authorizes $15 million in funds for community- and school-based anti-meth education programs; and includes an additional $10 million in resources for treatment of meth addiction. It directs HHS to include its annual National Household Survey on Drug Abuse prevalence data on the consumption of methamphetamine and other illicit drugs in rural, metropolitan, and consolidated metropolitan areas and requires the Secretary of HHS, in consultation with the Institute of Medicine, to conduct a study on the development of medications for the treatment of addiction to methamphetamine.

The nation's lead anti-drug agency, the Drug Enforcement Administration (DEA), has thrown its support behind the Methamphetamine Anti-Proliferation Act. In endorsing this bill, DEA Administrator Donnie Marshall said this bill is "landmark methamphetamine legislation." Marshall stated: "I believe this bill (the Methamphetamine Anti-Proliferation Act) will prove instrumental in the Drug Enforcement Administration's efforts to bring to a halt the continued spread of methamphetamine across our country."

Mr. President, I am sad that Missouri is notorious as a national center of meth production and distribution. Methamphetamine, for those who are lucky enough not to have a meth problem in their areas, is a highly addictive synthetic drug that is typically made in illegal clandestine "labs." Missouri and California lead the nation in seizures of such labs. In Missouri, the federal Drug Enforcement Administration and state and local law enforcement officers seized only two such labs in 1992, 14 in 1994, and a record 679 in 1998. This number jumped to 920 in 1999, setting a new record.

The second section of this bill is the Youth Drug and Mental Health Services Act, which reauthorizes the Substance Abuse and Mental Health Services Administration (SAMHSA). This section addresses the issue of drug abuse in our nation's youth which has dramatically increased this decade. It creates new programs to provide additional funding for youth-targeted treatment and early intervention services. Under this bill, states will receive more flexibility in the use of block grant funds and the Secretary of Health and Human Services will have more flexibility to respond to the needs of young people who need mental health and substance abuse services.

I am especially pleased that included in the Youth Drug and Mental Health Services Act is an expansion of the Charitable Choice provision, which will allow federally-funded substance abuse services to be open to faith-based providers. Under Charitable Choice, which was first enacted into law in 1996 as part of the welfare reform law, churches and other faith-based providers are able to compete on an equal footing with other non-governmental organizations in providing services to disadvantaged Americans.

Since its enactment, Charitable Choice has been expanded from job training and related services for welfare clients to include the Community Services Block Grant program, which is used for a variety of anti-poverty activities, such as improving job and educational opportunities and providing financial management and emergency assistance. This latest expansion will apply Charitable Choice to federal drug treatment programs that will total $1.6 billion for Fiscal Year 2000. My home state of Missouri is slated to receive $24.46 million in substance abuse block grant funding for the coming fiscal year.

Charitable Choice calls our nation to its highest and best in our effort to help those in need. It meets the tests of compassion and common sense that count for so much in Missouri. When people of faith extend compassionate help to those in need, the results can be stunningly successful. Where too many traditional substance abuse treatment programs have failed to help those in need, faith-based programs have succeeded. For example, Teen Challenge has show that 86% of its graduates remain drug-free. San Antonio's Victory Fellowship boasts of a success rate of over 80%. This is the test of common sense: America needs to create a vibrant partnership that succeeds where other approaches have failed.

Mr. President, the bipartisan support for Charitable Choice is overwhelming in Congress. In additional, both Presidential candidates—Governor Bush and Vice President GORE—strongly support the program. It is my hope that this broad national consensus will continue to grow and that soon will be able to enact a comprehensive expansion of Charitable Choice to all federally-funded social services programs.

Third, the Children's Public Health Act has four overriding themes represented in its four titles: Injury Prevention, Maternal and Infant Health, Pediatric Health Promotion, and Pediatric Research. This legislation focuses federal research efforts in these areas and provides a comprehensive approach to children's health. For example, the bill includes authorization for research to prevent traumatic brain injuries, provides federal grants for comprehensive asthma services to children, and establishes a National Center for Birth Defects and Development Disabilities within the CDC. The bill also includes childhood obesity prevention programs, childhood lead prevention programs, and a groundbreaking pediatric research initiative within NIH to ensure the realization of expanding opportunities for advancement in scientific investigations and care for children. This legislation also includes support for pediatric graduate medical education in children's hospitals, an issue that has been a high priority of mine for years.

I am hopeful, that with passage of this landmark legislation, we can improve the lives of America's children. By funding research for many childhood diseases and disabilities, expanding programs to assist youth with addiction and mental health problems through faith-based providers, and drastically increasing the war against meth, this bill is an important step in the right direction. I thank all those who worked on this legislation, and urge the President to sign this bill to help secure a safer and healthier future for the next generation.

Mr. LOTT. Mr. President, I ask consent that the amendment that is offered in the nature of a substitute be agreed to, the bill be read the third time and passed, as amended, the motion to reconsider be laid on the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4181) was agreed to.

The bill (H.R. 4365), as amended, was read the third time and passed.

Mr. BOND. Mr. President, I rise to speak on an issue of great importance to America's families—the health of our nation's children—and to talk about crucial legislation which the Senate has passed today called the Children's Health Act of 2000.

Whenever we talk about children's health, we should not ignore the fact that there is a lot of good news. The fact is that most children are persistently healthy. A majority of children can actually go through a year with no more serious health problems than scrapes and bruises, a stuffy nose, or an easily-treatable earache. I'm not sure how many of us can say that—I know I can't. And on a variety of indicators that measure children's health, the good news is only getting better. In the last decade, we have seen improvements in immunization rates, infant mortality, child mortality, and reduced teen birth rates.

There are of course exceptions to these healthy kids. Thousands of children are born every year with a birth defect. Too many children suffer moderate to serious accidents of all types. And an unfortunate minority face other serious or long-term health problems. Worse, children who are sick are often very sick. These exceptions to the rule are all the more tragic because our expectation is that our children will be healthy.

That is why the Children's Health Act, which the Senate has passed today, is so important. As sound as our children's overall health is, it can be better. As well as our nation is doing to protect our children's health, we can do more.

Mr. President, the Children's Health Act covers many specific health problems that afflict children—autism, arthritis, asthma, brain injuries, lead poisoning, and so on. Each of the legislative provisions that addresses these problems deserves attention, and I hope that the merits of each of these sections can be presented. Right now, I would like to focus on the sections of the Children's Health Act that I have strongly supported. Most of these provisions were included in legislation—called Healthy Kids 2000—which I introduced last year.

As both a Governor and a Senator, one of my main priorities in health care has been to try to find new ways to prevent birth defects. Because we expect our children and our babies to be healthy, birth defects can be truly devastating to a family. Yet they happen far too frequently—150,000 children are born every year with some type of birth defect.

Today alone, about 6 or 7 families in this country will have a child with one very serious type of birth defect, called a neural tube defect. Spina bifida is the most well known of these defects of the brain and spine. The complications that result from this type of birth defect range from serious, long-term health problems to death, but the real tragedy is that many of these birth defects could have been prevented.

One simple step—women of childbearing age taking 400 micrograms of folic acid every day—can help women and families significantly reduce the chance of this type of birth defect by up to 70 percent. Yet most women just don't know about folic acid. Simply making them aware of the importance of folic acid is such an easy and inexpensive way to prevent birth defects, it is simply silly not to do everything we can to make sure every woman in this country knows about the benefits of folic acid.

One provision of the Children's Health Act was taken from the Folic Acid Promotion Act, which I have introduced with Senator ABRAHAM. This section authorizes expanded effort by the Centers for Disease Control to get more women of childbearing age to use folic acid. The CDC has begun activity in this area, but the continued depth of the problem demonstrates that much more can be done.

Another easy thing we can do to bring greater focus and attention to the problem of birth defects is to simply reorganize how and where the work on birth defects is done within the Centers for Disease Control. Right now, the CDC's work on birth defects is done within one of its main branches, the National Center for Environmental Health, whose responsibilities expand significantly beyond birth defects.

I believe the seriousness of this problem—over 400 infants are born every day with some type of birth defect—and the significant amount of CDC funding spent on birth defects justify a Center within the Centers for Disease Control focused exclusively on this issue. The Children's Health Act calls for a fourth Center within the CDC—the National Center for Birth Defects and Developmental Disabilities—which will allow for consolidation, greater visibility and expansion of CDC's efforts to prevent birth defects. This builds on the comprehensive prevention program outlined in the Birth Defects Prevention Act, which I sponsored and Congress passed in 1998.

One area of children's health that has been getting worse over the last decade is the percentage of babies born with a low birth weight. Low birth-weight babies have a much higher chance of developmental and other problems as they grow up. One reason for this declining trend is the persistent levels of cigarette, alcohol, and drug use during pregnancy. Somewhere between 19 and 27 percent of pregnant women in the U.S. smoke during pregnancy, despite the fact that these smokers are at a significantly higher risk for stillbirth, premature births, low birth-weight, and birth defects.

The Children's Health Act contains another provision from my Healthy Kids 2000 legislation which establishes a grant program run by CDC to establish community-based programs designed to reduce and prevent prenatal smoking, alcohol, and drug use. We can work with women to help them understand the consequences of using these types of substances on their babies and to help them change their behavior so they can have healthier infants.

The health of a mother during her pregnancy obviously has a tremendous health impact on her child. Yet we as a nation still have a surprisingly large amount of serious complications that occur during pregnancy even before labor. 1,000 women actually die every year during pregnancy, and this figure has been increasing in the 1990s. A full 20 percent of women have serious health problems even before they go into labor.

But despite these problems, our public health system does not have a comprehensive system in place to monitor, research, and try to prevent these maternal deaths and complications. Only 15 states have a program of their own that does this. Well, if we can't look at a problem and study it, we certainly can't hope to understand the problem, much less to solve it. I believe the CDC needs to do further work with states to understand exactly why so many women are having pregnancy-related problems and to figure out what we can do about it. The Children's Health Act authorizes CDC to expand their efforts so we can prevent these problems and help women have healthy pregnancies so they can have healthy kids.

Finally, I have been a strong supporter of Senator DEWINE's Pediatric Research Initiative within the National Institutes of Health. I am pleased to be a cosponsor of his bill, and I included the Pediatric Research Initiative in my Healthy Kids 2000 legislation. I am happy to report that the Pediatric Research Initiative has been included in the Children's Health Act.

I believe we need to encourage the NIH to focus more on children's health care research. In recent years, NIH has seen significant increases in the funding needed to support the critical research they do. This crucial work helps us better understand how various diseases work, what we can do to prevent them, and how to cure those who are afflicted. I am concerned, however, that pediatric research at NIH has not shared fully in this research expansion.

The Pediatric Research Initiative provides the NIH with additional funds that are specifically dedicated to pediatric research. This funding can be used by the NIH Director for research that shows the most promise to address successfully childhood health concerns. The Pediatric Research Initiative would not earmark funds to any specific institute or to any specific disease. This commonsense legislation simply provides extra funding to the Office of the Director with maximum flexibility to invest that money in any area of pediatric research in any of the NIH Institutes. I believe this is a reasonable, and not a very restrictive, response to concerns that the NIH shortchanges pediatric research.

Mr. President, I would like to commend and thank Senators FRIST, KENNEDY, and all of the other distinguished Senators who have worked to put this crucial bill together. I have been pleased to work with them to ensure that this bill addresses some of the most pressing health care concerns our nation's children face. I hope and expect that the House of Representatives will follow-up quickly on Senate action so we can send this bill to the President.

Last year, I introduced the Healthy Kids 2000 Act based on a simple idea—we want children to be healthy, and we want pregnant women to be healthy. Passage today of the Children's Health Act promises to bring us closer to this simple but critically important goal.

Mr. LEVIN. Mr. President, according to the experts, the number of heroin users is on the rise while the average age of first heroin use is dropping. Heroin addiction is a public health crisis of significant proportion. This legislation, the Hatch-Levin Drug Addiction Act, S. 324, will allow us to effectively utilize a new medical discovery of a substance called Buprenorphine, which has proven to be an extraordinarily effective means for combating heroin addiction by blocking the craving for heroin.

But this anti-addiction medication can help us win the war against heroin and heroin addiction only if we change our laws so that the medication can be dispensed in physician's offices instead of a centralized clinic. That is what this legislation accomplishes.

It is estimated that there are approximately one million heroin addicts in the U.S. According to the U.S. Department of Health and Human Services, many of these heroin addicts want to kick their habit, but do not wish to receive treatment in methadone clinics ". . . because of the stigma of being in methadone treatment or their concerns about the medical effects of methadone."

The Drug Addiction Treatment Act has now passed the House of Representatives in slightly different form than we passed in the Senate on November 19. Its adoption again by the Senate as Title XXXV, Section 3501 and Section 3502 of the substitute amendment to H.R. 4365, the Children Health Act of 2000, paves the way for physician office-based dispensing of a medication which has been the subject of extensive successful research and clinical trials in the U.S. and France. This medication, Buprenorphine, was developed under a Cooperative Research and Development Agreement between the National Institute on Drug Abuse and a private pharmaceutical manufacturer, and is expected to receive FDA approval in the weeks ahead. Buprenorphine has already been in use, in physician offices, for a number of years in France, where significant success has been achieved in getting individuals off of heroin, reducing crime and heroin-related deaths. For example, since the introduction of Buprenorphine in France, there has been an 80 percent decline in deaths by heroin overdose—from 505 in 1994 to 92 in 1998; user crime and arrests are down by 57 percent—from 17,356 in 1995 to 7,649 in 1998; and trafficking arrests have declined by 40 percent—from 3,329 in 1995 to 1,979 in 1997.

Over a year ago, I introduced the Drug Addiction Treatment Act, S. 324, along with Senator HATCH, Senator MOYNIHAN and Senator BIDEN, in order to put in place the necessary mechanisms to accommodate this revolutionary new treatment that can block the craving for heroin and dramatically restore the quality of the lives of individuals and families who have struggled to get out from under heroin addiction.

There are a number of reasons why our legislation is necessary. Under current law, the Narcotic Addict Treatment Act of 1974, the process by which individual physicians must be approved in order to prescribe narcotics in drug treatment is a cumbersome and complex regulatory process. Federal regulations and State regulations, which could, under existing law, be written to allow Buprenorphine to be utilized in physician offices will take an extensive period of time to be written and take many years to be implemented. Indeed, there is no assurance that such regulations will ever be written by both federal and state governments. In the meantime, a very effective medication is unavailable to those who are addicted to Heroin.

The Hatch-Levin legislation would allow for the utilization of Buprenorphine by qualified physicians in a physician's office. It will also assure that Buprenorphine will be made available in every state unless a state expressly opts out of the program through legislation.

The current federal regulatory process needed to be utilized before treatment of addiction in an office-based setting is allowed include: (1) Writing the regulations, which could take up to a year or more; (2) Issuance of the proposed rule which would be published in the Federal Register, including the announcement of a period of time for public comment on the proposed rule; (3) A review of the public comments, which could take a year or more; (4) The issuance of the final rule, (5) Then each State is required to affirmatively approve and implement the physician office approach which typically takes 2–4 years, in those states that do act.

Based on the experience with the introduction of LAAM for the treatment of heroin addiction—a medication similar to methadone which is effective for up to three days, as opposed to the daily dosage required by methadone—most states may never approve the physician office approach and for those that do the process could go on for as many as 4–5 years. That was the case with California and New York. According to findings reported by the U.S. Department of Health and Human Services on July 14, 1999: "Current federal and state regulations prevent ease of entry into methadone or LAMM maintenance treatment. . . ."

So, while it is possible under current law for regulations to be written by HHS allowing for the use of Buprenorphine in the treatment of heroin addiction and to allow for it to be prescribed in physician offices,

(1) there is no certainty that they will be written;

(2) if such regulations are written, it would take years for them to take effect; and

(3) each state must explicitly opt into the program by writing regulations or adopting a law.

In each state not opting in, the treatment in a physician office would not be available as described

The result of the above cumbersome and complex process has been a treatment system consisting primarily of large methadone clinics, preventing physicians from treating patients in convenient office-based settings, thereby making treatment unavailable as a practical matter to many in need of it. Also, experts say that many heroin addicts who want treatment are often deterred because, in addition to the stigma that is associated with large centralized methadone clinics, they must travel long distances daily to receive such treatment and cannot maintain a job while doing so. Even though Buprenorphine does not possess the addictive qualities of methadone, because of the constraints in current law, it would nonetheless have to be dispensed in this same manner—in centralized clinics—rather than in the private office of a qualified physician.

The Drug Addiction Treatment Act, S. 324 (H.R. 2634), will make it possible for medications like Buprenorphine, which have little or no likelihood of diversion or abuse, to be made available in the offices of physicians who have the training and certification and license to treat persons addicted to opiates. It is anticipated that the initial group of eligible physicians to dispense Buprenorphine will come from the 10,000 practitioners with addiction treatment certification from the American Society of Addiction Medicine, or board certification in addiction psychiatry or medical toxicology from the American Board of Medical Specialties or certification in addiction medicine from the American Osteopathic Association. The protections in the legislation against abuse are as follows: Physicians may not treat more than 30 patients in an office setting; appropriate counseling and other ancillary services are a requirement under this legislation; the Attorney General may terminate a physician's DEA registration if these conditions are violated; and the program may be discontinued altogether if the Secretary of HHS and Attorney General determine that this new type of decentralized treatment has not proven to be an effective form of treatment. Finally, states may opt out of the provision.

Recent findings of the Monitoring the Future Program, headed by Dr. Lloyd Johnson of the University of Michigan, indicates that heroin use among American teens doubled between 1991 and 1998, and represents a clear danger for a significant number of American young people. Dr. Johnson attributes this sharp increase to non-injectable use—smoking and snorting, and notes that the very high purity and low cost of heroin on the street has made these new developments possible; and that, unfortunately, a number of those users will switch over to injection.

The Drug Enforcement Administration reports that the price of heroin has steadily declined since 1980, though it is more potent. In 1980, heroin cost $3.90 per milligram and was 3.6 percent pure heroin. Today, heroin costs about $1 per milligram, yet it is 10 times more pure. This purer, cheaper heroin is available everywhere—in our inner cities, in our suburbs and in our small towns. For instance, according to the National Center on Addiction and Substance Abuse, over 32 percent of persons living in small towns, age of 12 and over, have easy access to heroin.

The need for this change in our law to make available more broadly an effective heroin blocker was expressed by experts at a May 9, 1997 Drug Forum on Anti-addiction Research, which I convened along with Senator MOYNIHAN and Senator BOB KERREY. Forum participants, including distinguished experts such as Dr. Herbert Kleber and Dr. Donald Landry of Columbia University, Dr. Charles Schuster of Wayne State University and Dr. James H.Wood of the University of Michigan told us that this dramatic new anti-addiction medication is coming in the nick of time. The untreated population of opiate addicts, and other injection drug users, is the primary means for the spread of HIV, hepatitis B and C, and tuberculosis into the general population, not to mention the families of such addicted persons. Failure to block the craving for illicit drugs along with failure to provide traditional treatment will most certainly contribute to the crime related to addiction and continue the spiral of huge health care costs—costs that will largely be borne not by the addicts, not by insurance companies—but by the American taxpayer.

The President of the Michigan Public Health Association, Dr. Stephanie Meyers Schim, has spoken out eloquently about the "great problems" of substance abuse. In her letter to me in support of our bill she says: "Substance abuse affects health care costs, mortality, workers' compensation claims, reduced productivity, crime, suicide, domestic violence, child abuse, and increased costs associated with extra law enforcement, motor vehicle crashes, crime, and lost productivity." Dr. Schim goes on to say, "Buprenorphine will allow drug addicted individuals to maximize everyday life activities, and participate more fully in work day and family activities while seeking the needed treatment and counseling to become drug free".

Dr. James H. Wood, Professor of Pharmacology at the University of Michigan Medical School recently wrote: "One of the most important aspects of your bill is the use of Buprenorphine by well-trained physicians to treat narcotic addiction from their offices, which has the potential to attract and treat effectively sizable populations of currently untreated addicts. A major byproduct of this increased treatment, of course, will be reduction in the demand for illicit narcotics in the U.S."

Dr. Thomas Kosten, President of the American Academy of Addiction Psychiatry echoed these sentiments in recent testimony on The Drug Addiction Treatment Act before the House Commerce Committee on Health and Environment, and I quote: ". . . I would like to support the availability of Buprenorphine for office based practice. Addiction is a brain disease and office-based practice is primarily needed for effective treatment of Buprenorphine."

The American Society of Addiction Medicine (ASAM), and the College on Problems of Drug Dependence which is the nation's longest standing organization of scientists addressing drug dependence and drug abuse, have stated that the availability of Buprenorphine in physicians' offices adds a needed expansion of current treatment for heroin addiction. ASAM also cautioned that Buprenorphine will lose much of its utility if it is tied to the very heavily regulated structure for current treatments of heroin addiction.

There are other compelling reasons why we must expedite the delivery of anti-addiction medications. Of the juveniles who land behind bars in state institutions, more than 60 percent of them reported using drugs once a week or more, and over 40 percent reported being under the influence of drugs while committing crimes, according to a report from the Bureau of Justice Statistics. Drug-related incarcerations are up and we are building more jails and prisons to accommodate them—more than 1000 have been built over the past 20 years. According to the July 14, 1999 Office of National Drug Control Policy Update, "Drug-related arrests are up from 1.1 million arrests in 1988 to 1.6 million arrests in 1997—steady increases every year since 1991".

In crafting the provisions of this legislation, we consulted with the U.S. Department of Health and Human Services, including the Federal Drug Administration, and the Drug Enforcement Administration. Of critical importance is the fact that Buprenorphine is not addictive like methadone so the likelihood of diversion is small. Nothing in our bill is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services with addictive substances. I received a very supportive letter from HHS Secretary Donna Shalala in which she reports on the safety and utility of Buprenorphine, as follows:

> I am especially encouraged by the results of published clinical studies of Buprenorphine. Buprenorphine is a partial mu opiate receptor agonist, in Schedule V of the Controlled Substances Act, with unique properties which differentiate it from full agonists such as methadone or LAAM. The pharmacology of the combination tablet consisting of Buprenorphine and naloxone results in. . . .low value and low desirability for diversion on the street.
>
> Published clinical studies suggest that it has very limited euphorigenic affects, and has the ability to percipitate withdrawal in individuals who are highly dependent upon other opioids. Thus, Buprenorphine and Buprenorphine/naloxone products are expected to have low diversion potential. Buprenorphine and Buprenorphine/naloxone products are expected to reach new groups of opiate addicts—for example, those who do not have access to methadone programs, those who are reluctant to enter methadone treatment programs, and those who are unsuited to them [this would include for example, those in their first year of opiates addiction or those addicted to lower doses of opiates].
>
> Buprenorphine and Buprenorphine/naloxone products should increase the amount of treatment capacity available and expand the range of treatment options that can be used by physicians. Buprenorphine and Buprenorphine/Naloxone would not replace methadone. Methadone and LAAM clinics would remain an important part of the treatment continuum.

In closing, I would like to include excerpts from the statement which was presented by Dr. Charles O'Brien before the Senate Caucus on International Narcotics Control, May 9, 2000. Dr. O'Brien is Professor and Vice Chair of Psychiatry at the University of Pennsylvania, Director of the Behavioral Health, Philadelphia VA Medical Center, Center for Studies of Addiction, Upenn/VAMC, and Research Director, Philadelphia VA, Mental Illness Research, Education and Clinical Center. Dr. O'Brien's remarks are as follows:

> While our first goal in the treatment of heroin addiction is complete abstinence, we know that this is not realistic for a great majority of patients. Even those who do well initially in a drug free residential program have a high frequency of relapse when they return to the neighborhood where drugs are available.
>
> Another new medication that is being successfully used in France and is currently being reviewed by the FDA for use in the U.S. is buprenorphine. Its chemical category is somewhat different from methadone in that it is a partial agonist at opiate receptors. This medication has been found to be as effective as methadone and in some cases even better. It seems to be particularly effective for adolescents with a heroin problem. Buprenorphine is very unlikely to produce overdose and in France, the death rate due to opiate overdose has dropped by about 75 percent. Not only does it not produce overdose itself, but it may even provide a measure of protection against overdose by heroin.
>
> The safety and efficacy of buprenorphine is such that it should be made available to all physicians to treat patients with opiate problems in their offices. This would be a major benefit to patients who are unable and unwilling to come to specialized methadone programs. It would be available not just to heroin addicts, but to anyone with an opiate problem, including many citizens who would not ordinarily be associated with the term addiction. The availability of buprenorphine would enable physicians to control the opiate abuse problems of many Americans who are now being inadequately treated or not treated at all.
>
> One important development is the combination of buprenorphine with naloxone, a full antagonist. If the combination is taken by mouth, this new medication is effective in reducing drug craving and stabilizing the person to lead a normal life. If someone tries to abuse it by injecting it, the naloxone component would then be effective in blocking the effects and preventing a "high" or euphoria. Thus, the diversion potential of this new medication should be minimized.
>
> Several treatment programs have already studied buprenorphine in the treatment of adolescent heroin abusers. It has been found to detoxify, that is treat withdrawal symptoms, while the body cleanses itself of heroin, more effectively than other medications. Thus a greater proportion of young people are able to get off of heroin and receive counseling and other forms of rehabilitation. Buprenorphine is also very effective

as a longer term medication that a young person can take daily, return to school or job training and after six months or more maintain a stable drug free state. Once this medication is approved by the FDA and is allowed to be used in physicians' offices, it could dramatically improve the treatment of heroin addiction in the U.S.

In summary Mr. Chairman, we are in the midst of the highest availability of relatively pure heroin in our recorded history. Fortunately we have effective treatments including new medications that are coming on line. One of them, buprenorphine, is well advanced in the FDA approval process and is being considered for use in a new approach to opiate addiction. This new approach [embodied in S. 324] in keeping with the scientific data, would allow physicians to treat heroin addiction in their offices just as we treat any other medical problem.

The success of this vital legislation would not have been possible without the leadership and support of Senator HATCH, Chairman of the Judiciary Committee. Nor would it have been possible without the strong support of Senator MOYNIHAN, Ranking Member of the Finance Committee, and Senator BIDEN, Ranking Member of the Judiciary Subcommittee on Youth Violence, both of whom possess a clear grasp of the issues surrounding illicit drug addiction and have long sought to address them.

Mr. MOYNIHAN. Mr. President, I rise to commend the Senate for again unanimously passing the Drug Addiction Treatment Act of 2000. Today it passed as an amended version of S. 324, of which I am an original cosponsor, in Title XXXV, sections 3501 and 3502, of the Senate substitute to the Children's Health Act of 2000, H.R. 4365. The Senate's action today marks a milestone in the treatment of opiate dependence. The Drug Addiction Treatment Act increases access to new medications, such as buprenorphine, to treat opiate addiction. I thank my colleagues Senator LEVIN (whose long-term vision inspired this legislation), Senator HATCH, and Senator BIDEN for their leadership and dedication in developing this Act, and I look forward to seeing the Drug Addiction Treatment Act of 2000 become law.

Determining how to deal with the problem of addiction is not a new topic. Just over a decade ago when we passed the Anti-Drug Abuse Act of 1988, I was assigned by our then-Leader, Senator ROBERT BYRD, with Senator Sam Nunn, to co-chair a working group to develop a proposal for drug control legislation. We worked together with a similar Republican task force. We agreed, at least for a while, to divide funding under our bill between demand reduction activities (60 percent) and supply reduction activities (40 percent). And we created the Director of National Drug Control Policy (section 1002); next, "There shall be in the Office of National Drug Control Policy a Deputy Director for Demand Reduction and a Deputy Director for Supply Reduction."

We put demand first. To think that you can ever end the problem by interdicting the supply of drugs, well, it's an illusion. There's no possibility.

I have been intimately involved with trying to eradicate the supply of drugs into this country. It fell upon me, as a member of the Nixon Cabinet, to negotiate shutting down the heroin traffic that went from central Turkey to Marseilles to New York —"the French Connection"—but we knew the minute that happened, another route would spring up. That was a given. The success was short-lived. What we needed was demand reduction, a focus on the user. And we still do.

Demand reduction requires science and it requires doctors. I see the science continues to develop, and The Drug Addiction Treatment Act of 2000 will allow doctors and patients to make use of it.

Congress and the public continue to fixate on supply interdiction and harsher sentences (without treatment) as the "solution" to our drug problems, and adamantly refuse to acknowledge what various experts now know and are telling us: that addiction is a chronic, relapsing disease; that is, the brain undergoes molecular, cellular, and physiological changes which may not be reversible.

What we are talking about is not simply a law enforcement problem, to cut the supply; it is a public health problem, and we need to treat it as such. We need to stop filling our jails under the misguided notion that such actions will stop the problem of drug addiction. The Drug Addiction Treatment Act of 2000 is a step in the right direction.

Mr. BIDEN. Mr. President, today the United States Senate has passed the Children's Health Act of 2000, an Act which will have a far-ranging impact on the health of America's youth. This legislation not only addresses juvenile arthritis, diabetes, asthma and other childhood diseases, but it also takes important steps to address what I would argue is a public health epidemic for both children and adults—substance abuse and addiction.

The Children's Health Act reauthorizes the Substance Abuse and Mental Health Services Administration (SAMHSA), the federal agency devoted to substance abuse prevention and treatment services as well as a wide range of mental health programs. The bill also includes three important drug bills which I have cosponsored: the Methamphetamine Anti-Proliferation Act, the Ecstasy Anti-Proliferation Act and the Drug Addiction Treatment Act. The result is a comprehensive piece of legislation which includes the law enforcement, treatment and prevention services necessary to address substance abuse in the United States today.

Mr. President, in 1996 I joined with my distinguished friend and colleague, Senator HATCH, to introduce the "Hatch-Biden Methamphetamine Control Act" to address the growing threat of methamphetamine use in our country before it was too late.

Our failure to foresee and prevent the crack cocaine epidemic is one of the most significant public policy mistakes in recent history. We were determined not to repeat that mistake with methamphetamine.

That 1996 Act provided crucial tools that we needed to stay ahead of the methamphetamine epidemic—increased penalties for possessing and trafficking in methamphetamine and the precursor chemicals and equipment used to manufacture the drug; tighter reporting requirements and restrictions on the legitimate sales of products containing precursor chemicals to prevent their diversion; increased reporting requirements for firms that sell those products by mail; and enhanced prison sentences for meth manufacturers who endanger the life of any individual or endanger the environment while making this drug. We also created a national working group of law enforcement and public health officials to monitor any growth in the methamphetamine epidemic.

I have no doubt that our 1996 legislation slowed this epidemic significantly. But we are up against a powerful and highly addictive drug.

The Methamphetamine Anti-Proliferation Act—which I have cosponsored—builds on the 1996 Act. First and foremost, it closes the "amphetamine loophole" in current law by making the penalties for manufacturing, distributing, importing and exporting amphetamine the same as those for meth. After all, the two drugs differ by only one chemical and are sold interchangeably on the street. If users can't tell the difference between the two substances, there is no reason why the penalties should be different.

The bill also addresses the growing problem of meth labs by establishing penalties for manufacturing the drug with an enhanced penalty for those who would put a child's life at risk in the process. We provide $20 million for the Drug Enforcement Administration (DEA) to reimburse states for cleaning up toxic meth labs and $5.5 million for the DEA to certify state and local officials to handle the hazardous byproducts at the lab sites. We also provide $15 million for additional law enforcement personnel—including agents, investigators, prosecutors, lab technicians, chemists, investigative assistants and drug prevention specialists—in High Intensity Drug Trafficking Areas where meth is a problem.

Also included in the bill is $6.5 million for new agents to assist State and local law enforcement in small and mid-sized communities in all phases of drug investigations and assist state and local law enforcement in rural areas. The bill also provides $3 million to monitor List I chemicals, including those used in manufacturing methamphetamine, and prevent their diversion to illicit use.

Further, the legislation provides $10 million in prevention funds and $10 million for treating methamphetamine addiction, as well as much needed money for researching new treatment modalities, including clinical trials. It asks the Institute of Medicine to issue a report on the status of the development of pharmacotherapies for treatment of amphetamine and methamphetamine addiction, such as the good work that the scientists at the National Institute on Drug Abuse have done to isolate amino acids and develop medications to deal with meth overdose and addiction.

The Children's Health Act also includes the "Ecstasy Anti-Proliferation Act," a bill which Senators GRAHAM, GRASSLEY and THOMAS and I introduced in May to address the new drug on the scene—Ecstasy, a synthetic stimulant and hallucinogen. The legislation takes the steps—both in terms of law enforcement and prevention—to address this problem in a serious way before it gets any worse.

Ecstasy belongs to a group of drugs referred to as "club drugs" because they are associated with all-night dance parties known as "raves." There is a widespread misconception that it is not a dangerous drug—that it is "no big deal." I believe that Ecstasy is a very big deal. The drug depletes the brain of serotonin, the chemical responsible for mood, thought, and memory.

If that isn't a big deal, I don't know what is.

A few months ago we got a significant warning sign that Ecstasy use is becoming a real problem. The University of Michigan's Monitoring the Future survey, a national survey measuring drug use among students, reported that while overall levels of drug use had not increased, past month use of Ecstasy among high school seniors increased more than 66 percent.

The survey showed that nearly six percent of high school seniors have used Ecstasy in the past year. This may sound like a small number, but put in perspective it is deeply alarming—it is five times the number of seniors who used heroin and it is just slightly less than the percentage of seniors who used cocaine.

And with the supply of Ecstasy increasing as rapidly as it is, the number of kids using this drug is only likely to increase. So far this year, the Customs Service has already seized 9 million Ecstasy pills—three times the total amount seized in all of 1999 and twelve times the amount seized in all of 1998.

Though New York is the East Coast hub for this drug, it is spreading quickly throughout the country. In my home state of Delaware, law enforcement officials have seized Ecstasy pills in Rehoboth Beach and are noticing the emergence of an Ecstasy problem in Newark among students at the University of Delaware.

The legislation directs the United States Sentencing Commission to increase the recommended penalties for manufacturing, importing, exporting or trafficking Ecstasy.

The legislation also authorizes a $10 million prevention campaign in schools and communities to make sure that everyone—kids, adults, parents, teachers, cops, coaches, clergy, etc.—know just how dangerous this drug really is. We need to dispel the myth that Ecstasy is not a dangerous drug because, as I stated earlier, this is a substance that can cause brain damage and can even result in death. We need to spread the message so that kids know the risk involved with taking Ecstasy, what it can do to their bodies, their brains, their futures. Adults also need to be taught about this drug—what it looks like, what someone high on Ecstasy looks like, and what to do if they discover that someone they know is using it.

Mr. President, I have come to the floor of the United States Senate on numerous occasions to state what I view as the most effective way to prevent a drug epidemic. My philosophy is simple: the best time to crack down on a drug with uncompromising enforcement pressure is before the abuse of the drug has become rampant. The advantages of doing so are clear—there are fewer pushers trafficking in the drug and, most important, fewer lives and fewer families will have suffered from the abuse of the drug.

It is clear that Ecstasy use is on the rise and I am pleased that the Senate has acted today to address the escalating problem of this drug before it gets any worse.

In addition to stopping the proliferation of new drugs, we also need to invest in treating those who are already addicted. More than ten years ago, in December 1989, I released a Senate Judiciary Committee Report entitled "Pharmacotherapy: A Strategy for the 1990s." In this report I argued that there was scientific promise for medicines that might lessen an addict's craving for cocaine and heroin, as well as to reduce their enjoyment of those drugs.

This report asked the question: "If drug abuse is an epidemic, are we doing enough to find a medical 'cure'?"

At the time, despite the efforts of myself and other members of Congress, the answer to that question was as clear as it was distressing: the nation was doing far too little to find medicines that treat the disease of drug addiction.

To address this shortfall, I authored, along with Senator KENNEDY, the Pharmacotherapy Development Act—which passed into law in 1992. The cornerstone of this Act was its call for a ten year, $1 billion effort to research and develop anti-addiction medications.

I cannot think of a more worthwhile investment. There is no other disease that effects so many, directly and indirectly. We have 14 million drug users in this country, four million of whom are hard-core addicts. We all have a family member, neighbor, colleague or friend who has become addicted. We are all impacted by the undeniable correlation between drugs and crime—an overwhelming 80 percent of the men and women behind bars today have a history of drug and alcohol abuse or addiction or were arrested for a drug-related crime. It only makes sense to unleash the full powers of medical science to find a "cure" for this social and human ill.

Ten years ago, the question was: "Are we doing enough to find a 'cure'?" Unfortunately that question is still with us. But today we also have another question: "Are we doing enough to get the 'cures' we have to those who need them?" We have an enormous "treatment gap" in this country. Only two million of the estimated 4.4 to 5.3 million people who need drug treatment are receiving it.

That is why I have worked with Senators HATCH, LEVIN and MOYNIHAN and Representative BILEY to craft the "Drug Addiction Treatment Act," a bill which creates a new system for delivering anti-addiction medications to patients who need them. Under the bill qualified doctors can be granted a waiver to prescribe certain Schedule III, IV and V medications from their offices. This is a significant step toward bridging the treatment gap.

Right now we have some highly effective pharmacotherapies to treat heroin addiction and we are still working on developing similar medications for cocaine addiction. Access to currently available medications such as methadone and LAAM (Levo-Alpha Acetylmethadol) has been strangled by layers of bureaucracy and regulation. As a result, only 22 percent of opiate addicts are now receiving pharmacotherapy treatment. General McCaffrey and Secretary Shalala are leading the charge to fix that problem and I applaud their efforts.

Under the legislation passed today, patients will be able to get new medications such a buprenorphine and a buprenorphine-naloxone combination product—which are now under review by the Food and Drug Administration—much like they can get other medications: a doctor prescribes them and the patient can get the medication from the local pharmacy. This new system helps to move drug treatment into the mainstream of medicine.

The difficulties of distributing treatment medications to addicts not only hurts those who are not getting the treatment they need, but it also stifles private research. I have often bemoaned the fact that private industry has not aggressively developed pharmacotherapies. As we increase access to these drugs, we increase incentives for private investment in this valuable research.

I am proud that the Senate has acted today to pass "The Drug Addiction Treatment Act" because it helps get new, promising anti-addiction medications get to those who need them. By allowing certain doctors to dispense Schedule III, IV and V drugs from their offices, the bill expands treatment flexibility and access and encourages others to develop similar medications.

Mr. President, in passing the Children's Health Act today, the Senate has taken an important step to addressing the problem of substance abuse and all of the social ills that go along with it. I congratulate all of my colleagues who have worked on this legislation which will make an important contribution to public health and public safety in this country.

Mr. DEWINE. Mr. President, I rise today as a co-author of the "Children's Health Act of 2000." This bill is essential in enabling us to build a health care system that is responsive to the unique needs of children. The "Children's Health Act of 2000" is a big step in the right direction, and I commend my colleagues, Senators FRIST, JEFFORDS, and KENNEDY for their efforts to construct a bill that can really make a positive difference in the health and the lives of children.

Mr. President, I am especially pleased that the "Children's Health Act" contains several important initiatives that my colleagues and I had introduced already as separate bills. One such initiative—the Pediatric Research Initiative—would help ensure that more of the increased research funding at the National Institutes of Health (NIH) is invested specifically in children's health research.

While children represent close to 30 percent of the population of this country, NIH devotes only about 12 percent of its budget to children, and, in recent years, that proportion has been declining even further. We must reverse this disturbing trend. It simply makes no sense to conduct health research for adults and hope that those findings also will apply to children. A "one size fits all" research approach just doesn't work. The fact is that children have medical conditions and health care needs that differ significantly from adults. Children's health deserves more attention from the research community. That's why the Pediatric Research Initiative is such an important part of the "Children's Health Act." It would provide the federal support for pediatric research that is so vital to ensuring that children receive the appropriate and best health care possible.

The Pediatric Research Initiative would authorize at least $50 million for each of the next five years for the Office of the Director of the National Institute of Health (NIH) to conduct, coordinate, support, develop, and recognize pediatric research. In doing so, we will be able to ensure researchers target and study child-specific diseases. With more than 20 Institutes and Centers and Offices within NIH that conduct, support, or develop pediatric research in some way, this investment would promote greater coordination and focus in children's health research, and hopefully encourage new initiatives and areas of research.

The "Children's Health Act" also would authorize the Secretary of HHS to establish a pediatric research loan repayment program for qualified health professionals who conduct pediatric research. Trained researchers are essential if we are to make significant advances in the study of pediatric health care, especially in light of the new and improved Food and Drug Administration (FDA) policies that encourage the testing of medications for use by children.

Additionally, the "Children's Health Act" includes the "Children's Asthma Relief Act," which Senator DURBIN and I introduced last year. The sad reality for children is that asthma is becoming a far too common and chronic childhood illness. From 1979 to 1992, the hospitalization rates among children due to asthma increased 74 percent. Today, estimates show that more than seven percent of children now suffer from asthma. Nationwide, the most substantial prevalence rate increase for asthma occurred among children aged four and younger. Those four and younger also were hospitalized at the highest rate among all individuals with asthma.

According to 1998 data from the Centers for Disease Control (CDC), my home state of Ohio ranks about 17th in the estimated prevalence rates for asthma. Based on a 1994 CDC National Health Interview Survey, an estimated 197,226 children under 18 years of age in Ohio suffer from asthma. We need to address this problem adequately. The "Children's Health Act" would help do that by ensuring that children with asthma receive the care they need to lead healthy lives. The bill would authorize funding for fiscal years 2001 through 2005 for the Secretary of Health and Human Services (HHS) to establish state and local community grants to be used for asthma detection, treatment, and education services; require coordination with current children's health programs to identify children who are asthmatic and may otherwise remain undetected and untreated; require NIH to direct more resources to its National Asthma Education Prevention Program to develop a federal plan for responding to asthma; and require the Center for Disease Control to conduct local asthma surveillance activities to collect data on the prevalence and severity of asthma. This surveillance data will help us better detect asthmatic conditions, so that we can treat more children and ensure that we are targeting our resources in an effective and efficient way to reverse the disturbing trend in the hospitalization and death rates of asthmatic children.

Since research shows that children living in urban areas suffer from asthma at such alarming rates and that allergens, such as cockroach waste, contribute to the onset of asthma, this bill also adds urban cockroach management to the current preventive health services block grant, which currently can be used for rodent control.

The "Children's Health Act" also includes a bill I introduced separately with Senator DODD. This section would require that the Secretary of HHS ensure that all research that is conducted, supported, or regulated by HHS complies with regulations governing the protection of children involved in research. Children who participate in clinical trials are medical pioneers. It is just common sense that we update and apply the strongest federal guidelines to ensure the safety of these young people as they participate in clinical trials that will ensure that medicines will be safe and appropriate for use in all children.

Finally, Mr. President, the "Children's Health Act" includes language that I strongly support to re-authorize funding for children's hospitals' Graduate Medical Education (GME) programs for four additional years. Last year, as part of the "Health Care Research and Quality Act," which was signed into law, we authorized funding for two years for children's hospitals' GME programs. The teaching mission of these hospitals is essential. Children's hospitals comprise less than one percent of all hospitals, yet they train five percent of all physicians, nearly 30 percent of all pediatricians, and almost 50 percent of all pediatric specialists. By providing our nation with highly qualified pediatricians, children's hospitals can offer children the best possible care and offer parents peace of mind. They serve as the health care safety net for low-income children in their respective communities and are often the sole regional providers of many critical pediatric services. These institutions also serve as centers of excellence for very sick children across the nation. Federal funding for GME in children's hospitals is a sound investment in children's health and provides stability for the future of the pediatric workforce.

Mr. President, as the father of eight children and the grandfather of five, I firmly believe that we must move forward to protect the interests—and especially the health—of all children.

The "Children's Health Act of 2000" makes crucial investments in our country's future—investments that will yield great returns. If we focus on improving health care for all children today, we will have a generation of healthy adults tomorrow.

## TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. LOTT. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 430.

There being no objection, the Presiding Officer (Mr. DOMENICI) laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 430) entitled "An Act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes," do pass the following amendment:

Strike out all after the enacting clause and insert:

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Kake Tribal Corporation Land Transfer Act".*

### *SEC. 2. DECLARATION OF PURPOSE.*

*The purpose of this Act is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.*

Mr. LOTT. I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

## KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 667, S. 2511.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2511) to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(Omit the parts in black brackets and insert the parts printed in italic.)

S. 2511

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Heritage [Corridor] Area Act of 2000".

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes-trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for "grassroots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) [resolution and letters of support have been received from] *national heritage area designation is supported by* the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

### SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Heritage Area [establish] *established* by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term "management entity" means [the 11 member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Area Commission.] *the management entity established by section 5.*

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

### SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled "Kenai Peninsula/Turnagain Arm National Heritage Corridor", numbered "Map #KMTA-1", and dated "August 1999". The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

### SEC. 5. MANAGEMENT ENTITY.

(a) The management entity shall consist of 7 representatives, appointed by [the Secretary from a list of recommendations submitted by] the Governor of Alaska, from the communities of Seward, Lawing, Moose Pass, Cooper Landing, Hope, Gridwood, Bird-Indian and 4 at large representatives, from such organizations as Native Associations, the Iditarod Trail Committee, historical societies, visitor associations, and private or business entities. Upon appointment, the Commission shall establish itself as a nonprofit corporation under laws of the State of Alaska.

(1) TERMS.—Members of the management entity appointed under section 5(a) shall each serve for a term of 5 years, except that of the members first appointed 3 shall serve for a term of 4 years and 2 shall serve for a term of 3 years; however, upon the expiration of his or her term, an appointed member may continue to serve until his or her successor has been appointed.

(2) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

[(b) Non-voting ex-officio representatives, invited by the nonprofit corporation from such organizations as the State Division of Parks and Outdoor Recreation, State Division Mining, Land and Water, Forest Service, State Historic Preservation Office, Kenai Peninsula Borough, Municipality of Anchorage, Alaska Railroad, Alaska Department of Transportation, and the National Park Service.]

*(b) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: the State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the*

*Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation, and the National Park Service.*

(c) Representation of ex-officio members in the non-profit corporation shall be established under the by-laws of the management entity.

**SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.**

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the heritage [corridor] *area;*

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the heritage corridor; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

[(c) CONSIDERATION OF INTEREST OF LOCAL GROUPS.—Projects incorporated in the heritage plan by the management entity shall be initiated by local groups and developed with the participation and support of the affected local communities. Other organizations may submit projects or proposals to the local groups for consideration.]

[(d)] *(c)* PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

**SEC. 7. DUTIES OF THE SECRETARY.**

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, [subject] *and subject* to the availability of funds, the Secretary [shall] *may* provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

**SEC. 8. SAVINGS PROVISIONS.**

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments [to] *to manage or* regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

**SEC. 9. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

Mr. LOTT. I ask unanimous consent the reported amendments be agreed to en bloc, with the exception of amendments numbered 4 and 5. Further, I ask unanimous consent the reported amendments numbered 4 and 5 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4182

Mr. LOTT. Mr. President, I ask unanimous consent the Senate now proceed to an amendment at the desk submitted by Senator MURKOWSKI of Alaska.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. MURKOWSKI, proposes an amendment numbered 4182.

The amendment is as follows:

On page 5 of the bill as reported, strike lines 13 through 17 and insert in lieu thereof:

"(2) MANAGEMENT ENTITY.—The term "management entity" means the 11 member Board of Directors of the Kenai Mountains—Turnagain Arm National Heritage Corridor Communities Association.".

Beginning on page 6 of the bill as reported, strike line 15 through line 12 on page 7 and insert in lieu thereof the following:

"(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

"(1) A discussion of the goals and objectives of the Heritage Area;

"(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area;

"(3) A general outline of the protection measures, to which the management entity commits.

"(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.".

Mr. LOTT. I ask unanimous consent the amendment be agreed to.

The amendment (No. 4182) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2511), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

## MEASURE PLACED ON THE CALENDAR—S. 3095

Mr. LOTT. Mr. President, I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3095) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent resident status.

Mr. LOTT. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

## ORDER FOR THE RECORD REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent the RECORD remain open until 1 p.m. today for Senators to submit statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SECURITY ASSISTANCE ACT OF 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I submit a report of the committee of conference on the bill H.R. 4919 to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the senate to the bill, H.R. 4919, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of September 19, 2000.)

Mr. LOTT. Mr. President, I ask consent the conference report be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this conference report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CORRECTING THE ENROLLMENT OF H.R. 4919

Mr. LOTT. I now ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 405, which corrects the enrollment of H.R. 4919. I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 405) was agreed to.

## ORDER FOR RECESS

Mr. LOTT. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in recess until 12 noon on Monday, and all other provisions of the previous orders be in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LOTT. For the information of all Senators, the Senate will convene on Monday at 12 noon and will be in a period of morning business until 2 p.m. Senator DURBIN will be in control of the first hour and Senator THOMAS in control of the second hour. Following morning business, the Senate will resume debate on the motion to proceed to S. 2557, the National Energy Security Act. This is all on Monday.

As a reminder, cloture was filed on the pending amendment to the H-1B visa bill, and that vote will occur on Tuesday, 1 hour after the Senate convenes.

At 3:50 p.m. on Monday, the Senate will begin closing remarks on the Water Resources Development Act of 2000, with a vote scheduled to occur at 4:50 p.m.

Let me say, the chairman of the committee, Senator BOB SMITH of New Hampshire, has done an excellent job on this piece of legislation. He worked through a number of concerns that Senators had, but he would not have been able to get that agreement without the support and cooperation of Senator DASCHLE and Senator REID. This is important legislation. Water resources are important for our country. I am glad we are going to be able to complete this bill in the way it is being done and we will have it completed by 5 o'clock next Tuesday.

## ORDER FOR RECESS

Mr. LOTT. If there is no further business to come before the Senate, I now ask the Senate stand in recess, under the previous order, following the remarks of Senator BAUCUS and Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

## THE PASSING OF MAUREEN MANSFIELD

Mr. BAUCUS. Mr. President, I rise to honor a great Montanan, a great American, who passed away just a few days ago, Maureen Hayes Mansfield.

These are remarks about Maureen, but it is also a love story. Maureen was born Maureen Hayes in the State of Washington at the beginning of the last century, in 1905, and spent most of her youth in Butte, MT. Butte, at that time, was a live, bustling, raucous mining city, with big copper mines. Living in Butte, she met a grade school dropout, a mucker working in the Butte mines, a profound young man named Mike—Mike Mansfield.

Mike was not only a grade school dropout but he also was an extremely wonderful person. Maureen must have recognized the strength in Mike at the time. Mike, as many of us know, served in three branches of the armed services. Maybe he had to maybe tell a little story about his age so he could get in—I think it was the Navy at the time.

Mike proudly served his country, and Maureen noticed that. They became very close—they fell in love with each other, Mike living as a solitary boarder in a boarding house, Maureen living up in a nice spacious house with her large family in Butte. After they got to know each other even more, Maureen, who was a high school teacher in Butte, persuaded Mike to go back to school. She persuaded Mike to leave the mines and get an education.

A few years later, they moved to Missoula, MT. In Missoula, Maureen quit her job. She cashed in her life insurance policy to support Mike's education so Mike could go back and get a university degree.

Mike gradually worked his way up and became a professor in history at the University of Montana. He got his master's degree in history and Maureen got hers in English, writing a thesis on Emily Bronte. Mike's thesis was on U.S.-Korea diplomatic relations.

Maureen persuaded Mike to run for Congress in 1940. It was the Western District in Montana. Mike was unsuccessful. It, ironically, is the same district that Jeannette Rankin, a very strong woman, held for a couple of terms. It is a district I once represented, and Lee Metcalf and other Montanans of great note have held.

Mike finally won in 1942. He came to Washington on a train—he did not take one of these jets; it was on a train, to Washington, DC—and set up his office. Maureen worked in his office without compensation.

They worked together; they were such a wonderful team. Mike then, after 10 years in the House, served 24 years in the Senate beginning in 1952. Years after his service in the House, he was elected majority leader of the Senate. He served 16 years, longer than any other American, as majority leader of the Senate. Then Mike, as we know, went off to serve as Ambassador to Japan under both President Carter and President Reagan.

This is a story probably about Mike Mansfield, but Maureen's death is time for us to reflect upon Maureen herself and upon the love that Mike and Maureen had for each other. They were inseparable. They were always together, always giving each other support, help, and confidence as a team.

I can remember when I met Mike. The majority leader's office at that time was a little more modest than it is today. Maureen was sitting in there, and they were talking a little bit. Right away I realized Mike and Maureen just did not have all the time they would have liked to have had together because Mike was so busy as majority leader.

I said: You two don't get much chance to be together. I am going to leave so you can have some time together.

I did. I walked out. I could tell they liked it very much. Maureen's eyes twinkled and smiled. I say this because Maureen always smiled. She was always optimistic, always upbeat, always helping people, always a very kind person, self-effacing, a lady of few words but uncommon talent and knowledge and wisdom.

She attended St. Mary's University, a women's college which was then attached to Notre Dame in Indiana. She got her master's degree in English in 4 years, which was quite a feat for women in those years. She read constantly. She was always taking home books from the Library of Congress.

I believe if one looks throughout history, very often people who read a lot are wiser, have more confidence in themselves, and have a greater imprint upon other people in a positive way. I am thinking of people such as Harry Truman. He read a lot. Justice Blackmun read a lot, and Maureen was one of those who constantly read and was just a wonderful influence on Mike.

Let me give a couple examples to demonstrate just how much Mike believed in Maureen.

We all know that Mike never took credit for what he did. Maureen never took credit for all that she did. It was an era, a time when people did not take credit for what they did. They just did a good job. That was in the sixties, seventies, less so in this era.

Whenever somebody wanted to credit Mike for his tremendous accomplishments, Mike would always insist: No, Maureen is first. Whatever I did, Mike Mansfield, whatever honors I have received, are because of Maureen.

It is true. Often the people of the State of Montana would say: OK, Mike, we want to dedicate a building to you, the Mansfield Center.

Mike would say: No, it has to be the Maureen and Mike Mansfield Center, and they would agree.

The legislature in Montana wanted to create a statue honoring Mike Mansfield, one of the most famous Montanans in our State's history. "No way," Mike said, "unless it is a statue of Maureen and myself." Otherwise he was very much opposed. The legislature agreed.

I wish you could have seen the two of them together. They were always together. They celebrated their 68th wedding anniversary last September. They were married 68 years, solidly helping to reinforce each other. They were always together helping each other.

I asked Mike once: Mike, you have lived such a rich life. When are you going to write your memoirs?

Mike said: I am not going to.

I asked why.

He said: I was told so much in confidence, it would not be proper for me to write memoirs. Those are confidential statements.

And that is Maureen. The two of them were just like that. I am sure Maureen's influence on Mike helped make Mike the great, wonderful person he is, and it was mutually reinforcing. I also have a view that teachers tend to be more dedicated than most other professionals. After all, teachers are servants in a sense. If one looks at achievers, very often one of their parents was a teacher or there was a teacher somewhere in the family.

Maureen was a teacher. She was a teacher in the public school system. Mike was a teacher at the University of Montana. The best lessons they taught us were by example: Honest as the day is long; their word is their bond; upbeat, positive, contributing, giving, thinking, searching for a better way for more people.

I believe the most noble human endeavor is service—service to community, to church, to family, to friends, to State, whatever makes the most sense for an individual. Maureen Mansfield served her husband, her State, and her country more than any other person I have had the privilege to know or to meet and with such grace, such style, and such inspiration.

I stand here today, Mr. President, in great honor of Maureen Mansfield, in awe of the wonderful love affair between Mike and Maureen. As many of Maureen's Indian friends would say: This is not goodbye; we will see you later.

I thank the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from West Virginia.

Mr. BYRD. Mr. President, I again thank the distinguished majority leader for arranging for me to have this time.

## THE 213TH ANNIVERSARY OF THE SIGNING OF THE U.S. CONSTITUTION—SEPTEMBER 17, 1787

Mr. BYRD. Mr. President, in commemoration of the signing of the Constitution and in recognition of the importance of active, responsible citizenship in preserving the Constitution's blessings for our Nation, the Congress, by joint resolution of August 2, 1956 (36 U.S.C. 159), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week." That has happened each year since.

This week the United States celebrates one of its greatest achievements. Two-hundred and thirteen years ago, on September 17, 1787, the Founding Fathers placed their signatures on the newly created Constitution in Philadelphia's Independence Hall. Eleven years earlier, 6 of the 39 signers of the U.S. Constitution signed the Declaration of Independence in the same building in Philadelphia. Within the lifespan of a single generation, Americans had effectively declared their independence twice.

In many ways, the liberation claimed from Britain in 1776 was less remarkable than the historical achievement that Americans claimed by framing the Constitution in 1787. The Constitution represented a triumph of political imagination and pragmatism by recognizing that ultimate political authority resides not in the government, or in any single government official, but rather, in the people.

The Founding Fathers had used the doctrine of popular sovereignty as the rationale for their successful rebellion against English authority in 1776 when they framed the Declaration of Independence. They argued that the government's legitimacy remains dependent on the governed, who retain the inalienable right to alter or to abolish their government. The Declaration of Independence set forth their justifications for breaking with Britain, but, until September 17, 1787, they had not yet been able to work out fully how to implement principles of popular sovereignty, while, at the same time, preserving a stable government that protects the rights and liberties of all citizens. The Constitution is a mechanism for advancing the principles of the American Republic stated so eloquently in the Declaration of Independence. To paraphrase former Chief Justice Warren Burger, the Declaration is the promise, the Constitution is its fulfillment.

The new republican union created in 1776 was a truly unprecedented experiment, whose future was very much in doubt. Not only were the former British colonies unsure of whether they would be successful in their war for independence, but there was also doubt that the American colonials would be able to create a stable republican government, able to protect the rights and liberties of its citizens, without backsliding into the same authoritarian rule experienced under Britain. For this reason, it is appropriate that we take this moment, 213 years later, to reflect on a document that completed an uncertain process that was begun, from a documentary standpoint, on July 4, 1776.

I have spoken on several occasions about the taproots and the origins of the U.S. Constitution. Of course, the State constitutions, some of which had been in existence since early 1776, greatly influenced the framers. Many of the ideas in the State constitutions had already been tested under colonial experience, and as a matter of fact, under the British experience, and were later reborn in our national charter. The establishment of a national bicameral legislature finds its roots in at least 9 out of 13 State constitutions. Of course, the roots extended prior to that but in at least 9 of the 13 State constitutions we find the enlargement of the roots, the fleshing out of the roots, the nourishing of the roots.

Lessons derived from recent political experiences were arguably as likely to influence the thinking of the founding framers as the maxims and axioms of, among others, the English philosophers John Locke, Sir William Blackstone—one of the great legal authorities of all time—John Milton—that great author of "Paradise Lost" and "Paradise Regained", Algernon Sydney, and other great works—Scottish philosopher David Hume, and French philosopher Baron de Montesquieu, all of whom were part of the intellectual Enlightenment period.

Likewise, many of the institutional practices embedded in the U.S. Constitution hark back to England and its Constitution, which, although it is largely unwritten, does contain such written documents as the Magna Carta, the Petition of Right, and the English Bill of Rights. Many of the amendments incorporated into the U.S. Bill of Rights can be found, almost word for word, in those political documents.

But, to truly understand and appreciate the U.S. Constitution and the political movement that led to its creation, one must become familiar with the first national charter that was established by the newly independent colonies—namely, the Articles of Confederation.

Many Americans have heard of the Articles of Confederation, fewer Americans probably ever read those Articles of Confederation.

The operation of government under that national charter provided the most visible examples of what republicanism meant in practice. Its failure not only drove the movement for constitutional reform—when I say "its failure," I mean the failure of the Articles of Confederation—not only drove the movement for constitutional reform that brought the framers to Philadelphia in 1787, but also brought experimental evidence—ah, how important was that experimental evidence—from which the framers drew in creating a greatly improved model of republican government.

From its inception, the first national charter—the Articles of Confederation—had limited goals. The Articles provided for what was essentially a continuation of the Second Continental Congress by creating a unicameral legislature, where each State was represented with one vote. This body had the authority to declare war, to conduct diplomacy, to regulate Indian affairs, to coin money, and to issue currency, among other things. However, to limit the threat of a centralized authority, Congress could not levy taxes or regulate trade. The crucial power of the purse rested solely with the States, which were to contribute funds at the request of the Congress. The Articles further limited centralized power by providing the States with total enforcement authority so that the Congress could do no more than to recommend policies to the States. When it came to money, it could do no more than just request the funds from the States. The States, which then could accept or ignore these recommendations, most of the time failed to provide the funds. Many times the States would provide some of the funds but not all of the funds requested.

Looking back, the inherent weaknesses of the Articles seem obvious now, but all of these limitations on the Congress were designed with the specific intention of making the State legislatures the dominant force in the Government. This may seem peculiar to us today, but, at the time, loyalty to the State Governments rather than to the Nation underlaid the mentality of post-war America. We oftentimes forget that the Articles were drafted in 1777 in the midst of the Revolutionary War. At the time, delegates were more concerned about keeping up with the demands of the Continental army, and, perhaps more importantly, avoiding capture by the British army which had occupied New York City and Philadelphia in 1777 than in drafting a national charter. In fact, it was not until 1781—4 years later—that the Articles of Confederation had been ratified by the thirteen States. With the new Nation in the midst of a military crisis, Congress assumed correctly that the States would contribute funds and men to the common defense. From the Framers' perspective—the framers of the Articles of Confederation—the greatest problem in 1777 was curbing executive power. And that is still a problem today. What had driven the colonies into rebellion was an abuse of executive power by the king, his ministers, and his agents. To ensure that the executive could never again threaten the popular liberty, national government was made subservient to the States in order to preserve the sovereignty of the States.

What ultimately began to alter the American psyche can only be described as Congress' impotence in addressing incidents of unrest in the Nation. Efforts had been underway to amend the Articles even before they took effect on March 1, 1781. One week earlier, Congress had asked the States to approve an amendment authorizing it to collect a five percent tariff on imported goods. This amendment was the outgrowth of the economic condition of the country at the time. By 1781, American merchants found themselves deeply in debt after the British and French closed markets in the Caribbean to their trade, and Americans continued to import large amounts of luxury goods. At the same time, the Congress and States were printing paper money to finance their debts, which were backed only by their promise to redeem the bills with future tax receipts. By 1781, the currency had become worthless and led Americans to coin the expression, "not worth a continental." The printing of paper money combined with a wartime shortage of goods led to an inflationary spiral of fewer and fewer goods costing more and more money. The goal of the amendment introduced in February 1781 was to tax imports, which would simultaneously reduce the demand for imports while forcing British and French merchants to open their Caribbean trade routes. The amendment would ultimately fail when Rhode Island refused to approve it.

Congress was faring no better in foreign diplomacy. In 1784, Spain closed New Orleans and the Mississippi river to American trade, preventing settlers living to the west of the Appalachian mountains from shipping their goods to the Gulf of Mexico, and thence to other markets. This action, coupled with the abortive separatist movements in Kentucky and Tennessee, threatened to divide the American Nation into two or three separate confederacies by forcing southwestern territories to accommodate themselves to Spain. In 1785, Congress instructed Secretary of Foreign Affairs John Jay to negotiate a treaty with Spain that would allow the southwestern States to navigate the Mississippi, and thus, ensure southwestern loyalty to the American Nation. The Spanish emissary, Don Diego de Gardoqui, however, proved to be the more formidable diplomat. He convinced Jay to sign a treaty by which the United States would relinquish all rights to the Mississippi for twenty-five years in return for Spain acknowledging U.S. territorial claims in the southwest. When the treaty became public knowledge, however, southwestern territories were outraged, further dividing the Nation. Congress attempted several times in the 1780s to give Congress greater authority to regulate both foreign and interstate commerce. The amendments, however, were never unanimously approved by the States.

In both of these matters of diplomacy and economics, Congress under the Articles of Confederation, found that its proposals would founder on the requirement of unanimous State ratification. This requirement led the supporters of a stronger national government to believe that such a policy could only be pursued through a limited, piecemeal approach. The desultory history of all of the amendments that Congress had fruitlessly considered since 1781 suggested that more radical approaches stood little chance. However, by 1786, it became clear that the states stood little chance of ever unanimously agreeing to amendments. With Congress losing what little influence it had, it soon became clear to a group of Virginians that any reform efforts would have to first come from the states.

The most important effort toward reform therefore took place in Virginia in January 1786, when the state legislature approved a resolution calling for an interstate conference to consider vesting more power in the confederation Congress to regulate commerce. The Convention was to take place in Annapolis, Maryland, and, although only five states sent delegates to attend the Annapolis convention in September 1786, the delegates did agree to a second convention in Philadelphia ". . . to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the union." The potential radical thrust of this proposal suggests that the gradual strategy of reform had collapsed, and that many of those present had turned to a desperate maneuver after having exhausted all other measures. Among those present were Hamilton and Madison.

Yet, up until the winter of 1786–1787, when the Shays' Rebellion took place, the Founding Fathers did not suggest that the Philadelphia convention should address anything other than the conspicuous failings of the Articles.

However, events in Massachusetts in the winter of 1786–1787 cast the problems of the nation in more comprehensible terms. Shays' Rebellion began as a protest by Massachusetts farmers laboring under heavy state taxation and private debt. Led by Daniel Shays, a veteran of the Revolution, an armed mob of two thousand men marched on the federal arsenal in Springfield, Massachusetts, and closed the county courts to halt creditors from foreclosing on any more farms. The State Militia quelled the uprising, but the news of the event left the rest of the country shaken. The Massachusetts state constitution was widely considered the most balanced of the revolutionary charters. If the Massachusetts state government could not protect the property of its citizens, one of the most fundamental aims of Republican government, how could the less balanced state and national governments endure if such unrest spread?

As Minister to France in 1787, Thomas Jefferson dismissed Shays' Rebellion. "A little rebellion now and then is a good thing," he wrote James Madison on January 30, 1787, "and as necessary in the political world as storms in the physical." Madison was hardly inclined to agree. As he examined the "vices of the political system of the United States" in the early months of 1787, he became convinced that the agenda of the upcoming convention should not be limited to the failings of the Articles. The time had come to undo the damages caused by the excesses of republicanism.

But, consider for a moment the odds that were against the delegates in crafting a workable government. The record of reform was hardly encouraging. The states had taken more than three years to ratify the Articles, and in the six years since, not one amendment that Congress had proposed to the states had been approved. There was also the question of whether the Congress should endorse the Philadelphia convention. By 1787, its reputation had fallen so low that it was unclear whether its endorsement would aid or kill reform efforts. Moreover, the convention had to attract an impressive array of legal minds to lend validity to whatever document would be produced. Yet, there was little guarantee that the convention would muster such persons. Even George Washington, who among all others probably most recognized the need for the convention, was hesitant to attend for fear that his reputation would suffer if the convention should fail. He accepted the invitation reluctantly at the urging of Madison, and even then, not until the last minute. But, perhaps more importantly, the Articles never provided for such a device of amending the Confederation, which caused many in Congress to question the propriety of the convention. After all, if the conventional delegates did produce a revised document, would it be considered law if the Articles never allowed for a constitutional convention in the first place?

In the face of these obstacles, any proposal put forth by the Framers would have to be more complex than that of simply shifting the powers of taxation and regulation of commerce from the state governments to a national government. Because the state governments were already entrenched, it was unlikely that the states would agree to the creation of a powerful central government at the expense of their self-governing authority. Granting the states specific self-governing powers and rights was not only politically expedient, but also served the Framers' intent to limit the central government's authority. The sharing of power between the states and the national government was one more structural check in what was to be an elaborate governmental scheme of checks and balances. The Framers further decentralized authority through a separation of powers, which distributed the business of government among three separate branches.

This ensured against the creation of too strong a national government capable of overpowering the individual state governments.

In a seemingly paradoxical fashion, governmental powers and responsibilities were also intentionally shared among the separate branches. Congressional authority to enact laws can be checked by an executive veto, which in turn can be overridden by a two-thirds majority vote in both houses; the President serves as commander-in-chief, but only the Congress has the authority to raise and support an army, and to declare war; the President has the power to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, but only by and with the advice and consent of the Senate; and the Supreme Court has final authority to strike down both legislative and presidential acts as unconstitutional. This balancing of power is intended to ensure that no one branch grows too powerful and dominates the national government.

What happened in Philadelphia was then truly remarkable. Committed at first to limiting executive power by making state legislatures supreme, Americans created a constitution that provided for an independent executive branch and a balanced government. Committed at first to preserving the sovereignty of states, Americans drafted a constitution that established a national government with authority that was independent of the states.

So each of the two—the National Government and the State governments—was supreme in its own sphere and, yet, separate, in a sense, and overlapping.

Doubtful at first that a strong national republic was possible, Americans created a strong national republic that still endures.

"The real wonder," James Madison wrote in Federalist Number 37, "is that so many difficulties should have been surmounted, and surmounted with a unanimity almost as unprecedented as it must have been unexpected. It is impossible for any man of candor to reflect on this circumstance without partaking of the astonishment. It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stages of the revolution."

There is a story, often told, that upon exiting the Constitutional Convention Benjamin Franklin was approached by a group of citizens asking what sort of government the delegates had created. "A republic, Madame," he answered, "if you can keep it." Characteristic of Franklin's statements, we should not allow the brevity of his response to undervalue its essential meaning: it is not enough that democratic republics are founded on the consent of the people; they are also absolutely dependent upon the active and informed involvement of the people.

Yet, opinion polls show that Americans have either never read the Constitution or have forgotten most of what they learned about it in school. The Constitution and the Declaration of Independence are the common bonds that unite the nation because they articulate our political, moral, and spiritual values. To a degree Americans recognize the ideologies of liberty and freedom that are contained in these documents, but we should also recognize that these beliefs were shaped by the political climate in large part in which they occurred. Too often these ideals are used as catch phrases to describe the founding documents which can obscure the complex political processes that produced both the Declaration of Independence and the Constitution. The post-Revolutionary era provides Americans with perhaps the clearest examples of why the Constitution is so vital to the stability of the country and the protection of our most basic freedoms. It is critical that we reaffirm our knowledge of these events to preserve, in Madison's own words, ". . . that veneration which time bestows on everything, and without which perhaps the wisest and freest governments would not possess the requisite stability."

Those words can be found in the Federalist No. 49, by James Madison.

In closing, let me refer back to something I said earlier when I said that it is not enough that democratic republics are founded on the consent of the people; they are absolutely dependent upon the active and informed involvement of the people.

In this regard, the American people will shortly be called upon to be involved. There is a national election coming. Elections will occur in every State. I think it is very appropriate, if I may, to state those words again.

It is not enough that democratic republics are founded on the consent of the people; they are also absolutely dependent upon the active and informed involvement of the people.

It is a disgrace, if we look at the record of the voter turnout in this country, the American people, it seems to me, are less and less involved when it comes to voting. Fewer and fewer of the people exercise this right—this duty. This is a foremost duty of American citizenship. Fewer people are involved.

I close with this reference to history.

In 1776, in September, George Washington asked for a volunteer to go behind the British lines and draw pictures and develop information with respect to the placement of the British guns, their breastworks, their fortifications, and to bring that information back to the American lines. A young man by the name of Nathan Hale responded to the call. He was a schoolteacher. He went behind the British lines. This was an exceedingly dangerous assignment.

Nathan Hale achieved his purpose, but on the night before he was to return to the American lines, he was discovered by the British to be an American spy. The papers, the drawings, were upon his person. The next morning, September 22, 1776—224 years ago today—he stood before the hastily built gallows. He saw just before him the crude wooden coffin in which his body would soon be laid. He asked for a Bible. The request was denied. Whether or not the British at that point had a Bible near, we don't know. But there he stood with his hands tied behind him.

The British commander, whose name was Cunningham, asked Hale if he had anything to say. His last words, which are remembered by every schoolchild in America who has had the opportunity to read American history, were these: I only regret that I have but one life to lose for my country.

The British commander said: "String the rebel up".

Nathan Hale gave his one life for his country.

My final question is this: If Nathan Hale was willing to give his only life—all he had—for his country, why is every American, Republican or Democrat or Independent, not willing to give his one vote for his country?

I yield the floor.

## RECESS UNTIL MONDAY, SEPTEMBER 25, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon, Monday, September 25, 2000.

Thereupon, the Senate, at 1 p.m., recessed until Monday, September 25, 2000, at 12 noon.

## NOMINATIONS

Executive nominations received by the Senate September 22, 2000:

### DEPARTMENT OF JUSTICE

Mary Lou Leary, of Virginia, to be an Assistant Attorney General, vice Laurie O. Robinson, resigned.

# EXTENSIONS OF REMARKS

## THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

### HON. CHARLES T. CANADY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. CANADY of Florida. Mr. Speaker, tomorrow the President of the United States will sign into law the Religious Land Use and Institutionalized Persons Act, a bill I was proud to sponsor with my colleagues the gentleman from New York, Mr. NADLER, and the gentleman from Texas, Mr. EDWARDS. This Act, which will protect the free exercise of religion from unnecessary government interference, is a product of the diligent efforts of more than 70 religious and civil rights groups from all points on the political spectrum. I commend these groups for their work in helping to bring about this important new law.

The Religious Land Use and Institutionalized Persons Act, S. 2869, is patterned after an earlier, more expansive bill, H.R. 1691, which passed the House of Representatives with an overwhelming vote after several committee hearings, two markups, and the filing of a Committee Report. S. 2869, on the other hand, passed the Senate and the House without committee action and by unanimous consent. Because it is not accompanied by any recorded legislative history, it is appropriate that I submit at this time a Section-by-Section Analysis of the S. 2869:

The Religious Land Use and
Institutionalized Persons Act

Section 1. This section provides that the title of the Act is the Religious Land Use and Institutionalized Persons Act of 2000.

Section 2(a). The "General Rule" in §2(a)(1) tracks the substantive language of the Religious Freedom Restoration Act ("RFRA"), providing that land use regulation shall not be applied in ways that substantially burden religious exercise, unless imposing that burden on the person complaining serves a compelling interest by the least restrictive means. The provision is substantially the same as §§2(a) and 2(b) of H.R. 1691, except that its scope has been restricted to land use. H.R. 1691 is the broader Religious Liberty Protection Act, which passed the House and is the subject of H.R. Report 106-219.

The phrase "in furtherance of a compelling governmental interest" is taken directly from RFRA, which was enacted in 1993; the phrase was and is intended to codify the traditional compelling interest test. The Act does not use this phrase in the sense in which the Supreme Court interpreted the verb "furthers" in *City of Erie* v. *Pap's A.M.*, 120 S.Ct. 1382 (2000), a case that did not involve the compelling interest test. In that context, the Court held that even a marginal contribution to the achievement of a government interest "furthers" that interest. *Id.* at 1387. This statutory language was drafted long before Paps, and should not be read in light of Pap's.

Section 2(a)(2) confines the General Rule to cases within Congress's constitutional authority under the Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment. Section 2(a)(2)(A) applies the General Rule to cases in which the burden is imposed in a program or activity that receives federal financial assistance. This provision tracks other civil rights legislation based on the Spending Clause, and corresponds to §2(a)(1) of H.R. 1691.

Section 2(a)(2)(B) applies the General Rule to cases in which the substantial burden affects commerce, or removal of the burden would affect commerce. This so-called jurisdictional element must be proved in each case under this subsection as an element of the cause of action. This subsection does not treat religious exercise itself as commerce', but it recognizes that the exercise of religion sometimes requires commercial transactions, as in the construction, purchase, or rental of buildings. This section corresponds to §2(a)(2) of H.R. 1691.

Section 2(a)(2)(C) applies the General Rule to cases in which the government has authority to make individualized assessments of the uses to which the property is put. Unlike the Commerce and Spending Clause sections, this section does not reach generally applicable laws. Laws that provide for individualized assessments of proposed uses are not generally applicable. This section corresponds to §3(b)(1)(A) of H.R. 1691.

Section 2(b). Section 2(b) codifies parts of the Supreme Court's constitutional tests as applied to land use regulation. These provisions directly address some of the more egregious forms of land use regulation, and provide more precise standards than the substantial burden and compelling interest tests. These provisions overlap, but some cases may fall under only one section, or the elements of one section may be easier to prove than the elements of other sections.

Section 2(b)(1) preempts land use regulation that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution. Section 2(b)(2) preempts land use regulation that discriminates against any religious assembly or institution on the basis of religion or religious denomination. These provisions substantially overlap, but section 2(b)(1) more squarely addresses the case in which the unequal treatment of different land uses does not fall into any apparent pattern. These sections correspond to §§3(b)(1)(B) and 3(b)(1)(C) of H.R. 1691.

Section 2(b)(3) provides that government may not unreasonably exclude religious assemblies from a jurisdiction, or unreasonably limit religious assemblies, institutions, or structures within the jurisdiction. What is reasonable must be determined in light of all the facts, including the actual availability of land and the economics of religious organizations. This section corresponds to §3(b)(1)(D) of H.R. 1691.

Section 2(b)(3)(A) is the only provision of §2 that is confined to "assemblies" and does not explicitly include institutions or structures. The subsection is limited in this way because there may conceivably be very small towns that exclude all institutions and all structures dedicated to public assembly (so there is no discrimination) and that can show a compelling interest in excluding all religious institutions or structures. Such a place could not use its land use regulations to wholly prohibit people from assembling for religious purposes in the spaces or structures that exist in the town.

Section 3. Section 3(a) applies the RFRA standard to protect the religious exercise of persons residing in or confined to institutions defined in the Civil Rights of Institutionalized Persons Act, such as prisons and mental hospitals. Section 3(b) confines the section to cases within Congress' constitutional authority under the Commerce Clause and the Spending Clause. The RFRA standard, the Commerce Clause standard, and the Spending Clause standard in §3 are identical to the parallel provisions in §2, and the same explanatory comments apply. These provisions are substantially the same as §§2(a) and 2(b) of H.R. 1691, except that their scope has been restricted to institutionalized persons.

Section 4. Section 4(a) tracks RFRA, creating a private cause of action for damages, injunction, and declaratory judgment, and a defense to liability. These claims and defenses lie against a government, but the Act does not abrogate the Eleventh Amendment immunity of states. In the case of violation by a state, the Act must be enforced by suits against state officials or employees. This section is identical to §4(a) of H.R. 1691.

Section 4(b) simplifies enforcement of the Free Exercise Clause as interpreted by the Supreme Court. *Employment Division* v. *Smith*, 494 U.S. 872 (1990), held that governmental burdens on religious exercise, without more, receive only rational-basis review. But this rule has important exceptions; the Court applies the compelling interest test to laws that are not neutral and generally applicable, to laws that provide for individualized assessment of regulated conduct, to regulation motivated by hostility to religion, to cases involving hybrid claims that implicate both the Free Exercise Clause and some other constitutional right, and to other exceptional cases. These exceptions present issues in which the facts are uncertain and difficult to prove, or in which essential information is controlled by the government. Section 4(b) is addressed principally to these issues about whether one of these exceptions applies. It provides generally that if a complaining party produces prima facie evidence of a free exercise violation, the government then bears the burden of persuasion on all issues except burden on religion. This section is substantially the same as §3(a) of H.R. 1691.

Section 4(c) requires a full and fair opportunity to litigate land use claims arising under section 2. This is based on existing law; no judgment is entitled to full faith and credit if there was not a full and fair opportunity to litigate. *Kremer* v. *Chemical Construction Corp.*, 456 U.S. 461, 480-81 (1982), interpreting 28 U.S.C. §1738 (1994). The rule has special application in this context, where a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

zoning board may refuse to entertain a federal claim because of limits on its jurisdiction, or may confine its inquiry to the individual parcel and exclude evidence of how places of secular assembly were treated. If a state court then confines itself to the record before the zoning board, there has been no opportunity to litigate essential elements of the federal claim, and the resulting judgment is not entitled to full faith and credit in a federal suit under section 2 of this Act. This section is based on §3(6)(2) of H.R. 1691.

Section 4(d) tracks RFRA and provides that a successful plaintiff may recover attorneys' fees. This section is substantially the same as §4(b)(1) of H.R. 1691.

Section 4(e) makes explicit that the bill does not "amend or repeal the Prison Litigation Reform Act." The PLRA is therefore fully available to deal with frivolous prisoner claims. This section is based on §4(c) of H.R. 1691.

Section 4(f) expressly authorizes the United States to sue for injunctive or declaratory relief to enforce the Act. The United States has similar authority to enforce other civil rights acts. This section is based on §§2(c) and 4(d) of H.R. 1691.

*Section 4(g).* If a claimant proves an effect on commerce in a particular case, the courts assume or infer that all similar effects will, in the aggregate, substantially affect commerce. This section gives government an opportunity to rebut that inference. Government may show that even in the aggregate, there is no substantial effect on commerce. Such an opportunity to rebut the usual inference is not constitutionally required, but is provided to create an extra margin of constitutionality in potentially difficult cases. This section had no equivalent in H.R. 1691.

*Section 5.* This section states several rules of construction designed to clarify the meaning of all the other provisions. Section 5(a) provides that nothing in the Act authorizes government to burden religious belief, this tracks RFRA. Section 5(b) provides that nothing in the Act creates any basis for restricting or burdening religious exercise or for claims against a religious organization not acting under color of law. These two subsections serve the Act's central purpose of protecting religious liberty, and avoid any unintended consequence of reducing religious liberty. They are substantially identical to §§5(a) and 5(b) of H.R. 1691.

Sections 5(c) and 5(d) have been carefully negotiated to keep this Act neutral on all disputed questions about government financial assistance to religious organizations and religious activities. Section 5(c) states neutrality on whether such assistance can be provided at all; §5(d) states neutrality on the scope of existing authority to regulate private organizations that accept such aid. Litigation about such aid will be conducted under other theories and will not be affected by this bill. They are identical to §5(c) and 5(d) of H.R. 1691.

Section 5(e) emphasizes what would be true in any event—that this bill does not require governments to pursue any particular public policy or to abandon any policy, and that each government is free to choose its own means of eliminating substantial burdens on religious exercise. The bill preempts laws that unnecessarily burden the exercise of religion, but it does not require the states to enact or enforce a federal regulatory program. This section closely tracks §5(e) of H.R. 1691.

Section 5(f) provides that proof of an effect on commerce under §2(a)(2)(B) does not

Section 5(g) provides that the Act should be broadly construed to protect religious exercise to the maximum extent permitted by its terms and the Constitution. Section 5(i) provides that each provision of the Act is severable from every other provision. These sections are substantially the same as §§5(g) and 5(h) of H.R. 1691.

*Section* 6. This section is taken from RFRA. It was carefully negotiated to ensure that the Act is neutral on all disputed issues under the Establishment Clause. It is more general than §§5(c) and 5(d), which were negotiated in light of this bill's reliance on the Spending Clause. This section is substantially identical to §6 of RFRA.

*Section* 7. Section 7 amends the Religious Freedom Restoration Act. Sections 7(a)(1) and (2) and 7(b) collectively conform RFRA to the Supreme Court's decision in *City of Boerne* v. *Flores*, 521 U.S. 507 (1997), eliminating all references to the states and leaving RFRA applicable only to the federal government. Section 7(a)(3) clarifies the definition of "religious exercise," conforming the RFRA definition to the definition in this Act. These sections are substantially the same as §7 of H.R. 1691, but the incorporated definition of religious exercise has been changed in §8.

*Section* 8. This section defines important terms used in the Act. Section 8(1) defines "claimant" to mean a person raising either a claim or a defense under the Act. This section had no equivalent in H.R. 1691.

The definition of "demonstrates" in §8(2) is taken verbatim from RFRA. It includes both the burden of going forward and the burden of persuasion. This section is identical to §8(5) of H.R. 1691.

Section 8(3) defines "Free Exercise Clause" to mean the First Amendment's ban on laws prohibiting the free exercise of religion. This section is substantially the same as §8(2) of H.R. 1691.

The definition of "government" in §8(4)(A) includes the state and local entities previously covered by RFRA. "Government" does not include the United States and its agencies, because the United States remains subject to RFRA. But a further definition in §8(4)(B) does include the United States and its agencies for the purposes of §§4(b) and (5), because the burden-shifting provision in §4(a), and some of the rules of construction in §5, do not appear in RFRA. These definitions are substantially the same as those §8(6) of H.R. 1691.

Section 8(5) defines "land use regulation" to include only zoning and landmarking laws

Section 8(6) incorporates the relevant parts of the definition of program or activity from Title VI of the Civil Rights Act of 1964. This definition ensures that federal regulation is confined to the program or activity that receives federal aid, and does not extend to everything a government does. This section is substantially the same as §8(4) of H.R. 1691.

Section 8(7) clarifies the meaning of "religious exercise." The section does not attempt a global definition; it relies on the meaning of religious exercise in existing case law, subject to clarification of two important issues that generated litigation under RFRA. First, religious exercise includes any exercise of religion, and need not be compulsory or central to the claimant's religious belief system. This is consistent with RFRA's legislative history, but much unnecessary litigation resulted from the failure to resolve this question in statutory text. This definition does not change the rule that insincere religious claims are not religious exercise at all, and thus are not protected. Nor does it change the rule that an individual's religious belief or practice need not be shared by other adherents of a larger faith to which the claimant also adheres.

Second, the use, building, or conversion of real property for religious purposes is religious exercise of the person or entity that intends to use the property for that purpose. It is only the use, building, or conversion for religious purposes that is protected, and not other uses or portions of the same property. Thus, if a commercial enterprise builds a chapel in one wing of the building, the chapel is protected if the owner is sincere about its religious purposes, but the commercial enterprise is not protected. Similarly if religious services are conducted once a week in a building otherwise devoted to secular commerce, the religious services may be protected but the secular commerce is not. Both parts of this definition are based on §8(1) of H.R. 1691.

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# THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. HYDE. Mr. Speaker, tomorrow the President of the United States will sign into law the Religious Land Use and Institutionalized Persons Act, S. 2869. I would like to submit for the RECORD a document prepared by the Christian Legal Society describing zoning conflicts between churches and cities which have come to light since subcommittee hearings on the subject:

### RECENT LAND-USE CASES

"In the last 10 years, zoning conflicts between churches and cities have become a leading church-state issue. Disputes have arisen over church soup kitchens or homeless shelters in suburbs, expansion of church facilities, parking squeezes on Sunday, breaches of noise ordinances or disagreements on what kind of meetings the zoning permits. Growing churches that seek new land to relocate often cannot win zoning approvals in the face of public protest over traffic." Joyce Howard Price, Portland church ordered to limit attendance, Washington Times, February 18, 2000.

### MONTGOMERY COUNTY, MD—8/16/00

A couple in Montgomery County, Maryland, challenged in federal court a zoning ordinance that allowed a Roman Catholic girls' school to build on its property without obtaining a special permit. In August 1999, a U.S. District Judge ruled that the ordinance violated the Establishment Clause, but on appeal a three-Judge panel of the 4th U.S. Circuit Court of Appeals reversed the district court by a 2-1 vote, concluding in August 2000, that " [t]he authorized, and sometimes mandatory, accommodation of religion [by the government] is a necessary aspect of the Establishment Clause Jurisprudence because, without it, the government would find itself effectively and unconstitutionally promoting the absence of religion over its practice." The dissenting Judge differentiated between regulations that influence or alter programming and regulations that affect physical facilities.

Sources: David Hudson, Land-Use Ordinance Doesn't Advance Religion, Federal Appeals Panel Rules, The Freedom Forum Online, August 16, 2000.

### PALOS HEIGHTS, IL—8/10/2000

On June 30, 2000, Chicago Public Radio's Jason DeRosa reported that the Al Salam Mosque Foundation encountered opposition from the city council of Palos Heights, Illinois, when Muslims tried to buy a building from a Reformed Church and turn it into a Muslim mosque. Although the city council attempted to block the $2.1 million sale by arguing that the city needed the building for a recreation center, the community appeared to be driven more by anti-Arab prejudice than by a desire for new recreational facilities. According to the New York Times on August 10, "[a]t public meetings, some residents spewed derogatory comments, telling the Muslims to go back to their own countries, and implying that their money could have come from a nefarious source," and in a newspaper interview an Alderman compared the Muslim group to Adolf Hilter. The City Council offered to pay Al Salarn $200,000 to leave Palos Heights for good. Al Salam agreed, reasoning that the buyout would cover legal expenses and a move to a different neighborhood, but Mayor Dean Koldenhoven vetoed the transaction, according to the Times, that "the city's handling of the situation amounted to religious discrimination, conspiracy and unwarranted meddling in a • private real estate transaction." An official with the Justice Department has stepped in to try to resolve the tension between Muslims and residents in Palos Heights through mediation and community meetings.

*Sources:* Pam Belluck, Intolerance and an Attempt to Make Amends Unsettle a Chicago Suburb's Muslims," New York Times, August 10, 2000. NPR Online, http://search.npr.org/cf/cmn/cmnpd01fm.cfm?PrgDate=06/30/2000?PrgID=3, June 30, 2000.

### BELMONT, MA—7/7/2000

In Belmont, Massachusetts, a new Latter-day Saints (Mormon) Temple has caused a great deal of controversy. The white, 69,000 sq. ft. building sits atop a hill, overlooking an upscale neighborhood of single-family homes. Nearby residents want the Temple demolished. In May 1999, a three-judge panel of the federal appeals court in Boston rejected the residents'challenge to the LDS Temple. The lawsuit challenged as unconstitutional state and town laws that prevent town officials from excluding religious uses of property from any zoning area. Boyajian v., Gatzunis, 212 F.3d I (1st Cir. 2000). The residents claimed that the laws "violate the Establishment Clause of the First Amendment by favoring religious uses of property without a secular purpose." Id. at 3. The circuit held that the law prevents towns from "us[ing] zoning power to exercise their preferences as to what kind of religious denominations they will welcome." Martin v. Board of Appeals of the Town of Belmont, No. 97-2596, slip op. 27 (Super. Ct. Mass. Feb. 22, 2000). The court allowed construction to proceed and the Temple to open for worship services.

Other actions over the Temple construction arc still pending. Middlesex Superior Court Judge Elizabeth Fahey has ruled that the proposed 139 ft. steeple for the Temple is not essential: "While a spire might have inspirational value and may embody the Mormon value of ascendancy towards heaven, that is not a matter of religious doctrine and is not in any way related to the religious use of the temple." Id. at 13. The LDS Church is currently appealing.

*Sources:* Rachel Malamud, Morman Temple Leads to Court Fight, The Associated Press, December 31, 2000. Public Affairs Office, Church Of Jesus Christ of Latter-day Saints. Boyajian v. Gatzunis., 212 F.3d 1 (1st Cir. 2000). Second Amended Complaint, Boyajian v. Gatzunis (212 F.3d 1 (1st Cir. 2000) (No. 98CVI 1763DPW). Boyajian v. Gatzunis, No. 96-11763-DPW (D. Mass. May 24, 1999). Martin v. Board of Appeals of the Town of Belmont, No. 97-2596 (Supper. Ct. Mass. Feb. 22, 2000). Complaint, Martin v. Board of Appeals of the Town of Belmont (Super. Ct. Mass. May 1, 1997) (No. 97-2586).

### VACAVILLE, CA—6/25/2000

A Seventh-day Adventist church in Vacaville, CA, was denied a permit to locate studio and administrative offices for a radio ministry in a mobile home on church property. The actual broadcast would come from an existing tower in the nearby hills, not from the mobile home. The permit has been denied on the grounds that the radio ministry is not an accessory use to an Adventist Church. In other words, the county was given discretion to determine what constitutes a legitimate ministry of a church. The California Court of Appeals distinguished between manned and unmanned radio towers and held in favor of Solano County.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State Newsflash: California Court Denies Christian Radio Station the Right to Locate at Vacaville Seventh-day Adventist Church, The Religious Liberty Newsflash and Legislative Alerts, June 26, 2000.

### EL CAJON, CA—5/11/2000

El Cajon Seventh-day Adventist Church has for years ministered to the homeless population in downtown San Diego. Such social welfare is an integral part of Seventh-day Adventist faith. When the church tried to relocate to a suburban area, it faced opposition from suburban neighbors, who feared that the church Would bring indigent people into their neighborhood. The church's zoning permit was amended with the following stipulation: the new facility cannot be used to "feed, clothe, or house individuals." The vague language of this amendment ("individuals" rather than "homeless individuals") raises questions about the status of more innocuous church activities that involve "feeding," such as church potlucks. The Pacific Union of Seventh-day Adventists is interested in challenging the language of the amendment.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State News flash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

### SAN FRANCISCO, CA—5/14/2000

When the City of San Francisco recently proposed new parking regulations, the Tabernacle Seventh-day Adventist Church raised a cry for help. The parking regulations, which restricted visitors to one-hour parking, 9 a.m. to 6 p.m., Monday through Saturday, would have effectively closed down the Church by making it impossible for congregation members to park their cars during Saturday worship services. The regulations raised constitutional questions in the eyes of several faith groups, who pointed out that the regulations accommodate the majority (Sunday worshipers) but inhibit the religious exercise of minority groups who worship on other days. The Church received a favorable response from a hearing officer at City Hall, who granted their request to amend the parking policy to Monday through Friday.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State News/Zash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

### SAN MARCOS, CA—5/10/2000

At a lunch sponsored by the San Marcos Seventh-day Adventist Church, approximately 30 non-Adventist pastors from the local community were informed that the City is trying to obtain hefty fees from the Adventist church as a condition of granting the church a conditional use permit to build on a 3.4-acre property. The fees are based on what the city would obtain in tax revenue if the property were used to build single-family homes instead of a church (one acre of church property=approx. 4 Equivalent Dwelling Units). The fees imposed on the church amount to $133,000 up front and $5,000 per year, even though the congregation consists of only 75 people. This Situation does not bode well for the 30 non-Adventist pastors, some of whom will be applying for building project permits in the future.

The only mention of churches in the Community Development Ordinances is located in a traffic-impact table. Nowhere in the city ordinances does it say that a church must be assessed in the way the city has chosen to assess this particular church. The Pacific Union of SDA believes that the city is not legally justified in its assessment, and is in the process of appealing to the city manager.

Sources: Telephone Interview with Alan J. Reinach, Esq., Director, Department of Public Affairs and Religious Liberty, Pacific Union Conference of Seventh-day Adventists (July 7, 2000). Pacific Union Conference of Seventh-day Adventists, Department of Public Affairs and Religious Liberty, Church State Newsflash: A Busy Week with Land Use Problems, The Religious Liberty Newsflash and Legislative Alerts, May 14, 2000.

### GRAND HAVEN, MI—3/16/2000

The Haven Shores Community Church, a member of the Reformed Church in America, claims as its mission to "worship and glorify God by reaching out and serving the community." The church aspires toward that goal by offering contemporary forms of worship and educational and counseling programs for youth and adults. Believing that "a non-traditional storefront ministry is necessary to provide the exposure and character it requires to minister to people," the church rented a storefront and sought a building permit. Things did not, however, go as planned. The city and zoning board of Grand Haven denied the church a building permit on the grounds that the storefront is located in a business district zoned for private clubs and schools, fraternal organizations, concert halls, and funeral homes. The church hired the Becket Fund for Religious Liberty to sue in March of 2000, on its behalf, alleging religious discrimination. The Becket Fund's complaint accused the city of "punish[ing]" the church for asserting a nontraditional model of worship and outreach, and of violating state and federal constitutions by "discriminating against religious use" while "permitting equivalent, non-religious use."

Sources: Jeremy Learning, Church says Michigan zoning policy subverts its religious liberties, First Amendment Center, March 16, 2000.

### APEX, NC—3/15/2000

The Wall Street Journal reports that in many towns across the rural south, downtown shopkeepers would prefer that landlords rent to any type of business rather than a storefront church. Shopkeepers consider storefront churches an economic liability and an obstacle to the town's revitalization plans. Since churches do not generate weekday traffic, do not add revenues, and do not pay taxes, some shopkeepers support changes in zoning laws to prevent landlords from renting to churches in downtown areas. City officials in Apex, North Carolina, are not seeking to close the town's two existing storefront churches, but they do want to ban any new churches that might hinder their economic revitalization plans. The lawyer retained by Apex churches notes that city officials are overlooking the fact that churches can turn indigents into people who contribute economically to society.

Sources: Lucinda Harper, Upscale Stores Craft Bans Against Storfront Churches, The Wall Street Journal, March 15, 2000.

### JACKSONVILLE, OR—3/7/2000

The City of Jacksonville granted First Presbyterian Church a permit to build a sanctuary and an education building on a ten acre site only if the church met certain conditions. The church would be required to close its buildings on Saturdays and during certain weekday hours, would be forbidden to hold weddings or funerals on Saturdays, and could not serve alcohol on the premises. The City Council met to revise this proposal after being warned that the wedding and funeral ban could potentially be unconstitutional. The result of the meeting was not a revision but a denial of the permit altogether. The local Community reacted strongly to the denial. While First Presbyterian pastor and elders considered an appeal before the Land Use Board of Appeals, other clergy and state politicians called for legislation to protect religious organizations from intrusion by zoning boards.

Sources: Oregon church loses battle for building permit, The Associated Press, March 7, 2000.

### LOS ANGELES, CA—2/25/2000

Orthodox Jews must walk to services on the Sabbath because their religion does not permit them to use cars. Etz Chaim is a congregation of elderly and disabled Orthodox Jews in the Hancock Park area of Los Angeles who have trouble walking distances as short as half a mile. The members of Etz Chaim sought a conditional use permit to establish a synagogue in Hancock Park, an area zoned for single-family dwellings, because their disabilities prevent them from walking to any of the synagogues located in a nearby commercial zone. The Hancock Park Homeowners Association complained that this arrangement would hurt property values, and the permit was denied. Based on the testimony of a neighbor who argued that anyone "should" be able to walk to synagogues in the commercial zone, the state court of appeal found that alternative locations for prayer are available to Etz Chaim. In February, The Washington Times reported that, "Congregation Etz Chaim—a home-based synagogue that served many elderly and disabled members—was closed under a zoning law that leading city officials refused to apply equally to close a gay sex club in a residential area."

Sources: Electronic Letter from Susan S. Azad, Attorney for Plaintiffs Etz Chaim, et. al., to Julie E. Khoury, Paralegal, Christian Legal Society (Aug. 15, 2000) (on file with Christian Legal Society). Michelle Malkin, No prayer on zoning regulation, The Washington Times, February 25, 2000. Order and Memorandum Opinion, Congregation Etz Chaim v. City of Los Angeles, No. CV 97-5042 HLH(Ex) (C.D. Cal. June 1, 1998).

### ST. PETERSBURG, FL—2/2000

The Refuge is an inner-city church whose ministry includes worship services, Bible studies, Bible-based counseling, music concerts, a feeding program for the poor and homeless, a crisis hotline, and Christian-perspective support groups such as Alcoholics Anonymous and a group for those infected with HIV. The City's zoning ordinance permits "churches" in the zone in which the Refuge is located, and the Refuge's certificate of occupancy indicates that it is a church.

When neighborhood residents complained to zoning officials about the character of people using the Refuge's services, City zoning officials decided to label the Refuge a "social service agency," a type of establishment not permitted in the Refuge's zoning district. In September of 1997, the City ordered the Refuge to relocate. The Zoning Board of Appeals upheld the zoning official's order. St. Petersburg attorney Mark Kamleiter asked the Florida Circuit Court to review that order and contacted the Christian Legal Society's Center for Law and Religious Freedom. Working through the Western Center for Law and Religious Freedom, Kamleiter and CLS Chief Litigation Counsel Gregory Baylor filed an amended petition for certiorari in the Florida Court of Appeals on June 1, 1998. Attorneys for the Refuge argued that, in assessing the Refuge's activities, the City asked the wrong question. They emphasized that whether or not those activities fall under the definition of "social service agency," what matters is that the activities can be considered either primary or accessory uses of a church. The court granted the petition for certiorari on December 21, 1999, noting that "The Refuge is not doing anything not done in one form or another, by churches both in this and other areas, in the past and present." The Refuge Pinellas, Inc. v. The City of St. Petersburg, No. 97-8543 CI-88B, slip op. at 3 (Fla. Cir. Ct. Dec. 21, 1999). In February of 2000, the district court of appeals denied certiorari to the City.

Sources: Michelle Malkin, No prayer on zoning regulation, The Washington Times, February 25, 2000. The Refuge Pinellas, Inc. v. The City of St. Petersburg, 755 So.2d 119 (Table) (Fla. Dist. Ct. App. Feb. 18, 2000). The Refuge Pinellas, Inc. v. The City of St. Petersburg, No. 97-8543 CI-88B (Fla. Cir. Ct. Dec. 21, 1999).

### GROVES CITY, TX—2/9/2000

In trying to help the poor in Groves City, Texas, Pastor Richard Hebert has encountered repeated opposition from those who dislike the homeless his efforts would bring into their neighborhoods. The pastor was first denied a permit to open a boarding house for the homeless and drug-addicted in the city's business district, was next denied a permit to open a church with counseling and boarding, and was finally denied a permit to open a regular church. In February of 2000, Pastor Hebert filed suit claiming that the city's required operating permit for churches is unconstitutional. He wants the city to strike down the permit ordinance and to pay his attorney fees.

Sources: Texas judge halts move to shut down church, The Associated Press, February 9, 2000.

### EVANSTON, IL—2/9/2000

An Evanston zoning code permits the Vineyard Christian Fellowship's building to be used for "cultural" events such as concerts and theatrical performances but prohibits religious gatherings in the building. The church's pastor cites the inconsistency of a policy that allows the church to use its building for a Christmas pageant but not for a Christmas Eve service. Vineyard, which has been seeking a permanent location for its Sunday services since 1988, filed suit, accusing the city of discriminating between religious and non-religious assemblies. The complaint claims that the city violated the church's constitutional rights to freedom of speech, freedom of religion, and freedom of assembly, as well as equal protection under the law, state zoning laws, and the Illinois Religious Freedom Restoration Act (RFRA). In answering the complaint, the city challenged the constitutionality of the Illinois RFRA. The challenge triggered intervention by the Illinois Attorney General's office, who supports RFRA. The city removed the case to federal court on February 9, 2000. Attorneys do not foresee settlement, and a trial date has been set for mid-January of 2001.

Sources: Telephone Interview with Mark Robert Sargis of Mauck, Bellande & Cheely (August 30, 2000). Vineyard Christian Fellowship of Evanston v. City of Evanston (N.D. Ill. Feb. 9, 2000) (No. 00C0798). Mark Robert Sargis, Mauck, Bellande & Cheely, Vineyard Church Re-Files Discrimination Suit Against City of Evanston, Press Release, January 12, 2000.

### DENVER, CO—12/22/1999

According to The Associated Press, in August of 1999, a "Denver couple filed a federal lawsuit to challenge a city order barring them from holding more than one prayer meeting at their home each month." The couple's attorney argued that the cease-and-desist order unconstitutionally distinguished between religious and secular meetings. Despite assertions by a zoning administrator that the order simply limited parking problems and protected the neighborhood from disruption, the couple's attorney pointed out that the order made no mention of parking or noise violations. Attorneys also emphasized that the city does not regulate parking on residential streets during home meetings. In December 1999, the city conceded that the order violated the Couple's First Amendment rights. The couple and the city struck an agreement in which both the lawsuit and the order were withdrawn, the city promised to change zoning policies that single out religious meetings in private homes, and the city paid the couple $30,00 in attorney fees.

Sources: Family Research Council, Denver Withdraws Cease & Desist Order on Home Bible Study, Legal Facts, Vol. 2, No. 9 Jan. 7, 2000). Denver Couple Barred From Holding Weekly Prayer Meetings Sues City, The Associated Press, August 16, 1999.

### ONALASKA, WI—12/17/1999

The mayor of Onalaska filed complaints with the City Planner against a Christian pastor and his wife who were hosting a weekly home Bible study. The mayor expressed an inability to understand why the pastor would invite five college students to his home rather than holding the meetings at church. The City Planner notified the pastor that he must obtain a conditional use permit pursuant to a city ordinance governing "clubs, fraternities, lodges and meeting places of a noncommercial nature." When the pastor tried to distinguish his private residence from the types of enterprises listed in the ordinance, the City Planner told him that "the regularity of the meeting . . . requires the permit." After receiving a letter from a lawyer warning of a potential lawsuit to protect the pastor's constitutional rights, the City Planner decided not to require the permit and told reporters that the city would consider revising the ordinance.

Sources: Jeremy Learning, City Withdraws Demand that Couple Obtain Permit to Hold Bible Meetings, The First Amendment Center, December 17, 1999.

#### FAIRFIELD, OH—9/7/99

Clara M. Pepper was convicted of violating the Fairfield Codified Ordinances (FCO) by operating a church in a residential district and by erecting a sign on her property. Pepper argued that Fairfield's attempt to regulate her use of the property was an unconstitutional infringement upon the free exercise of religion. The trial court found that although Pepper's rights to practice and exercise her religion and to use and enjoy her property for religious purposes are protected by the Ohio and U.S. Constitutions, these rights are not absolute and may be reasonably regulated. The Court found that the FCO are not an unconstitutional exercise of police power. The appellate court similarly upheld the "minimal requirements" imposed on churches by the FCO.

Sources: City of Fairfield v. Pepper, 1999 WL 699867 (Ohio App. Sept. 9, 1999).

#### YOUNGSTOWN, OHIO—6/30/99

Beatitude House is a nonprofit corporation operated by Ursuline nuns who run job training and transitional housing programs for homeless and abused women. When Beatitude House tried to turn an old convent into transitional housing for four homeless women, the Youngstown zoning board denied the permit. The nuns appealed on the grounds that the proposed use of the former convent is an accessory use, but the appellate court held in favor of the zoning board and stated that the Zoning Ordinance does not unconstitutionally suppress the appellees' free exercise of religion.

Sources: Henley v. City of Youngstown Board of Zoning Appeals, 1999 WL 476087 (No. 97 CA 249) (Ohio App. June 30, 1999).

This list of Recent Land-Use Cases was compiled for the Congressional Record by the Center for Law and Religious Freedom, A Division of Christian Legal Society, 4208 Evergreen Lane, Suite 222, Annandale, VA 22003, Julie E. Khoury, Paralegal. The compilation was last modified on September 1, 2000. Thank you to Susan S. Azad, Crystal M. Roberts, Mark R. Sargis, and Alan J. Reinach for their assistance.

## SADDAM HUSSEIN AS A WAR CRIMINAL

**HON. JOHN EDWARD PORTER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. PORTER. Mr. Speaker, on Tuesday, September 19, 2000, the Congressional Human Rights Caucus (CHRC) held a briefing on building the case against Saddam Hussein as a war criminal. This week our Administration urged the United Nations to establish a war crimes tribunal to try Saddam Hussein and eleven other Iraqi officials in the deaths of up to 250,000 civilians in Iraq, Iran, Kuwait and elsewhere. David Scheffer, the Ambassador-at-Large for War Crimes Issues, testified before the CHRC on September 19th. His remarks present the evidence which has been gathered by the U.S. against Hussein. This evidence includes crimes committed during the Iran-Iraq War, the massive use of chemical weapons in Halabja against his own citizens in 1988, the invasion and occupation of Kuwait in 1990 and 1991 and the killing of his political opponents which continues today.

Ambassador Scheffer's remarks are a thorough account of the horrendous crimes Saddam Hussein has committed and continues to commit, and what the U.S. is doing to promote justice in Iraq. I commend to Members' attention Ambassador Scheffer's remarks and hope that the U.S. Congress will strongly support the Administration's effort to bring Hussein to justice.

### THE CASE FOR JUSTICE IN IRAQ

(By David J. Scheffer, Ambassador-at-Large for War Crimes Issues)

Thank you. It is good to be among so many groups and individuals who are dedicated to the pursuit of justice, democracy and the rule of law for the Iraqi people. I am here to tell you all that the United States looks forward to the day when justice, democracy and the rule of law will prevail in Iraq.

I want to do three things this morning, by way of starting us all on a series of interesting presentations on different aspects of the case for justice in Iraq. First, I want to call to everyone's attention the reason we are here—the need to address the continuing criminality of Saddam Hussein's regime. Second, it has been almost a year since I saw many of you here in Washington last October, when I spoke at the Carnegie Endowment for International Peace on the subject of Iraqi war crimes, or at the Iraqi National Assembly in New York shortly thereafter. I want to update you on what the U.S. Government has been doing to promote accountability for Saddam Hussein's 20 years of criminal conduct. Third, I think you will find of interest some of the reaction, in Baghdad and elsewhere, to what we—and many of you—have been doing to promote the cause of justice in Iraq.

Let me be clear at the outset. Our primary objective is to see Saddam Hussein and the leadership of the Iraqi regime indicted and prosecuted by an international criminal tribunal. If an international criminal tribunal or even a commission of experts proves too difficult to achieve politically, there still may be opportunities in the national courts of certain jurisdictions to investigate and indict the leadership of the Iraqi regime. The United States is committed to pursuing justice and accountability in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone and elsewhere around the world. We are also committed to the pursuit of justice and accountability for the victims of Saddam Hussein's regime in Iraq.

### THE CRIMINAL RECORD OF THE REGIME OF SADDAM HUSSEIN

Let me turn to my first main point, the need to address the criminal record of Saddam Hussein and his top associates for their crimes against the peoples of Iraq, Iran, Kuwait, and other countries. To the United States Government, it is beyond any possible doubt that Saddam Hussein and the top leadership around him have brutally and systematically committed war crimes and crimes against humanity for years, are committing them now, and will continue committing them until the international community finally says enough—or until the forces of change in Iraq prevail against his regime as, ultimately, they must.

This may seem self-evident to all of you here today. Interestingly, in my discussions of this issue I have found some people who will agree that Saddam Hussein is a criminal, but who are genuinely unaware of the magnitude of his criminal conduct. Those who want to gloss over Saddam's criminal record often want to gloss over the need for him to be brought to justice. This goes the very heart of why his conduct deserves an international response, so I find it useful to review what we now know of the criminal record of Saddam Hussein and his top associates.

1. The Iran-Iraq War. During the Iran-Iraq War, Saddam Hussein and his forces used chemical weapons against Iran. According to official Iranian sources, which we consider credible, approximately 5,000 Iranians were killed by chemical weapons between 1983 and 1988. The use of chemical weapons has been a war crime since the 1925 Geneva Protocol on poisonous gas, to which Iraq is a party. Also during the Iran-Iraq War, there are credible reports that Iraqi forces killed several thousand Iranian prisoners of war, which is also a war crime as well as a grave breach of the Geneva Conventions of 1949, to which Iraq is a party. Other war crimes and crimes against humanity committed by Saddam Hussein and the top leaders around him against Iran and the Iranian people also deserve international investigation.

2. Halabja. In mid-March of 1988, Saddam Hussein and his cousin Ali Hassan al-Majid—the infamous "Chemical Ali"—ordered the dropping of chemical weapons on the town of Halabja in northeastem Iraq. This killed an estimated 5,000 civilians, and is a war crime and a crime against humanity. Photographic and videotape evidence of this attack and its aftermath exists. Some of this is available to scholars and—God willing—to prosecutors through the efforts of the International Monitor Institute in Los Angeles, California. More visual evidence is available from Iranian cameramen, who collected their images of the victims of this brutal attack—most of whom were women and children—in a book published in Tehran. The best evidence of all is from the survivors in Halabja itself.

I am proud to say that the United States has been working with groups such as the Washington Kurdish Institute and scientists like Dr. Christine Gosden to document the suffering of the people of Halabja and—just as importantly—to find ways to help the people of Halabja treat the victims and bring hope to the living. Working with local authorities, we are looking for ways to help investigators, doctors and scientists document this crime and plan the help that the survivors need and deserve. We know they will not get that help from Saddam Hussein. As one example, to help war crimes investigators, the U.S. Government is today announcing the declassification of overhead imagery products of Halabja taken in March 1988, the best image we have that was taken a little more than a week after the attack. We hope this will serve as a photo-map to enable witnesses to describe to investigators, doctors and scientists what they were during those terrible days of the Iraqi chemical attack and its aftermath.

3. The Anfal campaigns. Beginning in 1987 and accelerating in early 1988, Saddam Hussein ordered the "Anfal" campaign against the Iraqi Kurdish people. By any measure, this constituted a crime against humanity and a war crime. Chemical Ali has admitted to witnesses that he carried out this campaign "under orders." In 1995, Human Rights Watch published a compilation of their reports in the book "Iraq's Crime of Genocide," which is now out of print. Human Rights Watch needs to reprint this book. Human Rights Watch estimated that between 50,000 and 100,000 Kurds were killed. Based on their review of captured Iraqi documents, interviews with hundreds of eyewitnesses, and on-site forensic investigations, they concluded that the Anfal campaign was genocide. I challenge anyone to read the evidence cited in Iraqs Crime of Genocide and come to any different conclusion.

4. The invasion and occupation of Kuwait. On August 2, 1990, Saddam Hussein ordered his forces to invade and occupy Kuwait. It took military force by the international community and actions by the Kuwaiti themselves to liberate Kuwait in February 1991. During the occupation, Saddam Hussein's forces killed more than a thousand Kuwaiti nationals, as well as many others from other nations. Evidence of many of these killings is on file with authorities in Kuwait and at the United Nations Compensation Commission in Geneva. Saddam Hussein's forces committed many other crimes in Kuwait, including environmental crimes such as the destruction of oil wells in Kuwait's oil fields, massive looting of Kuwaiti property—Saddam's son Uday appears to have treated Kuwait as his personal used car lot. As well, Saddam Hussein's government held hostages from many nations in an effort to coerce their governments into pro-Iraqi policies. During the war, Iraqi authorities also committed war crimes against Coalition forces. War crimes against American servicemembers were detailed in a report to Congress and in an article by Lee Haworth and Jim Hergen in Society magazine back in January 1994.

5. The suppression of the 1991 uprising. In March and April of 1991, Saddam Hussein's forces killed somewhere between 30,000 and 60,000 Iraqis, most of them civilians. The story of the uprising of the Iraqi people is one of courage and hope for the people of Iraq and has been told by men such as former Iraqi General NaJib al-Salihi in his book Al-Zilzal, "The Earthquake." The story of the uprising that started in the south, a part of the country traditionally neglected and deprived by Saddam Hussein's government in Baghdad, deserves to be better known outside of Iraq. Most of those killed were civilians, not resistance fighters—a distinction that Saddam Hussein did not respect in 1991 any more than he has before or since. This qualifies as a crime against humanity and possibly also a war crime.

6. The draining of the southern marshes. Beginning in the early 1990's, and continuing to this day, Saddam Hussein's government has drained the southern marshes of Iraq, depriving thousands of Iraqis of their livelihood and their ability to live on land that their ancestors have lived on for thousands of years. This is clearly not a land reclamation project, or a border security project as some of Saddam's defenders have claimed. Instead, as groups such as the Amar Foundation have begun to document, Saddam's efforts have served to render the land less fertile, and less able to sustain the livelihood or security of the Iraqi people. This qualifies as a crime against humanity and may possibly constitute genocide.

7. Ethnic cleansing of ethnic "Persians" from Iraq to Iran, and an ongoing campaign of ethnic cleansing of the non-Arabs of Kirkuk and other northern districts. This ongoing campaign of ethnic cleansing was documented by the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoel in his reports in 1999.

8. Continuing unlawful killings of political opponents. Many groups have documented Saddam Hussein's ongoing campaign against political opponents, including killings, tortures, and—lately—rape. As some of you may know, the regime has been using sexual assaults of women in an effort to intimidate leaders of the Iraqi opposition. We salute the courage of opposition leaders such as General Najib al-Salihi for speaking out about this crime. The regime is also carrying out a systematic campaign of murder and intimidation of clergy, especially Shi's clergy. The number of those killed unlawfully is difficult to estimate but must be well in excess of 10,000 since 1979. The number of victims of torture no doubt well exceeds the number of those killed.

Who is responsible for these crimes? Like Slobodan Milosevic, Saddam Hussein did not commit these crimes an his own. He has built up one of the world's most ruthless police states using a very small number of associates who share with him the responsibility for these criminal actions. The nongovernmental group INDICT some time ago developed a list of 12 of those most deserving of international indictment. To refresh everyone's recollection, they are:

1. Saddam Hussein, president of Iraq and chairman of the Revolutionary Command Council (RCC). I will have more to say about the, RCC shortly.

2. Ali Hassan al-Majid, "Chemical Ali," reviled for his enthusiasm in using poison gas against Iraqi Kurds and in the Iran-Iraq war. He also turned up in Kuwait during the occupation and, more recently, as governor in the south of Iraq during recent periods of repression against the people there. When someone shows up at crime scene after crime scene, the pattern of evidence becomes clear.

3. Saddam's elder son Uday, a commander of a ruthless paramilitary organization that maintains Saddam's hold on power.

4. Saddam's younger son Qusay Saddam Hussein, the Head of the Special Security Organization, reputed by many to be Saddam's likely successor.

5. Muhammad Hamza al-Zubaydi, Deputy Prime Minister of Iraq.

6. Taha Yasin Ramadan, Vice President of Iraq.

7. Barzan al-Tikriti former Head of Iraqi Intelligence.

8. Watban al-Tikriti, former Minister of the Interior.

9. Sabawi al-Tikriti, former Head of Intelligence and the General Security Organization.

10. Izzat Ibrahim al-Douri vice chairman of the Revolutionary Command Council and former Head of the Revolutionary Court.

11. Tariq Aziz, Deputy Prime Minister of Iraq.

12. Aziz Salih Noman, Governor of Kuwait during the Iraqi occupation.

### II. BUILDING THE CASE: WHAT THE UNITED STATES HAS BEEN DOING

The charges are clear. The targets of prosecution are identified. Let me turn to a brief description of what the United States has been doing in the past year to gather the evidence of Iraqi crimes against humanity, war crimes and genocide.

First, we have undertaken an analysis of the de jure case against Saddam Hussein. This is important because a more straightforward de jure case can greatly simplify the work of prosecutors. As some of you know, the International Criminal Tribunal for the Former Yugoslavia took advantage of Slobodan Milosevic's official role as President of the FRY in 1999 to indict him for crimes against humanity in Kosovo, whereas he has not yet been indicted for his responsibility for crimes committed during the 1991-95 wars in Bosnia and Croatia, when he was nominally only President of Serbia.

The de jure case against Saddam Hussein and his top associates is rock-solid. To summarize briefly, Article 37 of the current Iraqi constitution names the Revolutionary Command Council (RCC) the supreme body in the state. Articles 42 and 43 state that the RCC has the power to promulgate laws and decrees that have the force of law. Article 38 states that the RCC chairman is also the President, who is responsible under Article 57-59 for the acts of the Iraqi military and security services. The RCC chairman and Iraqi president is, of course, Saddam Hussein.

We have also been doing our part on the de facto case. Our second area of work has been in connection with one of the most important archives of evidence—millions of pages of captured Iraqi documents taken out of northern Iraq by Human Rights Watch and the U.S. Government. We scanned these onto 176 CD-ROM's. Last October, we announced we had given a set of the 176 CD-ROM's to the Iraq Foundation, along with a grant to make the full collection of these documents available on the Internet to scholars, journalists and, eventually, prosecutors worldwide. I know the Iraq Foundation and the Iraq Research and Documentation Project have been working hard on that project, which I will let them describe further.

Third, the U.S. Government has another archive of millions of pages of documents captured by U.S. forces in Kuwait and southern Iraq during Operation Desert Storm. I announced on August 2 that we have been working to declassify these documents and that we were giving the first of these to the Iraq Foundation. Today, I am announcing that we have given several hundred more to the Iraq Foundation, as well. I will let the Iraq Foundation describe further what is in this collection.

Fourth, the U.S. Government has an extensive archive of classified documents relating to Iraqi war crimes during the Gulf War. Since October, staff from my office have located and reviewed these materials. If you remember the final scene of "Raiders of the Lost Ark" where the Ark is being wheeled into a warehouse of crate upon crate, I should tell you that that warehouse *does* exist—it's in Suitland, Maryland—and that my staff found these materials on Iraqi war crimes . . . located safely right next to the Ark of the Covenant. U.S. Army lawyers and investigators did a truly outstanding job of compiling this evidence and organizing it in ways that will prove valuable to the staff of a tribunal or commission. Some of the materials can eventually be declassified. While we do not intend to make all of these documents public, we have worked closely with past commissions of experts and tribunals to allow them access to classified material in accordance with U.S. laws that protect sources and methods. We would be willing to do the same for a commission or tribunal looking into the crimes of Saddam Hussein and his henchmen.

I must also salute the work of Kuwaiti prosecutors, the Center for Research and Studies on Kuwait, and others there in documenting Saddam Hussein's crimes against the Kuwaiti people. After the liberation, Kuwaiti authorities undertook a systematic effort at collecting evidence and documenting Iraqi war crimes in Kuwait. As some of you know, Kuwaiti prosecutors recently completed a thorough trial of Alaa Hussein, installed in August 1990 by Saddam Hussein as the quisling governor of Kuwait during the early weeks of the occupation. Kuwaiti prosecutors showed, through their professionalism in that trial their ability to present evidence of Iraqi war crimes committed 10 years ago.

Fifth, U.S. Government officials have been meeting with witnesses and former Iraqi officials to gather evidence of Iraqi war crimes. There is no substitute for eyewitness accounts in any criminal prosecution, before an international tribunal or in national courts. We have learned a lot in these interviews. As a rule, we treat information provided to us in confidence, so we leave it to those who talk to us whether to go public with what they have experienced. There have been a number of cases where valuable leads have come forward. We understand other groups are also active in interviewing witnesses, but I will leave it to them to describe their own work.

Sixth, to support our other work the U.S. Government has undertaken a review of imagery to declassify potential evidence of both historical and more recent Iraqi criminal conduct. We have made public imagery products showing the ongoing work to drain the southern marshes, and destroy Iraqi villages. Recently, the Iraq Foundation received a report of the destruction of the southern Iraqi village of Albu Ayish on March 28 and April 5, 1999. We were able to locate imagery products from September 1998 and December 1999 that confirms this account. Those of you familiar with Jamie Rubin's press briefings of the conflict in Kosovo will recognize this presentation. [Show] On the left is Albu Ayish as it existed before Iraqi forces moved in. You can see the school near the river, here. The buildings surrounding it have roofs on them. In the "after" picture, here, the school is intact. That is more than you can say for the buildings surrounding the school, which bear the signs of destruction from ground level. I will leave it to Rend Franke if she wants to say more about what happened to the families at Albu Ayish and surrounding towns in southern Iraq. Albu Ayish is but one example of what the U.S. Government is doing to review imagery of Iraqi war crimes.

All in all, we have had a productive year in developing and preserving evidence of Iraqi crimes against humanity and war crimes. We are the first to say there is much more that needs to be done. To that end, we are hoping the Congress will give us the President's full requested appropriations so that this important work can continue for another year. We also anticipate further strong contributions to this work by the Iraqi opposition. The Iraqi National Congress, in particular, tell us they plan to devote substantial efforts to this cause as part of its upcoming $8 million work program.

### III. THE REACTION FROM BAGHDAD AND ELSEWHERE

Let me turn to my third main point. One of the most interesting aspects of our work on documenting Iraqi war crimes, and engaging with other governments on this issue, has been the reactions we have received. Let me first talk about Baghdad's reaction. Saddam Hussein recognizes that he is vulnerable to calls for accountability for his crimes against humanity, genocide and war crimes. Articles in the international press have reported that the regime takes international efforts to establish a tribunal seriously. Threats of possible arrest have caused Iraqi officials to curtail or forgo travel to European countries whose laws allow arrest under the U.N. Convention Against Torture. The regime has also harassed Iraqis and other who speek out against the regime's crimes. For example, the regime sent someone with an Iraqi diplomatic passport—I hesitate to call him an Iraqi diplomat—to try to film participants at INDICT's conference on Iraqi war crimes in paris this past April.

There is another important aspect of the Iraqi reaction, as well. Saddam Hussein realizes that international discussion of his crimes against humanity, genocide and war crimes reveals the truth about his policies towards the Iraqi people for the last 20 years. This is a regime that maintains its power through crime—whether it be by crimes against humanity and war crimes, or by killings, torture or the threat of killings and torture, of Iraqi citizens, and by looting the property that rightly belongs to the people of Iraq or Iraq's neighbors. Make no mistake—those crimes are continuing to this day.

Saddam Hussein clearly fears the truth. Journalists who travel to Iraq all have "minders." It takes courageous journalists, and documentary film producers like Joel Soler, to tell any story other than the one that Saddam Hussein's regime wants you to tell. (I hope you all can see Mr. Soler's documentary, "Uncle Saddam" at 1:00 this afternoon.) One recent visitor to Iraq traveled to Baghdad earlier this year and was shown hospital beds with two patients to a bed. It was only when he slipped away from his minder that he found out that around the corner, out of sight, was a room full of empty hospital beds. Last week, as you read in Barbara Crossette's story in September 12th's New York Times, Saddam Hussein kept U.N. humanitarian experts from traveling to Iraq to assess the true living conditions in Iraq. She wrote, "President Saddam Hussein, whose government is now probably the world's most repressive, wants to control all contact between Iraqis and outsiders, and can in effect veto the assignment to Iraq of even United Nations officials." Large aid organizations based in Europe have been barred from areas in Iraq under the regime's controls. Instead, only small, anti-sanctions protesters, "who bring in relatively small amounts of aid, are welcomed for their propaganda value." Any statistics from Iraq, or taken by Iraqi officials for the U.N., are seriously suspect. A recent Fellow at the U.S. Institute of Peace, Amatzia Baram, documented in this Spring's issue of Middle East Journal how the Government of Iraq denies U.N. relief agencies accurate and reliable statistics on the true conditions inside Iraq. No reporter should uncritically accept as true any Iraqi statistics, based on the research and data shown in this article. Iraqi human rights and opposition groups frequently must work hard and take risks to get the truth out of Iraq, and I am honored to be here with some of their representatives today. Saddam Hussein refused every year to allow the former U.N. Special Human Rights Rapporteur for Iraq, Max van der Stoel, to visit Iraq to find out the truth about Iraqi human rights abuses. The new rapporteur, Andreas Mavrommatis of Cyprus, has not been allowed into Iraq, either. Efforts to keep U.N. arms inspectors from the truth about Saddam's nuclear, chemical and biological weapons are so well-known I will not repeat them, except to say there were many "full and final disclosures." Russian diplomat Yuli M. Voronstov was this year denied entry to find out the true fate of more than 600 missing Kuwaitis taken captive by Iraq during the occupation of Kuwait and, thus far, never returned to their families. Their fate is known up until the time they were taken to a prison in Basrah, southern Iraq, and they have never been heard from since. It is true that, a few years ago, Iraq admitted it had been holding hundreds of Iranian prisoners of war more than 10 years after the end of the Iran-Iraq War. When the truth came out, Irag was forced to release its prisoners.

All this effort to conceal the truth about what is going on inside Iraq today is hard to explain without understanding the context of Saddam Hussein's 20-year record of crimes against humanity by the Iraqi regime. We know from those who have been in Saddam's inner office that he admires Josef Stalin, and he has clearly tried to emulate Stalin's methods of brutality, terror, covering up the truth, and using propaganda to project a different image. An awareness of the criminal character of Saddam Hussein's regime puts in context his current propaganda campaign. No wonder Saddam Hussein is concerned about efforts to establish an international tribunal that would document the truth of his 20 years of crimes against humanity, genocide and war crimes. It would end international support for Saddam Hussein's campaign to gain personal control of billions of dollars of Iraqi oil revenues that is now dedicated to the Iraqi people through the U.N.'s oil-for-food program. Make no mistake—the United States is committed to finding ways of improving conditions for the Iraqi people, but we cannot foresee the suspension of U.N. sanctions except through full compliance with the Security Council's resolutions that were adopted precisely as a result of Saddam Hussein's crimes against humanity, genocide, and war crimes against the peoples of Iraq and Iraq's neighbors.

The United States has held discussions in the last year with a number of governments and non-governmental organizations who share the desire for an international tribunal to indict Saddam Hussein and his top aides for their crimes. We have also compiled a collection of arguments from those who don't want to support a tribunal. As you would expect, none of them withstands scrutiny. Let me share some of the answers we have given and let you be the judge.

Until recently, some people said there was no reason to bring Saddam to justice since most of his crimes took place long ago, starting right after he seized absolute power in 1979. That argument doesn't work any more, since other recent efforts for justice in Europe and Asia have reached back prior to 1979, when Saddam Hussein murdered his way to the presidency of Iraq. The worst abuses of the Pinochet era took place in 1973-1979, and the crimes against humanity of the Khmer Rouge era took place in 1975-1979. As Secretary Albright has long made clear, there is no statute of limitations for genocide or crimes against humanity.

Some have said that the Security Council should not establish another ad hoc international tribunal and instead wait for the

International Criminal Court (ICC) to come into force. The ICC Treaty will not come into force for at least two more years, and it will not have jurisdiction over crimes committed before the Treaty comes into force. Therefore, the ICC will be not able to hold Saddam Hussein and his associates accountable for between a hundred thousand and a quarter of a million civilian deaths, nor for the tortures, rapes, lootings and other crimes against humanity and war crimes of the past, nor for crimes against humanity that are still going on inside Iraq today. Nor, under Article 12 of the Treaty, is the ICC going to be able to indict Saddam for crimes he commits in the future inside Iraq unless the Security Council acts to establish the court's jurisdiction over his crimes, which we, and others, say should happen right now.

Our pursuit of justice in Iraq is entirely consistent with the objectives of the International Criminal Court, objectives we have long supported. Governments that support international justice need to work together in real time on the most demanding issues of accountability of this era—in places like the former Yugoslavia, Rwanda, Sierra Leone, Cambodia—and Iraq. It would be ironic indeed if the generation of leaders who drafted the ICC Treaty turned their backs on some of the most egregious crimes of our time. The ICC will not succeed if its supporters are not willing to demand accountability for war criminals like Saddam Hussein.

Finally, there used to be those who said that the threat of indictment of officials around Saddam Hussein would deter them from leading a coup against him. The nature of the Iraqi regime—both in fact and in law—is that Saddam Hussein and a very small group of men around him have wielded absolute power. They are not likely to be the ones to lead an uprising against Saddam. They deserve to be the ones held responsible for the regime's crimes against humanity, genocide and war crimes. When Saddam passes from the scene—and this will happen sooner or later—there will need to be a process of truth and reconciliation for the bulk of Iraqi society if it is to make peace with itself. We owe it to the victims of 20 years of the crimes of this regime to hold accountable those at the top who wielded absolute power and ruined the lives of millions of Iraqis.

The last argument that never gets made, at least publicly, is money—that there is profit in doing business with the Baghdad regime despite its criminal character. Countries that have ratified the ICC treaty have already expressed, explicitly or implicitly, their policy decision that economic grounds are insufficient to let a war criminal off the hook. We believe there is much more to gain for international peace and security from pursuing international justice against Saddam Hussein than would ever be possible to gain for private profit from pursuing international commerce with Saddam Hussein. Moreover, in the end, Saddam Hussein's criminal regime will go. At that time, the Iraqi people will look up, around them, and see who stood up for justice for the victims of Saddam Hussein's criminal regime, and who opposed efforts to bring the regime to justice. It is in everyone's long-term interests—economic, political, and moral—to side with justice for the peoples of Iraq, Iran, Kuwait, and elsewhere.

### IV. CONCLUSION

In conclusion, let me say this. Iraq is a proud nation. Its heritage goes back to the days of Hammurabi the lawgiver and the four schools of Islamic law of the Abbasid Caliphate (Hanafi, Maliki, Shafi'i and Hanbali), and the great Shi'ite schools of Islamic theology that Saddam Hussein has sought to destroy. Saddam tries to liken himself to the great Nebuchadnezzar II, when it is more likely history will judge him as a latter-day Hulagu Khan, the Mongol conqueror who left Iraq a legacy of death, devastation and misrule. Mongol conquerors built a pyramid of the skulls of their victims; Saddam Hussein used helmets of Iranian soldiers killed during the Iran-Iraq War. The time has come for Saddam Hussein and his top associates to be held accountable for their 20 years of crimes against humanity, war crimes and genocide. I hope you will join with me these next few months in advancing the cause of justice in Iraq.

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## IN HONOR OF THE NORTH WARD CENTER, FOR 30 YEARS OF IMPROVING THE LIVES OF NEW JERSEY FAMILIES

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the North Ward Center on its 30th anniversary. For 30 years, the North Ward Center has been an invaluable asset to Essex County, New Jersey. By providing a variety of important social services, the North Ward Center has improved the lives of thousands of Essex County residents.

Through educational, cultural, and social programs, the North Ward Center has empowered low-income families and families on welfare, providing them with the tools necessary to take full advantage of all that America has to offer. The Center helps promote self-sufficiency and assists in neighborhood revitalization, building better and stronger communities.

In addition, the North Ward Center provides exceptional pre-school, elementary, and middle school education for young people, enabling them to learn essential skills for setting and achieving future goals. Through afterschool development and recreation programs, the Center works very hard to develop compassionate and productive young adults. It also assists senior citizens with vital services, such as transportation to medical appointments and grocery stores.

At every level, The North Ward Center serves the community—leaving no one behind. Its Child Development Center is one of New Jersey's best pre-school programs; its Youth Development Program serves over 3,500 young people annually, providing a comprehensive approach to personal development, peer mentoring, and physical activities through organized sports; its Academy for Life Long Learning provides a high tech, adult basic skills program and is a statewide model used by the governor; and its Youth and Family Outreach program provides important development and support initiatives to help prevent family disintegration.

The extraordinary success that the North Ward Center has achieved is attributable to many factors, especially to the hard work and dedication of Executive Director Steve N. Adubato. He is the Center's spiritual leader and guiding force. Under Steve's leadership, the North Ward Center has changed the face of the North Ward and improved the lives of its residents; for that, I extend my deepest gratitude.

Today, I ask my colleagues to join me in honoring The North Ward Center for all it has done for the families of Essex County, especially Newark, New Jersey.

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## HONORING WOODROW STANLEY

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today on behalf of the Flint, Michigan Pan-Hellenic Council. For many years, the Council has been at the forefront of activities that have tremendously benefited the community. The Council also takes the time to recognize other members of the Flint community who also work to make longstanding positive impact. On September 21, at the Council's Tenth Annual Salute Dinner, they will salute one such individual, Flint Mayor Woodrow Stanley.

Woodrow Stanley is currently serving his third term as Mayor of Flint, Michigan. A resident of Flint since 1959, Mayor Stanley is a product of the Flint School District. After graduating from Flint Northern High School, he worked full time for General Motors and paid his own way through college. He graduated from Mott Community College and the University of Michigan-Flint.

Mayor Stanley's political career began in 1983 when he was appointed to the Flint City Council representing the Second Ward. He held this position for four consecutive terms, until his election as Mayor in 1991. As Mayor, Woodrow has worked diligently to promote, defend, and enhance the quality of life for his constituents. His community policing and crime prevention programs has caused a significant drop in the city's crime rate. He has worked to improve city parks and recreational activities, and many residents have found City Hall more accessible, thanks to Mayor Stanley's leadership. Other programs Mayor Stanley has been involved with include the Mayor's Youth Cabinet, Mayor's Initiative on Summer Employment, and City and Schools in Partnership.

Through his partnerships with area civic and business leaders, Flint was designated as an Enterprise Community and was established as a Job Corps site.

In addition to the tremendous work he does in City Hall, Mayor Stanley also serves as Vice-Chair of the Michigan Democratic Party, is a past Chair of the Michigan Association of Mayors, and is a life member of the NAACP. Other groups he has been involved with include the National League of Cities, National Black Caucus of Local Elected Officials, and the Michigan Municipal League. He has received numerous awards and citations, including the Distinguished Service Award by the National Black Caucus of Local Elected Officials, Man of the Year by the Minority Women's Network, and the Donald Riegle Community Service Award by the Flint Jewish Federation, among many others.

Mr. Speaker, I am pleased to hear that the Flint Pan-Hellenic Council has sought to acknowledge the achievements of Mayor Woodrow Stanley. He is truly deserving of their honor. Furthermore, I am proud to have Mayor Stanley as my constituent, my colleague, and my friend. It is difficult to imagine the City of Flint without his influence. I would also like to recognize his wife Reta, and their two daughters, Heather and Jasmine. We owe them all a debt of gratitude.

## "STRENGTHENING U.S. EXPORT CONTROLS" H.R. 5239

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. GILMAN. Mr. Speaker, today together with the Ranking Minority Member Mr. GEJDENSON I am introducing a measure, the "Export Administration Modification and Clarification Act of 2000" that will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This measure would implement one of the key recommendations of the Cox Commission report on protecting our national security interests and is virtually identical to a provision in H.R. 973, a security assistance bill, which passed the House in June of last year with strong bipartisan support.

Since the Export Administration Act, EAA, lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act, IEEPA, to administer our export control system. But in some key areas, the Administration has less authority under IEEPA than under the EAA of 1979. For example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the past 20 years.

The measure I am introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration, BXA, in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves and related export enforcement information.

In view of the lapse of the EAA over the past five and a half years, the Department is coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

Accordingly, I urge my colleagues to join me in supporting this very timely measure that will provide the authorities our regulators need to deter companies and individuals from exporting dual-use goods and technologies to countries and uses of concern and to protect the confidentiality of the export control process.

## HONORING THE WESLEY HOUSING DEVELOPMENT CORPORATION

### HON. JAMES P. MORAN

OF VIRGINIA

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MORAN of Virginia. Mr. Speaker, on behalf of myself and Representative THOMAS DAVIS, I rise today to recognize the Wesley Housing Development Corporation on 25 years of service.

We are all aware of the national problem that is especially acute in Washington and other metropolitan areas. The booming economy has severely tightened the rental market, putting low and moderate rental properties out of reach for scores of our citizens.

True to its mission, Wesley Housing has pioneered affordable housing solutions that have stabilized and strengthened families, neighborhoods and entire communities throughout Northern Virginia.

Additionally, through its efforts to empower these residents, it has formed partnerships with area institutions of higher learning to assist residents in acquiring the necessary skills and training central to competing in this new age of information and technology.

Many of our colleagues here in Congress have espoused the notion of bridging the digital divide.

Mr. Speaker, it is through community efforts as demonstrated by the Wesley Housing Development Corporation that we are able to achieve this reality.

During 25 years of service, it has remained true to one general theme which has been vital to its success, everyone counts.

Over these years, it has served over 7,000 residents including the elderly, physically disabled persons, those living with HIV and AIDS, and those representing a broad spectrum of ethnic backgrounds.

Mr. Speaker, we take great pride in commending the Welsey Housing Development Corporation on a job well done during its 25 years of service.

Thanks to the men and women of this Corporation who have answered the call of duty for our most neediest citizens, our outlook for tomorrow is much brighter.

## NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

### HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. BAIRD. Mr. Speaker, school-based health centers provide a valuable service for the youth of America. Students across this country rely on their parents for critical advice, judgement and emotional support. However, for the small percentage of children who are not fortunate enough to have an involved parent, school-based health centers become vital for the welfare of those kids and the community they serve.

We have to admit to ourselves that some parents do not live up to their responsibility. Far too many children today are the product of neglect, bad parenting, and broken homes. Therefore, many local communities have decided to play a positive role in the lives of these students by offering them an opportunity to seek help from school-based health centers.

Mr. COBURN's motion prohibits any federal funding for emergency contraception provided to elementary and secondary school-based health clinics. Contrary to our shared national goal of reducing unintended pregnancies, this motion tries to confuse abortion with preventative contraception. Emergency contraception can be used after having unprotected sex or if a method of birth control fails and a woman does not want to become pregnant. This procedure, which has been deemed safe and effective by the Food and Drug Administration, prevents pregnancy. It does not abort pregnancy.

Mr. Speaker, I would like to note one thing for the record. I do not advocate the federal government funding these programs at the elementary school level. But because this motion overreaches and includes secondary schools as well, I can not support the Coburn amendment in its current form.

Local school-based health centers were established by community representatives, parents, youth and family organizations to address the needs within their community. These centers provide a confidential, safe place for teens to receive health-care services and related counseling. Although pregnancy is a serious mater which should be dealt with in a family environment, I feel school-based health clinics offer a necessary option to prevent unwanted pregnancies.

## A SPECIAL TRIBUTE TO JOHN L. STEER FOR HIS PATRIOTISM AND HEROIC SERVICE TO THE UNITED STATES OF AMERICA

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. GILLMOR. Mr. Speaker, it is with great pleasure that I rise to pay special tribute to a true American patriot, Mr. John L. Steer. John served his country with great distinction while protecting the values and ideals of democracy. A decorated war hero for his gallant service and duty in the Vietnam War, John Steer courageously fought and nearly gave his life for his country as a paratrooper with the 173rd Airborne Infantry Division of the United States Army.

During many encounters with the enemy, John was wounded, but continued to fight and assist his fallen comrades. In one of the most remembered battles, Hill 875 at Dak To, John was shot several times and most of the men in his battalion were killed. However, John survived that terrible time period and was decorated for his service in the conflict. In total, John was awarded two Purple Hearts, the Silver Star for gallantry in action, the Bronze Star, and the Army Commendation Medal. John's actions truly keep with the highest traditions of military service.

Mr. Speaker, life after Vietnam brought many things to many individuals. For John Steer, it brought a calling to God and continued service to veterans across our nation. Today, as a Christian evangelist and minister, John Steer speaks to groups across the nation about his experiences and how to make the most out of life. As the founder of Living Word Christian Ministries, John and his wife, Donna, were recognized by President George Bush at the 682nd Presidential Point of Life for operating Fort Steer—a refuge for addicted and traumatized veterans.

John Steer is also a nationally known artist, author, songwriter, speaker, and recording star. He has written several books about his service in Vietnam and has recorded fourteen country-style gospel and patriotic albums. He performed in front of more than 50,000 people at the dedication of the Vietnam Veterans Memorial in Washington, DC. In 1999, John won three awards by the North American Country Music Association International, including Male Vocalist of the Year for traditional gospel music and Patriotic Song of the Year.

Mr. Speaker, the men and women who serve in the United States armed forces unselfishly put their lives on the line to protect the banner of freedom that we enjoy as Americans. Veterans, like John Steer, prove that sacrifice is difficult, but continuing with life is truly rewarding for oneself and those one touches. It is often said that America prospers due to the unselfish acts of her sons and daughters. John's dedicated service in Vietnam and his current efforts as a minister, author, and artist are a glowing example of how proud all Americans should be of our veterans. I would urge my colleagues to stand and join me in paying special tribute to John L. Steer—a true American hero.

## HONORING MIKE WILSON OF NILES, OHIO

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. TRAFICANT. Mr. Speaker, today, I want to congratulate Mike Wilson of Niles, Ohio for being chosen as this year's "Gary Komarow Memorial Executive Officer Of The Year Award" winner. Mike is a valuable part of our community and I would like to extend my congratulations and thanks to him for all of his hard work. The following news article describes the award:

> SAVANNAH, GA—Mike Wilson, executive officer of the Mahoning Valley Home Builders Association, received the "Gary Komarow Memorial Executive Officer Of The Year Award" at the national HBA conference in Savannah, GA.
>
> The Niles resident was selected out of 700 local, state, and province HBA organizational executive officers in the United States and Canada.
>
> The award recognizes the actions, commitments, and practices that have assisted the advancement of the nominee's association, industry and community.

## UNIFORM TESTING FOR NEWBORNS

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MURTHA. Mr. Speaker, it's a distinct pleasure for me to join today with Congressman PALLONE in introducing legislation to help achieve full screening of newborns for health disorders.

Mothers are familiar with the "heel and prick" test, but few know how many diseases the hospital is testing. Many hospitals test for 2 or 3, the March of Dimes recommends 8 disorders as a core group for uniform screening, but the technology exists to screen for more than 30 life-altering conditions. There is no reason not to have full and uniform screening for the four million infants born nationwide every year. Right now, it's a piecemeal approach, with different states testing at different levels.

Backed by the American Academy of Pediatrics, the same drops of blood can provide full screening for disorders at the cost of about $25 a baby.

This issue was first brought to my attention a couple months ago by a Mother from Somerset County in the area I represent. She points to specific families such as the New Mexico couple that had two infants die from VLCAD that weren't tested for the disorder; a Texas couple whose son has brain damage from GA1, not on the tested list; or my constituent's grandson who could have been brain damaged or dead because MCAD is not tested uniformly. Against the measure of these illnesses and the impact on infants and families, surely we can devote the $25 to full testing.

Our bill would establish a grant system to be administered by the Department of Health and Human Services to help states and localities implement full testing.

To me, one of the great overlooked issues in the health care debate is the 11 million children in our Nation with no health care insurance. No child should suffer because of a lack of health care, and no child and family should suffer because we don't commit to doing the full testing we can to head off debilitating diseases. Let's pass this legislation and make sure that newborns get the full screening they need and deserve.

## FHA SHUTDOWN PREVENTION ACT

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. LAFALCE. Mr. Speaker, today, I am introducing legislation designed to prevent future shutdowns of FHA specialty lending programs. The "FHA Shutdown Prevention Act" provides standby legal authority for HUD to keep FHA loan programs under the so-called GI/SRI Funds operating in the event they run out of required credit subsidy.

GI/SRI programs are all FHA loans, except the core single family MMIF loans. In late July of 2000, HUD was forced to shut down a number of specialty FHA loan programs, included in the GRI/SI account. These include the reverse mortgage program, condominium loans, Title 1 property improvement loans, and various multi-family loans.

The cause of the shutdown was that HUD had run out of credit subsidy required under law to keep making these loans, and Congress had failed to pass emergency legislation needed to provide additional credit subsidy. Though many of us have been calling on Congress to act to restore lending authority for these programs, the difficulty of finding a suitable spending bill to attach this to is easier said than done. In fact, just yesterday, the Senate rejected the Treasury-Postal appropriations bill, which had contained the necessary credit subsidy to restart these programs.

These developments and yesterday's failure all illustrate that the current system is not working. The answer is that we should give HUD the standby legal authority to continue these programs, even when they run out of credit subsidy. This will not undercut the Credit Reform Act; appropriators will still have to appropriate the necessary credit subsidy each year (or if not, will still be scored as having appropriated such amount). But this bill merely provides a backstop in case our projections are inaccurate.

The irrationality of the current system is underscored by the fact that the combined FHA GI–SRI funds actually make a net profit for the government. For FY 2001, FHA is projected to have 6 GI/SRI Fund loan programs which are projected to generate a positive credit subsidy—that is, they are projected to generate a cumulative loss of $101 million. For FY 2001, FHA is projected to have 16 GI/SRI Fund loan programs which are projected to generate a negative credit subsidy—that is, they are projected to generate a cumulative profit of $122 million.

Thus, the 22 FHA GI/SRI Fund loan programs are projected to make a net profit of $21 million. In spite of this, the six programs projected to run a loss would be unable to continue at any point that they run out of credit subsidy—even if the combined fund continues to run a profit. This does not make sense. My legislation recognizes this reality, in effect allowing profit-making loan programs to pay for money-losing programs in the event there is a shortfall.

I urge the appropriations committee to adopt this approach for the next fiscal year. When it comes to unnecessary shutdowns of FHA loan programs, we should make certain we never find ourselves in this position again.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "FHA Shutdown Prevention Act".

**SEC. 2. USE OF NEGATIVE CREDIT SUBSIDY FROM GENERAL AND SPECIAL RISK INSURANCE FUND PROGRAMS.**

(a) GENERAL INSURANCE FUND.—Section 519 of the National Housing Act (12 U.S.C. 1735c) is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e) USE OF NEGATIVE CREDIT SUBSIDY.—

"(1) IN GENERAL.—In the case of any program for insuring mortgages or loans which are obligations of the General Insurance Fund that is determined for any fiscal year, for purposes of title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.), to have costs (as defined in such title) of a negative amount, subject to paragraph (2), the amount of such negative credit subsidy shall be considered to be new budget authority provided in advance in an appropriations Act for such fiscal year and shall be available for covering the costs of making insurance commitments under any program for insurance for mortgages or loans under which such insurance is an obligation of the General Insurance Fund of the Special Risk Insurance Fund.

"(2) APPLICABILITY.—Paragraph (1) shall apply with respect to a fiscal year only if and beginning at such time that, during such fiscal year, all amounts of budget authority appropriated for such fiscal yea to cover the costs of programs for insuring mortgages or loans which are obligations of the General Insurance Fund or the Special Risk Insurance Fund have been used to enter into commitments for such insurance.".

(b) SPECIAL RISK INSURANCE FUND.—Section 238 of the National Housing Act (12 U.S.C. 1715z-3) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) USE OF NEGATIVE CREDIT SUBSIDY.—

"(1) IN GENERAL.—In the case of any program for insuring mortgages or loans which are obligations of the Special Risk Insurance Fund that is determined for any fiscal year, for purposes of title V of the Congressional Budget Act of 1974 (2 U.S.C. 661 et seq.), to have costs (as defined in such title) of a negative amount, subject to paragraph (2), the amount of such negative credit subsidy shall be considered to be new budget authority provided in advance in an appropriations Act for such fiscal year and shall be available for covering the costs of making insurance commitments under any program for insurance for mortgages or loans under which such insurance is an obligation of the General Insurance Fund or the Special Risk Insurance Fund.

"(2) APPLICABILITY.—Paragraph (1) shall apply with respect to a fiscal year only if and beginning at such time that, during such fiscal year, all amounts of budget authority appropriated for such fiscal year to cover the costs of programs for insuring mortgages or loans which are obligations of the General Insurance Fund or the Special Risk Insurance Fund have been used to enter into commitments for such insurance.".

## SMALL BUSINESS COMPETITION PRESERVATION ACT OF 2000

SPEECH OF

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4945) to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes.

Mr. REYES. Mr. Chairman, I rise in strong support of H.R. 4945 which will amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes. My support for this bill is based on my concern that larger businesses may be influencing activities to group or bundle requirements so that they exceed $100K. Clearly, one of the original intents of the Small Business Act was to assist small businesses in competing for smaller Federal Government contracts. Ideally requirements under $100K should be awarded to small businesses. However, loose interpretations of the statute and a tendency toward bundling have caused small businesses to be cut out of the procurement process.

The strength of this nation's economy is based on the contributions of small businesses. When these small businesses demonstrate that they have the ability to meet the requirements established in the contract, they should not be unfairly shut out of the process because of their size or lack of access. This legislation goes a long way toward eliminating the unfair practice of bundling a number of small contracts into one and awarding the contract to a larger business. I urge my colleagues to support this important legislation.

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## RECOGNIZING HOLY NAME PARISH ON THEIR 140TH ANNIVERSARY

### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mrs. JONES of Ohio. Mr. Speaker, in the years from the founding of Holy Name Parish in 1859 to this testimonial dinner in the new millennium, the community has witnessed many changes. One constant in the sea of change is the service and dedication of Holy Name Parish. The church established itself as a beacon of hope from its humble beginnings in the home of a local farmer to opening the first coeducational school in Cleveland.

Reverend Thomas V. O'Donnell unselfishly serves in the footsteps of the visionaries who came before him to shepherd the flock known as Holy Name Parish. As her spiritual leader he will guide the parish in continuing to accept her role as not only a monument of bricks and mortar but as a center of community life to the Harvard and Broadway area.

Be it resolved that I, STEPHANIE TUBBS JONES, do hereby welcome the featured speaker Bishop Anthony Pilla. May you be proud of the achievements of the last 140 years and may you prosper into the next millenium.

"Then to the place the Lord your God will choose as a dwelling for His Name . . . And there rejoice before the Lord you God." Dt. 12:12

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## MEDICARE PATIENT ACCESS TO TECHNOLOGY ACT

### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. MOAKLEY. Mr. Speaker, I rise today in support of H.R. 4395, the Medicare Patient Access to Technology Act which has been introduced by my colleagues JIM RAMSTAD of Minnesota and KAREN THURMAN of Florida.

Mr. Speaker, H.R. 4395 has one simple objective: to speed the delivery of new medical technologies to patients covered under the Medicare program. Unfortunately, under our current system, it now takes up to five years before Medicare beneficiaries have access to new medical technologies thanks to an outdated and inefficient system now in place at the Health Care Financing Administration—HCFA. This system, which is nearly 35 years old, cannot effectively deal with the rapid pace of Medical innovation and has been responsible for denying needy patients the products and technologies that improve and save lives.

In my district, Mr. Speaker, some of the most advanced medical research in the world is currently underway. Doctors and researchers at Mass. General Hospital, Children's Hospital, Boston University Medical Center and Tufts University School of Medicine are devoting their lives and careers to the development of new medical technologies that will help us live longer and more effectively treat a wide range of diseases.

Once these technologies are fully developed and approved by the FDA as "safe and effective" their availability in the health care setting is delayed by a major roadblock—HCFA, where the new medical product must wait years for bureaucrats to decide whether Medicare will cover and pay for this technology. According to a report released this summer, HCFA can take up to five years to come to these decisions. Five years of bureaucratic consideration, while our seniors and other Medicare beneficiaries wait and wait.

Unfortunately, Mr. Speaker, Medicare recipients are not the only ones to suffer because of HCFA's flawed reimbursement system. Third party payers—insurers such as Blue Cross/Blue Shield and health maintenance organizations—take their cue from Medicare when it comes to reimbursing new medical products. So, this ineffective reimbursement system can and does have a much larger, negative impact on all of us.

Mr. Speaker, in the coming weeks, the House of Representatives will consider legislation aimed at addressing the shortcomings of the Medicare reforms contained in the Balanced Budget Refinement Act passed in the first session of this Congress. When we review this legislation, it is likely that we will be asked to consider inclusion of the Medicare reimbursement reforms contained in H.R. 4395.

I urge my colleagues to support this effort and take advantage of this unique opportunity to modernize and streamline HCFA's reimbursement system for new medical technologies.

H.R. 4395 will require HCFA to: Provide Congress with an annual report on its national coverage actions; annually update the payment levels for new medical products to reflect changes in medical technologies and practice; establish new procedures for reimbursement of new diagnostic tests; and improve the coding process, expediting the processing of reimbursement decisions.

Mr. Speaker these changes will establish order and predictability to HCFA's Medicare reimbursement process and, more importantly, could reduce the amount of time it takes for new medical products to reach Medicare beneficiaries by one-half.

Before we conclude our work in the 106th Congress, let's take action to ensure that Medicare recipients can count on the many benefits of new medical technologies. Let's include the provisions of H.R. 4395 in the amendments to the Balanced Budget Refinement Act.

## ONE YEAR AFTER TAIWAN'S DEVASTATING EARTHQUAKE

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Many of us still remember the horrific earthquake that hit Taiwan on September 21, 1999. More than 2400 people were killed, hundreds were seriously injured and missing and 100,000 people were left homeless. About 1,000 homes and businesses were destroyed. Property damage amounted to billions of U.S. dollars.

The Republic of China government was swift and efficient in its rescue efforts. Rescue and relief operations were carried out by local and international specialized teams from 21 countries. Now a year later, the Republic of China has fully recovered from its economic losses, and the government has done everything possible to help its quake victims. For those families with quake-related deceased members, they have received cash grants and for families with collapsed or half-collapsed houses, they have received special loans to help them rebuild their homes. The government, with the help of the private sector, has also set up shelters for affected families.

In addition, Republic of China President Chen Shui-bian on June 1 this year set up a cabinet-level commission to oversee all reconstruction efforts. This commission will have members from all government agencies and ministries, and the commission's goal is to ensure that all affected families will have the chance to resume the lives they led before the quake.

In short, the Republic of China government has spared no effort in helping its quake-affected families. Its financial outlay in reconstruction has amounted to nearly US$ 5 billion. Indeed, the quake brought out the best in the Taiwan people. It has accentuated their ability to overcome adversity. They have learned to deal with the trouble and get on with their lives.

## INTRODUCTION OF A RESOLUTION CONGRATULATING NANCY JOHNSON, A NATIVE OF DOWNERS GROVE, IL, ON WINNING THE FIRST GOLD MEDAL OF THE 2000 SUMMER OLYMPIC GAMES IN SYDNEY, AUSTRALIA

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize and honor Nancy Johnson, a native of Downers Grove in the 13th Congressional District of Illinois, for making history this past weekend.

Nine years after being advised to retire due to nerve damage in her arms and legs, Nancy Johnson overcame the odds to win not just a gold medal, but the very first gold medal of the 2000 summer Olympic games in Sydney, Australia. Nancy struck gold in the women's 10 meter air rifle competition.

Like all Olympic events, the competition was tough and came down to the wire. In fact, it came down to the final 10 shots. Neither Nancy nor the 7 other final round competitors blinked, budged or crumbled under the pressure. But, when it was all over, Nancy had edged out Cho-Hyun Kang of Korea by two-tenths of a point.

But Nancy's story is even more impressive than her Olympic triumph. Her victory is the story of perseverance. Her medal-winning performance was the culmination of years of hard work, dedication, competitiveness and, most importantly, family.

Nancy first took up the sport of shooting as a teenager. She and her father, Ben Napolski, often shot together at the Downers Grove junior rifle club. Ben and Diane, Nancy's mom, also lent their support while she competed innumerous competitions, including the 1996 Olympics in Atlanta where she finished 36th in her sport. Tragically, Diane passed away before she could see her daughter's magnificent accomplishment. But Ben, and Nancy's husband Ken, were there in Sydney to provide support, advice and gold-winning embraces.

Nancy Johnson's Olympic performance and shooting achievements also have helped to raise the level of awareness and appreciation for women's sports throughout the United States. her love for a sport not typically associated with women serves as an inspiration for all of us, regardless of age or gender, to participate in activities we might not otherwise. Her performance also reminds us that participation in sport provides women, as well as men, with a means to gain the experiences, self-confidence and skills that are needed to succeed in all other endeavors.

Nancy's gold medal-winning performance epitomizes the goals and ideals of the Olympics. These goals, which have not changed since antiquity, include a commitment to a goal, grace under pressure, unity, perseverance, fair play and good will toward fellow competitors. Most of all, her performance teaches us that Olympic competition is about the quest for excellence.

In closing, Mr. Speaker, Nancy Johnson has honored her family,her native home town of Downers Grove, her native state of Illinois and her country through her dedication to excellence and high achievement. More important, this young woman has left her mark in history. I ask that my colleagues join me in saluting her achievement and all that for which it stands.

## CONGRATULATING THE ACCOMPLISHMENTS OF TEAM8 COMMUNITIES COALITION

### HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Ms. RIVERS. Mr. Speaker, it is with great enthusiasm that I rise today to commend a very special group from my district. The TEAM8 Communities Coalition, a community partnership comprised of the eight cities of Adrian, Albion, Belleville, Milan, Romulus, Saline, Sumpter, and Van Buren has made great advances in combating juvenile crime. These outstanding communities came together three years ago to build a model strategic defense against the escalation of drug-use and youth violence in the State of Michigan. Within that three year span, the communities have delivered prevention education services and youth development activities to more than 56,000 school children, reducing juvenile crime over 50 percent and in-school incidents by 75 percent.

Mr. Speaker, I am confident that TEAM8 will continue to make great strides in the fight to rid our communities of juvenile crime. Again, I commend TEAM8 and I wish all the participants continued success in the future.

## HONORING THE CITY OF GALVESTON, THE PORT OF GALVESTON, AND CARNIVAL CRUISE LINES

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mr. LAMPSON Mr. Speaker, today I honor the City of Galveston, the Port of Galveston, and Carnival Cruise Lines on a very historic occasion. On September 27, 2000, the Texas Cruise Ship terminal at Pier 25 on Galveston Island will be rededicated. This $10.6 million renovation and refurbishment of the historic 73-year-old terminal will equip the facility to serve as a home port for Carnival Cruise Line's 1,486-passenger vessel *Celebration*.

From the end of World War I until the late 1930s, luxury passenger ships owned by the Mallory Lines regularly sailed twice a week between Galveston and New York. A commitment was made in the mid-1980's by City of

Galveston officials to develop a cruise terminal on Galveston Island and market the city to major cruise lines once again. The *Celebration* will result in 20 ship port-o-calls in 2000 and 79 in 2001. It is estimated that the local economic impact will amount to approximately $40 million annually from ship and passenger spending.

Mister Speaker, this is an exciting time to be a Galvestonian. I would like to applaud everyone throughout the community who made this dream a reality. When the first ship sets sail on September 30, it will usher in a new era of Gulf Coast cruise operations out of the Port of Galveston.

## H.R. 5109, DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT OF 2000

SPEECH OF

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 21, 2000*

Mr. REYES. Mr. Speaker, I rise today to advise that unfortunately because of an important scheduling conflict, I was unable to cast my vote yesterday during consideration of H.R. 5109, The Department of Veterans Affairs Health Care Personnel Act of 2000. At the time of the vote, I was presenting a keynote speech in observance of Hispanic Heritage Month, where I highlighted veterans issues as part of a discussion of the important contributions of Hispanics in public service.

Had I been able to be present during consideration of the bill, I would have voted in support of the bill. This is a bill that I co-sponsored, strongly supported and voted in favor of being reported out of the House Veterans Affairs Committee for consideration on the House floor.

This is an important bill that would improve the personnel and administration systems of the Veterans Health Administration, allow for necessary construction, and require reports on the effectiveness of the Veterans health care system along with the various aspects of Post Traumatic Stress syndrome on Veterans.

The bill is important as it provides revised authority for pay adjustments for nurses employed by the Department of Veterans Affairs, and requires that nurses are consulted in formulating policy relating to the provision of patient care.

Also, as part of the full spectrum of health care for Veterans, I am pleased that the bill provides for special pay for dentists, and raises their salaries depending on their training and length of tenure.

Additionally, the bill provides an exemption for pharmacists from a ceiling on special salary rates, and authorizes the inclusion of a physician assistant to consult on the utilization and employment of physician assistants in VA medical centers.

Moreover, it is critical that our VA medical facility infrastructure is safe and meets the needs of our veterans. Therefore, I welcome the authorization in this bill for the construction of major medical facility projects across the nation.

In order to better serve our veterans, this bill also requires the Secretary of Veterans Affairs to ensure that a protocol is used in any clinical evaluation of a patient to identify pertinent military experiences and exposures that may contribute to the health status of the patient and ensures that information relating to the military history of patients are included in their medical records.

Most importantly, I commend the authors of this bill for developing a pilot program to allow Medicare-eligible veterans to receive care at non-VA facilities if they do not have easy access to VA hospitals. Accessibility of care is essential to truly meet our nation's healthcare commitments to our veterans. This carefully tailored demonstration project ensures that care is made more easily available in remote locations, while recognizing that primary VA health care facilities and services should in no way be comprised.

Overall, this bill should provide added improvement in health care services and benefits to our veterans. With H.R. 5109, we are providing important changes and modifications to the VA health care system, in order to continually maintain and upgrade the provision of services and benefits to our veterans.

Our veterans have always answered the call to duty. Consequently, America must always work to match this dedication by fulfilling our commitments to these men and women who have worn the uniform. I therefore strongly support this legislation, and I am proud that my colleagues joined in unanimously passing this bill.

## HISTORICALLY BLACK COLLEGES AND UNIVERSITIES NATIONAL HISTORICALLY BLACK AND UNIVERSITY WEEK LANE COLLEGE

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mr. TANNER. Mr. Speaker, I rise tonight to acknowledge the tremendous contributions and individual success stories that have helped our communities grow out of the presence of Lane College in Jackson, Tennessee, the heart of the Eighth Congressional District.

Lane College is one of six Historically Black Universities and Colleges located in Tennessee that have helped set a standard for academic excellence.

Lane was founded in 1882 as the C.M.E. High School by the Colored Methodist Episcopal Church of America. But the seeds for this great institution were first planted four years earlier in 1878.

William Miles, the first Bishop of the C.M.E. Church of America presided over the Tennessee Annual Conference in 1878 accepted a resolution by the Rev. J.A. Daniels to establish a school.

Two years later, after the great yellow fever epidemic and the ascension of Bishop Isaac Lane to the head of the Tennessee Annual Conference, four acres of land were purchased for $240 and in 1882 the school's doors were opened.

Bishop Lane's daughter, Miss Jennie Lane, was its first teacher.

In 1884 its name was changed to Lane Institute. Then, 12 years later a college department was organized and the Board of Trustees changed the school's name to Lane College.

Lane College is a small, private, co-educational, church-related institution with a liberal arts curriculum offering degrees in the Arts and Sciences.

Led by Dr. Wesley McClure, the College's ninth president, the school continues to play a critical role in Jackson and surrounding communities as an institution committed to academic excellence.

Lane College is one of 120 historically black universities and colleges located in 23 states across the nation. Lane is one of six located in Tennessee and the other five are Fisk University, Knoxville College, Meharry Medical College, Lemoyne-Owen College, and Tennessee State University.

In 1997, 28 percent of African Americans who received a bachelors degree earned them from historically black universities and colleges.

Moreover, about 40 percent of African American undergraduates enrolled at historically black universities and colleges in 1996 were first-generation college students.

Over its first 118 years, Lane College has ensured its place in the community of academic institutions devoted to the growth and achievement of our young people.

So Mr. Speaker, we are quite certain it will build on that vision of community leadership and academic excellence well into the 21st Century.

Thank you for setting aside this time tonight so that we may recognize the important role historically black universities and colleges play in our country.

## CENTRAL NEW JERSEY CELEBRATES THE 55TH ANNIVERSARY OF FREEHOLD VFW POST #4374

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mr. HOLT. Mr. Speaker, I rise today in recognition of the 55th Anniversary of Freehold VFW Post #4374. This organization has made lasting contributions through hard work and dedication to those in need.

The VFW is a patriotic organization devoted to serving the widows and orphans of the Veteran. The VFW promotes the institutions of freedom and democracy, to preserve and defend the constitution of the United States of America. The Veterans of Foreign Wars was formed after World War One and continues to maintain a strong presence today.

Freehold's VFW Post #4374 first opened its doors in 1945 under the watchful eye of its first elected Commander, Francis Vanderveer. Commander Vanderveer lead Post #4374 until 1947.

The VFW Post #4347 first held its gatherings for Freehold area veterans in a meeting hall space borrowed from the Knights of Columbus. Then, in the 1960's, construction began on the present Post Home on Waterworks Road, where they continue to serve the community.

Since its inception, Post #4347 members have canvassed the Freehold area for needy families during the holiday season. Last December, like many before it, they held a Christmas party for nearly 100 needy kids, kids who otherwise would have no holiday celebration.

As extraordinary as this effort was, it was just one of many times that VFW Post #4347 has worked on behalf of those in need. Throughout the years, VFW Post #4347 has gone the extra mile to take care of not only our veterans, but also our community.

Freehold VFW Post #4347 is a great asset to both Central New Jersey and our nation. I urge all my colleagues to join me today in recognizing its dedication to our veterans, community service and Central New Jersey.

## ON THE INTRODUCTION OF A RESOLUTION CALLING ON THE U.S. FOREST SERVICE TO IMPLEMENT A NATIONWIDE COHESIVE FUELS REDUCTION STRATEGY

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mr. RADANOVICH. Mr. Speaker, I rise today to introduce a resolution. I do it on behalf of all the people who live near our National Forests and want to see a change in the way they are managed.

As of today, over six and half million acres have burned in the West. That's an area larger than the entire state of Maryland.

This is catastrophic fire—not the beneficial natural kind—but the catastrophic. It feeds on brush and trees. It climbs up the ladder of fuels into the crowns of the largest old-growth trees, burning everything. It kills a forest completely and sterilized the ground.

Besides the threat to people, these fires kill animals; destroy habitat; release huge amounts of air pollution; and leave barren dead zones. After the fires are extinguished, the exposed soil and debris washes into streams, polluting water and killing fish.

On Tuesday, a state of emergency was declared in one of the counties I represent. Tulare County, California, is now preparing for the massive erosion and mudslides that will come from the area of the Manter Fire. That fire burned 75,000 acres just east of the new Sequoia National Monument. It killed nearly every tree.

The Administration blames it all on Smokey the Bear. They say the problem is the 100-year-old policy of suppressing forest fires. But that's only half of the problem.

In this weekend's radio address, President Clinton blamed "extreme weather and lightning" that sparked too many fires this summer.

The Assistant Secretary for Land at the Department of Interior, Sylvia Baca, said that, "Nobody could have predicted the deadly combination of drought, wind and lighting in the West this year."

But that kind of backward logic ignores the fact that we did know about the accumulation of fuel. We know about the millions of acres of dying forest.

We knew there would be a dry spell in the West.

We knew that a deadly fire season would occur.

Last April, the General Accounting Office reported to Congress that over 39 million acres of our national forests were at high risk of catastrophic fire. Another 26 million acres were reported at risk due to disease and insect infestation.

Experts have tagged the overaccumulation of brush and trees as the biggest threat facing the western environment.

Let me say that again—The biggest threat to the western environment.

Now that biggest threat has become a tragic reality.

What has the Forest Service done about it? The answer, Mr. Speaker, is not much. The only real, aggressive strategy of this Administration has been one of deliberate neglect.

We have before us a roadless policy that will close fifty million acres of forest lands.

We have a Sierra Nevada Framework that will restrict access to over 11 million acres of California forest.

We have the Interior Columbia Basin Ecosystem Plan (ICBEMP) that would limit the use of 60 million acres in the northwest.

Add to that 2 million acres of new national monuments created just this year.

All of these proposals and changes are policies that conflict with, rather than complement, a cohesive national fire strategy.

Mr. Speaker, this year we will spend close to a billion dollars fighting catastrophic fires in the West. A lot of that will be emergency money tacked on top of the budget. Then next year, we will spend hundreds of millions more restoring some of these areas to avoid mudslides and erosion. It doesn't have to be this way.

The bipartisan resolution I am introducing today, with original cosponsors from the East, the South and the West, calls on the U.S. Forest Service and other land management agencies to create a cohesive fuels strategy.

This resolution is identical to the bill that recently passed the California State Assembly. It has strong bipartisan cosponsorship and passed on a unanimous vote.

Similar legislation has been adopted by the State Legislatures in Colorado, Idaho and Arizona, also with bipartisan support.

Our States are calling out for help. Federal forest lands need better care. Specifically:

1. We need a strategy to reduce accumulated fuels. Dense brush cannot be burned with prescribed fire until the small trees are removed mechanically. A fuels reduction strategy will include both of these important tools.

2. We need a strategy to remove diseased trees. Insects and pathogens infect 26 million acres of federal trees and they threaten state and private forests nearby. These trees can be removed and used in order to improve the overall health of the forest.

3. And we need to include states, locals and private business in the effort. A collaborative approach will ensure that important local variations are included in the plans.

Mr. Speaker, the Forest Service is being pulled in so many directions that their mission seems unclear. I want this Congress to give them some leadership. The priority should be fuels reduction and forest health. These are the highest priority the U.S. Congress has for forest management.

This resolution says clearly that we want such a strategy incorporated into new regulatory proposals and that we want locals involved.

This summer, we have witnessed a real tragedy as millions of acres burned. But keep in mind that over 57 million acres are still at high risk. Not even ten percent of the total has burned this year.

There is still time to create a strategy and to save what's left. We need to protect the Western environment and to protect the people who live there.

## HONORING U.S. ATTORNEYS AND INTERNET SERVICE PROVIDERS FROM THE 9TH DISTRICT OF TEXAS

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 22, 2000*

Mr. LAMPSON. Mr. Speaker, today I would like to commend a team of law enforcement professionals, U.S. attorneys, and Internet service providers who worked together in recent weeks in federally charging a health teacher and trainer in my district of possessing and receiving child pornography.

An investigation by the Federal Bureau of Investigation found that he was using his home computer to download child pornography from the Internet. Authorities became aware of this man's activities through Operation Innocent Images, a partnership between U.S. Customs and the FBI that is responsible fro tracking pedophiles on the Internet. The FBI has the ability to monitor certain activity over the Internet that they believe deals with child pornography or the sexual exploitation of children. In doing this, they have set up a number of operations around the country to monitor activities in a cooperative effort with local law enforcement agencies and all Internet Service Providers (ISP). ISP's help to monitor Internet activity and furnish investigative leads if they believe that a person is inappropriately using the Internet.

I'd also like to commend U.S. Attorney Mike Bradford, who succinctly stated, "Those offenders who possess and distribute child pornography perpetuate the exploitation of children depicted in the pornographic images. Those who use the Internet to acquire or exchange child pornography commit serious crimes and will be prosecuted when caught. The message we want to convey is an absolute intolerance of child exploitation."

# SENATE—*Monday, September 25, 2000*

*(Legislative day of Friday, September 22, 2000)*

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Dr. James D. Miller, First Presbyterian Church of Tulsa, OK.

We are pleased to have you with us.

### PRAYER

The guest Chaplain, Dr. James D. Miller, offered the following prayer:

Let us pray together.

Almighty God, who flings galaxies into space, who plays with quarks and quasars—how stunning it is, as the prophet Isaiah puts it: that You call us each by name, and we are Yours.—43:1.

It's because of such grace, O God, that we choose to begin our work this day by commending these Senators, their families, and those who work most closely with them into Your care. And as we do, we remember especially those here today who come from home carrying personal burdens that have little to do with the pressures of public service. You know our individual needs, O God. Wrap Your arms around those who find this day difficult; surprise them with Your life-giving grace and strength.

Grant these Senators a heart for the people whom they serve, especially those Americans whose hopes are diminished today, whose dreams constricted, who wonder if there's any voice that really speaks on their behalf.

We thank You for blessings that come through those who serve with energy, intelligence, imagination, and love. Grant these leaders humility in discourse, courage to follow convictions, and wisdom to be led by conscience. May they be honoring of one another, and may the work done here bring honor supremely to You, Sovereign Lord, before whom all of us will one day stand and give account.

We offer our prayers from the different faith traditions in which we live, and as a Christian I pray in Jesus' name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Oklahoma is recognized.

## DR. JAMES D. MILLER, GUEST CHAPLAIN

Mr. INHOFE. Mr. President, I was very honored to have the opening prayer given by my pastor in Tulsa, OK—a church where my wife, who is present today, and I were married 41 years ago—when he was a very small baby, I might add. It is kind of unique, Mr. President. You know Oklahoma quite well. Oklahoma wasn't even a State until 1907, and yet the First Presbyterian Church started in 1885. For the first 15 years, the congregation was made up entirely of Cree Indian. It is an unusual type of church. I might also add that in all those years—that would be what, 115 years—there have only been six pastors of the First Presbyterian Church of Tulsa. Dr. Jim Miller is the sixth pastor. So once they come, they do not want to leave.

We are honored also to have with us his wife Diana and two of his children, David and Courtney, who are in attendance with my wife.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. I also enjoyed the prayer.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m.

## SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will be in a period of morning business until 2 p.m. Senator DURBIN will be in control of the first hour and Senator THOMAS will be in control of the second hour.

Following morning business, the Senate will begin debate on the motion to proceed to S. 2557, the National Energy Security Act. At 3:50 p.m. today, the Senate will begin closing remarks on the Water Resources Development Act of 2000, with a vote scheduled to occur at 4:50 p.m. As a reminder, cloture was filed on the pending amendment to the H-1B visa bill on Friday.

## ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I now ask unanimous consent that the Senate convene at 9:30 a.m. tomorrow; that the time until 10:30 be equally divided between the two managers; and that the cloture vote on the pending amendment to the H-1B visa bill occur at 10:30 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

Mr. INHOFE. I thank my colleagues for their attention.

## H-1B AND LATINO AND IMMIGRANT FAIRNESS ACT

Mr. REID. Mr. President, on Friday I moved that we proceed to the Latino and Immigrant Fairness Act, and my good friend, the majority leader, objected to our proceeding to that bill. I was disappointed, and I am sorry that we are not going to be able to debate this issue, and hope that there will come a time before this Congress ends when we will be able to do so.

Those who are watching for action on this important piece of legislation should understand why we are at this point; that is, why we are not debating the Latino and Immigrant Fairness Act, but, rather, why we are now on H-1B only, and why tomorrow there is going to be a motion to invoke cloture on the underlying bill.

I consider myself to be one of the strongest supporters for increasing visas for highly skilled workers. I have spent an enormous amount of time over the past several years working on this legislation in an effort to expedite its consideration. As a matter of fact, this legislation should have been brought forward to the Senate many months ago. It should have been taken up and debated under the normal process of considering legislation. I believe an H-1B bill would have passed quickly and the legislation would have already been signed into law. But it also would have provided other Members opportunities, as is their right, to offer related immigration amendments for what we all agree is the only immigration bill that we would consider this year as a freestanding bill.

Hindsight is 20-20. The majority decided not to consider this measure under the traditional rules that have served the Senate for more than 200 years. I believe, however, as I have indicated, that we will have time to debate the legislation about which I speak.

I think it is unfortunate that we at this stage are going to do the H-1B bill, apparently, alone. I say that because we were so close to an agreement on this underlying legislation. The details were set—the minority agreed each side would have 10 amendments, an hour each. That was compressed to five, then four. We agreed to do that. But we were turned down, and today we find ourselves in this parliamentary situation.

We could pass this legislation, including the amendment about which I speak, in a day—day and a half at the most. Instead, the majority is insisting on closing off all debate and preventing the consideration of immigration amendments.

I believe that offering and voting on amendments is a right, not a privilege. H-1B was designed so trained professionals could work for a limited time in the United States. It has become widely popular, especially in an age such as this, when Microsoft, IBM and other high-tech companies decided they needed people to fill jobs that were simply not being filled. Hundreds of start-up high-tech companies, in addition to the big ones such as Microsoft and IBM, began using this tool, H-1B, in an effort to recruit an army of high-tech workers for programming jobs. Mostly these people came from India, China, and Great Britain. We now have almost half a million people in this country who came as a result of H-1B. Individuals have filled a critical shortage of high-tech workers in this country and, in fact, the demand still exists. That is why we need to raise the cap for H-1B immigration.

But I also believe strongly that we cannot serve one of our country's very important interests and needs at the expense of others—in particular, when the stakes are people's families and their labor.

The needs of the United States are not subject to the zero sum theory. We cannot afford to deal or choose or prioritize between people and who we will serve as their legislators. We must try to serve them all. That is our cause, and that is what we promised our constituents.

This applies specifically to the other pieces of legislation that have been part of this discussion—in particular with the Latino and Immigrant Fairness Act, the piece of legislation I moved to proceed on last Friday. This piece of act seeks to provide permanent and legally defined groups of immigrants who are already here, already working, and already contributing to the tax base and social fabric of our country with a way to gain U.S. citizenship.

This piece of legislation provides these people with a way to benefit from the opportunities our country affords good citizenship and hard work. While sectors of this economy have benefited from this extended period of economic growth, and with unemployment rates approaching zero in some parts of our country, employers in all sectors, skilled and semi-skilled, are finding themselves with a tremendous shortage of labor. These views are echoed in many quarters.

I would like to refer, for example, to a letter sent to me by the Essential Worker Immigration Coalition, which is a group of businesses and trade associations from around the country which was formed specifically to address the shortage of workers in this country. This letter, dated September 8, is addressed to me.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ESSENTIAL WORKER
IMMIGRATION COALITION,
*September 8, 2000.*

Hon. HARRY REID,
*Minority Whip, U.S. Senate,*
*Washington, DC.*

DEAR SENATOR REID: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled ("essential worker") labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years; paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take now to help stabilize the current workforce.

Update the registry date. As has been done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.

Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a $1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.

Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, curent law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: allowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER
IMMIGRATION COALITION.

MEMBERS

American Health Care Association.
American Hotel & Motel Association.
American Immigration Lawyers Association.
American Meat Institute.
American Road & Transportation Builders Association.
American Nursery & Landscape Association.
Associated Builders and Contractors.
Associated General Contractors.
The Brickman Group, Ltd.
Building Service contractors Associated International.
Carlson Hotels Worldwide and Radisson.
Carlson Restaurants Worldwide and TGI Friday's.
Cracker Barrel Old Country Store.
Harborside Healthcare Corporation.
Ingersoll-Rand.
International Association of Amusement Parks and Attractions.
International Mass Retail Association.
Manufactured Housing Institute.
Nath Companies.
National Association for Home Care.
National Association of Chain Drug Stores.
National Association of RV Parks & campgrounds.
National Council of Chain Restaurants.
National Retail Federation.
National Restaurant Association.
National Roofing Contractors Association.
National Tooling & Machining Association.
National School Transportation Association.
Outdoor Amusement Business Association.
Resort Recreation & Tourism Management.
US Chamber of Commerce.

Mr. REID. Mr. President, this letter, among other things, states:

> The Essential Worker Immigration Coalition is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled . . . labor.

That is why it is called the Essential Worker Immigration Coalition. Among other things, they want to update the registry, they want to restore section 254(I), and also, as part of their plea, they desire we pass the Central American and Haitian Parity Act.

This coalition has many members. To mention a few: American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Road & Transportation Builders Association, Ingersoll-Rand, Cracker Barrel Old Country Store, Carlson Restaurants, National Retail Federation, National Restaurant Association, and the U.S. Chamber of Commerce, among many others.

As you can tell, this piece of legislation has widespread support. This is not a feel-good piece of legislation, that is only attempts to bring more people into the country. It is legislation that is supported by business people in this country who do not have workers to do the work that is essential for them to conduct their business.

Take Nevada as an example. We, of course, depend on tourism as our No. 1 industry. But every State in the Union does. Tourism is ranked in the top three; in many instances, one or two, in every state of the Union. Nevada is an example of why we need this, as it mirrors the country as a whole.

We have to build a new school in Clark County, Las Vegas, every month to keep up with the growth. We have as many as 10,000 people a month moving into Las Vegas. We have jobs in the service industry that simply cannot be filled. We have one hotel that has 5,005 rooms. It takes people to cook the food for the guests, to make the beds, do all the maintenance work in this massive facility, and we are having trouble finding people to do this work. That is another reason why we support this legislation.

This bill aims to correct flaws in current immigration policy that have separated families and denied individuals an opportunity to apply for legal immigrant status by addressing three main issues. First, it would address the Central American and Haitian Parity Act of 2000, otherwise known as NACARA. This important legislation codifies that Central American and Haitian immigrants be granted the same rights that are currently granted to Nicaraguans and Cubans coming to the United States. There is no reason in the world that other people who come under basically the same basis as Nicaraguans and Cubans should not be given the same privileges. Second, 245(I) reauthorizes legislation which would allow immigrants meeting certain criteria to remain in the United States with their families and loved ones, rather than being forced to leave the country while their status is being adjusted.

Every one of us in the Senate have heard these heartbreaking examples, getting calls from our State offices where people are forced to go back to their country of origin when they already have a job here, and a quirk in the law is the only reason that they are ordered to go home. Section 245(I) would reauthorize legislation which would allow these immigrants meeting these criteria to remain in the United States while their status is being adjusted, rather than having them go home, lose their job here, leave their family here. It serves no purpose for the country they go to, and certainly not the country from which they come, the United States.

The third main component of the Latino and Immigrant Fairness Act incorporates legislation I introduced earlier this year in S. 2407 that would change the date of registry from 1972 to 1986.

I would like to provide a little background as to why I thought it was necessary to introduce the Date of Registry Act of 2000. We all remember the massive immigration reform legislation we considered in 1996 during the last days of the 104th Congress. Pasted into that was the Immigration Reform and Immigrant Responsibility Act of 1996, an obscure but lethal description which stripped the Federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service.

First of all, let me say no one who supports this legislation supports illegal immigration.

We believe people who come here should play by the rules. But some people are found in predicaments that need to be readjusted and need to be reexamined.

That is why this legislation is so important.

That provision I talked about was sneaked into the 1996 act, section 377. This has caused significant hardship and denied due process and fundamental fairness for, not hundreds, not thousands, but hundreds of thousands of hard-working immigrants, including about 20,000 in the State of Nevada.

With its hands tied by section 377 language, the Ninth Circuit Court of Appeals issued a series of rulings in which it dismissed the claims of class action members and revoked thousands of work permits and stays from deportation.

As I said, in Nevada alone, about 20,000 people have been affected. These are good, hard-working people who have been in the United States and paid taxes for more than a decade. Suddenly they lose their jobs and ability to support their families.

I can remember Bill Richardson came to the State of Nevada. He was then the ambassador to the United Nations. We have a large Hispanic population in Nevada. Over 25 percent of the kids in our six largest school districts in America have Latino ancestry.

Recently I took part in an event with Secretary of Energy Richardson. We were going to this recreation center. It was kind of late at night. We were told before going there that there were a lot of demonstrators and we should go in the back way, not go in the front way.

Ambassador Richardson and I decided we would go in the front way and walk through these people out there. There were hundreds of people there, none of whom were there to cause any trouble. They were there to tell a story, and the stories they told were very sad. These were people who had American children who were born in the United States and either a husband or wife had improper paperwork done. There were problems. For example, one of the attendees gave a large sum of money to an individual who said he could help them with their citizenship papers. Later he found out that they had not been properly filled out. They were being cheated. There were all kinds of reasons why these people did not meet the program that was necessary to allow them to be here legally. But the main problem they had was section 377 because they could not have a due process hearing. It was outlawed in the 1996 act.

There were terribly sad stories of these people who had lost their homes because of having no work permits. Employers were there saying: Why can't this man or woman work? I need them. I can't find anybody to replace them.

This was one occasion I met with these people. I met with them on several other occasions, and I have seen firsthand the pain this cruel process has caused. Men and women who once knew the dignity of a decent, legal wage have been forced to seek work underground in an effort to make ends meet. Mortgages have been foreclosed when families who lived in their own homes have been unable to pay their mortgages. They have lost their cars. Parents who had fulfilled dreams of sending their children to college, as they themselves had not been able to do, have seen those dreams turn into nightmares.

What could have happened to create these most unfortunate consequences? As I said, there are lots of reasons. For example, during the 99th Congress, we passed the Immigration Reform and Control Act of 1986, which provided a one-time opportunity for certain aliens already in the United States who met specific criteria to legalize that status.

The statute established a 1-year period from May of 1987 to May of 1988, during which the INS was directed to accept and adjudicate applications from persons who wished to legalize their status. However, in implementing the congressionally mandated legalization program, the INS created new criteria and a number of eligibility rules that were nowhere to be found in the 1986 legislation.

In short, the INS failed to abide by a law passed by a Democratic Congress and signed by a Republican President, President Reagan.

Thousands of people who were, in fact, eligible for legalization were told they were ineligible or were blocked from filing legalization applications. Thousands of applicants sued, but by the time the Supreme Court ruled in 1993 that the INS indeed contravened the 1986 legislation, the 1-year period for applying for legalization had passed. They were in a Catch-22.

While conceding that it had unlawfully narrowed eligibility for legalization, the INS was clearly dissatisfied with the Supreme Court decision. So the court cases dragged on, and the agency employed a different, much more clever approach.

Rather than affording the people within these classes due process of law, the INS succeeded in slipping an obscure amendment into the massive 1996 Illegal Immigrant Reform and Responsibility Act which, in effect, as I said, stripped the Federal courts of their jurisdiction to hear claims based upon the 1986 legislation. That provision was section 377 and is now, unfortunately, the law of the land.

Changing the date of registry to 1986 would ensure that those immigrants who were wrongfully denied the opportunity to legalize their status would finally be afforded that which they deserved 13 years ago.

It is of interest to note that it was also during 1986 that the Congress last changed the date of registry. The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—and in some cases as many as 30 years—are highly unlikely to leave, and that is an understatement.

Today we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for a long time. Consequently, they do pay some taxes, but they could be paying more. They pay sales tax, and many times they do not pay income taxes. As a result, the businesses that employ these undocumented persons do not pay their fair share of taxes.

These are the facts, and coupled with the knowledge that we cannot simply solve this problem by wishing it away, this is the reality we must face when considering our immigration policies today and tomorrow.

We last changed the date of registry in 1986 with the passage of the Immigration Reform and Control Act which changed the date from January 1, 1972. In doing that, the 99th Congress employed the same rationale I have outlined above in support of a registry date change.

Furthermore, my date of registry legislation included in this bill is critical in another aspect. It establishes an appropriate 15-year differential between the date of enactment and the updated date of registry.

This measure builds upon the 15-year differential standard established in the 1986 reform legislation by implementing a "rolling registry" date which would sunset in 5 years without congressional reauthorization. In other words, on January 1, 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the 15-year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this automatic change to 5 years would allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

I should note again that the Immigration Reform and Control Act of 1986, which last changed the date of registry, was passed by a Democratic Congress and a Republican President. I mention these facts to highlight my hope that support for this legislation will be bipartisan and based upon our desire to ensure fundamental fairness as a matter of public policy in our country.

We hear many of our friends on the other side of the aisle, particularly the Republican candidate for President, talking about how the priorities of the Latino community are his priorities. I can tell everyone within the sound of my voice that I have met with many members of the Latino community, and whether it is members of the Hispanic caucus in the Congress or community activists in Nevada or other parts of the country, I am consistently reminded that the provisions contained in the Latino and Immigrant Fairness Act are of their highest priority.

Vice President GORE recognizes this fact and believes he is truly in touch with the concerns and needs of the Latino community by supporting this legislation. If Governor Bush were really serious about the priorities of the Latino community, he would follow Vice President GORE's lead and demand that Congress take up and pass this act today.

This bill would solve the problems of many who have lived in this country for many years but have been wrongly denied the opportunity to legalize their status. This bill would solve the problem of workers who have been paying taxes, who have feared having their work permits stripped, or worse, being deported and separated from their families.

Consider for a moment U.S. citizens of Latino ancestry—past immigrants—who have made significant contributions to American society and culture in every sphere, as have other immigrants from other parts of the world. I am very proud of the fact my father-in-law immigrated to this country from Russia. We are a nation of immigrants. My grandmother came from England.

Throughout our short history as a nation, immigrants have fueled the engine of our economy, and Latino immigrants are no different. Latino purchasing power has grown 43 percent since 1995, reaching over $400 billion this year. Because Latinos create jobs, the number of Latino-owned firms grew by over 76 percent between 1987 and 1992, and will employ over 1.5 million people by next year.

Latinos care about the United States and are willing to fight for it too. Americans of Latino ancestry have fought for the United States in every war beginning with the American Revolutión. Currently, approximately 80,000 Latino men and women are on active duty, and over 1 million Latinos are veterans of foreign wars.

Finally, Latinos participate in the American democracy. Of registered voters, Latinos have a higher voter turnout than the population as a whole. Latinos, both established and those new to our hometowns, contribute greatly to the United States. What better time to reconsider our Latino immigration policy and make it more practical and more fair than this month as we celebrate Latino Heritage Month.

America has always drawn strength from the extraordinary diversity of its people, and Latino Heritage Month presents an opportunity to commemorate the history, achievements, and contributions of Americans of Latino ancestry, as well as think to the future.

Immigrants' love for this country is predicated by the recognition of first-hand knowledge of how special this country is and how privileged they are and we are to live here. I believe Latinos will continue to make important contributions to America's future, but in order for Latinos to continue helping America, America must help them with this legislation.

Mr. President, I ask unanimous consent that a letter from the National Restaurant Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL RESTAURANT ASSOCIATION,
*Washington, DC, May 11, 2000.*
Hon. HARRY REID,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR REID: On behalf of the National Restaurant Association and the 815,000 restaurants nationwide, we want to thank you for introducing S. 2407, the Date of Registry Act of 2000, and urge the prompt passage of this legislation.

The restaurant industry is the nation's largest private sector employer, providing more than 11 million jobs across the nation. Restaurants have long played an integral role in this country's workforce. Not only does the restaurant industry provide a first step into the workforce for thousands of new workers, for many of them it provides a career. In face, 90 percent of all restaurant managers and owners got their start in entry-level positions within the industry. Throughout the next century, restaurants will continue to be the industry of opportunity. However, there will be many challenges for the restaurant industry in the face of a growing global economy and a tightening labor market. Addressing the labor shortage is of critical concern.

The restaurant industry is the proud employer of many immigrants and has long supported immigration reforms that unite families and help stabilize the current U.S. workforce. While S. 2407 does not address our key concerns about labor shortages, we believe it will help stabilize the current workforce. Nearly 15 years ago, Congress enacted a legalization program that the INS, through action and regulation, wrongly prohibited many qualified immigrants from using. Furthermore, in 1996 Congress stripped federal courts of their ability to hear those immigrants' cases. S. 2407 would address the problems created by these circumstances. The National Restaurant Association strongly supports passage of S. 2407.

We look forward to working with you long-term to address the labor shortage issue and to passing S. 2407 this year. Thank you for your efforts to reform immigration laws.

Sincerely,

STEVEN C. ANDERSON,
*President and Chief Executive Officer.*
LEE CULPEPPER,
*Senior Vice President, Government Affairs and Public Policy.*

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VICTIMS OF GUN VIOLENCE

Mr. GRAHAM. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 25, 1999: Salvatore Bonaventure, 34, Detroit, MI; Darnell Butler, 26, Baltimore, MD; Rodney Campbell, 35, Tulsa, OK; Lewis Crouch, 68, Gary, IN; Roy Dunbar, 31, Chicago, IL; Zachery Gordon, Jr., 25, Baltimore, MD; Gordon Green, 42, Philadelphia, PA; Dominic Hunt, 21, Baltimore, MD; Richard Love, 15, St. Louis, MO; Gerardo R. Martinez, 29, Chicago, IL; Jesus Revron, 32, Philadelphia, PA; Duane Russell, 26, Minneapolis, MN; Fabian Venancio, 41, Tulsa, OK; Unidentified Female, 15, Chicago, IL; Unidentified Male, 46, Long Beach, CA; Unidentified Male, 48, Long Beach, CA; Unidentified Male, 31, San Jose, CA.

One of the victims of gun violence I mentioned, 31-year-old Roy Dunbar of Chicago, was an art teacher who worked at his local boys and girls club. Every day at that club, more than 300 kids participated in athletics and other after-school activities. Known as the "professor" at the club, Roy tried to steer youngsters away from gangs, violence and drugs. One year ago today, Roy was driving home when a gang member he knew from the neighborhood flagged him down. Roy expressed concern for the boy and encouraged him to stop associating with gangs. Evidently, the boy was insulted by Roy's words because the boy pulled a gun and shot at Roy until the gun was out of ammunition.

Another victim, 15-year-old Richard Love of St. Louis, died after he was shot in the abdomen by two of his friends while they were playing with his .22 caliber pistol.

Following are the names of some of the people who were killed by gunfire one year ago Friday, Saturday and Sunday.

September 22, 1999: Telly Butts, 22, Gary, IN; Ray Clay, 40, Detroit, MI; Emmitt Crawford, 54, Oklahoma City, OK; Berneal Fuller, 27, Gary, IN; Ricardo Griffin, 22, Detroit, MI; Benjamin Hall, 45, New Orleans, LA; Desean Knox, 14, Gary, IN; Randy Ladurini, 29, Minneapolis, MN; William McClary, 29, Detroit, MI; Yonatan Osorio, 17, Dallas, TX; Victor Richardson, 28, Denver, CO; Marice Simpson, 26, New Orleans, LA.

September 23, 1999: Domingo Alvarez, 63, Miami, FL; William Belle, 70, Miami, FL; James Bonds, 43, Baltimore, MD; Peter A. Cary, 50, Seattle, WA; Jean Paul Henderson, 20, New Orleans, LA; Alfred Hunter, 26, Detroit, MI; Kenneth Ponder, Sr., 27, Louisville, KY; Jason L. Ward, 28, Oklahoma City, OK; Eric D. Williams, 24, Chicago, IL.

September 24, 1999: Dudley R. Becker, 52, Seattle, WA; Sher Bolter, 57, Louisville, KY; Barry Bell, 27, Oakland, CA; Alexander Brown, 33, Philadelphia, PA; Arletha Brown, 32, Toledo, OH; Ryan V. Coleman, 29, Chicago, IL; Teddy Garvin, 17, Washington, DC; James Hojnacki, 34, Toledo, OH; Michael Irish, 55, Denver, CO; Dianne Jefferson-Nicolas, 53, Chicago, IL; Odel Norris, 20, Philadelphia, PA; Eric Leron Martin, San Francisco, CA; Paul Rexrode, 34, Baltimore, MD; Aaron Walker, 18, Washington, DC; Unidentified Male, 14, Chicago, IL.

We cannot sit back and allow this senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## PRESCRIPTION DRUG BENEFIT

Mr. GRAHAM. Mr. President, for the past 2 weeks, my colleagues have heard me speak regarding the need to add a prescription medication benefit to Medicare. I indicated that in my judgment the most fundamental reform for Medicare is to shift it from a program which, since its inception, has focused on illness and accident—that is, providing services after one becomes sick enough, generally, to go into the hospital or has suffered an accident that requires treatment and hospitalization—and move to a system that also emphasizes prevention; that is, to maintain the highest state of good health and not wait until the state of good health has been destroyed.

If we are to adopt that fundamental shift, it will necessitate that Medicare provide a prescription drug benefit. Why? Because virtually every regimen that is prescribed to stabilize a condition or reverse a condition involves prescription drugs. So a fundamental component of reforming Medicare is to provide prescription drugs.

I have also spoken about the skyrocketing drug prices which are now affecting virtually all of our older citizens.

Today, in my fifth and final statement in this series, I want our colleagues to hear from real people, the people who are affected by the decisions we are about to make. These stories remind us that we have little time to waste.

Unfortunately, some of the voices I am going to present are probably going to be too far gone in their need for prescription drugs and in their personal circumstances to benefit by a program which, under the most optimistic timetable, would not commence until October 1, 2002 and, under other proposals, would be even 2 years beyond that in terms of being available through the Medicare program as a universal benefit.

While we are arguing as to whether to put a prescription medication benefit into effect and start the clock running towards the time when it will actually be available, people are breaking bones. They are going blind. While we are debating which party would benefit from the passage of a prescription drug program this year, people are in pain.

This is not a hyperbole. This is not rhetoric. This is reality for hundreds of thousands of seniors from every State and from every political persuasion. This is a 911 call. If we fail to pass a prescription drug benefit this session, if we fail to start the clock running towards the time when this benefit will be available to all Medicare beneficiaries, we will have ignored their pleas for help.

I appreciate being provided with a few moments to share some of these voices of pain. I am also painfully aware that the stories I am going to tell are not unique. They are common. They have become near cliches here in Washington. I would wager that every one of us has a constituent who has written us about splitting pills to make prescriptions last longer. My guess is that every Member of this Chamber has heard from someone who has to make that difficult choice between food or prescription drugs. And we hear from doctors handing out free samples of medicine whenever they can get them and begging for help on behalf of their patients.

We get letters describing situations as "desperate" and from numerous people who tell us they are at wits' end. The tragedy is that we have been telling these stories for so long they are beginning to sound like nothing more than 30-second TV clips. The fault is ours for failing to act. These are not 30-second sound bits. These are real stories of our friends, our neighbors, in many cases our parents and grandparents. Someday they could be all of us.

These are people such as Nancy Francis of Daytona Beach, FL. Ms. Francis used to be able to get the medication she needs through Medicaid as a medically indigent older person. Then the Government did her a great favor. It raised her monthly Social Security check. Because of that raise, she is now too rich by all of $6.78 a month, to qualify for Medicaid. This $6.78 leaves her fully dependent upon Medicare for health care financing.

Medicare is a good system with a gaping hole. It does not cover prescription drugs. Medicaid, the program for the medically indigent, paid for nine prescriptions Ms. Francis takes in order to stay active and well. Medicare pays for none. Ms. Francis can put every penny of that $6.78 a month towards her prescriptions and it won't make a dent. So for some months, Ms. Francis just doesn't buy any prescription drugs. Then she waits and hopes she will be able to stay alive long enough for help to arrive.

Then there is Mary Skidmore of New Port Richey, FL. Mrs. Skidmore worked for 20 years renting fishing boats. Her late husband worked on the railroad. Now she thinks she may have to get another job. Mrs. Skidmore is 87 years old. She has two artificial knees. No one, she says, will hire her. She needs a job to pay for a new hearing aid. Without a hearing aid, she cannot hear sermons at her church on Sunday. But with $300 a month in prescription medication bills, a hearing aid is a luxury that Mrs. Skidmore cannot afford.

She takes medication for her heart, cholesterol, bones, and blood pressure. Giving up this medicine is not an option. It is, in her words, "what keeps me going."

Mrs. Skidmore's medication bills have even kept her from marrying her boyfriend. He has enough to pay for the utilities in the home they share, but not much else. If she marries him, she will lose her former husband's railroad pension—a pension that she counts on to survive.

Marsaille Gilmore of Williston, FL, is a little bit luckier. Between Social Security and a little bit of income from investments, she and her husband can usually pay for the $300 to $400 per month she spends on prescription medication. Sometimes they even have a little left over to go out to dinner—but not to the movies. Mrs. Gilmore says the movies are too expensive.

Some months, the Gilmores are not so lucky. Recently, their truck broke down. It is now in the shop, and things are stretched pretty tight. Sometimes things are so tight that the Gilmores think about going to Mexico to stock up for half the price on the very same medications they now buy in Williston.

Remember Elaine Kett? I told her story last week. Elaine is 77 years old. She spends nearly half her income on medication. This chart indicates the number of prescription drugs which Mrs. Kett fills every month. The total is $837.78 a month or $10,053.36 a year. That figure is almost exactly half of Mrs. Kett's total annual income. Her prescriptions are helping to keep her alive. How ironic then that in her plea for help she writes that the cost of medication is "killing her." It is the very thing she depends upon for life; it is the source of her quality of life.

Dorothy Bokish is in a similar trap. She pays $188 in rent each month and $162 for her prescription drugs. That leaves her with $238 a month for food, heat, air-conditioning, and gas. It doesn't leave much for her to buy gifts for her grandchildren or to take herself to an occasional show. I shudder to think what would happen should something go wrong—or, if I may say, more wrong—for Mrs. Bokish.

What would she have to give up if her water heater broke or a storm knocked out a window in her home? What does she have left to give up? What some seniors are considering giving up is unconscionable.

A central Florida man told his family, which is helping to buy his medication so his wife can afford to continue to take hers, he is considering giving up his medication so that his wife can live. If he does so, he will certainly die.

Another Florida senior has gone through two grueling heart surgeries and has been prescribed medication to stave off a third. But he can't afford to fill the prescription. He says he thinks sometimes he would rather die than go through surgery again. He says that sometimes the struggle to survive is just too much.

I am profoundly embarrassed when I tell these stories. I am embarrassed that in these times of unprecedented prosperity as a nation, we have not come together to find some way to ease this pain. These seniors and countless others wait and wait and wait. There are those who now say we have to wait until another election to even begin the process of providing meaningful prescription drug coverage. Many of them won't be able to wait until the next month, much less until another extended period of indecision here.

The time to act is now. This is quite literally a matter of life and death. It is also quite literally a challenge to our Nation's basic sense of decency and values. It is my hope that before this session of the Congress concludes, we will have responded to the highest values of our American tradition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senate is in morning business. Under the previous order, this hour is under the control of the Senator from Wyoming, Mr. THOMAS.

Mr. DOMENICI. I thank the Chair.

## ENERGY

Mr. DOMENICI. Mr. President, I would like to talk about two things today. The first is energy policy—or America without an energy policy.

Let me say with as much certainty as I can muster that we have no energy policy because the Interior Department of the United States, the Environmental Protection Agency of the United States, and the Energy Department all have priorities, and they are ideological priorities that put the production of energy for the American people last. There is some other objective, motive, or goal that is superior to the production of oil and gas and the development of an energy policy that uses coal.

Do you think Americans know today that we have not built a coal-burning powerplant in America in 12 years? Do you think Americans know that the only thing we are doing to increase our electric capacity so they can have light, electricity, and everything else in their homes is to build a powerplant with natural gas? We have built five—all with natural gas. And we sit back and wonder why natural gas has gone from $2 to $5.63 in 9 months.

Let me be the first to predict that the next crisis will be when natural gas goes even higher, because we have made it the only fuel we can use—

under what? Under the policies of the Environmental Protection Agency, which has their own rules, their own regulations, and their own ideologies. I have not heard them say once we have adjusted an environmental concern because we are worried about America's energy policy.

I wonder if the occupant of the chair has ever heard the Environmental Protection Agency say we must be doing something wrong because there are no new refineries being built in America—none, zero, zip. The greatest nation on Earth has not built a new refinery to convert crude oil into the products of everyday use for years. We have, in fact, closed 38 refineries to environmental concerns—albeit they are small.

We own millions of acres of land. That is why I say the Interior Department is part of our energy policy. But they have different concerns. They never consult on energy issues. So what do they do? They lock up millions of acres of land that could produce oil or natural gas and say, We are not going to touch them.

Why don't you ask Americans? Why don't you ask Americans whether they want to be more beholden to the cartel or whether they would like to use a little bit of their property to go in and drill an oil well? Do it with whatever protection you want for the environment.

Let's have a serious debate about ANWR, an American piece of real estate that is beautiful and something we should protect. It has many millions and millions of barrels of American oil that could be produced by American companies for American use. And every time it is brought up on the floor of the Senate, the environmentalists in America consider that even to take a little, tiny piece of that huge refuge and go see how many millions of barrels of oil are there would be the biggest environmental disaster ever.

But who is worrying about Americans who want to use oil and have it refined so they can drive their automobiles? Who would like to use the coal we have in abundance and make sure we use it as cleanly as possible, and build powerplants so we don't run out of electricity and so we don't have brownouts in California?—Brownouts which some are predicting today because the policies that could have affected the production of electricity for California have not been judged on the basis of our energy needs, they have been based only upon environmental purity.

That is why the United States of America is the most difficult piece of geography occupied by humans in the world in terms of establishing in America a powerplant. It is the most difficult and expensive place in the world to build a powerplant with the greatest engineers and scientists around. We can't build one because there is no agreement between the Environmental Protection Agency and the public holders of land to work together. The question is never asked: What would be good for American energy policy?

Let me move on. Let me make sure we understand. We don't have someone making energy policy, or setting the rules, or saying to the American private sector: Here are the rules; go work under them. We have none because Interior, EPA, and Energy all have priorities, and none of their priorities makes the production of oil and gas and the development of our coal high priorities.

The Interior Department is making the drilling for oil and natural gas as difficult as possible. EPA, rather than devising good environmental policy based on sound science, it has become the enemy. This is due to an ideological, pure environmental policy at the expense of providing energy we need. This is not understood by most Americans. Yet we have an Energy Department. Sometimes I feel sorry for the Secretary of Energy because there is no authority for them to do much about anything. But we do have a strange oxymoron. We have an Energy Department that is anti-nuclear power and pro-windmills to produce electricity and sources of electrical power for America.

I might repeat, we have an Energy Department that is pro-windmill and anti-nuclear. I give Secretary Richardson credit for moving slightly under the prodding of Congress to do a little bit of research in future years on the use of nuclear power, which may end up falling on America as being the only thing we can do in 15 or 20 years that is environmentally clean by the time we get around to explaining it as safer than most any other source of energy. Yet only recently do we have an energy policy that would consider anything that has to do with nuclear power now or for the future.

Treasury Secretary Summers warned the President that the administration's proposal—now a decision—to drive down energy prices by opening the Government's emergency oil reserves—and I quote—"would be a major and substantial policy mistake." Summers wrote the President—and Greenspan agreed—that using the Strategic Petroleum Reserve to "manipulate prices rather than adhering to its original purpose of responding to a supply disruption is a dangerous precedent."

You see, fellow Senators, we have established a Strategic Petroleum Reserve in the afterglow of some foreign country saying, "We are cutting off your oil supply." And, even though it was a small amount, they said, We are cutting it off—and we were dependent on it. Lines were forming at our gasoline stations. Do you recall? In the State of New York, the lines were forming at 5:30 in the morning, to my recollection. People were so mad at each other that, if they thought somebody went ahead of them in line—in one case in eastern America, they even shot the person who went ahead of them in the line.

We said we ought to find a place to put crude oil so that if anybody stops the flow of crude oil to America, or engages in some kind of war, or mischief that denies us our energy, we will have a certain number of days of supply in the ground for use. Mr. President, that is a lot different than an America which is now without any energy policy.

We say the prices have gone too high, even though everything I have said contributed to it: An Interior Department that won't let you produce oil, an Environmental Protection Agency that has no reason to consider whether their rules and regulations are so stringent, too stringent, beyond reasonable, whether in the area of refineries, in the area of building a powerplant, in the area of producing more energy through wells that we drill, their policies have nothing whatever to do with energy needs of our country.

With all that piled on America, we have an election coming up and the oil prices are a little too high. We would like to take a little bit of that oil out of the reserve and put it on the market and use it. Secretary Summers added that the move "would expose us to valid charges of naivete, a very blunt tool to address heating oil prices." That is from the Secretary of the Treasury a couple of weeks ago.

Of course, over the weekend, a spokesman for this administration and for the Gore campaign got on the national networks and said: The Secretary is with us. Of course, he works for the President.

They all sat down and said: What is the worse thing that can happen to the Gore campaign? Clearly, they all said if these oil prices keep going up. It is not a question of, can we produce heating oil; our refineries are at the maximum production already. This release of additional barrels from the reserve can do nothing for that. It is just that the price is so high that a lot of poor people in northeastern America who still use heating oil, and those in the West are not aware how many, but there are millions; they are not going to be very happy. That is the issue. That is why the petroleum reserve is being used.

The truth is, in our country it behooves people like myself and many others to at least make sure the public understands why we are in the mess we are, who got us there, what was done to make it so that it wouldn't happen the way it has. All the answers come down to the fact that nobody was worried so long as the prices were cheap, so long as those OPEC countries were producing more than was needed in the world, keeping the prices down at $10 or $11 or $12 a barrel.

While we lived happily and merrily, month by month, with that situation, firing up our great economic recovery, at the same time we were destroying millions of little stripper wells that were producing three and four barrels per well. They closed down because the price was too cheap. Even today, we are producing less oil than we were 3 or 4 years ago because we destroyed oil production capacity when we let it go too low, while we were exhilarated with the fact that the cartel was cheating on itself and the price of oil was coming down. We didn't bother to find out how much that was affecting New Mexico in an adverse manner. When it went up in price, we went to them and said: Now it ought to come down; it is too high. I don't imagine for the first few months they greeted us with too much joy or willingness to help us after we sat by and watched it go so low without any concern for what happened to them.

Refineries were running at 95 percent last week. To take a supply out of SPR, it would still need to be refined into heating oil. Obviously, I have explained that isn't the issue. The issue will be the price. We don't have enough refining capacity to take the SPR and add to the supply of heating oil.

What else does this using the reserve as it was not intended by Congress do? It sends the wrong signal to the private industry in America. If I am in the business of storing heating oil, and the Federal Government starts stockpiling, I cut my reserve and I assume somebody will come in here asking us to prohibit them from cutting their own reserves. Clearly, they cannot keep their storage to maximum capacity while the government is building its own capacity to compete—something we won't figure out until it is too late. Then somebody will say: Why did this happen? They should not have cut back on their reserves.

I indicated natural gas prices were going up, up, and away. This fantastic fuel is $5.35 per 1,000 cubic feet; 6 months ago it was $2.16. We are talking about oil and derivatives of oil because of the cartel. From $2.16 to $5.35 is not because of any cartel; it is because of the huge demand for natural gas. When the demand gets so big the production can't go up so fast, what happens? The price goes up. That is a big signal and a sign to us.

No one seems to be concerned in this administration that we haven't built a powerplant to generate electricity for the growing demand, such as in California. We haven't built a new powerplant of any significance because the only thing we can build it with is natural gas. We cannot build it with coal, even though they were being built around the world. America's environmental laws are out of tune with America's energy needs. They haven't been tuned to be concerned about America's energy future. It is just ideological—as pure as you can get it in terms of environmental cleanliness. That is it for America.

Inventories are 15 percent below last winter's level and 50 percent of America's homes are heated with natural gas. They are beginning to see it in their bills. Clearly, America has almost no competitor for that. We don't have an abundance of electricity to take its place. In fact, brownouts are expected in many parts of the country because we are underproducing what we need by way of electricity.

Natural gas fires 18 percent of the electric power. I am sure there are many sitting back saying: Isn't that neat? We haven't had to worry about nuclear. We don't have to clean up coal to the maximum and use some of it to produce electricity in America. We just build natural gas powerplants. We used to forbid it. I think the occupant of the Chair remembers that during the crisis we said don't use natural gas for powerplants. We took that out.

Here goes America. Next crisis, will there be enough natural gas or will the price be so high? It will not be just to those who are burning it for powerplants. It will be in 50 percent of the homes in America. They will start asking: Where is an energy policy with some balance between energy sources instead of moving all in one direction because all we were concerned about was the environment?

Compared to 1983, 60 percent more Federal land is now off limits to drilling. I spoke generally of that. Now I will be specific. As compared with 1983, there is 60 percent more Federal land that is off limits for drilling. On October 22, 1999, Vice President GORE said in Rye, NH: I will do everything in my power to make sure there is no new drilling.

I guess what we ought to be working on is when will we no longer need any crude oil, which is refined into gasoline and all those wonderful products? Because, if you brag to America that you will do everything in your power to make sure there is no new drilling, we have to ask the question: Where are we going to get the oil?

I will move to another item that I spoke of generally a while ago, a great American reserve of crude oil called ANWR, up in Alaska. I believe any neutral body of scientists—geologists, engineers—could go up there and take a look and report to the Congress and the people of this country that ANWR could produce oil for America without harming that great natural wilderness. I am absolutely convinced that is the case. Yet you cannot believe the furor that attends even a mild suggestion that we ought to do something such as that. Perhaps somebody will even quote what I just said, saying that I am for destroying the ANWR, that I am for destroying that wilderness area, that natural beauty.

No, I am not. I am for trying to put together a policy that increases our production of crude oil so we can at least send a signal to the world that we do not want to increase our dependence. We want to do something for ourselves, and wouldn't it be nice if there were a stable oil market so Americans could get involved in production here at home, hiring Americans? It would be owned by Americans if that happened in ANWR. What a stimulus for American growth in oil-patch-type activities.

OCS, offshore drilling—off limits. There is no question we could double our domestic supply if we could open up some of the offshore drilling areas. Clearly, the more we have to import crude oil, the more the environmental risk in getting it here in tankers where something could happen to them. The amount keeps going up. Yet right in various of our bays and ocean fronts, there is natural gas in abundance. And there exist wells where we have proved we know how to do it. But somebody says: Oh, my, no more of that. That's environmentally degrading.

What are we going to talk about when Americans say we cannot afford the natural gas because the only thing we are fueling powerplants with and using in America is natural gas? We have it out there in the oceans and in some bays—yet we would not dare touch it? There are 43 million acres of forest land that are off limits for roadbuilding, thereby making exploration and production impossible.

The Kyoto agreement would envision doubling the use of natural gas, thus doubling electricity costs. No policies address either consequence. Multiple use, which we used to think was a great thing for our public lands, is only words today. Multiple use means if there are natural resources that can help Americans and can help prosperity and help us grow, that ought to be used along with recreation and other things. That has almost left the vocabularies of those in high places who manage our public lands. There are 15 sets of new EPA regulations that affect the areas we are talking about. Not one new refinery has been built since 1976. This administration's energy policy has, in my opinion, been in deliberate disregard of the consequences on the consumers' checkbook and their standard of living and the way people will be living in the United States.

This summer we had soaring gasoline prices and that left motorists in America—as prices soared they got more and more sore, but they didn't know who to get sore at. The prices are still pretty high.

Other consequences that have been deliberately disregarded are the electricity price spikes California experienced this summer. Californians usually spend about $7 billion a year in electricity. This spike was so dramatic they spent $3.6 billion in the month of July, only half of what they spent annually before that. That is a great question to be asked—why? California is a big electricity importer. They have ever-growing demands because of Silicon Valley. These companies use a lot of electricity and a lot of energy. Demand was up 20 percent in the San Francisco area last year, but there is no new capacity. Environmental regulations make building a new powerplant in California impossible. That may be what they want. But I wonder where they are going to get the energy? Where are they going to get the electricity when nobody else has any to spare?

I predict in a very precise way that home heating bills this coming winter will be exorbitant, even while we are experiencing the gasoline spikes in the Midwest. It used to be one type of gasoline was suitable for the entire country. You remember those days. There are now 62 different products—one eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel, 4 different gasoline mixtures are required between Chicago and St. Louis, just a 300-mile distance.

As a result of these Federal and local requirements, industry has less flexibility to respond to local and regional shortages. There are 15 sets of environmental regulations—tier II gasoline sulfur, California MTBE phaseout, blue-ribbon panel regulations, and regional haze regulations—on-road diesel, off-road diesel, gasoline air toxics, refinery MACK II, section 126 petitions, and there are 6 more.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to tens of millions of American motorists. Legislation mandates the use of ethanol in motor vehicles that would cut revenues to the highway trust fund by $2 billion a year as one side effect. The U.S. Department of Energy has projected this one bill would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

I have taken a long time. I have given a lot of specifics and some generalities. But I conclude that it is not difficult to make a case that we do not have an energy policy; that the U.S. Government has not been concerned enough about the future need for energy of our country, be it in natural gas, in the products of crude oil, how do we use coal, how do we make electricity.

Frankly, things were very good. They were good because the cartel was selling oil in abundance. While America was enjoying its economic success story, a big part of that was because the cartel was having difficulty controlling its own producers. We lived happy and merrily on cheap oil as our production went down and we sought no other alternatives, and our demand grew as did our use of natural gas. Americans and American consumers are left where, in many cases, they are going to be put in a position where they can't afford the energy that will permit them to live the natural lifestyle that is typically American—living in a home and having in it electric appliances and whatever else makes for a good life, with an automobile, or maybe two, in the driveway. It will not be long that the voices from those situations, those events in America, those kinds of living conditions will be heard loud and clear. There will not be enough of a Strategic Petroleum Reserve to solve their problems because we have not cared enough to do something about it.

I yield the floor.

## SCIENCE AND SECURITY IN THE SERVICE OF THE NATION

Mr. DOMENICI. Mr. President, I am pleased to make these remarks while the occupant of the chair is the distinguished junior Senator from Arizona because these remarks have to do with the Baker-Hamilton report. The Secretary of Energy asked these two men—one an ex-Senator, one an ex-House Member—to compile a report with reference to the national weapons laboratories and the missing hard drive incident. These hard drives were apparently taken out, put back, and found behind a copy machine, and everybody is wondering what happened. I will talk about this report.

I urge—and I do not think I have to—the occupant of the chair to read it soon. It is short and to the point.

The findings of this Baker-Hamilton report confirm what some of us suspected and have said in one way or another many times about the science and security at our National Laboratories.

The report concludes that the vast majority of employees of our National Laboratories are "dedicated, patriotic, conscientious contributors to our national security and protectors of our national secrets."

The report states, however, that these individuals, the ones who are responsible for the viability of America's nuclear deterrent, have been hounded by ongoing investigations and security procedures that render them incapable of achieving their mission.

That is a very powerful statement. This commission is very worried about how the morale of the scientists at our National Laboratories, in particular Los Alamos, is affecting their ability to do their momentous work.

They go on to say that while new security measures and processes continue to be imposed, the authors found that X Division—the one that was involved in the last episode—is: ambiguously lodged in a confused hierarchy, subject to unclear and diffuse authority, undisciplined by a clear understanding of accountability for security matters, frightened or intimidated by the heightened sense of personal vulnerability resulting from the efforts to address recent security lapses.

These are hard-hitting, accurate findings.

The scientists at our laboratories need clear lines of authority and accountability. The Department of Energy needs to simplify the lines of command and communication.

The report overwhelmingly endorses the creation of the National Nuclear Security Agency—which we are beginning to understand exists, and we are going to begin to understand what it means when we say the NNSA—and the need to reinforce "the authority of the NNSA Administrator."

The NNSA Administrator must have more authority, not less. General John Gordon, the general who is in charge, is in fact the head man and is an excellent person to lead this agency and implement the organizational structure needed for the job.

They reached some other very important conclusions on the current environment at our national laboratories: Demoralization at Los Alamos is dangerous; that poor morale breeds poor security.

There is a severe morale problem at the labs, and they cite four or five general conclusions:

"Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity at the laboratory. . . ."

They also say that ". . . (the) current negative climate is incompatible with the performance of good science."

The report states, "It is critical to reverse the demoralization at LANL before it further undermines the ability of that institution both to continue to make its vital contributions to our national security and to protect the sensitive national security information."

They recommend "urgent action (is required) . . . to ensure that LANL gets back to work in a reformed security structure . . ."

Incidentally, they conclude that while they laud the Secretary of Energy for trying to create more security with the appointment of a security czar and the like, as some of us said when it was created, it fails to do a job; and remember the Senator from New Mexico saying we are creating another box but it is not going to have clear lines of authority, it is not going to have accountability, people are still not going to be in a streamlined process of accountability. I said it my way, they said it another way, but we concluded the same thing.

There are many other conclusions in this brief report. I urge all of my colleagues to read this report and reflect on their conclusions.

They call for a review of security classifications and procedures, security upgrades at LANL, need to deal with cyber security threats, and adopt or adapt "best practices" for the national labs.

Then, under "Resources" they underscore:

> Provide adequate resources to support the mission of the national laboratories to preserve our nuclear deterrent, including the information security component of that mission.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. KYL. Mr. President, the reason I wanted to exchange places with you for a moment was to commend you on the statement you just made from the floor regarding our Nation's energy policy. Related to that, of course, is the work of the Department of Energy on other matters, including our nuclear facilities, on which you reported with respect to the Baker-Hamilton report. I appreciate that report as well.

Back to the energy policy, I have not heard as good a statement of the overall problem in this country as the Presiding Officer just presented: The fact that in each of the different components of the national energy potential, we have developed policies or, in some cases, failed to develop policies, all of which combine to result in a lack of capacity to provide the fuels to create the energy which our society is going to continue to demand more and more.

When we put it all together, as the Presiding Officer did, it becomes very clear that there is no integration of policy; that the Departments of Government that, in effect, have a veto over the development of these resources prevail, so that there is no capacity to literally have an energy policy that produces the fuel with which we can produce the energy.

An administration that had a policy would coordinate the activities of each of these Departments of Government—the EPA, the Interior Department, the Energy Department, and all of the others mentioned. But that has not been done. Instead, each has been allowed, as the Presiding Officer pointed out, to develop their own policy for their own reasons. The net result is to diminish the capacity of the United States to produce the fuel to produce the energy we need. I think his explanation that we are likely to see an even higher price because of the concentration now into one area—natural gas—is also something that is bound to come true. But I doubt people are thinking that far ahead at this moment.

The last thing I would like to say is about the comments in relation to ANWR. I would like to expand on that a little bit because I get so many letters and calls from constituents of mine in Arizona who are very concerned about the protection of our environment, as am I. They have heard: If we were to allow exploration of oil in this area, it would destroy the environment. I write back to them and say: Look, I have been there. Now, granted not very many of our constituents can afford to go up north of the Arctic Circle a couple hundred miles. You have to work to get there. You have to have some people who know what they are doing to get you there and show you around.

But when you have been there, you realize that the exploration that we have been talking about is in no way degrading of the environment. When you go there, the first thing you see is that in the other place where we have developed the oil potential—it is an area not much larger than this Senate Chamber—they have been able to put all of the wells—I think there are 10 of them; two rows of 5, or that is roughly the correct number—those wells go down about 10,000 feet, and then they go out about 10,000 or 15,000 feet in all directions, so that, unlike the typical view that Americans have of oil wells scattered over the environment, they are all concentrated in one little place, in an artificially built area out into the water.

So it does not degrade the coastal areas at all. It is all focused in one place. It is totally environmentally contained. There is absolutely no pollution. There is no degradation of the environment. There is no impact on animals. There is no environmental damage from this. The pipeline is already there. It is undercapacity. So it is a perfect way to use our Nation's resource for the benefit of the American people.

When this wildlife refuge was created, an area was carved out for oil exploration. This was not supposed to be part of the wilderness. We flew over that area. As far as the eye can see for an hour, there is nothing but snow and ice—nothing. There are no trees. There are no animals. There are no mountains. There is nothing but snow and ice.

You finally get to the little place where they would allow the exploration. There is a little Eskimo village there where you can land. You go to the village, and the people say: When are you going to bring the oil exploration for our village? Because they are the ones who would benefit from it. It is not part of the wildlife refuge. When you say: What is the environmental impact of this? They say there is none.

For almost all of the year, what you see is this snow and ice. For a little bit of the year—a few weeks in the summer—there is a little bit of moss and grass there where some caribou will come to graze and calve. The reason the caribou herds have about quadrupled in size in the area where the oil exploration has occurred is because there is some habitation in that area. And, of course, the caribou are a lot like cows; They like people just fine. They are willing to come right up to the area of habitation and have their little calves. But the wolves do not like people, so the wolves do not prey on them as much, and they don't eat as many of the calves. Therefore the herd is able to grow.

So the only environmental impact anyone has figured out is we have helped the caribou herds expand. This is an area where we can explore for oil without doing any environmental damage. We need the resources, as the Presiding Officer pointed out.

I commend the Presiding Officer for his expertise in this area, for his ability to put it all together in a very understandable way, and for urging this administration to get on with the development of a true energy policy.

Does the Senator from Idaho want to speak now?

Mr. CRAIG. Yes.

Mr. KYL. Mr. President, I yield the floor to the Senator from Idaho, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my colleague from Arizona in thanking you for your leadership in the work you have done on energy. I remember, several years ago, when the Senator from New Mexico was talking about the state of play of the nuclear industry and that failure to respond to an equitable process to bring about the appropriate handling of waste would ultimately curtail the ability of this industry to grow and provide an environmentally sound and clean source of electrical energy. That is when we were talking about energy when most of our supplies were in some margin of surplus. Today that surplus does not exist.

In the past eight years, with no energy policy from the Clinton administration, we are now without surplus. We are now entering what could well be an energy crisis phase for our country and our economy. If that is true—here we stand with the longest peacetime growth economy in the history of our country—could this be the tripwire that brings mighty America down? Because we have a President and a Vice

President without an energy policy. In fact, under their administration, we have seen a drop in the energy production of our traditional kind. They even want to knock out big hydrodams out in the West that are now supplying enough electricity for all of the city of Seattle, WA. And they say, in the name of the environment, we would take these down. Shame on them.

Why aren't they leading us? Why aren't they providing, as they should, under policy and direction, abundant production and reliable sources?

Historically, our economy has been built on that. America has been a beneficiary of it.

(Mr. KYL assumed the Chair.)

## THE BUDGET PROCESS

Mr. CRAIG. Mr. President, what I thought I might do for a few moments this afternoon is talk about the state of play of where we are as a Senate and as the 106th Congress trying to complete its work and adjourn for the year.

I think a good many of us are frustrated at this point. We have tried mightily to produce the appropriations bills, to work with our colleagues, Democrat and Republican. Obviously, there are differences in how to resolve those differences. We are spending billions and billions of dollars more than we spent a year ago. Yes, we have a surplus. But, yes, the American people are telling us government is as big as it ought to be. There are new national priorities, and we are attempting to address those.

But what I think needs to happen, and what has historically happened, at least, is an effort to move the 13 appropriations bills through the process, to vote them up or down, and get them to the President. We tried that last week, to move two of them together: the Legislative Branch appropriations bill and the Treasury-Postal bill. Out of frustration on the floor, and our colleagues on the other side deserting us, those bills failed.

I think the average public listening out there says: What's happening here? Why are we almost at the end of the fiscal year and yet a fair amount of the budgetary work needed to be accomplished in the form of appropriations bills to fund the Government for the coming year have not been accomplished?

You saw Senator BOB BYRD lament on the floor of the Senate last week, about the Senate working and getting the appropriations bills passed and sent to the President. And I have to lament with him. I agree that this work should go on. He said: There are Senators in this body who have never seen a situation work as it has been meant to work. I think he was denoting the budget process itself and whether it worked and functioned on a timely basis. How well has the appropriations process worked?

I began to ask that question of my staff, and we did some research over the weekend. I thought it was important that I come to the floor today to talk a little bit about it because I, too, am concerned.

Since 1977, Congress has only twice—in 1994 and in 1988—passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1 legal fiscal year deadline. Let me repeat that. Only twice since 1977 has Congress passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1st deadline.

Now, that either says something about the budget process and the appropriations process itself, or it says how very difficult this is in a two-party system, and how difficult it is to make these substantive compromises to fund the Government of our United States.

Most years, the Congress only gets a handful of appropriations bills through all the congressional hurdles by October 1, and so, more often than not, has had to pass some, what we call, a stopgap funding bill before it adjourns for the year.

Senator BYRD, on Thursday, said that huge omnibus appropriations bills make a mockery of the legislative process. They certainly don't subscribe to the budget process under the law that we have historically laid out. But, then again, from 1977 until now only twice has that budget process worked effectively.

So I could lament with Senator BYRD about huge omnibus bills or I could simply say how difficult it really is. Yet bundling the funding bills has been more the exception than the rule in the last 23 years. In other words, what we were attempting to do on the floor of the Senate last week was not abnormal. We were trying to expedite a process to complete our work and to do the necessary budget efforts. In fact, in 1986 and in 1987, Congress was unable to send even one funding bill to the President by the legal deadline of October 1. That is an interesting statistic. Let me say it again. In 1986 and 1987, by the October first deadline, the President of the United States had not received one funding bill for Government from the Congress of the United States. In 1986, one of those years when Congress passed zero funding conference reports, Senator Robert Dole was the majority leader of the Senate.

I am here today to say I agree with Senator BYRD, and I lament the fact that bundling is not a good idea. But in 1987, he took all 13 of the appropriations bills, put them together, and sent them down to the President as one big bill. I think a little bit of history, maybe a little bit of perspective, adds to the value of understanding what the Congress tries to do. That was 1987. All 13 appropriation bills bundled and sent to the President before one separate bill was ever sent to the President.

The year 1986 was the first time since 1977. In 1987—I want to be accurate here—was the second time. In 1986 Republicans were in charge. They couldn't get it done. And in 1987, when Senator BYRD was in charge, they couldn't get it done. So here are 2 years, two examples, one party, the other party, 1986 and 1987, that all 13 appropriation bills were bundled into one and sent down for the President's signature.

Let's take a closer look at 1987. On October 1, the legal deadline, not a single appropriation bill that passed the Congress had been transmitted to the President. Compare this year, when two have already been signed. That is now, the year 2000, two have already been signed by the President, and we expect to send additional bills to the President before October 1. At least that is our goal. We will work mightily with the other side, whether we deal with them individually or put a couple of them together. In fact, no appropriation bill ever went to the President, I am told by our research, in 1987. Of the 10 funding bills both Houses of Congress passed, none emerged from the Democrat-controlled House and Senate conferees. It was a difficult year.

President Reagan was the first to sign an omnibus 13-bill long-term continuing funding bill on December 22 of 1987. Remember, the Congress continued to function late into the year and up until December 22, just days before Christmas, so we could finally complete the work and get it done. Of course, during those years I was not in the Senate. I was in the U.S. House of Representatives.

Now, all said, during that budget battle in 1987, we passed four short-term CRs. During that time, we kept extending the deadlines necessary and passed four short-term CRs to complete the work of the Congress. President Reagan did not even receive a bill until the morning after the final short-term CR had expired. The CQ Almanac described it as a 10-pound, 1-foot-high, mound of legislation. I remember that well. In fact, I was involved in a debate on the floor of the House that year when I actually helped carry that bill to the floor.

All 13 bills were passed and signed twice in 1994 and 1998. Excuse me, 1988; I said 1998. That is an important correction for the RECORD.

On October 1, the Senate had passed only four appropriation bills, and this was with a 55-45 majority. Compared to this year, as of September 7, this body had passed nine bills so far.

I think it is important to compare. It is not an attempt to criticize. Most importantly, it is an attempt to bring some kind of balance and understanding to this debate.

I have been critical in the last several weeks. I have come to the floor to quote minority leader TOM DASCHLE talking about "dragging their feet and not getting the work done, expecting Republican Senators to cave." Well, certainly with those kinds of quotes in the national media and then watching the actions on the floor of this past week, you would expect that maybe that is a part of the strategy.

On October 1, only seven bills had been reported to the Senate. This, according to the 1987 CQ Almanac, is because the Appropriations Committee could not even agree how to meet its subcommittee allocations. Compare that to this year. As of September 13, all 13 bills have been reported to the Senate.

Well, I think what is recognized here is that while bundling bills is not a good idea—and I see the Senator from West Virginia has come to the floor; he and I agree on that. He and I agree that bundling is not a good process because it does not give Senators an opportunity to debate the bills and to look at them individually and to understand them.

At the same time, both sides are guilty. Certainly when Senator BYRD was the majority leader of the United States Senate, that was a practice that had to be used at times when Republicans and Democrats could not agree. That is a practice that we will have to look at again here through this week and into next week as we try to complete our work and try to deal with these kinds of issues.

You can argue that some of these bills did not get debated on the floor of the Senate. That is true now; it was true in 1987. You can argue that they didn't get an opportunity to have individual Senators work their will on them by offering amendments. That is going to be true now; it was clearly true in 1987.

The one thing that won't happen this year—I hope, at least—is that 13-bill, 10-pound, 1-foot-high mound of legislation. Clearly, I don't think it should happen, and I will make every effort not to let it happen. That isn't the right way to legislate, and we should not attempt to do that.

The leadership, last year, in a bipartisan way, along with the White House, ultimately sat down and negotiated the end game as it related to the budget. Many of our colleagues were very upset with that. They had a right to be because they didn't have an opportunity to participate in the process.

The reason I come to the floor this afternoon to talk briefly about this is that, clearly, if we can gain the cooperation necessary and the unanimous consents that must be agreed to, that very limited amendments should be applied to these appropriation bills, then we can work them through. I am certainly one who would be willing to work long hours to allow that to happen. But to bring one bill to the floor with 10 or 12 or 13 amendments with 60 percent of them political by nature, grabbing for a 30-second television spot in the upcoming election really does not make much sense this late in the game. We are just a few days from the need to bring this Congress to a conclusion, to complete the work of the 106th Congress and, hopefully, to adjourn having balanced the budget and having addressed some of the major and necessary needs of the American people. It is important that we do that.

I am confident we can do that with full cooperation and the balance, the give-and-take that is necessary in a bipartisan way to complete the work at hand.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The period for morning business has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COOPERATION AMONG SENATORS

Mr. BYRD. Mr. President, I was sitting in my office when I heard the very distinguished Senator from Idaho speaking on the floor and using my name. He asked for cooperation, and, of course, we all want to cooperate. We want good will and we want cooperation. But one way to get cooperation from this Senator when his name is going to be used is to call this Senator before the Senator who wishes to call my name goes to the floor and let me know that I am going to be spoken of.

I have been in the Senate 42 years, and I have never yet spoken of another Senator behind his back in any critical terms—never. I once had a jousting match with former Senator Weicker. He called my name on the floor a few times, and so I went to the floor and asked the Cloakroom to get in touch with Senator Weicker and have him come to the floor. I didn't want to speak about him otherwise, without his being on the floor. Frankly, I don't appreciate it. I like to be on the floor where I can defend myself.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. CRAIG. First, let me apologize to you that a phone call was not made. I meant it with all due respect. I did not misuse your name nor misquote you. Certainly, speaking on the floor in the Senate in an open, public forum is not speaking behind your back. That I do not do and I will not do.

Mr. BYRD. Whatever the Senator wants to call it, in my judgment, it is not fair.

Mr. CRAIG. OK.

Mr. BYRD. I will never call the Senator's name in public without his being on the floor. I like to go face to face with anything I have to say about a Senator, and I would appreciate the same treatment.

Mr. CRAIG. Will the Senator yield again?

Mr. BYRD. Yes.

Mr. CRAIG. You know how much I respect you, Senator BYRD.

Mr. BYRD. I hope so.

Mr. CRAIG. In no way do I intend to speak behind your back. It is an important issue that you and I are concerned about.

I think it was important to demonstrate what the real record of performance here is in the Senate under both Democrat and Republican leadership—how difficult it is to bring about the final processes of the appropriations. You and I would probably agree that maybe we need to look at the process because it hasn't worked very well. We have not been able to complete our work in a timely fashion, and it does take bipartisan cooperation.

I have been frustrated in the last couple of weeks by quotes such as the one on this chart, which would suggest if the other side does absolutely nothing, somehow we would cave. Last week appeared—I know you had a different argument, and I agreed with you—not to debate an appropriations bill on the floor separate from another. That is not good for the process, not good for the legitimacy of getting our work done. But it did seem to purport and confirm the quote on this chart.

Again, if I have in some way wronged you, I apologize openly before the Senate. But you and I both know that that which we say on the record is public domain. But I did not offer you the courtesy of calling you, and for that I apologize.

Mr. BYRD. It is for the public domain, no question about that. But if my name is going to be used by any Senator, I would like to know in advance so that I may be on the floor to hear what he says about me so I may have the opportunity to respond when whatever is being said is said. That is the way I treat all other Senators; that is the only way I know to treat them.

Mr. CRAIG. That is most appropriate.

Mr. BYRD. It is the way I will always treat Senators. I will never speak ill of the Senator, never criticize the Senator, unless he is on the floor. I would like to be treated the same way.

Mr. CRAIG. Will the Senator yield one last time?

Mr. BYRD. Yes.

Mr. CRAIG. I have made statistical statements. When I prepared this today, I double-checked them, to make sure I was accurate, with the Congressional Quarterly Almanac so the RECORD would be replete. If I am not accurate, or if I have misspoken in some of these statements, again, I stand to be corrected. I was simply comparing the years of 1986, a Republican-controlled Senate, and 1987, a Democrat-controlled Senate, when you were the majority leader—recognizing that in both of those years major budget battles ensued and we bundled tremendously in those years individual appropriations bills—in fact, in a considerably worse way than we are actually doing this year. I thought that was a reasonable thing to discuss on the floor.

Mr. BYRD. Mr. President, I am not sure that is accurate.

Mr. CRAIG. You can check it.

Mr. BYRD. Mr. President, may we speak of another Senator in the second person?

The PRESIDING OFFICER. The Senator is correct. The Senator should address the Chair.

Mr. BYRD. And speak to another Senator in the second person.

The PRESIDING OFFICER. And not refer directly to another Senator.

Mr. BYRD. Exactly. I think that rule keeps down acerbities and ill will. I want to retain good will. So when I refer to the distinguished Senator, I don't want to point the finger at him by saying "you."

Now, Mr. President, I am not sure the Senator is entirely accurate in everything he has said. I didn't hear everything he said, but I have the impression that what he was saying was that we bundled bills together in times when I was majority leader, and so on.

I am not sure that is even accurate. But let me say to the distinguished Senator that I haven't complained about bundling bills together. That is not my complaint at all. My complaint is in avoiding debate in the Senate and sending appropriation bills directly to conference. That is my problem because that avoids the open debate in the Senate, and Senators are deprived of the opportunity, thereby, to offer amendments.

I don't mind bundling bills together in conference if they have passed the Senate. But if they haven't passed the Senate, I am very critical of sending those bills to the conference. I think the framers contemplated both Houses acting upon bills—and that is the way we have done it heretofore until the last few years; appropriation bills have passed the Senate; they have been amended and debated before they went to conference. That is my complaint.

So I hope the Senator will not feel that I have been complaining about bills being joined in conference. I am not complaining about that.

According to the CRS, all regular appropriation bills were approved by or on October 1 in 1977—the first year I became majority leader—in 1989, in 1995, and in 1997. So I have the record before me that shows that four times in those years—that is not a great record, but four times in those years all of the regular appropriations bills were approved by or on October 1.

The distinguished Senator, if I understood him correctly, said only twice. Am I correct that only twice had all appropriations bills been approved on or before October 1?

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I may have misheard the Senator. Yes, I yield.

Mr. CRAIG. What I quoted was the Congressional Almanac—the CQ Almanac—that said since 1977 only twice, in 1994 and in 1998, has the Congress passed all 13 appropriations bills in time for the President to sign them into law before the October 1 deadline.

Mr. BYRD. Therein lies the tale. The Senator uses the phrase "in time for the President to sign them into law."

Mr. CRAIG. By October 1.

Mr. BYRD. By October 1. The RECORD shows that in 4 years, all of the regular appropriations bills were approved by or on October 1.

I can remember in 1977, I believe it was, that all of the appropriations bills were passed but the last one, which passed the Senate by just a few seconds before the hour of midnight at the close of the fiscal year. Obviously, it would not have been in time for the President to have signed the bill by the next day. But all bills did pass the Senate even though the last of the appropriations bills only made it by a few seconds or a few minutes. And in 1987, more than 100 amendments were offered, debated, and disposed of in the consideration of the continuing resolution. We took up amendments, we debated them, and disposed of them.

That is what I am complaining about. I will have more to say about this in a few days. But I am complaining about the fact that appropriations bills are brought to the Senate floor, and in many instances Senators don't have the opportunity to offer amendments and have them debated. They don't have the opportunity to debate the bills fully.

Secondly, I am complaining about sending appropriations bills directly to conference without the Senate's having an opportunity to debate those appropriations bills and to amend them prior to their going to conference. That short-circuits the legislative process. We represent the people who send us here. This is the only forum of the States. I represent a State, the distinguished Senator from Idaho represents a State, and represents it well. But it doesn't make any difference about the size of the State. Each State is equal in this body—meaning that small, rural States like West Virginia are equal to the large States of New York, California, Texas, and so on.

But when the Senate is deprived of the opportunity to debate and to amend by virtue of appropriations bills being sent directly to conference, this means the people of my State, the people of the small States, the people of the rural States—the people of every State, as a matter of fact, represented in the Senate—are deprived of the opportunity to debate and are deprived of the opportunity to offer amendments through their Senators.

This is what I am complaining about. I have tried to avoid personalities. I could do that. I don't like to do that. I am just stating a fact that we are being deprived, the Senator from Idaho is being deprived of debating and offering amendments. His people are being deprived. That is the important thing—his constituents are being deprived. I think we ought to quit that. I think we ought to stop it.

I hope the distinguished Senator will stand with me in opposition to what I call the emasculation of the appropriations process when that is done.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes. I yield.

Mr. CRAIG. The State of West Virginia and my State of Idaho are very similar. Both are small, rural States. Both the Senator from West Virginia and I are very proud of the fact that we have equal power in the Senate. Our Founding Fathers assured that. That is what created this marvelous balance. Both the Senator from West Virginia and the Senator from Idaho serve on the Appropriations Committee. Obviously, the Senator from West Virginia has tremendous seniority and is former chairman of that committee. I am still pretty much a freshman. We appreciate that debate process. There is no question about it.

At the same time, I am one of those Senators who, before the August recess, turned to my majority leader and said something he didn't want to hear. I said: You know, I am going to start researching the need for a lame duck session because we are not going to get our work done. We have not been allowed to move bills to the floor without 100 amendments or 50 amendments. The Senator from West Virginia can certainly characterize those amendments the way he wants. I will characterize them by saying at least 50 percent of them are political. They come from both sides.

I cannot say that the other side is any more guilty than we are for making a public political statement on an amendment that never passes. We are all frustrated by that. But when you subject a bill to full debate on the floor without being able to get a unanimous consent agreement to govern the time, then we could go on for days and sometimes an entire week on the floor on a single bill.

Is that necessary?

Mr. BYRD. May I regain the floor for just a moment?

Mr. CRAIG. It is the Senator's time.

Mr. BYRD. We have had those experiences. That is not an unheard of experience.

Mr. CRAIG. That is correct.

Mr. BYRD. That is part of the process.

When I was majority leader of the Senate in 1977, 1978, 1979, and 1980 and, again, when I was majority leader of the Senate in 1987 and 1988, not once did I attempt to say to the leader on the other side of the aisle that I will not take this bill up if you are going to call up amendments, or if you call up 5 or 10 or whatever it is, I will not call it up; or having called it up, if Senators on the other side of the aisle persisted in calling up amendments, I didn't take the bill down. That is part of the process.

That is where we differ. There are now Senators in this body who think that that is the way the Senate has always been. I would say to Senator Baker, or to Senator Dole, let's have our respective Cloakrooms find out how many amendments there are. And the Cloakrooms would call Senators. They would bring back a list of the Senators on the Republican side and a list of the Senators on the Democratic side who indicated they had amendments. I never said: Well, we ought to cut them down. I said: Let's list them.

Sometimes there would be 65 amendments, sometimes 80, or whatever. I would say: Let's get unanimous consent that the amendments be limited to those on the list. I never attempted to keep Senators from calling up their amendments, or to insist the leader of the other side cut down his amendments before we would call up the bill. We listed the amendments. Then we sought to get unanimous consent. Usually we could because we worked well together. Once we had the finite list of amendments and got unanimous consent that that would be all of the amendments, we began to then work with each individual Senator—Mr. Dole and Mr. Baker, through their staff on that side, and myself on my side. Our staff attempted to get time limitations on those amendments. Many of the amendments just went away. Senators would do as I have done on several occasions: I had my name put on the list just for a "germane" amendment and just for self-protection. So that is the way it is. Many times, amendments fall off.

I have to say that this new way of doing things here is not the way the Senate has always done it. There are 59 Senators today in this body—I believe I am correct—there are 59 Senators out of 100 Senators who never served in the Senate prior to my giving up the leadership at the end of 1988.

Rules VII and VIII—there are two rules I just happened to think of that have never been utilized since I was majority leader. Never. And there are other rules that have never been utilized since I was majority leader. Fifty-nine Senators have come into the Senate not having seen the Senate operate as it did when Mr. Mansfield was here, when Lyndon Johnson was here, and when I was leader. What they see is a new way of operating in the Senate.

Many of those Senators—I believe 48 of the Senators—here I am speaking from memory; I may have missed one or two—have come over from the other body. I am one of them. But there are 48, maybe 47 or 52, or thereabouts, of today's Senators who have come over to the Senate from the House. They have never seen the Senate operate under its rules, really, unless we call operating by unanimous consent operating by the rules—which would be accurate to say, up to a point. But 48 Senators have come over from the House and many of those Senators would like to make the Senate another House of Representatives. The Senate was not supposed to be an adjunct to the House.

I have been in the other House. I have long studied the rules and the precedents and worked in the leadership in one capacity or another in this Senate. I served in the Democratic leadership 22 years here, as whip, as secretary of the conference, as majority leader, as minority leader, as majority leader again.

I grieve over what is happening to the Senate. I say we need to get back to the old way of doing things because we are short circuiting the process. In so doing, we are depriving the people of the States of the representation that they are entitled to in this Senate. By that I mean that the people's Senators are not allowed to call up amendments, they are not allowed to debate at times. This way of operating would certainly, I think, bring sadness to the hearts of the framers because they intended for this Senate to be a check on the other body. They also intended for this Senate to be a check against an overreaching executive. But if Senators can't call up bills from the other body and debate them and amend them, then the Senate cannot adequately check the other body against the passions that may temporarily sweep over the country. The Senate cannot bring stability to the body politic and to the government that the framers intended.

I am happy to yield again.

Mr. CRAIG. If the Senator will yield for one last question.

Mr. BYRD. Yes.

Mr. CRAIG. I made this comment, and the Senator made a corresponding comment that appears to suggest that my comment is in conflict with his and they may not be. I want to correct this for the record.

The Congressional Quarterly Almanac says that only seven appropriations bills had passed the Senate on October 1 of 1987. But we did not provide for the President an omnibus bill with 13 in it until December 22, 1987.

I am not suggesting by this statement that the Senate didn't go on to debate those individual bills on the floor between October 1 and December 22; I didn't draw that conclusion.

Mr. BYRD. May I comment?

The Senator is only telling half the story.

Mr. CRAIG. I am only quoting the Almanac.

Mr. BYRD. Well, my memory, which is not infallible, reminds me that the President of the United States asked for an omnibus bill that year. He didn't want separate bills. Mr. Reagan didn't want separate bills that year. He wanted an omnibus bill. I hope I am not mistaken in the year that we are discussing.

But does the Senator not recall one year in which Mr. Reagan did not want—he wanted one bill because we were entering into some kind of an agreement amongst us; he wanted one bill to sign rather than several. So we accommodated him.

Mr. CRAIG. If the Senator will yield.

Mr. BYRD. Yes.

Mr. CRAIG. I don't recall what President Reagan did or did not want. I know what the record shows he got.

I guess the question I ask the Senator from West Virginia, from October 1 to until December 22, did the Senate debate and pass out the remainder of the appropriations bills that had not been completed by October 1, which would have been a total of six, I believe, if the Congressional Quarterly Almanac is correct, and we only worked up seven prior to the deadline?

Mr. BYRD. I am looking at the chart, "Final Status of Appropriation Measures, First Session, 100th Congress." That would have been 1987. Every bill was reported. I think I am getting now to the question that the Senator asked.

Some of the bills were reported but not taken up, but floor action shows that the Senate continued to act upon appropriations bills: Treasury-Postal Service was acted upon on the floor September 25; Transportation, October 29; military construction, October 27; legislative, September 30; Labor-HHS-Education, October 14; Interior, September 30; energy and water, November 18; Commerce-Justice, October 15.

So they were all acted on. And, yes, the answer is, the Senate continued to act upon those bills even through the latter months of the year.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. Those records comport with what I have said. I wanted to make sure I was not inaccurate. My concern is that we will have not completed our work on the floor by the deadline unless we can gain the kind of cooperative effort to move these pieces of legislation.

And by your observation, I was accurate in the sense that five were debated and passed or voted on after the October deadline of 1987.

Mr. BYRD. Mr. President, let me respond to that. The Senator] speaks of cooperation from the other side. I note that 1, 2, 3, 5, 6—9 of these appropriations bills—10, 11—11 of them were reported from the Senate Appropriations

Committee this year no later than July 21, reported and placed on the calendar—11 of them.

Why weren't they called up in the Senate? The Appropriations Committee, on which the distinguished Senator from Idaho and I sit, the Appropriations Committee, under the excellent leadership of Senator TED STEVENS, reported those bills out; 11 of them, I believe—no later than—what date was that? No later than the 21st of July. Why weren't they called up? We had plenty of time. Why weren't they called up?

May I say, in addition to that, the Senate certainly had the time to act on those bills. We were out of session on too many Fridays. We come in here on Monday, many Mondays, and we do not cast a vote, or we cast a vote at 5 o'clock, or we go out on Fridays, we don't have any session at all, or we go out by noon with perhaps one vote having been taken.

The Senator and I could talk until we are each blue in the face, but it seems to me that someone needs to explain in a reasonable way as to why we don't act on Mondays and Fridays, act as we ought to as a legislative body—be in session. We are getting paid for the work. Why don't we act on these appropriations bills?

When I was majority leader, I stood before my caucus in 207. I can remember saying it: "We are not here to improve the quality of life for us Senators. Our constituents send us here to improve the quality of life for our constituents. I am interested in the quality of work."

My own colleagues were doing some complaining. I said: We are going to be here, we are going to vote early on Mondays, and we are going to vote late on Fridays. You elected me leader. As long as you leave me in as leader, I am going to lead.

Now, I said, we will take 1 week off every 4 weeks, and we can go home and talk to our constituents, see about their needs. So we will have 1 week off and 3 weeks in, but the 3 weeks that we are in, we are going to work early and we are going to work late. And we did that in the 100th Congress.

If one looks over the records of the 100th Congress, one will find that Congress was one of the best Congresses, certainly, that I have seen in my time here in Washington. The productivity was good, we worked hard, there was good cooperation between Republicans and Democrats. We all worked, and appropriations bills didn't suffer. Appropriations bills were never sent to conference without prior action by this body. Every Senator in this body on both sides of the aisle was allowed to call up his amendment, to offer amendments, as many as he wanted to. Nobody was shut off. We just simply took the time. We stayed here and did the work.

Nobody can say to me, well, we don't have the time to do these bills. Mr. President, we have squandered the time. We have squandered the time already. I used to have bed check votes on Monday mornings at 10 o'clock, bed check votes so that the Senators would be here at 10 o'clock. It didn't go over well with some of the Senators, even on my side. But one leads or he doesn't lead. When one leads, he sometimes runs into opposition from his own side of the aisle. I was not unused to that. But nobody can stand here and tell me that we have fully utilized our time and that we have to avoid bringing bills up in the Senate because Senators will offer amendments to them. I am ready to debate that anytime.

I thank the distinguished Senator. I will yield again if he wishes.

Mr. CRAIG. I have one last question because you have got your ledger there, which is very valuable, making sure that statements are accurate, because I focused on 1987, the year of your majority leadership.

We talked about the bills. I think we confirmed one thing. The Congressional Quarterly Almanac also goes on to say that foreign ops, Agriculture, and Defense were never voted on on the floor and never debated, that they were incorporated in the omnibus bill. So, in fact, the practice you and I are frustrated by was incorporated that year into that large 13-bill omnibus process; is that accurate?

Mr. BYRD. This is accurate. During Senate consideration of the continuing resolution for fiscal year 1987, which contained full year funding for all 13 appropriations bills, more than 100 amendments were offered, debated, and disposed of.

Mr. CRAIG. But my question is: The individual foreign ops, Agriculture, and Defense bills were in fact not individually debated on the floor and amended?

Mr. BYRD. They were in the CR and therefore subject to amendment.

Mr. CRAIG. I see. But not individually brought to the floor? I understand what you are saying. I am not disputing what you are saying about incorporating them into a CR.

Mr. BYRD. The Senator—my distinguished friend from Idaho—misses the point. There may be CRs this year. There have been CRs before.

Mr. CRAIG. Yes.

Mr. BYRD. I have never denied that. The point is that the CRs were called up on the floor, they were debated, and they were amended freely. That is what I am talking about. The Senate had the opportunity to work its will even if those bills, two or three, were included in the CR. That is the point. The Senate was able to work its will on the CR and to offer amendments and debate and have votes.

Mr. CRAIG. No, that is not the point. If the Senator will yield, we are not in disagreement. We are not yet to the CR point. If we get there, I have not yet heard any leader on either side suggest that we not amend it. We hope they could be clean. We hope they could go to the President clean, without amendments.

But if we are going to incorporate in them entire appropriations bills that have not yet been debated—and that was my point here with bringing that up; they were in CRs but they were not brought to the floor individually and debated. There was an opportunity—you are not suggesting, you are saying—and it is true—that there was an opportunity at some point in the process for them to be amended.

Mr. BYRD. Yes.

Mr. CRAIG. Yes. We are not in disagreement.

Mr. BYRD. Except this: The Senator says we hope they can go to the President clean. I don't hope that.

Mr. CRAIG. Oh.

Mr. BYRD. No, indeed. Never have I hoped that. I would like to have seen a time when Senators didn't want to call up amendments. Maybe I could have gone home earlier. But I have never thought that was a possibility. And I wouldn't hope they would go to the President clean because I think Senators ought to have the opportunity to clean up the bills, to improve them. Surely they are not perfect when they come over from the other body, and Senators ought to be at liberty to call up amendments and improve that legislation. That is the legislative process. Let's improve it.

I thank my colleague.

Mr. CRAIG. I thank the Senator for yielding. You see, we do agree on some things but we also disagree on others. There we have a point of disagreement.

Mr. BYRD. The Senator ought not disagree with me on saying that Senators ought to have an opportunity to call up amendments and that we don't necessarily wish to see clean bills sent to the President. I didn't want to see a clean trade bill sent to the President.

Mr. CRAIG. If the Senator will yield just one last time?

Mr. BYRD. Yes.

Mr. CRAIG. If we are attempting to complete our work on a bill-by-bill basis and we extend our time to do that with a clean CR, simply extending the processes of Government and the financing of Government for another week or two while we debate individual bills—that is what I am suggesting.

If we are going to incorporate other bills, appropriations bills, in the CR, I am not objecting to amendments. I am saying that if we are going to deal with them individually on the floor, as you and I would wish we could and should, then the CR that extends us the time to do so, in my opinion, should be clean in going to the President so he will not argue or attempt to veto something because we would stick an amendment on it with which he might disagree.

Mr. BYRD. I think we are ships going past one another in the dark, the Senator and I, on this. I am for having full debate, having Senators offer their amendments. Whether or not bills sent to the President are clean, to me, I think, is not a matter of great import. I think the framers contemplated that each House, the House in the beginning on revenue bills and then the Senate on revenue bills by amendment and the House and Senate on other bills, sometimes one House would go first, sometimes the other House would go first except on revenue bills, by practice, appropriations bills.

To me, in the legislative process, the people are getting their just rights, the people are getting what they are entitled to, and the Republic will flourish and the liberties of the people will endure if Senators have an opportunity to debate fully—disagree, agree, offer amendments, have them tabled, have them voted up or down. This Republic will be in a much safer position and in a much better condition if the Senate is allowed to be what the Senate was intended to be by the framers.

I hope the Senator will join with me in protecting this Senate and in doing so will protect the liberties of the people. Protect the Senate. Forget about party once in a while. George Washington warned us against factions and about parties. I have never been such a great party man myself, and the Senator will not find me criticizing the "other side" very often, or the "Republicans" very often. I can do that and have been known to do it, but there are other things more important, and the Senate is one of the other things that is more important. We are talking about the Senate. We are talking about the cornerstone of the Republic. As long as we have freedom to debate in the Senate and freedom to amend, the people's liberties will be secured. I thank the Senator.

Mr. CRAIG. I thank the Senator for yielding.

Mr. BYRD. I yield the floor.

## NATIONAL ENERGY SECURITY ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The question now pending is the motion to proceed to S. 2557.

The Senator from North Dakota.

## SENATE SCHEDULE

Mr. DORGAN. Mr. President, I was listening to the discussion among my colleagues, Senator CRAIG, Senator BYRD, and Senator DASCHLE was here earlier. I thought it would be useful to discuss the concept that has been discussed. In the end, it does not matter what is said one way or the other about who is at fault for this or for delaying that. The question people ask at the end of a legislative session is, Are things a little better in this country because those folks met and discussed things in the United States, what works, what does not, what we can do and cannot do?

If the answer to that is yes, none of this matters much. But the Senator from West Virginia, in responding to some discussions earlier by the Senator from Idaho, makes a very interesting point. I have not been here nearly as long as the Senator from West Virginia has been.

This is a calendar which shows this year, the year 2000. The red days on this calendar are the days the Senate was not in session. We will see the Senate was not in session a fair part of the year. In fact, another chart will show the number of days we have been in session. It is now the end of September, and we have been in session 115 days out of all of this year. Of those 115 days we were in session, on 34 of them, there were no votes at all. So we have been in session 115 days, but on 34 of those days, there have been no votes.

There have been only two Mondays in this entire year in which the Senate has voted, and if I may continue with this chart presentation, there have been only six Fridays in all of this year on which the Senate has voted. Out of 13 appropriations bills, only two have been signed into law by the President. In the month of September, when we must try to finish the remaining 11 appropriations bills, we have not had any votes on Mondays, except for possibly today if we have a vote later today. And there have been no votes on Fridays in the month of September.

I thought it would be useful to describe what is going on here. Let me read this statement from my friend and colleague, the Senate majority leader, earlier in the year. He said:

> We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

I know Senator LOTT wants this place to work and work well. I mentioned the other day to Senator LOTT that there is a television commercial about these grizzled, leather-faced cowboys on horseback herding cats. It is actually a funny commercial because they even get those cats in a river and try to move them across the river. These big cowboys with these leather coats, the big dusters they wear for storms, are holding these little stray cats.

I said to the Senate majority leader: That reminds me a little perhaps of the job you and others have of keeping things moving around here.

The Senator from West Virginia makes a very important point, and I want to outline it. We have had plenty of time to get to work to pass this legislation. We just have not been in session in the Senate much of the year. Frankly, most people run for the privilege of serving in the Senate because they have an agenda, too, and they want to offer amendments. They want to offer ideas that come from their constituencies that say: Here is what we think should be done to improve life in this country; here is what we think should be done to deal with education, health care, crime, and a whole range of issues.

When there are circumstances like we have seen this year where legislation does not even, in some cases, come to the floor of the Senate, but instead goes right to conference, it says to Senators: You have no right to offer any amendments. That does not make sense.

The reason I came over, I say to the Senator from West Virginia, is that I heard the discussion by my colleague from Idaho saying Senator DASCHLE is to blame for all of this. Nonsense. Winston Churchill used to say the greatest thrill in the world is to be shot at and missed. The Senator from Idaho has just given all of us a thrill. But Senator DASCHLE is at fault?

Senator DASCHLE does not schedule this Senate. We are not in charge. I wish we were, but we are not in charge. We are the minority party, not the majority party. I hope that will change very soon.

What Senator DASCHLE said is clear. In fact, he said it again last week: If I had been majority leader, and I am not, today would be a day in which we take up an appropriations bill and we would be in session until we finish that bill and everybody has a chance to offer amendments. If it takes 24 hours, then we will not get a lot of sleep, but we will finish that bill.

Senator DASCHLE said: My preference is to take these bills up individually. I would be willing to do an appropriations bill a day—long days, sure; tough days, absolutely. But he said let's do them. Bring them to the floor. Open them up for amendment. Let's have debates, offer amendments, and then let's vote. Democracy, after all, is about voting. It is not always convenient.

The Senator from West Virginia had a reputation for not always making it very convenient for people because he has insisted that appropriations bills be brought to the Senate floor and that they be debated fully and that everybody have the opportunity to bring their amendments to the floor of the Senate, have a debate, and then have a vote.

Again, sometimes that is difficult. People want to be here and there and everywhere else on Fridays and Mondays and parts of the week. But the fact is, we are now in September, towards the end of the month, and 11 of the 13 appropriations bills are not yet signed. I am a conferee on at least two of them for which no conference has been held.

I might mention to the Senator from West Virginia, I think perhaps you were referring earlier to the Agriculture appropriations bill. The House passed it July 11. The Senate passed it July 20. I am a conferee. There has been no conference. The House has not even appointed its conferees. In today's edition of the CQ Daily Monitor, one of my colleagues is quoted as saying that "aides" have worked out a compromise in the Agriculture spending conference report, and it will come to the floor on Wednesday.

Now, that is a surprise to those of us who are supposed to be conferees. This is a bill on which there has been no conference, and someone in the majority party is saying aides have worked this all out, and it is going to come to the floor of the Senate on Wednesday. Boy, I tell you, this system is flat out broken. That is not the way this system ought to work. Aides do the work without a conference?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. The Senator is precisely correct. The system is not operating as it was intended to operate. We are improvising it as we go along. We are changing it all the time. The Senate is changing. And I regret to say that.

I simply want to thank the Senator for using the charts. They are very persuasive. They tell the story. They tell it concisely.

I also thank the Senator for standing up for the Senate and the true system. The Appropriations Committee was created in 1867. So for 133 years we have had this system. The Appropriations Committee was very small in the beginning. I think it was made up of only five members.

The system is being changed by Senators who have come here, most of them, from the other body. They don't know how the Senate is supposed to work. They never saw it operate under the rules. It is being run mostly by unanimous consent now, not by the rules. For example, we never have calendar Mondays here anymore. We ought to try that just once in a while to keep the system—the real system—alive.

I thank the Senator for his timely comments.

Mr. DORGAN. I appreciate the comments of the Senator from West Virginia as well. It should never, ever be considered old-fashioned to have the Senate work in a manner in which it was intended to work; that is, to have debates and to have votes. That is not old-fashioned. That is a timeless truth about how democracy ought to work.

A timeless truth here is that we will get the best for the American people by soliciting all of the best ideas that come from every corner of this Chamber. Those ideas come from every corner of our country. People come here not for their own sake; they come to represent the people of West Virginia and Maine and California and my State of North Dakota. The development of all of those ideas—through debate, through the offering of amendments, and so on—represents what I think can contribute best to America's wellbeing.

There are so many things that I wanted to do this year that we are not doing. There is so little time left. We have a farm program that does not work. Families out on the land—family farmers are the best in America—are just struggling mightily. The farm program does not work. It ought to be repealed and replaced with one that does. That is not rocket science. Europe does it. We can do it.

A Patients' Bill of Rights: We debated that forever. We ought to pass that. A prescription drug benefit in the Medicare program: We know we should do that and do it soon. Fixing the education system: Again, we know what needs to be done there. There is a whole series of things we ought to be doing that have not been done this year, let alone most of the appropriations bills, which we should pass.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. DORGAN. Of course, I yield.

Mr. BYRD. Mr. President, I am constrained to say, as I have said before, that the fault is not all on one side. And I have complained about this to my own caucus. Too many times, on this side of the aisle, we have called up the same old amendment over and over and over again. I have said this in my own caucus, and I have said this before to my colleagues. So we are at fault to an extent in that regard. That is not to say a Senator does not have the right to call up an amendment. He has the right to call up his amendment as many times as he wishes. But I see no point in beating a dead horse over and over and over. That is something I think we, on our own side, should talk about and try to avoid.

Now, there are occasions when, for one reason or another, perhaps a Senator is absent or a supporter of a given amendment may be away for a funeral or something else, and the amendment may be called up, and it loses. Then I think there is real justification for calling up that amendment again on a future date.

But there are times here when it seems to me my own side is only interested in sending a "message." We want to send "messages." This is alright up to a point. I have kind of grown tired of just sending "messages."

For example, nobody has supported campaign financing longer than I have in this Senate. As a matter of fact, I offered a campaign financing bill with former Senator David Boren in this Senate in the 100th Congress. Now, I offered cloture on that bill eight times. No other majority leader has ever offered cloture on the same bill eight times. But I was disappointed eight times because only four or five Members of the Republican Party ever joined the Democrats in supporting that campaign financing bill. So we tried and we tried again.

I think we send too many "messages" on this side of the aisle. I can understand the majority leader, in trying to avoid this repetition of having to vote on the same old amendment—and they are political amendments—has attempted to bypass the Senate by not calling up bills.

Many authorization bills—if one will take a look at this calendar, look at the bills on this calendar. If the Senator will look at the bills on this calendar, we have a calendar that is 71 pages in length. Some of those probably are authorization bills. They are not called up. So, Senators all too often only have appropriations bills to use as vehicles for amendments which they otherwise would call up if the authorization bills were on the calendar and were called up.

The authorizing committees need to do their work. They need to get the bills out on the calendars. And then, when the bills are on the calendar, if they are not called up, Senators are going to resort to calling up amendments on appropriations bills. So there is enough fault and enough blame here to go around.

But I think the greatest danger of all is for the Senate to be relegated to a position in which it cannot be effective in carrying out the intentions of the framers. And that can best be done by not calling up appropriations bills, sending them directly to conference, and preventing Senators from carrying out the wishes of their constituents, by not allowing Senators to debate and call up amendments.

I thank the distinguished Senator. He has taken the floor on several occasions to mention this and to call our attention to it. I thank him.

(Ms. COLLINS assumed the chair.)

Mr. DORGAN. Madam President, the Senator from West Virginia will recall that he told me a story some long while ago about this desk that I occupy in the Senate. This desk, as do all of these desks, has an interesting history. This desk was the desk of former Senator Robert La Follette from Wisconsin. It was Senator BYRD who informed me of something that happened 91 years ago, I believe, in late May in the year 1909.

Senator La Follette was standing at this desk—this desk may not have been in this exact spot, but it was this desk—involved in a filibuster.

During those days, this Senate had a lot of aggressive, robust debates. Senator La Follette was a very forceful man with strong feelings, and he stood at this desk engaged in a filibuster. As the story goes, apparently someone sent up a glass of eggnog for him to sip on during the filibuster. He brought that glass of eggnog to his lips and drank then spat and began to scream that he had been poisoned. He thought he had tasted poison in this glass of eggnog. The glass was sent away—I believe this was in 1909—to have it evaluated. They discovered someone had, in fact, put poison in his drink. They never found the culprit.

I think of stories such as this one about this Chamber, what a wonderful tradition in the Senate of people who feel so strongly. We should not diminish the role of the Senate as the place of great debates.

I served in the House. It is a wonderful institution. There are 435 Members. There they package their debates through the Rules Committee. They say: You get 1 minute, you get 2 minutes, you get 5 minutes. We will entertain these 10 amendments, and that is all. And if you are not on the list, you are not there. That is the way the House works because that is the only way it could work with 435 Members. But the Senate was never designed to work that way. It was never intended to work that way. The Senate was to be the center of the great debates, debates that are unfettered by time, unfettered by restriction. Is that in some ways inefficient? Yes. Is it cumbersome, sometimes inconvenient? Sure. It is all of that. But it is also the hallmark of the center of democracy. We ought not ever dilute that, nor should we ever dilute the opportunity of every single person who comes to sit and at times stand in the Senate to represent his or her constituents to make the strongest case they can make on whatever the issue is that day.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. Speaking of the old days, I sat in that presiding chair up there on one occasion 22 hours. I sat there 22 hours, through a night of debate on civil rights legislation, when I first came here. It fell to my lot to have that as a chore, as it falls to the lot of newer Senators. I sat there 22 hours.

I can remember the civil rights debate of 1964. I hope my memory is not playing tricks on me. One hundred sixteen days elapsed between the day that Mr. Mansfield motioned up that bill and the day that we cast the final vote on that bill, 116 days. We were on the motion to proceed for 2 weeks. I believe the Senate spent 58 days, including 6 Saturdays and, it seems to me, 1 Sunday—the Parliamentarian will remember this—but 6 Saturdays, get me now, in debating the Civil Rights Act of 1964.

I voted against the act. I was the only Northern Democrat who voted against it. I was the only northern Democrat who voted against cloture. And the only other Democrats who voted against cloture were Alan Bible of Nevada—and I am talking about Senators outside the South—and perhaps Senator Hayden of Arizona. We spent six Saturdays. We didn't go home on Saturdays. We stayed here and we voted. I forget how many rollcall votes we cast. Even following the cloture, we were on that bill, I believe, 10 days or so, on the bill even after cloture was invoked but we stayed here and did the work.

Had Everett Dirksen, the Republican leader, not voted for cloture and led some of the Senators on the other side to vote for cloture, had that Republican leader not worked with Mr. Mansfield and Hubert Humphrey in those days to pass an important act, that act would not have passed. Cloture would never have been invoked on that act, if Everett Dirksen, the leader on the other side, and some of the Senators who went with him, had they not decided to vote for cloture and vote for the bill. That was teamwork. That was cooperation. That was stick-to-itiveness. That was the Senate at its best.

I spoke against that bill. I spoke 14 hours 13 minutes against that bill. If I had it to do over again, I would vote for it. But I was just out of law school. I thought I knew a lot about constitutional law. And there were some great constitutional lawyers here then. Sam Ervin was here, Lister Hill, John Sparkman, Richard Russell, Russell Long; these were men who had been in this chamber for a long time. They didn't come to the Senate in order to use it as a stepping stone in a lateral move to the Presidency. They came here to be Senators. But the Senate argued. It debated. It amended. It took whatever time was necessary, and the Senate spoke its will. That is what we don't have these days. We don't have that these days.

I thank the Senator for the service he is performing.

Mr. DORGAN. Madam President, let me try to summarize what brought me to the floor.

A colleague arrived on the Senate floor and said the reason we are in the circumstance in which, at nearly the end of a legislative session and only 2 of 13 appropriations bills have been completed by the Congress, and not much of the major legislation we had hopes for in the 106th Congress has been passed, is that Senator DASCHLE is stalling, causing problems, is just not going to wash.

It is sheer nonsense to suggest somehow that the minority leader of the Senate is determining the schedule of the Senate. There are times when one has to be repetitious in the Senate.

Let me give an example: increasing the minimum wage. When it comes time for increasing the tax benefits for the highest income groups in America, we have people rushing to the floor, standing up and talking about tax cuts. Good for them. If you happen to be in the top one-tenth of 1 percent of the income earners, there are people here coming to the floor of the Senate saying: Let's give you a big tax cut. They won't call it that. They will say it is for the little guy. But just unwrap the package and see what is there.

If you are in the top one-tenth of 1 percent of the income earners, good for you. You have great representation in the Senate. At least on a half dozen occasions this year, you had people coming over to vote for big tax cuts for you.

But what if you are at the bottom of the economic ladder? What if you are a single mother, working the midnight shift for the minimum wage, trying to make ends meet, trying to pay the rent, trying to buy food and see if there is any way you can scratch out money to have health insurance for your children? What about you? Who is rushing to the Senate floor to say perhaps we ought to provide a small increase in the minimum wage?

An increase in the minimum wage doesn't happen very often. Time and time again, we have tried to address the needs by increasing the minimum wage. It hasn't gotten done. We are near the end of the session. Is it repetitious to bring it back up? You bet it is. But some of us intend to be repetitious when it means standing up for the rights of the people at the bottom of the economic ladder who are working hard but who are losing ground because the cost of living is going up and their wages are not.

How about the issue of trying to keep guns out of the hands of criminals? Let me describe that problem in this session of the Congress. Most everybody agrees—certainly the law requires—that we prevent criminals from having access to guns. If you have been convicted of a felony, you don't have a right to own a gun. The second amendment doesn't apply to you, but it applies to law-abiding citizens. Criminals have no right to have a gun.

The NRA and virtually everybody else has agreed that we ought to have an instant check system where, if somebody wants to buy a gun, there name will be run through a computer check to see if this person is a convicted felon. If in running this check you discover the person has previously been convicted of a felony, that person has no right to a gun. At every gun store in this country, when you go in to buy a gun, that happens.

Everybody supports that—the National Rifle Association, Republicans, and Democrats; everybody supports that. But there is a loophole. If you don't go to a gun store but instead go to a Saturday gun show, there is no requirement when you purchase a gun at that Saturday gun show that they run your name through an instant check.

A fair number of guns are passing from one hand to another on Saturdays and Sundays at gun shows with no determination of whether the person buying the gun is a felon. So we in the Congress pass a provision that closes that gun show loophole. Is it erratic? Not at all. It is very simple, common sense. It says no matter where you buy a gun, a gun store or a gun show, your name has to be run through an instant check to determine whether you are a convicted felon. If you are not, you can buy the gun. If you are a convicted criminal, you can't because you don't have a right to a gun. That bill passed the Senate by one vote. It went into a piece of legislation and went to conference and never came back out.

A week or so ago, an appropriations subcommittee was considering legislation that would have allowed the introduction of an amendment to close that loophole once again because that provision is on a bill that apparently is not going to move in this session. This would have provided an opportunity to offer an amendment to close the gun show loophole. Instead of allowing that, guess what? They took that appropriations subcommittee bill and moved it directly to conference. It never came to the floor of the Senate. Those who would have offered the amendment to close the loophole were never offered the opportunity to do that. That is not the regular process in the Senate, not the way things ought to be done.

So there are reasons to insist on some of these issues from time to time. We wish, for example, that on many of these days when we weren't in session, we would have been in session. Perhaps we would have finished most of the appropriations bills. Perhaps we would have been able to reach agreement on issues such as education.

We have had a fairly significant debate, over many months in the 106th Congress, on the issue of education. We know that smaller class size means better instruction and better education. We know that 1 teacher with 30 students is less able to teach those students than 1 teacher with 15 students. So we have a proposal to help in that regard by helping school districts and States have the resources to hire more teachers. Yet we are not able to get that completed because there is controversy in this Congress about that issue.

There are also schools in this country that are crumbling. Anybody who visits any number of schools will recognize that there are a lot of schools in this country that were built after the Second World War when the folks came back from that war and got married and had families. They built schools in a prodigious quantity all across the country. School after school was built in the fifties, and now many of those schools are 50 years old and in desperate need of repair.

Every Republican and Democrat, man or woman, ought to understand that when we send a kid through a schoolroom door, as I have described Rosie Two Bears going through a third grade door the day I was visiting her school, we ought to have some pride in that school, some understanding that every young "Rosie" who is walking through the school doors is walking into a classroom that is the best we can provide, that will offer that child the best opportunity for an education we can offer that child.

But I have been to schools where 150 kids have 1 water fountain and 2 toilets. I have been to schools where kids are sitting at desks 1 inch apart, and there is no opportunity to plug in computers and get to the Internet because the school is partially condemned and they don't have access to that technology; they don't have a football field, a track, or physical education facilities. I have been to those schools. We can do better than that. There are ways for us to help school districts modernize, rehabilitate, and rebuild some of those schools, and proposals to do that have largely fallen on deaf ears in this Congress.

Prescription drugs: We know what we should do on that issue. We know lifesaving drugs only save lives if you can afford to access those drugs. The current Medicare program doesn't provide a prescription drug benefit. 12 percent of our population are senior citizens and they consume one-third of all the prescription drugs. The cost of prescription drugs increased 16 percent last year alone. It is hard when you go to the homes of older Americans or go to meetings and have them come talk to you about the price of prescription drugs and see their eyes fill with tears and their chins begin to quiver as they talk about having diabetes, heart troubles, and other problems. They say they have been to the doctor and the doctor prescribed drugs, but they can't afford them. They ask, "What shall we do?" It happens all across the country all the time. We know we should add a prescription drug benefit to the Medicare program.

The Patients' Bill of Rights: If any issue ought to be just a slam dunk, it is this issue. Yet we are at the end of this session and can't pass a real Patients' Bill of Rights. The House passed one; it was bipartisan. And then the Senate passed a "patients' bill of goods"—well, they don't call it that, but that is what it is. It is just an empty vessel to say they have done something.

We should pass the Patients' Bill of Rights and make sure that in doctors' offices and in hospital rooms across this country, medical care is administered by the doctors and by skilled medical personnel.

I won't recite all the stories. One is sufficient to make the point.

A woman fell off a cliff in the Shenandoah mountains and was in a coma. She had multiple broken bones. She was taken to an emergency room on a gurney and unconscious. She was treated and eventually recovered. Her managed care organization said it would not pay for her emergency care because she didn't have prior approval to visit the emergency room. This is a person hauled in on a gurney, unconscious, and she was told she needed prior approval in order to have the emergency room treatment covered by her managed care organization. Examples of that sort of treatment go on and on and on.

Patients should have a right to know all of their medical options, not just the cheapest. Patients ought to have a right to get emergency room treatment during emergencies. A patient ought to be able to continue treatment with the same oncologist. If a woman is being treated for breast cancer and her spouse has an employer who changes health care plans, she ought to be able to continue treatment with the same cancer specialist she had been working with for 3 or 5 years. Those are basic rights, in my judgment, which are embodied in the Patients' Bill of Rights. It is so simple and so straightforward and so compelling. Yet this Congress has not been able to get it done.

The list goes on. Agriculture sanctions: We have sanctions prohibiting food shipments to so many countries—about a half dozen around the world. We have economic sanctions against them, and those sanctions include a sanction on the shipment of food. President Clinton has relaxed that some; he is the first President to do so, and good for him. But he can't relax it, for example, with respect to Cuba. That is a legislative sanction, and we have to repeal it.

We ought not to use food as a weapon in the world. There should be no more sanctions on food shipments anywhere. The same ought to be true with medicine. The Senate has spoken on that by 70 votes. We said let's stop it. We are too big and too good a country to use food as a weapon. We try to hit Saddam Hussein and Fidel Castro and we end up hitting poor, sick, hungry people. It ought to stop. Yet we are near the end of this session and we don't seem to be able to do that.

It does not wash for anyone to come to this Chamber and say the problem is the minority party. That is nonsense. The problem is we haven't been in session a majority of this year. These red dates are the dates in which we have not been in session. The problem is we have people who do not want to schedule debate on the floor of the Senate on amendments because they do not want to cast votes on those amendments. We ought to change that. Let's decide whatever the amendments are and whatever the policy is and debate it and vote and whoever has the votes wins. In a democracy, you don't weigh votes. You count votes. Whoever ends up with the most votes at the end wins. That, again, is not rocket science. But that is the way democracy ought to work.

We have not been in session most of the year, and now we have people coming out suggesting that somehow the minority leader is responsible for the problems of scheduling in this session. It just does not wash. It is just not so.

I hope perhaps in the coming 2 weeks that remain in this 106th Congress that we will have some burst of energy, some burst of creativity, and perhaps some industrial strength vitamin B-12 administered to the entire Congress as a whole that would make us decide to do the things we know need doing.

As I indicated when I started, at the end of the day, the American people do not care much about who offered amendments and who didn't, and who brought legislation to the floor trying to shut debate off and who didn't. They are interested at the end of the day in whether this 106th Congress met and made much of a difference in their lives and in their families' lives. What people care about is the things they talk about around the supper table: Are my kids going to a good school? If not, what can I do about that? Do I have a good job that has some job security? Do I have a decent income? Am I able to believe that my parents and grandparents will have access to good health care? Do I live in a neighborhood that is safe?

All of these are issues that affect American families. All of these are issues that we are working on. And, regrettably, in the 106th Congress we are not working on them in a very effective way because we have not been meeting most of the year.

On those critical issues—health care, education, economic security, and a range of other issues—the things that will most affect working families in this country are things that this Congress is not inclined to want to work on, or are not inclined to want to pass. It would be one thing if we couldn't pass legislation addressing these issues because we had votes on these matters and we lost. But often we discover there are other ways to kill something by denying the opportunity to bring up the amendment for a vote.

It is interesting. In this Congress, we have had something pretty unusual. We have actually had legislation brought to the floor of the Senate and then cloture motions are filed to shut debate off before the debate even begins. We have had legislation brought to the floor of the Senate with cloture motions designed to shut amendments off before the first amendment was offered.

You wonder: How does that work? How does that comport with what the tradition of the Senate should be as a great debating society on which we take on all of the issues and hear all of the viewpoints and then have a vote about the direction in which we think this country should be moving?

When I came to the Congress some years ago, one of the older Members of Congress was Claude Pepper, who was then in his eighties—a wonderful Congressman from Florida. He used to talk about the miracle in the U.S. Constitution—the miracle that says every even-numbered year the American people grab the steering wheel and decide which way they want to nudge this country. That is how he described the process of voting. That is the power that the American people have. The American people choose who comes to this Chamber. The rules of this Chamber provide that we do the same as the American people. We take their hopes and we take their aspirations and their thoughts for a better life and we offer them here in terms of public policy. Then we are supposed to vote. That is the bedrock notion of how you conduct democracy.

Yet we are all too often getting in this rut of deciding that we don't have time; we don't want to have a vote on this; we want to sidetrack that; we want to hijack this.

That is not the way the Senate ought to work.

Again, I didn't intend to come to the floor this afternoon, but nor did I want to sit and listen to debate which suggests that the minority leader, or the Democratic caucus, or anybody else for that matter, is at fault for what is taking place.

As the Senator from West Virginia indicated, there is perhaps sufficient blame to go around. I don't disagree with that. But I also know that we didn't win the election. I wish we had. We don't control the Senate. I wish we did.

But between now and the date we finish in this session of Congress, let me encourage those who make schedules around here to heed the words of the minority leader, Senator DASCHLE. If we have a fair number of appropriations bills remaining and people are worrying about whether we are going to get them done, then what Senator DASCHLE suggests, and I firmly support, is to do one appropriations bill a day. Bring up a bill today. It is Monday. It is 3:30. Let's bring a bill up and debate it and stay here until it is done. That is a sure way of getting the bills done. It is a sure way of providing everybody with an opportunity to be heard. It is also a way perhaps to get the votes on the issues I described that I think this Congress ought to be doing.

I assume we will have an interesting debate in the coming days. I hope Congress will be able to finish its work in the next 2 or 3 weeks. I hope that when we finish our work Democrats and Republicans can together say at the conclusion of the 106th Congress that we have done something good for America. But that will not happen unless things change, and unless we take a different tact in the next 3 weeks. There is a list of about 8 or 10 pieces that we ought to do. Bring them to the floor. Let's get them done, and then let's adjourn sine die feeling we have done something good for our country.

I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Maine, I suggest the absence of a quorum, and the clérk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SMITH of New Hampshire. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 3:50 p.m. having arrived, the Senate will resume consideration of S. 2796, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and other purposes.

The PRESIDING OFFICER. There will now be 1 hour for closing remarks.

Mr. SMITH of New Hampshire. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, this is the first major piece of environmental legislation debated on the floor since I assumed the chairmanship of this committee nearly 1 year ago. I am proud to bring the Water Resources Development Act before the Senate, of which a major portion is the Everglades which I will talk about in a moment.

This is a good bill. I am very proud of it. It is fiscally responsible. At the same time, it recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world—America's Everglades.

This bill gets us back on track toward regular biennial Water Resources Development Act bills. The committee produced a so-called WRDA bill last year, but that bill was 1 year late.

I am proud of the WRDA portion of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria on which we worked very closely.

We evaluated the old criteria and put in new criteria. We scrupulously followed this criteria in an effort to not let projects make their way into this bill that did not belong there.

As I noted in my opening statement a few days ago, the committee received requests to authorize more than 300 new projects. By holding firm on our criteria in this WRDA bill, we only authorized 23 new projects. We authorize 40 feasibility studies, and the bill contains 65 project-related provisions or modifications that affect existing projects.

I remain very concerned about clearing the backlog of previously authorized projects that will not or should not be constructed. Along with Senator VOINOVICH, we are working very hard to clear that backlog. Called the deauthorization process, this will be an element of the committee's efforts to reform the Corps and to get those projects deauthorized that should not be there.

This bill tightens that process by shortening the length of time that an authorized project can stay on the books without actual funding. It is not the full answer, but it is a good answer, and it is a good beginning.

During floor consideration of the bill last week, we accepted an amendment that requires the National Academy of Sciences to perform two studies relating to independent peer review of the analyses performed by the Corps of Engineers.

I would like to make a few points about that amendment because it was a very important amendment. We certainly have read a lot about Corps reform in the local newspapers, specifically the Washington Post, over the last few months. The stories raised very legitimate issues about the economic modeling used to justify some of these water resources projects.

However, it is important to understand that a series of articles in a newspaper is no substitute for careful consideration of the facts and of the issues by the Congress. We have the oversight responsibility for the Army Corps, not the Washington Post.

Some Senators, such as Senator FEINGOLD, have proposed reforms that focus on one element in the Corps reform—whether or not to impose a requirement that the feasibility reports for certain water resources projects be subject to peer review. Others, such as Senator DASCHLE, introduced more comprehensive bills that would examine a number of the Corps reform issues, including peer review.

The committee needs more information before we can proceed with any bill that would impose peer review on the lengthy project development process that is already in place. We need to know the benefits of peer review and its impacts before starting down that road.

Senator BAUCUS and I are committed to examining this issue and other issues related to the operation and management of the Corps of Engineers next year. This will include hearings on Corps reform.

The hearings will take comments on the NAS study—the National Academy of Sciences study—the bills that have been introduced, as well as the issue in general.

I was very encouraged that the nominee to be the next Chief of Engineers, General Flowers, is receptive to working with the Congress on a wide range of reform-related issues.

I want to speak specifically about one major element in this legislation, the Everglades. There is an important element that separates this WRDA bill from all others, something that makes this WRDA truly historic. This WRDA bill includes our landmark Everglades bill, S. 2797, the Restoring of the Everglades, an American Legacy Act, very carefully named because it is an American legacy. We do have to restore it. That is what we have done. We have begun the process.

So many have asked—especially some of my conservative friends—why should the Federal Government, why should this Congress take on this long-term expensive effort? The answers really are not that difficult, if you look at them.

First, the Everglades is in real trouble, deep trouble. We could lose what is left of the Everglades in this very generation.

Secondly, the Federal Government, despite the best of intentions, is largely responsible for the damage that was done to the Everglades. The Congress told the Corps of Engineers to drain that swamp in 1948—and drain it they did, all too well.

Finally, the lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges which comprise half of the remaining Everglades—will receive the benefits of the restoration.

So there is a lot of Federal involvement here. This is a Federal responsibility. There is a compelling Federal interest. The State of Florida, to its credit, has already stepped up and committed $2 billion to the effort. And Congress needs to respond to that pledge.

Let's be clear on one thing right now: This plan is not without risks. This comprehensive plan is based on the best science we have. Because of the very nature of the plan, and the additional requirements in the bill, we are certain we will know more about the Everglades and the success of the plan in the future.

To those of you who want guarantees, who want to be absolutely certain every dime we spend is going to be spent in a way that is going to restore the Everglades, then I say to you you probably should not support us because I cannot make that guarantee. But what I can say to you is, if we do nothing we lose the Everglades. So if you want to restore this precious national treasure, then you have to be willing to take the risk. And we are cutting that risk dramatically by the way we are doing this.

But we take risks all the time. We take risks every time we invest in a new weapons program for the Defense Department or when we invest in cancer research. I am sure there would be no Senator who would come to the floor and say: We have not yet found a cure for cancer; therefore, we should not risk any more money.

We need to take this risk to save this precious ecosystem. It is well worth it. We have cut the odds. Because of the nature of this plan, and the additional requirements in our bill, we are certain we are going to know much more about the Everglades in the future; and we are going to be able, through the process of adaptive management, to change every year or so. If something is not going right, we can pull back, try something new, so we do not waste a lot of dollars doing things that we do not want to do.

We acknowledge uncertainty. The plan acknowledges uncertainty. So when my colleagues come down and say there is some uncertainty about this, we know that. We anticipate that this plan will change as we gain more knowledge, while we implement it over the next 36 years.

This is a 36-year plan that is going to spend in the vicinity of $8 billion, split equally between the State of Florida and the Federal Government. It works out to a can of Coke per U.S. citizen per year. That is not a bad investment to be able to save the wading birds and the alligators and this precious river of grass of which we are all so proud.

I am confident, because of the time I have spent on this issue, that adaptive assessment or adaptive management—whatever you want to call it—will succeed, even if the plan is modified based on the new information that we get in the future.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in the Everglades restoration supports this bill—every one of them.

Is it perfect? Did everybody get exactly what they wanted? No. But everybody is on board. It is bipartisan and it is wide ranging. It goes from the liberal side of the equation to the conservative side. It includes the administration. It includes both Presidential candidates: Vice President GORE and Gov. George Bush. It includes the Florida Governor, Jeb Bush. It includes the Florida Legislature, both sides of the aisle unanimously. It includes the Seminole Tribe of Florida and the Miccosukee Tribe of Indians in Florida.

It includes major industry groups, such as the Florida Citrus Mutual, Florida Farm Bureau, Florida Home Builders, The American Water Works Association, Florida Chamber of Commerce, Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agrichemical Association; and environmental groups as well, including the National Audubon Society, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, The Everglades Foundation, The Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club.

I think it is pretty unusual to bring a major environmental bill to the Senate floor with that breadth of support. Support for the bill, as it stands today, is even broader than the support that existed for the administration's comprehensive plan.

We have taken a good product and have made it better. How have we made it better? It is more fiscally responsible. We defer decisions on some of the riskiest new technologies until we have more information from the pilot projects, which will help us to understand whether these projects should be continued. It has ground-breaking provisions to assure that the plan attains its restoration goals. It has the creation of a true partnership between the Federal Government and the State. This type of partnership—State concurrence in all important decisions and regulations—has no precedent in our environmental statutes. It has more detailed and meaningful reports to Congress on the progress of the plan, almost on a yearly basis.

The Everglades bill is a great model for environmental policy development, a model I endorse, a model I have worked hard to implement since I have been the chairman. It is cooperative. It is not confrontational. It is bipartisan. It is flexible. It is adaptive. It establishes a partnership between the Federal Government and the State.

Already, there is support for this bill in the House. Congressman CLAY SHAW introduced this bill as H.R. 5121 on September 7. He deserves credit for his leadership in that regard. Many others in the House on both sides of the aisle are ready to join the effort. I am asking my colleagues to join with me in support of this major piece of legislation.

I see my colleague and good friend from the State of Florida, Senator GRAHAM, is on the floor at this time. I will yield the floor in just a moment so he may speak.

Before doing so, I thank him, as well as Senator MACK, for his absolute and resolute involvement in this project. I went to Florida in early January at the request of Senator GRAHAM and Senator MACK to see for myself what the situation was. I spent several days there. We had a hearing in Florida. We listened to the people who were speaking on this issue.

I made a promise at that hearing that I would bring this bill to the Senate floor before the end of the year. With the help of good people such as Senator BOB GRAHAM of Florida and Senator MACK, Senator BAUCUS, and others, we have made that happen. I thank Senator GRAHAM publicly and personally for that. His cooperation has been splendid. Without him, we would not be here.

I yield the floor so my colleague from Florida may have a chance to address this issue that is so important to his State and to the Nation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. I express my deepest appreciation and gratitude to Senator SMITH for the great leadership he has provided to the Environment and Public Works Committee in many areas but especially for what he has done for the Florida Everglades, America's Everglades.

Senator SMITH, shortly after he assumed the chairmanship of the committee, after the untimely death of our friend and colleague Senator Chafee, made one of his first acts as chairman of the committee coming to the American Everglades. He did not just come. He absorbed the American Everglades through a series of briefings, field visits, and then concluded with a very long hearing before the annual Everglades Conference.

At that hearing, Senator SMITH gave a forum to all the diverse points of view as to what should be appropriate national policy as it relates to America's Everglades. He gave comfort to the people there that these decisions were going to be made in a rational, thoughtful manner. That contributed immeasurably to the bringing together of all of those groups behind the plan which is before us today. I take this opportunity to thank the Presiding Officer's neighbor from New Hampshire for the tremendous leadership he has given.

Earlier today I was listening to National Public Radio where there was some grousing about the fact that bipartisanship seems to be a lost component of the congressional process. It is not lost on the Senator from New Hampshire because he has displayed it at its very best. On behalf of Senator MACK, I express our appreciation for that fact.

The legislation before us today represents an unprecedented compromise by national and State environmental groups, agriculture and industry. These diverse interests are united in support of the Everglades restoration bill, title VI of the Water Resources Development Act of 2000. This is the legislation we will have the opportunity to pass through the Senate today.

I ask unanimous consent that a letter of support for this bill be printed in the RECORD. This letter carries with it the names of many of the groups just listed by Chairman SMITH.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2000.

### AN OPEN LETTER ON RESTORATION OF AMERICA'S EVERGLADES

DEAR FLORIDA CONGRESSIONAL DELEGATION, CONGRESSIONAL LEADERSHIP, AND COMMITTEE LEADERSHIP: We are writing to urge Congress to take immediate and decisive action on a historic accord recently reached on legislation to protect one of the nation's most precious natural resources, America's Everglades. We present a diverse group of interests that includes conservation organizations, agricultural producers, homebuilders, water utilities, and others that don't always agree on Everglades issues. However, we are united with Florida's two Senators, the bipartisan leadership of the Senate Committee on Environmental and Public Works, the Clinton Administration, and Florida's Governor Jeb Bush to endorse a legislative package that will protect America's Everglades while respecting the needs of all water users in Florida.

This legislation, currently embodied in a manager's amendment to S. 2797 and recently introduced in the House by Congressman Clay Shaw, H.R. 5121, was agreed to as a package and on the condition that all parties would support it in the Senate and the House. We are greatly encouraged that an agreement has been reached on this basis.

This legislation can be a sound framework for future management of South Florida's water resources and Congress should approve its orderly implementation as soon as possible. We consider this legislation as currently drafted to be a fair and balanced plan to restore the Everglades while meeting the water-related needs of the region. While there are other changes we all would have preferred, we believe the long and difficult process has produced a reasonable compromise.

This agreement has brought an unprecedented level of support for Everglades' restoration legislation. The greatest threat now facing the Everglades is the profound lack of time left in this Congressional session. We urge the Senate to pass expeditiously S. 2797, Restoration of the Everglades, An American Legacy Act. We further urge the Florida Congressional delegation, the Transportation and Infrastructure Committee, its Water Resources and Environment Subcommittee, and House Leadership to unite with the State, Administration, environmental organizations, and the agriculture, water utilities and homebuilders stakeholder coalition, to pass the bill in the House of Representatives and send it to the President for his signature before Congress adjourns for the November elections.

Sincerely,

Florida Citrus Mutual, Ken Keck; Florida Farm Bureau, Carl B. Loop, Jr.; Florida Home Builders, Keith Hetrick; 1000 Friends of Florida, Nathaniel

Reed; Audubon of Florida, Stuart D. Strahl Ph.D.; Center for Marine Conservation, David Guggenheim.

The American Water Works Association, Florida Section Utility Council, Fred Rapach; Florida Chamber, Chuck Littlejohn; Florida Fruit and Vegetable Association, Mike Stuart; Southeast Florida Utility Council, Vernon Hargrave; Gulf Citrus Growers Association Association, Ron Hamel; Florida Sugar Can League, Phil Parsons; The Florida Water Environmental Association Utility Council, Fred Rapach; Sugar Cane Growers Cooperative of Florida, George Wedgworth; Florida Fertilizer and Agri-chemical Association, Mary Hartney.

Defenders of Wildlife, Rodger Schlickheinsen; The Everglades Foundation, Mary Barley; The Everglades Trust, Tom Rumberger; National Audubon Society, Tom Adams; National Parks Conservation, Mary Munson; National Wildlife Federation, Malia Hale; World Wildlife Fund, Shannon Estenoz; Natural Resources Defense Council, Brad Sewell.

Mr. GRAHAM. Madam President, I ask unanimous consent that immediately following my remarks, a letter from the Environmental Protection Agency Administrator, Ms. Browner; Secretary of Interior, Mr. Babbitt; and Assistant Secretary for Civil Works, Mr. Westphal; expressing their support for this legislation also be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. The Everglades is sick. This sickness has been long coming.

It was approximately 120 years ago that man looked at the Everglades and realized that it was different, different than almost anything he or she had seen before, and seeing this phenomenon of the Everglades, made a commitment. The commitment was to turn the unique into the pedestrian by converting the Everglades into something that would look more like man and woman had seen in other areas of this country or other areas of the world.

The result of that has been 120 years of an effort to change the Everglades, to convert the singular into the common. The results of that 120 years have brought the Everglades to their current position. This cannot be cured without the serious surgery that we are about to sanction by the passage of this legislation.

Since the passage of the central and south Florida flood control project in 1948, placing the Everglades in the responsibility of the Corps of Engineers at the direction of Congress, nearly half of the original Everglades have been drained or otherwise altered. According to the National Parks and Conservation Association, the parks and the preserves of the Everglades, of whichever Everglades National Park is the jewel, are among the 10 most endangered national parks in the country.

As Florida's Governor in 1983, I launched an effort known as "Save Our Everglades." Its purpose was to revitalize this precious ecosystem. The goal was simple. We wanted to turn back time. We wanted the Everglades to look and function more as they had at the end of the 19th century than they did in 1983.

In 1983, restoring the natural health and function of this precious system seemed to be a distant dream. But after 17 years of bipartisan progress in the context of a strong Federal-State partnership, we now stand on the brink of this dream becoming a reality.

I will speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage. If both partners respect each other and pledge to work through any challenges together, if they are willing to grow together, the marriage will be strong and successful.

Today, we are again celebrating the strength of that marriage. This legislation contains several provisions which were born out of the respect that sustains this marriage.

It offers assurances to both the Federal and the State governments on the use and distribution of water in the Everglades ecosystem.

It requires that State government pay half the costs of construction. It requires the Federal Government to pay half the costs of operation and maintenance. Everglades restoration cannot work unless the executive branch, Congress, and State government move forward together. The legislation before us today accomplishes that goal.

The legislation before us today represents not only unprecedented compromise and partnership but also unprecedented complexity. Just as the Panama Canal, which this Congress authorized almost a hundred years ago, was the first of its kind, so is Everglades restoration. It is the largest, most complex environmental restoration project not only in the history of the United States of America but in the history of the world.

The lessons we will learn here will be exported to other projects throughout America and throughout the world. I trust that today the Senate will make the right choice. Today will be the day the Senate has an opportunity to make a bipartisan commitment to an Everglades restoration plan that reflects a true partnership between the State and Federal governments. If we accomplish the historic goal of restoring America's Everglades, then today will be one of the most precious memories of our children and grandchildren.

In the words of President Lyndon Johnson:

> If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we have an opportunity to leave a glimpse of America's Everglades as they were when we first found them for future generations—beautiful, serene, a river of grass.

Madam President, we have commended a number of people who have worked hard to bring us to this day. I want to take this opportunity to commend members of the individual and committee staffs in the Senate who have played an immeasurable role in the success we will soon celebrate. Many people have worked with Senator SMITH, and I want to particularly recognize Chelsea Henderson, Tom Gibson, and Stephanie Daigle for their work on behalf of the American Everglades. With Senator BAUCUS, I thank Jo-Ellen Darcy and Peter Washburn. With Senator MACK, I thank C.K. Lee. And from my office, I thank Catherine Cyr, who has done work of negotiation that would do the most experienced diplomat honor.

So it is my hope we will grasp the opportunity that is before us and commence a long adventure—as long an adventure as is required to overturn 120 years of attempts to convert the Everglades into the common, so that we can leave to our children and grandchildren an American Everglades which salutes the highest standards of the words "unique," "special," and "unprecedented." Those are the words that properly describe this marvelous system of nature.

Thank you.

EXHIBIT 1

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY,
*Washington, DC, August 21, 2000.*

Hon. ROBERT SMITH,
*Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: We strongly support your bill, S. 2797, "Restoring the Everglades, an American Legacy Act," and recommend its passage by the Senate and House of Representatives as soon as possible. If enacted, this bill will help achieve the bipartisan goal of re storing a national treasure, America's Everglades.

S. 2797 is the product of hard work and negotiation among the Administration, the State of Florida and your Committee. Indeed, the proposed manager's amendment reflects full agreement between the Administration and the State of Florida on the bill. Accordingly, with adoption of the manager's amendment, we will recommend that the President sign the bill. The bill represents a highly effective approach for meeting essential restoration objectives while recognizing other issues important to the citizens of Florida.

We commend you, along with Senators Max Baucus, Bob Graham and Connie Mack, for your leadership and commitment to making Everglades legislation a top priority. We stand ready to do all we can to secure passage their year.

Sincerely,

BRUCE BABBITT.

*Secretary of the Interior.*
CAROL BROWNER,
*Administrator, Environmental Protection Agency.*
JOSEPH W. WESTPHAL,
*Assistant Secretary for Civil Works Department of the Army.*

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for his very kind remarks. I very much appreciate his hard work on behalf of the Everglades, which dates back prior to his time in the Senate, as we all know, when he was the Governor of Florida. Then-Governor GRAHAM was very instrumental in keeping this project on line.

I think it is also important to understand that the Founding Fathers were a lot more brilliant than we sometimes give them credit. In this process, I think they foresaw an opportunity where a Senator from a State such as New Hampshire, which has nothing to do with the Everglades, could be chairman of a committee that would bring forth a major piece of environmental legislation in conjunction with the Florida Senators—a piece of environmental legislation as to another State about 2,000 miles to the south. It is a remarkable process we have here that would see that happening. I think the founders knew it. That is why we have a Senate, where we can work these things through in a way that has a national touch.

As I went down there and saw the Everglades firsthand and had the opportunity to have a hearing with Senators GRAHAM and VOINOVICH, who was also there, I realized—and I had visited there many times as a tourist—that the Everglades was in fact draining, that some 90 percent of the wading birds were lost, and animals and plant life were dying. On the one hand, on one side of the Tamiami Trail you had a desert; on the other side you basically had the wetlands that it was supposed to be. But the Tamiami Trail is a dam that needs to be removed to allow that water to flow all through that ecosystem from Lake Okeechobee to the Gulf of Mexico. It is a great project.

People might say, What is the Senator from New Hampshire doing here? Well, I remember the first time my son saw an alligator in Florida as a 6-year-old boy. It was a very poignant moment, and you don't forget those things. In talking to the park rangers over the years—and, most specifically, the last time I was there in January—you realize that the Everglades are in trouble. As I said earlier, there are no guarantees here, but I think we have cut the odds dramatically. I am very optimistic that this will work and work well. So I am certainly looking forward to the passage of this bill. I hope the House will quickly follow suit so that we can make this law before the end of the year.

I see Senator BAUCUS has arrived. I want to say before yielding to him how much I appreciate his help throughout this process. It has been a bipartisan effort. We are all guilty of partisanship from time to time, as well we should be; I think there are times when partisanship is important. But there was no partisanship on this issue. We worked together on it to bring this bill forward. Senator BAUCUS and his staff were very helpful, and we are grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I thank my good friend, Senator SMITH, for his comments.

I join him in urging my colleagues to support final passage of the legislation before us.

As we stated on the floor last week, this important bill authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. All very important matters across the country. These projects often don't get headlines or much attention, but they clearly mean a lot to many people.

Each of these projects meet our committee criteria. That is important, too, because the Environment and Public Works Committee gets lots of requests. The projects are technologically feasible, economically justified, and environmentally sound. In addition, each project has a local sponsor willing to share a portion of the cost, which is something we insist upon in order to show that the project is important locally.

Passage of this bill will advance two projects that are very important for my State of Montana—the fish hatchery at Fort Peck Lake and the exchange of cabin site leases in the C.M. Russell Wildlife Refuge.

The fish hatchery is particularly important since it will create more jobs and help our State's economy in northeastern Montana, a part of the State which is, frankly, hurting.

The cabin lease exchange provision will also benefit the government, sportsmen, and cabin site owners by acquiring inholdings that are within the refuge and that have high value for wildlife in return for cabin sites now managed by the Corps.

Finally, this bill will start us on the path to restoration of that unique national treasure known as the Everglades.

Last week we heard my colleagues from Florida, as well as the leaders of the Environment and Public Works Committee elaborate on the importance of this effort. We all know how important it is. It is one of our natural treasures.

This provision is a testament to true bipartisanship. Senators GRAHAM and MACK have been at the forefront of this effort. Governor Jeb Bush and the Clinton administration, particularly Interior Secretary Bruce Babbitt, have also worked closely to achieve this result.

And, of course, it could not have happened without the support of Senator SMITH, our chairman, who put this issue at the top of the committee's agenda this year and has worked tirelessly throughout the year to make this bill happen, and Senator, VOINOVICH, the subcommittee chairman. This has been an effort of his as well.

Without this bipartisan support in Washington, and throughout Florida, this project would not be where it is today. It would still be on the drawing board. And the Everglades would still be destined to die.

In conclusion, I want to assure our colleagues that this bill is the right thing to do. And it is worthy of their support.

Before yielding the floor, let me also mention some of the staff who deserve recognition for putting this bill together. I will submit a longer list for the RECORD.

But let me mention here my fine staff, particularly Jo-Ellen Darcy, who is sitting to my immediate left. Her expertise and experience in water issues has been a real asset to me and the committee.

I'll also tell you that she has become more familiar with the State of Florida than I think she ever imagined.

And Peter Washburn, who is sitting to Jo-Ellen's left, a fellow from EPA on the staff of the Environment Committee. He has provided invaluable assistance in shepherding this bill through the legislative process, and on many other issues before the committee.

Senator SMITH's staff, Chelsea Henderson, Stephanie Daigle, and Tom Gibson have similarly provided the leadership necessary to get this bill done. And Senator VOINOVICH's staff, Ellen Stein and Rich Worthington, were instrumental in negotiating this bill from the beginning.

Finally, staff from Senator GRAHAM's office, Catharine Cyr, and from Senator MACK's office, C.K. Lee, at times probably felt that they were on the staff of the committee for all the time they put into this effort.

All of us in the Senate, and all Floridians, should appreciate their dedication and hard work. They are people whose names aren't often mentioned. In fact, to be honest about it, they do most of the hard work. They are true servants in the best sense of the term because they are doing work for our country, yet do not seek to have their names in headlines.

I ask unanimous consent that a list of the many other people who deserve thanks for their part in making this bill a reality be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SENATE STAFF DESERVING THANKS

EPW Committee: Tom Sliter, David Conover, Tom Gibson, Chelsea Henderson, Stephanie Daigle, Peter Washburn, and Jo-Ellen Darcy.

Catherine Cyr with Senator Graham; C.K. Lee with Senator Mack; Ellen Stein with Senator Voinovich; Rich Worthington with Senator Voinovich; Kasey Gilette with Senator Graham; Ann Loomis with Senator Warner; and Janine Johnson and Darcie Tomasallo-Chen with Legislative Counsel.

Army WRDA or Everglades Participants: Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal; Michael Davis; Jim Smyth; Chip Smith; Earl Stockdale; Susan Bond; Larry Prather; Gary Campbell; Milton Rider; and Stu Appelbaum.

Department of the Interior CERP legislative team: Secretary Bruce Babbitt; Mary Doyle, Acting Assistant Secretary for Water and Science; Peter Umhofer, Senior Advisor; Don Jodrey, Attorney, Office of the Solicitor; David Watts, Attorney, Office of the Solicitor; and Dick Ring, Superintendent, Everglades National Park.

Environmental Protection Agency: Administrator Carol Browner; Gary Guzy; Bob Dreher; Jamie Grodsky; John Hankinson; Richard Harvey; Philip Mancusi-Ungaro; Eric Hughes; and Dana Minerva.

White House Council of Environmental Quality: Bill Leary.

### STATE OF FLORIDA EVERGLADES TEAM

Florida Governors Office: Governor Jeb Bush, J. Allison DeFoor, R. Clarke Cooper, Rick Smith, and Nina Oviedo.

Florida Department of Environmental Protection: Secretary David B. Struhs, Ernie Barnett, Leslie Palmer, John Outland, and Jennifer Fitzwater.

South Florida Water Management District: Executive Director Frank Finch, Kathy Copeland, Mike Collins, Tom Teets, John Fumero, Elena Bernando, Paul Warner, Abe Cooper, and Cecile Ross.

South Florida Ecosystem Restoration Task Force: Rock Salt.

Mr. SMITH of New Hampshire. Madam President, since both Senator GRAHAM and Senator BAUCUS have both mentioned so many people to thank, we always run the risk of leaving someone out whenever we do that. With apologies to anyone that I do, I would like to reiterate and reinforce some of those who have already been thanked as well as perhaps a couple more.

I think first and foremost we should mention Senator John Chafee who certainly started the process of the efforts on the Everglades, along with Senator BAUCUS. I know that John Chafee would be very proud of this moment because he felt deeply about this ecosystem. I think it is a great honor to be here now and be at this point knowing that John Chafee would have wanted this. It is a great tribute to him because he started the process. All we did was jump into the harness that he had already put on the team.

I also thank Senator VOINOVICH, subcommittee chairman, because he brought a lot of debate on this issue. He helped us correct many provisions—certainly on the financing end and the cost end. We look a lot more closely at projects because of him. He was certainly a stalwart in seeing that this was a more fiscally responsible item than perhaps it may have otherwise been.

Certainly Senator BAUCUS, who I already thanked, and Senators MACK and GRAHAM. As Senator BAUCUS correctly said, it seemed as if Senator MACK was on the committee. But that is the way we worked it. They are the two Senators. We worked with them. Senator GRAHAM, of course, is on the committee. But we worked together, knowing that we wanted all the input we could get from all of them.

The administration was helpful. Mary Doyle and Peter Umhofer at the Department of the Interior. And Secretary Babbitt who was here for a press conference when we announced and released the bill; Joe Westphal and Mike Davis from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida—they have been absolutely fantastic on both sides of the aisle: David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Governor Bush himself, who has just been outstanding in conversation after conversation, working together on all of the provisions of this bill; and Kathy Copeland from the South Florida Water Management District.

From Senator BOB GRAHAM's staff, Catharine Cyr Ranson and Kasey Gilletteand, have been wonderful. We appreciate all they have done.

Senator MACK's staff has already been mentioned by Senator BAUCUS. But I would also like to thank C.K. Lee, who was really the honorary member of the committee staff.

Senator VOINOVICH's staff: Ellen Stein, Rich Worthington; and, of course, Senator BAUCUS' staff: Tom Sliter, Jo-Ellen Darcy, and Peter Washburn, all worked together in a nonpartisan way. We tried to keep the doors open at all times.

Of course, my own staff, Dave Conover, who is the chief of staff on the committee; Ann Klee, Angie Giancarlo, and Chelsea Henderson, now Maxwell—she found time to get married after they got the Everglades set and ready to go. We let her get married and go on her honeymoon and come back to be here for the finale—and Stephanie Daigle and Tom Gibson, all brought a great blend of knowledge of the water issues and engineering, as well, to the whole debate.

Let me say in closing to my colleagues that when you look back on your career in the Senate, I think you can be very proud of what you did. When you cast a vote to save the Everglades, I don't know if you are ever going to regret it. I think it is going to be a defining moment. Fifty years from now when the historians look back, they are going to say when it came time to stand up for the Everglades, they did. I think it will be one of the finest things that you have done in your careers. I certainly feel that way about mine. The only regret would be if we didn't try. We did try, and I believe we will succeed as a result of the fact that we took this risk.

Some have said it would be "bad politics,"—bad politics for the administration to work with the Republican Congress on an environmental issue; bad politics for Republicans to work with the administration with Florida as a "swing State"; that maybe Governor George Bush will get too much credit, or AL GORE, who has been closely associated with the Everglades, is going to get too much credit. There is enough credit to go around. Who cares.

The point is that most everyone in Florida—and I do not know too many on the other side who do not—supports restoring the Everglades. Let the credit fall where it may. Let the credit be taken where people want to take it. But the truth is we did the right thing. That is all that matters in the long run.

There is a lot of history here. Congress initiated this plan in WRDA in 1992 when George Bush was in office and the Democrats were in the majority. It then refocused the Everglades effort in WRDA in 1996 when the Republicans were in the majority and Bill Clinton was in the White House.

I think you see that there is plenty of evidence of bipartisan support.

Congress set up the process under which this comprehensive plan was developed, but it was developed by this administration in cooperation with Florida, with tribes, and all other stakeholders.

Florida, under Jeb Bush, stepped up to the plate and passed the legislation, along with the funding, to keep this moving forward even before the Federal Government made its commitment. Florida made its commitment to put their money up.

When I became chairman, as has already been said, I took up the mantle and made this a priority. I believe in it. I made this restoration of the Everglades my highest priority. I am very grateful that my colleagues felt the same way and joined with me because, obviously, we wouldn't be here if it was just my priority. It takes at least 51 Senators to have that priority as well or we wouldn't be here.

The Senate took the plan and made some important modifications, strengthened it, broadened the support; Senator VOINOVICH's input strengthened it.

We are poised to send the bill to the House, a bill that has the support of every major south Florida stakeholder, the State of Florida, the administration, and I think most Members of the Senate.

Restoration of the Everglades is not a partisan issue. I ask my colleagues, if you have any doubts and you are worried about every single "i" being dotted and every "t" being crossed, take the risk. You will be glad you did. This is the right thing to do.

I am very excited about this action. I am very excited by the fact we have looked to the future. In politics, sometimes we look to the next election. This time, with this vote, we are going to look to the next generation and respond so our grandchildren and their children will enjoy alligators and wading birds and the river of grass once again—not only those who have had the chance to experience it now, but it will still be there for centuries to come because of what we did. I am proud of everyone for help in doing this.

EVERGLADES ECOSYSTEM

**Mr. MACK.** Madam President, I rise today to engage my colleague from Florida in a colloquy. Specifically, I want to clarify our understanding of the portion of the legislation we're considering today to restore, preserve and protect the Everglades ecosystem. My understanding is that the Comprehensive Everglades Restoration Plan authorized by this bill create a balance between state and federal interests in ensuring that the predicted Plan benefits—including benefits to both state and federal lands—are attained. It is my view that this bill is intended to recognize and maintain the State's interest in preserving the sovereignty, in State law, over the reservation and allocation of water within the State's boundaries. It is my further understanding that the Agreement called for between the President and the Governor of Florida will not result in a federalization of State water law. Florida water law requires that all reasonable beneficial water uses and natural system demands are subject to a public interest balancing test. Implementation of the Plan will rely upon State law and processes for reserving and allocating water for all users, according to the principles set out in the legislation before us. It is not the intent of this Act, or the President/Governor Agreement required by this Act, to create a procedure where all of the new water made available by the Plan will be allocated to the natural system leaving nothing for other water users. Rather, the agreement will simply ensure that water for the natural system is reserved first, and any remaining water may be allocated among other users according to the provisions of State water law. I yield to my colleague from Florida, Senator GRAHAM.

**Mr. GRAHAM.** Madam President, I would join my colleague from Florida, Mr. MACK in clarifying our understanding. I agree with his remarks, and make the further point that the Plan authorized by this bill will capture a large percentage of the water lost to tide or lost through evapotranspiration for use by both the built and natural systems, with the natural system having priority over the water generated by the Plan.

**Mr. MACK.** I appreciate the comments of my colleague and yield the floor.

SECTON 211, PROJECT DEAUTHORIZATION

**Mr. WARNER.** Madam President, Sec. 211 of the Water Resources Development Act of 2000 includes a provision to accelerate the process to deauthorize inactive civil works projects. I am concerned, however, that this provision will have unintended consequences for deep-draft navigation projects.

In 1986 the Congress authorized many port improvement projects after a 16-year deadlock with the Executive Branch. At that time, these projects were authorized according to the Report of the Chief of Engineers. Subsequently, with the concurrence of the non-Federal sponsor, elements of these major projects were constructed in phases. For example, in the case of the Norfolk Harbor and Channels Deepening Project, the project authorizes the deepening of the main channels to 55 feet, deepening anchorages to 55 feet and deepening secondary channels to 45 feet.

Significant progress has been made to deepen our nation's most active ports. These projects are critical to America's competitiveness in the global marketplace and to securing a favorable balance of trade. Like other major port navigation projects, construction under the Norfolk Harbor and Channels project has occurred in increments or phases. The outbound channel, anchorages and Southern Branch of the Elizabeth River have all been deepened under the current authorization. Work is underway to deepen the inbound channel to 50-feet, and the Commonwealth has fully funded this increment.

The remaining elements of the project are still vitally important and wholly supported by the Commonwealth of Virginia. The Port of Virginia is the second busiest general cargo port on the East Coast and the largest port in terms of total cargoes, which include bulk commodities such as coal and grain. The port complex consists of the Newport News Marine Terminal, Norfolk International Terminals, Portsmouth Marine Terminals, and the Virginia Inland Port.

In fiscal year 2000, over 12 million tons of containerized cargo moved through the ports. Virginia's general cargo facilities are responsible for more than $800 million a year in commerce and tax revenue. Also, Hampton Roads ranks among the world's largest coal exporting ports—handling more than 50 tons annually. Virginia's ports are one of the few in this country capable of loading and unloading the new generation of container ships.

I am concerned that the provision in section 211 relating to separable elements in subsection (b)(2), will deauthorize the 55-foot phases of this project within 1 year. This section fails to recognize that it makes good economic sense, from the federal and state perspective, to construct these large projects in phases.

I would ask the Chairman if my understanding of this section is correct?

**Mr. SMITH of New Hampshire.** The Senator from Virginia, Mr. WARNER, is correct in his understanding of the potential impact of the provision. However, it is not my intent to deauthorize large navigation projects which enjoy strong state and federal support. The Committee has discussed this matter with the Corps of Engineers and we are aware that the provision may inadvertently capture a universe of active, ongoing projects. I can assure my colleague that we will work in conference to be sure that projects like the Norfolk Harbor and Channels project, as well as other critically important projects are not deauthorized as a result of this provision.

**Mr. WARNER.** I thank the Chairman and I look forward to working with him on this issue. I have offered two provisions to clarify the intent of this section to the Chairman. I am aware that the Assistant Secretary of the Army's office also has provided technical assistance on this matter. I trust that before we conference with the House of Representatives, we will have language recommended by the Corps to correct the scope of this section.

HOMESTEAD AIR FORCE BASE

**Mr. MACK.** Madam President, I rise today to call the Senate's attention to a provision of the bill before us expressing the sense of the Senate concerning Homestead Air Force Base in Florida. I want to take a moment of the Senate's time today to express my understanding of this resolution and my own intent in agreeing to its inclusion in the bill before us today.

As my colleagues are aware, this Air Force base is currently in the disposal process set forth by Congress when it established a fair and impartial system for closing military facilities around the country. Since Hurricane Andrew devastated the region in 1992, the citizens of South Florida have waited for a disposal decision from the federal government. It is anticipated the property could provide a stable economic platform for a community that is in need of jobs and economic development. Clearly, it is my intent that whatever use to which the property is ultimately put be accomplished in a manner that does not adversely impact the surrounding environment or the Everglades restoration plan we're considering today.

But let me be clear, Mr. President. It is emphatically not my intent that this resolution be read by the United States Air Force to mean they should add to, alter, or amend the existing process for disposing the property at Homestead Air Force Base. It is my strong view that the process for conveying surplus military property is clearly set forth in the law and that process should be followed until the final Supplemental Environmental Impact Statement on the property is completed and the Air Force disposes the property.

Mr. GRAHAM. Will the Senator yield?

Mr. MACK. Yes.

Mr. GRAHAM. I agree with the remarks by my colleague from Florida, and I would add that, in my view, the resolution makes clear that—once the conveyance process is complete—the Secretary of the Army should work closely with the parties to which the property is conveyed to ensure compatibility with the surrounding environment and the restoration plan. Further, the resolution requests the Secretary of the Army report to Congress in two years on any steps taken to ensure this compatibility and any recommendations for consideration by the Congress. While this is laudable, and has my full support, this resolution should not be read to mean the Air Force must add any new hurdles to the existing base closure and disposal process.

I notice my colleague, Senator INHOFE, on the floor. I would ask my colleague for his thoughts on the Homestead matter and ask him if it is his understanding that the base closure law clearly sets out the process for disposing surplus military facilities and that this resolution does not alter or amend that law?

Mr. INHOFE. I appreciate the comments of my colleagues from Florida. I have worked in the Armed Services Committee of the Senate to protect and defend the base closure and disposal process from political manipulation. I would agree that the resolution in the legislation before us today should not be read to mean the Air Force should delay its decision on the disposal of Homestead Air Force Base or otherwise alter its decision making process. The law is clear on how surplus military facilities in this country are disposed and it is my intent that this law be followed and adhered to by the Air Force. I note the presence on the floor of the distinguished chairman of the Armed Services Committee on the floor. I yield to Senator WARNER.

Mr. WARNER. I thank my colleague for his courtesy. I have listened carefully to the discussion between my colleagues. I would agree with the remarks of Senator INHOFE. The base closure process now in law should work its will in the case of Homestead Air Force Base according to the principles set forth in the law. No new layers of decision should be added as a result of the action we're taking here today.

Mr. BURNS. Madam President, I rise today in support of S. 2796, The Water Resources Development Act of 2000. I want to thank the Chairman of the Environment and Public Works Committee, Senator SMITH of New Hampshire, and my colleague from Montana, Senator BAUCUS for working with me to include two provisions in this year's bill.

Earlier this year, I introduced the Fort Peck Fish Hatchery Authorization Act of 2000. As you may know, the Fort Peck Reservoir is a very prominent feature of North Eastern Montana. The Fort Peck project was built in the 1930s to dam the Upper Missouri River. The result was a massive reservoir that spans across my great state.

The original authorization legislation for the Fort Peck project, and subsequent revisions and additions, left a great many promises unmet. A valley was flooded, but originally Montana was promised increased irrigation, low-cost power, and economic development. Since the original legislation, numerous laws have been enacted promising increased recreational activities on the lake, and also that the federal government would do more to support the fish and wildlife resources in the area.

In this day and age, economic development in rural areas is becoming more and more dependent upon recreation and strong fish and wildlife numbers. The Fort Peck area is faced with a number of realities. First, the area is in dire need of a fish hatchery. The only hatchery in the region to support warm water species is found in Miles City, Montana. It is struggling to meet the needs of the fisheries in the area, yet it continues to fall short. Additionally, an outbreak of disease or failure in the infrastructure at the Miles City hatchery would leave the entire region reeling with no secondary source to support the area's fisheries.

We are also faced with the reality that despite the promises given, the State of Montana has had to foot the bill for fish hatchery operations in the area. Since about 1950 the State has been funding these operations with little to no support from the Corps of Engineers. A citizens group spanning the State of Montana finally decided to make the federal government keep its promises.

Last year the citizens group organized, and state legislation subsequently passed to authorize the sale of a warm water fishing stamp to begin collecting funds for the eventual operation and maintenance of the hatchery. I helped the group work with the Corps of Engineers to ensure that $125,000 in last year's budget was allocated to a feasibility study for the project, and Montanans kept their end of the bargain by finding another $125,000 to match the Corps expenditure. Clearly, we are putting our money, along with our sweat, where our mouth is.

Recreation is part of the local economy. But the buzzword today is diversity. Diversify your economy. The Fort Peck area depends almost solely on agriculture. More irrigated acres probably aren't going to help the area pull itself up by its boot straps. But a stronger recreational and tourism industry sure will help speed things up.

A lot of effort has already gone into this project. A state bill has been passed. The Corps has dedicated a project manager to the project. Citizens have raised money and jumped over more hurdles than I care to count. But the bottom line is that this is a great project with immense support. It is a good investment in the area, and it helps the federal government fulfill one thing that it ought to—its promises.

Unfortunately, everything we wanted wasn't included in this legislation. As I originally drafted the legislation it ensured that the federal government would pick up part of the tab for operation and maintenance. Unfortunately, as Chairman SMITH and Senator BAUCUS worked out the details of the legislation for inclusion in the Water Resources Development Act, they were unable to support this provision. I had hoped that, as in the portion of this bill dealing with the Everglades, they would allow the federal government to pick up a larger portion of the operation and maintenance overhead.

Second, the legislation continues to include a section for power delivery that directs the Secretary of the Army to deliver low cost Pick-Sloan project power to the hatchery. This provision in the bill has raised the concerns of the local electric co-operatives and those that use Pick-Sloan power. I have worked with the Corps and the local interests to assure that this provision is not needed as drafted. I have discussed the need for changes with both the Chairman and Senator BAUCUS. I have secured a commitment from both of them to resolve this issue when the legislation goes to conference committee.

Despite this shortcoming with the legislation, I am have worked hard on the hatchery project and feel it is necessary that we must move ahead as it has been included. I thank the Committee for working with me to ensure the hatchery project was included on my behalf.

Another Montana specific provision, recently added to the legislation, allows the Corps of Engineers and the United States Fish and Wildlife Service to dispose of sites that are currently occupied by cabin leases and use the proceeds to purchase land in, or adjacent to, the Charles M. Russell National Wildlife Refuge that surrounds Fort Peck Reservoir. This provision is a classic example of a win-win situation that will help support recreation and wildlife habitat in the region. By selling these cabin sites, we are reducing government management considerations, offering stability to the cabin owners, and providing a revenue source to purchase inholdings. Senator BAUCUS and I have been working on this legislation for a few years, and to see it included in this legislation is a great accomplishment for both of us.

Mr. TORRICELLI. Madam President, I rise to address a provision included in WRDA that will help local communities in many parts of the nation deal with the burden they often face when the federal government undertake dredging projects in their region.

Before discussing the merits of this legislation, I want to first thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation. My colleagues have been remarkably helpful in this matter, they have understood the need, and I am grateful that they have agreed to include it in the managers package.

Within WRDA there is a $2 million annual authorization to allow the U.S. Army Corp of engineers to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

Beneficial reuse is a concept which has largely been largely underutilized. As a result, dredged material is often dumped on the shorelines of local communities to their disadvantage, instead of sold to construction companies and other developers who would be eager to have this material available. We have known about this strange and ironic, even tragic, situation for some time, yet until now, not enough has been done to bring relief to these communities.

The people of southern New Jersey are all too familiar with this situation. Current plans by the U.S. Army Corps call for more than 20 million cubic yards of material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Army corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects that would have otherwise been simply placed in upland sites.

From this experience, which is also happening in port projects in other parts of the country, we should learn that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Army corps to be thinking about ways to beneficially reuse dredged material upfront so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that local communities are treated fairly.

I would again like to thank chairman SMITH, Ranking Member BAUCUS, and Senator VOINOVICH for their commitment and attention to this important issue.

Mr. SMITH of Oregon. Madam President, I rise to express my support for S. 2796, the Water Resources Development Act of 2000. This bill, which authorizes numerous Army Corps of Engineers' programs throughout the Nation, is of vital importance to my state of Oregon.

Oregon has both coastal and inland ports that rely heavily on the technical assistance provided by the Corps' programs for their continued operation. Dredging and flood control activities are also important to the economic vitality of Oregon. The Corps also operates a number of dams in the Columbia River basin and the Willamette River basin that generate clean hydroelectric power.

S. 2796 authorizes the study of several small aquatic ecosystem restoration projects in Oregon. It also designated the Willamette River basin, Oregon, as a priority watershed for a water resource needs assessment.

I would like to express my deep concerns about one provision in the bill, however. It has come to my attention that Section 207 of the bill, which is worded very innocuously, would allow for contracting out of operations and maintenance activities at Federal hydropower facilities. The dedicated men and women, many of whom are my constituents, who currently provide operations and maintenance at Corps' hydropower facilities in the Pacific Northwest are professionals of the highest order. Any problems related to the operations and maintenance at hydropower facilities on the Columbia River are the result of the Corps' failure to sign a direct funding agreement with the Bonneville Power Administration for almost 7 years after being authorized to do so.

As the Water Resources Development Act moves to conference, I urge that this provision be deleted from the bill, as it already has been in the House version.

Mr. ABRAHAM. Madam President, I rise today to offer my thanks to Senator SMITH, the chairman of the Environment Committee and commend him for his successful effort to pass the Water Resources Development Act of 2000.

Included in this legislation is language I crafted with Representatives EHLERS and CAMP to further clarify the extent of the Great Lakes Governors' authority over diversions of Great Lakes water to locations outside the basin. This amendment makes clear that both diversions of water for use within the U.S. and exports of water to locations outside the U.S. may occur only with the consent of all eight Great Lakes governors. Questions over the definition of "diversion" made this clarification necessary.

Almost as important, this amendment demonstrates that it is the intent of the Congress that the states work cooperatively with the Provinces of Ontario and Quebec to develop common standards for conservation of Great Lakes water and mechanisms for withdrawals. Such cooperation is crucial if we are to have equal and effective programs for conserving these waters and maintaining the health of the Great Lakes.

In closing, let me state that I regret that my colleague, the senior Senator from Michigan did not join me in this effort. We share differing opinions over the need for clarification of the 1986 act. And while I disagreed with his interpretation of the definition of "bulk fresh water," because diversions of water for use within the U.S. are already distinctly covered in the 1986 act, I nevertheless modified the amendment at his request, and I share his commitment to protecting the tremendous resources for future generations.

Mr. MACK. Madam President, I will only take a moment of the Senate's time today—prior to the vote on the Water Resources Development Act—to acknowledge the importance of this moment and the action the Senate will take today to restore and preserve America's Everglades.

My colleague, Senator GRAHAM, and I have worked for eight years to bring this bill to the floor and it gives me great satisfaction that today it will be approved by the Senate.

I want especially to thank Chairman SMITH for his dedication to this effort over the past few months. He has worked side-by-side with us to develop the consensus product we're voting on today. As we developed this legislation, he and his staff provided valuable input into the process and we appreciate the long hours they put in on our behalf.

Further, I want to—once again—acknowledge my colleague, Senator GRAHAM. He has worked on Everglades issues for years—even prior to his time in the Senate—and it has been a pleasure to work with him over the years as we worked on the legislation before us.

The Corps of Engineers, the Department of Interior, and the Council on Environmental Quality have worked long hours to turn this bill into reality. I appreciate the support of these agencies throughout the process and for the proof—once again—that saving the Everglades is not a partisan issue.

And finally, I want to acknowledge the hard work and steadfast support of Governor Bush. The State of Florida is a full partner with us in this restoration effort, and I believe the work we've put in together in writing this bill bodes well for a lasting partnership on behalf of the Everglades.

The Everglades is an American treasure. Today we in the Senate will take a major step forward in passing a restoration plan that is rooted in good science, common sense, and consensus. I thank everyone who participated in this process for their hard work and dedication to the effort.

Mr. DASCHLE. Madam President, I am pleased that the Senate is poised to pass the Water Resources Development Act of 2000 (WRDA). This legislation includes critical provisions to restore the Florida Everglades and the Missouri River in South Dakota and I am hopeful that it will be enacted this year.

Among the provisions of WRDA that will most benefit South Dakota is a section incorporating elements of S. 2291, the Missouri River Restoration Act. I introduced this legislation last May to address the siltation of the Missouri River in South Dakota and the threat to Indian cultural and historic sites that border the river. The WRDA bill under consideration today takes an important first step to address these problems, and I want to thank all of my colleagues for their help to secure the passage of this legislation. In particular, Senator JOHNSON, Senator BAUCUS, Senator SMITH of New Hampshire and Senator VOINOVICH deserve praise for their efforts to incorporate this legislation into the larger bill. It is my hope that Congress will adopt the remaining elements of my comprehensive proposal to restore the Missouri River, including the creation of a Missouri River Trust Fund, in the foreseeable future.

The need for this legislation stems from the construction of a series of federal dams along the Missouri River in the 1950s and 1960s that forever changed its flow. For decades, these dams have provided affordable electricity for millions of Americans and prevented billions of dollars of damage to downstream states by preventing flooding. They have also created an economically important recreation industry in South Dakota.

However, one of the consequences of the dams is that they have virtually eliminated the ability of the Missouri River to carry sediment downstream. Before the dams, the Missouri was known as the Big Muddy because of the heavy sediment load it carried. Today, that sediment is deposited on the river bottom in South Dakota, and significant build-ups have occurred where tributaries like the Bad River, White River and Niobrara River empty into the Missouri.

The Bad River, for example, deposits millions of tons of silt into the Missouri River each year. This sediment builds up near the cities of Pierre and Ft. Pierre, where it has raised the local water table and flooded area homes. Already, Congress has had to authorize a $35 million project to relocate hundreds of families. To prevent more serious flooding, the Corps has had to lower releases from the Oahe dam, causing a $12 million annual loss due to restricted power generation.

Farther south, near the city of Springfield, sediment from the Niobrara River clogs the Missouri's channel for miles. Boats that used to sail from Yankton to Springfield can no longer navigate the channel, eroding the area's economy. This problem will only grow worse. According to the Corps of Engineers, in less than 75 years Lewis and Clark lake will fill entirely with sediment, ending the ability of that reservoir to provide flood control and seriously threatening the economies of cities like Yankton and Vermillion.

In addition to the impact of sediment on flood control, over 3000 cultural and historic sites important to Indian tribes, including burial grounds, campsites, and ancient villages, are found along the Missouri River in the Dakotas. Many of these sites are threatened by erosion, and each year some of them are irretrievably lost as they tumble into the river. Critical points of the Lewis and Clark trail also follow the Missouri through South Dakota, and they are threatened by erosion as well.

The elements of the Missouri River Restoration Act included in WRDA today address these problems by establishing a Missouri River Task Force composed of federal officials, representatives of the State of South Dakota and area Indian tribes. It will be responsible for developing and implementing a Missouri River Restoration Program to reduce sedimentation and protect cultural and historic sites along the river.

I would like to take a few minutes to explain in detail how this process will work First, the bill establishes a 25-member Missouri River Trust. Appointments will be made to the Trust by the Secretary of the Army. These appointments must be in accordance with the recommendations of the Governor of South Dakota and area Indian tribes to ensure that there is a strong local voice on the Trust. Second, the bill establishes a Missouri River Task Force, chaired by the Secretary of the Army and including representatives of the Department of Interior, Department of Energy and Department of Agriculture. It also includes the Missouri River Trust.

Once funding for this legislation becomes available, the U.S. Army Corps of Engineers will prepare an assessment of the Missouri River watershed in South Dakota that reviews the impact of siltation on the river, including its impact on a variety of issues: the Federal, State and regional economies; recreation; hydropower; fish and wildlife; and flood control. Based upon this assessment and other pertinent information, the Task Force will develop a plan to improve conservation in the Missouri River watershed; control and remove sediment from the Missouri River; protect recreation on the Missouri from sedimentation; protect Indian and non-Indian cultural and historic sites from erosion; and improve erosion control along the river.

Once this plan is approved by the Task Force, the Task Force will review proposals from local, state, federal and other entities to meet the goals of the plan and recommend to the Secretary of the Army which of these proposals to carry out. It is the intention of this legislation that the Corps contract with, or provide grants to, other agencies and local entities to carry out these projects. To the extent possible, the Secretary should ensure that approximately 30 percent of the funds used to carry out these projects are spent on projects within Indian reservations or administered by Indian tribes. The bill authorizes a total of $4 million per year for the next 10 years to carry out these goals.

While the Task Force will have the flexibility it needs to take appropriate actions to restore the Missouri River, it is my expectation that a significant effort will be made to improve conservation in the Missouri River watershed. Pilot projects have shown already that the amount of sediment flowing into the Missouri's tributaries can be reduced by as much as 50 percent with appropriate conservation practices. If requested, the Task Force will also have the authority to work with farmers across the river in Nebraska, for example, to reduce the amount of sediment flowing in from the Niobrara River.

The conceptual underpinnings of this legislation were developed through numerous public discussions that I have held in South Dakota over the last year. Last January, I held a Missouri River Summit in the town of Springfield with Governor Janklow, Lower Brule Sioux Tribe Chairman Mike Jandreau, and other experts to discuss how to address these critical problems. In April, Governor Janklow and I held a hearing in Pierre to gather public comment about proposals to restore the river.

I have been pleased by the outpouring of support I have seen for efforts to restore the river. Dozens of communities such as Yankton, Chamberlain, Springfield, Wagner, Pickstown, Mitchell and others have passed resolutions in support river restoration. American Rivers, a national leader in river protection, has recognized this need as well. The legislation passed today takes the first important step we need to take to get this job done. I'd like to thank all those in South Dakota who contributed to this process, and my colleagues in the Senate for all of their support. I look forward to our continued work together.

Finally, the WRDA bill includes an amendment to the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. This amendment requires the Corps of Engineers to meet its legal responsibilities to identify and stabilize Indian cultural sites, clean up open dumps, and mitigate wildlife habitat along the river. It also makes important technical changes to that law that will help ensure its smooth implementation. It is my hope that the Corps of Engineers will respond by working closely with the tribes and the state to clean up those lands, stabilize Indian cultural sites, and transfer the lands along the river to the tribes and state in a timely manner.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, in a few minutes we will vote on final passage of the Water Resources Development Act of 2000. The bill is a product of months of hard work by the Committee on Environment and Public Works and the Subcommittee on Transportation and Infrastructure. I thank those Senators and staff members whose efforts have brought us where we are today.

First, I thank Ellen Stein, Rich Worthington, and Karen Bachman of my staff for their dedicated effort on this bill. The number of hours they put in on this is unbelievable.

I also thank my chairman, BOB SMITH, and his staff for all their efforts in making this bill a reality, particularly in the very difficult negotiations on the Comprehensive Everglades Restoration Plan.

My thanks to staff director Dave Conover, Tom Gibson, Stephanie Daigle, and Chelsea Henderson Maxwell for all the hard work they put in on this piece of legislation.

As most successful bills in the Senate—and I am learning this pretty quickly as a new Member of the Senate—ours has been a product of bipartisanship. Senator MAX BAUCUS and his staff, in putting this bill together, have put in long hours. I recognize the efforts of minority staff director Tom Sliter, Jo-Ellen Darcy, and Peter Washburn for the good work they did in putting this legislation together.

I also acknowledge the work of Senator BOB GRAHAM and Senator CONNIE MACK and their staff in helping to forge a consensus on the Comprehensive Everglades Restoration Plan. I suspect they looked at some of the things I was involved in as maybe getting in the way and holding things up, but I want them and their staff to know we were conscientiously trying to make this something we could all be proud of and get the support of the Senate. I particularly thank C.K. Lee of Senator MACK's staff and Catherine Cyr Ranson of Senator GRAHAM's staff for their work.

We know the essential role of the Senate Legislative Counsel's Office in helping to draft legislation. I thank Janine Johnson for her invaluable help. Again, I think so often we take for granted the terrific work these folks do in putting these bills together.

Further, any water resources development bill involves the evaluations of hundreds of projects and proposals. We depend on the Corps of Engineers in supplying information and expertise in this process. Larry Prather and his staff at the Legislative Management Branch at the Corps have provided invaluable assistance to the Committee on Environment and Public Works and to this Senator. I give them the recognition they deserve.

As I stated in my opening remarks, when we began debate on this legislation, I am proud of the work our committee and subcommittee have accomplished in putting together this bill. This is a disciplined bill that maintains the committee's commitment to the principles of high standards of engineering, economic, and environmental analysis, and adherence to cost-sharing principles and resistance to mission creep.

This has not been an easy process, and we have not always agreed on the content of the legislation. But this effort has been marked throughout by cooperation and compromise. To me, this was highlighted dramatically in the negotiation over the bill's discussion of the relationship between Homestead Air Force Base and Everglades restoration. I particularly thank the environmental groups—specifically, the National Resource Defense Council and the Sierra Club—for their critical roles in this effort.

All in all, I think this is a well-balanced bill that provides authorization to a number of needed water development projects across this Nation. I urge my colleagues to support this legislation.

I yield the floor.

AMENDMENT NO. 4188

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment currently at the desk be agreed to. This amendment has been agreed to by the minority.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4188) was agreed to, as follows:

AMENDMENT NO. 4188

(Purpose: To express the sense of the Congress with respect to U.S.-Canadian cooperation on development of conservation standards embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin, and for other purposes)

At the appropriate place, insert the following:

**SEC. . EXPORT OF WATER FROM GREAT LAKES.**

(a) ADDITIONAL FINDING. Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Grant Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER. Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS. It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

Mr. LEVIN. Madam President, we have before the Senate the Water Resources Development Act of 2000. I had great concern with the amendment offered last week by Senator ABRAHAM because the amendment sought to define terms which could have resulted in increased domestic diversion of Great Lakes water. This amendment, which was accepted as part of the manager's package until I asked that it be removed, could have led to the opposite of what we need for the Great Lakes. Specially, the amendment as accepted by the managers last week defined bulk fresh water as "fresh water extracted in amounts intended for transportation outside the United States by commercial vessel or similar form of mass transportation, without further processing." This definition could have been interpreted as allowing more diversion of Great Lakes water within the United States. This threat to the Great Lakes was unacceptable and I would have strongly opposed the amendment with that definition.

I still have reservations about the amendment because some might try to use it to argue that the current protections against diversions of Great Lakes water provided by existing law are not sufficient. We currently have an effective veto over bulk removals of Great Lakes water outside of the Great Lakes basin. When we passed WRDA in 1986, we acted to make sure that each Great Lakes governor would have a veto over such removals. This protection is legally sufficient and we should do nothing to imply otherwise.

If the states formally adopt a conservation strategy and standards, and the governors are currently working on those standards, such standards might provide an additional safeguard to strengthen our position that our current gubernatorial veto policy over bulk removals of Great Lakes water is consistent with the rules of international trade. This conservation strategy and standards might also provide additional protection against removals from the basin. But I favor seeking that additional strength for our position in a way which has no possible implication that it is necessary. While this amendment falls short in this regard, once offered, it would be worse if it were not adopted so I will not object to it.

Mr. SMITH of New Hampshire. I yield the remainder of time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the leader. First of all, there are no two people I respect more than the two Senators from Florida. They certainly have done a very good job on the Everglades portion of the bill.

However, I have to get on record. I will oppose the bill because of these elements that have been introduced. This is of great concern to me. Looking at the fiscal end, I see four reasons we should not have this on the bill. First of all, if we do this, and we have already done it—and on the Everglades portion I pleaded with everyone it should have been a stand-alone bill because it is too big to be incorporated into this resources bill—this will be the first time we have actually had projects without first having the Chief of the Corps of Engineers give a report. That has been something we have said is necessary.

Second, we are looking at questionable technology. Everyone has admitted this. Certainly, the chairman of the committee, the distinguished Senator from New Hampshire, was very honest about it and straightforward. He said he felt strongly enough about it that we will have to try some things that perhaps have not been proven. This is unprecedented.

Third, the amount of money we are talking about is open ended. We say this will be $7.8 billion in 38 years. But when we first started Medicare, approximately the same length of time ago, they said it would cost $3.4 billion, and this year it is $232 billion.

A major concern I have is changing a precedent that has been there for 16 years; that is, that the operation and maintenance costs should come from the States. Now we are absorbing those costs, or at least 50 percent of those costs, operation and maintenance, by the Federal Government.

I think we are opening up something here. Yes, it is popular. There is a big constituency. It is open ended. It could end up costing us a tremendous amount of money.

I wanted a chance, Madam President, to explain why I have to vote against this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. SMITH of New Hampshire. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. McCONNELL), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. McCAIN), the Senator from Oregon (Mr. SMITH) the Senator from Washington (Mr. GORTON), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) the Senator from California (Mr. MILLER), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 85, nays 1, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—85

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
Mack
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Inhofe

NOT VOTING—14

Akaka
Bingaman
Enzi
Feinstein
Gorton
Jeffords
Lautenberg
Lieberman
McCain
McConnell
Miller
Schumer
Smith (OR)
Thomas

The bill (S. 2796), as amended, was passed, as follows:

S. 2796

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Water Resources Development Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.
Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.
Sec. 216. Hydroelectric power project funding.
Sec. 217. Assistance programs.
Sec. 218. Funding to process permits.
Sec. 219. Program to market dredged material.
Sec. 220. National Academy of Sciences studies.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.

Sec. 302. Boydsville, Arkansas.
Sec. 303. White River Basin, Arkansas and Missouri.
Sec. 304. Petaluma, California.
Sec. 305. Gasparilla and Estero Islands, Florida.
Sec. 306. Illinois River basin restoration, Illinois.
Sec. 307. Upper Des Plaines River and tributaries, Illinois.
Sec. 308. Atchafalaya Basin, Louisiana.
Sec. 309. Red River Waterway, Louisiana.
Sec. 310. Narraguagus River, Milbridge, Maine.
Sec. 311. William Jennings Randolph Lake, Maryland.
Sec. 312. Breckenridge, Minnesota.
Sec. 313. Missouri River Valley, Missouri.
Sec. 314. New Madrid County, Missouri.
Sec. 315. Pemiscot County Harbor, Missouri.
Sec. 316. Pike County, Missouri.
Sec. 317. Fort Peck fish hatchery, Montana.
Sec. 318. Sagamore Creek, New Hampshire.
Sec. 319. Passaic River Basin flood management, New Jersey.
Sec. 320. Rockaway Inlet to Norton Point, New York.
Sec. 321. John Day Pool, Oregon and Washington.
Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 323. Charleston Harbor, South Carolina.
Sec. 324. Savannah River, South Carolina.
Sec. 325. Houston-Galveston Navigation Channels, Texas.
Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
Sec. 327. Lake Champlain watershed, Vermont and New York.
Sec. 328. Mount St. Helens, Washington.
Sec. 329. Puget Sound and adjacent waters restoration, Washington.
Sec. 330. Fox River System, Wisconsin.
Sec. 331. Chesapeake Bay oyster restoration.
Sec. 332. Great Lakes dredging levels adjustment.
Sec. 333. Great Lakes fishery and ecosystem restoration.
Sec. 334. Great Lakes remedial action plans and sediment remediation.
Sec. 335. Great Lakes tributary model.
Sec. 336. Treatment of dredged material from Long Island Sound.
Sec. 337. New England water resources and ecosystem restoration.
Sec. 338. Project deauthorizations.
Sec. 339. Bogue Banks, Carteret County, North Carolina.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Fernandina Harbor, Florida.
Sec. 411. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 412. Boise River, Idaho.
Sec. 413. Wood River, Idaho.
Sec. 414. Chicago, Illinois.
Sec. 415. Boeuf and Black, Louisiana.
Sec. 416. Port of Iberia, Louisiana.
Sec. 417. South Louisiana.
Sec. 418. St. John the Baptist Parish, Louisiana.
Sec. 419. Portland Harbor, Maine.
Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 421. Searsport Harbor, Maine.
Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 423. Port of Gulfport, Mississippi.
Sec. 424. Upland disposal sites in New Hampshire.
Sec. 425. Southwest Valley, Albuquerque, New Mexico.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Duck Creek Watershed, Ohio.
Sec. 428. Fremont, Ohio.
Sec. 429. Grand Lake, Oklahoma.
Sec. 430. Dredged material disposal site, Rhode Island.
Sec. 431. Chickamauga Lock and Dam, Tennessee.
Sec. 432. Germantown, Tennessee.
Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 434. Cedar Bayou, Texas.
Sec. 435. Houston Ship Channel, Texas.
Sec. 436. San Antonio Channel, Texas.
Sec. 437. Vermont dams remediation.
Sec. 438. White River watershed below Mud Mountain Dam, Washington.
Sec. 439. Willapa Bay, Washington.
Sec. 440. Upper Mississippi River basin sediment and nutrient study.
Sec. 441. Cliff Walk in Newport, Rhode Island.
Sec. 442. Quonset Point Channel reconnaissance study.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
Sec. 505. Land conveyance, Candy Lake, Oklahoma.
Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.
Sec. 508. Export of water from Great Lakes.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

Sec. 601. Comprehensive Everglades Restoration Plan.
Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

Sec. 701. Short title.
Sec. 702. Findings and purposes.
Sec. 703. Definitions.
Sec. 704. Missouri River Trust.
Sec. 705. Missouri River Task Force.
Sec. 706. Administration.
Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Conveyance of cabin sites.
Sec. 805. Rights of nonparticipating lessees.
Sec. 806. Conveyance to third parties.
Sec. 807. Use of proceeds.
Sec. 808. Administrative costs.
Sec. 809. Termination of wildlife designation.
Sec. 810. Authorization of appropriations.

TITLE IX—MISSOURI RIVER RESTORATION

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Missouri River Trust.
Sec. 905. Missouri River Task Force.
Sec. 906. Administration.
Sec. 907. Authorization of appropriations.

### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of the Army.

## TITLE I—WATER RESOURCES PROJECTS

### SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration,

Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

### SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

### SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

### SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

### SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

### SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

### SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

### SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

### SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

### SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking "and" at the end;

(2) in paragraph (23), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(24) Perry Creek, Iowa.".

### SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

"(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).".

## TITLE II—GENERAL PROVISIONS

### SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)) is amended in the second sentence—

(1) by striking "State legislative"; and

(2) by inserting before the period at the end the following: "of the State or a body politic of the State".

### SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

### "SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

"(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

"(1) ecosystem protection and restoration;

"(2) flood damage reduction;

"(3) navigation and ports;

"(4) watershed protection;

"(5) water supply; and

"(6) drought preparedness.

"(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

"(1) the Secretary of the Interior;

"(2) the Secretary of Agriculture;

"(3) the Secretary of Commerce;

"(4) the Administrator of the Environmental Protection Agency; and

"(5) the heads of other appropriate agencies.

"(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

"(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

"(1) the Delaware River basin; and

"(2) the Willamette River basin, Oregon.

"(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

"(f) COST-SHARING REQUIREMENTS.—

"(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

"(2) CREDIT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

"(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.".

## SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

## SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

"(2) CRITERIA AND PROCEDURES.—

"(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

"(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

"(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

"(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay."; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding "and" at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

"(B) may consider additional criteria relating to—

"(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

"(ii) additional assistance that may be available from other Federal or State sources.".

## SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

## SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

## SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: "in cases in which the activities require specialized training relating to hydroelectric power generation".

## SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking "$1,000,000" and inserting "$2,000,000"; and

(2) in the second sentence, by inserting "out" after "carry".

## SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) Reburial.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) Conveyance Authority.—

(1) In general.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) Retention of necessary property interests.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

### SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting "(a) In General.—" before "It shall";

(2) by striking "However, such structures" and inserting the following:

"(b) Waterways Within a Single State.—Notwithstanding subsection (a), structures described in subsection (a)";

(3) by striking "When plans" and inserting the following:

"(c) Modification of Plans.—When plans";

(4) by striking "The approval" and inserting the following:

"(d) Applicability.—

"(1) Bridges and causeways.—The approval"; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

"(2) Dams and dikes.—

"(A) In general.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

"(B) Other dams and dikes.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

"(i) shall be subject to section 10; and

"(ii) shall not be subject to the approval requirements of this section.".

### SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

### "SEC. 1001. PROJECT DEAUTHORIZATIONS.

"(a) Definitions.—In this section:

"(1) Construction.—The term 'construction', with respect to a project or separable element, means—

"(A) in the case of—

"(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

"(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

"(B) in the case of an environmental protection and restoration project—

"(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

"(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

"(C) in the case of any other water resources project, the performance of physical work under a construction contract.

"(2) Physical work under a construction contract.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

"(b) Projects Never Under Construction.—

"(1) List of projects.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

"(A) are authorized for construction; and

"(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

"(2) Deauthorization.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

"(c) Projects for Which Construction Has Been Suspended.—

"(1) List of projects.—

"(A) In general.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

"(i) that are authorized for construction;

"(ii) for which Federal funds have been obligated for construction of the project or separable element; and

"(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

"(B) Projects with initial placement of fill.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

"(2) Deauthorization.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

"(d) Congressional Notifications.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

"(e) Final Deauthorization List.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

"(f) Effective Date.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.".

### SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) In General.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking "Within 6 months after the date of the enactment of this subsection, the" and inserting "The";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking "Such guidelines shall address" and inserting the following:

"(2) Required elements.—The guidelines developed under paragraph (1) shall—

"(A) address"; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting "that non-Federal interests shall adopt and enforce" after "policies";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.".

(b) Applicability.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) Technical Amendments.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking "Flood Plain" and inserting "Floodplain"; and

(2) in the first sentence, by striking "flood plain" and inserting "floodplain".

### SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

"(g) Nonprofit Entities.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.".

### SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) In General.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) Data.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

### SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) Definition of State.—In this section, the term "State" has the meaning given the term in section 6501 of title 31, United States Code.

(b) Authority.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) Corps Agreement To Perform Services.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) Annual Report to Congress.—

(1) In general.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) Contents of report.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

### SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking "In carrying out" and all that follows through "(1) is" and inserting the following: "In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

"(1) are";

(2) in the first sentence of subsection (b), by striking "the proposed uprating" and inserting "any proposed uprating";

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

"(c) Use of Funds Provided by Preference Customers.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

"(d) Application.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d-1).".

### SEC. 217. ASSISTANCE PROGRAMS.

(a) Conservation and Recreation Management.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) Rural Community Assistance.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) Cooperative Agreements.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

### SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decisionmaking in the permitting process.

### SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) Short Title.—This section may be cited as the "Dredged Material Reuse Act".

(b) Finding.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) Definition.—In this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(d) Program for Reuse of Dredged Material.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) Limitations.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) Regional responsibility.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) Reports.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) Authorization of appropriations.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

### SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) Definitions.—In this section:

(1) Academy.—The term "Academy" means the National Academy of Sciences.

(2) Method.—The term "method" means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) Feasibility report.—The term "feasibility report" means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) Water resources project.—The term "water resources project" means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) Independent Peer Review of Projects.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) Study elements.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) Academy report.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) Independent Peer Review of Methods for Project Analysis.—

(1) In general.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) Academy report.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

## TITLE III—PROJECT-RELATED PROVISIONS

### SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) General.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99-662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) Removal Process.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) Lands To Be Sold.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) Criteria for Land To Be Acquired.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) Dredged Material Disposal Sites.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) Other Mitigation Lands.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99-662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) Repeal.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

### SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

### SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) In General.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) Report.—

(1) In general.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) Timing.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) Contents.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

### SEC. 304. PETALUMA, CALIFORNIA.

(a) In General.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) In-Kind Services.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) Credit.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

### SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i-1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

### SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) Definition of Illinois River Basin.—In this section, the term "Illinois River basin" means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) Comprehensive Plan.—

(1) Development.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) Technologies and innovative approaches.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) Specific components.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) Consultation.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) Report to congress.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) Additional studies and analyses.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) Critical Restoration Projects.—

(1) In general.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) Authorization of appropriations.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) Federal share.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) General Provisions.—

(1) Water quality.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) Public participation.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) Coordination.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) Justification.—

(1) In general.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) Applicability.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) Cost Sharing.—

(1) In general.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) Operation, maintenance, rehabilitation, and replacement.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) In-kind services.—

(A) In general.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) Items included.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) Credit.—

(A) Value of land.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) Work.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

### SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

### SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) In General.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) Authorities.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

### SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

### SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) REDESIGNATION.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) REAUTHORIZATION.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes 33.8 seconds east 105.561 feet to the point of origin.

### SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

### SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

### SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the "Missouri River Valley Improvement Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term "Missouri River" means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking "(b) The general" and inserting the following:

"(b) COMPREHENSIVE PLAN.—

"(1) IN GENERAL.—The general";

(2) by striking "paragraph" and inserting "subsection"; and

(3) by adding at the end the following:

"(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.".

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading "MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA" of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: "There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.".

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) Reservoir fish loss study.—

(A) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) Report.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) Authorization of appropriations.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) Missouri and Middle Mississippi Rivers Enhancement Project.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

"(g) Authorization of Appropriations.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.".

### SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) In General.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) Credit.—

(1) In general.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) Maximum amount of credit.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

### SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) Credit.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that the construction work is integral to the project.

(b) Maximum Amount of Credit.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

### SEC. 316. PIKE COUNTY, MISSOURI.

(a) In General.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) Land Description.—The parcels of land referred to in subsection (a) are the following:

(1) Non-federal land.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) Federal land.—8.99 acres located in Pike County, Missouri, known as "Government Tract Numbers FM-46 and FM-47", administered by the Corps of Engineers.

(c) Conditions.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) Deeds.—

(A) Non-federal land.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) Federal land.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) Removal of improvements.—

(A) In general.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) No liability.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) Time limit for land exchange.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) Legal description.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) Administrative costs.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) Value of Properties.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

### SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) Findings.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) Purposes.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) Definitions.—In this section:

(1) Fort peck lake.—The term "Fort Peck Lake" means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) Hatchery project.—The term "hatchery project" means the project authorized by subsection (d).

(d) Authorization.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) Cost Sharing.—

(1) Design and construction.—

(A) Federal share.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) Form of non-federal share.—

(i) In general.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) Required crediting.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) Operation, maintenance, repair, and replacement.—

(A) In general.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) Costs associated with threatened and endangered species.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) Power.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) Availability of funds.—Sums made available under paragraph (1) shall remain available until expended.

### SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

### SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) In General.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) Reevaluation of Floodway Study.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) Reevaluation of 10-Year Floodplain Study.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) Preservation of Natural Storage Areas.—

(1) In general.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) Purchase.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) Streambank Erosion Control Study.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) Passaic River Flood Management Task Force.—

(1) Establishment.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the "Passaic River Flood Management Task Force", to provide advice to the Secretary concerning all aspects of the Passaic River flood management project.

(2) Membership.—The task force shall be composed of 20 members, appointed as follows:

(A) Appointment by secretary.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) Appointments by governor of new jersey.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) Appointment by governor of new york.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) Meetings.—

(A) Regular meetings.—The task force shall hold regular meetings.

(B) Open meetings.—The meetings of the task force shall be open to the public.

(4) Annual report.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) Expenditure of funds.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) Termination.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) Acquisition of Lands in the Floodway.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

"(e) Consistency With New Jersey Blue Acres Program.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.".

(h) Study of Highlands Land Conservation.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) Restriction on Use of Funds.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) Conforming Amendment.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking "MAIN STEM," and inserting "FLOOD MANAGEMENT PROJECT,".

### SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) In General.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled "Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention", at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) Cost Sharing.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

### SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) Extinguishment of Reversionary Interests and Use Restrictions.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) Affected Deeds.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10′ west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

### SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Credit Toward Non-Federal Share.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.".

### SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) Estuary Restoration.—

(1) Support plan.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) Cooperation.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) Projects.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) Evaluation program.—

(A) In general.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) Studies.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) Cost Sharing.—

(1) Development of plan.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) Project planning, design, construction, and evaluation.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) Non-federal share.—

(A) Credit for land, easements, and rights-of-way.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) Form.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) Operation and maintenance.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) Non-federal interests.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) Authorization of Appropriations.—

(1) Development of plan.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) Other activities.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

### SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) Definition of New Savannah Bluff Lock and Dam.—In this section, the term "New Savannah Bluff Lock and Dam" means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) Repair and Conveyance.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) Treatment of New Savannah Bluff Lock and Dam.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) Operation and Maintenance.—

(1) Before conveyance.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) After conveyance.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

### SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) In General.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) Cost Sharing.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) Federal Interest.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) No Authorization of Maintenance.—No maintenance is authorized to be carried out for the modification under subsection (a).

### SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) In General.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) Responsibilities of Trinity River Authority.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) Payments by City.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) Operation and Maintenance Costs.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

### SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) Definitions.—In this section:

(1) Critical restoration project.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) Lake Champlain watershed.—The term "Lake Champlain watershed" means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) Critical Restoration Projects.—

(1) In general.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) Types of projects.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

### SEC. 328. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading "TRANSFER OF FEDERAL TOWNSITES" in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

### SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

### SEC. 330. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.".

### SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking "$7,000,000" and inserting "$20,000,000"; and

(2) by striking paragraph (4) and inserting the following:

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

"(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

"(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.".

### SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

### SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term "Great Lake" means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term "Great Lake" includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term "Great Lakes Commission" means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term "Great Lakes Fishery Commission" has the meaning given the term "Commission" in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

### SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking "50 percent" and inserting "35 percent";

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking "50 percent" and inserting "35 percent"; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking "$5,000,000 for each of fiscal years 1998 through 2000." and inserting "$10,000,000 for each of fiscal years 2001 through 2010.".

### SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

"(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent."; and

(2) in subsection (g)—

(A) by striking "There is authorized" and inserting the following:

"(1) IN GENERAL.—There is authorized"; and

(B) by adding at the end the following:

"(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.".

### SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

### SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) Critical restoration project.—The term "critical restoration project" means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) New England.—The term "New England" means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) Assessment.—

(1) In general.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) Matters to be addressed.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) Use of existing information.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) Criteria; framework.—

(A) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) Use of resources.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) Report.—Not later than October 1, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) Restoration Plans.—

(1) In general.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) Contents.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) Critical Restoration Projects.—

(1) In general.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) Agreements.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b) and this section.

(3) Project justification.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) Time limitation.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) Cost limitation.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) Cost Sharing.—

(1) Assessment.—

(A) In general.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) In-kind contributions.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) Restoration plans.—

(A) In general.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) In-kind contributions.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) In-kind contributions.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) Required non-Federal contribution.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) Credit.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) Authorization of Appropriations.—

(1) Assessment and restoration plans.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) Critical restoration projects.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

### SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) Kennebunk river, Kennebunk and Kennebunkport, Maine.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) Wallabout channel, Brooklyn, New York.—

(A) In general.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) Courses and distances.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) New York and New Jersey channels, New York and New Jersey.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) Warwick cove, Rhode Island.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

### SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) Definition of Beaches.—In this section, the term "beaches" means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) Renourishment Study.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

## TITLE IV—STUDIES

### SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

### SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

### SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) Required Elements.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

### SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, California.

### SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

### SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

### SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) In General.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $250,000.

### SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

### SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

### SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

### SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) In General.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) Required Elements.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

### SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

### SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

### SEC. 414. CHICAGO, ILLINOIS.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) Sites.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) Use of Information; Consultation.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

### SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

### SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

### SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

### SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

### SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

### SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

### SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

### SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) In General.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) Consideration of Other Studies.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

### SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

### SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

### SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting "(a) In General.—" before "The"; and

(2) by adding at the end the following:

"(b) Evaluation of Flood Damage Reduction Measures.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

### SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

### "SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) In General.—The Secretary shall—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) Cost Sharing.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.''.

### SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

### SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

### SEC. 429. GRAND LAKE, OKLAHOMA.

(a) Evaluation.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) Feasibility Study.—

(1) In general.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) Cost sharing.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

### SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

### SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) In General.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) Funding.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

### SEC. 432. GERMANTOWN, TENNESSEE.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) Justification Analysis.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) Cost Sharing.—

(1) Federal share.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) Non-federal share.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

### SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) In General.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) Required Element.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

### SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

### SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

### SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

### SEC. 437. VERMONT DAMS REMEDIATION.

(a) In General.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) Dams To Be Evaluated.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) Cost Sharing.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $500,000.

### SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) Review.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) Issues.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

### SEC. 439. WILLAPA BAY, WASHINGTON.

(a) Study.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) Project.—

(1) In general.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) Land, easements, and rights-of-way.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

### SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) In General.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

### SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

### SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking "Arkansas River, Arkansas." and inserting "at Fort Smith, Arkansas, on land provided by the city of Fort Smith.".

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking "in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi." and inserting "between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.".

### SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the "Bay-Delta Estuary"), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

### SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term "easement prohibition" means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term "eligible property owner" means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term "fee land" means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term "flowage easement" means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term "Lake" means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) Option To Purchase Insurance.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) Prior Encroachment Resolutions.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) Prior Real Property Rights.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

### SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) In General.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) Map.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) Conditions.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) Environmental Response.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) Responsibilities After Conveyance.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) Applicability of Environmental Law.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

### SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking "a deceased" and inserting "an"; and

(2) by adding at the end the following:

"(4) Costs of NEPA compliance.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

"(5) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

### SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

"(i) Richard B. Russell Dam and Lake, South Carolina.—

"(1) In general.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

"(2) Land description.—

"(A) In general.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21-1-93-0910 and associated supplemental agreements.

"(B) Survey.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

"(3) Costs of conveyance.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

"(4) Perpetual status.—

"(A) In general.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

"(B) Reversion.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

"(5) Additional terms and conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

"(6) Fish and wildlife mitigation agreement.—

"(A) In general.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

"(B) Failure of performance.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.".

### SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) Terrestrial Wildlife Habitat Restoration.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

"(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

"(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

"(bb) the carrying out of plans developed under this section; and"; and

(2) in subsection (b)(4)(B), by striking "section 604(d)(3)(A)(iii)" and inserting "section 604(d)(3)(A)".

(b) South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the State of South Dakota, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "Department of Game, Fish and Parks of the" before "State of"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;".

(c) Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking "The" and inserting "In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the"; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting "as tribal funds" after "for use"; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking "transferred" and inserting "transferred, or to be transferred,"; and

(ii) by striking subclause (II) and inserting the following:

"(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;".

(d) Transfer of Federal Land to State of South Dakota.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking "in perpetuity" and inserting "for the life of the Mni Wiconi project";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.”;

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting “and” after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “and” and inserting “or”; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

“(I) OAHE DAM AND LAKE.—

“(aa) Downstream Recreation Area.

“(bb) West Shore Recreation Area.

“(cc) East Shore Recreation Area.

“(dd) Tailrace Recreation Area.

“(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

“(aa) Randall Creek Recreation Area.

“(bb) South Shore Recreation Area.

“(cc) Spillway Recreation Area.

“(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.”;

(4) in subsection (f)(1), by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(5) in subsection (g), by striking paragraph (3) and inserting the following:

“(3) EASEMENTS AND ACCESS.—

“(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887)).”;

(6) in subsection (h), by striking “of this Act” and inserting “of law”; and

(7) by adding at the end the following:

“(j) CLEANUP OF LAND AND RECREATION AREAS.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

“(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the ‘Cultural Resources Advisory Commission’ (referred to in this subsection as the ‘Commission’).

“(2) MEMBERSHIP.—The Commission shall be composed of—

“(A) 1 member representing the State of South Dakota;

“(B) 1 member representing the Cheyenne River Sioux Tribe;

“(C) 1 member representing the Lower Brule Sioux Tribe; and

“(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

“(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

“(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

“(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.”.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking “The Secretary” and inserting “Not later than January 1, 2002, the Secretary”;

(2) in subsection (b)(1), by striking “Big Bend and Oahe” and inserting “Oahe, Big Bend, and Fort Randall”;

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) STRUCTURES.—

“(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

“(B) LEASE OF RECREATION AREAS.—

“(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

“(I) Left Tailrace Recreation Area.

“(II) Right Tailrace Recreation Area.

“(III) Good Soldier Creek Recreation Area.

“(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.”;

(4) in subsection (f)—

(A) in paragraph (1), by striking “Federal law” and inserting “a Federal law specified in section 607(a)(6) or any other Federal law”;

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) EASEMENTS AND ACCESS.—

“(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

“(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled ‘An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes’, approved December 22, 1944 (commonly known as the ‘Flood Control Act of 1944’) (58 Stat. 887)).”; and

(C) in paragraph (3)(B), by inserting before the period at the end the following: “that were administered by the Corps of Engineers as of the date of the land transfer.”; and

(5) by adding at the end the following:

“(h) CLEANUP OF LAND AND RECREATION AREAS.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

“(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

“(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

“(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

"(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

"(j) SEDIMENT CONTAMINATION.—

"(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

"(A) complete a study of sediment contamination in the Cheyenne River; and

"(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).".

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

"(d) BUDGET CONSIDERATIONS.—

"(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

"(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

"(A) be detailed;

"(B) include all necessary tasks and associated costs; and

"(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.".

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

"(a) SECRETARY.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

"(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

"(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

"(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

"(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

"(2) ALLOCATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

"(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

"(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

"(I) 65 percent to the State of South Dakota.

"(II) 26 percent to the Cheyenne River Sioux Tribe.

"(III) 9 percent to the Lower Brule Sioux Tribe.

"(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).".

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

"(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.".

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking "the Tribe" and inserting "the affected Indian Tribe".

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking "the respective Tribe" each place it appears and inserting "the respective affected Indian Tribe".

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking "an Indian Tribe" and inserting "any Indian Tribe"; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking "**INDIAN TRIBES**" and inserting "**AFFECTED INDIAN TRIBES**";

(B) in paragraphs (1) and (4) of subsection (a), by striking "the Indian Tribes" each place it appears and inserting "the affected Indian Tribes";

(C) in subsection (c)(2), by striking "an Indian Tribe" and inserting "any Indian Tribe";

(D) in subsection (f)(2)(B)(i)—

(i) by striking "the respective tribes" and inserting "the respective affected Indian Tribes"; and

(ii) by striking "the respective Tribe's" and inserting "the respective affected Indian Tribe's"; and

(E) in subsection (g), by striking "an Indian Tribe" and inserting "any Indian Tribe".

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking "an Indian Tribe" each place it appears and inserting "any Indian Tribe".

### SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

"(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;".

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting "or exported" after "diverted"; and

(2) inserting "or export" after "diversion".

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

## TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

### SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term "Central and Southern Florida Project" means the project for Central and Southern Florida authorized under the heading "CENTRAL AND SOUTHERN FLORIDA" in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term "Central and Southern Florida Project" includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term "Governor" means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term "natural system" means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term "natural system" includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term "Plan" means the Comprehensive Everglades Restoration Plan contained in the "Final Integrated Feasibility Report and Programmatic Environmental Impact Statement", dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term "South Florida ecosystem" means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term "South Florida ecosystem" includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term "State" means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) Approval.—

(A) In general.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) Integration.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) Specific authorizations.—

(A) In general.—

(i) Projects.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) Considerations.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) Review and comment.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) Pilot projects.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) Initial projects.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) Conditions.—

(i) Project implementation reports.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) Submission of report.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) Funding contingent on approval.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) Modified water delivery.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) Maximum cost of projects.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each project feature authorized under this subsection.

(c) Additional Program Authority.—

(1) In general.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) Project implementation reports.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) Funding.—

(A) Individual project funding.—

(i) Federal cost.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) Overall cost.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) Aggregate cost.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) Authorization of Future Projects.—

(1) In general.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) Submission of report.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) Cost Sharing.—

(1) Federal share.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) Non-federal responsibilities.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) Federal assistance.—

(A) In general.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) Issuance.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) Concurrency statement.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) Content of regulations.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) Schedule and transition rule.—

(i) In general.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) Preamble.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) Review of programmatic regulations.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) Project-specific assurances.—

(A) Project implementation reports.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) Coordination.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) Requirements.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) Project cooperation agreements.—

(i) In general.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) Condition.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) Operating manuals.—

(i) In general.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) Modifications.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) Savings clause.—

(A) No elimination or transfer.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) Maintenance of flood protection.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) No effect on tribal compact.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) Dispute Resolution.—

(1) In general.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) Condition for report approval.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) No effect on law.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) Independent Scientific Review.—

(1) In general.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) Report.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) Outreach and Assistance.—

(1) Small business concerns owned and operated by socially and economically disadvantaged individuals.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) Community outreach and education.—

(A) In general.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) Provision of Opportunities.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) Report to Congress.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) Severability.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

### SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) In General.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

## TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

### SEC. 701. SHORT TITLE.

This title shall be known as the "Missouri River Protection and Improvement Act of 2000".

### SEC. 702. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) Purposes.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

### SEC. 703. DEFINITIONS.

In this title:

(1) Pick-Sloan Program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 705(e).

(3) State.—The term "State" means the State of North Dakota.

(4) Task Force.—The term "Task Force" means the North Dakota Missouri River Task Force established by section 705(a).

(5) Trust.—The term "Trust" means the North Dakota Missouri River Trust established by section 704(a).

### SEC. 704. MISSOURI RIVER TRUST.

(a) Establishment.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) Membership.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

**SEC. 705. MISSOURI RIVER TASK FORCE.**

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

**SEC. 706. ADMINISTRATION.**

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

**SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

## TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

**SEC. 801. SHORT TITLE.**

This title may be cited as the "Charles M. Russell National Wildlife Refuge Enhancement Act of 2000".

**SEC. 802. PURPOSE.**

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

### SEC. 803. DEFINITIONS.

In this title:

(1) Association.—The term "Association" means the Fort Peck Lake Association.

(2) Cabin site.—

(A) In general.—The term "cabin site" means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) Inclusions.—The term "cabin site" includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) Cabin site area.—

(A) In general.—The term "cabin site area" means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) Inclusion.—The term "cabin site area" includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) Lessee.—The term "lessee" means a person that is leasing a cabin site.

(5) Refuge.—The term "Refuge" means the Charles M. Russell National Wildlife Refuge in Montana.

### SEC. 804. CONVEYANCE OF CABIN SITES.

(a) In General.—

(1) Prohibition.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) Determination; notice.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) Offer of comparable cabin site.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) Response.—

(1) Notice of interest.—

(A) In general.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) Form.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) Unpurchased cabin sites.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) Process.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) Consultation and Public Involvement.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) Conveyance.—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) Vehicular Access.—

(1) In general.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) Construction.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) Offer to convey.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) Utilities and Infrastructure.—

(1) In general.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) No federal assistance.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) Covenants and Deed Restrictions.—

(1) In general.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) Reservation of rights.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) No Conveyance of Unsuitable Cabin Sites.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

### SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

### SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) CONVEYANCES TO THIRD PARTIES.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) CONVEYANCE TO ASSOCIATION.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

### SEC. 807. USE OF PROCEEDS.

(a) PROCEEDS.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATION.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

### SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

### SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

### SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

## TITLE IX—MISSOURI RIVER RESTORATION

### SEC. 901. SHORT TITLE.

This title shall be known as the "Missouri River Restoration Act of 2000".

### SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

**SEC. 903. DEFINITIONS.**

In this title:

(1) Committee.—The term "Committee" means the Executive Committee appointed under section 904(d).

(2) Pick-Sloan program.—The term "Pick-Sloan program" means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) Plan.—The term "plan" means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(4) State.—The term "State" means the State of South Dakota.

(5) Task force.—The term "Task Force" means the Missouri River Task Force established by section 905(a).

(6) Trust.—The term "Trust" means the Missouri River Trust established by section 904(a).

**SEC. 904. MISSOURI RIVER TRUST.**

(a) Establishment.—There is established a committee to be known as the Missouri River Trust.

(b) Membership.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

**SEC. 905. MISSOURI RIVER TASK FORCE.**

(a) Establishment.—There is established the Missouri River Task Force.

(b) Membership.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) Duties.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) Assessment.—

(1) In general.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) Consultation.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) Plan for Use of Funds Made Available by This Title.—

(1) In general.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) Contents of plan.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) Plan review and revision.—

(A) In general.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) Revision of plan.—

(i) In general.—The Task Force may, on an annual basis, revise the plan.

(ii) Public review and comment.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) Critical Restoration Projects.—

(1) In general.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) Agreement.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b); and

(B) this section.

(3) Indian projects.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) Cost Sharing.—

(1) Assessment.—

(A) Federal share.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) Non-federal share.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) Plan.—

(A) Federal share.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) Non-federal share.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) Critical restoration projects.—

(A) In general.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) Federal share.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) Non-federal share.—

(i) In general.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) Required non-federal contributions.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) Credit.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

**SEC. 906. ADMINISTRATION.**

(a) In General.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on

the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

**SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

Mr. ROBERTS. Mr. President, I ask to reconsider the vote, and on behalf of the Senator from New Hampshire, Mr. SMITH, I move to table my own motion.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

• Mr. GORTON. Madam President, I regret I was unable to vote on the final passage of the Water Resources Development Act, S. 2796. Had I been present, I would have voted in favor of this legislation.

The bill contains authorizations for several important projects for Washington State. I would like to thank the chairman of the Senate Environment and Public Works Committee, Senator BOB SMITH, and the chairman of the Subcommittee on Transportation and Infrastructure, Senator GEORGE VOINOVICH, for their assistance in addressing the water resource needs of the Pacific Northwest. I'd like to highlight four projects critical to my constituents.

The bill provides authorization for the Puget Sound Ecosystem Restoration Project, an environmental restoration program designed to improve habitat for four threatened anadromous fish species in the Puget Sound basin. The Corps of Engineers, contingent on available appropriations, will be authorized to spend $20 million in cooperation with local governments, tribes, and restoration groups to make existing Corps projects more salmon-friendly and enhance critical stream habitat.

WRDA 2000 also includes an authorization for the Corps of Engineers to study and construct an erosion control project for the Shoalwater Bay Indian Tribe. The Shoalwater Bay Indian Tribe, located on a 335-acre reservation in southwest Washington, has experienced dramatic erosion events for the past several winters. During the 1998–1999 winter storms alone, the tribe lost several hundred feet of shoreline. These events have been particularly damaging to this small tribe of 245 people, most of whom depend on the tribe's shellfish resource along the 700 acres of tidelands.

Another provision will assist the communities along the Columbia, Cowlitz, and Toutle rivers. During the early 1980s after the eruption on Mount St. Helens on May 18, 1980, the Corps of Engineers engaged in a series of emergency and congressionally authorized projects to stop or control the flow of sediment from Mount St. Helens into the Toutle, Cowlitz, and Columbia rivers. Since the major Northwest Washington flood of 1996, which severely impacted the communities surrounding these three rivers, the Corps of Engineers and county governments in Southwest Washington have engaged in discussions over the level of flood protection to be maintained for the Mount St. Helens Sediment Control Project. The WRDA bill clarifies the Corps' responsibility to maintain this project and provides certainty for the communities in the future.

Finally, the bill includes authorization for the Corps to accept funding from non-federal public entities to improve and enhance the regulatory activities of the Corps of Engineers. Since the listing of the four Puget Sound salmon species last year, the Seattle office of the Corps of Engineers has been inundated with permits that requires additional consultation order the Endangered Species Act. Unfortunately, this additional responsibility requires additional staff and resources to occur in a timely manner. At the beginning of this year, the Seattle regulatory office had a backlog of 300 permit applications. Today that backlog has grown to nearly 1,000. This provision will provide the Corps the additional resources it needs to comply with the Endangered Species Act.

Once again, I would like to thank the members of the Environment and Public Works Committee for their assistance in providing authorization for projects important to the residents of Washington state. I am pleased the Senate passed this legislation today.•

## MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent I might be recognized for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GENERAL CHARLES E. WILHELM

Mr. ROBERTS. Mr. President, late in the afternoon of this coming Thursday, the U.S. Marine Corps will conduct a retirement ceremony at the Marine Corps War Memorial in Arlington, VA.

It would not be too surprising for all who know the honoree, if those legendary marines raising the flag atop Mt. Suribachi at the Iwo Jima Memorial and ensconced in statuary history might actually plant the flag, come to attention and give a proud salute to Gen. Charles E. Wilhelm. Now retired after 35 years of service and the former commander of the U.S. Southern Command, Charles Wilhelm has been the epitome of dedication, professionalism, and pride. Simply put, he has been a marine's marine. In paying tribute to General Wilhelm, my remarks are in keeping with the appreciation, admiration, and thanks of my colleagues in the Senate, more especially the chairman and members of the Armed Services Committee, all those privileged to serve on committees of jurisdiction dealing with our national defense and foreign policy and former marines who serve in the Congress. I think Charles Wilhelm was destined to serve in our Nation's sea service and become an outstanding marine in that he was born of the shores of Albemarle Sound in historic Edenton, NC. He graduated from Florida State University and later earned a master of science degree from Salve Regina College in Newport, RI. He was commissioned a second lieutenant in 1964 and saw two tours of service in Vietnam where in the full component of command positions, he served with distinction: as a rifle platoon commander; company commander; and senior advisor to a Vietnamese Army battalion.

For his heroism under fire, he was awarded the Silver Star Medal, Bronze Star Medal with Combat V, Navy Commendation Medal with Combat V, and the Army Commendation Medal with Combat V. General Wilhelm's other personal decorations include the Defense Service Medal with Oak Leaf Cluster, the Distinguished Service Medal, Defense Meritorious Service

Medal, the Navy Commendation Medal, and Combat Action Ribbon. The last thing that Charley Wilhelm would want or stand for would be for some Senator like myself to stand on the Senate floor and list the rest of all of the assignments and tours and accomplishments that make up his outstanding career. But, since I am on the Senate floor and relatively safe, I hope, from the well known and respected iron will of the general, a marine, who with respect and admiration and a great deal of circumspect care—certainly not in his presence—was called "Kaiser Wilhelm," I'm going to give it a try. I do so because of the immense respect this man has within the ranks of all the services, U.S. and international, whohave served under his command.

General Wilhelm's service was universal in scope and outstanding in performance: inspector-instructor to the 4th Reconnaissance Battalion, a Reserve unit in Gulfport, Mississippi; Deputy Provost Marshal, U.S. Naval Forces Philippines; operations officer and executive officer, 1st Battalion, 1st Marines, Camp Pendleton, California; staff officer for Logistics, Plans and Policy Branch, Installations and Logistics Department, Headquarters Marine Corps; J-3, Headquarters, U.S. European Command. Then in August of 1998, while assigned as the Assistant Chief of Staff for Operations of the Second Marine Expeditionary Force, Charles Wilhelm was promoted to brigadier general and assigned as the Director of Operations, Headquarters Marine Corps. Two years later, he was chosen to serve as Deputy Assistant to the Secretary of Defense for Policy and Missions within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

This experience served him well, when, as commanding general of the 1st Marine Division, General Wilhelm served as Commander, Marine Forces Somalia as part of Operation Restore Hope. I might add a personal observation at this point in stating with Charles Wilhelm, the United States has a respected resource with regard to the difficult but necessary challenge our military has in meeting vital national security interests and balancing those interests with the many, if not overwhelming, peacekeeping and humanitarian missions we find ourselves involved in today.

It goes without saying that in the past members of our military have been sent into peacekeeping missions where there was no peace to be kept. When that happens, why peacekeepers become targets and tragedy results. Gen. Charles Wilhelm knows the difference and we should take heed. He went on to serve in a series of command positions to include: Commanding General, Marine Corps Combat Development Command; Commander, U.S. Marine Corps Forces, Atlantic; Commander, U.S. Marine Corps Forces, South; Commanding General, Second Marine Expeditionary Force; Commanding General, Marine Strike Force Atlantic.

General Wilhelm assumed duties at U.S. Southern Command in September, in 1997 where he served until his retirement just a few weeks ago. As commander of the U.S. Southern Command, General Wilhelm devoted his enormous personal energy—and boy does he have that—his visionary leadership and his remarkable diplomatic skills to achieving vital national security objectives and strengthening democratic institutions and governance—and thereby individual freedom and economic opportunity—throughout the Southern Hemisphere.

General Wilhelm's personal decorations are testimony to his valor and bravery. He is indeed recognized within the U.S. Marine Corps as a warrior among warriors. But, he is also part military and political theorist, diplomat, and humanitarian. He enhanced civilian control of military institutions throughout Latin America; he improved multilateral relations among the 32 nations—that is 32 nations and 12.5 million square miles stretching from Antarctica to the Florida Keys.

Concurrently, General Wilhelm oversaw the integration of the Caribbean into the command's theater, supervised the implementation of the 1977 Panama Canal treaties—no small feat—he energized United States Interagency efforts to counter the flow of illegal narcotics into the United States and finally, sought and obtained congressional support for the U.S. assistance plan for Colombia's counter drug program. While doing all of this in his 3 year stint, he restructured his command's architecture and theater engagement strategy to position the command to meet the challenges of the 21st century. I am tempted to say that in the midst of all this he rested on the 7th day but in fact he did not.

As chairman of the Emerging Threats Subcommittee of the Senate Armed Services Committee—that is the subcommittee of jurisdiction over virtually all of the missions within the Southern Command—I want the record to show that the general accomplished his goals at precisely the same time the Southern Command suffered tremendous budget and infrastructure challenges. That is the nicest way I can put it. He always said he did not have problems; he had challenges. That was due to U.S. involvement in the Balkans and the drawdown of the tremendous budget and essential infrastructure support to the general's mission and the mission of the Southern Command.

I do not know how, quite frankly, he accomplished his tasks. I might add, from my personal standpoint, in terms of our immediate and pressing challenges with regard to refugees, more than in the Balkans, the problems and challenges of immigration, drugs, terrorism, trade, the commonality of interests within our own hemisphere, and our domestic energy supply—we now get roughly 17 to 18 percent of our energy supply from Venezuela; there are real problems in Venezuela—our vital national interests, General Wilhelm has tried his very best to alert the Pentagon, the administration, and the Congress to these concerns and suggest rational and reasonable policy options. His advice is sound, based upon years of experience and hard, hard work. The value and worth of his policy recommendations, I will predict, and his cornerstone efforts to build on that success will be proven correct.

Carol Rosenberg of the Miami Herald newspaper recently captured what I am trying to say in an article that accurately describes the successes General Wilhelm has achieved and the character of the man as well.

Ms. Rosenberg simply put it this way:

> A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering a four-star U.S. Marine general bearing baseballs and money.
>
> Chopper blades were still kicking dust when hundreds of residents crowded around, some sporting American League style uniforms donated by a California bike shop owner—

At the request of the general.

> Then a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general.

According to the article, he said:

> This is why I love this job. I've never heard it played any better.

His career stretches back to Vietnam, as noted by Ms. Rosenberg. She went on to point out in her article the general has been part military strategist and diplomat. She outlined his leadership, as I said before, in the tremendous U.S. humanitarian efforts after Hurricane Mitch and other medical and disaster recovery missions demonstrating the United States bid to be a good neighbor and an ally in the Americas and the example of a civilian-controlled military to the emerging democracies.

In the article, Ms. Rosenberg also pointed out that last month General Wilhelm paid a last visit to Managua, Nicaragua, and stood proudly as the Nicaragua Army chief, General Javier Carrion, draped him with a blue and white sash, the army's highest honor in Nicaragua, for "building respectful relations" between the two countries.

For a decade, our Nation was allied with the Nicaraguan Army's adversary, i.e. the Contras, in a 10-year-old civil war. According to veteran observers, only 2 years ago, the tension and suspicion was still so thick between the two countries that you could cut it. Last month, through the efforts of one man, General Wilhelm received a medal for building respect between the two nations.

I ask unanimous consent that the article by Carol Rosenberg in the Miami Herald be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami Herald, Sept. 3, 2000]

### SOUTHCOM GENERAL BOWS OUT AFTER 37 YEARS

### POLITICS, STRATEGY—AND A DASH OF BASEBALL DIPLOMACY

(By Carol Rosenberg)

BOACO, NICARAGUA—A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering a four-star U.S. Marine general bearing baseballs and money.

Chopper blades were still kicking up dust when hundreds of curious residents crowded around, some sporting American League-style uniforms donated by a California bike shop owner. Then, a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general and his entourage—colonels and bodyguards, fixers and escort officers.

"This is why I love this job. I've never heard it played better," confided Gen. Charles Wilhelm, whose 37-year Marine career stretches back to Vietnam.

Part military strategist, part diplomat, Wilhelm, 59 retires this week from a three-year tour of duty as chief of the Southern Command, the Pentagon's Miami-based nerve center for Latin America and the Caribbean, staffed by about 1,000 service members and civilians.

Southcom, as it is called, is in charge of U.S. military activities across 12.5 million square miles stretching from Antarctica to the Florida Keys. Based in Panama for decades, it evolved out of U.S. construction of the Panama Canal and moved to Miami in 1997, as Wilhelm took charge. The move was part of a phased withdrawal to prepare for this past New Year's retreat from the Canal Zone.

Among its most high-profile missions: the 1989 seizure of Panamanian strongman Manuel Noriega. Southcom also directed U.S. support for the Nicaraguan contras in the 1980s and has for years sent doctors and other military experts for joint-training missions in Latin America.

Now is a pivotal time: Congress has just approved $1.3 billion in U.S. aid for Plan Colombia—an ambitious campaign to fight the drug trade in the nation that supplies the bulk of the cocaine distributed in the United States. The effort—the United States' most ambitious military activity in the Americas in years—provides for 60 helicopters, 500 U.S. troops, and 300 civilian contractors.

And Wilhelm, an architect by virtue of his position at Southcom, is one of its greatest champions.

Yet, as the recent dabble in baseball diplomacy shows, the job of Southcom's commander in chief is a curious blend of politics and strategy. A California congressman had asked Southcom to rebuild the baseball diamond, damaged by flooding, at the request of a constituent who had once played baseball in the area.

But after crunching numbers back in Doral, Wilhelm concluded the cost of Operation Field of Dreams would be too high: $250,000 to move in heavy equipment, as unreasonable 1.25 percent of his discretionary budget. So, instead, he brought three-dozen baseballs, a $300 donation, and gave townspeople a first-hand look at U.S. helicopter technology, carefully monitored by U.S. Army flight crews watching to make sure nobody made off with a removable part.

And he added the baseball diamond to a Southcom "to-do" list, just in case future relief efforts bring the necessary equipment and U.S. forces back to Boaco.

The last August visit illustrated how much Southcom has changed since Wilhelm inherited the command. Now entrenched in Miami, Southcom today is leaner than its huge outpost in Panama of the 1990s, and with a curious mosaic of military relations.

Thanks to U.S. humanitarian efforts after Hurricane Mitch, it has the best relationship in years with Nicaragua and a patchwork of mini bases for drug hunting and humanitarian relief missions in the Caribbean and Central America. U.S. troops that before Wilhelm's arrival swelled to 11,000-plus in Southcom's 12.5 million square miles of territory—most at sprawling bases in Panama—have been largely reassigned to the continental United States.

Now Southcom has a permanent presence of 2,479 soldiers, sailors and air force personnel, most in Puerto Rico, and relies on periodic training exercises of reservists and National Guard members to carry out a key part of the command's activities—medical and disaster, recovery missions offered to host countries by embassies. They demonstrate Washington's bid to be a good neighbor in the Americas and illustrate the grandeur of a civilian-controlled military, a good example for emerging democracies.

On the down side, Washington has been unable so far to persuade Venezuela to permit flights over the country for U.S. drug-hunting operations—a significant blind spot in the hemispheric war on narcotrafficking. U.S. aircraft patrolling the skies over Latin America now have to fly around Venezuela, adding as much as 90 minutes to their missions in their pursuit of drug runners, mostly from Colombia.

Nor has U.S. diplomacy convinced Panama to accept a permanent military presence, for drug operations or any other U.S. activities. The last U.S. forces departed on New Year's Eve and sentiments are not yet ripe for a return of U.S. military personnel.

In Haiti, successive exercises and training programs by Southcom have not been able to meaningfully enhance the rule of law, and U.S. drug interdiction monitors, who see it as a trans-shipment spot, have not been able to enlist local authorities there as allies in their anti-drug campaign. Cooperation by foreign police and militaries is key to the U.S. war on drug trafficking. But drug monitors say they have not found partners in Port-au-Prince, whose security forces are still in chaos, to make seizures and arrests when they detect drug smugglers.

### NO FUNDING YET

And Wilhelm has yet to win congressional funding to permanently base Southcom in Miami, now in an industrial park not far from the airport, a $40 million measure. Wilhelm's tenure ends Friday with a change-of-command ceremony presided over by Defense Secretary William Cohen. If Congress confirms President Clinton's choice of Marine Lt. Gen. Peter Pace in time, it will be only the second time in history that a Marine will head Southcom, a job traditionally held by the Army. Wilhelm will wind up his Marine career by moving back to suburban Washington, D.C. under mandatory retirement, which only could have been averted by promotion to the Joint Chiefs of Staff—or a transfer to another four-star post—for example, overseeing military operations in Europe or the Persian Gulf.

But, Wilhelm said, he aspires to re-emerge in civilian life as a player in Latin America—perhaps as a troubleshooter, capitalizing on his civilian and military contacts throughout the Americas. He espouses a fascination with the region.

"It interests me for a lot of very good reasons—and they're not all altruistic," he said in a recent interview.

"I see our future prosperity in the Americas, not in the Far East . . . Forty-six percent of our exports flow within the Americas, 28 percent to the FAR East and 26 percent to Europe and I see that balance shifting even more to the Americas at least over the first 25 years of this century. So I think the future prosperity of the United States is inextricably linked to the Americas."

Last month's two-day trip to Nicaragua and Honduras—Wilhelm's last on the road aside from Wednesday's trip to Colombia with President Clinton—gave a glimpse into the hemisphere-hopping style of work he seems to relish.

In Tegucigalpa, he met President Carlos Flores and then choppered to Honduras' Soto Cano Air Base, where the U.S. has its only permanent military outpost in the region. With a single landing strip stocked with Chinook and Black Hawk helicopters, it is home to about 600 Air Force and Army personnel who mostly support disaster relief and drug operations. There he took part in a promotion ceremony, and gave U.S. soldiers and airmen a pep talk.

"When I call, you haul—no whimpering or whining. That's what service is all about," said Wilhelm.

### "RESPECTFUL"

In Managua, he stood surrounded by dozens of local reporters and camera crews as Nicaraguan Army Chief Gen. Javier Carrión draped him in a blue and white sash—the army's highest honor—"for building respectful relations" between the armies.

Army Col. Charles Jacoby, Wilhelm's executive officer, was in awe.

In early 1998, Jacoby came to Managua as head of a mission to negotiate the return of an old B-26 aircraft that crashed in the jungle after flying missions from a clandestine CIA airfield for the ill-fated Bay of Pigs invasion. The tension and suspicion was so thick, you could cut it.

Months later, Hurricane Mitch cut a swath of destruction through Central America. Wilhelm sent thousands of U.S. forces to rebuild bridges and schools, clinics and roads—a goodwill gesture that broke the ice in chilly relations with the Nicaraguan Army. For a decade, Washington had allied with the army's adversary, the contras, in a decade-long civil war that ended in 1990.

"To see him standing here today getting an award is just unbelievable," Jacoby said moments before a Nicaraguan officer served champagne.

Mr. ROBERTS. Mr. President, I am not really surprised at this man's many accomplishments. Several years ago, our distinguished majority leader, Senator LOTT, took an overdue codel to Latin and Central America. I was privileged to go. On one of our first stops, we were briefed on the overall situation, again within the 32-nation sprawling Southern Command. Pressed for time, General Charles Wilhelm gave one of the most complete, pertinent, and helpful briefings I have ever heard. I have been a Wilhelm fan ever since, and I certainly value his advice and his suggestions.

General Wilhelm stated our vital national security interests very well when he said the following:

> I see our future prosperity in the Americas, not in the Far East. . . . Forty-six percent of our exports flow within the Americas, 28 percent to the Far East and 26 percent to Europe. I see the balance shifting even more to the Americas over the first 25 years of this century. The future prosperity of the United States is linked to the Americas.

Throughout his career as a United States Marine, General Charles Wilhelm demonstrated uncompromising character, discerning wisdom, and a sincere, selfless sense of duty to his Marines and members of other services assigned to his numerous joint commands.

His powerful leadership inspired his Marines to success, no matter what the task. All Marines everywhere join me in saying to the general: Thank you and well done. The results have guaranteed United States security in this hemisphere and throughout the world.

In behalf of my colleagues on both sides of the aisle, our congratulations to him and to his wife Valerie and his son Elliot on the completion of a long and distinguished career, and I trust more to come. God bless this great American and Marine. Semper Fi, General. Semper Fi.

## APPROVAL OF CONVENTION 176

Mr. BYRD. Mr. President, last week the Senate unanimously approved for ratification the International Labor Organization Convention 176 on mine safety and health. I thank the Chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, for his committee's efforts in expeditiously approving this convention. I also thank the mining state senators from New Mexico, Pennsylvania, Montana, Kentucky, Nevada, Idaho, and my own West Virginia, who joined me in championing this convention.

Coal mining has long been recognized as one of the most dangerous occupations in the world. In the United States, the frequency and magnitude of coal mining disasters and intolerable working conditions in the 19th century created a public furor for mine health and safety laws. The Pennsylvania legislature was the first to pass significant mine safety legislation in 1870, which was later followed by the first federal mine safety law that was passed by Congress in 1891. Over the years, these state and federal laws were combined into what are today the most comprehensive mine safety and health standards in the world. Since the beginning of the 20th century, mine-related deaths have decreased from 3,242 deaths in 1907, the highest mining fatality rate ever recorded in the United States, to 80 deaths in 1998, the lowest mining fatality rate ever recorded in the United States.

These numbers stand in stark contrast to the recorded fatalities in other parts of the world. In China, for example, the government recently reported 2,730 mining fatalities in the first six months of this year. That is more than thirty times the number of fatalities recorded in the United States for all of 1999. And, this number does not even include metal and nonmetal mining fatalities in China.

Many countries in the world have national laws specific to mine safety and health. Yet, in most of these countries, the laws are often times inadequate. In many South American and Asian countries, national laws have not kept pace with the introduction of new mining equipment, such as long-wall mining machines and large surface mining equipment, which create new hazards for miners. Similarly, many of these countries do not require employers to inform miners of workplace hazards or allow for workers to refuse work because of dangerous conditions without fear of penalties. What is worse is that even if these countries do have adequate laws, in most cases, the inexperience and limited resources of their mine inspectors often means that egregious violations by foreign coal companies are never penalized, encouraging repeat violations.

As a result, miners in developing countries are exposed to risks and hazards that claim up to 15,000 lives each year. Severe mine disasters involving large loss of life continue to occur throughout Europe, Africa and Asia. The most recent accident to gain worldwide attention occurred in Ukraine in March of this year, when 80 miners were killed after a methane gas explosion because of an improperly ventilated air shaft.

The United States competes against these countries with notoriously low mine safety standards in the global energy market. However, the disparity in mine safety and health standards with which foreign and domestic coal companies must comply, places U.S. coal companies at a disadvantage by allowing foreign coal companies to export coal at a cheaper cost. This has contributed to a decrease in U.S. coal exports in the global energy market. According to the Department of Energy, U.S. coal exports to Europe and Asia have decreased from 78 million tons to 63 million tons between 1998 and 1999. The Administration projects that U.S. coal exports will continue to decrease to approximately 58 million tons by 2020. This reduction in coal exports falls on an industry that is already experiencing a steady decrease in the number of active coal mining operations and employment in the United States. Faced with strong competition from other coal exporting countries and limited growth in import demand from Europe and Asia, the United States needs to level the playing field as much as possible with its foreign competitors, and should encourage foreign governments to adopt safety and health standards similar to those in the United States.

Accordingly, representatives from the National Mining Association, the United Mine Workers of America, and the Mine Safety and Health Administration helped to draft a treaty in 1995 that would establish minimum mine safety and health standards for the international community. This treaty was based on the federal mine safety and health laws in the United States. Convention 176 was adopted by the General Conference of the International Labor Organization in 1995, and would designate that a competent authority monitor and regulate safety and health in mines and require foreign coal companies to comply with national safety and health laws. It would also encourage cooperation between employers and employees to promote safety and health in mines.

By encouraging other countries to ratify Convention 176, the United States can increase the competitiveness of U.S. coal prices in the global market place, while, at the same time, increasing protections for miners in all parts of the world. In addition, the United States can build a new market for itself where it can provide training and superior mine safety equipment to nations struggling to increase their mine safety standards.

The United States prides itself on having the safest mines in the world, while, at the same time, remaining a competitive force in the global energy market. This convention embraces the belief that other countries would do well to follow the U.S. example. I support this convention, and applaud the Senate for its approval.

## RICHARD GARDNER URGES HIGHER BUDGET PRIORITY FOR U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, in an article published in the July/August issue of Foreign Affairs, Richard Gardner argues persuasively that at this time of record prosperity, America must commit itself to an increased budget for foreign policy in order to protect our vital interests and carry out our commitments around the world. He argues that America's security interests must be protected not only by maintaining a superior military force, but also by focusing on other international issues that are essential to our national security, such as global warming, AIDS, drug-trafficking, and terrorism. He asserts that to achieve these goals, foreign aid must be given higher spending priority, and the current trend of decreased funding for our international commitments must be reversed.

Mr. Gardner is well known to many of us in Congress. For many years, and under many Administrations, he has served our nation well as a distinguished diplomat. He skillfully represented U.S. interests abroad, and has made valuable contributions to advancing America's foreign policy objectives. He continues this important work today, serving as a Professor of Law and International Organization at Columbia University and a member of the President's Advisory Committee on Trade Policy and Negotiations.

I believe that Ambassador Gardner's article will be of interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Foreign Affairs, July/August 2000]

## THE ONE PERCENT SOLUTION—SHIRKING THE COST OF WORLD LEADERSHIP

(By Richard N. Gardner)

A dangerous game is being played in Washington with America's national security. Call it the "one percent solution"—the fallacy that a successful U.S. foreign policy can be carried out with barely one percent of the federal budget. Unless the next president moves urgently to end this charade, he will find himself in a financial straitjacket that frustrates his ability to promote American interests and values in an increasingly uncertain world.

Ultimately, the only way to end the dangerous one percent solution game is to develop a new national consensus that sees the international affairs budget as part of the national security budget—because the failure to build solid international partnerships to treat the causes of conflict today will mean costly military responses tomorrow. Those who play the one percent solution game do not understand a post-Cold War world in which a host of international problems now affects Americans' domestic welfare, from financial crises and the closing of markets to global warming, AIDS, terrorism, drug trafficking, and the spread of weapons of mass destruction. Solving these problems will require leadership, and that will cost.

### MONEY CHANGES EVERYTHING

If this all sounds exaggerated, consider the way the one percent solution game is being played this year, when America has a GDP of nearly $10 trillion and a federal budget of over $1.8 trillion. Secretary of State Madeleine Albright asked the Office of Management and Budget (OMB) for $25 billion in the budget for fiscal year (FY) 2001, which begins October 1, for the so-called 150 Account, which covers the nonmilitary costs of protecting U.S. national security. OMB cut that figure to $22.8 billion to fit President Clinton's commitment to continued fiscal responsibility and limited budgetary growth.

The congressional budget committees cut it further to $20 billion, or $2.3 billion less than the $22.3 billion approved for FY 2000. At the same time, the budget committees raised defense spending authority for FY 2001 to $310.8 billion—$4.5 billion more than the administration requested.

Clinton and Albright strongly protested the congressional cuts. They will undoubtedly protest even more when the appropriations committees of the Senate and the House divide up the meager 150 Account pie into inadequate slices for essential foreign affairs functions. At the end of this congressional session, $1 billion or so of the foreign affairs cuts may be restored if Clinton threatens to veto the appropriation bills—not easy to do in an election year. Of course, the next president could make another familiar move in the one percent solution game—ask for a small supplemental appropriation to restore the previous cuts. But if the past is any guide, Congress will do its best to force the next administration to accommodate most of its supplemental spending within the existing budget. (This year, for instance, Congress resisted additional spending to pay for the U.S. share of multilateral projects such as more U.N. peacekeeping and debt reduction for the poorest countries.)

Even more discouraging for the next president are the projections for the 150 Account that the Clinton administration and the budget committees have presented as spending guidelines until 2005. The president's projected foreign affairs spending request of $24.5 billion for 2005 hardly keeps up with inflation, and the budget committees' target of $20 billion means a decrease of nearly 20 percent from FY 2000, adjusted for inflation. By contrast, the administration's projected defense spending authority goes up to $331 billion in FY 2005; the budget committees' defense projection is comparable. Thus the ratio of military spending to foreign affairs spending would continue to increase in the next few years, rising to more than 16 to 1.

The percentage of the U.S. budget devoted to international affairs has been declining for four decades. In the 1960s, the 150 Account made up 4 percent of the federal budget; in the 1970s, it averaged about 2 percent; during the first half of the 1990s, it went down to 1 percent, with only a slight recovery in FYs 1999 and 2000. The international affairs budget is now about 20 percent less in today's dollars than it was on average during the late 1970s and the 1980s.

A nation's budget, like that of a corporation or an individual, reflects its priorities. Both main political parties share a broad consensus that assuring U.S. national security in the post-Cold War era requires a strong military and the willingness to use it to defend important U.S. interests and values. The Clinton administration and Congress have therefore supported recent increases in the defense budget to pay for more generous salaries and a better quality of life in order to attract and retain quality personnel; fund necessary research, training, and weapons maintenance; and procure new and improved weapons systems. Politicians and military experts may differ on the utility and cost-effectiveness of particular weapons, but after the catch-up defense increases of the last several years, Washington appears to be on an agreed course to keep the defense budget growing modestly to keep up with the rate of inflation.

Why then, at a time of unprecedented prosperity and budget surpluses, can Washington not generate a similar consensus on the need to adequately fund the nonmilitary component of national security? Apparently spending on foreign affairs is not regarded as spending for national security. Compounding the problem is Washington's commendable new commitment to fiscal responsibility after years of huge budget deficits—a commitment reflected in the tight cap that Congress placed on discretionary spending in 1997. Even though that cap is already being violated and will undoubtedly be revised upward this year, the new bipartisan agreement to lock up the Social Security surplus to meet the retirement costs of the baby boomers will continue to make for difficult budget choices and leave limited room for increased spending elsewhere, foreign affairs included.

The non-Social Security surplus—estimated at something more than $700 billion during the decade 2000-2010—will barely cover some modest tax cuts while keeping Medicare solvent and paying for some new spending on health care and education. Fortunately, higher-than-expected GDP growth may add $20-30 billion per year to the non-Social Security surplus, affording some additional budgetary wiggle room. Even so, that windfall could be entirely eaten up by larger tax cuts, more domestic spending, or unanticipated defense budget increases—unless foreign affairs spending becomes a higher priority now.

More money is not a substitute for an effective foreign policy, but an effective foreign policy will simply be impossible without more money. Foreign policy experts therefore disdain "boring budget arithmetic" at their peril.

The State Department recently set forth seven fundamental national interests in its foreign affairs strategic plan: national security; economic prosperity and freer trade; protection of U.S. citizens abroad and safeguarding of U.S. borders; the fight against international terrorism, crime, and drug trafficking; the establishment and consolidation of democracies and the upholding of human rights; the provision of humanitarian assistance to victims of crisis and disaster; and finally, the improvement of the global environment, stabilization of world population growth, and protection of human health. This is a sensible list, but in the political climate of today's Washington, few in the executive branch or Congress dare ask how much money will really be required to support it. Rather, the question usually asked is how much the political traffic will bear.

Going on this way will force unacceptable foreign policy choices—either adequate funding for secure embassies and modern communications systems for diplomats or adequate funding for U.N. peacekeeping in Kosovo, East Timor, and Africa; either adequate funding for the Middle East peace process or adequate funding to safeguard nuclear weapons and materials in Russia; either adequate funding for family planning to control world population growth or adequate funding to save refugees and displaced persons. The world's greatest power need not and should not accept a situation in which it has to make these kinds of choices.

### THE STATE OF STATE

Ideally, a bipartisan, expert study would tell us what a properly funded foreign affairs budget would look like. In the absence of such a study, consider the following a rough estimate of the increases now required in the two main parts of the 150 Account. The first part is the State Department budget, which includes not only the cost of U.S. diplomacy but also U.S. assessed contributions to international organizations and peacekeeping. The second part is the foreign operations budget, which includes bilateral development aid, the bilateral economic support fund for special foreign policy priorities, bilateral military aid, and contributions to voluntary U.N. programs and multilateral development banks.

Take State's budget first. The United States maintains 250 embassies and other posts in 160 countries. Far from being rendered less important by the end of the Cold War or today's instant communications, these diplomatic posts and the State Department that directs them are more essential then ever in promoting the seven fundamental U.S. foreign policy interests identified above.

Ambassadors and their staffs have to play multiple roles today—as the "eyes and ears" of the president and secretary of state, advocates for U.S. policies in the upper reaches of the host government, resourceful negotiators, and intellectual, educational, and cultural emissaries in public diplomacy with key interest groups, opinion leaders, and the public at large. As Albright put it in recent congressional testimony, the Foreign Service, the Civil Service, and the Foreign nationals serving in U.S. overseas posts contribute daily to the welfare of the American people "through the dangers they help contain; the crimes they help prevent; the deals they help close; the rights they help protect, and the travelers they just plain help."

Following the tragic August 1998 bombings of American embassies in Nairobi and Dar es Salaam, the secretary of state, with the support of the president and Congress, established the Overseas Presence Advisory Panel (OPAP), composed of current and former diplomats and private-sector representatives, to recommend improvements in America's overseas diplomatic establishment. "The United States overseas presence, which has provided the essential underpinnings of U.S. foreign policy for many decades, is near a state of crisis," the panel warned. "Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resources practices, poor allocation of resources, and competition from the private sector for talented staff threaten to cripple America's overseas capability, with far-reaching consequences for national security and prosperity."

The OPAP report focused more on reforms than on money, but many of its recommendations have price tags. The report called for $1.3 billion per year for embassy construction and security upgrades—probably $100 million too little, since an earlier and more authoritative study by the Accountability Review Boards under former Joint Chiefs of Staff Chair William Crowe proposed $1.4 billion annually for that purpose. OPAP also called for another $330 million over several years to provide unclassified and secure Internet and e-mail information networks linking all U.S. agencies and overseas posts.

Moreover, OPAP proposed establishing an interagency panel chaired by the secretary of state to evaluate the size, location, and composition of America's overseas presence. Visitors who see many people in U.S. embassies often do not realize that the State Department accounts for only 42 percent of America's total overseas personnel; the Defense Department accounts for 37 percent, and more than two dozen other agencies such as the Agency for International Development and the Departments of Commerce, Treasury, and Justice make up the rest. If one includes the foreign nationals hired as support staff, State Department personnel in some large U.S. embassies are less than 15 percent of the employees, and many of them are administrators.

The State Department's FY 2001 budget of $6.8 billion provide $3.2 billion for administering foreign affairs. Of that, even after the East Africa bombings, only $1.1 billion will go toward embassy construction and security upgrades, even though $1.4 billion is needed. Moreover, only $17 million is provided for new communications infrastructure, although $330 million is needed. Almost nothing is included to fill a 700-position shortfall of qualified personnel. The State Department therefore requires another $500 million just to meet its minimal needs.

The FY 2001 State Department budget contains a small but inadequate increase—from $204 million in FY 2000 to $225 million—for the educational and cultural exchanges formerly administered by the U.S. Information Agency. Most of this money will go to the Fulbright academic program and the International Visitors Program, which brings future foreign leaders in politics, the media, trade unions, and other nongovernmental organizations (NGOS) to meet with their American counterparts. These valuable and cost-effective exchanges have been slashed from their 1960s and 1970s heights. A near-doubling of these programs' size—with disproportionate increases for exchanges with especially important countries such as Russia and China—would clearly serve U.S. national security interests. A sensible annual budget increase for educational and cultural exchanges would be $200 million.

The budget includes $946 million for assessed contributions to international organizations, of which $300 million is for the U.N. itself and $380 million more is for U.N.-affiliated agencies such as the International Labor Organization, the World Health Organization, the World Health Organization, the International Atomic Energy Agency, and the war crimes tribunals for Rwanda and the Balkans. Other bodies such as NATO, the Organization for Economic Cooperation and Development (OECD), and the World Trade Organization (WTO) account for the rest.

Richard Holbrooke, the able American ambassador to the U.N., is currently deep in difficult negotiations to reduce the assessed U.S. share of the regular U.N. budget and the budgets of major specialized U.N. agencies from 25 percent to 22 percent—a precondition required by the Helms-Biden legislation for paying America's U.N. arrears. If Holbrooke succeeds, U.S. contributions to international organizations will drop slightly.

But this reduction will be more than offset by the need to pay for modest U.N. budget increases. The zero nominal growth requirement that Congress slapped on U.N. budgets is now becoming counterproductive. To take just one example, the U.N. Department of Peacekeeping Operations is now short at least 100 staffers, which leaves it ill-prepared to handle the increased number and scale of peacekeeping operations. If Washington could agree to let U.N. budgets rise by inflation plus a percent or two in the years ahead and to channel the increase to programs of particular U.S. interest, America would have more influence and the U.N. would be more effective. Some non-U.N. organizations, such as NATO, the OECD, and the WTO, also require budget increases beyond the rate of inflation to do their jobs properly. Moreover, America should rejoin the U.N. Educational, Scientific, and Cultural Organization (UNESCO), given the growing foreign policy importance of its concerns and the role that new communications technology can play in helping developing countries. The increased annual cost of UNESCO membership ($70 million) and of permitting small annual increases in the U.N.'s and other international organizations' budgets ($30 million) comes to another $100 million.

Selling this will take leadership. In particular, a showdown is brewing with Congress over the costs of U.N. peacekeeping. After reaching a high of 80,000 in 1993 and then dropping to 13,000 in 1998, the number of U.N. peacekeepers is rising again to 30,000 or more as a result of new missions in Kosovo, East Timor, Sierra Leone, and the proposed mission in the Democratic Republic of the Congo (DRC). So the State Department had to ask Congress for $739 million for U.N. peacekeeping in the FY 2001 budget, compared to the $500 million it received in FY 2000. (The White House also requested a FY 2000 budget supplement of $143 million, which has not yet been approved.) But even these sums fall well short of what Washington will have to pay for peacekeeping this year and next. In Kosovo, the mission is seriously underfunded; the U.N. peacekeeping force in southern Lebanon will have to be beefed up after an Israeli withdrawal; and new or expanded missions could be required for conflicts in Sierra Leone, Ethiopia-Eritrea, and the DRC. So total U.N. peacekeeping costs could rise to $3.5-4 billion per year. With the United States paying for 25 percent of peacekeeping (although it is still assessed at the rate of 31 percent, which is unduly high), these new challenges could cost taxpayers at least $200 million per year more than the amount currently budgeted. Washington should, of course, watch the number, cost, and effectiveness of U.N. peacekeeping operations, but the existing and proposed operations serve U.S. interest and must be adequately funded.

Add up all these sums and one finds that the State Departments budget needs an increase of $1 billion, for a total of $7.9 billion per year.

### A DECENT RESPECT

The Clinton administration has asked for $15.1 billion for the foreign operations budget for FY 2001—the second part of the 150 Account. Excluding $3.7 billion for military aid and $1 billion for the Export-Import Bank, that leaves about $10.14 billion in international development and humanitarian assistance. This includes various categories of bilateral aid: $2.1 billion for sustainable development; $658 million for migration and refugee assistance; $830 million to promote free-market democracies and secure nuclear materials in the countries of the former Soviet Union; and $610 million of support for eastern Europe and the Balkans. It also covers about $1.4 billion for multilateral development banks, including $800 million for the International Development Association, the World Bank affiliate for lending to the poorest countries. Another $350 million goes to international organizations and programs such as the U.N. Development Program ($90 million), the U.N. Children's Fund ($110 million), the U.N. Population Fund ($25 million), and the U.N. Environment Program ($10 million).

The $10.4 billion for development and humanitarian aid is just 0.11 percent of U.S. GDP and 0.60 percent of federal budget outlays. This figure is now near record lows. In 1962, foreign aid amounted to $18.5 billion in current dollars, or 0.58 percent of GDP and 3.06 percent of federal spending. In the 1980s, it averaged just over $13 billion a year in current dollars, or 0.20 percent of GDP and 0.92 percent of federal spending. Washington's current 0.11 percent aid-to-GDP share compares unflatteringly with the average of 0.30 percent in the other OECD donor countries. On a per capita basis, each American contributes about $29 per year to development and humanitarian aid, compared to a media of $70 in the other OECD countries. According to the Clinton administration's own budget forecasts, the FY 2001 aid figure of $10.4 billion will drop even further in FY 2005, to $9.7 billion. Congress' low target for total international spending that year will almost certainly cut the FY 2005 aid figure even more.

Considering current economic and social trends in the world's poor countries, these law and declining aid levels are unjustifiable. World Bank President James Wolfensohn is right: the global struggle to reduce poverty and save the environment is being lost. Although hundreds of millions of people in the developing world escaped from poverty in recent years, half of the six billion people on Earth still live on less than $2 a day. Two billion are not connected to any energy system. One and a half billion lack clean water. More than a billion lack basic education, health care, or modern birth control methods.

The world's population, which grows by about 75 million a year, will probably reach about 9 billion by 2050; most will live in the world's poorest countries. If present trends continue, we can expect more abject poverty, environmental damage, epidemics, political instability, drug trafficking, ethnic violence, religious fundamentalism, and terrorism. This is not the kind of world Americans want their children to inherit. The Declaration of Independence speaks of "a decent respect for the opinion of mankind." Today's political leaders need a decent respect for future generations.

To be sure, the principal responsibility for progress in the developing countries rests with those countries themselves. But their commitments to pursue sound economic policies and humane social policies will fall short without more and better-designed development aid—as well as more generous trade concessions—from the United States and its wealthy partners. At the main industrialized nations' summit last year in Birmingham, U.K. the G-8 (the G-7 group of highly industrialized countries plus Russia) endorsed such U.N.-backed goals as halving the number of people suffering from illiteracy, malnutrition, and extreme poverty by 2015.

Beyond these broad goals, America's next president should earmark proposed increases in U.S. development aid for specific programs that promote fundamental American interests and values and that powerful domestic constituencies could be mobilized to support. These would include programs that promote clean energy technologies to help fight global warming; combat the spread of diseases such as AIDS, which is ravaging Africa; assure primary education for all children, without the present widespread discrimination against girls; bridge the "digital divide" and stimulate development by bringing information technology and the Internet to schools, libraries, and hospitals; provide universal maternal and child care, as well as family planning for all those who wish to use it, thus reducing unwanted pregnancies and unsafe abortions; support democracy and the rule of law; establish better corporate governance, banking regulations, and accounting standards; and protect basic worker rights.

What would the G-8 and U.N. targets and these specific programs mean for the U.S. foreign operations budget? Answering this question is much harder than estimating an adequate State Department budget. Doing so requires more information on total requirements, appropriate burden-sharing between developed and developing countries, the share that can be assumed by business and NGOs, the absorptive capacity of countries, and aid agencies' ability to handle more assistance effectively.

Still, there are fairly reliable estimates of total aid needs in many areas. For example, the 1994 Cairo Conference on Population and Development endorsed an expert estimate that $17 billion per year is now required to provide universal access to voluntary family planning in the developing world, with $5.7 billion of it to be supplied by developed countries. Were the United States to contribute based on its share of donor-country GDP, U.S. aid in this sector would rise to about $1.9 billion annually. By contrast, U.S. foreign family-planning funding in FY 2000 was only $372 million; the Clinton administration has requested $541 million for FY 2001.

We already know enough about aid requirements in other sectors to suggest that doing Washington's fair share in sustainable-development programs would require about $10 billion more per year by FY 2005, which would bring its total aid spending up to some $20 billion annually. This would raise U.S. aid levels from their present 0.11 percent of GDP to about 0.20 percent, the level of U.S. aid 20 years ago. That total could be reached by annual increases of $2 billion per year, starting with a $1.6 billion foreign-aid supplement for FY 2001 and conditioning each annual increase on appropriate management reforms and appropriate increases in aid from other donors.

An FY 2005 target of $20 billion for development and humanitarian aid would mean a foreign operations budget that year of about $25 billion; total foreign affairs spending that year would be about $33 billion. This sounds like a lot of money, but it would be less than the United States spent on foreign affairs in real terms in 1985. As a percentage of the FY 2005 federal budget, it would still be less than average annual U.S. foreign affairs spending in the late 1970s and 1980s.

### STICKER SHOCK

For a newly elected George W. Bush or Al Gore, asking for $2.6 billion in additional supplemental funds for FY 2001 on top of reversing this year's budget cuts—thus adding $1 billion for the State Department and $1.6 billion more for foreign operations—would produce serious "sticker shock" in the congressional budget and appropriations committees. So would seeking $27 billion for the 150 Account for FY 2002 and additional annual increases of $2 billion per year in order to reach a total of $33 billion in FY 2005. How could Congress be persuaded?

The new president—Democrat or Republican—would have to pave the way in meetings with congressional leaders between election day and his inauguration, justifying the additional expenditures in national security terms. He would need to make the case with opinion leaders and the public, explaining in a series of speeches and press conferences that America is entering not just a new century but also a new era of global interaction. He would need to energize the business community, unions, and the religious and civic groups who are the main constituencies for a more adequate foreign affairs budget. Last but not least, he would need to emphasize reforms in the State Department, in foreign-aid programs, and in international agencies to provide confidence that the additional money would be spent wisely.

Starting off a presidency this way would be a gamble, of course. But most presidents get the benefit of the doubt immediately after their first election. Anyway, without this kind of risk-taking, the new commander in chief would be condemning his administration to playing the old one percent solution game, almost certainly crippling U.S. foreign policy for the remainder of his term. The one percent solution is no solution at all.

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## SAMHSA AUTHORIZATION CONFERENCE REPORT

Mr. LEAHY. Mr. President, I want to speak today about the provisions in H.R. 4365—which passed the Senate on Friday, that address our Nation's growing problems with methamphetamines and ecstasy and other club drugs. I am happy to have worked with Senator HARKIN and Senator BIDEN to ensure that these provisions could be included in the conference report. Indeed, Senator HARKIN has worked tirelessly to address this issue, and I commend him for his efforts; without his involvement, this legislation would not have passed.

I believe that the methamphetamine provisions in this report embody the best elements of S. 486, which the Senate passed last year, while casting aside the more ill-advised ideas in that legislation. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and the provisions we have retained in this legislation will provide significant additional resources for both law enforcement and treatment. In addition to creating tougher penalties for those who manufacture and distribute illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to deal with methamphetamines in our local communities.

Meanwhile, we have not included in this legislation the provision in S. 486 that would have allowed law enforcement to conduct physical searches and seizures without the existing notice requirement, a serious curtailment of the civil liberties that Americans have come to expect. It would have also amended the Federal Rules of Civil Procedure so that Rule 41(d)'s requirements concerning the notice, inventory, and return of seized property would only apply to tangible property, thus exempting the contents of individuals' computers from the property protections provided to American citizens under current law. I worked hard to make sure that that provision did not become law, and I had effective and dedicated allies on both sides of the aisle in the House of Representatives. Indeed, the methamphetamine legislation approved by the House Judiciary Committee did not include this provision.

We have also not included those provisions from S. 486 that concerned advertising and the distribution of information about methamphetamines. Both of those provisions raised First Amendment concerns, and I believe the legislation is stronger without them. Once again, the House Judiciary Committee acted wisely, leaving those provisions out of its meth legislation.

The meth bill has taken a lengthy path from introduction to passage, and I believe it has been improved at each step. For example, we significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Sentencing Commission. The Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

The Sentencing Commission goes through an extraordinary process to set sentence levels. For example, pursuant to our 1996 anti-methamphetamine law, the Sentencing Commission increased meth penalties after careful analysis of recent sentencing data, a study of the offenses, and information from the DEA on trafficking levels, dosage unit size, price and drug quantity. Increasing mandatory minimums takes sentencing discretion away from judges. We closely examine judges' backgrounds before they are confirmed and should let them do their jobs.

Mandatory minimums also impose significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high security facilities. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of the one size fits all approach of mandatory minimums. We also cannot ignore the policy implications of the boom in our prison population. In 1970, the total population in the federal prison system was 20,686 prisoners, of whom 16.3 percent were drug offenders. By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: "Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime."

This is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including in the last Congress, when another anti-methamphetamine bill was before the Judiciary Committee.

Second, earlier drafts of this bill would have contravened the Supreme Court's 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and he agreed to remove that provision from this legislation.

Third, an earlier version of the bill contained a provision that would have created a rebuttable presumption that may have violated the Constitution's Due Process Clause. Again, I believed that we needed to seriously consider and debate such a provision before voting on it. And again, the Chairman was sensitive to the concerns of some of us on the Committee and agreed to remove that provision.

The SAMHSA authorization bill also dealt with ecstasy and other so-called "club drugs." Ecstasy is steadily growing in popularity, especially among younger Americans. It is perceived by many young people as being harmless, but medical studies are beginning to show that it can have serious long-term effects on users. This bill asks the Sentencing Commission to look at our current sentencing guidelines for those who manufacture, import, export, or traffic ecstasy, and to provide for increased penalties as it finds appropriate. It also authorizes $10 million for prevention efforts. These efforts are particularly crucial with new drugs like ecstasy, so that our young people can learn the true consequences of use.

This legislation took a tough approach to drugs without taking the easy way out of mandatory minimums, and without undue Congressional interference with the Sentencing Commission. I hope that any future efforts we must take to address our drug problem will use these provisions as a model.

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## THE NATIONAL RECORDING PRESERVATION ACT

Mr. BREAUX. Mr. President, I rise today to ask my colleagues support the National Recording Preservation Act, legislation that maintains and preserves America's most significant recordings during the first century of recorded sound for future generations to enjoy. This legislation is especially important to my state of Louisiana, which has its own rich and distinct musical tradition.

Louisiana is known around the world for having a culture all its own. We are best known for our good music, good food and good times. We especially celebrate our cultural heritage through our music.

The Storyville district in New Orleans is said to be the birthplace of jazz—America's only indigenous musical genre. Louis Armstrong, perhaps the most influential jazz artist of all time, grew up orphaned in New Orleans when jazz music was coming of age.

Acadiana is the home of great cajun and zydeco artists like the late Beau Jocque, the late Clifton Chenier, Michael Doucet and Beausoleil, and Zachary Richard, all of whom communicate to the rest of the world what life is like on the bayou.

In the northern part of our state, Shreveport's Municipal · Auditorium was the home of the Louisiana Hayride, where Elvis Presley got his first break after being turned down by the Grand Ole Opry in Tennessee. The Louisiana Hayride shaped the country music scene in the 1940's and 50's by showcasing artists like Hank Williams, Johnny Cash and Willie Nelson in its weekly Saturday night radio broadcasts.

Bluesmen like Tabby Thomas and Snooks Eaglin have kept the Delta blues tradition alive and well in Louisiana. The Neville Brothers, Kenny Wayne Shepherd, all the talented members of the Marsalis family, and many others, continue to keep us connected to our culture and help us celebrate it.

According to the Louisiana Music Commission, the overall economic impact of the music industry in Louisiana is about $2.2 billion as of 1996, up from $1.4 billion in 1990. So music isn't just important to my state's culture, it is important to its economy. Unfortunately, since many recordings are captured only on perishable materials like tape, we are in danger of losing these priceless artifacts to time and decay.

Recognizing the importance of preserving Louisiana's musical heritage, I have sponsored The National Recording Preservation Act. This legislation, which is modeled after a similar law to preserve America's disappearing film recordings, creates a National Recording Registry within the Library of Congress.

The registry will identify the most historically, aesthetically and culturally significant recordings of the first century of recorded sound and maintains these for future generations to enjoy. The registry will include works as diverse as slave songs, opera, world music and heavy metal. I hope Louisiana's many and varied contributions to the field of music would be well represented in this national registry.

The National Recording Preservation Act directs the Librarian of Congress to select up to 25 recordings or groups of recordings for the registry each year. Nominations will be taken from the general public, as well as from industry representatives. Recordings will be eligible for selection 10 years after their creation.

To help the Librarian of Congress implement a comprehensive recording preservation program, this legislation establishes a National Recording Preservation Board. The board will work with artists, archivists, educators, historians, copyright owners, recording industry representatives and others to establish the program.

The bill also charters a National Recording Preservation Foundation to raise funds to promote the preservation of recordings and ensure the public's access to the registry.

To maintain the success of the music industry in Louisiana, we must strive to inspire our youth by exposing them to their musical heritage. This legislation helps us take steps to cultivate our traditions and our young artists, and will allow us to continue to attract tourists to the New Orleans Jazz and Heritage Festival and the Zydeco Festival in Plaisance, Louisiana.

Congress should enact the National Recording Preservation Act so future generations can fully appreciate Louisiana's contributions to the history of recorded music in our country.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 22, 2000, the Federal debt stood at $5,646,596,948,282.03, five trillion, six hundred forty-six billion, five hundred ninety-six million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents.

One year ago, September 22, 1999, the Federal debt stood at $5,636,049,000,000, five trillion, six hundred thirty-six billion, forty-nine million.

Five years ago, September 22, 1995, the Federal debt stood at $4,949,192,000,000, four trillion, nine hundred forty-nine billion, one hundred ninety-two million.

Twenty-five years ago, September 22, 1975, the Federal debt stood at $550,764,000,000, five hundred fifty billion, seven hundred sixty-four million, which reflects a debt increase of more than $5 trillion—$5,095,832,948,282.03, five trillion, ninety-five billion, eight hundred thirty-two million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents, during the past 25 years.

## ADDITIONAL STATEMENTS

## 90TH ANNIVERSARY OF CATHOLIC CHARITIES USA

• Mr. MOYNIHAN. Mr. President, I want to congratulate the Catholic Charities USA on this their 90th anniversary of commitment to social change. Their organization has done tremendous work in the community towards reducing poverty and working with lawmakers to improve so many lives.

Catholic Charities USA began as a small group called the National Conference of Catholic Churches in 1910, with the goal in mind of providing legal representation for impoverished persons. They have grown under the current leadership of Father Kammer, S.J. to include after-school programs and parenting classes, all of which have made an impact on the people they have touched. In celebrating their 90th anniversary, I want to thank Catholic Charities USA for their devotion in developing stronger families and neighborhoods and wish them many more years of success.•

## MR. PHILIP E. GRECO AND MRS. DONNA GRECO ISSA RECEIVE ALEXANDER MACOMB 2000 FAMILY OF THE YEAR AWARD

• Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Mr. Philip E. Greco and Mrs. Donna Greco Issa, the winners of the 2000 Alexander Macomb Family of the Year Award. They will be presented this award at a dinner benefitting the March of Dimes on September 27, 2000.

Mr. Greco and Mrs. Greco Issa hold the position of President and Treasurer, respectively, at the Philip F. Greco Title Company, which was founded by their father in 1972. The two learned the business working alongside their father, and helped the company establish three regional offices and five satellite businesses.

Both Mr. Greco and Mrs. Greco Issa are very active within the Macomb County community. Mr. Greco is President of the advisory board for the St. John's North Shore Hospital. He is also a member of the Italian American Chamber of Commerce of Michigan, a past Commodore of both the North Channel Yacht Club and the Idle Hour Yacht Club, and has served on numerous charity golf committees.

Mrs. Greco Issa contributes time to St. Joseph's Hospital, the Italian American Cultural Center, the Macomb Medical Society, and Toys for Tots. She has also always been very active in volunteering her time and effort to the March of Dimes. Since 1986, she has been involved with the Alexander Macomb Dinner and March of Dimes WalkAmerica. Indeed, due to her personal commitment and contributions to the March of Dimes, Mrs. Greco Issa has become a member of the March of Dimes Southeast Michigan Chapter Board of Directors.

There is potential that this will not be the last time members of the Greco family are recognized for their charitable endeavors. Mr. Greco and his wife, Ida Marie, have two daughters, Leticia Greco and Christina Greco Ewald, and one son, Philip S. Greco. They also have one grandchild, Evan Thomas Greco Ewald. Mrs. Greco and her husband, Elias, have three sons: Nicholas P. Krause, Zachary Issa and Alexander Issa.

I applaud Mr. Greco and Mrs. Greco Issa for the dedication they have shown toward improving Macomb County. They have turned community service into a family affair, and their efforts have found extraordinary success. On behalf of the entire United States Senate, I congratulate Mr. Philip E. Greco and Mrs. Donna Greco Issa on receiving the 2000 Alexander Macomb Family of the Year Award.•

## HONORING NELSON LAGENDYK

• Mr. JOHNSON. Mr. President, I rise today to publicly commend Nelson Lagendyk of Avon, South Dakota on being inducted into the South Dakota Aviation Hall of Fame Combat Wing for his contributions to both state and national aviation.

Mr. Lagendyk enlisted in the Air Force in June 1941 where he became a squadron clerk and joined the all volunteer glider program. His outstanding aviation skills led to his promotion to staff sergeant and a transfer to Lubbock, Texas for glider combat training. Once in Texas, Nelson was again promoted, this time to the position of Flight Officer. Following his new promotion, he then traveled to Louisville, Kentucky for continued training in preparation of his flight to Europe.

Leadership, courage and honor define Nelson's heroic actions on June 6, 1944 when he joined 4,000 glider and tow planes for a dangerous flight into Hitler's occupied France. Nelson Lagendyk courageously risked his life to secure the airfield behind enemy lines, so that German prisoners may be transported to England where they would later be held accountable for the grave atrocities committed against the Jewish people under Hitler's infamous reign.

Nelson's honors for his exemplary service include the distinguished Air Medal and the prestigous Battle Field Commission to 2nd Lieutenant, as well as the Normandy Medal of the Jubilee of Liberty", which was presented to him by the French government in appreciation for the World War II liberation. Upon his retirement with the rank of General, Nelson enlisted in the Air Force Reserves as a ready reservist. He presently serves as South Dakota's Commander of the World War II Glider Pilot Association.

Mr. President, Nelson Lagendyk richly deserves this noble distinction. It is an honor for me to share his heroic accomplishments with my colleagues and to publicly commend him for serving South Dakota and our country valiantly.●

## A TRIBUTE TO JIM KANOUSE

● Mr. SANTORUM. Mr. President, I rise today in tribute to Jim Kanouse of The Boeing Company, who is retiring after fourteen years of service with the aerospace company and over 30 years of service with the United States Army and the United States Congress.

Jim grew up in America's heartland, South Bend, Indiana, and graduated from Indiana University. He also attended the University of Notre Dame, and throughout his career has maintained the highest standards of his alma maters, always leading by example as a proud member of the "Indiana Hoosiers" and the "Fighting Irish."

Jim continued his career as an officer and Army Aviator with the United States Army including three tours of duty in Vietnam. He was highly decorated for valor and wounds in combat. As a pilot of numerous aircraft, including the very dangerous and very demanding OV-1 "Mohawk," Jim survived many encounters and engagements with enemy forces ranging from an arrow shot at his aircraft in a rice paddy to a .50 caliber round piercing his fuselage and striking his pilot seat. He was highly decorated for valor and wounds in combat, including the Distinguished Flying Cross for rescuing a downed pilot. Like so many of his generation, Jim served proudly, unselfishly and bravely with little fanfare, recognition or appreciation. On behalf of the United States Senate, the United States Congress and the American people, I salute Jim Kanouse and all the veterans of his generation.

Jim eventually brought his skills to Washington, D.C. representing U.S. Army Legislative Affairs in the House of Representatives. Escorting members overseas, representing Army programs to members and staff, and responding to constituent inquiries about Army affairs, he again proudly served his nation and service. Members who traveled with Jim respected his knowledge, expertise and easygoing style. Respected by Democrats and Republicans alike, he then left Capitol Hill to pursue a career in legislative affairs with The Boeing Company.

For over a decade, Jim Kanouse was one of the primary focal points for Senators and Representatives with the world's largest aerospace company, representing revolutionary aircraft programs ranging from the RAH-66 "Comanche" Army scout helicopter to the F-22 "Raptor" Air Force jet fighter.

I consider Jim Kanouse a friend. We all in Congress wish you well deserved time to enjoy life with your lovely wife, Eileen, and your loving children and grandchildren. Congratulations on your retirement.●

## TRIBUTE TO THE "BUILDING SKILLS FOR AMERICA" CAMPAIGN

● Mr. KENNEDY. Mr. President, last week nearly 200 high school and college student members of Skills USA-Vocational Industrial Clubs of America, their instructors, and corporate sponsors came to Capitol Hill to report the results of their year-long "Building Skills for America" signature campaign. Building Skills for America is a public awareness initiative by Skills USA-VICA to demonstrate the urgent needs of business and industry for a highly-skilled work force and the private sector's effective support for occupational instruction.

The campaign has given these students the opportunity to speak to their communities about their pride in their chosen professions and the many opportunities available through good technical education. The students were able to collect 200,000 signatures for the campaign. I congratulate all of these students for their skillful work and dedication in promoting state-of-the-art vocational education and job training programs.

I ask that a congratulatory letter to these outstanding young leaders, signed by Senators COLLINS, REED, GRASSLEY, KERRY, INHOFE, MILLER, LUGAR, BRYAN, MURKOWSKI, DODD, ROTH, KERREY, DEWINE, MURRAY, HAGEL, MIKULSKI, HATCH, HARKIN, REID, LINCOLN, BINGAMAN, HOLLINGS, LEVIN, CONRAD, CLELAND, WYDEN and myself may be printed in the RECORD.

The letter follows:

U.S. SENATE,
*Washington, DC, September 20, 2000.*

STUDENT MEMBERS AND STAFF,
*SkillsUSA-VICA.*

Warmest congratulations on your impressive efforts to raise the awareness of all Americans about the importance of a well-trained workforce. We commend you for your recognition that the nation's prosperity depends on the skills of our workers, and that a shortage of highly-skilled workers threatens American competitiveness and hampers the ability of companies to compete successfully in the modern economy.

It is estimated that the nation will have 50 million job openings between now and 2006—and most of these openings will require highly developed skills. Clearly, we must do more to promote the training necessary to respond to this challenge.

Education and technical training offered through the nation's colleges and schools in conjunction with the SkillsUSA-VICA program is a national resource for teaching the academic, occupational, and professional skills that will help students to become well-trained workers and responsible citizens. The 200,000 signatures that you collected over the past year in your Building Skills for America campaign have increased public support for the on-going education and training of the workforce across the country.

You deserve great credit for the success of your Building America Campaign. We are proud to support continuing state-of-the-art vocational education programs and job training programs that reflect the changing needs of American business and industry. The contributions of hard-working Americans have been and will continue to be essential to the prosperity of the nation. We look forward to working closely with you to achieve these important goals.

Edward M. Kennedy, Susan M. Collins, Jack Reed, Charles E. Grassley, John F. Kerry, James M. Inhofe, Zell Miller, Richard G. Lugar, Richard H. Bryan, Frank H. Murkowski, Christopher J. Dodd, William V. Roth, Jr., J. Robert Kerrey, Mike DeWine, Patty Murray, Chuck Hagel, Barbara A. Mikulski, Orrin G. Hatch, Tom Harkin, Harry Reid, Blanche L. Lincoln, Jeff Bingaman, Ernest F. Hollings, Carl Levin, Kent Conrad, Ron Wyden, Max Cleland.●

## MS. LILLIAN ADAMS RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Ms. Lillian Adams, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Ms. Adams has served as Executive Director of the Sterling Heights Area Chamber of Commerce for the past 24 years, after having held the same position on St. Clair Shores Chamber of Commerce for eight years. Her duties within these organizations have included small business advocacy, service as community ombudsman, and hosting local business cable programs.

Ms. Adams is a devoted participant in the Macomb County Community Growth Alliance and the St. Joseph Mercy Community Foundation. She has been an active supporter of the March of Dimes and the Kiwanis Club and serves on the boards of the Otsikita Girl Scouts and the Macomb Symphony Orchestra.

Ms. Adams also was a founding member of the Sterling Heights Foundation and the Shelby Township Community Foundation, and a past president of the Utica Community Schools Foundation for Educational Excellence.

And, as dedicated as she has been to these many causes, Ms. Adams is even more dedicated to her two sons, Micheal and Brian, and her grandchild, Brigette.

I applaud Ms. Adams on the dedication she has demonstrated to Macomb County, and the many successful efforts she has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate Ms. Lillian Adams on receiving the 2000 Alexander Macomb Citizen of the Year Award.●

## IN RECOGNITION OF THOMAS W. CORCORAN

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of the truly dedicated public servants of the State of New Jersey. It gives me pleasure to extend my congratulations to Thomas Corcoran on receiving the Outstanding Citizen Award for 2000 from the Phillipsburg Area Chamber of Commerce.

Over the years, Mr. Corcoran has done a great deal for the betterment of Phillipsburg, New Jersey. He has fought for a better education for the children of the area through his efforts to promote a bond issue for the construction of new schools. He was appointed by former Governor Florio to serve as a commissioner on the Phillipsburg Housing Authority. Further, he has worked towards the revitalization of Phillipsburg's tourist industry by working with New Jersey State Legislators and other prominent individuals to promote Phillipsburg as the site of the New Jersey Railroad Museum.

Mr. Corcoran has always been there for the Town of Phillipsburg. Be it serving as town mayor and other public posts, or taking the time to serve as the public address announcer for Phillipsburg High School football games, Mr. Corcoran has been an exemplar of citizenship, town pride, and selflessness.

Through his efforts, Mr. Corcoran has shown the great dedication he holds for the town he calls home. Those efforts make it an honor for me to be able to stand with the Phillipsburg Area Chamber of Commerce and recognize an individual such as Mr. Corcoran.●

## COMMENDING IDAHO OLYMPIAN, CHARLES BURTON

● Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Charles Burton, an Idaho native and wrestler for the U.S. Olympic team.

Charles was born in Ontario, Oregon and raised in Boise, Idaho. He graduated from Centennial High School in Boise, where he was a state champion, and Boise State University, where he won All-American status. In 1997, Charles won the University Freestyle National Championship and became a Pan American bronze medalist. Charles earned the number two spot on the US National team in 1999 after earning a silver medal at the world team trials in Seattle, Washington. He will wrestle in the Olympics from September 29th through October 1st.

This Idahoan, and other devoted athletes, serve as reminders that through healthy competition, our challengers can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-old endeavors. The events demonstrate that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Charles' accomplishments and the role that he will play in this international competition. I wish Charles, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

## 101ST ANNIVERSARY OF THE FOUNDING OF THE VETERANS OF FOREIGN WARS

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Veterans of Foreign Wars on the 101st anniversary of its founding, which is to be celebrated this Friday, September 29. For over a century, the men and women of the VFW and the VFW Ladies Auxiliary have worked tirelessly to ensure that veterans are treated with the respect they deserve.

The Veterans of Foreign Wars can trace its origins to 1899, with the founding of several local organizations composed of veterans of the Spanish-American War and the Philippine Insurrection. Members of these organizations were interested in securing medical care and pensions related to their military service. Over the next few years, these groups took part in a series of mergers, until by 1913 a single group calling itself "the Veterans of Foreign Wars of the United States" was formed. The VFW was chartered by the U.S. Congress in 1936.

According to the VFW, which is headquartered in Kansas City, Missouri, eligibility requirements for membership include "military service on foreign soil or in hostile waters in a campaign for which the U.S. government has authorized a medal." This has been a particularly war-torn century, and America has provided leadership in many of our century's conflicts, so a great many Americans meet these requirements. And a great many Americans have taken advantage of the benefits of membership: at this time, almost 2 million men and women belong to the VFW, including over 72,000 in my home state of Minnesota. The VFW pursues a number of goals through its many programs and services, which are aimed at strengthening comradeship among its members, perpetuating the memory and history of our fallen soldiers, fostering patriotism, defending the Constitution, and promoting service to our communities and our country.

The VFW also works to advance legislation benefiting veterans, their dependents and survivors. One of its main legislative goals, and one that's very near and dear to my own heart, is ensuring that Congress maintains an adequate budget for veterans' health care. The VFW also fights to make a full range of employment and educational opportunities available to veterans after they exit the service. And through its goals of an open national cemetery in every state, the VFW is honoring our nation's heroes in death no less than in life. Through these and other activities, the VFW is working hard to make sure that our nation lives up to its sacred commitment to those who have given freedom to America and the world by giving so much of themselves.

As a nation, we are duty-bound to pass on the experiences of America's veterans, and their brothers and sisters who didn't come home, to future generations. Through the sacrifices of our servicemen and women, freedom and prosperity flourish. The Veterans of Foreign Wars does the vitally important work of making sure that these sacrifices will never be forgotten.●

## NATIONAL KIDS VOTING WEEK

● Mr. McCAIN. Mr. President, I would like to recognize Kids Voting USA and its efforts to educate our children about civic democracy and the importance of being an informed voter.

The program began in 1988 with three Arizona businessmen on a fishing trip to Costa Rica. They learned that voter turnout in that country was routinely about 80 percent. This high turnout was attributed to a tradition of children accompanying their parents to the polls. The men observed first-hand the success Costa Rica had achieved by instilling in children at an early age the importance of active participation and voting.

The three Arizona businessmen took this idea back to the United States and founded Kids Voting USA. Today, this nonprofit, nonpartisan organization reaches 5 million students in 39 states, and includes 200,000 teachers, and 20,000 voter precincts.

With voter turnout declining each year, Kids Voting USA recognizes the need to educate our youth and instill in them the responsibility to be active, informed citizens and voters. Kids Voting USA enables students to visit official polls on election day, accompanied by a parent or guardian, to cast a ballot that replicates the official ballot. Although not part of the official results, the students' votes are registered at schools and by the media.

This year, National Kids Voting Week is September 25–29. It is a week when Kids Voting communities across the country celebrate this vibrant and important program. I would like to recognize Kids Voting USA and all it has done to promote the future of democracy by engaging families, schools and communities in the election process.•

## RETIREMENT OF DR. ERNEST URBAN

• Mr. SANTORUM. Mr. President, I rise today to recognize Dr. Ernest Urban as he retires from the largest healthcare system in the world, the Veterans Health Administration/Department of Veterans Affairs. For 26 years, Dr. Urban's compassionate, caring medical service has made an impact on our nation's heroes, our veterans.

Dr. Urban has served the Veterans Affairs Pittsburgh Healthcare System comprised of University Drive, Aspinwall and Highland Drive Divisions for 15 years as Chief of Staff. He has also been a professor and Assistant Dean for Veterans Affairs at the University of Pittsburgh's School of Medicine since 1985. Prior to 1985, he served in several other capacities in hospitals and universities all over the country. Dr. Urban has also authored publications dealing with many aspects of medicine that have proven to benefit the quality of care for our veterans. Most importantly, he continues to lecture and teach on a wide range of topics that benefit the VA Health Administration Personnel and provides medical leadership to carry into the 21st century.

I have been privileged to personally witness the hard work and dedication of doctors like Dr. Urban within the Veterans Administration Healthcare System. From 1946 until 1985, my mother served as a VA nurse at several hospitals including Aspinwall Veterans Hospital in Pittsburgh, Pennsylvania and Butler Veterans Hospital in Butler, Pennsylvania. As Chief of Nursing for 32 years, my mother can attest to the commitment which is typical of VA doctors and nurses everywhere. During times of low funding and limited staffing, VA doctors and staff worked harder than ever to care for the needs of their patients. While my experience on the Senate Armed Services Committee has served as affirmation of the dedication of Veterans Healthcare Administration, it pales in comparison to the hard work and sacrifice that I personally witnessed as the son of someone who served in the Veterans Healthcare Administration.

It is at this time that I would like to recognize Dr. Urban for his tremendous dedication to the medical profession. As he prepares for retirement, we can only celebrate the faithful service he provided to the needs of all veterans.•

## THE HONORABLE PETER J. MACERONI RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

• Mr. ABRAHAM. Mr. President, each year, the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable I rise today to recognize the Honorable Peter J. Maceroni, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Judge Maceroni received his Bachelor of Arts Degree from Hillsdale College in 1962, and earned his Juris Doctor degree from Wayne State University Law School in 1965. He was in private practice for 35 years before being elected to the ninth Circuit Court Judgeship in 1990. In 1996, in addition to being reelected to this position, he was appointed to the Michigan Trial Court Assessment Commission by Governor John Engler.

As Chief Judge, he not only presides over civil and criminal cases, but is also responsible for supervising the operation of the Court, including the Friend of the Court. His duties in these capacities include developing the annual budget, which he presents to the Macomb County Board of Commissioners.

One of Judge Maceroni's most successful initiatives in the Macomb County Circuit Court has been a video arraignment program, which has reduced the cost of transporting prisoners from the jail for arraignment hearings and increased security by having fewer prisoners transported over public roads.

Judge Maceroni has served as president of the Macomb County Trial Lawyers Association, president of the Italian American Bar Association, as well as Director of the Macomb County Bar Association. In 1997, he received the Outstanding County Elected Official Award from the Michigan Association of Counties.

Outside the realm of the law, Judge Maceroni finds time to enjoy the company of his four children: Patricia, Peter, Jr., Patrick and James.

I applaud Judge Maceroni on the dedication he has demonstrated to Macomb County, and the many successful efforts he has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate the Honorable Peter J. Maceroni on receiving a 2000 Alexander Macomb Citizen of the Year Award.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000*.

### PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers

Act, 50 U.S.C. 1703(c) ("IEEPA"), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by U.S. persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by U.S. persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of Title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing U.S. persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Zerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 (the "order") to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by U.S. persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits: (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational materials; (2) the exportation, reexportation, sale, or supply from the United States or by a U.S. person, wherever located, of goods, technology, or services to Iran or the Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominately to Iran or the Government to Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a U.S. person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by U.S. persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by U.S. persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a U.S. person of any transaction by a foreign person that a U.S. person would be prohibited from performing under the terms of the order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m. eastern daylight time on August 20, 1997. Because the order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d), and (f) of section of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the order.

3. On March 13, 2000, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995.

4. On April 28, 1999, I announced that existing unilateral economic sanctions programs would be amended to modify licensing policies to permit case-by-case review of specific proposals for the commercial sale of agricultural commodities and products, as well as medicine and medical equipment, where the United States Government has the discretion to do so. I further announced that the Administration was developing country-specific licensing criteria to guide the case-by-case review process so that governments subject to sanctions do not gain unwarranted benefits from such sales.

On July 27, 1999, the Iranian Transactions Regulations, 31 CFR Part 560 (the "ITR" or the "Regulations") were amended to add statements of licensing policy with respect to commercial sales of agricultural commodities and products, medicine and medical equipment (64 Fed. Reg. 41784, August 2, 1999). These provisions were amended on October 27, 1999 (64 Fed. Reg. 58789, November 1, 1999) to improve language that had prohibited the issuance of specific licenses authorizing financing by entities of the governments of Sudan, Libya, and Iran. In addition, technical revisions were made to the Regulations pertaining to informational materials and visas.

On March 17, 2000, Secretary of State Madeleine Albright announced that economic sanctions against Iran would be eased to allow Americans to purchase and import carpets and food products such as dried fruits, nuts, and caviar from Iran. To implement this policy, the Department of the Treasury's Office of Foreign Assets Control ("OFAC") amended the Regulations to authorize by general license the importation into the United States of, and dealings in, certain Iranian-origin foodstuffs and carpets and related transactions (65 Fed. Reg. 25642, May 3, 2000).

5. During the current six-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 62 licenses. The majority of license denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. Twenty-one licenses were issued authorizing commercial sales and exportation to Iran of bulk agricultural commodities; in addition, licenses were issued that authorized 20 sales of medicines or medical equipment. Other licenses that were issued authorized certain air and marine safety, diplomatic, legal, financial, and travel transactions, filmmaking, humanitarian, journalistic, and research activities, and the importation of arts objects for public exhibition. Pursuant to Sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases, Treasury continues to consult with the Departments of State and Commerce prior to issuing licenses.

For the period March 15 through September 14, 2000, on OFAC's instructions, U.S. banks refused to process more than 1,100 commercial transactions, the majority involving foreign financial institutions, that would have been contrary to U.S. sanctions against Iran. The transactions rejected amounted to nearly $170 million worth of business denied Iran by virtue of U.S. economic sanctions.

Since my last report, OFAC has collected nearly $342,000 in civil monetary penalties for violations of IEEPA and the Regulations. The violators included one insurer, seven companies, six U.S. financial institutions, and six individuals. An additional 102 cases are undergoing penalty action for violations of IEEPA and the Regulations.

6. On January 14, 2000, the vice president of a Wisconsin corporation was sentenced in the Eastern District of Wisconsin to 41 months in prison for his October 1999 jury conviction on charges he violated IEEPA and the Arms Export Control Act by illegally exporting U.S.-origin military aircraft component parts to Iran. On February 3, 2000, the corporation president was sentenced to six months in prison and ordered to pay a $5,000 fine for his guilty plea to one count of making false statements to the Government, and the corporation was ordered to pay a fine of $15,000. The defendants were charged with violating sanctions against Iran in an August 1998 indictment.

A California resident is scheduled to be tried in October 2000 in the District of Maryland for IEEPA and other charges filed in a superseding indictment on March 20, 1997. The indictment charges the defendant with the attempted exportation to Iran of gas chromatographs from the United States.

On May 10, 2000, a Georgia corporation pleaded guilty in U.S. District Court in Atlanta to one count of violating IEEPA by exporting automobile parts from the United States to Iran through third countries. Two company officials entered guilty pleas for making false statements to the United States Government in connection with the shipments. Sentencing is pending. The guilty pleas were the result of a 24-count indictment returned in December 1998.

Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the six-month period from March 15 through September 14, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the Chief Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance important objectives in promoting the nonproliferation and anti-terrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

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## REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

### PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)

I hereby report to the Congress on the developments since my last report of March 27, 2000, concerning the national emergency with respect to UNITA that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), involving the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.)* and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution ("UNSCR") 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related matérial of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. U.S. persons are prohibited from activities which promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control ("OFAC") issued the UNITA (Angola) Sanctions Regulations, 31 C.F.R. Part 590 (the "Regulations") (58 *Fed. Reg.* 64904), to implement Executive Order 12865.

On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, on September 29, 1997, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m. EST, October 30, 1997.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 *Fed. Reg.* 65989, December 16, 1997), placing additional sanctions on UNITA. Effective 12:01 a.m. EST on December 15, 1997, Executive Order 13069 closed all UNITA offices in the United States and prohibited various aircraft-related transactions. Specifically, section 2(a) of Executive Order 13069 prohibits the sale, supply, or making available in any form by U.S. persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Section 2(b) prohibits the insurance, engineering, or servicing of UNITA aircraft by U.S. persons or from the United States. Section 2(c) prohibits the granting of take-off, landing, or overflight permission to any aircraft on flights or continuations of flights to or from the territory of Angola other than to or from designated places in Angola. Section 2(d) prohibits the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new insurance claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by U.S. person or from the United States with respect to any aircraft registered in Angola, except designated aircraft, and with respect to any aircraft that has entered the territory of Angola other than through designated points of entry.

On August 18, 1998, I issued Executive Order 13098 (64 *Fed. Reg.* 44771, August 20, 1998), placing further sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998. These additional sanctions went into effect at 12:01 a.m. EDT on August 19, 1998. Section 1 of Executive Order 13098 blocks all property and interests in property of UNITA, designated senior UNITA officials, and designated adult members of their immediate families if the property or property interests are in the United States, hereafter come within the United States, or are or hereafter come within the United States, or are or hereafter come within the possession or control of U.S. persons. Section 2 of Executive Order 13098 prohibits the importation into the United States of all diamonds exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (the "GURN"). Section 2 also prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of equipment used in mining, and of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft, regardless of origin, to the territory of Angola other than through a designated point of entry. Finally, section 2 prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of mining services or ground or waterborne transportation services, regardless of their origin, to persons in designated areas of Angola to which the GURN's State administration has not been extended.

On June 25, 1999, pursuant to Executive Order 13098, OFAC amended Appendix A to 31 CFR chapter V, which contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various sanctions programs administered by OFAC. The amendment adds to Appendix A the names of 10 individuals who have been determined to be senior officials of UNITA (64 Fed. Reg. 34991, June 30, 1999). All property and interests in property of these individuals that are in the United States, that come within the United States, or that come within the control of U.S. persons are blocked. All transactions by U.S. persons or within the United States in property or interests in property of these individuals are prohibited unless licensed by OFAC.

On August 12, 1999, OFAC amended the Regulations to implement Executive Orders 13069 and 13098 and to make technical and conforming changes (64 Fed. Reg. 43924, August 12, 1999). Since the amendments are extensive, part 590 was reissued in its entirety. Additional prohibitions, definitions, interpretive sections, general licenses, and appendices were added to the Regulations to reflect the new sanctions imposed in Executive Orders 13069 and 13098, and certain existing prohibitions were renumbered. Five new appendixes were added to the Regulations.

2. There have been no amendments to the UNITA (Angola) Sanctions Regulations since my last report.

3. OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, fax-on-demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. No UNITA bank accounts have been identified in U.S. banks. There have been two recent attempts to transfer small amounts of funds in which UNITA clearly had an interest; both transfers were blocked. In the previous reporting period a U.S. financial institution refused to process a suspect transaction. No licenses have been issued under the program since my last report.

4. The expenses incurred by the federal government in the six-month period from March 26 through September 2, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are estimated at about $100,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Departments of State (particularly the Office of Southern African Affairs) and Commerce.

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

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## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill on September 22, 2000:

H.R. 940. An act to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10897. A communication from the Director of the Regulation Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Health Disease" (Docket Nos. 00P-1275 and 00P-1276) received on September 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-10898. A communication from the Director of the Office of Congressional Affairs, Office of the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision to Policy Statement on Staff Meetings Open to the Public" received on September 20, 2000; to the Committee on Environment and Public Works.

EC-10899. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) Activities; to the Committee on Foreign Relations.

EC-10900. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October 2000 Applicable Federal Rates" (Revenue Ruling 2000-45) received on September 20, 2000; to the Committee on Finance.

EC-10901. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Kathy A. King v. Commissioner" (115 T.C.No. 8 (filed August 10, 2000)) received on September 20, 2000; to the Committee on Finance.

EC-10902. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Energy and Natural Resources; Foreign Relations; Armed Services; and Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1331: A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county (Rept. No. 106-417).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2950: A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado. (Rept. No. 106-418).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3084: A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln (Rept. No. 106-419).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

By Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

### CHILDREN'S ACT FOR RESPONSIBLE EMPLOYMENT

Mr. HARKIN. Mr. President, I am pleased today to introduce legislation to update and bring America's child labor laws into the 21st century. This much-needed bill is titled the Children's Act for Responsible Employment of 2000 (The CARE Act of 2000).

As many of you know, I have been working to eradicate child labor overseas since 1992. At that time, I introduced the Child Labor Deterrence Act, which prohibits the importation of products made by abusive and exploitative child labor. Since then, we have made significant progress.

Let me cite just three examples.

In Bangladesh in 1995, a precedent-setting memorandum of understanding was signed between the garment industry and the International Labor Organization, which has resulted in 9,000 children being moved from factories and into schools. In Pakistan two years later, another memorandum of understanding was signed to the benefit of hundreds of children sewing soccer balls and to the benefit of their families.

In May of this year, it was a pleasure to go to the White House to witness President Clinton signing into law new provisions I authored to flatly prohibit the importing into the U.S. of any products made by forced or indentured child labor and to deny duty-free trade benefits to any country that is not meeting its legal obligations to eliminate the worst forms of child labor.

It is important to understand that when the growth of a child is stopped, so is the growth of a nation. In keeping with our nation's commitment to human rights, democracy, and economic justice, the United States must continue to lead the struggle against the scourge of exploitative child labor wherever it occurs. But to have the credibility and moral authority to lead this global effort, we must be certain that we are doing all we can to eradicate exploitative child labor here at home.

Sadly, this is not the case as I stand here before you today. This is why I am sponsoring this new legislation to crack down on exploitative child labor in America. I am also heartened by the fact that the Clinton administration and the Child Labor Coalition made up of more than 50 organizations all across our country endorse prompt enactment of this bill.

Consider the plight of child labor in just one sector of the American economy—large-scale commercial agriculture.

Just three months ago in June, Mr. President, an alarming report entitled "Fingers to the Bone" was released by Human Rights Watch. It is a deeply troubling indictment of America's failure to protect child farmworkers who pick our fruits and vegetables every day. As many as 800,000 children in the U.S. work on large-scale commercial farms, corporate farms if you will, often under very hazardous conditions that expose them to pesticide poisoning, heat illness, serious injuries, and lifelong disabilities. The sad truth is that despite very difficult and dangerous working conditions, current federal law allows children as young children to take jobs on corporate farms at a younger age, for longer hours, and under more hazardous conditions than children in nonagricultural lines of work.

We must end this disgraceful double standard.

Furthermore, the Fair Labor Standards Act (FLSA), first enacted in 1938, allows children as young as 10 years old to work in the fields of America's corporate farms. In nonagricultural lines of work, children generally must be at least 14 years of age and are limited to three hours of work a day while school is in session. Truth be told, even those laws are inadequately enforced by the U.S. Labor Department where young farmworkers are concerned. The FLSA simply must be revised and improved to protect the health, safety, and education of all children in America.

I also want to call to the attention of my colleagues a five-part Associated Press series on child labor in the United States that was published in 1997. It dramatically unmasks the shame of exploitative child labor in our midst. For example, it graphically portrays the exploitation and desperation of 4-year-olds picking chili peppers in New Mexico and 10-year-olds harvesting cucumbers in Ohio. It documents how 14-year-old Alexis Jaimes was crushed to death, while working on a construction site in Texas when a 5,000 pound hammer fell on him.

This is outrageous and intolerable. Children should be learning, not risking their health and forfeiting their future in sweatshops. Children should be acquiring computer skills so we don't have to keep importing every-increasing numbers of H-1B visa workers from abroad, as we are being pressured to support now, and not slaving in the fields or street peddling and being short-changed on a solid education. At bottom, children should be afforded their childhood, not treated like chattel or disposable commodities. Not just here in the United States, but in every country in the world.

But we cannot expect to curb exploitative child labor overseas unless America leads by example, cracking down on exploitative child labor in our own backyard.

There is no national database on children working in America or the injuries they incur. But there is mounting evidence to suggest there is a growing problem with exploitative child labor in America, as underscored by the recently released Human Rights Watch study delivered to all of our offices and an excellent series of investigative reports from the General Accounting Office (GAO) and the National Institute of Occupational Safety and Health (NIOSH).

At least 800,000 children are working in the fields of large-scale commercial agriculture in the U.S.

The FLSA's bias against farmworker children amounts to de facto race-based discrimination because an estimated 85 percent of migrant and seasonal farmworkers nationwide are racial minorities.

In some regions, including Arizona, approximately 99 percent of farmworkers are Latino.

Only 55 percent of the child laborers toiling in the fields will ever graduate from high school.

Existing EPA regulations and guidelines offer no more protection from pesticide poisoning for child laborers than they do for adult farmworkers.

Every 5 days, a child dies from a work-related accident.

Mr. President, one of the great U.S. Senators of the 20th century, Hubert Humphrey, used to remind all of us that the greatness of any society should be measured by how it treats people at the dawn and twilight of life. By that measure, we clearly need to do better by America's children.

There is no good reason why children working in large-scale commercial agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries. As GAO investigators have noted, a 13-year-old is not allowed under current law to perform clerical work in an air-conditioned office, but the same 13-year-old may be employed to pick strawberries in a field in the heat of summer.

And so I offer this legislation in order that we fight exploitative child labor here at home with the same resolve that we confront it in the global economy. This legislation will toughen civil and criminal penalties for willful child labor violators, afford minors working in large-scale commercial agriculture the same rights and protection as those working in non-agricultural jobs, prohibit children under 16 from working in peddling or door-to-door sales, strengthen the authority of the U.S. Secretary of Labor to deal with "hot goods" made by child labor in interstate commerce, and improve enforcement of our nation's child labor laws.

But it is not my purpose to prevent children from working under any circumstances in America. My focus is on preventing exploitation. Accordingly, this bill also preserves exemptions for children working on family farms as well as selling door-to-door as volunteers for nonprofit organizations like the Girl Scouts of America.

In conclusion, I want to remind my colleagues that a child laborer has little chance to get a solid education because he or she spend his or her days at work with little regard for that child's safety and future. But it becomes clearer every day that in order for an individual or a nation to be competitive in the high-tech, globalized economy of the 21st century, a premium must be placed upon educating all children. We can't afford to leave any of our children behind.

At the bottom, this is why I am sponsoring this legislation to strengthen our child labor laws here at the home and effectively deter and punish those who exploit our children in the workplace. It is time to bring our nation's child labor laws into modern times, so that we can prepare for the future.

It is totally unacceptable to me that upon entering the 21st century, the commercial exploitation of children in the workplace continues in our midst—largely out of sight and out of mind to most Americans.

It is time to give all of the children in the U.S. and around the world the chance at a real childhood and extend to them the education necessary to competing in tomorrow's high-road workplace.

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Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

### RESERVISTS TAX RELIEF ACT OF 2000

Mr. ASHCROFT. Mr. President, for the past fourteen years, the men and women serving selflessly in the Reserve components of our Armed Forces, which includes the National Guard and federal Reserve, have been denied a sensible, fair, and morally right tax deduction. Today, I am introducing a bill that will correct this tax injustice.

The Reservist Tax Relief Act of 2000 will allow Reservist and National Guardsmen and women, who are our nation's purest citizen-soldiers, to deduct travel expenses as a business expense, when they travel in connection with military service. It is my hope that my colleagues will join me in quickly passing this legislation before the end of the 106th Congress.

With the dramatic downsizing of the U.S. military over the past decade, the Reserve component has become an increasingly valuable aspect of our national defense. Traditionally geared to provide trained units and individuals to augment the Active components in time of war or national emergency, the Reserve component's role and responsibility has rapidly increased throughout the 1990s. During the Cold War, the Reserve component was rarely mobilized due to the robust nature of the Active Duty forces, however, with the 1/3 cut in Active Duty forces since 1990 there have been five presidential mobilizations of the Guard and Reserve beginning with the 1990-1991 Gulf War. The

Guard and Reserve are heavily relied upon to provide support for smaller regional contingencies, peace-keeping and peace-making operations, and disaster relief. Although this level of mobilization is unprecedented during a time of peace, the men and women of the Guard and Reserve have performed a tremendous job in bridging the gap in our national security. For instance, more than 1,000 Missouri Army National Guard soldiers went to Honduras to help the country recover from the devastation of Hurricane Mitch. Additionally, Missouri Air Force Reservists have defended the skies over Bosnia-Herzegovina. America's Reserve component is now essential to our everyday military operations.

I strongly believe that our Active Duty forces should be provided additional resources to improve the readiness and overall capability of our national defense so America will not have to over-use its "weekend warriors." But I also know that Congress should provide the necessary resources and support for the Reserve component to complement their new position in our security. Beyond providing the Reserve component with the resources, training, and equipment to be fully integrated into the military's "Total Force" concept, the Reserve component personnel should be provided targeted support to address their unique concerns.

When a member of the Reserve component chooses to serve, these brave men and women give up at least several weeks a year for training. In return, they are provided only minimal pay. With this training, along with additional out of area deployments each lasting up to 179 days, the 866,000 Reserve troops have put in 12 to 13 million man—days in each of the last three years. This type of commitment often puts a tremendous strain on these men and women, their families, and their employers. They all deserve our deepest thanks and sense of gratitude, and also our full support.

Mr. President, the Reservist Tax Relief Act of 2000 is one way we can actively support the contribution made by the Reserves to our national defense. This bill, endorsed by the Reserve Officers' Association of the United States, will provide a tax deduction to National Guard and Reserve members for travel expenses related to their military services, so that their travel costs in connection with Guard duty can be treated as a business expense. This provision was part of the federal tax code until it was removed by the Tax Reform Act of 1986. Estimates show that approximately 10 percent of Reserve members, or about 86,000 personnel, must travel over 150 miles each way from home in order to fulfil their military commitments. The expenses involved in traveling this distance at least "one weekend a month and two weeks a year" can become a tremendous burden for dedicated citizen-soldiers. It is time, with taxes at record levels in this country, to reinstate this tax deduction for military reservists, who give up more than just their time in service to this country.

This tax relief bill is estimated to result in $291 million less tax dollars being collected by the Treasury over the next five years; the first year "cost" is $13 million. In the era of multi-billion dollar programs and surpluses this amount may seem small to Washington bureaucrats, but to the hard-working Reservists and Guardsmen in Missouri, this additional tax deduction will provide real financial help. Most Reservists and National Guardsmen and women do not enlist as a means to become a millionaire, but are motivated by a sense of duty to country. It is our responsibility to respond to their service with this simple tax correction. I urge my colleagues to support this measure and to support the men and women of our Reserve and Guard forces. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3101

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Reservists Tax Relief Act of 2000".

**SEC. 2. DEDUCTION OF CERTAIN EXPENSES OF RESERVISTS.**

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

"(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.".

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

"(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

### PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation that will reaffirm the vital role parents play in the lives of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in one of their children's most important and life-affecting decisions—whether or not to have an abortion.

The American people have long understood the unique and essential role the family plays in our culture. It is the institution through which we best inculcate and pass down our most cherished values. As is frequently the case, President Reagan said it best. Within the American family, Reagan said, "the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and public citizenship."

The Putting Parents First Act establishes something that ought to be self-evident, but tragically is not: that mothers and fathers should be allowed to be involved in a child's decision whether or not to have a major, life-changing, and sometimes life-threatening, surgical procedure—an abortion. This seems so simple. In many states, school officials cannot give a child an aspirin for a headache without parental consent. But doctors can perform abortions on children without parental consent or even notification. This defies logic.

The legislation I am introducing today would prohibit any individual from performing an abortion upon a minor under the age of 18 unless that individual has secured the informed written consent of the minor and a parent or guardian. In accordance with Supreme Court decisions concerning state-passed parental consent laws, the Putting Parents First Act allows a minor to forego the parental involvement requirement in cases where a court has issued a waiver certifying that the process of obtaining the consent of a parent or guardian is not in the best interests of the minor or that the minor is emancipated.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly different views of when life begins and ends, what 'choices' are involved, and who has the ability to determine these answers for others. Many including myself, view abortion as the destruction of innocent human life that should be an option in only the most extreme situations, such as rape, incest, or when the very life of the mother is at stake. Others, including a majority of current Supreme Court Justices, view abortion as a constitutionally-protected alternative for pregnant women that should almost always be available. I think that all sides would agree that abortion involves a serious decision and a medical procedure that is not risk-free.

Thankfully, there are areas of common ground in the abortion debate on which both sides, and the Supreme Court, can agree. One such area of agreement is that, whenever possible, parents should be informed and involved when their young daughters are faced with a decision as serious as abortion. A recent CBS/New York Times survey found that 78 percent of Americans support requiring parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous, indeed a life-changing, decision that a minor should not be left to make alone. The fact that nearly 80 percent of the states have passed laws requiring doctors to notify or seek the consent of a minor's parents before performing an abortion also demonstrates the consensus in favor of parental involvement.

The instruction and guidance about which President Reagan spoke are needed most when our children are dealing with important life decisions. It is hard to imagine a decision more important than whether or not a child should have a child of her own. We recognize, as fundamental to our understanding of freedom, that parents have unique rights and responsibilities to control the education and upbringing of their children—rights that absent a compelling interest, neither government nor other individuals should supercede. When a young woman finds herself in a crisis situation, ideally she should be able to turn to her parents for assistance and guidance. This may not always happen, and may not be reality for some young women, but at the very least, we should make sure that our policies support good parenting, not undercut parents. Sadly, another reason to encourage young women to include a parent in the decision to undergo an abortion is because of adverse health consequences that can arise after an abortion. Abortion is a surgical procedure that can and sometimes does result in complications. Young women have died of internal bleeding and infections because their parents were unaware of the medical procedures that they had undergone, and did not recognize post-abortion complications.

Unfortunately, parental involvement laws are only enforced in about half of the 39 states that have them. Some states have enacted laws that have been struck down in state or federal courts; in other states, the executive branch has chosen not to enforce the legislature's will. As a result, just over 20 states have parental consent laws in effect today. In the remaining 30 states, parents are often excluded from taking part in their minor children's most fundamental decisions.

Moreover, in those states where laws requiring parental consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws' requirements. Often, a pregnant minor is taken to a bordering state by an adult male attempting to "hide his crime" of statutory rape and evade a state law requiring parental notification or consent. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully defended Missouri's parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, a study a few years ago in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri's parental consent law went into effect. There are ads in the St. Louis, Missouri, Yellow Pages luring young women to Illinois clinics with the words "No Parental Consent Required" in large type.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting the fundamental rights of parents demands a national solution. And the protection of life—both the life of the unborn child, and the life and health of the pregnant young woman—demands we take action. Requiring a parent's consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Thus, enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.

The Putting Parents First Act is based on state statutes that have already been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of involvement by parents that must be honored throughout this nation. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors.

Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents most. They need the wisdom, love and guidance of a mother or a father, not policy statements of government bureaucrats, or uninvolved strangers. This legislation will strengthen the family and protect human life by keeping parents involved when children are making decisions that could shape the rest of their lives.

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By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

### PRESCRIPTION DRUG PRICE ANTI-DISCRIMINATION ACT

Mr. LEVIN. Mr. President, American consumers should have access to reasonably priced medicines. That seems like such a simple and reasonable statement to make, yet it is a bold one to make in this Congress. Drug prices should be a central part of the debate. I firmly believe we must do two things relative to prescription drugs (1) add a prescription drug benefit to the Medicare program and (2) address the high price of drugs. It is the second issue that the bill I am introducing today with Senator BRYAN seeks to address.

The Prescription Drug Price Anti-Discrimination Act provides that when a prescription drug manufacturer has a policy that discriminates against U.S. wholesalers by charging them more than it charges foreign wholesalers, a 10 percent discriminatory profits tax would be imposed on that manufacturer. This 10 percent discriminatory profits tax will be dedicated to Part A of the Medicare trust fund.

This legislation does not attempt to control drug prices. The manufacturer may charge what it chooses to a foreign wholesaler or a U.S. wholesaler. But if the manufacturer does not have a non-discriminatory pricing policy, the discriminatory profits penalty kicks in. It is up to the manufacturer. If the manufacturer reports that it has a policy to charge U.S. wholesalers no more than foreign wholesalers, there is no penalty. That statement would be attached to the company's tax return, and it would be treated like any other representation on a tax return.

This bill applies to U.S. manufacturers distributing to foreign wholesalers in Canada and any country that is a member of the European Union. By limiting the bill to Canada and the European countries, we still allow for prescription drug manufacturers to sell AIDS drugs at lower prices to African countries or other countries ravaged by diseases. The bill refers only to other countries whose resources are comparable to ours.

Fortune magazine recently reported that pharmaceuticals ranked as the most profitable industry in the country in three benchmarks-return on revenues, return on assets, and return on equity. Yet, Americans are forced to pay extraordinarily high prices for prescription drugs in the U.S. when they can cross the border to Canada to buy those same drugs at far lower prices. This legislation should help bring Americans the prescription drugs that they need at lower prices.

I have come to the Senate floor on previous occasions to talk about my own constituents who travel from Michigan to Canada just to purchase lower priced prescription drugs. We found that seven of the prescription drugs most used by Americans cost an average of 89 percent more in Michigan than in Canada. For example, Premarin, an estrogen tablet taken by menopausal women costs $23.24 in Michigan and $10.04 in Ontario. The Michigan price is 131 percent above the Ontario price. Another example, Synthroid, a drug taken to replace a hormone normally produced by the thyroid gland, costs $13.16 in Michigan and $7.96 in Ontario. The Michigan price is 65 percent above the Ontario price.

To add insult to injury, these drugs received financial support from the taxpayers of the United States through a tax credit for research and development and in some cases through direct grants from the NIH to the scientists who developed these drugs. In 1996 (the latest year that we have data) through a variety of tax credits, the industry reduced its tax liability by $3.8 billion or 43 percent.

Research is very important and we want pharmaceutical companies to engage in robust research and development. But American consumers should not pay the share of research and development that consumers in other countries should be shouldering.

Manufacturers of prescription drugs are spending fortunes for advertising. According to the Wall Street Journal, spending on consumer advertising for drugs rose 40 percent in 1999 compared with 1998. In 1999 the drug industry spent nearly $14 billion on promotion, public relations and advertising.

Mr. President, I have been sent a letter from Families USA, a noted health care advocacy group, which states that the bill we are introducing today "will help Medicare beneficiaries buy drugs at lower prices."

Our citizens should not have to cross the border for cheaper medicines made in the U.S. U.S. consumers are subsidizing other countries when it comes to prescription drug prices. That is simply wrong and this legislation will help to correct this situation.

Mr. BRYAN. Mr. President, I am pleased to cosponsor the Prescription Drug Price Anti-Discrimination Act and I commend my colleague, Senator LEVIN, for his leadership on this initiative.

This bill would require drug manufacturers to treat American patients fairly—a manufacturer must have a policy in place that states that it does not discriminate against U.S. wholesalers by charging them more than it charges foreign wholesalers. If the company does not have this policy in place, then a 10 percent discriminatory profits tax would be imposed.

The reason for this bill is abundantly clear: American patients are being charged significantly higher prices than are patients in foreign countries for the exact same drugs. Is there any reason why our citizens—44 million of whom are uninsured and faced with paying these high prices—should be forced to make the choice between going without much-needed prescription drugs or paying 50, 100, or even 300 percent more for their drugs than do citizens in Canada, Great Britain, and Australia? Of course there isn't.

Today, patients without drug coverage in the United States are not treated fairly by U.S. manufacturers. I was shocked to discover the enormous price disparities that exist for some of the most commonly used drugs. For example, Prevacid, which is used to treat ulcers, is 282 percent more expensive in the United States than in Great Britain. Claritin is used to treat all allergies—as we all know thanks to frequent television commercials—and is 308 percent more expensive when purchased by American patients than when purchased by Australian patients. And Prozac, which can help millions of Americans suffering from depression, is out of reach to many as it is 177 percent more expensive in the United States than in Australia.

Our Medicare beneficiaries deserve a prescription drug benefit, and all of our citizens deserve the assurance that U.S. manufacturers will not charge them significantly more than they charge foreign patients.

This bill will not harm the drug industry. They can choose to accept the tax penalty, or they can lower prices to American consumers to the levels they charge foreign consumers. Either way, they will remain a very profitable industry:

Fortune magazine recently again rated the pharmaceutical industry as the most profitable industry in terms of return on revenues, return on assets, and return on equity.

Drug companies enjoy huge tax benefits relative to other industries: their effective tax rate was 40 percent lower than that of all other U.S. industries between 1993–1996. Compared to certain industries, the drug industry's effective tax rate was even lower—for example, it was 47 percent lower than that for wholesale and retail trade.

Additionally, higher drug prices for American patients simply aren't justified in the face of soaring marketing and advertising budgets: the industry spent almost $2 billion in 1999 on direct-to-consumer advertising, and more than $11 billion on marketing and promotion to physicians.

I don't have an argument with large profits—but American patients should not be charged more than patients in other countries for the same drugs. Moreover, American taxpayers should not be forced to underwrite highly profitable corporations that exploit American consumers.

Although many of us are still hopeful that we can pass a meaningful Medicare prescription drug benefit before the close of this Congress, at the very least we should require fair pricing for American patients.

I urge my colleagues to cosponsor this bill.

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Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

### TARIFF ACT OF 1930 AMENDMENT

Mr. SHELBY. Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3104

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MARKING OF DOOR HINGES.**

Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

"(l) MARKING OF CERTAIN DOOR HINGES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no exception may be made under subsection (a)(3) with respect to door hinges and parts thereof (except metal forgings and castings imported for further processing into finished hinges and door hinges designed for motor vehicles), each of which shall be marked on the exposed surface of the hinge when viewed after fixture with the English name of the country of origin by means of die stamping, cast-in-mold lettering, etching, or engraving.

"(2) OTHER MEANS OF MARKING.—If, because of the nature of the article, it is not technically or commercially feasible to mark it by 1 of the 4 methods specified in paragraph (1), the article may be marked by an equally permanent method of marking such as paint stenciling or, in the case of door hinges of less than 3 inches in length, by marking on the smallest unit of packaging utilized.".

**SEC. 2. EFFECTIVE DATE.**

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, on and after the date that is 6 months after the date of enactment of this Act.

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Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

### MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. BREAUX. Mr. President, I rise today to introduce the Missing Children Tax Fairness Act.

As a father and grandfather, I know there is no greater fear than having a child taken from you. No family should have to go through such a horrible tragedy, yet in 1999 alone, approximately 750,000 children were reported missing. The parents of these missing children must face the daily reality that they may never find their children or even know their fate, yet most never lose hope or give up the search for any clue. It seems unfathomable that families in such a tragic predicament would be faced with the added burden of higher taxation, but that is exactly what is happening under current tax policy.

Recently, the Internal Revenue Service (IRS) issued an advisory opinion which stated that the families of missing children may claim their child as a dependent only in the year of the kidnapping. However, in the following years, no such deduction may be taken, regardless of if the child's room is still being maintained and money is still being spent on the search. The IRS Chief Counsel admitted that this issue is "not free from doubt" but concluded that, in the absence of legal authority to the contrary, denying the dependency exemption was consistent with the intent of the law. I believe this issue should be decided differently and that Congress must remedy this unjust situation.

The Missing Children Tax Fairness Act will clarify the treatment of missing children with respect to certain basic tax benefits and ensure that the families of these children will not be penalized by the tax code. It makes certain that families will not lose the dependency exemption, child credit, or earned income credit because their child was taken from them. I believe this a fair and equitable solution to a tax situation faced by families who are victims of one of the most heinous crimes imaginable—child abduction. I urge my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill and my statement be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 3105

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Missing Children Tax Fairness Act of 2000".

#### SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who would be (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred if such status were determined by taking into account the 12 month period beginning before the month in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under this section,

"(ii) the credit under section 24 (relating to child tax credit), and

"(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2).

"(C) TERMINATION OF TREATMENT.—Subparagraph (A) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18)."

(b) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—Section 32(c)(3) of the Internal Revenue Code of 1986 (relating to qualified child) is amended by adding at the end the following new subparagraph:

"(F) TREATMENT OF MISSING CHILDREN.—

"(i) IN GENERAL.—For purposes of this paragraph, an individual—

"(I) who is presumed to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

"(II) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subparagraph (A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(ii) TERMINATION OF TREATMENT.—Clause (i) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

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By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Finance.

### THE HOME HEALTH CARE PROTECTION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am here today to introduce the Home Health Care Protection Act of 2000. This legislation has been written to make sure that qualification for Medicare home health services does not negatively impact other area's of a patient's recovery process, or preclude participation in important personal activities, like religious services.

The homebound requirement to qualify for Medicare home health services has been applied restrictively and inconsistently by the Health Care Financing Administration (HCFA) and its various Medicare contractors. In April 1999, the Secretary of Health and Human Services sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While I do not support all the conclusions of the report, I do agree with the Secretary that a clarification of the definition is needed to improve uniformity of application.

Of particular concern to me is the disqualification of seniors who, through significant assistance, are capable of attending adult day care programs for integrated medical treatment that has been empirically recognized as effective for some severe cases of Alzheimer's and related dementia's. A close reading of current law does not preclude homebound beneficiaries from using adult day services, yet some fiscal intermediaries are establishing reimbursement policies that force beneficiaries to forgo needed adult day services in order to remain eligible for home health benefits.

The Home Health Protection Act states that absences for attendance in adult day care for health care purposes shall not disqualify a beneficiary. It is inappropriate and counterproductive to force seniors to choose between Medicare home health benefits and adult day care services in circumstances where both are needed as part of a comprehensive plan of care.

I have also heard from numerous beneficiaries who fear that absences from the home for family emergencies or religious purposes could disqualify them from the home health benefit. Current law attempts to address this situation by allowing for absences of infrequent or short duration. However, one Vermont senior, who suffers from multiple sclerosis and numerous complications, cannot leave the home without a wheelchair and a van equipped with a lift. She left the home once a week, for three hours at a time, to visit her terminally ill spouse in a nursing home and attend religious services there together. She was determined to be "not homebound."

There are more stories like this. At the same time, visiting nurses have identified individuals who are healthy enough to leave the home without difficulty, but because they never do, they retain home health benefits at the expense of the Medicare program. Our legislation specifically clarifies that absences from the home are allowed for religious services and visiting infirm and sick relatives. In a time of great need or family crisis, seniors should feel comforted that the government won't stand in their way.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. We in Congress have an obligation to make sure that the Medicare program lives up to its promise and that home health will be available to those who need it. I would like to thank my cosponsors, Senators REED and LEAHY for their dedication to this issue. We look forward to working with the rest of Congress to turn this legislation into law.

Mr. REED. Mr. President, I rise today to join my colleague, the junior Senator from Vermont, in introducing legislation that I hope will resolve an issue that has needlessly confined Medicare beneficiaries receiving home health benefits to their residences. Today, my colleague and I are introducing a revised version of a bill we introduced earlier this year. I am pleased that this new legislation, the Home Health Care Protection Act, has the support of several national aging organizations, including the Alzheimer's Association, the National Council on Aging and the National Association for Home Care.

The Home Health Care Protection Act seeks to clarify the conditions under which a beneficiary may leave his or her home while maintaining eligibility for Medicare home health services. The Health Care Financing Administration (HCFA) requires that a beneficiary be "confined to the home" in order to be eligible for services. The current homebound requirement is supposed to allow beneficiaries to leave the home to attend adult day care services, receive medical treatment, or make occasional trips for non-medical purposes, such as going to the barber. However, the definition has been inconsistently applied, resulting in great distress for beneficiaries who are fearful that they will lose their benefit if they leave their home to attend events such as church services. Clearly, the intent of the rule is not to make our frail elderly prisoners in their own homes. The legislation we are introducing today seeks to bring greater clarity to the homebound definition so that they no longer are.

I am proud to have worked with my colleague, Senator JEFFORDS, on this issue and hope that we can get this legislation passed before the end of the session. Mr. President, the Home Health Care Protection Act seeks to provide some reasonable parameters that will enable beneficiaries suffering from Alzheimer's, among other chronic and debilitating diseases, to leave their home without worry. This modest legislation would make a real difference to home health beneficiaries in my state of Rhode Island as well as Medicare beneficiaries across the country and I would urge my colleagues to support it.

## ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2290

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2290, a bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2714

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2731

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2819

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2819, to provide for the establishment of an assistance program for health insurance consumers.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available Medicaid drug pricing information.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 2969

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2994

At the request of Mr. ROBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes.

S. 3020

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. RES. 339

At the request of Mr. REID, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. ROBB), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as "National Survivors of Suicide Day."

S. RES. 340

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as "National Children's Memorial Day."

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## AMENDMENTS SUBMITTED

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

### CONRAD AMENDMENT NO. 4183

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

At the end of the bill, add the following:

**SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICATION TO "H-1B NONIMMIGRANTS.**

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

### KENNEDY (AND OTHERS) AMENDMENT NO. 4184

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place in the bill, insert the following:

**TITLE —LATINO AND IMMIGRANT FAIRNESS ACT OF 2000**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Latino and Immigrant Fairness Act of 2000".

**Subtitle A—Central American and Haitian Parity**

**SEC. 11. SHORT TITLE.**

This subtitle may be cited as the "Central American and Haitian Parity Act of 2000".

**SEC. 12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.**

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking "NICARAGUANS AND CUBANS" and inserting "NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS";

(2) in subsection (a)(1)(A), by striking "2000" and inserting "2003";

(3) in subsection (b)(1), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti"; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking "Nicaragua or Cuba" and inserting "Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking "2000" and inserting "2003".

**SEC. 13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.**

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

**SEC. 14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.**

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections 12 and 15 of this Act.

**SEC. 15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.**

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—";

(B) by amending the heading of paragraph (1) to read as follows: "ADJUSTMENT OF STATUS.—";

(C) by amending paragraph (1)(A) to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of"; and

(E) by adding at the end the following new paragraph:

"(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

"(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence"; and

(6) by adding at the end the following new subsection:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

### SEC. 16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: ", and the Attorney General may waive the grounds of inadmissibility specified in section 212(a) (1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act."; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

"(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.";

(2) in subsection (b)(1), by adding at the end the following: "Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.";

(3) in subsection (c)(1), by adding at the end the following: "Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: "SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—";

(B) by amending the heading of paragraph (1) to read as follows: "ADJUSTMENT OF STATUS.—";

(C) by amending paragraph (1)(A), to read as follows:

"(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;";

(D) in paragraph (1)(B), by striking "except that in the case of" and inserting the following: "except that—

"(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

"(ii) in the case of";

(E) by adding at the end of paragraph (1) the following new subparagraph:

"(E) the alien applies for such adjustment before April 3, 2003."; and

(F) by adding at the end the following new paragraph:

"(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

"(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

"(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

"(ii) applies for such a visa within a time period to be established by such regulations.

"(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

"(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

"(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.";

(5) in subsection (g), by inserting ", or an immigrant classification," after "for permanent residence";

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

"(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.".

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)-(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

### SEC. 17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

## Subtitle B—Adjustment of Status of Other Aliens

### SEC. 21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

## Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

### SEC. 31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking "(i)(1)" through "The Attorney General" and inserting the following:

"(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

"(A) entered the United States without inspection; or

"(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119; 111 Stat. 2440).

### SEC. 32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

"(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).".

## Subtitle D—Extension of Registry Benefits

### SEC. 41. SHORT TITLE.

This subtitle may be cited as the "Date of Registry Act of 2000".

### SEC. 42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking "January 1, 1972" and inserting "January 1, 1986"; and

(2) by striking "JANUARY 1, 1972" in the heading and inserting "JANUARY 1, 1986".

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking "January 1, 1986" each place it appears and inserting "January 1, 1987".

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking "January 1, 1987" each place it appears and inserting "January 1, 1988".

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking "January 1, 1988" each place it appears and inserting "January 1, 1989".

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking "January 1, 1989" each place it appears and inserting "January 1, 1990".

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking "January 1, 1990" each place it appears and inserting "January 1, 1991".

"RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986".

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

"Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

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## KENNEDY AMENDMENTS NOS. 4185–4187

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

### AMENDMENT NO. 4185

On page 9, strike line 24 and all that follows through page 11, line 13, and insert the following:

**SEC. 2. TEMPORARY INCREASE IN NUMBER OF ALIENS AUTHORIZED TO BE GRANTED H-1B NONIMMIGRANT STATUS.**

Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended by striking clauses (iii), (iv), and (v) and inserting the following:

"(iii) 200,000 in each of the fiscal years 2000, 2001, and 2002; and

"(iv) 65,000 in each succeeding fiscal year.".

**SEC. 3. ALLOCATION OF H-1B NUMBERS FOR HIGHLY SKILLED PROFESSIONALS.**

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

"(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

"(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

"(iii) a nonprofit research organization or a governmental research organization.

"(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

"(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.".

### AMENDMENT NO. 4186

On page 16, after line 8, insert the following:

**DEPARTMENT OF LABOR SURVEY; REPORT.**

(g) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H-1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H-1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(b) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

### AMENDMENT NO. 4187

On page 20, after line 13, insert the following:

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(f) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).".

Notwithstanding any other provision of this Act, the figure on page 17, line 19 is deemed to be "55 percent"; the figure on page 17, line 21 is deemed to be "22 percent"; the figure on page 17, line 23 is deemed to be "4 percent"; and the figure on page 18, line 12 is deemed to be "15 percent".

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## WATER RESOURCES DEVELOPMENT ACT OF 2000

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## ABRAHAM AMENDMENT NO. 4188

Mr. SMITH of New Hampshire (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2796) providing for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . EXPORT OF WATER FROM GREAT LAKES.**

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d-20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

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## VETERANS CLAIMS ASSISTANCE ACT OF 2000

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## SPECTER (AND ROCKEFELLER) AMENDMENT NO. 4189

Mr. BROWNBACK (for Mr. SPECTER (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Veterans Claims Assistance Act of 2000".

**SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.**

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

**"§ 5100. Definition of 'claimant'**

"For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.".

**SEC. 3. ASSISTANCE TO CLAIMANTS.**

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is further amended by striking sections 5102 and 5103 and inserting the following:

**"§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications**

"(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

"(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

**"§ 5103. Notice to claimants of required information and evidence**

"(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

"(b) Time Limitation.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

"(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

**"§ 5103A. Duty to assist claimants**

"(a) Duty To Assist.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

"(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

"(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

"(b) Assistance in Obtaining Records.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records (including private records) that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

"(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

"(A) identify the records the Secretary is unable to obtain;

"(B) briefly explain the efforts that the Secretary made to obtain those records; and

"(C) describe any further action to be taken by the Secretary with respect to the claim.

"(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

"(c) Obtaining Records for Compensation Claims.—In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (b) shall include obtaining the following records if relevant to the claim:

"(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

"(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

"(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

"(d) Medical Examinations for Compensation Claims.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

"(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

"(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

"(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

"(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

"(e) Regulations.—The Secretary shall prescribe regulations to carry out this section.

"(f) Rule With Respect to Disallowed Claims.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

"(g) Other Assistance Not Precluded.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance under subsection (a) to a claimant in substantiating a claim as the Secretary considers appropriate.".

(b) Reenactment of Rule for Claimant's Lacking a Mailing Address.—Chapter 51 of such title is further amended by adding at the end the following new section:

**"§ 5126. Benefits not to be denied based on lack of mailing address**

"Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.".

### SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

**"§ 5107. Claimant responsibility; benefit of the doubt**

"(a) Claimant Responsibility.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

"(b) Benefit of the Doubt.—The Secretary shall consider all information and lay and medical evidence of record in a case before the Secretary with respect to benefits under laws administered by the Secretary. When there is an approximate balance of positive and negative evidence regarding any issue material to the determination of a matter, the Secretary shall give the benefit of the doubt to the claimant.".

### SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: "The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.".

### SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

"5100. Definition of 'claimant'.";

(2) by striking the items relating to sections 5102 and 5103 and inserting the following:

"5102. Application forms furnished upon request; notice to claimants of incomplete applications.
"5103. Notice to claimants of required information and evidence.
"5103A. Duty to assist claimants.";

(3) by striking the item relating to section 5107 and inserting the following:

"5107. Claimant responsibility; benefit of the doubt.";

and

(4) by adding at the end the following new item:

"5126. Benefits not to be denied based on lack of mailing address.".

### SEC. 7. EFFECTIVE DATE.

(a) In General.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of that date.

(b) Rule for Claims the Denial of Which Became Final After the Court of Appeals for Veterans Claims Decision in the Morton Case.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

(A) became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) was issued by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period).

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

(4) In the absence of a timely request of a claimant under paragraph (3), nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate a claim described in this subsection.

## NOTICE OF HEARINGS

### COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The U.S. Forest Service: Taking a Chain Saw to Small Business." The hearing will be held on Wednesday, October 4, 2000 9:30 a.m. in 428A Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224-5175.

## KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2000

On September 22, 2000, the Senate amended and passed S. 2511, as follows:

S. 2511

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000".

### SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for "grassroots" regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) Purposes.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

### SEC. 3. DEFINITIONS.

In this Act:

(1) Heritage area.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) Management entity.—The term "management entity" means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) Management plan.—The term "management plan" means the management plan for the Heritage Area.

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

### SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) Establishment.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) Boundaries.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled "Kenai Peninsula/Turnagain Arm National Heritage Corridor", numbered "Map #KMTA-1", and dated "August 1999". The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

### SEC. 5. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures, to which the management entity commits.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

### SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) Management Plan.—

(1) In general.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) Contents.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) Priorities.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) Public Meetings.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

### SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

### SEC. 8. SAVINGS PROVISIONS.

(a) Regulatory Authority.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

**SEC. 9. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

## NATIONAL VETERANS AWARENESS WEEK

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 304, which was reported by the Judiciary Committee.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the amendment to the title be agreed, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as "National Veterans Awareness Week" for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

The title was amended so as to read:

Resolution Expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 5, 2000, as "National Veterans Awareness Week" for the presentation of such educational programs.

## ORDERS FOR TUESDAY, SEPTEMBER 26, 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 in the morning on Tuesday, September 26. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the H-1B visa bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the scheduled cloture vote occur at 10:15 on Tuesday morning with the time prior to the vote divided as ordered previously.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent that second-degree amendments may be filed at the desk up to 10:15 in the morning under the terms of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will begin 45 minutes of debate on the H-1B visa bill at 9:30 tomorrow morning. Following that debate, at 10:15 a.m., the Senate will proceed to a cloture vote on the pending amendment to the H-1B legislation. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000.

Also this week, the Senate is expected to take up any appropriations conference reports available for action.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for approximately 10 to 15 minutes.

Mr. ROBERTS. Mr. President, I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized for 10 to 15 minutes.

## ENERGY PRICES

Mr. SESSIONS. Mr. President, we are now dealing with a very important issue to the future of our country: and that is the price of energy: oil and gas, gasoline, and home heating fuel prices. They have been going up at a dramatic rate.

This is not a surprise. This is an event predicted and warned about by Members of this Congress for years, including Senator MURKOWSKI, who chairs the Energy Committee. I have talked about it for the last 3 or 4 years that I have been in this Senate.

This is what the issue is about. By allowing our domestic energy production to decline steadily, we have less and less ability to control prices in the world market, and, in fact, we become more and more vulnerable to price increases and production reductions by the OPEC oil cartel—that group of nations centered in the Middle East that get together to fix prices by manipulating production levels.

We now find ourselves in a very serious predicament. It is not a predicament that a simple release of a little oil from the Strategic Petroleum Reserve is going to help. It threatens our economy in the long term.

Kofi Annan, Secretary General of the U.N., just wrote an editorial that I saw over the weekend. He has predicted that the poorer nations, the developing nations, will be hurt more by rising energy prices than the wealthy nations, but he does not dispute that wealthy nations will also be damaged.

This increase in fuel costs amounts to a tax on the American people. It comes right out of their pocket every time they go to the gas station.

Now we have this "bold" plan of the Gore-Clinton administration to release 30 million barrels of oil from the Strategic Petroleum Reserve. This is supposed to be a solution to this problem, it is supposed to really help. But what this recent action really amounts to, is closing the barn door after the horse is out.

Releasing 30 million barrels of oil will meet no more than 1½ days demand for energy in America. We consume nearly 20 million barrels of oil per day in this country. A 30-million barrel release will not affect, in any significant way, the problems we are facing. That is a fact.

Oil demand is not elastic. That is the crux of this problem. People have to have it. If you are traveling to work in your automobile—and there is no other way to get to work for an overwhelming number of American citizens, students, workers, and kids going to school—you must use gasoline and pay the price it costs.

So the way this thing has worked is this: The OPEC nations over the years saw economies around the world steadily strengthening. Third World nations, began using more automobiles and electricity, increasing demand for oil, using more energy. We salute them for that. The life span for people in countries that have readily available electricity and energy is almost one-half longer than for those in countries that do not have it. We ought to celebrate poor countries being able to improve their standard of living. But as they improve their standard of living, their demand for energy increases. It is happening more and more around the world, and we should be happy quality of life is improving for third world nations. But as demand increased, oil prices remained at a steady rate for a significant period, then OPEC withdrew its production.

You have to understand, it does not take much of a difference in production to spike the price. That is exactly what happened. They cut production below the world demand. To get the oil and gasoline that people around the world needed, they were willing to pay a higher price. They had to pay a higher price to fill up their gas tank. People could not stop buying gas when the price went from $1 to $1.50 to $1.80. They had to keep buying gas, just as all of us do in this country today. So the shortfall does not have to be large to give them that kind of manipulative power over the price.

This Administration has blamed the oil industry. I have no doubt that if the oil industry could make a few cents more per gallon, they would try to do so at any point in time. But let's remember, a little over a year ago, in my State of Alabama, you could buy gasoline for $1 a gallon. Of that $1 of gasoline you bought, 40 cents of it was tax. So really you were paying only 60 cents for a gallon of gas, less than a gallon of water.

That gasoline was probably produced somewhere in Saudi Arabia, refined, and shipped here in ships on which they spend billions to keep as safe as they possibly can. It is transported, 24 hours a day, to gas stations around the country. You take a gas pump nozzle, put it in the receptacle, and the gas goes into your tank. Nobody ever doubts the quality of the gasoline or likely gives much thought to where it came from. It is a remarkable thing that the oil industry can do that. Does anybody think a Government agency could do that? No, sir.

So what happened? When OPEC cut their production, it spiked the world price—and they have a world market for oil—a barrel of oil which was selling for $13, $12, has now hit $36 a barrel and it may be going higher because of price manipulation.

The price has gone up 50, 60, 70 cents a gallon. What does that really mean? It is not like an American tax on gasoline where we take that 40 cents with which to build roads and other things. It is a tax by OPEC on us. Foreign countries that are supplying us their oil are in effect charging us 40, 50 cents more for a gallon of gas which every American is paying. It is a drain on the wealth of this country. It threatens our economic vitality and growth.

You may say: "Jeff, why didn't we do a better job of producing oil?" There are some who say this administration has no energy policy. I don't agree. It has a policy. It is a no-growth, no-production policy. It has been that policy for the last 7½ years. If AL GORE is elected President, it will continue, and you ain't seen nothing yet when it comes to the price for fuel in this country. That is a plain fact.

We have tremendous reserves in Alaska for example. We voted on this floor—and the vote was vetoed by the administration—to produce oil and gas from the tremendous ANWR reserves. Oh, they said, it is a pristine area, and America will be polluted. The fact is, there are oil wells all around this country. People live right next to them. Oil wells do not pollute. But despite this plain fact, the Administration refused to allow production.

It has been reported, the ANWR reserves could be safely produced in an area less than the size of Dulles Airport serving the Washington, DC area. We would not destroy the Alaskan environment as we produce oil and gas there. Unfortunately, this administration would rather us pay Saudi Arabia, Kuwait and the sheiks for it rather than produce it in our own country, keeping the wealth here.

They say: "Some of that Alaskan oil is sold to Japan". Economically that does not make any difference. When you sell it to Japan, you get money from Japan. You can buy it from Saudi Arabia, or wherever you buy it from—Venezuela. It makes no difference in economic terms.

That is a bogus argument, as any person who thinks about it would understand. The more we produce here, the less wealth of our Nation is transferred outside our Nation.

Fundamentally, this increase in prices was not driven so much by supply and demand. It was driven by a cartel. If this administration wants to address antitrust crimes, maybe they ought to worry less about Microsoft and worry more about this cartel that has come together to drive up energy prices. They have driven it up through political means.

We, as American citizens, need to ask our Government: What political means are you using, Mr. Clinton, to overcome this threat? What are you proposing, Mr. Gore, to overcome that? Windmills? Eliminate the internal combustion engine? Is that your proposal? Are we going to use solar energy production?

I support various alternatives. I voted for ethanol. I voted for a pilot program to determine whether a switch grass could be utilized to produce energy, and it has potential. I supported the advanced vehicle technology programs and renewable energy research. But these technologies are a drop in the bucket compared to what we need to deal with our energy demands in this Nation.

Think about what we are doing. We are seeing major impacts on American consumers. If a family had an average monthly bill for gasoline of $60, when that gallon of gasoline went from $1 to $1.50, that means that the bill per month went from $60 to $90, a $30-a-month after tax draw on that family's budget for no other reason than an increase in gasoline prices. If the bill was $100 a month, and many families will pay more than that, it has become $150. It is a $50-a-month draw on their budget.

This is a matter of great national importance. It need not happen. The experts are in agreement. There are sufficient energy reserves in our country to increase the supply and meet demand. Our government could drive down these prices. But we have to have an administration that believes in producing oil and gas, not an administration that is systematically, repeatedly blocking attempts at more production.

For example, there is a procedure used in my home State of Alabama called hydraulic fracturing. It is used in the production of coalbed methane. In some areas, coal may not be of sufficient quality and quantity to mine, but it does have methane in it. What has been discovered is that you can drill into the coal and produce methane from it with almost no disruption of the environment.

Methane is one of the cleanest burning fossil fuels we can have. It is far better for the environment than many competing fuels. Production of coalbed methane is something we ought to encourage. Hydraulic fracturing of coalbeds has never caused a single case of underground drinking water contamination. In fact, for years, the EPA did not bother to regulate it. Then somebody filed a lawsuit. Because the use of this technology for coalbed methane production is relatively new, Congress had never addressed it. The lawsuit argued that pumping water into the ground needed to be regulated in the same way as injecting hazardous waste into the ground because there was no other statutory framework to apply. This has caused coalbed methane producers to go through all kinds of extensive regulatory procedures and generally depressed coalbed methane production activities. The EPA never really wanted to regulate, and in fact, argued that hydraulic fracturing did not need to be regulated at the federal level because it had caused no environmental problems and the state programs were working well. Unfortunately, the court ruled against the EPA because the law which governs this activity was written at a time this activity barely existed. I have introduced legislation which would allow the states to continue their successful regulatory programs. Yet we have been unable to get the kind of support from the administration and the EPA that would allow us to produce this clean form of gas all across America. It would be good for our country. That is an example of the no growth, no production policy of the administration.

We have taken out of the mix, the possibility of drilling in so many of our western lands that are Government owned. There are huge areas out there with very large reserves of gas and oil. Yet, this administration has systematically blocked production. They have vetoed legislation—which we almost overrode—to keep us from drilling in ANWR. They have refused to drill off the coast of California. They have refused to drill and are proposing to limit drilling in the Gulf of Mexico. In fact, Vice President GORE recently, stated he favored no more drilling in the Gulf of Mexico and in fact would limit, perhaps, leases that had already been let.

That is a big deal. Electric energy in America is being produced more and more through the use of natural gas. In addition to home heating, it is being increasingly used to generate electricity. It is generating it far cleaner than most any other source of energy. Almost every new electric-generating plant in this country has been designed to use natural gas. It comes through pipelines. Most of it is coming out of the Gulf of Mexico. There are huge reserves off the gulf coast of my home State of Alabama and throughout the gulf area. That ought to be produced.

It is unbelievable that we would not produce that clean natural gas, but instead continue to import our oil from the Middle East and allow a huge tax to be levied on American citizens by the OPEC cartel members. It makes no sense at all. As anybody who has been here knows, they know what the policy is. The policy of the extreme no-growth people in America is to drive up the price of gasoline. They figure if they drive it up high enough, you will have to ride your bicycle to work, I suppose. But most people don't live a few blocks or miles from work. A lot of people are elderly. A lot of people have children to take to school, and they have to take things with them when they go to work. They have errands to run and family obligations to meet. They cannot use bicycles or rely on windmills to do their work.

That is the policy of this administration, to drive up energy costs. That is the only way you can see it. Systematically, they have blocked effort after effort after effort to allow this country to increase production. We have to change that. Our current energy problems will only get worse if we do not.

We have tremendous energy reserves in America. If we insist on sound environmental protection but not excessive regulation, if we make sure that production in areas such as ANWR in Alaska is conducted as previous Alaskan oil and gas production has been conducted we can make great strides in controlling our energy prices. The Trans-Alaskan Pipeline, has been delivering oil for two decades now and has had a minimal impact on the environment and not destroyed anything. The caribou are still there. The tundra has not melted. America has benefited from the Trans-Alaskan Pipeline and the energy that has been produced there. We certainly cannot stop producing oil and gas in the Gulf of Mexico, as the Vice President has proposed. That idea is stunning. It is a radical proposal. It is a threat to our future. We cannot allow it.

We cannot assume, we cannot take for granted one moment the belief that this release of a supply equal to 1½ day's demand is going to deal with our long-term problem. We have an administration that is cheerfully accepting, increased prices American must pay for energy. Those prices are going to continue to increase unless we do something about it. It does not take a huge increase in supply to help better balance demand and supply. So if we can begin to make even modest progress toward increasing our domestic supply, I think we can begin to see the price fall in a relatively short term. However, we cannot do it with the kinds of no-growth policies this administration is talking about.

I do believe in improving the environment. I support the policies that do so. I support research in many alternative energy sources and hope we will see some break throughs. I hope we will continue to develop technologies to increase the quality of the energy sources, which could make the use of energy cleaner and more efficient. I think these are good prudent steps to take.

But with the world demand we are facing, these efforts have not yet led to a big step—a good step, but not a big step. We are going to see increased demand in the United States and around the world. The experts tell us there is energy here in the United States. We need to be able to produce it and not continue to allow the wealth of this Nation to be transferred across the ocean to a few nations that were lucky enough to be founded on pools of oil.

That must remain our goal. That is what I and others will continue to working for in this Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ENERGY CRISIS

Mr. BROWNBACK. Mr. President, I join my colleague from Alabama in noting that what the President is doing on SPR, in my view, is a diversion. It is not solving the fundamental problem we have with the energy supply in this country—either the refining capacity that has been limited, as the Senator from Alaska, Mr. MURKOWSKI, has spoken of, or the supply of the raw resource, about which the Senator from Alaska and others have spoken. We need to be able to get access to that, and this administration has stopped that from taking place. They stopped it from taking place on our shores and stopped an expansion of biomass, biofuels, and ethanol production. They have not been supportive of expansion there as well. They stopped expansion in places such as in Central Asia, in which I have done a fair amount of work. There are large reserves of hydrocarbons and oil and gas there. They have done nothing to bring this online. Yet countries in that region of the world—many of which most people haven't heard of—have, I believe, the third largest pool of hydrocarbons in the world. They are seeking ways to get it out to the West in an oil and gas pipeline. This administration hasn't done anything to get that started.

So here we are today with high fuel prices, with no end in sight. Despite the President's diversion by using SPR and the misuse of this program—the way it was set up at least, the fundamental problem remains. We have to deal with the supply issue, and this administration hasn't done that. I applaud my colleague from Alabama for addressing that issue.

Mr. SESSIONS. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mr. SESSIONS. Mr. President, the Senator has been here, as I have, for nearly 4 years now. I want to just ask him this: Has Senator MURKOWSKI, who chairs the Energy Committee, and others in this Congress, been warning for years about this, saying that we were denied American production, that it was going to come back to haunt us and prices would go up and it would drain our wealth? Have they been urging this administration for years to deal with it and support some production?

Mr. BROWNBACK. Absolutely. He has been stating that for a long period of time. The administration, each step along the way, has continued to thwart, stall, and say things that were positive but with no action. That is what I have seen taking place in pushing for marginal well tax credits for small oil well production such as we have in Kansas. We need to encourage this domestic production. Let's have a tax credit for these marginal oil wells that produce less than 10 barrels a day. You get positive comments from the administration, but then nothing happens. On biofuels or Central Asia, there is enormous capacity in that region for oil and gas. Yes, this takes place, but what are you going to do to cause this to happen? What is your strategy? Nothing is put forward.

Here we are with high gas prices and high heating oil. My parents burn propane to heat their home. They are paying a significant premium price now. All of these things are taking place, and then their answer is to tap this 1½ day supply, instead of dealing with fundamentals which they have failed to do over a period of time. So we have been warned. I hope we can press the administration, and I hope this is something to which people pay attention.

Mr. SESSIONS. I thank the Senator for those comments, and I do think it is important for America. The average citizen doesn't have time to watch debate here and hear what goes on in committees, but this has been a matter of real contention for a number of years. There have been warnings by people such as Senator MURKOWSKI, who chairs the Energy Committee, and others, that this would occur, and it has now occurred. I think it is particularly a condemnation of the policy when you have been told about the consequences and warned about it publicly and still you have not acted. That, to me, is troubling. I appreciate the Senator's comments.

I yield the floor.

## THE PACKERS AND STOCKYARDS ENFORCEMENT IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I rise to address something about which the occupant of the chair has a great deal of concern. A bill was introduced recently by Senator GRASSLEY from Iowa. I support his bill, the Packers and Stockyards Enforcement Improvement Act of 2000. I think this is a commonsense approach to a very difficult agricultural antitrust concern taking place. I applaud Senator GRASSLEY's approach and endorse his Stockyards Enforcement Act of 2000.

Concerns about concentration and market monopolization have risen in recent years, with the remaining low prices that farmers have received and the struggle that we have had to adopt and adapt to the globalized commerce that we see taking place.

I was visiting yesterday with my dad, who farms full time in Kansas, and my brother who farms with him, about concerns regarding the concentration and the low prices taking place and what is happening around them.

What Senator GRASSLEY has done is request a GAO study, and he found that the USDA has not adequately put forward efforts of enforcement in the packers and stockyards field, and that needs to take place. He is taking the GAO study and putting it into legislative language. I believe it would be prudent and wise for this Congress to pass that language.

Senator GRASSLEY's bill spells out specific reforms that will make a direct difference in the way antitrust issues and anticompetitive practices are dealt with. Specifically, the bill will require USDA to formulate and improve investigation and case methods for competition-related allegations in consultation with the Department of Justice and the Federal Trade Commission; integrate attorney and economist teams, with attorney input from the very beginning of an investigation, rather than merely signing off at the end of the inquiry.

It turns out that the GAO study reports that the economists are looking at the cases early on but the attorneys are not. The attorneys need to be involved at the very outset. By the nature of these charges, they are legal issues and should be looked at by attorneys at the very outset. It would establish specific training programs for attorneys and investigators involved in antitrust investigations. It would require a report to Congress on the state of the market and concerns about anticompetitive practices.

Senator GRASSLEY, today, chaired a hearing that further illuminated the problems, needs, and solutions.

Senator GRASSLEY's bill comes after a thorough examination of USDA's enforcement of the Packer's and Stockyards Act by the GAO. That report, released last week, found numerous problems in the way the agency approaches these investigations. I have to say, as somebody whose family is directly involved in farming, who has been secretary of agriculture for the State of Kansas, it troubles me when the Department is having difficulties enforcing this very important area of the law.

This bill simply puts into law these GAO recommendations for USDA reform. This bill is necessary because USDA has been struggling to address many of these concerns raised by the GAO in terms of antitrust enforcement over the past 3 years. This issue has been raised in the Kansas State Legislature this last session with a great deal of concern about really who is watching. Are they properly prepared and adequately staffed to look into these antitrust investigations and allegations? This bill gets reforms done within a year and ensures that the law is being enforced.

Today's agricultural markets are in tough shape. Prices are too low. We cannot, however, make assumptions about concentration as the cause without having accurate information and thorough investigations. Under Senator GRASSLEY's bill, this process will be greatly improved because it requires USDA to retool and devote more resources to the area of antitrust enforcement.

This bill avoids the pitfalls of lumping the innocent in with the guilty and instead sorts out anticompetitive practices where they occur. These reforms are necessary to restore producer confidence in the Packers and Stockyards Act and USDA's ability to police this increasingly concentrated industry.

Again, I thank Senator GRASSLEY for his wise approach on this tough issue and his continued sincere concern for the farmers of this Nation. This has been an excellent effort to move forward by Senator GRASSLEY.

## THE VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4864, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4864) to amend title 48, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

There being no objection, the Senate proceeded to the consider the bill.

AMENDMENT NO. 4189

Mr. BROWNBACK. Mr. President, there is a substitute amendment at the desk submitted by Senators SPECTER and ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. SPECTER and Mr. ROCKEFELLER proposes an amendment numbered 4189.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly an action that I, as chairman of the Senate Committee on Veterans' Affairs, propose to take today with respect to a House-passed bill, H.R. 4864. I take this action with the concurrence and support of the committee's ranking member, Senator JAY ROCKEFELLER and Senator PATTY MURRAY, the original sponsor of Senate legislation, S. 1810, to reinstate VA's duty to assist claimants in the preparation of their claims.

In 1999, the United States Court of Appeals for Veterans claims issued a ruling, *Morton* v. *West*, 12 Vet. App. 477 (1999), which had the effect of barring the Department of Veterans Affairs (VA) from offering its assistance to veterans and other claimants in preparing and presenting their claims to VA prior to the veteran first accumulating sufficient evidence to show that his or her claim is "well grounded." This decision overturned a long history of VA practice under which VA had taken upon itself a duty to assist veterans in gathering evidence and otherwise preparing their claims for VA adjudication. That practice was grounded in a long VA tradition of non-adversarial practice in the administrative litigation of veterans' claims.

For over a year, the Senate Committee on Veterans' Affairs has worked to craft, and then to develop VA and veterans service organization support for, a legislative solution that returns VA to the pre-Morton status quo ante, and reinstates VA's duty to assist veterans and other claimants in the preparation of their claims. The product of the Senate committee's work is contained in section 101 of S. 1810, a bill which was approved by the Senate on September 21, 2000. Since S. 1810 was reported, however, committee staff has worked with the staff of the House Veterans' Affairs Committee to reconcile the provisions of section 101 of S. 1810 and a similar bill, H.R. 4864, which passed the House of Representatives on July 25, 2000.

The Senate and House committees have now reached such an agreement, and have reconciled the differences between the Senate- and House-passed provisions. Those differences—which are, principally, matters of tone and emphasis, not substance—are contained in the proposed amendment to H.R. 4864 which I present to the Senate today and which is explained in detail in the staff-prepared joint explanatory statement which I have filed with the amendment's text. This compromise agreement has been reached after extensive consultation with VA's general counsel and the major veterans service organizations.

I now ask that the Senate approve this compromise agreement by approving the proposed amendments to H.R. 4864. The House will then be in a position to approve the Senate-passed amendments to the House bill and send this legislation to the President for his signature.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4189) was agreed to.

The bill (H.R. 4864), as amended, was passed.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate has passed this bill to reestablish the Department of Veterans Affairs' duty to assist veterans in developing their claims for benefits from the Department. Senator MURRAY, who introduced the original Senate bill, S. 1810, that led to this compromise bill should be praised for her leadership on this issue.

The "duty to assist," along with other principles such as giving the veteran the benefit of the doubt in benefits' determinations, are parts of what make the relationship between the Department of Veterans Affairs (VA) and the claimant unique in the Federal Government. Congress has long recognized that this Nation owes a special obligation to its veterans. The system to provide benefits to veterans was never intended to be adversarial or difficult for the veteran to navigate. That is why Congress codified, in the Veterans Judicial Review Act of 1988 (Public Law 100-687), these longstanding practices of the VA to help claimants develop their claims for veterans benefits.

Over time, the U.S. Court of Appeals for Veterans Claims attempted to give meaning to loosely defined, but well-ingrained concepts of law. In Caluza v. Brown, the Court identified three requirements that would be necessary to establish a well-grounded claim, which the Court viewed as a prerequisite to VA's duty to assist. These requirements were: (1) a medical diagnosis of a current disability; (2) medical or lay evidence of the inservice occurrence or aggravation of a disease or injury; and (3) medical evidence of a nexus or link between an inservice injury or disease and the current disability. Through a series of cases, which culminated in Morton v. West, the Court ruled that VA has no authority to develop claims that are not "well-grounded." This resulted in a change of practice where VA no longer sought records or offered medical examinations and opinions to assist the veteran in "grounding" the claim.

Veterans advocates, VA, and Congress grew very concerned over this situation and the resulting potential unfairness to veterans. Veterans may be required to submit records that are in the government's possession (e.g., VA medical records, military service records, etc.). Also, veterans who could not afford medical treatment and did not live near or did not use a VA medical facility (and thus had no medical records to submit) would not be provided a medical exam. Many veterans claims were denied as not well-grounded.

Therefore, Congress, with significant input from the veterans service organizations and VA, developed legislation to correct this problem. H.R. 4864, as amended, reflects the compromise language developed jointly by the staff of the House and Senate Committees on Veterans' Affairs. I believe that this bill restores VA to its pre-Morton duty to assist, as well as enhances VA's obligation to notify claimants of what is necessary to establish a claim and what evidence VA has not been able to obtain before it makes its decision on the claim.

In developing this compromise, it was very important to me to ensure that veterans will get all the assistance that is necessary and relevant to their claim for benefits. This assistance should include obtaining records, providing medical examinations to determine the veteran's disability or opinions as to whether the disability is related to service, or any other assistance that VA needs to decide the claim. On the other hand, it was also important to balance this duty against the futility of requiring VA to develop claims where there is no reasonable possibility that the assistance would substantiate the claim. For example, wartime service is a statutory requirement for VA non-service-connected pension benefits. Therefore, if a veteran with only peacetime service sought pension, no level of assistance would help the veteran prove the claim; and if VA were to spend time developing such a claim, some other veteran's claim where assistance would be helpful would be delayed. However we need to ensure that the bar is no longer set so high that veterans with meritorious claims will be turned away without assistance.

H.R. 4864, as amended, does specify certain types and levels of assistance for compensation claims. The majority of VA's new casework is in making these initial disability determinations. If the record could be developed properly the first time the veteran submits an application for benefits, subsequent appeals or claims for rating increases or for service connection for additional conditions would be much more accurate and efficient.

The compromise bill provides that VA shall provide a veteran a medical examination or a medical opinion when such an exam or opinion is necessary to make a decision on the claim. The bill specifies one instance when an exam or opinion is necessary—when there is competent evidence that the veteran has a disability or symptoms that may be related to service, but there is not sufficient evidence to make a decision. This determination may be based upon a lay statement by the veteran on a subject that he or she is competent to speak about. That is, if a veteran comes to VA claiming that she or he has a pain in his leg that may be related to service—and there is no evidence that the veteran, for example, was awarded a workers compensation claim for a leg disability last month—VA must provide an examination or opinion. The veteran can probably not provide evidence that the pain is due to traumatic arthritis; that would requires a doctor's expertise. H.R. 4864 does recognize that there are many other instances when a medical examination or opinion would be appropriate or necessary.

Again, by specifying certain types of assistance for compensation claims, the bill does not limit VA's assistance to those types of claims or to a specific type of assistance. It expressly provides that nothing in the bill prevents the Secretary from rendering whatever assistance is necessary. It also does not undo some of the complementary Court decisions that require the VA to render certain additional types of assistance, such as those required in McCormick v. Gober.

Although VA is moving its claims adjudication system toward a team-based, case management system that will result in better service and communication with claimants, I felt that it was critical to include requirements that VA explain to claimants what information and evidence will be needed to prove their claim. VA will also be required to explain what information and evidence it would secure (e.g., medical records, service medical records, etc.) and what information the claimant should submit (e.g., marriage certificate, Social Security number, etc.). Currently, many veterans are asked for information in a piecemeal fashion and don't know what VA is doing to secure other evidence. Better communication will lead to expedited decisionmaking and higher satisfaction in the process.

H.R. 4864, as amended, provides for retroactive applications of the bill's duty to assist provisions, as well as the enhanced notice procedures. Now, claimants that were denied due to the Morton decision will be able to have their claims readjudicated in accordance with the provisions of this bill and receive VA's full duty to assist. This will also ensure an earlier effective date if their claim is successful.

It is critical that we honor our commitment to veterans and their families. We should not create technicalities and bureaucratic hoops for them to jump through. I am pleased that Congress is able to move this provision and begin the restoration of VA's duty to assist claimants in developing the evidence and information necessary to establish their claims for veterans benefits.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:53 p.m., recessed until Tuesday, September 26, 2000, at 9:30. a.m.

## NOMINATIONS

Executive nominations received by the Senate September 25, 2000:

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DONALD L. FIXICO, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALAN CHARLES KORS, TERM EXPIRED.

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PAULETTE H. HOLAHAN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004, VICE MARY S. FURLONG, TERM EXPIRED.

MARILYN GELL MASON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003, VICE JOEL DAVID VALDEZ, TERM EXPIRED.

### DEPARTMENT OF JUSTICE

JOHN J. WILSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE SHELDON C. BILCHIK.

# HOUSE OF REPRESENTATIVES—*Monday, September 25, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 25, 2000.*

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Cheek, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 430) "An Act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes."

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2511. An act to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Divine Wisdom and Eternal Goodness, be with us today as this Congress assembles. Help us to be enthusiastic in accomplishing what is good for Your people and strategic for the future of this Nation.

May our set purpose be rewarded by You alone, God of our salvation and our destiny.

For if we bear Your spirit of peace in our hearts as we go about our work, we will not veer off course or be disappointed.

In the end, we will have accomplished Your holy will by building Your kingdom of justice and lasting peace, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 22, 2000.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2000 at 1:55 p.m.

That the Senate agreed to Conference Report H.R. 4919.

That the Senate passed without amendment H. Con. Res. 405.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 22, 2000.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 22, 2000 at 12:42 p.m. and said to contain a message from the President whereby he notifies the Congress that he has extended the national emergency with respect to Angola (UNITA) beyond September 26, 2000, by Notice filed earlier with the Federal Register.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-294)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2000, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 22, 2000.*

## RECOGNIZING THE MINING INDUSTRY

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last Tuesday, the Nevada Mining Association and two government agencies began closing the final 8 of 13 abandoned mine sites in Clark County, Nevada.

Six private mining companies are picking up 100 percent of the cost of making these abandoned shafts and caverns inaccessible and safe. The first five abandoned mines were backfilled 2 weeks ago, and these efforts show the willingness and the capability of our Nation's mining companies to work with the Federal and State governments to protect the public from any danger proposed by abandoned mines.

Mr. Speaker, our mining companies are dedicated to working with the government to protect the environment. We should encourage these efforts and support the mining industry in the United States. By supporting our mining industry, we will ensure that all Americans can maintain the quality of life style to which they have become accustomed, including advancements in medical research technology and communications.

Mr. Speaker, mining impacts our lives every day and in every way. And as the old saying goes, "If it can't be grown, it has to be mined."

## RUSSIA AND CHINA JOIN FORCES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, surprise, surprise. A new report says that even though Uncle Sam gave Russia $112 billion over the last 10 years, Russia and China are joining forces. The report says Russia sold missiles and submarines to China knowing full well that China would point those missiles at America. Now, if that is not enough to make you barf right here, the report further says that Russia will support China if Uncle Sam intervenes in Taiwan.

Unbelievable. What is even worse? While all this was going on, Janet Reno was investigating Monica Lewinsky. Beam me up. Congress better wake up and smell the treason around here.

I yield back the fact that Chinagate makes Watergate look like a toilet bowl commercial.

## IT IS TIME FOR HATE CRIMES LEGISLATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, last Friday a man named Edward Gay marched into a gay bar, killed a man, and wounded six others. He said he was tired of people making fun of his last name: Gay. No joke. He said he wanted to get rid of faggots.

What happened in that gay bar last Friday was the exact equivalent of lynchings, common in the South in the first half of this century. This House never passed an anti-lynching law. And there was no hate crimes in Texas when James Byrd, a black man, was dragged behind a truck to his death. George W. Bush opposed a hate crimes law in Texas.

James Byrd gave us all the reasons we ever needed for a Federal hate crimes law. Edward Gay's act of murder against gays is a mandate to pass the hate crimes act now. Bring it to the floor, Mr. Speaker.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

## TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 399) recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

The Clerk read as follows:

H. CON. RES. 399

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94-142) was signed into law 25 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99-457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101-476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas changes made in 1997 also addressed the need to implement behavioral assessments and intervention strategies for children whose behavior impedes learning to ensure that they receive appropriate supports in order to receive a quality education;

Whereas IDEA ensures full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas, while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 115 percent since 1995, which is an increase of over $2,600,000,000;

Whereas the 1997 amendments to IDEA increased the amount of Federal funds that have a direct impact on students through improvements such as capping allowable State administrative expenses, which ensures that nearly 99 percent of funding increases directly reach local schools, and requiring mediation upon request by parents in order to reduce costly litigation;

Whereas such amendments also ensured that students whose schools cannot serve them appropriately and students who choose to attend private, parochial, and charter schools have greater access to free appropriate services outside of traditional public schools;

Whereas IDEA has supported, through its discretionary programs, more than two decades of research, demonstration, and training in effective practices for educating children with disabilities, enabling teachers, related services personnel, and administrators effectively to meet the instructional needs of children with disabilities of all ages;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshalling the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) recognizes the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142);

(2) acknowledges the many and varied contributions of children with disabilities, their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Today, I am pleased to bring to the floor for consideration House Concurrent Resolution 399, which recognizes and honors the 25th anniversary of the passage of the Individuals with Disabilities Education Act on November 29, 1975. I am pleased so many of my colleagues from both sides of the aisle have joined me in cosponsoring the resolution.

Since 1975, when Congress first authorized the original IDEA law, we have refined and improved the law several times. In 1990, the statute was named the Individuals with Disabilities Education Act. As most everyone knows, this act assists States and local school districts with the excess costs of educating students with disabilities.

In each reconsideration of the law, we have worked to ensure greater access to education for all students with disabilities. We also have worked increasingly to improve the quality of the education that children with disabilities receive. I am especially interested in quality education and am pleased by the progress that children with disabilities are making. For instance, children with disabilities are increasingly completing their high school education and embarking on postsecondary educations.

I believe strongly in the goal of IDEA, that every child should have the opportunity to receive a quality education. I note that teachers and school administrators also support this goal. However, we all realize that schools need additional funds to make this goal a reality. To this end, I have consistently fought for increased funding for IDEA during my years in Congress.

As a matter of fact, for the first 20 years in the minority, my colleague, the gentleman from Michigan (Mr. KILDEE), and I were the only two who were seeking additional funding, yet we all realize what it means to the local school districts to go without that funding, that 40 percent of the excess cost. That 40 percent is based on the per-pupil cost to educate children nationwide, and 1 or 2 years ago that was $6,300, which means we should have been sending $2,500 plus dollars. Instead, local districts have had to make up the money because we have not done the job.

This is why I kept saying to the President, like every other President, "You do not need some new thing for a legacy; all you have to do is help me get this 40 percent, then the local districts could do everything they want to do because they would have the money to do it locally."

Just a couple of examples. We have New York, Los Angeles, Chicago, Miami, and Washington, D.C. If Los Angeles had been getting 40 percent, they would be getting an additional $118 million a year. If New York City were getting their 40 percent, they would get $170 million extra every year. Now, imagine what they could have done in all these years to reduce class size, if that is what they wanted to do; or to maintain their buildings or even build new buildings?

These are big dollars we are talking about. Unfortunately, that did not happen. In fact, 2 years in a row the President sent budgets up to the Hill that actually cut the amount of money that would go to special ed. In the last 6 years, I am happy to show, and I am happy to show it because I have been chairman the last 6 years, but I am happy to show that we have doubled the amount of money that has gone back to local school districts, as my colleagues can see on this chart. On this chart we can see the President's request is in yellow and what the Congress has done is in red. So we have been able to double that funding, which means so much to that local school district.

We still have other work to do in relationship to having a perfect IDEA, if there is such a thing as perfect. In our 1997 amendments, we focused the law on the quality education a child with disabilities is to receive rather than upon process and bureaucracy; gave parents greater input in determining the best education for their child; and gave teachers the tools they need to teach all children well.

For instance, these amendments, the Individualized Education Program, is developed with the general curriculum in mind; and students with disabilities are taking district and State-wide assessments in greater numbers. Both of these improvements mean children with disabilities will receive a higher quality education.

☐ 1415

We decreased the amount of paperwork required of teachers so that they have more time to spend with their students. We also dealt somewhat with the discipline problem.

So I am happy to say that, on this anniversary, we are now moving in the right direction both in how we present the program and also in the amount of funding that we are providing, getting closer to that 40 percent based on the per-pupil expenditure in each district.

I am also happy to say that during the first 20 years, as I indicated, there were only the gentleman from Michigan (Mr. KILDEE) and myself preaching, I thought, to the choir; but we were not preaching to the choir. I guess we were preaching to the heathen, as a matter of fact. But I am happy to say, in the last 6 years, we have people coming out of the woodwork on all sides of the aisle to get this money.

Why? Because I imagine they are hearing from their local school districts what a burden this is to a local school district to try to meet our mandate. It is not actually a mandate. However, if they do not provide a quality education to all children with disabilities, they are going to be in real trouble. So naturally they are going to take the Federal program because they hope they are going to get some Federal support.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the gentleman from Pennsylvania (Chairman GOODLING) in urging support for H. Con. Res.

399. I want to commend the chairman for bringing this legislation before the House today.

Several years ago when we both sat on the Committee on the Budget, the gentleman from Pennsylvania (Chairman GOODLING) and I had the courage to voice support for full funding of IDEA. We were pretty lonely voices in those days, but we worked very closely together.

Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) is one of the very best friends I have here in the Congress of the United States. For several years, I was his chairman on the subcommittee. But in 1994, I discovered at about 2 in the morning that, for the first time in 40 years, the Republicans had taken control of the Congress of the United States. And I was a survivor, but I was a survivor in Cornwallis' army rather than in Washington's army. And I realized that the gentleman from Pennsylvania (Mr. GOODLING) now was going to be my chairman and not of a subcommittee, he was going to be my chairman of the full committee, of the full Committee on Education and Labor.

So I thought I should give him a call. I called him at 7 o'clock in the morning. And one never calls a politician at 7 o'clock in the morning the day after the election because we are pretty well wiped out from the day before and the night before. But I knew he would be up because the gentleman from Pennsylvania (Mr. GOODLING) is a farmer and he would be up. So I called him at 7 o'clock in the morning. He answered the phone at his home in York, Pennsylvania. I did not identify myself. I said, "Mr. Chairman." And he responded, "How sweet it is." And it was sweet. And I have enjoyed working with him as a member of the committee and he as chairman.

Despite opposition to our early efforts, we have doggedly pursued this goal together; and it has been a joy working with him.

While I am aware that IDEA is presently set to receive a $1.3 billion increase for the coming fiscal year, it is my hope that in the remaining days of this Congress that we can meet the goal of a $2 billion increase that the House established for the passage of the Goodling bill, H.R. 4055.

Clearly, the educational needs of children with disabilities and their access to a free, appropriate public education is a critical issue in ensuring that they become productive members of our society.

The work that we have done on IDEA in the past few years, Mr. Speaker, and the work that we will do in the coming Congresses has been so crucial to ensuring that children with disabilities receive the education to which they are entitled.

All of these efforts started with the passage of Public Law 94-142 on November 29, 1975. Prior to the passage of the Education for All Handicapped Children Act, IDEA's predecessor statute, millions of disabled children received substandard education or no education at all. Some were refused admission into our public schools.

After the passage of 94-142, disabled children were literally brought out of the closets and educated in regular classrooms.

Many individuals have had a role in creating and improving IDEA. I want to especially thank and recognize the parents and advocates of disabled children, for without their tireless efforts, we would not be where we are today.

As a matter of fact, when Michigan passed its Education for the Handicapped, it was passed only because of the advocacy of parents; and their advocacy has persisted to this day. This resolution is a fitting tribute to their many years of work.

In closing, I want to urge Members to support this bipartisan legislation and again commend my very, very dear friend, the gentleman from Pennsylvania (Mr. GOODLING), for constantly, constantly bringing this issue before us.

Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a very important member of the committee.

Mr. UPTON. Mr. Speaker, I know that my good friend, the gentleman from Michigan (Mr. KILDEE), and the gentleman from Pennsylvania (Chairman GOODLING), I was part of that choir that they were preaching to. They had me convinced early on that this bill and funding for IDEA was certainly the right way to go, particularly as I talked to my local school districts, parents, and families back home.

This bill, H. Con. Res. 399, recognizes and honors the 25th anniversary of the passage of IDEA. We strongly believe, everyone I think in this Chamber believes strongly, in the goal of IDEA that every child, every child, should have the opportunity to receive a quality education. We have worked hard to ensure greater access to education for all students with disabilities. We have also worked increasingly to improve the quality of the education that children with disabilities receive.

Over the last 4 fiscal years, IDEA has seen a dramatic increase of $2.6 billion. That is 115 percent increase in the Federal contribution. Prior to that, the Federal contribution was only 7 percent.

Now, in fact, the Federal Government contributes 13 percent of the average per-pupil expenditure to assist with the excess cost of educating a child with a disability. A lot of us would like to see that be increased even beyond 13 percent and get quite a bit closer to the original goal, which is 30 or 40 percent.

During this Congress, the House passed H. Con. Res. 84, the IDEA full-funding resolution that passed 413-2. The resolution stated that IDEA is the highest priority among Federal elementary and secondary education programs and that, in fact, it should provide full funding to school districts as originally promised by the Congress.

The House also passed H.R. 4055, the IDEA Full Funding Act of 2000, by a vote 421-3. This provides an authorization scheduled for reaching the Federal mandate to assist States and local school districts with the excess costs of educating children with disabilities. This bill sets a schedule for meeting the Federal Government's IDEA funding commitment within an achievable time frame.

In the last Congress, we completed the reauthorization of IDEA. The amendments of 1997 brought many improvements to the education that children with disabilities receive. It focused on three things. It focused the law on the education to a child it is to receive rather than upon process and bureaucracy. Amendments gave parents greater input in determining the best education for their children by boosting the role of their parents; and they gave the teachers the tools that they need to teach all children well by reducing the amount of paperwork expected of teachers so that now they will have more time to spend with the students.

This is important legislation. It is an important program, and the Congress should step up to the plate to help our local schools deal with the pressing need that continues to grow in all of our congressional districts.

Again, I compliment Members on both sides of the aisle, particularly the gentleman from Pennsylvania (Chairman GOODLING), for getting this bill to the floor; and I look forward to its passage.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR) who apparently took one of our basketball prospects from the University of Maryland over the weekend, I am sorry to say.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman for yielding me the time. And to steal a recruit from Maryland is an easy thing for those of us in North Carolina.

Mr. Speaker, I was not here 25 years ago; but our good chairman, the gentleman from Pennsylvania (Mr. GOODLING), was. Under his leadership, his commitment, and his determination, he has helped shape education policy for the better. He has been a teacher, a principal, a superintendent. We are lucky to have him fighting not just for disabled children but for all children.

Here we are today celebrating the enactment of the Education for All Handicapped Children Act, otherwise known as the Individuals With Disabilities Education Act, IDEA. As a result, we have more children with disabilities graduating from high school and at least three times the students with disabilities entering college.

When I read over the committee's report and floor proceedings from the 94th Congress for this legislation, I realized that this bill laid a foundation for the proper relationship between States and the Federal Government on the subject of education. Clearly, the right to a free public education is basic to equal opportunity and is vital to secure the future and prosperity of our people. The failure to provide this right was criminal and, thankfully, was corrected 25 years ago.

As we turn to the future, we must fulfill our commitment not just to the States but ultimately to the children. We must not simply vote to fully fund IDEA, but we must make sure that the money gets there.

We have increased funding for this program 115 percent since 1995, well over $2.6 billion. However, we can do better. We should be funding 40 percent of the average per-pupil expenditure to the State and not a penny less.

As leaders of this Nation, we expect so much from our teachers, our administrators, and our children. It is their turn to expect no less of us. We cannot let them down.

As we celebrate the 25th anniversary of this landmark legislation, we must remember its intent and continue to press for full funding.

Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his dedication, for his focus, for his commitment not just to disabled children but to all children.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I want to congratulate and commend the gentleman from Pennsylvania (Chairman GOODLING) and the ranking minority member, the gentleman from Michigan (Mr. KILDEE), for their hard work on this very important part of our children's education.

Mr. Speaker, I rise in proud support today of H. Con. Res. 399, to recognize the 25th anniversary of the Education for All Handicapped Children Act, later renamed the Individuals With Disabilities Education Act, or IDEA.

This law currently benefits 200,000 infants and toddlers, as well as 600,000 preschoolers and over 5.4 million school-aged children in the United States.

Mr. Speaker, these numbers are indeed impressive, but we must do more. We must look beyond these numbers to see how IDEA has improved and enriched education in America. IDEA has enabled millions of students with disabilities to stay in public school and receive a quality education. These students have the opportunity to learn and interact with other children in the classroom and on the playground. And these same children grow up and enroll in college and graduate programs, fully recognizing and realizing their potential and making a real difference in their communities and families.

IDEA has also united parents, teachers, and school administrators who work together to develop quality education programs that fully meet the needs of every child. IDEA provides the funds for these accomplishments to occur every day in every school across this country.

Mr. Speaker, as we celebrate this 25th anniversary, it is my hope that we can continue our work to fully fund IDEA so that millions more children will have the opportunity to receive the same quality public education.

□ 1430

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have come a long, long way in the last 6 years toward meeting that goal of helping to fund special education back in the local school districts. Now that the ball is rolling, I will not be here but I hope those Members who will will keep that ball rolling so that we can get an extra $95 million to Los Angeles each year, an extra $76 million to Chicago, an extra $170 million to New York City, an extra $16 million to Dallas, an extra $23 million to Houston, an extra $8 million to San Antonio, an extra $5 million to Fort Worth, an extra $13 million to Tallahassee, an extra $30 million to Jacksonville, an extra $26 million to Orlando, an extra $29 million to Tampa, an extra $12 million to Washington, D.C., an extra $8 million to St. Louis, and yes, an extra $1 million to the little city of York of 49,000 people.

My colleagues have a big job ahead of them; and I know that those who will be left behind, I do not know whether that is being left behind because they are still here or not but those of them who will remain in the Congress have a big job to make sure that we get to that 40 percent.

All of those who spoke today, I would encourage them to lead that fight. It will be the greatest thing they can do, bar none, to help a local school district.

Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in honoring the 25th anniversary of the enactment of the Education for All Handicapped Children Act. This legislation was a great achievement in the fight for equality of education for all American children. For too long, children with special educational needs were neglected, ignored, or even confined to institutions. Congress made necessary and appropriate revisions to the law in 1997, renaming it the Individuals with Disabilities Education Act or IDEA. These amendments to the law kept the spirit of the original Education for All Handicapped Children Act, by reaffirming that handicapped and special needs children have the opportunity to the free public education that is available to other American children.

Unfortunately, Mr. Speaker, Congress has not lived up to its end of the agreement to provide an important part of the funds necessary to carry out the provisions of the legislation. As you know, Mr. Speaker, on May 2nd of this year, the House overwhelmingly adopted H.R. 4055, which authorized Congressional appropriators to increase fiscal year 2001 funding for IDEA by two billion dollars, and to continue to increase the funding for IDEA in each subsequent year until the year 2010 when the federal government should fund IDEA at 40% of the cost of the program. As you are aware, this is level of funding that is required by the 1997 revisions to the Education for All Handicapped Children Act.

Sadly, Mr. Speaker, my colleagues on the other side of the aisle have ignored the overwhelming support for meeting the federal obligation set under IDEA and instead offered a lower amount in the appropriations legislation being considered this year. The budgets of our school districts are being decimated because Congress is not funding IDEA at the mandated level. In California the budget gap state-wide is estimated to be 1.2 billion dollars. The San Mateo County School district has had to cover the 19 million dollars that full IDEA funding would have provided.

Mr. Speaker, I cannot fathom why Congress would want to make local school districts chose between education children with special needs or eliminating music and art programs, yet this is the path we are following. I urge my colleagues who are working on the Labor, Health and Human Services appropriations legislation to accept the funding levels established in H.R. 4055 and add the necessary 2 billion dollars to IDEA funding this year, and to ensure that IDEA is funded at the mandated level by 2010.

Mr. BEREUTER. Mr. Speaker, as a longtime supporter of fulfilling the Federal Government's commitment to fund the Individuals with Disabilities Education Act (IDEA) at 40 percent, this Member rises in strong support of H. Con. Res. 399, recognizing the 25th Anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

According to the Committee for Education Funding, before enactment of the Education for All Handicapped Children Act into law, more than one million children with disabilities were denied an education in America's public schools. This law incorporated all levels of government to ensure that children with disabilities had access to a "free appropriate public education" that requires special education and related services. Currently, more than 6.2 million children, ages 3–21, with disabilities ranging from speech and language impediments to emotional disturbances, have benefitted from these services.

Within the State Grant Program of the IDEA, approximately $240 million is sent to 407 Nebraska school districts or approved cooperatives that serve children with disabilities, ages birth to five years. About $4.3 million supports discretionary projects to help meet IDEA requirements for children with disabilities, ages birth to 21 years, and approximately $800,000 is available for school improvement projects. In the 1999–2000 school year alone, 43,531 children and youth in the State of Nebraska benefitted from the IDEA State Grant program.

Mr. Speaker, while this improvement is good news, this Member will continue full funding of the Federal Government's forth percent commitment to IDEA. Meeting the IDEA requirements set by Congress 25 years ago will provide relief to our local school districts and will ensure the continued success of IDEA and its goal of creating productive members of society within the disability community.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today as cosponsor and supporter of H. Con. Res. 399, which recognizes the 25th anniversary of the Education for All Handicapped Children Act, now know as the Individuals with Disabilities Education Act, or IDEA.

When the Education for All handicapped Children Act was first signed into law on November 29, 1975, it marked an historic milestone for children with disabilities. For the first time, special needs children were guaranteed access to a free and appropriate education.

Unfortunately, since this legislation was first signed into law, the Federal government has been remiss in paying for its full share of the costs associated with educating special needs children. The original act set forth a framework whereby 40 percent of the average costs of educating a special needs child would be paid by the Federal government. To date, that level has never been reached. As a result, state and local school districts have been forced to divert money from other needed services, including school construction and teacher training, to pay for the government's share of IDEA.

Congress, over the past six years, has done incredible work to provide additional funding for IDEA over and above the Administration's requested level, doubling the amount of money the Federal government is providing to state and local school districts to pay for the costs associated with this program. Unfortunately, the funding still falls short of the 40 percent the Federal government committed to paying for IDEA.

I am pleased that the House of Representatives passed H.R. 4055, the IDEA Full Funding Act, earlier this year. However, despite the importance of fully funding our obligation under IDEA, H.R. 4055 is still pending in the Senate.

I would hope that my colleagues in the other body will take the opportunity of the 25th Anniversary of this critical education program to pass H.R. 4055, and once and for all meet the Federal government's funding obligation to IDEA.

I thank the gentleman from Pennsylvania, Mr. Goodling, for introducing this legislation, and for all his hard work toward ensuring the Federal government honors its commitment to special needs children. I urge my colleagues to support this bill.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H. Con. Res. 399, which celebrates the 25th Anniversary of the Individuals with Disabilities Education Act (IDEA). My opposition to H. Con. Res. 399 is based on the simple fact that there is a better way to achieve the laudable goal of educating children with disabilities than through an unconstitutional program and thrusts children, parents, and schools into an administrative quagmire. Under the IDEA law celebrated by this resolution, parents and schools often become advisories and important decisions regarding a child's future are made via litigation. I have received complaints from a special education administrator in my district that unscrupulous trial lawyers are manipulating the IDEA process to line their pockets at the expenses of local school districts. Of course, every dollar a local school district has to spend on litigation is a dollar the district cannot spend educating children.

IDEA may also force local schools to deny children access to the education that best suits their unique needs in order to fulfill the federal command that disabled children be educated "in the least restrictive setting," which in practice means mainstreaming. Many children may thrive in a mainstream classroom environment, however, some children may be mainstreamed solely because school officials believe it is required by federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner testified before the Education Committee that disabled children who are not placed in a mainstream classroom graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

IDEA also provides school personal with incentives to over-identify children as learning disabled, thus unfairly stigmatizing many children and, in a vicious cycle, leading to more demands for increased federal spending on IDEA also IDEA encourages the use of the dangerous drug Retalin for the purpose of getting education subsidies. Instead of celebrating and increasing spending on a federal program that may actually damage the children it claims to help, Congress should return control over education to those who best know the child's needs: parents. In order to restore parental control to education, I have introduced the Family Education Freedom Act (HR 935), which provides parents with a $3,000 per child tax credit to pay for K–12 education expenses. My tax credit would be of greatest benefit to parents of children with learning disabilities because it would allow them to devote more of their resources to ensure their children get an education that meets the child's unique needs.

In conclusion, I would remind my colleagues that parents and local communities know their children so much better than any federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of "Cookie Cutter" approach. Thus, the best means of helping disabled children is to empower their parents with the resources to make sure their children receives an education suited to that child's special needs, instead of an education that scarifies that child's best interest on the altar of the "Washington-knows-best" ideology.

I therefore urge my colleagues to join with me in helping parents of special needs children provide their children with a quality education that meets the child's needs by repealing federal mandates that divert resources away from helping children and, instead, embrace my Family Education Freedom Act.

Mrs. KELLY. Mr. Speaker, in anticipation of the 25th Anniversary of the Individuals with Disabilities Education Act, I rise today to urge my colleagues to join with me in acknowledging the good this program has done for our children and their future.

Almost twenty-five years ago, Congress passed the Education for All Handicapped Children Act. This landmark legislation established the federal policy of ensuring that all children, regardless of nature or severity of their disability, have the right to a free appropriate public education in the least restrictive environment. Throughout the years, Congress has seen fit to update this legislation, first to create a preschool grant program and an early intervention program to serve the needs of children starting at birth and going through the age of five. Since 1990, this program has been known as the Individuals with Disabilities Education Act (IDEA). Improvements made to IDEA in 1997 changed the focus of the educational process of disabled children from the procedural requirements to individualized education programs to better serve our children. In 1997, we also implemented behavioral and intervention strategies for those children whose behavior impedes the learning process.

Today, IDEA serves approximately 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children from 6 to 21 years old. It is through efforts of this program that we have seen a substantial increase in the numbers of disabled students graduate high school, and the number of disabled students who enroll in college.

However, much still needs to be done to make this program reach its potential. Almost twenty-five years after its enactment, this program is only being funded at 13% of the federal share. Originally Congress committed itself to covering 40% of the costs of this program. Since 1995, the funding for this program has increased by almost 115%, which is an increase of over $2.6 billion. Yet, even after this sustained funding increase, this program is still grossly underfunded.

When I arrived in Congress in 1995, I began working with Chairman Goodling to fight for increased funding for this program. Throughout the past six years, full funding for this program has remained one of my top education priorities. If the federal government fully funded its share of the costs of this program, my own state of New York would have received $1.087 billion for fiscal year 2000, instead of the $344.3 million it did get. Fully funding our part would help to ease the burdens on our local taxpayers who bear the brunt of education costs.

Mr. Speaker, I greatly appreciate the opportunity to have worked with Chairman Goodling over the past several years. His commitment to education is clear through his long history as a school teacher, principal and superintendent and his efforts on behalf of our children and our nation will not soon be forgotten.

Mr. Speaker, I urge my colleagues to support this resolution and continue to make full funding of IDEA a priority in the future. Our children deserve no less.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 399.

The question was taken.

Mr. GOODLING. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1455) to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

The Clerk read as follows:

S. 1455

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "College Scholarship Fraud Prevention Act of 1999".

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

(2) Such fraud includes the following:

(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

(C) Misrepresentations regarding the preselection of students as eligible to receive such assistance.

(D) Misrepresentations that such assistance will be provided to consumers who purchase specified services from specified entities.

(E) Misrepresentations regarding the business relationships between particular entities and entities that award or may award such assistance.

(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

(3) In 1996, the Federal Trade Commission launched "Project Scholarscam", a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called "scholarship services".

(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and nongovernmental organizations, the continued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur.

### SEC. 3. SENTENCING ENHANCEMENT FOR HIGHER EDUCATION FINANCIAL ASSISTANCE FRAUD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in order to provide for enhanced penalties for any offense involving fraud or misrepresentation in connection with the obtaining or providing of, or the furnishing of information to a consumer on, any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education, such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency.

### SEC. 4. EXCLUSION OF DEBTS RELATING TO COLLEGE FINANCIAL ASSISTANCE SERVICES FRAUD FROM PERMISSIBLE EXEMPTIONS OF PROPERTY FROM ESTATES IN BANKRUPTCY.

Section 522(c) of title 11, United States Code, is amended—

(1) by striking "or" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; or"; and

(3) by adding at the end the following:

"(4) a debt in connection with fraud in the obtaining or providing of any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1954 (20 U.S.C. 1001)).".

### SEC. 5. SCHOLARSHIP FRAUD ASSESSMENT AND AWARENESS ACTIVITIES.

(a) ANNUAL REPORT ON SCHOLARSHIP FRAUD.—

(1) REQUIREMENT.—The Attorney General and the Secretary of Education, in conjunction with the Federal Trade Commission, shall jointly submit to Congress each year a report on fraud in the offering of financial assistance for purposes of financing an education at an institution of higher education. Each report shall contain an assessment of the nature and quantity of incidents of such fraud during the one-year period ending on the date of such report.

(2) INITIAL REPORT.—The first report under paragraph (1) shall be submitted not later than 18 months after the date of the enactment of this Act.

(b) NATIONAL AWARENESS ACTIVITIES.—The Secretary of Education shall, in conjunction with the Federal Trade Commission, maintain a scholarship fraud awareness site on the Internet web site of the Department of Education. The scholarship fraud awareness site may include the following:

(1) Appropriate materials from the Project Scholarscam awareness campaign of the Commission, including examples of common fraudulent schemes.

(2) A list of companies and individuals who have been convicted of scholarship fraud in Federal or State court.

(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate nongovernmental organizations, colleges and universities, and government agencies.

(6) An Internet link to the Better Business Bureau in order to assist individuals in assessing the business practices of other persons and entities.

(7) Information on means of communicating with the Federal Student Aid Information Center, including telephone and Internet contact information.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

### GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1455.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I rise today in support of S. 1455 which mirrors the provisions of H.R. 3210 introduced by my friend and as I said earlier a very important colleague on the Committee on Education and the Workforce the gentleman from Michigan (Mr. UPTON).

Scholarships, grant aid, student loans and other forms of financial assistance have long assisted our Nation's college students in pursuing a postsecondary education. The College Board in its Trends in Student Aid for 1999 estimated that $64.1 billion was awarded to students in the form of scholarships, grants, loans, and other student aid for the 1998-99 academic year. Student aid comes from various sources, including the Federal Government, States, private and public entities and postsecondary institutions.

Unfortunately, not all scholarship offers are legitimate. Phony scholarship offerings, scams and other fraudulent offerings do great harm to our Nation's students who are searching for ways to help pay the ever-increasing costs of a college education. This bill addresses this issue and allows for enhanced criminal penalties for offenses involving scholarship scams.

In addition, this bill directs the Secretary of Education, working with the Federal Trade Commission, to maintain a scholarship fraud awareness site on the department's Internet Web site. This Web site will provide valuable information with respect to scholarship fraud so students will have a source of information for verifying whether they are being offered legitimate scholarship aid.

Again, I congratulate and thank the gentleman from Michigan (Mr. UPTON) for presenting this legislation.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of S. 1455.

Mr. Speaker, as we are all aware, the cost of a college education is becoming increasingly high, causing more and more students to seek some type of financial assistance. Fortunately there are a number of private and Federal scholarship opportunities available to needy and deserving students. However, some unscrupulous companies are making money off unsuspecting students and their families by imitating legitimate government agencies and grant-giving foundations.

Often these fraudulent companies guarantee scholarships in exchange for an advanced fee. Other times they trick students into divulging their checking account numbers and access their accounts without their consent. Whatever the particular scheme, more than 350,000 students and their families lose over $5 million to scholarship fraud every year.

To address this growing problem, in 1996 the Federal Trade Commission launched Project Scholarscam, a joint law enforcement and consumer education effort aimed at purveyors of fraudulent scholarship services. While the FTC should be commended for its efforts to educate and prevent the exploitation of students and their families, the agency lacks the authority to prosecute scholarship scam artists to the fullest extent of the law.

S. 1455 not only increases the criminal penalties for fraud in connection with the provision of scholarship services, it removes the shield of bankruptcy that many financial assistance services hide behind when prosecuted. In addition, S. 1455 requires the Department of Education, in conjunction with the FTC, to create a Web site of legitimate sources of scholarship information.

I urge Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the speakers that have spoken on this bill and those who helped lead the way in the Senate as well. Again we have seen bipartisan cooperation.

I rise today in support of S. 1455, the College Scholarship Fraud Prevention Act of 1999. This bill will prevent unscrupulous businesses from defrauding vulnerable students and their families seeking to finance their education. In essence we identified a scam that needs to be corrected and we have done it with common sense, bipartisan legislation. I urge my colleagues to follow the lead of the other body and pass this legislation this afternoon.

Students in Michigan and across the Nation are targeted by corrupt companies who prey on their hopes and dreams for a college education. A college education is one of the most important investments a person will ever make. College is not only a place where students decide what professions to follow but, more importantly, a place that begins their journey into adulthood. While education is central to students, it is even more vital to our Nation. Our political system depends on an educated citizenry who are able to make informed decisions. Also in light of the continual technological advances, businesses require an educated workforce. Thus, we want to encourage more students to in fact pursue a college education.

But each year crooked companies send literally thousands of letters out to hopeful students offering bogus scholarships. Scam artists target some of the most vulnerable members of our society. They collect millions of dollars, not thousands but millions of dollars, by preying on the hopes and dreams of students who desire to improve their life through higher education.

The FTC, the Federal Trade Commission, has been aware of this growing problem. In fact, in 1996 the FTC initiated Project Scholarship Scam, a nationwide crackdown on fraudulent scholarship search services. Though the FTC is dedicated to stopping these con artists, the FTC can only file civil charges that include redress to defrauded consumers and injunctions prohibiting or restricting future market activity. In most cases, the defendants settle with the FTC because evidence of their fraudulent conduct is so overwhelming. For example, in one case Student Assistance Services paid $300,000 to defrauded consumers and agreed not to offer further scholarship services and to pose, in fact, a $75 bond before telemarketing. Reluctantly, the FTC can only use injunctions to deter these con artists from their activities because they lack the authority to prosecute them on criminal charges.

It is clear that what this bill will do is in fact provide more protection for the most vulnerable members of our community, needy students and their families, than ever before. I urge my colleagues to support this bipartisan legislation and commend the remarks of my previous colleagues who spoke in support of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 1455.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF S. 1455, COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999

Mr. UPTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 407) to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. KILDEE. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Michigan for an explanation of his request.

Mr. UPTON. I thank the gentleman from the great State of Michigan for yielding.

Mr. Speaker, this concurrent resolution allows the enrolling clerk to make technical corrections and citation changes.

Mr. KILDEE. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 407

*Resolved by the House of Representatives (the Senate concurring)*, That, in the enrollment of the bill (S. 1455), to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1, strike "of 1999" and insert "of 2000".

(2) In section 3, strike "base level offense for" and insert "enhanced penalty the guidelines establish for a".

(3) In section 522(c)(4) of title 11, United States Code, as amended by section 4(3) of the bill—

(A) strike "obtaining or"; and

(B) strike "Higher Education Act of 1954" and insert "Higher Education Act of 1965".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## HMONG VETERANS' NATURALIZATION ACT AMENDMENTS OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5234) to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

The Clerk read as follows:

H.R. 5234

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF HMONG VETERANS' NATURALIZATION ACT OF 2000 TO CERTAIN FORMER SPOUSES OF DECEASED HMONG VETERANS.**

(a) IN GENERAL.—Section 2 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106-207; 114 Stat. 316; 8 U.S.C. 1423 note) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) who—

"(A) satisfies the requirement of paragraph (1)(A); and

"(B) is the surviving spouse of a person described in paragraph (1)(B) which described person was killed or died in Laos, Thailand, or Vietnam.".

(b) CONFORMING AMENDMENT.—Section 3 of such Act is amended by striking "or (2)" and inserting ", (2), or (3)".

(c) DEADLINE FOR APPLICATION.—Section 6 of such Act is amended by adding at the end the following new sentence: "In the case of a person described in section 2(3), the application referred to in the preceding sentence, and appropriate fees, shall be filed not later than 18 months after the date of the enactment of this sentence.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier this year Congress enacted legislation facilitating naturalization for Hmong veterans who were admitted to the United States as refugees. Recruited to assist our combat effort in Indochina, the Hmong had made great sacrifices on our behalf and faced persecution because of their association with us.

Many Hmong in the United States today continue to face unique language problems that can be traced to the fact that they grew up in a predominantly preliterate society without educational opportunities. By enacting Public Law 106-207, the Hmong Veterans Naturalization Act of 2000, this Congress very appropriately sought to remove insurmountable obstacles to citizenship by providing an exemption from the English language requirement and authorizing special consideration relating to the civics requirement. The potential beneficiaries, Hmong veterans and spouses who came to the United States as refugees, were limited to 45,000.

The bill before us today corrects an omission in Public Law 106-207's description of spouses without raising the ceiling on total potential beneficiaries. Under H.R. 5234, surviving spouses of Hmong who served with special guerrilla units or irregular forces and were killed or died in Laos, Thailand or Vietnam can qualify for facilitated naturalization.

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The equities in favor of helping these widows certainly are as great as the equities in favor of helping widows who already benefit from Public Law 106-207, namely, those whose husbands were able to apply for refugee status and make it to the United States. The widows in both groups are living permanently in this country after having been admitted as refugees.

The surviving spouses we seek to help now, like the widows who benefitted from Public Law 106-207, are survivors of those who made common cause with us at great personal peril to themselves and their families.

I commend the gentleman from California (Mr. RADANOVICH) for introducing this important bill and the gentleman from Minnesota (Mr. VENTO), the author of the bill that became Public Law 106-207 and the cosponsor of H.R. 5234, who also deserves great credit for his tireless efforts on behalf of the Hmong over the years.

This is a humane measure that merits the support of my colleagues.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as is his custom, the gentleman from Illinois (Mr. HYDE) has given a very, very thorough explanation of this bill, and I concur with what the gentleman has said.

Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 5234 is necessary is the Hmong "story cloth," the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

Mr. Speaker, I approve of the new correction language which allows the spouses of the Hmong veterans who made it to the United States, but for whatever reason their husbands did not and remained in Laos. This additional correction which is being initiated by the House will waive the language and civics requirements for these widows who have been granted legal permanent residency.

I join Chairman SMITH and the Ranking Member of the Subcommittee on Immigration and Claims in commending the Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker, this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the "story cloths".

The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under the legislation. This correction legislation will not count against the cap. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. GILMAN. Mr. Speaker, I rise in strong support for H.R. 5234, the Hmong Veterans Naturalization Act. I commend Representative RADANOVICH, the gentleman from California, for crafting this important bill.

The spouses of the brave Hmong freedom fighters who were our allies during the Vietnam War deserve to be given special consideration for naturalization. The Hmong Veterans Naturalization Act, H.R. 371 was signed into law on May 26 of this year. That historic legislation assists Hmong and Laotian veterans of the U.S. secret army that fought in Laos. Currently, however, several thousand Laotian and Hmong widows living in the United States whose husbands died in Southeast Asia during the Vietnam War were excluded under the new law. H.R. 5234 would rectify this problem.

It is the very least that we can do for these people who had to flee their homeland because they protected our downed fighter pilots and fought by the sides of our soldiers.

Accordingly, I urge our colleagues to support H.R. 5234.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 5234, legislation to amend The Hmong Veterans' Naturalization Act of 2000.

I am pleased with the passage of H.R. 5234, the Hmong Veterans' Naturalization Act, and the president signing it into law. It was a necessary step in assisting the Hmong, a special group of legal immigrants who served with the U.S. Armed Forces and now require help in obtaining U.S. citizenship. It waives the residency requirement for those Hmong and their spouses. Additionally, it waives the English language test and residency requirement for attainment of U.S. citizenship.

The Hmong Veterans' Naturalization was an important piece of legislation that will impact thousands of people in the United States, including the large Lao-Hmong community in my home district of western Wisconsin. H.R.

5234, however, extends the applicability of the Hmong Veterans' Naturalization Act to widows of the veterans covered by that law. They were inadvertently left out under the original legislation. Under this measure, therefore, the widows of those veterans would be exempt from certain citizenship requirements. This bill will help many more Hmong families and that is why I support this legislation.

Mr. Speaker, the Hmong people need our help. It is wrong to abandon these men and women who served as valuable allies to us during the Southeastern Asian conflict. I urge all my colleagues to support this legislation. And I want to especially commend and thank Representative BRUCE VENTO for his leadership and hard work on behalf of the Hmong and this legislation. I'm sure all my colleagues join me in wishing him a speedy recovery and a happy retirement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 5234 is necessary is the Hmong "story cloth," the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

Mr. Speaker, I approve of the new correction language which allows the spouses of the Hmong veterans who made it to the United States, but for whatever reason their husbands did not and they remained in Laos. This additional correction which is being initiated by the House will waive the language and civics requirements for these widows who have been granted legal permanent residency.

I join Chairman SMITH in commending the Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker, this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the "story cloths." The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under this legislation. This correction legislation will not count against the cap. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. VENTO. Mr. Speaker, I support H.R. 5234, a measure that would extend the applicability of the Hmong Veteran's Naturalization Act (PL 106–207) to widows of the veterans covered by that law.

As I've stated in the past, the Lao-Hmong people stood honorably by the United States at a critical time in our nation's history. Approximately 60,000 Lao-Hmong know the Minnesota region as their new home and I have long championed efforts to help ease their adjustment into our society. Many of the older Lao-Hmong patriots who made it to the U.S. are separated from their family members and have had a difficult time adjusting to many aspects of life and culture in the U.S., including passing aspects of the required citizenship test.

I appreciate the efforts of those in my district and nationwide to clarify an unintended oversight of the Hmong Veteran's Naturalization Act. Clearly, this Congress did not intend to exclude the widows of those veterans who sacrificed for our country. It is my hope that this technical bill will clear the confusion, and that the Immigration and Naturalization Service (INS) and Department of Justice (DOJ) will work to ensure full and proper implementation of the language and spirit of this law.

I was greatly heartened when my colleagues joined me earlier this year to stand with the Lao-Hmong in their struggle to become U.S. citizens and to live a good life in the United States. We were right to recognize their dedication and service. Now we must guarantee that no one is inadvertently left out. I strongly urge your support of this bill.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 5234.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess for approximately 10 minutes.

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## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 58 minutes p.m.

## SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2392.

The Clerk read as follows:

H. RES. 590

*Resolved*, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 2392, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Loan application processing.
Sec. 602. Application of ownership requirements.
Sec. 603. Eligibility for HUBZone program.
Sec. 604. Subcontracting preference for veterans.
Sec. 605. Small business development center program funding.
Sec. 606. Surety bonds.

### TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

**SECTION 101. SHORT TITLE.**

(a) SHORT TITLE.—This title may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

**SEC. 102. FINDINGS.**

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

**SEC. 103. EXTENSION OF SBIR PROGRAM.**

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) Termination.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

**SEC. 104. ANNUAL REPORT.**

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

**SEC. 105. THIRD PHASE ASSISTANCE.**

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

**SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.**

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraph:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

**SEC. 107. OUTPUT AND OUTCOME DATA.**

(a) Collection.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following new paragraph:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) Report to Congress.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) Database.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) Database.—

"(1) Public database.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) Government database.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) Updating information for database.—

"(A) In general.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) Annual updates upon termination.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) Protection of information.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) Rule of construction.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

**SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.**

(a) Study and Recommendations.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) Participation by Small Business.—

(1) In general.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) Consultation.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) Progress Reports.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) Report.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

### SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) Annual Reporting.—

"(1) In general.—Each Federal"; and

(2) by adding at the end the following:

"(2) Calculation of extramural budget.—

"(A) Methodology.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) Administrator's analysis.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

### SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) Additional modifications.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

### SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) Findings.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) Federal and State Technology Partnership Program.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

### "SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) Definitions.—In this section and section 35, the following definitions apply:

"(1) Applicant.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) Business advice and counseling.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST program.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) Mentor.—The term 'mentor' means an individual described in section 35(c)(2).

"(5) Mentoring network.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) Recipient.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) SBIR program.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

"(8) State.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(9) STTR program.—The term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) Establishment of Program.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) Grants and Cooperative Agreements.—

"(1) Joint review.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

"(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

"(iv) to encourage the commercialization of technology developed through SBIR program funding.

"(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

"(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

"(B) shall consider, at a minimum—

"(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

"(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the projected costs of the proposed activities are reasonable;

"(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

"(v) the manner in which the applicant will measure the results of the activities to be conducted.

"(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

"(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

"(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

"(1) Federal agencies required by section 9 to have an SBIR program; and

"(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

"(A) State and local development agencies and entities;

"(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

"(C) State science and technology councils; and

"(D) representatives of technology-based small business concerns.

"(e) ADMINISTRATIVE REQUIREMENTS.—

"(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

"(2) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

"(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

"(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

"(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

"(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

"(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

"(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

"(f) REPORTS.—

"(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

"(A) a description of the structure and procedures of the program;

"(B) a management plan for the program; and

"(C) a description of the merit-based review process to be used in the program.

"(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

"(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

"(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

"(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

"(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

"(ii) the status of the implementation and description of the usage of the Mentoring Networks.

"(g) REVIEWS BY INSPECTOR GENERAL.—

"(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

"(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

"(B) the overall management and effectiveness of the FAST program.

"(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

"(h) PROGRAM LEVELS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

"(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

"(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.".

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

“(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

“(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

“(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

“(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

“(F) the Institutional Development Award Program of the National Institutes of Health; and

“(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

“(2) Coordination Requirements.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

“(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

“(i) a State that is eligible to participate in that program; or

“(ii) a State described in paragraph (3); or

“(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

“(i) a State that is eligible to participate in a technology development program; or

“(ii) a State described in paragraph (3).

“(3) Additionally Eligible State.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.”.

### SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following new section:

### “SEC. 35. MENTORING NETWORKS.

“(a) Findings.—Congress finds that—

“(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

“(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

“(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

“(b) Authorization for Mentoring Networks.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

“(c) Criteria for Mentoring Networks.—A Mentoring Network established using assistance under section 34 shall—

“(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

“(2) identify volunteer mentors who—

“(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

“(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

“(i) proposal writing;

“(ii) marketing;

“(iii) Government accounting;

“(iv) Government audits;

“(v) project facilities and equipment;

“(vi) human resources;

“(vii) third phase partners;

“(viii) commercialization;

“(ix) venture capital networking; and

“(x) other matters relevant to the SBIR and STTR programs;

“(3) have experience working with small business concerns participating in the SBIR and STTR programs;

“(4) contribute information to the national database referred to in subsection (d); and

“(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

“(d) Mentoring Database.—The Administrator shall—

“(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

“(2) work cooperatively with Mentoring Networks to maintain and update the database;

“(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

“(4) fulfill the requirements of this subsection either directly or by contract.”.

### SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following new subsection:

“(v) Simplified Reporting Requirements.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.”.

### SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) Extension of Termination Date.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking “2001” and inserting “2005”.

(b) Extension of Authorization of Appropriations.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking “for fiscal year 1998, 1999, 2000, or 2001” and inserting “for each of the fiscal years 2000 through 2005,”.

## TITLE II—GENERAL BUSINESS LOAN PROGRAM

### SEC. 201. SHORT TITLE.

This title may be cited as the “Small Business General Business Loan Improvement Act of 2000”.

### SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking “$100,000” and inserting “$150,000”; and

(2) in paragraph (ii)—

(A) by striking “80 percent” and inserting “85 percent”; and

(B) by striking “$100,000” and inserting “$150,000”.

### SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking “$750,000,” and inserting, “$1,000,000 (or if the gross loan amount would exceed $2,000,000),”.

### SEC. 204. INTEREST ON DEFAULTED LOANS.

Subparagraph (B) of section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by adding at the end the following:

“(iii) Applicability.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.”.

### SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) cf the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking “(4) Interest rates and fees.—” and inserting “(4) Interest rates and prepayment charges.—”; and

(2) by adding at the end the following:

“(C) Prepayment charges.—

“(i) In general.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

“(I) the loan is for a term of not less than 15 years;

“(II) the prepayment is voluntary;

“(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

“(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

“(ii) Subsidy recoupment fee.—The subsidy recoupment fee charged under clause (i) shall be—

“(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

“(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

“(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.”.

### SEC. 206. GUARANTEE FEES.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended to read as follows:

“(B) Exception for certain loans.—

“(i) In general.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to $150,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

“(ii) Retention of fees.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of the fee collected in accordance with this subparagraph with respect to any loan not exceeding $150,000 in gross loan amount.”.

### SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

“(28) Leasing.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.”.

## TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

### SEC. 301. SHORT TITLE.

This title may be cited as the “Certified Development Company Program Improvements Act of 2000”.

### SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma “or women-owned business development”.

### SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

“(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.”.

### SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

“(f) Effective Date.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.”.

### SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (relating to section 508 of the Small Business Investment Act) is repealed.

### SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking “On a pilot program basis, the” and inserting “The”;

(2) by redesignating subsections (d) though (i) as subsections (e) though (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”;

(4) in subsection (h) (as redesignated by paragraph (2)), by striking “subsection (f)” and inserting “subsection (g)”; and

(5) by inserting after subsection (c) the following:

“(d) Sale of Certain Defaulted Loans.—

“(1) Notice.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

“(2) Limitations.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

“(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

“(B) provides the notice required by paragraph (1).”.

### SEC. 307. LOAN LIQUIDATION.

(a) Liquidation and Foreclosure.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

### “SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

“(a) Delegation of Authority.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

“(b) Eligibility for Delegation.—

“(1) Requirements.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

“(A) the company—

“(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

“(ii) is participating in the Premier Certified Lenders Program under section 508; or

“(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

“(B) the company—

“(i) has one or more employees—

“(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

“(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

“(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

“(2) Confirmation.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

“(c) Scope of Delegated Authority.—

“(1) In general.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

“(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

“(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

“(i) defend or bring any claim if—

“(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

“(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

“(ii) oversee the conduct of any such litigation; and

“(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

“(2) Administration approval.—

“(A) Liquidation plan.—

“(i) In general.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

“(ii) Administration action on plan.—

“(I) Timing.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

“(II) Notice of no decision.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(iii) Routine actions.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

“(B) Purchase of indebtedness.—

“(i) In general.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

“(ii) Administration action on request.—

“(I) Timing.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

“(II) Notice of no decision.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

“(C) Workout plan.—

“(i) In general.—In carrying out functions described in paragraph (1)(C), a qualified

State or local development company shall submit to the Administration a proposed workout plan.

"(ii) Administration action on plan.—

"(I) Timing.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) Notice of no decision.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(D) Compromise of indebtedness.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) Contents of notice of no decision.—Any notice provided by the Administration under subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) Conflict of interest.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) Suspension or Revocation of Authority.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

"(e) Report.—

"(1) In general.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) Contents.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

"(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(D) A comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.".

(b) Regulations.—

(1) In general.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) Termination of pilot program.—Beginning on the date which the final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

## TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

### SEC. 401. SHORT TITLE.

This title may be cited as the "Small Business Investment Corrections Act of 2000".

### SEC. 402. DEFINITIONS.

(a) Small Business Concern.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment" before the semicolon at the end.

(b) Long Term.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

### SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking "(b) Notwithstanding" and inserting the following:

"(b) Financial Institution Investments.—

"(1) Certain banks.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) Certain savings associations.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.".

### SEC. 404. SUBSIDY FEES.

(a) Debentures.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration".

(b) Participating Securities.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration".

### SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking "subchapter s corporation" and inserting "subchapter S corporation";

(2) by striking "the end of any calendar quarter based on a quarterly" and inserting "any time during any calendar quarter based on an"; and

(3) by striking "quarterly distributions for a calendar year," and inserting "interim distributions for a calendar year,".

### SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking "five years" and inserting "1 year".

## TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

### SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Reauthorization Act of 2000".

### SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

``(g) FISCAL YEAR 2001.—

``(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

``(A) For the programs authorized by this Act, the Administration is authorized to make—

``(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

``(ii) $60,000,000 in direct loans, as provided in 7(m).

``(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

``(i) $14,500,000,000 in general business loans as provided in section 7(a);

``(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

``(iii) $500,000,000 in loans as provided in section 7(a)(21); and

``(iv) $50,000,000 in loans as provided in section 7(m).

``(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

``(i) $2,500,000,000 in purchases of participating securities; and

``(ii) $1,500,000,000 in guarantees of debentures.

``(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

``(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

``(2) ADDITIONAL AUTHORIZATIONS.—

``(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

``(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

``(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

``(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

``(h) FISCAL YEAR 2002.—

``(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

``(A) For the programs authorized by this Act, the Administration is authorized to make—

``(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

``(ii) $80,000,000 in direct loans, as provided in 7(m).

``(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

``(i) $15,000,000,000 in general business loans as provided in section 7(a);

``(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

``(iii) $500,000,000 in loans as provided in section 7(a)(21); and

``(iv) $50,000,000 in loans as provided in section 7(m).

``(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

``(i) $3,500,000,000 in purchases of participating securities; and

``(ii) $2,500,000,000 in guarantees of debentures.

``(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

``(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

``(2) ADDITIONAL AUTHORIZATIONS.—

``(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

``(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

``(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

``(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

``(i) FISCAL YEAR 2003.—

``(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

``(A) For the programs authorized by this Act, the Administration is authorized to make—

``(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

``(ii) $100,000,000 in direct loans, as provided in 7(m).

``(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

``(i) $16,000,000,000 in general business loans as provided in section 7(a);

``(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

``(iii) $500,000,000 in loans as provided in section 7(a)(21); and

``(iv) $50,000,000 in loans as provided in section 7(m).

``(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

``(i) $4,000,000,000 in purchases of participating securities; and

``(ii) $3,000,000,000 in guarantees of debentures.

``(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

``(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

``(2) ADDITIONAL AUTHORIZATIONS.—

``(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

``(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

``(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

``(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.''.

### SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) SMALL BUSINESS DEVELOPMENT CENTERS PROGRAM.—Section 21(a)(4)(C)(iii)(III) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)(III)) is amended by striking ``$95,000,000'' and inserting ``$125,000,000''.

(b) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking ``**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**'' and inserting ``**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**''; and

(2) in subsection (g)(1), by striking ``$10,000,000 for fiscal years 1999 and 2000'' and inserting ``$5,000,000 for each of fiscal years 2001 through 2003''.

(c) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(d) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking "$600,000, for each of fiscal years 1998 through 2000," and inserting "$1,000,000 for each of fiscal years 2001 through 2003,".

(e) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(f) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

## TITLE VI—MISCELLANEOUS PROVISIONS

### SEC. 601. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this title, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

### SEC. 602. APPLICATION OF OWNERSHIP REQUIREMENTS.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

"(k) APPLICATION OF OWNERSHIP REQUIREMENTS.—Each ownership requirement established under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) shall be applied without regard to any possible future ownership interest of a spouse arising from the application of any State community property law established for the purpose of determining marital interest.".

### SEC. 603. ELIGIBILITY FOR HUBZONE PROGRAM.

Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following new subparagraph:

"(E) EXTENSION OF ELIGIBILITY.—If a geographic area that qualified as a HUBZone under this subsection ceases to qualify as a result of a change in official government data or boundary designations, each small business concern certified as HUBZone small business concern in connection with such geographic area shall remain certified as such for a period of 1 year after the effective date of the change in HUBZone status, if the small business concern continues to meet each of the other qualifications applicable to a HUBZone small business concern.".

### SEC. 604. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans," in each of the first and second sentences; and

(B) in subparagraph (F), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concern owned and controlled by veterans,"; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans,".

### SEC. 605. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking "For fiscal year 1985" and all that follows through "expended." and inserting the following: "For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

"(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

"(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

"(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

"(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

"(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).".

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is further amended by moving paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

"(C) FUNDING FORMULA.—

"(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

"(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

"(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

"(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

"(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

"(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

"(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

"(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

"(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

"(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

"(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

"(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in 2000, or until such funds are exhausted, whichever first occurs.

"(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

"(v) USE OF AMOUNTS.—

"(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

"(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

"(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

"(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

"(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (c)(3)(G) or (a)(6) or supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

"(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.".

**SEC. 606. SURETY BONDS.**

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking "$1,250,000" and inserting "$2,000,000"; and

(2) in subsection (e)(2), by striking "$1,250,000" and inserting "$2,000,000".

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "2000" and inserting "2003".

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us combines the reauthorization of the Small Business Innovation and Research Program with overall Small Business Administration authorizations and technical amendments passed by the House earlier this Congress.

The purpose of this is quite simple, to provide a vehicle for the reauthorization of the Small Business Administration and its programs before the fiscal year ends on September 30.

Mr. Speaker, this is a noncontroversial piece of legislation. Its components are bills that already passed this House by overwhelming margins. We are simply acting now to fulfill our responsibility to keep the Small Business Administration and its programs authorized for the next 3 years.

Mr. Speaker, let me briefly describe to my colleagues the provisions in the bill before us. The base legislation for this bill is reauthorization of the Small Business Innovation and Research Program. Established in 1982, SBIR serves as a vehicle for helping small business, the most dynamic and innovative segment of our economy, gain access to millions of dollars of Federal research and development funds.

The SBIR program operates at every Federal agency with an extramural research budget of more than $100 million and offers funding to small businesses in three phases. Phase one is initial research and development; phase two, continuing research for the most promising projects; and, phase three, final assistance moving new technologies to the Federal procurement marketplace and the private sector. The result has been an unqualified success.

Small businesses given access to these Federal dollars have created exciting new technologies, created new jobs along with them, and helped expand their business and the economy. The bill before us expresses the sense of Congress regarding the overwhelming success of the SBIR program and reauthorizes the SBIR program for 8 years.

H.R. 2392 also includes the Committee on Science in reporting requirements for the SBIR program, clarifies the funding requirements for third-phase participation in the SBIR program, and the rights in technical data granted to SBIR awardees.

H.R. 2392 will also add new provisions to the program requiring agencies participating in SBIR to include the program in their annual performance plans, creating a database to compile information on the projects funded through the SBIR program, and technical corrections to improve the data collection currently required by the program.

Finally, the bill contains a program added by the Senate to establish technical assistance programs at the State level to assist small businesses in working with the SBIR program.

Mr. Speaker these are all simple, common sense improvements to a successful program with strong congressional support. The additions to this bill concerning SBA reauthorization are also simple and common sense. The first and most important is the language from H.R. 3843, the 3-year reauthorization for the Small Business Administration and its programs.

This is a straight, numbers-only reauthorization. There are no modifications to the programs, no new programs, just the authorization levels for the next 3 years and extensions of existing programs. We passed this very measure in March of this year by a vote of 410 to 11.

In addition to the reauthorization language of H.R. 3843, the amendment to H.R. 2392 will include the language from H.R. 2614, H.R. 2615, and H.R. 3845.

These bills will respectively make technical corrections to the section 504 loan program, the 7(a) loan program, and the Small Business Investment Company program. All three of these bills passed the House under suspension in the beginning of this year and were supported overwhelmingly by my colleagues. These technical corrections are matters that will improve the function of the programs and assist the SBA in continuing to provide financial support to the small business community.

Mr. Speaker, I believe this legislation represents a good package for small business. It is simple, straightforward, and uncomplicated. In essence, it represents good government. The resolution contains what we need to do in order to fulfill our responsibility to the small business community, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2392, which includes the Small Business Reauthorization Act of 2000. The passage of this bipartisan legislation will reconfirm this Nation's commitment to the present and future of our economic foundation: America's small businesses.

As many in this Chamber are well aware, we are currently experiencing the greatest period of economic growth in our history. But I will go one step farther. I say the best of America is still to come.

Mr. Speaker, as we stand here today to pass this critical legislation, we have taken one more giant step forward toward ensuring our small businesses remain the engine of our Nation's economic prosperity.

America's small companies and entrepreneurs are providing 51 percent of the gross domestic product, contributing 47 percent of all sales, while at the same time leading the Nation to all-time highs in job creation and business growth.

Because as we all know, if small business has been the engine of America's prosperity, then the Small Business Administration with its loan and technical assistance programs has been the fuel feeding this powerful engine.

The legislation before us today also provides record levels of funding for many of the SBA programs that have helped launch millions of businesses throughout America.

To help provide those opportunities, SBA has built several loan and technical assistance programs aimed at helping entrepreneurs establishing their businesses and provide a solid foundation for the future. Through programs such as the 7(a), SBIR, the 504 and Microloans, this bill is providing hundreds of billions in dollars for new and existing businesses. Because as any business owner knows, access to capital is access to opportunity.

While providing capital is crucial to business success, we are also preparing businesses to plant the seeds for long-term success through technical assistance loans. The revised funding formula in this legislation will allow America's network of Small Business

Development Centers to assist small companies and entrepreneurs with expert advice on developing strong business and accounting plans. This assistance will prove to be the deciding factor in future business success.

And speaking of the future, this legislation also recognizes the changing face of the world marketplace. From new business technologies to the expansion of e-commerce, we are looking to bridge the frontiers of this brave new world. To help meet these new challenges, the Small Business Innovation Research Program will give small businesses an unrivaled opportunity to produce cutting-edge research and development products for the wider marketplace. And whether that marketplace is in the private sector or in the Federal Government, small businesses will always have a place at the table.

By working together on this bill, we have also provided critical funding for the National Women's Business Council, ensured valuable minority development tools like the 8(a) program are secure for the next generation of minority business owners and entrepreneurs, and reiterated our continued support for the success of the HUBZone program.

However, in the end, this reauthorization program focuses on one thing: the ability of small businesses to concur the new frontier of the 21st century new economy with all the new opportunities the future will surely bring to our business owners and entrepreneurs. Because we do not need to read the Wall Street Journal to know that the business world has changed dramatically over the last decade. With the passage of this bill, we are helping to guarantee that our small businesses will be fully capable of conquering the challenges of tomorrow.

Mr. Speaker, I yield back the balance of my time.

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), my colleague and fellow New Yorker, the ranking member of the committee, for her assistance. This is an excellent and much-needed piece of legislation, and we appreciate her assistance and the assistance of her staff.

This legislation is an important effort to finish the business of Congress and reauthorize programs vital to the small business community. The staff has worked hard on this. I urge my colleagues to support the resolution.

Mr. HALL of Texas. Mr. Speaker, I am pleased that we finally have an opportunity to consider the reauthorization of the Small Business Innovation Research [SBIR] program. It is a shame that we have waited until the very week the program is scheduled to expire to bring a compromise text here for our consideration. This is a program that has done a great deal of good over the past 18 years. There are numerous companies, both large and small, in my State of Texas and throughout the Nation, that got their first big breaks through this program. There are many more emerging high technology companies around the country that need a helping hand today. They have the ideas that will lead to tomorrow's prosperity, and we need to give them the chance to get started.

A lot of hard work went into developing the SBIR portion of H.R. 2392. We carefully debated our ideas over the last year and a half in Committees, on the House and Senate floors, and in negotiations between House and Senate. We have come up with a revitalized program that builds on the SBIR program's historic strengths while attempting to address a number of recommendations for improvement. We have a good work product—one that should lead to even more successful small businesses over the next 8 years.

There is just one cloud on the horizon. Despite time being short, other small business provisions have been added to the bill. While in principle, there is nothing wrong with considering related bills together, the more complicated a bill is, the more chance we have to slip up. I therefore urge my colleagues, who are in negotiations with the Senate Small Business Committee, to do all in their power to work out the final details. We need to make every effort to submit this important legislation to the President promptly enough that the SBIR program and the small businesses that are depending on it are not disrupted.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 2392, the Small Business Innovation Research [SBIR] Program Reauthorization, and urge its adoption.

Mr. Speaker, Colorado is home to many cutting-edge small businesses. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Along the Front Range of Colorado we have experienced tremendous growth in high-tech businesses during the last decade. I feel that the tremendous high-tech growth we have enjoyed can be directly traced to the hundreds of SBIR recipients working in our region.

The Small Business Innovation Research Program has filed a real need for these companies over the years. Although the main purpose of the program remains meeting the Federal Government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

Mr. Speaker, the SBIR program simply seeks to level the playing field for small businesses. Small businesses might not have the colossal R and D departments that some larger businesses have, but they do have the colossal ideas. SBIR makes sure those ideas are looked at and funded.

In addition to SBIR, this bill reauthorizes funding for the Small Business Administration [SBA]. The SBA reauthorization contains funding for primary lending programs, such as the 7(a), 504 and microloan programs. It also includes provisions to authorize and fund disaster loan surety bond guarantees, Small Business Development Centers (SBDCs), the Historically Underutilized Business Zone [HUBZone] program, the National Women's Business Council, the Service Corps of Retired Executives [SCORE] program, and the Drug Free Workplace program. These important programs have played a large role in creating and maintaining this country's unprecedented economic growth.

I urge my colleagues to vote yes on extending these important programs.

Mr. WAMP. Mr. Speaker, I am pleased to rise today in support of H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000. H.R. 2392 would reauthorize and expand the successful Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs. The SBIR and STTR program provides over a billion dollars annually in grants and contracts for research and development.

Since the establishment of the SBIR program in 1982, many small, innovative companies have helped change the way we live. While producing everything from medicines and computer applications to toothbrushes and the guardrails on our highways these companies have developed products for the Departments of Defense, Energy, Health and Human Services and National Science Foundation and NASA. Other agencies that participate include the Departments of Transportation, Education, Agriculture, Commerce and the Environmental Protection Agency.

With the reauthorization of the SBIR program, we encourage other agencies to fully use the SBIR and STTR concepts. In the Third District of Tennessee, SBIR is a very important program. The Oak Ridge National Laboratory monitors and works with these SBIR and STTR companies and I congratulate these hard-working federal employees on getting these products out of the lab and into the marketplace. Twenty-five companies have been funded in my home district and nearly one thousand people have been put to work developing these innovative technologies.

The Tennessee Tibbetts Awards honor excellence in technical achievement. The SBA has awarded 4 of the 6 of these awards to small businesses in my home district. These companies include: iPIX, Cryomagnetics, Inc., Atom Sciences, and Accurate Automation Corporation.

One of these companies, iPIX, formerly known as Telerobotics International, went public last year. They took camera technology from robots and are now applying this to everything from real estate to 360 degree views of the Super Bowl.

Another company, Accurate Automation, has developed a technology for reducing drag on aircraft. This technology will revolutionize future commercial and military aircraft as well as space transportation.

This year's Tibbetts Award winner from Tennessee is Cryomagnetics, Inc. The company is developing a super-conducting magnet that will enable biotechnological researchers to achieve higher resolution measurements.

The General Accounting Office has done extensive studies on the SBIR and STTR programs over the years. Their many reports have found this to be one of the best programs in the country's technology portfolio.

Many of these companies are now practically household names like Optiva, Qualcomm and Symantec. All of these companies started out as SBIR technologies.

This reauthorization will have the National Academy of Science examine how the SBIR gets these American-made technologies out of our laboratories and the commercial market place. The National Academy of Science will be looking at an excellent tool for keeping America's edge on the forefront of the emerging global marketplace.

Mr. Speaker, I urge adoption of H.R. 2392.

Mrs. KELLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and agree to the resolution, H. Res. 590.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mrs. KELLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Res. 590.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

## FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4451) to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building".

The Clerk read as follows:

H.R. 4451

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, shall be known and designated as the "Frederick L. Dewberry, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Frederick L. Dewberry, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

### GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4451.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4451, was introduced by the gentleman from Maryland (Mr. CUMMINGS). This legislation designates the post office located at 1001 Frederick Road in Baltimore, Maryland, as the Frederick L. Dewberry Post Office. H.R. 4451 is cosponsored by the entire House delegation of the State of Maryland.

Frederick L. Dewberry, Jr. was born and raised in the City of Baltimore. He received his undergraduate degree from Loyola College and his law degree from the University of Baltimore.

Mr. Dewberry served with distinction during World War II. He became the chairman of the Baltimore County Council from 1964 and was appointed deputy secretary of the Maryland Department of Transportation from 1979 to 1984.

Mr. Speaker, I urge our colleagues to support H.R. 4451 and commend the gentleman from Maryland for introducing this legislation. Mr. Dewberry is most deserving of being honored by having a post office named after him in the city which he grew up in and spent much of his life.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT), and I want to thank the gentleman from New York (Mr. MCHUGH), our subcommittee chairman, and the gentleman from Pennsylvania (Mr. FATTAH), our ranking member of the Committee on Government Reform, Subcommittee on the Postal Service, for their support in bringing this bill to the floor.

Mr. Speaker, I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual. H.R. 4451 designates the United States Post Office building located at 1001 Frederick Road in Baltimore, Maryland, as the Frederick L. Dewberry, Jr. Post Office Building.

Frederick L. Dewberry, Jr., was born and raised in Baltimore City. He is a graduate of Loyola College and received a law degree from the University of Baltimore.

A lieutenant in World War II, Dewberry served courageously in the United States Navy on small ships and destroyers in the Pacific Ocean.

After returning from this war, Mr. Dewberry returned to Catonsville, Maryland, where he and his wife, Anne, raised their five children. The Baltimore County resident held the post of chairman of the Baltimore County Council from 1964 to 1966. He was also Baltimore county executive in 1974. From 1979 to 1984, he was the deputy secretary of the Maryland Department of Transportation; and he served as secretary of the Maryland Department of Licensing and Regulation from 1984 to 1986.

In addition to his government service, he was also involved in health care, serving on the advisory board of St. Agnes Hospital for 20 years from 1970 to 1990. He also served as president of Blind Industries and Services of Maryland from 1986 to 1989 and held positions on the various boards and commissions far too numerous to mention at this time.

Frederick Dewberry was a tremendous administrator. People loved to work for him because he was fair. He also used to tell his employees that he wanted no surprises and all work needed to be done above board. This philosophy stemmed from his days in the service. In the Navy, where he was given the name "Ping," he was a sonar operator checking for submarines in the water.

He served this country with valor and with the expectation that all work would be done with pride and excellence. In fact, his son, Delegate Tom Dewberry, who, by the way, is speaker pro tem of the Maryland House of Delegates, said that his father always told his brothers and his sister that "if you do what is right, then you will be all right." He certainly lived by this motto.

□ 1515

This veteran and public servant died on July 9, 1990. Service to the Nation and community is to be commended. Without such service, many would be left without a voice or advocate and our Nation would not be the world leader it is today.

Citizens like Frederick Dewberry, who give such service by giving of their time and talents, should be saluted. I urge my colleagues to support this postal naming bill that salutes a person from my district who has spent his life giving service to others and lifting up his neighbors and lifting up his country.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Postal Service, of the Committee on Government Reform.

Mr. MCHUGH. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT) for yielding the time to me.

Mr. Speaker, I want to begin by expressing my appreciation to her for being here for filling in so capably in my absence, and we certainly want to thank her for the very eloquent job she did in speaking about this very deserving individual.

Mr. Speaker, I also wanted to rise and express my appreciation to the gentleman from Maryland (Mr. CUMMINGS) for bringing this bill to our attention, for bringing this man and his wonderful life to our attention. This is a rare honor. It is one that we try to protect and we try to preserve in a way that when it is extended, it is bestowed upon those individuals who in their lives have made a difference and who have by example helped us all to learn a little bit more about our lives and our proper perspective and role in those lives.

I think Mr. Dewberry, as was so very thoroughly and eloquently expressed by the gentleman from Maryland (Mr. CUMMINGS), has lived that life; that kind of example, starting with his service to his country during World War II and spanning decades and decades of service to his neighbors, to his community, to his county and State, not just in an official capacity, but in those kinds of organizations and those kinds of efforts we heard about just a few moments ago.

I think most significantly in this kind of an endeavor, we find the primary good of someone's existence in one of the comments the gentleman made in speaking about their father, how a son says he, or it certainly could have been a daughter, she learned to do the right thing, to be a good citizen. It is those kinds of perhaps less publicized but so very important ways that this country becomes a better place.

Again, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for bringing us such a deserving individual, and I certainly want to add my words of encouragement to all of our colleagues here on both sides of the aisle in urging their acceptance and vote in favor of this very, very worthy designation, and also a final word of appreciation, again, to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I urge our colleagues to vote and pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4451.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:30 p.m.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

□ 1705

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 5 o'clock and 5 minutes p.m.

## MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## INTERNATIONAL FOOD RELIEF PARTNERSHIP ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5224) to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries, as amended.

The Clerk read as follows:

H.R. 5224

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "International Food Relief Partnership Act of 2000".

**SEC. 2. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF STABLE PREPACKAGED FOODS.**

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

**"SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF STABLE PREPACKAGED FOODS.**

"(a) AUTHORIZATION.—The Administrator is authorized to provide grants to—

"(1) United States nonprofit organizations (described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986) for the preparation of shelf stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of such foods in the United States; and

"(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of such shelf stable prepackaged foods to needy individuals in foreign countries.

"(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

"(1) IN GENERAL.—Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1).

"(2) PRIORITY.—In providing grants under subsection (a)(1), the Administrator shall give preference to a United States nonprofit organization that agrees to provide non-Federal funds in an amount equal to 50 percent of the funds received under a grant under subsection (a)(1), an in kind contribution equal to such percent, or a combination thereof, for the preparation of shelf stable prepackaged foods and the establishment and maintenance of stockpiles of such foods in the United States in accordance with such subsection.

"(c) GRANTS FOR RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION.—Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2).

"(d) ADMINISTRATION.—Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a).

"(e) REGULATIONS OR GUIDELINES.—Not later than 180 days after the date of the enactment of this section, the Administrator, in consultation with the Secretary of Agriculture, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) guidance with respect to the requirements for qualified shelf stable prepackaged foods and the amount of such foods to be stockpiled by such organizations.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of carrying out this section, in addition to amounts otherwise available for such purposes, $3,000,000 for each of the fiscal years 2001 and 2002.

"(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.".

**SEC. 3. PREPOSITIONING OF COMMODITIES.**

Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding at the end the following new paragraph:

"(4) PREPOSITIONING.—Funds made available for fiscal years 2001 and 2002 to carry out titles II and III of this Act may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that for each such fiscal year not more than $2,000,000 of such funds may be used to store agricultural commodities for prepositioning in foreign countries.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5224, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today to urge my colleagues to support the International Food Relief Partnership Act, H.R. 5224, a bill that I introduced to authorize the stockpiling and rapid transportation, delivery and distribution of shelf stable prepackaged goods to needy individuals in foreign nations.

This bill serves to create a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster and critical needs.

H.R. 5224 was cosponsored by the gentleman from Texas (Mr. COMBEST), Chairman of the Committee on Agriculture; the gentleman from Nebraska (Mr. BEREUTER), Chairman of the Subcommittee on Asia and the Pacific; and the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture. I am pleased that the gentleman from Ohio (Mr. HALL) has also lent his support for this important measure.

Mr. Speaker, there is a gap in the United States' traditional international food relief effort and food reserve program that makes participation by nonprofit organizations that want to contribute donated food more difficult than it should be. The major barrier to these volunteer contributions is the high cost of providing these donated food products to international relief organizations that transport and distribute these foods overseas.

It is unquestionable that agri-business efficiently and effectively provides assistance at times of greatest need through international food relief organizations that work through the Agency for International Development.

However, nonprofits have a much more difficult time reaching international relief organizations to provide food assistance because of the high cost of processing, packaging, maintaining and shipping donated food. Consequently, food donated by nonprofits is often delayed from reaching affected populations or is simply not used for that purpose.

The International Food Relief Partnership Act will fill this gap by providing grant assistance outside the traditional food relief program to nonprofits that should be matched by 50 cents on the dollar by funds raised by nonprofits.

These grant monies will be used by nonprofits to ensure that food donated by farmers can be processed, packaged, stored and transported overseas at the time of need.

AID would be responsible for the administration of this program, and although funding for it would be made available through the U.S. Department of Agriculture's Food for Peace Program.

Nonprofits such as Breedlove, Child Life International, Feed the Starving Children provide direct hunger assistance at times of disaster, famine or other critical needs. Organizations such as these are located throughout the United States. These organizations accept gleaned crops donated by regional farmers, and they help to transport them and distribute this food overseas. And once the donated food is processed, it can be stored for years for use in food emergencies.

Donated food reduces the cost of famine and disaster assistance, because these products cost only pennies to process and ship and supplement the traditional food basket. We need to encourage more volunteer efforts from nonprofits.

Mr. Speaker, the International Food Relief Partnership Act accomplishes this objective by providing a means for nonprofits to accept donated food and to process it into a product for use in times of disaster, famine or other critical needs.

Mr. Speaker, through the enactment of this bill we create an inexpensive mechanism that provides more food relief for less money. The 50 percent matching preference included in this legislation also makes certain that viable and deserving organizations earn the grant funds that they seek.

Accordingly, Mr. Speaker, I urge our colleagues to support the spirit of volunteerism and goodwill by passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. I want to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, my friend; and also the gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific; as well as the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture; and the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture, for introducing the International Food Relief Partnership Act of 2000.

The International Food Relief Partnership Act of 2000 authorizes, as was described by the gentleman from New York (Chairman GILMAN), the stockpiling, rapid transportation, delivery and distribution of shelf stabled prepackaged foods to needy individuals in foreign countries.

Mr. Speaker, this bill creates a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster, and other critical needs.

The bill also seeks to increase participation by nonprofit organizations in the provision of donated food to populations in need around the world.

Finally, I want to take this opportunity, although not specifically on point with the matter before us, to reiterate my concern about the funding source for our food relief, title II of the fiscal year 2001 Agriculture Appropriations bill passed by the House.

This bill now is in conference committee, but it is important to note that House funding is not adequate to meet our commitment to countries during famines, droughts and other disasters.

Mr. Speaker, I hope my colleagues on the Committee on Appropriations will follow the example set by the Senate and that we ultimately will end up fully funding the administration's requests for PL-480 Title II at $837 million, ultimately, that relates directly to the bill before us.

Mr. Speaker, I urge my colleagues to support H.R. 5224.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

□ 1715

Mr. COMBEST. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise today in strong support as an original cosponsor of H.R. 5224, the International Food Relief Partnership Act of 2000. Because of our agricultural productivity, the United States is able to aid the victims of famine, drought, and natural disasters all around the world.

Many of the groups that assist in feeding hungry people around the world are faith based and private nonprofit organizations that donate their services. For years, these groups, who want to contribute food aid to victims of international disasters, have been prevented from fully participating in these efforts.

H.R. 5224 would authorize the administrator of the U.S. Agency for International Development to provide grants to private, nonprofit, and private voluntary organizations for the stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods to needy individuals in foreign countries.

This legislation also provides an incentive for farmers and ranchers to donate their surplus. Preference is given to U.S. nonprofit organizations that can provide 50 percent matching funds. This will improve our food relief efforts by enabling nonprofit organizations to contribute more food to international disaster sites, decrease the cost of the Federal Government, and increase the public participation.

One example of a nonprofit organization that provides food assistance in the United States and around the world is Breedlove Dehydrated Foods. Breedlove Dehydrated Foods, an unusually committed group of people, have energized my home community and are simply looking for a way to help the needy around the world. This organization accepts food donations from farmers and then dehydrates the food and packages it. The product Breedlove creates is a nutritious blend of vegetables and legumes that serve as a great source of protein. This product has been used before by private voluntary organizations in North Korea, Iraq, Kosovo, Turkey, Russia, Belarus, and Iran.

Several other nonprofit organizations support this legislation. I ask my colleagues to support H.R. 5224.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to at this point extend my congratulations to the gentleman from Texas (Chairman COMBEST). As a member of the House Committee on Agriculture, I believe that he has had a very distinguished term in leading that committee and is personally responsible for the restoration of a constructive bipartisan spirit in that committee. His other major ally in achieving that progress has been the gentleman from Texas (Mr. STENHOLM), the ranking member.

Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for yielding me the time. I, too, commend the gentleman from New York (Chairman GILMAN) and the gentleman from Texas (Chairman COMBEST) for their leadership in bringing this legislation to the floor today.

Mr. Speaker, I rise in support of the International Food Relief Partnership Act because it fundamentally addresses the long-term and long-standing desire among farmers and ranchers in our country to provide food directly to those overseas that need it most.

For years now, many farmers and ranchers have wanted to donate agricultural products to feed the hungry, both here and abroad. Yet, there is currently no mechanism in place in our food aid programs to accommodate a farmer who wants to donate a truckload of produce and no means to get that produce overseas to those in need.

That was true until a nonprofit organization named Breedlove began testing the concept of accepting donated vegetables from local farmers for dehydration and shipment overseas. These dehydrated vegetable packages are lightweight enough to be efficiently shipped and provide a nutritious and cost-efficient meal. The Breedlove product has been used successfully for private voluntary organizations in seven countries around the world.

This bill will provide incentives to further test the use of prepackaged shelf-stable food and will also provide limited authority to test the concept of prepositioning commodities overseas for use in emergencies.

With this authority, we hope to provide the Agency for International Development with incentives it can use to encourage more farmers and ranchers to make donations that will leverage scarce Federal resources and improve the diets of food aid recipients around the world.

I urge my colleagues to support H.R. 5224, the International Food Relief Partnership Act.

Mr. GILMAN. Mr. Speaker, I have no further requests for time.

Mr. POMEROY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5224, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979 and for other purposes, as amended.

The Clerk read as follows:

H.R. 5239

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Export Administration Modification and Clarification Act of 2000".

**SEC. 2. CONTINUATION OF THE EXPORT CONTROL REGULATIONS UNDER IEEPA.**

To the extent that the President exercises the authorities of the International Emergency Economic Powers Act to carry out the provisions of the Export Administration Act of 1979 in order to continue in full force and effect the export control system maintained by the Export Administration Regulations issued under that Act, including regulations issued under section 8 of that Act, the following shall apply:

(1)(A) Subject to subparagraph (B), the penalties for violations of the regulations continued pursuant to the International Emergency Economic Powers Act shall be the same as the penalties for violations under section 11 of the Export Administration Act of 1979, as if that section were amended—

(i) by amending subsection (a) to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly violates or conspires to or attempts to violate any provision of this Act or any license, order, or regulation issued under this Act—

"(1) except in the case of an individual, shall be fined not more than $500,000 or 5 times the value of any exports involved, whichever is greater; and

"(2) in the case of an individual, shall be fined not more than $250,000 or 5 times the value of any exports involved, whichever is greater, or imprisoned not more than 5 years, or both.";

(ii) in subsection (b)—

(I) in paragraphs (1)(A) and (2)(A), by striking "five times" and inserting "10 times";

(II) in paragraph (1)(B), by striking "$250,000" and inserting "$500,000"; and

(III) in paragraph (2)(B), by striking "$250,000, or imprisoned not more than 5 years" and inserting "$500,000, or imprisoned not more than 10 years";

(iii) in subsection (c)(1)—

(I) by striking "$10,000" and inserting "$250,000"; and

(II) by striking "except that the civil penalty" and all that follows through the end of the paragraph and inserting "except that the civil penalty for a violation of the regulations issued pursuant to section 8 may not exceed $50,000."; and

(iv) in subsection (h)(1), by striking "or section 38 of the Arms Export Control Act (22 U.S.C. 2778)" and inserting "section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 16 of the Trading with the enemy Act (50 U.S.C. 16), or, to the extent the violation involves the export of goods or technology controlled under this or any other Act or defense articles or defense services controlled under the Arms Export Control Act, section 371 of title 18, United States Code,".

(B) The penalties in effect on the day before the date of enactment of this Act for violations of the Export Administration Regulations, as continued in effect under the International Emergency Economic Powers Act, shall continue to apply in the case of any penalty assessed for, or violations based on, voluntary disclosures of information made by a person before such date of enactment.

(2) The authorities set forth in section 12(a) of the Export Administration Act of 1979 may be exercised in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(3) The provisions of sections 12(c) and 13 of the Export Administration Act of 1979 shall apply in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(4) The continuation of the provisions of the Export Administration Regulations pursuant to the International Emergency Economic Powers Act shall not be construed as not having satisfied the requirements of that Act.

**SEC. 3. APPLICABILITY.**

Paragraphs (2), (3), and (4) of section 2 shall be applied as if enacted on August 20, 1994.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Department of Commerce to carry out the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, $72,000,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, that will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This bipartisan measure was approved by voice vote last week by the Committee on International Relations.

H.R. 5239 is virtually identical to a provision, H.R. 973, a security assistance bill, which passed the House in June of last year also with bipartisan support. Since the Export Administration Act, or EAA, lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act to administer our export control system. But in some key areas, the administration has less authority under HEEPA than under the EAA of 1979.

For example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the last 20 years.

This measure that we are introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves, and related export enforcement information.

In view of the lapse of the EAA over the past 5½ years, the Department is coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

The text includes a technical and perfecting amendment which, one, adds a reference to the Department of Commerce's authority to deny export privileges for those persons providing false statements and export control cases; and, two, removes a provision providing for the retroactive application of higher penalties in certain instances.

Accordingly, I urge my colleagues to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we see this matter very much as the gentleman from New York (Chairman GILMAN) has outlined. The Export Administration Act has been the principle authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994, the President invoked the International Emergency Economic Powers Act and other authorities to continue the export control system, including the Export Administration Regulations.

Now, there has been a recent court ruling that calls into question whether or not the government can essentially hide behind emergency powers to revive an expired law. This calls into question the Commerce Department's ability to keep sensitive export information provided by exporters from public disclosure using the EAA's confidentiality provision.

We have got to pass this law to make sure that they can keep the information confidential so that the exporters will fully use the Commerce Department's assistance in exporting our products.

We have got a record trade-in balance. We need to export more. We need to pass this law as an important part of making certain that the Commerce Department is there to provide as much assistance as possible in moving products overseas.

For that reason, we fully concur that this is passed.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5239, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## SERBIA DEMOCRATIZATION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1064) to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro, as amended.

The Clerk read as follows:

H.R. 1064

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Serbia Democratization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SUPPORT FOR THE DEMOCRATIC FORCES

Sec. 101. Findings and policy.
Sec. 102. Assistance to promote democracy and civil society in Yugoslavia.
Sec. 103. Authority for radio and television broadcasting.
Sec. 104. Development of political contacts relating to the Republic of Serbia and the Republic of Montenegro.

TITLE II—ASSISTANCE TO THE VICTIMS OF OPPRESSION

Sec. 201. Findings.
Sec. 202. Sense of Congress.
Sec. 203. Assistance.

TITLE III—"OUTER WALL" SANCTIONS

Sec. 301. "Outer Wall" sanctions.
Sec. 302. International financial institutions not in compliance with "Outer Wall" sanctions.

TITLE IV—OTHER MEASURES AGAINST YUGOSLAVIA

Sec. 401. Blocking assets in the United States.
Sec. 402. Suspension of entry into the United States.
Sec. 403. Prohibition on strategic exports to Yugoslavia.
Sec. 404. Prohibition on loans and investment.
Sec. 405. Prohibition of military-to-military cooperation.
Sec. 406. Multilateral sanctions.
Sec. 407. Exemptions.
Sec. 408. Waiver; termination of measures against Yugoslavia.
Sec. 409. Statutory construction.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. International Criminal Tribunal for the former Yugoslavia.
Sec. 502. Sense of Congress with respect to ethnic Hungarians of Vojvodina.
Sec. 503. Ownership and use of diplomatic and consular properties.
Sec. 504. Transition assistance.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) COMMERCIAL EXPORT.—The term "commercial export" means the sale of an agricultural commodity, medicine, or medical equipment by a United States seller to a foreign buyer in exchange for cash payment on market terms without benefit of concessionary financing, export subsidies, government or government-backed credits or other nonmarket financing arrangements.

(3) INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA OR TRIBUNAL.—The term "International Criminal Tribunal for the former Yugoslavia" or the "Tribunal" means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(4) YUGOSLAVIA.—The term "Yugoslavia" means the so-called Federal Republic of

Yugoslavia (Serbia and Montenegro), and the term "Government of Yugoslavia" means the central government of Yugoslavia.

## TITLE I—SUPPORT FOR THE DEMOCRATIC FORCES

### SEC. 101. FINDINGS AND POLICY.

(a) Findings.—Congress finds the following:

(1) The President of Yugoslavia, Slobodan Milosevic, has consistently engaged in undemocratic methods of governing.

(2) Yugoslavia has passed and implemented a law strictly limiting freedom of the press and has acted to intimidate and prevent independent media from operating inside Yugoslavia.

(3) Although the Yugoslav and Serbian constitutions provide for the right of citizens to change their government, citizens of Serbia in practice are prevented from exercising that right by the Milosevic regime's domination of the mass media and manipulation of the electoral process.

(4) The Yugoslav and Serbian governments have orchestrated attacks on academics at institutes and universities throughout the country in an effort to prevent the dissemination of opinions that differ from official state propaganda.

(5) The Yugoslav and Serbian governments hinder the formation of nonviolent, democratic opposition through restrictions on freedom of assembly and association.

(6) The Yugoslav and Serbian governments use control and intimidation to control the judiciary and manipulate the country's legal framework to suit the regime's immediate political interests.

(7) The Government of Serbia and the Government of Yugoslavia, under the direction of President Milosevic, have obstructed the efforts of the Government of Montenegro to pursue democratic and free-market policies.

(8) At great risk, the Government of Montenegro has withstood efforts by President Milosevic to interfere with its government.

(9) The people of Serbia who do not endorse the undemocratic actions of the Milosevic government should not be the target of criticism that is rightly directed at the Milosevic regime.

(b) Policy; Sense of Congress.—

(1) Policy.—It is the policy of the United States to encourage the development of a government in Yugoslavia based on democratic principles and the rule of law and that respects internationally recognized human rights.

(2) Sense of congress.—It is the sense of Congress that—

(A) the United States should actively support the democratic forces in Yugoslavia, including political parties and independent trade unions, to develop a legitimate and viable alternative to the Milosevic regime;

(B) all United States Government officials, including individuals from the private sector acting on behalf of the United States Government, should meet regularly with representatives of democratic forces in Yugoslavia and minimize to the extent practicable any direct contacts with officials of the Yugoslav or Serbian governments, and not meet with any individual indicted by the International Criminal Tribunal for the former Yugoslavia, particularly President Slobodan Milosevic; and

(C) the United States should emphasize to all political leaders in Yugoslavia the importance of respecting internationally recognized human rights for all individuals residing in Yugoslavia.

### SEC. 102. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA.

(a) Assistance for the Serbian Democratic Forces.—

(1) Purpose of assistance.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Serbia, including ethnic tolerance and respect for internationally recognized human rights.

(2) Authorization for assistance.—To carry out the purpose of paragraph (1), the President is authorized to furnish assistance and other support for the activities described in paragraph (3).

(3) Activities supported.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent Serbian media.

(D) The development of the rule of law, to include a strong, independent judiciary, the impartial administration of justice, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) Authorization of appropriations.—

(A) In general.—There is authorized to be appropriated to the President $50,000,000 for the period beginning October 1, 2000, and ending September 30, 2001, to be made available for activities in support of the democratization of the Republic of Serbia (excluding Kosovo) pursuant to this subsection.

(B) Availability of funds.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(b) Prohibition on Assistance to Government of Yugoslavia or of Serbia.—In carrying out subsection (a), the President should take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia, except for purposes permitted under this title.

(c) Assistance to Government of Montenegro.—

(1) In general.—The President may provide assistance to the Government of Montenegro, unless the President determines, and so reports to the appropriate congressional committees, that the leadership of the Government of Montenegro is not committed to, or is not taking steps to promote, democratic principles, the rule of law, or respect for internationally recognized human rights.

(2) Authorization of appropriations.—Unless the President makes the determination, and so reports to the appropriate congressional committees, under paragraph (1), there is authorized to be appropriated to the President $55,000,000 for the period beginning October 1, 2000, and ending September 30, 2001, to be made available for activities for or in the Republic of Montenegro for purposes described in subsection (a), as well as to support ongoing political and economic reforms, and economic stabilization in support of democratization.

### SEC. 103. AUTHORITY FOR RADIO AND TELEVISION BROADCASTING.

(a) In General.—The Broadcasting Board of Governors shall further the open communication of information and ideas through the increased use of radio and television broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages.

(b) Implementation.—Radio and television broadcasting under subsection (a) shall be carried out by the Voice of America and, in addition, radio broadcasting under that subsection shall be carried out by RFE/RL, Incorporated. Subsection (a) shall be carried out in accordance with all the respective Voice of America and RFE/RL, Incorporated, standards to ensure that radio and television broadcasting to Yugoslavia serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(c) Statutory Construction.—The implementation of subsection (a) may not be construed as a replacement for the strengthening of indigenous independent media called for in section 102(a)(3)(C). To the maximum extent practicable, the two efforts (strengthening independent media and increasing broadcasts into Serbia) shall be carried out in such a way that they mutually support each other.

### SEC. 104. DEVELOPMENT OF POLITICAL CONTACTS RELATING TO THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO.

(a) Sense of Congress.—It is the sense of Congress that political contacts between United States officials and those individuals who, in an official or unofficial capacity, represent a genuine desire for democratic governance in the Republic of Serbia and the Republic of Montenegro should be developed through regular and well publicized meetings.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of State $350,000 for fiscal year 2001 for a voluntary contribution to the Organization for Security and Cooperation in Europe (OSCE) and the OSCE Parliamentary Assembly—

(1) to facilitate contacts by those who, in an official or unofficial capacity, represent a genuine desire for democratic governance in the Republic of Serbia and the Republic of Montenegro, with their counterparts in other countries; and

(2) to encourage the development of a multilateral effort to promote democracy in the Republic of Serbia and the Republic of Montenegro.

## TITLE II—ASSISTANCE TO THE VICTIMS OF OPPRESSION

### SEC. 201. FINDINGS.

Congress finds the following:

(1) Beginning in February 1998 and ending in June 1999, the armed forces of Yugoslavia and the Serbian Interior Ministry police force engaged in a brutal crackdown against the ethnic Albanian population in Kosovo.

(2) As a result of the attack by Yugoslav and Serbian forces against the Albanian population of Kosovo, more than 10,000 individuals were killed and 1,500,000 individuals were displaced from their homes.

(3) The majority of the individuals displaced by the conflict in Kosovo was left homeless or was forced to find temporary shelter in Kosovo or outside the country.

(4) The activities of the Yugoslav armed forces and the police force of the Serbian Interior Ministry resulted in the widespread destruction of agricultural crops, livestock, and property, as well as the poisoning of

wells and water supplies, and the looting of humanitarian goods provided by the international community.

### SEC. 202. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Yugoslavia and the Government of Serbia bear responsibility to the victims of the conflict in Kosovo, including refugees and internally displaced persons, and for property damage in Kosovo;

(2) under the direction of President Milosevic, neither the Government of Yugoslavia nor the Government of Serbia provided the resources to assist innocent, civilian victims of oppression in Kosovo; and

(3) because neither the Government of Yugoslavia nor the Government of Serbia fulfilled the responsibilities of a sovereign government toward the people in Kosovo, the international community offers the only recourse for humanitarian assistance to victims of oppression in Kosovo.

### SEC. 203. ASSISTANCE.

(a) Authority.—The President is authorized to furnish assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.), as appropriate, for—

(1) relief, rehabilitation, and reconstruction in Kosovo; and

(2) refugees and persons displaced by the conflict in Kosovo.

(b) Prohibition.—No assistance may be provided under this section to any organization that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(c) Use of Economic Support Funds.—Any funds that have been allocated under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for assistance described in subsection (a) may be used in accordance with the authority of that subsection.

## TITLE III—"OUTER WALL" SANCTIONS

### SEC. 301. "OUTER WALL" SANCTIONS.

(a) Application of Measures.—The sanctions described in subsections (c) through (g) shall apply with respect to Yugoslavia until the President determines and certifies to the appropriate congressional committees that the Government of Yugoslavia has made significant progress in meeting the conditions described in subsection (b).

(b) Conditions.—The conditions referred to in subsection (a) are the following:

(1) Agreement on a lasting settlement in Kosovo.

(2) Compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina.

(3) Implementation of internal democratic reform.

(4) Settlement of all succession issues with the other republics that emerged from the break-up of the Socialist Federal Republic of Yugoslavia.

(5) Cooperation with the International Criminal Tribunal for the former Yugoslavia, including the transfer to The Hague of all individuals in Yugoslavia indicted by the Tribunal.

(c) International Financial Institutions.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Yugoslavia.

(d) Organization for Security and Cooperation in Europe.—The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to oppose and block any consensus to allow the participation of Yugoslavia in the OSCE or any organization affiliated with the OSCE.

(e) United Nations.—The Secretary of State should instruct the United States Permanent Representative to the United Nations—

(1) to oppose and vote against any resolution in the United Nations Security Council to admit Yugoslavia to the United Nations or any organization affiliated with the United Nations; and

(2) to actively oppose and, if necessary, veto any proposal to allow Yugoslavia to assume the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations General Assembly or any other organization affiliated with the United Nations.

(f) NATO.—The Secretary of State should instruct the United States Permanent Representative to the North Atlantic Council to oppose and vote against the extension to Yugoslavia of membership or participation in the Partnership for Peace program or any other organization affiliated with NATO.

(g) Southeast European Cooperation Initiative.—The Secretary of State should instruct the United States Representatives to the Southeast European Cooperation Initiative (SECI) to actively oppose the participation of Yugoslavia in SECI.

(h) Sense of Congress.—It is the sense of Congress that—

(1) the President should not restore full diplomatic relations with Yugoslavia until the President has determined and so reported to the appropriate congressional committees that the Government of Yugoslavia has met the conditions described in subsection (b); and

(2) the President should encourage all other European countries to diminish their level of diplomatic relations with Yugoslavia.

(i) International Financial Institution Defined.—In this section, the term "international financial institution" includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

### SEC. 302. INTERNATIONAL FINANCIAL INSTITUTIONS NOT IN COMPLIANCE WITH "OUTER WALL" SANCTIONS.

It is the sense of Congress that, if any international financial institution (as defined in section 301(i)) approves a loan or other financial assistance to the Government of Yugoslavia over the opposition of the United States, then the Secretary of the Treasury should withhold from payment of the United States share of any increase in the paid-in capital of such institution an amount equal to the amount of the loan or other assistance.

## TITLE IV—OTHER MEASURES AGAINST YUGOSLAVIA

### SEC. 401. BLOCKING ASSETS IN THE UNITED STATES.

(a) Blocking of Assets.—All property and interests in property, including all commercial, industrial, or public utility undertakings or entities, of or in the name of the Government of Serbia or the Government of Yugoslavia that are in the United States, that come within the United States, or that are or come within the possession or control of United States persons, including their overseas branches, are blocked.

(b) Prohibited Transfers.—Payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Serbia, the Government of Yugoslavia, or any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by any of those governments, persons, or entities, are prohibited.

(c) Exercise of Authorities.—The Secretary of the Treasury, in consultation with the Secretary of State, shall take such actions, including the promulgation of regulations, orders, directives, rulings, instructions, and licenses, and employ all powers granted to the President by the International Emergency Economic Powers Act, as may be necessary to carry out the purposes of this section, including, but not limited to, taking such steps as may be necessary to continue in effect the measures contained in Executive Order No. 13088 of June 9, 1998, and Executive Order No. 13121 of April 30, 1999, and any rule, regulation, license, or order issued thereunder.

(d) Payment of Expenses.—All expenses incident to the blocking and maintenance of property blocked under subsection (a) shall be charged to the owners or operators of such property, and expenses shall not be paid for from blocked funds.

(e) Prohibitions.—The following are prohibited:

(1) Any transaction within the United States or by a United States person relating to any vessel in which a majority or controlling interest is held by a person or entity in, or operating from, Serbia, regardless of the flag under which the vessel sails.

(2)(A) The exportation to Serbia or to any entity operated from Serbia or owned and controlled by the Government of Serbia or the Government of Yugoslavia, directly or indirectly, of any goods, software technology, or services, either—

(i) from the United States;

(ii) requiring the issuance of a license by a Federal agency; or

(iii) involving the use of United States registered vessels or aircraft.

(B) Any activity that promotes or is intended to promote exportation described in subparagraph (A).

(3)(A) Any dealing by a United States person in—

(i) property exported from Serbia; or

(ii) property intended for exportation from Serbia to any country or exportation to Serbia from any country.

(B) Any activity of any kind that promotes or is intended to promote any dealing described in subparagraph (A).

(4) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Serbia.

(f) Exceptions.—Nothing in this section shall apply to—

(1) assistance provided under section 102 or section 203 of this Act; or

(2) information or informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act.

(g) Definition.—In this section, the term "United States person" means any United States citizen, any alien lawfully admitted for permanent residence within the United States, any entity organized under the laws of the United States (including foreign branches), or any person in the United States.

### SEC. 402. SUSPENSION OF ENTRY INTO THE UNITED STATES.

(a) PROHIBITION.—The President shall use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to suspend the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Yugoslavia or the Government of Serbia; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

(b) SENIOR LEADERSHIP DEFINED.—In subsection (a)(1), the term "senior leadership"—

(1) includes—

(A) the President, Prime Minister, Deputy Prime Ministers, and government ministers of Yugoslavia;

(B) the Governor of the National Bank of Yugoslavia; and

(C) the President, Prime Minister, Deputy Prime Ministers, and government ministers of the Republic of Serbia; and

(2) does not include the President, Prime Minister, Deputy Prime Ministers, and government ministers of the Republic of Montenegro.

### SEC. 403. PROHIBITION ON STRATEGIC EXPORTS TO YUGOSLAVIA.

(a) PROHIBITION.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by the Government of Yugoslavia or by the Government of Serbia, or by any of the following entities of either government:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(b) STATUTORY CONSTRUCTION.—Nothing in this section shall prevent the issuance of licenses to ensure the safety of civil aviation and safe operation of United States-origin commercial passenger aircraft and to ensure the safety of ocean-going maritime traffic in international waters.

### SEC. 404. PROHIBITION ON LOANS AND INVESTMENT.

(a) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Yugoslavia or the Government of Serbia.

(b) TRADE AND DEVELOPMENT AGENCY.—No funds made available by law may be available for activities of the Trade and Development Agency in or for Serbia.

(c) THIRD COUNTRY ACTION.—The Secretary of State is urged to encourage all other countries, particularly European countries, to suspend any of their own programs providing support similar to that described in subsection (a) or (b) to the Government of Yugoslavia or the Government of Serbia, including by rescheduling repayment of the indebtedness of either government under more favorable conditions.

(d) PROHIBITION ON PRIVATE CREDITS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of Yugoslavia or to the Government of Serbia or to any corporation, partnership, or other organization that is owned or controlled by either the Government of Yugoslavia or the Government of Serbia.

(2) EXCEPTION.—Paragraph (1) shall not apply to a loan or extension of credit for any housing, education, or humanitarian benefit to assist the victims of oppression in Kosovo.

### SEC. 405. PROHIBITION OF MILITARY-TO-MILITARY COOPERATION.

The United States Government (including any agency or entity of the United States) shall not provide assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act (including the provision of Foreign Military Financing under section 23 of the Arms Export Control Act or international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961) or provide any defense articles or defense services under those Acts, to the armed forces of the Government of Yugoslavia or of the Government of Serbia.

### SEC. 406. MULTILATERAL SANCTIONS.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this title, including, as appropriate, encouraging other countries to take measures similar to those described in this title.

### SEC. 407. EXEMPTIONS.

(a) EXEMPTION FOR KOSOVO.—None of the restrictions imposed by this Act shall apply with respect to Kosovo, including with respect to governmental entities or administering authorities or the people of Kosovo.

(b) EXEMPTION FOR MONTENEGRO.—None of the restrictions imposed by this Act shall apply with respect to Montenegro, including with respect to governmental entities of Montenegro, unless the President determines and so certifies to the appropriate congressional committees that the leadership of the Government of Montenegro is not committed to, or is not taking steps to promote, democratic principles, the rule of law, or respect for internationally recognized human rights.

### SEC. 408. WAIVER; TERMINATION OF MEASURES AGAINST YUGOSLAVIA.

(a) GENERAL WAIVER AUTHORITY.—Except as provided in subsection (b), the requirement to impose any measure under this Act may be waived for successive periods not to exceed 12 months each, and the President may provide assistance in furtherance of this Act notwithstanding any other provision of law, if the President determines and so certifies to the appropriate congressional committees in writing 15 days in advance of the implementation of any such waiver that—

(1) it is important to the national interest of the United States; or

(2) significant progress has been made in Yugoslavia in establishing a government based on democratic principles and the rule of law, and that respects internationally recognized human rights.

(b) EXCEPTION.—The President may implement the waiver under subsection (a) for successive periods not to exceed 3 months each without the 15 day advance notification under that subsection—

(1) if the President determines that exceptional circumstances require the implementation of such waiver; and

(2) the President immediately notifies the appropriate congressional committees of his determination.

(c) TERMINATION OF RESTRICTIONS.—The restrictions imposed by this title shall be terminated if the President determines and so certifies to the appropriate congressional committees that the Government of Yugoslavia is a government that is committed to democratic principles and the rule of law, and that respects internationally recognized human rights.

### SEC. 409. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—None of the restrictions or prohibitions contained in this Act shall be construed to limit humanitarian assistance (including the provision of food and medicine), or the commercial export of agricultural commodities or medicine and medical equipment, to Yugoslavia.

(b) SPECIAL RULE.—Nothing in subsection (a) shall be construed to permit the export of an agricultural commodity or medicine that could contribute to the development of a chemical or biological weapon.

## TITLE V—MISCELLANEOUS PROVISIONS

### SEC. 501. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.

(a) FINDINGS.—Congress finds the following:

(1) United Nations Security Council Resolution 827, which was adopted May 25, 1993, established the International Criminal Tribunal for the former Yugoslavia to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since January 1, 1991.

(2) United Nations Security Council Resolution 827 requires full cooperation by all countries with the Tribunal, including the obligation of countries to comply with requests of the Tribunal for assistance or orders.

(3) The Government of Yugoslavia has disregarded its international obligations with regard to the Tribunal, including its obligation to transfer or facilitate the transfer to the Tribunal of any person on the territory of Yugoslavia who has been indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal.

(4) The Government of Yugoslavia publicly rejected the Tribunal's jurisdiction over events in Kosovo and has impeded the investigation of representatives from the Tribunal, including denying those representatives visas for entry into Yugoslavia, in their efforts to gather information about alleged crimes against humanity in Kosovo under the jurisdiction of the Tribunal.

(5) The Tribunal has indicted President Slobodan Milosevic for—

(A) crimes against humanity, specifically murder, deportations, and persecutions; and

(B) violations of the laws and customs of war.

(b) POLICY.—It shall be the policy of the United States to support fully and completely the investigation of President Slobodan Milosevic by the International Criminal Tribunal for the former Yugoslavia for genocide, crimes against humanity, war crimes, and grave breaches of the Geneva Convention.

(c) SENSE OF CONGRESS.—Subject to subsection (b), it is the sense of Congress that the United States Government should gather all information that the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) collects or has collected to support an investigation of President Slobodan Milosevic for genocide, crimes against humanity, war crimes, and grave breaches of the Geneva Convention by the International Criminal Tribunal for the former Yugoslavia (ICTY) and that the Department of State should provide all appropriate information to the Office of the Prosecutor of the ICTY under procedures established by the Director of Central Intelligence that are necessary to ensure adequate protection of intelligence sources and methods.

(d) REPORT TO CONGRESS.—Not less than 180 days after the date of enactment of this Act, and every 180 days thereafter for the succeeding 5-year period, the President shall submit a report, in classified form if necessary, to the appropriate congressional committees that describes the information that was provided by the Department of State to the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia for the purposes of subsection (c).

### SEC. 502. SENSE OF CONGRESS WITH RESPECT TO ETHNIC HUNGARIANS OF VOJVODINA.

(a) FINDINGS.—Congress finds that—

(1) approximately 350,000 ethnic Hungarians, as well as several other minority populations, reside in the province of Vojvodina, part of Serbia, in traditional settlements in existence for centuries;

(2) this community has taken no side in any of the Balkan conflicts since 1990, but has maintained a consistent position of nonviolence, while seeking to protect its existence through the meager opportunities afforded under the existing political system;

(3) the Serbian leadership deprived Vojvodina of its autonomous status at the same time as it did the same to the province of Kosovo;

(4) this population is subject to continuous harassment, intimidation, and threatening suggestions that they leave the land of their ancestors; and

(5) during the past 10 years this form of ethnic cleansing has already driven 50,000 ethnic Hungarians and members of other minority communities out of the province of Vojvodina.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) condemn harassment, threats, and intimidation against any ethnic group in Yugoslavia as the usual precursor of violent ethnic cleansing;

(2) express deep concern over the reports on recent threats, intimidation, and even violent incidents against the ethnic Hungarian inhabitants of the province of Vojvodina;

(3) call on the Secretary of State to regularly monitor the situation of the Hungarian ethnic group in Vojvodina; and

(4) call on the NATO allies of the United States, during any negotiation on the future status of Kosovo, also to pay substantial attention to establishing satisfactory guarantees for the rights of the people of Vojvodina, and, in particular, of the ethnic minorities in the province.

### SEC. 503. OWNERSHIP AND USE OF DIPLOMATIC AND CONSULAR PROPERTIES.

(a) FINDINGS.—Congress finds the following:

(1) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(2) Since the dissolution of the Socialist Federal Republic of Yugoslavia until March and June 1999, when the United States Government took custody, the Government of Yugoslavia exclusively used, and benefited from the use of, properties located in the United States that were owned by the Socialist Federal Republic of Yugoslavia.

(3) Until the United States Government took custody, the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia were blocked by the Government of Yugoslavia from using, or benefiting from the use of, any property located in the United States that was previously owned by the Socialist Federal Republic of Yugoslavia.

(4) The occupation and use by officials of Yugoslavia of that property without prompt, adequate, and effective compensation under the applicable principles of international law to the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia is unjust and unreasonable.

(b) POLICY ON NEGOTIATIONS REGARDING PROPERTIES.—It is the policy of the United States to insist that the Government of Yugoslavia has a responsibility to, and should, actively and cooperatively engage in good faith negotiations with the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia for resolution of the outstanding property issues resulting from the dissolution of the Socialist Federal Republic of Yugoslavia, including the disposition of the following properties located in the United States:

(1) 2222 Decatur Street, NW, Washington, DC.

(2) 2410 California Street, NW, Washington, DC.

(3) 1907 Quincy Street, NW, Washington, DC.

(4) 3600 Edmonds Street, NW, Washington, DC.

(5) 2221 R Street, NW, Washington, DC.

(6) 854 Fifth Avenue, New York, NY.

(7) 730 Park Avenue, New York, NY.

(c) SENSE OF CONGRESS ON RETURN OF PROPERTIES.—It is the sense of Congress that, if the Government of Yugoslavia refuses to engage in good faith negotiations on the status of the properties listed in subsection (b), the President should take steps to ensure that the interests of the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia are protected in accordance with international law.

### SEC. 504. TRANSITION ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that once the regime of President Slobodan Milosevic has been replaced by a government that is committed to democratic principles and the rule of law, and that respects internationally recognized human rights, the President of the United States should support the transition to democracy in Yugoslavia by providing immediate and substantial assistance, including facilitating its integration into international organizations.

(b) AUTHORIZATION OF ASSISTANCE.—The President is authorized to furnish assistance to Yugoslavia if he determines, and so certifies to the appropriate congressional committees that the Government of Yugoslavia is committed to democratic principles and the rule of law and respects internationally recognized human rights.

(c) REPORT TO CONGRESS.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance to Yugoslavia in accordance with this section. Such assistance would be provided at such time as the President determines that the Government of Yugoslavia is committed to democratic principles and the rule of law and respects internationally recognized human rights.

(2) STRATEGY.—The plan developed under paragraph (1) shall include a strategy for distributing assistance to Yugoslavia under the plan.

(3) DIPLOMATIC EFFORTS.—The President shall take the necessary steps—

(A) to seek to obtain the agreement of other countries and international financial institutions and other multilateral organizations to provide assistance to Yugoslavia after the President determines that the Government of Yugoslavia is committed to democratic principles, the rule of law, and that respects internationally recognized human rights; and

(B) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(4) COMMUNICATION OF PLAN.—The President shall take the necessary steps to communicate to the people of Yugoslavia the plan for assistance developed under this section.

(5) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan required to be developed by paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

#### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1064, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in strong support of H.R. 1064, a bill introduced by the gentleman from New Jersey (Mr. SMITH). It is intended to ensure that the democratic opposition in Serbia continues to have the active support of the United States, regardless of the outcome of the election held in that country yesterday.

The people of Serbia need to know that our Nation does not wish to have antagonistic relations with their country. They need to know, instead, that our Nation is simply opposed to the kinds of policies that their nation has pursued under the leadership of Slobodan Milosevic.

They also need to know that the United States supports the cause of true democracy in Serbia, just as it does in the rest of Europe, and that Serbia is a European nation, a European country, and deserves a place at the European table once it has started down the road of real democracy, real reform, and real respect for human rights.

Regrettably, Yugoslav President Milosevic has proven himself a master of manipulation of Serbian patriotism and of Serbian nationalist fears.

Mr. Milosevic employed the ethnic distrust and unrest that surrounded the break-up of the former Communist Yugoslav Federation in the early years of the last decade to portray himself as a protector of Serbian rights.

Today Serbia lies in shambles, and its people face a future that promises nothing better. Milosevic lingers on, surrounded by a web of corruption, mysterious murders, political manipulation, and state repression.

After yet another series of manipulative steps, Mr. Milosevic set the groundwork for holding onto his power for another term as Yugoslav president in the election held yesterday, an election it is feared he has rigged to ensure an outcome in his favor.

Mr. Speaker, our Nation is closely monitoring this election. It will shine a spotlight on any evidence of election fraud carried out by Mr. Milosevic and his supporters.

This bill makes it clear that, regardless of the outcome of yesterday's election, our Nation has not given up on and will not give up on the freedom of the nation of Serbia and the effort to create a real and true democracy in Serbia. Mr. Speaker, this bill's passage should make that clear to the Serbian people.

Accordingly, I urge our colleagues to join in supporting this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. I want to commend the gentleman from New York (Chairman GILMAN); the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights, for moving this legislation forward.

It is clear that Slobodan Milosevic is not part of the solution in the Balkans but, rather, is the problem. Milosevic has started, and lost, four wars this past decade, with Slovenia, with Croatia, Bosnia and Herzegovina, and finally with NATO over Kosovo.

He may now be preparing his fifth war, this time against Montenegro and its democratic reformist government.

Milosevic has run an authoritarian state, suppressing dissent, threatening his opponents, purging the army and police, and manipulating the electronic media to misinform the Serbian public.

But in spite of all of that, yesterday's dramatic election results from Belgrade show the Serbian people have had quite enough of Slobodan Milosevic. It is clear from the independent and opposition sources that the democratic opposition of Serbia has won a decisive victory.

The Center for Free Election and Democracy has reported that Serbia's democratic opposition has won 58 percent of the votes cast as compared to 32 percent for Milosevic.

Milosevic should respect the wishes of the Serbian people and step down; no manipulating or manufacturing of ballots from Kosovo or Montenegro, no fiddling with the constitution to stay in power through next summer, no desperate moves of violence against Montenegro, Kosovo, or citizens of Serbia.

□ 1730

In order to bring stability to southeast Europe and unlock the economic potential of the region, Milosevic must relinquish power to a new democratic government in Serbia. I spent a summer in Serbia when I was in college. I lived with a family, and I care about these people and look forward to them moving to the post-Milosevic nightmare period into hope for the future.

This act supports the democratic opposition by authorizing $50 million for promoting democracy and civil society in Serbia and $55 million for assisting the government of Montenegro. It also authorizes increased broadcasting to Yugoslavia by the Voice of America and by Radio Free Europe and Radio Liberty.

The act's strength is that it follows the strong and effective policy crafted by the administration and the demonstrated will of the Serbian people themselves as evidenced by yesterday's vote.

The legislation codifies the so-called outer wall of sanctions against Yugoslavia by multilateral organizations, including international financial institutions. It also authorizes other measures against Yugoslavia, including blocking Yugoslavia's assets in the United States; prohibiting the issuance of visas and admission to the United States; and prohibiting strategic exports to Yugoslavia, loans and investment, and military-to-military cooperation.

It is important to note that yesterday's encouraging election results from Serbia do not negate the need for this legislation. Milosevic may not relinquish control, making support for democratic forces, nongovernmental organizations, and free media even more vital.

Even if a peaceful transition were to somehow occur, as one recently took place in neighboring Croatia, a new government and independent media would desperately need international support in a nation that has known authoritarianism and corruption for far too long. And so, Mr. Speaker, I urge my colleagues to support H.R. 1064.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York for yielding me this time and for his work in helping to bring this legislation to the floor today.

Mr. Speaker, as we wait to see if opposition candidate Vojislav Kostunica will be allowed to secure the election, which by all accounts he seems to have secured and won, it is important for this Congress to support those seeking democratic change in Serbia as well as those undertaking democratic change in Montenegro. This bill does just that.

Introduced by myself and several other cosponsors in February of 1999, and updated in light of events since that time, the bill before us today includes language to which the Senate has already agreed by unanimous consent. The State Department has been thoroughly consulted, and its requested changes as well have been incorporated into the text. Throughout there has been a bipartisan effort to craft this legislation.

In short, the bill authorizes the provision of democratic assistance to those in Serbia who are struggling for change. It also calls for maintaining sanctions on Serbia until such time that democratic change is indeed underway, allowing at the same time the flexibility to respond quickly to positive developments if and when they occur. Reflective of another resolution, H. Con. Res. 118, which I introduced last year, the bill supports the efforts of the International Criminal Tribunal for the former Yugoslavia to bring those responsible for war crimes and crimes against humanity, including Slobodan Milosevic, to justice.

The reasons for this bill are clear, Mr. Speaker. In addition to news accounts and presentations in other committees and other venues, the Helsinki Commission, which I chair, has held numerous hearings on the efforts of the regime of Slobodan Milosevic to stomp out democracy and to stay in power. The Commission has held three hearings specifically on this issue and one additional hearing specifically on the threat Milosevic presents to Montenegro. Of course, in the many, many hearings the commission has held on Bosnia and Kosovo over the years, witnesses testify to the role of Milosevic in instigating, if not orchestrating, conflict and war.

Mr. Speaker, the regime of Milosevic has resorted to increasingly repressive measures, as we all know, to stay in power in light of the elections that were held yesterday in the Yugoslav Federation, of which Serbia and Montenegro are a part. Journalist Miroslav Filipovic received, for example, a 7-year sentence for reporting the truth about Yugoslav and Serbian atrocities in Kosovo. The very courageous Natasa Kandic, of the Humanitarian Law Fund, faces similar charges for documenting these atrocities. Ivan Stambolic, an early mentor but now a leading and credible critic of Slobodon Milosevic, was literally abducted from the streets of Belgrade. Authorities have raided the headquarters of the Center For Free Elections and Democracy, a civic, domestic monitoring organization; and members of the student movement Otpor regularly face arrest, detention and physical harassment. Political opposition candidates have been similarly threatened, harassed, and physically attacked.

As news reports regularly indicate, Milosevic may also be considering violent action to bring Montenegro, which has embarked on a democratic path and distanced itself from Belgrade, back under his control. Signs that he is instigating trouble there are certainly evident.

It is too early for the results of the elections to be known fully. However, this bill allows us the flexibility to react to those results. Assistance for transition is authorized, allowing a quick reaction to positive developments. Sanctions can also be eased, if needed. On the other hand, few hold hope that Milosevic will simply relinquish power. A struggle for democracy may only now just be starting and not ending.

The human rights violations I have highlighted, Mr. Speaker, are also mere examples of deeply rooted institutionalized repression. Universities and the media are restricted by Draconian laws from encouraging the free debate of ideas upon which societies thrive. National laws and the federal constitution have been drafted and redrafted to orchestrate the continued power of Slobodan Milosevic. The military has been purged, as we all know, of many high-ranking professionals unwilling to do Milosevic's dirty work, and the place is a virtual military force of its own designed to tackle internal enemies who are in fact trying to save Serbia from this tyrant.

Paramilitary groups merge with criminal gangs in the pervasive corruption which now exists. Sophisticated and constant propaganda has been designed over the last decade to warp the minds of the people into believing this regime has defended the interests of Serbs in Serbia and throughout former Yugoslavia. As a result, even if a democratic change were to begin in Serbia, which we all hope and pray for, the assistance authorized in this bill is needed to overcome the legacy of Milosevic. His influence over the decade has been so strong that it will take considerable effort to bring Serbia back to where it should be.

Bringing democratic change to Serbia and supporting the change already taking place in Montenegro is without question in the U.S. national interest. We may differ in our positions regarding the decision to use American forces in the Balkans either for peacekeeping or peacemaking. Nothing, however, could better create the conditions for regional stability which would allow our forces to come home with their mission accomplished than a Serbia on the road to democratic recovery.

There is, however, an even stronger interest. Indeed, there is a fundamental right of the people of Serbia themselves to democratic governance. They deserve to have the same rights and freedoms, as well as the opportunity for a prosperous future, that is enjoyed by so many other Europeans and by our fellow Americans.

The people of America, of Europe, the people of Serbia all have a strong mutual interest in ending Milosevic's reign of hatred and thuggery. This bill advances that cause.

Mr. POMEROY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this legislation offered by my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. HOYER). I salute them both.

The findings contained in this legislation are historic and astonishing. Last year, many of us in this House went to Macedonia and Albania and saw the refugee camps. I carry with me in my pocket at all times, along with my copy of the Constitution, I might add, a picture of a young boy, Valdrin Ferizaj, 8 years old, who tugged at my pants in a refugee camp where there were 35,000 refugees, which was only supposed to hold 10,000. He spoke to me in a language I could not understand. And someone translated, "He is asking you, Mr. Congressman, where is his mother and father." I have tried to find them since coming back, and I will continue.

It is a landmark day in Yugoslavia. Early results from that election are showing that opposition candidate Vojislav Kostunica will win the first round elections against Slobodan Milosevic. Not surprisingly, Mr. Milosevic's camp is disputing the claims. But we have been through this, have we not?

The Milosevic camp is disputing these preliminary results and are calling for a second round. But we who are witnesses to the death, to the destruction, to the displacement, and to the deception caused by this man, which is documented and well-known, can only hope that this murderous leader is indeed defeated.

As was earlier stated by both leaders, and soon to be the other sponsor of the bill, because of America's involvement in the Balkans, we will have a vested interest in helping democratic change, in all of Yugoslav. And in the parts of Yugoslav, this region in southeastern Europe, is in critical need of security and stability.

There is a ray of hope here today, Mr. Speaker, and I stand in hope that we will really understand healthy results this evening and tomorrow morning.

Mr. POMEROY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), and just wish to additionally commend the gentleman from New Jersey (Mr. PASCRELL) for his impassioned and very insightful comments.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New York (Mr. GILMAN) for bringing this resolution, along with the minority, to the floor.

Mr. Speaker, I rise in strong support of H.R. 1064 and urge my colleagues to support it. I am an original cosponsor of this bill, offered by my friend, the gentleman from New Jersey (Mr. SMITH), the chairman of the Helsinki Commission. As he has noted, whatever our views on the American involvement in the Balkans, we all have a common interest in bringing democratic change to Serbia, which will enhance long-term stability in the region, allow our troops in Kosovo and Bosnia to return home sooner, with their mission accomplished, and preclude the need for further intervention to thwart Slobodan Milosevic's aggression.

Clearly, democratic change in Serbia is the single most critically needed development in southeast Europe today. First and foremost, the people of Serbia deserve the same ability to exercise their human rights and fundamental freedoms that so many other Europeans enjoy. Secondly, it, more than anything else, would contribute to security in the region. Indeed, it would increase tremendously the chances for resolving conflicts and encouraging social reconciliation.

The gentleman from New Jersey (Mr. SMITH) and I have served together on the Helsinki Commission for a long time, over a decade and a half, and we have worked together to promote human rights in Europe and in other parts of the world, I might add.

□ 1745

Our efforts have been especially relevant in the Balkans, where Milosevic and his regime have instigated conflict and orchestrated genocide to perpetuate their rule and enhance their power and privilege. The international community, Mr. Speaker, has been slow to respond and sometimes ineffective in the face of this threat to European stability. Only with the intervention of the United States has action been taken.

Since Kosovo, however, there is a more united view than ever between the United States, Europe and the international community as a whole that democratic change must come to Serbia. There is also a greater realization that the threat Serbia poses comes not from the Serb people. Let me repeat that. The threat comes not from the Serb people but from Milosevic and his henchmen. Indeed, the people of Serbia, and the people of Montenegro, who are in a Yugoslav federation with Serbia, have suffered far too long under Milosevic's repression. They, the Serbians, the Montenegrans, deserve to take their rightful place in the democratic community of Europe.

Mr. Speaker, national elections were held in Yugoslavia yesterday, as many have said. We do not yet know the final results and there are, as predicted, widespread allegations of fraud. Early reports indicate that the opposition is claiming first round victory with more than 50 percent of the vote. That in my opinion would be an extraordinarily happy circumstance. The Milosevic camp, not committed to democracy, committed to authoritarian rule, committed to attaining their ends by whatever means are necessary, are claiming that they are ahead 44 percent to 41 percent, indicating a need for a second round runoff. Nobody in the international community believes that representation.

It is widely believed that Milosevic simply will not concede. He has hinted that, as he has said, his term does not formally end until next year, giving him another 9 months or so entrenched in power and in perversion. Alternatively, he may simply turn up the level of fraud to ensure a second-round victory and crack down on whatever opposition might exist.

At this point, Mr. Speaker, we do not know what Serbia will be like, even in the near future, other than the fact that it will not be the same. It might change, we pray, drastically for the better or tragically for the worse. Either way, this bill sends the message that we are there for the people of Serbia. The alternative, to send no message at all, Mr. Speaker, is the message that Milosevic wants to hear.

I urge my colleagues to vote for H.R. 1064.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. SMITH), the gentleman from Maryland (Mr. HOYER), and the gentleman from Connecticut (Mr. GEJDENSON) for bringing this measure before us this afternoon.

Mr. Speaker, the people of Serbia have spoken. They want change for their country and for their people. Our patience has certainly paid off. We have waited a long time for this.

Mr. Milosevic has declared war over and over again against his own people, in Serbia, in Croatia, in Bosnia, in Herzegovina, in Kosovo, and I have seen firsthand what Mr. Milosevic and his regime has done to his own people. It is time for the bloodshed to end, Mr. Speaker. It is time for Mr. Milosevic to relinquish power before more blood is shed.

Mr. Milosevic, your people are telling you they want no more persecution. They want no more refugees. Mr. Milosevic, they want no more death. Your people, Mr. Milosevic, have voted, and they have voted for life. Give them that life and relinquish power now.

Mr. POMEROY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1064, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## PACIFIC CHARTER COMMISSION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4899) to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4899

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pacific Charter Commission Act of 2000".

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

**SEC. 3. ESTABLISHMENT OF COMMISSION.**

There is established a commission to be known as the Pacific Charter Commission (hereafter in this Act referred to as the "Commission").

**SEC. 4. DUTIES OF COMMISSION.**

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 2, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c); and

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) CONGRESSIONAL HEARINGS ON ANNUAL REPORT.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this Act.

**SEC. 5. MEMBERSHIP OF COMMISSION.**

(a) COMPOSITION.—The Commission shall be composed of 7 members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than 4 of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 4.

**SEC. 6. POWERS OF COMMISSION.**

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

**SEC. 7. STAFF AND SUPPORT SERVICES OF COMMISSION.**

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

**SEC. 9. TERMINATION.**

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $2,500,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

**SEC. 11. EFFECTIVE DATE.**

This Act shall take effect on February 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, shortly after World War II, the great American soldier and statesman George Marshall said that a safe and free America depends on a safe and free Europe. Marshall, of course, was emphasizing the importance of Europe to the United States at that time. Permit me to suggest that Marshall's paradigm has changed. Today, he could have stated that a safe and free America depends upon a democratic, safe and free Asia.

Before the summer recess, I introduced H.R. 4899, legislation to establish a Pacific Charter Commission. The purpose of the commission would be to create a charter that would promote a consistent and coordinated foreign policy which would ensure economic and military security in the Pacific region of Asia.

The charter would attempt to obtain those goals through the promotion of democracy, human rights, the rule of law, free trade, and open markets. Obviously, this region is vital to the future of our Nation. Over the past 50 years, Asia has become a significant center of international economic and military power. Our Nation has seen the blood of its sons and daughters shed on Asian soil in defense of our national interests and in fighting tyranny. America has fought three wars in Asia since 1941 and American military personnel, our soldiers, our sailors, our airmen and Marines, have been engaged in ensuring peace across the Pacific.

In 1941, our Nation and Great Britain laid down a set of principles of foreign policy conduct. That was called the Atlantic Charter. Similarly, I propose that we establish a Pacific Charter Commission that would assist our government in laying out the principles for our policies in Asia in the 21st century.

Such a Pacific Charter would articulate America's long-term goals and objectives in the Pacific and link them with the means for implementation. It would be a comprehensive model for our involvement in that region supporting our national interests and assuring others of our intention to remain a Pacific power. Further, it would demonstrate that our Nation is placing its relations with Asia in the 21st century on a par comparable to that which has informed its relations with Europe over the latter half of the 20th century.

The time has come to lay out an architecture of policy that will establish our intention to remain engaged in Asia and the terms of our continued engagement. A commission to establish a Pacific Charter for the 21st century would provide the framework for such a policy and would ensure the entire region, allies and otherwise, of the continuation of a leadership that is consistent, coherent and coordinated.

Accordingly, I urge my colleagues to vote for H.R. 4899.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution.

I would first like to commend the gentleman from New York (Mr. GILMAN) for introducing the legislation before the House today. The U.S. is facing many foreign policy challenges in the Asia-Pacific region, challenges which are certain to grow in importance in the years ahead.

On the human rights side, political dissidents and religious minorities continue to be persecuted in China. Burma has tightened its control on political dissidents, and East Timorese refugees are living under horrible conditions in camps ruled by armed militias.

On the security side, North Korea missile and nuclear programs continue to pose a threat to the U.S.; managing the defense relationship with Japan requires high level attention; Taiwan's security is under increasing threat from the PRC; and we must decide whether to cover certain Asian countries under a theater missile defense.

On the economic side, our trade deficit with China continues to grow to unprecedented levels; U.S. firms continue to face great difficulties operating in the Japanese market; and we must decide how the U.S. will deal with calls for greater economic integration among the Asian nations.

The Pacific Charter Commission created by the legislation before the House today could help the administration and Congress get the information and analysis needed to craft effective and informed foreign policy in that region.

The commission will also closely review U.S. policy toward the Asia-Pacific region and make recommendations to increase its effectiveness. Given the complexity of the political, security and economic problems facing U.S. policymakers in the region, the commission can help give voice to Asia-Pacific experts outside of the executive and congressional branches of government as well.

Obviously, the commission will only be as effective as its chairman and commissioners, but with strong leadership, the commission could help the U.S. pursue human rights, democracy, trade and security matters in Asia.

I urge my colleagues to support H.R. 4889.

Mr. HALL of Texas. Mr. Speaker, in the Extension of remarks accompanying the introduction of H.R. 4899, there seems to be a desire for the proposed Commission to prefer one nation to another. India over China.

There is always a danger that we will codify a temporary mindset so as to put ourselves in a policy box where the principles and boundaries of our foreign policy becomes rigid; where a future Congress and chief Executive will be unable to alter course as our national interest compels; and where we may surrender our freedom of choice.

Lastly, I question the good that this nation can derived by so explicitly preferring India over China, whereby prompted by our affection for India, we may withhold criticism of India's actions and policies in the regional conflicts of South Asia. This can be seen as hostile to the people of Pakistan.

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of H.R. 4899, The Asian Pacific Charter Commission Act of 2000. This legislation will establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets.

I would first like to thank the gentleman from New York, Chairman BEN GILMAN, for his leadership in introducing this measure. I don't need to remind my Colleagues about Congressman GILMAN's courageous service in World War II in the Pacific theater. Serving as a Staff Sergeant in the 19th Bomb Group of the 20th Army Air Force, Congressman GILMAN flew 35 missions over Japan and earned the Distinguished Flying Cross and the Air Medal with Oak Leaf Clusters. Furthermore, I want to commend Chairman GILMAN's dedication to promoting democracy and the rule of law in the Pacific region throughout his entire career.

As the proud Representative from Guam, which is located only 1,600 miles away from the Philippines, I strongly believe that H.R. 4899 is a step in the right direction in bringing together a commission which is designed to reinforce the United States commitment to a stable Pacific Region. Such a commission must clearly focus on human rights, the promotion of free and fair elections, constructive military partnerships, and basic coordination and communication between the United States and our friends and allies in the Pacific. Given Guam's strategic location within the Pacific Basin, I would like to contribute and play a constructive role in this new commission.

Congress must promote a consistent foreign policy which seeks to spread democracy through peaceful and constructive means. H.R. 4899 clearly serves this purpose. I encourage all Members to support this important resolution.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4899, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes.".

A motion to reconsider was laid on the table.

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## TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 399.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 399, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 2, not voting 72, as follows:

[Roll No. 487]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky

Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Tancredo
Tanner
Tauscher

Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Walden
Walsh

Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—72

Baker
Ballenger
Barr
Bliley
Blunt
Brown (FL)
Burton
Campbell
Capps
Clement
Coburn
Cook
Cubin
Danner
DeFazio
Delahunt
DeLauro
Dickey
Engel
English
Fossella
Franks (NJ)
Gillmor
Graham

Gutierrez
Hill (IN)
Hilliard
Hinchey
Isakson
Jones (OH)
Klink
Lantos
Lazio
Lee
Maloney (CT)
Matsui
McCollum
McCrery
McIntosh
McKinney
McNulty
Meeks (NY)
Mica
Miller, Gary
Miller, George
Mink
Murtha
Myrick

Neal
Nethercutt
Northup
Oxley
Pelosi
Pombo
Pryce (OH)
Quinn
Sanders
Serrano
Shows
Smith (MI)
Souder
Sweeney
Talent
Taylor (NC)
Tierney
Udall (NM)
Vento
Vitter
Waxman
Wicker
Wise
Woolsey

□ 1825

Ms. GRANGER changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, I was on a plane returning from my district tonight and was unable to attend votes. Had I been here I would have made the following vote on rollcall No. 487—"yea."

Mr. MICA. Mr. Speaker, regretfully I was unavoidably detained and could not vote on rollcall No. 487. Had I been here, I would have voted "yea" for H. Con. Res. 399.

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 487. Had I been present I would have voted "yea."

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5194

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 5194.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motion to suspended the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

## CALLING UPON THE PRESIDENT TO ISSUE A PROCLAMATION RECOGNIZING 25TH ANNIVERSARY OF HELSINKI FINAL ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 100) calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

The Clerk read as follows:

H.J. RES. 100

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the "Helsinki Final Act");

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, "Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government";

Whereas in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating states "categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned";

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves "to build, consolidate and strengthen democracy as the only system of government of our nations";

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress calls upon the President to—

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and

(D) encouraging the people of the United States to join the President and the Congress in observance of this anniversary with appropriate programs, ceremonies, and activities; and

(2) convey to all signatory states of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the resolution offered by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, honoring the Helsinki Final Act in light of the recent 25th anniversary of its signing and calls on the President to reassert the U.S. commitment to its implementation.

The Organization on Security and Cooperation in Europe, or OSCE, created by the Helsinki Act of 1975, is actually not a security alliance. The OSCE is also not based on a ratified treaty with provisions that are binding on its signatories. And yet the OSCE, in the agreement that established the Helsinki Final Act, has proven extremely influential in modern European affairs both during the Cold War and in today's post-Cold War era.

□ 1830

As the resolution notes, the Helsinki Act inspired many of those seeking freedom from Communism to create nongovernmental organizations to monitor their government's compliance with the human rights commitments made by Communist regimes in Helsinki in 1975.

Today's OSCE, in continuing to uphold the Helsinki Act's signatory, states the standards they should aspire to meet particularly with regard to human rights; and political rights continues to play a very beneficial role. Moreover, since the OSCE includes in its ranks of participatory states almost all of the states of Europe, those states have agreed to grant OSCE a greater role in conflict prevention and conflict resolution.

Mr. Speaker, I am certain that as we continue to work towards the Europe and the North Atlantic community of states that is truly democratic from Vancouver to Vladivostok, the OSCE will continue to play a vital role.

Mr. Speaker, I am pleased to support this resolution, I urge our colleagues to join in ensuring its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, I would first like to commend the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights, for introducing this important resolution; the gentleman from New York (Chairman GILMAN) for moving it through the legislative process; also the gentleman from Maryland (Mr. HOYER); and the gentleman from Connecticut (Mr. GEJDENSON) as well for their help in moving this measure to the floor today.

Mr. Speaker, August 1 of this year marked the 25th anniversary of the Helsinki Final Act, which created the Conference on Security and Cooperation in Europe, which has since been renamed the Organization for Security and Cooperation in Europe.

The 1957 Helsinki Final Act has played a critical role in ensuring that respect for human rights and fundamental freedoms was recognized by all countries in Europe and was at the top of the agenda of discussions between European countries.

The Helsinki process that resulted from the act ensured that there was a wide-ranging dialogue on issues ranging from migration and military security to the environment and independent media. Although CSCE had no permanent headquarters and no enforcement capability, it made important progress in setting standards for the protection of human rights during the Communist era.

The CSCE also increased confidence between East and West through the advanced notification of military activities and the exchange of military information. With the end of the Cold War, all CSCE countries, for the first time, accepted the principles of democracy and free markets as the basis for their cooperation. This made it possible for CSCE and later OSCE, to explore ways to act on its rigorous principles and to ensure that they were upheld.

Mr. Speaker, OSCE and CSCE have been on the forefront of the new post Cold War Europe as a peacemaker, election observer, and a conscience of democracy.

I am proud that the Helsinki Commission, established by Congress to follow the implementation of the final act, has made a significant contribution to this process. The resolution before the House today recognizes the important contributions the CSCE and the OSCE have made since the adoption of the Helsinki Final Act 25 years ago.

The resolution also calls on the President to issue a proclamation which recognizes this anniversary, reasserts the commitment of the U.S. to implementation of the Final Act, urges all states to abide by their obligations, and encourages Americans everywhere to mark the observance of this important anniversary.

Mr. Speaker, I urge my colleagues to support H.J. Res. 100.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me time.

Mr. Speaker, at the outset, let me give a special thanks to Bob Hand, who is a specialist on the Balkans, especially the former Yugoslavia and Albania, at the Helsinki Commission. As my colleagues know just a few moments ago, we passed H.R. 1064 by voice vote, legislation that I had introduced early last year. We went through many drafts and redrafts, and I would like to just thank Bob for the excellent work he and Dorothy Taft, the Commission's Chief of Staff, did on that legislation.

H.R. 1064 would not have been brought to the floor in a form we know the Senate will pass quickly and then forward for signature, without their tremendous work on this piece of legislation, and their organization of a whole series of hearings that the Helsinki Commission has held on the Balkans. We have had former Bosnian Prime Minister Silajdzic, for example, testify at several hearings.

The Congress itself has had so much input into this diplomatic process which we know as the "Helsinki process," and they have done yeoman's work on that.

Mr. Speaker, I rise and ask my colleagues to support passage of H.J. Res. 100, recognizing the 25th anniversary of the signing of the Helsinki Final Act. I am pleased that we have more than 40 cosponsors on this resolution, and that includes all of our colleagues on the Helsinki Commission. The gentleman from Maryland (Mr. HOYER), is the ranking Democratic Member, and my good friend and colleague.

Mr. Speaker, the Helsinki Final Act was a watershed event in European history, which set in motion what has become known as the Helsinki process. With its language on human rights, this agreement granted human rights the status of a fundamental principle regulating relations between the signatory countries. Yes, there were other provisions that dealt with economic issues as well as security concerns, but this country rightfully chose to focus attention on the human rights issues especially during the Cold War years and the dark days of the Soviet Union.

The Helsinki process, I would respectfully submit to my colleagues, was very helpful, in fact instrumental, in relegating the Communist Soviet empire to the dust bin of history. The standards of Helsinki constitute a valuable lever in pressing human rights issues.

The West, and especially the United States, used Helsinki to help people in Czechoslovakia, in East Germany and in all the countries that made up the OSCE, which today comprises 54 nations with the breakup of the Soviet Union and other States along with the addition of some new States.

Let me just read to my colleagues a statement that was made by President Gerald Ford, who actually signed the Helsinki Accords in 1975. He stated, and I quote, "the Helsinki Final Act was the final nail in the coffin of Marxism and Communism in many, many countries and helped bring about the change to a more democratic political system and a change to a more market oriented economic system."

The current Secretary General of the OSCE, Jan Kubis, a Slovak, has stated, and I quote him, "As we remember together the signature of the Helsinki Final Act, we commemorate the beginning of our liberation, not by armies, not by methods of force or intervention, but as a result of the impact and inspiration of the norms and values of an open civilized society, enshrined in the Helsinki Final Act and of the encouragement it provided to strive for democratic change and of openings it created to that end."

Mr. Speaker, the Helsinki Final Act is a living document. We regularly hold follow-up conferences and meetings emphasizing various aspects of the accords, pressing for compliance by all signatory states. I urge Members to support this resolution, and I am very proud, as I stated earlier, to be Chairman of the Helsinki Commission.

Mr. Speaker, I include for the RECORD the Statement made by the U.S. Ambassador to the OSCE, David T. Johnson, at the Commemorative meeting on the 25th Anniversary of the Helsinki Final Act

### STATEMENT AT THE 25TH ANNIVERSARY OF THE HELSINKI FINAL ACT

(By Ambassador David T. Johnson to the Commemorative Meeting of the Permanent Council of the OSCE)

MADAME CHAIRPERSON, as we look with fresh eyes today at the document our predecessors signed on August 1, 1975, we are struck by the breadth of their vision. They agreed to work together on an amazing range of issues, some of which we are only now beginning to address. The States participating in the meeting affirmed the objective of "ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;" they recognized the "indivisibility of security in Europe" and a "common interest in the development of cooperation throughout Europe."

One of the primary strengths of the Helsinki process is its comprehensive nature and membership. Human rights, military security, and trade and economic issues can be pursued in the one political organization that unites all the countries of Europe including the former Soviet republics, the United States and Canada, to face today's challenges. Over the past twenty-five years we have added pieces to fit the new realities—just last November in Istanbul we agreed on a new Charter for European Security and an adapted Conventional Forces in Europe treaty.

But the most significant provision of the Helsinki Agreement may have been the so-called Basket III on Human Rights. As Henry Kissinger pointed out in a speech three weeks after the Final Act was signed, "At Helsinki, for the first time in the postwar period, human rights and fundamental freedoms became recognized subjects of East-West discourse and negotiations. The conference put forward . . . standards of humane conduct, which have been—and still are—a beacon of hope to millions."

In resolutions introduced to our Congress this summer, members noted that the standards of Helsinki provided encouragement and sustenance to courageous individuals who dared to challenge repressive regimes. Many paid a high price with the loss of their freedom or even their lives. Today we have heard from you, the representatives of the many who have struggled in the cause of human rights throughout the years since Helsinki. We are in awe of you, of the difficult and dangerous circumstances of your lives, and of what you have and are accomplishing.

Many of us here cannot comprehend the conditions of life in a divided Europe. And those who lived under repressive regimes could not have imagined how quickly life changed after 1989. Political analysts both East and West were astounded at the rapidity with which the citizens of the former Iron Curtain countries demanded their basic rights as citizens of democratic societies. What we have heard time and again is that the Helsinki Final Act did matter. Leaders and ordinary citizens took heart from its assertions. The implementation review meetings kept a focus fixed on its provisions.

Even before the Wall came down, a new generation of leaders like Nemeth in Hungary and Gorbachev in the Soviet Union made decisions to move in new directions, away from bloodshed and repression. In the summer of 1989, the Hungarians and Austrian cooperated with the West Germans to allow Romanians and East Germans to migrate to the West. Looking at what was happening in Europe, the young State Department analyst Francis Fukuyama, wrote an article which captured the world's attention. In "The End of History," he claimed that what was happening was not just the end of the Cold War but the end of the debate over political systems. A consensus had formed that democracy, coupled with a market economy, was the best system for fostering the most freedom possible.

And then in the night of November 9, 1989, the Berlin Wall opened unexpectedly. Citizens emerging from repressive regimes knew about democracy and told the world that what they wanted more than anything else was to vote in free and fair elections. Only a year after the fall of the Wall, a reunited Germany held elections at the state and national level. Poland, Hungary, and the Baltic states carried out amazing transformations beginning with elections which brought in democratic systems. When Albania descended into chaos in 1997, groups across the country shared a common desire for fair elections. We have seen Croatia and the Slovak Republic re-direct their courses in the past several years, not by violence but through the ballot box. Just a few weeks ago, citizens of Montenegro voted in two cities with two different results—in both instances there was no violence and the new governments are moving forward with reforms to benefit their citizens. OSCE has time and again stepped up to assist with elections and give citizens an extra measure of reassurance that the rest of the world supports them in the exercise of their democratic rights.

We are all aware that in the decades since Helsinki, we have seen conflict, torture, and ethnic violence within the OSCE area. Unfortunately, not all areas in the OSCE region made a peaceful transition to the Euro-Atlantic community of democratic prosperity. Some OSCE countries remain one-party states or suffer under regimes which suppress political opposition. Perhaps the most troubled region is the former Yugoslavia. As Laura Silber has written in the text to the BBC series "The Death of Yugoslavia," "Yugoslavia did not die a natural death. Rather, it was deliberately and systematically killed off by men who had nothing to gain and everything to lose from a peaceful transition from state socialism and one-party rule to free-market democracy."

We need only look at the devastation of Chechnya and the continuing ethnic strife in parts of the former Yugoslavia to realize there is much still to be done in the OSCE region. We must continue our work together to minimize conflict and bring contending sides together, foster economic reforms through enhanced transparency, promote environmental responsibility, and or fight against organized crime and corruption. Human rights remain very much on our agenda as we seek to eradicate torture, and find new solutions for the integration of immigrants, minorities and vulnerable peoples into our political life.

"Without a vision," wrote the prophet Isaiah so long ago, "the people will perish." We here today have a vision of collective security for all the citizens of the OSCE region. After twenty-five years, the goals embodied in the Helsinki final act remain a benchmark toward which we must continue to work. The Panelists have reminded us today that the Helsinki Final Act has incalculable symbolic meaning to the citizens of our region; we must continue to take on new challenges as we strive to keep this meaning alive.

Mr. CROWLEY. Mr. Speaker, it is my pleasure to yield 8 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. CROWLEY) for yielding me the time. I thank the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations, for bringing this resolution to the floor. I am pleased to join my very good friend, the gentleman from New Jersey (Mr. SMITH), with whom I have served on the Helsinki Commission since 1985 and who is now the chairman of our commission and does an extraordinarily good job at raising high the banner of human rights, of freedom, and democracy and so many other vital values to a free people. I am honored to be his colleague on the Helsinki Commission.

Mr. Speaker, I rise in strong support of H.J. Res. 100 which commemorates the 25th anniversary of the signing of the Helsinki Final Act which, was signed on August 1, 1975.

It is my firm belief that the political process set in motion by the signing of the Final Act was the groundwork for the forces which consumed the former Soviet empire. In 1975, many of the Final Act signatory states viewed the language of the act dealing with human rights and the obligation that each state had toward its own citizens, as well as those of other states, as essentially meaningless window dressing.

Their objective, it was felt that of the Soviets, was to secure a framework in which their international political position and the then existing map of Europe would be adjudged a fait accompli.

Let me say as an aside that as we honor the 25th anniversary of the Helsinki Final Act, we ought to honor the courage and the vision of President Gerald Ford. I am not particularly objective. President Ford is a friend of mine for whom I have great affection and great respect, but those who will recall the signing of the Final Act in August of 1975 will recall that it was very controversial, and that many particularly in President's Ford's party thought that it was a sellout to the Soviets, thought that it was, in fact, a recognition of the de facto borders that then existed with the 6 Warsaw Pact nations, captive nations, if you will.

President Ford, however, had the vision and, as I said, the courage, to sign the Final Act on behalf of the United States along with 34 other heads of state; that act became a living and breathing process, not a treaty, not a part of international law, but whose moral suasion ultimately made a very significant difference.

I want to join my colleagues who I know would want to thank President Ford for his vision and courage in that instance, because those who thought it was a sellout were proven wrong.

The Helsinki process, which provided a forum and international backing for Refuseniks and others fighting behind the Iron Curtain for fundamental freedom and human rights, led inevitably to the collapse of Soviet communism.

Today we celebrate the freedom yielded by our steadfast commitment to the process and by our demand that the former Soviet bloc countries adhere to and implement the human rights standards enshrined by the accords. The fall of the Berlin Wall, Mr. Speaker, transformed the world and demonstrated unreservedly that respect for the dignity of all individuals is fundamental to democracy.

Mr. Speaker, the Organization for Security and Cooperation in Europe took a stand that human dignity, tolerance, and mutual respect would be the standards for all nations of Europe as we entered the 1990s. The Helsinki process served as a source of values and acted as an agent of conflict resolution.

It provided, Mr. Speaker, participating states with a blueprint by which to guide them away from the past, but most importantly, it reminded members, old and new, of their responsibilities to their own citizens and to each other.

Mr. Speaker, this lesson was sorely tested in the years following the Wall's fall with the dismemberment of Yugoslavia, the genocide in Bosnia and Kosovo, the economic collapse of Albania, and the emergence of new threats to the citizens of Russia.

One year after the fall of the Wall, at the OSCE Paris Summit, former political prisoners like Vaclav Havel and Lach Walesa, who had fought for the rights espoused in Helsinki in 1975, led their countries to the table and recommitted themselves and their governments to the principle of human rights, security and economic cooperation that are the foundation of the Helsinki Final Act.

Today, Mr. Speaker, 54 nations of Europe and the Americas, the Caucasus and Central Asia are committed to the Helsinki process as participating states in the OSCE. Now, we must recognize that all 54 of those states do not carry out those principles any more than the Soviet states carried out those principles in the months and long years after the signing of the Final Act, but we found then that inevitably the power of those ideas was like a tide that swept down oppression and resistance.

□ 1845

Hopefully, all 54 states will find that tide irresistible and will incorporate in their own lands all of the principles of the Helsinki Final Act.

Mr. Speaker, as we reflect on this anniversary, we understand that the countries and peoples of the region are still in transition and will be for decades to come. Great strides have been made by many former Communist countries in building democratic societies and market economies. Yet, progress has been uneven, and much remains to be done, as I said.

Mr. Speaker, in my view, it is critical that the United States remain engaged with the peoples and governments of Europe and the countries which emerge from the former Soviet Union, especially from Russia, during this difficult period.

I agree with President Clinton when he said that we must, and I quote, "reaffirm our determination to finish the job, to complete a Europe whole, free, democratic, and at peace for the first time in all of history." It is in our strategic and national interest, Mr. Speaker, to do so. By doing so, we honor the memory of all those who sacrificed so much to hold high the banner of freedom.

Mr. Speaker, I urge my colleagues to pass H.J. Res. 100 unanimously.

Mr. GILMAN. Mr. Speaker, I have no further requests for time.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. CROWLEY) for yielding me this time.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I am pleased that the gentleman from Maryland yielded me some time. The reason I wanted to take this time is he will not say himself, the gentleman from Maryland (Mr. CARDIN) is a member of the Helsinki Commission and has served with the gentleman from New Jersey (Mr. SMITH) and I for many years. There is a no more conscientious, a no more engaged and focused member of the Helsinki Commission than the gentleman from Maryland (Mr. CARDIN). I am pleased that he rises to speak on behalf of this resolution.

Mr. CARDIN. Mr. Speaker, reclaiming my time, let me thank the gentleman from Maryland (Mr. HOYER) for those very kind remarks, and I am going to include some comment about the gentleman from Maryland in my statement.

First, let me first just point out the obvious. It has been 25 years that our country has been an active participant in the Helsinki process. We are right to acknowledge that and celebrate that today. This resolution recalls the importance of the Helsinki process in promoting human rights, democracy, and the role of law within 54 countries that participate in the OSCE.

I am proud to represent this body in the Helsinki Commission and this Nation. This is unusual participation because we have both the legislative and executive branches that work side by side on the Helsinki Commission, and we work together. It is unusual. We do not have too many opportunities where both the executive and legislative branches participate as equal partners in a process. So it is truly unique. It has been very effective.

I want to congratulate the leadership on the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY), for the roles that they have played, very supportive of this commission, and giving us the opportunity to be active participants. We thank them very much for that.

To the gentleman from New Jersey (Mr. SMITH), our chairman, and the gentleman from Maryland (Mr. HOYER), our ranking member, I had participated with both of these individuals. Let me tell my colleagues I think either of them would make an excellent Secretary of State. They do a great job representing this Nation in some very, very difficult negotiations. I think we are very well served by the leadership of both the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. HOYER) in guiding our participation in the Helsinki process.

It is unique. This is very bipartisan. I do not think I ever recall a moment in my entire service on this body where there has been a partisan difference. We worked together for our Nation, and we worked together for human rights, and today we really can celebrate the successes. Sure we can say there are still many challenges in Europe, and former Yugoslavia obviously presents a tremendous challenge for us. But we celebrate our successes.

We have been successful in establishing democratic principles in most of the countries that were dominated by the former Soviet Union, and the Helsinki process has been key to those achievements; and we rightly celebrate that.

We also can celebrate the fact of what we did with Soviet Jews. The Helsinki process allowed many people to be able to leave the former Soviet Union.

We have an acknowledgment from Europe of the rights of ethnic minorities. There is no longer question that ethnic minorities are entitled to protection in their individual states. It is the right of every other participating state to raise those issues, and we do.

So, sure, there are challenges that are still remaining. We all understand that in Europe. But the Helsinki process is an unquestioned success. Today, by passing this resolution, we acknowledge that.

I urge my colleagues to support the resolution.

Mr. CROWLEY. Mr. Speaker, I do not believe we have any additional speakers, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 100.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-297)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

## PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-297 )

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## GOP'S FALSE "CHOICE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier this year, a confidential document prepared for House Republicans somehow found its way into the public realm. It was not big news at the time, just some talking points. They were prepared by a Republican polling firm in response to the Democrats' Medicare prescription drug proposal.

According to their analysis, an effective way to create opposition to the type of proposal offered by the President and House Democrats is to call it a "one-size-fits-all" plan, a "big government" plan, or worst of all, a "one-size-fits-all big government" plan.

One cannot blame the public for reacting to these phrases. I do not know anyone who likes big government simply for big government's sake. However, one can blame politicians for exploiting these terms instead of confronting the fundamental differences between the Democrat and Republican prescription drug proposals.

The Democrats' plan would add an optional drug benefit to Medicare. The Republican plan would bypass Medicare and subsidize private stand-alone insurance plans instead.

It is difficult to conceive of a program offering more choice than Medicare. The Medicare program covers medically necessary care and services. Beneficiaries can see their own health care professional and go to the facility that they choose.

Under the prescription drug plan, similarly, enrollees could go to the pharmacy of their choice. FDA-approved medications prescribed by a physician would be covered without regard to formulary restrictions.

Given this level of flexibility, how would a legion of new private plans enhance a beneficiary's choice in any way that matters? It is more likely these plans, like any other managed care product, would find ways of restricting choice which would, indeed, enhance something, their bottom line.

Medicare is a single plan that treats all beneficiaries equally and provides maximum choice and access for patients and doctors. The Democrats' prescription drug proposal embraces the same choice principles.

Under the Republican prescription drug proposal, Medicare beneficiaries would choose between private stand-alone insurance company prescription drug plans. Ostensibly, this would enable seniors to tailor their prescription drug coverage to their particular needs.

But what exactly would distinguish one private insurance plan from another private insurance plan? Realistically, the key differences would have to relate to the generosity and restrictiveness of the benefits, how many pharmacies would be covered, how stringent is the formulary, how much cost sharing would be required by the patient.

None of these plans could responsibly in any way, theoretically or practically, provide more choice than the Democrats' proposal in terms of which medications are covered, since the Democrats plan covers all doctor-prescribed medications.

None of these plans could provide a broader choice of pharmacy, since the Democrats' plan does not restrict access to pharmacies.

It appears that "choice" is actually code for "wealth." Higher-income seniors could afford a decent prescription drug plan under the Republican plan, one with the same level of coverage that would be available to all beneficiaries under the Democrats' plan. In other words, if one is wealthy, one can get as good a plan as the Democrats' plan. But under the Republican plan, lower-income enrollees would be relegated to restrictive alternatives. Some choice that is.

When opponents of the Democrats' prescription drug coverage plan berate it for being "one-size-fits-all" and "big government," they are actually berating Medicare itself. In fact, the Republicans' prescription drug proposal, which ignores Medicare to establish new private insurance HMO policies, is an insult to the program.

Their plan pays homage to those Members of Congress who favor privatizing Medicare, turning Medicare over to this Nation's insurance companies. I might add, Mr. Speaker, I have yet to meet anyone outside the Beltway who favors such a plan to privatize Medicare.

It is no coincidence that the only way a Medicare beneficiary could avoid carrying multiple health insurance policies under the Republican proposal is to join a private Medicare managed care plan.

As Congress and the presidential candidates debate the merits of competing prescription drug coverage proposals, watch for allegations like "one-size-fits-all" and "big government," and the like.

When applied to insurance coverage offering maximum choice in the areas that matter, choice of provider and access to medically necessary care, choice of prescription drug, pharmacies, and formularies, these terms simply fall flat.

Bear in mind also that more than the structure of a prescription drug benefit is at stake during these debates. The future of Medicare may, in fact, also hang in the balance.

## ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I come to the floor to talk about energy policy, a subject that has been much in the news in recent days. Crude oil supplies are tight, and we expect prices of all the various petroleum products to rise in the coming weeks.

□ 1900

Some may ask why should the chairman of the Committee on the Judiciary speak on this subject? In short, OPEC presents a classic antitrust problem that does not lend itself to antitrust solutions. What then should we do?

First, I want to suggest that the policy measures that have been advanced in recent days will not help for long. We must realize that our problem is not a temporary one, it is deep, it is structural and it is getting worse. Currently, we import more than 50 percent of the crude oil we use, and that number has been steadily increasing. So long as we allow that situation to persist, it will gravely threaten our national security and our way of life. So far we have been relatively lucky, but there is no reason to believe we will always have the same luck.

Last Friday, the Clinton-Gore administration decided to release 30 million barrels of crude oil from the Strategic Petroleum Reserve in an effort to lower prices. The idea is that the government will set oil prices. This from an administration that admitted it had been caught napping on oil prices last February. We established the Strategic Petroleum Reserve for national security reasons, to tide us over when there was a serious disruption in supply. At this point, there is no disruption at all. Prices are simply high because supply is tight. I do not like that, I wish they were lower, but tight supply is one thing and a disrupted supply is another. So the reserve was not meant to be a government price management tool.

Apart from that consideration, will this move succeed in lowering prices? I am not an economist, and I do not know what effect releasing a day and a half's supply of oil into the market over a month will have, but common sense would suggest that, holding all other things equal, it probably will reduce prices for a short time. But in a dynamic world, who knows whether all other things will remain equal. For example, why would OPEC simply not cut its production by a corresponding amount? Meanwhile, our buffer against a true disruption is lessened by a day and a half's supply during that time. How will we feel about that if Iraq decides to invade Kuwait again?

However, as the administration has stressed, this is a swap deal. Oil companies that take the oil will have to replace it with more at some future date. If that comes to pass, I will certainly be glad that we have more oil in the reserve. But what effect will removing that replacement oil have on market prices? If releasing 30 million barrels into the market will drop prices now, does it not stand to reason that removing more than 30 million barrels in the future will raise prices then? To put it in medical terms, this release is, at best, a temporary pain reliever that does nothing to cure the underlying disease. Indeed, it may well worsen our pain in a very short time.

What then do I propose? We must have a national energy policy that includes increased domestic energy production consistent with reasonable environmental guidelines, increased domestic refining and transportation capacity consistent with reasonable environmental guidelines, increased diplomatic pressure on foreign nations that produce oil, increased energy efficiency of engines and generation facilities, increased use of renewal energy sources throughout our economy, and a reformed excise tax structure. We can do all of this, and we can overcome this problem.

But these things that I have mentioned cut across the jurisdictions of lots of congressional committees and government agencies. They affect a lot of people and a lot of businesses. Because of that, we need sustained committed Presidential leadership. Only a comprehensive national energy policy can solve our problem, and only the President can lead us to that national energy policy. So I am introducing legislation, and have done so today, to call on the President to do that immediately.

So what can we do to ease the short-term pain? I think we must repeal the 4.3 cents a gallon deficit reduction tax that the Democrat Congress and administration passed in 1993. Fortunately, we have since ended the deficit. Unfortunately, in 1997, instead of ending this tax, we converted it to the Highway Trust Fund. I understand everyone wants their road projects, but consumers deserve some relief too. It is not a lot, but it will help until we get our long-awaited Presidential leadership.

Mr. Speaker, I call on all of my colleagues to support my Energy Independence Through Presidential Leadership Act. It calls on the President to provide immediate action to lead us to a national energy policy, and it gives short-term relief by repealing the deficit reduction tax. Let us forget the bandages and let us cure the disease.

Mr. Speaker, I come to the floor tonight to talk about energy policy—a subject that has been much in the news in recent days. The subject has been in the news because crude oil supplies are tight, and we expect prices of all the various petroleum products to rise in the coming weeks.

Some may ask why should the chairman of the Judiciary Committee speak on this subject? My answer to that is to ask why are world oil supplies tight. World oil supplies are tight because the members of the Organization of Petroleum Exporting Countries, or OPEC, have agreed among themselves to restrict the supply. They form a classic price fixing conspiracy that violates our antitrust laws. If they were American companies, they would go to jail. Unfortunately, they are sovereign nations, and we cannot reach them under our current law. In short, we have a classic antitrust problem that does not lend itself to antitrust solutions.

What then should we do? I know that we are in the middle of a campaign season, and I do not want to make this political. But I do want to suggest why some of the policy measures that have been advanced in recent days will not help. I also want to tell you what I think must be done. The Judiciary Committee has held three days of hearings on this subject this year, and we have learned quite a bit.

We must realize that our problem is not a temporary one. It is deep—it is structural—and it is getting worse. Currently, we import more than 50 percent of the crude oil we use and that number has been steadily increasing. So long as we allow that situation to persist, it will gravely threaten our national security and our way of life. So far, we have been relatively lucky, but there is no reason to believe that we will always have that same luck.

So, let's talk about some of the policy initiatives that are under discussion. Last Friday, the Clinton-Gore Administration decided to release 30 million barrels of crude oil from the Strategic Petroleum Reserve in an effort to lower prices. The idea is that the government will set oil prices—this from an administration that admitted that it had been "caught napping" on oil prices last February. I was not there when any of these comments were made, but according to press reports, Vice President GORE opposed this strategy last February, Treasury Secretary Summers thought it was a "dangerous precedent," and Federal Reserve Chairman Greenspan also opposed it.

That is such a distinguished group that I hesitate to add my own thoughts, but let me do so briefly. We established the Strategic Petroleum Reserve for national security reasons—to tide us over when there was a serious disruption in supply. At this point, there is no disruption at all—prices are simply high because supply is tight. I do not like that, I wish they were lower, but a tight supply is one thing and a disrupted supply is another. So the Reserve was not meant to be a government price management tool.

Apart from that consideration, will this move succeed in lowering prices? I am not an economist, and I do not know what effect of releasing a day and half's supply of oil into the market over a month will have. Common sense would suggest that, holding all other things equal, it probably will reduce prices for a short time. But, in a dynamic world, who knows whether all other things will remain equal? For example, why wouldn't OPEC simply cut its production by a corresponding amount? Meanwhile, our buffer against a true disruption is lessened by a day and a half's supply during that time. How will we feel about that if Iraq decides to invade Kuwait again?

However, as the Administration has stressed, this is a swap deal. Oil companies that take the oil will have to replace it with more at some future date. If that comes to pass, I will certainly be glad that we have more oil in the Reserve. But what effect will removing that replacement oil have on market prices? If releasing 30 million barrels into the market will drop prices now, doesn't it stand to reason that removing more than 30 million barrels in the future will raise prices then? To put it in medical terms, this release is at best a temporary pain reliever that does nothing to cure our underlying disease. Indeed, it may well worsen our pain in a very short time.

Now, some have suggested that "Big Oil" is price gouging. If that is so, then the oil companies must be punished. Last June, Representative JIM SENSENBRENNER and I were the first to ask the Federal Trade Commission to investigate this matter. So far, they have not brought any price gouging cases. I do not know what their investigation will ultimately show, but I think we have to be careful about throwing that charge around until we know what the evidence is.

Some have suggested that we change the law so that we can sue the foreign nations that make up OPEC. I would not oppose that—it is so emotionally satisfying to say let's sue them. But we have to realize that any such measure is largely symbolic and may lead to worse consequences for us. This is one of the first questions that we asked in our Judiciary Committee hearings and let me just quote what the Federal Trade Commission said in response:

> A possible enforcement action . . . raises practical questions as to whether jurisdiction can be obtained over OPEC and its member nations, how a factual investigation could be conducted with respect to documents and witnesses located outside the United States, and the nature and enforceability of any remedy.
>
> . . . [P]erhaps most importantly, any enforcement action would raise significant diplomatic considerations. A decision to bring an antitrust case against OPEC would involve not only, and perhaps not even primarily, competition policy, but also defense policy, energy policy, foreign policy, and natural resource issues. In particular, any action taken to weaken a sovereign nation's defenses against judicial oversight of competition lawsuits, for example, would have profound implications for the United States, which places buying and selling restrictions on myriad products. Consequently, any decision to undertake such a challenge ought to be made at the highest levels of the executive branch, based on careful consideration by the Department of Justice and other relevant agencies.

I think that the last point is particularly timely when you consider that just last week the Yugoslavian government began a "war crimes" trial against President Clinton and other Western leaders growing out of our bombing of Kosovo. So we have to think about what the consequences of our action will be.

When we face the prospect of rising energy prices six weeks before an election, it is tempting to scramble around proposing band-aid solutions like those I have discussed. But they really do not do anything to address the problem. What then do I propose?

First, we must acknowledge that this problem is not easy to solve, and it will take commitment and discipline over a significant period of time. We must have a national energy policy that includes: increased domestic energy production consistent with reasonable environmental guidelines, increased domestic refining and transportation capacity consistent with reasonable environmental guidelines, increased diplomatic pressure on foreign nations that produce oil, increased energy efficiency of engines and generation facilities, increased use of renewable energy sources throughout our economy, and a reformed excise tax structure.

We have oil in Alaska and other places that we can use. Much of the home heating oil problem arise not from a lack of oil, but a lack of refining capacity. Refining capacity lags because environmental and other regulations make it almost impossible to build new refineries. I an confident that we can reconcile these things with reasonable environmental guidelines.

Let me quote from a recent statement on advanced oil drilling technology: "advanced technology has led to fewer dry holes, smaller drilling 'footprints,' more productive wells, and less waste. All of these advances have contributed to a cleaner environment, and even greater benefits are possible. . . . We have only scratched the surface of what is possible—and of what technological improvements can do to benefit the energy security and environmental quality for future generations."

You might think that this statement comes from "Big Oil." In fact, it comes from the Clinton-Gore Administration's own Assistant Secretary for Fossil Energy just a year ago.

In that same vein, we heard testimony in the Judiciary Committee about the great advances that are being made in making more efficient engines and generation facilities. We are well along in this field, and we just need to make the changeover. We also need to look around us: the sun, the wind, and the waters are free and renewable. OPEC cannot take them from us. We must develop these energy sources.

We can do all of this, and we can overcome this problem. But these things that I have mentioned cut across the jurisdictions of lots of congressional committees and government agencies. They affect a lot of people and businesses. Because of that, we need sustained, committed presidential leadership. Only a comprehensive national energy policy can solve our problem, and only the President of the United States can lead us to that national energy policy. So I am introducing legislation to call on the President to do that immediately.

But candidly I do not expect that we are going to get much leadership in the waning days of the Clinton-Gore Administration. So what can we do to ease the short term pain? I think we must repeal the 4.3 cents a gallon deficit reduction tax that the Democrat Congress and Administration passed in 1993. Fortunately, we have since ended the deficit. Unfortunately, in 1997, instead of ending this tax, we converted it to the Highway Trust Fund. I understand that everyone wants their road projects, but consumers deserve some relief. It's not a lot, but it will help until we get our long awaited presidential leadership.

So, Mr. Speaker, I call on all of my colleagues to support my "Energy Independence through Presidential Leadership Act." It calls on the President of the United States to provide immediate action to lead us to a national energy policy and it gives short term relief by repealing the deficit reduction tax. Let's forget the bandages and cure the disease.

## LACK OF HEALTH INSURANCE FOR OUR NATION'S CHILDREN

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe there has been enough debate on the floor of the House and as evidenced by news reports around this Nation for everyone to be aware that our health care system in America is near crisis in many areas. But today, Mr. Speaker, I announce that the care of our children and health care for our children is in shambles.

About 45 percent of the $4.2 billion provided in the 1997 legislation passed by Congress to provide health care for our children, health insurance, has not been spent by the States, State and Federal officials have announced. Any money left after a September 30 deadline will be redistributed to the 10 States that used their full allotments of Federal money under the children's health insurance program, a program created in 1997. Some 40 States are in jeopardy, and September 30 is fast appearing.

California and Texas, Texas is the State that I come from, together have 29 percent of the Nation's 11 million uninsured children, and my State of Texas, on September 30, 2000, stands to lose $446 million. Seven million of those children living in our Nation, 7 million of the 11 million children needing to have health insurance, are uninsured. Two-thirds of those children live in families with incomes below 200 percent of the poverty level.

Mr. Speaker, this crisis, this state of shambles must end. This program, this State-run program, covers children from families that do not qualify for Medicaid but cannot afford to buy insurance. This effort was supposed to extend coverage to an additional 2 million children who do not qualify for Medicaid, yet millions of children are believed to be eligible for programs but remain uninsured.

Texas has the second highest rate of uninsured children in the Nation, with over 25 percent of children under the age of 19 lacking health insurance throughout the years 1996 to 1998. There are 1.4 million uninsured children in Texas, 600,000 eligible for but not in Medicaid, nearly 500,000 qualify for CHIP. We are at the bottom of the totem pole; the bottom of the heap.

And, frankly, Mr. Speaker, we are all in the mix. Texas is in the mix and the governor of the State of Texas is in the mix, for we had a number of years to outreach to those parents, those schools, those children to provide the information, to encourage them to sign up painlessly for the CHIP program. Yet in Dallas we have a young boy waiting for a wheelchair for months and months and months because he is uninsured; or in the city of Houston we have a child waiting for eyeglasses months and months and months because they are uninsured.

There is $446 million to be lost to the Nation's children, particularly in the State of Texas; children suffering from asthma, children who are HIV infected, children who have been diagnosed with cancer, children who need to be able to have good health care, children who are fighting against the Texas rate of infant mortality, which is 5.9 percent with white children and 10.9 percent with black children.

This is a tragedy. And so my call is not only to the State of Texas and other States but it is also to the Federal government. We should delay the September 30 deadline and provide the opportunity for America's children to be insured. It is a shame, it is a crisis to take the money and to redistribute it to States, who may be in need. I agree with that, but do not leave unfulfilled the need of States that have not even touched the surface.

Texas is well-known for having the second highest number of uninsured children. I am calling on Secretary Shalala and the governing body for these CHIP programs to delay the time frame for States to be able to regroup and to reoffer to the Federal Government a strategy that will allow them to draw down on the respective monies. My State of Texas cannot afford to lose these dollars. Our children need immunization, our children need treatment for asthma, cancer, HIV-AIDS, our children need eyeglasses and wheelchairs and basic preventive health care.

At any moment now an outbreak of children's disease could cause a disaster in the State of Texas. It is not without being heard. Need is great, and we must help them. I ask Secretary Shalala, with the administration, to delay the time, and I ask Governor Bush to come home and solve the problem.

Mr. Speaker, I rise today to point out the tragedy that nationally, over 44 million Americans are without health insurance and this number is increasing with each passing day. Of this number of uninsured Americans 11 million are children, which means that one in seven of those children living in our nation are uninsured. Two-thirds of these children live in families with income below 200% of the poverty level ($33,400 for a family of four in 1999).

Unfortunately the plight of the uninsured in our nation has grown worse although we are experiencing the longest economic expansion in the last thirty years. Our nation's unemployment rate is at its lowest point in 30 years; core inflation has fallen to its lowest point in 34 years; and the poverty rate is at its lowest since 1979. The last seven years we have seen the Federal budget deficit of $290 billion give way to a $124 billion surplus. Medicaid provides health insurance coverage for more than 40 million individuals—most are women, children, and adolescents—at an annual cost of about $154 billion in combined federal and state funds.

The Childrens Health Insurance Program (CHIPS), was passed in 1997. This state-run program covers children from families that do not qualify for Medicaid, but cannot afford to buy insurance. This effort was supposed to extend coverage to an additional 2 million children who do not qualify for Medicaid. Yet millions of children are believed to be eligible for these programs, but remain uninsured.

Texas has the second highest rate of uninsured children in the nation with over 25% of children under the age of 19 lacking health insurance throughout the years 1996–1998.

There are 1.4 million uninsured children in Texas, 600,000 are eligible for, but not in Medicaid; nearly 500,000 qualify for CHIP.

Texas, attempt to combat the number of uninsured children is by combining the options available to states in order to expand health insurance coverage. Texas' combination includes the expansion of Medicaid and state-designed, non-Medicaid programs.

At present time, there is a need for eligibility reforms and aggressive outreach for low-income health programs in Texas.

Texas is at the bottom of retaining low-income kids on Medicaid since welfare reform in 1996. 193,400 Texas children fell off the Medicaid rolls during the past three years, a 14.2% decline.

Medicaid data collected finds an increase in the number of people enrolled in Medicaid in June 1999 compared to June 1998, but the magnitude of this success rate is dampened due to the decline of Medicaid in nine statess—one of them was Texas.

The status quo in Texas is that children (up to age 19) in families with incomes at or under 100% of the federal poverty income level (FPL, $14,150 for a family of 3) can qualify for Medicaid.

Texas has been given the choice to adopt less restrictive methods for counting income and assets for family Medicaid; for example, states can increase earned income disregards, and alter or eliminate asset tests. Texas has been slow compared to other states in implementing CHIP.

Children enrolled in Texas CHIP will get a comprehensive benefits package—includes eye exams and glasses, prescription drugs, and limited dental check-ups, and therapy.

CHIP does not serve as an alternative to Medicaid for those families, who based on their income, are eligible for Medicaid.

### MORBIDITY AND MORTALITY

The U.S. ranks 22nd among industrialized nations.

Infant mortality rates are twice as high for Black infants than for White infants and Black infants are four times more likely to die because of low birthweight than are white infants.

In Texas, the infant mortality rate is 5.9% for children with a White mother versus 10.9% for those with a Black mother.

Although the absolute number of deaths due to cancer in children and adolescents is low relative to adults, cancer remains the second leading cause of death among Texas children ages 1 to 14 years.

Cancer is diagnosed in about 800 Texas children and young adults under the age of 20 each year.

Although lead has been banned from gasoline and paint, it is estimated that nearly 900,000 children have so much lead in their blood that it could impair their ability to learn.

The estimated number of children under age 13 who acquired AIDS before or during birth increased each year during the period from 1984 through 1992.

New case rates and death rates for HIV/AIDS are disproportionately higher for children of color than for White children. AIDS among Black and Hispanic adolescents accounted for approximately 83% of reported cases in 1997.

Hospitalizations for children with asthma have been increasing for most of the 1990's. Low-income children are more likely to suffer from asthma with the sharpest increases being among urban minority children. If trends continues, asthma will become one of the major childhood diseases of the 21st century.

### CHILDHOOD NUTRITION

Teen obesity has more than doubled in the past 30 years. Next to smoking, obesity is the leading cause of preventable death and disease. Obesity continues to disproportionately affect poor youth and minority children because of poor diet and lack of exercise.

13.6 percent of all American children are overweight. Yet, 11.8 percent of low-income children experience moderate to severe hunger, compared with 1.9 percent of children in households with income above the poverty level.

Approximately 35 children each day are diagnosed with juvenile diabetes, which can lead to blindness, heart attack, kidney failure and amputations. Type 2 diabetes is increasingly high among minority children.

Before 1992, only 1 to 4% of children was diagnosed with Type 2 diabetes or other forms of diabetes. Now, reports indicate that up to 45% of children with newly diagnosed diabetes have Type 2 diabetes.

### CHILDREN'S MENTAL HEALTH

Currently, there are 13.7 million children in this country with a diagnosable mental health disorder, yet less than 20% of these children receive the treatment they need. At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide.

However, 75 to 80 percent of these children do not receive any services in the form of speciality treatment or some form of mental health intervention.

The White House and the U.S. Surgeon General have recognized that mental health needs to be a national priority in this nation's debate about comprehensive health care.

Suicide is the eighth leading cause of death in the United States, accounting for more than 1% of all deaths.

The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression.

According to the 1999 Report of the U.S. Surgeon General, for young people 15–24 years old, suicide is the third leading cause of death behind intentional injury and homicide.

Persons under the age of 25 accounted for 15% of all suicides in 1997. Between 1980 and 1997, suicide rates for those 15–19 years old increased 11% and for those between the ages of 10–14, the suicide rates increased 99% since 1980.

More teenagers died from suicide than from cancer, heart disease, AIDS, birth defects, strokes, influenza and chronic lung disease combined.

Within every 1 hour and 57 minutes, a person under the age of 25 completes suicide.

Black male youth (ages 10–14) have shown the largest increase in suicide rates since 1980 compared to other youths groups by sex and ethnicity, increasing 276%.

Almost 12 young people between the ages of 15–24 die every day by suicide.

In a study of gay male and lesbian youth suicide, the U.S. Department of Health and Human Services found lesbian and gay youth are two to six times more likely to attempt suicide than other youth and account for up to 30 percent of all completed teen suicides.

We must act to prevent states like Texas, California, and Louisiana from loosing millions of dollars in federal funds which have been provided to insure our nation's uninsured poor children.

## TRIBUTE TO CARL ROWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to noted author and journalist Carl Rowan, who passed earlier this week and who devoted his life to working and fighting for equality and justice both here at home and abroad.

Carl Rowan was born in 1925 in Ravenscroft, Tennessee. Like many African Americans, he emerged from poverty in the segregated South during the depression. Undoubtedly, the trials and tribulations of Mr. Rowan's life, and which he overcame in his childhood, prepared him to excel as a leader and enabled him to climb the arduous ladder of success in his career. His life is a model which exemplified the continuous breaking of barriers which is truly noteworthy.

Mr. Rowan served as a commissioned officer in the United States Navy. And after his tenure of military service he studied at Oberlin College in Ohio and earned a master's degree in journalism from the University of Minnesota. In the late 1940s, Carl Rowan became one of the first African Americans to work for a major mainstream daily newspaper when he took a copy editing position at the Minneapolis Tribune.

Mr. Rowan was known among his contemporaries to possess integrity and an unwavering purpose to fight for justice. His sense of duty to uncover the truth, no matter what the cost, is not only noteworthy but honorable. Equipped with a tenacious journalistic pen, Carl Rowan courageously exposed racism.

His reporting on race relations led President Kennedy to appoint him Deputy Secretary of State, delegate to the United Nations during the Cuban missile crisis, and Ambassador to Finland. In 1964, President Johnson named him Director of the United States Information Agency. While serving in these capacities, Mr. Rowan's shrewd character was admired by many, and his toughness was respected by all.

After his government service, Mr. Rowan continued to break barriers when he became a columnist for the Chicago Sun Times. During his illustrious career at the Sun Times he composed themes of reform and racial awareness, which touched the spirits of his dedicated readers. Unlike many of his colleagues, he dared to write about the unpopular, the controversial. Mr. Rowan's motto was: "I inform people and expose them to a point of view they otherwise wouldn't get. I work against the racial mindset of most of the media."

Indeed, Carl Rowan proved to be a watchdog who was in the forefront of civil rights in the media. This is why my friend and respected columnist, Vernon Jarrett, views Mr. Rowan as a role model who pioneered in the introduction of black content to major white newspapers.

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Furthermore, Carl Rowan did not use his pen alone to make a difference. He was a staunch advocate of public service and philanthropy, as well. He created Project Excellence in 1987 to help and encourage black youth to finish high school and go on to college. To date, the fund has given $79 million to Washington area youth.

Mr. Rowan was a good friend to many. His mark of excellence serves as a testament to what one can achieve. His undaunted literary voice will be sorely missed.

And so, Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Carl Rowan for his remarkable career of serving our country. On this sad and unfortunate occasion, let us extend our deepest sympathy to his family, to his wife, Vivian, and his three children, Carl, Jr., Jeffrey, and Barbara, a man of distinction, a public servant who served not only his country but the world community well.

## REDUCING NATIONAL DEBT AND ANNUAL INTEREST PAYMENTS BY BILLIONS

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, does anyone believe that it would be possible to reduce our national debt by $600 billion and reduce our annual interest payments by $6 billion with no harm to anyone nor to any program? That sounds too good to be true, does it not? But it is true, it is simple, and it is possible.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in great savings to the people. We really can cut our national debt by $600 billion and reduce our Federal interest payments by $30 billion per year.

It is an undisputable fact that Federal Reserve notes, that is our circulating currency today, is issued by the Federal Reserve in response to interest-bearing debt instruments. Thus, we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that so-called back our paper money. That is the Federal Reserve notes. This unnecessary cost is $100 per person each year in our country, an absolutely unnecessary cost, $100 per person each year.

The Federal Reserve obtains the bonds from the banks at face value in exchange for the currency. That is the Federal Reserve notes printed by the Bureau of Engraving and Printing and given to the Federal Reserve. The Federal Reserve appears to pay the printing costs. But, in fact, the taxpayers again get stuck. They pay the full cost of printing our Federal Reserve currency. The total cost of the interest is roughly $30 billion, or about $100 per person, in the United States.

Why are our citizens paying $100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins today? The coins are minted by the Treasury and, essentially, sent into circulation at face value.

The Treasury will make a profit of $880 million this year from the issue of the first one billion new gold-colored dollar coins. If we use the same method of issue for our paper money as we do for our coins, the Treasury could realize a profit on the bills sufficient to reduce the national debt by $600 billion and reduce annual interest payments by $30 billion dollars.

In other words, Federal Reserve notes are officially liabilities of the Federal Reserve, and over $600 billion in U.S. bonds is held by the Federal Reserve as backing for these notes. The Federal Reserve collects interest on these bonds from the U.S. Government, then it returns most of it to the U.S. Treasury. But the effect of this is there is a tax on our money, again about $100 per person, or $30 billion a year, that goes to the United States Treasury, a tax on our money in circulation.

Is there a simple and inexpensive way to convert this costly, illogical, and convoluted system to a logical system which pays no interest directly or indirectly on our money in circulation?

Yes, there is. Congress must require the U.S. Treasury to issue our cash, our paper money.

I have introduced a bill to require our paper money be issued just as we issue our coins, thus reducing the national debt by $600 billion and stop wasting $30 billion each year paying rent or interest on our own money in circulation.

## PRESCRIPTION DRUG COVERAGE FOR EVERY SENIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, earlier this month I visited members of the AARP in Clifton, New Jersey, to talk about issues that affect senior citizens. The first thing they asked me is, "Are we ever going to get prescription drug coverage?" And I said to them the best answer I could come up with, "I hope so."

Obviously, these seniors are not alone in questioning whether or not Congress will actually do something or if this is yet another example of political posturing during an election year.

The only certainty I could leave these seniors is the fact that I support prescription drug coverage through the Medicare program and that I was committed to working in a bipartisan fashion to guarantee that it gets done this Congress.

The need for a comprehensive prescription drug plan is clear, and the time for Congress to act is now.

Seniors understand better than anyone else the high cost of prescription drugs. The lack of comprehensive coverage for seniors forces them to make decisions that threaten the quality of their lives and indeed their well-being.

The number of seniors without drug coverage is increasing day after day. Right now, approximately three out of every five Medicare beneficiaries lack decent, dependable drug coverage. Thirteen million beneficiaries have no prescription coverage, and millions more are at risk of losing coverage.

Most seniors without prescription drug coverage are middle-class folks. Many of those seniors have retiree plans without comprehensive coverage, and even those with coverage are on the verge of losing it.

Why? Because the number of firms offering retiree health insurance coverage dropped 30 percent between 1993 and 1999. Another reason is that, in many States, insurers that participate in the Medicare+Choice program are also dropping out because of low Medicare reimbursements. We have this all across America. This is not a partisan issue. This cuts across party lines.

Other Medicare HMOs, like in the State of New Jersey, are cutting their prescription plans when their profit margin decreases. We must understand that.

In fact, I spoke to an HMO official in New Jersey the other day who informed me that, unless Medicare reimburses for prescription drugs, HMOs would continue to drop the coverage, compounding the situation's severity.

This leaves seniors stranded. The high cost of prescription drugs for seniors without coverage is of grave concern. Senior citizens tend to live on fixed incomes. These incomes are adjusted to keep up with the rate of inflation.

With this in mind, Families USA recently reported that 50 of the most commonly used prescription drugs by seniors increased in cost at nearly twice the rate of inflation in 1999. That cannot be acceptable by anybody on this floor.

Seniors that use drugs to combat chronic illnesses are hit even harder. Many times they are forced to spend over 10 percent of their income on prescription drugs.

If a senior has diabetes, if a senior has hypertension, high cholesterol, they need to maintain their health every day with prescription medication.

For example, a widow living with one of these illnesses and an income within 150 percent of poverty level without comprehensive coverage will spend 18.3 percent of her annual income on prescription medications. This example is one of many reasons why we cannot delay passing a voluntary prescription drug plan through Medicare.

Congress has the responsibility to pass a prescription drug benefit that is affordable and accessible to every senior citizen in America. We must guarantee that market vulnerability and poor Medicare reimbursements no longer keep seniors from getting prescription drug coverage.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 109, CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-887) on the resolution (H. Res. 591) providing for consideration of the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-888) on the resolution (H. Res. 592) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## AFFORDABLE PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I would like to take this opportunity to join my colleagues in calling for quick, decisive action by Congress to make prescription drugs more affordable for all Americans.

This Chamber has the opportunity to make an enormous difference in the lives of seniors, individuals with disabilities, and many, many others. And for once, there is something relatively simple that we can do. We can pass the legislation making it easier for Americans to reimport prescription drugs approved by the FDA and manufactured in FDA facilities.

A vast amount of the pharmaceuticals produced in the Nation under government-inspected plans and with government-approved procedures end up in other countries. Quite often they are sold at far lower prices there than are available to United States residents. For many people, it would be less expensive to buy those medications overseas and have them shipped home than to purchase them at the corner drugstore. However, restrictive export laws make it impossible.

Both the House and the Senate have approved legislation that would allow Americans to reimport prescription drugs. I strongly support this reasonable proposal, with the understanding that reasonable safeguards on the purity and safety of these products would also be put in place. This is a common sense step that we can take to improve all of our constituents' access to more affordable medication.

In early June, my office worked with Public Citizen to help a dozen of my constituents travel to Montreal to purchase prescription drugs at lower prices in Canada. The savings realized by these persons was nothing short of astonishing. Elsie saved $650, or 47 percent, of the cost of her prescriptions. Nancy saved 48 percent, or over $450. Francis saved 60 percent. For all of the men and women who went, the savings amounted to a significant proportion of their monthly income.

Now, I should point out that these persons were only allowed to buy medications for 2 months and, so, those significant savings were for only a 2-month period of the year.

Mary takes nine different medications, and she spends 73 percent of one month's income for 3 months' supply. She speaks for many seniors when she says, "Do you stop taking your medication to buy food?"

It is intolerable that the wealthiest Nation in the world allows this situation to persist. However, it is even worse to see the lengths to which the pharmaceutical industry will go to defeat any effort to make these drugs more affordable.

Citizens for Better Medicare, a group funded primarily by the largest drug companies, now spends something over a million dollars a week on campaign-related issue ads. They have already spent $38 million in this cycle, more than any organization except the two major political parties; and they expect to spend plenty more in the coming weeks before the election.

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Just imagine how much good that $38 million would do for low-income Americans and seniors who cannot afford their prescriptions. It is time for Congress to stop the nonsense and take a modest first step toward making prescription drugs more affordable for all Americans.

Congress should pass a prescription drug reimportation provision as soon as possible.

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## PRESCRIPTION DRUG COVERAGE FOR SENIORS

The SPEAKER pro tempore (Mr. ADERHOLT). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, once again this evening I would like to focus on the Democratic proposal to provide for a prescription drug benefit under Medicare. I have been on the floor many times in the House discussing this proposal because I do think it is the most important issue facing this Congress and facing the American people today.

Many of my constituents, senior citizens, have complained about the high price of prescription drugs. Many of them have to make choices between prescription drugs and food or housing, and I do not think there is any question that with the Medicare program that has been probably the most successful Federal program in history that if we were to just take that program and add a prescription drug benefit, we would be solving a lot of the problems that our senior citizens now have with not having access or being able to afford prescription drugs.

Now, of course, both sides of the aisle have been talking about this issue in the last week or so, and I, of course, believe very strongly that the Democratic plan, which is the only plan that would actually include a prescription drug benefit under Medicare, is the only plan that would actually help the average American.

I want to spend a little time tonight explaining the Democratic plan and then explaining why I think the proposal that has been put forward on the other side of the aisle by the Republican leadership is essentially illusory and would not help the average American.

Let me start out by saying that right now, seniors know that they can get their hospitalization through part A of Medicare and they pay a monthly premium through part B of Medicare and get their doctor bills paid. Now, what the Democrats are saying is that we will follow on the existing Medicare program, which has a part A and a part B and we will give you a prescription drug benefit in the same way. We call it part D, because Medicare part C is now the Medicare+, the HMO option. Basically what we say is that you would pay a modest premium and the government would pay for a certain percentage of your drug bills. Now, the Democrats guarantee you the benefit through Medicare if you want it and it covers all your medicines that are medically necessary as determined by your doctor, not the insurance company.

Let me contrast that with what the Republicans have been talking about. Basically what the Republican leadership on the other side has been talking about and what Governor Bush has been talking about is that they will give you, if you are below a certain income, a certain sum of money, that the government will provide a sort of subsidy and that you can go out and you can try to find an insurance company that will sell you a policy and cover your prescription drugs or medicine. But if you cannot find an insurance company that will sell you that policy, that drugs-only policy with the amount of money the government will give you, then you are basically out of luck.

Also, I would point out that the Republican plan, particularly the one that has been articulated by Governor Bush, only covers people below a certain income. The other problem with the Republican proposal is that even if you can find an insurance policy that will cover prescription drugs, there is no guarantee as to the cost of the monthly premium or what kind of medicine you get. More importantly, the Republican proposal leaves America's seniors open to continued price discrimination because there is nothing to prevent the drug companies from charging you whatever they want.

The Democratic plan deals with the issue of price discrimination by saying that the government will choose a benefit provider who will negotiate for you the best price just like the prices negotiated for HMOs and other preferred providers. The problem right now is if you are a senior citizen and you are not part of an HMO or you do not have some other large employer-based, for example, drug coverage and you want to go out to your local pharmacy and pay for a particular drug, you oftentimes are paying two and three times what the preferred provider or the HMO or some other kind of drug plan is paying. That has got to end. If we do not address the issue of price discrimination, then we are never going to essentially solve the prescription drug problem that seniors face today.

Mr. Speaker, the Democratic plan is a real Medicare benefit that will make a difference for America's seniors. The Republican plan is, as I have characterized many times before, a cruel hoax on the same seniors who are basically crying out for Congress to act.

Now, let me talk a little bit more about the Republican plan that was outlined by Governor Bush a few weeks ago in reaction to our Democratic proposal. Let me point out, first of all, that the Bush proposal excludes two-thirds of Medicare beneficiaries because their income is essentially too high. Two-thirds of seniors and eligible people with disabilities have incomes above 175 percent of poverty, or about $15,000, for an individual and they are eligible for Medicare but they would not be eligible for the Bush prescription drug plan. The sad thing about that is that the problem that we face and the seniors that talk to me and talk to my colleagues about the problems they face with prescription drugs more often than not are not low-income seniors. Forty-eight percent of those without drug coverage have incomes above 175 percent of poverty and would not qualify under what Governor Bush is proposing.

The other thing is that only a fraction of the low-income seniors would actually get coverage even under Governor Bush's proposal. So even if you are low income, you are not guaranteed the coverage. Most of the Nation's governors have agreed with seniors and people with disabilities that the gaps in Medicare coverage should be a Federal responsibility and not run or financed by the States. But what Governor Bush has proposed basically is to have State-based programs for these low-income people. Let me tell you, if you look at the existing Medicare program, something like 98 percent of eligible seniors are now participating in Medicare. But if you look at State-based programs that provide some kind of prescription drug coverage now, only about, well, really 45 percent or less than half of the people are actually enrolled in those State-based programs.

So what we have here is the Democrats saying, "Medicare has worked. Medicare is a good Federal program. Let it cover prescription drugs in the same way that it covers hospitalization and in the same way that it covers your doctor bills."

The Republicans are saying, "No, Medicare doesn't work, it's not something that we want to expand, it's not the way to go about this. We're just going to give you a subsidy if you happen to be low income and you can go out and try to find prescription drug coverage if you can. If you can't, that's your problem, not ours."

The last thing I wanted to mention today before I yield to one of my colleagues is that this Republican proposal has already been tried in at least one State, the State of Nevada. Back in March, Nevada, the legislature and the governor signed a law that essentially is the same thing as what the Republican leadership is proposing in the House of Representatives nationally. And it has not worked. The Nevada program went into effect, they tried to get some insurance companies that would sell these prescription-only drug policies and nobody was willing to sell them. It is no surprise. The gentleman from Texas (Mr. GREEN) to whom I am about to yield and I were at a Committee on Commerce meeting one day when this issue came up and the representative from all the insurance companies came in and said to the Republicans, "There's no point in doing this because it's not going to work and we're not going to sell these drug insurance policies."

Well, Nevada tried it and it did not work. They could not get anybody to sell the insurance. Why in the world would we try to emulate something that has not worked in a State? In this case, why would we want to transfer that to the national government when we have an existing program, Medicare, that does work and that merely needs to be expanded to provide for prescription drug coverage? That is the way to go. That is what the Democrats are talking about. If anyone says to you that the Republican plan is something that will work for the average American, it is simply not going to work.

Mr. Speaker, my colleague on the Committee on Commerce has been out here as often as I have basically asking the Republican leadership to bring up the Democratic proposal for a Medicare prescription drug plan because we feel it is so important. He has been a leader on this issue. I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey for again requesting this time this evening to talk about the importance of prescription drugs for our seniors. One of the biggest issues our country is facing today is a lack of prescription drug benefit for our seniors. Prescription drugs are expensive for everyone. It is just that our seniors cannot go out and work a little more overtime to pay for their prescriptions. They are so often limited in their ability to increase their earnings.

I am disappointed that once again this Congress has chosen to delay this important issue. We have known for years but especially during the last 2 that there has been a problem with prescription drug coverage for seniors. I remember in my first town hall meetings I had in 1993 every once in a while a senior would come up and talk about the problems they were having. It was not as big I guess as it has been the last 2 or 3 years because of maybe the escalation in cost for seniors and maybe the success of our health care system, we are actually getting more prescriptions written to help people. But for at least the last 2 years we have noted it. Yet here we are again a few days before we either recess or adjourn this congressional session and we have not made any serious attempt to help those who have worked so hard to make this country so successful. As Tom Brokaw said, the greatest generation, we should not let that greatest generation be forgotten.

We simply cannot afford to sit on this issue any longer. We need a prescription drug benefit that is part of Medicare. The gentleman made that point. It is an integral part of Medicare. Over one-third of our Medicare beneficiaries will incur costs of more than $1,000 for prescription drugs this year. More than half have costs more than $500. The average total drug cost per beneficiary is projected to be $1,100 for our seniors. Yet nearly two-thirds of our Medicare beneficiaries have no prescription drug coverage or have coverage that is unreliable, inadequate or even costly. Medicare beneficiaries without drug coverage purchase one-third fewer drugs but pay nearly twice as much out of pocket for their drugs that they need.

This summer, the Republican leadership forced through a prescription drug benefit bill that provides more political cover than it does coverage for our Nation's seniors because all it was was an insurance policy, and the gentleman addressed that very adequately. The legislation was designed to benefit the companies who make the prescription drugs and not the seniors. Even the insurance industry, as the gentleman stated, said that such policies will not work and they would not offer them. We simply cannot rely on insurance companies to have a drug-only policy available for 13 million beneficiaries who now currently have no drug coverage. They do not want to cover it.

The gentleman mentioned again the State of Nevada that tried this, not one company applied to sell that insurance coverage. As Democrats, we introduced legislation that works. It is cost effective and it provides key consumer protections so that seniors will not lose benefits if an insurance company goes out of business. But instead of working with us, our Republican leadership passed that flawed bill earlier this year that will just add more cost to seniors but give them even less than what they have. It is no secret that the pharmaceuticals are pressuring our Republican colleagues not to allow any progress on this issue this year, hoping that ultimately it will just die down next year.

but I am here to tell you that it will only get worse if we do not do something this year. It will get much worse. For many seniors, next year is too late. It is not fair that the pharmaceutical companies continue to discriminate against American patients. It is not fair that countries in Europe and across the world benefit from international price competition for pharmaceuticals and yet we do not. Whether it is western Europe that is basically a free market economy like we have or Japan, their pharmaceuticals are so much cheaper than ours in our country. Seniors are having to choose between paying their utility bills or their food bills or buying their medication. Oftentimes they will skip their medication to make it last that much longer. We have heard that many times not only at our town hall meetings but from our colleagues all across the country.

We should be putting the benefits in the hands of seniors and not pharmaceutical manufacturers. We should be providing a secure, stable and reliable benefit instead of watered-down legislation that does nothing to address the problem. It should be included in Medicare.

Let me talk about that a minute. If we were creating Medicare today, there is no way on this Earth that we would not have a prescription drug benefit in there. It should be standing on the same level as a doctor and a hospital bill for our seniors that it did in 1965. We would not do it. That is why we need to modernize Medicare to include prescription drugs. I hope that in this Congress, we can work across party lines. We did have some of our Republican colleagues support us and develop a bipartisan bill that ensures an affordable, available, meaningful Medicare prescription drug benefit option for seniors, so that again it is voluntary but it is part of Medicare.

□ 1745

It is just nothing but common sense and fairness, and I have said this many times before, and I would hope if our seniors have to wait until after November 7 for it, that they will remember on November 7, because they need to know who really wants to provide prescription drugs as an integral part of their health care, and not something they would have to purchase out from an insurance company, like they do their Medigap policies that they have now for their 20 percent not covered by Medicare. So we need to do that as part of Medicare.

Again, I thank the gentleman for continuing to make sure that fire is burning. I see our colleague from Maine here, which part of our bill includes the pricing that we need to be able to do so they can purchase and take advantage of the free market system and negotiating for price benefits. The gentleman from Maine (Mr. ALLEN) actually introduced the bill, along with the gentleman from Texas (Mr. TURNER) and a number of people, I think I was a cosponsor of it, to make the prescription package part of Medicare so we can actually save our seniors their prescription drug benefits.

Mr. PALLONE. I just want to say I think the most important thing we could get across to our colleagues and to the public is the fact that what the Democrats are proposing and what Vice President GORE is proposing are basically to expand Medicare; to take a good program, which is Medicare, that has worked for seniors, and expand it to include prescription drugs, because we know that when Medicare was started, I guess about 30 years ago, that prescription drugs were not that important. People were not as dependent upon them as they are now, because so many of the wonderful drugs that we have now that are available for people simply were not available then.

So all we are really saying is take this good program and expand it to include prescription drugs and follow the example with a new section or Part D.

The irony of it is that the Republicans from the very beginning when Medicare was started under President Johnson, I guess 30 years ago, most of the Republicans then did not support the Medicare program when they were Members of Congress at the time when it came up for a vote.

I think what you are seeing now is the Republican leadership in this insurance subsidy proposal that they put forth essentially, it is almost like a voucher, or a voucher proposal, they are saying once again they do not like Medicare.

It is almost a dangerous precedent. If we establish the precedent that we are going to add a significant benefit here, but we are not going to include it under the rubric of Medicare, we are going to let you go out and try to use a voucher, essentially, to buy a prescription drug policy, then that same principle can be applied to Medicare itself, the existing Medicare. Why not have a voucher to go out and shop for your hospitalization coverage or shop for your physician's coverage?

The basic problem is that they do not like Medicare, and they do not want to include a prescription benefit under that program. I think it is very unfortunate, because Medicare has proven it is a good program.

I yield to my colleague from Maine, again who I want to thank for all the effort he has done on this issue, particularly on the issue of price discrimination. I am proud to say I am a cosponsor of his bill as well.

Mr. ALLEN. I would say to the gentleman from New Jersey (Mr. PALLONE), he has been a cosponsor from the beginning.

We have worked very hard on the Democratic side of the aisle to try to develop proposals that would be meaningful to all seniors. AL GORE has the same kind of approach, that we need a Medicare prescription drug benefit that is voluntary, so no one is forced into it, but is universal; it will basically provide coverage for everyone who wants it.

I thought what I would like to do tonight is talk a little bit about some of the arguments that are out there. I was reading an article several months ago, an article written several months ago before I came over, and it was an article by a commentator who was saying that if you think there is no difference between the Republicans and the Democrats on prescription drugs, you are not paying attention. This election matters a great deal, because these two approaches are so very different from each other.

We had our colleague the gentleman from Ohio (Mr. BROWN) down here a little bit earlier this evening, and he was reminding us that we found this Republican pollster's suggestion several months ago recommending that the Republicans come up with a plan. It did not really matter what kind of plan it was, as long as they could say they had a plan, and that would be enough to get them through the election.

But that is the fundamental difference. The fundamental difference here is that Democrats are saying we need to have a plan that is voluntary, that is universal, and that has a guaranteed prescription drug benefit. In addition, we are saying we have got to do something about price. We have to create some leverage, some downward pressure on price. We are not talking about setting prices, we are talking about bargaining power, using Medicare, using health and human services to get lower prices for seniors who right now pay the highest prices in the world.

On the other side, the Republicans are trying to do everything they can not to strengthen Medicare; to make sure that if we have any sort of prescription drug legislation at all, the one thing it will not do is strengthen Medicare.

What is the reason for that? Medicare is a government health care plan. It covers everyone over 65, and many of our disabled citizens. But the fear on the Republican side is that they know people like Medicare, trust Medicare, want Medicare to be stronger; better, to be sure, but they like it and trust it, and they are afraid that somehow if the program is even better, that will be a problem for those who are trying to diminish Medicare's influence in this health care system.

So I want to talk a little bit about the language that is out there. One thing the Republican pollster recommended is that they should attack Democratic plans as being "one-size-fits-all" plans. You hear that phrase on the other side of the aisle all the time now, "one-size-fits-all." So the proposal that they make is they say are designed to provide choice.

Mr. Speaker, when Governor Bush made his proposal for so-called Medicare reform, the word "choice" appeared in his statement many, many times. The word "HMO" never appeared in his statement. But the choice that he was talking about was going to come from letting HMOs come into Medicare, and the government would provide some subsidy to HMOs in order for them to, perhaps if they wanted and if it were profitable enough, provide some kind of private insurance for seniors.

That is not a plan that will work for seniors, and it is disguised. It is all wrapped up in language of choice, when it is really all about letting insurance companies and HMOs have a much bigger role in Medicare as it stands today.

You can see ads out there run by the folks on the other side of the aisle that talk about a big government HMO; the AL GORE plan, the Democratic plan, is a big government HMO. Well, guess what? There is no such animal. HMOs are private insurance companies. Most of the biggest ones are for-profit private insurance companies. There are some that are nonprofits, but, as we know, the for-profits tend to be gaining the most ground and gobbling up some of the smaller ones.

But that kind of deception is really what we have got to deal with. We have got to be explaining to people all the time that there is no such animal as a big government HMO, there is just Medicare, and you can trust it, you can rely on it, it is there for you, it does not change from year to year to year. Whereas when you turn to managed care plans under Medicare, and we have some, we have about somewhere between 14 and 15 percent of seniors now covered by some kind of managed care, and just now two of them are my parents, my parents back in Maine are two of about 1,700 people on a Medicare managed-care plan in the State of Maine. Out of all our several hundred thousand seniors, we have 1,700 seniors on a Medicare managed-care plan. And, guess what? As of December 31, the private company that provides that insurance is leaving the State of Maine. We will have no Medicare managed care in Maine. Guess what the reason is? Basically it is just not profitable.

If you want to rely for prescription drug benefits on companies who will come and go in your State, in your community, depending on whether or not they can make a profit, that is no assurance at all. That is not security at all. It is not equitable at all. But that is what you get with these Republican plans, which are essentially subsidies to the insurance companies to do what can be more cheaply done, more equitably done, more fairly done, through our health care plan for the elderly called Medicare.

That is the real division between the parties on this subject. What we are also seeing now on the other side of the aisle is a whole series of efforts. We passed the plan over here that was a straight-out subsidy to the insurance companies that passed by three whole votes. It is obviously not going anywhere, because it does not have broad bipartisan support. Then we hear about other plans. "Maybe we could do a program to give money to the States only for the poorest people who are not covered now."

The trouble is that over half of all the people who do not have prescription drug coverage have incomes above 175 percent of the poverty line. Middle-class seniors are struggling with prescription drug bills that can be $200, $300, $400, $600, $800 a month.

I have talked to them in my district. I have talked to people who have coverage now through a private plan, and they are in their sixties. I was talking to one couple in Waterville, Maine, and between the husband and the wife, both of them have insurance now, but they lose it when they turn 65. They are 63 or so. Their cost for prescription drugs alone will be somewhere around $800 to $1,000 a month, and they do not know how they are going to do it.

The problem gets worse year after year, because the one thing we know about next year is next year spending on prescription drugs is going to be 15 percent at least higher than it is this year, just as this year it is 15 percent higher than it was last year.

What we can see here is fundamental. The most profitable industry in this country charges the highest prices in the world to the people who can least afford it, many of whom are our seniors. Seniors are 12 percent of the population, but they buy one-third of all prescription drugs. The gentleman from New Jersey (Mr. PALLONE) knows from talking to people in his district, as I know talking to people in Maine, they can barely get by, and often they do not. Often they simply do not get by.

So what troubles me most about this is all of the misinformation that is out there, all of the TV ads that are being run by Republican candidates, talking about a "big government HMO" or "one-size-fits-all" plan, which is basically designed to deceive, because the truth is that Medicare is a plan which covers everyone. But it is also true that we can design and we have designed a Medicare prescription drug benefit, which is voluntary, you do not have to sign up for it, but which will be a real strong start on making sure that seniors get the prescription drugs that they need.

I just want to say how much I appreciate the good work that the gentleman is doing to bring us down here, night after night after night, to try to clear the air, to try to contain the rhetoric and to try to convey to the American people some sense of the fundamental differences between plans, like the Republican plans that rely on insurance companies, and plans like ours that cover everyone, that are fair and equitable and cost effective and work through Medicare.

I guess the last thing I would say is this: It is not just the ads that are out there being run by the Republican nominee for President or others. The pharmaceutical industry is out there running more television ads perhaps, the latest projection suggestions, more television ads, more money, than any industry has ever run in any election until now.

Citizens for Better Medicare, which is sort of the front group for the pharmaceutical industry, they are not citizens and they are not for better Medicare, the pharmaceutical industry is running ads trying to defeat the discount for seniors contained in my bill, the Medicare prescription care benefit contained in the Democratic proposal, or even our bills led by the gentleman from Arkansas (Mr. BERRY) or the gentleman from Vermont (Mr. SANDERS), those bills that are designed to try to allow drugs to be imported into the United States and then sold by pharmacies here, because medicines can be purchased so much more cheaply in Canada, Mexico, in fact anywhere else in the world, than in these United States.

Let us always remember that these are drugs manufactured by American companies, and they sell for 60 percent more here than they do in Canada, in Europe and everywhere, just on average.

□ 2000

And we have got to change this. We have simply got to keep persisting that we are not going to allow the American people to be fooled, and we are not going to accept this rhetoric about one-size-fits all or "big government HMOs" or people who say that we are going to give a choice of plans when all they are really talking about is giving an HMO that can pull that choice any time it wants to, any plan it wants to.

So, Mr. Speaker, I just want to say thank you to the gentleman from New Jersey (Mr. PALLONE), who is doing a great job pounding away on this issue night after night. And I am convinced that if we cannot get it this month, we will get a Medicare prescription drug benefit for our seniors in the next 2 years. This issue is too big, it is too important, and we simply cannot let it slide away. We cannot let this whole area be taken over by private insurance companies, HMOs, and the pharmaceutical industry. I yield back to the gentleman from New Jersey, and thank him for hosting this special order.

Mr. PALLONE. Mr. Speaker, I thank my colleague from Maine. Again, I say that the gentleman, more than anyone else, keeps reminding us about the price discrimination issue, which is an issue that affects not only seniors, but everyone really. Seniors, obviously, because they use more prescription drugs are more concerned about it than any other group. But the issue of price discrimination has to be addressed in the context of what we do on the prescription drug issue, or we are not going to solve the problem. I thank the gentleman for constantly bringing the issue up.

Mr. Speaker, I wanted to mention that the most important aspect of this in this whole debate is the fact that the Democrats want to include prescription drugs under a Medicare plan, under the rubric of existing Medicare, and that the Republicans essentially are not doing that. They are talking about some sort of voucher or subsidy that would be used to go out and find an insurance company that wants to sell a drugs, or prescription drug-only policy.

One thing that I really want to stress this evening, and I think is so important, is that too often on the Republican side of the aisle this issue is described or basically painted in an ideological sense. And I, for one, do not see myself as an ideologue. I do not look at what we do here from the point of view of what is "progressive," what is "conservative," what is "liberal," what is "moderate," but rather than from the point of view of what works.

I get a little tired of the rhetoric that suggests that somehow Medicare is socialistic or government-run or in some way that it could not possibly work because it is a government program. The reality is that every kind of program or initiative has to be looked at from a practical point of view, and Medicare works. And so any effort to say that we should not include this prescription drug benefit because somehow this is going to be a government-run program, I do not care whether the government runs it as long as it works.

Mr. Speaker, I would say the same thing is true with regard to the issue of price discrimination that the gentleman from Maine (Mr. Allen) keeps bringing up and also spoke about very eloquently this evening.

What I find is that the Republican leadership, and even the Republican candidate for President, Governor Bush, keeps talking about the issue of price discrimination in sort of ideological terms. There was an article in The New York Times on September 6, which was the day that Governor Bush spelled out his own prescription drug program and what he was proposing to do for seniors to have access to prescription drugs. He was very critical of the Democratic proposal, which is supported by Vice President AL GORE, because he said that it would lead to price controls.

I read this before on the floor of the House, but I want to read it again tonight because I think it so much spells out this whole ideological debate. "Governor Bush today," from the New York Times, "much like the drug industry," and I quote, "criticized Mr. GORE's plan as a step towards price controls by making government agencies the largest purchaser of prescription drugs in America. By making Washington the Nation's pharmacist, the Gore plan puts us well on the way to price control for drugs."

Well, let me say this. The reason why we need to address the issue of price discrimination is because the marketplace is not working right now with regard to this issue. The problem is that HMOs, employer benefit programs that have large volumes of constituents, large volumes of seniors that are part of their plan, have the ability to go out and negotiate a better price than the guy who is on his own and has to go to the local pharmacy to buy the drugs.

What is the answer to that? Well, we can say, okay, that somehow the little guy has got to basically get together with his colleagues and exercise some control so he can negotiate a better price. That is essentially what we are doing with our Medicare prescription drug plan. We are saying that in each region of the country, the Government will designate a benefit provider, which is basically an organization that would be in charge of negotiating on behalf of all the seniors that are now part of this Medicare plan, a price for prescription drugs.

Mr. Speaker, all that is essentially tinkering with the marketplace to give the little guy the power that these large HMOs and others employer benefit plans have. We can call that government control, we can call that Washington stepping in, call it whatever we want. But the bottom line is that is the only way to get the average person who is not now covered by an HMO or any kind of plan to the ability to have some control to negotiate a better price so he or she does not suffer this price discrimination that so many seniors are now facing.

My response to anybody on the other side of the aisle, or to Governor Bush, whoever says that that is price control or that is government running the program is: I do not care, as long as it works. I have got to somehow empower this guy who is going to the local pharmacy and having to pay these tremendous prices. I have got to empower him to be able to negotiate a better price, and that is what the Democratic plan would do. Call it whatever we like, I do not care. It is the only way to empower this individual to be able to fight against this price discrimination.

Let me say that the Democratic proposal, the Gore proposal, is much different from the type of strict price controls that exist in almost every other industrialized developed countries. Most of the European countries, Canada, and a lot of other developed countries around the World, basically set a price. They have real price controls. We are not talking about that. We are not talking about interfering with the market that much that we would actually set a price, but we are saying that we need to empower the average person so that they are not a victim of this continued price discrimination.

Mr. Speaker, the other charge, and the gentleman from Maine brought this up, the other charge that the Republican side and Governor Bush has made against the Democratic plan is that somehow it is a one-size-fits-all plan and people will not have a choice; that we should favor the Republican proposal, this sort of voucher, because that gives a choice because we can take that voucher and go out and decide what kind of plan we want and somehow we have choice.

Let me say that nothing is further from the truth. As I pointed out, in the State of Nevada where this program was instituted, no insurance company even wanted to sell these policies that the Republicans are proposing. The insurance companies are telling us before our committees that they will not offer these drug policies. So what kind of a choice is there if we cannot find somebody who is going to sell an insurance policy that would cover prescription drugs?

The Democratic plan on the other hand provides a tremendous amount of choice because the Gore plan, the Democratic plan, is voluntary. Seniors do not have to sign up for Medicare part D any more than they have to sign up now for Medicare part B. No one says that they have to sign up for part B and pay a premium so much a month to get their doctor bills covered. Eighty, 90, almost 100 percent of the people sign up for it because it is a good deal, and I suspect that we will get the same thing with our proposed part D for prescription drugs. Most people would sign up for it because it is a good deal.

But I remind my colleagues that it is still voluntary. If Americans have an existing employer benefit plan that covers prescription drugs and do not want to sign up for the Medicare prescription drug part D, they do not have to. We are not forcing them to. If they are in Medicare part C now and have an HMO plan that covers their prescription drugs and they have to pay so much a month, or they like that plan and they do not want to sign up for the Medicare prescription drug plan under part D, they do not have to.

In fact, I would say that the way this is set up, the way that the Democratic proposal is set up, we actually offer more variety because for those who stay in an HMO, we are going to provide better than 50 percent of the cost of the prescription drug program. So rather than see hundreds of thousands of people who are now being thrown out of their HMOs, because the HMO decided as of July 1 that they were not going to include their seniors and they are losing their HMO coverage, most of the HMOs that are dropping seniors now are dropping them because they cannot afford to provide the prescription drug coverage.

If now the government is going to say under Medicare that we cover better than 50 percent of the cost of the prescription drug program, then a lot more HMOs are going to want to sign up under the Democratic proposal, will sign up seniors, and will not drop them.

The same is true for employer benefit plans. We are also providing money to help pay for the employer benefit plan for those who have it. We are increasing choices. We are letting people stay with existing plans and boosting and shoring up those plans financially so they do not drop them. And if Americans do not want to do that, they always have the fall back of going back to the Medicare fee-for-service prescription drug program that is a guaranteed benefit.

When I say "guaranteed benefit," because my colleague from Maine again pointed out that, again, a big difference between what the Democrats are proposing and what the Republicans are proposing is that the Democrats truly have a guaranteed benefit. It is one-size-fits-all in the sense that one is guaranteed to know that if they sign up for the program, every type of medicine that they need, that their doctor says is medically necessary or their pharmacist says is medically necessary for their health, will be covered under the Democratic plan and under Medicare.

By contrast, in the Republican plan, that basically leaves it up to whoever is going to take this voucher that they are offering and says, okay, we will take the voucher; but we are not going to cover certain drugs, we are going to charge a copayment, we will have a high deductible. These are the kinds of problems that people face now with HMOs or with a lot of the private plans that are out there that some people have been able to find.

Those problems will be magnified under the Republican proposal. If someone takes this voucher and they are trying to find somebody to cover them, they do not have to say how much it is going to cost. They do not have to say what kind of drugs they are going to get. They do not have to say what the copayment is, what the premium is. Under the Democratic proposal, all of that is provided for, all of that is structured, all of that is guaranteed.

Mr. Speaker, it is a significant difference, I think, in terms of the way we approach things.

I guess tonight if I could conclude, Mr. Speaker, I would say that we are going to be here many times. I do not know how much longer the Congress is going to be in session, probably a couple more weeks or so; and I am beginning to have serious doubts about whether this issue is going to be addressed by this Congress and the Republican leadership. I think the time is running short, and the realization is setting in that this Congress is likely to adjourn without addressing the prescription drug issue.

Mr. Speaker, I think that is a shame, because I think there really is a consensus amongst the American people that we need a Medicare prescription drug benefit. And rather than pose back and forth about which plan is better, it would be a lot better if the Republican leadership would simply accept the fact that this should be something that is included under Medicare and use the time over the next 2 weeks to come to common ground so that we could pass this.

But I do not see that happening, and it is not going to stop me and my Democratic colleagues coming here every night, or as often as possible, to demand that this issue been addressed before we adjourn.

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## DEBT REDUCTION

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. CHAMBLISS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CHAMBLISS. Mr. Speaker, I did not come here tonight to talk about prescription drugs, but after listening to my colleague from New Jersey (Mr. PALLONE), I guess we are going to have to title the Democratic plan the Sugar Ray Leonard Prescription Drug Plan, because they are bobbing and weaving all over the place with their prescription drug plan, saying whatever makes people feel good without having any substance to it, when the fact of the matter is that there is only one voluntary prescription drug benefit plan out there, and it is a Republican plan.

The Democratic plan is not a voluntary plan. It is not a plan that makes real sense for seniors. And, as I say, I did not come here to talk about that tonight. But I get so disappointed when I hear people stand up here and demagogue a plan that is fair, instead of entering into real dialogue over the differences that are out there and trying to come to some conclusion.

Hopefully over the next couple of weeks, we will come to some conclusion on that, but not as long as we have the demagogue going on and the bobbing and weaving going on and the changing going on and trying to stroke senior citizens instead of being honest, straightforward and trying to work out a plan, if that type of conversation takes place, then we are not moving in the right direction, and I hope they will change their direction, they will come together and work with us to provide a plan that is meaningful and that has real substance to it.

There is one real, fundamental difference in the Democratic prescription drug plan and the Republican plan, and that is this: Under the Republican plan, the decision-making process on what drugs are needed and what drugs will be provided is going to be determined by the Medicare beneficiary, their pharmacist and their doctor. Under the Democratic plan, that decision is going to be dictated by the Federal Government, and that is not what seniors want.

Mr. Speaker, what I really came here tonight to talk about is something that is just as crucial as that particular issue, and it is the issue of debt reduction.

I want to go back and review for just a minute where we have been, where we are, and what direction we are heading in. I was elected to Congress in November of 1994, and at that point in time, our country had been operating for some 25 years plus under a deficit budget situation.

My class that came in in 1995 was committed to the fact that the American people were insistent that we balance the budget of this country. The Clinton administration had proposed deficit budgets as far as the eye could see, and that was wrong; the American people simply did not want that. They wanted us to get our financial house in order.

Beginning in January of 1995, we started making those tough decisions right in this very Chamber that have not only led us out of the deficits, as far as the eye can see, we have balanced the budget of this country, and now we are looking at excess cash flow coming into Washington in the form of tax revenues as far as the eye could see.

In 1995, I went back and I looked at the position of the Clinton administration with respect to balancing the budget. The Clinton-Gore administration was not in favor of balancing the budget in January of 1995. In fact, the budget that the Clinton-Gore administration presented to this body in February of 1995 called for a deficit this year, the year that ends next year of $194 billion. That means we would have spent $194 billion more than we took in this year, and I think everyone across America knows and understands that we are now in an excess cash flow, that is sometimes referred to as a surplus, but as long as we have a significant debt staring us in the face. I do not think we can really call it a surplus.

Mr. Speaker, in testimony before the House Committee on the Budget in February of 1995, the Clinton-Gore budget director who at that time was Alice Rivlin stated as follows, "I do not think that adhering to a firm path for balance by 2002 is a sensible thing to do." She also said "it is not always good policy to have a balanced budget."

We ask the American people to sit around their kitchen table every single month and balance their budget, and yet the Clinton-Gore administration has consistently made statements exactly like this that it is not always good policy to have a balanced budget. Well, where we have come, we fought for a balanced budget for a couple of years before we finally achieved balance. But under the strong leadership of the gentleman from Ohio (Mr. KASICH), chairman of the House Committee on the Budget, we did reach agreement between the House, the Senate and the White House to balance this budget of this country over a 5-year period, beginning in 1997, and the only way we were able to convince the Clinton-Gore administration that we needed to balance the budget was that the American people were on our side.

They finally realized that due to their poll-taking that they do every single day, and once they realized that they had to come to our way of thinking and we can achieve a balance, although we brought the Clinton-Gore administration kicking and screaming here in Washington to reach balance.

Well, what does reaching balance mean with respect to deficit reduction? We do have excess cash flow now in the form of both on-budget, as well as off-budget surpluses that are going to be available for any number of different types of allocations, and one of those allocations, and the strongest of those allocations, has got to be debt reduction.

Mr. Speaker, I know the gentleman from the 11th District of Georgia (Mr. LINDER), my good friend and colleague, is here, and I want him now, if he will, to talk a little bit about this excess cash flow that we have as a result of having achieved the balanced budget and what the gentleman's thoughts are on where we ought to go with respect to allocation of these funds.

Mr. LINDER. Mr. Speaker, I think, first of all, it is important to set the differences in how we got here. There has been one difference in the two parties since the day I got here, which was in 1993, and the gentleman from California (Mr. HORN) joined us at that time, and that is the Democrats want more spending and the Republicans want less spending.

Indeed, that was the debate supposedly that shut the government down in 1995 and 1996. The President said we are not spending enough money on Medicare, Medicaid, the environment and education. Indeed, we were not that far apart. We projected increasing spending by 3 percent, and he wanted 4 percent. We projected an increase in revenues of 5 percent; the President projected 5½.

We projected increasing Medicare spending over 7 years by 62 percent; the President said 64 percent. We broke down in the second part of this debate, the part that is not spoken so loudly about, values. We wanted the American people to make the choices.

We believed their giving Medicare recipients more choices, they would shop their care and bring down costs that entrusts the American people to decide. Indeed, Mrs. Clinton said in public during the debate on health care we cannot trust the American people to make these decisions.

In 1994 with a Republican majority for the first time in 40 years, we did something about spending. We eliminated in that first budget about 300 spending programs, and we had a huge fight with the President. But let us look at what changed in the economy and why we are at the point today where we can talk about paying down surpluses. If left to their own devices, this is the 1994 Clinton-Gore Democrat congressional budget, projected out to 2000, and they would have had $4.5 trillion in public debt, about a trillion dollars in new public debt compared to where we are today.

Mr. Speaker, my colleagues can see what happened in 1994, with the 1995 budget, it came down. This is what we are looking at; this is what we are looking at today. Surpluses, as the gentleman said, as far as the eye can see and increasing, indeed going back to the last Democrat-written budget, their projection for 2005 is that they would add about $450 billion in that 1 year to debt; we are projecting adding about $400 billion to surpluses. So we have made a huge turnaround, a huge turnaround.

In 1998 more spending. In the President's State of the Union address, 85 new spending programs, including 39 new entitlements, more than $150 billion new spending over 5 years; $129 billion in tax increases. Then 2 years later, the State of the Union, a $250 billion increase in taxes and fees on working families, 84 new Federal spending programs.

Our good fortune is, none of that passed, and now we are at the era of dealing with surpluses. There have been some proposals, and we have passed some bills in this House, that said if the American people are paying more money into government than it takes to run it, they ought to get some of that back. No, said Vice President GORE, that is a risky scheme. It is, however, not risky for him to spend it, so we have a new plan.

We have a plan, if we are not going to get relief for those who pay the bills, for those who write the checks, we are going to promote economic security and fiscal responsibility, we call it the 90 percent solution.

Let us take 90 percent of next year's Federal budget surplus and use it to pay off debt while protecting 100 percent of the Social Security and Medicare trust funds.

We presented the 90 percent plan to the Clinton-Gore administration. The President indicated that his spending requests were piling up, and he said, and I quote, "whether we can do it this year or not depends on what the various spending commitments are."

Our 90 percent solution represents a fair middle ground. It is offered in the hope that while we may not agree in all aspects of the budget, we can at least agree to do something about the debt. We leave still 10 percent of the surplus to boost our already substantial $600 billion commitment to our national priorities, such as education, defense and health research. Specifically, we will use half the money to strengthen education with the flexibility funding and support to give our children the best schools and to ensure that for success, schools must have accountability and will use the other half to grant some modest tax relief for working Americans.

This turnaround since the gentleman's election has for the first time in 30 years actually paid down debt. After this year, we will have paid down nearly a half a trillion dollars in publicly held debt; that is progress. That is a beginning. Let us do not turn it around now.

I think that the 90 percent solution is something that the American people will appreciate. For years, my generation and my parents' generation have voted for ourselves wonderful programs such as Medicare and Medicaid. Unfortunately, we just chose to pass the bill on to future generations, that is immoral. The 90 percent solution will begin to take the burden off my grandchildren.

Mr. CHAMBLISS. I thank the gentleman from Georgia. We have been joined by our friend from California (Mr. HORN) who also has some comments on these issues.

Mr. HORN. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from Georgia (Mr. LINDER) very much for providing the leadership in this issue.

I support the Republican plan, because it makes sense, and it pays off the national debt. This 90-10 plan commits 90 percent of next year's surplus to paying down the debt. According to the Congressional Budget Office, the 2001 surplus, 1 year away, will be $268 billion. Under this plan, $240 billion would go toward paying off our debt. At the same time, Social Security and Medicare are fully protected.

All $198 billion of the Social Security and Medicare surpluses are locked away from Presidents, regardless of party. Doing this assures that funds are used solely to honor our obligations to seniors.

Paying down the debt is more than just an abstract academic exercise. It directly affects the lives of every American by helping reduce interest rates and expanding the pool of saving for investments in new jobs. Lower interest rates are good news for everyone paying off a student loan or buying a house or buying a car.

Reducing interest rates also creates new private investment in equipment, plants and factories across the land that produces jobs and sustains our economic growth.

Mr. Speaker, paying down the debt while we have a surplus is just plain common sense. In our personal finances, once we have extra money, we sure try to pay off our debts. The same principle applies to our national finances.

The 90-10 plan would completely eliminate the debt by the year 2013; that will lift an enormous burden off our children and our grandchildren.

A debt-free Nation can create a brighter future for us all, and when we think back 10 years, 20 years, 30 years, 40 years, nobody would believe that we could turn around and cut down that tremendous national debt of several trillion, and we are doing it and every American will appreciate that.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for his comments.

Looking at what debt reduction has meant to this country and can mean to this country in very simple terms is this, you know, here we are in the midst of a political campaign, and we just heard a lot of demagogue and rhetoric from the folks on the other side about a prescription drug plan. We are going to pay this year in interest payments alone in excess of some $230 billion to $235 billion in American tax dollars just for that interest payment.

What in the world could we do with $240 billion? We could be fighting over just how that money ought to be spent if we were not paying that interest payment.

What has balancing the budget done for the dynamics in this House that we are looking at today? What it has done is we are now arguing over a prescription drug benefit program and what is the best way to approach that program and what is in the best interests of our seniors.

Do we think for 1 minute that if the budget submitted by the Clinton-Gore administration in 1995 that calls for a $194 billion deficit this year had come to pass that we would be here today arguing over how to go further and further into debt? No, we simply would not be. We are here today having a debate over viable programs, viable programs that benefit citizens all up and down the line in this country simply because we balance the budget of this country, we acted fiscally responsible under a Republican leadership, and we are now moving in a direction where we have this excess cash flow. The debate simply is over how are we going to approach the allocation of this excess cash flow.

□ 2030

Well, I know this, when we sit around my family kitchen table, and we talk about any excess money that we have got left at the end of the month, and there is never usually much there, the first thing we talk about is we look at how much debt we have got outstanding and what we can do about that debt to lower our interest payments knowing that, once we do that, there will be more money there at the end of the next month.

We have got to be fiscally responsible. A way we can be fiscally responsible in that regard is making sure we continue to grow the rate of government at a slow rate and continue to pay down this debt.

As the gentleman from Minnesota (Mr. GUTKNECHT), my friend on the Committee on the Budget, has said so many times, that it is very important that we remind the people all across this country that, for the first time in modern history, the growth of the Federal budget this year is going to be less than the growth of the average family household budget. Mr. Speaker, that is amazing. It is significant; but it is very, very amazing.

What has balancing the budget and the fact that we have excess money on hand now done for Social Security? It has done something that we have not been able to do in the past 35 years.

I was home in August and had a chance to get around my district to celebrate during August the 65th anniversary of the Social Security program, without question, probably the most valuable program that we have ever implemented in this country with respect to our senior citizens. I just do not think there is any question about that.

Unfortunately, for the last 35 years, we have not been taking tax money received from Social Security taxpayers and doing anything with it other than paying our bills every month. That is wrong. We should never have let that happen. But it happened 35 years ago. We have now reversed that trend.

As the gentleman from Georgia (Mr. LINDER) just stated a little bit earlier, last year, 1 year ago almost to the day today, September 30, 1999, was the first year in 35 years, according to the Congressional Budget Office, that this Congress did not spend one dime of the Social Security surplus. We stuck it in a lockbox to keep it there for our senior citizens, and we are going to continue to do that with both Social Security and Medicare.

The gentleman from Georgia (Mr. LINDER) also talked about the plan that we passed in the House last week, the plan whereby we are going to take 90 percent of the surpluses, the excess cash flow that we are going to have on hand next year, and we are going to apply 90 percent of that money to pay down the debt.

Well, I could not be happier about that, because what that does is that amounts to paying off $240 billion of the national debt last year. As the gentleman from Georgia (Mr. LINDER) alluded to earlier, when we include the last 2 years, this year and next year, we will have paid down a half a trillion dollars on the public debt.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I am happy to yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, on the chart that I showed, the never-ending debt that the last Democrat budget that was passed for fiscal year 1995 and 10 years there out created $3.1 trillion in new debt compared to our creating $4.5 trillion in surpluses. A huge turn around. Those deficits that they were incurring included spending all of the Social Security surpluses.

Well, the last couple of years, we have changed the language of that debate. I do not think future administrations or Congresses would dare to dip into the Social Security fund.

Now, I think it is important that we start changing the nature of the debate over surpluses that are not on Social Security. Paying down debt should be the rallying cry of this whole country. Because if future Congresses come along, or God forbid another liberal administration with new spending programs, to spend all this money, we will have lost this opportunity.

I envision an opportunity where my grandsons will be totally out of publicly held debt for their responsibility before they leave high school. I believe the time is coming.

But it is important that we begin to let everyone know that, if 90 percent of that surplus goes to paying down debt, future Congresses are going to be reluctant to say, let us get out of that habit, let us just spend it.

I know that the gentleman from Georgia (Mr. CHAMBLISS), as the vice chairman of the Committee on the Budget, has shared with us some of the proposals he has seen, Vice President GORE's spending proposals in his campaign. Would there be any surplus left to talk about paying down debt if he were elected?

Mr. CHAMBLISS. Mr. Speaker, not only is there not going to be any surplus left under the Gore budget plan that he has proposed, but under the very best scenario, over the next 10 years, we are going to be $27 billion in debt. Under the worst scenario, we are going to be $906 billion in debt. That does not include but $27 billion additional monies being spent over the next 10 years for defense.

We are spending $29 billion in this next fiscal year alone, trying to restore the military of this country to what it should be because of the demise under the current administration. It does not include one additional dime of increased expenditures in the area of agriculture, for example.

So what the current proposed budget of the Clinton administration does is to head us, not upwards from a surplus standpoint, as the gentleman from Georgia (Mr. LINDER) just showed on his chart, but it takes us back down that same trail that this administration had us headed down before this Congress took over in 1995.

Mr. Speaker, paying off the national debt is simply the right thing to do. It will protect our children from a crippling burden in the future. By locking away money in the Social Security and Medicare lockbox, it is simply the right thing to do, not just for our children, but for our parents.

The 90/10 bill that we passed last week changed budget law so that Congress can proactively pay off debt because current law permits debt relief to occur if and only if there are surplus funds left over from that year's discretionary spending.

The bill is the latest highlight of a Republican record on debt relief that is unmatched in the history of the United States of America. Since Republicans gained control of Congress, we have paid down over $350 billion in debt, and we are on the road to paying off at least another $200 billion. Now we propose to continue this effort by paying down that additional $240 billion in debt the next fiscal year.

This bill also contains the Social Security and Medicare lockbox legislation of the gentleman from California (Mr. HERGER), my colleague from the Committee on the Budget, which is critical, not just to our senior citizens who are receiving Medicare and Social Security benefits today, but for the future of those two programs.

This, unfortunately, has been stalled by the Democrats in the Senate for most of the 2000 calendar year even though this House has passed both of those, has passed that lockbox bill.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I am happy to yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, this lockbox concept, as I understand it, is simply common sense. What we are saying is we do not mix our pension plan for retirement with our operating expenses that we use for roads and bridges and education and other congressional expenses.

So what we are saying is we take the surplus of Social Security, of grandmother's retirement, and we put it in a lockbox so that it does not get mixed and mingled with other funds; and it is safe there so that her security, her retirement is safe.

Now, what I do not understand, and my question to the gentleman from Georgia (Mr. CHAMBLISS) is, why is it that Vice President GORE has led the opposition to this? Why is it that TOM DASCHLE and the gentleman from Missouri (Mr. GEPHARDT) and the Democrats have lined up against this?

Mr. CHAMBLISS. Mr. Speaker, I think it is fairly obvious that they want to take that money and continue to spend it like they have been doing for the last 35 years. We simply cannot let that happen.

We have got a great opportunity with the excess money that we have on hand now to save and protect Social Security, to save, reform and protect Medicare, to provide a prescription drug benefit and include some other reforms in there to make sure that those two valuable programs are protected and maintained and, at the same time, not spend that money on other social programs and other programs that our children and grandchildren are going to have to wind up paying for years and years down the road.

Mr. KINGSTON. Mr. Speaker, what bothers me as a member of the Committee on Appropriations, we get a budget blueprint from you, and the House passes our appropriation budgets based on those blueprints, and we keep the spending in line so that it is balanced, important programs, education, Social Security, prescription drugs, they are out there, they are taken care of.

Then we get into a conference committee with the White House or the Senate, and it seems like all that common sense is thrown out the window, and we break the budget year after year.

Is the gentleman from Georgia (Mr. CHAMBLISS) optimistic that we are going to be able to protect Social Security the way the Republicans on the Committee on the Budget have tried to make it possible for us to protect it?

Mr. CHAMBLISS. Mr. Speaker, I think we can, provided the American people get involved. When the American people get involved and tell their Congressmen, "Look, we do not want you to spend our Social Security Trust Fund money," then we are going to make sure that happens.

I tell the story when I am on the road about my mother who is 83 years old, lives by herself, and depends on Social Security and a small pension that my dad left her, about the fact that she told me one time not long after I had come to Congress, she said, "Listen, son, I want you to make sure when you get to Washington that my Social Security is protected." Unfortunately, until the last 2 years, I could not look her in the eye and say, "Hey, we are protecting your Social Security."

But now with the Congressional Budget Office certifying that, as of September 30, 1999, we did not spend one dime of that surplus on anything but Social Security, and it looks like for 2000, when we wind up the year next week, we are going to have the same certification coming from the Congressional Budget Office for the, again, only the second time in the last 35 years that a Republican Congress has grabbed ahold of this thing and we have made sure that we are not going to be spending that Social Security surplus.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, my dad is 82 years old. He is legally blind. He has diabetes. His Social Security is very important to him. But the other thing is he has saved all his life.

Now, it is popular now with the environmentalists to say, when one is brushing one's teeth, turn off the water. Well, we did that on Plum Nelly Road in Athens, Georgia, because my dad thought it was a waste of water for one to run it one more drop than necessary. If one ever left the room and the light was on, one was in trouble. My dad never bought a car that had a radio in it. When one had to buy the radio, he sure never had an FM, it was only an AM radio. He never had white wall tires on the car and never had power steering.

He fought, as did so many in that World War II generation, to save their money to get ready for a rainy day. He instilled that in us. My allowance starting out very young was a nickel a week. Then it got to be a dime a week. When I got to high school, it was $3.25 a week because he put me on a clothing allowance. From age 12 on up, we had to buy our own clothes, which accounts for why I still look like I need an upgrade in my wardrobe. Even then, $3.25 a week was not enough to buy one's clothes.

But the point is that generation knew what a rainy day fund was about. That is all we are saying on Social Security is save it for its intended purpose of retirement. Do not squander it on politically popular programs designed to get Members of Congress reelected for that 1 year. It might make one a hero back home in one's own little district, and it gets one back up here one more term; but it is not in the interest of the United States Government. It is not in the interest of the American people if everybody is fishing his own line and no one is worrying about keeping the boat afloat.

Mr. CHAMBLISS. Mr. Speaker, I think that is probably one fundamental difference in the demagoguery that goes on and what we have heard tonight and what we have been talking about here. I think when one is honest with the American people and one sets the facts straightforward to them, they have a greater appreciation for that and they see through that demagoguery.

What we are talking about now are the real facts. We have got to save for that rainy day. We have got an opportunity to save for that rainy day. We should not squander that opportunity by spending the excess money that we have now on more and more social programs that are not going to improve those programs one iota.

We have got to be able to take programs like Social Security and Medicare and ensure because we know they are going to be here forever and ever and make sure that they are saved and protected.

I am impressed with the allowance of the gentleman from Georgia (Mr. KINGSTON). I still remember mine. It was 50 cents, and I had to give 15 cents to the church. So I had 35 cents a week.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from the 11th district of Georgia.

Mr. LINDER. Mr. Speaker, I agree that the point the gentleman from Georgia (Mr. CHAMBLISS) made about preserving and protecting the Social Security and Medicare are important. But I want to go back to the point that we have got the chance to pay down the debt, and we have got a significant budget surplus this year with which to do so.

There are rumors around this town that the President is not going to sign our appropriations bills, not going to finish the year unless we spend anywhere from $20 billion to $45 billion more in ongoing spending in programs of his choice.

□ 2045

If my colleagues will recall, in 1996 it cost us $7 billion in yielding to the President to get him to sign our budget so we could get out of town; in 1998, he held us up for $20.8 billion in more spending just to get the budget process finished; and, of course, those were $7 billion and $20.8 billion that we could have used to further reduce the debt on our grandchildren and their children.

I always thought it was kind of strange that the President held a press conference after he signed that ugly budget in 1998 and said, "The best news is I didn't let them spend one penny out of the Social Security surplus." When in fact, of course, we spent $20.8 billion of it. Not one reporter asked him a question about that, but everyone in this town knew that we were going into the Social Security surplus just to satisfy his spending appetites and so we could get out of town.

I wish what we would have done some time ago is put a line item in our budgets from day one so that any money not committed to spending programs would be in a line item. That way, when the President comes through at the end of the year he has to say I want to spend this much more money; and we are going to say it is going to come out of retiring the debt because we ought to have a line item in our budgets that is for our children and grandchildren and their children, to get this mortgage of their future off their back, so they can choose their priorities for their lives and the government that they support and not continue to be paying off ours.

So the 90–10 deal is a deal the American people ought to embrace. They ought to understand when the President says that we have to spend another $20 billion that it is coming directly out of retiring the debt, directly out of our grandchildren's futures. And once we establish this goal, it seems to me, over this Congress and future Congresses, we can set the pattern just like we have set the pattern of not spending the Social Security reserves, and I do believe this will be a better country for it.

Mr. CHAMBLISS. The gentleman from the first district had another comment.

Mr. KINGSTON. Well, the gentleman was talking earlier about debt reduction, and I think it is so important. I am a supporter of lower taxes. I think it is just fundamentally wrong for the government to hold more than it needs. What are we, serfs? Is this the medieval time? Are we back in collectivist Soviet Union that we have to work to keep Washington bureaucrats happy? If we go into Wal-Mart and we buy a hammer that costs $11, and we give the cashier $20, we expect $9 back. We do not expect to be given with the extra $9 some nails and some wood and maybe some other tool. The fact is we should get our refund.

I understand that in Washington money is power and the more money that the government confiscates from people the more power that it has. And I know there are those in the administration who want that power so that they can micromanage our lives. But that being the case, we were unable to get such common sense tax reductions through as marriage tax relief or ending the tax on Social Security or ending the taxes on small businesses and individuals who want to have a full deduction to make health care more affordable and more accessible. So we have kind of gotten a deadlock on lowering the tax burden on hard-working Americans. That being the case, though, are we going to go out and squander the surplus or should we apply it and invest it in the future; invest it in our children by paying down the debt?

The gentleman has pointed out that we spend about $230 billion to $240 billion on interest payments on the national debt. That is just about the size of our entire national defense. Now it is a little bit higher, but that is about equal to what we spend on our military, $240 billion. Is that not four times what we spend on education here? I know it is about four times what we spend on agriculture and nutrition programs, such as food stamps and the WIC program for children. And if we look at all the money, this goes to nothing. It just goes to the bond holders of the national debt. It does not create jobs, it does not buy equity, it does not protect the environment or educate children, it does not give prescription drugs to seniors. It just goes out the door.

So if we can pay down the debt, and I believe the budget we are operating on pays it down by the year 2013, if we can do that, then we can invest the money in areas where we are going to get something out of it and, most importantly, a better society, which we are not getting right now when we are just paying bond holders.

Mr. CHAMBLISS. We were talking about that fact earlier, that because we are now in a situation where we have excess cash flow and we can pay down that debt, we are having the debate now over the prescription drug issue, for example. But I can just see us if we had lived up to the Clinton-Gore administration expectation of having $194 billion deficit this year when they presented their budget in 1995. Does my colleague think we would be here arguing over how we are going to come up with an additional entitlement program within Medicare? There is just no way we would have done that.

And the gentleman is exactly right. If we had that debt payment down to zero, and we had that additional funding from what we are paying out in interest, we could do a lot of things that would benefit the American people all across the tax spectrum, all across the social spectrum, and we can make life a lot easier for folks. That is why it is just so critical. And we are talking about now 13 years, just 13 short years we could pay off this entire debt.

Mr. KINGSTON. If the gentleman will continue yielding, he has one of the rare and valuable positions as a House Member of serving on the Committee on Agriculture, serving on the Committee on Armed Services, Committee on National Security, and is the incoming chairman of the Committee on the Budget. And I know the gentleman has worked very carefully to protect not only seniors who are retired on Social Security but veterans, and to try to get the United States Government, good old Uncle Sam, to fulfill the promises that have been made to veterans.

I know the gentleman is a cosponsor of the Keep the Promise legislation for veterans who have been promised certain benefits, health care benefits; that we are actually going to deliver those, the ones the Clinton-Gore administration have cut and eroded over the last 8 years, but is it not true that the gentleman's budget also has a cushion in there to take care of our veterans as well as the other seniors?

Mr. CHAMBLISS. Not only does it have a cushion to look after veterans, but we took the Clinton budget last year, which called for a zero increase in veterans' health care, and we plussed that budget up last year by $1 billion and dedicated that $1 billion just for veterans' health care.

Because the gentleman is right, that is a segment of our population that fought and risked their lives, in a lot of instances lives were lost, because those folks believed so strongly that this country ought to continue to live under that great flag of freedom and democracy and we can never forget those folks. Unfortunately, they have had a number of their rights and benefits taken away from them. Probably veterans' health care benefits have been taken away more so than any other area of their benefits. We plussed it up by $1 billion last year and dedicated it to health care alone. This year we have plussed up the President's budget again and we have increased the budget by $2.7 billion over last year. So we have added a total of $3.7 billion for veterans' benefits just in the last 2 years.

Are we exactly where we want to be and ought to be with respect to restoring those benefits? No, we are not. But we are moving in the right direction in spite of a stone wall that we keep running into in the name of Clinton-Gore. They keep giving us smaller budgets, they keep wanting to reduce veterans' benefits, particularly in the area of health care, and we are taking them kicking and screaming down the road of making sure that our veterans do get the benefits to which they have been promised all these years and to which they are entitled to. And, dadgummit, we have just got to look after them.

Mr. KINGSTON. I know also one of the goals of the Committee on Armed Services, the Committee on Appropriations, and the Committee on the Budget has been to cut the paperwork so that our veterans not only have the money at the VA to provide their benefits but they do not have to go through the long procedures and the clearances and the problems that they are having with Tri-Care; that they can actually go faster to a doctor, get the treatment they want, and get to the clinic closest to them. I know the gentleman has made a major commitment in that direction as well.

Mr. CHAMBLISS. In fact, that bill was passed in this very House just last week; that where a veteran has a long distance to drive to go to a VA facility, when he needs medical treatment, we are going to have a pilot program now that we are going to look at that hopefully will be converted into a permanent program whereby those veterans will not have to drive that long distance to a facility. They will receive a voucher and they will be able to take that voucher to a physician or to a doctor close to their home and get medical treatment and have the Federal Government pay for it under the Veterans Administration.

That is a significant improvement in the delivery of health care that we are going to be able to provide to veterans.

Mr. KINGSTON. Now, maybe combining all three of the gentleman's hats of agriculture, armed services and budget, the gentleman also is providing money to get active duty personnel off of food stamps.

Mr. CHAMBLISS. When we took over control of the House of Representatives and the Senate in 1995, we had about 12,000 members of the Armed Forces who were receiving food stamps. Nobody in this House, I do not think, realized that. It came to our attention late in the process in the Committee on Armed Services. And when we discovered that, obviously everybody was appalled at that, and we began working on it.

Over the last 6 years, we have reduced that figure from 12,000 to a little bit in excess of 3,000. It is somewhere between 3,000 and 5,000. I am not sure of the exact number, but we have cut it every single year. Again, we have cut it in spite of the fact the administration has not called for significant increases in defense spending that would allow us to give pay raises to those young men and women who are having to draw food stamps to feed their kids, instead of having the security and the peace of mind and knowing that their children are going to be fed and they can look after the business of trying to defend this country.

So we have cut that list, and we are going to continue to work on it until we get all of those folks off of food stamps, because it is just not right. It is just not right. It is immoral, it is un-American, and it should not be the case. We have to continue to work on that. The gentleman is right, we are doing that with help from my colleague and the other members of the Committee on Appropriations who have been very generous in approving the defense budgets we have had over the last 6 years. And we have to continue down that road until we get all of these folks off of food stamps.

Mr. KINGSTON. To continue on this, one of the reasons why we are losing good soldiers right now is that the pay is low and they do have to go on food stamps. Last week, I was at the third infantry division while they were deploying to Bosnia. In our area, we have about 2,500 to 3,000 soldiers in Bosnia, as of last week, and I was saying goodbye to them. I asked the colonel how many of these soldiers are married. And he said about 60 percent are married, probably because that is the average right now.

What I do not understand is why the Clinton administration has not recognized that the Army today is an army where we have a lot of families. And this deployment situation of permanent peacekeeping by presence, just having our folks there by occupation, gets to be very, very expensive.

The gentleman and I were here when we debated Bosnia; we were here when the administration said we will only be there for 1 year. Personally speaking, I voted against getting involved in it because I feared we would be there a long time, and now we are on our 5th year there. Actually, longer than 5 years. As I said good-bye to these young men and women, wondering when they were going to come home, and they are going to come home in 6 months, but who will go after that? In the meantime, how many of them will we lose?

Mr. CHAMBLISS. Well, I can tell the gentleman who is going to go after that, because the 48th brigade of the National Guard of the State of Georgia has been called up, and they are in preparation and training right now to go to Bosnia in March. So they will be going about the time the group the gentleman is talking about is coming home.

The gentleman from Minnesota and I actually went to Bosnia together, and we saw the troops over there and saw the activity going on. And just like my colleague from Georgia, I was opposed to getting involved in that. I failed to see a national security interest of the United States that was in jeopardy. But once we were there, once our troops were committed, then everybody here was absolutely and totally committed, and the gentleman from Minnesota and I had a great visit with those folks over there.

Unfortunately, probably 90 percent of the men and women that we saw serving in Bosnia were either in the reserves or the National Guard, which means that they were called away not just from their families but from their jobs. They are not sure what is going to be there when they get back, and it really is a situation where the OPTEMPO in the military has been called to the brink.

It is something that we are addressing now in the Committee on Armed Services. We are looking at if we have to continue down this path, and gosh knows I hope we will not have to continue being the policemen of the world, but we have to look at increasing the force structure of this country.

I would yield to the gentleman from Minnesota.

□ 2100

Mr. GUTKNECHT. Mr. Speaker, it was a wonderful trip over there. We cannot help but be proud of the young men and women who serve us in the armed forces and the job that they do, whether it is in Bosnia or Yugoslavia, East Timor, Haiti. We have had so many deployments over the last 8 years that we are just stretching our people far too thin.

I think the other issue we are raising here is the whole issue of burden sharing. Bosnia alone has costs us, as members of the Committee on the Budget, almost $20 billion now. And it is really hard for us to see any real evidence that we are making any real progress.

The same is true with Yugoslavia. It is time for our allies. We are spending about 3 percent of our gross domestic product on defense. Our European allies are spending an average 1½ percent. That has made our job a whole lot more difficult in terms of balancing the budget.

I just want to come back to a couple of points that my colleague raised, and I think they really need to be repeated because everybody likes to take credit. It is like the little red hen in baking the bread. Nobody wanted to help grow the wheat. Nobody wanted to help harvest the wheat. Nobody wanted to help to grind the wheat. Nobody wanted to help bake the bread. But everybody wants to take credit once the bread has been baked.

If we go back to where we were in 1995 when the President proposed his budget in the spring of 1995, we were looking at deficits of over $200 billion well into the future. And we came in and said, no, we are going to slow the rate of growth in Federal spending, we are going to eliminate programs, we are going to consolidate programs. We have eliminated over 400 programs, some big ones the Interstate Commerce Commission, some small ones like the Coffee Tasters Commission, some that Americans will not miss, some that most Americans will not miss very much. But the point is we have made enormous progress.

We were accused of wanting to starve children and throw grandma out into the street. We have made enormous progress, and most of it has been done in little changes that we have made along the way and slowed the rate of growth so that this year the Federal budget will grow at a slower rate than the average family budget.

The real goal, as my colleagues are talking about today, and I was listening very carefully up there, the real goal of paying down this debt, I just cannot think of anything better to leave our kids than a debt-free future.

But above and beyond that, I am told by Congressional Budget officers that, if we begin this process of really paying down debt, we will see real interest rates drop by at least one percent. That will save the average American family over $4,000 a year in interest payments that they are paying on their homes, their mortgages, their credit cards, all the other things that Americans have in terms of debt. And to me that is a huge tax cut.

We need to really think about what it will mean when we get to that point where we really have eliminated the publicly held debt. I think we are at a very important point in history. And I hope that our leadership, the appropriators, the people serving on the conference committees will not be eager to compromise.

I believe that $1.868 trillion is more than enough to meet the legitimate needs of the Federal Government and those who depend on it. And if we need to spend more in one particular category, if the President says, no, we have got to spend more, whether it is on education or the environment or whatever his particular pet programs are, then we should demand that the President show us where he is going to pay for that program out of some other area of the budget. I do not think that is too much to ask.

We have come a long ways. We cannot turn back now. I really appreciate what my colleagues have been talking about tonight because I think this is at the heart of what we must do as a Congress, and that is to control the rate of growth in Federal spending, to make certain that we pay down debt; and ultimately I believe we allow families to keep more of what they earn in two ways, first of all with tax cuts and secondly by seeing lower interest rates on their home mortgages and everything else that they own.

So I really appreciate this special order tonight, and I thank my friends from Georgia for having it.

Mr. KINGSTON. Mr. Speaker, before the gentleman from Minnesota yields the floor, I wanted to bring up something that, as we work on prescription drug coverage, and it is interesting, the only bill that has passed is a Republican bill, yet as we listen to GORE and the Democrat party, we would think that they have passed five bills and we have not done anything.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield. I do not think the President has ever introduced a prescription drug bill. In 8 years, I think the sum total of what this administration has done on prescription drugs is they have refused to enforce the antitrust laws that are on the books. We have seen even bigger mergers of the huge pharmaceutical companies. And then, of course, when seniors try to buy prescription drugs in either Canada or Mexico or Europe via mail or e-mail or some kind of ordering system, the other thing the administration has done is they have sent those seniors threatening letters. And we have copies of those in our office. In fact, I think we have copies on our Web site so my colleagues might want to check it.

So they have never introduced a bill, but they have allowed the big drug companies to merge; and they have not enforced the antitrust laws, and they have threatened seniors. That has been their answer.

Mr. KINGSTON. Mr. Speaker, what I think is real important to understand is that in Canada and Mexico they can buy drugs made in America by the same drug companies that we buy from at our local pharmacist and they can buy those same drugs, same dosage for 30 percent less, 40 percent less in one case, 25 percent less; and yet, if they live in Minnesota or New York or Maine and they drive over to a pharmacist and buy them, the Clinton FDA stops them.

Here is an opportunity that, under the Clinton administration we passed NAFTA, which has cost us a lot of jobs in our area, and yet free trade with Canada would mean they should be able to buy things over there; and yet it is the Clinton administration that keeps our seniors from doing that. And that is something that could affect the cost of prescription drugs right now.

Now, my interest and I think the interest of the gentleman from Georgia (Mr. LINDER) and the gentleman from Georgia (Mr. CHAMBLISS) is that, if we can get our seniors to get lower-cost drugs, there is more competition in the system and more competition will bring the prices down; and so we want the folks in Minnesota and on the border States to get their drugs cheaper from Canada because we may be able do that also through the Internet. But we also will benefit when the prices come down, and that is why it is in our interest as a Nation.

Mr. GUTKNECHT. Mr. Speaker, from a budget perspective, last year the Federal Government, through the Veterans' Administration and through other programs that are actually run by the Federal Government, we bought about $5 billion worth of prescription drugs last year.

Now, I estimate if Americans had access, including the VA and Medicaid and medical assistance and some of the other programs we fund, if we had access to drugs at world-market prices, let my give my colleagues one example, Prilosec, a very commonly prescribed drug in the United States for acid reflux disease and ulcers. In the United States the average price for a 30-day supply is now about $139 a month. That same drug sells in Canada for $55. It sells in Mexico for $17.50.

Now, that is just one example. But we believe that you could save easily 30 percent.

Mr. KINGSTON. Mr. Speaker, the gentleman did not have to make this story up, unlike Vice President GORE, who has to absolutely lie about his mother-in-law. The truth is out there. Why not tell the truth?

Mr. GUTKNECHT. The truth is we could save at least $1.5 billion a year.

And when people talk about the prescription drug problem, the problem is that they always talk about the wrong side first; they always talk about coverage. The real problem is price. If people had access to drugs at world-market prices, we would have a much smaller problem dealing with the coverage side.

The good news is I think the congressional leadership, and the Republicans in particular, now understand that if we believe in free markets for textiles, if we believe in free markets for lumber, if we believe in free markets for agricultural products, certainly we ought to have free markets when it comes to pharmaceuticals.

I do not believe in price controls, but I do not believe that the world's best customers should pay the world's highest prices. And that is what is happening today, and it is partly because of the miserable job that the Justice Department has done, the administration, the FDA, and so forth in terms of encouraging more competition.

So that is an issue that has huge budget implications. Because when we look at Medicare, we look at the VA, we look at how much we are already spending on prescription drugs, if we have access to world-market prices, we will see prices in the United States, in my opinion, drop by at least 30 percent. And next year the estimates are, in the United States, we will spend both from private citizens, insurance companies, the Government, and so forth, we will spend close to $150 billion on prescription drugs. Thirty percent of $150 billion is real money.

Mr. CHAMBLISS. Mr. Speaker, the gentleman hits the core of that issue, too, is that we do not drive those prices down by Government controls; we do not drive those prices down by the Federal Government doing anything other than allowing for competition, promoting competition. That should be the sole function of the Federal Government.

We tend to go in the other direction sometimes, and that just ought not to happen.

Mr. GUTKNECHT. Mr. Speaker, one senior at one of my townhall meetings said it best: if you think prescription drugs are expensive today, just wait until the Federal Government provides them for free.

We have got to deal with the price side first. And then when we do, we can come up with a prescription drug program that encourages competition, that allows markets to work, that gives people choices, that is available, it is affordable, and ultimately will bring down the price of prescription drugs so that people will not be falling through the cracks as they are today.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman bringing that up. We talk about the differences between the Bush and the Gore plan. I think if we look at the Gore plan, and there is a plan, it has never been introduced for 8 years, but suddenly about a month ago the Gore plan had a new prescription drug benefit. I did not know it until I saw an advertisement on there.

Let me ask my colleagues. In fact, I would love anybody to answer. Have my colleagues been sent anything to the office? I mean, we have got New York, Minnesota, Georgia, and Colorado here. Not one office has been sent this allegedly serious proposal. But the Gore plan has one purchaser of prescription drugs. That is the Federal Government.

The Bush plan has eight different options to choose from. The Bush plan they can enroll in at any time in their life. The Gore plan they have to chose at 64½ years old. And if they do not choose then, they are out of luck.

The Bush plan says, we are not going to ensure Bill Gates and Ross Perot because two-thirds of the people out there already have a prescription drug plan; we do not need the universal coverage for everybody. The Gore plan says, no, sir. Ted Turner, Ross Perot, Bill Gates are my kind of guys. I want to make sure they get free prescription drugs from the truck drivers back home and the coal miners in Tennessee.

And so it is the typical government-mandated, one-size-fits-all, huge Washington-driven entitlement. And that is why I think it should be rejected; and instead of shotgun, we should laser beam our solutions to where the problems really are.

Mr. GUTKNECHT. Mr. Speaker, I think our colleague from Georgia (Mr. LINDER) says it best. In many of these issues, it really is about who decides, will it be Washington or will it be the individual. Whether we are talking about education reform, health care reform, prescription drug reform, whatever we are talking about here in Washington, most of it all comes down to who decides. Will it be Washington bureaucrats, or will it be you?

The thing about this side of the aisle is we believe in individuals, and we believe that the individuals can make the best decisions.

Mr. CHAMBLISS. And will make the best decisions.

I want to thank all of my colleagues for participating today. We look forward to continuing to dialogue with our folks on the other side and the White House to, hopefully, get our 90/10 debt pay-down bill signed into law by the President. It is the right thing to do, and it needs to happen.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES). The Chair would remind all Members that although remarks in debate may level criticism against the policies of the Vice President, still remarks in debate must avoid personality and, therefore, may not include personal accusations or characterizations.

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## NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, I yield to the gentleman from New York (Mr. BOEHLERT).

### BOEHLERT LAUDS COURT DECISION ON ONEIDA INDIAN LAND CLAIM

Mr. BOEHLERT. Mr. Speaker, I thank my colleague from Colorado for yielding.

Mr. Speaker, I have a very important announcement. There has been a Federal court decision today in one of the most highly visible and significant Indian land claims in the country.

Senior Judge Neal McCurn of the Federal Court of the Northern District of New York has denied request by the Oneida Indian Nation and the U.S. Department of Justice to amend a lawsuit in a claim to include 20,000 innocent landowners as defendants.

Let me repeat that.

Judge McCurn has ruled he has denied a request to amend a lawsuit in the claim to include 20,000 innocent landowners as defendants.

That falls under the heading of very good news.

I am delighted with Judge McCurn's decision, which once and for all removes the threat of eviction and monetary damages from the innocent landowners in Madison and Oneida Counties, New York.

□ 2115

With this ruling, the innocent landowners are quite simply excluded as parties to this longstanding dispute. Their homes are not threatened in any way. That should be an enormous relief to all concerned.

This is precisely the result I have been working for ever since the Oneidas and the Justice Department filed their misguided motions back in December of 1998. I have repeatedly spoken and written to Judge McCurn and the Justice Department urging that the landowners be dropped from the case. The judge acknowledges my efforts on page 46 of his decision, when he notes that, along with Senator SCHUMER and Governor Pataki, I took up the landowners' cries, condemning the Federal Government for seeking to name the landowners as defendants in this action.

Now we finally come to an end of this sad, frightening and utterly unnecessary chapter of our area's history which began in December 1998. But there is still much work to be done in the Indian land claim. The tax and sovereignty issues still need to be resolved, and the State is potentially liable for damages. I hope that this ruling will bring the remaining parties back to the bargaining table to resolve all the issues in a way that safeguards our area's economy and public services just as well as Judge McCurn has safeguarded individual property rights. I will continue to work toward that end.

But today's court decision is unalloyed good news for the residents in the land claim who can all breathe a little easier and sleep more soundly.

I want to thank my distinguished colleague from Colorado for yielding to me for this very important announcement.

Mr. McINNIS. Mr. Speaker, I am back for another nightside chat. I can tell you that it snowed in Colorado, it will not be long before we have our ski areas ready for all of you and I hope you get out there and enjoy the finest snow in the country out in Colorado. That was a little promotional spot here before I begin.

This evening, getting back to serious business, there are three areas that I really want to discuss with my colleagues: First is the move by the President and the Vice President, their policy of releasing fuel or barrels of oil from the Strategic Petroleum Reserve. I will talk for just a few minutes about that. Then I would like to move on from there and talk about taxes. In the last few weeks with the Presidential election coming up, with the general election coming up for Congress and the Senate, we have heard a lot about tax cuts and tax policies and surpluses. So I want to go into that a little and I want to distinguish the difference between the two parties.

My remarks tonight are not intended to be personal at all. But the fact is we do have a system which by design from day one has primarily two parties and it is one of the checks and balances. There are general differences. It is not applicable, by the way, to each member of each party but generally there are differences between the Democratic philosophy and the Republican philosophy.

Tonight I hope to distinguish between the two of them, especially when it comes to surplus, when it comes to taxes, when it comes to accountability to the taxpayer out there, when it comes to accountability for the services that we are required to render to the people that we are fortunate enough to serve back here in the United States Congress. And then I would like to spend a few minutes talking about Social Security. If a Presidential candidate, and I know George W. Bush has, but if any candidate running for office this year wants to focus on one thing for the young people or two things for the young people, let us say, and for the women of this country and frankly for the middle class of this economy, talk about Social Security. What are we going to do?

My generation and the generation ahead of me is okay. Our benefits will be there. But we owe it to the generation behind us to make sure that Social Security is a liquid fund, is a fund that can sustain the kind of liabilities that we have placed upon it for the generation behind me and the generation behind that generation and the generation behind that generation. That is our obligation. It is a point we ought to discuss this evening.

I intend to talk a little about Social Security and some of the things and a plan that I think will work, a plan that has worked for all the Federal employees that work for the government today. The government has its own plan, and many of my colleagues out there, their constituents do not realize that one of the proposals put out there, in fact frankly the proposal put out by George W. Bush is a policy that is already followed by every government employee. We, as government employees, already have this type of policy, an opportunity to choose. So we are going to talk about personal choice. We are going to talk about Social Security. And we are going to talk about the surplus. We will talk about tax cuts and, of course, we want to talk about the Strategic Petroleum Reserve.

First of all, I think a logical question, we have heard that a lot in the last couple of days, most of us have a pretty good understanding of what the petroleum reserve is, but for a little history, Mr. Speaker. As Members know, it was created in 1975, and the intention of it was to see if we could find a location, which we did, to store about 1 billion barrels of oil for an emergency reserve.

Now, emergency is a very delicate word. Emergency in my opinion means an overnight crisis, for example, if the Middle East or OPEC cut our oil off. I am not sure that you could classify as an emergency a price increase the likes of which we have seen in the last few weeks. Now it is a hardship, but does it go to the level, and that is the fundamental question we need to ask, does it go to the level that we should draw down on what in essence is 59 days? That is all we have of supply in this petroleum reserve. We have 59 days of supply in there.

Is the situation we are in right now, of which I am very unhappy about, I think frankly the oil companies have overplayed their hand. I think OPEC has overplayed their hand. But I caution all of us to think very carefully before we condone the actions and the policies of the Vice President and the President in going into the Strategic Petroleum Reserve and pulling out a significant portion of that reserve which, by the way, is not a significant portion of the consumption needs of this country. In fact, in any 30-day period, what you are doing is pulling out about a 36-hour supply out of 30 days.

Back to our history a little. The reserve is managed by the Department of Energy. I am a little disappointed by the way the Department of Energy has managed our energy policy. I am not sure that we have an energy policy that exists. We have the Secretary of Energy, Bill Richardson this year, and I would like to quote what Bill Richardson said. He said, "We were caught napping. It's obvious the Federal Government was not prepared for the recent jump in oil prices. We got complacent."

Look, Department of Energy, you have an obligation not to be complacent. That is what your Department is in place for. That is what Congress has charged this Department with. You have got to be on the ball. We have got to monitor that. Our country is economically dependent in a very significant way, we are economically dependent upon the energy policies and when oil goes up like it has gone up, we have not yet begun to feel it but we are going to begin to feel it. But we have over here a reserve and we have got to be very careful about that reserve, when we use it, and under what kind of conditions we should use it. We of course leave that discretion to the President of the United States.

I can tell my colleagues that right now, as I mentioned, our current days of inventory are 59 days. We have 571 million barrels of oil. The most we can draw down, this is just for your own information so you have an idea of how large this reserve is, we can draw down about 4 million barrels of oil a day, and it takes about, oh, 15 or 20 days for that oil from when we draw it down, assuming we have refinery capacity which we do not have today, our refineries are at capacity for a number of different reasons, but assuming we have capacity we can move that oil and get it into those refineries in about a 15-day period of time.

So what has happened in the last few days? First of all, there was some rumor that the President might, as kind of an October surprise, as a policy for the upcoming Presidential election to assist the Vice President, that the President might order that a depletion be forthwith out of the Strategic Petroleum Reserve. In regards to that, last week the Wall Street Journal quoted the Secretary of Treasury who is appointed by the President, who had strong disagreement with the President and Vice President's policy to draw oil off this under the classification of emergency, and let me quote.

The Wall Street Journal wrote: Treasury Secretary Lawrence Summers advised President Clinton in a harshly worded memo that an administration proposal to drive down energy prices by opening the government's emergency oil reserve quote would be a major and substantial policy mistake. Mr. Summers' two-page memo argued that policy. He wrote that using the reserve would have at best a modest effect on prices and would have downsides that would outweigh the limited benefits.

Let me go on further. Another expert, one that Republicans and Democrats, in other words, both sides of the aisle, an individual that both sides of the aisle respect, his opinion on the President's policy to draw down on that:

"I think it would be a mistake to try and move the market prices with a small addition from the Strategic Petroleum Reserve," Federal Reserve Board Chairman Alan Greenspan told a U.S. committee this year. We are dealing with an overall market which is huge compared to our Strategic Petroleum Reserve. He said that adding from the reserve, quote, would not have a significant impact.

Where the impact is that I am concerned about is what the President is doing. We have the strategic oil reserve over here and, as I said, we have a 59-day supply and it is to be used for an emergency. That is our 911 call right there. We have over here a market, to give my colleagues an idea, a market on a monthly basis just for our country which looks about like this. So what you are doing by drawing down out of this is you are drawing in enough for a 36-hour dent in this market. Thirty-six hours. Proportionately that is not too far off from what the President has ordered. In the meantime, what you are doing is you are drawing down a significant portion of this emergency reserve here. The difficulty with that is at some point, especially when we see the volatility that is now taking place with the oil markets, it is a point in time I think that you should increase, not decrease your emergency reserves. Now, surely when you put this kind of fuel in for that 36-hour period of time, which is what it will supply for our country, when you put it into the market and I believe in the last 24 hours gasoline, not the gasoline but the Texas crude price has dropped a little in the last 24 hours, you are going to have some short-term benefit.

But, Mr. Speaker, the short-term benefit has a long-term expense associated with it. I think it is very clear, and it has been editorialized throughout the country, including this morning in the Wall Street Journal, but I think it is very clear that the policy of the Vice President and the timing consequently of the President to draw down on the Strategic Petroleum Reserve is in fact not an emergency but is a political convenience. It is a political tool. It is being used in a political manner. That policy is incorrect, the policy of those reserves.

All of us on this floor realize that politics is an everyday part of our life and when we are a month or 5 or 6 weeks out from an election, we are going to see more politics. But there are some areas that you have got to keep politics out of, no matter how tempting it is, no matter how close to the election it is, the best interests of the Nation demand that you not use that, certain items, that you do not use these items or twist your policies for political expediency. Instead, what you think of first are the best interests of the country. And I am concerned that the policy of drawing down this reserve to make a very small dent for a short-term benefit and, by the way, the benefit would mostly be realized between now and election day, and right after the election we are going to be in the same problem we were in before but we are going to have less reserve. It is not a good policy. I think the President and the Vice President should stop trying or make no further attempts to draw down unless this country truly faces an emergency.

□ 2130

Ever since this was created in 1977, excuse me, in 1975, when we created this reserve, we have only drawn down on it three times. Two of the drawdowns, two of the drawdowns, one was for the Persian Gulf War. That was truly an emergency. I do not think any of my colleagues here argue the fact that the Persian Gulf, when we went to war, that justified a drawdown on our emergency reserves.

The other two times that we drew down on that reserve were practice drawdowns to see how quickly we could get it out, to make sure we had the logistics between the point of drawing out of the oil reserve and getting it into the refineries, that we had that system down pat. We did twice. We had two trial runs.

So, during the entire 25, almost 26 year history of this emergency reserve, never has it been drawn down for political purposes, never has it been drawn down because the price of gasoline got higher. It has only been drawn down really, in reality, when you take outside the practices, it has only been drawn down when we went to war.

But now the President and the Vice President decide, 4 weeks again now from the election, or 5 weeks out from the election, that it is time to draw it down.

My point tonight, colleagues, whether you are Democrat or Republican, is this ought to be hands off. This should not be, whether or not we draw down from the Emergency Petroleum Reserve, should not be determined by whether or not the general election is 6 weeks away. Our Department of Energy Secretary, frankly, needs to get to work and shape that Department up down there so they do not fall asleep at the wheel, which is fundamentally what he admitted they had done in the last couple of months.

Now, do we have an answer? Sure you have an answer. Any time you have high prices, there is that point of diminishing returns. OPEC knows about it. OPEC does not want the prices to get too high. Why do they not want the prices too high? Well, if the prices get too high and the Government does not try and manipulate the prices, speaking of our government, then what happens is American ingenuity kicks in. One, you begin to see more conservation. I think that is a good, reasonable policy. And, two, you begin to get a reexamination of what we have done in our own country as far as exploration, what are we doing with resources in our own country.

Those are two good policies to follow. I mean, I think of myself the other day, to give you an example, I was driving off from the gas pump, I just paid the price for gasoline, and I said, what can we do for conservation? Is there something we can do immediately to help conserve the product that we are using?

You know what I did? I looked up in the left-hand side of the windshield of my car, and I see in my car that they recommend I change the oil for the vehicle that I was driving every 3,000 miles, and my recollection was that the driver's manual for that automobile recommended an oil change every 5,000 or 6,000 miles. So I got in the glove compartment, I looked at my owner's manual, and, sure enough, the people who built the car, the people who engineered the car and the people who guarantee the car say, look, for ultimate performance, all you need to do is change your oil every 5,000 or 6,000 miles. It did not say every 3,000; but obviously it says 5,000 or 6,000, which means not every 3,000.

If we found ourselves in a crunch, the American people could immediately conserve on consumption of oil products by actually having the oil changes on their automobiles when the manufacturer of the automobile recommends you do it.

I mean, that was just one idea. But I think putting in government manipulation right before an election, oh, it may have some political benefits for the President; but the fact is that in the long term, folks, it is going to be a very expensive way. It is not the proper method to approach the kind of fuel or oil difficulties that we are now facing. Save this for a true emergency. Wait until you have a real emergency before you go out and start drawing down on the petroleum reserves.

### TAXES

Mr. Speaker, let me talk for a few moments now, kind of switch subjects, because I have heard a lot of discussions about taxes and surpluses. Tonight, while I was sitting in my office, I was thinking, you know, there really are some basic differences. Again, not to get personal, but I think it is important; and I think it is important when we talk to the young people of our country that we explain that there are some differences, fundamental differences, between Democratic leadership and Republican leadership.

Now, not all Democrats vote always with the Democrats all the time. Not all Republicans always vote Republican with the Republican leadership all the time. As we know, a lot of votes back here are determined by geographical locations. For example, those of us in the West may have a difference of opinion than those in the East, regardless of whether they are Republicans or Democrats.

But clearly when it comes to government spending, there is a difference between the Democrats and the Republicans. I know as of late the Democrats have been criticizing tax reductions and tax cuts. I think we have to start with the basic philosophy of what is a surplus. I just looked it up, by the way. I just looked up over here in the dictionary "surplus," which sits behind me, and the definition is clear. A surplus is you have more than you need.

The Government is not in the business to make money. The United States Government was never intended by our forefathers when they drafted the Constitution, when they had this thought, this dream, of uniting these States, of putting these 13 States together and expanding into the continent, they never dreamed of putting the United States Government in business. What they wanted the Government to do was to have their role restricted to that which individuals could not do. That is what their concept of government was about.

What has happened recently, and I hear it more and more from the Democratic side, from your policies of your leadership, is somehow this surplus belongs to us; us, Congress here in Washington, D.C. "The taxpayers have not paid too much." Well, if you do not think that the taxpayers have paid too much, quit using the word "surplus," because surplus means it is extra.

You know, we are here to produce and to provide that which individuals cannot do as individuals, but we are not here to accumulate large amounts of money. Now, the difficulty is that you cannot leave a surplus in Washington, D.C. very long, because, it is very simple, it gets spent. That is what happens to it.

If you leave this surplus here in Washington, D.C., pretty soon you are going to have new programs and new programs and new programs. So the Republican Party and our leadership has made it very clear that we have two priorities: number one, the priority is to fund the Government so that it runs efficiently and that we provide the fundamental services to the American people that individuals could not provide on their own.

For example, we have tremendous responsibilities in education, and we stand up to those responsibilities. We have tremendous responsibilities to defense for this country, to the military, to our transportation. But once we meet those responsibilities, and once we meet the responsibilities of spending those dollars in a responsible manner, then we have two other responsibilities: one, the next responsibility is that after, and, frankly, again not getting personal, but for 40 years the Democrats controlled the Congress, and take a look at what happened to so-called surpluses then. They were smoked. They were gone the minute they got here. We had deficits for 40 years.

So the next thing we do is, what about our overall debt? Our leadership, the Republican leadership, feels that we have an obligation to reduce that overall debt, and that we should take a portion of this surplus and reduce that debt.

But the other fact that we have to consider is who is the customer? Who are the people that we represent? Whose money is coming in here? It is not our money. It is money sent to us with the idea that we will act in a fiduciary manner and spend that money in such a way that, one, we provide for government services; and, two, if we find out that the people we represent have overpaid, then in fact we should refund that.

Now, there are some other things we have to take into mind. Every once in a while when we are out there raising money, i.e., the Federal Government is out there on the taxpayer, and they ask the taxpayer, they say to the taxpayer, look, we need to fund the military, we need to fund education, we have highways. Here is our government budget; and in order to meet the budget, we need to have you pay out of your work, and, remember, the people paying are not the people that are not working. The people that pay taxes to the Government are hard-working men and women. They are the people that go to work for 8 hours every day.

You are asking them to take a part of their labor every day, a part of their labor every day; in fact, you are asking them to work full time from January 1, to, I think, around the first of May. You are asking them to work full time. That is what amount of time an individual has to work in this country just to pay off their taxes for that year. So you are asking them to fund this.

Once in a while when we do this, we find out that we have taxes that are unfair, taxes that just fundamentally are not sound. I thought I would point out a couple of those, because the Republicans this year, without much help, now, we did have, I will grant to you, we did have some help from some Democrats, but some of those Democrats who helped us switched back, unfortunately, in my opinion, because of the fact they were put under pressure by the President to uphold his policies, so they would not override the vetoes. But let us talk about a couple of those taxes. I think the best way to do it is to talk about the middle class, because that is who we are really talking about here.

What happened is we discovered some taxes, that whether we have a surplus or not, we fundamentally disagree with the concept of these taxes. I will give you a good example.

The marriage penalty. That is a tax that Congress somehow in its history decided that marriage should be a taxable event. The Republican leadership this year, with the help of some Democrats, said to the President, and, by the way, obviously with the help of the United States Senate, said to the President, look, marriage should not be a taxable event. It is unfair to the middle class. It is unfair to anybody for the Federal Government, in an attempt to raise money for its operations, to go to people and say, simply because of the fact that you are married, we are going to impose a tax on you.

So what we did is we voted to eliminate the marriage tax. But the Democrats, through their leadership and through the President, put it back on the board. In their opinion, marriage is a taxable event; and the President's veto, he vetoed our process to eliminate the marriage tax, and the President put it back on the middle class of America, primarily, by the way.

The middle class pays, in my opinion, the biggest portion of taxes in this country. The middle class represents, quantity-wise, the largest number of workers. That is what you are doing. When the President and the Democratic policy, my colleagues here, when you put that marriage tax back on after we passed the bill to eliminate it, that is who you are taxing. And you are taxing our young people.

With our young people, we are trying to encourage marriage. We are trying to tell the young people, and boy, it is promising, we have some wonderful, wonderful people in the generation behind us, all of us know that. But is this the way to encourage that generation?

There is another tax we took a look at and said fundamentally, is it fair to tax death, the simple fact that somebody dies? Is that a fair tax? Is that a taxable event? Is that an event that our forefathers ever imagined in the Constitution would be the basis of this price, that we go to our taxpayers and say we want you to pay this price to be a citizen in this country? Is death a taxable event, that the middle class pay? And do not kid yourself, it affects every class in society.

The Democrats like to say, well, it is only the rich. They like to play this class warfare. It is not class warfare. You take money, regardless of how many people are in the community, take a community with 5,000 people who have a person that has to pay the estate taxes, say a contractor or anybody, a contractor that owns a dump truck, a bulldozer and a couple of pickups, they are subject to the death tax. You go to those people, and you take it out of the community and you transfer that money right here to these Chambers in Washington, D.C. You are transferring money from local communities out in the United States out beyond the Potomac, and you are transferring it here. So it affects every class. So the fundamental question of fairness, that is an obligation we have, regardless of whether we have a surplus or not.

Now, it so happens we do have a surplus. But regardless of whether we have a surplus or not, should we tax the event of death? We said no. The Republicans said no, and, by the way, some Democrats joined us. They also said we should not tax death. We sent that bill to the President. The President vetoed it. He put it back on. The President said death is a taxable event.

□ 2145

And by the way, I sit on the Committee on Ways and Means. I know what the President's budget is. The President's proposal this year was not only do not eliminate the death tax; he has actually proposed in his budget to increase the death tax by $9.5 billion. So the Democratic policy and the President's policy, and again not getting personal here, but, look, there is a difference and the American people, we need to talk about these differences.

They want to keep the death tax in place. Not all of them, but most of the Democratic leadership. They want to add $9.5 billion according to the President's new policy on taxes. We think that has gone too far. Now, there are some taxes that we have been able to persuade, that the Republican leadership has come forward with and has been able to put into the Tax Code. It is surprising how many of our constituents out there do not know that this Congress, the Republican Congress, passed a tax reduction that probably is the most significant tax break that any individual out there who owns a home has probably had in their career.

What am I talking about? Very briefly, let us take a look. What I want my colleagues to do is if any of my colleagues in here have constituents who own homes, at every town meeting they go to they should ask their constituents how many of them own homes. My guess is, and it is an exciting thing, most of the people in the audience will own homes. What is great about this country is our homeownership.

When I was younger, one expected to own their first home when they were approaching 30. Now this new generation is able to buy homes at a much earlier age. And it is an American dream. What we found happening, what we talked about our Republican leadership and our philosophy was, look, it is unfair to tax these young, especially younger families who own a home and they sell their home. We hit them with a huge capital gains tax.

What the old law was, the law that we wanted to change, it said quite simply, look, if an American sells a house for a net profit, they make a net profit and we will take an example here. Here is an individual. Let us say an individual bought a home for $100,000. They sold the home for $350,000; and they had a profit of $250,000. Under the old law, they were taxed, they had income of $250,000.

We thought what we want to do, one of the things kind of like marriage, we encourage our younger generation to get married. We want our younger generation also to enjoy the economic benefits of homeownership. So what we decided to do, and it was the Republican leadership that did it, frankly, and I do not mind. Look, I know I am standing up here saying Republican and Democrat a lot, but we need to talk about this bill and who stood up when it was time to stand up.

I was surprised in the last couple of weeks. I thought the death tax was pretty nonpartisan. We had a lot of Democrats that joined our leadership in trying to do away with it. But a lot of them walked. We had a lot of Democrats who joined, many joined to get rid of the marriage tax. But they walked. So I think it is important for us to have discussions, because there are differences.

What the Republicans felt, we made a proposal. If an individual buys the home, same example, $100,000. Same example, $350,000. $250,000 profit, under our bill, they will be taxed zero. And this passed. This passed. And for couples the news is even better. For couples it in essence doubles. If you own a home in the United States and you sell that home for a net profit. Not your equity in the home. You may buy a home for $100,000. You pay down $50,000 of it. You only own $50,000. That balance is equity. I am talking about net profit.

Say a young couple buys a house and sells the house for a profit. What our bill does, and it was signed into law so it is now the law, they get to take that profit. They get to put that money into their pocket. No taxes up to $250,000 per person or $500,000 per couple. That is significant. That makes a big difference. That is tax policy that I think makes good sense.

In the last few days I have heard people, especially with the politics going around, people saying, well, tax cuts are bad. All the Republicans want are tax cuts. I think that what we want is a fairness in the Tax Code. I would bet anything that we would have a hard time finding a young couple, go pick a 21-year-old male or female college student or a 21-year-old male or female that is working in a blue collar job and ask them do you think it is fundamentally wrong for one party wanting to advocate for changes in the Tax Code that would bring more fairness to the Tax Code? That would be an incentive to couples your age or single mothers to have the opportunity to buy a home? Of course they would agree with that.

Mr. Speaker, that is what the Republican leadership is talking about. George W. Bush and his campaign in the last month or 6 weeks has been talking about these tax reductions. He is not talking about going out and picking out the wealthiest people of the country. He is across the board. Read any analysis out there. Why? Because of the fairness of the Tax Code. When we are fairer to income producers, our income producers produce more income. That is just a fundamental law.

Let us talk about some other taxes that we have had. Capital gains, for example. It used to be the old Democratic argument was that capital gains is only for the rich. For many years I think the Democrats were probably right on that, because there were periods of time in our country where the only people who ever worried about paying capital gains taxation were the wealthy.

Now, I am not one who believes in class warfare, and I say that to my colleagues. I think over the long run, class warfare is not what the American system is about. That is not what has made the American system great. But the fact is we did at one point in time decades ago, decades ago have one segment of our society that only benefited from capital gains.

But what has happened in the last 10 or 15 years, we have lots more people investing in land. We have a lot of people in the lower-income brackets who own their homes. We have a lot of people whose employer or on their own or through their employer have gone into 401(k) plans, or they are invested in mutual funds. Now all of the sudden a much broader population faces capital gains taxation, and yet we cannot get the Democratic leadership, it was very difficult to get them to come to our side to reduce that taxation.

The reduction of that taxation was not just a reduction in taxation to the wealthy, it came across the board. And, finally, they admitted it. But now the rhetoric that I have heard the last couple of weeks, because the elections are coming up, is that any consideration of a Tax Code revision or a tax cut such as marriage tax, get rid of it, or the death tax, get rid of it, or capital gains or elimination of the taxes on the profit of the sale of your home. Some of my colleagues on the left, the liberal aspect, act as if we are going to ruin the budget, act as if that is what led to the deficit.

Remember, in my opinion, I think a fair Tax Code is a conservative approach. I think a fair Tax Code is a moderate approach. But I do not think a fair Tax Code is a liberal approach. I think the liberal approach is bringing the money any way you can, that money belongs in Washington, D.C., it ought to be spent in Washington, D.C., as a collective benefit for the country or for people to take the individual responsibilities, move those individual responsibilities to Washington, D.C., and fund it as a collective issue.

Mr. Speaker, I disagree fundamentally with that policy, and so do a lot of American people.

But I think we have kind of disclosures in truth when we go out and speak to our constituents. I think we have an obligation when we go out there and say, look, "tax cuts" is a very broad term. Let us talk specifically what we mean when we talk about tax cuts. We are talking about things like the capital gains tax issue. We are talking about things like elimination of the death tax. We are talking about things like the marriage penalty. We are talking about the fact why do we go to our young people, of whom we have an obligation to act in a responsible manner for their future, why do we go to them and penalize them for being married when in fact we encourage them to be married? Those are policies that I think are fair game because they are fair on their face.

So, Mr. Speaker, I hope that my colleagues, as they go out there during this election process, that they take the time to talk to some, and by the way not just the young people. The policies for the taxes of the young, but take a look as well at what we, the Republican leadership, did, the moderate approach did for our seniors. We not only talked about the death tax issue, we not only talked about the marriage penalty, we not only reduced the capital gains taxation under Republican leadership, we not only eliminated the taxation up to $250,000 when we sell our home out here in America. But we also went to the seniors and said we have discovered another thing that is unfair with our Tax Code. We are finding out just because of the fact you are between the years 65 and 69, we are going to penalize you on your Social Security if you hold a job outside of your home.

Where is the fairness of that? For years it was like pulling teeth from the liberal contingents. From the liberals it was like pulling their teeth to get them to admit that that was unfair to seniors. Finally, this year, frankly because of some good editorials written across this country, the liberal segment of our politics back here conceded and gave in on that and we passed that into law.

I commend the moderates on this floor, and I commend the conservatives on this floor that were able to see that earnings limitation on Social Security trashed. And I also want to say, even though we did not get it passed because the President vetoed it, and by the way it is the Vice President's policy as well, I still commend my colleagues for stepping forward and standing up to the fact that death is not a taxable event and that should have been thrown out the window, that marriage is not a taxable event and that should have been thrown out the window.

Mr. Speaker, we need to have fairness and we can talk about income tax bracketing as well. But the fact is we have an obligation, a fiduciary obligation to the taxpayers and to the citizens of this country to have a Tax Code that is fair.

Let me move on to another area, one of my favorite areas: Social Security. First of all, I want to tell about what the Government does for its employees. And I am one of those employees. I hear a lot, of course, out there on the campaign trail or when I am out there in my town meetings. I go back to my district every weekend. My district is larger that the State of Florida. I put about 50,000 miles a year in my district in the car. I listen to people. I stop at the coffee stop.

A lot of people do not realize that government employees have almost essentially the same type of retirement plan, in addition to Social Security, we also have Social Security. Congress, for example, I saw somebody e-mail me the other day that they got something off the Internet that Congressmen do not have to pay Social Security. Of course we pay Social Security. But we have got about 2 or 3 million government employees on a system that is very similar to the system that George W. Bush has proposed.

Mr. Speaker, I am amazed. I am amazed of the number of my colleagues who are trashing George W. Bush's proposal on Social Security when, in fact, on the other hand, we live within a policy or a program here provided for all government employees that is almost identical to what he is proposing.

What is it? It is called "personal choice." Let me explain very briefly how the government program works. The government program works this way. Every government employee has an amount of money taken out of their pay to provide for their retirement. It is an amount of money that they have no choice of how it is spent or where it is invested. On the other hand, while they have no voice or input as to what happens with that, they also get a guaranteed retirement after they put in a certain amount of years and turn a certain age; and after they vest, they get a certain guaranteed retirement. They have a safety net there. It is not a lot, but it is there and it is funded by the amount of money that they have drawn out of their check. We as government employees, all 3 million of us, have drawn out of our check.

But there is a second program in addition to Social Security, and that program is called the Thrift Savings Program. What that allows government employees to do, such as myself, I am allowed, as are 3 million other Federal employees, we are allowed to by personal choice take an amount money up to 10 percent of our pay, and we are allowed to invest that in the Thrift Savings Program, and the Federal Government will match it up to the first 5 percent. They will match the first 5 percent, although we are entitled to put in 10 percent, and we get a choice. You can put it in a risky fund like the stock market, although the higher the risk the higher the return. We can put it in a safer fund, or we can put it in a guaranteed savings fund which has low return but almost zero risk.

□ 2200

We have that right to make that choice, but it is only with 10 percent of our income, so we never overstep or never get in over our heads, so to speak, on the amount of money that we put in, and we personally get to choose how to invest it. Do you know how many people in the Federal Government participate in that program? A very, very high percentage.

Mr. Speaker, I would bet that every one of my colleagues sitting here on the floor participates in that program. Participates in choice. Why can we not do that for Social Security? If it is good for us, why is it not good for the rest of America? If it is good for us, our system, the Thrift Savings Plan works, why is not George W. Bush's plan good for the rest of America?

I know that some people have said this kind of policy is a risky policy. Risky? We have tried it and we tested it, and the government employees like it. They get involved in it. They get personal choice; that is the avenue that all of us should approach in trying to figure out how to rehabilitate the Social Security system.

Now, as you know, our Social Security system, there are some factors that put it into trouble. I mean we know that in 1935, for every worker that was retired, every person that was retired in 1935, when Social Security came in, we had 42 workers, 42 workers over here, providing for that 1 person that is retired. Today, for every person that is retired, we only have 3 workers providing for them, because we have so many people retired.

Back then in 1935, the average person lived to about, I do not know, it was probably 61, I think, for men and 65, somewhere in that range, today it is pushing the 80s. People are living longer. That is good news, but it also puts more of a burden on Social Security. And as a result of that, while Social Security is cash-rich, in other words, on a cash flow basis, the money coming in today, our Social Security is in the black.

The fact is, on an actuarial basis, the basis of which we look into the future and say can Social Security make it, on that basis, Social Security's bankrupt. So what do we do?

First of all, if we are going to make changes in Social Security, we have to do what George W. Bush has proposed and what a number of us support very strongly; that is, one, we have to guarantee that the people like, for example, my age and the generation ahead of me are not going to lose their benefits. They are not. There is nobody on Social Security today or nobody from age 40 or above say, for example, that is going to have their benefits threatened.

The Social Security benefits will be there, and do not let the liberals use the fear tactics of telling you that we cannot be bold in Social Security, that we should not try something new, that we ought to stay with the same old thing, even though it is not working in the long run.

We have to have some kind of assurance to the workers presently in the later stages of their career that your benefits are okay. I am telling you, the generation, the X generation, or the younger generation, whatever you want to call them, these people are bright people. They are energetic people. They want choice more than ever in the history of this country. This generation following us wants independence, and they are bright enough to handle it.

They have experience in business. They want to have choice. They want to be able to choose. They want to choose more than ever, whether they live in the country or here, they want to choose whether their kids go to public school or private school. I think George W. Bush has hit the button right on the top of it, this generation, this young generation wants to make some choice in Social Security.

We have a plan that is tried, true and tried, so to speak, right here. We are part of it. What is the opposition to going to the Social Security and putting that into effect, the same kind of plan that every one on the floor of the House of Representatives and almost three million other Federal employees enjoy. It works. I think we ought to try it.

Mr. Speaker, I will tell my colleagues the biggest mistake we can make here and biggest misservice we can do to our constituents here is to sit idle. Look, this is election time, in the next 4 weeks, 5 weeks, or 6 weeks, we are going to have a lot of political rhetoric, but the minute that goes by, in 6 weeks, I think we have an obligation to step up to the plate and do it; get it done; get this train back on course.

Now, I think there is always going to be a disagreement between what I would call moderate and conservative on economics and the liberal philosophy. The liberal philosophy, in my opinion, has a huge safety net that takes care of everybody and does it on a collective basis.

Now, I am not sure how they pay for it, but they feel that the responsibility of the individual is the obligation of the government, but the moderate and the conservatives feel that the responsibility of the individual is exactly that, the responsibility of the individual with the assistance from the government, where the individual cannot provide.

I think doing something with Social Security fits in the latter category. It is allowing individuals to have some choice. It does not give them complete choice because we do not want a person who loses all of their money to still look to us and put the blame on us, the government; what we want an individual to do is to have some choice. It is at that point where I think people are economically savvy enough to make some of these choices.

Mr. Speaker, a lot of people, a lot of workers, no matter what kind of job they have decided to participate in mutual funds. They are making more choices on their personal finances. They are becoming more and more knowledgeable about it. They are becoming more and more confident about it. We have a good economy.

What is interesting, too, is when we have those down days on the stock market, these people do not hit the panic button. It is not like the great panic in the early last century. These people are more patient with it. So why can we not be? I mean we work for them. We work for the people.

Why do we not step forward and let them have more choice in the Social Security plan that they want to participate in? I mean it is a big part of their future, and they ought to play as active a role in that as they can possibly do it.

Frankly, I think the plan that the Republicans and some Democrats and George W. Bush has put forward is worth looking at. I am amazed in these last few weeks how it has been trashed and trashed and trashed, when, in fact, as I said earlier in my comments, 3 million government employees are on that type of plan right now, and it works for us. It will work for our constituents.

Let me wrap up and conclude my remarks this evening.

First of all, I think it is a mistake. And I think it has driven the policy, as underlying as its foundation, to take oil from our strategic petroleum reserve, that reserve should be restricted to true emergencies.

The fact that our gasoline prices have gone up is discouraging. Who is not angry about that? Who does not think that there is not some gouging going on out there? Sure, it is discouraging, but is that really, truly the type of emergency that we would envision, or is that driven by political policy? My position is the policy of the President is not that policy that was intended when we created the strategic petroleum reserve.

Second of all, tax; when they talk out there on the political trail and they talk about tax reductions, make a question, is it fair? Should it be there in the first place?

Third of all, give us some choice in Social Security. We need a new, bold plan that protects current beneficiaries of Social Security, guarantees certain benefits for future generations of Social Security, but also let these beneficiaries participate and help choose and help direct the investments they make with that program.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGLISH (at the request of Mr. ARMEY) for today on account of weather and traffic conditions.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. SMITH of Michigan (at the request of Mr. ARMEY) for today and September 26 on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, September 26.

Mr. SOUDER, for 5 minutes, today.

Mr. PORTER, for 5 minutes, September 27.

Mr. HYDE, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and September 26, 27, 28, 29.

Mr. BILIRAKIS, for 5 minutes, October 2.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2511. An act to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Resources.

## ADJOURNMENT

Mr. McINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 26, 2000, at 9 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10263. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas; Correction [Docket No. 00-036-2] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10264. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly Regulations; Regulated Areas, Regulated Articles and Removal of Quarantined Area [Docket No. 99-097-3] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10265. A communication from the President of the United States, transmitting the request and availability of appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services; (H. Doc. No. 106-295); to the Committee on Appropriations and ordered to be printed.

10266. A letter from the Director, Office of Equal Opportunity Program, Department of the Treasury, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1190-AA28) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10267. A letter from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1190-AA28) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10268. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL-6877-4] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10269. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pennsylvania: Final Authorization of State Hazardous Waste Management Program [FRL-6875-3] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10270. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL-6874-6] received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10271. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL#6874-6] received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10272. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Parts 2 and 95 of the Commission's Rules to Establish a Medical Implant Communications Service in the 402-405 MHz Band [WT Docket No. 99-66; RM-9157] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10273. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Electronic Filing of Documents [Docket No. RM00-12-000; Order No. 619] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold commercially under a contract to the Netherlands [Transmittal No. DTC 101-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10275. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway and Spain [Transmittal No. DTC 100-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 110-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10277. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Argentina [Transmittal No. DTC 108-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10278. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10279. A letter from the Director, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Santa Barbara County Distinct Population of the California Tiger Salamander as Endangered (RIN: 1018-AF81) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10280. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Resubmission of Disapproved Measure in Amendment 9 [Docket No. 00211038-0232-02; I.D. 101499D] (RIN: 0648-AM93) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o. Models PZL M18A, and PZL M18B Airplanes [Docket No. 99-CE-84-AD; Amendment 39-11897; AD 2000-18-12] (RIN: 2120-AA64) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10282. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Editorial Corrections and Clarifications [Docket No. RSPA-00-7755 (HM-189Q)] (RIN: 2137-AD47) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10283. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Underwater Abandoned Pipeline Facilities [RSPA-97-2094; Amdt. Nos. 192-89; 195-69] (RIN: 2137-AC54) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Service Difficulty Reports [Docket No. 28293; Amendment No. 121-279, 125-35, 135-77, and 145-22] (RIN: 2120-AF17) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10285. A letter from the Commissioner of Social Securtity, transmitting a draft bill intended as an addendum to the draft bill, "Social Security Amendments of 2000"; to the Committee on Ways and Means.

10286. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kathy A. King v. Commissioner—received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—October 2000 Applicable Federal Rates [Rev. Ruling 2000-45] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2641. A bill to make technical corrections to title X of the Energy Policy Act of 1992; with amendments (Rept. 106–886). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 591. Resolution providing for consideration of the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–887). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 592. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–888). Referred to the House Calendar.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 26, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 5271. A bill to amend title 38, United States Code, to revise the rules applicable to net worth limitation with respect to eligibility for pensions for certain veterans; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. NADLER, Mr. LAZIO, Mrs. LOWEY, and Mr. REYNOLDS):

H.R. 5272. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. LAFALCE, and Ms. WATERS):

H.R. 5273. A bill to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LAZIO (for himself, Mr. McHUGH, Mr. RAHALL, Mr. McKEON, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 5274. A bill to amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures; to the Committee on Commerce.

By Mr. BOUCHER (for himself, Mr. BURR of North Carolina, Mr. LAHOOD, and Mr. UPTON):

H.R. 5275. A bill to amend title 17, United States Code, with respect to personal interactive performances of recorded nondramatic musical works, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 5276. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOGGETT (for himself, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. CARDIN, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. McNULTY, Mr. MOORE, Mr. FARR of California, Mr. TIERNEY, Mr. LANTOS, Mrs. THURMAN, Mr. OLVER, Mr. NADLER, Mr. GREEN of Texas, Mr. BENTSEN, Mr. CROWLEY, Mr. WEINER, and Ms. SLAUGHTER):

H.R. 5277. A bill to amend the Internal Revenue Code of 1986 to avoid duplicate reporting of information on political activities of certain State and local political organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 5278. A bill to express the sense of Congress that the President should take action to develop a comprehensive energy policy and to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. POMEROY, Mr. THUNE, Mr. EVANS, Mr. GUTKNECHT, and Mr. PETERSON of Minnesota):

H.R. 5279. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself, Mr. SABO, Mr. OBERSTAR, and Mr. MINGE):

H.R. 5280. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Agriculture.

By Mr. PETERSON of Minnesota (for himself, Mr. SABO, Mr. RAMSTAD, and Mr. MINGE):

H.R. 5281. A bill to amend title XXI of the Social Security Act to provide for more equitable distribution of block grant funds under the State children's health insurance program; to the Committee on Commerce.

By Mr. RYAN of Wisconsin:

H.R. 5282. A bill to establish a demonstration project to waive certain nurse training requirements for specially trained individuals who perform certain specific nursing-related tasks in Medicare and Medicaid nursing facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALMON:

H.R. 5283. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules regulating telemarketing firms, and for other purposes; to the Committee on Commerce.

By Mr. SCOTT (for himself, Mr. BLILEY, Mr. DAVIS of Virginia, Mr. GOODE, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SISISKY, Mr. WOLF, and Mr. GOODLATTE):

H.R. 5284. A bill to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse"; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself and Mr. FOLEY):

H.R. 5285. A bill to amend the Immigration and Nationality Act to prevent human rights abusers from being eligible for admission into the United States and other forms of immigration relief, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Florida (for himself and Mr. GREEN of Texas):

H.R. 5286. A bill to provide for a study of anesthesia services furnished under the Medicare Program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. GIBBONS, Mr. SAXTON, Mr. POMBO, and Mr. DOOLITTLE):

H.R. 5287. A bill to establish the National Museum of Jewish Heritage and the National Museum of Jewish Heritage Board of Directors; to the Committee on Resources.

By Mr. SHERWOOD (for himself, Mr. PETERSON of Pennsylvania, and Mr. MINGE):

H.R. 5288. A bill to amend part C of title XVIII of the Social Security Act to increase the minimum payment amount to Medicare+Choice organizations offering Medicare+Choice plans to correct inequities in amounts paid in rural and urban areas; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 109. A joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. UPTON:

H. Con. Res. 407. Concurrent resolution to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455; considered and agreed to

By Mr. METCALF:

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew; to the Committee on Armed Services.

By Mr. TALENT:

H. Res. 590. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2392; considered and agreed to

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASCRELL:

H.R. 5289. A bill for the relief of Moise Marcel Sapriel; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 5290. A bill to provide private relief for Salah Idris of Saudi Arabia and El Shifa Pharmaceuticals Industries Company relating to the bombing and destruction of the El Shifa Pharmaceutical plant in Khartoum, Sudan, and for other purposes; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Res. 593. A resolution to provide for the consideration of a private relief bill by the United States Court of Claims, and for other purposes; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. Shimkus, Mr. Evans, Mr. Horn, Mr. Jones of North Carolina, Mr. Borski, and Ms. Sanchez.

H.R. 534: Mr. Gejdenson.

H.R. 783: Mr. Dixon.

H.R. 983: Ms. Rivers.

H.R. 1071: Ms. Roybal-Allard, Mr. Tanner, Mr. Edwards, Mr. Thompson of California, and Mr. McIntyre.

H.R. 1194: Mr. Graham.

H.R. 1217: Mr. Meeks of New York and Mr. Bonilla.

H.R. 1248: Mr. Cramer, Mr. Castle, Mr. Sherman, Mr. Dixon, Mr. Serrano, and Mr. Levin.

H.R. 1275: Mr. Minge, Mr. Pomeroy, Mr. Gonzalez, Mrs. Kelly, Mr. Mascara, Mr. Gilchrest, Mr. Borski, Mr. Hoeffel, Mr. Bartlett of Maryland, Mr. Boucher, Mr. Jones of North Carolina, Ms. McCarthy of Missouri, and Mr. Ose.

H.R. 1399: Mr. Wexler.

H.R. 2025: Mr. Stupak.

H.R. 2166: Mr. Metcalf, Mr. Olver, and Mr. Thompson of California.

H.R. 2200: Mr. Minge and Mr. Udall of Colorado.

H.R. 2308: Mr. Stupak and Mr. Hayworth.

H.R. 2380: Mr. Sanders.

H.R. 2620: Mr. Kucinich.

H.R. 2710: Mr. Portman, Mr. Porter, and Mr. Bass.

H.R. 2722: Mr. Brown of Ohio.

H.R. 2900: Ms. Eddie Bernice Johnson of Texas, Mr. Lipinski, Mr. Cardin, Mr. Gonzalez, Mr. Rodriguez, and Mr. Frost.

H.R. 3250: Ms. DeGette and Mr. Lampson.

H.R. 3325: Mr. Wynn.

H.R. 3463: Mr. Rangel.

H.R. 3466: Ms. Dunn.

H.R. 3633: Ms. Waters, Mr. Porter, Mr. Kucinich, Mr. Blunt, and Mr. Rush.

H.R. 3766: Mr. Roemer, Mr. Romero-Barcelo, Mr. Gephardt, Ms. DeGette, Mr. Serrano, and Mr. Pomeroy.

H.R. 3842: Mr. Barcia.

H.R. 3850: Mr. Snyder.

H.R. 3881: Mr. Shadegg.

H.R. 3982: Mr. Shadegg.

H.R. 4025: Mr. Horn.

H.R. 4028: Mr. Olver.

H.R. 4082: Mr. Hoyer, Mrs. Morella, and Mr. Frank of Massachusetts.

H.R. 4259: Mr. Hayes, Mr. Ryan of Wisconsin, Mr. Bishop, Mr. Boehner, Mr. Radanovich, Mr. Price of North Carolina, Mrs. Lowey, Mrs. Roukema, Ms. Baldwin, Mr. Cramer, Mr. Crowley, Mr. Davis of Illinois, Mr. Stearns, Mr. Delahunt, Mr. Goodlatte, Mr. Boucher, Mr. Farr of California, Ms. DeGette, Mr. Baldacci, Mr. Capuano, Mr. Costello, Ms. Eshoo, Mr. Ehlers, Mr. Hoekstra, Mrs. Johnson of Connecticut, Mrs. Emerson, Mr. Manzullo, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Visclosky, Mr. Clyburn, Mr. Dreier, Mr. Frank of Massachusetts, Mr. Leach, Mrs. Capps, Mr. Ehrlich, and Mr. Tanner.

H.R. 4328: Mr. Kucinich and Mr. Delahunt.

H.R. 4330: Mr. Holt, Ms. Ros-Lehtinen, and Mr. Doyle.

H.R. 4395: Mr. Bryant, Mr. Weygand, Mr. Upton, and Mr. Blagojevich.

H.R. 4483: Ms. Eshoo.

H.R. 4493: Mr. Bachus, Mr. Vitter, and Mr. Horn.

H.R. 4547: Mr. Terry and Mr. Peterson of Pennsylvania.

H.R. 4592: Mr. Blunt.

H.R. 4634: Mrs. Maloney of New York, Mr. Bonior, and Mr. Stark.

H.R. 4640: Mr. Rothman.

H.R. 4649: Mr. Allen and Mr. Bishop.

H.R. 4689: Mr. Diaz-Balart.

H.R. 4723: Mr. Talent.

H.R. 4740: Mr. Moakley, Mr. Sabo, Mr. Capuano, Ms. DeGette, Mr. Shimkus, Mr. Etheridge, Mrs. McCarthy of New York, and Mr. Hill of Montana.

H.R. 4827: Mr. Camp.

H.R. 4838: Mr. Diaz-Balart.

H.R. 4841: Mr. Camp and Mr. Jones of North Carolina.

H.R. 4894: Mr. Evans, Mr. Dingell, Mr. John, Mr. Bishop, and Mr. McIntosh.

H.R. 4895: Mr. Evans, Mr. John, Mr. Bishop, and Mr. McIntosh.

H.R. 4926: Ms. Berkley, Mr. Berman, Ms. DeLauro, Mr. Kildee, Mr. Udall of Colorado, and Mr. Gephardt.

H.R. 4939: Mr. Bonior, Ms. Norton, Mr. Kucinich, and Mrs. Meek of Florida.

H.R. 4964: Mr. Clement and Mr. Bilbray.

H.R. 4966: Mr. Abercrombie.

H.R. 4971: Mr. Boyd, Mr. Sweeney, Mr. Burr of North Carolina, Mr. Sisisky, and Mr. Inslee.

H.R. 4976: Mr. Wamp, Mrs. Myrick, Mr. Stupak, Ms. Woolsey, Mr. Ramstad, Mr. Weygand, and Mr. Lampson.

H.R. 4977: Mr. Crane.

H.R. 5065: Mr. Wexler.

H.R. 5066: Mr. Blumenauer.

H.R. 5067: Mr. Meehan.

H.R. 5095: Mr. Nadler, Mr. McGovern, Mr. Conyers, and Mr. Markey.

H.R. 5114: Mr. Skelton and Mr. Tancredo.

H.R. 5117: Mr. Talent and Mr. Pombo.

H.R. 5151: Mr. McHugh, Mr. Foley, and Mr. LaTourette.

H.R. 5152: Mr. Pickering.

H.R. 5175: Mr. Fossella, Mr. Roemer, Mr. Gillmor, Mr. Shows, Mr. Gary Miller of California, Mr. Baca, Mr. Frelinghuysen, Ms. Danner, Mr. Largent, Mr. Turner, Mr. Bilirakis, Mr. Bishop, Mr. Kingston, Mr. McIntyre, Mr. Goodling, Mr. Sandlin, Mr. Sweeney, Mr. Reynolds, Mr. Deal of Georgia, Mr. Buyer, Mr. McHugh, and Mr. Blunt.

H.R. 5178: Mr. Franks of New Jersey, Mr. Hobson, Mr. Upton, Mr. Weygand, Mr. Filner, Mr. Gilman, Mr. Foley, Mr. Sanders, Mr. Saxton, and Mr. Hilliard.

H.R. 5180: Mrs. Johnson of Connecticut.

H.R. 5211: Mr. Hinchey, Mr. Holden, Mr. Mascara, and Mr. Doyle.

H.R. 5228: Mr. Mollohan.

H.R. 5257: Mr. Davis of Virginia and Mr. Souder.

H.R. 5267: Mr. McHugh and Mr. Sweeney.

H. Con. Res. 58: Mr. Udall of New Mexico.

H. Con. Res. 62: Mr. Rothman.

H. Con. Res. 341: Mr. Isakson and Mr. Spence.

H. Con. Res. 357: Mr. Kucinich, Mrs. Mink of Hawaii, Mr. Doggett, and Mr. Lantos.

H. Con. Res. 370: Mr. Sherman and Mr. Klink.

H. Con. Res. 376: Mr. Romero-Barcelo.

H. Con. Res. 382: Mr. Nadler.

H. Con. Res. 389: Mr. Barrett of Wisconsin and Mr. Schaffer.

H. Con. Res. 399: Mr. Schaffer, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Kolbe, Ms. Millender-McDonald, Mr. Moore, Mr. Moran of Kansas, Mrs. Northup, Mr. Shimkus, and Ms. Slaughter.

H. Con. Res. 404: Mr. Ose, Ms. Hooley of Oregon, Mr. Udall of Colorado, Mr. Foley, and Mr. Thompson of California.

H. Res. 576: Mr. Reynolds, Mrs. Fowler, Mrs. Biggert, Mr. Portman, Mr. Hobson, and Mr. Moran of Virginia.

H. Res. 577: Mr. Payne and Mr. Gillmor.

H. Res. 578: Ms. Sanchez, Mr. Sessions, Mr. Smith of Washington, Mr. Toomey, Mr. McIntosh, Mrs. Chenoweth-Hage, Mr. Weldon of Florida, and Mr. Hayworth.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5194: Mr. Stupak.

# EXTENSIONS OF REMARKS

## HONORING JOSEPH B. WARSHAW, M.D., FOR OUTSTANDING SERVICE TO THE COMMUNITY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an exceptional member of the New Haven, CT, community and a good friend, Joe Warshaw, as he leaves the Yale School of Medicine to become the Dean of the School of Medicine at the University of Vermont.

Joe, who currently serves as professor and chairman of Pediatrics and Deputy Dean for Clinical Affairs at the Yale University School of Medicine, has been an outstanding figure at Yale Medical School for over 30 years. His deep commitment and dedication has always been focused on some of our Nation's most vulnerable citizens—our children.

Joe is broadly published in his pediatric subspeciality, developmental biology and neonatal and perinatal medicine, and Joe is well-known for his dedication to improving children's health. Throughout his career, he has been an active member on a number of boards and medical organizations, including the American Pediatric Society, the American Society for Clinical Investigations, and Eastern Society for Pediatric Research. Joe has served on the Advisory Council of the National Institute of Child Health and Human Development of the National Institute of Health, numerous external review panels, and the editorial boards of Pediatrics and Pediatric Research. Just this year, Joe was honored for his work in neonatology and developmental adaption by the Cerebral Palsy Foundation with the 2000 Weinstein-Goldenson Medical Science Award.

Joe's profound humanitarianism extends beyond his medical abilities and has touched hundreds of lives. Some of my most cherished memories of Joe are of his selflessness during the Christmas season. Each holiday season my husband, Stan, and I have the privilege of touring Yale-New Haven Hospital with Joe, who dons his Santa Claus suit, visiting each hospital room and spreading Christmas cheer. The most precious of these moments are when he arrives at the neonatal care unit—bringing the promise of hope and holiday miracles to these very special infants and their families. Words cannot begin to express the inspiration Joe has been to our community.

Joe's career has taken him across this great Nation—New Haven and the Yale School of Medicine has been fortunate to have been home to his talent for so many years. Joe has been a strong leader in New Haven's healthcare community, always ensuring that those least able to make their voices heard.

It is with great pride that I stand today to join family, friends, and colleagues in extending my sincere thanks and appreciation for his many contributions to our community. My best wishes to Joe and his wife Cynthia as they depart for Vermont. He will certainly be missed, by the Yale Medical community and the city of New Haven alike.

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## JEWISH HERITAGE MUSEUM ACT

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. YOUNG of Alaska. Mr. Speaker, I am proud to introduce legislation for the establishment of a new national museum in Washington, DC, celebrating the contributions of the Jewish people to the United States and to the world generally. The museum will be called the National Museum of Jewish Heritage. It will profile the role played by Jews in the aesthetic, cultural, and intellectual history of Western Civilization.

The new museum will offer to Jews and non-Jews alike a source of knowledge and information on a people whose contribution to a world we all share has been remarkable, and remarkably disproportionate to their numbers. The museum will offer to all an accessible doorway into the many facets of the Jewish legacy.

Currently there is no museum in Washington, DC, and few, if any, elsewhere in the world, dedicated to presenting the full range of contributions made by Jews over the ages, and the relationship of those contributions to the civilization of which we all partake on a day to day basis.

There is, of course, the U.S. Holocaust Museum in Washington, DC. It is however, devoted only to a most taumatic and anguished period of the Jewish experience. The new museum would offer a balance to that uniquely dark narrative. I believe that it would indeed be unfortunate for the rich Jewish history to be defined by that tragic chapter alone. The new museum will see that that does not occur. It will do so by profiling the many happy chapters of that history. It is a history to revere, and to learn from, and this new museum will allow this to happen in the Nation's Capital.

The new museum will accomplish its important goals by creating galleries that sweep from the archaeological artifacts of antiquity to contemporary painting and sculpture, to music, literature, cinema, sports, science, military, education and, in general, to the world of creative ideas. The museum would mount the kinds of exhibits that reflect the diverse involvement and attainments of Jews across history and geography—from Einstein and Salk to Freud and Marx.

The proposed legislation makes it clear that this will be a private initiative. No appropriated funds are being nor will be authorized. The role of the Government is highly limited. The President will appoint members of the Board of Directors. Honorary members will be appointed by congressional leaders. Other national museums may lend works or art and other objects to the new museum. The National Park Service will assist the museum in finding a site in the Nation's Capitol, which could be provided by the U.S. Government. The legislation will, however, offer the recognition and appreciation of the Government of the United States.

I am proud of the contributions made by the Jewish people to the civilization we all enjoy. I am all the more proud to sponsor this legislation.

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## TRIBUTE TO POLLY FISHER

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan, and I am proud to recognize Polly Fisher in the Congress for her invaluable contributions and service to our Nation.

Polly Fisher distinguished herself through her devotion to her family, friends, and community. She was born in Fisherville, TN, on May 19, 1920, the daughter of Dr. John Samuel and Alverta Dunn Miller. Shortly thereafter, she moved to Arkansas, and graduated from Parkin High School before attending Arkansas Tech University in Russellville.

One of the happiest days of her life surely must have been March 5, 1945, when she married Harrell Cecil Fisher. Many more happy days followed, thanks to the births of her daughter, 5 sons, 10 grandchildren, and 4 great-grandchildren. One of those sons, Roger Fisher, worked for the people of the First Congressional District of Arkansas as a field representative, and he was a tremendous asset to our office, to the people of our State, and to our Nation.

Polly Fisher is probably best-known for her work with developmentally disabled and delayed children through Miss Polly's Day Care Center in Wynne, AR. Her generosity and hard word touched many families in Cross County and surrounding areas, and her legacy will inspire those who continue to provide these important services at the facility that bears her name.

Sadly, Polly Fisher passed away last month. Her congregation at the Wynne Baptist Church, where she was church secretary for 20 years, will miss her greatly, as will her family and friends.

I am among this group, and on behalf of the Congress I extend my deepest sympathies to her family, even as I encourage them to join me in celebrating her extraordinary life.

## A TRIBUTE TO THE GENERAL MOTORS BALTIMORE ASSEMBLY PLANT ON THE UNVEILING OF ITS 12 MILLIONTH VEHICLE

### HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. CARDIN. Mr. Speaker, today I pay tribute to an important member of Baltimore's manufacturing community and an institution central to the cultural and social life of Maryland. On Wednesday, September 27, 2000, the General Motors Baltimore Assembly Plant will unveil the 12 millionth vehicle assembled at this plant.

Production at the Broening Highway plant began in 1935, in the midst of this country's Great Depression. But the new plant, combined with a willing and capable work force, set new standards for quality production. Throughout the second half of the 20th century, the Baltimore Assembly Plant adapted to the changing needs of the American market. Renovations and upgrades to the assembly line and manufacturing process positioned the plant to remain productive. However, the competitive edge for the Baltimore Assembly Plant has been assured by innovative management and a highly trained and skilled work force.

The production of the 12 millionth vehicle marks not only a milestone in a great manufacturing tradition, but sends a clear signal that the Baltimore Assembly Plant is ready to meet new challenges. General Motors Corporation, management at the Baltimore Assembly Plant, the skilled workers, the unions, and Maryland's elected representatives have acknowledged that new products will offer this plant the opportunity to continue its legacy of fine automotive manufacturing. We look forward to, and accept the challenge of working together to secure the future of the Baltimore Assembly Plant.

I ask my colleagues to join me in expressing congratulations to all those associated with the great past, and a strong future of the General Motors Baltimore Assembly Plant, in Baltimore, MD, on this milestone date.

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## WELCOMING THE "ISLENDINGUR" IN CELEBRATION OF THE MILLENNIAL ANNIVERSARY OF LEIF ERICSON'S VIKING VOYAGE ACROSS THE ATLANTIC

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I stand today to welcome Ambassador Hannibalsson and the "Islendingur" to the New Haven Harbor as many gather to celebrate the millennial anniversary of Leif Ericson's voyage from Iceland across the North Atlantic to the shores of North America. The center of a long historical debate, the Viking Sagas come to life with an outstanding cultural exhibit and the arrival of the "Islendingur"—a replica of the Viking Ship "Gaukstadaskip" that sailed 1,000 years ago.

For centuries, the Vikings did not record their history in books. Instead they passed their culture, traditions, and stories generation to generation in oral sagas. Much of our knowledge of these courageous people comes from the written records of their European neighbors which, unfortunately, recounts only a 200-year history as raiders and plunderers. It is only in the past century that archeological digs have brought credit to the stories of the Norse expansion across the Atlantic—bringing a new fascination and excitement for this rich culture.

The most recent archeological work has revealed important evidence of the Viking expansion. Uncovering settlements, complex trade networks, and well-preserved artifacts has given us tremendous insight into the lives of the Vikings. Remarkable mariners, without maps or navigational equipment to chart a course, Viking captains, like Erik the Red and Leif Ericson, relied on their knowledge of the stars, sun, and the patterns of nature to guide them across the seas. When we look at the incredible accomplishments of the Icelandic people, we see a group that displayed unparalleled courage—leaving everything they knew to discover and explore new lands.

Throughout history, we have witnessed a unique quality in the human spirit, a drive to explore beyond what we know and understand, to travel into the unknown in search of new experiences. The Vikings embodied this drive and it is this spirit that we celebrate today. I am honored to rise today and join the Icelandic Millennium Commission and the New Haven community in commemorating this very special era of our history. My congratulations and best wishes to all.

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## HONORING RICHARD A. ALAIMO

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, Richard A. Alaimo, as he is honored for his contributions to our community. Dick is founder and President of the Alaimo Group, Consulting Engineers, which is located in Mount Holly and Paterson, New Jersey.

As a Consulting Civil and Municipal Engineer, and a licensed Professional Engineer in several states, he and his five associated firms have served over 70 municipalities and public agencies through the years.

His staff of over 100 engineers, planners, architects and construction managers have completed numerous large state projects in addition to municipal design and reconstruction programs.

Established over 30 years ago, Dick Alaimo's firm has designed facilities with constructed values in excess of $1 billion.

Dick is a member of many civic organizations, among them the South Jersey Port Corporation, which he serves as Director and Chairman; Burlington County United Fund; Mount Holly Rotary; and, Rutgers University Foundation Board of Overseers.

Through the years, he has been selected as recipient of various awards such as Outstanding Young Man and Outstanding Citizen of the Greater Mount Holly Area; Longsdorf Good Citizenship Award; Distinguished Citizen Award; and, one of the Outstanding Young Men in America.

I am privileged and honored to recognize the accomplishments of Richard A. Alaimo, and to congratulate him on his service to the community.

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## ARE DRUG PROFITS NECESSARY TO RUN AN ONCOLOGY PRACTICE? NOT IN THE CASE OF ONE FLORIDA PRACTICE! ONCOLOGISTS PARTNERS HID $2.6 MILLION IN DRUG PROFITS FROM OTHER DOCTORS—DIDN'T PUT DRUG PROFITS INTO THE PRACTICE

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. STARK. Mr. Speaker, Medicare has delayed reducing the level of reimbursement for various chemotherapy drugs, because of lobbying by some oncologists and drug companies that the profits are essential to cover the cost of running an oncology medical practice.

Hmmmmmmm.

Not in one Florida practice, where a lawsuit between several partners who are gastroenterologists and oncologists reveals how the oncologists pocketed millions in profits from drugs, didn't put the money into the practice, and (apparently) the practice was successful in more than meeting its costs.

I am happy that HCFA is going to review its reimbursement of the costs of administering chemotherapy drugs. I hope they will check out this court case, before they buy all the arguments of the industry.

The following excerpts from the court case were provided by an attorney from Florida and I submit into the CONGRESSIONAL RECORD:

*July 24, 2000.*

Re Summary of Information that you may find Illuminating and Helpful in Understanding the False Drug Pricing Scheme that Generates Huge Kickbacks From Medicare and Medicaid to Oncologists; Medical Practice Partners' Litigation Between Gastroenterologists and Oncologists Over Profits from the Sale of Chemotherapy Drugs From Medicare, Medicaid and Private Insurance Being Kept Secretly by the Oncologist Partners and not shared with the Gastroenterologist Partners.

Dear Representative STARK: The original complaint in the *Chetan Desai, M.D., et al. v. Jayaprakash K. Kamath, M.D., et al.* case charges that two (2) oncologists made 2.6 million dollars in profits from the sale of chemotherapy drugs between 1993 and 1997 (page 4 ¶10). Additionally, the complaint charges that the two oncologists in 1997 overdrew their compensation by approximately $385,000 (page 4, ¶11). By the time the Amended Complaint was filed, the feuding doctor partners and their lawyers had realized that a public fight in written documents over 2.6 million dollars in chemotherapy profits for two oncologists in four years' worth of practice may raise eyebrows of the court and law enforcement. Therefore, the

Amended Complaint and the depositions were done with an agreement between the feuding parties not to mention the 2.6 million dollars worth of chemotherapy profits in four years for two oncologists gut to only discuss chemotherapy profits in general and the $385,000.00 1997 overdraw of compensation. Nevertheless, the accounting exhibits, Plaintiffs' Exhibit No. 33, Defendants' Exhibit No. 12 and Plaintiffs' Exhibit No. 34 show the tremendous profits in "reimbursement" for chemotherapy infusion and other infusion drugs from Medicare over the actual costs in obtaining the drugs from the manufacturers.

The following are some excerpts from the depositions in the case:

1. Geetha Kamath, M.D. is one of the oncologist defendants, the wife of the gastroenterologist defendant who allegedly changed the accounting system so that the oncologists got all the benefit from the sales of oncology drugs. You will note that the oncologists testified that it was common knowledge among all the partners, administration and all physicians generally that huge profits were made from the sale of oncology drugs. However, the gastroenterologists and some administrators (and physicians that we have interviewed in other specialities that oncology) testified that they had no idea that huge profits were made by oncologists merely from the sale of the drugs from their reimbursement from Medicare and Medicaid.

### EXCERPTS OF TESTIMONY OF THE DEPOSITION OF GEETHA KAMATH, M.D.

(A) Deposition of November 6, 1998 of Geetha Kamath, M.D.

Page 156, Line 21.—I always thought that it was such a well known fact that drugs are profitable; it's a known fact in the medical community as far as I am concerned.

Page 163–164.—Exhibit No. 34 is a history of gastro and onco collections which reflect the increase in collections by oncologists between 1987 and 1995.

(B) Deposition of November 11, 1998 of Geetha Kamath, M.D.

Page 8, line 25 through Page 9, line 5.—Profit from chemotherapy drugs went to the oncologists. Profits from the sale of chemotherapy drugs were not shared by the gastroenterologists.

2. Belur S. Sreenath, M.D. is a gastroenterologist plaintiff. He sued the defendant oncologists because of their failure to distribute money from chemotherapy profits.

### EXCERPTS OF TESTIMONY OF THE DEPOSITION OF BELUR S. SREENATH, M.D.

(C) Deposition of September 17, 1998 of Belur S. Sreenath, M.D.

Page 23, line 6 through 23.—The gastroenterologists do not make any money from the sales of drugs. They write a prescription and the patients go to the patients' pharmacists and get their prescriptions filled. (essentially the same testimony on page 24, line 20-25)

Page 39, line 21 through Page 40, line 5.—He sued the oncologists because they diverted the profits from chemotherapy drugs in the amount of $385,000.00

Page 72.—The gastroenterologists were aware that oncologists were being paid more from insurance companies and Medicare; however, they didn't know that the large profits were from the sale of chemotherapy drugs.

Page 124.—That Dr. Sreenath knew in 1997 the revenue from one oncologist, Dr. Geetha Kamath was $2,490,000.00 and Dr. Sreenath's total revenue was only $363,909.00 but he only understood that each oncologist was making a lot more money than he was but he didn't know that it came from the profits from the sale of chemotherapy infusion drugs.

Page 127.—He first relized that there was so much chemotherapy profits in the end of the year of 1997.

3. Pothen Jacob is a gastroenterologist partner suing for his share of the 2.6 million dollars in chemotherapy drug profits.

### EXCERPTS OF TESTIMONY OF THE DEPOSITION OF POTHEN JACOB

(D) Deposition of July 14, 1998 of Pothen Jacob:

Page 107.—More than 2.6 million dollars in profits from chemotherapy drugs were paid by GOA to the defendants from 1993 to the filing of the suit in April 1997.

Page 51.—The oncologists are paid for a professional component when they administer the chemotherapy drugs and they also get reimbursed separately for the oncology drugs administered.

Page 60.—Medicare pays for the chemotherapy drugs at a parallel or same time that the oncologists have to pay the manufacturers for the chemotherapy drugs.

Page 61.—The dramatic difference in revenues between the oncologists and the gastroenterologists are the chemotherapy drug profits received by the oncologists.

Page 66.—Gastroenterology physicians' receipts were lower in 1995 and 1996 because reimbursement was lowered for gastroenterology services and the cost of malpractice insurance was higher.

Pages 71–72.—Endosopic procedures are personally done by gastroenterologists. Chemotherapy is not personally administered by an oncologist but by a nurse.

Page 83.—For drugs by gastroenterologist, the patient pays the cost, either buying from GOA at cost or buying it from the pharmacy.

Page 155.—The first time he learned of the extent of chemotherapy sales' profits in GOA was in the middle of 1997 when they were investigated entering MSO.

4. Debra Mitchell was the administrative nurse who was demoted in salary by the administrator physician partner, Dr. Jay Kamath, husband of one of the oncologists. He hired a second administrator just to work for the two oncologists.

### EXCERPTS OF TESTIMONY OF THE DEPOSITION OF DEBRA MITCHELL

(E) Deposition of July 14, 1998 of Debra Mitchell, R.N.:

Page 75–76.—In December of 1997, oncologist Dr. Geetha Kamath had revenue of $2,497,938.00 and oncologist Anil Raiker had revenue of $1,327,570.00

Page 82–83.—The old reports only showed Medicare allowables. The new reports showed the amounts being reimbursed by Medicaid (reviewing Exhibit 11).

Page 83.—GOA first began tracking the cost of the chemotherapy drugs in November of 1996.

Page 85.—The only doctors that saw the chemotherapy reports were the oncologists. The GI doctors were never given copies of the chemo reports.

Page 86–87.—In November of 1996, the witness was told by the accountant Odalys Lara there's profit in chemotherapy drugs. Exhibit No. 12 sets up the spread sheet showing the month to date and the year to date profits for each of the oncologists for the sales of chemotherapy drugs.

5. Odalys Lara was the CPA for GOA from April 1994 to the date of her deposition on September 3, 1998.

### EXCERPTS OF TESTIMONY OF THE DEPOSITON OF ODALYS LARA

(F) Deposition of September 3, 1998 of Odalys Lara, C.P.A.:

Page 14.—When she began, she did not know that there was any profit in the sale of chemotherapy drugs.

Page 25–26.—She first found out there was profits in the sale of chemotherapy drugs in July or August of 1997.

Page 32–33.—Plaintiffs' Exhibit No. 4 is a report of infusion and chemotherapy drug profits by year in 1994, 1995, 1996 and 1997.

Page 35.—In 1994 profits from the sale of infusion and chemotherapy drugs for two oncologists went from $489,000.00 in 1994 to $814,000.00 in 1997. From 1994 to 1997, 2.6 million dollars in chemotherapy and infusion drug profits were made by the two oncologists. Those totals do not indicate the reimbursements from private insurance which is a separate figure. These figures only include Medicare's reimbursements. It is a conservative figure because insurance companies reimburse more.

There's some very good gem testimony regarding the huge profits made by oncologists from Medicare for the sale of infusion and chemotherapy drugs. Also there is excellent testimony about how the knowledge of these huge chemotherapy drug sales profits was kept secret from partner physicians who were not oncologists. However, these gems are buried in a morass of deposition harangue.

I trust that this information will be useful for people reviewing the frauds against the Medicare and Medicaid Programs in the infusion, and oncology drug business.

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## STUDENT CONGRESSIONAL TOWN MEETING

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements into the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

### PRESCRIPTION DRUG COSTS

KAYLA GILDERSLEEVE: To start off, good afternoon, Congressman Sanders. We sincerely thank you for providing some time for young people to be able to voice their opinions and concerns for our state and our country. And today we have come to you to encourage you to continue the battle with pharmaceutical companies for our senior citizens.

ANGELA DEBLASIO: In the Year 2000 the United States of America as well as our fine State of Vermont have a problem, the soaring cost of prescription drugs. There are millions of Americans, an estimated 13 million elderly Americans who need drugs; they cannot afford them because they do not have prescription drug coverage. This just does not affect poor people. Many middle class seniors without additional private insurance struggle to pay for what they need. Those who cannot afford the prescription drugs pay for their drugs by taking their limited amount of money out of their food budget or not adequately heating their homes in the winter season; thus their quality of life deteriorates. The result is that some do without their prescribed medications, take half a dose or in extreme cases use their partner's medication, assuming they are one in the same, and so they suffer, die, or travel to the emergency room with higher cost to the health care and Medicare systems.

**TESS GROSSI**: Congressman Sanders, you have stated in a May 3rd press release that, and we quote, "The industry is continuing to fleece Americans while working to kill major prescription drug legislation in Congress." As the Fortune 500 number shows us, pharmaceutical companies took in more profit than the top auto, oil and airline companies. This is approximately an 18.9 percent profit, the highest margin of any industry in the nation. These pharmaceutical companies are raking in more profit, and the elderly and the sick all over can't afford the care and the help they desperately need.

**KAYLA GILDERSLEEVE**: Of course these companies make claims that their high profit margins are necessary to support research and development.

These development costs do not even begin to explain the rising prices of existing drugs which are projected from the price competition by patent. However, only 20 to 30 cents of each dollar is spent in actual; research and development and less; between 5 to 25 cents is spent on actual production of the drug. The remaining 40 to 70 cents is spent in marketing, selling and administration.

Many industry critics call the R & D warning a scare tactic, noting a huge percent return on revenues for the previous year. The reality is that they are earning a lot more than they spend on research and development. In addition, drug companies spend approximately $30 million on ad campaigns to combat any attempts to regulate drug pricing. They spend even more on state and federal lobbying efforts.

**TESS GROSSI**: Congressman Sanders, we have an industry that makes an exorbitant profit off of sickness, misery and illness of people, and that is disgusting. Drug companies come close to getting $4 billion every year in tax breaks and still Americans pay more and more for these drugs than citizens from other countries. There should be a way that consumers can afford the prescription drugs and at the same time a way for drug companies to make a modest profit and continue research and development. Senior citizens need fair, modest drug prices and it is in America's best interest to do so.

**ANGELA DEBLASIO**: Therefore, we urge you to continue your work with the International Prescription Drug Parity Act which allows pharmacists, wholesalers and distributors to re-import prescription drugs from other countries as long as those drugs meet strict FDA standards. We also encourage you to continue to take bus trips to Canada to help our elderly fill or refill their prescriptions. It is one of those random act advantages in living in a border state that not every American has access to which is why continuing to push for prescription drug legislation is necessary and vital to our economy and the lives of our country's senior citizens. We must fulfill our responsibility to protect elderly Americans and to do this we must provide affordable prescription medication.

**KAYLA GILDERSLEEVE**: Thank you for your time.

### NEED FOR ALTERNATIVE ACTIVITIES TO KEEP KIDS FROM ALCOHOL, DRUGS AND TOBACCO

**APRIL NILES**: I am April and I am the PR outreach worker for Youth services and I work with Kids Against Tobacco group which is these guys, and we are basically here to talk about alternatives to doing drugs and alcohol and just trying to think up some activities to keep teens from doing drugs. And as it is now we have one activity night a week down at the Living Room where I work, and we just basically play pool and watch movies and we cook a dinner every Thursday but we would like to have more activities to do. And that is about it.

**BLAKE KINCAID**: I am Blake and we just recently held a dance in our group and it was Kids Against Tobacco and we had facts on the walls for students to read, and we had speakers and we held a raffle and Craig will tell you about the speakers.

**CRAIG STEVENS**: We had two speakers at the dance, one of them was Wes who lost his voice box and used a machine to project his voice. Another one we had was Lola, and she lost her father to emphysema or lung cancer.

**NATE POWERS**: Some of the activities that we are trying to do, we are trying to have the towns build board parks or skate board parks. Also we have a very strange question. We have asked local officials why they are worried about giving two-dollar parking tickets instead of smoking underage tickets for $1.50 and why they are more worried about two-dollar tickets than students' lives. So we have come to—Blake and I and one of our other CAT members went to a job share a few days ago and we were asked to ask a couple questions about exactly—Blake asked why they were doing two dollar tickets instesd of $2.50 tickets. Mine was how many fires start with tobacco use, and there was a significant amount of fires and deaths the last two years that I have know. And that is about it.

**BLAKE KINCAID**: The activities we would like to do beside the skate park, we would also like to have bike paths and we would like to have better places for students to go because The Living Room is only open from one until five, so that does not give students much time to do what they have got to do because from five on they are out on the streets and they cannot do anything about that. It is just one to five without funding.

**NATE POWERS**: And around St. J. our local bike path is in Newport which transportation for these children is a big problem. These children say the reason that they are smoking is because there are not any activities for them to do. I have to agree with the clubs, drug-free clubs, yeah, I agree with that. But I think it is our officials that let that happen because I mean some children ruin it for other students.

We have had significant changes in Lyndonville's local restaurants. They have had a lot of business since the smokers had to be kicked out, and we just want to put out the smoking instead of the children, and I just think that the dance with Wes was talking to children, made a lot of children screaming because it was pretty horrible when they saw what happened to these children when they smoked, and Wes is a nice guy.

### SAME SEX MARRIAGE

**KELLI FREEMAN**: I am here today to tell you about an issue that I have a strong opinion about. That issue is how Vermont gets dumped on because of the Civil Unions Bill. I think that for the safety of one's state the law should have been talked about more carefully. I have heard some pretty mean and nasty jokes that have been said about Vermont and I do not agree with it. Sometimes in different towns and states people spray painted signs, saying "Vermont, the Gay State" and "Take a Fairy to Vermont" and comments like that. Vermonters do not need to hear or see stuff like that because we are upset as it is. We are afraid to leave the state because we are embarrassed about our license plates because we are afraid of what other people are going to say. That is the main reason why I am talking about this today; we should not be afraid or threatened of what people are going to say about us and we should not be embarrassed because we are Vermonters.

The people who harass us about the law that was passed, they do not know what it is like to live in a state that everyone discusses in a negative way all the time. We are sick and tired being called the Gay and Lesbian State and if you care at all about the people in this state, then you would think they absolutely would hate what is going on. They are probably scared and just as upset as you are. So when you see a Vermont license plate or a Vermont sign before you say "The Gay State," look at the other citizens and then ask yourself what are they going through because they have to live there and they do not like how they are being pictured either.

### YOUTH ADVOCACY RIGHTS

**STEVE HOFFMAN**: We work in Burlington, that is where the majority of our work is with Club Speak Out around Chittenden County, and I am just going to read off our vision and our mission to give you an idea of what Club Speak Out is and our goals.

Our vision is Club Speak Out envisions the ability for youth to take the initiative without any constraints, being able to embody positive outcomes in our own lives with the feelings of being valued by the community through interests that arise in the area of youth development.

And our mission is, Club Youth Speak Out's mission has become a resource for all the youth in all aspects of their life, empowering youth to help themselves in creating healthy developmental programs and resources that will impact their lives positively, using businesses, legislators, schools, the community, and any other area where outcomes can be positive. And that is what this program was designed for, was to go out in Chittenden County and we worked in Burlington to build a model and to give children something to do, take them out of risky behavioral situations and put them where the outcomes can be positive.

And what we are here today is to ask a question: What can the government do or have in order to increase positive outcomes in the lives of youths? And some of the things that we came up with is provide less competitive monetary funds for programming, and give it to the state and local governments in order to give out to the organizations that are around for youth. What happens is that when you go to apply for a grant there is not that much money out there and there is a lot of competition, and when a new program does come in, a lot of people are scared and they try to stop it. And that is just not right because as long as the program has the right passion and it is designed to work functionally with other programs and positive outcomes can be made then they all have should be given a chance because every little bit helps and counts. If the federal government can provide more money that would be great, and they did just decrease the safe school money I believe, National Safe School money, that was just decreased by 17 percent which is tremendous. And a lot of the grants given out now the money has to be cut which is not too good when we are trying to build programs to build healthy communities.

Another thing is increase the ability for youth to utilize the resources that state and federal representatives offer; more awareness for youth to be able to come to your office or come to Senator Jeffords and Leahy's office and their local governments and be able to come up and say, This is an issue that we have, how can you help us, what steps do we have? And then form youth governmental boards that have the ability for youth to have a say in working and forming youth policies in accordance with adult policymakers, and we feel that that is real important.

One issue that did come up today was the dance club and that is something we are working on because we had a Speak Out and with other youth have come up and said we really need something to do, we need a dance club. 242 is a nice club but unfortunately it is not diverse enough and does not really fit the mission and the original reason why it was in place. So we want to kind of start a dance club where all students can go with a game room without any drinking so if they didn't want to dance there is other stuff that they can do that is open until twelve o'clock at night every night. We hire youth, it is run by youth, the money goes right back to the youth, it is not in any business's hands.

So that would be nice to get definitely some money and support from the government for that too, because we can easily go out and get different companies to donate their services, but as far as the funds and stuff it does cost a lot of money to fundraise that, and it is just a lot, especially with the skateboard park where we had to raise $50,000 for that, and it adds up, and when you keep asking people they are like How much do we have to give? So we feel that is very important.

JONATHAN CUMMINGS: We would just really like to see youth be involved. When youth run their own organizations they accomplish a lot more and they are a lot more connected with what they are doing which is why our mission is both youth and not necessarily have adults run our programs. I am trying—like my group, I run myself now and I see that students that I work with are a lot more involved when it is youth leading them rather than an adult.

## TRIBUTE TO DONALD BIEDERMAN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. BERMAN. Mr. Speaker, I rise today to honor an outstanding attorney and model citizen, Mr. Donald Biederman who will be saluted tonight by Southwestern University Law School on his appointment as the head of its Entertainment and Media Law Institute. I have been proud to call Don a friend for almost twenty years. He is a man of enormous energy, intellect and integrity, who is an outstanding choice for this position.

As a J.D. and LL.M. recipient from Harvard and New York University Law Schools respectively, Don has enjoyed an illustrious legal career in both the private sector and academia. He first began practicing entertainment law in 1972, when he became the chief legal officer at CBS Inc. From there, he moved to ABC Records Inc., where he served as the Vice President for Legal Affairs and Administration. Prior to starting his most recent position to the private sector, Executive Vice President and General Counsel at Warner/Chapell Music, Don was a partner at the law firm of Mitchell, Silberberg and Knupp.

Throughout his legal career, Don has been a vigilant and outspoken opponent of intellectual piracy. The Record Industry Association of America and Billboard are just two of the many organizations that have honored him for his efforts in this area.

Despite leading a distinguished career in the corporate world, Don has found the time for an equally outstanding tenure in academia. He has taught at such institutions of higher learning as: Peperdine University School of Law, USC Law Center, the UCLA School of Law, the Anderson School of Management, Vanderbilt, Harvard and Stanford. Prior to assuming his current position at Southwestern, Don was the director of USC's Entertainment Law Institute.

While in academia, Don co-authored Law and Business of Entertainment Industries, a widely-used textbook on Media Law. He also wrote articles for a variety of publications including: the Hastings Communication/Entertainment Law Journal, Entertainment and Sports Lawyer, and the Vanderbilt Journal of Entertainment Law and Practice.

I am proud to be a friend to such an accomplished individual, and it is my distinct pleasure to ask my colleagues to join with me in saluting Professor Donald E. Biederman on his new position as the Director of Southwestern University Law School's Entertainment and Media Law Institute. Southwestern could not have chosen a finer individual.

## THE HIGH COST OF PRESCRIPTION DRUGS AND THE IMPORTANCE OF GENERIC MEDICINES

### HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. ALLEN. Mr. Speaker, I rise to speak about the importance of generic drugs and competition in the pharmaceutical market. This year, as in the past, brand drug manufacturers are asking Congress to support legislation that will extend patents on their most profitable medicines. The most profitable industry in the world is asking Congress for permission to continue gouging consumers, especially seniors and the uninsured.

The most notable bills now before us are S. 1172 and H.R. 1598, commonly known as the "Claritin" bills. Claritin's manufacturer, Schering-Plough is pushing these bills to protect its popular allergy drug, Claritin, and six drugs commonly used by seniors from less costly generic competitors.

Researchers at the University of Minnesota School of Pharmacy estimate high consumer costs if the Claritin bills pass. Americans may be forced to pay an additional $11 billion for this medicine over the life of the patent extension because more affordable alternatives will be barred from the market. That is an enormous burden to place on consumers, seniors and taxpayers, especially at a time when health costs are escalating.

Fortunately, the Claritin bills are stalled. Unfortunately we expect Schering-Plough and other brand companies to continue to push patent extension bills in years to come, because patents are scheduled to expire on tens of billions of dollars worth of drugs.

For the sake of 15 million seniors who lack adequate prescription drug coverage, we must stop all patent extensions whether they are offered directly, or are couched in supposedly consumer friendly language. Consumer and senior groups throughout the nation oppose these bills. We must too.

## INTRODUCTION OF THE COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS ACT OF 2000

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. CAMP. Mr. Speaker, today, I introduced the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act which will help Medicare beneficiaries who have had organ transplants. Every year, over 6,000 people die waiting for an organ transplant. Currently, over 67,000 Americans are waiting for a donor organ.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection. Medicare does this in three different ways.

First, Medicare has time limits on coverage of immunosuppressive drugs. Medicare law only provides immunosuppressive drug coverage for three years with expanded coverage totaling 3 years and 8 months between 2000 and 2004. However, 61 percent of patients receiving a kidney transplant after someone has died still have the graft intact five years after transplantation. Nearly 77 percent of patients receiving a kidney from a live donor still have their transplant intact after five years. For livers, the graft survival rate after five years is 62 percent. For hearts, the five year graft survival rate is nearly 68 percent. So many Medicare beneficiaries lose coverage of the essential drugs that are needed to maintain their transplant.

Second, Medicare does not pay for anti-rejection drugs of Medicare beneficiaries, who received their transplant prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at age 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage.

Third, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplant to be researching the intricate nuances of Medicare coverage policy.

The bill that I am introducing today, the "Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act" would remove these short-sighted limitations. The bill establishes a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort to ensure patients waiting on the organ transplant have access to the anti-rejection drugs that are so needed.

## HONORING ALBERTUS MAGNUS COLLEGE ON THEIR 75TH ANNIVERSARY

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to congratulate Albertus Magnus College on its 75th anniversary. With the purchase of a New Haven mansion renamed Rosary Hall, the Dominican Sisters of Saint Mary of the Spring founded Albertus Magnus in 1925. Since then, the Albertus Magnus community has become a landmark in the city of New Haven.

Initially a women's college, Albertus Magnus has expanded its program base to meet the needs of a our changing community. Dr. Julia McNamara, President of Albertus Magnus, has served as the driving force behind these innovations. Her dedication to students, commitment to excellence, and creative energy have been the key to the renaissance at Albertus Magnus. The New Dimensions Program is an excellent example of how Albertus Magnus has created new and innovative programs to open the doors of education to a broad spectrum of students. Introduced only six years ago, the New Dimensions Program is an alternative education program that allows working adults to obtain their Associate's, Bachelor's, and Master's degrees in Management at an accelerated pace convenient to their schedule. This nontraditional program has allowed hundreds of working men and women to further their education while continuing in their careers.

In addition to its dedication to educational opportunity and academic excellence, Albertus Magnus is a tremendous resource to the New Haven community. Administrators, faculty and students are involved with service organizations throughout the city—demonstrating a deep commitment to enriching our neighborhoods and making a real difference in the community. As a host site for the 1995 World Special Olympics, Albertus opened its campus to thousands of children and families who traveled to New Haven to participate in the games, playing an instrumental role in the success of that extraordinary event.

Albertus Magnus College, though small in comparison to other local schools, is rich in history and committed to providing its students with the skills and confidence necessary for future success. Over its 75-year history, Albertus Magnus has continually dedicated itself to providing its students with an exceptional college experience. I was privileged to be asked to teach international politics in the 1970's at the college, and I thoroughly enjoyed this experience. Recently graduating the largest class in its history, Albertus Magnus has succeeded in fulfilling the dreams of the Dominican Sisters of Saint Mary of the Springs—creating a collegiate environment that successfully challenges students to realize their full potential as scholars and as human beings.

It is my great honor to join with the administrators, faculty, students, alumni, and community members who have gathered this evening to express my heartfelt congratulations on the 75th anniversary of Albertus Magnus College and extend my best wishes for continued success.

## INTRODUCING MIDDLE EAST PEACE THROUGH NEGOTIATIONS ACT, H.R. 5272

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. GILMAN. Mr. Speaker, because many of my colleagues and I remain extremely concerned about the possibility that Yasser Arafat and the PLO will declare a Palestinian state unilaterally, I am introducing legislation today that would underscore the need for a negotiated settlement between the two parties.

The Peace Through Negotiations Act of 2000 recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated.

Accordingly, the bill I am introducing today would establish that it is the policy of the United States to oppose the unilateral declaration of a Palestinian state, and that diplomatic recognition should be withheld if one is unilaterally declared. The bill would also prohibit all U.S. assistance to the Palestinians except for humanitarian aid, and would downgrade the PLO office in Washington, D.C.

Additionally, the measure would encourage other countries and international organizations to join the United States in withholding diplomatic recognition, and would authorize the President of the United States to withhold payment of U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

Mr. Speaker, over eighteen months ago, Congress spoke with one voice about the prospects of a unilateral declaration of statehood by the Palestinians. Non-binding legislation adopted by both houses stated that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition."

The Peace Through Negotiations Act is a measured, but legislatively binding response to that possibility. Accordingly, I urge my colleagues' cosponsorship and strong endorsement of this landmark legislation (H.R. 5272) and request that the text of the legislation be printed at this point in the CONGRESSIONAL RECORD.

H.R. 5272—A BILL TO PROVIDE FOR A UNITED STATES RESPONSE IN THE EVENT OF A UNILATERAL DECLARATION OF A PALESTINIAN STATE

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Peace Though Negotiations Act of 2000".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

(2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.

(3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.".

(4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the "two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good-faith negotiations".

**SEC. 3. POLICY OF THE UNITED STATES**

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

**SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.**

(a) MEASURES.—Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date of a signed negotiated agreement between Israel and the Palestinian Authority under the terms of which the establishment of a Palestinian state is mutually agreed upon, the following measures shall be applied:

(1) DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES.—

(A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989

(Public Law 100-204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.

(B) For purposes of such section, the term "Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agent thereof" shall include the Palestinian Authority and the government of any unilaterally declared Palestinian state.

(C) Nothing in this paragraph shall be construed to preclude—

(i) the establishment or maintenance of a Palestinian information office in the United States, operating under the same terms and conditions as the Palestinian information office that existed prior to the Oslo Accords; or

(ii) diplomatic contacts between Palestinian officials and United States counterparts.

(2) PROHIBITION ON UNITED STATES ASSISTANCE TO A UNILATERALLY DECLARED PALESTINIAN STATE.—United States assistance may not be provided, directly or indirectly, to the government of a unilaterally declared Palestinian state, the Palestinian Authority, or to any successor or related entity.

(3) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(4) AUTHORITY TO WITHHOLD PAYMENT OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS THAT RECOGNIZE A UNILATERALLY DECLARED PALESTINIAN STATE.—The President is authorized to—

(A) withhold up to 10 percent of the United States assessed contribution to any international organization that recognizes a unilaterally declared Palestinian state; and

(B) reduce the United States voluntary contribution to any international organization that recognizes a unilaterally declared Palestinian state up to 10 percent below the level of the United States voluntary contribution to such organization in the fiscal year prior to the fiscal year in which such organization recognized a unilaterally declared Palestinian state.

(5) OPPOSITION TO LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose—

(A) membership for a unilaterally declared Palestinian state in such institution, or other recognition of a unilaterally declared Palestinian state by such institution; and

(B) the extension by such institution to a unilaterally declared Palestinian state of any loan or other financial or technical assistance.

(6) LIMITATION ON USE OF FUNDS TO EXTEND UNITED STATES RECOGNITION.—No funds available under any provision of law may be used to extend United States recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the payment of the salary of any ambassador, consul, or other diplomatic personnel to such a unilaterally declared state, or for the cost of establishing, operating, or maintaining an embassy, consulate, or other diplomatic facility in such a unilaterally declared state.

(b) DEFINITION.—For purposes of paragraphs (2) and (3) of subsection (a), the term "United States assistance"—

(1) means—

(A) assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except—

(i) assistance under chapter 8 of part I of such Act (relating to international narcotics control assistance);

(ii) assistance under chapter 9 of part I of such Act (relating to international disaster assistance); and

(iii) assistance under chapter 6 of part II of such Act (relating to assistance for peacekeeping operations);

(B) assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.) including the license or approval for export of defense articles and defense services under section 38 of that Act; and

(C) assistance under the Export-Import Bank Act of 1945; and

(2) does not include counter-terrorism assistance.

## TO HONOR MR. JULIÁN CLAUDIO NABOZNY—NATIONAL RESTAURANT ASSOCIATION HUMANITARIAN OF THE YEAR

### HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. PASTOR. Mr. Speaker, I rise to celebrate Julián Claudio Nabozny, a McDonald's owner/operator beloved and celebrated for his services to the Phoenix, Arizona community, which I proudly represent. For his tireless generosity, Mr. Nabozny has just been honored by the National Restaurant Association as Cornerstone Humanitarian of the Year.

Mr. Nabozny has made his South Phoenix restaurant a veritable community center for the Hispanic neighborhood. His beneficent acts are numerous and varied. These are some highlights.

For the past five years, Mr. Nabozny has hosted Thanksgiving Day celebrations for as many as 3,000 residents. He distributes free McDonald's food, gifts, turkeys, and fruit baskets and provides for entertainment, including the beloved Ronald McDonald.

Throughout the year, the restaurant sponsors fund-raising nights for a local school. Mr. Nabozny donates 10 percent of the evening's sales and tickets to popular events for the PTA to raffle off. He also provides a school reading program with over 8,000 hamburger certificates a year to use as learning incentives for children.

Two years ago, Mr. Nabozny brought a mobile mammograph unit to the restaurant to offer free cancer screening exams. Hundreds of economically disadvantaged women received these vital tests, many for the first time.

This spring, Mr. Nabozny initiated and sponsored a pioneering partnership to educate the community on current immigration laws and related government services. Through the program, over 1,200 individuals received free confidential consultations with attorneys and other qualified volunteers, and many others received assistance through a handout developed specifically to address common concerns and needs. These services will be again extended this fall.

For the past three years, Mr. Nabozny has served as chair of the Phoenix area Hispanic American College Education Resources (HACER) program, a partnership between the Ronald McDonald House Charities, its local affiliate, McDonald's owner/operators, and restaurants owned by the corporation. Mr. Nabozny has also personally donated scholarships to deserving minority high school students in the Phoenix area.

Mr. Nabozny comes from a family and belongs to a franchise system that believe in giving back. His dedication to this principle has justly earned him the Restaurant Association's award and a special place in the heart and history of the Phoenix community.

## A TRIBUTE TO OLYMPIC MEDALIST CRISTINA TEUSCHER

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mrs. LOWEY. Mr. Speaker, today I am proud to recognize Cristina Teuscher, a resident of the City of New Rochelle, NY and winner of a bronze medal at the 2000 Olympic Games in Sydney. No athletic contest provides a showcase for the world's talent like the Olympics, and no personal accomplishment is greater than medaling in an individual event. in 1996, still only a recent high school graduate, Cristina won gold in the 800 meter freestyle relay. This year, she added a bronze medal in the 200 meter individual medley to her list of Olympic achievements. Cristina's brave performance throughout the race and remarkable sprint in the final fifty meters were inspirational. Undisturbed when she fell behind early, Cristina perserved and reached the wall with her personal-best time.

Cristina's accomplishments, however, have extended beyond the reaches of a pool. Once an outstanding student at New Rochelle High School, Cristina recently graduated from Columbia University, assuring that her success in life will extend well into the future. It is my pleasure to congratulate Cristina and her family on this momentous occasion. Cristina is a credit not only to the City of New Rochelle, but to the entire United States, and to all great swimmers throughout the world.

## INTRODUCTION OF THE MUSIC OWNERS' LISTENING RIGHTS ACT OF 2000

### HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. BOUCHER. Mr. Speaker, I am pleased to join my colleagues, Representatives BURR, LAHOOD and UPTON, in the introduction of legislation to reform our copyright laws so that individual consumers can store their own music on an Internet site and gain quick access to it anytime they choose, from anywhere they choose.

The introduction of this legislation is a necessary step in addressing the growing chasm between new technology and old laws. It is a matter of high importance to Internet users. A new poll found that 79 percent of frequent Internet users believe that "copyright laws should not infringe on an individual's access to the music that they have legally purchased." Our legislation will ensure that this wholly legitimate public expectation is not thwarted.

Those same Internet users understand the responsibility that consumers have to pay legitimate royalties to the artists whose music they enjoy. Approximately the same majority of those surveyed (78 percent) said that the sharing and swapping of music which has not been purchased or without the consent of the artist or record company should not be permitted.

Our legislation, the Music Owners' Listening Rights Act of 2000, makes the Internet based transmission of a personal interactive performance (PIP) of a sound recording acceptable under copyright law. Simply stated, a consumer who lawfully owns a work of music, such as a CD, will be able to store it on the Internet and then downstream it for personal use at a time and place of his choosing.

This technology makes it possible for people to travel from one place to another without needing to carry their record collection with them. Instead, they will be able to turn on a computer or other Internet connection device and gain immediate access to their music through the services of an Internet music provider. After the consumer shows proof of ownership of the music, he will be able to listen to it streamed to him over the Internet from any place that he has Internet access. Consumers would not be able to transfer music to someone else or use the music for commercial purposes under the provisions of our legislation.

Since the only people who will be able to use the provision we are proposing have already purchased the music, the song writers, recording artists and record labels will lose not a penny in sales. The person who purchases music will, however, have a new opportunity to listen to his music from any place that he has Internet access.

The new Internet application that enables purchasers to listen to their music from a variety of locations is a major advance. It offers greater mobility and convenience to those who purchase music while not depriving music creators of sales. We believe that the technology which gives rise to this new convenience should be encouraged, and our legislation will remove legacy copyright restrictions which were written for a different era and that threaten to strangle the technology in its infancy.

It is our hope that other Members of the House will join us in recognizing the significant opportunities this new generation of technology holds and in recognizing the tremendous new consumer convenience this new Internet application makes possible.

The co-sponsorship of our measure by other Members is welcome.

## IN RECOGNITION OF STATE SENATOR M. ADELA "DELL" EADS' OUTSTANDING SERVICE TO THE PEOPLE OF CONNECTICUT

### HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to mark the end of an era in the government of my home state of Connecticut. With the retirement of State of Senator M. Adela "Dell" Eads, the Connecticut Legislature is losing more than just a valued and respected member, it is losing a woman who represents the best that Connecticut has to offer, the epitome of the finest tradition of public service.

With over 24 years of service in the Connecticut State Legislature, Dell has left her mark on countless pieces of landmark legislation. From her work to establish the Connecticut Office of the Child Advocate to her leadership on welfare reform. Dell always championed the cause of Connecticut's children and families and acted to protect their interests.

But while Dell's legislature accomplishments are too numerous to mention, the one quality she will be remembered for is clear: Leadership. Whether it was as leader of the Republican caucus or as President Pro Tem of the Senate, Dell commanded the respect of adversaries and allies alike. Her career in the legislature is a testament to the fact that civility, intelligence, integrity and strength are qualities that can be found in one individual. Such a public servant is a gift to be treasured in a democracy.

Connecticut and our country are the beneficiaries of the outstanding service provided by M. Adela Eads. I have been privileged to serve with her and to enjoy her friendship as well. I wish her all the best for a happy, healthy and productive retirement.

## A TRIBUTE TO MR. RAMON L. YARBOROUGH

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute and extend my most sincere best wishes to Mr. Ramon L. Yarborough, President of Fayetteville Publishing Company and publisher of The Fayetteville Observer, who will be retiring at the end of September after 35 years of service to the citizens of Fayetteville, North Carolina.

Mr. Yarborough, a native Fayetteville, began working at Fayetteville Publishing in September 1965 as its Vice President. Under his leadership, the company has expanded greatly and experienced large growth. Today, Fayetteville Publishing's properties include The Fayetteville Observer, the Fayetteville Online website, and the Carolina Trader. It also prints various other publications, including the Carolina Flyer at Pope Air Force Base and the Paraglide at Fort Bragg.

Throughout his entire career, Mr. Yarborough not only has worked hard to achieve enormous success within his company, but he also has generously shared his many talents to make this community a better place to live for all. As an active participant in civic and community affairs, Mr. Yarborough serves on various boards and foundations, including the Methodist College Board of Trustees, North Carolina Community College Foundation, Cumberland Community Foundation, the Museum of the Cape Fear Historical Complex, and the North Carolina Press Association. He is also a member of St. John's Episcopal Church and the Fayetteville Kiwanis Club.

Jim Rohn once said, "whoever renders service to many puts himself in line for greatness . . . great return, great satisfaction, great reputation, and great joy." The life of Mr. Yarborough has indeed been one exemplified by greatness—a greatness defined by his service to others.

As he enters this next stage of his life, I am confident that Mr. Yarborough's talents and energies will continue to be of benefit to many. Through his commitment to his family, community, and church, Mr. Yarborough will forever be remembered and appreciated for his distinguished career and service. Now, it is his turn to enjoy the good life he has given to so many. May God's strength, peace, and joy be with Mr. Yarborough always.

## TRIBUTE TO SAMUEL G. FREDMAN

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mrs. LOWEY. Mr. Speaker, today I express my great admiration for Judge Samuel G. Fredman, a man of high principle, piercing intelligence, and boundless commitment to service.

Admitted to the Bar more than fifty years ago, Judge Fredman has always expressed a burning passion for the law and for the enduring principles upon which it is based. First in private practice, and then as a New York State Supreme Court Justice, Judge Fredman has been universally recognized for his integrity, decency, and legal acumen.

Judge Fredman's contributions to our community, however, extend far beyond his professional obligations. He has been among the great political leaders in Westchester's history, chairing the Westchester County Democratic Committee, helping to lead the New York State Democratic Committee, and inspiring countless men and women to seek public office.

At the same time, Judge Fredman has devoted considerable time and energy to a wide variety of community organizations. Whether raising funds for the White Plains Hospital, helping to shape the charters of White Plains and Westchester, building support for local libraries, or leading the Westchester Jewish Conference, Judge Fredman commands the trust and respect of all with whom he works.

It is entirely fitting that Judge Fredman should be recognized for a lifetime of remarkable service and for the high ideals he so clearly embodies. I am pleased to join the chorus of tribute for a good friend and outstanding human being.

## ON THE OCCASION OF THE RENAMING OF THE DEPARTMENT OF STATE BUILDING IN MEMORY OF PRESIDENT HARRY S TRUMAN

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today on the day of a ceremony to name the U.S. Department of State building in Washington, D.C. after Missouri's Favorite Son, Harry S Truman, the 33rd President of the United States of America. I am proud to represent the 5th Congressional District of Missouri where Harry Truman spent most of his life. He grew up in Independence, ran a haberdashery in Kansas City, and in his later years helped with the family farm in Grandview, Missouri. He was a soft spoken man from the Midwest whose vision and leadership led to lasting world accomplishments benefitting the citizens of our country as well and the world.

Renaming the Department of State Building in our nation's Capital for President Harry S Truman is an appropriate tribute to a great leader. President Truman called his first year in office 'a year of decisions,' in dealing with the end of World War II, the beginning of the Cold War, and the founding of the United Nations. He was able to ensure national security while at the same time impacting a worldwide stage of engagement through the Truman Doctrine and the Marshall Plan to resist communist threats and revive the ailing economies of Europe after World War II. President Truman is credited as a leading force in the creation of the North Atlantic Treaty Organization (NATO), an organization that has guaranteed peace throughout the Cold War and remains crucial to our nation's efforts to support democracies throughout the world.

A leader in so many aspects, President Truman's vision and accomplishment on a worldwide level are reflected in the relative tranquility we experience throughout all regions today. His willingness to confront difficult and complex issues and find solutions to questions facing our nation during the most difficult time of his presidency is an inspiration to me. When I look at his picture hanging in my office, I draw strength from his courage and determination to take responsibility for the tough choices he had to make for our country. I am confident this public symbol of renaming the Department of State Building for President Truman will similarly inspire world leaders of today to continue to shoulder the responsibilities of public office and rise to the challenges before each of them to benefit our world.

President Truman's legacy is appropriately captured in the Truman presidential Library located in the heart of my congressional district in Independence, Missouri. Last year I joined Secretary of State Madeleine Albright to commemorate the 50th anniversary of NATO and the accession of the Czech Republic, Hungary, and Poland to the North Atlantic Treaty Organization. This momentous occasion brought home to the heartland the reality of the vision and leadership which President Truman demonstrated in foreign policy which the Clinton Administration continues today. The reflections of this century will duly note the uncompromising spirit of President Truman and his bold implementation of foreign policy initiatives which unquestionably changed the course of history. Whether it be through humanitarian efforts or demonstration of strength or consummation of alliances, Harry Truman fought for the common man both in our nation and abroad.

Mr. Speaker, I am honored to pay tribute to President Harry S Truman by remaining the Department of State Building in Washington, D.C. in his memory. I, along with my colleagues from Missouri who cosponsored the enabling legislation, pay this tribute to President Truman to publicly acknowledge the Truman legacy. President Truman, we thank you for your service to our the United States and the world, and I say thank you Mr. President for giving them hell!

## JUDE THADDEUS CATHOLIC WAR VETERANS POST 1975 ON THEIR 50TH ANNIVERSARY

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the 50th anniversary of the Jude Thaddeus Catholic War Veterans Post 1675 in Toledo, Ohio. The post celebrates its anniversary this month. On June 12, 1950, a charter was granted to the Jude Thaddeus Post by the National Department of the Catholic War Veterans. Those first meetings were conducted in the loft of the St. Francis de Sales Parish near downtown Toledo. After traveling from parish to parish for a time, the Post sought a permanent home. Those original members got to work in rehabilitating a small building on Stickney Avenue in North Toledo, which became the organization's first headquarters. As the membership expanded the Post moved again, establishing a hall and canteen on North Toledo's vibrant Lagrange Street. Tragedy struck, however, when a fire destroyed the building in 1965. Nonetheless with the help of the Ladies Auxiliary and every single other veterans organization in the neighborhood as well as many in the greater Toledo area, the Jude Thaddeus Post was able to regroup, raise funds, and rebuild at its present location.

The Post strives to maintain its mission to serve veterans. Residents of the Ohio Veterans Home are regularly brought to the post home for meals and games. The Auxiliary helps out every month at the Toledo VA Outpatient Clinic. The Post makes all kinds of donations to veterans hospitals in Ohio, and it lends equipment such as wheelchairs, canes and walkers to area veterans in need.

Saint Jude Thaddeus is the patron saint of impossible tasks. Through all the Post's trials and hardships, its namesake stood as a beacon and reminder that anything could be accomplished with prayer, cooperation, and effort. All members of the Jude Thaddeus Post of the Catholic War Veterans are proud to say, "I belong" and put that strength of belonging into practice to achieve their loftiest goals.

As the members of the Post and Auxiliary take time to celebrate and reflect on fifty years of growth and change, remembering friends and families who may no longer be with them, reliving old glories and hardships, yet still looking forward to the future and its possibilities. I am pleased to represent our community as a part of the celebration. May I offer my own, our community's, and our nation's everlasting thanks to the members of the Jude Thaddeus Post and Auxiliary for their sacrifice in battle, and equally important, for their accomplishments in peace.

## TRIBUTE TO LILLIAN L. ADAMS AND PETER J. MACERONI

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. LEVIN. Mr. Speaker, I rise to honor four outstanding individuals for their exceptional and distinguished service in Macomb County: Lillian L. Adams, Executive Director of Sterling Heights Area Chamber of Commerce, the Honorable Peter J. Maceroni of the Macomb County Circuit Court, who are the year 2000 honorees for the 17th annual March of Dimes "Alexander Macomb citizens of the Year" award dinner and, Donna Greco Issa and Philip E. Greco of the Philip F. Greco Title Company who will receive the eighth annual "Family of the Year" award.

Lillian L. Adams has served 8 years as Executive Director of the St. Clair Shores Chamber of Commerce and 24 years in the same position at the Sterling Heights Area Chamber of Commerce. Her participation with the Macomb County Community Growth Alliance and the St. Joseph Mercy Community foundation has contributed to the growth of the county. Lillian is also a loyal supporter of the March of Dimes and the Kiwanis Club, along with serving on the boards of the Otsikita Girl Scouts and Macomb Symphony Orchestra. She is also a founding member of the Sterling Heights and Shelby Township Community Foundations, and is past president of the Utica Community Schools Foundation for Educational Excellence. I have been privileged to personally work with Lil Adams on a variety of community projects including the massive improvement to M–59 in Macomb County, the anti-drug program of the Utica Community Action Team and the widening of Van Dyke Avenue.

Judge Peter J. Maceroni, who was elected to the new Ninth Circuit Court Judgeship in 1990 and re-elected in 1996, was appointed to the Michigan Trial Court Assessment Commission by Governor John Engler. Judge Maceroni, as Chief Judge, is responsible for the supervision and operation of the entire Ninth District Court and instituted special programs for the video transmission of prisoner arraignment hearings. This video program has increased security by having fewer prisoners transported over public roads. He has also served as president of the Macomb County Circuit Court, the Italian-American Bar Association and director of the Macomb County Bar Association.

Philip E. Greco and Donna Greco Issa, hold the positions of President and Treasurer, respectively at the Philip F. Greco Title Company. Working alongside their father, Philip and Donna learned the business and are extremely active in the Macomb community. They are indeed deserving of the "Family of the Year" award.

Philip is a leader in many community groups and organizations. He was President of the advisory board for St. John's North Shore Hospital and is a serving member of many charitable committees.

Donna Greco Issa volunteers at St. Joseph's Hospital, the Italian-American Cultural Center, the Macomb Medical Society Toys for Tots and various area women's Councils of Realtors. Donna plays an important role with the March of Dimes, and has been involved with the March of Dimes WalkAmerica since 1986. She now serves as a proud member of the Southeast Michigan chapter board of directors.

Mr. Speaker, I ask my colleagues to join me in honoring and recognizing Lillian L. Adams, The Honorable Peter J. Maceroni, Philip E. Greco, and Donna Greco Issa for their outstanding contributions to society. I wish them success as they continue to make their community a better place.

## TIME TO HOLD OPEC NATIONS ACCOUNTABLE

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. GILMAN. Mr. Speaker, while our nation is suffering from a severe energy crisis, the American people are losing the battle on two fronts—they are being held hostage by OPEC and its policies, and they are the victims of the current Administration's inability to formulate a coherent, strategic, prospective, short and long term energy policy. With oil prices at record levels and rising towards 40 dollars per barrel, the time for "quiet diplomacy," as Energy Secretary Richardson refers to the Administration's dealings with OPEC, is over! This crisis comes at a time when total U.S. reserves are at a 24-year low of 1.53 million barrels from 1.63 million barrels a year ago, according to the Energy Information Agency.

With the recent decision by the Administration to release 30 million barrels in the Nation's Strategic Petroleum Reserve it is hopeful that we are at long last beginning to take the first steps needed to achieve this much-needed policy overhaul.

It is imperative that the Administration more effectively address these issues. Our hard working people are being strangled, not only by oil prices, but by overall energy prices. There is not a person or a business in our country that is not affected, or is going to be affected, by the outrageous, prohibitive costs of energy in the coming months.

In its "Short Term Energy Outlook for September", The Energy Information Agency reports, "Unless the winter in the Northeast is unusually mild and/or world crude oil prices collapse, substantial price gains for heating oil and diesel fuel are highly likely." What the Agency is saying to the American people is we should hope that oil prices, that are at 10 year record levels will collapse, which is highly unlikely, and wish for a mild winter—and that is absurd!

Once again, it appears that mother nature dictates the Administration's energy policy, rather than the Administration being pro-active, creating and implementing both a short and long term energy policy that takes and plans for winter weather rather than hoping for mild weather. Our nation deserves better!

The United States imports 55 percent of its crude oil. OPEC produces 40 percent of the world's oil supply. In 1999, more than 50 percent of the crude oil imports into the United States came from OPEC members. This places the United States in the precarious position of relying on foreign powers to fulfill our crude oil requirements. Many of the oil producing nations are "states of concern," whose national interests run counter to our own. In a recent publication of the Clean Fuels Development Coalition, former director of the Central Intelligence Agency R. James Woolsey believes that our dependence on foreign oil is one of the three major threats to the national security of the United States. The American people must find this as troubling as my colleagues in the Congress do.

Ten years ago, our nation, sacrificing American blood and resources, intervened in the Persian Gulf to quell the invasion of Kuwait by Saddam Hussein's Iraqi forces. At that time the price of oil rose to the record levels we see today!

Today, our nation is under attack from OPEC. While the cartel promised to increase oil production by 800,000 barrels per day commencing on October 1st, there is no way we can verify what they are actually producing. There must be more transparency and accountability in OPEC's dealings with the United States.

Furthermore, with all the saber rattling over the latest dispute over oil between Iraq and Kuwait, the next time we are asked to intervene in the Persian Gulf, perhaps we may not act with the same timing or speed as we did ten years ago to prevent that aggression!

OPEC is aware of the gravity of the situation as evidenced by OPEC President, Venezuela's Oil Minister, Ali Rodriguez' statement, [that] "we are approaching a crisis of great proportion because oil production capacity is reaching its limit." The cartel is fully aware that an increase by 800,000 barrels is not enough—by half—to bring down the price of crude oil to a reasonable level for both consumers and producers alike. It is regrettable that by the time additional measures are taken by OPEC, it will be too late to bring down the price of oil for this winter when the cost of heating oil, a distillate of crude oil, is already 51 percent higher than the average cost for last fall and winter, (The New York Times (9/12/00).

While we are under attack from OPEC, and with the Administration standing by, I introduced two bills that hold the OPEC nations liable and accountable. My foreign Trust Busting Act (H.R. 4731), will allow lawsuits to be brought against foreign energy cartels, where previously, courts threw out these lawsuits because such suits would impede the carrying out of the President's foreign policy program, and would embarrass the administration. My International Energy Fair Pricing Act (H.R. 4732), directs the President to make a systematic review of its policies and those of all international organizations and international financial institutions, such as the IMF and the World Bank, to ensure that they are not directly or indirectly promoting the oil price fixing activities, policies and programs of OPEC. If they are, the U.S. representative would not support any loan, support of a project or program, or to any financial support. Furthermore, along with my colleagues I co-sponsored the following legislation: H. Con. Res. 273, urging President Clinton to release the Strategic Petroleum Reserve (SPR) to mitigate the high heating oil and gas prices; H.R. 3608, the Home Heating Oil Price Stability Act; H.R. 2884, Energy Policy and Conservation Act, which authorizes the Department of Energy to establish, maintain, and operate a Northeast home heating oil reserve; and to the Sanders-Shays-Markey-LoBiondo-Strickland Amendment to the Interior Appropriations to establish a home heating oil reserve.

As a direct result of the work and hearings on the oil/gas crisis that the Congress undertook this past winter, the Secretary of Energy at the direction of the President, announced on July 10, 2000, that a heating oil component of the Strategic Petroleum Reserve (SPR) is to be established in the Northeast to protect the American people from the possibility of fuel shortages in the upcoming winter.

In addition, I have called upon the President, the Secretary of Energy and the Secretary of State, urging them to intervene and put an end to this crisis, now! I have been pursuing this point in meetings with representatives of the OPEC nations in the United States. I intend to continue to pursue a strategic, coherent energy policy by this Administration that makes sense for the American people.

We need a pro-active Administration rather than a reactive one. Since the beginning of the Clinton-Gore Administration domestic oil production is down 17%, while the U.S. dependency on foreign oil is at an all time high. We need to be exploring alternative energy sources, the use of coal, the use of hydroelectric power, of biomass, geothermal, photovoltaic, solar thermal and wind, utilizing ethanol, creating a system of electric reliability, increasing the exploration and supply of natural gas, and retrofitting or building cost efficient oil refineries. In addition, we need to utilize government land for responsible oil and natural gas exploration. The API advocates that an effective national energy policy, must at a minimum allow for all of the above.

For their part, the American people must harness their creative spirit by car pooling, using mass transportation where available, contacting their local utilities to find out how to become more energy efficient, and by demanding that the Administration develop and implement a coherent, strategic, and prospective, short and long term energy policy. Such a policy in the short term must include taking heed to bi-partisan calls for a release of the Strategic Petroleum Reserve to mitigate the outrageous and prohibitive cost of oil. Additionally, the Administration must meet bi-laterally with representatives of OPEC member nations, and tell them to end this crisis—and to do it now!

Mr. Speaker, I submit into the RECORD the two recent letters that I sent to President Clinton regarding OPEC and the oil crisis:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 8, 2000.*
President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: Our country is suffering from a severe energy crisis, and the American people are being held hostage by OPEC. The price of crude oil contracts at $34.90 per barrel are now the highest they have been in a decade. As reported on the front page of the Washington Post (9/7/00), the Department of Energy's Energy Information Administration (EIA) reports that total U.S. crude oil reserves are at a 24-year low, while there is a 30 percent projected rise in home heating oil prices this winter over last year's high prices. This will further strangle our hard-working American families already suffering from exorbitant fuel and oil prices.

The United States imports 55 percent of its crude oil. OPEC produces 40 percent of the world's oil supply, placing the United States in a precarious position of relying on foreign powers to fulfill our crude oil requirements. Many of these oil producing nations are "states of concern" and have national interests that run counter to our own. In a recent publication of the Clean Fuels Development Coalition, former director of the Central Intelligence Agency, R. James Woolsey believes that our dependence of foreign oil is one of the three major threats to the national security of the United States.

By September 8, 2000, it will be 20 days that oil prices are above $28 per barrel and will trigger OPEC's price band mechanism. This mechanism mandates that OPEC produce an additional 500,000 barrels per day. Regrettably, this additional production will do little to reduce, and contribute to stabilizing crude oil prices. In fact, in its Short-Term Energy Outlook, the EIA projects that imported crude oil will remain above $28 per barrel for the remainder of the year. Even if OPEC agrees to increase its production at its meeting on September 10th, the EIA reports that "only Saudi Arabia, Kuwait, and, to a lesser degree, the United Arab Emirates will have significant capacity to expand production." Analysts report that if OPEC increases total production by one-million barrels per day, the oil would not be available to consumers until mid-November, 2000, and will do little to prevent further spikes in imported oil prices this year.

Mr. President, while you have expressed concern and encouraged OPEC to raise output at the United Nations Millennium Summit, I urge you to use the full powers and resources of your office to mitigate this crisis with the OPEC 10 before its meeting on September 10, 2000. Thank you for your urgent attention to this matter of grave concern to the people of our country and to the national security of the United States.

Sincerely,
BENJAMIN A. GILMAN,
*Member of Congress.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 13, 2000.*
President WILLIAM J. CLINTON,
*The White House, Washington, DC.*

DEAR MR. PRESIDENT: Following OPEC's meeting on September 10th, the cartel announced that it would increase production of crude oil by an additional 800,000 barrels per day. This increase in production was to reduce the price of crude oil which has been at near record prices of $34 dollars per barrel, which OPEC members freely admits is too high. This raise constitutes an increase of 3 percent. Regrettably, this increase is simply not enough to bring down the price of crude oil. OPEC needs to undertake aggressive measures to bring down the price of oil, and an increase in production of 3 percent is not enough—not enough by half!

OPEC is aware of the gravity of the situation, as evidenced by OPEC President and Venezuela's oil minister Ali Rodriguez' statement, "[that] we are approaching a crisis of great proportions because oil production capacity is reaching its limit." In the midst of this crisis, OPEC's increase will not even go into effect until October 1st. OPEC agreed to meet again on November 12th to reassess "market conditions," with full knowledge that its increase was a trivial gesture towards reducing prices of imported crude oil. As reported in The New York Times (9/12/00), heating oil is at record levels, its highest price in a decade—now 51 percent higher than the average for last fall and winter. Some analysts believe that imported crude oil may further spike at $40 dollars per barrel. Conservatively, it will take a minimum of 6 weeks to ship the increased oil to the United States and another week to 10 days to refine it. Mr. President, we are looking at early December before the oil (and its by-products) will be available to consumers. In real terms, OPEC's increase is too little, too late to alleviate the astronomical and nearly prohibitive cost of home heating oil that confronts the hard working people of our country.

Parts of Europe are in a state of paralysis over this crisis, and in England, Prime Minister Blair authorized the use of the military to quell protesters. In our own country Mr. President, this crisis is grave enough that there are calls to release oil from the Strategic Petroleum Reserve (SPR) which is maintained for use during wartime and national emergencies. This crisis comes at a time when total U.S. reserves are at a 24-year low of 1.53 million barrels from 1.63 a year ago according to the Department of Energy's Energy Information Agency (EIA).

Mr. President, this grave crisis calls for strong measures in dealing with OPEC, and therefore it is imperative that you use the full powers and resources of your office in showing OPEC that its good faith gesture, is not good enough for the people of our country. Mr. President, I will welcome any plans that the Administration is developing to resolve this oil crisis, and I thank you for your urgent attention to this matter.

Sincerely,
BENJAMIN A. GILMAN,
*Member of Congress.*

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## TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

SPEECH OF

## HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in tribute to the great senior Senator from New York, DANIEL PATRICK MOYNIHAN. Although words can not do justice to his many contributions over his decades of public service, I wish to offer my thanks for everything he has done on behalf of the people of New York State and the entire nation.

Senator MOYNIHAN gave truth to the cliche of being a gentleman and a scholar. After receiving his bachelor's degree (cum laude) from Tufts University, he studied as a Fulbright Scholar at the London School of Economics. He then returned to the states and completed his studies at Tufts University's Fletcher School of Law and Diplomacy, where he received his M.A. and Ph.D. Before coming to the Senate, he served as a valued member of four consecutive administrations, starting with the Kennedy Administration and serving through the Johnson, Nixon, and Ford Administrations, holding various positions within the Department of Labor. His lifelong dedication to public service was only enhanced by his time in the private sector when he was a Professor of Government at Harvard University in the mid sixties. He served the Nixon and Ford Administrations as U.S. Ambassador to India from 1973 to 1975 and U.S. Representative to the United Nations from 1975 to 1976.

Born and raised in New York City, Senator MOYNIHAN decided to pursue elected office. Upon leaving his position at the United Nations, he was elected U.S. Senator from New York in 1976. His many accomplishments in that office have been well documented. He has served as a strong advocate for welfare reform by promoting the creation of opportunities to increase self-sufficiency, while also maintaining a strong safety net. He has fought to preserve social security and modernize our nation's transportation system, just to name a few.

However, a listing of his legislative accomplishments can not do justice to many of the crucial and intangible qualities he brought to the Congress. Throughout his career, Senator MOYNIHAN's high ideals and great dignity have served as an exemplary model for his colleagues, constituents, neighbors and friends. In a time of increasing partisanship, his wisdom is recognized and sought across party lines. He stands firm for what is right, despite the ever changing political winds. His graciousness and his steadfast reliance on his principals have been an inspiration to all of us who are lucky enough to know him.

New York State, and the entire nation, are better because of his public service. He will be greatly missed, but I hope that he will continue to serve as a voice for the people of the country and a conscience for those of us who represent them.

## THE CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT (CARE)

### HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. LAZIO. Mr. Speaker, CARE is legislation aimed at patient safety that would ensure technologists administering medical imaging and radiation therapy procedures have sufficient training and expertise. Medical imaging and radiation therapy involve the application of potentially dangerous articles like x-rays, nuclear isotopes, and powerful magnetic fields. Medical imaging provides radiologists and other physicians the vital imagery to diagnose illness and prescribe appropriate treatment. Radiation is the application of radiation to cancers as prescribed by oncologists. Currently, over 250,000 individuals work in thirteen disciplines in this field.

CARE would provide incentives for states to license or register persons who perform medical imaging and radiation therapy. Currently 15 states have no regulations governing the education or competence of individuals administering x rays and 29 states have failed to regulate individuals administering nuclear medicine tests. This legislation seeks to redress the deficiencies in the Consumer-Patient Radiation Health and Safety Act of 1981, by encouraging states to put in place minimal standards for the education and certification of practitioners in the field.

CARE is endorsed by the Alliance for Quality Medical Imaging and Radiation Therapy. The Alliance consists of the following organizations: American Association of Physicists in Medicine, American Registry of Radiologic Technologists, American Society of Radiologic Technologists, Association of Educators in Radiologic Sciences, Association of Vascular and Interventional Radiographers, Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Nuclear Medicine Technology Certification Board, Section for Magnetic Resonance Technologists of ISMRM, Society of Nuclear Medicine-Technologist Section, and Society for Radiation Oncology Administrators.

CARE is also endorsed by the Following organizations: American College of Radiology, American Organization of Nurse Executives, Cancer Research Foundation of America, National Coalition for Cancer Survivorship, the American Cancer Society, Conference of Radiation Control Program Directors, Inc., Help Disabled War Veterans, Help Hospitalized War Veterans, International Society of Radiographers and Radiologic Technologists, National Coalition for Quality Diagnostic Imaging Services and Philips Medical Systems, Inc.

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## TRIBUTE TO ALAN EMORY

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Mr. MCHUGH. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Alan Emory, a veteran writer for the Watertown Daily Times who is battling pancreatic cancer.

June 7 marked Alan's 51st year with the Times, 47 years of which he spent covering the Capital, earning him the title of Times Senior Washington correspondent. As a reporter, Alan has always held himself up to the highest standards of journalistic integrity. His readers have come to expect objective, accurate and intelligent reporting of events, both big and small.

Alan's readers have also come to expect from him a thoughtful understanding of the issues and events that affect our everyday lives. Through his weekly Sunday column, Alan has touched the lives of many by relating his own experiences, which enlighten and inspire, motivate and comfort. One such experience is his battle with cancer. In his weekly column, he recounts this very personal ordeal with his usual candor, and never before have his sense of humor, his courage, and his humanity been more clearly demonstrated to all those who have come to know him personally and through his articles.

This is not Alan's first brush with cancer. in 1991, he had been diagnosed and treated for prostate cancer. Experience, however, has not made the second time any easier. There were weeks of tests. There were unforeseen health complications that delayed surgery. There were innumerable pills to take, complicated doctors' orders to follow, and long trips back and forth to the hospital.

Yet—through all this—Alan's spirit, optimism, and courage are undiminished. He is gracious and humble as ever and, in his weekly articles, he has thanked his friends, family, and his readers for their support and prayers.

Alan's account of his battle with cancer offers hope to all those who find themselves in similar circumstances. Fighting a deadly disease can be a lonely experience, even with the support of loved ones.

Alan's articles over the last several months have been important for another reason. They were among the first to bring public attention to the Health Care Financing Administration's proposed regulation to implement severe cutbacks on reimbursement costs to physicians for vital outpatient chemotherapy treatment for senior patients. The attention that Alan's articles brought to the issue, and the subsequent pressure that his readers brought to bear upon public officials, were crucial in bringing the Clinton administration to put off plans to reduce payments for cancer drugs. I joined with my colleagues in writing the Clinton administration objecting to the proposed cutbacks, which I felt would put Medicare beneficiaries with cancer unnecessarily at risk by denying adequate reimbursement for essential drug therapy. Thankfully, the Administration reconsidered its position and ultimately decided not to reduce payments to doctors.

In sharing his experience, Alan not only shares his optimism and his spirit, he has helped prevent a potentially devastating regulation from coming into effect. Because of their significance in this regard, I ask that copies of Alan's stories, those on his own battle with cancer, as well as those on the Medicare cancer cutbacks, be printed in their entirety in the RECORD.

Mr. Speaker, I rise today to pay tribute to a great journalist, and more importantly, a good friend, Alan Emory. He has touched the lives of thousands—many of whom will never get the opportunity to thank him for all he has done in the course of his career. From all of us, I say thank you, Alan.

[From the Watertown Daily Times, July 2, 2000]

#### PAYMENT CHANGE MAY SPELL END OF OUTPATIENT CHEMOTHERAPY

(By Alan Emory)

The Clinton Administration giveth and it taketh away.

The president makes a big deal of wanting the federal Medicare program to cover the cost of many prescription drugs for senior citizens who cannot afford them. He has pressed Congress to pass legislation providing for that help.

He says nothing, however, about a regulation issued by Health and Human Services Secretary Donna Shalala that runs flatly contrary to what he is asking from Congress.

That rule, by the Health Care Finance Administration which would take effect Oct. 1 unless scrapped by her department or blocked by lawmakers—would effectively end vital outpatient chemotherapy treatment of senior cancer patients in the offices of oncologists and, perhaps later, in hospitals.

It would be achieved by cutting back severely on reimbursement costs to physicians. In other words, at a time of huge budget surpluses likely over the next decade, the folks with green eyeshades and blue pencils would come out on top at the expense of patients.

From all appearances, analyses by experts have found that by swallowing 5 percent of chemotherapy drug costs, oncologists and hospitals get a fair reimbursement. But the new HCFA regulation would increase that shortfall to as much as 13 percent, effectively pressuring physicians to discontinue their chemotherapy office procedures, dismiss nurses and send patients to long lines at hospitals, assuming the hospital can continue to treat them.

There is a very good chance the hospitals might decide to close down their outpatient treatment services, too, in which case the patients would have no idea where to obtain their drugs.

About 60 percent of chemotherapy is now delivered in doctors' offices, a more comfortable environment for patients and a setting where they and their doctors and nurses can have a satisfactory relationship.

The compensation doctors receive would, on Oct. 1, be determined by an average wholesale price of the drugs set by a Justice Department "red book" for 20 drugs to treat cancer, and the pressure is on to lower that figure even more.

Letters to Congress have stressed that oncologists deserve an increase above that price, not a reduction, and they point out that many hospitals and doctors cannot obtain the needed drugs at those prices.

This is not the story of greedy drug manufacturers boosting prices to the point where some Americans travel to Canada to obtain medication at reasonable prices. It is not a story of doctors and hospitals pocketing huge markups. It is one about a reduction in compensation for doctors that may be cut even more to a point where the welfare of senior citizen cancer patients is endangered.

Basically, some surveys find, chemotherapy administration is essentially a break-even proposition in hospitals. More losses could persuade them to shut down their outpatient cancer programs.

This obviously is not Congress's intent in moving on prescription drugs, but lawmakers appear to have been influenced by the stories of profiteering on non-cancer drugs. It is highly likely, according to local medical groups, that many oncology offices will close down or reduce size and staff.

The oncologists have a compelling argument. They cite the large cost of providing chemotherapy in a setting that is not adequately reimbursed under Medicare. Shutting down their operation would force patients to shift to hospitals, where costs would be greater and timely treatment imperiled.

Furthermore, hospital bureaucracy is a far cry from the convenience and comfort involved in office chemotherapy.

This does not contradict the need to strike a balance between providing adequate cancer care and controlling the cost of that care. However, substantial reduction in reimbursement cannot but damage quality care.

Many government experts—though, apparently, not Ms. Shalala—understand oncologists do not receive adequate reimbursement for cancer drugs and administering chemotherapy. It is repugnant to force cancer patients into hospitals because Medicare rules threaten the financial viability of treatment in a doctor's office.

The losers, says one medical organization, will be cancer patients who may lose access to quality cancer care in the setting that is most convenient and appropriate for them.

Oncologists argue that Medicare's payment for chemotherapy administration "is only a fraction of what is necessary to cover expenses." They cite requirements for specially trained nurses, special equipment and considerable time, entirely aside from the strong preference Medicare patients have for the office treatment.

Sen. Daniel Patrick Moynihan, D-N.Y., as the ranking minority member of the Senate Finance Committee, which supervises Medicare, is in a position to help solve the problem.

Either Congress or the White House can halt this devastating move on Medicare cancer treatment, but the Oct. 1 deadline is looming ever larger.

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[From the Watertown Daily Times, Sept. 9, 2000]

### MOYNIHAN APPLAUDS AS MEDICARE "BACKS OFF" PAYMENT REDUCTIONS

(By Alan Emory)

WASHINGTON.—Sen Daniel Patrick Moynihan late Friday hailed a Medicare decision not to reduce payments to doctors that would have threatened treatments for up to 750,000 senior citizens with cancer.

The New York Democrat, senior minority member of the Senate Finance Committee, which has jurisdiction over Medicare, said, in a statement to the Times, that he was "pleased to learn that the Health Care Financing Administration will not be interfering with the ability of cancer patients to receive chemotherapy in their own doctors' offices."

Although Health and Human Services Secretary Donna E. Shalala had proposed a severe cut in Medicare reimbursement for outpatient cancer care, HCFA told members of Congress it has decided not to implement the cuts for 14 oncology drugs and three clotting factors.

The move, which confirmed what HCFA officials had hinted was in the works, in interviews with the Watertown Daily Times, would protect treatment with drugs "furnished incident to a physician's services" and oral anti-cancer drugs.

HCFA uses figures published by the Justice Department on which to base reimbursement.

The agency detailed its decision in letters to Chairman Thomas Bliley, R-Va., of the House Commerce Committee and Rep. Fortney Stark, D-Calif., the ranking minority members.

The first word was contained in a telephone call to the Times from Dr. Robert Berenson, director of the HCFA division in charge of Medicare reimbursement policy.

The Watertown Times broke the news about the proposed cutback July 2 and reported the possible reversal of policy shortly after that following interviews with HCFA and Senate Finance Committee officials.

Rep. John M. McHugh, R-Pierrepont Manor, had signed a letter, with colleagues from both parties, to Ms. Shalala, objecting to the cutbacks, according to his deputy chief of staff, Dana Johnson.

HCFA has told insurance companies and drug companies it had "concern about access to care related to . . . wholesale prices for 14 chemotherapy drugs" because of other Medicare payment policies associated with treatment of cancer and hemophilia.

They were instructed not to consider using current Justice Department data for the drugs to establish Medicare allowances until HCFA had reviewed those concerns and developed alternative policies.

Dr. Berenson said his agency would consult with oncologist groups on a substitute policy of payments for nursing help and other office facilities in the application of chemotherapy.

"We plan to adjust Medicare allowances under the outpatient prospective system" for drugs subject to government reimbursement rules, HCFA said, in a statement. Congressional offices expressed satisfaction with what they said was the government's "backing off" of the cutbacks.

Sen. John Ashcroft, R-Mo., has introduced legislation that would bar such cuts until after full congressional hearings and that would require an investigation by the General Accounting Office into the possible impact of a reduction of government aid.

Physician, patient and other citizen groups had described the original proposal, which could have taken effect Oct. 1, as a severe threat to cancer care.

No new reimbursement changes are now expected for at least the next four months, during which time HCFA will be redrafting its cancer reimbursement policies.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 26, 2000 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### SEPTEMBER 27

9:30 a.m.
Armed Services
To hold hearings to examine the status of U.S. military readiness.
SH–216
Governmental Affairs
Business meeting to consider pending calendar business.
SD–342
Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings on Department of Agriculture financial management issues.
SR–328A
Indian Affairs
To hold hearings on S. 2052, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to be followed by a businees meeting to consider pending calendar business.
SR–485
Commerce, Science, and Transportation
To hold hearings to examine the marketing of violence to children.
SR–253
Judiciary
Criminal Justice Oversight Subcommittee
To hold oversight hearings to examine the Wen Ho Lee case.
SD–226

10 a.m.
Finance
Business meeting to mark up H.R. 4844, to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.
SD–215
Joint Economic Committee
To hold hearings on strategic petroleum reserve.
2360 Rayburn Building

2:15 p.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act.
SD–406

2:30 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219
Foreign Relations
Business meeting to consider pending calendar business.
S–116 Capitol

SEPTEMBER 28

9:30 a.m.

Armed Services

To resume hearings on United States policy towards Iraq.

SH-216

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on H.R. 809, to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

SD-406

Commerce, Science, and Transportation

To hold hearings to examine the Department of Commerce trade missions and political activities.

SR-253

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings on the proposal by the Securities and Exchange Commission to promulgate agency regulations that would restrict the types of non-audit services that independent public accountants may provide to their audit clients.

SD-538

Aging

To hold hearings to examine nursing home initiatives.

SD-562

10 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD-226

Energy and Natural Resources

To hold oversight hearings to examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal Government's breach of contract for failure to accept high level nuclear waste by January 1998.

SD-366

10:30 a.m.

Foreign Relations

To hold hearings to examine slavery throughout the world.

SD-419

2 p.m.

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine agricultural competition.

SD-226

3 p.m.

Energy and Natural Resources

Foreign Relations

To hold joint hearings to examine the status of the Kyoto protocol after three years.

SD-419

OCTOBER 4

9:30 a.m.

Small Business

To hold hearings on U.S. Forest Service issues relating to small business.

SR-428A

# SENATE—*Tuesday, September 26, 2000*

*(Legislative day of Friday, September 22, 2000)*

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we accept this new day as Your gracious gift. We enter into its challenges and opportunities with eagerness. We commit our way to You, put our trust in You, and know that You will bring to pass what is best for us and our Nation as we are obedient to Your guidance. We rest in You, Lord, and wait patiently for You to show us the way.

Bless the Senators today with a special measure of Your wisdom, knowledge, and discernment. Your wisdom is greater than our understanding. Your knowledge goes way beyond our comprehension of the facts, and Your discernment gives x-ray penetration to Your plan for America. Thank You for Your Commandments that keep us rooted in what's morally right, Your justice that guides our thinking, and Your righteousness that falls as a plumb line on all that we do and say.

Father, we pray for the reversal of the spiritual and moral drift of our Nation away from You. May the people of our land be able to look to the women and men of this Senate as they exemplify righteousness, repentance, and rectitude. May these leaders and all of us who work as part of the Senate family confess our own need for Your forgiveness and reconciliation. Then help us to be courageous in calling for a great spiritual awakening in America beginning with us. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

## SCHEDULE

Mr. VOINOVICH. Today the Senate will begin 45 minutes of debate on the H-1B visa bill, with a cloture vote on amendment No. 4178 scheduled to occur at 10:15. As a reminder, Senators have until 10:15 a.m. to file second-degree amendments at the desk. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000. Also this week, the Senate is expected to take up any appropriations conference reports available for action.

I thank my colleagues for their attention.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the bill.

The clerk will report the bill.

The bill clerk read as follows:

> A bill (S. 2045) to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

Pending:

> Lott (for Abraham) amendment No. 4177, in the nature of a substitute.
>
> Lott amendment No. 4178 (to amendment No. 4177), of a perfecting nature.
>
> Lott motion to recommit the bill to the Committee on the Judiciary, with instructions to report back forthwith.
>
> Lott amendment No. 4179 (to the motion to recommit), of a perfecting nature.
>
> Lott amendment No. 4180 (to amendment No. 4179), of a perfecting nature.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Massachusetts.

Mr. KENNEDY. With the understanding of the acting majority leader, if I could have the attention of the Senator from Ohio, I ask that the time be evenly divided.

The PRESIDING OFFICER. That is already the order.

Mr. KENNEDY. I ask consent I be allowed to yield myself 12 minutes, and I ask consent that the Senator from Rhode Island be allowed to follow with 10 minutes.

The PRESIDING OFFICER. The Senator has just allocated more time than the Senator has.

Mr. KENNEDY. As I understand the time allocation, there are 45 minutes. I thought I would yield 12 minutes to myself and 10 minutes to the Senator.

The PRESIDING OFFICER. Twenty-two minutes a side.

Mr. KENNEDY. I ask consent that the Senator from Rhode Island be permitted to be recognized after me in the remaining time, and I yield myself 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I yield myself 10 minutes at this time, if the clerk will let me know.

Mr. President, I support the pending H-1B high-tech visa legislation. The high technology industry needs skilled workers to ensure its continued growth. As we all know, the Nation is stretched thin to support these firms that are so important to the Nation's continuing economic growth. Demand for employees with training in computer science, electrical engineering, software and communications is very high, and Congress has a responsibility to meet these needs.

In 1998, in an effort to find a stop-gap solution to this labor shortage, we enacted legislation which increased the number of temporary visas available to skilled foreign workers. Despite the availability of additional visas, we have reached the cap before the end of the year in the last 2 fiscal years.

The legislation before us today addresses this problem in two ways. The short-term solution is to raise the H-1B visa cap and admit greater numbers of foreign workers to fill these jobs. The long-term solution is to do more to provide skills training for American workers and educational opportunities for American students.

Raising the cap for foreign workers without addressing our domestic job training needs would be a serious mistake. We cannot and should not count on foreign sources of labor indefinitely. It is unfair to U.S. workers, and the supply of foreign workers is limited. In their 1999 book, The Supply of Information Technology Workers in the United States, Peter Freeman and William Aspray report that other countries are experiencing their own IT labor shortages and are "placing pressures on or providing incentives to their indigenous IT work force to stay at home or return home."

Furthermore, the jobs currently being filled by H-1B workers are solid, middle-class jobs for which well-trained Americans should have the opportunity to compete. The American work force is the best in the world—energetic, determined, and hard working. Given the proper skills and education, American workers can fill the jobs being created by the new high tech businesses.

It makes sense to insist that more of our domestic workers must be recruited into and placed in these jobs. Countless reports cite age and race discrimination as a major problem in the IT industry, along with the hiring of foreign workers and layoff of domestic workers. According to an article Computerworld magazine, U.S. Census Bureau data show that the unemployment rate for IT workers over age 40 is more than five times that of other unemployed workers.

Similar problems face women and minorities who are under-represented in the IT work force, and the shortage will continue unless they are recruited and trained more effectively by schools, corporations, and government programs.

Under the solution that may of us favor, the Department of Labor, in consultation with the Department of Commerce, will provide grants to local work force investment boards in areas with substantial shortages of high-tech workers. Grants will be awarded on a competitive basis for innovative high-tech training proposals developed by the work force boards in cooperation with area employers, unions, and higher education institutions. This approach will provide state-of-the-art high-tech training for approximately 46,000 workers in primarily high-tech, information technology, and biotechnology skills.

Similarly, we must also increase scholarship opportunities for talented minority and low-income students whose families cannot afford today's tuition costs. We must also expand the National Science Foundation's merit-based, competitive grants to programs that emphasize these skills.

To provide adequate training and education opportunities for American workers and students, we must increase the H-1B visa user fee.

At a time when the IT industry is experiencing major growth and record profits, it is clear that even the smallest of businesses can afford to pay a higher fee in order to support needed investments in technology skills and education. A modest increase in the user fee will generate approximately $280 million each year compared to current law, which raises less than one-third of this amount.

This fee is fair. Immigrant families with very modest incomes were able to pay a $1,000 fee to allow family members to obtain green cards. Certainly, high-tech companies can afford to pay at least that amount during this prosperous economy.

In fact, according to public financial information, for the top 20 companies that received the most H-1B workers this year, a $2,000 fee would cost between .002 percent and .5 percent of their net worth. A $1,000 fee would cost them even less.

This fee proposal will clearly benefit the country in the short- and long-term. Companies get H-1B workers now, and they will benefit from the workers and students served by programs funded with these fees.

This proposal presents a win-win, bipartisan approach to meeting the needs and business and the U.S. work force. It is fair, responsible, and necessary, given the rapidly changing needs of society and our prosperous economy.

If we build on existing education and training programs and force our labor and civil rights laws to prevent age, race, and gender discrimination, American workers and students can meet the long-term high-tech needs we face in the years ahead.

I look forward to debate on this legislation in the days to come. I think it is a good bill, which can be improved with amendments to address several key issues. For example, we must ensure that the H-1B visa program is narrowly focused to address the skill-shortage. The unprecedented exemptions to the cap in the Hatch bill are unwarranted. Instead, we should ensure that workers with an advanced degree have priority for H-1B visas within the cap, and are subject to the same requirements as all other applications.

Similarly, we must also ensure that the INS has sufficient funds to process high-tech visa applications and that certain institutions—all educational institutions, university teaching hospitals, nonprofits, and governmental research organizations—are appropriately exempted from the fee requirement.

The high-tech industry's pressing need for skilled workers isn't the only immigration issue before Congress. There are also important family immigration issues that must be addressed.

On several occasions in recent weeks, Democrats have attempted to bring the Latino and Immigrant Fairness Act to the floor of the Senate for debate and a vote. Before the August recess, Democrats attempted to bring this legislation before the Senate, but the Republican leadership objected. Two weeks ago, Democrats were prepared to debate and vote on this legislation as part of the high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. Last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and immigrant fairness bill and the majority leader objected. It is clear that Republican support for the Latino community is all talk and no action. When it's time to pass legislation of importance to the Latino community, the Republican leadership is nowhere to be found.

Our Republican friends tell us that the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H-1B high-tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, how can that be true?

If they support the reunification of immigrant families, as well as the immigration agenda set by the high-tech community, we should be able to pass both bills and send them to the President's desk for signature, for he strongly supports this bill. But Republican support for the Latino and Immigrant Fairness Act doesn't match Republican rhetoric on the campaign trail. Rather than admit this hypocrisy, the Senate Republican leadership continues to pay lip service to these goals while blocking any realistic action to achieve them.

The immigrant community—particularly the Latino community—has waited far too long for the fundamental justice that the Latino and Immigrant Fairness Act will provide. These issues are not new to Congress. The immigrants who will benefit from this legislation should have received permanent status from the INS long ago.

The Latino and Immigrant Fairness Act includes parity for Central Americans, Haitians, nationals of the former Soviet bloc, and Liberians. In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act, which granted permanent residence to Nicaraguans and Cubans who had fled their repressive governments.

Other similarly situated Central Americans, Soviet bloc nationals, and Haitians were only provided an opportunity to apply for green cards under a much more difficult and narrower standard and much more cumbersome procedures. Hondurans and Liberians received nothing.

The Latino and Immigrant Fairness Act will eliminate the disparities for all of these asylum seekers, and give them all the same opportunity that Nicaraguans and Cubans now have. Assurances were given at the time that we granted that kind of special consideration for Nicaraguans and Cubans that the others would follow in the next year. Those assurances were given by Republican Senators and the administration alike. Now, if we do not do that, we are failing that commitment. It will create a fair, uniform set of procedures for all immigrants from this region who have been in this country since 1995.

The Latino and Immigrant Fairness Act will also provide long overdue relief to all immigrants who, because of bureaucratic mistakes, were prevented from receiving green cards many years ago. In 1986, Congress passed the Immigration Reform and Control Act, which included legalization for persons who could demonstrate that they had been present in the United States since before 1982. There was a 1-year period to file.

However, the INS misinterpreted the provisions in the 1986 act, and thousands of otherwise qualified immigrants were denied the opportunity to make timely applications.

Several successful class action lawsuits were filed on behalf of individuals who were harmed by these INS misinterpretations of the law, and the courts required the INS to accept filings for these individuals. As one court decision stated: "The evidence is clear that the INS' . . . regulations deterred many aliens who would otherwise qualify for legalization from applying."

To add insult to injury, however, the 1996 immigration law stripped the courts of jurisdiction to review INS decisions, and the Attorney General ruled that the law superceded the court cases. As a result of these actions, this group of immigrants has been in legal limbo, fighting government bureaucracy for over 14 years.

Looking across the landscape, I cannot think of such a group of individuals who were excluded from participation in a process that would have permitted them to work legitimately in the United States. It was the intention of Congress they be eligible to do so. It was the INS that misled them and effectively denied them that opportunity. The courts have found for those individuals.

Then legislation was passed to further exclude them, to take away the jurisdiction of the Justice Department from implementing the court's decision. That is unfair, and we have a responsibility to remedy that. We can do that. We can do that here, on this legislation. We should do it. That process will permit about 300,000 Latinos to be able to get their green cards and become legitimate workers in our economy.

Our bill will alleviate this problem by allowing all individuals who have resided in the United States prior to 1986 to obtain permanent residency, including those who were denied legalization because of the INS misinterpretation, or who were turned away by the INS before applying.

Our bill will also restore section 245(i), a vital provision of the immigration law that was repealed in 1997 and that permitted immigrants about to become permanent residents to pay a fee of $1,000 and apply for green cards while in the United States, rather than returning to their home countries to apply. Section 245(i) was pro-family, pro-business, fiscally prudent, and a matter of common sense. Under it, immigrants with close family members in the United States are able to remain here with their families while applying for legal permanent residence. The section also allows businesses to retain valuable employees. In addition, it provided INS with millions of dollars in annual revenue, at no cost to taxpayers. Restoring section 245(i) will keep thousands of immigrants from being separated from their families and jobs for as long as 10 years.

The Nation's history has long been tainted with periods of anti-immigrant sentiment. The Naturalization Act of 1790 prevented Asian immigrants from attaining citizenship. The Chinese Exclusion Act of 1882 was passed to reduce the number of Chinese laborers. The Asian Exclusion Act and the National Origins Act which made up the Immigration Act of 1924, were passed to block immigration from the "Asian Pacific Triangle"—Japan, China, the Philippines, Laos, Thailand, Cambodia, Singapore, Korea, Vietnam, Indonesia, Burma, India, Sri Lanka, and Malaysia—and prevent them from entering the United States for permanent residence. Those discriminatory provisions weren't repealed until 1965. The Mexican Farm Labor Supply Program—the Bracero Program—provided Mexican labor to the United States under harsh and unacceptable conditions and wasn't repealed until 1964.

The Latino and Immigrant Fairness Act provides us with an opportunity to end a series of unjust provisions in our current immigration laws, and build on the most noble aspects of our American immigrant tradition.

It restores fairness to the immigrant community and fairness in the Nation's immigration laws. It is good for families and it is good for American business.

The Essential Worker Immigration Coalition, a consortium of businesses and trade associations and other organizations strongly supports the Latino and Immigrant Fairness Act. This coalition includes the U.S. Chamber of Commerce, health care and home care associations, hotel, motel, restaurant and tourism associations, manufacturing and retail concerns, and the construction and transportation industries.

These key industries have added their voices to the broad coalition of business, labor, religious, Latino and other immigrant organizations in support of the Latino and Immigrant Fairness Act.

This bill is strongly supported by a wide range of different groups, from the Chamber of Commerce to the AFL-CIO, to the various religious groups, as a matter of basic, fundamental equity and fairness.

I daresay there are probably more groups that support the Latino fairness—just if you look at numbers—than even the H-1B. This is an issue of fairness. We ought to be about doing it. We are being denied that opportunity by the Republican leadership, make no mistake about it.

Our bill will alleviate the problem also by allowing individuals who resided in the United States prior to 1986 to obtain permanent residency by eliminating unfair procedures.

As I mentioned, this particular proposal has broad support from the business community, from the workers, and from religious groups. Few days remain in this Congress, but my Democratic colleagues and I are committed to doing all we can to see both the Latino and Immigrant Fairness Act and the H-1B high-tech visa become law this year. That is what this whole effort is about.

If we are going to look out for the H-1B—and I am all for it—we ought to also remedy the injustice out there applying to hundreds of thousands of individuals whose principal desire is to be with their families and work here in the United States, and do so legally and legitimately. We are being effectively shut out by the majority decision to have a cloture motion filed which would exclude the possibility of inclusion. Our attempts to try to get it included have been denied. That is basically wrong.

I welcome the leadership of Senator DASCHLE and others to make sure we are going to address this issue before we leave. Both of these matters need attention. Both of them deserve action. Both of them deserve to be passed.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to also speak about a grave omission with respect to the debate that is ongoing regarding H-1B visas.

There is widespread support for the H-1B visa program. What has happened is that our ability to also address other compelling immigration issues has been totally frustrated by this cloture process, by this overt attempt to eliminate amendments, to eliminate our ability to deal with other issues. One in particular that is compelling to me is the status of 10,000 Liberians who have been here in the United States since 1989-1990, when the country of Liberia was thrust into a destructive civil war.

These people came here. They were recognized, because of the violence in their homeland, as being deserving of temporary protective status. That status was granted in 1991 by the Attorney General. For almost a decade now they have been here in the United States, working, paying taxes, raising families while not qualifying for any type of social benefits such as welfare. Many of these people, who are here legally, have children who are American citizens. They are within hours of losing their protection and being deported back to Liberia.

In response to this pressing dilemma, I introduced legislation in March of

1999 cosponsored by Senator WELLSTONE, Senator KENNEDY, Senator DURBIN, Senator KERRY, Senator LANDRIEU, Senator HAGEL, and Senator L. CHAFEE. Our attempt was to allow these Liberians the opportunity to adjust to permanent resident status and one day become citizens of this country. There are 10,000 located across the country. They have been contributing members of these communities. Yet, because of the process we have adopted here, because of the unwillingness to take up this issue—which is a key immigration issue, along with the H-1B—these individuals are perhaps facing expulsion from this country in the next few days.

I hope we can deal with this. It is essential we do so. One of the great ironies of our treatment of the Liberians is that at the moment we are prepared to deport them to Liberia, we are urging American citizens not to go to that country because it is so violent.

Our State Department has released official guidance to Americans warning them not to travel to Liberia because of the instability, because of the potential for violence, because of the inability of civil authorities to protect not only Americans but to protect anyone in Liberia.

So we are at one time saying, don't go to Liberia if you are an American citizen, but unless we pass this legislation or unless, once again, the President authorizes deferral of forced departure—essentially staying the deportation of these Liberians—we are going to send these people back into a country to which we are advising Americans not to go.

Although this country had a democratic election a few years ago, it was an election more in form than substance. It is a country governed by a President who is a warlord, someone who is not a constructive force for peace and progress in that part of Africa. In fact, he started his political career by escaping from a prison in Massachusetts, going back to Liberia, and then organizing his military forces to begin this civil war. One of his first accomplishments, according to the New Republic, was the creation of a small boys unit, a battalion of intensely loyal child soldiers who are fed crack cocaine and refer to Taylor as "our father."

This is the leader of a country who has also been implicated in a disturbance in the adjoining country of Sierra Leone. Month after month, we have seen horrible pictures of the degradations that are going on there in Sierra Leone. He is involved in that, supporting homicidal forces in Sierra Leone.

This is not a place we want to send people back to—people who have resided in our country for 10 years, people who have been part of our communities, young people particularly, who know very little about Liberia and will be thrust back into a situation where their protection is in jeopardy and where their future is in great jeopardy in terms of access to schools and education and other necessary programs.

For months now—starting last March—we have been lobbying intensively to get an opportunity at least to vote on legislation that would allow these individuals to adjust to permanent status. That legislative approach has been frustrated time and time again, most recently with the decision that we would not accept certain amendments to this H-1B visa bill.

In fact, one of the ironies is that of those 10,000 Liberians, many of whom were professionals in their homeland, I suspect at least a few of them are working in these high-tech industries. If they are, the irony is that we would be sending them home so that the high-tech community can complain about losing workers and needing more H-1B visas. I think simple justice demands that we do both, that we press not only for H-1B visas but also for some of the issues that have been addressed by Senator KENNEDY, and the issue in Liberia. These people deserve a chance to adjust their status and become full-fledged Americans.

There is some discussion that they should go back to Liberia, but as I have tried to suggest in my remarks, this is a country that is chaotic at best. The Government is really subservient to the leadership of the President, Charles Taylor. It is an area of the world where there are not social services and the basic economics of the country are faulty. I think all of these together suggest compellingly the need to allow the individuals to adjust.

I hope in the next few days, or in the remaining days of this legislative session, we will have another opportunity to address this legislatively. I certainly hope that if we are unable to do so, the cause will be taken up by the administration when it comes to discussions for the final legislative initiatives of this Congress, so we will not leave these people once again in a gray area, in a "twilight zone," where they want to stay in this country but face the threat of deportation each and every year. I hope we do better. I am disappointed—gravely disappointed—we did not allow an opportunity to vote on this measure in conjunction with this H-1B legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise this morning to implore my colleagues to support cloture and to quit playing around with this bill. There is no reason to have a filibuster on the motion to proceed on bills as important as this. There has been a filibuster on the bill.

It seems to me we need to work together in moving forward to enact the American Competitiveness in the Twenty-first Century Act, S. 2045. One of our greatest priorities is, and ought to be, keeping our economy vibrant and expanding educational opportunities for America's children and its workers. That is my priority for this country and for my own home State of Utah.

I am proud of the growth and development in my own home State that has made Utah one of the leaders in the country and in the world in our high-tech economy. Utah's IT—or information technology—vendor industry is among Utah's largest industries and among the top 10 regions of IT activity in the United States.

Notably, Utah was listed among the top 10 IT centers in the world by Newsweek magazine in November 1998. The growth of information technology is nowhere more evident and dramatic than in my own home State of Utah. According to UTAA, the Utah Information Technologies Association, our IT vendor industry grew nearly 9 percent between 1997 and 1998 and consists of 2,427 business enterprises.

In Utah and elsewhere, however, our continued economic growth and our competitive edge in the world economy require an adequate supply of highly skilled high-tech workers. This remains one of our greatest challenges in the 21st century, requiring both short- and long-term solutions. This legislation, S. 2045, contains both types of solutions.

Specifically, a tight labor market, increasing globalization, and a burgeoning economy have combined to increase demand for skilled workers well beyond what was forecast when Congress last addressed the issue of temporary visas for highly skilled workers in 1998. Therefore, my bill, once again, increases the annual cap for the next 3 years.

But that is nothing more than a short-term solution to the workforce needs in my State and across the country. The longer term solution lies with our own children and our own workers and in ensuring that education and training for our current and future workforce matches the demands in our high-tech 21st century global economy.

Thus, working with my colleagues, I have included in this bill strong, effective, and forward-looking provisions directing the more than $100 million in fees generated by the visas toward the education and retraining of our children and our workforce. These provisions are included in the substitute which is before us today.

We are here today, however, as this session of Congress comes to a close, with the fate of this critical legislation extremely uncertain. Frankly, when this bill was reported by the committee by an overwhelming vote of 16-2, I thought we were on track to move this rapidly through the Senate. I offered to sit down with other Members, including Senators KENNEDY, FEINSTEIN, and LIEBERMAN, to work with them on provisions regarding education and training. We have done that. I am pleased to report that the substitute to which I have referred reflects many of their ideas and proposals.

I look forward to working with my colleagues in the coming days to try to avoid a confrontational process. I hope we can get this done for American workers and children and for our continued economic expansion.

The situation, as I understand it, is that there is little disagreement on this bill itself. I have heard no arguments that the high-tech shortage is not real or that we should not move forward with this short-term fix. Rather, it appears that the only dispute has been whether or not we use the bill as a vehicle for other major and far-reaching changes in our immigration policy over which there is much contention and which could scuttle this bill. And I think those who are trying to get us in that posture understand that.

I sincerely hope we can move forward today. I hope my colleagues will overwhelmingly support this modest H–1B increase and quit delaying this bill. Let's get it through. This bill has important training and education proposals for the children and workers in the 21st century.

The Hatch substitute amendment to S. 2045, the American Competitiveness in the 21st Century Act, is a comprehensive legislative proposal to insure America's continued leadership edge in the Information Age. It takes both short-term and long-term steps.

Let me summarize the proposal. With regard to long-term steps, this bill invests in the American workforce through a designated stream of funding for high-tech job training; K–12 education initiatives; authorizes a new program which provides grants for after school technology education; and helps our educational and research communities by exempting them from the cap on high-skilled professionals.

No. 2., the short-term steps: This bill addresses immediate skilled worker needs by authorizing a modest increase in temporary visas for high-skilled professionals.

When skilled professionals are at a premium, America faces a serious dilemma when employers find that they cannot grow, innovate, and compete in global markets without increased access to skilled personnel. Our employers' current inability to hire skilled personnel presents both a short-term and a long-term problem. The country needs to increase its access to skilled personnel immediately in order to prevent current needs from going unfilled. To meet these needs over the long term, however, the American education system must produce more young people interested in, and qualified to enter, key fields, and we must increase our other training efforts, so that more Americans can be prepared to keep this country at the cutting edge and competitive in global markets.

The Hatch substitute to S. 2045 addresses both aspects of this problem. In order to meet immediate needs, the bill raises the current ceiling on temporary visas to 195,000 for fiscal year 2000, fiscal year 2001, and fiscal year 2002. In addition, it provides for exemptions from the ceiling for graduate degree recipients from American universities and personnel at universities and research facilities to allow these educators and top graduates to remain in the country.

The Hatch substitute to S. 2045 also addresses the long-term problem that too few U.S. students are entering and excelling in mathematics, computer science, engineering and related fields. It contains measures to encourage more young people to study mathematics, engineering, and computer science and to train more Americans in these areas.

Under predecessor legislation enacted in 1998, a $500 fee per visa is assessed on each initial petition for H–1B status for an individual, on each initial application for extension of that individual's status, and on each petition required on account of a change of employer or concurrent employment. Under the Hatch substitute, this money is used to fund scholarships for low income students and training for U.S. workers. Using the same assumptions on the rate of renewals, changes of employer and the like that the committee and the administration relied on in estimating the impact of the 1998 legislation, the increase in visas should result in funding for training, scholarships and administration of H–1B visas of approximately $150 million per year over fiscal year 2000, fiscal year 2001, and fiscal year 2002 for a total of $450 million. This should fund approximately 40,000 scholarships. This is important.

Mr. President, I hope my colleagues will vote for cloture today. I hope we can put this bill to bed. I hope there won't be any postcloture filibusters. I hope there won't be any postcloture delays.

Let us get this bill passed. It is critical to our country. It is critical to our information technology age, to our high-tech communities, and it is critical to keep us the No. 1 Nation in the world. It makes sense, and it has widespread support throughout Congress.

It is being delayed by just a few people in this body—maybe not so few but a number of people who basically claim they are interested in the information technology industries and high-tech industries themselves but who want to play politics with this bill.

I think we ought to quit playing politics and do what is right for our country. This is a bipartisan bill that really ought to be passed today.

With that, how much time do both sides have remaining?

The PRESIDING OFFICER. The Senator from Utah controls all remaining time and he has 9 minutes.

Mr. HATCH. Mr. President, I yield the 9 minutes to my colleague from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate being yielded the remaining time.

I am a supporter of the H–1B visa legislation and have been so for quite some time, recognizing that it is very important for our country to make the accommodations to be able to supply this great and booming economy the skilled workers necessary. I have been voting accordingly.

This debate should bring more urgency to our discussion on how to strengthen our public school system, our college training opportunities, and our technical college network in this Nation so that in the future we don't have to fill these slots with workers who are not Americans; that we can fill them with hard-working Americans because our school system and our education system have met the challenge the taxpayers have laid out for us. We cannot hold our industries hostage because perhaps there has been some failing on our part to provide the kind of educational system this Nation needs. That is why I have been supportive.

In addition, I wish there was more support in this body for including the Latino fairness provision. I am disappointed that the amendment tree was filled in order to keep those of us on both sides of the aisle, Democrats and Republicans, from considering this as a proper place to add this important legislation—not to kill it, not to slow it down, but to make it stronger. That is such an important issue to the Latino community, to Hispanic Americans who are looking for the same justice and equality that was promised for the Hondurans and Guatemalans as provided for the Nicaraguans.

I will be supplying a more in-depth statement on that subject.

The PRESIDING OFFICER. All time has expired. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

### Cloture Motion

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 4178 to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H–1B non-immigrant aliens:

Trent Lott, Chuck Hagel, Spencer Abraham, Phil Gramm, Jim Bunning, Kay Bailey Hutchison, Sam Brownback, Rod Grams, Jesse Helms, Gordon Smith of Oregon, Pat Roberts, Slade

Gorton, Connie Mack, John Warner and Robert Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4178 to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—94

Abraham
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—3

Chafee, L.
Hollings
Reed

NOT VOTING—3

Akaka
Feinstein
Lieberman

The PRESIDING OFFICER (Mr. ENZI). On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to. The pending motion to recommit is out of order.

The Chair recognizes the majority leader.

AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4183.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] for Mr. CONRAD, proposes an amendment numbered 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To Exclude certain "J" nonimmigrants from numerical limitations applicable to "H-1B" nonimmigrants)

At the end of the bill, add the following:

**SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICABLE TO "H-IB" NONIMMIGRANTS.**

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

AMENDMENT NO. 4201 TO AMENDMENT NO. 4183

Mr. LOTT. Mr. President, I now call up amendment No. 4201.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 4201 to amendment No. 4183.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. REID. I had the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, would the Chair be so kind as to explain where we are on the legislation now before the Senate?

The PRESIDING OFFICER. There are amendments pending, first and second degree, to the underlying text of the bill, and there is a perfecting amendment to the committee substitute, with a second-degree amendment thereto.

Mr. REID. Mr. President, I rise to talk a little bit about this legislation.

First, I think it is important to know that we—that is, Senator KENNEDY, Senator REED of Rhode Island, myself, Senator DURBIN, Senator LEAHY, and Senator GRAHAM—have a very important amendment we believe should be considered during the time we are debating this issue. Our amendment is called the Latino and Immigrant Fairness Act.

We have had, in recent days, an inability to bring up legislation that is extremely important to the Senate. This legislation deals with a number of issues that were discussed on the floor yesterday briefly, but it deals with the lives of hundreds of thousands of people.

In 1996, there was slipped into one of the bills a provision that took away a basic, fundamental American right of due process.

As a result of legislation we passed in 1986, thousands of people who came to this country were entitled to apply to adjust their legalization status. However; inserted in legslation that we passed in 1996, was language that, in effect, denied them a due process hearing.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend for a question.

Mr. KENNEDY. I don't want to interrupt the line of thought of the Senator. I understand the majority leader put in place two amendments that were actually Democratic amendments—at least one amendment was proposed by Members of our side. I have been in the institution now for 38 years, and I have never heard of another Senator calling up someone else's amendment before the Senate.

We want to be involved in the substance of this and get the H-1B measure put on through. But I am just wondering if I understand correctly that the majority leader now has filed a cloture motion and gone ahead and called up the Senator's amendment. Maybe that Senator has been notified; maybe he is on his way here. But I am just wondering, I say to the deputy leader for the Democrats, whether I understand the situation correctly. Is that the understanding of the Senator from Nevada, that this is the situation?

Mr. REID. Mr. President, this is interesting. This is an unusual situation where we have amendments that have been filed by other Senators being called up by someone else. I think it is very transparent, I say to my friend from Massachusetts and others within the sound of my voice, it is very transparent. All we want is a fair debate and the ability to vote on this amendment.

For example, George W. Bush says he wants to make sure that our immigration laws are fair to the Hispanic population of this country. If he wants to be so fair to the Hispanic population of this country, why doesn't he call the Republican leadership in the House and Senate to let us bring forward this legislation that the Hispanic communities all over America want? They won't let us do that. They know the Senator from Massachusetts was here to be recognized so that this amendment could be offered.

I have the floor now. I had other things to do this morning, but with Senate procedures such as they are, I had the opportunity to get the floor, and I am going to keep the floor for a while because I am going to talk about what is going on in this country.

Does the Senator have a question, without my losing the floor?

Mr. KENNEDY. Yes. So that people watching this have some understanding, we have an H-1B proposal that is before the Senate, and there is virtual unanimity in the Senate in favor of it. There are some differences in terms of the training programs, to make sure we get additional funding so these jobs will be available for Americans down the road. Maybe people are trying to block that particular amendment. These are good jobs. Why should we not have training for Americans to be able to have these jobs in the future? I would like to be able to make that case and move ahead.

There are other amendments, as the Senator pointed out. On the one hand—I ask my colleague if he doesn't agree—we are looking out after the high-tech community with the H-1Bs. There is a need also in Massachusetts, and I support that. On the other hand, there is a need in terms of equity, fairness, justice, and also economically to make an adjustment of status so that men and women who are qualified ought to be able to get a green card to be able to work. It just so happens they are Latinos.

Evidently, that is the difference here, as far as I can figure out. Otherwise, I can't understand why, on the one hand, we are permitting and encouraging people to go to high-tech, but not to go to work in some of the other industries, even though the Chamber of Commerce, the AFL, and the various church groups are in strong support of it. The economics of it are that there is a very critical need for it.

Can the Senator possibly explain why we are being denied an opportunity to complete our business in terms of the high-tech and also in the other areas that have been strongly supported by groups across this country? As far as I can figure out, it is that they are basically of Hispanic heritage.

I am asking a question to the Senator from Nevada. Has the Senator heard one reason from the other side—because it is the other side that is stopping this—why they won't do it? What is the reason? Why won't they engage in a debate on this particular issue? All we have, Mr. President, is silence on the other side. Here we are trying to give fairness to the Latinos and against the background where we had two Members on the other side, Senator ABRAHAM and Senator MACK, who last year said they favored these kinds of adjustments for the Latinos. They said it in the last Congress. I don't doubt that that is their position now.

We can dispose of this in an hour or so this afternoon. But what possibly is the reason the majority leader says, no, we are not going to deal with that? We are going to call up amendments of other Senators who haven't even been notified to come over here and deal with this. What is going on here?

Mr. REID. Mr. President, let me answer a number of questions because the Senator asked a number of questions.

First of all, I spoke yesterday to the National Restaurant Association. I agree with my friend from Massachusetts that it is important we do something for high-tech workers. I support efforts in Congress that have allowed 430,000 people to come to the United States to be high-tech workers, principally from India——

Mr. KENNEDY. A good chunk from China. India is No. 1 and China is No. 2.

Mr. REID. Yes, I agree with the Senator from Massachusetts. I am glad we have done that.

There is another group of people the restaurant owners believe should be allowed to come. They are essential workers, skilled and semi-skilled workers. We have hundreds of thousands of jobs in America today that aren't being filled. Why? Because there aren't enough Americans to take the jobs. That is why we have, as listed on the chart behind the Senator from Massachusetts, so many supporters from the business community of the Latino and Immigrant Fairness Act. If we had a bigger board, we would have three times that many names on it.

Mr. KENNEDY. If the Senator will withhold, here is another chart showing double the numbers of groups that support this proposal as well. These are all of the groups. Here is the National Restaurant Association listed in support of this proposal.

What is the argument on the other side? I thought I heard somebody say, "We don't want to confuse these issues." I don't think there is much confusion about what is being considered around here. There isn't a lot of confusion about it. It is very basic and rather fundamental. The adjustment of status that was applied just over a year ago in terms of the Nicaraguans and Cubans was going to be extended to others, including the El Salvadorans, Hondurans, Haitians, and Guatemalans. They have been effectively discriminated against. We were going to adjust for those. And then for about 300,000 citizens here in this country who are being denied a green card, under the law, according to the courts, they should be entitled to go to work.

The courts have said it was a bureaucratic mistake that they were denied that opportunity to be able to get a green card to go to work. Then the Congress went ahead and effectively withdrew the authority of the Justice Department to implement what the courts have found was a gross injustice and gross unfairness to Latinos. Effectively, they wiped out their remedy.

What this amendment will do is just give them the opportunity to make that adjustment. This is all about working. It is about working. It is about a green card and working. That is what this is basically about. We hear lectures from the other side all the time about how we want to encourage people to work. These groups want to work. They want to work. They are unable to work because of the refusal of the majority leader to permit consideration of this amendment.

I see we are joined by the Senator from Illinois.

Then the majority leader calls up Democrats' amendments without even notifying the Senators they are being called up.

This is rather embarrassing, I would think, for Members to have amendments called up and they are over in their office trying to do constituency work. Their constituencies are going to wonder: Where in the world is my Senator? His amendment, or her amendment, is before the Senate. Where is that individual?

In 38 years I have never seen that.

I hope we are not going to have lectures from the other side: Well, we are in charge around here. Evidently they don't care very much about the rules, or at least about the courtesies and the degree of civility we have had about calling up other Senators' amendments. This goes just as far as I can possibly imagine.

The one thing that bothers me is, what is it that they fear? What is it possibly that they fear which causes us to have to take all of this time to pass this legislation?

Maybe the Senator from Illinois will respond. I want to direct it to the Senator from Nevada. What is it that they fear? Why is it that they take these extraordinary, unique, exceptional steps to deny a fair debate about fairness to Latinos?

Mr. REID. In answer to the Senator, I repeat that I have the greatest respect for the thousands of people who came to this country and are here now as a result of H-1B legislation. It is very important. Those high-tech jobs are important. But I say to my friend from Massachusetts that it is just as important to people who work in these restaurants and who work in these health care facilities as nurses, as cooks, as waiters, as waitresses, and as maids, their jobs are just as important because people who are running these establishments need these essential workers. That is who they are. "Essential workers." They are skilled and semi-skilled workers.

I say to my friend from Massachusetts that we have had a hue and cry from the people on the other side of the aisle and from the Governor of Texas and others saying they believe there should be fairness to Latino immigrants. The best way to express that desire for fairness is to allow us to vote on this measure.

Let's have an up-or-down vote on the amendment offered by myself, the Senator from Massachusetts, the Senator from Illinois, Senator REED of Rhode Island, and Senator GRAHAM of Florida. Let's move this debate along. We could speed up the time. We would agree to a half hour evenly divided. It could take 30 minutes. Vote on it and move on.

I would like to see how people would express themselves on this vote. It is very important.

I have a constituency that is watching this very closely. The State of Nevada has the sixth largest school district in America: the Clark County School District. In that school district, over 25 percent of the children are Hispanic.

In Nevada, we also have 20,000 people, the majority of whom are Hispanic who are unable to work because they were, in effect, denied due process by a sneaky thing put in the 1996 act. I want them to have a due process hearing to determine whether or not they should remain in the United States. I believe the vast majority would remain here because fairness would dictate that they should.

That is what this is all about—basic fairness. That is why we call it the Immigrant Fairness Act.

I say to anyone within the sound of my voice that if we are interested in speeding up what is going on here in Washington, in the Congress, let's have a vote on this measure that Senator KENNEDY, I, and others are pressing. We will agree. I said we will take 30 minutes, but we would agree to 10 minutes evenly divided. Let's have a vote up or down on this measure.

Mr. HATCH. Will the Senator yield for a question?

Mr. REID. I yield to the Senator for a question without losing my right to the floor.

Mr. HATCH. What seems interesting to me is I helped to lead the fight years ago in 1996 in my own committee to increase legal immigration in this country. I have led the fight for that. We are talking about giving amnesty to illegal immigrants while not increasing the caps on legal immigration. Something is wrong.

Mr. REID. Is that the question?

Mr. HATCH. Let me complete my question. In order to make my question clear, I have to make these points.

We can't get caps lifted on legal immigration. It is my understanding that on the H-1B bill—which just had a 94 to 3 vote and that should pass right out of here, has had hearings, and everything else—you want to hold it hostage because you want to give amnesty to 500,000 illegal immigrants.

Mr. REID. Is that the Senator's question to me?

Mr. HATCH. Let me ask my question. Is it not true that this major new amnesty program, which has not had one day of hearings, if it passes would legalize up to 2 million people? I know there are those on your side who say there are one-half million illegal immigrants. Is it not true that the price tag for this major new amnesty program to legalize up to 2 million people is almost $1.4 billion, and that the underlying bill that we are trying to pass here—the H-1B bill—would basically provide the high-tech workers that we absolutely have to have?

Mr. REID. With the greatest respect, I say to my friend, ask me a question. I have the floor, and I will be happy to answer.

Mr. HATCH. I did. Isn't it going to cost us $1.4 billion to give amnesty to these illegal immigrants?

Mr. REID. I would be happy to respond to the question.

First of all, we are not talking about illegal immigrants. We are talking about giving people who are in this country due process.

Mr. HATCH. Illegally in this country.

Mr. REID. And whether or not they are entitled to remain in this country. I believe in due process. One of the basic and fundamental assets that we have in this country, which sets us far and above any other country, is the legal system. We require and expect due process.

What we are saying is the bill that we passed in 1996 gave amnesty to people who had been in this country for an extended period of time. A provision was stuck in the 1996 Immigration Reform bill that denied these people due process. Some of them didn't meet the deadline to file for their amnesty because the INS ignored a law that we passed and President Reagan signed into law.

The question is not how much it is going to cost the Government but how much it is going to cost the business sector in this country.

The U.S. Chamber of Commerce, the American Health Care Association, the American Hotel and Motel Association, the American Nursing Association, the American Nursery and Landscape Association, Associated Builders and Contractors, and the Associated General Contractors support this amendment. I could read further for the next 15 minutes and give chart after chart of organizations that support this amendment.

We believe it is good for the American economy. It is good for American industry. It is the fair thing to do.

Mr. DASCHLE. Will the assistant Democratic leader yield for a question as well?

Mr. REID. I would be happy to yield to my friend, the Democratic leader, for a question, without losing the floor.

Mr. DASCHLE. I ask the assistant Democratic leader—I wasn't on the floor when this began. I ask if the Senator from Nevada could confirm what I understand to be our circumstance. I apologize for not being here sooner. But as I understand the circumstances, our Republican colleagues have filed cloture on second-degree amendments, and they had intended, as I understand it, to file it on the bill and made a mistake. We understand that. They have created a problem for themselves that they are trying to get out of.

But my question is: I ask the Senator from Nevada if the issue is whether or not we ought to have the right to offer an amendment.

We have been debating the issue of immigration as if an amendment were pending. We have been debating this issue assuming that somehow there is opposition on the Republican side and support for an amendment on the Democratic side.

In the normal course of debate, you ultimately lead to a vote on an amendment. As I understand it, the Republicans have denied us the right to offer an amendment. Is that correct?

Mr. REID. The Senator is correct.

It would seem to me the best way to handle this is to accept the two amendments. We, the minority, will accept, on a voice vote, the two amendments that have been filed, and then I think the fair thing would be to allow us to proceed on an amendment that has been filed. It is right here: Mr. KENNEDY, for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE submitted an amendment intended to be proposed by them to the bill, S. 2045, the Latino and Immigrant Fairness Act of 2000.

Mr. DASCHLE. Let me ask the assistant Democratic leader, I have to say for those who may not have watched the 106th Congress, we have established a new threshold. It used to be anytime a majority opposed an amendment, they would vote against it. They would perhaps make a motion to table an amendment, we would have the debate, they would vote, and the issue would be behind us. Oftentimes, the minority would lose. That is the way it used to be.

Then our colleagues on the other side of the aisle raised it another notch. They said: We don't think you ought to have the right to offer an amendment, so we will file cloture on a bill denying you the right to even offer an amendment. That was the new threshold.

We have gone through many, many of these—in fact, a record number. I have given presentations on the floor regarding the number of times our colleagues have actually filed cloture to deny us the right to offer an amendment.

This now reaches way beyond that. For the first time—maybe in history—our Republican colleague, without his even knowing it, has offered a Democratic amendment, has second-degreed that amendment, continued to file cloture, to say with even greater determination, we are not going to let you offer an amendment.

I ask the assistant Democratic leader in the time he has been in the Senate whether he can recall a time when we have ever seen the majority go to that length to deny Members the right to offer an amendment in the RECORD dealing with immigration or any other issue for that matter?

Mr. REID. I have not. I don't think anyone else has. I say to the leader and anyone else listening, all we want to do——

Mr. HATCH. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada has the floor; does he yield for a parliamentary inquiry?

Mr. REID. I do not.

Mr. HATCH. Just this point.

Mr. REID. I am happy to yield to my friend, without losing the floor, Mr. President, or any of the time I might have. I ask unanimous consent the Senator from Utah be allowed to direct a parliamentary inquiry to the Chair without my losing the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. My colleague is always gracious. I have heard this comment about this being the first time anybody has called up another person's amendment. Parliamentary inquiry: Is this the first time?

As I recall, last year Senator REID called up an amendment of Senator JEFFORDS.

Mr. REID. Would the Chair repeat the question?

The PRESIDING OFFICER. The question was, Is this the first time this has happened? Do you recall Senator REID calling up an amendment of Senator JEFFORDS? That was the question.

"Riddick's Rules of Procedure," on page 34, cites several examples.

Mr. HATCH. This isn't the first time.

Mr. REID. Reclaiming the floor, I say to my friend from Utah, there may have been other occasions, and the Chair certainly is right in indicating that it has been done before.

Mr. HATCH. Will the Senator allow the Chair to state the answer to my parliamentary inquiry?

Mr. REID. The Chair already stated the answer.

Mr. HATCH. I don't think so.

The PRESIDING OFFICER. The answer was on page 34 of Riddick's; there are several examples of that having happened.

Mr. DASCHLE. Would the assistant Democratic leader yield?

Mr. REID. I am happy to yield to the Senator.

Mr. DASCHLE. Mr. President, I think the point I was trying to make, and I asked the response of the assistant Democratic leader, I don't know that I have ever seen the majority go to the extremes they have on so many of the levels I have described to deny Members the right to offer amendments.

Have there been precedents where the Senators have offered another Democrat or Republican amendment? Of course. But have they done so with all of the other layers of opposition, parliamentarily, that have been now shown to be the case here? Again, I argue, no, they have not. I think this is the most remarkable set of circumstances.

What is amazing to me is we have already offered a limit on time. All we want is a simple opportunity to debate the issue for a brief period so we can be on record with regard to fairness for these many millions of immigrants who are looking to us right now for relief. That is all they are doing. Whether they are Liberians, whether they are Latinos, we have a responsibility in this Congress to respond.

The President has said to me personally, and he has said in as many ways as he knows how, that he will demand this legislation be addressed before the end of the Congress. He has said that. If we don't do it on this, on what will we do it?

So I ask the assistant Democratic leader if he shares my conviction that, first, this extraordinarily unique set of circumstances again reflects the opposition on the part of the majority to basic fairness procedurally and basic fairness with regard to Latinos in this country today?

Mr. REID. I answer the leader's question as follows: First of all, it is very clear that the President will accept nothing short of this legislation. In fact, there is a letter. I don't think it is any secret. We have more than 40 signatures from the Democrats—we only needed 34—to the President, saying if, in fact, he does veto this, we will sustain that veto.

I also say to my friend, it is obvious the majority does not want this legislation to pass. They are trying to confuse it. The managing word is always "illegal immigration." This is not about illegal immigration. It has everything to do with fairness in our immigration laws, and helping the American business community in essential fields where they cannot fill the jobs.

In Nevada, we have approximately 20,000 people who want to work—who want to go back to work. They have had their work cards withdrawn. They have had their mortgages foreclosed. They have had their cars repossessed. People in America who have children—wives, husbands, American citizens—all they want is a fair hearing. All they want is a fair hearing that would allow them to keep their families together. That is what this legislation is all about.

Mr. DASCHLE. If the Senator will yield for one last question, I also yield the Senator from Nevada 30 minutes of my time.

I hope the Latino community, the Liberian community, all of those communities concerned about this immigration language, understand why we are here. We are here in the last days of this session to make right the problem that has existed all too long. We want to make it right. The President wants to sign this legislation. Unfortunately, apparently with unanimity, every one of our Republican colleagues oppose this. We haven't heard one of them come to our position on this issue.

I hope the Latino community understands that. I hope those who are concerned about fairness at the end of this session understand that. I hope they will do all they can to reflect their feelings and their opinions before it is too late. We still have time to do this. We still should do it this week. We ought to do it on this bill. I hope our Republican colleagues will reconsider.

I thank the Senator for yielding.

Mr. REID. The Senator is a national leader as part of his responsibilities. The Senator from South Dakota is not doing this because there are a lot of minorities in South Dakota; in fact, there are very few. He is doing this because it is the right thing to do. It is fair to people who are in America and want the right to have their status adjusted or reviewed in a due process hearing. That doesn't sound too unreasonable to me.

Mrs. BOXER. Will my colleague yield for a question?

Mr. REID. I will be happy to yield for a question from my colleague from California without losing the floor.

Mrs. BOXER. I thank my friend. I thank him and Senator DASCHLE, our leadership team here, for what you are doing. The Senator from Utah asked, I thought, a very reasonable question when he said: What is this going to cost?

I say to my friend, on the issue of cost—and I think this is important—what happens to a family when the worker in that family is told to leave? Because if we do not pass this law—which is what our friends want; they do not want us to pass this law—that worker goes back to the country of origin and has to wait 10 years there, leaving behind—let us say it is a man in this case—a wife and children, children who are citizens of this country.

My friend from Utah says: Illegal.

Those are American children. If we do not act, their dad is going to be deported. For 10 years they will have to wait. What happens to the cost when a wage earner has to leave this country, perhaps for up to 10 years, leaving the children behind? The Senator pointed out the business community is without workers, so they are going to have to pay more to get fewer workers. That is a cost. But what is the cost if these people have to go on welfare, I say to my friend, because the breadwinner is summarily removed from this country because we have failed to act on this immigration fairness act?

Mr. HATCH. Will the distinguished assistant leader yield for another parliamentary inquiry?

Mr. REID. The cost here is very apparent. First of all, this person is being deported without a due process hearing.

Mrs. BOXER. Right.

Mr. REID. This person being deported leaves behind a job that is unfilled. That employer looks and looks to try to find somebody to fill that job. What is the cost of that, and then the cost, many times, to our welfare system, our criminal justice system, our education system.

Mrs. BOXER. Exactly.

Mr. REID. The costs are untold. I do not know what they would be, but we know they would be remarkably high. There are sociologists and mathematicians who could figure it out. That is why I say to my friend from California, we have dozens and dozens and dozens of groups of people and organizations that support doing something.

I said earlier, I say to my friend from California—I spoke yesterday to the National Restaurant Association. They are desperate for people to work in their establishments. They are desperate for people to clean dishes, wait tables, cook food, serve food. I say to my friend from California, that job may not be very glamorous, one of those jobs I have described, but it is just as important to the individual who has it as the 420,000 high-tech jobs that we have allowed people from outside the U.S. to come here to fill, just as important.

Mr. HATCH. Will the assistant minority leader yield for a parliamentary inquiry?

Mrs. BOXER. When I am completed I am sure there will be time for others, but I do not want to lose my train of thought.

What my friend has said is when someone asks what is the cost of this immigration fairness act amendment, we are saying it is more costly not to act because of the impact on the business community and their ability to get help is huge. The impact on the family, when the breadwinner has to leave behind American citizen children and perhaps the mom has to go on welfare, is very high, not to mention the cost of splitting up families. My friend has been a leader on this, as has my friend from Utah as well. We know what happens when parents split up. We know the costs to society. We know what happens to the kids. We know what happens to people using alcohol to dull the pain and all those things, when a family is summarily split apart.

I do not hear my friends on the other side saying, "change the law for Nicaraguans or Cubans." Good for them, we should allow those people to stay. What about the Salvadorans?

Mr. REID. I respond to my friend from California by saying she is absolutely right. But one cost we have not calculated is: What is the cost to a family that is broken up? I said on the floor yesterday, and I will repeat—I am sorry some will have to listen to it more than once—Secretary Richardson, now Secretary of Energy, was Ambassador to the United Nations. He came to Nevada. We had a good day visiting, doing work.

The last stop of the day was at a recreation center in an area of Las Vegas that is mostly Hispanic. As we were approaching, our staffs said: Let's take you in the back door because there is a big demonstration out front. We think you should not be disturbed. You can go in; we have people we have invited in and you could have a conversation.

We thought it over and we said, no, we are going to go in the front door. As we walked in the front door, we saw hundreds of people, many with brown faces—although I have to tell you there were many white faces as well and they were there to tell Secretary Richardson and I that what was happening was unfair. They qualified under the 1986 amnesty, but they had taken more than a year to file because the INS was not playing by the rules, and they were not entitled, under the 1996 provision that was tucked into the immigration reform bill, to a due process hearing. They were saying:

> I worked at Caesar's Palace. I was a cook. I made good money. I had a union job. I bought my own home. I have lost my home, I have lost my car, and now I am being asked to lose my family. That is unfair. I have American children. Here, do you want to see them? Here they are.

So I say to my friend from California, it is absolutely mandatory that we push this legislation. I am so grateful that Vice President GORE has stated publicly that he supports this legislation; not some different legislation, not trying to wiggle out of it—he supports this legislation.

I say to George W. Bush, I can't speak Spanish. I have three children who speak fluent Spanish. I can't speak Spanish. He shows off speaking the little bit of Spanish he knows. Let him speak English and come here and tell us he supports this legislation. That will show he supports the Hispanic community in America and their priorities.

Mr. HATCH. Will the Senator yield?

Mr. REID. I will yield for a question without losing the floor.

Mrs. BOXER. Mr. President, I ask to be added as cosponsor to this amendment, that is so important, to the Latino and Immigrant Fairness Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The last question I have is this: Our colleagues are up in arms about allowing us to have a vote on this, but they are bringing out amendments without even asking the authors if they want them attached to this particular bill. It amazes me.

I guess the final question I have for my assistant leader is this: If our friends on the other side do not like this bill, why do they not just vote against it? We are not asking to pass this without a vote. Are we not asking for the ability to put this on the Senate floor, debate it very briefly—or as long as they want? You yourself said, I think, you would take 10 minutes of debate and whatever the other side wants. Is it not their right to vote against this fairness legislation if they so desire?

Mr. REID. I say to my friend from California, as usual, you brought things down so it is very easy to portray what is going on here; that is, they do not want to vote.

Mrs. BOXER. That is it.

Mr. REID. They don't what to vote. They want to be able to go home and say they are for all this fairness and immigration. How can they prove it? Well, because they say so.

I say to my friend from California, the only way to prove this is to allow us to vote. This is a basic principle. If you don't like something, vote against it.

It appears to me that because the President and Vice President have been unflinching in this—they have said this legislation will pass or this Congress will not adjourn. We have enough votes to sustain a veto. I think we are in good shape.

Several Senators addressed the Chair.

Mr. REID. I am happy to yield to my friend from Vermont. My friend from Illinois indicated he had a question. I will be happy to yield to my friend from Illinois for a question without losing the floor.

Mr. LEAHY. And then, Mr. President, if he will yield to me for a question also?

Mr. DURBIN. I thank the Senator from Nevada for leading this debate. I think it is important from time to time, as we get into debate, if the Senator would respond, for us to recap where we are so those who are trying to follow the debate understand it.

The underlying bill, the H-1B visa bill, will allow companies in America to bring in skilled workers from overseas. They are telling us they cannot find those workers in America's labor pool. We decided under the H-1B visa, in 1998, to increase the number who could be brought in this fiscal year to 107,500. They are telling us that number is inadequate. They cannot find the workers in America to fill their needs and they do not want to move their companies overseas.

So the underlying bill—I ask the Senator from Nevada to confirm this—the underlying bill, at the request of businesses across America, would increase the number who can be brought in for these skilled labor jobs to 195,000 a year. Am I correct?

Mr. REID. Yes. I say to my friend from Illinois, that is part of the bill. There are other things included in it, but that is absolutely right.

Mr. DURBIN. So the idea behind the underlying bill is that, at the request of business, we will bring in these skilled workers so they can continue to thrive in this economy, continue to create more jobs, and not have to move their businesses overseas?

Mr. REID. I say to my friend from Illinois, we hear a hue and cry—and you and I have been doing some of the crying—about the businesses moving overseas. One reason they are doing that is, of course, there is cheap labor overseas. But the other is they can't find enough people to do the work here. So they throw their arms up and ask us to help them.

I believe it is so important we understand this legislation, of which the Senator from Illinois has been a constant supporter, and as a cosponsor of the amendment we have filed, this Latino and Immigrant Fairness Act of 2000.

Let's not confuse this. My friend from Utah raised the words: "Illegal immigration. Aren't we supporting illegal immigration?" Let the Record be spread with the fact this is not about illegal immigration. This has everything to do with fairness—fairness not for some mystical people off on the horizon but for human beings who live in Las Vegas, who live in Winnemucca, or Chicago, and other places throughout America. All they want is a chance at the American dream. They are not asking for anything other than a fair hearing and the right to work as they know how.

Mr. DURBIN. If the Senator would further yield for a question, the underlying bill, at the request of the business interests in this Nation, will allow us to increase the number of skilled immigrants coming in on temporary visas to 195,000 a year.

The amendment which the Senator from Nevada, Mr. REID, the Senator from Massachusetts, Mr. KENNEDY, as well as the Senator from Rhode Island, Mr. REED, Senator LEAHY of Vermont, and I want to offer to this legislation even addresses it, I think, with more persuasion because the Latino and Immigrant Fairness Act, which we are pushing as an amendment to this bill, is supported not only by the U.S. Chamber of Commerce but by the AFL-CIO as well. Business groups and labor groups have come together and said: If you are going to address the issue of immigration, jobs, keeping the economy moving, don't stop with the H-1B, 195,000; deal with American workers who are here who need to be treated fairly.

Am I correct in saying to the Senator from Nevada, this is one of the rare examples I have seen on an immigration issue where business and labor have come together so strongly, saying to us this is the best thing for workers and their families and the economy, the amendment we are cosponsoring—the amendment being resisted by the Republican leadership, is it the same amendment?

Mr. REID. I say to my friend from Illinois—and I apologize for not answering the last question directly; the Senator from Illinois has projected what is absolutely the question before the Senate; and that is, we, the Democrats, have been willing to support bringing high-tech workers here. In fact, almost 500,000 of them have come here to work because the high-tech sector which is fueling our economy needs such workers.

All we want to do is make sure that other essential workers—which is how I refer to them—skilled and semiskilled workers come here so that they are able to do the work at Ingersoll-Rand, at Harborside Healthcare Corporation, at Cracker Barrel Old Country Store, at Carlson Restaurants Worldwide and TGI Friday's, and at the Brickman Group, Ltd.

As the Senator has indicated, the American Federation of Labor, the American Chamber of Commerce—where else have we been able to see these two groups coming together pushing a single piece of legislation? I can tell you one other, and that is a Patients' Bill of Rights.

Mr. DURBIN. That is right.

If the Senator would yield for a further question?

Mr. REID. I am happy to yield without losing my right to the floor.

Mr. DURBIN. I think the distinction here on the H-1B visa question is, we are talking about bringing new workers, new skilled workers, in on a temporary basis to fill the needs of companies. The amendment, which we want to offer and which the Republicans are resisting, deals with workers already in America, many of whom are asking to be treated fairly under our immigration laws. Business and labor, as well, are saying they deserve to be treated fairly.

As an example, the Senator from Nevada has talked about those who came to this country, started families, started working, paid their taxes, never once committed a crime, building their communities and their neighborhoods, and are now caught in this snarl, this tangle, this bureaucratic nightmare of the Immigration and Naturalization Service. They are asking for their chance, as many of our parents and grandparents had, to become American citizens legally and finally.

It strikes me as odd that those of us in the Senate who understand how bad this immigration battle is for individuals and families would resist this amendment, the Latino and Immigrant Fairness Act.

In my office in Chicago, in my senatorial office, two-thirds of the casework is on immigration. We are in a constant battle with the INS. What our amendment seeks to do is to say these people deserve fair treatment. For goodness' sake, you can call yourself a compassionate conservative or a compassionate liberal or a compassionate moderate, but if you believe in compassion, how can you resist an amendment that is going to give to these families here in America—working hard, building our Nation—a chance to be treated fairly under the law?

Mr. REID. I respond to my distinguished friend from Illinois, all these people want is a fair hearing. Some of them, after they have a fair hearing, may not have merits to their case, and they may have to go back to their country of origin. But in America, shouldn't they at least be entitled to a fair hearing where they have due process? The obvious answer is yes.

I appreciate very much the leadership of the Senator from Illinois on this issue and his ability to articulate something that is so important. We all have the same situation in our offices, those of us who have large minority populations. In my office, I have two Spanish-speaking people working in my Las Vegas office, one in my Reno office, the purpose of which is to work on these very difficult cases. I think it is very good that the Senator from Illinois can condense an issue so understandably.

It is my understanding that the Senator from Vermont wishes me to yield.

Mr. LEAHY. Just for a question.

Mr. REID. I will yield without losing my right to the floor. But before yielding to my friend, without losing my right to the floor, I want to say to my friend from Vermont——

The PRESIDING OFFICER. The Senator can only yield for a question.

Mr. REID. I understand that. I have the floor. I am just making a statement.

I say to my friend from Vermont, I am so proud of you. I say that for this reason: I saw some statistics the other day about the State of Vermont. You have very few minorities in Vermont. For you to be the national leader on this issue that you have been takes a lot of political courage. It would be easy for you to be an "immigrant basher," to talk about how bad illegal immigrants are and how bad it is to be dealing with this issue. But you, as the ranking Democrat on the Judiciary Committee, have stepped forward.

I say to my friend, the Senator from Vermont, you have stepped forward in a way that brings a sense of relief to this body because you have no dog in the fight, so to speak. You are here because you are trying to be a fair arbiter. You are the ranking Democrat on the Judiciary Committee. That is why we, the rest of the members of the minority, have followed you as a leader on matters relating to things that come through that very important Judiciary Committee.

I am happy to yield to my friend from Vermont for a question, without my losing the floor.

Mr. LEAHY. Mr. President, my friend the Senator from Nevada has given me more credit than I deserve, but I do strongly support the Latino and Immigrant Fairness Act, as just that, a matter of fairness, as something we should do. Whether we have a large immigrant population in our States or not, this is something where Senators are going to reflect the conscience of the Nation, as this body should.

My question is this. I was over at one of our latest investigation committee meetings. We tend to investigate rather than legislate in this body. I was at a meeting where the Senate decided to go ahead and investigate the Wen Ho Lee investigation and, thus, hold up the FBI, who were supposed to be debriefing Dr. Wen Ho Lee today under the court agreement. Instead, in the Senate we jumped in, feet first, to interfere with that. I had to be off the floor to serve as Ranking Democrat of Judiciary at that hearing. So I wonder if the Senator from Nevada could explain the parliamentary procedure in which we find ourselves. It seems somewhat of a strange one.

Mr. REID. I am happy to respond to my friend from Vermont. There will probably be chapters of books written about what has gone on today. It is going to take some political scientists and some academicians to figure out what went on here today.

As of now, Senator CONRAD from North Dakota filed an amendment, according to the unanimous consent order that was in effect. The majority leader called up his amendment without notifying the Senator from North Dakota. Then Senator LOTT called Senator CONRAD's amendment and then offered a second-degree amendment to Senator CONRAD's amendment. It was very unusual.

The purpose, of course, is so we, the minority, once again, would be stymied from offering an amendment and how would that be so? Because the majority does not want to vote on amendments, whether it is an amendment on whether we should close the gun loophole as to whether emotionally disturbed people or criminals, may buy guns at gun shows or pawnshops. That doesn't sound too unreasonable to me. This is a loophole that should be closed. They won't let us vote on the Patients' Bill of Rights either.

Mr. HATCH. Will the Senator yield for a simple parliamentary inquiry?

Mr. REID. They won't let us vote on anything dealing with prescription drugs, school construction, or lowering class size, as well as on the very "bad" concept called the minimum wage. They don't allow us to vote on that because they don't want to be recorded. You know how they will vote; they will vote no.

Mr. HATCH. Will the Senator yield for a parliamentary inquiry?

Mr. REID. I say to my friend from Vermont, that is why we are in the position we are in.

Mr. HATCH. Will the Senator yield for a——

Mr. REID. Once again, we are prevented from moving forward. The Senate has worked a couple hundred years to vote on amendments. But recently we have a new style. If you don't vote on something, you are better off than if you do.

In fact, I saw something earlier today where the majority leader said "that when the Republicans aren't here, their popularity goes up." But here is the quote:

> We were out of town two months and our approval rating went up 11 points.

That was from February 3, 2000, by the leader. I think they have just extended this a little bit. Not only when they are out of town does their approval rating go up, I think they learned that if they don't have to vote, their approval rating doesn't go down.

Mr. LEAHY. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to my friend from Vermont, without losing my right to the floor.

Mr. HATCH. Will my friend yield for a parliamentary inquiry?

Mr. LEAHY. On this question, I have been here now with a number of distinguished majority leaders, all of whom have been friends of mine: the Senator from Montana, Mr. Mike Mansfield; the Senator from West Virginia, Mr. Robert C. Byrd; the Senator from Tennessee, Mr. Howard Baker; the Senator from Kansas, Mr. Robert Dole; the Senator from Maine, Mr. George Mitchell. During that time, I do not recall a case where a majority leader, even though they have the ability to call up an amendment, has ever done that without giving notice first to the Senator who sponsored the amendment. That is during my now almost 26 years with all these distinguished, both Democratic and Republican, majority leaders. Has it been the experience of the distinguished Democratic deputy leader that if the leader is going to call up another Senator's amendment, that they give the sponsor notice?

Mr. REID. I say to my friend from Vermont, there was an interesting discussion on the floor yesterday where a Senator mentioned another Senator's name on the floor without advising that Senator that he was going to be using his name. And the most senior Democrat disagreed with that. He said it was unfair to talk about another Senator when that Senator was not on the floor.

If we carry that logic to what the Senator just asked, I think it would also be improper if Senator LEAHY filed an amendment pursuant to an order that had been entered into the Senate and the Senator from Nevada, without saying a word to the Senator from Vermont, called it up.

Now, we have been told by the Parliamentarian that there have been times in the past when other Senators have called up other Senator's amendments. We all know that. I have called up amendments for you when you haven't been here.

Mr. LEAHY. With my permission.

Mr. REID. With your permission. And you have done the same for me. That is the way it works. But to do something where the Senator is over in his office waiting for a time to be able to offer his amendment and it is suddenly called up, I am not totally aware of this.

I say, through the Chair, to my friend from Utah, I would be happy to yield to my friend from Utah for a parliamentary inquiry, if I do not lose the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I have three or four parliamentary inquiries. I will make them very short.

It is my understanding, is it not, that the Latino fairness bill, amendment No. 4185, was just introduced on July 25 of this year; is that correct?

The PRESIDING OFFICER. The Chair does not have access to those dates.

Mr. LEAHY. Is that a parliamentary inquiry, Mr. President?

Mr. HATCH. Is it not true that the amendment called the Latino fairness bill is No. 4184 and that it is not germane because 94-3, Republicans and Democrats, have voted for cloture; is that correct?

The PRESIDING OFFICER. It is the opinion of the Chair that amendment No. 4184 is not germane.

Mr. HATCH. Parliamentary inquiry: Since the Senate voted 94-3, Democrats and Republicans, on a bipartisan way to limit debate, that amendment would be moved out of order; is that correct?

Mr. REID. I would say to the Chair——

Mr. HATCH. May I get an answer to my question?

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. I would say to my friend, through the Chair, I have no problem with the Senator making these parliamentary inquiries. July 25, I don't know if that is right, but that is fine. I also think, as we say in the law, his inquiry is not at this time justiciable. The fact that the Parliamentarian, through the Chair, ruled that this amendment, if offered, would not be germane does not mean that that ruling is taking place now. There is no ruling at this stage.

The PRESIDING OFFICER. That is correct.

Mr. REID. Did the Senator have other parliamentary inquiries.

Mr. HATCH. Yes, parliamentary inquiry.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As long as I don't lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. As I understand it, the amendment, No. 4184, would not be germane.

Mr. REID. I am reclaiming the floor. I say to my friend from Utah, that question has already been answered.

The PRESIDING OFFICER. The Senator from Nevada can reclaim the floor.

Mr. REID. At an appropriate time, I hope we have the opportunity to offer this amendment. I came to the floor Friday and asked unanimous consent that we be allowed to proceed to this. What the minority is saying, is that there is no need to play any parliamentary games. What we want to do is to be able to have an up-or-down vote on amendment No. 4184, whether the underlying legislation was filed on July 25, February 1, or 2 minutes ago. We want a vote on the Latino and Immigrant Fairness Act of 2000. We want a vote. But, if the majority is going to come in here under some parliamentary guise and say that it is not germane, that is their right. But I want everyone to know—and I spread it across the record of this Senate—that is an obstacle that is unnecessary. They should allow us to vote on this if they believe that there should be fairness, as we have tried to outline here today, people who are already here, already working, or trying to work. We are not hauling in new people from outside the borders of the country. We want the people here to have a fair shot. That is all we want. If the majority does not want that, let them vote against it. I started out saying we would have an hour evenly divided. Then I said a half hour evenly divided. We are down to 10 minutes now, 5 minutes a side, that we would take on this. We want an up-or-down vote. I think it is fair to have an up-or-down vote on this amendment.

Mr. LEAHY. Will the Senator yield for another question?

Mr. REID. Yes, without my losing my right to the floor.

Mr. LEAHY. Mr. President, the Senator from Nevada makes a compelling argument. Consider the extraordinary and, I believe, unprecedented procedure of the majority leader in calling up an amendment of a Democratic Senator who was not consulted. Note that the amendment is the amendment filed just before the amendment that we have been trying to have considered to provide Latino and immigration fairness, the one on which we are being denied consideration or a vote. The amendment on the Latino and Immigrant Fairness Act is something we ought to at least have the guts to stand up and vote up or down on and let the Latino population of this country know where we stand.

I say to my friend from Nevada, this exercise—to me, at least—appears to be an attempt to keep us from voting on something of significance to this country. Isn't this very similar to what we have seen on the question of judges, where anonymous holds from the Republican side have stopped us from voting up or down on judicial nominations for months and years in some cases; and anonymous holds from the Republican side are currently preventing Senate action on the Violence Against Women Act reauthorization; and anonymous holds from the Republican side have been preventing Senate action on the Bulletproof Vest Partnership Grant Act of 2000, a bill to help fund bulletproof vests to protect our State and local police officers; and anonymous holds on the Republican side have prevented passage of the visa waiver legislation; and anonymous holds on the Republican side are preventing the Senate from passing the Computer Crime Enforcement Act? Is there a pattern here? The majority appears not to want to allow the Senate to either vote for or against these measures. They should at least allow us to vote.

Mr. REID. Mr. President, I will respond to only one of the things he has listed because the obvious answer to every one is that he is right. About the bulletproof vests, that is very important to the people of Nevada. Why? Because some people believe that Nevada, is a State that is very rural in nature. That is not true. Nevada is the most urban State in America because 90 percent of the people live in the metropolitan Reno or Las Vegas areas. Ten percent live outside of Reno or Las Vegas. Those 10 percent, in Winnemucca and Lovelock, all through Nevada—those little police departments cannot afford bulletproof vests. As a result of that, we have people who are hurt and not able to do their work as well. Some of them have to buy their own vests and usually they are not very good.

What the legislation the Senator from Vermont has pushed, and we have gotten a little money on some of his legislation, we need to make sure that in rural America, rural Nevada, in places such as Ely and Pioche and police officers in these rural places in Nevada get the same protection against the criminal element that the people who are police officers in the big cities have. So the Senator from Vermont is absolutely right. We have a game being played here; they don't want to vote on tough issues. They have been pretty successful. And, I am sorry to say that they have been successful. We have spent little time debating issues and voting. We have spent a lot of time thinking about what we are going to do next, which is normally nothing.

My friend from Rhode Island has asked that I yield to him for a question, which I will do if I do not lose my right to the floor.

Mr. REED. Mr. President, like the Senator, I am frustrated because we are trying to simply recognize the reality that there are many, many individuals in the United States who have been here for years and who deserve an opportunity to become permanent residents, and it is not only within the Latino community but the Liberian community. These individuals from Liberia came over legally, under temporary protective status. That is one of the pieces of legislation also frustrated by this device to preclude amendments.

I wonder if the Senator might amplify the fact that, indeed, if we were successful to get a vote on this measure, we could also address the issue of 10,000 Liberians who are literally perhaps hours from being deported, except for administrative order, and it is a population that has contributed to our communities; and we should recognize that they deserve the opportunity to adjust to permanent status, and they are being ignored by these parliamentary maneuvers—worse than ignored.

Mr. REID. Mr. President, if there are ever any prizes given by a higher being to someone who cares about a group of people who have no one out there as their advocate or champion, JACK REED from Rhode Island will get one of those prizes. Nobody else has been as vocal a proponent for doing justice to those 10,000 individuals who have no other spokesperson. I congratulate the Senator for being very open and vocal. I have to tell him that but for him his amendment would not be part of this legislation about which we are speaking. I am very proud of the Senator from Rhode Island for the great work he has done.

I also respond in this way. Some of the people I am trying to help in Nevada have been there 30 years—not 30 days, 30 hours, 30 months, but 30 years. They want a fair hearing. When I first went to law school, I heard the words "due process" and really didn't know what that meant. I quickly came to learn in law school that it is the foundation of our system of justice. People who are here, no matter how they got here, should be entitled to basic fairness. So I thank my friend from Rhode Island for trying to help more than 10,000 Liberians get a fair hearing. That is basically what this is all about.

My friend from Florida has been on the floor now for a long period of time. He has indicated to me that he has a question. I am happy to yield for a question without my losing the floor.

Mr. GRAHAM. I thank the Senator.

Mr. President, Senator REED from Rhode Island has done an outstanding job of bringing to our attention the plight of those 10,000 Liberians, many of whom are his friends in Rhode Island. I want to talk about another group of about 10,000. That is a group of Haitians. There are many more than 10,000 Haitians who have come to the United States in the last decade, decade and a half, fleeing first the dictatorship of the Duvaliers, and then the military dictatorship that succeeded the Duvaliers. Most of those Haitians came by boat and most had no documentation. They had no papers of any type when they came into the country.

Under the immigration law we passed in 1998, subject to one additional complexity—which I will talk about at another time—which we are trying to get resolved with this legislation, they will be entitled to make their case for legal residence in the United States. I think at this point it is important we indicate that in virtually every instance we are talking about, we are not talking about granting a legal status and, certainly, not granting citizenship. What we are talking about is giving people a chance to apply, and that their application will be accepted and given appropriate due process and consideration. Without the kind of provisions we are trying to accomplish in this Latino and Immigrant Fairness Act, they can't even submit the papers to start the process.

Let me go back to the 10,000 Haitians who arrived by air. The irony is that they tended to be people who were under a particular threat of death or serious abuse and persecution. They felt the necessity not to be able to wait for a boat but to get out as quickly as possible. In order to get on the airplane, they had to go to somebody who counterfeits passports and other documentation that was required to get on the plane and get out of Haiti in the 1980s and early part of the 1990s. When they arrived in the United States they were not without documents. But they had false, counterfeit documents.

If you can believe it, under our current immigration law, we make a distinction between a person who is flying—and arguably in a severe case of persecution—with false documents and is denied the right to apply for legal status, whereas a person who comes with no documents at all is allowed.

This legislation will correct what I think is one of the most indefensible examples of unfairness to people who essentially are in the same condition but have a minor technical differentiation—in this case, with no documents, OK; and, with false or counterfeit documents precluded from the opportunity to apply. We would eliminate that and allow both the no-document Haitians and the counterfeit-document Haitians the opportunity to submit their case and attempt to persuade the INS to justify granting some legal status in the United States.

They have 10,000—what are referred to as the "airport Haitians"—immigrants with all of the characteristics that the Senator talked about before. They have lived here a long time. Many of them have established families. Either they have U.S. citizen children or they have become positive members of a community. They have all of the bases to be seriously considered for legal status, but they are being denied even the opportunity to apply because of this peculiarly perverse unfairness in our immigration law, which this legislation—if we had a chance to take it up, debate it, and vote on it—has the chance to rectify.

I appreciate my good friend, Senator REID, giving me this opportunity to ask him the question.

Does the Senator think we ought to seize this moment and correct the unfairness that Senator REED has pointed out with the Liberians—I suggest an equal number of Haitians—in this Nation?

Mr. REID. The Senator from Florida has been such a leader on immigration issues generally but more specifically this issue dealing with Haitians. The State of Florida has been greatly affected by Haitian immigrants. All we are saying is let these people have their status adjusted. If it doesn't work out, they will have to suffer whatever consequences. But don't deny them basic due process.

My friend from Louisiana asked that I yield to her for a question. I would be happy to do so without losing the right to the floor.

Mr. LOTT. Mr. President, before the Senator takes advantage of that time, I would like to make an inquiry.

The PRESIDING OFFICER. Does the Senator from Nevada yield?

Mr. REID. I would be happy to yield to the majority leader without losing my right to the floor, which I lose in 5 minutes anyway.

Mr. LOTT. That is what I was going to inquire about. I believe we are scheduled to take a break in 5 minutes, at 12:30, for the respective party policy luncheons. I had hoped to be able to make some comments and respond to some of the things that were said. I know that Senator HATCH hoped to do that, too. In order to do that, if he is not going to have time yielded, I guess the only alternative would be for me to yield leader time and ask unanimous consent that we extend the time for 5 minutes beyond 12:30. Is that correct, Mr. President?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask a question of my good friend from Nevada. The Senator from Florida has raised some interesting questions about a particular group of people whom we, under our amendment, would seek to not give automatic citizenship to but the opportunity to apply. The Senator from Rhode Island has spoken eloquently about a fairly large group of applicants who are just seeking an opportunity to apply.

Does the Senator know that there is a very large group of people from Honduras that are living in the New Orleans area of Louisiana with families that will really be disrupted and separated if we don't provide some kind of response?

I wish the Senator could perhaps shed some light on how difficult it is going to be for me to have to go back to Louisiana and explain to my business leaders that I am trying to help them get visas for people to build the ships we need, to build powerplants to fuel this economy, and to bring people into this Nation, but yet I am not able to get our Senate to help us keep people who are already there employed and working in shipbuilding, running our hotels, and our hospitals.

The leader has done such a good job. I just wanted to come to the floor to say it is going to be very difficult for me to go back and say: While we gave you some help with visas for people to be brought in to help, we are taking people away from you who are already employed, and we weren't able to correct that.

Could the Senator shed some light for people who are following this debate on how it doesn't seem to make sense that on the one hand we are giving new visas to people to come into our country, and yet we are telling employers who are desperate for workers, particularly in my State of Louisiana in the New Orleans area, that we are going to actually take good workers away from them and ship them back to either Honduras or Guatemala or El Salvador?

Mr. REID. Mr. President, my friend from Louisiana is absolutely right. We know there was a promise made to Honduran immigrants in this country that their status would be adjusted the same as the Cubans and the Nicaraguans were adjusted. I was happy to recognize that the Cubans and Nicaraguans who are here deserve that. But for the Hondurans, this country has not lived up to the promise made to these people.

The Senator is absolutely right. That is why we have company after company and organization after organization supporting this legislation. Senator DURBIN has worked very hard on it, and the Senator from Louisiana has worked with him.

As has already been pointed out, supporters of the legislation include the Americans for Tax Reform, Empower American, AFL-CIO, Union of Needletrades and Industrial Textile Employees, Service Employees International Union, National Council of La Raza, League of United Latin American Citizens, Anti-Defamation League, Hadassah, The Women's Zionist Organization, Hebrew Immigrant Aid Society, Lutheran Immigration and Refugee Services, Jesuit Conference, American Bar Association, American Immigration Lawyers Association, Center for Equal Opportunity Club for Growth, Resort Recreation and Tourism Management, and the National School Transportation Association.

All we are saying is that these organizations are well-meaning. Why? Because their livelihoods depend on having people to do the work.

All we want to do is satisfy basic fairness. I think the way that we could have basic fairness is if the majority would allow us the right to vote on amendment No. 4184. It is as simple as that. I know my time is up.

Ms. LANDRIEU. I couldn't agree with the Senator more. I thank the Senator for yielding for that question.

Mr. LOTT. Mr. President, I yield myself a minute of leader time and allot the remainder of the time to Senator HATCH to comment on where we are and some of the things that have been said.

I know there is a lot of clarification and correcting that the RECORD needs.

With regard particularly to workers in shipbuilding, I believe we have plenty of people in my State of Mississippi who would be perfectly happy to fill any job that might be available in the shipyards in my State.

It is very clear what has happened. For weeks, for months, this bill has been delayed, stalled, by all kinds of demands for unrelated amendments, amendments of all kinds. That resistance still continues.

The high-tech industry indicates this is vital to them—big and small—this has to be done, and there is bipartisan support.

The time is here. We are going to see very clearly whether we want to extend these immigrants visas or not. All the delays to change the subject, deflect it, to demand votes on other things which could tangle up and cause problems for this bill will not work. We will file cloture. We are going to have successful cloture and we will either get this bill done or not.

Everybody needs to understand here and outside this Chamber that it is time we get to the issue at hand, that we have a vote, get this work done, and move on.

The Senators are entitled to make their case for other amendments. I thought we recognized last Friday in our exchange that there are other bills, there will be other venues where these amendments could possibly be considered, if that is the will of the House and the Senate and the Congress.

The point is, do we want to pass it or not? Time is running out. It is time to make that decision. We will have a clear vote on it before this week is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have heard my friends on the other side talk about how important this is. Why didn't they file the bill before July 25 of this year if it is so darned important, if politics isn't being played here.

Secondly, why did they all vote for this? Forty-three Democrats voted for cloture. If they wanted this amendment, why did they vote for cloture? They understand the rule that, by gosh, we vote for cloture, end debate, so we can pass the bill.

The high-tech industry needs this bill, but it will be brought down if we can't get it passed. The Latino fairness bill has not even had 1 day of hearings. Yet they want to grant amnesty to illegal aliens of at least a half million, and some think up to 2 million people, without 1 day of hearings. Where are the amendments to increase the number of legal immigrants?

In 1996, we had a major debate on immigration and there was a serious effort to restrict the numbers of legal immigrants. I fought the fight to preserve the number of legal immigrants. That is Latino fairness. What my colleagues are advocating is a major amnesty program for illegal immigrants, without 1 day of hearing.

Let's just understand the 1982, 1986 situation. The fact is the bill before us, while termed "Latino fairness," does nothing to increase or preserve the categories of illegal immigrants allowed in this country annually. If you listen to their arguments, why don't we just forget all our immigration laws and let everybody come in? There is an argument for everybody.

We all know what is going on: This is a doggone political game, stopping a very important bill that 94 people basically voted for today in voting to invoke cloture.

Their idea does nothing to shorten the long waiting period or the hurdles of persons waiting years to come to this country, playing by the rules to wait their turn. What we hear is an urgent call to grant broad amnesty to what could be more than a million to two million illegal aliens. Now, let's be clear about what is at issue here. Some refer to the fact that a certain class of persons that may have been entitled to amnesty in 1986, have been unfairly treated and should therefore be granted amnesty now. That is one issue, and I am certainly prepared to discuss—outside the context of S. 2045—what we might be able to do to help that class of persons. But that is not really what S. 2912 is about. Rather, this bill also covers that class plus hundreds of thousands, if not millions of illegal aliens who were never eligible for amnesty under the 1986 Act because that Act only went back to 1982.

This is a difficult issue, Mr. President, and one with major policy implications for the future. When we supported amnesty in 1986, it was not with the assumption that this was going to be a continuous process. What kind of signal does this send? On the one hand, our government spends millions each year to combat illegal immigration and deports thousands of persons each year who are here illegally. But—But if an illegal alien can manage to escape law enforcement for long enough, we reward that person with citizenship, or at least permanent resident status.

Finally, Mr. President, I hope that my colleagues are aware of the cost of this bill to American taxpayers. Specifically, a draft and preliminary CBO estimate indicates this bill comes with a price tag just short of $1.4 billion over 10 years.

The bottom line is that the Senate is not and should not be prepared to consider this bill at this time. It raises far-reaching questions concerning immigration policy, whose consequences have never been addressed by proponents.

Mr. REID. Mr. President, my final few minutes is time that has been given to me by the leader and that time that I claim for myself to deal with the pending legislation, the postcloture debate.

My friend from Utah indicated he was wondering why we didn't file our legislation prior to May of this year. I say to my friend from Utah, as he knows, we have been working on this legislation for more than 2 years, following the 1996 legislation, which has caused much of the controversy and consternation to immigrants. That is the reason this legislation is coming forward—one of the main reasons. Furthermore, one of the main components of the Latino and Immigrant Fairness Act would update the date of registry. I introduced legislation in August of 1999—last year—and updated legislation in April of this year, to change the date of registry. So, I respect this isn't something we just started working on. We have been fighting for these provisions for years.

We have talked about this. In fact, in May of this year, I wrote a letter to the majority leader urging him to move expeditiously to allow us time on the floor to consider the H-1B legislation. There have been no surprises. There has been adequate time for all the committees of jurisdiction to hear this legislation at great length. There have certainly been no surprises.

I repeat what was said earlier in this debate. The Democrats, by virtue of this record, support H-1B. We voted for cloture. We believe this legislation should move forward. But in the process of it moving forward, we think in fairness that the legislation about which we speak; namely, the Latino and Immigrant Fairness Act of 2000, should move forward also.

I repeat, if my friends on the other side of the aisle do not like the legislation, then they should vote against it. We are not trying to take up the valuable time of this Senate. But what we are doing is saying we want to move forward on this legislation, and we are not going to budge from this Congress until this legislation is passed.

We have a record that substantiates the statement I just made. No. 1, we moved Friday, we moved today, to proceed on this legislation. We have been denied that opportunity.

No. 2, we have letters signed by more than 40 Senators and we have more than 150 House Members who have signed a letter to the President, saying if he vetoes this legislation, we will certainly support his veto. Your veto will be based on the fact that the Latino and Immigrant Fairness Act of 2000 is not included in something coming out of this Congress.

What we are looking to, and the vehicle that should go forward, is the Commerce-Justice-State appropriations bill. But if there is some other area, we will also support the President's veto on that.

This legislation, among other things, seeks to provide permanent and legally defined groups of immigrants who are already here, already working, already contributing to the tax base and social fabric of our country, with a way to gain U.S. citizenship. They are people who are already here. They are working or have been working. The only reason they are now not working is because the Immigration and Naturalization Service slipped into the 1996 bill that these people, like the people in Nevada, are not entitled to due process. Some of my constituents in Nevada have not had the ability to have their work permits renewed. They have been rejected. Some have been taken away from them. People lost their homes, their cars, their jobs. I am sorry to say in some instances it has even caused divorce. It has caused domestic abuse, domestic violence. People who have been gainfully employed suddenly find themselves without a job. . .their families torn apart.

We want a vote, an up-or-down vote. As I have said, we don't want a lot of time. We will take 10 minutes, 5 minutes for the majority, 5 minutes by the minority: Vote on this bill. We will take it as it is written.

I think anything less than an up-or-down vote on this shows the majority, who in effect run this Senate, are unwilling to take what we do not believe is a hard vote. From their perspective, I guess it is a hard vote because they do not want to be on record voting against basic fairness for people who are here. Although we are willing to vote to bring 200,000 people to this country—we support that, too—we think in addition to the people who are coming here for high-tech jobs, the people who have skilled and semiskilled jobs, who are badly needed in this country, also need the basic fairness that this legislation provides.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

The PRESIDING OFFICER. The Senator from Georgia.

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Oklahoma, objects.

Objection is heard.

The clerk will call the roll.

The assistant legislative clerk continued the call of the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MURKOWSKI. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue the call of the role.

The assistant legislative clerk continued the call of the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that Senator MCCAIN, Senator BREAUX, and Senator MURRAY be recognized to speak on the issue of pipeline safety for up to 15 minutes, followed by Senator REID for 9 minutes; Senator MURKOWSKI to be recognized to speak for 20 minutes on energy policy; Senator DURBIN for up to an hour on postcloture debate; and that all time be charged to the postcloture debate. Further, I ask unanimous consent that no action occur during the above described time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Alaska we would like to proceed on the postcloture debate as rapidly as possible. We have a number of people who want to speak on that. I hope that this afternoon we can move along.

I also ask that the unanimous consent agreement be changed to allow Senator WELLSTONE 5 minutes for purposes of introduction of a bill. He would follow Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. REID. The ranking member and the chairman of the committee also asked that following Senator WELLSTONE, Senator HATCH be recognized for 30 minutes and Senator KENNEDY be recognized for 30 minutes.

Mr. MURKOWSKI. I have another request that Senator THOMAS be recognized for 5 minutes in the order.

Mr. REID. Democrat, Republican; Democrat, Republican.

Mr. MURKOWSKI. That is fair enough to me.

Mr. REID. I ask, further, that Senator BIDEN be allowed 15 minutes. We would also say, if there is a Republican who wishes to stand in before that, or after Senator BIDEN, they be given 15 minutes.

Mr. MURKOWSKI. I wonder if I could ask the Presiding Officer—so we will have the clarification of the words—to indicate what the unanimous consent request is.

The PRESIDING OFFICER. The Chair would repeat the original unanimous consent request and add to that, Senator WELLSTONE for 5 minutes, Senator HATCH for 30 minutes, Senator KENNEDY for 30 minutes, Senator THOMAS for 5 minutes, Senator BIDEN for 15 minutes, and a Republican to be named later for 15 minutes, alternating from side to side.

That is the amended unanimous consent request.

Mr. MURKOWSKI. I believe Senator THOMAS wanted to follow Senator WELLSTONE with 5 minutes.

Mr. REID. That is fine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Louisiana.

Mr. BREAUX. Mr. President, thank you.

## PIPELINE SAFETY LEGISLATION

Mr. BREAUX. Mr. President, I want to take a few minutes to speak to my colleagues in this body as well as to our colleagues in the other body regarding the subject on which the Senate has spent a considerable amount of time; that is, pipeline safety, legislation which passed the Senate by a unanimous vote, with Republicans and Democrats supporting a unanimous consent request to pass this legislation without any dissent and without any arguments against it whatsoever.

On September 9, that bill passed the Senate and is now pending over in the other body where our House colleagues are taking a look at this legislation, trying to figure out what course they should take.

This legislation passed this body by unanimous consent because of the good work for over a year by colleagues in both parties. I particularly commend and thank the chairman, who I understand is coming over from the Commerce Committee, Senator McCAIN, for his good work and for working with me as a member of the committee but also taking the rather unusual step of inviting other interested Senators to actually participate in the markup in the Commerce Committee.

I credit Senator McCAIN for making it possible for Senator MURRAY of Washington to come over and actually sit in on the hearings, which is unusual for a Member, to take the time not only to attend to her duties in her own committee but to take time to listen to witnesses in another committee, which she did sitting at the podium with those of us on the Commerce Committee and also participating in asking questions.

It was a good combination between what Senator McCAIN allowed, which was a little unusual, and what Senator MURRAY was able to participate in because of her strong interest and because of what has happened in her State with the recent tragic accident involving a pipeline which exploded, resulting in the tragic death of individuals from her State.

The result of those hearings was a compromise piece of legislation, which is a 100-percent improvement over the current situation with regard to how we look at the issue of pipeline safety. This is an issue that is extremely important to my State. We have over 40,000 miles of buried natural gas pipelines in the State of Louisiana.

If you look at a map of our State, it shows all of the buried pipelines. It looks like a map of spaghetti in an Italian restaurant because we have pipelines all over our State transporting the largest amount of natural gas coming from the offshore Gulf of Mexico as well as onshore pipelines that distribute gas not just to the constituents of my State but to constituents throughout the United States who depend upon Louisiana for a dependable source of natural gas. Pipelines in Louisiana are important not just to Louisianians but also to people from throughout this Nation.

The bill we have is one that requires periodic pipeline testing. It says if we can do it from an internal inspection, we will do it that way. If that is not possible, we have to do it with what we call a "direct assessment" of the lines, which actually means companies would have to dig them up and physically inspect the lines.

We require enhanced operator qualifications to make sure the people who are doing the work are trained and have a background in this particular area. We call for investments in technology to look at better ways of doing what is necessary to ensure their safety.

States would be given an increased role. But I have to say that the primary role would be the Federal Government's because these are interstate pipelines we are talking about under the pipeline safety area.

Communities would also be given increased involvement. I think it is important to let them know where the lines are and that they are being inspected and also to hear their suggestions. They don't regulate the pipeline safety requirements, but they should be involved by being heard.

I think to the credit of everybody, particularly Senator MURRAY, this type of feature involving local community involvement is 100 percent better than it used to be because in the past there was very little involvement whatsoever.

The problem we take to the floor today to talk about is time. This is not rocket science. We don't have a lot of time to complete this bill. We hope our colleagues in the House who use this Senate vehicle will bring it to the floor in the other body and handle it in an expeditious fashion.

I repeat, this bill passed the Senate by a unanimous vote. It should not be controversial. It should be something that our friends and colleagues in the other body, Republican or Democrat, would be able to say we worked together with our Senate colleagues in an equal fashion and came to an agreement that this is good legislation.

It increases the safety of pipelines that are buried throughout the United States to help assure that we will not have some of the tragic events we have had in the past. The companies we have dealt with in my State support this measure. They want some improvements. They have been very helpful in making suggestions, as well as individuals and groups of concerned citizens who have made recommendations. We have taken all of them into consideration. We have a good piece of legislation that we hope our colleagues will be able to take up. Let's get it signed. If we let some of the details guide the actions in the other body, unfortunately, we may end up with nothing instead of a good bill.

I think we should recommend this to our colleagues and do so today.

Mrs. MURRAY. I thank my colleague from Louisiana for his efforts in making sure we pass a bill that will improve the safety of family and children who work or play near pipelines in this country. He is right; the House has an obligation now to take up the bill that we have passed in the Senate and move it forward. I thank him and I agree with his comments.

We have been joined by the chair of the Commerce Committee, Senator McCAIN, who has done a tremendous job in moving this legislation forward. I personally thank him, as well.

It has been 16 months since a pipeline exploded in Bellingham, Washington and killed 3 young people. Back then, few Americans knew about the dangers of our Nation's aging pipelines. But in the past year—especially after the explosion in New Mexico last month—it became clear that this Congress had to do more to protect the public.

As my colleagues know, it is difficult to reform any major industry in just one year. But it was clear that we couldn't wait any longer to make pipelines safer. We in the Senate had a responsibility to protect the public, and I am pleased that the bill we passed earlier this month will go a long way to making pipelines safer. It is a dramatic improvement over the status quo.

That's why I've been so dismayed by what has happened in the House in recent weeks. The House of Representatives has not passed—or even marked up—any pipeline bill, but some Members have already called our bill inadequate. They also claim that they can pass a better bill this year—with just a few scheduled legislative days left in this Congress. I don't see it happening.

I have worked on this issue for over a year and that's why I want to address those claims—because they are based on three incorrect assumptions. The first fallacy is that the Senate bill will not improve safety. We worked long and hard over many months to pass a strong bill. And this bill will improve safety.

Let's look at some of the provisions.

Expanding the public's right to know about pipeline hazards;

Requiring pipeline operators to test their pipelines;

Requiring pipeline operators to certify their personnel;

Requiring smaller spills to be reported;

Raising the penalties for safety violators;

Investing in new technology to improve pipeline safety;

Protecting whistle blowers;

Increasing state oversight; and

Increasing funding for safety efforts.

These are clear improvements over the status quo and they will make pipelines safer. This is not a perfect bill, but we should not make the perfect the enemy of the good. Let's take the steps we can now to improve pipeline safety.

Some also suggest that the Senate bill relies on the Office of Pipeline Safety too much. Now it is clear that OPS has not done its job in the past. That is why this bill requires OPS to carry out congressional mandates. And we in Congress have a responsibility to hold OPS accountable for doing its job. I intend to remain vigilant in this area.

Our bill includes more resources for the agency. And today public scrutiny on the agency—especially after a report by the General Accounting Office and a report I requested from DOT's inspector general—have put the agency under a microscope. I am confident that OPS today has a renewed commitment to safety. And I am pleased our bill includes the right amount of new resources and tools to make pipelines safer.

Let me turn to another assumption that has been made by some.

They suggest this bill could be amended significantly this year. That's a long process even under normal circumstances. And this year there are only a few days left. I don't see how it could happen this year.

So some critics say—we'll start again next year—we'll do better next year. That means it will be at least a year—maybe longer before the issue is even brought up again.

And how can we have so much faith that we'll get anything stronger—or anything at all—under a new Congress and a new President?

Let me ask a simple question:

Would you take that bet if your family's safety depended on it? I wouldn't. And I don't think we can shirk our responsibility to protect the public this year.

Before I finish, I do want to say something about those who have raised concerns about the Senate bill. They are good people with good motives.

In some cases, they have paid too high a price. They want safer pipelines. That is exactly what I want. Unfortunately, here in Congress—their position ends up "making the perfect the enemy of the good." And that means no reform at all.

Looking for some "better bill" really means no bill at all this year. Rejecting the Senate bill really means accepting the inadequate, unsafe status quo for at least another year. I don't want another American family to look at this Congress and say, "why did you drop the ball when you were so much closer to improving safety?"

Passing the Senate bill means we will finally get on the road to making pipelines safer. Once we're on that road we can always make course corrections. But we've got to get on that road to start with and that's why I urge my colleagues in the House to pass the Senate bill immediately.

We've got a strong bill. Let's put it into law.

Let me make it clear: It is critical that the House take up this bill this year. Senator McCAIN has done an outstanding job. We owe the people in my State, New Mexico, and other States that have had accidents, to do the right thing this year. I encourage this Congress to act.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. McCAIN. Mr. President, before she leaves the floor, I thank Senator MURRAY. Without her unrelenting efforts and that of her colleague, Senator GORTON, I know we would not have passed the legislation through the Senate, and I know it would not have been as comprehensive nor as carefully done. I thank the Senator from Washington for her outstanding work, including that on behalf of the families who suffered in this terrible tragedy in her home State. I come to the floor today to once again bring to the attention of my colleagues the urgency of passing and sending to the President pipeline safety improvement legislation. While the Senate acted two weeks ago and passed S. 2438, the Pipeline Safety Improvement Act of 2000, the House has yet to take action on pipeline safety legislation. Despite the efforts of Mr. FRANKS, chairman of the House Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, who has introduced pipeline safety legislation that is almost identical to S. 2438, the full House has not advanced a pipeline safety bill. Time is running out.

I thank our colleague from Louisiana, Senator BREAUX, for his active participation. His knowledge and expertise on this issue has been essential.

Mr. President, each day that passes without enactment of comprehensive pipeline safety legislation like that approved unanimously by the Senate places public safety at risk. As my colleagues may recall, just prior to Senate passage of the Pipeline Safety Improvement Act, a 12-inch propane pipeline exploded in Abilene Texas, after being ruptured by a bulldozer. That accident resulted in the fatality of a police officer. Sadly, that accident brings the total lives that have been lost in recent accidents to 16.

In Abilene, the victim was a 42-year-old police detective who just happened to pass by in his car as the propane exploded across State Highway 36. Just last month, 12 individuals lost their lives near Carlsbad, New Mexico, after the rupture of a natural gas transmission line. And we cannot forget about last year's tragic accident in Bellingham, Washington, that claimed the lives of three young men.

I repeat what I said two weeks ago during the Senate's consideration of the Pipeline Safety Improvement Act: we simply must act now to remedy identified safety problems and improve pipeline safety. To do less is a risk to public safety and will perhaps result in even more needless deaths.

It is my hope that I will not have to come to this floor again to implore our colleagues in the House to take action. It is not typical for me to urge the other body to take up a Senate bill without modification, but time is running out.

I also point out the strong support of our legislation by the administration.

I will quote from Secretary Slater's press release issued after Senate passage of S. 2438:

> I commend the U.S. Senate for taking swift and decisive action in passing the Pipeline Safety Improvement Act of 2000. This legislation is critical to make much-needed improvements to the pipeline safety program. It provides for stronger enforcement, mandatory testing of all pipelines, community right-to-know information, and additional resources.

I further want to point out my disappointment that some in the other body are willing to put safety at risk for what appears to be pure political gain.

I am aware of a series of "Dear Colleagues" transmitted by some in the House harshly criticizing the Senate bill. This same bill, unanimously approved by the Senate, is strongly supported by Secretary Slater for being a strong bill to advance safety. Therefore, I find the criticism by a handful of House Members quite revealing when one of those harshest critics only last year voted in support of moving a clean 2-year reauthorization of the Pipeline Safety Act out of the House Commerce Committee and the other critic has not taken any action that I have seen to advance pipeline safety during this session. They just don't want a bill because they are betting on being in charge next year. That is the kind of leadership the American people would reject.

I do not consider enacting S. 2438 to be the end of our work in this area. Indeed, I commit to our colleagues to continue our efforts to advance pipeline safety during the next Congress.

I am willing for the committee to continue to hold hearings on pipeline safety and will work to advance additional proposals that my colleagues submit to promote it. But little more can be done in the time remaining in the session. I don't see how it could be possible to move any other pipeline safety bill prior to adjournment. Therefore, it is urgent for the House to act now.

The time is long overdue for Congress and the President to take action to strengthen and improve pipeline safety. We simply cannot risk the loss of any more lives by lack of needed attention on our part. Therefore, I urge my colleagues in the House to join ranks and support passage of pipeline safety reform legislation immediately so we can send the bill on to the President for his signature. Lives are at risk if we don't act now.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I ask how much time I am allotted under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Alaska is provided up to 20 minutes.

## ENERGY

Mr. MURKOWSKI. Mr. President, I rise to address the Energy bill which has been introduced by Senator LOTT. We have had a good deal of discussion about this country's continuing dependence on imported petroleum products, particularly crude oil, to the point that currently we are about 58-percent dependent.

As a consequence of the concern over the lack of adequate heating oil supplies, particularly in the eastern seaboard, the President, on the recommendation of the Vice President, made a determination to release about 30 million barrels from the Strategic Petroleum Reserve. That is a significant event.

I question the legality of that action. I question the meaning or significance of that action, but we can get into that a little later in my comments. I am also going to touch on our realization of the high price of natural gas, following our recognition of our dependence on imported oil.

Oftentimes, we do not see ourselves as others see us. I am going to read a paragraph from the New York Times article of September 26 called "Candidate In The Balance." It is by Thomas L. Friedman.

I quote:

> Tokyo. It's interesting watching the American oil crisis debate from here in Tokyo. The Japanese are cool as cucumbers today—no oil protests, no gas lines, no politicians making crazy promises. That's because Japan has been preparing for this day since the 1973 oil crisis by steadily introducing natural gas, nuclear power, high-speed mass transit and conservation, and thereby steadily reducing its dependence on foreign oil. And unlike the U.S., the Japanese never wavered from that goal by falling off the wagon and becoming addicted to S.U.V.'s—those they just make for the Americans.

I think there is a lot of truth to that. As we reflect on where we are today, I think we have had an acknowledgement at certain levels within the administration that they have been "asleep at the wheel" relative to our increasing dependence on imported oil.

This did not occur overnight. This has been coming on for some time. We can cite specifics over the last 7 or 8 years, and in every section, U.S. demand is outpacing U.S. supply.

We saw crude oil prices last week at a 10-year high—$37 a barrel—twice what they were at this time last year.

It is rather interesting to note the Vice President's comments the other day that the high price of oil was due to profiteering by big oil. That is certainly a convenient political twist, isn't it—profiteering by big oil. There was no mention that last year big oil was very generously making crude oil available at $10 a barrel. You think they did that out of generosity? Who sets the price of oil? Does Exxon? British Petroleum? Phillips?

Big oil isn't the culprit; it is our dependence on the supplier. Who is the supplier? The supplier is OPEC, Saudi Arabia, Venezuela, Mexico. They have it for sale. We are 58-percent dependent, so they set the price.

With crude oil at a 10-year high, gasoline prices are once again above $1.57, $1.59, in some areas $2 a gallon.

Natural gas—here is the culprit, here is what is coming, here is the train wreck—$5.25 to $5.30 for deliveries in the Midwest next month. What was it 9 months ago? It was $2.16. Think of that difference.

Utilities inventories are 15-percent below last winter's level. How many homes in America are dependent on natural gas for heating? The answer is 50 percent, a little over 50 percent; that is, 56 million homes are dependent on natural gas in this country. How many on fuel oil? Roughly 11 million.

What about our electric power generation? Fifteen percent of it currently comes from natural gas. What is the increasing demand for natural gas? We are consuming 22 trillion cubic feet now. The projections are better than 30 trillion cubic feet by the year 2010.

The administration conveniently touts natural gas as its clean fuel for the future, but it will not allow us to go into the areas where we can produce more.

I remind my colleagues, I remind the Secretary of Energy, and I remind the Vice President and the President, there is no Strategic Petroleum Reserve for natural gas. You can't go out and bail this one out, Mr. President. The administration has placed Federal lands off limits to new natural gas exploration and production.

More than 50 percent of the overthrust belt—the Rocky Mountain area, Montana, Wyoming, Colorado—has been put off limits for exploration. We have a Forest Service roadless policy locking up an additional 40 million acres; a moratorium on OCS drilling until the year 2012. The Vice President said he would even consider canceling existing leases.

You have a situation with increased demand and no new supply. What does this add up to? Higher energy prices for consumers this winter—a train wreck. This is going to happen. Yet the administration sits idly by and hopes the election can take place before the voters read their fuel bills.

So there we are. We now have situations in California, in San Diego, of electricity price spikes. We have possible brownouts. The reason is, there is no new generation. You can't get permits for coal-fired plants.

It takes so long to get new generation on line.

Heating and fuel oil inventories, as I have indicated, are at the lowest level in decades, leaving us unprepared for winter. It is a lack of overall energy policy.

As to nuclear energy, 20 percent of the total power generated in this country comes from it. We can't address what to do about the waste. This body stands one vote short of a veto override to proceed with the commitments that we made to take that waste from the industry, waste that the consumers have been paying for the Federal Government to take for the last two decades.

Consumers have paid about $11 billion into that fund. The Federal Government was supposed to take the waste in 1998. It is in breach of its contract. The court has ruled that the industry can recover, and they can bypass anything but the Court of Claims. That is how far that has gone.

Let's look at crude oil and SPR.

With crude oil prices on the rise again, the administration has had to go back to OPEC time and time again to ask for more foreign oil. The assumption is, if they ask for 800,000 barrels, we get 800,000 barrels. We get 17 percent of that. That is about 130,000 barrels. That is our portion. Everybody gets some of OPEC's increased production.

Foreign imports into this country in June were 58 percent. Compare that with 36 percent during the 1973 Arab oil embargo. Recall the gasoline lines around the block at that time. The public was outraged. They blamed everybody, including Government. Sounds familiar, doesn't it?

Ask Tony Blair from Great Britain how he feels about the protests in England and everywhere else in Europe. It is threatening some governments.

To ensure we have a supply to fall back on, in 1973, 1974, 1975, we created the Strategic Petroleum Reserve or SPR. That was our response to the Arab oil embargo. We have about 571 million barrels of storage in SPR. SPR was set up to respond to a severe supply interruption, not to manipulate consumer price for a political effect.

We can only draw down about 4.1 million barrels per day from SPR. Remember something a lot of Americans, a lot of people in the media, do not understand: The Strategic Petroleum Reserve is not full of heating oil or gasoline or kerosene. It is full of crude oil. The crude oil has to be transported to a refinery. Our refineries are running at 96 percent of capacity.

The Vice President wants to release 30 million barrels from SPR to "lower prices" for consumers. I question the legality of that at this time because a drawdown can only occur if the President has found that a severe energy supply interruption has occurred. The Secretary released oil without any such finding. His excuse is that this is not a drawdown; it is a swap or an exchange.

This is the largest release of oil from SPR in its 25-year history, larger than during the gulf war.

Secretary Richardson stated today that the 30 million barrels of crude released from SPR may produce 3 to 5 million barrels of new heating oil. The U.S. uses 1 million barrels of heating oil per day.

So the obvious increase is 3, 4, 5 days' supply. That is not very much, is it? The Secretary's action regarding SPR may have an impact on price but may not have a significant impact on the supply of heating oil. That is just the harsh reality.

What about others? Well, Secretary of the Treasury Summers has indicated it is bad policy. He felt so strongly, he wrote a letter to Alan Greenspan. We have a copy of the memorandum that went from Mr. Summers, Secretary of the Treasury, to Alan Greenspan. I will refer to it in a moment.

Releasing SPR now weakens our ability to respond later to real supply emergencies. That is obvious to everyone. But I do want to enter into the RECORD this letter, a memorandum of September 13 from Lawrence H. Summers, Secretary of the Treasury, to the President. The memorandum is entitled "Strategic Petroleum Reserve." Page 2, top paragraph:

> Using the SPR at this time would be seen as a radical departure from past practice and an attempt to manipulate prices. The SPR was created to respond to supply disruptions and has never been used simply to respond to high prices or a tight market.

I don't think there is any question about the intent of that statement. It is bad policy. Alan Greenspan has indicated an agreement, or at least that is the impression we get.

The action that I indicated was illegal is illegal because it requires a Presidential finding. It is contrary to the intent of the authority for the transfer. And besides, we have not reauthorized the Strategic Petroleum Reserve. It is held up in this body by a Senator on the other side who is objecting to the reauthorization of EPCA, which contains the reauthorization for the Strategic Petroleum Reserve. Releasing SPR oil now, as I indicated, weakens our ability to respond later to real supply emergencies.

Where were we 7 years ago with regard to SPR? We had an 86-day day supply of crude oil in SPR. Today, we have a 50-day supply. The administration has previously sold almost 28 million barrels. They sold it at a loss of $420 million, the theory being you buy high and you sell low. I guess the taxpayers foot the bill by making it up with the increased activity. I don't know what their logic has been, but that is the history.

Earlier this year, the Vice President stated: Opening SPR would be a compromise on our national energy security. He made that statement. Obviously, he has seen fit to change his mind. Everybody can change their minds, but nevertheless I think it represents an inconsistency. What we need is a real solution, reducing our reliance on foreign oil by increasing domestic production and using alternative fuels, incentives, conservation, weatherization. I could talk more on that later.

Also, it is interesting to note that the Vice President indicated his familiarization with SPR, that he was instrumental in the setting up of it. As we have noted, he was not in the Senate under the Ford administration when it was established. That is kind of interesting because it suggests that he is happy to get aboard on the issue and, again, may have had a significant role, but it is pretty hard to find the record showing him having an active role.

Another point is our increased dependence on Saddam Hussein and the threat to our national security in the sense that we are now importing about 750,000 barrels of oil from Iraq a day. Just before this administration, we carried out Desert Storm, in 1991–1992. We had 147 Americans killed, 460 wounded, 23 taken prisoner. We continued to enforce, and continue today to enforce, a no-fly zone; that is, an aerial blockade. We have had flown over 200,000 sorties since the end of Desert Storm. It is estimated to cost the American taxpayer about $50 million. Yet this administration appears to become more reliant on Iraqi oil.

What we have is a supply and demand issue. Domestic production has declined 17 percent; domestic demand has gone up 14 percent. Iraq is the fastest growing source of U.S. foreign oil—as I said, 750,000 barrels a day, nearly 30 percent of all Iraq's exports. We have been unable to proceed with our U.N. inspections in Iraq. There is illegal oil trading underway with other Arab nations; we know about it. Profits go to development of weapons of mass destruction, training of the Republican Guard, developing missile delivery capabilities, biological capabilities.

This guy is up to no good; there is absolutely no question about it. The international community is critical of the sanctions towards Iraq. But consider this: Saddam Hussein is known to put Iraqi civilians in harm's way when we retaliate with aerial raids. Saddam has used chemical weapons against his own people in his own territory. He could have ended sanctions at any time—by turning over his weapons of mass destruction for inspection; that is all. Yet he rebuilds his capacity to produce more. He cares more about these weapons than he apparently cares about his own people. That he is able to dictate our energy future is a tragedy of great proportion. Still, the administration doesn't seem to get the pitch. Saddam gets more aggressive. His every speech ends with "death to Israel." If there is any threat to Israel's security, it is Saddam Hussein.

He has a $14,000 bounty on each American plane shot down by his gunnery crews. He accuses Kuwait of stealing Iraqi oil—here we go again—the same activity before he invaded Kuwait in 1990. Saddam is willing to use oil to gain further concessions. The U.N. granted Kuwait $15 billion in gulf war compensation. Iraq has retaliated and said it will cut off exports. OPEC's spare capacity can't make up the difference.

He has the leverage. We really haven't focused in on that. The U.N. postpones compensation hearings until after U.S. elections for fear of the impact on the world market. He is dictating the terms and conditions. He says: You force me to pay Kuwait and I will reduce production. We can't stand that because that is the difference between roughly the world's capacity to produce oil and the world's demand for that oil. And Saddam Hussein holds that difference.

I ask unanimous consent to proceed for another 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

I will try this approach because I think it references our foreign policy. If I get this right, we send him our dollars, he sells us the oil, we put the oil in our airplanes and go bomb him. Have I got that right? We buy his oil, fill our planes, and go bomb him. What kind of a foreign policy is that? He has us over a barrel, and it is a barrel of oil.

Another issue that is conveniently forgotten is refinery supply. Supply of crude oil is not the only issue. Even if we had more, we don't currently have the capacity to refine it. That is what is wrong with releasing oil from SPR. We don't have the ability for our refineries to take more product currently. That is unfortunate, but it is a reality.

We had a hearing this morning. The industry said they are up to maximum capacity with refinery utilization at 96 percent. We haven't built a new refinery for nearly a quarter century. We have had 36 refineries closed in this country in the last 10 years. This is due to EPA regulations.

We have the issue of reformulated gas. We have nine different geographical reformulated gasolines in this country. The necessity of that is the dictate from EPA. I am not going to go into that, but fuels made for Oregon are not suitable for California; fuels made for Maryland can't be sold in Baltimore; Chicago fuels can't be sold in Detroit. We are making designer gasoline. The result: Refiners do not have the flexibility to move supplies around the country or respond to the shortages.

The administration's response? Well, it is pretty hard to identify. They are trying to duck responsibility, hoping this issue will go away before the election takes place and the voters get their winter fuel bills. They are trying to keep this "train wreck" from occurring on their watch. They blame "big oil" for profiteering.

Think this thing through. Big oil profiteering: Where was big oil when they gave it away at $10 a barrel last year? Who sets the price? Well, it is OPEC, Saudi Arabia, Venezuela, and Mexico, because they have the leverage; they have the supply. I think the American people are too smart to buy the issue of big oil profiteering. And the issue related to the industry is that during the time that we had $10 oil, we weren't drilling for any gas. We lost about 57,000 gas wells, and I think 136,000 oil wells were taken out of production. Many were small.

So if we look at the areas where we get our energy, it is pretty hard to assume that there is any support in the area of domestic production and exploration because there is a reluctance to open up public land.

We have seen 17 percent less production since Clinton-Gore took office. They oppose the use of plentiful American coal. EPA permits make it uneconomic. We haven't had a new coal-fired plant in this country in the last several years. They force the nuclear industry to choke on its own waste. Yet the U.S. Federal Court of Appeals now says the utilities with nuclear plants can sue the Federal Government because it won't store the waste. That could cost the taxpayer $40 billion to $80 billion. They threaten to tear down the hydroelectric dams and replace barge traffic on the river system by putting it on the highways. That is a tradeoff? They ignore electric reliability and supply concerns, price spikes in California, no new generation or transmission. They claim to support increased use of natural gas while restricting supply and preventing new exploration.

The Vice President indicated in a speech in Rye, NH, on October 21, 1999, he would oppose further offshore leasing and would even look to canceling some existing leases. Where are we headed? Downhill. It means higher natural gas prices, higher oil prices, higher gasoline and fuel oil prices, plus higher electricity prices. That equals, in my book, inflation.

We have been poking inflation in the ribs with higher energy prices, driving all consumer prices higher. One-third of our balance of payments is the cost of imported oil. We are a high-tech society. We use a lot of electricity for our activities—computer activities, e-mail, and everything else. All this boils down to the makings of a potential economic meltdown.

What we need is a national energy strategy which recognizes the need for a balanced approach to meeting our energy needs. We need all of the existing energy sources. We have the National Energy Security Act before us on this floor. We want to increase energy efficiency, maximize utilization of alternative fuels/renewables, and increase domestic oil supply and gas production. We want to reauthorize EPCA, reauthorize the Strategic Petroleum Reserve. Our bill would increase our domestic energy supplies of coal, oil, and natural gas by allowing frontier royalty relief, improving Federal oil/gas lease management, providing tax incentives for production, and assuring price certainty for small producers.

We want to allow new exploration. Twenty percent of the oil has come from my State of Alaska in the last two decades. We can open up the Arctic Coastal Plain safely, and everybody knows it. The reason is that we want to promote new clean coal technology, protect consumers against seasonal price spikes, and foster increased energy efficiency.

Regardless of how you say it, American consumers really need to understand that this train wreck is occurring and it is occurring now. We have to develop a balanced and comprehensive energy strategy, one that takes economic and environmental factors into account at the same time, and one that provides the prospect of a cleaner, more secure energy in the future.

We have this energy strategy. We have it proposed. It is on the floor of this body. This administration does not. They are just hoping the train wreck doesn't happen on their watch. The consequences of over 7 years of failed Clinton-Gore energy policies are now being felt in the pocketbooks of working American families. Mr. President, we deserve better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 1 hour.

## THE ENERGY CRISIS

Mr. DURBIN. Mr. President, I would be remiss, following the remarks of the Senator from Alaska, if I didn't comment on the whole energy issue, which is one of great concern to families, individuals, and businesses across America.

I have listened carefully as critics of the Clinton-Gore administration came out with statistics about the reason for our plight today. One that is often quoted, and was quoted again by the Senator from Alaska, is the fact that we have not built a new refinery in the United States for the last 24 years. I have heard this over and over again. There are two things worth noting. If I am not mistaken, during the last 24 years, in only 8 of those years have we had a Democratic administration. So if there has been any laxity or lack of diligence on the energy issue, I think that statement reflects on other administrations as much as, if not more than, the current administration.

Secondly, the people who make that statement hardly ever note that existing refineries have been expanded dramatically across the United States. That is the case in Illinois and in so many other States. I think it is worth noting that to say we have ignored the increased energy demands for our economy is not a complete statement. We have responded to them. The question, obviously, is whether we have responded enough.

There have also been statements made as to whether oil companies have been guilty of price gouging or profiteering. Those of us in the Midwest who, this spring, endured increases in gasoline prices of $1 a gallon, and more, in a very short period of time did not believe that market forces were at work. We believed what was at work was the forces of monopolies that virtually can dictate prices to American consumers. We were not alone in our belief. The Federal Trade Commission, after looking at the issue, could find no reasonable economic or market explanation for this increase in gasoline prices in Chicago or Milwaukee.

The other side would blame the Environmental Protection Agency and virtually everybody connected with the Clinton administration. Yet there was no evidence to back up those claims. As a consequence, the FTC is investigating oil companies to determine whether or not they did take advantage of consumers, businesses, and families across the Midwest. We believe it cost tens of millions of dollars to our local economy, and I believe if any fine is ultimately imposed on the oil companies, it should go to benefit the businesses and families who were the victims of these high gasoline prices by these oil companies.

The Senator from Alaska also made reference to the decision of this administration within the last few days to release oil on a swap basis from the Strategic Petroleum Reserve. It was a hot topic. Mr. Bush and Mr. GORE were involved in this debate for a long period of time. The question, obviously, is whether or not it is going to have any impact on our growing concern about the cost of fuel and energy, particularly the cost of heating oil. Well, we might be able to speculate for a long time, but we don't have to.

I call the attention of my colleagues in the Senate to this morning's Washington Post in the business section. The headline reads "Price of Crude Oil Drops Below $32." Let me read from this article by Kenneth Bredemeier of the Washington Post:

> The price of oil fell to its lowest level in a month yesterday in the wake of the Clinton administration's announcement last week that it is releasing 30 million barrels of oil

> from the Strategic Petroleum Reserve to help ensure adequate supplies of home heating oil this winter.

He goes on:

> "It was not unexpected," said John Lichtblau, chairman of the Petroleum Industry Research Foundation. "It reflects the fact that inventories will be increased. This is not a sharp decline, but it is headed in the right direction. They could fall somewhat more."
>
> Lichtblau said that while very recently there had been speculation about $40-a-gallon oil, "now there's speculation that it will drop to below $30. The assumption has changed directionally."

So those who would argue against Vice President GORE and President Clinton's position on the Strategic Petroleum Reserve, saying it won't help consumers and families and it won't help businesses, frankly, have been proven wrong by this morning's headline in the business section of the Washington Post. This is not a campaign publication, this is a report on the realities of the market. Of course, we can't stop with that effort. We have to continue to look for ways to reduce the cost of energy so that families and businesses can continue to profit in our strong economy.

But I think the suggestion of the Senator from Alaska embodied in this bill that we begin drilling for oil in the Arctic National Wildlife Refuge in his State is the wrong thing to do.

I recently ran into the CEO of a major oil company in Chicago. I asked him about this. How important is ANWR to the future of petroleum supplies in the United States? He said: From our company's point of view, it is a nonissue. There are plenty of sources of oil in the United States that are not environmentally dangerous situations. He believes—and I agree with it—that you do not have to turn to a wildlife refuge to start drilling oil in the arctic, nor do you have to drill offshore and run the risk of spills that will contaminate beaches for hundreds of miles. There are sources, he said, within the U.S. that are not environmentally sensitive that should be explored long before we are pushed to the limit of finding sources in these environmentally sensitive areas.

But the Senator from Alaska and many of our colleagues are quick to want to drill in these areas first. Their motive I can't say, but I will tell you that I don't believe it is necessary from an energy viewpoint. There are plenty of places for us to turn. But drilling for new oil energy sources is not the sole answer, nor should it be. We should be exploring alternative fuel situations.

They come to the floor regularly on the other side of the aisle and mock the suggestion of Vice President GORE in his book "Earth In The Balance" that we look beyond the fossil-fueled engine that we use today in our automobiles, trucks, and buses and start looking to other sources of fuel that do not create environmental problems. They think that is a pipedream; that it will never occur. Yet they ignore the reality that two Japanese car companies now have a car on the road that uses a combination of the gas-fired engine with electricity; with fossil-fueled engines, and those that do not rely only on fossil fuels to prove you can get high mileage without contaminating the atmosphere.

I am embarrassed to say again that the vehicles we are testing first come from other countries. But they are proving it might work. We should explore it. It seems an anathema to my friends on the other side of the aisle to consider other energy sources.

But if we can find, for example, a hydrogen-based fuel which does not contaminate the atmosphere and gives us the prospect of providing the energy needs of this country, why wouldn't we explore that? Why shouldn't we push for that research?

That is the point made by Vice President GORE. It is a forward visionary thing that, frankly, many people in the boardrooms of oil companies might not like to consider. But I think we owe it to our kids and future generations to take a look at that.

To go drilling in wildlife refuges and off the shores of our Nation with the possibility of contaminating beaches is hardly an alternative to sound research. I think we should look at that research and consider it as a real possibility.

## H-1B VISA LEGISLATION

Mr. DURBIN. Mr. President, the reason for my rising today is to address the issue that is pending before us, which is the H-1B visa bill. This is a bill which addresses the issue of immigration.

Immigration has been important to the United States. But for the African Americans, many of whom were forced to come to the U.S. against their will in slavery, most of us, and our parents and grandparents before us, can trace our ancestry to immigrants who came to this country. I am one of those people.

In 1911, my grandmother got on a boat in Germany and came across the ocean from Lithuania landing in Baltimore, MD, and taking a train to East St. Louis, IL. She came to the United States with three of her children. Not one of them spoke English. I am amazed when I think about that—that she would get on that boat and come over here not knowing what she was headed to, not being able to speak the language, unaware of the culture, and taking that leap of faith as millions have throughout the course of American history.

What brought her here? A chance for a better life—economic opportunity, a better job for her husband, and for her family, but also the freedoms that this country had to offer. She brought with her a little prayer book that meant so much to her and her Catholic church in Lithuania. It was printed in Lithuanian. It was banned by Russian officials who controlled her country. This woman who could barely read brought this prayer book, considered contraband, because it meant so much to her. She knew once she crossed the shores and came into America that freedom of religion would guarantee that she could practice her religion as she believed.

She came, as millions did, in the course of our history—providing the workers and the skills and the potential for the growth of this economy and this Nation.

As we look back on our history, we find that many of these newcomers to America were not greeted with open arms. Signs were out: "Irish Need Not Apply." People were giving speeches about "mongrelizing the races in America." All sorts of hateful rhetoric was printed and spoken throughout our history. In fact, you can still find it today in many despicable Internet sites. That has created a political controversy around the issue of immigration, which still lingers.

It wasn't that long ago that a Republican Governor of California led a kind of crusade against Hispanic immigration to his State. I am sure it had some popularity with some people. But, in the long run, the Republican Party has even rejected that approach to immigration.

The H-1B visa issue is one that really is a challenge to all of us because what we are saying is that we want to expand the opportunity for people with skills to come to the United States and find jobs on a temporary basis. We are being importuned by industry leaders and people in Silicon Valley who say: You know, we just can't find enough skilled workers in the United States to fill jobs.

We ask permission from Congress, through the laws, to increase the number of H-1B visas that can be granted each year to those coming to our shores to work and to be part of these growing industrial and economic opportunities.

Historically, we have capped those who could be granted H-1B visas—115,000 in fiscal year 1999 and fiscal year 2000, and 107,500 in fiscal year 2001. The bill we are debating today would increase the number of people who could be brought in under these visas to 195,000 per year.

I think it is a good idea to do this. I say that with some reluctance because I am sorry to report that we don't have the skilled employees we need in the United States. Surely we are at a point of record employment with 22 million jobs created over the last 8 years. But we also understand that some of the jobs that need to be filled can't be filled because the workers are not there with the skills. We find not worker shortages in this country but skill shortages in this country.

I think there are two things we ought to consider as part of this debate. First, what are we going to do about the skill shortage in America? Are we going to give up on American workers and say, well, since you cannot come up with the skills to work in the computer and technology industry we will just keep bringing in people from overseas? I certainly hope not.

I think it is our responsibility to do just the opposite—to say to ourselves and to others involved in education and training that there are things we can do to increase and improve our labor pool.

The second issue I want to address in the few moments that I have before us, is the whole question of immigration and fairness.

Many of us on the Democratic side believe that if we are going to address the issue of immigration that we should address it with amendments that deal with problems which we can identify.

I came to the floor earlier and suggested to my colleagues that in my Chicago office, two-thirds of our casework of people calling and asking for help have immigration problems. I spend most of my time dealing with the Immigration and Naturalization Service. Sometimes they come through like champions. Many times they do not. People are frustrated by the delays in their administrative decisions; frustrated by some of the laws they are enforcing; and frustrated by some of the treatment that they receive by INS employees.

What we hope to do in the course of this bill is not only address the need of the high-tech industry for additional H-1B visas and jobs, but also the need for fairness when it comes to immigration in our country.

In the midst of our lively and sometimes fractious debates in the Senate, I hope we can all at least take a moment to step back and reflect on our very good fortune. We are truly living in remarkable times. The economy has been expanding at a record pace over the last 8 or 10 years. A few years ago we were embroiled in a debate on the Senate floor about the deficits and the growing debt in this country. We now find that the national topic for debate is the surplus and what we can do with it. What a dramatic turnaround has occurred in such a short period of time. It has occurred because more Americans are going to work and more people are making more money. As they are more generous in their contributions to charities and as they are paying more in taxes at the State and Federal level, we are finding surpluses that are emerging in this country. That, of course, is the topic of discussion.

Unemployment is at a historic low. So are poverty rates. Our crime rates are coming down. Household incomes have reached new heights. Our massive Federal debt—an albatross around the neck of the entire Nation—has all but vanished, replaced by surpluses that have inspired more than a bit of economic giddiness.

We have a need in this country for many high-skilled technology workers. We are all witnesses to this incredible technological revolution, the Internet revolution that is unfolding at a pace almost too rapid for the imagination to absorb. Indeed, in many respects it has been a revolution in modern information technology that has revolutionized the fields of business, medicine, biology, entertainment, and helped to spur our robust economy.

When I visit the classrooms across Illinois, particularly the grade school classrooms, I ask the kids in the classroom if they can imagine living in a world without computers. They shake their heads in disbelief. I remember those days, and I bet a lot of people can, too. It was not that long ago. Technology has transformed our lives. These two phenomena, a vibrant economy and an amazing technology, have combined to create an unprecedented level of need in American industry for skilled technology workers, for men and women to design the systems, write the software, create the innovations, and fix the bugs for all the marvelous technology that sits on our desktops or rides in our shirt pockets.

The Information Technology Association of America reports the industry will need an additional 1.6 million workers to fill information technology positions this year. A little more than half of these jobs will go unfilled due to a shortfall of qualified workers. Mr. President, 1.6 million workers are needed; with only **800,000** people we cannot fill the jobs.

Another trend marks our modern age, the trend towards economic globalization. The other day, we passed the legislation for permanent normal trade relations with China. It is not surprising that our industries are looking for highly skilled workers in the United States. When they can't find them here, they start looking in other countries.

Why should workers in another country want to uproot themselves, leave their homes and families, and make the long journey here? The same reason that my grandparents did, and their parents might have before them. They made the journey because for thousands, America is the fairest, freest, greatest country there is. It is a land like no other, a land of real opportunity, a land where hard work and good values pay off, a land where innovation, creativity, and hard work are cherished and rewarded, a land where anyone, whether a long-time resident whose family goes back to the Revolutionary War, or a brand-new immigrant clutching a visa that grants them a right to work, can achieve this American dream.

We have before the Senate this bill to open the door for that dream to greater numbers of high-tech workers, workers the information technology industry needs to stay vital and healthy. It is a good idea to open that door wider. I support it. It is the right thing to do. We can do it in the right manner. We can meet the demanding needs of the technology situation and create a win-win situation for all American workers, no matter what their craft or what their skills, while avoiding the pitfalls that a carelessly crafted high-tech visa program would create.

To do it the right way, we have to consider the following: First, we must make available to industry an ample number of high-tech worker visas through a program that is streamlined and responsive enough to work in "Internet time."

At the same time, we must set appropriate criteria for granting these high-tech visas. There is a temptation to hire foreign workers for no other reason than to replace perfectly qualified American workers. Perhaps it is because foreign workers are deemed more likely to be compliant in the workplace for fear of losing their visa privileges or because they are willing to work for lower wages, or because they are less expectant of good work benefits.

Whatever the perception, we must be on guard against any misuse of the visa program. There must be a true need, a type of specialty that is so much in demand that there is a true shortage of qualified workers.

We must also bear in mind that we have not just one, but two principal goals that must be held in balance. The first goal is to fulfill a short-term need by granting high-tech visas. The second, and ultimately more important goal, is to meet our long-term need for a highly skilled workforce by making sure there are ample educational opportunities for students and workers here at home. A proposal to address this need will receive strong support if it embraces the goal of training our domestic workforce for the future demands of the technology industry and provides the mechanisms and revenue to reach that goal.

It is interesting that in every political poll that I have read, at virtually every level, when asking families across America the No. 1 issue that they are concerned with, inevitably it is education. I have thought about that and it has a lot to do with families with kids in school, but it also has a lot to do with the belief that most of us have in America—that education was our ticket to opportunity and success. We want future generations to have that same opportunity.

I see my friend, Senator WELLSTONE from Minnesota. He has taught for many years and is an expert in the field of education. I will not try to steal his thunder on this issue. But I will state that as I read about the history of education in America, there are several things we should learn, not the least of which is the fact that at the turn of the last century, between the 19th and 20th century, there was a phenomena taking place in America that really distinguished us from the rest of the world.

This is what it was: Between 1890 and 1918, we built on average in the United States of America one new high school every single day. This wasn't a Federal mandate. It was a decision, community by community, and State by State, that we were going to expand something that no other country had even thought of expanding—education beyond the eighth grade. We started with the premise that high schools would be open to everyone: Immigrants and those who have been in this country for many years. It is true that high schools for many years were segregated in part of America until the mid-1950s and 1960s, but the fact is we were doing something no other country was considering.

We were democratizing and popularizing education. We were saying to kids: Don't stop at eighth grade; continue in school. My wife and I marvel at the fact that none of our parents—we may be a little unusual in this regard, or at least distinctive —went beyond the eighth grade. That was not uncommon. If you could find a good job out of the eighth grade on a farm or in town, many students didn't go on.

Around 1900, when 3 percent of the 17-year-olds graduated from high school, we started seeing the numbers growing over the years. Today 80 or 90 percent of eligible high school students do graduate.

What did this mean for America? It meant that we were expanding education for the masses, for all of our citizenry, at a time when many other countries would not. They kept their education elite, only for those wealthiest enough or in the right classes; we democratized it. We said: We believe in public education; we believe it should be available for all Americans. What did it mean? It meant that in a short period of time we developed the most skilled workforce in the world.

We went from the Tin Lizzies of Henry Ford to Silicon Valley. We went from Kitty Hawk to Cape Canaveral. In the meantime, in the 1940s, when Europe was at war fighting Hitler and fascism, it was the United States and its workforce that generated the products that fought the war not only for our allies but ultimately for ourselves, successfully.

That is what made the 20th century the American century. We were there with the people. We invested in America. Education meant something to everybody. People went beyond high school to college and to professional degrees. With that workforce and the GI bill after World War II, America became a symbol for what can happen when a country devotes itself to education.

Now we come into the 21st century and some people are resting on their laurels saying: We proved how we can do it. There is no need to look to new solutions. I think they are wrong. I think they are very wrong. Frankly, we face new challenges as great as any faced by those coming into the early days of the 20th century. We may not be facing a war, thank God, but we are facing a global economy where real competition is a matter of course in today's business.

We understand as we debate this H-1B visa bill, if we are not developing the workers with the skills to fill the jobs, then we are remiss in our obligation to this country. Yes, we can pass an H-1B visa as a stopgap measure to keep the economy rolling forward, but if we don't also address the underlying need to come to the rescue of the skill shortage, I don't think we are meeting our obligation in the Senate.

(Mr. GORTON assumed the chair.)

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield to my colleague from Minnesota.

## H-1B VISAS

Mr. WELLSTONE. I wanted to ask the Senator—I know Illinois is an agricultural State, as is mine. Many of our rural citizens, for example, desperately want what I think most people in the country want, which is to be able to earn a decent living and be able to support their families. At the same time we have our information technology companies telling us—I hear this all the time; I am sure the Senator from Illinois hears this—listen, we need skilled workers; we don't have enough skilled workers; and we pay good wages with good fringe benefits. Is the Senator aware we have people in rural America who are saying: Give us the opportunity to develop these skills? Give us the opportunity to be trained. Give us the opportunity to telework. With this new technology, we can actually stay in our rural communities. We don't have to leave.

Is the Senator aware there are so many men and women, for example, in rural America—just to talk about rural America—who are ready to really do this work, take advantage of and be a part of this new economy, but they don't have the opportunity to develop the skills and to have the training? Is that what the Senator is speaking to?

Mr. DURBIN. The Senator is right. I am sure he finds the same thing that I do in rural Illinois when he goes through Minnesota. There are towns literally hanging on by their fingernails, trying to survive in this changing economy, and some of them are responding in creative ways. In Peoria, they have create a tech center downtown, jointly sponsored by the Chamber of Commerce, the local community, and the community college, where they are literally bringing in people, some our ages and older, introducing them to computers and what they can learn from them. So they are developing skills within their community, the lifelong learning that I mentioned earlier.

Down in Benton, IL, which is a small town that has been wracked by the end of the coal mining industry, for the most part, in our State, they have decided in downtown Benton not to worry about flowers planted on the streets but rather to wire the entire downtown so they will be able to accommodate the high-tech businesses that might be attracted there. They are trying to think ahead of the curve.

I am not prepared to give up on American workers. I know Senator WELLSTONE is not, either. We need to address the need for more training and education in rural and urban areas alike.

Mr. WELLSTONE. Could I ask the Senator one other question? I am in complete agreement with what the Senator is saying. I had hoped to introduce an amendment to the H-1B bill that dealt with the whole issue of telework. I think we could have gotten a huge vote for it because this is so important to what we call greater Minnesota.

I wish to pick up on something the Senator said earlier. He talked about his own background. The last thing I am going to do is to go against immigrants and all they have done for our country. I am the son of an immigrant. I have a similar background to that of my colleague, but I wanted to give one poignant example. I think we both tend to draw some energy just from people we meet.

On Sunday, the chairman of the Federal Communications Commission—and I give Chairman Kennard all the credit in the world—came out to Minnesota to do a 3-day work session with Native Americans. When we talk about Native Americans, we are talking about first Americans, correct?

Mr. DURBIN. Yes.

Mr. WELLSTONE. Do you know what they are saying? They are saying: In our reservations, we have 50-percent-plus poverty. In fact, they are saying it is not only the Internet; they still don't have phone service for many. What they are saying is they want to be part of this new economy. They want the opportunity for the training, the infrastructure, the technology infrastructure.

Yet another example: I am all for guest workers and immigrants coming in. But at the same time we have first Americans. Native Americans—I see my colleague from Maryland is here. We talk about the digital divide—who are way on the other side of the digital divide. There is another example which I think we have to speak to in legislation at this time.

Mr. DURBIN. I agree with Senator WELLSTONE. As he was making those comments, I thought to myself, that is right up Senator MIKULSKI's alley, and I looked over my shoulder and there in the well of the Senate she is. Senator MIKULSKI addressed this issue of providing opportunities to cross the digital divide so everybody has this right to access. I invite the Senator to join us at this point. We were talking about the H-1B bill that addresses an immediate need but doesn't address the needs of the skill shortage which she raised at our caucus luncheon, or the digital divide. I would like to invite a question or comment from the Senator from Maryland on those subjects.

Ms. MIKULSKI. I thank the Senator for his advocacy on this issue.

First of all, I acknowledge the validity of the high-tech community's concerns about the availability of a high-tech workforce. The proposal here is to solve the problem by importing the people with the skills. I am not going to dispute that as a short-term, short-range solution. But what I do dispute is that we are precluded from offering amendments to create a farm team of tech workers. This is what I want to do if I would have the right to offer an amendment.

We do not have a worker shortage in the United States of America. I say to the Senator, and to my colleagues, we have a skill shortage in the United States of America. We have to make sure the people who want to work, who have the ability to work, have access to learning the technology so they can work in this new economy.

The digital divide means the difference between those who have access to technology and know how to use technology. If you are on one side of the divide, your future as a person or a country is great. If you are on the wrong side, you could be obsolete.

I do not want to mandate obsolescence for the American people who do not want to be left out or left behind. That is why I want to do two things: No. 1, have community tech centers —1,000 of them—where adults could learn by the day and kids could learn in structured afterschool activities in the afternoon. Then, also, to increase the funding for teacher training for K–12, where we would have a national goal that every child in America be computer literal by the time they finish the eighth grade. And maybe they then will not drop out.

That is what we want to be able to do. I do not understand. Why is it that farm teams are OK for baseball but they are not OK for technology workers, which is our K–12?

I share with the Senator a very touching story. A retail clerk I encounter every week in the course of taking care of my own needs was a minimum wage earner. I encouraged her to get her GED and look at tech training at a local community college. She did that. In all probability she is going to be working for the great Johns Hopkins University sometime within the month. She will double her income, she will have health insurance benefits, and it will enable enough of an income for her husband to take a breather and also get new tech skills.

But they have to pay tuition. They could do those things. I think we need to have amendments to address the skill shortage in the United States of America.

Mr. DURBIN. I thank the Senator from Maryland. She has been a real leader on this whole question of the digital divide. She caught it before a lot of us caught on. Now she is asking for an opportunity to offer an amendment on this bill. Unfortunately, it has been the decision of the leadership in this Chamber that we will not be able to amend this bill. We can provide additional visas for these workers to come in from overseas on a temporary basis, but they are unwilling to give us an opportunity to offer amendments to provide the skills for American workers to fill these jobs in the years to come.

Alan Greenspan comes to Capitol Hill about every 3 or 4 weeks. Every breath he takes is monitored by the press to find out what is going to happen next at the Federal Reserve. On September 23, he gave an unusual speech for the Chairman of the Federal Reserve. He called on Federal lawmakers to make math and science education a national priority. Who would have guessed this economist from the Federal Reserve, the Chairman, would come and give a speech about education, but he did. He called on Congress:

> . . . to boost math and science education in the schools.
>
> He said it was "crucial for the future of our nation" in an increasingly technological society.
>
> He noted 100 years ago—the time I mentioned, when we started building high schools in this country at such a rapid rate—only about 1 in 10 workers was in a professional or technical job, but by 1970 the number had doubled. Today those jobs account for nearly one-third of the workforce.
>
> Greenspan said just as the education system in the early 20th century helped transform the country from a primarily agricultural, rural society to one concentrated in manufacturing in urban areas, schools today must prepare workers to use ever-changing high-technology devices such as computers and the Internet. . . .
>
> "The new jobs that have been created by the surge in innovation require that the workers who fill them use more of their intellectual potential," Greenspan said. . . ." This process of stretching toward our human intellectual capacity is not likely to end any time soon."

If we acknowledge that education and training is a national problem and a national challenge, why isn't this Congress doing something about it?

Sadly, this Congress has a long agenda of missed opportunities and unfinished business. This is certainly one of them. For the first time in more than two decades, we will fail to enact an Elementary and Secondary Education Act. At a time when education is the highest priority in this country, it appears that the Senate cannot even bring this matter to the floor to debate it, to complete the debate, and pass it into law.

It is an indictment on the leadership of the House and the Senate that we will not come forward with any significant education or training legislation in this Congress.

We will come forward with stopgap measures such as H-1B visas to help businesses, but we will not come forward to help the workers develop the skills they need to earn the income they need to realize the American dream.

I remember back in the 1950s, when I was a kid just finishing up in grade school, that the Russians launched the satellite, Sputnik. It scared us to death. We didn't believe that the Russians, under their Communist regime, and under their totalitarian leadership, could ever come up with this kind of technology, and they beat us to the punch. They put the first satellite into space.

Congress panicked and said: We have to catch up with the Russians. We have to get ahead of them, as a matter of fact. So we passed the National Defense Education Act, which was the first decision by Congress to provide direct assistance to college students across America. I am glad that Congress did it because I received part of that money. I borrowed money from the Federal Government, finished college and law school, and paid it back. And thousands like me were able to see their lives open up before them.

It was a decision which led to a stronger America in many ways. It led to the decision by President Kennedy to create the National Aeronautics and Space Administration, putting a man on the moon and, of course, the rest, as they say, is history.

Why aren't we doing the same thing today? Why aren't we talking about creating a National Security Education Act? Senator KENNEDY has a proposal along those lines. I would like to add to his proposal lifetime learning so that workers who are currently employed, as Senator WELLSTONE said, have a chance to go to these tech centers that Senator MIKULSKI described, to community colleges, and to other places, to develop the skills they need to fill these jobs that we are now going to fill with those coming in from overseas.

Make no mistake—I will repeat it for the RECORD—I have no objection to immigration. As the son of an immigrant, I value my mother's naturalization certificate. It hangs over my desk in my office as a reminder of where I come from. But I do believe we have an obligation to a lot of workers in the U.S. today who are looking for a chance to succeed. Unfortuantely, we are not going to have that debate. The decision has been made by the leadership that we just don't have time for it.

Those who are watching this debate can look around the Chamber and see that there are not many people here other than Senator WELLSTONE and myself. There has not been a huge cry and clamor from the Members of the Senate to come to the floor today. The fact is, we have a lot of time and a lot of opportunity to consider a lot of issues, and one of those should be education.

I might address an issue that Senator WELLSTONE raised earlier, as well as Senator MIKULSKI. How will workers pay for this additional training? How can they pay for the tuition and fees of community colleges or universities? It is a real concern.

In my State, in the last 20 years, the cost of higher education has gone up between 200 and 400 percent, depending on the school. A lot of people worry about the debt they would incur. I am glad to be part of an effort to create the deductibility of college education expenses and lifetime learning expenses. I think if you are going to talk about tax relief—and I am for that—you should focus on things that families care about the most and mean the most to the country.

What could mean more to a family than to see their son or daughter get into a school or college? And then they have to worry about how they are going to pay for it. If they can deduct tuition and fees, it means we will give them a helping hand in the Tax Code to the tune of $2,000 or $3,000 a year to help pay for college education.

I think that is a good tax cut. I think that is a good targeted tax cut, consistent with keeping our economy moving forward, by creating the workforce of the future. It is certainly consistent with Alan Greenspan's advice to Congress, as he looks ahead and says, if we want to keep this economy moving, we have to do it in a fashion that is responsive to the demands of the workplace. Many Members have spoken today, and certainly over the last several months, of the importance of skills training.

Robert Kuttner, who is an economist for Business Week, wrote:

> . . . what's holding back even faster economic growth is the low skill level of millions of potential workers.

I think that is obvious. As I said earlier, in visiting businesses, it is the No. 1 item of concern. The successful businesses in Illinois, when I ask them, What is your major problem? they don't say taxes or regulations—although they probably mention those—but the No. 1 concern is, they can't find skilled workers to fill the jobs, good-paying jobs. It really falls on our shoulders to respond to this need across America.

The sad truth is, we have allowed this wonderful revolution to pass many of our people by. We have to do something about American education. It is imperative that we look to our long-term needs, expanding opportunities in our workforce.

This means providing opportunities in schools, but also it means afterschool programs, programs during the summer, worker retraining programs, public-private partnerships, and grants to communities to give the workforce of the future a variety of ways to become the workers of the 21st century.

As far as this is concerned, I say, let a thousand flowers bloom, let communities come forward to give us their most creative, innovative ideas on how they can educate their workforce and students to really address these needs.

We have to improve K-through-12 education. I will bet, if I gave a quiz to people across America, and asked—What percentage of the Federal budget do you think we spend on education K through 12? Most people would guess, oh, 15, 20, 25 percent. The answer is 1 percent of our Federal budget. One percent is spent on K-through-12 education.

Think about the opportunities we are missing, when we realize that if we are going to have more scientists and engineers, you don't announce at high school graduation that the doors are open at college for new scientists and engineers.

Many times, you have to reach down, as Senator WELLSTONE has said, to make sure that the teachers are trained so that they know how to introduce these students to the new science and the new technology so that they can be successful as well. That is part of mentoring for new teachers. It is teacher training for those who have been professionals and want to upgrade their skills.

I would like to bring that to the Senate floor in debate. I would like to offer an amendment to improve it. But no, we can't. Under this bill, all we have is the H-1B visa. Bring in the workers from overseas; don't talk about the needs of education and training in America.

In addition to improving K-through-12 education, we also have to look to the fact that science and math education in K-through-12 levels really will require some afterschool work as well.

It has been suggested to me by people who are in this field that one of the most encouraging things they went through was many times a summer class that was offered at a community college or university, where the best students in science and math came together from grade schools and junior highs and high schools to get together and realize there are other kids of like mind and like appetite to develop their skills. I think that should be part of any program.

The most recent National Assessment of Educational Progress has noted that we are doing better when it comes to the number of students who are taking science courses. We are doing better when it comes to SAT scores in science and math. But clearly we are not going to meet the needs of the 21st century unless we make a dramatic improvement.

Teacher training, as I mentioned, is certainly a priority. In 1998, the National Science Foundation found that 2 percent of elementary schoolteachers had a science degree—2 percent in 1998; 1 percent had a math degree; an additional 6 percent had majored or minored in science or math education in college. In middle schools, about 17 percent of science teachers held a science degree, 7 percent of math teachers had a degree in mathematics; 63 percent of high school science teachers had some type of science degree; and 41 percent of math teachers in high school had a degree in that subject.

It is a sad commentary, but a fact of life. In the town I was born in, my original hometown, East St. Louis, IL, I once talked to a leader in a school system there. It is a poor school system that struggles every day.

He said, he'd allow any teacher to teach math or science if they express a willingness to try, because they couldn't attract anyone to come teach with a math and science degree. We can improve on that. We can do better. There are lots of ways to do that, to encourage people to teach in areas of teacher shortages and skill shortages, by offering scholarships to those who will use them, by forgiving their loans if they will come and teach in certain school districts, by trying to provide incentives for them to perhaps work in the private sector and spend some time working in the schools. All of these things should be tried. At least they should be debated, should they not, on the floor of the Senate? And we are not going to get that chance. Instead, we will just limit this debate to the very narrow subject of the HB visa.

We also need to reach out to minorities. When it comes to developing science and engineering degrees, we certainly have to encourage those who are underrepresented in these degree programs. The National Science Foundation reports that African Americans, Hispanics, and Native Americans comprise 23 percent of our population but earn 13 percent of bachelor's degrees, 7 percent of master's degrees, and 4.5

percent of doctorate degrees in science and engineering.

Recruiting young people in the high-tech field will require initiatives to not only improve the quality of math and science education but also to spark kids' interest. I talked about the summer programs in which we can be involved, but there are many others as well. The National Defense Education Act should be a template, a model, as the GI bill was, for us to follow. It really was a declaration by our Government and by our people that the security of the Nation at that time required the fullest development of the mental resources and technical skills of its young men and women. That was said almost 50 years ago. It is still true today. The time is now for the Congress to step up to the plate and reaffirm our commitment to education.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Approximately 13 minutes.

Mr. DURBIN. I thank the Chair.

Let me close by addressing another critically important amendment which is not being allowed with this bill. It is one of which I am a cosponsor with Senators KENNEDY and JACK REED of Rhode Island and HARRY REID of Nevada. It is entitled the Latino and Immigrant Fairness Act. There are many issues which come to the floor of the Senate, but there are few that enjoy the endorsement and support of both the AFL-CIO and the national Chamber of Commerce. This bill is one of them.

What we wanted to propose as an amendment was a change in our immigration laws to deal with some issues that are truly unfair. While we look to address the needs of the tech industry, we should not do it with blinders on. There are many other sectors of this robust economy—perhaps not as glamorous as the latest "dot-com" company but still very much in need of able and energetic workers—that have difficulty finding workers they need in the domestic workforce. Oddly enough, many of these workers are already here. They are on the job. They are raising families. They are contributing to their communities. They are paying taxes. But they are reluctant to step forward.

I am speaking now of immigrants who come to this country in search of a better life. Many immigrants left their homelands against their will. They left because of the appallingly brutal conditions they encountered, whether at the hands of despotic Central American death squads or in the chaotic collapse of much of Eastern Europe. To stay there in those countries meant death for themselves and their families.

I am reminded of those immortal words of Emma Lazarus on our Statue of Liberty: Give me your tired, your poor.

Maybe some of these immigrants are tired. Who could blame them? Many of them are poor. I can tell you this: Whether people come from other lands to work in high-tech jobs, as the H-1B visa bill addresses, or clean the offices, wash the dishes, care for our children, care for our grandparents and parents in nursing homes, these are some of the hardest working people you will ever see. As Jesse Jackson said in a great speech at the San Francisco Democratic Convention: They get up and go to work every single day.

Here they are in this new land, looking to make the best new start they possibly can. But for many of these immigrants, we require them to make that effort with one hand, and maybe even both hands, tied behind their backs. I am afraid our current immigration laws are so cumbersome, so complex, and so inherently unfair that thousands of immigrants to this country are afraid to become fully integrated into the workforce, afraid because our laws, our regulations, and sometimes the unpredictable policies of the INS have created a climate of uncertainty and fear.

Employers are looking for workers. The workers are looking for jobs. But they are afraid to step forward. There are thousands upon thousands of people in this country, this great country of ours, who are being treated unfairly—people who have lived here now for years, sometimes decades, but are still forced to live in the shadows, where they are loathe to get a Social Security number, respond to a census form, or open a bank account. People who are an essential component of this thriving economy—everybody knows this. People who are doing jobs that most other people simply do not want to do. Yet we refuse them the basic rights and the opportunities that should belong to all of us.

There is no other way to say it: This is simply a matter of an unfair system, created by our own hands here on Capitol Hill, that is ruining lives, tearing families apart, and keeping too many people in poverty and fear. We have the means at hand to change this. With an amendment to this bill, we can rally the forces in the Senate to change the immigration laws and make them fairer. My good colleagues, Senators KENNEDY and REED, and I have made a vigorous effort to bring these issues to the floor. We have been stopped at every turn in the road. We want to have a vote on the bill, the Latino and Immigrant Fairness Act.

I can't go back to my constituents in Illinois and tell them, yes, we made it easy to bring in thousands of high-tech workers because Silicon Valley had their representatives walking through the Halls of Congress and on the floor of the Senate and the House, but we couldn't address your needs because you couldn't afford a well paid lobbyist. No, we have to do the very best we can to be fair to all. That is a message that will inspire confidence in the work we do in the Senate.

Let me tell you briefly what this bill does. This bill, the Latino and Immigrant Fairness Act, supported by both organized labor and the Chamber of Commerce, establishes parity; that is, equal treatment for immigrants from Central America and, I would add, from some other countries, such as Liberia, where Senator REED of Rhode Island has told us that literally thousands of Liberians who fled that country in fear of their lives, by October 1 may be forced to return to perilous circumstances unless we change the law; where those who have come from Haiti, Honduras, Guatemala, El Salvador, Eastern Europe, and other countries, who are here because of their refugee status seeking asylum, may see the end of that status come because the Congress failed to act. We will have their future in our hands and in our hearts. I hope the Senate and Congress can respond by passing this reform legislation.

We also have decided, since 1921, from time to time to give those who have been in the United States for a period of time, sometimes 14 years, and have established themselves in the community, have good jobs, have started families, pay their taxes, don't commit crime, do things that are important for America—to give them a chance to apply for citizenship. It is known as registry status. The last registry status that we enacted was in 1986, dating back to 1972. We think this should be reenacted and updated so there will be an opportunity for another generation.

Finally, restoring section 245(i) of the Immigration Act, a provision of the immigration law that sensibly allowed people in the United States who were on the verge of gaining their immigration status to remain here while completing the process. This upside down idea has to be changed—that people have to return to their country of birth while they wait for the final months of the INS decision process on becoming a citizen. It is terrible to tear these families apart and to impose this financial burden on them.

I hope we will pass as part of H-1B visa this Latino and Immigrant Fairness Act. It really speaks to what we are all about in the Congress, the House of Representatives and the Senate.

Many people have said they are compassionate in this political campaign. There are many tests of compassion as far as I am concerned. Some of these tests might come down to what you are willing to vote for. I think the test of compassion for thousands of families ensnared in the bureaucratic tangle of the INS is not in hollow campaign promises. The test of compassion for thousands from El Salvador, Guatemala, Honduras, and Haiti refugees asking for equal treatment is not in being able to speak a few words of Spanish. The test of compassion for hard-working people in our country who are forced to leave their families to comply with INS requirements is not whether a public official is willing to pose for a picture with people of color.

The test is whether you are willing to actively support legislation that brings real fairness to our immigration laws. That is why I am a cosponsor of this effort for the 6 million immigrants in the U.S. who are not yet citizens, who are only asking for a chance to have their ability to reach out for the American dream, a chance which so many of us have had in the past.

These immigrants add about $10 billion each year to the U.S. economy and pay at least $133 billion in taxes, according to a 1998 study. Immigrants pay $25 billion to $30 billion more in taxes each year than they receive in public services. Immigrant businesses are a source of substantial economic and fiscal gain for the U.S. citizenry, adding at least another $29 billion to the total amount of taxes paid.

In a study of real hourly earnings of illegal immigrants between 1988, when they were undocumented, and 1992 when legalized, showed that real hourly earnings increased by 15 percent for men and 21 percent for women. Many of these hard-working people are being exploited because they are not allowed to achieve legal status. The state of the situation on the floor of the Senate is that we are giving speeches instead of offering amendments. It is a sad commentary on this great body that has deliberated some of the most important issues facing America.

Those watching this debate who are witnessing this proceeding in the Senate Chamber must wonder why the Senate isn't filled with Members on both sides of the aisle actively debating the important issues of education and training and reform of our immigration laws. Sadly, this is nothing new. For the past year, this Congress has done little or nothing.

When we see all of the agenda items before us, whether it is education, dealing with health care, a prescription drug benefit under Medicare, the Patients' Bill of Rights for individuals and families to be treated fairly by health insurance companies, this Congress has fallen down time and time again. It is a sad commentary when men and women have been entrusted with the responsibility and the opportunity and have not risen to the challenge. This bill pending today is further evidence that this Congress is not willing to grapple with the important issues that America's families really care about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 3110 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## H-1B VISAS

Mr. WELLSTONE. Mr. President, I would like to also speak now about the H-1B bill on the floor.

I ask unanimous consent that I have 10 minutes to speak on that legislation.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I will not speak a long time. But I want to raise a couple of issues that other colleagues have spoken to as well.

I come from a State with a very sophisticated high-tech industry. I come from a State that has an explosion of information technology companies. I come from a State that has a great medical device industry. I come from a State that is leading the way.

I am very sympathetic to the call on the part of business communities to be able to get more help from skilled labor, including skilled workers from other countries. I am more than sympathetic to what the business community is saying. I certainly believe that immigrants—men and women from other countries who help businesses and work, who stay in our country—make our country a richer and better country.

I am the son of a Jewish immigrant who was born in Ukraine and who fled persecution from Russia. But I also believe that it is a crying shame that we do not have the opportunity—again, this is the greatness of the Senate—to be able to introduce some amendments: an amendment that would focus on education and job training and skill development for Americans who could take some of these jobs; an amendment that deals with telework that is so important to rural America, and so important to rural Minnesota.

I hope there is some way I can get this amendment and this piece of legislation passed, which basically would employ people in rural communities, such as some of the farmers who lost their farms, who have a great work ethic, who want to work, and who want to have a chance to develop their skills for the technology companies that say they need skilled workers. They can telework. They can do it from home or satellite offices. It is a marriage made in heaven. I am hoping to somehow still pass that legislation. I hope it will be an amendment on this bill because, again, it would enable these Americans to have a chance.

My colleague from New Mexico is one of the strongest advocates for Native Americans. This was such an interesting meeting this past Sunday in Minnesota. I give FCC Chairman Kennard a lot of credit for holding a 3-day workshop for people in Indian country who not only don't have access to the Internet but who still don't have phones. They were talking about guest workers and others coming to our country. These were the first Americans. They were saying: we want to be a part of this new economy; we want to have a chance to learn the skills. We want to be wired. We want to have the infrastructure.

I hope there can be an amendment that speaks to the concerns and circumstances of people in Indian country.

Finally, I think the Latino and Immigrant Fairness Act is important for not only the Latino community but also for the Liberian community. I am worried about the thousands of Liberians in Minnesota who at the end of the month maybe will have to leave this country if we don't have some kind of change. This legislation calls for permanent residency status for them. But I am terribly worried they are going to be forced to go back. It would be very dangerous for them and their families. I certainly think there is a powerful, moral, and ethical plan for the Latino and Latina community in this legislation. We had hoped that would be an amendment. Again, it doesn't look as if we are going to have an opportunity to present this amendment. I don't think that is the Senate at its best.

I will vote for cloture on a bill that I actually think is a good piece of legislation but not without the opportunity for us to consider some of these amendments. They could have time limits where we could try to improve this bill. We can make sure this is good for the business community and good for the people in our country who want to have a chance to be a part of this new economy, as well as bringing in skilled workers from other countries. I think we could do all of it. It could be a win-win-win.

The Senate is at its best when we can bring these amendments to the floor and therefore have an opportunity to represent people in our States and be legislators. But when we are shut down and closed out, then I think Senators have every right to say we can't support this. That is certainly going to be my position.

I yield the floor.

## HEALTH CARE LEGISLATION PROVISIONS

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I note the presence of Senator KENNEDY on the floor. I want to say to Senator KENNEDY and to Senator FRIST—who is not on the floor, but I have seen him personally—that I thank both of them for their marvelous efforts in having included in the health care bill, which was recently reported out, SAMSHA, and about five or six provisions contained in a Domenici-Kennedy bill regarding the needs of those in our country who have serious impairment from mental illness.

We did not expect to get those accomplished this year. We thank them for it. We know that we will have to work together in the future to get them funded. But when we present them to the appropriators, they will understand how important they are.

I thank the Senator.

## ENERGY POLICY

Mr. DOMENICI. Mr. President, I spoke yesterday for a bit and in the Energy Committee today for a bit about energy policy. I guess I believe so strongly about this issue that I want to speak again perhaps from a little different vantage point.

I would like to talk today about the "invisible priority" that has existed in the United States for practically the last 8 years. The "invisible priority" has been the supply of reliable affordable energy for the American people.

Let me say unequivocally that we have no energy policy because the Interior Department, the Environmental Protection Agency, and the Energy Department all have ideological priorities that leave the American consumer of energy out in the cold.

Making sure that Americans have a supply of reliable and affordable energy, and taking actions to move us in that direction, is the "invisible priority." And that is giving the administration the benefit of the doubt.

"Not my job" is the response that the Interior Department of the United States gives to the energy crisis and to America's ever-growing dependence upon foreign oil and, yes, I might say ever-growing dependence upon natural gas. The other alternatives, such as coal, nuclear, or other—"not my job."

It is also the response that the Environmental Protection Agency gives when it takes actions, promulgates rules, and regulations. Their overall record suggests—let me repeat— "not my job," says the Environmental Protection Agency.

The Interior Department, making drilling for oil and natural gas as difficult as possible, says, "Don't bother us."

"It is not my job", says the Department of Interior. The Environmental Protection Agency's job is to get a good environmental policy based on sound science and be the enemy of an ideologically pure environmental policy at the expense of providing energy that we need.

My last observation: In summary, the "Energy Department" is an oxymoron. It is anti-nuclear but pro-windmills. I know many Americans ask: what is the Senator talking about? Nuclear power is 20 percent of America's electricity. At least it was about 6 months ago. We have an Energy Department for this great land with the greatest technology people, scientists and engineers, that is pro-windmills and anti-nuclear.

I will say, parenthetically, as the chairman of the Energy and Water Subcommittee on Appropriations, the last 3 years we put in a tiny bit of money for nuclear energy research and have signed it into law as part of the entire appropriation, and we do have a tiny piece of money to look into the future in terms of nuclear power. It is no longer nothing going on, but it is a little bit.

Boy, do we produce windmills in the United States. The Department of Energy likes renewables. All of us like them. The question is, How will they relieve the United States from the problem we have today? I guess even this administration and even the Vice President, who is running for President, says maybe we have a crisis. Of course we have a crisis. The Federal Government spent $102 million on solar energy, $33 million on wind, but only $36.5 million on nuclear research, which obviously is the cleanest of any approach to producing large quantities of electricity.

Sooner or later, even though we have been kept from doing this by a small vocal minority, even America will look back to its early days of scientific prowess in this area as we wonder how France is doing it with 87 percent of their energy produced by nuclear powerplants.

With all we hear about nuclear power from those opposed, who wouldn't concede that France exists with 87 percent or 85 percent of its energy coming from nuclear powerplants? They do, and their atmosphere is clean. Their ambient air is demonstrably the best of all developed countries because it produces no pollution.

We have an administration that, so long as we had cheap oil, said everything was OK, and we couldn't even seek a place to put the residue from our nuclear powerplants, the waste product. We couldn't even find a place to put it. We got vetoes and objections from the administration. Yet there are countries such as France, Japan, and others that have no difficulty with this problem; it is not a major problem to store spent fuel.

Let me move on to wind versus nuclear. Nuclear produced 200 times more electricity than wind and 2,000 times more than solar. As I indicated, solar research gets three times more funding than nuclear research and development.

The wind towers—we have seen them by the thousands in parts of California and other States, awfully strange looking things. They are not the old windmills that used to grace the western prairie. They have only two prongs. They look strange.

We are finding wind towers kill birds, based on current bird kill rates. Replacing the electric market with wind would kill 4.4 million birds. I am sure nobody expects either of those to happen. However, more eagles were killed in California wind farms than were killed in the *Exxon Valdez* oil spill.

The Energy Department calls wind a renewable energy policy, and the Sierra Club calls wind towers the Cuisinart of the air.

I will discuss the SPR selloff. For almost 8 years, energy has been the "invisible priority" for the U.S. Government led by Bill Clinton and the current Vice President.

Incidentally, the Vice President, who is running for President, had much to do with this "invisible priority;" he was the administration's gatekeeper on almost all matters that dealt with the Environmental Protection Agency and almost all matters that dealt with the Department of the Interior in terms of the production of energy on public land.

Let me talk about the SPR selloff for a minute. Treasury Secretary Summers warned President Clinton that the administration's proposal—now decision—to drive down energy prices by opening the energy reserve would be "a major and substantial policy mistake." He wrote the President, and Chairman Greenspan agreed, that using the SPR to manipulate prices, rather than adhering to its original purpose of responding to a supply disruption, is a dangerous precedent. Summers added that the move would expose us to valid charges of naivete, using a very blunt tool to address heating oil prices.

American refineries today have to make so many different kinds of fuel because of environmental protection rules that no one would believe they would be capable of doing. They were running at 95 percent of capacity last week. We have not built a new refinery in almost 20 years.

What has happened: America builds no energy, no refining capacity, because it is too tough environmentally to do that and live up to our rules and regulations. Yet you can build them in many other countries, and people are surviving and glad to have them—at least, new ones—because they are doing a great job for their economy and producing the various kinds of products that come from crude oil. Yet America, the biggest user in this area, has built none.

If we take the supply of SPR out of SPR, it will still need to be refined into heating oil. I have just indicated there is hardly any room because there is hardly any capacity.

The invisible policies wait ominously on the horizon, boding serious problems. We have found that natural gas produced in America, drilled for by Americans, offshore and onshore, is the fuel of choice. Now we are not even building any powerplants that use coal as the energy that drives them because it is too expensive, too environmentally rigorous, and nobody dares build them. They build them elsewhere in the world but not in America.

We use natural gas, the purest of all, and say fill your energy needs for electricity using natural gas. Guess what happened. The price has gone to $3.35 per cubic feet; 6 months ago it was $2.16. And the next price increase is when the consumers of America get the bills in October, November, and December for the natural gas that heats their house and runs their gas stove because we have chosen not to use any other source but natural gas to build our electric generating tower when hardly any other country in the world chooses that resource. They choose coal or some other product rather than this rarity of natural gas.

Now 50 percent of the homes in America are dependent upon natural gas. The companies that deliver it are already putting articles in the newspaper: Don't blame us; the price is going up.

Who do you blame? I think you blame an administration that had no energy policy and for whom energy was an "invisible priority." It was an "invisible priority" because the solutions lay within EPA, the Interior Department, and an Energy Department that was paralyzed by an attitude of antiproduction of real energy. That is the way they were left by Hazel O'Leary, the first Secretary of Energy under this President, and Mr. Pena; and Bill Richardson is left with that residue.

Fifty percent of homes are heated by natural gas. I predict the bills will be skyrocketing because we are using more and more of it because we have no energy policy, and American homeowners are the ones who will see that in their bills. When they start writing the checks with those increases, they are going to be mighty mad at someone.

Don't get fooled. The candidate on the Democratic side, if the election is not over by the time that happens, will blame those who produce natural gas for they are related to oil and gas production. Would you believe, as we stand here today, 18 percent of the electricity generated in America is produced by natural gas? Oh, what a predicament we have gotten ourselves into because we have an invisible energy policy ruled over by an Environmental Protection Agency that never asked a question about energy and an Interior Department that takes property and land of the United States out of production.

I want to tell you a couple of facts. As compared to 1983, 60 percent more Federal land is now off limits to drilling. On October 22, 1999, Vice President GORE, in Rye, NH, said:

> I will do everything in my power to make sure there is no new drilling.

Then we have ANWR. It is off limits.

Offshore drilling is off limits. We could double our domestic oil supply if we opened offshore drilling. Yet we will have more and more transports hauling in refined and crude oil products, creating more and more risk for our ports where they are bringing it in. Yet we maintain we cannot do any more drilling because it is too dangerous.

The multiple-use concept in our public domain is, for all intents and purposes, practically dead. We have 15 sets of new EPA regulations. Not one new refinery has been built since 1976. Now we have soaring gasoline prices. I understand my time is up.

Would Senator KENNEDY mind if I take 1 more minute? I will wrap it up.

I will close with one more fact, and I will put the others in the RECORD. Californians usually spend about $7 billion a year in electricity. The price spikes were so dramatic that they spent $3.6 billion in 1 month, the month of July—half of what they annually spend was spent in 1 month.

Why? California is a big electricity importer. There is growing demand. Silicon Valley companies are big energy users. Demand is up 20 percent in the San Francisco area over last year but no new capacity has been built.

Environmental regulations make building a new plant nearly impossible in California. I predicted exorbitant home heating bills this coming winter even while we were experiencing the gasoline price spikes in the Midwest.

It used to be that one type of gasoline was suitable for the entire country. There are now at least 62 different products. One eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel. Four different gasoline mixtures are required between Chicago and St. Louis—a 300 mile distance. As a result of these Federal/local requirements, the industry has less flexibility to respond to local or regional shortages.

We have 15 sets of new environmental regulations: Tier II gasoline sulfur, California MTBE phaseout; blue ribbon panel recommendations; regional haze regs; on-road diesel; off road diesel; gasoline air toxics; refinery MACT II; section 126 petitions; gasoline air toxics; new source review enforcement initiative; climate change; urban air toxics; residual risk.

The MTBE groundwater contamination issue is going to make the gasoline supply issue even more complicated and reduce industry's flexibility to meet demand.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to millions of American motorists. Legislation mandates the use of ethanol in motor fuel. This would cut revenues to the highway trust fund by more than $2 billion a year.

The U.S. Department of Energy has projected that S. 2962 would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

Frankly, Mr. President, no energy policy is better than this administration's energy policy.

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## ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the Senator from Utah was to be recognized.

Mr. KENNEDY addressed the Chair.

Mr. GORTON. Mr. President, I am authorized to yield myself time from the time reserved for the Senator from Utah.

Mr. KENNEDY. Reserving the right to object, I have been allocated, I believe, 30 minutes. I was supposed to go after the Senator from Utah. Generally, we go from one side to the other, in terms of fairness in recognition. I have waited my turn. The Senator from Utah is not here. I am on that list. I have requested time.

The PRESIDING OFFICER. The Senator is correct. Under Senator HATCH's time, there was an order agreed to that there were two Republicans and then Senator KENNEDY for 30 minutes.

Mr. KENNEDY. I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is asking, as I understand it, unanimous consent to speak under the time of the Senator from Utah. Is there objection?

Mr. KENNEDY. Mr. President, I object to that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are trying to be accommodating here. We have had one Senator from that side. I understand if Senator HATCH was going to be here I would have to wait my turn, but I am here. I have been waiting. Under the fairness of recognition, I object. But I certainly do not object to the Senator speaking after my time.

The PRESIDING OFFICER. The Senator from Massachusetts has a right to object.

Mr. KENNEDY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. GORTON. Parliamentary inquiry.

Mr. KENNEDY. Mr. President, I do not yield for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

## H-1B VISAS

Mr. KENNEDY. Mr. President, for months, Democrats and Republicans have offered their unequivocal support for the H-1B high tech visa legislation. In addition, Democrats have tried—without Republican support—to offer the Latino and Immigrant Fairness Act.

Democrats have worked tirelessly to reach an agreement with the Republicans to bring both of these bills to the floor for a vote. In fact, 2 weeks ago, Democrats were prepared to debate and vote on this legislation as part of their high-tech visa bill, but our Republican colleagues were unwilling to bring this measure to the floor and take a vote. And last Friday, Senator REID asked Senator LOTT for consent to offer the Latino and Immigrant Fairness bill and the Majority Leader objected. No matter what Democrats have done, the Republican leadership has been determined to avoid this issue and prevent a vote.

Our Republican friends tell us the Latino and Immigrant Fairness Act is a poison pill—that it will undermine the H-1B high tech visa legislation currently before the Senate. But, if Republicans are truly supportive of the Latino legislative agenda, that cannot possibly be true.

If they support the reunification of immigrant families as well as the immigration agenda set by the high tech community, we should be able to pass both bills and send them to the President's desk for signature.

I have three letters from children who wrote to the President about the significance of the Latino and Immigrant Fairness Act to families. I will read them quickly for the Senate.

> Dear Bill Clinton.
>
> My mom is a member of late amnesty.

That is the provision under which they would have received the amnesty. Then the INS put out rules and regulations so they were unable to make the application. Then they went to court and found out later they had legitimate rights and interests; they should have received amnesty. Nonetheless, their rights were effectively eliminated by the 1996 act. So now they are in serious risk of deportation.

> Dear Bill Clinton.
>
> My mom is a member of late amnesty. The Immigration wants to report my mom. They don't want her here. She should have permission to stay here because I was born here. Please don't take her away from me and my brothers. I'll trade you my best toy for my mom. Like my bike and my little collections of cars. Don't take her away from me! Please.

Signed Ernesto

Here is another:

> Dear President Clinton,
>
> Please don't take my parents away from me. I love them very much and my sisters too. We have been together for a lot of years and I don't want to be separated now so please don't separate us.

Signed Larry.

> Hi. My name is Blanca. I'm 8 years old. I feel bad for my parents. I want my parents to have their work permit back so that they could work hard as they used to work to overcome our lives in Los Angeles. I am willing to give you, Mr. President, Bill Clinton; my favorite doll for my parents' work permit.
>
> Thank you!
>
> Blanca

These are real situations. We are talking about families who ought to be here as a matter of right under the 1986 immigration bill. Their cause has been upheld by the courts.

The 1996 act, intentionally or not, effectively wiped out those rights, and those individuals are subject to deportation. The children of these individuals are American citizens, born in this country, but the parents are subject to deportation and live in fear of this.

The 1986 act was a result of a series of studies done by the Hesburgh Commission, of which I was a member and so was the Senator from Wyoming, Mr. Simpson. There were a number of provisions in that act. Included in that act was an amnesty provision for people who had been here for some period of time, who had worked hard and were part of a community, trying to provide for their families. These letters are examples of individuals who are now at risk, and we are attempting to resolve their family situation. The Latino and Immigrant Fairness Act is a family value issue.

I suggest, that if we are talking about families and about keeping families together, that this particular provision is a powerful one.

The Chamber of Commerce and a long list of organizations including, the AFL-CIO, the Anti-Defamation League, Americans for Tax Reform, and various religious organizations, support this legislation and have pointed out the importance of it to the economy and the importance of it to keeping families together. They have been strong supporters for these different provisions.

There were other amendments we hoped to offer as well. They dealt with the training of Americans for jobs that would otherwise be filled by H-1B visa applicants. The average income for these jobs is $49,000. These jobs require important skills. There are Americans who are ready and willing to work but do not have the skills to work in these particular areas. We wanted an opportunity to offer amendments to deal with this. This would not have required additional expenditures. We were going to have a modest fee of some $2,000 per application that would have created a sum of about $280 million that would have been used for skill training and work training programs, and it also would have provided assistance to the National Science Foundation in developing programs, particularly in outreach to women and minorities, who are under-represented in the IT workforce.

There was some allocation of resources to reduce the digital divide, and others to expedite the consideration of these visas and make them more timely, which are both important. That was a rather balanced program. Members can argue about the size and the allocation of resources in those areas, but nonetheless, it appears those provisions are relevant to the H-1B legislation. But we were prohibited under the action taken to even bring up these matters.

These issues can be resolved quickly. Under the proposal that was made by Senator DASCHLE, we would have 1 hour of debate on the issue of skill training, which is enormously important. I personally believe we have to understand that education is going to be a continuing life experience. And for those who are in the job market, training and education is going to be a life experience if they are to continue to get good jobs and enhance their skills.

These are all related to the subject at hand, but we have been denied the opportunity to offer them. Instead, we have been virtually free of any serious work on the floor of the Senate since 10:15 this morning. Another day has passed. Under the deadline that was established by the two leaders, the Senate will recess at the end of next week. Meanwhile, another day has passed and we continue to be denied the opportunity to remedy a fundamental injustice. We continue to be denied the opportunity to bring up the Latino and Immigrant Fairness Act, and the opportunity to debate and reach a conclusion on these matters.

We are ending another day, but I wonder what the intention is and why we continue to have this circus, so to speak. Americans are wondering. We are in the last 2 weeks of this Congress, and we have passed two appropriations bills. What is happening on the floor of the U.S. Congress? What Americans have seen today is a long period of quorum calls and the denial of Members to offer amendments in a timely way to reach a resolution of matters of importance, such as the H-1B legislation and the Latino and Immigration Fairness Act.

I thought when we were elected to the Senate, it was a question of priorities and choices. When I first came to the Senate, I heard this would be a great job if you didn't have to vote. I laughed when I first heard that. Now it is back. It is a great job if you don't have to vote. Now we are prohibited from voting and indicating our priorities on H-1B and the Latino and Immigrant Fairness Act. It is unfortunate that this is the case.

I am going to print in the RECORD a number of the letters that have been sent to me in support of these provisions. Some of the most moving ones have been from some of the religious organizations.

I want to be notified by the Chair when I have 10 minutes remaining.

I have a letter from the Lutheran Immigration and Refugee Service, one of the very best refugee services. I have followed their work over a long period of time. They are first rate. Here is what they wrote:

> We understand and appreciate the needs of our country's high-tech industries and universities for highly skilled employees. We also feel, however, that legislation to benefit the most advanced sectors of our society should be balanced with relief for equally deserving immigrants who fled persecution and political strife, seek to remain with close family members or long worked equally hard in perhaps less glamourous jobs. A comprehensive bill would be a stronger bill vindicating both economic and humanitarian concerns.

They have it just about right.

I have another letter from the Jesuit Conference that says:

> As you aim to make our immigration policy more consonant with U.S. reality, we ask you to recognize the present situation of thousands of immigrants from El Salvador, Guatemala, Honduras, and Haiti who fled political and economic turmoil in their countries years ago and are now living and working in the United States without permanent immigration status. Many of those immigrants have built families here and have strengthened the U.S. economy by providing services to the manufacturing industry with the essential low-wage workers they need. Congress has already acknowledged the need to ameliorate the harsh effects of the 1996 immigration law. In 1997, it passed the Nicaraguan Adjustment and Central American Relief Act that allowed Cubans and Nicaraguans to become permanent residents, but gave Salvadorans and Guatemalans limited opportunities to do so.
>
> Haitians and Hondurans were completely excluded from the 1997 law. In 1997, Haitians were given hope for equal treatment and fairness by passage of the Haitian Relief Act, but the spirit of the legislation was ultimately thwarted by messy and slow lawmaking. It is time to remedy the unequal treatment received by Central Americans and Caribbeans once and for all.

The list goes on with group after group representing the great face of this nation pointing out the moral issues involved. Evidently they are not of sufficient and compelling nature that we are permitted to get a vote in the Senate. We are denied that opportunity, even though there is support from a long list of groups that understand the economic importance of this to certain industries. But the moral reasons, the family reasons, the sense of justice which are underlined by members of the religious faith I find compelling.

I believe deeply that by failing to act, we are denying ourselves a great opportunity to remedy a great injustice.

## HATE CRIMES

Mr. KENNEDY. Mr. President, last Friday night, an armed man walked into a gay bar in Roanoke, VA and opened fire wounding six gay men and killing another. According to news reports, the gunman asked for directions to the closest gay bar and confessed that he was shooting them because they were gay. This vicious shooting was clearly a crime motivated by hate. The victims were targeted solely because of their sexual orientation. The message of hate against the gay community was clear.

Hate crimes are a national disgrace. They are an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. We need to take a strong and unequivocal stand against these despicable crimes whenever and wherever they happen.

This Congress has a real opportunity to make a difference in the fight against hate-motivated violence. Two months ago, as an amendment to the Defense Authorization Bill, a strong bipartisan majority of the Senate voted in favor of hate crimes legislation that will close the loopholes in current law. I pay tribute to the Presiding Officer for his strong support of this endeavor. The House of Representatives has also demonstrated its strong bipartisan support for passing this important legislation on the defense bill.

Despite this unique opportunity, the Republican leadership in the Senate and the House continue to oppose including the hate crimes provisions in the conference report on the Defense Authorization Bill. By removing hate crimes legislation from the bill, the Republican leadership will send a disturbing message about its lack of commitment to equal protection of the law and to civil rights for all Americans.

I urge Majority Leader LOTT, Speaker HASTERT, and the conferees on the Defense Bill to do the right thing. Both the House and the Senate strongly favor action this year against hate crimes. Now is the time for the Congress to act by sending a clear and unmistakable signal to the American people that the federal government will do all it can to see that these despicable offenses are punished with the full force of the law.

Just last Friday night, one of the most horrendous and horrific kinds of crimes was committed by an armed man walking into a gay bar in Roanoke, VA. Interestingly, Virginia has hate crimes legislation, but it is not based upon sexual orientation. So that is a major opening in that law.

The legislation, which has passed in the Senate, would be able to address this issue. We should have the opportunity to vote on it. It was included in the defense authorization bill. It was strongly supported on the instructions by the House of Representatives. That conference is still open. I am a member of that conference. It is one of the last remaining items. It ought to be included. If we need a reminder of why it is important to pass this legislation, we have that tragic circumstance.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. KENNEDY. I thought I asked for a 10-minute warning.

The PRESIDING OFFICER. That is 1 minute 20 seconds prior to the 10 minutes.

Mr. KENNEDY. I thank the Chair.

## THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I raise one other item of priority, and that is the failure to take action on the Elementary and Secondary Education Act.

If we don't take action, this will be the first time in 35 years where the Senate has failed to take action on the Elementary and Secondary Education Act. I, again, bring to the attention of our colleagues the commitment that was made by the majority leader going back to 1999.

On January 6, 1999, he said:

> Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

On January 29, 1999:

> But education is going to have a lot of attention, and it's not going to just be words. . . .

On June 22, 1999:

> Education is number one on the agenda for Republicans in the Congress this year. . . .

On February 1, 2000:

> We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

> We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Here we are in May of 2000:

> . . . I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

The PRESIDING OFFICER. The Senator now has 10 minutes.

Mr. KENNEDY. I thank the Chair.

I ask the Chair to let me know when I have 2 minutes remaining.

Final statement, July 25:

> We will keep trying to find a way to get back to this legislation this year and get it completed.

We have not been able to do that. We have been unable to do it. The basic reason that we have been unable to do it is because those on this side wanted to offer a series of amendments—on smaller class size; well-trained teachers in every classroom in America; help and assistance in the construction of schools, in the modernization of schools; afterschool programs; assurance that we are going to have tough accountability; that we are also going to reduce the digital divide; and access for continuing education programs; but we also wanted to make sure that we were going to take the necessary steps to help make the schools safe and secure—and once that became evident, then there was a different mood around here. Then that bill was effectively pulled by the majority. We do not yield on the issue of making sure we do everything we possibly can to make sure that schools are going to be safe and secure.

I draw attention to the tragic situation today in the Carter Woodson Middle School in New Orleans, LA. Two teenage boys have been involved in another school shooting. Someone passed a gun in through a fence, and a young child used it. That child shot another child, and then he dropped the gun. Another child picked up the gun and shot the initial shooter. Both children are critically injured and in surgery. School has been canceled for 3 days.

We have pressing education issues to address. We have pressing needs to try to make our communities safer and more secure and to remove the opportunities for children to acquire the weapons of destruction that end up taking other children's lives. But we are denied that. As a result, we will not have the chance to reauthorize.

I say that because we heard from the majority leader that we are not going to take up education because we are not going to consider gun legislation, in spite of the fact that in 1994, our majority leader co-sponsored gun legislation that was proposed by a Republican Senator. They didn't complain then and say it was inappropriate or irrelevant at that time. It is relevant to make sure that schools are safe and secure.

I heard a great deal in the last few days about what is happening in the schools of this country. All of us understand that we have challenges that exist in our inner-city schools and many of our rural schools. We understand that. But I am kind of tired of people just tearing down the public school system. That has become rather fashionable. We have heard that in part of the national debate. I am just going to bring some matters to the attention of the Senate.

First are the number of students who are taking advanced math and science classes—this is from 1990 to 2000. On precalculus, the number of students went from 31 to 44 percent; on calculus, from 19 percent to 24 percent; on physics from 44 percent to 49 percent—a very significant increase in the number of children who are taking more challenging courses in our high schools, according to the College Board.

On this chart we see the growth in the percent of students who are taking the scholastic aptitude tests. This went from 33 percent in 1980, to 40 percent in 1990, and up to 44 percent. The trend lines are moving up. It is not an enormous amount of progress from 40 percent to 44 percent, but nonetheless it is showing an enhancement of the total number of children who are taking those tests.

Here are the SAT math scores. They are the highest in 30 years. This is important because we have many more children taking them.

It is one thing that we have a small number of children taking the test, now we have expanded the number of children who are taking the test nationwide. And what do we see? The SAT math scores are the highest in 30 years. They have been moving up now consistently over the last few years. Actually, in the early years, in terms of minorities, the difference has actually diminished.

What we are saying is that there are some very important indicators that are going in the right way. I was quite interested in hearing the Governor of Texas talk about how our schools are in all kinds of trouble and how it happens to be the Vice President's fault. But meanwhile the States themselves have 93 cents out of every dollar to spend. They are the ones who have the prime responsibility to spend on education. So the question comes down to, if they are the ones who have the prime responsibility, is it fair enough to ask what these Governors have been doing over this period of time?

Federal participation has been targeted on the neediest children. They are the toughest ones to try and bring educational enhancement and academic achievement to; they are the ones who are targeted. Nonetheless, we see what has been enhanced. There have been some very notable kinds of improvements. I think the State of North Carolina, under Governor Hunt, has been one of the outstanding examples of total improvement in how they have been dealing with troubled schools—those schools that have been facing challenges. Instead of the proposal that is offered by Governor Bush in this particular instance, which would draw money from it and effectively close down that school, we find out how they are handling that with Governor Hunt in North Carolina. In North Carolina they send in teams to help restructure both the personnel and the curriculum. What is happening is major achievements and accomplishments.

Those are the kinds of ideas we ought to be embracing, the ones that have been tried and tested and have been effective.

I want to show, finally, where we are going over a long period of time in terms of enrollment. It will continue to rise over the next century. We are failing in this Congress to have a debate and a conclusion on the Elementary and Secondary Education Act. We had 6 days of discussion on the Elementary and Secondary Education Act; 2 days for debate only. Then we had eight votes—one vote was a voice vote; three were virtually unanimous. So we had four votes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. We have not had the full debate and discussion of what American parents want. The fact is, projected over the next years, we are going to see virtually a doubling of the number of children, up to 94 million. The children in this country and the parents deserve a debate and discussion in the Senate on education. They have been denied that. For the first time in the history of the Elementary and Secondary Education Act, the Senate has failed to meet its commitment in this area.

I regret that, Mr. President. I wish we were debating that instead of having long quorum calls or lengthy speeches on the floor of the Senate.

I retain the remainder of my time under cloture.

The PRESIDING OFFICER. The Senator from Texas.

## H-1B VISAS

Mr. GRAMM. Mr. President, I am tempted to jump into the debate about education. The problem is not people taking courses. It is learning something from the courses you are taking.

I remind my colleagues that the SAT test changed several years ago so that the minimum requirements to play football in division 1 went up from 700 to 840. You might think: Rejoice, we have raised academic standards in athletics in college. The truth is, the test was recentered so that everybody's score was raised by 140 points at that level. I do not look at Senator KENNEDY's test scores and rejoice that we now have achieved the level we had in 1961. Can you imagine any other debate in America where people say: We have great success; we have equaled what America did in 1961.

I don't call that success. I call that failure. I call that failure because with all the resources we are spending, the fact that we have yet to achieve what we had achieved in 1961 is the greatest indictment of our education bureaucracy and a failed system that believes that Federal control and Federal money is the answer.

But I am not going to discuss that right now. I want to remind people of what has happened all day today here in the Senate. Our Democrat colleagues say they are for the H–1B program. They say they want to allow high-tech workers to come into the country to help us continue to dominate the world in high-tech jobs so that we can continue to have economic growth. They go out to Silicon Valley and say: We are with you. We are for the H–1B program. Yet they have spent all day filibustering it.

I don't understand it. You are either for it or you are against it. Now they say: Well, we are for it, but you have to pass a whole bunch of bills doing other things before we are going to let you adopt it.

I think it is time for those who need this bill to say to our Democrat colleagues: If you are for the bill, let us vote on it.

We have all heard the cliche, "if you have friends like that, you don't need enemies." The point I want to remind people about is that all day long, the Democrats have been filibustering the H–1B program. So if anybody thinks they are for it, the next time they stand up and say they are for the program, I think the obvious thing to ask is, if you are for it, why are you holding it up?

We need this bill because we want to keep America growing. I believe our Democrat colleagues are putting politics in front of people. This bill is important to maintain economic growth. It is important to maintain our technical superiority.

I want people to know, with all the thousands of issues that have found their way to the floor of the Senate this afternoon, that what this debate is about is that our Democrat colleagues say they are for the H–1B program, but they are preventing us from voting on it. If you are for it, let us vote on it then. If you are for it, end all these extraneous debates. If you want to debate giving amnesty to people who violated America's law, then offer that somewhere else. Propose a bill, but let us vote on the H–1B program.

Why do we need it? We need it because we want to maintain the economic expansion that is pulling people out of poverty. We want to maintain our technological edge. But we can't do those things if the Democrats don't let us pass this bill.

If you are following this debate, don't be confused. They say they are for H–1B, the passage of this bill, but they are working every day to throw up roadblocks, to stop it, and to demand some payment for letting us pass it.

Let me make it clear, no tribute is going to be paid on this bill. There is not going to be a deal where they get paid off to pass this bill. They go to California and to Texas and other places and say: We are for the high-tech industry. We are for the H–1B program. But the cold reality is that on the floor of the Senate today, we did not get to vote on it. We did not get to pass it. We did not make it law. We did not do what we need to do to maintain this economic prosperity and to maintain our edge in the high-tech area because the Democrats are filibustering H–1B. They say they are for it, but when it gets right down to it, actions speak louder than words.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

## H–1B AND H–2A VISA LEGISLATION

Mr. SMITH of Oregon. Mr. President, I have listened to the debating back and forth on the issue of whether we do H–2A or H–1B.

I would like the American people to know that I think there is a lot going on behind the scenes. I think there is a lot that needs to happen behind the scenes, and quickly because both of these issues are legitimate issues. I believe America needs to make up its mind whether we want the high-tech industry to remain an American industry. It is vital to our economic good, and we are all proud of it. We all want to encourage it. We need to help the high-tech industry by raising the H–1B visas temporarily. Otherwise, this is an industry that is prepared to move to other shores. I would rather they remain on our shores because I think it does us an enormous amount of good.

In my State, and in the State of the Senator from Nevada, and so many States, we are seeing small businesses thrive with the development of this new technology.

But I also want to speak to the need that we not abandon the cause of the Hispanic and Latino workers. There are many proposals right now addressing their needs.

I happen to be a cosponsor of a bill, being argued by many on the other side of the aisle, which help these workers.

I think it is a crying shame that we have people living in the shadows of our society right now. These are people who are here; yes, many of them illegally, probably well over a million, and maybe as many as 2 million people who are working primarily in agricultural industries. These illegal workers have infiltrated many other industries as well. They have been here for a decade and more. Many people worry that if Congress addresses the worker shortage in agriculture, more illegal workers will come. I have news for them. They have already come. They are here. They live among us and contribute to our economy. They are contributing to our tax rolls, frankly, without the benefit of law.

I believe Republicans and Democrats ought to find a way as human beings to reach out to the illegal farm worker community. If it isn't with amnesty, there are ways we can allow them to be here legally.

A lot of people say we have no worker shortage in agriculture. I tell you that we don't if you include all the illegals. But we owe something better to these workers and something better to their employers than an illegal system.

It is a crying shame, and we ought to be ashamed of it in the Senate, and do something about.

I know Speaker HASTERT is working on this issue in the House. I believe our Senate leadership is working on it here.

But I am in a dilemma. I will admit it right here on the floor of the Senate. I want to help the high-tech industry by providing them with highly skilled temporary workers, but I also want to help the workers in the agricultural industry who contribute to our economy and deserve our attention as well.

I hope that our leadership will respond quickly to the needs of the agricultural industry, as well as the dignity its workers deserve.

I see our leader is on the floor. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I thank the Senator from Oregon for his time in the Chair, for his commitments, and for the leadership that he provides in the Senate.

## UNANIMOUS CONSENT AGREEMENT—H.J. RES. 109

Mr. LOTT. Mr. President, I understand that Senator REID is here. I ask unanimous consent that notwithstanding rule XXII, at 9:30 a.m. on Thursday, September 28, the Senate proceed to the continuing resolution, H.J. Res. 109; that the joint resolution be immediately advanced to third reading and no amendments or motions be in order; that there be up to 7 hours for final debate to be divided as follows: 6 hours under the control of Senator BYRD, and 1 hour under the control of Senator STEVENS.

Finally, I ask unanimous consent that the resolution be placed on the calendar when received from the House.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NOTICE OF INTENTION TO SUSPEND RULE XXII

Mr. DASCHLE. Mr. President, pursuant to rule V, I hereby give notice in writing of my intention to move to suspend rule XXII to permit the consideration of amendment No. 4184 to S. 2045.

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000—Continued

Mr. LOTT. Mr. President, I am pleased that the Senate has voted 94-3 to invoke cloture with respect to H-1B legislation.

As Members know, cloture limits debate and restrains amendments to germane amendments only.

With that in mind, I want all Senators to know that the Senate is going to conduct a final vote on this legislation. We are committed to that, and we will get to that point even if it takes some more time. I hope my colleagues on both sides of the aisle will allow this bill to be voted on in the Senate. We have worked on it for months trying to get agreements to find a way to get conclusion. But it is time that we get to the conclusion and have a vote. I predict that the final vote on this bill will be somewhat like the vote we had on the FAA reauthorization bill some 4 years ago. There was a lot of resistance. It took a week to get to a final conclusion. The final vote was something like 97-3. I suspect that when we get to a final vote here it will be 90-10, if we can ever get a vote on the substance.

### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending first-degree amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending first-degree amendment (No. 4177) to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Spencer Abraham, Kay Bailey Hutchison of Texas, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending committee substitute.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to report the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the committee substitute amendment to Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens:

Trent Lott, Gordon Smith of Oregon, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith of New Hampshire, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, Jeff Sessions, and Don Nickles.

### CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk to the pending bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII of the Standing Rules of the Senate, the chair directs the clerk to report the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 490, S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B non-immigrant aliens:

Trent Lott, Gordon Smith, Judd Gregg, Wayne Allard, Conrad Burns, Craig Thomas, Rick Santorum, Thad Cochran, Bob Smith, Spencer Abraham, Kay Bailey Hutchison, Connie Mack, George Voinovich, Larry Craig, James Inhofe, and Jeff Sessions.

Mr. LOTT. Mr. President, I would be happy to vitiate the cloture votes on this bill if the Democrats would agree to that. I think we could get a time agreement and have germane amendments that could be offered, and we could complete it in a reasonable period of time. Perhaps we should have gone through a procedural effort different from what we wound up with, but I really thought that once we had the cloture vote this morning, we would be able to get some sort of reasonable time agreement—6 hours or more if necessary—and get to a conclusion so that we could move on to other issues. I am still open to that. I know Senator REID has put a lot of time on it and had some remarks today. I certainly understand that. The issue or issues that have been raised, I think, could be or would be considered on other bills and other venues. I hope we can work together to find a way to complete this important legislation.

Failing that, I had no alternative but to go this route.

Mr. REID. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. REID. Mr. President, I don't really understand because I haven't been there, but I have some idea of the burden that the Senator bears. I really do. It hurts me—I care a great deal about the Senator as a person—to delay what I know the Senator believes is extremely important.

However, I believe we should resolve this quickly. We could have a vote in the morning on H-1B. We, the minority, don't oppose H-1B. As I have said today, we want a vote on the amendment filed which we have been talking about all day. We will take 5 or 10 minutes a side and vote. We could be done with this legislation tomorrow at 2 o'clock in the afternoon or 10 o'clock in the morning, whatever the leader decided.

The debate we have had today has been constructive but, in a sense, unnecessary. I hope the majority leader, the man who has the burden of controlling what goes on here, especially in his waning days of this Congress, will meet with the caucus or make the decision unilaterally, or whatever it takes, and move on. Take care of the high tech people. Also, take care of the restaurant workers and other people who also need to be taken care of.

Again, we will take as little as 5 minutes on this amendment and have a vote and go about our business.

Mr. LOTT. Mr. President, if I might respond to Senator REID, I think he knows an effort was made a few days ago to see if we couldn't clear a limited number of amendments—and either without identifying what those amendments would be or identifying them—and we are not able to clear it. We couldn't clear it on this side.

We had Senators on this side that wanted to offer other issues, too, including the H-2A issue, involving how we deal with visas for agricultural workers. There are some Members who think we ought to do that. There are others who didn't think we ought to do it on this bill. While I understand what the Senator is saying, I have not been able to clear that, and therefore I had to move forward to try to get the bill to conclusion.

I always enjoy working with the Senator from Nevada. He has been unfailingly fair and has worked with us to move a lot of issues. I appreciate that. I regret we couldn't get this cleared. I did try to, but I couldn't get it done. So now we need to get to a conclusion on the underlying.

Mr. BIDEN. Will the Senator yield?

Mr. LOTT. I am happy to yield to the Senator.

Mr. BIDEN. I realize the leader, as Senator REID said, has a lot of burdens. But today the House passed, by a vote of 415-3, the Violence Against Women Act—24 Republicans and all Democrats. Seventy-one cosponsored the Violence Against Women Act.

I wonder if the leader would be willing to agree to a 10-minute time agreement and we could vote on the Violence Against Women Act tomorrow or some day?

Mr. LOTT. Mr. President, let me say we are going to try to clear that bill so we can get it into conference with the House. If we run into problems, whatever they may be, it is my intent that legislation will be on a bill that is signed into law before the end of this session. It is our intent to get it done. We will try a variety of ways to achieve that. We will want to put it on a bill that we hope will be signed into law. We are not going to try to put it on something that might not be. We will also be taking cognizance of what the House has done.

Mr. BIDEN. If the Senator will allow me a moment, it may be helpful for consideration to know I spoke with Republican leadership in the House on this issue, as well as here, and I am confident we can arrive at a bill that wouldn't require a conference.

So if the leader concludes at some point—and I take the leader at his word and he always keeps it—the intention is to bring this up, I think it may be possible we could literally pass a bill that would not require a conference. I raise that possibility.

Mr. LOTT. We will be working on that. I have had other bills that I thought would zip right through'', no problem. We have one from the Finance Committee, the FSC issue, which is very important to compliance with the WTO decision. I am concerned now we may not be able to get that cleared.

We are trying to get appropriations bills considered by the Senate. We are trying to get an agreement to take up the District of Columbia, and we ran into a problem. I think maybe we are fixing that problem, but I am saying to the Senator at this point it is hard to get clearances. We did get one worked on regarding the water resources development bill, and we are doing other issues.

This is a bill we will find a way to get done before this session is over. We will see what happens when we get it together and try to work through it.

Mr. BIDEN. Mr. President, I thank the majority leader. As I indicated to the majority leader, this may be a unique bill not unlike the one my friend, the Presiding Officer, has on sex trafficking on which he has worked so hard. This doesn't even have those problems. This has 415 Members of the House voting for it; 3 voting against it; 71 cosponsors in the Senate. I am willing to predict, if we can agree to bring it up without amendment, we will get 85 to 95 votes. This is in the category of a no brainer. HENRY HYDE is a sponsor of it. It is the Biden-Hatch bill.

The only point I make, and I will be brief, time is running out. The Violence Against Women Act expires this Sunday, September 30. It took me 8 years to get this thing done. It took 3 years after it was written just to get it considered. It took that long to get it passed. It has been in place for 5 years. There are no additional taxes required to pay for this bill because there is a trust fund that uses the salaries that were being paid to Federal officials who no longer work for the Federal Government; it goes into that fund.

As I said, if there was ever a no brainer, this one is it. Democrats like it; Republicans like it. As Senator Herman Talmadge from Georgia, said to me one night regarding another issue when I walked into the Senate dining room: What's the problem, JOE? I guess I looked down. He was chairman of the Agriculture Committee. I said: I'm having problems with such and such an issue. He said: What is the problem, son? I repeated: I thought he didn't hear me. He said: No, you don't understand. Republicans like it; Democrats like it. So just go and do it.

Well, that is where we are tonight. Democrats like the bill; Republicans like the bill; the House likes the bill; the Senate likes the bill; women like the bill; men like the bill, business likes the bill; labor likes the bill. So why don't we have the bill? And I have been hollering about this for 2 years now.

Hopefully, in light of what the majority leader said, maybe we will get to it. I was beginning to get a little despondent. I was even thinking of attaching the bill to the Presiding Officer's bill to make sure we get it done.

Today the Washington Post, in an editorial entitled "Inexplicable Neglect," noted: "There seems to be no good reason, practical or substantive, to oppose the reauthorization of the Violence Against Women Act."

I ask unanimous consent the totality of that editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### INEXPLICABLE NEGLECT

> There seem to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.
>
> Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.
>
> With time in the 106th Congress running out, the Violence Against Women Act may become a casualty for neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

Mr. BIDEN. The act of 1994 signaled the beginning of a national—and, I argue, historic—commitment to women and children in this country victimized by family violence and sexual assault.

The act is making a real difference in the lives of millions of women. The legislation changed our laws, strengthened criminal penalties, and facilitated enforcement of protection orders.

I see my friend from California is here. When she was in the House of Representatives, she was one of the few people, man or woman, on either side that fought for 2 years to get this passed. I say to the Senator, the majority leader indicated he plans on making sure that this gets voted on this year. "This year" means the next couple of days or weeks. He says he wants to attach it to another bill.

I have been making the case, I say to my friend from California, that based on the vote in the House, 415-3 and 71 Senators cosponsoring the Biden-Hatch bill here in the Senate, we should bring this up free-standing. I was presumptuous enough to speak for you and others and say we would agree to a 5-minute time agreement on the bill.

Mrs. BOXER. Will my friend yield for just a couple of quick questions, and then I will allow him to, of course, finish his statement.

First, I really came over to the floor when I saw the Senator took time to speak on the floor about the Violence Against Women Act. It was my great honor when I was in the House that he asked me to carry that bill those many years ago. I remember what a struggle it was. We couldn't get that House at that time to recognize this problem.

I have heard my friend say many times, even the words "domestic violence" indicate something that is different about this particular kind of violence; there is something that is domesticated about it. It is violence; it is anger; it is rape; it is hard to even describe what women, particularly women—although it does happen to men—go through.

So I took to the floor just to ask a couple of questions. In light of the House passage with the kind of vote you rarely see over there—my goodness, we hardly ever see a vote like that—and the fact it was freestanding, wasn't attached to any other bill, doesn't my friend believe we should bring this up—I agree with him—with a short time agreement, 2 minutes a side? It doesn't matter to me. We have talked enough about this over the years.

Doesn't my friend agree it would be much better to just bring it up freestanding instead of attaching it to another bill that some people may have problems with? Why would we want to take this idea, this incredibly important idea that the Senator pushed through this Congress, and attach it to another bill that may be controversial?

Mr. BIDEN. In response to the question of the Senator, I fully agree with her. I indicated that to the majority leader. To give the majority leader the benefit of the doubt, which I am prepared to do, I am not sure he understands how much support this has. When I indicated it should be freestanding, he cited other bills he thought were going to go through and they didn't go through and that was what he was worried about.

He had to leave here necessarily and so didn't hear my response, which is, this is not like any other bill. I have not heard of any problem. If any staff is listening—staffs of all one hundred Senators listen to proceedings. They are assigned to listen to them. I ask anybody in the Senate who has any problem with the Biden-Hatch bill to please come and let us know, to debate it. I do not know anybody who is even willing to debate it, to say they are not for it.

I would be dumbfounded, when in fact we bring this up, if we bring it up freestanding, if it didn't get everyone in the Senate voting for it. I would be astounded if it got fewer than 85 or 90 votes. I would not at all be surprised if it got 100 votes. But I am not sure the majority leader understands that.

Frankly, what the Senator from California and I could do with Senators HATCH and SPECTER and others who are supportive of this bill—maybe we can go see the majority leader tomorrow and lay out for him why we are so certain he will not get himself in a traffic jam if he brings this bill up and why he doesn't need to attach it to anything else.

Mrs. BOXER. Right. I say to my friend, since we are strategizing here in front of the world——

Mr. BIDEN. The whole world.

Mrs. BOXER. We might want to see if we could get some signatures on a letter asking him to bring it up freestanding because it seems to me to be the best thing to do.

Almost everything else we do, as my friend has pointed out, is controversial. But when you have a bill that has worked to increase the funding for shelters and train judges and doctors and the rest, and as a result we have seen a 21-percent decline in this kind of violence, it ought to breeze through here.

But I really came to the floor to thank my friend for his leadership here and his continued focus on this issue. A lot of us, as we get older, start thinking: What have I done that I am really proud of? I know my friend can truly say—and I can say it because I was fortunate he involved me in this early on—this is one of the good things, one of the great things.

I thank my friend and hope we can prevail on the majority leader to bring this up freestanding. I thank my colleague for yielding.

Mr. BIDEN. I thank the Senator. I will follow onto that.

History will judge—and even that is a presumptuous thing, to think history will even take the time to judge, but some folks will judge whether or not my career in the Senate accomplished anything. I know for me, the single most important thing I have ever been involved in, and have ever done, and I care more about than anything I have ever been involved in, is this legislation. The thing I am most proud of is that it has become a national consensus. It is not a Democratic issue; it is not a Republican issue; it is not a women's issue, not a men's issue. We have taken that dirty little secret of domestic violence out of the closet.

Mrs. BOXER. That is right.

Mr. BIDEN. We have freed up, as a consequence of that, not only the bodies but the souls of millions of people and thousands and thousands of women.

As the Senator well knows, the hotline that she and Senator KENNEDY, Senator SPECTER, and others have worked so hard to put in place, that hotline has received literally hundreds of thousands of calls—300,000 all told—tens of thousands of calls over the years since we passed this, saying: Help me, help me. I am trapped.

I say to men who say: Gee, whiz, why don't women just walk away; Why don't they just walk away from this abuse they get; There are a lot of reasons they don't, from being physically intimidated, to being psychologically intimidated, to having no place to go and no financial resources.

Mrs. BOXER. Will my friend yield on this point?

Mr. BIDEN. Yes.

Mrs. BOXER. I think also—and I know he is so aware of this—another reason they do not walk away is their kids.

Mr. BIDEN. Absolutely.

Mrs. BOXER. They fear for their kids. With all of the attention we have paid to the entertainment industry—and the Chair has taken a lead on this—to call to everyone's attention the excess of violence and the marketing of too many R-rated films to kids, we know for sure, I say to Senator BIDEN, there is only one proven predictor that violence will be passed on to the next generation, and that is when the child sees a parent beat the other parent. We know that 60 percent or more of those kids are going to grow up in the same fashion.

I was going to leave now, but every time the Senator starts to bring up another point, it is so interesting, I am kind of spellbound. But the bottom line is, with this bill we are helping women and children and families. We are standing for the values that I thought we all mean when we say "family values." Again, my thanks.

Mr. BIDEN. I thank my colleague.

Mr. President, I will not go through the whole of my statement. Let me just make a few other points.

I must say I compliment the Chair for his work and his, not only intellectual dedication but, it seems to me, passionate commitment to do something about the international sex trafficking occurs. This is a women's issue internationally.

I suspect he feels the same way I feel about this legislation. I suspect he believes there is probably not much more that he has done that is as tangible and might affect the lives of people, that you could look to, you could count, you could touch, you could see. When I said there are a lot of calls, literally over half a million women, over 500,000 women have picked up the phone and called, probably huddled in the dark in the corner of their closet or their room, hoping their husband or significant other is not around, and said in a whisper, "Help me, help me"—given their name and address and said, "Help me."

Think of that. Think of that. A half a million women have picked up the phone. How many more have not picked up the phone?

The thing we should be aware of—and I know the Chair knows this—it is counterintuitive to think a child who watches his mother being beaten to a pulp would then beat his wife or girlfriend later. That is counterintuitive. Wouldn't you think that would be the last thing a child would do? But the psychologists tell us it is the first thing. They learn violence is a readily available and acceptable means of resolving power disputes.

You know, as the Chair I am sure knows—I am not being solicitous because of his work in this generic field—about 60 percent of the people in prison today have been abused or were in families where they witnessed abuse. This is not rocket science. I hope we get on with it.

There are a few things I want to mention. This bill does not merely reauthorize what we have done. I made a commitment, when I wrote this bill and we finally got it passed as part of the Biden crime bill, that I would go back and look at it—and others have, too, but personally since I was so involved in it—and the parts that were working I would try to beef up; the parts that were weak and did not make sense, I would jettison. In the reauthorization, I would get rid of them.

I hope my colleagues will see we have kept that commitment. We take the parts we found were lacking in our first bill and we, in fact, beefed them up. We kept the police training, the court training, and all those issues. We kept the violent crime reduction trust fund which, by the way, gets about $6.1 billion a year from paychecks that are not going to Federal employees anymore and go into this trust fund. It trains attorneys general and the rest.

What it does beyond all it has already been doing is it provides for transitional housing for women. We have over 300,000, in large part thanks to Senator SPECTER from Pennsylvania, who has been so dedicated in his appropriations subcommittee to this. We have built all these new shelters. We do not send women to shantytowns. This is decent housing with anonymity, giving them an opportunity to get out from under the male fist abusing them, and they can bring their children with them.

Seventy percent of children on the street are homeless because their mothers are on the street, a victim of domestic violence. We realized there is a gap here because there are so many women knocking down the door to get into these shelters to get out of abusive circumstances. We can only keep them there for 30 days, 60 days, sometimes longer. They cannot go back home because their husband has either trashed the home or tried to sell the home or they have to move back in with the husband. We tried to find some transitional housing that takes them down the road for the next couple of years and gives them some hope.

We also beef up cross-State protection orders. For example: God forbid there is a woman staffer in ear shot and she lives in Virginia or Maryland or a nearby State and she went to the court and said: Look, my husband or my boyfriend or this man has harassed me or beaten me, and I want him to stay away from me. The court issues what they call stay-away orders, victim protection orders.

That woman may work in the District of Columbia. Now she crosses the line from Virginia or Maryland into D.C., and she gets harassed. The man violates the order, and she goes to a D.C. cop or D.C. court. They do not have any record of it. There is no record or they do not honor it. I am not talking about D.C. particularly. One State does not honor another State.

What we have done is beefed up the requirement that States honor these stay-away orders when women cross the line, literally cross a State line, cross a jurisdictional line.

There is a very well-known reporter at the Washington Post—although he has written about this, I am not going to take the liberty of using his name without his permission. His daughter was in a similar situation in Massachusetts. She was abused by someone. A stay-away order was issued. She was in Massachusetts. She was in a different county. The man, in fact, violated the order. They went into a local court. The local court, because there were not computerized records, did not know there was a State stay-away order.

By the way, the stay-away order says if you violate the order, you go to jail. If a man follows a woman into a different jurisdiction and the jurisdiction knows that order exists and he violates the order, they can arrest him and send him to jail on the spot because it is part of the probation, in effect, to stay away. It is part of the sentence, if you will; not literally a sentence. They can put him in jail.

George's daughter said: This guy has an order. He is not supposed to be near me.

The judge said: We have no record of that order because they are not computerized for interchange of these records.

They walked outside the courtroom, and this man shot her dead. He shot dead on the spot the daughter of this famous Washington reporter because there was not the honoring, even within the State, of these orders. We beefed that up.

By the way, in my State of Delaware, which has a relatively low murder rate, 60 percent of all the people murdered in the last 2 years were women murdered by their husband or their boyfriend. Did my colleagues hear what I just said? Murdered by their husband or boyfriend. The vast majority of women who are murdered in America are murdered by a significant other or their husband. This is not a game.

We are now in a position where there is, in fact, no authorization for the continuation of this law for which we worked so hard. Come October 1, which is what, how many days? Today is the 26th. The point is, in less than a week, this law is out of business.

I have much more to say about this, but I will not take the time of the Senate now. I am encouraged, I am heartened by what the House did. I am encouraged by what Senator LOTT said to me today on the floor, and I look forward to the opportunity to convince the leader to bring this up in whatever form that will allow us to pass it because, again, this is not a Republican or Democratic issue. This literally affects the lives of thousands and thousands of women.

## SUPPORTING DEMOCRACY IN SERBIA

Mr. BIDEN. Mr. President, on another matter which relates to another form of human rights, I wish to speak to the legislation we are going to bring up tomorrow, the Serbian Democratization Act of 2000. I am an original cosponsor of this legislation. I am told that tomorrow we are going to get a chance to deal with this issue.

As everyone knows, Slobodan Milosevic is on the ropes. Despite Milosevic's massive systematic effort to steal Sunday's Yugoslav Presidential election, his state election commission had to admit that the opposition candidate Vojislav Kostunica won at least the plurality of the votes already counted; 48.22 percent to be exact.

According to opposition poll watchers, Kostunica in all probability actually won about 55 percent of the vote, which would have obviated the need for a two-candidate second-round runoff with Milosevic, which now seems likely.

It is still unclear whether the democratic opposition will go along with this semi-rigged, desperation plan of Milosevic's to hang on by rigging the runoff. Even if Milosevic loses the runoff and is forced to recognize the results of the election, he may still attempt to hold on to the levers of power through his control of the federal parliament and of the Socialist Party with its network of political cronies and corrupt businessmen.

He may use the classic tactic of provoking a foreign crisis by trying to unseat the democratically elected, pro-Western government in Montenegro, a move I warned against on this floor several months ago.

We will have to wait and see for a few days before knowing exactly how the situation in Yugoslavia is going to develop, but there is no doubt whatsoever as to who the primary villain in this drama is. It was, it is, and it continues to be Slobodan Milosevic, one of the most despicable men I have personally met, and, as everyone in this Chamber knows, a man who has been indicted by The Hague Tribunal for war crimes and is the chief obstacle to peace and stability in the Balkans. Therefore, it should be—and has been—a primary goal of U.S. foreign policy to isolate Milosevic and his cronies, and to assist the Serbian democratic opposition in toppling him.

Earlier this year, with this goal in mind, the Serbian Democratization Act of 2000 was drafted in a bipartisan effort. It is particularly timely that the Senate consider this legislation tomorrow, precisely at the moment when the Serbian people have courageously voted against Milosevic's tyranny that has so thoroughly ruined their country during the last decade.

I would like to review the main provisions of the legislation we will be voting on tomorrow and then propose alternative strategies for our relations with Serbia, depending upon the outcome of the elections.

The act supports the democratic opposition by authorizing $50 million for fiscal year 2001 to promote democracy and civil society in Serbia and $55 million to assist the Government of Montenegro in its ongoing political and economic reform efforts. It also authorizes increasing Voice of America and Radio Free Europe broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages.

Second, the act prescribes assistance to the victims of Serbian oppression by authorizing the President of the United States to use authorities in the Foreign Assistance Act of 1961 to provide humanitarian assistance to individuals living in Kosovo for relief, rehabilitation, and reconstruction, and to refugees and persons displaced by the conflict.

Third, the act we will vote on tomorrow codifies the so-called "outer wall" of sanctions by multilateral organizations, including the international financial institutions.

I talked about this with Senator VOINOVICH of Ohio, and we agreed that we have to give the President more flexibility in this area.

Fourth, it authorizes other measures against Yugoslavia, including blocking Yugoslavia's assets in the United States; prohibits the issuance of visas and admission into the United States of any alien who holds a position in the senior leadership of the Government of Yugoslavia of Slobodan Milosevic or the Government of Serbia and to members of their families; and prohibits strategic exports to Yugoslavia, on private loans and investments and on military-to-military cooperation.

The act also grants exceptions on export restrictions for humanitarian assistance to Kosovo and on visa prohibitions to senior officials of the Government of Montenegro, unless that Government changes its current policy of respect for international norms.

The act contains a national interest waiver for the President. The President may also waive the act's provision if he certifies that "significant progress has been made in Yugoslavia in establishing a government based upon democratic principles and the rule of law, and that respects internationally recognized human rights."

Clearly, if the democratic opposition triumphs in the current elections, the chances will increase dramatically that the President will exercise this waiver option.

We, the Congress, are saying to the people of Serbia that they are our friends, not our enemies. It is their Government, it is Slobodan Milosevic that is the problem, not the Serbian people.

Today in the Committee on Foreign Relations, we discussed at length with Madeleine Albright what we should be doing about Serbia. I have discussed it as well with Senator VOINOVICH.

I see the Senator from Iowa is on the floor. He may be here for other reasons, but I know his keen interest in Serbia, the Serbian people, and the need for us to render assistance if they, in fact, move in the direction of democracy.

The act calls for Serbia to cooperate with the International Criminal Tribunal for the former Yugoslavia.

It also contains two important Sense of the Congress provisions. The first is that the President should condemn the harassment, threats, and intimidation against any ethnic group in Yugoslavia, but in particular against such persecution of the ethnic Hungarian minority in the Serbian province of Vojvodina.

The second voices support for a fair and equitable disposition of the ownership and use of the former Yugoslavia's diplomatic and consular properties in the United States.

Finally, in a move to facilitate the transition to democracy in the Federal Republic of Yugoslavia, Congress authorizes the President to furnish assistance to Yugoslavia if he determines and certifies to the appropriate congressional committees that a post-Milosevic Government of Yugoslavia is "committed to democratic principles and the rule of law, and that respects internationally recognized human rights."

Mr. President, the Serbia Democratization Act offers the President ample flexibility in dealing with Serbia. If Milosevic should succeed in frustrating the will of the Serbian people by stealing this election, the act will give the President of the United States a complete kit of peaceful tools to continue to try to undermine his oppressive regime.

If, on the other hand, the democratic opposition led by Mr. Kostunica manages to make its electoral victory stick, then the final provision of the act becomes the operative one in which we open up the spigot of increased assistance to a democratic Serbia. Obviously, this would be the preferred option.

Unfortunately, however, foreign policy is rarely so black and white. The apparent winner of the election, Mr. Kostunica, is vastly preferable to Milosevic, but this may be a case of damning by faint praise. As many of my colleagues have heard me say on other occasions, I met Milosevic in Belgrade during the Bosnian war and called him a war criminal to his face. Not only is he a war criminal, but he is thoroughly corrupt and anti-democratic.

Mr. Kostunica, by all accounts, is honest and democratic, a dissident in Communist times and a man with a reputation for probity. He seems, however, to represent a democratic, honest variant of a rather extreme Serbian nationalism.

His language describing NATO's Operation Allied Force has been strident. Like Milosevic—and most other Serbian politicians—he calls for the return of Kosovo to Belgrade's rule. But I am prepared to have an open mind on what he said. I can understand why, in running for President, being labeled by Mr. Milosevic as the "dupe of the West" and "a puppet of the United States," he would feel the need to openly condemn the United States.

I also do not have a problem with the fact that he may have used tough language with regard to Kosovo. There is a difference between words and his actions. So I will have great problems with him if, in fact, he tries to again suppress the Kosovars, who, if he comes to power will probably increase their agitation for independence.

Moreover, Kostunica has repeatedly said that if he is elected he would refuse to hand over The Hague those Serbs indicted by the International War Crimes Tribunal.

To a large extent Kostunica's criticism of Milosevic's policies toward non-Serbs in the old Yugoslavia—Slovenes, Croats, Bosniaks, and Kosovars—is that those policies resulted in four failed wars. There is no indication, for example, that Kostunica would cut off Belgrade's support for the radical Bosnian Serbs who on a daily basis are trying to undermine the Dayton Agreement.

Of course, as I have indicated earlier, Kostunica's policies must be seen in the context of an electoral campaign. Nonetheless, they do reflect what the traffic will bear. In other words, they reflect his view of contemporary Serbian society.

During the Bosnian war and after it, I often stated publicly that in my opinion Croatian President Franjo Tudjman was cut from the same cloth as Milosevic—an aggressive, anti-democratic leader. The only reason I advocated helping to rebuild his army was because, unlike Serbia, Croatia did not represent a major threat to the region. In fact, in the summer of 1995 the reorganized Croatian Army provided the Bosnian Army and the Bosnian Croat militia the support necessary to rout the Bosnian Serbs and bring all parties to the negotiating table.

Since Tudjman's death, Croatia has proven that beneath the surface of Tudjman's authoritarianism a genuine, Western-style democratic body politic survived. The newly elected government of President Stipe Mesic and Prime Minister Ivica Racan has utilized this mandate not only to enact domestic democratic reforms, but also to cut off support for the radical Herzegovina Croats who have done everything in their power to undo Dayton. The government has also taken the much less popular step of handing over to The Hague Tribunal several high-ranking Croats who were indicted for alleged war crimes.

The United States has a great deal invested in a democratic, multiethnic Bosnia, and if Serbia and the rest of the world is lucky enough to be rid of Slobodan Milosevic, we should not give him an ex post facto victory by applying a looser standard of behavior on his successor than we have to Tudjman's successors in Croatia. To be blunt: respect for Dayton and cooperation with The Hague Tribunal must be litmus tests for any democratic government in Serbia.

I fervently hope that Mr. Kostunica emerges victorious in the Yugoslav elections. If he does, the United States should immediately extend to him a sincere hand of friendship, with the assistance outlined in the pending legislation.

We should make clear to him that if he chooses to cooperate with us, a "win-win" situation would result, with tangible benefits for the long-suffering and isolated Serbian people who, we should never forget, were this country's allies in two world wars during the twentieth century.

If, on the other hand, Mr. Kostunica comes to power and thinks that his undeniable and praiseworthy democratic credentials will enable him to pursue an aggressive Serbian nationalist policy with a kinder face, then we must disabuse him of this notion.

Should our West European allies choose to embrace a post-Milosevic, democratically elected, but ultra-nationalistic Serbia, then I would say to them "good luck; we'll concentrate our policy in the former Yugoslavia on preparing democratic and prosperous Slovenia for the next round of NATO enlargement, on continuing to help reconstruct Bosnia and Kosovo, and on supporting the democratic governments in Macedonia, Croatia, and Montenegro."

Mr. President, the long-frozen, icy situation in Serbia appears finally to be breaking up. I genuinely hope that Serbia is on the verge of democracy. I urge my colleagues to support the Serbia Democratization Act of 2000 in order to enable our government peacefully to deal with any eventuality in that country.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. BIDEN. I yield to the Senator from Iowa.

## THE VIOLENCE AGAINST WOMEN ACT AND THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, I want to engage in a small colloquy with the Senator. I tell my friend from Washington, I meant to get to the floor before the Senator finished speaking on the Violence Against Women Act.

Mr. BIDEN. Yes.

Mr. HARKIN. I know you switched from that to talk about our mutual enemy, Milosevic. But I wanted to, again, thank the Senator for his remarks and his strong support for the Violence Against Women Act. Hopefully, we will get it over here from the House and pass in due course.

But I want to ask the Senator this question. The Senator knows the person who heads the Violence Against Women Office in the Department of Justice, the former attorney general of the State of Iowa, Bonnie Campbell. She is the first and only person to head this office in all these years. She has done a great job. I think both sides recognize that.

I ask the Senator from Delaware, not only is it important to pass the Violence Against Women Act, to get it reauthorized, but isn't it also equally important to get people on the Federal bench who understand this issue, who have worked on this issue, like Bonnie Campbell, whose nomination is now pending before the Judiciary Committee?

I ask the Senator, wouldn't it be a good thing for this country to have someone with Bonnie Campbell's experience and her background and leadership in that office on the Eighth Circuit Court of Appeals? We have had the hearings. She has been approved. We have had all the hearings. She is supported by the bar association, and by the Iowa Police Association. She has broad-based support from both sides of the aisle.

I ask the Senator, wouldn't her confirmation be good for this country? Wouldn't it be good to have someone in the Eighth Circuit like Bonnie Campbell to make sure that the Violence Against Women Act was thoroughly enforced and upheld in our courts?

Mr. BIDEN. In response to my friend, the answer is absolutely yes. I will tell him that because I was the one who authored that act. The President was very gracious in calling me and asking me who I would like to see be the one to oversee that office. I recommended one, and only one person, the former attorney general of the State of Iowa who helped me write the act in the first instance, Bonnie Campbell.

I cannot tell you how disappointed, dismayed, and angry, quite frankly, I have been, as a member of the Judiciary Committee, about the fact that—I will be blunt about it—our Republican colleagues in the committee and here will not allow this woman to have a vote on the floor of the Senate. The ABA rates her highly. As you said, everyone I know in the Midwest who knows her, everyone, Republican and Democrat, likes her.

I see my friend SLADE GORTON on the floor. He knows a little bit about the process of picking judges. I am confident he and others, as my other colleagues in this room, would agree that qualified judges should not be kept from being on the bench for politics.

People say: Well, this is the usual thing. We hold up these judges all the time near the end of a session when there is going to be a Presidential election.

That is flat malarkey. Ask the Senator from Texas, Mr. GRAMM, who is a good friend of mine. He and I are on opposite ends of the political spectrum. I was chairman of the Judiciary Committee. My friend from Iowa may remember this. We went into a caucus in the last 2 days when President Bush was the President of the United States. We were about to go out of session, as we say in the Senate, and adjourn sine die. What happened? We walked out onto the floor of the Senate. The Senator from Texas said he had several qualified judges in Texas, Republicans, and why were we holding them up.

I went to our caucus and said: We should pass those judges. Several in our caucus, two who are no longer here, said they opposed this. I said: Well, you are going to have to oppose me to do it. On the floor of the Senate, the last day, the last hour, the last session, we passed those Texas judges.

I will never forget, the reason I love him so much, the Senator from Texas, Mr. GRAMM—who I kiddingly call "Barbwire" GRAMM; we kid each other—he walked up on the floor and put his hand out to me and he said: JOE, I want to thank you. You are one of the nicest guys here—that is not true—but he said: You are one of the nicest guys here. I want you to know one thing: I would never do it for you.

That is literally a true story, and he will repeat that story for you. The truth is, it is not good politics. It is not good justice. It is not good anything, just to hold up somebody.

By the way, it has been held up for a year. It is not as if they have held up this woman for the last 10 minutes, the last 10 days.

Mr. HARKIN. She has been in since earlier this year.

Mr. BIDEN. I think the long answer to a very short question is, this is an outrage. It is an outrage that she is not on the bench now. And I would hope that sanity would prevail.

Mr. HARKIN. I ask the Senator further, I had been hearing that one of the reasons that it might be hard to get Bonnie Campbell through was, well, this is a circuit court and it is right before an election. You have to understand that in an election year, we don't confirm very many circuit court judges. And so I looked back in the records. I wonder if the Senator can attest to this, since he is on the Judiciary Committee.

Mr. BIDEN. I was chairman for every one of these people. I can probably give you the names of all nine of these people.

Mr. HARKIN. In 1992, an election year, your committee confirmed nine circuit court judges.

Mr. BIDEN. That is right.

Mr. HARKIN. Under a Republican President.

Mr. BIDEN. This is in the waning hours. This last one, we were literally going out of session. I mean, we could have shut this place down easily and walked away and pretended to have a clear conscience and said: We have done the Nation's work.

To be fair about it, there were three members of our caucus who ripped me a new ear in the caucus for doing this.

three of them. Two are gone; one is still around. No, we shouldn't do this. But this is an example of what happens.

I have been here since 1972. It started in October of the 1972 election. I wasn't here in the 1972 election. Then in the 1976 election, they started to hold up judges. They started holding up judges somewhere around September. And then it moved; by the 1980 election, they were being held up in July. This year, our Republican friends started 18 months ago to hold these folks up.

This is what I am worried is going to happen, and I will end with this. I am worried if we take back this place, we are going to have a lot of new women and men in this place say: Hey, the Republicans did that. Mark my words. You will have a bunch of Democratic Senators who have no institutional memory out here—if we have a Republican President and a Democratic Senate—holding up Republican judges a year out. This is bad, bad, bad precedent. This is not a good thing to do.

Mr. HARKIN. I ask the Senator further, is it true that we have only had one circuit judge that was nominated this year, approved?

Mr. BIDEN. Best of my knowledge. I don't do it day to day as I did before. Coincidentally, he was from Delaware.

Mr. HARKIN. The other reason I have heard that they had had trouble with Bonnie Campbell is that she wasn't nominated until early this year.

I did some further research. Again, I ask the Senator, he has a lot of institutional knowledge. I looked up the circuit court judges in 1992, to find out when they were nominated and when they were confirmed. If we look, here is one who was nominated in January of 1992, confirmed in September. Here is another one, January of 1992, confirmed in February of 1992. We come clear down here, there is one here, Timothy K. Lewis, nominated in September of 1992, hearing in September, confirmed in October, right before the election, nominated by a Republican President.

Mr. BIDEN Look at Norm Stahl. Norm Stahl is in the first circuit, a New Hampshire judge. Norm Stahl was nominated in March. I held the hearing in June, and in June of that year, 1992, election year, we confirmed him. Justin Wilson didn't make it. There were reasons that that occurred, by the way. I can understand a political party saying: Hey, look, this nominee you have sent up is just not palatable to us. We in the majority will not vote for that person. We are flat not going to. I got that. I understand that.

The deal I made honestly, straight up with President Bush—if he were here, he would acknowledge it, and my Republican colleagues on the committee will tell you—I said: Here is what I will do. If there is someone who is absolutely, positively going to be a fire storm, if they are brought up, I will flag that person as soon as you name him, tell you what the problem is, and tell you there is going to be a fight. And you can decide whether you want to go forward or not go forward.

That is not the case with Bonnie Campbell. I ask the Senator a question: Has anyone come to him and said, the reason I am against Bonnie Campbell is she is incompetent, or the reason I am against Bonnie Campbell is because she doesn't have a judicial temperament, or the reason I am against Bonnie Campbell is she is just not a mainstream person? I mean, I haven't heard anybody tell me why they are against Bonnie Campbell. Have you?

Mr. HARKIN. I can tell the Senator, no one has ever said that to me. In fact, Republicans in Iowa ask me why she is being held up. Why isn't she going through? Mainstream Republicans are asking me that. Editorials are being written in Iowa papers saying the Senate ought to move on this nominee and not hold her up. No, not one person has come up to me and said she is not qualified, not one person. When you were chairman and we had a Republican President and a Democratic Senate, we had just the opposite of what we have now. Nine circuit court judges were nominated in 1992 who were confirmed the same year.

Mr. BIDEN. In fairness, 5 of those 14 judges were not confirmed. We laid out why, and there was a great controversy about it. We debated it and we laid out why.

Again, I never question the right of the Senate or an individual Senator to say, I do not want so-and-so on the bench and I will tell you why and I will fight it.

I got that. I got that. I understand that. That is what the advise and consent clause is about. But what I don't get is: Hey, you know, she is a Democrat, we are Republicans. We may win so we will not confirm anybody until we determine whether we win.

Mr. HARKIN. I don't have all the memory the Senator has.

Mr. BIDEN. I have too much of it, unfortunately.

Mr. HARKIN. I am not on the Judiciary Committee. I had my staff look this up. I did remember Mr. Carnes, who was highly controversial, a very conservative assistant attorney general who was nominated that year, a lot of civil rights groups opposed him because he was considered one of the nation's best attorneys in arguing for the death penalty. There was talk about him being insensitive to civil rights, regarding the death penalty. Even with all of that, we brought him out on the floor and he passed in September of 1992. This was a controversial candidate. But, Bonnie Campbell has bipartisan support. Senator GRASSLEY and I have been calling for a Senate vote on her confirmation. She also has the bipartisan support from Democrats and Republicans from my state of Iowa who worked with her when she served as Iowa attorney general.

(Mr. L. CHAFEE assumed the chair.)

Mr. BIDEN. The point that is important to make for people who may be listening is that we Democrats controlled the committee. I remember this case explicitly because I got walloped. I ran for the Senate because of civil rights, and I got walloped because I held a hearing. Every liberal group in the country castigated me for holding the hearing. And then we referred Judge Carnes to the Senate—get this—in September of the election year; we confirmed a very controversial judge.

So, again, I understand the point the Senator is making. I just think this is a terrible precedent that we are continuing to pile on here. I think there is going to be a day when the nature of this place—as my Republican friends told me: What goes around comes around. That is a nice political axiom, but it is not good for the courts. We have a fiduciary responsibility under the Constitution to deal with the third coequal branch of the Government. We are not doing it responsibly. What the Senator hasn't mentioned and won't go into because the floor staff wants me to make a request here—but that doesn't even count. The District Court judges, where there are serious emergencies that exist because they cannot try the civil cases because the criminal cases are so backed up, we have held up for over a year.

Mr. HARKIN. I thank the Senator for yielding. I apologize to my friend from Washington who wants to speak. I did want to engage in this colloquy because of the history of the circuit judges. But, more specifically, everybody is now talking about the Violence Against Women Act and how it needs to be reauthorized. That must be done. Yet everybody is falling all over themselves. The House passed it today with 415 votes in the House.

Mr. BIDEN. Isn't that amazing—415 votes? You only get that on resolutions, say, for motherhood and the flag.

Mr. HARKIN. You know what 415 votes says to me? It says that the House has given Bonnie Campbell an A-plus for her job in implementing the provisions of the Violence Against Women's Act, since it became law in 1994. If you had somebody who had done a terrible job and given a bad impression of what the law was about, no, you would not have had 415 votes. It is obvious to all that Bonnie Campbell has run that office in an exemplary fashion, in a professional manner, and has brought honor to the judiciary, to the Department of Justice, and to this law that we passed here. Yet people are falling all over themselves today talking about how the Violence Against Women Act needs to be reauthorized. It makes sense to put someone on the federal bench who understands this important law because she helped write it and implement it.

Mr. BIDEN. When she was attorney general, she helped write it.

Mr. HARKIN. She can help make sure that the law lives, that the Violence Against Women Act is enforced by the courts by being on the Eighth Circuit. Yet she is being held up here. I will tell you, it is not right. I hope when we take up the Violence Against Women Act, which I hope we do shortly, I will have more to say about this sort of split personality that we see here. They say: Yes, we are for the Violence Against Women Act, but, no, don't put a woman on the circuit court who is widely supported, who has headed this office and did it in an exemplary fashion.

I thank the Senator.

Mr. BIDEN. Mr. President, I understand the passion the Senator feels. It is particularly difficult to go through this kind of thing when it is someone from your home State being so shabbily treated. I empathize with him. I might say parenthetically, Bonnie Campbell—and we are not being colloquial calling her Bonnie. People might be listening and saying, well, if this were a male, would they call him Johnny Campbell? Bonnie Campbell is what she is known as. So we are not making up pet names here. This is Bonnie Campbell.

This is a woman who has been an incredible lawyer, a first-rate attorney general in one of the States of the United States. She has run an office that, at its inception, didn't have a single employee, didn't have a single guideline, didn't have a single penny when she came in. She has done it in a fashion, as the Senator said, that the ABA thinks she is first rate. Coincidentally, this will cause controversy, but we seem to hold up people of color and women for the circuit court. They tend to get slowed up more than others around here. It simply is not right. This is a woman who is as mainstream as they come, who is well educated. If anybody has a judicial temperament, this person has it.

Mr. HARKIN. Absolutely.

Mr. BIDEN. Mr. President, I will join the Senator in whatever way he wants, as many times as he wants. I can't say enough good about Attorney General Campbell, and I have known her for a long time.

## MEASURE READ THE FIRST TIME—S. 3107

Mr. BIDEN. Mr. President, I understand that S. 3107, introduced earlier today by Senator GRAHAM of Florida, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 3107) to amend title 18 of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program.

Mr. BIDEN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. BIDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. S. 2045.

Mr. GORTON. Mr. President, I ask unanimous consent to speak as in morning business, using such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PIPELINE SAFETY IMPROVEMENT ACT OF 2000

Mr. GORTON. Mr. President, earlier this afternoon, the distinguished chairman of the Commerce Committee, Senator MCCAIN, and my distinguished colleague, Senator MURRAY, and I believe others on both sides of the partisan divide, came to the floor to speak about the Pipeline Safety Improvement Act of 2000. That bill was passed by the Senate unanimously. It resulted from a broad, bipartisan coalition that worked over a period of more than 1 year here in the Senate. It was sparked by my colleague and myself as a result of a terrible tragedy—an explosion in a gasoline pipeline in Bellingham, WA, that snuffed out the lives of three wonderful young men, destroyed a magnificent park, and left physical damage that will be years in repair.

No individual involved in this debate got every single element in that bill that he or she wished. Liquid and natural gas pipelines are vitally important to the Nation and the transportation of fuels.

Some thought renewal of the act would be somewhat weaker than the present statutes. Others, myself included, wanted considerable strengthening, particularly with respect to local input into the way in which such pipelines are managed in communities near homes, schools, parks, and the like.

The net result, however, is a pipeline safety renewal that is a considerable and significant improvement over the present act. There will be more notice. There will be more severe penalties. There will be greater opportunities for local comment and local participation.

But in spite of all of this work, in spite of the passage of this bill, little is happening in the House of Representatives.

The Bellingham Herald, the daily newspaper in the community subjected to this tragedy, pointed out just a little bit more than a week ago that the passage of the Senate bill means nothing if it is not passed by the House.

Almost immediately, however, after the passage of the Senate bill, a number of Members of the House of Representatives began to place roadblocks in the way of the passage of the Senate bill, claiming it wasn't strong enough and it didn't do this, or it didn't do that, or it didn't do something else.

The House of Representatives has had exactly the same opportunity to deal with this issue as the Senate.

After a brief hearing a month or so after the accident took place, literally nothing at all took place in the House of Representatives. Many of us here were led to believe that if the Senate bill were passed in its ultimate form, it would be taken up and easily passed in the House of Representatives—until these last-minute critics began to point out what they consider to be the facts.

Talk is cheap. But talk doesn't create safer pipelines in the United States. Those who oppose this bill have proposed nothing with the remotest chance of passage by the House of Representatives, much less the Senate of the United States.

We have only a short time left. Those who criticize the bill as being too weak would do far better to pass the reforms that we have and attempt to build on them later than to destroy a bill which, if it does not pass within the next few weeks, will have to begin its process all over again next year, with highly questionable prospects.

Believing that accomplishment is better than demagoguery and that a bill beats oratory any day, I come here to join with both Republican and Democratic colleagues to plead with the Members of the House of Representatives to take up the Senate bill, to debate it to the extent the House wishes to do so, and to pass it so we can get it signed by the President and enacted—which, incidentally, I am confident would take place if the House were to pass the bill.

## PRESCRIPTION DRUGS

Mr. GORTON. Mr. President, I wish to speak on a subject in a happy vein.

Yesterday, the President sent a letter to the Speaker and to our majority leader on the subject of prescription drugs. In that letter he said:

> I urge you to send me the Senate legislation to let wholesalers and pharmacists bring affordable prescription drugs to the neighborhoods where our seniors live.

That proposal was passed by the Senate a couple of months ago as an amendment to the appropriations bill for the Department of Agriculture. It was sponsored by my colleague from Vermont, Senator JEFFORDS, and by Senator DORGAN of North Dakota on the other side of the aisle, others, and myself. It is one of two or three ways that I have determined to be appropriate to reduce the cost of prescription drugs—not just to some Americans, not just to seniors, not just to low-income seniors, but to all Americans—by ending, or at least arresting, the outrageous discrimination that is being practiced by American pharmaceutical manufacturing concerns that are benefiting from American research and development aspects, benefiting from the research paid for by the people of the United States through the National Institutes of Health, but still discriminating against American purchasers by charging them far more—sometimes more than twice as much—for prescription drugs than they do for the identical prescription drugs in Canada, in the United Kingdom, in Germany, New Mexico, and elsewhere around the world.

The proposal by Senator JEFFORDS and others to which the President referred at least allows our pharmacies and drugstores to purchase these drugs in Canada or elsewhere when they can find identical prescription drugs at lower prices than the American manufacturers will sell them for to these American pharmacists, and to reimport them into the United States and pass those savings on to our American citizens.

I don't often find myself in agreement with President Clinton, but I do in this case. I believe he is entirely right to urge the Speaker and the majority leader to include this proposal in the appropriations bill for the Department of Agriculture or, for that matter, any other bill going through the Senate and the House of Representatives, so that we can take this major step forward to slow down, at least, this unjustified discrimination in the cost of prescription drugs to all Americans.

In this case, I join with the President in asking both the Speaker and our majority leader to use their best efforts, as I believe they are doing, to see to it that this overdue relief is in fact offered.

## MICROSOFT APPEAL

Mr. GORTON. Mr. President, the Supreme Court, with eight of nine Justices concurring, has just agreed with Microsoft that the notorious prosecution of Microsoft by the Department of Justice should go through the normal process of appeal and should be determined and should be examined by the District of Columbia Circuit Court of Appeals before any possible or potential appeal to the Supreme Court of the United States.

This was a correct decision for a number of reasons, not the least of which is the complexity of the case and the length of the record which, under almost any set of circumstances, would go through the normal appeals process.

The district court judge who decided the case and who has determined, I think entirely erroneously, that Microsoft must be broken up, wished to skip the District of Columbia Circuit Court of Appeals, stating that this matter was of such importance that it should go directly to the Supreme Court. The real motivation of the lower court, I suspect, however, was the fact that one of the vital elements of the district court's decision is directly contradictory to a decision of just about 2 years ago by the District of Columbia Circuit Court of Appeals—the integration of a browser/Microsoft operating system, a major step forward in technology and convenience for all of the purchasers of that system.

It is easy to understand why the district court judge didn't want to go back to a higher court that he had directly defied, but that is no justifiable reason for skipping a District of Columbia Circuit Court of Appeals, and the Supreme Court, I am delighted to say, agrees with that proposition.

This matter is now on its normal way through the appeals process, a process that I am confident will justify, in whole or in major part, the Microsoft Corporation, but only at great expense and at a great expenditure of time.

Once again, I call on this administration or on its successor to see the error of its ways in bringing this lawsuit in the first place. It has been damaging to innovation in the most rapidly changing technology in our society, one that has changed all of our lives more profoundly, I suspect, than any other in the course of our lifetimes. It is immensely damaging to our international competitiveness, encouraging, as it does, similar lawsuits by countries around the world that would love to slow down Microsoft's competitive innovation so they could catch up.

This is a field about which 10 or 15 years ago we despaired. Today, we are clearly the world leaders. For our own Government to be hobbling our own competitiveness is particularly perverse. It opens up the proposition that innovations in software will have to be approved by Justice Department lawyers before they can be offered to consumers in a way that seems to me to be perverse.

It doesn't take a great deal of courage to say that I trust Microsoft software developers in their own field more than I do Justice Department lawyers. At best, this was a private lawsuit, effectively brought on behalf of Microsoft competitors but being paid for by the taxpayers of the United States, where it should have, had it gone to court at all, been just that—a private lawsuit in which the Federal Government had little or no interest.

So, good news from the Supreme Court but news that can be greatly improved by a new administration's fresh look and the dismissal of its case in its entirety.

## MORNING BUSINESS

Mr. GORTON. Mr. President, I ask consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ACKNOWLEDGMENT OF SENATOR PAT ROBERTS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator PAT ROBERTS has achieved the 100 hour mark as Presiding Officer. In doing so, Senator ROBERTS has earned his second Gold Gavel Award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the golden gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator ROBERTS and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

## INTERIOR APPROPRIATIONS

Ms. LANDRIEU. Mr. President, I rise to call the attention of this body to some very important negotiations that are underway.

We have debated many important subjects in this Congress as it comes to a close. Some of those larger subjects have been attempts to create a prescription drug benefit for the Nation, how should we go about doing that. We have had a long and intense debate on education. We have had debates on the privacy issue, on bankruptcy reform.

One of the debates in which we have engaged that has captured the attention of many people around the Nation—Governors and mayors, local elected officials, chambers of commerce, outdoor enthusiasts, environmentalists across the board—is our debate about how we should allocate a small portion of this surplus; what is the proper way to allocate that to preserve and enhance the environment of our Nation.

As we begin this century, this is a debate worth having because if we make the wrong decision, it will set us on a path where we will not be happy to end up. We need to make a good decision now. We are in the very crux of making that decision, as appropriators on both sides debate the final outcome of this year's Interior appropriations bill.

I urge Senators to pay attention, as carefully as they can, to the ongoing debates on how to allocate this funding.

On the one hand, there is a group saying: Let's just do more of the same.

As it comes to our environment, we don't need to do anything differently. Let's just do more of the same. Let's just give a little more money to some Federal agencies to allocate the funding, and let's just come every year and decide year in and year out if we want to or if we don't, and how that money should be allocated.

There is a group of us called Team CARA, representing the Conservation and Reinvestment Act, which has been negotiating since the beginning of this Congress for a better way—a way that will bring more money to States on a guaranteed basis, money that Governors and mayors and local elected officials can count on—a revenue sharing bill, if you will, for the environment. It is something that will turn in a direction that will set us on a new and bold and exciting course.

I thank the President for his tremendous statements in the last couple of days urging Congress to move in this direction. He is urging us to do everything we can to make CARA—the Conservation and Reinvestment Act—the model. For the RECORD, I will submit something in which some States would be interested. I will be handing out this form later today.

For instance, if we stick with the old method, Colorado would receive $3.6 million. It is a beautiful State with wonderful environmental needs. They would get $3.6 million. Under CARA, if it is passed, Colorado could receive $46 million a year, and the Governor and local elected officials would have input into how it was spent.

Let's take Georgia. Under this bill, this year they would get a measly $500,000. Under CARA, they would be guaranteed a minimum of $32 million a year.

Let's take Kentucky. Again, they would get a measly $500,000 in this year's environmental bill. Under CARA, they would get a guarantee of $15 million a year for the preservation of open spaces, for wildlife conservation, and for the expansion of our parks and recreation.

Let's take Minnesota. Minnesota gets nothing in the bill being negotiated. Under CARA, they would get $29 million a year.

I will be submitting the details because I am here to say let's allow the best proposal to win in this debate. Let us fight it on its merits. Let us discuss the benefits of CARA. These are some of the benefits that I am outlining.

New Jersey is one of our most populated States—the Garden State, a State that has just levied on its people a billion dollar bond issue to preserve open spaces. People in New Jersey feel strongly about this. Under the old way, the way the negotiators are carving this up, they get a measly $875,000. Under CARA, they would receive $40 million a year.

Let's take New York, another large State. They would get $2.8 million in the bill being negotiated, but if we stick to our guns and fight hard for CARA, New York could get $17 million a year. Most certainly, the population deserves those kinds of numbers.

Finally, Washington State is a beautiful State, one that has a history of leading us in the environmental area. Washington gets fairly well treated in this bill with $12.7 million. Under CARA, if we hold true to the principles, Washington State could get $47 million a year. That is a big difference for the people of Washington State—from $12.7 million to $47 million. I could go on.

Under CARA, we have a guarantee. Under the current negotiations, the same that has gone on for the last 25 years, there is no guarantee. I am saying that under CARA we can have full funding for the land and water conservation, help coastal States such as Louisiana that produce the necessary revenues. Under the old way—the way that has been going on for 25 years—it has failed to meet our obligations and we get shortchanged. Under CARA, it is a real legacy. Under the negotiations, the stage is set.

I thank the Senator from Utah for giving me his remaining time. I see another Senator on the floor who may want to speak on this issue. Let me conclude by urging the Members of the Senate to focus on these negotiations, and I will be back later to give some more information on this important issue. I yield back whatever time I have remaining.

## YUGOSLAV ELECTIONS AND THE SERBIA DEMOCRATIZATION ACT

Mr. HELMS. Mr. President, it is clear that a fair vote count in this weekend's elections will result in victory for the candidate of the opposition forces, Mr. Vojislav Kostunica. The people of Yugoslavia clearly have voted for democratic change, and the time has come for Yugoslavia's brutal dictator, Slobodan Milosevic, to have the decency to accept the will of his people and leave office peacefully.

Not surprisingly, Milosevic has indicated he intends to do no such thing. I fully expect him to do everything in his power to steal this election to enable him to remain in power.

In order to support the majority of Serbs who voted for peace and democracy, I urge my colleagues to support the Serbia Democratization Act—legislation that I introduced more than 18 months ago—designed to undermine the murderous Milosevic regime and thereby support democratic change in Serbia.

The Serbia Democratization Act calls for the United States to identify and give aid to the democratic forces in Serbia opposing Milosevic's tyranny, including independent media and non-governmental organizations in Serbia. And it makes clear that unless and until there is a democratic government in Yugoslavia, the United States will maintain the sanctions that we have in place today.

When the Serbian people finally gain the government in Belgrade that they voted for this weekend—a government based on freedom, democracy and rule of law—I will lead an effort in Congress to ensure that the United States provides them with substantial support to assist their nation's democratic transition. I am hopeful that day will come soon.

I also commend the important role played by Montenegro in this weekend's elections. The decision by the vast majority of Montenegrins to boycott this election indicates the level of support in that republic for the course of democratic, free-market reforms proposed by President Djukanovic.

Montenegro deserves the support of the United States, and can serve as an example to the people of Serbia regarding the benefits they could enjoy in a post-Milosevic era.

## STOP TAX-EXEMPT ARENA DEBT ISSUANCE ACT

Mr. MOYNIHAN. Mr. President, early this Congress, I introduced S. 224, the Stop Tax-Exempt Arena Debt Issuance Act or STADIA for short. This bill would end a tax subsidy that inures largely to the benefit of wealthy sports franchise owners, by eliminating tax-subsidized financing of professional sports facilities. This legislation would close a loophole that provides an unintended Federal subsidy—in fact, contravenes Congressional intent—and that contributes to the enrichment of persons who need no Federal assistance whatsoever.

This is the fourth time I have introduced this legislation, and I chose to keep the original effective date for a number of reasons. Most importantly, because Congress intended to eliminate the issuance of tax-exempt bonds to finance professional sports facilities as part of the Tax Reform Act of 1986.

At the same time, I recognized that a few localities may have expended significant time and funds in planning and financing a professional sports facility, in reliance upon professional advice on their ability to issue tax-exempt bonds. Thus, in my original introductory statement, I specifically requested comment regarding the need for equitable relief for stadiums already in the planning stages.

In response to my request, several localities that had been planning to finance professional sports facilities with tax-exempt bonds came forward and provided the details necessary to craft appropriate "binding contract" type transitional relief. Accordingly, I agreed to change the bill in subsequent Congresses to exempt projects which had progressed to a point where it would be unfair to stop them.

Now I have been contacted by others who make the case that retaining the 1996 effective date creates a lack of certainty which is unhealthy for communities desiring new stadiums and for the bond market itself. Therefore, I am inserting into the record my intention to modify the effective date if and when S. 224 is adopted in committee or on the Senate floor.

Mr. President, I ask that this language be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to bonds issued on or after January 19, 1999—

(2) Exception for construction, binding agreements, or approved projects.—The amendments made by this section shall not apply to bonds—

(A) The proceeds of which are used for—

(i) the construction or rehabilitation of a facility—

(I) if such construction or rehabilitation began before January 19, 1999 and was completed on or after such date, or

(II) if a State or political subdivision thereof has entered into a binding contract before January 19, 1999 that requires the incurrence of significant expenditures for such construction or rehabilitation and some of such expenditures are incurred on or after such date; or

(ii) the acquisition of a facility pursuant to a binding contract entered into by a State or political subdivision thereof before January 19, 1999, and

(B) which are the subject of an official action taken by relevant government officials before January 19, 1999—

(i) approving the issuance of such bonds, or

(ii) approving the submission of the approval of such issuance to a voter referendum.

(3) Exception for final bond resolutions.—The amendments made by this section shall not apply to bonds the proceeds of which are used for the construction or rehabilitation of a facility if a State or political subdivision thereof has adopted a final bond resolution before January 19, 1999, authorizing the issuance of such bonds. For this purpose, a final bond resolution means that all necessary governmental approvals for the issuance of such bonds have been completed.

(4) Significant expenditures.—For purposes of paragraph (2)(A)(i)(II), the term 'significant expenditures' means expenditures equal to or exceeding 10 percent of the reasonably anticipated cost of the construction or rehabilitation of the facility involved.

## NATIONAL ENDOWMENT FOR DEMOCRACY

Mr. LUGAR. Mr. President, I rise to call attention to report language in the Senate version of the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill, which directs the National Endowment for Democracy (NED) to spend 20 percent of its budget on "nation-building" activities in four war-stricken areas. The language appears in the committee report. Although the language is not mandatory, it sends a strong message that compliance by NED is expected. I believe that the language should be deleted.

I would like to commend the work of the chairman and ranking member of the CJS Appropriations subcommittee, Senator Gregg and Senator Hollings, for providing the NED with the resources to conduct its vital work. NED and its four core institutes do an exceptional job in assisting grassroots democrats in more than 80 countries around the world. NED has a strong track record, developed through involvement in virtually every critical struggle for democracy over the past fifteen years. NED supported the democratic movements that helped bring about peaceful transitions to democracy in Poland, the Czech Republic, Chile, and South Africa. NED is also playing an important role in supporting some of the newer democracies, such as Indonesia, Nigeria, Croatia, and Mexico.

I am very familiar with the work of NED and its institutes because I serve on NED's Board of Directors. I serve on the Board along with two other Senators and two Members of the House representing both political parties. We are all concerned about the implications of the committee's report language on the operations and mission of the Endowment.

In its report, the committee recommends that NED spend 20 percent of its entire budget to reconstitute civil governments in four seriously troubled areas—Sierra Leone, the Democratic Republic of Congo, Kosovo, and East Timor. I am pleased to report that NED is working in each of these areas on long-term democratic development. The Endowment is helping non-governmental organizations, whose leaders are facing grave danger to their personal safety, as they report on human rights abuses, campaign for peace, and provide independent news and information to the public.

We need to keep in mind that NED's mission is not to "build" nations or governments, but to help promote democracy. It does this giving a helping hand to those inside other countries through financial and technical assistance to nurture a strong civil society and market economy. NED is successful precisely because it targets its assistance to grassroots democratic groups.

I do not support the report language because its implementation would undermine NED's mission while forcing NED to withdraw scarce resources from other priority countries. It would be a mistake to divert NED's modest budget to a handful of crisis situations which are already receiving enormous sums of international assistance. It is unlikely that the funds suggested in the report language could positively impact these war-torn areas, but by consuming 20 percent of NED's budget, the language will hamstring NED's ability to perform its work in many other critical countries.

NED is a cost-effective investment that advances our national interest and our fundamental values of democracy and freedom. It is crucial, therefore, that we address the committee's goals in the report language without compromising the ability of NED to carry out its work effectively.

I urge the Senate and House conferees on the Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill to delete the report language directing the NED to expend funds for nation-building activities in four troubled conflicts.

## REIMPORTATION OF PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, in recent days we have heard a lot about various proposals that would allow for the reimportation of prescription drugs. Patients pay more for the prescription drugs in the United States than anywhere else in the world. That is just not right. The Senate passed a proposal that Senator Jeffords and I authored that would allow for the reimportation of prescription drugs as long as certain steps are taken to ensure safety for American consumers.

I am pleased that the Administration and the Republican leaders in Congress have agreed to work together to take this common sense step towards making prescription drugs more affordable for everyone. Dr. David Kessler, former head of the FDA, has sent me a letter expressing his support for the Senate version of the reimportation language. Dr. Kessler agrees that we must reform the current system so that American consumers have access to safe and affordable medicine. At this time, I ask unanimous consent to have printed in the Record a letter from David Kessler for the Dorgan-Jeffords proposal in which he expresses support for our approach.

There being no objection, the letter was ordered to be printed in the Record as follows:

September 13, 2000.

Hon. Byron Dorgan,
*719 Hart Senate Office Building,*
*Washington, DC.*

Dear Senator Dorgan: Thank you very much for your letter of Sept. 12, 2000. I very much applaud the effort that you and your colleagues are making to assure that the American people have access to the highest quality medicines. As you know, my concerns about the re-importation of prescription drugs center around the issues of assuring quality products. The Senate Bill which allows only the importation of FDA approved drugs, manufactured in approved FDA facilities, and for which the chain of custody has been maintained, addresses my fundamental concerns. The requirement that the importer maintain a written record of the chain of custody and batch testing to assure the product is both authentic and unadulterated provides an important safety net for consumers.

Let me address your specific questions. First, I believe U.S. licensed pharmacists and wholesalers—who know how drugs need to be stored and handled and who would be importing them under the strict oversight of the FDA are well positioned to safely import quality products rather than having American consumers do this on their own. Second, if the FDA is given the resources necessary to ensure that imported, FDA-approved prescription drugs are the authentic product, made in an FDA-approved manufacturing facility, I believe the importation of these produces could be done without causing a greater health risk to American consumers that currently exists. Finally, as a nation we have the best medical armamentarium in the world. Over the years FDA and the Congress have worked hard to assure that the American public has access to important medicine as soon as possible. But developing life saving medications doesn't do any good unless Americans can afford to buy the drugs their doctors prescribe. The price of prescription drugs poses a major public health challenge. While we should do nothing that compromises the safety and quality of our medicine it is important to take steps to make prescription drugs more affordable.

I applaud your efforts to provide American consumers with both safe and affordable medicine.

Sincerely,

David A. Kessler, M.D.

## ANGELS IN ADOPTION

Mr. GRASSLEY. Mr. President, today is the celebration for Angels in Adoption and as a member of the Congressional Coalition on Adoption, I am proud to participate in such an important event.

I commend Diane, and Jim Lewis, from Marion, IA. I nominated this amazing couple as Angels in Adoption.

Diane and Jim Lewis are the proud parents of ten beautiful children, eight of whom are adopted. Five of their adopted children have special health care needs, some with physical needs, other with mental health needs. Two of their adopted children are biologic siblings and their adoption has allowed them to stay together. Their family now consists of children from several different ethnic and racial backgrounds. The Lewis' also are frequently foster parents to other children in need, usually those with special health care needs.

As special education teachers, the Lewis' have seen the need over many years for foster and adoptive parents for children who have special needs. The Lewis' are truly devoted to making the world a better place for children. By committing their lives to raising children who might not have otherwise had a chance, they have improved the lives of children and given us all something to aspire to. They are Angels in Adoption.

## THE VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. LEAHY. Mr. President, I rise today to again urge the Senate to bring up and pass, S. 2787, the Violence Against Women Act of 2000, VAWA II—we are quickly running out of time to reauthorize it. The authorization for the original Violence Against Women Act, VAWA, expires at the end of this week on September 30, 2000. There is absolutely no reason to delay this bill which has overwhelming bipartisan support.

I have joined Senators from both sides of the aisle at rallies and press conferences calling for the immediate passage of this legislation. The bill has 70 co-sponsors and is a significant improvement of the highly successful original VAWA which was enacted in 1994. There is no objection on the Democratic side of the aisle to passing VAWA II. Unfortunately, there have been efforts by the majority party to attach this uncontroversial legislation to the "poison pill" represented by the version of bankruptcy legislation currently being advanced by Republicans. I do not agree with stall tactics like this one and believe we should pass VAWA II as a stand-alone bill, without further delay.

Yesterday, in New Mexico, where he was releasing funding made available through VAWA for one of the country's oldest battered women's shelters, the President made a public plea for Congress to reauthorize VAWA, claiming, "[T]his is not rocket science. Yes we're close to an election . . . But it is wrong to delay this one more hour. Schedule the bill for a vote." I urge my colleagues to heed the cry of the President as he speaks on behalf of the almost 1 million women around this country who face domestic violence each year.

The President called domestic violence "America's problem" and I could not agree with him more. When we talk about reauthorizing the Violence Against Women Act we are not just talking about a big bureaucratic government program the effects of which we can't really see. With this bill we are talking about reauthorizing critical programs that have had a tremendous immediate effect on how this Nation handles domestic violence and its victims. We are at risk of jeopardizing what has been one of the most effective vehicles for combating domestic violence if we let this law expire.

I have heard from countless people in Vermont that have benefitted from grant funding through VAWA programs. VAWA II ensures the success of these crucial programs such as the Rural Domestic Violence Grant program. These grants are designed to make victim services more accessible to women and children living in rural areas. I worked hard to see this funding included in the original VAWA in 1994, and I am proud that its success has merited an increased authorization for funding in VAWA II. Rural Domestic Violence and Child Victimization Enforcement Grants have been utilized by the Vermont Network Against Domestic Violence and Sexual Assault, the Vermont Attorney General's Office, and the Vermont Department of Social and Rehabilitation Services to increase community awareness, to develop cooperative relationships between state child protection agencies and domestic violence programs, to expand existing multi disciplinary task forces to include allied professional groups, and to create local multi-use supervised visitation centers.

I witnessed the devastating effects of domestic violence when I was the Vermont State's Attorney for Chittenden County. In those days, long before the passage of the Violence Against Women Act, VAWA, there were not support programs and services in place to assist victims of these types of crimes. Today, because of the hard work and dedication of those in Vermont and around the country who work in this field every day, an increasing number of women and children are being aided by services through domestic violence programs and at shelters around the Nation. Lori Hayes, Executive Director of the Vermont Center for Crime Victim Services, and Marty Levin, Coordinator of the Vermont Network Against Domestic Violence and Sexual Assault, have been especially instrumental in coordinating VAWA grants in Vermont.

Let the Senate pass S. 2787, the Violence Against Women Act 2000 without further delay before its critical programs are jeopardized. It was cleared for passage by all Democratic Senators two months ago and should be passed today. It is past time to reauthorize and build upon the historic programs of the Violence Against Women Act and do all that we can to protect children from the ravages and lasting impact of domestic violence.

A Washington Post editorial today called the failure to pass the reauthorization of the Violence Against Women Act, "inexplicable neglect," claiming that "[t]here seems to be no good reason practical or substantive, to oppose reauthorization of the Violence Against Women Act." That could not be more true Mr. President. I ask unanimous consent that the editorial from the September 26, 2000 edition of the Washington Post be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 26, 2000]

### Inexplicable Neglect

There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty of neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

## NAKAMURA COURTHOUSE

Mr. GORTON. Mr. President, today the Washington state Congressional delegation introduced bills in the House and in the Senate to honor a fallen hero, William Kenzo Nakamura, by designating the Seattle federal courthouse in his honor. This brave soldier fought in Italy during World War II, and he died valiantly protecting his battalion. The day he died, Mr. Nakamura had already risked his life and saved his combat team by disarming an enemy machine gun stronghold. Mr. Nakamura should have received the Medal of Honor for this act of bravery, but he did not.

Even as this man's family was held in an internment camp in Idaho, he volunteered for duty in the United States military, and he headed to Italy to serve his country. After his heroic and selfless deeds, Mr. Nakamura was posthumously eligible for the Medal of Honor, but in World War II the Army did not award Japanese-Americans the Medal of Honor. I was pleased that earlier this year that twenty-two veterans, in similar circumstances to and including Mr. Nakamura, received Medals of Honor for their brave service in World War II. These men and their families waited too long for proper recognition and appreciation, and these honors are well deserved.

Though military heroes are often given medals for their service, the people of Washington state would like to extend a special tribute to Mr. Nakamura by naming the federal courthouse in Seattle in his honor. This action has not only the support of the entire Washington congressional delegation, but of local communities, veteran and military retiree organizations, and by Medal of Honor recipients in the Senate, my friends DANIEL INOUYE and BOB KERREY. To this outpouring, I add my support and commitment to seeing this designation passed through the Senate and acted into law.

## VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

September 26, 1999: Robert Coney, 64, Miami, FL; Derrick Edwards, 22, Washington, DC; Philip Harris, 27, Detroit, MI; Samala McGee, 24, New Orleans, LA; Michael D. Miles, 48, Hollywood, FL; David Sexton, 43, Baltimore, MD; and Unidentified Female, 47, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

## THE IDEA FULL FUNDING ACT

Mr. SMITH of Oregon. Mr. President, I rise to make a few remarks concerning the IDEA Full Funding Act of 2000.

Mr. President, before I begin, I would like to take this opportunity to thank my colleague, Senator GREGG, for his leadership on this important legislation.

I rise today to lend my support to S. 2341, the IDEA Full Funding Act of 2000. One of my top priorities as a United States Senator has been to provide equal access to high quality public education for all children, including those with special needs. My commitment to education for those with special needs began while I was a State legislator and worked with the Oregon Disabilities Council to ensure that children with special needs had equal access to a quality education. I have continued that work here in the Senate, but realize that we have a long ways to go.

This legislation takes a step in the right direction by funding the federal mandates put forth in the Individuals with Disabilities Education Act (IDEA). These federal funds will free up state and local dollars that can then be used in the classroom for new textbooks, pencils and computers that are necessary for students to learn.

In 1954, the Supreme Court established, in Brown v. Board of Education, that all children are guaranteed equal access to education under the 14th Amendment of the Constitution. Despite this decision, it was estimated that one million children with disabilities were being denied access to public education. It was not until 1975, with the passage of the Individuals with Disabilities Education Act, that equal access to education was extended to children with disabilities.

The purpose of the 1975 IDEA legislation was "[T]o assure that all children with disabilities have available to them, a free appropriate public education which emphasizes special education and related services designed to meet the unique needs, to assure the rights of children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities."

With the passage of IDEA the federal government promised to assist states with 40 percent of the national average per pupil expenditure for disabled children. Based on the national average per pupil expenditure for the year 2000, 40 percent of that average would represent approximately $2,500 per student. However, since 1975 the federal government has not met this commitment. In fact, the federal government gets an "F" in arithmetic in this instance, currently paying only 12.7 percent of the per pupil expenditure.

But, we are slowly working to improve this grade. In 1997, funding for IDEA was only $2.6 billion. In the last 3 years, the Republican-controlled Congress has nearly doubled Federal funding on IDEA to approximately $4.9 billion. Although Congress has allocated more money to IDEA, current funding levels are 3.1 times less than what is needed to fully fund the forty percent commitment.

The purpose of providing this additional funding to the IDEA program is to free up local and state dollars. Currently state and local education agencies have been forced to divert their precious resources to pay for the additional costs, due to federal mandates, of educating children with disabilities.

As a result, Washington has created an inappropriate and unfair conflict between children with disabilities and children without. We owe it to all children to live up to our responsibility and resolve this conflict.

This important legislation would take a step in that direction by authorizing funding for Part B of the Individuals with Disabilities Education Act to reach the Federal government's goal of providing 40 percent of the national average per pupil expenditure to assist states and local education agencies with the excess costs of educating children with disabilities.

By steadily working to increase IDEA funding to $2 billion each year annually until 2010, Congress would increase opportunity and flexibility for local school districts to fund the programs that they feel are best for their students, whether it be school construction, teacher training or smaller classrooms.

I was pleased to see that the House of Representatives passed similar legislation, H.R. 4055, on May 3, 2000 with a 421-3 vote. It is my hope that the Senate can follow the strong lead of the House and work for swift passage of this necessary legislation.

## THE CHILDREN'S PUBLIC HEALTH ACT OF 2000 AND THE YOUTH DRUG AND MENTAL HEALTH SERVICES ACT

Mr. HATCH. Mr. President, I am delighted the Senate has now given final approval to an important bill that will go far toward improving our nation's public health infrastructure. I strongly support the Children's Public Health Act of 2000 and the Youth Drug and Mental Health Services Act (H.R. 4365). I hope this measure will soon pass the House as well.

It is obvious that we owe our colleagues on the Health, Education, Labor, and Pensions Committee a debt of gratitude for their perseverance and dedication in developing this landmark legislation which contains a number of provisions of importance to my home state of Utah.

The Children's Health Act of 2000 authorizes services that will ensure the health and well-being of future generations of America's young people, our most precious resources. I can think of no more important aim for legislation than to focus on our nation's future by providing for our children today.

At the same time, through the Youth Drug and Mental Health Services Act, the bill will address serious drug abuse issues that affect our young people, including a reauthorization of the important programs of the Substance Abuse and Mental Health Services Administration, SAMHSA.

The SAMSHA reauthorization legislation will improve this vital agency by providing greater flexibility for states and accountability based on performance, while at the same time placing critical focus on youth and adolescent substance abuse and mental health services. SAMHSA, formerly known as the Alcohol, Drug Abuse, and Mental Health Services Administration, ADAMHA, was created in 1992 by Public Law 102-321, the ADAMHA Reorganization Act. SAMHSA's purpose is to assist states in addressing the importance of reducing the incidence of substance abuse and mental illness by supporting programs for prevention and treatment.

SAMHSA provides funds to states for alcohol and drug abuse prevention and treatment programs and activities, and mental health services through the Substance Abuse Prevention and Treatment, SAPT, and the Community Mental Health Services, CMHS, Block Grants. SAMHSA's block grants are a major portion of this nation's response to substance abuse and mental health service needs.

As a proud supporter of H.R. 4365, I would like to highlight several provisions that are based on legislation I have introduced.

First, this legislation reauthorizes the Traumatic Brain Injury Act, a law I authored in 1996. By incorporating my bill, S. 3081, H.R. 4365 will extend authority for the critical Traumatic Brain Injury, TBI, programs from fiscal year 2001 through 2005.

Each year, approximately two million Americans experience a traumatic brain injury; in Utah, 2000 individuals per year experience brain injuries. TBI is the leading cause of death and disability in young Americans, and the risk of a traumatic brain injury is highest among adolescents and young adults. Motor vehicle accidents, sports injuries, falls and violence are the major causes. These injuries occur without warning and often with devastating consequences. Brain injury can affect a person cognitively, physically and emotionally.

Important provisions added to the Traumatic Brain Injury Act through this bill include extending the Center for Disease Control and Prevention's, CDC, grant authority so it may conduct research on ways to prevent traumatic brain injury. In addition, the legislation directs the CDC to provide information to increase public awareness on this serious health matter. The bill also calls on the National Institutes of Health, NIH, to conduct research on the rehabilitation of the cognitive, behavioral, and psycho-social difficulties associated with traumatic brain injuries.

Finally, the measure requests the Health Resource Services Administration to provide and administer grants for projects that improve services for persons with a traumatic brain injury.

I am grateful that the members of the HELP Committee were willing to include provisions from my legislation which reauthorizes this program. As a result, many more deserving individuals whose lives and families have been affected by a traumatic brain injury will now receive some type of assistance or help.

Second, the Children's Health Act of 2000 also contains a bill that I authored, S. 3080, to address a troubling yet treatable malady—poor oral health in children.

I have been concerned over reports from Utah and around the country about the poor oral health of our nation's children. A recent General Accounting Office report on dental disease calls tooth decay the most common chronic childhood disease and finds that it is most prevalent among low-income children.

Eighty percent of untreated decayed teeth is found in roughly 25 percent of children, mostly from low-income and other vulnerable groups. Decay left untreated leads to infection, pain, poor eating habits, and speech impediments.

Compounding this problem is that there are few places for these children to receive care. Low provider reimbursement rates from state-operated dental plans make it financially impossible for private practitioners to treat all the children in need. Today, there are a large number of children living in either the inner city or in rural areas who do not have a place to seek treatment. Our goal should be to provide access to dental care to children, regardless of where they live.

Therefore, I am pleased to report that the "Children's Public Health Act of 2000" contains provisions to address this serious health concern. The legislation directs the Secretary of Health and Human Services to establish a program funding innovative oral health activities to improve the oral health of children under six years of age. The legislation will make these grants available to innovative programs at community health centers, dental training institutions, Indian Health Service facilities, and other community dental programs.

Let's face it, dental disease in young children is a significant public health problem. And this legislation is the beginning of a coordinated, inter-agency strategy that will assist states and localities reduce this preventable problem.

I am also pleased that we are considering the Youth Drug and Mental Health Services Act. This legislation addresses many important issues such as drug abuse and mental health services and how to treat these serious problems within our society.

One issue that is highlighted in this bill is the prevention of teen suicide. This is an issue that is rapidly becoming a crisis not only in my State of Utah but throughout the entire country.

Young people in the United States are taking their own lives at alarming rates. The trend of teen suicide is seeing suicide at younger ages, with the United States suicide rate for individuals under 15 years of age increasing 121 percent from 1980 to 1992. Suicide is the third leading cause of death for young people aged 15 to 24, and the fourth leading cause of death for children between 10 and 14. In 1997 study, 21 percent of the nation's high school students reported serious thoughts about attempting suicide, with 15.7 percent making a specific plan.

Utah consistently ranks among the top ten states in the nation for suicide, and we continue to see increases in suicide rates among our youth. In Utah, suicide rates for ages 15 to 19 have increased almost 150 percent in the last 20 years. According to the CDC, Utah had the tenth highest suicide rate in the country during 1995–1996 and was 30 percent above the U.S. rate. This is one statistical measure on which I want to see my state at the bottom.

Although numerous symptoms, diagnoses, traits, and characteristics have been investigated, no single fact or set of factors has ever come close to predicting suicide with any accuracy.

I have worked on legislation that will help us determine the predictors of suicide among at risk and other youth. We need to understand what the barriers are that prevent youth from receiving treatment so that we can facilitate the development of model treatment programs and public education and awareness efforts. It also calls for a study designed to develop a profile of youths who are more likely to contemplate suicide and services available to them.

This bill also contains provisions from S. 1428, the Methamphetamine Anti-Proliferation Act of 2000. I introduced this bill because of evidence that methamphetamine remains a threat to the entire country, and particularly to my state of Utah. Elements of this bill are also contained in S. 486 as it was reported by the Judiciary Committee.

Throughout my travels in Utah, I have heard from state and local law enforcement officials, mayors, city councils, parents, and youth about the seriousness of the methamphetamine problem.

Recently, I held two field hearings in Utah during which I heard directly from constituents whose lives had been affected by methamphetamine. I listened to a mother tell a heart-wrenching story of how her beloved daughter had become addicted to methamphetamine and how she feared for her daughter's life. She tearfully described her daughter as being two people, the person "who has the values of our family, who is kind hearted and loving; and then there's our daughter who's the meth user, and they are completely opposite."

I also heard testimony from the wife of a methamphetamine addict. I heard how her husband's methamphetamine addiction destroyed their marriage and their financial security. Painfully, she explained how her husband put her and their infant son at risk when he decided to manufacture methamphetamine in their home. She had no choice but to report his activities to the police, a decision that undoubtedly will haunt her for the rest of her life.

Methamphetamine use is an insidious virus sapping the strength and character of our country. We need to attack it. This bill contains the tools to help the people of Utah and the rest of the country fight this wicked drug.

This bill bolsters the Drug Enforcement Agency's, DEA, ability to combat the manufacturing and trafficking of methamphetamine by authorizing the creation of satellite offices and the hiring of additional agents to assist State and local law enforcement officials. More than any other illicit drug, methamphetamine manufacturers and traffickers operate in small towns and rural areas. And, unfortunately, rural law enforcement agencies often are overwhelmed and in dire need of the DEA's expertise in conducting methamphetamine investigations.

To address this problem, the bill authorizes the expansion of the number of DEA resident offices and posts-of-duty, which are smaller DEA offices often set up in small and rural cities that are overwhelmed by methamphetamine manufacturing and trafficking. There are also provisions to assist state and local officials in handling the dangerous toxic waste left behind by methamphetamine labs.

To counter the dangers that manufacturing drugs like methamphetamine inflict on human life and on the environment, the bill imposes stiffer penalties on manufacturers of all illegal drugs when their actions create a substantial risk of harm to human life or to the environment. The inherent dangers of killing innocent bystanders and, at the same time, contaminating the environment during the methamphetamine manufacturing process warrant a punitive penalty that will deter some from engaging in the activity.

Finally, the bill increases penalties for manufacturing and trafficking the drug amphetamine, a lesser-known, but no-less dangerous drug than methamphetamine. Other than for a slight difference in potency, amphetamine is manufactured, sold, and used in the same manner as methamphetamine. Moreover, amphetamine labs pose the same dangers as methamphetamine labs. Not surprisingly, every law enforcement officer with whom I have spoken agreed that the penalties for amphetamine should be the same as those for methamphetamine. For these reasons, the bill equalizes the punishment for manufacturing and trafficking the two drugs.

While we know that vigorous law enforcement measures are necessary to combat the methamphetamine scourge, we also recognize that we must act to prevent our youth from ever starting down the path of drug abuse. We also must find ways to treat those who have become trapped in addiction. For these reasons, the bill contains several significant prevention and treatment provisions.

The comprehensive nature of this bill attacks the methamphetamine problem on several fronts. It bolsters our law enforcement efforts to crack down on traffickers, provides treatment and prevention funding for our schools and communities, and authorizes much needed resources for cleaning-up the toxic pollutants left behind by methamphetamine lab operators.

I have been working for over a year with colleagues on both sides of the aisle and in both Houses of Congress to pass this important legislation. It is important to highlight that, as part of this process, there have been changes to the bill made in response to legitimate complaints raised by my colleagues and constituents. For example, provisions relating to search warrants and the Internet have been deleted because of these concerns.

Overall, this bill represents a bipartisan effort that will result in real progress in our continuing battle against the scourge of methamphetamine.

Yet another important anti-drug abuse provision in this bill we are adopting today is the Drug Addiction Treatment Act, or the DATA bill. With the bipartisan cosponsorship of Senators LEVIN, BIDEN and MOYNIHAN, I introduced S. 324 last year, and I am pleased that this bill has been inserted in H.R. 4365.

In 1999, as part of the comprehensive methamphetamine bill, S. 486, the DATA bill was reported by the Judiciary Committee and adopted by the full Senate. The DATA bill also was included in the anti-drug provisions that were adopted as part of the bankruptcy reform legislation, S. 625, that passed the Senate last year. I hope the third Senate passage is indeed the charm.

The goal of the DATA provisions is simple but it is important: The DATA bill attempts to make drug treatment more available and more effective to those who need it.

This legislation focuses on increasing the availability and effectiveness of drug treatment. The purpose of the Drug Addiction Treatment Act is to allow qualified physicians, as determined by the Department of Health and Human Services, to prescribe schedule III, IV and V anti-addiction medications in physicians' offices without an additional Drug Enforcement Administration, DEA, registration if certain conditions are met.

These conditions include certification by participating physicians that they are licensed under state law and have the training and experience to treat opium addicts and they will not treat more than 30 in an office setting unless the Secretary of Health and Human Services adjusts this number.

The DATA provisions allow the Secretary, as appropriate, to add to these conditions and allow the Attorney General to terminate a physician's DEA registration if these conditions are violated. This program will continue after three years only if the Secretary and Attorney General determine that this new type of decentralized treatment should not continue.

This bill would also allow the Secretary and Attorney General to discontinue the program earlier than three years if, upon consideration of the specified factors, they determine that early termination is advisable.

Nothing in the waiver policy called for in my bill is intended to change the rules pertaining to methadone clinics or other facilities or practitioners that conduct drug treatment services under the dual registration system imposed by current law. And nothing in this bill is intended to diminish the existing authority of DEA to enforce rigorously the provisions of the Controlled Substances Act. Doctors and health care providers should be free to practice the art of medicine but they may never violate the terms of the Controlled Substances Act.

In drafting the waiver provisions of the bill, the Drug Enforcement Agency, the Food and Drug Administration, and the National Institute on Drug Abuse were all consulted. Secretary Shalala has provided her leadership in this area. As well, this initiative is consistent with the announcement of the Director of the Office of National Drug Control Policy, General Barry McCaffrey, of the Administration's intent to work to decentralize methadone treatment.

In 1995, the Institute of Medicine of the National Academy of Sciences issued a report, "Development of Medications for Opiate and Cocaine Addictions: Issues for the Government and Private Sector." The study called for "(d)eveloping flexible, alternative means of controlling the dispensing of anti-addiction narcotic medications that would avoid the 'methadone model' of individually approved treatment centers."

The Drug Addiction Treatment Act—DATA—is exactly the kind of policy initiative that experts have called for in America's multifaceted response to the drug abuse epidemic. I recognize that the DATA legislation is just one mechanism to attack this problem, and I plan to work with my colleagues in the Congress to devise additional strategies to reduce both the supply and demand for drugs.

These provisions promote a policy that dramatically improves these lives because it helps those who abuse drugs change their lives and become productive members of society. We have work to do on heroin addiction. For example, a 1997 report by the Utah State Division of Substance Abuse, "Substance Abuse and Need for Treatment Among Juvenile Arrestees in Utah" cites literature reporting heroin-using offenders committed 15 times more robberies, 20 times more burglaries, and 10 times more thefts than offenders who do not use drugs. We must stop heroin abuse in Salt Lake City and in all of our nation's cities and communities.

In my own state of Utah, I am sorry to report, according to a 1997 survey by the State Division of Substance Abuse, about one in ten Utahns used illicit drug in a given survey month. That number is simply too high; although I cannot imagine that my colleagues would not be similarly alarmed if they looked at data from their own states. We must prevent and persuade our citizens from using drugs and we must help provide effective treatments and systems of treatments for those who succumb to drug abuse.

I hope that the success of this system will create incentives for the private sector to continue to develop new medications for the treatment of drug addiction, and I hope that qualified doctors will use the new system and that general practice physicians will take the time and effort to qualify to use this new law to help their addicted patients. I am proud to have worked with the Administration and my colleagues on a bipartisan basis in adopting the DATA provisions and creating this new approach that undoubtedly will improve the ability for many to obtain successful drug abuse treatment.

In closing, I also want to commend the many staff persons who have worked so hard on this bill. These include Dave Larson, Anne Phelps, Jackie Parker, Marcia Lee, Kathleen McGowan, Leah Belaire, David Russell, Pattie DeLoatche and Bruce Artim in the Senate and Marc Wheat and John Ford in the House.

I strongly support this legislation and urge my colleagues in the House to pass it as quickly as possible. It is a bill that will raise awareness on children's health issues and, at the same time, assist those who have specific needs with regard to alcohol abuse, drug abuse and mental health issues. It is a good consensus product and is worthy of our support.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 25, 2000, the Federal debt stood at $5,646,252,666,475.97, five trillion, six hundred forty-six billion, two hundred fifty-two million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents.

Five years ago, September 25, 1995, the Federal debt stood at $4,949,969,000,000, four trillion, nine hundred forty-nine billion, nine hundred sixty-nine million.

Ten years ago, September 25, 1990, the Federal debt stood at $3,213,942,000,000, three trillion, two hundred thirteen billion, nine hundred forty-two million.

Fifteen years ago, September 25, 1985, the Federal debt stood at $1,823,103,000,000, one trillion, eight hundred twenty-three billion, one hundred three million.

Twenty-five years ago, September 25, 1975, the Federal debt stood at $552,347,000,000, five hundred fifty-two billion, three hundred forty-seven million which reflects a debt increase of more than $5 trillion—$5,093,905,666,475.97, five trillion, ninety-three billion, nine hundred five million, six hundred sixty-six thousand, four hundred seventy-five dollars and ninety-seven cents during the past 25 years.

## ADDITIONAL STATEMENTS

### RECOGNITION OF SEA CADET MONTH

• Mr. GRAMS. Mr. President, September is Sea Cadet Month, and today I rise to pay tribute to the Naval Sea Cadet Corps. Sea Cadet organizations exist in most of the maritime nations around the world. Having recognized the value of these organizations, the Department of the Navy requested the Navy League to establish a similar program for American youth.

Since their creation in 1958—and their federal incorporation by Congress in 1962—the Naval Sea Cadets Corps has encouraged and aided American youth ages 13–17, training them in seagoing skills and instilling within them patriotism, courage, and commitment. By teaching America's youth the important role of maritime service in national defense and economic stability, the Corps has produced responsible and capable leaders. Weekly and monthly drills at local units and more intensive two-week training sessions, stress physical fitness, seamanship, shipboard safety, first aid, naval history, and leadership while advanced training sessions range from a submarine seminar to aviation school. Thanks in part to this training, Sea Cadets demonstrate the leadership skills and responsibility that allow them to excel and become leaders in their communities.

I wish to pay special tribute to LT Lance Nemanic and the Twin Cities Squadron of the Sea Cadets, for their dedicated service to Minnesota's Youth. I would also like to thank those men and women who continue to make the U.S. Sea Cadets Corps the pride of the Navy.•

### NEW HAMPSHIRE HOUSE SPEAKER DONNA SYTEK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Donna Sytek as she retires as Speaker of the New Hampshire House of Representatives. Donna's dedication to public service is remarkable, and she has done much in her twelve terms in the House to make life better for the people of our great state.

Throughout her nearly quarter century as a member of the House, Donna has worked tirelessly on issues about which she feels passionate: crime, juvenile justice reform and education. She has shepherded numerous bills into law, including legislation that established the Department of Corrections, legislation that guarantees truth in sentencing; and an anti-stalking law. She also authored two amendments to the New Hampshire Constitution, including one to limit abuse of the insanity defense in 1984 and another to earmark sweepstakes revenues to education in 1990. Donna has held many leadership positions during her distinguished career as well. She has been active for many years in the National Conference of State Legislatures and currently sits on their executive committee. She is also a former chairwoman of the New Hampshire Republican Party and a past president of the National Republican Legislators association.

Donna's position in the state legislature has allowed her to travel the world to promote New Hampshire. She has visited Germany, England, Taiwan, Latvia, Zimbabwe, South Africa and Israel to learn about their cultures and economies while helping them learn a little more about our great state.

Donna and her husband John have been fixtures in their hometown of Salem since they moved there almost 30 years ago. They devote their time and energy to many local organizations including the Salem Boys and Girls Club and the Salem Visiting Nurse Association.

Donna's dedication to her community and the legislature are exemplary, and her accomplishments have not gone unnoticed. The editors of New Hampshire Editors Magazine named her "the most powerful woman in New Hampshire" in 1997.

Once again, I would like to thank Speaker Sytek for her tremendous service to the people of New Hampshire and wish her good health and happiness in her retirement. I am proud to call her my friend, and I am honored to represent her in the United States Senate.●

### TRIBUTE TO EDWARD MASTERS

● Mr. THOMAS. Mr. President, as Chairman of the Subcommittee on East Asian and Pacific Affairs, I would like to extend my appreciation and congratulations to former Ambassador Edward Masters on the occasion of his retirement on October 18 from his position as President of United States-Indonesia Society.

During his 30-year career in the Foreign Service, in which he reached the senior rank of Career Minister, Ambassador Masters served as U.S. Ambassador to Indonesia and Bangladesh and Deputy Chief of Mission to Thailand. He also held posts in India and Pakistan and an assignment as director of the State Department's Office of East Asian Regional Affairs that involved policy coordination for the entire area.

Indonesia figured prominently in both Ambassador Masters' diplomatic and private sector careers. As Political Counselor of the United States Embassy in Jakarta from 1964–68, he worked on reconstructing U.S. relations with Indonesia at a very difficult time. This included closing out our economic aid, information and Peace Corps programs because of the highly adverse political situation in Indonesia. Toward the end of that period, he worked with various elements of the U.S. Government and NGOs to reinstitute some of those programs but to do so in a way commensurate with Indonesian culture and sensitivities. He is, in fact, particularly known in both Indonesia and the United States for his ability to work effectively in the Indonesian environment.

As United States Ambassador from late 1977 until the end of 1981, one of his major responsibilities was managing a large and very important economic aid program. He worked in particular and in detail on the Provincial Development Program, the programs to expand Indonesia's food grain production and enhance human resources development. Toward the end of his tour he organized various elements of the mission to develop programs to get the U.S. Government more effectively behind the programs to develop Indonesia's private sector and increase cooperation between that sector and the United States.

In 1994, Ambassador Masters was instrumental in forming the United States-Indonesia Society. The Society is the preeminent institution in the United States devoted to developing a broad range of programs aimed at developing greater awareness and appreciation about Indonesia and the importance of the U.S.-Indonesia relationship in all major sectors in the U.S. Ambassador Masters has given briefings throughout the United States to academic institutions and other interested groups. He has provided witness testimony on numerous occasions before the Senate and House Foreign Relations Subcommittees on East Asian and Pacific Affairs on numerous occasions. He has organized conferences and other forums bringing Indonesians and Americans together to discuss short and long-term issues of mutual concern. One such conference he organized last October in cooperation with the Embassy of Indonesia in Washington DC., brought some of the most impressive, influential, and knowledgeable individuals from Indonesia and the United States to discuss the 50 years of diplomatic relations between the two countries and to provide policy suggestions to both governments on how to strengthen ties in the new millennium.

On September 28, 1998 the Indonesian government recognized Ambassador Masters' valuable contributions and decorated him with the Bintang Mahaputra Utama, the second highest award given by the Government of Indonesia for his commitment and contribution to forging closer ties between the U.S. and Indonesia.

As Chairman, I would also like to recognize and say thanks Ambassador Masters for the valuable work he has done. When I began my tenure as Chairman, Indonesia was—unfortunately—largely ignored in the United States. Despite being the fourth largest country in the world, and the largest Muslim country, its accomplishments and its importance to the United States as a friend and ally were largely overlooked and reduced to occasional tongue-lashings regrading Timor Timur.

I made changing that situation a top priority of my chairmanship. And my job was made a lot easier by Ambassador Masters.

The United States-Indonesia Society has greatly shaped, increased awareness and knowledge and provided support to those of us in the United States, including both houses of Congress, the administration and the government, the press, NGO community, academia and the population at large on the importance of Indonesia to the United States. Over the last two years this Society has become even more essential in helping the United States to understand the complex dynamics involved in moving from an authoritarian regime to the third largest democracy in the world.

I understand why Ambassador Masters has decided to step down as President; he has earned the respite. But those of us concerned with the U.S.-Indonesia relationship will surely miss him and his steady hand at the tiller. I can only profoundly thank him for his many years of public service to the United States, and to his life-long commitment to improving relations between the United States and Indonesia. As the Indonesians would say, "Terima kasih banyak."●

### OBSERVANCE OF ROSH HASHANAH

● Mr. ASHCROFT. Mr. President, on the occasion of the beginning of Rosh Hashanah and the High Holy Day season, Janet and I are pleased to offer our best wishes to Missouri's Jewish community, and to our Jewish friends throughout the United States and the world. As the High Holiday Machzor, or prayerbook, states, "On Rosh Hashanah it is written and on Yom Kippur it is sealed," what will be our fates for the year to come. With this in mind, it is my sincere hope that this year will bring to all of us: peace throughout the world, peace in Israel, and everlasting peace in a united Jerusalem, the eternal capital of Israel.

During this time of year, your days of awe, know that I join with you in the sanctity of your celebration. May this period's spirit of reconciliation and renewal remind all Missourians, of all faiths, of our shared responsibilities, toward families, friends, neighbors, and fellow citizens.

Once again, Janet joins me in sending our best wishes to Jews everywhere for the year 5761, and in saying, L'Shana Tova Tekateivu—may you be inscribed in the Book of Life for a good year.●

## TRIBUTE TO THE HONORABLE CONNIE MACK OF FLORIDA AND HIS STAFF

● Mr. GRAHAM. Mr. President, with respect and admiration, I offer a tribute to my colleague from Florida, The Honorable CONNIE MACK.

Senator MACK has served his state and nation with distinction, and I have been honored to serve with him in this institution to represent the people of Florida. CONNIE and Priscilla Mack have long been our neighbors in Washington; they will always remain our friends.

I was first elected to the United States Senate in 1986, CONNIE MACK was elected in 1988. As colleagues in the Senate, we set out to work together on behalf of Florida.

Senator MACK and I are loyal members of different political parties. We don't always vote the same, nor do we agree on every issue. But, as Senator MACK prepares to leave this institution, I can say with pride that we achieved our goal of working together—and our staffs have worked together—on behalf of Floridians.

In offering this personal salute to Senator MACK, I also wish to praise the dedication and professionalism of his staff. On behalf of my family and my staff, I thank Senator MACK's staff—past and present—and wish them continued success.

During his two terms in the United States Senate, Senator MACK assembled a talented staff which made multiple contributions to public service. I ask that the names of these current and past members of Senator MACK's staff be printed in the RECORD as a token of our appreciation and to reflect their significant roles in the history of this great institution.

The list follows:

### THE FOLLOWING STAFF MEMBERS WORKED FOR SENATOR MACK IN THE 106TH CONGRESS

#### WASHINGTON, DC OFFICE

Tysha Banks, Beth Ann Barozie, Frank Bonner, Curtis Brison, Cara Broughton, Amy Chapman, Tracie Chesterman, Treasa Chopp, Deidra Ciriello, Julie Clark, Charles Cooper, Steve Cote, Dan Creekman, Colleen Cresanti, Graham Culp.

Susan Dubin, Rochelle Eubanks, Michael Gaines, Buz Gorman, Wendy Grubbs, Alan Haeberle, Patrick Kearney, Sheila Lazzari, C.K. Lee, Peter Levin, Ross Lindholm, Adam Lombardo, Cathy Marder, Jordan Paul, Elaine Petty.

Lauren Ploch, John Reich, Bethany Rogers, Suzanne Schaffrath, Carrie Schroeder, Nancy Segerdahl, Gary Shiffman, Boaz Singer, Benjamin Skaggs, Mark Smith, Sean Taylor, Yann Van Geertruyden, Greg Waddell, and Barbara Watkins.

#### FORT MYERS OFFICE

Chris Berry, Helen Bina, Ann Burhans, Wendolyn Grant, Shelly McCall, Diana McGee, David Migliore, Rose Ann Misener, Patty Pettus, Sharon Thierer, and Catherine Thompson.

#### JACKSONVILLE OFFICE

Shannon Hewett and Carla Summers.

#### MIAMI OFFICE

Richard Cores, Sigrid Ebert, Gladys Ferrer, Mercedes Leon, Sarah Marerro, Nilda Rodriguez, and Patrick Sowers.

#### PENSACOLA OFFICE

Andrew Raines and Kris Tande.

#### TALLAHASSEE OFFICE

Jennifer Cooper, Courtney Shumaker, and Greg Williams.

#### TAMPA OFFICE

Barbara Dicairano, Jim Harrison, Elizabeth Sherbuk, Jamie Wilson, and Amy Woodard.

### THE FOLLOWING WORKED PRIOR TO 106TH CONGRESS, BUT PROBABLY WORKED CLOSELY WITH BG'S OFC

#### FORMER STAFF

Mitch Bainwol, Scott Barnhart, Glenn Bennett, Ellen Bork, Shellie Bressler, Jamie Brown, Kim Cobb, Jeff Cohen, Kerry Fennelly, Kimberly Fritts, Mary Anne Gauthier, Lawrence Harris, Stacey Hughes.

Jackie Ignacio, Joe Jacquot, Chris Lord, Mark Mills, Bob Mottice, Yvonne Murray, Sheila Ross, Mary Beth Savary Taylor, Saul Singer, Meredith Smalley Quellette, Jeffery Styles, Dawn Teague, Beth Walker, and Jeffrey Walter.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1064. An act to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro.

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building."

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

H. Con. Res. 407. Concurrent resolution to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455.

H. Con. Res. 409. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2392) to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following bill, without amendment:

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

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At 5:08 p.m. a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4551. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4899. An act to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes; to the Committee on Foreign Relations.

H.R. 5224. An act to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries; to the Committee on Agriculture, Nutrition, and Forestry.

## MEASURE PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 399. Concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 26, 2000, he had presented to the President of the United States the following enrolled bill:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-10903. A communication from the Chief of the Programs and Legislation Division, Office of the Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the initiation of a single-function cost comparison at Eglin Air Force Base, Florida; to the Committee on Armed Services.

EC-10904. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Environmental Technology Program; to the Committee on Armed Services.

EC-10905. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to Canada, Denmark, French Guiana or Sea Launch, Israel, Italy, Japan, Kouru, Poland, Republic of Korea, South Korea, Spain, Switzerland, The Netherlands, Turkey, and The United Kingdom; to the Committee on Foreign Relations.

EC-10906. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the notice of proposed transfer of major defense equipment relative to The Government of the United Kingdom (HMG); to the Committee on Foreign Relations.

EC-10907. A communication from the Assistant Secretary of State (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the United Nations agency or United Nations affiliated agency; to the Committee on Foreign Relations.

EC-10908. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC-10909. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Underwater Abandoned Pipeline Facilities" (RIN2137-AC33) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10910. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials Regulations: Editorial Corrections and Clarification" (RIN2137-AD47) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Polski Zaklady Lotnicze Spolka zo.o. Models PZL M18, M18A, and M18B Airplanes; docket No. 99-CE-84 [9-15/9-21]" (RIN2120-AA64) (2000-0471) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000-NM-301 [9-18/9-25]" (RIN2120-AA64) (2000-0472) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and EMB 145 Series Airplanes; docket No. 2000-NM-300; [9-18/9-25]" (RIN2120-AA64) (2000-0473) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Beech Models 1900C, 1900C12 and 1900D Airplanes; docket No. 2000-CE-02 [9-18/9-25]" (RIN2120-AA64) (2000-0475) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Hugoton, KS; docket No. 00-ACE-18 [9-18/9-25]" (RIN2120-AA66) (2000-0223) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; McPherson, KS; docket No. 00-ACE-17 [9-18/9-25]" (RIN2120-AA66) (2000-0224) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Pella, LA; docket No. 00-ACE-26 [9-18/9-25]" (RIN2120-AA66) (2000-0225) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports; 2120 AF71; Docket No. 28293" (RIN2120-AF71) received on September 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations docket No. FAA-1999-5535 [9-19/9-25]" (RIN2120-AG71) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Financial Responsibility Requirements for Licensed Reentry Activities; docket No. FA 1999-6265 [9-19/9-25]" (RIN2120-AG76) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10921. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electric Vehicle Safety" (RIN2127-AF43) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC-10922. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications" (RIN0648–AN36) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10923. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid and Butterfish Fisheries; Inseason Adjustment Procedures" received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10924. A communication from the Chief, Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Allocation of Spectrum at 2 GHz for Use by the Mobile-Satellite Service (ET Docket No. 95–18)" (ET Docket No. 95–18, FCC 00–233) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10925. A communication from the General Counsel of National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Code of Conduct for International Space Station Crew" (RIN2700–AC40) received on September 25, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10926. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Nursing Home Staffing and Quality Improvement Act of 2000"; to the Committee on Finance.

EC–10927. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Capital Gains, Partnership, Subchapter S, and Trust Provisions" (RIN1545–AW22) (TD 8902) received on September 22, 2000; to the Committee on Finance.

EC–10928. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–42) received on September 25, 2000; to the Committee on Finance.

EC–10929. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Zone Academy Bonds" (RIN1545–AY01) received on September 25, 2000; to the Committee on Finance.

EC–10930. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000–39—2001 Per Diem Rates" (Rev. Proc. 2000–39) received on September 25, 2000; to the Committee on Finance.

EC–10931. A communication from the Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Bonus to Reward States for High Performance" (RIN0970–AB66) received on September 25, 2000; to the Committee on Finance.

EC–10932. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 53915 09/06/2000" (Docket No. FEMA–FEMA–D7501) received on September 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10933. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Fair Market Rents for Fiscal Year 2001" (FR–4589–N–02) received September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10934. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. Part 709 Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation" received on September 25, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–10935. A communication from the Chairman of the Board of Governors of the Federal Reserve System and the Chairman of the Securities and Exchange Commission, transmitting jointly, pursuant to law, a report relative to market for small business and commercial mortgage related securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–10936. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation entitled "National Aeronautics and Space Administration Federal Employment Reduction Assistance Act Amendments"; to the Committee on Governmental Affairs.

EC–10937. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 25, 2000; to the Committee on Governmental Affairs.

EC–10938. A communication from the Director of the Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, the annual report for 1999; to the Committee on Governmental Affairs.

EC–10939. A communication from the Congressional Review Coordinator of the Animal Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Addition to Quarantined Areas; Correction" (Docket #00–036–2) received on September 22, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10940. A communication from the Under Secretary of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Urban and Community Forestry Assistance Program" received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10941. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules entitled "Azoxystrobin; Pesticide Tolerance" (FRL #6749–1), "Bifenthrin; Pesticide Tolerances for Emergency Exemptions" (FRL #6744–4), "Dimethyl silicone polymer with silica; silan, dichloromethyl-, reaction product with silica; hexamethyldisilizane, reaction product with silica; Tolerance Exemption" (FRL #6745–1), "Ethametsulfuron-methyl; Pesticide Tolerances for Emergency Exemptions" (FRL #6744–1), "Halosulfuron-methyl; Pesticide Tolerance" (FRL #6746–2), and "Hexythiazox; Pesticide Tolerance" (FRL #6746–5), "Methacrylic Acid-Methyl Methacrylate-Polyethylene Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-ox-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption" (FRL #6745–2), and "Yucca Extract; Exemption From the Requirement of a Tolerance" (FRL #6748–3) received on September 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10942. A communication from the Regulations Officer, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Policy Guidance Concerning Application of Title VI of the Civil Rights Act of 1964 to Metropolitan and Statewide Planning" received on May 25, 2000; to the Committee on Environment and Public Works.

EC–10943. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL #68774) and "Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL #6875–3) received on September 21, 2000; to the Committee on Environment and Public Works.

EC–10944. A communication from the Assistant Secretary, Division of Endangered Species, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Final Determination of critical habitat for the Alameda whipsnake (Masticophis lateralis euryxanthus)" (RIN1018–AF98) received on September 22, 2000; to the Committee on Environment and Public Works.

EC–10945. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting two items; to the Committee on Environment and Public Works.

EC–10946. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled "Acquisition Regulation" (FRL #6874–5) and "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision" (FRL #6873–2) received on September 25, 2000; to the Committee on Environment and Public Works.

EC–10947. A communication from the Assistant General Counsel of the National Science Foundation, transmitting, pursuant to law, the report of a rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" (RIN1190–AA28) received on September 22, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10948. A communication from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "25 CFR Part 38—Southwestern Indian Polytechnic Institute (SIPI) Personnel System" (RIN1076–AE02) received on September 21, 2000; to the Committee on Indian Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-622. A resolution adopted by the City of Pembroke Pines, Florida relative to the restoration of the Everglades; to the Committee on Environment and Public Works.

POM-623. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to the dumping of dredged materials at the Historic Area Remediation Site; to the Committee on Environment and Public Works.

POM-624. A resolution adopted by the New Jersey State Federation of Women's Clubs, relative to worldwide trafficking of women and girls; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 353, a bill to provide for class action reform, and for other purposes (Rept. No. 106-420).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 893: A bill to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels (Rept. No. 106-421).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. Bryan, Mr. Kennedy, Mr. Rockefeller, and Mr. Robb):

S. 3107. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program; read the first time.

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. MURRAY (for herself, Mr. Inouye, Mr. Kerrey, and Mr. Gorton):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. WELLSTONE (for himself, Mr. Johnson, Mr. Bayh, and Mr. Kennedy):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE (for himself and Mr. Akaka):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

By Mr. ABRAHAM (for himself, Mr. Mack, and Mr. Murkowski):

S. 3112. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Schumer):

S. 3113. A bill to convey certain Federal properties on Governors Island, New York; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. Daschle):

S. 3114. A bill to provide loans for the improvement of telecommunications services on Indian reservations; to the Committee on Indian Affairs.

By Mr. SARBANES (for himself, Ms. Mikulski, Mr. Warner, and Mr. Robb):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. Craig, Mr. Conrad, Mr. Daschle, Ms. Landrieu, Mr. Akaka, Mr. Dorgan, Mr. Enzi, Mr. Burns, Mr. Grams, Mr. Thomas, Mr. Kerrey, Mr. Crapo, Mr. Baucus, Mr. Abraham, Mr. Graham, Mr. Inouye, Mr. Campbell, and Mr. Mack):

S. 3116. A bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL:

S. Res. 360. A resolution to authorize the printing of a document entitled "Washington's Farewell Address"; to the Committee on Rules and Administration.

By Mr. McCONNELL:

S. Res. 361. A resolution to authorize the printing of a revised edition of the Senate Rules and Manual; to the Committee on Rules and Administration.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 3108. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State; to the Committee on Agriculture, Nutrition, and Forestry.

### PESTICIDE HARMONIZATION BILL

Mr. DORGAN. Mr. President, during the first few months of the 106th Congress in early 1999, I introduced a pesticide harmonization bill—S. 394. Today, I am introducing a revised version of that legislation. The need for this legislation has not changed.

Last year, I pointed out that when the U.S.-Canada Free Trade Agreement came into effect, part of the understanding on agriculture was that our two nations were going to move rapidly toward the harmonization of pesticide regulations. However, we have entered a new decade—and century, no less—and relatively little progress in harmonization has been accomplished that is meaningful to family farmers.

Since this trade agreement took effect, the pace of Canadian spring and durum wheat, and barley exports to the United States have grown from a barely noticeable trickle into annual floods of imported grain into our markets. Over the years, I have described many factors that have produced this unfair trade relationship and unlevel playing field between farmers of our two nations. The failure to achieve harmonization in pesticides between the United States and Canada compounds this ongoing trade problem.

Our farmers are concerned that agricultural pesticides that are not available in the United States are being utilized by farmers in Canada to produce wheat, barley, and other agricultural commodities that are subsequently imported and consumed in the United States. They rightfully believe that it is unfair to import commodities produced with agricultural pesticides that are not available to U.S. producers. They believe that it is not in the interests of consumers or producers to allow such imports. However, it is not just a difference in availability of agricultural pesticides between our two countries, but also in the pricing of these chemicals.

Just last spring, our farmers were denied the right to bring a pesticide across the border that was cleared for use in our country, but was not available locally because the company who manufactures this product chose not to sell it here. They were selling a more expensive version of the product here. The simple fact is, this company was using our environmental protection laws as a means to extract a higher price from our farmers even though the cheaper product sold in Canada is just as safe. This simply is not right.

I have pointed out, time and time again, the fact is that there are significant differences in prices being paid for essentially the same pesticide by farmers in our two countries. In fact, in a recent survey, farmers in the United States were paying between 117 percent and 193 percent more than Canadian farmers for a number of pesticides. This was after adjusting for differences in currency exchange rates at that time.

The farmers in my state are simply fed up with what is going on. They see grain flooding across the border, while they are unable to access the more inexpensive production inputs available in our "free trade" environment. And I might add, this grain coming into our country has been treated with these products which our farmers are denied access to. This simply must end.

As I stated earlier, today, I am introducing a new version of legislation that would take an important step in providing equitable treatment for U.S.

farmers in the pricing of agricultural pesticides. And I want to point out what has taken place since introduction of the original pesticide harmonization bill—or maybe I should say—what has not taken place.

I wrote the chairman of the Agriculture Committee on more than one occasion requesting hearings about the original version of this legislation, but to no avail. I was disappointed, to say the least. Especially, as I stated, since the need for this legislation has not disappeared. On the contrary, it is still a hot issue along our northern border with Canada.

This bill would only deal with agricultural chemicals that are identical or substantially similar. It only deals with pesticides that have already undergone rigorous review processes and whose formulations have been registered and approved for use in both countries by the respective regulatory agencies.

The bill would establish a procedure by which states may apply for and receive an Environmental Protection Agency label for agricultural chemicals sold in Canada that are identical or substantially similar to agricultural chemicals used in the United States. Thus, U.S. producers and suppliers could purchase such chemicals in Canada for use in the United States. The need for this bill is created by pesticide companies which use chemical labeling laws to protect their marketing and pricing structures, rather than protecting the public interest. In their selective labeling of identical or substantially similar products across the border they are able to extract unjustified profits from American farmers, and create unlevel pricing fields between our two countries.

This bill is one legislative step in the process of full harmonization of pesticides between our two nations. It is designed specifically to address the problem of pricing differentials on chemicals that are currently available in both countries. We need to take this step, so that we can begin the process of creating a level playing field between farmers of our two countries. This bill would make harmonization a reality for those pesticides in which their actual selling price is the only real difference.

By Mrs. MURRAY (for herself, Mr. INOUYE, Mr. KERREY, and Mr. GORTON):

S. 3109. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse"; to the Committee on Environment and Public Works.

### THE WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

Mrs. MURRAY. Mr. President, I rise today to introduce a bill that would designate the existing United States Federal Courthouse for the Western District of Washington in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse." William Nakamura was born in 1922, and grew up in Seattle, Washington. He attended public schools and was a student at the University of Washington when he and 110,000 other Japanese Americans were removed from their communities and forced into internment camps.

For many, the disgrace of the internment camps and the injustice of that American policy fostered resentment and anger. Rather than succumb to hate, William Kenzo Nakamura chose to fight for the very country that had treated him unjustly. He enlisted in the 442d Regimental Combat Team, which went on to become the most decorated military team in U.S. history. While fighting in Italy, Pfc. William Nakamura was killed on July 4, 1944. At the time of his death, he was providing cover for his retreating platoon. Earlier that day, he had also gone beyond the call of duty and single-handedly destroyed a machine-gun nest.

Following his death, Nakamura's commanding officer nominated him for the Medal of Honor. According to Army policy at the time, Japanese Americans could not receive the Medal of Honor. Instead, Pfc. Nakamura was awarded the Distinguished Service Cross, the military's second highest honor. This past June, Pfc. Nakamura and 21 other Asian-American veterans of World War II were finally honored with the Congressional Medal of Honor. Senator INOUYE, who served in the same unit as Mr. Nakamura, was one of those who received the Congressional Medal of Honor that day. I was proud to be present at the White House for the ceremony.

I am pleased that both of the Medal of Honor recipients in Congress are original cosponsors of the bill: Senators INOUYE and KERRY. I am also honored to have my Washington state colleague, Senator GORTON, as an original cosponsor. Congressman MCDERMOTT is sponsoring this legislation in the House, and I thank him for his efforts. Like many Asian-American veterans, Nakamura didn't hesitate when his country called. He and many others went to war and gave their lives for freedoms which they and their families were denied at home.

Mr. President, we can't undo the injustice suffered by Japanese-Americans during World War II, but we can give these noble Americans the recognition they deserve. The William Kenzo Nakamura Courthouse will serve as a permanent reminder that justice must serve all Americans equally. I urge my colleagues to support this piece of legislation.

By Mr. WELLSTONE (for himself, Mr. JOHNSON, Mr. BAYH, and Mr. KENNEDY):

S. 3110. A bill to ensure that victims of domestic violence get the help they need in a single phone call; to the Committee on Health, Education, Labor, and Pensions.

### THE NATIONAL DOMESTIC VIOLENCE HOTLINE ENHANCEMENT ACT

Mr. WELLSTONE. Mr. President, this is the issue of violence in homes. About every 13 seconds a woman is battered. A home should be a safe place. This is about anywhere from 5 to 10 million children witnessing this violence—not on TV, not in the movies, but in their living rooms, and the effect it has on these children.

Today, I introduce a bill I would like to be able to have on the floor of the Senate for a vote. If I don't get it done over the next week or two, I am positive that there will be broad, bipartisan support for this legislation. This is called the National Domestic Violence Hotline Enhancement Act. I will send the bill to the desk on behalf of myself, Senators JOHNSON, BAYH, and KENNEDY. On the House side, Representative CONNIE MORELLA, who has done such great work in this area, is introducing the same piece of legislation today. I send this bill to the desk.

Darlene Lussier, from Red Lake Band, a Chippewa Indian reservation in Minnesota, called this bill the "talking circle for all shelters." I would like to name it the "Talking Circle For All Shelters."

This is modeled after the Day One project in Minnesota. This legislation creates a web site that would allow the National Domestic Violence Hotline operators at shelters all around the country—and there are 2,000 shelters; this is a map of all the shelters in the United States of America. It would enable, through this web site, shelters one telephone call from a woman in need of help to the hotline, or to any shelter, because we would have everybody hooked up electronically under very safe and secure conditions. It would simply take one call for a woman to be able to know where she and her children could go to get away from this violence, where they could go to make sure that she would not lose her life, or that things would not get more violent at home.

This is extremely important because what happens quite often is a woman will finally get the courage and she knows she must leave. She knows it is a dangerous, desperate situation. But when she calls a shelter, they may be completely filled up and not have anywhere for her to go and then she doesn't know where to go. Then she is forced to stay in that dangerous home. Then she is battered again and her children witness this, and quite often the children are battered as well. Remember, every 13 seconds a woman is battered in her home. A home should be a safe place.

This piece of legislation is critically important. Right now, according to the National Network to End Domestic Violence, only 43 percent of the shelters in the United States have Internet access. We have to do better. In my State of Minnesota, last year 28 women were murdered. This was "domestic violence." This year—and the year is barely half over—already 33 women in Minnesota have been murdered because of domestic violence. Three women were murdered within 8 days in northern Minnesota earlier this month. A woman, again, is battered every 13 seconds, and 3 million to 5 million to 10 million children witness this. Over 70 percent of these children themselves are abused.

I don't want to hear one more story about a woman being murdered by her husband or boyfriend. I don't want to hear one more story about a woman being beaten, or her child fighting in school because he saw the violence in his home. We have to end this. I don't want to hear one more statistic about a quarter of homeless people on any given night are victims of domestic violence—women and children with nowhere to go. This "Talking Circle For All Shelters" would enable a woman to get on this national hotline, or call the shelter, and everybody would be linked up through a web site electrically, and she would be able to know right away where she could go to be safe, so that her children would be safe.

This is modeled after Minnesota's Day One web site. This links every shelter in Minnesota. Day One reports that 99 percent of women and children who call, because of this system, are assured services and shelter that meets their unique needs. I want to take this Minnesota model—this Day One web site model—and make sure this becomes available for all women and all children throughout the United States of America.

David Strand, who is chief operating officer of Allina Health System in Minnesota, and who has led the way, along with United Way, in providing the funding for this, talks about how important this is for healing and how important it is to return to healthy communities.

Day One is all about healing. Day One is all about giving women who have been battered and abused and their children a chance to heal. Day One in Minnesota—and I want it to be Day One in the United States of America—is about making sure when she needs to make the call, she can do it and find out where she and her children can go. This is the "Talking Circle For All Shelters" in America.

Over the past 5 years, the National Domestic Violence Hotline has received over 500,000 calls from women and children in danger from abuse. If we can take this Day One model in Minnesota, the web site that we have, and we can now make this a national program, we can make sure that these women and these children will get the help they need. We can make sure these women, when they make the call, will know where they can go, as opposed to making a call, and the shelter they call doesn't have any room and they don't know where to go, and then they stay and are battered again and, for all I know, they are murdered.

We can take this new technology and link up all of these shelters electronically. We can make this a part of the national domestic violence hotline, and we can make a real difference.

I want to introduce this today. I am absolutely sure we can pass this legislation. I know we can do this. I know it is the right thing to do. I know there will be strong support from Democrats and Republicans as well.

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By Mr. INOUYE (for himself and Mr. AKAKA):

S. 3111. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for the payment of estate tax to more estates with closely held businesses; to the Committee on Finance.

TO PROVIDE AN EXTENSION OF TIME FOR THE PAYMENT OF THE ESTATE TAX TO MORE ESTATES WITH CLOSELY HELD BUSINESSES

Mr. INOUYE. Mr. President, the estate tax imposes a true hardship on family-owned businesses. When a person dies, the estate tax must be paid within 9 months. Current law permits only a small number of business owners to pay the estate tax in installments. The tax for most closely held businesses, however, must be paid shortly after the owners' death. Often, business assets and even the business itself must be sold to raise the cash to pay the tax. Closely held businesses, however, cannot be sold for their true value within so short a time. To avoid such fire sales, elderly owners will often sell their businesses while still living to get a fair price.

Congress, as a matter of policy, should encourage the formation of family businesses and also support their continuation. The estate tax measures that the Senate recently voted on do not fully or immediately respond to the problems of closely held, family-owned businesses. Due to revenue constraints, repeal of the estate tax must be slowly phased in. During that phase-in period, whether the tax rate is 45 percent, 35 percent, 25 percent, or 15 percent, many business owners will still need to liquidate their businesses to pay the tax.

The alternative proposal to raise the deduction for qualified family-owned business interests to $2 million fails to answer the basic liquidity problem. These families have all their assets tied up in their businesses. They do not have the cash to pay the estate tax right away. Moreover, the strict eligibility rules and caps restrict the number of family businesses that can qualify for the QFOBI deduction. The 10-year recapture rule, which is also part of the alternative proposal, also hampers the businesses that do qualify.

The bill that I and Senator AKAKA introduce today would make all closely held businesses eligible for temporary deferral and installment payment of the estate tax. My measure simply raises the number of permissible owners for qualifying closely held businesses from 15 to 75, thereby expanding eligibility for the 4-year deferral and 10-year installment payment of the estate tax.

In the subchapter S Act of 1958, the Senate established special income tax rules for closely held businesses. The Senate in the same legislation also decided to collect the estate tax on closely held businesses over an extended payment period. By being allowed to pay the estate tax on the family businesses over 10 annual installments after an initial 4-year deferral, the surviving family members can continue to operate these businesses and use future earnings to pay the estate tax.

In 1996, Congress amended subchapter S to allow a small business corporation to have up to 75 owners; this was intended to encourage closely held businesses to give key workers a share in ownership. But the eligibility rules were not changed for estate tax payment. By sharing ownership with workers as encouraged under the 1996 amendments to subchapter S, the owners of closely held businesses lose their estate tax relief. Although these businesses still qualify under subchapter S, they are often no longer eligible for temporary deferral and extended installment payment of the estate tax.

The Treasury Department suggests that the qualification rules for subchapter S and for estate tax relief should be made consistent once again. During the debate on estate tax relief, Senator ROTH and Senator MOYNIHAN acknowledged this problem and pledged to correct it. Accordingly, I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3111

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCREASE IN NUMBER OF ALLOWABLE PARTNERS AND SHAREHOLDERS IN CLOSELY HELD BUSINESSES.**

(a) IN GENERAL.—Paragraphs (1)(B)(ii), (1)(C)(ii), and (9)(B)(iii)(I) of section 6166(b) of the Internal Revenue Code of 1986 (relating to definitions and special rules) are each amended by striking "15" and inserting "75".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

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By Mr. BAUCUS (for himself and Mr. DASCHLE)

S. 3114. A bill to provide loans for the improvement of telecommunications services of Indian reservations; to the Committee on Indian Affairs.

### NATIVE AMERICAN TELECOMMUNICATIONS IMPROVEMENT AND VALUE ENHANCEMENT ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Native American Telecommunications Improvement and Value Enhancement Act, the NATIVE Act. This bill provides a low interest loan program to build telecommunications infrastructure for federally-recognized Indian tribes.

This legislation is timely. This week the Federal Communications Commission is hosting an Indian Telecom Training Initiative in St. Paul Minnesota to provide training to tribes on all phases of providing telecommunications services to their members. Why is this so important?

At a time when 94 percent of Americans enjoy basic telephone service and the benefits derived thereof, only 47 percent of Native Americans on reservations have service. This is even below the rate of the rural homes, 91 percent.

Indian and Alaska Native people live in some of the most geographically remote areas of the country. Most Alaska Native villages are reachable year-round by air only, have limited access by water, and have no road connections. On the mainland, many Indian reservations are located west of the Mississippi, where the wide-open spaces often mean that the nearest town, city, or hospital is several hours away by car.

Those that do not have a telephone do not have access to some of the basic services that we take for granted each and every day.

Some cannot obtain access to medical care in an emergency. Others cannot reach prospective employers quickly and easily. Many cannot take advantage of the commercial, educational, and medical care opportunities the Internet offers.

Let me give you a couple of examples:

Raymond Gachupin, governor of Jemez Pueblo in New Mexico, said he once was unable to call for emergency help for a young man who had been shot because no phone was available.

William Kennard at an FCC Field Hearing in 1999 revealed a case on the Navaho reservation in Arizona, where 1,500 school children have computers, but can't hook up to the Internet because the Information Superhighway seems to have passed them by.

And then there is just the basic inconvenience of not having a readily available means of communication:

The community of Bylas in Arizona, which has approximately 2,000 residents, had only one payphone. People would line up at 6 o'clock in the morning to use the phone. They would stand in line sometimes until 12 o'clock midnight to use the phone. The only other way to talk to people was if you saw them in town and then any news may be days old.

I know these stories are from the Southwestern United States but in my home state of Montana many of the reservations lack phone service, over 60 percent of the homes on the Northern Cheyenne Reservation, 55 percent on the Crow Reservation.

The Federal Communications Commission is stepping up to the plate to help solve this problem by reducing the cost of basic telephone service for individuals on reservations through the Lifeline and Linkup programs. The lifeline program could reduce the monthly cost of phone service to one dollar, all eligible customers would see bills below $10. The Linkup program helps offset the cost of the initiating service by as much as $100.

As stated earlier, this week in St. Paul Minnesota, the FCC is conducting a training seminar for tribal telecommunications.

I commend the FCC for their efforts and want to assist where I can. That is why I am introducing this valuable legislation.

The infrastructure costs for providing telecommunications services can be very high especially in remote areas where customers can be more than one mile apart. This legislation will help to keep those costs down by lowering the cost of borrowing.

The NATIVE Act provides a $1 billion revolving loan fund with a graduated interest rate pegged to the per capita income of the population receiving service. The interest rates range from 2 percent for the poorest tribes up to 5 percent.

The plans submitted for loan approval will be subject to the requirements of current Rural Utilities Service borrowers including service capable of transmitting data at a minimum rate of one Megabit per second. This will ensure the system in place will connect Native Americans to the Internet thereby opening up economic opportunities that wouldn't otherwise exist.

The program is not intended to displace existing telecommunications carriers who are providing service to Native Americans. In fact, the bill is specific in that loan funds can only be used to provide service to unserved and underserved areas, where existing service is deemed inadequate due to either cost or quality.

Additionally the Act establishes a matching grant program for conducting feasibility studies to determine the best alternative for providing service.

The program will be administered by the Rural Utilities Service, an agency with over 50 years experience in lending for rural telecommunications infrastructure throughout the country.

The RUS telecommunications program has provided financing for 866,000 miles of line approximately one-tenth of which is fiber optic, serving 5.5 million customers, including Native Americans. The RUS distance learning/telemedicine program has funded 306 projects for rural schools and medical centers in 44 states since its inception in 1993 bringing improved services for education and health care centers in rural communities. All without incurring any loan losses.

I have the utmost confidence that the Rural Utilities Service will successfully administer this program.

To wrap up, Mr. President, I know that we cannot reach everyone. There are some who simply do not want service in order to preserve their traditional way of living and others who feel owning a telephone is not a priority within the household budget; however, we should strive to try to ensure telecommunications service to those who want and need to have a telephone.

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Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ROBB):

S. 3115. A bill to extend the term of the Chesapeake and Ohio Canal National Historic Park Commission; to the Committee on Energy and Natural Resources.

### TO REAUTHORIZE THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORIC PARK COMMISSION

Mr. SARBANES. Mr. President, today I am introducing legislation to reauthorize the Chesapeake and Ohio Canal National Historical Park Commission. The current authority for the Commission expires in January of 2001, and this bill would extend that authority for another 10 years. Joining me in introducing this legislation are Senators MIKULSKI, WARNER and ROBB.

Mr. President, the C&O Canal National Historical Park is one of the most unique in this Nation and one of the most heavily visited. It begins in this great city, the Nation's Capital and extends 184 miles to its original terminus in Cumberland, Maryland. As you can imagine, the development of plans for the preservation and use of this park is a major undertaking. It is no easy task to protect and preserve a park which averages 100 yards in width but is 184 miles long.

The work of the Commission is not finished. The Commission is composed of representatives of the State of Maryland, the Commonwealth of Virginia, the State of West Virginia, the District of Columbia, the counties in Maryland through which the park runs, and members at large. The passage of this bill will permit the Commission to complete the rational process begun so many years ago to ensure that this unique part of America's natural and historical heritage is properly preserved.

I encourage those who are interested in the C&O Canal to join in sponsoring this legislation, and it is my hope that it can be enacted in this Congress.

## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 717

At the request of Ms. MIKULSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 717, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 874

At the request of Mr. INOUYE, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 874, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 909

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 909, a bill to provide for the review and classification of physician assistant positions in the Federal Government, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Arizona (Mr. MCCAIN), the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. KOHL), the Senator from Florida (Mr. GRAHAM), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1762

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

S. 1796

At the request of Mr. LAUTENBERG, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1796, a bill to modify the enforcement of certain anti-terrorism judgements, and for other purposes.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1957, a bill to provide for the payment of compensation to the families of the Federal employees who were killed in the crash of a United States Air Force CT-43A aircraft on April 3, 1996, near Dubrovnik, Croatia, carrying Secretary of Commerce Ronald H. Brown and 34 others.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2250

At the request of Mr. THOMPSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2250, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings.

S. 2341

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2858

At the request of Mr. GRAMS, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2858, a bill to amend title XVIII of the Social Security Act to ensure adequate payment rates for ambulance services, to apply a prudent layperson standard to the determination of medical necessity for emergency ambulance services, and to recognize the additional costs of providing ambulance services in rural areas.

S. 2912

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2912, a bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2912, supra.

S. 2924

At the request of Ms. COLLINS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2924, a bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available medicaid drug pricing information.

S. 2986

At the request of Mr. HUTCHINSON, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2986, a bill to limit the issuance of regulations relating to Federal contractor responsibility, to require the Comptroller General to conduct a review of Federal contractor compliance with applicable laws, and for other purposes.

S. 3009

At the request of Mr. HUTCHINSON, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide funds to the National Center for Rural Law Enforcement.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3024

At the request of Mr. ROBB, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 3024, a bill to amend title XVIII of the Social Security Act to provide for coverage of glaucoma detection services under part B of the medicare program.

S. 3054

At the request of Mr. LUGAR, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3054, a bill to amend the Richard B. Russell National School Lunch Act to reauthorize the Secretary of Agriculture to carry out pilot projects to increase the number of children participating in the summer food service program for children.

S. 3071

At the request of Mr. LEAHY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3071, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 3077

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 3077, a bill to amend the Social Security Act to make corrections and refinements in the Medicare, Medicaid, and SCHIP health insurance programs, as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes.

S. 3093

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3093, a bill to require the Federal Energy Regulatory Commission to roll back the wholesale price of electric energy sold in the Western System Coordinating Council, and for other purposes.

S. RES. 278

At the request of Mr. KERREY, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Washington (Mrs. MURRAY), the Senator from Nebraska (Mr. HAGEL), the Senator from North Carolina (Mr. HELMS), the Senator from Nevada (Mr. BRYAN), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Virginia (Mr. ROBB), the Senator from Virginia (Mr. WARNER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 278, a resolution commending Ernest Burgess, M.D. for his service to the Nation and international community.

S. RES. 292

At the request of Mr. CLELAND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 292, a resolution recognizing the 20th century as the "Century of Women in the United States."

S. RES. 343

At the request of Mr. FITZGERALD, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Virginia (Mr. ROBB), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 343, a resolution expressing the sense of the Senate that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

S. RES. 359

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Res. 359, a resolution designating October 16, 2000, to October 20, 2000 as "National Teach For America Week."

AMENDMENT NO. 4184

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4184 intended to be proposed to S. 2045, supra.

## SENATE RESOLUTION 360—AUTHORIZING THE PRINTING OF A DOCUMENT ENTITLED "WASHINGTON'S FAREWELL ADDRESS"

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 360

*Resolved,*

**SECTION 1. AUTHORIZATION.**

The booklet entitled "Washington's Farewell Address", prepared by the Senate Historical Office under the direction of the Secretary of the Senate, shall be printed as a Senate document.

**SEC. 2. FORMAT.**

The Senate document described in section 1 shall include illustrations and shall be in the style, form, manner, and printing as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

**SEC. 3. COPIES.**

In addition to the usual number of copies, there shall be printed 600 additional copies of the document specified in section 1 for the use of the Secretary of the Senate.

## SENATE RESOLUTION 361—AUTHORIZING THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mr. MCCONNELL submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 361

*Resolved,* That (a) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 106th Congress.

(b) The manual shall be printed as a Senate document.

(c) In addition to the usual number of documents, an 1,400 additional copies of the manual shall be bound of which—

(1) 500 paperbound copies shall be for the use of the Senate; and

(2) 900 copies shall be bound (500 paperbound; 200 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

## AMENDMENTS SUBMITTED

## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

## KENNEDY AMENDMENTS NOS. 4190–4195

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens; as follows:

AMENDMENT NO. 4190

At the appropriate place, add the following:

**RECRUITMENT FROM UNDERREPRESENTED MINORITY GROUPS.**

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)), as amended by section 202, is further amended by inserting after subparagraph (H) the following:

"(I) The employer certifies that the employer—

"(i) is taking steps to recruit qualified United States workers who are members of underrepresented minority groups, including—

"(I) recruiting at a wide geographical distribution of institutions of higher education, including historically black colleges and universities, other minority institutions, community colleges, and vocational and technical colleges; and

"(II) advertising of jobs to publications reaching underrepresented groups of United States workers, including workers older than 35, minority groups, non-English speakers, and disabled veterans, and

"(ii) will submit to the Secretary of Labor at the end of each fiscal year in which the employer employs an H-1B worker a report that describes the steps so taken.

For purposes of this subparagraph, the term 'minority' includes individuals who are African-American, Hispanic, Asian, and women.".

### AMENDMENT NO. 4191

On page 13, after line 2, insert the following:

(6) Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(6) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5)."

Notwithstanding any other provision of this Act, the figure on page 11, line 2 is deemed to be "22 percent"; the figure on page 12, line 25 deemed to be "4 percent"; and the figure on page 13 line 2 is deemed to be "2 percent".

### AMENDMENT NO. 4192

At the appropriate place, insert the following:

**IMPOSITION OF FEES.**

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

### AMENDMENT NO. 4193

On page 17, line 23, strike the period and insert the following: "; or involves a labor-management partnership, voluntarily agreed to by labor and management, with the ability to devise and implement a strategy for assessing the employment and training needs of United States workers and obtaining services to meet such needs"."

### AMENDMENT NO. 4194

On page 9, after line 15, insert the following:

(c) DEPARTMENT OF LABOR SURVEY; REPORT.—

(1) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(2) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

### AMENDMENT NO. 4195

On page 3, strike line 4 and all that follows through page 4, line 6, and insert the following:

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

"(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

"(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

"(iii) a nonprofit research organization or a governmental research organization.

"(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

"(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.".

Notwithstanding any other provision of this Act, the figure on page 2, line 3 is deemed to be "200,000"; the figure on page 2, line 4 is deemed to be "200,000"; and the figure on page 2, line 5 is deemed to be "200,000".

## LANDRIEU AMENDMENTS NOS. 4196–4197

(Ordered to lie on the table.)

Ms. LANDRIEU submitted two amendments intended to be proposed by her to the bill, S. 2045, supra; as follows:

### AMENDMENT NO. 4196

At the appropriate place insert the following:

**SEC. . ELIGIBILITY FOR NONIMMIGRANT STATUS OF CHILDREN REQUIRING EMERGENCY MEDICAL SURGERY OR OTHER TREATMENT.**

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking "or" at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(T)(i) an alien child who requires emergency medical surgery or other treatment by a healthcare provider in the United States, without regard to whether or not the alien can demonstrate an intention of returning to a residence in a foreign country, if—

"(I) payment for the surgery or other treatment will be made by a private individual or organization; and

"(II) surgery or treatment of comparable quality is not available in the country of the alien's last habitual residence; and

"(ii) any alien parent of the child if accompanying or following to join;".

### AMENDMENT NO. 4197

At the appropriate place, insert the following:

SEC. . (a) GROUNDS FOR DEPORTABILITY.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following:

"(d) EXCEPTION TO GROUNDS OF REMOVAL.—Subsection (a) shall not apply to an alien who is lawfully admitted to the United States for permanent residence, and who acquired such status under section 201(b)(2)(A)(i) as a child described in section 101(b)(1)(F).".

(b) GROUNDS FOR INADMISSIBILITY.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by inserting after subsection (b) the following:

"(c) Subsection (a) shall not apply to an alien described in section 237(d) who is seeking to reenter the United States.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of enactment of this Act and shall apply to an alien in removal proceedings, or otherwise subject to removal, under the Immigration and Nationality Act on or after such date.

(d) TERMINATION OF PROCEEDINGS.—In the case of an alien described in section 237(d) of the Immigration and Nationality Act (as added by subsection (a)) who is in deportation proceedings, or otherwise subject to deportation, under such Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note)) before the date of enactment of this Act, the Attorney General shall terminate such proceedings and shall refrain from deporting or removing the alien from the United States.

## LOTT AMENDMENTS NOS. 4198–4203

(Ordered to lie on the table.)

Mr. LOTT submitted six amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

### AMENDMENT NO. 4198

Strike all after the first word and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a

number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H–1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1–B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and "(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 10 days after effective date.

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AMENDMENT NO. 4199

Strike all after the first word and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

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"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

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(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

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(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

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(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 9 days after effective date.

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## AMENDMENT NO. 4200

Strike all after the first word and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is

amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring

of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted 8 days after effective date.

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## AMENDMENT NO. 4201

In lieu of the matter proposed, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

“(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “October 1, 2001” and inserting “October 1, 2002”.

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “September 30, 2001” and inserting “September 30, 2002”.

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

“(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.”.

### SEC. 9. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the “digital divide”) in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking “56.3 percent” and inserting “55 percent”;

(2) in paragraph (3), by striking “28.2 percent” and inserting “23.5 percent”;

(3) by amending paragraph (4) to read as follows:

“(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

“(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

“(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”;

(4) in paragraph (6), by striking “6 percent” and inserting “5 percent”; and

(5) in paragraph (6), by striking “3 percent” each place it appears and inserting “2.5 percent”.

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “$2,500 per year.” and inserting “$3,125 per year. The Director may renew scholarships for up to 4 years.”.

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

“(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

“(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

“(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

“(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.”.

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

“(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

“(1) In general.—

“(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

“(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

“(2) Grants.—

“(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

“(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

“(I) one workforce investment board;

“(II) one community-based organization or higher education institution or labor union; and

“(III) one business or business-related nonprofit organization such as a trade association; and "(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted five days after effective date.

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Amendment No. 4202

In lieu of the matter proposed, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1–B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted six days after effective date.

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## AMENDMENT NO. 4203

In lieu of the matter proposed, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. I184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted seven days after effective date.

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## HATCH AMENDMENTS NOS. 4204–4205

(Ordered to lie on the table.)

Mr. HATCH submitted two amendments intended to be proposed by him to the bill S. 2405, supra; as follows:

AMENDMENT NO. 4204

On page 1 of the amendment, line 10, strike "(vi)" and insert "(vii)".

On page 2 of the amendment, strike lines 1 through 5 and insert the following:

(2) by striking clause (iv) and inserting the following:

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002;

"(vi) 195,000 in fiscal year 2003; and".

On page 2 of the amendment, line 6, strike "FISCAL YEAR 1999.—" and insert "FISCAL YEARS 1999 AND 2000.—".

On page 2 of the amendment, line 7, strike "Notwithstanding" and insert "(A) Notwithstanding".

On page 2 of the amendment, between lines 17 and 18, insert the following:

(B) In the case of any alien on behalf of whom a petition for status under section 101(a)(15)(H)(I)(b) is filed before September 1, 2000, and is subsequently approved, that alien shall be counted toward the numerical ceiling for fiscal year 2000 notwithstanding the date of the approval of the petition. Notwithstanding section 214(g)(1)(A)(iii) of the Immigration and Nationality Act, the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 2000 is increased by a number equal to the number of aliens who may be issued visas or otherwise provided nonimmigrant status who filed a petition during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(iii) is reached and ending on August 31, 2000.

On page 6 of the amendment, strike lines 16 through 18 and insert the following:

(2) is eligible to be granted that status but for application of the per country limitations applicable to immigrants under those paragraphs,

On page 7 of the amendment, strike lines 22 through 24 and insert the following:

"(C) who, subsequent to such lawful admission, has not been employed without authorization in the United States before the filing of such petition.".

On page 9 of the amendment, between lines 3 and 4, insert the following:

(c) INCREASED JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS.—

(1) Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(j) JOB FLEXIBILITY FOR LONG DELAYED APPLICANTS FOR ADJUSTMENT OF STATUS TO PERMANENT RESIDENCE.—A petition under subsection (a)(1)(D) for an individual whose application for adjustment of status pursuant to section 245 has been filed and remained unadjudicated for 180 days or more shall remain valid with respect to a new job if the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the petition was filed.".

(2) Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) is amended by adding at the end the following new clause:

"(iv) LONG DELAYED ADJUSTMENT APPLICANTS.—A certification made under clause (i) with respect to an individual whose petition is covered by section 204(j) shall remain valid with respect to a new job accepted by the individual after the individual changes jobs or employers if the new job is in the same or a similar occupational classification as the job for which the certification was issued.".

(d) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the number of employment-based visas (as defined in paragraph (3)) made available for a fiscal year (beginning with fiscal year 2001) shall be increased by the number described in paragraph (2). Visas made available under this subsection shall only be available in a fiscal year to employment-based immigrants under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act.

(2) NUMBER AVAILABLE.—

(A) IN GENERAL.—Subject to subparagraph (B), the number described in this paragraph is the difference between the number of employment-based visas that were made available in fiscal year 1999 and 2000 and the number of such visas that were actually used in such fiscal years.

(B) REDUCTION.—The number described in subparagraph (A) shall be reduced, for each fiscal year after fiscal year 2001, by the cumulative number of immigrant visas made available under paragraph (1) for previous fiscal years.

(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the application of section 201(c)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(3)(C)).

(3) EMPLOYMENT-BASED VISAS DEFINED.—For purposes of this subsection, the term "employment-based visa" means an immigrant visa which is issued pursuant to the numerical limitation under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

On page 12 of the amendment, line 3, strike "used" and insert "use".

On page 12 of the amendment, line 21, strike "this" and insert "the".

On page 15 of the amendment, beginning on line 18, strike "All training" and all that follows through "demonstrated" on line 20 and insert the following: "The need for the training shall be justified".

On page 18 of the amendment, line 10, strike "that are in shortage".

On page 18 of the amendment, line 23 and 24, strike "H-1B skill shortage." and insert "single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.".

On page 19 of the amendment, strike lines 1 through 6.

On page 20 of the amendment, line 23, strike "and".

On page 21 of the amendment, line 2, strike the period and insert "; and".

On page 21 of the amendment, between lines 2 and 3, insert the following:

"(iii) in the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).".

On page 21 of the amendment, after line 25, insert the following new section:

### SEC. 12. IMPOSITION OF FEES.

Section 214(c)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(9)(A)) is amended by striking "(excluding" and all that follows through "2001)" and inserting "(excluding any employer that is a primary or secondary education institution, an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), a nonprofit entity related to or affiliated with any such institution, a nonprofit entity which engages in established curriculum-related clinical training of students registered at any such institution, a nonprofit research organization, or a governmental research organization) filing".

On page 22 of the amendment, line 1, strike "**SEC. 12.**". and insert "**SEC. 13.**".

On page 27 of the amendment, line 1, strike "**SEC. 13.**". and insert "**SEC. 14.**".

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## AMENDMENT NO. 4205

In lieu of the matter proposed insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the uses of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate regarding—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

## SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby.

## KERRY AMENDMENTS NOS. 4206–4207

Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4206

On page 17, strike lines 3 through 12 and insert the following:

**SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

AMENDMENT NO. 4207

At the appropriate place, insert the following:

**SEC. 9. STUDY AND REPORT ON THE "DIGITAL DIVIDE".**

(a) STUDY.—The Secretary of Commerce shall conduct a review of existing public and private high-tech workforce training programs in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary of Commerce shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

## HUTCHISON AMENDMENT NO. 4208

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 2045, supra; as follows:

At the appropriate place, insert:

**SECTION 1. SHORT TITLE.**

This title may be cited as the "International Patient Act of 2000".

**SEC. 2. THREE-YEAR PILOT PROGRAM TO EXTEND VOLUNTARY DEPARTURE PERIOD FOR CERTAIN NONIMMIGRANT ALIENS REQUIRING MEDICAL TREATMENT WHO WERE ADMITTED UNDER VISA WAIVER PILOT PROGRAM.**

Section 240B(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1229c(a)(2)) is amended to read as follows:

(2) PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), permission to depart voluntarily under this subsection shall not be valid for a period exceeding 120 days.

(B) 3-YEAR PILOT PROGRAM WAIVER.—During the period October 1, 2000, through September 30, 2003, and subject to subparagraphs (C) and (D)(ii), the Attorney General may, in the discretion of the Attorney General for humanitarian purposes, waive application of subparagraph (A) in the case of an alien—

(i) who was admitted to the United States as a nonimmigrant visitor (described in section 101(a)(15)(B) under the provisions of the visa waiver pilot program established pursuant to section 217, seeks the waiver for the purpose of continuing to receive medical treatment in the United States from a physician associated with a health care facility, and submits to the Attorney General—

(I) a detailed diagnosis statement from the physician, which includes the treatment being sought and the expected time period the alien will be required to remain in the United States;

(II) a statement from the health care facility containing an assurance that the alien's treatment is not being paid through any Federal or State public health assistance, that the alien's account has no outstanding balance, and that such facility will notify the Service when the alien is released or treatment is terminated; and

(III) evidence of financial ability to support the alien's day-to-day expenses while in the United States (including the expenses of any family member described in clause (ii)) and evidence that any such alien or family member is not receiving any form of public assistance; or

(ii) who—

(I) is a spouse, parent, brother, sister, son, daughter, or other family member of a principal alien described in clause (i); and

(II) entered the United States accompanying, and with the same status as, such principal alien.

(C) WAIVER LIMITATIONS.—

(i) Waivers under subparagraph (B) may be granted only upon a request submitted by a Service district office to Service headquarters.

(ii) Not more than 300 waivers may be granted for any fiscal year for a principal alien under subparagraph (B)(i).

(iii)(I) Except as provided in subclause (II), in the case of each principal alien described in subparagraph (B)(i) not more than one adult may be granted a waiver under subparagraph (B)(ii).

(II) Not more than two adults may be granted a waiver under subparagraph (B)(ii) in a case in which—

(aa) the principal alien described in subparagraph (B)(i) is a dependent under the age of 18; or

(bb) one such adult is age 55 or older or is physically handicapped.

(D) REPORT TO CONGRESS; SUSPENSION OF WAIVER AUTHORITY.—

(i) Not later than March 30 of each year, the Commissioner shall submit to the Congress an annual report regarding all waivers granted under subparagraph (B) during the preceding fiscal year.

(ii) Notwithstanding any other provision of law, the authority of the Attorney General under subparagraph (B) shall be suspended during any period in which an annual report under clause (i) is past due and has not been submitted.

## STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

## DEWINE AMENDMENT NO. 4209

Mr. GORTON (for Mr. DEWINE) proposed an amendment to the bill (S. 2272) to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997; as follows:

On page 23, line 4, strike "fiscal year 2001" and insert "the period of fiscal years 2001 and 2002".

On page 24, line 13, strike "fiscal year 2001" and insert "the period of fiscal years 2001 and 2002".

## HEALTH CARE PROVIDER BILL OF RIGHTS

## ABRAHAM (AND MURKOWSKI) AMENDMENT NO. 4210

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM (for himself and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to the bill (S. 2999) to amend title XVIII of the Social Security Act to reform the regulatory processes used by the Health Care Financing Administration to administer the Medicare Program, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Health Care Providers Bill of Rights Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
TITLE I—REGULATORY REFORM
Sec. 101. Prospective application of certain regulations.
Sec. 102. Requirements for judicial and regulatory challenges of regulations.
Sec. 103. Prohibition of recovering past overpayments by certain means.
Sec. 104. Prohibition of recovering past overpayments if appeal pending.
TITLE II—APPEALS PROCESS REFORMS
Sec. 201. Reform of post-payment audit process.
Sec. 202. Definitions relating to protections for physicians, suppliers, and providers of services.
Sec. 203. Right to appeal on behalf of deceased beneficiaries.
TITLE III—EDUCATION COMPONENTS
Sec. 301. Designated funding levels for provider education.
Sec. 302. Advisory opinions.
TITLE IV—SUSTAINABLE GROWTH RATE REFORMS
Sec. 401. Inclusion of regulatory costs in the calculation of the sustainable growth rate.
TITLE V—STUDIES AND REPORTS
Sec. 501. GAO audit and report on compliance with certain statutory administrative procedure requirements.
Sec. 502. GAO study and report on provider participation.
Sec. 503. GAO audit of random sample audits.

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Physicians, providers of services, and suppliers of medical equipment and supplies that participate in the medicare program under title XVIII of the Social Security Act must contend with over 100,000 pages of complex medicare regulations, most of which are unknowable to the average health care provider.

(2) Many physicians are choosing to discontinue participation in the medicare program to avoid becoming the target of an overzealous Government investigation regarding compliance with the extensive regulations governing the submission and payment of medicare claims.

(3) Health Care Financing Administration contractors send post-payment review letters to physicians that require the physician to submit to additional substantial Government interference with the practice of the physician in order to preserve the physician's right to due process.

(4) When a Health Care Financing Administration contractor sends a post-payment review letter to a physician, that contractor often has no telephone or face-to-face communication with the physician, provider of services, or supplier.

(5) The Health Care Financing Administration targets billing errors as though health care providers have committed fraudulent acts, but has not adequately educated physicians, providers of services, and suppliers regarding medicare billing requirements.

(6) The Office of the Inspector General of the Department of Health and Human Services found that 75 percent of surveyed physicians had never received any educational materials from a Health Care Financing Administration contractor concerning the equipment and supply ordering process.

### SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE AUTHORITY.—The term "applicable authority" has the meaning given such term in section 1861(uu)(1) of the Social Security Act (as added by section 202).

(2) CARRIER.—The term "carrier" means a carrier (as defined in section 1842(f) of the Social Security Act (42 U.S.C. 1395u(f))) with a contract under title XVIII of such Act to administer benefits under part B of such title.

(3) EXTRAPOLATION.—The term "extrapolation" has the meaning given such term in section 1861(uu)(2) of the Social Security Act (as added by section 202).

(4) FISCAL INTERMEDIARY.—The term "fiscal intermediary" means a fiscal intermediary (as defined in section 1816(a) of the Social Security Act (42 U.S.C. 1395h(a))) with an agreement under section 1816 of such Act to administer benefits under part A or B of such title.

(5) HEALTH CARE PROVIDER.—The term "health care provider" has the meaning given the term "eligible provider" in section 1897(a)(2) of the Social Security Act (as added by section 301).

(6) MEDICARE PROGRAM.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PREPAYMENT REVIEW.—The term "prepayment review" has the meaning given such term in section 1861(uu)(3) of the Social Security Act (as added by section 202).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

## TITLE I—REGULATORY REFORM

### SEC. 101. PROSPECTIVE APPLICATION OF CERTAIN REGULATIONS.

Section 1871(a) of the Social Security Act (42 U.S.C. 1395hh(a)) is amended by adding at the end the following new paragraph:

"(3) Any regulation described under paragraph (2) may not take effect earlier than the date on which such regulation becomes a final regulation. Any regulation described under such paragraph that applies to an agency action, including any agency determination, shall only apply as that regulation is in effect at the time that agency action is taken.".

### SEC. 102. REQUIREMENTS FOR JUDICIAL AND REGULATORY CHALLENGES OF REGULATIONS.

(a) RIGHT TO CHALLENGE CONSTITUTIONALITY AND STATUTORY AUTHORITY OF HCFA REGULATIONS.—Section 1872 of the Social Security Act (42 U.S.C. 1395ii) is amended to read as follows:

"APPLICATION OF CERTAIN PROVISIONS OF TITLE II

"SEC. 1872. The provisions of sections 206 and 216(j), and of subsections (a), (d), (e), (h), (i), (j), (k), and (l) of section 205, shall also apply with respect to this title to the same extent as they are applicable with respect to title II, except that—

"(1) in applying such provisions with respect to this title, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively; and

"(2) section 205(h) shall not apply with respect to any action brought against the Secretary under section 1331 or 1346 of title 28, United States Code, regardless of whether such action is unrelated to a specific determination of the Secretary, that challenges—

"(A) the constitutionality of substantive or interpretive rules of general applicability issued by the Secretary;

"(B) the Secretary's statutory authority to promulgate such substantive or interpretive rules of general applicability; or

"(C) a finding of good cause under subparagraph (B) of the sentence following section 553(b)(3) of title 5, United States Code, if used in the promulgation of substantive or interpretive rules of general applicability issued by the Secretary.".

(b) ADMINISTRATIVE AND JUDICIAL REVIEW OF SECRETARY DETERMINATIONS.—Section 1866(h) of the Act (42 U.S.C. 1395cc(h)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) Except as provided in paragraph (3), an institution or agency dissatisfied with a determination by the Secretary that it is not a provider of services or with a determination described in subsection (b)(2) (regardless of whether such determination has been made by the Secretary or by a State pursuant to an agreement entered into with the Secretary under section 1864 and regardless of whether the Secretary has imposed or may impose a remedy, penalty, or other sanction on the institution or agency in connection with such determination) shall be entitled to a hearing thereon by the Secretary (after reasonable notice) to the same extent as is provided in section 205(b), and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g), except that in so applying such sections and in applying section 205(l) thereto, any reference therein to the Commissioner of Social Security or the Social Security Administration shall be considered a reference to the Secretary or the Department of Health and Human Services, respectively, and such hearings are subject to the deadlines in paragraph (2) hereof.";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2)(A)(i) Except as provided in clause (ii), an administrative law judge shall conduct and conclude a hearing on a determination described in subsection (b)(2) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

"(ii) The 90-day period under subclause (I) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

"(B) The Department Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in subparagraph (A) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

"(C) In the case of a failure by an administrative law judge to render a decision by the end of the period described in clause (i), the party requesting the hearing may request a review by the Departmental Appeals Board of the Departmental of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

"(D) In the case of a request described in clause (iii), the Departmental Appeals Board shall review the case de novo. In the case of the failure of the Departmental Appeals Board to render a decision on such hearing by not later than the end of the 60-day period beginning on the date a request for such a Department Appeals Board hearing has been filed, the party requesting the hearing may seek judicial review of the Secretary's decision, notwithstanding any requirements for a hearing for purposes of the party's right to such review.

"(E) In the case of a request described in clause (iv), the court shall review the case de novo.".

### SEC. 103. PROHIBITION OF RECOVERING PAST OVERPAYMENTS BY CERTAIN MEANS.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding sections 1815(a), 1842(b), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii)), or any other provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not offset any future payment to a health care provider to recoup a previously made overpayment, but instead shall establish a repayment plan to recoup such an overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

### SEC. 104. PROHIBITION OF RECOVERING PAST OVERPAYMENTS IF APPEAL PENDING.

(a) IN GENERAL.—Notwithstanding any provision of law, for purposes of applying sections 1842(b)(3)(B)(ii), 1866(a)(1)(B)(ii), 1870, and 1893 of the Social Security Act (42 U.S.C. 1395u(b)(3)(B)(ii), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd), the Secretary may not take any action (or authorize any other person, including any fiscal intermediary, carrier, and contractor under section 1893 of such Act (42 U.S.C. 1395ddd)) to recoup an overpayment during the period in which a health care provider is appealing a determination that such an overpayment has been made or the amount of the overpayment.

(b) EXCEPTION.—This section shall not apply to cases in which the Secretary finds evidence of fraud or similar fault on the part of such provider.

## TITLE II—APPEALS PROCESS REFORMS

### SEC. 201. REFORM OF POST-PAYMENT AUDIT PROCESS.

(a) COMMUNICATIONS TO PHYSICIANS.—Section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsection:

"(u)(1)(A) Except as provided in paragraph (2), in carrying out its contract under subsection (b)(3), with respect to physicians' services, the carrier shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

"(i) the carrier or a contractor under section 1893 has not requested any relevant record or file; and

"(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

"(B)(i) During the 1-year period beginning on the date on which a physician receives an overpayment, the physician may return the overpayment to the carrier making such overpayment without any penalty.

"(ii) If a physician returns an overpayment under clause (i), neither the carrier nor the contractor under section 1893 may begin an investigation or target such physician based on any claim associated with the amount the physician has repaid.

"(C) The carrier or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the physician has not been the subject of a post-payment audit.

"(D) As part of any written consent settlement communication, the carrier or a contractor under section 1893 shall clearly state that the physician may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

"(E) As part of the administrative appeals process for any amount in controversy, a physician may directly appeal any adverse determination of the carrier or a contractor under section 1893 to an administrative law judge.

"(F)(i) Each consent settlement communication from the carrier or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the physician submits an actual or projected repayment to the carrier or a contractor under section 1893. Any prepayment review shall cease if the physician demonstrates to the carrier that the physician has properly submitted clean claims (as defined in section 1816(c)(2)(B)(i)).

"(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

"(2) If a carrier or a contractor under section 1893 identifies (before or during post-payment review activities) that a physician has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such physician, the carrier or a contractor under section 1893 shall contact the physician by telephone or in person at the physician's place of business during regular business hours and shall—

"(i) identify the billing anomaly;

"(ii) inform the physician of how to address the anomaly; and

"(iii) describe the type of coding or documentation that is required for the claim.".

(b) COMMUNICATIONS TO PROVIDERS OF SERVICES.—Section 1816 of the Social Security Act (42 U.S.C. 1395h) is amended by adding at the end the following new subsection:

"(m)(1)(A) Except as provided in paragraph (2), in carrying out its agreement under this section, with respect to payment for items and services furnished under this part, the fiscal intermediary shall provide for the recoupment of overpayments in the manner described in the succeeding subparagraphs if—

"(i) the fiscal intermediary or a contractor under section 1893 has not requested any relevant record or file; and

"(ii) the case has not been referred to the Department of Justice or the Office of Inspector General.

"(B)(i) During the 1-year period beginning on the date on which a provider of services receives an overpayment, the provider of services may return the overpayment to the fiscal intermediary making such overpayment without any penalty.

"(ii) If a provider of services returns an overpayment under clause (i), neither the fiscal intermediary, contractor under section 1893, nor any law enforcement agency may begin an investigation or target such provider of services based on any claim associated with the amount the provider of services has repaid.

"(C) The fiscal intermediary or a contractor under section 1893 may not recoup or offset payment amounts based on extrapolation (as defined in section 1861(uu)(2)) if the provider of services has not been the subject of a post-payment audit.

"(D) As part of any written consent settlement communication, the fiscal intermediary or a contractor under section 1893 shall clearly state that the provider of services may submit additional information (including evidence other than medical records) to dispute the overpayment amount without waiving any administrative remedy or right to appeal the amount of the overpayment.

"(E) As part of the administrative appeals process for any amount in controversy, a provider of services may directly appeal any adverse determination of the fiscal intermediary or a contractor under section 1893 to an administrative law judge.

"(F)(i) Each consent settlement communication from the fiscal intermediary or a contractor under section 1893 shall clearly state that prepayment review (as defined in section 1861(uu)(3)) may be imposed where the provider of services submits an actual or projected repayment to the fiscal intermediary or a contractor under section 1893. Any prepayment review shall cease if the provider of services demonstrates to the fiscal intermediary that the provider of services has properly submitted clean claims (as defined in subsection (c)(2)(B)(i)).

"(ii) Prepayment review may not be applied as a result of an action under section 201(a), 301(b), or 302.

"(2) If a fiscal intermediary or a contractor under section 1893 identifies (before or during post-payment review activities) that a provider of services has submitted a claim with a coding, documentation, or billing inconsistency, before sending any written communication to such provider of services, the fiscal intermediary or a contractor under section 1893 shall contact the provider of services by telephone or in person at place of business of such provider of services during regular business hours and shall—

"(i) identify the billing anomaly;

"(ii) inform the provider of services of how to address the anomaly; and

"(iii) describe the type of coding or documentation that is required for the claim.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

### SEC. 202. DEFINITIONS RELATING TO PROTECTIONS FOR PHYSICIANS, SUPPLIERS, AND PROVIDERS OF SERVICES.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new subsection:

"Definitions Relating to Protections for Physicians, Suppliers, and Providers of Services

"(uu) For purposes of provisions of this title relating to protections for physicians, suppliers of medical equipment and supplies, and providers of services:

"(1) APPLICABLE AUTHORITY.—The term 'applicable authority' means the carrier, contractor under section 1893, or fiscal intermediary that is responsible for making any determination regarding a payment for any item or service under the medicare program under this title.

"(2) EXTRAPOLATION.—The term 'extrapolation' means the application of an overpayment dollar amount to a larger grouping of physician claims than those in the audited sample to calculate a projected overpayment figure.

“(3) Prepayment review.—The term ‘prepayment review’ means the carriers’ and fiscal intermediaries’ practice of withholding claim reimbursements from eligible providers even if the claims have been properly submitted and reflect medical services provided.”.

### SEC. 203. RIGHT TO APPEAL ON BEHALF OF DECEASED BENEFICIARIES.

Notwithstanding section 1870 of the Social Security Act (42 U.S.C. 1395gg) or any other provision of law, the Secretary shall permit any health care provider to appeal any determination of the Secretary under the medicare program on behalf of a deceased beneficiary where no substitute party is available.

## TITLE III—EDUCATION COMPONENTS

### SEC. 301. DESIGNATED FUNDING LEVELS FOR PROVIDER EDUCATION.

(a) Education Programs for Physicians, Providers of Services, and Suppliers.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“EDUCATION PROGRAMS FOR PHYSICIANS, PROVIDERS OF SERVICES, AND SUPPLIERS

“Sec. 1897. (a) Definitions.—In this section:

“(1) Education programs.—The term ‘education programs’ means programs undertaken in conjunction with Federal, State, and local medical societies, specialty societies, other providers, and the Federal, State, and local associations of such providers that—

“(A) focus on current billing, coding, cost reporting, and documentation laws, regulations, fiscal intermediary and carrier manual instructions;

“(B) place special emphasis on billing, coding, cost reporting, and documentation errors that the Secretary has found occur with the highest frequency; and

“(C) emphasize remedies for these improper billing, coding, cost reporting, and documentation practices.

“(2) Eligible providers.—The term ‘eligible provider’ means a physician (as defined in section 1861(r)), a provider of services (as defined in section 1861(u)), or a supplier of medical equipment and supplies (as defined in section 1834(j)(5)).

“(b) Conduct of Education Programs.—

“(1) In general.—Carriers and fiscal intermediaries shall conduct education programs for any eligible provider that submits a claim under paragraph (2)(A).

“(2) Eligible provider education.—

“(A) Submission of claims and records.—Any eligible provider may voluntarily submit any present or prior claim or medical record to the applicable authority (as defined in section 1861(uu)(1)) to determine whether the billing, coding, and documentation associated with the claim is appropriate.

“(B) Prohibition of extrapolation.—No claim submitted under subparagraph (A) is subject to any type of extrapolation (as defined in section 1861(uu)(2)).

“(C) Safe harbor.—No submission of a claim or record under this section shall result in the carrier or a contractor under section 1893 beginning an investigation or targeting an individual or entity based on any claim or record submitted under such subparagraph.

“(3) Treatment of improper claims.—If the carrier or fiscal intermediary finds a claim to be improper, the eligible provider shall have the following options:

“(A) Correction of problems.—To correct the documentation, coding, or billing problem to appropriately substantiate the claim and either—

“(i) remit the actual overpayment; or

“(ii) receive the appropriate additional payment from the carrier or fiscal intermediary.

“(B) Repayment.—To repay the actual overpayment amount if the service was not covered under the medicare program under this title or if adequate documentation does not exist.

“(4) Prohibition of eligible provider tracking.—The applicable authorities may not use the record of attendance of any eligible provider at an education program conducted under this section or the inquiry regarding claims under paragraph (2)(A) to select, identify, or track such eligible provider for the purpose of conducting any type of audit or prepayment review.”.

(b) Funding of Education Programs.—

(1) Medicare integrity program.—Section 1893(b)(4) of the Social Security Act (42 U.S.C. 1395ddd(b)(4)) is amended by adding at the end the following new sentence: “No less than 10 percent of the program funds shall be devoted to the education programs for eligible providers under section 1897.”.

(2) Carriers.—Section 1842(b)(3)(H) of the Social Security Act (42 U.S.C. 1395u(b)(3)(H)) is amended by adding at the end the following new clause:

“(iii) No less than 2 percent of carrier funds shall be devoted to the education programs for eligible providers under section 1897.”.

(3) Fiscal intermediaries.—Section 1816(b)(1) of the Social Security Act (42 U.S.C. 1395h(b)(1)) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking “; and” and inserting a comma; and

(C) by adding at the end the following new subparagraph:

“(C) that such agency or organization is using no less than 1 percent of its funding for education programs for eligible providers under section 1897.”.

(c) Effective Date.—The amendments made by this section shall take effect 60 days after the date of enactment of this Act.

### SEC. 302. ADVISORY OPINIONS.

(a) Straight Answers.—

(1) In general.—Fiscal intermediaries and carriers shall do their utmost to provide health care providers with one, straight and correct answer regarding billing and cost reporting questions under the medicare program, and will, when requested, give their true first and last names to providers.

(2) Written requests.—

(A) In general.—The Secretary shall establish a process under which a health care provider may request, in writing from a fiscal intermediary or carrier, assistance in addressing questionable coverage, billing, documentation, coding and cost reporting procedures under the medicare program and then the fiscal intermediary or carrier shall respond in writing within 30 business days with the correct billing or procedural answer.

(B) Use of Written Statement.—

(i) In general.—Subject to clause (ii), a written statement under paragraph (1) may be used as proof against a future payment audit or overpayment determination under the medicare program.

(ii) Extrapolation prohibition.—Subject to clause (iii), no claim submitted under this section shall be subject to extrapolation.

(iii) Limitation on application.—Clauses (i) and (ii) shall not apply to cases of fraudulent billing.

(C) Safe harbor.—If a physician requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 of the Social Security Act (42 U.S.C. 1395ddd) may begin an investigation or target such physician based on any claim cited in the request.

(b) Extension of Existing Advisory Opinion Provisions of Law.—Section 1128D(b) of the Social Security Act (42 U.S.C. 1320a-7d(b)) is amended—

(1) in paragraph (4), by adding at the end the following new subparagraph:

“(C) Safe harbor.—If a party requests an advisory opinion under this subsection, neither the fiscal intermediary, the carrier, nor a contractor under section 1893 may begin an investigation or target such party based on any claim cited in the request.”; and

(2) in paragraph (6), by striking, “ and before the date which is 4 years after such date of enactment”.

## TITLE IV—SUSTAINABLE GROWTH RATE REFORMS

### SEC. 401. INCLUSION OF REGULATORY COSTS IN THE CALCULATION OF THE SUSTAINABLE GROWTH RATE.

(a) In General.—Section 1848(f)(2) of the Social Security Act (42 U.S.C. 1395w-4(f)(2)) is amended—

(1) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively;

(2) by striking “Specification of growth rate.—The sustainable growth rate” and inserting “Specification of growth rate.—

“(A) In general.—The sustainable growth rate”; and

(3) by adding at the end the following new subparagraphs:

“(B) Inclusion of SGR regulatory costs.—The Secretary shall include in the estimate established under clause (iv)—

“(i) the costs for each physicians’ service resulting from any regulation implemented by the Secretary during the year for which the sustainable growth rate is estimated, including those regulations that may be implemented during such year; and

“(ii) the costs described in subparagraph (C).

“(C) Inclusion of other regulatory costs.—The costs described in this subparagraph are any per procedure costs incurred by each physicians’ practice in complying with each regulation promulgated by the Secretary, regardless of whether such regulation affects the fee schedule established under subsection (b)(1).

“(D) Inclusion of costs in regulatory impact analyses.—With respect to any regulation promulgated on or after January 1, 2001, that may impose a regulatory cost described in subparagraph (B)(i) or (C) on a physician, the Secretary shall include in the regulatory impact analysis accompanying such regulation an estimate of any such cost.”.

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to any estimate made by the Secretary of Health and Human Services on or after the date of enactment of this Act.

## TITLE V—STUDIES AND REPORTS

### SEC. 501. GAO AUDIT AND REPORT ON COMPLIANCE WITH CERTAIN STATUTORY ADMINISTRATIVE PROCEDURE REQUIREMENTS.

(a) Audit.—The Comptroller General of the United States shall conduct an audit of the compliance of the Health Care Financing Administration and all regulations promulgated by the Department of Health and

Human Resources under statutes administered by the Health Care Financing Administration with—

(1) the provisions of such statutes;

(2) subchapter II of chapter 5 of title 5, United States Code (including section 553 of such title); and

(3) chapter 6 of title 5, United States Code.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

### SEC. 502. GAO STUDY AND REPORT ON PROVIDER PARTICIPATION.

(a) Study.—The Comptroller General of the United States shall conduct a study on provider participation in the medicare program to determine whether policies or enforcement efforts against health care providers have reduced access to care for medicare beneficiaries. Such study shall include a determination of the total cost to physician, supplier, and provider practices of compliance with medicare laws and regulations, the number of physician, supplier, and provider audits, the actual overpayments assessed in consent settlements, and the attendant projected overpayments communicated to physicians, suppliers, and providers as part of the consent settlement process.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

### SEC. 503. GAO AUDIT OF RANDOM SAMPLE AUDITS.

(a) Audit.—The Comptroller General of the United States shall conduct an audit to determine—

(1) the statistical validity of random sample audits conducted under the medicare program before the date of the enactment of this Act;

(2) the necessity of such audits for purposes of administering sections 1815(a), 1842(a), and 1861(v)(1)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(a), 1395u(a), and 1395x(v)(1)(A)(ii));

(3) the effects of the application of such audits to health care providers under sections 1842(b), 1866(a)(1)(B)(ii), 1870, and 1893 of such Act (42 U.S.C. 1395u(a), 1395cc(a)(1)(B)(ii), 1395gg, and 1395ddd); and

(4) the percentage of claims found to be improper from these audits, as well as the proportion of the extrapolated overpayment amounts to the overpayment amounts found from the analysis of the original sample.

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the audit conducted under subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General determines appropriate.

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## AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

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## LOTT AMENDMENTS NOS. 4211-4217

(Ordered to lie on the table.)

Mr. LOTT submitted seven amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

Amendment No. 4211

In lieu of the matter proposed, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681–653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### **SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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## AMENDMENT NO. 4212

At the appropriate place insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking ``October 1, 2001'' and inserting ``October 1, 2002''.

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking ``September 30, 2001'' and inserting ``September 30, 2002''.

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

``(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.''.

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the ``digital divide'') in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking ``56.3 percent'' and inserting ``55 percent'';

(2) in paragraph (3), by striking ``28.2 percent'' and inserting ``23.5 percent'';

(3) by amending paragraph (4) to read as follows:

``(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

``(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

``(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).'';

(4) in paragraph (6), by striking ``6 percent'' and inserting ``5 percent''; and

(5) in paragraph (6), by striking ``3 percent'' each place it appears and inserting ``2.5 percent''.

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking ``$2,500 per year.'' and inserting ``$3,125 per year. The Director may renew scholarships for up to 4 years.''.

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

``(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

``(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

``(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

``(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

``(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.''.

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

``(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

``(1) In general.—

``(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

``(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

``(2) Grants.—

``(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

``(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

``(I) one workforce investment board;

``(II) one community-based organization or higher education institution or labor union; and

``(III) one business or business-related nonprofit organization such as a trade association; and

``(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment, Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

``(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

``(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

``(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

``(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

**SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.**

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

**SEC. 13. SEVERABILITY.**

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

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AMENDMENT NO. 4213

At the appropriate place insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

**SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.**

(a) FISCAL YEARS 2000–2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) National Science Foundation Competitive Grant Program for K–12 Math, Science and Technology Education.—

"(A) In general.—15 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K–12 education.

"(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K–12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K–12 teachers and education for students in science, mathematics, and technology; support the professional development of K–12 math and science teachers in the used of technology in the classroom; stimulate system-wide K–12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7–12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by adding at the end the following new subsection:

"(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H–1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H–1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H–1B skill shortage.

"(E) H–1B skill shortage.—In subparagraph (D)(ii), the term 'H–1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and "(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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## Amendment No. 4214

At the appropriate place insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

"(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

"(1) IN GENERAL.—

"(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) GRANTS.—

"(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted three days after effective date.

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## Amendment No. 4215

Strike all after the first word and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.'

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking "October 1, 2001" and inserting "October 1, 2002".

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "September 30, 2001" and inserting "September 30, 2002".

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.".

### SEC. 9. NSF STUDY AND REPORT ON THE "DIGITAL DIVIDE".

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the "digital divide") in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking "56.3 percent" and inserting "55 percent";

(2) in paragraph (3), by striking "28.2 percent" and inserting "23.5 percent";

(3) by amending paragraph (4) to read as follows:

"(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

"(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

"(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).";

(4) in paragraph (6), by striking "6 percent" and inserting "5 percent"; and

(5) in paragraph (6), by striking "3 percent" each place it appears and inserting "2.5 percent".

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking "$2,500 per year." and inserting "$3,125 per year. The Director may renew scholarships for up to 4 years.".

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

"(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

"(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

"(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

"(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

"(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.".

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of

1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

"(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

"(1) In general.—

"(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

"(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

"(2) Grants.—

"(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

"(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) Designation of responsible fiscal agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) Partnership considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) Allocation of grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

## SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

## Amendment No. 4216

Strike all after the first word and insert the following:

### 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) Fiscal Years 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) Additional Visas for Fiscal Year 1999.—

(1) In general.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) Effective date.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) Special Rules.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) Rules for employment-based immigrants.—

"(A) Employment-based immigrants not subject to per country limitation if additional visas available.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) Limiting fall across for certain countries subject to subsection (e).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) Conforming Amendments.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) One-Time Protection Under Per Country Ceiling.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) In General.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

“(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

“(A) who has been lawfully admitted into the United States;

“(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

“(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.”.

(b) Effective Date.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) Exemption From Limitation.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) Extension of H1-B Worker Status.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) Attestation Requirements.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “October 1, 2001” and inserting “October 1, 2002”.

(b) Department of Labor Investigative Authorities.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “September 30, 2001” and inserting “September 30, 2002”.

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

“(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.”.

### SEC. 9. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

(a) Study.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the “digital divide”) in the United States.

(b) Report.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) Allocation of Funds.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking “56.3 percent” and inserting “55 percent”;

(2) in paragraph (3), by striking “28.2 percent” and inserting “23.5 percent”;

(3) by amending paragraph (4) to read as follows:

“(4) National Science Foundation Competitive Grant Program for K-12 Math, Science and Technology Education.—

“(A) In general.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

“(B) Types of programs covered.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”;

(4) in paragraph (6), by striking “6 percent” and inserting “5 percent”; and

(5) in paragraph (6), by striking “3 percent” each place it appears and inserting “2.5 percent”.

(b) Low-Income Scholarship Program.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “$2,500 per year.” and inserting “$3,125 per year. The Director may renew scholarships for up to 4 years.”.

(c) Reporting Requirement.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

“(e) Reporting Requirement.—The Secretary of Labor and the Director of the National Science Foundation shall—

“(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

“(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

“(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.”.

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

“(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

“(1) In general.—

“(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

“(B) Training provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

“(2) Grants.—

“(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

“(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

"(I) one workforce investment board;

"(II) one community-based organization or higher education institution or labor union; and

"(III) one business or business-related nonprofit organization such as a trade association; and

"(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

"(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

"(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

"(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

"(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B SKILL SHORTAGE.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) START-UP FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) EXCEPTION.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) DURATION OF START-UP PERIOD.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) TRAINING OUTCOMES.—

"(A) CONSIDERATION FOR CERTAIN PROGRAMS AND PROJECTS.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) REQUIREMENTS FOR GRANT APPLICATIONS.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) MATCHING FUNDS.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) ADMINISTRATIVE COSTS.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) SHORT TITLE.—This section may be cited as the "Kids 2000 Act".

(b) FINDINGS.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) AFTER-SCHOOL TECHNOLOGY GRANTS TO THE BOYS AND GIRLS CLUBS OF AMERICA.—

(1) PURPOSES.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) SUBAWARDS.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) APPLICATIONS.—

(1) ELIGIBILITY.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) APPLICATION REQUIREMENTS.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) GRANT AWARDS.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) SOURCE OF FUNDS.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) CONTINUED AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted two days after effective date.

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## AMENDMENT NO. 4217

In lieu of the matter proposed, insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "American Competitiveness in the Twenty-first Century Act of 2000".

### SEC. 2. TEMPORARY INCREASE IN VISA ALLOTMENTS.

(a) FISCAL YEARS 2000-2002.—Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended—

(1) by redesignating clause (v) as clause (vi); and

(2) by striking clauses (iii) and (iv) and inserting the following:

"(iii) 195,000 in fiscal year 2000; and

"(iv) 195,000 in fiscal year 2001;

"(v) 195,000 in fiscal year 2002; and".

(b) ADDITIONAL VISAS FOR FISCAL YEAR 1999.—

(1) IN GENERAL.—Notwithstanding section 214(g)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)(ii)), the total number of aliens who may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act in fiscal year 1999 is increased by a number equal to the number of aliens who are issued such a visa or provided such status during the period beginning on the date on which the limitation in such section 214(g)(1)(A)(ii) is reached and ending on September 30, 1999.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if included in the enactment of section 411 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277).

### SEC. 3. SPECIAL RULE FOR UNIVERSITIES, RESEARCH FACILITIES, AND GRADUATE DEGREE RECIPIENTS; COUNTING RULES.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended by adding at the end the following new paragraphs:

"(5) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b)—

"(A) who is employed (or has received an offer of employment) at—

"(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

"(ii) a nonprofit research organization or a governmental research organization; or

"(B) for whom a petition is filed not more than 90 days before or not more than 180 days after the nonimmigrant has attained a master's degree or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

"(6) Any alien who ceases to be employed by an employer described in paragraph (5)(A) shall, if employed as a nonimmigrant alien described in section 101(a)(15)(H)(i)(b), who has not previously been counted toward the numerical limitations contained in paragraph (1)(A), be counted toward those limitations the first time the alien is employed by an employer other than one described in paragraph (5)(A).

"(7) Any alien who has already been counted, within the 6 years prior to the approval of a petition described in subsection (c), toward the numerical limitations of paragraph (1)(A) shall not again be counted toward those limitations unless the alien would be eligible for a full 6 years of authorized admission at the time the petition is filed. Where multiple petitions are approved for 1 alien, that alien shall be counted only once.".

### SEC. 4. LIMITATION ON PER COUNTRY CEILING WITH RESPECT TO EMPLOYMENT-BASED IMMIGRANTS.

(a) SPECIAL RULES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended by adding at the end the following new paragraph:

"(5) RULES FOR EMPLOYMENT-BASED IMMIGRANTS.—

"(A) EMPLOYMENT-BASED IMMIGRANTS NOT SUBJECT TO PER COUNTRY LIMITATION IF ADDITIONAL VISAS AVAILABLE.—If the total number of visas available under paragraph (1), (2), (3), (4), or (5) of section 203(b) for a calendar quarter exceeds the number of qualified immigrants who may otherwise be issued such visas, the visas made available under that paragraph shall be issued without regard to the numerical limitation under paragraph (2) of this subsection during the remainder of the calendar quarter.

"(B) LIMITING FALL ACROSS FOR CERTAIN COUNTRIES SUBJECT TO SUBSECTION (E).—In the case of a foreign state or dependent area to which subsection (e) applies, if the total number of visas issued under section 203(b) exceeds the maximum number of visas that may be made available to immigrants of the state or area under section 203(b) consistent with subsection (e) (determined without regard to this paragraph), in applying subsection (e) all visas shall be deemed to have been required for the classes of aliens specified in section 203(b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)) is amended by striking "paragraphs (3) and (4)" and inserting "paragraphs (3), (4), and (5)".

(2) Section 202(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1152(e)(3)) is amended by striking "the proportion of the visa numbers" and inserting "except as provided in subsection (a)(5), the proportion of the visa numbers".

(c) ONE-TIME PROTECTION UNDER PER COUNTRY CEILING.—Notwithstanding section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)), any alien who—

(1) is the beneficiary of a petition filed under section 204(a) of that Act for a preference status under paragraph (1), (2), or (3) of section 203(b) of that Act; and

(2) would be subject to the per country limitations applicable to immigrants but for this subsection,

may apply for, and the Attorney General may grant, an extension of such nonimmigrant status until the alien's application for adjustment of status has been processed and a decision made thereon.

### SEC. 5. INCREASED PORTABILITY OF H-1B STATUS.

(a) IN GENERAL.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m)(1) A nonimmigrant alien described in paragraph (2) who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) is authorized to accept new employment upon the filing by the prospective employer of a new petition on behalf of such nonimmigrant as provided under subsection (a). Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such authorization shall cease.

"(2) A nonimmigrant alien described in this paragraph is a nonimmigrant alien—

"(A) who has been lawfully admitted into the United States;

"(B) on whose behalf an employer has filed a nonfrivolous petition for new employment before the date of expiration of the period of stay authorized by the Attorney General; and

"(C) who has not been employed without authorization before or during the pendency of such petition for new employment in the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to petitions filed before, on, or after the date of enactment of this Act.

### SEC. 6. SPECIAL PROVISIONS IN CASES OF LENGTHY ADJUDICATIONS.

(a) EXEMPTION FROM LIMITATION.—The limitation contained in section 214(g)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(4)) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of that Act on whose behalf a petition under section 204(b) of that Act to accord the alien immigrant status under section 203(b) of that Act, or an application for adjustment of status under section 245 of that Act to accord the alien status under such section 203(b), has been filed, if 365 days or more have elapsed since—

(1) the filing of a labor certification application on the alien's behalf (if such certification is required for the alien to obtain status under such section 203(b)); or

(2) the filing of the petition under such section 204(b).

(b) EXTENSION OF H1-B WORKER STATUS.—The Attorney General shall extend the stay of an alien who qualifies for an exemption under subsection (a) in one-year increments until such time as a final decision is made on the alien's lawful permanent residence.

### SEC. 7. EXTENSION OF CERTAIN REQUIREMENTS AND AUTHORITIES THROUGH FISCAL YEAR 2002.

(a) ATTESTATION REQUIREMENTS.—Section 212(n)(1)(E)(ii)) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)(E)(ii)) is amended by striking “October 1, 2001” and inserting “October 1, 2002”.

(b) DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.—Section 413(e)(2) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277) is amended by striking “September 30, 2001” and inserting “September 30, 2002”.

### SEC. 8. RECOVERY OF VISAS USED FRAUDULENTLY.

Section 214(g)(3) of the Immigration and Nationality Act (8 U.S.C. 1184 (g)(3)) is amended to read as follows:

“(3) Aliens who are subject to the numerical limitations of paragraph (1) shall be issued visas (or otherwise provided nonimmigrant status) in the order in which petitions are filed for such visas or status. If an alien who was issued a visa or otherwise provided nonimmigrant status and counted against the numerical limitations of paragraph (1) is found to have been issued such visa or otherwise provided such status by fraud or willfully misrepresenting a material fact and such visa or nonimmigrant status is revoked, then one number shall be restored to the total number of aliens who may be issued visas or otherwise provided such status under the numerical limitations of paragraph (1) in the fiscal year in which the petition is revoked, regardless of the fiscal year in which the petition was approved.”.

### SEC. 9. NSF STUDY AND REPORT ON THE “DIGITAL DIVIDE”.

(a) STUDY.—The National Science Foundation shall conduct a study of the divergence in access to high technology (commonly referred to as the “digital divide”) in the United States.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director of the National Science Foundation shall submit a report to Congress setting forth the findings of the study conducted under subsection (a).

### SEC. 10. MODIFICATION OF NONIMMIGRANT PETITIONER ACCOUNT PROVISIONS.

(a) ALLOCATION OF FUNDS.—Section 286(s) of the Immigration and Nationality Act (8 U.S.C. 1356(s)) is amended—

(1) in paragraph (2), by striking “56.3 percent” and inserting “55 percent”;

(2) in paragraph (3), by striking “28.2 percent” and inserting “23.5 percent”;

(3) by amending paragraph (4) to read as follows:

“(4) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT PROGRAM FOR K-12 MATH, SCIENCE AND TECHNOLOGY EDUCATION.—

“(A) IN GENERAL.—15 percent of the amounts deposited into the H-1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended to carry out a direct or matching grant program to support private-public partnerships in K-12 education.

“(B) TYPES OF PROGRAMS COVERED.—The Director shall award grants to such programs, including those which support the development and implementation of standards-based instructional materials models and related student assessments that enable K-12 students to acquire an understanding of science, mathematics, and technology, as well as to develop critical thinking skills; provide systemic improvement in training K-12 teachers and education for students in science, mathematics, and technology; support the professional development of K-12 math and science teachers in the used of technology in the classroom; stimulate system-wide K-12 reform of science, mathematics, and technology in rural, economically disadvantaged regions of the United States; provide externships and other opportunities for students to increase their appreciation and understanding of science, mathematics, engineering, and technology (including summer institutes sponsored by an institution of higher education for students in grades 7-12 that provide instruction in such fields); involve partnerships of industry, educational institutions, and community organizations to address the educational needs of disadvantaged communities; provide college preparatory support to expose and prepare students for careers in science, mathematics, engineering, and technology; and provide for carrying out systemic reform activities under section 3(a)(1) of this National Science Foundation Act of 1950 (42 U.S.C. 1862(a)(1)).”;

(4) in paragraph (6), by striking “6 percent” and inserting “5 percent”; and

(5) in paragraph (6), by striking “3 percent” each place it appears and inserting “2.5 percent”.

(b) LOW-INCOME SCHOLARSHIP PROGRAM.—Section 414(d)(3) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by striking “$2,500 per year.” and inserting “$3,125 per year. The Director may renew scholarships for up to 4 years.”.

(c) REPORTING REQUIREMENT.—Section 414 of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277) is amended by adding at the end the following new subsection:

“(e) REPORTING REQUIREMENT.—The Secretary of Labor and the Director of the National Science Foundation shall—

“(1) track and monitor the performance of programs receiving H-1B Nonimmigrant Fee grant money; and

“(2) not later than one year after the date of enactment of this subsection, submit a report to the Committees on the Judiciary of the House of Representatives and the Senate—

“(A) the tracking system to monitor the performance of programs receiving H-1B grant funding; and

“(B) the number of individuals who have completed training and have entered the high-skill workforce through these programs.”.

### SEC. 11. DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105-277; 112 Stat. 2681-653) is amended to read as follows:

“(c) DEMONSTRATION PROGRAMS AND PROJECTS TO PROVIDE TECHNICAL SKILLS TRAINING FOR WORKERS.—

“(1) IN GENERAL.—

“(A) FUNDING.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

“(B) TRAINING PROVIDED.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skill levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. All training shall be justified with evidence of skill shortages as demonstrated through reliable regional, State, or local data.

“(2) GRANTS.—

“(A) ELIGIBILITY.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H-1B Nonimmigrant Petitioner Account, award—

“(i) 75 percent of the grants to a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

“(I) one workforce investment board;

“(II) one community-based organization or higher education institution or labor union; and

“(III) one business or business-related nonprofit organization such as a trade association; and

“(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multistate, regional, or rural area (such as rural telework programs) basis.

“(B) DESIGNATION OF RESPONSIBLE FISCAL AGENTS.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

“(C) PARTNERSHIP CONSIDERATIONS.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

“(D) ALLOCATION OF GRANTS.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

“(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills that are in shortage in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

"(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any H-1B skill shortage.

"(E) H-1B skill shortage.—In subparagraph (D)(ii), the term 'H-1B skill shortage' means a shortage of skills necessary for employment in a specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

"(3) Start-up funds.—

"(A) In general.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(B) Exception.—In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

"(C) Duration of start-up period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

"(4) Training outcomes.—

"(A) Consideration for certain programs and projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

"(i) hire or effectuate the hiring of unemployed trainees (where applicable);

"(ii) increase the wages or salary of incumbent workers (where applicable); and

"(iii) provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

"(B) Requirements for grant applications.—Applications for grants shall—

"(i) articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured; and

"(ii) include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness.

"(5) Matching funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

"(6) Administrative costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.".

### SEC. 12. KIDS 2000 CRIME PREVENTION AND COMPUTER EDUCATION INITIATIVE.

(a) Short Title.—This section may be cited as the "Kids 2000 Act".

(b) Findings.—Congress makes the following findings:

(1) There is an increasing epidemic of juvenile crime throughout the United States.

(2) It is well documented that the majority of juvenile crimes take place during after-school hours.

(3) Knowledge of technology is becoming increasingly necessary for children in school and out of school.

(4) The Boys and Girls Clubs of America have 2,700 clubs throughout all 50 States, serving over 3,000,000 boys and girls primarily from at-risk communities.

(5) The Boys and Girls Clubs of America have the physical structures in place for immediate implementation of an after-school technology program.

(6) Building technology centers and providing integrated content and full-time staffing at those centers in the Boys and Girls Clubs of America nationwide will help foster education, job training, and an alternative to crime for at-risk youth.

(7) Partnerships between the public sector and the private sector are an effective way of providing after-school technology programs in the Boys and Girls Clubs of America.

(8) PowerUp: Bridging the Digital Divide is an entity comprised of more than a dozen nonprofit organizations, major corporations, and Federal agencies that have joined together to launch a major new initiative to help ensure that America's underserved young people acquire the skills, experiences, and resources they need to succeed in the digital age.

(9) Bringing PowerUp into the Boys and Girls Clubs of America will be an effective way to ensure that our youth have a safe, crime-free environment in which to learn the technological skills they need to close the divide between young people who have access to computer-based information and technology-related skills and those who do not.

(c) After-School Technology Grants to the Boys and Girls Clubs of America.—

(1) Purposes.—The Attorney General shall make grants to the Boys and Girls Clubs of America for the purpose of funding effective after-school technology programs, such as PowerUp, in order to provide—

(A) constructive technology-focused activities that are part of a comprehensive program to provide access to technology and technology training to youth during after-school hours, weekends, and school vacations;

(B) supervised activities in safe environments for youth; and

(C) full-time staffing with teachers, tutors, and other qualified personnel.

(2) Subawards.—The Boys and Girls Clubs of America shall make subawards to local boys and girls clubs authorizing expenditures associated with providing technology programs such as PowerUp, including the hiring of teachers and other personnel, procurement of goods and services, including computer equipment, or such other purposes as are approved by the Attorney General.

(d) Applications.—

(1) Eligibility.—In order to be eligible to receive a grant under this section, an applicant for a subaward (specified in subsection (c)(2)) shall submit an application to the Boys and Girls Clubs of America, in such form and containing such information as the Attorney General may reasonably require.

(2) Application requirements.—Each application submitted in accordance with paragraph (1) shall include—

(A) a request for a subgrant to be used for the purposes of this section;

(B) a description of the communities to be served by the grant, including the nature of juvenile crime, violence, and drug use in the communities;

(C) written assurances that Federal funds received under this section will be used to supplement and not supplant, non-Federal funds that would otherwise be available for activities funded under this section;

(D) written assurances that all activities funded under this section will be supervised by qualified adults;

(E) a plan for assuring that program activities will take place in a secure environment that is free of crime and drugs;

(F) a plan outlining the utilization of content-based programs such as PowerUp, and the provision of trained adult personnel to supervise the after-school technology training; and

(G) any additional statistical or financial information that the Boys and Girls Clubs of America may reasonably require.

(e) Grant Awards.—In awarding subgrants under this section, the Boys and Girls Clubs of America shall consider—

(1) the ability of the applicant to provide the intended services;

(2) the history and establishment of the applicant in providing youth activities; and

(3) the extent to which services will be provided in crime-prone areas and technologically underserved populations, and efforts to achieve an equitable geographic distribution of the grant awards.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for each of the fiscal years 2001 through 2006 to carry out this section.

(2) Source of funds.—Funds to carry out this section may be derived from the Violent Crime Reduction Trust Fund.

(3) Continued availability.—Amounts made available under this subsection shall remain available until expended.

### SEC. 13. SEVERABILITY.

If any provision of this Act (or any amendment made by this Act) or the application thereof to any person or circumstance is held invalid, the remainder of the Act (and the amendments made by this Act) and the application of such provision to any other person or circumstance shall not be affected thereby. This section shall be enacted one day after effective date.

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## NOTICES OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 27, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 2052, the Indian tribal development consolidated funding act of 2000, to be followed immediately by a business meeting to mark up S. 1840, the California Indian Land Transfer Act; S. 2665, to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources; S. 2917, the Santo Domingo Pueblo Claims Settlement Act of 2000; H.R. 4643, the Torrez-Martinez Desert Cahuilla Indian Claims Settlement Act; S. 2688, the Native American Languages Act Amendments Act of 2000; S. 2580, the Indian School Construction Act; S. 3031, to make certain technical corrections in laws relating to Native Americans; S. 2920, the Indian Gaming Regulatory Improvement Act of 2000; S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act; and H.R. 1460, to amend the Ysleta Sur and Alabama and Coushatta Indian Tribes of Texas Restoration Act, and for other purposes.

Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, October 4, 2000 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct an oversight hearing on alcohol and law enforcement in Alaska.

Those wishing additional information may contact committee staff at 202/224–2251.

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## RED RIVER BOUNDARY COMPACT

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 785, H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (H.J. Res. 72) granting the consent of the Congress to the Red River Boundary Compact.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. GORTON. I ask unanimous consent that the joint resolution be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 72) was read the third time and passed.

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## KANSAS AND MISSOURI METROPOLITAN CULTURE DISTRICT COMPACT

Mr. GORTON. I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 783, H.R. 4700.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4700) to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I congratulate Congresswoman KAREN MCCARTHY of Missouri, who has worked so hard on this legislation. It provides congressional approval to an interstate compact that is important to her and to the people of Kansas City. I know that she helped establish the Kansas and Missouri Metropolitan Culture District for local efforts to benefit Kansas City and that she has championed this effort to obtain the constitutionally required congressional consent to the compact between Missouri and Kansas in this regard. I am glad the Senate is responding favorably to her efforts and commend her leadership in moving this measure through Congress.

Mr. GORTON. I ask unanimous consent that the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4700) was deemed read the third time and passed.

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## CONSTRUCTION OF A RECONCILIATION PLACE IN FORT PIERRE, SOUTH DAKOTA

Mr. GORTON. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 745, S. 1658.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1658) to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. FINDINGS.***

*Congress finds that—*

*(1) there is a continuing need for reconciliation between Indians and non-Indians;*

*(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;*

*(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—*

*(A) reconciling conflicting tribal laws; and*

*(B) strengthening tribal court systems;*

*(4) the reservations of the Sioux Nation—*

*(A) contain the poorest counties in the United States; and*

*(B) lack adequate tools to promote economic development and the creation of jobs;*

*(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—*

*(A) coordinating economic development efforts;*

*(B) centralizing expertise concerning Federal assistance; and*

*(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;*

*(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and*

*(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).*

*(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(3) SIOUX NATION.—The term "Sioux Nation" means the Indian tribes comprising the Sioux Nation.*

### *TITLE I—RECONCILIATION CENTER*

***SEC. 101. RECONCILIATION CENTER.***

*(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as "Reconciliation Place".*

*(b) LOCATION.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as "The Reconciliation Place Addition" that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.*

*(c) PURPOSES.—The purposes of Reconciliation Place shall be as follows:*

*(1) To enhance the knowledge and understanding of the history of Native Americans by—*

*(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and*

*(B) providing an accessible repository for—*

*(i) the history of Indian tribes; and*

*(ii) the family history of members of Indian tribes.*

*(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.*

*(3) To house the Sioux Nation Tribal Supreme Court.*

*(4) To house the Native American Economic Development Council.*

*(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.*

*(d) GRANT.—*

*(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.*

*(2) Grant agreement.—*

*(A) In general.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.*

*(B) Consultation.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.*

*(C) Duties of the Wakpa Sica Historical Society.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.*

*(3) Authorization of appropriations.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.*

### SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.

*(a) In General.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Medication Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.*

*(b) Authorization of Appropriations.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.*

## TITLE II—NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL

### SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC DEVELOPMENT COUNCIL.

*(a) Establishment.—There is established the Native American Economic Development Council (in this title referred to as the "Council"). The Council shall be a charitable and nonprofit corporation and shall not be considered to be an agency or establishment of the United States.*

*(b) Purposes.—The purposes of the Council are—*

*(1) to encourage, accept, and administer private gifts of property;*

*(2) to use those gifts as a source of matching funds necessary to receive Federal assistance;*

*(3) to provide members of Indian tribes with the skills and resources necessary for establishing successful businesses;*

*(4) to provide grants and loans to members of Indian tribes to establish or operate small businesses;*

*(5) to provide scholarships for members of Indian tribes who are students pursuing an education in business or a business-related subject; and*

*(6) to provide technical assistance to Indian tribes and members thereof in obtaining Federal assistance.*

### SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.

*(a) Establishment and Membership.—*

*(1) In general.—The Council shall have a governing Board of Directors (in this title referred to as the "Board").*

*(2) Membership.—The Board shall consist of 11 directors, who shall be appointed by the Secretary as follows:*

*(A)(i) 9 members appointed under this paragraph shall represent the 9 reservations of South Dakota.*

*(ii) Each member described in clause (i) shall—*

*(I) represent 1 of the reservations described in clause (i); and*

*(II) be selected from among nominations submitted by the appropriate Indian tribe.*

*(B) 1 member appointed under this paragraph shall be selected from nominations submitted by the Governor of the State of South Dakota.*

*(C) 1 member appointed under this paragraph shall be selected from nominations submitted by the most senior member of the South Dakota Congressional delegation.*

*(3) Citizenship.—Each member of the Board shall be a citizen of the United States.*

*(b) Appointments and Terms.—*

*(1) Appointment.—Not later than December 31, 2000, the Secretary shall appoint the directors of the Board under subsection (a)(2).*

*(2) Terms.—Each director shall serve for a term of 2 years.*

*(3) Vacancies.—A vacancy on the Board shall be filled not later than 60 days after that vacancy occurs, in the manner in which the original appointment was made.*

*(4) Limitation on terms.—No individual may serve more than 3 consecutive terms as a director.*

*(c) Chairman.—The Chairman shall be elected by the Board from its members for a term of 2 years.*

*(d) Quorum.—A majority of the members of the Board shall constitute a quorum for the transaction of business.*

*(e) Meetings.—The Board shall meet at the call of the Chairman at least once a year. If a director misses 3 consecutive regularly scheduled meetings, that individual may be removed from the Board by the Secretary and that vacancy filled in accordance with subsection (b).*

*(f) Reimbursement of Expenses.—Members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.*

*(g) General Powers.—*

*(1) Powers.—The Board may complete the organization of the Council by—*

*(A) appointing officers and employees;*

*(B) adopting a constitution and bylaws consistent with the purposes of the Council under this Act; and*

*(C) carrying out such other actions as may be necessary to carry out the purposes of the Council under this Act.*

*(2) Effect of appointment.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.*

*(3) Limitations.—The following limitations shall apply with respect to the appointment of officers and employees of the Council:*

*(A) Officers and employees may not be appointed until the Council has sufficient funds to pay them for their service.*

*(B) Officers and employees of the Council—*

*(i) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and*

*(ii) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.*

*(4) Secretary of the board.—The first officer or employee appointed by the Board shall be the Secretary of the Board. The Secretary of the Board shall—*

*(A) serve, at the direction of the Board, as its chief operating officer; and*

*(B) be knowledgeable and experienced in matters relating to economic development and Indian affairs.*

### SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.

*(a) Corporate Powers.—To carry out its purposes under section 201(b), the Council shall have, in addition to the powers otherwise given it under this Act, the usual powers of a corporation acting as a trustee in South Dakota, including the power—*

*(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;*

*(2) to acquire by purchase or exchange any real or personal property or interest therein;*

*(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income therefrom;*

*(4) to borrow money and issue bonds, debentures, or other debt instruments;*

*(5) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the directors shall not be personally liable, except for gross negligence;*

*(6) to enter into contracts or other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its function; and*

*(7) to carry out any action that is necessary and proper to carry out the purposes of the Council.*

*(b) Other Powers and Obligations.—*

*(1) In general.—The Council—*

*(A) shall have perpetual succession;*

*(B) may conduct business throughout the several States, territories, and possessions of the United States and abroad;*

*(C) shall have its principal offices in South Dakota; and*

*(D) shall at all times maintain a designated agent authorized to accept service of process for the Council.*

*(2) Service of notice.—The serving of notice to, or service of process upon, the agent required under paragraph (1)(D), or mailed to the business address of such agent, shall be deemed as service upon or notice to the Council.*

*(c) Seal.—The Council shall have an official seal selected by the Board, which shall be judicially noticed.*

*(d) Certain Interests.—If any current or future interest of a gift under subsection (a)(1) is for the benefit of the Council, the Council may accept the gift under such subsection, even if that gift is encumbered, restricted, or subject to beneficial interests of 1 or more private persons.*

### SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.

*(a) Provision of Services.—The Secretary may provide personnel, facilities, and other administrative services to the Council, including reimbursement of expenses under section 202, not to exceed then current Federal Government per diem rates, for a period ending not later than 5 years after the date of enactment of this Act.*

*(b) Reimbursement.—*

*(1) In general.—The Council may reimburse the Secretary for any administrative service provided under subsection (a). The Secretary shall deposit any reimbursement received under this subsection into the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.*

*(2) Continuation of certain assistance.—Notwithstanding any other provision of this section, the Secretary is authorized to continue to provide facilities, and necessary support services for such facilities, to the Council after the date specified in subsection (a), on a space available, reimbursable cost basis.*

### SEC. 205. VOLUNTEER STATUS.

*(a) In General.—Notwithstanding any other provision of law, the Secretary may accept, without regard to the civil service classification laws, rules, or regulations, the services of the Council, the Board, and the officers and employees of the Board, without compensation from the Secretary, as volunteers in the performance of the functions authorized under this Act.*

*(b) Incidental Expenses.—The Secretary is authorized to provide for incidental expenses, including transportation, lodging, and subsistence to the officers and employees serving as volunteers under subsection (a).*

***SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.***

*(a) AUDITS.—The Council shall be subject to auditing and reporting requirements under section 10101 of title 36, United States Code, in the same manner as is a corporation under part B of that title.*

*(b) REPORT.—As soon as practicable after the end of each fiscal year, the Council shall transmit to Congress a report of its proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.*

*(c) RELIEF WITH RESPECT TO CERTAIN COUNCIL ACTS OR FAILURE TO ACT.—If the Council—*

*(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes of the Council under section 201(b); or*

*(2) refuses, fails, or neglects to discharge the obligations of the Council under this Act, or threatens to do so;*

*then the Attorney General of the United States may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.*

***SEC. 207. UNITED STATES RELEASE FROM LIABILITY.***

*The United States shall not be liable for any debts, defaults, acts, or omissions of the Council. The full faith and credit of the United States shall not extend to any obligation of the Council.*

***SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.***

*(a) GRANTS.—*

*(1) IN GENERAL.—Not less frequently than annually, the Secretary shall award a grant to the Council, to be used to carry out the purposes specified in section 201(b) in accordance with this section.*

*(2) GRANT AGREEMENTS.—As a condition to receiving a grant under this section, the secretary of the Board, with the approval of the Board, shall enter into an agreement with the Secretary that specifies the duties of the Council in carrying out the grant and the information that is required to be included in the agreement under paragraphs (3) and (4).*

*(3) MATCHING REQUIREMENTS.—Each agreement entered into under paragraph (2) shall specify that the Federal share of a grant under this section shall be 80 percent of the cost of the activities funded under the grant. No amount may be made available to the Council for a grant under this section, unless the Council has raised an amount from private persons and State and local government agencies equivalent to the non-Federal share of the grant.*

*(4) PROHIBITION ON THE USE OF FEDERAL FUNDS FOR ADMINISTRATIVE EXPENSES.—Each agreement entered into under paragraph (2) shall specify that a reasonable amount of the Federal funds made available to the Council (under the grant that is the subject of the agreement or otherwise), but in no event more that 15 percent of such funds, may be used by the Council for administrative expenses of the Council, including salaries, travel and transportation expenses, and other overhead expenses.*

*(b) TECHNICAL ASSISTANCE.—*

*(1) IN GENERAL.—Each agency head listed in paragraph (2) shall provide to the Council such technical assistance as may be necessary for the Council to carry out the purposes specified in section 201(b).*

*(2) AGENCY HEADS.—The agency heads listed in this paragraph are as follows:*

*(A) The Secretary of Housing and Urban Development.*

*(B) The Secretary of the Interior.*

*(C) The Commissioner of Indian Affairs.*

*(D) The Assistant Secretary for Economic Development of the Department of Commerce.*

*(E) The Administrator of the Small Business Administration.*

*(F) The Administrator of the Rural Development Administration.*

***SEC. 209. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of the Interior, $10,000,000 for each of fiscal years 2002, 2003, 2004, 2005, and 2006, to be used in accordance with section 208.*

*(b) ADDITIONAL AUTHORIZATION.—The amounts authorized to be appropriated under this section are in addition to any amounts provided or available to the Council under any other provision of Federal law.*

Mr. GORTON. I ask unanimous consent that the committee substitute be agreed to, the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1658), as amended, was considered read the third time and passed.

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## NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 765, S. 1929.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1929) a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend such Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert the part printed in italic.

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Native Hawaiian Health Care Improvement Act Reauthorization of 2000".*

***SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.***

*The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:*

***"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*"(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.*

*"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*"Sec. 1. Short title; table of contents.*
*"Sec. 2. Findings.*
*"Sec. 3. Definitions.*
*"Sec. 4. Declaration of national Native Hawaiian health policy.*
*"Sec. 5. Comprehensive health care master plan for Native Hawaiians.*
*"Sec. 6. Functions of Papa Ola Lokahi and Office of Hawaiian Affairs.*
*"Sec. 7. Native Hawaiian health care.*
*"Sec. 8. Administrative grant for Papa Ola Lokahi.*
*"Sec. 9. Administration of grants and contracts.*
*"Sec. 10. Assignment of personnel.*
*"Sec. 11. Native Hawaiian health scholarships and fellowships.*
*"Sec. 12. Report.*
*"Sec. 13. Use of Federal Government facilities and sources of supply.*
*"Sec. 14. Demonstration projects of national significance.*
*"Sec. 15. National Bipartisan Commission on Native Hawaiian Health Care Entitlement.*
*"Sec. 16. Rule of construction.*
*"Sec. 17. Compliance with Budget Act.*
*"Sec. 18. Severability.*

***"SEC. 2. FINDINGS.***

*"(a) GENERAL FINDINGS.—Congress makes the following findings:*

*"(1) Native Hawaiians begin their story with the Kumulipo which details the creation and inter-relationship of all things, including their evolvement as healthy and well people.*

*"(2) Native Hawaiians are a distinct and unique indigenous peoples with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean, and have a distinct society organized almost 2,000 years ago.*

*"(3) The health and well-being of Native Hawaiians are intrinsically tied to their deep feelings and attachment to their lands and seas.*

*"(4) The long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians.*

*"(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum.*

*"(6) The Native Hawaiian people are determined to preserve, develop and transmit to future generations their ancestral territory, and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions. In referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawaii.*

*"(7) The constitution and statutes of the State of Hawaii—*

*"(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and*

*"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language.*

*"(8) At the time of the arrival of the first non-indigenous peoples in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion.*

*"(9) A unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii.*

*"(10) Throughout the 19th century and until 1893, the United States—*

*"(A) recognized the independence of the Hawaiian Nation;*

*"(B) extended full and complete diplomatic recognition to the Hawaiian Government; and*

*"(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875 and 1887.*

*"(11) In 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii.*

*"(12) In pursuance of that conspiracy, the United States Minister and the naval representative of the United States caused armed naval*

*forces of the United States to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii and the United States Minister thereupon extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii in violation of treaties between the 2 nations and of international law.*

*''(13) In a message to Congress on December 18, 1893, then President Grover Cleveland reported fully and accurately on these illegal actions, and acknowledged that by these acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown, and the President concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair'.*

*''(14) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of these wrongs and for restoration of the indigenous government of the Hawaiian nation, but this petition was not acted upon.*

*''(15) The United States has acknowledged the significance of these events and has apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination in legislation enacted into law in 1993 (Public Law 103–150; 107 Stat. 1510).*

*''(16) In 1898, the United States annexed Hawaii through the Newlands Resolution without the consent of or compensation to the indigenous peoples of Hawaii or their sovereign government who were thereby denied the mechanism for expression of their inherent sovereignty through self-government and self-determination, their lands and ocean resources.*

*''(17) Through the Newlands Resolution and the 1900 Organic Act, the Congress received 1,750,000 acres of lands formerly owned by the Crown and Government of the Hawaiian Kingdom and exempted the lands from then existing public land laws of the United States by mandating that the revenue and proceeds from these lands be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii.*

*''(18) In 1921, Congress enacted the Hawaiian Homes Commission Act, 1920, which designated 200,000 acres of the ceded public lands for exclusive homesteading by Native Hawaiians, thereby affirming the trust relationship between the United States and the Native Hawaiians, as expressed by then Secretary of the Interior Franklin K. Lane who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.*

*''(19) In 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781 et seq.), a provision to lease lands within the extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance'.*

*''(20) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the exclusive power' to enforce the trust, including the power to approve land exchanges, and legislative amendments affecting the rights of beneficiaries under such Act.*

*''(21) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State of Hawaii but reaffirmed the trust relationship which existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of such Act.*

*''(22) In 1978, the people of Hawaii amended their Constitution to establish the Office of Hawaiian Affairs and assigned to that body the authority to accept and hold real and personal property transferred from any source in trust for the Native Hawaiian people, to receive payments from the State of Hawaii due to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the Public Land Trust created under section 5 of the Admission Act of 1959 (Public Law 83–3), to act as the lead State agency for matters affecting the Native Hawaiian people, and to formulate policy on affairs relating to the Native Hawaiian people.*

*''(23) The authority of the Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous peoples of the United States includes the authority to legislate in matters affecting the native peoples of Alaska and Hawaii.*

*''(24) The United States has recognized the authority of the Native Hawaiian people to continue to work towards an appropriate form of sovereignty as defined by the Native Hawaiian people themselves in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State of Hawaii in 1994.*

*''(25) In furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people. This program is conducted by the Native Hawaiian Health Care Systems, the Native Hawaiian Health Scholarship Program and Papa Ola Lokahi. Health initiatives from these and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by providing comprehensive disease prevention, health promotion activities and increasing the number of Native Hawaiians in the health and allied health professions. This has been accomplished through the Native Hawaiian Health Care Act of 1988 (Public Law 100–579) and its reauthorization in section 9168 of Public Law 102–396 (106 Stat. 1948).*

*''(26) This historical and unique legal relationship has been consistently recognized and affirmed by Congress through the enactment of Federal laws which extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.), the American Indian Religious Freedom Act (42 U.S.C. 1996), the National Museum of the American Indian Act (20 U.S.C. 80q et seq.), and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).*

*''(27) The United States has also recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation which authorizes the provision of services to Native Hawaiians, specifically, the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987, the Veterans' Benefits and Services Act of 1988, the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Native Hawaiian Health Care Act of 1988 (Public Law 100–579), the Health Professions Reauthorization Act of 1988, the Nursing Shortage Reduction and Education Extension Act of 1988, the Handicapped Programs Technical Amendments Act of 1988, the Indian Health Care Amendments of 1988, and the Disadvantaged Minority Health Improvement Act of 1990.*

*''(28) The United States has also affirmed the historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (Public Law 99–570).*

*''(29) Further, the United States has recognized that Native Hawaiians, as aboriginal, indigenous, native peoples of Hawaii, are a unique population group in Hawaii and in the continental United States and has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999.*

*''(30) Despite the United States having expressed its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances in Public Law 103–150 (107 Stat. 1510) the unmet health needs of the Native Hawaiian people remain severe and their health status continues to be far below that of the general population of the United States.*

*''(b) UNMET NEEDS AND HEALTH DISPARITIES.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:*

*''(1) CHRONIC DISEASE AND ILLNESS.—*

*''(A) CANCER.—*

*''(i) IN GENERAL.—With respect to all cancer—*

*''(I) Native Hawaiians have the highest cancer mortality rates in the State of Hawaii (231.0 out of every 100,000 residents), 45 percent higher than that for the total State population (159.7 out of every 100,000 residents);*

*''(II) Native Hawaiian males have the highest cancer mortality rates in the State of Hawaii for cancers of the lung, liver and pancreas and for all cancers combined;*

*''(III) Native Hawaiian females ranked highest in the State of Hawaii for cancers of the lung, liver, pancreas, breast, cervix uteri, corpus uteri, stomach, and rectum, and for all cancers combined;*

*''(IV) Native Hawaiian males have the highest years of productive life lost from cancer in the State of Hawaii with 8.7 years compared to 6.4 years for all males; and*

*''(V) Native Hawaiian females have 8.2 years of productive life lost from cancer in the State of Hawaii as compared to 6.4 years for all females in the State of Hawaii;*

*''(ii) BREAST CANCER.—With respect to breast cancer—*

*''(I) Native Hawaiians have the highest mortality rates in the State of Hawaii from breast cancer (37.96 out of every 100,000 residents), which is 25 percent higher than that for Caucasian Americans (30.25 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (18.39 out of every 100,000 residents); and*

*''(II) nationally, Native Hawaiians have the third highest mortality rates due to breast cancer (25.0 out of every 100,000 residents) following*

*African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).*

*"(iii) CANCER OF THE CERVIX.—Native Hawaiians have the highest mortality rates from cancer of the cervix in the State of Hawaii (3.82 out of every 100,000 residents) followed by Filipino Americans (3.33 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).*

*"(iv) LUNG CANCER.—Native Hawaiians have the highest mortality rates from lung cancer in the State of Hawaii (90.70 out of every 100,000 residents), which is 61 percent higher than Caucasian Americans, who rank second and 161 percent higher than Japanese Americans, who rank third.*

*"(v) PROSTATE CANCER.—Native Hawaiian males have the second highest mortality rates due to prostate cancer in the State of Hawaii (25.86 out of every 100,000 residents) with Caucasian Americans having the highest mortality rate from prostate cancer (30.55 out of every 100,000 residents).*

*"(B) DIABETES.—With respect to diabetes, for the years 1989 through 1991—*

*"(i) Native Hawaiians had the highest mortality rate due to diabetes mellitis (34.7 out of every 100,000 residents) in the State of Hawaii which is 130 percent higher than the statewide rate for all other races (15.1 out of every 100,000 residents);*

*"(ii) full-blood Hawaiians had a mortality rate of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other races; and*

*"(iii) Native Hawaiians who are less than full-blood had a mortality rate of 27.1 out of every 100,000 residents, which is 79 percent higher than the rate for the statewide population of all other races.*

*"(C) ASTHMA.—With respect to asthma—*

*"(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State of Hawaii for those 18 years of age and younger, and 35 percent of all asthma cases reported; and*

*"(ii) in 1992, the Native Hawaiian rate for asthma was 81.7 out of every 1000 residents, which was 73 percent higher than the rate for the total statewide population of 47.3 out of every 1000 residents.*

*"(D) CIRCULATORY DISEASES.—*

*"(i) HEART DISEASE.—With respect to heart disease—*

*"(I) the death rate for Native Hawaiians from heart disease (333.4 out of every 100,000 residents) is 66 percent higher than for the entire State of Hawaii (201.1 out of every 100,000 residents); and*

*"(II) Native Hawaiian males have the greatest years of productive life lost in the State of Hawaii where Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years due to heart disease, as compared to 7.5 years for all males in the State of Hawaii and 6.4 years for all females.*

*"(ii) HYPERTENSION.—The death rate for Native Hawaiians from hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents).*

*"(iii) STROKE.—The death rate for Native Hawaiians from stroke (58.3 out of every 100,000 residents) is 13 percent higher than that for the entire State (51.8 out of every 100,000 residents).*

*"(2) INFECTIOUS DISEASE AND ILLNESS.—The incidence of AIDS for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State of Hawaii.*

*"(3) INJURIES.—With respect to injuries—*

*"(A) the death rate for Native Hawaiians from injuries (38.8 out of every 100,000 residents) is 45 percent higher than that for the entire State (26.8 out of every 100,000 residents);*

*"(B) Native Hawaiian males lose an average of 14 years of productive life lost from injuries as compared to 9.8 years for all other males in Hawaii; and*

*"(C) Native Hawaiian females lose and average of 4 years of productive life lost from injuries but this rate is the highest rate among all females in the State of Hawaii.*

*"(4) DENTAL HEALTH.—With respect to dental health—*

*"(A) Native Hawaiian children exhibit among the highest rates of dental caries in the nation, and the highest in the State of Hawaii as compared to the 5 other major ethnic groups in the State;*

*"(B) the average number of decayed or filled primary teeth for Native Hawaiian children ages 5 through 9 years was 4.3 as compared with 3.7 for the entire State of Hawaii and 1.9 for the United States; and*

*"(C) the proportion of Native Hawaiian children ages 5 through 12 years with unmet treatment needs (defined as having active dental caries requiring treatment) is 40 percent as compared with 33 percent for all other races in the State of Hawaii.*

*"(5) LIFE EXPECTANCY.—With respect to life expectancy—*

*"(A) Native Hawaiians have the lowest life expectancy of all population groups in the State of Hawaii;*

*"(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and*

*"(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be about 5 years less than that of the total State population (78.85 years).*

*"(6) MATERNAL AND CHILD HEALTH.—*

*"(A) PRENATAL CARE.—With respect to prenatal care—*

*"(i) as of 1996, Native Hawaiian women have the highest prevalence (21 percent) of having had no prenatal care during their first trimester of pregnancy when compared to the 5 largest ethnic groups in the State of Hawaii;*

*"(ii) of the mothers in the State of Hawaii who received no prenatal care throughout their pregnancy in 1996, 44 percent were Native Hawaiian;*

*"(iii) over 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and*

*"(iv) in every region of the State of Hawaii, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.*

*"(B) BIRTHS.—With respect to births—*

*"(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers which statistics indicate put infants at higher risk of low birth weight and infant mortality;*

*"(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (under 2500 grams); and*

*"(iii) of all low birth weight babies born to single mothers in the State of Hawaii, 44 percent were Native Hawaiian.*

*"(C) TEEN PREGNANCIES.—With respect to births—*

*"(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals who were less than 18 years of age) births (8.1 percent) compared to the rate for all other races in the State of Hawaii (3.6 percent);*

*"(ii) in 1996, nearly 53 percent of all mothers in Hawaii under 18 years of age were Native Hawaiian;*

*"(iii) lower rates of abortion (a third lower than for the statewide population) among Hawaiian women may account in part, for the higher percentage of live births;*

*"(iv) in 1995, of the births to mothers age 14 years and younger in Hawaii, 66 percent were Native Hawaiian; and*

*"(v) in 1996, of the births in this same group, 48 percent were Native Hawaiian.*

*"(D) FETAL MORTALITY.—In 1996, Native Hawaiian fetal mortality rates comprised 15 percent of all fetal deaths for the State of Hawaii. However, for fetal deaths occurring in mothers under the age of 18 years, 32 percent were Native Hawaiian, and for mothers 18 through 24 years of age, 28 percent were Native Hawaiians.*

*"(7) MENTAL HEALTH.—*

*"(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—*

*"(i) Native Hawaiians represent 38 percent of the total admissions to Department of Health, Alcohol, Drugs and Other Drugs, funded substance abuse treatment programs;*

*"(ii) in 1997, the prevalence of cigarette smoking by Native Hawaiians was 28.5 percent, a rate that is 53 percent higher than that for all other races in the State of Hawaii which is 18.6 percent;*

*"(iii) Native Hawaiians have the highest prevalence rates of acute alcohol drinking (31 percent), a rate that is 79 percent higher than that for all other races in the State of Hawaii;*

*"(iv) the chronic alcohol drinking rate among Native Hawaiians is 54 percent higher than that for all other races in the State of Hawaii;*

*"(v) in 1991, 40 percent of the Native Hawaiian adults surveyed reported having used marijuana compared with 30 percent for all other races in the State of Hawaii; and*

*"(vi) nine percent of the Native Hawaiian adults surveyed reported that they are current users (within the past year) of marijuana, compared with 6 percent for all other races in the State of Hawaii.*

*"(B) CRIME.—With respect to crime—*

*"(i) in 1996, of the 5,944 arrests that were made for property crimes in the State of Hawaii, arrests of Native Hawaiians comprised 20 percent of that total;*

*"(ii) Native Hawaiian juveniles comprised a third of all juvenile arrests in 1996;*

*"(iii) In 1996, Native Hawaiians represented 21 percent of the 8,000 adults arrested for violent crimes in the State of Hawaii, and 38 percent of the 4,066 juvenile arrests;*

*"(iv) Native Hawaiians are over-represented in the prison population in Hawaii;*

*"(v) in 1995 and 1996 Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared to 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;*

*"(vi) in 1995 and 1996 Native Hawaiians made up 45.4 percent of the technical violator population, and at the Hawaii Youth Correctional Facility, Native Hawaiians constituted 51.6 percent of all detainees in fiscal year 1997; and*

*"(vii) based on anecdotal information from inmates at the Halawa Correction Facilities, Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates.*

*"(8) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—*

*"(A) Native Hawaiians age 25 years and older have a comparable rate of high school completion, however, the rates of baccalaureate degree achievement amongst Native Hawaiians are less than the norm in the State of Hawaii (6.9 percent and 15.76 percent respectively);*

*"(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State of Hawaii; and*

*"(C) in fiscal year 1997, Native Hawaiians comprised 8 percent of those individuals who earned Bachelor's Degrees, 14 percent of those individuals who earned professional diplomas, 6*

*percent of those individuals who earned Master's Degrees, and less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.*

### "SEC. 3. DEFINITIONS.

*"In this Act:*

*"(1) DEPARTMENT.—The term 'department' means the Department of Health and Human Services.*

*"(2) DISEASE PREVENTION.—The term 'disease prevention' includes—*

*"(A) immunizations;*

*"(B) control of high blood pressure;*

*"(C) control of sexually transmittable diseases;*

*"(D) prevention and control of chronic diseases;*

*"(E) control of toxic agents;*

*"(F) occupational safety and health;*

*"(G) injury prevention;*

*"(H) fluoridation of water;*

*"(I) control of infectious agents; and*

*"(J) provision of mental health care.*

*"(3) HEALTH PROMOTION.—The term 'health promotion' includes—*

*"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;*

*"(B) cessation of tobacco smoking;*

*"(C) reduction in the misuse of alcohol and harmful illicit drugs;*

*"(D) improvement of nutrition;*

*"(E) improvement in physical fitness;*

*"(F) family planning;*

*"(G) control of stress;*

*"(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and*

*"(I) integration of cultural approaches to health and well-being, including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai).*

*"(4) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii) as evidenced by—*

*"(A) genealogical records,*

*"(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or*

*"(C) birth records of the State of Hawaii or any State or territory of the United States.*

*"(5) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—*

*"(A) which is organized under the laws of the State of Hawaii;*

*"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;*

*"(C) which is a public or nonprofit private entity;*

*"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;*

*"(E) which may be composed of as many as 8 Native Hawaiian health care systems as necessary to meet the health care needs of each island's Native Hawaiians; and*

*"(F) which is—*

*"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this chapter for the benefit of Native Hawaiians; and*

*"(ii) certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements under the contract the Native Hawaiian health care system enters into with the Secretary or the grant the Native Hawaiian health care system receives from the Secretary pursuant to this Act.*

*"(6) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary care provider and that—*

*"(A) has a governing board that is composed of individuals, at least 50 percent of whom are Native Hawaiians;*

*"(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;*

*"(C) serves a patient population that—*

*"(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or*

*"(ii) has not less than 2,500 Native Hawaiians as annual users of services; and*

*"(D) is recognized by Papa Ola Lokahi has having met all the criteria of this paragraph.*

*"(7) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.*

*"(8) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization—*

*"(A) which serves the interests of Native Hawaiians; and*

*"(B) which is—*

*"(i) recognized by Papa Ola Lokahi for the purpose of planning, conducting, or administering programs (or portions of programs) authorized under this Act for the benefit of Native Hawaiians; and*

*"(ii) a public or nonprofit private entity.*

*"(9) OFFICE OF HAWAIIAN AFFAIRS.—The terms 'Office of Hawaiian Affairs' and 'OHA' mean the governmental entity established under Article XII, sections 5 and 6 of the Hawaii State Constitution and charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.*

*"(10) PAPA OLA LOKAHI.—*

*"(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians. Board members of such organization may include representation from—*

*"(i) E Ola Mau;*

*"(ii) the Office of Hawaiian Affairs of the State of Hawaii;*

*"(iii) Alu Like, Inc.;*

*"(iv) the University of Hawaii;*

*"(v) the Hawaii State Department of Health;*

*"(vi) the Kamehameha Schools, or other Native Hawaiian organization responsible for the administration of the Native Hawaiian Health Scholarship Program;*

*"(vii) the Hawaii State Primary Care Association, or Native Hawaiian Health Centers whose patient populations are predominantly Native Hawaiian;*

*"(viii) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;*

*"(ix) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;*

*"(x) Ke Ola Mamo, or a health care system serving the island of O'ahu and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;*

*"(xi) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands;*

*"(xii) Hui No Ke Ola Pono, or a health care system serving the island of Maui, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;*

*"(xiii) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawaii, and which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island;*

*"(xiv) other Native Hawaiian health care systems as certified and recognized by Papa Ola Lokahi in accordance with this Act; and*

*"(xv) such other member organizations as the Board of Papa Ola Lokahi will admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.*

*"(B) LIMITATION.—Such term does not include any organization described in subparagraph (A) if the Secretary determines that such organization has not developed a mission statement with clearly defined goals and objectives for the contributions the organization will make to the Native Hawaiian health care systems, the national policy as set forth in section 4, and an action plan for carrying out those goals and objectives.*

*"(11) PRIMARY HEALTH SERVICES.—The term 'primary health services' means—*

*"(A) services of physicians, physicians' assistants, nurse practitioners, and other health professionals;*

*"(B) diagnostic laboratory and radiologic services;*

*"(C) preventive health services including perinatal services, well child services, family planning services, nutrition services, home health services, and, generally, all those services associated with enhanced health and wellness.*

*"(D) emergency medical services;*

*"(E) transportation services as required for adequate patient care;*

*"(F) preventive dental services;*

*"(G) pharmaceutical and medicament services;*

*"(H) primary care services that may lead to specialty or tertiary care; and*

*"(I) complimentary healing practices, including those performed by traditional Native Hawaiian healers.*

*"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.*

*"(13) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—*

*"(A) who—*

*"(i) is of Native Hawaiian ancestry; and*

*"(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and*

*"(B) whose knowledge, skills, and experience are based on demonstrated learning of Native Hawaiian healing practices acquired by—*

*"(i) direct practical association with Native Hawaiian elders; and*

*"(ii) oral traditions transmitted from generation to generation.*

### "SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

*"(a) CONGRESS.—Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous peoples of Hawaii resulting from the unique and historical relationship between the United States and the indigenous peoples of Hawaii—*

*"(1) to raise the health status of Native Hawaiians to the highest possible health level; and*

*"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.*

*"(b) INTENT OF CONGRESS.—It is the intent of the Congress that—*

*"(1) health care programs having a demonstrated effect of substantially reducing or eliminating the over-representation of Native Hawaiians among those suffering from chronic and acute disease and illness and addressing the health needs, including perinatal, early child development, and family-based health education, of Native Hawaiians shall be established and implemented; and*

''(2) the Nation raise the health status of Native Hawaiians by the year 2010 to at least the levels set forth in the goals contained within Healthy People 2010 or successor standards and to incorporate within health programs, activities defined and identified by Kanaka Maoli which may include—

''(A) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);

''(B) increasing the number of health and allied-health care providers who are trained to provide culturally competent care to Native Hawaiians;

''(C) increasing the use of traditional Native Hawaiian foods in peoples' diets and dietary preferences including those of students and the use of these traditional foods in school feeding programs;

''(D) identifying and instituting Native Hawaiian cultural values and practices within the 'corporate cultures' of organizations and agencies providing health services to Native Hawaiians;

''(E) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for those clients desiring such assistance; and

''(F) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers.

''(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to Congress under section 12, a report on the progress made towards meeting the National policy as set forth in this section.

### ''SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

''(a) DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing and updating a Native Hawaiian comprehensive health care master plan designed to promote comprehensive health promotion and disease prevention services and to maintain and improve the health status of Native Hawaiians, and to support community-based initiatives that are reflective of holistic approaches to health.

''(2) CONSULTATION.—

''(A) IN GENERAL.—Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with the Native Hawaiian health care systems, Native Hawaiian health centers, and the Native Hawaiian community in carrying out this section.

''(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purposes of acquiring joint funding and for other issues as may be necessary to accomplish the objectives of this section.

''(3) HEALTH CARE FINANCING STUDY REPORT.—Not later than 18 months after the date of enactment of this Act, Papa Ola Lokahi in cooperation with the Office of Hawaiian Affairs and other appropriate agencies of the State of Hawaii, including the Department of Health and the Department of Human Services and the Native Hawaiian health care systems and Native Hawaiian health centers, shall submit to Congress a report detailing the impact of current Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians. Such report shall include—

''(A) information concerning the impact of cultural competency, risk assessment data, eligibility requirements and exemptions, and reimbursement policies and capitation rates currently in effect for service providers;

''(B) any other such information as may be important to improving the health status of Native Hawaiians as such information relates to health care financing including barriers to health care; and

''(C) the recommendations for submission to the Secretary for review and consultation with Native Hawaiians.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out subsection (a).

### ''SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI AND OFFICE OF HAWAIIAN AFFAIRS.

''(a) RESPONSIBILITY.—Papa Ola Lokahi shall be responsible for the—

''(1) coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan developed pursuant to section 5;

''(2) training for the persons described in subparagraphs (B) and (C) of section 7(c)(1);

''(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiological, and health services;

''(4) development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health services studies; and

''(5) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act.

''(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive special project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

''(c) CLEARINGHOUSE.—

''(1) IN GENERAL.—Papa Ola Lokahi shall serve as a clearinghouse for—

''(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

''(B) the identification and research into diseases affecting Native Hawaiians;

''(C) the availability of Native Hawaiian project funds, research projects and publications;

''(D) the collaboration of research in the area of Native Hawaiian health; and

''(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

''(2) CONSULTATION.—The Secretary shall provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided to States and to nonprofit groups and organizations from the Department for the purposes set forth in section 4. Such accounting shall include—

''(A) the amount of funds expended explicitly for and benefiting Native Hawaiians;

''(B) the number of Native Hawaiians impacted by these funds;

''(C) the identification of collaborations made with Native Hawaiian groups and organizations in the expenditure of these funds; and

''(D) the amount of funds used for Federal administrative purposes and for the provision of direct services to Native Hawaiians.

''(d) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

''(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts appropriated under this Act.

''(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians.

''(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

''(e) TECHNICAL SUPPORT.—Papa Ola Lokahi may act as a statewide infrastructure to provide technical support and coordination of training and technical assistance to the Native Hawaiian health care systems and to Native Hawaiian health centers.

''(f) RELATIONSHIPS WITH OTHER AGENCIES.—

''(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies or organizations that are capable of providing health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems or of providing resources or services for the implementation of the National policy as set forth in section 4.

''(2) HEALTH CARE FINANCING.—

''(A) FEDERAL CONSULTATION.—Federal agencies providing health care financing and carrying out health care programs, including the Health Care Financing Administration, shall consult with Native Hawaiians and organizations providing health care services to Native Hawaiians prior to the adoption of any policy or regulation that may impact on the provision of services or health insurance coverage. Such consultation shall include the identification of the impact of any proposed policy, rule, or regulation.

''(B) STATE CONSULTATION.—The State of Hawaii shall engage in meaningful consultation with Native Hawaiians and organizations providing health care services to Native Hawaiians in the State of Hawaii prior to making any changes or initiating new programs.

''(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.

''(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual or other arrangements, including memoranda of understanding or agreement, with—

''(I) the Health Care Financing Administration;

''(II) the agency of the State of Hawaii that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

''(III) any other Federal agency or agencies providing full or partial health insurance to Native Hawaiians.

''(ii) CONTENTS OF ARRANGEMENTS.—Arrangements under clause (i) may address—

''(I) appropriate reimbursement for health care services including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

''(II) the scope of services; or

''(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

''(3) TRADITIONAL HEALERS.—The provision of health services under any program operated by the Department or another Federal agency including the Department of Veterans Affairs, may include the services of 'traditional Native Hawaiian healers' as defined in this Act or 'traditional healers' providing 'traditional health care practices' as defined in section 4(r) of Public Law 94-437. Such services shall be exempt from national accreditation reviews, including *reviews conducted by the Joint Accreditation Commission on Health Organizations and the Rehabilitation Accreditation Commission.*

### "SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

*"(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND PRIMARY HEALTH SERVICES.—*

*"(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with, any qualified entity for the purpose of providing comprehensive health promotion and disease prevention services, as well as primary health services, to Native Hawaiians who desire and are committed to bettering their own health.*

*"(2) PREFERENCE.—In making grants and entering into contracts under this subsection, the Secretary shall give preference to Native Hawaiian health care systems and Native Hawaiian organizations and, to the extent feasible, health promotion and disease prevention services shall be performed through Native Hawaiian health care systems.*

*"(3) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of paragraph (1) if the entity is a Native Hawaiian health care system or a Native Hawaiian Center.*

*"(4) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection during any fiscal year.*

*"(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of O'ahu, Moloka'i, Maui, Hawai'i, Lana'i, Kaua'i, and Ni'ihau in the State of Hawaii.*

*"(c) SERVICES TO BE PROVIDED.—*

*"(1) IN GENERAL.—Each recipient of funds under subsection (a) shall ensure that the following services either are provided or arranged for:*

*"(A) Outreach services to inform Native Hawaiians of the availability of health services.*

*"(B) Education in health promotion and disease prevention of the Native Hawaiian population by, wherever possible, Native Hawaiian health care practitioners, community outreach workers, counselors, and cultural educators.*

*"(C) Services of physicians, physicians' assistants, nurse practitioners or other health and allied-health professionals.*

*"(D) Immunizations.*

*"(E) Prevention and control of diabetes, high blood pressure, and otitis media.*

*"(F) Pregnancy and infant care.*

*"(G) Improvement of nutrition.*

*"(H) Identification, treatment, control, and reduction of the incidence of preventable illnesses and conditions endemic to Native Hawaiians.*

*"(I) Collection of data related to the prevention of diseases and illnesses among Native Hawaiians.*

*"(J) Services within the meaning of the terms 'health promotion', 'disease prevention', and 'primary health services', as such terms are defined in section 3, which are not specifically referred to in subsection (a).*

*"(K) Support of culturally appropriate activities enhancing health and wellness including land-based, water-based, ocean-based, and spiritually-based projects and programs.*

*"(2) TRADITIONAL HEALERS.—The health care services referred to in paragraph (1) which are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers.*

*"(d) FEDERAL TORT CLAIMS ACT.—Individuals who provide medical, dental, or other services referred to in subsection (a)(1) for Native Hawaiian health care systems, including providers of traditional Native Hawaiian healing services, shall be treated as if such individuals were members of the Public Health Service and shall be covered under the provisions of section 224 of the Public Health Service Act.*

*"(e) SITE FOR OTHER FEDERAL PAYMENTS.—A Native Hawaiian health care system that receives funds under subsection (a) shall provide a designated area and appropriate staff to serve as a Federal loan repayment facility. Such facility shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to such professionals under any Federal loan program.*

*"(f) RESTRICTION ON USE OF GRANT AND CONTRACT FUNDS.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under such grant or contract will not, directly or through contract, be expended—*

*"(1) for any services other than the services described in subsection (c)(1); or*

*"(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.*

*"(g) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or through contract—*

*"(1) health services under the grant or contract will be provided without regard to ability to pay for the health services; and*

*"(2) the entity will impose a charge for the delivery of health services, and such charge—*

*"(A) will be made according to a schedule of charges that is made available to the public; and*

*"(B) will be adjusted to reflect the income of the individual involved.*

*"(h) AUTHORIZATION OF APPROPRIATIONS.—*

*"(1) GENERAL GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).*

*"(2) PLANNING GRANTS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (b).*

### "SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

*"(a) IN GENERAL.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—*

*"(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed pursuant to section 5;*

*"(2) training for the persons described section 7(c)(1);*

*"(3) identification of and research into the diseases that are most prevalent among Native Hawaiians, including behavioral, biomedical, epidemiologic, and health services;*

*"(4) the maintenance of an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out the policy of this Act;*

*"(5) a clearinghouse function for—*

*"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;*

*"(B) the identification and research into diseases affecting Native Hawaiians; and*

*"(C) the availability of Native Hawaiian project funds, research projects and publications;*

*"(6) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;*

*"(7) the coordination of the health care programs and services provided to Native Hawaiians; and*

*"(8) the administration of special project funds.*

*"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 to carry out subsection (a).*

### "SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

*"(a) TERMS AND CONDITIONS.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of such grant or contract are achieved.*

*"(b) PERIODIC REVIEW.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.*

*"(c) ADMINISTRATIVE REQUIREMENTS.—The Secretary may not make a grant or enter into a contract under this Act with an entity unless the entity—*

*"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant or contract;*

*"(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;*

*"(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—*

*"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and*

*"(B) has designated at least 1 individual, fluent in both English and the appropriate language, to assist in carrying out the plan;*

*"(4) with respect to health services that are covered under programs under titles XVIII, XIX, or XXI of the Social Security Act, including any State plan, or under any other Federal health insurance plan—*

*"(A) if the entity will provide under the grant or contract any such health services directly—*

*"(i) the entity has entered into a participation agreement under such plans; and*

*"(ii) the entity is qualified to receive payments under such plan; and*

*"(B) if the entity will provide under the grant or contract any such health services through a contract with an organization—*

*"(i) the organization has entered into a participation agreement under such plan; and*

*"(ii) the organization is qualified to receive payments under such plan; and*

*"(5) agrees to submit to the Secretary and to Papa Ola Lokahi an annual report that describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user) and that provides such other information as the Secretary determines to be appropriate.*

*"(d) CONTRACT EVALUATION.—*

*"(1) DETERMINATION OF NONCOMPLIANCE.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, prior to renewing such contract, attempt to resolve the areas of noncompliance or unsatisfactory performance and modify such contract to prevent future occurrences of such noncompliance or unsatisfactory performance.*

*"(2) NONRENEWAL.—If the Secretary determines that the noncompliance or unsatisfactory*

*performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary shall not renew the contract with such entity and may enter into a contract under section 7 with another entity referred to in subsection (a)(3) of such section that provides services to the same population of Native Hawaiians which is served by the entity whose contract is not renewed by reason of this paragraph.*

*"(3) CONSIDERATION OF RESULTS.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.*

*"(4) APPLICATION OF FEDERAL LAWS.—All contracts entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws and regulations, except that, in the discretion of the Secretary, such contracts may be negotiated without advertising and may be exempted from the provisions of the Act of August 24, 1935 (40 U.S.C. 270a et seq.).*

*"(5) PAYMENTS.—Payments made under any contract entered into under this Act may be made in advance, by means of reimbursement, or in installments and shall be made on such conditions as the Secretary deems necessary to carry out the purposes of this Act.*

*"(e) REPORT.—*

*"(1) IN GENERAL.—For each fiscal year during which an entity receives or expends funds pursuant to a grant or contract under this Act, such entity shall submit to the Secretary and to Papa Ola Lokahi an annual report—*

*"(A) on the activities conducted by the entity under the grant or contract;*

*"(B) on the amounts and purposes for which Federal funds were expended; and*

*"(C) containing such other information as the Secretary may request.*

*"(2) AUDITS.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General of the United States.*

*"(f) ANNUAL PRIVATE AUDIT.—The Secretaty shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant.*

### "SEC. 10. ASSIGNMENT OF PERSONNEL.

*"(a) IN GENERAL.—The Secretary may enter into an agreement with any entity under which the Secretary may assign personnel of the Department of Health and Human Services with expertise identified by such entity to such entity on detail for the purposes of providing comprehensive health promotion and disease prevention services to Native Hawaiians.*

*"(b) APPLICABLE FEDERAL PERSONNEL PROVISIONS.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.*

### "SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

*"(a) ELIGIBILITY.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide funds through a direct grant or a cooperative agreement to Kamehameha Schools or another Native Hawaiian organization or health care organization with experience in the administration of educational scholarships or placement services for the purpose of providing scholarship assistance to students who—*

*"(1) meet the requirements of section 338A of the Public Health Service Act, except for assistance as provided for under subsection (b)(2); and*

*"(2) are Native Hawaiians.*

*"(b) PRIORITY.—A priority for scholarships under subsection (a) may be provided to employees of the Native Hawaiian Health Care Systems and the Native Hawaiian Health Centers.*

*"(c) TERMS AND CONDITIONS.—*

*"(1) IN GENERAL.—The scholarship assistance under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules as apply to scholarship assistance provided under section 338A of the Public Health Service Act (except as provided for in paragraph (2)), except that—*

*"(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve the Native Hawaiian community as identified by Papa Ola Lokahi;*

*"(B) to the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by the Kamehameha Schools or the Native Hawaiian organization administering the program;*

*"(C) the obligated service requirement for each scholarship recipient (except for those receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—*

*"(i) any one of the Native Hawaiian health care systems or Native Hawaiian health centers;*

*"(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii; or*

*"(iii) a geographical area, facility, or organization that serves a significant Native Hawaiian population;*

*"(D) the scholarship's placement service shall assign Native Hawaiian scholarship recipients to appropriate sites for service.*

*"(E) the provision of counseling, retention and other support services shall not be limited to scholarship recipients, but shall also include recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.*

*"(F) financial assistance may be provided to scholarship recipients in those health professions designated in such section 338A of the Public Health Service Act while they are fulfilling their service requirement in any one of the Native Hawaiian health care systems or community health centers.*

*"(2) FELLOWSHIPS.—Financial assistance through fellowships may be provided to Native Hawaiian community health representatives, outreach workers, and health program administrators in professional training programs, and to Native Hawaiians in certificated programs provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices including lomi-lomi, la'au lapa'au, and ho'oponopono. Such assistance may include a stipend or reimbursement for costs associated with participation in the program.*

*"(3) RIGHTS AND BENEFITS.—Scholarship recipients in health professions designated in section 338A of the Public Health Service Act while fulfilling their service requirements shall have all the same rights and benefits of members of the National Health Service Corps during their period of service.*

*"(4) NO INCLUSION OF ASSISTANCE IN GROSS INCOME.—Financial assistance provided under section 11 shall be deemed 'Qualified Scholarships' for purposes of the section amended by section 123(a) of Public Law 99–514, as amended.*

*"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2001 through 2011 for the purpose of funding the scholarship assistance program under subsection (a) and fellowship assistance under subsection (c)(2).*

### "SEC. 12. REPORT.

*"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to Congress a report on the progress made in meeting the objectives of this Act, including a review of programs established or assisted pursuant to this Act and an assessment and recommendations of additional programs or additional assistance necessary to, at a minimum, provide health services to Native Hawaiians, and ensure a health status for Native Hawaiians, which are at a parity with the health services available to, and the health status of, the general population.*

### "SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

*"(a) IN GENERAL.—The Secretary shall permit organizations that receive contracts or grants under this Act, in carrying out such contracts or grants, to use existing facilities and all equipment therein or under the jurisdiction of the Secretary under such terms and conditions as may be agreed upon for the use and maintenance of such facilities or equipment.*

*"(b) DONATION OF PROPERTY.—The Secretary may donate to organizations that receive contracts or grants under this Act any personal or real property determined to be in excess of the needs of the Department or the General Services Administration for purposes of carrying out such contracts or grants.*

*"(c) ACQUISITION OF SURPLUS PROPERTY.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to organizations that receive contracts or grants under this Act if the Secretary determines that the property is appropriate for the use by the organization for the purpose for which a contract or grant is authorized under this Act.*

### "SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

*"(a) AUTHORITY AND AREAS OF INTEREST.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts appropriated under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance. The areas of interest of such projects may include—*

*"(1) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;*

*"(2) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;*

*"(3) the integration of Western medicine with complementary healing practices including traditional Native Hawaiian healing practices;*

*"(4) the use of tele-wellness and telecommunications in chronic disease management and health promotion and disease prevention;*

*"(5) the development of appropriate models of health care for Native Hawaiians and other indigenous peoples including the provision of culturally competent health services, related activities focusing on wellness concepts, the development of appropriate kupuna care programs, and the development of financial mechanisms and collaborative relationships leading to universal access to health care; and*

*"(6) the establishment of a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo, a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa, a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center, and a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital and a Native Hawaiian Center of Excellence for Complimentary*

*Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.*

*"(b) Nonreduction in Other Funding.—The allocation of funds for demonstration projects under subsection (a) shall not result in a reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out their respective responsibilities under this Act.*

### "SEC. 15. NATIONAL BIPARTISAN COMMISSION ON NATIVE HAWAIIAN HEALTH CARE ENTITLEMENT.

*"(a) Establishment.—There is hereby established a National Bipartisan Native Hawaiian Health Care Entitlement Commission (referred to in this Act as the 'Commission').*

*"(b) Membership.—The Commission shall be composed of 21 members to be appointed as follows:*

*"(1) Congressional members.—*

*"(A) Appointment.—Eight members of the Commission shall be members of Congress, of which—*

*"(i) two members shall be from the House of Representatives and shall be appointed by the Majority Leader;*

*"(ii) two members shall be from the House of Representatives and shall be appointed by the Minority Leader;*

*"(iii) two members shall be from the Senate and shall be appointed by the Majority Leader; and*

*"(iv) two members shall be from the Senate and shall be appointed by the Minority Leader.*

*"(B) Relevant committee membership.—The members of the Commission appointed under subparagraph (A) shall each be members of the committees of Congress that consider legislation affecting the provision of health care to Native Hawaiians and other Native Americans.*

*"(C) Chairperson.—The members of the Commission appointed under subparagraph (A) shall elect the chairperson and vice-chairperson of the Commission.*

*"(2) Hawaiian health members.—Eleven members of the Commission shall be appointed by Hawaiian health entities, of which—*

*"(A) five members shall be appointed by the Native Hawaiian Health Care Systems;*

*"(B) one member shall be appointed by the Hawaii State Primary Care Association;*

*"(C) one member shall be appointed by Papa Ola Lokahi;*

*"(D) one member shall be appointed by the Native Hawaiian Health Task Force;*

*"(E) one member shall be appointed by the Office of Hawaiian Affairs; and*

*"(F) two members shall be appointed by the Association of Hawaiian Civic Clubs and shall represent Native Hawaiian populations residing in the continental United States.*

*"(3) Secretarial members.—Two members of the Commission shall be appointed by the Secretary and shall possess knowledge of Native Hawaiian health concerns and wellness.*

*"(c) Terms.—*

*"(1) In general.—The members of the Commission shall serve for the life of the Commission.*

*"(2) Initial appointment of members.—The members of the Commission shall be appointed under subsection (b)(1) not later than 90 days after the date of enactment of this Act, and the remaining members of the Commission shall be appointed not later than 60 days after the date on which the members are appointed under such subsection (b)(1).*

*"(3) Vacancies.—A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.*

*"(d) Duties of the Commission.—The Commission shall carry out the following duties and functions:*

*"(1) Review and analyze the recommendations of the report of the study committee established under paragraph (3).*

*"(2) Make recommendations to Congress for the provision of health services to Native Hawaiian individuals as an entitlement, giving due regard to the effects of a program on existing health care delivery systems for Native Hawaiians and the effect of such programs on self-determination and the reconciliation of their relationship with the United States.*

*"(3) Establish a study committee to be composed of at least 10 members from the Commission, including 4 members of the members appointed under subsection (b)(1), 5 of the members appointed under subsection (b)(2), and 1 of the members appointed by the Secretary under subsection (b)(3), which shall—*

*"(A) to the extent necessary to carry out its duties, collect, compile, qualify, and analyze data necessary to understand the extent of Native Hawaiian needs with regard to the provision of health services, including holding hearings and soliciting the views of Native Hawaiians and Native Hawaiian organizations, and which may include authorizing and funding feasibility studies of various models for all Native Hawaiian beneficiaries and their families, including those that live in the continental United States;*

*"(B) make recommendations to the Commission for legislation that will provide for the culturally-competent and appropriate provision of health services for Native Hawaiians as an entitlement, which shall, at a minimum, address issues of eligibility and benefits to be provided, including recommendations regarding from whom such health services are to be provided and the cost and mechanisms for funding of the health services to be provided;*

*"(C) determine the effect of the enactment of such recommendations on the existing system of delivery of health services for Native Hawaiians;*

*"(D) determine the effect of a health service entitlement program for Native Hawaiian individuals on their self-determination and the reconciliation of their relationship with the United States;*

*"(E) not later than 12 months after the date of the appointment of all members of the Commission, make a written report of its findings and recommendations to the Commission, which report shall include a statement of the minority and majority position of the committee and which shall be disseminated, at a minimum, to Native Hawaiian organizations and agencies and health organizations referred to in subsection (b)(2) for comment to the Commission; and*

*"(F) report regularly to the full Commission regarding the findings and recommendations developed by the committee in the course of carrying out its duties under this section.*

*"(4) Not later than 18 months after the date of the appointment of all members of the Commission, submit a written report to Congress containing a recommendation of policies and legislation to implement a policy that would establish a health care system for Native Hawaiians, grounded in their culture, and based on the delivery of health services as an entitlement, together with a determination of the implications of such an entitlement system on existing health care delivery systems for Native Hawaiians and their self-determination and the reconciliation of their relationship with the United States.*

*"(e) Administrative Provisions.—*

*"(1) Compensation and expenses.—*

*"(A) Congressional members.—Each member of the Commission appointed under subsection (b)(1) shall not receive any additional compensation, allowances, or benefits by reason of their service on the Commission. Such members shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.*

*"(B) Other members.—The members of the Commission appointed under paragraphs (2) and (3) of subsection (b) shall, while serving on the business of the Commission (including travel time), receive compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while serving away from their home or regular place of business, be allowed travel expenses, as authorized by the chairperson of the Commission.*

*"(C) Other personnel.—For purposes of compensation (other than compensation of the members of the Commission) and employment benefits, rights, and privileges, all personnel of the Commission shall be treated as if they were employees of the Senate.*

*"(2) Meetings and quorum.—*

*"(A) Meetings.—The Commission shall meet at the call of the chairperson.*

*"(B) Quorum.—A quorum of the Commission shall consist of not less than 12 members, of which—*

*"(i) not less than 4 of such members shall be appointees under subsection (b)(1);*

*"(ii) not less than 7 of such members shall be appointees under subsection (b)(2); and*

*"(iii) not less than 1 of such members shall be an appointee under subsection (b)(3).*

*"(3) Director and staff.—*

*"(A) Executive director.—The members of the Commission shall appoint an executive director of the Commission. The executive director shall be paid the rate of basic pay equal to that under level V of the Executive Schedule under section 5316 of title 5, United States Code.*

*"(B) Staff.—With the approval of the Commission, the executive director may appoint such personnel as the executive director deems appropriate.*

*"(C) Applicability of civil service laws.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title (relating to classification and General Schedule pay rates).*

*"(D) Experts and consultants.—With the approval of the Commission, the executive director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.*

*"(E) Facilities.—The Administrator of the General Services Administration shall locate suitable office space for the operations of the Commission in Washington, D.C. and in the State of Hawaii. The Washington, D.C. facilities shall serve as the headquarters of the Commission while the Hawaii office shall serve a liaison function. Both such offices shall include all necessary equipment and incidentals required for the proper functioning of the Commission.*

*"(f) Powers.—*

*"(1) Hearings and other activities.—For purposes of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties, except that at least 8 hearings shall be held on each of the Hawaiian Islands and 3 hearings in the continental United States in areas where a significant population of Native Hawaiians reside. Such hearings shall be held to solicit the views of Native Hawaiians regarding the delivery of health care services to such individuals. To constitute a hearing under this paragraph,*

*at least 4 members of the Commission, including at least 1 member of Congress, must be present. Hearings held by the study committee established under subsection (d)(3) may be counted towards the number of hearings required under this paragraph.*

*"(2) STUDIES BY THE GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.*

*"(3) COST ESTIMATES.—*

*"(A) IN GENERAL.—The Director of the Congressional Budget Office or the Chief Actuary of the Health Care Financing Administration, or both, shall provide to the Commission, upon the request of the Commission, such cost estimates as the Commission determines to be necessary to carry out its duties.*

*"(B) REIMBURSEMENTS.—The Commission shall reimburse the Director of the Congressional Budget Office for expenses relating to the employment in the office of the Director of such additional staff as may be necessary for the Director to comply with requests by the Commission under subparagraph (A).*

*"(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employees.*

*"(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of any Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.*

*"(6) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.*

*"(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the chairperson of the Commission, the head of such agency shall furnish such information to the Commission.*

*"(8) SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.*

*"(9) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of Congress.*

*"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. The amount appropriated under this subsection shall not result in a reduction in any other appropriation for health care or health services for Native Hawaiians.*

***"SEC. 16. RULE OF CONSTRUCTION.***

*"Nothing in this Act shall be construed to restrict the authority of the State of Hawaii to license health practitioners.*

***"SEC. 17. COMPLIANCE WITH BUDGET ACT.***

*"Any new spending authority (described in subparagraph (A) of (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2) (A) or (B))) which is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in appropriation Acts.*

***"SEC. 18. SEVERABILITY.***

*"If any provision of this Act, or the application of any such provision to any person or circumstances is held to be invalid, the remainder of this Act, and the application of such provision or amendment to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.".*

Mr. GORTON. Mr. President, I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1929), as amended, was read the third time and passed.

## STRENGTHENING ABUSE AND NEGLECT COURTS ACT OF 2000

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 737, S. 2272.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2272) to improve the administrative efficiency and effectiveness of the nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

There being no objection, the Senate proceeded to consider the bill.

## THE STRENGTHENING ABUSE AND NEGLECT COURTS ACT (SANCA)

Mr. LEAHY. Mr. President, I am pleased that the Senate today is passing S. 2272, the Strengthening Abuse and Neglect Courts Act, SANCA. I strongly support this legislation, which will provide much needed dollars to the Nation's overburdened abuse and neglect courts. We added to their burdens in 1997, by passing the Adoption and Safe Families Act, ASFA, without providing adequate funding to assure effective implementation. Courts nationwide are struggling to meet the accelerated timelines and other requirements of that legislation, which was intended to expedite the process of securing safe, permanent, and loving homes for abused and neglected children.

SANCA will help ease the pressure, by making available to State and local courts some Federal funding to assure timely court hearings and reduce the case backlogs created by the ASFA. Both the Conference of Chief Justices and the Conference of State Court Administrators have adopted resolutions in support of SANCA. It is without doubt a good idea.

This legislation authorizes $10 million over five years to assist state and local courts to develop and implement automated case tracking systems for abuse and neglect proceeding. It authorizes another $10 million to reduce existing backlogs of abuse and neglect cases, plus $5 million to expand the Court-Appointed Special Advocate, CASA, program in underserved areas. That is a total of $25 million that would help address a very real problem that we in Congress helped to create.

In my own State of Vermont, the courts are committed to implementing the ASFA and reducing the amount of time spent by children in foster care settings. But they are having trouble meeting the Federal law's tight deadlines and procedural requirements.

My only concern with S. 2272 is the competitive grant method that it adopts for allocating grant money. By contrast, the model for S. 2272—the Court Improvement Project, or CIP—allocates money by formula. Congress created the CIP grant program in 1993, to assist State courts in improving their handling of child abuse and neglect cases. On an annual basis, each State is awarded $85,000, and the remainder of the funds are distributed by formula based on the proportionate population of children in the States. This has been a highly successful program. States have combined CIP funds with State and local dollars to make sweeping changes in the way they handle child abuse and neglect cases.

Under SANCA, State and local courts would compete against each other for a relatively small number of grants, and many will get no help at all, even if their needs are great. I understand that there is companion legislation, the "Training and Knowledge Ensure Children a Risk-Free Environment, TAKE CARE, Act," S. 2271, which would authorize increased assistance for every State to help improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts. That bill was referred to the Committee on Finance, which has yet to consider it. It is my hope that the Senate will take up and pass S. 2271 before the end of this legislative session.

Many other important bills remain pending before this body as we head into the final weeks of the 106th Congress. I want to highlight one bill, which I introduced with Senators DEWINE and ROBB this summer, and which the Judiciary Committee reported by unanimous consent last week. The Computer Crime Enforcement Act, S. 1314, would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information

Technology Association of America and Fraternal Order of Police. I hope all Senators can join us in our bipartisan effort to provide our state and local partners in crime fighting with the resources they need in the battle against computer crime.

I commend Senator DEWINE and Senator ROCKEFELLER for their leadership on the SANCA legislation and urge its speedy passage into law.

### AMENDMENT NO. 4209

Mr. GORTON. Senator DEWINE has an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. DEWINE, proposes an amendment numbered 4209.

The amendment is as follows:

(Purpose: To extend the authorization of appropriations for an additional year)

On page 23, line 4, strike "fiscal year 2001" and insert "the period of fiscal years 2001 and 2002".

On page 24, line 13, strike "fiscal year 2001" and insert "the period of fiscal years 2001 and 2002".

Mr. GORTON. I ask unanimous consent the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4209) was agreed to.

The bill (S. 2272), as amended, was read the third time and passed, as follows:

### S. 2272

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening Abuse and Neglect Courts Act of 2000".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

(5) While essential to protect children and to carry out the general purposes of the Adoption and Safe Families Act of 1997, the accelerated timelines for the termination of parental rights and the other requirements imposed under that Act increase the pressure on the Nation's already overburdened abuse and neglect courts.

(6) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be substantially improved by the acquisition and implementation of computerized case-tracking systems to identify and eliminate existing backlogs, to move abuse and neglect caseloads forward in a timely manner, and to move children into safe and stable families. Such systems could also be used to evaluate the effectiveness of such courts in meeting the purposes of the amendments made by, and provisions of, the Adoption and Safe Families Act of 1997.

(7) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would also be improved by the identification and implementation of projects designed to eliminate the backlog of abuse and neglect cases, including the temporary hiring of additional judges, extension of court hours, and other projects designed to reduce existing caseloads.

(8) The administrative efficiency and effectiveness of the Nation's abuse and neglect courts would be further strengthened by improving the quality and availability of training for judges, court personnel, agency attorneys, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, and attorneys who represent the children and the parents of children in abuse and neglect proceedings.

(9) While recognizing that abuse and neglect courts in this country are already committed to the quality administration of justice, the performance of such courts would be even further enhanced by the development of models and educational opportunities that reinforce court projects that have already been developed, including models for caseflow procedures, case management, representation of children, automated interagency interfaces, and "best practices" standards.

(10) Judges, magistrates, commissioners, and other judicial officers play a central and vital role in ensuring that proceedings in our Nation's abuse and neglect courts are run efficiently and effectively. The performance of those individuals in such courts can only be further enhanced by training, seminars, and an ongoing opportunity to exchange ideas with their peers.

(11) Volunteers who participate in court-appointed special advocate (CASA) programs play a vital role as the eyes and ears of abuse and neglect courts in proceedings conducted by, or under the supervision of, such courts and also bring increased public scrutiny of the abuse and neglect court system. The Nation's abuse and neglect courts would benefit from an expansion of this program to currently underserved communities.

(12) Improved computerized case-tracking systems, comprehensive training, and development of, and education on, model abuse and neglect court systems, particularly with respect to underserved areas, would significantly further the purposes of the Adoption and Safe Families Act of 1997 by reducing the average length of an abused and neglected child's stay in foster care, improving the quality of decision-making and court services provided to children and families, and increasing the number of adoptions.

### SEC. 3. DEFINITIONS.

In this Act:

(a) ABUSE AND NEGLECT COURTS.—The term "abuse and neglect courts" means the State and local courts that carry out State or local laws requiring proceedings (conducted by or under the supervision of the courts)—

(1) that implement part B and part E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) (including preliminary disposition of such proceedings);

(2) that determine whether a child was abused or neglected;

(3) that determine the advisability or appropriateness of placement in a family foster home, group home, or a special residential care facility; or

(4) that determine any other legal disposition of a child in the abuse and neglect court system.

(b) AGENCY ATTORNEY.—The term "agency attorney" means an attorney or other individual, including any government attorney, district attorney, attorney general, State attorney, county attorney, city solicitor or attorney, corporation counsel, or privately retained special prosecutor, who represents the State or local agency administrating the programs under parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.) in a proceeding conducted by, or under the supervision of, an abuse and neglect court, including a proceeding for termination of parental rights.

### SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO AUTOMATE THE DATA COLLECTION AND TRACKING OF PROCEEDINGS IN ABUSE AND NEGLECT COURTS.

(a) AUTHORITY TO AWARD GRANTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court.

(b) APPLICATION.—

(1) IN GENERAL.—A State court or local court may submit an application for a grant authorized under this section at such time and in such manner as the Attorney General may determine.

(2) INFORMATION REQUIRED.—An application for a grant authorized under this section shall contain the following:

(A) A description of a proposed plan for the development, implementation, and maintenance of an automated data collection and case-tracking system for proceedings conducted by, or under the supervision of, an abuse and neglect court, including a proposed budget for the plan and a request for a specific funding amount.

(B) A description of the extent to which such plan and system are able to be replicated in abuse and neglect courts of other jurisdictions that specifies the common case-tracking data elements of the proposed system, including, at a minimum—

(i) identification of relevant judges, court, and agency personnel;

(ii) records of all court proceedings with regard to the abuse and neglect case, including all court findings and orders (oral and written); and

(iii) relevant information about the subject child, including family information and the reason for court supervision.

(C) In the case of an application submitted by a local court, a description of how the plan to implement the proposed system was developed in consultation with related State courts, particularly with regard to a State court improvement plan funded under section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) if there is such a plan in the State.

(D) In the case of an application that is submitted by a State court, a description of how the proposed system will integrate with a State court improvement plan funded under section 13712 of such Act if there is such a plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

(H) An assurance that any contract entered into between the State court or local court and any other entity that is to provide services for the development, implementation, or maintenance of the system under the proposed plan will require the entity to agree to allow for replication of the services provided, the plan, and the system, and to refrain from asserting any proprietary interest in such services for purposes of allowing the plan and system to be replicated in another jurisdiction.

(I) An assurance that the system established under the plan will provide data that allows for evaluation (at least on an annual basis) of the following information:

(i) The total number of cases that are filed in the abuse and neglect court.

(ii) The number of cases assigned to each judge who presides over the abuse and neglect court.

(iii) The average length of stay of children in foster care.

(iv) With respect to each child under the jurisdiction of the court—

(I) the number of episodes of placement in foster care;

(II) the number of days placed in foster care and the type of placement (foster family home, group home, or special residential care facility);

(III) the number of days of in-home supervision; and

(IV) the number of separate foster care placements.

(v) The number of adoptions, guardianships, or other permanent dispositions finalized.

(vi) The number of terminations of parental rights.

(vii) The number of child abuse and neglect proceedings closed that had been pending for 2 or more years.

(viii) With respect to each proceeding conducted by, or under the supervision of, an abuse and neglect court—

(I) the timeliness of each stage of the proceeding from initial filing through legal finalization of a permanency plan (for both contested and uncontested hearings);

(II) the number of adjournments, delays, and continuances occurring during the proceeding, including identification of the party requesting each adjournment, delay, or continuance and the reasons given for the request;

(III) the number of courts that conduct or supervise the proceeding for the duration of the abuse and neglect case;

(IV) the number of judges assigned to the proceeding for the duration of the abuse and neglect case; and

(V) the number of agency attorneys, children's attorneys, parent's attorneys, guardians ad litem, and volunteers participating in a court-appointed special advocate (CASA) program assigned to the proceeding during the duration of the abuse and neglect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall expend $1 for every $3 awarded under the grant to carry out the development, implementation, and maintenance of the automated data collection and case-tracking system under the proposed plan.

(B) WAIVER FOR HARDSHIP.—The Attorney General may waive or modify the matching requirement described in subparagraph (A) in the case of any State court or local court that the Attorney General determines would suffer undue hardship as a result of being subject to the requirement.

(C) NON-FEDERAL EXPENDITURES.—

(i) CASH OR IN KIND.—State court or local court expenditures required under subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(ii) NO CREDIT FOR PRE-AWARD EXPENDITURES.—Only State court or local court expenditures made after a grant has been awarded under this section may be counted for purposes of determining whether the State court or local court has satisfied the matching expenditure requirement under subparagraph (A).

(2) NOTIFICATION TO STATE OR APPROPRIATE CHILD WELFARE AGENCY.—No application for a grant authorized under this section may be approved unless the State court or local court submitting the application demonstrates to the satisfaction of the Attorney General that the court has provided the State, in the case of a State court, or the appropriate child welfare agency, in the case of a local court, with notice of the contents and submission of the application.

(3) CONSIDERATIONS.—In evaluating an application for a grant under this section the Attorney General shall consider the following:

(A) The extent to which the system proposed in the application may be replicated in other jurisdictions.

(B) The extent to which the proposed system is consistent with the provisions of, and amendments made by, the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), and parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collection and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 for the period of fiscal years 2001 through 2005.

### SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

(a) Authority to Award Grants.—The Attorney General, acting through the Office of Juvenile Justice and Delinquency Prevention of the Office of Justice Programs and in collaboration with the Secretary of Health and Human Services, shall award grants in accordance with this section to State courts and local courts for the purposes of—

(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115); and

(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

(b) Application.—A State court or local court shall submit an application for a grant under this section, in such form and manner as the Attorney General shall require, that contains a description of the following:

(1) The barriers to achieving the permanency goals established in the Adoption and Safe Families Act of 1997 that have been identified.

(2) The size and nature of the backlogs of children awaiting termination of parental rights or finalization of adoption.

(3) The strategies the State court or local court proposes to use to reduce such backlogs and the plan and timetable for doing so.

(4) How the grant funds requested will be used to assist the implementation of the strategies described in paragraph (3).

(c) Use of Funds.—Funds provided under a grant awarded under this section may be used for any purpose that the Attorney General determines is likely to successfully achieve the purposes described in subsection (a), including temporarily—

(1) establishing night court sessions for abuse and neglect courts;

(2) hiring additional judges, magistrates, commissioners, hearing officers, referees, special masters, and other judicial personnel for such courts;

(3) hiring personnel such as clerks, administrative support staff, case managers, mediators, and attorneys for such courts; or

(4) extending the operating hours of such courts.

(d) Number of Grants.—Not less than 15 nor more than 20 grants shall be awarded under this section.

(e) Availability of Funds.—Funds awarded under a grant made under this section shall remain available for expenditure by a grantee for a period not to exceed 3 years from the date of the grant award.

(f) Report on Use of Funds.—Not later than the date that is halfway through the period for which a grant is awarded under this section, and 90 days after the end of such period, a State court or local court awarded a grant under this section shall submit a report to the Attorney General that includes the following:

(1) The barriers to the permanency goals established in the Adoption and Safe Families Act of 1997 that are or have been addressed with grant funds.

(2) The nature of the backlogs of children that were pursued with grant funds.

(3) The specific strategies used to reduce such backlogs.

(4) The progress that has been made in reducing such backlogs, including the number of children in such backlogs—

(A) whose parental rights have been terminated; and

(B) whose adoptions have been finalized.

(5) Any additional information that the Attorney General determines would assist jurisdictions in achieving the permanency goals established in the Adoption and Safe Families Act of 1997.

(g) Authorization of Appropriation.—There are authorized to be appropriated for the period of fiscal years 2001 and 2002 $10,000,000 for the purpose of making grants under this section.

### SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPECIAL ADVOCATE PROGRAM IN UNDERSERVED AREAS.

(a) Grants To Expand CASA Programs in Underserved Areas.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall make a grant to the National Court-Appointed Special Advocate Association for the purposes of—

(1) expanding the recruitment of, and building the capacity of, court-appointed special advocate programs located in the 15 largest urban areas;

(2) developing regional, multijurisdictional court-appointed special advocate programs serving rural areas; and

(3) providing training and supervision of volunteers in court-appointed special advocate programs.

(b) Limitation on Administrative Expenditures.—Not more than 5 percent of the grant made under this subsection may be used for administrative expenditures.

(c) Determination of Urban and Rural Areas.—For purposes of administering the grant authorized under this subsection, the Administrator of the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice shall determine whether an area is one of the 15 largest urban areas or a rural area in accordance with the practices of, and statistical information compiled by, the Bureau of the Census.

(d) Authorization of Appropriations.—There is authorized to be appropriated to make the grant authorized under this section, $5,000,000 for the period of fiscal years 2001 and 2002.

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## AMERICA'S LAW ENFORCEMENT AND MENTAL HEALTH PROJECT

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Calendar No. 734, S. 1865.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1865) to provide grants to establish demonstration mental health courts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert the part printed in italic.

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "America's Law Enforcement and Mental Health Project".*

### *SEC. 2. FINDINGS.*

*Congress finds that—*

*(1) fully 16 percent of all inmates in State prisons and local jails suffer from mental illness, according to a July, 1999 report, conducted by the Bureau of Justice Statistics;*

*(2) between 600,000 and 700,000 mentally ill persons are annually booked in jail alone, according to the American Jail Association;*

*(3) estimates say 25 to 40 percent of America's mentally ill will come into contact with the criminal justice system, according to National Alliance for the Mentally Ill;*

*(4) 75 percent of mentally ill inmates have been sentenced to time in prison or jail or probation at least once prior to their current sentence, according to the Bureau of Justice Statistics in July, 1999; and*

*(5) Broward County, Florida and King County, Washington, have created separate Mental Health Courts to place nonviolent mentally ill offenders into judicially monitored in-patient and out-patient mental health treatment programs, where appropriate, with positive results.*

### *SEC. 3. MENTAL HEALTH COURTS.*

*(a) Amendment.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part U (42 U.S.C. 3796hh et seq.) the following:*

### *"PART V—MENTAL HEALTH COURTS*

### *"SEC. 2201. GRANT AUTHORITY.*

*"The Attorney General shall make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or nonprofit entities, for not more than 100 programs that involve—*

*"(1) continuing judicial supervision, including periodic review, over preliminarily qualified offenders with mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders, who are charged with misdemeanors or nonviolent offenses; and*

*"(2) the coordinated delivery of services, which includes—*

*"(A) specialized training of law enforcement and judicial personnel to identify and address the unique needs of a mentally ill or mentally retarded offender;*

*"(B) voluntary outpatient or inpatient mental health treatment, in the least restrictive manner appropriate, as determined by the court, that carries with it the possibility of dismissal of charges or reduced sentencing upon successful completion of treatment;*

*"(C) centralized case management involving the consolidation of all of a mentally ill or mentally retarded defendant's cases, including violations of probation, and the coordination of all mental health treatment plans and social services, including life skills training, such as housing placement, vocational training, education, job placement, health care, and relapse prevention for each participant who requires such services; and*

*"(D) continuing supervision of treatment plan compliance for a term not to exceed the maximum allowable sentence or probation for the charged or relevant offense and, to the extent practicable, continuity of psychiatric care at the end of the supervised period.*

### *"SEC. 2202. DEFINITIONS.*

*"In this part—*

*"(1) the term 'mental illness' means a diagnosable mental, behavioral, or emotional disorder—*

*"(A) of sufficient duration to meet diagnostic criteria within the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and*

*"(B) that has resulted in functional impairment that substantially interferes with or limits 1 or more major life activities; and*

*"(2) the term 'preliminarily qualified offender with mental illness, mental retardation, or co-occurring mental and substance abuse disorders' means a person who—*

*"(A)(i) previously or currently has been diagnosed by a qualified mental health professional as having a mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders; or*

*"(ii) manifests obvious signs of mental illness, mental retardation, or co-occurring mental illness and substance abuse disorders during arrest or confinement or before any court; and*

*"(B) is deemed eligible by designated judges.*

***"SEC. 2203. ADMINISTRATION.***

*"(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.*

*"(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.*

*"(c) REGULATORY AUTHORITY.—The Attorney General shall issue regulations and guidelines necessary to carry out this part which include, but are not limited to, the methodologies and outcome measures proposed for evaluating each applicant program.*

*"(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—*

*"(1) include a long-term strategy and detailed implementation plan;*

*"(2) explain the applicant's inability to fund the program adequately without Federal assistance;*

*"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;*

*"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;*

*"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program, including the State mental health authority;*

*"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the mental health court program;*

*"(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support;*

*"(8) describe the methodology and outcome measures that will be used in evaluating the program; and*

*"(9) certify that participating first time offenders without a history of a mental illness will receive a mental health evaluation.*

***"SEC. 2204. APPLICATIONS.***

*"To request funds under this part, the chief executive or the chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit to the Attorney General an application in such form and containing such information as the Attorney General may reasonably require.*

***"SEC. 2205. FEDERAL SHARE.***

*"The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2204 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. The use of the Federal share of a grant made under this part shall be limited to new expenses necessitated by the proposed program, including the development of treatment services and the hiring and training of personnel. In-kind contributions may constitute a portion of the non-Federal share of a grant.*

***"SEC. 2206. GEOGRAPHIC DISTRIBUTION.***

*"The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made that considers the special needs of rural communities, Indian tribes, and Alaska Natives.*

***"SEC. 2207. REPORT.***

*"A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.*

***"SEC. 2208. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.***

*"(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.*

*'"(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.*

*"(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.".*

*(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by inserting after part U the following:*

*"PART V—MENTAL HEALTH COURTS*

*"Sec. 2201. Grant authority.*
*"Sec. 2202. Definitions.*
*"Sec. 2203. Administration.*
*"Sec. 2204. Applications.*
*"Sec. 2205. Federal share.*
*"Sec. 2206. Geographic distribution.*
*"Sec. 2207. Report.*
*"Sec. 2208. Technical assistance, training, and evaluation.".*

*(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by inserting after paragraph (19) the following:*

*"(20) There are authorized to be appropriated to carry out part V, $10,000,000 for each of fiscal years 2001 through 2004.".*

Mr. GORTON. I ask unanimous consent the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1865), as amended, was read the third time and passed.

## ORDERS FOR WEDNESDAY, SEPTEMBER 27, 2000

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, September 27. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 10:30 a.m., with Senators permitted to speak for 5 minutes each with the following exceptions: Senator MURKOWSKI, 20 minutes; Senator ROBB, 5 minutes; Senator HARKIN, 10 minutes; Senator LEAHY, 15 minutes; Senator THOMAS or his designee, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. GORTON. For the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. tomorrow. Following morning business, the Senate is expected to resume the H–1B bill. Under a previous agreement, at 9:30 a.m. on Thursday there will be 7 hours of debate on the continuing resolution with a vote to occur on the use or yielding back of time.

As a reminder, cloture motions were filed today on the H–1B visa bill; therefore, cloture votes will occur later this week.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:30 p.m., recessed until Wednesday, September 27, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 26, 2000:

### FEDERAL INSURANCE TRUST FUNDS

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND AND THE FEDERAL DISABILITY INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

JOHN L. PALMER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE MARILYN MOON, TERM EXPIRED.

THOMAS R. SAVING, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND FOR A TERM OF FOUR YEARS, VICE STEPHEN G. KELLISON, TERM EXPIRED.

### DEPARTMENT OF STATE

JAMES F. DOBBINS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-

COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS), VICE MARC GROSSMAN, RESIGNED.

### UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005. (REAPPOINTMENT)

# HOUSE OF REPRESENTATIVES—*Tuesday, September 26, 2000*

The House met at 9 a.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall continue beyond 9:50 a.m.

## CONTROLLING GUN VIOLENCE IN OUR COMMUNITIES

The SPEAKER. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress has been to make the Federal Government a better partner, working with people back home to make our communities more livable, our families safer, healthier, and more economically secure. An important step towards that goal would be to reduce the threat of gun violence in our communities.

In no developed country in the world are families at greater risk of gun violence than in the United States. Why is this? I think that one of the problems is that the sheer magnitude and terrible frequency of gun violence has numbed the American public. It is hard to grasp the enormity of more than 12 children a day killed, the equivalent of a Columbine High School massacre just scattered around the country.

Part of our task must be to put a human face on those tragedies and then to propose simple, common sense steps to reduce gun violence.

My first experience with this tragedy involved a high school friend. Bob Boothman was one of five kids. He was sandwiched between two older twin sisters and two younger twins, a brother and a sister, a couple of years younger. The Boothman family was a place where people gravitated. It was warm and loving, lots of activity, friendly, full of life.

Then, one night in the fall of 1969, as Bob was driving home, things were turned upside down for that family. Someone in a car driving in the other direction fired a random shot that killed Bob. Bob, the student body officer, the boyfriend, the son, the brother, the trusted employee.

Life did go on for the Boothman family, their children, and today, their grandchildren. Yet, nothing quite filled the void of having lost this terrific young man. It was not just Bob that was the victim, but his parents, sisters, brother, friends. They were all victims of that violence, changing their lives forever.

Mr. Speaker, I share this painful memory not because we should dwell on these losses, but because they should inspire us to take steps to protect families in the future.

About the time that Bob lost his life, America declared war on drunk driving and death on our highways. Our battle for highway safety was enormously successful. We have cut the fatality rate in half by a series of simple common sense reforms. So too, we can launch a similar effort to protect Americans against gun violence. We can take simple, common sense steps, keeping guns out of the hands of more people with a pattern of reckless and dangerous behavior, treating the gun like the dangerous product that it is, making it harder for children to obtain and use them, cutting down on illegal sales and distribution.

Sadly, this Congress has been paralyzed by extremists on the issue of gun violence, and the Republican leadership has refused to even allow the conference committee on the Juvenile Justice bill to meet for 14 months to consider the Senate-approved gun amendments. They have not met since August of last year.

Luckily, in my State of Oregon, in November, we can vote for Measure 5, which would close the gun show loophole, a small, but significant step to make sure that all gun purchasers are subjected to background checks, to maybe help break the log jam here in Congress.

Mr. Speaker, Bob Boothman died on a cold November night in 1969. Since then, over 1 million Americans have lost their lives to gun violence, more than all of the Americans who have been killed in gun violence in war from the Civil War to this date. We as a Nation have celebrated the sacrifice of those million war dead; and we have worked to minimize, to prevent future conflicts and loss of life. So too, we need to memorialize the victims of gun violence, to make sure that their lives were not lost in vain, so that all of America's families can be safer, healthier, and more economically secure.

## THREAT OF TUBERCULOSIS SPREADING RAPIDLY WORLDWIDE

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the threat of tuberculosis is spreading rapidly throughout the developing world. TB is the greatest infectious killer of adults worldwide, and it is the biggest killer of young women. More people died from tuberculosis last year around the world than any year in history. It kills 2 million people per year, one person every 15 seconds.

Not surprisingly, the statistics on access to TB treatment worldwide are pretty grim. Fewer than one in five of those with tuberculosis are receiving appropriate treatment, something called Directly Observed Treatment, Short Course. Based on World Bank estimates, DOTS treatment is one of the most cost-effective health interventions available, costing as little as $20 in developing countries to save a life and producing cure rates of up to 90 to 95 percent, even in the poorest countries.

We have a very small window of opportunity during which stopping TB would be very cost effective. If we wait, if we go too slowly, more strains of multidrug-resistant tuberculosis, so-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

called MDR-TB, will emerge. It will cost billions to control with no guarantee of success. Multidrug-resistant TB has been identified on every continent. According to the World Health Organization, MDR-TB ultimately threatens to return TB control to the pre-antibiotic era, which older people in this country are familiar with, where no cure for TB was available. In the U.S., TB treatment, normally about $2,000 per patient, skyrockets to $200,000 to $250,000 per patient when that patient is infected with MDR-TB, and treatment then may not even be successful.

The Prime Minister of India visited the United States recently and spoke in this Chamber. During his trip, he and I discussed the growing threat of tuberculosis and other infectious diseases in South Asia. India has more TB cases than anywhere else in the world. Each day, 1,200 Indians die of tuberculosis. The disease has become a very major barrier to social and economic development, costing the Indian economy an estimated $2 billion a year. Mr. Speaker, 300,000 children are forced to leave school each year because their parents have tuberculosis. More than 100,000 women with TB are rejected by their families, due to the social stigma attached to it.

A recent World Health Organization study in India found that in areas where effective tuberculosis treatment was implemented, the TB death rate fell 85 percent. India has undertaken an aggressive campaign to control tuberculosis, and they need the world's help. TB experts estimate it will cost an additional $1 billion each year worldwide to control this disease. In the Foreign Operations appropriations bill, international tuberculosis control efforts have been allocated bipartisanly, $60 million towards that $1 billion world effort. This is a significant improvement from last year where TB control received $35 million, and 3 years ago, when there was no money provided to TB at all.

Gro Bruntland, the general director of the World Health Organization, said tuberculosis is not a medical issue, it is a political issue. Getting Americans engaged in an international medical issue like tuberculosis, even when addressing that issue serves our international humanitarian interests and our domestic practical interests, is an uphill battle. We have an opportunity in this country and in this Chamber to save millions of lives now and prevent millions of needless deaths in the future.

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## VIOLENCE AGAINST WOMEN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized during morning hour debates for 5 minutes.

Mr. GOODLING. Mr. Speaker, I take this time because today, we may have 40 minutes of a lot of to-do about nothing, because there are those who believe that the sky is falling on the Violence Against Women's Act. I want to read into the RECORD a letter that I sent to the Washington Post after one of their articles.

> DEAR EDITOR: It would be inaccurate for your readers to conclude that the Committee on Education and the Workforce is holding up reauthorization of the Violence Against Women Act. There are three committees with jurisdiction; one of those is the Committee on Education and the Workforce. We have jurisdiction over several components of VAWA, one of which we just reauthorized last year, Runaway and Homeless Youth, which was signed into law on October 12, 1999. There is no need to deal with a program reauthorized that recently, since there has hardly been enough time to determine if further changes in the program are needed.
>
> We also have jurisdiction over the Family Violence Prevention and Services Act, another component of VAWA, as well as the Child Abuse Prevention and Treatment Act, which my committee plans to reauthorize together next year, as we always have. This tandem reauthorization has occurred ever since 1988.

Mr. Speaker, we have grants that go to battered women's shelters and services and the National Domestic Violence Hotline. I want to make it very clear that we have had increases of 24 percent in the Battered Women's Shelters and Services, and we have had a 40 percent increase in the National Domestic Violence Hotline as far as funding is concerned since 1998.

I was an original cosponsor of FVPSA in 1984, and I have a long history of support for the programs. The programs are already funded for next year in the appropriation process as it goes through the different Chambers, well above the amount that they are funded for this year. So again, these programs will continue, these programs will continue at a higher expenditure than they have in the past; and, as I indicated, I am very proud that we have had a 24 percent and a 40 percent increase in two of those programs since 1998.

The sky is not falling on the Violence Against Women Act. The sky is even going higher and clearer without the necessity to do anything else at this particular time.

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## CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, in June this Congress approved the first substantive reform of our campaign finance laws since 1979. The bipartisan vote for approval followed months of discussion of the perverse impact on our democracy of clandestine political organizations organized under section 527 of the Internal Revenue Code.

While this was a small victory among many defeats on the campaign finance reform front, it was nevertheless significant. The path to progress, however, was a twisted path. Final approval followed repeated rejection of bipartisan reform proposals in the House Committee on Ways and Means. Finally, after months of delay, the House Republican leadership reversed course and brought up a 527 bill for our consideration here in the House, late at night, with no amendments permitted and very truncated debate.

During previous Committee on Ways and Means consideration on this matter, the gentleman from Pennsylvania (Mr. COYNE) and I had offered a more comprehensive alternative. Unfortunately, the provisions of this alternative were omitted from the final bill during the belated scrambling for immediate floor consideration. Now, many State and local officials are paying the price for this mistake with unnecessary time and effort in completing unnecessary filings here in Washington that duplicate those they were already making on the State level.

Mr. Speaker, I have just introduced legislation with a number of our colleagues to correct this error. This new bill will address the concerns of the State and local officials and organizations, it will apply the gift tax as an added element of deterrence for undisclosed contributions as we previously proposed, and it will make other necessary technical corrections of errors that were committed in the course of rushing the previous bill to the floor late one night.

Mr. Speaker, while the problem of having the State and local committees make duplicative filings certainly did not have a bipartisan origin, it does demand a bipartisan solution. As with the original 527 bill that I first presented in March, I seek support of both Republican and Democratic colleagues to correct what one group has called "the senseless duplication of efforts on the part of many State and local" organizations forced to fill out forms and send them to the Internal Revenue Service, even if they have already made substantially the same public disclosure to State regulatory agencies.

Mr. Speaker, this bill will provide an exemption for those State and local groups that are meeting substantially the same public disclosure requirements as now apply to Federal 527 organizations. Simply, exempting the committees without requiring them to be "substantially similar" could create an unwise loophole in the modest bill that Congress has approved, but doing it as we propose and as we proposed in our previous legislation in the Committee on Ways and Means will reduce the burden on the Internal Revenue Service; and, more importantly, it would reduce the burden on many local and State organizations. Additionally, this bill removes the requirement that electronic filings be duplicated in writing, thereby reducing paperwork for both the filer and the IRS.

As with most bills that get rushed through the House, there are other ambiguities that require technical corrections. To prevent a misinterpretation that would weaken enforcement, this new bill will clarify, as did our old committee alternative, that all of the 527s' income, whether segregated or not, is to be considered taxable income in case of failure to file the required notice. Further, the bill will clear up an ambiguity as to whether the failure to file penalty is to be treated as a tax liability or a civil penalty, which could otherwise delay enforcement and collection. Through this change, the State and local groups, which may have filed late because of a lack of notice about the new law could be afforded the same "reasonable cause" arguments available to every other taxpayer under the civil penalty section. Finally, the bill will add back the omitted companion penalties that we proposed for fraudulent filings for violations of the new 527 law and the gift tax penalty for undisclosed contributions.

This legislation is narrowly drawn to secure approval now in the waning days of this Congress. But much more comprehensive additional reform is needed. Already, there are groups that are shifting from 527s to different tax status. Within the last few days, The Washington Post has reported that "Political groups that want to keep their finances secret are changing their tax status in order to avoid having to reveal their donors and spending, making an end-run around a new law intended to crack down on anonymous political activity."

Among the worst of these is a group called "Citizens for Better Medicare" that is determined to block our efforts to end price discrimination against seniors. This is discrimination by which our seniors in America are literally treated worse than dogs, having to pay the highest prices, not only more than animals in the United States, but more than people anywhere around the globe. This group has expended so much in political advertising on television that one commentator recently suggested it has practically become a third political party along with the Democrats and the Republicans.

Mr. Speaker, I hope that next year we can have comprehensive reform to address this problem we had anticipated and which could have been largely avoided had the alternative we advanced in the Committee on Ways and Means been adopted. But today, I ask my colleagues to join us in a modest change that can help our State and local committees and public officials and improve the reform legislation adopted in June.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 20 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 10 a.m.

## PRAYER

The Reverend Jerry Pruitt, New Ark Christian Center, Beloit, Wisconsin, offered the following prayer:

Our Heavenly Father, You alone rule in the hearts of men and women. It is because of You that our great Nation stands as a beacon of hope to the rest of the world.

We thank You God that You also rule in the affairs of young people.

We ask for Your presence to be here as this very important session of Congress opens today. We know that we need Your wisdom here today. These servants to the American people want to do what is right and just. We commit this time to You as they bring peace and justice to our country and the world.

Thank You God for answering these requests. In Your name we pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PASCRELL. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PASCRELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of Nebraska led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING THE REVEREND JERRY PRUITT, NEW ARK CHRISTIAN CENTER, BELOIT, WISCONSIN

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I rise today to thank the Pastor, Jerry Pruitt, from the newly renamed Faith Builders International in Beloit, Wisconsin, formerly known as New Ark Christian.

Mr. Speaker, I have come to know Pastor Jerry Pruitt as a personal friend and a counselor, a man who has give guidance not only to myself, but to countless numbers of people throughout Northern Illinois and Southern Wisconsin.

Jerry Pruitt is a man who has built a church from the ground up, literally, to one where it is a beacon of hope, of religious pride, of Christian values, that is spreading throughout Southern Wisconsin, and now going international.

Mr. Speaker, it is a privilege to be here today to have Pastor Jerry Pruitt open today's proceedings with a prayer. We are very proud of him at home in Wisconsin. Now we are very proud of him here in the Nation.

Thank you very much, Mr. Speaker, for allowing the opportunity to have such a wonderful man, who has brought so much to so many people's lives, be with us today.

## 100 YEAR ANNIVERSARY OF LEES-McRAE COLLEGE, BANNER ELK, NORTH CAROLINA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, today, Lees-McRae College in Banner Elk, North Carolina, celebrates its centennial. It is altogether fitting that we pause to honor the vision and accomplishments of its founder, the Reverend Edgar Tufts, on this celebrated day.

For 100 years, Lees-McRae College has provided a quality, student-centered, values-based education. From its humble beginning in Edgar Tuft's study, Lees-McRae has grown into a fully accredited baccalaureate institution.

In addition, Lees-McRae is committed to being an integral part of the larger community, as witnessed by its outreach projects, cooperative programs with area schools, and humanitarian service activities.

Lees-McRae College is an institution of which the entire Nation should be proud, and we wish it well as it enters its second century.

## AMERICAN JOBS BEING SHIPPED OVERSEAS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Pentagon wants to buy combat ships from foreign shipbuilders. Now, if that is not enough to sink your rubber ducky, check this out: we give billions to Russia and billions to China in tax breaks, and, even though the American worker builds the best ships in the world, the Pentagon now wants to buy ships from Russia and China.

Beam me up. Who is running the Pentagon, Monte Hall? I think it is time to tell the Pentagon that we can hire generals and admirals a hell of a lot cheaper from Korea too.

I yield back the fact that American jobs are literally being shipped overseas.

## SERVE THE AMERICAN PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, this Republican Congress is working hard to pass legislation that meets the needs of Americans, such as providing prescription drug coverage, protecting the Medicare and Social Security trust funds, and paying down the national debt. Unfortunately, this administration and our colleagues on the other side of the aisle have rejected our proposals each and every time.

Now is the time, Mr. Speaker, to meet the needs of the American people.

Nevada is pioneering a plan for prescription drug coverage for our seniors, and this Congress should look seriously at providing similar coverage to all needy American seniors as well. But, like most Nevadans, we are tired of waiting for the Democrats to enact Social Security and Medicare lockbox acts, and they are tired of waiting for a real commitment by the Democrats to pay down our national debt.

This Republican Congress has acted on these priorities; and now, we too are tired of waiting. It is time for this administration and the House Democrats sign into law legislation which has passed this House and meets the needs of the American people.

I yield back the inaction of the Clinton-Gore Administration and the House Democrats, who are more concerned with political rhetoric than serving the American people.

## IMPENDING ENERGY PRICE CRISIS

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, we find ourselves facing impending cold weather and a looming energy crisis. Oil prices and high energy costs must be an issue on the Nation's agenda.

The rising cost of home heating oil will have a devastating economic impact on 36 percent of the households in the Northeast. We in Congress cannot ignore this.

Currently, home heating oil inventories are down. In fact, stocks of crude oil, gasoline and heating oil in the United States have not been at levels this low since the middle 1970s, when our economy was thrown into turmoil.

The demand for fuel is predicted to increase significantly this winter. We need to do a few things. A home heating oil reserve in the Northeast with an effective trigger is critical to the stability and well-being of all of our constituents.

I am pleased that the President has heeded the bipartisan call of many in Congress to use the Strategic Petroleum Reserve to help lower the price of oil and satisfy some of the demand. Only a small percentage of the released oil will be used for home heating oil, but the message the President has given is clear: the Low Income Home Energy Assistance Program and its funding and weatherization assistance is also essential for low-income families.

We must continue to take steps to ensure that low-income families and seniors do not have to make the choice between staying warm or buying food.

## TRIBUTE TO TAMMY NELSON, NEBRASKA'S ANGEL IN ADOPTION

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today to honor every family who has welcomed an adoptive or foster child into their home, but I want to express my special appreciation to Nebraska's "Angel in Adoption," Tammy Nelson. The award is sponsored by the Congressional Coalition on Adoption.

Tammy and her husband, Jeff, provide a home for two adopted sons, three foster sons, two guardianship sons, one extended family son, and a biological son. That is nine boys, and they also have a grown daughter.

Tammy's busy schedule includes teaching adoption classes. She is also an assistant to a youth group in her church, and she even coaches a girls wrestling team. I have no idea how she gets it all done.

Obviously, Tammy has a strong commitment to her family and community. She makes a big difference in the lives of her children and children across the State. As a grandfather of two adoptive children, I can well understand how much love and dedication it takes to welcome adoptive children into a family.

I want to thank Tammy and Jeff, and everyone who is involved in providing safe, loving homes for our Nation's children.

## BRINGING ABDUCTED CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today in my continued effort to bring to this House's attention my deepest concern for the American families destroyed by cases of international child abduction. Today, I will share with my colleagues the story of Gabrielle, Elizabeth and Ashley Millares, who were taken by their non-custodial father, Mr. Arle Millares, on December 25, 1996.

A felony warrant for child concealment was issued in January of 1997. Mr. Millares and the children are believed to be in the Philippines, his place of birth. He does not have American citizenship, nor has he ever had a Social Security number.

Mr. Millares and his children were featured in the December 1997 issue of the Front Line newsletter, a publication of the National Center for Missing and Exploited Children. Mrs. Jennifer Murphy, the custodial mother, has not seen nor heard from her children in over 6 years.

Mr. Speaker, I come to the floor for these daily one minutes because I care about families and reuniting children with parents. I urge my colleagues to join me in spreading the message and taking a responsible role in bringing our children home.

## SEPTEMBER 26, A NATIONAL DAY OF PRAYER AND THANKSGIVING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, on this day, September 26, 1780, 220 years ago, the treason attempt of American General Benedict Arnold was discovered. General Washington reported to Congress, "Treason of the blackest dye was yesterday discovered. General Arnold, who commanded at West Point, was about to deliver up that important post into the hands of the enemy. Such an event must have given the American cause a deadly wound if not a fatal stab. Happily, the treason has been timely discovered to prevent the fatal misfortune. The providential train of circumstances which led to it affords the most convincing proof that the liberties of America are the object of Divine protection."

As a result, Congress called for a national day of prayer and thanksgiving, declaring in the resolution, "It hath pleased Almighty God, the Father of all mercies, to rescue the person of our Commander-in-Chief and the army from imminent dangers at the moment when treason was ripened for execution. It is therefore recommended to the several States a day of public thanksgiving and prayer."

On this day, 220 years ago, Congress called on the people of the United States to openly thank God for protecting America, a lesson we should still remember today.

## THE MEDIA SHOULD GIVE US THE FACTS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the media, newspapers, radio and TV stations, have a huge impact on our lives. They influence how we think and act.

Protected by the constitutional right to free speech, the media have few restraints on what they can say and do. They enjoy a "public trust" not to abuse their power. But I wonder how objective Washington political writers can be, when 89 percent acknowledged in a survey that they voted for Bill Clinton and AL GORE.

What concerns me is that we all need accurate and objective information if we are to reach informed opinions about national issues.

The media needs to treat their readers, listeners and viewers with respect, respect for their intelligence to make the right decisions for themselves and for our country. News stories should give us the unvarnished facts and then let us draw our own conclusions.

## AMERICANS WANT A DEBT-FREE AND RESPONSIBLE GOVERNMENT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, do you know what? AL GORE is a spender. He wants to spend $1.4 trillion of our surplus on new government programs, eliminating any hope that Americans will get needed tax relief and stopping our efforts to eliminate our national debt.

Republicans have already successfully eliminated $350 billion of public debt and have dedicated 90 percent of the next year's surplus solely to debt reduction. Republicans will eliminate another $240 billion in debt in the next year alone.

The choice is easy: Do you want to spend $1.4 trillion in new government spending or have a debt-free America?

Mr. GORE needs to rip up his government credit card and join the Republicans in eliminating our national debt. Americans want, need, and deserve a responsible government and a debt-free America.

☐ 1015

## AMERICA NEEDS NATIONAL POLICY ON ENERGY

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, this past week the administration announced that we were releasing fuel from our Strategic Reserve, and it had nothing to do with politics or the upcoming election.

And I thought, April Fools Day only came once a year.

This administration has proven that it has no energy policy, unless that means stealing secrets from Los Alamos, then they are quite inept. The administration goes after Microsoft, a domestic company with great entrepreneurs, and leaves OPEC, the Organization of Petroleum States, untouched.

We need in this country to create a national policy on energy. We need to look for alternative fuel sources and not be so reliant and so dependent on outside influences to take care of our oil. The recent announcement that we would release 30 million barrels of oil, as Tim Russert said on Meet the Press this week, will only last America 36 hours.

Mr. Speaker, we need a policy, not politics. We need help for American families, not quick sound bite solutions. We need new direction and new leadership, not the old standby rhetoric of saving America by using our most precious reserves for a political play rather than for helping American consumers.

## THE JOURNAL

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 332, nays 47, answered "present" 1, not voting 53, as follows:

[Roll No. 488]

YEAS—332

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
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Walden
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Watt (NC)
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Talent
Taylor (NC)
Vento
Vitter
Weldon (PA)
Wexler
Weygand
Wise
Young (AK)

☐ 1038

Mr. RYAN of Wisconsin changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

**Mr. TAYLOR of North Carolina. Mr. Speaker, on rollcall No. 488, I was unavoidably detained due to flight delays. Had I been present, I would have voted "yea."**

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Recorded votes on postponed questions may be taken in several groups.

## MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. RAMSTAD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5117) to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit for missing children, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5117

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Missing Children Tax Fairness Act of 2000".

**SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.**

(a) In General.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

"(6) Treatment of missing children.—

"(A) In general.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(B) Purposes.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under this section,

"(ii) the credit under section 24 (relating to child tax credit), and

"(iii) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

"(C) Comparable treatment for earned income credit.—For purposes of section 32, an individual—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of section 32(c)(3)(A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(D) Termination of treatment.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18)."

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Pennsylvania (Mr. COYNE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. RAMSTAD).

### GENERAL LEAVE

Mr. RAMSTAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5117, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to first thank the gentleman from Texas (Chairman ARCHER) of the Committee on Ways and Means for clearing this bill for the suspension calendar and to the majority leader, the gentleman from Texas (Mr. ARMEY), the gentleman from Illinois (Speaker HASTERT) for putting this important legislation on a fast track bringing it up today.

Mr. Speaker, imagine the horror of learning that a stranger has kidnapped your child. Then imagine the courage needed to keep alive the hope of your child's recovery and safe return. Imagine the costs, the financial costs, incurred by heartbroken parents spending every last penny searching for their abducted child.

Mr. Speaker, imagine an agency of the Federal Government that steals your hope, that tells you your child is no longer part of your household. It does not get any worse from out-of-touch Washington bureaucrats than to deny the family of a kidnapped child the dependency exemption, even though the family continues to spend thousands of dollars searching for their child and maintains the child's bedroom.

Unbelievable, but true. This is exactly what the Internal Revenue Service has been doing to families of missing and abducted children.

Beside me right here, Mr. Speaker, is a picture of a young boy who was stolen from his family in 1989 in Minnesota. His name is Jacob Wetterling, and his story has touched countless lives throughout Minnesota and our Nation. Jacob was abducted from the small community of St. Joseph, Minnesota when he was 11 years old. A masked gunman took Jacob from his bicycle while his brother and his friend watched helplessly.

His family has not heard from Jacob since that day, but we all hope and pray with them for his safe return, and Jacob's family has turned his tragedy into a national effort that has helped hundreds and hundreds of missing children in this country.

Jacob's parents, Patty and Jerry Wetterling, founded the Jacob Wetterling Foundation, an organization that helps prevent and respond to child abductions. Patty Wetterling, as most of my colleagues remember, is a tireless advocate for children traveling around the country, educating communities about child safety.

□ 1045

It was Patty's work that inspired me to introduce the Jacob Wetterling bill several years ago. Those of my colleagues who are here remember Patty's effective lobbying efforts to pass that bill, walking the halls of Congress, coming to my colleagues' offices, testifying before the Committee on the Judiciary, working tirelessly on that important legislation, which is now the law of the land, requiring people who are convicted of crimes against children to register with law enforcement whenever they move into a community.

The Jacob Wetterling law is working thanks to Patty Wetterling and others who fought for that bill that protects American children from predators.

This picture, Mr. Speaker, shows Jacob as he looked at the time he was kidnapped in 1989, this first picture on my colleagues' left. The picture beside it shows how Jacob might look today. That has been age enhanced.

Mr. Speaker, if anyone, anyone has any information about Jacob, they should call 1-800-THELOST, 1-800-T-H-E-L-O-S-T.

My thanks go to the National Center for Missing and Exploited Children, to Ernie Allen, and all those people there who work so hard with their help with this graphic and for all they do to help bring America's missing children home.

Mr. Speaker, the families of missing children fight countless battles. Fighting the IRS should not be one of them. In 1990, the year after Jacob was kidnapped, listen to this, Mr. Speaker, the year after this young boy was kidnapped, his parents, the Wetterlings, were informed they could no longer take the dependency exemption for Jacob on their tax return, this in spite of the fact the Wetterlings continued to spend a fortune looking for Jacob, making long distance phone calls, organizing searchers, printing fliers, mailing them throughout the Nation.

At the time, the Wetterlings did not fight the IRS. As Patty Wetterling said, one has to pick one's battles, and she was too exhausted from the other battles to fight the IRS.

Mr. Speaker, these families should not have to fight this battle. Congress needs to fight the battle for them and win it for families of abducted children.

This year, the IRS had a chance to clarify the dependency exemption for abducted children. A family whose child was stolen by a stranger asked the IRS whether they could continue taking the dependency exemption. They were spending thousands of dollars searching for their child, maintaining the child's room and so forth. The IRS answered in August. Do my colleagues know what their answer was. No. Not in the years after one's child was abducted, even if one maintains the child's room and spends money searching for the missing child.

That is why I and a number of Members on both sides of the aisle introduced the bill before us today, H.R. 5117, the Missing Children Tax Fairness Act. This bill will clarify that families whose children are abducted by strangers can continue to take the dependency exemption. It also clarifies other areas of the law so these families will be held harmless with respect to the child tax credit, earned income tax credit, and filing status. The bottom line is this, Mr. Speaker, no families' taxes will increase simply because a stranger abducts their child.

Mr. Speaker, just last week, officials at the IRS were informed that this legislation would be considered by the House today. Then on Friday, just this last Friday, the IRS suddenly and dramatically reversed itself and issued another advice memorandum saying that these parents may be able to claim a dependency exemption after all. This is a welcome change of heart by the IRS, but this legislation is still needed.

First, the IRS advice memorandum does not establish legal precedent. As we all know, the IRS could very well flip-flop again. We also need to clarify other areas of the Tax Code dealing with children so these families will no longer face the possibility of a tax hike.

It is my understanding that a few years ago, another family whose child was abducted asked the IRS about the dependency exemption. The IRS told them flatly, quote from the IRS official, "We presume your child is dead." Mr. Speaker, it is time to put an end to that callous kind of response.

As Patty Wetterling put it best, "I always felt it was awfully cold for the IRS to profit from our great loss." Patty also said, and I am quoting, "I hope Congress will reverse the IRS and provide a huge emotional and financial relief for parents of missing and abducted children."

Mr. Speaker, I am grateful to my colleagues for the bipartisan outpouring of support for H.R. 5117. Again, I want to express my gratitude to the gentleman from Texas (Chairman ARCHER) for clearing this bill for the Suspension Calendar and to our House leadership for putting it on a fast track.

Finally, Mr. Speaker, I urge my colleagues to listen to parents of abducted children, parents like Patty and Jerry Wetterling. Support basic tax fairness and hope for families of missing and abducted children.

I urge, in the name of tax fairness and hope, passage of H.R. 5117.

Mr. Speaker, I reserve the balance of my time.

Mr. COYNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill before us today would codify the Internal Revenue Service's current position to allow a dependent exemption to the family of a missing child in the years after the child's abduction. This bill would also extend this fair approach to families with missing children for purposes of the child credit and earned income tax credit.

I support this bill, as does a broad bipartisan group of people in this Chamber and the administration. I want to applaud the cosponsors of this bill for bringing this to the attention of the committee on Ways and Means and particularly the gentleman from Minnesota (Mr. RAMSTAD). The gentleman from Minnesota (Mr. RAMSTAD) is the leading sponsor of the bill: and the gentlewoman from Florida (Mrs. THURMAN), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from Tennessee (Mr. GORDON) are cosponsors of the legislation. They deserve our thanks for highlighting this problem and the area that it consumes in the tax laws of the country.

H.R. 5117, the Missing Children Tax Fairness Act of 2000, was introduced in response to an ill-advised IRS chief counsel and the advice in a memorandum that he presented which has, by the way, since been reversed.

On August 31, 2000, the New York Times reported that in April of this year, a taxpayer asked an IRS customer service representative if he could claim a dependent exemption for his kidnapped child for the 1999 tax year. The taxpayer also asked if the dependent exemption could be claimed in future years if the child's room was being maintained and money was being spent on such a search.

The IRS customer service representative contacted the IRS national office for a technical response. The IRS chief counsel's office replied that the allowance was legitimate in the year of the kidnapping but that in subsequent years no exemption could be claimed.

This is not the first time, as the gentleman from Minnesota (Mr. RAMSTAD) pointed out, that this issue has arisen. The press has reported a similar case involving 12-year-old Johnny Gosch who was kidnapped by a stranger in front of five witnesses in Des Moines, Iowa in 1982. His mother has said that the family's tax return was audited then in 1996 and the exemption that they claimed was denied the family.

Fortunately, the IRS has resolved this matter in the correct way and decided in favor of the family and similarly situated families. The IRS should be commended for acting in a timely fashion to resolve this particular sensitive matter. The bill is narrowly targeted and applies only when a child is abducted by a nonfamily member.

A study by the National Center for Juvenile Justice, a private research group in Pittsburgh, Pennsylvania, found that only 24 percent of the abductions were carried out by strangers.

With bipartisan support and the support of the administration, it is appropriate that this bill be enacted into law. Without question, we should all support this bill and see its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. COYNE) for his kind words, the gentlewoman from Florida (Mrs. THURMAN) and the four other Members from his side of the aisle. I want to also thank the 22 Members from this side of the aisle who are co-sponsors of this bill.

I think we prove with this legislation that Congress can actually work in a bipartisan common sense way to right a wrong, to pass an important legislation.

Mr. Speaker, may I ask how much time is remaining.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. RAMSTAD) has 10 minutes remaining. The gentleman from Pennsylvania (Mr. COYNE) has 16 minutes remaining.

Mr. RAMSTAD. Mr. Speaker, I yield 6 minutes to the gentleman from Arizona (Mr. HAYWORTH), an important member of the Committee on Ways and Means and a cosponsor of this legislation.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me.

Mr. Speaker, the glare of the camera lights is not present here. The press gallery is virtually empty. Yet, today, Mr. Speaker, with this legislation we will send a signal across America that I hope many in this town will heed. Because today, with passage of this legislation, we will reaffirm that there are members of both major parties here who are willing to put people before politics.

The gentleman from Minnesota (Mr. RAMSTAD) recounted it well. It is chilling, really, to think about the conversation that occurred between the mother of a missing child and an employee of the Federal Government, one charged presumably with the mission of service to our citizenry. In asking if the deduction for a dependent was still in effect, this Washington bureaucrat said, "No, we presume your child to be dead."

Mr. Speaker, is there anyone in this Chamber, no matter partisan label or political philosophy, who believes that was the right thing to do? Is there anyone who could condone that heartless act?

Our Founders warned us of placing overwhelming powers in the hands of a Federal bureaucracy. Individual freedoms are threatened; but, more importantly, common sense is often abandoned.

Now comes the welcome news, as the gentleman from Minnesota reports, and as the gentleman from Pennsylvania (Mr. COYNE) from the other side of the aisle confirms, that now the Internal Revenue Service has reconsidered. Small wonder, Mr. Speaker, that Justice Brandeis called sunlight the best disinfectant. But as our attention turns to other matters, the temptation for that callous group-think to overtake the Internal Revenue Service, again, I believe will be rife.

Mr. Speaker, I need not remind my colleagues that we have a constitutional mandate and responsibility to enact law, that that law is formulated in this Chamber, and signed into law at the other end of Pennsylvania Avenue by our Chief Executive.

Let us not leave this to bureaucratic women or, to be charitable, to misinterpretation. The stakes are too high for families ravaged by the trauma of losing a child.

□ 1100

Mr. Speaker, we should put ourselves in the place of those parents, the horror of the event, the uncertainty of the child's fate, and walking down a darkened hallway past an empty room; the daily fear and trauma that is as close literally as their own home. And to have this vast bureaucracy, in the name of compassion, take away from the treasure of that family and impose a penalty on that family for what can only be described as a horrible crime and a horrible curse, is deplorable.

My colleagues, we have a chance today to right that wrong. The press may not write about it, the punditocracy may leave it alone, but here is an opportunity to stand together to put people before politics and help parents in the most horrible of situations. Stand with us, regardless of partisan stripe, in the name of true compassion and common sense, and reject the heartless group-think of a bureaucracy out of touch with the American public. Reaffirm our constitutional responsibilities. Mr. Speaker, we need to right this wrong.

Mr. COYNE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) for yielding me this time, and I also want to thank the gentleman from Minnesota (Mr. RAMSTAD) for bringing forward this legislation. I want to associate myself with the gentleman's entire statement, and I think each Member of this body concurs in the passion the gentleman has brought to this legislation. I expect and hope that it will receive unanimous support in this body.

Mr. Speaker, let me point out that the IRS has made tremendous progress over the last several years, thanks in large measure to the attention of this body and the leadership of Commissioner Rossotti in leading the IRS. They have made a lot of progress. But as this legislation points out, there is still more progress that we need to make collectively, in partnership, between the IRS and the legislative branch of government.

The IRS has conceded the point in this bill, but the gentleman from Minnesota (Mr. RAMSTAD) is correct, it is important that we pass this legislation because it is our responsibility to clarify the law. If there is any ambiguity on this point, we should speak very clearly for the taxpayer, because the taxpayer is correct in this situation, understanding that the IRS is responsible to interpret our laws.

Let me make one additional point, if I might, Mr. Speaker, and that is, as I pointed out, there is joint responsibility here between the executive and the legislative branch. We assumed and clarified that in the IRS Restructuring Act. We are now debating in conference the appropriation bill that includes the IRS. And let me just make the point that the IRS needs our continued support, which includes adequate tools to do the work we expect them to do, so that we have less of the types of emotional exchanges that occurred in this case.

There will always be problems, we know that; but let us provide the tools that we said we would to the IRS. Let us make sure the appropriation bill that is brought out of conference adequately finances the IRS and that we continue our oversight function. And I want to thank the gentleman from New York (Mr. HOUGHTON) and the gentleman from Pennsylvania (Mr. COYNE) for the work they do on the Ways and Means in oversight of the IRS. They are doing a tremendous service to this Nation.

This legislation should pass, but we should continue our commitment to support with adequate resources the IRS.

Mr. COYNE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this bill and congratulate the leadership on both sides of the aisle for bringing it to the floor for a vote today.

The IRS made a terrible decision for an aggrieved American family, and I believe every mother and father can identify with the sorrow that the family felt when they lost their child through kidnapping. The child was kidnapped and the IRS said the family could not take a child dependent tax benefit due to a legal interpretation of support. The family merely asked if the dependent exemption could be claimed in future years if the child's room was kept intact and money was being spent on the search for the child.

I am glad that the IRS reversed themselves yesterday. Their first response was callous, to say the least. The IRS should not profit or benefit from a child that is missing or one that has been abducted. But as my colleagues have pointed out on both sides of the aisle, it is important that we take steps for the future so that this is not a sorrow or a problem that other families confront.

I do not believe that there is any opposition to this bill. Everyone I know has spoken to me of their strong support for it. But I would like to mention a bill that will be coming up for which there may be some opposition, and I believe it is the most important bill before Congress, which has the bipartisan support of the Women's Caucus, and that is the Violence Against Women's Act.

Enacted in 1994, VAWA has already provided crucial judicial and law enforcement training on violence against women, shelters for abused women, a national hot line that logs over 13,000 calls a month, and child abuse prevention programs that run across this country.

Two weeks ago, the Democratic leadership raised this issue directly with the President and the Republican leadership and sent a letter to Speaker HASTERT demanding a vote on this bill. I quote from the minority leader, the gentleman from Missouri (Mr. GEPHARDT), in part. He said, "This is an epidemic problem in this country and we need to put the Federal Government behind it."

I will put his letter in the RECORD and also mention that this is the first time that I have seen the Democratic leadership take a women's abuse issue and make it a top priority for the Democratic caucus. I congratulate the leadership and the many women in this body who have worked for years on this issue; my good friend, the gentlewoman from Maryland (Mrs. MORELLA), the gentlewoman from Illinois (Mrs. BIGGERT), and others.

Mr. Speaker, I call upon my colleagues to have the same support for the Violence Against Women Act that we have for this correction for the child deduction and the IRS. And again, I congratulate the leadership on both sides of the aisle on this important bill.

Mr. Speaker, I include the letter I just referred to for the RECORD:

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 12, 2000.*

Hon. J. DENNIS HASTERT,
*Speaker, U.S. House of Representatives, Washington, DC.*

DEAR SPEAKER HASTERT: We write to request that you bring H.R. 1248, the Violence Against Women Act of 2000 ("VAWA") introduced by Representative Connie Morella, before the full House for consideration as soon as possible. H.R. 1248 has 224 bipartisan cosponsors and the support of domestic violence and sexual assault groups nationwide.

H.R. 1248 was referred to the Committee on the Judiciary, the Committee on Education and the Workforce, and the Committee on Commerce. The Committee on the Judiciary favorably approved H.R. 1248 by a voice vote on June 27, 2000, but unfortunately, the Committee on Education and Workforce and the Committee on Commerce have failed to consider this legislation. H.R. 1248 is stalled despite the fact that VAWA funding authorization expires on September 30, 2000. In recognition of this fact, the Senate last week hotlined the Biden-Hatch version of VAWA, S. 2787.

H.R. 1248 reauthorizes programs created by the Violence Against Women Act of 1994 for five years beyond 2000. It continues funding for VAWA programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hotline, battered women's shelters and services, education and training for judges and court personnel, pro-arrest policies, rural domestic violence and child abuse enforcement, stalker reduction, and others. As passed by the Judiciary Committee, the bill also authorizes funding for new programs such as civil legal assistance, transitional housing, and a pilot program for supervised child visitation centers.

VAWA programs have made a crucial difference in the lives of domestic violence victims and their families. Since the passage of VAWA, intimate partner violence is down almost ten percent. Nevertheless, domestic violence is still too common, and each year about 850,000 violent crimes are committed against women by their current or former husbands or boyfriends. We must continue the commitment Congress made in 1994 to combat this violence.

We hope you will agree that VAWA reauthorization is an urgent priority, and will therefore encourage expedited Committee review and consideration by the full House as soon as possible.

Sincerely,

Richard A. Gephardt, Democratic Leader; John Conyers, Jr., Ranking Member, Committee on the Judiciary; William Clay, Ranking Member, Committee on Education and the Workforce; John D. Dingell, Ranking Member, Committee on Commerce.

Mr. COYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON), chairman of the Missing and Exploited Children's Caucus in the Congress.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to particularly start out by thanking the gentleman from Minnesota (Mr. RAMSTAD) for introducing the Missing Children's Fairness Act. This is a piece of legislation that is indeed greatly needed.

I was informed this morning, as the gentleman from Minnesota had stated, that under pressure from lawmakers the Internal Revenue Service has reversed a decision disqualifying parents from taking tax deductions for kidnapped children. While I am happy to hear that the IRS is reversing its decision, I am disheartened that it took the threat of legislation passing to go this route.

I come from a part of Texas where there have been a significant number of stranger abductions and deaths, particularly of young girls. We have had 27 in the last 12 years. I know the pain and suffering that these families go through, and to have this other kind of hardship tossed on them through a thoughtless act, in my opinion, just further complicates the effort that we are trying our best to make here in the United States House of Representatives by bringing the bond of a parent and a child closer, by making it easier for parents to search for their children, and to keep the hope alive that exists when a child is missing and they do not know where that young person might be.

This change in the form of an advisory opinion means that any parent whose child is abducted by a person outside the family may take the same deduction as any other parent with a dependent child: $2,800. People whose children are abducted suffer enough, and they should not have to have the IRS compound their suffering with more emotional or financial burden.

This bill will help many parents who continue to maintain their children's room, and maintain hope, more importantly, that their children will be found: people like C.H. and Suzy Caine, whose daughter Jessica was taken away a little over 2 years ago and they still have no clue as to where she is. They spend hundreds of thousands of dollars searching for their children and then find themselves hit with the fact that their child cannot be claimed as a deduction after the first year. They are already living with a tragedy.

I ask that we support this bill and thank the gentleman for introducing it.

Mr. COYNE. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. RAMSTAD) has 4 minutes remaining.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. COYNE) and my friends on the other side of the aisle for their kind supportive, kind comments this morning. I appreciate them.

Mr. Speaker, we have a chance today to prove that Congress can work in a bipartisan, or as my governor, Governor Jesse Ventura, constantly reminds me, in a tripartisan timely way to right a wrong, to respond to a horrible, horrible antifamily, cruel and heartless ruling by the IRS.

Now, as Mr. CARDIN stated, and I join in his remarks, this is not a blanket condemnation of the IRS or all the good people who work there, and there are many good people who work there. This is aimed at this particular ruling, which can only bring more pain and devastation than the family of a missing abducted child can bear. We need to right this wrong. And we have a chance, with an overwhelming yes vote on H.R. 5117, to bring relief to these families who have already suffered so much.

I want to finally, Mr. Speaker, thank again Patty Wetterling and the Jacob Wetterling Foundation for their work on this legislation and all their work throughout the year, every single day, to help families of missing children. I want to thank Ernie Allen, of the Center for Missing and Exploited Children, for the work they do. I also want to thank the gentleman from Texas (Mr. ARCHER), and the Speaker, the gentleman from Illinois (Mr. HASTERT), as well as the majority leader, the gentleman from Texas (Mr. ARMEY), for putting this important legislation on a fast track.

I would also like to thank the tax staff of the Committee on Ways and Means, particularly Chris Smith, who has worked hard on this legislation; my staff, particularly Dean Peterson and Karin Hope, my tax counsel on the Committee on Ways and Means, who have worked late nights getting this bill ready for today.

This has been a team effort. Again, we have proven that we can work together and join hands for an important bill on behalf of the American people.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 5117, as amended.

The question was taken.

Mr. RAMSTAD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## BAYLEE'S LAW

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (4519) to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, as amended.

The Clerk read as follows:

H.R. 4519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—BAYLEE'S LAW

**SEC. 101. SHORT TITLE.**

This title may be cited as "Baylee's Law".

**SEC. 102. SAFETY AND SECURITY OF CHILDREN IN CHILDCARE FACILITIES.**

The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end the following:

**"SEC. 22. SAFETY AND SECURITY OF CHILDREN IN CHILDCARE FACILITIES.**

"(a) WRITTEN NOTICE TO PARENTS OR GUARDIANS.—

"(1) INITIAL NOTIFICATION.—Before the enrollment of any child in a childcare facility located in a public building under the control of the Administrator, the Administrator shall provide to the parents or guardians of the child a written notification containing—

"(A) an identification of the current tenants in the public building; and

"(B) the designation of the level of security of the public building.

"(2) NOTIFICATION OF NEW TENANTS.—After providing a written notification to the parents or guardians of a child under paragraph (1), the Administrator shall provide to the parents or guardians a written notification if any new Federal tenant is scheduled to take occupancy in the public building.

"(b) NOTIFICATION OF SERIOUS THREATS TO SAFETY OR SECURITY.—As soon as practicable after being informed of a serious threat, as determined by the Administrator, that could affect the safety and security of children enrolled in a childcare facility in a public building under the control of the Administrator, the Administrator shall provide notice of the threat to the parents or guardians of each child in the facility.

"(c) REPORT TO CONGRESS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to Congress a comprehensive report on childcare facilities in public buildings under the control of the Administrator.

"(2) CONTENTS.—The report to be transmitted under paragraph (1) shall include—

"(A) an identification and description of each childcare facility located in a public building under the control of the Administrator; and

"(B) an assessment of the level of safety and security of children enrolled in the childcare facility and recommendations on methods for enhancing that safety and security.

"(3) WINDOWS AND INTERIOR FURNISHINGS.—In conducting an assessment of a childcare facility under paragraph (2)(B), the Administrator shall examine the windows and interior furnishings of the facility to determine whether adequate protective measures have been implemented to protect children in the facility against the dangers associated with windows and interior furnishings in the event of a natural disaster or terrorist attack, including the deadly effect of flying glass.".

### TITLE II—FEDERAL PROTECTIVE SERVICE REFORM

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Federal Protective Service Reform Act of 2000".

**SEC. 202. DESIGNATION OF POLICE OFFICERS.**

The Act of June 1, 1948 (40 U.S.C. 318-318d), is amended—

(1) in section 1 by striking the section heading and inserting the following:

**"SECTION 1. POLICE OFFICERS.";**

(2) in sections 1 and 3 by striking "special policemen" each place it appears and inserting "police officers";

(3) in section 1(a) by striking "uniformed guards" and inserting "certain employees"; and

(4) in section 1(b) by striking "Special policemen" and inserting the following:

"(1) IN GENERAL.—Police officers".

**SEC. 203. POWERS.**

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

"(2) ADDITIONAL POWERS.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

"(A) to carry firearms in any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

"(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

"(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

"(3) APPROVAL OF REGULATIONS BY ATTORNEY GENERAL.—The additional powers granted to police officers under paragraph (2) shall become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

"(4) AUTHORITY OUTSIDE FEDERAL PROPERTY.—The Administrator may enter into agreements with State and local governments to obtain authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator."; and

(2) by moving the left margin of paragraph (1) (as designated by section 202(4) of this Act) so as to appropriately align with paragraphs (2), (3), and (4) (as added by paragraph (1) of this subsection).

**SEC. 204. PENALTIES.**

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.".

**SEC. 205. SPECIAL AGENTS.**

Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking "nonuniformed special policemen" each place it appears and inserting "special agents";

(2) by striking "special policeman" and inserting "special agent"; and

(3) by adding at the end the following: "Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).".

### SEC. 206. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318-318d), is amended by adding at the end the following:

### "SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

"(a) IN GENERAL.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Services Administration.

"(b) APPOINTMENT OF COMMISSIONER.—

"(1) IN GENERAL.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

"(2) QUALIFICATIONS.—The Commissioner shall be appointed from among individuals who have at least 5 years of professional law enforcement experience in a command or supervisory position.

"(c) DUTIES OF THE COMMISSIONER.—The Commissioner shall—

"(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

"(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas that are secured by the United States Secret Service);

"(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

"(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the United States Secret Service under sections 1752 and 3056 of title 18, United States Code.

"(d) APPOINTMENT OF REGIONAL DIRECTORS AND ASSISTANT COMMISSIONERS.—

"(1) IN GENERAL.—The Commissioner may appoint regional directors and assistant commissioners of the Federal Protective Service.

"(2) QUALIFICATIONS.—The Commissioner shall select individuals for appointments under paragraph (1) from among individuals who have at least 5 years of direct law enforcement experience, including at least 2 years in a supervisory position.".

(b) PAY LEVEL OF COMMISSIONER.—Section 5316 of title 5, United States Code, is amended by inserting after the paragraph relating to the Commissioner of the Public Buildings Service the following:

"Commissioner, Federal Protective Service, General Services Administration.".

### SEC. 207. PAY AND BENEFITS.

The Act of June 1, 1948 (40 U.S.C. 318-318d), is further amended by adding at the end the following:

### "SEC. 7. PAY AND BENEFITS.

"(a) SURVEY.—The Director of the Office of Personnel Management shall conduct a survey of the pay and benefits of all Federal police forces to determine whether there are disparities between the pay and benefit of such forces that are not commensurate with differences in duties or working conditions.

"(b) REPORT.—Not later than 12 months after the date of enactment of this section, the Director shall transmit to Congress a report containing the results of the survey conducted under subsection (a), together with the Director's findings and recommendations.".

### SEC. 208. NUMBER OF POLICE OFFICERS.

(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318-318d), is further amended by adding at the end the following:

### "SEC. 8. NUMBER OF POLICE OFFICERS.

"After the 1-year period beginning on the date of enactment of this section, there shall be at least 730 full-time equivalent police officers in the Federal Protective Service. This number shall not be reduced unless specifically authorized by law.".

### SEC. 209. EMPLOYMENT STANDARDS AND TRAINING.

The Act of June 1, 1948 (40 U.S.C. 318-318d), is further amended by adding at the end the following:

### "SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

"The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitability for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.".

### SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

The Act of June 1, 1948 (40 U.S.C. 318-318d), is further amended by adding at the end the following:

### "SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

□ 1115

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4519 amends the Public Buildings Act of 1959. There are currently 113 child care centers and GSA controlled facilities serving almost 8,000 children throughout the United States.

H.R. 4519 was introduced by my colleague and the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS). I would like to insert in the RECORD at this point in time that the gentleman from New Jersey (Mr. FRANKS) is not only very proud of this legislation, the gentleman has been the leading light in making sure that this legislation came to the floor; and but for the pea soup that now envelops Washington, he would be here controlling the time on this bill.

Mr. Speaker, this bill instructs the General Services Administration to inform parents or guardians of children attending a child care center located in a GSA-controlled building of the current Federal agency tenants in that building. This important information is something that the parents of children enrolled in the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, in 1995 were not aware of.

This legislation in itself will not prevent senseless acts of violence. It will, however, allow parents to be better informed when choosing a child care center for their children.

This bill also requires the GSA to inform parents with children enrolled in child care centers of the level of security of the building, which is to be consistent with the Vulnerability Assessment and recommendations from the study made by the Department of Justice.

Other provisions included in the bill require GSA to report to Congress with recommendations for increasing safety and security and to assess windows and the dangers of flying glass hazards in GSA-controlled child care centers.

The bill's short title, "Baylee's Law," is named after Baylee Almon, a 1-year-old killed while attending the child care center located in the Alfred P. Murrah Federal Building in Oklahoma City at the time of its bombing in 1995.

Aren Almon-Kok, Baylee's mother, has focused her energies toward creating a foundation that works to make people aware of the dangers of flying glass and to also make child care centers throughout the United States safer for children to attend.

I support this important measure, Mr. Speaker, and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to echo the comments of my good friend and neighbor the gentleman from Ohio (Mr. LATOURETTE) on his statement relevant to this issue. I would like to commend the chairman of the subcommittee the gentleman from New Jersey (Mr. FRANKS) for his work.

Rather than read my prepared statement that would reflect many of the statistics and documentation that the gentleman from Ohio (Mr. LATOURETTE) did such a fine job of doing, I would like to talk about the genesis of this matter, Mr. Speaker.

When the Alfred P. Murrah Building was bombed, I would like to say that our committee took a very serious look at security and there were a number of bills that were presented; and certainly this bill is one of those that leads to that sensitive nature of our committee to address those security issues.

In addition, and also for information for the House, the other body will be holding a hearing on H.R. 809, a bill that I sponsored that would reform the Federal Protective Service.

So the gentleman from New Jersey (Mr. FRANKS), as chairman of the committee, in this companion bill now takes a look at child care, security, notices, we also look at changing the security format and to make sure that our Federal buildings are more secure.

Let me just remind Congress that, at the time of the incident in Oklahoma, the great tragedy in Oklahoma City, there were three Federal buildings being guarded by one security guard who was a contract worker. And that is not to demean contract workers, but that is to show how we had taken for granted the security of our Federal buildings.

So I want to compliment the gentleman from New Jersey (Chairman FRANKS). I want to compliment the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; the gentleman from Ohio (Mr. LATOURETTE), and others who have helped to make this particular bill available on the floor today; and the ranking member of this committee, the gentleman from West Virginia (Mr. WISE), who is not here today.

Mr. Speaker, I rise in support of H.R. 4519, a bill to require the Administrator of the General Services Administration [GSA] to provide to parents enrolling children in childcare programs in public buildings under the control of GSA the following information: first, the current tenants in the building, and second, a designation of the level of security in the building.

In addition the bill requires the Administrator of GSA to notify parents of serious threats to the building. H.R. 4519 also requires that GSA report to Congress on its childcare facilities including an identification and description of each childcare facility, and an assessment of the security at each facility. Finally, the bill requires, in determining the security assessment, the Administrator shall examine windows and interior furnishings to determine if adequate measures are in place to protect the children from flying glass and objects in the event of a natural disaster or terrorist attack.

Since 1985 the Federal Government has been actively involved in providing childcare services for Federal employees. Through GSA licensing agreements GSA provides guidance, assistance, and oversight to Federal agencies for the development of childcare centers. Total enrollment is approximately 7,865 children ranging in age from infants to 6 years. Eighty-four percent are enrolled full time at childcare centers, with the greatest number of children in the infant care age group.

Due to the increasing awareness of the threats to Federal buildings the committee incorporated its long-standing interest in public safety into a review of the childcare program. In order for a parent to make an informed decision regarding enrolling a child in particular center the subcommittee reported H.R. 4519, which requires GSA to provide certain security information to potential parents.

Mr. Speaker, the committee has a long tradition of supporting all measures that would increase security in Federal buildings. In addition to this bill, I have a bill, H.R. 809, pending in the Senate Environment and Public Works Committee that would make the Federal Protective Service an independent entity within the GSA. After holding several hearings and receiving testimony from a variety of witnesses including the GSA Office of Inspector General, the committee decided the current management structure, which has the protective service as part of the real estate program, is not the best way to provide a high level, professional protection program. Under the current arrangement there are serious issues involving command and control of Federal protective officers. My bill would enhance security, and along with this bill, would ensure the highest levels of security are available for the employees and the public who use Federal buildings.

Mr. Speaker, I support H.R. 4519 and urge its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to make an observation, a real-life example that touches the State that the gentleman from Ohio (Mr. TRAFICANT) and I share and show why the Franks bill is going to be so important.

We have a Federal building located in Cleveland, Ohio, and it has one of the 113 child care centers located within it. Our committee has a rule that, and I believe the threshold is $1.8 million, if the GSA wants to engage in a remodeling program over $1.8 million, they need to come before the Congress and get the consent of Congress.

The folks in Cleveland, Ohio, worked very hard to be under that $1.8 million threshold so that they could construct a child care center within the Federal building in Cleveland, Ohio. Their proposed site, in order to come in under this limit to avoid the scrutiny of the Congress, was over the loading dock down there in downtown Cleveland.

We all remember how the explosives were delivered to the Alfred P. Murrah Federal Building in Oklahoma City in a truck. One of the wonderful things that the gentleman from New Jersey (Mr. FRANKS) has done by proposing this legislation and one of the good things that will happen when the Congress passes this legislation is this Vulnerability Assessment.

When parents who send their children to child care centers in Federal buildings, not only when they have the opportunity to know whether or not the Internal Revenue Service is located within the building, the Federal Bureau of Investigation, the CIA, or whoever may be a tenant in the building, they will also have the opportunity to know where that facility is located and what the risk is of a truck being delivered to a loading dock in a situation that could present quite a danger to their youngsters.

So this is a good bill, not only from that standpoint, but as I mentioned during my earlier remarks, Mrs. Almon-Kok has spent a considerable period of time working on the hazards of flying glass, and this is going to have implications not only for what happens at child care centers at GSA-controlled structures, but I think it is going to have long-standing consequences for centers not in GSA control where children may be located for a period of time.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, one of the things in H.R. 809 that I think is very important as a companion bill now to this piece of legislation is the Federal Protective Services, after the Alfred P. Murrah tragedy, had recommended that there would be no more child care centers near loading docks or loading dock areas.

Quite frankly, looking at the bureaucratic side of this, the Public Buildings Service, which really has the control over the law enforcement, did not take that with great regard, as evidenced by the statement of my friend from that which occurred up there in Cleveland.

So if we are to take a look at now the whole situation, with one contract guard guarding three facilities, there was a major tragedy, then the Federal Protective Service recommended to the Public Buildings Service, who is a real estate arm, do not put child care facilities near loading docks, now we have in Cleveland, Ohio, a disregard for the Federal Protective Services' bit of recommendation, if you will, relative to that whole area.

Let me just say this: I think it is very important that this bill not only be passed but that H.R. 809 be passed by the other body, for the following reason: Law enforcement issues should not be determined by real estate agents. They should be determined by law enforcement personnel.

I notice now that the chairman of our subcommittee is here. Before I close, I want to compliment him on his work with law enforcement and with security. And this bill, as I have stated earlier, is a good companion bill to H.R. 809. There is no reason why in Cleveland, Ohio, a child care center should be built over a loading dock. If it were not for the gentleman from Ohio (Mr. LATOURETTE) and others, we might not have that opportunity to question it. But this legislation would prohibit that, and I commend him.

Mr. LATOURETTE. Mr. Speaker, I want to thank my loquacious friend, the gentleman from Ohio (Mr. TRAFICANT) for his comments.

Mr. Speaker, I ask unanimous consent that the balance of my time be yielded to the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS) to dispense as he sees fit.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 5 years have passed since 168 Americans, including 19 children, lost their lives in the bombing of the Murrah Federal Building in Oklahoma City. But the image of the lifeless body of little Baylee Almon being carried from that building in the arms of an Oklahoma City fireman is one that still haunts us all.

Over the past months, as we have worked to get this important legislation to the floor, I have had the good fortune to get to work with and know Mrs. Aren Almon-Kok. Aren was Baylee Almon's mother.

Like most parents, Aren assumed that when she dropped her daughter off at the Federal building in Oklahoma City every morning, Baylee would be perfectly safe. After all, the building was located in an area with security guards and other enhanced safety features that we do not find in most private buildings.

But as she recounted for me the events of that horrendous day in April 5 years ago, Aren revealed a chilling fact. She had no idea that the building that provided day-care services for her child housed a variety of Federal agencies that are often the target of terrorist threats, including the Bureau of Alcohol, Tobacco and Firearms, as well as the FBI.

Neither the General Services Administration, which oversees the building, nor the child care center had ever informed the parents about high-profile law enforcement agencies being housed in that building or any other security risks involved in that building.

In fact, the commissioner of Public Buildings Service, Mr. Robert Peck, admitted that GSA does not notify parents or other occupants of the building about the potential safety concerns that residents in that building may be exposed to.

The Commissioner stated that if parents are concerned about this issue, they should look at the building director.

That response, Mr. Speaker, is simply not acceptable.

Parents deserve to know all the facts that could impact their children's safety and security before they decide to enroll their child in a particular day-care center located in a Federal building.

We have before us today Baylee's Law. It will require the General Services Administration to affirmatively reach out to parents who place their child in Federal day-care centers and provide them with written information about the other tenants of the building and the security designation of that building.

GSA would also be required to notify parents of any new tenants that move into the building when the new tenant could increase the safety threat to the facility.

In the event that the GSA receives information about a serious threat that could jeopardize the safety of children in a day-care center, parents are to be notified immediately.

Mr. Speaker, this important legislation can provide a new level of protection for the 7,600 children who are now being cared for at day-care centers located in 114 Federal buildings across the country.

Mr. Speaker, I want to thank our subcommittee staff, Matt Wallen and Susan Britta for their fine work; and I urge all of my colleagues to support this important piece of legislation.

Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, September 19, 2000.*

Hon. DAN BURTON,
*Chairman, Committee on Government Reform, Washington, DC.*

DEAR MR. CHAIRMAN, Next week the House may consider H.R. 4519, "Baylee's Law." While H.R. 4519 primarily contains provisions related to matters solely in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that certain provisions in the bill regarding the General Services Administration's policies concerning childcare facilities located in public buildings are under the jurisdiction of the Committee on Government Reform.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the Congressional Record during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, September 19, 2000.*

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request and in the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 4519—Baylee's Law. The bill amends the Public Buildings Act of 1959 concerning public safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction regarding the overall economy, efficiency and management of government operations and activities. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature. I would also request that members of the Government Reform Committee be appointed as conferees if a conference committee is appointed.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
*Chairman.*

Mr. OBERSTAR. Mr. Speaker, I commend Economic Development Subcommittee Chairman FRANKS for his interest in safety at childcare centers, and especially his interest in stopping the terrible destruction and injury caused by flying glass.

The General Services Administration (GSA) childcare program is a very successful program, with 85 percent of its childcare centers accredited by the National Association for the Education of Young Children. Approximately 7,000 youngsters, ranging in age from infancy to 5 years old, are enrolled in GSA childcare centers located in 113 Federal facilities across the country.

H.R. 4519 will ensure that parents of children in GSA childcare centers have the best available information regarding the tenants at these Federal facilities. H.R. 4519 instructs GSA to notify parents before they enroll their children in a childcare center located in a Federal building of the current Federal agencies occupying the building and the level of security of that particular Federal building. It also requires GSA to notify parents of any change in the Federal tenants in the building. This bill will ensure that this information is readily available to parents.

The short title for this bill is "Baylee's Law". It is named for Baylee Almon, a one-year-old child attending the childcare center located in the Murrah Federal Building in Oklahoma City at the bombing in 1995. She and fourteen other small children were killed in that tragic incident.

I urge all Members to support this bill.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4519, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, to provide for reform of the Federal Protective Service, and for other purposes."

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4519.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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## APOLLO EXPLORATION AWARD ACT OF 1999

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2572) to direct the Administrator of NASA to design and present an award to the Apollo astronauts.

The Clerk read as follows:

H.R. 2572

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Apollo Exploration Award Act of 1999".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) On July 20, 1969, Neil A. Armstrong and Edwin E. "Buzz" Aldrin Jr., became the first humans to set foot on another celestial body, during the Apollo 11 mission, accompanied in lunar orbit by Michael Collins.

(2) Between 1969 and 1972, ten other Americans courageously completed the first human exploration of the lunar surface, accompanied by five command module pilots:

(A) Apollo 12—Charles J. "Pete" Conrad Jr., Alan L. Bean, and Richard F. Gordon Jr.

(B) Apollo 14—Alan B. Shepard Jr., Edgar D. Mitchell, and Stuart A. Roosa.

(C) Apollo 15—David R. Scott, James B. Irwin, and Alfred M. Worden.

(D) Apollo 16—John W. Young, Charles M. Duke Jr., and Thomas K. Mattingly II.

(E) Apollo 17—Eugene A. Cernan, Ronald E. Evans, and Harrison H. Schmitt.

(3) In April 1970, James A. Lovell Jr., John L. Swigert Jr., and Fred W. Haise Jr., valiantly made a safe return from the Moon on the Apollo 13 mission, after their command module was disabled by an explosion.

(4) The enormous successes of the Apollo lunar landing missions were only possible due to the pioneering work of the previous Apollo missions, which performed critical testing of the spacecraft and methods, and conducted the first human travel to the Moon:

(A) Apollo 7—Walter M. Schirra Jr., Donn F. Eisele, and R. Walter Cunningham.

(B) Apollo 8—Frank Borman, James A. Lovell Jr., and William A. Anders.

(C) Apollo 9—James A. McDivitt, David R. Scott, and Russell L. Schweickart.

(D) Apollo 10—Thomas P. Stafford, John W. Young, and Eugene A. Cernan.

(5) In January 1967, astronauts Virgil I. Grissom, Edward H. White, and Roger B. Chaffee lost their lives in a tragic fire in the command module while testing the spacecraft which would have carried them on the first manned Apollo mission.

(6) Since the time of the Apollo program, the program's astronauts have promoted space exploration and human endeavor by sharing their experiences with the American people and the world, stimulating the imagination and the belief that any goal can be achieved.

(7) Sadly, astronauts John L. Swigert Jr., Donn F. Eisele, Ronald E. Evans, James B. Irwin, Stuart A. Roosa, Alan B. Shepard Jr., and Charles J. "Pete" Conrad Jr., have died since completing their missions.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that the American people should provide a fitting and tangible tribute to each of the astronauts of the Apollo program, to recognize and commemorate their bravery, substantial scientific and technical accomplishments, and unique contributions to American and world history.

**SEC. 4. APOLLO EXPLORATION AWARD.**

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration (hereinafter in this Act referred to as the "Administrator") shall design and present an appropriate award, to be named the "Apollo Exploration Award", commemorating the accomplishments of the astronauts who flew in the Apollo program.

(b) DESIGN.—The Administrator shall ensure that the Apollo Exploration Award shall have the following characteristics:

(1) A lunar rock sample shall be the central feature of the award.

(2) The design of the award shall permit free access to and removal of the lunar sample by the award recipient.

(c) PRESENTATION.—The Administrator shall present one award created under this Act to each of the following Apollo astronauts, or if such person is deceased, to his closest living family member or heir (as determined by the Administrator):

(1) Buzz Aldrin (formerly known as Edwin E. Aldrin Jr.) of Apollo 11.

(2) William A. Anders of Apollo 8.

(3) Neil A. Armstrong of Apollo 11.

(4) Alan L. Bean of Apollo 12.

(5) Frank Borman of Apollo 8.

(6) Eugene A. Cernan of Apollo 10 and Apollo 17.

(7) Roger B. Chafee of Apollo 1.

(8) Michael Collins of Apollo 11.

(9) Charles J. "Pete" Conrad Jr. of Apollo 12.

(10) R. Walter Cunningham of Apollo 7.

(11) Charles M. Duke Jr. of Apollo 16.

(12) Donn F. Eisele of Apollo 7.

(13) Ronald E. Evans of Apollo 17.

(14) Richard F. Gordon Jr. of Apollo 12.

(15) Virgil I. Grissom of Apollo 1.

(16) Fred W. Haise Jr. of Apollo 13.

(17) James B. Irwin of Apollo 15.

(18) James A. Lovell Jr. of Apollo 8 and Apollo 13.

(19) Thomas K. Mattingly II of Apollo 16.

(20) James A. McDivitt of Apollo 9.

(21) Edgar D. Mitchell of Apollo 14.

(22) Stuart A. Roosa of Apollo 14.

(23) Walter M. Schirra Jr. of Apollo 7.

(24) Harrison H. Schmitt of Apollo 17.

(25) Russell L. Schweickart of Apollo 9.

(26) David R. Scott of Apollo 9 and Apollo 15.

(27) Alan B. Shepard Jr. of Apollo 14.

(28) Thomas P. Stafford of Apollo 10.

(29) John L. Swigert Jr. of Apollo 13.

(30) Edward H. White of Apollo 1.

(31) Alfred M. Worden of Apollo 15.

(32) John W. Young of Apollo 10 and Apollo 16.

**SEC. 5. PROHIBITION ON PROFIT.**

No person may use an award presented under this Act for monetary gain or profit.

**SEC. 6. TRANSFER OF AWARD.**

(a) IN GENERAL.—Notwithstanding any other provision of law, ownership interest in an award presented under this Act may not be—

(1) sold, traded, bartered, or exchanged for anything of value; or

(2) otherwise transferred, other than to a family member of the original recipient of the award or by inheritance.

(b) EXCEPTION FOR PUBLIC DISPLAY.—The prohibition in subsection (a) does not apply to a transfer to a museum or nonprofit organization for the purpose of public display.

(c) REVERSION.—Ownership of an award presented under this Act reverts to the Administrator if—

(1) no person inherits the award after the death of its owner; or

(2) the award is not being displayed publicly under subsection (b).

**SEC. 7. RECALL OF LUNAR MATERIAL.**

(a) IN GENERAL.—The Administrator may recall a lunar sample contained in an award presented under this Act if the Administrator determines that the particular lunar sample is required for scientific purposes.

(b) PROMPT RETURN.—The Administrator shall promptly return a lunar sample recalled under subsection (a) to its owner when such sample is no longer required for scientific purposes.

(c) REPLACEMENT.—The Administrator may replace a lunar sample recalled under subsection (a) with a substantially equivalent lunar sample if the Administrator determines that such recalled lunar sample will not be promptly returned in its entirety and without substantial degradation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2572.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague the gentleman from Indiana (Mr. SOUDER) for sponsoring this bill, which he introduced on the 30th anniversary of the Apollo 11 landing on the moon last year.

The enormous success of the Apollo program clearly stands as a watershed event in American history and one of man's greatest scientific achievements. The Apollo Exploration Award Act provides a fitting and tangible tribute to each of the astronauts who dedicated themselves and risked their lives for the Apollo program.

□ 1130

It recognizes and commemorates their bravery, substantial scientific and technical achievements, and unique contributions to American and world history.

I would like to note that these tremendous accomplishments were only possible due to the ingenuity, diligence, and determination of the men and women of NASA and the aerospace community who made the Apollo program a success. I only wish it were possible to recognize each and every one of these men and women for their contributions to the program as well.

Since the time of the Apollo program, the astronauts have promoted space exploration and scientific excellence by sharing their experiences with the American people and the world, stimulating the imagination and the belief that any goal can be achieved. I believe these contributions need to be recognized.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to speak in support of H.R. 2572, the Apollo Exploration Award Act. I think the chairman has done a very good job of ushering this bill to this stage and of explaining the bill here, so I will be rather brief.

I think the bill recognizes a very important chapter in our Nation's space program, the Apollo Moon landing project that we were all so very proud of. And it honors the contributions of those very brave space explorers, the Apollo astronauts, who helped humanity to achieve the dream of finally setting foot on the Moon.

It is hard to believe that more than 3 decades have passed since Neil Armstrong and Buzz Aldrin first stepped out onto the lunar surface while Mike Collins orbited overhead.

Their accomplishments and those of the Apollo astronauts who followed them made all of us proud to be Americans. And so it is fitting that we honor them with this award.

It is also fitting that we honor the brave astronauts who preceded them in the missions that helped prepare for that first Moon landing. In that process we especially need to remember the three heroes, Virgil "Gus" Grissom, Edward White, and Roger Chaffee, who lost their lives in the tragic Apollo 1 fire back in 1967. They made the ultimate sacrifice to help push back the frontier, and I am glad that this bill recognizes their contributions.

Mr. Speaker, some day in the not-too-distant future I expect that we will go back to the Moon; and I believe we will ultimately go further, to Mars and beyond. When we do, we will be building on the accomplishments of not only the brave astronauts that we honor in this piece of legislation but also on the efforts of all of the thousands and thousands of men and women who worked on the Apollo project. Their contributions, large and small, all helped make Apollo a success.

While we cannot honor each of them by name, I hope that they take pride in what they accomplished and know that we salute them.

Mr. Speaker, back several Congresses ago, as a matter of fact in the 103rd Congress, I introduced and passed through the House a concurrent resolution, H. Con. Res. 261. It was a resolution to honor the lunar astronauts and to increase their military rank, not to increase their pay nor their retirement but simply to increase their rank. We sent it over to the Senate and the Senate reduced it to saying they would be called Honorable from here on and did nothing for them along the line of their rank. I think we missed a chance to show them greater courtesy and greater honor, and many of them talked to me, that many of them really and truly wanted. H.R. 2572 is a way also for us to say thank you to these astronauts who helped lead us to the Moon.

I urge my colleagues to vote to suspend the rules and pass H.R. 2572.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER), who is the author of this bill.

Mr. SOUDER. Mr. Speaker, I would first like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. ROHRABACHER), the subcommittee chairman, for bringing this bill to the floor and also Speaker HASTERT, who, when he chaired the subcommittee on oversight, held a number of hearings to try to promote an increasing awareness of our space program and try to rekindle the national interest; and also the cosponsors of this bill, particularly the gentleman from Florida (Mr. WELDON), the principal cosponsor, and the 33 other cosponsors, including many Democrats, all of whom join with me today to provide a historic recognition of the accomplishments of the Apollo program on its 30th anniversary. In doing so we hope to recapture some of the vision and excitement of the space program for Americans as we enter the 21st century.

We are currently in the midst of observing the 30th anniversary. I introduced this bill on July 20, 1999, on the anniversary of the first lunar landing. It is by no means an exaggeration to say that the landing was one of the most significant events in human history. The Apollo program not only was and still is one of the most significant technological accomplishments but also marked the first time that mankind left the planet Earth to explore another celestial body.

The Apollo program demonstrated that it is possible for Americans to accomplish anything if they have a dream and a vision to work and to make it come true. As astronaut Walt Cunningham said, "Today we fail not because of our inability to do something, we fail today because of our unwillingness to tackle it in the first place. We are unwilling to take a chance, stick our neck out and go and do some of these things."

The Apollo astronauts have continued to stand as living monuments to that drive and vision. Many of today's adults were not even born at the time of the Apollo landing, even though they and their children hold the potential to be the generation that first sets foot on Mars. The vision is still a living vision, however, because it is rekindled by the Apollo astronauts who continue to bear witness to the possibility of making even seemingly outlandish dreams into reality.

We recently had sad reminders of just how precious these men are. Apollo 12 astronaut Pete Conrad was laid to rest last year in Arlington National Cemetery. Four of the 12 men to have set foot on the Moon have now passed away. A total of seven of the Apollo astronauts are no longer with us. Just outside this Chamber stands one of the newest additions to Statuary Hall, a statue of Apollo 13 astronaut Jack Swigert of Colorado, who was elected to the House but never was able to serve.

In my view, there would be no better recognition for these heroes nor better way to rekindle the accomplishments of Apollo in the public imagination than this award. The only fitting commemoration for those who have touched the Moon or made that great achievement possible could be a piece of the Moon itself. And such recognition is long overdue.

In addition, this is a simple issue of fairness. On the same day I introduced this bill, the Apollo 11 astronauts visited the Oval Office and presented President Clinton with a Moon rock which he promptly put beside his desk in the Oval Office. NASA has already given out a number of lunar samples to foreign leaders with no restrictions at all. In fact, a sample that was dedicated to "the People of Honduras" recently was found in private hands. If Bill Clinton can have a Moon rock in his office and we can give them to foreign leaders, I think it is only fair and just that the men who risked their lives for science and for their country of all people should have the same honor.

When Neil Armstrong and Buzz Aldrin landed on the Moon in 1969, Bill Clinton was home for the summer from Oxford, according to David Marannis, "feverishly trying to find a way to avoid entering the Army as a drafted private." And it is dumbfounding to me that after the President received his Moon rock, his administration apparently yesterday decided to oppose this bill giving a Moon rock to the astronauts who performed the missions. Furthermore, it is not just that some 250 foreign leaders have been given pieces of the Moon rock but none to our astronauts.

NASA has recovered more than 2,000 different samples of the Moon in six landings, so the rocks required for presentation would be a tiny portion of our total holdings. The bill also maintains careful control over the lunar rocks, preventing them from being sold or transferred to anyone besides the astronaut, his family, or a museum. And the lunar material could be recalled by NASA if needed for scientific research.

Mr. Speaker, America was founded on the principle of exploration. We have it in our power to continue this great tradition as a spacefaring Nation. I urge my colleagues to support this legislation.

### Apollo Exploration Act—Questions and Answers

Rep. Mark Souder

H.R. 2572, The Apollo Exploration Award Act, would create an award to be presented as a lasting commemoration for the American astronauts who made the first voyages to the moon. The award would contain an actual lunar sample (or "moon rock") retrieved on the Apollo missions as a uniquely fitting and appropriate presentation. This fact sheet answers questions about the bill and responds to some issues which have been raised by NASA.

Q: Why bring up the bill now?

A. The bill was introduced on the 30th anniversary of the Apollo 11 lunar landing in July of 1999. Some of the former Apollo astronauts have now died, and as time passes others will become less able to participate in public events and commemorations. Because we are still fortunate to have most of the former astronauts engaged in public life, this is a fitting time to provide an appropriate recognition of the extraordinary significance of their deeds with the benefit of historical hindsight. In doing so, the bill is also intended to remind the American public of their accomplishments and rekindle the vision of a great American space program.

The bill has significant bipartisan support, particularly from members who represent NASA facilities. Of the 34 cosponsors, 14 are Democrats. NASA was contacted and provided with a copy of the bill at the time of its introduction.

Q: Our "Moon Rocks" are a national asset—would this harm their preservation and scientific research?

A: The Apollo missions collected 2,196 lunar samples weighing 843 pounds. The bill provides for just 32 awards to be issued to the Apollo Astronauts—a minuscule portion (1.5 percent) of our holdings. In addition, the bill explicitly provides that NASA may recall any of the lunar samples used for the award should they be needed for scientific research.

Q: Would this bill set a bad precedent by transferring moon rocks for commemorative purposes?

A: The fact of the matter is that NASA has already transferred moon rocks for commemorative purposes, with far fewer restrictions than are contained in this bill. A number of the Apollo crews made "goodwill tours" of foreign nations, during which lunar samples were presented to heads of state by the astronauts as a commemoration. Although these were ostensibly presented as gifts to each country rather than to the individuals, we are not aware of any restrictions placed on these rocks. In fact, at least one of these samples, presented to the "People of Honduras," found its way into private hands. We are unable to find "any" accounting for the whereabouts of the samples that were presented to foreign countries. NASA officials at the time of the missions said they could make available 150 to 200 presentation samples—a number which makes the 32 samples here look very modest indeed.

In addition, the Apollo 11 crew recently presented a rock to President Clinton for commemorative purposes. Although NASA goes to great lengths to specify that that rock is "on loan," White House Spokesman Barry Toiv said "I have a feeling it will be here awhile." President Clinton put the rock by his desk in the Oval Office.

The samples in question are not being presented to strangers to NASA or to the public at large—they would go to the astronauts who went to get them. This is only fitting, just and appropriate.

Q: What controls are put on the samples? Could the astronauts sell them?

A: The bill puts very tight controls on the samples. Astronauts could not sell or transfer their award or receive any monetary gain from its use. They could only keep it, give or leave it as an inheritance to members of their family under the same conditions, or loan it to a museum. If these conditions are not met, the award and lunar sample return to the possession of NASA.

Q: Wouldn't that require NASA to keep track of the awards?

A: Technically, the bill does not require NASA to keep track of the awards—it gives them a right of recall if the lunar samples are needed for scientific purposes. Moreover, even if NASA chose to track the awards, it is difficult to imagine that keeping track of 32 of them would be an undue burden on the Agency. In fact, NASA already lends (and successfully tracks) up to 10 lunar samples a week to schools across the country.

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[From the Indianapolis Star, July 18, 1999]

### Purdue Enjoys Historic Lunar Links

(By Scott Thien)

When it comes to moon missions, Purdue rules one of America's greatest achievements.

That's because Boilermakers Neil Armstrong of Apollo 11 and Eugene Cernan of Apollo 17 were the first and last men to walk on the moon.

In fact, 21 current and former astronauts attended the university, most in the School of Aeronautics and Astronautics. And roughly 10 percent—24 out of 268—of all U.S. astronauts have links to Indiana, either by birth or education.

Famous ties, to be sure, but the state has little other tangible evidence of America's six lunar landings.

Currently, Indiana has no permanent public display of moon rocks, lunar dust or any of the core samples from the 842 pounds gathered during the Apollo missions from 1969 to 1972. Twenty-one states and 12 foreign countries have such displays, which are administered by the Johnson Space Center in Houston. And, officials of the National Aeronautics and Space Administration say, none of the material is privately owned—not even by the 12 moonwalkers.

That's not to say NASA is stingy. At the end of the Apollo program, every U.S. state and nearly every country in the world received a commemorative plaque with a mounted sliver of moon material. Indiana's sample, which came from the historic Apollo 11 mission, eventually found its way into the bowels of the Indiana State Museum. The sample—several plastic-encased, porous-looking black pebbles about one-sixteenth of an inch each—occasionally is displayed, museum officials say.

Both Indiana and Purdue universities have moon material for research, but none is publicly displayed.

So, is Indianapolis out of luck for a lunar look on Tuesday's 30th anniversary of the Apollo 11 landing? Check out The Children's Museum.

Through Aug. 31, a 5.5-ounce dark chunk of the moon will be displayed outside the SpaceQuest Planetarium, along with period articles, photos and models of Apollo spacecraft. The 4- to 6-inch-long rock, on loan from the John Glenn Space Center in Cleveland, was gathered from the moon's Base North Massif Mountain in the Valley of Taurus-Littrow during the 1971 Apollo 15 mission. For hours and admission, call the museum at (317) 334-3322.

#### FAST FACTS

What became of the moon rocks? Here's a quick look:

In NASA, military vaults: 711 pounds
Studied, returned to NASA: 60 pounds
Sent out for study: 15 pounds
Loaned to museums or schools: 24 pounds
Destroyed in experiments: 22 pounds
Gifts to foreign heads of state: 0.6 pounds
Used but not destroyed in experiments: 7 pounds
Lost: 0.078 pounds.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise to speak in support of this very, very important legislation.

As many people know, the Apollo missions departed from Cape Canaveral Kennedy Space Center, which is in my Congressional district. Indeed, for most of the people in my congressional district, they refer to the area they live in as the Space Coast. Space has been the heart of the area, the community, now going on for 4 decades; and, indeed, the area has been home on and off for the Apollo astronauts for years.

I wholeheartedly support this piece of legislation and I think it is extremely fair and appropriate to do this. The Apollo astronauts put their lives on the line. Indeed, the gentleman who was running the Apollo program at the time, his name was George Mueller, felt that there was only about a 10 percent chance when the first Moon mission took off that the crew would return safely. And, of course, not only did they, we were able to go back several more times after Apollo 11 and successfully bring safely the crew back to Earth.

But this mission was not without its risk and its price. According to my conversations with the astronauts involved, the hours were excruciatingly long, separation from family was huge, there was an incredible amount of stress after the initial Apollo 1 fire taking the lives of three crew members, and after all of these years to have these Moon rocks essentially sitting in a vault collecting dust and to have a scenario where we are giving specimens out to politicians, of all people. But to not give a specimen to the heroes who actually put their lives on the line and actually went to the Moon I think is wrong and that it is very fitting and appropriate for us to now at this time honor those heroes who went to the Moon and extend to them a specimen.

Now, the gentleman from Indiana has inserted a whole host of safeguards in this legislation. They cannot sell it for money. NASA can retrieve the specimens if there is some tremendous scientific need for them. Actually, the scientists have analyzed these things over and over again and they are just rocks. There is no great need, and it is extremely unlikely that they would ever have to be reclaimed.

Mr. Speaker, I rise in strong support of the legislation. I applaud the gentleman for coming up with this idea. He should be commended. I would encourage all of my colleagues on both sides of the aisle to vote in support of this bill.

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2572.

The question was taken.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## CORRECTING ENROLLMENT OF H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 409) directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. HALL of Texas. Mr. Speaker, reserving the right to object, I yield to the gentleman from Wisconsin for his explanation of the justification for this resolution and its consideration under the expedited procedure.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Texas for yielding.

This resolution changes the title of section 205 from Space Station Management to Space Station Research Utilization and Commercialization Management in order to make the title more informative. It also replaces specific references to the Russian Service Module in section 201 with generic references to any Russian element in the International Space Station's critical path, and moves the due date for an educational study required in section 317 from October 1, 2000, to December 1, 2000.

Finally, the resolution removes some commas to reduce the number used in a series to address stylistic preferences. These are minor changes that do not affect the substance of the bill adopted by the House on a vote of 399-17 on September 14. They have been discussed with the minority and with the other body and all parties have agreed to them.

Mr. HALL of Texas. I thank the gentleman for his explanation.

Mr. Speaker, the minority concurs in the necessity to correct the enrollment of H.R. 1654. Therefore, we do not object to the immediate consideration of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 409

*Resolved by the House of Representatives (the Senate concurring)*, that the Clerk of the House of Representatives shall make the following corrections in the enrollment of the bill H.R. 1654:

(1) In section 1(b), in the item relating to section 205 in the table of contents, insert "research utilization and commercialization" after "Space station".

(2) In section 2(4)—

(A) insert "the" after "commercial providers of"; and

(B) strike the comma after "reusable space vehicles".

(3) In section 201(b)—

(A) strike "the Russian Service Module, other" and insert "any";

(B) strike ", or Russian" and insert "or any Russian";

(C) strike "the Russian Service Module, or any other Russian element in the critical path or Russian launch service" and insert "any Russian element in the critical path or any Russian launch services"; and

(D) strike the comma after "with the permanent replacement".

(4) In section 203(a)(2), strike the comma after "Sciences and Applications".

(5) In the section heading of section 205, insert "**RESEARCH UTILIZATION AND COMMERCIALIZATION**" after "**SPACE STATION**".

(6) In section 303, strike the comma after "fullest extent feasible".

(7) In section 317(b), strike "October" and insert "December".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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## ELECTRONIC COMMERCE ENHANCEMENT ACT OF 2000

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4429) to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, as amended.

The Clerk read as follows:

H.R. 4429

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### ***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Electronic Commerce Enhancement Act of 2000".*

### ***TITLE I—ELECTRONIC COMMERCE***

### ***SEC. 101. FINDINGS.***

*The Congress finds the following:*

*(1) Commercial transactions on the Internet, whether retail business-to-customer or business-to-business, are commonly called electronic commerce.*

*(2) In the United States, business-to-business transactions between small and medium-sized manufacturers and other such businesses and their suppliers is rapidly growing, as many of these businesses begin to use Internet connections for supply-chain management, after-sales support, and payments.*

*(3) Small and medium-sized manufacturers and other such businesses play a critical role in the United States economy.*

*(4) Electronic commerce can help small and medium-sized manufacturers and other such businesses develop new products and markets, interact more quickly and efficiently with suppliers and customers, and improve productivity by increasing efficiency and reducing transaction costs and paperwork. Small and medium-sized manufacturers and other such businesses who fully exploit the potential of electronic commerce activities can use it to interact with customers, suppliers, and the public, and for external support functions such as personnel services and employee training.*

*(5) The National Institute of Standards and Technology's Manufacturing Extension Partnership program has a successful record of assisting small and medium-sized manufacturers and other such businesses. In addition, the Manufacturing Extension Partnership program, working with the Small Business Administration, successfully assisted United States small enterprises in remediating their Y2K computer problems.*

*(6) A critical element of electronic commerce is the ability of different electronic commerce systems to exchange information. The continued growth of electronic commerce will be enhanced by the development of private voluntary interoperability standards and testbeds to ensure the compatibility of different systems.*

### ***SEC. 102. REPORT ON THE UTILIZATION OF ELECTRONIC COMMERCE.***

*(a) ADVISORY PANEL.—The Director of the National Institute of Standards and Technology (in this title referred to as the "Director") shall establish an Advisory Panel to report on the challenges facing small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The Advisory Panel shall be comprised of representatives of the Technology Administration, the National*

*Institute of Standards and Technology's Manufacturing Extension Partnership program established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l), the Small Business Administration, and other relevant parties as identified by the Director.*

*(b) INITIAL REPORT.—Within 12 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the immediate requirements of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall—*

*(1) describe the current utilization of electronic commerce practices by small and medium-sized manufacturers and other such businesses, detailing the different levels between business-to-retail customer and business-to-business transactions;*

*(2) describe and assess the utilization and need for encryption and electronic authentication components and electronically stored data security in electronic commerce for small and medium-sized manufacturers and other such businesses;*

*(3) identify the impact and problems of interoperability to electronic commerce, and include an economic assessment; and*

*(4) include a preliminary assessment of the appropriate role of, and recommendations for, the Manufacturing Extension Partnership program to assist small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices.*

*(c) FINAL REPORT.—Within 18 months after the date of enactment of this Act, the Advisory Panel shall report to the Director and to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 3-year assessment of the needs of small and medium-sized manufacturers and other such businesses to integrate and utilize electronic commerce technologies and business practices. The report shall include—*

*(1) a 3-year planning document for the Manufacturing Extension Partnership program in the field of electronic commerce; and*

*(2) recommendations, if necessary, for the National Institute of Standards and Technology to address interoperability issues in the field of electronic commerce.*

### SEC. 103. ELECTRONIC COMMERCE PILOT PROGRAM.

*The National Institute of Standards and Technology's Manufacturing Extension Partnership program, in consultation with the Small Business Administration, shall establish a pilot program to assist small and medium-sized manufacturers and other such businesses in integrating and utilizing electronic commerce technologies and business practices. The goal of the pilot program shall be to provide small and medium-sized manufacturers and other such businesses with the information they need to make informed decisions in utilizing electronic commerce-related goods and services. Such program shall be implemented through a competitive grants program for existing Regional Centers for the Transfer of Manufacturing Technology established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k). In carrying out this section, the Manufacturing Extension Partnership program shall consult with the Advisory Panel and utilize the Advisory Panel's reports.*

## TITLE II—ENTERPRISE INTEGRATION

### SEC. 201. ENTERPRISE INTEGRATION ASSESSMENT AND PLAN.

*(a) ASSESSMENT.—The Director shall work to identify critical enterprise integration standards and implementation activities for major manufacturing industries underway in the United States. For each major manufacturing industry, the Director shall work with industry representatives and organizations currently engaged in enterprise integration activities and other appropriate representatives as necessary. They shall assess the current state of enterprise integration within the industry, identify the remaining steps in achieving enterprise integration, and work toward agreement on the roles of the National Institute of Standards and Technology and of the private sector in that process. Within 90 days after the date of the enactment of this Act, the Director shall report to the Congress on these matters and on anticipated related National Institute of Standards and Technology activities for the then current fiscal year.*

*(b) PLANS AND REPORTS.—Within 180 days after the date of the enactment of this Act, the Director shall submit to the Congress a plan for enterprise integration for each major manufacturing industry, including milestones for the National Institute of Standards and Technology portion of the plan, the dates of likely achievement of those milestones, and anticipated costs to the Government and industry by fiscal year. Updates of the plans and a progress report for the past year shall be submitted annually until for a given industry, in the opinion of the Director, enterprise integration has been achieved.*

### SEC. 202. DEFINITIONS.

*For purposes of this title—*

*(1) the term "Director" means the Director of the National Institute of Standards and Technology;*

*(2) the term "enterprise integration" means the electronic linkage of manufacturers, assemblers, and suppliers to enable the electronic exchange of product, manufacturing, and other business data among all businesses in a product supply chain, and such term includes related application protocols and other related standards; and*

*(3) the term "major manufacturing industry" includes the aerospace, automotive, electronics, shipbuilding, construction, home building, furniture, textile, and apparel industries and such other industries as the Director designates.*

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, small and medium-sized manufacturers contribute greatly to our Nation's economic growth, creating thousands of new jobs each year and providing all Americans with quality manufactured goods.

The emergence of electronic commerce has the potential to assist small and medium-sized manufacturers develop new products and markets, interact more quickly and efficiently with suppliers and customers and improve productivity by increasing efficiency and reducing transaction costs and paperwork.

Despite the benefits electronic commerce has to offer, small and medium-sized manufacturers face significant challenges in integrating electronic commerce into their operation because of the complexity of multiple technologies, expensive deployment costs and the lack of interoperability standards.

H.R. 4429, the Electronic Commerce Enhancement Act of 2000, helps to assist small and medium-sized businesses to successfully integrate and utilize electronic commerce technologies and business practices. Specifically, the bill requires the National Institute of Standards and Technology of the Department of Commerce to assist small and medium-sized manufacturers by assessing critical enterprise integration standards in implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.

This bill was unanimously approved by the Committee on Science on July 26 of this year. I wish to commend the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA), and the chairwoman of the subcommittee, the gentlewoman from Maryland (Mrs. MORELLA), for their efforts, and urge my colleagues to support its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4429 is a very important piece of legislation, and I wish to compliment the gentleman from Michigan (Mr. BARCIA) and our chairman for their persistence in focusing the Congress on the impacts that electronic commerce is having on our small businesses throughout this country. Competing as a small businessman can be very tough under the very best of circumstances, and it gets just that much harder during times of rapid change. Today, computers and e-commerce are turning the world of many small businessmen and women on their head. They do not know which way to go.

The gentleman from Michigan (Mr. BARCIA) and his cosponsors have written legislation that will really help small businesses. It will help them tremendously in obtaining the information and expertise necessary to make intelligent business decisions as they move onto the Internet. This help will be available through the Manufacturing Extension Program of the Department of Commerce.

The gentleman from Michigan (Mr. BARCIA), the gentlewoman from Michigan (Ms. RIVERS), and the gentlewoman from Michigan (Ms. STABENOW) also introduced H.R. 4906 earlier this year. It is a bill that very aggressively addresses another small business problem that is just around the corner.

According to recent testimony before the Committee on Science, European governments are spending over $45 million per year to develop standards that will permit companies to exchange manufacturing data instantaneously and in effect establish virtual manufacturing enterprises. H.R. 4906 provides for a meaningful U.S. role in the development of these standards and for creating the tools that small businesses will need to participate in this new mode of business interaction.

We appreciate the willingness of the gentleman from Wisconsin (Chairman SENSENBRENNER) to add sections from H.R. 4906 to the bill before us today, and I urge my colleagues to support H.R. 4429.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Speaker, I rise today in support of H.R. 4429, The Electronic Commerce Enhancement Act of 2000.

H.R. 4429 is a bipartisan effort to assist small and medium-sized enterprises in bringing their businesses on line. I introduced this bill, along with the gentleman from California (Mr. CALVERT), the gentleman from Washington (Mr. BAIRD), the gentleman from Pennsylvania (Mr. DOYLE), and the gentleman from Colorado (Mr. UDALL) earlier this year. This bill is the result of Subcommittee on Technology hearings and a district workshop I held on the electronic commerce needs of small and medium-sized manufacturers.

As large companies move their business transactions on line, small businesses must go on line also. Unfortunately, many of these smaller manufacturers do not have the information they need to make informed decisions on e-commerce-related purchases and services. As one small manufacturer put it, "I know whether I need a $20,000 or a $30,000 truck, but I do not have any idea of whether I need a $5,000 or a $50,000 e-mail server."

The goal of this legislation is to provide American small business with information and knowledge they need to make these critical business decisions. This bill builds upon the successful Manufacturing Extension Partnerships Program, or MEP. In addition, H.R. 4429 authorizes the establishment of an advisory panel to determine the e-commerce needs of small businesses nationwide.

The MEP, working with this advisory panel, will establish a pilot program that will allow MEP centers to provide small manufacturers with the information they need to make informed purchases of e-commerce products and services.

In addition, this legislation incorporates some provisions of H.R. 4906, the Enterprise Integration Act, which I introduced along with the gentlewoman from Michigan (Ms. RIVERS). These provisions address the issue of interoperability in the manufacturing supply chain. The adoption of e-commerce business practices within supply chains is often hindered by the lack of interoperability of software, hardware and networks in exchanging product data and other key business information.

A recent study showed that the U.S. automotive supply chain alone suffers at least $1 billion in lost productivity due to problems of interoperability. Other industries with complex manufacturing requirements are expected to suffer similar losses, including aerospace, electronics, shipbuilding and construction, to name just a few.

The National Institute of Standards and Technology has supported the first phase of an interoperability program in the auto industry called STEP. In my home State of Michigan, STEP proved to be highly successful and was strongly supported by the auto industry and manufacturers in their supply chain. The provisions of H.R. 4429 build upon this prior experience.

NIST is authorized to perform an assessment to identify critical enterprise integration standards and implementation activities for major manufacturing industries and to report to Congress on the appropriate role for working with industry in this area.

I want to especially this morning thank the Subcommittee on Technology chairwoman, the gentlewoman from Maryland (Mrs. MORELLA), for the series of hearings that she has held on e-commerce during this past 2-year session. These hearings have brought attention to the challenges facing our small manufacturers as they enter the world of electronic business.

I also want to especially thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the ranking member, the gentleman from Texas (Mr. HALL), for their gracious efforts to move this bill through the Committee on Science and bringing it to the floor so expeditiously.

In closing, I believe this bill represents sound and reasonable policy and builds upon the successful track record of the Manufacturing Extension Partnership Program and the National Institute of Standards and Technology.

I urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 4429, the Electronic Commerce Enhancement Act of 2000. I want to thank the chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER), for helping to bring this bill to the floor. I want to thank the ranking member, the gentleman from Texas (Mr. HALL), for his yeoman-like work in this. Certainly I value the leadership of the ranking member of the Subcommittee on Technology for the work that he has done and his leadership in helping to forward this very important measure.

During a busy day, most Americans probably do not even stop to think about the daily impact small manufacturing has on our lives; yet it is all but impossible to get through a day without using products that are created by small manufacturers. Everything from the clothes we wear, to the chairs we sit on, to the telecommunications equipment that we use to broadcast these House proceedings live can be attributed in part to the products of small manufacturers.

Small manufacturers make up over 95 percent of all United States manufacturers, and employ one out of every 10 American workers. It is not surprising that small manufacturers contribute so greatly to our Nation's economic growth and prosperity; and in recognition of this vital sector of our economy, we declared last year the year of the small manufacturer.

Last fall, as has been mentioned, the Subcommittee on Technology, which I Chair and on which the gentleman from Michigan (Mr. BARCIA) is the ranking member, convened a hearing looking at the challenges and the opportunities facing small and medium-sized manufacturers in the coming decade. As implementing successful electronic commerce strategies emerge is one of the industry's top priorities, it is estimated that sales in electronic commerce alone will reach nearly $3.2 trillion by the year 2003.

Successfully implemented, e-commerce business strategies have the potential to significantly increase productivity and revenues for many small manufacturers. Electronic commerce can help small manufacturers develop new products and markets, while at the same time allowing them to interact more quickly and efficiently with their suppliers and customers.

We had a number of small manufacturers as well as the National Association of Manufacturers testify at our hearing last fall, and they all agreed that we need to address this issue and that the National Institute of Standards and Technology, such a gem in our

Federal laboratory system, can play a very important role in helping to achieve that goal.

Mr. Speaker, I urge my colleagues to join in support of the Electronic Commerce Enhancement Act of 2000.

Mr. HALL of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I am pleased to rise in support of H.R. 4429, a bill that recognizes the importance of the Internet to our economy, and especially the importance of the Internet as a tool in business to business transactions.

Unfortunately, as Internet opportunities opened up, many small and medium-sized manufacturers, who are crucial to our economy, were not able to exploit the potential of e-commerce activities because of problems of interoperability.

The costs of this barrier of interoperability are enormous. According to a recent National Institutes of Standards and Technology study of product data exchange in the automotive sector alone, the inability to inefficiently exchange product data through the automotive supply chain conservatively costs the Internet about $1 billion per year.

This bill would allow the NIST to work with business and industry to develop voluntary standards that will assure that U.S. firms will and can continue to exploit the power of the Internet to collaborate with trading partners and, through greater speed and agility, to participate in global markets.

It also allows for a constructive U.S. role in the development of these standards and for helping equip small businesses with the instruments necessary for this new way of doing business.

I thank the gentleman from Michigan (Mr. BARCIA) for introducing this important bill, and I urge my colleagues to support it.

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Mr. HALL of Texas. Mr. Speaker, we have no more speakers, and I yield back the balance of our time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4429, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read as follows: “A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices, and to authorize the National Institute of Standards and Technology to assess critical enterprise integration standards and implementation activities for major manufacturing industries and to develop a plan for enterprise integration for each major manufacturing industry.”.

A motion to reconsider was laid on the table.

## NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2000

Mr. SWEENEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4946) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4946

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Small Business Regulatory Assistance Act of 2000”.

**SEC. 2. PURPOSE.**

The purpose of this Act is to establish a pilot program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal regulations;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.

**SEC. 3. DEFINITIONS.**

In this Act, the definitions set forth in section 34(a) of the Small Business Act (as added by section 4 of this Act) shall apply.

**SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.**

The Small Business Act (15 U.S.C. 637 et seq.) is amended—

(1) by redesignating section 34 as section 35; and

(2) by inserting after section 33 the following new section:

**“SEC. 34. SMALL BUSINESS REGULATORY ASSISTANCE PILOT PROGRAM.**

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration.

“(2) ASSOCIATION.—The term ‘Association’ means the association, established pursuant to section 21(a)(3)(A), representing a majority of Small Business Development Centers.

“(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘participating Small Business Development Center’ means a Small Business Development Center participating in the pilot program.

“(4) PILOT PROGRAM.—The term ‘pilot program’ means the pilot program established under this section.

“(5) REGULATORY COMPLIANCE ASSISTANCE.—The term ‘regulatory compliance assistance’ means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

“(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term ‘Small Business Development Center’ means a Small Business Development Center described in section 21.

“(7) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

“(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a pilot program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.

“(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

“(1) IN GENERAL.—In carrying out the pilot program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—

“(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;

“(B) training and educational activities;

“(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

“(D) technical assistance; and

“(E) referrals to experts and other providers of compliance assistance.

“(2) REPORTS.—

“(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

“(i) a summary of the regulatory compliance assistance provided by the center under the pilot program; and

“(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

“(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

“(C) INTERIM REPORTS.—During any time period falling between the transmittal of quarterly reports, a participating Small Business Development Center may transmit to the Administrator any interim report containing data or information considered by the center to be necessary or useful.

“(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the pilot program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal enforcement action commenced by a Federal or State agency.

"(d) DATA REPOSITORY AND CLEARINGHOUSE.—

"(1) IN GENERAL.—In carrying out the pilot program, the Administrator, acting through the office of the Associate Administrator for Small Business Development Centers, shall—

"(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and

"(B) transmit to the President and to the Committees on Small Business of the Senate and House of Representatives an annual report that includes—

"(i) a description of the types of assistance provided by participating Small Business Development Centers under the pilot program;

"(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the pilot program;

"(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the pilot program;

"(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the pilot program, including any activities conducted in partnership with Federal agencies;

"(v) data and information regarding each case known to the Administrator in which 1 or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal regulation to 1 or more small business concerns; and

"(vi) any recommendations for improvements in the regulation of small business concerns.

"(e) ELIGIBILITY.—

"(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the pilot program only if the center is certified under section 21(k)(2).

"(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the pilot program, the Administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

"(3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 2000.

"(f) SELECTION OF PARTICIPATING CENTERS.—

"(1) IN GENERAL.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select 2 Small Business Development Centers from each of the following groups of States to participate in the pilot program, except that the Administrator may not select 2 Small Business Development Centers from the same state:

"(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

"(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

"(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

"(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

"(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

"(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

"(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

"(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

"(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

"(J) Group 10: Washington, Alaska, Idaho, and Oregon.

"(2) DEADLINE FOR SELECTION.—The Administrator shall make selections under this subsection not later than 60 days after promulgation of regulations under section 4.

"(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the pilot program.

"(h) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the pilot program, the Comptroller General of the United States shall conduct an evaluation of the pilot program and shall transmit to the Administrator and to the Committees on Small Business of the Senate and House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the pilot program, without or without modification, should be extended to include the participation of all Small Business Development Centers.

"(i) LIMITATION ON USE OF FUNDS.—The Administrator may carry out the pilot program only with amounts appropriated in advance specifically to carry out this section.".

**SEC. 5. PROMULGATION OF REGULATIONS.**

After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the pilot program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the pilot program; and

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. SWEENEY) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask my colleagues to support H.R. 4946, the National Small Business Regulatory Assistance Act of 2000.

This bill is intended to assist small business owners in their efforts to comply with the onslaught of Federal regulations which have substantially increased over the past 20 years. H.R. 4946 is designed to utilize the existing infrastructure of Small Business Development Centers to provide regulatory counseling and coordination of Federal regulatory outreach to America's small business community.

We know that the vast majority of small business owners are honest and hard-working people who want to do the right thing. Clearly, this bill is an effort to help these small business owners. Just think, Mr. Speaker, it is highly unlikely that my colleagues or their staffs, or even the staffs of the committees, read the Federal Register on a daily basis. Yet that is what the government asks small business owners to do in order to determine which regulations affect them and what they must do to comply with those regulations.

Let me give an example: The proposed regulation to prevent ergonomic injuries is just 11 pages long; however, OSHA admits that these 11 pages are not self-explanatory and determining the best method of complying will require a small business owner to wade through nearly 1,500 pages of supplemental explanation and economic analysis.

Small business owners want to comply with Federal regulations, but often they simply do not have the time or the expertise to determine how to comply with proposed rules. This causes loss of revenue. Oftentimes, that revenue would be used to grow for jobs. When that happens, Mr. Speaker, it hurts us all.

H.R. 4946, is designed to assist small business owners navigate through the maze of Federal regulations which continue to pour forth from the Federal Government. H.R. 4946 would establish a pilot program in 20 Small Business Development Centers, SBDCs, throughout the United States. These 20 centers would be charged with providing small business owners access to information and resources, including current Federal and State programs designed to provide small business owners with regulatory compliance assistance, training materials and educational activities such as conferences and seminars, confidential free-of-charge one-on-one in-depth counseling regarding compliance assistance, technical assistance, and referral to other experts such as professors in the university or colleges where the participating SBDC is located.

The SBDCs would track information and H.R. 4946, as amended, would provide this information to the administrator of the SBA for collection in a clearinghouse. This will enable Federal agencies and Congress to ensure consistency of regulatory compliance assistance to small business.

The cooperation envisioned by H.R. 4946 is not necessarily new. Some Small Business Development Centers already are thinking outside the box. This bill will, however, help foster those relationships with different Federal agencies.

Mr. Speaker, I come to the floor with firsthand knowledge of how effective this type of process can be. Before being elected to Congress, I served as the Commissioner of Labor in New York State. I know firsthand the difficulty that exists in trying to balance the needs of running a small business and maintaining a safe working environment and creating jobs.

While I was State Labor Commissioner, I instituted an exhaustive review process that resulted in a 30 percent reduction of outdated, unnecessary, duplicative or oppressive restrictions on New York's businesses.

The result, after that reduction in regulations, Mr. Speaker, was an increase in worker safety, an increase in safety in the workplace.

As a former State regulator, I understand that penalizing first and asking questions later is not necessarily the best use of a regulators' time or their resources. If the pilot programs prove successful, and given my experience in New York, I think they will, then we will be on our way to a win-win situation for all involved.

Mr. Speaker, before closing, let me briefly mention the amendments made to the version reported out of committee. After substantial discussion with small business owners and Small Business Development Center directors, it was determined that certain technical corrections were necessary to fine tune the operation of the pilot programs.

First, the administrator of the SBA will maintain the central clearinghouse of information and make reports to the President and Congress.

Second, to ensure that the assessment of the program is not biased, the General Accounting Office will provide a 3-year review of the program.

And third, H.R. 4946, as amended, will provide significant guidance to the administrator in the development of regulations needed to place the program in operation, but at the same time ensure that the program is not unduly delayed by bureaucratic debate.

H.R. 4946 is a good bill, Mr. Speaker, that passed out of the committee unanimously. I ask my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my support for H.R. 4946 and commend the gentleman from New York (Mr. SWEENEY) for his work on addressing one of the most pressing issues affecting small businesses, the need for clear and understandable regulations.

Small businesses support safe workplace regulations and the need for a clean environment. They recognize that these regulations are put in place not just for protection of their customers and employees, but to protect the business and the community as a whole. The fact is regulatory issues are a major concern for small businesses. And while this bill relieves some of the regulatory burden, there is more we will need to do to ensure that the process is fair and equitable.

However, what often frustrates them the most is the simple fact that the regulations governing many of these areas have one common and disturbing denominator: They are often too confusing and unload a heavier burden on small businesses. Penalties, I might add, that small businesses cannot afford to fight against, or in some cases pay the stiff fine the regulation often imposes.

To alleviate this problem, some agencies like OSHA, EPA, and IRS provide compliance assistance aimed at helping small businesses. And while these programs are very helpful, many business owners fear that if they seek any compliance assistance from these agencies, their businesses will be left open to possible fines and sanctions without actually understanding the regulation they violated.

To address this problem, the legislation offered by the gentleman from New York sets up a pilot program in partnership the Nation's Small Business Development Centers, SBDCs. It is aimed at assisting small businesses in complying with the array of regulations that exist.

With locations in every community and a reputation for providing solid small business assistance, SBDCs will offer an additional avenue for helping smaller companies understand and comply with regulations. This proposal makes good business sense, both for small companies and for the Federal Government that serves a multitude of interests.

Once again, I would like to commend the gentleman from New York (Mr. SWEENEY) for his work on the committee and on this critical issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I too want to commend and congratulate the gentleman from New York (Mr. SWEENEY) for introducing such a meaningful piece of legislation.

All of us know that small businesses are, indeed, a backbone of the economy in this country. And we also know that as we become more civilized, there is need to protect the workplace and make it as worker friendly as we possibly can, to make it as safe for those who work as we can.

That means standards. In many instance those small businesses have difficulty complying because of not having the person-power to figure out how to comply meaningfully with the regulation. Or they may not have the money, the resources, the cash flow.

This bill provides an opportunity to assist small businesses to be in compliance, to know how to comply, and to do it well. It is a good piece of legislation. Again, I commend the gentleman from New York and urge all Members to support it.

Mr. SWEENEY. Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, we have taken a big step toward helping businesses deal with the issue of regulatory burden. Unfortunately for many small companies today, the added weight of government regulations can cost many business owners serious long-term financial hardship.

This bill will take a big step toward making regulatory compliance a manageable task for small businesses. However, while this bill achieves a number of objectives, there is more we need to do to provide a better understanding of the entire Federal regulatory system.

Again, I commend the gentleman from New York (Mr. SWEENEY) for his hard work on this bill, and I look forward to working with him and other members of the committee as we move this entire process forward.

Mr. Speaker, I yield back the balance of my time.

Mr. SWEENEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing I want to thank the gentlewoman from New York (Ms. VELÁZQUEZ), my colleague and friend, the ranking member of the committee, for her support throughout this process, as well as the gentleman from Illinois (Mr. DAVIS). I would just point out that all three of us, as do many of the members of the committee, represent districts that substantially rely on the small business community to create jobs in their areas. Especially those areas in a district like mine that happens to be economically depressed or finding itself at times in real competition as the world changes in terms of the economy.

I also want to thank the gentleman from Missouri (Chairman TALENT) for scheduling a field hearing on this issue and bringing the bill to markup. I want to also thank the Committee on Small Business staff for all of their hard work on this legislation.

I think the Small Business Regulatory Assistance Act of 2000 is an important effort to help small businesses and small business owners comply with Federal regulations. I urge my colleagues to support it. I think this is a job-growing proposition.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SWEENEY) that the House suspend the rules and pass the bill, H.R. 4946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4946.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## EXPORT WORKING CAPITAL LOAN IMPROVEMENT ACT OF 2000

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4944) to amend the Small Business Act to permit the sale of guaranteed loans made for export purposes before the loans have been fully disbursed to borrowers.

The Clerk read as follows:

### H.R. 4944

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Export Working Capital Loan Improvement Act of 2000".

**SEC. 2. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.**

Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:

"(C) each loan, except each loan made under section 7(a)(14), shall have been disbursed to the borrower prior to any sale.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4944 makes a technical correction to the Export Working Capital Guarantee Program of the Small Business Administration. The export working capital program provides a 90 percent guarantee for revolving capital needs covering up to $750,000 for small business exporters.

However, this is a very underused program. Only 429 international trade loans were facilitated by this program in 1999. The problem is that the SBA would like to be able to sell these loans on the secondary market. However, secondary market sales of guaranteed loans are conducted infrequently. Current law requires that all 7(a) loans, including export working capital loans, must be fully disbursed to the borrower prior to becoming included in the secondary market sale.

Export working capital loans are often approved, disbursed, and repaid so quickly that they miss the window of opportunity for inclusion in a secondary market sale.

The purpose of the Export Working Capital Loan Improvement Act of 2000 is to exempt export working capital loans from the disbursement requirement under the SBA's 7(a) loan program. This change will allow export working capital loans to be sold to the secondary market. Passage of H.R. 4944 hopefully will free up more trade financing for small business exporters.

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The lack or the complexity of trade finance is a major barrier to small businesses.

Last month, I participated in a forum in Rockford, Illinois, in the district I represent, a forum which was sponsored by the Office of International Trade at the SBA to encourage more local banks to become interested in trade finance. This is a difficult process, because even in this era of globalization, many bankers are still not quite sure how they can be repaid for international loans.

H.R. 4944 will remove the uncertainty for small or international trade loans administered by the SBA. The bill will make trade finance a more attractive option for banks. Increasing the availability of export finance thus will encourage more small businesses to enter into the trade arena.

Mr. Speaker, if my colleagues have seen the recent headlines about U.S. trade deficits hitting another record, we must be concerned, as I am, about our national export strategy. For the month of July, U.S. exports dropped 1.5 percent.

While this bill is surely not a cure-all to this program, it is one small step we can take to encourage more lenders to offer trade finance to small business exporters.

Mr. Speaker, I urge my colleagues to support me and join me in voting for the Export Working Capital Loan Improvement Act of 2000.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4944, the Export Working Capital Loan Improvement Act of 2000. The change proposed in this bill will make an exception to the requirement that export working capital loans will fully be disbursed before they can be sold on the secondary market.

This exception would only be carved out for export working capital loans and will not apply to any other SBA loan programs. This change is necessary so that SBA can sell export working capital loans on the secondary market. Selling loans on the secondary market is an important part of the SBA's financial planning, as it keeps the subsidy rate for the loan programs down, therefore requiring less direct appropriation from Congress.

Mr. Speaker, the Export Working Capital Program, a combined effort of the SBA and the Ex-Im Bank, is an important program that provides short-term working capital to small business exporters. The two agencies have joined their working capital programs to offer an efficient, unified approach to the Federal Government's support of export financing.

The technical change in this bill is important to the long-term stability of the Export Working Capital Loan Program, and, more importantly, to the small businesses that use the program.

According to a joint SBA and Commerce Department study, nearly 97 percent of the U.S. firms engage in exporting our small businesses. This same study shows that small business accounts for nearly one-third of total U.S. export sales.

And according to U.S. Census Bureau data, about 88 percent of the U.S. companies engage in exporting are small business with fewer than 100 employees. Small businesses are the engine driving our economy; as such, small business exporters play an important role in our economic success.

Mr. Speaker, I would like to commend the sponsor of the bill, the gentleman from Illinois (Mr. MANZULLO), for bringing this matter to our attention. This problem is an example of the unintended consequences that statutes can have, and it says a lot about the nature of the Committee on Small Business that we caught the problem and are working to correct it in a bipartisan manner.

Again, I support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I, first of all, want to commend my colleague, the gentleman from Illinois (Mr. MANZULLO), for introducing this legislation.

Mr. Speaker, I rise in strong support of H.R. 4944, the Export Working Capital Loan Improvement Act. The Export Working Capital Loan Improvement Act of 2000 makes a technical correction to the Small Business Act that will enable the Small Business Administration to sell export working capital loans on the secondary market.

This program provides transaction-specific financing of loans of $833,333 or less. Small business exporters may use this program for preexport financing of labor and materials, financing receivables generated from these sales and/or standby letters of credit used as performance bonds or payment guarantees to foreign buyers.

Enabling the sale of these loans on the secondary market will increase the attractiveness of export working capital loans to lenders to be used as performance bonds or payment guarantees to foreign buyers.

It would relieve them of the cost of servicing and paperwork on small short-term loans. While the authority exists to sell export working capital loans, secondary market sales of SBA guaranteed loans are conducted infrequently, which create a technical problem affecting these short-term loans.

Mr. Speaker, H.R. 4944 streamlines the entire process. The committee changes are simply the latest in a series of Small Business Administration program enhancements designed to meet small businesses' needs for a simple process with flexible requirements and fast delivery of financing.

Again, I want to commend the Committee on Small Business for its bipartisan work. I want to commend and congratulate the gentleman from Illinois (Mr. MANZULLO) for an important piece of legislation, because what he has done has simply been to take a good program and make it better.

Mr. MANZULLO. Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for yielding the time to me. Let me also join the refrain and thank the gentleman from Illinois (Mr. MANZULLO), chairman of the Subcommittee on Tax, Finance and Exports, as well as the gentleman from Missouri (Mr. TALENT), chairman of the Committee on Small Business, and the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member, for their leadership in bringing forth this outstanding piece of legislation.

Mr. Speaker, as the ranking member of the Subcommittee on Empowerment, I rise in strong support of the National Small Business Regulatory Assistance Act. This bill will offer small businesses a voluntary, confidential and nonpunitive way to obtain assistance in complying with regulations through the small business development centers.

It creates partnerships with the Federal agencies to encourage them to increase outreach efforts to small businesses which will improve compliance with regulations and establish a mechanism for unbiased feedback from SBDCs to Federal agencies on regulatory environment.

Specifically, H.R. 4946 will establish a pilot program that sets 20 SBDCs as points of contact and advice for small businesses with concerns about regulatory compliance.

The selected SBDCs will coordinate and develop partnerships with Federal agencies for the provision of much-needed advice to small businesses. The SBDCs will be charged with sending information obtained from Federal agencies concerning contradictory or confusing advice on regulations to the National Association of Small Business Development Centers. The ASBDCs will then prepare a report for the President, the Small Business Regulatory Enforcement Fairness Ombudsman, and the House and Senate Small Business Committees.

Mr. Speaker, with so many small businesses overwhelmed by growing and constantly changing State, Federal, and local regulatory requirements and in fear of penalties for noncompliance, the time has come, Mr. Speaker, for Congress to help these businesses understand and comply with the various regulations.

In the past 20 years, the Federal Register, which lists all of the regulations and changes, grew from 42,000 to a record rate of 73,879 pages in 1999. Small businesses want to comply with the numerous regulations, but they often just do not know what to do.

The National Small Business Regulatory Assistance Act will offer these small businesses critical assistance by turning confusion into clarity through these pilot programs.

I urge my colleagues to support me and all of those who work on small businesses to pass this very good and common sense legislation.

Mr. Speaker, I support the Export Working Capital Loan Improvement Act because it will implement crucial technical changes which will streamline the entire small business loan process and help America's dedicated small business owners continue to grow and stimulate our strong economy.

Small firms represent 97 percent of all companies working within the United States import/export marketplace. Small businesses account for nearly one-third of total U.S. export sales and approximately 88 percent of the U.S. companies engaged in exporting are small business with fewer than 100 employees. The Export Working Capital Program [ECWP] loan program is designed to provide short-term "working capital" loans for small businesses in the import/export business. The current ECWP loan process allows the Small Business Administration to only sell loans on the secondary market if the loan has been fully disbursed to the borrower. This creates a quandary for the SBA and the EWCP because the SBA only makes loan disbursements once a month for all of its loan programs. Also the EWCP loans tend to be very short-term loans—often less than a year in length. As a result, many small businesses owners are left to squander for critical dollars in order to maintain their businesses. By providing an exception that would allow SBA to sell these loans into the secondary market, the SBA will be able to improve its long-term financial planning and streamline loan operations for import/export businesses. While this may appear to be a small change, this legislation will expand SBA's ability to reach into every sector of the economy and to help more small business owners.

I urge my colleagues to join me in voting for America's hard working small business owners by voting "yes" on Export Working Capital Loan Improvement Act.

Ms. VELAZQUEZ. Mr. Speaker, I yield back the balance of my time.

Mr. MANZULLO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 4944.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MANZULLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4944.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1248) to prevent violence against women, as amended.

The Clerk read as follows:

### H.R. 1248

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Violence Against Women Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

Sec. 101. Reauthorization.
Sec. 102. Technical amendments.
Sec. 103. State coalition grants.
Sec. 104. Full faith and credit enforcement of protection orders.
Sec. 105. Filing costs for criminal charges
Sec. 106. Elder abuse, neglect, and exploitation.

Subtitle B—National Domestic Violence Hotline

Sec. 111. Reauthorization.
Sec. 112. Technical amendments.

Subtitle C—Battered Women's Shelters and Services

Sec. 121. Short title.
Sec. 122. Authorization of appropriations for family violence prevention and services.

Sec. 123. FVPSA improvements.
Sec. 124. Transitional housing assistance for victims of domestic violence.

Subtitle D—Community Initiatives

Sec. 131. Grants for community initiatives.

Subtitle E—Education and Training for Judges and Court Personnel

Sec. 141. Reauthorization.

Subtitle F—Grants To Encourage Arrest Policies

Sec. 151. Reauthorization.
Sec. 152. Technical amendment.

Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

Sec. 161. Reauthorization.
Sec. 162. Technical amendments.

Subtitle H—National Stalker and Domestic Violence Reduction

Sec. 171. Technical amendments.
Sec. 172. Reauthorization.

Subtitle I—Federal Victims' Counselors

Sec. 181. Reauthorization.

Subtitle J—Victims of Child Abuse Programs

Sec. 191. Reauthorization of court-appointed special advocate program.
Sec. 192. Reauthorization of child abuse training programs for judicial personnel and practitioners.
Sec. 193. Reauthorization of grants for televised testimony.
Sec. 194. Dissemination of information.

TITLE II—SEXUAL ASSAULT PREVENTION

Sec. 201. Transfer of rape prevention and education program.
Sec. 202. Rape prevention education.
Sec. 203. Sexual assault and interpersonal violence; demonstration projects.

TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

Subtitle A—Strengthening Services to Victims of Violence

Sec. 301. Civil legal assistance for victims.

Subtitle B—Limiting the Effects of Violence on Children

Sec. 305. Safe havens for children pilot program.

Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

Sec. 310. Findings.
Sec. 311. Omnibus Crime Control and Safe Streets Act of 1968.
Sec. 312. Violence Against Women Act.
Sec. 313. Grants for technical assistance.

Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

Sec. 315. Short title.
Sec. 316. Standards, practice, and training for sexual assault forensic examinations.

Subtitle E—Domestic Violence Task Force

Sec. 320. Domestic Violence Task Force.

#### SEC. 2. DEFINITIONS.

(a) DOMESTIC VIOLENCE.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2003(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(1)) is amended to read as follows:

"(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction;".

(2) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT.—Section 2105(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4(1)) is amended to read as follows:

"(1) the term 'domestic violence' includes acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; and".

. (b) INDIAN COUNTRY.—Section 2003(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(1)) is amended to read as follows:

"(2) the term 'Indian country' has the same meaning as is given such term by section 1151 of title 18, United States Code;".

(c) STALKING.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2) is amended by striking the period at the end of paragraph (8) and inserting a semicolon and by adding after paragraph (8) the following:

"(9) the term 'stalking' means engaging in conduct that is directed at an individual with the intent to injure and harass the individual and which places the individual in reasonable fear of the death of, or serious bodily injury to, that individual, a member of that individual's immediate family or that individual's intimate partner;".

(d) UNDERSERVED POPULATIONS.—Section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7) is amended to read as follows:

"(7) the term 'underserved populations' includes populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, or age), and any other population determined to be underserved by the State planning process in consultation with the Attorney General;".

(e) DOMESTIC VIOLENCE COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2), as amended by subsection (c), is amended by adding after paragraph (9) the following:

"(10) the term 'domestic violence coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to domestic violence programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority;".

(f) SEXUAL ASSAULT COALITION.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2), as amended by subsection (e), is amended by adding after paragraph (10) the following:

"(11) the term 'sexual assault coalition' means a statewide (except in the case of a coalition within lands under tribal authority) nonprofit, nongovernmental membership organization of a majority of sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority that among other activities provides training and technical assistance to sexual assault programs within the State, commonwealth, territory, or lands under military, Federal, or tribal authority; and".

(g) DATING VIOLENCE.—

(1) SECTION 2003.—Section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3996gg-2), as amended by subsection (f), is amended by adding after paragraph (11) the following:

"(12) The term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.".

(2) SECTION 2105.—Section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting "; and", and by adding after paragraph (2) the following:

"(3) the term 'dating violence' means violence committed by a person—

"(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

"(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

"(i) the length of the relationship;

"(ii) the type of relationship; and

"(iii) the frequency of interaction between the persons involved in the relationship.".

## TITLE I—CONTINUING THE COMMITMENT OF THE VIOLENCE AGAINST WOMEN ACT

### Subtitle A—Law Enforcement and Prosecution Grants To Combat Violence Against Women

#### SEC. 101. REAUTHORIZATION.

Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(18)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by inserting after subparagraph (F) the following:

"(G) $185,000,000 for fiscal year 2001;

"(H) $185,000,000 for fiscal year 2002;

"(I) $185,000,000 for fiscal year 2003;

"(J) $195,000,000 for fiscal year 2004; and

"(K) $195,000,000 for fiscal year 2005.".

#### SEC. 102. TECHNICAL AMENDMENTS.

(a) GRANT ALLOCATION.—Section 2002(c)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(c)(3)) is amended to read as follows:

"(3) at least 50 percent is allocated to grants for law enforcement, prosecution, and State and local court systems and at least 35 percent is allocated for victim services; and".

(b) REALLOTMENT.—Section 2002(e) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(e)) is amended by adding at the end the following new paragraph:

"(3) Reallotment of Funds.—

"(A) If, at the end of the 9th month of any fiscal year for which funds are appropriated under section 1001(a)(18), the amounts made available are unspent or unobligated, such unspent or unobligated funds shall be reallotted to the current fiscal year recipients in the victim services area pursuant to section 2002(c)(3) proportionate to their original allotment for the current fiscal year.

"(B) For the first 2 fiscal years following the date of the enactment of the Violence Against Women Act of 2000, the Attorney General may waive the qualification requirements of section 2002(c)(3), at the request of the State and with the support of law enforcement, prosecution, and victim services grantees currently funded under this section, if the reallocation of funds among law enforcement, prosecution, victim services, and State and local court systems mandated by this Act adversely impacts victims of sexual assault, domestic violence, and stalking, due to the reduction of funds to programs and services funded under this section in the prior fiscal year. Any waiver granted under this subparagraph shall not diminish the allocation of any State for victim services.".

(c) Expanded Grant Purposes.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) in paragraph (1), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence";

(2) in paragraph (5), by striking "sexual assault and domestic violence" and inserting "sexual assault, domestic violence, and dating violence";

(3) by striking "and" at the end of paragraph (6); and

(4) by redesignating paragraph (7) as paragraph (10) and by inserting after paragraph (6) the following new paragraphs:

"(7) developing, enlarging, or strengthening State and local court programs, including training for State, local, and tribal judges and court personnel, addressing violent crimes against women, including sexual assault, domestic violence, and stalking;

"(8) training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

"(9) supporting the development of sexual assault response teams to strengthen the investigation of sexual assaults and coordinate services for victims of sexual assault; and".

(d) Monitoring and Compliance.—Section 2002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1) is amended by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively, and by inserting after subsection (d) the following:

"(e) Monitoring and Compliance.—The Attorney General shall deny applications—

"(1) that do not meet the requirements set forth in subsections (c) and (d); and

"(2) for failure to provide documentation, including memoranda of understanding, contract, or other documentation of any collaborative efforts with other agencies or organizations.".

(e) Victim Services.—Section 2003(8) of Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(8)) is amended by striking "assisting domestic violence or sexual assault victims through the legal process" and inserting "providing advocacy and assistance for victims seeking abuse-related health care services and legal and social services, except that such term shall not include programs or activities that are targeted primarily for offenders".

(f) Indian Tribal Grants.—Section 2002(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(b)(1)) is amended by striking "4 percent" and inserting "5 percent".

(g) Medical Cost Reimbursement.—Section 2005(b)(3) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-4(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by inserting after subparagraph (D) the following:

"(E) the reimbursement is not contingent upon the victim's report of the sexual assault to law enforcement or upon the victim's cooperation in the prosecution of the sexual assault.".

(h) State and Local Courts.—Section 2002(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-1(a)) is amended by inserting ", State and local courts" after "States" the second time it appears.

(i) Information Reporting.—Section 2001(b)(4) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)(4)) is amended by adding before the semicolon the following: ", including the reporting of such information to the National Instant Criminal Background Check System".

### SEC. 103. STATE COALITION GRANTS.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by inserting after subsection (b) the following new subsection:

"(c) Grants.—

"(1) To coalitions.—The Attorney General shall make grants to each of the State domestic violence and sexual assault coalitions in the State for the purposes of coordinating State victim services activities, and collaborating and coordinating with Federal, State, and local entities engaged in violence against women activities. In no case will such awards preclude the State domestic violence and sexual assault coalitions from receiving grants under this part to fulfill the purposes described in subsections (a) and (b).

"(2) Percent allocations.—Domestic violence coalitions and sexual assault coalitions shall each receive not less than two and one-half percent of the funds appropriated for a fiscal year under section 1001(a)(18) for the purposes described in paragraph (1).

"(3) Geographical Allotment.—

"(A) Amount.—The domestic violence and sexual assault coalition in each State, the District of Columbia, the Commonwealth of Puerto Rico, and the combined United States Territories shall each receive an amount equal to $\frac{1}{54}$ of the amount made available under paragraph (2). The combined United States Territories shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year and the tribal domestic violence and sexual assault coalitions shall not receive less than 1.5 percent of the funds made available under paragraph (2) for each fiscal year.

"(B) Definition.—For the purposes of this section, the term 'combined United States Territories' means Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) Indians.—$\frac{1}{54}$ of the amount appropriated shall be made available for development and operation of nonprofit nongovernmental tribal domestic violence and sexual assault coalitions in Indian country.

"(4) Disbursement of Geographical Allotments.—50 percent of the $\frac{1}{54}$ allotted to each State, the District of Columbia, Commonwealth of Puerto Rico, the combined United States Territories, and Indian country under paragraph (3) shall be made available to the domestic violence coalition as defined in section 2003(10) of this Act and 50 percent shall be made available to the sexual assault coalition as defined in section 2003(11) of this Act; and

"(5) Component Eligibility.—In the case of combined domestic violence and sexual assault coalitions, each component shall be deemed eligible for the awards for sexual assault and domestic violence activities, respectively.

"(6) Application.—In the application submitted by a coalition for the grant, the coalition provides assurances satisfactory to the Attorney General that the coalition—

"(A) has actively sought and encouraged the participation of law enforcement agencies and other legal or judicial entities in the preparation of the application; and

"(B) will actively seek and encourage the participation of such entities in the activities carried out with the grant.".

### SEC. 104. FULL FAITH AND CREDIT ENFORCEMENT OF PROTECTION ORDERS.

(a) In General.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended—

(1) in the heading, by adding "**AND ENFORCEMENT OF PROTECTION ORDERS**" at the end;

(2) in section 2101(b)—

(A) in paragraph (6), by inserting "(including juvenile courts)" after "courts"; and

(B) by adding at the end the following:

"(7) To provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdictions, and enforcement between tribal jurisdictions."; and

(3) in section 2102—

(A) in subsection (b)—

(i) in paragraph (1), by striking "and" at the end;

(ii) in paragraph (2), by striking the period at the end and inserting ", including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);"; and

(iii) by adding at the end the following:

"(3) have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions); and

"(4) will give priority to using the grant to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts, and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective."; and

(B) by adding at the end the following:

"(c) Dissemination of Information.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about successful data collection and communication systems that meet the purposes described in this section. Such dissemination shall target States, State and local courts, Indian tribal governments, and units of local government.".

(b) Eligibility for Grants to Encourage Arrest Policies.—

(1) In General.—Section 2101 of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(A) in subsection (c), by striking paragraph (4) and inserting the following:

"(4) certify that their laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction."; and

(B) by adding at the end the following:

"(d) Definition.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

(2) Application for Grants to Encourage Arrest Policies.—Section 2102(a)(1)(B) of part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-1(a)(1)(B)) is amended by striking "2 years of the date of enactment of this part" and inserting "the expiration of the 1-year period beginning on the date of enactment of the Violence Against Women Act of 2000".

### SEC. 105. FILING COSTS FOR CRIMINAL CHARGES

Section 2006 of part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-5) is amended—

(A) in the heading, by striking "**FILING**" and inserting "**AND PROTECTION ORDERS**" after "**CHARGES**";

(B) in subsection (a)—

(i) by striking paragraph (1) and inserting the following:

"(1) certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, civil or criminal protection order, or witness subpoena, whether issued inside or outside the State, tribal, or local jurisdiction; or"; and

(ii) in paragraph (2)(B), by striking "2 years" and inserting "1 year after the date of enactment of the Violence Against Women Act of 2000"; and

(C) by adding at the end the following:

"(c) Definition.—In this section, the term 'protection order' has the meaning given the term in section 2266 of title 18, United States Code.".

### SEC. 106. ELDER ABUSE, NEGLECT, AND EXPLOITATION.

The Violence Against Women Act of 1994 (108 Stat. 1902) is amended by adding at the end the following:

### "Subtitle H—Elder Abuse, Neglect, and Exploitation, Including Domestic Violence and Sexual Assault Against Older or Disabled Individuals

### "SEC. 40801. DEFINITIONS.

"In this subtitle:

"(1) In General.—The terms 'elder abuse, neglect, and exploitation', and 'older individual' have the meanings given the terms in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002).

"(2) Domestic Violence.—The term 'domestic violence' has the meaning given such term by section 2105 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh-4).

"(3) Sexual Assault.—The term 'sexual assault' has the meaning given the term in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2).

### "SEC. 40802. LAW SCHOOL CLINICAL PROGRAMS ON ELDER ABUSE, NEGLECT, AND EXPLOITATION.

"The Attorney General shall make grants to law school clinical programs for the purposes of funding the inclusion of cases addressing issues of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

### "SEC. 40803. TRAINING PROGRAMS FOR LAW ENFORCEMENT OFFICERS.

"The Attorney General shall develop curricula and offer, or provide for the offering of, training programs to assist law enforcement officers, prosecutors, and relevant officers of Federal, State, and local courts in recognizing, addressing, investigating, and prosecuting instances of elder abuse, neglect, and exploitation, including domestic violence and sexual assault, against older or disabled individuals.

### "SEC. 40804. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $15,000,000 for each of the fiscal years 2001 through 2005 to carry out this subtitle.".

## Subtitle B—National Domestic Violence Hotline

### SEC. 111. REAUTHORIZATION.

Section 316(f)(1) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(f)(1)) is amended to read as follows:

"(1) In General.—There are authorized to be appropriated to carry out the purposes of this section—

"(A) $1,600,000 for fiscal year 2001;

"(B) $1,800,000 for fiscal year 2002;

"(C) $2,000,000 for fiscal year 2003; and

"(D) $2,000,000 for fiscal year 2004.".

### SEC. 112. TECHNICAL AMENDMENTS.

Section 316 of the Family Violence Prevention and Services Act (42 U.S.C. 10416) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following:

"(f) Reports.—Within 90 days after the date of the enactment of the Violence Against Women Act of 2000, all entities receiving funds pursuant to activities under subsection (a) shall prepare and submit a report to the Secretary that evaluates the effectiveness of the use of amounts received under such grants by such grantee and containing such other information as the Secretary may prescribe. The Secretary shall publish any such reports and provide at least 90 days for notice and opportunity for public comment prior to awarding or renewing any such grants.".

## Subtitle C—Battered Women's Shelters and Services

### SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Battered Women's Shelters and Services Act".

### SEC. 122. AUTHORIZATION OF APPROPRIATIONS FOR FAMILY VIOLENCE PREVENTION AND SERVICES.

Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

"(a) In General.—There are authorized to be appropriated to carry out this title (other than section 316)—

"(1) $120,000,000 for fiscal year 2001;

"(2) $160,000,000 for fiscal year 2002;

"(3) $200,000,000 for fiscal year 2003; and

"(4) $260,000,000 for fiscal year 2004.".

### SEC. 123. FVPSA IMPROVEMENTS.

(a) Reallotment of Funds.—Section 304(d) of the Family Violence Prevention and Services Act (42 U.S.C. 10403(d)) is amended—

(1) by inserting after "to such State in grants under section 303(a)" the following: "or Indian tribe or tribal organization under section 303(b)";

(2) by inserting after "failure of such State" the following: "or Indian tribe or tribal organization, or other entity";

(3) by inserting after "such amount to States" the following: "and Indian tribes and tribal organizations";

(4) by inserting after "which meet such requirements" the following: "proportionate to the original allocation made under subsection (a) or (b) of section 303, respectively"; and

(5) by redesignating paragraph (2) as paragraph (3) and adding after paragraph (1) the following:

"(2) If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 310, the amount allotted to an entity has not been made available to such entity in grants under sections 308 and 311 because of the failure of such entity to meet the requirements for a grant or because the limitation on expenditure has been reached, then the Secretary shall reallot such amount to States and Indian tribes and tribal organizations that meet such requirements proportionate to the original allocation under subsection (a) or (b) of section 303, respectively."

(b) Tribal Domestic Violence Coalitions.—Section 303(b) of the Family Violence Prevention Services Act (42 U.S.C. 10402(b)) is amended by adding at the end the following:

"(4) From the amounts made available under paragraph (1), there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal domestic violence coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for victims of domestic violence operating within the boundaries of an Indian reservation and programs whose primary purpose is serving the populations of such Indian country and whose board membership is representative of such programs. Such coalitions shall further the purposes of domestic violence intervention and prevention through activities including—

"(A) training and technical assistance for local Indian domestic violence programs and providers of direct services to encourage appropriate responses to domestic violence in Indian country;

"(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

"(C) serving as an information clearinghouse and resource center for the Indian reservation represented by the coalition receiving these funds;

"(D) collaborating with Indian, State, and Federal governmental systems which affect battered women in Indian country, including judicial and law enforcement and child protective services agencies, to encourage appropriate responses to domestic violence cases;

"(E) conducting public education and outreach activities addressing domestic violence in Indian country;

"(F) collaborating with State domestic violence coalitions in the areas described above; and

"(G) participating in planning and monitoring of the distribution of grants and grant funds to the Indian reservation and tribal organizations under paragraph (1)."

### SEC. 124. TRANSITIONAL HOUSING ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following:

### "SEC. 2007. TRANSITIONAL HOUSING ASSISTANCE.

"(a) IN GENERAL.—The Attorney General shall award grants to States, units of local government, and Indian tribes under this section to carry out programs to provide assistance to individuals and their dependents—

"(1) who are homeless or in need of transitional housing or other housing assistance, as a result of fleeing domestic violence; and

"(2) for whom emergency shelter services are unavailable or insufficient.

"(b) ASSISTANCE DESCRIBED.—Assistance provided under this section may include—

"(1) short-term housing assistance, including rental or utilities payments assistance, where such assistance is necessary to prevent homelessness due to fleeing domestic violence; and

"(2) short-term support services, including expenses and costs associated with transportation and job training referrals, child care, counseling, transitional housing identification and placement, and related expenses such as utility or security deposits and other costs incidental to relocation to transitional housing.

"(c) TERM OF ASSISTANCE.—An individual or family assisted under this section may not receive transitional housing assistance for a total of more than 12 months.

"(d) REPORTS.—

"(1) REPORT TO ATTORNEY GENERAL.—

"(A) IN GENERAL.—An entity that receives a grant under this section shall annually prepare and submit to the Attorney General a report describing the number of individuals and dependents assisted, and the types of housing assistance and support services provided, under this section.

"(B) CONTENTS.—Each report shall include information on—

"(i) the purpose and amount of housing assistance provided to each individual or dependent assisted under this section;

"(ii) the number of months each individual or dependent received the assistance;

"(iii) the number of individuals and dependents who were eligible to receive the assistance, and to whom the entity could not provide the assistance solely due to a lack of available housing; and

"(iv) the type of support services provided to each individual or dependent assisted under this section.

"(2) REPORT TO CONGRESS.—The Attorney General shall annually prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that contains a compilation of the information contained in reports submitted under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

"(1) $25,000,000 for each of fiscal years 2001 through 2003; and

"(2) $30,000,000 for each of fiscal years 2004 and 2005.".

## Subtitle D—Community Initiatives

### SEC. 131. GRANTS FOR COMMUNITY INITIATIVES.

(a) AUTHORIZATION.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $8,000,000 for fiscal year 2001;

"(2) $9,000,000 for fiscal year 2002;

"(3) $10,000,000 for fiscal year 2003; and

"(4) $11,000,000 for fiscal year 2004.".

(b) INFORMATION.—Subsection (i) of section 318 of the Family Violence Prevention and Services Act (42 U.S.C. 10418) is amended by inserting the text of the subsection as a cut-in paragraph (1) with the heading "IN GENERAL.—" and by adding at the end the following:

"(2) INFORMATION.—The Secretary shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target other community-based programs, including domestic violence and sexual assault programs.".

## Subtitle E—Education and Training for Judges and Court Personnel

### SEC. 141. REAUTHORIZATION.

(a) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN STATE COURTS.—

(1) SECTION 40412.—Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(A) by striking "and" at the end of paragraph (18);

(B) by striking the period at the end of paragraph (19) and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

"(20) the issues raised by domestic violence in determining custody and visitation, including how to protect the safety of the child and of a parent who is not a predominant aggressor of domestic violence, the legitimate reasons parents may report domestic violence, the ways domestic violence may relate to an abuser's desire to seek custody, and evaluating expert testimony in custody and visitation determinations involving domestic violence;

"(21) the issues raised by child sexual assault in determining custody and visitation, including how to protect the safety of the child, the legitimate reasons parents may report child sexual assault, and evaluating expert testimony in custody and visitation determinations involving child sexual assault, including the current scientifically-accepted and empirically valid research on child sexual assault;

"(22) the extent to which addressing domestic violence and victim safety contributes to the efficient administration of justice;".

(2) SECTION 40414.—Section 40414(a) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994(a)) is amended by inserting "and $1,500,000 for each of the fiscal years 2001 through 2005" after "1996".

(b) GRANTS FOR EDUCATION AND TRAINING FOR JUDGES AND COURT PERSONNEL IN FEDERAL COURTS.—

(1) SECTION 40421.—Section 40421(d) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14001(d)) is amended to read as follows:

"(d) CONTINUING EDUCATION AND TRAINING PROGRAMS.—The Federal Judicial Center, in carrying out section 620(b)(3) of title 28, United States Code, shall include in the educational programs it prepares, including the training programs for newly appointed judges, information on the aspects of the topics listed in section 40412 that pertain to issues within the jurisdiction of the Federal courts, and shall prepare materials necessary to implement this subsection.".

(2) SECTION 40422.—Section 40422(2) of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 14002(2)) is amended by inserting "and $500,000 for each of the fiscal years 2001 through 2005" after "1996".

(c) TECHNICAL AMENDMENTS TO THE EQUAL JUSTICE FOR WOMEN IN THE COURTS ACT OF 1994.—

(1) ENSURING COLLABORATION WITH DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS.—Section 40413 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13993) is amended by adding ", including national, State, tribal, and local domestic violence and sexual assault programs and coalitions" after "victim advocates".

(2) PARTICIPATION OF TRIBAL COURTS IN STATE TRAINING AND EDUCATION PROGRAMS.—Section 40411 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13991) is amended by adding at the end the following: "Nothing shall preclude the attendance of tribal judges and court personnel at programs funded under this section for States to train judges and court personnel on the laws of the States."

(3) USE OF FUNDS FOR DISSEMINATION OF MODEL PROGRAMS.—Section 40414 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13994) is amended by adding at the end the following:

"(c) STATE JUSTICE INSTITUTE.—The State Justice Institute may use up to 5 percent of the funds appropriated under this section for annually compiling and broadly disseminating (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable the replication and adoption of the projects.".

(d) DATING VIOLENCE.—

(1) SECTION 40411.—Section 40411 of the Equal Justice for Women in Courts Act of 1994 (42 U.S.C 13991) is amended by inserting "dating violence," after "domestic violence,".

(2) SECTION 40412.—Section 40412 of such Act (42 U.S.C 13992) is amended—

(A) in paragraph (10), by inserting "and dating violence" before the semicolon;

(B) in paragraph (11), by inserting "and dating" after "domestic";

(C) in paragraph (13), by inserting “and dating” after “domestic” in both places that it appears;

(D) in paragraph (17) by inserting “or dating” after “domestic” in both places that it appears; and

(E) in paragraph (18), by inserting “and dating” after “domestic”.

## Subtitle F—Grants To Encourage Arrest Policies

### SEC. 151. REAUTHORIZATION.

Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(3) by inserting after subparagraph (C) the following:

“(D) $63,000,000 for fiscal year 2001;

“(E) $67,000,000 for fiscal year 2002;

“(F) $70,000,000 for fiscal year 2003;

“(G) $70,000,000 for fiscal year 2004; and

“(H) $70,000,000 for fiscal year 2005.”.

### SEC. 152. TECHNICAL AMENDMENT.

Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (b)(2), by inserting “and dating” after “domestic”;

(2) in subsection (b)(5), by inserting “and dating” after “domestic”; and

(3) by adding at the end the following:.

“(e) Disbursement.—At least 5 percent of the funds appropriated under 1001(a)(19) shall be used for grants to Indian tribal governments.”.

## Subtitle G—Rural Domestic Violence and Child Abuse Enforcement

### SEC. 161. REAUTHORIZATION.

Section 40295(c)(1) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(c)(1)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting “; and”; and

(3) by inserting after subparagraph (C) the following:

“(D) $35,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.”.

### SEC. 162. TECHNICAL AMENDMENTS.

Section 40295 of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971) is amended—

(1) in subsection (a)(1), by inserting “and dating” after “domestic”;

(2) in subsection (a)(2), by inserting “and dating” after “domestic”; and

(3) in subsection (c), by adding at the end the following:.

“(3) Disbursement.—At least 5 percent of the funds appropriated under paragraph (1) shall be used for grants to Indian tribal governments.”.

## Subtitle H—National Stalker and Domestic Violence Reduction

### SEC. 171. TECHNICAL AMENDMENTS.

Section 40602(a) of the Violence Against Women Act of 1994 (42 U.S.C. 14031(a)) is amended by inserting “and implement” after “improve”.

### SEC. 172. REAUTHORIZATION.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by inserting after paragraph (3) the following:

“(4) $3,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.”.

## Subtitle I—Federal Victims' Counselors

### SEC. 181. REAUTHORIZATION.

The text of section 40114 of the Safe Streets for Women Act of 1994 is amended to read as follows: “There are authorized to be appropriated for the United States Attorneys for the purpose of appointing Victim/Witness Counselors for the prosecution of domestic violence and sexual assault crimes where applicable (such as the District of Columbia) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.”.

## Subtitle J—Victims of Child Abuse Programs

### SEC. 191. REAUTHORIZATION OF COURT-APPOINTED SPECIAL ADVOCATE PROGRAM.

Section 218(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13014(a)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) $12,000,000 for each of the fiscal years 2001, 2002, 2003, and 2004.”

### SEC. 192. REAUTHORIZATION OF CHILD ABUSE TRAINING PROGRAMS FOR JUDICIAL PERSONNEL AND PRACTITIONERS.

Section 224(a) of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13024(a)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by inserting after paragraph (5) the following:

“(6) $2,300,000 for each of the fiscal years 2001, 2002, 2003, and 2004.”.

### SEC. 193. REAUTHORIZATION OF GRANTS FOR TELEVISED TESTIMONY.

Section 1001(a)(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(7)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by inserting after subparagraph (E) the following:

“(F) $1,000,000 for each of the fiscal years 2001, 2002, 2003, 2004, and 2005.”.

### SEC. 194. DISSEMINATION OF INFORMATION.

Section 40156 of the Violence Against Women Act of 1994 is amended by inserting at the end the following:

“(d) Information.—The Attorney General shall annually compile and broadly disseminate (including through electronic publication) information about the use of funds and about the projects funded under this section, including any evaluations of the projects and information to enable replication and adoption of the strategies identified in the projects. Such dissemination shall target community-based programs, including domestic violence and sexual assault programs.”.

## TITLE II—SEXUAL ASSAULT PREVENTION

### SEC. 201. TRANSFER OF RAPE PREVENTION AND EDUCATION PROGRAM.

Part J of title III of the Public Health Service Act is amended by inserting after section 393A the following new section:

### “SEC. 393B. USE OF ALLOTMENTS FOR RAPE PREVENTION EDUCATION.

“(a) Grants.—

“(1) Permitted use.—Notwithstanding section 1904(a)(1), amounts transferred by the State for use under this part shall be used for rape prevention and education programs conducted by rape crisis centers and private nonprofit nongovernmental State and tribal sexual assault coalitions for—

“(A) educational seminars;

“(B) the operation of hotlines;

“(C) training programs for professionals;

“(D) the preparation of informational material; and

“(E) other efforts to increase awareness of the facts about, or to help prevent, sexual assault, including efforts to increase awareness in underserved populations (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7)).

“(2) Terms.—

“(A) Populations.—The Secretary shall make grants under subsection (a) to each State on the basis of the population of the State.

“(B) Rape prevention and education programs.—No State may use funds made available by reason of paragraph (1) in any fiscal year for administration of any prevention program other than the rape prevention and education program for which grants are made under paragraph (1).

“(C) Availability.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

“(D) Administrative and technical assistance.—The Secretary shall use not more than 5 percent of the funds available under paragraph (1) for the purposes of administrative and technical assistance.

“(E) Targeting of education programs.—States receiving grant moneys under paragraph (1) shall ensure that at least 25 percent of the moneys are devoted to educational programs targeted for middle school, junior high, and high school aged students. The programs targeted under this subsection shall be conducted by rape crisis centers and State and tribal sexual assault coalitions.

“(b) National Resource Center.—

“(1) Establishment.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary of Health and Human Services shall, through the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention, establish a National Resource Center on Sexual Assault to provide resource information, policy, training, and technical assistance to Federal, State, and Indian tribal agencies, as well as to State and tribal sexual assault coalitions and local sexual assault programs and to other professionals and interested parties on issues relating to sexual assault. The Resource Center shall maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics and analyses thereof relating to the incidence and prevention of sexual assault.

“(2) Eligible organizations.—The Secretary shall award a grant under paragraph (1) to a private nonprofit organization which can—

“(A) demonstrate that it has recognized expertise in the area of sexual assault and a record of high-quality services to victims of sexual assault, including a demonstration of support from advocacy groups, such as State and tribal sexual assault coalitions or recognized national sexual assault groups; and

“(B) demonstrate a commitment to diversity and to the provision of services to underserved populations as defined in section 2003(7) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796gg–2(7)).

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $80,000,000 for fiscal year 2001;

"(B) $105,000,000 for fiscal year 2002;

"(C) $105,000,000 for fiscal year 2003;

"(D) $155,000,000 for fiscal year 2004; and

"(E) $155,000,000 for fiscal year 2005.

Funds authorized to be appropriated under this section are appropriated from the Violent Crime Reduction Fund pursuant to section 310001(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211(c)) and paragraph (16) under the definition of prevention program in section 310004(d) of such Act (42 U.S.C. 14214(d)).

"(2) SEXUAL ASSAULT COALITIONS.—At such time as appropriations under subsection (c) reach at least $80,000,000, the Secretary shall designate 15 percent of the total amount appropriated to be used for making grants to nonprofit, nongovernmental State sexual assault coalitions to address public health issues associated with sexual assault through training, resource development, or similar research.

"(3) INDIAN COUNTRY.—At such time as the appropriations under subsection (c) reach at least $80,000,000, there shall be awarded by the Secretary not less than 5 percent of such amounts for the funding of tribal sexual assault coalitions. To be eligible for a grant under this paragraph, an entity shall be a private nonprofit coalition whose membership includes representatives from a majority of the programs for adult and child victims of sexual assault operating within the boundaries of such Indian country and programs whose primary purpose is serving the population of an Indian reservation, and whose board membership is representative of such programs. Such coalitions shall further the purposes of sexual assault intervention and prevention through activities including—

"(A) training and technical assistance for local Indian sexual assault programs and providers of direct services to encourage appropriate responses to sexual assault in Indian country;

"(B) planning and conducting needs assessments and planning for comprehensive services in Indian country;

"(C) serving as an information clearinghouse and resource center for any Indian reservation represented by the coalition receiving these funds;

"(D) collaborating with Indian, State, and Federal systems which affect adult and child victims of sexual assault in Indian country, including judicial, law enforcement, and child protective services agencies, to encourage appropriate responses to sexual assault cases;

"(E) conducting public education and outreach activities addressing sexual assault in Indian country;

"(F) collaborating with sexual assault coalitions in the areas described above; and

"(G) participating in planning and monitoring of the distribution of grants and grant funds to Indian reservation and tribal organizations under this section.

"(4) SUBSECTION (b) ALLOTMENT.—Of the amount appropriated for any fiscal year under this section, at least $1,000,000 shall be made available for grants under subsection (b), with yearly increases of at least 10 percent of the prior year's allotment.

"(d) LIMITATIONS.—

"(1) A State may use funds under subsection (a) only so as to supplement and, to the extent practicable, increase the level of funds that would be available from non-Federal sources for the activities described in subsection (a), and in no case may such funds be used to supplant funds from other sources.

"(2) A State may not use more than 2 percent of the funds received in each fiscal year under this section for surveillance studies or prevalence studies and funds for such studies shall be available only at such time as appropriations under subsection (c) reach at least $80,000,000.

"(3) A State may not use more than 5 percent of funds received in each fiscal year under subsection (a) for administrative expenses.

"(e) DEFINITIONS.—

"(1) INDIAN COUNTRY.—The term 'Indian Country' has the same meaning as is given such term by section 1151 of title 18, United States Code.

"(2) RAPE PREVENTION AND EDUCATION.—For purposes of this section, the term 'rape prevention and education' includes education and prevention efforts directed at sexual offenses committed by offenders who are not known to the victim as well as offenders who are known to the victim.

"(3) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known to the victim or related by blood or marriage to the victim.

"(4) RAPE CRISIS CENTER.—The term 'rape crisis center' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

"(5) SEXUAL ASSAULT PROGRAM.—The term 'sexual assault program' means a private, nonprofit, nongovernmental organization that is organized, or has as one of its primary purposes, to provide services for victims of sexual assault and has a record of commitment and demonstrated experience in providing services to victims of sexual assault.

"(6) SEXUAL ASSAULT COALITION.—The term 'sexual assault coalition' means a coalition that coordinates State victim service activities, and collaborates and coordinates with Federal, State, and local entities to further the purposes of sexual assault intervention and prevention.".

### SEC. 202. RAPE PREVENTION EDUCATION.

(a) REPEAL.—The section added by section 40151 of the Violence Against Women Act of 1994 is repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) of this section shall take effect the day after the date of enactment of this Act.

### SEC. 203. SEXUAL ASSAULT AND INTERPERSONAL VIOLENCE; DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS.—Section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following subsection:

"(b)(1) With respect to all victims of sexual assault and interpersonal violence who present at hospital emergency rooms and other sites offering services to such victims, demonstration projects under subsection (a)(6) shall include projects in which, on a 24-hour basis, nurses and other health care professionals at such rooms and sites who are trained in accordance with protocols under paragraph (2)—

"(A) identify victims of such violence;

"(B) collect physical evidence from the victims that may be of use in judicial proceedings regarding the violence; and

"(C) provide information and appropriate referrals to rape crisis center programs and victim service providers, including referrals to health-related services and social services.

"(2) In carrying out paragraph (1), the Secretary shall carry out a program to train nurses and other health care professionals to provide the services described in such paragraph. The program shall develop a protocol for such training.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) to section 393 of the Public Health Service Act (42 U.S.C. 280b–1a) shall apply to demonstration projects funded under subsection (a)(6) of such Act which are ongoing on the date of the enactment of this Act.

## TITLE III—OTHER DOMESTIC VIOLENCE PROGRAMS

### Subtitle A—Strengthening Services to Victims of Violence

### SEC. 301. CIVIL LEGAL ASSISTANCE FOR VICTIMS.

(a) IN GENERAL.—The purpose of this section is to enable the Attorney General to award grants to increase the availability of civil legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.

(b) DEFINITIONS.—In this section:

(1) DOMESTIC VIOLENCE.—The term "domestic violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(2) DATING VIOLENCE.—The term "dating violence" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(3) CIVIL LEGAL ASSISTANCE FOR VICTIMS.—The term "civil legal assistance" includes legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault in any administrative, civil, judicial, family, or immigration proceeding. No funds made available under this section may be used to provide financial assistance in support of any litigation described in paragraph (14) of section 504(a) of Public Law 104-134.

(4) SEXUAL ASSAULT.—The term "sexual assault" has the meaning given the term in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).

(c) LEGAL ASSISTANCE FOR VICTIMS GRANTS.—The Attorney General may award grants under this subsection to private nonprofit entities, Indian tribal governments, tribally recognized organizations, qualified Legal Services Corporation grantees, other voluntary legal services organizations, and publicly funded organizations not acting in a governmental capacity such as law schools, and which shall be used—

(1) to implement, expand, and establish cooperative efforts and projects between domestic violence and sexual assault victim services organizations and legal assistance providers to provide legal assistance for victims of domestic violence, stalking, and sexual assault;

(2) to implement, expand, and establish efforts and projects to provide legal assistance for victims of domestic violence, stalking, and sexual assault by organizations with a demonstrated history of providing direct legal or advocacy services on behalf of these victims; and

(3) to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, stalking, and sexual assault.

(d) To be eligible for a grant under subsection (c), applicants shall certify in writing that—

(1) any person providing civil legal assistance through a program funded under subsection (c) has completed or will complete training in connection with domestic violence or sexual assault and related legal issues;

(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a State, local, or tribal domestic violence or sexual assault program or coalition, as well as appropriate State and local law enforcement officials;

(3) any person or organization providing civil legal assistance through a program funded under subsection (c) has informed and will continue to inform State, local, or tribal domestic violence or sexual assault programs and coalitions, as well as appropriate State and local law enforcement officials of their work; and

(4) the grantee's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, or child sexual abuse is an issue.

(e) Evaluation.—The Attorney General may evaluate the grants funded under this section through contracts or other arrangements with entities expert on domestic violence, stalking, and sexual assault, and on evaluation research.

(f) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section—

(A) $35,250,000 for fiscal year 2001;

(B) $40,000,000 for fiscal year 2002;

(C) $45,000,000 for fiscal year 2003;

(D) $50,000,000 for fiscal year 2004; and

(E) $55,000,000 for fiscal year 2005;

(2) Allocation of funds.—

(A) Tribal programs.—Of the amount made available under this subsection in each fiscal year, not less than 5 percent shall be used for grants for programs that assist victims of domestic violence, stalking, and sexual assault on lands within the jurisdiction of an Indian tribe.

(B) Victims of sexual assault.—Not less than 25 percent of the funds used for direct services, training, and technical assistance shall be used to support projects focused solely or primarily on civil legal assistance for victims of sexual assault.

(3) Nonsupplantation.—Amounts made available under this section shall be used to supplement and not supplant other Federal, State, and local funds expended to further the purpose of this section.

## Subtitle B—Limiting the Effects of Violence on Children

### SEC. 305. SAFE HAVENS FOR CHILDREN PILOT PROGRAM.

(a) In General.—The Attorney General may award grants to States, units of local government, and Indian tribal governments that propose to enter into or expand the scope of existing contracts and cooperative agreements with public or private nonprofit entities to provide supervised visitation and safe visitation exchange of children by and between parents in cases of domestic violence, child abuse, or sexual assault.

(b) Considerations.—In awarding grants under subsection (a), the Attorney General shall take into account—

(1) the number of families to be served by the proposed visitation programs and services;

(2) the extent to which the proposed supervised visitation programs and services serve underserved populations (as defined in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2));

(3) with respect to an applicant for a contract or cooperative agreement, the extent to which the applicant demonstrates cooperation and collaboration with nonprofit, nongovernmental entities in the local community served, including the State domestic violence coalition, State sexual assault coalition, local shelters, and programs for domestic violence and sexual assault victims; and

(4) the extent to which the applicant demonstrates coordination and collaboration with State and local court systems, including mechanisms for communication and referral.

(c) Applicant Requirements.—The Attorney General shall award grants for contracts and cooperative agreements to applicants that—

(1) demonstrate expertise in the area of family violence, including the areas of domestic violence or sexual assault, as appropriate;

(2) ensure that any fees charged to individuals for use of programs and services are based on the income of those individuals, unless otherwise provided by court order;

(3) demonstrate that adequate security measures, including adequate facilities, procedures, and personnel capable of preventing violence, are in place for the operation of supervised visitation programs and services or safe visitation exchange; and

(4) prescribe standards by which the supervised visitation or safe visitation exchange will occur.

(d) Reporting.—

(1) In general.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report that includes information concerning—

(A) the number of—

(i) individuals served and the number of individuals turned away from visitation programs and services and safe visitation exchange (categorized by State);

(ii) the number of individuals from underserved populations served and turned away from services; and

(iii) the type of problems that underlie the need for supervised visitation or safe visitation exchange, such as domestic violence, child abuse, sexual assault, other physical abuse, or a combination of such factors;

(B) the numbers of supervised visitations or safe visitation exchanges ordered under this section during custody determinations under a separation or divorce decree or protection order, through child protection services or other social services agencies, or by any other order of a civil, criminal, juvenile, or family court;

(C) the process by which children or abused partners are protected during visitations, temporary custody transfers, and other activities for which supervised visitation is established under this section;

(D) safety and security problems occurring during the reporting period during supervised visitation under this section, including the number of parental abduction cases; and

(E) the number of parental abduction cases in a judicial district using supervised visitation programs and services under this section, both as identified in criminal prosecution and custody violations.

(2) Guidelines.—The Attorney General shall establish guidelines for the collection and reporting of data under this subsection.

(e) Authorization of Appropriations.—There is authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $15,000,000 for each of fiscal years 2001 and 2002.

(f) Allotment for Indian Tribes.—Not less than 5 percent of the total amount made available for each fiscal year to carry out this section shall be available for grants to Indian tribal governments.

## Subtitle C—Protections Against Violence and Abuse for Women with Disabilities

### SEC. 310. FINDINGS.

The Congress finds that—

(1) women with disabilities are more likely to be the victims of abuse and violence than women without disabilities because of their increased physical, economic, social, or psychological dependence on others;

(2) in domestic violence cases, women with disabilities stay with their batterers almost twice as long as women without disabilities;

(3) violence and abuse against women with disabilities takes many forms, including verbal abuse, physical abuse, sexual assault, forced isolation, control over economic resources, and the withholding of equipment, medication, transportation, or personal care assistance;

(4) many women with disabilities fail to report abuse because they are dependent on their abusers and fear being abandoned or institutionalized;

(5) many women with disabilities are unable to leave abusive or violent spouses or cohabitants because of the inaccessibility of services or the fear of abandoning dependent children; and

(6) law enforcement, the criminal justice system, legal services, and victim services are often not equipped or trained to effectively identify and respond to abuse or violence against women with disabilities.

### SEC. 311. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 2001(b)(5) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)), as amended by section 141(a)(1), is amended by inserting before the semicolon at the end the following: "and forms of violence and abuse particularly suffered by women with disabilities".

### SEC. 312. VIOLENCE AGAINST WOMEN ACT.

Section 40412 of the Equal Justice for Women in the Courts Act of 1994 (42 U.S.C. 13992) is amended—

(1) in paragraph (6), by inserting ", stereotyping of persons with disabilities who are victims of rape, sexual assault, abuse, or violence" after "racial stereotyping of rape victims";

(2) in paragraph (13), by inserting "or among persons with disabilities," after "socioeconomic groups,"; and

(3) by inserting after paragraph (22) the following:

"(23) issues related to violence and abuse against persons with disabilities, including the nature of physical, mental, and communications disabilities, the special vulnerability to violence of persons with disabilities, and the types of violence and abuse experienced by persons with disabilities;

"(24) the requirements placed on courts and judges under existing disability laws, including the requirements to provide appropriate auxiliary aids and services and to ensure physical access; and

"(25) the stereotypes regarding the fitness of persons with disabilities to retain custody of children, especially in domestic violence cases.".

### SEC. 313. GRANTS FOR TECHNICAL ASSISTANCE.

(a) In General.—The Attorney General shall make grants to States, nongovernmental private entities, and tribal organizations to provide education and technical assistance for the purpose of providing training, consultation, and information on violence, abuse, and sexual assault against women who are individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

(b) Priorities.—In making grants under this section, the Attorney General shall give priority to applications designed to provide education and technical assistance on—

(1) the nature, definition, and characteristics of violence, abuse, and sexual assault experienced by women who are individuals with disabilities;

(2) outreach activities to ensure that women who are individuals with disabilities who are victims of violence, abuse, and sexual assault receive appropriate assistance;

(3) the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including the Americans with Disabilities Act of 1990 and section 504 of the Rehabilitation Act of 1973; and

(4) cost-effective ways that shelters and victim services may accommodate the needs of individuals with disabilities in accordance with the Americans with Disabilities Act of 1990.

(c) Uses of Grants.—Each recipient of a grant under this section shall provide information and training to national, State, local, and tribal organizations and programs that provide services to individuals with disabilities, including independent living centers, disability-related service organizations, domestic violence programs providing shelter or related assistance, rape crisis centers, and programs providing sexual assault services, other victim services organizations, and women with disabilities.

(d) Authorization of Appropriations.—There are authorized to be appropriated from the Violent Crime Reduction Trust Fund established under section 310001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211) to carry out this section $10,000,000 for each of fiscal years 2001 through 2005.

## Subtitle D—Standards, Practice, and Training for Sexual Assault Examinations

### SEC. 315. SHORT TITLE.

This subtitle may be cited as the "Standards, Practice, and Training for Sexual Assault Forensic Examinations Act".

### SEC. 316. STANDARDS, PRACTICE, AND TRAINING FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS.

(a) In General.—The Attorney General shall—

(1) evaluate existing standards of training and practice for licensed health care professionals performing sexual assault forensic examinations and develop a national recommended standard for training;

(2) recommend sexual assault forensic examination training for all health care students to improve the recognition of injuries suggestive of rape and sexual assault and baseline knowledge of appropriate referrals in victim treatment and evidence collection; and

(3) review existing national, State, tribal, and local protocols on sexual assault forensic examinations, and based on this review, develop a recommended national protocol and establish a mechanism for its nationwide dissemination.

(b) Consultation.—The Attorney General shall consult with national, State, tribal, and local experts in the area of rape and sexual assault, including rape crisis centers, State and tribal sexual assault and domestic violence coalitions and programs, and programs for criminal justice, forensic nursing, forensic science, emergency room medicine, law, social services, and sex crimes in underserved communities (as defined in section 2003(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(7) as amended by section 2(d)).

(c) Report.—The Attorney General shall ensure that no later than 1 year after the date of enactment of this Act, a report of the actions taken pursuant to subsection (a) is submitted to Congress.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $200,000 for fiscal year 2001.

## Subtitle E—Domestic Violence Task Force

### SEC. 320. DOMESTIC VIOLENCE TASK FORCE

The Violence Against Women Act of 1994 (108 Stat. 1902), as amended by section 107, is amended by adding at the end the following:

## "Subtitle I—Domestic Violence Task Force

### "SEC. 40901. TASK FORCE.

"(a) Establish.—The Attorney General, in consultation with national nonprofit, nongovernmental organizations whose primary expertise is in domestic violence, shall establish a task force to coordinate research on domestic violence and to report to Congress on any overlapping or duplication of efforts on domestic violence issues. The task force shall be comprised of representatives from all Federal agencies that fund such research.

"(b) Uses of Funds.—Funds appropriated under this section shall be used to—

"(1) develop a coordinated strategy to strengthen research focused on domestic violence education, prevention, and intervention strategies;

"(2) track and report all Federal research and expenditures on domestic violence; and

"(3) identify gaps and duplication of efforts in domestic violence research and governmental expenditures on domestic violence issues.

"(c) Report.—The Task Force shall report to Congress annually on its work under subsection (b).

"(d) Definition.—For purposes of this section, the term 'domestic violence' has the meaning given such term by section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-2(1).

"(e) Authorization of Appropriation.—There are authorized to be appropriated $500,000 for each of the fiscal years 2001 through 2004 to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. Hyde) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. Hyde).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1248, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1248, the Violence Against Women Act of 2000, and I salute the gentlewoman from Maryland (Mrs. Morella) for her leadership on this issue.

I know all of us in Congress are concerned with violence perpetrated against women; and tragically, it continues to be a serious national problem that takes various forms, including domestic battery, stalking, rape, and murder. This legislation strengthens the ability of local communities to respond effectively to such crimes.

Sadly, most of us committed to the fight against domestic violence know the facts all too well: nearly one in every three adult women experiences at least one physical assault by a partner during adulthood; 5 million date rapes and physical assaults are perpetrated against women annually.

While in general, crime rates are down, domestic violence remains a serious problem in our society, occurring in all communities and crossing ethnic, racial, age, and socioeconomic lines. The national toll that such violence takes on women, families, and children is incalculable. It diminishes us all.

Since its inception in 1994, Congress has appropriated more than $1.5 billion in Violence Against Women Act funding for State and local law enforcement agencies, as well as for education, prevention, and outreach programs.

Violence Against Women Act programs have aided the prosecution of domestic violence, sexual assault, and child abuse cases across the country, and have increased victims services, like domestic violence shelters for women.

I am pleased that the House is acting today in a bipartisan fashion and will be the first body in Congress to pass reauthorization legislation, because the authorization for these vital programs expires at the end of this fiscal year, just 4 days from now.

Mr. Speaker, I do want it to be clear, even if we have not ironed out our differences with the Senate's Violence

Against Women Act reauthorization bill by the end of the fiscal year, funding will continue. It remains a priority of this Congress, which is why we have held hearings on the bill, strengthened it as it moved through the committee, and are here on the floor today to pass it.

Mr. Speaker, key programs reauthorized in this legislation include grant funding for State and local law enforcement and prosecutors to combat violence against women, shelters for victims, the national domestic violence hotline, and rape prevention efforts. Additional initiatives have been authorized aimed at preventing domestic violence and sexual assault against older and disabled individuals, meeting the civil legal assistance and transitional housing needs of victims and establishing a task force to minimize overlapping Federal efforts to address domestic violence.

In short, this bill is a balanced and comprehensive effort to enhance the ability of States and localities to prevent and combat violence against women.

When I am asked about my commitment to Violence Against Women Act and where that fits into the congressional crime agenda, my answer is simple: violence against women is a crime. It is wrong. It should be punished severely, and we have a responsibility to develop and fund community-based efforts to prevent it.

We must continue to support comprehensive community-based efforts to keep victims safe and hold offenders accountable, and reauthorizing the Violence Against Women Act programs through passage and enactment of H.R. 1248 will further efforts to do just that.

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This is a bill all Members, both Republicans and Democrats, can enthusiastically support and be proud in so doing.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am so happy that the Violence Against Women Act is finally coming to the floor of the House of Representatives for a disposition, and just in the nick of time. The funding for Violence Against Women Act expires on September 30, 4 days from now.

It is not clear what has taken us so long into coming to the floor with this measure, because it is a bipartisan measure with great support throughout the several States and the administration and the President as well.

But I am finally glad that the leadership has realized what we have been saying all along, that violence against women is a priority, and we cannot let the funds or the programs run out.

In 1994, the Congress passed the Violence Against Women Act to address the nationwide problem of domestic violence and sexual assault. VAWA provided funding to combat the violence that is visited upon almost 900,000 women each year by either their current spouse or former spouse or boyfriend. This is not a good scene. In addition, VAWA has made changes to our civil and criminal laws to address domestic violence and sexual assault.

In part, as a result of Violence Against Women Act, intimate partner violence has decreased 21 percent from 1993 to 1998. Nevertheless, domestic violence is still experienced by hundreds of thousands of women each year. There are still demographic groups that need better access to services and the criminal justice system. Predominantly among them are people who have not had their immigrant status resolved and are not yet citizens but are subject to lots of unnecessary violence.

This is where H.R. 1248, our bill, comes in. This bill continues funding for the Violence Against Women Act programs such as law enforcement and prosecution grants to combat violence against women, the National Domestic Violence Hot Line so necessary to anything we are doing in this area, the battered women's shelters and services, the education and training for, not only judges, but court personnel and police, the pro-arrest policies, the rural domestic violence and child abuse enforcement, the stalker reduction program, and others.

Importantly, this bill takes preliminary steps to address dating violence, an area which was left out of the previous Violence Against Women law, and provides serious consequences for those who violate this provision. Young women between the ages of 16 and 24 surprisingly experience the highest rates of violence by current or former intimate partners. And 40 percent of the teenage girls between the ages of 14 and 17 report knowing someone their age who has been beaten or struck by a boyfriend.

Although the majority cut back the original bill's dating violence program, we were at least able to preserve coverage for dating violence in the most critical areas.

In addition, I hope that, as we move forward, we will be able to restore the bill's original protections for populations underserved because of alienage status, religion, and sexual orientation. In the Committee on the Judiciary, the majority stripped these groups from the bill's definition of underserved populations. I regret that very much.

The majority also blocked amendments that would have added needed protections for battered immigrant women. I look forward to conferencing this bill with the Senate bill that contains many of these provisions.

My last disappointment was that we were refused the ability to include any provisions to ensure that the civil legal remedy in Violence Against Women complies with the recent Supreme Court decision, U.S. v. Morrison, which struck down a provision in the original Violence Against Women Act that guarantees that all victims of gender-motivated crimes had unencumbered access to courts to seek civil damages against their assailants.

So we have introduced another bill that restores the civil legal remedy of Violence Against Women, H.R. 5021. Although there is precious little time left in this session, I hope that the Republican leadership will join with all of us on both sides of the aisle that want this measure brought to the floor, just as they have done with H.R. 1248.

I also want to commend the gentleman from Illinois (Chairman HYDE) for his work on this and other measures during his 6 years as chairman of the House Committee on the Judiciary and which I have been privileged to serve as the ranking member.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his generous comments as always.

Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, boy am I excited about this. I want to thank the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, for yielding the time, for his leadership, and the gentleman from Michigan (Mr. CONYERS), the ranking member of the committee.

I was thinking as I was sitting here in anticipation, it was Abraham Lincoln who said "The world will little note nor long remember what we say here." I will say we will always know what we did here by virtue of reauthorizing this Violence Against Women Act.

Indeed, the gentleman from Illinois (Chairman HYDE) has really been the leader of a number of champions and a champion himself to enable Congress to continue the commitment that we made in 1994 to eradicate domestic violence in our society. Under the leadership of the gentleman from Illinois, his House Committee on the Judiciary did add several strong bipartisan amendments which strengthened H.R. 1248.

For millions of women, reauthorizing VAWA means maintaining the link to life without fear or pain, a right that everyone deserves and a right that we have a duty to protect. Maybe we can only imagine what life would be like to be terrified of the one we love, to fear how our children will be affected by violence, to see what they see and feel in their own homes.

Every year in this country, over 3 million children watch as their mother is beaten. As they become adults, some will overcome the sadness of their childhood. But many others will develop the only behavior they know, continuing the cycle of abuse. Violence Against Women Act provides that link to life free from fear and violence. Without Federal laws, VAWA grants enable States to create solutions to meet local needs that would not happen.

When Congress passed VAWA in 1994, we provided tens of thousands of battered women with hope. Every month, the National Domestic Violence Hot Line answers 13,000 calls for help. Since its inception, the hot line has helped 500,000 victims reach local shelters, with counseling, and legal services.

Of the many VAWA grant programs, the battered women's shelters provide the safety that every victim seeks for themselves and their children. Across the country, shelters overflow. They are crowded. Women and children seeking a safe place to sleep, but are turned away. All the hot lines, counseling and education programs combined are not effective unless victims can be safe.

Mr. Speaker, 5 years ago, I was involved with the passage of the Violence Against Women Act which was the first time that Congress recognized how domestic violence adversely affects so many women of all ages and very often their children. Federally funded programs currently provide training for law enforcement, judicial personnel, enable the hot line, counselors and shelters to provide safe alternatives for victims while helping them to rebuild their lives and the lives of their children.

Domestic violence and sexual assault have stained our country's social fabric, shattering lives and inflicting much pain on thousands of families. The intervention of Federal legislation has helped develop a network of local coalitions and organizations dedicated to helping victims in their community.

The statistics on family violence are staggering. Over 2,000 women are reportedly raped every week, and 30 percent of all female murder victims are killed by their husband or significant other.

Mr. Speaker, these grants and programs are giving victims a second chance. They must be maintained to continue the commitment that we in Congress made in 1994 to provide women and children alternatives to living with the fear and danger of domestic violence and child abuse.

Domestic violence is a national tragedy that can only be battled by awareness and access to a safe, alternative life-style. Public awareness empowers victims to seek help instead of living with this secret in fear. We know that anyone can be a victim regardless of race, region, or socioeconomic status. VAWA programs currently support efforts across the country to keep victims safe and rebuild the lives of women, children and families.

There are so many people to thank, Mr. Speaker: The 240 cosponsors on the House side, the gentleman from Illinois (Chairman HYDE). The gentleman from Florida (Mr. MCCOLLUM), the subcommittee chairman did a wonderful job. I thank the sponsors of valuable additions on the Committee on the Judiciary: The gentleman from Florida (Mr. MCCOLLUM) for the safe havens for children transitional housing.

Mr. HYDE. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. Indeed I will yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I just want to point out that the gentlewoman from Maryland (Mrs. MORELLA) deserves the fullest accolades of the chief sponsor of this legislation. She has been on the point. She has urged us, tugged us, pulled us, cajoled us, made us move forward on this. Her leadership has been indispensable, and we salute her.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Illinois. But it has become a partnership, and the partnership deserves credit on both sides of the aisle.

The gentleman from Michigan (Mr. CONYERS) has worked very hard on it. I want to also pick up on the amendments: The gentleman from Arkansas (Mr. HUTCHINSON) for the improved civil legal assistance grant program; the gentlewoman from Wisconsin (Ms. BALDWIN) for training for elderly women and women with disabilities. The gentleman from Michigan (Mr. CONYERS), ranking member has worked very hard on it.

That partnership, it is kind of like the template for what we should be doing in Congress, because it reached out to organizations also that also were there inch by inch, moving along: The National Coalition Against Domestic Violence with Julie Fulcher; the National Network to End Domestic Violence; the Now Legal Defense and Education Fund, National Task Force on Domestic Violence and Sexual Assault; RAINN, Rape Abuse and Incest National Network; and National Council for Jewish Women.

I also want to say one thing. I believe in a paraphrase of the 23rd Psalm, "My rod and my staff, they comfort me" and prepare the papers for me in the presence of my constituents. This has been darn good staff work. Very good staff work.

I wanted to say that the staff on the majority side, Dan BRYANT, Carl Thorsen have been fantastic. The staff on the minority side have been great. The leadership staff, Paul McNulty. We could not have done it without them. My staff person, Kate Dickens. I thank all of them.

I hope we will have a unanimous vote on this. I thank people on both sides of the aisle for the wonderful work they have done.

Mr. CONYERS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who has worked on this in committee and out of committee with the public organizations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this afternoon we can spend all of our time thanking all of the leaders. I thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr. CONYERS), ranking member, and the gentleman from Illinois (Chairman HYDE) for working together.

There are so many others that we want to applaud and the women of the House and the men of the House who worked on this.

But, Mr. Speaker, let me just simply say that, although domestic violence is a sick, criminal, and senseless act, it is alive and well.

Just yesterday I heard testimony from a woman in my district whose face was disfigured because a male family member shot her point-blank in the face.

□ 1245

I cite the glaring headlines in Houston of a murder-suicide, the husband killing the wife and leaving four children without parents. In a July 2000 study, it was reaffirmed that domestic violence is alive and well. This bill is crucial, it is necessary, it is imperative.

Mr. Speaker, 24.8 percent of surveyed women and 7.6 percent of surveyed men said they were raped or physically assaulted by a current or former spouse, cohabiting partner, or date at some time. Among women who were victimized multiple times by the same partner, 62.6 percent of the rape victims and 69.5 percent of the assault victims said their victimization lasted a year or more. Multiple times of assault and victimization. Almost 5 percent of U.S. women are stalked at some time in their life and approximately 500,000 women are stalked annually.

This bill is a joy to be reauthorized, for it helps all of our States. My State of Texas will get $50 million. I am an advisory member of the Houston Area Women's Center, and I used to sit on the board. I know their needs are strong and they are viable. This bill will help us solve some of the problems and correct the ills.

I hope that we will be able to fix the Supreme Court decision in H.R. 521 that will help us provide a vehicle for those who have been kept out of work to be able to recover their lost damages because they have been victimized by those who have abused them.

I would ask my colleagues to unanimously support the reauthorization of VAWA, and I thank all of those who have worked so hard on this legislation.

Mr. Speaker, I rise in support of H.R. 1248, the Violence Against Women Act of 1999 [VAWA]. Domestic violence is a serious issue that deserves the full attention of this Congress.

I thank Representative CONNIE MORELLA for her leadership on this issue and support the full reauthorization of VAWA. When considering the history of violence against women, we need not look far. The concept that a woman is the property of a man is firmly rooted in our English definition of family. Family, derived from the Latin Familia, is defined as "The total number of wives, children and slaves belonging to one man." Unfortunately, this belief still exists today among many in this country today. Domestic violence affects women of all cultures, races, occupations, and income levels. Furthermore, approximately one-third of the men counseled for battering are professional men who are well respected in their jobs and communities. According to the National Crime Victimization Survey data from the Department of Justice, between 1992 and 1996, over 150,000 women were victims of violent crimes.

Although domestic violence affects women across all racial and economic lines, a high percentage of these victims are women of color. African-American women account for 16 percent of the women who have been physically abused by a husband or partner in the last 5 years. African-American women were the victims in more than 53 percent of the violent deaths that occurred in 1997. As a result, the Violence Against Women Act [VAWA] of 1994 was the congressional response to the growing problem of domestic violence. VAWA created new criminal enforcement authority and it enhanced penalties to combat sexual assault domestic violence in Federal court and since the funding for VAWA I expires at the end of this fiscal year, it is necessary to reauthorize funding for these most vital programs.

Mr. Speaker, the dynamics of domestic violence can be as subtle as a verbal attack or as overt as murder. Battering instills a sense of control and fear in a victim through a series of behaviors that include intimidation, threats, psychological abuse, isolation and physical violence. Nationwide, one out of every four women of all women is battered at some point in their lives. Every 15 seconds a woman is beaten. Domestic violence is the leading cause of injury to women between the ages of 15 to 44. Close to 22 to 35 percent of the women who visit emergency rooms are there for injuries related to domestic abuse. Violence against women destroys families, takes the lives of women and their children, and it traumatizes the young people who witness it.

States are increasingly recognizing that 42 states and the District of Columbia now include domestic violence as a factor in custody decisions. Children who witness violence at home often display emotional and behavioral disturbances. Child abuse is 15 times more likely to occur in families where domestic violence is present. It is well documented that children who witness violence in the home grow up to repeat the same patterns as adults. Men who have witnessed their parents' domestic violence are three times as likely to abuse their own wives. The National Institute for Justice reports that being abused as a child increases the likelihood of arrest as a juvenile by 53 percent and as an adult by 38 percent.

The tragedy of violence against women is not just a personal problem—it is a community crisis. Violence against women has many economic ramifications including health care costs, employment, housing, and social and legal services. Medical expenses from domestic violence total at least $3 to $5 billion each year. This includes costs for emergency room care and hospitalization, mental health counseling, substance abuse treatment, and health care costs for children. We must recognize that businesses lose up to $100 million a year in lost wages, sick leave and absenteeism. It is estimated that 25 percent of these workplace problems are due to domestic violence. Battered women suffer from lost productivity due to illness, inability to concentrate and frequent absenteeism. This is why it is necessary to include provisions like the Victims Employment Rights Act that would and tax incentives for employers that would encourage large and small businesses to train their employees to recognize the special needs of victims of domestic violence.

Moreover, violence in teen dating relationships is also widespread. Between 25 and 40 percent of teens are reported to have been assaulted by dates and 60 percent of all rapes reported the rape crisis centers are committed by acquaintances with the majority of these victims between the ages of 16 and 24 years. This is why it is necessary to include "dating violence" in the definition of domestic violence so that we do not ignore the unique circumstances of dating violence victims. Housing is another significant economic concern that should have been addressed in H.R. 1248. Because many women are economically dependent on their batterers, shelters are vital to assist these women with some form of transitional housing.

This bill, H.R. 1248 does reauthorize grant funding for the training and education of court personnel and I applaud this inclusion. We must not forget that criminal justice and the legal system are affected by incidences of domestic violence. Frequent reports to police and appearances in court are common. Most police reports and court appearances are due to abusers who stalk their victims. Immigrant women are also vulnerable to domestic violence because of the jeopardy of their immigrant status that is exacerbated by economic dependency. Also many immigrant women are dependent on their abusers for legal status. Unfortunately, this is not adequately addressed in H.R. 1248, but I am hopeful that this issue will be properly addressed in the future.

Mr. Speaker, I would also like to bring awareness to the specific problems within my State of Texas. In Texas, there were 175,725 incidents of family violence in 1998. An estimated 824,790 women were physically abused in Texas in 1998. Of all of the women killed in 1997, 35 percent were murdered by their intimate male partners. In 1998, 110 women were murdered by their partners.

An example of the importance of this legislation is the impact that VAWA grants have had on services in the local community. In Houston, we have the Houston Area Women's Center which operates a domestic violence hotline, a shelter for battered women and counseling for violence survivors. The center provides all of its services for free. Furthermore, this center maintains an invaluable website that allows anyone to access information about domestic violence resources and support networks.

Over 34,000 women in Houston called for counseling services in 1997 for family violence. This counseling included services for women with children and teenagers who have also survived violence. The shelter housed 1,062 women and children and assisted close to 2,000 with other forms of services.

The Texas Council on Family Violence has used VAWA funds for several projects as well. These include the National Domestic Violence Hotline, Technical Assistance and Model Policies and Procedures Project, the Texas Domestic Violence Needs Assessment Project and the Domestic Violence Rural Education Project. Reauthorization of VAWA will help to maintain the current level of services and ensure that these projects are able to continue to provide quality service. These organizations are vital to women in need of assistance and services. VAWA must be reauthorized in order for these programs and the many others previously mentioned to continue and I hope that this body will work together today to vote in favor of the Violence Against Women Act of 1999.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time; and, Mr. Speaker, I am pleased to rise in support of the Violence Against Women Act of 2000 and its reauthorization.

I congratulate the congressional leadership for bringing this bill to the floor; to the gentlewoman from Maryland (Mrs. MORELLA), who has done such an outstanding job in her leadership, and the gentleman from Illinois (Mr. HYDE) for leading it through the committee.

This legislation authorizes and improves programs created by the Violence Against Women Act. Among some provisions that are very important to me, it provides civil legal assistance to the victims of domestic violence and sexual assault. It establishes uniform standards for sexual assault examination and creates a domestic violence task force to report to Congress on any duplication or overlapping of Federal efforts to address domestic violence.

As a practicing lawyer, the civil legal assistance, I see, as very critical. And this is the reason this amendment was offered in committee, that would allow Legal Services Corporation funding to be spent on behalf of these victims. Whenever they come into an office, whenever they are victimized, they need not only a shelter but they need legal assistance to have access to the courts.

During the last 6 years that these programs have been authorized, it has made a crucial difference in the lives of women and children who have been victimized by domestic violence. In my home State of Arkansas, the program funds 95 percent of the domestic violence shelters available to battered women; it funds three personnel to train prosecutors, law enforcement officers, and shelter workers on how to help battered women. It funds a DNA analysis machine critical to identifying the identity of sexual assaulters. It has been instrumental in solving some violent crimes.

These funds, Mr. Speaker, are critically important to our State, and Congress must continue to support the comprehensive community-based efforts to keep victims safe and hold offenders accountable. Reauthorizing this legislation is an important act of this Congress, and I urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN); and I apologize to everyone in advance, especially the gentlewoman from California (Ms. MILLENDER-MCDONALD), for the constriction in time that we are under.

Ms. BALDWIN. Mr. Speaker, the Bureau of Justice statistics recently released a report that contains encouraging news. Overall violence against women has declined in recent years. I credit the Violence Against Women Act and local and State programs that it has supported over the last 6 years.

But our work is far from done. Domestic violence and sexual assault are still a scourge on our Nation. The statistics are chilling. Nearly one in three women will experience physical or sexual assault during their lifetimes. These horrible crimes damage lives and tear families apart. We must do all we can to stop the cycle of violence in our country. VAWA is a proven part of that solution.

Mr. Speaker, I have worked towards this day and this vote for many months with the author of this bill, the distinguished members of the Committee on the Judiciary, and committed activists from across the country. Now we must move the reauthorization of VAWA through the last steps and ensure that it is passed into law this session.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that both sides may have an additional 5 minutes for debate.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, each side is recognized for an additional 5 minutes.

There was no objection.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. BONO), one of the most productive and useful members of our Committee on the Judiciary.

Mrs. BONO. Mr. Speaker, I rise today in support of H.R. 1248, which reauthorizes the Violence Against Women Act.

In California's's 44th Congressional District, organizations like Shelter From the Storm are making tremendous strides in addressing the emotional and physical pain which comes from domestic violence. During my many visits to the shelter, I have witnessed the love and dedication of those who work and volunteer there. In speaking with the many women who have sought out the shelter as a last refuge, I have seen the fear in their eyes and heard of the hope in their hearts. For the women and children who find themselves in the traumatic situation of having to escape abuse, often having to leave all they love and know behind, Shelter From the Storm stands ready to help.

Mr. Speaker, we owe it to this shelter and others around this country to help them in this effort; to help these victims find a new and much better life. By supporting the Violence Against Women Act, we can make a modest contribution towards addressing this dire concern.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the ranking member for yielding me this time.

There are 4 days left under the existing authorization of the Violence Against Women Act. Thank goodness we were able to take the action today so that hopefully there will not be any gap whatsoever in the authorization for this legislation. The fight against domestic violence is simply too important for us to signal somehow that this authorization and our commitment to this fight is going to be disrupted.

In my own State of North Dakota in 1999 there were 5,800 incidents of domestic violence and 3,600 victims reporting to State crisis intervention centers. The programs and the funding that flow from this authorization are critically linked to the fight so admirably waged by the advocates on the ground helping these victims. The fight is just too important to walk away from; and I am very pleased and commend all who, in a bipartisan manner, have brought this matter to the floor today for our action.

Mr. HYDE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, every year, and this year again, we will have several million women in this country who are attacked by their ex-husbands or by ex-boyfriends. There will be half a million who are stalked. Four thousand of these women will die. These are at times silent cries, with the victims not knowing where or to whom they can turn for help.

This horrifying reality is a call for us to ensure that women and law enforcement, local law enforcement, have the resources necessary to escape abuse. That is why I am a cosponsor of this bill to reauthorize the Violence Against Women Act.

I think it is important for us to recognize that since it was authorized in 1994, we have seen a reduction by 21 percent of the level of violence committed against women and children by their spouses or by their partners. Thanks to this bill, more than 300,000 women who were seeking a safe haven have received much-needed shelter. I urge its passage today.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary who has been committed to this measure.

Mr. NADLER. Mr. Speaker, reauthorization of the Violence Against Women Act is urgently needed, for reasons we have already heard. It is disgraceful not only that consideration of the reauthorization of this bill has been delayed until only days before it expires, but also that some Members of the other body have stated that VAWA will be attached to controversial bankruptcy legislation as a sweetener to get Members who object to that bill to vote for a combined bill.

Joining these two bills would be a cynical and desperate ploy to try to obtain enactment of a bankruptcy bill that injures women and their families, injures consumers and small businesses, and which no longer will have a provision that would prevent those who use threats and violence to harass women and their doctors from using the Bankruptcy Code to evade their lawful fines under the Freedom of Access to Clinic Entrances Act. We cannot make an anti-woman and anti-family bill like that acceptable by attaching a popular and worthwhile measure, which should easily have passed on its own months ago. As Joan Entmacher, of the National Women's Law Center, has put it, "This is not a sweetener, it's extortion."

I call on the other body to do the right thing and pass the Violence Against Women Act on its own stand-alone bill. Let us continue to debate the many flaws of the proposed bankruptcy bill separately. But I urge the other body to not use battered, abused, and murdered women, who do not have the millions to lobby Congress, to give a gift to the banks and creditors. Let us pass this with bipartisan support today, pass it unencumbered to the Senate, and send it to the President.

Mr. Speaker, reauthorization of the Violence Against Women Act is urgently needed for reasons we have already heard. Every day four women die in this country as a result of "domestic violence"—the euphemism for murders and assaults by husbands and boyfriends. That's approximately 1,400 women a year. Estimates indicate that every year 1.2 million women are forcibly raped by their current or former male partners. This bill is a crucial first step in addressing this horrific situation. It is disgraceful that this bill, which has overwhelming support in both houses, is coming up just a few short days before authorization for VAWA is set to expire. This delay is as irresponsible as it is unnecessary. We have a lot more work to do to reduce violence in our communities and in our families. We could add to the bill before us dozens of ways to strengthen its provisions, but at the very least, let us pass this underlying bill with bipartisan support today, pass it unencumbered in the Senate, and send it to the President.

Mr. HYDE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in strong support of the Violence Against Women Act of 1999. Today's Washington Post includes an editorial in support of H.R. 1248. The column states, "There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act."

Mr. Speaker, this editorial hits the nail on the head. The U.S. Department of Justice has estimated that between one and four million women are physically abused by their husbands or live-in partners each year. There is violence in one out of four American homes. Justice also reports that up to 40 percent of teenage girls, age 14 to 17, report knowing someone their age who has been hit or beaten by a boyfriend.

Family violence costs the Nation upwards of $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism and nonproductivity. And, Mr. Speaker, I have only touched on the tip of the iceberg.

Unlike many people, we are in a position to help turn these statistics around. We can begin by passing this bill today and help thousands of men and millions of women who face abuse in their own homes to feel a little safer knowing that we are here, that we are listening, and that we will once again fulfill our promise and continue to supply the resources to help them escape from abuse and end the cycle of violence.

Mr. Speaker, I would like to thank my good friend, the gentlewoman from Maryland (Mrs. MORELLA), for her tireless efforts on behalf of these men and women; and especially my friend, the gentleman from Illinois (Mr. HYDE); and my friend, the gentleman from Florida (Mr. MCCOLLUM), who all helped move the legislation forward. I urge my colleagues to join me in supporting this important legislation.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN), a member of the Committee on the Judiciary, who has been tireless on this measure.

Ms. LOFGREN. Mr. Speaker, I urge every Member of this body to vote for this measure. For years, before I was elected to Congress, I served on the County Board of Supervisors in Santa Clara County. It was in that capacity that I really started to understand domestic violence.

In the year before I became a Member of Congress, we did a survey of our county hospital and found that over one-third of the emergency room visits to the county hospital were related to domestic violence. We know that nationwide a third of the women who are murdered every year are murdered in the course of domestic violence by an intimate partner, and that 20 percent of all violent crimes against women are related to domestic violence.

This authorization will provide $92.5 million to the State of California to help women who are victims of domestic violence. I know firsthand, from the shelter in my neighborhood in San Jose, that women need to be able to escape with their children to safety as a first step to removing themselves from this violence. This act is essential in providing those resources.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), who has been a leader in this struggle for women's rights.

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Ms. DUNN. Mr. Speaker, today I rise in support of the Violence Against Women Act, or VAWA as we know it.

We have heard today how instrumental this act has been in helping women who are victims of domestic violence.

In my district in Washington State, Eastside Domestic Violence finds women and children anonymous housing, counseling, jobs, and makes the initial transition out of a violent home a little bit easier for a woman.

The physical and mental abuse these women suffer can be astounding, and women's shelters like Eastside Domestic Violence are crucial in helping them take their first, most difficult step toward freedom.

Last year, I co-chaired the Bipartisan Working Group on Youth Violence with my colleague on the Democrat side, the gentleman from Texas (Mr. Frost). The 24 Republicans and Democrats who comprised the Working Group heard frequently from law enforcement, academia, and family groups that a primary contributor to youth violence is violence in the home. Children raised in homes where there is violence are more prone to be violent offenders themselves.

Unfortunately, once these children and their mothers are taken out of a violent home, too often they do not receive proper counseling. With this bill, we will reach more young people in need of counseling and a safe environment where they can be taught that violence is not the way to deal with conflict. We must break the cycle of violence.

Mr. Speaker, reauthorizing the Violence Against Women Act is one of the most important things we can do to stop youth violence and family violence. I urge my colleagues to support this important measure.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD), the vice co-chair of the Women's Caucus who worked so hard on this.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank all of those who are responsible for bringing this piece of legislation to the floor, especially the gentlewoman from Maryland (Mrs. MORELLA).

Mr. Speaker, this comprehensive law sends a clear message across the Nation: violence against women is a crime, and punishment for this crime will be enforced.

While the Violence Against Women Act has had a positive impact on communities across the Nation, there is still much work to be done. Violence still devastates the lives of too many women and children. Nearly one-third of women murdered each year are killed by their partners. Domestic violence accounts for over 20 percent of all violent crime against women in America. Over 300,000 women were raped and sexually assaulted in 1999 alone, Mr. Speaker, and approximately 1 million women are stalked each year.

The State of California, which I represent, maintains 23 sexual assault response teams, 13 domestic violence response teams, and scores of domestic violence advocates located in the State.

The Violence Against Women Act must be reauthorized. We cannot turn our backs on women in need of protection and care. I urge passage of this bill.

Mr. HYDE. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), the great granite State.

Mr. BASS. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me the time.

Mr. Speaker, I rise as a supporter and cosponsor of the Violence Against Women Act. I cannot go further without thanking my colleague the gentlewoman from Maryland (Mrs. MORELLA) for the enormous energy and persistence that she has displayed in pushing this bill forward in a just-in-time fashion.

As we have heard before, the Department of Justice estimates that up to 4 million women are physically abused by their husbands or live-in partners each year. This is absolutely unacceptable.

Family violence costs this Nation upwards of 10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and non-productivity. But the real toll on America is really more costly than that. It is non-quantifiable.

What domestic violence really is is probably the saddest aspect of our culture in our civilization. And there is no victim worse than the children that are in these households and that are subject to the types of problems that exist in areas where there is physical and emotional abuse in the household.

For the past 5 years, the Violence Against Women Act has helped address these underlying causes and has provided desperately needed crisis services for victims and survivors. VAWA has paid special attention to rural towns and counties where previously there had been no organized efforts.

I believe that State and local governments should do more to prevent these abuses, but the Federal Government must play a role if we are to continue with the successes of VAWA.

Mr. Speaker, we are now in a position to move the successes of the past forward and we can only do this by passing H.R. 1248, the Violence Against Women Act.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY) who has worked very hard on this measure.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of the Violence Against Women Act.

Mr. Speaker, I want to commend my colleagues on both sides of the aisle, especially my good friend the gentlewoman from Maryland (Mrs. MORELLA) for her hard work to reenact this landmark law.

In just 6 years, VAWA has provided over $1.5 billion to support prosecutors, law enforcement, courts, shelters, support services, and prevention programs to combat violence against women. And it has worked.

The Department of Justice reported earlier this year that intimate partner violence fell by over 20 percent from 1993 through 1998. In my district, the Queens County District Attorney has more than doubled the rate of conviction for domestic violence-related crimes since his office started to receive VAWA funding. But there is so much more to do.

I am so pleased that my legislation that I introduced has been included in this bill, the Access to Safety and Advocacy Act, which will significantly expand civil legal assistance for victims of domestic violence and sexual assault. The bill will increase Federal funding and do so many other good things. And every woman deserves to feel and be safe in her home, her workplace, and her community.

I thank my colleagues again for moving this bill.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1½ minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the distinguished gentleman from Illinois (Mr. HYDE) for yielding me the time to rise in support of H.R. 1248. I also want to thank the gentlewoman from Maryland (Mrs. MORELLA) for introducing this important legislation. I, too, am a cosponsor of H.R. 1248.

This legislation was originally passed in 1994 and has made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and child abuse in my State of Kansas. We must continue our efforts to prevent this type of violence.

Over the last 5 years, the State of Kansas has received in excess of $9.4 million to combat violence against women. These funds have helped our communities increase victim safety, access to services and investigation, and prosecution of domestic violence and child abuse cases. This bill helps pay for 27 domestic violence shelters and local programs in our very rural State. Each year these programs serve more than 16,000 Kansans and respond to more than 38,000 crisis calls. While we have made some important strides in our State against reducing violence against women, lives remain at risk every day.

Reauthorization of this legislation is a vital investment in our country's future. With this authorization, programs and services expiring October 1, 2000, will be renewed. This act is a responsible piece of legislation that helps fulfill our commitment to making our streets and homes safer for women and children.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Ms. SLAUGHTER) a distinguished member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, 15 years ago, our greatest challenge was convincing Americans that domestic violence was a real problem. Many women knew too well that we were in the midst of a deadly epidemic, but the culture of silence that surrounded the issue made it difficult for them to speak out or get help. Being a victim of domestic violence was a source of fear and shame. Many women were trapped in these situations without any means of escape.

Furthermore, it was trivialized by law enforcement, by the judicial system, by health care providers, and even sometimes by friends, family, and neighbors.

I am proud to have been an original coauthor of this bill and a leader among the Members who fought for its passage. But I must remind everybody, it was enormously controversial. Many Members objected to its passage strenuously. My colleagues and I worked long and hard to convince them otherwise and finally secured its inclusion in the omnibus crime passage.

VAWA, which catapulted domestic violence onto the national agenda, provided Federal support for programs like shelters for battered women and their children, education for law enforcement officers and judges, and resources for prevention and education. I was also the author on that bill to protect immigrant spouses.

I urge passage of the bill, and I thank the gentlewoman from Maryland (Mrs. MORELLA) for saving it from extinction.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1½ minutes to the very distinguished gentleman from the Nutmeg State, Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in strong support of the Violence Against Women Act. This legislation needs to be reauthorized.

I commend the gentleman from Illinois (Mr. HYDE), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Florida (Mr. MCCOLLUM) for their tireless efforts to bring this vital piece of legislation to the floor.

The scourge of domestic violence must be ended. Perpetrators of these reprehensible crimes must be punished and victims must have support services available to help them transition to a normal life.

This law has substantially reduced the level of violence committed against women and children by their spouses, partners and fathers. Since it was signed into law in 1994, the Violence Against Women Act has strengthened criminal laws and provided funding to enhance their enforcement. It has also provided a foundation for a successful long-term criminal justice effort to end violence against women.

By encouraging collaboration among police, prosecutors and victims service providers, the Violence Against Women Act is providing a comprehensive community response to violence against women across the country. Violence Against Women Act grants have made a difference in the lives of women and their families.

Authorization of this critical set of programs expires in just four days. It would simply be irresponsible of this body to fail to reauthorize this important legislation before adjourning. I urge my colleagues to support the legislation.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the honorable gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in strong support of this legislation, which reauthorizes the National Domestic Violence Hotline, headquartered in my hometown of Austin, Texas.

This hotline has seen a steady rise in its calls from around the country that it so effectively handles. In 3 years, the number of calls has almost doubled to over 142,000 each year. Hotline Director, Shun Thompson, and her staff have capably ensured that those in crisis are referred to local community services across America.

Further, this legislation is vital to community organizations like SafePlace in Austin, so ably led by Executive Director Kelly White and Board Chairman Donna Stockton Hicks. The professional staff and numerous community volunteers at SafePlace provide a number of innovative programs in addition to the traditional counseling, domestic violence emergency shelters and transitional housing.

One of these is "Expect Respect," a program that focuses on raising respect and preventing domestic violence among our youngest Austinites in elementary and secondary schools.

Because today's bill has been presented under a procedure that permits no amendments, I am unable to offer my proposal, the "Domestic Violence Economic Security Act," which would authorize temporary unemployment compensation for those victims of domestic violence who have a reasonable fear of violence in the workplace. It ensures that no victim who leaves a job because of a reasonable fear of violence is denied help.

In this country, a woman is battered every 15 seconds—nearly 6,000 women a day. This public health problem must be given top priority, and we can begin that focus by reauthorizing the "Violence Against Women Act." But there is so much more work on domestic violence for the next Congress to undertake.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 1 minute to the distinguished gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I thank the chairman for yielding me the time. In the interest of time constraints, I will be brief.

Mr. Speaker, I do want to note that I am a strong advocate and cosponsor of this bill. It is interesting. I have three older sisters and two young daughters; and we need to bring an end to this violence against women.

The bill itself, under the guidance of the gentlewoman from Maryland (Mrs. MORELLA) who, by the way, is to be commended for her strong advocacy of bringing this to the floor, will give us another leg up on curing this problem and finally providing some safety and security to women in our country who otherwise might have to face this terrible scourge.

Mr. Speaker, in the United States, rape, sexual assault, domestic violence and stalking affect the lives of millions of women each year regardless of financial means, race, religion, or country of origin. Violence not only affects women in their homes, but in their workplace, schools, and every arena of their lives. The effects of such violence is felt not only by each individual woman, but by their children, families, loved ones, employers, and communities.

Five years ago, Congress passed and the President signed into law, the Violence Against Women Act as part of the 1994 Crime Act. At that time, VAWA began an ongoing, comprehensive agenda to address violence against women.

The enactment of VAWA marked the first time that the federal government committed funds and law enforcement to join state and local entities within the justice system in responding to violence against women.

Congress now has the opportunity to continue and extend the fine programs within VAWA.

The National Domestic Violence Hotline, battered women shelters, training for judges and other court personnel, counseling services, and child abuse prevention programs all benefit from H.R. 1248. Today's bill enhances the original VAWA by including authorization for new programs regarding dating violence, elder and disabled abuse, transitional housing, full faith and credit for protection orders, and supervised visitation centers.

Reauthorizing this legislation will continue the Congressional commitment to making our streets and homes safe for women and children.

I urge all of my colleagues to support this legislation.

□ 1315

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York (Mrs. MALONEY), cochair of the Women's Caucus.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding the time and for his leadership.

With the Violence Against Women Act set to expire and with the 106th Congress coming to a close, it is critical that we act today to pass it. The Violence Against Women Act is the most important legislative action before Congress that has been endorsed by the bipartisan Women's Caucus.

Enacted in 1994, VAWA has already provided crucial judicial and law enforcement training on violence against women, shelters for abused women, a national hotline with over 13,000 contacts each month, and child abuse prevention programs across this country.

The committee acted to expand it in several ways this year, and I am pleased that my bill, the Older Americans Protection from Violence Act, was included in the underlying mark which has grant programs and aspects that specifically address older and disabled women.

I also would like to join in thanking the Democratic leadership who more than 2 weeks ago sent a letter to Speaker HASTERT demanding a vote on this bill, as have many Members of Congress.

Mr. Speaker, I include for the RECORD that letter and an editorial in support of this legislation.

WASHINGTON, DC,
*September 20, 2000.*

Hon. DENNIS HASTERT,
*Speaker of the House, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: We are writing to urge immediate consideration of H.R. 1248, The Violence Against Women Act, before the 106th Congress adjourns. H.R. 1248 currently has 233 co-sponsors with strong bi-partisan support.

The Violence Against Women Act was originally passed in 1994 as an amendment to the omnibus Crime Bill. The act authorized over a billion dollars to states for law-enforcement grants, judicial training, shelters, a national hotline, child abuse and prevention programs. Thousand of victims from every state, race, and socio-economic level have relied on these services for protection from violence for themselves and their children. We believe that VAWA has saved lives and helped to re-build even more. Without re-authorizing this program by its expiration in October of this year, every state risks losing millions of dollars for existing programs.

As you may recall, the Congressional Caucus for Women's Issues met with you earlier this year to discuss this bill, which remains one of our top priorities.

The bill passed the House Judiciary Committee by voice vote. Several key amendments were added and approved by the full Committee, but the bill has yet to reach the House floor. As you know, jurisdiction over the re-authorization bill is also held by the Committee on Education and Workforce and the Committee on Commerce.

We urge you to schedule a vote by the full House before the end of this session.

Sincerely,

CAROLYN B. MALONEY
*and 81 others.*

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[From the Washington Post, Sept. 26, 2000]

INEXPLICABLE NEGLECT

There seems to be no good reason, practical or substantive, to oppose reauthorization of the Violence Against Women Act. Originally passed in 1994, the act provides money to state and local institutions to help combat domestic violence. It is set to expire at the end of the month. Its reauthorization has overwhelming bipartisan support. But House and Senate leaders have yet to schedule a vote.

Versions of the bill have been favorably reported by the judiciary committees of both chambers. Both would expand programs that during the past five years have helped create an infrastructure capable of prosecuting domestic violence cases and providing services to battered women. Since the original act was passed, Congress has devoted $1.5 billion to programs created by it. The House and Senate bills differ, but both would authorize more than $3 billion in further support during the next five years. There is room to debate the proper funding level relative to other priorities, a matter which will be determined later by appropriators; and the programs won't end immediately if the act lapses, because funds have been approved for the coming year. But failing to reauthorize would send the wrong message on an important issue and, more important, could threaten future appropriations.

With time in the 106th Congress running out, the Violence Against Women Act may become a casualty of neglect rather than of active opposition. But that's no comfort. Congress ought to find the time to pass it before leaving town.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I would first like to thank the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Michigan (Mr.

CONYERS) for their years of outstanding leadership on the Violence Against Women Act and the gentleman from Illinois (Mr. HYDE) for his leadership as well.

In my home State of Illinois, VAWA has meant over $40 million for programs that protect hundreds of thousands of women, children and men who are victims of domestic violence, sexual assault and stalking. I am also pleased that H.R. 1248 includes language from a bill I introduced, H.R. 1352, to fund transitional housing programs for women escaping abuse.

In 1994 with the historic passage of VAWA, Congress sent a clear message to this Nation that violence against women is not just wrong, it is a crime. But there were gaps in VAWA 1994 that are addressed in this legislation today. We can still do more. It is my hope that when this bill goes to conference, the conferees will accept the Senate's language that provides desperately needed protections for battered women.

But the clock is ticking. These critical programs expire in only a few days. I urge everyone to vote for H.R. 1248.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indiana (Ms. CARSON), who has worked very hard on the measure.

Ms. CARSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) in the bipartisan support of H.R. 1248, for which I am a cosponsor. I appreciate very much the expeditious movement now of H.R. 1248 prior to the expiration of the authorization on September 30, 2000.

Without being redundant, let me give Members two cases in point that occurred in my district. One woman had gone down to get a protective order against a perpetrator of violence against her and her children. She was at a day care center while the prosecutors and the police department released the perpetrator out on home monitoring devices at which time he went out and assaulted the woman and killed her in front of several other children.

Domestic violence has a perpetual effect, not just the victim who is injured but people in her family, in her environment and in her surroundings. I like the fact that this expansion of H.R. 1248 now includes assistance for immigrants, sexual assault training, and the inclusion of stalking and domestic violence data into crime statistics.

I urge Members' support. I appreciate the bipartisan nature of which this bill has moved forward.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time. I would also like to thank him for his leadership and the leadership of the gentlewoman from Maryland (Mrs. MORELLA) for their advocacy on behalf of women who are victims of domestic abuse and violence. I praise their efforts. They are absolutely laudatory in my comments.

This bill reauthorizes a number of important programs that will improve the quality of life for millions of women and children. It reauthorizes programs that make a real difference in our communities, like the STOP grants, the national domestic violence outline, battered women's shelters, and rape crisis centers.

Just a little while ago, I visited the Passaic County Women's Center in my district. I saw firsthand how the original Violence Against Women Act has provided assistance to women in my district. Violence committed against 500,000 women each year does not discriminate. Women who are victims of violence are rich and poor, young and old, disabled and physically healthy, speak little or no English or the Queen's English.

I urge the passage of this legislation.

Mr. CONYERS. Mr. Speaker, I am delighted to yield 1 minute to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the former governor of Puerto Rico.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I rise in strong support for the Violence Against Women Act. Authorization for this program will end October 1, and it is important that we reauthorize it so the critical programs administered under the act will continue to receive adequate levels of funding.

Mr. Speaker, each year more than 1 million acts of intimate-partner violence occur. Eighty-five percent of these assaults are committed against women. Women are two to three times more likely to be seriously or fatally injured in acts of sexual assault and domestic violence than men. Because women are disproportionately the victims of sexual assaults, it is appropriate and necessary that we target most of our funding for sexual assaults for women. As a child, I was taught by my mother that to hit a woman was a cowardly act and that a man who would hit a woman was a coward.

The Violence Against Women Act funds such important programs as the national domestic violence hotline, rape prevention education, youth education, and domestic violence and battered women's shelters and services. Women urgently need domestic and sexual assault services. The Violence Against Women Act has laid the groundwork to provide these services. It is critical that we build upon this foundation by reauthorizing this act before this legislation session concludes.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

Ladies and gentlemen of this House, over a quarter of a century ago as president of the Maryland Senate, I led an effort to revise extensively the sexual offense statutes of the State of Maryland. Those statutes were premised on the perception of women as chattel, as somehow less than subject to full protection of the law, particularly from their spouses and intimate partners.

We amended those statutes very substantially. We passed violence against women. Millions and millions of women this day throughout the world will be subjected to violent acts because of their gender. They are perceived by their societies to be subject by their male counterparts to such treatment.

It is critically important that we pass overwhelmingly this statute and make a very strong statement to everybody in America and everybody around the world that we respect individuals for their individuality. Pass this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time, and I thank him for his leadership and the leadership of the gentlewoman from Maryland (Mrs. MORELLA) also in advancing this along with the gentleman from Illinois (Mr. HYDE).

This is a serious national problem stretching coast to coast. This needs to be reauthorized. In my own State of Maine, we needed to undertake a raising of the priority of this into a crime and recognizing with law enforcement and court personnel that women needed to make sure that these laws were being enforced.

The resources from this act give badly needed moneys to States so that they can develop shelters and protections in transition, so people can move out of that, and particularly women and children, because the impact is onto the family and onto the children; and it is happening generation after generation after generation.

I want to commend the authors and tell them how vitally important it is in working at this and to let those perpetrators know that bipartisanly we stand together, it is important, it is a crime and it should not be happening. I urge the passage of this.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I believe that this measure, passed unanimously out of the Committee on the Judiciary, has reached a point where we can pass it just in the nick of time before the September 30 expiration. As we celebrate this moment, could we remember that it is merely a step in the right direction. There is a lot more to do. There are still those in law enforcement and on the bench in the judiciary who still are not fully apprised of the seriousness of the violence against women, particularly wives and girlfriends who are still subject to so much violence.

There is more we can do with our immigrant women who have been virtually ignored up until this legislation. There are steps yet to be made. I am hoping that all of those that support this measure will join with us to work in the next Congress on the next steps that we need to take to support the measure Violence Against Women.

I thank all those who have participated. Our staffs have been remarkably effective in this. The Members have been enumerated already.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentlewoman from Maryland (Mrs. MORELLA) once more for her incredible leadership. I want to thank the gentleman from Michigan (Mr. CONYERS) for his staunch support and suggest that not every problem requires a Federal solution, but violence against women and against children is so pervasive, it is so shameful and so cowardly that a Federal approach to this is entirely appropriate. This is an excellent one. It is only the beginning, as the gentleman from Michigan said.

Mr. Speaker, I urge everyone to support this excellent legislation.

Mr. LARSON. Mr. Speaker, I rise today in strong support of the reauthorization of the Violence Against Women Act. The act, which was passed into law by a Democratic Congress as part of the 1994 Crime Bill, is a powerful testament to the commitment of the United States and this Congress to fighting acts of brutality and cruelty perpetrated against women.

The act includes issues that are vital to the safety of every woman in America, including domestic violence, sexual assault, and stalking. It also includes education and training for judges and funding for programs that are so necessary to protecting the well being of women that the true worth of the program cannot be measured in dollars.

Although tremendous strides have been made, domestic violence still devastates the lives of many women and their children. Nearly 900,000 women experience violence at the hands of a partner every year. Nearly one-third of women murdered each year are killed by a partner, and violence by intimates accounts for over 20% of all violent crimes against women.

Reauthorization would continue and expand the domestic violence hotline, the battered women's shelter programs, and rape prevention programs as well as expand the investigation and prosecution of violent crimes against women. It would also provide assistance to a greater number of victims and support effective partnerships between law enforcement, victims' advocates, and communities.

I urge my colleagues to vote in favor of this authorization that is so important to the lives of so many women and children so that we may continue to provide services and assistance that not only improves, but can also sometimes save a woman's life.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today in support of passage of H.R. 1248, the Violence Against Women Act, of which I am a proud co-sponsor. I am glad that we will finally have an opportunity to vote on this vital legislation. I only hope that it is not too late for this bill to be considered in the Senate and agreed to in conference before the adjournment of the 106th Congress. It is a pity that consideration of this bill, which enjoys overwhelming bipartisan support, was unnecessarily delayed.

The passage of the Violence Against Women Act (VAWA) in 1994 was one of the greatest accomplishments of the 103rd Congress and the Clinton-Gore Administration. Since 1995, VAWA grants have provided a major source of funding for national and local programs to reduce rape, stalking, and domestic violence. The 1994 Act bolstered the prosecution of child abuse, sexual assault, and domestic violence cases; provided services for victims by funding shelters and sexual assault crisis centers; increased resources for law enforcement and prosecutors; and created a National Domestic Violence Hotline.

The bill has been credited with helping to produce a 21 percent decline in domestic violence between 1993 and 1998.

H.R. 1248 vastly improves VAWA by strengthening the existing provisions and by adding new provisions to address dating violence, reach underserved populations, facilitate enforcement of state and tribal protective orders nationwide, provide transitional housing, create programs for supervised visitation and exchange for children, develop training programs on elder abuse for law enforcement personnel and prosecutors, provide civil legal assistance funds, strengthen the National Instant Criminal Background Check System, and more.

I urge all of my colleagues to vote for this legislation, which saves and rebuilds women's and children's lives.

Mr. CROWLEY. Mr. Speaker, I rise in support of the reauthorization of H.R. 1248, the Violence Against Women Act. I am pleased to see that the Republican leadership has finally brought this piece of bipartisan legislation to the floor.

Today, the U.S. Department of Justice estimates that between 1 and 4 million women are the victims of domestic and sexual violence in this country each year. Domestic violence is the number one health risk for women between the ages of 15 and 44 and currently, women are disproportionately the victims of violence in the United States.

Since the authorization of this bill in 1994, violence against women has declined significantly. But this is not enough. The Department of Justice still estimates that a woman is beaten every 12 seconds in this country. As long as statistics such as these exist, Congress should take all necessary measures to help ensure the safety and well being of women in this country.

I am pleased to support the reauthorization of this legislation. Over the next five years, it will reauthorize the Violence Against Women Act in order to maintain and expand the domestic violence hotlines, battered women's shelter programs and rape prevention programs. In addition, VAWA will expand the investigation and prosecution of violent crimes against women, provide assistance to a greater number of victims and support effective partnerships between law enforcement officials, victims' advocates and communities. I am also pleased to announce that my home state of New York will receive $92,661,673 as a result of this reauthorization to help aid the victims of domestic and sexual violence.

I believe that now is time for this body to move to help protect the women of this country. We cannot continue to turn a deaf ear to the problem of domestic violence anymore.

Mr. FARR of California. Mr. Speaker, I express my strong support of the Violence Against Women Act. This Act reflects my belief that we have not only the ability to protect members of our communities, but the responsibility to do so. In this case, these members are our mothers and daughters, our sisters and friends, and ourselves.

The passage of the Violence Against Women Act will change individual lives. We will reduce domestic violence by reauthorizing funds for battered women's shelters and a National Domestic Violence Hotline. We will decrease the incidence of stalking and sexual assault by funding crime databases and establishing a National Resource Center on Sexual Assault. We will help heal the emotional scars of these crimes by offering the services of victim counselors. I believe we can do all of this, and we must.

The passage of the Violence Against Women Act will also change communities. VAWA includes provisions for funding local initiatives to address violence against women. This local involvement demonstrates that we can change the conditions that make women and children feel vulnerable or threatened and thus foster a new sense of security for all. In doing so, we also send a message to communities worldwide that violence against women deserves attention and action.

I ask my colleagues to listen carefully to all of the women and members of their families and communities who ask for this bill passage, and to add your voices to theirs. I am proud to add mine.

Mr. GEPHARDT. Mr. Speaker, I rise today in strong support of re-authorization of the Violence Against Women Act.

We passed this act as part of the Democratic Crime bill in 1994 and that was a critical first step in recognizing and addressing the problems of domestic violence.

When we passed that act, the statistics on domestic violence were startling: In 1994, 40% of women admitted to the hospital for injuries were there because of violence from a spouse or significant other. Battery was the single major cause of injury to women—more than rape, muggings and auto accidents combined. Even more distressing is the consensus that only a fraction of all incidents of abuse are reported to the police. Research shows that women are being abused not only at home, but at their place of work. This violence is also perpetrated against young women at colleges and universities.

In late 1994, I put in place a local domestic violence task force, bringing together community leaders, prosecutors, law enforcement officials, as well as representatives from some of the leading domestic violence organizations in my district in Missouri. So far, my home state has received over $15 million in federal funding as a result of this act.

And my constituents have consistently sent a simple message about this law: it works. It works in Missouri because it is making a real difference in the day-to-day struggle to combat domestic violence in St. Louis City, south St. Louis County, Jefferson County, and Ste. Genevieve County. In fact, we have come up with a number of improvements on this measure, improvements that will make it even more effective. I look forward to working in Congress to make these changes next year.

I am glad that the Republican party has finally brought this measure to the floor, and that it has done so before the authorization expires later this week. Today's vote, which I urge everyone here to support, reaffirms America's commitment to fighting domestic violence in every community. It sends a message that this society will do everything it can to fight this scourge—to make sure communities have the resources they need—and that women have the protections they deserve.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. It is late in coming, but better a little late than too late.

We all know Congress is falling behind in its work. Most of the annual appropriations bills have not been finished. Campaign finance reform remains stalled. We have not provided a prescription drug benefit under Medicare. We have not done enough to help our schools or to help our communities cope with growth and sprawl. We have not resolved our differences over taxes. And until today the House has not acted to reauthorize the Violence Against Women Act—"VAWA"—which is set to expire at the end of this week.

VAWA is very important for Colorado. Through last year, our state received almost $15 million in VAWA grants. That money has helped assist victims of domestic violence, but it has also done much more.

In fact, according to a letter from our Attorney General, Ken Salazar, and his colleagues from other states, VAWA "has enabled us to maximize the effectiveness of our state programs that have made a critical difference in the lives of women and children endangered by domestic violence, sexual assault, and stalking."

VAWA is also important for our country. It has made a difference in the lives of millions of women by aiding in the prosecution of cases of domestic violence, sexual assault, and child abuse, by increasing services for victims and resources for law enforcement personnel, and by establishing a National Domestic Violence Hotline.

Partly as a result, crimes against women have decreased by 27% since VAWA's enactment.

But more remains to be done. More women are injured by domestic violence each year than by automobile accidents and cancer combined. More than one-third of all women using emergency rooms are victims of domestic violence. In 1997 more than 250,000 women and children sought refuge from domestic violence in women's shelters. More than 300,000 sexual assaults were perpetrated against women in 1998 alone. And every year more than one million women are targeted by stalkers.

Because I strongly support renewing and strengthening this vital measure, I have joined in cosponsoring H.R. 1248, the bipartisan VAWA reauthorization bill that is now before the House. It is supported by the Administration and more than 200 Members of the House.

The judiciary Committee approved the bill by a unanimous voice vote on June 27th—a full three months ago—and the bill is only now reaching the floor, even though many less important measures have been considered. But, at last, it is here and I urge all Members to join me in approving it.

If it is approved, it then will be up to the members of the Senate to take the next vital step. They should promptly send this bill to the President for signing into law—because VAWA is too important to be allowed to die from neglect.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1248, legislation to reauthorize the historic Violence Against Women Act (VAWA) of 1994.

A husband in the presence of his children strikes his wife, sending her to the floor and blackening her eye. A woman changes her job, phone number, apartment building and with them, her life, in order to hide from a stalker. A young woman out jogging on a beautiful late-summer evening is pulled into the woods and sexually assaulted by a stranger.

All of these frightening things will happen in America today. It's hard to understand why someone would choose to purposely hurt a woman—or a child, for that matter. But it happens—more than we care to think.

Violence against women is a large, often unrecognized, and too frequently ignored problem in all of our communities. According to the U.S. Department of Justice, nearly one in three women experiences at least one physical assault at the hands of a partner. In 1998, nearly 3 out of 4 victims of intimate partner homicide were women. Approximately 1 million are stalked annually. In 1998 alone, an estimated 307,000 women were raped or sexually assaulted.

Six years ago, Congress passed milestone legislation to combat domestic violence, stalking and sexual assaults. This legislation, which we are discussing today, is the Violence Against Women Act. VAWA has been successful in achieving its mission. Statistics show that violence against women by intimate partners has fallen an astounding 21 percent since enactment of this Act.

The murder rate of partners also is down, with 1,830 murders attributed to intimate partners in 1998 compared to over 3,000 murders in 1976. As a result of funding allocated under VAWA, more than 300,000 women and their dependents each year are able to escape their batterers and find a better life by temporarily going to a local shelter. In my home state of Illinois, the number of reported criminal sexual assaults declined 8.2 percent between 1997 and 1998.

But falling statistics, while good news, are not good enough. Violence continues daily to devastate the lives of thousands of women and children. This clearly sends a signal that Congress must keep its commitment to making our streets and homes safe for women and children. And that calls for reauthorizing and strengthening VAWA, which is exactly what this body should do today.

As written, H.R. 1248 authorizes $3 billion over the next years to fund various programs that help state and local efforts to: prosecute abusers; enforce domestic violence and stalking laws; train law enforcement and judicial personnel on how to handle such cases; and provide a hotline and counseling services to battered women. In addition to continuing these important services, H.R. 1248 strengthens the existing Act by authorizing funding for a new transitional housing assistance program to help persons fleeing a domestic abuse situation and adding clarifying language that allows money under the Act to be used for date violence prevention. It authorizes $10 million in new funding to help prevent violence against women with disabilities and an additional $200,000 for training medical personnel in sexual assault identification techniques as well.

Mr. Speaker, scratch the surface of any of our nation's most challenging social problems—from crime in schools to gang violence and homelessness—and you're likely to find the root cause is domestic violence. Our country's judges are beginning to find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants.

Local law enforcement officials are reporting that domestic violence situations are among their most frequent calls. Businesses from California to Maine are starting to recognize that domestic violence, in the form of absenteeism and reduced employee productivity, has tremendous economic costs. Schools are noticing that children with emotional problems often come from environments where violence is the norm.

What does this tell us? It tells us that violence begets violence, and it is incumbent on all of us to try to break the cycle. By strengthening families, promoting strong values, and encouraging community involvement, that's exactly what the Violence Against Women Act helps us to do.

Reauthorizing VAWA is a vital investment in this nation's future and it should be one of our highest priorities. Reauthorizing this Act is also the right thing to do, and I urge my colleagues to move this effort forward by voting for H.R. 1248.

Let me conclude by commending the Chairman of the House Judiciary Committee, my colleague from Illinois, Mr. HYDE, for his strong support of H.R. 1248 and for his work in getting it to the floor for consideration. I also commend a real champion of women's issues—Representative CONNIE MORELLA of Maryland—for sponsoring this crucial legislation. I also thank the co-chairs of the Congressional Caucus for Women's Issues—Representative SUE KELLY and CAROLYN MALONEY of New York—for all their hard work on promoting this legislation. Finally, let me extend my gratitude to the members of my violence against women advisory committee back in Illinois for their input and useful advice.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 1248 which would reauthorize the Violence Against Womens Act (VAWA), landmark legislation that has made a difference in the lives of children, women and families. As an early cosponsor of H.R. 1248, I am relieved that this measure has been brought to the floor before its authorization expires in five short days.

Enacted in 1994, as part of the Omnibus Crime Bill, VAWA provided for new federal criminal provisions and grant programs to improve the criminal justice system's response to domestic violence and sexual assault and stalking, and to provide critical services to victims. Since passage, the Departments of Justice and Health and Human Services have awarded over $1.6 billion in VAWA grants nationwide. VAWA grants provide critical support for the work of prosecutors, law enforcement officials, the courts, victims' advocates, health care and social service professionals, and intervention and prevention programs. The domestic violence hotline established under VAWA has logged over half a million calls.

Despite the advances we have made under VAWA, domestic violence still devastates the lives of many women and children with nearly 900,000 women experiencing violence at the hands of their partners every year. Even today, with the heightened attention domestic violence receives, nearly one-third of women murdered each year die at the hands of their partners.

In addition to reauthorizing VAWA for five years, H.R. 1248, as approved, expands numerous programs, such as a domestic violence hotline, law enforcement grants for victims' services, prosecution of perpetrators of violence, battered women's shelters and services, counselors, rape prevention education, programs against stalkers, and other related services.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1248, legislation to reauthorize VAWA, a vital part of the campaign against violence and crime. Moreover, Mr. Speaker, I would also urge the Republican leadership to build on H.R. 1248 and make the Violence Against Women Office at the U.S. Department of Justice permanent, by statute, as provided for under H.R. 4848.

Mr. DAVIS of Illinois. Mr. Speaker, since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women have declined, and the number of sexual assaults nationwide have gone down as well.

The Justice Department's states nearly 25 percent of surveyed women and about 7 percent of surveyed men say they have been raped and or physically assaulted by a current or former spouse or partner at some time in their lives. This figure, however, is a conservative one that substantially understates the actual number of families affected by domestic violence because battering is usually not reported until it reaches life-threatening proportions. In fact, some researches estimate that one of every two women will be battered at some time in their life.

In Illinois, the Chicago Police Department, the Cook County States Attorney's Office and various other community and government agencies have developed the necessary infrastructure, as a result of the passage of the Violence Against Women Act in 1994.

Mr. Speaker the Violence Against Women Act works. In fact, a recent Justice report found that intimate partner violence against women decreased by 21 percent from 1993 to 1998. This is strong evidence that the state and community efforts born from this act are working. Despite the success of the Violence Against Women Act, domestic abuse and violence against women continues to plague our communities.

The Violence Against Women Act must be reauthorized to allow these efforts to continue without having to worry that this funding will be lost from year to year.

Mr. Speaker I urge every member of this body to vote for this bill.

Mr. CASTLE. Mr. Speaker, I am pleased to rise in strong support of H.R. 1248, legislation to reauthorize the Violence Against Women Act.

No woman should have to worry that she will be abused, but studies show that almost 1.9 million women are physically assaulted each year—many times at the hands of a husband or boyfriend. Tragically, the correlation between domestic violence and child abuse is very high. Even if a child is not physically battered, he or she often does poorly in school, repeats the pattern of either victim or abuser as an adult and is more prone to a variety of emotional problems.

Although the overall violent crime rate has dropped 27 percent from 52 to 38 incidents per 1,000 persons, there were more than 30 women and children that were killed in domestic violence related homicides over the last three years in my state of Delaware alone. For these women and children, it is clear that more needs to be done to ensure that our mothers, sisters, and daughters are safe in their homes and in their communities.

I was proud to play a role in the passage of the original Violence Against Women Act, as part of the Violent Crime Control Act of 1994. A bipartisan coalition of members worked to break the stalemate on the Crime Bill and get it signed into law. A key part of that legislation was the Violence Against Women Act. It was enacted to authorize programs to support the prosecution of violent crimes against women, encourage arrests in domestic violence incidents, support rural domestic violence and child abuse enforcement, support rape prevention and education and provide funding for battered women's shelters. The legislation before us today renews and expands the original Act to include some new programs, which includes funds to help victims and their children flee domestic abuse and then move them from shelters to self-sufficiency.

I believe that this legislation—and the original Violence Against Women Act—will continue to reduce the levels of violence committed by boyfriends and spouses and free women and their children from a life of abuse, and I am pleased to support its passage by the House today.

Mr. LANTOS. Mr. Speaker, I rise in strong support of H.R. 1248, the Violence Against Women Act of 2000 which would re-authorize the 1994 Violence Against Women Act. Part of President Clinton's 1994 Crime Act, this legislation has been a turning point in our national response to the problems of domestic violence and sexual assault. I urge passage of H.R. 1248 so that our nation can continue to address these problems.

Mr. Speaker, if we have learned anything in the last several years about violence against women, we have learned that no one is immune to the effects of these crimes. Domestic and sexual violence can be stopped only when we forge a unified front to combat them. The Violence Against Women Act has worked and can continue to work as an effective catalyst for states and communities to share resources and to collaborate in providing services. Under this legislation, the Violence Against Women Grants Office has allocated millions of dollars in Federal Funds to states to support partnerships among law enforcement, prosecution, the courts, victims' advocates, and providers of health care and other services across the country.

We must continue and expand these vital programs. H.R. 1248 provides $3.7 billion to fund over 40 provisions for five years. Of this amount, $1.1 billion will be allocated to fund and improve existing shelter services and provide increased financial support for rape crisis centers and over $1 billion dollars will be used for constructing new shelters for battered women. Other major elements of the bill address the needs of battered women in the workplace, focus on sexual assault on college campuses and in the military, establish new programs for victims services and fund training for judges.

Mr. Speaker, the 1994 Violence Against Women Act has been a proven success in helping women across the country to deal with this terrible tragedy of domestic violence. To continue the success, I strongly urge my colleagues to support H.R. 1248.

Mr. ETHERIDGE. Mr. Speaker, I rise today to voice my strong support for the reauthorization of the 1994 Violence Against Women Act. I urge the House to pass this vital legislation as soon as possible. Although the House Republican Leadership has inexcusably delayed bringing up this bill until four days before the law was due to expire, I am very pleased that we finally have the opportunity to act on this important measure.

Last month, I had the opportunity to visit domestic violence and sexual assault shelters in my district to see firsthand how the federal government plays a key role in the fight against domestic violence. I personally met with victims, and I spoke directly with the Directors of these shelters that provide refuge and crisis-management services to thousands of women, children and families in my district who have suffered from domestic violence and sexual assault.

Kim Gauss, the director of the Wesley Shelter in Wilson County, North Carolina, spoke to me of the importance of taking programs into our nation's schools. Both Ms. Gauss and Ms. Susan King, the Executive Director of Haven Shelter in Lee County, North Carolina emphasized the importance of educating our youth about the cyclical effects of violence. Although children may not bear obvious bruises and scars, those who witness violence inside their homes learn that anger equals violence and that too often adults use violence to solve problems. These children often experience severe anxiety and helplessness and they often have problems with anger management and almost always have a marked decrease in school performance.

By educating and empowering our children and giving them the tools and resources they need to combat the damaging physical and psychological effects of violence, we can increase the likelihood that the cycle of violence will end with them. Without this funding, many shelters like those in my rural district of Eastern North Carolina would be unable to provide the essential crisis and preventative services our communities so desperately need. Many would be forced to shut their doors altogether.

This past year, the State of North Carolina received $3.5 million in funding under the Violence Against Women Act. This funding provided shelters like the Haven and Wesley Shelters in North Carolina with the necessary resources to cope with family violence and sexual assault. And it allowed shelters like My Sister's House in Rocky Mount, North Carolina and the SAFE shelter in Lillington, North Carolina to serve thousands of North Carolina residents.

Reauthorization of this Act is an essential step in our battle against violence. Through the community-based services they provide, domestic violence and sexual assault shelters across the nation strengthen the social fabric that binds all of us together.

Gone forever should be the days when domestic violence was swept under the rug as a family matter. Domestic violence is not just a family matter. Domestic violence is a crime. It is a crisis, and there is no excuse for failure to act. I call on my colleagues to vote to pass this important bill without a delay. America's families are depending on it.

Mr. KIND. Mr. Speaker, nearly 1.5 million women are the victims of domestic violence and nearly one in every three adult women experience at least one physical assault by a partner during adulthood. We must not only remain committed to fighting sexual abuse, domestic violence and rape, but also improve our efforts on behalf of these victims. I am proud to be a cosponsor of this legislation H.R. 1248, which would reauthorize the Violence Against Women Act. This bill would authorize more than $3 billion in funding and add new programs, including a new temporary housing grant that would provide funding to help women move out of shelters, a new grant for legal assistance to women who have been victims of violence, and grants authorizing help for disabled women victims.

VAWA has significantly strengthened domestic violence shelters and services to battered women and children throughout my state of Wisconsin and across the United States. The Wisconsin Coalition Against Domestic Violence and the Wisconsin Coalition Against Sexual Assault, through the programs in VAWA, have aided thousands of women in my state and help them cope and survive the tragedies of violence against women. As a former prosecutor in my home state of Wisconsin, responsible for prosecuting domestic violence, child abuse, adult and child sexual assault cases, I've seen first hand the scourge and scars domestic violence creates.

We are at an important point in our history, a time when the leaders of our nation have made a commitment to stop violence against women and children. Through the many projects and programs developed through VAWA funding, we have just begun to clearly articulate the impact of sexual assault and domestic violence on our country. This legislation is critical in maintaining the federal commitment to ending this problem in our society.

I want to thank Chairman HYDE and Mr. CONYERS and a number of other members for their support in bringing this important legislation to the floor.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 1248, the Violence Against Women Act (VAWA) and I commend the gentle lady from Maryland, Mrs. MORELLA and my colleague the gentleman from Michigan, Mr. CONYERS, for their leadership on this issue.

H.R. 1248 continues the commitment that Congress made in 1990 by reauthorizing many critical programs that are used daily by women across this country. This bill reauthorizes grants that will be used to improve law enforcement and prosecution of violent crimes against women, grants to encourage arrests in domestic violence incidents, moneys for rural domestic violence and child abuse enforcement, rape prevention and education programs, grants for battered women's shelters, funding for the national domestic violence hotline and stalker reduction programs.

Moreover, this bill creates new initiatives including transitional housing for victims of violence, a pilot program aimed at protecting children during visits with a parent who has been accused of domestic violence, and protections for the elderly, disabled and immigrant women.

This legislation also includes grant money for a new program that will benefit victims of dating violence, which until now has been a neglected and underserved population.

Domestic violence is something which is learned at home and the longer that children remain in settings where they witness and experience this type of abuse, the more likely they are to become abusers or victims or abuse as adults.

The Violence Against Women Act will help families throughout our nation. As a cosponsor of this legislation, I urge my colleagues to vote for H.R. 1248.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1248, as amended.

The question was taken.

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today and on the motion to suspend the rules on which further proceedings were postponed yesterday.

Votes will be taken in the following order:

H.R. 5117, by the yeas and nays;

H.R. 2572, by the yeas and nays;

H.R. 1248, by the yeas and nays;

House Joint Resolution 100, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## MISSING CHILDREN TAX FAIRNESS ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5117, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. RAMSTAD) that the House suspend the rules and pass the bill, H.R. 5117, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 489]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman

Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Burton
Campbell
Gillmor
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Miller, Gary
Paul
Rogan
Smith (MI)
Smith (WA)
Vento

☐ 1351

Mrs. CHENOWETH-HAGE and Mr. SERRANO changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## APOLLO EXPLORATION AWARD ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2572.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2572, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 490]

YEAS—419

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm

Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton
Campbell
Gillmor
Jones (OH)
Klink
Lazio
McCollum
McIntosh
McKinney
Miller, Gary
Paul
Rogan
Smith (MI)
Smith (WA)
Vento

□ 1400

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## VIOLENCE AGAINST WOMEN ACT OF 2000

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 1248, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 1248, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 16, as follows:

[Roll No. 491]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth-Hage
Hostettler
Sanford

NOT VOTING—16

Burton
Campbell
Emerson
Gillmor
Gilman
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Miller, Gary
Paul
Radanovich
Rogan
Smith (MI)
Vento

□ 1408

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. EMERSON. Mr. Speaker, on rollcall No. 491, I was inadvertently detained. Had I been present, I would have voted "yes."

## CALLING UPON THE PRESIDENT TO ISSUE A PROCLAMATION RECOGNIZING 25TH ANNIVERSARY OF HELSINKI FINAL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the joint resolution, H.J. Res. 100.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 100, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 20, as follows:

[Roll No. 492]

YEAS—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton

Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Burton
Campbell
Diaz-Balart
Franks (NJ)
Gillmor
Jones (OH)
Klink
Lazio
Matsui
McCollum
McIntosh
Miller, Gary
Paul
Radanovich
Rogan
Smith (MI)
Stupak
Taylor (MS)
Vento
Weller

☐ 1418

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, this morning, I was unavoidably detained in my home district, and therefore, I was unable to be present on the House floor during votes. Had I been here I would have voted "aye" on rollcall votes 488, 489, 490, 491 and 492.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5194

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Missouri (Ms. DANNER) be omitted as a cosponsor of H.R. 5194, which is my bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Kansas?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H. RES. 591, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 591 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 591

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 591 is a closed rule providing for the consideration of H.J. Res. 109, a resolution making continuing appropriations for fiscal year 2001.

H.Res. 591 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides for one motion to recommit, as is the right of minority.

Mr. Speaker, as my colleagues know, the current fiscal year expires at the end of the day on Saturday, and a continuing resolution is necessary to keep the government operating while Congress completes consideration of the remaining appropriations bills. This continuing resolution would fund ongoing activities until October 6 using fiscal year 2000 funding rates. In addition, the joint resolution includes provisions for certain anomalies which impact a small number of accounts.

Mr. Speaker, under both Democrat and Republican majorities, Congress has regularly utilized continuing resolutions as a method of keeping the government running while appropriations and negotiations continue. Only three times in the last 21 years has Congress passed all of the appropriations bills by the fiscal deadline. Contrary to what some might contend, the House has been diligent in doing the people's business. In fact, the House has already passed all 13 appropriations bills.

As we continue our bipartisan effort to complete the appropriations process as soon as possible, we remain focused on the priorities most important to working Americans, paying off the national debt, providing prescription drugs to seniors, and educating our children.

We have made real progress on all of these fronts, passing the Debt Relief Lock-box Reconciliation Act that dedicates 90 percent of next year's surplus to paying off the national debt, the Medicare Prescription 2000 Act, the Education Flexibility Act, and the Academic Achievement for All Act.

Mr. Speaker, the fiscal discipline of the Republican Congress has resulted in the payoff of $350 billion worth of debt and the locking away of 100 percent of the Social Security and Medicare surplus. Despite the efforts of the President and some of the Minority, we are committed to building on this success by passing fair and fiscally responsible appropriations bills. I am confident that H.J. Res. 109 will give us the time we need to get the job done.

This rule was unanimously approved by the Committee on Rules yesterday. I urge my colleague to support it so we may proceed with the general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), my dear friend, for yielding me the customary half hour; and I yield myself such time as I may consume.

Mr. Speaker, the Congressional appropriations process has a long, long way to go. In the beginning of this session, my Republican colleagues promised to finish all of the appropriations bills on time. They said they did not want to shut the government down again. They said that they understood that October 1 was the deadline for these appropriation bills.

But even though it is nearly October, only two of the 13 appropriation bills have been signed into law, and the rest are in various stages of disarray. Four conference reports have yet to pass either the House or the Senate. They are: Transportation, Labor, Health and Human Services, Interior, and Energy and Water. Six appropriation bills have not even gone to conference: Agriculture, VA-HUD, Commerce, Justice, State, Foreign Operations, Treasury-Postal, or D.C. The Legislative Branch conference report failed in the Senate last week by a vote of 69 to 28.

Mr. Speaker, despite the enormous amount of unfinished appropriations work, the last 3 weeks we have done virtually nothing here on the House floor except rename a couple of post offices.

Mr. Speaker, time is running out. So despite the good intentions in the beginning of the session, today the House is considering the first of what promises to be many continuing resolutions.

Today's continuing resolution will keep the Federal Government open until October 6, despite the unfinished work. Mr. Speaker, there is a lot of work to be done, and I think we have got to address it.

I will support this continuing resolution because we need it to get these bills finished, but I would remind my colleagues that we have miles and miles to go before we sleep. Eleven appropriation bills are just not going to pass by themselves overnight.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, everyone knows that it takes two to fight. Well, it takes two to govern as well. Sadly, many of my Democratic friends have decided it is not in their best interest, not in their party's interest to help us govern for America, even though Speaker HASTERT daily extends his hand, is willing to meet more than halfway to solve America's problems.

I have a simple request to my Democratic colleagues: Put America ahead of your ambitions. Set aside just for a few days your all-consuming drive to be in power. For the sake of our seniors, work with us to pass a prescription drug plan for the sickest and the poorest of our elderly now, not next year or 10 years in the future.

For the sake of our children, work with us to have an education system that is second to none, where our quick learners are not forgotten, where our slow learners are not left behind. For the sake of our grandchildren, work with us to pay down the debt so they do not have a crushing burden that they do not deserve on them. I do not think that is too much to ask.

Our Constitution says that, when one has a divided government, it is our responsibility to work together for the interest of America. I am hopeful our Democratic friends will stop viewing this as a Democratic White House and Republican Congress but more as a U.S. President and a U.S. Congress to work together.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic Leader.

Mr. GEPHARDT. Mr. Speaker, I rise today in support of this bill to keep the government running when the new fiscal year begins on Sunday. But I regret that we are forced to pass such a bill. We never should have reached this point.

Instead of doing the important work of the American people, we have spent the last year bringing forward a series of massive tax cuts focused primarily on the wealthiest Americans. This Congress has spent most of the year debating tax cuts for the wealthiest that left no money for debt reduction, basic appropriations, or anything else.

□ 1430

We saw this coming a long time ago. This chain of events was set in motion by the Republican-passed tax cuts. It was set in motion by a single-minded devotion, tax breaks for the wealthiest, that has overwhelmed and taken the place of the whole budget process. The result is that we have been unable to accomplish the bare minimum and pass the annual appropriations bills required by law, and still, even at this late hour, 11 of the 13 bills remain to be enacted.

We have been prevented from passing a budget that addresses the needs of working families and keeps us on the path of fiscal discipline. And then, 3 weeks before the end of the session, after the Republican tax package did not fly, Republicans abandoned their strategy and shifted to portray themselves as the champions of debt reduction. But the new so-called 90-10 budget was no better than the old budget, because it was only for 1 year. It did not hold the promise of true debt reduction because it allowed Republicans to return next year or the year after and again pass huge tax cuts that would blow a hole in our surpluses.

I wrote a letter to the Speaker asking him to come up with a new budget, a new framework, so that we could complete our work and move on with the business of the American people. I have not received a reply.

Today, we have before us a stopgap bill that, of course, everyone should support. Nobody wants to repeat the government shutdown. But the issue before us is not just the leadership's inability to enact the critical appropriations bills. The issue is the larger failure of this Congress to act on an agenda that finally, at long last, puts families first; an agenda that I believe a majority of the American people want us to pursue:

Tax cuts focused on middle class and working families; a Patients' Bill of Rights to enforceably protect patients from the accountants and HMOs; a real Medicare prescription benefit that guarantees seniors access to affordable medicines; funds dedicated to building new classrooms and hiring additional teachers, so we can finally reduce class size and give children the education they need and deserve; real debt reduction that pays off the debt entirely by 2012 and still leaves enough money for tax cuts for working families.

My constituents and Americans throughout the country want us to pursue and realize this agenda. But this agenda has been blocked by special interests. It has been blocked by Republican leaders determined to not do this agenda.

A meaningful Patients' Bill of Rights has been blocked to protect HMOs and insurance companies. Middle-class tax cuts were blocked in the name of huge tax cuts to the wealthiest Americans. Real serious long-term debt reduction was blocked again in the name of huge tax cuts for the wealthiest Americans. The minimum wage has been blocked as a favor to big business. And education incentives to modernize our schools and hire new teachers has been blocked in the name of partisan ideology which tears down schools and takes money from them rather than lifting them up. Hate crimes legislation is still not law, and we have not acted on Latino and immigrant fairness issues.

We support strong reimportation of drug legislation with standards, because it will bring prescription prices down for millions of Americans. I am glad that the leadership has said they want to pass such legislation, but we should not let reimportation detract from the more important issue: a Medicare prescription benefit that will be there for seniors when they need it. That has been blocked by the pharmaceutical industry.

So I call on our leaders to disassociate themselves from special interests and work with us on a bipartisan basis to accomplish something meaningful for a vast majority of Americans in the days that are left of this session. Let us work together on the issues the American people truly care about and achieve something real for them in the few days that are left.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding me this time, and I say to my friend from Missouri that I am pleased to be here to respond to his call. His call is for us to work in a bipartisan way to deal with these very important issues; and, Mr. Speaker, I could not agree with him more.

First, let me say that I am extremely proud of the bipartisanship that we have established under Republican leadership over the past 6 years. If we simply look at the kinds of things that we have succeeded in working on just in this Congress, I think it is very important to underscore them.

First and foremost, we must look at how we have effectively begun to retire the national debt. We are very proud of the fact that we have been able to retire $350 billion of our Nation's debt, and we are committed to retiring the entire national debt by the year 2013. And, yes, I will say to my friend, the minority leader, we have been working on that, as he just requested, in a bipartisan way.

We also have done something that is virtually unprecedented. We have been able to go through 3 years of surpluses with our budget, which is again, I think, a monumental accomplishment; something which we Republicans have been proud that we have been able to do in a bipartisan way. Yes, working with the White House to do that.

I also think it is important to note that on those very important issues of Social Security and Medicare the compacts which we have made with the American people. We must do everything that we can to make sure that we address and maintain their solvency. And we are proud that for 2 years in a row we have not, as had been done for 3 decades, reached in and spent that surplus on a wide range of other programs.

It is also important to note what has been one of our top priorities; and we, again in a bipartisan way, have worked to accomplish our goal. And what has that issue been? It is education. It is obviously a top priority today in the presidential campaign. The 106th Congress has tremendous accomplishments to which we can proudly point that are bipartisan, specifically passage of the Education Flexibility Act and the Teacher Empowerment Act. What are they designed to do? They are designed to do what Governor George Bush has been saying, and now Vice President GORE is saying he agrees with, and that is trying to enhance decision-making at the local level.

It is also important to note that this Congress has successfully passed legislation to reduce the tax burden on working families, that horrendous inheritance tax, the death tax. As Speaker HASTERT likes to call it, the widows and orphans tax. We have passed that here. But of course on the presidential veto, we narrowly failed an override. We did it in a bipartisan way, even though we were not quite able to override the President's veto.

Similarly, on the marriage tax penalty, we were not quite able to get the votes we needed to override the President's veto. But we did pass the legislation, and we attempted the override with strong bipartisan support.

So it seems to me that if we look at the kinds of priorities that we have established, we want to do them in a bipartisan way. I am pleased that the White House and many Democrats have joined us in our commitment, or we hope the White House will join us. They have indicated a willingness to do that, but we want to make sure that happens, to take 90 percent of the surplus and apply that towards debt reduction. Obviously, in a time of unprecedented surpluses, we want to reduce the tax burdens. But at the same time we want to make sure that we do continue down that road towards retiring the national debt.

We also are committed to working in a bipartisan way for a prescription drug benefit coverage package for America's seniors. Our Republican majority has again passed a plan to provide prescription drug coverage that is voluntary, affordable, and available to all seniors, a very high priority. Again, we share the bipartisan quest to address this issue. We believe very sincerely that no senior should be forced to choose between food on the table and the medicine that they need to stay healthy.

And we are committed to doing even more to address that very important issue which I mentioned a moment ago, improving our public education system. We have the best postsecondary education system on the face of the earth. We need to do everything that we can to improve the primary and secondary education systems.

What we want to do is we want to actually create even more flexibility than we did with the Education Flexibility Act by making sure that decisions are made at the local level, in the classrooms, knowing full well that decision-making here and the imposition of mandates on State and local government does little more than undermine the ability for teachers to improve that quality of education that they very much want to do. We know that very little of the money actually comes from Washington; but, unfortunately, many mandates have been imposed from here. We want to try to do what we can to relieve as much of that as possible.

So I am here to say, in response to the last speaker, that we are working for continued bipartisanship. I know it does not get a lot of attention when we have accomplished many of these things in a bipartisan way, but we have done it so far. And all we are saying now, with this measure that we are going to be considering, is let us go for one more week, Mr. Speaker, with a continuing resolution so that we can get the very important work of the 13 appropriation bills completed. Why? Because the American people want us to do our work. And guess what? We have succeeded in working so far. We do not want anyone to stand in the way of these very important priorities which I have just outlined, and which I believe Democrats and Republicans alike share.

So let us pass this rule, pass the continuing resolution, and keep the negotiators' feet to the fire so that we can complete our work in a very timely fashion.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the vice chair of the Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when Republicans shut down the government, that was not a bipartisan act. This continuing resolution the Republicans are requesting is an admission of failure, a failure of the partisan ways Republicans run this House and their failure to do the people's business.

While the Republican leadership has spent its time scheduling extremist bills that they know have no chance of becoming law, there are real people with real problems that this House should be addressing. Their leadership does a good job of ensuring that the political needs of the Republican Party are being met while the needs of working Americans everywhere are ignored.

True to form, the Republican leadership has ignored our Democratic call for a Patients' Bill of Rights. They have ignored our call to give seniors universal prescription drug benefits under Medicare. They have ignored the call to modernize our Nation's schools. They have ignored our call to reduce class sizes for our children. They have ignored our call to hire 100,000 new highly qualified teachers. They have ignored our call to raise the minimum wage for hard-working pressed families. They have ignored our call to pass a comprehensive campaign finance reform bill. Mr. Speaker, Republicans are in the majority here. They run this House, and they have failed.

The American people should know where we stand. We Democrats in Congress stand ready to work together to pass these bills and build an even stronger, better Nation, and Republicans have blocked our efforts to bring these issues to the floor and address these critical issues at each and every turn. If they could lead, they would have accomplished these priorities. But they cannot lead; so, instead, they come here today with a continuing resolution asking for yet more time to finish work on a budget that in 5 days will be past due.

They should be ashamed of their inaction and the price America's seniors and children and working families pay every day for their failure to act.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

I know prescription drugs are a major part of the effort to reach a settlement so that we can go home. I am a senior citizen and I qualify for Medicare. I am at the age where every night I have to use Zocor and Cardura and Claritin D and Timoptin, but I pay for them myself. We in Congress earn over $140,000 a year. And those of us in Congress who are elderly should not receive government assistance in the form of Medicare benefits.

□ 1445

We earn enough that we do not need assistance. Congress should target those who do. Unfortunately, the Democrats' proposed universal prescription drug plan would help those of us who do not need it. The Democrats would fund the Ballengers and the Houghtons and the Kennedies who are fortunate enough that they can easily cover their own drug costs.

There are actually 66 Members of Congress who would benefit from the Democrat drug program. We should not be allowed to have that benefit. That is why on June 28, 3 months ago, the House passed H.R. 4680, a Medicare prescription drug passage which the Republican leadership championed.

The House-passed Medicare prescription drug benefit would utilize a public-private partnership to let those seniors choose the right coverage from several competing drug plans. It would allow them to keep their existing coverage. This plan would protect seniors from high, out-of-pocket drug costs without resorting to price fixing or government price controls.

Most importantly, the House-passed prescription drug benefit is affordable, valuable and completely voluntary and it should be part of the settlement. We need to pass this rule and the bill to continue negotiations.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, by failing to do our baseline work, the minimum work we have to do, we are doing great harm to our country moving forward now with the CR. We see that in the content, or lack thereof, of this appropriation and certainly by the delay in getting this basic work done.

This House deliberately underfunded each and every appropriation in order to fund a tax cut as they went to their convention. But the quintessential example of the harm done by Government by CR is what they are doing to the capital of the United States. They require the local budget of a city to come here so that those of them who have nothing to do with raising the funds while they deny me the right to vote on my own budget, pick over that budget's local funds, own funds, budget surplus, balanced budget here in this House where it does not belong and then they say to the City, to a living, breathing city, they cannot spend their money because they are not through with Federal business that has nothing to do with them. They say to a living, breathing city, spend on a daily basis 1/365 of their money.

Try doing that, I say to my colleagues, in their city and their State.

How does a city with dozens of vital finances parse out the amount they require it to spend when we are talking about dozens of vital functions, some of them life-and-death functions? How do we pick up garbage that way. How do we run a school system that way?

They have said to the District of Columbia, streamline your functions, get your act together.

The District of Columbia has done that. The District says to Congress, streamline your functions, let the District run itself. It got its business done on time. Let the City go forward and do its business. Free us from your convoluted processes.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, we have heard an example of the liberal left wing of the Democrats. When their leadership talks about we will not pass their bills, no, we will not. We will not pass bills that make bigger government, bigger government control, like they wanted in 1993. We will not pass a government-controlled health care plan or prescription drugs.

But we will pass government health care, and we will pass prescription drugs that will help seniors and not make bigger government, higher taxes, and restrict our seniors and our children.

The gentleman from Missouri (Mr. GEPHARDT) said, Well, I wrote a letter to the Speaker of the House.

How about walking 15 steps over here and talking to the Speaker? What is the matter with the gentleman? When he wants to talk about bipartisanship, walk down the aisle, sit down and talk to the Speaker. I wrote a letter. Big deal!

He talks about a tax break for the middle class. First of all, there are no middle-class citizens in this country. There are middle income citizens. And I am sick and tired of the class warfare. They promised, they fought for a year prior to their 1993 tax increase, they want a tax break for the middle class, they want a targeted tax for the middle class. They could not help themselves. They increased the tax on the middle class, and they are trying to do the same thing now. And that is wrong. No, we will not allow them to do it and we will fight them tooth, hook, and nail every time.

They increased the tax on Social Security when they had the White House, the House, and Senate. They took every dime out of the Social Security Trust Fund and put it up here so they could have more spending. They increased taxes $260 billion so they could put it up here for their spending. They increased the gas tax 8 cents and put it into a general fund so they could put it up here for spending.

What did Republicans do? We put Social Security in a lockbox so they could not keep driving up the national debt and we protected the Social Security trust fund. We rescinded their tax increase on Social Security and we put the gas tax into a transportation fund so they could not spend it.

No, we will not allow them to increase big size of government.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, one of the challenges of being one of 435 is that we rarely get to speak when we feel like speaking or when we think it is appropriate. So I find myself responding to some previous speakers who talked about the big surplus, how the Republican Congress is paying down the debt.

Mr. Speaker, I would encourage them to read the Treasury report. Because the Treasury report that came out on August 31 of this year shows that the national debt has increased this fiscal year by $22.896 billion. This is public information. I would hope that my colleagues would take the time to look at it.

Additionally, it shows that, for this fiscal year, the difference between what is being collected and what is being spent is $22.896 billion.

Now, my great friend the gentleman from California (Mr. CUNNINGHAM) just talked about these trust funds, the only way we can cut taxes is to steal from the trust fund. So my question to those of my colleagues who just last week were saying they are for big tax breaks is, whose trust fund were they going to steal it from, the military retirees, Social Security, Medicare, Medicaid? Whose trust fund are they going to steal it from?

Now they are talking about this week debt reduction, they are going to set aside 90 percent of a nonexistent surplus in debt reduction. Tomorrow we have a hearing on readiness where Republican colleague after Republican colleague who took over a fleet in 1995 of almost 400 naval ships and now after 6 years of their stewardship is down to about 312 naval ships want to tell us that they do not have enough money for defense.

Mr. Speaker, I say to my colleagues that they have to get focused. They cannot keep spending money.

Mr. Speaker, the reason that this Nation is $5.7 trillion in debt, up from only $1 trillion 20 years ago, is that we are spending more than we are collecting in taxes, that this generation is sticking future generations of America with our bills.

I would hope that we could start by being honest with the American people and admitting that there is no surplus this year, that the only surpluses are in the trust funds, and we have a responsibility to spend those trust funds on only the things that we are supposed to, Social Security taxes for Social Security, Medicare taxes for Medicare, military retirement fund for military retirees.

I encourage my colleagues, as they work on this continuing resolution, let us be honest with the American people and let us get back to the priorities that made this Nation great and let us quit sticking our kids and our kids' children with today's bills.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume just to point out a couple of things.

Mr. Speaker, I agree with the overall point of the gentleman on the debt, and he makes that point eloquently. I will also point out that we are talking about publicly held debt, just as the minority leader was speaking about publicly held debt when he talked about retiring it by the year 2012.

Let me further point out that we got good lessons on stealing from trust funds in 1967 when Lyndon Johnson decided to put all the trust funds in a unified budget so he could spend them to fight a war that he did not want to tax for. We are the first Congress to finally change that and protect those funds.

Lastly let me point out that he said we are spending too much since we have $5.7 trillion in debt. I agree with that. He ought to speak to the minority leader, who wants to spend even more.

Let us live within these budget constraints we have so we can spend less and get closer to the goal that he pursues.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for yielding me the time.

Mr. Speaker, it is indeed interesting to hear the tenor and tone of this debate. My friend on the other side used the term "stealing." And rather than hurl verbal brick bats, I just think it is important to take a more complete look at the picture.

I appreciate the fact that we can have different points of view. But facts are stubborn things. The minority leader came to this well a short time ago and said it was important to work in a bipartisan fashion, and yet he was quoted last year in the Washington Post very candidly that his goal in this Congress was to delay and deny and obstruct so that then a label of the "do nothing Congress" could be used politically.

Mr. Speaker, and to my colleagues on the left, the challenge we confront now is to put people before politics. Even at this time on the political calendar where the temptation is great to point fingers, and given the situation in which we find ourselves with budgetary challenges, we are coming to this floor with a continuing resolution.

It is interesting to hear the criticism from the left, especially in view of the number of continuing resolutions that were utilized during their time in the majority. It is also curious, Mr. Speaker, to hear the carping and the criticism when no less than the minority leader, the gentleman from Missouri (Mr. GEPHARDT), has made it quite clear from the free press that the goal of the other side is to delay and deny and obstruct.

Mr. Speaker, we have seen notable exceptions. To those who claim this is a do nothing Congress, I would remind them that just not an hour ago we passed legislation to help the parents of missing children.

We can do more for America if we put people in front of politics. Vote for the rule and the continuing resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for yielding me the time. I rise to comment on the CR that is before us until October 6.

We have many visitors to the Capitol, Mr. Speaker; and many of them, when they come to our office, they talk about a book we all read in grammar and high school, How to Make a Law.

Well, we might as well tear those books up and throw them away, although I usually am averse to such a notion, because it simply does not apply anymore.

Any observer of the activities of this Congress will know that the regular order where the public can view the making of our legislation in an orderly way, in a way in which they can participate in a predictable manner, is a thing of the past.

Only two bills will have been signed by the President by the time we reach the end of this fiscal year and in time for the start of the new fiscal year.

Why? Well, because of the politics of the Republican caucus.

As an appropriator, in fact as a ranking member on the Committee on Appropriations, I think most of us who are in that capacity know that we can work in a very amicable way with our corresponding chairman on the Republican side. But as much compromise and reasonableness as we can bring to the process, as many cities that we can reach on the basis of hearings that we have had in the course of the year and information that we are very familiar with, with our research and our judgments that we bring to the table, all of that is for naught, because whatever our conclusion is, it is subjected again to this conservative scrutiny on the part of our Republican colleagues.

□ 1500

For example, in the Subcommittee on Labor, Health and Human Services and Education on which I serve, it is really hard to imagine why the Republicans cannot support our class size initiative for smaller classes. Every person in America, certainly every parent, understands the need for that and every teacher. School construction, school modernization initiatives of the President are what are standing, among other things, between us and the agreement on that bill.

In the Foreign Operations bill in which I am the ranking member, we cannot reach agreement because of the international family planning issue. Poor women throughout the world are held hostage once again to the politics of the Republican Caucus. The list goes on and on where members of the committees can come to agreement but the caucus then weighs in. That is not in the public interest. Certainly a CR has its place when circumstances are such that we cannot reach agreement; but we are on a path that we have started from beginning to middle to end, on a path to doing the people's work. But when we are proceeding in such a haphazard manner that is unworthy of the public trust and we come to the end of the fiscal year with only two bills signed by the President, with one CR and predictably another CR being necessary, then I think it is time for us to say, what is going on here? Who is in charge here? Why is the public's business not being done according to the regular order, a way in which the public can participate and be proud of us as we are a model democracy for the world to watch?

Mr. LINDER. Mr. Speaker, I would like to say to the gentlewoman that unfortunately the regular order for the last quarter of a century has been continuing resolutions.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise as a member of the Committee on Appropriations in favor of passing this continuation of the Federal Government process.

It is interesting as I sit here and listen to various speakers, they must have remarkably different districts than the one that I represent. The one I represent has Republicans in it, Democrats in it, independents in it, swing voters in it, and a lot of folks who do not vote on either side. Yet I hear all these people whose constituents must think, oh, is my representative not wonderful because clearly all the problems that he or she has is the fault of the other party. No matter what happens, gee whiz, it is those big, bad Republicans.

And I would say I certainly hear it from Members of both sides, blaming all their problems on the other party. The fact is, as a member of the Committee on Appropriations, we are in a cycle now that we go through every year and each side tends to rattle its rhetorical saber. They are blaming all the problems on the other side. The reality is we just need a little bit more time.

As a member of the Committee on Appropriations, we had most of our bills ready by the time we got out of Washington in August. They were passed on to the Senate. Unfortunately the Senate moves in a different atmosphere, a different calendar, a different sense of urgency, practically no sense of urgency, and sometimes we cannot get the bills done. But the process has been working and this House, this Committee on Appropriations, has moved its bills in an orderly and a timely fashion.

Do you get everything you want? No. As a member of the Republican Party, I would like to spend a heck of a lot less. I would like to eliminate a lot of the waste and the duplications in government, and I am not alone in that. Now, there are members of the Democrat Party who want to spend more, and I understand that, too. But you do not get everything you want in the appropriations process. You just need to get together. But I think we owe it to our constituents, all 435 of us, not to stand up here at this hour in the game and blame all the problems on the other party, because if it is that big or bad or wicked up in Washington, maybe you ought to consider a different line of work come November. Because people back home want results. They do not want finger pointing.

This step is a responsible step; it is a responsible step that both parties have used for a number of years to get the government to keep operating while we iron out our differences. If it was up to me and other members of the Republican Party, we could adjourn by this afternoon. But it is not up to us. I would say that is true with a lot of Democrats. They are ready to adjourn as well. But I know at the end of the day, I am not going to get everything I want in the budget, and I think most Democrats know they are not going to get what they want in the entire budget.

We have got to work through this process, and hopefully we can get everything done; and we can get out of town and both sides win a little. But the object here is not for a Republican victory; it is not for a Democrat victory. It is for the American people to have a victory. That is what we are working for.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members that it is not in order to characterize either the action or inaction in the United States Senate.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the ranking member very much for yielding me this time.

Mr. Speaker, I agree with the words of the gentlewoman from California that a CR, a continuing resolution, does have its place in time of crisis and other needs that require that an emergency effort be waged in order that the government remain open. But I also am sympathetic to the dilemma of the Committee on Appropriations, and particularly under the leadership of the gentleman from Wisconsin (Mr. OBEY), the dilemma of facing the possibility of trillion-dollar tax cuts and not dealing with the real issues that the American people would like us to deal with.

In actuality, the reason why we only have two appropriation bills passed is because there is a lot of shenanigans going on with other legislative initiatives that the American people do want. The American people want and need a real prescription drug benefit, a guaranteed prescription drug benefit. The American people have already spoken about a Patients' Bill of Rights that allows us to establish a relationship between patient and physician. And I believe the American people understand that, yes, we do not want the long hand of government in all of our educational efforts; but we want smaller class sizes, and we would like to have better schools, and we would like to have a program that helps us build schools with local communities.

But yet what we have is shenanigans. We have legislation, the Violence Against Women Act. Instead of letting it be freestanding, there are rumors abounding that somebody is trying to throw it into the appropriations process, delaying again the opportunity to move an appropriations bill forward. The Violence Against Women Act is a bill that has bipartisan support. Let us pass it. The Patients' Bill of Rights has bipartisan support. Let us pass it. The American people say, I want a guaranteed prescription drug benefit. Let us pass it. And let us deal with the appropriations bill to fund America's business. Because what we are doing now is playing around with large tax cuts that we are representing we are trying to give, trillions of dollars; and, therefore, we are not talking about reducing the deficit, the debt, and then we are not talking about paying our bills.

I would hope that in a bipartisan spirit we do understand that a CR has its place, but right now we need to get down to work and work together but do what is right and do what the American people are asking us for. I too agree, let us stop pointing the finger and do the right thing.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the Republicans told us that in this Congress the trains were going to run on time. Not only is the train late, it is not even heading in the right direction.

Today, we consider a continuing resolution, an emblem of failure. In the past 3 weeks, the Republican leadership has not completed even one of the 11 remaining spending bills. While they remain consumed with limping out of town to defend their record, the pressing issues of education, HMO reform, prescription drug coverage for seniors, and responsible tax relief remain unaddressed. The American people deserve better.

Outside of the spending bills we will have to pass, what has the Republican-led Congress accomplished? Woefully little. The leadership claimed that education was among their priorities. Yet the leadership refused to work with Democrats to modernize America's crumbling schools, reduce class size and increase accountability. A failing grade on education. And these issues are not just about numbers or bricks and mortar. This is about individual attention in the classroom, expectations and standards in our classroom, making sure that teachers and youngsters are held accountable, helping to raise our national standards and to allow for there to be the ability to teach youngsters about what is right and what is wrong and reading and writing and arithmetic and respect and hard work.

That is what the education piece is all about, while million of Americans are losing control of their health care because of HMOs. In my State of Connecticut, 56,000 seniors had the rug pulled out from under them and are scrambling to find health insurance coverage before the end of this year. But the Republican leadership refuses to challenge the special interests by helping us to pass a Patients' Bill of Rights. There is still time, but the Patients' Bill of Rights remains on life support. Seniors are seeing their retirement savings drained by the crushing cost of prescription drugs; and yet the Republican leadership continues to oppose adding an affordable, reliable, universal and a voluntary prescription drug benefit to Medicare. When seniors needed help with prescription drugs, the Republican leadership offered a placebo.

Let me just say about prescription drugs, this is about who we are and what our values and what our priorities are and that we have to provide people some relief on prescription drugs because they are being crushed with the cost of those drugs.

On tax relief, the Republican leadership also chose partisanship and rejected offers to work with Democrats to give middle-class families much-needed tax relief. The 106th Congress had an historic opportunity to meet the Nation's needs and yet the Republican leadership has squandered this chance by placing partisan rhetoric ahead of bipartisan progress that will truly benefit working families, middle-class families in this country. The American people deserve much, much better.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume only to inquire of the gentlewoman from Connecticut if she will tell me sometime in the near future how you can be both universal and voluntary in the same program.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 additional minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, you can easily have a voluntary program which, if people are satisfied with what kind of health insurance coverage and prescription benefit coverage that they have, if they are happy with that, they can continue that. If you allow it to be useful to all seniors, where everyone has the opportunity for this benefit, then by virtue of the fact that every senior, not only those who make under $12,600 but those who are in the middle class as well will be able to enjoy the benefit of getting those prescription drugs down. Once you even it out and everyone has the opportunity to have that kind of prescription drug benefit, you drive the cost of prescription drugs down. It is why the pharmaceutical companies are opposed to it. It is why the Republican House leadership is opposed to it, because it ties in directly with where the special interests are today.

Mr. LINDER. Mr. Speaker, I yield myself just another moment to say that obviously the gentlewoman did not hear my question. My question was not to give her another opportunity to expand on her demagoguery but to say how can you be universal and voluntary in the same program.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of the proceedings is a violation of the House rules.

□ 1515

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin is recognized for 8 minutes.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would like to simply say to the gentleman from Georgia, it is very simple. The answer to his question is you do exactly what we have done under Medicare, where you have one of the two parts of Medicare, one for hospitals, the other for doctors; one of them is universal and not voluntary, and the other is universal and voluntary. It has only worked since 1965, so I recognize it is a bit radical for those on the other side of the aisle, but it has worked.

Let me simply say, Mr. Speaker, that this continuing resolution is an interim funding bill which concedes that we are experiencing what the leadership on the other side of the aisle has said for 10 months they wanted to avoid above everything else, and that is the fifth legislative train wreck in 6 years.

It is only three days before the end of the fiscal year. We have passed only two of the 13 appropriation bills and funded only one of the government's departments. That is not really new. That has happened before.

The issue is not so much whether or not we have finished our work on time today. The issue is whether or not this snarl that we find ourselves in could have been avoided, and the fact is it could have.

I think we need to ask why we are in this situation today, where we have to extend the budget once again. I think we have to recognize that some people in this body and even those who report on this body, are beginning to believe that legislative train derailments have become as much a part of autumn as football, and I think we have to ask why.

Now, we hear some Members of the majority party saying, "Oh, the President of the United States has involved himself. He has usurped our power. That is the problem."

That is not the problem at all. The President has a perfect right to assert his priorities, just as the majority and minority parties in this institution have a right to assert theirs. The President has simply moved into a vacuum created by the fact that this Congress has not done its job. I think we ought to ask why.

We are in the situation we are in today because of the basic decision made 10 months ago by the Republican leadership of this House to try to impose on the Congress a budget resolution which they knew would not work, which we knew would not work, which the public knew would not work, and which the press knew would not work.

They insisted on pretending that by cutting huge amounts over the next 5 years out of domestic appropriations, they could somehow pretend that there was enough room in the budget to finance giant tax cuts, which got progressively larger each year as the cuts in social programs got progressively deeper. I think they were warned all around the horn that that would simply not work.

Now, I understand why they would not take those warnings from people like me, because I am a member of the loyal opposition; but they were warned by people like former Congressman Bob Livingston, who used to Chair this committee. He tried to warn the majority party that, sooner or later, if you are the governing party in any legislative institution, you have to choose between getting your work done and having absolute, total party unity; and sometimes you have to sacrifice the latter in order to accomplish the former.

The problem is simply that the leadership on the other side has never recognized that if there are those in their conference who are too extreme to be part of a broader consensus in this House on controversial matters, then they need to let them go and work out a broad bipartisan consensus between the two parties. Instead, on bill after bill, they chose to proceed along the confrontational road. They chose to try to pass bills with only Republican votes that satisfied their ideology and their political goals, but, in the end, produced no real legislative results. So in the end, they wind up with 11 out of the 13 bills never having proceeded beyond second base, and none of them getting home except the defense appropriations bill.

Now, I think the issue is simple: we are here today facing a day of reckoning because at this point we have a strategy a week coming out of the majority leadership. First of all, we are supposed to live by the budget resolution, which spells out how much is supposed to be cut out of each appropriation bill. The majority party discovers they cannot get the votes to pass any of those bills through both Houses, except the defense bills, and so what happens? They then revert to a different strategy.

Just today I left a conference where they are putting $2 billion additional into the Energy and Water bill above the level as it left the House. I do not know, frankly, whether I should vote for that bill or not, because I have no idea what they intend to do with the other seven remaining appropriation bills that require funding.

Under some circumstances, I would certainly be willing to support that $2 billion add-on, but not if it comes at the expense of our being able to meet our responsibilities in the area of education, in the area of health care, in the area of environmental cleanup, and we have none of the answers to those questions yet because we have no idea how they intend to produce passable bills for Interior, for Labor, Health, Education, Social Services, for HUD, and I submit they do not either.

So it seems to me that sooner or later the majority party is going to have to agree to a bipartisan approach to achieve a broad consensus between the two parties, or else we will be stuck on second base until the cows come home.

Mr. LINDER. Mr. Speaker, I am pleased to note that all of the speakers on this issue on both sides have supported this CR and said they would support this rule, so I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 109 and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 591, I call up the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 109 is as follows:

### H.J. RES. 109

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 2001, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 2000 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236);

(3) the District of Columbia Appropriations Act, 2001;

(4) the Energy and Water Development Appropriations Act, 2001;

(5) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956;

(6) the Department of the Interior and Related Agencies Appropriations Act, 2001;

(7) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001;

(8) the Legislative Branch Appropriations Act, 2001;

(9) the Department of Transportation and Related Agencies Appropriations Act, 2001;

(10) the Treasury and General Government Appropriations Act, 2001; and

(11) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001:

*Provided,* That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 2000, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 2000, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 2000, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 2001 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 2000, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000: *Provided,* That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 2000, for a continuing project or activity which was conducted in fiscal year 2000 and for which there is fiscal year 2001 funding included in the budget requested, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 2000.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 2000.

SEC. 104. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 2000 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 6, 2000, whichever first occurs.

SEC. 107. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. No provision in the appropriations Act for the fiscal year 2001 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 2000 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2001 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 112. Amounts provided by section 101 of this joint resolution, for projects and activities in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2001, affected by the termination of the Violent Crime Reduction Trust Fund, shall be distributed into the accounts established in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as passed by the House.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 365.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, only the following activities funded with Federal Funds for the District of Columbia, may be continued under this joint resolution at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 365: Resident Tuition Support, Corrections Trustee Operations, Court Services and Offender Supervision, District of Columbia Courts, and Defender Services in District of Columbia Courts.

SEC. 115. Activities authorized by sections 1309(a)(2), as amended by Public Law 104–208, and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106(c) of this joint resolution.

SEC. 116. Notwithstanding subsections (a)(2) and (h)(1)(B) of section 3011 of Public Law 106–31, activities authorized for fiscal year 2000 by such section may continue during the period covered by this joint resolution.

SEC. 117. Notwithstanding any other provision of this joint resolution, the rate for operations for projects and activities for decennial census programs that would be funded under the heading "Bureau of the Census, Periodic Censuses and Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, shall be the budget request.

SEC. 118. Notwithstanding any other provision of this joint resolution except section 106, the United States Geological Survey may sign a contract to maintain Landsat-7 flight operations consistent with the President's Budget proposal to transfer Landsat-7 flight operations responsibility from the National Aeronautics and Space Administration to the United States Geological Survey beginning in fiscal year 2001.

SEC. 119. Notwithstanding any other provision of this joint resolution, funds previously appropriated to the American Section of the International Joint Commission in Public Law 106–246 may be obligated and expended in fiscal year 2001 without regard to section 15 of the State Department Basic Authorities Act of 1956, as amended.

The SPEAKER pro tempore. Pursuant to House Resolution 591, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before the House, H.J. Res. 109, is a continuing resolution for fiscal year 2001. Legislation is needed because even though the House has passed all of the 13 appropriations bills, all 13 appropriations bills have not completed conference or been approved by the President and will not be so by October 1, the beginning of the fiscal year. So in order to keep the government operating and open the first day of the new fiscal year, we need to enact this continuing resolution.

I do not think there is any controversy relative to the continuing resolution itself. The duration of the continuing resolution that is before the House is until October 6.

Let me briefly describe the terms and conditions of this continuing resolution. It will continue all ongoing activities at current rates under the same terms and conditions as fiscal year 2000. Its remaining terms and conditions are the same as we have used in recent years. It does not allow new starts. It restricts obligations on high initial spendout programs so that final funding decisions will not be impacted. It includes eight funding or authorizing anomalies; four of them were in last year's continuing resolution or have been modified slightly from last year; four are new, and six from last year have been deleted.

Mr. Speaker, this continuing resolution is noncontroversial. I am aware that the President has agreed to sign at least several short-term continuing resolutions, so I urge the House to move this legislation to the other body so that we can be sure that the government will operate smoothly and efficiently and so we can continue our regular work to finish our regular appropriations bills quickly.

Before I reserve the balance of my time, Mr. Speaker, I compliment all of our colleagues in the House. While some of the debates took a long time, some of the amendments were difficult to deal with and some of them were hard political votes, despite all of this, the House has passed all 13 of the appropriations bills.

I want to repeat that, Mr. Speaker: the House has passed all of its appropriations bills. So now we wait for conferences that cannot be scheduled because the other body has not passed all of the bills. We have outstanding differences with the President that we are trying diligently to work through. Hopefully, before too many more days have passed, we will have reached agreement and be able to say that all 13 bills have been passed by the House and the Senate and have been approved by the President.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, after we pass this continuing resolution today, only seven legislative days will remain before the Republican leadership's target adjournment date for this Congress.

When it comes to addressing the most pressing concerns of families across the country, the record of this Republican Congress is just as abysmal as it was when we convened nearly 2 years ago. Republicans spent all of last year trying to spend nearly $1 trillion of the people's surplus on a massive package of tax breaks for the wealthiest few; and they wasted this year on a series of tax breaks that, surprise, surprise, would have cost nearly $1 trillion and overwhelmingly benefited the wealthiest few.

Meanwhile, Mr. Speaker, the people's agenda has been shelved. Too many of America's children have returned to school this fall in crumbling classrooms, but Republican leaders are still blocking school modernization. Teachers in overcrowded classrooms still face the nearly impossible task of maintaining discipline and giving their students the individual attention they deserve. But the Republican Congress still refuses to help hire 100,000 new teachers to reduce class size.

Mr. Speaker, almost a year has gone by since the House passed the bipartisan Patients' Bill of Rights, but Republican leaders in the House, as well as the Senate, have kept it from becoming law. Nearly 18 million Americans have been denied or delayed medical care since then.

Mr. Speaker, millions of American seniors, including middle-class seniors, are still being forced to choose between buying groceries and buying needed prescriptions, and it is getting worse. A new Kaiser Family Foundation study found that skyrocketing prescription prices are driving premiums up and increasing the likelihood that people will lose their health coverage altogether. But just this weekend, Republican leaders in the House and Senate declared dead for the year our plan to provide Medicare prescription coverage for all seniors.

Mr. Speaker, Democrats have not given up on helping middle-class families. This Congress can still address priorities, like smaller class size, the Patients' Bill of Rights and prescription drugs. We can still do it, Mr. Speaker, but only if Republican leaders will put aside their partisanship, tell their special interest friends that the people come first and work with us.

Mr. YOUNG of Florida. Mr. Speaker, I yield 6 minutes to the very distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I rise in support of H.J. Res. 109. For 30 years before we became a Republican majority, the idea was that we could change everything in education if we just had one more program from Washington, DC., if we had $1 billion more to spend on one more program, if we could cover 100,000 more students. Nobody said anything about quality. It was just if we could just have one more program, and it was well meaning and well intentioned. The problem is, we did not close the achievement gap for the disadvantaged. In fact, it has widened.

So when I became the chairman, we said, let us talk about quality instead of quantity. Let us talk about results instead of process. That was the guiding light during the reauthorization of IDEA, the Individuals With Disabilities Education Act; the Higher Education Act; the Vocational Education Act; the Workforce Development Act; the reauthorization of Head Start; the child nutrition program; and the Reading Excellence Act, just to mention a few.

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We changed the whole idea and we talked about quality and we talked about results. And we are beginning to see results, because we are now beginning to see quality programs.

Well, in relationship to this continuing resolution, I am very proud of what we have been able to do as a Committee on Education and the Workforce. I am very proud of what we have been able to do in the House in relationship to education and workforce development.

The Education Flexibility Act passed the House. And what we said is that we want to give local schools an opportunity to make decisions that affect their students as long as they can show us that every child's academic achievement has improved.

I was thrown a bone of six States when I was not a member of the majority, and then it became 12. And a couple of those States just did an outstanding job and so it became easy on a bipartisan way in this session of Congress to say, okay, all 50 States will have the flexibility if they will sign the contract to show us that, as a matter of fact, they will improve the academic achievement of all students. It is working. We have lost so many years and so many students because we did not use that approach.

We passed the Teacher Empowerment Act out of committee and on the floor of the House. See, it does not matter what the pupil-teacher ratio is if we cannot put a quality teacher in the classroom. It does not matter if there are 50 there or whether there are two there. The only difference is we have saved 40-some others from having a lack of a quality teacher in their classroom.

So, again, the very first 30 percent of the 100,000 teachers had no qualifications whatsoever. No qualifications whatsoever. What we did is reduce class size and put them in with a totally inadequate teacher; destroyed their opportunity to ever get a piece of the American dream. What have we said? In the Teacher Empowerment Act it should be a guidepost for whatever is done next year to ensure that we have a quality teacher in every classroom.

Mr. Speaker, when we were negotiating this last year with the White House, that very day an article in a New York newspaper, big headlines, a whole front page said, "Parents do you realize that 50 percent of your teachers have no qualifications whatsoever to be teaching your children?" What a tragedy.

So, again, the pupil-teacher ratio is not important. What is important is having a quality teacher in each classroom. That is why we passed the Teacher Empowerment Act. That is why we passed the Student Results Act. That is why we passed the Academic Achievement for All Act, and 2 weeks ago we passed the Literacy Involves Family Together Act. It makes several quality improvements in Even Start family literacy programs. We know that if we do not deal with the entire family, we cannot break the cycle. So I am very proud of that reauthorization.

And, yes, we made great strides in doing what we should have done a long time ago before I ever became a part of the majority, and that was deal with the 40 percent that we said many years ago, many years ago, that we would supply from the Federal level 40 percent of the average per pupil expenditure to assist States in educating children with disabilities. They would be getting $2,600 instead of $750 or $780. But I am pretty proud of the fact that we have seen dramatic increases in the last couple years, $2.6 billion as a matter of fact.

But, Mr. Speaker, if we could have done this from day one, we take care of maintenance of school buildings. We take care of school construction. If all of these years, Los Angeles would have been getting the $95.5 million more. If they would have gotten the 40 percent, they would have no problem with buildings. If New York would have gotten $170 million each year, New York City, they would have had no problems with maintenance and school construction. Chicago, $76 million more each year. Think of that over 25 years. And D.C., $12.5 million more.

Mr. Speaker, I am very proud in the area of higher education. Pell Grants which enable youngsters who could otherwise not pursue higher education to do so. Pell Grants are an exception to my rule, because quantity does matter in this case. Since 1995, under our leadership we now have an increase, an annual rate of 7.1 percent. For fiscal year 2001, our appropriators are going to break their own records and provide an increase of at least $350 more per student maximum, making it the largest increase in the history.

The naysayers in this Congress are to be expected. November 7 is not far off. But we have a record and we have a record that we could be proud to stand on and I am proud to stand on that record.

Mr. OBEY. Mr. Speaker, I yield 8 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Wisconsin (Mr. OBEY), our ranking member, for yielding me this time.

Mr. Speaker, I intend to vote for this continuing resolution, as I presume most of us will. But let us recognize what we are doing for what it really is. It is the budgetary cap stone to 6 years of the Republican's Perfectionist Caucus.

I do not remember how many remember Speaker Gingrich's speech to the Perfectionist Caucus in 1998, but it was a compelling and accurate speech as to why we are here right now.

Now, my very close friend for whom I have great respect, and I emphasize that because I want the public to know that in a bipartisan way, I think the gentleman from Florida (Mr. YOUNG), the chairman of our committee, does an excellent job. And, frankly, had his caucus listened to him and the other appropriators as to what we should be doing, we would not be here now.

But the Perfectionist Caucus moniker was born 2 years ago when then Speaker Gingrich walked on to this floor and chastised his Republican colleagues, the Perfectionist Caucus, not all of these Republican colleagues, for urging the defeat of an omnibus spending measure. Perhaps they would do so again this year.

After 4 years in the majority, it seems Mr. Gingrich had finally seen the light. But not before these things had happened:

The GOP failed to pass a budget at all in 1998. The first time we had not passed a budget since the adoption of the Budget Act in 1974.

And not before the GOP dared the President to veto a disaster relief bill in 1997 to which Republicans had attached controversial policy riders.

And not before the GOP provoked two Federal Government shutdowns in 1995 and 1996.

Pleading for compromise 2 years ago, Mr. Gingrich who was pleading for compromise, Mr. Gingrich stated and I quote: "Surely," this is Mr. Gingrich's quote, in case anybody missed it. "Surely those of us who have grown up and matured in this process understand after the last 4 years that we have to work together on the big issues. If we do not work together on big issues, nothing gets done." So said Mr. Gingrich, the Speaker of the House.

Well, now we know that common sense advice went in one ear and out the other. With all due respect to the gentleman from Florida (Chairman YOUNG) who gets on the floor and says we have passed all 13 appropriations bills, the gentleman is absolutely right. And we knew at that time that at least 11 of those appropriation bills were not real and could not pass, and would bring us to an impasse. The gentleman knew that. I do not expect him to get up on the floor and say he knew that. But I know that in his heart, he knew we were right.

Mr. Speaker, today we are living with those results. With only 5 days left before the start of the fiscal year in 2001, we have failed to complete our work on 11 of the 13 must-pass appropriation bills.

Continuing resolutions, of course, are not unusual. Since 1977, we have completed our work on all 13 spending bills on only four times in that period of time.

But in the 6 years under this majority, we have completed our work on two or fewer appropriation bills by October 1 four separate times. That is 4 out of 6 years, less than two. In 1995, none were completed in time. Not one. In 1997 and 1998, we completed one bill each. So my colleagues on the Republican side are 100 percent ahead of where they were in 1995 and 1996. I suppose that is some sort of progress.

And this year we finished just two. The die for this end-of-the-year budget debacle was cast 6 months ago. It was inevitable. It was predictable and we all knew, at least on the Committee on Appropriations, on both sides of the aisle, that we were going to be here today doing exactly what we are doing. As the gentleman from South Carolina (Mr. SPRATT), my good friend, the ranking member of the Committee on the Budget, correctly predicted in April when the GOP passed its budget resolution, and I quote, "This resolution puts us on a track for another budgetary train wreck in September."

Mr. Speaker, he said that in April. He predicted then we would have a train wreck in September. He said that their budget "calls for deep cuts in domestic programs to make room for very large tax cuts." Let me be precise. The GOP's budget resolution calls for $175 billion tax cuts over 5 years. That is 12 percent more than the Congress passed and the President vetoed the year before. Nobody was surprised at what the outcome of these proposals was going to be. They just did not care. Inevitably, we are here.

Yet in urging passage of the budget resolution conference report on April 13, the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. Kasich) stated, and I quote, "I am disappointed that we do not have four times as much tax relief in this bill."

I do not know where he thought he was going to get the votes to pass appropriation bills under that circumstance. It is one thing to hail huge tax cuts. We all like to say that. It is something all together different to explain how one would actually pay for them, how we would get there.

The huge tax cuts in this year's budget resolution would have necessitated cuts in non-defense discretionary of $121.5 billion over 5 years, in education, in health care, in law enforcement, in all of the work that the Federal Government does. There were not the votes on that side of the aisle to accomplish those cuts. Period. And certainly not in the Senate on that side of the aisle.

However, Mr. Speaker, I do not believe there is a soul in this body who thought for a minute that such Draconian cuts would ever happen. Notwithstanding that, we passed these bills knowing that we would be here in this situation 5 days before the end of the fiscal year. Thus, this ill-conceived budget resolution which made a shambles of our appropriations process this year put us in this predicament.

As The Washington Post observed, and I quote, "The appropriation process is again a charade in which the Republicans pretend to be making cuts in domestic spending that in the end they know they will lack the votes to sustain, and with good reason; some of the cuts would do real harm. The first round of appropriation bills," they went on to say, "is mainly for show."

The distinguished gentleman from Florida (Chairman YOUNG), my friend, knew that. He characterized that as: Well, we are in the second or third inning. Mr. Speaker, I do not know what inning we are in now, but it is obviously getting late in the ball game.

The gentleman said then that: "We will get real then. We will fix these bills." I think he was right and hopefully we are going to.

Mr. Speaker, the blame for this budget mess lies squarely with Members of the Republican's Perfectionist Caucus, so coined by your predecessor, the Speaker of the House, Mr. Gingrich, who failed to heed the advice of their Speaker 2 years ago and instead adopted an unrealistic budget this year that disrupted the entire appropriations process.

After 6 years in the majority, I really have to wonder just how long, in the words of the former Speaker, it takes to grow up and mature in this process.

Notwithstanding that, Mr. Speaker, I urge my colleagues to support this continuing resolution.

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Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I wanted to thank my friend, the gentleman from Maryland (Mr. HOYER), for the history lesson on continuing resolutions and who did what and when did they do it.

I would say to my friend who asked about what inning are we in, I would say we are in the 9th inning and probably the bottom of the 9th. And in 4 days, I suggest that we are going to go into overtime because of a tie, a 3-way tie.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I did not know that you had overtime in baseball games.

Mr. YOUNG of Florida. Mr. Speaker, I think we are going to have overtime here.

Mr. HOYER. If the gentleman will yield, the gentleman from Florida (Mr. YOUNG) meant extra innings, we know what the gentleman meant.

Mr. YOUNG of Florida. We are going to go into overtime, that overtime will soon start. The gentleman from Maryland (Mr. HOYER) has just gone through the history of the 6 years of the Republican control of the House, so I thought I would come back with the last 6 years of the Democratic control of the House.

Let us go back starting in fiscal year 1990, because that would be 6 years back. Under the Democratic leadership in the House, they had 51 days of continuing resolution. The one we present today asks for only 6 days.

In fiscal year 1991, they had 36 days; in fiscal year 1992, they had 57 days of overtime under CRs; in fiscal year 1993, they did a little better, because they only had 5 days; in fiscal year 1994, they had 41 days. In fiscal year 1995, and I give my colleague from Wisconsin (Mr. OBEY) credit, that was the year that he chaired the committee, the bills were all completed on time.

During the 6 years of the Republican control, during one year no CR was needed. But the truth is we have had CRs, except for 2 years, in the last 12 years. The 1 year that our friend, the gentleman from Wisconsin (Mr. OBEY), chaired the committee, he had the bills done on time; but, the gentleman had 81 more Democrats in the House than there were Republicans, and that makes the job a little bit easier.

Mr. Speaker, with our breakdown today, the way I read it, there are 222 Republicans, 210 Democrats and two independents. Now, that makes our job a little bit tougher, and that is why it even took longer to get the bills through the House. I am glad my friend, the gentleman from Maryland (Mr. HOYER), repeated it again. We have passed all 13 bills in the House. That is the first thing that has to be done, and then we confer with our colleagues in the Senate, then we relate it to the White House and finally try to get a package.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding to me. I wish the gentleman would not take down the chart, because I want to read from his very beautiful chart. He read 1990, 51; 1991, 36 days; 1992, 57 days; 1993, 5 days; 1994, 41 days, then came 1995 which, of course, we passed in 1994, the last year the Democrats were in charge. And he gave correctly the credit to the gentleman from Wisconsin (Mr. OBEY) for having 0 days, but then he stopped.

As I read the gentleman's chart, the next year, which was the first year that the Republicans were in charge, the gentleman, of course, was not chairman of the Committee on Appropriations at that point in time, we were at 208 days, which was more than all the other years combined that the gentleman read. I wondered why the gentleman stopped at that.

Mr. YOUNG of Florida. Reclaiming my time, I would remind the gentleman from Maryland (Mr. HOYER) that was the year that there were a few items that were held over until April of the following year, and the majority of basic fundamental appropriations for the government were completed prior to that; but those few items that we had agreed to hold over until the next spring caused the 208 days.

But the gentleman covered the Republican history well enough, I thought, that I should cover the Democratic history, to point out that there is a problem in our process, to point out, if I had my big chart here, which the gentleman has seen, how many days the Committee on Appropriations loses in a fiscal year before we ever get a budget resolution.

Mr. Speaker, that is a very telling chart, because the actual workdays available to appropriators after we receive the budget resolution are very limited.

Mr. HOYER. Would the gentleman yield?

Mr. YOUNG of Florida. Mr. Speaker, I would be happy to yield.

Mr. HOYER. Mr. Speaker, to make a serious point, I have commended every time I have stood on this floor the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, for his leadership. The gentleman, I think, on our side of the aisle is perceived to be one of the fairest, kindest, most responsible Members of this House. I share that view in great measure; and I think the serious point here is, as we will hopefully pass this CR, is that we really ought to get away from first innings, second innings, and third innings; and we ought to start, and that is my real point, Mr. Speaker, sitting down together, as we are now.

The gentleman from Arizona (Mr. KOLBE) and I sat down on the Treasury-Postal bill. I think we have agreement on where we ought to be. I think we need to start that process earlier and be real earlier and stop making political points as to who is saving money or who is not saving money when we know the inevitable result will be we will attempt to fund appropriation bills at levels that are consistent with what we think our responsibilities are.

Mr. Speaker, I want to congratulate the chairman, the gentleman from Florida (Mr. YOUNG), because I think the chairman's leadership has been for that proposition, and I admired him for that. He has not always prevailed.

And I think what Mr. Gingrich was really trying to say and I said it somewhat facetiously tried to do it lightly, but it was a serious point that we can on each side posture and say, well, we want it our way. But if we all go forward saying we want it our way, we end up as we are today and, that is, having at the last minute to try to come to agreement.

I want to congratulate the chairman, the gentleman from Florida, because I think that is what he has tried to do, wants to do and is leading in a direction of doing right now; and I thank him for yielding.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the gentleman's comments, and that is why I like him. I would be happy to yield him more time if he wants to compliment the Chair any more. But that is the process. There are 435 Members of this House and 100 Members of the other body, and that means there are 535 different opinions on almost any issue.

It takes a while to resolve those differences because each House is equal to the other, and then when the President gets to the point that he can either accept or veto a bill, he becomes as powerful, understand this, he becomes as powerful as two thirds of us, because if he does not agree with something that we have done, it takes two thirds of us to override that veto. And so it is a process that is full of obstacles and pitfalls along the way. We do the best we can to work through them.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 19½ minutes remaining and the gentleman from Florida (Mr. YOUNG) has 14 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, the distinguished gentleman from Florida (Mr. YOUNG), my good friend, indicated that the year that I was chairman we were able to pass all of our bills on time because we had 80 more Democrats. That sounds like a pretty good recommendation to me. I hope that he is willing to endorse it.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Give us 81 more Republicans than there are Democrats, and we will show you a real whirlwind of activity here.

Mr. OBEY. God help us all if that were to happen. Let me simply say, Mr. Speaker, you know, the President has not vetoed any of these bills. The last time I looked, our Republican friends were in control of both Houses; and yet they have been able to pass only two appropriations bills through both Houses and both of those have been signed.

They all relate to the funding of one department, the Defense Department, but four of the bills that have yet to be passed have not even yet passed the other body, in the real world known as the Senate; and that means that the main problem has been that the majority party has not been able to reach agreement with itself.

As the gentleman from Maryland (Mr. HOYER) indicated earlier, every time an appropriations bill came to the floor, we were told, "Well, we know it has problems, we know that this cannot be passed until it is fixed, but pass it on. This is only the first inning, we will fix it later." And now, because of that, we have all of those runners piled up on second base, and none of them are going home. That is why the government is again off the track, or the train is off the track.

I repeat what I said earlier, the reason we are in this position is because early on, the majority party leadership decided that above all else, they were going to keep their party together and they were going to pass each of these bills on their side of the aisle alone, if necessary. And they fashioned them in such a way that they were acceptable to the most rigid elements within their caucus, and that meant that those bills were not acceptable, either to us or to a lot of their fellow Republicans in the other body.

Mr. Speaker, now we are facing the logical consequences of the majority party pretending for the last 10 months that they could cut education, they could cut health, they could cut environmental cleanup, they could cut job protection programs all deeply below the President's budget and still find the votes to pass these appropriation bills on time and leave a lot of room for very large tax cuts. Now, that has all been demonstrated to be untrue; and we all knew it was untrue from the beginning, including many of my friends on the majority side of the aisle who would privately admit that it was not true.

Mr. Speaker, if you look at the numbers, the problem is that the budget resolution, which the majority passed at the beginning of the year, was $20 billion below the amount needed to simply stay even with inflation, and $28 billion or nearly 10 percent below the amounts requested by the President, and it called for even deeper reductions in each of the next 5 years to finance the ever-escalating outyear costs of their tax package. Most of it was aimed at providing the relief for folks at the very top of the economic ladder.

Mr. Speaker, so now reality has caught up with us; and we are here just a few weeks before the election still stuck on second base, still trying to wave some of those runners home. And I have to come to the conclusion that, from time to time, I look around, and I do not see anybody in the batter's box. I cannot figure out what signals are coming from the bench from whoever is coaching today, because we started with one strategy and now, all of a sudden, 2 weeks before we are supposed to be adjourned, we are told, "Oh, we have this new approach, this 90-10 approach." We are going to use 90 percent for deficit reduction and use the other 10 percent for tax cuts and for other appropriations and other financial expenditures."

But when you look at it that way, that puts $80 billion of new money on the table, a huge amount; and all of a sudden, we have subcommittees meeting in each separate room all working out their own deals. And we have no idea how they relate to each other, no idea what the spending level is going to be in the end, no idea what the rules are, no idea what the discipline is. So we wind up seeing a process which has no discipline.

It has no order. It does not even have priorities; and, to me, that is an incompetent way to try to put together a Federal budget or any other piece of legislation. I do not blame the majority party members on the Committee on Appropriations, because most of them warned early in the game that this would be the case if we followed this course. And so I guess we will have to continue to try to do the best we can under these circumstances.

Mr. Speaker, I, for the life of me, cannot figure out what the strategy is to either finish these bills or to get signable bills down to the White House. I think maybe we have a shot at Interior. I am hoping that we can close on Interior very, very soon; but beyond that, I am mystified about how we intend to proceed.

□ 1600

All I can say is that I hope that sooner or later we can get everyone in the same room so that we know what is happening with respect to all of the pieces. Because until we know that, all of these pieces are going to be spinning, all of these pieces are going to be going in circles rather than going in any discernible direction; and that serves no one's interest. All it does is bring further discredit to the institution and make people think that chaos is the norm around here. Having served in this place a long time, that was not my impression until recently.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me 4 minutes.

Mr. Speaker, I am always interested in the talk that goes around this time of year. We have just heard that we are now in the ninth inning, and our friends on the Democratic side of the aisle have actually called out their relief pitcher, Newt Gingrich. They are bringing up Newt Gingrich. I cannot believe I am hearing my ears.

The gentleman from Maryland (Mr. HOYER) is saying we need to follow the advice of Newt Gingrich and not be members of the Perfectionist Caucus. He goes on to say, as do so many others, that, if we were not just such perfectionists, and if we had listened to the gentleman from Florida (Chairman YOUNG), perhaps we would have gotten our business done.

Well, we have gone 13 for 13. We listened to the gentleman from Florida (Chairman YOUNG). We listened to the appropriators on the Republican and the Democratic side. We have gotten all 13 bills passed. I think we have done a great job.

While we are talking about history lessons, why do we not talk about the fact that the House and the Senate are two completely different animals. Why, I remember my friends on the Democratic side of the aisle passing a BTU tax in 1993 that they thought was a great idea. Well, their colleagues in the Senate did not agree. Well, that is the way this process works. We hope that our friends in the Senate will agree with us and come together and pass the bills.

I think the gentleman from Florida (Chairman YOUNG) has done a great job. I disagree with the statement that this process has brought disorder to the House and shown chaos. I think he has done a fantastic job from the very beginning.

But we have a challenge even beyond the Senate. Even if we pass these bills in the Senate, the New York Times has reported that the President of the United States is considering a government shutdown strategy. We cannot control that either.

Just like back in 1995, I do not know how many people remember, but the President of the United States vetoed nine appropriation bills. One of those bills which was a Legislative Branch bill, when he got it, he said, "Well, I am going to veto it." He vetoed it. They asked him why. He said, "I agreed with the bill, I just wanted to send a message." Then he sent a message on eight other bills, and then we had a government shutdown. He did it before, and he did it back then in 1995 because he said our plan to balance a budget in 7 years would wreck the economy.

Now we went through the appropriation process. The gentleman from Florida (Chairman YOUNG), then the gentleman from Louisiana (Mr. LIVINGSTON), the gentleman from Ohio (Chairman KASICH), several others said it was the right thing to do. We had a very ordered process. Unfortunately, at the end, the President and our friends on the left decided to get involved and in a destructive way vetoed nine appropriation bills.

Again, according to the New York Times, the President is considering doing that again. We cannot do anything about that. If the President wants to operate under a shutdown strategy in the year 2000, that is the President's prerogative. As the gentleman from Florida (Chairman YOUNG) said, he has got the power of two-thirds of us. I certainly hope he does not do that. I think we have to continue doing the people's business.

Talking about working for the middle class, I have got to tell my colleagues, when we came here in 1995, we were mired under debt, we were mired under deficit. The appropriations approach taken by the Committee on Appropriations back then and this House, it was to get rid of the deficit. It was to pay down the debt. We were told it would destroy the economy. It did not do it.

Chairman Greenspan came and testified before the Committee on the Budget back in 1995. He said, "If you follow this blueprint, you will see unprecedented economic growth." We followed the blueprint. Because of it, the President vetoed nine bills. We continued to fight then. What happened? History shows that by forcing the President to continue down the path of fiscal responsibility and to balance the budget in 7 years that the economy exploded because of it. I think it is great news.

As far as these charges that somehow we have been held hostage to extreme tax cuts, which I have got to give you guys credit, you sure stay on message and have for 6 years, the extreme tax cuts were approved by over 260 people. You call the marriage penalty relief tax extreme. I do not. Over 260 Members of the House, both Republicans and Democrats agree with me. Same thing with death tax relief. It is called extreme tax relief at the end of the session. But I have got to tell my colleagues, during the middle of this session, over 260 Republicans and Democrats agreed with it. The majority of Americans agreed with it. So the only reason those were not enacted into law was because you all were able to hide behind a President's veto, which, again, he can do.

But let us look at who is really being extreme here. We are doing what polls show the American people want, but more importantly what we said we would do when we got elected in 1994. I am proud of the gentleman from Florida (Chairman YOUNG) for his work. I disagree with the fact that anything that has happened here has brought discredit to this House. I think he has done a great time.

Mr. OBEY. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I would simply point out to the gentleman from Florida (Mr. SCARBOROUGH) that is a very interesting and a very amusing and not very relevant rewrite of history.

But I would simply ask him, he raises this great specter of the President following a veto strategy. Which appropriations bills has the President vetoed this year? To my knowledge, he has not vetoed any appropriations bills this year. My colleagues have not been able to get four bills through their own party in the other body, and they have got the gall to claim that the President is the reason that the Congress has not done its work. Grow up.

Mr. SCARBOROUGH. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Surely I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Well, again, I am just saying the President is laying in wait, waiting to veto these bills. Second, as I mentioned on the Btu issue, sometimes one cannot control what Senators do.

The SPEAKER pro tempore (Mr. LATOURETTE). The time is controlled by the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, reclaiming my time, the gentleman can go back to 1993, ancient history, if he desires. That still does nothing to change the fact that the President has vetoed no bills.

The reason this continuing resolution is here is not because he has not done his work; it is because this body has not done its work in reconciling its differences with the Senate so that you can lay bills on the President's desk. It was not the President who blew up the Treasury-Postal bill, it was the United States Senate. It was not the President who designed a strategy which produced appropriation bills you could not get past your own party in the other body, it was your own leadership. Accept the consequences of your own actions. That is what adults are supposed to do.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members it is not in order to cast reflections on the United States Senate.

Mr. OBEY. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I share the amusement of the gentleman from Wisconsin (Mr. OBEY), my ranking member, at the recitation of history. First of all, CBO, your CBO that you appointed the chair of 2 years ago came down and said the reason we have cut the deficit is not because of anything that was done on the Republican leadership, it was because of the 1993 economic program that was adopted by Democrats only, not one Republican voted for it, and the 1990 program signed by President Bush, which was excoriated by that same Speaker Gingrich and a number of the rest of the Members of his party.

The gentleman from Florida (Mr. SCARBOROUGH) also has a selective memory, I suggest to my colleagues, about what Mr. Greenspan said before the Committee on the Budget, the Joint Economic Committee, and every other committee before which he has testified about the tax cuts. Then you take out each individual item. You were smarter this year. You said people like this, people like that, so we will take it in small bites, and maybe they will not notice that the total is more than the one they did not like a year ago August when you thought you were going to go to the American public and say, "Do you believe the President of the United States is going to veto this bill?" And, guess what, the American public said, "Yeah, not only do we believe he is going to, we think he ought to because we think it puts Social Security and Medicare at risk."

Now, this year you cut it up in little pieces and thought maybe you could nibble it through. But it would have had the same consequence. Mr. Greenspan whom you quote said, "Uh-uh, you ought not to do that."

Let us go back a little more in history in the 1993 bill. The gentleman from Ohio (Mr. KASICH) said that, if we passed the 1993 bill, the economy would fall off the precipice. Mr. Gingrich said, if we enacted the 1993 bill, the economy would go in the tank. The gentleman from Texas (Mr. ARMEY) said that it would create high deficits, high inflation, and economic disaster. The gentleman from Texas (Mr. DELAY) said that it would create unbelievable unemployment and unbelievable deficits.

Now what has happened, Mr. Speaker, is exactly 180 degrees opposite of what every Republican leader said in 1993 would happen as a consequence of the adoption of the President's economic program. In fact, we have the best economy in the lifetimes of anybody in this room, low inflation, more employment than we have ever had, and the fastest creation of jobs at any time. Healthy, robust economic growth. Most houses owned by American citizens ever in history. Every indicator is positive as a direct result.

Now, going back to what CBO said. CBO said that, not only did you not bring down the deficit, but in 1995, 1996, 1997 and 1998, the net effect of those 4 years was to increase by $12 billion the deficit. So the net reduction was approximately 140 if you put those two bills together.

So let us tell it like it is. I would repeat the gentleman from Wisconsin's (Mr. OBEY) admonition when you say veto strategy. The President has not vetoed anything this year.

Now, we are going to pass the CR. It is the responsible and right thing to do. I am for it. We have done it in the past because we have not reached agreement. But I tell the gentleman from Florida (Mr. SCARBOROUGH), the reason we have not reached agreement is because the budget resolution was a resolution for political sake, not for substance sake.

Nobody on the Committee on Appropriations, I tell my friend the gentleman from Florida, nobody on either side of the aisle in the Committee on Appropriations thought for one minute that the Committee on the Budget's resolution was going to be carried out in appropriation bills, not because of the President, but because you cannot get it through the Congress of the United States. We said that in April. The gentleman from South Carolina (Mr. SPRATT) said that in April. That is why I quoted the gentleman from South Carolina. In fact that is what has happened.

Let us work together. Let us not have the Perfectionist Caucus prevail.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the subject of Presidential vetoes has been raised here several times by my two friends who have just spoken. During the Committee on Appropriations work, we were told time after time after time by the gentleman from Wisconsin (Mr. OBEY) "If you do it this way, the bill is going to be vetoed." How many times on the floor when we were considering the appropriations bills did the gentleman from Wisconsin say, "If you do this, the bill is going to be vetoed," or "If you do not do that, the bill is going to be vetoed." He is speaking for the administration. But we have had veto threats on almost every appropriations bill that we have considered here.

When the gentleman tells us that a bill is going to be vetoed, then we will take the time to try to work with the White House and work together, as the gentleman suggested, and see if we can find a way to make that bill signable by the President rather than vetoed. But we take the gentleman from Wisconsin at his word. The gentleman tells us the bill is going to be vetoed. We are going to try to find a way to make that bill acceptable to the President if we can.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman from Florida (Chairman YOUNG) for yielding me this time.

Mr. Speaker, I am relieved that order has been returned to the universe. They have now benched Newt Gingrich again and going back to 1993 and say maybe we should not follow his strategy.

I do not know if my colleagues were listening, though, to the same testimony that I heard Greenspan give before the Committee on the Budget in 1995, but what Alan Greenspan said very specifically, not talking about the tax cuts that we have enacted this year, he said, if we would enact our plan to balance the budget in 7 years, specifically, he said starting in 1995, if we enacted that, we would see interest rates drop by 2 percent. And he predicted in 1995, if the Republican plan was followed, that we would see unprecedented economic growth not seen in peacetime. Do my colleagues know what? He is exactly right.

Mr. Speaker, we stuck to our guns. We followed the advice of the voters we heard in 1994. We followed what Alan Greenspan said. I am glad we are having this debate.

Mr. OBEY. Mr. Speaker, might I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 7 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR).

□ 1615

Ms. KAPTUR. Mr. Speaker, I thank the ranking member of the Committee on Appropriations for yielding me this time.

As the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, I have to say that although we are, in a way, forced to vote for this continuing resolution for the sake of the American people, what has happened inside this institution really is not healthy.

I can tell my colleagues that all day I have been in my office fielding calls from Members in this Chamber asking me where our bill is, where the different provisions are. Whether it is biomass provisions relating to switchgrass in Iowa or whether it is water-related projects in the West, it really does not matter. I, as a Member, cannot tell them because our conference committee has not met.

We have been getting calls from the other body. We had reached agreement on certain amendments which we now understand are pulled. For example, on prescription drugs. We had passed different measures here to allow reimportation of prescription drugs so our people could get the same price as if they go over the border into Canada. We had reached agreement that we would put $23 million in this year's bill to ensure the public safety on those drugs. Now we are told this provision has been lifted from the agriculture appropriation bill, wherever it is in the institution, and the leadership is going to be handling that.

The same is true with the provisions dealing with Cuba, which, granted, are very controversial, but we wanted to be able to move product into Cuba; allow our businesses to sell there; allow our farmers to move product. Now we are told that is lifted out of our bill. We are receiving phone calls in our office; and we have to tell Members, sorry, we are not being called as conferees.

I have the greatest respect for the chairman of the full committee. I know if it were only up to him, our subcommittees would be allowed to meet. But this is really not the way to run the Congress of the United States nor the government of the United States.

As a related issue, Mr. Speaker, and as a Member from Ohio who has workers dying from exposure to beryllium, we were told today that the Subcommittee on Defense has not allowed, because of the leadership, any provision in any bill that would take care of people dying of exposure to beryllium, nuclear-related radiation or gaseous diffusion. I think that is absolutely wrong when we have it within our power to meet the needs of the American people.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I particularly thank him for the education he has given a new Member in a short period of time on this process.

Mr. Speaker, I respect both the gentlemen and the debate they are having today. But to be honest, hearing politicians argue about how they have revised history makes little difference at all in the 9th inning of any baseball game. And with all due respect, my interest and my knowledge in this budget process is pretty much limited to education, which has taken a beating from the minority side today.

So I want to forget about history, forget about who introduced what, forget about who created what program. I think it is fair for us to know what the tentative agreement on the Labor-HHS budget, for this year in this Congress today, is in the United States of America.

It is not a cut, but it is a $562 million increase over President Clinton's budget. And that is a fact. It is not a cut, but it is a $1 billion increase in special education over the President's recommendation. And amazingly, it is a $3.1 billion title VI improvement offering the opportunity for flexibility for school construction at the local level. We would never know in a million years, by listening to the other side, that everything priority-wise that they debated for local schools to have the opportunity to do within good fiscal sound policy exists.

Sure, other recommendations were made in the past, but the past is history. I appreciate the gentleman's mentioning my predecessor, Mr. Gingrich. The only history I remember that is lasting is that we as a majority are, fortunately, because of him, debating from a position of balanced budgets today and not deficits. A lot of people deserve credit for it, but he certainly deserves a lot.

Mr. Speaker, it is not right for the American people on September 26, 2000, to believe that this Congress is doing anything other than the following: increasing education by $562 million; special education by $1 billion; and offering local schools the opportunity for school construction and other programs at their choice. And stating anything else to the contrary is wrong.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I think the gentleman is correct, that what is present is the most important. But it is also important to understand, I tell my friend from Georgia, how we got to the present. Because the bill that I believe he initially voted for was $3.5 billion under the President's budget.

Now, hear me. Originally, when we passed the bill through this House, it was $3.5 billion on education under the President's request. So that, yes, we are here; but the reason we are here is a little bit of what the gentleman from Florida (Mr. YOUNG) said. The President said he was not going to sign that kind of bill.

The gentleman is right. He has not vetoed it because my colleague has not sent it to him. He said, I am not going to sanction that kind of cut in education. So, yes, we do readily admit that we have a budget that is now presumably going to come out of the Labor-Health conference much better, but it is much better because the President of the United States said he was not going to sanction that House product.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER), a member of the Committee on Appropriations.

Ms. GRANGER. Mr. Speaker, Members on both sides of the aisle have repeatedly stated that it is time to get past politics, yet as we consider a continuing resolution to keep the government functioning, debates become more political and perhaps less substantive.

Today's vote is not about partisan rhetoric, it is about results. This Congress has tried to work in a bipartisan way, and on a number of issues that matter to every-day Americans it has been able to. It has certainly done this under the leadership of the gentleman from Florida (Mr. YOUNG) in trying to get our bills passed on time.

One shining example is the fact that we repealed the 60-year-old earnings limit imposed on working seniors. We worked together because it was the right thing to do. It made sense. It mattered to Americans. That should be our standard every time we come into this Chamber, what is the right thing to do, what makes sense, and what matters to Americans. I submit to you, Mr. Speaker, that the answer to each of these questions is one in the same.

We must pass the continuing resolution to keep the government functioning and get to work on issues that matter to our families, issues like paying down the debt and providing prescription drugs to our seniors. The practice of passing continuing resolutions is not unusual. It has taken place under Democrat and Republican control both. It is what we need to do today.

The issues we are addressing in the final days of this Congress are important and complex. Completing our work will require cooperation. We need good-faith efforts at results, not roadblocks. We need every Member of the Congress, every Senator, and the White House to do the right thing, to do what makes sense and address the issues that matter to Americans.

Let us stop playing politics, pass this resolution, and get back to the business of addressing our Nation's problems.

Mr. OBEY. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin (Mr. OBEY) has 3½ minutes, and the gentleman from Florida (Mr. YOUNG) has 3 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

The issue is not what has happened in the past; the issue is what ought to happen now. I am amused by our friends on the other side of the aisle who claim that all of a sudden the Republicans are the new-found friend of education. Over the last 6 years, since they have taken control of this House, they have tried to cut, in 4 different years, they have tried to cut education funding below the previous year—not below the request, but below the previous year funding—by about $5.5 billion.

Now they are discovering that that is not so popular. And so, belatedly, they are beginning to grudgingly give ground; and instead of calling for the abolition of the Department of Education and eliminating Federal influence in education, they are now grudgingly recognizing that there needs to be a Federal role. Yet it is very grudgingly given ground indeed.

If my colleagues want to see our support for the Labor, Health, and Education bill, for instance, all they need to do is to get rid of the anti-worker riders; get rid of the anti-environmental riders in the Interior bill; get rid of the anti-education riders in the Labor-Health-Education bill, get rid of the anti-health riders that they have. And what they need to do is to recognize that if we are going to fund education programs fairly, we ought to fund Republican priorities as well as Democratic priorities.

So we welcome the fact that our friends on the other side of the aisle have decided they want to increase funding for special education. We are asking them to also do what they said they would do in May and raise that amount by another $700 million to meet the amount they promised the American people in May.

The Republican presidential candidate, Mr. Bush, claims that he is now belatedly for an increase in the Pell Grants, after he pooh-poohed that very idea in Eau Claire, Wisconsin, just a month ago. What we are asking is this: If he is for that, then why do you not vote for that additional increase in Pell Grants that we put on the table in the conference?

We are asking that our colleagues recognize that there is a crying need in this country to repair dilapidated school buildings and to keep the President's dedicate funding. We are asking our colleagues to recognize the need to reduce class size. We are asking that the Republicans recognize that 93 percent of education funds in this country are spent the way local school districts want them to be spent. We are asking our colleagues on the other side of the aisle to use the other 7 percent that the Federal Government provides in order to target issues of national importance and national need in the interest of quality of education and social justice. That is what we need.

We need to fund both Republican and Democratic priorities in the area of education if we are to have the kind of bipartisan support for that bill that it ought to have under any Congress, no matter who is controlling the Congress.

So I would simply say, Mr. Speaker, I would urge a vote for this resolution, because we have no choice if we want to keep the government open, and we do. But I would ask the majority, instead of continuing to insist that they please the most rigid elements of their caucus on all of their appropriation conferences, I would ask that they recognize we need a bipartisan approach to all of these bills, or we will need another continuing resolution and yet another one; and we will indeed be stuck here until the cows come home.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my friend, the gentleman from Wisconsin (Mr. OBEY), has mentioned education; and this has been an ongoing debate and argument in the Congress. We believe that we have been more generous to the educational appropriation than the President requested. But the major difference has not been so much the numbers and the dollars. The major difference is how is the educational money going to be spent: Is some guru here in Washington going to sit down here and determine what is best for the school districts and the schools in every one of our counties and cities throughout America; or are the people elected at the local level going to make the decision on how they should use the money available to them?

For example, in some case we need more buildings. In other cases we need more schoolteachers. In other cases we need computers. In other cases we need special education. There are so many, many different needs in education. And I think that it is far wiser to allow the people elected in the local school systems to make the decisions on what their needs really are to best educate the children in those schools. We are not arguing about the money; we are arguing about who makes the decision on how that money is used.

And now, Mr. Speaker, after having nearly 2 hours of good political debate, many of the topics not having anything to do with this resolution before us, I want to thank my friend, the gentleman from Wisconsin (Mr. OBEY), for his support of this resolution and the gentleman from Maryland (Mr. HOYER). We would all prefer not to have to do this. I agree with the gentleman from Wisconsin, that it would be better if all

13 bills were signed by the President. But we find ourselves today needing this continuing resolution until the 6th day of October in order to make certain of the smooth continuity of our Federal Government.

☐ 1630

So just let me ask the Members to support this continuing resolution. And then we will get back to the bargaining tables, negotiate, and find the solutions that are acceptable to the House, to the Senate, and to the President and then get on about the business of the Congress.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate is expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 591, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 16, as follows:

[Roll No. 493]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
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Deutsch
Diaz-Balart
Dickey
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Dixon
Doggett
Dooley
Doolittle
Doyle
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Duncan
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Eshoo
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Evans
Everett
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Farr
Fattah
Filner
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Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
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Gejdenson
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Gibbons
Gilchrest
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Gonzalez
Goode
Goodlatte
Goodling
Gordon
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Graham
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Green (TX)
Green (WI)
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Hall (OH)
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Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
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Kennedy
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Kilpatrick
Kind (WI)
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Lewis (CA)
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Lipinski
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Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
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Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
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Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
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Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
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Stump
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Sweeney
Talent
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Thompson (CA)
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Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

DeFazio
Stark

NOT VOTING—16

Campbell
Clay
Franks (NJ)
Gillmor
Gutierrez
Horn
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Paul
Rogan
Smith (MI)
Vento
Watkins

☐ 1652

Mr. KANJORSKI and Mr. CAPUANO changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## SMALL BUSINESS LIABILITY RELIEF ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5175) to provide relief to small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

The Clerk read as follows:

H.R. 5175

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Small Business Liability Relief Act".

**SEC. 2. SMALL BUSINESS LIABILITY RELIEF.**

(a) LIABILITY EXEMPTIONS.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) SMALL BUSINESS DE MICROMIS EXEMPTION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person (including a parent, subsidiary, or affiliate of the person) that, during its 3 taxable years preceding the date on which the person first receives or received written notification from the President of its potential liability under this section, (A) employed on average not more than 100 full-time individuals (notwithstanding fluctuations resulting from seasonal employment) or the equivalent thereof, and (B) had, on average, annual revenues of $3,000,000 or less, as reported to the Internal Revenue Service, shall be liable under paragraph (3) or (4) of subsection (a) to the United States or any other person (including liability for contribution) for any response costs incurred with respect to a facility only if the total of material containing a hazardous substance that the person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at the facility, was greater than 110 gallons of liquid material or greater than 200 pounds of solid material.

"(2) Exception.—Paragraph (1) shall not apply if the President determines that—

"(A) the material containing a hazardous substance referred to in paragraph (1) contributed or could contribute significantly, individually or in the aggregate, to the cost of the response action with respect to the facility; or

"(B) the person has failed to comply with an administrative subpoena, has failed to comply with an order to compel compliance with any request for information issued by the President under this Act (or is the subject of a civil action to compel such compliance), or has impeded or is impeding the performance of a response action with respect to the facility.

"(3) Time period covered.—Paragraph (1) shall only apply to material that a person arranged for disposal or treatment of, arranged with a transporter for transport for disposal or treatment of, or accepted for transport for disposal or treatment, at a facility before the date of the enactment of the Small Business Liability Relief Act.

"(4) Affiliate defined.—For purposes of this subsection and subsection (p), the term 'affiliate' has the meaning of that term provided in the definition of 'small business concern' in regulations promulgated by the Small Business Administration in accordance with the Small Business Act (15 U.S.C. 631 et seq.).

"(p) Municipal Solid Waste Exemption.—

"(1) In general.—Except as provided in paragraph (2), a person may be liable for response costs under paragraph (3) or (4) of subsection (a) for municipal solid waste at a facility only if the person is not—

"(A) an owner, operator, or lessee of residential property from which all of the person's municipal solid waste was generated with respect to the facility;

"(B) a business entity (including a parent, subsidiary, or affiliate of the entity) that—

"(i) during its 3 taxable years preceding the date on which the business entity first receives or received written notification from the President of its potential liability under this section, employed on average not more than 100 full-time individuals (notwithstanding significant fluctuations resulting from seasonal employment), or the equivalent thereof; and

"(ii) generated all of its municipal solid waste with respect to the facility; or

"(C) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that, during its taxable year preceding the date on which the organization first receives or received written notification from the President of its potential liability under this section, employed not more than 100 paid individuals at the location from which was generated all of the municipal solid waste attributable to the organization with respect to the facility.

"(2) Exception.—Notwithstanding paragraph (1), a person may be liable under this section if the President determines that the person has failed to comply with an administrative subpoena, has failed to comply with an order to compel compliance with any request for information issued by the President under this Act (or is the subject of a civil action to compel such compliance), or has impeded or is impeding the performance of a response action with respect to the facility.

"(3) Definition of municipal solid waste.—

"(A) In general.—For purposes of this subsection, the term 'municipal solid waste' means waste material—

"(i) generated by a household (including a single or multifamily residence); and

"(ii) generated by a commercial, institutional, or industrial source, to the extent that the waste material—

"(I) is essentially the same as waste normally generated by a household; or

"(II) is collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services and, with respect to each facility from which the waste material is collected, qualifies for a small business de micromis exemption under subsection (o).

"(B) Examples.—Examples of municipal solid waste under subparagraph (A) include food and yard waste, paper, clothing, appliances, consumer product packaging, disposable diapers, office supplies, cosmetics, glass and metal food containers, elementary or secondary school science laboratory waste, and household hazardous waste.

"(C) Exclusions.—The term 'municipal solid waste' does not include—

"(i) combustion ash generated by resource recovery facilities or municipal incinerators; or

"(ii) waste material from manufacturing or processing operations (including pollution control operations) that is not essentially the same as waste normally generated by households.

"(4) Costs and fees.—A person that commences a contribution action under section 113 shall be liable to the defendant for all reasonable costs of defending the action, including all reasonable attorney's fees and expert witness fees, if the defendant is not liable for contribution based on an exemption under this subsection or subsection (o).".

(b) Expedited Settlement for De Minimis Contributions and Limited Ability To Pay.—

(1) Parties eligible.—Section 122(g) of such Act (42 U.S.C. 9622(g)) is amended—

(A) in paragraph (1) by redesignating subparagraph (B) as subparagraph (E);

(B) by striking "(g)" and all that follows through the period at the end of paragraph (1)(A) and inserting the following:

"(g) Expedited Final Settlement.—

"(1) Parties eligible.—

"(A) In general.—Whenever practicable and in the public interest, the President shall, as expeditiously as practicable, notify of eligibility for a settlement, and offer to reach a final administrative or judicial settlement with, each potentially responsible party that, in the judgment of the President, meets 1 or more of the conditions set forth in subparagraphs (B), (C), and (E).

"(B) De minimis contribution.—The condition for settlement under this subparagraph is that the liability of the potentially responsible party is for response costs based on paragraph (3) or (4) of subsection (a) of section 107 and the potentially responsible party's contribution of hazardous substances at a facility is de minimis. For the purposes of this subparagraph, a potentially responsible party's contribution shall be considered to be de minimis only if the President determines that each of the following criteria are met:

"(i) The quantity of material containing a hazardous substance contributed by the potentially responsible party to the facility is minimal relative to the total quantity of material containing hazardous substances at the facility. The quantity of a potentially responsible party's contribution shall be presumed to be minimal if the quantity is 1 percent or less of the total quantity of material containing hazardous substances at the facility, unless the Administrator establishes a different threshold based on site-specific factors.

"(ii) The material containing a hazardous substance contributed by the potentially responsible party does not present toxic or other hazardous effects that are significantly greater than the toxic or other hazardous effects of other material containing hazardous substances at the facility.

"(C) Reduction in settlement amount based on limited ability to pay.—

"(i) In general.—The condition for settlement under this subparagraph is that the potentially responsible party is a natural person or a small business and demonstrates to the President an inability or a limited ability to pay response costs.

"(ii) Considerations.—In determining whether or not a demonstration is made under clause (i) by a small business, the President shall take into consideration the ability of the small business to pay response costs and still maintain its basic business operations, including consideration of the overall financial condition of the small business and demonstrable constraints on the ability of the small business to raise revenues.

"(iii) Information.—A small business requesting settlement under this subparagraph shall promptly provide the President with all relevant information needed to determine the ability of the small business to pay response costs.

"(iv) Alternative payment methods.—If the President determines that a small business is unable to pay its total settlement amount at the time of settlement, the President shall consider such alternative payment methods as may be necessary or appropriate.

"(D) Additional conditions for expedited settlements.—

"(i) Waiver of claims.—The President shall require, as a condition for settlement under this paragraph, that a potentially responsible party waive all of the claims (including a claim for contribution under section 113) that the party may have against other potentially responsible parties for response costs incurred with respect to the facility, unless the President determines that requiring a waiver would be unjust.

"(ii) Failure to comply.—The President may decline to offer a settlement to a potentially responsible party under this paragraph if the President determines that the potentially responsible party has failed to comply with any request for access or information or an administrative subpoena issued by the President under this Act or has impeded or is impeding the performance of a response action with respect to the facility.

"(iii) Responsibility to provide information and access.—A potentially responsible party that enters into a settlement under this paragraph shall not be relieved of the responsibility to provide any information or access requested in accordance with subsection (e)(3)(B) or section 104(e).";

(C) in subparagraph (E) of paragraph (1) (as redesignated by subparagraph (A))—

(i) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and by moving such subclauses and the matter following subclause (III) (as so redesignated) 2 ems to the right;

(ii) by striking "(E) The potentially responsible party" and inserting the following:

"(E) Owners of real property.—

"(i) IN GENERAL.—The condition for settlement this subparagraph is that the potentially responsible party"; and

(iii) by striking "This subparagraph (B)" and inserting the following:

"(ii) APPLICABILITY.—Clause (i)"; and

(D) by adding at the end the following:

"(F) BASIS OF DETERMINATION.—If the President determines that a potentially responsible party is not eligible for settlement under this paragraph, the President shall provide the reasons for the determination in writing to any potentially responsible party that requests a settlement under this paragraph.

"(G) NO JUDICIAL REVIEW.—A determination by the President under this paragraph shall not be subject to judicial review.

"(H) DEFINITION OF SMALL BUSINESS.—In this paragraph, the term 'small business' means a business entity that, during its 3 taxable years preceding the date on which the business entity first receives or received written notification from the President of its potential liability under section 107, employed on average not more than 100 full-time individuals (notwithstanding fluctuations resulting from seasonal employment) or the equivalent thereof.".

(2) SETTLEMENT OFFERS.—Such section 122(g) is further amended—

(A) by redesignating paragraph (6) as paragraph (9); and

(B) by inserting after paragraph (5) the following:

"(6) SETTLEMENT OFFERS.—

"(A) NOTIFICATION AND OFFER.—As soon as practicable after receipt of sufficient information to make a determination, the President shall—

"(i) notify any person that the President determines is eligible under paragraph (1) of the person's eligibility for an expedited settlement; and

"(ii) submit a written settlement offer to such person.

"(B) INFORMATION.—At the time at which the President submits an offer under this subsection, the President shall make available, at the request of the recipient of the offer, to the recipient any information available under section 552 of title 5, United States Code, on which the President bases the settlement offer, and if the settlement offer is based in whole or in part on information not available under that section, so inform the recipient.

"(7) LITIGATION MORATORIUM.—

"(A) IN GENERAL.—No person that has received notification from the President under paragraph (6) that the person is eligible for an expedited settlement with respect to a facility under paragraph (1) shall be named as a defendant in any action under this Act for recovery of response costs (including an action for contribution) with respect to the facility during the period—

"(i) beginning on the date on which the person receives from the President written notice of the person's potential liability and notice that the person is a party that may qualify for an expedited settlement with respect to the facility; and

"(ii) ending on the earlier of—

"(I) the date that is 90 days after the date on which the President tenders a written settlement offer to the person with respect to the facility; or

"(II) the date that is 1 year after receipt of notice from the President that the person may qualify for an expedited settlement with respect to the facility.

"(B) SUSPENSION OF PERIOD OF LIMITATION.—The period of limitation under section 113(g) applicable to a claim against a person described in subparagraph (A) for response costs, natural resource damages, or contribution shall be suspended during the period described in subparagraph (A).

"(8) NOTICE OF SETTLEMENT.—After a settlement under this subsection becomes final with respect to a facility, the President shall promptly notify potentially responsible parties at the facility that have not resolved their liability to the United States of the settlement.".

**SEC. 3. EFFECT ON CONCLUDED ACTIONS.**

The amendments made by this Act shall not be a basis for challenging the enforceability of any settlement lodged in, or judgment issued by, a United States District Court before the date of the enactment of this Act against a person who is a party to the settlement or against whom the judgment has been issued.

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. TOWNS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise today to urge my colleagues to vote for passage of H.R. 5175, the Small Business Liability Relief Act. I introduced this legislation along with the gentleman from New York (Mr. BOEHLERT) and a bipartisan group of cosponsors in order to provide long overdue liability relief to individuals, families, and small business owners unfairly trapped in the litigation nightmare of the Superfund program for over 2 decades.

The Superfund is in bad need of reform. I have worked for years to enact comprehensive and meaningful Superfund reform to create a fairer liability scheme for the Superfund program. Unfortunately, it appears unlikely that we will be able to accomplish broader reform this year. But that does not mean that we cannot make real progress. It is time to provide relief to innocent parties like Barbara Williams, the former owner of Sunny Ray Restaurant in Gettysburg, Pennsylvania, and to Greg Shierling, the owner of two McDonald's restaurants in Quincy, Illinois, as well as thousands of others just like them whose only crime as small business owners was sending ordinary garbage to the local dump.

H.R. 5175 provides relief to innocent small businesses who never should have been brought into Superfund in the first place. First, it provides liability protection to small businesses who disposed of very small amounts of waste. Second, it provides relief for small businesses who disposed of ordinary garbage. Third, it provides shelter from costly litigation for small businesses who dispose of small amounts of waste and parties who face serious financial hardship by directing the Federal Government to offer these parties expedited settlements to remove them from the web of Superfund litigation.

This bill provides relief for innocent small businesses with up to 100 employees and revenues of not more than $3 million. It is limited to common garbage and ordinary garbage that may have small contributions of other waste. If the waste that a small business sends to a site causes big environmental problems, then the liability exemptions would no longer apply.

I would point out that some who have criticized our definition of a small business have actually voted for exemptions that do not include any business size restriction whatsoever. Moreover, the administration's current de micromis policy applies more broadly than this bill to any size company.

In addition, H.R. 5175 shifts the burden of proof under Superfund to the government when it goes after small businesses. I do not believe that small businesses should be presumed guilty and be forced to hire and pay for attorneys to prove their innocence. This is fundamentally wrong and unfair. In America, you are innocent until proven guilty. The government or larger businesses should have the burden of providing evidence, solid evidence, that small businesses are liable before demanding cash settlements.

It is hard to think of anything in Congress that has been more open and public than Superfund reform. Protections for innocent parties in H.R. 5175, including de micromis relief, relief for ordinary garbage, and expedited settlements, were included in both H.R. 2580 and H.R. 1300, the broader bipartisan Superfund bills reported this Congress from the Committees on Commerce and Transportation and Infrastructure, respectively.

As chairman of the Subcommittee on Finance and Hazardous Materials, I have personally conducted 6 years of Superfund hearings. In fact, in just the House alone, there have been a combined 46 hearings on Superfund with testimony from 416 witnesses. At those hearings we have heard the administration, environmentalists, and businesses all tell us that innocent small businesses were never meant to be in Superfund in the first place. I am entering some of these statements into the RECORD.

□ 1700

Mr. Speaker, even in the last few weeks, to accommodate concerns about the legislation, we have met with the EPA and others and redrafted the legislation to address their concerns. The bill on the floor today reflects those changes.

While it is unfortunate that EPA does not yet support the legislation, the fact remains that we have gone way above and beyond the call of duty in trying to address concerns raised, and we have asked repeatedly for any specific written proposals to address outstanding concerns with the legislation, but received nothing.

For thousands of small business owners across America who have already been dragged into litigation or forced to pay cash settlements for legally putting out their trash, this bill most likely comes too late. But in just the last 7 days, we have received letters, faxes and e-mails from small business owners around the country who need our help. This is an example of some of the letters we have received just over the last week.

Mr. Speaker, I would ask Members to please join me and other bipartisan cosponsors today in saying enough is enough, and let us pass this narrowly targeted Small Business Liability Relief Act so these other innocent small businesses can be spared the litigation nightmare that has already befallen so many.

Mr. Speaker, I include the following for the RECORD.

## SUPERFUND IS A SMALL BUSINESS LITIGATION NIGHTMARE

### FOR THE RECORD: WHAT THEY'VE SAID

*Environmental Protection Agency*

"If you are a small business, if you sent garbage, like the stuff you and I put out every Monday evening for the garbage company to pick up, you should never hear the word Superfund. I think there is not a person up here who doesn't agree with that. We have worked hard within the current law to protect these small parties, but we cannot do it without a fix in the law in the way that we all agree it needs to be done."—Testimony of Carol Browner, EPA Administrator, before the Water Resources and Environment Subcommittee, May 12, 1999

"We have tried to solve the problem of the little people from day one. The owner of the diner who sends mashed potatoes to the local dump should not have to worry about being sued by large corporate polluters who are responsible for the contamination of that site. Innocent landowners, churches, Girl Scout troops, small storefront businesses should not have to wonder if they will find themselves brought into the Superfund net by large corporate polluters.

"Unfortunately, this is what happens; this is what has happened; and this is what will continue to happen if we don't rewrite this law. It is a tragedy. It is wrong. It is a flaw in the current law. We have to fix it."—Testimony of Carol Browner, EPA Administrator, before the Water Resources and Environment Subcommittee, October 29, 1997

*Environmentalists*

"It is inefficient to sue a bunch of companies that will clearly be unable to make any significant contribution to cleanup costs; doing so merely increases transaction costs for all concerned without providing funds for actual cleanup, and leads to delays in decisionmaking."—Testimony of Karen Florini, Senior Attorney, Environmental Defense Fund, before the Water Resources and Environmental Subcommittee, October 29, 1997

"We agree that many small businesses and minimal waste contributors have been unfairly subjected to harassment under the CERCLA statute. . . . We suggest an exemption for parties who only contributed household-type wastes to sites, liability waivers for those who only sent tiny amounts of hazardous materials to a site—that is, de micromis contributors—and aggressive settlements with parties who sent small amounts of hazardous substances to a site but still have some ability to pay toward cleanup—this is, de minimis contributors."—Testimony of Jacqueline Hamilton, Senior Project Attorney, Natural Resources Defense Council, before the Water Resources and Environment Subcommittee, April 10, 1997

"NWF also has heard the concerns of people who only have tangential ties to a Superfund site. These mom and pop entities, often cited as de micromis parties, deserve relief from the system."—Testimony of Patricia Williams, Counsel and Legislative Representative, National Wildlife Federation, before the Water Resources and Environment Subcommittee, June 21, 1995

*Small businesses*

"For my company it started on February 10, 1999 when we received a letter in the mail from the EPA that stated 6 large local corporations and the city were looking to recover some of their costs for the cleanup of our local landfill. Even though the majority of what we had hauled there was only trash and legally disposed of at the time, the EPA said . . . we were potentially responsible for paying our proportional share of that cleanup.

"When I read the letter, I felt sick. For me and the 148 other companies that received the letter, it was unexpected and without warning . . . It was asking us, as small companies to 'contribute' 3.1 million dollars . . .

". . . the EPA sent one of their attorneys . . . Many people stood up and pleaded their situations and how unfair and un-American this whole situation was. He admitted to everyone that the law was probably unfair and very harsh . . . he couldn't do anything about its unfairness . . . he said that it was all he had to work with."—Testimony of Mike Nobis, JK Creative Printers before the Subcommittee on Finance and Hazardous Materials, September 22, 1999

"Even those who paid their assessments can't put the situation behind them . . . different agencies could come after them for additional money . . . 'By paying, I thought we had closure, says Eldor Hadler, whose truck dealership was assessed $46,000. He recently sold his business to his son and another partner . . . 'There's a dark cloud hanging over the business,' he says, 'They could come back any time'."

"The fight continues for Greg Shierling . . . He was in grade school in the '60s and '70s when his parents hired [a trash disposal company] to take away the garbage from their McDonald's . . . Shierling took over the business from his parents in 1996 and was dumbfounded when he got the letter from the EPA in 1999 telling him he was a polluter to the tune of $65,000. Shock turned to defiance, and he's refusing to settle—even though the feds reduced his fine to $47,000.

Meanwhile, Shierling is paying $4,000 a month in legal bills and faces a six figure judgement if he loses. He has been forced to lay off two longtime employees, and says his parents are drawing on their retirement money to help him and his wife support their two young children. Firing loyal workers was one of the hardest things he's ever had to do, he says. He had written a prepared script to help him maintain his composure, but he says he burst into tears any way. Yet he refuses to buckle under. "I just couldn't feel good about saying, 'I'm sorry, here's $47,000, I'm out' . . ."

"Many of those who settle still seethe about the situation . . . Pat McClean . . . was hit for $21,900. He says his trash consisted of chicken bones, potato peelings and soiled napkins. He thought about fighting, but he was demoralized by a recent divorce. McClean is a weekend biker who likens the assessment to a shakedown. 'Paying that $21,900 was like buying a brand new Harley, loading it up with chrome, and handing it over to the EPA' he says."—From "Unintended Victims" by Eric Berkman, Fortune Small Business, July/August 2000

"Most of the cost contributed by our companies to this site didn't clean one ounce of the landfill . . . Of all the money spent, the attorneys received the most . . . It has been reported in our local newspaper that the EPA and the major [potentially responsible parties] PRP's are now suing many of these companies who didn't settle, resulting in more business for the attorneys. As I understand it, these companies will be allowed in later months to bring third party lawsuits. Where will it end? I do not think the law's intent is to place hardships on small business when the ultimate winners are the attorneys, not the environment.

"Who were the companies forced to pay this settlement . . . Some are people in their retirement years. Some are widows whose husbands passed away and they now have this settlement to deal with. Some are sons whose fathers once owned the business and now, years later, they have inherited the problem

. . . Mothers and fathers would have been reluctant to pass a family business—and its liability—to the next generation. We have some men in their late 70's and early 80's that could lose their life's savings when they should be enjoying their retirement years. They are spending their time and money paying the EPA for something they did 25 years ago that was legal . . .

. . . It is needless business pressures like this that destroy small businesses and cause undue pain and hardship. Victimizing small business is not going to help speed the cleanup of Superfund sites." Testimony of Mike Nobis, JK Creative Printers before the Subcommittee on Finance and Hazardous Materials, September 22, 1999

"When examining the few sites that have been cleaned up, the costs associated with such cleanups, coupled with the staggering amount of money that has gone directly to lawyers' coffers, it's easy to see that the fault and liability system currently in Superfund is flawed. Congress may have envisioned a system that would only catch the few, large, intentional or irresponsible polluters, however, the reality has been very different.

. . . The effect of the current liability system is permeating all segments of the small business community. No issue in this very complex public policy debate will have a more direct impact on the present and future economic viability of many small businesses . . . There isn't one segment whether it be a retail store, a professional service business, or a construction business that has not been touched."—Statement for the Record by National Federation of Independent Business (NFIB), for the Subcommittee on Superfund, Waste Control & Risk Assessment, Senate

> Committee on the Environment and Public Works, March 5, 1997
>
> "I am a fourth party defendant in the Keystone Superfund lawsuit. I have been sued by my friends and neighbors. Why did they do this? Upon the advice of attorneys bringing others into the suit, this was the only way they could lessen the amount of their settlements . . . I am being sued for $76,253.71 . . . This legal action has angered, depressed and confused me . . . I obeyed. State, local and Federal regulations. Being forced to defend myself is a travesty of justice. Being forced to pay this settlement would be devastating to my business. Has anyone considered the effect on my employees and their families. Has anyone considered the effect on our community? . . . What is the Superfund law accomplishing? The attorneys are making a fortune, small businesses are unfairly burdened, and the contamination still isn't cleaned up."—Statement of Barbara A. Williams, former owner, Sunny Ray Restaurant, Gettysburg, PA, before the Senate Committee on Environment and Public Works, April 23, 1996
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> "In October 1997, you and I were featured in a '60 Minutes' segment on how the Superfund law unfairly victimizes small-business owers. Since that time you have moved to Washington and I have sold my business. While I congratulate you on your recent appointment as the number two official at the U.S. Environmental Protection Agency, I have not been as fortunate. The sale of my business (Sunny Ray Restaurant) was hampered by the liability forced upon me by the Superfund law. I remain personally liable in the ongoing litigation related to the Keystone Landfill Superfund site. While you and I have publicly agreed that this is a gross miscarriage of justice, the law remains unchanged . . . It will soon be five years since I was brought into this lawsuit. Isn't it time for it to end? Please . . . —Letter from Barbara A. Williams to Michael McCabe, Deputy Administrator of EPA, August 24, 2000.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in strong opposition to this bill. In this body, we normally consider noncontroversial bills on the suspension calendar. Let me assure you, there is a lot of controversy around this bill, as well as confusion and even misrepresentation associated with the bill.

I have letters from the administrator of the Environmental Protection Agency, the Business Roundtable, the New York Attorney General and various environmental groups opposing this bill.

Mr. Speaker, there is opposition to this bill; yet the proponents of this bill would have you believe otherwise. I suppose anyone could get confused, since many of us on both sides of the aisle have agreed for years that clarification of Superfund liability for small businesses and small contributors to the cost of cleanup is a mutually desirable goal. However, while we may have widespread agreement on the goal, we certainly do not have agreement on H.R. 5175.

As my colleagues know, I have been a proponent of Superfund reform. Despite my often-stated willingness to work on this issue, my colleagues introduced H.R. 5175 without any discussion with this side and did not follow the normal committee process for consideration of legislation. This bill was already scheduled for consideration on this suspension calendar when my staff was first invited to provide our concerns about the bill.

Unfortunately, the proponents of the bill have chosen to ignore some of our most significant concerns, as well as our suggestions to postpone floor consideration in order to continue our discussion. We want to work with you, but you must give us an opportunity to do so.

Given this rush, this closed-door, back-door, whatever process they use, I am not surprised that there are mistakes and problems with this bill. New York Attorney General Spitzer, whom I have great respect for, writes that "many companies and individuals who knowingly violated hazardous waste laws would receive exemptions from liability."

I agree with the attorney general that deliberate violators of environmental laws should not be excused from liability, and I believe we should make certain this bill does not produce such results.

The attorney general fears that "hundreds of millions of dollars in costs would be shifted from responsible parties to the State and Federal taxpayers." I am very concerned about these statements, especially coming from the primary enforcing authority of our environmental laws in New York.

Mr. Speaker, at the risk of sounding like a broken record, I will once again reach out to my colleagues and ask that we work together in a bipartisan and consensus fashion to craft a bill that is truly noncontroversial and ripe for consideration on the suspension calendar. Unfortunately, this bill is not.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from New York (Mr. BOEHLERT), who has been such a leader on this critical issue.

Mr. BOEHLERT. Mr. Speaker, H.R. 5175 will end Superfund litigation for the overwhelming number of small businesses across America. That is what we are here about.

As most of my colleagues know, I am a very strong proponent of Superfund reform. Superfund remains a program with flaws, flaws that need to be corrected. This is not to say that changes have not been made, adjustments have not been made, that some progress has not been made; but we need to correct the flaws, and exempting small business is one of the most glaring flaws in the whole bill.

My Subcommittee on Water Resources and Environment have held 13 hearings on the Superfund program. I have heard from dozens of witnesses from small businesses one horror story after another. Let me give you an example.

Mr. Lefelar testified before us. He owns Clifton Adhesive. He was brought into litigation in the GEMS Superfund case in New Jersey because his company's name was written on a ticket for a toll bridge that a waste hauler had in his records. That was it, one toll bridge ticket from 1974. He had no records from 1974 to prove that he did not send waste to the GEMS site, so he was stuck in litigation for 8 years and spent $450,000 in legal fees.

Here is what he told the committee: "The pressure was unbelievable for me. Hundreds of thousands of dollars were being mentioned, possible litigation personally, lifetime personal assets were at risk, loss of home. I was really becoming desperate at this time. About 3 years into this suit, I had to take a look at how much more money we could expend, and we were teetering, actually, it drove us to teetering on the brink of bankruptcy, and here is a company that had been operating since 1945."

Do you know why it was brought into the scheme? Because of one toll ticket.

I have heard from the environmental community. Let me tell you what the NRDC said: "We suggest an exemption for parties who only contributed household-type waste to sites, liability waivers for those who only sent tiny amounts of hazardous materials to a site, that is, de micromis contributors, and aggressive settlements with parties who sent small amounts of hazardous substances to a site, but still have some ability to pay toward cleanup, that is de minimis contributors."

That is what the environmental community said. I agreed with them then; I agree with them now.

Administrator Browner, here is what she said last year: "If you are a small business, if you sent garbage, like the stuff you and I put out every Monday evening," it is Wednesday with me, "for the garbage company to pick up, you should never hear the word Superfund. I think there is not a person up here who does not agree with that." So said Administrator Browner. I agreed with her then; I agree with her now.

Let me tell you, I feel particularly close to the environmental community. I am proud of that affiliation. The Sierra Club and the League of Conservation Voters, sent a letter on the 21st of September outlining some concerns. I would like to be responsive to their concerns, because I think that they are responsible organizations for the most part.

First the LCV letter sent on the 21st of September claims that H.R. 5175, as introduced, could relieve liability for more than small businesses because it did not specify that the employees and revenues of the parent corporations or subsidiaries or affiliates are considered when determining whether a business is small. That is a legitimate concern. The authors of H.R. 5175 never intended to include parents or the big guys. In short, the problem is fixed by this bill.

Second, the LCV letter addresses other concerns that LCV has in the letter. Let me report that the gentleman from Ohio (Mr. OXLEY) and I with our Democrat colleagues, on a bipartisan basis, addressed those concerns and remediated them.

It is time to get the small businesses all across America out of this litigation quagmire. It just is not fair to them, and it is not fair to us to argue on this floor about policy supposedly, when it is really politics below the surface that is driving the opposition.

Mr. TOWNS. Mr. Speaker, I yield 3¼ minutes to the gentleman from Pennsylvania (Mr. BORSKI).

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to H.R. 5175, the Small Business Liability Relief Act. For years now, Members on both sides of the aisle and the administration have been talking about taking certain individuals and truly small businesses out of the Superfund debate.

Since 1994, there has been little disagreement that people who sent garbage to a landfill were unintended targets of the Superfund law. The question has not been whether we should provide liability relief. The question has always been how, and, secondly, who should be eligible.

On the Committee on Transportation and Infrastructure under the leadership of our subcommittee chairman, the gentleman from New York (Mr. BOEHLERT), we worked to resolve this issue in what we believed was a fair and equitable solution to the problems of small business liability under Superfund.

This agreement was included in the legislation that was approved by our committee last summer with overwhelmingly bipartisan support. Unfortunately, no further action has occurred on that bill.

Mr. Speaker, that agreement is not represented in this legislation. In their zeal to pass smaller pieces of the broader Superfund reforms, the proponents of this legislation have chosen instead to grant a blanket absolution for many small businesses from Superfund liability, effectively tying the hands of government in its efforts to prosecute the polluters and shifting the cost of cleanup to the other parties at a site.

This bill would turn U.S. jurisprudence relating to Superfund on its head by shifting the burden of proof from the party seeking the exemption from liability to the Federal Government. Under this bill, the government would have the burden of establishing that a small business was not entitled to exemption because it shipped more than an allowable amount of toxic waste. Remember, this is toxic waste, not harmless trash.

If the government cannot meet this burden, the small business would be exempt from liability, regardless of how toxic the materials they sent for disposal or the threat to human health and the environment from their actions.

The government's burden under this legislation is made even more difficult because the information that the Environmental Protection Agency or the Department of Justice would need to meet this burden is held by the small business, with little incentive for those who would otherwise be liable to turn over such information to the government.

Mr. Speaker, providing liability relief for small business should not be a partisan issue.

Unfortunately, this legislation was developed and drafted without the participation of Democratic leadership of either the Committee on Transportation and Infrastructure or the Committee on Commerce. In fact, the only bipartisan conversations scheduled on this bill were under the condition that, regardless of the outcome, the bill would remain on today's suspension calendar. This is not a way to draft legislation on a subject that, at least in concept, could have the support of all the principal parties involved in the Superfund debate. Also, this is not the way the issues are traditionally handled by the Committee on Transportation and Infrastructure.

Despite major disagreements on issues, including Superfund reform, under the leadership of our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and our ranking member, the gentleman from Minnesota (Mr. OBERSTAR), we have been able to bridge the gap and work together in drafting good, bipartisan legislation. It has been this commitment to work together that has made our committee effective in reaching consensus on difficult issues. That has not been the case with this legislation.

Mr. Speaker, I urge a no vote on this bill.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, my citizens and colleagues and friends in Quincy, Illinois, will not believe this debate, because I want to share with you the story that they have been through.

Nearly 8 years after the landfill closed, the city landfill in Quincy, Illinois, the site was placed on the Superfund National Priorities list and the EPA began working with the city and several large waste contributors to clean up the site.

This is where the proposed order comes into play. Superfund allows EPA and other potential responsible parties to seek contributions from innocent small businesses to pay for the cleanup.

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In Quincy that equals $3 million from 159 small businesses averaging $160,000 per business. The EPA asked Quincy bowling alleys, dairy farms and family-owned restaurants to pay as much as $160,000 per business, despite the fact that these businesses did nothing wrong.

For some small businesses, the amounts they are being asked to pay will mean the difference between breaking even or losing money. Simply put, the current law is costing hard-working American citizens their jobs and their livelihood.

Quincy, Illinois and Gettysburg, Pennsylvania, have been two Superfund sites that we find in the media. However, those two litigation nightmares could happen in any of these Superfund landfills across the United States:

Boaz, Alabama; Alviso, California; Bridgeton, Missouri; Ackerman, Mississippi; Texas City, Texas; Jacksonville, Florida; Wheatcroft, Kentucky; Charleston, West Virginia; Hominy, Oklahoma; Browning, Montana.

Mr. Speaker, I say to my colleagues that their time will come. Their small businesses will be hit by this litigation nightmare and they will close their doors to pay their fees. For this reason I ask this House to support H.R. 5175 and provide relief for the "Mom and Pop" businesses across this Nation.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to this bill. It was only introduced 10 days ago. Copies of the legislation have never been made available to the minority, because the bill has been changed significantly between the time it was introduced and between the time that we are now considering it.

No hearings have been heard. No one has been able to comment efficiently on this. There have been no comments requested from the administration or any other interested parties.

Now, I, like my colleagues on this side of the aisle, favor proper legislation that would establish an exemption from Superfund liability for any person or company, large or small, if they could establish that they sent only a small amount of toxic waste to a site. We have followed established precedents and put the burden on persons who had the facts and records available to show that the toxic waste they sent was less than a threshold amount. That is the proper way. That is how it should be done.

In short, then, the person seeking the benefit from that exemption must demonstrate that he or she qualifies for the exemption. That is how it should be for toxic waste such as dioxins, PCBs, and other noxious and harmful materials.

The legislation before us, unseen, unheard by any committee of this body, turns legal precedents on their head. It creates incentive for businesses or entities to destroy or lose records, or to engage in other rascality, to achieve a preference at the expense of all of the American people. As a result, the other parties at the site, the State or the Federal Government, would have to bear clean-up costs under this legislation, whether the person who was getting the exemption on the basis of a burden imposed upon the Federal Government has achieved a relief from the requirements of law.

This is, I think, why the Business Roundtable, the Justice Department, the Environmental Protection Agency, the entire environmental community and the New York Attorney General have written in opposition to this legislation. They know that it is neither fair nor proper and they know that it has not been properly heard by any committee of the Congress, and no person has been invited to appear here before us to tell us the facts with regard to this legislation.

The legislation is not the legislation which was introduced. The only thing that has been presented to the minority is this curious document, which is not the document which is before us, but which is somewhat changed. This is the way in which we achieve a bad reputation for this body, by bringing legislation to this Congress which is not properly heard and without proper opportunity for consultation or careful consideration.

Mr. Speaker, as I mentioned, it is opposed by almost everyone who has had the opportunity to view it: The League of Conservation Voters, the Business Roundtable, the U.S. Environmental Protection Agency, the U.S. Department of Justice, the Attorney General of the State of New York, the Sierra Club, the Natural Resources Defense Council, Clean Water Action, Friends of the Earth, Environmental Defense all oppose this, both because of the procedure and because of the unfair and improper substance.

Mr. OXLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), who has a very interesting and poignant story about the problems of Superfund.

Mr. GOODLING. Mr. Speaker, I just want to say to my colleagues that I hope none will ever have to go through what I have gone through during the last 8 years. I have had to sit there idly because there was nothing I could do and watch 700 small businesses lose their livelihood. Why did they lose their livelihood? For doing exactly what the State and local government said they had to do with their waste: Put it in the landfill.

The restaurants put the same thing in the landfill that my colleagues and I put in the landfill every day. The wastes from our tables. But yet they have had to go out of business. Why? They have had to pay lawyers day after day after day. They got swept into this because the biggies, first of all, the owner decided that he would get the next eight. And the next eight big contributors to the landfill decided they will get the other 700, who had to do exactly what they did.

So I would hope that this legislation, which will not help my people, it is too late for my people, but I sure hope that none of my colleagues will have to go through what I have had to go through during the last 8 years watching 700 small businesses being put out of business simply because they did what they were instructed to do and what the law told them they had to do.

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for yielding me this time.

Mr. Speaker, this is a bad bill developed through a bad process, and ought to be badly defeated. It has a disarming title: Small Business Liability Relief. But it is nothing other than a wolf in sheep's clothing.

It relieves large businesses of the responsibility for cleanup of toxic wastes such as dioxin, PCBs, nerve gas, by simply letting them include those substances in their trash. That is an egregious circumvention of the Superfund law.

It puts at risk the health and welfare of the public in order to give oil, chemical and other industries a windfall benefit. Our Committee on Transportation and Infrastructure worked for 6 years to develop a bipartisan bill that could have broad support. We reported that bill out by a vote of 69 to 2. It may not be perfect, but it reflects good faith and hard work. This bill does not.

Our bill addressed responsible liability relief for small businesses and makes the liability system more flexible and fair for all parties. This bill does not. The key element of our bill was that it was paid for. It called for the reinstatement of Superfund taxes, guaranteeing cleanup for the next 8 years. This bill creates a favored class of businesses, absolves them of liability, and leaves it up to taxpayers and other parties to pick up the tab.

Since the Superfund taxes expired in 1995, oil, chemical and other industries have enjoyed a $4 million a day tax break, a tax holiday from the refusal to reinstate taxes to pay for Superfund cleanups. They have saved over $6 billion. As the gentleman from Ohio has said, enough indeed is enough.

Mr. Speaker, the majority's refusal to reinstate Superfund taxes is shifting the cost of cleanup on to the taxpayer and States who are footing that bill. This year alone half of the nearly $1.5 billion in Superfund costs was taken from general revenues. We are borrowing from the future, our surplus, in order to provide a $4 million a day tax break for America's biggest polluters. That is wrong.

We ought to be addressing all of Superfund's needs instead of this flawed legislation. We ought to vote "no" on this bad bill.

Mr. OXLEY. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Ohio (Mr. OXLEY) has 7 minutes remaining, and the gentleman from New York (Mr. TOWNS) has 8 minutes remaining.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in support of this good bill developed under a less-than-perfect process for a much, much-needed solution. Much-needed relief to individuals, families, and small businesses that have been unfairly trapped in the litigation nightmare of the Superfund program for the crime of sending ordinary garbage to their local landfill.

It is needless business pressures like this that cause undue pain and hardship for small business. Furthermore, victimizing small business is not going to speed the cleanup of Superfund sites.

This bill will put an end to the current Superfund philosophy that treats small business owners as "guilty until they prove themselves innocent." H.R. 5175 ensures that small business owners are considered innocent until it can be proven they are liable. Furthermore, this legislation limits frivolous lawsuits. A small business' legal fees can be recovered if a small business is wrongly accused of contributing to a Superfund site.

In the end, H.R. 5175 fairly shifts the burden of proof, discourages abusive litigation, and finally focuses resources on the actual cleanup of toxic sites. Granted, broader Superfund reform is sorely needed. But small business liability relief simply cannot wait any longer.

The Environmental Protection Agency has said on a number of occasions that it supports efforts that will fix the Superfund law so it targets real polluters and not innocent small businesses. The delicate fabric compromise between the industry and environmentalists have helped advance the bipartisan Small Business Liability Relief Act, further paving the way to common ground.

All of this being said, with the methods that we have gotten here today, I support this consensus legislation that has been enthusiastically endorsed by the National Federation of Independent Business in order to help rescue innocent small businesses from the Superfund liability trap. With so many points of consensus covered under H.R. 5175 and strong bipartisan support, I am hopeful that my fellow colleagues will join me in passing this measure, marking an end to this unfair system and freeing small business owners from unnecessary liability.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK.)

Mr. STUPAK. Mr. Speaker, I rise in opposition to this bill. As a Member who sits on the Committee on Commerce, I have expressed interest during numerous committee hearings in clarifying the liability for small businesses under Superfund law.

In 1997, I introduced H.R. 2485, along with the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Colorado (Mr. HEFLEY), and Mr. McHale. In 1999, I introduced H.R. 2940. Both of these bills contained provisions that clarify liability for small businesses. Both of these bills would have provided the relief for Barbara Williams of the Keystone Landfill, as well as other similarly situated small businesses. But for years these bills have languished while my majority colleagues held small business hostage to large, cumbersome, and very controversial Superfund bills.

Now in the closing days of this session, and coincidentally close to the elections, my majority colleagues have introduced and simultaneously scheduled this bill for floor action. Yes, we have had hearings on various Superfund bills in committee, but we have not ever examined this bill. We have never had a hearing. We have never had a markup.

In fact, even since it's introduction 10 days ago, this bill has been a moving target. Late last night, the NFIB was calling committee staff proposing additional changes to the bill, yet they refused to postpone the vote on this bill even for a week so that discussions could take place and Members could be informed.

Mr. Speaker, unfortunately, we have a product today that none of us are familiar with and that is opposed by the administration, majority environmental groups like Clean Water Action, the Association of Trial Lawyers of America, and the Business Roundtable.

I ask my colleagues are we playing politics or are we serious about enacting a public law that effectuates good public policy? Let us at least have a chance to review the bill. Democrats would like to have a bill to give greater relief for small businesses, the American Legion, and any other innocent contributor to a landfill. But we must reject this bill as it is being brought to the floor today.

Mr. Speaker, I urge my colleagues to vote "no" on this bill.

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, it has been said several times on the floor that we have had no hearings. That is absolutely ludicrous. Year after year in the Committee on Commerce and in the Committee on Transportation and Infrastructure, we have had hearings. Extensive hearings. Hours and hours and hours and hours of hearings. Dozens of witnesses, one after another. And all from the small business community have said the same thing repeatedly: Get us out of this litigation quagmire. It just is not fair.

We are talking about somebody from Pennsylvania being in the litigation scheme because she sent mashed potatoes to a landfill. We are talking about someone in New York, a small business, being in this litigation quagmire because the small business sent an empty pizza box to the landfill.

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That is absolutely scandalous. What this is all about, when all is said and done, it is about pure politics trying to trump responsible public policy.

There are those fortunately in the minority in numbers who do not want this Congress to do anything constructive this close to legislation. There are those of us from both parties who fortunately will make the majority, when the vote is taken, who are concentrating on shaping responsible public policy, because we are convinced in the final analysis that Republicans and Democrats alike will gain from shaping public policy in a responsible way.

Mr. Speaker, I would suggest that exempting small businesses under very strict conditions is responsible public policy. Guess what? That is what the administration says it wants to do; that is what the administrator of EPA says what it wants to do; that is what environmental groups want to do; that is what we want to do; and that is what my colleagues should want to do.

This is responsible action to deal with a very legitimate problem in a very responsible way.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, first of all, there have been a lot of hearings on Superfund; there have been a lot of hearings on a lot of issues. We admit that. There just have not been any hearings on this bill. Nobody has any idea what is in this bill. This is a little process put together, a secret process. We were not told that there were going to be meetings. We had no ideas which rooms to go to. So the Democrats were not allowed in the room. So it is their own bill.

There were no hearings on it. They do not want to have this bill to have to withstand the scrutiny of public examination, so they just bring it in here today and they say they support taking care of small businesses. Well, we all support taking care of small businesses, we do. That is not the debate here.

The real issue is, by reforming Superfund, by passing this bill, it is a lot like losing weight by swallowing a tapeworm. Yeah, you will get the desired results, but you are going to have a host of additional problems as well. My colleagues are not willing to let everybody here talk about it in public.

Let me go down a few of the things that are wrong with it in our cursory examination of it. The idea is to get these small companies out of the cleanup process who have only contributed a small amount of toxic waste, but the problem with the bill is, they put the burden on the States and on the Federal Government. They do not have the records. The little companies do.

The little companies should come in with the records to get themselves out of trouble; otherwise we are not going to know if some of these little companies did some bad things, but at least they should have the responsibility of bringing all of the information in.

As well it is going to spawn more litigation, rather than less, because it reopens already decided administrative hearings. By the way, my colleagues have done an amazing job. My colleagues have the EPA and the environmental groups and the Business Roundtable all opposed to it. That is an impossible triple. That is the 1-7-10 split in bowling.

My colleagues cannot get the Business Roundtable and the environmentalists opposed to a bill; it is impossible. What my colleagues have done is created a toxic combination of bad policy and bad procedures which contaminate the House procedures, the whole House, because Democrats are not allowed in the room.

Mr. Speaker, the only way to clean up the mess is to defeat the bill out here on the House floor this evening.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, let us be real here. We are not talking about people who send their mashed potatoes or their parking stubs to a garbage site. Everyone in this room and everyone in the Congress shares the same goal, of giving relief to bona fide small businesses who are unfairly targeted in Superfund cleanups.

Mr. Speaker, in fact, as we have heard, there are several excellent bills pending which would achieve this goal, but this bill is filled with corporate loopholes big enough to drive a fleet of garbage trucks through. It is naive to think that by slapping the small business label on this title of legislation Congress would pass a bill that fails to provide real Superfund reform and jeopardizes toxic waste cleanup.

Mr. Speaker, I hope the Members see through this and work to pass legislation that will protect individuals and communities, not corporate interests. This legislation, first of all, applies to businesses of 100 employees without consideration of affiliation and not true small businesses whose contributions to the site are small and the costs of cleanup not significant.

This bill also reverses years of U.S. jurisprudence by shifting the burden for the potential wrongdoing from the wrongdoer to the government.

Mr. Speaker, this big business giveaway is likely to span new litigation and reopen long-closed Superfund cases in an attempt to absolve big business of its responsibility to clean up the toxic messes that it created. It creates incentives for corporate cover-ups so that businesses can hide their responsibility and avoid paying to clean up the contamination. Let us really get serious here.

It is time to pass real Superfund reform that protects true small businesses and communities by assuring that responsible parties clean up their toxic waste. Vote no on H.R. 5175.

Mr. TOWNS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise in opposition to the bill as a member of the Committee on Commerce. I am outraged that we were not able to have any kind of hearings.

Mr. Speaker, I am disturbed that we are here today to vote on H.R. 5175, the Small Business Liability Relief Act. I serve on the Commerce Committee and the relevant subcommittee and I have not seen this bill in a mark-up as of yet. We all want liability relief for small businesses. No one wants to burden small business with the tumultuous process of determining responsible parties of a hazardous waste site.

The bill before us addresses some real concerns but we have not had the time to deliberate some of the more contentious issues. The bill provides blanket immunity for businesses under 100 employees. These are hardly small businesses and in some cases these companies could be the main polluter. In fact, the ambiguous language creates loopholes that would effectually exempt large businesses from paying their share for polluting a particular site. It puts the burden back on taxpayers to cover cleanup costs. The EPA, opposes the bill, the New York Attorney General opposes the bill, and I oppose the bill and urge my colleagues to vote no on H.R. 5175.

Mr. TOWNS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, let me address one of the consequences of this bill, which I hope is unintended but would nevertheless occur. Many of the hazardous waste sites in New York, for example, and in many other States particularly up and down the Eastern Seaboard, were caused or created in whole or in part by small business which are nevertheless controlled by organized crime. We have organized crime dumpers who have been responsible for most of the toxic waste dump sites in the State of New York and in a number of other places up and down the Eastern Seaboard.

This legislation I hope unintentionally would exempt those organized crime cartels who are in many cases the sources of the contamination and who are in almost all cases at least substantially in part responsible for transporting the waste from its places of origin to its place of rest, at least temporary rest, in these toxic and hazardous waste dump sites.

This is a bad bill. It is bad and these bad provisions are there, largely because it has not had the opportunity to be examined and to be seen in its true light. So let us see it for what it is and defeat it because of what it is.

Mr. TOWNS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me say there is no question about it that we have not seen this bill on this side of the aisle; and, of course, if we ask the 435 Members of this body have they seen it. I am certain that about 85 percent to 90 percent of them would say no, we have not seen it. So I think that to legislate in this fashion is not the way to go.

This is a very serious issue, very serious matter; and when we look at the people that are against this legislation, I think that is enough to bring about some kind of reservation and pause on the other side of the aisle to say maybe we should stop at this point and do it right. I think when we look at the fact that the Physicians for Social Responsibility, they are against this. The United States Public Interest Research Group, they are against it. And, of course, Friends of the Earth and we can go on and on, Environmental Defense and Clean Water Act Action, they are all against it in the Sierra Club, and the list goes on and on and on. I do not think that we should do this this kind of way.

I mean, why should we do it in a closed-door kind of thing? Why do we not open up the process and let us deliberate it and see if we cannot come out with something that is really going to make a difference. I hope that my colleagues would look at that; and then if not, then I will ask our friends who are concerned about small businesses to vote no. This is not it.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentleman for the way you have conducted this debate, and I appreciate my friends on the other side of the aisle.

Let me, first of all say, this issue to the Members on the Committee on Transportation and Infrastructure and to the Committee on Commerce is not a new issue. Lord, we have had hundreds of witnesses, scores of hearings, discussions about this.

We have had a bipartisan effort on many occasions, many of the provisions that were in H.R. 2580 and H.R. 1300. Bills that passed both the Committee on Transportation and Infrastructure and to the Committee on Commerce are part and parcel of this small business bill, and I would not be here today if we had not been frustrated by the fact that we are not able to get a comprehensive Superfund reform bill passed.

But in the meantime, the small business owners, the people who suffer, the Barbara Williams in Gettysburg, Pennsylvania, sued for $56,000 for sending chicken bones to the local dump, to the Keystone Dump. Those are the people that are suffering day after day after day.

There is not an individual that was on the Committee on Transportation and Infrastructure or the Committee on Commerce that can stand here and say with any certainty that they did not know what was in this bill or we have not discussed this bill, time and time again in this Congress and any other Congress.

I understand when my colleagues do not have an argument on the substance, my colleagues can talk about the process; but this process has been a good one. We have been working with the EPA over the last several weeks in trying to craft a bill; and, in fact, we only got to one issue that was a critical issue, that was a burden-of-proof issue.

Apparently, my friends on the other side of the aisle cannot quite understand that we think that the burden of proof ought to be on the Federal Government, not on some innocent, small business man who is trying to make a living who is sending chicken bones to the dump.

My friend, the gentleman from Minnesota (Mr. OBERSTAR), talked about an interesting theory that somehow a small business man would mix dioxins with the chicken bones to make some kind of salad to send to the dump. How preposterous is that? In fact, the burden of proof even under his proposal would be on the small businessman to show that he did not do that. It gives us an idea about where we have come in this debate.

This is a bipartisan piece of legislation. We have a number of Members on here from the other side of the aisle, the gentleman from Michigan (Mr. BARCIA), the gentleman from Alabama (Mr. CRAMER), the gentleman from Pennsylvania (Mr. HOLDEN), the gentleman from Texas (Mr. STENHOLM), the gentleman from California (Mr. CONDIT), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Indiana (Mr. ROEMER), the gentleman from Mississippi (Mr. SHOWS), the gentleman from California (Mr. BACA), the gentlewoman from Missouri (Ms. DANNER), the gentleman from Texas (Mr. TURNER), the gentleman from Georgia (Mr. BISHOP), the gentleman from

North Carolina (Mr. McINTYRE), and the gentleman from Texas (Mr. SANDLIN) all responding to small business concerns in their particular congressional districts that have told them they are getting tired of getting ripped off by Superfund, they are getting tired off being ripping off by a program that does not work and costs them money and threatens to put them out of work. I think that is a shame.

Mr. Speaker, we have an opportunity to strike a blow for small business. Let me remind the Members, both here and listening and watching on television, this is an NFIB key vote, NFIB key vote. That is, how Members vote on this legislation will be determined by all of the small businesses in your particular districts. I would ask that they pay attention to that and understand this is critical to the small business survival. Let us not make Superfund the enemy of small business. Let us, Congress, step ahead and save the day on Superfund reform as it relates to small business.

Mr. BLUMENAUER. Mr. Speaker, my goal in serving in Congress is to promote communities that are more livable. We are not going to achieve that goal unless we make significant progress toward cleaning up our Superfund and Brownfield sites. For that reason, I have been a consistent supporter of Superfund and Brownfield legislation in the 106th Congress.

Of all the Superfund and Brownfield bills, it appeared that H.R. 1300 had the greatest chance for passage in the House. Despite significant bipartisan support, Senate leadership has made it clear that H.R. 1300 will not move on their side. I am deeply disappointed that instead of moving H.R. 1300 we are being asked to vote on a controversial bill which I must oppose as will many of my colleagues. Hopefully in the next Congress we will be able to pass genuine Superfund and Brownfield legislation.

Mr. BARCIA. Mr. Speaker, I rise today in support of H.R. 5175, the Small Business Liability Relief Act which is important to the welfare of our nation's small businesses.

H.R. 5175 is bipartisan legislation that will streamline the Superfund process by removing innocent small businesses from liability. I have read this bill. I have looked at the language. It is specifically tailored so that the little guys in our districts will no longer be punished for legally disposing of their household trash. It is written so that the government will finally be able to bring justice to big polluters at Superfund sites trying to shirk their responsibilities for cleanup by suing your innocent small business owners. The big polluters will pay and they will have no excuses.

I have in my office a stack of letters from small business owners throughout my home state of Michigan embroiled in the Superfund process. For seven years, small business owners in my district have complained to me about the enormous costs their businesses have incurred as a result of the flawed Superfund system. For seven years, we have stood on this floor and in committee rooms trying to pass fair, bipartisan legislation that would get them out, while still preserving the original intentions of the program. For seven years, we have failed. Today, we have a chance to succeed. A chance to finally remove innocent small businesses from the process so we can punish the big polluters and finally get these sites cleaned up. This bill is the best chance we have to act as a bipartisan body to start cleaning up the Superfund program.

The time has come to do something to help innocent small business owners in your district and mine, and the vehicle is here: H.R. 5175.

Mr. SHUSTER. Mr. Speaker, I rise in strong support for H.R. 5175, the Small Business Liability Relief Act.

Like most Members of Congress, I know small businessmen in my district who have been caught up in superfund litigation. It is terrible to see the toll it takes on the lives of these individuals. They don't know if they will lose their businesses, or even their homes.

I would like to enact legislation that eliminates superfund liability for everyone. But I recognize that disagreements remain about how to do that, and how to pay for it.

But if there is one thing all of us should be able to agree on, it is liability relief for small businesses that sent only 2 drums of waste or only ordinary garbage to a superfund site.

Congress never intended that these parties be subject to superfund liability.

Please vote "yes" on H.R. 5175.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5175, as amended.

The question was taken.

Mr. TOWNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

# BEACHES ENVIRONMENTAL AWARENESS, CLEANUP, AND HEALTH ACT OF 1999

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".*

***SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.***

*Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:*

*"(i) COASTAL RECREATION WATER QUALITY CRITERIA.—*

*"(1) ADOPTION BY STATES.—*

*"(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).*

*"(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.*

*"(2) FAILURE OF STATES TO ADOPT.—*

*"(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.*

*"(B) EXCEPTION.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.*

*"(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.".*

***SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.***

*(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:*

*"(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—*

*"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;*

*"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;*

*"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and*

*"(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.".*

*(b) REVISED CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:*

*''(9) Revised Criteria for Coastal Recreation Waters.—*

*''(A) In General.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.*

*''(B) Reviews.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, the Administrator shall review and, as necessary, revise the water quality criteria.''.*

**SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

*Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:*

**"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.**

*''(a) Monitoring and Notification.—*

*''(1) In General.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—*

*''(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and*

*''(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).*

*''(2) Level of Protection.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.*

*''(b) Program Development and Implementation Grants.—*

*''(1) In General.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.*

*''(2) Limitations.—*

*''(A) In General.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—*

*''(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);*

*''(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;*

*''(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);*

*''(iv) the State or local government provides a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and*

*''(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.*

*''(B) Grants to Local Governments.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.*

*''(3) Other Requirements.—*

*''(A) Report.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—*

*''(i) data collected as part of the program for monitoring and notification as described in subsection (c); and*

*''(ii) actions taken to notify the public when water quality standards are exceeded.*

*''(B) Delegation.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).*

*''(4) Federal Share.—*

*''(A) In General.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.*

*''(B) Non-Federal Share.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—*

*''(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and*

*''(ii) provided in cash or in kind.*

*''(c) Content of State and Local Government Programs.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—*

*''(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;*

*''(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;*

*''(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—*

*''(A) the periods of recreational use of the waters;*

*''(B) the nature and extent of use during certain periods;*

*''(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and*

*''(D) any effect of storm events on the waters;*

*''(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and*

*''(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);*

*''(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—*

*''(A) the Administrator, in such form as the Administrator determines to be appropriate; and*

*''(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;*

*''(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and*

*''(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.*

*''(d) Federal Agency Programs.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—*

*''(1) protects the public health and safety;*

*''(2) is consistent with the performance criteria published under subsection (a);*

*''(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and*

*''(4) addresses the matters specified in subsection (c) .*

*''(e) Database.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—*

*''(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and*

*''(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—*

*''(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and*

*''(B) the Administrator determines should be included.*

*''(f) Technical Assistance for Monitoring Floatable Material.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.*

*''(g) List of Waters.—*

*''(1) In General.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—*

*''(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and*

*''(B) specifies any waters described in this paragraph for which there is no monitoring and*

*notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).*

*"(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—*

*"(A) publication in the Federal Register; and*

*"(B) electronic media.*

*"(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.*

*"(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—*

*"(1) to conduct monitoring and notification; and*

*"(2) for related salaries, expenses, and travel.*

*"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.".*

**SEC. 5. DEFINITIONS.**

*Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:*

*"(21) COASTAL RECREATION WATERS.—*

*"(A) IN GENERAL.—The term 'coastal recreation waters' means—*

*"(i) the Great Lakes; and*

*"(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.*

*"(B) EXCLUSIONS.—The term 'coastal recreation waters' does not include—*

*"(i) inland waters; or*

*"(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.*

*"(22) FLOATABLE MATERIAL.—*

*"(A) IN GENERAL.—The term 'floatable material' means any foreign matter that may float or remain suspended in the water column.*

*"(B) INCLUSIONS.—The term 'floatable material' includes—*

*"(i) plastic;*

*"(ii) aluminum cans;*

*"(iii) wood products;*

*"(iv) bottles; and*

*"(v) paper products.*

*"(23) PATHOGEN INDICATOR.—The term 'pathogen indicator' means a substance that indicates the potential for human infectious disease.".*

**SEC. 6. INDIAN TRIBES.**

*Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking "and 404" and inserting "404, and 406".*

**SEC. 7. REPORT.**

*(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—*

*(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken to improve the quality of coastal recreation waters;*

*(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and*

*(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.*

*(b) COORDINATION.—The Administrator of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).*

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

□ 1745

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000, which was introduced and championed by the gentleman from California (Mr. BILBRAY). He has been a tireless advocate for monitoring the quality of our Nation's coastal recreation waters.

This issue has been languishing in Congress for years. But thanks to the tenacity of the gentleman from California (Mr. BILBRAY), all the interested parties have come together, come to the table, and we have reached an agreement on a bipartisan basis. That is a tribute, a singular tribute to the gentleman from California (Mr. BILBRAY). It is a privilege to work with him on this very important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill represents a significant step in protecting the health of millions of beach goers. It passed the Senate unanimously. It is supported by the administration, the States, and the environmental community. It is a good bill worthy of our support, and I urge its passage.

I am pleased to lend my support to H.R. 999, the BEACHES bill. This simple, but important legislation aims at protecting our nation's beach goers from unhealthy ocean water quality conditions. Wherever it may be, beach goers, everywhere, have the right to know that the waters they choose to visit are safe for themselves and their families.

Mr. Speaker, this legislation is the product of work conducted over the past few Congresses. Originally introduced by our friend and former colleague, Bill Hughes, in 1990, this issue has subsequently been picked up by our colleagues from New Jersey, Mr. PALLONE and Senator LAUTENBERG, and by the sponsor of this legislation, Mr. BILBRAY from California. I commend these gentlemen for their dedication and their tireless efforts to protect the public from unhealthy water conditions at our nation's beaches. And I am pleased that this time, we will send this important legislation to the President for his signature.

The BEACHES bill advocates three simple principles: First, beach water quality should be monitored. You cannot know whether waters are safe unless the waters are adequately tested. Second, water quality criteria should be uniform. Just as we provide assurances to the public that water supplies will be safe for drinking no matter which state a person happens to be in, the public should feel confident that the public health standards at our Nation's beaches meet minimum, consistent health requirements. And finally, if a health problem is discovered at the beach, the public has the right to prompt, accurate, and effective notification so that they may protect themselves and their families.

In realizing these principals, this legislation authorizes over $30 million in funding for Federal, State, and local partnerships for water quality monitoring and notification. Under this legislation, States and localities would be given the flexibility to tailor their monitoring and notification programs to meet local needs, so long as these programs are consistent with EPA's minimum requirements for the protection of public health and safety. In addition, the BEACHES bill directs the EPA to periodically review and develop revised water quality criteria for coastal areas to ensure we are using the best scientific information available. The public deserves no less. Finally, this legislation requires EPA to maintain a publicly available database of our nation's beaches, listing those beaches that are subject to local monitoring programs, and those that do not. This information will be very helpful to many Americans for vacation planning, so they will know whether the waters at their favorite vacation spot are safe, and will choose accordingly.

Mr. Speaker, I support this important legislation, and urge my colleagues to vote for its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BILBRAY), the author of this bill and the driving force behind it all.

Mr. BILBRAY. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. BORSKI), the ranking member, and the gentleman from New York (Mr. BOEHLERT), chairman of the Subcommittee on Water Resources and Environment. I appreciate the bipartisan way we have approached this issue.

I am glad to see the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, here today who has worked on a lot of water quality issues over the years.

H.R. 999 is really a bipartisan approach to addressing an old problem. What we have done is try to raise not only our environmental strategies to a higher level of outcome-based approaches, but also the political process here in Washington, to one of putting the public's health first ahead of partisan bickering.

It has been a privilege to work with the subcommittee chairman and the ranking members. The gentleman from Pennsylvania (Chairman SHUSTER) has been a leader on this issue. The Senate has taken up the challenge after we passed this on Earth Day a year ago, and they have moved it along.

I would just like to say sincerely that we are talking about a bill, H.R. 999, that will allow the American people to know when their beaches are clean, and if it is safe for their children to go in the water. They will be able to go on the Internet to see that, should one want to go to Ocean City, whether Ocean City be safe enough to be able to surf in this weekend. If one wants to go to San Diego next week, will it be safe at La Jolla, Imperial Beach or Coronado to be able to allow one's children, indeed, allow oneself, to get in the water and enjoy the waves and the ocean.

It will mean that those from the Gulf to the Great Lakes will finally be able to say we know about our water quality and we know if it is safe.

I would just ask every Member here to recognize that this is not just a victory for the environment, it is a victory for this institution and the system because, while we may fight and bicker about a lot of things, when it came to our children and our grandchildren's health, when it came to the safety of our communities and the safety of our families, Democrats, Republicans worked together on this bill. They worked together and found reasons to vote aye.

I want to thank both sides for that kind of cooperative effort. I want to thank my colleagues for not only setting an example here in the House, but I think to the rest of the country that we can work together as Americans for Americans. I think people are going to look back at the Beach bill of 2000 and say, why do we not do more of that? Why do we not work together more? Why do we not help the environment together?

Mr. Speaker, I rise in strong support of H.R. 999, on behalf of all surfers, swimmers, divers, sailors, lifeguards, and all Americans who love the ocean.

This is a real triumph, not only for coastal communities and ocean enthusiasts of all kinds, but in fact for all beach users or visitors all across this country. We've been able to take a strong bill that we passed unanimously in the House last year, and make it even more effective, by taking the perspectives and real life experiences shared with us by local and state public health officials and water administrators, members of the environmental community, and other stakeholders. H.R. 999 reflects what can really be accomplished for the environment by working together in an inclusive and bipartisan manner, and I'm very proud of both the process that produced this important public health bill, and the fact that we are in a position here today to send this bill to the President.

Mr. Speaker, we've come a long way since I first sat down with the Surfrider Foundation and the San Diego Department of Environmental Health to seek their input in the process of drafting what became H.R. 999. Now, no longer will surfers, swimmers, and beach-going families and their children have to serve as the proverbial "canaries in the coal mine". H.R. 999 will provide coastal states with both the incentive and the financial means to develop and implement a specific monitoring and public notification program for its recreational waters, in partnership with local, state, and federal public health officials.

This is a strong step in a new direction, away from a punitive, over-regulatory approach to an inclusive and incentive-based process, which is tailored specifically to encourage the growth and implementation of testing and notification programs that meet the needs of individual communities or regions. What is most effective for water quality testing and subsequent public notification in New Jersey may not be as appropriate along the California coast, or vice versa. This bill recognizes the need for flexibility and partnership in developing these programs, based on strong and current science. One of the problems we've encountered in water quality testing in general is the use of outdated science and methodology; under H.R. 999, that science will be constantly under scrutiny and review to help ensure that the best available information is being used as the foundation for these custom-made programs.

The bottom line is that due to the implementation of this bill, families from across the country will be able to go to the beach with the expectation that it is either safe to go into the water at a given location, or that they will be properly informed if it is not. In many instances, families will be able to go on-line to determine whether a given beach is clean and safe before leaving their house, another example of how H.R. 999 uses current technology to better inform the public.

Mr. Speaker, this is something I'm extremely proud of, but it has been an incredible team effort. I want to particularly thank my colleagues in both the House and Senate, who worked so hard and in a bipartisan fashion to help achieve this wonderful result we have here today. In the House, Water Resources Subcommittee Chairman SHERRY BOEHLERT and full Transportation Committee Chairman BUD SHUSTER, along with their counterparts ROBERT BORSKI and JAMES OBERSTAR, have committed considerable time and energy toward this day. The committee staff deserve particular recognition for the considerable time, attention, and long hours they've focused on this goal, particularly Susan Bodine and Ben Grumbles of the Chairman's staff, and Ken Kopocis of Mr. OBERSTAR's staff.

In the other body, Senate Environment committee Chairman ROBERT SMITH made H.R. 999 a top priority of his Committee, which was already preoccupied with an active pro-environmental agenda, and I am very grateful for the time and resources he devoted to shepherding this bill through the Senate. This success was due in large part to the efforts of John Pemberton, Christy Plummer, and Ann Klee of the EPW committee staff, who did yeoman's work on this issue, as did Jo-Ellen Darcy of Senator BAUCUS' staff. I want to particularly thank my beach bill partner in the Senate, the senior Senator from New Jersey, FRANK LAUTENBERG, who introduced the companion beach bill and has been working on water quality issues throughout his distinguished career in public service. The people of New Jersey will certainly miss his presence in the Senate, but the legacy he's helped shape with this bill will be a permanent reminder of his leadership. I greatly appreciate Senator LAUTENBERG's willingness to work together with me to craft a bill which will do so much for our own constituents, and for all Americans who enjoy the beach. He and Amy Maron of his staff have done their home state proud.

There has been strong support for this effort from the environmental community since my other New Jersey colleague FRANK PALLONE and I first introduced H.R. 2094 back in the 105th Congress, which paved the way for H.R. 999. The Surfrider Foundation, the Center for Marine Conservation, and the American Oceans Campaign have all been strong partners in this shared effort. I want to particularly thank the Surfrider Foundation, for their willingness to work with me from the very early going, and stick with me, to help accomplish this long-shared public health goal. I have to also thank Chris Gonaver of the San Diego County Department of Environmental Health, for providing critical input on the need to provide for a substantive role for local public health officials in crafting and implementing an effective monitoring and notification program that is tailored to fit a specific region.

This kind of brings it full circle for me, Mr. Speaker. Coming from local government myself, and knowing how important it is to have that perspective and expertise applied to any effective environmental or public health strategy, I think that the path we have blazed with H.R. 999 is critical for the success of our current and future environmental strategies. I can't think of any better result or legacy, than for the outcome and incentive-based approach of this Beach Bill, H.R. 999, to be used as a blueprint for the next generation of environmental strategies.

Thanks again to my colleagues and all the stakeholders who worked so hard with me to make this bold step on behalf of our ocean environment and the public health.

Mr. SHUSTER. Mr. Speaker, I congratulate Representative BILBRAY on this bill, H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000. I also thank Representatives OBERSTAR, BOEHLERT and BORSKI, and Senators SMITH, BAUCUS and LAUTENBURG, for their assistance on this legislation.

H.R. 999 amends the Clean Water Act to establish a grant program for States to monitor the safety of coastal recreation waters, and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

Each year over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services.

Public confidence in the quality of our nation's waters is important not only to each citizen who swims or surfs, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

This is a bipartisan bill that uses incentives, not mandates, to improve public health and safety by monitoring the quality of our Nation's coastal waters.

The House passed this bill on April 22, 1999, by voice vote. The Senate passed the bill, with an amendment, on September 20, 2000, by unanimous consent.

The Senate amendment does not make significant changes to the bill.

Like the House-passed bill, the Senate amendment to H.R. 999 gives EPA no new regulatory authorities and contains no intergovernmental or private-sector mandates.

Like the House-passed bill, the grant program established by H.R. 999, as amended, does not provide EPA with an opportunity to micro-manage State monitoring programs if a State chooses to seek Federal assistance.

Under this legislation, EPA is to establish a level of protection for monitoring programs, which will be used to determine if a program is eligible for a grant. But each individual State program determines how that level of protection is reached.

By providing grants this legislation provides incentives to all States to develop monitoring programs that protect public health and safety. This does not mean uniform monitoring programs. This does not mean that EPA may impose a Federal template on States.

Like the House-passed bill, the Senate amendment to H.R. 999 also does not address control of pollution from point or nonpoint sources. It imposes no new mandates, unfunded or otherwise.

Like the House-passed bill, the Senate amendment clarifies that State water quality criteria for pathogens or pathogen indicators for coastal recreation waters must be as protective of human health as EPA's criteria.

This does not mean that States must adopt criteria that are identical to those that have been published by EPA. States adopt water quality criteria under section 303(c) of the Clean Water Act and continue to have the flexibility, provided under that section to change EPA's criteria based on site-specific conditions, or to adopt different, scientifically-justified criteria.

Thus, if a State can demonstrate that the pathogen indicators that it is using are as protective of human health as the criteria for pathogen indicators that EPA has published, a State may continue to use its existing criteria.

The House-passed bill provided that the information database authorized under section 406(e) is intended to be information on exceedances of water quality standards in coastal recreation waters only. This database does not address other matters. The Senate amendment further specifies that the source of that information is to be from State and local monitoring programs only.

Like the House bill, the Senate amendment provides for EPA implementation of a monitoring and notification program only in situations where a State is not implementing a program that protects public health and safety.

The bill does not provide for partial EPA implementation and partial State implementation of a monitoring and notification program.

In addition, EPA's duty to conduct a monitoring and notification program is subject to the same conditions as a State program. This means that EPA has the same flexibility that States are provided to target available resources to those waters that it determines are the highest priorities.

Finally, like the House-passed bill, the Senate amendment provides that the term "coastal recreation waters" includes only the Great Lakes and waters that are adjacent to the coastline of the United States. "Coastal recreation waters" is not synonymous with the "coastal zone" as defined under the Coastal Zone Management Act. The Senate amendment further clarifies in bill language that geographic scope of this act does not include any inland waters and does not extend beyond the mouth of any river or stream or other body of water having unimpaired natural connection with open sea.

I urge all Members to support H.R. 999, as amended.

Mr. HORN. I thank the gentleman from California, Mr. BILBRAY, for all of his hard work on H.R. 999, the Beaches Environmental Assessment and Coastal Health Act of 2000. I strongly urge that we pass this much needed environmental initiative today.

As a Representative from California, with beautiful beaches stretching along the coastal areas in my district, I have seen first-hand the need to establish national safety standards for monitoring coastal recreation waters. Beachgoers in my district and across the nation are often forced to postpone their recreational plans due to contamination by urban runoff or sewage spills. Swimming along California's shore should not pose a potential health hazard. However, in 1999, Lost Angeles County—including Long Beach—issued advisories or closed beaches 460 times.

H.R. 999 addresses this problem by providing effective mechanisms to ensure that beach water quality is monitored and safe for recreational use. The bill amends the Clean Water Act to establish a grant program for states to monitor coastal recreation waters. It also sets a deadline for updating state water quality standards to protect the public from disease-carrying pathogens. I should also mention that updated water quality standards are not only good for public health, but also for the environment—cleaner waters mean healthier marine animals and protected aquatic habitats.

Each year over 180 million people visit coastal waters for recreational purposes. I believe we owe it to each citizen of our nation to pass this bill and ensure that they can enjoy safe, hazard-free coastal waters. I strongly urge my colleagues to join me in supporting final passage of H.R. 999.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISAKSON). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 999.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

## EFFIGY MOUNDS NATIONAL MONUMENT ADDITIONS ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3745) to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa, as amended.

The Clerk read as follows:

H.R. 3745

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Effigy Mounds National Monument Additions Act".*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) MAP.—The term "map" means the map entitled "Proposed Boundary Adjustments/Effigy Mounds National Monument", numbered 394/80035, and dated May 1999.*

*(2) MONUMENT.—The term "Monument" means the Effigy Mounds National Monument, Iowa.*

*(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

***SEC. 3. ADDITIONS TO EFFIGY MOUNDS NATIONAL MONUMENT.***

*(a) IN GENERAL.—The Secretary may acquire by purchase, from willing sellers only, each of the parcels described in subsection (b).*

*(b) PARCELS.—The parcels referred to in subsection (a) are the following:*

*(1) FERGUSON/KISTLER TRACT.—The parcel consisting of approximately 1054 acres of undeveloped, privately-owned land located in portions of secs. 28, 29, 31, 32, and 33, T. 95 N., R. 3 W., Fairview Township, Allamakee County, Iowa, as depicted on the map.*

*(2) RIVERFRONT TRACT.—The parcel consisting of approximately 50 acres of bottom land located between the Mississippi River and the north unit of the Monument in secs. 27 and 34, Fairview Township, Allamakee County, Iowa, as depicted on the map.*

*(c) BOUNDARY ADJUSTMENT.—On acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within the boundary of the Monument pursuant to this subsection shall be administered by the Secretary as part of the Monument.*

*(d) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3745, introduced by the gentleman from Iowa (Mr. NUSSLE), authorizes the Secretary of the Interior to purchase two tracts of land from willing sellers for addition into the Effigy Mounds National Monument. The gentleman from Iowa (Mr. NUSSLE) deserves credit for crafting this legislation which protected the rights of property owners while also helping to expand the Effigy Mounds for the public enjoyment.

Mr. Speaker, Effigy Mounds is located in northeastern Iowa along the Mississippi River and borders Wisconsin. Currently, the 1,481-acre Monument protects approximately 200 mound sites built by Eastern Woodland Indians from about 500 BC to 1300 AD. Although prehistoric mounds are common from the Midwest to the Atlantic Seaboard, they seldom are found in an effigy outline of mammals, birds, or reptiles. The 200 mounds, including the 29 effigy mounds, are thought to have served a variety of purposes such as territory markers, burials, or other cultural activities.

H.R. 3745 authorizes the acquisition of two parcels of land from willing sellers in order to expand the boundaries of the existing monument. The Iowa Natural Heritage Foundation has negotiated the purchase of the Ferguson-Kistler Tract which represents the largest of the parcels. This tract also contains two effigy mounds and numerous other historic and prehistoric sites. The State of Iowa owns the second parcel.

Mr. Speaker, an amendment was passed during committee proceedings on this bill which excluded those landowners not wanting to be within the boundaries. The gentleman from Iowa (Mr. NUSSLE) worked hard to make sure these property owners are protected. Now this bill is ready to move forward.

I urge my colleagues to support H.R. 3745, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Park Service has identified several parcels of land near the existing boundaries of the Effigy Mounds National Monument in Northeastern Iowa that would be valuable additions to the Monument.

H.R. 3745, as introduced by the gentleman from Iowa (Mr. NUSSLE) would have authorized the Secretary to purchase all of these parcels from willing sellers only and to adjust the boundaries of the Monument to include these lands, once they were acquired. As introduced, the bill was identical to legislation sponsored by Senator GRASSLEY.

However, members of the majority staff of the Subcommittee on National Parks and Public Lands contacted the owners of the tracts included in the legislation; and after those contacts, three of these owners no longer wish to be included in the legislation. As a result, an amendment was adopted by the committee striking these parcels from the bill.

It is unfortunate that this change was made. It is difficult to imagine what could have caused these landowners concerns given that the bill specifies that the properties may only be purchased if the owners want to sell and may only be added to the Monument after they are acquired.

The only effect of passage of the bill as introduced would have been to add the Federal Government to the list of potential buyers if and when these landowners decided to sell their property. Adoption of the committee amendment, however, means that approval of a second measure allowing the Federal Government to bid on these properties if they ever come on the market will be required.

As introduced, H.R. 3745 was a straightforward bill allowing the Federal Government to bid on significant lands near a national monument. We continue to support this legislation, but the changes made to the bill make it more likely that lands which might have been preserved will someday be developed.

We urge our colleagues to support H.R. 3745 as well as the future legislation that will be required to complete the process of adding these important parcels to this national monument.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the author of this bill.

Mr. NUSSLE. Mr. Speaker, I would like to first thank the gentleman from Utah (Chairman HANSEN) who has been a strong advocate and supporter of this legislation, who has held hearings. As my colleagues can tell by his opening statement here today, as well as the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the ranking member, they know quite a bit about this very small, yet very significant historical monument in northeast Iowa.

This year we have the opportunity to expand this monument and preserve more mounds. This is a project that the Iowa Natural Heritage Foundation has put together. It is a plan to purchase 1,000 acres, as has been said.

This parcel of land that we talk about today has been sought after by the National Park Service since the Monument's establishment by proclamation by President Truman back in 1949. So this has been a long time in coming. This is a very significant day.

Anthropologists estimate that there were thousands of these Indian burial mounds built on the North American continent. However, effigy mounds are primarily located today in northeast Iowa, southeastern Minnesota, and western Wisconsin. They were constructed, by some estimates, over the course of the last 2,500 years.

The mounds inside the Effigy Mounds National Monument are a representative and very outstanding example of a significant phase of prehistoric American Indian mound-building culture. The tract that we talked about here today would be a valuable addition to the monument because not only of its natural beauty and historical significance, but this tract is known to contain four additional mounds, two linear forms as well as two bears, the outline of a bear. It includes not only endangered plant and animal species along the Yellow River, but additionally, and interestingly enough, this property was the site of Iowa's first sawmill, which was powered by water and managed by none other than Jefferson Davis.

I believe that expanding the Monument's current boundaries to include the Ferguson-Kistler Tract would be a wise step.

Mr. Speaker, I am a very strong supporter of private lands and private ownership. Iowa has less than 2 percent of its land in other than privately owned hands. We do not come to this floor without concern for private property, and that is why this bill has been crafted for willing sellers only. But we have willing sellers.

This is a strong piece of legislation to enhance the beauty and historical significance of this park. I ask my colleagues to support H.R. 3745. I thank the committee and the gentleman from Utah (Chairman HANSEN) for their diligent work on this.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3745, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4613) to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program, as amended.

The Clerk read as follows:

H.R. 4613

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "National Historic Lighthouse Preservation Act of 2000".*

**SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

*Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w-6) is amended by adding at the end the following new section:*

**"SEC. 308. HISTORIC LIGHTHOUSE PRESERVATION.**

*"(a) In General.—In order to provide a national historic light station program, the Secretary shall—*

*"(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;*

*"(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;*

*"(3) sponsor or conduct research and study into the history of light stations;*

*"(4) maintain a listing of historic light stations; and*

*"(5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.*

*"(b) Conveyance of Historic Light Stations.—*

*"(1) Process and Policy.—Not later than one year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.*

*"(2) Application Review.—The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the state in which the historic light station is located.*

*"(3) Conveyance of Historic Light Stations.—(A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105–383).*

*"(B)(i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.*

*"(ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.*

*"(iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.*

*"(iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.*

*"(c) Terms of Conveyance.—*

*"(1) In General.—The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that—*

*"(A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;*

*"(B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;*

*"(C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;*

*"(D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the state in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;*

*"(E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;*

*"(F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;*

*"(G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and*

*"(H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.*

*"(2) Maintenance of Aid to Navigation.—Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.*

*"(3) Reversion.—In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—*

*"(A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;*

*"(B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;*

*"(C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;*

*"(D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;*

*"(E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or*

*"(F) at least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.*

*"(d) Description of Property.—*

*"(1) In General.—The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.*

*"(2) Artifacts.—Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.*

*"(3) COVENANTS.—All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.*

*"(4) SUBMERGED LANDS.—No submerged lands shall be conveyed under this section.*

*"(e) DEFINITIONS.—For purposes of this section:*

*"(1) ADMINISTRATOR.—The term 'Administrator' shall mean the Administrator of General Services.*

*"(2) HISTORIC LIGHT STATION.—The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; provided that the 'historic light station' shall be included in or eligible for inclusion in the National Register of Historic Places.*

*"(3) ELIGIBLE ENTITY.—The term 'eligible entity' shall mean:*

*"(A) any department or agency of the Federal Government; or*

*"(B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—*

*"(i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and*

*"(ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).*

*"(4) FEDERAL AID TO NAVIGATION.—The term 'Federal aid to navigation' shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.*

*"(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.".*

**SEC. 3. SALE OF HISTORIC LIGHT STATIONS.**

*Title III of the National Historic Preservation Act (16 U.S.C. 470w, 470w–6), as amended by section 2 of this Act, is amended by adding at the end the following new section:*

**"SEC. 309. HISTORIC LIGHT STATION SALES.**

*"(a) IN GENERAL.—In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.*

*"(b) NET SALE PROCEEDS.—Net sale proceeds from the disposal of a historic light station—*

*"(1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103–451) within the Department of the Interior; and*

*"(2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.".*

**SEC. 4. FUNDING.**

*There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

☐ 1800

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4613 was introduced by the gentleman from Indiana (Mr. SOUDER) and amends the National Historic Preservation Act for purposes of establishing a National Historic Lighthouse Preservation Program. This legislation has been a long time coming, and the gentleman from Indiana is to be congratulated in working hard to get all parties to agree to this bill.

Specifically, H.R. 4613 establishes a process for the conveyance of excess historic lighthouses from Federal ownership to eligible entities who have agreed to the terms and conditions of the conveyance. Eligible entities can include Federal, State or local agencies, along with nonprofit corporations and community development organizations.

The bill also provides for the establishment of a national historic light station program to collect information on, foster educational programs relating to, and maintaining a listing of historic light stations.

Mr. Speaker, lighthouses and light stations have long played an important role in our Nation's history. Today, the United States has the largest number of lighthouses, as well as the most diverse collection of light stations, in any country in the world. There are 633 lighthouses built before 1939 and classified as historic. The majority of these lighthouses are owned by the Federal Government. A number of historic lighthouses have been leased to local communities and nonprofit lighthouse friends groups for parks, recreation, and educational purposes. The costs associated with maintaining a historic lighthouse in compliance with National Historic Preservation standards can be significant.

Federal agencies with direct responsibilities for these lighthouses have begun to look for an alternative means for efficient management and reducing costs. However, current procedures for disposal of these sites do not guarantee that all historic light stations will be protected. H.R. 4613 would alleviate these problems by providing a mechanism to ensure that light stations will be protected not only for their significant historic values but also for architectural contributions.

Mr. Speaker, this bill is supported by the minority and the administration. It serves a very important purpose, and I urge my colleagues to support H.R. 4613, as amended.

Mr. Speaker, I submit for the RECORD letters to and from the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Alaska (Mr. YOUNG) regarding this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
*Washington, DC, September 21, 2000.*

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR MR. CHAIRMAN: I ask your help in scheduling H.R. 4613, authored Congressman Mark Souder, for consideration by the House of Representatives as soon as possible.

H.R. 4613 was referred solely to the Committee on Resources, but I believe that your committee has a jurisdictional interest in the bill. The bill amends the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program. The bill was introduced on June 8, 2000, and the Subcommittee on National Parks and Public Lands held a hearing on the bill on July 13, 2000. The Committee on Resources ordered the bill favorably reported with technical amendments by voice vote on September 13, 2000. My staff has forwarded a copy of the bill report to your staff for review.

Because the House has less than 3 weeks before the target adjournment, I ask that you not seek a sequential referral of the bill. This action would not be considered as precedent for any future referrals of similar measures or seen as affecting your Committee's jurisdiction over the subject matter of the bill. Moreover, if the bill is conferenced with the Senate, I would support naming Transportation and Infrastructure Committee members to the conference committee.

I look forward to your response and would be pleased to include it and this letter in the report on H.R. 4613.

Sincerely,

DON YOUNG, *Chairman.*

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COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
*Washington, DC, September 26, 2000.*

Hon. DON YOUNG,
*Chairman, Committee on Resources,*
*Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4613, the National Historic Lighthouse Preservation Act of 2000. The Transportation and Infrastructure Committee has a jurisdictional interest in this bill, to the extent that it may affect Coast Guard lighthouses and adjacent property that have not been declared excess to the needs of the Coast Guard and transferred to the General Services Administration for disposal. However, we have reviewed H.R. 4613, and agree not to request a sequential referral of this bill.

I appreciate your acknowledgement that this action will not be considered as precedent for future referrals of similar measures or affect the Transportation and Infrastructure Committee's jurisdiction over the subject matter of the bill. I also appreciate your support for naming Transportation and Infrastructure members to the conference committee on H.R. 4613.

With kind personal regards,
Sincerely,
BUD SHUSTER, *Chairman.*

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, H.R. 4613, sponsored by the gentleman from Indiana (Mr. SOUDER), would amend the National Historic Preservation Act to create a program under which historic lighthouses might be transferred to State, local, or private ownership. Such a program is needed as technological developments render more and more of these properties outdated. It would be a shame, indeed, if historical and educational values of these old lighthouses were lost to all Americans simply because they are no longer needed by the ship captains.

Mr. Speaker, we support H.R. 4613, and we urge our colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), the author of this legislation.

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Utah (Mr. HANSEN) for moving this bill forward, as well as the ranking minority member, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), and his cosponsorship. I very much appreciate the bipartisan effort that we have been able to develop on this bill.

I also want to publicly thank Senator MURKOWSKI of Alaska, who has been the leader in passing this in the last Congress in the Senate and through the Committee on Resources this time, and I hope we can finally get this bill done.

This bill would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior. It also directs an improved process for conveying historic lighthouses. It has not been fair that some community organizations have worked to preserve and restore these lighthouses only in the conveyance process to have to go through a bidding process where first government agencies sometimes get a crack at it, other times private entities, and the very groups that worked so hard to preserve it get to be last in line. This, I believe, will correct that.

When a historic lighthouse has been deemed excess to the needs of the Federal Government, the General Services Administration will convey it, for free, so the groups do not get in a bidding war, to a selected entity for education, park, recreation, cultural, and historic preservation purposes. It is important to note that groups selected for conveyance will be obligated to maintain the integrity of these historic structures. In fact, lighthouses conveyed pursuant to this act would convert back to the Federal Government if the property ceases to be used for education, park, recreation, cultural or historic preservation purposes; or if it is not maintained in compliance with the National Historic Preservation Act.

Having public access to these lighthouses is extremely important, and there are many more lighthouses, more than we have had in the many years up to this point that are about to be conveyed into the private sector. I have a couple of beautiful models from my office to illustrate this point. This is near Stony Brook on Long Island at Old Field Lighthouse. Here the local town uses this building for a community office and then the public can arrange tours to go through the lighthouse. That is a multiple-use purpose where the public can still appreciate this beautiful lighthouse.

I brought this one from my office today, the Spectacle Reef in the Great Lakes region, to illustrate another point that I want to make sure the legislative language reflects. Some of these are out in the middle of the Great Lakes, or off the shore in the ocean, or in Chesapeake Bay. Those lighthouses, we need to understand, will not have the same public access as would a lighthouse on the shore. While that is not in the bill, I think we understand that and it has been a point brought to our attention by the Great Lakes lightkeepers.

Mr. Speaker, I want to thank the chairman again for his leadership, and I submit for the RECORD testimony offered at a hearing held before the Subcommittee on National Parks and Public Lands regarding this topic:

### TESTIMONY OF RICHARD L. MOEHL, PRESIDENT, GREAT LAKES LIGHTHOUSE KEEPERS ASSOCIATION

The Process and Policy process of this Bill (H.R. 4613) will determine the success of the legislation.

1. Off-shore and remote light stations deserve special considerations.

a. Seasonal and weather related access limits the practical and productive time at these light stations.

b. The cost of restoring and preserving these light stations is five to ten times the cost of restoring and preserving a drive-up-to light station.

c. Sanitation conditions are a challenge. Taking care of human waste is different today than when these light stations were originally operated. This may be THE major problem in restoring offshore lighthouses. A solution MUST be found.

d. Boat expenses for mooring, insurance, inspections, maintenance and operations can run into the tens of thousands of dollars per year.

2. The "open to the public" portion of the Bill needs some"teeth" put into the Process and Policy decision. Regulations are needed such as the prohibition of alcohol and tobacco products at the light station. We see too many boaters smoking and with alcohol products in hand visiting the St. Helena Island Light Station. Prohibition of these risky activities would carry more enforcement weight if included in deeds.

3. The limitation on commercial activities cannot exclude fund raising for restoration, preservation and operational expenses.

4. Michigan Lighthouse Project: This collaboration of agencies and organizations to facilitate the transfer of historic light stations in the State of Michigan can be a model for other states and regions.

5. The State of Michigan, and possibly other states, has a law of public trust that prohibits certain uses of bottomlands upon which the off-shore lights in the State of Michigan are built. The interpretation of this "public trust" needs to be resolved in order for any of these light stations to be transferred. In the meanwhile long-term leases can transfer control; but there needs to be a little transfer provision for the lessee should the public trust law be resolved.

6. All eligible entities need to have access to surplus Federal personal property i.e. generators, boats and other needed supplies.

7. Group insurance, liability and theft vandalism for valuable historic artifacts, coordinated with these transfers needs to be a consideration.

8. A National Lighthouse Preservation Fund should be put into place. Upwards of $750,000 can be spent abating, stabilizing, dealing with public health issues, and completing a Historic Structures Report to begin the needed restoration process.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4613, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## WILLING SELLER AMENDMENTS OF 2000 TO THE NATIONAL TRAILS SYSTEM ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2267) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2267

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Willing Seller Amendments of 2000 to the National Trails System Act".*

***SEC. 2. FINDINGS.***

*Congress makes the following findings:*

*(1) In spite of commendable efforts by the governments of States and political subdivisions of*

*States and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails (referred to in this Act as the "trails"), the rate of progress towards developing and completing the trails is slower than anticipated.*

*(2) Nine national scenic and historic trails were authorized by Congress between 1978 and 1986 with restrictions totally excluding Federal authority for land acquisition. To complete these trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding condemnation, should be extended to the Secretary administering those trails.*

### *SEC. 3. SENSE OF CONGRESS.*

*It is the sense of Congress that in order to address the problems involving multijurisdictional authority over the national trails system, the head of each Federal agency with jurisdiction over an individual trail should—*

*(1) cooperate with appropriate officials of States and political subdivisions of States and private persons with an interest in the trails to pursue the development of the trails; and*

*(2) be granted sufficient authority to purchase lands from willing sellers that are critical to the completion of the trails.*

### *SEC. 4. INTENT.*

*It is the intent of Congress that lands or interests in lands for the 9 components of the National Trails System affected by this Act shall only be acquired by the Federal Government from willing sellers.*

### *SEC. 5. AMENDMENTS TO THE NATIONAL TRAILS SYSTEM ACT.*

*The National Trails System Act (16 U.S.C. 1241 et seq.) is amended—*

*(1) in section 5(a)—*

*(A) in the fourth sentence of paragraph (11)—*

*(i) by striking "No lands or interest therein outside the exterior" and inserting "No lands or interest in lands outside of the exterior"; and*

*(ii) by inserting before the period the following: "without the consent of the owner of the land or interest"; and*

*(B) in the fourth sentence of paragraph (14)—*

*(i) by striking "No lands or interests therein outside the exterior" and inserting "No land or interest in land outside of the exterior"; and*

*(ii) by inserting before the period the following: "without the consent of the owner of the land or interest"; and*

*(2) in section 10(c), by striking paragraph (1) and inserting the following new paragraph:*

*"(c)(1) Notwithstanding any other provision of law (including any other provision of this Act), no funds may be expended by the Federal Government for the acquisition of any land or interest in land outside of the exterior boundaries of existing Federal lands for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Nez Perce National Historic Trail, the Lewis and Clark National Historic Trail, or the Iditarod National Historic Trail, except with the consent of the owner of the land or interest. If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land transferred under this paragraph, the seller may avail himself of all remedies available under all applicable law, including electing to void the sale.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2267, introduced by the gentleman from Colorado (Mr. McINNIS), amends the National Trails Systems Act to clarify Federal authority relating to land acquisition from willing sellers. The gentleman from Colorado is to be commended for correcting a long-standing problem with the National Trails System Act.

Mr. Speaker, under the existing statute, nine national scenic and historic trails have restrictions preventing the Federal Government from acquiring land from the trails outside of the exterior boundaries of any federally administered area. This bill would allow lands to be purchased by the Federal Government. However, H.R. 2267 specifically provides that such purchase can only be made with the consent of the owner of the land or interest.

Mr. Speaker, I urge my colleagues to support H.R. 2267, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as currently written, the National Trails Systems Act authorizes the Federal Government to acquire property for use as part of a national trail in some cases and not in others. Still in other instances, Federal authority regarding land purchases under the act is simply unclear. The development of a system of trails that is truly national in scope has been slower than supporters of the program had hoped, and we fear that this inconsistency regarding Federal land acquisition may be a contributing factor.

H.R. 2267 has strong bipartisan support, and it will amend the act to specify that as long as there is a willing seller, the Federal Government may acquire land under the Trails Act. We support such a change in the hope that clarity on this issue will allow the development of a national trails system to progress more quickly. We urge our colleagues to support H.R. 2267.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. McINNIS), the author of this legislation.

Mr. McINNIS. Mr. Speaker, first of all, I would like to extend special recognition to two individuals in Colorado, Bruce and Paula Ward, who have given deep devotion to the Continental Divide Trail; and without their efforts, we would not be able to see progress like we have seen.

With that said, I want to thank the chairman, the gentleman from Utah (Mr. HANSEN). I also want to thank Tod and Allen for their efforts in regard to this. And last, but not least, I also want to thank the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. Speaker, I think that the chairman of the committee, the gentleman from Utah, has adequately explained the bill in its fullness and within all four corners.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2267, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## LINCOLN COUNTY LAND ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2752) to give Lincoln County, Nevada, the right to purchase at fair market value certain public land located within that county, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### *SECTION 1. SHORT TITLE.*

*This Act may be cited as the "Lincoln County Land Act of 2000".*

### *SEC. 2. FINDINGS AND PURPOSE.*

*(a) FINDINGS.—Congress finds that—*

*(1) Lincoln County, Nevada, encompasses an area of 10,132 square miles of the State of Nevada;*

*(2) approximately 98 percent of the County is owned by the Federal Government;*

*(3) the city of Mesquite, Nevada, needs land for an organized approach for expansion to the north;*

*(4) citizens of the County would benefit through enhanced county services and schools from the increased private property tax base due to commercial and residential development;*

*(5) the County would see improvement to the budget for the county and school services through the immediate distribution of sale receipts from the Secretary selling land through a competitive bidding process;*

*(6) a cooperative approach among the Bureau of Land Management, the County, the City, and other local government entities will ensure continuing communication between those entities;*

*(7) the Federal Government will be fairly compensated for the sale of public land; and*

*(8) the proposed Caliente Management Framework Amendment and Environmental Impact Statement for the Management of Desert Tortoise Habitat Plan identify specific public land as being suitable for disposal.*

*(b) PURPOSES.—The purposes of this Act are—*

*(1) to provide for the orderly disposal of certain public land in the County; and*

*(2) to provide for the acquisition of environmentally sensitive land in the State of Nevada.*

### *SEC. 3. DEFINITIONS.*

*In this Act:*

*(1) CITY.—The term "City" means the city of Mesquite, Nevada.*

*(2) COUNTY.—The term "County" means Lincoln County, Nevada.*

*(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.*

*(4) SPECIAL ACCOUNT.—The term "special account" means the account in the Treasury of the United States established under section 5.*

***SEC. 4. DISPOSAL OF LAND.***

*(a) DISPOSAL.—*

*(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, notwithstanding the land use planning and land sale requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation with the County and the City, in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law, and subject to valid existing rights, shall dispose of the land described in subsection (b) in a competitive bidding process, at a minimum, for fair market value.*

*(2) TIMING.—The Secretary shall dispose of—*

*(A) the land described in subsection (b)(1)(A) not later than 1 year after the date of enactment of this Act; and*

*(B) the land described in subsection (b)(1)(B) not later than 5 years after the date of enactment of this Act.*

*(b) LAND DESCRIPTION.—*

*(1) IN GENERAL.—The land referred to in subsection (a) is the land depicted on the map entitled "Public Lands Identified for Disposal in Lincoln County, Nevada" and dated July 24, 2000, consisting of—*

*(A) the land identified on the map for disposal within 1 year, comprising approximately 4,817 acres; and*

*(B) the land identified on the map for disposal within 5 years, comprising approximately 8,683 acres.*

*(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Ely Field Office of the Bureau of Land Management.*

*(c) SEGREGATION.—Subject to valid existing rights, the land described in subsection (b) is segregated from all forms of entry and appropriation (except for competitive sale) under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.*

*(d) COMPLIANCE WITH LOCAL PLANNING AND ZONING.—The Secretary shall ensure that qualified bidders intend to comply with—*

*(1) County and City zoning ordinances; and*

*(2) any master plan for the area developed and approved by the County and City.*

***SEC. 5. DISPOSITION OF PROCEEDS.***

*(a) LAND SALES.—Of the gross proceeds of sales of land under this Act in a fiscal year—*

*(1) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;*

*(2) 10 percent shall be returned to the County for use as determined through normal county budgeting procedures, with emphasis given to support of schools, of which no amount may be used in support of litigation against the Federal Government; and*

*(3) the remainder shall be deposited in a special account in the Treasury of the United States (referred to in this section as the "special account") for use as provided in subsection (b).*

*(b) AVAILABILITY OF SPECIAL ACCOUNT.—*

*(1) IN GENERAL.—Amounts in the special account (including amounts earned as interest under paragraph (3)) shall be available to the Secretary of the Interior, without further Act of appropriation, and shall remain available until expended, for—*

*(A) inventory, evaluation, protection, and management of unique archaeological resources (as defined in section 3 of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb)) in the County;*

*(B) development of a multispecies habitat conservation plan in the County;*

*(C)(i) reimbursement of costs incurred by the Nevada State Office and the Ely Field Office of the Bureau of Land Management in preparing sales under this Act, or other authorized land sales within the County, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and any public notice; and*

*(ii) processing public land use authorizations and rights-of-way stemming from development of the conveyed land; and*

*(D) the cost of acquisition of environmentally sensitive land or interests in such land in the State of Nevada, with priority given to land outside Clark County.*

*(2) ACQUISITION FROM WILLING SELLERS.—An acquisition under paragraph (1)(D) shall be made only from a willing seller and after consultation with the State of Nevada and units of local government under the jurisdiction of which the environmentally sensitive land is located.*

*(c) INVESTMENT OF SPECIAL ACCOUNT.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.*

***SEC. 6. ACQUISITIONS.***

*(a) DEFINITION OF ENVIRONMENTALLY SENSITIVE LAND.—In this section, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which by the United States would, in the judgment of the Secretary—*

*(1) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;*

*(2) enhance recreational opportunities and public access;*

*(3) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or*

*(4) otherwise serve the public interest.*

*(b) ACQUISITIONS.—*

*(1) IN GENERAL.—After the consultation process has been completed in accordance with subsection (c), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Land may not be acquired under this section without the consent of the landowner.*

*(2) USE OF OTHER FUNDS.—Funds made available from the special account may be used with any other funds made available under any other provision of law.*

*(c) CONSULTATION.—Before initiating efforts to acquire land under this subsection, the Secretary shall consult with the State of Nevada and with local government within whose jurisdiction the land is located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition.*

*(d) ADMINISTRATION.—On acceptance of title by the United States, land and interests in land acquired under this section that is within the boundaries of a unit of the National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—*

*(1) shall become part of the unit or area without further action by the Secretary; and*

*(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first would like to thank my colleague, the gentleman from Nevada (Mr. GIBBONS), for his efforts in introducing this bill. He has worked diligently in preparing this legislation, and I urge the Members' consideration and support of H.R. 2752.

This bill would grant Lincoln County, Nevada, the exclusive right to purchase pieces of public land at fair market value for a 10-year period. The bill would also withdraw such lands from all forms of entry and appropriations under public land laws, including the mining law, and from operation of the mineral leasing and geothermal laws during the 10-year period.

Located in southeastern Nevada, Lincoln County encompasses 6.8 million acres, making it the third largest county in the State. Despite its large size, Lincoln County remains lightly populated and nearly 90 percent of the land is under Federal ownership. This pattern of private ownership mixed with public lands poses many problems for Federal land managers. H.R. 2752 would help resolve this problem by allowing some of these lands to be made available to the private sector. The increase of private lands would also increase the revenue on county tax rolls, thereby providing much needed resources for Lincoln County schoolchildren.

Mr. Speaker, I reiterate my support for H.R. 2752 and ask for my colleagues' endorsement to grant Lincoln County the right to purchase pieces of public land at a fair market price. I urge all my colleagues to support H.R. 2752, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2752, introduced by the gentleman from Nevada (Mr. GIBBONS), directs the Secretary of the Interior to provide for the sale of nearly 5,000 acres of public land in Lincoln County, Nevada. The bill, as amended, directs that the proceeds from any such sales be distributed on the basis of 5 percent to the State of Nevada, 10 percent to Lincoln County, with the remainder of the funds deposited in a newly created special account and available without further appropriation to reimburse the Bureau of Land

Mines for land sale costs, development of a multispecies habitat conservation plan, and the purchase of conservation lands in Lincoln County.

The bill, as introduced, had a number of serious problems; and at the hearing of the Committee on Resources on H.R. 2752, the administration testified in opposition to the legislation. Subsequent to that hearing, discussions were held in an attempt to address the problems with the bill, and an agreement was worked out on all issues except the distribution of the land sale receipts.

Under current law, 95 percent of these sale receipts would go to the Federal Government for deposit into the Land and Water Conservation Fund, with the remaining 5 percent distributed to the State. The lands identified for sale by this bill are already being sold for the purpose of expanding the local tax base and generating local revenues. Thus, we must question whether a specific revenue-sharing provision for Lincoln County is justified. It is a benefit that is not being provided to other counties. This is not the southern Nevada situation, where Clark County was providing utilities that significantly enhanced the value of public lands being sold.

Mr. Speaker, the proposed distribution of land sale receipts by H.R. 2752 runs counter to what the Congress did just 3 months ago in passing as part of the Baca Ranch legislation, a national public land sale program.

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We believe H.R. 2752 should be consistent with existing law. And although we hope that this matter would be addressed before final action is taken on the measure, we will not object to passage today of H.R. 2752.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I am happy to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS) the author of this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the chairman for yielding me the time to speak on this important piece of legislation for the Second District of Nevada.

Mr. Speaker, although America is enduring what I believe to be one of the most unprecedented economic boom times of all, not every American is benefitting from these most economic prosperity times. And that is certainly the concern in Nevada, because some of the constituents in Lincoln County believe that this economic boom has passed them by.

Mr. Speaker, since Nevada's historic inclusion as a State to this Nation, the Federal Government has laid claim to a very large percentage of the land within the State boundaries and Nevada counties are in a catch-22 because they are land locked in Federal property, unable to progress and grow and generate taxes. And to top it all off, the Federal Government has not ever completely funded their payment in lieu of taxes as a property owner in our State.

This is a time when Congress must fight for working families, our counties and our communities that are barely surviving. To help to rectify this difficult situation, I have introduced this bill before us today.

Lincoln County, Mr. Speaker, encompasses about 10,132 square miles of the State of Nevada, which is larger, by the way, than the State of Maryland, 98 percent of which is owned by the Federal Government.

With only 2 percent of the property for a tax base, the revenues that that county is able to generate for their highways and roads, schools, and infrastructure is about $1.1 million; and that is not enough to even provide the basic services needed and mandated by laws to the citizens of that county.

Lincoln County School District is in a critical situation, as its elementary and high schools are literally uninhabitable because of the lack of private property tax funds necessary to maintain them. And I know because I have had the opportunity to visit them and see for myself what is going on there.

If Lincoln County is unable to provide an adequate education to its young people, its future is in serious jeopardy. So by allowing the BLM the opportunity to sell land that it wants to divest itself of, a set amount of Federally owned land, it will increase Lincoln County's annual property tax base by more than 10 times once it is fully put to use.

In fact, when the land is simply purchased by private individuals, it will immediately double the tax base of Lincoln County.

H.R. 2752 stipulates that a small portion of the money derived by the sale will stay in Nevada to benefit Nevada's students, its infrastructure, and the environment. Five percent of this money will go directly to the State education fund. That is a common practice that we have done in the past. Ten percent, however, of the money will go to Lincoln County to rebuild these condemned schools.

The remaining bulk of the money will be used by the BLM in our State to protect archaeological resources, develop a multi-species habitat conservation plan and cover the costs associated with these land sales, among other things.

Under this legislation, the children of Lincoln County will be able to attend school in a safe structure with an environment aimed toward a good education.

Lincoln County and its school district will gain badly needed property tax revenues, the City of Mesquite will gain much needed room for expansion that is consistent with its master plan for growth, and the Federal Government will be fairly compensated for the sale of public lands.

H.R. 2752 will give this rural county the vital economic infusion they are going to need to survive and grow and allows the affected parties to control their own growth and make their own land use decisions.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. ROMERO-BARCELÓ. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to direct the Secretary of Interior to sell certain public land in Lincoln County through a competitive process."

A motion to reconsider was laid on the table.

## DAYTON AVIATION HERITAGE PRESERVATION AMENDMENT ACTS OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park, as amended.

The Clerk read as follows:

H.R. 5036

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Dayton Aviation Heritage Preservation Amendments Act of 2000”.

**SEC. 2. REVISION OF DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992.**

(a) AREAS INCLUDED IN PARK.—Section 101(b) of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww(b)) is amended to read as follows:

“(b) AREAS INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled ‘Dayton Aviation Heritage National Historical Park’, numbered 362-80,010 and dated September 1, 2000:

“(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company building, Hoover Block, and lands between.

“(2) The Setzer building property (also known as the Aviation Trail building property), Dayton, Ohio.

“(3) The residential properties at 26 South Williams Street and at 30 South Williams Street, Dayton, Ohio.

"(4) Huffman Prairie Flying Field, located at Wright-Patterson Air Force Base, Ohio.

"(5) The Wright 1905 Flyer III and Wright Hall, including constructed additions and attached structures, known collectively as the John W. Berry, Sr. Wright Brothers Aviation Center, Dayton, Ohio.

"(6) The Paul Laurence Dunbar State Memorial, Dayton, Ohio.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of such Act (16 U.S.C. 410ww-8) is amended by striking the colon after "title" and all that follows through the end of the sentence and inserting a period.

(c) TECHNICAL CORRECTION.—Section 107 of such Act (16 U.S.C. 410ww-6) is amended by striking "Secretary of Interior" and inserting "Secretary of the Interior".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5036 was introduced by the gentleman from Ohio (Mr. HALL) and amends the 1992 Dayton Aviation Heritage Preservation Act by adding three properties to the Dayton Aviation Heritage National Historical Park.

The Historical Park was originally created and authorized in 1992, which preserves sites associated with Wilbur and Orville Wright and the early development of aviation.

Yesterday I went to that site and looked at this spot.

The bill also removes a provision in the current law which contains a limit of $200,000 on appropriated funds for use on non-federally owned properties within the boundaries of the historical park. The cap on this appropriation has caused concern for interpretive functions, funding from other sources, and for a construction project which has a small amount of non-Federal land within it.

Mr. Speaker, we request that this bill pass with an amendment which is purely technical in nature. In the introduced bill, the map for the land parcels to be included in this legislation was not numbered or dated. Since that time, we have the information and this is reflected in the amendment. This is a bipartisan measure, has support from the National Park Service, and I urge my colleagues for their support on H.R. 5036, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5036, introduced by our friend the gentleman from Ohio (Mr. HALL), amends the Dayton Aviation Heritage Preservation Act of 1992 to authorize the inclusion of several structures within the boundaries of the Dayton Aviation Heritage National Historical Park and to remove a limitation on appropriations.

The park was established by Public Law 102-419 and preserves and interprets resources associated with the Wright Brothers and the early days of aviation. The park is managed under a public-private partnership between the National Park Service, the Ohio Historical Society, and local aviation history organizations.

The National Park Service has identified four structures that they believe would enhance the preservation, development, and operation of the park.

In addition, the National Park Service has expressed concern that the current cap on appropriations to non-federally owned properties within the boundaries of the park is overly restrictive and severely limits the ability of the National Park Service to achieve the management objectives of the park.

At the hearing before the Committee on Resources on H.R. 5036, the National Park Service testified in favor of this legislation. We also support the bill, as well, and we urge our colleagues to vote for its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, this bill was introduced by the gentlemen from Ohio (Mr. HALL) and (Mr. HOBSON), and I am pleased to yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I rise in support of this piece of legislation. The gentleman from Ohio (Mr. HALL) and myself introduced this back in 1992, the original legislation. As stated, it is a bipartisan piece of legislation.

We think the park has progressed very well working together today. The park is fairly unusual as national parks go because it has a number of different locations, as has been explained. The major part of it is in the district of the gentleman from Ohio (Mr. HALL). That is where they built the first flying machine.

Where they learned how to fly was in my district on Huffman Prairie. The story goes that people used to ride the Inner Urban out to watch the Wright Brothers learning to fly.

We hope that lots of people will come to our districts and to go in and see the Wright Brothers museum and also go out to the Huffman Prairie. And some day we hope that there is not only an interpretive center out there, but an actual flying machine on the prairie.

I would also like to remark, it is something that is not in here today but it is in the original park bill and it is still there, is the Paul Laurence Dunbar Museum.

Paul Laurence Dunbar and the Wrights had a very unique relationship back many years ago, which is something I think all of our public should learn about and emulate in the relations between two people who look differently. The Wrights and Paul Laurence Dunbar established a good business and friendship back in those days, which is something I hope we can foster with this park.

We had this technical problem with the park which we think has been worked out and everybody seems to be in support of it today.

Again, I would like to commend the gentleman from Ohio (Mr. HALL) for his work in the establishment of this park.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I want to thank my friend the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) for yielding me the time. I want to thank the chairman of the committee for bringing this bill up at this time, and certainly my colleague and my friend next door to me, who has the adjacent district, the gentleman from Ohio (Mr. HOBSON). He made an important part, and his continued support of this park is very important.

The purpose of the park is to preserve, as the gentleman from Ohio (Mr. HOBSON) said, the legacy of the Wright Brothers, who invented the airplane in Dayton, Ohio. It also honors their friend, African American poet Paul Laurence Dunbar.

This bill includes three small boundary changes to the park. It also eliminates a cap on the appropriated funds that can be spent on the units within the park that are not owned by the Federal Government.

The Dayton Park was an early experiment in a partnership between the National Park Service and the non-Federal property owners, and that experiment has worked well and we have gained experience in operating this kind of park. However, we have also discovered that some changes are necessary to ensure the continued success of the park.

The 100th anniversary of the Wright Brothers' first flight will be celebrated in the year 2003. This park is expected to be the focal point of the Dayton festivities. Therefore, the Dayton community is anxious to get the park completed as soon as possible. This legislation will help get the park up and running.

The year 2003 is just around the corner, and we do not have much time left. I urge the Members to adopt this bill. I thank the chairman for bringing it up at this time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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## GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1324) to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

The Clerk read as follows:

S. 1324

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GETTYSBURG NATIONAL MILITARY PARK BOUNDARY REVISION.**

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes" approved August 17, 1990 (16 U.S.C. 430g-4) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following:

"(b) ADDITIONAL LAND.—In addition to the land identified in subsection (a), the park shall also include the property commonly known as the Wills House located in the Borough of Gettysburg and identified as Tract P02-1 on the map entitled 'Gettysburg National Military Park' numbered MARO 305/80,011 Segment 2, and dated April 1981, revised May 14, 1999."; and

(3) in subsection (c) (as redesignated by paragraph (1)), by striking "map referred to in subsection (a)" and inserting "maps referred to in subsections (a) and (b)".

**SEC. 2. ACQUISITION AND DISPOSAL OF LAND.**

Section 2 of the Act entitled "An Act to revise the boundary of the Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes" approved August 17, 1990 (16 U.S.C. 430g-4) is amended by striking "1(b)" each place it appears and inserting "1(c)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1324, introduced by Senator RICK SANTORUM of Pennsylvania. This legislation has a House companion, H.R. 2435, sponsored by the gentleman from Pennsylvania (Mr. GOODLING). Both the senator and congressman are to be commended for crafting legislation which helps modify the boundaries of the Gettysburg National Military Park to include an historic resource known as the Wills House located within the Borough of Gettysburg.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1324, which passed the Senate on November 1999, expands the boundaries of Gettysburg National Military Park to include the Wills House. The Wills House was a place where President Lincoln stayed when he went to Gettysburg to deliver his famous Gettysburg Address.

A similar bill, H.R. 2435, by the gentleman from Pennsylvania (Mr. GOODLING), was ordered reported by the Committee on Resources on August 4, 1999, but the majority took no further action on that measure.

☐ 1830

The substance of S. 1324 is noncontroversial. The National Park Service wishes to acquire the property, and the acquisition is supported by the local community and historic preservation groups. We support the bill as well, and we recommend our colleagues to vote for its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), who has a companion bill to this legislation.

Mr. GOODLING. I thank the gentleman for yielding me this time.

Mr. Speaker, I would imagine if the gentleman from Utah (Mr. HANSEN) and his staff said what was really on their mind about Christine O'Connor on my staff and myself, it may be something different; but I have bad news for him, because the Battle of Gettysburg will continue even after I am gone because four or five different groups will still agree to totally disagree on what is best. But here is one that they can all agree on.

On November 19, 1863, Mr. Speaker, President Abraham Lincoln delivered America's most famous speech during a brief visit to Gettysburg, Pennsylvania, for the dedication of a military cemetery for the war dead. But what few people really know is that President Lincoln edited his final draft of the Gettysburg Address just a few blocks away in the Wills House located in Lincoln Square in the heart of Gettysburg.

Shortly after the Battle of Gettysburg, Pennsylvania, Governor Andrew Curtin appointed David Wills, a Gettysburg resident, to acquire 17 acres for a cemetery to bury the thousands of Union soldiers who died during one of the bloodiest battles of the Civil War. With the dedication ceremony set for November 19, Mr. Wills sent a letter to President Lincoln inviting him to stay at his house along with Governor Curtin and the Honorable Edward Everett. Little did Mr. Everett, a well-known orator who had been asked to be the main speaker, know he would be upstaged by the President, who had been asked by Mr. Wills to make a few appropriate remarks.

The day before the dedication, President Lincoln arrived at the Gettysburg railroad station, was escorted to the Wills House where he retired to the second floor to finish his remarks. The next day, President Lincoln would deliver a 2-minute speech that would so move the American people that it would later be inscribed on the south wall of the Lincoln Memorial, dedicated in his memory and to the Union. 137 years later, the Gettysburg Address continues to be recited by students in classrooms across America and still reminds Americans how close we came to destroying the world's greatest and most enduring republic.

In light of this historical context, I believe it is fitting that the House pass S. 1324, which expands the boundaries of Gettysburg National Military Park to include the Wills House. But I want to make sure that I clarify that only Congress has the authority to expand the boundaries of the park which I worked so hard to get finalized in stone in the 1990 Gettysburg Park boundary legislation. This legislation is a win-win situation for both preservationists and the Borough of Gettysburg. It not only will help to protect the building but also benefit the community by providing an opportunity for nearly 2 million park tourists to visit downtown Gettysburg.

I am pleased that Governor Tom Ridge and the Commonwealth of Pennsylvania have committed resources toward the building's acquisition and preservation costs. I am also pleased the Borough of Gettysburg, which has committed itself to acquiring the Wills House, will work with the National Park Service in making the Wills House a keystone in the borough's historic pathway plan.

In closing, I urge my colleagues to support this bill. It was introduced and shepherded through the other body by Senator SANTORUM. I again would like to thank the gentleman from Utah (Mr. HANSEN) and his staff for their tenacity in doing what is best for the Gettysburg community.

Mr. SOUDER. Mr. Speaker, I want to express my strong support of this legislation expanding the Gettysburg National Military Park.

The Wills House is an important historical property in the borough of Gettysburg. It is important in a number of ways.

The Battle at Gettysburg was critical to preserving the Union, and was the high water mark of the Southern invasion of the North while the victory was hardly decisive, or even much more than a draw, it nevertheless was a pivotal point in the Civil War.

But it is a legitimate question as to whether Gettysburg would be remembered as much today were it not for the Gettysburg Address by President Abraham Lincoln.

Arguably, the Gettysburg Address along with the Declaration of Independence, are the most known documents to Americans. Many of the phrases in the Gettysburg Address are among the only famous passages recognized by most Americans. Some simple—"four score and seven years ago" and "government of the people, by the people, for the people"—and some more complex—"our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal."

Garry Wills, a brilliant author who is sometimes very wrong-headed, has written one of the best books I've ever read. It is titled "Lincoln at Gettysburg, The Words That Remade America." He lays out the background of the speech, of the times, and, most importantly, the significance of the words themselves and their impact.

This remarkable short address shaped how we think about ourselves as a nation. Building on his book on the Declaration, Wills demonstrates that the Gettysburg Address redefined much of how we view government and our Nation. Lincoln did this without mentioning Gettysburg, slavery, the North, the South, or even the Emancipation Proclamation. In other words, he didn't speak to the immediate issues before him but in a timeless way about the principles of our Nation.

Gettysburg today is not just about the battle. But it is also about the Address, in how it helped turn the bitterness of the Civil War into nationally uniting themes.

The Wills House is a key site to Gettysburg. Not only did President Lincoln spend the night before his speech at the Wills House, and probably did his final editing at the home, but without David Wills efforts there would have been no "Gettysburg Address."

David Wills had studied law under Thaddeus Stevens, the Radical Republican from Pennsylvania who was key leader in the House for many years. He owned the largest house on the Gettsyburg Town Square. As a leading citizen, he put an end to land speculation for the burial of soldiers killed at Gettysburg, and formed an interstate commission to collect funds for the cleansing of the battlefield.

But in Garry Wills book on Gettysburg, he points out that David Wills had another goal. "He wanted to dedicate the ground that would hold them even before the corpses were moved. He felt the need for artful words to sweeten the poisoned air of Gettysburg."

First, David Wills asked the poets to appear—Longfellow, Whittier and Bryant—but they declined. But he was able to attract Edward Everett, perhaps the foremost orator of the time. President Lincoln was kind of an afterthought, included among many officials. No one really understood the potential impact he would have, or even understood it at the time.

But key facts remain—it was David Wills who led the effort to create the cemetery and he specifically hoped to accomplish what Lincoln actually did accomplish, an act of healing aimed at the ages.

In a historical sense, it is a bonus that Lincoln actually stayed at the Wills House, finished the polishing of the speech at that house, and delivered a brief speech that evening to those gathered to greet him at the house. It is indeed a site worth inclusion in this national battlefield so vital to our national memory.

Furthermore, this can be an important part of resolving some of the conflict at the most recent battle of Gettysburg.

Clearly Gettysburg needs to move its visitor center from the critical area of the battlefield.

It is also essential that additional storage space for priceless artifacts, with proper climate control, be created as rapidly as possible.

Because the new location is farther from the town, in which many local businesses have developed concessions dependent upon visitors to the park, there is concern that the new visitor center could result in financial damages to the borough of Gettysburg. While I disagree with this concern because I believe a new visitor center will draw more visitors for longer periods, regardless of one's views on that subject, it is clear that development of the Wills House site in town, along with creative changes around the cemetery to better highlight the exalted place in American history of the Gettysburg Address, would draw visitors to the village itself. It would probably also add to the length of stay of the visitors, which would also benefit those in the borough.

And, from a national perspective, this Wills House site and further highlighting the memorable address that stands as a seminal document in understanding who we are as Americans, will make every American-including the thousands of schoolchildren who visit Gettysburg each year—much richer.

*Address delivered at the dedication of the cemetery at Gettysburg.*

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

*November 19, 1863.*

ABRAHAM LINCOLN.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1324.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## EXPRESSING POLICY OF UNITED STATES REGARDING ITS RELATIONSHIP WITH NATIVE HAWAIIANS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4904) to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4904

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust

consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) ADULT MEMBERS.—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103-150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) CEDED LANDS.—The term "ceded lands" means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(5) COMMISSION.—The term "Commission" means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term "Native Hawaiian" shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term "Native Hawaiian government" means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term "Native Hawaiian Interim Governing Council" means the interim governing council that is organized under section 7(c) of this Act.

(10) ROLL.—The term "roll" means the roll that is developed under the authority of section 7(a) of this Act.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) TASK FORCE.—The term "Task Force" means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

**SEC. 3. UNITED STATES POLICY AND PURPOSE.**

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

### SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

### SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

### SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".

(b) COMPOSITION.—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

### SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) Certification.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) Secretary.—

(A) Certification.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) Publication.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) Appeal.—

(i) Establishment of mechanism.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) Publication; update.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) Failure to act.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) Effect of publication.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) Recognition of Rights.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) Organization of the Native Hawaiian Interim Governing Council.—

(1) Organization.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) Election.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) Powers.—

(A) In general.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) Funding.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) Activities.—

(i) In general.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(ii) Development of organic governing documents.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) Distribution.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) Consultation.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) Elections.—

(i) In general.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) Assistance.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) Termination.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) Recognition of the Native Hawaiian Government.—

(1) Process for recognition.—

(A) Submittal of organic governing documents.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) Certifications.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) Failure to act.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) Resubmission in case of noncompliance with Federal law.—

(i) Resubmission by the Secretary.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) Amendment and resubmission by the Native Hawaiian government.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

**SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.**

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

**SEC. 10. DISCLAIMER.**

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

**SEC. 11. REGULATIONS.**

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

**SEC. 12. SEVERABILITY.**

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4904, the gentleman from Hawaii's bill regarding the United States' relationship with Native Hawaiians. The bill has been the subject of 5 days of hearings in Hawaii, jointly held by the House Committee on Resources and the Senate Committee on Indian Affairs this summer. In addition to Native Hawaiians testifying, the president of the National Congress of American Indians, the president of the Alaska Federation of Natives and the president of the Central Council of Tlingit and Haida presented testimony in support of this' legislation. The Committee on Resources ordered H.R. 4904 favorably reported on September 20, 2000.

The bill acknowledges a Federal trust responsibility for Native Hawaiians and protects existing Native Hawaiian programs which are legitimate and necessary due to unique historic circumstances. The bill recognizes Native Hawaiians' right of self-governance as a native people and lays out a process for Native Hawaiians to establish a structure for self-governance.

Some have asked how funding for Native Hawaiian programs under this bill would affect funds for Native American programs. Native Hawaiian programs have always been separately funded, and enactment of H.R. 4904 would have no impact on program funding for American Indians or Alaskan natives.

Lastly, some have questioned whether the reorganization of a Native Hawaiian government might have implications for gaming conducted under the Indian Gaming Regulatory Act. There are no Indian tribes in the State of Hawaii, nor are there any Indian reservations or Indian lands. Hawaii is one of only two States in the Union, the other one is Utah, that criminally prohibits all forms of gaming. Accordingly, a reorganized Native Hawaiian government could not conduct any form of gaming in the State of Hawaii.

With these concerns answered, I urge an aye vote on this important bill for Hawaii.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield time to my colleague from Hawaii, may I thank the gentleman from Utah (Mr. HANSEN), in particular, and the rest of the members of the committee, both Republican and Democrat, for their support of the bill; and may I express yet once again publicly to my chairman, the gentleman from Alaska (Mr. YOUNG), my profound gratitude for his understanding, his concern and his perseverance, dedication and focus on this bill.

Mr. Speaker, I am here today to urge the House of Representatives' approval of H.R. 4904, a bill to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government.

On January 17, 1893, the government of the Kingdom of Hawaii was overthrown with the assistance of the United States Minister and U.S. Marines. One hundred years later, a resolution extending an apology on behalf of the United States to Native Hawaiians for the illegal overthrow of the Native Hawaiian government and calling for a reconciliation of the relationship between the United States and Native Hawaiians was enacted to law.

The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States. Further, it acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over the their national lands to the United States, either through their government or through a plebiscite or referendum.

Since the loss of their government, Native Hawaiians have sought to maintain political authority within their community. In 1978, Hawaii citizens of all races recognized the longstanding efforts of the indigenous people to give expression to their rights to self-determination and self-governance by amending the state constitution to provide for the establishment of a quasi-sovereign state agency, the Office of Hawaiian Affairs. The state constitution provides that the Office is to be governed by nine Native Hawaiian trustees who are elected by Native Hawaiians. The Office of Hawaiian Affairs administers programs and services with revenues derived from lands which were ceded back to the State of Hawaii upon its admission into the United States. The dedication of these revenues reflects the provisions of the 1959 Hawaii Admissions Act, which provides that the ceded lands and the revenues derived therefrom should be held by the State of Hawaii as a public trust for five purposes—one of which is the betterment of the conditions of Native Hawaiians. The Admissions Act also provides that the state would assume a trust responsibility for approximately 203,500 acres of land that had previously been set aside for Native Hawaiians under a 1921 federal law, the Hawaiian Homes Commission Act.

Four weeks ago, the House Resources Committee and the Senate Indian Affairs Committee held five days of joint hearings in Hawaii on H.R. 4904 and its companion in the Senate, S. 2899. More than 150 people presented oral testimony to the committees and several hundred others presented written testimony. The testimony received by the committees was overwhelmingly in support of the bills. In addition to witnesses from the Native Hawaiian community, representatives of the Departments of Justice and Interior, the President of the National Congress of American Indians, the President of the Alaska Federation of Natives, and the President of the Central Council of Tlingit and Haida Indians presented oral testimony in support of the bills.

With the passage of H.R. 4904, the Congress will provide a process for the reorganization of a Native Hawaiian government, and the recognition by the United States of that government for purposes of carrying on a government-to-government relationship. This bill provides that the indigenous, native people of Hawaii—Native Hawaiians—might have the same opportunities that are afforded under federal law and policy to the other indigenous, native people of the United States—American Indians and Alaska Natives—to give expression to their rights to self-determination and self-governance.

It is also important to note that the United States Congress has enacted over 160 laws designed to address the conditions of Native Hawaiians. These federal laws provide for the provision of health care, education, job training, the preservation of native languages, the protection of Native American graves and the repatriation of Native American human remains. Thus, the reorganization of a Native Hawaiian government would not necessitate a host of new federal programs to serve Native Hawaiians. Nor would the reorganization of a Native Hawaiian government have any impact on programs or the funding for programs that are authorized to address the conditions of American Indians and Alaska Natives. For the last 90 years, Native Hawaiian programs have always been funded under separate authorizations with separate appropriations.

Some have asked whether the reorganization of a Native Hawaiian government might also authorize that government to conduct gaming. The answer to that question is a simple "no." The Indian Gaming Regulatory Act authorizes Indian tribal governments to conduct gaming on Indian reservations or Indian lands held in trust by the United States, and the scope of gaming under the act is a function of state law. But there are no Indian tribal governments in Hawaii, nor are there Indian reservations or Indian lands. And the State of Hawaii is one of two states in the union that criminally prohibit all forms of gaming.

In developing and refining this measure, we have worked not only with the a community, but with representatives of the federal and state governments, with leaders of the Alaska Native and Native American communities, and with the congressional caucuses. The bill that is before the House today has been revised as a result of the testimony received at the hearings in Hawaii and in Washington, D.C.

Our objectives are simple and straightforward. As a matter of federal policy and federal law, we want to assure that the United States government deals with all of the indigenous, native people of the United States in a consistent manner—recognizing and supporting their rights to self-determination and self-governance. This is the right thing to do and I am honored to play a part in the passage of this measure. I ask my colleagues for their support.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4904. This bill is viewed as necessary following the Rice vs. Cayetano decision, which struck down the State's effort to provide for self-determination by the Native Hawaiian people. The U.S. Supreme Court decision has immobilized our State in the performance of its mandated trust responsibility to the Native Hawaiian people as elaborated in the public law that created the State of Hawaii.

Without the power to conduct Native Hawaiian-only elections to manage programs for the benefit of the Native Hawaiians, the Office of Hawaiian Affairs is now left without the basic protections of self-governance.

I want to compliment the gentleman from Hawaii (Mr. ABERCROMBIE) for his leadership in crafting and getting this bill through the House Committee on Resources in record time. After 5 days of extensive hearings in Hawaii, the bill was perfected and comes to the floor with a series of perfecting amendments.

So why do we have to enact H.R. 4904? Because we need to replace the Office of Hawaiian Affairs with a self-governing entity that can sustain an election process that is restricted to only the Native Hawaiian people.

H.R. 4904, as amended in committee, is stripped down to create a concept and leaves the procedural detail to the Native Hawaiians themselves. I agree with these changes wholeheartedly. The goal of self-determination should be left to the execution and implementation of the Native Hawaiians.

H.R. 4904 is an appropriate way to cure this difficulty caused by Rice vs. Cayetano. The State of Hawaii had taken the first step to create a self-governing body. H.R. 4904 now sets the Federal mechanism to correct the decision of Rice vs. Cayetano. H.R. 4904 must pass.

Mr. Speaker, I rise today to support H.R. 4904, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians. This bill is viewed as a necessary follow-up to the Rice vs. Cayetano decision that struck down the State's effort to provide for self-determination by the Native Hawaiian population. The U.S. Supreme Court ruled that the State could not conduct an election of only Native Hawaiians. Hawaii had so provided in a State Constitutional amendment in 1978 by creating an Office of Hawaiian Affairs with trustees elected by Native Hawaiians.

This U.S. Supreme Court decision has immobilized our State in the performance of its mandated trust responsibility to the Native Hawaiian people as elaborated in the Public Law that created the State of Hawaii.

Without the power to conduct Native Hawaiian-only elections to manage programs for the benefit of the Native Hawaiians, the Office of Hawaiian Affairs is now left without the basic protections of self-governance.

In its decision, the U.S. Supreme Court left open a path that has led to the development of this bill, which we have on the floor today.

I want to compliment my colleague, NEIL ABERCROMBIE, for his leadership in crafting and getting this bill through the House Resources Committee in record time. After five days of hearings in Hawaii, the bill was perfected and comes to the floor with a series of amendments.

H.R. 4904 replaces what the Supreme Court struck down. It sets up a process for the establishment of a sovereign entity, which like an Indian tribe, may establish relations directly with the federal government and where the governing council is to be elected by descendants of aboriginal Native Hawaiians.

The historic justification for this is, of course, the illegal overthrow of the Hawaiian monarchy in 1893 and the annexation of Hawaii in 1898 against the will of the native population.

Over the years, Congress has voted to provide many special programs for Native Hawaiians based on need and because of our special trust responsibility. It is argued that these federally enacted programs in education, housing, veterans programs, health care, etc., are in jeopardy because of Rice vs. Cayetano. I disagree because these federal programs are grounded on the special needs of the Native Hawaiians in each of these areas. A legal challenge as in Rice vs. Cayetano, I believe would fail.

So why enact H.R. 4904? Because we need to replace the Office of Hawaiian Affairs with a self-governing entity that can sustain an election process that is restricted to only the Native Hawaiian population.

H.R. 4904 as amended in Committee is stripped down to create a concept and leaves the procedural detail to the Native Hawaiians themselves. I advocated and agree with this change wholeheartedly. The goal is self-determination, and we should leave its execution and implementation to the Native Hawaiians themselves.

I have only one remaining concern and that is the absence of an explicit executing referendum to indicate that what we have provided is agreed to by the Native Hawaiian people. In making this observation, I am assured that the voluntariness of signing up on the rolls constitutes the referendum of approval. I am also answered that the organic act or constitution to be drafted must be ratified by those who have signed up on the rolls.

I am also told that in the process of implementing this new governing body, it may by itself call for a referendum; that this bill does not preclude this, satisfies me.

H.R. 4904 is an appropriate way to cure the heartache caused by Rice vs. Cayetano.

The State of Hawaii had taken the first step to create a self-governing body, the Office of Hawaiian Affairs, whose trustees were elected by Native Hawaiians. This electoral process was struck down by the U.S. Supreme Court.

H.R. 4904 establishes a federal mechanism that overcomes the Rice vs. Cayetano decision. H.R. 4904 must pass!

Mr. KILDEE. Mr. Speaker, I support H.R. 4904, a bill that clarifies the relationship between Native Hawaiians and the United States.

This legislation provides for Federal recognition of the Native Hawaiian government for purposes of establishing a government-to-government relationship similar to that of the Native Americans and the Alaska Natives.

Congress has passed over 150 statutes addressing the needs of Native Hawaiians.

In 1993, we passed an apology bill acknowledging the role of the United States Government in the overthrow of the Hawaiian nation in 1893. The apology bill recognizes that the Native Hawaiians never relinquished their inherent sovereignty.

This legislation has received wide support. It is supported by the Hawaii delegation, the Native Hawaiians, the administration, the National Congress of American Indians, and the Alaska Federation of Natives.

I want to thank my colleague, Representative NEIL ABERCROMBIE from Hawaii, for this tireless effort to bring justice to the Native Hawaiians.

I urge my colleagues to support this bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 4904, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians.

There are well over 200,000 Native Hawaiians living in Hawaii. I suspect there are approximately another 100,000 living throughout the continental United States. In number, Native Hawaiians are the largest indigenous group of people living in the United States today.

As one of Polynesian ancestry, I thank God that the Kanaka Maoli, or the Hawaiian people, have not become an extinct race. Given the unfortunate turn of historical events that have now made Native Hawaiians strangers in their own lands, it is only by the grace of God that Native Hawaiians now number over 300,000.

Mr. Speaker, the Kanaka Maoli are my kin. For purposes of giving you a sense of who we are, I would like to share with you something Captain James Cook once noted about the Kanaka Maoli, or Polynesian, nation. Captain Cook observed that the Kanaka Maoli nation established settlements from as far north as Hawaii and as far south as Actearoa (or what is now known today as New Zealand). In between, the Kanaka Maoli settled in Samoa, in Tokelau, in Tuvalu, parts of Fiji and Tonga. The Kanaka Maoli nation also stretched as far east as Rapanui (now known as Easter Island) and constituted what Cook considered the largest nation on the earth.

Since Cook's time, we have had our fair share of romantic writers coming to the South Seas depicting our women coming out of the Garden of Eden on moonlit, tropical shores with the scent of romance forever in the air. We've also had our share of anthropologists who think they know more about us than they know about themselves. We do not need anymore Margaret Meads or Derek Freemans to describe to the world who we are as a people. We know how we first came into being. We know our past and are committed to our present. We are here today to define our future.

Mr. Speaker, as we proceed today, I would like to add this thought for the record. When we discuss the rights of Native Hawaiians, we in effect discuss the inalienable rights of any people. As such, what happened historically to Native Hawaiians in effect happened to all of us. In this context, I would like to present the following for consideration.

More than 100 years ago, ambitious descendants of U.S. missionaries and sugar planters, aided by the unauthorized and illegal use of U.S. military forces, overthrew the sovereign nation of Hawaii then ruled by Queen Lili'uokalani. More than one hundred years later, the United States Congress issued a formal apology acknowledging that the Native Hawaiian people never relinquished their right to their sovereignty or their sovereign lands.

Earlier this year, Senator DANIEL AKAKA, the first Polynesian and Native Hawaiian to sit as a United States Senator, introduced S. 2899 to express and define a firm policy of the United States Congress and the U.S. government regarding its relationship with the Native Hawaiian people. Our distinguished colleague, Congressman NEIL ABERCROMBIE, did the same in this body. I am honored that both bills have been approved by their respective committees of jurisdiction and that H.R. 4904 is being considered by the House today.

The purpose of this measure is to clarify the political relationship that exists between Native Hawaiians and the federal government. Specifically, the measure provides the Native Hawaiian community with an opportunity to form a government-to-government relationship with the United States within the context of the U.S. Constitution and federal law. The bill provides a process for Native Hawaiians to organize a Native Hawaiian governing body, or essentially a Native Hawaiian government. The bill also authorizes the Native Hawaiian governing body to negotiate with the state of Hawaii and other appropriate officials and agencies of the federal government regarding such long-standing issues as ceded lands currently controlled by both the state and federal governments. The bill also protects education, health, and housing programs that have been established by federal law to benefit Native Hawaiians.

The bill does not relinquish the claims of Native Hawaiians to their Native lands. The bill does not address the issue of lands. For the Native Hawaiians who oppose this bill because they feel it predetermines a political status, I say to them—the bill is a beginning. It is a measure for organization. It is an act of empowerment. It gives voice to those whose voices have historically been made mute. As Senator AKAKA has noted, this measure provides Native Hawaiians with a seat at the table of government. It provides authority for Native Hawaiians to define their future and participate in the process of choice. It provides Native Hawaiians with the opportunity to choose their own leaders to represent them before state and federal agencies. It assures that the United States Congress, as part of its constitutionally mandated authority, duly recognizes, accepts and acknowledges Native Hawaiians as a sovereign people in the same way that Native Americans and Native Alaskans are recognized under the U.S. Constitution.

More than 150 people presented oral testimony at the Joint Congressional Hearings in Hawaii. Many more have presented written testimony. Though some are opposed, those representing major Hawaiian organizations and associations lend their full support for the bill. The bill has been revised to reflect the input of the Native Hawaiian community.

I fully support the bill and urge my colleagues to give it their full support also.

Mr. GEORGE MILLER of California. Mr. Speaker, H.R. 4904 is a natural evolution of the relationship the United States has with Native Hawaiians. The need for this legislation began with the illegal overthrow of the Kingdom of Hawaii in 1893 which disrupted a peaceful citizenry and developing island monarchy. It was highlighted by the passage of the Hawaiian Homes Commission Act in 1921 which put lands into public trust for the benefit of Native Hawaiians. The next step was taken when Congress, a hundred years after the overthrow of the Kingdom, adopted a Joint Resolution making a formal apology on behalf of the U.S. to Native Hawaiians. Today we unfold yet another chapter in our relationship with Native Hawaiians as we consider this legislation which provides a process for the reorganization of a Native Hawaiian government and recognition of the Native Hawaiian government by the United States for purposes of carrying on a government-to-government relationship.

This legislation was thoughtfully crafted. Our colleague, Mr. ABERCROMBIE and the entire Hawaii delegation here in the House and the Senate have invested a lot of effort into this legislation. In putting this together, they solicited input from all interested parties. The Resources Committee held five hearings on this legislation and reported the bill out with a unanimous vote.

This is just legislation, it has been a long time coming and I urge my colleagues to support it.

I want to raise two matters which are fundamental to an understanding of why the pending legislation has been proposed. The first has to do with the authority of the United States to delegate Federal responsibilities to the several States. The second is important to an understanding of why the Federal policy which recognized the rights of the native people of America to self-determination and self-governance was not extended to the native people of Hawaii when Hawaii joined our Union of States in 1959.

For the past two hundred and ten years, the United States Congress, the Executive, and the U.S. Supreme Court have recognized certain legal rights and protections for America's indigenous peoples. Since the founding of the United States, Congress has exercised a constitutional authority over indigenous affairs and has undertaken an enhanced duty of care for America's indigenous peoples. This has been done in recognition of the sovereignty possessed by the native people—a sovereignty which pre-existed the formation of the United States. The Congress' constitutional authority is also premised upon the status of the indigenous people as the original inhabitants of this nation who occupied and exercised dominion and control over the lands to which the United States subsequently acquired legal title.

The United States has recognized a special political relationship with the indigenous people of the United States. As Native Americans—American Indians, Alaska Natives, and Native Hawaiians—the United States has recognized that they are entitled to special rights and considerations. The Congress has enacted laws to give expression to the respective legal rights and responsibilities of the Federal government and the native people.

However, we must also recognize that over the last two hundred years, Federal policy toward America's native people has vacillated significantly. While the United States Constitution vests the Congress with the authority to address the conditions of the indigenous, native people of the United States, from time to time, with the consent of the affected States, the Congress has sought to more effectively address the conditions of the indigenous people by delegating Federal responsibilities to various States.

Beginning in the 1950's, pursuant to House Concurrent Resolution 108, Federal policy sought the termination of Indian reservations and a general transfer of some Federal responsibilities to the states. In the 1960's, California was one of the states that was made the subject of Federal law in this respect, when criminal jurisdiction and certain elements of civil jurisdiction formerly exercised by the United States was transferred to states with the enactment of Public Law 83–280.

So it is that the two significant actions of the United States as they relate to the native people of Hawaii must be understood in the context of the Federal policy towards America's other indigenous, native people at the time of those actions.

In 1921, when the Hawaiian Homes Commission Act was enacted into law, the prevailing Federal policy was premised upon the objective of breaking up Indian reservations and allotting lands to individual Indians. Those reservation lands remaining after the allotment of lands to individual Indians were opened up to settlement by non-Indians, and significant incentives were authorized to make the settlement of former reservation lands attractive to non-Indian settlers. Indians were not to be declared citizens of the United States until 1924, and it was typical that a twenty-year restraint on the alienation of allotted lands was imposed. This restraint prevented the lands from being subject to taxation by the states, but the restraint on alienation could be lifted if an individual Indian was deemed to have become "civilized." However, once the restraint on alienation was lifted and individual Indian lands became subject to taxation, Indians who did not have the wherewithall to pay the taxes on the land, found their lands seized and put up for sale. This allotment era of Federal policy was responsible for the alienation of nearly half of all Indian lands nationwide—hundreds of millions of acres of lands were no longer in native ownership, and hundreds of thousands of Indian people were rendered not only landless but homeless.

The primary objective of the allotment of lands to individual Indians was to "civilize" the native people. The fact that the United States thought to impose a similar scheme on the native people of Hawaii in an effort to "rehabilitate a dying race" is thus readily understandable in the context of the prevailing Federal Indian policy in 1921.

In 1959, when the State of Hawaii was admitted into the Union, the Federal policy toward the native people of America was designed to divest the Federal government of its responsibilities for the indigenous people and to delegate those responsibilities to the several states. A prime example of this Federal policy was the enactment of Public Law 83–280, an Act which, as I have indicated, vested criminal jurisdiction and certain aspects of civil jurisdiction over Indian lands to certain states. In similar fashion, in 1959, the United States transferred most of its responsibilities related to the administration of the 1921 Hawaiian Homes Commission Act to the new State of Hawaii, and in addition, imposed a public trust upon the lands that were ceded back to the State for five purposes, one of which was the betterment of conditions of Native Hawaiians. The Federal authorization for this public trust clearly anticipated that the State's constitution and laws would provide for the manner in which the trust would be carried out.

In 1978, the citizens of the State of Hawaii exercised this Federally-delegated authority by amending the State constitution in furtherance of the special relationship with Native Hawaiians. The delegates to the 1978 constitutional convention recognized that Native Hawaiians had no other homeland, and thus that the protection of Native Hawaiian subsistence rights to harvest the ocean's resources, to fish the fresh streams, to hunt and gather, to exercise their rights to self-determination and self-governance, and the preservation of Native Hawaiian culture and the Native Hawaiian language could only be accomplished in the State of Hawaii.

Hawaii's adoption of amendments to the State constitution to fulfill the special relationship with Native Hawaiians is consistent with the practice of other States that have established special relationships with the native inhabitants of their areas. Fourteen States have extended recognition to Indian tribes that are not recognized by the Federal government, and thirty-two States have established commissions and offices to address matters of policy affecting the indigenous citizenry.

We all know that on January 17, 1893, the government of the Kingdom of Hawaii was overthrown with the assistance of the United States minister and U.S. marines. One hundred years later, a resolution extending an apology on behalf of the United States to Native Hawaiians for the illegal overthrow of the Native Hawaiian government and calling for a reconciliation of the relationship between the United States and Native Hawaiians was enacted into law (Public Law 103–150).

The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their government or through a plebiscite or referendum.

With the loss of their government in 1893, Native Hawaiians have sought to maintain political authority within their community.

In 1978, the citizens of the State of Hawaii recognized the long-standing efforts of the native people to give expression to their rights to self-determination and self-governance by amending the State constitution to provide for the establishment of a quasisovereign State agency, the Office of Hawaiian Affairs. The State constitution, as amended, provides that the Office is to be governed by nine trustees who are Native Hawaiian and who are to be elected by Native Hawaiians. The Office administers programs and services with revenues derived from lands which were ceded back to the State of Hawaii upon its admissions into the Union of States.

On February 23, 2000, the United States Supreme Court issued a ruling in the case of Rice v. Cayetano. The Supreme Court held that because the Office of Hawaiian Affairs is an agency of the State of Hawaii that is funded in part by appropriations made by the State legislature, the election for the trustees of the Office of Hawaiian Affairs must be open to all citizens of the State of Hawaii who are otherwise eligible to vote in statewide elections.

Contrary to a mostly erroneous article published today, the Court expressly declined to address the powers and authorities of the Federal government as they relate to Native Hawaiians. This bill thus does not in any way circumvent the decision of the Supreme Court in Rice. However, with the Court's ruling, the native people of Hawaii have been divested of the mechanism that was established under the Hawaii State Constitution that, since 1978, has enabled them to give expression to their rights as indigenous, native people of the United States to self-determination and self-governance.

H.R. 4904 is designed to address these developments by providing a means under Federal law, consistent with the Federal policy of self-determination and self-governance for America's indigenous, native people, for Native Hawaiians to have a status similar to that of the other indigenous, native people of the United States, the First Americans.

Mr. HANSEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4904, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes.".

A motion to reconsider was laid on the table.

## GEORGE WASHINGTON MEMORIAL PARKWAY, McLEAN, VIRGINIA, LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4835) to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

The Clerk read as follows:

H.R. 4835

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF LAND EXCHANGE.**

The Secretary of the Interior and the Director of Central Intelligence are authorized to exchange approximately 1.74 acres of land under the jurisdiction of the Department of the Interior within the boundary of the George Washington Memorial Parkway for approximately 2.92 acres of land under the jurisdiction of the Central Intelligence Agency adjacent to the boundary of the George Washington Memorial Parkway. The land to be conveyed by the Secretary of the Interior to the Central Intelligence Agency is depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998. The land to be conveyed by the Central Intelligence Agency to the Secretary of the Interior is depicted on National Park Service Drawing No. 850/81991, Sheet 1, dated August 6, 1998. These maps shall be available for public inspection in the appropriate offices of the National Park Service.

**SEC. 2. CONDITIONS OF LAND EXCHANGE.**

The land exchange authorized under section 1 shall be subject to the following conditions:

(1) NO REIMBURSEMENT OF CONSIDERATION.—The exchange shall occur without reimbursement or consideration.

(2) PUBLIC ACCESS.—The Director of Central Intelligence shall allow public access to the property transferred from the National Park Service and depicted on National Park Service Drawing No. 850/81992. Such access shall be for a motor vehicle turn-around on the George Washington Memorial Parkway.

(3) OTHER ACCESS.—The Director of Central Intelligence shall allow access to—

(A) personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center as is provided for in the Federal Highway Administration's (FHWA) report of excess, dated May 20, 1971, which states, "Right-of-access by FHWA to and from the tract retained to the George Washington Parkway and to State Route 193 is to be held in perpetuity, or until released by FHWA"; and

(B) other Federal Government employees and visitors whose admission to the Research Center is authorized by the Turner-Fairbank Highway Research Center.

(4) CLOSURE.—The Central Intelligence Agency shall have the right to close off, by whatever means necessary, the transferred property depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998, to all persons except United States Park Police, other necessary National Park Service personnel, and personnel of the Federal Highway Administration Turner-Fairbank Highway Research Center when the Central Intelligence Agency has determined that the physical security conditions dictate in order to protect Central Intelligence Agency personnel, facilities, or property. Any such closure shall not exceed 12 hours in duration within a 24-hour period without consultation with the National Park Service, Federal Highway Administration Turner-Fairbank Highway Research Center facility and the United States Park Police. No action shall be taken to diminish use of the area for access to the Federal Highway Administration Turner-Fairbank facility except when the area is closed for security reasons.

(5) COMPLIANCE WITH DEED RESTRICTIONS.—The Director shall ensure compliance by the Central Intelligence Agency with the deed restrictions for the transferred property as depicted on National Park Service Drawing No. 850/81992, dated August 6, 1998.

(6) COMPLIANCE WITH AGREEMENT.—The National Park Service and the Central Intelligence Agency shall comply with the terms and conditions of the Interagency Agreement between the National Park Service and the Central Intelligence Agency signed in 1998 regarding the exchange and management of the lands discussed in that agreement.

(7) DEADLINE.—The Secretary of the Interior and the Director of Central Intelligence shall complete the transfers authorized by this section not later than 120 days after the date of enactment of this Act.

**SEC. 3. MANAGEMENT OF EXCHANGED LANDS.**

(a) INTERIOR LANDS.—The land conveyed to the Secretary of the Interior under section 1 shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service as part of the parkway subject to the laws and regulations applicable thereto.

(b) CIA LANDS.—The land conveyed to the Central Intelligence Agency under section 1 shall be administered as part of the headquarters building compound of the Central Intelligence Agency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4835 authorizes the exchange of 1.7 acres of National Park Service land located within the boundaries of the George Washington Memorial Parkway for 2.9 acres of Central Intelligence Agency land located adjacent to the George Washington Memorial Parkway. The proposed exchange, which is designed to improve security at the CIA, is supported by both the CIA and the National Park Service. Once the exchange is complete, the CIA will allow public access to the property transferred from the National Park Service for a motor vehicle turnaround on the George Washington Memorial Parkway. This land shall be administered as part of the headquarters building compound of the CIA. The 2.92 acres transferred to the Secretary of the Interior from the CIA shall be included within the boundary of the George Washington Memorial Parkway and shall be administered by the National Park Service.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4835 introduced by the gentleman from Virginia (Mr. MORAN) would authorize the exchange of 1.74 acres of National Park Service land located within the boundaries of the George Washington Memorial Parkway for 2.92 acres of Central Intelligence Agency land located adjacent to the George Washington Memorial Parkway. The purpose of the land exchange is to address security issues at the entrance to the Central Intelligence Agency headquarters in McLean, Virginia, that is accessed via the George Washington Memorial Parkway.

Mr. Speaker, this proposal will enhance security at CIA headquarters without damage to any park resources. We join with the administration in supporting the legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my friend and very distinguished colleague from Puerto Rico for yielding me this time, and I thank the gentleman from Utah (Mr. HANSEN), the distinguished chairman.

This was necessitated when a deranged terrorist killed two CIA officers in 1993. The reason that we are making this land exchange is for security purposes. It does not do much for the parkway, but it certainly has no damaging effect; and it is the right thing to do, so the Park Service is making an equal swap of land. They are picking up almost 3 acres of land on the far compound, and they are giving up this land to enhance security for CIA employees. It is the right thing to do. There is no controversy. I very much appreciate my colleagues letting it go through.

I trust that we can find more ways that we can reach win-win bipartisan solutions on these things.

□ 1845

Mr. ROMERO-BARCELÓ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4835.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4613, H.R. 3745, H.R. 2752, H.R. 2267, S. 1324, H.R. 4835, H.R. 5036, and H.R. 4904.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

## SMALL BUSINESS LIABILITY RELIEF ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5175, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 5175, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 253, nays 161, not voting 19, as follows:

[Roll No. 494]

YEAS—253

Aderholt
Archer
Armey
Baca
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—161

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrett (WI)
Becerra
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wynn

NOT VOTING—19

Baker
Campbell
Clay
Ewing
Franks (NJ)
Gillmor
Jones (OH)
Klink
Lazio
McCollum
McIntosh
Paul
Rogan
Sandlin
Saxton
Smith (MI)
Stark
Vento
Woolsey

☐ 1912

Ms. BERKLEY and Mr. CLYBURN changed their vote from "yea" to "nay."

Mr. SHADEGG and Mr. GREEN of Texas changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

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## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4503

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4503.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Georgia?

There was no objection.

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## BORN-ALIVE INFANTS PROTECTION ACT OF 2000

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4292) to protect infants who are born alive.

The Clerk read as follows:

H.R. 4292

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Born-Alive Infants Protection Act of 2000".

**SEC. 2. DEFINITION OF BORN-ALIVE INFANT.**

(a) In General.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

**"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant**

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from its mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.".

(b) Clerical Amendment.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. Canady) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. Canady).

☐ 1915

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4292, the Born-Alive Infants Protection Act is a simple but critical piece of legislation that is designed to ensure that, for purposes of Federal law, all infants who have been born alive are treated as persons who are entitled to the protections of the law.

We may ask why such a legislation is necessary. Has it not been long accepted as a legal principle that infants who are born alive are persons who are entitled to the protections of the law? Indeed it has. But the corrupting influence of a seemingly illimitable right to abortion has brought this well-settled principle into question.

Mr. Speaker, in Stenberg v. Carhart, five Justices of the United States Supreme Court struck down a Nebreska law banning partial-birth abortion, a gruesome procedure in which an abortionist delivers an unborn child's body until only the head remains inside the mother, then punctures the back of the child's skull with scissors and sucks the child's brains out before completing the delivery. Every time I describe that horrible procedure, I wince because it is truly a horror. But that is what the Supreme Court of the United States, speaking through five Justices has found is protected by our Constitution.

What was described in Roe v. Wade as a right to abort unborn children has now in Carhart been extended by five Justices to include the violent destruction of partially-born children just inches from birth.

Even more striking than the simple holding of the case is the fact that the Carhart Court considered the location of the infant's body at the moment of death during a partial-birth abortion delivered partly outside the body of the mother to be of no legal significance in ruling on the constitutionality of the Nebraska law under challenge.

Implicit in the Carhart decision was the notion that a partial-born infant's entitlement to the protections of the law is dependent not upon whether the child is born or unborn, but upon whether or not the partially born child's mother wants the child.

On July 26, 2000, the United States Court of Appeals for the Third Circuit made that point explicit in Planned Parenthood of Central New Jersey v. Farmer, in the course of striking down New Jersey partial-birth abortion ban. According to the Third Circuit Court of Appeals under Row and Carhart, it is, and I quote them, nonsensical, and "based on semantic machinations" and "irrational line-drawing" for a legislature to conclude that an infant's location in relation to the mother's body has any relevance in determining whether that infant may be killed.

Instead, the Farmer Court concluded that a child's status under the law, regardless of the child's location, is dependent upon whether the mother intends to abort the child or to give birth. The Farmer Court stated that, in contrast to an infant whose mother intends to give birth, an infant who is killed during a partial-birth abortion is not entitled to the protections of the law because, and I quote, "a woman seeking an abortion is plainly not seeking to give birth."

Now, if we examine the logical implications of these decisions, I think we will be forced to the conclusion that they are indeed shocking.

Under the logic of these decisions, once a child is marked for abortion, it is wholly irrelevant whether that child emerges from the womb as a live baby. That child may still be treated as a nonentity and would not have the slightest rights under the law, no right to receive medical care, to be sustained in life, or to receive any care at all. And if a child who survives an abortion and is born alive would have no claim to the protections of the law, there would appear to be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die.

The right to abortion under this logic means nothing less than the right to a dead baby, no matter where the killing takes place.

We are familiar with the logic of the Supreme Court case. There they said in order to protect the mother's health, the child could be killed in the process of being delivered. It is not a far stretch for the argument to also be made that it will help protect the mother's health to deliver the baby completely before the child is delivered in carrying out the decision for an abortion to be performed.

As horrifying as it may seem, credible public testimony received by the Subcommittee on the Constitution indicates that this, in fact, already is occurring. According to our eyewitness accounts, some abortion doctors are performing live-birth abortions using a procedure in which the abortionist used drugs to induce premature labor and deliver unborn children, many of whom are still alive, and then simply allow those who are born alive to die, sometimes without the provision of even basic comfort care such as warmth and nutrition.

On one occasion, a nurse found a living infant lying naked on a scale in a soiled utility closet, and on another occasion a living infant was found lying naked on the edge of a sink; one baby was wrapped in a disposable towel and thrown into the trash.

Mr. Speaker, Jill Stanek, a labor and delivery nurse at Christ Hospital in Oak Lawn, Illinois, testified regarding numerous live-birth abortions that she has witnessed at Christ Hospital in Illinois. Ms. Stanek described what happened after one of those abortions as follows, and I quote her testimony at length, because it is so chilling and so pertinent to the question that is before the House today. According to Ms. Stanek's testimony: "One night, a nursing coworker was taking an aborted Down's Syndrome baby who was born alive to our soiled utility room because his parents did not want to hold him, and she did not have time to hold him. I could not bear the thoughts of this suffering child dying alone in a soiled utility room, so I cradled and rocked him for the 45 minutes that he lived.

He was 21 to 22 weeks old, weighed about one-half pound and was about 10 inches long. He was too weak to move very much, expending any energy he had trying to breathe. Toward the end, he was so quiet that I could not tell if he was still alive unless I held him up to the light to see if his heart was still beating through his chest wall. After he was pronounced dead, we folded his little arms across his chest, wrapped him in a tiny shroud, and carried him to the hospital morgue where all of our dead patients are taken."

The Subcommittee on the Constitution also heard testimony from Allison Baker, who formerly worked as a labor and delivery nurse at Christ Hospital. Mrs. Baker testified regarding three live-birth abortions at Christ Hospital, the first of which she described as follows, this is what she told the Subcommittee on the Constitution: "The first of these live-birth abortions occurred on a day shift. I happened to walk into a soiled utility room and saw lying on the metal counter a fetus, naked, exposed and breathing, moving its arms and legs. The fetus was visibly alive and was gasping for breath.

I left to find the nurse who was caring for the patient and this fetus. When I asked her about the fetus, she said that she was so busy with the mother that she didn't have time to wrap and place the fetus in a warmer, and she asked if I could do that for her.

Later I found out that the fetus was 22 weeks old and had undergone a therapeutic abortion because it had been diagnosed with Down's Syndrome. I did wrap the fetus and placed him in a warmer and for 2½ hours he maintained a heartbeat and then finally expired."

Mr. Speaker, statements made by abortion supporters indicate that they believe that Roe v. Wade denies the protection of the law to live-born infants who have been marked for destruction through abortion. On July 20 of this year, the National Abortion and Reproductive Rights Action League, or NARAL, issued a press release criticizing H.R. 4292, the bill that we are considering tonight, because in NARAL's view extending legal personhood to premature infants who are born alive after surviving abortions constitutes an assault on Roe v. Wade.

The gentlewoman from Ohio (Mrs. JONES) took a similar position in her testimony on H.R. 4292 before the Subcommittee on the Constitution.

The principle that born-alive infants are entitled to the protection of the law is also being questioned at one of America's most prestigious universities. Princeton University Bioethicist Peter Singer argues that parents should have the option to kill disabled or unhealthy newborn babies for a certain period after birth. According to Professor Singer, and I quote him: "A period of 28 days after birth might be allowed before an infant is accepted as having the same right to live as others."

Mr. Speaker, now this is based on Professor Singer's view that the life of a newborn baby is, and again I quote him, "of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness, capacity to feel, et cetera."

According to Professor Singer, and I again quote, "killing a disabled infant is not morally equivalent to killing a person. Very often, it is not wrong at all." Mr. Speaker, now, these are the comments that are being made by a renowned philosopher holding one of the most prestigious chairs at one of this Nation's most prestigious universities.

The purpose of this legislation is to repudiate the pernicious ideas that result in tragedies such as live-birth abortion and to firmly establish that, for purposes of Federal law, an infant who is completely expelled or extracted from his or her mother and who is alive is indeed a person under the law regardless of whether or not the child's development is believed to be or is, in fact, sufficient to permit long-term survival and regardless of whether the baby survived an abortion.

H.R. 4292 accomplishes this by providing that, for purposes of Federal law, the word "person," the words "person, human being, child and individual" shall include every infant member of the species homosapiens who is born alive at any stage of development. The bill defines the term "born alive" as the complete expulsion or extraction from its mother of that member of this species homosapiens at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section or induced abortion.

Now, I will point out to the Members of the House, and this is very important to put this bill in context, that this definition of born alive was derived from a model definition of live birth that has been adopted with minor variations in 35 States and the District of Columbia.

So the principle that is embodied in this bill is a principle that has been codified by the majority of the States, and it is indeed the law in the vast majority of the jurisdictions in this land. It is also important to understand that this simply deals with the principle that the child is a person who is born alive. It does nothing to alter the applicable standard of care that is owed to a child in particular circumstances.

Now, I urge my colleagues to look at this legislation, consider the recent decision of the Supreme Court, the recent decision of the Third Circuit Court of Appeals and support this important legislation and to reject, to unequivocally reject the movement towards the legalization of infanticide, which I submit to my colleagues is implicit in the recent rulings that I have referred to. As Members of this House, we should do everything we can to protect the most innocent and helpless members of the human family.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us a measure which is one of the most puzzling bits of legislation to ever come out of the Committee on the Judiciary. To make it more interesting, the entire committee has supported this measure on a recorded vote except one person, one member of the committee.

□ 1930

As of a very recent date, we have taken out the manager's amendment, which had been creating a considerable amount of confusion. Now, the question at a threshold level is why do we have this bill before us. I cannot answer that question clearly because we are not doing anything new that is not already stated very clearly in statute and in the Supreme Court cases.

Roe v. Wade is not affected by this bill. As a matter of fact, Stenburg v. Carhart, notwithstanding many interpretations of this more recent Supreme Court case, does not affect this measure either. So I leave to more fertile imaginations why it is we are here in the first place. But we are here.

And trying to ignore the gentleman from Florida (Mr. CANADY), the manager on the other side's sometimes hyperbolic rhetoric, this is still the same measure that this Member voted for in committee. I stand by my position, and I will continue to support it.

It is my belief that people who introduce legislation in the Congress do it to get people to support it, they do not try to introduce legislation to get people not to support it. We hope that that common rule of long standing still applies this evening in this measure.

The bill makes a useful clarification of existing law. The bill clarifies existing law to ensure that every protection for a child or person in the United States Code applies to a born-alive infant. I support that. Most of us believe that this bill is probably unnecessary for the simple reason that born-alive infants are already protected by existing law.

However, we have accepted the representations of the bill's sponsor that this change is needed, that this legislation has a purpose in fact. The sponsor has indicated that the bill would only protect an infant who is completely separated from its mother. This is a most unusual and, I think, significant concession by the chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

I must wholeheartedly applaud the majority for realizing at last that there are different stages of life and that, at each stage, a mother's right to privacy must be balanced against a State's interest and fetal life.

Now, this measure bipartisanly has overwhelmingly passed the committee, which is unusual given the strong feelings on each side of the issue and on each side of the aisle regarding issues of reproductive rights. But it seems to me that this measure is now back to the precise original condition that was voted out by the committee. This leaves the manager on this side with no other recourse but to support the same measure that we passed in the Committee on the Judiciary.

Mr. Speaker, I reserve the balance of my time.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding me this time, and I rise in strong support of this legislation. I am very pleased to be able to support it, but I must say that it grieves me that I live in a Nation where it is even necessary for us to promulgate such legislation. Nonetheless, I believe this legislation is badly needed.

We have a situation evolving in our courts where legal doctrines are being promoted that would countenance the practice of infanticide. The gentleman from Florida (Mr. CANADY) I think very clearly in his opening statement cited many of those cases. I do not need to reiterate them here.

Not only do we have a problem with legal doctrine, though, but we have a problem with medical practice. I as a practicing physician for years would unfortunately be asked to pronounce people dead. What we were typically asked to do is to make a determination of brain waves or a heart beat are present. These are clearly infants that meet those criteria. They are human. They are alive. There are numerous cases where they are being allowed to die. They are not being provided basic subsist steps, not even kept warm.

I believe this is a tragedy that this should be evolving. Probably more concerning to me, and it should be a concern to people in the disabilities community, because if one hears all these cases, one hears that many of these children have disabilities. I think any Member, any person in this country with a disability should support this legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, the proponents of this bill say it is about protecting newborns. We can all agree that newborns deserve appropriate medical support and the fullest protection of the law no matter the circumstances of delivery. In fact, newborn infants already receive full legal protection in State and Federal law. Any attempt to harm a newborn can and should be subject to criminal prosecution. Everyone agrees on this.

Yet, the gentleman from Florida (Mr. CANADY), my friend, has also said that this bill would not change existing law and would have no impact on medical standards of care. Then what is the rationale for this bill?

Dr. Sessions Cole, who trained at Harvard Medical School, who is board certified in pediatrics and has cared for more than 10,000 newborns directly, believes it would change the standard of care.

In testimony before the Committee on the Judiciary, Dr. Cole stated that the bill would "impose on doctors and parents a universal definition of 'life' or 'alive' which is," he said, "in my experience as a neonatologist, inconsistent with the harsh reality presented by a number of circumstances."

Dr. Cole went on to discuss the obligation of parents and doctors to minimize the suffering an infant might endure once the decision is made that life support or other measures would be futile for that infant.

I share his concern about the impact this law may have on parents who desperately hope to bring home the healthy newborn and, instead, are confronted with a tragic situation.

It is enough for these parents to listen carefully to the physician, seek second or third opinions, hear counsel from their rabbi, priest, or minister and discuss it with their families. Congress has no business adding to their anguish or extending their grief by forcing neonatologists to follow what Dr. Cole called an "unnecessary and unrealistic definition of life."

The gentleman from Florida (Mr. CANADY) and other antichoice lawmakers could genuinely demonstrate concern about maternal and child health by promoting legislation that improves access to prenatal care, fosters research that reduces premature birth rates, and broadens the availability and affordability of health insurance.

Instead, we have a bill on the floor, Mr. Speaker which has had one subcommittee hearing and a quick markup.

I think Dr. Sessions Cole and others have raised important concerns about changing the definition of "life" or "alive" or "person." In the end, it is families and newborns that will suffer.

Because I strongly believe that we should not be playing politics with appropriate and compassionate care for all newborns, I will oppose the bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, first of all, let me adamantly disagree with the gentlewoman from New York (Mrs. LOWEY), the previous speaker. Everyone does not agree on protecting newborns. We all know of cases where newborns have been killed or left to die.

There was a piece done by the Philadelphia Inquirer, the Pulitzer Prize winning newspaper, called "The Dreaded Complication." It talked about live births that resulted from failed or botched abortion attempts. Dr. Willard Cates is quoted extensively in that report. He was at the time the Chief of Abortion Surveillance for the CDC. He made the point that reporting that failed abortions resulted in live births is like turning yourself into the IRS for an audit. What is there to gain?

The article talks about repeatedly, case after case, where abortionists tried to kill an unborn child, failed to do so, only to have someone else step into the gap, scoop up that child, and bring that child to some kind of life saving situation. The report notes that the common thread in all of the incidents, and they go through one instance after another, is that it was not the doctor but someone else who intervened to administer care to the child.

Mr. Speaker, notwithstanding three decades of distraction, distortion, and deceit by the abortion lobby, I am happy to say a majority of Americans believe, and according to a recent nationwide L.A. Times poll, 61 percent of all American women regard abortion as murder. The violence of abortion should be self-evident: Chemical poisoning, dismemberment, brain sucking procedures.

But the bill of the gentleman from Florida (Mr. CANADY) seeks to protect newborns, kids that are already born. They, too, are now at risk under this slippery slope.

If one looks and reads the Supreme Court decision on partial birth abortion, it should be a wake-up call. Partially born kids are not protected. Kids who survive late-term abortions are not protected. This legislation is absolutely vital to protect kids who survive and are born after a failed abortion.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), a distinguished member of the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, during the meeting of the committee which approved the bill 22 to 1, when I asked minority members in the committee, pro-choice members of the committee, to support the bill, I did so partially in reliance on the words of the gentleman from Florida (Mr. CANADY).

I read from the transcript of the committee meeting, "And let me say that I think that the gentleman from New York and I have substantial common ground on issues related to this bill. And the gentleman has properly stated the purpose of this bill as being to reaffirm existing legal principle."

This bill, as I read it, as I read it now does not change the law in any way. It is unnecessary. So why support it? Why vote for it? Because of its dishonest sponsorship, because of the dishonest purpose behind it. The purpose of this bill is only to get the pro-choice members to vote against it so that they can then slander us and say that we are in favor of infanticide. If I had any doubts about that, the manager's amendment and the Dear Colleague letter with it —

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I will not yield at this point.

Mr. SMITH of New Jersey. You are imputing the dignity of the chairman by suggesting his motive is dishonest. We have better comity in this place than that.

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from New York (Mr. NADLER) controls the time.

Mr. NADLER. Mr. Speaker, I believe the only real purpose of this bill is to trap the pro-choice Members into voting against it so that they can slander us and slander the pro-choice movement as being in favor of infanticide.

Mr. SMITH of New Jersey. Mr. Speaker, parliamentary inquiry.

Mr. NADLER. That is why I voted for the bill in the committee.

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) controls the time, and he is not yielding for that purpose.

Mr. NADLER. Mr. Speaker, that is why I voted in the committee in favor of the bill. That is why I will vote again and urge my colleagues to vote in favor of the bill so we do not step into this trap.

Now, the manager's amendment, which was withdrawn, but certainly the rhetoric of the sponsors, which we heard again today, are full of untruths. They say that newborns do not receive full legal protection. But there exists a common law born-alive rule imposing liability to anyone who harms a person who was born and was alive at the time of the harmful act.

The Federal statute known as the Baby Doe law already requires that appropriate care be administered to a newborn.

They say that the Carhart decision, they grossly distort the Carhart decision, striking down Nebraska's ban on abortion procedures, Stenburg v. Carhart. The Supreme Court found the Nebraska ban unconstitutional because it imposed an undue burden on a woman's right to choose by banning safe and common abortion procedures and it lacked an exception to protect women's health.

To suggest that Carhart is about the legal rights of newborns is deceptive and irresponsible; and it is untrue, outrageous, and insulting to suggest that pro-choice Members of the Congress wish to deprive newborns of legal rights.

☐ 1945

Carhart did not expand Roe, and recent court rulings have not put newborns in jeopardy. They deal only with pregnancy. They do not have any bearing on newborns.

In summary, Mr. Speaker, this bill is unnecessary. I am not sure it is harmful in any way; but the real harm it does, the real purpose of it, is to get us to vote against it so they can go out and campaign and produce newspaper articles, such as the column by Mr. Will and Mr. Leo that say that pro-choice supporters are in favor of infanticide. We are not in favor of infanticide. The right to life begins, if not earlier, certainly at birth. No one disputes that. And we are, not many of us, are not going to fall into the trap by voting against this dishonest bill.

Mr. CANADY of Florida. Mr. Speaker, I submit for the RECORD a copy of the statement dated July 20, 2000, from the National Abortion and Reproductive Rights Action League in opposition to the bill.

[NARAL Statement, July 20, 2000]

ROE V. WADE FACES RENEWED ASSAULT IN HOUSE—ANTI-CHOICE LAWMAKERS HOLD HEARING ON SO-CALLED "BORN-ALIVE INFANTS PROTECTION ACT"

WASHINGTON, DC—The basic of tenets of Roe v. Wade were the subject of yet another anti-choice assault today, as the House Judiciary Subcommittee on the Constitution held a hearing on H.R. 4292, the so-called "Born-Alive Infants Protection Act." The Act would effectively grant legal personhood to a pre-viable fetus—in direct conflict with Roe—and would inappropriately inject prosecutors and lawmakers into the medical decision-making process. The bill was introduced by well-known abortion opponent Rep. Charles Canady (R-FL) and has been endorsed by the National Right to Life Committee.

Roe v. Wade clearly states that women have the right to choose prior to fetal viability. After viability, Roe allows states to prohibit or restrict abortion as long as exceptions are made to protect the life and health of the woman. In proposing this bill, anti-choice lawmakers are seeking to ascribe rights to fetuses "at any stage of development," thereby directly contradicting one of Roe's basic tenets.

This bill also attempts to inject Congress into what should be personal and private decisions about medical treatment in difficult and painful situations where a fetus has no chance of survival. It could also interfere with the sound practice of medicine by spurring physicians to take extraordinary steps in situations where their efforts may be futile and when their medical judgment may indicate otherwise.

This is not the first time we have seen Rep. Canady and his anti-choice colleagues attempt to chip away at the foundation of Roe v. Wade in just this manner. Last year, this same subcommittee held a hearing on the so-called "Unborn Victims of Violence Act," which also sought to ascribe certain rights to a fetus at any stage of pregnancy. Rep. Canady is also one of the chief architects of the federal ban on safe abortion procedures used prior to fetal viability, which directly undermines the fundamental principles of Roe. With all these bills, anti-choice lawmakers purposefully set America on a path they believe will ultimately lead to the overturn of Roe v. Wade. In keeping with this goal, the subcommittee has put the "Born-Alive Infants Protection Act" on the fast track and has scheduled a markup for Friday, July 21, 2000.

Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, a woman's right to privacy and parental rights, which we will hear about, does not include the right to kill one's live baby.

We heard some of the chilling words during the testimony of Jill Staneck, who presented testimony before the subcommittee. We only heard part of it, so let me read a little bit more. She said,

> Other coworkers have told me many upsetting stories about live aborted babies whom they had cared for. I was told about an aborted baby who was supposed to have spina bifida but was delivered with an intact spine.
>
> A support associate told me about a live aborted baby who was left to die on the counter of the soiled utility room wrapped in a disposable towel. The baby was accidentally thrown into the garbage, and when they later were going through the trash to find the baby, the baby fell out of the towel and onto the floor.
>
> I was recently told about a situation by a nurse who said, "I can't stop thinking about it." she had a patient who was 23-plus weeks pregnant, and it did not look as if her baby would be able to continue to live inside of her. The baby was healthy and had up to a 39 percent chance of survival, according to national statistics. But the patient chose to abort. The baby was born alive.
>
> If the mother had wanted everything done for her baby, there would have been a neonatologist, pediatric resident, neonatal nurse, and respiratory therapist present for the delivery, and the baby would have been taken to our neonatal intensive care unit for specialized care. Instead, the only personnel present for this delivery was an obstetrical resident and my co-worker. After delivery, the baby, who showed early signs of thriving, was merely wrapped in a blanket and kept in the labor and delivery department until she died 2½ hours later.

It is a sad day in America that we have to vote for a bill to protect infants born alive, but this bill is necessary. We should vote to support the bill.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank my colleague from Michigan for yielding me this time.

I had really intended not to participate in this debate, but it sounds like I got injected into it whether I was in it or not because I am the one vote who voted against the bill coming out of committee 22 to one. My name is one, I guess.

This bill reminds me of a neighbor of mine who, when I was growing up, had a dog who used to chase his tail. He would run around and around in circles chasing his tail. It seems to me that that is what we are doing with this bill. Because if, as my colleague from Florida has indicated, the bill does nothing to change the law, then why are we doing it? There is no compelling reason to pass a piece of legislation that does not do anything, and the sponsors of this bill submit that the bill does not do anything.

So at the end of the day, what we have done is add to the litany of terms in our statute; that litany being person, human being, child, individual, and another term which has no definition either, that term being born alive.

The concern that I have about it is the concern that has been expressed by the Congressional Research Service in its letter to the House Committee on the Judiciary. In that letter it says, "A computer search indicates that there are 15,000 sections in the United States Code and 57,000 sections of the Code of Federal Regulations that make reference to these various terms that are used; human being, child, individual, and now, born alive I guess is the new term, and nobody has made an assessment of what impact this bill has in those 15,000 sections of the United States Code or those 57,000 sections of the Code of Federal Regulations because nobody cares.

All this is about is politics, and so we should be like my friend's dog, chasing his tail around in a circle.

I am going to vote against this bill again, not because I am not sympathetic to children who are "born alive," but because I have no idea what implications this bill has in the other 15,000 sections of the United States Code and the 57,000 sections of the Code of Federal Regulations. And if, as my friend submits, the bill does nothing anyway, we will be no better or worse off as a result of my negative vote.

Mr. CONYERS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from Florida (Mr. CANADY) has 2½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 4 minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, this has been called many things, but I call this a rollback of Roe v. Wade, since the real goal here is to roll back a woman's constitutional right.

Earlier this year, the Supreme Court rejected an abortion law in Nebraska. But I do not ask my colleagues to take my word for it. I will place in the RECORD quotes from anti-choice organizations. One called this "A viable legislative option for pro-lifers that will not be struck down by the Supreme Court." Another called it, "A starting point from which we can roll the point of legal protection back."

But it is truly the statements of neonatologists and doctors, who have submitted letters to my office and others, that I would like to submit into the RECORD. One states, "It would impose on doctors and parents a universal definition of life or alive which is inconsistent with the harsh reality presented by a number of circumstances."

As my colleague, the gentleman from North Carolina (Mr. WATT) pointed out, we do know that it changes the definition of a person in 72,000 places in the law; 15,000 in the U.S. Code and 57,000 places in the Code of Federal Regulations. Quite frankly, I do not know what the long-term impact of this bill will be, but I do know the intent, because I have the internal documents from the pro-lifers, which I will put in the RECORD, and I do know that doctors who deal with the painful decisions of trying to help save the life of a child, many of them have said that this does not help; it merely complicates and makes the hard process of dying even harder on doctors and nurses and parents when they have children who, for whatever reason, modern technology cannot save that child's life.

I submit for the RECORD, Mr. Speaker, a number of letters from doctors and other documents I referred to earlier.

TESTIMONY OF F. SESSIONS COLE, M.D. TO COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON THE CONSTITUTION, UNITED STATES HOUSE OF REPRESENTATIVES, JULY 20, 2000

Mr. Chairman, Honorable Representatives, Staff, and spectators. My name is Francis Sessions Cole, and my family, including our two daughters, ages 16 and 14, and my wife of 28 years resides in St. Louis, Missouri. I appear before you to offer testimony concerning Representative Canady's Born Alive Infants Protection Act of 2000 (H.R. 4292) as a physician whose specialty is care of newborn infants. My testimony is not sponsored by any organization. I completed my pediatric residency training at Boston Children's Hospital and my specialty training in caring for newborn infants in the Joint Program in Neonatology at Harvard Medical School. Since my Board certification in Pediatrics in 1981, I have cared for more than 10,000 newborn infants directly, and I currently have administrative responsibility for approximately one half of all the babies born in St. Louis annually (approximately 13,000 babies). I also have an active clinical practice that focuses on caring for babies whose transition from womb to world is complicated by one or more problems like prematurity, birth defects, infections, or problems with the afterbirth or placenta. I routinely encounter babies whose problems place them on the edge of viability.

The language of H.R. 4292 would impose on doctors and parents a universal definition of "life" or "alive" which is, in my experience as a neonatologist, inconsistent with the harsh reality presented by a number of circumstances. The fact is that the indicia identified in the bill—breathing, or a beating heart, or pulsation of the umbilical cord, or definite movement of voluntary muscles—are not themselves necessarily indicative of life or continued viability. Frequently, the heartbeats of infants will be maintained by medicines, not nature; their breathing may be present but ineffective as they die; they may move voluntary muscles during the dying process.

As a physician who cares for ill newborn infants, I feel that I have the greatest practice in medicine, because my practice permits me to participate in miracles everyday. Thanks to significant advances in technology over the last 20 years, babies whose parents could have been offered no hope can now see their babies survive and, for the most part, exceed both their parents' and their doctors' expectations as they develop. Unfortunately, even today's most advanced medical science is still a long way from being able to offer every sick infant a reasonable chance for survival. In fact, in our neonatal intensive care unit, approximately 10% of the infants do not respond to advanced technology and pass away. These deaths result from accidents of nature that are no one's fault, and they are excruciatingly difficult for parents, doctors, and nurses. Frequently, the emotional pain of the decision to terminate treatment in such cases is compounded by the fact that the technology that we provide babies requires painful, invasive procedures. When parents and physicians together decide that life support technology is futile for an infant and is only prolonging the pain of the dying process, parents have a moral and legal obligation to minimize the suffering of their baby, regardless of the pain such a turn of events brings to them in their loss.

The language of H.R. 4292 will, in my view, significantly interfere with the agonizing, painful and personal decisions that must be left to parents in consultation with their physicians. Imposing the proposed definition of "alive" or "life" for statutory purpose may cause parents to prolong the medically inevitable dying process of their infants out of fear that terminating that process might be deemed to be, for legal purposes, the termination of a life, when in fact all that would be terminated would be the painful process of death. Prolonging treatment in such cases would be not the saving of a "life", but the prolonging of the pain and suffering of inevitable death. As a physician whose career has been dedicated to the welfare of newborns, and especially critically-ill newborns, I urge the Subcommittee not to inject an unnecessary and unrealistic definition of "life", with all its legal implications, into the already agonizing and heart-breaking situation faced by parents of infants in the dying process.

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JULY 19, 2000.

Ranking Democrat, Judiciary Committee
*The House of Representatives.*

As a physician and neonatologist with 40 years of practice experience, I write to express my concern with HR 4292 IH, the "Born-Alive Infants Act of 2000." My credentials include authorship of a major textbook, *Neonatology: Pathophysiology and Management of the Newborn*, the fifth edition of which was published in 1999 by J B Lippincott, Co. I have also been Professor of Pediatrics for 30 years at the George Washington University School of Medicine and Health Sciences.

The powerful tools of neonatology (respirators, total intravenous feedings, life support systems, etc) have reduced neonatal mortality and saved countless infants. But they are also subject to overuse in futile situations which inflict pain and suffering on the infant, agony on the families, prolongation of dying, extreme cost and resource utilization, all without changing the fatal outcome. The humane and successful management of these situations requires a delicate balance in decision making, which has been recognized by the Congress in the amendments to the Child Abuse Act, the judiciary, including the Supreme Court, and various Administrations. I enclose an article I recently published, entitled Futility Considerations in the Neonatal Intensive Care Unit, to illustrate some of these issues.

The current proposed legislation defines as "born alive" any product of conception with a single muscle twitch or any indication of heart beat, regardless of stage of development. The term "born alive" is then declared equivalent to "person," "human being," "child," and "individual." Presumably every miscarriage, even in the first trimester, would be considered a child and would require a birth and death certificate. The definitions make no distinction as to whether there is any possibility of survival or not. Needless to say, rather than clarifying things, this set of definitions will immensely cloud the work of medical personnel and families in determining what measures are indicated and what would be futile and actually dehumanizing.

For centuries, different terms have been used to denote an embryo, a fetus, a neonate, an infant and a child. An embryo is pre-viable outside the uterus, and is in such a rudimentary stage of development that a human embryo more closely resembles the embryo of a pig than it does a term newborn of either species. Yet embryos have beating hearts and muscles which can twitch.

A fetus has reached third trimester and still has much growth and development to achieve before normal birth. However, many such fetuses can be stabilized and supported after premature birth and even discharged home as infants who can take their place in families. To blur these distinctions seems to work against tradition, sound medical practice, and the struggle of parents to understand what is facing them and what the practical alternatives are.

I strongly urge you to oppose this measure, which I consider regressive and ill considered.

Thank you for your consideration.
GORDON B. AVERY, M.D., PH.D.,
*Emeritus Professor of Pediatrics.*

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AUGUST 9, 2000.

Representative JERROLD NADLER,
*2334 Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN NADLER: As a neonatologist and author of the textbook, Neonatology, I am very concerned that the bill under consideration, referred to as the "born alive" bill, will significantly interfere with clinical practice. In setting definitions for being born alive, the issue of viability is completely bypassed. For the clinician, viability is crucial as it determines whether or not drastic, invasive and burdensome care is indicated. Neither grieving parents nor dying immature fetuses are served by futile chest pounding and attempts at ventilation. Thus "alive" is not relevant if it is not accompanied by plausible ability to survive outside the mother. Up to the moment of birth, even very immature birth, the baby's vital systems are supported by the mother. Thus one might better seek to define "independently alive."

The definitions in the bill—a single gasp, a muscle twitch, any pulsation of the umbilical cord—may identify living tissue, but not independent life, even with strong medical assistance. Any farmer will testify that you can cut the head off a chicken and the heart will still beat, for a time, the muscles twitch, and gasps may go on for several minutes. Yet there is no sustained viability.

One might better use terms like "sustained heartbeat and respirations" and "maturity within the gestational ages regarded as viable." Parents, health care givers, and the general public will much better understand the meaningfulness of such definitions.

I hope that these thoughts are helpful in your deliberations, and would be glad to answer questions or make further comments should they be needed.

Sincerely yours,
GORDON B. AVERY, M.D., PH.D.

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[From the Associated Press, Cybercast News Service, July 14, 2000]

The question remains: Are their any viable legislative options for pro-lifers that will not be struck down by a Supreme Court that in a series of decisions—Planned Parenthood v. Casey, Danforth v. Reproductive Health Services and now Carhart—has shown no inclination to curtail abortion on demand articulated in Roe v. Wade?

In terms of legislation, Senate pro-life leaders are planning to introduce new legislation in place of the bill on partial birth abortion, which had passed the Senate last year but was vetoed by President Clinton, that would make it illegal to kill a child that survives an abortion.

The virtue of the bill, said Hadley Arkes, a professor of jurisprudence at Amherst University in Massachusetts and a prominent pro-life writer, is that it stops what he sees as a "terrible drift toward making the right to abortion the right to a dead child."

According to Arkes, by the logic of the decisions on partial birth abortion, there is no way to distinguish legally between partial-birth abortion and actual infanticide, which he feels opens the way to allowing the destruction of infants who survive abortions. "This establishes a bright line of legal protection," Arkes said.

The proposed law also would provide a starting point "from which we can roll the point of legal protection back," according to one Senate staffer for a pro-life floor leader who may introduce the bill.

Mr. CANADY of Florida. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today as a cosponsor and a strong supporter of the Born Alive Infant Protection Act. There is a lot of confusion about who qualifies as a person today, so this is an important bill.

This bill says if a child, a little human being, is born and is showing signs of life, this child is entitled to the full protection of law. We are talking about babies who are breathing or have a beating heart or whose muscles are moving.

Now, I must admit that I believe that life begins at conception, and a child exhibiting these signs in the womb deserves the same protection out of the womb, but that is not what this bill is about. This bill is about a born, living, breathing little boy or girl being treated as a precious human being and receiving the full protection of law, rather than being thrown away to die in a linen closet, a plastic bag, or the bottom of a trash can.

Mr. Speaker, what has happened in America when we even must have this discussion on the floor? I believe this bill is something that we can all agree on. Please support this bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in firm opposition to this bill. It is not innocuous, but it is unnecessary.

Protecting newborns is the law. Every single example the gentleman has given should have been reported and prosecuted, because every newborn in America is entitled under Federal law to all medically indicated treatment, and the gentleman knows that.

This is not about protecting newborns. Listen to the words of a neonatologist. "When parents and physicians together decide that life support technology is futile for an infant, and is only prolonging the pain of the dying process, parents have a moral and legal obligation to minimize the suffering of their baby, regardless of the pain such a turn of events brings to them in their loss."

What the gentleman is doing in this bill is to deny parents and deny doctors the right to make decisions about premature infants. An infant born at 3½, 4½, 5½ months is a tragedy, and parents in a free society in America deserve the right to determine what medical care they will have, recognizing that the law requires newborns receive all medically indicated treatment.

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

My colleagues, the one thing that I really want to make clear, and I think there has been a little misstatement here, no one has found in the committee during the hearings, or in the course of this discussion, any example of where this measure would change existing law.

□ 2000

This bill has nothing to do whatsoever with "Roe v. Wade." "Roe" deals only with pregnancy. This bill deals with newborns.

And so, as we examine all of the Federal Code and the controlling Supreme Court cases, there is nowhere that we have found any changes that I could report to my colleagues. If there were, I would report them. If there were, other Members in this body would bring that to our attention.

And so, I urge, even though there may not be changes, that this measure be supported.

Mr. CANADY of Florida. Mr. Speaker, I yield the balance of the time to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, babies born alive, babies no longer in the mother's womb, babies that show obvious signs of life should be recognized as living babies.

The testimony from Allison Baker, a registered nurse who worked in a high-risk labor and delivery unit, tells the fate of a baby whose parents requested an abortion at 20 weeks because the baby had spina bifida.

"My shift started at 11 o'clock," she said, "and the patient delivered her fetus about 10 minutes before I took her as a patient. During the time the fetus was alive, the patient kept asking me when the fetus would die. For an hour and 45 minutes, the fetus maintained a heartbeat. The parents were frustrated and obviously not prepared for this long period of time. Since I was the nurse of both the mother and fetus, I held the fetus in my arms until it finally expired."

Can my colleagues imagine being that nurse or those parents and the pain they felt just waiting for that baby to die?

How often does an abortion fail and a living baby struggle to stay alive? No one knows. No one has that information.

Mr. Speaker, it does seem that abortions fail much more frequently than anyone cares to know.

If an abortion is successful, a dead baby is delivered. But when an abortion fails, that means that there is a live baby, a baby is delivered alive.

Mr. Speaker, does a woman still have a right to a dead baby even if the abortion fails? These innocent babies have the same God-given rights as my colleagues and I do.

I urge my colleagues to please vote yes in support of this important bill.

### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4292.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to speak on the merits of H.R. 4292, which is erroneously titled "To Protect Infants Who are Born Alive." I would challenge my colleagues for what they suggest in the title of this legislation, because our country and its people are not corrupt and morally bankrupted. Our commitment as leaders, parents, grandparents, humanitarians and public servants is the support of human life. However there are considerable concerns with this bill; I hope it is not done for political purposes.

What this legislation does is not protect any child that is born alive, because there is no law in this nation that would do otherwise. What this bill would do if it becomes law is open states and local municipalities to the burden of documenting all births of infants regardless of their stage of development or opportunity for survival. The ultimate result would be a ballooning of the mortality rates of infants born in the United States.

The most important predictor for infant survival is birthweight; survival increases exponentially as birthweight increases to its optimal level. The nearly twofold higher risk of infant mortality among blacks than among whites was related to a higher prevalence of low birthweights, to higher mortality risks in the neonatal period for infants with birthweights of greater than or equal to 3,000 g, and to higher mortality during the postneonatal period for all infants, regardless of birthweight. Moreover, the black-white gap persisted for infants with birthweight of greater than or equal to 2,500 g, regardless of other infant or maternal risk factors.

Each year, approximately 40,000 U.S. infants die before reaching their first birthday. The 1990 Objectives for the Nation call for an infant mortality rate of no more than 12 deaths/1,000 live-born infants of any racial group for an overall national infant mortality rate of no more than 9 deaths/1,000 live-born infants. In 1986, the infant mortality rate was 18.0/1,000 live-born black infants and 8.9/1,000 live-born white infants. It is thus unlikely that the United States will achieve the 1990 objective for black infants, especially since black infant mortality rates decreased only 15.9 percent from 1980 to 1986; to meet the 1990 objective, the rate for these infants would have to be reduced by 33.3 percent within the 4 years that remain in the period.

These numbers are already poor when considering the material death rate of African-American and Hispanic women and the mortality rate of their children when compared to the majority populations. A slowdown in the decline of infant mortality in the United States and a continuing high risk of death among black infants, twice that of white infants, prompted a consortium of Public Health Service agencies, in collaboration with all states, to develop a national data base of linked birth and infant death certificates for the 1980 birth cohort. This project, referred to as National Infant Mortality Surveillance [NIMS], provides neonatal, postneonatal, and infant mortality risks for blacks, whites, and all races in 12 categories of birthweights. Neonatal mortality risk = number of deaths of infants less than 28 days of age/1,000 live births; postneonatal mortality risk = number of deaths of infants ages 28 days up to 1 year/1,000 neonatal survivors; and infant mortality risk—number of deaths of infants less than 1 year of age/1,000 live births.

The language in this legislation is very similar to the 1974 regulations which was promulgated by the Department of Health and Human Services, which outlined the viability of a newborn. It was outlined in the regulations that two conditions have to exist are 20 weeks of gestation and 500 grams of birth weight to survive. There has not been any child born in recorded history that did not have at least these two minimums to support the life of a child. One or both can be greater, such as a child older than 20 weeks or over 500 grams of birthweight, but no child is known to have survived with either of these being lest than stated.

I commend the members of the House Judiciary Committee who have spent many hours in debate and discussion on this issue. For this reason, I invite them to join me in support of continued increases in funding to the National Institute of Health's Child Health and Human Development division, which is charged with federal research in the area of infant viability. My greatest concern with this legislation is not that it will not save the life of a child, but that it would have serious implications for the mortality statistics of infants born in our Nation. Should this bill become law it may require that states based on the language of their own statutes regarding births and deaths may be required to collect information on the birth and death of nonviable infants born in the conditions that would be defined as "born alive" under the language of this bill. Finally, I believe that physicians will do the appropriate thing for a new born infant with or without this law.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I rise today in support of the Born-Alive Infant's Protection Act of 2000. H.R. 4292 is a critical step in protecting human life. In the past, I have spoken of the criticality of reversing Roe v. Wade. That horrendous decision has given us early abortion of demand, late abortion on demand, partial-birth abortion, and now its precedent has given us outright infanticide.

Why do we need this legislation? It is needed for the simple reasons that live birth abortions are already occurring. It has now become the practice in some cases to induce labor, fully deliver a child, and then provide no medical treatment, thus resulting in its death. This is live birth abortion. This is infanticide. This is sick.

For our nation to heal, we need to recognize that life is a continuum. We won't be able to do this until Roe v. Wade is overturned. However, until then, we should at least make absolutely clear that children are protected by the law once they are born. This now seems to be an unfortunate necessity.

Mr. Speaker, our forefathers saw fit to found our government in the form of a constitutional republic. In doing so, our Founders declared in the Declaration of Independence that government existed to secure "life, liberty, and the pursuit of happiness." Furthermore, our Constitution enshrined the principle of equal protection of the laws.

If there is just simply one thing that this Congress should recognize, it is our responsibility to protect the innocent. And, make no mistake about it. These children are innocent. To allow for the cruel execution, by non-treatment of those children who were delivered early by induced labor is to be complicit in infanticide.

Mr. Speaker, when Roe v. Wade was made the law of the land eminent theologians, philosophers, and public servants predicted this was the first step on a slippery slope that would affect our concept of the value of human life. We have come to see this prediction realized. Mr. Speaker, we are no longer on a slippery slope. We have stepped off the cliff. Reverse this sickening trend and vote yes on H.R. 4292.

Mr. HALL of Ohio. Mr. Speaker, I rise in strong support of H.R. 4292, the Born-Alive Infants Protection Act. This legislation codifies in federal law that babies born alive are human beings who are legally alive with constitutional protections.

It is important that babies are ensured of this common sense protection. In two different instances in my district last year, two babies were born after surviving preparatory procedures for a partial-birth abortion. In one case, the baby received no medical care and died. In the other case, the baby received medical care and lived.

In both cases, the women were planning on having a partial-birth abortion at the Women's Med Center of Dayton. This medical clinic is one of the few places in the country which preforms this procedure. In order to have a partial-birth abortion, a woman must go to the clinic about 2 days before the abortion is performed and have her cervix dilated as an outpatient. Pregnant women react differently to these drugs and in these two instances, the women went into labor and delivered their babies prematurely at their local hospitals.

Mr. Speaker, I would ask unanimous consent that the article titled, "Ohio Baby Survives Abortion Procedure" which appeared in The Washington Times on August 21, 1999, be printed in the CONGRESSIONAL RECORD. This story highlights the details of these two cases in which one baby survived and the other died.

Finally Mr. Speaker, I would urge my colleagues to support the Born-Alive Infants Protection Act to ensure that babies receive legal protection and medical care once they are born.

### OHIO BABY SURVIVES ABORTION PROCEDURE

(By Joyce Howard Price)

A premature baby girl is listed in serious but stable condition at an Ohio hospital after surviving preparatory procedures her mother underwent for a late-term abortion—reportedly a partial-birth abortion.

Maureen Britell, government relations director for the National Abortion Federation, yesterday confirmed that a woman gave birth at a Dayton hospital earlier this month after "experiencing premature labor at home following an earlier cervical dilation" she underwent at the Women's Med Center, a Dayton abortion clinic.

The baby in question, born Aug. 4 at Good Samaritan Hospital, was born 25 or 26 weeks into the 40 weeks of a full-term pregnancy, said Mary K. McCelland, spokeswoman for the Montgomery County [Ohio] Children Services Board. The board has temporary custody of the infant.

"Her condition is still very tenuous because of her size. She was born several months early . . . and this can lead to a lot of complications," Miss McClelland said in a telephone interview yesterday. She was unable to provide the baby's weight but said the child is in an incubator and on a respirator.

The county has filed for permanent custody of the baby and will make her available for adoption if no one in the mother's family wants her. Miss McClelland said.

"The recent birth of this very premature baby . . . appears to be the result of a partial-birth abortion gone awry," said Peggy Lehner, executive director of Dayton Right to Life.

"The baby . . . escaped the final, fatal stage of the three-day late-term procedure because the mother started into labor before the third day," the pro-life leader added.

Mrs. Lehner said her organization received an anonymous call about the baby's birth when the mother showed up at Good Samaritan Hospital in labor. Mrs. Lehner said she consequently talked with some hospital officials who privately confirmed that the baby survived what was to have been a partial-birth abortion.

In the two days before such a procedure, a pregnant woman undergoes dilation of her cervix as an outpatient. "The abortionist inserts a drug into the woman's cervix, which causes it to dilate [and expand]. The woman goes home, or in many cases to a local hotel, during this phase of the procedure. Some women apparently react to this drug much more rapidly than others, and premature labor begins," said Mrs. Lehner.

On the third day, a doctor, using forceps, delivers the baby feet-first, except for the head. The physician then punctures the baby in the back of the neck, suctions out the brains and collapses the skull, killing it.

This is, at least, the second time in four months a woman about to undergo a late-term abortion at the Women's Med Center of Dayton has experienced premature labor and delivered a live child. But, in the previous case, which involved a 22-week-old female fetus known as "Baby Hope," born in a Cincinnati hospital, the infant lived for only three hours.

"Baby Hope's" mother had been slated to have a partial-birth abortion. And doctors at the hospital elected not to provide her baby with medical care because of her prematurity.

The Women's Med Center of Dayton is actually the home of partial-birth abortion. Its owner, Dr. Martin Haskell, developed the procedure, which he initially called "dilation and extraction."

Dr. Haskell first described it at a National Abortion Federation convention in 1992. The National Right to Life Committee and other pro-life groups learned of his remarks and quickly spread the word to the media.

Public outrage over this procedure—which pro-lifers dubbed "partial-birth abortion" since it involves killing an already partially delivered child—led Congress and at least 28 states to pass legislation banning most such procedures. But the laws have been blocked in 20 of those states as a result of court challenges.

The ban enacted in Ohio in 1995 was the nation's first. But it was later struck down by a federal judge as being too vague. A rewritten version of the legislation is being considered by the Ohio House Criminal Justice Committee.

And while Congress has twice approved a national ban, President Clinton has twice vetoed it. The federal ban measure was reintroduced in Congress in late April and is expected to be considered in the Senate in October.

Dr. Haskell testified as an expert witness in a trial resulting from a legal challenge of a partial-birth abortion ban passed in Wisconsin. He said he has performed approximately 2,000 D&X procedures, which he now calls "intact D&E (dilation and evacuation) abortions."

Traditional D&E abortions, the most common type of pregnancy termination during the second trimester, involve dismembering the fetus. Dr. Haskell said he prefers doing the "intact D&E" or "D&X" procedure after 20 weeks gestation because bones and ligaments become tougher and stronger at that age and are more difficult to pull apart.

Ohio pro-lifers were shocked to learn that the mother of the premature baby girl now recovering at Children's Medical Center in Dayton was into her 25th or 26th week of pregnancy when the child was born. Dr. Haskell has previously testified he does not do abortions after 24 weeks. And he told the court in the Wisconsin trial he does not perform abortions on viable fetuses.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. CANADY) that the House suspend the rules and pass the bill, H.R. 4292.

The question was taken.

Mr. CANADY of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 380, nays 15, answered "present" 3, not voting 35, as follows:

[Roll No. 495]

### YEAS—380

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Gordon
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Graham
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Green (TX)
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Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
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Hefley
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Hill (IN)
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Hooley
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Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NAYS—15

Carson
Dingell
Fattah
Gilman
Gonzalez
Hastings (FL)
Jackson (IL)
Johnson (CT)
Lee
Lowey
Maloney (NY)
McKinney
Velazquez
Waters
Watt (NC)

### ANSWERED "PRESENT"—3

Hinchey
Schakowsky
Slaughter

### NOT VOTING—35

Bereuter
Boehner
Brown (OH)
Campbell
Clay
Ewing
Frank (MA)
Franks (NJ)
Gillmor
Hall (OH)
Houghton
Jones (OH)
Kilpatrick
Klink
Lazio
Lewis (GA)
Martinez
McCollum
McIntosh
Moran (VA)
Morella
Murtha
Packard
Paul
Pickett
Porter
Quinn
Rogan
Rush
Sandlin
Shuster
Sisisky
Smith (MI)
Stark
Vento

□ 2024

Ms. VELÁZQUEZ changed her vote from "yea" to "nay."

Mr. OWENS changed his vote from "present" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the remaining motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken tomorrow.

## EXPRESSING SENSE OF HOUSE ON PEACE PROCESS IN NORTHERN IRELAND

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 547) expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland, as amended.

The Clerk read as follows:

H. RES. 547

Whereas the April 10, 1998, Good Friday Agreement established a framework for the peaceful settlement of the conflict in Northern Ireland;

Whereas the Good Friday Agreement stated that it provided "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole";

Whereas the Good Friday Agreement provided for the establishment of an Independent Commission on Policing to make "recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements";

Whereas the Independent Commission on Policing, led by Sir Christopher Patten, concluded its work on September 9, 1999, and proposed 175 recommendations in its final report to ensure a new beginning to policing, consistent with the requirements in the Good Friday Agreement;

Whereas the Patten report explicitly "warned in the strongest terms against cherry-picking from this report or trying to implement some major elements of it in isolation from others";

Whereas section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as contained in H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106-113, and as contained in appendix G to such Public Law) requires President Clinton to certify, among other things, that the Governments of the United Kingdom and Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued on September 9, 1999 before the Federal Bureau of Investigation or any other Federal law enforcement agency can provide training for the Royal Ulster Constabulary;

Whereas a May 5, 2000, joint letter by the British Prime Minister and the Irish Prime Minister stated that "legislation to implement the Patten report will, subject to Parliament, be enacted by November 2000";

Whereas on May 16, 2000, the British Government published the proposed Police (Northern Ireland) bill, which purports to implement in law the Patten report;

Whereas many of the signatories to the Good Friday Agreement have stated that the proposed Police (Northern Ireland) bill does not live up to the letter or spirit of the Patten report and dilutes or fails to implement many of the Patten Commission's key recommendations regarding accountability, such as, by limiting the Policing Board and Police Ombudsman's powers of inquiry, by failing to appoint a commissioner to oversee implementation of the Patten Commission's 175 recommendations and instead limiting the commissioner to overseeing those changes in policing which are decided upon by the British Government, and by rejecting the Patten Commission's recommendation that all police officers in Northern Ireland take an oath expressing an explicit commitment to uphold human rights;

Whereas Northern Ireland's main nationalist parties have indicated that they will not participate or encourage participation in the new policing structures unless the Patten report is fully implemented; and

Whereas on June 15, 2000, British Secretary of State for Northern Ireland Peter Mandelson said, "I remain absolutely determined to implement the Patten recommendations and to achieve the effective and representative policing service, accepted in every part of Northern Ireland, that his report aimed to secure": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) commends the parties for progress to date in implementing all aspects of the Good Friday Agreement and urges them to move expeditiously to complete the implementation;

(2) believes that the full and speedy implementation of the recommendations of the Independent Commission on Policing for Northern Ireland holds the promise of ensuring that the police service in Northern Ireland will gain the support of both nationalists and unionists and that "policing structures and arrangements are such that the police service is fair and impartial, free from partisan political control, accountable . . . to the community it serves, representative of the society that it polices . . . [and] complies with human rights norms", as mandated by the Good Friday Agreement; and

(3) calls upon the British Government to fully and faithfully implement the recommendations contained in the September 9, 1999, Patten Commission report on policing.

The SPEAKER pro tempore (Mr. PITTS). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support H. Res. 547. I joined as an original cosponsor of this bill, along with many on our committee and others from both sides of the aisle familiar with the problems in Northern Ireland.

In Northern Ireland last spring, the IRA's efforts at putting arms beyond use and having that verified by outside observers demonstrated their good faith. It made it possible for the power-sharing executive to run again and for real, peaceful democratic change.

As part of that arrangement to restore the executive, in May 2000 the British and Irish governments made a firm commitment to the nationalist community to fully implement the Patten Commission policing reforms that form a core portion of the Good Friday Accord for a new beginning in policing.

The British Government and the unionists have, so far, failed to show similar good faith. They firmly need to live up to their agreements in the Good Friday Accord, especially concerning real police reform as envisioned by the Patten Report of September 1999, a report consistent with the terms of the Good Friday Accord.

A 93 percent Protestant police force will not do in a nearly equally divided society. The British Government cannot put aside promised change and the Good Friday Accord for temporary tactical or political gain, for whatever reason. The Irish National Caucus and other Irish American groups here fully support this bill, as well as the SDLP, the largest nationalist Catholic party in the north of Ireland whose leader, John Hume, won the Nobel Peace Prize.

Seamus Mallon, the SDLP's deputy minister in charge of the executive, stated to our committee and said that failure to implement Patten policing proposals will have a damaging effect on the whole psyche of the fledgling political process.

□ 2030

We do not want this, nor can we afford this. The Washington Post noted in July that the onus remains on the British Government to respond to Catholic objections on its failure to fully implement all of Patten's police reforms, since these reforms were part of the agreement in the Good Friday Accord. To date, regrettably, they have not responded.

At hearings held last week by the gentleman from New Jersey (Chairman SMITH) of the Helsinki Commission, a Member of the Patten Commission, Dr. Gerald Lynch, the president of the John J. College of Criminal Justice in New York, told us that any significant modification of its recommendations "will deprive the people of Northern Ireland of this long-awaited police service capable of sustaining support from the community as a whole."

We also learned that the current Police Authority in the North has said it is "vital" that the police bill now before the British parliament to carry out Patten be amended.

Finally, a former adviser to the Northern Ireland secretary of state has also told us that the first draft of the bill "eviscerated Patten. The latest version presents a mostly bloodless ghost."

There must be policing reform as the Roman Catholic Church and as Nationalist Party leaders want, and are entitled to, as well as was agreed upon in the Good Friday Accord. The old Unionist "veto politics" must end.

I was proud to join as an original cosponsor of this resolution that was passed out of our Committee on International Relations without one objection. All Members of Congress want to see lasting peace and justice to take permanent hold in Northern Ireland, and we should act favorably on this proposal.

The resolution before us, Mr. Speaker, merely calls on the British Government to fully and faithfully implement the Patten Commission report, to which they agreed, both as part of the Good Friday Accord and the recent restoration of power sharing executive in the North.

If the British Government truly intends to do this, there is nothing for them to fear from this bill. If they are not serious about policing reform, then they are not in compliance with the Good Friday Accord, and the judgment of history will be rightfully harsh.

Now is the time for us to get it right and to fully support the Good Friday Accord.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to voice my support for House Resolution 547. I regret that such a resolution is necessary. However, the British Government's failure to fully implement the Good Friday Agreement and the Patten Commission report is an issue of great concern among many Members of this body and must be addressed.

I want to thank the gentleman from New York (Chairman GILMAN) for moving this measure along in an expeditious manner, and I want to thank my colleague and friend and cochair of the Ad Hoc Committee on Irish Affairs here in the House as well, the gentleman from Massachusetts (Mr. NEAL), for introducing this measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, let me if I can at the outset thank the gentleman from New York (Mr. GILMAN) and thank the gentleman from Connecticut (Mr. GEJDENSON) and members of the Committee on International Relations for the expeditious manner in which they brought this piece of legislation that I authored to the floor.

Also I think to fully acknowledge that time and again on the issue of Ireland, there has been bipartisan support in this House of Representatives for the work that has occurred on this side of the ocean, as well as on that side of the ocean.

House Resolution 547, Mr. Speaker, simply urges the British Government to fully implement the Patten recommendations on police reform in the North of Ireland. The people on the island of Ireland support the Patten recommendations, not the Mandelson recommendations.

Let me give you a little bit of background, if I can, on this issue. Probably one of the most difficult problems that has confronted the people in the North of Ireland for the better part of the previous century was the issue of policing in a small state the size essentially of what we would know as Connecticut. But on May 21, 1998, the vast majority of the people of the island of Ireland voted for what we know as the Good Friday Agreement. In unprecedented numbers, they said yes to the future, a future that would include justice, and a future that would include reconciliation between the two traditions that have resided on that island.

But as part of that Good Friday Agreement, there was a very special provision that cuts to the heart of the discussion that we are having this evening. It established an independent commission on policing that would make recommendations to the British Government and to the Irish Government. The notion was to create a new policing service capable of attracting and sustaining support from the community as a whole.

The Nationalist population currently comprises about 7 percent of the Royal Ultra Constabulary. That means that the Unionist community, which, by the way, represents about 54 percent of the people in the North, nonetheless constitutes 93 percent of the police force. The Nationalist community sees them as a force to keep them in line. Fundamentally, the issue of policing can change the whole complexion of the process in the North of Ireland that we know as the Good Friday Agreement.

Now, let me delve into this a bit more. On September 24, 1999, Chris Patten, a conservative member of the British parliament, was chosen to review the state of policing in the North of Ireland. He came back, and, listen to this number, Mr. Speaker, offered to not only take the politics out of policing in the North, but, just as importantly, offered 175 recommendations that included changing the name, changing the flag and emblems of the RUC, a new oath for all the officers, human rights training and a new policing board to be comprised of both communities. This evening this Chamber should be grateful for what Chris Patten did and the efforts that he extended on behalf of this fundamental issue.

Now, when he came to Washington at the request of the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), he presented to us a very cogent plan for fundamentally restructuring the Royal Ulster Constabulary. What he said at that time essentially was this: do not allow my report to be cherry-picked. Precisely what is happening at this moment in the North of Ireland is the cherry-picking of Chris Patten's recommendations.

Now, I would remind all present, as well as those viewing across the country, that there was a democratic election which people in both traditions on both sides of the border voted for in overwhelming numbers.

So what we are saying essentially here is this, that we have had an agreement, we have had an election, and now we are going to move the goalposts back by another 10 yards, because that is what the Nationalist community will deem this intransigence to be.

Everybody in the British Isles has concluded that there has to be a fundamental reform of policing in the North of Ireland. Secretary Mandelson's position, however, has been to come back and say, we know better, we know more. We have decided that, despite what Chris Patten said, despite the Patten recommendations, despite an election, that we are now going to compromise the very notion of fully integrating the police service or police force in the North of Ireland.

What is difficult for most of us to digest in this process is essentially this: if we are to go back to the recommendations that Patten made and essentially say we cannot sell them politically now, it invites both sides to say, let us reopen the Good Friday Agreement.

Now, George Mitchell deserves enormous credit for his good and patient work. Bill Clinton deserves great credit for his work. Republicans like the gentleman from New York (Mr. GILMAN) and others deserve credit for their work. This has always been bipartisan in nature.

Let me, if I can for a second, read a statement that Vice President Gore has asked me to offer on his behalf: "I also want to make clear my position on the Patten Commission's recommendations for police reform in Northern Ireland. I urge the British government to fully and expeditiously implement these recommendations. The goal of the Patten Commission's recommendations is to take politics out of policing and to create a police service in Northern Ireland that meets the highest possible standards and that enjoys the support of both communities."

Now, I would submit tonight, Mr. Speaker, that if we are to head back to a reopening of the Good Friday Agreement, canceling the provisions of the Good Friday Accord, we are going to invite the rejectionists to step forward. I would ask the rejectionists of the Good Friday Agreement a very simple question: tell us your alternative. You have always had great moments of outlining what you are against; we would like you to tell what your competing proposal is on behalf of what you are for.

It becomes very obvious to all of us who have been in this process, myself included, for more than two decades, that they really have no alternative to the Good Friday Agreement. They are going to continue to chip away at the edges, they are going to continue to be naysayers, they are going to continue to criticize all of the parties that have brought us to this moment. But the point tonight to remember is this, they provide no viable alternative.

There is no option, that I am aware of, other than the Good Friday Agreement. It has met the test of time, it enjoys support across the island; and if we are to say tonight that the Patten Commission recommendations are to be, as Chris Patten said, cherry-picked or taken apart, then what is to prevent the next party from standing and saying, we do not like this part of the Good Friday Agreement?

The term "royal" should be taken out of police service. Members of the Nationalist community do not want to swear allegiance to the Queen upon taking the oath for joining its police service. Chris Patten understood that; Tony Blair understood that. That was part of this far-reaching agreement, that they would not have to swear allegiance to the Queen to join the police service. Instead, they would take an oath of office similar to the one that patrolmen and patrolwomen across this Nation take upon entering that service, simply acknowledging your duties.

I would submit tonight, Mr. Speaker, to Members that are going to have a chance to go at this later on, that my words do not ring hollow on this occasion. If we allow any part of the Patten Commission recommendations to be undone, we invite the naysayers and the rejectionists to step to the floor to fill the vacuum. We have to push them aside and make them in free elections tell the people what they are for or what they are against, as opposed to sitting in the inexpensive seats and telling all of us how wrong we have been all along the way.

Mr. Speaker, I want to thank the Members assembled here this evening again for their steadfastness.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Massachusetts (Mr. NEAL) for his kind supporting words for this resolution. The gentleman has been a longtime leader in the Irish cause in the Congress.

Mr. Speaker, I am pleased to yield 6½ minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Subcommittee on International Operations and Human Rights of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), for his leadership on this very important issue, as well as the gentleman from Massachusetts (Mr. NEAL), the gentleman from New York (Mr. CROWLEY), and my good friend, the gentleman from New York (Mr. KING), who has been indefatigable for many years on this important issue.

Mr. Speaker, I think the gentleman from Massachusetts (Mr. NEAL) is right in pointing out that this is a bipartisan effort, and we are trying to send a clear non-ambiguous message to the British Government that we are looking at their policing bill, that we looked at it very carefully, and it falls far, far short.

Last Friday, as chairman of the Subcommittee on International Operations and Human Rights and as chairman of the Helsinki Commission, I held my sixth hearing in a series of hearings which have delved into the status of human rights in the North of Ireland and the deplorable human rights record of the Royal Ulster Constabulary, the RUC, Northern Ireland's police force.

□ 2045

Our panel of experts were emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British Government has now put forth in their attempt to comply with the Good Friday Agreement's instructions to "craft a new beginning to policing."

Professor Brendan O'Leary, one of our witnesses from the London School of Economics and Political Science, testified that the pending police bill is, quote, "a poorly disguised facade" that does not implement the Patten report. He said it was, and I quote again, "mendaciously misleading" for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that his government's bill implements the Patten report.

Professor O'Leary reported that the bill improved at the Commons stage, yet he testified that the British government's bill is still very "insufficient." He called it a "bloodless ghost" of Patten and referred to it as "Patten light."

Similarly, Martin O'Brien, the great human rights activist and the Director of the Committee on Administration of Justice, an independent human rights organization in Belfast, expressed his organization's, quote, "profound disappointment at the developments since the publication of the Patten report." He said that "only a third or less of Patten's recommendations resulted in proposals for legislative change."

Mr. O'Brien reported that "a study of the draft seems to confirm the view that the British government is unwilling," his words, "to put Patten's agenda into practical effect." He called it "a very far cry from the Patten report" and said "despite much lobbying and extensive changes in the course of the parliamentary process to date, there is still a very long way to go."

Elisa Massimino, from the Lawyer's Committee for Human Rights, testified that the bill "falls far short of the Patten recommendations" and she pointed to many discrepancies to illustrate this. And Dr. Gerald Lynch, the President of John Jay College of Criminal Justice in New York and an American appointee to the Patten Commission, restated the Commission's unanimous support for full implementation and warned, in his words, "that the recommendations should not be cherry picked but must be implemented in a cohesive and constructive manner."

Mr. Speaker, the witnesses at last week's hearings, as well as witnesses at previous hearings, as well as in correspondences that we have all received and in the meetings that we have had throughout this Capitol and in Belfast and elsewhere, policing has been the issue. In fact last year we had Chris Patten himself and the U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy, speak to our subcommittee. They too pointed to police reform as the essence of real reform in Northern Ireland.

It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity and responsibility for making police reform either the linchpin or the Achilles heel of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British government to fully and faithfully implement the recommendations contained in the Patten Commission report. The bill is the culmination of years of work in terms of trying to get everyone to the point where they have a transparent police force that is not wedded to secrecy and cover-up of human rights abuses.

Mr. Speaker, H. Res. 547 does get specific. It points out that the police bill in parliament limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the police ombudsman. Remarkably, the police bill gives the Secretary of the State of Ireland a veto authority to prevent a Policing Board inquiry if the inquiry "would serve no useful purpose." That just turns the bill into a farce, Mr. Speaker.

The British government also prohibits the Policing Board from looking into any acts that occurred before the bill was enacted. The British government's bill also denies the ombudsman the authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British government agrees to, rather than overseeing the implementation of the full range of the Patten recommendations.

Mr. Speaker, when Mr. Patten met with our committee, I and many others expressed our disappointment that his report contained no procedure whatsoever for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that existing police officers should affirmingly state a willingness to uphold human rights. Now we learn that the British government's bill guts even this minimalist recommendation.

Mr. Speaker, let me just conclude, and I ask that my full statement be made a part of the RECORD. Two years ago this week, human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest-held fear that the RUC, which had made numerous death threats against her and her family through her clients, would one day succeed and assassinate her. The U.N. Special Rapporteur testified at the hearing that he was satisfied that there was truth to those allegations that defense attorneys were harassed and intimidated by members of the RUC.

As we sadly all know today, Rosemary Nelson was killed, the victim of an assassin's car bomb just 6 months after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated in part by the RUC, the police force that she so feared. If the British government's police bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson or defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, perhaps helped cover up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

Mr. Speaker, let us have a unanimous vote for this resolution and send a clear message to our friends on the other side of the pond that we want real reform and that real police reform is the linchpin to the Good Friday Agreement.

Last Friday, as Chairman of the International Operations and Human Rights subcommittee and as Chairman of the Helsinki Commission, I held my sixth hearing in a series of hearings which have delved into the status of human rights in the north of Ireland and the deplorable human rights record of the Royal Ulster Constabulary, Northern Ireland's police force.

Our panel of experts was emphatic about the gap that exists between the recommendations of the Patten Commission on policing reform and the bill that the British government has now put forth in their attempt to comply with the Good Friday Agreement's instruction to craft "a new beginning to policing."

Professor Brendan O'Leary from the London School of Economics and Political Science testified that the pending Policing Bill is "a poorly disguised facade" that does not implement the Patten report. He said it was "mendaciously misleading" for Northern Ireland's Secretary of State, Peter Mandelson, to suggest that this government's bill implements the Pattern report.

Professor O'Leary reported that the bill was improved at the Commons stage, yet he testified that the British government's bill is still "insufficient". He called it a "bloodless ghost" of Patten and referred to it as "Patten light."

Similarly, Martin O'Brien, Director of the Committee on the Administration of Justice, an independent human rights organization in Belfast, expressed his organization's "profound disappointment at the developments since the publication of the Patten report." He said that "only a third or less of Patten's recommendations resulted in proposal for legislative change."

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Mr. Speaker, the witnesses at last week's hearing, as well as witnesses at previous hearings—including Patten himself and U.N. Special Rapporteur to Northern Ireland, Param Cumaraswamy—have all pointed to police reform as the essence of real reform in Northern Ireland. It is critical to note, then, that despite the progress to date, the British government is at a critical crossroads on the path to peace in Northern Ireland. The British government has the sole opportunity—and responsibility—for making police reform either the lynchpin—or the Achilles' heel—of the Good Friday Agreement.

Accordingly, our legislation today calls upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report on policing. Our bill is the culmination of our years of work and it is our urging of an ally to do what is right for peace in Northern Ireland.

H. Res. 547 does get specific. It now contains language which I offered at the Committee stage to highlight a few of the most egregious examples where the proposed Police Bill does not live up to either the letter or the spirit of the Patten report. For instance, the Police Bill, as currently drafted, limits the powers of inquiry and investigation envisioned by the Patten report for the Policing Board and the Police Ombudsman. Remarkably, the Police Bill gives the Secretary of State for Northern Ireland a veto authority to prevent a Policing Board inquiry if the inquiry would "serve no useful purpose." The bill completely prohibits the Policing Board from looking into any acts that occurred before the bill is enacted.

The British Government's Police Bill also denies the Ombudsman authority to investigate police policies and practices and restricts her ability to look at past complaints against police officers. And the bill restricts the new oversight commissioner to assessing only those changes the British Government agrees to rather than overseeing the implementation of the full range of Patten's recommendations.

When Mr. Patten himself met without subcommittee, I and many others expressed our disappointment that his report contained no procedure for vetting RUC officers who committed human rights abuses in the past. That said, we took some comfort that the Commission at least recommended that the existing police officers should affirmatively state a willingness to uphold human rights. Now we learn that the British Government's bill guts even this minimalist recommendation.

Many of the reforms that the Patten Commission recommended, such as those addressing police accountability or the incorporation of international human rights standards into police practices and training, are not issues that divide the nationalist and unionist communities in Northern Ireland. One must ask then, who it is that the Northern Ireland Secretary of State is trying to protect or pacify by failing to implement these recommendations.

Our witnesses concluded that the British Government is hiding behind the division between unionist and nationalists on other issues—such as what the police service's name and symbols will be—to avoid making changes in accountability structures and human rights standards for the police. According to Mr. O'Brien, "these constraints are there apparently to satisfy the concerns of people already in the policing establishment who don't want change and don't want the spotlight shown on their past activities or future activities."

In other words, the future of Northern Ireland is being held captive to the interests of the very police service and other British Government security services that the Good Friday Agreement sought to reform with the creation of the Patten Commission.

Mr. Speaker, there should be no doubt about the importance of policing reform in Northern Ireland as it relates to the broader peace process. Mr. O'Brien testified that "the issue of resolution of policing and the transformation of the criminal justice system are at the heart of establishing a lasting peace." Dr. Gerald Lynch restated Chris Patten's oft-repeated statement that "the Good Friday Agreement would come down to the policing issue."

Professor O'Leary's comments were even more somber. He said:

> In the absence of progress on Patten . . . we are likely to see a stalling on possible progress in decommissioning, minimally, and maximally, if one wanted to think of a provocation to send hard line republicans back into full scale conflict, one could think of no better choice of policy than to fail to implement the Patten report . . . I think disaster can follow . . . and may well follow from the failure to implement Patten fully.

Both the nationalist and unionist communities supported the Good Friday Agreement and all that it entailed—including police reform. The people of Northern Ireland deserve no less than a police service that they can trust, that is representative of the community it serves, and that is accountable for its actions.

In conclusion Mr. Speaker, let me point out to my colleagues that it was two years ago this week that human rights defense attorney Rosemary Nelson testified before my subcommittee expressing her deepest held fear that the RUC, which had made death threats to her and her family through her clients, would one day succeed and kill her. The U.N. Special Rapporteur, Para Cumaraswamy testified at the same hearing that after his investigation in Northern Ireland, he was "satisfied that there was truth in the allegations that defense attorneys were harassed and intimidated" by members of the RUC.

As many people know, Rosemary Nelson was killed—the victim of an assassin's car bomb just six months after she asked us to take action to protect defense attorneys in Northern Ireland. Her murder is now being investigated, in part, by the RUC—the police force she so feared. If the British government's Police Bill continues to reject mechanisms for real accountability, we may never know who killed Rosemary Nelson, and defense attorney Patrick Finucane. And sadly the police force may never be rid of those who may have condoned, helped cover-up, or even took part in some of the most egregious human rights abuses in Northern Ireland.

I strongly urge my colleagues to support this measure before us today in order to express in the strongest terms possible to the British government our support for implementation of the full Patten report and its very modest recommendations for a "new beginning in policing."

### STATEMENT OF GERALD W. LYNCH, PRESIDENT, JOHN JAY COLLEGE OF CRIMINAL JUSTICE, THE CITY UNIVERSITY OF NEW YORK, BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE (THE HELSINKI COMMISSION), SEPTEMBER 22, 2000

Mr. Chairman and distinguished members of the Commission on Security and Cooperation in Europe. I want to thank you for the opportunity to present testimony regarding the work of the Independent Commission on Policing for Northern Ireland, commonly known as the Patten Commission. I would like to discuss the Policing Bill which is before the British Parliament.

When I was introduced to the then Secretary of State for Northern Ireland, Mo Mowlam, she said to me: "How did you get Ted Kennedy and Ronnie Flanagan to agree on you? (Sir Ronnie Flanagan is the Chief Constable of the Royal Ulster Constabulary.) I told the Secretary that I believed they agree on me because John Jay College has provided training around the world emphasizing human rights and human dignity. Moreover, John Jay has had an exchange of police and faculty for 30 years with the British police, and for more than 20 years with the Garda—as well as an exchange with the R.U.C. for over 20 years. Over that time there had been hundreds of meetings and interactions among British, Irish and American police and criminal-justice experts. The continuing dialogue had generated an exchange of ideas and technology that was totally professional—and totally non-partisan.

Many of John Jay's exchange scholars have risen to high ranks in Britain, Ireland and America. The current Commissioner of the police of New Scotland Yard, Sir John Stevens, was the exchange scholar at John Jay for the Fall of 1984.

I am honored to have been selected to be a member of the Patten Commission.

The Patten Report states that: "the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole . . . cannot be achieved unless the reality that part of the community feels unable to identify with the present name and symbols associated with the police is addressed. . . . our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own.

We therefore recommend:

The Royal Ulster Constabulary should henceforth be named the Northern Ireland Police Service.

That the Northern Ireland Police Service adopt a new badge and symbols which are entirely free from any association with either the British or Irish states (We not that the Assembly adopted a crest acceptable to all parties, namely, the symbol of the flax)

That the union flag should not longer be flown from police buildings

That, on those occasions on which it is appropriate to fly a flag on police buildings, the flag should be that of Northern Ireland Police Service, and it, too, should be free from association with the British or Irish states".

The Patten Commission worked for 15 months. We sought the best professional models and practices for policing a divided society in a democracy. We held meetings not only in Belfast, Dublin, and London but in New York. Washington, California, Canada, Belgium, Spain and South Africa. From the beginning, we met with the police, clergy, politicians, civil-libertarians and community groups. We went to police headquarters. We visited every police sub-station in Northern Ireland. We literally talked to thousands of police officers.

We held 40 hearings throughout Northern Ireland—the first and only time such a commission went directly to the public. These hearings were extremely tense. More than 10,000 people attended. More than 1,000 spoke. Emotions ran high as they described past cruelties and allegations of murder, torture and brutality on both sides.

We listened. We heard the pain. We felt the suffering. We understood the need to move on to a solution to help forge a future in Northern Ireland that involved more than endless re-creations of the terrible past.

We realized early in our deliberations that whatever we recommended would need to pass muster not just in Britain and Ireland but with police organizations worldwide.

Chris Patten said of his work on the Commission: "It was the most difficult, painful, and emotionally draining thing I have ever done or would ever wish to do." I concur completely.

The Patten report provides a framework on which a police service built on a foundation of human rights can be achieved. Again I quote, "We recommended a comprehensive program of action to focus policing in Northern Ireland on a human rights-based approach.

Training will be one of the keys to instilling a human rights-based approach into both new recruits and experienced police personnel. We recommend that all police officers, and police civilians, should be trained . . . in the fundamental principles and standards of human rights and the practical implications for policing. . . . We recommend the human rights dimension should be integrated into every module of police training".

Another core issue which has not received the attention of the media is the Patten Commission's recommendation that a new police college be established in Northern Ireland. Central to any organizations ability to imbue its members with a focus on human rights is a facility at which to conduct the necessary work and an appropriate curriculum. An educated police officer is a better police officer.

The Patten Report stated: "as a matter of priority, . . . all members of the police service should be instructed in the implications for policing of the Human Rights Act 1998, and the wider context of the European Convention on Human Rights and the Universal Declaration of Human Rights. Human dignity training, along the lines of that offered by John Jay College in New York to the New York Police Department and police services from some fifty countries, should also be provided. Like community awareness training, human rights and human dignity should not be seen as an add-on to training, but as a consideration affecting all aspects of training." (Chapter 16.21)

The recommendations of the Patten Commission were unanimous. It is crucial that the recommendations not be cherry picked but be implemented in a cohesive and constructive manner. The people of Northern Ireland deserve no less than this new beginning for policing. Any significant modifications will deprive them of this long awaited police service capable of sustaining support from the community as a whole.

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### STATEMENT BY MARTIN O'BRIEN, COMMITTEE ON THE ADMINISTRATION OF JUSTICE, BELFAST, BEFORE THE U.S. CONGRESS REGARDING POLICING IN NORTHERN IRELAND, FRIDAY, 22 SEPTEMBER 2000

Thank you for your invitation to testify today. The Committee on the Administration of Justice (CAJ) is an independent human rights organisation which draws its membership from across the different communities in Northern Ireland. CAJ works for a just and peaceful society where the human rights of all are fully protected. In recognition of its efforts to place human rights at the heart of the peace process, CAJ was awarded the 1998 Human Rights Prize by the then 40 Member States of the Council of Europe. We have a broad remit which covers many conflict-related issues such as prisoners, emergency law, miscarriages of justice, and also issues such as fair employment, the rights of women and children, people with disabilities, and the need for effective government action to prevent racial discrimination.

Since our foundation in 1981, we have worked consistently on issues of policing and, as early as 1995, CAJ argued for an independent international commission to look into future policing in Northern Ireland. Accordingly we worked hard to ensure that the establishment of such a body would be provided for in the Good Friday Agreement. We welcomed the broad terms of reference given to the Commission by the Agreement, and sought to work constructively with the Commission as soon as it came into being, under the chairmanship of the Chris Patten. We were fortunate in that we had earlier secured funding from the Ford Foundation and others to undertake a major comparative research project into good policing around the world. The findings arising from that study underpinned all our work with the Commission and were, we believe—from a reading of the recommendations—useful to the Commission in its work.

In testimony in September 1999 to Congress on the findings of the Patten Commission, we concluded that: "CAJ believes that, in general terms, the Commission has made a very genuine and constructive effort to meet the difficult task imposed on it by the Agreement. They have put forward many thoughtful and positive recommendations about the way forward. Most importantly of all, they have recognized (as did the Agreement itself) that just as human rights must be at the heart of a just and peaceful society in Northern Ireland, it must be at the heart of future policing arrangements."

CAJ went on, however, to outline for Congress, some of the serious reservations we, and other human rights groups, had regarding the omissions from the Patten report. Amongst other things, we expressed concern as to the feasibility of bringing about real changes to policing if emergency powers are still retained, if plastic bullets are still deployed, and if officers, known to have committed human rights abuses in the past, remain as serving officers.

Despite these important shortcomings, however, the main thrust of our submission at that time was to urge Congress to use its best offices to push for speedy implementation of the positive recommendations arising from Patten. Though Patten's recommendations did not address everything that was needed for genuine change, they gave a clear framework within which change could occur, and they pointed all those interested in fundamental reform in the right direction.

Unfortunately, as we said in our earlier testimony "implementation is everything", and in that context, CAJ must report to Congress our profound disappointment at developments since the publication of the Patten report. Our concerns about implementation are twofold. First, many of the changes Patten called for are long over-due, and speed is of the essence. Second, and as important, a hesitant or unwilling approach to major change—which is what we are experiencing—feeds fears that change will be short-lived, and indeed will be under-mined over the longer term.

One of the key findings of our earlier international research was that political will is always a determining factor in preventing or facilitating successful change. Initially, it seemed to observers that the necessary political will did in fact exist within government for change. Yet, since the publication of the Patten report, the signs have been ominous.

Patten called for the speedy appointment of an Oversight Commissioner to oversee the pace and nature of change. The Commission said "we believe that a mechanism is needed to oversee the changes required of all those involved in the development of the new policing arrangements, and to assure the community that all aspects of our report are being implemented and being seen to be implemented". This recommendation was accepted by government, but Tom Constantine was only appointed on 31 May 2000—almost nine months after the Patten report was published. This tardy appointment meant that the Commissioner was excluded from scrutinising the draft legislation, played no part in the detailed Implementation Plan prepared by the Northern Ireland Office and the policing establishment, and has still to appoint staff, take on a public profile, and produce his first report.

Given this delay, any change that has taken place to date has been dictated by those who have been responsible for policing over the last 30 years and who have resisted change in the past. Only a third or less of Patten's recommendations resulted in proposals for legislative change, so that the vast majority of the programme of change has been left to the discretion of senior civil servants, and the Chief Constable. Indeed, much of the change—whether in terms of police training, police re-organisation, or in terms of crucial decisions relating to Special Branch, detention centres, the use of plastic bullets, or the extent of stop-and-search activities—lies largely at the discretion of the Chief Constable alone. Only with the appointment of a new Policing Board (the political composition of which is as yet uncertain), and/or an active and high profile Oversight Commissioner, will people outside the policing establishment be able to influence or assess the extent of real change underway.

The slowness in appointing an external Oversight Commissioner has left government open to the charge that the nature and pace of change has been deliberately left in the hands of those who have so mis-managed policing in the past. This charge is not easily refuted. A study of the draft legislation, for example, merely seems to confirm the view that government is unwilling to put Patten's agenda into practical effect. The draft legislation first presented to the House of Commons in May was a very far cry from the Patten report, and despite much lobbying, and extensive changes in the course of the parliamentary process to date, there is still a long way to go. (I would like, with the Chair's permission, to have read into the record two commentaries on the legislation. One is a short CAJ briefing on the major outstanding concerns in the policing legislation, and the other is a detailed series of amendments which CAJ believes must be introduced if the legislation is to faithfully reflect Patten).

Of course, to judge by official government statements, one would have thought that government was fulfilling Patten in its first draft legislative text in May. The same claim—to be fulfilling Patten—was still being asserted in July (when, by its own admission, it had already made 52 substantive changes to bring the initial draft in line with Patten). Further amendments have again been promised in the next few weeks, prior to the House of Lords debate. However, on the basis of CAJ's understanding to date, the changes that are to be offered will still not deliver the Patten agenda.

If government does want to implement Patten, as it says it does, why is it still resistant to a whole range of important safeguards which Patten called for? Why is it impossible to get government agreement to include explicit reference in the legislation to a broad range of international human rights norms and standards? What reason can there be for the government denying any role to the NI Human Rights Commission in advising on the police use of plastic bullets? Why are effective inquiry powers for the Policing Board consistently opposed? Why is the Secretary of State so adamant that the Police Ombudsperson cannot have the powers to investigate police policies and practices that Patten called for? Why was the appointment of the Oversight Commissioner so long delayed, and why is his term of office so curtailed in the legislation?

There will be some that claim that government cannot move fast on certain issues, precisely because Northern Ireland is divided, and policing is a very divisive issue. While there are, of course, many contentious issues (the name and symbols, for example), none of the important issues listed above divide nationalist and unionist. They do, however, clearly divide those who want to defend the status quo, from those who want a police service that is impartial, representative, and accountable—able and willing to ensure that the rule of law is upheld.

Some of the obstacles to real change can be detected by a study of the parliamentary record. A government minister, in the course of the Commons debate, resisted any amendments that sought to make policing subject to international human rights and standards. He said: "Some appalling human rights abuses . . . take place around the world. Those low standards should not be compared with the past activities of the RUC . . . The RUC carried out a difficult job, often in impossible circumstances. Such comparisons as might be made in the light of the amendment could cause unnecessary offense. We might reasonably say that, against the norms in question, the RUC has a good record on human rights". Government appears to reject out-of-hand the many past reports of the United Nations, and respected international non-governmental organizations, which criticised the RUC. This stance presumably explains the legislation's failure to address the legacy of the past. Yet, if government is unwilling to admit past problems, can the necessary change occur?

CAJ's fears about the pace and nature of policing change are further heightened by the government's approach to the separate but complementary Chemical Justice Review (also established as part of the Good Friday Agreement). The interrelationship between policing and the criminal justice system is self-evident. Accordingly, it is extremely disturbing to have to report to Congress that CAJ has serious concerns about the nature and pace of change proposed in the criminal justice sphere also. A new appointment system for judges, changes to the prosecution service, and a re-vamping of the criminal justice system generally, are long-overdue changes. The government timetable clearly does not recognise any urgency; CAJ, however, feels that Northern Ireland cannot afford any further delay.

Of course, change is inevitably difficult; and change of the scale and nature required in Northern Ireland is particularly difficult. We urge the US Congress to use its best endeavours to lend its support to the UK and Irish governments as they work, with local politicians, to develop a more just and peaceful society in Northern Ireland. In particular, we hope that Congress would work, both directly, and—as appropriate—in conjunction with the US Administration, to:

1. Urge the Prime Minister, Tony Blair, to amend the draft legislation to ensure that it reflects both the letter and spirit of Patten. Urge that the legislation conform in particular, to Patten's exhortation that "the

fundamental purpose of policing should be, in the words of the Agreement, the protection and vindication of the human rights of all". Congress should make it clear that future US-UK policing cooperation is dependent to a large extent on Patten's recommendations being fully implemented.

2. Congress should urge the UK and Irish governments to recognise the importance of greater external oversight of the transition process, and ask that the Oversight Commissioner be accorded the resources and remit necessary to this vital work.

3. Congress should commit itself to monitoring developments closely in the coming months, and urge the US Administration to do the same. Congress may, for example, want to consider holding further Hearings in due course to receive a progress report on developments.

To conclude, I hardly need to remind the Chairperson that, defence lawyer and CAJ executive member, Rosemary Nelson, testified before him and other members of Congress on issues of policing almost two years ago—on the 29 September 1998.

The concerns she raised in her testimony, her terrible murder a short while later, and the subsequent police investigation, remind us—if we need reminding—that policing change in Northern Ireland is not an abstract or intellectual debate. It is about the lives of real people. We must bring about policing change in Northern Ireland; and we must ensure that that change is right.

Everything that the US Congress can do to help those of us on the ground secure such change will, as always, be greatly appreciated.

Thank you.

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## Testimony of Elisa Massimino, Director, Washington Office, Lawyers Committee for Human Rights, on Protecting Human Rights and Securing Peace in Northern Ireland: the Vital Role of Police Reform, September 22, 2000

### I. INTRODUCTION

Chairman Smith and members of the Commission, thankyou for inviting me to testify today. You have been a true champion of human rights in the Congress, and you and your dedicated staff have done so much to shine a spotlight on human rights problems in Northern Ireland and around the world. Your leadership on these issues has made a real difference. We want to take this opportunity to commend you for this important work, and to thank you.

The Lawyers Committee for Human Rights has been working to advance human rights in Northern Ireland since 1990. We have published a number of reports about the intimidation and murder of defense lawyers in Northern Ireland, with particular focus on the cases of solicitors Patrick Finucane and Rosemary Nelson. As you know well, the precarious situation of defense lawyers in Northern Ireland is closely linked to the emergency law system and to the conduct of the police. For the last year and a half, we have paid special attention to the peace process in Northern Ireland and, in particular, the central issue of police reform. We appreciate the opportunity to be here today to share with you our views on the status of efforts by the British Government to implement the recommendations made by the Patten Commission.

### II. THE PATTEN COMMISSION RECOMMENDATIONS AND THE PENDING POLICE BILL

The Patten Commission's mandate was as ambitious as it was critically important to Northern's Ireland's future. The Good Friday Agreement called on the Commission to propose a new structure for policing in Northern Ireland that would make the police service accountable, representative of the society in policies and reflective of principles of human rights. (The Agreement, Policing and Justice, para. 2)

Although we were disappointed that the Patten Commission did not directly address some key issues, such as the continued use of emergency powers, which provides the breeding ground for many of the human rights abuses that persist in Northern Ireland, we believe that, on the whole, the Patten Commission successfully integrated human rights principles into its program for reform. The Patten Commission Report provides a clear roadmap for building an effective and publicly-supported police force. If the British Government were to fully implement the Patten Commission's recommendations, it could make Northern Ireland a model for other civil societies transitioning from conflict to peace.

But unfortunately, the British Government has taken a different path. Despite more than 50 substantive amendments, the bill now pending in Parliament that is meant to implement the Patten Commission recommendations falls far short of doing so. There are serious deficiencies in the legislation now under consideration, many of which have been discussed in detail by my colleagues on this panel. But I would like to highlight three issues regarding the Police Bill that are of particular concern to the Lawyers Committee for Human Rights because they directly undermine the central principles of accountability and human rights around which the Patten Commission recommendations revolve. Last month in a letter to Peter Mandelson, the Secretary of State for Northern Ireland, we raised these and other concerns in detail. I would like to submit a copy of that letter, dated August 16th, for your review and for the record.

#### *A. Limitations on the policing board and police ombudsman*

The Policing Board and the Police Ombudsman are entities intended to be responsible for monitoring police conduct. The current Police Bill, however, places crippling limitations on these bodies that would significantly reduce their effectiveness. For example, the Bill would undermine the Policing Board's ability to conduct reviews of ongoing police operations. Likewise, the Bill fails to clearly provide the authority for the Police Ombudsman to investigate police practices and policies, in addition to allegations of past abuse. A credible system of investigation and inquiry into alleged abuses and abusive practices is one of the best guardians against such practices. But if the Police Bill is approved in its current form, with significant limitations on the powers of the Policing Board and Ombudsman, the capacity for creating such a system will be severely limited.

#### *B. The oversight commissioner*

Implementation of the Patten Commission reforms was thought by no one to be a simple task, which is why the position of Oversight Commissioner was viewed as so important. But the long delay in appointing an individual to serve in that post, and the limitations that have been placed on his mandate, create formidable barriers to his effectiveness. In part due to the delay in his appointment, the Oversight Commissioner has played no role in the process of drafting the Police Bill. The British Government published its Implementation Plan before the Oversight Commissioner was even appointed; the RUC likewise came up with its own "Programme for Change" with no input from the Oversight Commissioner. These two documents, which purport to guide the implementation of the Patten Commission recommendations, appear now to be the measuring stick by which the Oversight Commissioner intends to judge implementation. And yet these plans—the Government's and the RUC's—do not themselves fully implement the Patten Commission recommendations. This seems to us to relegate the role of the Oversight Commissioner to that of making sure that the police follow through on the changes they decide they want to undertake—a far cry from ensuring that the Patten Commission reforms are truly implemented.

#### *C. Reference to international human rights standards*

Although the British Government has repeatedly asserted that it "recognizes the importance of human rights," its ongoing resistance to inserting reference to international human rights standards into the language of the Police Bill raises serious questions. The conduct of police in Northern Ireland has been the subject of numerous reports by non-governmental human rights organizations and UN bodies, including by Dato' Param Cumaraswamy, the UN Special Rapporteur on the Independence of Judges and Lawyers. Many of these reports have concluded that police conduct in Northern Ireland violates internationally recognized human rights standards. Chairman Patten, in his statement accompanying the release of the Commission's report, highlighted the central importance of human rights standards to the Commission's approach to police reform: "We recommend a comprehensive programme of action to focus on policing in Northern Ireland on a human rights-based approach. We see the upholding of fundamental human rights as the very purpose of policing, and we propose that it should be instilled in all officers from the start—in the oath they take, in their training, and in their codes of practice and in their performance appraisal system." In light of this clear statement of the human rights foundations of the Patten Commission's recommendations, the failure to incorporate reference to international human rights standards into the Police Bill is striking.

The failure of the British Government to adequately address these concerns with the Police Bill, combined with the slow pace of other reform measures, has already led to an erosion of confidence in the ongoing process and doubts about the Government's intentions. Many who support reform have begun to wonder whether the Government is abandoning its stated intention to fully implement the Patten Commission recommendations. This perception will have serious consequences for the long-term prospects for peace. For example, under the Patten Commission proposals, 600 police officers were supported to volunteer to retire by the end of next month. This proposal was based on the assumption that adequate compensation would be offered as an incentive to retire. But so far, only 91 officers have come forward to volunteer. According to a Police Federation spokesman quoted in a recent article in the Daily Telegraph, the Government has stated that no officer should benefit beyond the sum they would earn if they remained on the force. When the Police Federation asked the Government what incentive this would give officers to retire, they were not given a credible answer. I would ask that a copy of this September 10th article be included in the record of this hearing.

### III. BREAKING THE CYCLE OF IMPUNITY

As so many societies transitioning from conflict to peace have learned, building a culture of human rights and accountability will require having a process for addressing past violations. Because we believe that future progress in developing a rights-sensitive police force in Northern Ireland depends on breaking the existing cycle of impunity, we urged the Patten Commission to make recommendations to the British Government in two specific cases: the 1989 murder of Patrick Finucane and the murder of Rosemary Nelson last year. We regret that the Commission's report was silent with respect to these cases. While we understand Mr. Patten's conclusion that the Commission's work was "forward-looking," our own experience in situations such as these has been that societies cannot reconcile until the legacy of past abuses is squarely confronted. Although it is clear that not all of these abuses can be addressed or rectified, there are certain cases that embody the most profoundly entrenched practices and problems that the peace process seeks to overcome. If a solid foundation for the future is to be laid, these cases must be resolved.

For this reason, we urge the Helsinki Commission to continue its vigilant attention to the Finucane and Nelson case, at the same time as it examines broader reforms proposed by the Patten Commission. Because I know you share our keen interest in these two cases, Chairman Smith, I will devote the remainder of my testimony to summarizing the current status of those cases.

*A. Patrick Finucane*

Now is a critical moment in the struggle for justice in the Finucane case. As you know, the Lawyers Committee has done extensive research into the circumstances surrounding the murder and has concluded that there is compelling evidence to suggest that British Army intelligence and the RUC were complicit in the murder. Three weeks ago, Prime Minister Tony Blair met with the family of Mr. Finucane. The meeting was brokered by Taoiseach Bertie Ahern, who himself endorsed an independent inquiry after meeting with the Finucane family in February. During that meeting, Mr. Ahern was provided with a new report by British Irish Rights Watch (BIRW) that details further credible evidence of collusion. Although the same report was provided to the British Government, there has yet to be a reply to the substance of the allegations in the report.

Nonetheless, during the meeting this month with Prime Minister Blair, members of the Finucane family, along with Paul Mageean from CAJ and Jane Winter from BIRW, presented the BIRW report and other information supporting the allegation of official collusion in the murder of Mr. Finucane. Mr. Blair appeared to be deeply concerned by the allegations and pledged that he would read and consider all the evidence. He conveyed to the Finucane family that he "personally" wants to know if the allegations are true and would put anyone guilty of collusion "out of a job."

On September 8th, we wrote a letter to Prime Minister Blair to urge him to authorize an independent inquiry. As we stated in the letter, "We firmly believe that such an independent public inquiry will serve both to help learn the truth about the circumstances surrounding the murder and to publicly confirm [the British] government's commitment to establishing official accountability for human rights abuses." I have included a copy of our letter to Prime Minister Blair with my testimony and ask that it be included in the record.

Establishment of an independent inquiry would be a significant breakthrough, and we urge you, Chairman Smith, and your colleagues in the Congress to do all you can to encourage Mr. Blair to make this decision.

A look at the current status of the Stevens investigation reveals how desperately necessary such an independent inquiry is in this case. The current 18 month-long inquiry is the third such investigation by Mr. Stevens, who began the first of these investigations in 1990.

As we have testified previously, we believe the Steven's investigation is inadequate and lacks the capacity to uncover the truth about allegations of official collusion in the murder. As you may recall, we reported to you last March that Mr. Steven had arrested and brought murder charges against William Stobie, a former UDA quartermaster who worked or RUC Special Branch, in June 1999. At Mr. Stobie's bail hearing, lawyer for the Crown told the high court that recent statements made by journalist Neil Mulholland led to Stobie's arrest. However, Mr. Stobie's lawyer revealed at the bail hearing that Stobie had been interviewed in 1990 for more than 40 hours by members of the RUC Special Branch. These interviews, which included Stobie's confession to supplying the weapons used in the murder, were transcribed and have been available to the authorities since 1990. Among other things, these notes identify the names of the members of the RUC Special Branch who had been warned about the murder. At that time, the authorities never charged Stobie with murder, and the Director of Public Prosecutions dropped unrelated firearms charges against him in 1991.

Since the last congressional hearing into these matters, the charges against Mr. Stobie have been lessened to aiding and abetting murder. We have also learned that a key witness in the prosecution of Mr. Stobie may no longer be available and the charges against Mr. Stobie may be dropped entirely. If brought to trial, Mr. Stobie reportedly intends to reveal the full extent of the RUC's involvement in the murder of Mr. Finucane.

This past August, Mr. Steven's team, now directed by Commander Hugh Orde, seized thousands of intelligence documents from British army headquarters revealing new evidence of Loyalist and military collusion in the murder of Mr. Finucane that reportedly will be used to arrest new suspects. This new development contrasts with the 1995 decision of the Director of Public Prosecutions not to prosecute anyone from the military. This decision was reached despite evidence of collusion arising out of information relating to Brian Nelson, a double agent recruited by British Army Intelligence while he served as chief intelligence officer for the Ulster Defense Association. The recent discovery of these intelligence documents also suggests the involvement of Brigadier John Gordon Kerr. Mr. Kerr, now a British military attache in Beijing, oversaw Brian Nelson at the time of the Finucane murder and allegedly gave testimony during the inquest of Mr. Finucane under the pseudonym Colonel J.

Despite compelling evidence that appears to suggest the identities of the intellectual authors of the murder, the Stevens inquiry continues to drag on. Establishment of an independent inquiry would finally ensure that the allegations of official collusion in the murder are squarely addressed.

*B. Rosemary Nelson*

In addition to the Finucane case, the Lawyers Committee also believes that the British Government should authorize an independent inquiry into the murder of defense lawyer Rosemary Nelson. We view resolution of her case as essential to the success of new accountability mechanisms in Northern Ireland.

As you are aware, Mr. Chairman, Loyalist paramilitaries claimed responsibility for the murder of Rosemary Nelson, who was killed by a car bomb on March 15, 1999. Prior to her death, Ms. Nelson received numerous death threats, including those made by RUC officers relayed through her clients. Ms. Nelson never received government protection despite many appeals made to the Northern Ireland Office and the RUC to protect her life, including those made by Dato' Param Cumaraswamy, United Nations Special Rapporteur on the Independence of Judges and Lawyers. During the time that Ms. Nelson became a target of official harassment, she herself became an outspoken critic of the RUC, and, thanks to you Chairman Smith, was able to bring her case all the way to the U.S. Congress. At that time, she expressed deep fear regarding her safety and that of her family.

The current criminal investigation of Ms. Nelson's murder is lead by London detective Colin Port and has been underway for almost a year and a half. To date, the investigation team has taken 1,700 statements, spoken to more than 7,000 potential witnesses and unearthed 7,000 lines of inquiry, but has yet to charge anyone in connection with the murder. Because Mr. Port's investigation is limited to the specific circumstances of the murder, we do not believe that his team can effectively address the larger issue of who authored the crime and whether official collusion was involved. Furthermore, Mr. Port does not address the threats made against Ms. Nelson by RUC officers, and this practice continues today.

In the past we have expressed concern regarding the British Government's inadequate response to Ms. Nelson's situation, not only regarding the failure to provide her protection but also to discipline those officers alleged to have harassed her. We believe that both of these issues must be addressed if the new accountability structures established by the Police Bill are to be effective.

In particular, the new Police Ombudsmen office must be able to have full power and independence to investigate complaints against the new police force. As we have shared with you in previous testimonies, the RUC's investigation into Ms. Nelson's complaints were found to be inadequate and unsatisfactory by the Independent Commission for Police Complaints (ICPC). The file sent to the Director of Public Prosecution failed to provide sufficient evidence to support prosecution or discipline and these officers still serve as police officers. Colleagues of Ms. Nelson viewed hers as the "test case," and Ms. Nelson allegedly filed her complaint to test the adequacy of the system. To be effective, the new Ombudsman will have the added challenge of proving to those subject to police harassment that they can place their confidence in the investigation mechanism.

Our deep concern regarding accountability mechanisms in Northern Ireland has intensified since we recently learned that another lawyer was under threat and has been the target of harassment and threats by the

RUC. Solicitor Padraigan Drinan was Rosemary Nelson's colleague and took on some of Ms. Nelson's cases after her death. To those who want to focus on the future, I would like to emphasize that today that the British government still has the opportunity to avert another tragedy. But it must make sure that it learns the lesson from past errors and uses them to correct a system that has completely failed to protect its citizens against police abuse.

### IV. CONCLUSION

Lasting peace cannot take hold in Northern Ireland until the British Government demonstrates the willingness and ability to secure justice for the families of Rosemary Nelson and Patrick Finucane and a commitment to creating a representative and accountable police force for Northern Ireland's future. Thank you.

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## Why Failing to Implement the Patten Report Matters

(By Professor Brendan O'Leary)

### *The present political position in Northern Ireland*

The Belfast Agreement of April 10, 1998 was a major achievement (O'Leary 1999a). Novel institution-building was flanked by peace and confidence-building processes involving cease-fires by paramilitary organisations, the release of their incarcerated prisoners, and commitments to protect human rights, entrench equality, demilitarise the region, assist in decommissioning by the proxies of paramilitaries, and the reform of the administration of justice and policing.

Implementing the Agreement was always going to be difficult. But as I deliver this testimony just four items, all in the domain of confidence-building, await full or effective beginnings in implementation. These are:

1. Decommissioning by republican and loyalist paramilitaries;
2. The reform of the system of criminal justice;
3. Demilitarization; and
4. Policing reform.

These items are inter-linked. Full demilitarization and full decommissioning are mutually interdependent. Decommissioning—the timetable for which has been postponed by the agreement of the parties who made the Agreement—is seen in republican circles as conditional on the UK government fulfilling its public promises to implement the Patten Report. A specific promise is said to have been given to that effect in Spring 2000—amidst negotiations that linked police reform, decommissioning and the lifting of the suspension of the Agreement's institutions unilaterally imposed by the UK Secretary of State in February (a measure that in many eyes breached international law).

The UK government states that it is implementing the Patten Report in full. Indeed its Prime Minister, the Secretary of State for Northern Ireland, and the Explanatory Notes issued by the Northern Ireland Office accompanying the Police Bill currently before the UK Parliament, flatly declare their intention to give effect to the recommendations of the Patten Commission. That has not been true, and is still manifestly not true.

In contrast the UK government often implies, usually in off-the-record briefings, that it cannot implement the Patten Report in full because of the 'security situation'. This more honest position, albeit in dissembling contradiction with its official one, would have credibility if the necessary preparatory legislative and managerial steps to implement Patten in full when the security situation is satisfactory had been taken. They have not.

### *Why the Patten Report was necessary, and its recommendations*

Policing has been so controversial that the parties to the Agreement could not concur on future arrangements (McGarry and O'Leary 1999). The former Irish prime minister, Dr. Garret FitzGerald, has described policing in Northern Ireland as having the status of Jerusalem in the Israeli-Palestinian peace process (FitzGerald 2000). The parties did agree the terms of reference of an Independent Commission on policing, eventually chaired by Christopher Patten, a former Conservative minister in the region and now a European Commissioner.

To have effective police rooted in, and legitimate with, both major communities was vital to the new settlement. It would persuade all citizens that law enforcement would be applied impartially, help extirpate that species of paramilitarism that is becoming an exclusively criminal enterprise, and foster a law-abiding climate in which to conduct business.

Eight criteria for policing arrangements were mandated in the Belfast Agreement. They were to be:

1. Impartial;
2. Representative;
3. Free from partisan political control;
4. Efficient and effective;
5. Infused with a human rights culture;
6. Decentralised;
7. Democratically accountable 'at all levels'; and
8. Consistent with the letter and the spirit of the Belfast Agreement.

The Patten Commission engaged in extensive research and interaction with the affected parties, interest groups and citizens, and published its report in September 1999. It did not, and could not, meet the hopes, or match the fears, of all; but the Commissioners, a distinguished and representative array of domestic and international personnel, undoubtedly met the terms of reference of the Agreement (O'Leary 1999b).

The Patten Report was a thorough, careful and imaginative compromise between unionists who maintained that the existing RUC already met the terms of reference of the Agreement and those nationalists, especially republicans, who maintained that the RUC's record mandated its disbanding. The Report was not, however, simply designed to address the concerns of policing Northern Ireland. It applied state-of-the-art managerial and democratic thinking in its recommendations (O'Leary 1999b).

The UK Government welcomed the Patten Report and promised to implement it. However the Police Bill presented to Parliament in the Spring of 2000 was an evisceration of Patten, and condemned as such by the SDLP, Sinn Fein, the Womens' Coalition, the Catholic Church, non-governmental and human rights organizations, such as the Committee on the Administration of Justice. It was also criticized by the Irish Government, the U.S. House of Representatives (H. Res. 447, 106th Congress), and a range of Irish Americans, including apparently, President Clinton.

To demonstrate the veracity of the critics' complaints let me briefly compare some of Patten's recommendations with the original Bill.

Impartiality: Patten recommended a neutral name, the Northern Ireland Police Service. The Royal Ulster Constabulary was not a neutral title so it was recommended to go, period. Patten also recommended that the display of the Union flag and the portrait of the Queen at police stations should go—symbols in his view should be 'free from association with the British or Irish states'. These recommendations were a consequence of Patten's terms of reference, and of the Agreement's explicit commitment to establishing 'parity of esteem' between the national traditions, and the UK's solemn commitment to 'rigorous impartiality' in its administration.

The original Bill proposed that the Secretary of State have the power to decide on the issues of names and emblems, and thereby ignored Patten's explicit recommendations.

Representativeness: Patten recommended affirmative action to change rapidly the proportion of cultural Catholics in the police, and envisaged a programme of at least ten-years. Even critics of affirmative action recognized the need to correct the existing imbalance—in which over 90 per cent of the police are local cultural Protestants.

The original Bill reduced the period in which the police would be recruited on a 50:50 ratio of cultural Catholics and cultural Protestants to three years, requiring the Secretary of State to make any extension, and was silent on 'aggregation', Patten's proposed policy for shortfalls in the recruitment of suitably qualified cultural Catholics.

Freedom for partisan control. Patten proposed a Policing Board consisting of 10 representatives from political parties, in proportion to their shares of seats on the Executive, and 9 members nominated by the First and Deputy First Ministers. These recommendations guaranteed a politically representative board in which neither unionists nor nationalists would have partisan control.

The original Bill introduced a requirement that the Board should operate according to a weighted majority when recommending an inquiry. Given known political dispositions this was tantamount to giving unionist and unionist-nominated members a veto over inquiries, i.e. partisan political control, and therefore a direct violation of Patten's terms of reference.

Efficient and effective policing. Patten avoided false economies when recommending a down-sizing of the service, advocated a strong Board empowered to set performance targets, and proposed enabling local District Policing Partnership Boards to engage in the market-testing of police effectiveness.

The original Bill empowered the Secretary of State, not the Board, to set performance targets, made no statutory provision for disbanding the police reserve, and deflated the proposed District Policing Partnership Boards—apparently because of assertions that they would lead to paramilitaries being subsidized by tax-payers.

Human Rights Culture. Patten proposed that new and serving officers should have knowledge of human rights built into their training, and re-training, and their codes of practice. In addition to the European Convention, due to become part of UK domestic law, the Commission held out international norms as benchmarks: "compliance . . . with international human rights standards . . . are . . . an important safeguard both to the public and to police officers carrying out their duties" (Patten, 1999, para 5.17). Patten's proposals for normalizing the police—through dissolving the special branch into criminal investigations—and demilitarizing the police met the Agreement's human rights objectives.

The original Bill was a parody of Patten. The new oath was to be confined to new officers. No standards of rights higher than those in the European Convention were to be incorporated into police training and practice. Responsibility for a Code of Ethics was left with the Chief Constable. It explicitly excluded Patten's proposed requirement that the oath of service 'respect the traditions and beliefs of people'. Normalization and demilitarization were left unclear in the Bill and the Implementation Plan.

Decentralization: Patten envisaged enabling local governments to influence the Policing Board through their own District Policing Partnership Boards, and giving the latter powers 'to purchase additional services from the police or statutory agencies, or from the private sector', and matching police internal management units to local government districts.

The original Bill, by contrast, maintained or strengthened centralization in several ways. The Secretary of State obtained powers that Patten had proposed for the First and Deputy First Ministers and the Board, and powers to issue instructions to District Policing Partnership Boards; and neither the Bill nor the Implementation Plan contained clear plans to implement the proposed experiment in community policing.

Democratic Accountability. Patten envisaged a strong, independent and powerful Board to hold the police to account, and to replace the existing and discredited Police Authority (Patten, 1999:para 6.23), and recommended an institutional design to ensure that policing would be the responsibility of a plurality of networked organizations rather than the monopoly of a police force. The police would have 'operational responsibility' but be held to account by a powerful Board, and required to interact with the Human Rights Commission, the Ombudsman and the Equality Commission.

The Bill radically watered down Patten's proposals, empowering the Secretary of State to oversee and veto the Board's powers, empowering the Chief Constable to refuse to respond to reasonable requests from the Board, preventing the Board from making inquiries into past misconduct, and obligating it to have a weighted majority before inquiring into present or future misconduct. Astonishingly this led the existing discredited Policing Authority, correctly, to condemn the Bill, a response that no one could have predicted when the UK Government welcomed Patten.

Matching the Agreement? Patten was consistent with the terms of reference and spirit of the Belfast Agreement. The original Bill was not, being incompatible with the 'parity of esteem' and 'rigorous impartiality' in administration promised by the UK Government. Manifestly it could not encourage 'widespread community support' since it fell far short of the compromise that moderate nationalists had accepted and that Patten had proposed to mark a 'new beginning'.

Waiting for Explanations. What explains the radical discrepancy between Patten and the original Bill?

The short answer is that the Bill was drafted by the Northern Ireland Office's officials under Secretary of State Peter Mandelson's supervision. They appeared to 'forget' that the terms of reference came from the Belfast Agreement, and that Patten's recommendations represented a careful and rigorous compromise between unionists and nationalists. Indeed they appear to have treated the Patten Report as a nationalist report which they should appropriately modify as benign mediators.

Even though Patten explicitly warned against 'cherry-picking' the Secretary of State and his officials believed that they had the right to implement what they found acceptable, and to leave aside what they found unacceptable, premature, or likely to cause difficulties for pro-Agreement unionists or the RUC.

The Bill suggested that the UK government was:

Determined to avoid the police being subject to rigorous democratic accountability,

Deeply distrustful of the capacity of the local parties to manage policing at any level, and

Concerned to minimise the difficulties that the partial implementation of Patten would occasion for First Minister David Trimble and his party, the Ulster Unionists, by mininising radical change and emphasising the extent to which the 'new' service would be a mere reform of the RUC.

Under pressure the UK Government has retreated: whether to a position prepared in advance only others can know, but skilled political management is not something I shall criticise it for.

From Evisceration to 'Patten Light'. Accusing its critics of 'hype', 'rhetoric' and 'hyerbole' the UK Government promised to 'listen' and to modify the Bill. Mr. Mandelson declared that he might have been too cautious in the powers granted the Policing Board. Indeed the Government was subsequently to accept over 60 SDLP-driven amendments to bring the Bill more into line with Patten. This, of course, demonstrated that its original 'spin' had been a lie. Since the Bill was so extensively modified—as the Government now proudly advertises—it confirms that the original Bill was radically defective in relation to its declared objectives, for reasons that remain unexplained.

The Bill was improved in the Commons Committee stage, but insufficiently. The quota for the recruitment of cultural Catholics is now better protected. The Policing Board has been given power over the setting of short-run objectives, and final responsibility for the police's code of ethics. Consultation procedures involving the Ombudsman and the Equality Commission have been strengthened, and the First and Deputy First Ministers will now be consulted over the appointment of non-party members to the Board. The weighted majority provisions for an inquiry by the Board have gone, replaced by the lower hurdle of an absolute majority.

Yet any honest external appraisal of the modified Bill must report that it is still not the whole Patten. If the first draft eviscerated Patten, the latest version of presents a mostly bloodless ghost. The modified Bill rectifies some of the more overt deviations from Patten, but on the crucial issues of police accountability and ensuring a 'new beginning' it remains at odds with Patten's explicit recommendations.

As the Bill is about to recommence its progress through the Lords, the UK Government has started to shift its public relations. The new line is that the 'full Patten' would render the police less effective, e.g., in dealing with criminal paramilitarism. The implication is that anyone who disagrees must be soft on crime (and its paramilitary causes). The new line lacks credibility: Patten combined 'the new public management' and democratic values in a rigorous formula to ensure no trade-off between effectiveness and accountability.

Let me identify just some of the outstanding respects in which the modified Bill fails to implement Patten.

Oversight Commissioner. Patten recommended an Oversight Commissioner to 'supervise the implementation of our recommendations'. The UK Government has—under pressure—put the commissioner's office on a statutory basis, which it did not intend to do originally, but has confined his role to overseeing changes 'decided by the Government'. If Mr. Mandelson and his colleagues were committed to Patten they would charge the Commissioner with recommending, now or in the future, any legislative and management changes necessary for the full and effective implementation of the Patten Report. That he refuses to do so speaks volumes. In addition the Commissioner's role currently remains poorly specified. Since the Commissioner is a former US policeman. American government pressure might appropriately be directed towards explicitly giving his office the remit that Patten envisaged.

Policing Board. Patten recommended a Policing Board to hold the police to account, and to initiate inquiries into police conduct and practices. Mr. Mandelson has prevented the Board from inquiring into any act or omission arising before the eventual Act applies (clause 58 (11) of the Bill). I believe that this is tantamount to an undeclared amnesty for past police misconduct, not proposed by Patten. Personally I would not object to an open amnesty, but this step is dishonest, and makes it much less likely that 'rotten apples' will be rooted out, as promised.

The Secretary of State will now have the extraordinary power to prevent inquiries by the Board because they 'would serve no useful purpose', a power added at the Report stage in the Commons—needless to say not in Patten. The only rational explanation for this power is that the Government has chosen to compensate itself for the concessions it made in the Commons Committee when it expanded the Board's remit to be more in line with Patten. So what it has given with one hand, on the grounds that it had been too cautious, it has taken away with two clumsy feet.

The Secretary of State will additionally have the authority to approve or veto the person appointed to conduct any inquiry (clause 58 (9)). And he intends having power to order the Chief Constable to take steps in the interests of economy, efficiency, and effectiveness, whereas Patten envisaged this role for the Board.

The UK Government suggests its critics are petty. Its line is 'Look how much we have done to implement Patten, and how radical Patten is by comparison with elsewhere'. This 'spin' is utterly unconvincing. The proposed arrangements would effectively seal off past, present and future avenues through which the police might be held to account for misconduct; they are recipes for leaving them outside the effective ambit of the law, and of managerial scrutiny.

And be it noted: Patten is not radical, especially not by the standards of North America. Canada and the USA have long made their police democratically accountable and socially representative. Patten is only radical by the past standards of Northern Ireland.

Ombudsman. Patten recommended that the Ombudsman should have significant powers (Patten, 1999, para 6.42) and should 'exercise the right to investigate and comment on police policies and practices', whereas in the modified Bill the Ombudsman may make reports, but not investigate (so it is not a crime to obstruct her work). The Ombudsman is additionally restricted in her retrospective powers (clause 62), once again circumscribing the police's accountability for past misconduct.

Name and Symbols. Patten wanted a police rooted in both communities, not just one. That is why he recommended that the name of the service be entirely new: The Northern Ireland Police Service.

The Bill, as a result of a Government decision to accept an amendment tabled by the Ulster Unionist Party, currently styles the service 'The Police Service of Northern Ireland (incorporating the Royal Ulster Constabulary)'. The Secretary of State promised an amendment to define 'for operational purposes'—to ensure that the full title would rarely be used, and that the parenthetic past generally be excluded. He broke this commitment at Report Stage.

Secretary of State Mandelson has been mendaciously misleading in declaring that he is merely following Patten's wishes that the new service be connected to the old and avoid suggestions of disbanding. This line is a characteristic half-truth: Patten proposed an entirely new and fresh name, and proposed linkages between the old and new services through police memorials, and not the re-naming proposed by Ken Maginnis, MP, Security Spokesman for the Ulster Unionist Party.

Patten unambiguously recommended that the police's new badge and emblems be free of association with the British or Irish states, and that the Union flag should not fly from police buildings. The Bill postpones these matters.

Why do these symbolic issues matter? Simply because the best way to win widespread acceptance for police reform is to confirm Patten's promised new beginning by following his proposed strategy of symbolic neutrality. Full re-naming and symbolic neutrality would spell a double message: that the new police is to be everyone's police, and the new police is no longer to be primarily the unionists' police. This symbolic shift would mightily assist in obtaining representative cultural Catholic recruitment and in winning consent for the new order amongst nationalists as well as unionists. Not to follow Patten's recommendations in these respects would also spell a double message: that the new police is merely the old RUC re-touched, and remains a police linked more to British than Irish identity, i.e. a recipe for the status quo ante.

Consuequences of Failing to Implement Patten in Full. Unless the UK Government makes provision for Patten to be fully implemented, there will be grave consequences.

Disaster may come in two forms. Its weakest form is taking shape. The SDLP, Sinn Fein and the Catholic Church are most unlikely to recommend that their constituents consider joining the police, and may well boycott the Policing Board and District Policing Partnership Boards. That will leave the police without Patten's promised 'new beginning', lacking full legitimacy with just less than half of the local electorate, an institutional booby-trap.

We must not forget that over three hundred police were killed in the current conflict, but we must also not forget that the outbreak of armed conflict in 1969 was partly caused by an unreformed, half-legitimate police service, responsible for seven of the first eight deaths.

In its strongest form disaster would decouple nationalists and republicans from the Agreement, and bring down its political institutions. Failure to deliver Patten will mean that Sinn Fein will find it extremely difficult to get the IRA to go further in decommissioning. The argument will be: 'The UK Government has reneged on a fundamental commitment under the Agreement so why should republicans disarm and leave people to be policed by an unreformed service?' In turn that will lead to unionist calls for the exclusion of Sinn Fein from ministerial office, and to a repeat of Mr. Trimble's gambit used earlier this year: 'decommission now or I'll resign now'.

The day before I flew to Washington I was in Northern Ireland and watched Mr. Trimble in effect repeat this threat in the Assembly under challenge from his hard-line unionist opponents. If decommissioning does not happen because of Secretary of State Mandelson's failure to deliver fully on Patten, the SDLP will not be able or willing to help prioritize decommissioning, unless it prefers electoral suicide. The IRA will find it difficult to prevent further departures to the Real and Continuity IRAs, except by refusing to budge on arms. In turn that will at some stage prompt a resignation threat from the First Minister. In short, a second collapse of the Agreement's institutions looms.

This vista and worse can and must be avoided.

*Final thoughts and answers*

It may be thought: "Is this analysis partisan?"; and "Is not Mr. Mandelson's conduct designed to help Mr. Trimble who is in a precarious position?"

My answer to the first question is 'no'. I have a long record of advocating bi-national resolutions of the conflict that are fair to both nationalists and unionists.

The answer to the second question must be a very qualified 'yes'. 'Saving David Trimble' may account for Mr. Mandelson's tampering with Patten's proposals on symbolic matters. But it does not account for his evisceration of the efforts to have a more accountable and human-rights infused service—here the Secretary of State has succumbed to lobbying by security officials.

Another answer to the second question is more straightforward: Mr. Mandelson must not unilaterally abandon or re-negotiate the Agreement or the work of Commissions sent up under the Agreement at the behest of any party.

A third answer I would propose is that pro-Agreement unionists can, eventually, accept the full Patten, because they know that a legitimate and effective police is necessary to reconcile nationalists to the continuation of the Union—the reason they signed the Agreement.

Lastly, I believe that the Patten Report is not only what Mr. Mandelson should fully implement under the Agreement as proof of rigorous impartiality in his administration, but also what he should implement even if there were to be no Agreement.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for his comments. I recognize the gentleman's work on human rights throughout the world. Not just in Northern Ireland, but throughout the world. But especially in Northern Ireland.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my colleagues here for taking up this battle, and that is what it is. Many have been fighting this for many, many years. But since I have been here the last 4 years, we have seen progress. For the first time in Northern Ireland, people had hope. People thought peace was right there.

Well, peace is there, but we have some things that we have to work out. One of the strongest things we have to work on is making sure that we send a strong message from this great body that we have to keep with the Patten agreement.

Mr. Speaker, we have seen even in our own country when the people lose faith in the police departments, we see the anger that is in those communities. So there are things that we have to make sure that are done and the Patten agreement covers those things. The Patten agreement can work for Northern Ireland.

One of the things that we have seen constantly, every time we bring up the Patten agreement, we see them trying to chip away a little bit. They do not like the agreement. So what are they trying to do? Are they trying to break the whole fragile agreement that we have for Good Friday? This is what we are all fighting for.

Tomorrow many of us here, actually, will have 40 women from Northern Ireland. We are going to have Protestant and Catholic women. They are going to be following us around so that we can show them how legislative work goes, because they are willing to make this work. They will spend 2 weeks here in this country to see how our government works and they want to go home and make this work.

Well, the only way it is going to work is really making sure that we put the pressure on to make sure the Patten agreement is lived up to. That is our job, and it is really a small part. We are here, we are here in Washington, D.C. We do not have to face the fear many Northern Irish people have to fear of the police officers. We can change that. Peace can come to that country. I am proud to be with all of my colleagues to stand here and make a difference.

Mr. GILMAN. Mr. Speaker, I yield 5½ minutes to the gentleman from New York (Mr. KING), a cochairman of our Irish Caucus, and a member of our Committee on International Relations.

Mr. KING. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for yielding me this time. At the very outset I want to commend him for the outstanding job he has done for so many years, not just in the last 6 that he has been chairman of the Committee on International Relations, but for more than two decades as a real warrior in the cause of peace and justice in Ireland.

We also have to commend the gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights for the invaluable work that he has done in holding hearings that go right to the depth of the allegations against the Royal Ulster Constabulary, and right to the heart of the problems which have inflicted law enforcement and the criminal justice system in Northern Ireland for far too many years, for at least the last three decades.

Also, I have to commend the gentleman from Massachusetts (Mr. NEAL) for the tremendous work he has done, not just during the 12 years he has been in Congress, but the years before that when he was the mayor in Springfield, Massachusetts, and just for the tremendous amount of dedication and enthusiasm and unyielding tenacity he brings to this entire issue of peace and justice in Ireland.

Mr. Speaker, I know that if the gentleman from Massachusetts (Mr. MEEHAN) were here tonight, in fact he has asked me to say this on his behalf, there is nobody in the House of Representatives he looks up to more in providing moral leadership and guidance than the gentleman from Massachusetts (Mr. NEAL). And the gentleman from Massachusetts (Mr. MEEHAN) asked me to put that on the public record this evening.

As the gentleman from Massachusetts said earlier, this is a bipartisan issue. I want to commend President Clinton for the job that he has done. I know that tonight the gentleman read into the record a statement from Vice President GORE. The gentleman from New York (Chairman GILMAN) and I and the gentleman from New Jersey (Chairman SMITH) can report last week Governor Bush also has put out a statement calling for the full implementation of the Patten Commission report, which shows that this clearly is a bipartisan issue. It is an issue on which all men and woman of goodwill can stand together.

What we are faced with tonight, today, and for the next weeks and months in the north of Ireland is a true crisis. If the Good Friday Agreement is premised on concession and compromise. The Good Friday Agreement itself was a compromise. The Good Friday Agreement itself was based on very strong concessions made by all sides, particularly by the Catholic community, the Nationalist community, the Republican community who made very deep concessions in return for a pledge by the British and Irish governments that all the provisions of the Good Friday Agreement would be carried out.

Mr. Speaker, no provision was more important in the Patten Commission than the section dealing with police reform, because in the north of Ireland for three decades the Royal Ulster Constabulary was guilty of the most vicious and gross human rights violations imaginable. It is hard for us as Americans to envision in the English speaking world, in the United Kingdom which stands for the Magna Carta and justice and law, that there was such brutality systematically carried out. Not the type of brutalities that occur by accident, not those that are incidental, but brutalities that were root and branch a part of the policing in Northern Ireland.

Torture, murder of children, intentional killings, intentionally maimings. This was all part of the police policy in the north of Ireland. So the police have to be reformed. That was an integral part, the integral part of the Good Friday Agreement. And the Patten Commission, which was chaired by Chris Patten, a conservative MP, a former conservative MP, a minister in Margaret Thatcher's government, he came up with a series of reforms which, again, were themselves a compromise.

There is much that is lacking, as the gentleman from New Jersey (Chairman SMITH) has pointed out time and again. The Patten Commission itself, the Patten Commission recommendations themselves are deficient. Yet now the British Government is attempting to compromise the compromise. It is attempting to water down the compromise of the Patten Commission to come out with a series of reforms that will not be reforms at all. It will just be a readjustment of the status quo. It will be a continuation of the Royal Ulster Constabulary. Not even under a new name, because the old name will still remain. It will be a subset, but it will still be there and this is wrong.

Mr. Speaker, the entire peace process is at risk. The entire peace process is being put at risk by the British Government, by the Ulster Unionist Party, and probably nothing is more aggravating than to hear someone like David Trimble, who is head of the Ulster Unionist Party, to say that we in the Congress should not get involved, that the American Government should not get involved. The reality is that on the night the Good Friday Agreement was reached and the morning that it was signed, David Trimble would not sign it until he was assured by President Clinton that the U.S. would stay involved. And now that we are involved he is saying that we should get out and back away from the agreement and allow it to go back to the status quo. The way it was for three decades and seven decades and even three centuries, if we want to go all the way back, where the Catholic community was systematically discriminated against and had their rights violated.

It is essential for us in the Congress to stand together. It is essential for the President to speak out as clearly as he has in the past to let the British Government know, to let Tony Blair know, let the British Secretary of State, Peter Mandelson, know that they cannot continue to violate the rights of Catholics. They cannot take the Nationalist community for granted.

The fact is an agreement was signed, an international agreement, and the British Government has the absolute obligation to enforce that agreement. It cannot back down and cannot succumb to blackmail from David Trimble, because if it does it puts at risk the entire peace process and we will go back to the situation that ruined so many innocent lives for so many years. Mr. Speaker, if that happens the blood will be on the hands of the British government and the Ulster Unionist Party.

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Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Bronx, New York (Mr. ENGEL), a stalwart leader in protecting the rights of all of the people of Ireland, particularly from the North of Ireland.

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY), my friend, for yielding time to me.

Mr. Speaker, I want to echo the words of all the eloquent colleagues who have spoke before me on both sides of the aisle. The gentleman from New York (Mr. KING) has it exactly right, the Good Friday Agreement of April 1998 was a compromise, and that compromise established a framework for the peaceful settlement for the conflict in the North of Ireland. Once you start to unravel a compromise, then everybody wants to change it, and that is why it is important that we stick to that compromise and not let one side try to blackmail everybody else into getting their way.

I rise in support of H. Res. 547. This vital accord which was negotiated by former Senator George Mitchell provided for the establishment of an independent commission to make recommendations on how to fix the problems and abuses that have plagued policing in the North of Ireland.

The commission lead by Sir Christopher Patten concluded its work on September 9, 1999, and proposed 175 recommendations in its final report. In May of this year, the British Government published a bill which purports to implement the Patten report. Unfortunately, the draft bill certainly does not live up to the letter or spirit of the Patten report and dilutes many key recommendations of the Patten Commission.

The problems of the North of Ireland will never be resolved until the egregious human rights violations caused by the Royal Ulster Constabulary are permanently ended and the unit replaced by a police service truly representational of the population of the region; and as the gentleman from Massachusetts (Mr. NEAL) pointed out, the population right now is 5,446.

This important resolution that rightly calls for full and speedy implementation of the Patten Commission report is a way to correct the years of police abuses and gain the support of both nationalists and unionists for peace in the North of Ireland.

I urge passage of H.Res. 547. I hope it is unanimous, and all of us in this Congress that have worked so long for peace and justice in the North of Ireland, while it is within our grasp, we cannot let those who want to destroy the agreement to get their own ways and succeed.

Mr. Speaker, if peace is to come, then we must take the ball, we must run with it and support H.Res. 547.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, and the gentleman from New Jersey (Mr. SMITH) from the Helsinki Commission, the gentleman from New York (Mr. KING), and to my colleagues on the other side of the aisle, the gentleman from New York (Mr. CROWLEY) and the gentleman from Massachusetts (Mr. NEAL), who has introduced this resolution.

Let me say that the Good Friday Accord established an international body chaired by Chris Patten, and it called to bring a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.

In September 1999, over 170 recommendations for change were given, such things as the power of a policing board should be looked at, the appointment of its members should be looked at carefully, the centrality of human rights, they talked about a name change, the future of full time reserves, the power of the police ombudsperson, a statutory basis to work from the International Oversight Commission. There are a number of things that were talked about in this very thorough report.

Mr. Speaker, we are disappointed that the watered-down version that has come forth does not stand up to what the people of Ireland, North and South, wanted, a new beginning; and we believe that there is much room for improvement.

We heard just on Friday very distinguished persons, Dr. Gerald Lynch, president of John Jay College. We listened to experts who came from Ireland to talk about what was going on, Brendan O'Leary, and Martin O'Brien, and our own Elisa Massimino from the Washington office of Lawyers Committee; and they all said, person after person, that there has to be real reform; there has to be change if this new policing is going to serve all of the people.

Mr. Speaker, I would just urge that we support the resolution by the gentleman from Massachusetts (Mr. NEAL), my colleague, and that we urge a thorough look at what the Patten report really said and try to implement those changes that have been recommended in that great report.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to my friend, the gentlewoman from New York City (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for yielding the time to me.

Mr. Speaker, I commend the gentleman's leadership on this issue and so many others. I rise in support of this resolution, which reaffirms our Nation's commitment to the Northern Ireland peace process and expresses our strong support for the policing recommendations of the Patten Commission.

Mr. Speaker, I thank very much the author of this bill, the gentleman from Massachusetts (Mr. NEAL), a long-term leader of the Irish Caucus, and the gentleman from New York (Chairman GILMAN) of the Committee on International Relations for his staunch and strong support.

Many of the Members of the Irish Caucus have already spoken, and it shows the strong bipartisan support that has come together on this issue. It has been well over 2 years since the Good Friday Agreement was signed and Northern Ireland has come a long way toward a lasting peace acceptable to all sides. That agreement was supported first and foremost by the people of Northern Ireland, Britain and Ireland itself.

With such broad support, the peace process has been able to withstand numerous attacks and remain on track. Nevertheless, there still are a number of obstacles that stand in the way of a permanent peace, and one of the most significant hurdles is the effective implementation of the policing recommendations developed by the Patten Commission.

Everyone agrees that police reform needs to take place, and accountability needs to be part of it. The gentleman from New York (Mr. KING), my colleague, outlined many of the abuses and why this is such a deep-felt proposal by so many of the people. The recommendations were supported by all sides, but with one condition, that all of the recommendations were completely implemented. In this way both sides could be assured that final policing arrangements were fair to everyone.

Unfortunately, although they were issued over a year ago, these recommendations have yet to be implemented. Legislation proposed in the British parliament fails to include all of the recommendations and nationalists in Northern Ireland have expressed their displeasure with this bill.

Mr. Speaker, I end by commending the President of the United States, George Mitchell and many others who have worked hard for this peace accord; and I really urge complete and total adoption of this resolution.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself the remaining 2½ minutes.

Mr. Speaker, the devolution of power from Westminster to Belfast and its related components have been difficult endeavors for all parties involved. The terms of the negotiations demand sacrifices by loyalists and nationalists alike in order to achieve a successful implementation of the Good Friday Agreement. It troubles me to report that the sacrifices necessary for a viable solution in Northern Ireland have not been made to the fullest.

A key factor in achieving a lasting peace in Northern Ireland will be a police force that has the respect and trust of the entire population. The importance of police reforms in Northern Ireland cannot be overstated. It is essential for the local police force to garner the trust of the people it serves. The average citizen, regardless of race, religion or nationality, should be able to call on the police and have them come to carry out their functions, not serve as an occupying army.

Mr. Speaker, people can talk until they are blue in the face about how to accomplish true police reform. Unfortunately, dialogue has its limitations. True reform requires action. It has been suggested that the only way we can accurately measure police reform in Northern Ireland will be the day when young nationalists walk into a police station in Belfast, submit an application and subsequently display conduct that is honorable, ethical and enthusiastic for the people of Northern Ireland without fear of favor.

In the British parliament, the Northern Ireland Police Bill has been introduced as the vehicle for implementing the Patten Commission. However, there is a significant disparity between the bill and the recommendations proposed by Mr. Patten in his report.

Mr. Speaker, failure to bridge this gap could put the peace process in extreme peril. Just yesterday, Northern Ireland First Minister David Trimble met Northern Ireland Secretary Peter Mandelson at the Labour Party Conference in Brighton to warn him that the Good Friday Agreement could collapse if the British Government did not make concessions to his party with regard to reform of the Royal Ulster Constabulary.

There has been an effort on the part of the British agreement to dilute the recommendations of the Patten Commission. I view this report as the minimum that must be done to promote equity and equality in policing in Northern Ireland. I am concerned by the government's recent approach of the cherry-picking parts of the Patten Commission as if it were an a-la-carte menu.

Mr. Speaker, I have had the opportunity to meet Mr. Patten, so I know the countless hours he has put into a proposal that should be the blueprint for a new force.

This process was fair and open to all sides. To make changes at this point to a plan that was so carefully crafted will not serve anyone well. This report and this commission would not have been needed if there was not an injustice to correct.

Mr. Speaker, I urge the British Government to follow the spirit of the Good Friday Agreement and uphold their commitment. I want to thank my colleagues here this evening, especially the gentleman from Massachusetts (Mr. NEAL), for offering this measure; the gentleman from New York (Mr. GILMAN); the gentleman from New York (Mr. KING); the gentleman from New Jersey (Mr. SMITH); and all the other colleagues.

I want to thank this administration who deserves a great deal of the credit for bringing this process forward, particularly Mr. Mitchell. I hope we can bring the Mitchell amendment, or measure, before us calling upon the Noble committee to give him the Noble Peace Prize. I do not think anyone deserves it more than he does at this point in time.

Mr. Speaker, a vote in favor of this resolution will send a message to our friends across the Atlantic that the United States supports its efforts and encourages the adherence of all aspects of the Good Friday Agreement without exception; and, therefore, I urge my colleagues to support H. Res. 547.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me close by noting that some in unionism say Patten's police reforms go too far too fast. I have here in my hand a 1985 Belfast newspaper, the Irish News, where the SDLP's Seamus Mallon was calling for RUC reform more than 15 years ago. This is dated August 19, 1985.

Mr. Speaker, I call on the British parliamentarians to let us get on with police reform and let us live by the Good Friday Accord. Accordingly, I urge my colleagues to cast a strong vote in support of H. Res. 547.

Mr. MENENDEZ. Mr. Speaker, I am pleased to be an original cosponsor of this resolution, and I congratulate Mr. NEAL for authoring it. With this Sense of Congress, we commend the parties to Northern Ireland's peace process for their achievements to date. But, we also call on the British Government to come to its senses on the issue of police reform.

All the parties deserve praise for the progress they have made so far. The Good Friday Agreement stands as a remarkable achievement and the best hope for lasting peace in Northern Ireland.

The seating of Northern Ireland's new executive, alongside the power sharing Assembly, was a crucial step towards solidifying peace and democracy in Northern Ireland.

Also critical were IRA steps towards disarmament. Weapons decommissioning is one of the two most pressing and sensitive issues facing Northern Ireland.

The other is police reform.

Without full implementation of the recommendations for police reform made by the Patten Commission—a commission called for in the Good Friday Agreement—a full peace will remain elusive.

Common sense calls for the name of the police force—the Royal Ulster Constabulary (and I cannot imagine a more British-sounding name than that)— to be changed. And for the membership in the police force—now 93 percent Protestant and a scanty 7 percent Catholic—to be formed more equitably to reflect the near even population split in the community.

Mr. Speaker, we are once again at a perilous point. The answers lay in moving forward to full implementation of the Good Friday accords—to pull participatory, accountable and representative government and rule of law in Northern Ireland—not in stagnation and trepidation.

Vote today to support this important resolution.

Ms. ESHOO. I rise today in support of this Resolution which commends both groups for their progress towards implementing the Good Friday Peace Accords. This momentous peace agreement is just the first of many difficult steps that must be taken to ensure equality.

The Peace Accords created an Independent Commission to make recommendations on the Northern Island policing forces. This Resolution urges the swift implementation of the recommendations of the Independent Commission. The Independent Commission calls for further integration of Catholics into the policing force to 16% in four years and 30% in ten years and for new badge and symbols free of the British or Irish states. It also includes a dramatic reduction in the size of the force from 11,400 to 7,500 full-time personnel. These recommendations are vital to the long-term stability of the peace agreement. It is crucial that the policing force somewhat represent the community that it is meant to protect. The Royal Ulster Constabulary is 92% Protestant and serves a community comprised of 56% Protestant and 42% Catholic.

Mr. Speaker, Belfast is the last city in Europe to be divided by a wall. Let's take an important step and pass this Resolution to begin the movement for equality.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H. Res. 547, introduced by my good friend and colleague, Congressman NEAL of Massachusetts.

All parties should be commended for progress under the Good Friday Accord of April 1998. What was once described as an intractable conflict between Nationalists and Unionists in Northern Ireland never to be solved, has seen unprecedented calm and cooperation under the Good Friday Framework guided by Senator George Mitchell.

The seating of the executive of the power-sharing Assembly was a crucial moment of solidifying peace in Northern Ireland. Nonetheless, two sensitive areas of implementation under Good Friday lagged behind the others: weapons decommissioning and police reform.

The impasse over weapons decommissioning became so strong that it first halted implementation of the Executive last fall, and then forced its suspension in February just as it had been established. A settlement emerged when the Irish Republican Army agreed to allow its weapons dumps to be inspected by a distinguished international group led by former Finnish President Martti Ahtisaari and former African National Congress general secretary Cyril Ramaphosa. The weapons dumps were inspected and the National Assembly resumed in April.

Subsequently, the other looming issue of police reform moved to the fore. The Good Friday Accord called for police reform because it is apparent that a police force composed of 93% Protestant and 7% Catholic could not have sufficient credibility with a Northern Ireland community that is split 58% Protestant, 42% Catholic.

To help create a police force that had credibility across all communities, Chris Patten, a leader in Britain's Conservative Party and former Governor of Hong Kong, was enlisted to produce a blueprint for the future. His 1999 report recommended wholesale change including restoring democratic and local accountability to policing, changing the police force's symbols (name, insignia, uniform) to make them community-neutral, as well as downsizing and re-balancing the composition of the force to reflect the make-up of the communities in Northern Ireland.

It is important to note that this document represented a compromise itself. While the current version of the implementing legislation in the British House of Commons incorporates a number of the Patten recommendations, it falls short in a few—particularly in the area of the name change of police service, where it postpones a decision. While only symbolic, the current name of the police service, the Royal Ulster Constabulary, infuriates Nationalists because the name implies allegiance to the Queen and uses the British term for Northern Ireland—anathema for recruiting more Nationalists into the police service. The Patten Commission recommended the more neutral "Northern Ireland Police Service."

The current version of the bill in the British House of Commons still fell short enough that moderate Nationalists such as Seamus Mallon abstained when it came up for vote in June. Peace has perservered in Northern Ireland over the past two years when leaders from both sides have followed the tenets of the Good Friday Accord. Good Friday called for full and thorough police reform and the Patten Commission delivered that fair reform. It should be implemented in full.

As the Washington Post said in an editorial in July, ". . . the onus remains on the British government to respond to Catholic objections. This is because the Catholics have the Good Friday Agreement on their side. The deal called for the appointment of a special police commission, headed by a respected British politician, Chris Patten; the ensuing report laid down the contours of reform. The Catholic side is only asking that this report be implemented fully. London should be happy to do that . . ."

I urge my colleagues to support H. Res. 547.

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in strong support of House Resolution

547, a bipartisan resolution calling upon the British Government to fully implement reforms to Northern Ireland's police force. These reforms are long overdue and are a crucial part of the overall peace process in this troubled region.

After a quarter century of political violence that left thousands dead, the people of Northern Ireland have taken a brave step forward. The Irish are on the brink of a new era of peace with Catholics and Protestants, for the first time, sharing in government responsibility. The people have spoken and the spirit of peace is alive and strong.

As part of the historic Good Friday Agreement, an independent commission was established to make recommendations for future policing needs. The focus of the report was to take politics out of the police force. The population of Northern Ireland is divided almost equally between Protestants and Catholics, yet the police force is nearly entirely made up of Protestants. With a record of brutality and human rights abuses, this type of demographic cannot work to protect the citizens fairly. In order for these communities and families to feel safe, reforms are desperately needed.

When the Patten Commission completed its report, it included almost 200 recommendations. Among other things, the Patten Commission calls upon the Royal Ulster Constabulary (RUC) to change names and symbols, to increase the number of Catholic officers and to provide human rights training and a code of ethics. We must all remember that the Patten report itself was a compromise between the Unionist and Nationalist perspectives. It is not acceptable to compromise further on a compromise already made. The Patten report must be implemented without any significant change.

I have a deep interest in seeing the historic Good Friday Agreement go forward and policing reform must go hand in hand with this effort. We must work to advance this peace process and implement each and every one of the Patten report's recommendations.

It is not an easy task that the Irish have before them, but rather an extremely difficult and defining one. As the world's greatest superpower and home to over 40 million Irish-Americans, the United States must honor its commitment and stand up for peace and justice. We must lead in promoting human rights for all the world's citizens and lend our strong support to the people of Northern Ireland as they continue this journey towards peace.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PITTS). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 547, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## PEACE THROUGH NEGOTIATIONS ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5272) to provide for a United States response in the event of a unilateral declaration of a Palestinian state, as amended.

The Clerk read as follows:

H.R. 5272

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Peace Through Negotiations Act of 2000".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

(2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.

(3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.".

(4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the "two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good-faith negotiations".

**SEC. 3. POLICY OF THE UNITED STATES.**

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

**SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.**

(a) MEASURES.—Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date the President notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that an agreement between Israel and the Palestinian Authority regarding the establishment of a Palestinian state has been concluded, the following measures shall be applied:

(1) DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES.—

(A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.

(B) For purposes of such section, the term "Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof" shall include the Palestinian Authority and the government of any unilaterally declared Palestinian state.

(C) Nothing in this paragraph shall be construed to preclude—

(i) the establishment or maintenance of a Palestinian information office in the United States, operating under the same terms and conditions as the Palestinian information office that existed prior to the Oslo Accords; or

(ii) diplomatic contacts between Palestinian officials and United States counterparts.

(2) PROHIBITION ON UNITED STATES ASSISTANCE TO A UNILATERALLY DECLARED PALESTINIAN STATE.—United States assistance may not be provided to the government of a unilaterally declared Palestinian state, the Palestinian Authority, or to any successor or related entity.

(3) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(4) AUTHORITY TO WITHHOLD PAYMENT OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS THAT RECOGNIZE A UNILATERALLY DECLARED PALESTINIAN STATE.—The President is authorized to—

(A) withhold up to 10 percent of the United States assessed contribution to any international organization that recognizes a unilaterally declared Palestinian state; and

(B) reduce the United States voluntary contribution to any international organization that recognizes a unilaterally declared Palestinian state up to 10 percent below the level of the United States voluntary contribution to such organization in the fiscal year prior to the fiscal year in which such organization recognized a unilaterally declared Palestinian state.

(5) OPPOSITION TO LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose—

(A) membership for a unilaterally declared Palestinian state in such institution, or other recognition of a unilaterally declared Palestinian state by such institution; and

(B) the extension by such institution to a unilaterally declared Palestinian state of any loan or other financial or technical assistance.

(6) LIMITATION ON USE OF FUNDS TO EXTEND UNITED STATES RECOGNITION.—No funds available under any provision of law may be used to extend United States recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the payment of the salary of any ambassador, consul, or other diplomatic personnel to such a unilaterally declared state, or for the cost of establishing, operating, or maintaining an embassy, consulate, or other diplomatic facility in such a unilaterally declared state.

(b) SUSPENSION OF MEASURES.—

(1) IN GENERAL.—The President may suspend the application of any of paragraphs (3) through (5) of subsection (a) for a period of not more than one year if, with respect to the suspension of the application of each such paragraph, the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that such suspension

is in the national security interest of the United States. Such certification shall be accompanied by a justification for the basis of the determination.

(2) RENEWAL.—The President may renew the suspension of the application of any of paragraphs (3) through (5) of subsection (a) for a successive period or periods of not more than one year if, before each such period, the President makes a determination and transmits a certification in accordance with paragraph (1).

(3) ADDITIONAL REQUIREMENT.—A suspension of the application of any of paragraphs (3) through (5) of subsection (a) under paragraph (1) or paragraph (2) shall cease to be effective after one year or at such earlier date as the President may specify.

(c) DEFINITION.—For purposes of paragraphs (2) and (3) of subsection (a), the term "United States assistance"—

(1) means—

(A) assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except—

(i) assistance under chapter 8 of part I of such Act (relating to international narcotics control assistance);

(ii) assistance under chapter 9 of part I of such Act (relating to international disaster assistance); and

(iii) assistance under chapter 6 of part II of such Act (relating to assistance for peacekeeping operations);

(B) assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.), including the license or approval for export of defense articles and defense services under section 38 of that Act; and

(C) assistance under the Export-Import Bank Act of 1945; and

(2) does not include counter-terrorism assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5272, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

□ 2115

Mr. Speaker, because many of my colleagues remain extremely concerned about the possibility that Yasser Arafat and that the PLO will unilaterally declare a Palestinian state, I introduced H.R. 5272, legislation that underscores the need for a negotiated settlement between the two parties.

Our bill, entitled Peace Through Negotiations Act of 2000, H.R. 5272, recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues in the Arab-Israeli conflict. The Palestinian threat to declare an independent state unilaterally would constitute a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated.

Over 18 months ago, Congress spoke with one voice about the prospects of any unilateral declaration of statehood by the Palestinians. Nonbinding legislation was adopted by both houses stating that, "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition."

Because Mr. Arafat and other Palestinian officials continue to claim that they may very well unilaterally declare a state before the end of this year, many of us in this body felt the need, as a preventive measure, to act prior to our Congressional adjournment.

Accordingly, Mr. Speaker, H.R. 5272 establishes that it is a policy of the United States to oppose any unilateral declaration of a Palestinian state and that diplomatic recognition should be withheld if such an act is unilaterally declared.

As a deterrent, the bill would also prohibit all U.S. assistance to the Palestinians except for humanitarian aid. It would downgrade the PLO office in Washington in the event of a unilateral declaration.

This bill also encourages other countries and other international organizations to join our Nation in withholding diplomatic recognition, and authorizes the President of the United States to withhold payment of U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

This legislation was marked up in our committee earlier today. An amendment was adopted giving the President limited authority to waive two of the five mandatory measures that are to be applied against a unilaterally declared Palestinian state.

Mr. Speaker, the Peace Through Negotiations Act is a measured, but forceful response to any real possibility of any unilateral Palestinian action. Accordingly, I urge our colleagues' strong support for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER) who is a co-author of this legislation before us today.

Mr. NADLER. Mr. Speaker, we all fervently desire the successful conclusion of a peace agreement between Israel and the Palestinians that would allow Israelis and Palestinians to live free from violence and from the fear of violence. If part of such a mutually agreed, mutually negotiated agreement is the establishment of the Palestinian state with agreed upon borders, and agreed upon and acceptable security guarantees for Israel, I do not believe the United States would have any reason to object.

But a unilaterally declared Palestinian state with no agreed upon borders, with territorial claims certainly conflicting with those of Israel, and with no security guarantees for Israel, is guaranteed to destroy the peace process and is very likely to result in violence and even war.

That is why last July I introduced, along with the gentleman from New York (Mr. REYNOLDS), the Middle East Peace Process Support Act which now has over 100 cosponsors and is the basis of the bill we have before us today. I believe this is an essential bill. I look forward to an overwhelmingly bipartisan vote for it.

The Peace Through Negotiations Act is meant to send a very clear signal to Chairman Arafat and the Palestinian Authority. Do not destroy the peace process. Do not condemn the Middle East to another round of violence and war by unilaterally declaring an independent Palestinian state. We warn you now, the United States will not recognize such a state. It will not give aid to such a state. It will do everything possible to prevent other nations from recognizing or aiding a unilaterally declared Palestinian state in any manner whatsoever.

Chairman Arafat is now threatening to declare a Palestinian state unilaterally by mid November. Because of this continuing threat and the fact that Congress will not be in session in November, or we hope and trust that we will not be in session in November, it is imperative that we enact this bill now so that the Palestinian Authority understands that any unilateral action will produce a sharp and negative response from the United States. We must make clear that, if the Palestinian Authority unilaterally acts to destroy any prospect of a peace agreement and to make war and violence, very likely there will be severe consequences. The purpose of this bill is to deter such an action and those consequences.

At the end of the most recent Camp David summit, Prime Minister Barak and Chairman Arafat reaffirmed the central point of the Oslo agreement and pledged that Israel and the Palestinian Authority would both refrain from any unilateral actions as well as from statements that would incite violence.

If these general principles are followed and the Palestinians remain peacefully engaged with Israel, which has proven to be a willing and a generous peace partner, this legislation will not need to be invoked, but it will have its desired effect by making such peaceful development much more likely.

I want to thank the gentleman from New York (Chairman GILMAN); the gentleman from Connecticut (Mr. GEJDENSON), ranking member; and the gentleman from New York (Mr. REYNOLDS) for the hard work they have done in this legislation.

I urge every Member of this House to support this bill because only a negotiated peace can be a lasting peace.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. NADLER) for his supportive statement.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield 2 minutes to the gentleman from the Bronx and Westchester Counties, New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman from New York (Mr. CROWLEY) for leading, and he has clearly been a leader on this issue and as we saw before on the Ireland issue.

Mr. Speaker, it seems that we have been here before. Just last year, I was the lead Democratic sponsor of a resolution opposing the unilateral declaration of a Palestinian state and warning that such a unilateral action would provoke a stern response from this Congress.

This measure passed overwhelmingly in the House and by unanimous consent in the Senate. Since then, President Clinton has worked as no President has since Jimmy Carter to achieve an agreement in the Middle East.

After months of serious negotiations in which Israel demonstrated a willingness to compromise on all issues, even those of the utmost importance, an agreement remained out of reach.

Yasser Arafat and the Palestinian negotiators were ultimately unwilling to make the compromises needed to reach a peace accord. Instead, they threatened the world with the possibility of unilaterally declaring themselves a sovereign state.

This type of rhetoric not only falls outside of the bilateral framework for bridging the gap separating the Israelis and Palestinians, it also represents a dangerous escalation.

If this should happen, Israel will likely respond in kind through unilateral actions of its own, including territorial annexation in the West Bank or around Jerusalem.

Yasser Arafat recently took a tour of several European and Arab nations and asked for support of his nonnegotiating declaration of Palestinian statehood. Everywhere he went, Mr. Arafat received a polite "No, thank you. Please return to the bargaining table." Today Congress will emphasize that message with passage of this important bill.

Arafat must know that, if the Palestinians unilaterally declare themselves a state, the United States will provide them no assistance whatsoever. The Palestinian leadership must understand that their goals can only be achieved in the context of direct negotiations with Israel and that such threats not only undermine the peace process but also put at risk its future relationship with the United States.

I, therefore, strongly support H.R. 5272 and commend the gentleman from New York (Mr. NADLER) for his hard work on the legislation.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. ENGEL) for his strong supportive arguments.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Queens, Bronx and Westchester Counties, New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of H.R. 5272, the Peace Through Negotiations Act of 2000, and urge my colleagues to support this important legislation.

I especially want to thank the gentleman from New York (Mr. NADLER) for his leadership on this issue and the gentleman from New York (Mr. GILMAN). I am a proud cosponsor of his bill, the Middle East Peace Process Support Act, which provided the foundation for the legislation we are considering today.

I share the frustration and impatience of those who have waited decades for a peace that will safeguard Israel's security and regional stability. After 7 long years of negotiations, an agreement is within reach, and we recognize how important it is that both parties remain dedicated to the completion of this difficult process. We also recognize the damage that could be inflicted by unilateral acts of irresponsible brinksmanship. Compromise, not nonnegotiable demands and political posturing, must guide the peace process.

H.R. 5272 demonstrates unflinching Congressional support for a fair, negotiated peace agreement. This bill simply states that the United States will not recognize nor will it reward the unilateral declaration of a Palestinian state. The rejection of negotiation as the path toward peace is unacceptable, and we have the opportunity to make this clear today.

In the coming weeks, the most difficult issues in the peace process will be on the table, and now, more than ever before, Israel and the Palestinians must show their dedication to realizing the dreams of the Oslo Accords. Let this legislation be a warning: If Chairman Arafat rejects the fundamental precept of Oslo, if he chooses to squander this historic opportunity for peace, the United States' response will be swift and unequivocal.

I have strongly supported generous assistance for governments in the Middle East who have recognized the value of negotiation and cooperation in the pursuit of peace. But make no mistake, our foreign assistance is too dear to waste on regimes bent on self-destructive actions and guerilla tactics. We must send this message to Chairman Arafat today.

Mr. Speaker, I hope this bill is irrelevant. I hope its provisions are never tested and that negotiations between Israel and the Palestinians bear real fruit. But if the future brings a unilateral declaration of Palestinian independence and a rejection of these negotiations, we must remain steadfast in our support for the peace process and strong in our condemnation of those who would derail this historic opportunity. I urge my colleagues to join me in support of this bill.

Mr. GILMAN. Mr. Speaker, I want to thank the gentlewoman from New York (Mrs. LOWEY) for her strong support of this measure.

Mr. Speaker, I continue to reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in firm support of H.R. 5272, the Peace Through Negotiations Act of 2000. The unilateral declaration of independence by the Palestinian Authority would negate years of progress made by Israel with Palestinians toward a peaceful resolution to their conflict.

This bill clearly illustrates that the United States discourages such an action, and would strongly condemn the Palestinians should they choose to circumvent the peace process to which they had been a faithful party.

I commend the gentleman from New York (Mr. NADLER) for his hard work in crafting this legislation. I would also like to thank the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations for recognizing the importance of a timely consideration of this bill.

I have been a close observer of this peace process since its inception. I have witnessed the success, and I have witnessed the setbacks. I regret having to address the issue of restricting aid to the Palestinians when we are so close to reaching an understanding between the two parties.

In my view, the Palestinians have a choice, stay the course towards peace and reap the benefits of establishing a nation conceived out of cooperation and negotiation or bypass the process, declare an independent state, and risk becoming a pariah in the international arena.

As a supporter of the peace process, I am greatly concerned that Palestinian Authority Leader Yasser Arafat will carry through with his threat to create a Palestinian state with or without an agreement. Frankly, Mr. Speaker, I shudder to think of the repercussions resulting from taking such drastic action.

Mr. Arafat, do not let the dream that you have worked your entire life for crumble in order to quell domestic political concerns. I urge you to choose the path to which you have been committed for nearly a decade, the path of peace.

The people of Israel, the West Bank, the Gaza have suffered through enough violence, torment, and death during the years of struggle for the creation of a Palestinian state. Let us work together to ensure that history does not repeat itself.

The purpose of this bill clearly states that if the Palestinian Authority unilaterally declares a Palestinian state, the United States' provision of resources to the Palestinian Authority would cease immediately.

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Furthermore, the bill would prohibit the expenditure of any funds for the United States to formally recognize a unilaterally declared independent Palestinian state. As long as Mr. Barak and Mr. Arafat are willing to sit down together and encourage a constructive dialogue to resolve the issues that divide their people, the United States will do its part to support them in that endeavor.

Though I hope the terms of this bill will never be realized, I believe it is a strong commentary on how this country, the U.S., feels about the prospects of peace. To that end, I encourage my colleagues to support H.R. 5272.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PITTS). The gentleman from New York (Mr. GILMAN) has 17 minutes remaining.

Mr. GILMAN. Mr. Speaker, does the gentleman have any further speakers?

Mr. CROWLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield myself the balance of my time; and in closing, I wish to emphasize that this legislation represents a measured and an appropriate response to the very serious threat to U.S. interests in the Middle East posed by the continuing suggestions by Palestinian officials that they may unilaterally declare a Palestinian state. Such a declaration could deal a fatal blow to the peace process and would be a very grave mistake.

Our government makes a very serious mistake if it does not make crystal clear to the Palestinian authorities how we would respond to such a step. It is for that reason that I urge strong support for this measure.

Mr. BENTSEN. Mr. Speaker, I rise in support of H.R. 5272, the Peace Through Negotiations Act of 2000, which expresses support for the Middle East peace process and the need for a negotiated settlement of the Arab-Israeli conflict.

This legislation declares that U.S. policy opposes the unilateral declaration of a Palestinian state. Should such a unilateral declaration occur, this measure would prohibit all U.S. assistance to the Palestinians except for humanitarian aid, and would encourage other countries and international organizations to join the U.S. in withholding diplomatic recognition of a Palestinian state. Further, this legislation would authorize the President to withhold U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

As a co-sponsor of H.R. 4976, similar legislation introduced by my colleague from New York, JERROLD NADLER, I believe it is appropriate for the Congress to underscore the threat posed by the unilateral declaration of a Palestinian state. Such a declaration would be a violation of the 1993 Oslo Accords, at which Israel and the Palestinians agreed that the determination of the eventual status of the Palestinian entity—as well as other final status issues—can be made only through agreements by both sides. It is critical for both parties to abide by the agreement to resolve permanent status issues through negotiation, not unilateral action.

Peace talks between the Palestinian Authority and Israel were scheduled to end earlier this month, on September 15, 2000. However, unresolved issues—borders, security, settlements, refugees, and the division of Jerusalem—have prevented the two sides from coming to an agreement. Since the unsuccessful completion of the Camp David negotiations in July 2000, PLO Chairman Arafat has renewed his threats to unilaterally declare a Palestinian state. While Chairman Arafat has backed off from those threats and not set a new deadline, I believe this legislation signifies the extent of Congressional resolve, should Chairman Arafat act to carry out his threat after the 106th Congress adjourns.

In March 1999, both houses of Congress adopted H. Con. Res. 24, non-binding legislation which resolved that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition." The Peace Through Negotiations Act is a legislatively binding response, but only if a unilateral declaration of statehood is actually made. I believe the U.S. must continue to strongly support Israel and resolutely oppose the unilateral declaration of a Palestinian state. Accordingly, I urge my colleagues strong endorsement of this landmark legislation.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5272, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MAKING IN ORDER ON WEDNESDAY, SEPTEMBER 27, 2000 MOTIONS TO SUSPEND THE RULES AND CALL OF CORRECTIONS CALENDAR

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that it be in order at any time on Wednesday, September 27, 2000, for the Speaker to entertain motions to suspend the rules and pass, or adopt, the following measures:

H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment Act;

H.R. 2641, to make technical corrections to Title X of the Energy Policy Act of 1992;

H.R. 2346, to authorize the enforcement of certain Federal Communications Commission regulations regarding use of citizens band radio equipment;

H. Res. 576, supporting efforts to increase childhood cancer awareness, treatment, and research;

S. 1295, to designate the Lance Corporal Harold Gomez Post Office; and

It be in order at any time on Wednesday, September 27, 2000, for the Speaker to direct the Clerk to call the bill on the Corrections Calendar.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## QUALITY TEACHER RECRUITMENT AND RETENTION ACT OF 2000

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5034) to expand loan forgiveness for teachers, and for other purposes.

The Clerk read as follows:

H.R. 5034

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Quality Teacher Recruitment and Retention Act of 2000".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Over the next 10 years, a large percentage of teachers will retire, leaving American classrooms, particularly urban and rural classrooms, facing a serious teacher shortage.

(2) The Nation will need 2,000,000 new teachers over the next 10 years. Unfortunately, in the past this need has been met by admitting some unqualified teachers to the classroom.

(3) There is also a chronic shortage of fully certified special education teachers, averaging about 27,000 per year. While the demand is ever present, institutes of higher education are graduating fewer teachers qualified in special education.

(4) High quality teachers are the first vital step in ensuring students receive a high quality education.

(5) Potentially valuable teacher candidates are often lured into different careers by higher compensation.

(6) Moreover, the burdensome paperwork and legal requirements are factors which lead special education teachers to leave the profession. More special education teachers move into the general education realm than vice versa.

(7) High-quality prospective teachers need to be identified and recruited by presenting to them a career that is respected by their peers, is financially and intellectually rewarding, and contains sufficient opportunities for advancement.

(8) Teacher loan forgiveness gives high-poverty schools an effective incentive for recruiting and retaining much-needed high quality teachers.

(9) Loan forgiveness for high-need teachers, including special education teachers, can be a critical link in increasing the supply of these essential educators.

(b) PURPOSE.—The purpose of this Act is to encourage individuals to enter and continue in the teaching profession in order to ensure that high quality teachers are recruited and retained in areas where they are most needed so students attending school in such areas receive a quality education.

**SEC. 3. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS.**

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the "Secretary") shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is a new teacher;

(B)(i) is employed, for 3 consecutive complete school years, as a full-time teacher in a school that qualifies under section 465(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)(2)(A)) for loan cancellation for a recipient of a loan under part E of title IV of such Act who teaches in such schools; or

(ii) is employed, for 3 consecutive complete school years, as a full-time special education teacher, or as a full-time teacher of special needs children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed $5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed $7,500) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than $20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public elementary school, holds a bachelor's degree and demonstrates knowledge and teaching skills in each of the subject areas in which he or she provides instruction; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency in all subject areas in which he or she teaches through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major in each of the subject areas in which he or she provides instruction.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private elementary or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and teaching skills in each of the subject areas in which he or she provides instruction, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL ELIGIBILITY PROVISIONS.—

(1) CONTINUED ELIGIBILITY.—Any teacher who performs service in a school that—

(A) meets the requirements of subsection (a)(1)(B) in any year during such service; and

(B) in a subsequent year fails to meet the requirements of such subsection,

may continue to teach in such school and shall be eligible for loan forgiveness pursuant to subsection (a).

(2) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(3) DEFINITION OF NEW TEACHER.—The term "new teacher" means an individual who has not previously been employed as a teacher in an elementary or secondary school prior to August 1, 2001, excluding employment while engaged in student teaching service or comparable activity that is part of a preservice education program.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal year 2001 and for each of the 4 succeeding fiscal years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

### GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5034.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5034, the Quality Teacher Recruitment and Retention Act of 2000, and I thank the gentleman from South Carolina (Mr. GRAHAM), who has worked diligently on our committee for many years to try to ensure that we have quality teachers in every classroom throughout the United States.

It has been well noted that schools will need to hire 2 million new teachers in the next decade in order to accommodate growing enrollments and to offset the projected increase in teacher retirements. But it is more than just hiring more teachers. At the same time schools are compelled to hire the best teachers. Parents, business leaders, and the general public are all demanding more from our Nation's schools.

However, as we have heard through the course of many hearings held by the Committee on Education and the Workforce, finding and retaining quality teachers has become more and more difficult, especially in light of the many other opportunities available to potential teachers in today's marketplace.

A front page New York Times article on August 24 underscores the difficulty facing many schools: "A growing number of States and school districts are short-circuiting the usual route to teacher certification with their own crash courses that put new teachers in the classroom after as little as three weeks. Officials say they are driven by a severe teacher shortage."

In response, many schools are implementing innovative solutions. Last week during a hearing on this issue in our committee, we had the opportunity to hear from Micheline J. Bendotti, executive director from the Arizona Teacher Advancement Program. This program is being implemented in several schools across Arizona and provides teachers with market-driven compensation, multiple career paths, and performance-based accountability, along with high quality ongoing applied professional development.

For our part, Republicans in Congress are assisting States and local school districts to meet the challenges of a competitive marketplace. Through initiatives such as the House-passed Teacher Empowerment Act, we have expanded the flexibility of current education programs to allow more schools to have the Federal resources necessary to carry out these types of innovative programs.

Additionally, we are providing assistance targeted directly to prospective teachers through student loan forgiveness. Specifically, under the Higher Education Amendments of 1998, we established a program for qualified teachers who commit to teaching in a low-income school for 5 years. The program is only available for new student loan borrowers, and the total amount of loan forgiveness is limited to $5,000 per student.

The fact is teacher loan forgiveness can be a highly successful incentive for encouraging some of our best and brightest graduates to enter the teacher profession. Teacher loan forgiveness also enjoys wide public support, as evidenced by a 1998 Lou Harris poll, which found a majority of Americans favored providing such assistance to teachers. Business groups have also been outspoken on the need for teacher loan forgiveness.

For example, the California Business for Education Excellence has as one of its top priorities to support expanding teacher loan forgiveness programs. Specifically, they believe the amount and rate of loan forgiveness should be accelerated in order to recruit and retain teachers for hard-to-fill openings.

That is exactly what has been done under legislation passed by the Committee on Education and the Workforce earlier this year. Specifically, H.R. 4402, the Training and Education for American Workers Act of 2000, directs 25 percent of the fees collected through H-1B visa applications to be used for new student loan forgiveness programs to attract more math, science and reading teachers who agree to teach for 5 years. Benefits under this program are in addition to any benefits a student may receive under programs established as part of the Higher Education Act Amendments.

H.R. 5034, the legislation we are considering today, builds upon both of the other teacher loan forgiveness programs. This important initiative also expands upon the current programs by not limiting forgiveness to just new borrowers.

Mr. Speaker, I commend the gentleman from South Carolina for working so hard on this important legislation. He has been a leader and an advocate for quality teaching in the years he has served on the committee. I encourage all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. SANCHEZ. Mr. Speaker, I ask unanimous consent to give management duties on this bill to my colleague, the gentleman from New Jersey (Mr. HOLT).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague from California and rise in support of H.R. 5034.

As my friend and colleague from Pennsylvania mentioned, this bill of our colleague from South Carolina provides up to $20,000 in student loan forgiveness to fully qualified teachers teaching in high-need schools and districts. I certainly view loan forgiveness as one of a number of strategies to ensure that we have enough highly qualified teachers, especially in the critical areas of science and math.

This bill expands upon a Democratic initiative included under Title IV of the Higher Education Act during the last reauthorization that guarantees $5,000 in student loan forgiveness to any teacher who teaches in a high-need school for a period of 5 years. Now, $20,000 is obviously a more powerful incentive than $5,000; and given the looming teacher shortage, high-needs schools and districts will need all the help they can get in recruiting and retaining qualified teachers, and I applaud the gentleman from South Carolina for his interest in improving and expanding the existing program.

I would be remiss, however, if I failed to mention some of my concerns about this legislation. For although I am disappointed that Democratic offers to work with our friends on the other side of the aisle to improve this legislation before it came to the floor were rebuffed, it is still my hope that some of my concerns and some of the concerns of my colleagues can be remedied should this bill be taken up in the Senate.

To begin with, the bill is written in such a way that it is really unclear as to the relationship between this loan forgiveness program and the existing loan forgiveness program. I worry this could be confusing for students and school officials. We need to simplify student aid, not make it more complicated.

In addition, funding for this program does not kick in until 3 years after the date of enactment, meaning that teachers could not benefit from it, as I understand it, until 2004. We are losing teachers to more lucrative professions today, and will in 2001 and 2002 and 2003. If we want to keep these talented individuals in the classroom, it seems to me prudent to provide them with loan forgiveness today.

And perhaps most important, funding for this program is discretionary rather than mandatory, as is Title IV of the Higher Education Act. So depending on the spirit and generosity of the appropriators 3 years from now, although I presume we will have generous appropriators 3 years from now, but depending on that spirit of generosity, some teachers might benefit while others, though equally qualified, might not. In fact, should the appropriators decide not to fund the program at all, no one will benefit, and we will be no closer to addressing the teacher shortage than we are today.

So I would like to work with my colleague to see if there is some way we can ensure that all eligible teachers can benefit from this valuable program. After all, his intention, I am sure, is to provide an incentive that will be meaningful to recruit and to encourage teachers.

Finally, I feel I must make one last point. For although it is not directly related to this bill, I think it is an essential part of this debate. We will not be able truly to address the problem of poor teacher recruitment and retention rates, particularly in high-need urban and rural communities, until we improve conditions faced by teachers in the classroom. For no matter how tempting the monetary incentive, good teachers will be unlikely to remain in the classroom if they are overcrowded, lacking supplies, and have buildings falling down around them.

However, despite all this, I believe that H.R. 5034 is a good first step, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. GRAHAM), author of the legislation and a valuable member of the committee.

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Mr. GRAHAM. Mr. Speaker, before we start discussing the bill, I would like to offer a debt of gratitude to my colleagues on the other side for allowing this bill to go forward. And we can make it better, I am sure. But I have a few points that were mentioned.

This bill is building on existing programs that our Committee on Education and the Workforce in a bipartisan fashion passed a couple years ago. There is a $5,000 student loan forgiveness program in existence today if they will go into teaching in a Title I school.

What does that mean? A Title I school is a school where 30 percent of the students are at the poverty level or below. That is usually a rural poor school, an urban poor school, the places that is very hard to recruit.

As the chairman said, there is going to be a two-million person teacher shortage facing this Nation. And how do we get the best and the brightest into the teaching profession and how do we get them into the hardest-to-recruit area, rural poor, urban poor? We give them a signing bonus.

But the law that exists today has the same requirement as this bill. We just do not want to get bodies into the classroom. We want to have quality teachers in the classroom. Under the current program, they cannot get any loan forgiveness until they teach 3 years.

That is exactly what this bill does. But what it does is it goes beyond $5,000. It will allow a person who will go into teaching in a Title I school, a hard-to-recruit area, if they will teach for 3 years in the area that they major in in college, math teachers teaching math, science teachers teaching science, if they will go into this school district and keep their certification up, in the fourth and fifth and sixth year of their career, we will forgive their student loan up to $17,750 in additional loan forgiveness.

And it is a discretionary program. We worked hard to try to find the offset. But let me just assure my colleague this, that the projections are that we will recruit 35,000 new teachers a year if we pass this bill.

I would argue that every Member of this body, Republicans and Democrats, appropriators, non-appropriators, will put money into this program if it is bringing in the best and the brightest in areas that are hard to recruit under today's standards.

A Newsweek article called "Teachers Wanted" is a great expose of what communities are doing all over the country to try to get people in the teaching profession to fill these voids in the classroom. But we go one step further. We just do not want bodies. We want people committed to the teaching profession to keep their certifications up and have a commitment to these schools. And once that commitment is shown, we are going to meet them more than halfway.

The gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. MILLER), the gentleman from New Jersey (Mr. HOLT) and the gentlewoman from California (Ms. SANCHEZ), I really appreciate them joining with us to get this bill out of the House. And if we can make it better, we will.

But the bottom line is that there are a lot of folks getting ready to decide what career to choose and they want to go into teaching, and one of the biggest problems they face as a college graduate is a big student loan. The average is almost $17,000 now.

What we are saying, in a bipartisan fashion, is, if they will make a commitment to teaching and they will keep their certifications up and they will do a good job, we will take that debt away from them in a very quick period of time. I think people are going to respond in droves.

The article called "Teachers Wanted," I would just like to let the people of the United States know that we disagree a lot in this body and we have different views of what the Federal Government should do in education. But this is a good day. We are approaching the end of a contentious Congress, but we are coming together as Republicans and Democrats and we are putting into place a program that will help real people in a real way to put a new generation of teachers in classrooms where it is very hard to recruit. And this applies to anybody with a student loan that is willing to go into a Title I school.

Let me mention one other facet about this bill. The special education teachers are included. I would like to thank my colleague the gentleman from South Carolina (Mr. DEMINT). We all know how hard it is to get people to go into special ed. So if they are a special-ed teacher, regardless of the school district they go to, we will help forgive their student loan if they will stay in there and help the kids.

Mr. Speaker, I want to thank the chairman for the leadership he has shown in allowing this bill to come to the floor and my colleagues on the Democratic side of the aisle in the Committee on Education and the Workforce. This is a good day for the committee. I think it is a good day for the Congress, and I urge support of this bill.

Mr. HOLT. Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 3½ minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I am honored to stand before this House today in support of my good friend the gentleman from South Carolina (Mr. GRAHAM) and in support of his legislation that would expand the current loan forgiveness program for teachers in high poverty schools.

As chief architect of the original program in 1998, the gentleman from South Carolina (Mr. GRAHAM) is a tremendous advocate for teachers. I appreciate his work on this behalf.

I am increasingly concerned about the state of our Nation's education system, more specifically with regard to the quality of teaching. Just today, there are newspaper reports about teacher turnover in North Carolina schools.

Mr. Speaker, I can assure my colleagues that the news is not good and it is getting worse. According to the North Carolina Department of Instruction, last year's teacher turnover rate was 13.59 percent, up from 13.4 in 1999 and 12.3 percent in 1998. This means that over 12,000 out of 89,000 teachers in North Carolina left their job for one reason or another.

Perhaps a more startling figure is that about 30 percent of these teachers had tenure. While these numbers are unsettling, I must share with my colleagues that North Carolina is making improvements. We have the most National Board Certified teachers in the country. We are recognized as one of the top two States in improving teaching. North Carolina has made the most gains on SAT test scores, more than any other State in the last 10 years.

And finally, the National Education Goals Panel said that North Carolina is one of the top States in business and community support for public education.

Even with this outstanding recognition, I think that we can all agree that it just is not enough. If North Carolina is making such improvements and our numbers are this high, I shudder to look at the States who have higher turnover rates. We must try harder, we must work harder to give our children an education that will provide them with the tools necessary to make solid choices in their lives.

Sadly, many of our students are not able to make these choices. I believe that we can change that. In North Carolina, teachers in 1,459 elementary and secondary schools are eligible for loan forgiveness under the current program. Of this number, teachers in 178 schools in and around my district are eligible.

An especially attractive piece of this package is that all special education teachers are eligible for loan cancellation under the Graham bill. I am pleased that my district's most at-risk schools have a program to help them attract quality teachers, and I think this loan forgiveness program is a good foundation for us to build upon.

Mr. Speaker, our Nation's most precious resource is our children. I believe that this bill gives our children, especially our disadvantaged children, the chance to have a better education.

When I spoke on the floor yesterday about the 25th anniversary of the IDEA bill, I reminded my colleagues that every student has a right to free public education. I believe that we have secured access to education. Loan forgiveness for qualified teachers brings us one step closer to improving quality in the classroom.

To close, it seems that the latest trend in Washington is to see who can buy the most teachers or who can spend the most on education. I cannot stand by and watch Congress and the President poor billions into the Title I program and cross their fingers any longer and hope that education gets better and student achievement goes up. I think we can do better. We will do better.

We need to give teachers a reason to go to Title I schools and invest their time, their energy and their talents. Support this bill, and we are well on the way.

Mr. GOODLING. Mr. Speaker, I yield 2¾ minutes to the gentleman from South Carolina (Mr. DEMINT) another important new member on our committee.

Mr. DEMINT. Mr. Speaker, I rise in support of the Quality Teacher Recruitment and Retention Act. I am a cosponsor of this legislation.

I have had the good fortune to work with my good friend the gentleman from South Carolina (Mr. GRAHAM) on it. I want to emphasize a specific part of the bill which has already been mentioned.

This bill would allow the loan forgiveness program to all teachers who choose to go into the special education field regardless of teaching location.

The field of special education faces special challenges. There is not only a shortage of special-ed teachers, but some teachers in the field are not qualified.

Additionally, special education teachers are burdened by the need to comply with complex Federal laws and paperwork requirements in the Individuals With Disabilities Education Act.

While the law is filled with good intentions, it is widely acknowledged to be a complicated process which leaves less time for teachers to go about the business of teaching. Teachers are discouraged by the paperwork requirements and spend hours working on checklists rather than lesson plans. They do this because they fear lawsuits if somehow they fall short of a dotting an "I" or crossing a "T."

Local school districts must pay for this underfunded mandate for special education, which strains their budget. This bill does its part in a small way by giving local school districts an incentive to attract special-ed teachers.

If teachers are qualified, they can receive loan forgiveness over time if they teach in the special-ed field. While the number of special-ed students is rising, the number of teachers qualified to teach special-ed kids is not keeping pace with demand. Each year there is a chronic shortage of fully certified special-ed teachers, averaging about 27,000 per year. While the demand is ever present, institutions of higher education are graduating fewer teachers qualified in special ed.

Mr. Speaker, the Quality Teacher Recruitment and Retention Act is one step we can take to help local school districts by recruiting qualified teachers to enter and remain in the special education field.

I thank my colleague for his willingness to craft this legislation in such a way that addresses the important need for special education teachers across the country.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to repeat that we support this bill. It does need some perfecting, but it gets at the heart of what we must address in education.

Teachers are indeed the key. Teachers are the key for special education. Teachers are the key for languages. Teachers are the key for science and math.

In fact, tomorrow the Glen Commission, the National Commission on the Teaching of Mathematics and Science, will be issuing our report; and that will also highlight the need to recruit good teachers, to provide them training before they go in, mentoring as they enter their field, and life-long professional development.

Loan forgiveness is part of the number of steps that we must take in order to have the kind of teaching that we need to give our students the education they need for fulfilling lives in the 21st century.

We must recruit teachers. Loan forgiveness will help with that. But we also must look at the environment where they will teach, the class sizes, the facilities, and we must make sure that the environment provides an atmosphere of continuous improvement and professional development. With that, we can find the teachers we need, train them, and give our students the education they deserve.

Mr. Speaker, I yield back the balance of my time.

□ 2200

Mr. GOODLING. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. SOUDER), a seasoned, important member of our committee.

Mr. SOUDER. I thank the gentleman for yielding me this time.

Mr. Speaker, I am a proud conservative cosponsor of the gentleman from South Carolina's bill to provide loan forgiveness to teachers in title I schools and special ed. Sometimes, just once in a while, our liberal friends accuse conservatives of not caring about improving education because we do not favor a Federal takeover in education. In fact, the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from South Carolina (Mr. GRAHAM), and I were leaders in the fight against national testing standards. We fought against the national curriculum and national teaching standards. But the gentleman from Pennsylvania (Mr. GOODLING) has committed his entire career to trying to provide better quality with local control, and this bill is yet another example.

We Republicans say everyone should compete. Yet we do not believe in guaranteeing absolute equality. Parents' education differs, their income differs, some kids are going to have computers at home, some kids are going to have parents who can teach. There is not just a whole lot we can do about that. But we do believe that there ought to be basic opportunities for all kids in America. And so we support title I and we support IDEA. The chairman has been a leader in Even Start, in Head Start. We have had many such bills.

This bill combines many of the principles that we as conservatives believe are valuable in trying to help low-income students. It does it with incentives, not mandates. It does not tell people what they actually have to do; it forgives their loans and gives them the flexibility; and it requires them to serve first. Often we give money to somebody, and they may or may not serve. In this case if they serve the 3 years, then they get 3 years forgiven; 4 years, then they get more forgiven the fifth year. If we give the money up front, we find that many times in other programs where we have done this we may or may not get people to serve, and we may battle over that forgiveness. That is a conservative principle.

We also say that when you give it to an individual student who then goes and teaches, it does not come with the Federal strings. It gives the teachers the flexibility to determine what they are going to do, special ed or a title I school; it gives the school the flexibility without the strings that come from many of this administration's proposals. When people ask what conservatives are doing to help those who are hurting, to those who are behind, those who potentially can be left behind, this is yet one more example of what this Congress has done. It is a small step, but it is an important step.

My daughter is currently teaching at a title I school. It is a new job. She has found that as opposed to a suburban school she gets less money to help in the classroom. Fewer of the parents show up. It is hard even to get as many parents to participate in bringing refreshments for the kids because they do not have the income. We need to do some special steps in America to make sure that those who are college graduated even though we support alternative certification, even though we support creative ways to fill those gaps, we need creative ways like the gentleman from South Carolina's bill to encourage our young people in college today to take at least part of their career, many of whom will then fall in love with these kids who so much need their help to work in our title I and special ed programs.

I commend the gentleman from Pennsylvania (Mr. GOODLING); I commend the gentleman from South Carolina (Mr. GRAHAM) for his great work and add my enthusiastic support to this bill.

Mr. MCKEON. Mr. Speaker, I rise in strong support of the Quality Teacher Recruitment and Retention Act.

Just this week, Newsweek's cover story asks "Who will teach our kids?" Since one half of all teachers in America are slated to retire by 2010, this is a question on the minds of millions of families across this country.

In my home State of California, we are already feeling the teacher crunch where as a result of the State's class size reduction program, there are 35,000 uncertified teachers in our classrooms.

Over the past two years, the Subcommittee on Postsecondary Education, Training, and Life-long Learning (which I serve as Chairman and the bill's sponsor, LINDSAY GRAHAM, serves as vice chairman) has devoted substantial time and effort toward the issue of teacher quality and recruitment.

We have held numerous hearings and have had an active hand in shaping legislative proposals aimed at getting teachers into our classrooms.

Those proposals include:

The teacher quality enhancement grants—established in the higher education amendments of 1998;

Language in H.R. 2, the "Education Options" Act to boost the qualifications of the 180,000 teachers and paraprofessionals who teach in our Nation's poorest school districts;

The Tech-for-Success Program in H.R. 4141 to help better prepare teachers in how best to use technology to improve student academic achievement;

The Bipartisan Teacher Empowerment Act to enable schools to focus on a host of initiatives including bonus and merit pay, tenure reform, teacher mentoring programs, and professional development; and

Increased flexibility in the "100,000 New Teachers" Program so that schools experiencing a high percentage of uncertified teachers can use funds to focus on boosting teacher training as opposed to hiring additional teachers.

H.R. 5034 builds on these significant efforts by expanding another important provision in the higher education amendments—loan forgiveness for teachers.

This legislation enhances loan forgiveness by increasing the number of those qualified for the program while retaining the current requirements so that we not only get qualified teachers into the classroom but keep them there.

The bill also addresses the need across the country for special education teachers by granting them loan forgiveness no matter where they teach.

To conclude, in order to combat the shortage of teachers, we must continue to look at innovative ways to motivate thousands to come into the teaching profession.

The new loan forgiveness provided under H.R. 5034 is one such incentive and, as such, I urge all my colleagues to support this important legislation.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 5034.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION WAIVING ALL POINTS OF ORDER AGAINST MOTION TO CONCUR IN SENATE AMENDMENT TO H.R. 4365, CHILDREN'S HEALTH ACT OF 2000

Ms. PRYCE of Ohio (during consideration of H.R. 5034) from the Committee on Rules, submitted a privileged report (Rept. No. 106–901) on the resolution (H. Res. 594) providing for consideration of the Senate amendment to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Ms. PRYCE of Ohio (during consideration of H.R. 5034) from the Committee on Rules, submitted a privileged report (Rept. No. 106–902) on the resolution (H. Res. 595) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## CONGRATULATING HOME EDUCATORS AND HOME SCHOOLED STUDENTS

Mr. SCHAFFER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 578) congratulating home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for this Nation, and for other purposes.

The Clerk read as follows:

### H. RES. 578

Whereas the United States is committed to excellence in education and to strengthening the family;

Whereas parental choice and involvement are important to excellence in education;

Whereas parents have a fundamental right to direct the education and upbringing of their children;

Whereas home schooling families contribute significantly to cultural diversity, which is important to a healthy society;

Whereas home education allows families the opportunity to provide their children a sound academic education integrated with high ethical standards taught within a safe and secure environment;

Whereas home education has been a major part of American education and culture since the Nation's inception and demonstrates the American ideals of innovation, entrepreneurship, and individual responsibility;

Whereas home education was proven successful in the lives of George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, Mark Twain, John Singleton Copley, William Carey, Phyllis Wheatley, and Andrew Carnegie, who were each home schooled;

Whereas today the United States has a significant number of parents who teach a total of approximately 1,700,000 home schooled students, thus saving several billion dollars on public education each year;

Whereas home schooled students exhibit self-confidence and good citizenship and are fully prepared academically and socially to meet the challenges of today's society;

Whereas scores of contemporary studies, including a 1999 University of Maryland analysis of the nationally recognized Iowa Test of Basic Skills, confirm that children who are educated at home perform exceptionally well on nationally normed achievement tests, and such performance is also demonstrated by the fact that home schooled students scored well above the national average on the 2000 SAT and the 1997, 1998, 1999, and 2000 ACT;

Whereas studies demonstrate that home schooled students excel in college, with the grade point average of home schooled students exceeding the college average;

Whereas home schooled students continue to exhibit excellence in academic competitions, as demonstrated by home schooled students finishing first, second, and third in the 2000 Scripps-Howard National Spelling Bee and by a home schooled student finishing second in the 2000 National Geography Bee sponsored by the National Geographic Society; and

Whereas National Home Education Week, beginning on October 1, 2000, and ending on October 7, 2000, furthers the goal of honoring home educators and home schooled students for their efforts to improve the quality of education in the United States: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) congratulates home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting and ensuring a brighter, stronger future for the Nation;

(2) honors home educators and home schooled students for their efforts to improve the quality of education in the United States; and

(3) supports the goals of National Home Education Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. SCHAFFER) and the gentlewoman from California (Ms. SANCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SCHAFFER).

GENERAL LEAVE

Mr. SCHAFFER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. SCHAFFER. Mr. Speaker, I yield 4½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce, who has been a long-time advocate for those children throughout the country who are educated at home.

Mr. GOODLING. I thank the gentleman for yielding time and commend him for bringing this resolution to us.

Mr. Speaker, I rise in strong support of H. Res. 578, which congratulates home educators and home schooled students across the Nation for their ongoing contributions to education and for the role they play in promoting a brighter, stronger future for this Nation.

I have spoken at many of their conferences, I have attended some of their graduations, I know how important it is, and I know how well they do. It is appropriate for this body to honor parents who are directing the education and upbringing of their children. After all, parents are the first and most important teacher of their children.

Home schooling is exactly what the name implies, a school in the home. Teachers in a home school are parents. These parents have a commitment to make the necessary sacrifices in order to personally provide an education for their children, and the sacrifices are great. Legally, parents have a fundamental right to direct their child's education based on two Supreme Court decisions, Wisconsin v. Yoder and Pierce v. Society of Sisters. Now all 50 States recognize the right to home school by either statute or statewide case law, and 31 States have specifically enacted laws to protect the constitutional rights of parents that teach their own children.

The right of parents to direct the education and religious training of their children is derived from the first amendment, which gives parents the right to freely exercise their religious beliefs, and the 14th amendment, which guarantees liberty for all including parental liberty to direct the education of their children.

Historically, home schooling was one of the major forms of education until the early 1900s. Hundreds of great leaders in America were home schooled, including at least nine Presidents, also Patrick Henry, Benjamin Franklin, John Marshall, George Bernard Shaw and Thomas Edison. It is also fitting that we commend home schooled children, most of whom are studying hard, mastering computational skills, learning history, and applying the lessons of discipline and virtue to everyday life.

I have had the privilege of working closely with many home schoolers over the past several years. They are a credit to our Nation, they know the issues, and they are willing to work in a bipartisan way to help shape legislation for the benefit of all Americans. For example, together we worked hand in hand to stop the ill-conceived national tests which could have led to a national curriculum. We won the battle, but the war continues even today. Home schoolers are not only involved in K–12 education but also higher education. In Virginia, Patrick Henry College will open its doors next week, primarily to home schooled students, to provide training in public affairs. In addition to their academic course work, these students will have a foundation of practical experience, working with governmental offices. These students will most certainly benefit from their understanding of our constitutional Republic and how limited government, individual freedom and private enterprise can work to benefit all Americans.

Home schooling works. Over nine State departments of education and numerous independent surveys have found that on average home schooled children score 30 points above the national average on standardized achievement tests. Furthermore, these students are being accepted into the finest universities in America. Studies also show that nearly two-thirds of home schooled graduates are self-employed, demonstrating their entrepreneurship and self-reliance.

Today, the number of home schooled students is estimated to be as high as 1 million. Home schooling is not a passing fad. It continues to grow. Home schooling works and will continue to promote academic excellence and graduate productive citizens.

In closing, I urge my colleagues to join me in commending home educators and home schooled students across the Nation for the role they play in promoting and ensuring a brighter, stronger future for the Nation.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume. I rise today as the House prepares to debate H. Res. 578.

House Resolution 578 recognizes the important contributions of families who choose to devote their time and effort to educate their children at home, a task that demonstrates an incredible amount of determination on the part of the parents and their children.

I value the contributions of parents who choose to become involved with their children's education. Although I was not a product of home schooling, I certainly understand as a product of the Head Start program how instrumental it is for parents to be involved in one's education. Having parents that were active and understanding of my needs allowed me to obtain a first-rate education. Their involvement has made a difference in my career.

Parental involvement in the home schooling program is growing as an educational option for their children. The Department of Education estimates that anywhere between 1.5 and 2 million children currently are being home schooled. This is about 3 to 4 percent of school-aged children nationwide, and the total figure is growing by over 15 percent every year.

By the end of the first decade of the 21st century, there may be well over 2 million children being home schooled in the United States. I know that in my own district, Pam Sorooshian has done a fantastic job educating her three daughters, Roya, Roxanna and Rose, at home. To illustrate the dedication that is put forward by Pam, Roya entered community college at age 13. She is now 16 and has completed over 2 years' worth of college credits. Roxanna, who is 13, has designed over 38 Web sites. Rose, 9, is a voracious reader who wants to own a bookstore someday.

This is just one example of the great achievements made by parents who stay home and home school their children. Children like Roya, Roxanna, and Rose are like many home schooled children in that they take advantage of home schooling's flexibility to participate in special studies, such as volunteer community work, political internships and, of course, travel.

This country was founded by great leaders who went through the home school system. With this resolution we honor them as well as the families that choose to continue that tradition of excellence in our Nation for education.

Mr. Speaker, I reserve the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for yielding me this time. I also congratulate him on bringing forward this motion tonight.

Over the last 3 years, many on the Committee on Education and the Workforce have had the opportunity to travel around the country at the lead of the Subcommittee on Oversight and Investigations in cooperation with the gentleman from Pennsylvania (Mr. GOODLING). We have had the opportunity to have a number of hearings, both in Washington and around the country. We have visited over 20

States. And we have had the opportunity to learn what works in education and what does not work. We have learned that parental involvement, safe classrooms, basic academics, and focusing dollars into the classrooms are the things that work.

One of the things we found as we went around the country is we had the opportunity consistently to hear success stories about our public schools, our private schools, parochial schools; but also in many of the instances we had the opportunity to hear firsthand about the successes of home schoolers. We have to recognize that in today's environment people want to make choices about education. What this resolution does, it recognizes the contribution that those who choose home schooling make to educational excellence in America today.

The chairman of the full committee highlighted some of those results. We know that for many of those parents who choose home schooling as the way to educate their children, the system works, the results are excellent; and we are getting kids who will make a difference in America for the future.

What we need to do is we need to recognize that as we form an educational system in the United States, that we need to allow and permit and in some cases encourage the development of home schooling for those who want to make that choice. This resolution recognizes the importance of home schooling along with the other choices that parents in America have today.

I congratulate my colleague on bringing forward this resolution and perhaps most importantly I congratulate all those who have chosen the option of home schooling and the impact that they have made in the lives of their children. I also want to thank the chairman of the full committee in providing my subcommittee with the opportunity to travel around the country to get a sense of the excitement and the enthusiasm of what is happening in education in America today.

□ 2215

We presented those findings in Education at a Crossroads, and since that time we again have been able to go around the country and visit more innovative excellent programs, programs that are having a positive impact.

Mr. Speaker, I thank the gentleman for that opportunity as well.

Ms. SANCHEZ. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, I had no intention of speaking on this bill. I am here so that I can assist the gentleman from Iowa (Mr. LEACH) in the management of two bills coming from the Committee on Banking and Financial Services.

But since I was listening to the discussion, I thought I would comment. I think home schooling is very important for a number of reasons. It does point out a very fundamental truth that the primary right and the primary responsibility for the education of children historically has been, is, and should be with parents and that the role of government, whether the Federal, the State, or the local school district, should be to support to the maximum extent possible the full exercise of that parental right and responsibility.

I happen to know a number of individuals, close friends, one is a member of my book club, he was my campaign manager in 1974, he is a law clerk for a judge right now, who engages with his wife and their children in home schooling. Another is a former administrative assistant of mine now practicing in law in Cincinnati who engages in home schooling, and they think it is a wonderful experience.

There are some difficulties though. One of the difficulties is the lack of opportunity that children who are being home schooled sometimes have for social interaction and sometimes have for full participation within the extracurricular activities that are available to students in a more formal school setting and structure, particularly within the public school district.

I am aware of the fact that there are a great many school districts, however, who do open up all their cocurricular and extracurricular activities to home schooled children, but there are a number of districts that do not do that. So I do not know that it is in this resolution, but at some point in time I would like to see an exhortation, I do not think it is appropriate for the Federal Government to become involved here with either a mandate or incentive, and I am not sure about the propriety of State government, we will leave it up to State legislators to determine that. But I would encourage school districts, in order that they would fulfill their primary responsibility, and that is to be supportive of the primary right and responsibility of the parents for the education of their children, to open up all their cocurricular and extracurricular activities to home schooled children. I think that would be a very meaningful thing to do.

Mr. Speaker, I thank the gentlewoman from California (Ms. SANCHEZ) for yielding me this time, and I thank the gentleman from Colorado (Mr. SCHAFFER) for his resolution.

Mr. SCHAFFER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Colorado (Mr. SCHAFFER) for yielding me this time.

Mr. Speaker, there are very few subjects in this Congress on which I can speak as an expert, but this is one of them, since I was home schooled at a time when most people did not know what home schooling was. It was not by choice, but rather because of childhood asthma which prevented me from going to school. And so as an alternative, I simply did all of my schoolwork at home.

My parents helped in whatever way possible, but as I say, it was not an organized program. It was a standard school curriculum which I did at home. I did not think this was too remarkable. During the late Depression years, it was not uncommon for people to suffer considerable hardship and I just assumed this was my lot in life.

What I discovered when I went to the State Senate was that unbeknownst to me, I had become a hero to the home school movement, because not only was I home schooled, but I had obtained a Ph.D. in nuclear physics and had been elected to the State Senate. I do not credit my home schooling with having accomplished that, but it was very useful to the home schooling movement to have a living example because as some may recall in the 1980's when the home school movement started, there was an active attempt on the part of the established schools to legislatively repress home schools.

In fact, I had people in my office, educators from various parts of the State coming to me in the Michigan Senate asking me to help sponsor bills to prohibit home schooling within the State. Their reason was all such dire predictions that students would not learn, that students would falter and eventually would have to go to the public schools and they would be 3 years behind and the public schools would have to deal with that problem. I rebutted their arguments with my personal example and I am pleased that in fact I was correct.

Home schooling has proved to be a very positive alternative to traditional public and private schools, and I am very pleased that we are taking some time now to recognize that and to commend them.

Studies have shown over the years that home schooled students excel academically. They are consistently higher on their ACT scores than students who go to standard schools.

The number of students excelling in the National Spelling Bee, in the National Geography Bee are far out of proportion to the number of students who are home schooled. My colleagues may recall that in the last National Spelling Bee, the first, second, and third place students in that national bee were home schooled. And the second place student in the National Geographic Society's National Geography Bee scored second.

That is very interesting, and I think it is a clear indication that home schooling does succeed. However, I can also verify that on the basis of a lot of personal contact and discussion with parents and with students who have been to the schools, in my experience with them, and many of them have visited me in my office, they are invariably polite, proper, well educated and I believe the home schoolers, and their parents particularly, in this Nation deserve commendation and gratitude for demonstrating that this is a good alternative method of education which does work.

Therefore, I am pleased that the gentleman from Colorado (Mr. SCHAFFER) has brought this before us, and I am pleased to join in commending the home schoolers of America, both the parents who do it and the children who receive it, and the fact that they work so well together to achieve their goals.

Ms. SANCHEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a lot of people think that because we support public schools, that somehow we do not support the home schooling program. I would like to say that is quite contrary to what many of us over on this side believe.

I know that in my district back at home in California, that there are many people who home school their children. And as I walk door to door and encounter them, we have very good discussions about how we might get some of the local schools and local school districts to participate in the child's education also. We applaud on this side the whole issue of parent involvement and, as I said in my beginning remarks, it is quite important for parents to be involved in the education of a child.

Mr. Speaker, would it not be great if all of us could find the type of parent or have the type of parent who would take that time and would have the knowledge to be able to impart that and be able to spend that time with the child? Unfortunately, some parents do not have that level of education available to them, so it is hard to pass it on to their youngsters. But overall, whenever I come across people who are home schooling in my area, it is great to hear how they do it, what types of trips they are taking, what they are doing to help their children learn.

More importantly, it really gives us a point of discussion. Because many families feel very comfortable home schooling in the younger years, but as the children get older and have a more diverse curriculum that is needed many of them turn to the public schools. So it is a good point of discussion to ensure that home schooling parents are also working with the public schools to get that extracurricular activity or to get those additional classes, or maybe to go back into the public school system to get the type of learning that they need as a child continues to develop.

So tonight we honor those who have been home schooled who have made this country great, and we continue to thank those parents who are home schooling and wish for them to be a part of the entire education community, public, private school, and the home schooling situation.

Mr. Speaker, I yield back the balance of my time.

Mr. SCHAFFER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate everyone who has contributed to the conversation tonight and to support of this resolution. I am especially grateful for the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, and also the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Oversight and Investigations as well. Both individuals have worked tirelessly for the concept of local control of education to the greatest extent possible.

I can think of no better example or ultimate example of local control than home schooling itself. This is a very positive topic and exciting topic because it is a topic that highlights successes and achievement throughout the country.

This is a bipartisan bill, as evidenced by the wide range of cosponsors of this resolution. This resolution coincides with Home School Week which begins in about one week, October 1 through 7, recognized as Home School Week throughout the country. So this resolution is indeed important to about 1.7 million Americans who are home educated throughout the country.

I would like to share with my colleagues some interesting statistics. Home schooling has grown at about 15 percent a year since 1990. Somewhere between 6 and 18 percent of all children under 18 have had some type of home schooling experience.

In kindergarten through eighth grade, home school students test the highest in our country on the Iowa Test of Basic Skills and other indicators as well. Specifically, kids in that age range in that category score on average between the 75th and 85th percentile on the Iowa test, placing them far above their private school counterparts as well as those who are educated in government-owned schools.

Home school K through 12 students have scored significantly higher than both in those other categories on the tests of achievement and proficiency. Home school students also score the highest on ACT scores for the third year in a row and for this year, 2000, they have scored the highest on SATs.

As my colleague from Michigan mentioned earlier, home schooled students dominated the 2000 Scripps-Howard National Spelling Bee winning not only first place but second place and third place in that national spelling bee, and came in second in the 2000 National Geography Bee.

What I think is most noteworthy perhaps, as the previous speaker indicated, of the support that home school students and home school educators and the home school movement enjoy not only among home schoolers but those who are involved in education in government-owned schools as well. Here is a remarkable statistic about how much home school families save government schools. With 1.7 million students being educated at home and the average per pupil expenditure, according to the U.S. Department of Education, being almost $7,000 per year, home school families and students save the government State, local, and Federal, an incredible $11.6 billion a year.

Mr. Speaker, what is even more important than that is the accomplishment and the statement that home schooling makes, because it reinforces the notion that parents are the primary educators for children and bear the ultimate responsibility for the education of their children. This is true whether a child is educated at home or whether by a hired professional that serves as a school teacher.

Parents are responsible for educating their child. And in the public school setting or private school setting that parent, and as a community hiring professional educators to assist them in that job and in that role, but it is always the parent that bears that ultimate responsibility, that always bears the ultimate authority over making the decisions about what is in the best interest of that child and being the judge of whether a child is on track in receiving the kind of education that is appropriate and earns the confidence of those children.

In closing, Mr. Speaker, I would like to thank one individual, Kevin Lundberg, who lived in Berthoud, Colorado. He is the one who first suggested this idea to me, and it was modeled after a similar resolution that was passed in the Colorado State General Assembly. Mr. Lundberg played the primary role in helping to draft this legislation and pointing out many of the accomplishments of home school students.

I would like to suggest that those 1.7 million Americans who are home educated today join a pretty impressive list of home educated Americans. Let me read that list. Some have been mentioned earlier: George Washington, Patrick Henry, John Quincy Adams, John Marshall, Robert E. Lee, Booker T. Washington, Thomas Edison, Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, Mark Twain, William Carey, Phyllis Wheatley, Andrew Carnegie, and many, many more who were educated at home.

Once again, home education week is celebrated next week starting October 1. It is a celebration that is well deserved and one that the entire country should participate in. I am grateful, Mr. Speaker, that those who are here on the floor tonight, and others who have supported this resolution through cosponsorship and other kind words that have been added into the record, have also added to the celebration and shown their support and confidence in the revolution that is taking place, the leadership that is taking place in education through home educators, the students, and all those who are involved in the movement.

Mr. PAUL. Mr. Speaker, I am pleased to support H. Res. 578, which celebrates the accomplishments of parents across the nation who have chosen to educate their children at home by designating the first week of October as "National Home Schooling Week." While serving in Congress, I have had the opportunity to get to know many of the home-schooling parents in my district. I am very impressed by the job these parents are doing in providing their children with a quality education. I have also found that home schooling parents are among the most committed activists in the cause of advancing individual liberty, constitutional government, and traditional values. I am sure my colleagues on the Education Committee would agree that the support of home schoolers was crucial in defeating the scheme to implement a national student test.

Home schooling is becoming a popular option for parents across the country. In Texas alone, there are approximately 75,000 home schooling families educating an average of three children per household. Home schooling is producing some outstanding results. For example, according to a 1997 study the average home schooled student scores near the 19th percentile on standardized academic achievement tests in reading, mathematics, social studies, and science. Further proof of the success of home schooling is the fact that in recent years, self-identified home schoolers have scored well above the national average on both the Scholastic Aptitude Test (SAT) and the American College Test (ACT). All home schooled children, regardless of race, income-level, or gender achieve these high scores.

Contrary to media-generated stereotypes portraying home schooled children as isolated from their peers, home schooled children participate in a wide variety of social, athletic, and extra-curricular activities. Home schooling parents have formed numerous organizations designed to provide their children ample opportunity to interact with other children. In fact, recent data indicates that almost 50 percent of home schooled children engage in extra-curricular activities such as group sports and music classes, while a third of home schooled children perform volunteer work in their communities.

Mr. Speaker, to be a home schooling parent takes a unique dedication to family and education. In many cases, home school families must forgo the second income of one parent, as well as incurring the costs of paying for textbooks, computers, and other school supplies. Home schooling parents must pay these expenses while, like All-American families, struggling to pay state, local, and federal taxes.

In order to help home schoolers, and all parents, devote more of their resources to their children's education, I have introduced the Family Education Freedom Act (H.R. 935). This bill provides all parents a $3,000 per child tax credit for K–12 education expenses. This bill will help home school parents to provide their children a first-class education in a loving home environment.

The Family Education Freedom Act will also benefit those parents who choose to send their children to public or private schools. Parents who choose to send their children to private school may use their tax credit to help cover the cost of tuition. Parents who choose to send their children to public schools may use their tax credit to help finance the purchase of educational tools such as computers or extracurricular activities like music programs. Parents may also use the credit to pay for tutoring and other special services for their children.

Mr. Speaker, the best way to improve education is to return control over education resources to the people who best know their children's unique needs: those children's parents. Congress should empower all parents, whether they choose to home school or send their child to a public or private school, with the means to control their child's education. That is why I believe the most important education bill introduced in this Congress is the Family Education Freedom Act.

In conclusion, I once again wish to express my strong support for H. Res. 578 and urge all my colleagues to support this resolution and acknowledge the accomplishments of those parents who have avoided the problems associated with an education controlled by federal "educrats" by choosing to educate their children at home. I also urge my colleagues to help home schoolers, and all parents, ensure their children get a quality education by cosponsoring the Family Education Freedom Act.

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Mr. SCHAFFER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Colorado (Mr. SCHAFFER) that the House suspend the rules and agree to the resolution, House Resolution 578.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4259) to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

The Clerk read as follows:

H.R. 4259

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Museum of the American Indian Commemorative Coin Act of 2000", or the "American Buffalo Coin Commemorative Coin Act of 2000".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the "increase and diffusion of knowledge".

(2) Once established, the Smithsonian Institution became an important part of the process of developing the United States national identity, an ongoing role which continues today.

(3) The Smithsonian Institution, which is now the world's largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year.

(4) The National Museum of the American Indian of the Smithsonian Institution (hereafter referred to in this section as the "NMAI") was established by an Act of Congress in 1989, in Public Law 101-185.

(5) The purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs.

(6) The NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history.

(7) It is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall.

(8) Thousands of Americans, including many American Indians, came from all over the Nation to witness the ground-breaking ceremony for the NMAI on September 28, 1999.

(9) The NMAI is scheduled to open in the summer of 2002.

(10) The original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI.

(11) The surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

**SEC. 3. COIN SPECIFICATIONS.**

(a) $1 SILVER COINS.—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

**SEC. 4. SOURCES OF BULLION.**

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 5. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the $1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2001"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 6. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) TERMINATION OF MINTING.—No coins may be minted under this Act after December 31, 2001.

**SEC. 7. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

**SEC. 8. DISTRIBUTION OF SURCHARGES.**

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) AUDITS.—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

**SEC. 9. FINANCIAL ASSURANCES.**

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

### GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4259.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the coin authorized by this act will commemorate the opening of a museum that is long overdue, the Smithsonian's new National Museum of the American Indian, under construction just a few blocks away, between the Air and Space Museum and the Capitol Building.

The museum will hold as remarkable a collection of items from this country's and this hemisphere's past as exists. It will be the last museum the Smithsonian, the world's largest museum complex, will build on the National Mall and the third physical installation of a truly stunning personal collection of Native American artifacts now donated to the Smithsonian.

The five floors of the museum will be the storehouse of a vast collection of Native American artifacts, items from Canada and Central and South America, as well as the United States, many of which were collected by a New York tycoon named George Gustav Heye.

Mr. Heye, in nearly half a century of voracious collecting ending with his death in 1957, amassed nearly 800,000 individual Native American items and another 86,000 photographic images.

The items span nearly 10,000 years. Mr. Speaker, the museum was established by an act of Congress in 1989 with the goal of advancing the study of Native Americans, including language, literature, history, art, anthropology and life and of collecting, preserving and exhibiting Native American objects of artistic, historic, literary, anthropological and scientific interests. Ground for the museum was broken a year ago, and the building is scheduled to open 2 years from now. The $110 million museum on 4 acres will be faced with Kasota limestone from Minnesota, applied to evoke cliffs, and will include a large copper dome designed to capture the light of the winter and the summer solstices.

While the Congress appropriated two-thirds of the costs for the museum and while the museum has received major grants to cover construction, Native Americans are also contributing to its financing.

Gannett News reported in March that a Native American woman who ran a fried bread stand sent a few dollars, and 400 students at the Native American Magnet School in Buffalo, New York, ran a can-collecting drive and sent in several hundred dollars.

The museum already has two locations, the George Gustav Heye Center in lower Manhattan opened in 1994, exhibiting a number of items from Mr. Heye's collection and a large cultural resources center in Suitland, Maryland, opened 2 years ago.

In the latter, in addition to a library and conservation center, the collection can be stored, studied and used by Native American scholars.

Mr. Speaker, it is anticipated that this new National Museum of the American Indian will draw 5 million to 7 million visitors a year. The coin authorized in this legislation will be magnificent, a silver representation of one of the most-collected and best-loved coins in American history.

The design is a replica of the so-called buffalo nickel. Collectors tell me that the design, depicting on its face an Indian Head and on its reverse the West's greatest beast, is so treasured that this commemorative coin is likely to be extremely popular with the numismatic community as well as with that part of the American public interested in American history.

Mr. Speaker, the legislation which authorizes the minting of up to 500,000 1-dollar silver coins, was introduced by the gentleman from Oklahoma (Mr. LUCAS), whose leadership on cultural issues of this nature is so impressive.

In the Senate, similar legislation was introduced by BEN NIGHTHORSE CAMPBELL; and it is important to note that

Senator CAMPBELL, among his many other talents, is a well-known silversmith and his fine artistic eye has identified the buffalo nickel designed as an appropriate one to be struck this time in silver in contrast with the bass metal of the original coin.

Mr. Speaker, the original buffalo nickel was struck from 1913 to 1938 and is the third of the four designs the mint used to make nickels in the history of this country. Impetus for the coin grew out of Theodore Roosevelt's observations that the country's coinage had hither to be less than heroic and not even very good art, and a conversation he had over dinner in 1905 with the noted sculptor Augustus Saint-Gaudens.

In fact, though Roosevelt had left office by the time the design was chosen, Treasury Secretary Franklin MacVeagh, a Roosevelt appointee, pursued the effort vigorously and in 1911 chose a former Saint-Gaudens assistant, James Earle Fraser, to design the new nickel. Fraser is probably best known for his large End of the Trail sculpture of Native Americans, but also sculpted some figures for the United States Supreme Court building.

Until that point, Native Americans portrayed on U.S. coinage had primarily been engraved from Caucasian models wearing headdresses but letters Fraser wrote in 1931 indicated he used Native Americans as models.

The model for the bison, or buffalo, is the notorious black diamond, a somewhat cantankerous inhabitant of a New York City zoo, whose coat was unusually dark, even for a buffalo, and who weighed more than 1,500 pounds in his prime.

Roughly 1.2 billion buffalo nickels were struck at three United States Mints during the life of the coin, a reflection of the size of the country and the economy at that point. By comparison, more than 1.2 billion copies are struck of each State coin in the 50 State Quarter program enacted by Congress last year.

Mr. Speaker, there will be no net costs to the taxpayer from this legislation. All production and design costs will be covered before any surcharges are paid out. Surcharges from the coin's sale will then go to supplement the museum's endowment and educational outreach programs.

Mr. Speaker, I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4259, the National Museum of the American Indian Commemorative Coin Act of 2000 or, alternatively, according to the bill, the American Buffalo Coin Commemorative Coin Act of 2000.

Mr. Speaker, I have a rather lengthy statement that I will just put in the RECORD, because the gentleman from Iowa (Mr. LEACH), our distinguished chairman, has just given an outstanding presentation of the history of the bill and the history of some of the efforts to develop the National Museum of the American Indian.

I would just point out a number of things. First of all, I am proud to be here as a Representative of the 29th District of New York, but that also includes the city of Buffalo, New York, and Niagara Falls, New York. And these people could argue about how Buffalo got its name, but a good many individuals think it is because of the tremendous number of buffalo that existed. And we refer in the bill, too, to buffalo, the American buffalo also known as bisons, and that is right on page 5 of the bill. And it makes me think of my baseball team, the Buffalo Bisons.

Why am I going into this local history? Well, I will make the connection pretty soon. I also represent Niagara Falls, New York. Now, Niagara Falls, New York's ownership is in dispute; a lot of the people who live there right now think they own the land, but some of the people who used to live there, i.e., Indians, think they own that land, and it is in litigation right now.

It is in Federal court; it is an Indian land claim. We also have within the city of Niagara Falls one of the wonders of the world. It is called Niagara Falls. It attracts more tourists than any national park in the entire United States, about twice as many as any other national park.

We also have a huge, wonderful building that looks like a turtle, because it was built to be a turtle, exclusively with Federal dollars. Way back in the 1970s, $5 million was appropriated to the Tuscarora to build a building called the Turtle to house Indian artifacts, to house all of those things pertaining to the history of Indians.

Now, why am I bringing this out? Well, that building happens to be abandoned right now and ownership has reverted, but this bill is important, not only because it would provide monies for the National Museum of the American Indian, in Washington, DC., where we get so many visitors per year, but also on page 7, this is why I was pleased to be a cosponsor of it, the money shall be used not simply to commemorate the opening of the National Museum of the American Indian, but also to supplement the endowment on educational outreach funds of the Museum of the American Indian under the auspices of the SMITHsonian.

Mr. Speaker, we have close to 300 million people in the United States right now and not all of them can come to Washington, DC; they live throughout the entire United States of America. I believe we get more tourists coming to Niagara Falls, New York, than most any place I am aware of, more than any other national park. How wonderful it would be if part of the outreach efforts of the Museum of the American Indian, how wonderful it would be if an affiliate of the Smithsonian could be at the Turtle within Niagara Falls, New York, part of the Buffalo-Niagara Falls region so that the American Buffalo coin bill could be used to reach out to Americans, to help enhance their knowledge of the history of the Indian in the United States of America where tourists come. That is where we should have our facilities also.

We get more tourists in Niagara Falls than anyplace else.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, let me say to the gentleman from New York (Mr. LAFALCE) that pork sometimes gives this Congress a bad name, but turtles never. But on a more serious note, this coin does have implications for outreach education. More profoundly, the duty of the Smithsonian is to reach out to all sectors of America, and this wondrous collection of artifacts is so large that it would be very thoughtful if some of it could be shared in more distant parts of the country.

I think that the gentleman has pointed out one very appropriate place that hopefully some of this could be shared, both in terms of education, as well as in broader cultural ways as well.

Certainly, from my perspective, what the gentleman is describing is a very common sense, thoughtful initiative.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services, for that clear-cut articulation of legislative intent.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. LUCAS), the principal sponsor of this piece of legislation, someone who has worked harder on it than anyone in the Congress and to whom I, as chairman of the Committee on Banking and Financial Services, must say I am exceptionally grateful.

Mr. LUCAS of Oklahoma. Mr. Speaker, I thank the gentleman from Iowa (Mr. LEACH) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 4259, the National Museum of the American Indian Commemorative Coin Act of 2000, partly because I introduced the bill earlier this year and partly because, as my colleagues have just alluded to, it is a good piece of legislation.

I want to begin by thanking my colleagues on both sides of the aisle, nearly 300 in total, who enabled H.R. 4259 to move forward by becoming cosponsors.

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I appreciate all of the help that they have provided by signing on to this important piece of legislation. Without their help, this would not be here today. We would not be here today debating this bill.

Mr. Speaker, the museum of the American Indian, of the Smithsonian Institute was established by an Act of Congress in 1989 to serve as a permanent repository of Native American culture. With our 39 recognized tribes, my home State of Oklahoma has a strong and rich heritage in our country's Native American history and culture. In fact, the name "Oklahoma" means "Land of the Red People" in the Choctaw language.

My State has many wonderful and respected facilities that are dedicated to preserving our country's Native American culture. We appreciate that a museum is being built in our Nation's capital that will supplement all of the diligent efforts of those in Oklahoma.

As a part of the highly respected Smithsonian Institute, which is now one of the world's largest museum complexes, the National Museum of the American Indian will collect, preserve, and exhibit Native American objects of artistic, historical, cultural, literary and scientific interest. It will provide for the Native American research and study programs.

Mr. Speaker, I introduced H.R. 4259 in an effort to commemorate the opening of this historic museum. It calls for the minting in the year 2001 of a special silver dollar coin, which collectors would probably refer to as a standard silver dollar, modeled after the old buffalo nickel which was designed by James Earle Fraser and minted from 1913 through 1938.

The proceeds of the sale of this coin will go towards funding the opening of the museum and will supplement the museums endowment and educational outreach funds. Because the mint will be reimbursed the cost of minting the coin before the funds are given to the museum, this bill will have no net cost to the American taxpayer.

Mr. Speaker, I am pleased that H.R. 4259 has reached the floor today. Again, I would like to thank my colleagues that have already shown their support for H.R. 4259, and I urge the remainder of my colleagues to support this bill as well.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to thank, again, the gentleman from Oklahoma (Mr. LUCAS) for his leadership on this issue.

Mr. LaFALCE. Mr. Speaker, will the gentleman yield for a question, please?

Mr. LEACH. Yes, of course I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Speaker, the gentleman from Iowa (Mr. LEACH) made reference, I believe, to President Theodore Roosevelt, correct?

Mr. LEACH. Mr. Speaker, I certainly did.

Mr. LAFALCE. Mr. Speaker, I think the gentleman from Iowa said he was the one who thought that the design of the buffalo should be on that the nickel; is that correct?

Mr. LEACH. He is the one who inspired the design, yes, Mr. Speaker.

Mr. LAFALCE. Mr. Speaker, I point out to the gentleman from Iowa that President Theodore Roosevelt was sworn into office as President of the United States in Buffalo, New York.

Mr. LEACH. That is newsworthy and an anecdote I did not know.

If the gentleman from New York could help me, what political party was Mr. Roosevelt associated with?

Mr. LAFALCE. The progressive party as I recall, Mr. Speaker.

Mr. LEACH. Yes, of course. We are certainly in line that the President was a great American.

Mr. SCHAFFER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 4259.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

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## UNITED STATES MINT NUMISMATIC COIN CLARIFICATION ACT OF 2000

Mr. LUCAS of Oklahoma. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5273) to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes.

The Clerk read as follows:

H.R. 5273

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "United States Mint Numismatic Coin Clarification Act of 2000".

**SEC. 2. CLARIFICATION OF MINT'S AUTHORITY.**

(a) SILVER PROOF COINS.—Section 5132(a)(2)(B)(i) of title 31, United States Code, is amended by striking "paragraphs (1)" and inserting "paragraphs (2)".

(b) PLATINUM COINS.—Section 5112(k) of title 31, United States Code, is amended by striking "bullion" and inserting "platinum bullion coins".

**SEC. 3. ADDITIONAL REPORT REQUIREMENT.**

Section 5134(e)(2) of title 31, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "reflect" and inserting "contain";

(2) by striking "and" at the end of subparagraph (C);

(3) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(4) by adding at the end the following new subparagraph:

"(E) a supplemental schedule detailing—

"(i) the costs and expenses for the production, for the marketing, and for the distribution of each denomination of circulating coins produced by the Mint during the fiscal year and the per-unit cost of producing, of marketing, and of distributing each denomination of such coins; and

"(ii) the gross revenue derived from the sales of each such denomination of coins.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. LUCAS).

### GENERAL LEAVE

Mr. LUCAS of Oklahoma. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5273.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. LUCAS of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House today, introduced by and at the request of the Treasury Department, is a simple technical corrections bill and does just three things. Most importantly, the mint has sought language that would excuse it from the law that requires it to make a silver proof version of the new golden $1 coin. It is obvious that this makes no sense at all to make a silver version of a coin that is gold in color. But language left over from the time when the silver-colored Susan B. Anthony dollar coins were made would require the all-silver proof version.

Not having this clarification has held up the mint's production of proof sets for collectors, and it is illegal to produce coins in a year other than in which they are issued. Failure to pass this bill would result either in a nonsensical proof set or no proof set for collectors at all this year.

Also contained in the bill is a clarifying section inserting the word "platinum" inadvertently dropped when Congress authorized production of platinum and platinum bullion coins a few years ago and a section calling for increased reporting requirements for the mint's cost of producing, distributing, and marketing circulating coins.

This is a small bill, but important to the mint and important to coin collectors. It has no cost implications whatsoever. I urge its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I rise in support of the United States Mint Numismatic Coin Clarification Act of 2000. The Act operates to introduce a "technical correction" into the language of the Dollar Coin Act of 1997. The Act that we consider today, will permit us to achieve the purposes of the Dollar Coin Act by removing the requirement that newly minted dollar coins be composed of 90% silver and 10% copper. Instead, the silver/copper content requirement will apply only to half-dollar, quarter-dollar and dime coins. A dollar coin, minted in gold coloring with manganese-brass content will be included with the proof sets.

The Act also grants the Secretary of the Treasury the discretionary authority that he or she may exercise from time to time to mint and issue platinum bullion coins.

In addition, Mr. Speaker, the United States Mint Numismatic Coin Clarification Act of 2000, instructs the Secretary of the Treasury to provide periodic reports to Congress that will set forth the general and per-unit costs of production, marketing, and distribution of each denomination of circulating coins.

I would add for the record that the maximum mintage of 1 million (1,000,000) silver proof sets contemplated by the Act is eagerly anticipated by the numismatic community and will be produced at the U.S. Mint in San Francisco.

Due to the need for the correction in the legislative language that would be enacted by passage of the United States Mint Numismatic Coin Clarification Act of 2000, I urge my colleagues to support this measure as well.

Mr. BACHUS. Mr. Speaker, the bill before the House today, introduced by request of the Treasury Department, is a simple technical corrections bill, and does just three things.

Most importantly, the Mint has sought language that would excuse it from law that requires it to make a silver "proof" version of the new golden one-dollar coin. It's obvious that it makes no sense at all to make a silver version of a coin that is golden in color, but language left over from the time when silver-colored Susan B. Anthony dollar coins were being made would require the all-silver "proof" version. Not having this clarification has held up the Mint's production of "proof" sets for collectors, and as it is illegal to produce coins in a year other than the one in which they are issued, failure to pass this bill would either result in a nonsensical "proof" set or no "proof" set for collectors at all this year.

Also contained in the bill is a clarifying section inserting the work "platinum," inadvertently dropped when Congress authorized the production of platinum and platinum bullion coins a few years ago, and a section calling for some increased reporting requirements on the Mint's costs of producing, distributing and marketing circulating coins.

This is a small bill, but important to the Mint and important to coin collectors. it has no cost implications whatsoever. I urge its immediate passage.

Mr. LAFALCE. Mr. Speaker, I yield back the balance of my time.

Mr. LUCAS of Oklahoma. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 5273.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## ILLEGAL NARCOTICS AND DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half the time until midnight as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I am pleased to come before the House of Representatives on another Tuesday night to talk about one of the most serious problems facing our Nation and the American people and the United States Congress; and that is the problem of illegal narcotics and drug abuse.

I have taken probably more than 40 occasions, usually on a Tuesday, or at least once a week in the past year and a half plus to come before the House and talk about what I consider the most important social problem is facing our Nation. There is nothing bar an attack from a foreign enemy that could do more destruction or impose more tragedy upon this Nation than that problem of illegal narcotics.

I took the responsibility of chairing the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the House of Representatives under the Committee on Government Reform and Oversight some 18 months ago; and I took that responsibility very seriously.

I wish I could come before my colleagues tonight and say that we have solved this problem. I cannot as a parent tell my colleagues that we have solved this problem. I cannot as a Member of Congress tell my colleagues that we have solved this problem. I cannot tell my colleagues as the chair of this subcommittee that we have solved this problem. In fact, sometimes I think we make a step forward, and I think that we take a couple steps backwards.

The news, unfortunately, has been even more grim recently, and part of this, I think, is a lack of national leadership and national focus. Let us face it, the Clinton-Gore administration has not been interested in addressing the problem of illegal narcotics. It has not been one of their primary concerns.

In fact, the President of the United States, our leader, our Chief Executive only mentioned up until the passage of several months ago of the Colombia package, the war on drugs some eight times in 7 years. So it has not been in the vocabulary or part of the agenda of this administration.

I do not mean that as a partisan statement. It is a matter of fact. This administration came in with a different agenda, with a different approach. Now, some 7 plus years later, we see the results. This President has been looking for a legacy and this Vice President, his companion, have a legacy. That legacy is not printed by the media. The media will not print this story. But every family in America knows about this story.

There is almost not a family in this Nation today untouched by the ravages of illegal narcotics. Just ask one's son, one's daughter, just ask a young child, and they will tell one about drugs in their school, drugs on their street, drugs in the community. Just pick up any newspaper.

We have conducted dozens of hearings throughout the United States, field hearings and here in Washington; and countless law enforcement officials came in and told us that more than half the crimes, in my area 60, 70 percent of the crimes in my area, are related to illegal narcotics.

I held up some 2 years ago in 1998 this headline from Central Florida. And I come from one of the most beautiful areas of our Nation, a Nation that is very vast, a Nation that has a lot of diversity. I come from a district that is truly one of the blessed in the Nation with high employment, one of the highest educated populations, highest per capita income, all the things that any Member of this Congress would like.

This was the headline 2 years ago in my district: "Drug deaths top homicides." Drug deaths exceeded homicides in my district some 2 years ago. I was appalled by this. That was one of the reasons why I took on the assignment to chair the subcommittee that deals with our national drug policy.

I wished I could tell my colleagues that this headline was limited to Central Florida; but, Mr. Speaker, this headline has now spread across the Nation.

Last week I made an announcement, and the press did not pay any attention to it because they do not like to cover this story. They do not want to print anything that would reflect in any way badly on this administration.

□ 2300

But this is the legacy of the Clinton-Gore administration when it comes to the biggest social problem, the biggest problem that is imposing death, destruction, tragedy, sadness beyond belief to American families, and that is the problem of substance abuse and drug abuse.

For the first time in the history of our Nation, drug-induced deaths reached 16,926. And that is significant because in 1998, the last figure that we have for drug-induced deaths, murders were below that figure.

I will never forget what a parent who told me about this headline when we held a hearing in Orlando several years ago. After the hearing, and seeing this headline, a parent said, when I said drug deaths top homicides, I read that, he came up to me afterwards and he said, "Mr. Mica, my son died from a drug overdose, and drug deaths are homicides."

In fact, what is absolutely appalling, and the media will not talk about it, is the murders that we see here, some 16,914. Well, they are actually decreasing, and there are reasons for that: zero tolerance enforcement. Rudy Giuliani's program alone in New York has reduced the number of deaths by murder in his area from some 2,600, or 1,400 less deaths per year on average. And that is with Rudy Giuliani as mayor with a zero tolerance.

But these deaths here, these murders, half of these are drug related. And if we added this up, we would have an absolutely astounding figure. And this does not mention another up to 52,000, according to the head of our Office of National Drug Control Policy. And our drug czar, Barry McCaffrey, has testified before us that in fact there are some 52,000. If we took all of the deaths that are related, the deaths they do not want to talk about, the deaths where they parade all the horribles about weapons, for example, the biggest threat as far as weapons in our Nation to our young people in fact are illegal narcotics.

Take the 6-year-old killing a 6-year-old. That child came from a drug-infested environment. We had another single digit 6- or 7-year-old who went in with a gun, and everyone was appalled by the story that he had his classmates, and I think the teacher, on the floor. This individual that did that, when he was interviewed later, said he wanted to be with his mother, and his mother was in jail on a drug charge.

Our Nation, our families have been devastated by illegal narcotics. And for the first time in the history of our country, in the history of statistic gathering, we have drug-induced deaths exceeding murder in the United States. And here is the chart that we can see from the beginning of this administration, the Clinton-Gore administration. And this is, fortunately, the legacy that will be printed in the statistical books.

People will look at the Clinton-Gore administration; and, of course, they will remember the scandals. And my goodness, we could spend the rest of the night talking about the scandals of this administration, but this is the scandal of death and destruction. And this is repeated year after year, from 11,000 to 13,000, to 14,000, to 15,000 and topping off at just about 17,000 drug-induced deaths.

And how did we get that way? Well, the first thing is we do not have that as part of our agenda. The first thing the administration did was to employ in the White House people that could not even pass a drug test. I remember sitting in hearings, having the Secret Service people testify before our investigative hearings, that they could not institute proper checks of security of people who were going in the White House at high positions because so many of them had failed drug tests.

So when we have drug users setting drug policy, then we end up with a result like this that the press does not want to talk about, the media does not want to talk about, and certainly those on the other side of the aisle do not want to talk about. Who would defend a record of death and destruction like this?

Then the administration hires as the chief health officer of the United States of America, who? Joycelyn Elders. The most infamous health officer. Our surgeon general who just said to our kids, "Just say maybe." Just saying to our kids "just say maybe" has results.

Now, of course a lot of people snicker about marijuana use. And the marijuana that we have on our streets is not the marijuana of the 1960s and 1970s. This stuff has high TCL, THL contents, and it does a great deal of damage that is done to the brain, that is done to the body, and we know that. This is not the same drug that used to be on the streets.

So here we have a series of drug policy setters who in the White House, we have a change in policy, dismantling what had formerly been a successful war on drugs. And do not tell me that the war on drugs cannot be a success. In fact, we can look at the success of the Bush-Reagan era, from 1985 to 1992, where drug use in this country was reduced by some 50 percent. This is what took place with the policy of "just say maybe," or "If I had it to do over again I would inhale."

I am a parent. How do we tell our children not to use marijuana or some illegal drug when the highest elected official of the United States has said to our children, "If I had it to do over again, I'd inhale." These kids are not dummies. And this is exactly what the kids did, they inhaled. And now we have up here some 47 percent of the students that have used marijuana. And this statistic has been repeated over and over. And not just with young people. Some 78 million Americans have used an illicit drug some time in their lifetime. This is according to the Department of Health and Human Services.

This is, again, a statistic that should make us be concerned, because we have somewhere in the neighborhood of 35 to 40 percent of our population already using drugs. We have a chief executive who employs people who use drugs in a policy position. We have a surgeon general who, as part of the Clinton-Gore legacy, said "just say maybe." These are the results.

Now, some might snicker about marijuana. Again, we have a much more deadly drug on the streets now. We cannot snicker about the death and destruction. This is the headline from a recent newspaper, August 16, from the Washington Times: "The Threat of Ecstasy Reaching Cocaine and Heroin Proportions."

Some of the news that the drug czar recently gave to the country, along with Secretary of HHS, they took a small area of eighth grade use of marijuana and actually found some slight decline in eighth grade use of marijuana. With this they held a news conference and said, "We are doing a great job; we are doing an incredible job." What they did not tell us is that these kids are shifting now from marijuana, which maybe can be snickered at, to Ecstasy, which basically destroys the brain. It induces a Parkinson's-like effect. It causes death and destruction.

We are seeing death by Ecstasy, death by cocaine, and death by heroin in incredible numbers; numbers that we have never seen in the history of recording any of this from all of our statistical gatherers. In fact, drug use in the United States among our youth has skyrocketed. In addition to marijuana, which the study that I reported said increased from some 14 percent of the students who were surveyed that said that they currently use marijuana in 1991, before this administration came into office, that number steadily rose to 26.7 percent in 1999, almost doubling. Again, a startling statistic.

□ 2310

I want to go tonight beyond marijuana. I want to go to the inner-agency domestic heroin threat that was presented to me as chair of this subcommittee. This was produced by the National Drug Intelligence Center earlier this year. What it talked about is what is happening in the drug scene as they shift away from some of the soft drugs to the hard drugs.

The Drug Abuse Warning Network, also known as DAWN, received reports of 20,140 drug-induced deaths in the United States where heroin or related opiates were detected from 1994 to 1998. During the same time span, heroin overdose deaths increased some 25.7 percent.

Again a part of the Clinton-Gore legacy. You close down on the war on drugs, you cut the source country programs where you can cost effectively stop the production of illegal narcotics at their source.

You want to see an astounding figure? Talk about cocaine production.

Where does cocaine and where does heroin come from? Tonight I am going to talk quite a bit about heroin.

In 1992, at the beginning of the Clinton-Gore administration, there was almost zero cocaine, zero heroin produced in Colombia. In 7 years, this administration, through some policy decisions that are as inept as anything that has ever been adopted by any administration, created a production facility of heroin and cocaine, coca and poppy, in Colombia.

This is the cocaine production of Colombia. In 1993, almost nothing produced, almost no cocaine produced. This is in metric tons, 65 metric tons. Under President Bush and under President Reagan, they cut drug use by some 50 percent from 1985 to 1992. They started an Andean strategy which stopped drugs at their source. It was cost effective. They engaged the military in surveillance, not in military actions against the drug traffickers but in sharing information which the Clinton administration as one of their first steps closed down.

This is what turned Colombia from a cocaine transit country where coca was coming from Peru and Bolivia into a cocaine production. Look at this production, and it is off the charts. It is swarming across the United States. It is in Europe like it has never been. And it is through policies by not providing information sharing, by stopping antinarcotic equipment getting to Colombia, in fact blocking it through policies of the United States.

This is cocaine production. Heroin production. There was almost no heroin. The only poppies you could see were grown for floral bouquets before the Clinton-Gore policy. Zero.

This is absolutely astounding that this administration, Clinton-Gore, could turn Colombia into the world supplier of heroin and poppy in 8 short years. And that is why this Congress had to pass a $1.3 billion spending bill to pull their cookies out of the gutter, so to speak, to bring this situation under control.

And this production of heroin and cocaine not only disrupted Colombia, which has had thousands of police, thousands of legislators, jurists, citizens slaughtered there, but it has helped finance that slaughter through both the right wing militias and the left wing FARC organizations who finances their activities and their war and their destruction and their total devastation of now a region.

It spilled over into the region which suddenly the President goes down for 6 or 7 hours and takes credit for solving the problem. He and his policies and the Clinton-Gore policies created this situation. And I learned in one hearing they diverted assets passed by this Congress to stop illegal narcotics trafficking production at their source. They diverted to Haiti I think some $40 million was some of the testimony in their failed Haitian nation building attempt, pouring money down a rat hole while illegal narcotics are being produced in this area.

And do not tell me that we cannot stop drugs at their source, because we can stop drugs at their source.

Here is the record of our spending programs, and we track this. I remember going down with former chair of the subcommittee. The gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House, was chair of this subcommittee with this responsibility. He and Mr. Zeliff and myself helped start the programs in Peru and Bolivia.

If we look at coca cultivation in Peru and Bolivia, this chart here is Bolivia. Look at this, in 1995 a policy that we adopted, we got a few million dollars down there in alternative crop programs, in crop eradication of illegal narcotics crops.

Here is Peru. And look at what has happened here. This is Colombia. This is the administration's policy of stopping sharing information, stopping resources getting to Colombia. That is why we have had to spend billions of dollars now over a billion dollars to bring Colombia under control. But this shows you that you can stop the production of illegal narcotics in those source countries and you can do it very cost effectively.

Unfortunately again, with the Clinton-Gore administration, the news is bad. They do not want to talk about it. The deaths again have risen to a record level as a result of these polls.

This is the other chart that I continually bring out. And when I hear people say the war on drugs was a failure, yes, this is a failure in a reduction of long-term trends in lifetime prevalence of drug use. This is a failure. This is the 50 percent reduction under the Reagan and Bush administration. This was a war on drugs, a president like President Bush, who found a central American president, a leader dealing in drugs, his name was Noriega in 1989. And what did President Bush do? He did not wimp out. He sent our troops in and they captured Noriega and they tried him and he sits in prison because he was a drug dealer dealing in death and destruction that was coming into our shores.

This is the Clinton close-down-the-war-on-drugs success. You see this dramatic increase in every type of drugs, heroin, drugs that were not even on the chart, ecstasy, cocaine, methamphetamines.

And this is not something that I make up. This chart was presented by one of the administration's agencies. We look at crack and we look at methamphetamine State by State, 1992 presented by one of the administration offices and agencies. In 1992, almost no crack, very little. You see in a couple of areas. In 1993, the adoption of the Clinton-Gore policy of just say maybe to illegal narcotics. Look at the growth here of methamphetamines, of crack.

In 1994, their policy really kicks in. They had closed down the war on drugs. They slashed the interdiction programs. They took the Coast Guard out. They stopped information sharing. This is what you get from that policy.

Look at 1995. Look at 1996, 1997, 1998, 1999, the whole country. You can go anywhere in the United States of America, you can go to the West Coast in California where we held hearings and people are dying by the thousands. There they are abandoning their children on methamphetamines, again a great legacy of this administration. Just say maybe.

I heard Ralph Nader the other night. This guy is really out to lunch.

□ 2320

He is trying to tell the American people that this is just a health problem, that this can be treated. Ladies and gentlemen of the House, that is bull, because they tried just treating people, they tried a liberal policy. This is the result of a liberal policy.

This is Baltimore, a great legacy. It probably should rank up there with the Clinton-Gore administration. This is a policy of a mayor who came in for 2 terms. Schmoke was his name. He is out. Thank God that he is not in office. He left a legacy of death and destruction in Baltimore, a great historic city, wonderful people who live in Baltimore. They managed to have the population decline from nearly 1 million, it is probably below the chart we see here. These are the figures that were given to me by DEA on the deaths in Baltimore, where they said, "Just say maybe. Come and get your needles. Don't enforce the drug laws. Don't cooperate with the high intensity drug traffic areas. Do drugs, it won't hurt you. This is a health problem. We'll treat our way out of this."

Look at the murders, steady every year in the 300 range. You have to remember, New York City with 20 times the population only had double the deaths under Rudy Giuliani who brought the deaths down from 2,000 to the mid 600 range with his policy of zero tolerance. With this policy of Just Say Maybe, Do It, death and destruction.

Do you have any idea of how many people are now addicts in Baltimore? We held a hearing in Baltimore. One of the council people we had their statement from the newspaper there, it was estimated that one in 10 are heroin or a drug addict in Baltimore. This is a legacy of a liberalized, legalized policy that failed. This councilwoman said that one in eight, her estimate is one in eight in the population of Baltimore is an addict. That is the result you get.

Ralph Nader can go jump in the ocean. This does not work. Using this model, we would have in our Nation one-tenth of the population as drug addicts, and you cannot treat your way out of it. And treatment assumes something very insidious. Think of treatment, my colleagues. Treatment means that you are already addicted. I defy anyone to show me a public program that has a 60 to 70 percent success rate for treatment of addicted people.

There is nothing wrong with treatment. I support treatment. We will spend every penny we can on treatment. The Clinton-Gore strategy was just spend money on treatment. We went along with that and that is what we have done. Since 1992, this is the beginning of the Clinton-Gore administration, we spent money on treatment. Even the Republican Congress which sometimes takes a conservative approach has increased since 1995 26 percent in the drug treatment area. But you cannot fool yourself and say you can treat your way out of this problem.

What does work? I will tell you what does work. This is New York City. Look at Baltimore. We put on this chart the murder rate. Baltimore and New York City. In 1993 with Rudy Giuliani, this again was New York City. This is Baltimore. Baltimore stays the same. A zero tolerance policy. Rudy Giuliani's zero tolerance policy was so successful that it has actually impacted the national murder figures. He has been so successful in New York City with the way he has approached this, not only in his successful treatment programs which we have gone up to look at which are outstanding, far better than anything in the country but not only have they tackled murders in an unbelievable number, look at the seven major felony categories. If you feel like you are trapped in your home, fellow Americans and my colleagues, behind bars because of crime, just look at a zero tolerance policy, from 429,000 in seven major felonies, they were murder, robbery, rape, first-degree felonious assault, burglary, grand larceny, grand larceny auto, look at the reduction, from 429,000 to 212.

They will tell you that Rudy Giuliani was brutal, that there were acts by the police department that were harsh and that they went after minorities and Rudy Giuliani was a bad guy. That is also bull. That ranks in the Ralph Nader category. This is a liberal twisting of the facts, in fact. Let me just cite what our subcommittee found. The New York City police department at the same time as this zero tolerance policy was instituted was one of the most restrained large police agencies in the Nation. For example, the number of fatal shootings by police officers in 1999, 11, was the lowest year for any year since 1993, the first year for which records were available, and far less than the 41 that took place, and they do not want to talk about this in the previous Democrat administrations, the 41 that took place in 1990. Moreover, the number of rounds intentionally fired by police declined by 50.6 percent since 1993 in New York City. And the number of intentional shootings by police dropped some 66 percent, while the number of police officers actually increased by about 38 percent, 37.9 percent. So Rudy Giuliani put in more police, and they had less incidence of firing.

What about complaints about officers? Specifically in 1993, there were 212 incidents involving officers in intentional shootings. In 1994 there were 167. In 1998 it was down to 111. In David Dinkins' last year in office in 1993, there were 7.4 shooting incidents per thousand officers. That ratio is now down in New York City under Giuliani to 2.8 shootings per thousand officers. The statistics go on to support my point.

## THREATS TO OUR NATIONAL SOVEREIGNTY

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Washington (Mr. METCALF) is recognized for the remaining time until midnight.

Mr. METCALF. Mr. Speaker, I yield to the gentleman from Florida.

### ILLICIT DRUGS

Mr. MICA. Mr. Speaker, I thank the gentleman very much for yielding.

Again, I just want to conclude by saying that we cannot forget the legacy, the true legacy of this administration. It is a sad legacy. This is not a partisan statement. I feel I would be here regardless of what party was in power making this speech because this is one of the most important challenges facing this Nation. Some serious mistakes have been made. We have repeatedly asked the administration not to take the course they have taken relating to the national drug policy. We have seen a failure that has resulted in death and destruction across our Nation. We are going to have to pick this up, whoever the next leader of our country is, whoever the next leaders in Congress are. But certainly we should learn by these mistakes.

These are not fudged figures. In fact almost all of these charts and information have been given to me by the administration.

□ 2330

But unless we address this in a serious fashion, unless we learn by these mistakes, unless we try to bring the most serious social problem our Nation has ever faced under control, we will continue to see death and destruction, there will be no family spared in America. The pain will not be just in quiet deaths across this Nation, but it will be in tragedies of lives destroyed by illegal narcotics and drugs.

So I hope to work with the next administration. I hope to work with the leaders of the next Congress. We may have one more shot at a special order to bring this to the attention of the Nation and the Congress and I am hopeful even in these last few days that will make a difference, that we will not repeat the mistakes and we can do a better job. There are so many people counting on us, especially people whose lives have been ravaged by illegal narcotics.

Mr. Speaker, I am so pleased to thank the gentleman from Washington (Mr. METCALF) for yielding me the time and also for the patience of the staff who have worked with me during these many special orders to bring the subject I hold near and dear to my heart, illegal narcotics, to the attention of the Congress and the American people.

Mr. METCALF. Mr. Speaker, I have spoken before on the absolute necessity of maintaining U.S. sovereignty in every area stated by our Constitution. We must be ever alert to threats to our sovereignty. That is our responsibility and it is the theme of my message tonight.

During 1969, C.P. Kindelberger wrote that, "The nation-state is just about through as an economic unit." He added, "The world is too small. Two-hundred thousand ton tank and ore carriers and airbuses and the like will not permit sovereign independence of the nation-state in economic affairs."

Before that, Emile Durkheim stated, "The corporations are to become the elementary division of the State, the fundamental political unit. They will efface the distinction between public and private, dissect the Democratic citizenry into discrete functional groupings which are no longer capable of joint political action." Durkheim went so far as to proclaim that through corporations' scientific rationality "will achieve its rightful standing as the creator of collective reality."

There is little question that part of these two statements are accurate. America, has seen its national sovereignty slowly diffused over a growing number of international governing organizations, that is IGOs. The WTO, the World Trade Organization, is just the latest in a long line of such developments that began right after World War II. But as the protest in Seattle against the WTO ministerial meeting made clear, the democratic citizenry seems well prepared for joint political action.

Though it has been pointed out that many protesters did not know what the WTO was and much of the protest itself entirely missed the mark regarding WTO culpability in many areas proclaimed, yet this remains a question of education and it is the responsibility of the citizen's representatives, that is us, to begin this process of education.

We may not entirely agree with the former head of the Antitrust Commission Division of the U.S. Justice Department, Thurman Arnold, 1938 to 1943, when he stated that, "The United States had developed two coordinating governing classes: The one called 'business,' building cities, manufacturing and distributing goods, and holding complete and autocratic power over the livelihood of millions; the other called 'government,' concerned with preaching and exemplification of spiritual ideals, so caught in a mass of theory, that when it wished to move in a practical world, it had to do so by means of a sub rosa political machine."

But surely the advocate of corporate governance today, housed quietly and efficiently in the corridors of power at the WTO, the OECD, the IMF and the World Bank, clearly they believe.

Corporatism as ideology, and it is an ideology; as John Ralston Saul recently referred to it as, a hijacking of first our terms, such as individualism and then a hijacking of western civilization. The result being the portrait of a society addicted to ideologies. A civilization tightly held at this moment in the embrace of a dominant ideology: Corporatism.

As we find our citizenry affected by this ideology and its consequences, consumerism, the overall effects on the individual are passivity and conformity in those areas that matter, and nonconformity in those which do not.

We do know more than ever before just how we got here. The WTO is a creature of the General Agreement on Tariffs and Trade, GATT, which began in 1948 its quest for a global regime of economic interdependence. By 1972, some Members of Congress saw the handwriting on the wall and realized that it was a forgery.

Senator Long, while chairman of the Senate Finance Committee, made these comments to Dr. Henry Kissinger regarding the completion and prepared signing of the Kennedy Round of the GATT accords: "If we trade away American jobs and farmers' incomes for some vague concept of a new international order, the American people will demand from their elected representatives a new order of their own which puts their jobs, their security, and their incomes above the priorities of those who dealt them a bad deal."

But we know that few listened, and 20 years later the former chairman of the International Trade Commission argued that it was the Kennedy Round that began the slow decline in America's living standards. Citing statistics in his point regarding the loss of manufacturing jobs and the like, he concluded with what must be seen as a warning:

"The . . . Uruguay Round and the promise of the North American Trade Agreement all may mesmerize and motivate Washington policymakers, but in the American heartland those initiatives translate as further efforts to promote international order at the expense of existing American jobs."

Mr. Speaker, we are still not listening very well. Certainly, the ideologists of corporatism cannot hear us. They in fact are pressing the same ideological stratagem in the journals that matter, like Foreign Affairs and the books coming out of the elite think tanks and nongovernmental organizations. One such author, Anne-Marie Slaughter, proclaimed her rather self-important opinion that state sovereignty was little more than a status symbol and something to be attained now through transgovernmental participation. That would be presumably achieved through the WTO, for instance? Not likely.

Steven Krasner in the volume, International Rules, goes into more detail by explaining global regimes as functioning attributes of world order: Environmental regimes, financial regimes, and, of course, trade regimes.

"In a world of sovereign states, the basic function of regimes is to coordinate state behavior to acquire desired outcomes in particular issue areas . . . If, as many have argued, there is a general movement toward a world of complex interdependence, then the number of areas in which regimes can matter is growing."

But we are not here speaking of changes within an existing regime whereby elected representatives of free people make adjustments to new technologies, new ideas, and further the betterment of their people. The first duty of the elected representatives is to look out for their constituency. The WTO is not changes within the existing regime, but an entirely new regime. It has assumed an unprecedented degree of American sovereignty over the economic regime of the Nation and the world.

Then who are the sovereigns? Is it the people, the "nation" in nation-state? I do not believe so. I would argue who governs rules. Who rules is sovereign.

And the people of America and their elected representatives do not rule nor govern at WTO, but corporate diplomats. Who are these new sovereigns? Maybe we can get a clearer picture by looking at what the WTO is in place to accomplish.

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I took an interest in an article in Foreign Affairs, a New Trade Order by Cowhey and Aronson. Foreign investment flows are only about 10 percent of the size of the world trade flows each year, but intrafirm statements, for example, sales by Ford Europe to Ford USA, now accounts for up to an astonishing 40 percent of all U.S. trade.

This complex interdependence we hear of every day inside the beltway is nothing short of miraculous according to the policymakers that are mesmerized by all this, but clearly the interdependence is less between people of the nation-states than people between the corporations of the corporate states.

Richard O'Brien in his book titled Global Financial Integration: The End of Geography states the case this way. The firm is far less wedded to the idea of geography. Ownership is more and more international and global, divorced from national definitions. If one marketplace can no longer provide a service or an attractive location to carry our transactions, then the firm will actively seek another home. At the level of the firm, therefore, there are plenty of choices of geography.

O'Brien seems unduly excited when he adds the glorious end-of-geography prospect for the close of this century is the emergence of a seamless global financial market.

Mr. Speaker, barriers will be gone, services will be global, the world economy will benefit and so, too, presumably the consumer. Presumably? Again, I think not.

Counter to this ideological slant, and it is ideological, O'Brien notes the fact that governments are the very embodiment of geography, representing the nation-state. The end of geography is, in many respects, all about the end or diminution of sovereignty.

In a rare find, a French author published a book titled The End of Democracy. Jean-Marie Guehenno has served in a number of posts for the French Government including their ambassador to the European Union. He suggests this period we live in is an Imperial Age. The imperial age is an age of diffuse and continuous violence. There will no longer be any territory to defend, but only order, operating methods, to protect. And this abstract security is infinitely more difficult to ensure than that of a world in which the geography commanded history. Neither rivers nor ocean protect the delegate mechanisms of the imperial age from a menace as multiform as the empire itself. The empire itself? Whose empire? In whose interests?

Political analyst Craig B. Hulet in his book titled Global Triage: Imperium in Imperio refers to this new global regime as imperium in imperio or power within a power, a state within a state. His theory proposes that these new sovereigns are nothing short of this: they represent the power not of the natural persons which make up the nations' peoples, nor of their elected representatives, but the power of the legal, paper-person recognized in law. The corporations themselves are, then, the new sovereigns. And in their efforts to be treated in law as equals to the citizens of each separate state, they call this national treatment, they would travel the sea and wherever they land ashore they would be the citizens here and there. Not even the privateers of old would have dared impose this concept upon the nation-states.

Mr. Speaker, can we claim to know today what this rapid progress of global transformation will portend for democracy here at home? We understand the great benefits of past progress. We are not Luddites here. We know what refrigeration can do for a child in a poor country, what clean water means everywhere to everyone, what free communication has already achieved. But are we going to unwittingly sacrifice our sovereignty on the altar of this new God, progress? Is it progress if a cannibal uses a knife and fork?

Can we claim to know today what this rapid progress of global transformation will portend for national sovereignty here at home? We protect our way of life; our children's futures; our workers jobs; our security at home, by measures often not unlike our airports are protected from pistols on planes, but self-interested ideologies, private greed and private power? Bad ideas escape our mental detectors.

We seem to be radically short of leadership where this active participation in the process of diffusing America's power over to, and into, the private global monopoly, capitalist regime, today pursued without questioning its basis at all.

An empire represented not just by the WTO, but clearly this new regime is the core ideological success for corporatism.

The only step remaining, according to Harvard professor Paul Krugman, is the finalization of a completed multilateral agreement on investment which fails at the OECD. According to OECD, the agreement's actual success may come through, not a treaty this time, but arrangements within corporate governance itself, quietly being hashed out at the IMF and the World Bank as well as the OECD. In other words, just going around the normal way to accomplish things. We are not yet the united corporations of America, or are we?

The WTO needs to be scrutinized carefully, debated with hearings and public participation where possible. We can, of course, as author Christopher Lasch notes, peer inward at ourselves as well when he argued the history of the 20th century suggests that totalitarian regimes are highly unstable, evolving towards some type of bureaucracy that fits neither the classic fascist nor the socialist model. None of this means that the future will be safe for democracy, only that the threat to democracy comes less from totalitarian or collective movements abroad than from the erosion of its psychological cultural and spiritual foundations from within.

Mr. Speaker, are we not witness to, though, the growth of a global bureaucracy being created, not out of totalitarian or collectivist movements but from autocratic corporations which hold so many lives in their balance? And where shall we redress our grievances when the regime completes its global transformations? When the people of each nation and their state find that they can no longer identify their rulers, their true rulers.

When it is no longer their state which rules?

The most recent U.N. development report documents how globalization has increased in equality between and within nations while bringing them together as never before.

Some are referring to this globalization's dark. side, like Jay Mazur recently in Foreign Affairs, and I am quoting him, "a world in which the assets of the 200 richest people are greater than the combined income of the more than 2 billion people at the other end of the economic ladder should give everyone pause. Such islands of concentrated wealth in the sea of misery have historically been a prelude to upheaval. The vast majority of trade and investment takes place between industrial nations, dominated by global corporations that control a third of the world's exports. Of the 100 largest economies of the world, 51 are corporations."

With further mergers and acquisitions in the future, with no end in sight, those of us that are awake must speak up now, or is it that we just cannot see at all: believing in our current speculative bubble, which nobody credible believes which can be sustained much longer, we miss the growing anger, fear and frustration of our people; believing in the myths of our policy priests pass on, we miss the dissatisfaction of our workers: believing in the god progress, we have lost our vision.

Another warning, this time from Ethan Kapstein in his article Workers and the World Economy of the Foreign Affairs Magazine, while the world stands at a critical time in post war history, it has a group of leaders who appear unwillingly, like their predecessors in the 1930s, to provide the international leadership to meet the economic dislocations.

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Worse, many of them and their economic advisors do not seem to recognize the profound troubles affecting their societies. Like the German elite in Weimar, they dismiss mounting worker dissatisfaction, fringe political movements, and the plight of the unemployed and working poor as marginal concerns compared with the unquestioned importance of a sound currency and balanced budget. Leaders need to recognize their policy failures of the last 20 years and respond accordingly. If they do not respond, there are others waiting in the wings who will, perhaps on less pleasant terms.

We ought to be looking very closely at where the new sovereigns intend to take us. We need to discuss the end they have in sight. It is our responsibility and our duty.

Most everyone today agrees that socialism is not a threat. Many feel that communism, even in China, is not a threat. Indeed, there are few real security threats to America that could compare to even our recent past.

Be that as it may, when we speak of a global market economy, free enterprise, massage the terms to merge with managed competition and planning authorities, all the while suggesting we have met the hidden hand and it is good, we need also to recall what Adam Smith said, but which is rarely quoted:

"Masters are always and everywhere in a sort of tacit, but constant and uniform, combination, not to raise the wages of labor above their actual rate. To violate this combination is everywhere a most unpopular action and a sort of reproach to a master among his neighbors and equals. We seldom, indeed, hear of this combination because it is usual and, one may say, the natural state of things. . . . Masters, too, sometimes enter into particular combinations to sink wages of labor even below this rate. These are always conducted with the utmost silence and secrecy till the moment of execution. . . ."

Thus, now precisely whose responsibility is it to keep an eye on our masters? That is the question we need to think about.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAUL (at the request of Mr. ARMEY) for today and the balance of the week on account of family illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. LAFALCE) to revise and extend their remarks and include extraneous material:

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Members (at the request of Mr. LUCAS of Oklahoma) to revise and extend their remarks and include extraneous material:

Mr. THUNE, for 5 minutes, today and September 27.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today and September 27.

Mr. PORTER, for 5 minutes, October 2.

Mr. SHAYS, for 5 minutes, September 27.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 430. An act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

## ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 27, 2000, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10288. A letter from the Under Secretary, Natural Resources and the Environment, Department of Agriculture, transmitting the Department's final rule—Urban and Community Forestry Assistance Program—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10289. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Reduction in Minimum TIER Requirements (RIN: 0572-AB51) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10290. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—General Policies, Types of Loans, Loan Requirements—Telecommunications Program (RIN: 0572-AB56) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10291. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Mefenoxam; Pesticide Tolerances for Emergency Exemptions [OPP-301042; FRL-6741-1] (RIN: 2070-2078) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10292. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Yucca Extract; Exemption From the Requirement of a Tolerance [OPP-301067; FRL-6748-3] (RIN: 2070-AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10293. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Methacrylic Acid-Methyl Methacrylate-Polyethylen Glycol Methyl Ether Methacrylate Copolymer; and Maleic Anhydride-ox-Methylstyrene Copolymer Sodium Salt; Tolerance Exemption [OPP-301059; FRL-6745-2] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10294. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hexythiazox; Pesticide Tolerance [OPP-301061; FRL-6746-5] (RIN: 2070-AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10295. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Halosulfuron-methyl; Pesticide Tolerance [OPP-301058; FRL-6746-2] (RIN: 2070-AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10296. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethametsulfuron-methyl; Pesticide Tolerances for Emergency Exemptions [OPP-301048; FRL-6744-1] (RIN: 2070-AB78) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10297. A letter from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, transmitting notification that the Commander of Air Armament Center is initiating a single-function cost comparison of the 46th Test Wing Aircraft Maintenance Backshop at Eglin Air Force Base (AFB), Florida, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10298. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for Fiscal Year 2001 [Docket No. FR-4589-N-02] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10299. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Involuntary Liquidation of Federal Credit Unions and Adjudication of Creditor Claims Involving Federally-Insured Credit Unions in Liquidation—received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10300. A letter from the Director, Office of Civil Rights, Environmental Protection Agency, transmitting the Agency's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance—received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Pinal County Air Quality Control District [AZ 063-0029a; FRL-6866-1] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10302. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service [Docket No. 95-18, FCC 00-23] received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10303. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 00-16), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10304. A letter from the Director, Lieutenant General, USAF, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 00-75), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10305. A letter from the Chairman, Federal Communications Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

10306. A letter from the Director, Information Security Oversight Office, transmitting the Information Security Oversight Office's 1999 Report to the President; to the Committee on Government Reform.

10307. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Financial Responsibility Requirements for Licensed Reentry Activities [Docket No. FAA 1999-6265; Amendment No. 450-1] (RIN: 2120-AG76) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10308. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulations [Docket No. FAA-199-5535; Amdt. Nos. 400-1, 401-1, 404-1, 405-1, 406-1, 413-1, 415-1, 431-1, 433-1, 435-1] (RIN 2120-AG71) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10309. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Extension of Expiration Date for the Respiratory Body System Listings (RIN: 0960-AF42) received September 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft bill to permit the Department of State to establish a new position of Under Secretary of State for Security, Law Enforcement and Counterterrorism and to centralize authority and responsibility for these matters in that position; jointly to the Committees on International Relations and Government Reform.

10311. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification of the Nonproliferation and Disarmament Fund in accordance with Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2000; jointly to the Committees on International Relations and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1795. A bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering, with amendments (Rept. 106–889). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4613. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; with an amendment (Rept. 106–890). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 1248. A bill to prevent violence against women; with an amendment (Rept. 106–891, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4835. A bill to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes (Rept. 106–895 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 5036. A bill to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park (Rept. 106–896). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4904. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes; with amendments (Rept. 106–897). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws (Rept. 106–898). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 426. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Huna Totem Corporation, and for other purposes (Rept. 106–899). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on Judiciary. H.R. 4640. A bill to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes; with an amendment (Rept. 106–900 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 594. Resolution providing for consideration of the Senate amendment to the bill (H.R. 4365) to amend the Public Health Service Act with respect to children's health (Rept. 106–901). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 595. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–902). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committees on Education and the Workforce and Commerce discharged. H.R. 1248 referred to the Committee on the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Armed Services discharged. H.R. 4640 referred to the Committee of the Whole House on the State of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 3414. A bill for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron (Rept. 106–892). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 3184. A bill for the relief of Zohreh Farhang Ghahfarokhi (Rept. 106–893). Referred to the Private Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 848. A bill for the relief of Sepandan Farnia and Farbod Farnia (Rept. 106–894). Referred to the Private Calendar.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1248. Referral to the Committees on Education and the Workforce and Commerce extended for a period ending not later than September 26, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 29, 2000.

H.R. 4640. Referral to the Committee on Armed Services extended for a period ending not later than September 26, 2000.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BLILEY (for himself, Mr. Dingell, Mr. Bilirakis, Mr. Brown of Ohio, Mr. Tauzin, Mr. Oxley, Mr. Upton, Mr. Stearns, Mr. Gillmor, Mr. Greenwood, Mr. Burr of North Carolina, Mr. Norwood, Mr. Rogan, Mr. Shimkus, Mrs. Wilson, Mr. Pickering, Mr. Bryant, Mr. Blunt, Mr. Ehrlich, Ms. McCarthy of Missouri, Mr. Luther, Mr. Allen, Mr. Weygand, Mr. Waxman, Mr. Markey, Mr. Hall of Texas, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Gordon, Ms. Eshoo, Mr. Klink, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Barrett of Wisconsin, and Mr. Hoeffel):

H.R. 5291. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to make additional corrections and refinements in the Medicare, Medicaid, and State children's health insurance programs, as revised by the Balanced Budget Act of 1997; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 5292. A bill to increase State flexibility in funding child protection programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Texas:

H.R. 5293. A bill to amend the Immigration and Nationality Act to improve provisions relating to inadmissibility and detention of, and cancellation of removal for, aliens who have committed crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. DEAL of Georgia:

H.R. 5294. A bill to require the Federal Communications Commission to completely and accurately fulfill the support requirements for universal service for high cost areas, and for other purposes; to the Committee on Commerce.

By Mr. ENGLISH:

H.R. 5295. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 5296. A bill to amend title XVIII of the Social Security Act to revise and improve the Medicare Program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVERETT:

H.R. 5297. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the construction of reservoir structures for the storage of water in rural areas, and for other purposes; to the Committee on Agriculture.

By Mr. GALLEGLY:

H.R. 5298. A bill to amend title 18, United States Code, to create an offense of solicitation or recruitment of persons in criminal street gang activity; to the Committee on the Judiciary.

By Mr. GREEN of Wisconsin:

H.R. 5299. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 5300. A bill to amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; to the Committee on Commerce.

By Mr. LEWIS of California:

H.R. 5301. A bill to authorize the Secretary of the Interior to carry out a land exchange involving lands in Inyo and San Bernardino Counties, California; to the Committee on Resources.

By Mr. McDERMOTT (for himself, Mr. INSLEE, Mr. METCALF, Mr. BAIRD, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mr. DICKS, Ms. DUNN, Mr. SMITH of Washington, Mr. MATSUI, Mrs. MINK of Hawaii, and Mr. WU):

H.R. 5302. A bill to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself and Mr. SMITH of New Jersey):

H.R. 5303. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 5304. A bill to require the General Accounting Office to report on the impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself and Mr. BOEHLERT):

H.R. 5305. A bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANCREDO (for himself, Mr. DeLAY, Mr. PITTS, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. HILLEARY, Mrs. MYRICK, Mr. TOOMEY, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. KINGSTON, Mr. GOODE, Mr. JONES of North Carolina, Mr. SCHAFFER, Mr. SOUDER, Mr. DICKEY, Mr. COBURN, Mr. SANFORD, Mr. SHADEGG, Mr. DeMINT, Mr. RYAN of Wisconsin, and Mr. GARY MILLER of California):

H.R. 5306. A bill to prohibit the use of Federal funds to discriminate against the Boy Scouts of America on the basis of beliefs promoted by that organization or that organization's constitutionally protected expression of beliefs or exercise of associational rights, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDEN of Oregon:

H.R. 5307. A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon; to the Committee on Resources.

By Mr. WATKINS:

H.R. 5308. A bill to amend laws relating to the lands of the citizens of the Muscogee (Creek), Seminole, Cherokee, Chickasawa and Choctaw Nations, historically referred to as the Five Civilized Tribes, and for other purposes; to the Committee on Resources.

By Mr. WELDON of Florida:

H.R. 5309. A bill to designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office Building"; to the Committee on Government Reform.

By Ms. WOOLSEY:

H.R. 5310. A bill to authorize appropriations to promote innovation and technology transfer in wastewater discharge reduction and water conservation, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SENSENBRENNER:

H. Con. Res. 409. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H.R. 1654; considered and agreed to.

By Mr. LANTOS (for himself, Mr. ROYCE, Mr. PAYNE, Mr. PORTER, Mr. PETERSON of Minnesota, Mr. MINGE, Mr. OBERSTAR, Mr. LUTHER, Mrs. MALONEY of New York, Ms. PELOSI, Mr. FALEOMAVAEGA, Mr. McGOVERN, Mrs. MORELLA, Mr. RUSH, and Mr. GUTKNECHT):

H. Con. Res. 410. Concurrent resolution condemning the assassination of Father John Kaiser and others who worked to promote human rights and justice in the Republic of Kenya; to the Committee on International Relations.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. BENTSEN.

H.R. 218: Mr. ROGAN and Mr. MALONEY of Connecticut.

H.R. 284: Ms. WOOLSEY, Mr. REYNOLDS, Mrs. CHRISTENSEN, Mrs. MALONEY of New York, and Mr. ANDREWS.

H.R. 534: Mr. McKEON.

H.R. 583: Mr. SHIMKUS and Mr. SANDLIN.

H.R. 714: Ms. KILPATRICK and Mr. LANTOS.

H.R. 835: Mr. LEWIS of California.

H.R. 842: Mr. VISCLOSKY and Mr. LIPINSKI.

H.R. 860: Mr. MEEKS of New York and Ms. McKINNEY.

H.R. 914: Mr. TURNER.

H.R. 919: Mr. OWENS, Mr. DELAHUNT, and Mr. MARKEY.

H.R. 961: Ms. DeLAURO.

H.R. 1092: Mr. ARMEY.

H.R. 1194: Mr. SUNUNU.

H.R. 1621: Mr. COLLINS, Mr. TANNER, and Mr. BERRY.

H.R. 1671: Mr. NEAL of Massachusetts, Mr. DINGELL, and Mr. CLEMENT.

H.R. 1892: Mrs. THURMAN.

H.R. 2121: Mr. MATSUI, Mr. BRADY of Pennsylvania, Mr. SERRANO, Mr. TIERNEY, Mr. HILLIARD, Mr. JEFFERSON, and Ms. ESHOO.

H.R. 2344: Mr. SANDLIN.

H.R. 2402: Mr. HEFLEY and Mrs. KELLY.

H.R. 2624: Mr. UDALL of Colorado.

H.R. 2710: Mr. BORSKI and Mr. HYDE.

H.R. 2720: Mr. SHAW.

H.R. 2738: Ms. LEE and Mr. GREENWOOD.

H.R. 2814: Mr. UDALL of Colorado.

H.R. 2867: Mr. SCHAFFER and Mr. JONES of North Carolina.

H.R. 2945: Mr. KUCINICH.

H.R. 2953: Mr. KING.

H.R. 3003: Mr. SHIMKUS, Mrs. WILSON, and Mr. LoBIONDO.

H.R. 3008: Mr. KLINK.

H.R. 3065: Mrs. JONES of Ohio.

H.R. 3082: Mr. LEWIS of Georgia.

H.R. 3192: Mr. BILBRAY and Mr. FLETCHER.

H.R. 3214: Mr. PICKETT.

H.R. 3308: Mr. TIAHRT.

H.R. 3408: Mr. McKEON.

H.R. 3433: Ms. DeLAURO and Mr. LARSON.

H.R. 3455: Mr. REYES.

H.R. 3514: Mr. SANDERS, Mr. BARTLETT of Maryland, and Mr. COSTELLO.

H.R. 3518: Mr. FRANKS of New Jersey.

H.R. 3580: Mr. HORN, Mr. POMBO, and Mrs. JONES of Ohio.

H.R. 3710: Mr. POMBO.

H.R. 3839: Mrs. JOHNSON of Connecticut, Mr. BOEHLERT, Mr. SMITH of Texas, Mr. OBEY, Mr. HORN, and Mr. McHUGH.

H.R. 3842: Mr. ROMERO-BARCELÓ.

H.R. 3915: Mr. McKEON, Mr. STENHOLM, and Mr. DELAHUNT.

H.R. 4025: Mr. LoBIONDO and Mrs. MYRICK.

H.R. 4046: Mr. BOUCHER and Mr. NADLER.

H.R. 4094: Mr. LUTHER and Mr. SHAW.

H.R. 4144: Mr. LIPINSKI.

H.R. 4167: Mr. BLUMENAUER.

H.R. 4178: Mr. GALLEGLY.

H.R. 4191: Ms. KILPATRICK.

H.R. 4192: Mr. GANSKE.

H.R. 4206: Mr. ALLEN.

H.R. 4215: Mr. HOEKSTRA and Mr. RYUN of Kansas.

H.R. 4239: Mrs. JONES of Ohio.

H.R. 4259: Mr. HOYER.

H.R. 4274: Mr. RUSH and Mr. FOSSELLA.

H.R. 4277: Mr. BENTSEN, Mr. McNULTY, Ms. PELOSI, Mr. BLUNT, and Mr. STUMP.

H.R. 4299: Mr. SHAW and Mr. GORDON.

H.R. 4340: Mr. RYUN of Kansas.

H.R. 4359: Ms. CARSON.

H.R. 4375: Mr. BAIRD.

H.R. 4395: Mr. McDERMOTT.

H.R. 4399: Mr. BOYD, Ms. ROS-LEHTINEN, Mr. WEXLER, Mrs. THURMAN, Mr. DEUTSCH, Mr. McCOLLUM, Mr. MICA, Mr. CANADY of Florida, Mr. WELDON of Florida, Mr. FOLEY, Mrs. FOWLER, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. SHAW, Mr. STEARNS, Mr. GOSS, Mr. DIAZ-BALART, Mr. BILIRAKIS, and Mr. SCARBOROUGH.

H.R. 4400: Mrs. MEEK of Florida, Mr. BOYD, Ms. ROS-LEHTINEN, Mr. WEXLER, Mrs. THURMAN, Mr. DEUTSCH, Mr. McCOLLUM, Mr. MICA, Mr. CANADY of Florida, Mr. WELDON of Florida, Mr. FOLEY, Mrs. FOWLER, Mr. DAVIS of Florida, Mr. MILLER of Florida, Mr. YOUNG of Florida, Mr. SHAW, Mr. STEARNS, Mr. GOSS, Mr. DIAZ-BALART, Mr. BILIRAKIS, and Mr. SCARBOROUGH.

H.R. 4493: Mr. RAMSTAD.

H.R. 4511: Mr. STENHOLM, Mr. EHRLICH, Mr. BURR of North Carolina, Mr. WHITFIELD, and Mr. RYUN of Kansas.

H.R. 4527: Mr. HAYWORTH, Mr. KILDEE, Mr. GEPHARDT, Mr. CANNON, Mr. KENNEDY of Rhode Island, Mr. CONYERS, Mr. SKEEN, Mr. BONIOR, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. MCCOLLUM, Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. OWENS, Mr. WAXMAN, Mr. MARTINEZ, Mr. COOK, Mr. FILNER, Mr. FROST, and Mr. GEJDENSON.

H.R. 4543: Mrs. CHENOWETH-HAGE.

H.R. 4571: Mr. JENKINS, Mr. KLECZKA, Mr. COOK, Ms. MILLENDER-MCDONALD, Mr. STRICKLAND, Mr. KUCINICH, Mrs. JOHNSON of Connecticut, Mr. BONIOR, Mr. GEORGE MILLER of California, and Mr. CAMP.

H.R. 4633: Mr. CHAMBLISS.

H.R. 4636: Ms. BALDWIN and Mr. BARRETT of Wisconsin.

H.R. 4638: Mr. HOSTETTLER.

H.R. 4672: Mr. FOLEY, Mr. SMITH of Michigan, Mr. KOLBE, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. BACHUS, Mr. HILL of Montana, and Mr. JONES of North Carolina.

H.R. 4702: Mr. TANNER.

H.R. 4728: Mr. SWEENEY, Mr. LAZIO, Mr. CHAMBLISS, Ms. DELAURO, MR. LARGENT, and Mr. MEEKS of New York.

H.R. 4740: Mr. HINOJOSA, Mr. HOLT, Mr. SHERMAN, Ms. DANNER, Mrs. CHRISTENSEN, Mr. DELAHUNT, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mr. GILMAN, and Mr. KUCINICH.

H.R. 4746: Mr. CAMP.

H.R. 4770: Mr. WYNN.

H.R. 4772: Mrs. JONES of Ohio, Ms. NORTON, and Ms. LEE.

H.R. 4791: Mr. HUTCHINSON.

H.R. 4825: Mr. KUCINICH, Mr. MORAN of Kansas, Mr. KIND, Mr. BUYER, Mrs. JONES of Ohio, and Mr. DOYLE.

H.R. 4893: Ms. PELOSI.

H.R. 4922: Mr. HERGER.

H.R. 4977: Mr. SANDERS.

H.R. 4995: Mr. GORDON.

H.R. 4996: Mr. GORDON.

H.R. 4997: Mr. GORDON.

H.R. 4998: Mr. CALLAHAN.

H.R. 5004: Mr. GARY MILLER of California.

H.R. 5034: Mr. KUYKENDALL.

H.R. 5066: Mr. DEFAZIO.

H.R. 5067: Mr. BALDACCI.

H.R. 5070: Mr. RAMSTAD.

H.R. 5117: Mr. THOMAS and Mr. LAMPSON.

H.R. 5144: Mr. LUCAS of Kentucky.

H.R. 5151: Mr. CANADY of Florida.

H.R. 5154: Mr. DICKEY.

H.R. 5163: Mr. GOODLATTE, Mr. KUCINICH, Mr. SOUDER, Mr. BORSKI, Mr. NETHERCUTT, Ms. BROWN of Florida, Mr. MINGE, and Mr. MALONEY of Connecticut.

H.R. 5172: Mr. HILLIARD and Mr. ENGLISH.

H.R. 5178: Mr. LOBIONDO, Mr. GRAHAM, Mr. COBLE, Mr. FARR of California, Mrs. TAUSCHER, Mr. COOK, Mr. NEY, Mr. CUNNINGHAM, Mrs. NORTHUP, Mr. DICKEY, Mr. NORWOOD, Mr. BONILLA, Mr. ABERCROMBIE, and Mr. BOEHLERT.

H.R. 5179: Mr. BORSKI, Ms. LEE, and Mr. KUCINICH.

H.R. 5180: Mr. LOBIONDO.

H.R. 5198: Mr. TOWNS.

H.R. 5200: Mr. FRANKS of New Jersey, Mr. SCHAFFER, Mr. ENGLISH, Mrs. MYRICK, Mr. JONES of North Carolina, and Mr. MANZULLO.

H.R. 5204: Mr. HILLIARD, Mr. FROST, Mr. CONYERS, Mrs. MORELLA, and Mr. PAYNE.

H.R. 5208: Ms. ESHOO and Ms. KILPATRICK.

H.R. 5244: Mr. HILL of Montana and Mr. CANNON.

H.R. 5257: Mr. RYAN of Wisconsin.

H.R. 5272: Mr. BEREUTER, Mr. FALEOMAVAEGA, Mr. SMITH of New Jersey, and Mr. LANTOS.

H.J. Res. 48: Mr. HOEKSTRA and Mr. OBERSTAR.

H. Con. Res. 273: Mr. EVANS and Mr. SAXTON.

H. Con. Res. 308: Mr. DOYLE, Mr. DEFAZIO, and Mr. HINCHEY.

H. Con. Res. 337: Mr. LEWIS of California.

H. Con. Res. 355: Mr. LANTOS.

H. Con. Res. 365: Mr. GIBBONS.

H. Con. Res. 389: Mr. WATT of North Carolina and Mr. WAXMAN.

H. Con. Res. 390: Mr. BAKER, Mr. KNOLLENBERG, Mr. STENHOLM, Mr. DAVIS of Florida, and Mr. KENNEDY of Rhode Island.

H. Con. Res. 395: Mrs. THURMAN.

H. Con. Res. 396: Mr. PICKETT and Mr. GOODLATTE.

H. Con. Res. 404: Mr. COLLINS, Mr. TANCREDO, and Ms. STABENOW.

H. Res. 576: Mr. WOLF, Mr. EHLERS, Mr. HILLIARD, Mr. FROST, Mr. SCHAFFER, Mrs. CLAYTON, and Mr. OSE.

H. Res. 578: Mr. BURR of North Carolina.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4503: Mr. CHAMBLISS.

H.R. 5194: Ms. DANNER.

# EXTENSIONS OF REMARKS

## HONORING THE COMMUNITY OF PUEBLO

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. McINNIS. Mr. Speaker, it is with great pride that I now take this moment to recognize the wonderful city of Pueblo, Colorado, a city I am proud to represent in the U.S. House of Representatives. Pueblo recently received national attention when it was named one of the Most Livable Communities in the United States by Partners for Livable Communities, a non-profit organization committed to improving America's collective quality of life.

Pueblo has a storied past, a vibrant present, and promising future, all of which make it most deserving of this high honor. It is with this, Mr. Speaker, that I now pay tribute to Pueblo, Colorado, one of America's most livable cities.

The beautiful city of Pueblo is located south of Denver in the shadows of Colorado's Sangre de Cristo Mountains. In 1886, four distinct towns were incorporated into one, forming what is now the magnificent community of Pueblo. In the century since, the community has played a major role in shaping Colorado's character, be it socially, culturally, or economically.

Early on, Pueblo was home to smelting plants that helped refine ore extracted from surrounding mines. These plants fueled in large part the community's economic activity. Moreover, Pueblo also played a key part in the early national race to establish railroads across Colorado's Rocky Mountains. Thanks in large measure to these and other industrial activities, Pueblo rapidly became a booming economic hub.

Pueblo's industrial muscle flourished in the many decades after its inception, until the 1980's when an economic downturn crippled the city's once burgeoning steel industry. Undeterred by tough times, community leaders from all walks of life closed ranks, fighting together to restore Pueblo's civic strength and economic vibrancy. Ultimately, this broad based local effort spurred a remarkable economic resurgence that continues even today. Pueblo's vitality is displayed each year when the city hosts the Colorado State Fair, highlighting the diversity and strength of Colorado's heritage.

Nothing better symbolizes that resurgence than the Historic Arkansas Restoration project, a local effort to draw business activity along the refurbished banks of the Arkansas River which cuts through the heart of Pueblo. On October 6, 2000, the landmark Riverwalk Project will be dedicated. When it is, it will be a symbolic statement of Pueblo's economic and cultural re-awakening that continues to thrive in this new century.

Mr. Speaker, on behalf of the State of Colorado and the U.S. Congress, I would like to congratulate this wonderful community on being recognized as one of the most livable communities in the country. Pueblo has a special place in my heart and it is more than deserving of this distinguished recognition.

## TRIBUTE TO THE JONESBORO SUN

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansas institution, and I am proud to recognize the Jonesboro Sun in the Congress for its invaluable contributions and service to our nation.

Family-owned, independent newspapers are part of a great, albeit vanishing, tradition that goes back to our nation's earliest days.

According to one recent study, independents' share of the daily newspaper circulation dropped from 90 percent in 1990 to 14 percent in 1998. Last year, it was projected that half of America's family-owned dailies—which number less than 300—will be sold within the next five years.

On the morning of Saturday, September 2nd, Northeast Arkansas learned that the Troutt family, owners of the Jonesboro Sun for 99 of its 117 years, decided to sell the newspaper to the Paxton Media Group of Paducah, Kentucky. The Sun is the regional newspaper serving a dozen counties in the First Congressional District of Arkansas.

The Jonesboro Sun is a mainstream newspaper that has always emphasized fair and thorough coverage of the day-to-day news that affects the lives of eastern Arkansas residents. A great newspaper should always serve as the conscience of the area and the readers it serves. The Sun has played that vital role in the lives of many of our citizens.

The Sun is a great newspaper, not an entertainment-driven publication that feeds on this nation's cult of celebrity. The Troutt family operated the Sun more as a legacy than a business. It has been a profitable business, but also an understated, integral part of the community.

"Independent" means many things to many people. The dictionary definition is "free from the control of others," but that is just part of its meaning when applied to an independent newspaper like the Jonesboro Sun. In the first place, it is free from the control of a distant corporate headquarters when it comes to a sensitive or controversial story that an influential person might seek to suppress. The Sun's corporate headquarters has been contiguous to the newsroom, where management and ownership is only a few steps away to make sure the facts are presented fairly.

Independent also means freedom from the influence of advertisers. An independent paper can choose to publish or not publish an article based on an objective evaluation of its newsworthiness. This decision is made in the newsroom—not in the advertising department.

John Troutt, Jr. the Sun's editor and publisher, did not worry about the bottom line when he was filing more Freedom of Information Act lawsuits than any other publisher in Arkansas. He did not worry about the bottom line or journalism awards while directing the newspaper's coverage of the Westside Middle School shooting tragedy in March 1998. He made the tough calls without regard to overtime and newsprint costs. He made these decisions because he is a newspaperman.

Still, the Sun was the first runner-up for the Pulitzer Prize for its coverage of the Westside shootings.

Due to technology, as well as the economic and estate tax conditions that exist today, it has become increasingly difficult for independent newspapers to survive. Yet the independent local paper is most often the conscience, face, and voice of the community. The conglomerates that now dominate the newspaper industry must now rise to the challenge to fill the void left by these disappearing institutions.

With this in mind, I was very pleased to read the words of Fred Paxton, the chairman of the Paxton Media Group, which is assuming responsibility for the Sun.

"As is the case with the Troutts, ours is a family-owned newspaper company," Paxton noted. "As we have grown, we have sought to combine the best elements of local family ownership with the advantages and operating efficiencies of a larger organization."

"We have a philosophy about the role a newspaper should play in its community, but we rely on local managers to adapt that philosophy to each community in which we operate. We believe a newspaper should be a reflection of the community it serves," Paxton emphasized. "Publishers and editors make the final decisions about news and editorial content, and virtually every key business decision is made at the local level."

John Troutt, Jr., representing the third-generation of the family directing the operations of the Jonesboro Sun, observed that the Paxton Media Group is a fourth-generation family-owned media company with more than a century of history in the newspaper industry.

It is important that family newspapers survive, because I believe family ownership can make a difference. But most importantly, I hope we will always have newspapers like the Jonesboro Sun, with an independent spirit and the courage to report the truth with fairness. Our democracy depends on it.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## CONGRATULATING SAN LEANDRO FOR BEING CHOSEN TO PARTICIPATE IN FEMA'S PROJECT IMPACT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. STARK. Mr. Speaker, I would like to congratulate San Leandro, California for being chosen as a participant in FEMA's Project Impact. San Leandro's hard work and dedication to preventing natural disasters has given this city the opportunity to participate in this important program that provides increased federal resources for further disaster mitigation projects. I would like to recognize the hard work on the part of the city of San Leandro to make their community safer in the event of a natural disaster.

Located at the apex of the two segments of the Hayward Fault, San Leandro is at risk primarily from earthquakes, although the risk of flood and other natural disasters is very real. Alameda County, in which San Leandro is located, has been declared a federal disaster area several times since 1950. This has included the Loma Prieta earthquake, two fires, one freeze, and eleven floods.

Following the Loma Prieta earthquake, San Leandro realized it needed to make a commitment to disaster prevention. The San Leandro City Council established a plan called the Partnership for Preparedness Program that, along with other actions San Leandro has taken, helped lead to its designation as a Project Impact community. The hard work of the local officials will provide San Leandro increased federal resources to further protect the city from natural disasters.

Local officials have also established a disaster council, a formal city council committee chaired by Mayor Sheila Young. This committee meets quarterly to discuss mitigation and preparedness issues. In addition, San Leandro has published a Hazard Mitigation Master Plan, which has resulted in plans to retrofit buildings to prevent damage in the event of an earthquake.

Project Impact operates on a commonsense damage-reduction approach. Project Impact encourages communities to develop disaster prevention programs by working with citizens and the private sector. Success depends on long-term efforts and investments in preventive measures. Communities benefit from their participation in the program from FEMA's expertise and technical assistance at the national and regional level. FEMA works with community officials to incorporate the latest technology and mitigation practices.

I am very proud that San Leandro has been able to build the public-private partnerships necessary to be chosen a participant in Project Impact. The hard work of the local officials will prevent the future loss of life and property. I congratulate San Leandro for working with the business community and citizens to maximize all available resources to make the community safer.

## TRIBUTE TO CHARLES R. TRIMBLE

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Ms. ESHOO. Mr. Speaker, I rise today to honor Charles R. Trimble, former C.E.O. and Chairman of Trimble Navigation, who is receiving the American Electronics Association's (AEA) forty-seventh Medal of Achievement for his leadership in advancing and commercializing global positioning system (GPS) solutions.

Charles Trimble exemplifies the innovative and entrepreneurial spirit for which Silicon Valley is internationally recognized. In 1978, Charles Trimble left the comfort and security of Hewlett-Packard, where he helped develop significant scientific achievements in signal processing, high-speed analog-to-digital converters, and digital time measurement techniques, to establish his own start-up company, Trimble Navigation. Once housed in an old, reconstructed theater, Trimble Navigation now has 23 offices in 15 countries and annual revenues that exceed $270 million. It was the first publicly held company engaged solely in developing and distributing GPS solutions. His business acumen and success persuaded INC Magazine to name him "Entrepreneur of the Year" in 1991.

During his 20-year tenure at Trimble Navigation, Charles Trimble democratized the use of GPS technology, putting it into the hands of different constituencies that have employed GPS products in ways not originally imagined. Trimble's GPS technology now accompanies pilots in the air, climbers on Mount Everest, farmers in the Mid-West and merchants at sea. Trimble's products have increased the accuracy of scientific research, hygrographic surveying and even golf course construction. Charles Trimble's ability to communicate his vision is the source of Trimble Navigation's great success. For his work, he earned the 1996 Kershner Award and the American Institute of Aeronautics and Astronautics' 1994 Piper General Aviation Award.

But Charles Trimble is more than just a voice for his company—he is also a voice for his industry. Since 1996, Charles Trimble has served as Chairman of the United States GPS Industry Council, unifying the industry behind a common message to policy makers, industry officials and the media.

Charles Trimble's expertise and influence extend beyond the GPS industry. He sat on the Vice President's Space Policy Advisory Board's task group exploring the future of the U.S. Space Industrial Base for the National Space Council. He is an elected member of the National Academy of Engineering. Charles Trimble was also a member of the Board of Governors for the National Center for Asia-Pacific Economic Cooperation (APEC), and a Member of the Council on Foreign Relations.

AEA's Medal of Achievement award recognizes that behind all great scientific achievements are exceptional people. I join the Silicon Valley community and the electronics industry in recognizing Charles Trimble as one of the remarkable individuals that has shaped the direction of this new economy and this new era of technological advancement.

I ask my colleagues, Mr. Speaker, to join me in honoring this great and good man whom I am proud to know and represent. We are indeed a better nation and a better people because of him.

## HONORING THE ANIMAS FIRE PROTECTION DISTRICT

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor a truly remarkable group of individuals who risk their lives to protect the health and safety of their community. The individuals I speak of make-up the Animas Fire Protection District, a volunteer program that has worked to ensure safety in Southern Colorado for nearly three decades. It is the dedication and hard work from the members of the District that I would like to congratulate as they celebrate their 30th Anniversary.

Unlike many fire protection programs, this one is primarily volunteer. It began in 1970 under the name Durango Fire with $12,000 and under two dozens volunteers. In the time since, it has grown to encompass a $1.6 million budget, using over 100 volunteers in 12 different fire stations.

During the last three decades, through long hours and many perilous situations, the Animas District has maintained an efficient and effective program that guarantees rapid response and much needed protection from the harm of a fire. Whether it is fighting structure fires within town or battling the blazes at nearby Mesa Verde National Park, the volunteers of Animas Protection District have ensured that there community is as safe as possible from one of Mother Nature's most dangerous elements.

Volunteers and Staff of the Animas Fire Protection District, you have served your community, State and Nation bravely and admirably, and for that your neighbors are grateful.

On behalf of the State of Colorado and the U.S. Congress, I thank you for you commitment to the safety and well being of the members the La Plata County and its surrounding communities. You make us all very proud!

## TRIBUTE TO JOHN TROUTT, JR.

### HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a great Arkansan, and I am proud to recognize John Troutt, Jr. in the Congress for his invaluable contributions and service to our nation.

John Troutt, Jr. for many defines the daily newspaperman. Almost anyone can call himself or herself an editor or publisher, but few can fill the role of a newspaperman. He is an anachronism in this corporate-driven world that equates bigger with better.

A highly successful businessman, he has stood at the helm of The Jonesboro Sun for decades, guiding the growth of The Sun from a small afternoon daily newspaper to the largest, independent family-owned publication in Arkansas that serves as the regional morning paper in the Northeast area of the state. His recent announcement that The Sun will be sold to the Paxton Media Group of Paducah, Kentucky, was felt across the state of Arkansas. Other newpapermen have paid tribute to Troutt in recent weeks after learning The Sun was up for sale.

For two decades he has served as editor, overseeing the newsroom, and as publisher, overseeing the business side of the newspaper, in addition to assuming the role of night editor two nights a week, in charge of putting out the next morning's edition. Very few newspapermen have had the love of the business or sufficient stamina—he will be 71 in October—to fulfill his many roles, much less fulfill them with his energy and passion.

Every day he writes The Sun's editorials. Readers have no difficulty understanding where he stands. He has not hesitated to call on public officials and bodies to correct what he views as an errant course.

In newspaper circles, he is best known for his beliefs in the tenets of the first amendment. He has filed more lawsuits than any other Arkansas editor or publisher to enforce the provisions of the state Freedom of Information Act. "The public's business should be done in public" is his oft-repeated philosophy.

John has been a mentor, advisor, and friend to all of Northeast Arkansas. He has dedicated his life to serving his fellow citizens as a leader in both his profession and his community, and he deserves our respect and gratitude for his contributions. On behalf of the Congress, I extend congratulations and best wishes to my good friend John Troutt, Jr. on his successes and achievements.

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## HONORING AL MOLITOR

## HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. HOEFFEL. Mr. Speaker, today I recognize the outstanding achievements of an extraordinary man, Al Molitor. For 35 years, Mr. Molitor has served in the administration of public health and welfare programs for nonprofit organizations and the Commonwealth of Pennsylvania. In addition, the contributions he has made within the Montgomery County community and particularly the Abington-Rockledge Democratic Committee are invaluable.

Al earned his bachelor of arts from Temple University and continued his studies at the Bryn Mawr School of Social Work and Research where he received his master of social service degree. Al has held leadership positions in state public health and social work professional associations. He has served on the Abington Township Library Board, in parent-teacher organizations and the Boy Scouts. He also organized the Old York Road Genealogical Society, and served as its president for nearly 4 years.

Al has been a prominent figure within the Abington-Rockledge Democratic Committee for a number of years and became chairman in 1994. He also served as chair of the Montgomery County Voter Registration Drive from 1992–1994. His work within the Democratic community in Montgomery County is unparalleled and much appreciated. With a solid Republican background, Al found himself as a non-partisan when the moved to Abington in 1958, but quickly found a home within the Democratic community in Montgomery County. In spite of an extremely busy public life, Al remains devoted to his family. He and his wife, Natalie, have two children, Elizabeth and Steve, and three grandchildren.

It is an honor and a privilege to acknowledge the dedication and contributions of Al Molitor who has served his community well.

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## VALUE OF ESTABLISHING THE SWISS CENTER OF NORTH AMERICA

## HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Ms. BALDWIN. Mr. Speaker, our nation was built on the dreams of immigrants who came here to create a better life for themselves and their families. The ethnic diversity of the American patchwork quilt makes this nation strong and has helped our nation become the envy of much of the world.

I am proud to be from a state whose ethnic heritage can be seen in our faces, our foods and families. Wisconsin is a state made up of settlers who came from the far corners of the world to build their businesses, raise their families and stake their claims for a piece of the American Dream.

There is an exciting new project underway in my congressional district that has national and international implications. The Swiss Center of North America is proposed to be located in New Glarus, Wisconsin. This new center will facilitate historical research, cultural exchanges and business partnerships extending beyond the beautiful rolling countryside of America's Dairyland.

Like many ethnic groups, the Swiss came to North America in large numbers in the 19th Century, settling in each state of this Union and every province of Canada. They brought their traditions, culture, languages, foods and a rich heritage that have made a lasting impact throughout this continent. The Swiss government helped these new immigrants by setting up colonies for their countrymen and women on this side of the Atlantic to ease the transition into the New World.

One such colony remains largely intact, located in New Glarus, Wisconsin. This community, which I am honored to represent in Congress, continues to celebrate its Swiss heritage, attracting Swiss immigrants and welcome visitors from around the world.

Many in North America are not aware of the accomplishments of their Swiss-American neighbors. The Swiss have brought a multicultural background encompassing elements from German, French, Italian and Roman heritages. Many thing of Switzerland as a land of Alpine meadows, decorated cowbells and colorful window boxes. Yet this fails to fully recognize the very modern, multilingual and multi-cultural aspects of this small, yet diverse, nation.

Those of Swiss descent in North America are very proud of their heritage, as Switzerland has made many important contributions to the world. Yet, unlike many other nationalities, there is

The Swiss Center of North America aims to be a state-of-the-art facility located in New Glarus, Wisconsin. It will highlight the contributions of the Swiss of yesterday, today and tomorrow. With historical exhibits, modern interactive displays, genealogical research facilities and premiere meeting space, the Swiss Center will help spread the word that Swiss living in the United States, Canada and Mexico continue to offer much to the North American melting pot. The State of Wisconsin has already committed $2 million to this project and an international fund-raising drive is now well underway.

I support the Swiss Center of North America not just because it will be located in my district. I support it because those of Swiss heritage need a place to house their artifacts and tell their story. This is a valuable project, in part, because learning more about where we come from helps guide us to where we are going. The more future generations learn about this nation, the more they understand about our rich diversity. The Swiss Center of North America will help foster a better understanding between cultures and will offer us the promise of a broader appreciation of the heritage of our international ancestors.

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## THANKING WOLODYMYR LUCKHAN FOR HIS SERVICE TO THE UNITED STATES DURING WORLD WAR II

## HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank one of my constituents, Wolodymyr Luckhan, for the heroic action he took during World War II to save an American tank division from an enemy ambush near Swizel, Germany, in April 1945. Mr. Luckhan, seized by the Germans into forced labor, overheard the impending attack against an American tank force approaching the city of Swizel. Mr. Luckhan commandeered a boy's bicycle and peddled through German lines, risking his life to reach the Allied forces. Without his timely warning, the loss of American lives would have been considerable. Mr. Luckhan's example once again demonstrates that the virtue of selflessness merits recognition.

After the war, Mr. Luckhan came to the United States, became a citizen and raised a family. At age 91, Mr. Luckhan still recalls the event that changed the course of history for so many. Walt Whitman wrote that "To have great poets, there must be great audiences, too." I present Mr. Wolodymyr Luckhan as a spokesperson for freedom whose stage for heroism was made possible by the great audience of men and women who gave their lives in service of our country and those who, thanks to the efforts of people such as Mr. Luckhan, have survived to share in the quality of life that only this great nation can afford.

## SERBIA DEMOCRATIZATION ACT OF 2000

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1064, the Serbia and Montenegro Democracy Act. This resolution coincides with the highly important general elections held in Serbia on September 24, 2000. We can only hope that the ongoing election count at this hour reflects a fair, free, and open election, Mr. Speaker.

As we all know, Yugoslav President Milosevic has maintained his power in Serbia throughout the 1990s through a combination of virulent Serb nationalism and outright oppression.

The violence that occurred in Kosovo was brutal and a dramatic affront to the inhabitants of those environs. He has also tried to silence democratic opponents in Montenegro—the only remaining republic outside Serbia in the Yugoslav Federation. Now, the democratic opposition must be given every incentive to flourish in Serbia and Montenegro.

This bill authorizes as much as $50 million to support democratization of the Republic of Serbia (excluding Kosovo) and $55 million in support of ongoing political and economic reforms and democratization in the Republic of Montenegro.

H.R. 1064 directs the radio and television broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages be carried out by the Voice of America and Radio Free Europe/Radio Liberty Inc. The message of democracy and human rights can be disseminated directly to the people of Serbia if we use all technological means at our disposal. The bill also provides funds for the Organization for Security and Cooperation in Europe to facilitate contacts by democracy activists in Serbia and Montenegro with their counterparts in other countries.

The bill contains some measures that hold the worst human rights abusers accountable. H.R. 1064 maintains sanctions against the government of Yugoslavia until the following conditions are met—agreement on a lasting settlement in Kosovo; compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina; implementation of internal democratic reform; settlement of all succession issues with the other republics that emerged from the break-up of the Socialist Federal Republic of Yugoslavia; and cooperation with the International Criminal Court for the former Yugoslavia indicted by the tribunal.

The bill also blocks all Yugoslav assets in the United States; restricts U.S. citizens from doing business with the Yugoslav government; prohibits U.S. visas to senior Yugoslav government officials and their families; and restricts non-humanitarian U.S. assistance to Yugoslavia.

Finally, the bill directs the President to coordinate multilateral sanctions on the governments of Serbia and Yugoslavia; requires that the United States fully support the investigation of President Slobodan Milosevic by the International Criminal Court for the former Yugoslavia for genocide, crimes against humanity, war crimes and grave breaches of the Geneva Convention; directs the President to report to Congress on the information provided to the tribunal; and urges the President to condemn the harassment of ethnic Hungarian inhabitants in Vojvodina.

## HONORING JOHN KIDNEY

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. HOEFFEL. Mr. Speaker, today I acknowledge the accomplishments of John Kidney. John has been an integral member of the Abington Rockledge Democratic Committee in Montgomery County, Pennsylvania since 1966 and it has been a privilege to work so closely with him over the years.

John was raised in Hartford, Connecticut where his political career began. At the age of 17, he was appointed a delegate from East Windsor, Connecticut to the 1944 Democratic State Convention. While earning his undergraduate degree from Yale University, John served as president of the Yale Young Democrats and was invited to be a political commentator at a local radio station during the 1948 presidential election.

Upon completion of an MBA from Harvard University, John and his wife Polly moved to Montgomery County. In 1958 they relocated to Italy and did not return to the United States until the mid 1960's. He and Polly have four children and six beautiful grandchildren. John has served as a committee person and the Treasurer of the Abington-Rockledge Democratic Committee since 1971.

John worked for Rohm and Haas Corporation in various financial positions from 1951 to 1991. After retiring from Rohm and Haas, he managed investments and administered charitable grant programs for the Haas family.

John's expertise and knowledge in the political arena are invaluable assets. It is an honor and a privilege to recognize John Kidney and the outstanding contributions he has made to the Democratic community in Montgomery County, Pennsylvania.

## COMMENDING THE PEOPLE OF SWITZERLAND FOR REJECTING A LIMIT ON FOREIGNERS

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. LANTOS. Mr. Speaker, we tend to be quick to criticize and slow to praise. Earlier the Swiss were subjected to intense international criticism for the policies and practices of Swiss banks during World War II. The Swiss government and Swiss banks have moved in the right direction since that matter became an issue of international concern.

Mr. Speaker, this past weekend the people of Switzerland in a national referendum demonstrated their willingness to act in a remarkably enlightened fashion on an issue that is sensitive and that has been subject to demagoguery. By a vote of nearly 64 percent, Swiss voters decisively rejected a proposal to reduce the number of foreigners in their country to 1β percent of the total population. A majority of voters in all of the 26 Swiss cantons rejected the proposal. To their credit, the Swiss Cabinet urged voters to reject the proposal.

This was a serious issue, Mr. Speaker, because foreigners currently make up about 19.3 percent of the population of Switzerland—some 1.4 million out of a population of 7.2 million, almost one in five residents of the country, are foreigners. A quarter of the Swiss work-force is foreign. These figures are high even by European standards. Austria and Sweden, both of which have among the highest foreign population in the nations of the European Union, have only about one in nine foreigners living in their countries.

Mr. Speaker, the action of the Swiss people in this referendum was enlightened and informed, and it dealt a blow in the fight against far-right and neo-Nazi fringe groups, who support placing limits on foreigners in Switzerland. It is important that we acknowledge and commend the Swiss people and the Swiss government on this decisive and most encouraging result.

## HMONG VETERANS' NATURALIZATION ACT AMENDMENTS OF 2000—EXTEND NATURALIZATION TO FORMER SPOUSES OF DECEASED HMONG VETERANS

SPEECH OF

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. ESHOO. Mr. Speaker, I rise today in support of this legislation to exempt the widows of the Hmong veterans from certain citizenship requirements.

The Hmong are a mountain people mainly found in southern China and northern areas of Burma, Laos, Thailand and Vietnam. Beginning in the 1950s, Hmong soldiers fought the communist Pathet Lao movement in Laos and later assisted U.S. forces during the Vietnam War. The Hmong aided U.S. forces, collected intelligence, rescued downed American pilots, protected sensitive U.S. military installations monitoring the Ho Chi Minh Trail and tied down an estimated 50,000 North Vietnamese troops in Laos. When the war ended, the Pathet Lao took power in Laos and persecuted and imprisoned many of the Hmong allies of the United States.

The Hmong come from a tribal society that, until recently, had no written language and many have found it difficult to naturalize because of their difficulty in learning English. This legislation would exempt them from this difficult requirement. Currently this same exemption has been given to those men and their spouses who served with a special unit, operating from a base in Laos in support of the U.S. military. It is time to extend this same exemption to the widows of these men.

This is a great step for the widows who were not covered under the Hmong Veterans' Naturalization Act. The Hmong have faced insurmountable odds with the English language portion of the citizenship exam. This bill provides a needed form of relief in the citizenship process by exempting the widows from that portion of the exam.

Mr. Speaker, these women are the same spouses of men who sacrificed everything to help us. Many of their husbands gave their lives to save U.S. pilots and other Americans. They fought side-by-side with the U.S. forces and then lost everything. This legislation represents what the Congress can do to provide for the widows of these brave men.

## DEBT RELIEF AND RETIREMENT SECURITY RECONCILIATION ACT

SPEECH OF

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 19, 2000*

Mr. STARK. Mr. Speaker, there is absolutely no reason for us to be here today debating this bill. Recently the House passed the "Debt Relief Lockbox Reconciliation Act" which was nothing more than an attempt by my Republican colleagues to grandstand on their new conversion to a party that claims to care about reducing the national debt. Today, we are here with another version of a bill that does the same thing. In addition, this bill tack on a so-called pension reform bill that has also already passed the House. The Comprehensive Retirement Security and Pension Reform Act passed the House this summer by a vote of 401–25. It didn't have my support then and it won't have my support today.

So why are we here again debating the same measures we've already debated—and passed? The leadership believes it will help them in the upcoming elections. This debt relief bill is meaningless filler for the GOP agenda. And the pension bill is bad policy. It benefits the wealthy and does nothing to help low-income workers who are most in need of retirement incentives.

Although the pension bill implies that it will help all workers, it serves to help those earning an average income of $337,800. More than forty-two percent of the pension and IRA tax breaks will go the 5% of the population with the highest incomes—those making over $134,000 annually and an average income of $337,000. In sharp contract, the bottom 60 percent of the population (those making less than $41,000) would receive less than 5% of these tax benefits.

When the Democrats offered a substitute bill to give low-income workers incentives to save for their retirement, my GOP colleagues scoffed at the idea claiming that it was too expensive. In other words, it's too expensive to help rank and file workers save for their retirement, but it's completely affordable to help top executives accumulate wealth for their retirement. The Democratic substitute offered incentives to small businesses to sponsor retirement plans for their low-wage and young workers. I supported this substitute bill because it attempted to help those workers who need it most.

If this Congress plans to spend $55 billion on the wealthy, then we should be able to offer the same pension opportunities to those who currently do not save for retirement. I opposed H.R. 1102 when it came to the floor in July and I oppose the bill before us today.

## TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 25, 2000*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to join my colleagues in voicing my support for House Concurrent Resolution 399, which recognizes the federal government's responsibility to educate all handicapped children in our nation. November 29, 2000 will mark the 25th Anniversary of the Education for all Handicapped Children's Act passage into law (Public Law 94–142). The act was later renamed the Individuals with Disabilities Education Act (IDEA).

The IDEA established the federal government's objective of educating all of America's children, including those with severe disabilities. In 1986, the act was amended to create a preschool grant program for children ages 3 to 5, with disabilities and an early intervention program for infants and toddlers with disabilities.

Currently, IDEA programs serve an estimated 200,000 infants and toddlers, 600,000 preschoolers and 5.4 million children ages 6 through 21 nationwide. The Houston Independent School District provides educational opportunities for about 21,000 students in the City of Houston through this important program.

I would like to recognize the outstanding work that the Council for Exceptional Children Chapter 100 located in the City of Houston has done. This organization represents the teachers who teach these special children in the Houston area. Because of the dedication of administrators, teachers, parents and the students themselves IDEA can be called an "American Success Story."

I would urge all of my colleagues to vote in favor of this important Act. I would like to also urge the Senate to act on their version of the Full Funding Bill for IDEA, which is currently awaiting action in the Senate. The House version of this bill H.R. 4055, IDEA Full Funding Act, was passed in the House on Representatives on May 3rd of this year.

## TRIBUTE TO BENICIA POLICE CHIEF OTTO GIULIANI UPON HIS RETIREMENT

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating Benicia Police Chief Otto William Giuliani on the occasion of his retirement after a very busy and successful twenty-eight years of service in law enforcement.

Otto Giuliani began his law enforcement career with the Hayward Police Department, holding numerous positions in his 15-year career there. He was awarded the Hayward Police Department's highest honor, the Medal of Valor, for extraordinary duty on the night of November 29, 1978, when he pried open the door, removed and carried an unconscious man from a wrecked vehicle stuck on the Western Pacific Railroad tracks just as the train struck the vehicle, almost sweeping Officer Giuliani and the victim back into the path of the train. For his action he was recognized by Kiwanis International as Police Officer of the year for 1979 for the California, Nevada and Hawaii Districts, and received the Nathan Hale Award for Heroism.

Otto was a member of the Hayward Kiwanis Club for fifteen years, with eleven years of perfect attendance, he served as president in 1981. He was charter president and two-time distinguished president of the Livermore Kiwanis Club in 1986 and 1987, with seven years of perfect attendance.

He was a member of the Livermore Police Department for seven years, holding the positions of Captain of both the patrol and investigation divisions during separate and concurrent terms, and fulfilling the role of Acting Chief of Police.

Otto is a graduate of the Federal Bureau of Investigations National Academy (FBI/NA 153rd). He was Chief of Police for the Benicia Police department for eight years during which the department initiated Community Oriented Policing, began a formal School Resource Officer Program dedicating police officers to the campuses of Benicia High School and Benicia Middle School, expanded the DARE program to all fifth grade classes in each public and private school in the city; added three police officers to the department by means of federal and state grants; created a Citizen and Police Partnership Program; began the GREAT program to prevent gang activity from entering Benicia from other cities; conducted Citizen Police Academies; created a Parking Adjudication program which was the first of its kind in the nation for which the department received the Helen Putnam Award for Excellence (the League of California Cities' highest recognition); began a Citizen on Patrol program for which the department received national recognition from the International Association of Chiefs of Police in the form of the Webber Seavey Award for Excellence in Police Service to the Community, and raised the professional development of the department by successful completion of either the FBI National Academy or California POST Command

College by all management personnel and enrollment or completion of the California POST Supervisory Leadership Institute by first line supervisors.

Chief Giuliani was appointed City Manager/Chief of Police for the City of Benicia in December, 1994, and served in that capacity for six years, serving the longest career in the State of California in the dual role of City Manager/Chief of Police.

Otto is a member of the Benicia Rotary Club and currently serves as President, is an ex-officio member of the Benicia Chamber of Commerce, and a member of the Board of Directors of the Benicia Police Athletic League (PAL).

Chief Giuliani and his wife Jan have been married for twenty-five years and have a set of twins, Mario and Melissa, age 22. Otto is retiring from law enforcement after twenty-eight years of service, but he will continue to serve as the City Manager of Benicia.

It is clear from his record of achievement that Chief Giuliani has never taken his positions of authority for granted and has excelled at his every endeavor. Many communities in our area have been enriched by his efforts. I wish Chief Giuliani a very happy, healthy and much deserved "retirement," and I thank him for his many contributions to law enforcement.

## PERSONAL EXPLANATION

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. CLEMENT. Mr. Speaker, on Rollcall vote No. 487, I was unavoidably detained. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. BURTON of Indiana. Mr. Speaker, on September 25th, I was unavoidably detained in my home district, and therefore, I was unable to be present on the House floor during votes. Had I been here I would have voted "aye" on rollcall vote 487.

## PERSONAL EXPLANATION

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 487 and 488. I was unavoidably detained and therefore, could not vote for this legislation. Had I been present, I would have voted, "aye" on rollcall 487 and voted, "aye" on rollcall 488.

## HONORING THE SURVIVORS OF STALAG III–C

### HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Mr. GEKAS. Mr. Speaker, today I rise to honor the survivors of Stalag III–C in Germany during World War II. These brave men endured hardship that few of us can imagine today. These men were starved nearly to death and subjected to bitterly cold winters in unheated huts. Many men languished there for years before being liberated by a Russian tank convoy. However, their ordeal was not over yet.

Stalag III–C was located near the Polish border in the eastern part of Germany. It was January of 1945 when the men were set free. With a war still raging around them, the men set forth to make it to Allied lines. The men traveled on foot through the snow and frigid winds with little food and clothing not suitable for the trek. It took a month and a half for a majority of the men to reach Odessa, Russia. These hardy men walked a distance of approximately 700 miles. Though their struggle had been long, they had reached freedom.

On the weekend of October 13, a group of survivors from Stalag III–C will gather in Hershey, PA, for a time of remembrance. Jackie Kruper of Lebanon, PA, has organized this event inspired by the journal of her father, Sergeant John E. Kruper, who was interned at the prison camp. Mr. Kruper passed away in 1992.

Let us remember these valiant soldiers in our prayers. Their service to the United States and to democracy around the world shall never be forgotten. I pray that the stories of bravery and survival of these men transcend this one weekend. It is my wish that these stories get passed down through generations, for their sacrifice has truly made this country the land of the free and the brave.

The names of the gentlemen attending the reunion are Kenneth Bargmann, William A. Bonsall, Robert Bell Bradley, William E. Clark, Arley Goodengauf, Maurice J. Markworth, Acie D. Milner, Frank Rosenthal, Kenneth Schaeffer, Christopher Schweitzer, Bernard Sterno, Raymond Ulrich, and Mae Hande, who will be attending in place of her departed husband Norman Hande. I know that the United States House of Representatives joins me in saluting these fine men who served their country with honor.

## CHANDLER PUMPING PLANT WATER EXCHANGE FEASIBILITY STUDY

SPEECH OF

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 20, 2000*

Mr. YOUNG of Alaska. Mr. Speaker, I submit for the benefit of the Members a copy of the cost estimate prepared by the Congressional Budget Office for H.R. 3986, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, September 20, 2000.*

Hon. DON YOUNG,
*Chairman, Committee on Resources, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3986, a bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

If you wish further details of this estimate, we will be pleased to provide them. The CBO staff contact if Rachel Applebaum, who can be reached at 226-2860.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE, COST ESTIMATE, SEPTEMBER 20, 2000

(H.R. 3986: A bill to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, as reported by the House Committee on Resources on September 19, 2000)

SUMMARY

The Kennewick and Columbia Irrigation Districts in Washington use water diverted from the Yakima River. H.R. 3986 would authorize the Secretary of the Interior to conduct a feasibility study, prepare an environmental assessment, and acquire right-of-way areas necessary to divert water from the Columbia River rather than the Yakima River to meet the needs of these irrigation districts.

Based on information from the Bureau of Reclamation, CBO estimates that implementing H.R. 3986 would cost $6 million over the 2001–2003 period, assuming the appropriation of the necessary funds. Enacting H.R. 3986 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 3986 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3986 is shown in the following table. The costs of this legislation fall within budget funding 300 (natural resources and environment).

| | By fiscal year, in millions of dollars | | | | |
|---|---|---|---|---|---|
| | 2001 | 2002 | 2003 | 2004 | 2005 |
| SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Estimated Authorization Level | 6 | 0 | 0 | 0 | 0 |
| Estimated Outlays | 1 | 2 | 3 | 0 | 0 |

BASIS OF ESTIMATE

Based on information from the Bureau of Reclamation, CBO estimates that the feasibility study and the environmental assessment authorized by the bill would cost $4 million, and that the acquisition of right-of-way areas for this water diversion project would cost $2 million.

Current law authorizes the appropriation of $4 million for an electrification project at the Chandler pumping plant. Although H.R.

3986 authorizes the exchange of water as an alternative to this electrification project, appropriated funds for the electrification project have already been spent by the bureau to study this project and on other activities. Consequently, H.R. 3986 appears to provide new authority to study the exchange of water from the Yakima to the Columbia River and for the acquisition of right-of-way areas.

Pay-as-you-go considerations: None.

### INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3986 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local or tribal governments.

Estimate prepared by: Federal Costs: Rachel Applebaum (226-2860); Impact on State, Local, and Tribal Governments: Marjorie Miller (225-3220); Impact on the Private Sector: Lauren Marks (226-2940).

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 26, 2000*

Ms. WOOLSEY. Mr. Speaker, yesterday I delivered the keynote address at the Geothermal Resources Council's 2000 Annual Meeting. As a long-time advocate of alternative and renewable energy sources, I was honored to be recognized for my work in this field and privileged to share my thoughts with the more than 450 attendees from across the globe representing geothermal professionals and businesses.

As a result, I missed rollcall vote No. 487. Had I been present, I would have voted "yea."

## COMMENDING THE PROFESSIONAL LAWN CARE ASSOCIATION OF AMERICA

### HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

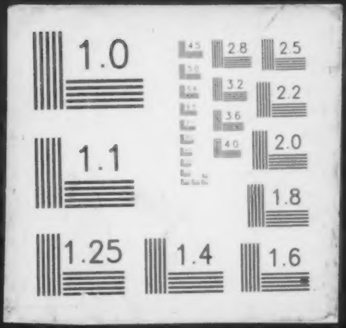
*Tuesday, September 26, 2000*

Mr. LINDER. Mr. Speaker, last July, the Professional Lawn Care Association of America held its annual legislative conference in Washington to address the issues important to its industry.

While they were here, members of the PLCAA took the time to donate their services to two of the most historic sites in this area—Arlington National Cemetery and Congressional Cemetery. In both of these cemeteries, members of the PLCAA enhanced the turf, cut grass, and trimmed trees.

PLCAA members have donated their services to Arlington in past years, but this is the first time they have been to Congressional Cemetery. Congressional Cemetery is of particular interest to me because some illustrious Georgians are buried there: James Jackson, Revolutionary War General, Governor of Georgia, and U.S. Senator; John Forsyth, U.S. Senator and Secretary of State; and William Shorey Coodey, Senator in the Cherokee Nation.

In 1997 Congressional Cemetery was named by the National Trust for Historic Preservation one of the Eleven Most Endangered Historic Sites in America. It relies on contributions and volunteers to keep up its 32 acre grounds. I commend the PLCAA for its civic responsibility and generosity in donating its valuable services to these two important sites.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